

History and Halakhah, Intellect and Spirit

Essays by Isadore Twersky

Edited by

Carmi Horowitz and Michael A. Shmidman

Harvard University
Center for Jewish Studies

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In memory of Dr. Atarah Twersky ז"ל

A wise, honest, strong, sensitive, dedicated and accomplished woman, who
was a beautiful crown for her husband Prof. Isadore Twersky and her family

Carmi Horowitz

Michael A. Shmidman

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PREFACE

History and Halakhah, Intellect and Spirit, consists of thirty-six scholarly articles and essays written by Rabbi Professor Isadore Twersky (1930–1997), Nathan Littauer Professor of Hebrew Literature and Philosophy at Harvard University and world-renowned scholar in his field. The essays in this book opened new vistas for understanding the nature of Jewish law, literature and thought. Most of the essays were written originally in English but fifteen were originally published in Hebrew;¹ all of them appeared in a variety of periodicals and collections of scholarly articles not easily available today. All of the essays have been reset for printing. The footnotes of the articles that originally appeared in English have not been updated except for correction of errors that existed in the original printing. The articles that originally appeared in Hebrew were translated from the versions published in a Hebrew collection of all of Prof. Twersky's essays,² in which some of the footnotes were edited by updating source references to newer editions, and a number of corrections were inserted.

Prof. Twersky's astonishing command of the entire range of Jewish literature and his penetrating and perceptive analysis of texts, utilizing insights from an extensive range of historical and humanistic literature, were legendary. His methodology was that of the intellectual historian and the historian of ideas. The Jewish sources that served him in his scholarly work included the Talmud and all of its commentaries, codes of Jewish law, the Responsa literature, the entire range of the classical works of Jewish philosophy, Kabbalistic literature, works of Biblical exegesis, Aggadah and its interpreters, ethical literature, homiletical literature, historiographical works, poetry, belles-lettres and religious polemics. Maimonidean themes and sources constituted a major focus of Prof. Twersky's oeuvre. His monumental *Introduction to the Code of Maimonides* (Mishneh Torah) is a classic contribution to Maimonidean scholarship. The first two of the six sections of this book deal with Maimonidean themes and issues and have long been unavailable in English. Many of the essays were pathbreaking and, though written decades ago, have not lost their relevance for contemporary scholarship. A brief biography and a discussion of Prof. Twersky's scholarship appears at the beginning of this collection, written by one of the editors (CH).

The editors are indebted to the Harvard University Center for Jewish Studies for its enthusiastic support of the publication of this volume. We thank Professor

¹ Fourteen of the essays were translated for this volume, and one, Chapter Two, was previously translated into English.

² Yitzhak Twersky, *Kema'ayan Hamitgaber: Halakhah Veruah Beyitzirat Hakhmei Yemei Habeinayim*, ed. Carmi Horowitz (Jerusalem: The Zalman Shazar Center for Jewish History, 2020).

Jay Harris for his backing and encouragement at the initial steps of the project. Dr. Rachel Rockenmacher, Executive Director of the Center, embraced the project with excitement and devotion, oversaw all the major administrative steps needed to see the book through to publication, and was our important liaison with Harvard University's administration. Heather Meeker Green, Executive Assistant at the Center, assumed the command post, overseeing each stage of the process, and carefully coordinating with the entire team working on the book. She called regular meetings and set out an organized agenda as we checked off each step and designated everyone's responsibilities. She also rolled up her sleeves and contributed importantly to the process of guaranteeing the accuracy of the text of the articles.

One of the editors (MS) recommended a doctoral student at Touro University, Rochel Alpert, to serve as an editorial assistant for the book. Her initial assignment was to review all Hebrew words in the essays as well as transliterations of Hebrew into English letters. Rochel undertook the assignment but went far beyond the relatively small technical task assigned to her. Rochel is a *talmidat hakhamim*, a woman of extensive Torah learning, and with her keen understanding and careful reading of the texts, corrected mistakes and resolved many inconsistencies generated by the fact that the essays were initially published in a wide variety of venues. The whole staff is indebted to Rochel and her tireless commitment to this project.

At this point I (CH) would like to thank my close friend and colleague Rabbi Dr. Michael Shmidman for joining me in co-editing this book. When I first thought of the project, while working on my intellectual biography of Prof. Twersky which is in progress, I was very apprehensive—I was convinced that this book must be published, but doubted my own strength to do it alone. Turning to my good friend Michael, whom I first met at Harvard and with whom I have worked on many projects together for many years, was the immediate choice. Not only do we share strong bonds of friendship, but Michael worked very closely with Prof. Twersky writing *Law and Philosophy: Perspectives on Maimonides' Teaching*, 2 vols., a comprehensive course on the major aspects of Maimonides' thought in Hebrew for the Open University of Israel. The many hours that he spent with Prof. Twersky reviewing the contents were enriching and gave him direct insight into Prof. Twersky's methodology and thinking. The two volumes of the course have made accessible to Hebrew speakers all that Prof. Twersky has presented in his major writings on Maimonides. I could think of no better partner than him to produce this volume. Thank you, Michael.

I (MS) was honored and delighted to receive the invitation from my cherished and esteemed friend of many years, Rabbi Dr. Carmi Horowitz, to join him in co-editing this important volume. Both of us were privileged to study under Prof. Twersky's expert and rigorous guidance. Carmi was a *talmid muvhak*, a dedicated and outstanding student, who forged an intimate personal relationship with Prof. Twersky in both dimensions of his teacher's personae—as Harvard Professor and Talner Rebbe. Carmi's efforts to preserve, interpret and disseminate the literary legacy of

our mentor are herculean and masterful, and it has been a pleasure to work with him closely on this aspect of that illustrious legacy. Thank you, Carmi.

Again we, the editors, would like to thank the entire staff who worked together in harmony for our common goal, with dedication and commitment, and enjoying every minute of our progress to our mutual destination.

Fourteen of the fifteen essays that were originally in Hebrew were translated through the good offices of Academic Language Experts (Avi Staiman, founder and CEO). Avi assigned supervision of the translations to Rabbi Dr. Joshua Amaru who carefully reviewed all of the translations, and corrected where necessary. The actual translation was accomplished in outstanding fashion by Rabbi Dr. Shalom Berger. The language of Prof. Twersky's Hebrew and English writing is very rich, precise and compact, and he often used words and phrases in a novel and creative manner. In his Hebrew writing, Prof. Twersky would often utilize rabbinic phrases from the Talmud and other sources, and without knowledge of the meaning of the original term the reader could miss the nuance that Prof. Twersky was trying to communicate. In these cases, literal translation is not an option, and R. Shalom drew on his rabbinic knowledge and his excellent command of English style to render these passages correctly. The translations also were carefully reviewed by the editors in their attempt, inevitably imperfect, to fully capture the elegance and the precision of Prof. Twersky's incomparable style.

Since the original essays were published over a long period of time in a wide variety of scholarly journals and collections, an attempt was made throughout the book to create a uniform style of transliteration from Hebrew to English and of bibliographic citation, allowing for some exceptions. Translations of sources, in the chapters translated from Hebrew or when diverging from the translations in the originally English chapters, generally are from: The Jewish Publication Society's *Tanakh: The Holy Scriptures* (1985) or Sefaria for Biblical passages; Sefaria or Soncino for Talmudic sources; Sefaria or the *Yale Judaica Series* for *Mishneh Torah*, and the translations of Shlomo Pines (University of Chicago Press, 1963) or Lenn Goodman and Phillip Lieberman (Stanford University Press, 2024), for the *Moreh Nevukhim*. Revisions to some of the above translations, as deemed necessary, were inserted by the translation and editorial team.

We thank the Twersky family for permitting the republication of the articles for which they retain the copyright. After publication in this volume, the family retains the copyright ownership.

Donors

This book was to be funded completely by the Harvard Center for Jewish Studies, and indeed the major part of the budget was generously supplied by the Center in coordination with Harvard University. Toward the end of the project, there were cut-backs at the university and we needed additional funding. We thank a number of individuals who graciously and generously stepped in and helped the Center complete the

project as planned. Ezra and Lauren Merkin, Dr. Steven and Sybil Levisohn, Jonathan and Anne Dubitzky, Michael and Rebecca Bohnen, and Jonathan and Joyce Chiel all contributed toward the publication of the book and our entire staff is indebted to them for helping to bring this project to fruition.

Carmi Horowitz

Michael A. Shmidman

RABBI PROFESSOR ISADORE (YITZHAK) TWERSKY:
INTELLECTUAL HISTORIAN

Carmi Horowitz

Professor Isadore Twersky¹ (1930–1997), the Nathan Littauer Professor of Hebrew Literature and Philosophy at Harvard University, was universally recognized and acclaimed as one of the pre-eminent scholars of his time in academic Jewish studies. He was renowned in particular as a Maimonidean scholar, a subject to which he devoted the major part of his scholarly oeuvre. The scope of his scholarship was expansive and penetrating, firmly based on Talmudic and Rabbinic literature—halakhic and non-halakhic—up until modern times as well as a comprehensive and sophisticated mastery of humanistic studies with particular emphasis on medieval and early modern history and thought, but also covering modern literature and history. His command of the scholarship on Jewish history, law and thought included the Geonic period and forward into medieval and early modern Jewish intellectual history, with forays into modern Jewish history as well.

¹ Isadore Twersky signed most of the articles which he published in English in that manner and it was how he was known at Harvard University and in American academic circles generally. However, he grew up known as Yitzhak Twersky, his Hebrew language articles throughout his career were signed with his Hebrew name, and in Israel where he had strong academic ties with the Hebrew University and with Israel academia generally, he was known as Yitzhak, and that was the way he was known to family and close friends. In this introduction we will simply use Prof. Twersky or R. Twersky. Some of the material in this introduction appeared in my “Halakhah and History, Intellectualism and Spirituality: Professor Isadore (Yitzhak) Twersky’s Academic-Religious Profile” in Meir Soloveichik, Stuart Halpern, Shlomo Zuckier eds. *Torah and Western Thought: Intellectual Portraits of Orthodoxy and Modernity* (New York and Jerusalem: Straus Center for Torah and Western Thought and Maggid Books, 2015), 249–280. A substantially enlarged Hebrew version of that article is “A Profile of Rabbi Professor Isadore (Yitzhak) Twersky: Academic and Personal Dimensions” in Yitzhak (Isadore) Twersky, *Kema’ayan Hamitgaber: Law and Spirit in Medieval Jewish Thought*, ed. Carmi Horowitz (Jerusalem: The Zalman Shazar Center, 2020), 29–60. This version differs from both. For other biographical material on his life and scholarship, see Joseph Hacker, “Isadore Twersky: Historian of Jewish Culture,” in *Be’erot Yitzhak: Studies in Memory of Isadore Twersky*, ed. Jay Harris (Cambridge, Mass.: Harvard University Press, 2005), 1–15, and Bernard Septimus, “Isadore Twersky as a Scholar of Medieval Jewish History,” in Harris, *Be’erot Yitzhak*, 15–24. See also the Hebrew booklet, *Lezikhro shel Yitzhak Twersky: Devarim Shene’emru Bimlot Sheloshim Lemoto* (Jerusalem: Israel Academy of Sciences and Humanities, 1997). My intellectual biography of Prof. Twersky will be published by Littman Library of Jewish Civilization.

Early Years

Prof. Twersky was born and grew up in the Roxbury section of Boston in the home of his father the Talner Rebbe, Rabbi Meshulam Zusha Twersky (1893–1972), a descendant of the Chernobyl hasidic dynasty and a great-grandson of Rabbi David of Talne, a major figure in the hasidic movement in the Ukraine in the second half of the nineteenth century.² Rabbi M. Z. Twersky immigrated to the United States in 1925, settled in Boston, and established the Talner Beit Midrash Beth David, first in Roxbury and later in Brighton.³ His wife, Rebbetzin Rivka née Bronstein, whose father was an outstanding Torah scholar, was a learned and insightful woman in her own right who stood beside her husband, assisting him in all aspects of the Talner Beit Midrash and who had a great impact on her son Yitzhak.⁴

Young Isadore studied in the local public schools, supplemented by afternoon classes sponsored by the Bureau of Jewish Education. His secondary education (grades 7–12) was at the prestigious Boston Latin school, founded in 1635 and known for training its students in the humanities and classical languages. From his earliest years he was also privately and intensively tutored in Talmudic and halakhic sources; his mastery of these sources is already manifest in his doctoral dissertation and beyond. While in high school, he also attended Hebrew Teachers College, founded in 1921 by educators committed to the Zionist and Hebraist movements as part of their attempt to create a vital Hebrew culture in America.⁵ During those years he spent summers in Camp Yavneh, affiliated with the Hebrew Teachers College where the Hebrew-Jewish culture of the College continued its influence on its students-campers. This surely influenced his mastery of an elegant Hebrew style as evidenced in his Hebrew language articles.

After high school Isadore Twersky continued his studies in history as an undergraduate at Harvard College, where he was clearly influenced by the focus on

² For a full scholarly biography of Rabbi David of Talne, the first Talne Rebbe, see Paul Ira Radensky, “Hasidism in the Age of Reform: A Biography of Rabbi Duvid ben Mordkhe Twersky of Tal’noye” (PhD diss., Jewish Theological Seminary of America, 2001); idem “The Rise and Decline of a Hasidic Court: The Case of Rabbi Duvid Twersky of Tal’noye,” in Glenn Dynner, ed. *Holy Dissent: Jewish and Christian Mystics in Eastern Europe* (Detroit: Wayne State University Press, 2011).

³ See Shlomo Zalman Weinberg, *Netzah Shebenetzah: Toledot Hayyav Ufaolo shel Harav Dovid Mitalne* (Jerusalem, 1994), which contains a biography of Rabbi David of Talne and his descendants, and includes, on pp. 247–50, a brief outline of Rabbi M. Z. Twersky’s life, written by his son. See too the inspiring eulogy by the Rov, Rabbi Joseph B. Soloveitchik, of his *mehutan* in his *Divrei Hagut Veba’arakhah* (Jerusalem: Hahistadrut Hatziyonit 1982), 195–209.

⁴ See the penetrating and admiring eulogy of the Rov, Rabbi Joseph B. Soloveitchik, “A Tribute to the Rebbetzin of Talne,” *Tradition* 17, no. 2 (Spring 1978), 73–83.

⁵ Twersky’s rich and elegant Hebrew style likely had its roots in his youthful exposure to Hebrew literature and culture, but it was also a function of his very richly developed literary sensitivity which is evident both in his English and his Hebrew writing.

intellectual history that had developed at the university.⁶ After his second year at Harvard, 1949–1950, he received a scholarship from Hebrew Teachers College to study at the Hebrew University in Jerusalem, where he was mentored by the major Judaic studies scholars of the time, including Yitzhak Baer, Ben-Zion Dinur, Simḥa Assaf, Y. N. Epstein, Ḥanokh Albeck, Hugo Bergman, Gedalia Alon, and Gershom Scholem. Outside of the university, he found time to spend with author Shmuel Yosef Agnon as well as with the Rachmastrivker Rebbe, who was his cousin. That year in Israel had a major impact on the budding scholar and was the basis for a continuing relationship with academic personalities, academic institutions—particularly the Hebrew University—friends, and extended family.

Upon his return to Harvard, the young scholar completed his undergraduate degree in history and wrote an honors thesis on medieval Christian historiography under the guidance and tutelage of the medieval historian Prof. Charles H. Taylor. His doctoral dissertation was written under the guidance of Prof. Harry A. Wolfson, the Nathan Littauer Professor of Hebrew Literature and Philosophy in the Department of Near Eastern Languages and Civilizations of Harvard University and with whom he developed a very close relationship.⁷ Wolfson's area of research was in the history of Jewish philosophy specifically, and of religious philosophy generally. The dissertation focused on Rabbi Avraham ben David [Ravad] of Posquières, a leading Talmudic scholar in twelfth century Provence who penned critical glosses to Maimonides' monumental code of Halakhah, the *Mishneh Torah*. R. Twersky's decision to write his dissertation on a major halakhic figure was courageous, almost audacious, deviating from his teacher and mentor's area of expertise.⁸ This decision reflected the centrality that he attributed to halakhic literature in the study of Jewish culture and Jewish history. It also pointed to his independence as a scholar and as a trailblazer in new ways of understanding Jewish history and Jewish thought.

His marriage to Atarah Soloveitchik during his graduate years was a turning point in his life, and not only on a personal level. His very deep and close association with his father-in-law, Rabbi Dr. Joseph B. Soloveitchik ("the Rov" as he was known to his students), brought him into the home of the preeminent Orthodox rabbinic leader and Torah scholar of the twentieth century. He studied Talmud with his father-in-law on a weekly basis for the next thirty years, and, while the son-in-law was independent in his scholarly pursuits, the impact on him of this towering figure was immense.⁹ This is true concerning his Talmudic knowledge and methodology,

⁶ The course listings at Harvard College in the 1940s and 1950s listed many courses with "intellectual history of" as part of their titles.

⁷ See Chapter 34 in this volume.

⁸ See Septimus (above n. 1) 19.

⁹ In the preface to his *Introduction to the Code of Maimonides* (Mishneh Torah) (New Haven: Yale University Press, 1980), xv, thanking his father-in-law he writes: "I repeatedly benefited from his

but it is true as well concerning themes on which Prof. Twersky eventually focused, particularly the interaction of law and spirituality in Judaism. This is a leitmotif of his writings, and that emphasis interconnected with his father-in-law's elaboration of the notion of inwardness and the spiritual meanings that lie behind many of the practical mitzvot.¹⁰ Prof. Twersky's broad and detailed knowledge of Western humanistic culture, and his use of it in his scholarship, differed from, but paralleled, the Rov's extensive use of Western philosophy in his own philosophical insights and analyses. In his enthusiastic, even impassioned, eulogy for his father-in-law, Prof. Twersky put special emphasis on the Rov's "sovereign mastery of ... general culture—philosophy, science, literature," which he used "selectively, creatively and imaginatively, with great philosophic acumen and originality." The entire *hesped* glows with a closeness and a personal identification with the Rov.¹¹

Upon the completion of his doctorate in 1956, Prof. Twersky was appointed as lecturer and then assistant professor at Harvard University. In 1962 an expanded version of his doctorate appeared as *Rabad of Posquières: A Twelfth-Century Talmudist*,¹² and that same year he was appointed associate professor with tenure at Harvard. The list of referees, and the glowingly high praise of their recommendations, was truly impressive: Professors Alexander Altmann, Salo Baron, Judah Goldin, Saul Lieberman, Ephraim Urbach, Harry Wolfson, all world renowned professors of Jewish studies, and Arthur Darby Nock, a leading scholar in the history of religion at Harvard.¹³ Wolfson, his thesis advisor, writes: "He is the most promising young scholar in post-Biblical Hebrew literature and Jewish history known to me and is highly thought of by leading scholars in the field with whom he had come in contact." Goldin, in a very detailed review of the book on the Ravad¹⁴ praising many specific aspects of the book, says: "I do not hesitate to guess that Twersky's whole volume will put him in the forefront of Judaica scholars. Will you please take the word forefront literally?" Altmann writes "I do not know of any other young scholar of his generation trained at Harvard or elsewhere who puts him in the shade;" and Urbach writes "*Rabad of Posquières* is undoubtedly one of the best monographs I know in the field of Rabbinics and an outstanding contribution towards the history of Hebrew literature in general." Finally, Nock writes: "Twersky lectures in my general course,

immense and genuinely effervescent learning and was warmed by his unfailing devotion. He has, in short, given me so much over the years that it would be folly to assume that a formal acknowledgment would be fully expressive."

¹⁰ See Reuven Ziegler, *Majesty and Humility: The Thought of Rabbi Joseph B. Soloveitchik* (Jerusalem and New York: Urim Publications, 2012), chapter 31.

¹¹ See Chapter 36 "The Rov—Rabbi Joseph B. Soloveitchik."

¹² Cambridge, Mass.: Harvard University Press, 1962; revised edition, Philadelphia, The Jewish Publication Society of America, 1980.

¹³ I thank Menachem Butler for sharing with me copies of these recommendations.

¹⁴ The referees all received galleys of the book about to be printed.

and his contribution to that is superb. He brings out in ideal fashion the various facets of developed Judaism, and conveys this to the class with great success.”¹⁵

After the retirement of Prof. Harry A. Wolfson, Prof. Twersky succeeded him in 1965 to the Nathan Littauer Chair in Hebrew Literature and Philosophy, a position he held until his death in 1997. During his academic career, he published two major studies, the above mentioned *Rabad of Posquières* and his monumental *Introduction to the Code of Maimonides* (Mishneh Torah),¹⁶ as well as dozens of articles in English and in Hebrew covering a wide variety of themes in Jewish intellectual history, most of them included in this volume.

Academic Leadership

As noted above, Prof. Twersky was described as “a superb lecturer.” However, his activities at Harvard were not limited to research, teaching and guiding his students. He was also active within the university, particularly in struggling to preserve high academic standards, especially during the student upheavals of the late 1960s and early 1970s. He maintained close ties with Harvard’s presidents and deans, and served twice as chairman of the Department of Near Eastern Languages and Civilizations, which housed the program in Jewish history. In 1978, he founded the Center for Jewish Studies, which served as an influential and innovative center for research in Jewish studies. Prof. Twersky initiated many international academic conferences at the center that produced important scholarly volumes which he edited and which are frequently quoted in scholarly literature. He nursed the center through critical times, raised money for it, and withstood tremendous pressure from the powers in the university to create academic programs “more in tune with contemporary trends,” i.e., less demanding and rigorous—a rigor reflected, e.g., in Twersky’s insistence that all advanced degree students of Jewish studies possess an excellent knowledge of Hebrew. The Center of Jewish Studies was a model of academic integrity and a major factor in the professional advancement of dozens of young American scholars, as well as many Israeli academics whose careers were nurtured by their stay at Harvard and participation in Center-sponsored conferences. He guided close to forty doctoral dissertations which covered the entire breadth of Jewish history from Geonic times until the 20th century.¹⁷

¹⁵ These quotations that I cite are just a limited taste—*miktzat shivho*.

¹⁶ *Introduction to the Code of Maimonides* (above note 9).

¹⁷ A list of the topics of most of the dissertations: R. Shemuel ben Ḥofni Gaon (eleventh century); talmudic and biblical exegete Rashbam; poet and author of the *Kuzari* R. Yehudah Halevi; talmudic scholar R. Meir Halevi Abulafia; biblical exegete Radak; Kabbalist R. Yitzhak Sagi Nahor; aggadic commentator R. Yitzhak ben Yedayah; translator and philosophic exegete R. Shemuel ibn Tibbon; members of the Kabbalistic Ḥug Sefer Ha’iyun, Circle of Contemplation (twelfth-thirteenth centuries); preacher R. Yehoshua ibn Shu’eib; talmudic commentator and rationalist Rabbi Menaḥem

The Study of Jewish History

The systematic study of Jewish history and the writing of critical Jewish historiography saw its beginnings in the nineteenth century, parallel to developments in the general history in Europe of the time. Under the influence of the Haskalah movement of the late eighteenth century, an organizational framework for *Wissenschaft des Judentums* (the science of Judaism) was officially founded in 1819. This movement represented a substantial change in the method of analyzing Jewish sources by adopting a historicistic approach that professed complete objectivity. The practitioners of *Wissenschaft des Judentums* insisted that Judaism as it was known and practiced during their days was a human historical development, subject to influences from many sources and did not reflect any kind of Divine mediation. This approach was seen by traditional Jews as a subversion of the belief in the Divine revelation of the Torah and an assertion that the Oral Law was a man-made latter-day development. These two issues were the source of opposition to *Wissenschaft* among many traditional Jewish groups.

Despite these problematic issues, Prof. Twersky drew extensively from the legitimate accomplishments of the *Wissenschaft* school. However, he did not hesitate to criticize those aspects which failed to abide by the strict standards of objectivity, precision and accuracy. Here are his own words on the matter:

It is not my intention to review the emergence and crystallization of *Wissenschaft des Judentums* and the pivotal-formative role of modernizing-reformist ideology. The study of Judaism and Jewish History [for that school] was not a subject of dispassionate research nor was it handled with frosty detachment. It was grist in the mill of modernization—speculative premises, contemporary contingencies, and ideological tendencies were rampant. There is need—and it is not difficult—to identify, clarify and

Hame'iri; philosopher R. Shem Tov Falaquera; R. Yosef ibn Shoshan, Avot commentator; Karaite Aharon ben Eliyahu (fourteenth century); biblical exegete R. Avraham Sava; biblical exegete and communal leader Don Yitzhak Abarbanel; halakhic scholar Rabbi Yosef Colon; philosophic commentator, preacher and ethicist R. Shem Tov ben Yosef ibn Shem Tov (fifteenth century); Rabbi Mordekhai Yaffe, author of the *Levush*; historian and humanist R. Azaryah dei Rossi; R. Yehudah Aryeh of Modena and his *Kol Sakhal*; kabbalist R. Avraham ben Eliezer Halevi (sixteenth century); Mishnah commentator R. Yom Tov Lipman-Heller; Christian Hebraism (seventeenth century); scholar and polemicist R. Yaakov Emden; R. Pinhas ben Yehudah, the Maggid of Polotzk; R. Shne'ur Zalman of Liadi, author of the *Tanya*; R. Barukh of Shklov, Talmudic scholar and moderate *maskil* (eighteenth century); R. Yaakov Yehiel Weinberg, author of the *Seridei Esh* (twentieth century); monographs on the Jewish communities of Venice, Livorno, and Trieste; Hebrew poetry in Spain; the early Haskalah in Germany. This list of dissertations is a description of the wide breadth of Prof. Twersky's own scholarship!

evaluate the philosophical and ideological underpinning of the scholarly investigations which were undertaken.

It is surely superfluous to reiterate or reformulate the consensual evaluation, that nineteenth century scholarly works were laced with implicit and explicit apologetic-polemical emphases and cultural-religious aspirations. It was in short, an ideological premise which generated and animated these burgeoning, pioneering, impressive projects; the latter regularly reflect historical projections, philosophical tempers and religious sensibilities—passionately held views about Jews and Judaism in what they hoped would be a modern, tolerant society ... What needs to be emphasized is, that that ideology continued for the next two hundred years to determine the nature of historical writing, the choice of topics, the direction and contours of scholarship.¹⁸

We hear in his words both appreciation and critique. Despite the fact that the practitioners of *Wissenschaft* claimed that their study of the sources was completely objective, Prof. Twersky alleges that the tendentiousness of their scholarship was unmistakable—there was a clear religious-ideological bias and it expressed itself in the way it belittled the importance of Halakhah and halakhic literature. Despite the bias, Prof. Twersky admitted that some of their scholarly studies were impressive and useful, but care and caution was needed when using them. He concludes that ideological predilections have not disappeared today from the scholarly world of Jewish studies and they continue to shape not only the writing of the past, but influence and shape the agendas of present-day scholarly study of Judaism and Jewish history.

As a historian Prof. Twersky employed philological,¹⁹ historical, literary and conceptual tools in reading sources and approached their analysis with sensitivity and precision. His working assumption in reading texts was the authenticity of the

¹⁸ Cited from an undated manuscript of Prof. Twersky on Modern Jewish History. Cf. Chapter 33, “Academic Jewish Studies in America” 737 where he writes: “The unfortunate legacy of the Haskalah movement, which regarded Talmudic study as barren and unproductive ... contributed to this perception. This movement often portrayed matters of Halakhah as fostering a monotonous and narrow routine, lacking in religious depth and disconnected from spiritual aspirations. And so, this field was initially neglected due to powerful bias, and now it faces neglect due to suffocating universalism. It is clear that the centrality of Halakhah in Jewish history and its significance for Jewish identity should be duly reflected in both teaching and academic endeavors.” See, too, Chapter 21 “Rabbi Yosef Karo, Author of the *Shulḥan Arukh*” 493; Chapter 16, “Review Essay: Ephraim Elimelekh Urbach, *The Tosafists: Their History, Writings and Methods*,” 398.

¹⁹ Prof. Twersky writes “Indeed, the goal of philology, which aspires to a precise understanding of a particular source or a variety of sources, is to achieve clarity from within the material itself. This is the true *peshat*—the essential truth of Torah and wisdom” (Chapter 7 157)

source and the possibility to understand it without emendations.²⁰ Only after fully exhausting the possibility of reading the text as it stood did he consult manuscripts, variant readings, and editorial emendations. Each text was examined with meticulous precision, paying attention to linguistic subtleties and historical-contextual implications, as well as the possibility of historical variations in meaning. Thus, the literary features, language, and ideas of each work were assessed in light of the broader historical context in which they were composed. Each work was seen as part of a larger cultural and intellectual matrix, and the connections between language, form, and thought were never incidental. This integrative, contextual reading was an essential component of his scholarly method.

Intellectual History

Prof. Twersky defined himself as a particular kind of historian, one who focuses on intellectual history. There is an extensive literature that describes and defines intellectual history as well as its partner, the history of ideas.²¹ The modern development of these sometimes joint-disciplines flourished from the 1930s onward with the publication of Arthur Lovejoy's *The Great Chain of Being: A Study of the History of an Idea*.²² Since then an extensive literature has developed describing and analyzing these categories, in addition to the actual writing of intellectual history and the history of ideas. With so many practitioners weighing in on the methodology of these two sometimes independent, sometimes joint disciplines, it is difficult to find definitions that fit all of its practitioners.²³ While it is possible

²⁰ Dr. Shai Wozner pointed out to me that his approach is similar to “the principle of charity” in reading texts. He referred me to parallels in R. Yaakov Yehiel Weinberg, *Seridei Esh* (Jerusalem: Mosad Harav Kook, 2003), volume 3, chapter 9; R. Yitzhak Lampronti, *Paḥad Yitzhak* (Venice, 1750), p. 59d; Naḥmanides’ introduction to his *Milḥamot Hashem*. See Wozner’s *Legal Thinking in the Lithuanian Yeshivot: The Heritage and Works of Rabbi Shimon Shkop*, (Heb) (Jerusalem: Magnes, 2017) p. 30, note 62; see, too, the discussion of “the principle of charity” in Kathrin Glüer and Asa Wikforss, “The Normativity of Meaning and Content”, <https://plato.stanford.edu/entries/meaning-normativity> (accessed 24.04.2025); “The Principle of Charity,” <https://philosophy.lander.edu/oriental/charity.html> (accessed 24.04.2025).

²¹ See e.g. Carsten Schapkow “Jewish History, Intellectual History, and the History of Ideas” in ed. Dean Phillip Bell, *The Routledge Companion to Jewish History and Historiography* (London and New York: Routledge, 2019), 563–571.

²² New York: Harper and Row Publishers, 1960.

²³ See Peter Gordon, “What is Intellectual History? A Frankly Partisan Introduction to a Frequently Misunderstood Field”: “Intellectual history is an unusual discipline, eclectic in both method and subject matter and therefore resistant to any single, globalized definition. Practitioners of intellectual history tend to be acutely aware of their own methodological commitments; indeed, a concern with historical method is characteristic of the discipline. Because intellectual historians are likely to disagree about the most fundamental premises of what they do, any one definition of intellectual history

to survey the historiography of intellectual history, I am doubtful whether Prof. Twersky fits into any clear pre-existing model. A more useful approach would be to analyze how he himself defined the discipline and created his version of intellectual history and the history of ideas.²⁴

Young Isadore Twersky's interest in intellectual history begins very early in his career. As noted above, upon graduating Harvard College with a B.A. in history, he wrote an honors thesis titled *Medieval Christian Historiography*. In the second paragraph of the essay, the 22-year-old budding scholar opens a sentence discussing the definition of his writing of medieval history with the words: "For purposes of intellectual history—and our focus *is* [sic] intellectual history ..." He writes that his initial intention in writing the thesis was "to undertake a comparative study of basic motives and major trends of medieval Jewish and Christian historical literature." His initial assumption was that Jewish historiography "was a problem-ridden, sadly neglected realm." However, when he discovered that "medieval Christian historiography had been greatly oversimplified" and "demanded more concentrated attention, rearrangement, and examination," he decided to focus exclusively on the latter.²⁵ The thesis itself is a mature and probing analysis of the methodology of medieval Christian historiography with a critical review of the mistakes of modern historiography in assessing the medieval version and its methods. One major critique of the modern historians was that they were not sensitive to the medieval religious mentality, to the medieval religious way of thinking and methodology, and they applied modern criteria and concepts to a medieval phenomenon.

is bound to provoke controversy." (<https://tinyurl.com/2f223rmk> accessed 12.03.2026); Brian Young, Introduction, *A Companion to Intellectual History*, ed. Richard Whatmore and Brian Young (Malden, Mass. and Oxford: John Wiley & Sons, Ltd, 2016), 4 writes: "Pluralism as the origin and outcome of intellectual history is of the essence of this companion to intellectual history. And that is precisely what this expansive and ideally provocative series of essays is designed to be, a companion, not a dictator. There can be no definitive guide to so incomparably wide a study as the field constituted by intellectual history, a series of histories of human experience, and human reflections on experience"; Stefan Collini, *ibid.* p. 7 "The Identity of Intellectual History": "Intellectual history has no identity. But then, nor does social history or cultural history or any of the other subdivisions of history ... —at least, not if 'identity' is taken to indicate exclusive possession of a set of distinctive practices or a clearly delimited territory."

²⁴ He was unquestionably influenced by his predecessors, but he was also original in the way he adapted the methods to the kind of intellectual history that he thought significant and useful.

²⁵ In the context of evaluating Ravad's subsequent impact on rabbinic literature, see *Rabad of Posquières*² (above note 12), 51–52, where Prof. Twersky's comprehensive acquaintance with Jewish historiography is demonstrated. He lists seventeen medieval and early modern Jewish historians who positively assess the greatness of the Ravad. Four pages later, on p. 56, there is a list of twenty-seven nineteenth- and twentieth-century Jewish historians. Prof. Twersky's decision to focus only on Christian historiography in his honors thesis and not on Jewish, was a loss for the close evaluation of early Jewish historiography.

Isadore Twersky's focus on intellectual history continues in his doctoral dissertation titled "Abraham ben David of Posquières: A Study of the Intellectual History of the Jews in Southern France during the Twelfth Century." Thus, from his college days through his doctoral dissertation, history, historiography and intellectual history were the defining categories of R. Twersky's academic writing, which continued for the rest of career. When the dissertation was published as a book, intellectual history was no longer part of the title; however, the opening paragraph of the preface to the book has a sparkling, vibrant and elegant, description of:

Jewish intellectual history to the dawn of the nineteenth century is comparable to a fast-moving stream coursing through a complex network of tributaries and offshoots. The waters of the rivulets which poured into or eddied alongside the mainstream of Judaism were colored by a dazzling variety of cultural disciplines: philosophy and mysticism, rationalism and pietism, exegesis and commentary, poetry and belles-lettres, linguistics and grammar. They did not always flow evenly or simultaneously. At various times, the philosophic tributary swelled in certain areas while the mystical waters raged elsewhere; or the philosophic tributary changed its course, only to have its former bed occupied by mystical currents. Poetry and belles-lettres were like wadies: their waters might reach inundating proportions and they might dry up completely. The courses of these streams deserve to be—and, to a great extent, have been—charted, their ebbs and peaks registered, their force and calm measured; each of them left an imprint on the evolving Jewish intellect and spirit. The mainstream, however, was the Halakhah—its ever-expanding corpus of literature and its cumulative body of practice.²⁶

Halakhah is indeed the mainstream, the central element of Judaism, but it has a "dazzling variety of cultural disciplines" that accompany it, not in opposition but as a supportive and supplemental accompaniment. Prof. Twersky goes on to note in this opening piece, that despite its "undisputed centrality in history," Halakhah had not received the scholarly attention it deserves in contemporary Jewish historiography, a point he makes in other contexts as well.²⁷ For the reader of the book it should be clear that although Ravad was primarily a halakhic scholar, and hence Ravad's halakhic writing and thought are the central concerns of the book, these concerns are framed within the context of intellectual history, and that, in two ways: the first chapter includes, among other topics, a cultural profile of Provence²⁸ in the

²⁶ *Rabad* (above note 12), vii. See Warren Zev Harvey "Integration and Holism" in his *Isadore Twersky on Maimonides' Philosophy* (Cambridge, Mass.: The Institute for Jewish Research and Publications, 2024), 46–47 who cites this passage as well.

²⁷ See above 6–7 and footnote 18.

²⁸ See below 14.

twelfth century and the last chapter deals with Ravad's knowledge of and relation to philosophy and Kabbalah, thus expanding the introductory metaphor of "the fast moving stream" to the very structure of the book. The manner in which the central part of the book deals with Ravad's halakhic writings, also reflects the approach of an intellectual historian, a methodology that he applied in the essays in this book devoted to halakhic literature and personalities and in his book on the Rambam's *Mishneh Torah*.²⁹ Thus, the questions that he asks of Ravad's writing, as well as of his contemporaries and disciples should deal with "literary tendencies, genres, ideological commitment and methodological orientation, personal likes and dislikes, tradition and innovation (that is, halakhic novelties in theory or practice), presence of extra-halakhic components, reflection of social realities and historical contingencies, and cognate themes" all of which characterize the questions that an intellectual historian will ask of "the spacious, sprawling edifice known as rabbinic literature."³⁰ Prof. Twersky does not trace the history of *piskei halakhah*, i.e., halakhic decisions. Rather he applies literary, structural, historical, ideological criteria to Ravad's writing, which are universal categories of analysis and thereby he creates an original way of evaluating the work and the impact of a halakhic scholar. Ravad's literary-intellectual universe of Halakhah is what is being examined. Of course, this also requires a mastery of Ravad's technical halakhic discussions and thought, and these are an integral part of Prof. Twersky's discussions and in footnotes that elaborate on halakhic issues.

The essays in this volume as well, are all varieties of Jewish intellectual history, focusing primarily on the medieval period, but extending also to the early modern period.³¹ Prof. Twersky identified key themes in Jewish culture that had long-term significance and were influential in most centers of Jewish life. A substantial number are devoted to Maimonidean studies, but also to other halakhic scholars and their writings, to issues of Halakhah and meta-Halakhah, to Biblical commentary and attitudes to the centrality of halakhic study as well as the interpretation of aggadic sources. Jewish education, contemporary issues such as the status of Jewish studies

²⁹ Halakhah and History, below, 16ff. to make it History, below, 16ff.

³⁰ *Rabad of Posquières: A Twelfth Century Talmudist*, xvii-xviii.

³¹ For the 16th–18th centuries, see Chapters 20–22, 24–25, 31. This "early modern period" in Jewish history had not yet been defined as such at the time that Prof. Twersky wrote his scholarship. In his periodization of Jewish history, the medieval period began with the Geonic period and continued until the rise of Hasidut and the French revolution. See Chapter 22 towards the end, the review of Jacob Katz's *Tradition and Crisis*, which appeared in 1961, where he rejects dividing the longer Medieval period into two sections even before that became an issue and writes: "Many of the traditional features and institutions of society are faithfully represented in nineteenth-century as they are in thirteenth-century writings. Traditional Jewish life and thought did not vanish overnight." For a discussion of the issues, see David B. Ruderman, *Early Modern Jewry: A New Cultural History* (Princeton: Princeton University Press, 2010); and Yosef Kaplan, "Is There a Place for an Early Modern Period in Jewish History?" (Heb) *Zion* 83 (2018), 201–219, where he documents previous scholarship on the issue.

in academia, Zionism and the State of Israel, and two essays describing and analyzing the major figures who profoundly impacted on his scholarship and his life, Prof. Harry Austryn Wolfson and his father-in-law Rabbi Dr. Joseph B. Soloveitchik, complete the scope of the book.

Prof. Twersky's most explicit systematic-methodological discussion of intellectual history and the history of ideas appears in Chapter 30.³² Ibn Kaspi is characterized as a "protean and influential thinker" due to the wide range of his writings and his passion to educate towards an intellectualistic understanding of Judaism. "He should be characterized as a 'Maimonidean,' as an energetic zealous intellectual, a broker of rationalistic ideas and ideals rather than as a Bible commentator or grammarian: exegesis was the vehicle for his philosophic activity."³³ As such, Prof. Twersky suggests that the study of Ibn Kaspi should be located not in the history of philosophy or Biblical exegesis, but rather in the discipline of history of ideas. The importance and value of his works is

in the attitudes that he formulates and postures that he adopts. We must understand what intellectual-spiritual problems concern him and what positions typify him, what influences molded him and what aspirations propelled him, what was the nature of the intellectual revolution he wanted to strengthen and perpetuate.³⁴

Prof. Twersky continues to argue that Judaism is a system that is constructed not only of technical philosophical abstract ideas such as the creation of the world, causality, free will, providence, faith and reason and others. There are many cultural, intellectual and spiritual constructs that give voice to central issues and ideas in Jewish life and thought. These ideas have taken on differing characters and differing emphases over the course of history and in the varying geographical locations where Jews have settled. There is need to identify continuity as well as change, innovation and creativity. As Ibn Kaspi can be considered a typical Jewish intellectual, by examining his ideas Prof. Twersky asserts that one can construct a phenomenology of medieval Jewish intellectualism, which takes note of recurring intellectual patterns, while taking care to identify the unique and different emphases in Ibn Kaspi. In order to balance the two, that which can be called a recurring pattern, and that which is unique, methodological flexibility is necessary.

That methodological flexibility is a consequence of viewing the history of Jewish thought and culture from two perspectives, and here Prof. Twersky differentiates between intellectual history and the history of ideas. Many historians view these two

³² Chapter 30, "R. Yosef ibn Kaspi: Portrait of a Medieval Jewish Intellectual."

³³ Ibid. 658.

³⁴ Ibid 659.

approaches as different and independent, while others use the terms interchangeably;³⁵ Prof. Twersky saw them as complementary and supplementary. Intellectual history views intellectual creativity and innovation during a limited duration of time, but widens the social, geographical and intellectual scope during that time. The scholar studies a variety of intellectual positions, and in the case of Prof. Twersky he was interested in relating to halakhic, religious, ethical, spiritual and curricular ideas in Judaism. This is a horizontal approach, as Prof. Twersky calls it, or synchronic approach, to ideas and culture: an approach that attributes an intellectual-cultural character to a specific period and in a geographically defined area, which became known as *Zeitgeist*. Prof. Twersky warned that there is a threefold danger in that approach. The first is that this is liable to put too much emphasis on contemporary societal features and would ignore a different dynamic for the development and expression of an idea. The second danger is that of excessive homogenization, that is treating an entire era as having a singular, monolithic intellectual character. Further, this emphasis on the uniqueness of a period can be misleading by insisting that a specific period differs substantially from the previous period thereby obscuring deeper structural continuities.

The history of ideas looks not at a specific period of time, but rather focuses on one idea, or more often a cluster of ideas, and traces their journey through history, to show how ideas developed, changed and influenced over history. It uncovers long-term continuities and recurrent intellectual themes across different periods although the focus is much narrower than that of intellectual history. Prof. Twersky advocates the interlocking of the horizontal and vertical, or the synchronic and diachronic approaches to insure both historical contextualization as well as historical continuity. Thus, his approach to intellectual history embraced the history of ideas as well, as he defined them.

Prof. Twersky's investigations into intellectual history include not only major thinkers and innovators in Jewish history, but other intellectuals as well who may not be ranked in the upper echelon of thinkers, since they were not necessarily originators of new ideas, but rather proponents, advocates, protagonists and even propagandists for philosophical, intellectual and spiritual ideas and concepts. One must chart the manner in which they expanded on ideas of the great original thinkers, and at times went beyond them as well. Prof. Twersky saw R. Yosef ibn Kaspi as such a thinker and scholar and he analyzed two of Ibn Kaspi's more radical positions.³⁶ While Ibn Kaspi may not have been an originator of ideas, he was an aggressive proponent and advocate for a philosophical understanding of Judaism. Ibn Kaspi left a diverse and polychromatic literary-intellectual legacy which is rich and varied.

In order to concretize his approach to intellectual history, Prof. Twersky lists issues which he sees as important topics to be dealt with as part of this approach.

³⁵ See Peter Gordon, above n. 23.

³⁶ Chapter 30, 672ff.

The ideas that he lists are core issues that deal with fundamental ideas of Judaism such as: attitudes toward halakhic texts; developments in the methodology of the study of Talmud; the relationship to the study of curricular subjects other than Talmud; approaches to aggadic literature, non-halakhic rabbinic sources and modes of their interpretation; Scriptural interpretation and the tension between the literal and non-literal; intellectual elitism, esotericism and attitudes towards philosophic thought and its impact on Jewish life; the dialectical relationship between law and spirituality and the dangers of antinomism; historical thinking and messianism.³⁷ These and other topics were discussions of ideas and attitudes current in the medieval and early modern period but have roots in the past and important subsequent impact. Many of these themes are addressed and discussed in the chapters of this book.

Another charting of Jewish intellectual history appears in Prof. Twersky's description of the cultural dimensions of Jewish life in Provence from the eleventh to the fourteenth century:

All in all, one can observe here many dynamic features of Jewish history such as the confrontation of conventional cultural preoccupations with new secular learning, the relationship or integration of apparently disparate cultural disciplines, the role of charismatic and rationalistic forces within the framework of traditional communal institutions, personality clashes and polemics. Furthermore, the interaction of Jewish and general cultural developments—e.g. troubadour poetry and belletristic writing—is significant and, finally, the measured influence of relatively favorable social, political and economic circumstances upon cultural creativity is noteworthy. Provence in this period thus provides a case study for the analysis of the rise and fall of Jewish culture in a foreign environment.³⁸

This programmatic description conveys the sense of dynamism—of change and development—that was central to Prof. Twersky's understanding of Jewish cultural and intellectual history. Jewish tradition is not frozen or static, but rather subject to continual change and thus he was engaged in following issues and approaches that emerged from halakhic, philosophical, and kabbalistic works, as well as biblical exegesis, Aggadah, ethics, and medieval poetry and interreligious polemics as well. He was interested in tracing evolving forms of Jewish cultural and intellectual production as well as the scholars who propagated and transmitted them. He observed that:

... the cultural productivity is sufficiently impressive and comprehensive so as to present a colorful microcosm of medieval Jewish intellectual

³⁷ For the full list see *ibid.*, 660.

³⁸ Chapter 27, 609.

history. ... There is hardly a facet of the total Jewish religious and intellectual experience that is not reflected—and all in a compact period of time. There are **legists** who enriched all the major genres of halakhic literature and accelerated the development of a new, critico-comparative method of Talmudic study which was to become a mainstay of halakhic thinking and writings. There are **students of philosophy and philosophers and devotees of philosophy**, as well as patrons and protagonists, who are responsible for preserving and transmitting the accumulated philosophic and scientific learning of Arabic-speaking Jewry as well as for interpreting it, disseminating it, and extending its frontiers. There are **kabbalists** who—at first haltingly and reservedly, then boldly and confidently—move mystical speculation and experience to the center of the stage: some of the oldest known kabbalistic texts were redacted or first circulated here and the earliest devotees of the new doctrines organized themselves in Provence at this time. **Poets** energetically ply their humanistic trade and enthusiastically vindicate it—producing rationales of the poetic art, articulating the consciousness of the artist, and defining his place in society. **Exegetes** make durable contributions to the field of Scriptural commentary and enlarge its scope by combining midrashic interpretation with philosophical allegory and philological insight. **Polemicists and apologists** marshal erudition and ingenuity in their defense of Judaism against persistent theological arraignments and social-economic attacks.³⁹

Thus, we see that Prof. Twersky's interest was not in abstract philosophical theories, nor in speculative mysticism in isolation. He was far more concerned with how ideas that touched on the lives of every, or most Jews, were received, studied, and integrated by communities of thinkers.⁴⁰

³⁹ Ibid, 608–609. Emphasis mine.

⁴⁰ It should be noted, that in a manner similar to the two passages just cited, Prof. Twersky formulated many more programmatic and methodological statements in his articles and books—and it is possible to assemble a rich compilation of such statements, some of them succinct and cogent and others comprehensive and detailed. The following list is representative but not complete:

Below, 24 ff., I cite Prof. Twersky's criteria for determining the Rambam's attitude towards history and historiography; in Chapter 12 we find a list of criteria enabling us to determine how significant Eretz Yisrael is in the Rambam's halakhic thought; in the same article Prof. Twersky notes how the term *galut* is multifaceted and multidimensional. In Chapter 19 which deals with Italian halakhic literature, section one, Prof. Twersky deals with the criteria for determining the genesis of rabbinic literature in medieval Europe, whether it is only based on written texts or is there a possibility of an oral tradition that precedes it; he also sets up criteria for determining a specific halakhic culture in a specific area; in that same chapter (following note 22) there is

In Prof. Twersky's conception of intellectual history, not only ideas were important, but the personalities who embodied and transmitted them as well. He thus emphasized the value of intellectual profiles of major as well as minor figures as a tool for historical analysis. His own study of Ravad of Posquières is exemplary in this regard, as are the chapters on Ibn Kaspi and R. Yedayah Hapenini, Ramban, R. Yosef Karo, R. Yair Hayyim Bacharach and others as well.⁴¹

While Prof. Twersky sees Halakhah as the central focus of Jewish intellectual history, it does not exist in an intellectual and cultural vacuum. Jewish scholars, who were committed to a halakhic life were active in a variety of creative Jewish literary-cultural activities that complemented, augmented and enriched the life experience of halakhic Judaism. These other disciplines provided philosophic profundity, spiritual significance, religious piety, moral and ethical guidelines, and literary and aesthetic sensitivity, all of which enhanced and graced halakhic living. His vision of intellectual history embraced them all.

Halakhah and History

Notwithstanding this broad vision of Jewish culture, as noted, R. Twersky viewed Halakhah as the core of Jewish tradition and Jewish cultural creativity:

There is no doubt whatsoever that my conviction about the centrality of Halakhah and halakhic literature in Jewish history as well as Jewish

a list for determining the unique characteristics of rabbinic works; at the beginning of Chapter 23, "Religion and Law," we find a powerful description of the mutual relationship between law and spirituality (cited below); Chapter 24, "Law and Spirituality in the 16th Century," is a chapter with many important methodological guidelines. The chapter opens with: "This paper is a brief chapter in the dialectical history revolving around the relationship between study of the Talmud and study of philosophy, Kabbalah or other meta-halakhic disciplines—a relationship which is sometimes smooth or mutually supportive, sometimes caustic, critical or competitive, sometimes openly hostile and ultimately rather sharply exclusivist in conception and value. It is necessary to emphasize that the pivot of the paper—and of the entire history which I am trying to reconstruct—is the importance of study and the concomitant relation between the cognitive effort, however directed, and the attainment of spirituality, however defined; study as an indispensable prerequisite, catalyst, and preservative for spirituality is our topic." The continuation of the chapter is rich in methodological and programmatic formulations; Chapter 29 details the polychromatic character of Ramban's writing and his accomplishments; Chapter 30 on R. Yosef ibn Kaspi, cited above, listed examples of topics important for understanding Jewish intellectual history; Chapter 31 contains an important discussion on how to assess commentaries on rabbinic aggadah. Readers of this book should pay close attention to these important statements and others, through which Prof. Twersky instructs the reader on how to study, analyze, evaluate and write Jewish intellectual history.

⁴¹ See previous note.

historiography needs to be firmly and boldly underscored; its centrality in Judaism, which is halakho-centric, and hence in any religious phenomenology, is obvious and need not be belabored.⁴²

Halakhah has been the linchpin of Jewish civilization through the ages, Prof. Twersky taught, and there was hardly a concentration of Jews anywhere in pre-modern times that did not study Halakhah, practice Halakhah, pose halakhic queries, or produce halakhic literature.

Prof. Twersky's analyses of halakhic works used a wide variety of categories. Biographical, bibliographical, cultural, and literary questions, as well as ones regarding the place of Halakhah vis-à-vis other disciplines in the Jewish curriculum were on his agenda, questions that had not been asked of halakhic sources in the past. His innovative treatment of halakhic scholars and their works is evident especially in his treatment of Ravad, and in his work on Maimonides.

The first sentence of the preface to R. Twersky's *Introduction to the Code of Maimonides (Mishneh Torah)* reads:

This book is a literary-historical study of the *Mishneh Torah*, Maimonides' great Code of Jewish law, organized around five characteristics repeatedly emphasized by Maimonides himself: codificatory form, scope, classification, language and style, philosophy and law.

These categories of analysis have not previously been used to study and analyze halakhic works. They are categories that the Rambam relates specifically to the *Mishneh Torah* but they also belong to a literary-historical universe of discourse which enables Prof. Twersky to demonstrate that halakhic literature can be spoken about not only in the particularistic terms of Halakhah, but also in literary-historical terms that are in accord with the methodology of intellectual history. This approach would enable non-Talmudists to understand and view halakhic literature using more familiar categories. The following three examples of chapters in this volume demonstrate how Prof. Twersky used the methodology of intellectual history to analyze and explicate halakhic works. Two of the essays deal with the *Mishneh Torah* and were ultimately expanded and integrated into Prof. Twersky's *Introduction to the Code*. The third deals with the *Shulhan Arukh*.

"Some Non-Halakhic Aspects of *Mishneh Torah*"⁴³

This path-breaking essay changed the way the *Mishneh Torah* was understood, particularly in the academic world. The non-specialist might immediately ask what

⁴² Twersky, *Rabad*, xx. See also Chapter 33, 737, Chapter 21, 493.

⁴³ Chapter 8.

does it mean to discuss “non-halakhic” aspects of a code of law completely devoted to Halakhah. But therein is the *hiddush*, the new way of looking at a halakhic code that is being presented.

Prof. Twersky’s position, sustained by a close reading of the *Mishneh Torah*, was that Rambam was committed to both Halakhah as a legal system and to philosophy as a meta-halakhic system that gave meaning and significance to the Halakhah. The meaning could be philosophical, ethical or spiritual, and what was of fundamental significance was that the halakhic action did not exist in a vacuum. His approach viewed Halakhah as connected to a world of ideas that lent significance and meaning to halakhic actions. What was important was that although the Rambam wrote an independent philosophical tract—the *Moreh Nevukhim*—the *Mishneh Torah*, a code of law, was replete with philosophical insights and positions. The Rambam’s writings cannot be bifurcated into two separate entities—there was a mutuality between the two aspects of Torah, Halakhah and philosophy. Throughout his writings, Prof. Twersky shows how in the Rambam’s understanding of Halakhah, beyond the concrete fulfillment of the Halakhah there is a spiritual-intellectual underpinning which gives meaning and significance to the mitzvot and importantly serves as the ultimate fulfillment of the mitzvah. Thus, mitzvot are not merely physical acts that could be performed in a perfunctory manner. The Rambam developed a notion that every human action must have religious significance and that mitzvot must be performed with sensitivity and understanding.

A major argument that he presents in this essay, which supports the claim that, according to the Rambam, philosophy and rationalistic thinking are part and parcel of halakhic literature, is based on a bold and novel analysis of passages in *Hilkhot Talmud Torah* and *Hilkhot Yesodei Hatorah*.⁴⁴ From these two passages Prof. Twersky demonstrates that the Rambam considers the study of philosophy an integral and indispensable part of the mitzvah of Talmud Torah. This position is presented apodictically in the *Mishneh Torah*, which parallels the brevity of the tannaitic Mishnah, and is elaborated on in detail in his *Moreh Nevukhim* which is to dogmatically formulated philosophy what the Talmud is to the summary formulations of the Mishnah. This is a revolutionary position and Prof. Twersky notes that it was already sensed by the opponents of the study of philosophy who discerned the Rambam’s philosophic positions in his Code and therefore opposed Maimonidean rationalism even before the publication of the *Moreh Nevukhim*.

Prof. Twersky in his various writings has demonstrated that the Rambam throughout his works integrated rationalistic and intellectualistic references and terminology not only in the *Mishneh Torah*, but also in the *Commentary to the Mishnah* and *Sefer Hamitzvot*, in his major epistles and his correspondence as well.⁴⁵ Thus he presents us with a new way of reading the Halakhah, which demands that one must

⁴⁴ *Mishneh Torah*, *Hilkhot Talmud Torah*, 1:11–12 and *Hilkhot Yesodei Torah*, 4:13.

⁴⁵ Chapter 6 of *Introduction to the Code of Maimonides* expands on this theme as well.

be constantly attentive to the rational, intellectualist and spiritual elements in Halakhah. This interplay between Halakhah and philosophy was a vital component of Prof. Twersky's understanding of Jewish intellectual history.

“Why Did Maimonides Write the *Mishneh Torah*?”⁴⁶

This chapter asks a fundamental question that could be posed to any halakhic book, or to any work of literature—why did the author write this book? Thus, not the details of the laws recorded in the book, but rather the goals of the author are examined for the work in its entirety. The *Mishneh Torah* made an enormous impact on the Jewish world, for no other code of law like it in its comprehensiveness and its accessible style had ever been written. Because of the towering status of the Rambam as a scholar, thinker, and leader, it naturally attracted the attention of historians who were particularly curious as to his motivation. After enumerating the many explanations of previous historians, Prof. Twersky notes that many projected their own agenda upon the Rambam and simply ignored the Rambam's own explicit statements which appear repeatedly in a variety of contexts. Prof. Twersky collated all of those Maimonidean statements concerning his motivation for writing the book, providing an authentic, multi-layered version of the Rambam's own thinking. He then proceeds to show that these factors do not stand independently, but are an integral part of Maimonidean thought in other contexts as well.

Prof. Twersky lists three explicit motivations for the composition of the *Mishneh Torah* that the Rambam voices in his various writings: 1) a motive derived from historical circumstances and problems of the time; 2) a motive that emerges from the literary requirements of a legal body of knowledge, which made an accessible code of law a necessity; 3) a motive based on the need to provide the theological basis for the Halakhah.

Concerning the first motive, Rambam refers frequently in his writings to a contemporary religious, spiritual, intellectual as well as a social-political decline. The Rambam notes a sharp decline in the knowledge of Torah due to calamities, exile and wandering. He gives voice to a connection between political turmoil and cultural decline, a situation that requires a code of law that will clearly present all the Halakhic knowledge that a Jew requires concisely and unequivocally.

Prof. Twersky goes on to show that this historical characterization of political and social decline with its resultant cultural and intellectual repercussions fits a consistent theory of the reciprocal relationship between political turmoil and cultural

⁴⁶ Chapter 2. The article appeared originally in Hebrew under the title “Sefer Mishneh Torah Larambam, Megamato Vetafkido” published by the Israel Academy of Sciences and Humanities 5, no. 1 (Jerusalem, 1972). It was translated into English and appeared as “The *Mishneh Torah* of Maimonides,” *Proceedings of the Israel Academy of Sciences and Humanities* 5, no. 10 (Jerusalem, 1976), translated by Israel Abrahams. The title was changed for this volume to clarify the major theme of the article.

decline that connects to other phenomena such as the cessation of prophecy and to the flourishing of cultural and intellectual knowledge in messianic times due to the renaissance of political and social life.

A second reason for writing the *Mishneh Torah* that the Rambam presents is the intrinsic necessity for a concise but comprehensive restatement of the entire halakhic oeuvre in order to make it accessible to all. Irrespective of the historical situation, a student must have a book that encompasses the entire halakhic system, that is not only brief and easy to comprehend, but one which omits conflicting views and contradictory interpretations. It is an independent literary need and to that need the Rambam is responding.

A third motive is the need to provide a code that contains the theological basis for the laws, their spiritual-ethical reasons and goals, and their rational basis as well. Prof. Twersky cites many statements of the Rambam which formulate this need to anchor the law in its philosophical, moral, ethical, and spiritual underpinnings. Halakhah requires valid theological concepts and accurate understanding of its underlying principles. These kinds of discussions appear throughout the fourteen books of the *Mishneh Torah*.

In summation, Prof. Twersky elicited from passages in the Rambam's writings three motives for writing his unique code of law, all of which link up with important ideas in Maimonidean thought and unfold for the reader another chapter in Jewish intellectual history.

"The *Shulḥan Arukh*: Enduring Code of Jewish Law"⁴⁷

This essay deals with two aspects of halakhic codes, using the *Shulḥan Arukh* as a model. The first deals with the process of the creation of halakhic codes and the second evaluates their content. The first uses literary-historical categories to trace the motivations for the writing of codes and the second turns to the content of the code specifically addressing the issue of law and spirituality. Both aspects exemplify the methodology of examining halakhic sources within the context of intellectual history.⁴⁸

The essay opens with a discussion of R. Yosef Karo's motivations in composing halakhic works. His writings express concern for the decline in Jewish scholarship and the resultant need for a comprehensive code of Halakhah that would first discuss all the halakhic sources before providing the final conclusions. R. Karo wrote the massive *Beit Yosef* as an extensive detailed commentary on the *Sefer Haturim* of R. Yaakov ben R. Asher, which was a popular and widely used code in the 16th

⁴⁷ Chapter 20.

⁴⁸ Cf. Tamara Morsel-Eisenberg, "On Halakhah, History, Order, and Meaning," *Dinei Yisrael* vol. 38 (2024), for a careful, meticulous reading of this essay where she presents alternative ways of how to understand the historical processes inherent in the writing of the *Shulḥan Arukh*.

century. Parallel to R. Karo, known as *the meḥaber*, i.e., *the author par excellence*, R. Moshe Isserles, in Poland, independently composed his *Darkhei Moshe* also as a commentary on the *Sefer Haturim*. It differed from the commentary of R. Karo in that it utilized Ashkenazi halakhic sources while also diverging in the method of deciding the final halakhic formulation.

What motivated both authors was the need for an expansive, detailed halakhic work which would replace many of the contemporary codes that were too brief and thus inadequate as halakhic guides. After completing the two works, both scholars, independently, decided that in addition to their extensive detailed discussions of Halakhah, there was now a need for a brief succinct summary of halakhic requirements. R. Yosef Karo wrote a complete and concise code based on the results of his *Beit Yosef*, with no sources at all, and named it *Shulḥan Arukh*, while Rema, who started on his project a bit later, felt that same lack and added his *hagahot* to the *Shulḥan Arukh*, providing an alternative halakhic practice in accordance with Ashkenazic custom. Soon afterwards, printers in Italy joined the two works together and the book became a very popular guide to practical Halakhah.

Prof. Twersky points out that this kind of dialectical movement in halakhic writing—of expansion by producing a very detailed, richly annotated code with all the sources followed by another code which is a bare bones brief statement of each Halakhah, is not unique in Jewish history. What is unique is that this dialectic of expansion and contraction plays itself out in the same persons, both the *meḥaber* and the Rema, at the very same time and in very different kinds of environments. Prof. Twersky emphasizes that accounting for the codes of R. Yosef Karo and Rema as part of a vertical process of recurring patterns of halakhic literature balances the view that focuses upon contemporary influences accompanied by sociological explanations and eschatological hopes to explain the emergence and the success of the *Shulḥan Arukh*. Prof. Twersky does recognize “the relevance of historical-sociological explanation” in certain situations, but they cannot eclipse “the immanent development of halakhic concepts”⁴⁹ which this story concretizes.

After charting the literary-historical account of the creation of the *Shulḥan Arukh*, Prof. Twersky notes the absence of any motivating spirituality in the new brief code. In stark contrast to the *Mishneh Torah*, the *Shulḥan Arukh* provides virtually no discussion of the goals of the law, no ideology nor teleology. This is in complete opposition to the way Prof. Twersky presents the interaction of law and spirituality throughout the history of Halakhah, with particular emphasis on the *Mishneh Torah* of the Rambam.⁵⁰ His solution is a close reading of the opening paragraph of the *Shulḥan Arukh*. This passage challenges the reader to internalize the constant awareness that all of one’s actions are to serve God the Creator and that when performing mitzvot one must remember that one is in the presence of God.

⁴⁹ See Chapter 22, 522.

⁵⁰ See in particular Chapters 8, and 23–25.

The significance of the above is that every human action can be invested with meaning, with significance, and these opening words provide the rationale for the entire *Shulḥan Arukh*. Thus, passivity is not an option; there is deep spirituality in every human action and in every mitzvah that one is commanded to fulfil and this spirituality must be passionately pursued. R. Yosef Karo felt that the details of spirituality which can be supplied by differing systems, such as philosophy, Kabbalah and Hasidut, should be added by the individual rather than imposed by the halakhic decisor.

Prof. Twersky's approach to halakhic literature asks broad methodological questions about halakhic texts, which do not involve charting the history of a halakhic decision but rather seek to understand halakhic texts in a broad literary, historical and theological context.

Meta-Halakhah and Spirituality

A major theme in the writings of Prof. Twersky is the study of the linkage between the normative Halakhah and its religious, intellectual, spiritual and ethical underpinnings, a theme raised early in his career in the article on the *Shulḥan Arukh* referenced above. Part two of this volume contains a group of essays on the Rambam where this theme appears. Chapter 8, "Some Non-Halakhic Aspects of *Mishneh Torah*" discussed above, was Prof. Twersky's first close study of this theme in the context of the *Mishneh Torah*.⁵¹

In part four of this book, "Halakhah and Meta-Halakhah," there are three major articles with an expanded treatment of this theme, where Prof. Twersky demonstrates how many halakhic scholars throughout the generations sought to complement halakhic study with the study of meta-halakhic material. Chapter 23, "Religion and Law," is the first of three chapters explicitly devoted to the topic, although in two earlier chapters, elements of the theory appear.⁵² In the opening paragraph, Prof. Twersky presents the fundamental theory of his project with an elegant, resplendent and inspiring passage.

⁵¹ Chapter 8 was Prof. Twersky's path-breaking article on the topic that appeared in 1967. As mentioned above, it paved the way in contemporary academic circles for the acceptance of the unified Maimonides, whose *Mishneh Torah* and *Guide to the Perplexed* did not stand in opposition to each other.

⁵² See Chapter 26, 587 and Chapter 20, 474. Prof. Twersky had prepared material for at least five more chapters on this theme. We worked together—about two years before he passed away—planning the contents of the Hebrew volume of his collected articles which eventually appeared in *Kema'ayan Hamitgaber*. Beyond the actual articles that were indeed included in the volume, he listed articles on the Halakhah and meta-Halakhah theme in the writings of Rashba, Ritva, R. Yehezkel Landau—the Noda Be'yehudah, and R. Moshe Sofer—the Ḥatam Sofer, as well as a major expansion of "Religion and Law" explicating Profiat Duran's introduction to his *Ma'aseh Efod*.

A tense, dialectical relationship between religion in essence and religion in manifestation is at the core of the Jewish religious consciousness—its legal configuration and its historical experience. Halakhah is the indispensable manifestation and prescribed concretization of an underlying and overriding spiritual essence, a volatile, magnetic, and incompressible religious force designated as Judaism. ... If Halakhah is a means for the actualization and celebration of ethical norms, historical experiences, and theological postulates, then external conformity must be nurtured by internal sensibility and spirituality. ... this harmonious, mutually fructifying relationship between law and experience is not always attainable. ... When the spiritualizing speculative quest, in philosophic, mystical, or pietistic terms, is overshadowed, then the incidence of atrophied patterns of behavior sets off attempts to restore the ideal equilibrium: to see that action is reflective and deliberate, that the religious performance is both an expression of as well as stimulus to experience, deep and rich, full and fresh.⁵³

This passage first asserts that there are two fundamental elements of Judaism that exist in a dialectal relationship, the law which regulates performance of mitzvot and an inner spiritual essence which inspires and gives meaning. Halakhah is the concrete expression of Judaism and it consists of the performance of an extensive range of required activities. However, Halakhah is not intended to be a collection of thoughtless automatic motions and gestures. There is an “underlying and overriding spiritual essence,” “underlying” because it is so to speak, the root or the source of the mitzvah, and “overriding,” that is, it is the ultimate goal of the mitzvah. The spiritual essence is described as “volatile,” meaning that spiritual forces can change rapidly from joy to sorrow, from love to trepidation, from intimacy to estrangement. “Magnetic,” meaning captivating or enchanting, and “incompressible,” meaning it cannot be reduced, simplified, or limited. There is a dialectical tension that exists between the formal constructed action of the Halakhah and the interiority of the spiritual essence that a person should experience, since it is difficult for most people to sustain fluid spiritual forces while performing activities that may outwardly seem rote. However, since Halakhah is meant to actualize and celebrate “ethical norms, historical experiences and theological postulates” then there must be a joining of the external formal activity with internal spirituality. The purpose of the Halakhah is to give concrete expression to living in an ethical manner, to relive and experience historical events that give meaning to one’s existence as a Jew and to internalize the principles of one’s relationship to God. In order to accomplish this, one must ensure that the external action is sustained by inner beliefs and with spirituality.

Prof. Twersky maintains that the spirituality and inner experience needed to inspire one who is performing a mitzvah can be achieved through disciplined study:

⁵³ Chapter 23, pp. 527–528.

it can be attained rationally through the study of philosophy and applying its insights; it can be attained through the categories of Kabbalists who deal with interpretations of mitzvot, and provide a system that inspires spirituality and meaning to halakhic categories. Prof. Twersky's investigation is focused on how the study of different meta-halakhic systems provided spiritual depth to halakhic life. He traces acceptance of this approach and points to different meta-halakhic systems whose study enriched the lives of those who adopted them over the generations. He also analyzes those who rejected adopting a meta-halakhic system and advocated exclusive study of the halakhic parts of the Talmud.

Prof. Twersky and the Rambam

The contents of this volume underscore the extensive reach of topics, sources and time periods that Prof. Twersky's scholarship covered; however, there is no question that the Rambam, his works and ideas were predominant in Prof. Twersky's scholarship. A set of the *Mishneh Torah* was always on his table, and, as he told me, he was constantly uncovering new insights and new understandings of the Rambam. It should not come as a surprise that his intense focus on the Rambam and his works would result in his absorbing and identifying with the Rambam's thinking. The Maimonidean model of drawing from general wisdom and thereby complementing and enlightening Jewish knowledge was the model which Prof. Twersky incorporated into his own thinking, and indeed into his own life. While this generalization should be substantiated in great detail, in this context I would like to point to two aspects of Maimonidean thinking that impacted on him: the value of studying history, and the universal vis-a-vis the particular in Judaism.

The Rambam had a number of negative, critical opinions about the value of the study of history to which Prof. Twersky refers in an early article.⁵⁴ Subsequently Prof. Twersky weighed carefully how the Rambam understood historical processes, how he utilized historical thinking and awareness, and shows how historical movement gives important insights into mitzvot and halakhic processes.⁵⁵ He presents a number of examples which reflect the Rambam's historical awareness and highlight how, despite his dismissal of political history, the Rambam felt that understanding historical processes are important in many contexts. One example that Prof. Twersky cites is the opening chapter of *Hilkhot Avodat Kokhavim* where Rambam traced how belief in God fared over the generations. As opposed to modern historiography that

⁵⁴ See Chapter 3, "The Beginnings of *Mishneh Torah* Criticism," the opening paragraph, and see the references in footnote 1. Note Rambam's sharp dismissive characterization of historical accounts in *Guide* 1:2. On this topic, see Yitzhak Twersky and Michael Shmidman, *Law and Philosophy: Perspectives in Maimonides' Teaching* (Heb.) (Tel Aviv: The Open University of Israel, 1995), 211–214.

⁵⁵ I am drawing from an undated manuscript in Hebrew by Prof. Twersky titled "Maimonides' Conception of History."

charts the development of religious belief as developing from primitive polytheistic forms to sophisticated monotheistic beliefs, the Rambam describes a reverse process. True belief was the original state of affairs, followed by a gradual process of corruption, decline and defection. Ultimately Avraham brought about a return to monotheism, which was followed by Moshe's teaching of the Divine law, and that echoes the Rambam's emphasis on the importance of combining practical mitzvot with purity of belief, elevating man to ethical-intellectual perfection.⁵⁶

Prof. Twersky reveals that history according to the Rambam does have importance when it has *to'elet*, when it is useful, when it has value and teaches religious, ethical and spiritual lessons. Thus, biblical narratives have value since:

Every narrative in the Torah, you see, does contribute to it critically as a body of law, whether by anchoring some core biblical principle or by improving our actions to check wrongdoing and aggression.⁵⁷

In light of that, Prof. Twersky provides a comprehensive list of topics for which the historical aspect was considered by the Rambam as important and substantial. The following is a partial listing: causality in historical events and in historical progress; historical periodization; sources of historical knowledge; idolatry and the spread of true monotheistic belief;⁵⁸ the history of Halakhah;⁵⁹ the history of development of prayer;⁶⁰ the significance of Eretz Yisrael as a land, and as a political entity;⁶¹ exile and suffering;⁶² independence and political strength; diaspora and ingathering; culture and society; universalism and particularism; miracles; messianic era.⁶³ Biblical historical narratives were important in the view of the Rambam, since they reflect and inculcate values, virtues, beliefs and opinions.⁶⁴ These, of course, are the categories of Jewish intellectual history which for Prof. Twersky defined the essence of Judaism and thus assumed the same role of *to'elet* in his own world as it did in the topics of the Rambam's thought.

Once, a fellow student in the graduate program in Jewish studies in which we were enrolled at Harvard asked me if we should not be concerned that studying Jewish history is "*bitul Torah* (a waste of time since we could be studying Torah)." I approached Prof. Twersky with my friend's question, and his answer was swift and

⁵⁶ See Isadore Twersky, *Introduction to the Code of Maimonides* (above n. 15) 225–226 and note 80.

⁵⁷ *Guide* III:50.

⁵⁸ See *Hilkhot Avodah Zarah*, chapter 1.

⁵⁹ *Introduction to the Code of Maimonides*, 220–228.

⁶⁰ *Hilkhot Tefillah*, chapter 1.

⁶¹ Chapter 12.

⁶² *ibid.*

⁶³ Cf. the list in Chapter 12, 277f.

⁶⁴ *Guide* III:50.

resolute: “Everything that we study in room G (the graduate seminar room) is a fulfillment of *Talmud Torah*!” While the academic methodology employed in room G was not that of the *Beit Hamidrash*, and different kinds of questions were asked of the sources—still, the texts, the ideas, and the issues that we were dealing with were core issues of Judaism and thus the study of Jewish history for him was a fulfillment of Talmud Torah just as the Rambam’s historical reflections were part and parcel of his study of Torah.

The second aspect of Maimonidean thinking that substantially influenced Prof. Twersky’s own thinking was the importance of presenting the Torah as intelligible not only to Jews, but to the entire world as well. While the Torah was given specifically to the Jewish people, it was a product of God’s wisdom, and God’s wisdom the Rambam felt should be accessible or intelligible to non-Jews as well.

In his *Introduction to the Code of Maimonides*, Prof. Twersky notes Maimonides’ unique interpretation of the following verses:

“Behold I have taught you statutes [*hukim*] and ordinances ... that you should do so in the midst of the land to which you go in to possess it. Observe therefore and do them; **for this is your wisdom and your understanding in the sight of the peoples, that, when they hear all these statutes, shall say, ‘Surely this great nation is a wise and understanding people’**” (Devarim 4:5–6).

Prof. Twersky carefully traced the history of the interpretation of the verse in Devarim.⁶⁵ What is the wisdom referred to here? According to one Talmudic view, the antecedent of “this” in “this is your wisdom” is the calculation of cycles and planetary courses.⁶⁶ *Hazal* here sought to identify “a universal subject of study where Jews and Gentiles meet on common ground and are united in scientific achievement.”⁶⁷ Maimonides in the *Guide* cites the context of the verse as explaining that the antecedent of “this is your wisdom” refers to the statutes, the *hukim*, which one should see not as irrational, but rather as rational and purposive and which, with proper philosophic interpretation, will have universal resonance and will impress all the nations. This will insure that the response of the nations of the world will be “surely this great nation is a wise and understanding people.”⁶⁸ Similarly, in the Rambam’s *Commentary to the Mishnah*, in the introduction to *Perek Helek*, the last chapter of Tractate Sanhedrin, he uses the verse to defend the importance of interpreting seemingly strange Aggadot allegorically, for the outer-directed purpose of projecting

⁶⁵ Twersky, *Introduction*, 380–87. See, too, Chapter 6, “Did R. Avraham ibn Ezra Influence Maimonides?” 139ff. and Chapter 9, “Maimonides on the Rationale for Mitzvot in *Mishneh Torah*” 226ff.

⁶⁶ Shabbat 75a.

⁶⁷ Twersky, *Introduction*, 382.

⁶⁸ *Guide of the Perplexed* I:31.

the universal wisdom and significance of the Torah.⁶⁹ Without the allegorical interpretation, the *Aggadot* would remain strange and unintelligible. Properly explicated, they display the deep wisdom of *Hazal*.

I think that it would be fair to say that one could characterize Prof. Twersky's scholarship in the manner that he himself analyzed the Rambam's approach to the *to'elet* of history, the *to'elet* of Biblical narratives, the rationality of *ta'amei hamitzvot* with emphasis on *hukim*, as well as the vital importance of providing allegorical interpretations for *Aggadot* that render them intellectually accessible to non-Jews as well. The Rambam connected his commitment to Torah and mitzvot given at Mount Sinai with his commitment to *hokhmah*, wisdom, which represents a universal body of knowledge. It is clear that by setting his analysis of classical Jewish sources within the universal orbit of knowledge, Prof. Twersky accomplished an end similar to that sought by Maimonides via his allegorical and philosophical methodology. Prof. Twersky was convinced that Judaism can be universally understood and broadly appreciated by applying universal categories of literary, philological, historical and conceptual analysis.

Prof. Twersky's merging of the particularistic Jewish tradition with the universal categories of knowledge which he so skillfully employed, found its expression in his life as well. He was employed by Harvard University and was also closely associated with the Hebrew University in Jerusalem,⁷⁰ both of which were secular scholarly institutions, although he could have found his place in Jewish religious academic institutions such as Yeshiva University and Bar-Ilan University. Further, his creative work in the field of Jewish education did not take place exclusively within an Orthodox framework. As mentioned above, he took an active role in guiding Maimonides School in Brookline, established by his father-in-law, but he also worked closely and creatively with the Mandel Foundation which was seeking to articulate visions for Jewish education and whose members were not necessarily committed to Orthodox Judaism. Within that framework he contributed to the articulation of his own vision of Jewish education, which was heavily influenced by principles derived from the Rambam's writings and ideas.⁷¹

There is no doubt as to Prof. Twersky's passionate commitment to traditional Judaism, to Halakhah, and to Hasidism. Indeed, his academic work privileged halakhic creativity, which was perceived by many scholars as the most parochial of Jewish concerns. Yet he succeeded in analyzing Halakhah and its history specifically and Jewish creativity generally, using also universal or outer-directed categories.⁷²

⁶⁹ See Twersky, *A Maimonides Reader*, 407.

⁷⁰ As mentioned above, he studied in his youth at the Hebrew University. He maintained a close association with its scholars throughout his career and eventually received an honorary doctorate from the university.

⁷¹ See p. 30.

⁷² See his reference to the outer-directed aspect of Judaic studies in a university framework on p. 752 below: "Jewish studies in the university are difficult and demanding, and—indeed like Judaism

This creative tension between the awareness of “outer-directed tendencies of the Jewish historical experience” and the need to explicate “inner-directed forces and experiences”⁷³ is probably the best key to understand Prof. Twersky’s academic oeuvre.

Religious, Educational, and Communal Leadership

In many of the sections of this essay the reader has encountered a senior scholar committed to the full rigor of academic standards, while maintaining a deep commitment to Halakhah and to spirituality. However, for a total picture we need to remember the fact that Prof. Twersky had another public role, that of being the Talner Rebbe, R. Yitzhak Asher ben Harav Meshulam Zusha ztz”l. I mentioned above his studies in public schools and in the Hebrew Teachers College and summers spent in Camp Yavneh. Let me add that his very close friend Arnold Band, later a professor of Hebrew and comparative literature at UCLA, describes their summer camp experience together in Camp Yavneh. The picture painted by this non-Orthodox friend of his tells us of Yitzhak Twersky, the teenager, to whom Band refers to by his nickname at the time.

As a boy at Camp Yavneh, Ickie stood out for his rabbinic learning, far superior to that of the rest of us, and his daily pious practices. In fact, far from the fellows in our bunk, he was the one who maintained the practices of a pious Jew. He prayed with tefillin every morning, and also prayed the *Minḥah* and *Ma’ariv* service by himself. He wore a tallit katan, which I had never seen before. I assume we became friends because I joined the small group of students at camp who studied Talmud many mornings with Rabbi Yisrael Wind of Yeshiva University.⁷⁴

Thus, while growing up in Boston of the 1930–1940s, it is clear that his loyalty was to the home in which he was raised. In retrospect, he lived all his life in two domains—growing up and studying in the Boston Latin School and Harvard

itself—require dialectical deftness. They should be universalist, should strive to correlate, as Edmund Wilson put it, ‘the adventures and achievements of Jews with those of the rest of the world,’ should bring the outer-directed tendencies of the Jewish historical experience into clear focus, and try to develop a panoramic and synoptic view which sees the interplay of forces and help integrate the study of Jewish and world history.”

⁷³ Ibid.

⁷⁴ Arnold Band “Four Men Entered an Orchard,” in *Hiddushim, Celebrating Hebrew College’s Centennial*, edited by: Michael Fishbane, Arthur Green and Jonathan D. Sarna (Newton, Mass.: Academic Studies Press 2022), 48–54.

University while maturing in the home of his father the Talner Rebbe and his mother the learned Rebbetzin.

Less than a decade after he became the Nathan Littauer Professor of Hebrew Literature and Philosophy, Rabbi Yitzhak Twersky succeeded his father as the hasidic Talner Rebbe in Boston. During his father's long illness, Rabbi Twersky began playing a leading role in the Talner Beit Midrash which had moved from Roxbury to the Brookline-Brighton section of Boston. Shortly after the passing of his parents (his father in 1972 and his mother in 1976), he continued leading the hasidic Talner Beit Midrash. Rabbi Twersky's piety, passion, profound spirituality and his acts of lovingkindness were an integral part of the tradition of Talne Hasidut with which he grew up and had become an integral part of his personality.⁷⁵ This he combined with his discipleship with his father-in-law Rabbi Joseph B. Soloveitchik, mentioned above. It was only a few years later, in 1982, that he agreed, despite a deep and genuine modesty and an antipathy to ceremonials, to be officially known as the "Talner Rebbe."

Congregation Beth David was the name of the Beit Midrash of the Talner Rebbe. The Talner Rebbe was very committed to Hasidut as he understood it. He was loyal to all the special *minhagim*, the customs of Hasidut. He did not preach. He taught. He studied Talmud on Shabbat and later an additional shi'ur during the week, and on Shabbat during *se'udah shelishit* he taught *divrei Torah* on the weekly Parashah.⁷⁶ The volume of his *divrei Torah* contains relatively few references to Hasidic sources. Rabbi Yitzhak Twersky's *divrei Torah* were frequently educed from sources in the Rambam's oeuvre, via which Prof. Twersky, in his scholarly writings, demonstrated the deep spirituality that characterizes the Rambam.⁷⁷

Hasidut for Rabbi Twersky was fulfilled by acts of *hesed*, of lovingkindness, giving support and assistance to those in need and, of course, meeting the high expectation of *tzedakah*, charity, as he himself outlined with sensitivity and insight in Chapter 26 of this book.

Rabbi Twersky also took on more responsibilities in the leadership of the Maimonides School founded by his father-in-law.⁷⁸ He was a member of the executive committee of the school, which was responsible for policy decisions, and was actively involved whenever a sensitive issue of educational or religious philosophy

⁷⁵ See Harav Yitzhak (Isadore) Twersky, *Torah of the Mind, Torah of the Heart: Divrei Torah of the Talner Rebbe* ed. David Shapiro (Jerusalem and New York: Urim Publications, 2020); Rabbi Yitzhak Twersky, *Perpetuating the Masorah: Halakhic, Ethical and Experiential Dimensions*, ed. Carmi Horowitz and David Shapiro (Jerusalem and New York: Maggid Books and OU Press, 2023).

⁷⁶ Above note 75.

⁷⁷ See the first two parts of this collection of his essays.

⁷⁸ Rabbi Soloveitchik's wife, Dr. Tonya Levitt Soloveitchik, chaired the school committee until her death in 1967. She was succeeded by her daughter, Dr. Atarah Twersky. Thus, beyond Rabbi Twersky's sense of communal responsibility, it was natural for him to be involved in the school that his family had founded and nurtured.

was to be discussed. As Rabbi Soloveitchik's advancing age and illness prompted his withdrawal from active engagement with the curriculum and its implementation, Rabbi Twersky began to visit Judaic studies classes at the school periodically. He attended faculty meetings on occasion and provided guidance for specific educational initiatives and issues. He made himself available day and night to both the professional and the lay leaders of the school for consultation on matters big or small. Leaders of the wider Jewish community of Boston also consulted with him on matters of public policy.

His involvement in Jewish education was motivated not only by concern for the local Jewish community and its educational institutions. His was a concern for *Klal Yisrael*, for the entire Jewish community, and its level of Jewish knowledge. As mentioned, he invested years of active work and cooperation with the Mandel Foundation, which launched a project whose goal was "to stimulate the philosophical considerations of Jewish existence in our time as reflected in alternative visions of Jewish education, its purposes and instrumentalities, the values it should serve, and the personal and social character it ought to foster."⁷⁹

Prof. Twersky had a deep concern for the future of the Jewish people, a keen awareness of the historical crisis that Judaism faced in the twentieth century, as religion and secularity wrestled with each other, and a heartfelt solicitude for the widespread ignorance of Judaism and Jewish sources that prevailed among much of the Jewish people.⁸⁰ He emphasized the pressing need to articulate an educational vision that explicated the centrality of and commitment to Halakhah that any vital and viable version of Judaism must encompass and at the same time pointed to Judaism's broad and expansive intellectual and spiritual compass. His own vision of Judaism drew on Maimonides' notion that philosophy is an integral part of the mitzvah of talmud Torah⁸¹ and he firmly adhered to Maimonides' maxim, "One should accept the truth from whatever source it proceeds."⁸² In his Mandel Foundation work he was formulating "various halakhic perspectives on the study of such areas as the natural sciences, arts and literature, history, and physical education—including the question of their relative priority."⁸³

This abiding concern for the future of Judaism operated not only on an educational level, but also on an existential-religious level, and encompassed the future of the Jewish people, Zionism, and the State of Israel. In his article "Survival,

⁷⁹ See *Visions of Jewish Education*, ed. Seymour Fox, Israel Scheffler and Daniel Marom (Cambridge: Cambridge University Press, 2003), Chapter 4 "What Must a Jew Study—and Why?" 46–94.

⁸⁰ See Chapter 35 "Survival, Normalcy Modernity."

⁸¹ See Chapter 8, "Some Non-Halakhic Aspects of the *Mishneh Torah*."

⁸² Introduction to *Shemonah Perakim*. See p. 57.

⁸³ *Visions* (above note 79). He was an active participant in preparing the material for the book; however, he passed away before he completed his part. Daniel Marom edited the material that he left and reconstructed an important aspect of Prof. Twersky's thinking on the issues discussed.

Normalcy, Modernity,”⁸⁴ he asserts his confidence in the continued existence of the Jewish people, but he critiques secular Zionism, particularly for its problematic relationship with the issue of the perpetuation of Jewish tradition, creating a break in the continuity of Jewish history, for its emphasis on the political and not on the spiritual, and for the weakness in the Jewish character of the State of Israel. His arguments are formulated in the language of the objective historian for that is what he was. At the same time, he was a passionate lover of Zion, of the Land of Israel, and a strong supporter of the State of Israel. In one of the detailed and extensive articles on aspects of Maimonidean thought that appear in this volume, Prof. Twersky demonstrates the Rambam’s extensive and intensive connection and concern with the Land of Israel in all of its halakhic, philosophic and emotional aspects. His analysis of how the Rambam’s halakhic reach in the *Mishneh Torah* included detailed descriptions of so many halakhot that are relevant only in Eretz Yisrael propels the student of the *Mishneh Torah* into intimate contact with Eretz Yisrael. Prof. Twersky’s accounting of Rambam’s impassioned description of the love of Eretz Yisrael on the part of great Torah scholars, as well as the description of the Rambam’s own feelings upon arriving in Eretz Yisrael, all testify to a scholar who while reporting factual elements in Rambam’s writing about Eretz Yisrael cannot completely conceal his own personal feelings toward the Holy Land.⁸⁵ Beyond scholarly writing, R. Twersky visited Israel frequently, maintaining close ties with the Hebrew University and with young, promising academics in Jewish studies from all Israeli universities. Before he died, he was beginning to make concrete plans to establish a beit midrash in Jerusalem for a Talner *minyan*.⁸⁶

Prof. Twersky’s commitment to academic Jewish studies was not only professional but deeply existential and indeed an integral part of his Jewish identity. He saw no conflict between his academic sensibilities and pursuits and his self-identity as a religious leader, the Talner Rebbe of Congregation Beth David. The *hesped* of his close friend Prof. Ezra Fleischer beautifully and elegantly captures this aspect:

Yitzhak Twersky was a man of inner harmony, a great believer in the holistic nature of the human spirit and the fundamental unity of existence. He was at peace with his contradictions and amused by (what seemed to our coarse vision to be) the paradoxes that defined his being. Whoever came in contact with him found all this puzzling; he himself never ceased to be puzzled by their puzzlement. Indeed, at lofty heights apparent opposites reveal their true nature as varied manifestations of a single wondrous unity, while

⁸⁴ Chapter 35.

⁸⁵ See Chapter 12, “The Land of Israel and Exile in Maimonidean Writings.”

⁸⁶ In his last year he asked me to find a place for this Talner minyan, and together with his son Moshe hy”d, we went to see some possible sites. The prayer for the State of Israel was recited every Shabbat at the Talner Beit Midrash in Boston; Hallel was recited on Yom Ha’atzma’ut and on Yom Yerushalayim.

only the small-minded and myopic are still pained by their dissonance. Those heights were Yitzhak Twersky's natural, chosen vantage point. He considered the objects of his scholarly research, each in its particularity, from that vantage point and, with generous regard, perceived our nation's history in all its complexity. His eyes were too pure to see contradictions. The harmonious wholeness of his own refined spirit enabled him to discern the same in our history, and to understand the mystery of its hidden unity.

All of these elements were the underpinning of his concern for Judaism, the Jewish people and for Jewish education for all Jews, observant or not, to which he was devoted.

Conclusion

Even in his most rigorously academic treatments of Jewish spirituality, Prof. Twersky practiced what the rabbinic tradition would call a measured disclosure—*megaleh tefah umekhaseh tefahayim*—revealing just enough to conceal far more—until, at decisive moments, that reserve gives way and the inner religious voice emerges with unmistakable clarity. That occurred in his conclusion to his article on the *Shulḥan Arukh* discussed above which I append here to conclude this introduction.

As a personal postscript, or “concluding unscientific postscript,” I would like to suggest that, if the Psalmist's awareness of “I have set God before me continually” (Tehillim 16:8)—the motto of the *Shulḥan Arukh*—is one of the standards of saintliness, then all “*Shulḥan Arukh* Jews,” all who abide by its regulations while penetrating to its essence and its real motive powers, should be men who strive for saintliness. But strive they must, zealously, imaginatively, and with unrelenting commitment.⁸⁷

⁸⁷Chapter 20, end.

Part One

The Maimonidean Oeuvre and Its Enduring Value

1

Maimonides—His Life and Works

Maimonides' biography immediately suggests a profound paradox. A philosopher by temperament and ideology, a zealous devotee of the contemplative life who eloquently portrayed and yearned for the serenity of solitude and the spiritual exuberance of meditation, he nevertheless led a relentlessly active life that regularly brought him to the brink of exhaustion. A harassed physician and conscientious leader of his community, he combined an arduous professional routine with unabated scholarship, vigorous creativity, and literary productivity. Maimonides' life was a mosaic of anxiety, tribulation, and, at best, incredibly strenuous work and intellectual exertion. This is perhaps the first matter worthy of attention for the modern reader, accustomed for the most part to comfort, leisure, and even affluence.

Maimonides was born in 1138 in Cordova, at one time the greatest center of Jewish learning and general Islamic culture; his father was a prominent judge and respected scholar. His entry into early adolescence (1148) was filled with gloom and despair because of the invasion of Spain by the Almohades, fanatical, puritanical Muslims who presented all non-Muslims with the radical choice of conversion or death. Some Spanish Jews chose martyrdom, others fled, while many reluctantly took upon themselves a life of duplicity and ambivalence, creating a searing gap between their public Muslim-like behavior and their private adherence to Judaism. The colorful history of the Jews in Islamic Spain, which reached unusual heights in its material and intellectual development, was coming to an abrupt, inglorious end.

The Maimonidean family, uprooting itself from its ancestral home, where eight generations of scholars had served as rabbis and judges, entered into a turbulent decade of flight and nomadism¹ wandering through southern Spain and northern Africa (ca. 1148–1158) and finally settling for several years in the city of Fez (c. 1159–1165) where the Almohades also ruled with Spartan rigor and inquisitorial

¹ The rather common experience of wandering and homelessness was described by R. Moshe ibn Ezra (d. 1135) in one of his poems:

*I am weary of roaming about the world, measuring its expanse; and am not yet done.
I walk with the beasts of the forest and I hover like a bird of prey over the peaks of the mountains.
My feet run about like lightning to the far ends of the earth, and I move from sea to sea.
Journey follows journey, but I find no resting place, no calm repose.*

Quoted in Yitzhak Baer, *A History of the Jews in Christian Spain*, I (Philadelphia, 1961), 61–62.

zeal. Life continued to be filled with apprehension, pretense, and defamation, theological indictment and physical harassment.

In 1165, heeding the advice which he had given to his perplexed, despairing fellow Jews—and which he would repeat to the distraught Jews of Yemen some years later—to flee the land of persecution at all costs, “without considering separation from family or loss of wealth,” Maimonides undertook a hazardous sea voyage from Morocco to the land of Israel, which was then the scene of the crusades. During this particular period, the Latin Kingdom of Jerusalem, momentarily triumphant, was enjoying politico-military ascendancy over the Muslims; since its religious fanaticism equaled its political power, Maimonides found no haven in the Holy Land. His wanderings continued. It may even be that he regarded his trip primarily as a pilgrimage. His journey from Morocco to Palestine, as described in a statement quoted by a sixteenth-century writer (R. Elazar Azikri), ended in prayer at the Western Wall:

On Sunday evening, the fourth of the month of Iyar, I went to sea; on Sabbath, the tenth of Iyar, in the year 4925, a heavy gale arose, the sea was turbulent and we were in danger of drowning. I vowed to observe these two days as strict fast days for myself, my family and all my household, and to order my descendants to keep these fasts also in future generations and to give charity in accordance with their means. I further vowed to observe the tenth of Iyar in complete seclusion and to devote the day to prayer and study. On that day, God alone was with me on the sea; so upon the anniversary of this day, I wish to be alone with God and not in the company of man, unless I am compelled to.

On Sunday evening, the third of Sivan, I landed safely in Acre and thus escaped persecution. The day on which we set foot in the land of Israel I vowed to observe as a day of festivity and joy accompanied by the distribution of gifts to the poor, I as well as my offspring in future generations.

Tuesday, the fourth of Marḥeshvan, in the year 4926, we arrived in Jerusalem from Acre after a dangerous journey. I entered the site of the great and holy Temple and prayed there on Thursday, the sixth of Marḥeshvan.

In any event, this experience of terrified flight from the lands of Islam and implacable hostility on the part of the powers of Christianity is in some respects reminiscent of the general fate of the Jews caught between the fierce rivalries of Christian and Muslim.²

His extraordinary difficulties in pursuing his studies during these years of instability and exile and the profound sense of uprootedness and precariousness which

² R. Yehudah Halevi (d. 1141) wrote: “The son of the servant-maid [Ishmael, i.e., Islam] pursues us with his hate; we turn pleading to Esau [i.e., Christianity] and he tears us like a wild beast.” See Yitzhak Baer, *Galut* (New York, 1947), 33.

permeated his thought are poignantly portrayed in several of Maimonides' writings from this period. In the epilogue to his *Commentary on the Mishnah* (c. 1168), he writes:

In concluding this work according to my plans, I pray to God that He save me from errors. Whoever finds occasion to criticize me, or knows of a better interpretation of any of the laws, should call my attention to it and graciously forgive me. Every righteous and intelligent person will realize that the task I undertook was not simple or easy of fulfillment. In addition, I was agitated by the distress of our time, the exile which God had decreed upon us, the fact that we are being driven from one end of the world to the other. Perhaps we have received reward for this, inasmuch as exile atones for sin. God knows, there are some laws which I explained while on the road; some matters I collected while on board ship. Besides, I also devoted myself to the study of other sciences. The reason that led me to describe my situation in detail was my desire to justify my critics; they should not be blamed for criticizing me. May God reward them, and I will regard them as friends, for they do godly work. The description of the conditions under which I wrote this commentary will explain why its completion required such a long time.

The prologue to his *Epistle to Yemen* (1172) echoes a similar refrain:

Verily, I am one of the humblest of scholars from Spain whose prestige was lowered in exile. Although I always study the ordinances of the Lord, I did not attain to the learning of my forebears, for evil days and hard times overtook us; we did not abide in tranquility. We labored and had no rest. How could we study the law when we were being exiled from city to city, and from country to country? I pursued the reapers in their paths and gathered ears of grain, both the rank and the full ones, as well as the withered and the thin ones. Only recently have I found a home. Were it not for the help of God, I would not have culled the store I did and from which I continually draw.

After making his way southward from Acre through Jerusalem to Hebron, Maimonides settled in Cairo, an important, strategically located center of the Arab world, with a large, heterogeneous Jewish community. The first years in Egypt were punctuated by the death of his father, his own prolonged illness, intermittent strife—personal and communal—instigated by both Jews and Muslims, and in 1177, the crushing blow: the death of his younger brother David, a well-to-do, enterprising merchant who had been supporting the entire family, and who was drowned in the Indian Ocean while on a business trip. Maimonides could not be consoled in his

mourning. A letter written several years later (c. 1184) evokes the mood of agony and anguish and notes the residue of grief:

In Egypt I met with great and severe misfortunes. Illness and material losses came upon me. In addition, various informers plotted against my life. But the most terrible blow which befell me, a blow which caused me more grief than anything I have experienced in my life, was the death of the most perfect and righteous man, who was drowned while traveling in the Indian Ocean.

For nearly a year after I received the sad news, I lay ill on my bed struggling with a fever and despair. Eight years have since passed, and I still mourn, for there is no consolation. What can console me? He grew up on my knees; he was my brother, my pupil. He was engaged in business and earned money that I might stay at home and continue my studies. He was learned in the Talmud and in the Bible and an accomplished grammarian. My one joy was to see him. Now my joy has been changed into darkness; he has gone to his eternal home, and has left me prostrated in a strange land. Whenever I come across his handwriting or one of his books, my heart grows faint within me, and my grief reawakens. In short: "I will go down into the grave unto my son mourning." Were not the study of the Torah my delight, and did not the study of wisdom divert me from my grief, "I should have succumbed in my affliction."

Soon after, he began to practice medicine and, thanks to his erudition, skill, and conscientiousness, became the house physician of Saladin's vizier and one of the most respected court physicians. Simultaneously, he emerged as the untitled leader of the Jewish community, combining the duties of rabbi, local judge, appellate judge, administrative chief responsible for appointing and supervising community officials, and overseer of the philanthropic foundations—to which he was especially dedicated.³ His professional and communal commitments—resulting in working hours which present-day scholars and professionals would find appalling—were not unrelated, for Maimonides was absolutely determined to guarantee his independence and self-sufficiency. He received no financial aid or official remuneration from the

³ Maimonides' career thus reflects still another aspect of the intellectual and political experience of the Jews in Spain, and under Islam generally. The influential courtier who then becomes leader of the Jewish community and is usually a versatile scholar and benevolent patron of learning is typical of Jewish history in Spain. The tradition begins with Ḥasdai ibn Shaprut (d. 976) who was court physician, diplomatic troubleshooter, scientific translator, and father of Jewish culture in Cordova and, indeed, in all of Spain; it reaches a high point in R. Shemuel Hanagid (d. 1053) who was an authoritative rabbinic scholar, a notable poet, a skillful polemicist, as well as a vizier of the king, commander-in-chief of the armed forces, and head of the Jewish community.

Jewish community; as a matter of fact, he violently opposed and condemned those scholars or religious functionaries who relied on communal support. Some of his most passionate and animated prose was elicited by his distaste for this practice, which he tried—unsuccessfully—to eliminate. His own painful consistency in this regard lends all the more pathos and determination to his writing.

Maimonides apparently married twice. His first wife, about whom we know very little, died in Egypt, and he later remarried. His only son Avraham, who was to become the official head (*nagid*) of the Jewish community in Egypt and the zealous defender and interpreter of the total—halakhic and theological—Maimonidean legacy, was born in 1187. Maimonides lavished fond attention on his son, whom he described as possessing modesty and integrity as well as a fine intellect. Although only seventeen at the time of his father's death (1204), Avraham was able still to absorb an impressive amount of his father's teaching and in his own works he cites many interpretations and opinions transmitted to him orally by his illustrious father. The son's commentary on the Bible, his voluminous *Complete Guide for the Pious* (*Kifayat al-'Abidin*), the *Treatise on Aggadot*, and numerous letters and responsa are thus important sources of Maimonidean doctrine. All his duties and commitments notwithstanding, Maimonides must have found time to “teach his son Torah.” Indeed, we have here a good example of a sustained aristocracy of the intellect and spirit, and it is interesting to follow the literary history of this family, starting with R. Maimon's *Letter of Consolation*, over many generations.

Aspects of Maimonides' medical practice and intellectual preoccupations are described in a candid letter (1191) to R. Yosef ben Yehudah ibn Shimon, the favorite and trusted disciple for whom he composed the *Guide of the Perplexed*:

I inform you that I have acquired in medicine a very great reputation among the great, such as the Chief Qadi, the princes, ... and other grandees from whom I do not ordinarily receive any fee. As for the ordinary people, I am placed too high for them to reach me. This obliges me continually to waste my day in Cairo visiting the [noble] sick. When I return to Fostat, the most I am able to do, for the rest of the day and night, is to study medical books, which are so necessary for me. For you know how long and difficult this art is for a conscientious and exact man who does not want to state anything which he cannot support by argument and without knowing where it has been said and how it can be demonstrated. This has further resulted in the fact that I find no time to study Torah; the only time I am able to read the Bible is on the Sabbath. As for other sciences, I have no time to study them at all and this distresses me very much. Recently I received all of Averroes' commentaries on Aristotle ... and my impression is that he explicates the author's views properly, but I have not yet found the time to read all his books.

The most revealing piece of personal testimony about Maimonides' professional and communal schedule is to be found in his letter of 1199 to R. Shemuel ibn Tibbon, the Hebrew translator of the *Guide of the Perplexed*:

Now God knows that in order to write this to you I have escaped to a secluded spot, where people would not think to find me, sometimes leaning for support against the wall, sometimes lying down on account of my excessive weakness, for I have grown old and feeble.

With regard to your wish to come here to me, I cannot but say how greatly your visit would delight me, for I truly long to commune with you, and would anticipate our meeting with even greater joy than you. Yet I must advise you not to expose yourself to the perils of the voyage, for beyond seeing me, and my doing all I could to honor you, you would not derive any advantage from your visit. Do not expect to be able to confer with me on any scientific subject, for even one hour either by day or by night, for the following is my daily occupation. I dwell at Misr [Fostat] and the Sultan resides at Kahira [Cairo]; these two places are two Sabbath days' journey [about one mile and a half] distant from each other. My duties to the Sultan are very heavy. I am obliged to visit him every day, early in the morning; and when he or any of his children, or any of the inmates of his harem, are indisposed, I dare not quit Kahira, but must stay during the greater part of the day in the palace. It also frequently happens that one or two of the royal officers fall sick, and I must attend to their healing. Hence, as a rule, I repair to Kahira very early in the day, and if nothing unusual happens, I do not return to Misr until the afternoon. Then I am almost dying with hunger. I find the antechamber filled with people, both Jews and Gentiles, nobles and common people, judges and bailiffs, friends and foes—a mixed multitude, who await the time of my return.

I dismount from my animal, wash my hands, go forth to my patients, and entreat them to bear with me while I partake of some slight refreshment, the only meal I take in the twenty-four hours. Then I attend to my patients, write prescriptions for their various ailments. Patients go in and out until nightfall, and sometimes even, I solemnly assure you, until two hours and more in the night. I converse and prescribe for them while lying down from sheer fatigue, and when night falls, I am so exhausted that I can scarcely speak.

In consequence of this, no Israelite can have any private interview with me except on the Sabbath. On this day the whole congregation, or at least the majority of the members, come to me after the morning service, when I instruct them as to their proceedings during the whole week; we study together a little until noon, when they depart. Some of them return, and read with me after the afternoon service until evening prayers. In this

manner I spend that day. I have here related to you only a part of what you would see if you were to visit me. Now, when you have completed for our brethren the translation you have commenced, I beg that you will come to me but not with the hope of deriving any advantage from your visit as regards your studies; for my time is, as I have shown you, excessively occupied.

His physical infirmity and all these apparently stultifying conditions notwithstanding, Maimonides was constantly studying, teaching, and writing. He may have chafed under the tensions and pressures, but he never fell to brooding and self-pity; he sometimes described his difficulties in elegiac prose but did not allow them to paralyze his work. He began writing early—with zeal, almost with a sense of mission—and continued writing prodigiously to the end of his life. His writing, in essence, was a work of art and a labor of love. Even if he had enjoyed optimal conditions of comfort and security, unlimited research and secretarial assistance, it would still be hard to understand how he could have produced what he did.

His youthful works, composed for the most part during his wanderings in southern Spain, include the *Milot Hahigayon* and the *Ma'amar Ha'ibbur*, both written in Arabic.⁴ The first is a treatise on logic which “offers a clear and concise exposition of the most important logical terms and also of some physical, metaphysical, and ethical terms used in the discussion of logical theory. It is therefore not only a handbook on logic but also an introduction to philosophy, as the terms ‘logic’ and ‘philosophy’ were then understood” (I. Efros, *Maimonides' Treatise on Logic*, p. 3). The second describes, as simply as possible, with a minimum of technical jargon and scientific window-dressing, the rationale, mechanics, and astronomical principles of the Jewish calendar—an area in which halakhah and natural science were intermingled. The complexity of his writing and its skillful integration of diverse disciplines are foreshadowed in this treatise. The so-called “Renaissance man,” the scholar who aspires to universal knowledge and successfully cultivates a variety of interests, who achieves diversity without sacrificing profundity or succumbing to dilettantism, reveals himself here.⁵ Certainly the scope of his learned achievements—like that of many of the Jews of the “Golden Age” in Spain—is another general point worthy of attention for the modern reader, living in an age of ever-increasing specialization and atomization.

It is noteworthy also that these early works were composed in response to specific requests. In other words, Maimonides' multifaceted erudition and constructive

⁴ The exact date of composition of these works is not clear; I rely on the conventional bibliographic view in listing these works as youthful.

⁵ R. Yedayah Bedersi, writing in 1305, in southern France, praises Maimonides as having the understanding of Aristotle in philosophy, of Euclid in geometry, of Ptolemy in astronomy, and of Galen and Hippocrates in medicine.

expository skills were already known and appreciated during his adolescence. His reputation as teacher and guide was already growing.

In 1161, at the age of 23, he began writing his pioneering commentary on the Mishnah, a task which was to engage his attention for the next seven years. During the same period he also completed two other works which, for a variety of reasons, remained marginal in the later history of Talmudic literature and interpretation: a brief commentary on those three sections of the Babylonian Talmud which were regularly studied in the Spanish schools, and a compendium of laws found in the Palestinian Talmud. The first represented a conventional preoccupation of rabbinic scholars, while the purpose of the second was more original: to cull all those sections of the rather neglected Palestinian Talmud which would shed light on the normative Babylonian Talmud, explain obscurities, fill in halakhic details, and by such use automatically enhance the importance of the Palestinian Talmud. In common with other scholars of North Africa (primarily in Kairouan) and Spain, Maimonides was devoted to the study of the Palestinian Talmud and eager to extend its popularity and influence.

Throughout his life, Maimonides was to write hundreds of responsa, decisions concerning the interpretation or application of the law, letters of advice, comfort, or arbitration to all parts of the world: Yemen, Baghdad, Aleppo, Damascus, Jerusalem, Alexandria, Marseilles, and Lunel. Some were curt answers providing the authoritative opinion required; others were balanced expositions of moot points; still others were small monographs which Maimonides himself considered as treatises which would henceforth be available for all to consult. In other words, the writing and dispatching of a comprehensive responsum was equivalent to publication of a book, for important responsa were customarily copied, collected, and widely circulated. Maimonides' responsa are significant not only for presenting an X-ray picture of a creative mind at work but also for illuminating through frequent cross references the method, motivation, or meaning of his major legal and philosophical works. The most notable of the early letters and occasional pieces are the *Epistle on Conversion* (*Iggeret Hashemad*) and the *Epistle to Yemen* (*Iggeret Teiman*).

Iggeret Hashemad (c. 1161–2) is a broadside, a real polemical treatise. It was not written in answer to a specific inquiry or request for guidance, but was rather Maimonides' passionate reaction to the halakhic decision rendered by a certain scholar who, totally insensitive to the plight of those tormented Jews under Almohade rule who succumbed to inexorable pressures and feigned acceptance of Islam, had unqualifiedly read them out of the Jewish community and, by his insensitivity and practically clinical detachment, had greatly increased their anguish and despondency. Maimonides, following in the footsteps of his father who had previously written a highly emotional *Letter of Consolation*⁶ for the same audience, sought to bolster the

⁶ "And it is necessary that we should rely upon God, and believe in Him, and not doubt His promises, just as we do not doubt His existence, nor should we fear that He will cast us off when He has

sagging spirits of his brethren and to save the Jewish community from total demoralization and disintegration. The letter is unique in that Maimonides reacted viscerally as well as intellectually; he did not limit his response to rigorous halakhic reasoning and interpretation but went out of his way to marshal every possible argument, legal, theological, and rhetorical, and cited a profusion of aggadic passages in order both to discountenance his opponent and to discredit the views which he had propounded.

The Epistle to Yemen was written in response to a specific inquiry from the Jews of Yemen concerning the religious persecutions in that country (begun about 1165) which were compounded by the seductive, conversionary preaching of a recent apostate and the unsettling pronouncements of a self-proclaimed messiah. In this responsum Maimonides reviews among other things the entire history of persecutions of the Jews, the special animosity which Christianity and Islam, the derivative monotheistic systems, feel toward Judaism, and the inviolable unity of the Bible and rabbinic tradition. He tries especially to cope with the “problem of history,” to confront the recurrent facts of catastrophe and decimation, to explain the ubiquitousness of suffering: “people witnessed our feebleness and noted the triumph of our adversaries and their dominion over us.” As a result, “the hearts of some people have turned away, uncertainty befalls them and their beliefs are weakened.” Maimonides writes in order to mitigate this distress and supply comfort and counsel stemming from a long-range, philosophical view of history. Punishment does not mean repudiation by God. Faith in God’s promises to Israel must be as firm as faith in His existence. “As it is impossible for God to cease to exist, so is Israel’s destruction and disappearance from the world unthinkable.” The letter—eloquent and philosophical on the one hand, sensitive and empathetic on the other—won for Maimonides a special place in the hearts of Yemenite Jews who, as a token of gratitude and reverence, included the name of Maimonides in the recitation of the Kaddish. The Yemenites remained ardent students, copyists, and commentators of Maimonidean writings through the ages.

Maimonides’ major works—major by dint of their unfailing originality, impressive size, and abiding influence—are: the *Commentary on the Mishnah* (*Perush Hamishnah*), *Book of Commandments* (*Sefer Hamitzvot*), *Mishneh Torah* (also known as *Yad Haḥazakah*), *Guide of the Perplexed* (*Moreh Nevukhim*).

The *Commentary on the Mishnah* should be seen in light of the fact that although the Mishnah was prior to the Talmud in point of time, it gradually became subservient

promised to draw us near unto Him, nor should the great prosperity of the nations terrify us, or what they assert, or what they hope for, because we confide in God, and put faith in His promises. And in spite of their victory over us, and their anger against us, and our subjection to them, and the renewal of our calamities with the renewal of day and night ... we must still reflect upon that which He has promised us, and upon that which we hope, and then the weary souls will have rest, and their fears be allayed, for there must needs be repose and healing after this unhappiness, there must needs be enlargement after this straitness.” See “Maimon ben Joseph’s Letter of Consolation” in Franz Kobler, *A Treasury of Jewish Letters* v. I (Philadelphia, 1954), 168.

to and assimilated in the Talmud as a unit of study. Consequently, while several, practically complete commentaries on the Talmud were in existence by the end of the eleventh century, commentaries on the Mishnah were rare and fragmentary. In an effort to rehabilitate the Mishnah as a legitimate, self-sufficient unit of study, Maimonides intended his commentary to serve both as an *introduction* to the Talmud—this follows from the nature of the Mishnah—and as a review of the Talmud—this follows from the nature of his commentary which summarizes different interpretations and indicates the normative conclusions. He here combines minute textual study, even lexicographical annotation, with conceptual analysis, both of which are necessary for a comprehensive commentary. He often digresses in his commentary in order to elaborate a theological principle or elucidate a philosophic issue, for, as he confesses, “expounding a single principle of religion is dearer to me than anything else that I might teach.”

Similarly, he is already preoccupied here with a problem that was to engage him intermittently for the rest of his life and was also becoming a staple, central theme of Jewish intellectual history: the metaphorical interpretation of the aggadic, or non-legal sections of the Talmud. Apparently implausible passages of aggadic literature had to be made reasonable and meaningful. As a matter of fact, most medieval scholars were convinced that aggadah—in common with certain Biblical passages—could not and should not be taken literally, for it was initially intended to convey metaphysical insights and basic truths, which could be uncovered and identified only by judicious interpretation. Non-literal interpretations were indispensable companions to literal understanding; aggadic texts had an intrinsic multiplicity of meanings, and a simple literalism would not do them justice.

We should note, of course, that the process of interpreting or deriving insight *from* texts and the habit of reading *a priori*, firmly grasped doctrines *into* the texts have to be carefully and honestly balanced. In the history of textual interpretation, one is not always sure whether something is being cleverly inferred from a text or whether it is subtly read into the text. Both, to be sure, keep the text vibrant and relevant and provide continuity where discontinuity might have appeared. In any event, to borrow a phrase from Lovejoy, we might say that the problem of aggadic exegesis for Maimonides was “to disengage its serious philosophic content from the poetic imagery.” Maimonides informs us in the *Commentary on the Mishnah* that he was planning a special commentary which would classify, explain, and rationalize the aggadah. He later abandoned the idea of composing such a commentary and, he tells us, the *Guide of the Perplexed* which was devoted in great part to matters of exegesis and allegory was intended as partial replacement for this work. This statement raises the history of aggadah to a higher level than is usually accorded to it and also puts the *Guide* in a different perspective, suggesting that the *Guide* is part of the aggadic as well as of the philosophic tradition.

Embedded in this pioneering commentary on the Mishnah are a number of independent monographs which have their own focus and integrity and can be—indeed have

been—studied independently. First is the general introduction which may properly be described as the first comprehensive, sophisticated inquiry into the theoretical, historical, and doctrinal foundations of the Oral Law—the act of revelation and, particularly, the process of transmission and on-going interpretation. Maimonides emphasizes that the Oral Law is a completely rational enterprise, subject to its own canons of interpretation, and brooking no suprarational interference. It follows that even prophecy is of little relevance to the juridical process. Only the prophecy of Moshe was legislative—and, therefore, unique; all subsequent prophecy was exhortatory, based on moral persuasion, and could not create new laws (see also *Guide*, II, chapter. 39). A thousand prophets would not, therefore, outweigh a thousand and one jurists, for the juridical principle of majority rule, absolutely indifferent to claims of special inspiration or heavenly instruction, would prevail. The Torah “is not in heaven” (Devarim 30:12).

Maimonides here addresses himself, for systematic as well as, apparently, for polemical reasons, to a question which is at the very core of any authoritative system, be it law or philosophy: how is one to reconcile diversity of opinion with authority and certitude? How can divergent views—in which the Talmud abounds—crop up in a legal system which claims to derive from revelation and uninterrupted tradition? Maimonides’ answer introduces a sharp distinction between two components of the Oral Law: tradition, which is complete, absolute, and never subject to dispute; and the laws arrived at by accepted canons of interpretation.

The first group contains laws which have no foundation whatsoever in the Biblical text but are based solely on tradition—for example, the requirement that the *tefillin*, phylacteries, should be square and black. It also includes laws which are ascertainable by independent reasoning and which can be related to a Biblical text by careful exegesis but whose validity and authority are based on tradition, on direct, continuous practice—for example, the interpretation of “beautiful fruit” in Vayikra 23:40 as referring to the etrog, the citron, or the interpretation of “an eye for an eye” in Shemot 21:24 as meaning monetary compensation. Such laws have always been unequivocal and apodictic.

The second group, which accounts for the bulk of the Oral Law, is based on interpretation, inference, and analogy, on judicial review, and becomes part of authoritative tradition only after its conclusions have been agreed upon, after the norms have been established by majority decision or other principles of the juridical process. Only this area, which is in the hands of man, is subject to dispute and open to divergence; consensus of interpretation could not always be expected and was not necessary. The core of tradition thus remains free of controversy.⁷

⁷ The following accusation, found in the writing of a twelfth-century apostate from Judaism to Islam, shows how urgent was the need to deal with this problem:

Then it follows that in every single problem about which two of your legists disagreed, each will sustain his belief in the matter with a tradition going back to God. Thus, vileness pervades them to such a degree that they ascribe to God contradictory commands on any given problem.

The section of the Mishnah commentary concerned with the methodology of text interpretation and the explanation of the term “World to Come” also stands as an independent monograph. The chapter (*Perek Helek*) in the Talmudic tractate Sanhedrin beginning “All Israelites have a share in the World to Come ...” provides Maimonides with the pretext for a lengthy excursus on Jewish belief. After debunking crude, materialistic conceptions of the World to Come and identifying the religious concept of the World to Come with the philosophical notion of the immortality of the soul, Maimonides defines the term “Israelites” by formulating the famous thirteen principles or articles of faith which every Israelite is expected to endorse. The thirteen principles may conveniently be reduced to three basic categories: (1) God—His existence, unity, incorporeality, and eternity, and the prohibition of idolatry; (2) the Law—prophecy, uniqueness of Mosaic prophecy, divine origin of the Written and Oral Law, and the eternity and immutability of the Law; (3) beliefs relating to reward and punishment—God’s omniscience, divine compensation for good and evil, coming of the Messiah, and resurrection.

It seems most probable that this dogmatic structuring of Judaism was not undertaken in order to formulate a creed or catechism but was part of a philosophical-theological program which reflected Maimonides’ intellectualism. It said, in effect, that there is a minimum of theoretical insight and true conceptual knowledge which even an unsophisticated, philosophically-innocent believer must possess. The difference, consequently, between such a person and the philosopher would be in the mode of acquiring true beliefs: blind conformity and unquestioning acceptance versus intellectual perception and rational demonstration. Both, however, would have a common set of beliefs. This discussion, in turn, becomes the point of departure for *all* subsequent investigation of Jewish dogma (e.g., by R. Ḥasdai Crescas, R. Yosef Albo, and R. Yitzḥak Abravanel), and indeed for the very question of whether Judaism has dogma, whether it has a distinct creed or consists solely of deeds—a question which has been at the center of modern theologies and critiques of Judaism from Spinoza and Moses Mendelssohn on the one hand to Kant and Hegel on the other.

A third, self-contained unit of this commentary is the introduction to *Pirkei Avot* (Ethics of the Fathers), usually entitled *Eight Chapters*. This may be described as a psychological-ethical treatise; its basis is psychology while its goal is ethics. It contains the fullest presentation of Maimonides’ theory of the golden mean, which defines virtues as psychological dispositions between extremes of excess and deficiency. The “good deed is equibalanced, maintaining the mean between two bad extremes.” For example, generosity is seen as the median point between stinginess

See Samau’al Al-Maghribi, *Silencing the Jews*, ed. M. Perlmann (New York, 1964), p. 39. One of the ways by which R. Yehudah Halevi sought to weaken the authority of philosophy and tarnish its glory was by underscoring the dissension which characterizes its development, its conceptual infirmity and lack of certitude; see, e.g., *Kuzari*, V:14.

and extravagance; courage is the mean between recklessness and cowardice. The last chapter contains an unequivocal affirmation of human freedom and, concomitantly, the rejection of all views (e.g., astrology or divine predestination) which would undermine free will. Without freedom to choose and act there would be no ethics. As Maimonides says in the *Mishneh Torah*, freedom is the “pillar of the Law and the commandments” and “every human being may become righteous like Moshe our Teacher, or wicked like Yaravam, wise or foolish, merciful or cruel, niggardly or generous.” Man has the power and freedom to chart his own course.

Maimonides’ *Book of Commandments* belongs to a conventional genre of rabbinic literature, inaugurated in the eighth century, which was based on the Talmudic reference to 613 divine commandments. While there has been general agreement on the number of 613, there has been no agreement on which commandments deserve to be included in the enumeration. Dismissing his predecessors with a few lines of devastating critique, Maimonides suggests fourteen guiding principles which should help bring about a consensus. These principles contain provocative assumptions as well as profound insights. For example, Maimonides contended that laws derived from Scripture by use of the traditional means of exegesis are not to be included in the enumeration, for they are considered rabbinic rather than Biblical in origin. The ninth principle introduces an interesting classification of laws: (1) beliefs and opinions—e.g., to acknowledge the unity of God; (2) actions—e.g., to offer sacrifices; (3) virtues and traits of character—e.g., to love one’s neighbor; (4) speech—e.g., to pray. What is especially significant about this fourfold classification is its all-inclusiveness and its repudiation—intentional or incidental but clear and convincing—of a narrow “legalism” in the pejorative sense that is often attached to the term as a description of Judaism. This ambitious attempt to add rigor and objectivity to the enumeration by classifying Jewish law, defining the differences between Biblical and rabbinic commandments, differentiating between general exhortations and specific commands, is the novel and original part of the book. The enumeration itself was preparatory to his code and was designed to insure its comprehensiveness. He needed an exact, exhaustive list of commandments in order to guard against forgetfulness and omissions in his *Mishneh Torah*.

The *Mishneh Torah* was completed about 1178 after a decade of painstaking work. Its novelty and importance may best be understood by noting five features,⁸ to which Maimonides himself called attention in various places and which he considered as the distinctive characteristics of this work.⁹

⁸ The following is based upon a full analysis of the respective themes in my book, *Introduction to the Code of Maimonides* (Yale University Press, 1980).

⁹ Needless to say, Maimonides did not appear out of a whirlwind or in a vacuum. He is part of a sturdy succession of Talmudists (e.g., R. Yitzhak Alfasi, R. Yosef ibn Migas) who influenced him significantly, and yet much about his writing is new and we should be prepared to confront and recognize this novelty. The search for “influence” should not eclipse the possibility of originality.

1. Language. Maimonides chose the Hebrew of the Mishnah rather than the Hebrew of the Bible or the Aramaic of the Talmud. Biblical Hebrew was inadequate and Talmudic Aramaic was too difficult, and he wanted his work to be easily intelligible to as large an audience as possible. This meant, incidentally, that we find here substantial portions of the Talmud translated into a fluent, rather felicitous Hebrew. Maimonides took great pains with his style; his use of Hebrew and his development of a rich, flexible style that enabled him to write with precision, brevity, and elegance were exacting, novel undertakings, for we know from the plaintive testimony of such writers as R. Yehudah Halevi and R. Moshe ibn Ezra that contemporary Hebrew was in a sad state.
2. Arrangement and classification. Maimonides abandoned the sequence of the Mishnah and created a new topical-pedagogical arrangement—one that would not do violence to the subject matter and that would also be educationally sound. Classification is, of course, a prerequisite for codification and necessitates interpretation, sustained conceptualization, a large measure of abstraction, and a synoptic view of the entire body of material. Classification deals not only with clear, given data but with latent assumptions and relations that must be rationally perceived; for in order to group *a* and *b* together, their common denominator, which is not always explicit, must be established. Legal classification concerns itself not only with the sum total of individual laws but with the concept of law per se. John Gray quotes the saying “that he who could perfectly classify the law would have a perfect knowledge of the law.” There is neither antecedent nor sequel in rabbinic literature for such an ambitious attempt at classification. If, as Aristotle said, “it is the business of the wise man to order,” Maimonides displayed great wisdom in his ordering and structuring of halakhah.
3. Codificatory form. Maimonides chose to present the massive material in crisp, concise form, moving at a quick tempo, eliminating indeterminate debate and conflicting interpretations, and formulating as a rule unilateral, undocumented decisions. He emphasized that he wanted to write a code, not a commentary. The fact remains, however, that the *Mishneh Torah* is not a monolithic, cut and dried code in the conventional sense, but is in many respects a commentary cast in codificatory form, abounding in interpretations, bits of exegesis (Biblical, halakhic, and aggadic), historical surveys, explanations of tricky phrases and subtle concepts. It occasionally cites sources, mentions names of authorities, and describes personal views and practices. It not only summarizes normative patterns of behavior but expounds in capsule form the entire Law. It is a manual of study as well as a guide to practice.

4. Scope. One of the truly revolutionary aspects of the *Mishneh Torah* is its all-inclusive scope, obliterating accidental distinctions between the practical and the theoretical. Maimonides opposed the pervasive tendency, reflected in his own youthful commentaries, to study only those parts of the Talmud which were of practical value and immediate relevance. He insisted that the abstruse, “antiquated” sections of the Talmud—Zeraim and Kodashim—were not inferior to Moed and Nashim and should receive equal time and consideration. Maimonides knew that many of these treatises were “bristling with fundamental difficulties and even the greatest masters find it hard to comprehend them,” but this was no justification for continued neglect. Laws momentarily impracticable because of historical or geographical circumstances—e.g., laws concerning sacrifices or the Land of Israel—and laws relating to the messianic period should be studied and known, and were accordingly codified as precisely and minutely as laws of prayer, holiday observance, and marital relations. Maimonides aimed at comprehensiveness, at producing an all-embracing corpus of Jewish law so that “discerning students ... will have no need to roam and ramble about in other books in search of information.” His intention was to codify everything concerning “that which is forbidden or permitted, clean or unclean, and the other rules of the Torah,” but he also included statements “that have only an academic value”—such as rules governing the visibility of the new moon—“in order to make the Torah great and glorious” (Yeshayahu 42:21).
5. Fusion of halakhah and philosophy. As part of the overall unity of learning, Maimonides tried to bring about the unity of practice and concept, external observance and inner meaning, visible action and invisible experience, law and philosophy. This unification of the practical, theoretical, and theological components is actually underscored by Maimonides in a letter to a student in which he describes the twofold objective of the *Mishneh Torah*: to provide an authoritative compilation of laws and also of “true beliefs.” This aim is not confined to Book I, which briefly summarizes the metaphysical and ethical postulates of Judaism, talks about improvement of the moral qualities, and encourages learning and teaching, for “if knowledge is not achieved, no right action and no correct opinion can be achieved.” There are also pointed philosophic comments, rationalistic directives, ethical insights and theological principles incorporated into other parts of the *Mishneh Torah*. Maimonides’ systematization of the halakhah includes a good measure of ethicization, spiritualization, and rationalization. Ethical assumptions are spelled out and made explicit. Ideals concretized in a particular law are articulated. While not too many laws are actually rationalized, the mandate to engage in rationalization,

to penetrate to their essence and their real motive powers, “to meditate upon the laws of the Holy Torah and to comprehend their full meaning” is clearly issued in the *Mishneh Torah*. It takes within its purview, in other words, not only the laws but the theological stimuli and ethical underpinnings which suffuse the legal details with significance and spirituality. A law code which instructs as well as commands, it is an instrument of education and edification, for law itself is an educative force leading to ethical and intellectual perfection. Law must, therefore, be understood and appreciated as well as obeyed and implemented.

The *Guide of the Perplexed*, Maimonides’ philosophic testament par excellence, was composed (sometime between 1185 and 1190) for a special kind of reader, described by him as follows:

It is not the purpose of this treatise to make its totality understandable to the vulgar or to beginners in speculation, nor to teach those who have not engaged in any study other than the science of the Law—I mean the legalistic study of the Law. For the purpose of this treatise and of all those like it is the science of the Law in its true sense. Or rather its purpose is to give indications to a religious man for whom the validity of our Law has become established in his soul and has become actual in his belief—such a man being perfect in his religion and character, and having studied the sciences of the philosophers and come to know what they signify. The human intellect having drawn him on and led him to dwell within its province, he must have felt distressed by the externals of the Law and by the meanings of the above-mentioned equivocal, derivative, or amphibolous terms, as he continued to understand them by himself or was made to understand them by others. Hence he would remain in a state of perplexity and confusion as to whether he should follow his intellect, renounce what he knew concerning the terms in question, and consequently consider that he has renounced the foundations of the Law. Or he should hold fast to his understanding of these terms and not let himself be drawn on together with his intellect, rather turning his back on it and moving away from it, while at the same time perceiving that he had brought loss to himself and harm to his religion. He would be left with those imaginary beliefs to which he owes his fear and difficulty and would not cease to suffer from heartache and great perplexity.

Maimonides also indicates a second function:

... namely, the explanation of very obscure parables occurring in the books of the prophets, but not explicitly identified there as such. Hence

an ignorant or heedless individual might think that they possess only an external sense, but no internal one. However, even when one who truly possesses knowledge considers these parables and interprets them according to their external meaning, he too is overtaken by great perplexity. But if we explain these parables to him or if we draw his attention to their being parables, he will take the right road and be delivered from his perplexity. That is why I have called this treatise the *Guide of the Perplexed*.

The concern of the *Guide* is thus, on the face of it, hermeneutical, methodological, and interpretive; its raw material consists of knotty, often disconcerting passages from Biblical and rabbinic literature, aligned with concepts and images drawn from philosophic and scientific literature. In essence, however, the *Guide* covers a wide spectrum of staple philosophic problems such as the claims of reason versus revelation; the existence, unity, and incorporeality of God (i.e., the theory of attributes, the problem of anthropomorphism, cosmological and ontological proofs for the existence of God); the freedom of God's action; creation of the world; problems of physics; miracles and natural law; prophecy; evil; providence; the reasons for the commandments of the Torah and the insistence that divine commandments are not arbitrary. Maimonides' views on basic problems of religious philosophy are not very different from those of his predecessors (e.g., R. Saadiah Gaon or R. Bahya ibn Pakuda, R. Avraham ibn Ezra or R. Avraham ibn Da'ud) whom he sometimes criticizes or else simply ignores. All medieval religious philosophers shared basic principles, had common characteristics, and agreed on fundamental conceptions of metaphysics, physics, and ethics—in other words, God, the universe, and man. The main difference lies in his form of argumentation and methods of demonstration, in a more rigorously scientific approach based on what were considered to be unimpeachable Aristotelian doctrines. For he was convinced that “the works of Aristotle are the roots and foundations of all works on the sciences” and that “Aristotle's intellect represents the extreme of human intellect.”¹⁰ He would not, therefore, settle for a shoddy defense of, or rickety apology for, religion—and that explains why Maimonides, in common with Muslim philosophers such as Alfarabi (whose philosophical acumen Maimonides admired), mercilessly exposed the inadequacies and inconstancies of the Kalam, the system on which Muslim theology was erected. The Mutakallimun, practitioners of this unsound and unsatisfying philosophy, are repeatedly upbraided by Maimonides. He sought a candid confrontation with philosophy and an honest demonstration of the importance and supremacy of religious tradition. He addressed himself to the implicit antagonism between religion with its insistence upon the

¹⁰ Nevertheless, we should not forget that he was also a critic of Aristotle and revised many aspects of traditional Aristotelianism; see, for example, *Guide*, II, on creation. Medieval religious philosophy would be unintelligible without this flexibility and intellectual agility, the fusion of dependence and independence.

necessity and value of action, and philosophy with its insistence upon the excellence and superiority of contemplation—the “ultimate perfection” which consists only of rational opinions without “actions or moral qualities” (*Guide*, III, chapter 27). He was concerned with but not stymied by the difficulties involved in transferring philosophic concepts to religion or identifying religious notions with philosophic postulates. It is in this sense—and notwithstanding Maimonides’ recognition of the fallibility of reason as a guide to truth, of the necessary limitations of philosophy as a body of knowledge and the resultant need to criticize or revise certain philosophic conceptions in light of religious belief—that the *Guide* marks the peak of medieval Jewish rationalism.

Actually, Maimonides was caught on the horns of a painful dilemma. He was fully aware of the dangers, and indeed of the limitations, of philosophy, of the need for prudence and discretion in the dissemination of rationalistic views, of the fact that the philosopher would always be part of an intellectual elite far removed from—and often suspect by—the mass of simple believers. This accounts for the dialectic of the *Guide*, which aims to enlighten some people without disconcerting others. Maimonides warns the reader that the *Guide* contains premeditated, carefully wrought contradictions. In common with the Biblical allegories and aggadic parables, the *Guide* must manage to communicate with different people on different levels. But despite these difficulties,¹¹ he remained unswervingly committed to the supremacy of speculative theology, convinced that all people should pursue it “to the extent of their ability” and “according to the measure of their apprehension.” Any esotericist, convinced of the validity and usefulness of his doctrine, eventually has to evangelize his cause and face the dangers of popularization. Maimonides emphasized his attitude with the following homiletical flourish:

One of the parables generally known in our community is that comparing knowledge to water. Now the sages, peace be on them, explained several notions by means of this parable; one of them being that he who knows how to swim brings up pearls from the bottom of the sea, whereas he who does not know, drowns. For this reason, no one should expose himself to the risks of swimming unless he has been trained in learning to swim (*Guide*, I, chapter 34).

Like swimming in deep water, the pursuit of philosophic knowledge demands multiple skills, patient preparation, and extraordinary tenacity. The training is long and

¹¹ This dialectic and these difficulties continue to befuddle and divide students of the *Guide* concerning Maimonides’ true intention and actual religious stance. There is little agreement among scholars in this area. Professor Leo Strauss has repeatedly focused attention on the esoteric, allusive, heterodox, and contradictory in the writings of Maimonides. See my review of his position in Chapter 5, below.

hard but indispensable if one is to achieve the goal and enter the palace (see *Guide*, III, chapter 51).

Maimonides' philosophic posture may thus be seen as reflecting his innate conviction that "it is through wisdom, in an unrestricted sense, that the rational matter that we receive from the Law through tradition, is demonstrated" (*Guide*, III, chapter 54), and this real wisdom is the goal toward which every person must strive. "The opinions [of the Torah] should first be known as being received through tradition, then they should be demonstrated." Belief is not just assent to a body of truth, but "belief is the affirmation that what has been represented is outside the mind just as it has been represented in the mind" (*Guide*, I, chapter 50).

It is important that his intellectual position, however, which may be presented as typically rationalist, should be seen also from the historical perspective. It arose from a specific milieu and was an answer to the perplexity of the times. Maimonides must be seen against the background of Muslim philosophers (from Alfarabi and Avicenna to Averroes) who either provided his immediate sources or determined the general climate of philosophic opinion and its characteristic tendencies. Philosophy was widespread, and rationalism was a common modality of thought, almost a way of life. Left alone, unharnessed and untrammelled, it could destroy positive religion and produce skepticism, agnosticism, and relativism. Heresy and antinomism became real dangers. Muslim theologians were agonizing over this problem and Christian scholastics would soon have their prolonged confrontation with it.

The beliefs of Judaism had to be expounded systematically and with sophistication while the practices of Judaism had to be endowed with rationality and significance. R. Bahya ibn Pakuda, anticipating Maimonides' very phraseology, submitted that his *Hovot Halevavot* (*Duties of the Heart*) was designed "to show the way to the perplexed." R. Saadiah Gaon's description of the circumstances that motivated the composition of his *Emunot Vede'ot* (*Beliefs and Opinions*), although written in Baghdad, is also pertinent: "I saw men sunk, as it were, in a sea of doubt and overwhelmed by the waves of confusion and there was no diver to bring them up from the depths and no swimmer to come to their rescue." Maimonides' summation and evaluation of R. Saadiah Gaon's activities (in the *Epistle to Yemen*) is noteworthy: "For the Jews of his time were perplexed and misguided. The divine religion might well nigh have disappeared had he not encouraged the pusillanimous and diffused, disseminated, and propagated by word of mouth and pen a knowledge of its underlying principles. He believed, in all earnestness ... that he would inspire the masses with hope for the truth." One is tempted to discern autobiographical allusions in this panegyric; the paragraph might well have been written with regard to Maimonides' own activities.

We should add that this projection of Maimonides against the backdrop of twelfth-century science and rationalism is not merely a result of our modern historical sense. Maimonides was sensitive to the challenges and complexities of his time, was aware of the essential universality of philosophy, and stressed the need to present Judaism within such a general framework. There is, in other words, a conscious sense

of “outer-directedness” in his philosophizing, an awareness of the profile of the Jews “in the eyes of the nations” and a need to project continuously the image of a “wise and understanding people” (Devarim 4:7). Literalism and unphilosophical thinking will only result in the other peoples saying that “this little people is foolish and ignoble.”

Although religious rationalism did not begin with Maimonides, it came to be totally identified with him. Protagonists and antagonists would draw the lines of their positions in relation to Maimonides. To a great extent, subsequent Jewish intellectual history may be seen as a debate concerning the wisdom and effectiveness of the Maimonidean position. Adherents of philosophy unequivocally asserted the primacy of the intellectual experience and cognitive attainment in Judaism and, consequently, the indispensability of philosophy. Philosophic knowledge as a duty was the nuclear notion of their program. Man is duty bound to realize his intellectual potential, for “his ultimate perfection is to become rational in actu, I mean to have an intellect in actu; this would consist in his knowing everything concerning all the beings that it is within the capacity of man to know in accordance with his ultimate perfection” (*Guide*, III, chapter 27).

There is, furthermore, a religious dimension to intellectual attainment. There is a religious obligation to apply one’s intellect to the study of the world. “It is known and certain that the love of God does not become closely knit in a man’s heart till he is continuously and thoroughly possessed by it and gives up everything else in the world for it; as God commanded us, ‘with all your heart and with all your soul’ (Devarim 6:5). One only loves God with the knowledge with which one knows Him; according to the knowledge will be the love. If the former be little or much, so will the latter be little or much. A person ought therefore to devote himself to the understanding and comprehension of those sciences and studies which will inform him concerning his Master, as far as it lies in human faculties to understand and comprehend” (*Mishneh Torah*, Book I, *Hilkhot Teshuvah*, chapter 10). The protagonists of philosophy did not conceal the fact that they found perfunctory piety or unexamined traditionalism uncongenial and that routine Talmudism divorced from spiritual animation was not at the top of their scale of values. A prominent component of the philosophic apologia is also the desire to show the world (i.e., fellow intellectuals) that Judaism has not forfeited its claim to, or skill in, philosophy and science. In common with their first-century coreligionists of Alexandria, they were deeply conscious, in H. A. Wolfson’s words, of “the social significance of the philosophical interpretation of Scripture either as a means of satisfying the inquiring minds among the Jews or as a means of defending Judaism against the attacks” of antagonistic non-Jews. In their view, it was one of the lasting achievements of Maimonides that he helped restore luster and dignity to Judaism by commanding the respectful attention of Christians and Muslims.

Opponents of philosophy vigorously condemn the development of rationalism and its detrimental consequences, are hostile to studies tainted by foreign origin and philosophical associations, and view the indiscriminate spread of allegorism as potentially disruptive of the Jewish tradition. The rationalization of the commandments and the reduction of the law, in some cases, to pragmatic-utilitarian categories

were considered to be the prelude to antinomism, and contempt for traditional Jewish practices. They feared the victory of the “God of Aristotle” (as defined by R. Yehudah Halevi) who is removed from and unconcerned with human affairs, who is not accessible in prayer, who would not and could not intervene miraculously in the natural course of events. In short, the reasons for opposition to philosophy and religious rationalization as articulated in the introduction to the *Emunot Vede’ot* remained valid: “there are people who disapprove of such an occupation, being of the opinion that speculation leads to unbelief and is conducive to heresy.” Maimonides also reproduces the view of those who contended that philosophic inquiry “undermines the foundations of law” (*Guide*, I, chapter 33). Some—R. Hasdai Crescas in the fourteenth century is a good example—simply wanted to disentangle religion from philosophy, to extricate faith from the clutch of reason, and establish the complete independence of religion, even when philosophy purported to be in agreement with it. Religion should not be dependent on or subservient to anything.

The whole debate revolved around Maimonides—and, in many ways, still does. For Maimonides represents a type of mentality and suggests a direction of thought concerning which neutrality is impossible. In the final analysis, two conflicting ideal types were juxtaposed: a traditional puritanism which is distrustful of secular culture and insists on the absolute opposition between divine wisdom and human wisdom; and religious rationalism which is convinced of the interrelatedness and complementarity—indeed the essential identity—of divine and human wisdom, of religion and culture, and strives doggedly for their integration.¹²

Maimonides’ literary career was concluded with the composition of some ten medical treatises. These have been summarily characterized by Dr. M. Meyerhof as varied and useful monographs on individual diseases and drugs, based to a large extent on Arabic medical literature. While hardly pioneering in the field, his medical texts illustrate his vast erudition and the high ethical standards he brought in his approach to medicine.

A synoptic view of Maimonides’ work attests to its remarkable unity and systematic progression. In spite of changes, evolution of thought, allusive presentation of certain ideas, and outright contradictions, his work adds up to a judicious interpretation and systematic presentation of Jewish belief and practice. As it moves from one literary form to another, from textual explication to independent exposition, and from one level of exposition to another, one would think he had had a master plan from the very beginning to achieve his overarching objective: to bring law and philosophy—two apparently incongruous attitudes of mind, two jealous rivals—into fruitful harmony. We see him consistently espousing a sensitized view of religion and morality, demanding a full and uncompromising but inspired and sensitive observance of the law, openly disdaining the perfunctory, vulgar view of the masses, searching for the

¹² See, for example, H. A. Wolfson, *Philo* (Cambridge, 1962), 21ff, 64. *The Philosophy of the Church Fathers* (Cambridge, 1964), 7ff; also C. Dawson, *Religion and Culture* (New York, 1958), 175.

ultimate religious significance of every human action, and urging a commitment to and quest for wisdom and perfection. He wanted to unify mood and medium, to integrate the thought of eternity with the life of temporality, to combine religious tradition with philosophical doctrine. He knew that this could not be done easily or indiscriminately but he was convinced that the very attempt, though fraught with danger, was indispensable for true religious perfection. It may be said that Maimonides allowed religious rationalization, which had led a sort of subliminal existence in earlier rabbinic writing, to claim and obtain legitimacy and dignity.

Such an integrative view of Maimonides has significant repercussions for the study of his writings and warns against the widespread, misleading tendency on the part of students to fragmentize Maimonides' works. Throughout the ages, scholars have often set up a dichotomy between Maimonidean law and Maimonidean philosophy, or have even isolated different components of his legal legacy (i.e., have studied the code without the commentary or responsa). This failure to see and study Maimonides in his totality has often obscured the historical vision, blurred the real forms of his intellectual achievement, and erased his individuality.

There are, moreover, certain preeminent traits which are common to all of Maimonides' writings and these should be boldly underscored. Maimonides never tired of emphasizing that he wrote with great care and precision, that his ideas were rigorously reasoned, his balanced sentences were meticulously formulated, and the sections of his various writings were thoughtfully organized. He disclaimed anything haphazard or incidental, writing only "after reflection and deliberation and careful examination of true opinions as well as untrue ones." Concerning the *Guide* he said: "The diction of this treatise has not been chosen at haphazard, but with great exactness and exceeding precision, and with care to avoid failing to explain any obscure point." His rigorous attitude in general was described in the *Epistle on Conversion*: "It is not proper to speak publicly unless one has rehearsed what he wants to say many times and studied it well. This is how the rabbis interpreted the verse in Iyov 28:27–28. 'Then did He see it and declare it; He established it and searched it out.' And only after this punctilious preparation did He speak: 'and He said to man.'"

The compliment which the French encyclopedist Diderot paid to the German philosopher Leibniz is applicable to Maimonides: "He combined two great qualities which are almost incompatible with another—the spirit of discovery and that of method." His writings are marked not only by ordered intelligibility and terse summation but also by creativity and originality. Sometimes he himself called attention to the "spirit of discovery" which permeated his work, as when he declared the *Mishneh Torah* to be a work of unprecedented scope and arrangement, for not since R. Yehudah the Prince redacted the Mishnah had anyone undertaken to rework and reformulate the entire halakhah. In the introduction to the *Guide* he claims to write about topics "which have not been treated by any of our scholars ... since the times of our captivity." He did not engage in popularization in any conventional sense; he was a molder and architect of ideas.

Another outstanding feature of Maimonides was his intellectual honesty and courage, unintimidated by pressure, dissatisfaction, or potential censure. In his *Commentary on the Mishnah* he addressed himself to a certain problem even though he knew that his views would be uncongenial to most—or even all—of the great scholars; he proceeded “oblivious of predecessors or contemporaries.” Elsewhere in that work he repudiates the method of R. Saadiah Gaon who used obviously fallacious arguments, which he himself did not accept, just for the purpose of vanquishing his opponents. In the *Eight Chapters* he asserts: “Let what others have said be compared with our opinion, and the truth will surely prevail.” He was sensitive to the fact that his innovating code of law would give rise to abundant and vehement criticism—he even listed the kinds of critics that would rise against him—but this awareness did not deflect him from his course. Concerning the *Guide*, Maimonides says:

I am the man who when the concern pressed him and his way was straitened and he could find no other device by which to teach a demonstrated truth other than by giving satisfaction to a single virtuous man while displeasing ten thousand ignoramuses—I am he who prefers to address that single man by himself, and I do not heed the blame of those many creatures.

Maimonides also felt the need to resist the tyranny of the published word. Most readers tend to dismiss something as obviously erroneous if it contradicts an earlier book; even scholars do not always examine a work critically in an effort to establish its intrinsic worth and plausibility but merely compare it with older books. Maimonides opposed the pervasive mood of intellectual conservatism which accepts anything published as authoritative, anything old and familiar as correct, and anything novel as suspect. Independent judgment and honest criticism must play an important role. In the *Letter on Astrology*, Maimonides exclaims:

The great sickness and the grievous evil consist in this: that all the things that man finds written in books, he presumes to think of as true—and all the more so if the books are old.

A special aspect of this radical honesty and courage is his determination to “accept the truth from whatever source it proceeds.” In other words, non-Jewish sources are equally relevant and valid. This inflexible determination is formulated early in the *Eight Chapters*:

I have gleaned [the ideas] from the words of the wise occurring in the Midrashim, in the Talmud, and in other of their works as well as from the words of the philosophers, ancient and recent, and also from the works of various authors, as one should accept the truth from whatever source it proceeds.

It is repeated emphatically in the *Mishneh Torah*, where Maimonides extols the wise men of Greece and insists upon the indispensability of their scientific writings:

... all this is part of the science of astronomy and mathematics, about which many books have been composed by Greek sages—books that are still available to the scholars of our time. But the books which had been composed by the sages of Israel, of the tribe of Yissakhar, who lived in the time of the Prophets, have not come down to us. But since all these rules have been established by sound and clear proofs, free from any flaw and irrefutable, we need not be concerned about the identity of their authors, whether they were Hebrew prophets or Gentile sages. For when we have to do with rules and propositions which have been demonstrated by good reasons and have been verified to be true by sound and flawless proofs, we rely upon the author who has discovered them or has transmitted them, only because of his demonstrated proofs and verified reasoning.

The importance of this principle for his philosophical and medical works is quite transparent.

While much of his writing has—or has been invested with—the quality of timelessness, Maimonides did not write in an historical vacuum, and it would be wrong to uproot him from his moorings in time and place. Explicitly and implicitly he addressed himself to the socio-political realities, spiritual problems, and intellectual challenges of his generation. To be sure, he left his imprint on his age and on future ages, but his age left its imprint on him as well. We may, in other words, learn a great deal from his writings about the intellectual and religious confrontations of his period: about the decline and fall of the Gaonate, the nature and seriousness of the Karaite attack on rabbinic tradition, the divisiveness within the Jewish community, the demands and problems of contemporary rationalism, the posture of Judaism vis à vis Christianity and Islam, the history—accomplishments and lacunae—of rabbinic and philosophic literature, the prevalent forms and methods of Biblical and Talmudic study, the varieties of Jewish and non-Jewish intellectual and religious experience.

A strong pedagogic sense, finally, motivates his writing. Starting with his youthful works on logic and astronomy, he shows himself eager to teach, to transmit knowledge, and to guide his readers. Failure to share one's knowledge with others would be tantamount to "robbing one who deserves the truth of the truth, or begrudging an heir his inheritance" (*Guide*, III, introduction). His own words in the *Guide of the Perplexed* (II, chapter 37) best express this: "A man endowed with knowledge does not set anything down for himself in order to teach himself what he already knows. But the nature of that intellect is such that it always overflows and is transmitted from one who receives that overflow to another one who receives it after him. ..."

2

Why Did Maimonides Write the *Mishneh Torah*?*

What goals did Maimonides set for himself in undertaking his massive codification of Jewish law? What were the original, innovative features that loomed large in Maimonides' own perception of the *Mishneh Torah*? At first glance, the answer appears to be obvious and readily forthcoming, for Maimonides addressed himself to this subject and elaborated his views concerning the objective and function of the *Mishneh Torah* in a number of different places. Some of the statements concerning the *Mishneh Torah* were formulated programmatically—as guidelines projected in introductions to his books—while others were written apologetically, in reaction to queries and inquiries, whether sympathetic or critical. The following are the principal relevant sources: the introduction to *Sefer Hamitzvot*;¹ the introduction to the *Mishneh Torah*;² the letter to R. Pinḥas ben Meshulam, the strong-minded *dayan* of Alexandria;³ the letter to R. Yonatan Hakohen, the leading spokesman of the sages

* English translation by the late Israel Abrahams

¹ *Sefer Hamitzvot*, ed. M. Block (Paris, 1888), 1–4; ed. H. Heller (Jerusalem, 1946), 1–2.

² *Mishneh Torah (Code)*, ed. S. Lieberman (Jerusalem, 1964), 13–14.

³ In *Kovetz Teshuvot Harambam (Collection of Maimonides' Responsa)*, ed. A. Lichtenberg, I (Leipzig, 1859), no. 140, p. 25:

Now I have expressly stated at the beginning of my book, which I composed only on account of the impatience of those who cannot understand the Talmud thoroughly and cannot learn from it to determine what is forbidden and what is permitted ... Before me already there were *Geonim* and great scholars who composed works and decided halakhot in Hebrew and in Arabic on given subjects. But I had no predecessors who decided halakhot throughout the Talmud and in all laws of the Torah, after our holy master [R. Yehudah, the Patriarch] and his holy company ... And my endeavor and purpose was that each halakhah should be cited anonymously, that is to say, the words of an individual should not be cited in his name lest it result in a calamity like that brought about by the sectarians who rejected the entire Oral Law ... Only a great sage like you can realize the toil that has been put into this work. But other scholars will imagine that it follows the order of the Talmud, only removing the questions and answers. I swear, however, that it contains a number of chapters that include decided halakhot culled from a dozen or more places from the Babylonian and Palestinian Talmuds and from the *baraitot*, and that I do not follow the order of the Talmud or the order of the Mishnah, but every subject comprises all the laws stated with regard to it wherever they might be, so that the halakhot of that subject should not be scattered and divided among the various passages. This was my ultimate purpose in this work, for it is beyond all human capacity

of Lunel;⁴ the letter to R. Yosef ben Yehudah, the faithful disciple of Maimonides;⁵ *Ma'amar Tehiyat Hametim*;⁶ the Maimonidean statements, cited verbatim or in

to remember the whole of the Babylonian and Palestinian Talmuds and the *baraitot*—all three—which form the main source of the laws.

On R. Pinḥas the *dayan*, see M. Lutsky, *Hatekufah*, XXX-XXXI (1946), 689ff.; *Teshuvot Harambam* (*Maimonides' Responsa*), ed. Blau, III (Jerusalem, 1961), Index, p. 217. It seems that Maimonides' attitude toward him was a mixture of respect and fear.

⁴ In *Teshuvot Harambam*, ed. Blau, III, 52:

And how much I toiled day and night, for some ten years continuously, in the compilation of this work. Great men like you will understand what I have accomplished, for I have brought together (קרבתי) [*var. lec.*: קבצתי, "I have gathered together"] matters that were scattered and separated among hills and valleys. I have culled [literally: called] them 'one from a city and two from a clan.' Errors are inevitable, and all suffer from forgetfulness, especially old people. My intention in writing this work was only to clear the way and to remove obstacles from the path of students, that they might not become discouraged by the overabundance of discussion and make mistakes in deciding the halakhah.

The first letter from the scholars of Lunel to which Maimonides replied has been published by A. Kupfer, *Tarbiz*, XXXIX (1970), p. 178; see also *ibid.*, p. 170. On the order of the letters see S. M. Stern, "Halifat Hamikhtavim bein Harambam veḥakhmei Provencia," *Zion*, XVI (1951), 18–29.

⁵ In *Iggerot Harambam* (*Maimonides' Letters*), ed. D. Z. H. Baneth (Jerusalem, 1946), 50. The statement is cited below, Section III.

⁶ "Ma'amar Tehiyat Hametim," *Proceedings of the American Academy for Jewish Research*, IX, ed. J. Finkel (New York, 1940), 2–4:

The fact is that when we girded our loins to compose books in the study of the Torah and the elucidation of its laws, we intended thereby to fulfill the will of God, blessed be He, not to receive recompense or honor from men, but to smooth the path and to interpret and to elucidate, as we thought necessary, for those who could not understand the words of the Torah scholars, of blessed memory, who preceded us. It seems to us that we helped to explain and simplify abstruse and profound themes, and we collected and compiled scattered and separated subjects, and we knew that at any rate we were earning dividends. For if the matter was as we thought it to be, then by simplifying and explicating and compiling—something that none of our predecessors had ever done—we have already been of benefit to people and earned divine recompense. But if it proves otherwise and we have not succeeded in clarifying or simplifying the subject to any greater extent than our predecessors in their works, then we have at least earned reward from God alone. And when we launched our project, we saw that it would be wrong to aim at our goal, namely the interpretation and elucidation of the sections of the Law, and at the same time neglect its foundations, leaving them unexplained and their truth obscure ... We saw that it would be necessary for us to explain Torah principles in our talmudic works in the form of narration rather than demonstration. Thus, we outlined at the beginning of our commentary on the Mishnah essential criteria for believing in prophecy and the fundamentals of traditional transmission ... We did the same also in our great work called *Mishneh Torah*, whose true worth will be recognized only by those men of religion and erudition who acknowledge the truth and have good minds and who understand how the work was composed and know how scattered were these laws that we have collected and how we arranged them in order.

various degrees of paraphrase, contained in the anonymous defense of Maimonides' code, emanating from the school of R. Avraham Maimonides.⁷ Obviously, many more brief remarks and fragmentary observations concerning the *Mishneh Torah* are strewn throughout the corpus of Maimonidean writing; collectively they too provide much light on the subject at hand—Maimonides' motives and intentions in writing the *Mishneh Torah*—from many different points of view.⁸

We are confronted here with a phenomenon which is rather unique in the annals of medieval literary creativity and therefore merits particular attention. An important author who is remarkably open, revelatory and self-conscious distinctly articulates his motives, unequivocally reveals his aims, repeatedly defends his views both explicitly and implicitly, and time and again seems to unravel the latent processes of his reasoning.⁹ It might have been expected in light of this abundance of explication and introspection that Maimonides' intentions would not elude his readers and that students of the *Mishneh Torah* would, before flying off with their own conjectures, concentrate on analysing the author's pronouncements and critically relating them to his actual performance.

We have also stated therein all the religious and juridical principles, and we have intended thereby that those who are called disciples of the sages [i.e., scholars] or *Geonim* or whatever you wish to call them should build their branches [i.e., details of the laws] on juridical roots; that their Torah knowledge should be ordered in their minds and their learning should be properly grounded; that all this should be built on religious principles, and that they should not cast the knowledge of God behind them, but should direct their utmost efforts and zeal to that which will bring them perfection and enable them to draw nearer to their Creator—not to the things that the masses deem to be perfection.

To this should be added what is stated *ibid.*, pp. 24–26:

All our works are concise and to the point. We have no intention of writing bulky books nor of spending time on that which is useless. Hence, when we explain anything we explain only what is necessary and only in the measure required to understand it, and whatever we write is in summary form ... You, my readers, already know that we always tend to omit disputes and debates. If we could possibly summarize the entire Talmud in a single chapter we should not do so in two ...

On Teicher's doubts regarding the authenticity of the last two sources, see his articles, *Melilah*, I (1944), 81–92; *Journal of Jewish Studies*, I (1948), 35–54; and the excellent reply of I. Sonne, *Proceedings of the American Academy for Jewish Research*, XXI (1952), 101–117.

⁷ A. S. Halkin, *Tarbiz*, XXV (1957), 413–428.

⁸ See, for example, *Teshuvot Harambam*, ed. Blau, III, Index; *Kovetz Teshuvot Harambam* (above, n. 3), I, p. 4; II, p. 16; see also *Moreh Nevukhim*, Introduction.

⁹ In the letter to R. Pinḥas: “And this was my ultimate aim”; in the letter to R. Yonatan: “My intention in this work was only”; in the letter to R. Yosef ben Yehudah: “The purpose for which I composed it”; in *Ma'amar Teḥiyat Hametim*: “When we girded our loins to compose books in the study of the Torah.”

This has not been the case, however. Many scholars, including medieval commentators and critics, whose views always merit special treatment,¹⁰ have preferred to offer divergent accounts of the work's genesis and aims, imputing to Maimonides novel motives and purposes concerning which he himself is, at the very least, silent.

Some scholars have posited a socio-political motive for the composition of the *Mishneh Torah*. They see it as Maimonides' attempt to subvert the dominant rabbinic oligarchy, to undermine the influence of an insensitive, seemingly entrenched, religious establishment which lorded it over its charges. The popularization of halakhah through the *Mishneh Torah*, the conversion of Jewish law from an esoteric to an esoteric discipline, would threaten the exclusive authority of the rabbinic leadership class. Its judicial role would be usurped by increasingly learned members of other classes, and the hierarchical structure of the community, which had come under attack for various reasons, would collapse.¹¹ Indeed, from the testimony of R. Sheshet Hanasi of Saragossa we learn:

Before the *Mishneh Torah* reached [the lands of] Castile, study of Jewish law, especially of the Talmud, was beyond the grasp of Castilian Jews, for 'wisdom is too lofty for the ignoramus' (Mishlei 24:7). The local judge had exclusive jurisdiction: he would rule as he pleased, unchallenged, for no one else knew the twists and turns of the law, and all were therefore dependent on him. But when they beheld the fourteen books of the *Mishneh Torah*, and all who knew Hebrew studied them ... their eyes opened up ... and today there are many who understood their words, so that when they hear claims of the litigants and the decision of the judge, they proceed to investigate them themselves.¹²

¹⁰ I have dealt with R. Yosef Ashkenazi and Maimonides' *Mishneh Torah* in Chapter 4, below. A careful survey of the views of Jewish scholars in various generations will illumine important chapters in the history of Jewish culture.

¹¹ See, for example, J. D. Silver, *Maimonidean Criticism and the Maimonidean Controversy* (Leiden, 1965), 24. Silver follows in the footsteps of S. Zeitlin, *Religious and Secular Leadership* (Philadelphia, 1943), 46. See also B. Dinur, *Yisrael Bagolah* Vol. II, Book 4 (Jerusalem, 1969), 5.

¹² The letter of R. Sheshet Hanasi was published by A. Marx, *Jewish Quarterly Review*, XXV (1934/5), 406–428. The paragraph cited above is found on p. 427. The observations of R. Sheshet agree with the testimony of the Sephardi author of the thirteenth century, R. Yonah ibn Bahalul, the author of *Sefer Minhag Kenaot*; see on him N. Wieder, "Sifro Hanisraf shel Yehudah ibn Shabbetai," *Metzudah*, II (1944), 124. In connection with his thesis on R. Meir Halevi Abulafia, my student Bernard Septimus examined the photostat of the manuscript of *Sefer Minhag Kenaot* and informed me that the Preface described the deterioration in Torah study in Spain and the great influence exerted by the *Mishneh Torah*. We find that while Maimonides' work succeeded in exciting the interest of prominent scholars in Provence and in involving them in profound halakhic debate (see my article

Mishneh Torah became a readily accessible key to Jewish law, which exposed its contents to broad daylight.¹³ It is of course well known that Maimonides deprecated public leadership based on “high office, noble descent, honorific titles and other inanities,” i.e., leadership resting on external forms, ceremonial pomp and empty rhetoric.¹⁴

Others toyed with the view, found already in the well-known animadversion of R. Avraham ben David of Posquières (Ravad) and in the charges made by R. Pinḥas the *dayan*¹⁵ that Maimonides’ aim was to replace the Talmud and to eliminate the prerogative of rabbinical scholars in interpreting and determining the validity of the halakhot, with the result that a state of rigidity and petrification would ensue. Maimonides sought to silence all disputes and to eliminate differences of opinion by bringing all Israel under the yoke of a uniform interpretation.¹⁶ “He dared to fix the living version of the Oral Law.”¹⁷ Those who are inclined to accept such interpretations of the purpose of the *Mishneh Torah* would be able to cite in support of their view the prevailing rule in historical writings that a code generally tends to restrict

“The Beginnings of *Mishneh Torah* Criticism,” Chapter 3, below), in Spain it served at first merely as an efficient educational instrument that helped to raise the standard of knowledge among students of various kinds.

¹³ In the words of R. Meir of Rothenburg: “When the book of our master Moshe ben Maimon, of blessed memory, came into my possession ... I said in my heart, I shall enquire of the *Urim* and *Tummim* and according to whatsoever he showed me I shall honor thee” (*Responsa of R. Meir of Rothenburg* [Lemberg, 1860], no. 426); in the words of R. Aharon ben Meshulam: “For this book is very wonderful in our eyes, so that we say, when something is too hard for us, ‘Bring hither the *efod*’” (*Kitab al-Ras’ayl* by R. Meir Halevi [Paris, 1871], p. 38); in the words of R. Yehudah Alḥarizi: “He summarized the halakhah and all branches of Torah knowledge ... and he smoothed out their difficulties and revealed all their mysteries, until the branches of halakhic knowledge and the principles of the Torah came to be known by heart and became easy and clear to those who studied them ... and those who have intelligence and delve into them will have no need of a teacher ... and by his books the ignorant become scholars, and fools, wise”; see S. M. Stern, *Hagut Ivrit Be’eiropa* (Tel Aviv, 1969), 102.

¹⁴ Letter to R. Yosef ben Yehudah, in *Iggerot Harambam*, 54; *Perush Hamishnah* (*Commentary on the Mishnah*), Bekhorot 4:4. See H. H. Ben-Sasson, *Ha’ishiyut Vedorah* (Jerusalem, 1964), 93–106; S. Assaf, *Be’ohlei Yaakov* (Jerusalem, 1943), 91.

¹⁵ The critical comment of Ravad at the end of Maimonides’ Introduction to the *Mishneh Torah*:

He intended to improve, but did not improve, for he forsook the way of all the authors that were before him, for they adduced proof for their statements and cited the names of those who had said them, and there was great value in this. For often a *dayan* will think of prohibiting or permitting something, his proof deriving from a certain source, but if he knew that a greater authority than he took a different view, he would retract. But now I do not know why I should abandon my tradition and proof because of the work of this author ...

Kovetz Teshuvot Harambam, no. 140: “... We also find the following version: ‘Your Honor must instruct the world not to neglect the study of the Gemara’. ...”

¹⁶ S. D. Luzzatto, *Otzar Nehmad*, IV (1864), 116; see also *Kerem Hemed*, III (1838), 66–67.

¹⁷ Y. Baer, *History of the Jews in Christian Spain* (Philadelphia, 1965), 96.

juridical arbitrariness, to limit the freedom and independence of the scholar in interpreting the legal tradition and to fetter the authorities and judges.¹⁸ They could also quote Maimonides' own words: "And that they should not lack any of the ways of the Torah, nor should they go about searching for the Torah in other books. Inquire of the Book of the Lord and read—not one of them is missing" (*Hilkhot Kiddush Hahodesh*, 19:16).

Still other scholars seek to propound a politico-eschatological theory, namely that the *Mishneh Torah* was intended to serve as the constitution of the future Kingdom of Israel in the days of the Messiah, an era for which Maimonides yearned.¹⁹ Only in the light of this driving assumption and expectation, they contend, is it possible to understand Maimonides' fundamental concern with "Messianic laws" and his profound and unprecedented preoccupation with difficult themes relating to the laws of agriculture, sacrifices and levitical purity. For these are "matters that do not obtain today" and the general public asks "What have we to do with these precepts."²⁰ Even great scholars did not study them. Only an ardent eschatological motive could have impelled Maimonides to launch an assault against the fragmentation and fractionalization which characterized the study of the halakhah. It has even been suggested that the very name *Mishneh Torah* may be best understood in light of this Messianic aim²¹ and this call to comprehensive study.

¹⁸ See F. E. Adcock, 'Literary Tradition and Early Greek Code-Makers,' *Cambridge Historical Journal*, II (1927), 96. On the attitude of Maimonides to the Talmud, which was taut and tense and apparently contradictory, see my article "Some Non-Halakhic Aspects of the Mishneh Torah," Chapter 8, below. But without doubt Maimonides did not negate the vital function of the judge, whose duty it was "to think the matter over" and to decide. See, for example, *Hilkhot Gerushin* 2:6; *Hilkhot Edut* 9:9; *Hilkhot Sanhedrin* 24:1; et al. After my lecture, the rabbinic scholar A. S. Havlin graciously sent me his article from *Hama'ayan*, V (1965), 41–59. The upshot of his argument is that Maimonides actually regarded his work as an independent surrogate for the Talmud. See my aforementioned article, section IV.

¹⁹ See, for example, S. Zeitlin, *Maimonides—A Biography* (New York, 1955), 83; C. Tchernowitz, *Toledot Haposekim* I (New York, 1946), 249–250; also, A. J. Heschel, *Jubilee Volume in Honor of Louis Ginzberg* (New York, 1950), 180ff. Cf. also E. Ashtor-Strauss, "Saladin and the Jews," *Hebrew Union College Annual*, XXVII (1956), 320; H. Davidson, "Maimonides' Shemonah Perakim and Alfarabi's Fusul Al-Madani," *Proceedings of the American Academy for Jewish Research*, XXXI (1963), 49; B. Dinur (above, n. 11), 7.

²⁰ See R. Moshe of Coucy, *Sefer Mitzvot Gadol*, Introduction, *lavin*. Cf. R. Yosef ben R. Todros Halevi, *Yeshurun*, VIII (1872), 23: "... Also in respect to the laws of holy things and of purity the words of the Lord are pure words, for they are laws for Messianic times. He opened his book wide; he was not repelled by details, which were no burden to him."

²¹ See L. Strauss (ed.), "Literary Character of the Guide of the Perplexed," *Essays on Maimonides* (New York, 1941), 82. Strauss seeks to substantiate his exposition in reference to R. Avraham bar Hiyya, *Hegyon Hanefesh*, p. 38a, but in my humble opinion no such corroboration is forthcoming. The Hasidic tradition even goes so far as to state that "Maimonides gave a fixed form to the halakhah

Many scholars have regarded the *Mishneh Torah* as an energetic work of apologetics that sought to refute the Karaites and to silence the detractors of Israel's Torah.²² Karaism then still posed a serious challenge; it attacked the transmitters and interpreters of rabbinic tradition, strongly criticized the Oral Law and impugned its legitimacy. Like other rabbis of that period, Maimonides felt the need to fight back: to sustain the authority of the rabbinic tradition by "quieting the disputes" within it and to integrate the Written Law and the Oral Law so that "Wherever sectarians have given expression to heretical views, the refutation of these views would be ready to hand." Indeed, Maimonides has explicitly observed that he did not wish "to give the sectarians an opportunity to dominate," and that his work should result in "the demolition of these sectarians who spurned the entire Oral Law. ..."²³

Other savants developed a colorful theory that depicts Maimonides as a protagonist of philosophy who endeavored to diminish the stature of exaggerated, exclusivist talmudism and thereby pave the way for the philosophical studies which are the true and vital element of the Torah.²⁴ If a man devotes all his attention to Talmudic argumentation, its general principles and minutest details; if he delves into the intricacies of every halakhic dispute and follows with infinite patience the complex construction and formulation of each decision; and if he "spends all his time studying the commentaries and interpretations of the complicated themes of the Gemara," when will he occupy himself "with the real wisdom of the Torah"?²⁵ This view also has its roots in the outlook of a number of medieval sages who were dissatisfied with the contemporary program of studies which was based solely on the study of Talmud and which excluded subjects relating to philosophical beliefs and theological opinions.²⁶ R. Baḥya, the *dayan* of Saragossa, who exerted considerable influence

because he was descended from the House of David and wished to be the Messiah, but the world was not worthy of this, and they criticized the work"; see *Kenesset Yisrael* (Warsaw, 1906), 4.

²² See, for example, C. Tchernowitz (above, n. 19), I, 197–208; A. Marmorstein, "The Place of Maimonides' *Mishneh Torah* in the History and Development of the Halachah," *Moses Maimonides* (London, 1935), 170. On the Karaism of that period, see my book *Rabad of Posquières* (Cambridge, 1962), 100; cf. also G. Cohen (ed.), *Sefer Hakabbalah* (Philadelphia, 1967), p. xliii ff.

²³ *Kovetz Teshuvot Harambam*, I, no. 140. It seems to me that this statement refers primarily to stylistic considerations and should not be viewed as an observation which applies to the entire work. It is certain that there is no reason to regard it as the basic aim of the *Mishneh Torah*. I hope to treat the *Mishneh Torah* and Karaism elsewhere.

²⁴ C. Tchernowitz (above, n. 19), I, 11ff. See also S. Dubnov, *Divrei Yemei Am Olam*, IV (Tel Aviv, 1958), 224.

²⁵ *Iggerot Harambam*, 69; *Moreh Nevukhim*, Introduction; see also Halkin (above, n. 7), 417: "wasting time on talmudic discussions."

²⁶ See, for example, *Hebrew Ethical Wills*, I, ed. I. Abrahams (Philadelphia, 1948), 153; R. Yaakov Anatoli, *Mamad Hatalmidim* (Lyck, 1866), Introduction: "Because the Mishnayot and other codified laws suffice the searchers for wisdom." Cf. R. Menahem ben Zerah, *Tzedah Laderekh* (Warsaw, 1880), Introduction, p. 8.

on Maimonides, stated that the ancients “were more zealous and diligent in fulfilling their personal duties than in investigating the history of the laws and difficult extraneous questions.” Hence, he even censured those who spent their days studying “the disputations of the Talmudic authorities and the legal innovations that emerge from these, but fail to examine what they have no right to ignore—matters affecting their souls.”²⁷

These are a few of the interpretations that have been advanced in elucidation of the aim and function of the *Mishneh Torah*, and it is obvious that solid facts and soaring conjectures, accurate perception and sheer imagination, historical appraisals and subjective tendencies are jumbled together here. Thus, for example, it is certain that Maimonides regarded the halakhah *sub specie aeternitatis*. He did not readily conform to conventional views, and he protested against the widespread practice in Torah study of neglecting substantial portions of the Talmud. The Torah must be studied in its entirety and its study is not to be approached with practical and utilitarian criteria, which impose a transient reality upon eternal values. The standard of historical reality and relevance, particularly in the abnormal conditions of Exile, is a Procrustean bed or death by strangulation for the Torah in its entirety, in its wide-ranging, all-embracing scope. There is a kernel of truth here, a perception which is important for understanding Maimonides, but it must not be covered with a thick shell. It is still a far cry from this pedagogical-theoretical attitude which scorned artificial constriction of study to a calculated eschatological endeavor, to a serious attempt to anticipate the Final Redemption by preparing a constitution for the restored Jewish State. Already in his *Commentary on the Mishnah*, which could not possibly serve as a constitution, the young Maimonides was critical of those who disregard *Seder Kodashim* and turn their back on *Seder Tohorot*, thus producing a truncated Talmud, a collection of fragments, a series of unrelated scrolls.²⁸ A similar differentiation between fact and fancy must be made concerning the relationship between philosophical pursuits and the study of Torah. There is tension here; there is ideological friction here; there is a desire to unite and integrate the two disciplines, but there is no desire to supplant one with another. The same is true for all of the explanations: their formulation must be refined in order to be precise and reliable. We must sift through to find the kernel and throw away the shell. We shall not arrive at an explanation that is satisfactory, that stands up to criticism and that prevents a one-sided and lopsided view until we have exhaustively analyzed Maimonides’ words, mulling them over again and again in order to understand correctly what is both explicitly and implicitly, emphatically and allusively stated. We must, to be sure, consider his apologetic statements and identify the remarks that have the

²⁷ *Hovot Halevavot*, ed. Hyamson, Introduction, p. 32; *Sha’ar Avodat Hashem*, Chap. IV, p. 221.

²⁸ *Perush Hamishnah*, ed. R. Yosef Kafih (Jerusalem, 1968), *Seder Tohorot*, Introduction, p. 37; Kovetz *Teshuvot Harambam*, I, no. 140, p. 26; see my book (above, n. 21), 15, n. 80.

appearance of *captatio benevolentiae*. Only then, if we do not achieve the desired results and are dissatisfied, may we launch historical reconstructions and engage in psychological analyses. As an indispensable first step, the author's own explanations must be fully understood.

In utilizing this approach, we must be wary of the pitfalls. When we probe the significance and value of the author's own statements, we must seek to determine to what extent his perception and definition were accurate, for not everyone is able to appraise himself and his work correctly. Historians and philologists²⁹ make it a rule not to rely on the self-evaluation of anyone who is the subject of discussion or historical-literary analysis, for we have no assurance that the person in question was fully sensitive to the sources and forces of the historical processes in which he participated or which he helped to shape. A man is not always capable of transcending the array of historical forces, of freeing himself from earlier influences and suppositions or of relating to them with the requisite objectivity. On the other hand, not every man knows how to assess his originality and distinctiveness and to understand the special quality of his contribution or the innovative aspect of his enterprise. An iconoclast will sometimes imagine that he is toeing the line. Self-appraisal or an author's own declaration is not by itself acceptable as valid and objective testimony to be interpreted at face value without reflection and question.³⁰

Needless to say, we must first determine whether the actual statements made by the author himself are consistent and whether there are even apparent contradictions. Moreover, it is well known that the same author does not employ an identical style in all his works. Maimonides too expressed himself differently in different passages, and this stylistic divergence poses interpretive problems. Furthermore, even if we assume that Maimonides' historical sense was most acute and that his self-appraisal was accurate, we must still seek first to understand his intention precisely and then to see how he implemented it—to see, in other words, if his actual performance tallies with his declared intent. Already in the generation of Maimonides, R. Pinḥas, the *dayan*, stated in the famous letter cited above that there are “people who learn, but do not know what they learn, and misunderstand the subject matter of the work, and fail to comprehend your real intent.” Maimonides himself observed in reply to his critics: “You have not paid attention to my words.”

²⁹ See, for example, W. Jaeger, *Aristotle* (London, 1962), 11–13.

³⁰ R. Yitzḥak Campanton, *Darkhei Hagemara* (Vienna, 1891), 15: “In any work of a commentator or author that you may study, always endeavor to discover first the methods adopted by that commentator in his annotations, and then read the work and see if he actually follows his method in his comments.” The question of an author's intention and its value—the so-called intentionist fallacy—is much discussed in relation to belles lettres, but it is also of importance in regard to other literary categories. See my article on the *Shulḥan Arukh*, below, Chapter 20, beginning of section II.

II

If we collect all the testimonies of the author (and what one source obscures another elucidates) and integrate them, we find that Maimonides enumerates several factors that motivated him to compose his great work: (1) an external, historical motive emanating from the particular circumstances and problems of the time; (2) an immanent motive flowing from the inner, intrinsic requirements of law and jurisprudence which made a code a prime literary *desideratum*; (3) a rationalistic-spiritual motive deriving from pedagogical needs and intellectual goals, from a special conception of the greatly ramified and diverse halakhic system. We should like to consider each of these motives, to explain them in a literary-thematic context and to see whether they can be harmonized.

In a sad and very gloomy overview of contemporary conditions included in the introduction to the *Mishneh Torah*, Maimonides explains the reason for composing his code of law:

In our days, severe vicissitudes prevail, and all feel the pressure of hard times. The wisdom of our wise men has disappeared; the understanding of our prudent men is hidden. Hence, the commentaries of the *Geonim* and their compilations of laws and responses, which they took care to make clear, have in our times become hard to understand so that only a few individuals properly comprehend them. Needless to add that such is the case in regard to the Talmud itself—the Babylonian as well as the Palestinian—the *Sifra*, the *Sifrei* and the *Tosefta*, all of which works require for their comprehension a broad mind, a wise soul, and considerable study, and then one can learn from them the correct practice as to what is forbidden or permitted, and the other rules of the Torah.

On these grounds, I, Moshe the son of Maimon the Sephardi, bestirred myself, and, relying on the help of God, blessed be He, intently studied all these works, with the view of putting together the results obtained from them in regard to what is forbidden or permitted, clean or unclean, and the other rules of the Torah—all in plain language and terse style, so that thus the entire Oral Law might become systematically known to all, without citing difficulties and solutions or differences of view, one person saying so, and another something else—but consisting of statements, clear and convincing, and in accordance with conclusions drawn from all these compilations and commentaries that have appeared from the time of our holy teacher [Rabbi Yehudah the Patriarch] to the present, so that all the rules shall be accessible to young and old ...

This tone of despair and helplessness in the face of the decline of Torah study caused by historical vicissitudes and pressures is also echoed in other passages of

Maimonides' writings. For example: "And in these difficult times there is none left to raise Moshe's banner and to examine minutely the words of Rav Ashi ... everywhere the Torah has perished from among them."³¹ At the beginning of the *Epistle to Yemen* he pens his own self-portrait, again emphasizing the difficulties of the age and the erosion of learning:

I am the least of the scholars of Spain, whose glory was brought down into exile, and though I am constantly diligent in my studies, yet have I not attained to the wisdom of my ancestors. For we have come upon hard and evil days and have not abided in tranquility; we are weary and are given no rest. How then shall the halakhah become clear to one who wanders from city to city and from kingdom to kingdom.³²

Even if the description of intellectual weakness does not fit the author, it is well suited to his contemporaries with the exception of the Provençal rabbis to whom he was writing and whose Talmudic knowledge he was extolling. So, too, at the end of his *Commentary on the Mishnah* he writes: "... and especially since my mind is frequently troubled by the calamities of our times and the Lord's decree that we should suffer exile and wandering in the world from one end of the heavens to the other." We thus learn that the urgent need for a comprehensive work which would facilitate the studies of both pupils and autodidacts stems from historic circumstances: "The darkness of events and vicissitudes" has enveloped the generation, has left its mark on the level of Torah study and has created a time of emergency in which knowledge of the Torah is sadly lacking or exists precariously.

³¹ *Kovetz Teshuvot Harambam*, II, p. 44. See A. Kupfer (above, n. 4), p. 182.

The sad words of R. Avraham ibn Da'ud are well known:

After the death of Rav Yosef Halevi, of blessed memory, the world became devoid of yeshivot of learning ... They were years of crisis, evil decrees and religious persecution for Israel, and they went into exile from their places—some to die, some to fall by the sword, some to starve and some to be taken captive ... Consequently the sons of Rav Yosef could not establish yeshivot, but went into exile, at the head of the banished ones, into the state of Toledo. And they are endeavoring to raise up disciples to the best of their ability ... and they represent the last Talmudic scholars of our time (*Sefer Hakabbalah*, n. 22 above, p. 66).

J. Schirrmann published an elegy that begins with the following melancholy verse: "How fearful! The West is destroyed, all hands are limp—Woe! Calamity has come on Spain from Heaven ..." (*Kovetz al Yad*, NS III [Jerusalem, 1940], 33).

For a complete analysis of the sources, cf. D. Corcos, *Zion*, XXXII (1967), 137–160.

³² *Iggeret Teiman*, ed. A. S. Halkin (New York, 1952), 3. It is noteworthy that his opinion about the moral position of his time accords with his view of the prevailing state of Torah learning. In *Hilkhot De'ot*, 6:1, Maimonides interpolates this observation: "And if the conduct of all the countries that he knows or of whom he has heard is not good, as in our time ..."

It should be noted that a similar chain of cause and effect was also known to Maimonides from another age. This is how he described the period of R. Yehudah the Patriarch, and the motives that impelled him to compile the Mishnah: “And why did our holy master act thus and not leave the matter as it was? Because he saw that the disciples were becoming fewer, and new troubles were coming upon them, and the Roman empire was expanding and growing stronger, and Jews were wandering away to the ends of the earth ...” (*Mishneh Torah*, Introduction). The chaotic and disturbed conditions of the country, the social instability and the struggle against destructive historical forces brought in their wake cultural decline and diminution of the spiritual and intellectual forces and constituted a serious challenge to the remaining men of spirit “called by the Lord.” I have already conjectured elsewhere that it is highly possible that this parallel influenced Maimonides either consciously or unconsciously, that he saw many points of resemblance between the era of R. Yehudah and his own and that he considered his task to be like that of R. Yehudah.³³

This reasoning, whether based on an explicit historical parallel or not, permitted Maimonides to make a daring innovation: R. Yehudah the Patriarch forsook the way of his predecessors and did not leave matters as they were on account of the troubled times and in order “that the Oral Law may not be forgotten” among Israel. Now Maimonides likewise set aside all the previous literature, “forsook the way of all the authors that preceded him” (the expression of the Ravad in the introduction to the *Mishneh Torah*), and blazed a new path because of the overwhelming calamities and so that “all might be well versed in the entire Oral Law.” His words here, despite their simplicity, are far-reaching.

However, we must examine the matter more closely and note that Maimonides’ statement in the introduction to the *Mishneh Torah* is actually compounded of two parts; he gives two reasons, one of a general nature and the other of a limited, detailed character, and he combines them. First of all—and this point is also emphasized in the letters to R. Pinḥas, the *dayan*, and to R. Yonatan Hakohen of Lunel—the study of the Talmud is intrinsically difficult, even without the intervention of historical and other extraneous factors. Even in the most favorable and peaceful conditions it requires “intelligence and wisdom and ample time,”³⁴ for “its way is a profound way.” The many difficulties are due to both the material and the form: the mode of arguing and

³³ See my book (above, n. 22), pp. 133–134. Maimonides often speaks about “remnants that the Lord calls”; see, for example, *Iggerot Harambam* (above, n. 5), 51. On the composition of the Mishnah, see J. N. Epstein, *Mavo Lenusah Hamishnah*, II (Jerusalem, 1948), 693.

³⁴ See also *Hilkhot Yesodei Hatorah*, 4:13; 7:1; *Hilkhot Talmud Torah*, 1:13. With regard to the “method of the Gemara” see *Hilkhot Ishut* 11:13: “... but the method of the Gemara does not show this ...” Cf. here the remarks of R. Menahem Hame’iri on “the method of the Gemara” and on Maimonides’ attitude to it in *Beit Habehirah* to *Berakhot* (Jerusalem, 1965), Introduction, p. 27. Hame’iri draws the student’s attention to the historic fact that “the master, the teacher of righteousness, introduced new features ...”; *ibid.*, p. 25.

reasoning, the method, the formulation, the compass of themes and concepts—today we should say: the entire complex of philological-historical-phenomenological problems. All these make it difficult and complicated. If this description fits the Talmud in general, there are some parts that are so difficult that even great scholars cannot find their bearings. Regarding the rules of purity Maimonides states:

And if the great sages of the Mishnah, of blessed memory, regarded them as difficult, how much more so we! ... Today, for our many sins, if you were to make the rounds of the heads of Israel's academies, not to mention the synagogues, you would find that this subject is difficult for them, every halakhah concerned with purity and impurity ... and their like are difficult even for the great rabbis, and even more so for the students.³⁵

All the scholars of old, or more precisely of the period after the close of the Talmud—and we know that all of them were designated “*Geonim*” by Maimonides—devoted themselves to the study and understanding of the Talmud, endeavored by various methods and through the medium of various types of literature to elucidate the content of the Talmud, “and revealed its secrets and explained its subject matter.”³⁶ The Talmud served as a perpetual academic challenge. And now, at this difficult time, when “there is none left to raise Moshe's banner and to examine minutely the words of Rav Ashi,” and when the number of students who “on account of their impatience” are incapable of “delving into the depths of the Talmud” grows ever larger, and for whom there is reason to fear if “their minds cannot stand up to the prolonged argumentation ... they may err in arriving at halakhic decisions,” it follows *a fortiori* that the study of the Talmud is “very rare and lacks all foundations.”³⁷ Therefore scholars of distinction—and if they be few, Maimonides is among them—must bestir themselves to compose a work that will embrace the whole Talmud in the simplest and easiest manner. In such circumstances a book of laws with a planned architectonic structure and divided into sections and chapters is preferable to a discursive commentary which jumps from subject to subject, for the former can be studied, comprehended and memorized without undue trouble or effort; in other words, a code consisting of “Torah teachings that do not require intense study, such as fixed

³⁵ *Perush Hamishnah* (above, n. 28), *Seder Tohorot*, Introduction, pp. 33–34, 37.

³⁶ Introduction to the *Mishneh Torah*: “And all the great scholars who arose in Eretz Yisrael and in Babylonia and in Spain and in France learned the way of the Gemara and revealed its secrets and explained its contents, for its way is exceedingly profound. Moreover, it is composed in Aramaic mixed with other languages.” See also R. Hai Gaon, *Mishpetei Shevuot* (Jerusalem, 1960), 50: “I elucidate this work of mine only in order that he who does not understand may understand, and he who is not learned may teach himself, and he who does not know may know, because I saw the scant understanding of the majority of those who study the Gemara nowadays.”

³⁷ R. Yehudah Al-Bargeloni, *Perush Sefer Yetzirah*, ed. S. Z. Halberstamm (Berlin, 1885), 50.

halakhic decisions.”³⁸ The main argument for the decisive form and the uniform mode of decision, i.e., a clear halakhah and a clear Mishnah in one and the same (Shabbat 139a), is that these are pedagogically efficient and reliable. The benefits of this new method of study envisaged by the author-codifier are quickness of understanding and ease of memorization. The historical situation accentuates the intrinsic problematics of Talmud study and sharpens the criticism of the conventional methods.

After this exposition of Maimonides’ views, we may state without reservation that this combination, namely the nexus established between a time of political trouble and cultural decline and vice versa between politico-social stability and intellectual strength, is not a fortuitous matter which serves as a facile justification for a grandiose, far-reaching project of a diligent and ambitious author, but is a fundamental element of Maimonides’ thought. This emerges from the basic thought patterns of his historiosophical outlook, as may be illustrated by the following examples:

First, Maimonides regards the Messianic Era as a socio-political means for intellectual advancement and cultural progress. Just as subjection to the Gentile empires causes “desolation and spiritual depression,”³⁹ and the yoke of the wicked kingdom prevents us from studying the Torah, so will independence, tranquility and freedom from the oppression of hostile kingdoms promote profound and fruitful learning. In *Hilkhot Melakhim* 12, Maimonides pictures this peaceful and fruitful era and points out its brilliant consequences in the sphere of Torah and wisdom:

The sages and the prophets did not yearn for the Messianic Era in order to have dominion over the whole world, or to rule over the heathens, or to be exalted by the nations, or to eat and drink and be merry, but in order to have time to devote themselves to the study of the Torah and its wisdom and not suffer from any oppressor or one who prevents [them from engaging in Torah-study], so that they might be vouchsafed life in the World to Come ... And in this era there will be no famine or war or envy and contention, for prosperity will be very abundant, and all good things will be as plentiful as the dust, and the whole world will occupy themselves only with the knowledge of the Lord. Hence there will be great sages who will know things that are [at present] obscure, and they will attain to knowledge of their Creator as far as human capacity permits, as

³⁸ Maimonides’ wording, *Hilkhot Tefillah*, 4:18; cf. the talmudic phrasing, Berakhot 31a.

³⁹ R. Yosef ben Yehudah ibn Aknin; see A. S. Halkin, *The Joshua Starr Memorial Volume* (New York, 1953) 105. Cf. S. Assaf (ed.) *Mekorot Letoledot Haḥinukh Beyisrael*, I (Tel Aviv, 1954), 11: “The free soul is exalted, strong, pure and clear, and is able to acquire intelligence and knowledge because it is not enslaved to another, but the soul that is in bondage is mean and weak and is unable to acquire intelligence and knowledge ...” Leo Strauss dealt with this subject from his viewpoint in his aforementioned article (above, n. 1), p. 49.

it is said “For the earth shall be full of the knowledge of the Lord as the waters cover the sea” (Yeshayahu 11:9).

This note was also sounded earlier in *Hilkhot Teshuvah*, 9:2:

On account of this all Israel, their prophets and their sages yearned for the Messianic Era in order that they might find rest from the Gentile kingdoms that do not allow them to occupy themselves with the Torah and precepts properly. And they will find repose and grow in wisdom in order that they may be vouchsafed life in the World to Come, for in those days knowledge and wisdom and truth shall increase, as it is said “For the earth shall be full of the knowledge of the Lord ...”⁴⁰

The mutual influence of socio-economic conditions and cultural development is strongly and clearly expressed here.

Second, in general, the Jewish sages were inclined to ascribe the cessation of prophecy to the Exile, but they held conflicting views as to the causes of this phenomenon. Some stressed the exclusive superiority and preeminence of the land of Israel and inferred that prophecy was impossible in other lands. Maimonides, however, held that socio-political troubles such as sorrow, sickness, war and famine, and not necessarily geographical change, militated against prophecy and prevented intellectual perfection, which is the sine qua non for the attainment of prophecy. In conformity with this view Maimonides interprets the verse “Her king and her princes are among the nations, instruction is no more; yea, her prophets find no vision from the Lord” (Eikhah 2:9).⁴¹ “Because of the Exile among the nations, vision has come to an end. And this is undoubtedly the primary reason for the cessation of prophecy in the time of exile, namely indolence or some grief that a person may suffer, and even worse than this is complete subjection to fools that go astray ...” Also in accord with this view are the words of encouragement with which Maimonides concludes: “And this is likewise the reason for the return of prophecy as of old in the days of the Messiah.” Here we have the completion and elaboration of the restrained messianic observations in the *Mishneh Torah*.

A third example can be found in the Maimonidean interpretation of a Talmudic passage. The sages declared: “All that Yehezkel saw Yeshayah saw. What does Yehezkel resemble? A villager who saw the king. And what does Yeshayah resemble?

⁴⁰ See also *Hilkhot Teshuvah*, 8:7. It should be stressed that we have here a mere adaptation of the well-known dictum of the *Amora* Shemuel: “The only difference between the present world and that of the Messianic Era is the servitude of the Gentile kingdoms” (Shabbat 63a).

⁴¹ *Moreh Nevukhim*, II:32, 36. See also *Hilkhot Yesodei Hatorah*, 7:4. Cf. the translation of S. Munk, II (Paris, 1856–1866), p. 288; H. A. Wolfson, “Halevi and Maimonides on Prophecy,” *Jewish Quarterly Review*, XXXIII (1942), p. 65.

A townsman who saw the king” (Ḥagigah 13b). The rabbinic statement about the difference between the two prophets may be understood in two ways, and Maimonides suggests two different interpretations.⁴² It is possible to explain the dictum to mean that Yeshayah was more perfect than Yeḥezkel and that his understanding was deeper and more comprehensive. Hence he was compared to a townsman, rich in knowledge and experience, a veteran familiar with regal ceremonies. A pithy, apposite observation is sufficient to tell us all we need to know about the appearance of the *Shekhinah* (Divine Presence). But a raw country bumpkin who suddenly finds himself in the royal court gazes in wonder and relates his experiences at great length. It is also possible to understand the text to mean, and this is the first interpretation given in *Moreh Nevukhim*, that they are both equal, “and the conception to which Yeḥezkel attained is the very same as that achieved by Yeshayah.” The difference between them—one being brief and the other prolix—is due to the audience: Yeshayah directed his words to people living in peace in metropolitan Jerusalem, whose minds were open to Torah and wisdom, whereas Yeḥezkel delivered his address to the exiles whose sensibility had become dulled and whose power of intellect comatose due to the melancholy state of affairs by the River Kevar. They were no longer capable of understanding terse language, a formulation that contents itself with allusions and relies on the listener to fill in what is missing.

In a similar vein are Maimonides’ observations on the history of philosophical thought in Israel, or to be exact on the disappearance of philosophy in Israel. “The many sciences that existed among our people ... died out in the course of time, and because brutish nations had dominion over us ...” Here too expression is given to the effect of the political situation on the cultural position.⁴³

This historiosophical conception is acute and clear, and should not be blurred or dulled by identification, which would in any case be flimsy, with other views that are likewise concerned with this phenomenon of spiritual decline and which seek each in its own way to explain the process of degeneration. If we compare them, we see the qualitative difference between them. We know, for example, the “theory of climates” which suggests that territorial-ecological conditions exert a decisive influence on the human body and, in consequence, also on spiritual attributes and intellectual qualities. This theory, which declares that geography elevates and abases, has its roots, *inter alia*, in the scientific-medical doctrine of Hippocrates

⁴² *Moreh Nevukhim*, III:6. See the commentary of Shem Tov, who approves the second interpretation, whereas Efodi favors the first explanation and refers to the observations of Shemuel ibn Tibbon in *Ma’amar Yikavu Hamayim* (Pressburg, 1831), pp. 50ff. See also *Ma’amar Teḥiyat Hametim*, p. 31; “For those who are well versed in the sciences a mere allusion is sufficient, and they have no need of repetition or of lengthy annotations.”

⁴³ *Moreh Nevukhim*, I: 7. Cf. Samau’al Al-Maghribi, *Silencing the Jews*, ed. M. Perlmann (New York, 1964), 56.

and is referred to in the works of R. Yehudah Halevi.⁴⁴ Maimonides, however, is in no way concerned with this theory; from his comment on “her king and her princes are among the nations, instruction is no more,” cited above, we learn that he rejected it unequivocally. It is noteworthy that R. Yitzhak Abravanel sensed this in his commentary on *Moreh Nevukhim* and that he endeavored to rehabilitate R. Yehudah Halevi’s view.⁴⁵

Similarly, a distinction must be drawn between Maimonides’ view, which emphasizes the role of troubles and political oppression per se, and the widespread belief that sees the very fact of dispersion as contributing to the decline of Torah study. R. Saadiah Gaon writes that when our ancestors realized the extent of the dispersion and anticipated its effects on learning they collected all oral traditions and codified them in the Mishnah. In another passage from *Sefer Hagaluy* (*The Open Book*) cited by a certain Karaite, R. Saadiah Gaon explains that “the reason that compelled them [the Sages] to compile it [the Mishnah] was the fact that after they [Israel] had ceased to have prophets and found themselves scattered, they were afraid that the Tradition might be forgotten; so they put their trust in that which is written [in a book].”⁴⁶ The dispersion is also emphasized by R. Yosef, *Rosh Haseder*, a contemporary of Maimonides: “Our ancestors took counsel and wrote down the fundamentals of the Torah at the time when He that formed the mountains scattered them.”⁴⁷ But according to Maimonides, intellectual decline is possible even when the Israelites dwell in their own land but are weak or oppressed and hence lack peace of mind. Maimonides expressly differentiates between the time “when the Israelites were exiled among the nations” and that when “the Gentiles were dominant.”⁴⁸ R. Yehudah Halevi, on the other hand, combined all the motifs: “The length of the Exile and the dispersion of the nation and the poverty and reduction of numbers that they suffered.”⁴⁹

There is of course another explanation for the spiritual decline of a generation, namely the view that is epitomized in the well-known aphorisms: “If the earlier sages were sons of angels, we are but sons of men, and if they were sons of men, we are like asses” (Shabbat 112b), and “Better was the fingernail of the earlier generation than the entire body of the later generation” (Yoma, 9b), a view that approximates the

⁴⁴ *Sefer Hakuzari*, II:12. See the excellent article of A. Altmann, *Melila*, I (1944), 1–18; see also I. Heinemann, *Zion*, IX (1944), 161.

⁴⁵ Abravanel’s Commentary, *Moreh Nevukhim*, III:36 (end). On climate in the writings of Maimonides, see *Pirkei Moshe*, Kovetz Teshuvot Harambam, II, pp. 22–23.

⁴⁶ *Hasarid Vehapalit Misifrei Rasag*, ed. A. H. Harkavy (Petersburg, 1892), 194. See also S. Schechter, *Saadyana* (Cambridge, 1903), 5; cf. the remarks of Qirqasani, cited in the Appendix to A. S. Halkin’s article, *Jubilee Volume in Honour of Louis Ginzberg* (New York, 1950), 152.

⁴⁷ L. Ginzberg, *Ginzei Schechter*, II (New York, 1928), 406. See on it S. Abramson, *Kirjath Sepher*, XXVI (1950), 72–90.

⁴⁸ *Hilkhot Akum* 10:7.

⁴⁹ *Sefer Hakuzari*, III:11.

neo-Platonic doctrine concerning *καταγωγή*, which states that the process of decline and degeneration is a constant phenomenon that cannot be restrained or halted. The former generations were great and distinguished, whereas the latter are, ineluctably, of an inferior order and poor in achievement. The thought is tellingly phrased in R. Sherira Gaon's letter to the community of Kairouan:

Since Rabbi [Yehudah the Patriarch] saw the extent of the situation ... he felt that matters would deteriorate even further, for he saw that understanding was diminished and the foundation of wisdom was blocked and Torah knowledge had departed, as R. Yoḥanan states in Eirubin: "The understanding of the former sages was like the entrance of the *Ulam* [Temple vestibule] and that of the latter sages like the entrance of the *Heikhal* [the Temple proper]." ⁵⁰

In a later period, R. Yosef Karo also expressed this same thought. When he seeks to explain what prompted him to compose his great work, he refers to the unceasing difficulties of the time and to the adverse circumstances and vicissitudes of the Exile, and he repeats Maimonides' watchword: "and the wisdom of the wise men doth perish," on account of "the troubles that come thick and fast, vying with one another," but he combines with it the additional reason that there is a constant decline, amounting at times to degeneration. ⁵¹

In summary, while there is a distinct resemblance between Maimonides' view and these expressions of opinion, there are also essential differences between them which must be stressed.

In concluding our discussion on this subject we must note that the well-known historian-philosopher Arnold Toynbee also attributes the process of codification or the impulse towards it to a state of decline:

As a rule—and this rule is inherent in the very nature of the declines and falls of civilizations—the demand for codification reaches its climax in the penultimate age before a social catastrophe, long after the peak of achievement in jurisprudence has passed, and when the legislators of the day are irretrievably on the run in a losing battle with ungovernable forces of destruction. ⁵²

⁵⁰ *Iggeret R. Sherira Gaon*, ed. M. B. Lewin (Haifa, 1921), 20; see also 31.

⁵¹ *Beit Yosef*, Introduction; see also my article (above, n. 30), beginning of section I. As regards the different views on primitivism and progress, see, for example: A. Lovejoy & G. Boas, *A Documentary History of Primitivism and Related Ideas* (Baltimore, 1955); M. Taylor, "Progress and Primitivism in Lucretius," *American Journal of Philology*, LXVIII (1947), 180–194; F. G. Teggart, "The Argument of Hesiod's *Works and Days*," *Journal of History of Ideas*, VIII (1947), 52.

⁵² A. Toynbee, *A Study of History*, VII (London, 1954), 279.

Toynbee speaks also of the melancholy that has generally prevailed in the times of codifiers, in contrast to the preceding generations in which the cultural level was higher and the mood optimistic. He implies that the literary results of this drive toward codification are of a low order and contain no spark of originality or creativity. From Maimonides' remarks, on the other hand, it is to be inferred that, despite the negative stimulus, codification itself is a great achievement and constitutes an important and highly desirable contribution to the development of legal literature. The codifier is also a commentator and his work has a creative quality; it is not a mere mechanical task.

But this inference is problematic, for Maimonides is of the opinion that the oral word is preferable to the written word. Of the conditions prevalent at the time of the compilation of the *Mishnah* he states:

It was most prudent on the part of the Law that it avoided what eventually occurred, namely the multiplicity and diversity of opinions, doubts as to the sense of the written word, combined with mistakes, the renewal of disputes among people, the rise again of sects and the recurrence of confusion about their actions.⁵³

He was in agreement with R. Yehudah Halevi's judgment that "Oral statements are superior to those that are written,"⁵⁴ and R. Ḥasdai Crescas has already noted the similarity to Plato's words: "And this is almost the way followed by the Gentile sages. According to what is found in their compilations, Plato condemns one who writes down their words: 'Thou dost suspect thy pure thoughts and dost trust the hides of dead beasts.'"⁵⁵ The very act of redaction attests to cultural decline, and even when the codifier is able to produce a well-integrated work marked by originality and vitality, the undesirable consequences inherent in the very committal to writing are not to be overlooked. Hence, Maimonides from time to time stressed the value of oral study.⁵⁶ His mind, apparently, was not free from the fear that his great work might complicate the situation still further and that the remedy might be its own undoing. It

⁵³ *Moreh Nevukhim*, I:71. His words find an echo in those of R. Leone da Modena, *Ari Nohem* (Jerusalem, 1929), 50. On the place of this idea in the teaching of R. Yonatan Eybeschütz, see also A. Schochet, *Im Ḥillufei Tekufot* (Jerusalem, 1961), 199. I shall discuss the different forms of this concept elsewhere.

⁵⁴ *Sefer Hakuzari*, II:72. In his commentary on Tractate Avot, 1:6, Maimonides writes: "... for self study is not like learning from another, for what is learned from someone else is retained better and is clearer" (ed. R. Yosef Kafih, p. 40).

⁵⁵ *Or Hashem*, Introduction. See W. Jaeger, *Paideia*, III (New York, 1944), 194. On oral learning in Islamic culture, see G. H. Bousquet & J. Schacht (eds.), *Selected Works of C. Snouck Hurgronje* (Leiden, 1957), 51; M. Mahdi, *Ibn Khaldūn's Philosophy of History* (Chicago, 1957), 114.

⁵⁶ *Perush Hamishnah*, ed. R. Yosef Kafih; *Seder Tohorot*, Introduction, p. 33.

is not surprising, therefore, that Maimonides enjoined his pupil, R. Yosef ben Yehudah: “At the same time persevere in studying the work by heart.”⁵⁷ In his introduction to the *Mishneh Torah* it is stated: “and I shall divide each chapter into short halakhot, so that they may be learnt by heart,” and in the introduction to the *Sefer Hamitzvot* we read: “in order that it may be easy to learn it by heart.” Maimonides chose the style and language of the Mishnah so that his work “might encompass the entire Oral Law,” and so that the reader would learn “from it the whole Oral Law”; nevertheless, he did not overlook oral study, which was both hallowed and helpful. His spirit must have been gratified when, centuries later, R. Ḥayyim ibn Attar testified, concerning the scholars in the land of Israel in his day, that “a number of them endeavor to know Maimonides by heart.”⁵⁸

III

In the letter to R. Yosef ben Yehudah, and, more obliquely, in the introduction to *Sefer Hamitzvot*, we find a literary-methodological explanation for the compilation of the *Mishneh Torah* which differs from the historical explanation set forth both in the introduction to that work and in the letter to R. Pinḥas, the *dayan*. In the introduction to *Sefer Hamitzvot*, Maimonides described his great plan simply and precisely, namely to compose in the language of the Mishnah, a work that would include all the laws of the Torah without citing the names of the transmitters of the tradition and without mentioning the differences of opinion among the sages. There is no reference or allusion to historical pressure or to an exceptional stimulus resulting from the sorrowful circumstances of the time. Moreover, in the letter to R. Yosef, Maimonides declares feelingly:

Know thou that I did not compose this work in order to become thereby a great man in Israel, or that I might acquire fame in the world, so that I should be grieved at any opposition to the purpose for which I composed it. But in the first instance I compiled it—Heaven be my witness!—for my own sake, in order to free myself from searching for the required halakhot each time, and for use in my old age, and for the sake of the Lord, may He be blessed. For I am most zealous for the Lord, God of Israel when I see before me a people that has neither a comprehensive book [of laws] worthy of the name nor true and accurate concepts. Therefore I have done what I did ...⁵⁹

⁵⁷ *Iggerot Harambam* (above, n. 5), p. 68. See Chapter 15, below, p. 394.

⁵⁸ A. Yaari (ed.), *Iggerot Eretz Yisrael* (Tel Aviv, 1953), 264. It is also cited by J. Avida, *Sura*, II (Jerusalem, 1955), 296, n. 11.

⁵⁹ *Iggerot Harambam*, 50. See B. Cohen, “Classification of Law in the *Mishneh Torah*,” *Jewish Quarterly Review*, XXV (1934/5), 519, n. 2a; 520, n. 3. Cf. M. Berlin, *Rabbenu Moshe ben Maimon* (Jerusalem, 1935), 246.

It must be stated at the outset that the seeming contradiction between the motive of personal need and that of general benefit is not serious and does not undermine the value of this declaration. We can understand it from an abstract point of view by assuming that the two reasons given are distinct and unrelated. We can also understand it as a literary *topos* inasmuch as there are points of resemblance between Maimonides' statement and those of other authors. R. Baḥya ibn Pakuda, who won the praise and esteem of Maimonides, declares that he has written *Ḥovot Halevavot* for his own use and that he hopes others will also benefit from it. R. Yehudah ibn Tibbon elaborates R. Baḥya's own words and outlines the twofold aim of the book more pointedly: "[Perhaps he did this] because he said that he composed it as an *aide-mémoire* for himself and his friends; but since he subsequently said that it was also his wish to thereby benefit other people ..."⁶⁰ R. Yaakov Anatoli says of his work *Malmad Hatalmidim*: "For I did this to help myself and others with me."⁶¹ R. Shem Tov Falaquera states at the end of the introduction to his book *Moreh Hamoreh*: "And my intention in writing my work was that which I have mentioned above regarding the general usefulness of the commentary and that it might serve me as an *aide-mémoire* in old age."⁶² In the introduction to *Pirkei Moshe*, which is a kind of medical anthology, Maimonides himself again reverts to this literary stereotype: "Although I have selected these chapters as a memorandum for myself, yet whoever is like me, or has less knowledge than I, will likewise benefit from them."⁶³ The needs of the author or individual and those of the public are not contradictory; they are parallel needs which can provide a joint stimulus as well as be mutually beneficial.

As for the motif of old age, we must remember that Maimonides often referred to his weakness and to the infirmities of age that had come upon him suddenly. Anxiety, trouble, weakness and depression are recurring themes in both his letters and his books. Already at the end of his commentary on the Mishnah, when he was thirty-three years old, he wrote about his troubles and burdens and applied to himself the verse "Blessed be He who gives power to the faint, and to him who has no might He increases strength" (Yeshayahu 11:29). It is noteworthy that in an Arabic fragment published by E. Mittwoch, it is stated in the name of Maimonides: "that forgetfulness, which overpowers people, did not affect me in my youth."⁶⁴ In Maimonides'

⁶⁰ *Sefer Ḥovot Halevavot*, Introduction. See the preface of the translator, *Ḥovot Halevavot*, ed. A. Zifroni (Jerusalem, 1928), 4.

⁶¹ *Malmad Hatalmidim* (Lyck, 1866), Introduction, p. 12 (not numbered).

⁶² *Moreh Hamoreh* (Pressburg, 1837), 8. On books composed for an individual, whose authors nevertheless had in mind the benefit of a larger public, see J. Reifmann, *Toledot Rabbenu Zerahyah Halevi*, (Prague, 1853), 9ff. Cf. W. C. Greenem "Gentle Reader," *The Classical Tradition (In Honor of Harry Caplan)* (New York, 1966), 339. My friend Morton Bloomfield drew my attention to this article.

⁶³ *Pirkei Moshe Birfuah*, ed. Z. Mautner (Jerusalem, 1959), 13.

⁶⁴ E. Mittwoch, "Ein Geniza Fragment," *Zeitschrift der Deutschen morgenlandischen Gesellschaft*, LVII (1903), 63, 65.

letter to R. Yonatan Hakohen of Lunel, which was written in the same period in which he wrote to R. Yosef ben Yehudah, he states: “Moreover, I am not today as I was in my youth, for my strength fails and I feel nauseated and impatient ... forgetfulness affects everyone, especially old people.” We find the problems of increasing weakness and lack of time mentioned together at the end of another responsum: “For I am very preoccupied with a number of matters and my health is poor ... and I have no free time at all on account of my perpetual bodily weakness and my private study of a number of subjects” (*Kovetz Teshuvot Harambam*, no. 141).

From the aspect of both the conscious and unconscious powers and resources of the author, Maimonides’ observations are understandable. Karl Mannheim has noted the relationship between the insight and feeling of the genius and the historical experiences of the community to which he belongs.⁶⁵ Although there is no complete identity here, the experiences of the collective body are reflected in the activities of the individual; they stimulate him and fashion the forms of his work. At any rate—and this is the central point of Maimonides’ declaration—he wishes to state that there is an intrinsic methodological need for composing a book of laws. The very nature of law, even without the upheaval of contemporary events that necessitates the composition of a work to help the student, calls for a *diwan*—a book of rulings which will encompass all areas of halakhah. We thus learn that it is not the brevity, simplicity, ease of comprehension and aid to memorization inherent in a code-book that are decisive, but the *diwan* itself—a codex without questions and answers, without conflicting views and contradictory interpretations, without protracted arguments and dialectical discussion. The nation requires “a compendious book.” The stimulus emanates from an independent literary factor, a factor that is neither divorced from historical circumstances nor subjected to them. Although we must take into account the possibility that Maimonides was influenced by the fact that books of law were in use in the Islamic world,⁶⁶ nor should we overlook the anti-Karaite tendency of rabbinic scholars which aimed at achieving and underscoring unity and uniformity in law, yet the main motive here derives from independent legal-literary requirements. There was a need and Maimonides responded to it; there was a vacuum and Maimonides sought to fill it. The sense of originality and primacy is clearly manifest, and this quality was not overlooked by others.⁶⁷

⁶⁵ K. Mannheim, *Ideology and Utopia* (trans. L. Wirth & E. Shils) (New York, 1936), 269: “Underlying even the profound insight of the genius are the collective historical experiences of a group.” Cf. the observations of David Hume, as cited by L. Trilling, *The Liberal Imagination* (New York, 1953), 185.

⁶⁶ See J. Schacht, *An Introduction to Islamic Law* (Oxford, 1964); N. J. Coulson, *A History of Islamic Law* (Edinburgh, 1964). On the place of *Sefer Hamadda* in a code book, see F. Rosenthal, *Knowledge Triumphant—The Concept of Knowledge in Mediaeval Islam* (Leiden, 1970).

⁶⁷ See, for example, R. Aharon ben Meshulam (above, n. 14), p. 30; R. Menahem Hame’iri, *Beit Habehirah*, Berakhot (Jerusalem, 1962), Introduction, p. 25; P. Duran, *Ma’aseh Efod* (Vienna, 1865), 19. The literary critic, however, may have a different opinion on originality—“I had no predecessors

It should be emphasized that the desire for brevity did not preclude the aspiration to achieve completeness or the inclusion of speculative-exegetical elements in the compilation. In truth, the book is replete with exegesis of every kind. Its aim is to inculcate knowledge and clear understanding on the basis of instruction that is concise and lucid; but the author never intended to confine himself with the four cubits of jejune and bare codification in the conventional sense. Maimonides omitted disputes, “eliminated its prolixity” and the accumulation of proofs and arguments, but he did not forgo the theoretical-exegetical aspect. He explains and does not merely codify; he is a teacher and not simply a judge. We may say that just as the classification of the halakhot in the work is not founded on differentiation between practical laws and laws meant for the Messianic future, so too the compass of the compilation and its manner of presentation are not determined by practical considerations. Maimonides summarized the whole Oral Law. His observations in *Ma’amar Teḥiyat Hametim* concerning the beliefs and opinions dealt with in the *Mishneh Torah* are equally valid for the book as a whole: “We have found it necessary to explain Torah principles in our Talmudic works in narrative form and not demonstratively.”⁶⁸ In this way he expounded everything, “both what was needed during the Exile and what was unnecessary,” in narrational and summary form. In addition, there are many subjects and principles that are also explained by reasoning and proof, in conformity with what we find in the Mishnah of R. Yehudah the Patriarch. In short, a compendious work must include everything, and no artificial division can be drawn between a practical-codificatory aim and a pedagogical-theoretical purpose.⁶⁹ The pioneering quality of the work also necessitates completeness.

IV

In the methodological-literary argument advanced by Maimonides to his trusted disciple there is concealed an additional and decisive motive: “I am most zealous for the Lord, God of Israel, when I see before me a people that has no comprehensive book [of laws] worthy of the name and no true and accurate theological opinions (*de’ot*).” His zeal burnt within him not only because he felt the urgent need for a book of statutes and rulings, but also because he felt the need to fill another vacuum, because he

who decided halakhot throughout the Talmud and in all the laws of the Torah after our holy master” (letter to R. Pinḥas)—and may regard it as a literary commonplace; see E. R. Curtius, *European Literature and the Latin Middle Ages* (trans. W. R. Trask) (New York, 1953), 85–89. But in the present case we are compelled to accept the statement literally. The stamp of originality is not to be blurred. Emphasis on originality in writing is also widespread in Islamic literature; see F. Rosenthal, *The Technique and Approach of Muslim Scholarship* (Rome, 1947), 64.

⁶⁸ See Chapter 8, below, section V.

⁶⁹ In the light of this analysis, the question arises whether the purpose of the *Mishneh Torah* was practical or academic. See my book (above, n. 22), p. 168.

was conscious of another challenge that had to be met, namely the systematization of the halakhot of belief.⁷⁰ Without theological speculation, without valid concepts and accurate understanding of its underlying principles, the halakhah cannot be firmly established. Maimonides' remarks at the beginning of *Ma'amar Teḥiyat Hametim* go to the root of the matter: "And we intended thereby that those who are called Scholars or *Geonim*, or whatever you wish to call them, should build their branches [i.e., halakhic constructions] on Talmudic roots and that they should not cast the knowledge of God behind them" (ibid., p. 4). This purpose was realized not only in the distinctly speculative parts of *Sefer Hamadda*, whose entire content was devoted to beliefs and opinions, but also in the incidental dicta, fragmentary statements and exegetical notes that sometimes appear to be digressions, in the aggadic appendices that seemingly deviate from the straight and narrow legal framework, as well as in the intellectual-ethical explanations of laws that are embedded in all fourteen books of the *Mishneh Torah*. Throughout the great work we find an effort "to correct our opinions and to keep straight all our actions,"⁷¹ a consistent avoidance of the crude beliefs of the common people "and many boorish Jews,"⁷² a condemnation and rejection of folly and vulgarity,⁷³ a constant emphasis on the value of wisdom and its identification with Torah and precepts,⁷⁴ and a stress laid on the intellectual preeminence of knowledge of the *Merkavah*.⁷⁵ We encounter the fundamental and formative thesis that the commandments are a means of perfecting the body and soul,⁷⁶ the introduction of philosophy as an essential component of Torah study—a step that gave it a legitimate and honored status,⁷⁷ rationalistic reformulations of rabbinic dicta,⁷⁸ the endeavor to discover the ultimate purpose of the biblical prohibitions,⁷⁹ and an explication of the

⁷⁰ See Rav Nissim Gaon: *Ḥamishah Sefarim*, ed. S. Abramson (Jerusalem, 1968), 33.

⁷¹ *Hilkhhot Temurah*, 4:13. Some of the points raised here are discussed in my article (above, n. 18).

⁷² *Hilkhhot Teshuvah*, 5:2.

⁷³ *Hilkhhot Akum*, 11:16.

⁷⁴ *Hilkhhot Isurei Biah*, 14:3; *Hilkhhot Gezelah Va'avedah*, 6:11; *Hilkhhot Rotze'aḥ Ushmirat Nefesh*, 7:1; see especially *Hilkhhot Teshuvah*, 9, for the constant combination of wisdom and precepts, theory and practice.

⁷⁵ *Hilkhhot Yesodei Hatorah*, 4:13.

⁷⁶ *Hilkhhot Me'ilah*, 8:8; *Hilkhhot Temurah*, 4:13; *Hilkhhot Mikvaot*, 11:12; see also *Hilkhhot Isurei Mizbe'aḥ*, 7:11; *Hilkhhot Nedarim*, 13:23; *Hilkhhot Arakhin*, 8:31; *Hilkhhot Avadim*, 9:8; et al. Compare also *Moreh Nevukhim*, III:27; Kovetz *Teshuvot Harambam*, II, p. 24.

⁷⁷ *Hilkhhot Talmud Torah*, 1:11–12.

⁷⁸ *Hilkhhot Mezuzah*, 6:13. See *Menahot* 43a, and the commentaries ad loc.; cf. also *Sefer Mitzvot Gadol*, aseḥ 3.

⁷⁹ *Hilkhhot Sanhedrin*, 18:6; see also *Hilkhhot Ishut*, 25:2 "Those are matters of taste and are not decreed by the scripture." In the letter to the sages of Lunel (A. Marx, *Hebrew Union College Annual*, III, 1926, p. 351) Maimonides states: "By reading the books of the worshippers of idolatry we came to comprehend the meanings of all the Mitzvot, even of those which seem to be decreed by the scripture."

ethical and spiritual aims of the precepts.⁸⁰ These characteristics and others like them bear evidence to the fact that Maimonides intended from the outset not only to decide halakhah and to compile “rules in respect of that which is forbidden and permitted, clean and unclean,” but also to elucidate “Torah principles” and “theological fundamentals,” to set forth “true and exact opinion” and to indicate how each person can understand “the ultimate goal of the precepts, according to his capacity.” Maimonides fully realized the difference between the statute and its explanation or rationalization, between the aspect that directs and enjoins, demanding unqualified obedience, and the aspect that explains, educates and persuades. His aim was to integrate them, to provide knowledge, understanding and even inspiration, and not merely to provide practical conclusions and obligatory instructions or directions.

This evaluation, which necessarily follows from a meticulous analysis of the *Mishneh Torah* and which is based on considerable evidence, is explicitly and not only implicitly stated in *Ma’amar Teḥiyat Hametim*. In referring to his great work, Maimonides declares: “And we intended ... to smooth the path for, explain and elucidate [the halakhot] to one who is unable to understand ... and it seems to us that we facilitated and simplified the study of abstruse and profound subjects, and we collected and compiled widely scattered material” (ibid., p. 2). There is neither repetition nor mere rhetorical parallelism in this declaration. Maimonides points here to two qualities of his work, that is, two separate achievements. “Collection and compilation” refer to the arrangement of the halakhot, their sorting and classification. This is a noteworthy achievement, for sorting and classification necessitate exegesis and simplification as well as a total view of the entire legal material as they are concerned not only with clear and manifest data but also with implicit postulates, unperceived relations and unexpressed references which need elucidation. It is not possible to include the laws of inheritance with those of lender and borrower in *Sefer Hamishpatim*, or the laws of forbidden foods with those of forbidden sexual relations in *Sefer Kedushah*, unless their common denominator has been established; that is to say, unless the legal features and characteristic ideas that link them have been identified and clarified. “Facilitation (*keruv*) and simplification” refer to rationalistic exegesis, to the removal of philosophic obstacles and the elimination of intellectual complexities, to preparing formulations that are intellectually congenial, and when difficulties arise to “straining the language but not the facts.”⁸¹ In the continuation of that section of *Ma’amar Teḥiyat Hametim*, Maimonides again emphasizes his aim “to explain and to rationalize the sections of the Law.” In an anonymous defense of the *Mishneh Torah*, the quintessence of Maimonides’ remarks is cited as follows: “We simplified and made comprehensible [instead of ‘facilitated’] and collected—the like of which none of our predecessors

⁸⁰ *Hilkhot De’ot* 7:7; *Hilkhot Yom Tov*, 6:18–19.

⁸¹ R. Shemuel ibn Tibbon, *Ma’amar Yikavu Hamayim*, 17.

had accomplished.”⁸² One also recalls Maimonides’ words in his famous responsum: “My purpose throughout this work was to bring the laws nearer to reason or to the comprehension of the majority.”⁸³ In a similar manner should be interpreted the paragraph in the introduction to the *Mishneh Torah* in which the aim of the work is thus described: “... so that the entire Oral Law may be known to all in orderly fashion, without citing questions or solutions, not one saying this and another that, but clear, understandable [literally, ‘near’] and correct formulations in accordance with the decision to be arrived at ...”⁸⁴

V

In summation one may state that these various motives which at first appear totally distinct and unrelated all have the same goal and in different ways reach the same conclusion, namely the pressing need for codification. In the end it makes no difference whether the primary or immediate need is historical and external or immanent and autonomous. In general, we need not search for a single one-dimensional reason free of a variety of nuances and impulses; this would be oversimplification that does not accord with reality. Scholars have already taught us that by comparing and integrating the various comments of a single author on the same subject we are able to understand him more completely and in a more penetrating and realistic fashion than he understood himself.⁸⁵ Frequently, various declarations by the same author imply not contradiction but rather elaboration. On the contrary, it is the artificial separation of interlocking motives which creates misunderstanding and prevents a balanced general evaluation. This is also true in our case. The elements common to the various motives are clear and need no elucidation. Maimonides felt that it was beyond “human power to remember the whole of the Talmud,” yet he remained faithful to the ideal of knowing the entire Talmud and not merely its practical portions. He also believed that rabbinic literature would be defective until a comprehensive book of halakhic decisions, similar in scope to contemporary works of this genre, was compiled. This intrinsic need was exacerbated by historical circumstances which confused and disturbed one’s thoughts. Since this historical motive is most convincing and most obvious and fits in well with his general historiosophical thought, Maimonides stated it in the introduction to the *Mishneh Torah*. He then proceeded to add another personal touch: if he was going to wrestle with enormous problems and

⁸² Halkin (above, n. 7), p. 420.

⁸³ *Teshuvot Harembam*, ed. J. Blau, no. 252, p. 460.

⁸⁴ It seems to me that in Maimonides’ letter to R. Yonatan of Lunel (above, n. 4), in which Maimonides declares “For I have brought together (קרבתי) matters that were scattered and separated ...,” the reading of the manuscript, “I have gathered together (קבצתי) matters ...,” cited in the notes, is to be preferred; in this way the specific meaning of (קרב) is preserved.

⁸⁵ Cf. I. Heinemann (above, n. 44), p. 154, who cites the observations of Kant and Schleiermacher.

compose a comprehensive book of laws to serve the needs of both the present and future generations, if he was to produce a pioneering work, then he must also stress his specific conception of halakhah and clearly demonstrate the interdependence of halakhah and aggadah, of positive law and metaphysical stimulus. In this way he meets the criticism of his respected predecessors R. Baḥya and R. Avraham ibn Ezra, who complained of the fragmentation of Judaism, of the separation of halakhah from philosophy and of deed from inspiration. The phenomenon of “a man who was deemed one of Israel’s scholars, knowing the way of the halakhah and able to argue on Torah matters” but who was unfamiliar with the fundamentals of Judaism and did not base his study on Torah principles appeared anomalous to him. This distortion would be rectified in the *Mishneh Torah*. Let us remember that in the introduction to his *Commentary on the Mishnah*, Maimonides emphasized the vital function of the aggadah in the Talmud and stated that one of R. Ashi’s aims in editing the Talmud was to accord a special place in each chapter to suitable homilies that enshrine “godly themes.”⁸⁶ So too, on occasion, Maimonides refers in *Moreh Nevukhim* to “Torah principles” which he succeeded in elucidating in the *Mishneh Torah*, or draws attention “to the cornerstones of the religion” which he incorporated into his Talmudic work. He had in mind a definite pedagogical-ideological purpose which combined with his reaction to the historical stimulus. These various motivating factors are all compatible, and Maimonides easily integrated them.

The motives enumerated by Maimonides clearly reveal his thinking—his criticism of the past and his hope for the future. It should be emphasized that a conspicuous and even decisive difference manifests itself here between Maimonides and other codifiers: while the codifiers usually minimize the originality of their accomplishment, representing themselves as mere compilers and stressing their dependence on their predecessors, Maimonides is not ashamed to declare that his approach really involves an important innovation. He does not “follow the order of the Talmud or that of the Mishnah” (Letter to R. Pinḥas), but builds a new literary structure reflecting a new outlook and calling for an unconventional method of study. Maimonides’ words are to be taken at face value, but they must be interpreted properly in terms of all that he states and implies.

In light of this explanation, we can also understand differences between the elucidation of the precepts in the *Mishneh Torah* and that in *Moreh Nevukhim*. In the latter, Maimonides is primarily concerned with rational-philosophical exegesis—at times historical, at times psychological and at times sociological—for his aim is to show that the precepts are both wise and meaningful. In the *Mishneh Torah*, Maimonides concerns himself primarily with spiritual-ethical exegesis, for his purpose there is to imbue the observance of the commandments with ethical significance by bringing to the surface the characteristics that serve to perfect man, that train and

⁸⁶ *Perush Hamishnah*, ed. R. Yosef Kafih, Introduction, p. 35.

educate the powers of the soul and that help man achieve a state of ethical and intellectual well-being.⁸⁷

Finally, in view of all that has been said above, it seems that Maimonides' remarks in the introduction to the *Mishneh Torah* should be taken literally, namely that his book was intended for "small and great." He stresses in his letter to R. Yonatan Hakohen that "only great men like you will understand." In his letter to R. Pinḥas the *dayan*, it is stated that "only a great sage like you [comprehends]." Maimonides' remark about the benefits to both small and great, unlearned and learned, contains no contradiction.⁸⁸ Of his commentary to the Mishnah he declares that it will serve as "an introduction for every beginner" and also as "a refresher course" for one who has already studied Bible and Mishnah. Even with regard to *Moreh Nevukhim*, he was of the opinion that both small and great would use it and that each would derive a benefit in accordance with his intellectual level. Maimonides' maxim was "It is possible for everyone to grasp them, small and great" (*Hilkhot Yesodei Hatorah*, 4:13), a view that is not without parallels. R. Yosef Kimḥi, for example, states that his book "contains ethical teaching suited to the great and the élite, and to the small and fools."⁸⁹ R. Levi ben Gershon (Ralbag) observes that his commentary on the Talmud is intended for the most diverse audience, and he hopes "that the multitude of learners and individuals will derive benefit from our comments."⁹⁰ R. Yosef Karo intended the *Shulḥan Arukh* for small and great: "I am convinced that, by the grace of the Most High, the earth will be filled, by means of this work, with the knowledge of the Lord, including small and great, disciple and scholar, sage and savant."⁹¹ Following in his footsteps, R. Mordekhai Jaffe also declares in *Halevush*:

Therefore, having in mind all the words of truth and righteousness [that it contains], I have called this book *Royal Garment*—Who are kings? The Rabbis—for it is a garment and shirt for the Rabbis. It is also [designed] for young people who are beginning their studies, that they may don it in

⁸⁷ This was the subject of my lecture at the Fifth World Congress of Jewish Studies, held in Jerusalem in 1969.

⁸⁸ Cf. J. Levinger, *Darkhei Hamahashavah Hahilkhatit shel Harambam* (Jerusalem, 1965), 21.

⁸⁹ *Sefer Haḥukah* (Breslau, 1868): "This book contains ethical teaching for the great and the noble and for the small and for fools. It comprises proverbs that can be explained according to the understanding of fools, but which may also be interpreted according to the wisdom of the wise."

⁹⁰ R. Levi ben Gershon, *Peirush al Hatorah*, Baruch Brenner and Eli Fraiman eds. (Ma'aleh Adumim, 1993) Introduction, p. 14.

⁹¹ *Shulḥan Arukh* (Amsterdam, 1726), author's Introduction (in most editions the author's Introduction has been omitted). Before this R. Yosef Karo says: "If a scholar is asked a halakhic question, he will not give a hesitant answer ... since he will be well versed therein through study of this book. And the young pupils will study it continually and learn it by heart, and the knowledge they acquire in their youth will be properly systematized."

their youth and be well versed therein because it comprises and covers the entire body [of Law] both inwardly and outwardly.⁹²

Undoubtedly a halakhic formulation that will seem simple to an unscholarly or insensitive reader will appear original and multifaceted to a scholarly and sensitive reader.⁹³ Of a gifted author's work it may be said: Two voices can be heard therein—for the small and for the great. Indeed, in the course of time the echoing tones of Maimonides' great work were to be heard by the congregation of Israel.

⁹² *Sefer Levush Malkhut*, Introduction.

⁹³ Cf. the telling way Odofredus, lecturer in jurisprudence in Italy in the middle of the thirteenth century, expressed it in praising his method of teaching:

But with me all students can profit, even the ignorant and the newcomers, for they will hear the whole book, and nothing will be omitted as was once the common practice here. For the ignorant can profit by the statement of the case and the exposition of the text, the more advanced can become adept in the subtleties of questions and opposing opinions.

See C. H. Haskins, *The Renaissance of the Twelfth Century* (New York, 1962), 203–204.

3

The Beginnings of *Mishneh Torah* Criticism

Maimonides, sharing the philosopher's innate propensity for universals and concomitant disdain for particulars, may not have thought highly of historiography; some of his parenthetical observations on the subject are quite nihilistic.¹ It may also be that he had no penchant for history and never developed a critical historical sense; occasional historical illustrations or chronological statements in his writings are not always precise.² One thing, however, is certain: he evaluated his own historic position accurately and sensitively. Displaying great powers of discernment—and omitting the stereotyped overtures to modesty—Maimonides emphatically called attention to the innovating aspects of all his major works.³ With regard to the *Mishneh Torah* in particular, he candidly declared that a work of such scope and arrangement was absolutely unprecedented. Some of his Geonic predecessors produced fragmentary codifications of Jewish law, but not since R. Yehudah the Patriarch has any individual undertaken to rework and reformulate the entire Halakhah. This, he implies, is his intellectual act of daring.⁴

Together with this confident realization of primacy went the undaunted anticipation of criticism and opposition. Maimonides not only feared that inbred conservatism which instinctually leads people to oppose innovation and change,⁵ but also he foresaw specific reasons for *Mishneh Torah* criticism. The occasion for the

¹ See *Mishnah Commentary*, Sanhedrin, 10:1; *Moreh Nevukhim*, I:2; S. Baron, "The Historical Outlook of Maimonides," *PAAJR* 6:8 (1934–35), n. 4. Cf. R. Avraham ibn Ezra, *Yesod Mora* (Prague, 1833), I, p. 11b; R. Avraham Maimonides, *Responsa*, ed. A. Freimann and S. Goitein (Jerusalem, 1937), 82 (p. 108).

² E.g., *Moreh Nevukhim*, I:71; *Mishneh Torah*, introduction.

³ See his introductions to the *Mishnah Commentary* and *Sefer Hamitzvot*; in the introduction to *Moreh Nevukhim* he claims to write about topics "which have not been treated by any of our scholars ... since the time of our captivity."

⁴ *Kovetz Teshuvot Harambam* (Leipzig, 1859), I, 140 (p. 25): לא פסוק הלכות בכל התלמוד ובכל דיני התורה לא; also, introductions to *Sefer Hamitzvot* and *Mishneh Torah*. This is the emphasis of R. Aharon ben Meshulam in his letter to Ramah, *Kovetz*, III, 11d, Hame'iri, *Beit Habehirah on Nedarim, Nazir, Sotah* (Halberstadt, 1860), p. 5b (כל עניני התלמוד) and P. Duran, *Ma'aseh Efod* (Vienna, 1865), p. 19. The parenthetical remarks in the letter to Yosef ben Yehudah (*Iggerot Harambam*, ed. D. H. Baneth [Jerusalem, 1946]), I, 50, strike one as a deliberate understatement.

⁵ *Moreh Nevukhim*, I, 31; cf. R. Yehudah ibn Tibbon, introduction to *Hovot Halevavot*.

anticipatory classification of the various kinds of critics that would undoubtedly arise to find fault with his *Mishneh Torah* was the plaintive letter of his trusted disciple Yosef ben Yehudah ibn Shimon, who was grievously irritated by the vehement anti-Maimonidean criticism generated in the school of Baghdad and was eager to retaliate in kind in defense of his master. In his very revelatory reply, counseling Yosef to accept the restraint, tolerance, and detachment which age, experience, and wisdom have imparted to himself, Maimonides enumerates the following types of critics:

I knew and it was perfectly clear to me at the time that I composed it that it would undoubtedly fall into the hands of a wicked and jealous person who would defame its praiseworthy features and pretend that he does not need it or is in a position to ignore it; and [that it would fall] into the hands of a foolish ignoramus who will not recognize the value of this project and will consider it worthless; and [that it would fall] into the hands of a deluded and confused tyro to whom many places in the book would be incomprehensible, inasmuch as he does not know their source or is unable to comprehend in full the inferences which I inferred with great precision; and [that it would fall] into the hands of a reactionary and obtuse man of piety who will assail the explanations of the fundamentals of faith included in it.⁶

This acutely sensitive prediction, with its emphasis on jealousy, confusion engendered by the lack of sources, and unenlightened rejection of his explanation of theological principles as three potential reasons for criticism, is certainly noteworthy. However, these categories of criticism, while relevant—in greater or lesser degrees, depending on the particular critic⁷—are by no means exhaustive. There are many features of the *Mishneh Torah* which would invite legitimate criticism of a less personal nature. For all the overtures to anonymity and self-effacement notwithstanding, the *Mishneh Torah* bears an unmistakable Maimonidean imprint. Its rearrangement and systematization of Rabbinic law, although drawn from ancient sources, was known to be original; the choice of a term and the turn of a phrase were invested with significance and taken to reflect peculiar Maimonidean opinions. The personality and

⁶ *Iggeret Harambam*, ed. Baneth. I, 50–51; see *Iggeret Tehiyat Hametim*, ed. M. D. Rabinovitz (Tel Aviv, 1951), 347–348.

⁷ An interesting misapplication is the case of Ravad of Posquière, to whom scholars, collectively, attributed all these motives, thus making him the bugbear of Maimonidean criticism. See, e.g., H. Graetz, *Toledot Am Yisrael*, IV, (Warsaw, 1894), 403, n. 2, and A. Harkavy, *Ḥadashim Gam Yeshanim*, 56; H. Gross, *Gallia Judaica* (Paris, 1897), 450; A. Geiger, *Wissenschaftliche Zeitschrift für jüdische Theologie* 5:558 (1839); I. H. Weiss, *Dor Dor Vedoreshav*, IV, 300; S. Eppenstein, in *Moses ben Maimon*, ed. J. Guttmann (Leipzig, 1914), II, 72; H. Tchernowitz, *Toledot Haposekim* (New York, 1946–47), I, 285. I have discussed these in my study *Rabad of Posquière* (Cambridge, Mass., 1962).

intellectual temper of the author emerge quite distinctly. This is the case not only with regard to the *Sefer Hamadda* and the other pockets of Maimonidean intellectualism so skillfully, often inconspicuously, woven into the warp and woof of the *Mishneh Torah*,⁸ or the selective use of aggadic motifs (especially in concluding chapters of the various books),⁹ but in purely halakhic contexts as well. Although Maimonides defined with great exactitude the structural and stylistic differences between an independent treatise (*hibbur*) and a commentary (*perush*) and relentlessly insisted that the *Mishneh Torah* was a *hibbur*,¹⁰ it was inevitable that Maimonides the codifier should emerge also as a commentator. For example, in his restatement of a law, he frequently substituted a lengthy expository paraphrase for the key word or *terminus technicus* of the underlying Talmudic passage. This commentatorial strain is most pronounced in those sections whose subject matter abounds in lexicographical and terminological difficulties—*Sefer Tohorot*, for instance, particularly *Hilkhot Kelim*.¹¹ These instances of Maimonidean paraphrase, while revealing that Maimonides realized the essential interrelationship of codification and commentary, drive in a wedge for the potential critic. Students of the *Mishneh Torah*, confronted with these explanations, may prefer what they believe to be superior explanations, which they will surely bring to the fore.¹²

When Maimonides, choosing the path of least resistance, evades the latent interpretive function incumbent upon the codifier by incorporating essentially equivocal words or problematic phrases into his restatement of the law, his readers will often have to provide explanations which vivify or actualize the given law. This is particularly so when there is no scholarly consensus upon which Maimonides can implicitly rely in his verbatim reproduction of an initially obscure or perplexing passage.¹³ The standard line followed by Maimonidean protagonists—that Maimonides is only a

⁸ See, e.g., the novel emphases in *Talmud Torah*, 3:12; *Isurei Biah*, 14:2; *Gezeilah*, 6:11 (for which cf. R. Yaakov Anatoli, *Malmad Hatalmidim* [Lyck, 1866], 173). Also, *Rotze'ah*, 7:1.

⁹ E.g., *Kesef Mishneh*, *Avadim*, 9:8 (הם דברי רבנו ראויים אליי); see M. Berlin, *Sefer Harambam*, ed. J. L. Fishman (Jerusalem, n.d.), II, 247ff.; J. Leiner, “Halakhah Va’aggadah Besofei Hasefarim Shebemishneh Torah,” *Talpiyot* 7:214–222 (1957). Cf. A. Cronbach, “The Maimonidean Code of Benevolence,” *HUCA* 20:473 (1947). Appending an edifying aggadah to halakhic discussion has Mishnaic and Talmudic precedent; see J. N. Epstein, *Mavo Lenusah Hamishnah* (Jerusalem, 1948), pp. 974ff.

¹⁰ Kovetz *Teshuvot Harambam*, I, 25b.

¹¹ E.g., *Kelim*, 11:20; *Tumat Met*, 10:4; 11:10; 13:3; *Shabbat*, 18:10 (cf. S. Lieberman, *Hilkhot Yerushalmi Larambam* [New York, 1947], p. 9). *Beit Habeḥirah*, 7:5; *Nizkei Mamon*, 13:12. The need to “extract the lexical material from Maimonides’ halakhic writings” was noted parenthetically by B. Cohen, *Rashi Anniversary Volume* (New York, 1941), p. 246. This material is often inconspicuous, e.g., *Keriat Shema*, 2:1.

¹² See *Hasagot*, *Tumat Met*, 14:7; 17:3; *Malveh Veloveh*, 5:5.

¹³ E.g., *Tumat Met*, 16:5; *Tumat Tzara’at*, 4:5; *Ma’akhalot Asurot*, 12:1; *Ma’aser Sheni*, 3:20; *Kelim*, 5:1; *Tumat Okhlin*, 13:11. See *Or Zarua*, I, 760 (כי כן דרכו שכותב פסקיו דרך קריאה).

codifier or compiler and does not purport to be a commentator¹⁴—is weakened by the fact that Maimonides frequently does interpolate commentary into his code.

Furthermore, notwithstanding all of Maimonides' announced intentions of eliminating indeterminate debate by selecting the most cogent view and then presenting unilateral, unsubstantiated decisions, he occasionally felt compelled to cite two or more opinions or to elaborate the reasons for his preferential treatment of a specific position.¹⁵ In such cases, the reader may align himself with one of the views or question Maimonides' argumentation.

Perhaps the freest invitation to divergence of opinion was in the extensive area of actual Talmudic study and analysis, where curt normative formulations reflect Maimonides' latent explanation of Talmudic texts or halakhic concepts, and incorporate his inferences, deductions, and interpretive tours de force. Again, although Maimonides claims to have reproduced only those Talmudic statements whose meaning is indisputable,¹⁶ the *Mishneh Torah* abounds with instances of originality of interpretation, harmonistic summation of disparate passages, calculated selection of variant readings, deliberate choice of one of many possible interpretations, independent determination of the normative decision when the Talmudic context is inconclusive, and the like. These instances far outnumber the approximately one hundred original statements and novel insights, unmistakably heralded by the formula, "It seems to me."¹⁷ As a matter of fact, Maimonides admits elsewhere that much invisible paper work and incalculable mental effort went into the implied explanation of texts and derivations of laws in the *Mishneh Torah*.¹⁸ Sometimes the style alludes to this originality or unconventional emphasis; the relative verbosity in such remarks as "these are reasonable statements and it is proper to adjudicate accordingly" is understandable only as underscoring a special point or innovation.¹⁹ It was, therefore, all too natural for students of the *Mishneh Torah* to attempt a meticulous reconstruction of

¹⁴ E.g., *Kesef Mishneh, Tumat Met*, 16:5; *Migdal Oz, Genevah*, 2:1.

¹⁵ *Shabbat*, 29:14; *Ma'akhalot Asurot*, 7:9; *Yom Tov*, 2:12; *Shekalim*, 3:9; *Nedarim*, 2:4; *Malveh Veloveh*, 21:1. See R. T. H. Chajes, *Tiferet Lemosheh* (Zolkiew, 1840), 8a.

¹⁶ *Responsa*, 152: ממשא ומתן של גמרא. See H. J. Michael, *Or Haḥayyim* (Frankfurt, 1891), p. 540. Also, *Migdal Oz, Gerushin*, 5:14, *Ma'akhalot Asurot*, 3:18.

¹⁷ See the list compiled by Maimon, in the introduction to the photostat of the 1480 Rome edition of the *Mishneh Torah* (Jerusalem, 1955), p. 6, n. 19.

¹⁸ *Responsa*, 69, 106, 143; *Iggerot Harambam*, I, 51. Maimonides repeatedly called attention to the painstaking preparation, meticulous research, and architectonic construction that characterize all his writings. See introduction to *Perek Helek* (Sanhedrin, chap. 10), end: אני לא חברתי ... אלא לאחר עיון. גדול והתבוננות. *Moreh Nevukhim*, introduction: לא נפלו בו הדברים כאשר נודמנו אלא בדקדוק גדול ובשקידה רבה. *Sefer Hamitzvot*, introduction: ואקדים מה שיחייב העיון. See also introduction to *Tohorot Commentary*, end and other passages strewn throughout his writings.

¹⁹ *Malveh Veloveh*, 21:1 (against Alfasi); *Sekhirut*, 2:3 (against R. Yosef ibn Migas). Sometimes he specifies that he is rejecting his masters' opinions; e.g., *Ishut*, 5:15; *Zekhiyah Umatanah*, 3:8.

these submerged explanations, to analyze them, correlate them with others, and—if and when they appeared to be erroneous, inconsistent, or unconvincing—to take issue with them. Sometimes, even the cumulative resourcefulness of successive generations of scholars has failed to unravel a perplexing Maimonidean statement.

It should especially be noted that there was a large area of learning and interpretation in which complete unanimity could not be and was not expected. The admissibility of two or more equally tenable interpretations of a uniform text was a widespread principle—almost a rule of thumb—in medieval halakhic study and accounts for a good measure of its polemicism. This concept of relativism—or lack of objective determinacy characteristic of the mathematical sciences—was most strikingly formulated by Nahmanides in his defense of Alfasi against the strictures of R. Zerahyah Halevi,²⁰ but it is implicit in Maimonides as well. In the introduction to the *Mishnah Commentary*, Maimonides pays homage to the excellence of Alfasi's *Halakhot* and declares that one would be hard put to find as many as ten errors in this monumental work.²¹ Yet, in a responsum to an inquiry concerning a discrepancy between his view and Alfasi's, Maimonides reveals that he had prepared the first draft of a number of tracts and treatises enumerating all those places where Alfasi may be criticized.²² There are, in fact, scores and scores of places in the *Mishneh Torah* where the normative formulation differs from that in Alfasi.²³ In other words, the *Halakhot* contained not more than ten glaring mistakes which were indefensible and which one was bound to excoriate, but one could register one's reservations and queries, or submit alternate hypotheses with regard to many others. There were standing controversies which had never been definitively resolved and scholars could align themselves with one side or the other.²⁴ There were degrees of plausibility which had to be considered

²⁰ *Milhamot Hashem, Berakhot*, introduction: רבי אל תשובותי על הרב רבי זרחיה ז"ל כולו בעיני תשובות נצחות ומכריחות אותך להודות בהם על פני עקשותך, ותתפאר בהיותך מספק אחת מהן על לומדיה או תטריח על דעתך להכנס בנקב המחט לדחות מעליך הכרח ראיותי. אין הדבר כן. כי יודע כל לומד תלמודנו שאין במחלוקת מפרשי ראיות גמורות ולא ברוב קושיות חלוטות שאין בחכמה הזאת מופת ברור כגון חשבונות התשבורות ונסיוני התכונה.

²¹ *Mishnah Commentary*, introduction: ואין תפישה עליו בהם אלא בהלכות מועטות לא יגיעו עד עשר בשום פנים.

²² *Teshuvot Harambam* ed. Yehoshua Blau vol. 2 (Jerusalem: Mekitzei Nirdamim, 1960) 459:

וזה שאנחנו חלקנו עליו בקצת מקומות כמו ל' מקום או יותר, מה שתפס עליו תלמידו רבי יוסף הלוי ז"ל ... וקצתם אנחנו הערנו עליהם ... וכבר עשינו קונדרסין באותם המקומות אמנם עדיין לא יצאו לתכלית הפעולה.

ותעסוק בתלמוד תורה על דרך האמת: *Iggerot Harambam*, I, 69: See also his letter to R. Yosef ben Yehudah, *Iggerot Harambam*, I, 69: ולא תלמוד אלא הלכות הרב ז"ל בהעריכו אל החבור וכאשר תמצא חלוק ביניהם תדע כי העיין בתלמוד יורד הדבר ויתגלו לכם המקומות הסתומים.

²³ The critics sometimes note this divergence; see *Yom Tov*, 1:14; *Ishut*, 18:28; *Zekhiyah Umatanah*, 10:2; *Yibbum Vahalitzah*, 6:27, and others.

²⁴ See, e.g., *Shabbat*, 1:7 (מלאכה שאינה צריכה לגופה) and commentaries ad loc.; cf. the important article of A. Freimann, "Teshuvat Harambam Lerabbi Yosef Hama'aravi," *Sefer Yovel le-B. M. Lewin* (Jerusalem, 1940), p. 30. The commentators repeatedly observe: זו מחלוקת ישנה היא. See *Yom Tov*, 3:8; *Shofar*, 3:4; *Ishut*, 18:19; *Hametz Umatzah*, 8:8; *Nizkei Mamon*, 12:8, and others.

in the appraisal of divergent views and these could not be decided on the basis of purely scientific criteria.

Students of the *Mishneh Torah* would undoubtedly be aware of this element of relativism and be guided by comparable standards. On one hand, they would not mechanically reproduce all of their own stock views and pit them against those of the *Mishneh Torah*—which means, of course, that the argument *ex silentio* is not always valid.²⁵ A critic's silence does not invariably signify concurrence. On the other hand, though, students of the *Mishneh Torah* would not hesitate to introduce tentative alternatives to rigid Maimonidean formulations—which means, of course, that they did not have to be unreservedly committed to these views. Just as Nahmanides could weaken a view of Razah and thereby rehabilitate a view of Alfasi merely by suggesting *possible* interpretations and conjectural constructions, students of the *Mishneh Torah* could at least reservedly question—if not peremptorily dismiss—a Maimonidean statement by submitting an alternative. Their purpose may be to deflate Maimonides' sense of certitude and authoritativeness, when this is very pronounced or, more generally, to stimulate further research and analysis by underscoring the existence of cogent, conflicting views. Sometimes, they merely reflect one's own uncertainty about the correct theory or proper practice.²⁶

II

Now, indeed, this criticism, much of which Maimonides fully anticipated, was quickly forthcoming. By the middle of the thirteenth century there must already have been a considerable volume of criticism, for by approximately that time Nahmanides could observe in passing that Maimonides' "great treatise" had been subject to sustained questioning.²⁷ Earlier, Alḥarizi had commented rather amorphously on the widespread critique of Maimonides' work—tendentiously suggesting that it was *all*

²⁵ Many Rabbinic scholars maintained that silence is tantamount to support. See, e.g., *Kenesset Hagedolah*, *Kelalei Haravad*, printed at the beginning of most *Mishneh Torah* editions; Azariah dei Rossi, *Meor Einayim* (Vilna, 1863), *Imrei Binah*, 242; *Matzref Hakesef*, 13. R. Shelomo Luria apparently also maintained that silence equaled agreement: see *Yam shel Shelomoh*, *Hullin*, I, 42:

ואף שהרמב"ם גדול בתורה היה ... והראב"ד ג"כ לא השיג עליו, מכל מקום לא אשא פנים בתורה.

²⁶ Those annotations which are introduced by noncommittal phrases—"There is one who says," "Some explain," "It is possible to say"—are not necessarily binding; see *Kenesset Hagedolah*; *Beit Yosef* on *Tur Oraḥ Hayyim*, 582. There are over forty of these in Ravad's *Hasagot*.

²⁷ Nahmanides' *Hasagot* on the *Sefer Hamitzvot* בין הגדול, בחבורו הכתובים לו בחבורו הגדול, שכתב הקשו עליו חכמי הדורות או שמחלו עליהן. The last phrase indicates that there was more disagreement and criticism than was articulated. It implies that they refrained from calling attention to flaws which could easily be exposed. Compare the following exchange: R. Zerahyah Halevi, *Sefer Hatzava*, *mid-dah* 12: To which הרב אלפסי כתב ... ואנן לא ס"ל הכי ... וגם אלו מן המחילות שמחלנו לו ולא השגנום בספר המאור. וועדיין בעל הספר הזה מערער על דבריו. כי אחר שמחל לו בספר המאור. ומה זו מחילה שהלה חוזר וגובה ממנו.

biased and inconsequential.²⁸ Such an accumulation of critical literature—and one must subsume under this category not only the animadversionary writings of avowed critics but the explanatory works of neutral students as well—is comprehensible only in light of the speed and intensity with which the *Mishneh Torah* spread.

Completed in 1180, or probably 1178,²⁹ it became known with amazing rapidity,³⁰ first in Oriental countries (Palestine, Syria, Babylon, Yemen)³¹ then in the Mediterranean area (including Spain and Provence), and finally in the Franco-German orbit as well. In 1191, Maimonides already spoke of its renown in all corners of the earth,³² even though in 1193 it had apparently not yet reached southern France.³³ By the turn of the century, it was firmly rooted in the Provençal-Castille region and was the subject of intense study.³⁴ In northern France also it quickly established itself and circulated widely.³⁵ One can discern the transition, in a matter of decades, from casual, irregular use and selective study of the *Mishneh Torah* to habitual, almost routine reference to it on all occasions. The earliest quotations, those by R. Yehudah ben Yitzhak of Paris, R. Yitzhak ben Avraham (Ritzba) and R. Shimshon of Sens, appear

²⁸ *Tahkemoni*, chap. 46: ויהי אחרי מות משה, נועדו כל איש עז וקשה, וכל כסיל פיהו פער, בספרד וצרפת וארץ הצבי ושנער, ויועצו להשיב על חבורי דברים רקים וענינים צנומים דקים.

²⁹ See S. Gandz, "Date of the Composition of Maimonides' Code," *PAAJR* 17:1–9 (1948); E. Weisenberg, Appendix to *Code of Maimonides: Book III* (Yale Judaica Series, XIV, New Haven, 1961), p. 561.

³⁰ Cf., e.g., the spread of Rashi's commentary, which is not yet mentioned in the *Sefer Hakabbalah* of R. Avraham ibn Da'ud; see L. Ginzberg, *Ginzei Schechter*, II (New York, 1929), 382; S. Assaf, *Tarbiz* 8:162 (1937), n. 2; idem, *Beoholei Yaakov* (Jerusalem, 1943), pp. 16–18.

³¹ E.g., the *Hasagot* of R. Daniel in *Birkat Avraham*, ed. Goldberg (Lyck, 1859); see the references cited by A. Freimann, "Teshuvat Harambam," *Sefer Yovel Lewin*, pp. 27–28.

³² *Iggeret Tehiyat Hametim*, 357: וכאשר התפרסם חבורנו זה בארצות והתפשט בקצוות.

³³ Maimonides' *Epistle on Astrology*, ed. A. Marx, *HUCA*, vol. III (1926). והדבר ידוע כי לא הגיע עדיין. See A. Geiger, "Moses ben Maimon," *Nachgelassene Schriften* (Berlin, 1876), III, 90–91. From his very important letter to Yosef ben Yehudah (ca. 1192), it would appear that the *Mishneh Torah* (as was later to be the case with the *Moreh Nevukhim*) was circulated in installments; cf. *Iggeret Harambam*, ed. Baneth, I, 52: כל שכן שהגיעו אלי אגרות מחכמי צרפת ואחרים בשמותם שהם מתפעלים מהמפעל ומבקשים לקבל את ההמשך, וכבר נפוץ החיבור עד לקצות הארץ הנושבת. If the references to הרב הבבלי in the *Sefer Ha'itur* of R. Yitzhak ben Abba Mari (d. 1193) designate Maimonides, this would significantly support the view that the *Mishneh Torah* reached France in piecemeal fashion, book by book. See J. Dienstag, "Yahasam shel Ba'alei Hatosafot Larambam," *Mirsky Jubilee Volume* (New York, 1959), pp. 353–354. On the date of the composition of the *Itur*, see A. Neubauer, "Der Itur," *MGWJ* 20:173–176 (1870). Also, L. Blau, "Das Gesetzbuch des Maimonides historisch betrachtet," *Moses ben Maimon*, ed., J. Guttmann (Leipzig, 1914), II, 339, n. 4.

³⁴ In 1232, Ramah wrote to Nahmanides: בהגיע תור משנה ספר התורה, אף כי זה ימים רבים הרבה משלשים שנה, see *Kovetz Teshuvot Harambam*, III, 7a. Also, Ramah's elegy on Maimonides, ed. H. Brody, *Tarbiz* 6:7 (1935).

³⁵ See, in general, R. Avraham Maimonides, *Milhamot Hashem*, ed. R. Margaliyot (Jerusalem, 1953), pp. 52–54.

as sporadic references to “the book of R. Moshe.”³⁶ By 1236, R. Moshe of Coucy refers to that praiseworthy composition of Maimonides which “enlightened the eyes of Israel” and strengthened Talmudic study as it spread “in the lands of Christendom and Islam.”³⁷ Still later, by the time of R. Meir of Rothenburg, it had achieved special prominence as an indispensable reference work, comparable metaphorically to the *Urim Vetumim*.³⁸ Extensive quotations from it—sometimes anonymous—turn up in the *Arugat Habosem* of R. Avraham ben Azriel, *Sefer Ḥasidim*, *Sefer Haroke’ah* of R. Eleazar of Worms, responsa collections of R. Meir of Rothenburg, not to mention the *Midrash Hagadol*, *Tanḥuma*, and other works.³⁹ In short, less than a century after its composition, the *Mishneh Torah* was well on its way to becoming “the most celebrated codification of Jewish law.”⁴⁰

Much has been written about the nature of this criticism and the motives which spurred scholars on to review the *Mishneh Torah* in its encyclopedic totality. The Maimonidean allegation of jealousy—begrudging Maimonides the honor which was almost universally bestowed upon him—is often repeated; it was echoed immediately by R. Aharon Hakohen of Lunel and R. Sheshet of Saragossa.⁴¹ Instinctive polemicism—critique for critique’s sake—is sometimes suggested.⁴² Responsibility is also placed upon ideological convictions: suspicion of heresy and antipathy to unbridled popular philosophic inquiries.⁴³ Arbitrary opposition to codification, to any

³⁶ See, E. Urbach, *Ba’alei Hatosafot* (Jerusalem, 1955), 272–273; Ramah, *Kitāb Al-Rasā’il*, 132: וראיתי לרבנו הצרפתי ז”ל (נמצא ביד החברים שעמנו מקצת ספרי הרמב”ם ז”ל) בתשובותיו (הריצב”א) במצוות הנוהגות עתה בארץ ישראל, שהגיעו ספרי הרב הגדול לידו והיה מתברך בהם בשפה ברורה ובלשון מהודרת.

³⁷ *Sefer Mitzvot Gadol* (Venice, 1522), introduction.

³⁸ *Responsa* (Lemberg, 1860), 426: אמנם משבא לידי ספר רבינו משה בן מיימון זצ”ל נשאלתי מאת כבודך שאלה זו, אמרתי בלבי אשאל באורים ותומים ודבר מה יראני וכיבדתי לך.

³⁹ See *Arugat Habosem*, ed. E. Urbach (Jerusalem, 1941) and Urbach’s article in *Tarbiz* 10:30 (1939); *Sefer Ḥasidim*, ed. Freimann, p. 17; E. Urbach, “Helkam shel Ḥakhmei Ashkenaz Vetzarfat Bapulemos al Harambam,” *Zion* 12:150–151 (1947); *Tanḥuma*, ed. S. Buber, introduction, chap. 9; *Midrash Hagadol*, *Bereishit*, ed. M. Margaliyot, p. 8.

⁴⁰ R. Yosef Karo, introduction to *Beit Yosef*.

⁴¹ R. Aharon’s letter to Ramah, *Kitāb al-Rasā’il*, 34: ומבין ריסי אגרתך נכר כי לא חפצת צדקו במחשבתך כי אם בהתגלות לבך ואתה לא החילות כי אם להראות חכמתך (1935). See also the anonymous letter published in *Kerem Hemed*, 5:10 (1841). This is implicit in R. Yehudah Alḥarizi’s characterization of Ramah; *Taḥkemoni*, 46. See Note 7. Yosef Sambari (A. Neubauer, *Mediaeval Jewish Chronicles* [London-New York, 1887–95], I, 124) suggested that Ravad envied the success of Maimonides’ code: הרמב”ם ז”ל שמיה גרים—הר”ם במז”ל; שזכה מזלו ונתפשט חבורו. והראב”ד ז”ל שמיה גרים—הר”א אבד ז”ל; שלא זכה ואבד חבורו.

⁴² E.g., *Kesef Mishneh*, *Beit Habeḥirah*, 4:5; *Ḥametz Umatzah*, 6:6; R. David ben Zimra, *Ma’aser Shenit*, 1:14; *Sefer Hamenuḥah* on *Shofar* 1:1; 2:8.

⁴³ E.g., R. Menaḥem Azaryah Fano, *Sefer Teshuvot*, 108 (p. 111). See *Jewish Encyclopedia*, I, 104; S. Winniger, *Grosse jüdische National-Biographie* (1925), I, 22; I. Zinberg, *Toledot Sifrut Yisrael* (Tel Aviv, 1955), I, 306.

definitive, systematic formulation of halakhah, is also submitted in explanation of the anti-Maimonidean critique.⁴⁴ All these motivational analyses, to my mind, merely skirt the periphery, without coming to grips with the crux of the problem: how much of the opposition was personal and petty, psychological and ideological, and how much was scholarly and methodological? What was objectionable even to scholars who themselves excelled in codification and were not averse to philosophizing? What made a student move from obviously great admiration to reservation and even rejection?

Deeper study would indicate that the nature and motives of this criticism can be determined only in the broad perspective of the total reception of the *Mishneh Torah*, where stricture and supplement, criticism and commentary, dissent and elaboration are inseparable.⁴⁵ Scholars everywhere turned to its exhaustive study rather than its exclusive criticism, as had previously been the case with Alfasi's *Halakhot*. Bias and personal temperament, to be sure, may play a part; scholars were "involved" persons with likes and dislikes, deep-seated sentiments and decided propensities, and did not write with emotional detachment. However, reaction to the *Mishneh Torah* was motivated primarily by a sense of intellectual freedom and independence which expressed itself in pointed criticism and/or reasoned corroboration—animadversions or scholia. The common purpose of all Maimonidean literature was to scrutinize Maimonidean statements—criticize them, interpret them, modify them, relate them to the sources. Most of the twelfth- and thirteenth-century writers—R. Daniel Habavli, R. Avraham ben David of Posquières, R. Moshe Hakohen, R. Yonatan of Lunel, R. Meshulam ben Moshe of Béziers, R. Shimshon of Sens, R. Meir Hakohen—are as much commentators as they are critics while, to a measurable extent, the writings of the Maimonidean "armbearers" of the fourteenth century and later, starting with R. Manoah (*Sefer Hamenuḥah*), R. Vidal of Tolosa (*Maggid Mishneh*), R. Shem Tov ibn Gaon (*Migdal Oz*) and R. David ben Zimra (*Leshonot Harambam*; *Yekar Tiferet*), contain much substantive critique. The same is true for the Maimonidean statements quoted and discussed in the general halakhic literature of the period—such as the *Sefer Ha'itur* of R. Yitzhak ben Abba Mari, responsa of R. Meir Halevi Abulafia (Ramah), collective studies of the sages of Lunel, early *Tosafot* of R. Yehudah ben Yitzhak of Paris, R. Yitzhak ben Avraham and R. Shelomo ben Yehudah of Dreux, *Or Zarua* of R. Yitzhak ben Moshe of Vienna, commentaries of R. Yonah Gerondi and his disciples, novellae and codificatory writings of Nahmanides and Rashba, compendium of R. Asher ben Yehiel. The common characteristic of this heterogeneous literature

⁴⁴ Tchernowitz, *Toledot Haposekim*, I, 11; S. Atlas, introduction to *Ravad's Commentary on Bava Kamma* (London, 1940), 42.

⁴⁵ Cf. R. Moshe Hagiz, *Mishnat Hakhamim* (Tchernovitz, 1864), 176, R. T. H. Chajes, *Tiferet Lemoshe* (Zolkiew, 1840), p. 3; J. Reifmann, "Ravad Ba'al Hahasagot," *Beit Talmud* 4:380 (1885); S. Assaf, "Yahasos shel Haravad el Harambam," *Kovetz Rabbenu Moshe ben Maimon*, ed. J. L. Fishman (Jerusalem, 1935), p. 276.

vis-à-vis Maimonides is neither unquestioning subservience nor uninformed rejection but searching analysis of the subject under consideration. The results—blanket endorsement, qualified approval, partial dissent, or relentless criticism—vary.

Allowing for varying emphasis, two major trends are discernible in all subsequent Maimonidean studies: (1) criticism of Maimonides for omitting what we may loosely call the apparatus criticus from his *Mishneh Torah* and, concomitantly partial disqualification of this work as an ultimate guide in codification; (2) conversely, concerted efforts to supply the necessary sources and explanations for his statements and thus rehabilitate the *Mishneh Torah* as an authoritative code. These two approaches, apparently antithetical yet in many respects mutually complementary, are the axes around which all commentaries, supercommentaries, and critical supplements revolve. Both—and this is the main point—are articulated and to some degree implemented in the early decades of *Mishneh Torah* investigation by those very writers usually described as hypercritical and anti-Maimonidean.

A good example of the early critic-commentator foreshadowing both these aspects in theory as well as in practice is Ravad of Posquières. The argument concerning the lack of sources, which led to a systematic exposé of other weaknesses and errors—alleged flaws, apparent discrepancies, strained interpretations—was fully articulated by Ravad in one of the early *hasagot*, where he castigates Maimonides for “forsaking the way of all authors who preceded him.”⁴⁶ Precisely because Maimonides mentions no names and adduces no proofs, because the derivation of normative judgments from hylic Talmudic debates is not traced, Ravad illustrated that the *Mishneh Torah* was not the last word in codification, that some statements were erroneous, others were based on faulty inferences and still others were merely one possible alternative, arbitrarily selected. Errors, real or apparent, serious or trivial, of various sorts—textual, stylistic, theoretical, methodological, codificatory, consuetudinary, classificatory, but mostly interpretive—evoked various critical reactions from Ravad.

This critical note, once struck, reverberates throughout later literature and helps establish a major category of interpretive and critical annotations. Ravad’s immediate

⁴⁶ *Hasagot, Mishneh Torah*, introduction:

“He intended to improve but did not improve, for he forsook the way of all authors who preceded him. They always adduced proof for their statements and cited the proper authority for each statement; this was very useful, for sometimes the judge would be inclined to forbid or permit something and his proof was based on some other authority. Had he known that there was a greater authority who interpreted the law differently, he might have retracted. Now, therefore, I do not know why I should reverse my tradition or my corroborative views because of the compendium of this author. If the one who differs with me is greater than I—fine; and if I am greater than he, why should I annul my opinion in deference to his? Moreover, there are matters concerning which the *Geonim* disagree and this author has selected the opinion of one and incorporated it in his compendium. Why should I rely upon his choice when it is not acceptable to me and I do not know whether the contending authority is competent to differ or not. It can only be that ‘an overbearing spirit is in him.’”

successors in Maimonidean critique, such as R. Moshe Hakohen, shared this concern. It is expressed or implied in a host of other contemporary statements from the pen of both antagonists and protagonists, such as R. Shimshon of Sens, R. Yosef ben Todros Abulafia, R. Sheshet Hanasi of Saragossa, and an anonymous partisan of the *Mishneh Torah*.⁴⁷ R. Moshe of Coucy, author of the *Sefer Mitzvot Gadol* which is actually based on the *Mishneh Torah* and organized in accord with Maimonidean principles of classification, mentions the lack of sources as a serious deficiency impairing the value and restricting the usefulness of the *Mishneh Torah*.⁴⁸ His own book cites sources and includes summary presentations of explanations and inferences. R. Asher ben Yehiel correlated the ability—even the possibility—to use the *Mishneh Torah* with one's knowledge of the sources: "One should not rely upon his reading in this book to judge and issue decisions unless he finds proof in the Talmud."⁴⁹ Hame'iri also stresses this deficiency, even though he does not explicitly condemn it.⁵⁰ Yosef ibn Kaspi chides the scholars of his day for seeking proofs and explanations of the commandments rather than being content with the codified traditions of the *Mishneh Torah*.⁵¹ R. Hasdai Crescas, who had contemplated a comprehensive work on law as well as dogma, practically reproduces Ravad's objections.⁵² R. Yitzhak ben Sheshet Perfet endorses R. Asher ben Yehiel's view concerning the need to trace all decisions back to original sources; people who rely exclusively on the code are denigrated as "rendering decisions in haughtiness."⁵³ Faint echoes of this refrain may be heard even from R. Yosef Karo, who admits that he would have liked to pattern his book on that of Maimonides but was compelled to alter his plans "because he brings only one opinion while I had to elaborate and write the opinions of other codifiers and their

⁴⁷ Letter of R. Shimshon, *Kitāb al-Rasā'il*, 131–132: וכל האומר דבר ... ואיש אל ישים יגיעו בספרים הסתומים. בשם אומרו מביא גאולה לעולם. R. Yosef Abulafia, *Jeshurun* 8:39–40 (ed. J. S. Kobak, 1872): ... היהשבו ואחרי: Letter of R. Sheshet, published by A. Marx, *JQR* 25:414 (1935): כל הספר הסתום למשה מסיני הלכה. A. S. Halkin, "Sanegoriyah al Sefer Mishneh Torah," *Tarbiz* 25:413–428 (1956). See also D. Kaufmann, "The Etz Chayim of Jacob b. Jehudah of London," *JQR*, O.S., 5:368 (1893): גם לקצת דבריו חלוקין גאוני עולם: ועל כי הגאון לא הביא בספרו ראיה לדבריו, ... והביא ראיות לרוב דבריו. האחרונים ... ועמד הרב ר' משה מקוצי וחבר חבור מכל התורה על פי ספר הגאון ...

⁴⁸ *Sefer Mitzvot Gadol*, introduction: לא הביא הגאון שום ראיה בספריו וכל אדם שיוורה מתוך ספריו ויבקשו ממנו: כתב ראיה מנין, אם לא למד הראיה או אפי' למדה ואינו זוכר יהא לו הדבר ההוא כחלום בלא פתרון.

⁴⁹ *Responsa*, Kelal 31: 9.

⁵⁰ *Beit Habeḥirah* on *Nedarim*, *Nazir*, *Soṭah*, p. 5b. See also R. Yeruḥam ben Meshulam, *Sefer Mesharim* (Kapust, 1908), p. 2.

⁵¹ Will of Yosef ibn Kaspi, in *Hebrew Ethical Wills*, ed. I. Abrahams (Philadelphia, 1926), I, 153: כי לא יספיק לכם הקבלה מספר משנה תורה שחבר רבנו משה ואעפ"י שאמר הוא ז"ל ואינו צריך לספר אחר ביניהם אבל הדבר הגדול היום בעיני חכמינו: בעלי הגמרא הוא העסק בסוגיות התלמוד ולא העסק בפסק הנברר ממנו.

⁵² *Or Hashem* (Vienna, 1860), p. 32.

⁵³ See A. Hershman, *Rabbi Isaac ben Sheshet Perfet* (New York, 1943), p. 69.

reasons.”⁵⁴ This attitude—and its critical consequences—is uniformly reflected in the sustained refusal of halakhists to use the name *Mishneh Torah*, which struck them as somewhat audacious in its presumption to serve as the sole companion to Scripture.⁵⁵ Indeed, what more need be said than to call attention to the fact that Maimonides himself was conscious of this shortcoming, discussed it a number of times in his correspondence, and anticipated the criticism it would provoke.⁵⁶

The second trend in Maimonidean study—corroborating and elucidating the *Mishneh Torah* by unearthing its Talmudic sources and revealing its latent processes of reasoning—also had its origin in Ravad’s *Hasagot*. He was the first to emphasize the need of such work and, in part, to undertake its implementation. His *Hasagot* contains many positive, appreciatory elements, starting with a sustained quest for sources and continuing to pointed lexical annotation as well as lengthy halakhic clarification. All the standard commentators, starting with R. Shem Tov ibn Gaon and R. Vidal of Tolosa through R. David ben Zimra and R. Yosef Karo and continuing until this very day, were preoccupied with this task; the center around which their commentaries revolve is the enumeration of sources and their explication in a Maimonidean vein. R. Karo provides an excellent description of the inherent difficulties of the *Mishneh Torah* and the attempts to resolve them: “The generations that followed him could not understand his works well ... for the source of every decision is concealed

⁵⁴ *Beit Yosef, Tur Oraḥ Ḥayyim*.

⁵⁵ See defensive statement of R. Shelomo Duran, *Milḥemet Mitzvah*, end. Usual references are: כתב לשון הר' (Or Zarua, I, 332); וכן בספר הרב ר' משה (Itur, p. 152); חבור חדש (Temim De'im, 120); הרב רמב"ם (Arugat Habosem, II, 269); מקצת ספרי הרמב"ם (Kitāb al-Rasā'il, 132); ספר הרמב"ם (Responsa of R. Asher ben Yehiel, 32:11); חבור הרמב"ם ז"ל (Responsa of Rashba, 253). See also *Sefer Hamakhria* (Munkacz, 1900), pp. 28, 89, 91. Chroniclers and poets, however—whose concern is not halakhic—do not hesitate to use the title *Mishneh Torah*; see, e.g., Yehudah ben Shemuel ibn Abbas, *Ya'ir Netiv*, quoted by Assaf, *Mekorot Letoledot Haḥinukh*, II, 30; R. Shem Tov Falquera, *Sefer Hamevakesh*, Assaf, II, 47; poem printed by Steinschneider, *Moreh Mekom Hamoreh* (Berlin, 1885), 65 (p. 19); Avraham ben Shelomo, Supplement to *Sefer Hakabbalah*, ed. A. Neubauer, *Mediaeval Jewish Chronicles*, I, 102; Profiat Duran, *Ma'aseh Efod*, 19. In his polemical exchange with Ramah, R. Aharon ben Meshulam still refers in passing to *Mishneh Torah*; Kovetz, III, 11d. See also Notes 34, 51. Apparently the first person to substitute *Yad Haḥazaqah* for *Mishneh Torah* was R. Yishai ben Hizkiyah, the exilarch of Damascus; Kovetz Teshuvot Harambam, III, 21c (היד החזקה אשר קראו משנה תורה). See B. Cohen, “The Classification of the Law in the Mishneh Torah,” *JQR* 25:529 (1935), n. 41. This is noteworthy: a confirmed Maimonidean protagonist—in a letter threatening to excommunicate those who keep writings antagonistic to Maimonides—already shows his reluctance to use the term *Mishneh Torah*.

Finally, it should be remembered that Maimonides frequently used the term *ḥibbur* to designate his code; cf. L. Blau, “Das Gesetzbuch des Maimonides historisch betrachtet,” *Moses ben Maimon*, ed. J. Guttmann (Leipzig, 1914), II, 338–339. Blau’s statement, however, that the term *Mishneh Torah* is never repeated by Maimonides is untenable; cf. *Responsa*, 334; *Iggeret Teḥiyat Hametim*, 347.

⁵⁶ Kovetz Teshuvot Harambam, I, 140 (p. 26). See the well-documented study by I. Kahana, “Hapulemos Misaviv Lekviat Hahalakhah Keharambam,” *Sinai* 26:391–411, 530–537 (1955).

from them ... One wrote a commentary *Maggid Mishneh* in which he revealed the source of every law ... But he illuminated only six [of the fourteen] parts ... So I the youngster arose ... to write on the source of every decision and explain his statements.”⁵⁷ To this day, the quest for *Mishneh Torah* sources in unknown midrashim, Geonic responsa, variant readings, et cetera, continues unabated as one of the main forms of rabbinic scholarship. What more need be said than to call attention to the fact that Maimonides himself, fully cognizant that his method would invite criticism, contemplated the composition of a *Sefer Habe’ur*, some kind of sourcebook which would serve as a supplement to the *Mishneh Torah*.⁵⁸

Another interesting example is provided by the writings of R. Meir of Rothenburg—to take a later scholar whose attitude to the *Mishneh Torah* already had time to be conditioned by the steadily increasing venerability and authoritativeness of Maimonides. On one occasion, he subordinates himself completely to Maimonides for “who am I and what is my reasoning, my heart is like the fullness of the eye of a very fine needle and [I cannot] dissent from the reasoning of our Master which is as wide as the Temple door.” The *Mishneh Torah* is like the *Urim Vetumim*.⁵⁹ Yet he himself initiated the systematic glossing of the *Mishneh Torah* (completed by his disciple R. Meir Hakohen in the *Hagahot Maimoniyot*) which aimed to bring it into harmony with current Franco-German practice and opinion, and did not hesitate unreservedly to reject certain Maimonidean views. Just the listing of alternate views and different customs, although merging formally with the text, most often repudiated it. The initial assertion of dependence is tempered by actual independence to such an extent that the cumulative result is the familiar combination of stricture and supplement.⁶⁰

The axiological orientation and literary achievements of R. Yonatan Hakohen of Lunel, younger contemporary and erstwhile student of Ravad, illustrate the same dialectical position from a slightly different vantage point. On one hand, he is the spokesman for the Lunel Scholars and communicates the famous twenty-four questions, respectful but trenchant, to Maimonides. These questions, many of which are repeated in the *Hasagot* of Ravad and Ramak, reflect the cooperative-critical endeavor of the Lunel school (and indicate parenthetically the immediacy with which they turned to the study of the *Mishneh Torah*).⁶¹ On the other hand, R. Yonatan Hakohen is described by contemporaries and successors as a zealous, erudite champion

⁵⁷ *Kesef Mishneh*, introduction. See a similar statement by R. David ben Zimra, *Yekar Tiferet*, ed. S. B. Werner (Jerusalem, 1945), p. 11.

⁵⁸ R. Avraham Maimonides, *Birkat Avraham*, ed. Goldberg, p. 8; *Kovetz Teshuvot Harambam*, I, 140; *Iggerot Harambam*, ed. Baneth, I, 51.

⁵⁹ See Note 38; Eiruvim, 53a.

⁶⁰ See Urbach, *Ba’alei Hatosafot*, 434–435; G. Wellesz, “Hagahot Maimoniyot,” *Hagoren* 7: 36ff. (1908).

⁶¹ Maimonides’ *Responsa*, ed. Freimann, introduction.

of the *Mishneh Torah* who “explained and corroborated the words of Maimonides.”⁶² R. David Messer Leon puts his writings in the same category as the *Maggid Mishneh* and *Migdal Oz*, which usually “refute the criticisms.”⁶³ Actually, his attitude to the *Mishneh Torah* should be correlated with his treatment of Alfasi’s *Halakhot*. His commentaries on Alfasi’s compendium of law initiate that process whereby the *Halakhot* are transformed into a “miniature Talmud,”⁶⁴ embellished with commentaries just like the Talmud itself. Nonetheless, although operating within a theoretical framework which was overtly favorable to Alfasi, he periodically modified or dissented from certain views.

The ramified activity of R. Yonatan suggests an extension of the dialectical principle we have just formulated with regard to the *Mishneh Torah*: all writing on major works (Rashi’s Commentary and Alfasi’s *Halakhot* take their place alongside of Maimonides’ *Mishneh Torah*) was of this character—partly approbatory, partly negative. First of all, the terminology itself is significant. The literature stimulated by the aforementioned epochal works consists of *tosafot*, *sifrei tashlum*, *hashlamah*, *hagahot*, and *hasagot*. Even the latter term, which, in the course of time and contrary to its original connotation, acquired the sense of negative critique—demolition tactics exclusively—originally denoted supplement of all kinds, fairly objective and frequently favorable.⁶⁵ It is noteworthy that many scholars—R. Shemuel Hasardi, R. David ben Levi of Narbonne, Nahmanides, R. Aharon Hakohen of Lunel, R. Manoah, Rashba, Hame’iri, the author of *Kol Bo*, R. David ben Zimra, R. Yaakov Landau (*Agur*)—use the words *hasagot* and *hagahot* interchangeably. Ravad himself uses both terms to designate his scholia.⁶⁶ Secondly, a number of authors publicly declare their intention of devoting their works to exhaustive review rather than exclusive criticism of a given text. The avowed goal of the *Sefer Hahashlamah* (פעם לחזק דבריו) (ופעם לתמוה עליהם) is not, in theory, very different from the alleged purpose of the *Sefer Hamaor*: דורש ושואל וחוקר ומאיר ומעורר. פעם סומך ועוזר ופעם כמשיב ושובר.

Ravad also introduces his criticism of Alfasi in similar terms: לא נמנעתי לחפש לא אחריי כאשר תשיג ידי. פעם לסתור ופעם לחזק.⁶⁷ What is more, even if such an *a priori* declaration of intent is not forthcoming, the actual literary practice is the same. For

⁶² R. David of Estella, *Kiryat Sefer*, in Neubauer, *Mediaeval Jewish Chronicles*, II, 232; N. Wieder, “Sifro Hanisraf shel Yehudah ibn Shabbetai,” *Mezudah* 2: 124 (1944).

⁶³ *Kevod Hakhmamim*, ed. S. Bernfeld (Berlin, 1899), p. 120; גם אין כאן לא מגיד משנה ולא מגדל עוז ולא רבינו יהונתן הרגילים להשיג על ההשגות.

⁶⁴ R. Menahem ben Zerah, *Tzedah Laderekh* (Warsaw, 1880), 6; R. Yitzhak Yisraeli, *Yesod Olam* (Berlin, 1848), II, 34b. The phrase is first used apparently by R. Avraham ibn Da’ud, *Sefer Hakabalalah*, in A. Neubauer, *Mediaeval Jewish Chronicles*, I, 76.

⁶⁵ See R. Yonah ibn Janah, *Sefer Harikmah*, ed. M. Wilensky (Berlin, 1929), p. 19. n. 7.

⁶⁶ E.g., *Terumot* 3:7; *Mehusrei Kapparah* 4:2; *Tumat Met* 6:9; *Sanhedrin* 1:5. I discuss this at length in my book.

⁶⁷ *Hasagot* on Alfasi, Ketubot, 14b.

example, in his defense of Alfasi against the *Sefer Hamaor*, Ravad frequently supports Razah, expands his statements or elaborates his theories. He points out correlations and coincidences between their views, refers to his own criticisms of Alfasi, and even has an occasional word of praise for Razah. A striking indication of the complexity or dialectical involvement of this defense–criticism is the statement of Nahmanides, most vigilant guardian and comprehensive expounder of Alfasi, that Ravad’s attempted defense of Alfasi is futile, for Alfasi’s position is really indefensible.⁶⁸ The critical attitude of Rashi’s descendants and disciples toward his commentaries is, of course, another case in point.

III

In a detailed study of Ravad (above, note 7), I hope to have demonstrated that his *Hasagot*—glosses, scholia, and animadversions—can be understood only as a comprehensive review of the *Mishneh Torah*, as the natural outcome of the concentrated critical study by the greatest Provençal Talmudist of the greatest work of halakhic codification, produced by the most outstanding Spanish-Egyptian Talmudist. They contain every conceivable form of annotation, and the only common denominator forthcoming to give them a semblance of unity is this concept of a scholar’s professional, microscopic review. All narrow characterizations of the contents and objectives of the *Hasagot* are emphatically defied by their heterogeneity and complexity, their breadth and diversity. They are truly protean. One finds, in the first place, many shades of criticism: authoritative, decisively triumphant, and frequently scornful; firm and steadfast but minus all traces of personal invective; courteously dissenting; diffident, incomplete, and occasionally conjectural. They refer to a range of interpretive matters, textual problems, local customs, and the like. There are, in addition, many forms of interpretive and commentatorial notes: listing the source—often obscure or unknown—of a statement and explaining it; reconstructing Maimonides’ explanation of a difficult text; showing the derivative process followed by Maimonides in the formulation of a law; approving a Maimonidean view and elaborating it; warding off possible criticism; agreeing with but modifying a view. Sometimes an annotation is nothing more than a mental note in writing, a candid, fluid discussion, indicating the pro and con arguments for various possible interpretations and conclusions, including the Maimonidean ones. There are scores of cases where, for the sake of academic completeness or stimulus, Ravad cites an alternative view, without necessarily committing himself to this view or automatically discountenancing the view of Maimonides. A note may on occasion provide supplementary details which Maimonides himself mentions elsewhere but which are necessary for a complete on-the-spot picture,

⁶⁸ *Milhamot*, Shabbat, 7b.

thereby obviating the need of collating the other scattered references. The *Hasagot* also serve as a mere vehicle of expression for Ravad; he incorporated into them extraneous material which was not directly relevant to a specific statement of Maimonides but was suggested by it. In sum, most of the matters a sensitive scholar systematically studying the *Mishneh Torah* or discursively browsing through any of its sections might discover is to be found in Ravad's *Hasagot*.

By singling out recurrent types of annotations which constitute distinct categories, I attempted to identify certain hypothetical principles of selectivity in Ravad's critical approach to the *Mishneh Torah*. Ravad nowhere formulates any *a priori* principles which led him to seek out specific kinds of Maimonidean statements, but most of his animadversions conveniently subsume themselves under a number of characteristic rubrics, constructive and negative. In reviewing a representative amount of the total output of the critical-commentatorial literature of this early period of *Mishneh Torah* study, I found that this classification of recurrent types of annotations, approbatory and dissenting, applies more or less to the literature as a whole. Consequently, while Maimonides' anticipatory explanation and motivation of criticism is penetrating and realistic, the hard core of *Mishneh Torah* literature, all its accoutrements and diversionary motifs notwithstanding, remains substantially halakhic.

IV

Some scholars have suggested that one of the reasons for the eruption of the prolonged controversy in the thirteenth century concerning philosophic studies in general and Maimonides' *Sefer Hamadda* and *Moreh Nevukhim* in particular was the anxiety of the Maimonidean antagonists lest the admittedly great halakhic authority of Maimonides lend weight to his philosophic views and make rationalist speculation as a whole more fashionable. This unprecedented conjunction of Talmudic scholarship and philosophic acumen helps explain why the antiphilosophic forces, hitherto dormant, were so violently aroused precisely at that period, even though philosophy had already for some time before taken root in Judaism.⁶⁹ Actually this is the view of the sixteenth-century Talmudist and mystic, R. Menaḥem Azaryah Fano, who asserted that Ravad threw down the gauntlet at Maimonides the Talmudist only in order to discredit Maimonides the philosopher. Ravad criticized the *Mishneh Torah* as thoroughly as he did "in order that everybody should not be drawn after him to study and teach religious beliefs from the *Guide*."⁷⁰

⁶⁹ E.g., Aḥad Ha'am, "Shilton Hasekhel," *Kol Kitvei Aḥad Ha'am* (Tel Aviv, 1950), p. 366; J. Guttmann, *Hafilosofiah shel Hayahadut* (Jerusalem, 1953), p. 169; J. Sarachek, *Faith and Reason* (WilliamSPORT, 1935), p. 10.

⁷⁰ R. Menaḥem Azaryah Fano, *Sefer Teshuvot*, 108 (p. 111).

It would appear rather that a proper understanding of both phases of the Maimonidean controversy demands that the halakhic strictures be treated apart from the philosophical refutations. The two are basically independent. Sometimes, to be sure, the two appear as concentric circles on the same target. R. Shemuel ben Eli, the learned Gaon of Baghdad,⁷¹ or Ramah, the buoyant young Talmudist of Toledo, may perhaps assail Maimonides' authority in the more central, influential realm of halakhah, in order that his philosophic stature should automatically be cut down to size as well. But their major concern is theological. Ramah was convinced that Maimonides had unambiguously denied corporeal resurrection and he would not be silent in the face of such a dangerous breach.⁷² Indeed, he was quite truculent. Thirty years later, in his letter to Nahmanides, who was seeking his support in a newly intensified phase of the struggle, he reiterates his early—practically exclusive—interest in the theologically objectionable passages of the *Mishneh Torah*.⁷³ In the *Yad Ramah* on Sanhedrin, he reviews the problem and articulates his original misgivings about the Maimonidean position. The halakhic critique in his writing is incidental, and once it is forthcoming, should be viewed independently. Almost as a postscript to his first letter to Lunel, he interjects a note of apprehensiveness about the presumptuous finality of the *Mishneh Torah* as a whole and in order to substantiate his anxieties, he presents some halakhic queries.⁷⁴ These, however, are not artificially contrived. Many of them are well taken and can only be answered by “wishful hoping” on the part of the Maimonidean partisans; “perhaps some concealed source will appear in corroboration of Maimonides.”⁷⁵ This is the consistent pattern of all his writings. His correspondence with R. Shimshon of Sens and other French rabbis—which helped spread knowledge of the *Mishneh Torah* in northern France—is also theologically oriented. His relentless agitation is nourished by concern for the literal truth of the doctrine of resurrection. It is only after R. Shimshon refuses to be drawn into this quibbling that Ramah turns to halakhic disputation—as if to show that he can hold his own in that domain as well.⁷⁶

The opposite is also true. Those Maimonidean protagonists involved in the philosophic controversy—R. Yehuda Alharizi, R. David Kimḥi, R. Sheshet of Saragossa,

⁷¹ See S. Assaf, “Kovetz shel Iggerot R. Shemuel ben Eli,” *Tarbiz* 1: 102–130, 43–84, 15–80 (1929).

⁷² *Kitāb*, 7: אף כי השולח יד ביסוד היסודות ועמוד התעודות.

⁷³ *Kovetz*, III, 6b.

⁷⁴ *Kitāb*, 16: אף לזאת יחרד לבי ... באמרכם איש אל רעהו כי יפלא ממנו דבר לאמר הגישה האפוד. ואולם כי התבוננתי בדברי הספר והנו נותן אמרי שפר. אך זאת שמעה אזני ותבן. כי אין בר בלא תבן ... והנה מעט מן הקש אשר קששתי בעמריו. In his responsa (*Or Tzadikim* [Salonica, 1799]), he uses the *Mishneh Torah* frequently; see nn. 210, 211, 259, 262, 266.

⁷⁵ *Kitāb*, 46: ומי יודע אולי אתו משען ועזר מהירושלמי או ממקום אחר או מן הברייתות הנסתרות אלינו. Some of Ramah's questions troubled later students as well; e.g., *Kitāb*, 18, and *Teshuvot R. Yehoshua Hanagid*, ed. A. Freimann, *Kovetz al Yad*, III (1939), 84 (question 2).

⁷⁶ *Kitāb*, 4.

R. Aharon of Lunel—will utilize every possible occasion to underscore Maimonides' undisputed centrality in Talmudic studies in order to build up his general authority. This explains the fact that when Nahmanides assumed the role of mediator between the apparently irreconcilable factions, he parenthetically praises Maimonides as a Talmudist in order to make his philosophic views more easily defensible and to prevail upon the French rabbis to discountenance a proposed anti-Maimonidean ban. It is clear, however, that his major concern here—in this letter to the rabbinic authorities of northern France—is not halakhic but theological: to prove that there is nothing heretical or damnable in Maimonides' writings.⁷⁷

For the most part, however, halakhic criticism and philosophic controversy are rather neatly compartmentalized. The Talmudists concentrate only on halakhically objectionable passages, while those who imagined an ideological threat to Judaism exposed the weaknesses, dangers, and pernicious potential of his philosophic system. For the latter, the debate revolved around the merits and liabilities, benefits and disadvantages, of a rationalized Judaism. Yehudah al-Fakar, the celebrated physician of Toledo who was an eloquent and respected spokesman for the anti-Maimonists, clearly defines his sphere of interest: Maimonidean Aristotelianism and the indiscriminate spread of philosophizing which it engendered. He genuinely admired the *Mishneh Torah* and excluded it from the arena of controversy.⁷⁸ His quarrel was with the *Moreh*. The same is true for R. Shelomo of Montpellier, usually depicted as the arch-villain and nemesis of the Maimonist liberals; the words of the *Mishneh Torah* are “dear and sweet” to him and his colleagues, who labor assiduously in order to fathom their meaning.⁷⁹ Also, R. Yosef ben Todros Abulafia, who—as Professor Baer has emphasized—focused very precisely upon the sociological implications and repercussions of the controversy, merely says in passing that occasional criticism of the *Mishneh Torah* is neither arrogant nor condescending. His aim, however, is to expose the insincerity of the alleged followers of the *Moreh*: they are either secret nonbelievers, or assimilated aristocrats.⁸⁰

The validity of this approach is strengthened by the fact that it is applicable also to the kabbalistic opposition to Maimonides. The boundaries are rarely crossed. Early kabbalists, such as R. Sheshet ben Yaakov, devote themselves to a discussion of metaphysical and theosophical views. Their objective is to discredit the philosophic system and enthrone the kabbalistic one, but no attention is given to the *Mishneh Torah* problem. There are no efforts to belittle Maimonides' halakhic achievements.

⁷⁷ Kovetz, III, 9a. See also A. Marx, “Texts by and about Maimonides,” *JQR* 25: 426 (1935).

⁷⁸ *Iggerot Hamoreh* (Fürth, 1846), p. 15.

⁷⁹ *Ginzei Nistarot*, ed. J. J. Kobak, 4: 13 (1878) וכל שמועה ושמועה אנהנו כי חביבים וערבים עלינו דבריו מאד, ובכל שמועה ושמועה אנהנו רואים פסקיו, ונושאים ונותנים בדבריו וטורחים בכל כחנו להעמידם.

⁸⁰ *Jeschurun* 8: 44 (1872). See Y. Baer, *Toledot Hayehudim Bisfarad Hanotzrit*, p. 71; *Devir* 2: 316–317 (1924). For a later phase, see M. Rosenmann, “Das Lehrhaus des R. Nissim Gerundi,” *Festschrift Adolf Schwarz* (Berlin, 1917), pp. 489–499.

This holds even for R. Moshe Taku, usually described as the obscurantist par excellence. His quarrel is with philosophy as such and therefore he simply dismisses Maimonides as a shameless heretic: “His allegiance was with the philosophers who do not believe in the Torah.”⁸¹

The halakhic critics display the same consistency. Although they occasionally treat nonhalakhic themes—and this is because the *Mishneh Torah* by its nature invited nonhalakhic criticism as well⁸²—their focus is clearly set. R. Shimshon of Sens insists that Maimonides be treated as a Talmudist and that the debate be conducted according to the canons of halakhic scholarship.⁸³ He refuses to intervene in the speculative problems, much to the distress of Ramah, who does not conceal his disappointment and tells R. Shimshon that his answer was essentially irrelevant. This is all the more striking because R. Shimshon happens to share Ramah’s views on resurrection and tacitly endorses the condemnation of Maimonides, but when he finally takes up the issue he treats it as a concrete problem in Talmudic exegesis, involving the interpretation and reconciliation of texts.

Ravad’s *Hasagot* convey the same impression. His primary concern was halakhic and therefore, as a rule, he maintained a discreet silence concerning secular sciences. When, however, such extraneous learning impinged upon halakhah and even affected normative decisions, he was as articulate as ever. This is the import of the following animadversion:

Because the author raises himself up and boasts about this science and in his opinion he reached the very ultimate [in knowledge of it], while I, on the other hand, am not among those proficient in it, for also my teachers did not attain to it—consequently I have not intruded upon his statements to check up on him, but when I encountered this statement which he wrote it was remarkably strange in my eyes.

Only because Maimonides appears “as one who is straying,” because knowledge derived from secular sources in the solution of calendrical problems was erroneous

⁸¹ See G. Scholem, “Miḥoḳer Limekubbal,” *Tarbiz* 6:91–93 (1935); Moshe Taku, “Ketav Tamim,” *Otzar Neḥmad* 3:65 (1860). Also Scholem, *Reishit Hakabbalah*, pp. 133–134. An extreme case of compartmentalization of interest would be the (Muhammadan?) commentary which deals with the “general philosophico-theological” section of the *Sefer Hamadda*; see G. Margoliouth, “A Muhammadan Commentary on Maimonides’ *Mishneh Torah*,” *JQR*, O.S., 13:488–507 (1901).

⁸² E.g., knowledge of God, free will, eschatology.

⁸³ *Kitāb*, 131–132, 138: ותורה היא. שמענו שמעו כי גגלו לו שערי בינה. וטורה היא. see Urbach, *Ba’alei Hatsofot*, pp. 226–227. For the last phrase (תוקע עצמו לדבר הלכה), cf. Yevamot, 109b, and Ravad, *Katuv Sham* on Rosh Hashanah, ed. B. Bergmann (Jerusalem, 1957), p. 74. This stresses the attention paid to the practical implications of the disputed teachings.

for practical religious purposes, does Ravad expose his errors. It was not the use of secular astronomical learning as such which was objectionable.⁸⁴

The attitude of R. Asher ben Yehiel provides another illustration. He certainly gave little thought to problems of philosophy and secular sciences. In the third phase of the controversy, he somewhat flippantly disclaims all interest in the subject.⁸⁵ It is therefore interesting that this avowed antagonist of secularism commissioned his pupil Yitzhak Yisraeli to arbitrate a controversy between Maimonides and Ravad covering a complex statement in *Kilayim* 6:2, which involved advanced geometrical computations. The geometrical accuracy per se was neither here nor there in his opinion, but the practical halakhic implications were crucial. This approach apparently carried over into his pupil's extensive treatise on astronomical and calendrical problems, the *Yesod Olam*, whose practical purposes are repeatedly emphasized. As a matter of fact, the work is presented as an informative handbook, systematically listing premises and conclusions, rather than as a scholarly text meticulously demonstrating and verifying all its hypotheses.⁸⁶

His objectivity emerges from the fact that in this case he throws his weight behind Maimonides' formulation, explains all his scientific premises and endorses his halakhic implications. But when he takes up the astronomical problem, he praises Ravad's concise refutation and proves that the Maimonidean position is absolutely indefensible.

⁸⁴ *Kiddush Haḥodesh*, 7:7. See my discussion of this in Chapter 18 below. The same is true of the problem of free will; *Teshuvah*, 5:5.

⁸⁵ *Minḥat Kenaot* (Pressburg, 1838), p. 138.

⁸⁶ *Yesod Olam*, introduction; II:17.

R. Yosef Ashkenazi and Maimonides' *Mishneh Torah*

R. Yosef Ashkenazi, one of the most original figures among the Jewish sages of the 16th century, was a critical commentator on the text of the Mishnah and a confidant of R. Yitzhak Luria who zealously fought for the purity of the Talmudic tradition as he understood its content and intention. Whether in Posen or Safed, he consistently demonstrated an uncompromising extremism, fervently opposing philosophers and intellectuals whom he believed undermined the foundations of Jewish tradition.

Most notably, he regarded Maimonides as nothing more than a scoundrel (*bekhor satan*). He relentlessly berated Maimonides with every conceivable insult, heaping contempt upon him. As the leading figure in the fierce polemic against philosophy that shook the community of Posen in the mid-16th century, not only did he consider Maimonides' *Guide of the Perplexed* flawed and entirely reject it, he also dismissed the *Mishneh Torah* outright, deeming it worthy of suppression. Professor Gershom Scholem has enriched our understanding with his work, "New Information about R. Joseph Ashkenazi." Most notably, he identified R. Ashkenazi, who was known in his later years as "The Tanna from Safed," as the author of the Oxford manuscript, Michael 286. At the beginning of this manuscript, we find written: "The author of this essay is a *ḥasid* who resides in the city of Safed (may it soon be rebuilt in our time), a fighter for God and His perfect Torah."¹ In chapter 26 of the manuscript, there is a paragraph that is particularly difficult to understand, which reads as follows:

And certainly, the matter of the Book of Maimoni baffles the eye of the beholder, for in it, he was exceedingly strict and meticulous about everything. However, according to what I have heard regarding the naming of

¹ Gershom Scholem, "Yediot Ḥadashot al R. Yosef Ashkenazi, Hatanna Mitzefat," *Tarbiz*, 28 (5719), 59–90. In that article, on pages 201–235, Scholem published a number of chapters from the Oxford manuscript. He includes a bibliography, of which most notable is David Kaufmann's article in *Monatsschrift für Geschichte und Wissenschaft des Judentums*, 42 (1898); Jacob Nahum Epstein, *Mavo Lenusah Hamishnah* 2 (Jerusalem: Magnes, 5708), 1284; Philipp Bloch in *Monatsschrift für Geschichte und Wissenschaft des Judentums*, 47 (1903); Tzvi Halevi Horowitz, "Toledot R. Yosef Ashkenazi Hatanna Mitzefat," *Sinai*, 7 (5701), 311–330; Saul Pinchas Rabinowitz' article in Russian, which has appeared in Hebrew translation (Jerusalem: The Reproduction Project, The Hebrew University in Jerusalem, 5719)—see n.16. A copy of the manuscript is found at the Institute of Microfilmed Hebrew Manuscripts, the National Library, Jerusalem, No. 17405.

the book as “Maimoni” without attributing it to the rabbi’s name or the title he gave to it, it is not a mystery at all. Those who understand will understand, and surely, what I have heard must be so. Because our eyes see that all of his books were written in Arabic and then translated, like the *Guide* and his commentary on the Mishnah. This book, however, was, from the beginning, in the Holy Tongue. Moreover, even when he wrote in the Holy Tongue, he mixed in fabricated and somewhat incomprehensible words, such as the negation of positives or the confusion of subjects and predicates. Similarly, there are many words borrowed from Arabic, as can be seen—even in the introduction of that book, we find such instances. However, the book itself is written in the Holy Tongue, beautifully, with great clarity. Therefore, those who understand will understand.²

An analysis of Rabbi Ashkenazi’s verdict regarding the *Mishneh Torah* is of great interest and exemplifies a common historical phenomenon: the fusion of factuality and bias, resulting in a highly distorted figure. In the following pages, I intend to outline the background of R. Ashkenazi’s obscure, vague, and fragmented statements about the *Mishneh Torah* and on this basis, attempt to decipher them.

In the introduction to the *Mishneh Torah*, Maimonides declares: “Therefore, I called this composition *Mishneh Torah* since a person reads the written Torah first and then reads this and knows from it the entire oral Torah, with no need for any other book.” These widely circulated words³ stirred up controversy, causing confusion and provoking strong opposition and prolonged confrontation. With what was perceived to be overly confident, if not arrogant, language, Maimonides appeared to have assumed overbearing authority, exhibiting an implied ambition to supplant even the Babylonian Talmud, and positioning his monumental treatise as a stand-alone substitute.

It appears to me, and I have endeavored to demonstrate this elsewhere,⁴ that Maimonides’ words have been misconstrued, and his statements ought to be interpreted differently. This is also evident in his forceful assertion in his letter to R. Pinḥas Hadayan: “Know, first of all, that Heaven forbid I have not said: Do not bother with the Gemara or the laws of R. Yitzḥak [Alfasi] or others ... for did I ever

² Scholem, *ibid*, 83, deemed it a subject requiring further study.

³ A more precise and clearer wording is provided in the introduction to the *Sefer Hamitzvot* where Maimonides emphasizes the all-inclusive scope and the absolute independence of the *Mishneh Torah*: “I plan also to author a composition that will include all the laws of the Torah (*Al-Shari’a*) and its statutes to the point that there will be nothing missing from it ... until there is not a single unresolved question ... and, in general, one should not need after the Torah (*Al-Torah*) another book other than it to know from it anything that is required in the whole Torah (*Al-Shari’a*), whether from Torah law or from rabbinic law.” See the edition of Moses Bloch (ed.), *Le Livre des preceptes* (Paris 1888), 1–3.

⁴ See below, Chapter 8, end of section III.

command or did it even occur to me to burn all the books that were written before me because of my treatise?!⁵

However, this matter lies firmly within the realm of the past, beyond the reach of reversal. The critical perception and adverse reactions to Maimonides' words had already become deeply entrenched during his lifetime and endured across generations. They find poignant expression in the words of the Ravad, author of the glosses on the *Mishneh Torah*, who accused Maimonides of audacity and haughtiness: "This was only because an overbearing spirit was in him."⁶ When we delve into the ramifications of this perception and its repercussions, particularly the skepticism and suspicion it evoked, we can summarize by noting its impact on two distinct levels: (a) condemnation of Maimonides due to his arrogance, as articulated by the Ravad earlier, (b) a certain reluctance to rely on him, for if he wrote "as a prophet prophesies from the mouth of the Almighty without reason and without proof," then a reader lacking "understanding of a matter completely and truly will falter in law and rulings and, consequently, one should not rely upon his reading in this book to judge and issue decisions ..."⁷

Furthermore, with remarkable consistency and in a distinctly demonstrative manner, scholars generally avoided using the name *Mishneh Torah*. All other titles for the book were acceptable, but the name that the author himself coined was considered invalid. In rabbinic literature and halakhic debates, it is referred to as *Hibbur*, *Sefer Harambam*, *Leshon Harav Moshe*, *Katav Harav Rambam*, and similar titles, but *Mishneh Torah* is conspicuously absent.⁸ Even Maimonides' followers,

⁵ *Iggerot Harambam*, Shilat edition, 439.

⁶ *Hasagot Haravad* at the end of the introduction to the *Mishneh Torah*. It is important to note the Ravad's use of the expression *ruah yatira*, which we have translated as "an overbearing spirit" (source: Daniel 5:12). This is different than the expression *she'ar ruah* which is understood as "inspiration." We hear a hint to this usage of *ruah yatira* in the words of R. Menahem Hame'iri. See *Sefer Haminhagim*: R. Menahem bar Shelomo Hame'iri, *Magen Avot*, R. Yekutiel Kohen edition (Jerusalem, 5749), 31–32: "for this has ... an element of arrogance and haughtiness and an extraordinary spirit [*yohara veruah gevohah uneshamah yeteirah*] ... and is deserving of the rebuke of a sage." In particular, *ibid*, p. 54 (the second matter): "Your discernment is truly admirable; who could rival it? For when you encounter a statement that aligns with your perspective, even if it is found in the midrashim, you present it as irrefutable evidence. Yet, if confronted with a statement that challenges your approach, even if sourced from the *baraita* of R. Hiyya, you dismiss it as corrupted. Truly, this is nothing short of "an overbearing spirit (*ruah yatira*) that is found in you."

⁷ *Responsa of the Rosh*, *kelal* 31, *se'if* 9. See also *kelal* 100, *se'if* 2. Similarly, *Responsa of the Rivash*, *siman* 44; Maharshal, *Yam shel Shelomo*, introduction to Tractate Bava Kamma. See above, Chapter 3, p. 89 and below, Chapter 17, p. 432. See also, Yitzhak Ze'ev Kahana, "Hapulmus Misaviv Keviat Hahakhra'ah Keharambam," *Sinai*, 36 (5715), 391–411.

⁸ See the examples I cited above, Chapter 3 (n. 55), to which one can add other similar examples. R. Meir Halevi Abulafia mentions: "On his denial of the resurrection of the dead in the World to Come in his composition known as the *Mishneh Torah*," "Katab al Rasa'il," *Iggerot Harambam*, David Zvi

who relied on his great treatise, adhered to this practice and omitted the name *Mishneh Torah* from their own writings. For example, R. Moshe of Coucy, the author of *Sefer Mitzvot Gadol*, “which is heavily based on Maimonides’ work and often mirrors it verbatim,”⁹ does not mention the name *Mishneh Torah*. Instead, he refers to it indirectly: “The great man R. Moshe ben Maimon ... made a compilation of the entire Torah, a fine and excellent compilation.” Yet he further comments: “The sage did not provide proofs in his books, and anyone who draws from them and is then asked to produce a source, if they have not studied the source or even if they have but do not remember it, will find it to be like an uninterpretable dream.”¹⁰ He thus firmly established the widespread and growing opinion that Maimonides’ composition is not authoritative and cannot serve as the final arbiter in questions of Jewish law.

R. Yaakov Ḥazzan of Londretz (i.e., London), the author of the book of halakhic rulings *Etz Ḥayyim*, which draws on the works of Maimonides and the *Semag*, also avoids using the name *Mishneh Torah*.¹¹ Instead, he writes: “The great tamarisk R. Moshe, son of R. Maimon, arose, comprehending all the books before him, and authored a composition ... to interpret all the laws of the Torah without questions or answers, simplifying it for everyone, both young and old.” Notably, he asserts: “And he made a book called *Maimon* to encompass all of the Oral Torah without any uncertainties.”¹² In *Sefer Ḥaḥinukh*, without exception, we find references such as “Rambam in his great composition” or the names of the individual books contained within the composition, but the name *Mishneh Torah* is conspicuously absent, as if it did not exist.¹³ This pattern is also evident in R. Menaḥem Hame’iri’s *Beit Ḥabeḥirah*, “And

Hillman edition, *Sefer Zikhron Beit Aharon* (Bnei Brak, 5763), p. 1. However, in his responsa he only refers to “Rabbi Moshe Ba’al Ḥaḥibbur,” “Sefer R. Moshe,” and so forth. See: *Or Tzaddikim* (Saloniki, 5659), *simanim* 259, 260, 262, 266 and more; *Sefer Arugat Habosem* of R. Avraham ben Azriel, E.E. Urbach edition (Jerusalem: Mekize Nirdamim, 5699), 4, 166. The translators of *Sefer Hamitzvot*, R. Moshe ibn Tibbon and Shelomo Ibn Ayyub, speak of “the complete composition known as *Mishneh Torah*” and “his great book that is called *Mishneh Torah*.” See: *Sefer Hamitzvot*, R. Chaim Heller edition (Jerusalem, New York: Mosad Harav Kook, 5706), 26. See: Avraham Eliyahu Harkavi, ed., “Iggeret Hateshuvah Hameyūḥas Lari ibn Latif,” *Kovetz al Yad*, 1 (5645), p. 54: “His great composition known as the *Mishneh Torah*”; see also the introduction to the book *Sha’ar Hashamayim, Heḥalutz*, 12 (5647), 123.

⁹ This is the language of the Maharshal, *Responsa of the Rema*, Asher Ziv edition (Jerusalem, 5731), *siman* 67, p. 294.

¹⁰ Introduction to *Sefer Mitzvot Gadol*.

¹¹ *Etz Ḥayyim*, Israel Brodie edition (Jerusalem: Mosad Harav Kook, 5722), 1, 2. David Kaufmann published some excerpts, *Jewish Quarterly Review*, OS, 5 (1893), 368.

¹² R. Ashkenazi also speaks of a *Sefer Maimoni*. It should be noted that the language used by R. Yaakov Ḥazzan of Londretz finds a parallel in the statement made by the *Semag* regarding the *Rif*: “And R. Yitzḥak of Fez composed a book that he called Rav Alfās.”

¹³ See *Sefer Ḥaḥinukh*, Commandment 16, 24, 230, 431.

this late scholar is an expert in Maimonides' method."¹⁴ His words in the introduction to the *Beit Habeḥirah* are also of importance, as he explains the necessity for the work: "The Rabbi, who gives just rulings ... in his treatise ... an all-encompassing and complete work ... until it appears that he almost intended that with his books one would not need a book from the Talmud or from the collections of the ancients, as the rabbi, of blessed memory, revealed in the introduction to his books ..."¹⁵ R. Yosef Ezovi, the Provençal poet deeply influenced by the teachings of Maimonides, reverently praises: "And Moshe, the man of God, the sapphires of his books are innumerable ... set your path in his laws, and from them learn commandments and Torah."¹⁶

This holds for later periods as well. R. Moshe di Trani, a follower of Maimonides who structured his book according to the division of the laws in the *Mishneh Torah*, refers to it solely as "the great composition of the rabbi of blessed memory."¹⁷ In the *Sefer Hamusar* by R. Zekharyah al-Dhahiri, there is no mention of the name *Mishneh Torah*. Instead, he refers to it as "the composition of the *gaon* Rabbenu Moshe ben Maimon, whose words have raised those who stumbled."¹⁸

At the end of the thirteenth century, the title *Hayad Haḥazakah* emerged and gained prominence. From that time onward, aside from personal mentions and customary honorifics, this became the established designation.¹⁹ R. Yishai ben Hizkiyah, the exilarch of Damascus, mentions in passing in a letter: "His eminent books, which

¹⁴ See *Responsa* of the Radbaz, 4, *siman* 225.

¹⁵ *Beit Habeḥirah*, Berakhot, Shmuel Dickman edition (Jerusalem: Machon Hatalmud Hayisraeli Hashalem, 5725), 25.

¹⁶ *Ka'arat Kesef*, Moritz Steinschneider edition (Berlin, 1860), 30.

¹⁷ R. Moshe di Trani, *Kiryat Sefer* (Warsaw, 5662), Introduction, Chapters 8, 24.

¹⁸ *Sefer Hamusar: Maḥbarot R. Zekharyah al-Dhahiri*, Yehuda Ratzaby edition (Jerusalem: Machon Ben Zvi, 5725), 213. See also the bibliographic list of Yehuda Ratzaby, "Sifrut Yehudei Teiman," *Kiryat Sefer* 28 (5712–5713), 155–278.

¹⁹ R. Mordekhai Jaffe, *Sefer Halevush*, Zikhron Aharon Edition (Jerusalem, 5760), introduction, 29: "And the laws of sanctifying the new moon found in the work *Hayad Hagadol* written by R. Moshe of blessed memory ..." Yosef Shelomo Delmedigo, *Iggeret Ahuz*, in: *ibid*, *Novelot Hokhmah*, Yerusham Becker edition (Jerusalem, 5767), 10 (=Abraham Kahana [ed.], *Sifrut Hahistoria Hayisraelit*, 2, Warsaw, 5683, 173), writes: "With God's help, I aspire to publish a great work that will hold even greater value for the masses than Maimonides' *Yad* ..." It is interesting to note that even R. Yosef Karo refrained from using the name *Mishneh Torah*. He refers generally to Maimonides, and writes in his introduction to the *Kesef Mishneh*: "The great light, Moshe bar Maimon of blessed memory explained the law. Moshe charged us with the law as a heritage, and he authored the great composition *Hayad Hagedolah* that encompasses all of the laws of the entire Torah ..." Only one time, at the very end of his work when he explained the name of his own composition, the *Kesef Mishneh*, was R. Karo obliged to refer to "this most valuable composition, the *Mishneh Torah*." Chroniclers adopted this convention. R. Yosef Sambari writes: "He authored *Sefer Hayad*, that is, the book *Mishneh Torah*." See: *Likutim Mifsefer Divrei Yosef le R. Yosef ben Yitzhak Sambari*, Abraham Berliner edition (Frankfurt, 1896), 16–17. David Conforte, *Kore Hadorot* (Modiin Illit: Ahavat Shalom, 5768), 38: "*Sefer Hayad* that is called the *Mishneh Torah*," and *passim*.

are valuable to all legal scholars, *Hayad Haḥazakah*, which he called *Mishneh Torah*, and *Guide of the Perplexed* ...”²⁰ The exilarch David ben Daniel slightly altered the language and wrote: “He rose and authored the *M.T.* that is called the composition of the *Yad* [the numerical equivalent of 14].”²¹ Even before that, we find expressions that must have developed almost naturally that play on *Hayad Haḥazakah* [lit. the mighty hand]. For example, the well-known epistle of R. Yosef bar Todros Halevi, states: “The great rabbi Rabbenu Moshe, of blessed memory, through all the acts of his mighty hand [*Hayad Haḥazakah*] and awesome power that he performed [see Devarim 34:12] in the six orders of the Mishnah and Gemara, with great care in minor commandments as in major ones, that is, the *Mishneh Torah* ...”²² The letter from the sages of Lunel to Maimonides, published by Ephraim Kupfer, after describing the importance and originality of the book *Mishneh Torah* notes: “And now you have begun to show your servant your greatness and your mighty hand [*Yadekha Haḥazakah*; see Devarim 3:24] ...”²³ However, it was likely the exilarch who first coined this term.²⁴ We can conclude that the name *Mishneh Torah* was considered inappropriate for use by most scholars of Israel.

Another fascinating testimony highlighting this fact comes from an entirely unexpected source: the book of the ardent Dominican Bernard Gui, intended as a guide (*Practica inquisitionis*) for inquisitors.²⁵ Gui, who became the chief inquisitor of Toulouse, directs the attention of inquisitors and torturers to three Jewish sages known for their outstanding reputation and the major influence of their books: Rashi, Radak, and Maimonides. Rashi’s commentary is referred to as *Glosa Super Textum Legis* and Radak’s commentary is called *Glosa David Hispani*. When mentioning Maimonides, the author provides a lengthy description that warrants clarification: *In quodam libro quem Judei vocant Glosas Moysi de Egypto et actor illius libri intitulavit declarationem et reformationem legis*. This presents us with a striking and

²⁰ Kovetz Teshuvot Harambam (Leipzig, 5619), 3, 21.

²¹ *Sefer Ginzei Nistarot*, Joseph Isaac Kabak, pub. 3 (5632), 119.

²² Solomon Joachim Chayim Halberstam, *Kevutzat Mikhtavim* (Berlin, 1875), 7.

²³ Ephraim Kupfer, “Teshuvot Bilti Yeduot shel Harambam,” *Tarbiz*, 31 (5730), 180.

²⁴ See above, Chapter 3, n. 55 and the reference there to the article by Boaz Cohen. He points out that Prof. Alexander Marx was the first to recognize the significance of the sentence by R. Yishai the Exilarch. See also the casual comment of Abraham Berliner, “Shemot Sefarim Ivriyim,” *Ketavim Nivḥarim*, Abraham Meir Habermann, ed. (Jerusalem: Mosad Harav Kook, 5709), 2, 157.

²⁵ Israel Levi was the first to bring to our attention the great value of this book in his French study: *Les Juifs et l’Inquisition dans la France Meridionale* (Paris, 1891). My interest in this matter was rekindled while reading the outstanding article by my colleague Yosef Yerushalmi, “The Inquisition and the Jews of France in the Time of Bernard Gui,” *The Faith of Fallen Jews: Yosef Hayim Yerushalmi and the Writing of Jewish History*, eds. David N. Myers and Alexander Kaye (Waltham: Brandeis University Press, 2014), 60–124. See also: Salo Baron, *Social and Religious History of the Jews*, 13, (New York-London: Columbia University Press, 1969), 305, n. 6. The excerpt that appears below is taken from Yerushalmi’s article, p. 82.

insightful description of the literary situation and the status of the *Mishneh Torah*: the Jews refer to it as a composition or commentary by R. Moses the Egyptian,²⁶ while the author himself named it *Mishneh Torah*, presenting Jewish law in an ordered form.²⁷ Bernard, like many oppressors of the Jews in the Middle Ages, acquired a substantial and precise knowledge of the Torah and Jewish culture.²⁸ He was astute enough to recognize the phenomenon we are discussing: the reluctance of the Jewish sages to use the name *Mishneh Torah*.

At the end of his small book, *Milhemet Mitzvah*, R. Shelomo ben Shimon Duran sheds light on this issue and helps us understand R. Ashkenazi's allusions. Duran was not only aware of the facts surrounding the book's title, *Mishneh Torah*, but also of the claims and accusations associated with it—namely, that this title reflects arrogance, haughtiness, and a desire for exclusive, unrestrained influence. While Duran does not use the name *Mishneh Torah* in his discussions of Jewish law,²⁹ he nonetheless defends Maimonides and justifies the title *Mishneh Torah*. He writes as follows:³⁰

They suggested that the early authorities were so spellbound by haughtiness that they failed to recognize or understand Rambam's arrogance and the wickedness of his character in naming his *magnum opus* the *Mishneh Torah*, crediting himself. They claimed it was only the later authorities, enlightened by God, who recognized his conceit. Heaven forbid that such things should be said. Whoever hears such words should feel their ears

²⁶ This is the way Maimonides is most often referred to in Christian scholasticism. See, for example, Jacob Guttman, "Der Einfluss der Maimonidischen Philosophie ...," *Moses ben Maimon* (Leipzig, 1908), 153ff.

²⁷ This approach is fundamentally similar to the explanation given by R. Shelomo ben Shimon Duran quoted below. See also: R. Avraham Bedersi, *Hotam Tokhnit* (Amsterdam, 5625), 224: "Patshegen ... the written words and their tropes. Similarly, the *Targum* interprets the words *Mishneh Hatorah* as *patshegan*. And perhaps the words *patshegen haketav* mean the form of the text or the copy, as evidenced by the verse *et mishneh hatorah hazot*." See also: Ibn Ezra, Devarim 17:18. The commonly accepted interpretation of the commentaries on Maimonides' work is that the name *Mishneh Torah* signifies its brevity. For instance, *Migdal Oz*, *Hilkhot Milah* 1:6, who writes: "I say that the Rabbi, of blessed memory, arranged the laws according to the order of the Talmud, but he shortened what was lengthy, which is why he called his work the *Mishneh Torah*"; *Hilkhot Nezirut* 2:21; *Kesef Mishneh*, *Hilkhot Gerushin* 2:6: "This is why the Rabbi called his book *Mishneh Torah*, because he concisely writes everything that is written in the Gemara."

²⁸ Yerushalmi's main goal (above, n. 25) was to demonstrate the extent of the inquisitor's knowledge and his character. On his older Franciscan contemporary, Raymund Martini, see: Shaul Lieberman, *Shekiin* (Jerusalem, 5699), and his article "Raymund Martini and His Alleged Forgeries," *Historia Judaica*, 5 (1943), 87–102.

²⁹ As is clear from an examination of *Responsa Yakhin Uvoaz* (Livorno, 1782).

³⁰ *Milhemet Mitzvah*, R. Yeruham Fischel Halevi edition (Leipzig, 5616), the last three pages. See Chapter 7 below, pp. 156, 195–196.

ring and their hair stand on end because of their libel against the bright light, the light of our exile, that enlightens eyes in the darkness and guides the perplexed. No one has arisen since the time of R. Ashi like our great teacher, R. Moshe, who embodies both Torah and greatness in one place. Let him who glories in the honor of his ancestry recognize that he sits in the foremost row of majesty; his father and grandparents were all scholars and wise men, descendants of David, King of Israel. And let him who boasts of wisdom know that he surpasses all others, for who among us is greater than Moshe in every field of knowledge and science, erudition and scholarship? In every realm of wisdom and science, he has excelled and claimed ten portions. And if the braggart boasts of Torah wisdom, behold, he is the father of us all; there is not a single area he did not master—the Babylonian Talmud, the Jerusalem Talmud, Tosefta, *Mekhiltot*, *Sifra*, *Sifrei*, *Sifra Rabba* and *Sifra Zuta*—all that his eye beheld. Similarly, in the novellae of the *Geonim*, their writings and responsa, and the midrashim of the sages—he absorbed them and understood them all. Would that I could serve as his footstool in the World to Come. Only in this should one glory, to understand and know him, for he is first among men, claiming ten portions.

And, in his demeanor, the man Moshe was exceedingly humble. If governmental dealings are what we seek, Moshe was considered exceedingly great in the land of Egypt, in the king's court, and among the officers. He stood firm against the destructive Karaites (may their names be blotted out), ensuring that they could never rise up in any way throughout his lifetime. He taught the nation proper morals and ethical behavior.

And if his only contribution had been his *Sefer Hamitzvot*, that alone would have sufficed. How much more so with his *Yad Haḥazakah*, a book encompassing everything in a single composition. There is no precedent for such a work and there has been nothing like it since. He also authored several epistles that guided those who had strayed back to the righteous path. Greatest of all is his *Guide of the Perplexed*, which illuminated the way for seekers and built a fortified wall against those who would deny the Torah and those who would mockingly shoot it down from the shadows. These are but a few of his accomplishments. Who can fully recount all his strength, miracles, and wisdom? Blessed is he, blessed is his teacher, blessed are his people, blessed are his servants, blessed are those who merely behold him, and blessed are his students who studied Torah with him.

Heaven forbid that he would claim that everything written in the book was his own creation. The sage, R. Pinḥas Hadayan of Alexandria, had already accused him of this, and he responded with a sincere apology, explaining

that he only credited himself for the parts he introduced with phrases like “I said” or “it appears to me.” The rest, he asserted, was derived from the Talmud, the *baraitot*, and the sages who preceded him. The supposed hidden secret that later authorities believed they uncovered had already been noted by the earlier authorities. However, it was a minor issue to them, and they gave it no significance.

Had they truly believed there was a significant issue, the earlier authorities who disputed some of his laws would surely have rebuked him for naming his composition as he did. In his modesty and righteousness, he would have appreciated the words of those who questioned and criticized him, expressing gratitude for their guidance. There are numerous instances where he commanded corrections to be made in his book, retracting his statements and admitting his mistakes without any embarrassment.

The book is named *Mishneh Torah* because it does not contain any Aramaic, unlike other compositions. Instead, it is entirely in the language of the Bible and the Mishnah, divided into books, and these books into larger groups of laws, which are further divided into chapters and smaller units of laws. The entire text is written in clear, precise language, as if inspired by a divine spirit and the spirit of God rested upon him.

He followed the structure of the Mishnah, which is organized into orders, with each order divided into tractates, tractates into chapters, and chapters into smaller units of laws. This is why he named his work *Mishneh Torah*, meaning a clearly formulated presentation of the Torah, as indicated by the title Mishnah, drawing from the phrase *veshinantam levanekha*. His intention was not to imply that it is second to the Torah. Thus, for instance, in *Hilkhot Tefillah*, he uses the term *mishneh hatefillah* not to denote that prayer is second in importance but to indicate its clear presentation and formulation. Furthermore, Onkelos translates the term *Mishneh Torah* as *patshegen*, which means “formulation,” as seen in the phrase *patshegen ketav hadat* [in Esther 4:8].

Even if one were to argue that *mishneh* means second, its meaning would be akin to *mishneh lamelekh*—“second to the king.” It is understood that no one can replace the king; rather, the term signifies the first among the king’s servants, the one responsible for all matters of the monarchy—a viceroy. Mordekhai was not equal to the king; he served under him. A king has a *mishneh*, a second-in-command, as well as a *shalish*, a third-in-command, who also supports the king but holds a lower position than the *mishneh*. The king’s servants fill all these positions. Similarly, this composition

serves the Torah by elucidating its laws and commandments, and the words of the Torah are articulated through it, functioning like a king and his second-in-command.

Truly, if it were not for this eminent composition, we would be in great confusion regarding legal rulings and laws. All subsequent authors and commentators, whether in the lands of Ishmael [Muslim lands] or Edom [Christian Europe], follow in his footsteps. Even when they occasionally disagree with it, they all acknowledge its profound wisdom, honor its greatness, and thirst for its Torah. It is fitting to honor and exalt it and to feel blessed by its name.

R. Shelomo Duran revisits and revives the accusation from the time of R. Pinḥas Hadayan, echoed in the words of the Me'iri, that Maimonides sought to marginalize the Talmud. He attributes this claim to Maimonides naming his work *Mishneh Torah*, attaching it to the additional accusation that this was an attempt by Maimonides to claim all its contents as his own, implying that everything in the composition was “from his own conjecture and opinion,” and thus, “I wrote them without attribution and did not provide evidence for them.”³¹ In short, according to his opponents, all of Maimonides’ supposed destructive and arrogant tendencies are encapsulated in the name *Mishneh Torah*. The early authorities, being proud themselves, could not critique Maimonides’ pride, leading to a fundamentally flawed assessment of his great composition. Duran refutes these claims by presenting his original interpretation of the name *Mishneh Torah*.

It is worth noting that the fears and anxieties mentioned in Duran’s book— anxieties he strives to dismiss as trifling—were also indirectly fueled by the statements of Maimonides’ followers. These followers explicitly claimed that studying the *Mishneh Torah* exempts the student from studying the Talmud. The comments by R. Yaakov Anatoli,³² R. Shem Tov Falaquera,³³ R. Yosef ibn Kaspi,³⁴ and their associates are well known, where adoration for Maimonides is intertwined with denunciation of those who disapprove of his monumental work. Kaspi casually refers to Maimonides as “the perfect teacher whose name matches that of his teacher

³¹ *Iggerot Harambam*, Shilat edition, 443.

³² *Malmad Hatalmidim* (Lyck, 1866), Introduction.

³³ “*Sefer Hamevakesh*,” in Simḥa Assaf, *Mekorot Letoledot Haḥinukh Beyisrael*, Shmuel Glick edition, 2 (New York and Jerusalem: Jewish Theological Seminary of America, 5761), 62. See also Ibn Abbas, *ibid*, 66.

³⁴ “Tzava’at R. Yosef ibn Kaspi,” *Hebrew Ethical Wills*, II, ed. Israel Abrahams (Philadelphia: The Jewish Publication Society of America, 1926), 142. See *ibid* 153: “You are not content to take the law from Maimonides’ Code, though he asserted that no other book was necessary.”

[Moshe] in his book known as the *Mishneh Torah*,”³⁵ a statement likely to have irritated his opponents, critics, and those with reservations. Additionally, some followers of Maimonides confirm that his great composition had indeed gained wide acceptance, noting with satisfaction that his ambition and intention were thus realized. R. Tanḥum Hayerushalmi, lamenting the sorry state of Torah knowledge, also praises the work, writing:

The revered *gaon* and master, who is of absolute perfection, our teacher Rabbi Moshe of blessed memory, the leader of the princes ... the foundational pillar upon which the house of Israel rests ... enlightened the eyes of Israel and brought them out of their darkness and suffering with his eminent compositions ... Praise the God who graced them with his presence and the emergence of his works, especially his *magnum opus*, the *Mishneh Torah*. In this great composition, he declared that there is no longer a need for any other work to explain the laws of the Torah and the commandments, as he wrote in the introduction, explaining why it is so named *Mishneh Torah* ...³⁶

In describing Maimonides’ greatness, R. Yosef bar R. Todros writes: “Our teacher, the author, uses the strength of his hand ... to clarify the entire Oral Torah ... so that his composition will be second only to the Written Torah ... replacing the Mishnah and the Talmud.”³⁷ The comment of the editor of the *Mishneh Torah*, Mantua, 5326, is also interesting: “It has already been established as law and custom to educate children by having them read this monumental book, as the author originally intended, which is why he named it the *Mishneh Torah*, as he mentioned in his introduction.”³⁸ R. Avraham ben R. Shelomo of Torrutiel, in the addendum to *Sefer Hakabbalah*, notes: “Maimonides’ books have spread across the world from east to west and are relied upon in all countries.”³⁹ Similarly, the Maharil recounts: “I heard firsthand from one of those who engaged in pilpulistic study of the Talmud [and yet] often mocked pilpulistic study and the Talmud, and stated that from Maimonides’ *Mishneh Torah*, he could resolve all the open questions in the world.”⁴⁰

³⁵ R. Yosef ibn Kaspi, “Seder Hasod,” *Mishneh Kesef*, Isaac Last edition (Pressburg 5665), 4. See Chapter 7, pp. 170–171.

³⁶ *Sefer Almurshid Alkafi (Hamadrikh Hamaspik)*, translated by Baruch Toledano (Tel Aviv, 5721), Introduction, 23.

³⁷ *Kevutzat Mikhtavim* (above, n. 22), 18.

³⁸ This is quoted in an article by Yehudah Avida, “Sefer Mishneh Torah Leharambam Kesefer Limud,” *Areshet*, 3 (5721), 34.

³⁹ R. Avraham ben R. Shelomo of Torrutiel, “Sefer Hakabbalah,” *Seder Haḥakhamim Vekorot Hayamim*, Abraham Neubauer edition (Oxford, 5648), 1, p. 103.

⁴⁰ See the responsum published by Simḥa Assaf, *Kiryat Sefer*, 20 (5703–5704), 42.

It is almost certain that R. Ashkenazi was relying on this set of arguments and complaints when he remarked: “On the issue of calling the name of the book *Maimoni*, which was not the name given by its author.”⁴¹ He is well aware of the tradition that refused to honor Maimonides’ great composition with the name *Mishneh Torah*. In R. Ashkenazi’s comment, one can hear the echoes of generations of opponents who sought to diminish Maimonides’ significance and deny his project. R. Ashkenazi’s words, both in subject and critical tone, closely align with those of the anonymous critics mentioned by Duran.

However, R. Ashkenazi goes further. He confirms the tradition and justifies the existing practice: “Surely, what I have heard must be so.” He bases this on a deeper study of the language of the great compendium. He draws a connection between the author’s suspect agenda and the clear language of the work, turning our attention to the fact that the *Mishneh Torah* is the only book by Maimonides composed in Hebrew. Indeed, there is merit to this observation, as R. Ashkenazi delves into a matter that has not received much attention from scholars of Maimonides. There is no doubt that Maimonides aspired to universality. He envisioned that his expansive, all-encompassing composition would be universally known and embraced by all Jewish communities.⁴² His historical insight led him to choose Hebrew as the language that would best facilitate this widespread dissemination. Thus, when deciding on the language for his treatise, he considered three options: Biblical Hebrew, Mishnaic Hebrew, and the language of the Talmud.⁴³ He fails even to mention the possibility of writing it in Arabic since he envisioned a code for the entire nation,⁴⁴ and he understood that using Arabic would divide the nation rather than unify it.

In my opinion, this is how the following should be understood regarding the language of *Sefer Hamitzvot*: “I deeply regret having written this work in Arabic because all ought to read it. I am now awaiting the opportunity to translate it into Hebrew with the help of the Almighty.”⁴⁵ The phrase “because all ought to read it” explains the reason for his regret, not his initial choice to write in Arabic.⁴⁶ Writing in Arabic restricts its readership, alienates the broader Jewish community, and withholds its benefits from those it was intended to reach. Regarding the *Epistle to Yemen*,

⁴¹ The expression “which was not the name given by its author” is somewhat unclear to me, since afterwards he writes “or by the name that he called it.”

⁴² See: *Iggerot Harambam*, Shilat edition, 302: “It has already reached the ends of the populated places”; “but in future times . . . all the people of Israel will make use of it alone.”

⁴³ *Sefer Hamitzvot*, introduction. See my *Introduction to the Code of Maimonides* (New Haven: Yale University Press, 1982), 324ff.

⁴⁴ *Iggerot Harambam*, Shilat edition, 301.

⁴⁵ Maimonides’ *Responsa*, Blau edition, *siman* 447, p. 725.

⁴⁶ This is a matter of dispute that needs clarification. See, for example Abraham S. Halkin, “The Medieval Jewish Attitude Toward Hebrew,” *Biblical and Other Studies*, ed. Alexander Altmann (Cambridge, Mass.: Harvard University Press, 1963), 238. n. 27.

Maimonides stated: “I deemed it best to respond in the Arabic language and idiom. For then, all may read it with ease, men, women, and children, for it is important that the substance of our reply altogether be understood by every member of your community.”⁴⁷ Similarly, he wrote the *Mishneh Torah* in Hebrew with the intention that readers from all congregations of Israel, wherever they may be, could read and comprehend it with ease.

R. Ashkenazi approaches this intriguing issue from a highly skewed perspective, presuming to interpret the inner workings of Maimonides’ mind and casting doubt and suspicions on his commitment to preserving the purity of the Hebrew language. Duran also addresses this matter indirectly by offering his interpretation of the name *Mishneh Torah*: “The book is named *Mishneh Torah* because it does not contain any Aramaic, unlike other compositions. Instead, it is entirely in the language of the Bible and the Mishnah.” While others praised the pure style of the *Mishneh Torah* and found ample reason to commend it,⁴⁸ R. Ashkenazi sought reasons to criticize it. The common thread between Maimonides’ use of the Holy Tongue—where “the entire text is written in clear, precise language as if inspired by a divine spirit and the spirit of God rested upon him” (Duran)—and his naming of the work *Mishneh Torah* is that both are clever strategies designed to emphasize the high value of the composition, assigning it a special status second only to the Torah of Moshe, thereby diminishing the importance of the Talmud. In the words of R. Tanḥum Hayerushalmi, we might say that the sun-like brilliance of the *Mishneh Torah* will overshadow the light of the Talmud. When R. Ashkenazi, in chapter 17,⁴⁹ indignantly declares that the intent of the *Yad* is to divert scholars from studying the Talmud, his statement does not contradict his earlier-cited criticisms but rather complements and elucidates them.

We will not miss the mark if we also draw a conclusion from the end of R. Ashkenazi’s critique regarding the purity of the Hebrew language in the *Mishneh Torah*: “Furthermore, even where he wrote in the Holy Tongue, he mixed in fabricated and somewhat incomprehensible words, such as the negation of positives or the confusion of subjects and predicates. Similarly, many words are borrowed from Arabic, as can be seen—even in the introduction of that book, we find such instances.” It is well known that R. Shemuel ibn Tibbon already addressed the phenomenon of mixing languages in reference to Maimonides’ style, which is both consciously and unconsciously influenced by Arabic.⁵⁰ He observed:

⁴⁷ *Iggeret Teiman* in *Iggeret Harambam*, Shilat edition, 83.

⁴⁸ See the bibliography that appears in Israel Jacob Dienstag’s article: “Binyamin Bacher Betor Hoker Harambam,” *Sinai*, 55 (5724), 71, n. 38 and 72ff.

⁴⁹ See Scholem (op. cit. n. 1), 83, n. 51.

⁵⁰ The translator’s introduction to the *Guide of the Perplexed*, Judah Even Shmuel edition (Jerusalem, 5707), 122.

And here, the great rabbi, our teacher Moshe, the servant of God, when he wanted to discuss wisdom in *Sefer Hamadda* and in other parts of that composition, was influenced by the Arabic language in these matters. We find that he uses the word *sham* [there], which appears in many places ... “The foundation of all foundations and the pillar of the sciences is the knowledge *sheyesh sham* [that there is there] a First Existent ...”

Ibn Tibbon’s claims are more convincing than R. Ashkenazi’s: (a) he was precise in the examples he provided, and (b) he hints that philosophical terminology can be found in other sections as well (see, for example, the end of *Hilkhot Tumat Tzara’at*). In contrast, R. Ashkenazi’s examples are inaccurate, as we do not find these expressions in Maimonides’ *Sefer Hamadda*. Furthermore, R. Ashkenazi indirectly suggests that *Hilkhot Yesodei Hatorah*, and perhaps the entire *Sefer Hamadda*, should not be considered an integral part of a book of Jewish law. Instead, he views these sections merely as “the introduction of that book,” implying they do not belong within the main body of the work. R. Ashkenazi dismisses Maimonides’ attempt to unify the realms of Jewish law and Jewish thought.

This resolves R. Ashkenazi’s bafflement regarding Maimonides’ reputation for being “exceedingly strict and meticulous about everything.” At first glance, the matter seems complicated: why would a philosopher who “severed the roots” (i.e., a heretic) and belittled Jewish law devote his time and energy to the minutiae of both simple and complex laws? This question continues to be a matter for certain scholars to deal with today. R. Ashkenazi posits that Maimonides’ suspect agenda explains the book’s strict approach: if Maimonides succeeds in his aim to diminish the Talmud’s influence, his rigorous and precise efforts (“that he was very strict”) will be justified and rewarded by the ultimate success of his endeavor.

It is worth mentioning that Peretz Smolenskin also commented on Maimonides’ tendencies toward severity and offered his own interpretation:

Who would not be astonished to hear lofty and liberal ideas from the mouth of Maimonides the philosopher, only to see him swiftly shift and wield his firm hand with strictness in matters of religion and law, like the most ardent of zealots? The Ravad, who had no interest in philosophical wisdom and had divine revelations in his study, as he himself attested, occasionally leaned toward leniency, unafraid of consequences. Not so Maimonides; his righteousness had been challenged by others, compelling him to adopt an increasingly stringent stance, lest he be accused of transgressing religious law.⁵¹

⁵¹ Peretz Smolenskin, “Am Olam,” *Hamishah Ma’amarei Bikoret* (Vilna, 5674), 235. See my book: Isadore Twersky, *Rabad of Posquières: A Twelfth-Century Talmudist* (Philadelphia: The Jewish Publication Society, 1980), 173.

From R. Yosef Ashkenazi's perspective, the initial perplexity surrounding the book stems from its inclination toward severity and precise adherence to all aspects of the Torah. After all, it is obvious to all loyal believing Jews that a philosopher does not respectfully relate to religious worship and the practical observance of commandments. However, Maimonides exceeded himself, displaying strictness and meticulousness in all matters, driven by his ultimate goal: establishing his book as a replacement for the Talmud. The key to understanding this lies in the presumptuous title *Mishneh Torah*. The sages of Israel recognized this and expressed their opposition by refusing to use the name assigned to it by Maimonides.

5

Review of the Pines Translation of *The Guide of the Perplexed*

Moses Maimonides, *The Guide of the Perplexed*. Translated with an Introduction and Notes by Shlomo Pines. With an *Introductory Essay* by Leo Strauss. Chicago, Illinois: University of Chicago Press, 1963. Pp. cxxxiv, 658. \$15.

This impressive—and beautifully produced—work of scholarship calls for review and appreciation in three areas: (1) the linguistic—i.e., the new English translation of the Arabic text of Maimonides' *Dalālat al-ha'irīn*; (2) the hermeneutic—i.e., the elaboration of a framework or pattern for the interpretation and structural analysis of this work, whose argumentation is so closely textured and whose calculated obscurity is so often effective; (3) the historical-philological—i.e., the review of Maimonides' relation to and critical use of his sources (a sort of philosophic *quellenforschung* and partial *ideengeschichte*). The first is the sprightly achievement of Professor Shlomo Pines of the Hebrew University, with a sustained editorial assist from Professor Ralph Lerner of the University of Chicago. The second is the subject of Professor Leo Strauss's clever and sophisticated introduction: "How to begin to study *The Guide of the Perplexed*" (pp. xi–lvii). The third is the focus of Pines' learned introduction: "The philosophic sources of *The Guide of the Perplexed*" (pp. lvii–cxxxiv).

Inasmuch as this is not a linguistic journal—nor do I possess special competence in this area—let me just note that this thoughtful translation should properly be used for careful study and not casual reading. Its advance over the existing English translation of M. Friedlander is not in over-all intelligibility (which is often deceptive) but in literalist accuracy, in the attempt to capture the heartbeat of the original Maimonidean text, its rhythms and disorders, its shouts and silences, its ambiguities and obscurities. The English reflects this sometimes even when no philosophic allusion or interpretive subtlety is involved. In general, the translator may be seen as following in the steps of R. Shemuel ibn Tibbon, the first translator of the *Guide* into Hebrew, who strenuously strove for fidelity of rendition rather than felicity of presentation. The translator is also responsible for the paragraphing and punctuation of the book—both features missing in the original Arabic text—and it should be noted that his arrangement differs in many respects from that of S. Munk in his still indispensable French translation.

Professor Strauss, perhaps because he has also written extensively on Spinoza, starts his introduction impressionistically by outlining a plan *more geometrico* for

the study of the *Guide*—a plan, based on the perfect number seven, which uncovers a seven-fold structure everywhere: seven sections, each with seven subsections, or at least seven chapters.¹ The reader is then urged to understand that the *Guide of the Perplexed* is not a philosophic book (p. 14—but this counsel is rejected even by Professor Pines who, while following Strauss in other matters, concedes [p. 72] that “Maimonides may be included among the philosophers.”). It would seem that the most important point for the student to remember—in Strauss’s opinion—is that the *Guide* is a split-level composition, containing a public teaching and a secret teaching, and addressed to a typical as well as to an atypical reader. In other words, it is a puzzle that almost defies deciphering. The essay nevertheless explores—with the exoteric-esoteric tension always in mind—a few aspects of the *Guide*, its selection of motifs, sequence of presentation, and attitude to Bible and Talmud. One of the noteworthy by-products is the author’s attempt, with transparently great stress and strain (e.g. pp. 31, 40, 44), to delineate the contours of a Maimonidean (modern) theory of progress—intra-Biblical as well as post-Biblical progress. Many insights and fine observations are strewn throughout the essay, which is the distillation of a prolonged effort to read Maimonides in terms of the unknown and the repressed, that is, to apply “depth psychology” to history and philosophy, but in the final analysis the veil has not been lifted. That there is some esotericism in the *Guide* is clear, but its nature remains secret (see J. Guttman, *Philosophies of Judaism*, p. 434, note 125; S. Baron, *Social and Religious History*, v. VIII, p. 314, note 28).

The aim of Professor Pines’ introduction is to “define and, if necessary, to identify the philosophic influences that helped Maimonides to form the conceptions set forth in the *Guide*.” “Philosophic” in this context is practically synonymous with “Aristotelian,” and the introduction, therefore, reviews the impact of Aristotelianism, in its many-faceted history, winding its way through Greek and Arabic (and, later, Hebrew) literature. Pines starts with Aristotle, and his major Greek commentator, Alexander of Aphrodisias (with only a passing reference to Themistius). There is a brief excursus on the non- or pre-Peripatetic writers of Greek philosophy: Plato, Pythagoreas, Epicurus, Galen, and the sixth century Neo-Platonist Proclus. The most substantial discussions center on Al-fārābī, Avicenna, Ibn Bājja, and Averroes, the Muslim commentators, writing in Arabic, who provide the immediate sources for Maimonides or determine the general climate of philosophic opinion and its characteristic tendencies. In light of this, conclusions that are, at best, implicit in Maimonides are sometimes spelled out—a procedure that can be quite tenuous at times. Al-Ghazali is discussed as the most outstanding representative of Kalam² and Al-Rāzī

¹ This geometric (kabbalistic) approach was already suggested by Professor Strauss in his article “The Literary Character of the *Guide*,” *Essays in Maimonides*, ed. S. Baron (1941), p. 83, n. 143—and it does not seem to have gained in persuasiveness.

² Concerning Maimonides’ actual use of Al-Ghazali’s writings, see Wolfson, *Proceedings of the American Academy for Jewish Research*, 10 (1941), 117.

is mentioned in connection with Maimonides' reference to his view concerning the preponderance of evil rather than good in this world.

The entire piece is succinct and graceful, revealing the sure touch of the expert. There are persuasive generalizations as well as suggestive asides and provocative parentheses. It also contains interpretive material which, together with some systematic references to modern scholarship, should perhaps have been incorporated into a fuller annotation of the text (à la Munk). To cite a few examples, Al-fārābī's pejorative critique of the inadequacies and inconstancies of Kalam is presented as the background for Maimonides' antipathies toward this theological movement. Similarly, the base lines of Maimonides' political philosophy are found in Al-fārābī, referred to by Maimonides as "a great man whose writings are faultlessly excellent."³ The suggestion is made that Maimonides' use of the image of "flashes of lightning" (*Guide*, Introduction) as a means of describing the prophetic inspiration is borrowed either from Avicenna or ibn Bājja. Maimonides' endorsement of "solitude" as a means to "rational meditation" (*Guide*, III:51) seems to echo ibn Bājja. The idea about the superiority and ultimate desirability of "spiritual prayer" (III:33) or "rational worship" (III:51) is suggestively associated with Avicenna's *Treatise on Prayer*.⁴ Avicenna is also presented as the patron if not founder of negative theology.⁵ Maimonides' provocative application of the teleological conception to political and religious history—and not just to the law of nature—is strikingly but less persuasively attributed to Alexander of Aphrodisias.⁶ The discussion of Averroes (including the conception of study of philosophy as a religious duty) at best provides parallels for Maimonidean thought and helps describe the cultural milieu and philosophic climate of the twelfth century, because Maimonides most probably did not use Averroes when writing the *Guide*.⁷

While many central problems of medieval Islamic and Jewish philosophy are introduced—e.g., creation, prophecy, free will, divine attributes, *imitatio Dei*, the relation of physics and metaphysics, the source-biographical approach is responsible for the fact that an air of inconclusiveness hovers over some of the topics. For example, the problem of the priority and superiority of the theoretical life vis à vis

³This point has exaggerated importance for Pines who is inclined to endorse the major thesis of Strauss (*Philosophie und Gesetz* [1935] and subsequent writings) concerning the centrality of political theory—and a concomitant political interpretation of prophecy—in medieval philosophy. For a new dimension of Maimonides' relation to Al-fārābī, see H. Davidson, "Maimonides' Shemonah Peraqim and Al-fārābī's Fusūl al-Madani," *Proceedings of the American Academy for Jewish Research*, 31 (1963), 33–50.

⁴ See N. Wieder, *Islamic Influences on the Jewish Worship* (Oxford, 1947), pp. 42–43.

⁵ This needs to be qualified in light of H. A. Wolfson, "Problem of Divine Attributes in the Kalam," *Journal of the American Oriental Society*, 79 (1959), 74 and *idem* in, *HTR* 45 (1952).

⁶ While it is unlikely that Seneca could have been a direct source for Maimonides, I would call attention to Seneca, Letter 94 (p. 123).

⁷ So on p. 64, note 11, but see p. 108 and cf. Wolfson, *Crescas' Critique of Aristotle*, p. 323.

the practical life—pretty much a leitmotif of Pines’ entire introduction, as it is of the entire history of philosophy since Plato and Aristotle (see W. Jaeger, *Aristotle*, pp. 426ff. [“On the Origin and Cycle of the Philosophic Ideal of Life”])—is touched upon repeatedly (pp. 81, 87, 89, 92, 116, note 96, 118, 121 and see p. 67) but there is nowhere an integrative review or clinching summation. The confrontation between religion, (read *halakhah* or *shariyah*), with its insistence upon the necessity of action, and philosophy (read Aristotelianism) with its insistence upon the excellence of contemplation, is not fully delineated. Referring to the *Mishneh Torah*, Maimonides’ codification of Jewish law, only as an act of “philosophical statesmanship” does not, in my opinion, do justice to the problem of the relationship between Maimonides’ juristic and philosophical works or to the problem of law and philosophy (*‘ilm* and *‘amal*). As a matter of fact, one should relate the *vita activa-contemplativa* theme to the problem in Jewish lore concerning the relative merits of study and practice (see Wolfson, *Philo*, II, 264ff; I. Goldziher, *Kitab Ma ‘anī al-Nafs*, introduction, pp. 54–60).

I should like to note two lacunae in what will undoubtedly be a durable and important reference work. While Spinoza, Hegel, Whitehead, and Lovejoy are cited, thereby “modernizing” medieval philosophy to some extent, the advances and achievements of the last century of scholarship—and the lingering desiderata of at least the next few decades—are nowhere registered. One will find no citations of D. Kaufman, J. Horowitz, I. Goldziher, D. Neumark, Z. Diesendruck, J. Guttmann, A. Altmann, H. A. Wolfson, and others. Besides Pines and Strauss, whose articles are cited, I have noticed single references only to L. Gauthier, I. Heineman, S. Munk, and R. Walzer. A bibliographical review would have been helpful here.

Secondly, Maimonides’ Hebrew or Judeo-Arabic sources are dismissed too summarily. I think that readers of the volume would have appreciated a third introduction on Maimonides’ “Jewish philosophic sources” (if not also on his use of rabbinic literature inasmuch as the jacket goes so far as to describe the *Guide* as a work of rabbinic exegesis)—a continued *quellenforschung*. Such philosophers as R. Bahya ibn Pakuda (who is mentioned parenthetically [p. 96] as a “Jewish mystic”!) and R. Avraham ibn Ezra exerted considerable influence on Maimonides. It would certainly have been instructive—and would have produced a more balanced picture—to have Professor Pines’ searching analysis of this area as well. Asking for more, however, is a genuine expression of gratitude for what has been given.

6

Did R. Avraham ibn Ezra Influence Maimonides?

In a brief critical review¹ of the magnificent English translation of *The Guide of the Perplexed*, crafted with meticulous precision by Shlomo Pines, I included an undocumented and cursory observation regarding the influence of R. Baḥya ibn Pakuda, author of *Hovot Halevavot*, and R. Avraham ibn Ezra, author of *Yesod Mora* (and, of course, the renowned commentary on the Torah), on Maimonides.²

¹ See Chapter 5 above. Scholars—e.g., Nachman Krochmal and David Rosin—have long recognized and emphasized that the philosophical teachings of R. Avraham Ibn Ezra have not yet merited comprehensive research or systematic discussion. See Yosef Cohen, *Mishnato Haphilosofit-datit shel R. Avraham Ibn Ezra* (PhD dissertation, Bar-Ilan University, 1983), who argues that his religious thought should be situated within an Aristotelian framework rather than the traditionally accepted Neoplatonic one; Hermann Greive, *Die Religionsphilosophie des Abraham ibn Ezra* (Berlin, 1973); and various works by Prof. Yisrael Levin. See also *Te'udah*, vol. 8: *Mehkarim Bitzirato shel Avraham Ibn Ezra* (Tel Aviv, 1992)—an important collection of essays that once again demonstrates the lack of systematic engagement with Ibn Ezra's intellectual legacy.

In this context, R. Shelomo Yehudah Rapoport expressed a bold judgment: “He [Ibn Ezra] surpassed in philosophy all those who preceded him and delved into it more deeply—even more than our master, Maimonides, of blessed memory ... In my opinion, it is appropriate to say of him, ‘From Avraham to Avraham, none arose like Avraham.’” See Asher Weiser, “Havikuaḥ al R. Avraham ibn Ezra Besifrut Hahaskalah,” *Sinai* 61 (1967), 110–115. The extensive research of Prof. Uriel Simon is also particularly noteworthy.

² See Chapter 5 above, p. 126: “I think that readers of the volume would have appreciated a third introduction on Maimonides' Jewish philosophic sources ... Such philosophers as R. Baḥya ibn Pakuda (who is mentioned parenthetically as a ‘Jewish mystic’!) and R. Avraham ibn Ezra exerted considerable influence on Maimonides.” Shlomo Pines himself later discussed the influence of R. Yehudah Halevi on Maimonides. See his article, “Al Hamunaḥ ‘Ruḥaniyut’ Umekorotav ve'al Mishnato shel Yehudah Halevi,” *Tarbiz* 57 (1988), 511–540. Compare Howard Kreisel, “Judah Halevi's Influence on Maimonides: A Preliminary Appraisal,” in *Maimonidean Studies*, ed. Arthur Hyman, vol. 1 (1991), 95–121. On R. Saadiah Gaon, see the notes of R. Yosef Kafih in *Rav Saadiah Gaon: Sefer Hanivḥar Be'emunot Uvde'ot*, ed. R. Yosef Kafih (Jerusalem, 1970); Shraga Abramson, “Arba'ah Perakim Be'iyun Harambam,” *Sinai* 70 (1972), 30, regarding a passage in *Sefer Hashetarot* by R. Saadiah Gaon and *Hilkhot Yesodei Hatorah* 7:7. See also Lenn Goodman, “Saadiah's Ethical Pluralism,” *Journal of the American Oriental Society* 100 (1980), 407–419; and his “Maimonides' Responses to Saadiah Gaon's Theodicy,” in *Studies in Islamic and Judaic Traditions*, eds. William M. Brinner and Stephen D. Ricks, vol. 2 (Atlanta: Scholars Press, 1989), 3–22.

I lamented the fact that Prof. Pines did not address or reference these figures in his extensive treatise on Maimonides' philosophical sources.

At the time, I received numerous inquiries—both oral and in writing—expressing surprise or requesting further elaboration, demonstration, and substantiation of this assertion which, justifiably, was perceived as an ungrounded hypothesis.³ In what follows, my aim is to shed light on the possible intellectual and exegetical connections between Ibn Ezra and Maimonides. My intention is merely to provoke thought, mark significant guideposts, and offer some supplementary observations based on what has been established or hinted at in the scholarly literature.

Ultimately, I seek to recount to the reader how I arrived at the aforementioned claim regarding Ibn Ezra's influence on Maimonides and to examine whether there is a need to qualify it—partially or entirely.

1

I recall that when I was young, I had the opportunity to study *Sefer Hamitzvot* by R. Saadiah Gaon along with the commentary of R. Yerucham Fishel Perlow—an invaluable treasury of Torah wisdom composed by a modest scholar in Warsaw who, in his later years, was privileged to reside in Jerusalem. In the introduction, in the chapter on “The Principles of Maimonides,” R. Perlow presents an original and thought-provoking literary-historical concept:

However, in my opinion, Maimonides, of blessed memory, was likely inspired to formulate them (i.e., his Fourteen Principles) by Ibn Ezra, of blessed memory, who had already preceded him in this endeavor in his work *Yesod Mora*. That work includes a sharp critique of the *Ba'al Halakhot Gedolot* and his followers on this matter. Ibn Ezra appears to have been the first to set boundaries, establish definitions, and lay fixed and enduring

³ On possible connections and traces of the influence of R. Bahya ibn Pakuda's rationalist-spiritual conceptions, see my comments in *Introduction to the Code of Maimonides* (Yale University Press, 1982), 54, n. 86. For example: *Hilkhot De'ot* 3:1 and *Hovot Halevavot* 8:3; *Hilkhot Teshuvah* 10:6 and the introduction to chapter 10 in *Hovot Halevavot*; *Hilkhot Lulav* 8:15 and *Hovot Halevavot* 6:6, among other parallels. See also Tzvi Langermann's precise note in “Maimonides' Repudiation of Astrology,” in *Maimonidean Studies*, ed. Arthur Hyman, vol. 2 (1992), 125, n. 9. It is known that in the letter of R. Yonatan Hakohen to Maimonides, *Hovot Halevavot* is mentioned among the works that R. Yehudah ibn Tibbon translated from Arabic to Hebrew; see *Iggerot Harambam*, ed. Shilat, 511. R. David Tevele Schiff, at the conclusion of his famous sermon against Naphtali Herz Wessely, declared that anyone who wishes to engage in “the doctrine of man” should turn to *Sefer Hamadda* by Maimonides and to *Hovot Halevavot*.

foundations for identifying commandments that should be counted as independent mitzvot in the enumeration of the 613 commandments.⁴

In other words, Ibn Ezra is the pioneer of foundational principles. Maimonides' significant and influential achievement in formulating fourteen principles for enumerating the 613 commandments is rooted in the outstanding and solid foundations of Ibn Ezra's *Yesod Mora*.

R. Perlow adds that substantiation of this revolutionary view can be found in a document of dubious provenance, Maimonides' testament to his son: "The words of Maimonides, of blessed memory, to his son R. Avraham, of blessed memory, in his letter to him, are already well known—that Ibn Ezra, of blessed memory, drew his attention to many matters. Without a doubt, the principles are among those matters."

In summary, the author identifies two distinct areas in which, according to his view, Maimonides was influenced by Ibn Ezra:

1. Ibn Ezra's critique of the *Ba'al Halakhot Gedolot* and perhaps the entire manner that the *Geonim* and classical liturgical poets related to the enumeration of the commandments.
2. The establishment of principles (*shorashim*) underlying the method of enumeration of the commandments, which was first proposed by Ibn Ezra.

Two additional points about this discussion are noteworthy:

3. R. Perlow himself does not expand on or assert that other works of Ibn Ezra influenced Maimonides; his focus is exclusively on *Yesod Mora*.
4. Nevertheless, he is willing to rely on Maimonides' letter to his son—the so-called *Testament of Maimonides*, which, as we shall later note, lacks any credibility—to reinforce the claim of Maimonides' general and vague dependence on Ibn Ezra. It is unfortunate that R. Perlow included this statement—sometimes adding too much detracts—especially given that the letter ultimately points only to parallels, not influences. After all, Maimonides did not know Ibn Ezra's secrets when composing his major works. This letter's value lies in its testimony of a later approach from a later period.

Subsequently, I noticed that whenever scholars engaged with this intriguing issue of the connections between Ibn Ezra and Maimonides, they relied on R. Perlow; his brief remark became the starting point, and they attributed to him and his comment more than what was explicitly stated. For example, one can point to the

⁴ *Sefer Hamitzvot by R. Saadiah Gaon* with the commentary of R. Yerucham Fishel Perlow (New York, 1962), 15.

words of Professor Saul Lieberman when discussing Maimonides' attitude toward *Shiur Komah*: "In his youth, Maimonides believed in the sanctity of *Shiur Komah* prompted by Ibn Ezra's *Yesod Mora*, First Gate, folio 16a, which greatly influenced Maimonides." In a footnote, he adds: "R. Yerucham Fishel Perlow has already demonstrated in his introduction to the enumeration of mitzvot by R. Saadiah Gaon that Maimonides consistently drew from this book."⁵

It is appropriate to turn to the words attributed to Maimonides in the so-called "testament" to his son, R. Avraham:

The truth is as explained by the sage R. Avraham ibn Ezra, of blessed memory. I have been told about him that he composed a commentary on the Torah in which he revealed profound and immense secrets, comprehensible only to those at his level—*haseridim asher Hashem korei* ("the remnant whom the Lord calls"). Were it not for this aforementioned sage, R. Avraham ibn Ezra, of blessed memory, who alerted me to many matters that I had not known until after I composed my *Commentary on the Mishnah*, the work I called *Mishneh Torah*, and the book *Guide to the Perplexed*, I would have directed you (*me'irkha*) to his secrets, which he hinted at in his writings and books.⁶

R. Yitzhak Shilat, the most recent scholar to analyze Maimonides' "testament," concludes as follows: "It is clear that this so-called testament is nothing more than a literary fabrication from the period of the controversy over Maimonides' writings. It was composed by a Spanish intellectual, an admirer of Maimonides and Ibn Ezra,

⁵ See the appendix, "Mishnat Shir Hashirim," added by Prof. Lieberman to Gershom Scholem's *Jewish Gnosticism, Merkavah Mysticism and Talmudic Tradition* (New York: Jewish Theological Seminary, 1960), esp. p. 124. Essentially, R. Perlow discussed the fourteen principles, and the rest is hinted at in the "testament" to R. Avraham. Prof. Saul Lieberman expanded on the subject, though the very assumption regarding *Shiur Komah* requires proof. *Yesod Mora* was composed in 1157, and Maimonides completed his *Commentary on the Mishnah* in 1168. *Yesod Mora* has yet to receive a comprehensive analysis (see below, n. 30). Meanwhile, general evaluations of its nature and significance vary widely. Simon Bernfeld declared that "it has no value," while Naftali Ben-Menaḥem asserted that it is "one of the most important books written in the Middle Ages."

⁶ *Kovetz Teshuvot Harambam*, II (Leipzig, 1859), 39, column d; 40, column a. The text is somewhat convoluted. At first, we read that Maimonides was unfamiliar with the writings of R. Avraham ibn Ezra, and only "I have been told about him that he composed a commentary on the Torah." However, later, Maimonides laments that Ibn Ezra's commentary reached him late, after he had already composed his three major works. The final sentence is also unclear. Prof. Ezra Fleischer suggested deleting the final *khaf* in the word *me'irkha* and reading it as *me'ir* ("remarked"). The mention of *haseridim asher Hashem korei* ("the remnant whom the Lord calls") is a familiar and highly significant motif in Maimonides' writings. See my *Introduction to the Code* (above, n. 3), 42, n. 53.

who bore resentment toward the French on the one hand and some in North Africa on the other, and it has no connection to Maimonides.”⁷

Gershom Scholem, in his well-known article “Miḥoker Lemekubal,” highlights a different aspect: “The famous letter known as the *Testament of Maimonides* to his son Avraham—which everyone agrees is a forgery—was authored by an admirer of Ibn Ezra and the mystical aspects of his thought specifically.”⁸

What is important for our purposes is neither the animosity toward the French sages nor the admiration for Ibn Ezra the mystic, but rather the connections the author draws or identifies between Ibn Ezra and Maimonides. This perspective is neither incidental nor unusual, as we will soon see; it aligns with an intellectual-historical approach that gained strength and traction in the fourteenth century, whose aim was to unify the teachings of Maimonides and Ibn Ezra. More precisely, it seeks not only to uncover hints and fragments of philosophical thought in Ibn Ezra but also to attribute to him a comprehensive philosophical-interpretive methodology. Furthermore, it emphasizes that Maimonides would have abandoned his creative plans in light of Ibn Ezra's profound and significant achievements had he been aware of them in time.

It is also worth noting that it is certainly not the case that “everyone agrees it is a forgery.” It is intriguing to observe which Jewish scholars throughout the generations relied on “Maimonides' testament” and which rejected and dismissed it. For instance, R. Shelomo Luria, in the introduction to his *Yam shel Shelomo*, is uncertain, whereas R. Yaakov Emden is convinced that the letter is entirely unreliable.⁹

It is no coincidence that the letter gained significant prestige among those who sought to elevate and praise R. Avraham ibn Ezra and perpetuate the value of his exegetical and philosophical thought. They found in it a prominent authority upon which to rely. Thus, R. Yosef Shelomo Delmedigo writes: “The great sage R. Avraham ibn Ezra was the head of the *pashtanim*, and Maimonides instructed his students and descendants to study his book.” Reggio briefly remarks: “And so Maimonides, who lived in his [Ibn Ezra's] time, praised him in his letters more than the other sages

⁷ *Iggerot Harambam*, ed. Shilat, 698.

⁸ Gershom Scholem, “Miḥoker Lemekubal,” *Tarbiz* 6 (1935), 91.

⁹ R. Yaakov Emden, *Mitpaḥat Sefarim* (Jerusalem, 1970), chapter 9, p. 71: “And from this, it appears as a lie and falsehood in another letter also attributed to Maimonides, which he allegedly wrote to his son, in which he mentions studying the commentaries of Ibn Ezra and lavishly praises him, to a degree that reaches manifest falsehoods, full of the vanity of sin, as it elevates his rank to the level of our forefather Avraham, peace be upon him.” In contrast, see: R. Moshe Sofer, *She'elot Uteshuvot Hatam Sofer, Yoreh De'ah* (New York: Grossman, 1958), introduction (*Pituḥei Hotam*), which casually quotes, “What Maimonides, of blessed memory, wrote to his son R. Avraham.” Even in contemporary times, there are scholars who do not question the authenticity of the letter; for example, Joshua Finkel (see below, n. 45) and Ezra Zion Melamed, *Mefarshei Hamikra*, vol. 2 (Jerusalem: Magnes, 1978), 521.

of his generation.” This forged letter serves as support for R. Nachman Krochmal’s efforts to promote the importance and influence of R. Avraham ibn Ezra:

On the other hand, regarding the sage Rabbi Avraham of blessed memory, it is well known to us how certain “dwarfs” of later generations strove to undermine this giant, attempting to diminish his greatness and his authoritative standing, but they did not succeed. His spirit remains with us, his words endure among us, along with the words of the great sages of earlier times who vindicate him, such as the Rabbi (i.e., Maimonides) in his letter to his son ...

Continuing in this vein, Krochmal laments that various sages did not regard Ibn Ezra with the seriousness he deserved, as if:

... all the secrets of the sage are merely about grammar, numerical calculations, and astrology. The truth is that his metaphysical system was exceedingly lofty and profound, and only a few of the elite, such as the Rabbi of blessed memory, grasped it to any extent, based on the clear references in the aforementioned letter to his son.

Likewise, R. Shelomo Yehudah Rapoport, in his forceful polemic with Samuel David Luzzatto, relies on this letter: “And in all this, [Maimonides] extolled Ibn Ezra’s praises in his letter to his son.”¹⁰ In a brief approbation for a new edition of *Yesod Mora*, R. Avraham Yitzhak Kook mentions the letter; however, he cautiously phrases it, “a letter attributed to Maimonides.”¹¹

We thus learn that many of the *Rishonim*, as I will further illustrate, perceived a connection and affinity between Ibn Ezra and Maimonides, perhaps even suggesting an influence of the former on the latter. In contrast, modern scholars have used Maimonides’ flattering praise to elevate Ibn Ezra’s stature. The debate between Luzzatto and Rapoport serves as compelling evidence for the presumed connection between

¹⁰ R. Yosef Shelomo Delmedigo (Yashar of Candia), “Mikhtav Ahuz,” in Abraham Geiger, *Melo Hof-nayim* (Berlin, 1840), 19 (“Iggeret Ahuz,” Abraham Kahana [ed.], *Sifrut Hahistoriah Hayisraelit*, vol. 2, [Warsaw, 1923], 158); Isaac Samuel Reggio, *Torah Uphilosophiah* (Vienna, 1827), Chapter 3, 20; Nachman Krochmal, *Kitvei Ranak*, ed. Simon Rawidowicz, second expanded edition (Waltham: Ararat, 1961), 441. See above, end of n. 1. R. Wolf Heidenheim praises Hakham Yitzhak Bernays and compares him to Ibn Ezra and Maimonides. See: Louis Lewin, “Zum Hundertsten Todestage Wolf Heidenheims,” *Monatsschrift für Geschichte und Wissenschaft des Judentums*, vol. 76 (1932), 11–12. I thank Professor Shnayer Leiman for bringing this to my attention. Incidentally, Isaac Mayer Wise mentions in his memoirs from yeshiva days how Ibn Ezra’s commentary on the Torah and Maimonides’ *Guide of the Perplexed* were smuggled into the study hall.

¹¹ See *Yesod Mora Vesod Torah* (Jerusalem, 1931), and the approbation by R. Kook.

Ibn Ezra and Maimonides—one interprets it negatively, the other positively—but both treat the close relationship between Ibn Ezra and Maimonides as if it were a well known and self-evident truth requiring no further proof.

The descendants of Maimonides, beginning with his son R. Avraham, explicitly mentioned Ibn Ezra and utilized his commentary on the Torah.¹² However, in Maimonides' own writings, there is only a single mention of Ibn Ezra, no more. In a letter to R. Shemuel ibn Tibbon, Maimonides notes: "When R. Meir, the esteemed sage, who had studied under R. Avraham the great sage of Posquières, R. Yaakov the sage, of blessed memory, and R. Avraham ibn Ezra, may he rest in Paradise, came to us ..." ¹³ This solitary mention is undoubtedly restrained, stated without fanfare, honorifics, or praise, and it cannot serve as a basis for our inquiry.

It must be acknowledged from the outset that little can be derived from such references, whether positive or negative, as Maimonides generally did not make a practice of explicitly citing his sources or naming the authors and commentators from whom he drew or upon whom he relied. He did not highlight the selective, direct, or indirect use he made of the vast array of sources at his disposal. It suffices to draw attention to the fact that Maimonides appears to allude to a well-established interpretive tradition among the sages of Spain: "And when you examine all that has been noted by the sages and commentators from al-Andalus, and what precedes and follows that verse, it will become clear to you."¹⁴

Regarding his commentary in *Hilkhot Melakhim* on the verse "The wolf shall dwell with the lamb," which Maimonides explains as a metaphor, he emphasizes: "And this is not something we alone have said, but those among the wise and insightful commentators who preceded us, such as Moshe ibn Gikatilla, Ibn Balam, and others among the commentators, had already understood this matter."¹⁵ On the one hand, Maimonides provides no explicit citations or direct references. On the other hand, his silence cannot be taken as conclusive evidence for any position. We must examine each matter based on factors such as conceptual alignment, precise terminology that appears in both formulations, significant parallels in central ideas and fundamental positions, shared methods of argumentation and proof, similar introductions and conclusions, and the ideational contexts in which a given topic is addressed. Only the accumulation of internal evidence can ultimately determine the answer to our inquiry.

¹² See R. Avraham Maimonides, *Perush al Bereishit Ushmot* (London, 1958); for example, pages 270, 294, 432. Also see: *Sefer Hamaspik Leovdei Hashem*, ed. Nissim Dana (Ramat Gan: Bar-Ilan University, 1989).

¹³ *Iggerot Harambam*, Shilat edition, 530.

¹⁴ *Iggeret Tehiyat Hametim*, in *Iggerot Harambam*, Shilat edition, 357.

¹⁵ *Iggeret Tehiyat Hametim*, 359. Maimonides does not generally mention the commentators upon whom he relied, whether they be commentators on the Oral Law or on Scripture. See, for example: *Teshuvot Harambam*, ed. Blau, *responsum* 217, p. 383.

Before we proceed to such an examination, it is worth noting another aspect of the background relevant to our analysis. Anyone familiar with the exegetical and philosophical literature of the Middle Ages encounters a striking fact: many early authorities perceived and felt a sense of closeness between R. Avraham ibn Ezra and Maimonides, treating them as part of the same intellectual circle and as like-minded companions.

However, a careful distinction is required here: some regard this connection as indicative of a significant influence—suggesting that Maimonides was influenced by Ibn Ezra or followed in his footsteps—while others simply point out notable parallels without asserting explicit influence. What unites both perspectives is that they mention the two figures together in a single breath. (This, in itself, is a noteworthy phenomenon: Ibn Ezra was singled out from among all the sages of Spain who preceded Maimonides to be his counterpart and partner in the cultivation of a rationalist-philosophical understanding of Judaism.) Let us present a number of examples:

(i) In analyzing the rationale for the prohibition of incestuous relationships (Vayikra 18:6), Naḥmanides references Maimonides' explanation in his *Guide* (III:49) and adds: "And R. Avraham also wrote ..." Thus, he pairs them together, underscoring the alignment in their views.¹⁶

(ii) R. Menaḥem Hame'iri, in *Hibbur Hateshuvah*, *Ma'amar* 2, chapter 13, writes regarding the waning of the moon:

And on this idea, they said ... and the noble explanation of this was hinted at by Avi Ha'ezri [R. Avraham ibn Ezra], and Maimonides, of blessed memory, followed him in his explanation. Namely, the idolaters would offer sacrifices to the moon at its renewal and to the sun when it appeared in conjunction with specific constellations known to them. The concern was that since this offering was brought at the time of the moon's renewal, some might be mistaken about it, rendering it necessary to clarify that the offering was for God, not for the moon.¹⁷

Hame'iri's phrasing demonstrates an explicit connection between the two figures: Ibn Ezra alluded to the idea, and Rambam expanded upon it.

¹⁶ See Moshe Idel, "We Have No Kabbalistic Tradition on This," *Rabbi Moses Naḥmanides*, ed. Isadore Twersky (Cambridge: Harvard University Press, 1983), 52, n. 5

¹⁷ R. Menaḥem Hame'iri, *Hibbur Hateshuvah* (Jerusalem, 1976), 545. See also: *Guide* III:46.

(iii) Much importance may be assigned to the statement of the Ritva (R. Yom Tov ben Avraham Assevilli, c. 1260–c. 1320) in his brief yet impactful work, *Sefer Hazikaron*:

This is what R. Avraham ibn Ezra alluded to in the verse, “and to cleave to Him” ... Nahmanides, of blessed memory, said that this secret is not derived from the meaning of this verse, and this is indeed correct according to that intention. However, in my limited understanding, he [Ibn Ezra] intended only the great secret—that the individual should be a dwelling for the *Shekhinah* and his soul bound in the bond of life—which is the opinion of Maimonides, of blessed memory, who, I perceive, follows the path of that sage very closely, as anyone familiar with his secrets will perceive, even though they never met. The great man, who did not recognize this as the sage’s path, deviated in many matters from the sage’s true intentions regarding his secrets, just as he diverged from the path of the great teacher of blessed memory [Maimonides].¹⁸

The Ritva establishes a historically significant and systematic principle in his work: Jewish thought encompasses distinct approaches—philosophy and Kabbalah—and one must not impose one system upon the other. Each is legitimate in accordance with its principles and premises. Ibn Ezra and Maimonides coexist harmoniously in this framework, and although they never had direct contact, there is a conceptual affinity between them. They are the progenitors of the rationalist, philosophical approach to Judaism, which resonated and influenced subsequent generations—an approach with which Ritva was intimately familiar.

(iv) R. Shem Tov ibn Shaprut mentions Ibn Ezra and Maimonides together as prominent representatives of a particular approach—one he deems preferable—to the interpretation of aggadah. He counts himself among their disciples:

¹⁸ Ritva, *Sefer Hazikaron*, ed. Kalman Kahana (Jerusalem: Mossad Harav Kook, 1956), 69. The use of the term *sodot*—“secrets”—corresponds to what is mentioned in Maimonides’ testament to his son. Historical legend also brought Ibn Ezra and Maimonides together. The Hida, *Shem Hagedolim*, summarized: “According to what is heard from scribes’ accounts ... many events occurred between him and Maimonides.” See: Naphtali Ben-Menahem, *Inyanei Ibn Ezra* (Jerusalem: Mossad Harav Kook, 1978), 248ff (*Iggerot Hakhmei Italiah*); and also: Michal Sharaf, “Ibn Ezra Be’aggadot Am Uvepiyyutim Mitsefon Afrika,” *Te’udah*, 8 (5752), 88ff. Among the documents discussed by Ben-Menahem, we note *Iggeret Harav Gamliel*, which groups Ibn Ezra and Maimonides together as members of a single, unified school, as did a number of medieval scholars: “Likewise, the words of Harav Moreh Tzedek (i.e., Maimonides), Ibn Ezra, and their cohorts shall forever remain in their splendor and praise among the select few.”

To the best of my ability, I will endeavor to explain and interpret the words of the aggadot that, in my view, require explanation, following the theological principles that are well known to us from the words of our great teacher, Maimonides, of blessed memory, and Ibn Ezra, of blessed memory, according to the foundational ideas that align closely with philosophy.¹⁹

He places them within the same philosophical-religious framework, in contrast with figures like Rashba, whose method he finds neither illuminating nor useful for proper interpretation. Ibn Ezra and Maimonides, in his view, are pioneers of this literary endeavor (aggadic interpretation), which also has implications for the perception of Israel among the nations. Once again, Ibn Ezra and Maimonides are presented as a pair, having left their mark on a distinctive interpretive approach. There is a deep, intrinsic affinity between them, rendering the question of influence irrelevant.

(v) R. Yitzhak Abravanel's attitude toward Ibn Ezra is complicated and complex, alternating between praise and criticism. For our purposes, it is important to emphasize that he also pairs Ibn Ezra and Maimonides, presenting them as belonging to the same school of thought. For example: "Harav Hamoreh [Maimonides] and Ibn Ezra as well, and all those who follow their path."²⁰ Elsewhere, he writes:

¹⁹ R. Shem Tov ibn Shaprut, *Pardes Rimonim* (Zhitomir, 1866), 2. It is worth noting that Ibn Shaprut testifies about himself in the introduction to *Tzafnat Pa'ane'ah*, a commentary on Ibn Ezra's commentary on the Torah (MS), as follows: "And I heard that when Harav Moreh Tzedek saw this distinguished commentary, he said that had he seen it before composing the *Guide*, he would not have exerted himself in writing his work, for it includes everything contained in the *Guide*." This presumably reflects Maimonides' testament to his son. See this citation from the manuscript in Dov Schwartz, "Ketav Besirtut Lerav Shem Tov ibn Shaprut," *Daat*, 20 (1988), 139, n. 12 (= Dov Schwartz and Nachman Frimer, *Hagut Betzel Ha'eimah* [Jerusalem: Ben-Zvi Institute, 1992], 21).

Another example from the same period appears in the work of R. Hayyim Yisraeli, a fourteenth-century Spanish scholar, who identifies and unites the ideas of Ibn Ezra and Maimonides: "It aligns with the opinion of Rabbi Avraham ibn Ezra and also with the view of our Rabbi Moshe, of blessed memory, on this matter, which he hinted at in chapter [30] of Part II of the *Guide*." See: Tzvi Langermann, "Ma'aseh Harakia," in *Sefer Hayovel Leshlomo Pines*, Vol. I (Jerusalem: The Hebrew University of Jerusalem, 1988), 465.

²⁰ R. Yitzhak Abravanel, *Perush al Hatorah* (Jerusalem, 1964), Bereishit, 8, 115; *Perush Hoshea*, chapter 3, in *Perush al Neviiim Uketuvim* (Tel Aviv, 1960), 32; *Ateret Zekenim* (Warsaw, 1894), chapter 2, 10; R. Yitzhak Abravanel, *Yeshuot Meshiho* (Königsberg, 1861), fol. 17b. I am grateful to my student Dr. Eric Lawee, an expert on Abravanel's writings, for drawing my attention to numerous references illuminating this topic. I also thank Prof. Jay Harris for kindly reminding me of the chapter "Hara'ava Beferushei R. Yitzhak Abravanel" in Avraham Lipschitz's *Pirkei Iyun Bemishnat R. Avraham ibn Ezra* (Jerusalem, 1982).

But in the path of philosophical wisdom, our later sages sought hints in this narrative. The first to engage with this were Harav Hamoreh [Maimonides] in his book and Ibn Ezra in his Torah commentary. However, their words came in such brevity, as if they were treading on embers ... Then came Gersonides, a talebearer revealing secrets, and he elaborated on all the mysteries according to his thoughts.²¹

Abravanel also finds fault in explanations shared by the two:

The third opinion belongs to Ibn Ezra and Maimonides, followed by other commentators ... But not in the manner of Ibn Ezra and Harav Hamoreh, for it is truly a scandal and grave sin to contradict the plain meaning of the verses. If this is how they are treated, the plague of leprosy spreads across all the scriptures, revealing interpretations that deny their truth.²²

In his youthful work *Ateret Zekenim*, he similarly remarks: “And so interpreted Ibn Ezra and Maimonides as well.” In his *Yeshuot Meshiho*, he notes: “This is already found in the words of Harav Hamoreh and in those of Ibn Ezra as well.”

(vi) R. Menaḥem Tamar, a fifteenth-century Sephardic sage, in his work *Tanḥumot E-l* (still in manuscript), Seventh Introduction, writes: “The sage R. Avraham ibn Ezra, in his esteemed *Yesod Mora*, expressed himself briefly, as was his custom, but Maimonides expanded further in his introduction to the concise *Sefer Hamitzvot* that he composed.” Like Ibn Shaprut, R. Tamar refers to these two sages as the representatives and architects of philosophical thought. Incidentally, the contrast is noteworthy: Ibn Ezra is characterized as concise, while Maimonides (of whom Naḥmanides said: “Rabbi Moshe is not among the verbose, and he disparaged verbosity”) is described as expansive!

R. Yosef ibn Kaspi and other commentators on Ibn Ezra from the fourteenth century—a period marked by a revival of interest in Ibn Ezra (and simultaneously, in other circles, a revival of interest in R. Yehudah Halevi)—such as R. Yosef ben Shemuel Bonfils, R. Yosef ben Avraham ibn Waqar, R. Shemuel ibn Tzartzah, and possibly the author of Maimonides’ testament to his son, pair him with Maimonides.²³ Equally significant is the fact that thinkers critical of the

²¹ Abravanel, *Bereishit*, 3, 109.

²² Abravanel, *Hoshea* 1 (above, n. 20), 20.

²³ See: Ben-Menaḥem (above, n. 18), 149ff. (“Mefarshei Ibn Ezra al Hamikra”); Uriel Simon, “Interpreting the Interpreter: Supercommentaries on Ibn Ezra’s Commentaries,” in *Rabbi Abraham Ibn Ezra: Studies in the Writings of a Twelfth-Century Jewish Polymath*, eds. Isadore Twersky and Jay M. Harris (Cambridge, Mass.: Harvard University Press, 1993), 86–128. Among them, there are those

rationalist-philosophical approach in Judaism—such as R. Shem Tov, author of *Sefer Ha'emunot*, and R. Yosef Ashkenazi²⁴—also mention Ibn Ezra and Maimonides together. The common thread is that all of them, whether in praise or critique, unite these two sages. Ibn Ezra and Maimonides are portrayed as the architects of philosophical thought.

Substantively, it is essential to distinguish between two possibilities: the first is what appears to be a general—and, by necessity, vague—affiliation with a rationalist school that advocates specific interpretative methods and holds clear and firm ideological positions. In this context, it is natural to find points of convergence among sages who follow the same path.²⁵ The second is a more defined connection that opens the door to the possibility of a direct and explicit influence.²⁶

who not only pair them together but assert simply and with certainty that Maimonides knew Ibn Ezra's writings and drew extensively from them. For example, R. Eliezer ben Matityahu—see Uriel Simon's article, above. However, Ibn Kaspi is probably the first among the scholars of Provence and Spain to address Maimonides' "testament" to his son.

²⁴ See: R. Shem Tov ben Shem Tov, *Sefer Ha'emunot* (Ferrara, 1556), First Gate, and many other places. On R. Yosef Ashkenazi, see: Gershom Scholem, "Yediat Hadashot al R. Yosef Ashkenazi," *Tarbiz*, 28 (1959), 39ff.; and see above, Chapter 4. One can add links in this chain all the way to Shadal (Samuel David Luzzatto), and from Luzzatto to the present day. The modern historian of Spanish Jewry also pairs them together as pillars of the philosophical enlightenment that undermines the established order. See Yitzhak Baer, *A History of the Jews in Christian Spain* (Philadelphia: The Jewish Publication Society, 1961), 245: Nahmanides' "avowed aim was 'to silence the mouths of the men of little faith and meager wisdom who scoff at the words of our sages,' and to refute the opinions of Abraham ibn Ezra and Maimonides, on whom the rationalists leaned for support." He obviously aligns himself with Nahmanides and is repelled by the teachings of his opponents.

²⁵ It is not difficult to imagine a spiritual-philosophical school with clear foundational principles and solid ideological positions, such as the supremacy of wisdom and the knowledge of God; allegorical interpretation of scriptures and aggadot; reservations concerning exclusive engagement with the Talmud; openness to secular disciplines; defined conceptions of prophecy, miracles, divine providence and free will, and so on. It goes without saying that in the context of our discussion, Ibn Ezra's astrological writings require special attention (see: Y. Tzvi Langermann, "Some Astrological Themes in the Thought of Abraham Ibn Ezra," *Studies* [above n. 23], 28–85). Indeed, R. Yaakov Emden rejected him and denied the possibility of his influence on Maimonides due to these writings and Ibn Ezra's adherence to this false discipline.

²⁶ In the scholarly literature, we need only refer to several discussions as follows: Jakob Guttman's general survey in *Moses ben Maimon* (Leipzig, 1914); Wilhelm Bacher, *Harambam, Parshan Hamikra*, translated from German by A.Z. Rabinowitz (Tel Aviv, 1932), 139, who states: "As far as Ibn Ezra's biblical commentaries are concerned, it is clear that they influenced Maimonides in his biblical interpretations." He even records examples of this influence. R. Avraham Bromberg compiled a long list of parallels. See his article "Hakbalot Be'ibn Ezra Uvarambam," *Sinai*, 53 (1963), 67–71; and 55 (1964), 42–45. An earlier article appeared in the journal *Ben Chananja*, 4 (1861).

3

There is a striking proximity between the positions of Ibn Ezra and Maimonides on several matters that appear to be both fundamental and distinctive, rather than general or incidental. These include central ideas, foundational statements, or interpretive formulas. Let us examine a few examples, which may lead to broader conclusions.

(i) Ibn Ezra and Maimonides share an innovative, and almost revolutionary, interpretation of verses in the Book of Devarim (4:5–8):

See: I have taught you *hukim* (decrees) and *mishpatim* (laws), as the Lord my God commanded me, for you to keep in the land that you are about to enter and possess. Take care to keep them, for this will be your wisdom and understanding in the eyes of the peoples: when they hear all these decrees, they will say, “Surely this great nation is a wise and understanding people!” For what other great nation has God so close to it as the Lord our God is to us whenever we call out to Him? And what other great nation has decrees and laws as just as this entire Torah that I am setting before you today?

This Scriptural statement is striking and ambiguous. It is striking in that it rivets attention rather dramatically on the attitude of the nations of the world. Their esteem of the Jews and Judaism is a factor to be reckoned with, and a conscious effort should be made to elicit universal acclaim and admiration. A positive and admiring posture of other peoples is part of the religious axiology of Judaism—to be sure, a unique reason for observance. Its ambiguity lies in the grammar and syntax: precisely what is it that constitutes the Jewish “wisdom and understanding” in universal terms, what is the antecedent or referent? In other words, how is the outer-directed orientation to be sustained? What will command the admiration and respect of the nations of the world?

In order to appreciate the novel tone and strong reverberations of Maimonides' interpretation, it is helpful to catalog briefly the main pre-Maimonidean interpretations. One Talmudic view finds the antecedent in an unexpressed concept: “How do we know that it is one's duty to calculate the cycles and planetary courses? Because it is written, ‘For this is your wisdom and your understanding in the sight of the peoples.’ What wisdom and understanding is in the sight of the peoples? Say, then, that it is the science of cycles and planets” (Shabbat 75a). The rationale of this interpretation is clearly predicated on the attempt to identify a universal subject of study where Jews and Gentiles meet on common ground and are united in scientific achievement. Even though the study of astronomy has religious repercussions and even a religious motivation, it still is primarily the kernel of a universal intellectual preoccupation

which transcends restrictive religious barriers. Jewish excellence in it will, therefore, elicit esteem.

A second Rabbinic interpretation emphasizes the unique man-God relationship achieved by a posture of faith and obedience.

R. Yehoshua b. Levi said: All the good deeds which the Israelites do in their world will come and strike vehemently before the faces of the idolaters in the World to Come, as it is said, “Observe therefore and do them, for this is your wisdom and your understanding in the sight of the peoples.” It does not say “in the presence (*keneged*) of the peoples,” but “in the sight of the peoples”; this teaches you that they will come and strike vehemently before the faces of the idolaters in the World to Come (Avodah Zarah 4b).

Based on a subtle differentiation between “in the sight” (suggesting direct and unmediated confrontation) and “in the presence” (connoting greater detachment and distance)—almost opposite stances—this interpretation contends that Israel’s unshakable commitment to God’s law, recognizing no distinction between *hukim* and *mishpatim*, characterizes the Jews and individuates them. They withstand the criticism and ridicule of the nations, for ultimately, their allegiance will be vindicated, and the ugly criticism will be answered decisively. If history is persistently hostile, the eschatological phase will be triumphal. It is, in any event, a unique religious regimen that intuitively, without elaboration or rationalization, endows the Jewish people with uniqueness. The adjacent dictum of R. Yehoshua b. Levi supports this interpretation: “All the good deeds which Israel does in this world will bear testimony for them in the World to Come, as it is said, ‘Let them bring their witness to vindicate them, so that hearers may say: This is truth’ (Yeshayahu 43:9): ‘Let them bring their witnesses to vindicate them’—that is Israel; ‘so that hearers may say: This is truth’—these are the idolaters” (Avodah Zarah 4b).

An interpretation advanced by R. Bahya ibn Pakuda and R. Avraham ibn Da’ud finds the esteem originating primarily in the systematic study of theology and in the foundations of principles of belief, for there is certainly no demonstrable impressive wisdom in suprarational laws. Moreover, the theological notions must be rationally demonstrable—only then will the nations acknowledge the greatness of the people propounding them:

On the question whether we are under an obligation to investigate the doctrine of God’s oneness or not, I assert that anyone capable of investigating this and similar philosophical themes by rational methods, is bound to do so according to his powers and capacities. In the introduction to this book, I have already furnished sufficient arguments to prove this point.

Anyone who neglects to institute such an inquiry is blameworthy and is accounted as belonging to the class of those who fall short in wisdom and conduct. He is like a sick man who, though knowing well the nature of his disease and its correct treatment, relies on a physician who applies various remedies, while he himself is too indolent to use his knowledge and reasoning powers to test the physician's remedies and ascertain whether the latter is treating the case correctly or not, when he might easily have done so, there being nothing to hinder him. This duty of investigation has indeed been imposed upon us by the Torah in the verse, "Know today and take to heart" (Devarim 4:39). That the phrase "take to heart" means rational enquiry, is clear from the verse, "So they do not take it to heart nor find mind nor wisdom" (Yeshayahu 44:19). So too David exhorted his son, "As for you, my son Shelomo, know the God of your father and serve Him with a full heart and a willing soul, for the Lord searches all hearts" (Divrei Hayamim Alef 28:9). Our wise teachers have exhorted us, "Be diligent in the study of the Torah, and know what answer to give to the unbeliever" (Avot 2:14). The Torah says, "Take care to keep them, for this is your wisdom and understanding in the eyes of the peoples" (Devarim 4:6). It is impossible, however, that the peoples should concede our claims to a superior degree of wisdom and understanding, unless there are proofs and reasonable evidence of the truth of our Torah and the verity of our faith. ... It has thus been demonstrated by arguments drawn from reason, Scripture, and tradition that it is our duty to investigate rationally every topic on which we can, by the exercise of our mental faculties, attain clearness.²⁷

While at one point this statement may refer to the entire Torah—and indeed the author's insistence upon rationalism and the indispensable role of the intellect in achieving religious perfection is thoroughgoing—the general context, quotations, and emphasis clearly concern metaphysics, the "doctrine of God's oneness" and "similar philosophical themes." As in the first Talmudic explanation, the emphasis here also is on universality, but the universality is of method (i.e., rational argument, syllogism, proofs) rather than of subject (i.e., astronomy).

Ibn Da'ud sustains this argument and spells out the concomitant interpretation fully: traditional laws certainly will not arouse wonder and admiration among non-Jews. Even political rules and ethical virtues cannot provide the frame of reference here, for any rational person, even without religious commitment, may elect to abide by them. The verse can only refer to the "roots of Jewish belief," which are shown on the whole to be perfectly congruent with those demonstrative truths

²⁷ *Hovot Halevavot* 1:3.

which philosophers painstakingly elaborated in the course of thousands of years. The remarkable thing, which irresistibly attracts attention, is that God gave this corpus of truth “to us without toil or speculation, rather we took it as tradition from the true prophet.” In other words, the pivot is the harmony of reason and faith, the congruence of religious tradition and philosophical speculation.²⁸

Maimonides sees the antecedent of “wisdom and understanding” in *hukim*: it is precisely the statutes, those troublesome, tantalizing, rationally recalcitrant laws, which are a source and a sign of wisdom. The apparent paradoxicality of this interpretation quickly gives way to a refreshing inference: the *hukim* must be intelligible and rational; otherwise they could not prove that the Torah as a whole is grounded in reason and wisdom:

... when they hear all these decrees they will say, “Surely this great nation is a wise and understanding people!” (Devarim 4:6). The Torah includes the statutes (*hukim*) here, all of them, as marks of a wisdom and discernment that will be plain to every nation. If even one of these precepts had no rational ground, brought no benefit, or forestalled no harm, why would those who perform and profess these precepts be called wise and discerning and so admirable that the nations remark on it? No. As I said, every one of the 613 commandments instills a sound view or purges an unsound one, imparts a rule of justice or combats some wrong, fosters a virtue or checks a vice.²⁹

Hukim are messages which must be deciphered and decoded; they appear undecipherable only for lack of knowledge, insight, and sensitivity. There may be setbacks along the road, and one may reach impasses in analysis, but the cumulative trouble and frustration should not discourage the inquirer. In sum, the Torah has stated unequivocally that statutes are purposive and must be properly interpreted, temporary confusions and uncertainties notwithstanding. This passage insists, furthermore, that the interpretation must be of such a nature that it will have a universal resonance and impress all the nations. It is not merely another Scriptural proof but it provides basic directives for the unfolding of the entire intellectual enterprise. The reasons must be universally intelligible and persuasive.

In his *Yesod Mora*,³⁰ Ibn Ezra writes succinctly:

And Moshe, our master, said about all the commandments: “... they will say, surely this great nation is a wise and understanding people.” If they

²⁸ See the introduction in *Ha'emunah Haramah* (Jerusalem, 1967), 4.

²⁹ *Guide* III:31.

³⁰ R. Avraham ibn Ezra, *Yesod Mora Vesod Hatorah* (second edition), ed. Yosef Cohen and Uriel Simon (Ramat Gan: Bar-Ilan University, 2007), Eighth Gate, 156.

[the commandments] lack reasons that we can understand, how will the nations say that they are righteous statutes and that we, who observe them, are wise?³¹

A novel voice emerges from this interpretation, resonating powerfully. Ibn Ezra's brief statement undeniably reveals itself as a potential source for Maimonides' reasoning.

(ii) A fundamental principle in Maimonides' thought, expressed in both the *Mishneh Torah* and his *Guide of the Perplexed*, is that fasts were instituted to "cry out before God in times of trouble." Calling upon God through prayer and sounding an alarm during moments of distress reinforces faith in divine providence and negates the belief that everything is subject to chance. The act of prayer, therefore, is "a practice that strengthens the sound belief that God knows our plight and can save us if we are true—or bring us to grief if we are not."³² This concept is fully articulated in the *Mishneh Torah*, where Maimonides warns against saying during times of calamity, "This happened to us as a natural occurrence, and this trouble is merely coincidental." The only appropriate, justified, effective, and purifying response in times of distress is the path of prayer, for "this is one of the ways of repentance ... and it is what will lead to the removal of the trouble." The alternative approach, attributing misfortune to nature or chance, is "a cruel way, and it causes them to cling to their evil deeds." This fundamental perspective is anchored in a precise interpretation of the term *keri* (Vayikra 26:21).

This practice is one of the paths of repentance, for when a difficulty arises, and the people cry out [to God] and sound the trumpets, everyone will realize that the difficulty occurred because of their evil conduct ... Conversely, should the people fail to cry out [to God] and sound the trumpets, and instead say, "What has happened to us is merely a natural phenomenon and this difficulty is merely a chance occurrence (*nikroh nikreit*)," this is a cruel conception of things, which causes them to remain attached to their

³¹ Ibn Ezra's consistency in his understanding and application of this verse is also reflected in the fact that, when emphasizing—in the first chapter of *Yesod Mora*—the obligation to engage in the wisdom of astronomy and calculate celestial phenomena, he quotes only the verse "And they do not regard the work of the Lord" (Yeshayahu 5:12), while omitting the verse "for this will be your wisdom and understanding" (Devarim 4:6). This omission is notable, as the latter verse is commonly cited as the primary foundation for framing this obligation. The mystery is resolved when we reach the Eighth Gate, where we see that Ibn Ezra reserved the verse "for this will be your wisdom" for a different and decisive discussion. See on this topic in my *Introduction to the Code* (above, n. 3), pp. 380–386. Compare to Chapter 9 below, pp. 224–231.

³² *Guide* III:36.

wicked deeds. Thus, this time of distress will lead to further distresses. This is implied by the Torah's statement (Vayikra 26:27–28): “If you remain indifferent (*keri*) to Me, I will be indifferent to you with a vengeance.” The implication of the verse is: When I bring difficulties upon you so that you shall repent and you say it is a chance occurrence, I will add to your [punishment] an expression of vengeance for that indifference [to Divine Providence].³³

Ibn Ezra cites the interpretation of the word *keri* as derived from *mikreh* (chance) in his commentary on the Torah in the name of “some say.”

It is noteworthy that R. Menaḥem Hame'iri references this interpretation but attributes it exclusively to Maimonides:

And regarding this, Maimonides, of blessed memory, explained the meaning of the phrase “and if you walk with me in *keri*,” to mean that when I bring calamities upon them as punishment for their sins, if you claim they come not as an intended punishment, I will intensify the blows upon you for this thought and overwhelm you with misfortunes. And He said, “then I too will walk with you in fury of *keri*,” meaning I will bring upon you even harsher and more painful misfortunes than the first ones ...³⁴

That is to say, R. Menaḥem Hame'iri—and others like him—did not see a reason to attribute this innovative idea to Ibn Ezra, despite his precedence in this interpretation. The idea and the interpretation are, from the perspective of historical influence, associated with Maimonides. It is always worthwhile to pay attention to the references of earlier and later sages and to discern their perspectives. Investigating and delving into sources may uncover facts and variant readings, but it does not always reveal the source that had influence and resonance throughout the generations—as though there is an “archaeological” source and a “historical-literary” source.³⁵

(iii) Both Ibn Ezra and Maimonides express an aggressively negative attitude toward magic. Both perceive the Torah's prohibition of all acts of sorcery as stemming from their inherent falsehood and lack of any truth or wisdom.

³³ *Hilkhot Ta'aniyot* 1:2–3. This perspective is also mentioned in *Iggeret Tehiyat Hametim* and *Iggeret al Ha'itztaginut*. See my *Introduction to the Code* (above, n. 3), 302–303.

³⁴ Hame'iri, *Hibbur Hateshuvah* (above, n. 17), 4–5.

³⁵ A striking example is Maimonides' view that prayer—*avodat Hashem*—is a biblical commandment, a position attributed exclusively to him. However, we know that this view already appears in the introduction of R. Saadiah Gaon to the siddur he compiled.

Ibn Ezra writes in his commentary (Vayikra 19:31):

Foolish people say that if the practices of *ovot* and sorcery were not real, the Torah would not have prohibited them. But I say the opposite of their words: the Torah does not prohibit truth, only falsehood. Proof of this is the idols and graven images.³⁶

Maimonides similarly writes:

All the above matters are falsehood and lies ... It is not fitting for the Jews who are wise sages to be drawn into such emptiness, nor to consider that they have any value ... The masters of wisdom and those of perfect knowledge know with clear proof that all these crafts which the Torah forbade are not reflections of wisdom, but rather, emptiness and vanity which attracted the feebleminded and caused them to abandon all the paths of truth.³⁷

This decisive and categorical assertion was intended to dispel the beliefs of many Jews.

(iv) Intellectual processes are perceived within the framework of sin and commandment. A person either obeys or rebels not only in actions but also in beliefs and feelings. Maimonides emphasizes this principle in multiple contexts. For example, the second chapter of *Shemonah Perakim* presents this view:

Know that transgressions and observances of the Law have their origin only in two of the faculties of the soul, namely, the *sensitive* and the *appetitive*, and that to these two faculties alone are to be ascribed all transgressions and observances ...

Ibn Ezra writes in his commentary (Devarim 5:18):

Many say that one cannot sin with one's thoughts and there is no reward and punishment for what one thinks. However, one can refute them by quoting many verses. I will not prolong my argument. I will merely point to the following: "A heart that devises wicked schemes" (Mishlei 6:18); "You have set your heart well" (Divrei Hayamim Bet 6:8); "those who are upright in their hearts" (Tehillim 125:4). Moshe at the end said, "It is in your mouth, and in your heart for you to keep it" (Devarim 30:14). The

³⁶ In his commentary on Vayikra 19:4, Ibn Ezra writes: "The *elilim* are idols, and they are called so because they are false, as in the verse, 'You are all *rofei elil* (worthless physicians)' (Iyov 13:4)."

³⁷ *Hilkhot Avodah Zarah* 11:16.

main purpose of the mitzvot is to perfect the heart. Most of them serve as a memorial. The distinction made between a sin committed deliberately and one committed inadvertently should convince them.

This matter is the subject of prolonged dispute. As is well known, R. Ḥasdai Crescas criticized Maimonides' position. It is important, therefore, to note that Ibn Ezra takes a clear stance on this issue, and his position, which completely overlaps with that of Maimonides, could certainly have served as a source or support for Maimonides.

(v) In accordance with this theological-legal principle, we find that both Ibn Ezra and Maimonides count the first statement of the Ten Commandments as a positive commandment. This is explicitly stated in *Sefer Hamitzvot*, Positive Commandment 1: "The commandment that requires us to believe in the existence of God—that is, to believe that there is a cause and ground that is the Creator of all beings, as it says, 'I am the Lord your God.'" This stance is elaborated in *Hilkhot Yesodei Hatorah* 1:1–6.

Earlier, in *Yesod Mora*, Seventh Gate, Ibn Ezra unequivocally asserts: "And the commandments of the heart begin with 'I am the Lord your God,' meaning that one must believe with all one's heart that the God who brought him out of Egypt is his God. This is a positive commandment."³⁸

On a related matter, Ibn Ezra, in his commentary on Shemot 20:2, identifies the ways of God with the acts of nature, concluding that "through the ways of God, the discerning individual will know God." Maimonides' statements on this subject, both in *Hilkhot Yesodei Hatorah* 2:2 and in his *Guide* I:54, align perfectly with Ibn Ezra's perspective and phrasing: knowledge of God is grounded in scientific understanding. Furthermore, both draw support for this concept from Shemot 33:13 ("Please show me Your ways"). We thus learn that according to both Ibn Ezra and Maimonides, knowledge of God constitutes a positive commandment, and attaining such knowledge is the result of understanding Creation.³⁹

Let us add that the classifications and categorizations of commandments by Ibn Ezra and Maimonides indicate a significant connection. In *Shores* 9 of *Sefer Hamitzvot*, Maimonides states: "Know that all the commands and prohibitions of the Torah pertain to four matters: beliefs, actions, character traits, and speech." Similarly, Ibn Ezra, in his commentary on Shemot 20:1, notes:

³⁸ *Yesod Mora* *Vesod Hatorah* (above, n. 30), 147.

³⁹ Warren Zev Harvey illuminated many aspects of this subject. See his article: "Hadibbur Harishon Ve'elokei Hahistoriah: Rihal Veraḥak mul R. Avraham ibn Ezra Verambam," *Tarbiz* 57 (1988), 203–216. Note also *Guide* I:66; II:33; III:32, 54; and *Teshuvot Harambam*, ed. Blau, no. 436. Compare with Hame'iri, *Perush Hameiri al Sefer Mishlei* (Jerusalem: Otzar Haposkim, 1969), chapter 13. Additionally, see Ibn Ezra's commentary on Tehillim 19 in conjunction with Maimonides, *Sefer Hamitzvot*, *aseh* 3.

All commandments fall into three categories: the first consists of the commandments of the heart, the second of the commandments of speech, and the third of the commandments of action. Commandments of the heart are further divided into two types: positive and prohibitive.

(vi) Maimonides' attitude toward asceticism is quite nuanced.⁴⁰ It would be to our advantage to note the biblical citations that support his conceptual stance. In *Hilkhot De'ot* 3:1, we read: "The Sages forbade afflicting oneself through fasting. Regarding all these practices and their like, Shelomo directed: 'So do not be too righteous and do not seek more wisdom, for why should you become desolate?' (Kohelet 7:16)." Earlier, in *Hilkhot Yesodei Hatorah* 5:11, while defining the halakhic principle of sanctifying the name of God through a life shaped by profound religious awareness—manifesting in behavior that goes beyond the strict letter of the law—Maimonides specifies that the true sage "is ever seen studying Torah, wrapped in tzitzit and crowned with tefillin, and goes beyond the letter of the law in all he does, so long as he does not go *too* far and turn ascetic ..."

Ibn Ezra, in his commentary on Kohelet 7:16, provides an interpretation leading to this view: "If you pray from morning until evening and fast, or similar practices, you will become desolate. You will withdraw from society, as is done by the Romiti (the misguided) in the lands of Edom and Ishmael."⁴¹

(vii) One of the most difficult and subtle philosophical ideas, which only a few can truly understand, is the unity of the intellect, the intellectual subject and the intellectual object [*hasekhel hamaskil vehamuskal*]. Maimonides devoted an entire chapter in his *Guide of the Perplexed*⁴² to explaining this idea: "You already know that the following dictum of the philosophers with reference to God, may He be exalted, is generally admitted: the dictum being that He is the intellect as well as the intellectually cognizing subject and the intellectually cognized object." After a meticulous philosophical analysis, the chapter concludes with the declaration, "as this Treatise has been composed only for the benefit of those who have philosophized and have acquired knowledge of what has become clear with reference to the soul and all its faculties ..."⁴³ In light of this, it is all the more interesting that Maimonides proposed this complex idea in *Hilkhot Yesodei Hatorah*: "You may then conclude that He is [at

⁴⁰ Howard T. Kreisel, "Asceticism in the Thought of R. Baḥya ibn Pakuda and Maimonides," *Daat* 21 (1988), v-xxii; and in my *Introduction to the Code* (above, n. 3), 459ff.

⁴¹ In his *Shemonah Perakim*, chapter 4 (*Perush Hamishnah*, vol. 2, ed. R. Yosef Kafih, 382–383), Maimonides alludes to the ascetics of his time. Compare also with *Hovot Halevavot* VIII:3. In *Moreh Nevukhim* I:32, we find another, original usage of the end of the verse: "Don't be overly virtuous or excessively wise; why desolate yourself."

⁴² *Guide* I:68 (Pines translation).

⁴³ See also: *Guide* III:19–21; *Shemonah Perakim*, chapter 8.

once] the Knower, the Known, and the Knowledge itself—all these [in God], being one and the same.”⁴⁴

A concise and direct formulation, without apologies or declarations, is found in Ibn Ezra’s commentary on Shemot 34:6: “Do not be surprised that the Lord called out ‘the Lord,’ for He alone is the Knower, the Knowledge, and the Known, and this is a very deep matter.”

(viii) The striking similarity between R. Avraham ibn Ezra and Maimonides concerning the Messianic era and the resurrection of the dead—that the dead will indeed rise but will die once again—has already been noted by Joshua Finkel.⁴⁵ However, an additional detail should be mentioned. At the end of *Ma’amar Teḥiyat Hametim*,⁴⁶ Maimonides addresses the question: Why does the Torah not mention the belief in the resurrection of the dead? The core of his answer is that “the people in whose days God wished the Torah to appear held extremely defective views,” and they were incapable of understanding and accepting “this principle” at all, as it is written: “But to this day the Lord has not given you a mind that understands or eyes that see or ears that hear” (Devarim 29:3).

Ibn Ezra, in his commentary on Devarim 32:39, remarks: “In my opinion, the Torah was given to all, not to one alone, and the matter of the World to Come is something that even one in a thousand cannot understand, for it is profound.”

(ix) Maimonides states (*Hilkhot Melakhim* 11:1), with noticeable fervor and emotion, that the belief in the Messiah is explicitly mentioned in the Torah:

Anyone who does not believe in him or does not await his coming, denies not only the statements of the other prophets, but those of the Torah and Moshe, our teacher. The Torah testified to his coming: “The Lord your God will bring your captives back and show you compassion. He will bring you back together from all the nations ... If you should be expelled to the furthest of horizons, even from there the Lord your God will gather you, from there He will take you back ... and bring you into the land ...” These explicit words of the Torah include all the statements made by all the prophets ...

⁴⁴ *Hilkhot Yesodei Hatorah* 2:10.

⁴⁵ See: Joshua Finkel, “Maimonides’ Treatise on Resurrection: A Comparative Study,” *Essays on Maimonides*, ed. Salo W. Baron (New York, 1941), 93ff., esp. 98–102. It should be noted that Finkel accepts the *Testament of Maimonides* to his son R. Avraham as an authentic and reliable document, without any doubts or hesitations.

⁴⁶ *Iggerot Harambam*, ed. Yitzḥak Shilat, 369.

In his commentary on Bemidbar 24:17, Ibn Ezra emphasizes:

The foolish think that interpreting “a star shall shoot out” as referring to David denies the coming of the Messiah. God forbid, God forbid, for the Messiah is clearly explained in the prophecy of Daniel, as I have interpreted ... There is no need for a prophet in the world when we have the words of Moshe, which are fundamental: “If you should be expelled to the furthest of horizons, even from there the Lord your God will gather you, from there He will take you back” (Devarim 30:4–5).⁴⁷

(x) Maimonides (*Hilkhot Yesodei Hatorah* 1:8) and Ibn Ezra (Bereishit 1:26) both draw on the verse “‘To whom, then, can you liken Me, to whom can I be compared?’—says the Holy One” (Yeshayahu 40:25) to emphasize God’s absolute incorporeality. The verse serves as a quintessential expression of a philosophical idea.

(xi) Maimonides consistently and carefully reiterates the view that the relationship of all halakhic compositions subsequent to the Mishnah is interpretative or explanatory. In the introduction to the *Mishneh Torah*, he emphasizes this interpretive connection to the Mishnah, characterizing both the Jerusalem Talmud and the Babylonian Talmud as containing the “interpretation of the words of the Mishnah and the elucidation of its intricacies.” In his letter to R. Pinḥas Hadayan, Maimonides briefly remarks that “the Talmud is the interpretation of the Mishnah,” a formulation that also appears verbatim in *Yesod Mora*, First Gate.

(xii) Regarding the word *yalod*, Maimonides writes in the *Guide* I:7:

Yalod, to bear. The sense commonly understood is familiar, signifying procreation: “They bear him sons” (Devarim 21:15) ... A like metaphor is used for how thoughts arise and for the views and doctrines they engender: “He breeds falsehoods” (Tehillim 7:15), or “glutted with the customs of strangers” (Yeshayahu 2:6)—that is, full of foreign notions. As Yonatan ben Uziel glosses, “They embrace foreign ways.”

Ibn Ezra, in his commentary on Yeshayahu 2:6, writes: “For they find satisfaction in secular knowledge and do not seek prophecy.” However, note Maimonides’ sharp remarks in the *Guide* II:11 concerning the same verse where he presents a similar interpretation but his assumptions and conclusions are entirely different.

⁴⁷ The statements of R. Avraham ibn Ezra and Maimonides require careful analysis, as there are also significant contrasts between them. As will be shown, contrasts are equally important for our discussion.

Additional examples of parallels or points of contact between them could also be noted. For instance:

Maimonides	Ibn Ezra
• <i>Hilkhot Teshuvah</i> 2:1 • <i>Hilkhot Teshuvah</i> 5:2 • <i>Hilkhot De'ot</i> 4:15 • <i>Hilkhot Avodat Kokhavim</i> 12:1 • <i>Hilkhot Sefer Torah</i> 8:14 (at the conclusion of <i>Shirat Hayam</i>) • <i>Hilkhot Me'ilah</i> 8:8 • <i>Hilkhot Melakhim</i> 12:2 • <i>Guide</i>, Introduction • <i>Guide</i> I:41 • <i>Guide</i> III:41 • <i>Sefer Hamitzvot</i>, Introduction	• Commentary on Kohelet 12:2 • Commentary on Eikhah 3:38 • Commentary on Mishlei 21:23 • Commentary on Vayikra 19:27 • Commentary on Shemot 15:19 • <i>Yesod Mora</i>, First Gate (on <i>vehai bahem</i>) • <i>Yesod Mora</i>, First Gate • Commentary on Mishlei 25:1 • Commentary on Tehillim 27:12 • Commentary on Bemidbar 15:30 • <i>Yesod Mora</i>, First Gate

4

Significant contrasts also highlight dialectically the possibility of conceptual engagement. A few examples will illustrate this dynamic:

(i) In *Yesod Mora*, Fifth Gate, Ibn Ezra defines a category of commandments that serve as “reminders of commandments that are fundamental principles.”⁴⁸ Among these, he includes *tzitzit*. He then adds, in a polemical tone as if he were denouncing religious hypocrisy:

The one who wraps himself [in a tallit] does not fulfill the mitzvah completely, for it is obligatory throughout the entire day. When he is in the marketplace and sees various forms, then his heart will stray after his eyes more than during prayer. I mention this because I have seen many individuals who are not God-fearing but wrap themselves in a tallit to honor themselves.

In his commentary on the Torah (Bemidbar 15:39), Ibn Ezra emphasizes the same idea (though without the polemical tone):

⁴⁸ *Yesod Mora Vesod Hatorah* (above, n. 30), 126.

In my opinion, one is more obligated to wear tzitzit during the rest of the day than during prayer, so that he will remember and not err, nor commit a transgression at any time, for during prayer, he will not commit a transgression.

Maimonides, in *Hilkhot Tzitzit* 3:11, rules:

Even though a person is not obligated to purchase a tallit and wrap himself in it so that he must attach tzitzit to it, it is not proper for a person to release himself from this commandment. Instead, he should always try to be wrapped in a garment that requires tzitzit so that he will fulfill this mitzvah. In particular, care should be taken regarding this matter during prayer. It is very shameful for a Torah scholar to pray without being wrapped [in a tallit].⁴⁹

(ii) In his commentary to Devarim 5:26. Ibn Ezra writes:

Note, God's decrees are the source of all actions and movements. The power and nature of all that is found beneath the heavens is determined by the arrangement of the heavenly bodies. These are connected to the roots below ... The parts receive from the categories according to their nature. It is due to the power of the "categories" that they can make some small changes in nature. This is the meaning of "but the Lord strengthened Pharaoh's heart" (Shemot 11:10) ... It is all true. Scripture therefore states, "Lord, I know that man does not determine his path" (Yirmeyahu 10:23). It similarly states, "Why, O Lord, have You led us astray from Your path" (Yeshayahu 63:17).

In his *Shemonah Perakim*, chapter 8,⁵⁰ Maimonides writes that this last verse is unrelated to the problematic issue of the negation of free will by God—an interpretation that seems to be written in response to the perspective of certain commentators:

However, the statement in Yeshayahu, "Why, O Lord, have You led us astray from Your path ..." does not pertain to this matter at all and is not connected to anything within this subject.⁵¹

⁴⁹ See also *Hilkhot Tefillah* 5:5: "It is the way of all scholars and their disciples to pray only when they are wrapped [in a tallit]." Numerous talmudic sources support Maimonides' opinion.

⁵⁰ *Hakdamot Leferush Hamishnah Larambam*, ed. Shilat, 252. Compare Chapter 12 below, p. 304.

⁵¹ *Hakdamot Leferush Hamishnah*, 254. I am grateful to Dr. Zvi Langermann for pointing this out to me. See also Chapter 12 below, p. 293.

(iii) Ibn Ezra, in his commentary on Shemot 34:6, presents the opinion of the Gaon regarding the enumeration of the Thirteen Attributes and rejects it:

R. Saadiah Gaon says that the first “Lord” is connected to “and proclaimed.” Now if this is so, then why didn’t the master of the cantillical notes connect them? Actually, Scripture repeats the Lord’s name twice in our verse in the same manner that it repeats Avraham’s name in “Avraham, Avraham” (Bereishit 22:11); Yaakov’s name in “Yaakov, Yaakov” (Bereishit 46:2); Moshe’s name in “Moshe, Moshe” (Shemot 3:4). Our verse is to be similarly read.

Maimonides, however, emphasizes⁵² that the view rejected by Ibn Ezra is correct and firmly rooted in the plain meaning of the text:

The first mention of the Divine Name is not one of the Thirteen Attributes. This is undoubtedly correct, and I have never heard of anyone disputing it. The plain meaning of the verse confirms this, for it says, “In your presence I will proclaim My name” (Shemot 33:19). Subsequently, the fulfillment of this promise is described, where it is mentioned that the Lord proclaimed: “The Lord, God, Compassionate, etc.”⁵³

(iv) R. Menaḥem Hame’iri⁵⁴ highlights a stark dichotomy between Ibn Ezra and Maimonides in interpreting Tehillim 19:2, “The heavens tell of God’s glory”:

According to Rabbi Moshe, of blessed memory (*Guide* II:5), this describes the essence of the heavens themselves, not their observation by humans. However, Ibn Ezra interprets “The heavens tell of God’s glory” as referring to human contemplation of the heavens.

The distinction is illuminating.

(v) In *Yesod Mora*, Seventh Gate, Ibn Ezra emphasizes:

Pay attention to my words: there is no burden in the prohibitive commandments for those who possess understanding ... The reward lies in the positive commandments, as they involve effort.⁵⁵

⁵² *Teshuvot Harambam*, ed. Blau, *siman* 263, 507–508.

⁵³ Compare with what we wrote above (3 vii), regarding the unity of *hasekheh*, *hamaskil vehamuskal*.

⁵⁴ *Hibbur Hateshuvah* (above, n. 17), 253.

⁵⁵ *Yesod Mora Vesod Hatorah* (above, n. 30), 137, 139.

Maimonides underscores the Torah's loftiness and efficaciousness, asserting that its commandments are full of grace and blessing, without undue burden:

The Torah God gave Moshe (which is therefore called his) sought nothing if not to lighten the load and ease the burden of ritual. If you picture any of our mitzvot as onerous or irksome, it can only be because you do not know the doctrines and the way of life of those earlier days. (*Guide* III:47, regarding laws of purity and impurity); Most of the mitzvot, as I have shown, serve ... to free us of the massive, oppressive toil and trouble ... (*Guide* III:49);

Its ways of worship demand nothing onerous or extreme (*Guide* II:39).⁵⁶

For purposes of conciseness, I provide references for additional examples of contrasts:

Maimonides	Ibn Ezra
• <i>Hilkhot Gezelah Va'avedah</i> 1:9–10⁵⁷ • <i>Hilkhot Temidin Umusafin</i> 7:11 • <i>Guide</i> 3:40 • <i>Guide</i> 3:13; <i>Perush Hamishnah</i>, Introduction • <i>Hilkhot Ta'anivot</i> 5:5 • <i>Guide</i> 3:40	• Shemot 20:4 • Yehoshua 5:11 • Shemot 21:31 • Bereishit 1:26 • <i>Yesod Mora</i>, Fifth Gate (interpretation of <i>divrei hatzomot veza'akatam</i> regarding the four fasts) • Shemot 21:31

5

It is a fundamental principle that investigation, inquiry, and probing—even when conducted with tireless, focused, and disciplined effort—do not always succeed in definitively uncovering or identifying a source of influence. The fact that one preceded another in time does not necessarily mean that it influenced the latter. We observe that sages and scholars of various kinds discover works, whether complete or fragmented, that predate others, yet there is no evidence that these works were known subsequently or that their imprint was discernible.⁵⁸

⁵⁶ In *Hilkhot Isurei Biah* 13:14, Maimonides speaks of “the weighty burden of the Torah and the effort involved in fulfilling it.” However, it is clear that this statement serves to warn a prospective convert. The warning aids in assessing the candidate's sincerity in seeking conversion.

⁵⁷ R. Avraham Maimonides, *Perush Bereishit Ushmot* (above, n. 12), 320, fully agrees with Ibn Ezra.

⁵⁸ See my *Introduction to the Code* (above, n. 3), 56, regarding the question posed by the sages of Lunel to Maimonides about the law (*Hilkhot Shehitah* 8:16) that “an animal from which the upper jaw has been removed is *terefah*,” and they did not know nor had they heard of any source for this ruling.

In the case at hand, one can note many interesting, significant, and enlightening aspects across various fields: biblical and aggadic interpretation, reasons for the commandments, the fourteen principles underlying the *Sefer Hamitzvot*, key arguments and foundational positions in understanding Jewish tradition and clarifying beliefs and doctrines. The material accumulates, attracting and provoking thought, yet it does not allow for a clear and convincing resolution. The transition from mere correspondence to clear influence remains blurred. Ultimately, the question posed in the title of the article still demands resolution.

There is no explicit evidence to refute the assumption of a possible influence of Ibn Ezra on Maimonides or to affirm it definitively and dispel any doubt. We must examine the dates of Ibn Ezra's various writings. As we have seen, Maimonides avoided mentioning his sources; the principle of anonymous writing, omitting references and notes, guided him. Aside from the single mention in his letter to R. Shemuel ibn Tibbon—a biographical rather than a literary or conceptual reference—there is no hint of Ibn Ezra's name. Furthermore, contemporaries of Maimonides did not testify to any clear connection between him and Ibn Ezra or to the reception and dissemination of Ibn Ezra's works in Egypt. This stands in contrast to the testimony of R. Yehudah ibn Tibbon (*Sefer Harikmah*, introduction) regarding Ibn Ezra's considerable influence on the scholars of Provence and the dissemination of his writings among them,⁵⁹ or to what we know of his connection with Rabbenu Tam in northern France.

Above all, we require paleographic examination and bibliographic review to determine whether there is any basis for the assumption that a copy of *Yesod Mora*, composed in London in 1157, reached Fustat in Egypt and came into Maimonides'

Maimonides notes in his response that original interpretation is a natural part of the learning process: "Many things will not be mentioned by the commentators because they did not focus on them, and when a person understands these things, they will be clear." Maimonides thus responds with full confidence that this is his innovation and there is no need to seek a source, proof, or support for it. As it turns out, the innovation regarding "the removal of the upper jaw" indeed appears in a responsum of R. Saadiah Gaon that has been found in manuscript. Since there is no reason to assume a deliberate omission of the source from R. Saadiah Gaon's teachings—and certainly not in the response he gave to the sages of Lunel, who specifically requested a source or reference—it is preferable to assume that this source was overlooked by Maimonides or that he never had access to it. Compare above, p. 144, the words of R. Menaḥem Hame'iri on the interpretation of *keri*. Regarding *terefah*, see, Chapter 11 p. 266.

⁵⁹ R. Yedayah Hapenini (*Iggeret Hahitnatzlut, She'elot Uteshuvot Harashba*, vol. 1, *siman* 418) also comments on the tradition he possessed regarding the enthusiasm of the sages of Provence in receiving Ibn Ezra during his stay there and his influence upon them: "He began to open eyes in our regions and composed for them a commentary on the Torah and the Prophets. Wherever he sensed one of the secrets, he would address it, either with a full explanation or with a slight hint as appropriate." Yehuda Leib Fleischer has already demonstrated that Ibn Ezra visited North Africa: "Rabbenu Avraham ibn Ezra Be'afrika," *Mizrah Uma'arav*, vol. 3 (1929), 81–91.

possession.⁶⁰ In fact, the argument in the “Testament of Maimonides to his son Avraham” is only that at the end of his life, after completing his own writings, Maimonides marveled at and admired Ibn Ezra’s works. That is to say, even the “testament” urges us only to note literary-conceptual parallels but does not substantiate a definitive claim of influence.

Furthermore, even one who is convinced that it is possible to determine—at least partially—the degree of Maimonides’ reliance on Ibn Ezra, only then can the extent of Maimonides’ independence and originality, his genius, and his spiritual-philosophical vitality be evaluated. Comparison, like definition, establishes not only the category but also the specific nature of the objects compared; their common elements, but also their distinguishing features.⁶¹

⁶⁰ Another issue that has been the subject of debate among commentators on Maimonides in the medieval period is whether the Muslim philosopher Ibn Rushd (Averroes) influenced Maimonides. Shlomo Pines dedicated a large essay to Maimonides’ philosophical sources—as I mentioned at the beginning of the article—and comments on the matter (*The Guide of the Perplexed* translated by Shlomo Pines [Chicago: University of Chicago Press, 1964], lxiv, n. 11 and cvii). See also: Harry A. Wolfson, *Crescas’ Critique of Aristotle* (Cambridge: Harvard University Press, 1929), 323. R. Yosef ibn Kaspi (quoted by Wolfson), *Amudei Hakesef*, writes: “And our teacher did not see the books of Ibn Rushd.” R. Yitzhak Abravanel, *Shamayim Hadashim* (Rödelheim, 1829), 7, writes: “Now, although the rabbi did not see the words of Ibn Rushd because at that time they were distant from each other, the rabbi in Egypt and Ibn Rushd in Cordoba ...” R. Hasdai Crescas remarks elsewhere: “It seems that the rabbi took it according to the opinion of Ibn Rushd.” Maimonides himself testifies in a letter (circa 1191–1192) to his disciple R. Yosef ben Yehudah: “And now I have received everything that Ibn Rushd wrote in the books of Aristotle ... and I saw that his explanation is a beautiful explanation, but I have not yet had the time to go through all his books” (*Iggerot Harambam*, Shilat edition, 313). This means that the writings arrived but did not influence—the time was not yet right for that. Regarding Ibn Ezra, we must first establish whether his works arrived or whether there is a reasonable possibility that they arrived; only then can we investigate whether they had an influence. Interestingly, in *Sefer Hakuzari* (Tel Aviv: Dvir, 1973), 389–391, Yehudah Even Shemuel lists a long series of parallels between R. Yehudah Halevi and Maimonides, but does not definitively claim direct influence.

⁶¹ In contrast with the exaggerated and astonishing words of R. Shelomo Yehudah Rapoport that I quoted earlier, at the end of n. 1.

The Historical Image of Maimonides: An Essay on His Unique Standing in Jewish History*

In the name of the Lord, God of the Universe.

“And it did result from his efforts that today we find such common reverence for him among most people on earth that ... link themselves to him and think themselves blessed through his memory.”¹ This statement, written by Maimonides about the Patriarch Avraham, can undoubtedly be applied to Maimonides himself. R. Moshe ben Maimon of Spain achieved a unique and unparalleled status in the annals of Jewish history. Everyone—or at least the vast majority—reveres him and finds blessing in his memory and works.

An echo of Maimonides’ words about Avraham resounds in the statement of R. Shelomo ben Shimon Duran:

All the authors who followed him and the commentators who tread in his path, whether in the lands of Ishmael or the lands of Edom, even if they criticized him on certain matters, all acknowledge his wisdom and the precious grandeur of his greatness and long for his Torah, and agree that it is proper to glorify him and to be blessed in his name.²

The national-historical consciousness has rendered a decisive and unequivocal verdict, as clear as the sun at midday: R. Moshe, the great scribe of Israel (Sotah 13b), occupies a singular position. How so? What defines his unique persona, and what is the secret of his legacy?

* In memory of my father-in-law, Rabbi Joseph Dov Halevi Soloveitchik zt”l, the Rambam of our generation.

[This article, on which Prof. Isadore Twersky z”l labored during the final period of his life, not only embodies the perfection that Prof. Twersky sought but also includes additional insights and innovations. His request, made to us—his devoted friend, Prof. Ezra Fleischer, and myself (Prof. Meir Benayahu)—was that this research be published: ideally during his lifetime, and if not, that we expedite its publication posthumously. Unfortunately, the editorial team of *Asufot: Annual for Jewish Studies* did not have the privilege of presenting it to Prof. Twersky while he was still alive. May this article serve as a worthy memorial for him and for all those who cherish his teachings and uphold his virtuous deeds.]

¹ *Guide* III:29.

² R. Shelomo ben Shimon Duran, *Milhemet Mitzvah*, printed at end of *Sefer Keshet Umagen* of R. Shimon ben Tzemaḥ Duran (Jerusalem, 1970), last page. See Chapter 4 above.

It is possible to delve into the depths of this historical judgment, uncovering its motives and components, by gathering and analyzing testimonies that extol and glorify Maimonides. From such an analysis, we learn that these are no ordinary words of praise; they are uniquely significant, simultaneously testifying to—and reinforcing—the historical verdict on an extraordinary individual whose profound influence has endured unabated to this day.

It is well known that our literature is replete with words of praise and exaltation, ranging from the conventional to those that seem to emerge from the depths of genuine emotion and cognizance. It also contains its fair share of hyperbole and exaggeration. Maimonides himself cautioned against superficial expressions and warned against being swept away by hackneyed phrases and overused honorifics:

For such expressions are merely empty utterances akin to nicknames and titles. Indeed, I have seen in the Land of Israel individuals called *haverim*, and in other places, those referred to as *roshei yeshiva*, even though they were unworthy of such titles; they were not even (at the level of) “a student of a single day.”³

Honorifics may inflate to the point of becoming meaningless clichés. However, in the case of Maimonides, it seems we possess a form of praise distinguished by its unique literary style, one that reflects—and consequently shapes—a singular historical reality and a distinctive historical perspective. A systematic-phenomenological classification of such accolades could illuminate his image within history as drawn from history itself. (Indeed, the goal of philology, which aspires to a precise understanding of a particular source or a variety of sources, is to achieve clarity from within the material itself. This is the true *peshat*—the essential truth of Torah and wisdom.)

1

Impassioned proclamations extolling the greatness and influence of Maimonides are endless. Various authors, “waxing prolific in their expressions and embellishing their rhetoric ... in praise of their tributes to the great rabbi,”⁴ attributed to him every possible title of excellence, both common and uncommon. His genius, erudition, originality, courage, and daring were all described with reverence and love, while his piety and generosity were similarly emphasized. As Nahmanides writes:

³ Maimonides’ *Commentary on the Mishnah*, Bekhorot 4:4, R. Yosef Kafih edition, 163.

⁴ This is Nahmanides’ language, *Iggeret Lerabbanei Tzarfai* “*Terem E’eneh*,” in *Kitvei Haramban*, ed. Hayyim Dov Chavel, vol. 1 (Jerusalem: Mossad Harav Kook, 1963), 340.

In the greatness of his piety, the strength of his faith, the depth of his humility, the nobility of his lineage, the generosity of his purse, his wondrous deeds, and his awe-inspiring words.⁵

Likewise, Rashba, R. Shelomo ibn Adret, in his *Minḥat Kenaot*, declared: “We have heard of his piety and his Torah.”⁶ R. Menahem b. Zerah, in the introduction to his *Tzedah Laderekh*, concludes his praise of Maimonides with the observation: “He was a great *ḥasid*, in addition to his wisdom.”⁷ Similarly, R. Shemuel de Medina (the Maharshadam), whose words we will encounter again, notes in his responsa: “In many places within his chapters, his piety and sanctity are evident.”⁸

Thus, both ethical and intellectual virtues were celebrated in characterizing Maimonides and in the descriptions of his persona. All the qualities enumerated by sages and chroniclers regarding individuals of distinction were attributed to him and attached to his name. Numerous examples abound in the writings of Ashkenazi and Sephardi scholars from all places and times.

Moreover—and in greater detail—we find Maimonides lauded as the crown of the wise and the diadem of the upright and the perfect; the great eagle; the great luminary; the great guide; the rabbi and teacher; a teacher of righteousness; the light in the darkness; the lamp of Israel; the one who enlightens the exiled; the divine philosopher; the towering genius surpassing all sages in wisdom; a prince and leader over all the philosophers of the nation; the splendor of rabbis; the master of Torah scholars; the crown of religion and its ornament; the teacher of all authors; the diadem of the wise; the crown of glory for the possessors of Torah; a man within whom resides the spirit of the holy God.

I have not tried to exhaust the list of appellations but rather to illustrate their diverse forms, hues, and tones. To these, one must add poetic compositions crafted to describe, characterize, and praise Maimonides. For example, the well-known verse by R. Yehudah Alḥarizi in *Sefer Tahkemoni*:

You are an angel of God, created in the image of God; And if you are in our likeness, it is because God declared on your account: “Let us make man in our image, after our likeness.”⁹

⁵ Ibid.

⁶ *Minḥat Kenaot*, in *Teshuvot Harashba*, ed. Haim Zalman Dimitrovsky, vol. 2, chap. 110 (Jerusalem: Mossad Harav Kook, 1990), 784.

⁷ *Tzedah Laderekh* (Warsaw, 1880), 6.

⁸ *She’elot Utshuvot Maharshadam, Yoreh De’ah*, sec. 192.

⁹ R. Yehudah Alḥarizi, *Tahkemoni*, ed. Yosef Yahalom and Naoya Katsumata, *Maḥberet* 50 (Jerusalem: Ben-Zvi Institute, 2010), 533.

Without much effort, one could compile a book entitled “Praises of Maimonides.” (Likewise, from the critiques, glosses, and critical remarks directed at him, one could assemble a “pamphlet of accusations.”) Readers leafing through such a book would find themselves traversing the breadth and depth of Jewish history and literature, encountering the greatest authors of every era—each generation and its sages, writers, creators, and critics.

However, it is not from these praises and accolades, even the most enthusiastic and forceful, that uniqueness and distinctiveness are constructed. We must distinguish between one form of praise and another, discern between different types of judgment, and measure the value and intent of these praises with precision and sensitivity. Perhaps we should ask: what role does praise itself play? As the Talmud phrases it: “One Sage expressed it in one way, and another Sage in another way.”¹⁰ This question falls under the phenomenology of praise. Our attitude toward accolades should align with the principle of *kabedehu vehashdehu* (“respect him but also scrutinize him”). We should neither be overly impressed nor entirely dismissive but rather probe the significance of the statements, applying the Talmudic maxim: “We do not remove him; we do not disregard him; we do not disparage him.”¹¹

Of course, not all great figures are equal (“... just as one sage can surpass another in wisdom ...”¹²). Even when the words of praise appear similar, they are not necessarily of equal weight. Regarding Maimonides as well, not all expressions of praise carry the same value or significance. The key lies in the development and establishment of a distinctive perception. In various places, under different circumstances, from diverse vantage points, and within different literary contexts, commentators emphasized not only Maimonides’ greatness but also his uniqueness. This development can be reconstructed and explained as follows.

R. Aharon ben R. Meshulam of Lunel, a descendant of a distinguished and noble family in southern France and a scholar of great lineage and learning, writes to R. Meir Halevi Abulafia (Ramah), referred to as “the prince of princes of the Levites,” one of the foremost sages of Spain in the latter part of the twelfth century and the early thirteenth century and author of *Yad Ramah* on several tractates of the Talmud:

Indeed, since the days of Ravina and Rav Ashi, no one has arisen in Israel like Moshe to perform wondrous deeds of strength and to magnify wisdom. His deeds surpass those of R. Ḥiyya, for he established a testimony in Jacob and set Torah in Israel through his intellect and understanding, which shall not be forgotten from his descendants ...¹³

¹⁰ Shabbat 5b.

¹¹ Hullin 7a.

¹² *Hilkhot Yesodei Hatorah* 7:2.

¹³ *Kitāb al-Rasā'il, Iggerot Haramah*, ed. David Zvi Hillman, *Sefer Zikhron Beit Aharon* (Bnei Brak, 2003), 23.

We should note that Ramah does not remain silent in response to the words of R. Aharon of Lunel. He defends the honor of R. Ḥiyya, especially in light of the Talmudic statement¹⁴ that even R. Yehudah the Prince humbled himself before him: “I heard, and my heart trembled ... when you said, ‘his deeds surpass those of R. Ḥiyya.’”¹⁵ (He also writes: “And if you say he is an unparalleled man in Israel, even now, your words are true.”¹⁶) Nevertheless, he does not challenge the fundamental assertion that “since the days of Ravina and Rav Ashi, none has arisen in Israel like Moshe.”

Ramah’s brother, R. Yosef ben Todros Halevi, a fierce opponent of the growing rationalist movement, explicitly incorporates this assertion into his own evaluation of Maimonides, as we will later see. These prominent brothers clearly understood the unique significance of R. Aharon’s enthusiastic remarks, recognizing that this was not merely conventional praise. They acknowledged and accepted his words. Thus, this distinctive acclaim began to resonate.

During that same period, we find R. Shemuel ibn Tibbon, known for translating *Guide to the Perplexed* from Arabic to Hebrew and likely the recipient of the final letter written by Maimonides. (He had in his possession a copy of *Mishneh Torah* that had been proofread by comparison with a copy written by Maimonides’ own hand. When Ramah sought to verify a particular text in the work, he turned to him, as reported by R. Menaḥem Hame’iri.¹⁷) In his typically succinct style, Ibn Tibbon writes:

Since the sages of the Talmud, few have been found who undertook to compose a book or write anything on these disciplines. It sufficed for them to have authored works on the laws, the permitted and the forbidden. Until God, seeing the poverty of His people’s knowledge and the great ignorance in matters of wisdom, sent them a redeemer: a wise and understanding man, skilled in craftsmanship and discerning in mysteries, such that from the time of Rav Ashi until him, we have not known anyone among our people comparable to him in all areas of wisdom. He is the true sage, the divine philosopher, our master and teacher, Moshe, servant of God, son of the great sage R. Maimon, of blessed memory.¹⁸

R. Asher ben Gershon also affirms this in his letter to the rabbis of France, written to protest their hostile attitude toward Maimonides. He emphatically argues

¹⁴ Bava Metzia 85b.

¹⁵ *Iggerot Haramah* (above, n. 13), 77.

¹⁶ *Iggerot Haramah*, 12.

¹⁷ R. Menaḥem Hame’iri, *Kiryat Sefer*, ed. R. Moshe Hershtler (Jerusalem, 1956), 46.

¹⁸ R. Shemuel ben Yehudah ibn Tibbon, *Perush Kohelet* (“*Sefer Nefesh Ha’adam*”), ed. James T. Robinson (Jerusalem: World Union of Jewish Studies, 2016), 75.

that these rabbis had abandoned the path of the Sages and their dedication to wisdom in its broad and authentic sense: “There has not arisen one like him since Rav Ashi.”¹⁹ In other words, Maimonides restored the comprehensive and balanced world of the Sages. In the famous letter we have already mentioned, Nahmanides does not use this precise formula of praise, but he similarly declares in an almost parallel statement that “in all the exile of France and Spain, there has not arisen one like him.”²⁰ R. Yedayah Hapenini Bedersi, a scholar from the late 13th and early 14th centuries, writes at the end of his widely circulated work *Behinat Olam*: “The last of the *geonim* in time, but foremost in importance, is the great teacher, Maimonides, of blessed memory, to whom none of the sages of Israel after the conclusion of the Talmud can be compared.”²¹

In another of his works, *Iggeret Hahitnatzlut*, which also garnered significant attention and detailed discussion over the generations, R. Yedayah Hapenini concludes with the following statement (after mentioning numerous thinkers from “the great Gaon R. Saadiah” onward): “In summary, he ascended the heights of truth with integrity and uprightness more than has been heard of anyone else from the close of the Talmud until now.”²² In this way, this great praise took root and continued to resonate from generation to generation.

R. Shelomo ben Shimon Duran, the Rashbash (1400–1467), a rabbi and religious judge in North Africa and a representative of the later generations of Spanish sages, also declares in his concise work *Milhemet Mitzvah*: “From the days of Rav Ashi, no one has arisen like Maimonides, our great teacher.”²³ Around the same time, R. Moshe ben Shem Tov ibn Habib, in the conclusion of his commentary on *Behinat Olam*, writes: “Do you not see the foolishness and lack of discernment of those who scorned the writings of Maimonides, of blessed memory, about whom it can be said that no one like him has arisen in the study of the Talmud from the days of Ravina and Rav Ashi until today?”²⁴

R. Yitzhak bar Sheshet’s statement aligns with the same sentiment, even without the specific phrase: “Maimonides, of blessed memory ... first studied the entire Torah in its totality— its laws, aggadot, Tosefta, *Sifra*, *Sifrei*, and all of the Babylonian and Jerusalem Talmuds, as is evident from the *Mishneh Torah* that he composed.”²⁵

In the sixteenth century, R. Shemuel de Medina, the Maharshadam, echoes the formulation of earlier scholars: “The *Yad Hahazakah* [*Mishneh Torah*] also testifies

¹⁹ *Kerem Hemed*, vol. 5 (1840), 9.

²⁰ Nahmanides (above, n. 4).

²¹ *Behinat Olam* (Jerusalem, 1954), 85.

²² *She’elot Uteshuvot Harashba*, vol. 1 (Jerusalem: Machon Yerushalayim, 1997), *siman* 418, p. 217.

²³ *Milhemet Mitzvah* (above, n. 2), 38b.

²⁴ *Sefer Behinat Olam* with the commentary of R. Moshe ibn Habib (Ferrara, 1552), fol. 121b.

²⁵ *She’elot Uteshuvot Rivash*, *siman* 45.

about the one who composed it, that there is none like him from the time the Talmud was completed until now.”²⁶

Similarly, his contemporary, R. Yitzhak de Leon, author of *Megillat Ester* on Maimonides’ *Sefer Hamitzvot* and Nahmanides’ glosses, states with regard to Maimonides’ work: “For it is entirely arranged without thorn or thistle, in a beautiful order, the likes of which have not been seen since the time of Ravina and Rav Ashi.”²⁷

Another chronicler during this period, R. Eliyahu Capsali, in *Seder Eliyahu Zuta*, remarks as follows: “He composed an excellent digest of the entire Talmud ... for from the time of Ravina and Rav Ashi, the compilers of the Talmud, no one else has been found to compose a work encompassing the entire Talmud from beginning to end.”²⁸

R. Yaakov Emden, however, limits the scope of this praise, focusing specifically on Maimonides’ style: “Can such a statement be made even about the least of the least, let alone about Maimonides’ language, which surpasses by far the clarity and elegance of all the authors who arose for Israel after the completion of the Talmud?”²⁹

An expanded and elaborated expression of this sentiment appears in the seventeenth century in the *Mikhtav Ahuz* of R. Yosef Shelomo Delmedigo, which is noteworthy in its own right. Delmedigo describes Maimonides as the “quintessence of Jewish wisdom” and adds: “Since the time of the Prophets, there has not arisen anyone like him to lead the entire House of Israel in arranging and teaching precious Torah and upright laws.”³⁰

Maharam of Rothenburg already referred to the *Mishneh Torah* as “Urim Vetumim.”³¹ Indeed, Ramah was startled when informed that it was customary among the Jews of Provence to refer to the *Mishneh Torah* with the phrase, “Bring forth the *efod*.”³²

These accolades do not require extensive explanation. The common thread among them is that they transcend conventional literary praise, assuming the form of a historical verdict. They definitively establish a historical perception that portrays Maimonides in exclusive terms that elevate him far beyond ordinary praise. The point of reference is the era of the rabbinic Sages, the standard of comparison is the Talmud, and the distinctive esteem is grounded in the recognition that since

²⁶ *She’elot Uteshuvot Maharshadam*, Yoreh De’ah, *siman* 192.

²⁷ In the introduction to his commentary on the *Sefer Hamitzvot*.

²⁸ R. Eliyahu Capsali, *Seder Eliyahu Zuta*, ed. Aryeh Shmuelevitz, Shlomo Simonsohn, and Meir Benayahu, vol. 1 (Jerusalem: Ben-Zvi Institute, 1976), 165.

²⁹ R. Yaakov Emden, *Lehem Shamayim al Seder Zeraim* (Jerusalem, 1958), *Pe’ah* 7:2, 61.

³⁰ Yashar of Candia, “Mikhtav Ahuz,” in Abraham Geiger, *Melo Hofnayim* (Berlin, 1840), 18 (=“Iggeret Ahuz,” Abraham Kahana [ed.], *Sifrut Hahistoria Hayisraelit* vol. 2 [Warsaw, 1923], 158).

³¹ *She’elot Uteshuvot Maharam Mirottenburg* vol. 2 (Jerusalem: Machon Yerushalayim, 2014); “Lviv Edition,” no. 476 (278), p. 488.

³² *Iggerot Haramah* (above, n. 13), 13.

the completion of the Talmud, no one has rivaled Maimonides in mastery over the entirety of the Torah. Indeed, the post-Talmudic rabbinic literature affirms that this evaluation is both precise and reflective of reality. There is neither precedent nor parallel within this body of literature to Maimonides' comprehensive and all-encompassing oeuvre.

2

What makes this praise unique—and, by extension, what defines Maimonides' image in history and the historical consciousness reflected in it—is highlighted through a simple and striking comparison. One might ask how earlier generations described the deeds and greatness of exemplary sages. How did they articulate their praise for the luminaries of the past?

R. Avraham ibn Da'ud, a prominent twelfth-century thinker and chronicler whose *Sefer Hakabbalah* meticulously traces the contributions and achievements of Jewish sages throughout history, extols R. Yitzhak Alfasi (the Rif) (whom Maimonides regarded as his teacher and said of the Rif's *Halakhot*: "The *Halakhot* composed by the great master, our teacher Yitzhak, of blessed memory, suffice in place of all others, as they encompass all the rulings and judgments required and of utility in our time"³³) with the following praise: "He composed the *Halakhot* like a condensed Talmud, and from the time of R. Hai [Gaon], none has equaled him in wisdom."³⁴ (Ibn Da'ud's sentiment is reiterated verbatim by R. Menahem ben Zerah.³⁵)

In other words, when assessing and defining R. Yitzhak Alfasi's historical achievement, Ibn Da'ud asserted that since the days of R. Hai Gaon, the preeminent disseminator of Torah in the late Geonic period who passed away in 1038—"He spread Torah in Israel more than any of the *geonim*; seekers of Torah from east to west followed his guidance ... none among the *geonim* before him matched him, and he marked the end of the Geonic era"³⁶—there had been no figure comparable in wisdom and influence to R. Yitzhak Alfasi, who passed away in 1103. However, in terms of our analysis of the phenomenology of praise, this praise of the Rif, which elevates him above two or three generations, underscores the singularity of the accolades accorded to Maimonides. It is not claimed that, since R. Hai, R. Saadiah Gaon, or R. Yehudai Gaon, there has been none like Maimonides. The standard for comparison and evaluation shifts from the Geonic era to the Talmudic period itself. Maimonides towers above all others and is perceived as belonging to the ranks of the Sages of the Talmud.

³³ Maimonides' *Commentary on the Mishnah*, ed. R. Yosef Kafih, Introduction, p. 25.

³⁴ *Sefer Hakabbalah*, ed. Gershon Cohen (Philadelphia: The Jewish Publication Society of America, 1967), 62.

³⁵ *Tzedah Laderekh* (above, n. 7).

³⁶ *Sefer Hakabbalah* (above, n. 34), 43.

For the sake of completeness, it is worth noting that traces of the unique perception of Maimonides can also be observed in relation to R. Alfasi. R. Zerahyah Halevi, for example, states about him: “And the wings of his righteousness, in the composition of his *Halakhot*, are spread over his generations, and all the generations that follow him, for no such fine compilation was made concerning the Talmud since its completion.”³⁷ We learn that the reliable standard for genuine greatness and unique intellectual and spiritual excellence, which cannot be challenged, denied, or diminished, is the Talmud itself. The unique greatness of a sage is determined by his proximity to the Talmud and the sages of the Talmud, whether to a small degree or a great one. Thus, an outstanding legal composition is measured by its relation to the Talmud.

This perception of the Rif did not take hold, and his place remains fixed among the great early authorities. His work is a “miniature Talmud,” an authoritative summary of the practical components of the Talmud, with both pedagogical and decisional roles. This remarkable abridgment provided impetus and inspiration for ever-deepening study (in the words of R. Yehudah Halevi: “The wise could not endure, if not for insights sought from you”³⁸). The traces of this singular perception regarding R. Yitzhak Alfasi are therefore significant both in their own right and because they did not become deeply rooted.

With regard to Maimonides, however, this perception became firmly established and served as a focal point for his unique historical assessment. This was the intention of R. Aharon ben Meshulam, who concluded his praises (beginning, as noted, with the statement: “Indeed, since the days of Ravina and Rav Ashi, none has arisen in Israel like Moshe”) with the following declaration: “For we have not heard with our ears, nor have our ancestors told us, of a book composed after the compilation of the Talmud like the book *Mishneh Torah*.”³⁹

Similarly, R. Shemuel ibn Tibbon, who, as we saw earlier, praised the author, also extolled the book: “No composition like it has been produced by the later generations encompassing the wisdom of the Talmud.”⁴⁰

It is interesting to note that R. Yitzhak bar Sheshet, a 14th-century Spanish scholar, lauds R. Yaakov Tam, the outstanding Tosafist, as follows:

The second luminary, our master Yaakov Tam, the likes of whose dialectical reasoning has not existed since the Talmud was sealed. Learning is well-organized and fluent in his speech; he is “Sinai” and “Uprooter of

³⁷ In the introduction to *Sefer Hamaor* on the Rif.

³⁸ R. Yehudah Halevi, *Shirei Hespel Vekinah*, ed. Israel Zamora (Tel Aviv, 1948), 114. [Regarding the attribution to R. Alfasi, see: R. David Conforte, *Sefer Kore Hadorot*, ed. Shalom Hillel (Modi'in Illit: Ahavat Shalom, 2008), 21.]

³⁹ *Iggerot Haramah* (above, n. 13), 23–24.

⁴⁰ R. Shemuel ibn Tibbon, *Perush Kohelet* (above, n. 18), 76.

mountains,” grinding them together. All the wise of heart stand in awe of his dialectical sharpness, profound intellect, and broad understanding.⁴¹

In other words, R. Zerahyah Halevi, who authored the *Maor* on R. Alfasi’s *Halakhot*, praised the Rif’s work—as a summary and distillation of parts of the Talmud without processing the entirety of the Talmud—rather than the author himself. R. Yitzhak bar Sheshet’s praise for R. Yaakov Tam is for the man and his towering intellectual abilities, not for any particular composition written by him. In contrast, regarding Maimonides, the praise encompasses both his work and his person. Only Maimonides’ composition covered the entirety of the Talmud, and only he is counted among the circle of Ravina and Rav Ashi.

3

Moving from one Gaon to another—to the Gaon of the modern era, the preeminent Gaon, R. Eliyahu of Vilna. “If all the heavens were parchment and all the reeds on earth quills,” it is still doubtful whether scribes could fully record his greatness. Let us consult the record and see what has been said about him.

R. Hayyim of Volozhin, the devoted disciple and chief standard-bearer of the Gaon’s legacy, documents the full extent of his greatness in both revealed and esoteric Torah. He also provides a historical perspective for properly appreciating the Gaon’s unique stature. In his well-known introduction to the Gaon’s commentary on the *Sifra Ditzniuta*, R. Hayyim shares compelling and edifying anecdotes, alongside effusive praise, referring to him as a “holy and pious individual” and asserting that “no secret was hidden from him.”

Amid his discussions of the extraordinary sanctity and profound Torah scholarship of “our great master,” R. Hayyim establishes the Gaon’s place within the continuum of Jewish history: “There was none like this great man, the likes of whom had not existed for many generations prior.” R. Hayyim emphasizes that it had been a long time, spanning numerous generations, since the presence of a sage of such piety and sanctity like the Gaon had graced the Jewish people. It is noteworthy that R. Hayyim (and, following him, his nephew, R. Avraham Simḥah of Amtshislav) evaluated the Gaon through a worldview that attributes a divinely ordained mission to select individuals in the nation’s history. This perspective, familiar from the teachings of R. Saadiah Gaon, Maimonides, the Ari (R. Yitzhak Luria Ashkenazi), and the Ba’al Shem Tov, holds that certain extraordinary figures are designated by providence to fulfill essential roles at specific junctures in history. Thus, R. Hayyim writes of the Gaon:

⁴¹ *She’elot Uteshuvot Rivash*, *siman* 394.

Blessed is He who keeps His promise to Israel—may His name be praised—for we were assured by His word that the true Torah would never be forgotten from the descendants of the faithful. His promise, may He be blessed, has sustained us and our ancestors ... He left us a blessing through the remnants whom the Lord calls in each generation, generation after generation, and its sages, from whose mouths we live and whose waters we drink. This generation, behold, you see ...⁴²

In every generation, God calls upon select individuals to ensure that the flame of Torah does not extinguish and that the hope for creative continuity of the Torah does not wane. The Gaon of Vilna was one of these select figures, divinely summoned to sustain the Torah within the nation by means of his unparalleled genius.

But nothing beyond this. According to R. Ḥayyim of Volozhin, who praises and exalts the Vilna Gaon tirelessly and without pause, the Gaon does not transcend the generations. I emphasize that this is according to the perspective of R. Ḥayyim of Volozhin. Beginning with the sons of the Vilna Gaon, there is a discernible tendency to attribute to him a unique status beyond time and place, comparable to that of Maimonides. In the introduction to *Tavnit Habayit*, the Vilna Gaon's sons write: "His wisdom surpassed that of several generations before him, and from the time of the *Rabbanan Savora'i* and the *Geonim*, none arose like him."⁴³ Similarly, R. Avraham Simḥah of Amtshislav notes in the introduction to *Midrash Rut Heḥadash* with the annotations of the Vilna Gaon:

Although I previously wrote that the generations deteriorate and the hearts diminish ... nevertheless, it is not beyond understanding regarding our great master, of blessed memory, that since the time of the *Rabbanan Savora'i* and the *Geonim*, there has not arisen such a great cluster [*eshkol*] like him, "a man who contains all [*ish shehakol bo*]" (Sotah 47b).⁴⁴

⁴² *Sifra Ditzeniuta* (Jerusalem, 1986), 4. Similarly, R. Yonatan Hakohen of Lunel (*Teshuvot Harambam*, vol. 3, Blau edition, p. 51) praises Maimonides with these words: "Blessed be He who keeps His promise to Israel, for His Torah shall not be forgotten by His descendants." As is well known, Maimonides frequently draws on the verse in Yoel 3:5, "the remnant whom God called"; this phrase became a significant and weighty motto for him. See, for example, *Guide* I:34; II:29; and the introduction to the *Mishneh Torah*: "Individuals, the remnants whom God called, would gather in each city and country, occupy themselves in Torah study, and in understanding the texts of the Sages and learning the path of judgment from them." These expressions also characterize the Vilna Gaon and other great figures of Israel, who are viewed as paragons and pivotal personalities in the history of Jewish thought.

⁴³ *Sefer Tavnit Habayit Hashelishi* (Berlin, 1822), 1.

⁴⁴ *Midrash Rut Ḥadash* (Jerusalem, 1996), 9.

In contemporary times, the *Hazon Ish*⁴⁵ articulated an evaluation of the Vilna Gaon that carries significance for our primary discussion of Maimonides. His enthusiastic words, which warrant careful examination regarding their implications in the realms of Jewish law and historical perspective, are as follows:

... We regard the Gaon of Vilna to be on the level of Moshe Rabbenu of blessed memory, Ezra of blessed memory, Rabbeinu Hakadosh, Rav Ashi, Maimonides. The Gaon of Vilna, through whom Torah was revealed, was a sanctified figure destined for this, illuminating what had not been illuminated until he came and took his portion. He is to be considered as one of the early commentators, and he therefore disagrees with them in some places with boldness and strength, including disagreements with R. Yitzhak Alfasi and Maimonides.⁴⁶

Nevertheless, despite the Vilna Gaon's rare achievements, astonishing breadth of knowledge, and profound influence, this attitude did not gain further traction, and such praise did not become deeply rooted. In the end, even if we were to use the expression that "the Vilna Gaon was like Nahmanides" or "the Vilna Gaon was like the Rashba"—leaving it to those familiar with the subject to understand the nuances of these varying formulations—the unique character of the praise for Maimonides and the distinctiveness of his historical persona remains firmly intact.

4

What emerges from our discussion is that a great sage may be crowned as the greatest of his generation, the leader of the generation, the singular figure of the generation, the exemplar of the generation, or the splendor of the generation. The lofty praise accorded to him stems from profound admiration and deep reverence, yet he remains bound by the chains of history and the constraints of chronology. (Incidentally, this nuance may already be implicit in Ben Sira, which states: "Let us now praise men of kindness, our ancestors in their generations" [44:1]. It is also worth noting Maimonides' remark: "And when Scripture calls Shelomo 'the wisest of all men' (Melachim Alef 5:11), they demur: Not wiser than Moshe!—'all men' meant

⁴⁵ *Hazon Ish, Kovetz Iggerot*, ed. Shaul Greineman (Jerusalem, 1955), *siman* 32, p. 58.

⁴⁶ An enthusiastic assessment—but not to the degree of the enthusiasm expressed by the sons of the Vilna Gaon—can be found in the approbation given by R. Yisrael Lifshitz (author of the *Tiferet Yisrael* commentary on the Mishnah) for the 1855 Königsberg printing of the *Shulhan Arukh*. He writes: "And it is not for nothing that he is called throughout the Jewish diaspora simply *the Gaon*, as though a heavenly voice proclaimed: This is true and certain, that he was a unique genius of the early generations, and the entire world sits beneath the influence of such a star, which rises only once in a thousand years."

those of his day.”⁴⁷ See also the discussion regarding R. Meir.⁴⁸) The sage and his generation are inextricably intertwined.

One can always expand and elaborate on words of praise, as inspired by divine favor and according to the panegyrist’s inclination toward effusion and expansion. As an example, consider the words of R. Meir, the Maharam Lublin,⁴⁹ regarding R. Yehudah Loew, the Maharal of Prague:

Who can recount his mighty deeds? Who can relate his wonders? Who can speak of his praiseworthy marvels? Therefore, silence is his praise, concealment enhances the splendor of his honor, and brevity in accolades is his true adornment. Behold, he is the breath of our nostrils, the delight of our eyes, the wonder of our generation, the glory of our exile, the genius whose name is great in Israel, the mighty hammer, the light of Israel, the right pillar, the head of the academy, and the exilarch, etc.

These are, without a doubt, words of praise that blaze like fiery flames. Nevertheless, despite their rhetorical flourishes and poetic excesses, intended to portray the image of an important sage vividly, they do not, from a historical perspective, elevate the Maharal beyond the continuum of the generations or the flow of time. Each expression of praise merges into and is embedded within the next. Even if we carefully distinguish between leading terms in the various hymns of praise—such as genius (*gaon*), great genius (*gaon gadol*), renowned genius (*gaon mefursam*), true genius (*gaon amiti*), the genius of geniuses (*geon hageonim*), or between a master of sages (*rav rabbanan*), teacher of Israel (*rabban shel Yisrael*), chief authority of the exile (*rabban shel kol benei hagolah*)—only Maimonides’ praise is stamped with the mark of true historical uniqueness.

It should be noted that even with regard to Maimonides, the praise accorded to him is anchored in the circumstances of time and place. A striking example can be found in Nahmanides’ famous letter (“Before I respond, I err”) to the Tosafists, a letter that, as we have seen, illuminates Maimonides’ character from various angles and also reveals the writer’s thoughts and emotions:

You have not given honor to the great master who built a tower of the Talmud ... and our house of study, which lay in eternal desolation, he restored throughout this entire exile—in Spain, in the western lands, in the east, and in the land of glory, he was a savior and a teacher.⁵⁰

⁴⁷ *Guide* III:54.

⁴⁸ Eiruvim 13b.

⁴⁹ *She’elot Uteshuvot* Maharam of Lublin, *siman* 51.

⁵⁰ *Kitvei Haramban* (above, n. 4), 338–339.

In other words, he was great in his generation and accomplished extraordinary feats for the benefit of his contemporaries.

R. Yehudah Aryeh Modena cites Nahmanides' enthusiastic words⁵¹ (as did many others before and after him, particularly those who dealt with the first controversy surrounding Maimonides, up to R. Tzvi Hirsch Chajes⁵²) and remarks in complete agreement: "He extended his praises endlessly." However, despite the detailed enumeration of achievements and the extensive praise, it seems that, in the end, something essential is missing from the letter: unique and distinctive praise, which had already emerged in the words of R. Aharon ben Meshulam, is absent. Even R. Moshe of Coucy, author of the *Sefer Mitzvot Gadol* (*Semag*), who generally follows Maimonides, reflects this moderate and reserved approach. He says of Maimonides: "No one like him has been heard of in recent generations."⁵³ These fine words, resembling the praise accorded to R. Yitzhak Alfasi, remain confined within the bounds of time and place; they are measured and circumscribed.

Of course, aside from such examples of conventional and measured praise, one cannot ignore the fact that some of the greatest early authorities—primarily the sages of Ashkenaz and France, including the *Semag* alongside the Rosh and a chain of scholars extending to R. Shelomo Luria, the Maharshal—explicitly or implicitly distanced themselves from the view that upholds Maimonides' uniqueness and historical exclusivity. Just as this distinctive assessment first emerged in the writings of Maimonides' adherents—and it is reasonable to assume that it naturally served a clear ideological agenda—so too the northern scholars acknowledged that while Maimonides deserved respect and was undoubtedly a great sage, R. Yaakov Tam, R. Yitzhak (the Ri), and their circle surpassed him: "And we have more reason to rely on them than on the words of Maimonides ... moreover, they were greater both in wisdom and in number."⁵⁴

Thus writes the author of the *Semag* when explaining his occasional reservations regarding Maimonides' halakhic rulings: "And in some places, his commentaries and rulings are disputed by the pillars and foundations of the Torah, namely, R. Shelomo ben Yitzhak, R. Yaakov ben R. Meir [Tam], and R. Yitzhak ben Shemuel, from whose teachings all later scholars of Israel have drawn."⁵⁵

⁵¹ *Ari Nohem*, Jerusalem, 1929 (repr. Jerusalem: Makor, 1971), 4.

⁵² *Kol Sifrei Maharatz Chajes*, vol. 1, *Tiferet Lemoshe*, Introduction (Jerusalem, 1958), 400–401.

⁵³ *Semag*, Introduction.

⁵⁴ *She'elot Uteshuvot Harosh*, 94:5; Maharshal, *Yam shel Shelomo*, Hulin, Introduction; see also: *She'elot Uteshuvot Havvot Ya'ir*, siman 192.

⁵⁵ *Semag*, Introduction. The reservations regarding Maimonides in later generations (see, for example, in the writings of the Rebbe of Munkatch) rely on this tradition of diminishing his stature in comparison to the sages of Ashkenaz. The Gaon R. David Friedman, Rabbi of Karlin, remarks (*Sefer She'elat David* [Piotrków, 1912], 4) that another factor allowing the leading rabbis of the time to dispute the

Over time, however, the opposing perspective gained strength—one based on an uncommon historical perception and an extraordinary historical judgment: all the praises were uttered, and all honorific titles were listed, yet beyond them all, Maimonides emerged not merely as *had bedara* (the singular figure of his generation) but as *had bedorot rabbim* (the singular figure of many generations), from the era of the Sages onward. Every generation has its sages, and it is well known that one does not easily transcend a defined chronological framework. Maimonides, a man of singular distinction and a wondrous figure, nevertheless rose above time and place and came to be regarded as the sage of all generations. He is linked to the Sages of the Talmud, to Ravina and Rav Ashi.

5

It seems that in this literary-conceptual context, we can properly assess the significance of the phrase “From Moshe to Moshe, none arose like Moshe.” This important statement serves as both the foundation and pinnacle of the unique veneration that anchors Maimonides’ greatness—not only in comparison to the Sages but also in relation to Moshe Rabbenu.⁵⁶ It appears that in the latter half of the thirteenth century—between the first controversy and the ban on the *Guide to the Perplexed* and *Sefer Hamadda* and the second controversy and the ban on the study of philosophy (with the exception of Maimonides’ own writings, which continued to be praised)—profound and highly significant expressions began to emerge in various forms and contexts, all drawing upon the comparison between the biblical Moses—*Moshe Rabbenu*—and Maimonides—*Rabbenu Moshe*.

In a manner that now seems natural, self-evident, and, in hindsight, almost inevitable, Maimonides’ name left an indelible mark on the collective consciousness, which, in turn, reinforced and disseminated the resolute and distinctive perception of his status and authority, and the depth, precision and all-encompassing nature of his teachings.

The allure and symbolism of his name were added to the exalted figure who astounded his contemporaries and generations to come. It was only natural that people began to engage with his name and its implications. Already in his letter to Maimonides, R. Yonatan Hakohen of Lunel writes: “Thus, his name was called Moshe, for he draws his people from the waters of error to remember the days of old.”⁵⁷ Similarly, in a letter from the sages of Saragossa to the communities of Aragon,⁵⁸ we find: “Moshe commanded us the Torah as a heritage, the one who draws us from

Shulhan Arukh is R. Yosef Karo’s minimal engagement with the sages of Ashkenaz. See also: R. Chajes (above, n. 52), *Tiferet Lemoshe*, Introduction, 400–406.

⁵⁶ R. Yosef Shelomo Delmedigo’s words (above n. 30), are also relevant here.

⁵⁷ *Teshuvot Harambam*, vol. 3, Blau edition, p. 51.

⁵⁸ *Kovetz Teshuvot Harambam*, ed. Avraham Lichtenberg, (Leipzig, 1859), 3, *Iggerot Kenaot*, 5a.

the waters of ignorance, error, and folly.” In the significant controversy between R. David Kimḥi and R. Yehudah ibn Alfakhar, we find a letter from R. Bahya ben Moshe to the communities of Aragon, in which he refers to “the book of the Torah of Moshe, the servant of God, namely, the mighty hammer, our master Moshe ben Maimon, of blessed memory.”⁵⁹ R. Sheshet Hanasi, in his letter to the sages of Lunel, comments on “those who uphold the Torah of Moshe, the western lamp that gives light to all of Israel.”⁶⁰ The Provençal poet Yosef Ha’ezovi likewise states: “And after him came Moshe, the man of God.”⁶¹ At the beginning of the fifteenth century, R. Efraim Alnakawa writes: “For this man Moshe is like Moshe, who received the Torah from Sinai, and his words, free of all falsification, are pure, refined, and untainted—the words of the living God.”⁶²

The subject grows in complexity and breadth. R. Hillel of Verona, in his letter to R. Yitzḥak Harofe regarding the controversy that had reignited, writes: “Do you not think that our master Moshe (Maimonides) was almost a second to Moshe (Moshe Rabbenu) in his generation?” He then reiterates: “What will you say of our master Moshe, who was a second to Moshe?”⁶³ In the “Letter Concerning the Rabbi, the Guide,” printed as an appendix to *Minḥat Kenaot* and addressing the controversy that flared up again at the end of the thirteenth century, we read: “It was commonly said by those who referred to him as ‘Moshe the second.’”⁶⁴ R. Yosef ibn Kaspi, a great admirer of Maimonides, declares in his ethical will to his son: “... above all in the *Guide*, composed by Maimonides, master in Torah, master in wisdom⁶⁵—and whom have we greater than Moshe?”⁶⁶ In *Sefer Hasod*, Ibn Kaspi refers to “the perfect teacher, whose name is like the name of his master [Moshe], in the book that he called *Mishneh Torah*.”⁶⁸

⁵⁹ Kovetz Teshuvot Harambam, 6a.

⁶⁰ Alexander Marx, “Texts by and about Maimonides,” *Jewish Quarterly Review* 25 (1935), 427.

⁶¹ Yosef Ha’ezovi, in *Musar Haskel Veshir Hake’arah*, ed. Moshe Steinschneider (Berlin, 1860), 30.

⁶² R. Efraim Alnakawa, *Sha’ar Kevod Hashem*, Tunis 1902 (repr. Jerusalem, 2003), 3. R. Yehudah Alfakhar (see Kovetz Teshuvot Harambam [above, n. 58], vol. 3, page 2, col. 4), a sophisticated and profound critic of Maimonidean philosophy, recognized and understood this literary development and was not pleased with it: “And you thought to elevate Maimonides, of blessed memory, above the prophets and to place him at the head of those who had been called.”

⁶³ Kovetz Teshuvot Harambam (above, n. 58), 3, page 14, column 2.

⁶⁴ R. Abba Mari Hayarḥi, known as Don Astruc, *Sefer Minḥat Kenaot* (Pressburg, 1838 [repr. New York, 1958]), 183.

⁶⁵ See Maimonides’ explanation of these expressions: *Guide* III:54.

⁶⁶ See Maimonides in *Hilkhot Avel* 13:10.

⁶⁷ Israel Abrahams, *Hebrew Ethical Wills*, I (Philadelphia: The Jewish Publication Society of America, 1926), 148. (On R. Yosef ibn Kaspi and Maimonides, see below, Chapter 30, throughout the chapter.)

⁶⁸ R. Yosef ibn Kaspi, *Seder Hasod, Mishneh Kesef*, first booklet, ed. Yitzhak Halevi Last (Pressburg, 1905), 4. See Chapter 4 above, p. 117 and note 35.

There is strong evidence that the expression “From Moshe to Moshe, none arose like Moshe,” which encapsulates and expresses the extraordinary veneration for Maimonides’ remarkable persona and monumental work—establishing an unprecedented and widely resonant idiom—gained widespread recognition during this period (the late thirteenth and early fourteenth centuries). Indeed, we find R. Shem Tov, author of *Sefer Ha’emunot*, a sharp polemicist who severely critiques Maimonides’ philosophical teachings, referring to this phrase—albeit with evident disapproval—as a common and well-known saying: “It is astonishing that a man should be regarded as the greatest of the generations to the point that they foolishly said of him, ‘From Moshe to Moshe, none arose like Moshe.’”⁶⁹

Nor was he alone in this. R. Yosef Yavetz, a contemporary of the Spanish expulsion who offered a comprehensive and incisive critique of Jewish philosophical thought as it had developed in Spain, was also familiar with the phrase: “It has already become well known about him—‘From Moshe to Moshe, none arose like Moshe.’” He, too, was displeased with this slogan, rejecting it firmly and clearly, though without engaging in a vehement polemic. In the course of his discussion—where he both praises and criticizes—he adds: “If you challenge me with Rabbi Moshe, you should not challenge me with Moshe our teacher, may peace be upon him.”⁷⁰ Elsewhere, in speaking of the greatness and piety of R. Yosef Hayyun (notably described as “an elder of dignified bearing ... full of Torah like one of the *Amora'im*”), R. Yavetz recounts the following anecdote: “After he would explain the rabbi’s intention clearly, he would say: ‘This is the intention of our master Rabbenu Moshe, not the intention of Moshe our teacher [Moshe Rabbenu].’”⁷¹

In the sixteenth century, we find that the scribe who copied *Sha’ar Hashamayim* by R. Yitzhak ibn Latif (composed in 1238) adds toward the end of the book’s introduction: “The writer said: I have heard people say, ‘From Moshe to Moshe, none arose like Moshe.’” Similarly, R. Eliyahu Capsali, in a passage from *Seder Eliyahu Zuta* mentioned above,⁷² combines both versions of the phrase (see further discussion below).

This “tradition” spread and became deeply rooted, yet at the same time, the phrase began to be applied to other sages, often in comparison to Maimonides himself. For

⁶⁹ R. Shem Tov ben Shem Tov ibn Shem Tov, *Sefer Ha’emunot*, in *Sefer Amudei Hakabbalah* (Jerusalem: Nezer Shraga, 2001), Second Gate, chapter 2, p. 25, col. b. The fact that authors apply this phrase to other individuals named Moshe demonstrates, of course, that it had already taken root in its original form and context. As early as the fourteenth century, it may have been said about R. Moshe Botarel (see: Aaron Jellinek, *Beit Hamidrash*, Jerusalem: Sifrei Wahrman, 1967, vol. 6, 141–143). We will yet see how this secondary usage continued to spread.

⁷⁰ R. Yosef Yavetz, *Or Haḥayyim* (Lublin, 1910), chapter 9, 80 (= *Kol Sifrei R. Yosef Yavetz*, Bnei Brak, 1981, vol. 1).

⁷¹ Chapter 12, 96.

⁷² *Seder Eliyahu Zuta* (above, n. 28), 165–166.

example, R. Shelomo Luria, the Maharshal, who both praises the Rema (R. Moshe Isserles) and sharply critiques him, writes: “Now it is fitting to say of you: ‘From Moshe to Moshe, none arose like Moshe.’”⁷³ Thus, over the generations, the phrase has been used in reference to R. Moshe Cordovero (Ramak), R. Moshe Ḥayyim Luzzatto (Ramḥal), R. Moshe Sofer (Ḥatam Sofer), and even to Moses Mendelssohn and Moses Montefiore. The Ḥida attributes the significance and uniqueness of this phrase regarding Maimonides to the fact that the name Moshe was not commonly used during the Second Temple period or in the time of the Sages: “I found it written in a book that there was no *Tanna* or *Amora* named Moshe—it is a wonder and a mystery—and thus people say: ‘From Moshe to Moshe, none arose like Moshe.’”⁷⁴

The interpretation of names brought by R. Ḥayyim Vital⁷⁵ in the name of the Ari Hakadosh is well known. However, from our perspective, we learn that this phrase is neither a rhetorical flourish nor did it emerge in a vacuum. It serves as a symbol or a defining element, both a summation and a pinnacle of the historical development we have examined. It encapsulates a clear ideological trend and a particular historical perspective. It is a judgment of history upon history, a verdict on uniqueness. It declares that Maimonides transcended the constraints of time and the limitations of place, attaining eternal life in the national consciousness. No figure in Israel arose after R. Moses Maimonides, who resided so wondrously in a historical sphere uniquely his own.

What emerges from these statements is that the name Moshe opened the door to a play on names: the admirers of Maimonides embraced it (in the sense of the Yom Kippur prayer: “for Your Name signifies Your praise”); his opponents rejected the unique praise embedded within it, recognizing—rightly—that it reflected both an extraordinary and an unprecedented perspective.

As early as the beginning of the thirteenth century, we find R. Yosef ben Todros Halevi, the brother of the Ramah, raising his voice in the chorus of praise:

The mighty oak/ who magnified and exalted the Torah/ great in counsel and mighty in deeds ... / among all the luminaries of this exile, he is the sign and wonder/ and in all his works, there are marvels and awe-inspiring deeds/ for his renown has spread throughout the world/ and his name is the greatest of all.

He concludes with the same unique assessment that was beginning to take root (which, as mentioned, first appeared in the letter of R. Aharon ben Meshulam to the Ramah): “None like him has arisen since the days of Ravina and Rav Ashi, the great master, our teacher Maimonides.”

⁷³ *She'elot Uteshuvot Harema, siman 67.*

⁷⁴ *Shem Hagedolim Hashalem*, new edition (Jerusalem, 1992), s.v. “Rav Moshe Gaon,” 151.

⁷⁵ See, for example: R. Ḥayyim Vital, *Sefer Hagilgulim* (Przemysl, 1878), chapter 63, 84b–85a.

However, at the same time, he asserts that Maimonides is not beyond criticism. If “the master R. Shelomo who sits on the mountain” (i.e., in the city of Montpellier) launches his arrows against him, he should not be condemned or blamed

... as one who has spoken against God and Moshe, His servant ... Shall we consider one who disputes the words of the *Guide a zaken mamre* (a rebellious elder)? Are all the words of this sealed book to be regarded as law from Moshe at Sinai?⁷⁶

R. Yosef ben Todros Halevi represents the camp that resisted the attempt to elevate Maimonides and his works entirely—without doubt or hesitation—beyond the realm of critique. There is no reason to dismiss these critics as mere “little foxes that spoil the vineyards.”⁷⁷ Their stance reflects substantive concerns: it is evident that while they were willing to secure a unique historical status for Maimonides, they sought to prevent a situation in which he would enjoy a form of immunity that would preclude halakhic and ideological challenges. Maimonides himself, as is well known, asserted that “the gates of interpretation have not been closed,”⁷⁸ and these critics emphasized, with fervor and determination, that the gates of critique had not been closed either, even against Maimonides.

It can be surmised that the initial opposition to the name *Mishneh Torah*—a literary and ideological phenomenon I discussed in various articles many years ago⁷⁹—is also connected to the issue at hand. Rabbinic scholars sought to avoid using the title, as they perceived it as an expression of a presumptuous aspiration to exclusive halakhic authority. They employed various alternative designations while deliberately refraining from using the name coined by the author himself. In rabbinic literature (excluding mention in historical surveys or general literary contexts), reference is made to “the composition” (*haḥibbur*), “the book of the Rambam,” “the language of R. Moshe,” “the writing of R. Maimonides,” or “the great composition of the esteemed rabbi”—but not to *Mishneh Torah*. By the late thirteenth century, when Maimonides’ name had become the focus of extravagant expressions of praise, the title *Mishneh Torah* was nearly abandoned; even Maimonides’ adherents refrained from using it. It was at this time that the designation *Hayad Haḥazakah* emerged, apparently introduced by the Exilarch of Damascus, R. Yishai ben Hizkiyahu, who writes in a letter: “His esteemed and precious works, treasured by all who know religion—*Hayad Haḥazakah*, which he called *Mishneh Torah*, and the *Guide to the*

⁷⁶ *Iggeret R. Yosef ben Todros Halevi*, in: Shlomo Zalman Hayyim Halberstam, *Milḥemet Hadat, Yeshurun*, ed. Yitzḥak Yosef Kabak (1875), vol. 8, p. 23, 39.

⁷⁷ In the language of R. Yehudah Alḥarizi, *Taḥkemoni* (see above, n. 9), *Maḥberet* 39 (46), 435.

⁷⁸ *Guide* II:25.

⁷⁹ See, for example, above, Chapter 3, and Chapter 4 p. 110ff.

Perplexed.⁸⁰ However, from adversity came a blessing in disguise: ultimately, this substitution should be seen as an additional dimension in the distinctive system of praises surrounding the author.

In short, the maxim, in its various forms, spread; the perception became entrenched (despite certain reservations); and Maimonides' singular status continued to crystallize in historical consciousness.

6

In the seventeenth century, R. Yair Hayyim Bacharach consolidated these ideas into a unified statement:

For who could fail to see and understand from his works the vastness of his mastery over the entire Torah, along with all seven sciences, to the point that they said of him: "From Moshe to Moshe," just as the great poet concluded his work *Behinat Olam*.⁸¹

(The reference, of course, is to R. Yedayah Hapenini, who wrote: "There is none comparable to him among all the sages of Israel after the sealing of the Talmud.")⁸²

At the very same time, R. Yehudah Aryeh Modena incorporated the saying into the following statement:

The lamp of Israel, the treasury of wisdom, the rabbi and teacher of blessed memory, of whom the sages rightly said [except for prophecy]: "From Moshe to Moshe, none arose like Moshe."⁸³

He then proceeds to explain: "For the first Moshe wrote for us the Written Torah, and the second, the Oral Torah."⁸⁴

R. Eliyahu Capsali preceded the author of *Havvot Ya'ir* in this, merging both versions of the phrase in a passage that appears in *Seder Eliyahu Zuta*, which was referenced above:

⁸⁰ Kovetz Teshuvot Harambam (see above, n. 58), 3, 21b.

⁸¹ She'elot Uteshuvot Havvot Ya'ir, siman 192.

⁸² See above, n. 21.

⁸³ Ari Nohem (see above, n. 51).

⁸⁴ The combination of these two expressions of praise, the historical statement on one hand and the symbolic significance of the name on the other, was apparently first proposed by the author of *Sefer Alilot Devarim* (*Otzar Nehmad*, 4 [1863], 184) who wrote: "Behold, I have sent to you, after the completion of the Talmud, a man in whom the spirit of God dwells, his name is like his master."

He rendered a fine legal compendium from the entirety of the Talmud and called it *Mishneh Torah* ... And none like him had arisen among the deciders before him, nor shall there be any after him. For from the days of Ravina and Rav Ashi, the compilers of the Talmud, there has not been found a single individual to compose a work encompassing the entire Talmud, from beginning to end, as did this man, Maimonides, who was exceedingly humble among all men. Therefore, the saying arose: “From Moshe to Moshe, none arose like Moshe.”⁸⁵

Indeed, he makes a similarly definitive endorsement of *Iggeret Hahitnatzlut* by R. Yedayah Hapenini, calling it “an exceedingly choice epistle ... Before it, there was no letter like it, and after it, there shall be none.”⁸⁶ However, the difference between these two contexts is evident and requires no further elaboration. Notably, R. Eliyahu emphatically integrates three foundational ideas: the uniqueness of Maimonides since the days of Ravina and Rav Ashi, the exalted saying “From Moshe to Moshe ...,” and, in addition, the resolute assertion that no work like *Mishneh Torah* will ever be composed again (see further discussion below). Similarly, R. Shelomo Chelm writes: “Our master Rabbi Moshe ben Maimon, of whom it was said: ‘From Moshe to Moshe ...’”⁸⁷ The phrase continued to spread, appearing periodically as a refrain in respectable literary contexts.

It is noteworthy that this historical consciousness was not far from Maimonides’ self-perception. It is no coincidence that he stated, without hesitation or qualification, that “no one since R. Yehudah Hanasi, Rabbenu Hakadosh, and his sacred circle has preceded me in rendering halakhic rulings across the entire Talmud and all the laws of the Torah.”⁸⁸ Similarly, in the introduction to *Mishneh Torah*, Maimonides sees himself and his work as gathering together “all these compositions ... from the days of Rabbenu Hakadosh until now.” His point of reference is not Ravina and R. Ashi, but rather R. Yehudah Hanasi, of whom he declared: “We have no one in wisdom greater than Rabbenu Hakadosh.”⁸⁹

History, in turn, made this very declaration about him: since the redaction of the Talmud, we have had no one greater than R. Moses Maimonides in wisdom. Some, whether consciously or unconsciously, even used the very same language in describing him. This is likely how we should understand the words of R. Yeḥiel Nissim da Pisa, a staunch opponent of philosophy, who declared regarding Maimonides’ *Mishneh Torah*:

⁸⁵ *Seder Eliyahu Zuta* (see above, n. 28), 165.

⁸⁶ *Seder Eliyahu Zuta*, 170.

⁸⁷ Introduction to *Sefer Mirkevet Hamishneh*, new edition (Jerusalem, 2006), *Sefer Madda*, 16.

⁸⁸ “Maimonides’ Letter to R. Pinḥas Hadayan,” *Iggerot Harambam*, Shilat Edition, 396.

⁸⁹ *Hilkhot Avel*, 13:10.

He left nothing—Scripture, Mishnah, Talmud, halakhot, aggadot, matters great or small—that he did not penetrate to its depths, as is evident from his great work called *Mishneh Torah*, the likes of which has not been composed in Israel since the days of Rabbenu Hakadosh.⁹⁰

It goes without saying that, in the end, praise alone is not what matters most. Despite the fundamental importance of the unique acclaim given to Maimonides, action takes precedence—continuous study and engagement with his works, along with an enduring connection to him and his teachings. Scholars and readers alike have immersed themselves in his Torah without pause. Facts that are not accompanied by explicit praise speak for themselves, and they speak volumes.

The casual reference to “*harav*, the rabbi,” “the great composition of the rabbi,” or “Maimonides in his great work” without any elaborate honorifics makes it abundantly clear that “not so is My servant Moshe” (*lo khen avdi Moshe*). No other author has received such singular praise, and no other work has commanded such sustained and animated attention. Consider, for example, how many responsa collections have been arranged according to the order of books and chapters in *Mishneh Torah*.

R. Moshe Hayyim Luzzatto writes that one must study the *Yad Haḥazakah* from beginning to end, along with its commentaries.⁹¹ The students of R. Moshe Sofer reported that “on Saturday nights, it was his custom to study Maimonides’ *Yad Haḥazakah* in order.”⁹² The history of rabbinic literature testifies that many scholars have felt that “one who seeks wisdom should engage in *Mishneh Torah* of Maimonides, for there is no field of study greater than it, and it is like a flowing spring.”⁹³ It is as though all have internalized the closing statement of *Hilkhot Kiddush Haḥodesh*, where Maimonides passionately underscores his aspiration for an all-encompassing, comprehensive work:

Thus, we have explained ... so that everything may be clear to those who understand, and nothing of the paths of Torah will be lacking, nor will they have to wander in search of it in other books. “Seek out the Book of the Lord and read—not one will be missing” (Yeshayahu 34:16).⁹⁴

Indeed, from then until now, students have continued to seek “the Book of the Lord”—that is, Maimonides’ *Mishneh Torah*.

⁹⁰ R. Yehiel Nissim da Pisa, *Sefer Minḥat Kenaot* (Berlin, 1898), 108.

⁹¹ R. Moshe Hayyim Luzzatto, *Derekh Ḥokhmah* (Tel Aviv: Maḥbarot Lesifrut, 1950), 18.

⁹² Yoshe Leyb Schill, *Minhagei Ba'al Haḥatam Sofer* (Pressburg, 1930), 36.

⁹³ See Bava Batra 75b.

⁹⁴ *Hilkhot Kiddush Haḥodesh* 19:16.

I will now briefly note seven key points related to this topic:

1. After collecting this testimony and determining its significance (an exercise in the phenomenology of praise, as mentioned above), we must emphasize that the secret of Maimonides' unique greatness, his historical success, and his ever-growing influence lies in one fundamental fact of immense weight and with far-reaching implications: his halakhic system, distinguished by its originality and primacy, encompassed the entirety of the Torah. The entire corpus of Jewish law, in its broadest and most comprehensive sense, was contained within his teachings, as we have just seen in the responsum by the author of *Havvot Ya'ir*: "... his extraordinary mastery of the entire Torah."⁹⁵

This fact was repeatedly emphasized in the writings of both early and later scholars. It suffices to recall the eloquent words of R. Shelomo ben Shimon Duran in his *Milhemet Mitzvah*:

If one is to take pride in the wisdom of the Torah, he (Maimonides) is the father of us all; no field of knowledge was beyond his reach—Bavli, Yerushalmi, Tosefta, *Mekhila*, *Sifra*, and *Sifrei*, *Sifra Rabba* and *Sifra Zuta*—his eyes beheld them all. Likewise, his ears absorbed and understood the novel ideas of the *geonim*, together with their compositions and responsa, as well as the midrashim of the sages.⁹⁶

This is the root of the perception that elevated Maimonides beyond the constraints of time and place, integrating him into the company of the *Tanna'im* and *Amora'im*. This perception, developed, shaped, and disseminated by Maimonides' admirers within the domain of Jewish intellectual-religious thought, gradually gained acceptance among Torah scholars of various backgrounds once the fierce criticism and heated controversies surrounding his monumental work had subsided. It is grounded in Maimonides' unprecedented and all-encompassing achievement in the realm of rabbinic literature.

In this regard as well, Maimonides' self-awareness aligns with the image that took shape in historical consciousness. He repeatedly emphasized that he aspired to produce a composition "from which nothing would be lacking."⁹⁷ This inclusiveness is the defining characteristic of all his statements about his great project. It is no

⁹⁵ See above, n. 81.

⁹⁶ See above, n. 2, n. 23.

⁹⁷ Introduction to the *Sefer Hamitzvot*, R. Yosef Kafih edition, 1 "*shelo yidah mimenu nidah*."

coincidence that he consistently referred to *Mishneh Torah* as “our great and singular composition on all the laws of our Torah.”⁹⁸

Maimonides instructed that study must be all-encompassing, and under no circumstances should one separate what is inherently connected—whether the Written Torah or the Oral Torah, whether laws relevant to the present time or those that are not, whether Jewish law or philosophy; all fields of knowledge—both in Torah and in general wisdom—must be drawn from all available sources. He dismantled artificial barriers between the permanent and the temporary, between intellectual inquiry and practical application, and between the internal and the external. He steadfastly refused—both in principle and in practice—to present the Torah as consisting of distinct parcels of information, *havi lot havi lot*,⁹⁹ or independent scrolls, *megillot megillot*.¹⁰⁰ He drew from all sources of Torah and wisdom, “weighed and examined all the words of the Torah,”¹⁰¹ and presented everything to everyone. With striking simplicity, yet in a way that provokes wonder, he described his work, as noted earlier, with the verse: “Seek out the Book of the Lord and read—not one will be missing” (Yeshayahu 34:16),¹⁰² a bold declaration that resonated throughout Jewish literature.

The innovation, profundity, and originality of Maimonides’ work, embodied in the comprehensiveness of his halakhic enterprise, did not escape the notice of his contemporaries and subsequent generations. Since the time of the Sages, no one has engaged with the totality of Torah in such an original, systematic, and penetrating manner, and there is no chance that such an achievement will ever be replicated. It is noteworthy that while one of Maimonides’ later commentators cautiously states, “Before him, there was none like him, and from then until now, there is none like him,”¹⁰³ one of his earliest commentators, R. Menaḥem Hame’iri, expresses absolute confidence in declaring: “Before him, there was none such ... and after him, there will be none such.”¹⁰⁴ Similarly, R. Yehudah Alḥarizi records that R. Shimshon of Sens stated: “Never again will there arise a prince like this.”¹⁰⁵ Likewise, as noted above, R. Eliyahu Capsali asserts: “There has never been among the earlier halakhic authorities anyone like him, nor will there ever be after him.”¹⁰⁶

⁹⁸ *She’elot Uteshuvot Pe’er Hador* (Jerusalem: Machon Yerushalayim, 1984), *siman* 12, p. 37.

⁹⁹ See: Eiruvim 54b.

¹⁰⁰ See: Gittin 60a.

¹⁰¹ R. David b. R. Shemuel Hakokhavi, *Sefer Habatim*, ed. Moshe Yehuda Hakohen Blau (New York, 1984), 27.

¹⁰² Above, n. 94.

¹⁰³ R. Yosef Kafih, *Mishneh Torah* (Jerusalem, 2001), *Sefer Hamadda*, 9.

¹⁰⁴ *Beit Habehirah*, Berakhot, ed. Shmuel Dickman (Jerusalem, 1960), introduction, 25.

¹⁰⁵ See the passage published by Samuel Miklos Stern, “Rabbi Judah Alḥarizi in Praise of Maimonides,” *Hagut Ivrit Be’eiropa* (Tel Aviv: Brit Ivrit Olamit / Yavneh, 1969), 100.

¹⁰⁶ *Seder Eliyahu Zuta* (see above, n. 28).

As far as we know, no one has attempted to replicate Maimonides' achievement or to rival his work. R. Ḥasdai Crescas, at the beginning of his *Or Hashem*, announced his intention to compose a comprehensive work akin to *Mishneh Torah*,¹⁰⁷ and R. Yosef Shelomo Delmedigo, in *Novelot Hokhmah*, boasted: "I trust in God to produce a great and valuable work that will benefit the public even more than *Yad Hahazakah* of Maimonides, and its memory will not fade from among the Jewish people until the coming of the redeemer."¹⁰⁸ However, neither brought their plans to fruition, and the words of R. Menahem Hame'iri remain true. The unique verdict of history has not lost its validity or significance, nor has the renown of the famous dictum faded. The work remains singular, without rival.

2. Maimonides' all-encompassing originality contains a distinctive dimension that warrants special emphasis (as expressed in the responsum of the *Ḥavvot Ya'ir* cited above: "the breadth of his mastery over the entire Torah together with all the seven sciences, the seven pillars of wisdom").¹⁰⁹ Just as Maimonides consistently and rigorously refused to distinguish between the laws of shofar and lulav on the one hand and the laws of sacrificial rites on the other, so too did he vehemently reject any attempt to separate these and other similar commandments from the *Ma'aseh Bereishit* and *Ma'aseh Merkavah*, which he unequivocally and explicitly identified everywhere with natural science and metaphysics: "The matters called *Pardes* (i.e., natural sciences and metaphysics) are part of the Talmud."¹¹⁰ The Oral Torah, in its entirety, encompasses both the "great matter" and the "small matter."¹¹¹ His ultimate aspiration was the study of the "laws of the Torah [*hokhmat hatorah ... talmudah*]" and "a sound understanding of the Torah [*hokhmat hatorah al ha'emet*],"¹¹² namely, Jewish law and religious philosophy together, bound to one another, with the "essentials of the Torah and the foundations of the essentials of the Torah"¹¹³ intertwined. The Torah is two that are one, and any division within it is impermissible. Maimonides interpreted the Talmud and codified Jewish law, but he also established the principles of faith and demanded, with unwavering insistence, that Jews study these foundations with diligence, devotion, and depth, each according to his ability. The Torah must not be fragmented. The spiritual ideal he envisioned and hoped would be realized in the messianic era was that "Israel will be free to be involved in the Torah and its wisdom ... they will be great sages, knowing the hidden matters, and will attain knowledge of

¹⁰⁷ *Or Hashem*, ed. R. Shlomo Fisher (Jerusalem, 1990), introduction, 5–7.

¹⁰⁸ *Sefer Novelot Hokhmah* (Jerusalem, 2007), introduction, 10.

¹⁰⁹ See above, n. 81.

¹¹⁰ *Hilkhot Talmud Torah* 1:12.

¹¹¹ *Hilkhot Yesodei Hatorah* 4:13; *Guide* I:71.

¹¹² *Guide*, Introduction.

¹¹³ Maimonides' *Commentary on the Mishnah*, R. Yosef Kafih edition, Hagigah 2:1, 251.

their Creator to the extent that human capacity allows.”¹¹⁴ In sum, he appears as both a halakhist and a thinker striving for the knowledge of God, the love of God, and the service of God. In this manner, his religious-moral image was shaped. His profound yearning for spiritual experience captivated and inspired both his contemporaries and generations to come.

Maimonides’ teachings are founded on the explicit recognition that the details of Jewish law and the foundations of faith are inherently and necessarily interconnected and must remain so in Jewish consciousness for eternity. This emphasis necessitates engagement with the spiritual dimension—more precisely, with the spiritual orientation within Judaism—which constitutes a fundamental and primary element of Maimonides’ thought. This central idea would, in due course, come to be encapsulated in the concept of the “soul of the Torah” or the “inner dimension of the Torah,” paralleling “perfection of the soul” or “completion of the soul.” That is to say, he asserted the fundamental principle that attaining the inner dimension of the Torah is a prerequisite for the perfection of the soul and that this, in turn, is the very purpose of the Torah and its commandments.

Around the time of the dissemination of the *Mishneh Torah*, we find scholars who drew attention to Maimonides’ dual objectives in his unifying system. R. Yonatan Hakohen of Lunel writes:

... And in the inner essence of the Talmud, the Lord granted him a skilled tongue; he traversed the sea of wisdom and prevailed, sustaining the weary with words. His greatness in Torah is comparable to David’s; whether sacred or profane, whether pure or impure, he distinguished and elucidated. He cleaved open a fountain and a stream in the Torah of the Lord, and the eyes of faith he immersed in the Torah. He sowed the seed of sanctity and tore his people away from the dominion of impurity ... With the light of the book *Mishneh Torah*, he brought light to the darkness of the world and expounded great and wondrous matters ...¹¹⁵

R. Avraham Maimonides consistently emphasized the necessity of combining engagement with “the fundamentals of our faith, namely the unity of the Creator and His sanctity” with “the study of the expositions of Abaye and Rava, dialectical discussions, questions, and resolutions.” He extolled the fact that “My father, my master, of blessed memory, elaborated in his writings on this matter, which is the essence of the Torah and the foundation of reverence, love, and worship. He explained and provided numerous rational proofs, as well as support from the words of the Torah, the prophets, and the sages, as he wrote in his illuminating works—his *Guide to the Perplexed* and his *Sefer Hamadda*.” He further added:

¹¹⁴ *Hilkhot Melakhim* 12:4–5.

¹¹⁵ *Teshuvot Harambam*, vol. 3, Blau edition, pp. 51–52.

These works of my father, my master, of blessed memory—the great composition he wrote in the Holy Tongue, called *Mishneh Torah*, and the work he composed in the language of Ishmael, called *Moreh Nevukhim* (*The Guide to the Perplexed*)—spread across the sea and to many places, benefiting Israel in refining their faith and illuminating their wisdom.¹¹⁶

The words of R. Yitzhak ibn Latif¹¹⁷ are particularly significant in this regard:

... until the great sage, our master Maimonides, of blessed memory, arose ... and composed a comprehensive work of a different kind. His primary intention in it was to explain the principles of divine unity and the foundations of faith ... This was the original objective of the Talmud. The second aim that this great sage pursued was to arrange the conclusions derived from all these matters—that is, the matters of the Talmud and the conclusions necessarily resulting from its premises—without concerning himself with citing the opinion of one sage or another, but rather presenting the clear understanding by which the law is determined.

This perspective also sheds light on the remarkable words of R. Shabbetai Sheftel Horowitz at the beginning of his *Shefa Tal*:

My masters and teachers, the holy ones of God, servants of the Most High ... the great sage ... his steps did not falter, nor did his ways waver in any of his paths—this was the great rabbi, our master, Maimonides, may his memory be blessed, and the great sage, the holy luminary ... this was our master Moshe Cordovero, may his memory be blessed. Of them, it can truly be said: “From Moshe to Moshe, none arose like Moshe”—this one in divine philosophy and that one in divine Kabbalah, both meriting and bringing merit to the many.¹¹⁸

The common denominator in the achievements of Maimonides and R. Moshe Cordovero (despite the profound differences between them, extending to the very foundations of their respective intellectual and religious doctrines), which inspired the pious kabbalist R. Shabbetai Sheftel Horowitz to apply to them equally the well-known aphorism, is the engagement with what lies beyond Jewish law—the

¹¹⁶ R. Avraham Maimonides, *Milhamot Hashem*, ed. Reuven Margaliot (Jerusalem: Mossad Harav Kook, 1988), 49, 52–53.

¹¹⁷ Introduction, *Sha'ar Hashamayim*, ed. Raphael Cohen (Jerusalem, 2015), 2, 19–20.

¹¹⁸ *Shefa Tal* (Jerusalem, 2007), 37–38.

meta-halakhah, the inner dimension of the Torah—each according to his own conceptual framework and principles.¹¹⁹

This emphasis constitutes a crucial aspect of Maimonides' uniqueness: the quintessential master of a complete and comprehensive system who directs concentrated attention to the most basic of foundations, namely, knowledge of God.

3. In this context, we must briefly turn our attention to the *Guide to the Perplexed*, the pinnacle of Jewish philosophical literature, a work that represents the summit of the achievements of Jewish religious thought and the ultimate object of its aspirations. Disciples of Maimonides, who remained steadfast in their commitment to philosophical inquiry and sought to disseminate the principles of religious rationalism, regarded this work as a supreme accomplishment, considering it to be of “great stature and benefit.”¹²⁰ R. Yonatan Hakohen of Lunel stated regarding the book: “Let not the wise man glory in his wisdom, but only in understanding and knowing it (i.e., the *Guide*),”¹²¹ while R. Yosef ibn Kaspi expressed his admiration in fervent and emphatic terms, declaring that “since the days of God’s Torah, no work has been composed like it.”¹²² It is also important to note that Maimonides himself asserted that “no such book has ever been composed (on these philosophical matters) among our nation during this time of exile.”¹²³

Maimonides thus saw himself as the restorer of philosophical thought as a significant and essential component of the Oral Law. His disciples followed in his path, even going further in some respects, as they elevated his philosophical work to the status of the foundational pillar of all religious thought. This, of course, reflects an effort to grant the *Guide to the Perplexed* a status akin to that of the *Mishneh Torah*, viewing it as transcending the historical continuum and standing beyond time and place. In any case, the *Guide* completed the comprehensiveness and totality of Maimonides’ spiritual enterprise, reinforcing his image as one who encompassed all of Judaism—its laws and its beliefs. The *Guide*, with all that stems from it, adds a crucial layer to the Maimonidean edifice and affirms the perception of him as a singular and unparalleled phenomenon.

Maimonides succeeded in recovering lost dimensions of the Torah and uncovering vast areas of Jewish law that had remained concealed and underdeveloped while

¹¹⁹ See also the insightful remarks of R. Yosef Karo (*Kesef Mishneh*, *Hilkhot Yesodei Hatorah* 4:13): “For the object sought in *Ma’aseh Merkavah* is the Creator, may He be exalted, whether according to the sages of Kabbalah or the sages of philosophy.”

¹²⁰ R. Shem Tov ben Yosef ibn Shem Tov’s introduction to his commentary on the *Guide*: *Moreh Nevukhim im Arba’ah Perushim—Efodi, Shem Tov, Ben Crescas, Abarbanel* (Warsaw, 1872), 2a.

¹²¹ See: *Iggerot Harambam*, ed. Shilat, 495.

¹²² Quoted in the introduction to the *Guide*, with a commentary by Yehudah Even Shemuel, vol. 1 (Jerusalem, 2005), p. x. See also above, n. 67.

¹²³ *Guide*, Introduction.

unequivocally articulating his conviction regarding the vital necessity of philosophy for religion. He taught that one must strive to expand the domain of intellectual apprehension as much as possible. Maimonides both sensed and emphasized that Judaism's intellectual foundations had been neglected, and its philosophical underpinnings had been weakened, necessitating their restoration. He is "the all-embracing sage, for he integrates both forms of perfection." It is crucial to underscore, with decisiveness, that both perfections are reflected in the *Mishneh Torah*, as this monumental work encompasses both the essentials of Jewish law and the fundamentals of belief. The synthesis of law and philosophical thought within it represents a concentrated essence of his intellectual system. No artificial barrier should be erected between the Talmudic and the philosophical; both are already present in the *Mishneh Torah*, and even in Maimonides' *Commentary on the Mishnah*.

Maimonides' disciples viewed his two major works, along with the sources of knowledge on which they are based, as complementary, together constituting the pinnacle of intellectual and religious comprehensiveness. This assessment is succinctly reflected in the words of R. Yair Hayyim Bacharach, cited above: "For who could fail to see and recognize, from his works, the vastness of his mastery over the entire Torah along with all seven sciences, to the point that they said of him ..."¹²⁴ In other words, his status as a universal sage, integrating Torah and philosophy and drawing from all the treasures of religious and scientific knowledge, serves as the justification for the distinctive saying, "From Moshe to Moshe, none arose like Moshe." R. Moshe Alashkar extols this synthesis of sovereign mastery over both Torah and philosophy, emphasizing that such mastery necessitates drawing upon extra-Talmudic sources of knowledge: "It is well known that these matters, and others like them, cannot be attained from the Talmud alone, but rather require numerous prior premises derived from rational inquiry."¹²⁵ That is to say, this, too, is a crucial component of Maimonides' comprehensiveness.

A noteworthy phenomenon is that a wide range of scholars, philosophers and kabbalists, Hasidim and ethical masters, homilists and writers, including leading halakhists, have often read the *Guide* selectively, without adhering to Maimonides' methodological guidelines and extracting from it isolated ideas according to their inclinations. Insights and innovations, original interpretations of the Torah, sharply honed analyses, and compelling exegetical readings—all of these have been absorbed into Jewish thought and literature through the *Guide*. Even those who distanced themselves from Maimonides' method and approach still drew inspiration from the intellectual legacy of the *Guide*. Readers throughout the generations—down to the present day—have continually turned to Maimonides as an unparalleled guide, a father of wisdom and sensitivity, intellectual openness and

¹²⁴ See above, n. 81.

¹²⁵ R. Moshe Alashkar, responsum 117, contains his refutation of the criticism of R. Shem Tov, author of *Sefer Ha'emunot*, against Maimonides.

philosophical depth, clear theological precision and unwavering moral integrity, tradition and devotion, innovation and profundity. He remains the scholar of law and faith whose “soul seeks to discover words of delight.”¹²⁶ His thought—in its details and innovations (if not always its underlying principles), has been perceived as a *philosophia perennis*—a system containing eternal elements precisely because it grapples with eternal questions.¹²⁷

By contrast, opponents of philosophy viewed the *Guide* as deeply flawed—a work that disrupted the proper order and would have been better left unwritten. Maimonides did not escape criticism nor even outright condemnation; he was subject to rebuke and hostility, the bites of foxes and the stings of scorpions. As is well known, the *Guide*, together with *Sefer Hamadda* of the *Mishneh Torah* (a fact that, as always, reinforces our understanding that even his detractors recognized the unity of these two works and the completeness of their author’s thought), was condemned to be burned less than thirty years after Maimonides’ passing. History shows no favoritism, and Maimonides bore the full brunt of sharp and relentless critiques.

Clearly, the *Guide* exposed Maimonides to hostility, and he was well aware of both the risks and the dangers involved. Even with regard to *Mishneh Torah*, he foresaw—correctly—that incorporating in it a discussion of foundational beliefs¹²⁸ would inflame criticism against him and intensify opposition to his monumental project, as adversaries would arise to attack the theological foundations embedded within it. Nevertheless, he did not waver, and his works appeared precisely as he had conceived and designed them.

However, in assessing Maimonides’ legacy, it is crucial to emphasize that just as the *Guide* was not capable of creating or sustaining the unique perception of him that we seek to reconstruct and describe, neither could it negate, obscure, or weaken it. The recognition of Maimonides’ greatness, rooted in his monumental codification of all Torah law, remained intact despite the diverse array of critiques leveled against him.

Within Kabbalistic circles, for instance, we encounter a range of perspectives: (a) those who categorically rejected Maimonides’ philosophical teachings; (b) those who sought to bridge philosophy and Kabbalah, arguing that the two systems were ultimately one; (c) those who, despite their staunch opposition to religious rationalism, nonetheless defended Maimonides, distancing him from his translators and disciples (whom they accused of distortion and deviation) and distinguishing between him and philosophy at large; and (d) those who recast Maimonides as a kabbalist, thereby asserting that his philosophical doctrine was no longer valid.

¹²⁶ *Guide*, Introduction.

¹²⁷ It is illuminating to examine classic works of Hasidism as well as foundational texts of the Musar movement and observe how the use of Maimonides’ works is selective and strategic, in accordance with the concept of *philosophia perennis*.

¹²⁸ In his letter to his student Yosef ben Yehudah, *Iggerot Harambam*, ed. Shilat, vol. 1, 301.

However, in their attitude toward the *Mishneh Torah*, there is little difference: all accord it primacy and recognize its uniqueness—before it, there was none like it, and after it, it will have no equal. Even his fiercest opponents became defenders; alongside subtle reservations or overt condemnation, detailed substantive critique, or sweeping ideological opposition, they nonetheless praised his monumental halakhic enterprise. “The later sages have already refuted his position with strong arguments and struck at the very core of his reasoning.”¹²⁹ Similarly, “The sages of truth have already struck him down.”¹³⁰ These blows, formidable and forceful as they were, did not diminish his stature. As the *maggid* told R. Yosef Karo: “But the Torah protects him.”¹³¹ Moreover, these very critics did not settle for mere abstract praise; they frequently devoted their own insights and analyses to engaging with Maimonides’ words.

It is told of R. Yonah of Gerona, one of the greatest authorities of Jewish law and among the fiercest opponents of Maimonides during the first, intense, and sorrowful controversy of the early thirteenth century, that toward the end of his life, “in every matter of Jewish law, he would cite from the work of Maimonides, saying, ‘Our master Moshe wrote thus in his work, and his words seem correct to me.’”¹³² At the height of the controversy, R. Shelomo ibn Adret, the Rashba, testifies:

Who honors the master and his words more than we do? We have made him a seat of honor for him to preside over us; we say to him: “Our master, teach us,” we constantly mention his name in the study halls, and through our engagement with his sacred insights, his words take flight like eagles. Through our study, his lips move in the grave.¹³³

One may say that Rashba’s words hold true not only for his great teacher, Nahmanides, but also for his great disciple, R. Yom Tov of Seville, the Ritva, and those who followed in their footsteps. “The master’s compilation” became a pillar of Talmudic study and of in-depth engagement with the Oral Torah. In other words, the denunciations ceased, and even in an era of great fervor, the study of the *Mishneh Torah* continued and intensified, deepened, and expanded.

Highly instructive are the words of R. Shem Tov ibn Shem Tov in *Sefer Ha’emunot*, who is linked by R. Leon of Modena together with R. Meir ibn Gabbai as the two primary critics of Maimonides, who railed against him. In this work, where R. Shem Tov vehemently opposes “the false views found among the philosophers, such as the

¹²⁹ R. Yitzhak Arama, *Akedat Yitzhak* (Jerusalem, 2014), Vayikra, Gate 57, page 5.

¹³⁰ R. Yeshayahu Halevi Ish Horowitz, *Shenei Luhot Haberit*, vol. 3 (Jerusalem: Hamaor-Oz Vehadar, 1993), Masekhet Shevuot, 62.

¹³¹ R. Yosef Karo, *Maggid Meisharim* (Vilna, 1880), Parashat Vayakhel, 27.

¹³² “Iggeret R. Hillel Miverona lerabbi Yitzhak ben Mordekhai,” *Iggeret Kenaot* (Leipzig, 1861), 14b.

¹³³ *Minhat Kenaot* (see above, n. 5), 479.

author of the *Guide*,¹³⁴ he nonetheless includes the following sentence: “The great master, who built a mighty fortress and stronghold in Talmud” (a phrase reminiscent of Nahmanides’ words in his letter *Terem E’eneh*¹³⁵), “a structure of splendor filled with the finest gold of Ophir, from the *Sifra* and *Sifrei*, *Tosefta* and *Mekhilta*, and the Talmud in its entirety—Babylonian and Jerusalem.”¹³⁶ In another passage, where he reiterates this praise of the *Mishneh Torah*, he remarks: “And if criticisms have been leveled against some of his views, as they have been against many great and honorable figures ...”¹³⁷ In other words, critique does not diminish the greatness of a person or his work.

The Italian kabbalist R. Eliyahu Hayyim Genazzano stated explicitly: “I wish to defend him for his wondrous achievement in composing the Talmudic works.”¹³⁸ Similarly, in the eighteenth century, R. Aviad Sar Shalom Basilea—one of the *me’as-sefim* not of Mendelssohn’s circle but of the great kabbalists who subjected Maimonides’ philosophical thought to profound critique—publicly declared regarding the *Mishneh Torah*: “Never has a work so fine been composed throughout all the communities of Israel.”¹³⁹

Despite the criticism that resurfaces from time to time, a distinct tendency toward vindication is evident in the evaluation of Maimonides’ legacy. Even his detractors, who find fault with his philosophical thought, tend to temper their critique, defending him by attributing to him noble intentions and pure motives. They apply to him the very principle by which he once justified himself: “It is time to work for the Lord by voiding Your law”¹⁴⁰—suggesting that all his actions, even those they find objectionable, were undertaken for the sake of Heaven.

R. Yehudah Loew ben Betzalel, the Maharal, one of the foremost critics of Maimonides’ project, exemplifies this approach:

I say that since, in the time of the revered rabbi, people were drawn to the ideas of non-Jewish sages—those philosophers upon whom the light of Torah had not shone—if he had not interpreted Scripture in accordance with their understanding, there was a concern that they might, God forbid, abandon the text altogether. Therefore, he interpreted it for them in line with their own reasoning.¹⁴¹

¹³⁴ *Sefer Ha’emunot* (see above, n. 68), after page 205, in the table of contents.

¹³⁵ Nahmanides, see above, n. 4.

¹³⁶ *Sefer Ha’emunot* (see above, n. 69), Gate 1, chapter 1, 7a.

¹³⁷ *Sefer Ha’emunot*, Gate 1, chapter 4, 17b.

¹³⁸ Eliyahu Hayyim Genazzano, *Iggeret Hamudot* (London, 1912), 7.

¹³⁹ R. Aviad Sar Shalom Basilea, *Sefer Emunat Hakhamim* (Warsaw, 1888), chapter 14, fol. 31a.

¹⁴⁰ *Guide*, end of the introduction to the first part.

¹⁴¹ Maharal of Prague, *Derekh Hayyim*, ed. Aharon Fraizel (Jerusalem, 2002), 6:11, p. 255.

Further on, the Maharal continues: “And even in this, it appears that Maimonides wrote these things in order to draw the hearts of the people to the Torah, as we have seen above.”¹⁴²

Here, we see a common historical perception: Maimonides’ engagement with philosophy was largely, if not exclusively, an apologetic endeavor directed outward or dictated by external challenges. His involvement in this discipline—one that should be viewed favorably in light of historical circumstances—was, therefore, a response to a specific moment in time and does not necessarily serve as a binding precedent for future generations.

It is worth mentioning in passing that even internal philosophical critiques—such as those found in the writings of R. Nissim of Gerona, R. Ḥasdai Crescas, R. Yitzḥak Abravanel, R. Yosef Yavetz, R. Yitzḥak Arama, and others—did not diminish Maimonides’ stature but rather reinforced his centrality. Likewise, the various critiques of Maimonides as a philosopher that emerged in the modern era from the circles of Moses Mendelssohn, Salomon Formstecher, R. Samson Raphael Hirsch, Hermann Cohen, and Franz Rosenzweig, or from Peretz Smolenskin and his school, Ze’ev Yavetz, and others in Eastern Europe—neither add to nor detract from the recognition of the uniqueness of his achievements. If you see intellectuals disputing with one another yet agreeing on Maimonides’ greatness, you can rest assured of a final judgment affirming his singular status.

4. A nearly inevitable consequence of the unprecedented comprehensiveness that characterizes Maimonides’ writings is their inclusion of numerous topics that had not been previously addressed elsewhere. For various reasons—some dictated by historical circumstances and others by the priorities of scholars—the study of Torah and wisdom had contracted since the redaction of the Talmud, and essential areas of Torah knowledge had been neglected in the generations preceding Maimonides. Maimonides restored these disciplines to their rightful place, reviving many branches of Torah study in a manner marked by undeniable originality.

This all-encompassing innovation is evident in many details and novel insights. Maimonides’ pioneering approach is intertwined with astonishing originality, extending across all fields and captivating subsequent generations, who found in his works a wealth of striking ideas and stimulating perspectives. Since no one had preceded Maimonides in these areas, his writings naturally became the starting point for those who followed. Even in matters previously discussed,

¹⁴² *Derekh Ḥayyim*, 256. R. Ḥasdai Crescas, in the introduction to his *Or Hashem*, also comments: “And although the rabbi’s intention in this matter was commendable.” See also: R. Shimon ben Tzemah Duran, *Sefer Hatashbetz*, ed. Yoel Katan, vol. 1 (Jerusalem: Machon Yerushalayim, 1998), *Inyan* 63, 139: “Or perhaps the rabbi, of blessed memory, exaggerated in this matter ... to strengthen the hands of those who have been ensnared ... as was his way in all his writings, to support the weak and sustain the faltering with his words.”

Maimonides illuminated them with new light. In the *Mishneh Torah*, he established a foundational structure for all of Torah and wisdom and thus became the foremost authority in every domain. His words became the cornerstone of many discussions, with every formulation, summary, and innovation serving as a pillar of Jewish law and thought, as a literary-conceptual focal point in Torah scholarship, and as a catalyst for profound study and continuous creativity. Every spark from his hammer ignited a great flame. Of him, it could be said: “He had neither teacher nor mentor,”¹⁴³ yet he became the teacher of others who learned from him and emulated his example.

Topics such as repentance, charity, wisdom, ethics, service of the heart, fasting, honor and delight (of the Sabbath); sacrifices, the sanctity of the Land of Israel, the sanctity of Jerusalem and houses in walled cities, purity and impurity, the sanctification of the new month, and the Sanhedrin; love, awe, faith, sanctification of the Name, joy, intention, knowledge of God, *imitatio Dei*, justification of divine judgment, true religion; conditions and stipulations, acquisition, unintended acts, coercion, vows of prohibition and vows of permission, drawn water, release of debts and land, theft and lost property; rejoicing on Yom Tov, hospitality, “guarded” matzah, recounting the Exodus, and writing a Torah scroll; love of one’s fellow, love of the convert, love of one’s spouse, love of humanity; prophet, high priest, king, convert, resident alien, Avraham, Moshe, David, the Messiah; disqualifications of priests, disqualifications of consecrated offerings, disqualifications of witnesses, commandments performed through transgression, interrogations and examinations; the foundations of the Oral Torah, the interpretation of aggadah, the rationales behind the commandments, the interpretation of the Written Torah, monarchy, messianism, the World to Come, prophecy, miracles, free will, divine providence, and principles of faith—all these and many more cannot be discussed without reference to Maimonides’ words across his works, first and foremost in his *Mishneh Torah*. His writings serve as a towering beacon, an inexhaustible source of inspiration.

It has been said of Plato: “Whichever way we turn, we encounter him on his way back.” I have my doubts as to whether this statement is truly accurate regarding Plato (despite Whitehead’s famous assertion that the history of Western philosophy consists of footnotes to Plato). However, Maimonides is certainly perceived in this way, and for him, the statement holds entirely true. Most paths we take are, in essence, his paths and pass through him. Wherever one enters, his traces are found. Even those who sought to divide his comprehensive and systematic thought acknowledged that he encompassed everything: scholars of Tenakh, Mishnah, Talmud, Jewish law, and aggadah, as well as those devoted to philosophy, Kabbalah, and ethics—all drew warmth from his light or from the sparks that emanated from him. Most significantly,

¹⁴³ See *Hilkhot Avodat Kokhavim* 1:3.

the world of Jewish law, in its broad and profound sense, expanded and spread through his influence.

5. Maimonides' distinctiveness has a secondary contributing factor that stems from his unparalleled comprehensiveness, intertwines with it, and even reinforces it. This is his meticulous writing style and the explicit demands he placed on his readers regarding the study of his words.

Maimonides repeatedly emphasized the precision and rigor of his writing. Everything is carefully calculated and exact, every idea is formulated with the utmost caution, every integration of separate topics is determined with deliberation and balance, every sentence is composed with due consideration, every example is meaningful, and every word serves a specific purpose. Nothing is written casually, incidentally, or for rhetorical flourish.

The extreme precision and rigorous discipline required of any author are described by Maimonides in his *Iggeret Hashemad* as follows:

Among the things you should know is that a person should not speak or preach before the people until he has reviewed what he intends to say once, twice, three times, and four times and studied it thoroughly—only then should he speak. And so said our Sages, may their memory be a blessing, bringing proof from Scripture (Iyov 28:27–28): “He saw and appraised it, measured it and examined it,” and only afterward, “He said to man.” This applies to what one speaks aloud, and as for what one writes, one should review it a thousand times if possible.¹⁴⁴

It is reasonable to assume that this statement guided Maimonides in his own writing. Might we also speculate that R. Yosef ben Todros Halevi had this very passage in mind when he described Maimonides' language with the phrase: “He saw and appraised it, measured it and examined it”?¹⁴⁵

Maimonides asserts about himself: “I did not write it as it happened to come to me, but only after reflection, deliberation, and examination of both correct and incorrect opinions.”¹⁴⁶ Elsewhere, he states: “None of these principles were attained except after great toil in clarifying each one in all its details.”¹⁴⁷ This statement is characteristic of him: “For the argument of the work is not laid out randomly but carefully and exactly.”¹⁴⁸ Maimonides' praise of brevity stems from the premise that every word must serve a function. His refined, polished, clear, and precise style likely reflects

¹⁴⁴ *Iggeret Harambam*, ed. Shilat, vol. 1, 33–34.

¹⁴⁵ See above, n. 76.

¹⁴⁶ Maimonides' *Commentary on the Mishnah*, ed. R. Yosef Kafih, Sanhedrin, *Perek Helek*, 145.

¹⁴⁷ Maimonides' *Commentary on the Mishnah*, ed. R. Yosef Kafih, Tohorot, Introduction, 23.

¹⁴⁸ *Guide*, Introduction to the First Part.

the principle: “In matters of Torah and wisdom, a person’s words should be few, but their content abundant,”¹⁴⁹ or “One of the signs of the wise is brevity in speech ... whereas excessive words are a mark of fools.”¹⁵⁰ Maimonides employs the resonant phrase *kav venaki* (“measured and pure”)¹⁵¹ to emphasize his consistent effort toward concentrated and refined writing—concise, precise, and entirely focused on its purpose. He articulates this principle explicitly: “All our works are measured and pure. Our intent is not to expand the bulk of books nor to waste time on what does not lead to benefit.”¹⁵²

This level of meticulousness and precision in writing necessitates a corresponding level of meticulousness and precision in reading. Maimonides explicitly demands reciprocity in this regard:

Review my words many times and contemplate them deeply. And if your mind deceives you into thinking that you have understood their meaning after reading them once or even ten times, God knows that you have deceived yourself with falsehood. Do not rush through them.¹⁵³

Similarly, he states: “If you wish to attain comprehensive knowledge ... examine our words in that order with great scrutiny from beginning to end. Do not read them in a cursory and superficial manner, but rather with deliberation and analysis.”¹⁵⁴ To one inquirer, R. Shemuel Halevi, Rosh Hayeshiva, he remarks: “He should have examined the precision of our language.”¹⁵⁵

Although his aspirations for his great work to be firmly established as the authoritative code of Jewish law were not fully realized, history has heeded his directive regarding precision and exactitude. Students of his work accepted his instructions—and even expanded upon them considerably. All drew practical-pedagogic conclusions from his measured and precise language, attuning themselves to every nuance conveyed by it. The necessity for precise reading became an axiomatic principle in the study of Maimonides.

He was perceived by many as one who adorned the Torah’s letters with crowns, and scholars throughout the generations expounded upon every minute detail of his adornments. Every minor or major variation, every aspect of phrasing or terminology, classification or categorization, received careful attention. He became both teacher and goad, instructor and catalyst. Even his silence, as is well known,

¹⁴⁹ *Hilkhot De’ot* 2:4.

¹⁵⁰ Maimonides’ *Commentary on the Mishnah*, ed. R. Yosef Kafih, Avot 1:16, 272.

¹⁵¹ Yevamot 49b.

¹⁵² “Iggeret Tehiyat Hametim,” *Iggerot Harambam*, ed. Shilat, vol. 1, 362.

¹⁵³ Maimonides’ *Commentary on the Mishnah*, ed. R. Yosef Kafih, Sanhedrin, *Perek Helek*, 145.

¹⁵⁴ Maimonides’ *Commentary on the Mishnah*, ed. R. Yosef Kafih, Hagigah 3:2, 354–355.

¹⁵⁵ *Teshuvot Harambam*, ed. Blau, *siman* 310, p. 574.

demanding study—fundamental legal principles were derived from what he omitted, from examples he excluded, and from laws he placed in one section rather than another. Maimonides’ formulations, crafted with the utmost precision and “refined through thirteen sieves,” passed through the pens of many sages from various schools of thought. All uncovered layers of meaning in his carefully measured statements, drawing from them both inspiration and instruction—abstract halakhic analysis alongside practical legal guidance.

Moreover, his success was so profound and organic that many aspects, elements, and insights embedded in his groundbreaking interpretive work were seamlessly accepted, appearing self-evident—“clear, accessible, and correct”¹⁵⁶—and entirely undisputed. His great work is replete with innovations, yet because his sources and originality are interwoven with such natural fluidity and creative momentum, their novelty often goes unnoticed. His innovations become absorbed into the sources themselves, as though they were already explicit within them.

It is essential to remember that although Maimonides repeatedly and emphatically underscored the innovative nature of his work in terms of its form, structure, and scope, he also tended to obscure the novelty of his interpretations and arguments. He preferred not to highlight his independent exegetical approach or his original insights but rather to present them as self-evident and universally accepted—eschewing any trace of self-aggrandizement or boastfulness. He deliberately concealed his vast and creative scholarship, offering his ideas in a manner that made them appear naturally derived from the sources, leaving no room for challenge, hesitation, or doubt.¹⁵⁷

Essentially, one could say that where Maimonides was concise, the scholars of subsequent generations were expansive and interpreted his words in various ways. His innovations called out for interpretation; his many students and commentators responded to this call, expounding, explaining, and innovating in turn.

Precision and interpretation became intertwined. This is the root of R. Shemuel Kalai’s statement in the mid-sixteenth century: “One must analyze and scrutinize his words just as one carefully examines the very text of the Talmud.”¹⁵⁸ R. Wolf Halevi

¹⁵⁶ Maimonides’ Introduction to *Mishneh Torah*.

¹⁵⁷ When asked why he included the case of the upper jawbone having been removed in the list of *terefot* (animals with defects that render them non-kosher—see *Hilkhot Sheḥitah* 8:16)—given that there is no explicit source or precedent—Maimonides calmly responded: “And regarding what you said, that you have neither heard nor seen in any work that this *terefah* is counted, there are many things that commentators do not mention because they have not paid attention to them, and when one understands these matters, they become apparent” (*Teshuvot Harambam*, ed. Blau, *siman* 315, p. 585). That is to say, one must carefully analyze and reconstruct the interpretation embedded or concealed within the ruling. Indeed, the interpretive wisdom he embedded in his rulings is most impressive (see below, Chapter 11, p. 266 [text going on n.50]).

¹⁵⁸ R. Shemuel Kalai, *She’elot Uteshuvot Mishpetei Shemuel* (Jerusalem: Yad Harav Nissim, 1989) (facsimile of Venice 1599 edition), *siman* 120.

of Boskowitz took this a step further in the introduction to his great work, *Seder Mishnah*, declaring: “Indeed, I know that he did not intend this meaning, but the spirit of God spoke through him, and His word was on his tongue.”¹⁵⁹ And again: “Is there anything that is not alluded to in the *Mishneh Torah*? Surely, the spirit of God spoke through him, and His word was on his tongue.”

Thus, we learn that the role of commentators and scholars is not only to uncover sources that may have been overlooked but also to propose interpretations and innovations—even to attribute ideas, intentions, and arguments to Maimonides that he clearly never entertained—on the assumption that such attributions are appropriate for his singular work.¹⁶⁰

Maimonides anticipated that his great work would face criticism, yet he also believed that, with time, it would be accepted throughout the Jewish world: “All of Israel will rely on it alone.”¹⁶¹ The *Mishneh Torah* was indeed embraced by the nation—but not necessarily as the final word on rulings of Jewish law. Rather, it became the foundation of Talmudic inquiry, both its culmination and its beginning, a perpetual challenge in the spirit of “The words of the wise are like goads” (Kohelet 12:11). The decisive historical reality—whatever the reasons may be—is that the vitality of the *Mishneh Torah* continues to renew and intensify itself over time.

6. The culmination of this process, which sharpened the precision of analysis in the *Mishneh Torah*—perhaps even beyond Maimonides’ own demands or expectations—was that the work shed its role as a mere code of law and assumed the function of a commentary. The transformation of the *Mishneh Torah* into an exegetical text likely began soon after its publication and dissemination. A historical survey tracing this development from Maimonides’ time to the present would depict a literary-halakhic phenomenon of central significance. For now, it suffices to cite the explicit testimony of R. Menaḥem Hame’iri at the end of the thirteenth century. His remarks provide a valuable glimpse into the methods of study in his time and underscore the interpretive role that the *Mishneh Torah* had come to play:

As God lives, many times I have encountered a halakhic passage and believed that I had arrived at a proper understanding of its meaning. Yet when I sought to confirm the ruling in the works of the earlier decisors, and all the more so in the writings of the revered master [Maimonides], which

¹⁵⁹ R. Wolf Halevi of Boskowitz, *Seder Hamishnah* (Prague, 1820), *Hilkhot Yesodei Hatorah* 1:1.

¹⁶⁰ It is worth mentioning that R. Menaḥem Mendel of Vitebsk (*Sefer Pri Ha’aretz* [Jerusalem, 1969], Parashat Lekh Lekha, 200) makes a similar statement about the *Guide*: “Behold, Maimonides, of blessed memory, wrote that the reason for the commandment of circumcision is to weaken physical desire. And the truth is that he, of blessed memory, uttered holy words of absolute truth, elevated beyond human grasp, even though he did not intend them in this way.”

¹⁶¹ “Iggeret Lerabbi Yosef ben Yehudah,” *Iggerot Harambam*, ed. Shilat, 302.

were for me a final authority (cf. Avodah Zarah 19b) and the ultimate word (Bava Metzia 86b) in codificatory works, I realized that my interpretation of the passage had not been fully accurate.¹⁶²

In other words, even a foremost Talmudic commentator such as R. Menahem Hame'iri found himself compelled to revisit and refine his understanding of Talmudic passages in light of Maimonides' rulings. The study of Maimonides thus serves as both a stimulus and a guide for reevaluating accepted interpretations and considering alternative readings.¹⁶³ Indeed, "Were it not for his work on the Torah, we would not fully grasp the Talmud."¹⁶⁴

We find here explicit recognition that the *Mishneh Torah* is not merely a monumental work of halakhic decision-making, nor simply a Hebrew rendering of portions of the Talmud, but, in fact, a comprehensive and original commentary on the Talmud itself. Every summary or legal ruling reflects interpretive dimensions—implicit assumptions, concealed arguments, novel proofs, unconventional conclusions, and unforeseen insights—all of which require study. These elements serve both as a stimulus and a challenge, inviting deeper engagement and novel understanding. Once again, we carefully heed the words of the Me'iri:

This is evident to any discerning scholar in countless places, to the point that the true value of his works and commentaries, and their ultimate perfection can only be appreciated by one who makes the effort to examine each matter within the framework of the Gemara, after having studied the Talmudic discussion and seen what has already been explained within it.¹⁶⁵

It is crucial to emphasize that Maimonides' greatness does not hinge on absolute agreement, as if he were granted the kind of authority expressed in Sanhedrin (93b): "And the Lord is with him" means that the law is ruled in accordance with his opinion in every area of halakhah." It is true that prominent halakhists such as the Rashba, the Rosh, the Ran, the Rivash, and the Tashbetz and others testify that entire

¹⁶² Hame'iri, Berakhot (above, n. 104), 28.

¹⁶³ R. David ben Reuven Bonafed, a disciple of Nahmanides, records at the conclusion of an extensive discussion: "This is the proper approach of the Talmudic discussion, and Rashi's interpretation does not capture it, and I have learned it from the words of Maimonides." We thus learn that he reconstructed the interpretation of the entire discussion (Pesahim 86) based on Maimonides' ruling (*Hilkhot Korban Pesah* 9:6). See *Hiddushei Rabbeinu David ben Reuven Bonafed al Masekhet Pesahim* (Jerusalem, 1980), 338. It appears that this case is not exceptional but rather characteristic of an evolving method of study.

¹⁶⁴ R. Saadiah ben Danan, "Ma'amar al Seder Hadorot," *Hemdah Genuzah*, I, ed. Zvi Hirsch Edelmann (Königsberg, 1856), 30.

¹⁶⁵ Hame'iri, Berakhot (above, n. 104), 28.

communities accepted the *Mishneh Torah* as their exclusive halakhic authority. Even earlier, R. Yitzhak ibn Latif observed that Maimonides' work was swiftly embraced as the foundation for legal rulings:

This work spread to the ends of the earth, and all of Israel heeded it and acted in accordance with all that the Lord had commanded through Moshe. Legal decisions and rulings have been rendered based on it for nearly thirty years from the time of its composition.¹⁶⁶

Following this, R. Hayyim Benveniste remarked: "All of Israel, from the rising of the sun to its setting, followed the light of that work."¹⁶⁷ Regarding the Jews of Yemen, R. Yaakov Saphir recorded:

Their primary study is in the *Yad* of Maimonides, and they issue rulings and establish customs solely according to his opinion, never deviating from it, whether to be lenient or stringent, for they have accepted him alone as their teacher and judge.¹⁶⁸

However, Maimonides' universal stature does not rest on such unanimous approval. His works have been subject to critiques and glosses, debates and reservations, with commentators introducing their objections with phrases such as "this is incorrect," "he erred in this," or "this is perplexing." There was opposition both to the very notion of codified rulings in Jewish law and specifically to Maimonides' *Mishneh Torah* (e.g., Maharal, Maharshal). Despite this, his singular status has remained unshaken. Rashbash aptly captured this dynamic interplay of critique and admiration in a passage cited at the beginning of this essay:

All the authors who followed him and the commentators who tread in his path, whether in the lands of Ishmael or the lands of Edom, even if they criticized him on certain matters, all acknowledge his wisdom and the precious grandeur of his greatness and long for his Torah.¹⁶⁹

All those who have studied Maimonides—both early and later commentators—have sought to understand the *Mishneh Torah*, to grasp his intent, and to uncover the interpretive foundations of his rulings. A generalization may be drawn: the early commentators tended to justify Maimonides, defending him against objections, resolving difficulties, reconciling contradictions, clarifying ambiguities, and "substantiating

¹⁶⁶ *Sha'ar Hashamayim* (above, n. 117), 20.

¹⁶⁷ *Kenesset Hagedolah, Oraḥ Hayyim* (Jerusalem: Haktav Institute, 2012), Introduction, 2.

¹⁶⁸ *Even Sapir* (Lyck: Mekize Nirdamim, 1866), I 53a.

¹⁶⁹ See above, n. 2.

his reasoning through dialectical analysis,”¹⁷⁰ in the spirit of “You are a great sage, for you have upheld the words of the Sages.”¹⁷¹ Later commentators, by contrast, primarily sought to understand his rulings, to uncover and reconstruct the underlying interpretations, and to explain the many disputes between Maimonides and others, both those who explicitly opposed him and those who implicitly diverged from his approach. The Netziv, R. Naftali Tzvi Yehuda Berlin, captured this approach in an enchantingly simple manner:

Our later sages, of blessed memory, looked upon Moshe—that is, Maimonides—with favor and sought wholeheartedly to understand his intent. Wherever his rulings diverged from the conventional interpretation of the Talmudic discussion as understood by Rashi, Tosafot, and other commentators, they recognized his profound wisdom. Even in his own time, it was evident that he had devoted himself entirely to the word of God—this being Halakhah—in his wondrous work ... Nothing escaped his grasp, not even the slightest detail of the Talmudim or of any wellspring and source from which he drew. Therefore, they considered it their duty to align his reasoning with meticulous analysis, whether to a small or great extent, depending on the ability of the interpreter ... Thus, the proper approach is not merely to justify the sage but rather to recognize from the outset that his interpretation of the Talmudic discussion differed from that of his predecessors and relied upon a carefully refined textual tradition.¹⁷²

In our generation, this approach was emphasized by the *gaon*, R. Joseph B. Soloveitchik, of blessed memory, when describing his father’s lectures:

My father always spoke about the Rambam. This is how he would proceed: He would open a volume of the Talmud and read a passage. Then he would say, “This is the interpretation of Rabbi Isaac and the [other] Tosafists; now let us see how the Rambam interpreted the passage.” Father would always find that the Rambam had offered a different interpretation and had deviated from the simple way.¹⁷³

From a certain perspective, the statement “when he begins speaking matters of Torah, all those listening are as though deaf” (Ḥagigah 14a) was fulfilled in the case of Maimonides—but only for a brief moment. Soon after, they spoke again,

¹⁷⁰ *Mirkevet Hamishneh*, Introduction (see above, n. 87).

¹⁷¹ Mishnah, Nega’im 9:3.

¹⁷² R. Naftali Tzvi Yehuda Berlin, *Derashot Hanetziv*, ed. Aryeh Shapira (Jerusalem, 1993), 16.

¹⁷³ R. Joseph B. Soloveitchik, *And From There You Shall Seek*, trans. Naomi Goldblum (Jersey City: Ktav, 2008), 143.

drawing from what they had heard and grasping the challenge embedded in his words. Maimonides did not seal the wellsprings of wisdom; rather, he flung them wide open. From him, they learned; in his teachings, they delved, and the wellspring of study only grew stronger. Many agreed with R. Menahem Hame'iri's assertion that "one may neither add to nor subtract from him."¹⁷⁴ Yet, inevitably, scholars did both—adding and subtracting—as they engaged in profound and enriching study. Hundreds and thousands of works have been devoted to Maimonides' great composition; virtually every Talmudic discussion and analysis has passed through its lens.

7. Furthermore, whether consciously or unconsciously, Maimonides not only encouraged the process of interpretation but also fostered a critical approach. He legitimized critique, the fundamental dialectic between authority and independence, and championed the principle that "absolute perfection belongs to God alone"¹⁷⁵ and that "wisdom is greater than the wise man."¹⁷⁶ This is encapsulated in the maxim he emphasized: "Accept the truth from whoever says it."¹⁷⁷

This justification follows naturally from the way Maimonides treated his predecessors—he was a model of intellectual audacity, and accordingly, others treated him the same way despite his towering greatness and authority. The boldness to challenge "the Great Eagle" became a symbol of intellectual freedom. This is a central theme in the history of the development of halakhic and philosophical literature, with its dynamic vitality.

The Rashba incisively and succinctly makes this point:

Even though I am but a minor figure in wisdom among the sages, did not our master Maimonides write in his book, and was he not challenged in a thousand places by two great scholars, R. Avraham and R. Moshe Hakohen, of blessed memory? In truth, one of them must have erred in his ruling, either the author or the rabbis criticizing him. Who am I that I should not also err in one ruling or another?¹⁷⁸

In his commentary on the Mishnah's aphorism, "Who is wise? One who learns from every person," R. Yosef Hayyun defends the intellectual freedom that underlies critique, referring to the status and legacy of Rashi and Maimonides:

¹⁷⁴ *Beit Habehirah*, Introduction, 25.

¹⁷⁵ End of the introduction of R. Zerahyah Halevi to *Hamaor Hakatan* on the Alfasi, before Tractate Berakhot.

¹⁷⁶ R. Yeshayah di Trani, *Teshuvot Harid*, ed. Avraham Yosef Wertheimer (Jerusalem, 1987), *siman* 62, p. 303.

¹⁷⁷ See: *Shemonah Perakim*, trans. Michael Schwartz (Jerusalem: Ben-Zvi Institute, 2011), 5.

¹⁷⁸ *Minhat Kenaot* (see above, n. 6), chapter 46, 453.

Who is greater in Torah than Rashi? Yet his grandson, R. Tam, disputed his words and overturned them, presenting sound arguments and strong proofs for their rejection. Similarly, many argue with Maimonides, despite his illuminating the eyes of all Israel.¹⁷⁹

Particularly instructive is the following passage from the introduction by the son of the author of *Migdal David* (on Tractate Gittin), R. David Hakohen: “It is not surprising if human beings, whose foundation is dust, err. After all, from Moshe to Moshe, none arose like Maimonides, yet even so, the Ravad challenged him.”¹⁸⁰ Similarly, the author of *Havvot Ya’ir* summarized the matter succinctly in his critique of Maimonides’ list of laws transmitted to Moshe at Sinai (*Halakhot Lemoshe Misinai*):

Even the greatest of prophets erred and forgot a *halakhah*, yet this in no way diminished his stature, God forbid. For who could be so blind as not to perceive and comprehend from Maimonides’ writings, the extraordinary breadth of his knowledge?¹⁸¹

In *Ta’am Zekenim*, we find the following statement:

Do not be astonished or wonder how it is that all the questions and challenges I have raised against Maimonides’ words eluded his sight. For in truth, a number of matters have been hidden even from the most eminent sages, only to be later revealed to their disciples.¹⁸²

A pointed maxim appears in R. Menaḥem di Lonzano’s *Derekh Hayyim*, where he writes, in a particular critical context: “Let the scholar not be surprised, for I am bound not so much by my reverence for him than by my reverence for the God of truth.”¹⁸³

¹⁷⁹ R. Yosef Hayyun, *Milei De’avot*, in *Perush Rishonim Lemasekhet Avot*, ed. Moshe Shlomo Kasher and Yaakov Yehoshua Blecharowitz (Jerusalem, 1973), 187–188; and it is interesting to compare with the words of R. Yosef Colon, *She’elot Uteshuvot Maharik*, *siman* 171.

¹⁸⁰ R. David ben Yaakov, *Migdal David Lemasekhet Gittin* (Saloniki 1597); reprinted in *Mibeit Midrasho Shel Hamaharshal Lemasekhet Gittin*, including *Migdal David* by David Hakohen Me’uban, a Student of Maharshal (Toronto: Otzareinu, 1990).

¹⁸¹ See above, n. 81.

¹⁸² R. Eliezer Ashkenazi, *Ta’am Zekenim* (Frankfurt am Main, 1855), 29a.

¹⁸³ R. Menaḥem di Lonzano, *Derekh Hayyim* (Jerusalem: Ahavat Shalom, 2012), 140.

8. In Conclusion

Maimonides is the focal point of a dynamic literary reality that makes room for contemplation and critique, examination and inquiry, understanding and supplementation. The conclusion that emerges from our discussion is that Maimonides' multifaceted nature is itself manifold. First and foremost, he constructed an expansive literary-conceptual edifice—an architectural masterpiece, a veritable royal palace. Superimposed upon this are the abundant streams of interpretation that have surged forth through the generations, a continuously flowing spring.

This interpretive diversity does not stem from any obscurity or vagueness in his writing but, on the contrary, from the brilliance of his formulations, the expansiveness of his intellect, and his noble, authoritative language, which provokes and awakens both mind and heart. Readers of his work have consistently discovered new insights within it, echoing the rabbinic dictum: "Whenever a person meditates upon them, he finds in them new meaning."¹⁸⁴ Maimonides himself noted in the introduction to *The Guide to the Perplexed* that every reader would derive benefit from the book, each according to his intellectual capacity, comprehension, and aspiration. This statement applies even more profoundly to the *Mishneh Torah*, which, as the author explicitly declared, was intended for "small and great alike."¹⁸⁵ In other words, Maimonides was fully aware of the dialectical and generative dynamics embedded within his writings. This vital and stimulating dimension imparted far-reaching significance to his work, its reverberations continuing to echo in the minds of scholars and students alike.

Finally, it must be briefly noted that another layer of Maimonides' distinctiveness lies in his international renown—already in his lifetime and immediately following his passing. From the writings of R. Sheshet Hanasi, R. Yonatan Hakohen, R. Yaakov Anatoli, R. Menaḥem Hame'iri, R. Yosef ibn Kaspi, and Ritva, we learn of the prestige Maimonides attained even among non-Jewish scholars. He was described as "a banner for the nations," "a testimony for the entire world," and "renowned even among the nations." In our own times, R. Avraham Yitzḥak Kook spoke of "the radiance of his light illuminating even the broader realm of human civilization as a whole."¹⁸⁶

¹⁸⁴ Eiruvim 54b.

¹⁸⁵ Attention should be directed to what is mentioned in passing in *Hilkhot Kiddush Haḥodesh* 11:5: "A wise man of the gentile nations or a sage of Israel who studied Greek wisdom may meditate on the methods of calculation I have used to determine the appearance of the moon and may detect a slight approximation [and imprecision] with regard to certain matters." Maimonides acknowledged and anticipated that different types of readers, including scholars of other nations, would engage with his work.

¹⁸⁶ *Rabbenu Moshe ben Maimon: Hayyav, Sefarav, Pe'ulotav Vede'otav, Kovetz Torani-Mada'i ...* R. Yehudah Leib Hakohen Fishman, ed. (Jerusalem: Hamerkaz Haolami shel Hamizrachi, 1935), 3.

Given this perception, it is no surprise that so many have sought to associate themselves with Maimonides' intellectual legacy. Recognition and validation, authority and the demand for precedent—these elements are inextricably intertwined. If Maimonides is truly unique, a singular figure of the generations whose halakhic and philosophical presence transcends history, then it is only natural that scholars and movements will seek to affiliate with him, to establish—or even construct—a connection to his legacy. Every intellectual development, every ideological awakening, will strive to anchor itself in his teachings. It is within this framework that we must understand the vast scope of his influence.

The very fact of his enduring influence has axiological significance. There is inherent value in that which withstands the test of time, in contrast to fleeting trends. Influence takes on many forms. Some manifestations are clear, defined, and relatively objective, while others emerge, evolve, and expand over the course of generations. It is as if history continues to unfold even after the passing of its central figures, blurring the line between genuine engagement with Maimonides' thought and the instrumentalization of his authority. Some study Maimonides; others deploy him. Given his immense stature and the reverence in which he is held, every effort is made to enlist him in support of particular arguments, ideologies, or movements—even when doing so requires a significant shift in emphasis or interpretation.¹⁸⁷

This form of influence is unbounded, for it remains open to all. It is rooted in the reinterpretation and rewriting of history, in an approach to the past shaped by ideological concerns. Maimonides' impact flows like an ever-expanding spring, like an unending current of water.

¹⁸⁷ A striking example is the image of Maimonides in the generation of the *me'assefim* and the early *maskilim*: while Maimonides' teachings did not appeal to them, his symbolic stature was so great and profound that they felt compelled to identify with him and align him with their own aspirations.

Part Two

Legal, Religious and Ethical Thought in Maimonidean Writings

Some Non-Halakhic Aspects of *Mishneh Torah*

I

This paper seeks to call attention to some motifs of Maimonidean rationalism explicitly or allusively incorporated into the *Mishneh Torah*—motifs by no means concentrated exclusively in the overtly philosophic sections of the *Sefer Hamadda* but deftly sprinkled throughout the entire work. By noting certain emphases underscored time and again, some of them in midrashic-exegetic garb, we obtain additional insight into the conceptions which predominated in Maimonides' mind when he was writing the *Mishneh Torah*. Brief philosophic comments and rationalistic directives, effectively inserted here and there, reveal in the code a vigorous intellectualistic posture usually associated exclusively with the *Guide*.

The image of Maimonides as a philosopher insisting upon the superiority of the theoretical life, questing for a rationale of the law and intimating what are its postulates, is, in fact, fully developed in the pre-*Guide* writings. Maimonides consistently espoused a sensitized view of religion and morality, demanding a full and uncompromising but inspired and sensitive observance of the law, openly disdaining the perfunctory, vulgar view of the masses (*hammon ha'am*), searching for the ultimate religious significance of every human action, indicting literalism and equating it with ignorance (*sikhlut*), and urging a commitment to and quest for wisdom (*hokhmah*).¹ The latter is absolutely indispensable for religious perfection—is indeed the crowning achievement. This thread—the process of intellectualization—is woven uninterruptedly and unabashedly from his earliest writings through the *Moreh Nevukhim* and on through all his responsa. It is especially discernible in the texture of the *Mishneh Torah*.

¹ See, e.g., *Mishnah Commentary* on Berakhot, end (R. Yosef Kafih translation, pp. 91–92); Rosh Hashanah, 2:6; Avot, 4:5; introduction to *Ḥelek*; *Iggeret Teiman*, ed. A. Halkin (New York, 1952), p. 39; *Mishneh Torah*, *De'ot*, 5:11; *Teshuvah*, 5:1; *Edut*, 2:1–3; *Melakhim*, 11:3. *Moreh Nevukhim*, II:29; III:11, 13; *Teshuvot Harambam*, ed. A. Freimann (Jerusalem, 1934), 5, 345, 370; *Iggerot Harambam*, ed. D. Baneth (Jerusalem, 1946), p. 63, and many others. See also the letter published by A. Scheiber, in *Sefunot*, 8:137–144 (1964). For the phrase רוב גלמי בני ישראל in *Teshuvah*, 5:1, see D. Rosin, *Die Ethik des Maimonides* (Breslau, 1876), p. 70, n. 2. This phrase is fully explicated in Professor Harry Wolfson's *The Philosophy of Kalam* (Cambridge, Mass.: Harvard University Press, 1976), 95–97. It is noteworthy that the term “fools” (טפשים), found in many of these passages, is used also to designate Karaites—another type of literalist; see, e.g., *Mishneh Torah*, *Temidim Umusafim* 7:11.

Furthermore, if we add historical-biographical information to textual investigation, it becomes clear that Maimonides' reputation as creative religious philosopher and enthusiastic propagator of philosophy and his identification with a lofty rationalism were widespread long before the circulation of the *Guide*. As early as in the first letter of Yosef ben Yehudah ibn Shimon to Maimonides—a flowery, artistically constructed epistle—the latter is extolled as enlightener of the bewildered, purifier of religious belief, and philosophic pedagogue par excellence.² Professor Baneth³ noted in passing that we may infer from this that Maimonides' fame as philosopher was firmly entrenched relatively early in his public career. I would suggest that this reputation could have been based not only on hearsay but on thoughtful reading of “our Talmudic works,” as he usually designates them. Such a reading of the *Commentary on the Mishnah* and the *Mishneh Torah* would reveal these characteristics, general definitions of purpose and tendencies of thought. The significance of such an early statement as “expounding a single principle of religion is dearer to me than anything else that I might teach” is transparent and sheds its light on the entire Maimonidean corpus. We may now combine this reference of R. Yosef ben Yehudah ibn Shimon with the suggestive statement of another contemporary (also named R. Yosef ben Yehudah, known as R. Yosef ibn Aknin), who, at a rather early date, described Maimonides in similar vein, as battling for the Torah with the “swords of syllogistic demonstration.”⁴ On the other hand, it is equally clear that not only did Maimonides' luster as halakhic authority not dim while he was preoccupied with his philosophic opus but that he continued to write commentaries and novellae, let alone responsa, even after the *Mishneh Torah* was in circulation and the *Guide* was in various stages of preparation.⁵ The two preoccupations—not without some tension, even friction—coexisted and both were operative in all his writings. There is a beginning and an end and in between there are unified, if multidimensional, themes of development.

It is hoped that this study will therefore have some bearing also upon the more general, complicated question of the unity of Maimonides' writing and especially the intrinsic relationship between his two major works, the *Mishneh Torah* and the *Guide for the Perplexed*. The relationship between these two monumental works, one juridical and the other philosophical, is obvious and straightforward to some, obscure and problematic for others. Some detect harmony and find deliberate progression in his writings while others hear only cacophony and see intentional disjunction. The recognition of

² *Iggerot Harambam*, ed. D. Baneth, 5–6.

³ *Ibid.*, 4.

⁴ See R. Yosef ben Yehudah ibn Aknin, *Hitgalut Hasodot Vehofa'at Hameorot: Perush Shir Hashirim*, ed. A. Halkin (Jerusalem, 1964), 431: מופת הזמן הנלחם מלחמתה של תורה בחרבות המופת. On the identity of this R. Yosef ben Yehudah see the review article by D. Baneth, “Joseph ibn Shimon, Maimonides' prominent student and Joseph ibn Aknin,” *Otzar Yehudei Sefarad* 7:11–21 (1964). See also *Essays on Maimonides*, ed. S. Baron (New York, 1941), p. 269.

⁵ See Note 70, below.

such a problem is a commonplace of Jewish historiography.⁶ However, not only is there no scholarly consensus concerning its solution but the very nature of the problem is conceived in a variety of different ways. *Quot homines, tot sententiae*. Some boldly bifurcate the Maimonidean corpus: (a) by disestablishing the *Guide* and dismissing it as the pseudepigraphic composition of one “who hanged himself on a mighty oak-tree”;⁷ or (b) by identifying two antithetical, unintegrated doctrines of Maimonides: an inner, traditional, authentic one articulated in the *Mishneh Torah* vis-à-vis an extraneous, foreign, spurious one borrowed from alien neighbors and formulated in the *Guide*.⁸ Some see these two works on entirely different levels (Talmudic versus philosophic or exoteric versus esoteric), with the implication that the *Mishneh Torah* can suggest nothing of the typically intellectualistic stance of Maimonides inasmuch as it “deals with beliefs and opinions only insofar as they are implied in prohibitions and commands,”⁹ or that it actually conceals the author’s true convictions. Some posit an irreducible tension or congenital incompatibility between law and philosophy—or between law and any metajuridical system; that is, between the temporal and the spiritual, the contingent and the eternal—and therefore any attempted combination must be discordant or incongruous.¹⁰ Many scholars, of course, assume that Maimonides’ writings are structured and informed by an integrated community of interests embracing theology and law.¹¹

I would submit that the uncovering of certain nonhalakhic emphases in the *Mishneh Torah* as well as in other popular, mass-directed writings—emphases which

⁶ See R. J. Z. Werblowsky, *Joseph Karo* (Oxford, 1962), p. 8: “The problems posed by the necessity of determining the relationship between Maimonides’ code and his philosophy are still far from being solved, but Jewish historiography has at least had time to get used to them.”

⁷ This is the view formulated very bluntly, for example, by the seventeenth-century Yavetz, R. Yaakov Emden; see his *Siddur, Hallon Shevi’i*:

ספר מורה נבוכים אינו מעשה ידי אומן המחבר הגדול הר"מ ז"ל אלא מאחד שרצה ליחנק תלה עצמו באילן גדול.

See A. Shohet, *Im Hilufei Tekufot* (Jerusalem, 1960), p. 207. This view has been revived in many different forms and for disparate reasons. A partial adumbration of this approach is to be found in the commentary of Shem Tov, *Moreh Nevukhim*, III:51.

⁸ Z. Yavetz, *Toledot Am Yisrael*, vol. X, pp. 41, 42, 47 and passim. Note Azariah dei Rossi, *Matzref Lekesef*, II:9 (p. 34): בספר הנכבד מו"נ אשר בו אמנם דבר כאיש יהודי מחוכם אך לא כרבן תלמודי.

⁹ E.g., Leo Strauss, “The Literary Character of the Guide for the Perplexed,” *Essays on Maimonides*, ed. S. Baron, p. 38 and passim. See L. Ginzberg, “Caro, Joseph,” *Jewish Encyclopedia*, III, 584.

¹⁰ See e.g., the analogy between Maimonides and R. Eleazar of Worms drawn by G. Scholem, *Major Trends in Jewish Mysticism*, p. 95. Also S. Pines, introduction to the French translation of the *Mishneh Torah*, tr. V. Nikiprowetzky and A. Zaoui (Paris, 1961), especially p. 5. Cf., however, G. Scholem, *Jewish Gnosticism* (New York, 1960), pp. 9–13. On the prevalent but often avoidable antagonism between canon law and theology, see Stephan Kuttner, *Harmony from Dissonance: An Interpretation of Medieval Canon Law* (Latrobe, Pa., 1960), especially pp. 1–4 and 50.

¹¹ E.g., S. Baron, *Social and Religious History of the Jews*, VI, 101–102 and VIII, 63; J. Guttman, *Philosophies of Judaism* (New York, 1964), p. 154. A notable example of the integrative-wholistic approach to the entire Maimonidean corpus is I. Goldziher, *Pseudo-Bahya: Kitāb ma'āni al-naḥs* (Berlin, 1907), 58ff. (One might add *Avot*, 3:9 to his references.) See also Aḥad Ha'am, *Shilton Hasekheh*.

are indeed undocumented but also uncamouflaged—will contribute to a more balanced approach to this problem of unity.

II

The *Mishneh Torah*, on many occasions, renders homage to the supremacy of the intellect and intellectual pursuits. This is, of course, the general thrust of book one, the *Sefer Hamadda*.¹² One can find explicit statements to this effect in such places as *Hilkhot Yesodei Hatorah* 4:13 or *Hilkhot Teshuvah* 9:1 and 10:6. The conclusion of the last book (*Hilkhot Melakhim*), with its political conception of the messianic period as an instrument of intellectual achievement and the completely incorporeal view of the future life, is another obvious case in point.¹³ There are, however, more subtle and therefore more suggestive and meaningful indications of this emphasis, many of them in overtly halakhic contexts. Here are a few illustrations.

First,

The words of the Torah do not abide with one who studies listlessly, nor with those who learn amidst luxury, and high living, but only with one who mortifies himself for the sake of the Torah, constantly enduring physical discomfort, and not permitting sleep to his eyes nor slumber to his eyelids. “This is the law, when a man dieth in a tent” (Bemidbar 19:14). The sages explained the text metaphorically thus: “The Torah abides only with him who mortifies himself in the tents of wisdom.”¹⁴

This is, in essence, a quotation of the well-known rabbinic aphorism, expressing the idea that study requires commitment unto exhaustion and death.¹⁵ The underlying Talmudic statement concludes

אין התורה מתקיימת אלא במי שממית עצמו עליה

¹² See Maimonides' own statement in *Iggeret Tehiyat Hametim* (Tel Aviv, 1951), p. 345; my *Rabad of Posquières* (Cambridge, Mass., 1962), 285.

¹³ *Kesef Mishneh, Melakhim*, 11:1, noted the essentially non-halakhic character of these two chapters: הפרק הזה ושאריו אמונות טובות בביאת משיחנו.

See, generally, J. Finkel, “Maimonides' Treatise on Resurrection: A Comparative Study,” *Essays on Maimonides*, ed. S. Baron (New York, 1941), 93–123; S. Schwarzfuchs, “Les Lois royales de Maimonides,” *REJ* (N.S.), 11:63–86 (1951), and the latter's reference to G. Vajda, *La Théologie ascétique de Bahya* (Paris, 1947), 105, n. 2; A. Freimann, *Teshuvot Harambam*, p. xlv.

¹⁴ *Talmud Torah*, 3:12. The ending reads באהלי החכמה or החכמים. See all the variations in the new edition of *Sefer Hamadda* (Jerusalem, 1964), editor-in-chief S. Lieberman.

¹⁵ Berakhot, 63a; Shabbat, 83b; Zohar, *Terumah*, 158b.

and it appears so, verbatim, in most later sources up to the *Shulḥan Arukh*.¹⁶ In an adjacent passage on the Talmud,¹⁷ Rashi paraphrases the ending and inserts “in the tents of Torah” (באהלי התורה) while in a Geonic fragment we find the ending “in the house of study” (בבית המדרש),¹⁸ but there does not seem to be any antecedent or parallel for Maimonides’ interpretive paraphrase, which allows his emphasis on *ḥokhmah* to emerge forcefully and distinctly.¹⁹

Second, the incorrigible, professional dice thrower (משחק בקוביה) is decried and his “profession” discountenanced in the Talmud. Two explanations are offered for the strong disapproval: (a) gambling approximates robbery (גזל מדבריהם), inasmuch as the high odds are unjust and indefensible; (b) the gamblers themselves are not engaged in constructive work beneficial for humanity or in professions which further the welfare of society.²⁰ In Maimonides’ formulation of this law—which happens to be studded with difficulties—we need only note again the casual insertion and implicit exaltation of *ḥokhmah*: “Playing dice ... entails the prohibition of wasting time on useless pursuits, for it is not fitting for a person to spend any part of his life other than on studying wisdom and furthering civilization.”²¹

Third, Maimonides’ description of the procedure of conversion vividly reflects his uniform insistence upon the indispensability of knowledge of the theoretical bases and theological premises of religion. A potential convert must be carefully informed about Judaism and instructed in its ritualistic patterns and, most emphatically, its metaphysics, its dogmatic principles. Maimonides emphasizes that the latter must be presented at great length.²² Now, the need to expatiate concerning the theological foundations, in contradistinction to ritual commandments, is not mentioned in the Talmud.²³ Some scholars were inclined to assume that Maimonides found these

¹⁶ *Yoreh De’ah*, 246:21.

¹⁷ Berakhot, 63a. Similarly, *Hukei Hatorah* in S. Assaf, *Mekorot Letoledot Haḥinukh* (Tel Aviv, 1925–26), I, 10.

¹⁸ L. Ginzberg, *Ginzei Schechter* (New York, 1928–29), II, 639.

¹⁹ R. Menaḥem ben Zerah, *Tzedah Laderekh* (Warsaw, 1880), 1:4, 21 (p. 82), reads: ... מי שממית עצמו ... באהלי חכמה, apparently a conflation of Rashi and Maimonides. The phrase אהלי חכמה is found in the midrash to Shemot 33:11 and is quoted by Rashi, Pirkei Avot, 1:1. For Torah and *ḥokhmah*, see also Avot, 1:17.

It is, of course, either foolhardy or presumptuous to contend unqualifiedly that a given Maimonidean statement has no source, for new sources or antecedents are constantly being discovered and a contention ex silentio can never be too persuasive. However, even in such cases, Maimonides’ choice of a particular, not too popular formulation, would remain noteworthy.

²⁰ Sanhedrin, 24b.

²¹ *Gezeleh Va’avedah*, 6: 11. אין ראוי לאדם שיעסוק כל ימיו אלא בדברי חכמה וביישובו של עולם.

See R. Yaakov Anatoli, *Malmed Hatalmidim* (Lyck, 1866), p. 173; *Edut*, 10:4, where Maimonides has only ויישובו של עולם and commentaries ad loc. for the difficulties.

²² *Isurei Biah*, 14:2: הוזהר בדבר הזה ומאריךין בדבר עכו”ם ואיסור השם וייחוד השם ויקרי הדת שהוא ייחוד השם ואיסור עכו”ם ומאריךין בדבר הזה.

²³ *Yevamot*, 47a; *Masekhet Gerim*.

details in his text of *Masekhet Gerim*, inasmuch as a few other variants can be traced to this source, but this seems to be a gratuitous assumption.²⁴ Given the Maimonidean stance, this emphasis is a logical corollary or even a self-evident component of the underlying text which stipulates that the convert be informed about “some [מקצת] commandments.”²⁵ Selective instruction concerning Judaism and its commandments would be ludicrously inadequate or warped if it omitted the first and most important commandment of all: a true conception of the unity of God. That this is a sustained emphasis is corroborated further in the same chapter where Maimonides defines a truly righteous person, the person for whom the World to Come was prepared, as the wise man (בעל החכמה) who practices and understands these commandments. This is also Maimonides’ expository interpolation.²⁶ As a matter of fact, the entire presentation bristles with suggestive Maimonidean novelties which should not be glossed over and obscured.²⁷

Fourth, the Talmud states that the unintentional killer who flees to a city of refuge should be provided with all the necessities and amenities of life. This statement is based on the verse “that fleeing unto one of these cities he might live [וַיֵּחַי]”, which is interpreted to mean “see to it that he lives properly.”²⁸ The halakhah subsumes under this the provision that when a student flees to a city of refuge his master is exiled with

²⁴ See S. Rapoport, *Otzar Nehmad*, 1:30 (1856); Y. Baer, *Toledot Hayehudim Bisefarad Hanotzerit* (Tel Aviv, 1945), 482. In *Zion*, 15:5 (1950), Baer has noted a striking parallel with Philo. The *Migdal Oz*, ad loc., offers no corroborative evidence for Rapoport, whose methodological assumption—that every phrase and nuance of the *Mishneh Torah* is explicit in some source—is misleading. It fails to acknowledge the interpretive-derivative aspects of the *Mishneh Torah*. See next note.

²⁵ See *Maggid Mishneh*, ad loc.: אינו מבורא בגמי' רק שפשוט הוא מעצמו.

This is not in the category of a Maimonidean novelty, usually heralded by the formula “it seems to me,” but an interpretive elaboration which, in Maimonides’ opinion, is implicit in the text; see Chapter 3 in this volume, pp. 90–91. See also Radbaz, *Shemitah Veyovel*, 13:13; *Maggid Mishneh*, *Mekhirah*, 14:14; *Lehem Mishneh*, *Sanhedrin*, 11:7. The *Mishneh Torah* clearly does not efface Maimonides’ personality. It should be noted here that when Maimonides says in his responsum (Freimann, 152, p. 147) לא נניח תלמוד ערוך ונפסוק הלכה ממשא ומתן של גמרא this does not eliminate or minimize the role of his interpretive elaborations. See also responsum 89.

²⁶ *Yevamot*, 47a, reads:

אומרים לו הוי יודע שהעולם הבא אינו עשוי אלא לצדיקים.

Isurei Biah, 14:3 reads:

ומודיעין אותו שבעשית מצות אלו יזכה לחיי העולם הבא. ושואין שום צדיק גמור אלא בעל החכמה שעושה מצות אלו ויודע.

See also *Teshuvah*, 9:1

העושה כל הכתוב בה ויודעו דעה גמורה.

²⁷ E.g., the application and interpretation of Hoshea 11:4 in *Isurei Biah*, 14:2. (See the Talmudic use of this verse in *Shabbat*, 89b.) It is noteworthy that these interpretive additions and philosophic amplifications were omitted by medieval writers, even those who lean heavily on Maimonides and often quote him verbatim. See Hame’iri, *Beit Habeḥirah* on *Yevamot* (Jerusalem, 1962), 189; *Sefer Mitzvot Gadol*, *lo ta’aseh* 115; *Tur* and *Shulḥan Arukh*, *Yoreh De’ah* 268.

²⁸ *Makkot*, 10a; *Devarim* 4:42.

him. At this point Maimonides sounds his bell. Whereas the Talmud derives from this the admonition to teachers to screen their students,²⁹ Maimonides underscored that the seekers of wisdom cannot live without study, inasmuch as such an unintellectual existence is tantamount to death.³⁰

There are many other instances where Maimonides demonstratively interpolates *hokhmah* or an equivalent emphasis into his formulations. Let me cite a few, without any additional comment.

One should always cultivate the habit of silence and only converse on words of wisdom ... So too in discussing Torah and wisdom.³¹

In short, he will limit his speech to topics of wisdom or lovingkindness.³²

He will realize that nothing endures to all eternity except knowledge of the Ruler of the Universe.³³

But the conversation of the worthy ones of Israel is none other than words of Torah and wisdom.³⁴

To these instances of interpolation may be added the consistent juxtaposition of Torah and *hokhmah* either as sources of his teaching, objects of his attention, or just as natural companions.³⁵ Already in the introductory poem which he wrote for his commentary on the Mishnah, this parallelism is present.³⁶

In addition to this deft projection of *hokhmah*, the *Mishneh Torah* has visible traces of philosophic ideas and even the philosophic exegesis needed to sustain them. For example, the interpretation of Shir Hashirim as an allegory of the soul's relation to or communion with God—introduced into Hebrew literature for the first time by

²⁹ *Hullin*, 133a.

³⁰ *Rotze'ah*, 7:1: וחיי בעלי חכמה ומבקשיה בלא תלמוד תורה כמיתה חשובין.

By leaving the rest of the Talmudic inferences for *Rotze'ah*, 8:8, this one is made even more emphatic.

Cf. *Sefer Mitzvot Gadol*, *aseh* 76: הוא התלמוד (חכמה) הוא התלמוד.

Another interesting interpolation is found in *Mekhirah*, 14:14. See also *Sanhedrin*, 2:1; 3:7; *Genevah*, 8:1.

³¹ *De'ot*, 2:4, 5.

³² *De'ot*, 5:7. See also *De'ot*, 5:5; my *Rabad of Posquières*, p. 272.

³³ *Mezuzah*, 6:13.

³⁴ *Tumat Tzara'at*, 16:10. See M. Berlin, *Sefer Harambam*, ed. J. L. Fishman (Jerusalem, n.d.), II, 247ff. These endings, however, are not merely aggadic perorations.

³⁵ E.g., *Shemonah Perakim*, introduction (Gorfinkle, p. 6): ענינים לקטנים מדברי החכמים ... ומדברי הפילוסופים גם כן הקדומים והחדשים ... ושמע האמת ממי שאמר.

Kovetz Teshuvot Harambam (Leipzig, 1859), II, 37b: ולולי התורה שהיא שעשועי דברי החכמות שאשכח בהם יגוני.

³⁶ See the edition of A. Marx, *JQR*, 25:389 (1935): לשום בתורתו לבד חשקו. לאכול פרי חכמה לבד חוקו.

In the introduction to the Commentary, Maimonides includes among his sources and resources: *hokmah* (*ilm*). R. Yosef Kafih's translation (p. 47) is an evasive circumlocution. Note also that in the characterization of R. Ashi, R. Kafih (p. 34) translates למוד instead of חכמה.

Maimonides³⁷—is found clearly and explicitly in the *Mishneh Torah*: “This Shelomo expressed allegorically in the sentence, ‘for I am sick with love’ (Shir Hashirim 2:5). The entire Shir Hashirim is indeed an allegory descriptive of this love.”³⁸ Or, Maimonides interprets Vayikra 26:27–28 “But walk contrary (*keri*) to Me; then I will walk contrary unto you in fury” as emphasizing the providential design in all events and rejecting the theory of chance (*mikreh*). Adversity is not to be looked upon as merely accidental, and therefore the only proper response is to “cry out in prayer and sound an alarm.” This idea and its exegesis are also found in the *Mishneh Torah*.³⁹ Likewise, Maimonides presents in the *Guide* one general “obvious reason” for all the commandments (prayer and benedictions) enumerated in book two of the *Mishneh Torah*: “the end of these actions ... is the constant commemoration of God ... the love of Him and the fear of Him.” I find this explanation, in elliptical form, in the *Mishneh Torah* itself: “The sages have instituted many blessings ... in order that we should constantly commemorate God ... blessings ... the purpose of which is that we should always commemorate the Creator and fear Him.”⁴⁰ There are also suggestive statements in the *Mishneh Torah* which are fully elucidated only in the *Guide*.⁴¹ His frank avowal of the relevance of non-Jewish sources of wisdom is notable.⁴² Finally, we may note that Maimonides not only insisted upon the total rejection of astrology and other superstitious practices or beliefs but demanded that this rejection be motivated by rational conviction. One who believes these “false and deceptive” practices to have been arbitrarily forbidden by the Torah is “a fool, deficient in understanding.” Routine conformity without rational conviction is inadequate.⁴³ Any form of belief in magic or superstition, even without practice, is damnable. This statement is so sharp and unequivocal that many medieval writers found it offensive and took exception to it. People like Rashba⁴⁴

³⁷ *Moreh Nevukhim*, III:51. See A. S. Halkin, “Ibn Aknin’s Commentary on the Song of Songs,” *Alexander Marx Jubilee Volume* (New York, 1950), pp. 396–398; A. Altmann, “The Delphic Maxim,” *Biblical and Other Studies* (Cambridge, Mass., 1963), pp. 230–231; Werblowsky, *Joseph Karo*, p. 57, n. 1. See now Ibn Aknin’s commentary, edited and translated by Halkin (Jerusalem, 1964).

³⁸ *Teshuvah*, 10:3,10. It is not mentioned in *Yesodei Hatorah*, 2:2.

³⁹ *Moreh Nevukhim*, III:36; *Ta’aniyot*, 1:3. See also *Iggeret Teiman*, ed. A. S. Halkin (New York, 1952), 77 and introduction, p. 25.

⁴⁰ *Moreh Nevukhim*, III:44; *Berakhot*, 1:3.

⁴¹ E.g., *Avodah Zarah*, 4:6 and *Moreh Nevukhim*, I:54; *Avodah Zarah*, 12:1 and *Moreh Nevukhim*, III:37; *Teshuvah*, 3:4, and *Moreh Nevukhim*, III:43. I hope to treat the discrepancies between the *Mishneh Torah* and *Guide* concerning *ta’amei mitzvot* separately.

⁴² *Kiddush Haḥodesh*, 17:24. See *Shemonah Perakim*, introduction, cited above, Note 35.

⁴³ *Avodah Zarah*, 11:9.

⁴⁴ *Teshuvot* (Venice, 1546), 414 (pp. 63a–65b, esp. p 63a): אבל הרב ז”ל כתב בהלכות ע”ז ... וכפל עוד זה בפרק: ל”ז בספר המורה ... עוד חזר וחזק דברים אלה בספר המורה

and R. Shimon ben Tzemaḥ Duran⁴⁵ could and did, in other words, take the full measure of Maimonides' rationalism even without reference to the *Guide*.

Perhaps the single most significant illustration of the presence in the *Mishneh Torah* both of basic philosophic ideas and their concomitant exegesis concerns Maimonides' rationale of the commandments. It is well known that Maimonides was as articulate in the *Mishneh Torah* about the permissibility, indeed the desirability, of a sustained inquiry into the reasons for the ceremonial and moral law as he was in the *Guide*.⁴⁶ However, I would suggest that the *Mishneh Torah* not only issues a general mandate for such speculation but intimates the specific guidelines or coordinates along which this goal is to be pursued. It sketches a framework into which all details are to be fitted, and this framework is identical with the one erected more laboriously and solidly in the *Guide*, where Maimonides submits a threefold classification of the laws, corresponding to a similar classification of the philosophic virtues: intellectual, moral and practical.⁴⁷ All laws teach true beliefs, inculcate moral virtues, or else themselves constitute actions which train one in the acquisition of intellectual and moral virtues. The practical commandments also have an outer-directed, social motive: to help establish a society in which "wronging each other" has been abolished and in which the individual can, therefore, flourish and devote himself to the attainment of intellectual perfection. The moral virtues are also propaedeutic: they bring about the proper social relations necessary for mankind—"moral qualities useful for life in society."⁴⁸ In essence, therefore, the intention of the law is a twofold one: "the welfare [*tikkun*] of the soul" (which consists of the acquisition of true beliefs) and "the welfare of the body" (which is achieved by practical and moral virtues).⁴⁹ This entire provocative rationale seems to have been artfully compressed by Maimonides into the following summary statement: "The majority of the commandments of the Torah are but *counsels from of old* (Yeshayahu 25:1), from Him who is *great in counsel* (Yirmeyahu 32:19), to improve (*letakken*) our knowledge of religious beliefs and to make straight all our doings."⁵⁰ And Maimonides adds a proof-text, apparently never before quoted

⁴⁵ *Magen Avot* (Leghorn, 1785), part III, p. 73b: ... ונראה שהרב ז"ל הפריז על מדותיו שכתב בספר המדע.

See also *Tzedah Laderekh*, p. 34; R. Eliyahu Gaon, *Yoreh De'ah*, 179:13. For an appreciative reaction, see the comment of the fifteenth-century Saadiah ben David, published by S. Assaf in *Kiryat Sefer*, 22:242 (1946).

⁴⁶ *Me'ilah*, 8:8; *Temurah*, 4:13; *Mikvaot*, 11:12. See C. Neuburger, *Das Wesen des Gesetzes in der Philosophie des Maimonides* (Danzig, 1933); I. Heinemann, *Ta'amei Hamitzvot* (Jerusalem, 1954), esp. pp. 66–78.

⁴⁷ *Moreh Nevukhim*, III:27, 31, 35; see H. A. Wolfson, *Philo*, II, 208, 305, and esp. 312.

⁴⁸ *Moreh Nevukhim*, III:35. Note also III:43.

⁴⁹ *Ibid*, III:27.

⁵⁰ *Temurah*, 4:13. (Danby's translation in the Yale Judaica Series [IV, 188] misses the point.) See also Maimonides' commentary on *Avot*, 1: 18, where this view is clearly formulated.

The "exoteric potential" of *ta'amei mitzvot* is perhaps indicated also by the fact that he freely refers his inquirers to it; see *Kovetz*, I, 14 (n. 61).

in this context: “Have not I written unto thee excellent things of counsels and knowledge, that I might make thee know the certainty of the words of truth that thou mightest bring back words of truth to them that sent thee.”⁵¹

This view, then, concerning the instrumental or teleological role of mitzvot is a completely exoteric doctrine. As a matter of fact, Maimonides alludes to or operates with it a number of times in the *Mishneh Torah*. (a) “For the knowledge of these things [Talmudic law] gives preliminary composure to the mind. They are the precious boon bestowed by God to promote social well-being on earth [יישוב העולם] ...”⁵² (b) “Honor is due not to the commandments themselves but to Him who ordained them ... and therewith saved us from groping in the dark. He prepared for us a candle to make straight the perversities and a light to teach us the paths of righteousness. As it is said ‘Thy word is a lamp unto my feet and a light unto my path’ (Tehillim 119:105).”⁵³ (c) “This is the right moral principle. It alone makes civilized life [יישוב הארץ] and social intercourse possible.”⁵⁴ (d) The words of the Torah should not be used to “cure the body for they are only medicine for the soul [רפואת הנפש], as it is said, ‘they shall be life unto the soul’ (Mishlei 3:22).” Indeed, people who use the Torah so improperly are not only in “the category of sorcerers and soothsayers but they are included among those who deny the Torah.”⁵⁵

III

The legitimacy and inner consistency of these assorted references, explanations, and emphases—apparently beyond the scope of the Oral Law—can perhaps be clarified in light of one axial statement in the *Mishneh Torah*, a statement which was capable of working a silent revolution in Jewish intellectual history.

⁵¹ Mishlei 22:20. For rabbinic citation of this verse, see A. Hyman, *Torah Haketuvah Vehamesurah*. J. Schachter, *Sefer Mishlei Bedivrei Hazal* (Jerusalem, 1963), cites only Megillah 7a. Maimonides apparently interprets counsels (מועצות) as practical and “knowledge” (דעה) as intellectual.

⁵² *Yesodei Hatorah*, 4:13. See *Avodat Hamelekh*, ad loc., who submits that it was this statement rather than the designation of Talmud as a “small matter” which provoked his critics.

⁵³ *Shehitah*, 14:15. E. Askari, *Sefer Haredim*, introduction, cites *Midrash Tanhuma* as the source of this—without mentioning Maimonides.

⁵⁴ *De’ot*, 7: 8. This is an exact parallel to *Moreh Nevukhim*, III:27 and 35.

⁵⁵ *Avodah Zarah*, 11:12. The Maimonidean emphasis is sharpened when compared with the underlying passage in Shevuot, 15b and commentaries ad loc. See also R. Yonatan Hakohen of Lunel on Alfasi, Berakhot, 5a (ed. J. Blau [New York, 1957], p. 6). See also *Tefillin*, 5: 4, and cf. A. Hilbitz, *Lilshonot Harambam* (Jerusalem, 1950), p. 64. Note the commentary of R. Avraham Maimonides on Shemot 15:26 (כי אני ... רופאך). ed. S. Sassoon and E. Wiesenber (London, 1959), p. 278. Maimonides’ רפואת הנפש is obviously reminiscent of תקון הנפש. Note also *Kovetz*, II, 23 (נימוסין ומשמרות לנפש); II, 24: תקון הנפש; *Shemonah Perakim*, chap. 4; and *Iggeret Teiman*, ed. Halkin, pp. 17–19.

The time allotted to study should be divided into three parts. A third should be devoted to the Written Law; a third to the Oral Law; and the last third should be spent in reflection, deducing conclusions from premises, developing implications of statements, comparing dicta, studying the hermeneutical principles by which the Torah is interpreted, till one knows the essence of these principles, and how to deduce what is permitted and what is forbidden from what one has learnt traditionally. This is termed Talmud.

For example, if one is an artisan who works at his trade three hours daily and devotes nine hours to the study of the Torah, he should spend three of these nine hours in the study of the Written Law, three in the study of the Oral Law, and the remaining three in reflecting on how to deduce one rule from another. The words of the Prophets are comprised in the Written Law, while their exposition falls within the category of the Oral Law. The subjects styled *Pardes* (Esoteric Studies), are included in Talmud. This plan applies to the period when one begins learning. But after one has become proficient and no longer needs to learn the Written Law, or continually be occupied with the Oral Law, he should, at fixed times, read the Written Law and the traditional dicta, so as not to forget any of the rules of the Torah, and should devote all his days exclusively to the study of the Talmud, according to his breadth of mind and maturity of intellect.⁵⁶

This unusually expansive, almost prolix, formulation is based on the following concise, almost epigrammatic, saying in the Talmud: “One should always divide his years into three: [devoting] a third to *Mikra*, a third to Mishnah, and a third to Talmud.”⁵⁷

The Maimonidean paraphrase is highly problematic and the following items require explication: (a) the nonchalant substitution of what appears to be the genus for a species, in other words “Oral Law” for “Mishnah”; (b) the designation of “Gemara” or “Talmud”⁵⁸ as an independent unit of study, distinct from the “Oral Law,” and the inclusion of metaphysics and the natural sciences in this third unit of study. A precise definition of the terms “Mishnah” and “Gemara” according to Maimonides, determination of their scope, and definition of their relations will help resolve these difficulties. It would be helpful perhaps to indicate the conclusions and then provide the documentation.

- a. Mishnah and Gemara are exactly coterminous in scope—complete, unabridged summaries of Oral Law.

⁵⁶ *Talmud Torah*, 1:11,12.

⁵⁷ Kiddushin, 30a.

⁵⁸ The terms are interchangeable; see variants ad loc. in new edition referred to in Note 14 above.

- b. They differ in method and form, Mishnah being apodictic and popular while Gemara is analytic and technical, but they are alike in purpose and actual achievement. Gemara is to Mishnah what rational demonstration (מופת) is to traditional belief (קבלה).
- c. Philosophy is an integral, even paramount component of this Oral Law and, like halakhah proper, can be presented either in apodictic, catechetic summary or in analytic, demonstrative elaboration.

That Maimonides equates Mishnah with the Oral Law in his paraphrase of Kiddushin 30, interpreting it to mean the authoritative corpus of the entire Oral Law, is not really perplexing upon closer scrutiny. The basic text of the Oral Law *in toto* is the work redacted by Rabbi Yehudah Hanasi: the Mishnah. *Every other work*—Tannaitic or Amoraic—stands in interpretive-commentatorial, but not actually innovating, relation to the Mishnah. Maimonides repeats this assertion, carefully and consistently, in his introductions to the *Commentary on the Mishnah* and the *Mishneh Torah*. The purpose of the *Sifra* and *Sifrei* is to explain the principles of the Mishnah (לבאר עיקרי המשנה) while the function of the Tosefta is to explain the subject matter of the Mishnah (לבאר עניני המשנה). The same is true for the *Baraita*, whose purpose is to elucidate the words of the Mishnah (לבאר דברי המשנה). This interpretive relation characterizes also the Talmud, the Palestinian as well as the Babylonian; both continue the task of explanation (פירוש דברי המשניות וביאור עמקותיה). One of the four goals that R. Ashi set for himself in the compilation of the Talmud was to reveal the principles, methods, and proofs utilized in the Mishnah.⁵⁹ In light of this we may perhaps explain the fact that Maimonides frequently uses the term “Talmud” when he is actually quoting the Tosefta,⁶⁰ for they are generically identical. Mishnah, in brief, represents the entire Oral Law.

Mishnah differs from Gemara only in that its contents are cast in an apodictic mold—and this is the second characteristic or connotation of the term. Mishnah includes the normative conclusion, the obligatory mitzvah, without excessive explanation or review of the process of exegesis and inference. It is for this reason that in many different contexts the terms *mishnah*, *mitzvah* and *halakhah* (or *hilkhata*) are interchangeable and used freely as equivalents.⁶¹ The following instance is especially significant. The introduction to the *Mishneh Torah* begins as follows:

⁵⁹ *Commentary on the Mishnah*, introduction (ed. R. Yosef Kafih, pp. 34–5):

החדושים שחדשו מן המשנה חכמי כל דור וביאור הכללים והראיות שלמדו מהם.

In his letter, *Kovetz*, I, 25b, Maimonides speaks of פירוש המשנה שהוא התלמוד. The phrase is found in R. Avraham ibn Ezra, *Yesod Mora* (Prague, 1833), p. 12.

⁶⁰ For examples, see S. Lieberman, *Tosefta Kifeshutah*, Zera'im, 637, n. 1; 642, n. 25; 645, n. 38, and others.

⁶¹ E.g., Kiddushin, 49b, reads: עד דתני הלכתא ספרא וספרי ותוספתא.

Maimonides, *Ishut*, 8:4 reads: צריך להיות יודע לקרות המשנה וספרא וספרי ותוספתא.

All the precepts which Moshe received on Sinai were given together with their interpretation, as it is said “And I will give unto thee the tablets of stone, and the law [*Torah*], and the commandment [*mitzvah*].” “The law” refers to the Written Law, “and the commandment” to its interpretation. God bade us fulfil the Law in accordance with “the commandment.” This commandment refers to that which is called the Oral Law.⁶²

Here the equation of *mishnah*, *mitzvah*, and *Torah shebe'al peh* is sharply delineated. That this is a conscious equation, carefully reasoned and consistently maintained, is clear from the cross reference to it in a subsequent book of the *Mishneh Torah*.⁶³ The Talmudic source (Berakhot 5a) for this was noted for the first time apparently by Rabbi Eliyahu Gaon of Vilna.⁶⁴ Happily, we now have the explicit testimony of Rabbi Avraham Maimonides to the effect that this “explanation of the *tradentes*” (פירוש המעתיקים [אלנאקלין]) indeed underlies the opening statement of the *Mishneh Torah*. What is more, our general thesis which has Maimonides equating Mishnah with the Oral Law as a whole (or *mishnah* and *mitzvah*) is fully corroborated by Rabbi Avraham, who asserts very forcefully, almost dramatically, that mishnah refers not to a given text but to the “principles [sources] of tradition” (אבות הקבלה [אלנקל]).⁶⁵ *Mishnah* refers to the traditional corpus of the Oral Law and *Talmud* is its ever-expanding commentary.

As a final illustration we turn to the passage in the oft-quoted letter of Maimonides to Rabbi Pinḥas the judge of Alexandria.⁶⁶ In defending the purpose and nature of the *Mishneh Torah*, Maimonides defined the structural and stylistic differences between *perush* and *ḥibbur*, monolithic code and discursive commentary, justifying his own opus by characterizing it as *ḥibbur*. What has not been stressed in this passage is the telling equation of *ḥibbur* with the “way of the Mishnah” (דרך המשנה) and *perush* with the “way of the Talmud”; in other words, two approaches to or two presentations of the same material. Maimonides then proceeds to equate his own work not only with the Mishnah but with the “way of the Mishnah,” which can now be paraphrased as follows: the *Mishneh Torah*, a complete summary of

Note also *Tefillah*, 7:10–11. See Responsum of R. Hai Gaon, ed. Harkavy, *Teshuvot Hageonim*, 262 (p. 135): אבל הלכתא היא משנתנו; Assaf, *Teshuvot Hageonim* (Jerusalem, 1927), 58 (p. 68): ויש צורך לכם; לדעת שעיקר כל חכמתם של רבותינו בכל מאמריהם בברייתא ובגמרא הוא המשנה; *Mevo Hatalmud*, attributed to R. Shemuel Hanagid: המשנה היא הנקראת תורה בעל פה; R. Nissim, *Sefer Hamafte'ah*: ... כל מה ששנה ר' חייא בתוספתא רמזו רבנו הקדוש במשנה.

ומצוה זו היא הנקראת תורה שבעל פה.⁶²

⁶³ *Shehitah*, 1:4. This is, I think, the only cross-reference to the introduction.

⁶⁴ See *Avodat Hamelekh*, ad loc. Cf. W. Bacher, “Die Agada in Maimunis Werken,” *Moses ben Maimon*, ed. Bacher et al. (Leipzig, 1908), II, 145, n. 1, who says that this is Maimonides' own formulation.

⁶⁵ *Perush R. Avraham Maimonides*, ed. Sassoon and Wiesenbergs, pp. 382–384.

⁶⁶ *Kovetz*, I, 25b.

Oral Law, is equal to the Mishnah in its comprehensive scope and apodictic method. This is further substantiated by all Maimonidean descriptions of his code. I have collated six substantive statements.⁶⁷ If one were to conflate them, the following characterization would emerge: an authoritative summary and guide for the entire Oral Law, practical and nonpractical, modeled upon the genre as well as the style of the Mishnah and obviating the need for exacting analysis of Talmudic demonstration and argumentation, and on the basis of which one will be able to know in capsule form the contents of *Torah shebe'al peh*. Especially significant is the elimination of Talmudic “depth study.”

I would now venture to submit that we should perhaps be able to terminate the debate as to the meaning of the term *Mishneh Torah* and its alleged aim of superseding the Talmud. This is how Maimonides describes its aim “... a person who first reads the Written Law and then this compilation will know from it the whole of the *Oral Law*.” If we rephrase this in light of the three units or categories defined in *Hilkhot Talmud Torah* it means that Maimonides has provided a new text for the study of *mishnah*—*Torah shebe'al peh*.⁶⁸ He has dealt with unit two of the three units of study, but has not trespassed on the grounds of unit three, *gemara*. When, therefore, he says with considerable pathos that he has never urged the abandonment of *gemara*,⁶⁹ we have no reason to impugn this declaration. We may rather vindicate this contention and amplify it as follows: I composed a text for what I designated as *Torah shebe'al peh*—that is, the *mishnah*, unit two—but unit three remains: *gemara*. This consists of the expansive-analytic study and conceptual analysis of what has been summarized first in the Mishnah and then in the *Mishneh Torah*.⁷⁰ Its essence is independent reflection, conceptualization, and interpretive innovation.

⁶⁷ *Sefer Hamitzvot*, introduction; *Mishneh Torah*, introduction; letter to R. Yonatan of Lunel (ed. Freimann, *Teshuvot Harambam*, p. xlv); letter to R. Pinhas of Alexandria (*Kovetz*, I, 25b); letter to R. Yosef ben Yehudah (ed. Baneth, *Iggerot Harambam*, I, 50ff.); *Iggeret Teḥiyat Hametim*. There are significant statements, some of them in the form of direct quotations, also in the anonymous defense of the *Mishneh Torah* edited in *Tarbiz*, 25:413–28 (1956).

⁶⁸ On the phrase *Mishneh Torah* as “a presentation (or formulation) of the Torah,” see the brief comment of R. Shelomo Duran, *Milḥemet Mitzvah* (1869), end. I am planning to treat this more fully elsewhere. [See Chapter 4, above.]

⁶⁹ *Kovetz*, I, 25b. The fact is that the *Mishneh Torah* immediately achieved wide popularity as an admirably comprehensive textbook and independent juridical guide; see, e.g., the letter of R. Sheshet, ed. A. Marx, *JQR*, 25:427 (1935); the statement of R. Yitzḥak ibn Latif referred to in Note 101, and references in S. Assaf, *Mekorot Letoledot Haḥinukh* (Tel Aviv, 1925–26), vol. II, passim; also Maimonides’ comment in *Teshuvot Harambam*, ed. Freimann, 69: ... ושמענו שבהם פוסקים רובי הישיבות.

Opponents could therefore impute to Maimonides the design to have the *Mishneh Torah* supersede the Talmud.

⁷⁰ The above conclusion stems primarily from an analysis of the passages in the *Mishneh Torah*. To this should be added other pertinent historical-biographical data. It would appear that there was considerable tension, perhaps even vacillation, in Maimonides’ attitude toward study of the Talmud

IV

A component of Gemara, which deserved special mention alongside of that “which is forbidden or permitted, clean or unclean,” is philosophy, or *Pardes*. Let us note immediately a formal resemblance between these two parts of Gemara: both are uniformly described as demanding “a broad mind, a wise soul, and prolonged study.” The same qualities of mind and prerequisites of knowledge are prescribed for both branches of Gemara study.⁷¹

Now, the inclusion of philosophy in the Oral Law had already been established by Maimonides in an earlier chapter of the *Sefer Hamadda* where—following what he elaborated in his *Commentary on the Mishnah*⁷²—he reiterated the identification of *Ma’aseh Bereishit* with physics and *Ma’aseh Merkavah* with metaphysics: “The topics connected with these five precepts treated in the above four chapters, are what our wise men called *Pardes*.”⁷³

I would call attention, however, to a new proof-text which Maimonides introduces here for the first time and whose relevance is established by his interpreting it with a crushing literalism. The Talmud reports in praise of R. Yoḥanan ben Zakkai that he studied everything: “He did not leave [unstudied] Scripture, Mishnah, Gemara, Halakhah, Aggadah, details of the Torah, details of the Scribes, inferences *a minori ad majus*, analogies, calendrical computations, *gematriot*, the speech of the Ministering Angels, the speech of spirits, and the speech of palm-trees, fullers’ parables and fox fables, great matters or small matters. ‘Great matters’ mean the *Ma’aseh Merkavah*, ‘small matters’ the discussions of Abaye and

itself—unit three: see especially the letter to R. Yosef ben Yehudah, *Iggerot Harambam*, ed. Baneth, 68–69; A. Halkin, “Sanegoriyah al Sefer *Mishneh Torah*,” *Tarbiz*, 25:413–428 (1956), esp. 414–416. Maimonides is quoted as saying: ותעשהו ספרך המובהק ותורהו בכל מקום.

Some of his partisans seem to be almost contemptuous of “full-time” Talmudists; see Chapter 3 in this work, n. 51. On the other hand, Maimonides himself displayed an abiding devotion to “pure” Talmudic exposition divorced from any practical consequences. Note the example discussed by S. H. Kook, *Iyunim Umehkarim* (Jerusalem, 1963), I, 304: a problem concerning the Temple ceremonial on the Day of Atonement was treated in his *Mishnah Commentary* (Yoma, 2:1), was resumed in *Hilkhot Yerushalmi* (see p. 11), and was still under discussion in his responsa (Freimann, pp. 313–314). Furthermore, Maimonides continued to write commentaries and novellae even after the *Mishneh Torah*, which should allegedly have acquitted him of his Talmudic obligations. See the very important *Hiddushei Harambam Latalmud*, ed. J. L. Sacks (Jerusalem, 1963). It is noteworthy that his son R. Avraham also engaged in both kinds of literary activity simultaneously; study of the code and explanation of the Talmud פירוש התלמוד וספר הביאור לעקרי החבור.

See *Perush R. Avraham Maimonides*, 22, n. 99.

⁷¹ *Sefer Hamitzvot*, introduction; *Mishneh Torah*, introduction; *Yesodei Hatorah*, 4:13; *Talmud Torah*, 1:13 and see the references in my Note 67.

⁷² *Hagigah*, 2:1.

⁷³ *Yesodei Hatorah*, 4:13.

Rava.”⁷⁴ The consensual explanation of this concluding passage, which describes the Talmudic deliberations (Abaye and Rava symbolizing all the Amora'im) as a “small matter,” is that all the future queries of the Amora'im were crystal clear to R. Yoḥanan ben Zakkai and his Tannaitic colleagues. They did not have to struggle with these questions because they had all the answers and the subject matter was smooth and unproblematic. Later generations, further removed from the original teachings, were marked by a decline in knowledge and insight and therefore had many sharp questions. This explanation is found in the *Iggeret R. Sherira Gaon*,⁷⁵ the commentaries of Rabbenu Ḥananel,⁷⁶ Rabbenu Gershom,⁷⁷ and Rashi,⁷⁸ and *Perush Sefer Yetzirah* of Rabbi Yehudah of Barcelona,⁷⁹ and continues to prevail in post-Maimonidean writing. It should be noted that R. Yehudah Halevi⁸⁰ also quotes this passage but—fortuitously or prudentially—cites a shorter version⁸¹ omitting the crucial conclusion and thereby evades the interpretive issue. Maimonides, realizing that this passage provided him with a powerful prop for his position, takes the phrases “great matter” and “small matter” at face value, thereby buttressing his argument concerning the nobility and superiority of metaphysics. As in the famous palace metaphor of the *Guide*,⁸² *Ma'aseh Merkavah* emerges as the summit of *Torah shebe'al peh*. The need for arduous preparation for the ascent—a pervasive theme of Maimonides—is also stressed in passing.⁸³ That Maimonides maintained this unprecedented explanation of the Talmudic passage is seen from his repetition of it in one of his letters to R. Yosef ben Yehudah.⁸⁴ His ardent protagonist R. Yaakov Anatoli also repeats this literal explanation as if it were routine.⁸⁵ The mainstream of Talmudic exegesis, however, continues to carry the standard Geonic explanation.⁸⁶ One writer, in obvious deprecation of the Maimonidean view, even

⁷⁴ Sukkah, 28a; Bava Batra, 134b.

⁷⁵ Ed. B. M. Lewin (Haifa, 1921), pp. 8–9.

⁷⁶ *Otzar Hageonim* on Sukkah, *Perushim* ad loc. (p. 95).

⁷⁷ Bava Batra, 134b.

⁷⁸ Sukkah, 28a.

⁷⁹ Ed. S. J. Halberstam (Berlin, 1885), pp. 101–102.

⁸⁰ *Kuzari*, III:65.

⁸¹ See *Avot Derabbi Natan*, chap. 14; *Masekhet Soferim*, chap. 16.

⁸² *Moreh Nevukhim*, III:51.

⁸³ See, of course, *Moreh Nevukhim*, I:31–34, but note also *Commentary on the Mishnah* introduction (R. Yosef Kafih, p. 38), which seems to compress this entire teaching: חולשת השכל, והתגברות התאוות; והעצלות מללמוד והחריצות לרדיפת עניני העולם הזה in Mishnah, Ḥagigah, 2:1. Also, Avot, 2:15.

⁸⁴ *Iggeret Harambam*, ed. Baneth, I, 57.

⁸⁵ *Malmad Hatalmidim*, 11. P. Duran, *Ma'aseh Efod*, 7, alludes to it. See the apologetic treatment of R. Tzvi Hirsch Chajes, *Tiferet Lemoshe* (Zolkiew, 1840), 7b.

⁸⁶ E.g., Hame'iri, *Beit Habehirah* on Avot, 59.

adds that the Geonic explanation is “true and correct for every believer, and not as others have explained”:⁸⁷

וזה הפירוש אמת ונכון לכל המאמין ולא כמו שפירשו אחרים. האלקים יכפר בעד.

Rabbi Yosef Karo bemoans the fact that Maimonides wrote what he did.⁸⁸

This conviction that *Pardes* is an integral, indispensable part of Oral Law led Maimonides to frequent tours de force in interpreting Talmudic maxims. In his commentary on Pirkei Avot—a rich hunting ground not yet explored systematically—Torah is regularly interchanged with *hokhmah*. Maimonides introduces *hokhmah* into the opening statement of Shimon the Just and notes curtly: “this is what he meant by Torah.”⁸⁹ When only “Torah” appears in the underlying passage, Maimonides interprets it to include *hokhmah* as well. When “Torah” and “*hokhmah*” both appear, their separate identity or autonomy is maintained.⁹⁰ The rabbinic description of Moshe as “a father in Torah, a father in wisdom [*hokhmah*] and a father in prophecy”⁹¹ is a favorite theme for Maimonides because, as he says, it vigorously differentiates between Torah and *hokhmah* while establishing their precise relation.⁹² All this interpretive energy, skill and pressure are compressed in Maimonides’ adaptation of the following Talmudic maxim: “The Holy One, blessed be He, has nothing in His world but the four cubits of Halakhah alone.”⁹³ “Halakhah” is, of course, metamorphosed by Maimonides so that it emerges several pages later as including not only positive law but all other sciences as well.⁹⁴

⁸⁷ *Hiddushei Haritva* on Sukkah ad loc. See *Hiddushim* of R. Aharon Halevi (who was the teacher of Ritva) in *Ginzei Rishonim*, ed. M. Hershler (Jerusalem, 1962), p. 95. On Ritva and Maimonides, see *Sefer Hazikaron*, ed. K. Kahana (Jerusalem, 1957), pp. 27–30.

⁸⁸ *Kesef Mishneh*, *Yesodei Hatorah*, 4:13.

⁸⁹ Avot, 1:2. See the significant observation of R. Shimon Duran, *Magen Avot* ad loc.:

וזה אמת הוא אבל אינו כוונת המאמר.

Medieval writers were often cognizant of the fact that Maimonides introduced strained interpretations in order to reinforce his theses. See also the statement of R. David Kimḥi printed in *Kerem Hemed*, 5:31 (on Tehillim 4:5): “ואין זה מענין המזמור. ... מצוה למשכילים החשובים שיכירו האמת ... והרב מורה צדק פירש ... מצוה למשכילים החשובים שיכירו האמת ... ואין זה מענין המזמור.” R. Bahya ben Asher, *Perush Hatorah*, beginning of *Nitzavim* (New York, 1945), V, 81:

והפירוש הזה בעצמו ... יקר וספיר אבל אינו בענין הפרשה.

⁹⁰ See again R. Shimon Duran, *Magen Avot* on Avot, 3:13:

ורבינו משה ז”ל פירש..התורה בביאור מצוותיה וחכמה מעשה בראשית ומעשה מרכבה.

⁹¹ Megillah, 13a.

⁹² *Moreh Nevukhim*, III:54; Avot 4:4. See also R. Yitzḥak Abravanel, *Naḥalat Avot* (New York, 1953), p. 205 (on Avot 3:22).

⁹³ Berakhot, 8a.

⁹⁴ *Commentary on the Mishnah*, introduction (R. Yosef Kafih, p. 39).

No comprehensive description of the components of Torah will be allowed to omit *hokhmah*.⁹⁵

Furthermore, Maimonides' halakhic formulation, which grafts philosophy on to the substance of the Oral Law, dovetails perfectly with his view on the history of philosophy. In common with many medieval writers, Jewish, Christian, and Muslim, Maimonides is of the opinion that Jews in antiquity once cultivated the science of physics and metaphysics, which they later neglected for a medley of reasons, historical and theological.⁹⁶ He does not, however, repeat the widespread view, as does R. Yehudah Halevi, that all sciences originated in Judaism and were borrowed or plagiarized by the ancient philosophers. Halevi, echoing a Philonic view, states: "... The roots and principles of all sciences were handed down from us first to the Chaldeans, then to the Persians and Medes, then to Greece, and finally to the Romans."⁹⁷ That Maimonides does not subscribe to this view of the Jewish origin of all wisdom has been inferred—a kind of argument *ex silentio*—from his formulation in the *Guide*, where he merely establishes the antiquity of philosophy *per se*. It seems to me that this is clearly noted by Maimonides in the introduction to his *Commentary on the Mishnah* where, in buttressing an argument, he says that this matter is known to us not only from the prophets but from the wise men of the ancient nations "even though they did not see the prophets or hear their words."⁹⁸ Maimonides does not care to trace all philosophic wisdom back to an ancient Jewish matrix. His sole concern is to establish *hokhmah* as an original part of the Oral Law, from which it follows that study of the latter in its encyclopedic totality—that is, *gemara*—includes philosophy. This is the position—a harmonistic position unifying the practical, theoretical and theological parts of the Law—which Maimonides codified in the *Mishneh Torah*.

On a number of subsequent occasions, Maimonides seems to be reflecting upon or justifying this inclusive concept of *gemara*. In the *Guide* he refers to the fact that the "foundations of religion" were reviewed in his Talmudic works.⁹⁹ Elsewhere he explains why he was compelled to begin the *Mishneh Torah* with the *Sefer Hamadda*¹⁰⁰ and in the same vein some of his immediate successors called attention to the twofold but unified objective of the Maimonidean code: halakhic

⁹⁵ For *hokhmah* in Talmudic sources, see L. Ginzberg, *Perushim Vehiddushim*, IV, 19–31; S. Lieberman, in *Biblical and Other Studies*, p. 132; also the review of Ginzberg's volume by A. Goldberg, *Kiryat Sefer*, 38:197 (1963). It is obvious that Maimonides could have read his meaning of *hokhmah* into a good number of the original sources.

⁹⁶ *Moreh Nevukhim*, I:71. See Wolfson, *Philo*, I, 163.

⁹⁷ *Kuzari*, II:66.

⁹⁸ R. Yosef Kafih, p. 42. See *Teshuvah*, 5:5.

⁹⁹ I, introduction; 71, and others.

¹⁰⁰ See my Note 11.

and philosophic.¹⁰¹ As a matter of fact, both goals are depicted in the letter to R. Yosef ben Yehudah where Maimonides uses the term *diwan* to describe the *Mishneh Torah*, asserting that the Jewish people lacked such an authoritative compilation, and then he adds that the people also lacked “true exact beliefs.”¹⁰² The implication is that these beliefs can be presented in the same summary fashion as the details of law. Indeed, the Talmudists (people of the *fikh*, the third group in the palace metaphor) are not without true beliefs; rather they possess true beliefs by means of tradition.¹⁰³ In other words, the *fikh*, the Oral Law, contains philosophic truths presented descriptively or apodictically as articles of tradition instead of being elaborated demonstratively as syllogistic premises and conclusions.¹⁰⁴ These articles of tradition may ultimately be rationalized, just as the judicial part of *Torah shebe ‘al peh* is subject to amplification. Both expansive processes take place in the domain of *gemara*, which had been explicitly defined as consisting of (a) the study and application of hermeneutic principles and (b) the subject matter of *Pardes*. In this

¹⁰¹ R. Yitzhak ibn Latif, introduction to *Sha’ar Hashamayim*, quoted in *Hehaluz*, 7:91 (1865):

ושם כונתו הראשונה לבאר בו עקרי היחוד ושרשי האמונה... והכונה השנית היתה לברר הדברים המתבררים מכל אלו הענינים ר"ל התלמוד. Levi ben Avraham, *Sefer Pardes Haḥokhmah* in *Otzar Hasifrut*, 3:19 (1890), in the section *Orot Meofel*: חבר במשפטי התורה ורזיה. Inasmuch as the author later singles out the *Moreh Nevukhim* for individual consideration, this reference must apply exclusively to Maimonides’ Talmudic works. See also *Iggeret* of R. Sheshet Hanasi in *JQR*, 25:417 (1935).

¹⁰² *Iggeret Harambam*, p. 50: ספר כולל לאמתו של דבר ואין לה דעות אמתיות ומדויקות. and subsequently, p. 51, the reference to יסודי האמונה הכלולים בו. See B. Cohen in *JQR*, 25:519–520 (1935). Such a reference is missing from Maimonides’ definition of *mishnah*, in *Talmud Torah*, 1:12.

¹⁰³ *Moreh Nevukhim*, III:51: התלמודיים אשר הם מאמינים דעות אמתיות מצד הקבלה.

¹⁰⁴ *Iggeret Tehiyat Hametim*, 346: ראינו שצריך לנו לבאר בחבורנו התלמודיים עקרים תוריים על צד הספור לא על כללים. In the introduction to *Moreh Nevukhim*, he speaks of the *Mishneh Torah* containing כללים. צד הביא ראיה. והנה היום ת"ל. Y. Bedersi, in his letter to Rashba (*Teshuvot*, part 1 n. 418), echoes this note: מזה הענין נעקרה אותה האמונה הרעה מעקרה מכל כחותינו, לא שמענו מי שהחזיק בה כלל או שיתבלבל, וזה אם בידיעה מופתית או בידיעה (עפ"י) קבלה.

Generally, Maimonides realized that the *Mishneh Torah* was an exoteric work and therefore could not be unreasonably rigorous or excessively exacting; see *Kiddush Haḥodesh*, 11:5–6. This fact does not mean, however, that he altered or compromised or censored the subject matter—whether abstruse halakhic material or technical scientific material. This fact is relevant rather to the expository method used by Maimonides. For some discussion of this, see J. Levinger, “Al Ha’iyun Vehadikduk Bedivrei Harambam,” *Bar-Ilan Annual*, 1:246–269 (1963); B. Benedikt, “Ledarko shel Harambam,” *Torah Shebe ‘al Peh* (Jerusalem, 1964), pp. 97–98.

It seems that what R. Yitzhak Abravanel says about the motivation of Maimonides in his formulation of the thirteen principles of faith in the *Mishnah Commentary* is applicable to the *Sefer Hamadda* and other philosophic fragments of the *Mishneh Torah*. See *Rosh Amanah* (Venice, 1505), chap. 23 (p. 31a):

בחר הרב ... ללמד אותם דרך קצרה אותם הדברים שיש בהם מההכמות ... באופן שישתלמו כל בני אדם ואפי' עמי הארץ בקבלת אותם האמונות.

respect the *Moreh Nevukhim* may be described as part of the gemara of the *Mishneh Torah* just as the actual Talmud and its commentaries are the other part.

V

Two pointed questions remain. We should inquire first whether Maimonides could have derived this understanding of mishnah and gemara from antecedent sources or at least found implicit support for it in earlier writings.¹⁰⁵ Then we should seek to determine whether or not the revolutionary impact of this halakhic formulation was felt and how it was received by successors. By thus approaching the Maimonidean formulation from upstream and following it downstream, we shall be in a better position to assess its originality and significance.

The idea that gemara stood in an interpretive, amplificatory relation to mishnah could be found in many places, even though not distinctly or precisely articulated. The closest approximation of the first part of the Maimonidean definition seems to be in the *Iggeret R. Sherira Gaon*, which describes gemara as the “true investigation” of the Divine Commandments and adds specifically: “to deduce conclusions from premises and to study the thirteen hermeneutical principles by which the Torah is interpreted ...”¹⁰⁶

For the second part—the inclusion of *Pardes*—two possible sources suggest themselves. Rabbi Yehudah of Barcelona says parenthetically that the Talmud (gemara) contains the “explanations of the Torah and the mitzvah [*Torah shebe’al peh*]” and that it provides “the key of *hokhmah*”—a statement which is as suggestive as it is cryptic.¹⁰⁷ We may assume that R. Yehudah of Barcelona was no stranger to Maimonides.¹⁰⁸

A more intriguing antecedent is to be found in the statement of Rabbi Yosef Rosh Haseder, an older contemporary of Maimonides, who apparently undertook to produce an abridgement of the Talmud.¹⁰⁹ In the introduction to this work, he describes five goals which R. Ashi set for himself in the redaction of the Talmud, and in this context refers briefly to “secular sciences” (*hokhmot hitzoniot*) contained

¹⁰⁵ For mishnah, see the references in my Note 61. *Ma’aseh Efod*, 15.

¹⁰⁶ *Iggeret*, p. 8:

המכוון בתלמוד הוא החקירה האמתית במשפטי המצות ... מכח השכל להוציא דבר מתוך דבר ולהבין בייג מדות שהתורה נדרשת בהם ...

See the reference to Profiat Duran, *Ma’aseh Efod*, cited in *Iggeret* by B. M. Lewin.

¹⁰⁷ *Perush Sefer Yetzirah* p. 5:

ובתוך התלמוד כלול ושקוע פירושי התורה, והמצוה. והוא מפתח החכמה

See also p. 276.

¹⁰⁸ See E. Urbach, “Halakhah Unevu’ah,” *Tarbiz*, 18:20–22 (1947).

¹⁰⁹ L. Ginzberg, *Ginzei Schechter*, II, 403–407; J. Mann, *The Jews in Egypt and Palestine under the Fatimids* (London, 1922), II, 312–313; S. D. Goitein, *Sidrei Hinukh* (Jerusalem, 1962), 148–149.

in some sections of the Mishnah.¹¹⁰ Inasmuch as this description has many affinities with Maimonides' well-known description—and may well be the immediate source or impetus for the latter—this reference is of obvious relevance.

If we follow this formulation downstream, we notice a striking phenomenon: the post-Maimonidean writers either ignore this formulation, camouflage it or blunt its edges.¹¹¹ Hame'iri provides a pointed illustration of conscious compromise: he seems to be in a dilemma of “woe to me if I speak and woe to me if I am silent.”¹¹² Turning to the *Shulḥan Arukh* we see how R. Yosef Karo quotes both long paragraphs of *Hilkhot Talmud Torah* verbatim with the single flagrant deletion of the sentence, which obviously caused him more than a twinge of discomfiture, about *Pardes*. R. Moshe Isserles, author of the *Torat Haolah* and moderate protagonist of philosophic study, reinserts this reference less conspicuously and more restrainedly toward the end of his gloss.¹¹³

The significance of the treatment—either a conspiracy of silence or various shades of qualification—accorded Maimonides actually in this instance transcends this case and is indicative of the general reaction by medieval writers to the markedly Maimonidean emphases in the *Mishneh Torah*. They took a rather accurate measure of the Maimonidean temper (sometimes correlating it with the *Guide*, sometimes considering it in isolation) and acclaimed it, condemned it, or ignored it.¹¹⁴ In any event, they had an ear for the characteristic phrase as well as an eye for the novel, nonhalakhic features of the *Mishneh Torah*.

¹¹⁰ *Ginzei Schechter*, II, 407: חכמות חיצוניות הנחקקין על מקצת משניות. This line is missing in the fragment published by Mann. Maimonides apparently combined the philosophic interpretation of *derashot* and the allusions to *hokhmot* into one unit.

¹¹¹ See, e.g., *Sefer Mitzvot Gadol*, aseh 12; *Orḥot Ḥayyim*, I, 28b (n. 10); *Toledot Adam Vehavah*, *netiv sheni*; *Tur Yoreh De'ah*, 246; *Tzedah Laderekh*, I:4:7 (p. 81).

¹¹² *Beit Habehirah* on Kiddushin, 30 (p. 177): שליש בתורה ושליש במשנה ושליש בתלמוד ושאר מיני מחקר. הראוים במה שהוא לומד שליש בעסק תורה שבכתב ושליש בעסק תורה שבעל פה. Cf. *Sefer Hahinukh*, mitzvah 419: שליש ושליש להבין הענינים משרש.

¹¹³ *Yoreh De'ah*, 246:4. Note the comment of R. Eliyahu Gaon ad loc.

¹¹⁴ See also my Notes 27, 30, 44, 45, 87–89.

9

Maimonides on the Rationale for Mitzvot in *Mishneh Torah*

Sefer Avodah of the *Mishneh Torah* closes with these heartfelt words:

It is fitting for man to meditate upon the laws of the holy Torah and to comprehend their full meaning to the extent of his ability. Nevertheless, a law for which he finds no reason and understands no cause should not be trivial in his eyes. “But do not let [them] force their way (*haros*) through to come up to the Lord, or He will break out against them” (Shemot 19:24); nor should his thoughts concerning these things be like his thoughts concerning profane matters. Come and consider how strict the Torah was in the law of *me’ilah* (trespass)! Now if sticks and stones and earth and ashes became hallowed by words alone, as soon as the name of the Master of the universe was invoked upon them, and anyone who comported with them as with a profane thing committed *me’ilah* and required atonement even if he had acted unwittingly, how much more should man be on guard not to rebel (*lo yivat*) against a commandment decreed for us by the Holy One, blessed be He, only because he does not understand its reason; or to heap words (*lehappot devarim*) that are not right against the Lord; or to regard the commandments in the manner in which he regards ordinary affairs. Behold, it is said in Scripture: “Keep all My decrees (*hukotai*) and all My laws (*mishpatai*) and fulfil them” (Vayikra 20:22); whereupon our Sages have commented that “keeping” (*shemirah*) and “doing” (*asayah*) apply to the “decrees” as well as to the “laws.” “Doing” (*asayah*) is well known; namely, performing the decrees. And “keeping” (*shemirah*) means that one should be careful concerning them and not imagine that they are less important than the laws. Now the “laws” (*mishpatim*) are commandments whose reason is obvious, and the benefit derived in this world from doing them is well known; for example, the prohibition against robbery and murder, or the commandment of honoring one’s father and mother. The “decrees,” (*hukim*) on the other hand, are commandments whose reason is not known. Our Sages have said: “My decrees are those that I have ordered you to do, and you are not permitted to question them.” A man’s impulse pricks him concerning them, and the Gentiles reprove us about them, such as the decrees concerning the prohibition against the flesh of

the pig and that against meat seethed with milk, the law of the heifer whose neck is broken, of the Red Heifer, or of the scapegoat. How much was King David distressed by heretics and pagans who disputed the statutes! Yet the more they pursued him with false questions, which they plied according to the narrowness of men's minds, the more he increased his cleaving to the Torah; as it is said: "Though the insolent falsely accuse me, I will keep Your precepts with all my heart" (Tehillim 119:69). It is also said there concerning this: "All Your commandments are faithful, but men pursue me without cause—help me!" (Tehillim 119:86).

All the (laws concerning the) offerings are in the category of statutes. The Sages (Avot 1:2) have said that the world stands because of the service of the offerings; for through the performance of the statutes and the ordinances the righteous merit life in the World to Come. Indeed, the Torah puts the commandment concerning the statutes first; as it is said: "Keep My statutes and laws, for by them a person shall live" (Vayikra 18:5).

This passage has garnered considerable attention but has yet to undergo a thorough analysis. It is evident that it encompasses numerous essential principles and guiding ideas of Maimonides' teachings. Moreover, it serves as a faithful reflection of Maimonides' creative method, as content and style are seamlessly integrated, with the presentation of ideas and the form of interpretation closely intertwined. We can infer—and this principle should be remembered by all students of Maimonides—that the interpretive foundations should not be underestimated, as they often help to clarify or illustrate abstract and complex concepts. Philosophy and midrash are intimately connected in Maimonides' work.¹

Let us begin with the closing phrase, "How much was King David distressed." Maimonides' interpretation of the verse about King David "Though the insolent falsely accuse me, I will keep Your precepts with all my heart," reveals a direct relationship between the extent of falsehoods spread by those attacking the fundamentals of Judaism and the level of commitment exhibited by the beleaguered believer. There is a causal connection between the two parts of the verse: the accusers fabricate lies, and in response, the believer's dedication becomes even more

¹ A careful study of Maimonides' writings unveils a significant chapter in the history of exegesis of both the Bible and aggadah. A compelling example is Maimonides' *Guide* III:54, where his exegetical and homiletic brilliance is evident. Maimonides at times suggests an original exegetical or homiletical insight and knowingly emphasizes its innovative character as seen in *Guide* III:51 with the phrase "Ben Zoma is still outside." It should be emphasized that Maimonides extended this tradition of creative interpretation to Jewish law, connecting certain laws to biblical verses that the Sages did not utilize. For instance, see *Hilkhot Sanhedrin* 3:8 and *Kesef Mishneh* on the same passage (which also cites the Mahari Colon). Compare: Schlomo Weissbluth, "Pesukei Tenakh uma'amarei hazal ke'asmakhtot lede'ot filosofiyot," *Beit Mikra* 14:2 (5729), 59–79.

resolute and unwavering.² However, we can take this analysis a step further by noting that this original interpretation indirectly echoes a central concept in Maimonides' historical-philosophical approach to the reasons for the commandments. This dual idea posits that a rational and teleological explanation of the "statutes" (*hukim*) will showcase the wisdom of the Torah to the nations of the world and that such a demonstration is both valuable and commanded. The external pressure and the intentional outer-directedness are both evident and emphasized here.³ It is important to state unequivocally that this outward-directed approach characterizes not only Maimonides' method but also underpins all conceptual development in the realm of rationalistic-philosophical reasons for the commandments. This stands in contrast to the assumptions and trends found in the Kabbalistic explanations for the commandments.⁴

The starting point of this conceptual system is found in the following verses (Devarim 4:5–8):

See, I have taught you *hukim* [decrees] and laws as the Lord my God commanded me, for you to keep in the land that you are to enter and possess. Take care to keep them, for they will be your wisdom and understanding in the eyes of the peoples: when they hear all these *hukim*, they will say: "Surely this great nation is a wise and understanding people!" ... And what other great nation has *hukim* and laws as just as this entire Torah that I am setting before you today?

These verses capture our attention and demand explanation. They capture our attention because they elevate non-Jewish attitudes toward us and our Torah to a high religious value; it is crucial to foster a positive perception based on an honest and

² The verse that serves as a heading for the *Mishneh Torah* is: "Then I would not be ashamed when I behold all Your commandments" (Tehillim 119:6). See the Ibn Ezra's commentary ad loc; *Tur Oraḥ Hayyim*, *siman* 1; Ramḥal, *Mesilat Yeshtarim*, chapter 5; R. Yitzḥak Abravanel, *Naḥalat Avot* on Avot 5:18. Compare: *Hilkhot Lulav* 8:15.

³ See *Guide* III:31.

⁴ Kabbalistic reasons for the commandments are directed inward, employing specialized concepts and aiming to enhance the "effect" of the commandment. This generalization is also applicable to the interpretation of aggadah. For example, R. Shem Tov ibn Shaprut, in *Sefer Pardes Rimonim* (Sabbioneta, 5314), Introduction, explains why he did not use the Rashba's interpretations of aggadah and instead relied mainly on the commentaries of Maimonides and Ibn Ezra. The Rashba attempted to merge philosophical ideas with Kabbalistic concepts, yet "They are, in truth, two opposites with no middle ground between them, and it is a source of confusion for the students in their study ... I will try ... to clarify and interpret the words of the aggadot which appear to me to need interpretation according to the Torah opinions made known to us from the words of our great teacher, Maimonides of blessed memory, and R. Avraham ibn Ezra of blessed memory, as their opinions are close to philosophy and can be discussed openly in the markets and streets before all nations."

comprehensive appreciation of the commandments of the Torah. This attitude is a fundamental component of the Jewish religious axiology but an unusual one with no parallel elsewhere. These verses demand explanation due to their ambiguity: What is the subject of “they will be your wisdom,” which brings about an attitude of appreciation and admiration from other nations, ensuring that we are seen as wise and intelligent? A cursory review of the main commentaries reveals the surprising novelty and far-reaching significance of the principle embodied in Maimonides’ interpretation.

We find in the Talmud:

Anyone who knows how to calculate astronomical seasons and the movement of constellations and does not do so, the verse says about him: “They do not take notice of the work of God” (Yeshayahu 5:12) ... From where is it derived that there is a mitzvah incumbent upon a person to calculate astronomical seasons and the movement of constellations? As it was stated: “Take care to keep them for they will be your wisdom and understanding in the eyes of the nations” ... What wisdom and understanding is there in the Torah that is in the eyes of the nations? ... This is the calculation of astronomical seasons and the movement of constellations.⁵

This interpretation assumes that the subject, namely the science of astronomy, is not explicitly mentioned and is recognized only through the context and logic of the text. The biblical verses suggest that there must be a universal field of study in which there is no distinction between Israel and the nations; everyone engages in it together, and the Gentiles are impressed by the solid achievements of the Jews.

A second approach offered by the Talmud emphasizes the unique relationship established between a Jew and God by means of faith and keeping the commandments:

Rabbi Yehoshua b. Levi says: All of the mitzvot that the Jewish people perform in this world will come and strike the faces of the nations of the world in the World to Come, as it is stated: “Take care to keep them for they will be your wisdom and understanding in the eyes of the peoples” (Devarim 4:6). It is not stated: Before the peoples; rather, the verse states: “in the eyes of the peoples,” which teaches that they will come and strike the faces of the nations of the world in the World to Come (Avodah Zarah 4b).

⁵ Shabbat 75a. See: *Hilkhot Yesodei Hatorah* 3:5; *Hilkhot Kiddush Haḥodesh* 17:24; *Teshuvot Harambam*, Blau edition, *siman* 150, pp. 285–286; “Iggeret el Rav Ḥasdai Halevi Me’alexandria,” *Iggerot Harambam*, Shilat edition, 677ff.; see also “Iggeret Leḥakhmei Montpellier al Gezerat Hakokhavim” *ibid*, 478ff. Compare with the interesting usage in *Maḥzor Vitri*, Shimon Horowitz edition (Nuremberg, 5683), 520, and the kabbalistic use made by R. Todros in the section of “*Otzar Hakavod Hashalem*,” published by Aryeh Feldman, *Sefer Hayovel Likhvod Shalom Baron*, Saul Lieberman, ed. (Jerusalem: American Academy for Jewish Research, 5735), Hebrew section, 309.

The phrase “in the eyes of the peoples” implies a direct confrontation, whereas “before the peoples” reflects simply opposing positions. This interpretation suggests that Israel’s wisdom and understanding, as perceived by the nations, stem from the unique nature of the Torah’s system and Israel’s steadfast loyalty to it, despite the mockery, jeering, and contempt from the nations who seem dominant in this world. History may be hostile to Israel but, ultimately, they will be honored and their allegiance to Torah will be vindicated.

In any case, the wisdom that eventually will be revealed for all to see arises from the decrees and laws that are observed without rationalization and with unwavering commitment. The adjacent teaching of Rabbi Yehoshua b. Levi supports this:

What is the meaning of that which is written: “Which I command you this day, to do them” (Devarim 7:11)? Today is the time to do them, but tomorrow is not the time to do them. Today is the time to do them, but today is not the time to receive one’s reward. Rabbi Yehoshua b. Levi says: All of the mitzvot that the Jews perform in this world will come and bear witness for them in the World to Come, as it is stated: “Let them bring their witnesses that they may be justified, and let them hear, and say: It is truth” (Yeshayahu 43:9). He explains: “Let them bring their witnesses that they may be justified”; these are referring to the Jews. “And let them hear, and say: It is truth”; these are referring to the nations of the world.⁶

R. Bahya ibn Pakuda and R. Avraham ibn Da’ud offer another interpretation, rooted in the belief that the unique respect of the nations toward Israel arises from the systematic and profound study of philosophy and the fundamentals of faith. Clearly, in their view, suprarational laws (*hukim*) cannot be a source of appreciation or a reason for esteem or admiration. The only candidate for such a response is the rationally demonstrable treatment of the principles of religion. R. Bahya writes in his *Sha’ar Hayiḥud*, chapter 3:

Regarding whether or not it is our duty to rationally investigate on the unity of God, I will say as follows: For anyone who is capable of investigating this and other similar matters through rational inquiry—it is his duty to do so according to his intelligence and perception. I have already written in the introduction to this book sufficient arguments which demonstrate the obligation of this matter. Anyone who neglects to investigate into it is blameworthy and is considered as belonging to the class of men who fall short in wisdom and conduct. He is like a sick man who is an expert on the nature of his disease and the correct healing method, but instead relies on

⁶ Avodah Zarah 4b.

another doctor to heal him who applies various healing methods, while he is lazy to inquire using his own wisdom and reasoning into the methods employed by the doctor, to see whether or not the doctor is dealing with him correctly or not, when he was easily able to do this without anything preventing him. The Torah has already obligated us on this, as written: “know today and take to heart, [that the Lord is God in heaven above and on the earth beneath; there is no other]” (Devarim 4:39). The proof that “take to heart” refers to intellectual investigation, is from what the following verse says: “... so they do not take it to heart nor find mind or wisdom” (Yeshayahu 44:19). So too David urged his son: “As for you my son, Shelomo, *know* the God of your father and serve Him with a full heart and a willing soul, for the Lord searches all hearts” (Divrei Hayamim Alef 28:9). And David said: “*Know* that the Lord is God” (Tehillim 100:3). And “Because he loves Me, I will rescue him; I will protect him, because he has *known* My Name” (Tehillim 91:14), and “But let him that glories glory in this, that he understands and *knows* Me” (Yirmeyahu 9:23), and our Sages said: “Be diligent in the study of Torah and know what to answer a heretic” (Avot 2:14), and the Torah says: “Take care to keep them for they will be your wisdom and understanding in the eyes of the peoples” (Devarim 4:6). And it is impossible for the nations to admit to our claims of superior wisdom and understanding unless there are proofs and evidences which can testify for us along with the testimony of the intellect on the truth of our Torah and our faith. And our Maker has already promised us that He will remove the veil of ignorance from their minds, and show His magnificent glory as a sign to us on the truth of our Torah when He said: “nations will walk toward your light” (Yeshayahu 60:3), and “Many peoples will come saying: ‘Come, let us go up to the mount of the Lord, to the house of the God of Yaakov’” (Yeshayahu 2:3). It is now clear from logic, Scripture, and tradition that it is our duty to investigate into this of what we are capable of clearly grasping with our minds.⁷

R. Bahya also emphasizes the idea of universalism. However, while the Talmud attributes the universal aspect to the subject matter (astronomy), R. Bahya’s approach locates universalism in the philosophical-logical methodology.⁸

R. Abraham ibn Da’ud trenchantly argues that it is inconceivable that the unique Jewish wisdom refers to *hukim*. Even political regimens and moral norms (i.e., a legal system) do not inspire respect or admiration, as any intelligent person can follow them without a revelatory religious foundation. The only plausible conclusion is that the verse refers to the “roots of religion.” The most remarkable, even marvelous fact is

⁷ R. Bahya Ibn Pakuda, *Hovot Halevavot, Sha’ar Hayihud*, chapter 3.

⁸ See *Torat Hovot Halevavot*, R. Yosef Kafih trans. (Jerusalem, 5733), 41, n. 72.

that the Torah provides all truths and philosophical principles precisely, effortlessly, and without complication:

The Most Blessed God declares in His sagacious Torah: “Take care to keep them, for they will be your wisdom and understanding in the eyes of the peoples. When they hear all these *hukim*, they will say: ‘Surely this great nation is a wise and understanding people!’” This statement does not refer to the suprarational commandments as these would not appear impressive to those outside our nation. It also does not pertain to political practices or ethical virtues since any rational person can adopt such practices for himself and his followers, even without being a person of religion. Rather, [this verse] refers to the wonder of the nations when they investigate the roots of Israel’s faith. They generally find that these agree with the results of their extensive research and diligent pursuit of truth, achieved through thousands of years of debate and consideration, while it is given to us without toil or investigation, received from the true prophet. We [then] discovered it articulated logically in true philosophy.⁹

Against this background, we can better appreciate Maimonides’ simple and decisive statement that the expression “wisdom and understanding” refers specifically to *hukim*. These laws, which may seem pointless and useless, testify to a deeper wisdom. This is the straightforward meaning of the verse: “when they hear all these *hukim*, they will say: ‘Surely this great nation is a wise and understanding people.’” It is clear that the subject of “for they will be your wisdom” refers to the *hukim*. Thus, it is evident—without a shadow of a doubt, and this is Maimonides’ main intent—that there are purposive reasons and benefits for the *hukim* as well.

And it says: when they hear all these *hukim* they will say: “Surely this great nation is a wise and understanding people!” Thus it states explicitly that even all the *hukim* will show to all the nations that they have been given

⁹ *Sefer Ha’emunah Haramah* (Jerusalem, 5727), Introduction, 4. Compare: R. Avraham ibn Migas, *Kevod Elokim* (Constantinople, 5345 [Reprinted: Jerusalem: Jewish National and University Library, 5737]), chapter 27, 58b: “For they will be your wisdom ... This phrase cannot refer to the Torah itself, for those who do not understand its truths cannot appreciate its value. How then would Israel achieve greatness, honor, and admiration with the statement: Surely this great nation is a wise and understanding people? ... It must mean that their knowledge is on par with that of the nations, indicating that both groups possess a similar level of understanding.” See also R. Yosef Gikatilla, *Ginat Egoz* (Jerusalem, 5749), 343; R. Avraham Shalom, *Nevei Shalom* (Venice, 5335), Introduction. R. Meir ibn Gabbai, *Avodat Hakodesh* (Jerusalem, 5733), 151, mentions only Maimonides’ teaching in the *Guide* II:11 where the verse under discussion is brought in the context of studying the natural sciences. He does not mention the *Guide* III:31 at all. Compare also: R. Moshe Mat, *Mathe Moshe* (Warsaw, 5636), 28.

with wisdom and understanding. Now if there is a thing for which no reason is known and that does not either procure something useful or ward off something harmful, why should one say of one who believes in it or practices it that he is wise and understanding and of great worth? And why should the religious communities think it a wonder?¹⁰

All the commandments, both *hukim* and *mishpatim* [rational commandments], are structured around rational-philosophical interpretation: The *mishpatim* “are commandments whose reason is obvious, and the benefit derived in this world from doing them is well known” while the *hukim* “are commandments whose reason is not known.” However, those who strive and equip themselves with the necessary knowledge will certainly find reason, understanding, and justification also for the *hukim*.

This proof¹¹ that even *hukim* have reasons and benefits, is not merely an addition to the system of proofs that Maimonides presented for his theoretical position on the need to offer reasons for the commandments. It necessitates a unique interpretation, one that will be accepted by the nations of the world. This need drives the effort to find universal concepts and methods of explanation, stimulating from the outside and directing our focus outward.

This point becomes clearer and more precise when we compare Maimonides’ interpretation in the *Guide* with his similar argument regarding the allegorical interpretation of the aggadot of the Sages in his *Commentary on the Mishnah*. In his sharp critique of those who take the aggadot literally, who

do not think that these teachings contain any hidden meaning at all. They believe that all sorts of impossible things must be. They hold such opinions

¹⁰ *Guide* III:31. Compare: R. Yitzhak Abravanel in his commentary on Devarim 4:6, who wholeheartedly supports Maimonides’ approach. R. Avraham ibn Ezra preceded Maimonides in his *Yesod Mora Vesod Hatorah*, Yosef Cohen, Uriel Simon edition (Ramat Gan: Bar-Ilan University, 5767), the Eighth Gate, 156; but see also his commentary on Bereishit 2:11. See R. Shemuel ibn Tibbon, *Yikavu Hamayim* (Pressburg, 1837), 173. This approach appears soon afterwards in R. David Kimhi’s introduction to his commentary on the Book of Yehoshua. Compare also: R. Nissim Gerondi, *Derashot Haran*, Aryeh Feldman edition (Jerusalem: Mossad Harav Kook, 5769), *Derashah* 1, p.1; *Derashah* 9, p. 332. R. David Ganz, *Nehmad Vena’im* (Jessnitz, 5503), at the end of his introduction, relies on the approach of Maimonides but limits it to astronomy. R. Yosef Yavetz, *Or Hahayyim, Kol Kitvei R. Yosef Yavetz* (Lublin, 1914), 114, suggests a connection between this verse and the study of philosophy, but not reasons for the commandments. Compare this with the discussion in Chapter 6 above, section 3, pp. 139–143.

¹¹ In this context, it is important to note that Maimonides seeks to prove and confirm the correctness of his position based on biblical, Talmudic, and philosophical evidence. *Guide* III:26, along with the famous conclusion of his *Sefer Hamitzvot*, should be understood as a series of proofs. Maimonides does not merely posit a rationalist-philosophical position; he also demonstrates that his approach is firmly grounded.

because they have not understood science and are far from having acquired knowledge,

Maimonides proceeds to express great indignation:

As God lives, this group destroys the glory of the Torah and extinguishes its light, for they make the Torah of God say the opposite of what it intended. For He said in His perfect Torah, “The nations who hear of these statutes shall say: Surely this great nation is a wise and understanding people.” But this group expounds the laws and the teachings of our sages in such a way that when the other peoples hear them they say that this small people is foolish and ignoble”¹²

At first glance, applying the verse about *hukim* to seemingly implausible aggadic stories of the Sages seems puzzling. What does aggadah have to do with *hukim*? However, the connection becomes clear from the matter itself upon closer examination. Aggadot and *hukim* are both apparently remote from rationality and require a discriminating allegorical interpretation to clarify their meanings. The common thread to the rational interpretation in both realms is to highlight their wisdom and intelligence in the eyes of the nations until they acknowledge: “Surely this great nation is a wise and understanding people!” Without intelligent interpretation, they will misjudge us, saying: “This is certainly a foolish and ignoble people, this small nation.”

Thus, we see that this outward-directed motif is also present in the *Mishneh Torah*, albeit indirectly and without polemical emphasis. It does not overtly influence the rational-purposive conceptual system that seeks to uncover the hidden reasons for the commandments, particularly the *hukim*. Nevertheless, the idea subtly emerges, and its impact is evident. For example, in *Hilkhot Avodah Zarah* 12:1, Maimonides states without emphasis: “One does not shave the ends of the head as the star worshippers used to do.”¹³ An even more intriguing ruling appears in *Hilkhot Temidin Umusafin*: “The continuous offering of the afternoon is offered in the same manner as the continuous offering of the morning. Everything follows the regimen for the offering of the burnt offering. The lamb was not bound before its slaughter so as not to copy the practice of the heretics.”¹⁴

¹² Maimonides’ *Commentary to the Mishnah*, Sanhedrin, *Perek Helek*, in Isadore Twersky, *A Maimonides Reader* (New York: Behrman House Publishers, 1972), 407. It is well-known that Maimonides often offered strong critique of the *darshanim*.

¹³ See also: *Hilkhot Avodah Zarah* 12:7; 6:6. See also *Hilkhot De’ot* 3:1; *Hilkhot Shabbat* 2:4; *Hilkhot Avel* 4:2.

¹⁴ *Hilkhot Temidin Umusafin* 1:10. At the end of his gloss Ravad comments: “I do not know what is meant by the practice of the heretics.” In another context, I highlight philosophical echoes—sometimes unconscious—in the wording of the laws in the *Mishneh Torah*. This assumption or fact of a

The comment of R. Yaakov bar Sheshet, author of *Meshiv Devarim Nekhoḥim* regarding this matter is very instructive:

I know that among the righteous and sages of Israel, there are those who criticize me for providing reasons for two or three of the Torah's commandments, opening the door to rational explanations for many more commandments. I bring here proof that a wise man can provide a reason for any commandment whose rationale is not explicitly stated in the Torah, and this will be of great benefit ... for it will enhance the Torah's beauty in the eyes of the nations, leading them to declare: "Surely this great nation is a wise and understanding people!" For they often question the purpose of certain commandments, dismissing them as mere parables. However, when we offer them reasons based on wisdom, which they cannot refute, they will say: "Come, let us go up to the house of the Lord."

In another place, he transitions from the general to the specific, highlighting Maimonides' achievements and revealing his motives: "The rabbi's intention is evident in all his words, clear to every educated believer. He makes the commandments of the Torah understandable according to the intellect ... and he did so in response to the heretics and skeptics who say, 'What is the point of this particular commandment?'"

philosophical influence helps clarify questions or difficulties in Maimonides' text. For example, in *Hilkhot Beit Habehirah* 1:17, Maimonides states: "We must not make steps for the Altar, as (Shemot 20:23) states: 'Do not ascend on My Altar with steps.' Rather, we must build an incline on the southern side of the Altar, diminishing [in height] as it declines from the top of the Altar until the earth. It was called the ramp. Anyone who ascends the Altar with steps receives lashes. Similarly, anyone who demolishes a single stone from the Altar, any part of the Temple building, or [the floor of the Temple Courtyard] between the Entrance Hall and the Altar with a destructive intent is deserving of lashes, as (Devarim 12:3–4) states: 'And you shall destroy their altars. ... Do not do so to God, your Lord.'" The juxtaposition of these two laws is puzzling, and the author of *Kesef Mishneh* has already noted: "The use of the term 'similarly' that our teacher wrote is imprecise." However, if we consider that Maimonides was already contemplating the explanation he would later provide in the *Guide* (III:45), a reasonable and logical connection emerges, making the use of "similarly" precise. There, he writes: "In all this there is one and the same purpose, namely, that we should not worship God in the form of the particular cults practiced by them with regard to the objects of their worship; and this is the meaning of the prohibition in general. It says: 'How did these nations serve their gods? Even so, will I do likewise ...' You know likewise how widespread was the worship of Peor in those times, and that it consisted in the uncovering of the nakedness. Therefore it commands the Priests to make themselves breeches to cover the flesh of their nakedness during the divine service. Nevertheless they were commanded not to go up to the Altar by steps: 'That thy nakedness be not uncovered thereon.'" The main source of the law "Do not do so to God, your Lord" appears in chapter 6 of *Hilkhot Yesodei Hatorah*. Here, in *Hilkhot Beit Habehirah*, it is a summary and review, and the connecting point between the two parts of the law is the element of idolatry, as explained in the historical-conceptual context provided in the *Guide*.

It makes no rational sense!”¹⁵ Although the nature of the reasons given in *Mishneh Torah* differs from those in the *Guide*—with the historical dimension being almost non-existent and the reasons being mainly moral and intellectual, as I detailed in my book on Maimonides’ *Mishneh Torah*—this motive still drives the scholar. The impetus for a teleological explanation of the commandments is the same force that directs outward, regardless of whether the reasons are historical or moral. This is what R. Yaakov bar Sheshet had in mind.¹⁶

Let us revisit the beginning of the law found at the end of *Hilkhot Me’ilah* and examine another matter of decisive importance. I propose two possible interpretations of this passage: one that views it as a warning with a threefold intention and another that perceives it as having a dual focus. Despite their differences, both interpretations share an innovative conceptual idea related to the issue of antinomianism.

If we understand Maimonides’ words according to the first possibility, we find that he is cautioning against three distinct dangers or errors:

a. An individual who observes the commandments and seeks to understand their underlying reasons may ultimately come to neglect them if he cannot discern a rationale: “a law for which he finds no reason and understands no cause should not be trivial in his eyes ... how much more should man be on guard not to rebel against a commandment decreed for us by the Holy One, blessed be He, only because he does not understand its reason.” The failure to find a satisfactory explanation for a commandment, after thorough investigation, can ultimately lead to the nullification of the Torah.

b. Another risk is that a person may develop flawed or unreasonable explanations that are theologically distorted: “Let him not break through (*haros*) to come up against the Lord ... or to heap words (*lehappot devarim*) that are not right against the Lord.” The language here is precise, and the meaning becomes unmistakably clear when viewed in light of the concluding statements in *Hilkhot Tzara’at*:

Now the way of the company of the scornful and wicked is this: In the beginning, they are profuse with vain words, as in the matter whereof it is said, “A fool’s voice is known by too many words” (Kohelet 5:2). Then they go on to speak to the discredit of the righteous ... Then they become accustomed to speak against the prophets and discredit their words, as in the matter whereof it is said, “But they mocked the messengers of God ...” (Divrei Hayamim Bet 36:16). Then they go on to

¹⁵ Sefer *Meshiv Devarim Nekhoḥim*, Georges Vajda and Ephraim Gottlieb edition (Jerusalem: The Israel Academy of Sciences and Humanities, 1969), chapter 3, p. 83; chapter 15, p. 145.

¹⁶ In his letter to R. Yonatan ben David Hakohen of Lunel, Maimonides emphasizes that the purpose of his involvement in philosophy is “to show the peoples and the princes her charms.”

speak against God and to deny the very root of religion, as in the matter whereof it is said, “the Israelites ascribed falsehoods (*vayehappe’u devarim*) to the Lord their God ...” (Melakhim Bet 17:9).¹⁷

In an entirely different context, Maimonides uses strong language to criticize the liturgical poets who are careless with their words, drawing on the same verse from Melakhim Bet 17 (“the Israelites ascribed falsehoods ...”) This suggests that poetry that heaps “falsehoods to the Lord their God ...” is on the verge of blasphemy.¹⁸

Maimonides defines the term *haros*: “When doing this, he should not make categoric affirmations in favor of the first opinion that occurs to him and should not, from the outset, strain and impel his thoughts toward the apprehension of God.”¹⁹ His son, R. Avraham, further elucidates this concept: “*harisah* is the soul’s impulsive engagement with ideas that lie beyond its intellectual capacity.”²⁰ Thus, the concern is not merely the presence of multiple interpretations as opposed to a singular, cohesive explanation; rather, it is the risk of embracing erroneous reasoning that fundamentally distorts the subject matter. This distortion arises from an uncontrolled and undisciplined intellectual recklessness devoid of the necessary preparatory rigor.²¹

c. The reflective individual who fails in an attempt to discern the reasons behind the commandments will continue to observe them without being convinced of their underlying purposiveness: “nor should his thoughts concerning these things be like his thoughts concerning profane matters,” and “or to regard the commandments in the manner in which he regards ordinary affairs.” Maimonides immediately follows this by stating: “‘Keep all My decrees and all My laws and fulfill them’ (Vayikra 20:22); whereupon our Sages have commented that ‘keeping’ (*shemirah*) and ‘doing’ refer to the ‘statutes’ as well as to the ‘ordinances.’ ‘Doing’ is well known; namely, performing the statutes.²² And ‘keeping’ means that one

¹⁷ *Hilkhot Tumat Tzara’at* 16:10. See also *Hilkhot Talmud Torah* 6:11.

¹⁸ *Guide* I:59. As a general rule, Maimonides promoted the need for caution and moderation in speech. See, for example, *Hilkhot De’ot* 2:4; *Hilkhot Talmud Torah* 3:3; *Hilkhot Tefillin* 4:25. Compare: Maimonides’ *Commentary to the Mishnah*, Avot 1:15.

¹⁹ *Guide* I:5. See: *Ma’amar Tehiyat Hametim*, Y. Finkel edition (New York: American Academy for Jewish Research, 1940), 14, 39 (Explanation of foreign words). See also: David Baneth, “Harambam kemetargem divrei atzmo,” *Tarbiz* 23 (1952), 170–191. Compare: *Guide* I:32 (Have regard for the honor of his Creator); and Maimonides’ *Commentary to the Mishnah* (Hagigah 2:1)

²⁰ *Peirush Rabbenu Avraham ben Harambam al Bereishit Ushemot*, Ephraim Yehuda Weisenberg edition (London: S. D. Sassoon, 1958), 310.

²¹ For a general overview, see: *Guide* I:31ff; specifically *Guide* I:34. Maimonides consistently asserts that it is preferable to remain silent than to risk intellectual harm by proposing unfounded ideas or attempting to answer questions that are inherently unanswerable. See: *Guide* II:16 (regarding creation and newness); *Hilkhot Teshuvah* 5:5 (regarding knowledge and free will).

²² Note that Maimonides is here referring specifically to *hukim*.

should be careful concerning them and not imagine that they are less important than the ordinances.” According to Maimonides, “keeping” entails a correct and unreserved axiological stance, affirming that the decrees are indeed beneficial. R. Eliezer of Metz equates “keeping” (*shemirah*) with performance, with *shemirah* referring to the mental aspect. R. Ḥasdai Crescas interprets “keeping” as an act of remembrance. Maimonides, however, emphasizes that “keeping” is intended to counteract rote performance, to caution against the mechanical observance of commandments, and to insist that one must not approach an element of the Torah as if it was a meaningless, mundane matter, performed solely out of fear. Rather, it requires the conviction that every commandment has a reason and an explanation, which is precisely why they were commanded.²³

This emphasis is fundamental to Maimonidean thought, and it is instructive to consider his emphatic words in *Hilkhot Avodah Zarah*. After meticulously cataloging the various forms of divination and sorcery forbidden by the Torah, Maimonides concludes with the following statement:

These practices are all false and deceptive and were means employed by the ancient idolaters to deceive the peoples of various countries and induce them to become their followers. It is not proper for Israelites who are highly intelligent to suffer themselves to be deluded by such inanities or imagine that there is anything in them, as it is said, “For there is no divination over Jacob, no spell against Israel” (Bemidbar 23:23); and further, “The nations that you are driving out listen to augurs and to those who cast spells. But as for you—the Lord your God does not permit you these” (Devarim 18:14). Whoever believes in these and similar things and in his heart holds them to be true and scientific and only forbidden by the Torah, is nothing but a fool, deficient in understanding, who belongs to the same class with women

²³ Regarding secular matters, compare with: *Hilkhot Yesodei Hatorah* 6:8; *Biur Shemot Kodesh Vehol*, Moses Gaster edition (Berlin: Dvir 1923), 3ff. Maimonides employs the term *ba'at* to describe the performance of a commandment with an attitude of scorn and contempt, devoid of any belief in its efficacy—a mechanical and arbitrary fulfillment of religious obligations. See *Hilkhot Shegagot* 3:10: “Yom Kippur, sin-offerings and guilt-offerings do not generate atonement unless one repents and believes in the atonement they grant. If, however, one rebels (*ba'at*) against them, they do not generate atonement for him. What is implied? A person was in a state of rebellion, but brought a sin-offering or a guilt-offering, saying or thinking in his heart that these will not generate atonement. Accordingly, even though they were offered as commanded, they do not generate atonement for him. When he repents from his rebellion, he must bring another sin-offering and/or guilt-offering ...” He is clearly discussing a situation where one performs an act without belief or faith. See R. Yonah ibn Janah, *Sefer Harikmah*, Michael Wilensky edition (Berlin, 1931), s.v. *Ba'at*. Regarding the term *shemirah*, see: *Sefer Yere'im*, *Amud Hayirah*, *siman* 26; R. Ḥasdai Crescas, *Or Hashem*, R. Shlomo Fisher edition (Jerusalem, 1990), Introduction.

and children whose intellects are immature. Sensible people, however, who possess sound mental faculties, know by clear proofs that all these practices that the Torah has prohibited have no scientific basis but are chimerical and inane and that only those deficient in knowledge are attracted by these follies and for their sake leave the ways of truth. The Torah, therefore, in forbidding all these follies, exhorts us, “You must be wholly loyal (*tamim*) to the Lord your God” (Devarim 18:13).²⁴

This is not about someone who engages in witchcraft but rather about an individual who refrains from such practices without being genuinely convinced that they are futile and nonsensical. Maimonides sought a complete alignment between action and intention: to fulfill commandments and avoid transgressions based on a profound understanding that “I did not say to the seed of Yaakov, ‘seek Me in vain’” (Yeshayahu 45:19).²⁵

As previously noted, Maimonides’ words can be interpreted as a cautionary statement with a dual focus. In this reading, the phrases “should not be trivial in his eyes” and “not to rebel (*lo yivat*) against a commandment ... only because he does not understand its reason” function as a general caption. Maimonides then highlights two specific pitfalls: (1) The risk of distorting or obscuring the truth by offering explanations that are fundamentally flawed; and (2) The assumption that the commandments are devoid of reason, thereby rendering them arbitrary and purposeless. Under both interpretations, the passage is meticulously crafted—exemplifying a well-considered structure—wherein the warning is reiterated with remarkable eloquence.

The common thread in this passage lies in its significant conceptual innovation concerning the issue of antinomianism. In the history of religion, it is widely accepted that antinomianism arises from philosophical understanding. The commandment is perceived as serving a particular purpose, and once the underlying meaning and intent of the commandment are fully grasped, the performance of the act itself may be deemed unnecessary. In this view, knowledge renders the act superfluous. Medieval sages frequently addressed this concern,²⁶ emphasizing

²⁴ *Hilkhot Avodah Zarah* 11:16. Much has been written about “Thou shalt be wholehearted (*tamim*),” but that is another discussion. Maimonides underscores that to be *tamim* signifies the alignment of action with belief or intellectual conviction.

²⁵ See: *Guide* III:26; and compare: II:47; III:49.

²⁶ These things are well-known and need no proof, yet it is worthwhile to see Maimonides at the end of his *Sefer Hamitzvot*; R. Hillel of Verona, *Sefer Tagmulei Hanefesh*, Joseph B. Sermoneta edition (Jerusalem: Israel Academy of Sciences, 1981), 182–183: “Therefore, one should refrain from interpreting the commandments figuratively as a means of evading their literal observance ... and to say that the intent of a given commandment is such, and it is enough for me to understand the power of the reason itself, and I do not need to fulfill it as written ...” Also, the apt words of R. Bahya ben

the potential danger that understanding the rationale and purpose of a commandment might lead to the abandonment of its practice. This passage introduces a new form of antinomianism, one rooted in intellectual failure. An individual who fails to grasp the profound meaning of a commandment may ultimately nullify its observance, reasoning that if no rationale exists, there is no reason to continue the practice. In contrast, knowledge that penetrates to the core of the commandment enhances the value of the act and serves as a safeguard for its continued performance. Thus, in addition to philosophical antinomianism, which posits that understanding the commandment's purpose might lead to the abandonment of its practice, there exists an even more perilous form: agnostic-skeptical antinomianism. While philosophical antinomianism is speculative—that knowledge might lead to evasion of observance—agnostic antinomianism is conclusive; a lack of understanding inevitably leads to contempt and non-performance.

This idea resonates with various sources, and it is worth mentioning some of them. R. Meir Aldabi writes in the eighth path of his *Shevilei Emunah*:

I have encountered individuals of misguided spirit who mistakenly believe that the commandments discussed by Abaye and Rava are “a small matter,” thinking their obligation lies merely in their performance. They hold that these commandments serve only to fulfill the will of the Creator, who gave them to test Israel, to see whether they would follow His commandments without regard to any inherent benefit. They liken this to a king who tests his subjects to see if they obey his will, regardless of whether the command itself carries any intrinsic value, other than demonstrating the subject's obedience to the sovereign.

These individuals interpret the scriptural verse, “The word of the Lord is refined [*tzerufah*]” (Tehillim 18:31), in accordance with the teaching of our Sages (*Bereishit Rabbah* 44:1): “The commandments were given only to refine [*letzaref*] people through them. After all, why should the Holy One blessed be He care whether one slaughters an animal from the throat or he slaughters it from the nape?” However, these mistaken individuals

Asher to Devarim 29:28 (*Rabbenu Bahya al Hatorah*, 3, Hayyim Dov Chavel edition, Jerusalem: Mossad Harav Kook, 1968), 435: “I have heard attributed to Maimonides, of blessed memory, an interpretation of the verse, ‘The hidden things belong to the Lord, our God.’ He explained that the profound secrets of the Torah and the reasons for the commandments are known only to the exalted God. If a person is fortunate enough to grasp even a trace of the commandments' underlying principles and mysteries, this should not lead him to neglect their outward observance. One must still fulfill the commandments in their physical form and should not dismiss them, for ‘as for the revealed things, they are for us and our children ... to keep.’ While this interpretation itself ... is valuable, it does not align with the plain meaning of the biblical text.” A striking definition has already been given by R. Yehudah Halevi, *Sefer Hakuzari* III:65.

erroneously understand “to refine [*letzaref*] people through them” to mean simply testing whether people will follow God’s Torah and commandments, irrespective of any benefit or deeper purpose in the commandments themselves. Consequently, they regard the discussions of Abaye and Rava as insignificant—“a small thing”—leading them to neglect the performance ...²⁷

Apart from the polemical tone regarding the proper interpretation of the rabbinic statement that “the disputes of Abaye and Rava are a small thing,” a significant emphasis emerges: the absence of a teleological understanding may destabilize the entire framework, giving rise to agnostic antinomianism.

We must juxtapose the remarks of R. Aldabi with those of R. Yehoshua ibn Shu’eib in his book of sermons. He begins with a forceful assertion that echoes the sentiments of R. Baḥya ibn Pakuda:

It is insufficient to perform the commandment superficially without meticulous attention to its details, or to fulfill it out of rote habit and mere adherence to tradition. As it is stated, “Cursed is he who trusts in man” (Yirmeyahu 17:5), referring to one who relies solely on others’ understanding without striving to understand the commandment and approach it with proper intent.²⁸

Ibn Shu’eib’s continuation mirrors the language and emphasis of R. Aldabi almost verbatim:

And the misguided of our nation think that there is nothing in performing the commandment but an expression of adherence to divine will and submission to His authority, with no further significance or underlying purpose. They cite the rabbinic maxim, “Why should the Holy One, blessed be He, care whether one slaughters an animal from the throat or from the nape?” ... Regarding the statement: “the design of the Divine Chariot is ‘a great matter’; the disputes of Abaye and Rava are ‘a small matter’” ... they explain the disputes of Abaye and Rava as representing the Talmudic

²⁷ *Shevilei Emunah* (Warsaw, 1887), *Netiv Shemini*, 161. This appears in the context of the author’s discussion of the meaning and ramifications of the rabbinic statement (Sukkah 28a; and also Bava Batra 134b) calling the disputes of Abaye and Rava “a small matter,” and the design of the Divine Chariot “a great matter.” See Chapter 8 above, pp. 217–218.

²⁸ *Hovot Halevavot*, Introduction, Abraham Zifroni edition (Tel Aviv: Maḥbarot Lesifrut, 1949), 79: “And he responded that tradition should take the place of study ... I replied that this is appropriate only for those who are unable to engage in study due to minimal understanding or inadequate intellectual resources, such as women, children, and the mindless amongst the men ...”

exegesis of commandments, that is, the Oral Torah, while the design of the Divine Chariot represents philosophical and natural inquiries. Consequently, they argue that meticulous adherence to commandments is unnecessary, leading them to neglect or entirely forego their observance. This is truly the path to destruction and death ... And they do not recognize: “I did not say to the seed of Yaakov, ‘seek Me amid emptiness’” (Yeshayahu 45:19). Those endowed by God with intellectual insight will examine the intellectual insights alluded to in the commandments.²⁹

We can thus conclude that in his *Mishneh Torah*, Maimonides introduced a novel rationale for inquiring into the Torah’s laws and further solidified the pursuit of understanding the reasons behind the commandments. From this perspective, “intellectualism” prevails precisely in the *Mishneh Torah*.

²⁹ *Derashot Rabbi Yehoshua ibn Shu'eib al Hatorah Umoadei Hashanah*, Zev Metzger edition (Jerusalem, 1992), *Parashat Tzav Ulshabbat Hagadol*, 207. There is a difference between the two formulations. Aldabi emphasizes a causal connection between the assumption that there are no reasons for commandments and neglecting their performance. This emphasis is missing in Ibn Shu'eib. See the excerpt from the Rashba (a note regarding the activity of performing commandments) brought from the Oxford 2250 ms. in *Siddur R. Amram Gaon*, Aryeh Leib Frumkin edition (Jerusalem, 1912), 40a: “And the mistaken ones think that the meaning of *letzaref* is to know whether or not they will follow His Torah and His commandments, irrespective of whether or not they are beneficial in any way, leading them to understand the points made by Abaye and Rava regarding the act of the commandment ‘a small thing.’ This truly leads them to negate the performance of all the commandments.” This may be the source of the teachings of R. Aldabi and Ibn Shu'eib. With regard to the concept itself, see R. Yosef Yavetz, *Or Haḥayyim* (above, n. 10), 109: “One who acts without offering a reason is cursed and blasphemed by the onlookers.” The Rashba’s statement is cited in *Sefer Mateh Moshe* (above, n. 9), Second Gate, 27.

On Law and Ethics in *Mishneh Torah*: A Case Study of *Hilkhot Megillah* 2:17*

A careful study of Maimonides' *Mishneh Torah*, the crown of rabbinic literature which exercised a decisive and extensive influence on all developments in the field of Halakhah, enables us to discern and analyze ethical doctrines and moral directives reflected in legal prescriptions and in normative summations which, at first glance, are—or are assumed to be—free of moral motifs.¹ Such a study illumines the process whereby the ethical concern and ethical expression and ethical re-direction penetrate

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בברכה שלמה

¹ We do not yet have a complete florilegium of ethical motifs in the Maimonidean corpus. There is an interesting Hebrew volume by a grandson of the Ḥatam Sofer which is really a general anthology of choice passages—edifying, original, repercussive—in the *Mishneh Torah*, but by no means a unified collection of moral teachings; see *Sefer Musrei Harambam*, ed. Rabbi Shimon Sofer, first published Munkacz, 1913; reprint Jerusalem, 1983. (I thank Dr. B. Safran for bringing this to my attention.) See also the useful English volume by R. Weiss and C. Butterworth, *Ethical Writings of Maimonides* (New York, 1975).

The question, quantitative and qualitative, of the ethical component of the *Mishneh Torah* was debated obliquely and curiously by the Tzarist government and R. Menahem Mendel Schneerson, the *Tzemaḥ Tzedek* of Lubavich, in the nineteenth century. The Russian government, eager to reform Jewish education, sought to have the Jews compile a collection of laws from the *Mishneh Torah* for use in schools—"enlightening laws on the relations between man and God, king, homeland, and his fellow-men." The *Tzemaḥ Tzedek* countered that, if the purpose was to study moral teachings, there are more extensive and more popular works (e.g., *Menorat Hamaor*). See R. Joseph I. Schneerson, *Hatzemaḥ Tzedek Utenuat Hahaskalah*, trans. Z. Posner (New York, 1962). See also, for a different episode, M. Stanislawski, "The Tsarist *Mishneh Torah*: A Study in the Cultural Politics of the Russian Haskalah," *Proceedings of American Academy for Jewish Research*, L (1983), 165–183.

Our concern is to discover and document the large amount of ethical material explicitly or allusively incorporated into this great code and interspersed throughout its various sections. There would seem to be three major areas of investigation: (1) laws that are ethics—e.g., *Hilkhot De'ot*; (2) laws that have an unmistakable ethical underpinning—e.g., *bar metzra*, *Hilkhot Shekhenim*, 14:5; (3) ethical motifs brought to the surface by means of a meticulous, sensitive interpretation of laws. The third area—the ethicization and spiritualization of laws—is the most subtle and most suggestive. The inclusive, authentic florilegium of ethical statements, allusions, and exhortations in the Maimonidean code will only be forthcoming after a laser-type analysis of the *Mishneh Torah* which will enable us to identify all the novel interpretations, original emphases, and expansive formulations.

into the formulation of specific halakhot where one would not initially expect them. We note how the ethical dimension, in various well-defined areas of law where there is apparently no need for moral reinforcement, is expanded. Much of this follows from and is made possible by Maimonides' teleological interpretation of Halakhah in ethical categories.

I

This statement requires some clarification; there is need to comment briefly on its conceptual core, namely the issue of teleology, and its methodological companion, namely the role of interpretation. It is well known that Maimonides denied teleology in the cosmic context. This denial is part of his critique of anthropocentrism; indeed it was anthropocentric teleology which was most uncongenial to him and incongruous with his thought. The Maimonidean position was that, while one may understand and describe the working of nature, it is for the most part "senseless to look beyond the things themselves for the final causes of their existence."² Although acknowledging that "man has in his nature a desire to seek the ends,"³ Maimonides tended to distance himself even from Aristotle's teleological tendencies. In the realm of the natural sciences, "teleological explanations may be serviceable and valid only insofar as they concern the relation between the various parts of a living organism ... The notion that one species of living being may exist for the sake of another species was emphatically not in line with the tendency of Maimonides' thought."

Nevertheless, he affirmed teleology in the human context. He regularly taught that an awareness of the goal of actions is desirable, indeed crucial and indispensable; seeking and seeing the transcending causes and goals of actions is appropriate. Maimonides counseled unrelentingly and passionately that one should strive to understand the purposes of the laws and how they are geared to advancing perfection. "If he could only fathom the inner intent of the law, he would realize that the essence of the true divine religion lies in the deeper meaning of its positive and negative precepts, every one of which will aid man in his striving after perfections and remove every impediment to the attainment of excellence."⁴ "It is fitting for man to meditate upon the laws of the holy Torah and to comprehend their full meaning to the extent of his ability."⁵ "Although the statutes in the Law are all of them divine edicts ...

Recent studies of aspects of Maimonidean ethical theory include an article by the honoree of this volume Rabbi Walter Wurzburger, entitled "Law, Philosophy and Imitatio Dei in Maimonides," *Aquinas*, xxx (1987).

² S. Pines, Introduction to *Guide of the Perplexed* (Chicago, 1963), p. LXXI. This is also the source of the quotation in the next sentence on "teleological explanations."

³ *Guide of the Perplexed*, I:34: כי לאדם בטבעו תאוה לבקשת התכליות.

⁴ *Iggeret Teiman*, ed. A. S. Halkin, trans. B. Cohen (New York, 1952), p. IV.

⁵ *Hilkhot Me'ilah*, 8:8.

yet it is proper to ponder over them and to give a reason for them.”⁶ “There is, in the opinion of the Sages, a cause for all the commandments; I mean to say that any particular commandment or prohibition has a useful end.”⁷ Such representative statements from various Maimonidean writings underscore the fact that the teleological role of mitzvot is unquestionably a pivotal doctrine in the Maimonidean system. In sum, if Maimonides disavowed teleology in cosmology or rigorously curtailed it—even though he does affirm in one important passage that God is the ultimate goal of everything⁸—he did not repudiate it in law. Indeed, he even gave it new prominence and worth, so that one may with precision and rigor speak of a teleology of Halakhah.

It is necessary to note immediately that this teleological approach was so pervasive and natural, so skillful and successful, that much of what Maimonides proposed and innovated became paradigmatic for his successors. What Emerson said about Plato is applicable in this regard. “Out of Plato came all things that are still written and debated among men of thought. Great havoc makes he among our originalities.”⁹ Maimonides impressed the primary forms of halakhic exposition and religious thought with his concepts and categories, ideas and insights; these assorted *hiddushim* of many kinds were frequently accepted, with great approbation, as standard, classical views. His originalities became commonplaces; later writers were nurtured by them. Maimonides—and the same is true for Rashi—merged imperceptibly with his sources. In common with his sources, his teachings have become timeless and endowed with an abiding contemporaneity. It is thus enlightening to inquire how Talmudists through the ages related to the special Maimonidean formulations which reflect a philosophical sensibility and skillful, creative use of teleological interpretation.¹⁰ After all, Maimonides was most expansive, conceptually

⁶ *Hilkhot Temurah*, 4:13.

⁷ *Guide*, III:26.

⁸ *Guide*, I:69. See also *Hilkhot Yesodei Hatorah*, 2; *Shemonah Perakim*, 4; *Hilkhot De’ot*, 3:3.

⁹ Ralph Waldo Emerson, “On Plato’s Universal Wisdom,” cited in *Great Thinkers on Plato*, ed. B. Gross (New York, 1969).

¹⁰ Prof. Jacob Katz (“Post-Zoharic Relations Between Halakhah and Kabbalah,” *Jewish Thought in the Sixteenth Century*, ed. B. Cooperman [Cambridge, 1983], 304, n. 2) makes the following observation: “How marginal the influence of philosophy on Maimonides’ Halakhah was can be gathered from the fact that opponents of his philosophy found no fault with his Halakhah.” In support of this statement he refers to two articles of mine: “The Beginnings of *Mishneh Torah* Criticism” (Chapter 3, above), and “R. Yosef Ashkenazi Vesefer *Mishneh Torah* shel Harambam” (Chapter 4, above). The question nevertheless remains: How did they relate to all the special formulations which reflect a philosophical sensibility and skillful, creative use of teleological interpretations? After all, Maimonides’ philosophic profile is revealed in the *Mishneh Torah*. This code contains many markedly Maimonidean emphases. Medieval writers could take a rather accurate measure of the Maimonidean temper on the basis of the *Mishneh Torah* (sometimes correlating it with the *Guide*, sometimes considering it in isolation). *Rishonim*—and, indeed, *Aharonim* as well—show that they had an ear for the characteristic phrase as well as an eye for the novel features of Maimonidean halakhic writing: See Chapter 8 above.

creative, and exegetically inventive in supporting or refining, even articulating, ethical principles and spiritualistic motifs. In these contexts, he broke the shackles of the codificatory form with its primary pragmatic purpose and focused his attention on the religious impulses and spiritual consequences of the Law.¹¹ The answer to the inquiry concerning the attitude of Talmudists is that they accepted most of the carefully crafted, delicately nuanced Maimonidean explanations and this, of course, is a tribute to his genius.

II

The methodological issue may be clarified as follows. In his well-known responsum to R. Pinḥas Hadayan, Maimonides insisted that everything in his comprehensive code is predicated on classical rabbinic sources—except for those halakhot introduced or signaled by the phrase “it seems to me” or some variation thereof.¹² Obviously, Maimonides’ originality—his inventiveness and ingenuity in interpretation and inference—is not limited to these loci, about two hundred in number;¹³ his fertile mind and skill of analysis and synthesis leave their mark everywhere. Traces of this originality need to be recognized. Furthermore, an examination of this list of avowedly original halakhot clearly labeled by *yera’eh li* reveals that at most five reflect “speculative and philosophical considerations or his work as a physician.”¹⁴ It seems to me that the inference from this is not that the philosophic or extra-halakhic dimension in the *Mishneh Torah* is meager and tenuous, but rather that it is imperceptibly interwoven and fully integrated into the very texture of the code. It is so natural and so integral that it need not be singled out or stamped or otherwise identified. Such themes as creation, prophecy,

¹¹ See my *Introduction to the Code of Maimonides (Mishneh Torah)* (New Haven, 1980), 162 and passim. A codifier may adopt deliberate anonymity up to a point, but then his individuality becomes visible. It does not have to be ceremoniously announced or emphatically underscored; it just breaks through and shines forth without autobiographical reminiscence or ideological confession.

¹² See Kovetz *Teshuvot Harambam*, I (Leipzig, 1859), 25a ff., and the new edition of *Iggerot Harambam*, ed. Y. Shilat, v. II (Jerusalem, 1988), 433ff.: או מספרא וספרי, או בבלי או ירושלמי, משנה ערוכה או תוספתא. For a translation and commentary, see my *Introduction*, 30–37; for the phrase *talmud arukh*, see *ibid.*, 157, n. 188.

¹³ See the listing in J. Levinger, *Darkei Hamahashavah Hahilkhatit shel Harambam* (Jerusalem, 1965) (appendix 3), 210ff.

¹⁴ See J. Levinger, "Maimonides as Philosopher and Codifier," *Jewish Law Annual* I (1978), 133. The first such passage is *Hilkhot Yesodei Hatorah*, 4:13, concerning the nobility of the philosophic endeavor, where the Rambam interjects: ואני אומר שאין ראוי לטייל בפרסם אלא מי שנתמלא כריסו לחם ובשר. On the other hand—and this is more characteristic—the truly far-reaching, repercussive statement in *Hilkhot Talmud Torah* 1:12 is not identified in any way (והענינים הנקראים פרסם בכלל הגמרא הן). Another one is *Hilkhot Temurah*, 4:13—a significant case of *ta'amei mitzvot* introduced by *yera'eh li*. The other *ta'amei mitzvot*—and they are plentiful—are smoothly grafted onto the halakhic formulation.

free will, providence, eschatology, history of religion, magic and medicine, and, of course, political theory and ethical theory are treated in the *Mishneh Torah* and not characterized as individual, personal opinions; they are presented anonymously and authoritatively, as flowing necessarily and incontrovertibly from the universally recognized sources. The source and its interpretation or amplification form an harmonious mosaic, a seamless web.

Note further that the commentators were quite comfortable with this interpretive dimension. They readily—almost nonchalantly, without any sense of problematics—acknowledge that many formulations in the *Mishneh Torah* “are the master’s own words and how appropriate for him.”¹⁵ They are saying that we expect him to formulate such original, suggestive, unobjectionable statements; not only do we not take issue with them but we endorse them. The methodological assumption of traditional commentators—that, in addition to a sustained search for sources, we need to reconstruct Maimonides’ view, exegetical process, and mode of interpretation—is correct and compelling. As I have described it elsewhere (*Introduction*, p. 159), the study of the *Mishneh Torah* must combine scholarly sleuthing, finding relevant sources or special formulations within related texts, with disciplined, almost empathetic, interpretative hypothesis. Suffice it to note Maimonides’ own unequivocal emphasis on the interpretive dimension of his work.¹⁶ The following example of his consciousness and defense of originality of interpretation is paradigmatic. In *Hilkhot Sheḥitah* 8:23, he included removal of the upper jaw (*leḥi elyon*) in the list of *terefot* which render an animal unfit for consumption. When asked about this unprecedented, provocative formulation—the Talmudic list, which is accepted as complete (*Hilkhot Sheḥitah* 10:12), does not contain this case of *terefah*—he confidently replied that originality of interpretation was a fact of scholarly life. An author, particularly attuned to certain problems, may discern a nuance or novum in well-known texts which his predecessors missed completely. Much depends on the scholar’s perception of the material as well as his halakhic-philosophical mass of apperceptions in the light of which authoritative texts are made to yield their meaning. An apparent addition may be merely a compelling interpretation or deduction.

¹⁵ דברי רבנו ראויים אליו. See e.g., *Kesef Mishneh, Hilkhot Isurei Mizbe’ah*, 7:11 and *Hilkhot Me’ilah*, 8:8, also Radbaz, *Hilkhot Shemittah Veyovel*, 13:12 (הוא מיושר דעתו וסברתו); *Leḥem Mishneh, Hilkhot Sekhirut*, 13:7 (זה פשוט); *Leḥem Mishneh, Hilkhot Sanhedrin*, 2:7 (מסברא דנפשיה).

The commentators also remind us that we are not at liberty to assume that a certain common explanation (e.g., that of Rashi) is the basis of the Maimonidean formulation; see the sharp clear emphasis in *Kesef Mishneh, Hilkhot Beit Habehirah* 3:18. See the warning of the Radbaz, *Hilkhot Shevuot*, 5:18. Sometimes the commentators disagree as to whether there is a source for a Maimonidean view: see, e.g., *Hilkhot Mekhirah* 11:16 where the *Maggid Mishneh*, agreeing with Ravad, says there is no source, while *Kesef Mishneh* suggests a source.

¹⁶ See, e.g., *Teshuvot Harambam*, ed. J. Blau, 315 (p. 585); 344 (616); *Iggerot Harambam*, ed. D. Baneth; *Mishnah Commentary*, Hagigah, 2:1.

In this particular case he was not interpolating something because of scientific data which he could bring to bear on the issue, but eliciting an intended even if hitherto unperceived conclusion.¹⁷

III

After this brief excursus, I turn to one repercussive example which illustrates how Maimonides focused his ethical-spiritual interpretation on the area of ritual law; in other words, I suggest that we direct our attention to the phenomenon of the increased ethicization of aspects of religious law which is by definition totally spiritual or has an ethical base *ab initio*.¹⁸ We find ethical formulations apparently generated by religious-philosophic concepts and expressing religious-philosophic values. In order to sensitize ourselves and become predisposed to appreciate this phenomenon, to be able to recognize its presence in multifaceted ways and a variety of forms and contexts, we need to comment briefly on a crucial aspect of Maimonidean ethical theory—of its conceptual-dogmatic foundation.

As is well known, Maimonides formulates an ethical theory conventionally referred to as the “golden mean”: according to this theory, a virtuous act is that which is equidistant from its two extremes, one of excess and one of deficiency. Thus, courage is defined or characterized as the mean between recklessness and cowardice. Generosity is the mean between extravagance and niggardliness; joy is the mean between hilarity and apathy. One who adheres to the rule is a *hakham*. In addition, he seems to have formulated another ethical system intended for the person (called a *hasid*) who is inclined to the extremes rather than the mean; this is the celebrated *hakham-hasid* syndrome of Maimonidean thought. We may bypass the complex question of the relation, both practical and axiological, between these two systems; the issue is a constant of Maimonidean studies and surfaces recurrently in scholarly literature.¹⁹ Students of Maimonidean ethical theory feel compelled to confront this issue, namely the two roads to perfection. I want instead to mention something new, which should be the core of all discussions and analyses of ethical theory.

¹⁷ *Teshuvot Harambam*, 315 (p. 585) הרבה דברים זו, שמנה טרפה זו, ראיתם בחיבור מי שמנה טרפה זו, הרבה דברים זו, לא יזכירו אותם המפרשים מפני שלא שמו דעתם להם, וכשיבין אדם באותם הדברים יראו.

¹⁸ I chose not to present instances from the area of civil-criminal law where Maimonides seems to give certain laws an ethical slant. See the articles by Isidore Epstein, “Maimonides’ Conception of the Law and the Ethical Trend of his Halakhah,” *Moses Maimonides: Anglo-Jewish Papers* (London, 1935); “The Distinctiveness of Maimonides’ Halakhah,” *Leo Jung Jubilee Volume*, ed. M. Kasher (New York, 1962), 65–75. The purpose of these articles was to emphasize “the essentially humanistic approach to the formulation of the Halakhah” and the “definite humanistic trends” of Maimonides by mentioning such *halakhot* as *Genevah*, 1:3, 10; *Hovel Umazik*, 8:11; *Rotze’ah* 4:9; 5:13; 11:14 and others. This is not my concern here.

¹⁹ See, e.g., the articles of Herbert Davidson and Raymond Weiss in the most recent volume (LIV, 1987) of the *Proceedings of the American Academy of Jewish Research*.

It appears that Maimonides was the first to formulate the ideal of ethical perfection as a Halakhah, to affirm that “you shall walk in His ways” (Devarim 28:9) is a specific mitzvah to be included in the enumeration of 613 mitzvot.²⁰ This deserves special emphasis because “*imitatio Dei*” is so much part of our vocabulary and conceptual apparatus—regularly reproduced and popularized by post-Maimonidean authorities²¹—that we take it for granted without realizing that this may well be one of the major, far-reaching Maimonidean contributions. It happens that Maimonides’ son R. Avraham was asked about this matter by some anonymous but clearly perceptive readers of the *Sefer Hamitzvot*. They raised two objections—one grammatical-syntactical and the other methodological—to the Maimonidean ruling that “you shall walk in His ways” ought to be counted as one of the commandments. First of all, the phrase seems to be conditional rather than imperative: “The Lord will establish you for a holy people unto Himself, if you shall keep the commandments of the Lord and walk in His ways.”²² The verse does not appear to contain any command. Second, even if we overlook the linguistic issue and assume that the verse does impose a halakhic obligation, this Maimonidean ruling is problematic because it contravenes a principle formulated persuasively by Maimonides himself in the introduction to the *Sefer Hamitzvot*. Among the fourteen principles which guide and govern the enumeration of commandments there is one which stipulates that “we are not to include commandments which cover the whole body of the commandments of the Torah.”²³ In other words, certain basic, all-encompassing postulates—such as *kedoshim tih’yu*—are not to be included in the list of 613 mitzvot. They are so comprehensive that they must be perceived and understood as underlying the entire structure of the Law; *kedushah* suffuses every component of Halakhah and is not an autonomous, delimited mitzvah. It is indeed part of the overall teleology of Halakhah. How then does *imitatio Dei* differ and why did Maimonides count it as a separate, independent mitzvah? Should not this also be seen as part of the overall teleology of Halakhah?

The answer of R. Avraham Maimonides is two-tiered: he first proposes a technical answer, which we need not discuss in this context, and then suggests a

²⁰ *Sefer Hamitzvot*, mitzvah aseh 8; *Hilkhot De’ot*, 1:6; *Teshuvot R. Avraham ben Harambam*, ed. Freiman and Goitein, n. 63. See *Halakhot Gedolot*, v. III (Jerusalem: Mekize Nirdamim), 72, mitzvah aseh 32. Ramban, *hasagot* to *Sefer Hamitzvot*, *shoresh* 1, section 3, in a complicated rebuttal of the Maimonidean criticism of *Halakhot Gedolot*, claims that in the final analysis the only difference between the *Halakhot Gedolot* and Maimonides is that the latter quotes the *Sifrei* while the former quotes Sotah 14a. It is the Maimonidean formulation which was noticed by R. Avraham’s correspondents and which, generally, is regarded as the source and classical locus of this view. Neither R. Avraham nor his correspondents refer to the *Halakhot Gedolot*. It is the erudite Nahmanides, protagonist of the *Halakhot Gedolot*, who introduces the latter into the discussion.

²¹ E.g., *Sefer Haḥinukh*, mitzvah 611.

²² Devarim 28:9 וְהָלַכְתָּ בְּדֵרֶכֶּי יְיָ אֱלֹהֶיךָ וְשָׁמַרְתָּ אֶת מִצְוֹתָיו לְךָ כִּי תִשְׁמַר כְּאִשֶּׁר נִשְׁבַּע לְךָ.

²³ *Sefer Hamitzvot*, introduction, *shoresh* 4.

substantive-conceptual explanation. The essence and objective of the commandment “to walk in His ways” is to mold, nurture, and sustain an ethical personality; this is a completely autonomous mitzvah, not contingent upon all the moral actions which come in its wake. Ethical self-perfection is an independent goal, and this is the nub of the commandment formulated by Maimonides in the *Sefer Hamitzvot* and in *Hilkhot De’ot* of the *Mishneh Torah*. R. Avraham tells the reader to ponder carefully the subtle, fastidious distinction which he introduced.

R. Avraham’s answer is very suggestive, even compelling, inasmuch as it could be demonstrated that Maimonides in fact clearly recognized and effectively operated with such a principle of self-perfection. He deftly combined law, as a set of rules, with ethics in the sense of character formation. This sharpens our awareness of the fact that, while Maimonides frequently emphasized the social goal of ethical perfection—“through perfection in moral qualities, an individual disposes himself for the utility of mankind”²⁴—he also espoused an individual, inner-directed perfection: “If you should test most of the commandments from this point of view, you would find that they are all for the discipline and guidance of the faculties of the soul.”²⁵

IV

Maimonides’ summation of the various laws of Purim observance (reading of the megillah, festive meal, presents to friends; *Hilkhot Megillah* 2) concludes with a detailed description of the obligation to be charitable on Purim:

It is also one’s duty to distribute charity to the poor on Purim day, “the poor” meaning not fewer than two persons; each should be given a separate gift—money, a cooked dish, or some other comestible. For when Scripture says, “and gifts to the poor” (Esther 9:22), it implies at least two gifts to two poor persons. No investigation should be made of applicants for such

²⁴ See *Guide* III, chapter 35; also chapter 38, 54, and many other places.

²⁵ *Shemonah Perakim*, 4. See also *Hilkhot Temurah* 4:13. Note further *Sefer Hamitzvot*, *lo ta’aseh* 317; *Hilkhot De’ot*, 7:7; *Isurei Mizbe’ah*, 7:11. Acts of kindness and benevolence are important not only because of the good which accrues to the beneficiaries of such acts but because they are conducive to and manifestations of moral self-perfection. In *Isurei Mizbe’ah* 7:11 it is clear that God does not gain, so to speak, from the consecration of goods to the Temple. Hence, even in the case of the philanthropic acts mentioned in the same context, where the recipient benefits from the giver’s largesse or magnanimity, the essence of the act is not only altruistic but is also—and, perhaps, in the first instance—directed to self-perfection (see especially the phrase “*lezakot atzmo*”). Note that in the *Mishnah Commentary* to Pe’ah 1:1 and in the *Guide* III:35, acts of *hesed* are classified as “*bein adam lamakom*.” Hence, the characterization of the Torah as *refuat nefashot*, therapy for the soul, in *Hilkhot Akum*, 11:12 (and elsewhere) is not merely a reverberating metaphor but a precise halakhic-theological category.

Purim money, rather it should be given to anyone who stretches out his hand. Nor may Purim money be diverted to any other charitable purpose.

He then adds the following halakhah:

It is preferable to spend more on gifts to the poor than on the Purim meal or on presents to friends. For no joy is greater or more glorious than the joy of gladdening the hearts of the poor, the orphans, the widows, and the strangers. Indeed, he who causes the hearts of these unfortunates to rejoice emulates the Divine Presence, of whom Scripture says, “to revive the spirit of the humble, and to revive the heart of the contrite ones” (Yeshayahu 57:15).²⁶

While we are enthralled by the beauty and forceful simplicity of this statement, we pause to ask: How does Maimonides know this? How does it relate to the other laws of Purim? How does it relate to other sections of the *Mishneh Torah*? How does it relate to his religious philosophy?

This is a classic example of Maimonidean originality, acknowledged and accepted by the commentators and critics alike. It comes unheralded by “*yera’eh li*”; the author of the *Maggid Mishneh* records approvingly that “these are our master’s own words and how appropriate for him” while R. Ḥayyim Kanievsky in his magisterial *Kiryat Melekh* offers no clue as to the derivation of this statement. It is noteworthy that the *Shulḥan Arukh* omits this paragraph from its codification which in all other respects is almost a verbatim reproduction of the *Mishneh Torah*.²⁷

Aside from its originality, the notable feature of this resonant halakhah is the fact that the prescribed behavior is not an act of supererogation—a duty of aspiration—but a duty of obligation: everyone should strive to implement it. It is not an instance of an elitist ethic directed at especially learned or pious individuals whose insights and stimuli differ from the beliefs and motives of the masses (e.g., *Hilkhot Yesodei Hatorah*, 5:11). The ruling is exoteric and egalitarian; the ground of obligation is God’s attribute of kindness. Everyone should seek to assimilate this attribute, this divine behavioral trait, to oneself and thus walk in His ways. A sensitive, thoughtful act makes it possible for one to emulate the *Shekhinah*.²⁸

²⁶ *Megillah* 2:17.

²⁷ *Orah Ḥayyim* 694.

²⁸ The universality of God is the basis for the universality of kindness; see also *Hilkhot Avadim* 9:8 and *Hilkhot Melakhim* 10:12. Halakhic authorities differ as to whether one fulfills the obligation of “*mat-anot la’evyonim*” by giving to non-Jews. See *Orah Ḥayyim* 694:3 (ובמקום שנהגו ליתן אף לעכו”ם, נותנים). See the recent article by E. Shohetman, “Al Haminhag Liten Matanot La’evyonim,” *Sinai Jubilee Volume*, II (Jerusalem 1987), 852–865.

What is the special relevance of this spiritual-ethical teaching to the minor festival of Purim? After all, Maimonides had already in an earlier chapter of his code defined the nature of rejoicing on major festivals with verve and passion. In that context he underscored eloquently and elegantly the theme that rejoicing should not be self-centered, should not be tinged with egotism, with the result that the purely hedonistic element is elevated and purified.

Thus children should be given parched ears, nuts, and other dainties; women should have clothes and pretty trinkets bought for them according to one's means; and men should eat meat and drink wine, for there can be no real rejoicing without meat to eat and wine to drink. And while one eats and drinks himself, it is his duty to feed the stranger, the orphan, the widow, and other poor and unfortunate people, for he who locks the doors to his courtyard and eats and drinks with his wife and family, without giving anything to eat and drink to the poor and the bitter in soul—his meal is not a rejoicing in a divine commandment, but a rejoicing in his own stomach. It is of such persons that Scripture says, “Their sacrifices shall be to them as the bread of mourners, all that eat thereof shall be polluted; for their bread is for their own appetite” (Hoshea 9:4). Rejoicing of this kind is a disgrace to those who indulge in it, as Scripture says, “And I will spread dung about your faces, even the dung of your sacrifices” (Malakhi 2:3).²⁹

We must note that this remarkable and resonant ruling which purges holiday festivities of egotism is also streaked with originality. Again, the author of the *Maggid Mishneh* called attention to this in his special idiom.³⁰ A paraphrastic translation of his comment would read as follows: No one would deny that this spiritualization of the theme of rejoicing is an authentic Jewish idea, firmly rooted in unimpeachable and apparently unequivocal sources. No one would argue that this is spurious or adventitious. There are various Scriptural verses—and, we might add, rabbinic statements—which certainly support and substantiate the Maimonidean statement. However, there does not seem to be a single antecedent formulation; it is a Maimonidean interpretation, presented eloquently and persuasively.

Yet having communicated this lofty, ennobling teaching about the spiritualization of rejoicing in *Hilkhot Yom Tov*—and having reemphasized it in a different context and from a different perspective at the end of *Hilkhot Lulav*³¹—Maimonides still felt that Purim needed further, dramatic emphasis. We may hypothesize that this

²⁹ *Hilkhot Yom Tov* 6:18. See also *Hilkhot Hagigah* 2:14.

³⁰ *Maggid Mishnah, Hilkhot Yom Tov* 6:18:

דברים אלו מבוארים בכתוב, והפסוקים שהביא רבינו לראיה ראויים. אליו להביאם.

³¹ *Hilkhot Lulav* 8:15.

follows from the fact that the religious character of Purim is so different; it is lacking in intrinsic sanctity, in *kedushat hayom*, and hence there is a compelling need to put its prescribed rejoicing in perspective. In other words, if the special measure of benevolence is the Maimonidean definition of or prescription for joy on major holidays which have a clear, salient dimension of sanctity (*kedushat hayom*),³² certainly a day of merrymaking without sanctification must be infused with a measure of spirituality and kindness. The greatest joy—also an act of spirituality—is gladdening the hearts of the poor.

This spiritual-moral emphasis is part of an exquisitely developed system in which carefully nuanced formulations and delicate refinements drive home the need for great sensitivity, openness, and compassion, for unflagging ethical vigilance and consistency.³³ Suffice it to mention that the verse used so dramatically in *Hilkhot Megillah* 2:17 is cited with great effect also in *Hilkhot Matenot Aniyim* 10:5: “It is forbidden to upbraid a poor person or to shout at him because his heart is broken and contrite, as it is said, ‘A broken and contrite heart, O God, You will not despise’ (Tehillim 51:19) and it is written, ‘To revive the spirit of the humble, and to revive the heart of the contrite’ (Yeshayahu 57:10).” It is fair to say that practically all laws about charity and compassion, philanthropy and altruism, the spiritualization of feasts and fasts, are streaked with originality and passion.

Finally, we may mention that the reference to the imitation of God’s ways in *Megillah* 2:17 is completely congruent with the concluding chapter of the *Guide of the Perplexed*. After having defined and described the three terms of *hesed*, *mishpat* and *zedakah*, Maimonides emphasized that the knowledge of God must be translated into actions toward others which are modeled upon God’s acts. Intellectual perfection per se is a kind of egotism; intellectual perfection which results in the imitation of God and walking in His ways is also ethical-spiritual perfection. While the halakhah in *Megillah* 2:17 does not address itself to knowledge of God, it communicates a loud and clear message about the imitation of God.

In sum, this analysis of the halakhah in *Megillah* 2:17 shows that ritual acts, in the realm of theology or metaphysics, are also areas of ethics.

V

As a postscript it may be appropriate to mention that such sensitivity is a hallmark of all of Maimonides’ writings; he is always demanding a full and uncompromising but inspired and sensitive observance of Halakhah. Even in his letters he focuses attention upon the overarching goal of perfection. The following passage

³² On the *kedushat hayom* of holidays and Sabbath, see Rabbi J. B. Soloveitchik, *Shiurim Lezekher Abba Mari*, I (Jerusalem, 1983), 65.

³³ Close study of *Hilkhot Matenot Aniyim* 7–10 illustrates this. See, e.g., 7:2 and *Yoreh De’ah*, 249:4 (טור בשם הרמב"ם), which is noted as a Maimonidean formulation (אל ישוב דך נכלם).

from a letter to his trusted and beloved student, who was irritated by the vehement, sometimes cantankerous, anti-Maimonidean polemics, reflects Maimonidean expectations and aspirations:

... Nor is there any need for you to say, "But where is religion?" No, because for this man and those like him among even greater men of former times, religion is nothing more than a way to avoid major sins, which is how the common people view it. They do not believe the duties of ethics to be part of religion, nor are they as careful about what they say as men of perfect piety are ...³⁴

³⁴R. Weiss, *Ethical Writings*, 120. In *Iggerot Harambam*, ed. D. Baneth, 63:

ומה שאתה אומר 'והיכן הדת?', אין לך צורך בכך. לפי שהוא ואנשים כמותו מקודמיו שהם גדולים ממנו, אין הדת לפי דעתם אלא להיזהר מהעבירות החמורות, כמו לפי דעת המוני העם, ואילו החובות המוסריות אינם סבורים שהן חלק מהדת. ואינם מדקדקים גם כן בדיבוריהם כמו שמדקדקים יראי השמים השלמים.

Note also, *inter alia*, *Teshuvot Harambam*, 224 (p. 400):

כבר התבארה האמת במופת והיא שהכוונה בנו שנהיה גוי קדוש, ולא יהיה לנו מעשה ולא דיבור אלא בשלמות או במה שמביא אל השלמות.

Halakhah and Science: Aspects of Maimonides' Epistemology*

I

A

In contradistinction to the epistemology of classical philosophers or, more precisely, in a carefully premeditated expansion of the classical epistemological doctrine which recognized sense perception, primary premises (axioms), and scientific data (derivative knowledge) as sources of knowledge, the epistemology of medieval religious philosophers recognized not only these three but also tradition, true reliable tradition (received from the prophets or the wise men), as a supplementary source of knowledge. Maimonides writes in the *Letter on Astrology*—a document of particular importance for understanding the significance of science and philosophy in his thought and in which, as he himself emphasizes, statements elaborated elsewhere are reflected—as follows:

Know, my masters, that it is not proper for a man to accept as trustworthy anything other than one of these three things. The first is a thing for which there is a clear proof deriving from man's reasoning such as arithmetic, geometry, and astronomy. The second is a thing that a man perceives through one of the five senses such as when he knows with certainty that this is red and this is black. The third is a thing that a man receives from the prophets or from the righteous.¹

*[This is the original English language version of the article with the following dedication:] “Dedicated to my dear friend Rabbi Professor Marvin Fox with my deepest blessings.” [Prof. Twersky published “an expanded Hebrew version, fully annotated” which was printed in Yitzhak Twersky, *Kema'ayan Hamitgaber: Law and Spirit in Medieval Jewish Thought*, ed. Carmi Horowitz (Jerusalem: The Zalman Shazar Center, 2020), 251–282; that Hebrew version was originally published in the *Shenaton Hamishpat Ha'ivri*, vol. 14–15 (1989), 121–151 and appeared with the following dedication:] “For my beloved grandson Yehudah Leib, born Sivan 3, 5747 and for my beloved granddaughter Tonya, born Tishrei 5, 5749.”

¹ *Letter on Astrology*, in I. Twersky, ed., *A Maimonides Reader*, 464. Hebrew text edited by A. Marx, *HUCA* III (1926), 350. Note that this is a three-fold formulation in which immediate and derivative scientific knowledge are combined and treated as one category. See the antecedent classification in R. Saadiah Gaon, *Emunot Vede'ot*, introduction; VII:2. Also, M. Zucker, *Perushei Rasag Livreishit*, p.

Maimonides then goes on to urge his readers clearly to identify each of these sources and not to blur them:

Every reasonable man ought to distinguish in his mind and thought all the things that he accepts as trustworthy and say: “This I accept as trustworthy because of tradition and this because of sense-perception and this on grounds of reason.”

Anyone who accepts as trustworthy anything that is not of these three species, of him it is said: “The simple believes everything.” (Mishlei 14:15).²

One consequence of this epistemological classification, emphasized by Maimonides, is that not everything written in a book is wisdom or truth; for a statement to be valid and trustworthy, it must be based on one or more of the sources of knowledge.³

In his study of the double-faith theory, Professor Wolfson summarized this epistemological development as follows: “revelation was a new immediate source of knowledge in addition to the sources enumerated by the Greek philosophers.”⁴ Apparent contradictions between these sources had to be resolved by meticulous re-examination of all data. Hence, I would submit that Maimonides’ statement in a historical chapter of the *Guide* that the Andalusians—i.e., his Spanish predecessors—“cling to the affirmation of the philosophers and incline to their opinion insofar as these do not ruin the foundation of the Law”⁵ reflects the dynamics of his epistemology which provides for the elimination of apparent contradictions between the various sources of knowledge by means of interpretation and re-interpretation. Not even Aristotle, the chief of the philosophers,⁶ reigns supreme; philosophers who are opposed to religious principles may be faulty or shoddy and their teachings subject to correction (just as inaccurate sense

13, n. 9. See H. A. Wolfson, *Studies in the History of Philosophy and Religion*, v. 1, 593. A representative later classification is found in R. Menaḥem Hame’iri, *Perush Tehillim*, psalm 123.

² *Letter on Astrology*, 465.

³ *Ibid.*: “The great sickness and the ‘grievous evil’ (Kohelet 5:12, 15) consist in this: that all the things that man finds written in books, he presumes to think of as true and all the more so if the books are old.” See also his *Epistle to Yemen* in *A Maimonides Reader*, 454: “Do not consider a statement true because you find it in a book, for the prevaricator is as little restrained with his pen as with his tongue. For the untutored and uninstructed are convinced of the veracity of a statement by the mere fact that it is written; nevertheless its accuracy must be demonstrated in another manner.”

⁴ H. A. Wolfson, “The Double Faith Theory,” *JQR* XXXIII (1942), 222 and see 239. Note also in this connection *Guide*, II: 33: knowledge of God is obtainable by demonstrative reasoning or by direct revelation.

⁵ *Guide*, I: 71.

⁶ See *Guide*, I:5; II:23.

perception or flawed scientific knowledge would be corrected). A medieval religious philosopher—and Maimonides was such a person—could not be a mindless follower of Aristotle; he had judiciously and rigorously to combine philosophic affirmations with religious foundations.

B

The significance of this epistemological expansion for the realm of beliefs and opinions is well known, and the role of harmonization (which *eo ipso* entails the recognition of conflict) between philosophy and religion has received considerable scholarly attention. However, the question of whether there is a parallel process of confrontation and harmonization in the realm of halakhah—juridical facts, beliefs, norms and assumptions—still awaits careful, judicious investigation. This paper proposes to outline an approach to the examination of the relationship between halakhah and science in the Maimonidean corpus, with special attention to his great code of Jewish law. We are not dealing with the underlying logical, methodological, and ideological issue of faith and reason, not with such themes as the unity and incorporeality of God, creation, prophecy, miracles, divine foreknowledge, providence, ethical and political theory, nature of soul and spirit, attitude to death, immortality—all of which figure in the *Mishneh Torah*. Similarly, we need not concern ourselves with abstract views on science found in various parts of the Maimonidean corpus, with his attempt to formulate a comprehensive, unified physical theory (*Guide*, II:13), with his comments on the problem of the incompatibility of Aristotelian physics and Ptolemaic astronomy (III:14; II:8) or with his ideas concerning progress in certain scientific disciplines (especially mathematics). In fact, we need not even concern ourselves directly with his few scientific opuscula (*Treatise on Logic*, *Treatise on Intercalation of the Calendar*, assorted medical works). By turning to his halakhic works—the *Mishneh Torah*, the *Commentary on the Mishnah* and, in some cases the *Sefer Hamitzvot*—we get a sharply focused view of halakhah and science. The *Mishneh Torah*—and the same is true for the *Commentary on the Mishnah*,⁷ which Maimonides describes as containing all his explanations as well as whatever he attained from the study of science (*ilm*)—has an unmistakable scientific ambience, nurtured by such items as the identification of *Ma'aseh Bereishit* with natural science, thematic references to mathematics, geometry, astronomy and astrology, medicine, dietetics, psychology, and literary references to works on medicine, geometry, astronomy (and in the *Commentary on the Mishnah*, *Terumot* 1:2 to *Questiones Naturales*, *She'elot Tiviyot*) as well as frequent scientific allusions and obiter dicta. The paramount importance of science,

⁷ See my *Introduction to the Code of Maimonides*, 365–367.

of comprehensive scientific knowledge, is perhaps most emphatically underscored by the dramatic recognition of its role as a conduit for knowledge and love of God.⁸

His proficiency in the exact sciences is amply demonstrated in the *Mishneh Torah*, especially in the presentation of an entire system of astronomical theory; the structure, comprehensiveness, and authoritativeness of this part of the code made it clear to all readers, admiring and critical alike, that Maimonides was a master of the field.⁹ The late Professor Solomon Gandz has shown that the section entitled *Hilkhot Kiddush Haḥodesh* (Sanctification of the New Moon) is really a two-tiered construction. In chapters 1–10 the old Jewish laws concerning the regulation of the calendar on the basis of observation of astronomical phenomena and the additional Jewish methods relating to the regulation of the calendar on the basis of independent scientific calculation are analytically described, while the last nine chapters form a new section which deals with the astronomy of the visibility of the new moon, an extraneous matter taken from extraneous sources.¹⁰ It is worth noting that Maimonides considered this material sufficiently important and sufficiently integral topics of law that he concluded this remarkable section with a resounding peroration:

We have now expounded all the methods of calculation required for the determination of the visibility of the new moon and for the examination of witnesses, so that discerning students might be able to learn everything about it. Thus they shall not miss this particular branch of the many branches of the Law and will have no need to roam and ramble about in other books in search of information on matters set forth in this treatise. “Seek out of the book of the Lord and read; none of these [truths] shall be missing.” (Yeshayahu 34:16).¹¹

Astronomy of the visibility of the new moon is thus not really extraneous after all.

C

We get a clear idea of his extensive, omnivorous reading from the scope of these extra-halakhic references—i.e., they provide an oblique empirical substantiation of various personal-autobiographical statements. We should be attentive to the fact that, in various contexts, Maimonides mentions his reading interests and study habits: “When I studied the books of the Mutakallimun, as far as I had the opportunity and

⁸ E.g., *Hilkhot Yesodei Hatorah*, 2:1, 2; *Hilkhot Teshuvah*, 10:6. Non-Maimonideans repudiate this by affirming that the Torah is far superior to natural science as a source of the knowledge of God. See, e.g., B. Septimus in I. Twersky, ed., *R. Moses Nahmanides*, 23, n. 42.

⁹ See the comment of Ravad, *Hilkhot Kiddush Haḥodesh*, 7:7.

¹⁰ S. Gandz, *Studies in Hebrew Astronomy and Mathematics*, ed. S. Sternberg, 113ff.

¹¹ *Hilkhot Kiddush Haḥodesh*, 19:13.

I have likewise studied the books of the philosophers as far as my capacity went.”¹² Elsewhere we find “the excellent philosopher Abu Bakr ibn al-Saigh, under the guidance of one of whose pupils I have read texts ...”¹³ (In another context he mentions what he has heard about the astronomical system of Abu Bakr but qualifies it by adding “however, I have not heard this from his pupils.”)¹⁴ He says about his reading on astrology and idolatry “that it seems to me there does not remain in the world a composition on this subject, having been translated into Arabic from other languages, but that I have read it and have understood its subject matter and have plumbed the depths of its thought,”¹⁵ and this ambitious pattern of exhaustive study is probably applicable to most other fields. His statement on medicine likewise underscores his commitment to know and analyze the sources of everything: “For you know how long and difficult this art is for a conscientious and exact man who does not want to state anything which he cannot support by argument and without knowing where it has been said and how it can be demonstrated.”¹⁶ Maimonides was unquestionably a conscientious and exact man; he sought out and used all sources. I am, therefore, inclined to offer a friendly emendation to the comment of Professor S. Pines who, after noting Maimonides’ references to “some Arabic scientists as distinct from the philosophers,” offers this reserved, restrained summation: “Quite evidently, he had a knowledge of scientific literature that would have been regarded as adequate in the philosophic circles of his time.”¹⁷ It seems that, if we add to this the statements in the *Mishneh Torah*, and *Commentary on the Mishnah* and all the references scattered in his smaller treatises and letters—and what we now know about his mathematical writings as well¹⁸—we could say that he had a knowledge of scientific literature that would have been regarded as *impressive* if not encyclopedic.

To these references concerning his reading and study habits should be added the references concerning his teaching habits. He was a reader in the modern academic sense; he also *read* this literature with students and tutored them, either individually or in small groups. For example, he says to his student for whom he

¹² *Guide*, I:71.

¹³ *Op. cit.*, II:9.

¹⁴ *Op. cit.*, II:24.

¹⁵ *Letter on Astrology*, 465–466.

¹⁶ *Iggerot Harambam*, ed. D. Baneth, 69–70. In an adjacent passage, Maimonides describes his hectic schedule; he complains that he has no time, other than on the Sabbath, to study Torah and has no time whatsoever for the other sciences.

¹⁷ S. Pines, Translator’s Introduction, *Guide of the Perplexed*, p. cxxxii. See F. Rosner, *Sex Ethics in the Writings of Moses Maimonides* (New York, 1974), 4:

Maimonides must have been an avid reader, since his medical writings show a profound knowledge of Greek and Moslem medical works. Hippocrates, Galen and Aristotle were his Greek medical inspiration and Rhazes of Persia, Alfarabi of Turkey, Ibn Zuho and Avenzoar are Moslem authors frequently quoted by Maimonides.

¹⁸ See Y. Tzvi Langerman, “The Mathematical Writings of Maimonides,” *JQR* LXXV (1984), 57–65.

composed the *Guide*: “You know of astronomical matters what you have *read* under my guidance and understood from the contents of the *Almagest*.”¹⁹ This reminds us of Maimonides’ more elaborate, emphatic statement in the *Dedicatory Epistle*: “When you came to me, having conceived the intention of journeying from the country farthest away in order *to read texts* under my guidance ...” He proceeds to praise this young R. Yosef ben Yehudah by noting:

When thereupon *you read under my guidance* texts dealing with the science of astronomy and prior to that texts dealing with mathematics ... my joy in you increases because of the excellence of your mind and the quickness of your grasp. I saw that your longing for mathematics was great and hence I let you train yourself in that science, knowing where you would end. When *thereupon you read under my guidance* texts dealing with the art of logic, my hopes fastened upon you.²⁰

That this was not an isolated instance we may infer from the statement of Al-Qifti in his *History of Physicians* that “people studied philosophy under him”; this is the same Al-Qifti who reported that Maimonides had mastered mathematics.

It is well known that many of Maimonides’ letters comment on or describe facets of his medical career.²¹

I would also note here the ease and naturalness, totally devoid of self-consciousness or the slightest twinge of apology, with which he refers to general scientific literature. Even in the heat of argument, when he had to rebut an uncongenial critic who mingled specific queries about the *Mishneh Torah* with sweeping accusations about its author, and generally in defending the legitimacy and usefulness of his Code, Maimonides refers nonchalantly to the fact that “any author who wrote a book dealing with Torah or with other sciences, whether the author was from among the ancient nations in possession of philosophy or from among the physicians, would necessarily adopt one of two opinions.”²² I find this rather striking. The candor and spontaneity underscore the fact that the universality of reference, and of perception, was completely routine and unrehearsed; this was Maimonides’ natural, indispensable mode of writing and thinking.

It is significant—and especially so for our purposes—that in the long, carefully-crafted answer to the question about astrology (what to believe and what not to believe), Maimonides says that, had the respected scholars of southern France already received the *Mishneh Torah*, they would not have raised the question they did, because everything is clarified by his formulations in that work. The *Mishneh*

¹⁹ *Guide*, II:24.

²⁰ *Guide*, *Dedicatory Epistle*.

²¹ See, e.g., my *Introduction*, 366, n. 28.

²² Kovetz *Teshuvot Harambam*, I, 25b.

Torah, in other words, reflects his positions and attitudes on epistemology and science, on reason, tradition, and unacceptable notions.²³ Analogously, in the *Treatise on Resurrection* he observes that only people of religion and science (*al-din* and *al-ilm*)²⁴ will appreciate the excellence of the *Mishneh Torah* for, obviously, it contains more than just an ordinary summation of positive law, and special sensibilities are required to appraise its excellence. It is a good barometer of his attitudes and positions, it reflects his methodology and philosophy, and therefore only properly qualified readers will properly gauge its achievement.

D

Leo Strauss, the great lover of paradox, commented in his "Notes on Maimonides' Book of Knowledge": "This would seem to mean that in an important respect Maimonides' *fiqh* (Talmud) books are more 'philosophic' than the *Guide*."²⁵

In light of this, I seek to determine Maimonides' attitudes to science, or the impact of science on the normative formulations of halakhah. The primary source material will be drawn from his halakhic works. What will emerge is that there is a meticulous attempt to integrate science, to relate scientific vocabulary and axiology to rabbinic law and lore, to acknowledge its normativeness and regulative autonomy, but not to superimpose it forcibly on the structure and fabric of halakhah. Certain areas must remain independent of science while some areas transcend it. Maimonides, I shall suggest, provides a blueprint for a three-tiered structure: unification, separation, transcendence.

II

A

Maimonides' philosophical-scientific posture was perceptively described by R. Moses Nahmanides when he said: "he diminishes miracles and augments nature."²⁶ This epigrammatic characterization, although submitted by Nahmanides in criticism of Maimonides, may actually echo Maimonides' own statements; in the *Letter on Resurrection*,²⁷ e.g., he sharply contrasts the masses who delight in setting up

²³ See above, n. 1.

²⁴ *Ma'amar Tehiyat Hametim*, ed. J. Finkel, 4. Even in *Sefer Hamitzvot*, negative commandment 179, Maimonides says that only the vulgus without knowledge of natural sciences will marvel at his statement.

²⁵ L. Strauss, "Notes on Maimonides' Book of Knowledge," *Studies in Mysticism and Religion Presented to G. Scholem*, 269.

²⁶ R. Moses Nahmanides, *Torat Hashem Temimah*, in H. Chavel, ed., *Kitvei Haramban*, v. I, 154.

²⁷ *Ma'amar Tehiyat Hametim*, 22.

Torah and reason as contradictory poles and shun seeing any phenomenon as natural (*davar al minhag hateva*), either in descriptions of the past, observations of the present, or promises of the future, with himself and his like who try to harmonize Torah and reason and regard all things as following a possible natural order. Similar statements—with such perception or self-perception—are found elsewhere as well. Maimonides may have said it all very tersely and epigrammatically when he described the purpose of the *Mishneh Torah* as “*lekarev hadevarim el hasekhel o el derekh harov*.”²⁸ There has been abundant discussion and little consensus in recent scholarly literature about the second part of this statement (*derekh harov*), but the very suggestive first part should not be overlooked. It is a clear and distinct declaration of purpose and procedure. Moreover, while Nahmanides addressed himself, in the first instance, to the issue of natural law versus miracles—the philosophic preoccupation with the permanence and stability of the universe and the fear of any disruptive phenomena or destabilizing possibilities—Maimonides’ own statements are more general in intent and are, in fact, accurate markers of his essential scientific temper. The fact that they are applied to the *Mishneh Torah* is especially significant for us.

If we had to, as we must because of time constraints, isolate one issue, Maimonides’ attitude to magic and medicine is most emblematic. Medicine, of course, plays a great role in his life and writing; Galen is a major influence.²⁹ Maimonides’ writings show that he is fully aware of the relevance and importance of medicine, is indeed a firm believer in medicine and hygiene.³⁰ While mindful of the differences between medicine and religion,³¹ he is a genuine enthusiast of medicine. He has no reservations whatsoever, religious or otherwise, theoretical or practical, about its permissibility; it is, to be sure, obligatory.³² Medical perspective may even have led him to explain the details of a certain law about visiting the sick differently than in the Talmud; this was, in any event, the opinion of R. David ibn Zimra.³³

Most important, his writing is a good illustration of the empiricist and experimentalist temper in the development of medieval medicine. Maimonides’ attitude is similar to that formulated by his contemporary Abu’l Barakat: “medicine derives for

²⁸ *Teshuvot Harambam*, n. 252 (p. 460). See *Commentary on Mishnah*, Kelim, 2:1.

²⁹ When he is apparently scornful of “mere doctors” (e.g., Yitzhak Yisraeli or Razi), it is because they were not at the same time philosophers and were nevertheless dabbling in philosophy.

³⁰ *Hilkhot De’ot*, 4:20, 21.

³¹ See especially the medical tract published in *Transactions of American Philosophical Society* 54 (1964), 40. Revealed religion commands that which is useful in the World to Come while the physician informs his patient concerning that which is useful to the body in this world.

³² See especially *Commentary on the Mishnah*, Pesahim, 4:10; *Guide*, III: 37. Just as idolatrous practices are religiously useless, so they are also medically useless.

³³ *Hilkhot Avel*, 4:5 and Radbaz, ad loc.

the greater part from experiments and inferences based on the principles of physics.”³⁴ Medical procedures should be as scientific as possible; the determination whether or not a particular drug has curative properties should follow from reason or experience. Indeed only such procedures and the use of such drugs warrant the violation of the Sabbath in an effort to save or prolong life.³⁵ If not for the concept of medicine, the idea of a reasonable and effective therapeutic procedure, there would be no concept of *pikuaḥ nefesh*. In the *Mishneh Torah* (*Hilkhot Shabbat* 2:1) Maimonides formulates the halakhah simply and forcefully: “The commandment of the Sabbath, like all other commandments, may be set aside if human life is in danger. Accordingly, if a person is dangerously ill, *whatever a skilled local physician considers necessary* may be done for him on the Sabbath.” According to the Maimonidean explanation put forth in the *Mishnah Commentary* on Pesahim, the *Book of Remedies* which King Ḥizkiyahu destroyed contained magical procedures and astrological cures; his act was *not* a demonstration of skepticism of or antagonism toward medical science and practice. It was an affirmation of medicine and a negation of magic.

B

Maimonides' unconditionally negative attitude to assorted magical practices—e.g., incantations—is neatly correlated with an uncompromisingly positive attitude toward genuine medical practices. His scientific temper—the empiricist-experimentalist one—is dramatically underscored by the fact that not only does he condemn magical procedures but he also rules out the therapeutic-practical use of sacred objects, lest they be converted into amulets. Note this resounding formulation:

One who whispers a spell over a wound, at the same time reciting a verse from the Torah, one who recites a verse over a child to save it from terrors, and one who places a Scroll or phylacteries on an infant to induce it to sleep are not only in the category of sorcerers and soothsayers, but they are included among those who repudiate the Torah; for they use its words to cure the body whereas these are only medicine for the soul, as it is said, “They shall be life to your soul” (*Mishlei* 3:23).³⁶

³⁴ See S. Pines, *Collected Works*, v. II, 329; also, *ibid.*, 191 and 361. R. McKeon, “The Empiricist and Experimentalist Temper in the Middle Ages,” *Essays in Honor of John Dewey* (New York, 1929), 216–234. See L. Demaitre in *Speculum* 63 (1988), 118. Galenism meant “medicine was to be taught from a philosophical basis, with reason governing theory and theory guiding practice; the *regula rationis* distinguished it as an art ...”

³⁵ *Commentary on the Mishnah*, Yoma, 8:4; see *Hilkhot Shabbat*, 19:13. Rashba, *Teshuvot*, 414, contends that Maimonides' position is inconsistent and untenable.

³⁶ *Hilkhot Akum*, 11:12; for the coupling of “Scroll or phylacteries,” see *Hilkhot Shevuot*, 11:11. This entire halakhah should be correlated with *Hilkhot Mezuzah*, 5:4:

Kedushah (holiness) generally is interpreted to mean transcendence; it is not an intrinsic quality which can be transferred from the sacred object to its users or admirers. One may say that Maimonides' concept of the sacred and the resultant spiritualization of laws (which I have dealt with elsewhere)³⁷ serves, *inter alia*, a scientific purpose: to neutralize magical procedures and/or magical consequences. The Torah, while interested in the well-being of the body (*tikkun haguf*, and prescribing laws which are conducive to it), is medicine for the soul (*refuat hanefesh*).³⁸ There is no need to attempt, or be tempted, to rely upon supernatural effects flowing from sacred objects inasmuch as the Torah commands and commends natural science. Natural-scientific procedures are congruent with the Torah's goals for individual welfare. The Torah has its distinct, spiritual, other-worldly teleology of life, but it yields completely to the imperative to prolong life in this world; in this context, it endorses the best empirical results in the field of medicine, to the exclusion of magical procedures as well as improper use of sacred objects.

There is much that is novel in this position; it is established and sustained by sharp exegesis, innovative interpretation and unrelenting polemics. As we shall see, here as elsewhere, he had to balance naturalism with supernaturalism. He had, for example, to demolish the widespread view which, for misguided religious reasons, condemned the reliance upon medicine as if medicine was an unwarranted, even arrogant, naturalistic intrusion upon, or attenuation of religious belief. An indication of how novel his position was is the history of its reception and rejection: it was periodically disavowed throughout the generations; his demolition was demolished, a kind of *tahafut* 'al-tahafut. As recently as a generation ago the great R. Avraham Karelitz, the *Hazon Ish*, affirms that the view, angrily and disdainfully characterized by Maimonides as empty, foolish, and fanciful and resoundingly rejected by him,

It is a universal custom to write the word *Shad-dai* (Almighty) on the other side of the mezuzah, opposite the blank space between the two sections. As this word is written on the outside, the practice is unobjectionable. They, however, who write names of angels, holy names, a Biblical text, or inscriptions usual on seals within the mezuzah, are among those who have no portion in the World to Come. For these fools not only fail to fulfill the commandment but they treat an important precept that expresses the Unity of God, the love of Him, and His worship, as if it were an amulet to promote their own personal interests; for, according to their foolish minds, the mezuzah is something that will secure for them advantage in the vanities of the world.

³⁷ See my *Introduction*, 418ff.

³⁸ This is completely congruent with what Maimonides says in his medical treatises; see, e.g., above, n. 31. The teleology is all-important in understanding the differences between religion and medicine. The Torah, while not intending "its words to cure the body," is concerned with the well-being of the body (note in this context *Guide*, III:27); it delegated the means to the science of medicine. To put it differently, the Torah allows for its suspension in order to prolong life, but the teleology of life in turn is completely subordinate to the Torah.

is in truth a profound, impregnable tradition; it is Maimonides' alternate proposal which is problematic and difficult to sustain.³⁹

The whole issue demanded concerted effort and considerable ingenuity. Many Talmudic passages had to be presented in new perspectives or transposed to new contexts or conceptualized in new ways. Demonology was derailed; belief in talismans and amulets was undermined. The transcendental purity of sacral objects was preserved.

This process of interpretation and conceptualization, which could be and was frequently challenged and criticized (Nahmanides could say, e.g., after referring to *Hilkhot Akum* 11:9 that “the texts are against it”),⁴⁰ was particularly crucial in this context. Magical acts were not buttressed by logical considerations or propositions of natural causality. There is no scientific-rational connection between whispering a spell over a wound and restoration of good health. The only epistemological support and justification would consequently have to come from religious tradition. It is, therefore, incumbent upon Maimonides to demonstrate that tradition does not legitimize any of these magical procedures or astrological beliefs. If, as I cited earlier, “every reasonable man ought to distinguish in his mind and thought all the things that he accepts as trustworthy and say ‘this I accept as trustworthy because of tradition, and this because of sense-perception and this on grounds of reason,’” he will realize that he has no support from any of the recognized sources of knowledge. Identification of the sources of knowledge will help filter out untrustworthy and unworthy beliefs. Hence, Maimonides' sweeping program of interpretation was mandated by epistemology. Sharp and, in his opinion, compelling interpretation was his incontestable prerogative. Rabbi Avraham ben David said in another context: this author possesses great (interpretive) powers and is thus able to interpret matters as he sees fit.⁴¹ The critical intent of the remark does not invalidate the insightfulness of the characterization which underscores the central importance of the interpretive process.

III

A

Constraints of time prevent us from discussing in detail other areas in which scientific data are paramount. Suffice it to mention, without elaboration for the moment, that the introduction of the concept *teva*, signifying nature of physical properties as well as nature of human beings, is very repercussive. *Teva* is apparently a neologism⁴² suggesting necessity, compulsion, inexorable causality—often synonymous

³⁹ See R. Avraham Karelitz, *Inyanei Emunah Uvitaḥon*, chapter V.

⁴⁰ See *Kitvei Ramban*, I, 380.

⁴¹ *Hilkhot Avadim*, 1:6.

⁴² See *Teshuvot Hakham Tzvi*, 18. (The Talmud does, of course, refer to *tiv'a*.) See, generally, W. J. Courtenay, *Covenant and Causality in Medieval Thought* (esp. chapter III, “Nature and the Natural in

or interchangeable with *minhag* or *minhago shel olam*; the latter denotes nature and natural law as distinct from miracle, i.e., something which challenges the regularity and immutability of nature.⁴³

Hilkhhot Temurah 4:13 is an important example of *teva* applied to human nature, i.e., to the area of psychological explanations. It is man's nature (*teva shel adam*) to increase his possessions and to be sparing of his wealth. The Torah is concerned with the tendency of human nature which places a premium on material self-interest and cultivates excessive parsimony. This may even lead one who dedicates an object to God to yield to fickleness and fluidity of motive, and try to shortchange Him. Hence, the Torah intervenes in order to channel and qualify this natural propensity; it does not change the fact of human nature but disciplines and curtails certain traits.⁴⁴

We should also call attention to an intriguing halakhic formulation in which scientific knowledge determines the applicability of the juridical norm.

It is well known to wise men endowed with understanding and knowledge that the sun is 170 times larger than the earth. If an ordinary person swears that the sun is larger than the earth, he is not liable to flogging because of an oath in vain. For although the fact is as stated, this is not commonly known to any but the most eminent scholars, and no person is liable unless he swears about a thing well known to at least three ordinary persons, e.g., that a man is a man, or a stone a stone. Similarly, if he swears that the sun is smaller than the earth, even though this is not so, he is not liable to a flogging. For this subject is not familiar to all men, and it is therefore not like swearing that a man is a woman, as he is merely swearing about the way the sun appears to him, and he does indeed see it small. This holds good in all similar cases connected with calculations dealing with astronomical cycles, constellations, and geometrical measurements, and other scientific matters which are known only to some men.⁴⁵

Twelfth-Century Thought"). J. A. Weisheipl, "Aristotle's Concept of Nature: Avicenna and Aquinas," in L. D. Roberts, ed., *Approaches to Nature in the Middle Ages*.

⁴³ See *Hilkhhot Rotze'ah*, 1:9. Birth changes the role of the embryo. The fetus no longer poses a threat to the mother; that one of two people may die is within the realm of nature (*tivo shel olam*). Note also *Hilkhhot Teshuvah*, 6:5; *Hilkhhot Avel*, 13:11, and *Hilkhhot Ta'anivot*, 1:3; *Commentary on Mishnah*, Niddah, 3:2.

⁴⁴ As we shall soon see, there is a symmetry in the attitudes to and attempted changes of nature; physical nature may be changed temporarily by divine miraculous acts whereas human nature may be disciplined and directed by divine laws. For other examples of psychological explanation, see also *Hilkhhot Shabbat*, 10:10; *Hilkhhot Isurei Biah*, 1:9; *Hilkhhot Gerushin*, 2:20; *Hilkhhot Sanhedrin*, 18:6; *Commentary on Mishnah*, Shabbat, 2:5, Sanhedrin, 6:1, 2; *Guide*, III:46.

⁴⁵ *Hilkhhot Shevuot*, 5:22. We may surmise that this halakhah becomes elitist inasmuch as knowledge of the relevant facts depends on general scientific sources (see *Hilkhhot Yesodei Hatorah*, 3:6; *Kiddush Ha'odesh*, 17:25). Only one sensitive to the importance of science will seek to acquire such

B

In light of this, Maimonides' statement on *terefah* (organic disease which is deemed fatal) in animals, with its unequivocal pronouncement that scientific-medical opinion is irrelevant to this halakhic complex, is striking. The passage in *Hilkhot Sheḥitah*,⁴⁶ based on tractate Ḥullin, with some stylistic-substantive additions, deserves exceedingly careful study. The sharp Maimonidean formulation is even more noteworthy if we recall that in a subsequent chapter Maimonides re-affirms unequivocally the decisive role of doctors in determining and defining *terefah* in human beings.⁴⁷ Maimonides is telling us that the list of seventy kinds of *terefah* is traditional, matter-of-fact, and therefore he extricated it from the constraints of science. Tradition is the exclusive determinant. There was no room or possibility in this context for re-interpretation, so he removed the matter from the orbit of science. He would not allow scientific data or assumptions to change the halakhah. By so doing, he is in fact free of apologetics. Comparison with the position of Rashba puts the significance of this into sharp focus.

R. Shelomo ibn Adret⁴⁸ tried to reconcile medicine and halakhah and insisted on their complete compatibility by positing the fallibility of medical diagnosis. He refused to recognize any exceptions to the Talmudic rule of *terefah einah ḥayyah* and therefore argued for complete congruence of halakhic prescription and scientific reality. The list of seventy kinds of *terefah* is not only traditional but is also scientifically sound. Maimonides, per contra, by positing the extra-scientific character of this halakhah, spares himself this agonizing confrontation and forced harmonization. Maimonides does not invoke the doctrine of the limitations of human knowledge (see *Guide* I:31) nor does he discredit medicine; he merely posits that it is not relevant in this context.

I would summarize it as follows. The medicine-magic complex, which is multi-dimensional, has an interpretive infrastructure and that provides flexibility. The invitation, indeed the need, to interpret unifies all those related issues.

Now, when interpretation was relevant, even with regard to *terefah*, Maimonides was not timid or apologetic. Note the following. *Hilkhot Sheḥitah*⁴⁹ contains a provocative halakhic formulation: "removal of the upper jaw" (*leḥi elyon*) is mentioned as an incidence of *terefah*. When asked by the Lunel scholars about this unprecedented

knowledge. See also *Commentary on the Mishnah, Introduction*, p. 37: Ptolemy's *Almagest* is the source of this information.

⁴⁶ *Hilkhot Sheḥitah*, 10:12–13.

⁴⁷ *Hilkhot Rotze'ah*, 2:8. See *Minḥat Ḥinukh* on *Sefer Haḥinukh*, mitzvah 34.

⁴⁸ *Teshuvot*, I, n. 98. See also R. Yitzḥak ben Sheshet, *Teshuvot*, n. 45. There is a very interesting discussion in the work of a great-grandson of the *Ḥatam Sofer*: R. Moshe S. Glazner, *Dor Revii*, introduction, p. 4. Rashba, he says, wants to "deny reality."

⁴⁹ *Hilkhot Sheḥitah*, 8:16, 23 and 10:9. *Teshuvot*, n. 315 (p. 585).

and, consequently, challenging formulation—the Talmudic list, which is presumed to be complete, does not contain this distinction and hence does not mention this case of *terefah* (“removal of the upper jaw”)—Maimonides confidently replied that originality of interpretation was a fact of scholarly life. An author particularly attuned to certain problems may discern a nuance or *novum* in well-known texts which his predecessors had missed completely. Much depends on the author’s perception of the material as well as his halakhic-conceptual mass of apperceptions, in the light of which traditional texts are made to yield their meaning. An apparent addition may be merely a compelling interpretation or deduction. He defends his formulation as an unimpeachable inference supported by scientific reasoning. His answer to the Lunel rabbis is that he merely interpreted the Talmudic texts and reached a different conclusion. He was not changing the halakhah because of scientific data he could bring to bear, but eliciting an intended even if hitherto unnoticed conclusion. To be sure, science could be a guiding principle in interpretation but it was not empowered to alter the list of *terefah*. Maimonides seems to be zealous to preserve the universality and immutability of halakhah, just as more generally he emphasizes the permanence and stability of religion.⁵⁰

C

We may turn our attention to an analogous halakhah which substantiates this conclusion. A complicated law concerning vows of Naziriteship includes the following:⁵¹

If several persons, while walking along the road, see a *koy* in the distance and disagree about it, in this wise: A says “I undertake to become a Nazirite if that is a beast of chase”; B says, “I undertake to become a Nazirite if that is a domestic animal”; C says, “I undertake to become a Nazirite if that is not a beast of chase”; D says “I undertake to become a Nazirite if that is not a domestic animal”; E says, “I undertake to become a Nazirite if that is neither a beast of chase nor a domestic animal”; F says, “I undertake to become a Nazirite if that is both a domestic animal and a beast of chase” all of them become Nazirites. For the *koy* resembles a beast of chase in some respects, and a domestic animal in others. In some respects, it resembles both beasts of chase and domestic animals, and in others neither. The same would hold good if they saw a hermaphrodite and fell to disputing whether he was a man or a woman, all of them vowing in the same way they did about the *koy* they would all become Nazirites. For the hermaphrodite resembles a man in some respects and a

⁵⁰ *Guide*, III:34: “Governance of the law ought to be absolute and universal.”

⁵¹ *Hilkhot Nazir*, 2:10, 11.

woman in others. In some respects, he resembles neither man or woman, and in others he resembles both.

All these resemblances refer to Scriptural commandments and not to the object's nature or heredity (*betivo vetoladeto*).

Halakhic reality is autonomous vis-à-vis scientific status. The nature, anatomy or genetic structure of the androgynous being are one thing; the reality which governs halakhic procedures is another.

A statement of Maimonides in his *Commentary on the Mishnah*, dealing with the formula giving the circumference and area of a circle, may also illumine this approach; the halakhic calculation is not contingent upon the scientific query.

You should know the ratio of the diameter of a circle to its circumference is not known, that is, it is impossible to express it exactly. This is not a lack of knowledge on our part, as the uneducated think, but this thing is intrinsically unknowable (*mitzad tivo bilti noda*) and cannot be known. However, it is possible to approximate it closely, and the expert geometers have written works on this subject, that is to approximate the ratio of the diameter to its circumference, and various proofs of the approximations. The approximation that the scientists use is that of the ratio of one to three and one-seventh ... Since this [ratio of circumference to diameter] can only be approximated, the Rabbis took the round figure and said that all that have a circumference of three handbreadths have a diameter of one handbreadth. They were satisfied with this [approximation] in all the measurements that they needed throughout the Torah.⁵²

IV

The next point, which we shall treat in compressed form, is to underscore the parallelism between Maimonides' attitude to rationalism and his attitude to science. Just as his acceptance of the permanence and stability of the universe, and of the living species it contains,⁵³ as a cardinal philosophic principle or fundamental postulate did not eliminate the miracles—they are, as is generally known, restricted, some

⁵² *Commentary on the Mishnah*, Eiruvim, 1:5. See. S. Sternberg's introduction to S. Gandz, *Studies*, p. xxxiii. As S. Sternberg put it: "Maimonides explains that since it is an irrational number, we have to be satisfied with some approximation. The acceptable degree of approximation then becomes a legal matter." In other words, the halakhah creates a reality which may differ from purely scientific reality; in any event, the halakhah is not stumped by a scientific impasse.

⁵³ See S. Pines, *Collected Works*, 189.

are based on the immanent natural order (i.e., included in the original order of the universe) and, above all, are not seen as permanent changes in nature⁵⁴—similarly, and this may serve as a mirror of or paradigm for the entire theme, the central role assigned to science in halakhah does not eliminate miracles. Maimonides' statement on leprosy establishes this clearly.

Leprosy is a comprehensive term (i.e., a homonym or amphibolous term) covering sundry incompatible matters. Thus, whiteness in a man's skin is called leprosy; the falling off of some of his hair on the head or the chin is called leprosy; and a change of color in garments or in houses is called leprosy.

Now this change in garments and in houses which Scripture includes under the general term leprosy was no normal happening (*minhago shel olam*) but was a portent and a wonder (*ot ufele*) among the Israelites to warn them against slanderous speaking.⁵⁵

The contrapuntal use of *minhago shel olam* and *ot ufele* is precise and expressive.⁵⁶ If this phenomenon (leprosy of garments and houses) were presented or perceived as *minhago shel olam*, it would be problematic and demand harmonization; however, inasmuch as it is unmistakably labeled as *ot ufele*, the need for allegory or reductionism is obviated. Whereas Philo says that leprosy is to be interpreted allegorically⁵⁷ and R. Yehudah Halevi says that the sages had profound knowledge of leprosy which surpasses our understanding,⁵⁸ Maimonides suggests that leprosy does not need to be explained away, does not need to be allied with scientific categories, nor should it be denied by omission or reformulation. It is a miraculous phenomenon—Maimonides mentions in *Guide* III:47: “This is a miracle that was perpetuated in the religious community like that of the waters of the woman suspected of adultery”—and is unapologetically recognized for what it is; it is philosophically and halakhically viable.⁵⁹

We should interject here that this point is most important historically, for the prolonged and heated debate which crystallized in Jewish thought in the wake of Maimonidean philosophy centered on the question of the natural versus supernatural.

⁵⁴ It was this cautious, restrictive approach to miracles which irked R. Moses Nahmanides.

⁵⁵ *Hilkhot Tumat Tzara'at*, 16:10.

⁵⁶ See, e.g., *Hilkhot Rotze'ah*, 6:12.

⁵⁷ See H. A. Wolfson, *Philo*, I, p. 137.

⁵⁸ R. Yehudah Halevi, *Kuzari*, IV:31.

⁵⁹ The formulation in *Tumat Tzara'at*, 16:10 is fully congruent with *Commentary on the Mishnah*, Nega'im, 12:5 and *Guide*, III:47. Note that in *Tumat Tzara'at*, 10:7 the isolation of the leper is not because “leprosy is contagious and that almost by nature all men find it disgusting,” but is rather a punishment which makes the repetition of slander impossible.

Would Aristotelian naturalism reign supreme and displace the supernaturalism which undergirds traditional religion? Would the philosophic tendency to recognize fixed principles and laws of nature that could be analyzed and understood result in a complete desacralization of nature? Maimonides, in fact, did *not* eliminate the supernatural but his critics thought that he did not give it ample recognition, that he let it be overshadowed and drastically reduced its importance. Already R. Yehudah Alfakar, and he would be followed by Nahmanides, Rashba, R. Yosef ibn Shushan and a host of others, sounded this refrain: "His intention was [to explain the Bible such] that the laws of nature not be abrogated, so that the Torah might be at one with Greek philosophy."⁶⁰ What was a distinct virtue for Maimonides was a serious shortcoming for the Spanish anti-Aristotelians.

Maimonides' doctrine of providence also illustrates the essential difference between science and scientism. In many contexts Maimonides repeats that divine providence transcends the law of nature. Its influence is not bound by natural causality.

One clear example of this is the Maimonidean critique of Sabianism. In the *Guide* and elsewhere, Maimonides painstakingly reproduces the Sabian denial of natural causality which led them to posit a universe governed by myth:

When you consider these ancient and unhealthy opinions, it will become clear to you that among all men it was an accepted view that through the worship of stars the earth becomes populated and the soil fertile. Their men of knowledge, as well as the ascetics and the men of piety among them, preached this to the people and taught them that agriculture, on which the existence of man depends, can only be perfected and succeed according to wish if you worship the sun and the stars; if you anger them through disobedience, the land will become barren and devastated ... Inasmuch as these opinions were generally accepted, (the idolaters) connected idolatry with agriculture, the latter being necessary for the subsistence of man and of most animals. Accordingly, the priests of idolatry preached to the people during their assemblies in the temples and fortified in their minds the notion that through practices of this cult, rains would fall, the trees would bear fruit, and the land would become fertile and populous.

The conclusion pointedly contrasts Sabian mythology with Biblical belief.

Now inasmuch as these notions were generally accepted so that they were regarded as certain, and as God, may He be exalted, wished in His pity for us to efface this error from our minds and to take away fatigue from

⁶⁰ See the lucid comments of B. Septimus, *Hispano-Jewish Culture in Transition*, 91.

our bodies through the abolition of these tiring and useless practices and to give us Laws through their instrumentality of Moshe our Teacher, the latter informed us in His name, may He be exalted, that if the stars and the planets were worshipped, their worship would be a cause for the rain ceasing to fall, for the land being devastated and producing nothing, for the fruit of the trees falling off, for misfortunes attending circumstances, for infirmities befalling the bodies, and for a shortening of lives. These are the intentions of the words of the covenant, which the Lord made. You will find that this intention is reiterated in the whole of the Torah: I mean that it is a necessary consequence of the worship of the stars that rains will cease to fall, that the land will be devastated, that circumstances will become bad, that the bodies will suffer from diseases, and that lives will be short; whereas a necessary consequence of the abandonment of their worship and the adoption of the worship of God will be rainfall, the fertility of the land, good circumstances, health of the body, and length of life. This is the contrary of what was preached by the idolaters to the people in order that they worship idols. For the foundation of the Law consists in putting an end to this opinion and effacing its traces, as we have explained.⁶¹

The alternative to this pagan mythology is not the scientific postulate that good crops depend on rainfall and related climatic phenomena but that true belief and proper worship of God will ward off adversity. Idolatry is in no way related to agriculture, but God may work through nature and above nature.

This is also the rationale which Maimonides finds in the institution of fasting. His morphology of fasting relates it to the experience of prayer while the teleology of fasting is repentance. The entire conceptualization reflects the essential theory concerning the relation between nature and providence.

This procedure is one of the roads to repentance, for as the community cries out in prayer and sounds an alarm when overtaken by trouble, everyone is bound to realize that evil has come upon him as a consequence of his own evil deeds, as it is written, “Your iniquities have turned away these things, and your sins have withheld good from you” (Yirmeyahu 5:25), and that his repentance will cause the trouble to be removed.

If, on the other hand, the people do not cry out in prayer and do not sound an alarm, but merely say that it is the way of the world for such a

⁶¹ *Guide*, III:30. *Guide*, III:51, suggests that providence protects one from evil; the lack or absence of providence leaves one exposed to the impartial law of nature. Note also that in the *Letter on Astrology* Maimonides emphasizes the total lack of utility in mythological-astrological belief; true belief is naturally linked to usefulness (*to ‘elet*).

thing to happen to them, and that their trouble is a matter of pure chance, they have chosen a cruel path which will cause them to persevere in their evil deeds and thus bring additional troubles upon them. For when the Scripture says, "But walk contrary to Me; then I will walk contrary to you in fury" (Vayikra 26:27–28), the meaning is: If, when I bring trouble upon you in order to cause you to repent, you say that the trouble is purely accidental, then I will add to your trouble the fury appropriate to such an "accident."⁶²

V

Professor S. Pines, in a short article entitled "Introduction to Medieval Science," contributed to Professor S. Sambursky's book *Physical Thought from the Presocratics to the Quantum Physicists* (London, 1974), writes:

While Maimonides has an implicit belief in the correctness of Aristotelian physics as an explanation of the phenomena of the sublunar world, he wishes to point out that Aristotle's views concerning celestial physics are subject to doubt. Like Kant, he is interested in showing that some of the so-called verities and certainties of science are unfounded; as a consequence, room can be left for faith.⁶³

For our purposes we may simply say that our study of halakhah and science suggests the following: as a consequence, room can be left for non-scientific or extra-scientific phenomena, the credibility of which rests on that additional source of knowledge, namely tradition.

⁶² *Hilkhot Ta'aniyot*, 1:2, 3.

⁶³ S. Pines, *Collected Works*, 355.

The Land of Israel and Exile in Maimonidean Writings*

The difficulty of a discussion concerning Maimonides and Eretz Yisrael is threefold: the complexity of the man and the problematic nature of his teaching; the delicacy of the subject and the importance of its implications; and the scarcity or fragmentation of sources.

1. The complexity of Maimonides and his teachings is sufficiently well known and does not, therefore, require any elaboration; it is difficult to determine the precise meaning and intent of many key aspects of his thinking. Basic components of his philosophy are controversial either because of their intrinsic difficulty or because of the challenging method of their presentation. As a result of this, the interpretation of Maimonides in general and the question of the unity or diversity of his philosophical teachings in particular are troublesome; many specific themes are ensnared in this general complexity.¹

Maimonides' style in the *Guide to the Perplexed* seems to conceal more than it reveals. It is noteworthy that nearly every element of his philosophical-religious doctrines is subject to debate: creation, prophecy, miracles, free will, providence, ethical theory, immortality of the soul and resurrection. We find, then, that while commentators and scholars of all kinds acknowledge Maimonides' greatness, originality, and depth, there are numerous and often conflicting interpretations of his beliefs and views. There are objective difficulties (whether perceived or actual contradictions,

* To my beloved granddaughters: Rivka, born on 17 Tevet 5748; Sarah Enna, born on 20 Shevat 5748; Neḥama, born on 6 Menachem Av 5749. May God extend their days in goodness and pleasantness.

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¹ The work of Leo Strauss and Shlomo Pines, in particular, is well known. Other studies include S. Klein-Braslavy, *Perush Harambam Lesipur Beriat Haolam* (Jerusalem: Rubin Mass, 1987); Aviezer Ravitzky, "Sitrei Torato shel Moreh Nevukhim: Hapitronot Bedorotav Uvdoroteinu," *Mehkarei Yerushalayim Bemahashevet Yisrael*, vol. 5 (1987), 23-70; Marvin Fox, *Interpreting Maimonides: Studies in Methodology, Metaphysics and Moral Philosophy* (Chicago, 1990). See also the first part of the articles in the collection: Joseph A. Buijs (ed.), *Maimonides: A Collection of Critical Essays* (Notre Dame, 1988).

interpretative challenges, etc.)—and these appear in the realm of halakhah as well as in philosophy. There are also challenges stemming from an arbitrary scholarly approach that presumes in advance that Maimonides’ teachings are fragmented and disjointed. It is as if it has been predetermined that inevitable contradictions and dichotomies exist between Maimonides the halakhist and Maimonides the Aristotelian philosopher, as if it were impossible to reconcile the practical religious life with the pure intellectual life of philosophy. Particular caution is thus of utmost importance here.

Likewise, on a related matter, anyone deeply engaging with Maimonides’ thought must consider the issue of unity and internal consistency in his work, especially when moving from one composition to another and particularly from a halakhic work to a philosophical treatise. This pertains not only to the question of ideological consistency but also to shifts in emphasis and the completion of a particular matter by combining different sources. For instance, if we take an example relevant to our current discussion, in his *Commentary on the Mishnah*, Maimonides states that the kingdom of the messiah will endure for thousands of years (“and it is not far-fetched that his kingdom will continue for thousands of years, for the sages have already said ...”²), and this assumption is briefly noted in *Guide to the Perplexed*—“... then of Israel’s restored realm, now stable and lasting”³—yet in *Mishneh Torah*, there appears to be no mention of this assertion. The question arises: should we draw esoteric conclusions from this literary fact, or should we approach the material with the principle in mind that “The words of the Torah are sparing in one place and expansive in another” and combine all sources to create a comprehensive picture? Thus, in our case, we must affirm the continuity of the messiah’s kingdom as an undisputed element of Maimonides’ perspective on this matter, even though he leaves it unmentioned in the most detailed account found in *Mishneh Torah*.

The issue of Eretz Yisrael—encompassing nationalism, territoriality, independence, spirituality, intellectualism, and even asceticism and reclusion, as well as redemption and messianism (that is, the relationship between the individual and the collective, and the extent to which an individual depends on the collective to achieve perfection)—is embedded in the same complex web that we alluded to at the beginning of our discussion.

2. The attitude toward Eretz Yisrael raises fundamental problems concerning Jews’ national consciousness and historical image and consequently demands maximum caution and meticulous analysis. It is no easy task to free oneself of preconceived notions or deep-seated predilections that do not necessarily stem from

² *Introduction to Perek Helek, Hakdamot Harambam Lamishnah*, Shilat edition, 139.

³ *Guide* II:29. All translations of the *Guide* in this chapter are from *The Guide to the Perplexed: A New Translation*, Translated and with Commentary by Lenn E. Goodman and Phillip I. Lieberman (Stanford, 2024).

conclusions of disciplined study and scholarship. Knowingly or not, any theorist or ideologist of this subject likes to think that he has based his ideas on unimpeachably authoritative sources.⁴ Maimonides is obviously a favorite; his authority is great, and everyone seeks his paternity. Since the gates of interpretation remain open, this task is not overly difficult. Therefore, we are obligated to evaluate the statements of various authors and thinkers with balanced and careful judgment: ideology and historical inquiry each need to be considered independently. We must allow Maimonides to speak for himself without ascribing to him opinions or imposing views that are not his own.

3. Explicit assertions concerning our topic in the total Maimonidean oeuvre are relatively few and restrained. Relevant biographical data are also fragmentary.⁵

⁴ For example, the Satmar Rebbe, R. Yoel Moshe Teitelbaum (*Vayoel Moshe*, New York, 1978), makes extensive use of Maimonides' writings, including *Moreh Nevukhim* and *Iggeret Teiman*, frequently referencing him in line with his own approach and outlook. See: Arnold Eisen, *Galut* (Indiana, 1986), a book noting the diverse uses of Maimonides in modern thought. Also see Menachem Kellner's article, "Messianic Postures in Israel Today," *Modern Judaism*, 6 (1986), 197–209; David Hartman, "Maimonides' Approach to Messianism and Its Contemporary Implications," *Daat*, 1 (1978), 5–33; Yaakov Levinger, "Yihudo shel Yisrael, Artzo Ulshono lefi Harambam," *Milet*, 2 (1984), 291–297. In general, the topic of methods of study of Maimonides' work over the generations still awaits systematic research, as does the parallel topic of the uses of Maimonides, since Maimonides takes on various forms, shedding one guise and assuming another. A historiographic-literary survey could provide illuminating insights into different perceptions of Maimonides, reflecting the range of perspectives (and self-conceptions) across generations.

⁵ See e.g., *Hilkhot Melakhim*, 5:9, the most famous and most oft-quoted section. There is no systematic presentation of material as in *Kaftor Vaferah* and *Pe'at Hashulhan*, and it must be drawn from *Hilkhot Terumat*, *Beit Habehirah*, *Sanhedrin*, *Melakhim*, etc. The passage quoted in *Sefer Haredim* on his journey to Eretz Yisrael is well known. Additionally, there are almost off-hand comments that mention Eretz Yisrael, see *Iggerot Harambam*, Shilat edition, 224. As previously mentioned, the biographical-halakhic riddle of his settling in Egypt remains unresolved: Maimonides established his residence there despite an explicit halakhic ruling that prohibits dwelling in Egypt (*Hilkhot Melakhim* 5:7). This perplexing fact has been the subject of much discussion (see the autobiographical note by Radbaz, ad loc.; R. Yechiel Michel Epstein, *Arukh Hashulhan He'atid* [Jerusalem: Mossad Harav Kook, 1973], 18). Maimonides himself seemingly did not directly address this issue or attempt to justify his decision to leave Eretz Yisrael and settle in Egypt. He writes in passing: "Thus we have instructed, and so we have done in the land of Egypt since we came to it" (*Teshuvot Harambam*, Blau edition, no. 218, p. 387). See also no. 242 ("the text of an ordinance authored by our teacher Moshe ben Maimon, of blessed memory, in Egypt"), p. 435: "We, the sages who dwell in the land of Egypt at this time, say ..." For his close connections with Alexandria, see no. 232, p. 424; no. 355, p. 632; and the index in vol. 3, p. 217. This article does not address the actual historical circumstances of the period nor the complex issues of relations between "center and periphery." For background on the twelfth century, see, for example, the comprehensive study by Menahem Ben-Sasson, "Benei Hamaghreb Vekishreihem Le'erez Yisrael Bame'ot 9–11," *Shalem*, 5 (1977), 31–82.

Therefore, any attempt to construct a correct and precise framework must, of necessity, be subject to Maimonides' suppositions and not to the assumptions of others. We must follow his lead, be sensitive to his concerns, and work with his directives. Hence, if we come to search out an indubitable proto-Zionist inclination, as Benzion Dinur attempted with respect to the thought and deeds of R. Yehudah Halevi,⁶ or as it is possible to do with respect to those of Nahmanides and R. Yehudah Loew ben Betzalel (the Maharal of Prague)—the two great representatives of pre-modern “Love of Zion”⁷—we shall ultimately be disappointed. The conceptual reality is not that simple. On the other hand, one should not suppose it axiomatic that philosophy stimulated Maimonides to devote himself solely to improving the individual, to be concerned with ethical-intellectual perfection,⁸ and to alienate himself from preoccupation with national values and communal-territorial principles. It is methodologically arbitrary to make such an assumption. Philosophers are not all identical—their individuality cannot be blurred—just as what unites them cannot be ignored. It is true that ideas and emphases central to R. Yehudah Halevi's thought, which were influential in some circles, were disregarded in Maimonides' teaching, but they were

⁶ B. Dinur, “Aliyato shel Rabi Yehudah Halevi Le'erezt Yisrael Vehatesisah Hameshihit Beyamav,” in *Bema'avak Hadorot* (Jerusalem, 1975), 202ff. The article was first published in *Minhah Ledavid: Kovetz Ma'amarim Behokhmat Yisrael Mugash Leyovel Hashivim shel Hahakham R. David Yellin* (Jerusalem: Rubin Mass, 1935). See the important letter published by S. Abramson, “Mikhtav Rabi Yehudah Halevi al Aliyato Le'erezt Yisrael,” *Kiryat Sefer*, 29 (1954), 133ff.

⁷ Nahmanides' attitude is manifested in various places in his writings, primarily in his *Commentary on the Torah* and his supplements to Maimonides' *Book of Commandments*, positive commandment no. 4. See H. Hanokh, *Haramban Kehoker Ukemekubbal* (Jerusalem, 1978), 144ff; Nachum Rabinovitch, “Shitat Haramban Veharambam Bemitzvat Yerushat Ha'aretz,” *Tehumin*, 5 (1984), 180–186. On R. Yehudah Loew ben Betzalel (Maharal), see Martin Buber's well-known essay, *Israel and Palestine* (London, 1952), chapter 3, and B. Gross, *Netzah Yisrael* (The Messianic outlook of the Maharal of Prague) (Tel Aviv, 1974). He writes: “We can therefore conclude that, unlike the Maharal, Maimonides made no effort to integrate his messianic vision into his broader philosophical framework” (p. 231, n. 32). In many respects, R. Yehudah Halevi, Nahmanides, and the Maharal constitute a special strand in Jewish thought on Eretz Yisrael—threefold, yet unified. As is well known, R. Avraham Yitzhak Kook frequently cited, interpreted, and applied these teachings. See also: Geulah Bat Yehudah, “Torat Eretz Yisrael shel Haramban Bemahashevet Hatehiyah,” *Sinai*, 61 (1948), 226–239.

⁸ Nevertheless, one cannot ignore the spiritual aspirations and goals of Maimonides—or of Nahmanides—and their influence on historical, political, and social concepts. A striking example of far-reaching possibilities can be found in the following passage from *She'elot Uteshuvot Harashbash*, no. 3: “I have seen everything you wrote regarding *aliyah* (immigration) to Eretz Yisrael ... the implication of your words is that the perfection of the soul is achieved solely through the attainment of intellectual knowledge, and that ascending to Eretz Yisrael neither elevates nor diminishes.” Philosophy and Kabbalah are powerful forces, capable of penetrating all areas of life and shaping both thought and practice. The concept of *aliyah* to Eretz Yisrael held a significant place among kabbalists from the thirteenth to the eighteenth century (e.g., R. Menachem Mendel of Vitebsk).

replaced by concepts of his own, whose significance and implications merit balanced and independent evaluation.

It seems, then, that in order to arrive at a complete and comprehensive system or an overall conception, we must approach Maimonidean sources individually and contextually and extract defined perspectives from Maimonides' writings in various contexts. His overall conception will involve intersecting ideas, featuring various components and layers. These components will enable us to come to conclusions regarding his attitude and attachment to Eretz Yisrael—an abstract, theoretical, conceptual attitude, and a spiritual, existential-experiential attachment.⁹

I am suggesting an indirect approach to the subject, via consideration of a number of central topics in Maimonides' thought, topics which are, in any case, central to Jewish thought in general, and specifically to see what place Eretz Yisrael holds and what its function is in the formation of Maimonides' positions. A tangible, meaningful, and defined picture will of necessity be drawn, which brings into focus substantive elements and basic ideas, and accurately reflects Maimonides' views. A wide range of topics that are worthy of consideration and will shed light on the subject may be noted:

⁹ His well-known comment concerning the sanctity of Jerusalem (*Hilkhot Beit Habehirah*, 6:16), quoted below, exudes passion—and not only as a presentation of an outstanding and polished halakhic concept. We must carefully combine and evaluate all the data and components, emphases and inclinations. Clearly, a simplistic and single dimensional comparison to R. Yehudah Halevi or Nahmanides misses the mark; e.g., there is much to be learned from the well-known fact that Nahmanides regarded the conquest and settlement of Eretz Yisrael as a positive commandment and questioned Maimonides' omission of this from his enumeration of commandments. This issue is endlessly considered and reconsidered; great importance is attached to it today, as some construct entire ideologies upon it. An extensive halakhic discussion may be found in R. Shaul Yisraeli's *Sefer Eretz Hemdah* (Jerusalem: Mossad Harav Kook, 1982) on the Laws of Eretz Yisrael. However, to avoid a trap of reductionism, one should not be satisfied with conclusions based on a single detail but should rather fit them into a broader framework. Maimonides' comments in *Hilkhot Melakhim*, 5:10–11 (cited later in this paper) need to be considered, as well as his positive attitude towards monarchy and political power (see, for example, *Hilkhot Berakhot*, 2:4: "Israel's consolation will only be a complete consolation when the House of David will be restored to sovereignty"). But see Maimonides' *Commentary on the Mishnah*, R. Yosef Kafih edition, Pesahim 8:2, p. 123 ("due to the frivolity of the rulers and their lack of adherence to the commandments"), and R. Kafih's note. Essentially, one could say that, on the one hand, a certain distrust of the authorities is evident in his writings (see also his commentary, Yoma 1:3, p. 154–155, based on the Talmud), while on the other hand, there is a clear tendency towards spiritualization, adding a religious-spiritual dimension to the political framework and shaping a new model of kingship. Between the writing and printing of this article, Yaakov Blidstein's significant work, *Ekronot Mediniyim Bemishnat Harambam: Iyunim Bemishnato Hahilkhatit* (Ramat Gan: Bar-Ilan University, 1983), was published, in which the author offers a meticulous analysis of Maimonides' *Hilkhot Melakhim*. See also: Leah Naomi Goldfeld, "Hilkhot Melakhim Umlhamot Umelekh Hamashiah," *Sinai*, 96 (1985), 67–79.

1. The history of religion, the principal focus being the spread of the perfect belief in one God.¹⁰
2. The history of halakhah, particularly the appearance of controversy in the Oral Law and the growth of custom, as well as the compilation of the Mishnah and the Talmud despite the prohibition against writing down the Oral Law.¹¹
3. The history of philosophy, and primarily, the various reasons given for the loss of the philosophical legacy that was part of the Oral Law in antiquity.¹²
4. The history of prophecy, primarily the definition of its essence, the clarification of the reasons that led to its cessation, and the chances of its resurgence.¹³
5. The history of prayer, with special attention to the impetus that led to the consolidation of fixed and stylized prayer in lieu of worship flowing from the depths of the heart, expressed in various flexible, fluid and spontaneous fashions, “each according to his ability.”¹⁴
6. The history of the Hebrew language, from the vantage point of the problem of linguistic purism, the relation between biblical and mishnaic language, the loss of considerable segments of “the Hebrew literature” of the biblical period and the resulting impoverishment of the language.¹⁵
7. The history of the religious establishment—that is, the nature, authority, and fate of the Sanhedrin, the monarchy, the ordination (*semikhah*) of judges and rabbis, and status of the holy places (the sanctity of the Temple, Jerusalem, and Eretz Yisrael).¹⁶

In all of these, the influence of the territorial and political dimension, or the lack thereof, or its replacement by another historical dimension needs to be investigated.

¹⁰ See *Hilkhot Avodah Zarah*, chapter 1; *Commentary on the Mishnah*, Avodah Zarah, 4:7; *Epistle to Yemen*; *Guide to the Perplexed* I:63. *Teshuvot Harambam*, Blau edition, nos. 293, 448.

¹¹ See Introduction to the *Commentary on the Mishnah*; Introduction to the *Mishneh Torah*; *Hilkhot Mamrim* chapter 1–2; *Hilkhot Melakhim*, 9:1; *Guide* I:71; III:34.

¹² See especially *Guide* I:71.

¹³ *Guide* II:32ff.; *Hilkhot Yesodei Hatorah*, chapter 7; *Epistle to Yemen*; *Introduction to the Commentary on the Mishnah* and *Introduction to Perek Helek*.

¹⁴ *Hilkhot Tefillah*, chapter 1; *Avodat Yom Hakippurim* 3:11; and cf. R. Maimon’s *Iggeret Hanehamah*, translated from the Arabic by B. Klar (Jerusalem: Mosad Harav Kook, 1945). According to Maimonides, on a Torah level (*tefillah de’oraita*), prayer is flexible and fluid, yet there are fundamental concepts that must be included, among them the directive that “everyone should pray facing the Temple.”

¹⁵ See the *Commentary on the Mishnah*, Terumot 1:1; *Hilkhot Nedarim* 1:16; and the end of chapter 1 in *Hilkhot Tefillah*.

¹⁶ See *Hilkhot Sanhedrin* chapter 4; *Melakhim*, chapters 1, 11–12; *Beit Habaḥirah* chapters 6–7.

It is further possible to analyze Maimonides' historical perception in general as accounted for and focused on in such issues as:

1. The problem of causality in historical processes and the understanding of certain significant events in keeping with natural-rational lawfulness or causality, without negating divine providence.
2. The division of history into periods, with identification of significant developments that justify demarcation of new periods within the historical continuum.
3. The experience of exile, the hardship and suffering—the tribulations of the Jews and the trials of Judaism in the adverse conditions of exile.¹⁷

Since we are unable to analyze fully all these topics, it is my intention to concretize my approach by means of a discussion of selected topics that represent the entire complex of issues—halakhah, philosophy, prophecy, and history—and can therefore illustrate the lessons to be extracted from the above-mentioned realms.

2

In the attempt to assess the place of Eretz Yisrael in the history of the Oral Law, one encounters an intricate causal framework. We must distinguish between the various aspects of “Eretz Yisrael,” especially between that of a sovereign state and its institutions (monarchical and religious sovereignty, as in the time of the Temple) and that of settlement of the people in their land without the accoutrements of a monarchy; in other words, historical reality necessitates a distinction between political and territorial orientation. On the one hand, it is evident that the destruction of the Temple terminated the applicability of certain laws (Temple worship, sacrifices, defilement and purity, etc.), and there is no need to analyze or even itemize them here. The Temple clearly constituted a framework for the implementation of numerous laws that were suspended upon its destruction. One of the accomplishments associated with the King Messiah is that after rebuilding the Temple and gathering the nation's exiled together, “the observance of all the statutes will return to their previous state ...” (*Hilkhot Melakhim* 11:1). In other words, there will be a halakhic restoration alongside and following the restoration of the monarchy, a restoration of the religious establishment, and a restoration of the nation and of the populace. “In the time of the Temple” is a distinct halakhic concept, not only the designation of a historical period from the standpoint of a political situation. Following the destruction of the Temple, the comprehensive scope of the mitzvot

¹⁷ The most interesting source is the *Epistle to Yemen*, as well as *The Letter on Forced Conversion and the Letter to the Sages of Lunel*. See also *Hilkhot Avodah Zarah*, chapter 1 and *Hilkhot Melakhim* chapters 11–12.

shrank and ever since, one may differentiate between precepts that are required during the time of exile and those that are not.¹⁸ The law did not change but the possibility of observing it *in toto* diminished.

On the other hand, there are precepts that were defined in relation to settlement in the Land (*Kenesset Yisrael*, the Jewish people, in Eretz Yisrael) without any connection to the political or religious situation; the destruction of the Temple is not a deciding factor in this area, and the existence of Jewish rule is not determinative. For example:

According to the Torah, the obligation to separate the *terumot* and the tithes applies only in Eretz Yisrael. It applies whether the Temple is standing or not. ...¹⁹

Whenever Eretz Yisrael is mentioned, the intent is the lands conquered by the king of Israel or a prophet with the consent of the entire Jewish people. This is called “a conquest of the community.” If, however, an individual Jew, a family, or a tribe go and conquer a place for themselves—even in the land given to Avraham—it is not considered as Eretz Yisrael in the sense that one is obligated to observe all the mitzvot there. ...²⁰

At the end of the chapter, Maimonides sums up:²¹

In the present era, even in the areas settled by the Jews who ascended from Babylonia, even those settled in the era of Ezra, the obligation to separate *terumah* does not have the status of a Scriptural commandment, merely that of a Rabbinic decree. The rationale is that the Scriptural commandment to separate *terumah* applies only in Eretz Yisrael and only when the entire Jewish people are located there. This is derived from the phrase

¹⁸ Introduction to the *Book of Commandments* (ed. R. Yosef Kafih, p. 1). The word “exile” (*galut*) appears in this source as though the Destruction and the Exile were identical, whereas in most contexts they are distinct. In his Introduction to the *Mishneh Torah* Maimonides does not mention this distinction—in one place, discussing codes of law composed by the *Geonim*, he says that they were concerned with matters relevant to their times—but rather emphasizes the comprehensive scope of his study. See also his *Commentary on the Mishnah*, Introduction to Tohorot, p. 22: “And such a situation should not cause wonder *in the time of Galut* and the discontinuation of this subject, due to the small number of those who study it, for we find them *in the time of the Temple* ...” See also the end of *Hilkhot Hametz Umatzah*, at the beginning of *Seder Hahaggadah*: “The text of the *Haggadah* which Israel is accustomed [to use] at the time of the Exile.” The Destruction was clearly religious and political—in other words, a blow to the Sanctuary and the monarchy simultaneously—but the *halakhah* was influenced and shaped in a decisive manner by the burning of the Sanctuary.

¹⁹ *Hilkhot Terumot*, 1:1.

²⁰ *Hilkhot Terumot*, 1:2.

²¹ *Hilkhot Terumot*, 1:26.

“When you enter” Implied is that the entire Jewish people must enter the land, as they did when they took possession of the land originally and as will happen in the future when they take possession of the land a third time. In contrast, the second time the people took possession of the land, in the time of Ezra, only a portion entered. Hence, they were not obligated according to Scriptural law.

Likewise, regarding the Sabbatical year and Jubilee:

From the time the tribes of Reuven and Gad and half the tribe of Menasheh were exiled, the observance of the Jubilee year ceased, as is written in Vay-ikra 25:10: “You shall proclaim freedom throughout the land to all of its inhabitants.” This means that this commandment applies only when all of its inhabitants are dwelling within it.²²

We find this usage in *Hilkhot Terumot*, as well, where Maimonides writes: “When the land of Judah was laid waste, the people began mixing one type of grain with another.”²³

“In our time,” in these contexts, does not stand in contrast to the time of the Temple; it rather signifies the time when the Jewish people left Eretz Yisrael and went into exile or when the Jewish community diminished and fragmented. From this perspective, even the Second Temple in the days of Ezra and the time afterward is included within the range of “our time.” Thus, the determining factor is the demographic-territorial condition.

As far as halakhic institutions and the crystallization of the great literary works (Mishnah and Talmud) in which the Oral Law was stored are concerned, it is certainly noteworthy that it is not the destruction of the Temple that determines, nor is it the political independence of the Second Commonwealth that guides and shapes halakhic reality; the deciding factor is either the continuance of a large Jewish population in Eretz Yisrael or its dispersion. In other words, we are dealing with fine distinctions concerning Eretz Yisrael—sovereign state or thriving, self-reliant settlement functioning without the trappings of monarchy. Maimonides does not allocate to the destruction of the Temple a central role in this matter. In Maimonides’ description of the chain of oral tradition from time immemorial and his discussion of the great and revolutionary turning point in the transmission of the Oral Law, there is no mention of the end of the period of the Second Temple. The great change was the

²² *Hilkhot Shemittah Veyovel* 10: 8.

²³ *Hilkhot Terumot* 11:4, based on the Tosefta 10:15.

redaction of the Mishnah by R. Yehudah Hanasi (and, prior to that, the decentralization of authority during the life of R. Yoḥanan b. Zakkai):²⁴

²⁴ Maimonides' opinion on the decentralization of authority and increased dissension can be reconstructed from two fundamental sources. See *Hilkhot Mamrim* 1:4: "So long as the Supreme Court was in existence, there were no controversies in Israel." He continues with a description of the judiciary process according to the Sages in Tractate Sanhedrin and concludes: "After the Supreme Court ceased to exist, disputes multiplied in Israel: one declaring it 'unclean,' giving a reason for his ruling; another declaring it 'clean,' giving a reason for his ruling"; and there is no possibility of reaching a decision acceptable to all. (See the Introduction to his *Commentary on the Mishnah*, Shilat edition, p. 41, concerning the saying of the Sages in Sanhedrin 88b—"when the disciples of Shammai and Hillel, who had studied insufficiently increased, disputes multiplied in Israel." Maimonides suggests an inner-directed explanation that depends upon methods of study, logic, and speculation unrelated to changes in the legal establishment or, as surfaces in his *Guide to the Perplexed*, in the status of the Oral Law. He writes: "But their saying, 'When the disciples of Shammai and Hillel, who had studied insufficiently, increased, disputes multiplied in Israel,' is very clear, as two people of equal understanding, study, and knowledge of the principles from which laws are derived will definitely not have a dispute over any one of the derived laws. And if there should be, it will be slight, as we found no dispute between Shammai and Hillel except over a few precepts, as their methods of study of the rules were similar, and both observed identical correct principles. And when their students' studiousness decreased and their ways of judgment weakened as compared to Shammai and Hillel their teachers, controversy broke out among them during the proceedings on many issues, as each one ruled according to his intellectual capability and according to the rules he knew ... And in this manner controversy started.") In his *Guide to the Perplexed*, I:71, Maimonides ascribes the appearance of controversy to a combination of factors: the termination of the Supreme Court together with the compilation of the Oral Law and its distribution in a book accessible to everyone: "Even the Oral Law, as you know, was not recorded of old, in keeping with the norm promulgated in our nation: 'The precepts that I gave you orally you may not commit to writing' (Gittin 60b). Religiously, this was the height of wisdom. For it avoided what happened in the end: the proliferation of doctrines and factions, problems with the language of the record and concomitant neglect, sectarianism, and muddled practice. In matters of practice, however, all was entrusted to the Great Court, as I explained in my juridical writings." Here the increased dissension is inherent in the transformation of the Oral Law into the possession of the masses as a result of its redaction in books. As long as it was available only as an oral tradition to relatively few individuals it was spared controversy; publication and literary status changed its character. The preferability of learning by heart is stressed in an original argument which is very interesting from a cultural-historical perspective: all studying by heart is superior to the written word. The idea that only with the redaction of the Mishnah did the Oral Law become accessible to anyone wishing to study it is emphasized in the introduction to the *Mishneh Torah*. However, there is no mention here of the negative outcome, namely the increase in disputes. [Concerning the Rambam's opinion whether indeed the Mishnah was written] see Shraga Abramson, "Ketivat Hamishnah (Al Da'at Geonim Verishonim)," *Tarbut Vehevrah Betoledot Yisrael Biyemei Habeinayim: Kovetz Ma'amarim Lezikhro shel Hayyim Hillel Ben-Sasson*, eds. Reuven Bonfil, Menaḥem Ben-Sasson, and Yosef Hacker (Jerusalem: Merkaz Zalman Shazar, 1989), 45–49.

This was the accepted method till the time of our saintly teacher. He gathered together all the traditions, enactments, interpretations and expositions ... from all this material he redacted the Mishnah, which was diligently taught in public to the wise men and thus became universally known among the Jewish people who then wrote it down and propagated it ... Why did our saintly teacher act so and not leave things as they were?²⁵

That is to say, what historical circumstance spurred R. Yehudah Hanasi into taking such a far-reaching step (literary redaction and publication), which, at first glance, even goes against the halakhah?²⁶

Because he observed that the number of disciples was diminishing, fresh calamities were continually happening, the wicked government was extending its domain and increasing in power, and Israelites were wandering and emigrating to distant countries.²⁷

In other words, the decisive factors were the general social deterioration, the sclerosis of political, social, and security structures, and especially the dispersion of the people—uprooting, wandering, and demographic shifts which influenced methods of study and generated concern that the Jewish people might forget the Law.

This demographic refrain surfaces again in Maimonides' comments in his introduction to the *Mishneh Torah* on the emergence of the Babylonian Talmud, the supreme authority in determining the halakhah:

After the *beit din* of Rav Ashi, who compiled the Gemara which was finally completed in the days of his son, Israel were greatly dispersed throughout the lands. The people emigrated to remote parts and distant isles. The

²⁵ Maimonides' introduction to the *Mishneh Torah*, and see the end of the previous footnote.

²⁶ In other words, as stated in Gittin 60b: "the words transmitted orally you are not at liberty to commit them to writing." In his Introduction to the *Guide to the Perplexed*, Maimonides takes pains to justify his bold decision to write a book about the secrets of the Torah and remarks, *inter alia*: "God knows I've had constant grave concerns about setting down the things I mean to set down in this work. They do belong under wraps. What I register here is recorded in no book extant in our nation in our present age of exile. How, then, can I break precedent and commit such things to writing? I rely on two warrants: first, the Sages' saying, at a like pass, 'The time has come to act for the Lord ...'." This is apparently a parallel between R. Yehudah Hanasi's redaction of the Mishnah and Maimonides' writing the *Guide to the Perplexed*. An exceedingly important parallel may also be drawn between the redaction of the Mishnah and the writing of Maimonides' *Mishneh Torah*. I have dealt with the affinity between Maimonides and R. Yehudah Hanasi elsewhere (see Chapter 2 above, p. 70).

²⁷ Maimonides' introduction to the *Mishneh Torah*.

prevalence of wars and the march of armies made travel insecure. The study of the Torah declined.

The same emphasis which transfers the center of gravity from the political-institutional frameworks to the population collapse and the dissolution of the Sanhedrin, is operative with regard to another vital issue, namely, the fundamental change in the Jewish calendar—the transition from declaring the first of the month on the word of eyewitnesses who had seen the new moon to determining it according to an established calculation. Maimonides weaves the following historical remark into his explanation:

From when did all of Israel begin to employ these methods of calculation? Since the time of the last sages of the Talmud; that was the time when [the Jewish community of] Eretz Yisrael was destroyed and no regularly established court was left. In the times of the sages of the Mishnah and also of the Talmud, however, up to the days of Abaye and Rava (CE 325), the people depended upon the courts of Eretz Yisrael for the determination of the calendar.²⁸

Neither the time of the destruction of the Temple nor that of the last generation of *Tanna'im*, whose authority is greater than that of the *Amora'im*, is the decisive-formative component, but rather the last sages of the Gemara. However, the equating of “the last sages of the Talmud” with “when Eretz Yisrael was destroyed” calls for further explanation; this is an unusual equation. In fact, one does not have to dig too far; this enigmatic formulation becomes clear in light of the above. The phrase “when Eretz Yisrael was destroyed” refers to the intensification of the exile—the accelerated, expanded dispersion of the population and the breakdown of the social order which had remained intact after the Temple’s destruction—and not to the loss of political independence. The reference is to the absolute cessation of the activity of the legislative institution (the *Beit Din Hagadol*) and the final decline and disintegration

²⁸ *Hilkhot Kiddush Haḥodesh* 5:3. In a preceding section, Maimonides spoke about the existence of the Sanhedrin in Eretz Yisrael, even though its powers and authority were limited as it wandered from its place in the Chamber of Hewn Stones (see *Hilkhot Sanhedrin*, 14:13: “Forty years prior to the destruction of the Second Temple, the right of Israel to try capital cases ceased, for though the sanctuary still existed, the Sanhedrin was exiled and no longer held sessions in the place assigned to it in the sanctuary”). See also 14:11, where Maimonides states generally, without explaining the chronological details, “Capital charges are tried only while the Temple is in existence, provided that the Supreme Court meets in the Chamber of Hewn Stones in the sanctuary ... By tradition it has been learned that capital offences are tried only when the priests bring offerings on the altar, provided that the Supreme Court is in its right place.” In short, the situation in the Land in general, the status of the population, and the measure of social normalcy are the determining factors.

of the Jewish population in Eretz Yisrael, not the final days of the Second Temple. The destruction of the Temple is a matter entirely distinct from the destruction of Eretz Yisrael.

From this we may derive that the phrase “when Eretz Yisrael was destroyed” appears homonymously—it is an ambiguous expression—and each context requires adjustment to its precise meaning. For example, Maimonides explains a certain law concerning the time to read the Megillah. The first mishnah of Tractate Megillah commences as follows: “The Megillah is read on the eleventh, the twelfth, the thirteenth, the fourteenth, and the fifteenth [of Adar]; never earlier and never later.” The Gemara there adds: “R. Yehudah said, When [is the Megillah read on different days]? When the years are properly configured (i.e., times are normal) and the Jewish people reside upon their own soil. But in these days, since people reckon from it, the Megillah is to be read only on the proper day.” R. Yitzhak Alfasi quotes another version. In place of “since people reckon from it” (*mistaklin*), he reads “since people are endangered by it (*mistaknin*)”²⁹ and adds by way of explanation: “That is, in the time that Israel upheld their religion and were not endangered ... but in these days when Israel is endangered with its religion, [the Megillah] is to be read only on the proper day.” In the *Mishneh Torah*, Maimonides sums up with utmost brevity: “The rule that reading of the Megillah might be advanced applied ... only when the Israelites constituted a sovereign state (*malkhut*). Nowadays, it may be read only on the normal date.”³⁰ As we see, he concluded with a vague reference to “nowadays,” which is, by contrast, dependent on abolition of the monarchy.³¹

Maimonides elaborates in his *Commentary on the Mishnah*:

[The Megillah] was read on different days only in the time when we prevailed and were able to enforce complete observance of the commandments, but nowadays, that is, from the redaction of the Talmud until the coming of the messiah, may he soon be revealed, [the Megillah] is to be read only on the proper day.

²⁹ See Nahmanides, *Milhamot*, loc. cit.

³⁰ *Hilkhot Megillah* 1:9.

³¹ See “For the Hasmonean family of High Priests won a victory ... and they set up a king from among the priests, and restored Israel’s kingdom for a period of more than two hundred years—until the destruction of the Second Temple” (*Hilkhot Hanukkah* 3:1). Here the abolition of the monarchy coincides with the destruction. Similarly: “... and Israel’s kingdom stood until the Destruction” (*Beit Habehirah Lerabbi Menahem Hame’iri*, Tractate Shabbat, ed. Yitzhak Shimshon Lange [Jerusalem, 1976], 95).

Maimonides here glossed over the issue of danger,³² and expanded the notion of “when the years are properly configured”; in other words, the lack of political power and the inability to enforce desirable arrangements.³³ What particularly interests us is the identification of “nowadays,” when the Jews lack power, with the era of the compilation of the Talmud, that is, the last sages of the Gemara, that being the time when Eretz Yisrael was devastated and the remaining foundations of the existing society were undermined. It would appear that the statements in the *Commentary on the Mishnah* can be understood only in the light of the ruling in *Hilkhot Kiddush Haḥodesh* (and also the description of the social, cultural, and political situation at the time of the Talmud’s compilation, which Maimonides placed in his introduction to the *Mishneh Torah*).³⁴ Again, “nowadays” is not the opposite of the Temple period; rather, it signifies a lack of power, initiative, and stability. The destruction of the institutional and political frameworks serves as a backdrop for further negative developments.

It is worthwhile now to turn to two significant and novel Maimonidean interpretations that also become clearer in the context of our discussion:

³² Maimonides’ *Commentary on the Mishnah*, R. Yosef Kafih edition, Megillah 1:1, p. 228. R. Menahem Hame’iri explained that imminent danger to the Jewish people exists if Purim celebrations are excessively prolonged and ostentatious. “The explanation for ‘since Israel is now endangered’ in the observance of their religion is, that people object when they see the Jews celebrating their revenge, so the Sages instructed them not overly to publicize their celebrations; it is enough [to read the Megillah] on its proper day. And even though the Ḥanukkah celebration lasts eight days, that is a celebration of the miracle of the oil, not of the victory over the enemies” (*Beit Habeḥirah*, Megillah, ed. Moshe Hershtler [Jerusalem, 1962], 15). In other words, Ḥanukkah has a spiritual character, whereas Purim has a clearly politico-military aspect that can arouse jealousy and hatred.

³³ See the phrasing in *Hilkhot Avodah Zarah* (10:6) concerning the issue of the resident alien (*ger toshav*). There too the ruling depends on the status of the nation and its coercive capability: “The foregoing rules apply to the time when the people of Israel live exiled among the nations, or when the gentiles’ power is predominant.” If so, at issue here are two possibilities: Exile, or decline while the Jewish people live in their land but do not have the upper hand. He continues: “But when Israel is predominant over the nations of the world, we are forbidden to permit a gentile who is an idolater to dwell among us.” See also *Hilkhot Melakhim* 8:10 (“Moreover, Moshe, our teacher, was commanded by God to coerce all human beings ...”) Regarding the annihilation of idolatry, the ruling is: “An affirmative precept enjoins the destruction of any idol, articles subsidiary to its worship, and everything made for its sake ... In Eretz Yisrael, it is a duty actively to pursue idolatry till we have exterminated it from the whole of our country. Outside the Holy Land, however, we are not so commanded; but only that whenever we acquire any territory by conquest, we should destroy all the idols found there ...” (*Hilkhot Avodat Zarah* 7:1). Regarding “when the gentiles’ power is predominant,” see also *Hilkhot Sanhedrin* 26:7.

³⁴ Regarding the era “from the redaction of the Talmud until the coming of the messiah,” see “If there arise a king from the House of David who meditates on the Torah, occupies himself with the commandments ... coerces Israel to walk in the way of the Torah and to repair its breaches” (*Hilkhot Melakhim* 11:4). The role of coercion (*kefiyah*) in Maimonides’ writings is not entirely clear.

1. In the detailed and explicated list of “days which are observed by all Israel as fasts because tragic events happened on them,” Maimonides presents the Fast of Gedalyah as follows: “The third day of Tishrei, because Gedalyah the son of Aḥikam was slain on the day, thus extinguishing the last remaining ember of Israel’s independence and thereby making her exile complete.”³⁵ We find in Tractate Rosh Hashanah 18b: “The fast of the seventh month: this is the third of Tishrei on which Gedalyah the son of Aḥikam was killed ... [the fact that a fast was instituted on this day] shows that the death of the righteous is deemed equivalent to the burning of the House of our God.” Differing explanations found in Maimonides’ formulations are always intriguing (and sometimes problematic), drawing the attention of his students. We need not, at present, delve into the matter and discuss how Maimonides’ comments on the subject relate to the Talmudic source, that is, the relationship between a national-historical rationale and a religious-metaphysical rationale. It suffices if we stress that the novel emphasis is understood and the implication clear and reflective of Maimonides’ perception: the thorough demographic dispersion, the increasing dimming of the light, the last stages of the uprooting of the nation from Eretz Yisrael and its exile—these are what determined reality. The assassination of Gedalyah was the final stage in the crystallization of the exile, and that calamity warrants fasting. We might say that there is here a concept of “the end of exile” paralleling “the end of teaching” (*sof hora’ah*)—i.e., the final consummation of a prolonged process.

A look at the following section of the same chapter³⁶ convinces us that the emphasis is not happenstance, but reflects a clear historical perspective. In summing up the five things that occurred on the 9th of Av, Maimonides describes the fall of Beitar and the failure of the Bar Kokhba rebellion:

A great city named Beitar was captured—it contained thousands and myriads of Israelites and had a great king whom all Israel, including the greatest scholars, thought to be the King Messiah, but he fell by the hands of the Romans who slew them all, a calamity as great as that of the destruction of the Temple.

The destruction of the Temple is a general species of calamitous events and not completely *sui generis*. The fall of Beitar and killing of thousands of Jews is to be compared to the destruction of the Temple. It should be noted that at the end of *Hilkhot Melakhim*³⁷ as well, regarding “Jesus of Nazareth who aspired to be the messiah and was executed by the court,” the principle of the ingathering of the Jewish people

³⁵ *Hilkhot Ta’aniyot* 5:2.

³⁶ *Hilkhot Ta’aniyot* 5:3.

³⁷ *Hilkhot Melakhim* 11:4 in uncensored editions.

as against the dispersion is emphasized, together with the eternal nature of the Torah. Maimonides continues:

For, has there ever been a greater stumbling than this? All the prophets affirmed that the messiah would redeem Israel, save them, gather their dispersed, and confirm the commandments. But he caused Israel to be destroyed by the sword, their remnant to be dispersed and humiliated and [attempted] to change the Torah.

2. It is well known that Maimonides suggested the possibility that the Sanhedrin might be revived. In the *Mishneh Torah* he wrote:

It seems to me that if all the wise men in Eretz Yisrael were to agree to appoint judges and to ordain them, the ordination would be valid, empowering the ordained to adjudicate cases involving fines and to ordain others.³⁸

Indeed, he has his own reasons and justification for his position. However, elsewhere—for we are obligated to combine his statements from both sources so that one complements the other—in his *Commentary on the Mishnah*, he determines that a revival of the Sanhedrin is bound to take place, as its re-establishment is a prerequisite for the coming of the messiah, and there is a divine promise to this effect.³⁹ In any case, one detail is not yet as clear as it should be, and Maimonides is aware that he must reply to a penetrating question: how can the possibility of reviving the Sanhedrin be reconciled with the tremendous anxiety concerning its abolition? If it is possible to make amends for the abolition of the Sanhedrin, what upset the sages, and why were they so distressed that the chain of man-to-man ordination was broken—giving the impression that this break is irreparable?

³⁸ *Hilkhot Sanhedrin* 4:11.

³⁹ “And I believe that if there were to come about a consensus on the part of all the pupils and sages to appoint someone in the academy by making him its head, provided that this be in Eretz Yisrael, as we have said above, the academy will be instituted, and that individual will become ordained, and will thereafter ordain whomever he wishes. For if you do not hold this principle, then the existence of the Supreme Court is forever precluded, for all its [judges] must certainly be ordained. And God promised their restoration when he said, ‘I will restore your judges of old’ (Yeshayahu 1:26). Perhaps you will say that the messiah will appoint them even though they are not ordained. But this is refuted. For we have already explained at the beginning of our book that the messiah will not add to the Law nor detract therefrom, neither from the Written Law nor from the Oral Law ... And I believe that the Sanhedrin will return before the appearance of the messiah, and that this will be one of his signs ...” (*Commentary on the Mishnah*, Nezikin, R. Yosef Kafih edition, Sanhedrin 1:3, p. 102).

In *Hilkhhot Sanhedrin*⁴⁰ Maimonides goes on to raise and answer this question:

If what we have said is true, the question arises: Why were the Rabbis distressed over the matter of ordination out of concern for the abolition of the laws involving fines from Israel? Because Israel is scattered and it is impossible for all to agree. If, however, there were one ordained by a man who had himself been ordained, no unanimity would be necessary.

The dispersion of the Jewish people is a decisive historical factor which makes the revival of the Sanhedrin very difficult, although not impossible. The Jewish nation will have to find a way to overcome this difficulty because a Sanhedrin is a prerequisite for the King Messiah; but the negative effects of the demographic situation still remain. The dispersion of the people is to our detriment; the ingathering of the exiles will be a sign of redemption.

3

We now move to another area: the problem and nature of linguistic purism. It appears that the corruption and misuse of language were caused by the exile and settlement in foreign lands. Moreover, the misuse was so firmly entrenched that the return to Zion in the days of Ezra did not solve the problem (just as it did not restore the status of “all its inhabitants are there”). This misuse brought about the formation of a fixed text of the *Amidah* prayer:

When the people of Israel went into exile in the days of the wicked Nevukhadnetzar, they mingled with the Persians, Greeks and other nations. In those foreign countries, children were born to them, whose language was confused. Everyone’s speech was a mixture of many tongues. No one was able, when he spoke, to express his thoughts adequately in any one language, otherwise than incoherently, as it is said, “And their children spoke half in the speech of Ashdod, and they could not speak in the Jews’ language, but according to the language of each people.” Consequently, when any one of them prayed in Hebrew, he was unable adequately to express his needs or recount the praises of God without mixing Hebrew with other languages. When Ezra and his *beit din* realized this condition, they ordained the Eighteen Benedictions in their present order ... so that these prayers should be in an orderly form in everyone’s mouth, that all should learn them, and thus, the prayer of those who were not expert in speech would be as perfect as the prayer of the master of eloquent language. For the same reason, they arranged [in a fixed form] all the blessings and prayers for

⁴⁰ *Hilkhhot Sanhedrin* 4:11.

all the Jews so that the substance of every blessing should be familiar and current in the mouth of one who is not expert in speech (*ha'ileg*).⁴¹

In other words, Maimonides here sketched the halakhic implications of a demographic reality that brought strange and undesirable linguistic phenomena in its wake—“defective” phenomena, from a purist perspective. Exile into foreign lands is responsible for linguistic assimilation and confusion. In order to be extricated from these straits and adjust the prayer of the inarticulate (whose speech was mixed and corrupt) to that of the precise and eloquent, Ezra changed what “had been ever since the time of Moshe” until his own time and instituted a fixed and unified form for prayers and benedictions, a far-reaching change which from a certain vantage point resembles the redaction of the Mishnah and the resultant change in the literary status of the Oral Law. From this, we may conclude that both modifications are a forced compromise, as prayer without a prescribed number of prayers, a prescribed form of prayer, and a fixed time⁴² for its recitation is the ideal type of prayer, service of the heart, “and this is how it was from the time of Moshe until that of Ezra.” Likewise, oral learning that is not bound to a formulated literary text is the ideal, which is the way it was from the time of Moshe to that of R. Yoḥanan b. Zakkai.

We can widen the field and move from a description of negative linguistic consequences in the wake of exile to a clear and positive determination that residence in the homeland guarantees proper linguistic development. In an entirely different context, in which Maimonides defends Mishnaic language from attack as a deviation from biblical language, we find: “The basis of every language rests upon what its speakers express and what is heard from them, and they [the sages] were undoubtedly Hebrews in their land that is, Eretz Yisrael.”⁴³ It is an established claim—as well as a principle acknowledged by accomplished scholars and expert linguists—that

⁴¹ *Hilkhot Tefillah* 1:4. Maimonides interpreted the text in Neḥemyah 13:24 in the sense of a hybridization of languages and not only as linguistic assimilation or absorption among the nations, which was also reflected in the neglect of the Hebrew language. This corrupt tongue necessitated modification and reform. This interpretation was also given by Rav Saadiah Gaon (*Sefer Ha'agron*, ed. Neḥemiah Allony [Jerusalem, 1969], 158—but see also p. 54); R. Avraham ibn Ezra (*Peirush Kohelet* 5:1); and R. Yonah ibn Janah (*Sefer Harikmah*, ed. Michael Wilensky [Jerusalem, 1964], 12–14). On the establishment of the fixed version of prayer, see also R. Maimon's *Iggeret Haneḥamah* (above, n. 14); also *Hilkhot Nedarim* 1:16: “In some places the people's speech is corrupt, and they debase the language by substituting one word for another.” In *Hilkhot Tefillah* 15:1, the word *ileg* means someone with inarticulate and slurred speech, not someone who corrupts the language by mixing it with many others.

⁴² As Maimonides rules in *Hilkhot Tefillah* 1:1.

⁴³ *Commentary on the Mishnah*, Zera'im, R. Yosef Kafih edition, Terumot 1:1, p. 167. He adds there, “And this should be the manner of your response to any of the recent ones [i.e., the recent linguists] who think that Mishnaic language is not pure, and that it inflected some expressions incorrectly.” On purity and precision of language as the loftiest principle, see my *Introduction to the Code of Maimonides* (New Haven: Yale University Press, 1980), 349. Bernard Septimus' “Maimonides on

“Hebrews in their land” guarded the purity of their tongue, while those born in foreign countries confused it.⁴⁴

Here, it is appropriate to ask: Is it conceivable that such linguistic corruption could occur even in Eretz Yisrael? In other words, can we assume that the pure Hebrew language might deteriorate and become corrupted by “Hebrews in their own land” who are subject to foreign rule and mingling with a hostile population? Is it the influence of a foreign environment that is decisive, even in Eretz Yisrael, or does the land possess a unique quality that protects its Jewish inhabitants, even when they are outnumbered by a non-Jewish majority? In addition to the description of the language’s decline and impoverishment, it is worthwhile to examine Maimonides’ remarks in his *Guide to the Perplexed*⁴⁵ regarding the religious-intellectual decline and the blurring of the philosophical dimension in Judaism due to foreign influence:

None of these ideas, as I explained, conflicts with anything stated by our prophets and the exponents of our Torah. For ours is a learned and enlightened religion ... But when vicious followers of benighted nations laid waste the good we had, destroyed our works of wisdom, and slew our scholars, we sank into ignorance for our sins, as we were warned: “The wisdom of their sages shall perish, and the discernment of their discerning ones shall be lost” (Yeshayahu 29:14). Mingling with the benighted, we absorbed their outlook like their traits and ways. For just as it tells of our mimicking alien mores: “they mingled with the nations and learned their ways” (Tehillim 106:35)—it speaks of our adopting their benighted views ...

The question that immediately arises is: Can such a development occur even in Eretz Yisrael, when “Mingling with the benighted, we absorbed their outlook like their traits and ways,” or is this phenomenon confined to the diaspora? In this context, attention must be paid to two *halakhot*:

1. “From outside Eretz Yisrael, one may compel her [his wife] to ascend [to Eretz Yisrael], even from a pleasant dwelling to an unpleasant one, and even from a place where Jews are numerous to a place where non-Jews are numerous. But one may not leave Eretz Yisrael for the diaspora, even from an unpleasant

Language,” *The Culture of Spanish Jewry*, ed. Aviva Doron (Tel Aviv, 1994), 35–54, contains an exhaustive discussion of this cultural, historical, and linguistic issue.

⁴⁴ I wish that there might be a similar guarantee today that “Hebrews in their land” would preserve their language. (One scholar has observed that our language has turned from Semitic into Indo-European.)

⁴⁵ *Guide* II:11.

dwelling to a pleasant dwelling and even from an area where non-Jews are numerous to an area where Jews are numerous.”⁴⁶

2. “A person should always reside in Eretz Yisrael, even in a city with a predominantly non-Jewish population, and should not reside outside Eretz Yisrael, even in a city with a predominantly Jewish population.”⁴⁷

From this, it emerges that the land itself is the decisive factor—not the sovereign political framework nor the demographic majority. In these *halakhot*—and, as we shall see, Maimonides’ discussion regarding the cessation of prophecy seems to contradict this—there is a reflection of a metaphysical quality attributed to the land. It is worth noting that we find a similar determination regarding the land of Egypt: in *Hilkhot Melakhim* 5:8, Maimonides, speaking of the prohibition regarding dwelling in Egypt, justifies the ruling by stating: “Because its deeds are more corrupt than those of any other land.” Similarly, in *Hilkhot Avodah Zarah* 1:3, there is an implicit concern regarding the influence of the environment in Egypt.

Finally, we should note that the dispersion is also the historical cause of the growth of regional custom, whose validity is limited, in contrast to universal law obligating all Jews everywhere. Maimonides writes:

If a court established in any country, after the time of the Talmud, made decrees and ordinances or introduced customs for those residing in its particular country or for residents of other countries, its enactments did not obtain the acceptance of all Israel because of the remoteness of the Jewish settlements and the difficulties of travel. And as the court of any particular country consisted of individuals [whose authority was not universally recognized], while the Supreme Court of seventy-one members had, several years before the compilation of the Talmud, ceased to exist, no compulsion is exercised on those living in one country to observe the customs of another country; nor is any court directed to issue a decree that had been issued by another court in the same country.⁴⁸

Herein lies the foundation for the autonomy of local custom, every place having its own ways. It is rooted in the loss of independence, the dissolution of the Sanhedrin, and the people’s dispersion to distant places cut off from each other. More precisely,

⁴⁶ *Hilkhot Ishut* 13:19.

⁴⁷ *Hilkhot Melakhim* 5:12.

⁴⁸ *Mishneh Torah*, Introduction. The following paragraph emphasizes that the ruling of the Gemara obligates everyone. See *Hilkhot Mamrim* 2:2, and its commentaries. Here the question is focused on the issue of the absolute authority of the Mishnah and the Gemara. Refer to my book (above, n. 43); Yaakov Blidstein, “Lehilkhot Tzibur shel Yemei Habeinayim: Mekorot Umusagim,” *Dinei Yisrael*, 9 (1978–1980), 127–164, especially 135, n. 30.

the people's dispersion, along with some of the inevitable changes triggered by it, is the cause of the multiplicity of customs. The principal stages of this development are as follows: (a) the inception of halakhic controversy in the wake of the breakdown of the exclusive central authority; (b) the dispersion, and the sociopolitical deterioration in general, which brought about the redaction of the Mishnah and the Gemara; (c) termination, after some partial jurisdictional limitations, of the Supreme Court, and the multiplication of controversy (see, in particular, *Hilkhot Mamrim* 1:4); and (d) restriction of the applicability and validity of the all-inclusive and all-obligatory law (incorporated in the Gemara) and the rise of custom alongside universal law. The entire matter bears a dialectical imprint—the land and the destruction, the concentration and dispersion of the people—with the shrunken or withered political aspect serving only as a general background.

4

Let us now turn our attention to a related topic, an important literary feature of Maimonides' work that has ramified implications. The destruction of the Second Temple, as previously mentioned, led to essential changes in the halakhah, and Maimonides knew how to be precise in terminology and formulation when he needed to mention these changes—modifications that constrained the application of the halakhah. He engaged with halakhot that were not practiced after the destruction of the Temple. The way in which Maimonides relates to these changes is our concern here, not the fact they took place. It may be said that the changes did not influence Maimonides' work or its underlying conception of the Oral Law. In his summary codification of the halakhah, he did not set up a partition between “what is required in the time of the exile and what is not,” between “in the sanctuary” (Jerusalem) and “in the countryside” (i.e., all places outside of Jerusalem). He codified everything without differentiating between applicable law and law for the future (i.e., for the time of the messiah), currently impracticable. This comprehensive codification was one of his main innovations.

As a result of his principled stand that the Oral Law is an organic, indivisible whole—at least as far as studying and teaching are concerned—he restored Eretz Yisrael to the people's consciousness in an almost incidental manner, without resorting to metaphysical declarations or fiery propaganda. Anyone who studies *Hilkhot Tefillah* and the details of the Priestly Blessing in the time of the Temple and afterward comes across Eretz Yisrael;⁴⁹ anyone who studies the description of the Seder night⁵⁰ unwittingly crosses into the time of the Temple and delves into the differences between the order of the night of the 15th of Nisan in this time and in the Temple period. One who studies the order of prayers specific to the “seven final fasts for

⁴⁹ See especially Chapter 14, which deals with the priestly benediction.

⁵⁰ *Hilkhot Hametz Umatzah*, chapter 7.

rain” becomes aware of both the current custom and the historical precedent from “when they prayed in this manner in Jerusalem” and would “gather at the Temple Mount.”⁵¹

It is worth noting that there is apparently no consistently expressed “preference” that presents the law for the period of the Temple before that of the present time; sometimes one comes first, sometimes the other—they are woven into a single fabric. Needless to say, anyone who plunges into the completely new sections of his great compilation—*Hilkhot Beit Habehirah* and *Hilkhot Kelei Hamikdash*, and so forth—is returned to Eretz Yisrael in general and to Jerusalem in particular. These topics and ideas, of course, were not Maimonides’ innovations or inventions, but he revived them and reintroduced them into the *beit midrash*. Hence, there is also a special link to Eretz Yisrael embodied within his comprehensive grasp of the Oral Law, which has influence and implications vis-à-vis the place of Eretz Yisrael in his philosophy.

Moreover, Eretz Yisrael does not appear solely as a component of Maimonides’ eschatological doctrine; it is turned into a halakhic datum, just as the King Messiah is made a well-known and accepted halakhic detail. The references to the King Messiah are inconspicuously incorporated in various rulings and seem to appear casually, as a natural, ordinary matter. “Similarly in the days to come, at the third return, when the Israelites shall re-enter the Land”;⁵² “Nine red heifers were prepared from the time this commandment was received until the Temple was destroyed the second time And a tenth King Messiah will prepare—may he soon be revealed!”⁵³ “King Messiah will receive one-thirteenth of all the lands to be conquered by Israel.”⁵⁴ Everything is stated with matter-of-fact, literary simplicity, as though the subject in question were the time of the morning or evening prayer, the shaking of the lulav, eating matzah, or a wedding celebration. The assertions are vibrant and real, not swept into a dark, esoteric corner or an inert eschatological teaching. We are dealing with a halakhic reality rather than a remote eschatology.

5

The subject requires that we note two more areas. First, let us be attentive to the repercussions our topic has upon Maimonides’ conceptions of prophecy—the causes of its cessation and its chances of revival. He writes in the *Guide to the Perplexed*:⁵⁵

⁵¹ *Hilkhot Ta’aniyot* 4:15.

⁵² *Hilkhot Shemittah Veyovel* 12:16.

⁵³ *Hilkhot Parah Adumah* 3:4.

⁵⁴ *Hilkhot Melakhim* 4:8.

⁵⁵ *Guide* II:36.

Such, surely, was the true proximate cause of the lapse of prophecy in our exile. For what greater grief and lassitude could befall one than chattel slavery to vicious barbarians whose unreason joins with the full-blown passions of beasts—“and there shall be no might in thy hand” (Devarim 28:32). This we were warned of: “They shall wander from sea to sea seeking word from the Lord but find it not” (Amos 8:12).⁵⁶

Maimonides maintains that the political and cultural troubles that influence the individual’s perfection—sadness, disease, war, hunger—undermine prophecy, as they preclude intellectual excellence, which is a *sine qua non* for the occurrence of prophecy. As opposed to other sages, who emphasized Eretz Yisrael’s preeminence and exclusive supremacy and determined that prophecy is possible only there, Maimonides adhered to his theory of the connection between cognitive might and politico-cultural stability. The focal point is not geography but rather the oppressive, adverse consequences of the exile. In keeping with this view, he goes on to interpret the verse: “Her king and her princes are among the nations, the Law is no more; yea, her prophets find no vision from the Lord” (Eikhah 2:9).⁵⁷ A logical corollary of this principle are the words of encouragement with which Maimonides concludes chapter 36: “And this is how prophecy as we knew it will return to us in the days of the messiah—may he soon appear, as God promised!” With this emphasis on the divine promise, he complements and extends that which was formulated with considerable

⁵⁶ See the *Commentary on the Mishnah*, Introduction to Tohorot, R. Yosef Kafih edition, p. 22, where Maimonides, following what is stated in tractate Shabbat, refers this verse to knowledge of *halakhah*: “The Torah will eventually be forgotten by Israel ... as it is said, ‘And they shall wander from sea to sea, and from the north even to the east, they shall run to and fro to seek the word of the Lord, and shall not find it’ (Amos 8:11–12). What is meant by ‘they run to and fro seeking the word of the Lord and not finding it’? In the future a woman will take a loaf of heave offering, make the round of synagogues and academies to determine if it is first or second (i.e., first or second degree impurity).” In the sequel (p. 23) he stresses: “And consider their statement, ‘the Torah will eventually be forgotten by Israel.’ This refers to ignorance of laws of impurity and purity. When the Lord commanded the prophet to ask about this, he told him to seek Torah from the priests. Torah per se is thus the discussion of purity and impurity and a knowledge of their status ... And why not? They are the ladder to the holy spirit.” The ‘word of God’ is *halakhah* as well as prophecy; they are unified.

⁵⁷ Maimonides already alludes to this interpretation in II:32: “Nor do her prophets find a vision from the Lord’ (Eikhah 2:9), since they were exiled.” It is important to remember that just before the excerpt that we quoted (“... Such, surely, was the true proximate cause ...” *Guide* II:36), Maimonides writes: “... So inspiration, you’ll find, abates in prophets in times of grief or anger and the like. You know the Sages’ saying, ‘Prophecy does not descend amid lassitude or sorrow,’ and that no inspiration came to Yaakov all the while that he was grief stricken ... Inspiration did not reach Moshe as it usually did from the time of the debacle of the spies until the whole desert generation had perished.” Exile intensifies and deepens these phenomena, which have the power to prevent the occurrence of prophecy in Eretz Yisrael too.

restraint in the *Mishneh Torah*. In this case, the philosophical context reveals more than the halakhic one, but the underlying concept is unified and consistent in both.

Elsewhere,⁵⁸ I reviewed how Maimonides' concept of the correlation between political times of trouble and cultural-intellectual decline is reflected in various areas. For example, his comments on the history of Jewish philosophical thought, or more precisely, the loss of philosophy, belong to this category. "The many sciences once current in our nation ... were lost to time, given our subjection to the foolish nations."⁵⁹ Similarly, the messianic era appears in Maimonides' teaching as a socio-political means of intellectual advancement and cultural efflorescence—of service of God which leads to love and knowledge of God. Just as oppressive domination by the kingdom of evil prevents us from studying Torah and science, so independence, tranquility, and freedom from hostile realms enables profound and fruitful study. This tranquil and productive period, with its dazzling consequences and repercussions in the field of Torah and wisdom, is described at the end of *Hilkhot Melakhim*:

The sages and prophets did not long for the days of the messiah that Israel might exercise dominion over the world, or rule over the heathens, or be exalted by the nations, or that it might eat and drink and rejoice. Their aspiration was that Israel be free to devote itself to the Law and its wisdom, with no one to oppress or disturb it, and thus be worthy of life in the World to Come.⁶⁰

The reciprocal influence between the socio-economic situation and cultural-theological development is clearly and emphatically expressed here.

6

Maimonides' entire historical outlook is saturated with tension. There is a clash between the spiritual and the temporal, between divine providence and the influence

⁵⁸ See Chapter 2 above, p. 72ff. [pg. w n.9, "M.s' wording ..."]. It is worth emphasizing that social improvement and well-being is a firm foundation of Maimonides' philosophy and is expressed not only in the *Guide to the Perplexed* (e.g., III:27) but also in the *Mishneh Torah*. Consider, for example, *Hilkhot Rotze'ah* (4:8–9): "If one commits murder without being seen by two witnesses at the same time ... the rule in all such cases is that the murderer is put into a cell and fed on a minimum of bread and water until his stomach contracts and then he is given barley so that his stomach splits under the stress of sickness. This, however, is not done to other persons guilty of crimes involving the death penalty at the hand of the court ... although there are worse crimes than bloodshed, none causes such destruction to civilized society as bloodshed. Not even idolatry, nor immorality nor desecration of the Sabbath, is the equal of bloodshed. For these are crimes between man and God, while bloodshed is a crime between man and man." This ruling requires very careful analysis.

⁵⁹ *Guide* I:71.

⁶⁰ *Hilkhot Melakhim* 12:4.

of natural factors, between a view of history as focused around religion and attention to real political developments. History, according to Maimonides, is a chronicle about religion, a story of belief and those who know and believe in God, not the record of terrestrial or political events. Periodization of history is constructed according to the evolution of faith, not political independence or loss of sovereignty. While there are systems that divide history into periods on the basis of political, personal, or cultural events, Maimonides' system (in his *Iggeret Teiman*) is based on the spread of the true belief, its achievements and failures, victories and defeats. The rooting of belief in the absolute unity of God serves as the measure for historical development. Furthermore, all the vicissitudes of the Jewish people—election, suffering, attitudes toward converts, and the hatred of nations toward Israel—are understood in relation to this central focus. It can also be said that the messianic vision is nothing other than the ultimate victory in the prolonged struggle for the purity of faith.

The aim of the Patriarchs was to create “a nation that knows God.”⁶¹ In the messianic era, “the entire world will be solely occupied with knowing God.”⁶² Nevertheless, political reality plays a highly significant role in his conception of historical causation; concrete, terrestrial and practical factors are of considerable weight. The destruction of the Temple illustrates that superstitions lead men astray, and remove them from wise and productive preoccupations that are the mainstay of the body politic. Maimonides' comments on the accursed astrology that prevented the Israelites from training themselves in war tactics are well known:

This is what destroyed our kingdom, demolished our Temple, and has brought us to our present state: our ancestors sinned, and they are no more, for they found numerous books on these subjects written by astrologers ... they were misled and followed them, imagining them to be profound wisdoms with great benefit, and thus they did not engage in learning the art of warfare nor in the conquest of territories ...⁶³

Great significance is attached to natural causality in the historical sphere. As we have seen, intellectual achievement, cultural creativity, philosophical and spiritual perfection all depend upon a stable social order. The individual is unable to deviate from this natural, causal framework. As we will see, based on the *Guide to the Perplexed* III:32, just as God is assisted by history and takes it into consideration (Godly activities parallel those of nature), so the individual must make allowance

⁶¹ *Hilkhot Avodah Zarah* 1:3.

⁶² *Hilkhot Melakhim* 12:5.

⁶³ *Iggeret H Rambam*, Shilat edition, 480. Compare: R. Yitzhak Polkar, *Ezer Hadat*, ed. Yaakov Levinger (Tel Aviv: Tel Aviv University, 1984), 55: “And when we engaged in the offerings and the service of the Temple, wars were forgotten, the implements of battle ceased, and the people of Judah and Israel forgot what they learned about the bow.”

for historical processes and forces and even take the initiative and sustain a measure of activism.⁶⁴ History is meant to attain a lofty aim, a socio-religious reality such as the world has never seen. The Torah outlined the plan for an exalted, perfect state,⁶⁵ which simultaneously cultivates intellectual-spiritual and social-personal tendencies, but this plan has not yet been fully implemented, even during Moshe's time. The messianic state will not only be something reconstructed and restored—"a restoration of our days as of old"⁶⁶—but a new reality which will be the first to implement the Torah's design fully and enable a maximum of people to approach the final objective, which is perfection of the soul and intellectual perfection.⁶⁷

⁶⁴ Regarding the messianic era, it appears that those who hold that according to Maimonides' teaching no preparation is necessary and no action need be taken (as opposed to kabbalists, who demand practical and spiritual preparation) have an exaggerated position. Maimonides calls for a revival of the Sanhedrin ("This will undoubtedly be when God prepares men's hearts, when their good deeds and desire for God and the Law increase, and their righteousness grows before the coming of the Messiah"—*Commentary on the Mishnah*, Sanhedrin 1:3, R. Yosef Kafih edition, 102). In his *Epistle to Yemen* (in contrast to the *Guide* II:36), Maimonides maintains that the return of prophecy precedes the messiah. Note that—remarkably—while the messianic era will glorify Torah and wisdom, their glorification is also a precondition for this era. His comments regarding the following Mishnah (Megillah 3:3) should be noted: "A synagogue that was destroyed ... grass that grew on the site is not plucked because of anguish" (and Rashi, for example, Megillah 28a, explained that "they pray for mercy, that they may return to its original state"). In his *Commentary on the Mishnah*, Maimonides remarks: "They are not plucked because of sorrow, i.e., that people may grieve when grass is there, and try to rebuild it if they can, or that their hearts submit to God and they return to Him if it is impossible for them to rebuild it." In the *Mishneh Torah* (*Hilkhot Tefillah* 11:11) he writes: "If grass has sprung up in them, the blades are plucked and left there, so that the people may be stirred to rebuild them." Compare with Shlomo Pines, *Bein Maḥshevet Yisrael Lemaḥshevet Ha'amim* (Jerusalem: Mosad Bialik, 1973), 294.

⁶⁵ See *Guide* II:40.

⁶⁶ See Gershom Scholem *The Messianic Idea in Judaism* (New York: Schocken Books 1971), 24–25 and 31.

⁶⁷ It seems that this is a reply to those who claim that the perfect man, the philosopher, does not need the messianic era because he can reach the desired goal, "to know God alone," on his own, and thereby merit life in the World to Come. There is a fundamental parallel between the messianic era and the Torah in its entirety, with its commandments and its wisdom. Both serve as a means to attain life in the next world. Maimonides' comments at the end of *Hilkhot Melakhim* regarding the messianic era as the authentic and superior means (as quoted above) should be compared to those in *Hilkhot Yesodei Hatorah* 4:13, about the Torah's precepts being another means to the same end: "For the knowledge of these things gives primarily composure to the mind. They are the precious boon bestowed by God, to promote social well-being on earth, and enable men to obtain bliss in the life hereafter ..." The anonymous commentator on this part of the *Mishneh Torah* (who is R. Yom Tov Lipmann Mühlhausen, as suggested by Ephraim Kupfer, "Sefer Haberit Uketavim Aḥerim Lerabbi Yom Tov Lipmann Mühlhausen," *Sinai*, 56, [1965], 330–332) apparently grasped the connection between the two passages, i.e., the two means, and integrated messianic terminology into his interpretation: "And all these are for the sake of an orderly society, as in their performance there will be peace in the world, harm will depart, and man will be able to know his Creator and he will attain life in the World to Come." This is

Here, the significance of the land and the sociopolitical reality emerges once again. Eretz Yisrael, the scene of the messianic vision, is not only the place with which the uniqueness and chosenness of the Jewish people are linked; without it, neither the universal vision nor the personal one can be realized. Just as exile intensifies the adverse phenomena that preclude prophecy, and as the messianic era increases its chances of revival, so it is with intellectual perfection.⁶⁸ The messianic mission is important to the community and the individual, including the philosopher.

7

As we have seen, Eretz Yisrael in its various aspects—the Temple and the Sanhedrin, monarchy and sovereignty, the Jewish people dwelling in its land—is a focus in many spheres, halakhic and philosophical, and it does not appear solely in Maimonides' messianic teaching; it is also revealed in spiritual consciousness. It is a legacy, a fact, a hope and a promise, a commandment and a destiny, a fundamental means to prophecy and to spiritual-intellectual perfection.

A basic observation concerning this theme in particular and Maimonides' teaching in general is in order here: it should not be assumed that these things are said solely from a Talmudic perspective and are less significant from a philosophical point of view. There is no basis for such bifurcation. The epistemology of the medieval religious philosophers was based on the assumption that religious tradition is the source of reliable information which complements other sources of knowledge (senses, reason). An axiom of medieval philosophical thought is that the religious and Aristotelian traditions dovetail harmoniously—not without tension or conflict, but it is generally possible, and necessary, to reconcile them.

No one questions the existence in Maimonides' teaching of bonds and facts dictated by the tradition, which nothing in the world can dislodge—Eretz Yisrael is the holiest of all lands, and it belongs to the Jewish people, handed down from

a masterful summation of Maimonides' views in *Hilkhot Teshuvah* and *Melakhim*. Consequently, the abstract possibility for an individual to attain life in the World to Come exists, but a suitable preparatory reality is lacking; whereas in the messianic era reality will suit aspiration, and the opportunity will be within reach. Indeed, when all is said and done, the same holds true for the individual as for the community (see also *Guide* III:51). The Maharal of Prague also states that an individual is capable of achieving a state of *devekut* that will be possible for the entire nation only in the days of the messiah.

⁶⁸ Implicit here is a decisive and instructive distinction between R. Yehudah Halevi's theory (*Kuzari*, IV:23) and Maimonides' theory concerning the Torah's ever-increasing influence upon Christianity and Islam and their coming ever closer to Judaism. In R. Yehudah Halevi's view of the Jewish people's influence on other nations—a kind of theory of Israel's mission, the "light unto the gentiles"—Exile is given a major role; in Maimonides' teaching the influence is primarily located in Eretz Yisrael in the Messianic era. As it is generally assumed that the views of R. Yehudah Halevi and Maimonides are identical in this matter, I hope to elaborate on this contrast in a separate article.

their ancestors; it is the scene of the realization of the messianic dream; it is the land that “the great sages would kiss its borders, kiss its stones, and roll in its dust.”⁶⁹ Maimonides drew upon the words of the sages, but this was made part and parcel of his doctrine and outlook, either literally or in a changed formulation. One also should not overlook the fact that within the sources he utilized were points of traditional lore that could be sharpened or blurred. Maimonides honed and polished his sources, and sometimes his emotional expression is all but discernible.

Maimonides’ observations on the holiness of Jerusalem are perhaps the most salient, both because of their phrasing and the idea of holiness they contain. I have demonstrated elsewhere that in most cases Maimonides attributes holiness to God, and the holiness ascribed to various objects, such as Torah scrolls, mezu-zot, phylacteries, the holy language, stems from this singular and specific source and is purposeful-teleological.⁷⁰ For this reason it is noteworthy that he posits the sanctity of Jerusalem as created in a particular manner by the Divine Presence; holiness results from the presence of the *Shekhinah*. God’s presence renders space sacred:

Now why is it my contention that as far as the Sanctuary and Jerusalem were concerned the first sanctification hallowed them for all time to come, whereas the sanctification of the rest of the Land of Israel, which involved the laws of the Sabbatical year and tithes and like matters, did not hallow the land for all time to come? Because the sanctity of the Sanctuary and of Jerusalem derives from the Divine Presence, which could not be abrogated.⁷¹

These words reverberated and left their mark on the link to Jerusalem in particular, and to Eretz Yisrael in general, although Maimonides himself underscored the distinction between them from the perspective of the concept of holiness.

The following passage from the *Commentary on the Mishnah* is very instructive, for it identifies a common aspect of eternity shared by Jerusalem and the Jewish people:

⁶⁹ *Hilkhoh Melakhim* 5:10.

⁷⁰ See, for example: *Hilkhoh Keriat Shema* 3:5; *Hilkhoh Sefer Torah* 10:2, 11; *Hilkhoh Tefillin* 4:14, 25; *Hilkhoh Mezuzah* 5:4; *Hilkhoh Tzitzit* 3:9; and so forth (and see Chapter 13 below, pp. 324–325 and p. 333). Regarding the holiness of Eretz Yisrael, see Marvin Fox, “The Holiness of the Holy Land,” *Tradition and Transition*, ed. Jonathan Sacks (London: Jews’ College Publications, 1986), 155–170.

⁷¹ *Hilkhoh Beit Habehirah* 6:16. See, for example: *Tosafot*, Yevamot 82b, s.v. “Yerushah” (and its parallels). The Ravad comments on the originality of Maimonides’ words: “This is his own reasoning, and I do not know from where he derived it ...”

He called Jerusalem a legacy because of the permanence of its sanctity and its eternal existence. Of [Jerusalem] the prophet said: “nor will He forsake His inheritance,” as he had already said, at the start, that God chose Jerusalem to be the place upon which the Divine Presence would settle, and He chose Israel for His people, may its virtue be exalted. And then he said that the Lord will not cast off this nation, which He chose for His inheritance, nor [will He cast off] that same place which He chose. And he said, “For the Lord has chosen Zion: He has desired it for His habitation” (Tehillim 132:13). “For the Lord has chosen Jacob to Himself, Israel for His peculiar possession” (Tehillim 135:4). “For the Lord will not cast off His people, nor will He forsake His inheritance” (Tehillim 94:14). And He had already made it plain that its sanctity is eternal and said: “This is My resting place forever” (Tehillim 132: 14).⁷²

Dwelling place and nation, inheritance and chosenness.

This determination that Jerusalem is eternally chosen and holy on the one hand and the chosenness and holiness of the Jewish nation on the other should be interwoven into the triple strand that also includes the eternity of the bond between Eretz Yisrael and the people of Israel. In the *Book of Commandments*, Maimonides develops a comprehensive halakhic theory (concerning the sanctification of the new moon), which remains controversial and continues to be discussed frequently; in that context, one captivating expression stands out:

Suppose we were to posit by way of illustration that the inhabitants of Eretz Yisrael should be absent from Eretz Yisrael—God forbid that it should happen, for He has assured [us] that He will not completely wipe out or uproot the remnants of [our] Nation—[suppose, however, further] that no *beit din* should be there, and that outside of the Land of Israel there should be no *beit din* which has received ordination in the Land [of Israel. Under such circumstances,] our reckoning would prove of no avail whatever to us in any respect. [This is because] we are not to reckon the months and intercalate the years outside of the Land [of Israel] save only under aforesaid conditions, as we have explained, “For out of Zion shall go forth the Law (Yeshayahu 2:3) ...”⁷³

⁷² *Commentary on the Mishnah*, Kodashim, Zevahim 14:8, R. Yosef Kafih edition, 63. The Mishnah says: “They came to Jerusalem, private altars were banned, and they were no longer allowed and it became an inheritance.”

⁷³ The *Book of Commandments*, positive commandment no. 153 (R. Yosef Kafih edition, 137). The halakhic issue is so difficult and complicated that Maimonides adds: “On this point [that is to say, in their attempt to reinstitute the seeing of the new moon for the purpose of establishing the first of

Students of Maimonides have struggled to find a source or proof for this promise that Eretz Yisrael will never be totally without a Jewish population.⁷⁴ In any case, the determination that surfaces relevant to our topic—which may be formulated as “Jerusalem, the Jewish people, and Eretz Yisrael are one because of God’s will and choice”—is unaltered and maintains its significance.

On reading the description of Tu Beshvat or the prayer for dew in S. Y. Agnon’s writings,⁷⁵ one understands the importance of literary formulation and of historical memory preserved and strengthened by literary description, which affords a vicarious experience in the absence of a direct and immediate one. Maimonides’ remarks helped to restore the Temple to active historical consciousness. It is also possible that remarks like these served as a shield against any spiritualizing exegesis, which is liable to find Jerusalem in Lithuania or New York or in the Jewish soul.⁷⁶ The Divine

the month], the heretics called Karaites have erred. Not all Rabbanites were aware of this principle, and some groped in the darkness of ignorance.” Nahmanides offers a long and explicit critique, and in modern times, Rabbi Soloveitchik engages in a comprehensive halakhic discussion on this matter. See: R. Yosef Dov Soloveitchik, “Keviat Moadim al Pi Hare’iyah Ve’al Pi Haḥeshbon,” *Musaf Hapardes*, Year 17; printed in his *Kovetz Hiddushei Torah* (Jerusalem: Machon Yerushalayim, 1984). Maimonides seems to be seeking support for the position of Ben-Meir against that of R. Saadiah Gaon in their well-known dispute.

⁷⁴ R. Kafih’s note (ad loc., n. 51), does not shed any light on this, nor is there any proof in his comment. On the other hand, see, for example, the responsa volume *Nefesh Hayyah*, by Rabbi Hayyim Eleazar Wax (Pietrokof, 1877), in which he remarks clearly: “Here, in any case, Maimonides’ statement that should the Jewish people disappear from Eretz Yisrael, Heaven forbid (may God be praised as He promised us, in the Torah, that He will not destroy the nation), is enigmatic. It is not understood. He only promised us that we would not be completely destroyed; He did not at all promise that we would not disappear from Eretz Yisrael” (no. 1, p. 5).

⁷⁵ See Agnon’s *Korot Batenu* (Jerusalem: Schocken, 1949), 49, 56.

⁷⁶ R. Menaḥem Hame’iri’s position on this matter (*Beit Habeḥirah*, Ketubot, ed. Avraham Sofer [Jerusalem, 1947], on 151a, 505) is well-known. In his *Otzar Haḥayyim*, R. Yitzhak ben Shemuel of Acre exemplifies another approach to Eretz Yisrael’s centrality or exclusivity as regards prophecy: a far-reaching, spiritualizing approach (see above concerning the cessation of prophecy). He interprets the phrase “Prophecy does not occur outside of Eretz Yisrael” as follows: “The true meaning of outside the Land and the Land of Israel in this case is not land of soil but the souls that dwell in materiality. Land is their habitat, made of flesh and blood. The soul that dwells in the land, a soul of Yaakov’s seed, surely dwells in the Land of Israel. Even if it is outside the Land, where the Divine Presence rests is surely the Land of Israel. A soul that dwells in the land that is not of the seed of Yaakov son of Yitzhak son of Avraham—i.e., Israel our father—it certainly dwells outside the Land, even if it is in the Land of Israel, in Jerusalem. Providence will not impart its presence to it and the spirit of prophecy will not rest upon it, because it is certainly [located] outside the land.” These words are quoted by M. Idel, “Eretz Yisrael Vehakabbalah Beme’ah Hashelosh Esrei,” *Shalem*, 3 (1981), 126 n. 40. He correctly notes that “Eretz Yisrael is here translated into a term referring to every Jew.” Spiritualization of Eretz Yisrael in its various forms deserves systematic and exhaustive discussion. On various approaches to spiritualization and allegorization of Jerusalem (and to some extent, of Eretz Yisrael in general), see the article by Moshe Idel, “Yerushalayim Behaggut Hayehudit Bimei Habeinayim,”

Presence is immovable, the parameters of its sanctity unchangeable, and it is impossible to find a substitute for it.

8

The tie to Eretz Yisrael is revealed and expressed not only in abstract and complicated laws, not only in traditional ideas concerning the Temple, David's kingdom, the Sanhedrin, or messianic beliefs, but also in certain emotion-laden passages. For example, there is a line at the beginning of *Iggeret Teiman* that is lacking in most editions: "When we departed from the West to behold the pleasantness of the Lord and to visit His holy place."⁷⁷ Toward the end of the letter, in connection with messianic hope, we are afforded another glimpse of Maimonides' sentiment: "He will gather our nation, assemble our exiles and redeem us from our degradation."⁷⁸ In the *Book of Commandments*, in explaining the prohibition, "you shall not deliver a slave to his master" (Devarim 23:16), Maimonides stresses the halakhic detail (which for some reason he omitted from the section on the reasons for the commandments in *Guide to the Perplexed*) that the precept is valid only in Eretz Yisrael: "In no circumstances should he return to his servitude, seeing that he has come to dwell in the pure land, which has been chosen for the exalted people."⁷⁹ The autobiographical gem in the *Mishneh Torah*⁸⁰ describing his behavior on the eve of Tishah Be'av, poignantly conveys a deep sense of exile, suffering and affliction.:

The aforementioned rule applies to the general public who cannot endure excess privation. The practice of the pious men of old, however, was as follows: On the eve of the ninth of Av, each man in his solitude would be served with dry bread and salt, and he would dip this in water and eat it while seated between the oven and the stove. He would wash it down with a pitcher of water, drunk in sadness, desolation, and tears, like a person seated before his dead kinsman. This procedure, or one very much like it, is the one appropriate to scholars. In all my life, I have never eaten cooked food—even cooked lentils—on the eve of the ninth of Av, unless it was a Sabbath.

Sefer Yerushalayim: Hatekufah Hatzalbanit Veba'ayyubit 1099–1250, eds. Yehoshua Prawer and Haggai Ben-Shamai (Jerusalem: Yad Yitzhak Ben-Zvi and the Hebrew University, 1991), 264–286.

⁷⁷ See: Levinger (above, n. 4), 297, n. 17 (= *Iggeret Teiman*, *Iggerot Harambam*, Shilat edition, 114, n. 24). At the beginning of his article (290–291), Maimonides' position is discussed in contrast to that of Nahmanides regarding the commandment of settling Eretz Yisrael. And compare above, notes 1 and 7.

⁷⁸ *Iggerot Harambam*, Shilat edition, 151.

⁷⁹ *Sefer Hamitzvot*, lav 254, R. Kafih edition, 101.

⁸⁰ *Hilkhos Ta'anivot* 5:9.

The well-known remarks in *Hilkhot Melakhim* 5:10–11 are thus appropriate for concluding and summarizing our discussion. Here, the teachings of the sages are gathered from various sources and unified, reflecting a personal and emotional connection as well.

The greatest of our sages used to kiss [the rocks] on the borders of Eretz Yisrael. They used to kiss the stones of the land and roll themselves in its dust The Rabbis said that the sins of him who lives in Eretz Yisrael are forgiven . . . Even if one walks four cubits in it, one is assured of life in the World to Come. So too, one who is buried there will obtain atonement; it is as though that place [where one lies] were an altar which effects atonement, as it is said: “And the land makes expiation for His people.” (Devarim 32:43). In [a prophecy of] punishment, [the prophet] says: “And thou shalt die in an unclean land” (Amos 4:17). There is no comparison between one whom Eretz Yisrael receives while he is living and one whom it receives after his death; nevertheless, the greatest among our wise men brought their dead there. Think of Yaakov, our father, and of Yosef, the righteous!

These are primarily aggadic statements, and although I am convinced that a complete separation between *aggadah* and *halakhah* is unwarranted, these passages deserve special attention due to their length, fervor, and the choice of facts, examples, and perspectives they present. It is self-evident that Maimonides could have omitted these and similar statements, and no one would have objected or been surprised by such an omission. If Maimonides’ interpreters, as is well known, are preoccupied with his omissions in matters of *halakhah* and seek explanations for anything that appears to them as a lacuna, it would certainly not occur to any commentator to demand that Maimonides consistently include aggadic statements. His decision to weave these passages, which highlight the preeminence of Eretz Yisrael, into his legal rulings delivers a significant message to his readers. In other words, *aggadah* is relatively rare in this monumental legal code, and its presence—not only at the end of each of the fourteen books—signals something to us. It sets markers and signposts for intellectual, moral, or socio-personal tendencies. We know that a certain conception of Maimonides can be embodied and sometimes concealed in his interpretations; similarly, it must be recognized that a clear outlook emerges from his aggadic statements, often flavored with his own emphases and linguistic markers. The statements in chapter 5 of *Hilkhot Melakhim* are particularly striking and demand special attention. They are a hymn of praise to the sanctity and significance of the land.

Let us now turn to certain aspects of the concept of exile in Maimonides’ writings. To fully grasp Maimonides’ attitude toward exile—with all its nuances and

resonances—it is necessary to assemble various sources and statements embedded or subtly hidden within his works, primarily in the *Mishneh Torah* and his *Commentary on the Mishnah*, his two major halakhic compositions, which also include philosophical components and spiritual ardency. This is the approach we took regarding his statements on Eretz Yisrael as well. It appears that there is a deep and developed sense of exile reflected in certain expressions across different contexts. As I have previously attempted to demonstrate concerning other matters,⁸¹ Maimonidean interpretation, with its sharpness, skill, and originality, requires focused and sensitive attention, as it opens a window into the author's opinions and reveals his innermost reflections. When an interpretation is offered, it is an essential part of the ideological fabric, not merely an embellishment. Finally, it should be emphasized that exile is a multifaceted concept: it is not only the loss of political independence but also a bleak socio-demographic condition—dispersion, powerlessness, and decline. The sense of the pains of exile, humiliation, subjugation, wandering, desolation, cruelty, and impermanence is profoundly strong in Maimonides' thought, emerging and leaving its mark on diverse topics.

I want to point to one source that is perhaps the most edifying, found in the final chapter of the *Shemonah Perakim*. The context here is a rather comprehensive discussion of free will, in which Maimonides engages in a soaring interpretive effort to reconcile and resolve complexities in this intricate and loaded issue. Maimonides, with both vigor and originality, interprets verses that, at first glance, seem to contradict the fundamental principle of free will. The central focus of the discussion is on the claim that “some verses might lead people to believe that God decrees rebellion and compels it.” It goes without saying that Maimonides strives to demonstrate that this conclusion is fundamentally mistaken, declaring it to be “false.”⁸²

The interpretive challenge is underscored: “Therefore, we shall explain them, as many have discussed these matters,” and Maimonides addresses, in his characteristic manner, the biblical instances where it appears that God has deprived humans of their freedom of choice and action.⁸³ A firm basis for his position Maimonides finds in the Book of Yeshayahu: “The Lord already clarified through Yeshayah that He, may He be exalted, sometimes punishes certain rebels by preventing them from repenting, not allowing them to choose it, as it says, ‘Make the heart of this people fat, and make their ears heavy,’ etc.” In line with this principle, he interprets the words of Eliyahu, of blessed memory, regarding the heretics among his contemporaries: “And You turned their hearts backward.”

⁸¹ See above, Chapter 11.

⁸² *Shemonah Perakim*, chapter 8, *Hakdamot Harambam Lamishnah*, Shilat Edition, 255. Compare: *Hilkhot Teshuvah* 5:2; in 5:3 Maimonides concludes: “This principle is a fundamental concept and a pillar of the Torah and mitzvot.”

⁸³ *Shemonah Perakim*, *ibid*, 255–256. See also: *Hilkhot Teshuvah* 6:3.

Now, it would seem that another verse in Yeshayahu pertains to this problematic issue of God depriving free will, requiring interpretive emendation as well. However, here Maimonides suddenly shifts, with passion, to a different plane, writing with great fervor that we are now confronted with a new problem:

Very different, however, is the meaning of what Yeshayah said, “Why hast Thou let us go astray, O Lord, from Thy ways, and suffered our hearts to be hardened against Thy fear?” (Yeshayahu 63:17). These words have no bearing upon the foregoing exposition. Their meaning is to be gathered from the context in which they occur. The prophet, bewailing the captivity, our residence among strangers, the cessation of our kingdom, and the sovereignty of the nations over us, says by way of prayer, “O God, if Israel continues to see this state of affairs in which the unbelievers wield the power, they will go astray from the path of truth, and their heart will incline away from Thy fear, as if Thou wast the cause of making those ignorant ones originally depart from the path of truth, as our teacher Moshe said, ‘Then will the nations which have heard Thy fame say in this manner that because the Lord was not able ...’ (Bemidbar 14:15–16).” For this reason, Yeshayah said after that, “Return for the sake of Thy servants the tribes of Thy heritage,” so that there should not be a blasphemy of God’s name (by the heathens). Likewise, in the minor prophets, there is found the opinion of those who, following the truth, were nevertheless conquered by the nations at the time of the exile, which passage, quoting their own words, reads, “Every one that doth evil is good in the eyes of the Lord, and in them He findeth delight, or else, where is the God of justice?” (Malakhi 2:17). The prophet, quoting their own words which were occasioned by the length of the exile, continues, “Ye have said, It is vain to serve God; and what profit is it that we have kept His charge, and that we have walked contritely before the Lord of Hosts? And now we call the presumptuous happy; yea, built are they that practice wickedness ...” (Malakhi 3:14–15). Then, however, explicitly stating that God, in the future, will reveal the truth, he says, “And ye shall return, and see the difference between the righteous and the wicked” (Malakhi 3:18).⁸⁴

We learn from here that many among the people of Israel would be unable to withstand the numerous, harsh, and bitter trials of exile, and would cease to serve God. Their religious failure emerges as a consequence of the fear induced by exile and the heavy burden of history, which reveals a harsh countenance to them. In other words, free will appears to be constrained not due to theological arguments or principles but

⁸⁴ *Shemonah Perakim*, chapter 8, *Hakdamot*, 254. *Ethical Writings of Maimonides* ed. Raymond L. Weiss with Charles E. Butterworth (New York: Dover Publications, 1975), 92f.

rather because of the conditions of dispersion, humiliation, and the domination of other nations over us in exile. Exile is perceived as a kind of additional determinism.

We recall, in evaluating this assertion, that in the *Iggeret Teiman*, when Maimonides addresses the weakening of the Jewish community in Yemen in the wake of severe persecutions, he states as a matter of course that many would not endure, would falter, and would become lost and scattered. Maimonides writes:

You write that the hearts of some people have turned away, uncertainty befalls them and their beliefs are weakened, while others have not lost faith nor have they become disquieted. Concerning this matter we have a divine premonition through Daniel who predicted that the prolonged stay of Israel in the Diaspora, and the continuous persecutions will cause many to drift away from our faith, to have misgivings, or to go astray, because they witnessed our feebleness, and noted the triumph of our adversaries and their dominion over us, while others would neither oscillate in their belief, nor be shaken in their convictions. This may be gathered from the verse, “Many shall purify themselves, make themselves white, and be refined, but the wicked shall do wickedly, and none of the wicked shall understand; but they that are wise shall understand” (Daniel 12:10). Further on, he foretells that even men of understanding and intelligence who would have brooked milder misfortunes and remained firm in their belief in God and in His servant Moshe, will yield to distrust and will err, when they are visited by sterner and harsher afflictions, while only a few will remain pure in faith as we read, “And some of them that are wise shall stumble” (Daniel 11:35).⁸⁵

Significant attrition is almost a historical inevitability; history consistently persecutes the people of Israel, and the Jews break under the burden of exile. “Our hearts trembled, our thoughts were confounded, and our strength weakened due to the immense persecutions decreed upon us in both the East and the West.”⁸⁶ This is almost predictable: there is a continuous process of refinement and sifting, with only a select few remaining. The puzzling definition of a *meshummad lekhol hatorah kulah* (“an apostate concerning the entire Torah”) in the *Mishneh Torah*, reflects this understanding of historical reality:

An apostate concerning the entire Torah, like one who turns to the faith of the gentiles when they enact harsh decrees [against the Jews] and clings

⁸⁵ *Iggeret Teiman, Iggerot Harambam*, Shilat edition, 117–118. Trans. by Boaz Cohen in *Moses Maimonides’ Epistle to Yemen*, ed. Abraham Halkin (New York: American Academy for Jewish Research, 1952), p. ii.

⁸⁶ *Iggeret Teiman, Iggerot Harambam*, Shilat edition, 117.

to them, saying: “What value do I have in clinging to Israel while they are debased and pursued. It is better to cling to those who have the upper hand.”⁸⁷

There are defectors and apostates in response to the pressures of the times. It is well known that astounding documentation of this halakhah is found in Jewish history, particularly in Spain.

That is to say, the two passages, one from the *Shemonah Perakim* and the other from the *Iggeret Teiman*, complement each other. They resonate with an unceasing tone of the cruelty and humiliation that characterizes the exile. However, they are not entirely identical. The passage from the *Shemonah Perakim* adds its own dimension: it introduces the concept of *hillul Hashem* (desecration of God’s name) that emerges as a result of the suffering, the demoralization, and the powerlessness of the Jews in exile. Excessive suffering and prolonged failure lead to *hillul Hashem*, for people may say, “as if You are the one causing those fools to stray from the path of truth.” God, therefore, must consider this perception of *hillul Hashem*.

In light of this, we must revisit and carefully analyze Maimonides’ words in the *Mishneh Torah*: “The Holy One, blessed be He, does not bring upon them an abundance of calamities so that they should not be destroyed; rather, all the nations perish, but [Israel] endures.”⁸⁸ The eternity of the nation is assured, a fact that seemingly

⁸⁷ *Hilkhot Teshuvah* 3:9. The precise and impassioned wording has sparked halakhic discussions on multiple fronts.

⁸⁸ *Hilkhot Isurei Biah* 14:5. See also *Iggeret Teiman*: “And those who dispute ... will all be lost. Though they shall appear to be triumphant for a while, and be in the ascendancy for a longer or shorter period of time, they shall not last nor endure. We have a divine assurance from time immemorial that whenever a decree of apostasy is passed against us, God will ultimately terminate it. So did David, King of Israel, declare by means of the heavenly spirit: ‘Since my youth they have often assailed me, but they have never overcome me’” (Shilat edition, 123–124). These decisive and heartfelt declarations on the eternity of the nation align with the statement in the *Guide* II:29 on the distinction between “seed” and “name” in the verse “so shall your name and your seed endure” (Yeshayahu 66:22). “For progeny may survive without the name. Thus, with many nations, you find undoubted descendants—of Persia or Greece, say—who are not known as such but absorbed into some other nation.” Other nations assimilate—Israel is eternal. It is worth noting that in detailing the steps of accepting converts, Maimonides emphasizes two issues: (1) “They are taught the principles of the faith, which are the unity of God and the prohibition of idolatry, and they elaborate on this matter”; (2) “All nations perish, but Israel remains, and they elaborate on this matter to endear the convert” (*Hilkhot Isurei Biah* 14:2, 5). The fundamentals of Torah and the perpetuity of the nation—these are what is emphasized. See also the lengthy law in *Hilkhot Matenot Aniyim* 10:2 on the great importance of charity: “If someone is cruel and does not show mercy, there are sufficient grounds to suspect his lineage, for cruelty is found only among the other nations ... All Israel and those who join them are brothers, as it says ‘You are children to the Lord your God’ ... If a brother does not have mercy on his brother, who will have mercy on him? And to whom do the poor of Israel look for help, to the Gentiles who hate and persecute them? No, their eyes are fixed only on their brothers.” On the cruelty characteristic of the Gentiles, in contrast to Israel, see *Hilkhot Teshuvah* 2:10; *Hilkhot Isurei Biah* 19:17; *Hilkhot Hovel*

dispels the claim of *hillul Hashem*. Here, we find a kind of theological-historical golden mean: the suffering in which Israel is immersed is, in a sense, “a hidden good for them, as they are unable to receive abundant good in this world like other nations,” yet at the same time, “the Holy One, blessed be He, does not bring upon them an excess of calamities.” This historical portrayal carries within it a justification of God’s ways, a *tzidduk hadin* (vindication of divine justice). It serves to mitigate the superficial claim of *hillul Hashem*.

The common thread in Maimonides’ statements across these sources—including the *Iggeret Hashemad*—is an attempt to grapple with the “problems of history,” that is, to confront the recurring phenomena of catastrophe and calamity in the annals of the Jewish people without inciting despair or hopelessness.⁸⁹ It is clear that Maimonides does not ignore the reality of suffering that characterizes Jewish existence, but he strives to embed it within an appropriate ideological framework. He underscores the power of faith and the solace it offers to those who survey the long history of the nation with a broad, far-reaching perspective.

Nonetheless, Maimonides starkly emphasizes the immense suffering and inevitable hardships of the exile. This also includes profound spiritual torment and severe religious punishments. Attention should be given to the following passage found in his *Commentary on the Mishnah*:

Therefore, it must be understood that any city in the Christian nation where they have a place of worship, meaning a church which is undoubtedly idolatry, it is forbidden to pass through that city intentionally, let alone dwell in it. However, the Lord has delivered us into their hands, and we are compelled to dwell in their cities in fulfillment of the words: “And there you will serve gods, the work of men’s hands, wood and stone” (Devarim 4:28).⁹⁰

Umazik 5:10. Mercy is viewed almost as a genetic trait of the Jews. Also see *Pirkei Avot with Maimonides’ Commentary*, ed. Shilat, 5:18, 121: “And the Lord has already granted this nation, I mean Israel, the trait of shamefacedness, as they said, the mark of Avraham’s seed is being modest, merciful, and performing acts of kindness.” Likewise, in the *Guide* III:49: “He showed the justice of the heritage he and his brothers had gotten from Yaakov, Yitzhak, and Avraham: keeping one’s word without quibble and meeting one’s obligations fully and handsomely, whether in paying a debt, returning a pledge, or giving others their due.” On the trait of compassion ingrained in us, in contrast to the cruel nature and evil ways of the Gentiles, see R. Yitzhak Polkar (*Ezer Hadat*), in: Shlomo Pines, “Al Sugyot Aḥdut Hakelulot Besefer *Ezrat Hadat* Leyitzhak Polkar,” *Mehkarim Bekabbalah, Befilosophiyah Yehudit Uvsifrut Hamusar Vehahagut, Mugashim Liyeshaya Tishbi*, edited by Yosef Dan and Yosef Hacker (Jerusalem: Magnes, 1986), 437.

⁸⁹ See my *Introduction to the Code of Maimonides* (above, n. 43), 15.

⁹⁰ *Commentary on the Mishnah*, R. Yosef Kafih edition, Avodah Zarah 1:4, p. 226. Here Maimonides follows his consistent view that Christianity is considered idolatry, whereas Islam is a monotheistic religion. The suggestion by Zvi Baras (“Pulmus Yehudi-Notzri, Mumarim Vegerim Biyerushalayim,”

According to the plain meaning of the law, it is forbidden to live in these cities, and as is well known, Maimonides did not recognize Christianity as a monotheistic religion. However, part of the phenomenon of the exile—the suffering and the punishment—is the necessity of living among the gentiles, idolaters, in their cities.

Maimonides' famous, impassioned, and moving letter to R. Ovadyah the convert also contains a succinct description of the situation of Israel in exile, aligning with his words in his halakhic works. Maimonides writes as follows: "And the one who called you a fool—it is a shocking statement: a man who left his father, his homeland, and the kingdom of his people which remains powerful, and understood with his heart, and came to join this nation, which today is 'an abhorred nation' 'slave of rulers.'"⁹¹ Here, the contrast between Israel and the nations stands out in terms of historical reality and political power. The idolaters are the ones in power.

In the introduction to *Perek Helek*, Maimonides presents five views on "the happiness a person achieves by fulfilling these commandments that the Lord has commanded us." It is worth paying close attention to what is implied in the fourth description, which suggests:

For the good that we will achieve by fulfilling the commandments is bodily comfort and the fulfillment of worldly hopes in this world, such as the goodness of the land, abundance of wealth and children, long life, health, security, achieving sovereignty and the subjugation of our enemies. And the punishments that will come upon us when we transgress—are the opposites of these matters, as we find ourselves in this current state of exile.⁹²

The theory of the state, along with a particular conception of human nature, forms the foundation of this perspective on the doctrine of reward.

Even in the definition of one who separates himself from the community, there is significant meaning to this issue:

"One who withdraws from the ways of the community"—even if he does not commit transgressions, but rather disengages from the congregation of Israel, not performing commandments in their midst, not participating in

Perakim Betoledot Yerushalayim Biyemei Habeinayim, Jerusalem: Yad Yitzhak Ben Zvi, 1979, 36–37), that there is a "Jewish missionary trend" in Maimonides' writings, seems exaggerated.

⁹¹ *Iggerot Harambam*, Shilat edition, 240. This statement naturally reflects what is said to a righteous convert (based on the words of the Sages in Tractate Yevamot): "What did you see that made you come to convert? Do you not know that Israel at this time are afflicted, oppressed, scorned, harassed, and that sufferings come upon them?" (*Hilkhot Isurei Biah* 14:1). See also above, n. 88.

⁹² *Hakdamot Harambam Lamishnah*, Shilat edition, *Hakdamat Perek Helek*, 130. See also: *Hilkhot Teshuvah* 9:1.

their plight, not fasting on their fasts, but instead going his own way like one of the gentiles of that land, as if he were not of them—has no share in the World to Come.⁹³

The hardship and the fasts in times of trouble accompany the Jews throughout their history.

It is common to compare the views of Maimonides and Nahmanides on various issues. Therefore, I would like to point out that Nahmanides' view of history as a whole—on the experience of exile, suffering, and hardship—is more positive than that of Maimonides. According to Nahmanides, even the period of the exile, although it is defined by adversity, has some positive aspect; whereas, according to Maimonides, it is characterized by grim reality. For example, the Talmudic passage (Rosh Hashanah 18b) about the status of fasts—“When there is peace, these days will be times of joy and gladness; when there is persecution they are days of fasting; and when there is no persecution but still no peace, if people wish, they fast, and if they wish, they do not fast”—was interpreted differently by the two. Maimonides identified the state of “no persecution but still no peace” with the period of the Second Temple, meaning a time that was not entirely glorious, powerful, or independent. The state of “persecution” he associated with exile in general (i.e., degradation, submission, persecution, and suffering), and “peace” was only to be expected in the future, in the days of the messiah.⁹⁴ Nahmanides,⁹⁵ on the other hand, interpreted “peace” as the time when the Temple stood (thus, the fast of Tishah Be'av was not observed during the Second Temple period, a time of glory), and the situation of “no persecution but still no peace” (i.e., a historical reality that was not entirely bad or bleak) characterized the time of exile. Therefore, the observance of fasts is not an automatic obligation but depends on the people's consent and choice. Nevertheless, he adds, “And now, they have chosen to fast and have accepted upon themselves ... especially in these generations, for in our sins, troubles have multiplied for Israel, and there is no peace ...” His words in his commentary on the Torah (Devarim 28:42), at the end of the curses in Sefer Devarim, are also well known:

However, once we have been exiled to the countries of our enemies, the work of our hands has not been accursed. Neither have our oxen and the breeds of our flock, our vineyards and our olive orchards and that which we have sown in the field [been adversely affected]. Rather in the countries

⁹³ *Hilkhot Teshuvah* 3:11. Compare: *Hilkhot Avel* 1:10.

⁹⁴ Compare: *Hilkhot Ta'aniyot* 5:19.

⁹⁵ See: “Torat Ha'adam,” *Kitvei Haramban*, ed. Hayyim Dov Chavel, vol. 2 (Jerusalem: Mossad Harav Kook, 1964), 243. See also 282, regarding the justification of the ways of God in Maimonides' thought (*Guide* III:12) and Nahmanides' gloss on this.

[of our exile] we are like the rest of the peoples who inhabit whatever country, or even better off than them ...⁹⁶

This is a rather optimistic view of the reality of the exile. (This perspective is echoed in the commentary of R. Yitzhak Abravanel on the *Guide*, 11:32, where he offers a distinctly anti-Maimonidean observation: “For at certain times, we were in the hands of merciful kings, rejoicing and happy, and every person dwelled in peace.”) Again, we recall the words expressed by Nahmanides in the Barcelona disputation: “For you are more valuable to me than the messiah. You are a king, and he is a king; you are a gentile king, and he is the king of Israel. For the messiah is nothing but a human king like you, and when I serve my Creator by your authority in exile, in affliction, and in subjugation, enduring the disgrace of the nations who constantly insult us, my reward is great, for I am performing a service to God with my body.”⁹⁷ The dialectic in his thought is complex and intriguing.

It is important to pay attention to Maimonides’ autobiographical statements and the ways in which he evaluates his own era and activities. For instance, while reflecting on the harsh conditions of his era and surroundings, Maimonides offers one of the reasons for writing the *Mishneh Torah*: “Nowadays, adversities befall us in rapid succession; everyone is hard-pressed by circumstance. The wisdom of our wise has perished and the discernment of our discerning has been lost” (based on Yeshayahu 29:14).⁹⁸ From other passages, a sense of despair and helplessness emerges, stemming from the decline of Torah knowledge due to significant historical upheavals and transformations. In his letter to the scholars of Lunel, Maimonides makes a somber statement: “I hereby inform you that in this difficult time, there are no longer individuals capable of raising the banner of Moshe or scrutinizing the words of Rav Ashi ... in all these places, the Torah has perished from among them.”⁹⁹

At the beginning of his *Iggeret Teiman*, emphasizing the hardships of the time, especially the intellectual and religious decline, Maimonides testifies about himself:

Verily, I am one of the humblest of scholars from Spain whose prestige was lowered in exile. Although I always study the ordinances of the Lord, I did not attain to the learning of my forebears, for evil days and hard times overtook us; we did not abide in tranquility. We labored and had no rest. How could we study the Law when we were being exiled from city to city, and from country to country.¹⁰⁰

⁹⁶ Ramban’s Commentary on Devarim 28:42, Hayyim Dov Chavel translation.

⁹⁷ “Vikuah Haramban,” *Kitvei Haramban*, vol. 1, 310. Compare with his commentary on the Torah, Vayikra 1:9.

⁹⁸ *Mishneh Torah*, Introduction. See my *Introduction to the Code of Maimonides* (above, n. 43), 62ff., and see above, Chapter 2, pp. 68–70.

⁹⁹ *Iggerot Harambam*, Shilat edition, 558–559.

¹⁰⁰ *Iggeret Teiman*, *Iggerot Harambam*, Shilat edition, 115–116, English trans. Boaz Cohen.

Within the letter, he further states that we are commanded to constantly remember the events at Mount Sinai, for “the purpose was to confirm us in the faith so that nothing can change it, and to reach a degree of certainty which will sustain us in these trying times of fierce persecution and absolute tyranny.”¹⁰¹

Similarly, at the conclusion of his *Commentary on the Mishnah*, Maimonides writes: “Especially when my heart is frequently troubled by the calamities of the time and what God has decreed upon us regarding exile and wandering across the world, from one end of the heavens to the other.”¹⁰² In my book on Maimonides’ *Mishneh Torah*, I suggested that it is likely Maimonides drew a historical parallel between the time of R. Yehudah Hanasi—and the factors motivating him to compose the Mishnah—and the period in which Maimonides lived and worked, as well as the factors motivating him to compose the *Mishneh Torah*:

And why did our holy Rabbi do this (i.e., write the Mishnah) and not leave the matter as it was? Because he saw that the students were diminishing, and the troubles were renewing and coming, and the Roman empire was spreading across the world and gaining strength, and Israel was being scattered to the ends.¹⁰³

Maimonides appears to be developing an argument that establishes a causal relationship between the exile and its distress and cultural decline; he himself is within this system and influenced by it.

In III:32 of the *Guide*, Maimonides points to the parallel between the ways of nature and of history. One can draw conclusions from this regarding the level of activity required from a person. The Israelites had to be forged and strengthened in the wilderness, to acquire courage and power, in order to prepare for the conquest of the land.

God showed grace in having Israel wander in the desert until their spirits grew hardy (for we know that physical rigors and life on the land breed courage, and their opposites breed cowardice) and until a new generation arose that was unused to servitude and abasement.¹⁰⁴

¹⁰¹ *Iggeret Teiman*, *Iggerot H Rambam*, Shilat edition, 115–116, 128. Translation to English, *ibid.* p. vii.

¹⁰² *Commentary on the Mishnah*, Tohorot, Kafih edition, at the end of Seder Tohorot, 455.

¹⁰³ *Mishneh Torah*, Introduction; See my *Introduction to the Code of Maimonides* (above, n. 43), 64; Chapter 2 above.

¹⁰⁴ *Guide* III:32. See also: “The concern is with a weakness all too common in those brought up in ease: complacency, self-satisfaction, taking things for granted ‘lest when thou hast eaten thy fill and built fine houses’ (Devarim 8:11–14); and ‘Jeshurun grew fat and kicked’ (Devarim 32:15)” (*Guide* III:39).

In other words, there is a natural causality that leads to specific results. Similarly, in the time of the exile—specifically in Maimonides' era—the Jews had to maintain religious life through their own efforts, without supernatural intervention. Expectation of the messiah does not serve as a substitute for human initiative and practical planning. Jews must demonstrate initiative, plan, move from place to place, and feel that the responsibility for their fate and actions rests on them, without miraculous intervention.

In *Iggeret Teiman*, after a moving, impassioned summary of the Torah's promises regarding the eternal existence of the Jewish nation—"Just as the existence of the Creator, may He be exalted, cannot be negated, so too it is impossible for our nation to disappear from the world"¹⁰⁵—Maimonides calls for an unwavering readiness on the part of the Jewish people to uproot themselves from their homes in order to escape decrees of forced conversion and persecution:

They must go into the wilderness and deserts ... and not be concerned with the separation from relatives nor the loss of property ... Thus, we have found that the righteous and pure-hearted, those who choose and pursue the truth, would wander from distant lands for the sake of the religion of God, traveling to places where scholars dwell to gain further understanding of the faith ... And we see that when one's livelihood becomes difficult in one city, one moves to another city; how much more so should people relocate if their ability to practice the religion of God is constrained in one place—should they not seek another place where they can freely observe their faith?

Throughout the entire period in a generation of forced conversions (*shemad*), a person remains responsible for his actions and will be held accountable for both minor and major transgressions. As Maimonides teaches:

Let not the one who commits great transgressions imagine that minor sins will not be counted against him, thereby leading him to disregard them. Yaravam ben Nevat, may his bones be crushed, was punished not only for the golden calves through which he sinned and led Israel to sin, but also for neglecting the observance of the mitzvah of sukkah on Sukkot.¹⁰⁶

These words encapsulate the essence of what Maimonides elaborates on, with particular emphasis, in his *Iggeret Hashemad*:

¹⁰⁵ *Iggeret Teiman*, *Iggerot Harambam*, Shilat edition, 125.

¹⁰⁶ *Iggeret Teiman*, *Iggerot Harambam*, Shilat edition, 129–130.

Those who have experienced religious persecution must strive to observe and fulfill as many commandments as possible. If it happens that they have transgressed many laws or desecrated the Sabbath, they should not reason that carrying something impermissible is insignificant compared to what they have already violated; rather, they must be diligent in all that they can observe. This is because a person is obligated to understand a fundamental principle of the Torah: Yaravam ben Nevat and others like him were punished not only for making the golden calves but also for neglecting minor commandments like *eiruv tavshilin* and similar practices ... Therefore, the advice I give to all my loved ones and to anyone seeking my counsel is to leave these places of oppression and move to a place where they can uphold their faith and observe the Torah without coercion or fear. They should abandon their homes, families, and all their possessions if necessary. ... Furthermore, if there are two Jewish communities, and one of them is more righteous in its deeds and more meticulous in its observance of the commandments than the other, a God-fearing person is obligated to leave the community with lesser observance and relocate to the one that is more devout.¹⁰⁷

Maimonides passionately and uncompromisingly demands that every individual be prepared to flee from a place of religious persecution, regardless of the cost. There is no price too high to pay. One is commanded to flee and not rely on divine intervention, as “anyone who remains there transgresses and profanes the Name of Heaven.” No justification is acceptable, including theological arguments such as: (a) claiming coercion and lack of free will, or (b) awaiting the arrival of the messiah.

But those who delude themselves by saying they will remain in their current place until the King Messiah comes to the West, and only then will they go to Jerusalem—such people do not understand how this current persecution might be lifted from them ... For there is no fixed time for the coming of the messiah, so that one could rely on it and say that it is near or far. The obligation to observe the religion and the commandments is not contingent upon the coming of the messiah. Rather, we are required to engage in Torah and mitzvot and strive to fulfill them completely. If, after we have done our duty, God grants us or our children or our grandchildren the merit to see the King Messiah, that will be a blessing upon a blessing. And if not, we have lost nothing; rather, we have gained by fulfilling what

¹⁰⁷ *Iggeret Hashemad, Iggerot Harambam*, Shilat edition, 54–55. Maimonides makes a noteworthy halakhic point when he emphasizes that the Talmudic principle of *kam leih bederabah mineih* (the transgressor receives the greater punishment) does not apply to actions between a person and his Creator, only to “legal matters among people in this world.”

we are obligated to do. ... But if a person says, “I will remain as I am until the King Messiah comes and delivers me from my current situation,” this is nothing but wickedness, neglect of the religion and the commandments, and a great loss.¹⁰⁸

Maimonides reiterates at the conclusion of his remarks that one who remains in a place of persecution due to weakness of spirit, frailty, or other reasons, “must view oneself as profaning the Divine Name—not entirely willingly, but almost willingly.” This highlights, once again, the concept of *hillul Hashem*. However, this is not the *hillul Hashem* Maimonides discusses at the end of *Shemonah Perakim*, where it is portrayed as if caused by God, the Prime Mover of all causes. Here, the individual is called upon to act; failing to do so, or showing passivity in the face of a historical challenge, renders the stance of “sitting idly by” as a form of *hillul Hashem*. There is no implicit accusation against God for creating a situation that restricts human agency; rather, the blame is squarely placed on the person who remains passive and powerless.

In summary, Maimonides does not comfort his contemporaries by encouraging them to rely on a miracle to rescue them from distress. However, it is clear that the framework of natural causality he presents does not entirely exclude the possibility of miracles. This perspective parallels Maimonides’ views on the messianic era: on the one hand, by adopting Shemuel’s opinion that “there is no difference between this world and the days of the messiah except the subjugation to foreign kingdoms,” Maimonides diminishes the expectation of supernatural changes associated with the messianic age, as Shemuel’s view (Shabbat 151b) is presented as opposing those who believe in such changes. Thus, Maimonides envisions the messianic era as a natural culmination of historical development. On the other hand, from his statements in chapter 12 of *Hilkhot Melakhim*, it is evident that he does not completely dismiss the possibility of miracles. Instead, he refrains from making a definitive judgment on this issue, advocating for a “wait and see” approach.¹⁰⁹

¹⁰⁸ *Iggeret Hashemad* 57–58.

¹⁰⁹ I hope, with God’s help, to publish my lecture (delivered many years ago at Columbia University, New York) on Maimonides’ messianic thought. [This lecture has not been published; however, see: Isadore Twersky (co-author) and Michael Shmidman, “Torat Hameshihiut,” in *Halakhah Vehagut: Kavei Yesod Bemishnato shel Harambam*, vol. 2 (Tel Aviv: The Open University, 1995), 187–214; and Carmi Horowitz’s article, “Harav Professor Yitzhak Twersky: Diyukan Akademi Ve’ishi,” in *Yitzhak Twersky, Kema’ayan Hamitgaber Halakhah Veruah Beyitzirat Hakhmei Yemei Habeinayim* (Jerusalem: Merkaz Shazar, 2020), 29–60.] See: Aviezer Ravitzky, “‘Kefi Koah Ha’adam’—Yemot Hamashiah Bemishnato shel Harambam,” in *Meshihiut Ve’eschatologia*, ed. Zvi Baras (Jerusalem: Zalman Shazar Center, 1984), 191–221; Gerald Blidstein, “Al Hashilton Ha’universali Beḥazon Hageulah shel Harambam,” in *Arakhim Bemivhan Milhamah* (Jerusalem, 1984), 155–172; Regarding Maimonides’ position in *Hilkhot Melakhim*, chapter 5, colleagues (primarily Menahem Ben-Sasson and Norman Stillman) noted that it is worthwhile to consider Maimonides’ emphatic statements in

Maimonides' teachings concerning Eretz Yisrael are characterized by tension and dialectic, reflecting a microcosm of his broader thought, which is similarly marked by tension, internal struggles, and dialectical engagement. His teachings on Eretz Yisrael reveal a dynamic interplay between ideals that are intellectual-spiritual-philosophical on the one hand, and practical-territorial-nationalistic elements on the other. They embody the tension between the perfection of the individual and the improvement of society. There is no outright contradiction here; rather, it is a realm of tension and conflict.

We find in Maimonides' thought a complex blend of ideas and emphases. On one hand, Eretz Yisrael, with its Temple and inherent sanctity, permeates his philosophy due to the traditional values associated with it, his discussions about Jerusalem, and his comprehensive halakhic approach. This influence, whether directly or indirectly, ensured that the discourse on Eretz Yisrael would remain grounded in reality and serve as a source of inspiration throughout the generations. On the other hand, a central focus of his teachings concentrates upon the condition of the Jewish people and their connection to the land within the framework of a stable social order, where political independence is not necessarily prioritized. His references to "the time of the Temple" are multifaceted. Additionally, it is essential to consider that Eretz Yisrael is situated within a broader context of his historical and philosophical views, which require careful examination—especially his messianic teachings and eschatological vision.

Maimonides' reflections on the exile grapple with the harsh realities of history, including repeated instances of disaster, humiliation, decrees, and persecution, while striving to incorporate these experiences into a coherent ideological framework. Simultaneously, he emphasizes the power of faith and the solace derived from a comprehensive and far-reaching perspective on the history of the Jewish people.

light of the Islamic literature extolling Eretz Yisrael. See, for example, E. Sivan, "The Beginnings of the *Fadā'il al-Quds* Literature," *Israel Oriental Studies* 1 (1971), 263–271; also, *L'Islam et la Croisade: Idéologie et Propagande dans les Réactions Musulmanes aux Croisades* (Paris, 1968). See also my discussion above, at the end of Chapter 11, on Maimonides' opposition to the Sabian belief, which denies the regular and unchanging laws of nature. I attempted to show that Maimonides did not ignore the supernatural element nor deny it, though he clearly limited its scope. In principle—and this is the main point—unchanging natural law does not entirely eliminate the possibility of miracles or the workings of divine providence. From Maimonides' focused critique of the Sabian doctrine, that idolatrous culture which serves as the backdrop to the Torah of Moshe, it follows that there is no inherent connection between idolatry and agriculture—between worship and farming. However, God operates both within nature and beyond it. See above, Chapter 11, n. 62, and the text there; and Maimonides' *Guide* III:30, 37.

13

***Kiddush Hashem* and the Sanctification of Life in Maimonidean Thought**

(A Clarification of Maimonides' *Hilkhot Yesodei Hatorah* 5:11)

I

The first commandment discussed in *Sefer Hamadda*—following the four foundational commandments of the heart that deal with the existence of the Primary Being, the singularity of God, loving Him and being in awe of Him, “commandments that are the foundation of the Mosaic religion”¹—pertains to the positive commandment of *kiddush Hashem*, sanctifying the name of God, together with its juxtaposed negative commandment that forbids the desecration of His name: “All [members of] the House of Israel are under obligation to sanctify this great name, as it is said: ‘That I may be sanctified in the midst of the Israelite people’ (Vayikra 22:32), and are proscribed from profaning it, as it is said: ‘Do not profane My holy name’ (Vayikra 22:32).”² The Oral Torah clearly stipulates that there are situations in which a Jew

¹ R. Yosef ibn Kaspi uses the term *libiyot*, commandments of the heart, to characterize the first four mitzvot in *Sefer Hamadda*, in his ethical will addressed to his son. See Israel Abrahams, *Hebrew Ethical Wills*, Vol. 1 (Philadelphia: The Jewish Publication Society of America, 1926), 136, 139; Maimonides calls them the foundation of the Mosaic religion at the beginning of his description of the fourteen books at the end of his introduction to the *Mishneh Torah*.

² *Hilkhot Yesodei Hatorah* 5:1. See *Sefer Hamitzvot*, Positive Commandment No. 9; Negative Commandment No. 63. The *Yad Halevi* correctly notes that “the positive commandment and the negative commandment are connected and dependent one on another, and one who violates one will, of necessity, violate the other.” (R. Yitzchak Simcha Hurewitz, *Sefer Hamitzvot Larambam im Perush Yad Halevi* [Jerusalem, 1927], 197). In *Hilkhot Melakhim* 10:2, Maimonides rules: “A Noahide who is forced by another person to violate one of his commandments is permitted to transgress. Even if he is forced to worship false gods, he may worship them. For Noahides are not commanded to sanctify God’s name.” It would appear from here that the second aspect of *Kiddush Hashem*, which is the topic addressed in this essay, does not apply to Noahides, since both aspects of this commandment are, essentially, one (but see the quote from *Hilkhot Shemittah Veyovel* that appears later). With regard to the third aspect, “that I may be sanctified in the midst of the Israelite people” that is, the recitation of matters of sanctity, see *Hilkhot Tefillah* 8:6. It is important to note that the commandment to sanctify the Name of God is also dependent on the commandment to love God. In *Hilkhot Yesodei Hatorah* 5:7 Maimonides writes: “How do we know that even if life is at risk, none of these three may be transgressed? For it is said: ‘You shall love the Lord your God with all your heart, all your soul, and all your

must let himself be killed rather than transgress one of three cardinal sins (idolatry, illicit sexual behavior, and bloodshed). At times of religious persecution, when the oppressive enemy seeks to eradicate the Israelite faith, the individual is compelled to embrace martyrdom, even for the observance of other Torah commandments. “Anyone of whom it is said ‘Let him be killed rather than transgress’ who is killed and does not transgress, sanctifies the name.”³

It is a well-acknowledged principle in Jewish law that regarding most commandments an individual is obligated to transgress rather than sacrifice his life, for the Torah testifies concerning the commandments “for by them a person shall live” (Vayikra 18:5), understood by the sages as “‘for by them a person shall live,’ but they were not given so that one will die due to one’s observance” (Sanhedrin 74a). Therefore, should an individual in such cases willingly forfeit his life instead of transgressing, Maimonides staunchly and famously asserts that “he is held accountable for his life.” This viewpoint is notably articulated at the beginning of the chapter (*Hilkhot Yesodei Hatorah* 5:1): “If he dies and does not transgress, he is held accountable for [the loss of] his life,” and is reiterated soon afterward (5:4): “Anyone of whom it is said, ‘Let him transgress rather than be killed,’ who is [nevertheless] killed and does not transgress, is held accountable for [the loss of] his life.” The recurrence of this ruling in Maimonides’ writings invites scrutiny and is extensively explored by various early and late commentaries.⁴ As is well known, Maimonides’ perspective

might’ (Devarim 6:5).” Compare: *Hilkhot Yesodei Hatorah* 2:1; 4:13 and *Hilkhot Teshuvah* 10:2; *Hilkhot Berakhot* 10:3; *Sefer Hamitzvot*, Positive Commandment 3; *Guide to the Perplexed* III:51. It is, therefore, clear, as we shall see, that the additional aspect of *kiddush Hashem*, namely that the Heavenly Name is made beloved by an individual, appears in the definition of the commandment of loving God recorded in the *Sefer Hamitzvot*, even as it is omitted in the definition of the commandment of *kiddush Hashem* in the same source. Essentially, we must combine what is taught in the *Sefer Hamitzvot* and in the *Mishneh Torah* about loving God and *kiddush Hashem*, and then these ideas align.

³ *Hilkhot Yesodei Hatorah* 5:4.

⁴ See, for example, R. Menahem Krakowsky, *Avodat Hamelekh* (Vilna, 1931), who references some of the explanations offered by his predecessors and offers an interesting explanation of his own. It is worthy of note that in his *Letter on Apostasy* (*Iggeret Hashemad*), which we will discuss later (see below, note 23) Maimonides’ language is clear, absolute, and resolute, with no room for compromise. There is not a single trace of the notion of going beyond the letter of the law: “And in a situation in which the sages rule ‘He should transgress rather than be killed’ and an individual perceived himself to be greater than the sages and more punctilious in the observance of the commandments and permitted himself to die by mouth and speech, sanctifying God’s name in word and thought—he is a sinner and rebels through his actions, his blood is on his head, he is accountable for his own life, because of the word of the Almighty God: ‘which a person shall do, and he shall live by them’—but he should not die by them.” See: *Iggeret Hashemad* in *Iggerot Harambam*, Shilat edition, 52. Still, there is one instance in which Maimonides expressed a different view, see *ibid* at the end of p. 53. Indeed, other Sephardic sages of later eras—like the Radbaz, R. Yosef ibn Ḥabiba (who authored the *Nimukei Yosef*) and R. Yosef Karo—were supportive of the opposing view and had reservations about Maimonides’ position. In his *Kesef Mishneh* ad loc, R. Karo notes: “But many virtuous individuals

sharply contrasts with that of the Ashkenazic sages. The latter, almost unanimously, extol the sanctity of this commandment, lauding individuals—women and children included—who chose martyrdom for the sanctification of God’s name. The phenomenon of Jewish martyrology in Northern Europe and the laws of *kiddush Hashem* related to it clearly show that it is possible to advocate an overarching stringency, opting for martyrdom over transgression, irrespective of circumstances. One could assert that advocating for a supererogatory commitment beyond the literal dictates of the law is not only justified but commendable within this context. In stark contrast, Maimonides maintains that the principle of exceeding the letter of the law is inapplicable in this realm of Jewish law.

Nahmanides’ striking formulation, which appears in his *Sefer Milhamot Hashem* on Alfasi, at the end of *Perek Ben Sorer Umoreh* in Tractate Sanhedrin, elucidates the position taken by Maimonides:

... and it is implausible to argue that this act went beyond the letter of the law, for he assuredly would not have taken his own life unless compelled by legal necessity, as the biblical verse cries out, “And for your own life-blood I will demand account” (Bereishit 9:5) ... and all the sages of Israel who met their end while sanctifying God’s name were in situations marked by religious persecution, or perhaps, a public context ... thus, it can be inferred that they would not willingly surrender their lives in a manner exceeding the letter of the law.⁵

To employ concepts commonly used in the realm of Jewish law, we can assert that in the absence of a *mehayev*, a mandatory imperative for *kiddush Hashem*, there is no *matir*, no license to willingly sacrifice one’s life. Without a compelling situation that necessitates and obliges an individual to face death, one cannot permit himself to be killed for reasons of piety, due to the overarching principle of “he shall live by them.”

Our attention is specifically directed to the conclusion of chapter 5 of *Hilkhot Yesodei Hatorah*, rather than its outset. Following his characteristic style of concise

hold the belief that choosing to sacrifice one’s life rather than being killed is considered an act of righteousness.” In light of what we will see below regarding “someone great in Torah and renowned for piety,” the well-balanced expression found in the *Nimukei Yosef* in Sanhedrin 74a is especially noteworthy: “Whenever it is suggested that one should transgress rather than face death, he must not surrender himself to death for the sanctity of God’s Name. If he chooses to do so, the responsibility lies with him. However, if he is a distinguished and devout God-fearing individual and observes that the generation is lacking in this aspect, he may choose to sanctify God and become a martyr, even for a minor commandment. This serves as a means for people to witness and learn to revere God and love Him with all their hearts.” The notion of martyrdom beyond the strict requirements of the law is fundamentally an educational concept.

⁵ Nahmanides, *Sefer Milhamot Hashem* 17b in the pages of *Alfasi*.

and comprehensive elucidation, Maimonides, after summarizing and clarifying all the laws pertaining to the commandment of *kiddush Hashem*, introduces an additional layer, a new dimension, of *kiddush Hashem*. This additional aspect focuses entirely on what is necessitated beyond the literal requirements of the law. His words merit thoughtful consideration:

There are other things that come under the rubric, “profanation of the name.” To wit: when someone great in Torah and renowned for piety does things which, even though not transgressions, cause people to murmur against him, he profanes the name. If, for example, he buys without paying the purchase-price on the spot despite having [the money], so his sellers dun while he keeps them creditors; or, if he is given to jest, or dining and drinking at the table of the ignorant and in their midst; or, if he does not speak graciously with people and does not greet them with a pleasant aspect, but is quarrelsome and irritable; [or, if he does] other things of this sort. The greater the sage, the more exacting must he be of himself in going beyond the letter of the law.

By the same token, if the sage *is* demanding of himself: if he speaks graciously with people, is considerate of their feelings, greets them with a pleasant aspect, suffers their insults without reciprocating, honors them (even those who dishonor him), conducts his business honorably, does not frequent the feasts or gatherings of the ignorant, is ever seen studying Torah, wrapped in tzitzit and crowned with tefillin, and goes beyond the letter of the law in all he does (so long as he does not go *too* far and turn ascetic), so that everyone lauds him, loves him, and aspires to his deeds—then he sanctifies the name. Of him, Scripture says: “And He said to me, ‘You are My servant, Israel, in whom I glory’” (Yeshayahu 49:3).⁶

⁶ *Hilkhot Yesodei Hatorah* 5:11. It is worth acknowledging parallels in the *Mishneh Torah* to the concepts outlined here. “Cause people to murmur against him”—*Hilkhot Tefillah* 15:6; “even though not transgressions”—*Hilkhot Teshuvah* 3:11; “greets them with a pleasant aspect”—*Hilkhot De’ot* 2:7, 5:7; *Hilkhot Matenot Aniyim* 10:4; “dining and drinking at the table of the ignorant and in their midst”—*Hilkhot Sanhedrin* 25:4; “suffers their insults without reciprocating”—*Hilkhot De’ot* 2:3, 5:13; *Hilkhot Talmud Torah* 7:13; “conducts his business honorably”—*Hilkhot De’ot* 5:13, *Hilkhot Tefillah* 15:6, *Hilkhot Mekhirah* 3:5–6, 14:1; “is ever seen studying Torah”—*Hilkhot Talmud Torah*, chapter 3; “wrapped in tzitzit”—*Hilkhot Tzitzit* 3:11; “crowned with tefillin”—*Hilkhot Tefillin* 4:25; “goes beyond the letter of the law in all he does”—*Hilkhot De’ot* 1:6; “so long as he doesn’t go *too* far” *Hilkhot De’ot* 3:1. The notion that only an individual recognized for his piety can display overt moral and religious conduct resonates with Rashi’s words in Tractate Berakhot 17b on the statement: “Not everyone who wishes to assume the reputation of a God-fearing person may assume it.” Rashi comments, “If he is not renowned publicly as a sage and pious individual, it amounts to nothing but haughtiness.”

This facet of *kiddush Hashem* finds its foundation in important Talmudic sources and is rooted in explicit elements from the teachings of the sages. Notably, the correlation between Maimonides' words and the teaching in Tractate Yoma 86a deserves particular emphasis.

What are the circumstances that cause desecration of God's name? Rav said: For example, if I take meat from a butcher and do not give him money immediately ... Rabbi Yoḥanan said: For example, if I would walk four cubits without Torah and without tefillin ... Rav Naḥman bar Yitzḥak said: for example, when people say about him: May his Master forgive so-and-so for the sins he has done. Abaye said: As it was taught: "And you shall love the Lord your God" (Devarim 6:5), which means that you shall make the name of Heaven beloved by reading Torah, and learning Mishnah, and serving Torah scholars, and being pleasant with people in your business transactions. What do people say about such a person? Fortunate is his father who taught him Torah, fortunate is his teacher who taught him Torah, woe to the people who have not studied Torah. So-and-so, who studied Torah, see how pleasant are his ways, how proper are his deeds. The verse states about him: "You are My servant, Israel, through you I am glorious" (Yeshayahu 49:3). But one who reads Torah, and learns Mishnah, and serves Torah scholars, but his business practices are not done faithfully, and he does not speak pleasantly with other people, what do people say about him? Woe to so-and-so who studied Torah, woe to his father who taught him Torah, woe to his teacher who taught him Torah. So-and-so who studied Torah, see how destructive are his deeds, and how ugly are his ways. About him the verse states: "It was said of them: These are the Lord's people, and they have left His land" (Yeḥezkel 36:20).

Additional excerpts from various sources and rabbinic statements that employ the phrase *kiddush Hashem* in accordance with the expanded meaning can be cited,⁷ but the overarching conclusion, once all the sources, both those about which we are certain and those that are uncertain are considered, is that this extensive and prominent passage, concluding the chapter on *kiddush Hashem*, presents Maimonides' innovation. Rather than *kiddush Hashem* being manifested through surrendering oneself to death, Maimonides introduces a novel concept: *kiddush Hashem* through a devoted commitment to an elevated way of life, characterized by exemplary moral and spiritual conduct. This commitment is marked by its consistency and purity, representing *kiddush Hashem* through maximal (and perhaps, at its highest level, constant) engagement in matters of holiness (the transition from *kiddush Hashem* to holiness

⁷ See, for example, Ketubot 17a; Yoma 23a; Sotah 10b; Bava Kamma 113a; Shabbat 33a.

and their reciprocal relationship will be discussed later). A meticulous examination of Maimonides' words, taking into consideration all sources that directly or indirectly aid us in understanding them, affirms that Maimonides' formulation is innovative and rich in meaning. It not only encapsulates numerous laws but also alludes to others, serving as an exemplary instance of "origins and originality," i.e., Maimonides' adept utilization of sources and his innovative contributions.

What captures the reader's attention is Maimonides' seamless transition, marked by calm yet passionate emphasis, from a negative portrayal of desecrating God's name, centered on individual cases, to a positive generalization—a sort of "these are particulars and these are general rules." Weaving together a few concrete examples, he incorporates a decisive and guiding phrase "then he sanctifies the name"—that possesses the power to impart a distinct quality to all human actions: "If the sage *is* demanding of himself ... so that everyone lauds him, loves him, and aspires to his deeds—then he sanctifies the name. Of him, Scripture says: 'And He said to me, You are My servant, Israel, in whom I glory' (Yeshayahu 49:3)." It is as if God Himself takes pride in those who sanctify His name—an instructive and weighty amalgamation of two fundamental concepts that mold the religious experience. *Kiddush Hashem* becomes evident and embodied in deliberate, driven, meticulous behavior, coupled with a specific religious consciousness. This combination inspires a sense of respect and admiration in others, encouraging them to desire to perform these actions, to strive to emulate one who performs these actions, and to endeavor to acquire and internalize this pure behavior and the solid inner perfection and spiritual yearning upon which it is founded.

We learn from here that the desecration of God's name can sometimes stem from a deficiency in a person's sensitivity, unrelated to any specific transgression from the perspective of Jewish law or its commandments. Hence, great vigilance is required to prevent succumbing to haughtiness or a lack of sympathy. *Kiddush Hashem* encompasses both religious acts and interpersonal relationships. One who "goes beyond the letter of the law in all he does" is a natural extension, grounded in reality, of a person adorned with tzitzit and crowned with tefillin. A person consistently engaged in the Torah, who fails to publicly go beyond the letter of the law in all his actions, causes his Torah to be devoid of truth. We find before us a distinctive and refined halachic formulation from a sensitive and resourceful thinker-pedagogue, who develops a spiritual understanding of the system of the commandments—and one might contend, of a religious consciousness even more comprehensive than the meticulous details of all the commandments. Maimonides underscores that the commandments of the Torah, inherently imbued with holiness, aim to elevate humanity to a superior plane, reaching the pinnacle of morality and perfection. In our context, this signifies an additional level of sanctity attainable through them.

Similarly, the juxtaposition of *kiddush Hashem* in this new sense with consistent, comprehensive behavior that is "beyond the letter of the law" introduces a fresh tone and direction, establishing a novel context for the formulation of the

law leading us to far-reaching fundamental conclusions. This definition-equation implies that all actions labeled as “beyond the letter of the law,” familiar to us from the study of well-known passages in Maimonides’ *Mishneh Torah*—such as his ethical theory,⁸ acting justly and virtuously in matters of Jewish law, engaging in activities like returning lost objects,⁹ loading and unloading,¹⁰ and displaying a degree of piety both towards God¹¹ and in interpersonal relationships¹²—these acts, reflecting piety towards God and profound honesty towards others, also fall under the rubric of *kiddush Hashem*. The teaching “I will be hallowed among the Israelite people” applies to a wide spectrum of carefully chosen acts, progressively refining their performers and increasingly obligating or inspiring those who witness them to align with their elevated religious-moral inclination and aspire to emulate those who embody these deeds.

We come to understand that while in the first and widely accepted sense of *kiddush Hashem*, there may not be room for behavior beyond the letter of the law, in the second, additional meaning, such behavior is not only accommodated but is the very essence and purpose of the commandment. Moreover, as we will explore further, all discussions related to behavior beyond the letter of the law in various contexts, along with every manifestation of such behavior, should rightly fall under the overarching category of *kiddush Hashem*. These instances not only contribute to elucidating the nature of this foundational concept but also aid in its conceptualization and concrete realization.

Allow me to add that moral perfection inherently requires a public stage; it must be unveiled and demonstrated in the public sphere, through interactions and social bonds. As Maimonides succinctly puts it, “Given an isolated person, whose acts affect no one else, you will find all his moral virtues idle, useless to him, and unneeded.”¹³ It is the socio-political context that both demands and facilitates the cultivation of moral virtues to their fullest potential. This is evident in Maimonides’ portrayal of R. Yehudah Hanasi as someone “unique in his generation and unique in his time, a person in whom God gathered fine teachings and virtues, earning him the esteemed title of *Rabbenu Hakadosh*, [our holy rabbi], among his contemporaries.”¹⁴ The inevitable conclusion is that society must recognize and acknowledge the virtues of pious and saintly individuals. Moral perfection and piety in private make no significant impact.

⁸ *Hilkhhot De’ot*, chapter 1.

⁹ *Hilkhhot Gezelah Va’avedah* 11:17.

¹⁰ *Hilkhhot Rotze’ah Ushmirat Hanefesh* 13:4.

¹¹ For example, *Hilkhhot Ma’aser Sheni* 2:2.

¹² For example, *Hilkhhot Sekhirut* 7:7.

¹³ *Guide* III:54.

¹⁴ Maimonides’ *Introduction to the Mishnah*, Shilat edition, 37. Compare: Shabbat 118b.

Basing himself on well-known statements of the sages, Maimonides articulates that the purpose of the command “Attach yourself to the wise and their disciples”¹⁵ is to glean insights from their actions. R. Avraham Maimonides extends this principle to emphasize the necessity of maintaining ten available men in every community: “In this matter [the community] should concern itself with establishing these groups so that every seeker of God will heed them and emulate them.”¹⁶ It is evident, therefore, that behavior beyond the letter of the law is not feasible in isolation. Each act, as an isolated and independent gesture, may not inherently qualify as *kiddush Hashem* in all circumstances. An act of *kiddush Hashem* should exert influence on others. All actions designated as *kiddush Hashem* share a common purpose and outcome: to glorify and exalt God and, in doing so, draw humanity closer to Him.¹⁷ As noted above, even those who chose martyrdom over transgressing a commandment, viewing it as an act of piety, did so based on the supreme commandment of exceeding the letter of the law. Their acts were intended to influence others, to instruct and educate them, and to guide their actions and shape their beliefs.

Indeed, it is not surprising that this understanding of *kiddush Hashem* aligns with Maimonides’ broader perspective on holiness. Holiness, according to Maimonides, is a transcendent and separate essence. It does not reside as a hidden virtue within a tangible object, to be transferred automatically or potentially to the users or those who honor it. In essence, an object of holiness should have an impact on the person engaging with it or using it. As an illustrative example, the impact of the commandment of donning tefillin is articulated by Maimonides in the following manner:

The sanctity of phylacteries is a high degree of sanctity. As long as phylacteries are on a man’s head and arm he is humble and God-fearing, is not drawn into frivolity and idle talk, does not dwell on evil thought but occupies his mind with thoughts of truth and righteousness. A man should therefore endeavor to wear phylacteries the whole day.¹⁸

The sanctity of tefillin is manifested through its spiritual effects.

Similarly, Maimonides vehemently condemns those who distort the commandment of the mezuzah, expressing his disapproval in strong and unequivocal language:

¹⁵ *Hilkhot De’ot* 6:2.

¹⁶ R. Avraham ben Moshe ben Maimon, *Hamaspik Le’ovdei Hashem*, annotated and translated by Nissim Dana (Ramat Gan: Bar-Ilan University, 1989), 113.

¹⁷ With regard to *kiddush Hashem* in its first meaning, see *Hilkhot Yesodei Hatorah* 5:4, 5:10. See also Maimonides’ *Mishnah Commentary*, Avot 4:5. Maimonides appears to ignore the notion of “in secret.” However, in his *Iggeret Hashemad*, he extensively addresses the concept of “desecrating the Name of Heaven in secret.”

¹⁸ *Hilkhot Tefillin* 4:25.

They, however, who write the names of angels, holy names, a biblical text, or inscriptions usually found on seals within the mezuzah, are among those who have no portion in the World to Come. For these fools not only fail to fulfill the commandment but also treat an important precept that expresses the oneness of God, the love of Him, and His worship, as if it were an amulet to promote their own personal interests.¹⁹

The spiritual essence behind the intention of the mezuzah commandment, according to Maimonides, is as follows: “Whenever one enters or leaves a home with the mezuzah on the doorpost, he will be confronted with the declaration of God’s oneness, blessed be His holy name, and will remember the love due to God.”²⁰ Encounter with the mezuzah serves to awaken and fortify one’s love for the Holy One, blessed be He. Maimonides’ statement in *The Guide to the Perplexed* carries significant weight for our discussion:

Do not think anything else or even entertain the ravings of amulet writers and the “names” you hear from them or find in their idiotic books—names they concocted that mean nothing at all. They call them names and pretend they bring purity and holiness and can work wonders—fictions unfit for a grown man to hear, let alone believe!²¹

Sanctity and purity are irrelevant to actions devoid of value. Only a religious act that impacts a person, refining and elevating him, possesses sanctity and purity—supreme values in Maimonides’ conceptual framework. He views unfavorably those who seek to diminish or trivialize these values and their influence, and they should certainly not be associated with the enhancement of mitzvah performance.

II

Before delving into a comprehensive exploration of this approach and highlighting various consequences that stem from it across different domains—all fundamental concepts within the religious system, such as devotion (*devekut*), walking in the ways of God (*halikhah bedarkhei Hashem*), holiness (*kedushah*), purity (*taharah*), abstinence (*perishut*), enhancement of mitzvah performance (*hiddur*), paths of wisdom (*darkhei hokhmah*), paths of service (*darkhei avodah*), attributes of piety (*middat hasidut*), paths of piety (*darkhei hasidut*) and the like, need to be reconsidered—we must turn to the earliest authoritative formulation of this *halakhah* found in the

¹⁹ *Hilkhhot Mezuzah* 5:4.

²⁰ *Hilkhhot Mezuzah* 6:13.

²¹ *Guide* I:61. All quotations in this chapter taken from *The Guide to the Perplexed*, translated by Lenn Goodman and Phillip I. Lieberman (Stanford University Press, 2024).

Ma'amar Kiddush Hashem,²² also known as *Iggeret Hashemad*.²³ This treatise, written around 1161–1162, stands as one of Maimonides' earliest works. At the outset of the letter, Maimonides presents a foundational, distinct, and all-encompassing definition of *kiddush Hashem*, together with its antithesis, *hillul Hashem*. As this letter is not widely studied, it seems fitting to present key excerpts that elucidate this aspect of *kiddush Hashem* in their entirety.

The second category defines the profanation of the holy Name and its punishment, which may be divided into two parts. The first is of a general, and the second, of a particular nature.

The general is, in turn, subdivided into two types. The first type is of a common man who commits a sin out of spite, i.e., not for personal pleasure or delight, but rather to demonstrate his contempt and rejection of religion. Such an act is considered a desecration of the holy Name. It is with reference to this type that the Blessed One said, “and you shall not swear falsely in My Name, and desecrate the Name of your God” (Vayikra 19:12). Reference here is to an act which brings no personal pleasure nor gain, therefore if one performed this action in private, he has desecrated the Holy Name of God privately, while if perpetrated publicly, he had desecrated God's Name publicly. We have already indicated that in every instance when the term “publicly,” is used, reference is to ten Jews.

The second category pertains to individuals who exhibit a disregard for public perception regarding their physical conduct, leading to the proliferation of unfavorable narratives about their behavior. Such an individual, although he committed no sin, has nevertheless desecrated the holy Name. Every person should be sensitive to public censure, just as one has to guard against sins committed against the Creator, as we read, “And you shall be innocent before God and Israel” (Bemidbar 32:22). The rabbis further maintain: R. Nahman b. Yitzhak said, “As people say, may his Master forgive this man's actions.” And they continue: “As for example, his friends are embarrassed by the rumors concerning him” (Yoma 86a).

²² This is how it appears in *Teshuvot Hatashbetz* 1:63.

²³ The *Teshuvot Rivash* no. 11, refers to it in this manner. Currently there are three good editions of the letter in Hebrew: (1) *Iggerot Harambam*, Shilat edition pp. 25ff.; (2) *Iggerot Lerabbenu Moshe ben Maimon*, R. Yosef Kafih edition (Jerusalem 1972), 75ff.; (3) Yitzhak Akiva Satz, *Iggeret Hashemad Larambam, Memorial Volume for R. Hayyim Shmuelevitz*, ed. Yosef Buxbaum (Jerusalem, 1980), 229ff. This should be compared with the *Sefer Hahinukh*, Commandment 295 (“The copyist wrote in the name of Maimonides ...”). The last article that I received on the subject of Maimonides' *Iggeret Hashemad*—including bibliographic references—is Arie Strikovsky, “Maimonides' *Iggeret Hashemad*—halakhah or rhetoric?” in the *Jubilee Volume in Honor of Avraham Yeshaya Dolgin*, ed. Itamar Warhaftig (Jerusalem, 1991), 242ff.

The particular element is also divided into two types. The first represents an intelligent, pious individual who performs an act which, while legally defensible, is unfit for a man of high repute, of whom generally more is expected than of an ordinary person, then he is guilty of having desecrated the holy name. This is the manner Rav defines the profanation of the holy name: “For example, if I would purchase meat and not pay promptly,” that is to say, it is not fitting for a man of his position to buy anything unless paid for at once without procrastination, although such a practice is permissible for others: Likewise, the comment by R. Yoḥanan is a case in point: “For example, if I walk four paces without tefillin.” The point here is that it is not fitting for a man of his caliber to do so. Thus we find in the Talmud the dictum concerning “the distinctiveness of the prominent individual” (Shabbat 51a and in parallel sources).

The second type of the particular element delineates a learned person who conducts his commercial affairs with his fellowman with disdain and in an unseemly, hideous manner. He receives people in an irascible, contemptuous manner, devoid of any display of affable social behavior or the usual discreet and courteous amenities. Such an individual is guilty of desecrating the holy name. Referring to him the sages say (Yoma 86): “But if someone studies Scripture and Mishnah, but is dishonest in business, and discourteous in his relations with people, what do people say about him? ‘Woe unto him who studied the Torah, woe unto his father who taught him Torah; woe unto his teacher who taught him Torah!’ This man has studied the Torah: Look, how corrupt are his deeds, how ugly his ways; of him, Scripture says: ‘In that men said of them: These are the people of the Lord, and are gone forth out of His Land!’”

If not for my apprehension at unduly prolonging this essay and deviating from the intending theme, I would expound upon the proper social amenities incumbent upon us to observe as well as delineate the proper kind of activities, the kind of conversation to engage in and above all the art of greeting our fellowmen in a manner that would evoke the praise of everyone we communicate and come in contact with. I would also like to further elucidate upon the rabbinic dictum “to be honest in business transactions, and gentle in his conversation with his fellow creatures.” But this would require a long treatise. Let me therefore return to my subject matter.

Sanctification of the Divine name is the contrary of the desecration of the name, to wit: When one performs a commandment without an ulterior motive save out of love and service of the Lord, he sanctifies the holy name in public. Likewise, a person’s exemplary behavior calling for admiration sanctifies the name [reference is made here to the passage in Yoma 86a; see above, p. 321]. By the same token, a distinguished person who refrains

from certain activities that may appear reprehensible to others, although not to himself, also sanctifies the Divine Name as we read. ... “distance yourself from crooked lips” (Mishlei 4:24).²⁴

It is a source of regret that Maimonides did not produce the extensive treatise alluded to in his words, elaborating on the concepts of “to be honest in business transactions,” and “he is gentle in his conversation with his fellow creatures.” Such a work would have undoubtedly enriched our ethical literature immeasurably. Although the appearance of the demand for these virtues might initially seem straightforward and self-explanatory, Maimonides hinted that he had expanded and deepened their definition and application according to his own understanding and interpretation. The fruits of this profound expansion and its implications are apparent in the *Mishneh Torah*. In essence, there is a notable difference between the *Iggeret Hashemad* and *Hilkhot Yesodei Hatorah*: the latter omits the second part of the general section that attributes this type of *hillul Hashem* to every person, limiting these requirements to only a great, wise man renowned for his piety.

For now, it suffices to include the comment of Yitzhak Shilat who edited and published the letter:

This aspect is not mentioned in *Sefer Hamitzvot* and in *Hilkhot Yesodei Hatorah*. In truth, the distinction between it and the second part of the specific section is not clear ... that this type of *hillul Hashem* applies only to the sage. It seems that the discussion here pertains to *rumors* of “very indecent” acts, implying actual offenses, but even if they did not occur as rumored, nevertheless, since the individual was not cautious in his actions and left room for such rumors, it is deemed *hillul Hashem* that he caused. (The phrase “leading to the proliferation of unfavorable narratives about their behavior” might be a somewhat awkward translation, and the intention is to suggest the existence of indecent stories about him.) This concept should apply to every person. Concerning the sage, the focus is not on suspicions and rumors but on overt behavior that does not befit someone of his stature ... When composing the *Mishneh Torah*, it appears that Maimonides revised his stance and interpreted “May God forgive him” and “His friends are embarrassed from the rumors concerning him” in line with other statements in the Talmud there, which are applied specifically to the sage. For an ordinary person, however, *hillul Hashem* would not arise unless he commits an offense with contempt and disgust.²⁵

²⁴ *Iggeret Hashemad, Iggerot Harambam*, in the Shilat edition pp. 47–49. This translation is based on Leon Stitskin, *Letters of Maimonides* (New York: Yeshiva University Press, 1977), 56–59.

²⁵ *Iggerot Harambam*, Shilat edition, 48.

It is pertinent to incorporate a brief excerpt from the conclusion of the fourth chapter of Maimonides' *Shemonah Perakim*, which has not received attention in the current discussion. The concept that a distinguished individual is cautioned to act in distinctive behavior and carries a unique obligation to the nation which learns from his actions, and if he stumbles, he has profaned God's name, is succinctly expressed in the final section of Maimonides' original analysis of the essence of Moshe's sin at the waters of Merivah (Bemidbar Chap. 10). Maimonides writes:

The sin of Moshe consisted merely in that he departed from the moral mean of patience to the extreme of wrath in so far as he exclaimed, 'Hear now ye rebels,' yet for this God found fault with him that such a man as he should show anger in the presence of the entire community of Israel, where wrath is unbecoming. This was a profanation of God's name, because men imitated the words and conduct of Moshe, hoping thereby to attain temporal and eternal happiness.²⁶

A person of eminence, serving as a role model for the people, is commanded to exercise utmost caution in both his actions and words.

III

In essence, the definition of *kiddush Hashem* that emerges from this understanding is clearly to make God the focal point and center of life. As expressed in the words "I have set the Lord always before me," such a life is devoid of routine, arbitrariness, random, or distracted actions. Every aspect is directed toward one supreme purpose. This type of existence constitutes a life of *kiddush Hashem*. All actions and words are intricately connected, inseparable, and saturated with an awareness of God's presence and continual reference to Him. This ongoing and deepening relation is situated in the domain of holiness, within *kiddush Hashem*, or more precisely, in everything encompassed by the commandment "that I may be sanctified in the midst of the Israelite people." Maimonides' depiction in his *Guide to the Perplexed*, particularly in that remarkable chapter (III:51), where he employs the verse "I have set the Lord before me always" as a proverb signifying cleaving to God, seems fitting to describe the various facets of *kiddush Hashem*.

The choice is yours whether to make that bond stronger and stouter or ever weaker, until you sever it. Only use will strengthen it, devotion to the love of Him, drawing ever nearer, as I explained. Distraction thins and frays it, dwelling in thought on anything else ... That is why the virtuous are

²⁶ *Shemonah Perakim*, Maimonides' *Introduction to the Mishnah*, Shilat edition, chapter 4, p. 240.

so jealous of every moment of distraction from Him and warn against it: “Turn not your thoughts away from God” (Shabbat 149a). As David said, I have set the Lord ever against me. With Him at my right I’ll not list! (Tehillim 16:8). He says, ‘I never let the thought of Him out of my mind. He is my right hand, as it were, its strokes too swift to slight for an instant, lest I list’—lest I fall.²⁷

An individual dedicated to embodying the ideal of *kiddush Hashem* does not divert his thoughts from it; it remains a constant focus. Just as it is said about one who

²⁷ *Guide* III:51. This chapter delves into the ultimate perfection of man, while our specific focus is on *kiddush Hashem* and holiness. The relationship between sanctity and perfection requires elucidation. I would suggest that the holy individual is perpetually devoted to God, as will be expounded upon later, and the perfect individual, who is driven to adhere to intellectual requirements and achieve intellectual accomplishments, is always with God. (*Guide* III:8: “One should control all such urges, limit the energy spent on them, and partake only as needed. The goal to pursue is our true human end: contemplation of ideas, so far as possible—the highest and most lasting being of God and the angels and God’s other works. Those who do this are with God ceaselessly. It is they who are told, ‘Gods are ye, all children of the Most High!’ (Tehillim 82:6).”) Supreme perfection involves comprehending God, cleaving to Him, and walking in His ways. Holiness plays a crucial role in this process, as it is considered a prerequisite for perfection (see, for example, *Hilkhot Yesodei Hatorah* 7:1; *Guide* I:34; II:36; and also: III:27, 33; Maimonides’ *Mishnah Commentary*, Avot 3:11). In the introduction to his *Shemonah Perakim*, Maimonides writes: “According to our understanding, there is no higher level than prophecy, and piety is what leads to it.” As noted above, Maimonides adjusted his wording from what was suggested in his *Iggeret Hashemad*, and in determining the halakhic ruling in his *Mishneh Torah*, he applied it only to a great and pious individual capable of sanctifying God through his actions. Such an individual is seen as dedicating himself to achieving his final perfection. It is noteworthy that Maimonides frequently emphasizes that the purpose of all commandments is holiness and that commandments sanctify the person. Simultaneously, he asserts that the purpose of most commandments is perfection, stating, “This attainment is moral, perfecting the virtues of character in oneself. Most of the mitzvot seek just this end” (*Guide* III:54). At the conclusion of *Hilkhot Temurah* (4:13), Maimonides closes with a resounding generalization: “Similarly, most of the Torah’s laws are nothing other than ‘counsels given from distance’ from ‘He Who is of great counsel’ to improve one’s character and make one’s conduct upright.” In his *Iggeret Teiman* (*Iggerot H Rambam*, Shilat edition, 122) Maimonides’ succinctly captures the essence of his message: “If he could only fathom the inner intent of the law, then he would realize that the essence of the true divine religion lies in the deeper meaning of its positive and negative precepts, every one of which will aid man in his striving after perfection, and remove every impediment to the attainment of excellence. These commands will enable the throng and the elite to acquire moral and intellectual qualities, each according to his ability. Thus the godly community becomes pre-eminent, reaching a two-fold perfection. By the first perfection I mean, man’s spending his life in this world under the most agreeable and congenial conditions. The second perfection would constitute the achievement of intellectual objectives, each in accordance with his native powers.” Holiness and perfection are intertwined, and, as we shall see later, truth and holiness must become integrated, as well. The commandment of *kiddush Hashem* is woven together with the commandment to love God into a unified, organic whole.

loves God that one's "mind is not free" from this love,²⁸ similarly, the person striving for *kiddush Hashem* conducts all his actions in a sacred manner and goes beyond the letter of the law.

We need to take an additional step to demonstrate that *kiddush Hashem*, along with the sanctification of life as its expression, holds an essential and expansive role in Maimonides' body of work. This ideal, along with the spiritual aspiration to attain it, is not confined solely to the formal definition of the commandment. Therefore, we must pay attention to identical or overlapping expressions, such as purity (*taharah*), piety (*hasidut*), abstinence (*perishut*) great enhancement of mitzvah performance (*hiddur gadol*), paths of service (*darkhei avodah*), going beyond the letter of the law (*lifnim mishurat hadin*), and highlight their connections. When necessary, we should illuminate ambiguous ideas with explicit ones. Numerous discussions within Maimonides' works can shed valuable light on the subject of holiness, its offshoots, and its integration. We are particularly interested in how Maimonides, equipped with adept interpretive skills and meticulous halachic thinking, defines: (a) specific acts that sanctify life while simultaneously sanctifying God's name, making the heavenly name beloved through these acts; (b) speech directed at God or about God, comprising words of praise or gratitude, supplication or commitment, which are a form of sacred expression and are articulated in a holy manner. Anyone who dedicates himself to God—whether fully or partially—is "sanctified as the holiest of holies"²⁹ and, thereby, sanctifies God's name. Those whose behavior goes beyond the letter of the law are deemed pious and are referred to as holy, in line with the statement "everyone who keeps the words of the sages is called holy" (Yevamot 20a). Several examples suggest that holiness is inherent in fulfilling the commandments, serving as a pathway to greater holiness.

IV

In *Hilkhot Tumat Okhlin* 16:12, Maimonides addresses the idea that it is advisable for individuals to distance themselves from impurity as much as possible, even in situations where there is no strict legal obligation to do so:

Although it is permissible to eat unclean foodstuffs and to drink unclean liquids, the pious of former times used to eat their common food in conditions of cleanness, and all their days they were wary of every uncleanness. And it is they who were called Pharisees (*Perushim*), 'separated ones.' This is an expression of special holiness (*kedushah yeterah*), and the way of piety is for a man to keep himself separate and to go apart from the rest of the people and neither touch them nor eat and drink with them. For separation leads to the cleansing of the body from evil deeds, and the cleansing of

²⁸ *Hilkhot Teshuvah* 10:3.

²⁹ This is Maimonides' language at the end of *Hilkhot Shemittah Veyovel*.

the body leads to the hallowing of the soul (*kedushat hanefesh*) from evil thoughts, and the hallowing of the soul leads to striving for likeness with the *Shekhinah*, as is written: “Consecrate yourselves and be holy” (Vayikra 11:44), “because I, the Lord, am holy, and make you holy” (21:8).

This significant expansion, emphasizing matters of impurity and purity as a unique path of piety and extreme holiness, holds considerable importance.³⁰ The equation: separateness = increased holiness = piety, along with the gradual and certain progression from one situation to another—where the purity of the body leads to the holiness of the soul, ultimately resulting in *imitatio Dei*—is particularly enlightening. It appears that the purity of the body paves the way for the sanctity of the soul, preparing the way for its attainment, much as how the perfection of the body leads to the perfection of the soul.³¹ The holiness of the soul, or the “cleansing one’s acts and heart of any foul thought or trait,”³² readies an individual to become God-like or, in a sense, already attain a state of likeness to Him, “for I the Lord, who sanctifies you, am holy.” Holy behavior, by its very nature and essence, is a form of likeness. The connection between holiness and purity is very nuanced, containing many different elements.

We recall that at the beginning of *The Guide to the Perplexed*, Maimonides issues a warning against the potential “destruction” that may arise from discussing profound matters without sufficient knowledge. He stresses the importance of mental preparation, advocating for a gradual acclimation to wisdom and knowledge. In the same vein, Maimonides underscores the significance of preserving the purity of the mind, ensuring it remains untainted by defilement, as he writes:

If this was what they [the “nobles of the children of Israel”], deserved, all the more must we lesser men, and those lesser than we, strive to prepare ourselves fully and gain the basis we need to cleanse our consciousness of the taint of error and only then advance to glimpse God’s holy *Shekhinah*. As it says, “Let even the priests who approach the Lord sanctify themselves, lest the Lord break forth upon them” (Shemot 19:22).³³

³⁰ Refer to my discussion in the *Introduction to the Code of Maimonides* (New Haven: Yale University Press, 1982), 433–435, which delves into the contrasting perspectives on the rationale behind commandments as presented in the *Mishneh Torah* and the *Guide*. In the *Guide* (III:47), Maimonides distinctly articulates, “Matters of purity and impurity do not keep one from any activity. For our rules regard only holy objects and the Sanctuary, nothing more ... Otherwise, there is nothing wrong with remaining impure as long as you like and eating whatever you please that is not consecrated.” Further elucidation on the divergent interpretations of “purity” and “sanctity” can be found at the conclusion of the chapter.

³¹ As Maimonides expresses it in the *Guide* III:27.

³² *Guide* III:33.

³³ *Guide* I:5. Compare with *Hilkhot Me’ilah* 8:8.

It is worthwhile to draw a comparison to this with Maimonides' doctrine in Part III of *The Guide to the Perplexed*, where he states that “purity and sanctity, too, are aims of the Torah.”³⁴ After establishing the concept that “holiness clearly calls for sexual abstinence”³⁵ and that “Giving up wine, too, is directly called holy”—signifying the restraint of physical desires and maintaining control over them—he offers a generalization, stating:

In *Sifra* we read, “‘Consecrate yourselves and be holy’ (Vayikra 11:44). The holiness comes from the mitzvot.” And just as the Torah calls it holy and pure to keep these commandments, it calls flouting them and committing base actions impure.

Here, there is a clear definition of holiness and purity within the overarching framework of the sanctity of the commandments in general.

In another chapter, Maimonides writes:

God's saying “Sanctify yourselves and be holy, for I am holy” (Vayikra 11:44) is not about purity and impurity at all. *Sifra* explains: “This regards the sanctity of the mitzvot,” the same as God's saying “Ye shall be holy” (19:2). This, too, the Sages say: “This concerns the sanctity of the mitzvot.” So breaching the mitzvot is called impurity.³⁶

Purity and impurity serve as symbolic terms for the sanctity of the commandments in general. They represent the purpose and ultimate goal of the commandments. This concept complements the earlier-discussed passage from *Hilkhot Tumat Okhlin*.

³⁴ *Guide* III:33. Compare III:27.

³⁵ Compare: *Guide* III:8 and *Hilkhot Isurei Biah* 21:24. See also: *Hilkhot De'ot* 4:19; 5:4–5; and *Hilkhot Melakhim* 3:6; *Hilkhot Tefillah* 4:4. In Maimonides' *Mishnah Commentary*, Hagigah 2:1, Maimonides defines the sexual drive as a rejection of reason, “... because at the moment of desire ... reason is lacking.” In the *Guide* III:8 Maimonides states: “Also the commandments and prohibitions of the Law are only intended to quell all the impulses of matter. What one must do, if one chooses to be truly human and not a beast with human shape and features, is strive to minimize every bodily impulse—for food, drink, sex, anger, and like urges ...” He concludes with an explanation of why the Hebrew language is called “the holy tongue”—“In this hallowed tongue, no word is assigned to the sexual organ, male or female; nor to the sexual act; nor to semen, urine, or feces.” Notably, Maimonides apologizes at the end of the chapter for what may seem like a digression, as he deems the discussion of controlling sexual impulses and striving for holiness as dealing with “moral and religious topics” rather than philosophical ones. See also: *Guide* III:12, 49.

³⁶ *Guide* III:47.

Maimonides does make mention of purity of the body, but this is just a first level, relatively low, and its value lies in that it serves as a foundation for higher level purity.

Cleaning clothes, bathing, and removing filth (Devarim 23:11–15) are goals of this Law. But cleansing one's acts and heart of any foul thought or trait comes first. To keep pure only outwardly, by baths and clean clothes, while wallowing in license and lust, gluttony and lechery, is utterly foul. Yeshayahu speaks of those who “sanctify and cleanse themselves to visit groves, after one midmost, eating swine's flesh ...” (Yeshayahu 66:17). They make themselves holy and clean publicly, he says, but in private, behind closed doors, they offend ...³⁷ Shelomo castigates those who count on clean clothes and bathed bodies when their acts are filthy and their character vile “a generation pure in their own eyes, but not cleansed of its filth ...” (Mishlei 30:12–13).³⁸

It is noteworthy that, contrary to his remarks at the conclusion of *Hilkhot Tumat Okhlin* mentioned earlier, Maimonides, in a different context, underscores the close and direct connection between bodily purity and the purity of the soul. He expresses this as follows:

Our sages forbade [a person from partaking of] food and drink from which the souls of most people are revolted, e.g., food and drink that were mixed with vomit, feces, foul discharges, or the like. Similarly, our sages forbade eating and drinking from filthy utensils from which a person's soul languishes ... Similarly, they forbade eating with unclean and soiled hands and with dirty utensils. All of these matters are included in the general [prohibition]: “Do not make yourselves detestable” (Vayikra 11:43). Similarly, it is forbidden for a person to delay relieving himself at all.³⁹

In his conclusion of this law, Maimonides clarifies that these practices extend beyond the fundamental level of bodily purity he outlined in *The Guide to the Perplexed*: “Anyone who is meticulous about these matters adds another layer of holiness and purity to his soul, cleansing it for the sake of the Holy One, blessed be He, as (Vayikra 11:44) states: ‘Consecrate yourselves and be holy, for I am holy’”⁴⁰ Also in this context, he refers to “an additional measure of holiness and purity.” The distinction between these two sources is evident and requires no further analysis.

³⁷ On the prohibition against duplicity and hypocrisy, see also: *Hilkhot De'ot* 2:6.

³⁸ *Guide* III:33.

³⁹ *Hilkhot Ma'akhalot Asurot* 17:29–31.

⁴⁰ *Hilkhot Ma'akhalot Asurot* 17:32. See also *Guide* III:47.

In his *Guide to the Perplexed*,⁴¹ Maimonides delineates a form of bodily purity that, on its own, does not directly influence the purity of the soul. Consequently, it holds a lower value and may border on hypocritical behavior. According to Maimonides, this type of purity only becomes meaningful when it serves as a foundation for a higher level of purity. This perspective is reiterated in his later statements in the *Guide*. Maimonides grounds his argument on the overarching principle that purity is aligned with the directives of the Torah, writing:

Sefer Shofetim in the *Mishneh Torah* also includes the mandate for a latrine and a trowel. For cleanliness and the clearing away of bodily wastes are among the aims of our law, as I have taught you—lest people live like animals. The same mitzvah strengthens the troops' trust that God's Presence is with them. That is plain when the grounds are stated for the commandment: "For the Lord thy God moves all through thy camp" (Devarim 23:15) ... He commanded us to act in constant awareness that His Shekhinah is present in our midst in order to keep us from such conduct, as it says, "so that thy camp be holy, and that He see nothing foul in thee."⁴²

In this context, bodily purity aligns with purity of action, serving a distinct and elevated purpose. The purity of the body discussed in the laws at the end of *Hilkhot Ma'akhalot Asurot* inherently acts as a natural bridge to the purity of the soul. Maimonides underscores the soul's inherent demand for this purity, linking it to the fundamental verse: "You shall therefore sanctify yourselves, and you shall be holy." Importantly, "performing these commandments," inclusive of all commandments, holds intrinsic sanctity and purity according to its inner logic. This sanctity and purity, in turn, fosters closeness with God, as the sanctity of the soul leads to *imitatio Dei*.

In a different context, Maimonides elaborates, and apparently adds, that purifying the soul from spiritual impurity, "which is wicked thoughts and bad character traits," necessitates special and rigorous intention. Maimonides dedicated significant effort to unveiling the spiritual dimensions of the laws of impurity and purity, infusing them with symbolic and purposeful significance. The following are his concluding words to *Hilkhot Mikvaot*, which serve as the signature to his treatise on purity (*Sefer Taharah*):

It is a clear and apparent matter that the concepts of purity and impurity are Scriptural decrees and they are not matters determined by a person's understanding and they are included in the category of *hukim*. Similarly, immersion in a *mikveh* to ascend from impurity is included in the category of *hukim*, because impurity is not mud or filth that can be washed away with

⁴¹ *Guide* III:33.

⁴² *Guide* III:41.

water. Instead, the immersion is a Scriptural decree and requires focusing the intent of one's heart. Therefore our sages said: "When one immersed, but did not intend to purify himself, it is as if he did not immerse."⁴³ Although it is a Scriptural decree, there is an allusion involved: One who focuses his heart on purifying himself becomes purified once he immerses, even though there was no change in his body. Similarly, one who focuses his heart on purifying his soul from the impurities of the soul, which are wicked thoughts and bad character traits, becomes purified when he resolves within his heart to distance himself from such counsel and immerse his soul in the waters of knowledge. And Yehezkel 36:25 states: "I will sprinkle over you purifying waters and you will be cleansed; I will cleanse you of all your impurities and all your idols."⁴⁴

Aven, translated here as "wickedness," stands as the antithesis of *kedushah* (sanctity). Considering this, Maimonides' selection of the verse from Tehillim (119:133) as the heading for the Book of Holiness (*Sefer Kedushah*) becomes clear: "Firm up my footsteps with Your promise, and let no evil (*aven*) rule over me."

The verse from Tehillim (51:12) that introduces Maimonides' Book of Purity (*Sefer Taharah*) underscores the idea that the ultimate goal of all the laws of purity and impurity is a pure heart. The Book of Purity is organized to address various types of impurities, starting with the most severe, elucidating the process by which individuals can elevate themselves from a state of impurity to one of purity. Encompassing eight areas of Jewish law, it covers defilement by a dead body, the Red Heifer, uncleanness of leprosy, defilement of a couch or seat, other sources of defilement, defilement of foods, vessels, and ritual baths. The opening verse for the book, "Create a pure heart for me, God, renew a firm spirit within me," serves as a thematic anchor, encapsulating the symbolic-spiritual conclusion of the book, illustrating the need for an individual to aspire for purity of the heart, allowing one to "immerse his soul in the waters of knowledge and become pure."

V

A concise illustration of how the intention to sanctify the name of God alters the nature of an action is demonstrated in the law concerning the return of a lost object to a non-Jew:

It is permissible to keep an object lost by an idolater, for Devarim 22:3 speaks of returning "anything your kinsman loses." Indeed, if one returns such an article, one transgresses a prohibition, for one strengthens the

⁴³ Mishnah Hagigah 2:6.

⁴⁴ *Hilkhot Mikvaot* 11:12.

power of the wicked peoples of the world. If, however, one returns it to sanctify God's name, so that others will praise the Jewish people and know that they are believers in God, this is praiseworthy.⁴⁵

In essence, an action driven by faith in God—for it is that faith that prompts someone to act beyond the strict requirements of the law—embodies an aspect of *kiddush Hashem*. Indeed, it could be articulated as follows: it is as if God's honor is magnified through the honor bestowed upon Israel as devout believers.

There is yet another source where Maimonides underscores the pivotal role of intention in shaping the nature and significance of an action. Maimonides' language—which seemingly does not derive from clear Talmudic sources—regarding the profound spiritual state of a soldier, is particularly noteworthy: “He who fights with all his heart, without fear, with the sole intention of sanctifying the name ...”⁴⁶

When the motive behind an action is driven by a fervent desire to sanctify God's name, manifested through courage and exemplary dedication, its impact extends far beyond the immediate context. The essence of the act is elucidated and delineated by the underlying motive and purpose driving it.

VI

The sanctification of God extends from deeds to words, as even spoken words—when deliberate, thoughtful, and purposeful—serve to exalt the divine and underscore the significance of the idea they convey. Maimonides' formulation regarding the act of taking an oath before judges, which sparked puzzlement and debate among scholars such as Ravad and Naḥmanides, demonstrates this notion:

Just as it is a negative commandment not to swear vainly or falsely so it is a positive commandment that whosoever becomes subject to an oath in court should swear by the Divine Name. For the Scriptural statement “only by His name that you must swear” (Devarim 6:13), is a positive commandment, and swearing by His great and holy name is one of the ways of serving God, whereby He is greatly honored and sanctified.⁴⁷

⁴⁵ *Hilkhot Gezeleh Va'avedah* 11:3. Compare: Bava Kamma 113a; Y. Bava Metzia 2:5. Maimonides' formulation is entirely original.

⁴⁶ *Hilkhot Melakhim* 7:15.

⁴⁷ *Hilkhot Shevuot* 11:1. Ravad, in his gloss to the enumeration of the commandments at the beginning of the *Mishneh Torah*, and Naḥmanides in his gloss to the *Sefer Hamitzvot*, 7, argue with this formulation. In the *Guide* III:36 Maimonides says, with regard to oaths: “The grounds for all this are clear as well. For these mitzvot exalt God and instill belief in His greatness.” In his *Sefer Hamitzvot*, Positive Commandment 7, he writes as follows: “That is that He commanded us to swear by His name when

An oath serves as a public declaration, affirming that truth is inherently bound to God, with God alone serving as the ultimate source and guarantor of truth. Thus, an oath taken in the name of God bears witness to His magnificence and reflects the individual's profound awareness thereof, thereby sanctifying His name.

To this we must append what he wrote at the beginning of chapter 12 in *Hilkhot Shevuot*, teaching us that false speech is not only a sin but is also a desecration of God's name:

Although a person who took a false oath or an oath in vain is given lashes, and similarly, one who takes a [false] *shevuat ha'edut* or *shevuat hapi-kadon* brings a sacrifice, they do not receive complete atonement for the sin of taking a [false] oath, as [Shemot 20:7] states: "the Lord will not hold guiltless [those who speak His name in vain]." He will not be absolved from the judgment of heaven until he receives retribution for his desecration of [His] great name, as [Vayikra 19:12] states: "[Do not swear falsely by My name] desecrating the name of your God."

To this, Maimonides adds in the next paragraph: "This sin is considered one of the severe transgressions ... Although it does not involve *karet* or execution by the court, it involves the desecration of [God's] holy name which is more severe than all other sins."⁴⁸

In *Hilkhot Nedarim*, as well, we encounter the notion that proper speech entails an element of service to God. Here, the teleological underpinning establishes the framework for discerning the quality and impact of speech:

When a person takes vows in order to establish his character traits and correct his conduct, he is considered appropriate and praiseworthy. What is implied? If a person was a glutton and he [took a vow] forbidding meat for a year or two ... similarly, a person who would be proud of his comely appearance and took a Nazirite vow, or the like—all of these are paths in the service of God and concerning such vows and the like our sages said: "Vows are a safeguard for restraint" (Avot 3:13).⁴⁹

it is necessary to ratify something or to deny it. For there is aggrandizement, glory and exaltation through this."

⁴⁸ *Hilkhot Shevuot* 12:1; See the commentaries ad loc. See also *Hilkhot Shevuot* 11:16; *Hilkhot Teshuvah* 1:4.

⁴⁹ *Hilkhot Nedarim* 13:23. In the following law, Maimonides writes: "Although [taking vows] is an element of the service of God, a person should not take many vows involving prohibitions and should not habituate himself to taking them. Instead, he should abstain from those things from which one should abstain without taking a vow." The *Kesef Mishneh* notes: "He is teaching good advice, and these words are characteristic of him." It appears that the disparity between taking a vow, which is

Maimonides' reference to the Nazirite is explained in greater detail—where his language is important and clarifies what he has already stated—at the end of *Hilkhot Nezirut*:

When a person says: “I will be a Nazirite if I do this and this” or “... if I do not do [this or this],” he is a wicked man and a Nazirite vow of this type is one of the Nazirite vows taken by the wicked. If, however, a person takes a Nazirite vow to God in a holy manner, this is delightful and praiseworthy and concerning this, [Bemidbar 6:7–8] states: “His vow of separation to his God is on his head ... He is holy to the Lord.” And Scripture equates him with a prophet, as [Amos 2:11] states: “I raised up into prophets some of your sons, and into Nazirites some of your young men.”⁵⁰

VII

Maimonides adeptly underscored the concept of *kedushah*, sanctity, in both speech and action in diverse contexts, each warranting detailed examination. For now, let us consider an instance from the resolute language he employs in the concluding passages of *Hilkhot Shemittah Veyovel*:

Why did the tribe of Levi not acquire a share in the Land of Israel and in its spoils together with their brothers? Because this tribe was set apart to serve God and to minister to Him, to teach His straight ways and righteous ordinances to the multitudes ... Therefore they were set apart from the way of the world ... They are rather the army of God, as is written: “Bless, O

cautioned against, and taking an oath, is that even a commendable vow hinges on an individual's disposition and preferences, yet the vow itself does not generate enhancement or sanctification. While there is an aspect of “service to God” in a vow, it does not carry the weight of “great sanctification of God's great Name.” Conversely, an oath, due to both its form and intention, invariably fulfills a commandment and generates great enhancement. Nevertheless, see *Hilkhot Shevuot* 12:10, 12. Another difference between a vow and an oath is that in the case of a vow “it is a mitzvah to ask [a sage] to absolve it” (*Hilkhot Nedarim* 13:25), while in the case of an oath, “It is permitted to approach [a sage] to have an oath released as we explained and there is no fault [in doing so] ... Nevertheless, it is appropriate to show care in this regard. One should not respond [to a request] to release [an oath] unless it involves a matter concerning a mitzvah or a great need” (*Hilkhot Shevuot* 12:12). See the Ravad's gloss, ad loc. The rationale for this difference appears to be that while it is feasible to annul the oath, since every oath necessitates invoking the Name of God (see: *Hilkhot Shevuot* 2:1, 4), absolving it would render the original oath as having invoked the Name of God in vain (even though no prohibition would be transgressed, there remains the issue of retroactive disrespect), and once the oath is nullified, it becomes evident that God's Name was uttered without purpose.

⁵⁰ *Hilkhot Nezirut* 10:14.

Lord, his vigor” (Devarim 33:11). He, blessed be He, acquires [goods] for them, as is written: “I am your share, your inheritance” (Bemidbar 18:20).

Not only the tribe of Levi but every single individual from the world’s inhabitants, whose spirit moved him and whose intelligence gave him the understanding to withdraw from the world in order to stand before God to serve and to minister to Him, and to know God, and who walked upright in the manner in which God made him, shaking off from his neck the yoke of the manifold contrivances which men seek—behold, this person has been totally consecrated, and God will be his portion and inheritance forever and ever.

An individual who is schooled in renunciation, finding contentment in simplicity, and who is committed to separation from worldly distractions to draw nearer to God—unburdening himself from the petty concerns that preoccupy most people, so that God becomes the focal point of his existence—such a person is sanctified. If, as articulated in the *Guide*, the person who has reached perfection is one who is “always with God,” then the holy person is one who is continuously devoted to God.⁵¹

Take note also of this nuanced passage found in *Hilkhot Isurei Biah* 21:24:

One of the early pietists and great scholars took pride in never having looked at the place of his circumcision, and another took pride in never having contemplated his wife’s figure, as his mind turns away from vain things to the true matters which grasp the hearts of the holy ones.

Maimonides consistently underscores the intimate bond between sanctity and truth. It is worth revisiting his words in chapter 4 of *Hilkhot Tefillin*, previously cited. Truth and sanctity, in Maimonides’ view, mutually reinforce each other, enhancing their respective significance.

VIII

It is notable that Maimonides occasionally eschews technical language, although his meaning remains evident (perhaps he was influenced by R. Avraham ibn Ezra’s commentary on Shemot 20:1: “Hence all the wise men of all nations are in the habit of preserving the ideas conveyed by a word and are not concerned with changes in wording when the meaning remains one and the same.”) This observation is aptly illustrated by Maimonides’ words at the conclusion of *Hilkhot Isurei Mizbe’ah*.⁵²

⁵¹ See above, n. 27.

⁵² *Hilkhot Isurei Mizbe’ah* 7:11.

If all kinds (of oil) were valid for meal offerings, why did the sages rank their quality? So that one would know which was the very best, which were equal in value, and which was the least valuable. Thus, he who wished to earn merit for himself might bend his greedy inclination and make broad his generosity, and bring an offering from the finest, from the very best of the species that he was bringing ...

The same principle applies to everything which is done for the sake of the good God; namely that it be of the finest and the best. If one builds a house of prayer, it should be finer than his private dwelling. If he feeds the hungry, he should give him of the best and of the sweetest of his table. If he clothes the naked, he should give him of the finest of his garments. Hence if he consecrated something to God, he ought to give of the best of his possessions. Thus, Scripture says: “All the fatty parts belong to the Lord” (Vayikra 3:16).

The meaning of the expression “for the sake of the good God” that appears here is identical to an attribute of piety or going beyond the letter of the law. Were we to compile a comprehensive index of such concepts, this law would undoubtedly merit inclusion alongside similar precepts. It is not a specific word that is important, but the underlying reason—the content and the meaning. God appears here as the final “recipient,” not only of priestly gifts⁵³ and items consecrated to the Temple but also of gifts to the poor.

An action done “for the sake of the good God” surpasses mere legal obligation and embodies an act of *kiddush Hashem*. R. Avraham Maimonides eloquently captures this notion, writing: “Most acts of piety go beyond strict duty—they are voluntary stringencies. Those who willingly embrace such commitments, are deserving of blessings as they are acting for the sake of heaven and in the ways of the service of Israel.”⁵⁴

IX

It is axiomatic that wherever there is a mention of exceptional holiness—such as the emphasis on separation and self-restraint in *Hilkhot Tumat Okhlin*, or the exhortation to go beyond the legal requirements for heightened holiness in *Hilkhot Ma’akhalot Asurot* and *Hilkhot Isurei Biah* 22:2 (“to subjugate his natural inclination with regard to this matter and train himself in extra holiness”)—the implication is the presence of ordinary holiness as a foundational element. Ordinary holiness serves as the starting point, with special holiness being the ultimate objective. By faithfully “performing these commandments” without embellishment or excess, one achieves

⁵³ That is, those gifts that contain sanctity—see *Hilkhot Bikkurim* 1:2.

⁵⁴ *Responsa*, R. Avraham Maimonides (see below in the next footnote), *siman* 62, p. 65.

holiness. Each commandment is inherently tied to sanctity and contributes to the expansion of holiness. It is essential to recall Maimonides' unequivocal declaration in his *Sefer Hamitzvot* that the ultimate purpose of all commandments is the attainment of holiness:

And [others] have already erred in this principle, such that they counted, “You shall be holy” (Vayikra 19:2), to be included among the positive commandments. And they did not know that “You shall be holy,” and “you shall sanctify yourselves and be holy” (Vayikra 11:44) are commands to keep the whole Torah. It is as if it said, “Be holy by doing everything I have commanded you and being careful about anything I have prohibited to you.” And the words of the *Sifra* (*Sifra*, Kedoshim 1:1) are, “‘You shall be holy’—you shall be separated—meaning to say, separate from all the disgraceful things that I have prohibited to you.” And in the *Mekhilta* (*Mekhilta Derabbi Yishmael* 22:30:1), “Issi ben Yehudah says, ‘When the Holy One, Blessed be He, originates a commandment for Israel, He adds holiness to them’.”⁵⁵

Indeed, the ultimate aim underlying all commandments is holiness. Likewise, the execution of any commandment constitutes an act of *kiddush Hashem*. “Whoever refrains from a transgression or fulfills a commandment without any [extraneous] motive whatever: not fright, fear, or pursuit of honor, but for the sake of the Creator blessed be He ... sanctifies the name.”⁵⁶

In his renowned responsum concerning poetry and hymnology, Maimonides elucidates his stance regarding the objective and aim of all commandments, once more highlighting the correlation between holiness and perfection. He states: “And the truth has already been proven, that the intention is for us to be a holy nation and that every act or speech performed by us should be only perfection or what brings us to perfection.”⁵⁷

In his correspondence addressed to his beloved pupil, R. Yosef ben Yehudah, Maimonides articulates sentiments imbued with emotional resonance.

Far be it from you to raise questions about his fear of heaven. For he and his ilk and even his superiors as well as those from the past, all hold that the fear of heaven applies only to major offenses just like the masses who

⁵⁵ *Sefer Hamitzvot*, *Shores* 4. See also: *Responso*, R. Avraham Maimonides 63 (Freimann and Goitein eds., Jerusalem, 1938), 65. A parallel idea to our suggestion of sanctity and extra sanctity can be found in Maimonides' description of joy and extra joy. See *Hilkhot Lulav* 8:12. Regarding love of God and extra love, see *Hilkhot Berakhot* 10:3 and compare with *Hilkhot Teshuvah* 10:3.

⁵⁶ *Hilkhot Yesodei Hatorah* 5:10.

⁵⁷ *Responso* of Maimonides, 224. p. 400, Blau edition.

do not consider ethical norms part of their obligation to fear heaven. In addition, they are lax in their utterances, unlike those whose fear of heaven reaches perfection.⁵⁸

As demonstrated, there exists no allowance for capriciousness or laxity. Holiness manifests as consummate excellence in action and expression, culminating ultimately in sublime sanctity.

Let us revisit Maimonides' exposition in the *Guide* (III:51), wherein he addresses the concept of cleaving to God and establishes a parallel between this devotion and engagement with the commandments:

All our devotional practices—reading the Torah, praying, and performing the other mitzvot—aim only to train us to focus on His precepts and free us from worldly distractions, engrossed, as it were, in Him and lost to all else.

This elucidation aligns with Maimonides' interpretation of the verse: "I have set the Lord before me always" (Tehillim 16:8).

The teachings of R. Avraham Maimonides are once again instructive. R. Avraham's writings often reliably reflect his father's ideas:

When reciting a blessing before performing any of the commandments, using the formula "Who has made us holy through His commandments," one must contemplate the sanctity inherent in these commandments, which elevate us through the laws of the Torah. This sanctity was emphasized both at the outset when the commandments were initially given: "Now if you faithfully heed my voice ... a kingdom of priests and a holy nation you shall be to Me" (Shemot 19:5–6), and upon their conclusion, "Today the Lord has proclaimed you to be ... His treasured people" (Devarim 26:18–19). Additionally, there is the profound promise: "You will be a people holy to the Lord your God, just as He has promised" (Devarim 28:19).⁵⁹

Elsewhere, R. Avraham Maimonides emphasizes that: "The fundamental elements of our religion are the unity of the Creator, His sanctity and the sanctification of His great and awesome name ..."⁶⁰ The commandments are a certain, proven method of attaining sanctity.

⁵⁸ *Iggerot Harambam*, p. 308 in the Shilat edition.

⁵⁹ R. Avraham Maimonides, *Hamaspik Le'ovdei Hashem* (see above, n. 16), 257–258. See also *Responsa*, R. Avraham Maimonides (see above, n. 54), *siman* 62.

⁶⁰ R. Avraham Maimonides, *Milhamot Hashem* (Reuven Margoliot edition, Jerusalem: Mossad Harav Kook, 1953), 49.

Thus, the overarching framework for all commandments is holiness; every commandment serves as a means to holiness, and holiness itself is their ultimate purpose. However, within this comprehensive framework, there are different levels and categories of holiness. Maimonides designates the fifth book of the *Mishneh Torah* as *Sefer Kedushah*, “the Book of Holiness,” explaining in its introduction that God sanctified and distinguished the Jewish people from the nations of the world specifically in matters related to sexuality and dietary laws. These areas, which embody tangible expressions of holiness, are underscored by the divine injunction: “I am the Lord your God, who has set you apart from all other peoples ... Be holy to Me, for I the Lord am holy, and I have set you apart from all other peoples to be My own” (Vayikra 20:24, 26).

From this perspective, while all commandments aspire to holiness and those who practice them are drawn to it, there exists a special connection between the laws outlined in *Sefer Hakedushah* and the broader concept of holiness itself. The focal point of all commandments is holiness, a quality intertwined with concepts of separation, emotional and spiritual restraint, purification, abstention, and reserve. This quality permeates all religious acts and serves as the distinguishing feature between Israel and other nations. Maimonides teaches us that within this sphere of holiness, there exists a level of sanctity that unequivocally sets apart the Jewish people from the nations, just as there exists an “extra holiness” that distinguishes the most devout and meticulous individuals in matters of purity, from the rest of the Jewish community.

In this context, it is pertinent to consider the unique holiness attributed to the “sons of the prophets,” individuals who stand apart from the common populace, marked by a separation aimed at their elevation and sanctification: “When someone abounding in all these qualities and sound of body enters *Pardes*, is drawn into its great and wondrous subjects, with a mind readied to understand and grasp [them], progressively sanctifies himself, forsaking the ways of the commonality who walk in temporal darkness ...”⁶¹ Importantly, there exists no contradiction between the different formulations of holiness; rather, they complement each other.

⁶¹ *Hilkhot Yesodei Hatorah* 7:1. Entering *Pardes* refers to engaging in scientific and philosophical studies. Compare with the *Guide* II:36. Aloneness, or separation, occupies a central role in Maimonides’ teachings on the sanctification of God and life. However, it is not an end in itself; rather, it serves as a means to attain a higher level of spiritual elevation, from which one can exert a profound influence and exemplify supererogatory behavior. This principle applies not only to prophets and the pious (review what we have seen at the end of *Hilkhot Tumat Okhlin*), but also to kings, as delineated in Maimonides’ *Hilkhot Melakhim* (3:6). To this discussion we must add Maimonides’ words in the *Guide* (III:51), where he writes: “Once you know Him, devote yourself to Him unreservedly ... Generally, this is won in solitude and isolation. So the virtuous are all much given to seclusion and consort with others only as they must.” I would like to point out the teaching of the *Hatam Sofer* (*Responsa, Yoreh De’ah*, Pressburg, 5601 [reprinted Jerusalem, 1972], *Pituhei Hotam* 172), who provides additional insight by intertwining Maimonides’ teachings from *Hilkhot Yesodei Hatorah* (5:11) with his own argument. According to the *Hatam Sofer*: “It is [Maimonides’] intent that solitude is truly a great

X

To affirm our discussion regarding the multifaceted nature of sanctity—sanctity as both the foundational principle and the ultimate goal of all commandments, along with an additional sanctity manifest in the observance of specific commandments and behavior surpassing the literal requirements of the law—I would like to draw attention to a parallel conceptual framework concerning the aspiration to emulate God. On one hand, all commandments are rooted in the notion of *imitatio Dei*, exemplified in the directive: “And you shall walk in His ways”:

We have been commanded to follow these justly balanced ways, which are the ways that are good and right. For it is said: “And walk in His ways” (Devarim 28:9). Following is the explanation of that commandment learned [on tradition]: “As He is called gracious (Shemot 34:6), so you be gracious; as He is called merciful, so you be merciful ... It was in this vein that the prophets referred to God by the various metonymical names such as Slow to Anger and Abundantly Kind (Shemot 34:6), Just and Upright (Devarim 32:4), Blameless (Devarim 32:4), Mighty (Devarim 10:17), and Strong (Yirmeyahu 50:34) [though *He* does not act from dispositions of the soul]—to teach [us] that these are good and right ways, and that a person is duty-bound to conduct himself by them and pattern himself [after them] to the best of his ability Because these appellations of the [Divine] Form-Giver correspond to the justly balanced way we are duty-bound to follow, that way is called “the way of the Lord.” It is the one that our father Avraham taught his progeny, as it is said, “For I have singled him out that he may instruct his progeny and followers [who come] after him to keep the way of the Lord by doing what is virtuous and just” (Bereishit 18:19).⁶²

In the *Guide*, we encounter a remarkable encapsulation of this perspective: “The summit of human virtue is to emulate Him, so far as one can, by modeling our actions on His, as the Sages explained in glossing ‘Ye shall be holy’ (Vayikra 19:2): ‘As He is gracious, so do you be gracious; as He is compassionate, so do you be compassionate’ (*Sifrei* to Devarim 10:12).”⁶³

benefit to the purification of the soul ... but the reality of human existence necessitates engagement with others. Through friendly interaction and communal engagement, the sage can effectively capture the souls of others and assist them in their spiritual journey ...”

⁶² *Hilkhot De’ot* 1:5–7. See also 6:2.

⁶³ *Guide* I:54. Note that here Maimonides bases the idea of *imitatio Dei* on the verse in Vayikra, “Ye shall be holy” rather than on the verse in Devarim “And you shall walk in His ways.” (See Yehudah Even Shemuel’s comment ad loc in his edition of the *Guide* in Hebrew [Mossad Harav Kook, 1982], 109, n.3.) This is the point we made above when clarifying the law at the end of *Hilkhot Tumat Okhlin*:

However, if we scrutinize further, we would realize that certain commandments possess a distinct connection of similarity to God or they facilitate an elevated resemblance to Him. One example is *Hilkhot Megillah* 2:17:

It is preferable to spend more on gifts to the poor than on the Purim meal or on presents to friends. For no joy is greater or more glorious than the joy of gladdening the hearts of the poor, the orphans, the widows, and the strangers. Indeed, he who causes the hearts of these unfortunates to rejoice emulates the Divine Presence, of whom Scripture says, “To revive the spirit of the humble, and to revive the spirit of the contrite ones” (Yeshayahu 57:15).⁶⁴

Similarly in *Hilkhot Avadim* 9:8:

It is permitted to work a heathen slave with rigor. Though such is the rule, it is the quality of supralegal piety (*hasidut*) and the way of wisdom (*hokhmah*) that a man be merciful and pursue justice and not make his yoke heavy upon the slave or distress him, but to give him to eat and to drink of all foods and drinks ... So is it explained in the good (virtuous) ways of Iyov, in which he prided himself, “If I did despise the cause of my manservant, or of my maidservant when they contended with me ... Did not He that made me in the womb make him? And did not One fashion us in the womb?” (Iyov 31:13, 15). Cruelty and effrontery are not frequent except with the heathen who worship idols. The children of our father Avraham, however—i.e., the Israelites—upon whom the Holy One blessed be He, bestowed the favor of the law and laid upon them statutes and judgments, are merciful people who have mercy on all. Thus also is it declared by the attributes of the Holy One, blessed be He, which we are enjoined to imitate: “And His tender mercies are over all His works” (Tehillim 145:9).

In my *Introduction to the Code of Maimonides*,⁶⁵ I have already highlighted the unique teaching derived from this ruling. Inasmuch as the mercy shown in this case is supererogatory rather than mandatory—it is avowedly not legislated—why refer to the laws of the Torah? The mention of “statutes and judgments” would seem to be gratuitous, inasmuch as they do not prescribe the piety being recommended. The clear inference, however, is that all the laws are a springboard for the highest morality and perfection which emanate slowly and steadily from them. The law alone, in a

“the hallowing of the soul leads to striving for likeness with the *Shekhinah*,” indicating that there is, apparently, an equation between sanctity and *imitatio Dei*.

⁶⁴ Compare with *Hilkhot Matenot Aniyim* 10:5, and see Chapter 10, above.

⁶⁵ *Introduction to the Code of Maimonides* (above, n. 29), 427–428.

formal sense, is not the exclusive criterion of ideal religious behavior, either positive or negative. There is rather a continuum from clearly prescribed legislation to open-ended supererogatory performance which transcends it, for the goal of the Torah is the maximum sanctification of life. Ultimately, the true purpose of the Torah is to sanctify human life to the fullest extent possible and instill in individuals the values of piety and wisdom.

Moreover, Maimonides elucidates that the emulation of God springs from a profound comprehension of His nature:

“For in these do I delight, saith the Lord” (Yirmeyahu 9:23). Meaning, ‘My intent is that you show grace, justice, and righteousness on earth,’ as I explained anent the thirteen attributes (I:54). The point is to emulate those attributes and pattern our lives on them ... the human attainment rightly gloried in, clearly, is to reach, so far as one can, an awareness of God and His care for His creatures ... One who wins such awareness will ever show grace, justice, and righteousness in life, emulating God’s acts, as I have explained more than once in this work.⁶⁶

In *Hilkhot De’ot*, we have already gleaned that each person is to enact acts of lovingkindness, justice, and righteousness according to his own capacities. The pinnacle of human perfection is attained by those who fulfill commandments and engage in acts of lovingkindness, justice, and righteousness with unparalleled insight, sensitivity, and steadfastness. Ultimately, “the goal of all things is to emulate His perfection, so far as in them lies.”⁶⁷ Thus, the individual who acts with thoughtfulness and goodness, without anticipating any form of reciprocation from those he benefits, is likened to God.⁶⁸

Indeed, Maimonides’ discourse on the stages of emulating God parallels his teachings on holiness and drawing closer to God. Within the framework of the commandments, there exists both a many-faceted likeness to God and a many-faceted sanctity.

Our exploration concludes much where it began. The laws and concepts we have briefly examined shed light on Maimonides’ body of work, illustrating his expansion and deepening of the scope and application of the second aspect of the mitzvah of *kiddush Hashem*, as articulated in *Hilkhot Yesodei Hatorah* 5:11.

⁶⁶ Guide III:54. And see above, *Hilkhot Tumat Okhlin* 16:12.

⁶⁷ Guide I:69.

⁶⁸ Guide I:72.

“Standing Before the *Shekhinah*”: Full Concentration in Prayer According to Maimonides

“... and Envision Himself as Standing Before the Divine Presence”

1

Kavanah—proper intention—is the central focus of Maimonides’ extensive and profound teachings on the laws of prayer. The halakhic, philosophical, and historical dimensions of his teachings all rest upon the doctrine of *kavanah*, and their significance is clarified in its light. At the same time, these dimensions affirm and strengthen the centrality of *kavanah*. Maimonides’ statements, whether explicit or implicit, direct or allusive, emphatically highlight the essential value and great importance of *kavanah*. It can be demonstrated that Maimonides added his unique contribution in all contexts where he had the opportunity to address the doctrine of *kavanah*, and was exceptionally meticulous in this regard. Whenever he had the occasion to remark or expound upon the matter, we indeed find him doing so.¹ Maimonides’ punctiliousness with respect to *kavanah*, probing the depths of its meaning and ennobling its importance, represents his response to the various internal and external challenges confronting the purity and value of Jewish prayer.

The nature of the discussion on this matter, as will follow, necessitates a vigorously focused examination of the laws presented in the *Mishneh Torah*, along with

¹ A number of examples will be cited in the essay to illustrate Maimonides’ insistence on proper *kavanah* in prayer, an insistence that even led him to institute changes in prayer practices and to repeatedly warn against routine prayer, which he regarded as a desecration of God’s name (see below, n. 12, for the testimony of his son, R. Avraham). *Kavanah* serves as a defense against the derision of other nations; in response to recurrent criticism, Maimonides emphasized the necessity of proper *kavanah*. See *Teshuvot Harambam*, ed. Blau, responsum no. 258, especially page 484: “Rather, let all pray following the prayer leader in a single prayer of sanctity. Each proficient person should pray silently along with him and those who are not proficient should listen, and all bow with him, turning their faces toward the sanctuary with *kavanah*.” See also responsum no. 215, p. 379: (“The reason they thought it preferable to face the wall is that this allows for greater concentration and *kavanah* of the heart ... since it eliminates distractions ... because distractions “impair *kavanah*”); responsum no. 216, p. 381: (“In order to inspire *kavanah*”); responsum no. 254, p. 467: (“This is the most significant cause of the lack of *kavanah*”); responsum no. 261, p. 491: (“All these forms of worship of God, which are verbal, are intended only to engage the heart while uttering them, so that the one saying them directs his heart”).

the corresponding passages in the *Guide to the Perplexed* as well as responsa addressing prayer and “service of the heart.” This approach seeks to uncover Maimonides’ original emphases, reveal nuanced and innovative interpretive paths, highlight new dimensions, discern the exceptional depth which he uncovers in the meaning of the sources, and elucidate his distinctive perspective on this issue. Obviously, this article does not aim to cover the subject comprehensively but rather to make a modest contribution to its clarification.

Maimonides repeatedly, systematically and in great detail emphasized that Jewish law teaches individuals to rise above routine and cultivate sensitivity toward religious and moral matters. Within its overarching spiritual-educational aims, the *halakhah* seeks to infuse all human actions with awareness, knowledge, and intention—a deep-seated internalization that leads to perfection. Accordingly, Maimonides adamantly rejects a way of life characterized by *mitzvat anashim melumadah* (mechanical observance of the commandments) and piety that resembles mere mimicry. Religious worship must embody the true service of God in its fullest sense.

In his *Guide to the Perplexed*, in that vital and captivating chapter that has drawn endless attention (III:51), Maimonides declares:

All our devotional practices—reading the Torah, praying, and performing the other mitzvot—aim only to train us to focus on His precepts and free us from worldly distractions, engrossed, as it were, in Him and lost to all else.

In the following chapter, Maimonides further explains:

What I want to highlight here is the object of all the practices the Torah prescribes. For it is by repeated performance of those practices that certain of the virtuous win the discipline to reach human perfection, to live in fear of God, in dread and awe of Him, knowing who it is that is with them and how, therefore, they must live.²

The commandments strengthen an individual’s awareness of dwelling in the presence of the Divine.

Regarding the recitation of blessings, Maimonides makes incisive and distinctive remarks in the *Mishneh Torah*:

The Sages have instituted many blessings of praise and thanksgiving and petition, in order that we should constantly have God in mind ... blessings

² *Guide* III:52.

recited as expressions of praise and thanks to God and as a means of petition, so that we will always remember the creator and fear Him.³

In fact, the entire *Sefer Ahavah* in the *Mishneh Torah* is characterized by the fact that it includes “precepts which are to be constantly observed and which we have been commanded to keep in order that we may always love God and be ever mindful of Him.”⁴ That is to say, all aspects of worship—in the most fundamental sense of the term, the daily, fixed actions that shape religious life and express continuous responsiveness to divine law—are designed to draw the individual closer to the remembrance of God and to love for Him.

Indeed, in one place in *Hilkhot De’ot*, Maimonides extends this principle to its fullest spiritual expression, asserting:

³ *Hilkhot Berakhot* 1:3–4. Compare with *Guide* III:44. Accordingly, Maimonides summarizes in *Hilkhot Berakhot* 10:26: “In sum, a person should always cry out for the future and plead for mercy, give thanks for the past, and praise and glorify [God] to the best of his ability. Whoever increases his expressions of thanks to God and constant praise is praiseworthy.” Presumably, this does not refer to an abundance of praise and gratitude through liturgical poetry—of which Maimonides, as is well known, was critical—but rather to what he states earlier in the first law in Chapter 10: “The sages instituted ... many other blessings and other matters as a way to praise and thank the Holy One, blessed be He,” with the entire chapter addressing blessings and formulaic phrases instituted by the sages. R. Meir ibn Gabbai, in the introduction to his *Tola’at Yaakov* (Jerusalem: Shevilei Orhot Haḥayyim, 1996), 5–6, challenged this formulation by Maimonides. His critique focuses on the tension between an intrinsic-essential explanation that emphasizes the value and impact of the act itself, and an external-utilitarian explanation that denies the unique mystical significance of the mitzvah. Ibn Gabbai writes: “Behold, the esteemed rabbi wrote that the purpose of prayer ... is only to remember the Blessed God ... It is also troubling that the rabbi’s words seem to imply that there is no mystical efficacy or inherent benefit in prayer to fulfill the Divine will and thereby influence the worlds ... They have clarified that the purpose of prayer and those commandments is not to convey useful ideas, as the rabbi asserts, but rather to sustain the existence of the world ... If the purpose of prayer were to impart useful ideas, as the rabbi maintains ...” Nevertheless, it seems that Ibn Gabbai overlooks Maimonides’ emphasis on the centrality of petition within prayer—even within Torah-mandated prayer, which is not yet fixed, institutionalized, or formalized prayer. See: *Hilkhot Tefillah* 1:2, 3, 4, 7.

⁴ See the list of the fourteen books at the end of Maimonides’ introduction to the *Mishneh Torah*. Similarly, in the *Guide* III:44, he writes “the mitzvot in our ninth group are the ones I listed in the *Sefer Ahavah*. They all have clear warrants: The object of all these rites is constant mindfulness of God, in love and fear.” In light of Maimonides’ assertion in the *Guide* III:52 that “the ideas imparted in the Torah ... imbue us with love,” in contrast to actions that teach awe, it is particularly significant that he concludes that all the actions found in *Sefer Ahavah* “teach valuable lessons.” Learning foundational beliefs adds a dimension of love to these actions. Prayer teaches true understanding, and therefore it can be said that its ultimate purpose is not only awe of God but also love for Him. See also Maimonides’ phrasing in *Hilkhot Lulav* 8:15: “Rejoicing in the fulfillment of the commandment and in love for God who had prescribed the commandment is a supreme act of divine worship.” As I have already noted (see *Introduction to the Code of Maimonides* [Yale University Press, 1982], 262, n. 49), love is simultaneously both the achievement-consummation and also the stimulus-catalyst.

A person should channel everything he does toward the goal of knowing the Name, blessed be He: his sitting down, standing up, and speaking—all should have that as its target.⁵

Prayer is one of the central practices within this spiritual-educational framework. Prayer with *kavanah*, a Torah-level commandment that Maimonides described systematically and comprehensively,⁶ analyzing it with depth and originality, serves as a proven and paramount means for achieving these goals. Maimonides' definition of *kavanah*, along with his identification of its virtues, characteristics, and influence, faithfully reflects his worldview, his halakhic oeuvre, and his methodological approach. This includes the classification and organization of previously scattered and fragmented halakhic material and the embedding of halakhic formulations within interpretive layers that contain significant and novel halakhic and philosophical insights.

2

It is no surprise that in line with Maimonides' central goal of revealing the internal spiritual forces, motivations, and purposes of religious actions, his discussion of the intent of the heart and mind required for prayer provided him with a fertile field for his endeavors. The fourth and fifth chapters of *Hilkhot Tefillah* serve as a paradigm of internal categorization grounded in interpretive innovations and imbued with a clear conceptual framework.

As is well known, the classification and organization of the vast halakhic material included in the *Mishneh Torah* is one of Maimonides' most remarkable achievements

⁵ *Hilkhot De'ot* 3:2. See also *Shemonah Perakim*, chapter 5; *Guide* III:51.

⁶ *Sefer Hamitzvot*, positive commandment 5, and Nahmanides' critique there, parts of which are cited in *Kesef Mishneh*, *Hilkhot Tefillah* 1:1. The author of *Sefer Hahinukh*, commandment 433, highlights the fundamental dispute between Maimonides and Nahmanides regarding the status of prayer in Jewish law: Is it mandated by the Torah or by rabbinic decree? The analysis of Maimonides' novel opinion—and the positions taken on it—continued through the generations. See, for example: *Sha'agat Aryeh*, *siman* 14ff.; *Mishkenot Yaakov* by R. Yaakov of Karlin, *Orah Hayyim*, *siman* 90. The former grapples with rabbinic sources and rules in accordance with Nahmanides, while the latter justifies Maimonides' position, demonstrating that it is rooted in several Talmudic sources, particularly at the end of Ta'anit, in the discussion of *ma'amadot* (non-priestly watches). Compare this to the poignant words of R. Joseph B. Soloveitchik in "Reflections on the Amidah," *Worship of the Heart: Essays on Jewish Prayer* (Jersey City: Ktav Publishing, 2003), 145: "The first redeemer of prayer was Maimonides." It is worth noting that Maimonides incorporated several fixed elements even into the concept of Torah-mandated prayer—i.e., the essential, abstract prayer that ostensibly lacks any formalized or institutionalized structure. These elements include: (1) the obligation to pray daily; (2) the direction of prayer toward the Temple; (3) the tripartite structure of prayer—namely, praise, supplication, and thanksgiving. Each of these components requires further analysis.

and one of the innovative features characterizing his monumental work. R. Menahem ben Zerah aptly remarked in the introduction to his work *Tzedah Laderekh*: “One who has labored in the books of the Talmud and observes the order in his [Maimonides’] books will recognize [the masterful way] that he arranged and refined his laws and chapters.”

Maimonides’ intellectual-spiritual disposition inclined him toward passionate pursuit of order and systematization, conceptual analysis, and abstraction. The internal classification within the larger units—namely, the categorization within specific chapters of the halakhic framework (“his laws and chapters,” in the precise words of R. Menahem ben Zerah)—still requires focused and detailed study. It is essential not to overlook one aspect at the expense of the other.

Chapters 4 and 5 of *Hilkhot Tefillah* exemplify this aspect of Maimonides’ work and illuminate our subject with great clarity. The key statement of chapter 4 establishes firm halakhic principles:

Five things impede prayer even if its time has arrived: cleanliness of hands, covering of nakedness, cleanliness of the place of prayer, the absence of things that disturb, and intent of the heart.

Chapter 5 opens with a broader yet more flexible assertion than the opening of the preceding chapter:

There are eight things a person praying must take care to observe. If one was in distress, compelled, or neglected to observe them, they do not impede [the prayer]. These are: standing, facing the Temple, preparing the body, preparing the garments, preparing the place, leveling the voice, bowing, and prostration.

One who compares these two chapters, which represent remarkable achievements in classification, categorization, and the amalgamation of diverse halakhic rulings, with all that had been written before Maimonides on these topics—such as the words of R. Saadiah Gaon in his *Siddur*⁷ and his *Emunot Vede’ot*,⁸ R. Baḥya ibn

⁷ *Siddur Rav Saadiah Gaon*, ed. Israel Davidson, Simḥa Assaf, and Issachar Joel (Jerusalem: Mekize Nirdamim—Rubin Mass, 1979), especially pages 3, 28–30. See also: R. Saadiah Gaon’s *Sefer Hamitzvot* with commentary by R. Yerucham Fishel Perlow (Jerusalem, 1973), Positive Commandment 2. In truth, R. Saadiah Gaon—and perhaps even the *Ba’al Halakhot Gedolot*—held the view that prayer is a biblical commandment, but his position did not gain widespread traction. Maimonides is regarded as the authoritative proponent of this tradition in the history of rabbinic literature and religious thought.

⁸ *Sefer Emunot Vede’ot* V:6. See also: *Perushei Rav Saadiah Gaon Lebereishit*, ed. Moshe Zucker (New York: The Jewish Theological Seminary of America, 1984), 183.

Pakuda in *Hovot Halevavot*,⁹ R. Yehudah Halevi in *Sefer Hakuzari*,¹⁰ and statements appearing in various halakhic works from the *Ba'al Halakhot Gedolot* to the Rif¹¹—will readily discern the degree of innovation and enhancement in Maimonides' chapters in *Mishneh Torah*. His writing reflects sharp and emphatic formulations, precise and captivating generalizations, and the comprehensive integration of many sources into an original legal-conceptual framework. Maimonides' loyal disciples and successors throughout the generations recognized this achievement.¹²

Moreover, detailed analysis and close interpretation reveal that both the five impediments and the eight requirements are intimately linked to the concept of *kavanah*. They are either preparatory actions enabling proper intent or its accompanying elements. The most fundamental principle of the laws of prayer, and the guiding principle in their presentation, is *kavanah*. All other laws are but extensions of this central principle.¹³

3

⁹ *Sefer Hovot Halevavot*, Gate 8 (*Heshbon Hanefesh*), chapter 3, particularly the ninth section.

¹⁰ *Sefer Hakuzari*, ed. Yehudah Even Shemuel (Tel Aviv: Dvir, 1973), II:56; III:5 (“It turns out that the prayer of the devout is not a matter of habit or routine, like the song of the starling and the parrot, but each word is accompanied by thought and intention ...”); III:11. See also: *Teshuvot Harambam*, ed. Blau, *siman* 261, pp. 491–492: “But for someone who does not know what he is saying and does not understand it, his prayer is judged like that of the parrot.”

¹¹ *Sefer Halakhot Gedolot*, ed. R. Azriel Hildesheimer, vol. 1 (Jerusalem: Mekize Nirdamim, 1972), 50; *Hilkhot Harif*, Berakhot.

¹² See, for example, R. Avraham Maimonides, *Sefer Hamaspik Le'ovdei Hashem*, ed. Nissim Dana (Ramat Gan: Bar-Ilan University, 1989), 60: “Based on this, we say that the obligations of prayer—according to what is included in Jewish law, derived from the Scriptures and our tradition and summarized and enumerated by my father and teacher, may his memory be a blessing—are five essential obligations without which one does not fulfill the requirement, and eight additional ones that are recommended.” On the enactments of his father, Maimonides, see page 196: “This enactment became well-known in the land of Egypt throughout his lifetime ... None of the sages of his generation opposed him on this matter or argued that it contradicted the teachings of the sages, even though it conflicted with the language of the Talmud, because at that time there was no stubbornness or jealousy, and no rulings were made by those who were unlearned or by unworthy leaders.” It is noteworthy that he states his father sometimes followed the “external form” of the words of the sages, but one should strive to uncover their inner meaning and essential intent. He comments: “The external form of their words ... arouses a mistaken perception ... and it is to this external form of the halakhah that the words of my father, may his memory be a blessing, are applied in his composition ... Had my father heard it (i.e., the ‘correct and precise interpretation’), he would have agreed with it.” The goal of interpretation and legal ruling is to delve into the depth of the sages’ intent, which his father generally succeeded in doing. See, for instance, his comments on page 170: “The truth of the matter is that their intent in the external form of that difficult statement is what my father, may his memory be a blessing, explained in *Sefer Ahavah* regarding this issue.”

¹³ See, for example, *Hilkhot Tefillah* 5: 2, 3, 4, 5, 9, and 11, which repeatedly emphasize *kavanah*. These points are further clarified in the quotations and adaptations of R. Avraham in *Sefer Hamaspik*

The laws dedicated to *kavanah* begin by defining the conditions that negate or prevent its attainment, thereby nullifying the value of prayer and necessitating that the individual repeat his prayer:

What is meant by *kavanat halev*? Any prayer that is not offered with intention is not considered prayer. If one prays without intention, he must repeat the prayer with proper *kavanah*. If one finds his mind disturbed or his heart troubled, he is forbidden to pray until his mind is settled. Therefore, one who has returned from a journey and is weary or distressed is forbidden to

Le'ovdei Hashem, e.g., pages 64, 65, 66, 67, and others. This assertion requires detailed analysis. For the purposes of our study, it suffices to illustrate as follows:

In *Hilkhot Tefillah* 5:3, Maimonides summarizes the discussion in Tractate Berakhot regarding orientation “toward the Temple.” A comparison of his wording with the original source reveals a reordering of the clauses and an emphasis on *kavanah*:

What is meant by “toward the Temple”? If one is standing outside the Land of Israel, he should turn his face toward the Land of Israel and pray. If one is standing in the Land of Israel, he should turn his face toward Jerusalem. If one is standing in Jerusalem, he should turn his face toward the Temple. If one is standing in the Temple, he should turn his face toward the Holy of Holies. A blind person, one unable to determine directions, or one traveling on a ship should direct his heart (*yekhaven libo*) toward the Divine Presence and pray.

From this, we learn that the requirement of “toward the Temple” is tied to the requirement of *kavanah* and should be viewed as one of its components. It could be replaced with the fundamental requirement of directing the heart toward the Divine Presence.

In his *Commentary on the Mishnah* on Berakhot 4:5 (ed. R. Yosef Kafih, 41), Maimonides explains the statement of the Mishnah, “One should direct his heart toward the Holy of Holies,” as follows: “The meaning of ‘direct his heart’ is to focus one’s mind and place in one’s thoughts that he is standing before the Holy of Holies.”

R. Menahem Hame’iri, in *Beit Habaḥirah* on Berakhot (ed. Shmuel Dickman [Jerusalem: Mekhon Hatalmud Hayisraeli Hashalem, 1960], 106), writes succinctly: “*yekhaven et libo*—One should direct one’s heart toward the Holy of Holies and pray.” This stands out and is even more surprising when we consider that “toward the Temple” is one of the Torah-mandated aspects of prayer, yet it does not invalidate the prayer if omitted.

This suggests that facing Jerusalem and the Temple is not an entirely independent requirement but rather one of the elements that facilitate the development of *kavanah*. Additionally, *Hilkhot Tefillah* 5:6 states:

What is meant by preparing the place? One should stand in a low place, turn one’s face to the wall, and ensure there are windows or openings facing Jerusalem to pray toward them.

In one of his responsa on this matter, Maimonides clarifies that this law applies only to one praying alone at home. In a synagogue, it does not apply, as the synagogue itself adds a significant dimension to *kavanah* and reinforces it. The objective is to deepen the *kavanah*. Regarding preparing the place (*Hilkhot Tefillah* 5:4), see also Yevamot 105a.

pray until his mind is settled. The Sages said it takes three days for one to rest and calm his mind before praying.¹⁴

Not only is prayer without *kavanah* incomplete, but it has no meaning whatsoever and fails to fulfill even a partial observance of the commandment of service of the heart. Thus, Maimonides emphasized in unequivocal terms that one who prays “without *kavanah* must repeat the prayer with *kavanah*.” Here, Maimonides stated a stringent generalization without any qualification. However, in the tenth chapter, he seems to contradict this sweeping assertion by limiting the strict requirement for *kavanah*:

One who prays without directing his heart must repeat the prayer with *kavanah*. However, if he directed his heart in the first blessing, he is no longer required to repeat anything.¹⁵

This represents a significant softening of the law: *kavanah* is essential only for the first blessing.

This issue and the need to reconcile Maimonides’ two differing formulations have been the subject of in-depth discussion among the leading sages of Israel.¹⁶ It suffices to briefly mention the explanation offered by R. Hayyim Soloveitchik of Brisk, the critique raised by R. Avraham Yeshayah Karelitz, the *Hazon Ish*, and the alternative proposal he suggested. R. Hayyim innovatively distinguished between two types of *kavanah*:

1. *Kavanah* involving an understanding of the words recited by the worshipper.
2. *Kavanah* (as defined in *Hilkhhot Tefillah* 4:16, a definition we will return to and examine in detail) that is not merely a condition for the valid performance of the act but is integral to prayer—“the essence of the act of prayer.” One who lacks this level of *kavanah* when praying is considered not to have performed the act of prayer at all, “and falls into the category of one engaging in a mere activity while preoccupied that does not qualify as an act, and therefore this *kavanah* is indispensable throughout the entire prayer.”¹⁷

¹⁴ *Hilkhhot Tefillah* 4:15.

¹⁵ *Hilkhhot Tefillah* 10:1.

¹⁶ See R. Binyamin Zeev Benedict, *Harambam Lelo Setiyah Min Hatalmud* (Jerusalem: Mossad Harav Kook, 1985), 23–25. See also my *Introduction to the Code of Maimonides* (above, n. 4), 159, n. 191.

¹⁷ *Hiddushei Rabbeni Hayyim Halevi al Harambam* (Brisk, 1936), *Hilkhhot Tefillah* 6:4, p. 2. R. Hayyim adds that based also on the general principle that *mitzvot tzerikhot kavanah* (mitzvot require intention), it is necessarily concluded that this *kavanah*—to fulfill the commandment of one’s Creator—is indispensable throughout the entire prayer, with no distinction between the first blessing and the others. It

According to R. Hayyim, this second type of kavanah is discussed in the fourth chapter, while the tenth chapter addresses the first type.

The *Hazon Ish* did not accept this brilliant distinction, offering a more pedestrian explanation. In the fourth chapter, Maimonides discusses “the essence and nature of prayer, while the measure for which the Sages mandated indispensability is clarified in the tenth chapter.”¹⁸ That is to say, the apparent contradiction should be resolved by applying a fundamental principle of Maimonides’ great work: his method of presenting a generalization in one place and later qualifying it with specific details elsewhere. Only by integrating both formulations can one achieve a comprehensive and unified understanding of the law.

This issue did not escape the attention of the early commentators. For example, R. Hiyya ben Shelomo of Barcelona, a disciple of the Rashba, combines the rulings found in the fourth and tenth chapters as if they were written consecutively in a single coherent sequence. He rules:

One must direct his heart throughout the entire prayer. If he cannot direct his heart throughout, he should at least focus during the first blessing, which contains the arrangement of God’s praise. If one prayed without proper intent, even in the first blessing, he must repeat the prayer with intent ... Thus wrote Maimonides, of blessed memory.¹⁹

These statements are blended into a unified whole, and the casual reader does not sense that the author is reconciling disparate elements.

It appears to me that R. Avraham Maimonides also addressed this issue indirectly. He was not trying to resolve a contradiction in his father’s *Mishneh Torah* but rather to clarify and analyze the words of the Sages concerning prayer. Nevertheless, his analysis can be applied to the question at hand. R. Avraham was asked about the additional practices of pious individuals in their prayers: “The Sages of Israel, teachers of law and judgment ... turned their hearts to strive for fear of God, love of Him,

parallels the unique intention required of one who stands in prayer before God in order to create an act of prayer imbued with meaning.

¹⁸ *Sefer Hazon Ish*, *Gilyonot Lehiddushei Rabbenu Hayyim Halevi* (Bnei Brak, 1974), 4. Compare with the Radbaz in *Hilkhot Shevuot* 1:4, who applies this principle (as noted by R. Binyamin Zeev Benedict; see above, n. 16).

¹⁹ *Sefer Hashulhan* by R. Hiyya ben Shelomo of Barcelona, ed. Moshe Yehudah Hakohen Blau (New York, 1984), 264. He combines chapters 4 and 10 of *Hilkhot Tefillah* and explains why one fulfills one’s obligation by directing intent only during the first blessing: “because it includes the arrangement of God’s praise.” Compare, for instance, Rashi on Berakhot 34b: “because it is the beginning of the prayer”; R. Manoah, *Sefer Hamenuhah*, ed. Elazar Hurvitz, Vol. 1 (Jerusalem, 1970), *Hilkhot Keriat Shema Tefillah Uvrakhot*, *Hilkhot Tefillah* 10:1, 154: “Since one directed his heart during *Avot*, the first blessing, which includes mention of His divinity, may He be blessed, that He is the Creator of all existence and oversees the righteous to reward them, even if his concentration faltered thereafter, as long as he directed his heart throughout the first blessing, which is the essence of the entire prayer, it is sufficient.”

and service to Him to the best of their ability, and they were meticulous with themselves in their prayers to ensure abundant intention.” Do these pious Sages, whose sole aspiration and focus is maximum intent, transgress by adding to the instructions of the Sages and appearing as though they dissent from their words? Or are their actions desirable “since it is a path of reverence and service with greater intention”?

R. Avraham responds to this question at length, passionately and emphatically, and in passing—without mentioning his father—proposes an explanation that is relevant to the apparent contradiction between chapters 4 and 10 of *Hilkhot Tefillah*. He writes as follows:

And I say the essence of prayer is the service of the heart ... In Gemara Berakhot, it is taught: “One who prays must direct his heart ...” From this, you learn that anything that enhances the intent of the heart during prayer is praiseworthy and superior. The Sages, of blessed memory, established practices in their enactments that every person could uphold and did not impose a stringency that might lead to leniency. For if they had required that no one fulfills his duty of reciting *Shema* unless he directed his heart throughout the entire recitation or fulfills his duty of prayer unless he directed his heart during all the blessings of the prayer, then only a select few individuals at select times would fulfill the obligations of *Shema* and prayer. Because of this, they established what was minimally necessary for fulfilling the obligation—namely, *kavanah* during the first verse of *Shema* and during the first blessing of the [*Amidah*] prayer, which is *Avot*.²⁰

The Sages’ enactment was designed to be practical and accessible for the broader populace, not solely to a select few. The Sages chose to emphasize the minimum rather than the maximum, ensuring that many Jews would not be deprived of participation in the commandment of *avodah shebalev* (service of the heart). Nevertheless, their ideal—complete *kavanah* throughout the prayer—is unequivocally clear.

The same perspective—whereby *kavanah* is ideally desired for all blessings of the *Amidah*, but that the Sages limited the halakhic requirement to its minimal expression, as a decree the public could uphold—underpins R. Avraham Maimonides’ treatment in *Sefer Hamaspik Le’ovdei Hashem* (*Kitāb Kifāyat al-‘Ābidīn*). It shapes his halakhic formulations with their emphatic and detailed pietistic demands:

That the heart’s intent should manifest during prayer, at the very least at the initial appearance of *kavanah* ... even though the truly obligatory minimum is its complete presence ... no less than the manifestation of *kavanah* during the first section, specifically the first blessing, *Avot*. Nevertheless,

²⁰ *Teshuvot R. Avraham ben Harambam*, ed. Avraham Chaim Freiman and Shelomo Dov Goitein (Jerusalem: Mekize Nirdamim, 1977), *siman* 62, pp. 62–63.

what is required and to be aspired to is the presence of *kavanah* throughout the entire prayer.²¹

A foundational principle of the work is the author's distinction between the minimal halakhic standard, designed "to ease the burden on the public, who cannot bear more,"²² and the ideal religious state to be cultivated diligently and unremittingly. That which is recommended or clearly implied in the words of the Sages, even if not an absolute obligation, represents the aspiration of true servants of God. Complete prayer with pure *kavanah* is a profound and significant example of this phenomenon.

In other words, the ideal articulated in the fourth chapter of Maimonides' *Hilkhot Tefillah*—is immutably rooted at the summit of religious experience. The tenth chapter, however, represents a pragmatic concession for the broader community. Those who strive to realize the ideal are not considered to be adding to the Torah but, rather, as enhancing its observance.

Moreover, I would like to propose that this understanding of prayer with *kavanah* is not only foundational to the rulings presented by R. Avraham Maimonides, but already emerges from Maimonides' own words. He states in his *Guide to the Perplexed*:

So I have some guidance for you in training yourself to reach this sublime end. The first step: Clear your mind of anything else when reciting the *Shema*, or your prayers. You should not think it is enough to concentrate just on the first line of the *Shema* or the first blessing of the *Amidah*.²³

We learn that, *ex post facto*, intention in the first blessing is sufficient, but ideally, one must aspire to and train oneself to reach spiritual concentration throughout the entire prayer. *Kavanah* is a single concept—there are no different types of intention—but the accomplishment differs: there is a complete and desired fulfillment, and there is a partial fulfillment that serves as a compromise with one's spiritual and intellectual reality. Again, there is no doubt about the quality of the ideal. It is worth noting that in his *Guide*,²⁴ Maimonides teaches us that there are three components of intention:

... or when you perform any commandment with your limbs alone, as if digging a hole in the ground or cutting wood in the forest, disregarding the meaning of the act and its object and Author ...

This tripartite definition of intention merits attention.

²¹ *Sefer Hamaspik* (above, n. 12), 62–63. As noted, R. Avraham seeks to uncover the inner dimension of the words of the sages, revealing the intent and ultimate purpose of their teachings.

²² *Teshuvot R. Avraham* (above, n. 20), 63.

²³ *Guide* III:51.

²⁴ *Guide* III:51.

In the continuation of *Hilkhhot Tefillah* 4:15, cited above at the beginning of section 3, Maimonides asserts that mental distraction and preoccupation of the heart prevent prayer with proper intention. Someone in a state of emotional agitation, tension, or mental disarray that precludes focused and purified thoughts is prohibited from praying until his mind settles. A person whose heart is troubled cannot achieve proper intention.

Maimonides already taught this principle in *Hilkhhot Keri'at Shema*, even before elaborating on the nature of intention: “One whose heart is preoccupied and agitated by the demands of any mitzvah is exempt from reciting the *Shema*.”²⁵ The preoccupation of the heart (*tirdat halev*) is Maimonides’ explanation, in consequence of the Sages’ discussion of *tirda demitzvah* (preoccupation with a mitzvah) and *tirda dereshut* (preoccupation with personal matters), regarding the statement in the Mishnah: “If he [the groom] has not taken action” (i.e., he had not yet consummated the marriage, as he is preoccupied with concerns related to the consummation of the marriage).²⁶

In other contexts as well, the negative impact of mental distraction is emphasized, even when it stems from engagement with Torah study or involvement with sacred objects: “One should not stand to pray while engaged in frivolity, levity, or idle chatter ... but rather after study of Torah; however, not from discussions of judgment and law, even though they are words of Torah, so that one’s heart will not be preoccupied with the legal matter.”²⁷ Similarly, “One should not hold tefillin in his hand or a Torah scroll in his arm [while praying], because his heart will be distracted by them.”²⁸

We should take an additional step and note that the formulation of the law regarding the negative effects of mental distraction—such that prayer with proper intention and preoccupation of the heart are mutually exclusive—echoes the rationale Maimonides provides for the shortened prayer, *Tefillat Havinenu*. This abbreviated prayer serves as a substitute for the full *Amidah* when a person feels unable to pray the complete and focused prayer. Maimonides writes:

In each of the three daily prayers, one prays these nineteen blessings in their proper order. When is this the case? When one finds his mind focused and his speech is fluent. However, if one is preoccupied or pressed for time

²⁵ *Hilkhhot Keri'at Shema* 4:1. Compare: *Siddur Rav Saadiah Gaon* (above, n. 7), p. 30: “For if he descends [from the animal he is riding], his heart will be preoccupied, and he will not understand what he prays, and maintaining mental composure is more important than standing on one’s feet.”

²⁶ Mishnah, Berakhot 2:5.

²⁷ *Hilkhhot Tefillah* 4:18.

²⁸ *Hilkhhot Tefillah* 5:5.

or cannot speak fluently, he prays the first three blessings, one blessing summarizing the middle blessings, and the final three blessings, and thus fulfills his obligation.²⁹

It is worth noting here that Maimonides was acutely aware of and consistently emphasized that prayer should be commensurate with the individual's capacity and ability:

The obligation of this mitzvah (prayer as a Torah commandment) is as follows: that a person should plead and pray daily, expressing the praise of the Holy Blessed One, then requesting his needs ... and subsequently offering thanks and praise to God ... each person, according to his ability.

In the subsequent passage, Maimonides continues: "If one is accustomed to praying, he should augment his supplications and requests ... each person according to his ability."³⁰

In describing the public fast day, Maimonides states: "During the final quarter of the day, the people pray the afternoon prayer, offer supplication, cry out, and confess according to each one's ability."³¹

Thus, we learn that not only does mental distraction diminish the likelihood of achieving complete *kavanah* in prayer, but it fundamentally contradicts the very possibility of prayer.

If so, we have seen that the absence of *kavanah*—due to *tirdat halev*—justifies or necessitates the recitation of the shortened version—*Havinenu*—in place of the full nineteen-blessing *Amidah* prayer. There is an additional reason for reciting *Havinenu*, for someone who is characterized as "*katzrah leshono*," the opposite of one whose "speech is fluent." From Maimonides' comments in his *Commentary on the Mishnah*, we learn that "*katzrah leshono*" is the antithesis of fluent prayer: "And

²⁹ *Hilkhot Tefillah* 2:2. See the insightful article by Gerald Blidstein, "Al Hanimukim Le'amirat Tefillat Havinenu Behilkhot Harambam," *Sidra* 4 (1988), 5–15.

³⁰ *Hilkhot Tefillah* 1:2–3. In *Hilkhot Avodat Yom Hakippurim* 3:11, Maimonides describes and summarizes the seven blessings recited by the High Priest after reading from the Torah. Regarding the seventh blessing, *Shome'a Tefillah*, Maimonides writes: "Afterwards he recites prayer, supplication, song, and request according to his custom." Compare also *Hilkhot Hagigah* 3:4: "For the seventh [blessing], he offers supplication and prays according to his ability." See also *Hilkhot Berakhot* 10:26. Note the emphasis on the element of petition also in these contexts, and compare above, n. 3, and below, n. 56.

³¹ *Hilkhot Ta'anuyot* 1:17. See also *Hilkhot Teshuvah* 2:4: "Among the ways of repentance is that the penitent constantly cries out before God with weeping and supplication and gives charity according to his ability."

the explanation of ‘fluent’ [*shegurah*] is ‘orderly,’ meaning that the tongue is not curtailed (*lo katzrah leshono*).³²

A law requiring special preparation for *tefillat haperakim*—prayers said from time to time—was enacted in order to avoid any errors during prayer since such prayers are inherently unfamiliar and are said under special circumstances: “Prayers recited at intervals, such as the *Musaf* prayer of the New Moon or the festival prayers, require that one prepare the prayer before reciting it so as not to err.”³³ When a prayer is not said fluently by the worshipper, but rather hesitatingly, *kavanat halev* is disrupted. R. Avraham Maimonides articulated this law as follows:

Accordingly, they also instructed [worshippers] to review the festival prayers, such as *Musaf* of the New Moon and the like, before reciting them so that the tongue flows freely in their recitation and *kavanat halev* is not preoccupied with recalling the words.³⁴

There is thus a correlation between fixed prayers and achieving *kavanah* in prayer.

In light of this statement, it would be beneficial to revisit Maimonides’ discussion on the development of prayer and his explanation of the origins of the fixed prayers instituted by the Sages. Unlike his contemporaries who proposed psychological or religious reasons for the institution of obligatory and fixed prayers,³⁵ Maimonides attributes this phenomenon to a necessary historical imperative—circumstances brought about by the historical-linguistic reality:

When the people of Israel went into exile in the days of the wicked Nevukhadnetzar, they mingled with the Persians, Greeks, and other nations. In those foreign countries, children were born to them, whose language was confused. Everyone’s speech was a mixture of many tongues. No one was able, when he spoke, to express his thoughts adequately in any one language, otherwise than incoherently ... Consequently, when any one of them prayed in Hebrew, he was unable to express adequately [*“tiktzar leshono”*] his needs or recount the praises of God, without mixing Hebrew

³² Maimonides’ *Commentary on the Mishnah*, Zera’im, ed. R. Yosef Kafih, Berakhot 4:3, p. 40; and see R. Kafih’s note there. A fluent prayer facilitates *kavanah*.

³³ *Hilkhot Tefillah* 4:19. See also 8:10: “On these two days (=Rosh Hashanah and Yom Kippur), the prayer leader fulfills the obligation for those who know [the prayers] just as for those who do not, because these are lengthy blessings, and most of those who know them cannot maintain their focus during them.”

³⁴ *Sefer Hamaspik* (above, n. 12), 63.

³⁵ See, for example, *Sefer Hovot Halevavot*, Gate 8 (*Heshbon Hanefesh*), chapter 3; *Sefer Hakuzari* III:5; Ibn Ezra’s commentary on Kohelet 5:1.

with other languages. When Ezra and his council realized this condition, they ordained the Eighteen Benedictions in their present order.

The first three are praises of God and the last three are thanksgiving. The intermediate ones contain requests for all those things that serve as general categories for the desires of each and every person and the needs of the whole community. Thus, the prayers could be set in the mouths of everyone. They could learn them quickly and the prayers of those unable to express themselves would be as complete as the prayers of the most eloquent.³⁶

Reading carefully, it is appropriate to add that this historical necessity is apparently also connected to the requirements of *kavanah*, as “*kotzer lashon*”—a “lack of fluency in speech” is among the factors that characterize the absence and hindrance of proper *kavanah*. “Lack of fluency in speech”—one of the motivations for the Sages’ ordinance regarding the recitation of *Havinenu*, plays a crucial role in the institution of fixed prayers as well. The “Eighteen Benedictions,” which are “set in the mouths of all” and easily learned, enable a “complete prayer.” There is a notable advantage to the fact that “all blessings and prayers are arranged in the mouths of all of Israel.”³⁷

In essence, this positive connection between fixed prayer (*tefillat keva*) and prayer with *kavanah* was recognized and emphasized by R. Bahya ibn Pakuda:

Since it was burdensome for the soul to recall all this [matters of *kavanah*] without composition and order, our Sages of blessed memory wrote down the matters needed by most groups of people, which reflect their apparent deficiencies before God and their submission to Him because of them. These are the matters of prayer, arranged and ordered so that the soul may present itself before its Creator without shame, and see in ordered prayer matters that instill submission and humility before God. And since the thoughts of the heart frequently shift and do not remain stable due to the rapid flow of reflections on the soul, it was difficult for an individual to arrange his own prayer. Therefore, our Sages established them in refined words, which a person repeats in proper order with his tongue so that the thoughts of the soul follow the words and are drawn after the speech.³⁸

³⁶ *Hilkhot Tefillah* 1:4.

³⁷ This idea is reminiscent of the quip (based on Esther 9:25) attributed to the Gaon of Vilna: “by means of the book, evil thoughts will be removed.” The structured and familiar fixed prayer, well-known to one who focuses on the prayerbook, assists in achieving *kavanah*.

³⁸ *Sefer Hovot Halevavot*, Gate 8 (*Heshbon Hanefesh*), chapter 3 (the ninth matter).

Not only is there no tension, friction, or contradiction between fixed prayer and prayer with *kavanah*, but one actually supports the other.

5

The fundamental positive definition of *kavanah* is provided by Maimonides in *Hilkhot Tefillah* 4:16:

What is meant by *kavanah*? One should clear his mind from all thoughts and envision himself as standing before the Divine Presence. Therefore, one must sit a short while before praying in order to focus his attention and then pray in a pleasant and supplicatory fashion. One should not pray as one carrying a burden who throws it off and walks away. Therefore, one must sit a short while after praying, and then depart.

Here we observe a blend of well-established rules: the warning against making one's prayer a mere routine, maintaining solemnity as preparation for prayer, the joy of fulfilling a mitzvah, and pausing before and after prayer in the manner of the early pious individuals. The most striking aspect of this definition, in terms of Talmudic sources, is the integration of the statement by the Sages in Sanhedrin, "One who prays needs to see himself as if the Divine Presence is before him, as it is stated: 'I have set the Lord always before me' (Tehillim 16:8),"³⁹ with the Mishnah, the *baraita*, and various comments by the Sages in

³⁹ Sanhedrin 22a. Maimonides omits the verse from Tehillim, whereas R. Manoah, in *Sefer Hamenuḥah* (see above, n. 19), ad loc., p. 87, completes the omission and adds: "The Gemara brings support from the verse, 'I have set the Lord before me always' (Tehillim 16:8)." It is quite possible that Maimonides omitted this verse intentionally, as in the *Guide* III:51, he interprets—based on the straightforward meaning of the text—that the verse speaks of constant awareness, not limited to the time of prayer: "I never let the thought of Him out of my mind. He is my right hand, as it were, its strokes too swift to slight for an instant, lest I list—lest I fall." Furthermore, Maimonides' formulation emphasizes not only a general sense of proximity to the Divine Presence but an immediate standing before and within its presence. See also: *Guide* III:52. A distinction must be made between a general awareness that the Divine Presence "envelops and shelters a person" and a unique personal awareness that one is standing before the Divine Presence. Indeed, all the laws regarding being "before the Lord" in the Temple rely on this distinction between a passive-general awareness of "the entire earth is filled with His glory" and a sharp-distinct awareness of the Divine Presence. See, for example: *Hilkhot Lulav* 8:15; *Hilkhot Beit Habehirah* 6:16: "For the sanctity of the Sanctuary and of Jerusalem derives from the Divine Presence, which cannot be nullified (or banished)." On "seriousness of mind" (*koved rosh*), see Maimonides' *Commentary on the Mishnah*, Zera'im, ed. R. Yosef Kafih, Berakhot 5:1, p. 41: "The concept of *koved rosh* refers to seriousness and preparation, as it is said, 'Serve the Lord with reverence.'" Similarly, regarding "waiting" (*shohin*): "They would wait an hour before prayer, during which they would cease idle conversation and distracting thoughts." See also 4:4, p. 40: "His

Berakhot regarding *kavanat halev*. The awareness that it is as if the worshipper is standing before the Divine Presence dictates the stages of preparation for prayer, the character and form of the prayer itself, and even the conduct of the one praying after completing the act of prayer. *Kavanah* leaves its comprehensive imprint on the worshipper.

Maimonides based various rules on the central and defining concept of “as if he is standing before the Divine Presence.” As an example, we can consider his discussion of proper posture during prayer. An examination of the words of the Sages (Yevamot 105b) reveals the directive that “One who prays must direct his gaze downward and his heart upward, as it is stated: ‘And My eyes and My heart will be there for all times.’” Similarly, Maimonides states: “What is proper bodily posture [during prayer]? When standing in prayer, one must align his feet side by side, lower his eyes as if gazing toward the ground, and direct his heart upward as if standing in the heavens.”⁴⁰

However, Maimonides employs the verse “My eyes and My heart will be there for all times” in a different context. In *Hilkhot Beit Habehirah* 7:5, he writes: “Anyone who enters the Temple courtyard must walk reverently in the areas where it is permitted for him to enter and must see himself as standing before the Lord, as it says, ‘My eyes and My heart will be there for all times.’” From this, we learn that both one who stands to pray with intention and one who walks in the Temple courtyard are considered to be standing before the Lord. This equation indicates that one who stands in prayer is akin to standing in the Temple courtyard, a place where the Divine Presence dwells.

It is worth noting that in *Hilkhot Tefillah* 14:7, Maimonides describes the priests’ posture during the priestly blessing: “They must not look at the people or allow their minds to wander; rather, their eyes should face downward, like someone standing in prayer.”

R. Yitzhak Alfasi, and before him, the *Ba'al Halakhot Gedolot*, already cited what is stated in Sanhedrin in relation to the topics discussed in Berakhot. However, the remarkable combination of these sources is sharpened, emphasized, and imbued with profound significance in Maimonides’ formulation. As a result of this combination, Maimonides succinctly articulated a multifaceted doctrine of *kavanah*: *kavanah* prior to prayer, during prayer, and even after prayer—is distinct from the *kavanah* required for the fulfillment of other commandments.

intent here in saying ‘routine’ (*keva*) is someone who treats prayer as a burdensome obligation to be discharged so as to remove the yoke from himself.” Compare: R. Menahem Hame’iri, *Beit Habehirah* (see above, n. 13), p. 104: “*Keva* ... meaning a fixed obligation. ‘I need to pray; let me get it over with quickly.’ Alternatively, it refers to one who does not recite one’s prayer in a pleading tone but reads it as one reads a letter, perfunctorily, as a learned habit.”

⁴⁰ *Hilkhot Tefillah* 5:4. See also Appendix A of this article.

If the performance of commandments requires *kavanah*,⁴¹ this refers to the intention to fulfill the mitzvot of the Creator who commands and to discharge one's obligation. This type of *kavanah* is sufficient to direct the act of the commandment along a normative path. It expresses acceptance of the yoke of the commandment and readiness to observe it. In the case of prayer, however, *kavanah* is a mental and emotional preparation that enables the performance of the commandment—"service of the heart"—and creates the appropriate conditions for its fulfillment. These conditions include the individual's mental state and his connection even after the act of the commandment is complete.

One must not rush to finish; even after concluding, one should linger briefly to leave the company of the Divine Presence with calmness, dignity, and yearning. *Kavanah* is integral to the essence and fundamental nature of prayer. It is self-evident that this is not merely an added stringency, for "one who prays without *kavanah* must pray again," as he has accomplished nothing, rendering the act null and void. Without this dual-layered *kavanah*, it is impossible to perform and fulfill the commandment.

One who listens with sensitivity will undoubtedly hear the words of R. Baḥya ibn Pakuda reverberating between the lines of Maimonides' words:

If one engages in an action involving both the duties of the heart and the duties of the limbs together, such as prayer and praise to the Blessed God,⁴² he should withdraw his body from all worldly deeds and concerns of this world and the next and clear his heart of all distracting thoughts unrelated to the matter of prayer. After cleansing himself, washing away impurities and dirt, and distancing himself from any foul odor or similar matters, he should reflect upon the One to whom his prayer is directed, the purpose of his request, and the essence of his speech before his

⁴¹ See *Sefer Hovot Halevavot*, Gate 8 (*Heshbon Hanefesh*), chapter 3: "The third category pertains to duties of the limbs alone, where the heart has no involvement except for the initial intention for God at the outset of the act, such as [fulfilling the mitzvah of] sukkah or lulav ... But with the duties of the heart, one is obligated to clear one's heart of worldly thoughts and distractions, and to dedicate the heart and conscience solely to God at that time ... And in this regard, the sages said: 'Mitzvot require *kavanah*.'" At the conclusion of the ninth matter he continues: "And if one performs any duty of the body, such as sukkah or lulav or any other matters mentioned in this category, one is obligated to precede it with *kavanah* of the heart for God so that the root of the action is to obey the command of the Creator." Maimonides' position on this fundamental question—whether or not commandments require *kavanah*—is a matter of debate and remains unresolved. See above, n. 17. The *kavanah* of "mitzvot require *kavanah*" applies to the entire act of prayer. Compare: R. Aryeh Pomeranchik, *Sefer Emek Berakhah* (Tel Aviv, 1977), 10–11.

⁴² It should be noted that in the introduction to *Hovot Halevavot*, prayer is mentioned as a commandment belonging to the duties of the limbs. However, here, in *Sha'ar Heshbon Hanefesh*, prayer is described as a duty of both the body and the heart. For Maimonides, it is clear that prayer belongs to the duties of the heart, with everything centered around the intent of the heart.

Creator, regarding the virtues and themes of prayer. Know that the words are with the tongue, and the contemplation is in the heart. The words are like the body of prayer, and the contemplation is its soul. When the one praying speaks with his tongue, but his heart is distracted from the matter of prayer, his prayer becomes a body without a soul, a shell without substance. For in such a case, the body is present, but the heart is absent during the prayer. Concerning this, Scripture states: “Because this people comes with its mouth, with its lips gives me honor while its heart is far from Me” (Yeshayahu 29:13).⁴³ ... And, my brother, you should know that our intention in prayer is none other than the soul’s deep yearning for God, its submission before Him, its exaltation of the Creator, and its praise and gratitude to His Name.⁴⁴

The sensitive reader will undoubtedly recall the restrained yet poignant words of R. Saadiah Gaon in his *Siddur*:

One must keep in mind that he is standing before the King of Kings and the Lord of Lords. It is fitting for prayer that the worshipper lower his eyes toward the ground and direct his heart toward the heavens.⁴⁵

⁴³ Compare: *Guide* III:51: “If you pray by just moving your lips, facing the wall but thinking of buying and selling; or your tongue reads the Torah, but your heart is on building your house, oblivious to what you are reading; or when you perform any commandment with your limbs alone, as if digging a hole in the ground or cutting wood in the forest, disregarding the meaning of the act and its object and Author, do not think that you have fulfilled a commandment. You would be more like those of whom it says, ‘You are near in their mouths but distant from their inner thoughts’ (Yirmeyahu 12:2).” See also: *Sefer Haredim* by R. Elazar Azikri, commandment 17: “To pray each day with heartfelt intention ... for ‘this people comes with its mouth, with its lips gives Me honor while its heart is far from Me ... ’ referring to one who prays without intent.” Compare as well: *Guide* I:50 regarding the removal of attributes and the true conception of Divine unity.

⁴⁴ *Sefer Hovot Halevavot*, Gate 8 (*Heshbon Hanefesh*), chapter 3.

⁴⁵ *Siddur Rav Saadiah Gaon* (see above, n. 7), 30. On page 20, R. Saadiah writes as follows:

Afterward, he takes his leave, first to the right of the Eastern wall, which is his left, and then to the left of the Eastern wall, which is his right. This leave-taking is not verbal but involves bowing the head to the left and right of the worshipper alone, without speaking a word. This is an act of respect for the angels after he has fulfilled his obligation before God.

See also page 38. Compare this with Maimonides’ language in *Hilkhot Tefillah* 5:11:

Why should one take leave from the left first? Because one’s left is to the right [side] of His countenance; i.e., just like when one stands before a king, he takes leave from the right of the king, and then afterwards from the left of the king. Thus, they established that one should withdraw from the *Amidah* in the same manner as he withdraws from before a king.

Did Maimonides intend to refute R. Saadiah’s interpretation that the bowing of the head is a gesture directed toward the angels?

In his *Emunot Vede'ot*, R. Saadia includes the lack of intention within a list of seven factors “with which prayer is not accepted.”⁴⁶

Ultimately, Maimonides’ definition is imbued with innovation and pathos, urging and encouraging the worshipper. Prayer with *kavanah*, requiring the complete focus of all the soul’s powers without reservation or deviation, is an exemplary internalization of the religious act—a concentrated, monumental experience of supreme devotion to God. It is akin to the attachment to God that every whole-hearted individual aspires to: “Those who have perfected themselves theologically and strive to turn their every thought toward God—renouncing all else.”⁴⁷ As is well known, achieving this level requires great effort and profound comprehension; a person must anchor all his significant efforts in this intellectual-spiritual aim. This “service of the heart” is akin to the “special worship of those who apprehend truths,” described in the *Guide to the Perplexed* as akin to standing before the Divine Presence:

The Torah is clear that the special worship I point to in this chapter comes only once awareness is won—as it says, “to love the Lord your God and to serve Him with all your heart and all your soul” (Devarim 11:13). Love, as I have explained more than once, depends on knowing, and it is from love that the worship springs that the Sages, following the Torah, call “the worship [service] of the heart.”⁴⁸

Thus, “service of the heart,” is prayer.⁴⁹ It is also the “unique service” that follows from love of God. Prayer serves as an exercise in *devekut* (attachment to God).⁵⁰

Kavanah is the unifying element between the two types of “service of the heart” and serves as the central axis connecting them. As defined in the *Mishneh Torah*,

⁴⁶ *Emunot Vede'ot* V:6.

⁴⁷ *Guide* III:51.

⁴⁸ *Guide* III:51. Compare *Guide* I:39: “When it says: ‘You shall love the Lord your God with all your heart’ (Devarim 6:5), I take it to mean ‘with every power of your heart’—all your bodily powers. For they all stem from the heart. The sense, then: Devote all that you do to knowing Him.” In *Sefer Hamitzvot*, ed. R. Yosef Kafih, *aseh* 5, Maimonides writes:

“This is the commandment by which we are instructed to serve Him, may He be exalted, and this command has been repeated several times ... Even though this command is among the general commandments, as I explained in the Fourth Principle, it has a unique aspect, for it specifically commands prayer.” Were it not for this unique status, this commandment would not have been included in the enumeration of the 613 commandments, as it encompasses the entirety of the Torah, similar to the commandment of “You shall be holy.” Thus, prayer emerges as a distinct expression of Divine service. Interestingly, the author of *Halakhot Gedolot* did not enumerate the commandment of prayer but instead listed the commandment of serving God. See also the comments of R. Perlow (above, n. 7) on commandment 2.

⁴⁹ *Hilkhot Tefillah* 1:1.

⁵⁰ *Hilkhot Teshuvah* 10:3.

kavanah requires one to “clear the heart of all thoughts.” Similarly, as we have seen in the *Guide*, “The first step: Clear your mind of anything else when reciting the *Shema*, or your prayers.” Maimonides has already taught us at the conclusion of the *Sefer Hamadda* that “love for the Holy One, blessed be He, becomes bound up in a person’s heart so that he is always rightly enthralled by it, and forsakes all else, only through such knowledge as he has of Him.”⁵¹ Later, we will read in the *Guide*: “Once these devotional acts (*Shema* recitation, prayer, and Torah study) and your thoughts in performing them are clear of all worldly distractions,” then a person is prepared to attain “that sublime end.”⁵²

From this, it emerges that Maimonides both deepens and elevates the religious experience associated with prayer. Prayer becomes a conversation with God,⁵³ akin to standing before the Divine Presence. Mundane thoughts—everyday thoughts—invalidate *kavanah*, whereas *kavanah* eliminates superficiality and banality. It demands that a person “set aside all thoughts of worldly concerns so that his mind may be free to pray with *kavanah*.”⁵⁴ This ultimately leads an individual to perceive himself as though standing before and in the company of the Divine Presence—not merely a general feeling of proximity to the Divine, but a unique and personal experience of standing before it.

In light of this, we may delve further into Maimonides’ words at the conclusion of *Hilkhot Tefillin*:

The sanctity of tefillin is exceedingly great, for as long as tefillin are upon a person’s head and arm, he is humble and God-fearing; he is not drawn to frivolity or idle conversation, nor does he entertain sinful thoughts, but rather he focuses his mind on matters of truth and righteousness.

Based on this teleological understanding of the commandment to don phylacteries, Maimonides draws an important and far-reaching conclusion: “Therefore, a person must strive to wear them all day, for that is the proper performance of the

⁵¹ *Hilkhot Teshuvah* 10:6.

⁵² *Guide* III:51.

⁵³ *Responsa of Maimonides*, ed. Blau, 261, p. 491:

Since all these forms of service to God that involve speech exist solely so that one may contemplate them while reciting them, the one who speaks them must direct his heart and know that he is speaking with the Master of the universe—whether he asks something of Him, thanks Him, praises Him, describes His actions and kindness, or marvels at His wonders in creation and His omnipotence ... And if all of this is speech directed at Him, may He be exalted, how can it be permissible to rush through it and divert attention from what is being said?

It is important to emphasize that all components of prayer—praise, request and thanks - are understood as direct speech with the Master of the universe.

⁵⁴ *Sefer Hamenuḥah* (above, n. 19), *Hilkhot Tefillah* 4:16, p. 87.

commandment.” Nevertheless, since a person clears his mind of all thoughts when it is as though he is standing before the Divine Presence and praying, and because phylacteries assist in this effort, Maimonides concludes: “Although the commandment is to wear them all day, during prayer is the most significant time of all.”⁵⁵

Thus, phylacteries contribute to the success of one’s efforts to clear the mind, making them particularly suited for the time of prayer.

6

In a different context as well—the *ma’amad hakhel* during which the Torah is read aloud by the king (see Devarim 31:9–13)—Maimonides emphasizes that the spiritual experience must be sublime and uplifting, supported by a special level of intention and encompassing a unique religious achievement. A participant in this event “should see himself as if he was just now commanded regarding the Torah and heard it from the Almighty.” Maimonides writes:

Converts who do not understand are obligated to concentrate their attention and direct their hearing, listening with reverence and awe, rejoicing while trembling as on the day the Torah was given at Sinai. Even great sages who know the entire Torah are obligated to listen with exceedingly great concentration. One who is unable to hear should focus his attention on this reading, for Scripture established it solely to strengthen the true faith. He should see himself as if he was just now commanded regarding the Torah and heard it from the Almighty.⁵⁶

Here, the intention, with its emotional focus, facilitates the re-creation of a religious experience akin to standing before God at Mount Sinai. In prayer, intention transforms the religious act into a renewed and ever-refreshing spiritual experience of standing before God.

It is fitting to juxtapose this with Maimonides’ words at the end of *Sefer Taharah*:

It is plain and manifest that the laws about uncleanness and cleanness are decrees laid down by Scripture and not matters about which human understanding is capable of forming a judgment; for behold, they are included

⁵⁵ *Hilkhot Tefillin* 4:25–26. See also *Hilkhot Tzitzit* 3:11: “One should always strive to be wrapped in a garment that requires tzitzit so that this commandment may be fulfilled. One must be particularly careful during prayer.”

⁵⁶ *Hilkhot Hagigah* 3:6. Compare with *Hilkhot Sefer Torah* 10:11: “Anyone who sits before a Torah scroll should sit with respect, awe, and fear, because it is a faithful testimony [of the covenant between God and the Jews] for all the inhabitants of the earth, as Devarim 31:26 states: ‘Let it remain there as a witness to you.’”

among the divine statutes. So, too, immersion as a means of freeing oneself from uncleanness is included among the divine statutes. Now “uncleanness” is not mud or filth which water can remove, but is a matter of Scriptural decree and dependent on the intention of the heart. Therefore the Sages have said, “If a man immerses himself, but without special intention, it is as though he has not immersed himself at all.” Nevertheless we may find some indication (for the moral basis) of this: just as one who sets his heart on becoming clean becomes clean as soon as he has immersed himself, although nothing new has befallen his body, so, too, one who sets his heart on cleansing himself from the uncleannesses that beset men's souls—namely, wrongful thoughts and false convictions—becomes clean as soon as he consents in his heart to shun those counsels and brings his soul into the waters of pure reason.⁵⁷

In other words, intention creates a new reality. Intention transforms an ordinary and perhaps incomprehensible act into a unique one. Intention determines the nature of the act and imbues it with grandeur and significance.

It is noteworthy that Maimonides teaches in the *Guide* regarding the Patriarchs and Moshe our Teacher:

These four, it seems to me, were able to remain at this pinnacle of perfection, with God and under His constant care, even while making a living, pastoral or agricultural, and heading their households, because their object in all these activities was to draw close to Him.⁵⁸

7

Prayer in times of distress constitutes a unique encounter with God:

... for when a difficulty arises, and the people cry out [to God] and sound the trumpets, everyone will realize that [the difficulty] occurred because of their evil conduct, as [Yirmeyahu 5:25] states: “Your sins have turned away [the rains and the harvest climate].”⁵⁹

In his *Guide to the Perplexed*, Maimonides emphasizes this point even more strongly:

⁵⁷ *Hilkhot Mikvaot* 11:12. Compare with Chapter 13 above, p. 336.

⁵⁸ *Guide* III:51.

⁵⁹ *Hilkhot Ta'anuyot* 1:2.

Also of this group are the commandment to turn to Him in every strait. Thus “When you go to war against an enemy who is attacking you in your land, you shall blow short blasts on the trumpets to be remembered before the Lord your God, to be delivered from your enemies” (Bemidbar 10:9). This practice strengthens the sound belief that God knows our plight and can save us if we are true—or bring us to grief if we are not. We must not believe that this depends on chance or accident. That is what it means when it says: “If you still walk with Me as chance and refuse to listen to me I will strike you seven times over for your sins” (Vayikra 26:21). That is, “If you deem the chastisements I mete out against you matters of chance, I shall give you chance all the sharper and harder”—if you treat Me as chance, “I’ll give you real chance!” For the belief that one’s plight is a matter of chance makes people hold fast to their rotten views and vicious practices and not repent—as it says, “You struck them but they were not pained” (Yirmeyahu 5:3). That is why we are commanded to call upon Him and turn to Him in every crisis.⁶⁰

Calling out to God in prayer and sounding an alarm during times of distress—be it famine, plague, war, or illness—is rooted in a profound theological rationale: it reinforces faith in divine providence and rejects the assumption that everything is subject to chance. Prayer, particularly in times of crisis, serves as “an act that strengthens sound belief.” The aim of prayer during adversity is to return to God through emotional awakening and repentance, while the purpose of prayer with proper intent at all times is to stand before God with focused concentration and spiritual purification.

As we have already mentioned, all prayers and blessings—everything encompassed in *Sefer Ahavah* of the *Mishneh Torah*—share a single purpose: “to love God and to constantly remember Him.” Engaging in “devotional practices—reading the Torah, praying ... train us to focus on His precepts and free us from worldly distractions, engrossed, as it were, in Him and lost to all else.”⁶¹ Prayer is a foundational model for a commandment possessing theological-pedagogical value. The role of teleology is pivotal.

It is worth noting that R. Menaḥem Hame’iri, a devoted student of Maimonides’ writings, seems to characterize *kavanah* in prayer in a manner that reflects

⁶⁰ *Guide* III:36. Compare to *Hilkhot Avel* 13:12: “Whoever does not mourn the dead in the manner enjoined by the Rabbis is cruel. If one suffers bereavement, one should be apprehensive, troubled, investigate his conduct, and repent ... All of this is so that a person should prepare himself and repent and awake from his sleep [Compare: *Hilkhot Teshuvah* 3:4; *Hilkhot Mezuzah* 6:13]. Behold it is written in Yirmeyahu 5:3: ‘You struck them but they were not pained.’ Implied is that one should awake and tremble.” The inclusion of the verse from Yirmeyahu in the formulation of this rule is likely Maimonides’ own addition.

⁶¹ *Guide* III:51.

Maimonides' explanation of prayer during times of distress. The Me'iri highlights a fundamental distinction between the *kavanah* required in the recitation of the *Shema* and that required in the *Amidah* prayer, commenting:

Kavanah required in the recitation of the *Shema* is not comparable to *kavanah* required in prayer, as we have explained. For human life and the request for one's needs depend on it [prayer], and these matters engender within our hearts true knowledge and necessary reflection on everything that befalls us—that all is from Him, and He alone is the Lord of all, to benefit us in accordance with our goodness and to repay us according to our deeds, whether for good or for bad.⁶²

The act of requesting is a fundamental and central component of prayer and holds significant importance even in prayer mandated by Torah law, according to Maimonides' view: "One petitions for all his needs with requests and supplications." Even rabbinic prayer "contains requests for all those things that serve as general categories for the desires of each and every person and the needs of the whole community."⁶³

In his explanation of the law concerning the recitation made on presenting the first fruits, Maimonides emphasizes that it

... also fosters humility. Pronounced by the one who bears the basket on his shoulders, it acknowledges God's grace and bounty and reminds us that one way of serving God is to recall past hardships when times improve. That aim is often stressed in the Torah.⁶⁴

The individual who asks for his essential needs expresses his dependence on God.

It is important to clarify a particular issue that may lead to confusion. Maimonides requires that a person beseech and have *kavanah* when requesting "his needs

⁶² *Beit Habehirah*, Berakhot (see above, n. 13), 109. See also: *Hiddushei Haritva*, Berakhot, ed. Moshe Hershtler (Jerusalem, 2009), beginning of chapter 5, p. 191: "And regarding prayer, which is a request for one's needs, and more stringent than the blessings, and even more than the recitation of the *Shema* ... one must sit with awe and humility so that his prayer will be desirable and accepted."

⁶³ *Hilkhot Tefillah* 1:2, 4. The tripartite structure of the *Amidah* prayer also shaped the Torah-mandated prayer. See: *Siddur Rav Saadiah Gaon* (see above, n. 7), p. 3: "It is also clarified that the essence of prayer is: praise, request, and thanks." Due to the similarity in the structure of prayer, R. Moshe ben Yosef di Trani (*Kiryat Sefer*, *Hilkhot Tefillah* 1) states that even the fixed and formulated prayer is "a Torah-mandated law." Regarding the importance of petition, see above, n. 3.

⁶⁴ *Guide* III:39.

that he requires.” The structure of prayer highlights the importance and centrality of petition. As we have seen, Maimonides emphasizes: “In summary, a person should always cry out about the future, asking for mercy.”⁶⁵ However, prior to this, Maimonides established that:

One who serves out of love devotes himself to the Torah and the commandments ... for no [extrinsic] end whatever—neither fear of harm, nor to acquire the good ... This is a rank of the utmost nobility ... It is the rank to which the Holy One, blessed be He, exhorted us, through Moshe our Master; for it is said, “And you shall love the Lord your God with all your heart, with all your soul, and with all your might” (Devarim 6:5).⁶⁶

It is abundantly clear that the element of petition, which forms the focal point of the *Amidah* prayer, is inherently directed toward “extrinsic matters,” benefit, and the fulfillment of worldly needs. The conclusion that emerges from the combination of these ideas—assuming we are unwilling to hastily presume that Maimonides contradicts himself—is that this intention in prayer is desirable and pure. Those who stand before God and request their needs, both spiritual and physical, with the awareness that God “knows our plight and can save us if we are true—or bring us to grief if we are not” are considered to be serving out of love. Prayer, as Maimonides teaches in the *Guide*,⁶⁷ is a cause for “constant mindfulness of God, in love and fear.” One who presents a petition before God does not contradict his status as one who serves out of love.

8

We suggested above that the historical necessity that led to the establishment of fixed prayers is also tied to the need for *kavanah*. We will now expand upon and develop this suggestion. The description of the development of fixed prayer reflects the dual nature of prayer—namely, the tension between obligatory, fixed prayer and spontaneous prayer. This tension is also evident in the halakhic distinctions that highlight the dual status of prayer:

To pray daily is an affirmative duty, as it is said, “And you shall serve the Lord your God” (Shemot 23:25). The service here referred to, according to the teaching of tradition, is prayer, as it is said, “And to serve Him with all

⁶⁵ *Hilkhot Berakhot* 10:26.

⁶⁶ *Hilkhot Teshuvah* 10:2. The kabbalists, who developed the foundational concept of *tzorekh gavoah* (“Divine need”), challenged this perspective. See the sharp critique by R. Meir ibn Gabbai in *Avodat Hakodesh*, ed. Y. Becker (Jerusalem, 2010), *Helek Ha'avodah*, chapter 5.

⁶⁷ *Guide* III:44.

your heart” (Devarim 11:13), on which the Sages commented, “What may be described as service of the heart? Prayer.” The number of prayers is not prescribed in the Torah. No form of prayer is prescribed in the Torah. Nor does the Torah prescribe a fixed time for prayer. Hence, women and slaves are under an obligation to pray, this being a duty, the fulfillment of which is independent of set periods. The obligation in this precept is that every person should daily, according to his ability, offer up supplication and prayer; first uttering praises of God, then with humble supplication and petition asking for all that he needs, and finally offering praise and thanksgiving to the Eternal for the benefits already bestowed upon him in rich measure. One who was fluent would offer up many prayers and supplications. If one was slow of speech, he would pray as he could and whenever he pleased. Thus also, the number of separate services depended on an individual’s ability. One would pray once daily; others, several times in the day. All, however, turned during prayer to the Sanctuary, in whichever direction that might be. This was the uniform practice from the times of Moshe to those of Ezra.⁶⁸

The dual nature of prayer—on the one hand, a spontaneous act of love for God bursting forth from the depths of the soul, and on the other, a structured and institutionalized act of routine—is starkly highlighted here. Once again, the doctrine of *kavanah* and its decisive role come to the fore. *Kavanah* transforms institutionalized and fixed prayer into an act of love for God and of standing in His presence. While a person fulfills a (rabbinic) obligation through prayers recited at fixed times and according to a set text, the “service of the heart” that is mandated biblically remains a principal focus in every prayer. The ultimate purpose of prayer is to experience standing before God and to nurture love for Him.

It is important to note that Maimonides briefly surveys the historical development of prayer and outlines the reasons for the establishment of fixed wording, as well as the times and number of prayers. However, he does not address the inherently paradoxical nature of prayer—namely, the question of whether prayer is even possible—an issue raised for discussion in the *Guide to the Perplexed*.⁶⁹ In the *Mishneh Torah*, prayer is taken as a given, and the primary challenge is not its theoretical implausibility but rather the apparent contradictions between the subjectivity and spontaneity of the prayer experience—human yearning and the soul’s longing—and its meticulously detailed laws and precisely formulated texts. Maimonides grapples

⁶⁸ *Hilkhot Tefillah* 1:1–3.

⁶⁹ *Guide* I:59. For a comprehensive discussion of the topic, see Marvin Fox, *Interpreting Maimonides: Studies in Methodology, Metaphysics, and Moral Philosophy* (University of Chicago Press, 1995), chapter 11, 297–321.

Compare also the discussion in Appendix B below.

with the problem of spiritualization within Jewish law in general and, specifically, as it relates to prayer in practical terms. Here, the critical and penetrating discussion centers on the issue of *kavanah*.

Appendices

Appendix A (to note 40)

It is worth noting that there are halakhic implications to the conceptualization of the *Amidah* prayer as “standing before the Divine Presence.” In *Hilkhot Berakhot* 2:12, Maimonides, based on the discussion in *Berakhot* 49b, writes (regarding Grace after Meals):

If one forgot and did not mention the sanctity of the day (on Shabbat or Yom Tov), if he remembers before beginning the fourth blessing, he says, “Blessed are You, God ...”; however, if he remembers after beginning the fourth blessing, he stops and returns to the beginning, which is the blessing of sustenance (*Hazan*).

In his gloss, the Ravad objects to this ruling, stating:

He erred in this, for the fourth blessing is no less significant than one who customarily says supplications after his prayer. If he forgot and did not mention the New Moon in the blessing of *Avodah*, even if he finished *Sim Shalom*, the final blessing of the *Amidah*, he returns to the blessing of *Avodah* and does not go back to the beginning. Therefore, here too, he stops and returns to the beginning of *Boneh Yerushalayim*.

The Ravad compares the conclusion of the *Amidah* to the conclusion of Grace after Meals, whereas Maimonides differentiates between them. Maimonides’ ruling is likely based on a fundamental distinction between the *Amidah* and other blessings. The reason that the conclusion of a blessing is not considered the conclusion of his prayer for one who customarily says supplications or has not yet stepped back, is rooted in the concept of “standing before the Divine Presence.” The conclusion of the blessing does not negate the state of standing before God; the individual’s presence before the Divine Presence is not constrained by the words of his mouth. However, regarding blessings, as soon as the formula of the blessing is concluded, the individual is no longer considered engaged with that blessing.

See also *Beit Yosef* on *Tur Orah Hayyim*, sec. 104, regarding speaking during prayer.

Appendix B (to note 69)

The primary issue lies in reconciling the efficacy of prayer with divine decree. If prayer is accepted, it would seemingly imply a reaction—a change of will or intention—in God, a notion that is unacceptable:

Anything implying corporeality must be denied of Him. So must any passivity. For to be affected is to be changed by a cause (*Guide* I:55).

It appears that a natural analogy arises with the well-known and complex problem of divine knowledge in relation to free will. Consider *Hilkhot Teshuvah* 5:5:

Know that the answer to this question is longer than the earth and broader than the sea, and many great and fundamental principles and lofty concepts are dependent upon it.

Divine knowledge does not negate free will—whether we succeed in articulating this using philosophical terminology or whether such explanation is beyond our grasp:

We do not have the power to conceive how the Holy One, blessed be He, knows all the creations and their deeds. However, this is known without any doubt: That man's actions are in his [own] hands.

Similarly, the acceptance of prayer does not constitute a reaction or affection, as everything is known in advance. This idea is famously articulated by R. Yosef Albo in *Sefer Ha'ikkarim*, 4:18:

The reason which leads men to doubt the efficacy of prayer is the same as that which leads them to deny God's knowledge. Their argument is as follows: Either God has determined that a given person shall receive a given benefit, or He has not so determined. If He has determined, there is no need of prayer; and if He has not determined, how can prayer avail to change God's will that He should now determine to benefit the person, when He had not so determined before? For God does not change from a state of willing to a state of not willing, or vice versa. For this reason they say that right conduct is of no avail for receiving a good from God. And similarly they say that prayer does not avail to enable one to receive a benefit, or to be saved from an evil which has been decreed against him.

In his subsequent remarks, R. Yosef Albo suggests that the divine decree changes in accordance with the transformation in a person's spiritual level and status. Prayer and repentance are effective in altering a person's level.

In this way it is clear that prayer and right conduct help to prepare the person to receive the good influence or to nullify the evil that has been decreed concerning him, because he changes from the evil state in which he was.

And yet, all is known and foreseen.

See also the comprehensive article by Shalom Rosenberg, “Prayer and Jewish Thought: Approaches and Problems (A Survey),” in *Prayer in Judaism*, ed. Gabriel H. Cohn and Harold Fisch (Northvale, New Jersey, 1996), 69–107, particularly pages 88–89, which addresses R. Yosef Albo’s approach.

Attention should be drawn to a particular passage in the writings of Maimonides that has not yet received sufficient discussion and is highly relevant to our topic. It appears that the principle that God responds to prayers appears not only in the *Mishneh Torah* but also in the *Guide*.

In one of the linguistic chapters (*Guide* I:41), where Maimonides establishes that the term *nefesh* (soul) is a homonym, we find the following section, which surprisingly and profoundly pertains to our discussion:

It is in this sense that one should gloss, “His soul was to put to an end Israel’s travail” (Shofetim 10:16)—“He meant to end Israel’s suffering.” This verse was not translated by Yonatan ben Uziel at all, for he took *nefesh* in its basic sense as if to suggest passions on God’s part. That kept him from rendering it. But if “soul” is taken in our last sense, it’s quite clear how to gloss it. For it was already said that God’s providence had left them, and they were perishing. They begged for succor, and He did not aid them (10:6–14). But when they were greatly humbled and oppressed by foes and had well and truly repented, He had mercy on them and suspended His intent to prolong their agony and abasement. Notice the preposition, since it is unusual: The *to* in *put an end to* stands for *of*—in effect, to make an end *of* Israel’s suffering.

Essentially, the concept of God’s responsiveness to prayer should be integrated into Maimonides’ teachings on the possibility and nature of miracles. A miracle is understood as a temporary alteration of nature (see *Commentary to the Mishnah*, *Avot* 5:6; *Guide* II:29; and compare Chapter 11 “Halakhah and Science: Aspects of Maimonides’ Epistemology,” part IV). The same principle applies to God’s response to the prayer of the supplicant.

There is no reason to interpret Maimonides’ statements otherwise—see, for example, *Hilkhot Tefillah* 8:1 or *Hilkhot Teshuvah* 2:6.

Part Three

Halakhic Scholars and Halakhic Literature

**Review Essay of *Fragments of Five Books* by Rav Nissim Gaon, ed.
Shraga Abramson**

Based on manuscripts, and including introductions, notes, and indices: Mekize Nirdamim: Jerusalem, 1968

A

“Whenever the Ark would set out” (Bemidbar 10:35). In the historical record of the arduous journeys of the Torah, shuffled from dwelling to dwelling, and from one home to another, North Africa, particularly the district of Kairouan—“the great metropolis of Africa”—stands as a humble yet pivotal sanctuary. It became both a custodian of wisdom and a crucible where new wisdom was forged. In the hushed moments of twilight, or, perhaps, in the veiled hours between dusk and dawn, North Africa emerged as a crossroads, where the legacy of the *Geonim* of Babylon flowed forth like streams from a fountain. Here lay profound significance in the role of preserving, disseminating, and kindling the fading embers of knowledge—echoing the adage, “While the wine belongs to its owner, the gratitude is given to the one who pours it.” Moreover, the center in North Africa also offered its own, independent contributions, with distinctive interpretations of the Torah and the Talmud, and to a limited degree, even delving into the realms of Jewish thought through the nurturing of philosophical concepts and unraveling the enigmatic aggadot enshrined in the words of the Sages.

In this setting—one that received the Torah of the early sages (the great *Geonim* of Babylon) and laid the foundation for the wisdom of the later luminaries (the great sages of Spain)—Rabbenu Nissim ben R. “Yaakov ben R. Nissim ben R. Yeshaya ibn Shahin”¹ emerges as the central figure in Kairouan, a prolific author who was evidently constantly engaged in Torah study and scholarship, but also a devoted, well-recognized leader who grappled with the most intricate questions of Jewish law, “his hands soiled with the blood of a fetus and placenta.” Such dedication earned him profound admiration during his lifetime, both at home and abroad, where he was hailed as *rosh bei-rabbanan* and *rosh haseder va’aluf hayeshiva* (see page 246; “the head of

¹ This is the heading that appears in *Iggeret Rav Sherira Gaon*, in B.M. Lewin’s edition, p. 2, n. 1. For suggestions as to the meaning of the name “Shahin,” see Hirschberg’s introduction to *Hibbur Yafeh Mehayeshuah*, p. 23, n. 3.

the rabbinic house” and “the head of the order and the yeshiva chief [a prominent title in the Babylonian yeshivot]”). Revered as one who rejuvenated the religion and “in whose shadow the Jews lived amongst the nations,”² he was enshrined in his rightful place by his contemporaries. If we recall that R. Nissim was the distinguished disciple of R. Ḥushiel and his son R. Ḥananel (d. 1056), the great admirer of R. Hai, *Gaon* of Pumbedita (d. 1038), and a close peer of R. Shemuel Hanagid (d. 1056), R. Nissim’s significant place in the annals of Jewish religious and societal evolution is clear.

It is customary for those engaged in the study of a new literary work—particularly those tasked with offering critical reviews—to meticulously engage with its foundational elements and to address a series of key questions that enable an informed evaluation of the work at hand. These questions include: To what literary genre does the book belong? What overarching objectives does it strive to achieve, and what specific challenges does it set out to confront? On what literature did the author draw? What was his contribution? Does the book incorporate new, previously undiscovered sources? Has the book introduced any advancements in methodology? Does it offer fresh insights or propose innovative approaches?

If we were to inquire about our knowledge of R. Nissim before the publication of Prof. Abramson’s seminal work, and to what extent our understanding has been enriched thanks to the dedication, diligence, and wisdom demonstrated by the scholarly author, the answer would become abundantly clear. Despite the notable strides made since R. Shelomo Yehudah Rapoport’s monograph *Toledot Rabbenu Nissim Vekorot Sefarav*—a study widely regarded as seminal in this field—by luminaries such as Abraham Harkavy and Samuel Abraham Poznański, and contemporary scholars including Simḥa Assaf, Jacob Nahum Epstein, Louis Ginzberg, Benjamin Manasseh Lewin, Jacob Mann, as well as Shelomo Dov Goitein and Haim Zeev Hirschberg, our understanding remained fragmented and provisional. Numerous gaps in both the narrative of his life and the analysis of his works (including a precise list of his works and a comprehensive description of them) persisted, leaving much to be desired in terms of conclusiveness.

Enter Prof. Abramson, who stands as the unifying force bridging disparate scholarly perspectives and paving the way for continued exploration. Through painstaking research and scholarly acumen, Abramson has not only shed light on previously overlooked details but has also expanded the canvas of knowledge. Most notably, he has unearthed and elucidated significant chapters from R. Nissim’s works, previously obscured from view: (a) *Sefer Hamafte’ah Lemanulei Hatalmud*; (b) *Peirushim Latalmud*; (c) *Piskei Halakhot*; (d) *Megillat Setarim*; and (e) *Ḥibbur Yafeh Mehayeshuah*. Abramson’s scholarly endeavors have brought silent fragments and neglected scrolls from the depths of obscurity, and he has invested considerable effort into giving voice to these works and clarifying their meaning.

² See S. D. Goitein’s important article, “Iggeret Labrat ben Moshe ben Sagmar Dayan Ha’ir al-Mahdia al Rabbenu Nissim ‘Meḥadesh Hadat’” *Tarbiz* 36 (1967), pp. 59–72.

The structure of the book is dictated by this five-point framework, with each chapter offering an in-depth exploration of one of the above-listed books. Preceding these chapters is a comprehensive introduction, encompassing vital details and concise summaries concerning R. Nissim's lineage, mentors, progeny, disciples, social circle (including connections in Spain), and literary oeuvre. It soon becomes apparent that this introductory framework serves as a foundation to be enriched by the wealth of information scattered throughout the subsequent sections of the book—in the preface to each work and the copious footnotes. It appears that the author did not intend to exhaustively cover every aspect in the general introduction but to leave room for further elaboration and contextualization elsewhere.

Overall, while historical analysis, panoramic synthesis, and comprehensive biographical reconstruction are significant, it becomes evident that in this book they are of secondary importance to the interpretive agenda that takes precedence in this scholarly endeavor.

1. The initial discourse delves into the ancestral lineage of R. Nissim, particularly spotlighting his father, R. Yaakov. Renowned as the emissary of the *geonim* in North Africa, R. Yaakov assumed the pivotal role of fundraising for the famous Sura and Pumbedita yeshivot, overseeing the collection on their behalf. Notably, R. Yaakov was the recipient of the famous responsum known as *Iggeret Rav Sherira Gaon*. The elevated status of R. Yaakov is eloquently echoed in R. Shemuel Hanagid's poetic tribute (p. 20), underscoring the rich heritage inherited by R. Nissim:

*The people of your city grant you rule,
As they did your parent, a man of trust.
A God-fearing elder, an advocate of Torah and integrity,
A venerable elder of Talmud, a remnant of sages past.*

*Acknowledged among the doers of great deeds
The honored of those wrapped in linen shawls,
His honor extends to Africa,
Where he is viewed as one of the Geonim.*

*Sought by men for Torah inquiries
As in days of yore, like the seventy elders.³*

³ See Dov Yarden's edition of the poetry of R. Shemuel Hanagid, *Diwan Shmuel Hanagid, Ben Tehilim*, ed. D. Yarden (Jerusalem, 1985), 198, and available online at https://www.dov.yarden.co.il/duan_shmuel_hanagid_1.html

Abramson adeptly integrates newly discovered documents, sourced from Mann and Goitein, as well as personal letters and documents that appeared in his book *Bamerkazim Uvatefutzot Bitkufat Hageonim* (Jerusalem, 1965). Of particular significance is the fifth chapter of that work, *Iggeret Rav Sherira Gaon Lerav Yaakov bar Nissim Mikairouan*, which offers profound insights into the organizational dynamics of the Yeshiva, procedural protocols for addressing inquiries, and the intricate web of support extended by the Jewish diaspora. A recurring motif emerges highlighting the unwavering advocacy of the *Geonim* of Babylon for their respective yeshivot within the wider Jewish community, continuously seeking assistance in every possible way. R. Nissim, inheriting his father's fervent dedication, distinguishes himself through his steadfast commitment to the Babylonian yeshivot, actively engaging in their shared triumphs and tribulations. Commencing from page 18, the author carefully catalogs and identifies each correspondence dispatched to R. Yaakov by the *Geonim*. This meticulous bibliographic approach, coupled with an unwavering attention to detail, characterizes the author's scholarly rigor and the breadth of his research pursuits.

2. Regarding the historical timeline of R. Nissim's life, Professor Abramson establishes 990 as the year of his birth, with his passing in 1062. The date of his demise is testified to in a document published by Goitein (*Zion* 27, p. 11). However, historical uncertainties persist, as noted by Hirschberg in his introduction to R. Nissim's essay *Hibbur Yafeh Mehayeshuah* (p. 21), where he notes, "we do not know where and when R. Nissim died." The determination of the year of his birth remains uncertain unless it is rooted in the biblical adage, "The days of our years are seventy years." R. Nissim had a son and a daughter, tragically losing his son at a young age. A poem of consolation composed by R. Shemuel Hanagid for this tragedy has survived.

Despite lingering unresolved complexities—such as the absence of explicit familial references in R. Yosef ibn Nagrela Hanagid's letter to Rabbi Nissim—the author accepts the assertion in Ibn Da'ud's *Sefer Hakabbalah* that R. Yosef Hanagid, the son of R. Shemuel Hanagid, married R. Nissim's daughter. Once adopting this stance, Abramson vehemently defends it against detractors (including Avigdor Aptowitzer in his introduction to *Sefer Ra'avyah*, p. 396) who question the reliability of Ibn Da'ud and challenge the authenticity of his narratives (also see p. 30, and on another matter, p. 209). Similarly, Abramson refrains from scrutinizing the curious information presented on the title page of the Hebrew translation of *Hibbur Yafeh Mehayeshuah*, which claims the book was composed for R. Nissim's "son-in-law," despite the absence of any concrete evidence regarding R. Nissim's having a second daughter. It is very surprising that he omits any mention of the hypothesis suggesting the text should read "his father-in-law" instead of "his son-in-law" (see Poznański, *Anshei Kairouan* p. 189; Hirschberg, p. 33). The dynamic between R. Nissim and his admirer and relative by marriage, R. Shemuel Hanagid, is comprehensively illuminated within these pages (pp. 26–28 and p. 35). Additionally, Abramson delves

into the nuances of Hanagid's poetry, offering insightful interpretations that bring added depth to the text. Indeed, the author's methodology is characterized by an interpretive lens that enriches every source he presents, whether in halakhah or aggadah, poetry or history. His commentary possesses a remarkable potency, adept at dispelling ambiguities in the text and unraveling enigmatic passages. For instance, consider the conclusion of the Hanagid's initial poem, wherein he laments R. Nissim's prolonged silence:

*If friendship is cast aside,
One time and a second, bundled in a bag
God's hand could shatter every tie,
Save for the bond—He and I.*

Abramson offers an astute interpretation of the poetic lines (p. 28, n. 41), evoking the transient nature of friendships and companionships: "If it is so that friendship is revealed only once (*pa'am*) and after which (*pa'amayim*) it is hidden (*tzerurah be'amtahat*), God will bring their friendship and companionship down to the dust—except for His friendship and companionship."⁴ However, he encounters challenges in his analysis of the lines: "For you a position, for you, a crown of priesthood (*keter kehunah*) / And glory, indeed, forever." To support the assumption that this poem was indeed dedicated to R. Nissim, Abramson is forced to take issue with Sasson's simple interpretation in his preface to the *Diwan* of R. Shemuel Hanagid, diverging from the literal meaning of "a crown of priesthood," as we have no evidence that R. Nissim was a *kohen*. Instead, Abramson ingeniously interprets "priesthood" as symbolizing an esteemed position, akin to "the sons of David were priests," as interpreted by the Sages in the *Mekhilta* at the beginning of *Parashat Yitro*. However, this scholarly erudition appears to be unnecessary when considering an alternative version of the poem published by Dov Yarden (p. 198), which reads "For you is the crown of glory (*keter tehillah*) and honor." This rendition harmonizes seamlessly with the overall context and eliminates the need for complex interpretive maneuvers.

Abramson's interpretations and emendations of R. Yosef Hanagid's epistle to R. Nissim (p. 23) also deserve attention. To establish a proper perspective, it is worth noting the close and regular ties between R. Shemuel Hanagid and the sages of Kai-rouan, as well as his diligent efforts to foster connections with them, as can be seen from the poem he penned in honor of R. Hushiel and the letter of condolence he sent to R. Hananel after R. Hushiel's passing. The exchange of poems between R. Nissim and R. Shemuel Hanagid continues this bond, shedding light on the multifaceted persona of R. Shemuel Halevi—not only was he the head of the Jewish congregations in Spain and the king's supreme minister (*vizier*), he was also a rabbinic scholar and

⁴ Dov Yarden's incomplete note on p. 197 of his new edition is entirely unsatisfactory, and it is a shame that he did not check Abramson's notes and commentary.

prolific writer, keen on engaging with the sages and their disciples. Abramson convincingly suggests that R. Nissim indirectly sought the support of R. Shemuel Hanagid, whose influence extended beyond Spain, with scholars and community leaders heeding his words and recommendations. According to the testimony of the author of *Sefer Hakabbalah*, Hanagid “greatly assisted R. Nissim financially, as he did not possess wealth,” and treated him with sensitivity and kindness. I believe that this testimony offers valuable insight for those seeking to comprehend the dynamics of the time and R. Nissim’s position, motivations, and responses. In contrast with the financially independent great scholars of Jewish Spain in subsequent generations, R. Nissim did not enjoy such financial autonomy. He relied on the support and sympathy of others and must have empathized with the *Geonim*, whose lives were wholly dedicated to Torah, who “diligently collected funds on behalf of esteemed yeshivot and Torah scholars ... for the heads of the diaspora, their judges, and disseminators of Torah” (echoing the language of Maimonides in his Commentary to Avot 4:5).

In examining R. Shelomo ibn Gabirol’s connections with R. Nissim, Abramson diverges from scholars like Hirschberg (*Hibbur Yafeh*, p. 32) and tends to place greater emphasis on Saadiah Ibn Danan’s assertion that R. Nissim “came to the state of Granada ... and taught there students and one of his students was R. Shelomo ben Yehudah ibn Gabirol the poet.” However, unlike Jacob Naftali Simḥoni and Poznański, who understood that ibn Gabirol was actually R. Nissim’s student, Abramson believes that ibn Gabirol may have only encountered and learned from R. Nissim sporadically, but honored him and held him in high regard. Consequently, in ibn Gabirol’s poem *Veyikah na berakhah meḥanikho*, the term *ḥanikh*, often interpreted as “student,” is viewed by Abramson as a humble expression of reverence rather than a direct indication of formal discipleship.

3. R. Nissim was a loyal student of his father R. Yaakov, R. Ḥushiel, and R. Ḥananel. R. Nissim’s deep connection to R. Ḥananel transcends mere outward expressions, as Abramson tirelessly emphasizes and substantiates throughout his work (see, for instance, pp. 24, 35). It is therefore unsurprising to discover interpretations in works such as *Sefer Hamafte’ah* or *Megillat Setarim*, for which R. Nissim confidently takes credit, are elsewhere attributed to R. Ḥananel. For instance, R. Nissim asserts: “And this approach that offers an answer to this issue, was very hidden and the Almighty helped me to discover and interpret it and I did not see anyone before me who suggested this approach ...” (p. 11). However, this same interpretation appears in *Teshuvot Hageonim* in the name of R. Ḥananel (see also p. 23).⁵

Nevertheless, Abramson (p. 24) questions the authenticity of the paragraph found at the beginning of the commentary to Tractate Rosh Hashanah: “Our master and teacher R. Ḥushiel, our most esteemed rabbi, may his Creator protect him and

⁵ See my comments on this problem in my *Rabad of Posquières*, pp. 94–95.

lengthen his days and years, and our master and teacher, [his son], the beloved R. Ḥananel, the champion of the generation whose Torah goes out to all of Israel ...” Despite his typically conservative approach, the author proposes that the effusive concluding phrases could be a later addition, not penned by R. Nissim himself. This suggestion arises from the improbability of R. Nissim lavishing such praise upon R. Ḥananel while R. Ḥushiel was still alive. However, it is worth noting that scholars such as Assaf (*Misifrut Hageonim*, pp. 121–122), along with others who reference this source (most recently Hirschberg, *Toledot Hayehudim Be’afrika Hatzefonit*, p. 244), have not questioned its authenticity, thus necessitating further investigation for clarification.

R. Nissim drew most deeply from the rich traditions passed down to him from R. Hai Gaon. Their relationship was so intimate that later writers (i.e., R. Saadiah Ibn Danan) concluded that R. Nissim had studied with R. Hai in person. While the Me’iri (*Beit Habeḥirah*, Introduction to Avot, p. 64) comments on “R. Nissim who received from R. Hai z”l,” it remains unclear whether this refers to direct tutelage as a student or knowledge gained indirectly through transmission or responsa.

The author consistently highlights the influence of R. Hai on R. Nissim, and even after the publication of this book, continued to uncover compelling examples of this influence, as seen in “Three matters concerning R. Yaakov and R. Nissim of Kairouan” (*Sinai*, vol. 60, 1967, p. 4–16). R. Nissim’s immersion in the Torah of the *Geonim* is evident in his painstaking efforts to copy and disseminate their writings, and he was the conduit through which their teachings—and especially those of Rav Hai—reached R. Shemuel Hanagid. It is not insignificant that R. Yosef Hanagid lauds R. Nissim’s wisdom as being recognized by the *Geonim*, writing “Heads of the yeshivot and the *Geonim* of Babylon (may they rest in peace) recognized his broad wisdom ... and praised his greatness and his Torah” (p. 23). Furthermore, R. Shemuel Hanagid himself pays tribute to R. Yaakov, father of R. Nissim, writing “His honor extends to Africa / where he is viewed as one of the *Geonim*.” (p. 20). The *Rishonim* were resolute in bestowing upon R. Nissim the title of *Gaon* (see p. 33 and p. 275 n. 207).

In this context, there is a significant void that Prof. Abramson could have filled, by evaluating the phenomenon of R. Nissim’s connections with Babylonian *Geonim* and its significance in the history of halakhic literature and study methodologies. We possess R. Hai’s fascinating letter that criticizes R. Ḥushiel’s failure to share his teachings with the yeshiva, thereby diminishing its prestige and severing ties with Babylonian scholarship. R. Ḥananel somewhat improved this situation at least from the perspective of the Babylonian yeshivot—corresponding with the *Geonim* and embracing their influence. R. Nissim, however, took this a step further, reinvigorating the connection with Babylonian scholarship, and “returning the crown to its former glory.” R. Nissim’s association with the Babylonian yeshivot was, in effect, “dripping wet enough to make something else wet” (see Yoma 78a), that is, it influenced others; we find a parallel development that unfolded in Spain with R. Ḥanokh,

the mentor of R. Shemuel Hanagid. R. Ḥanokh held a staunchly independent stance, distancing himself from the Babylonian yeshivot and rejecting their authority outright, prompting Rav Hai's desire to "defeat" him (see Mann, *Texts*, 1, pp. 119–122, and Abramson, *Tarbiz*, 5722, p. 191 and his book being reviewed, p. 20, n. 18 and see also Prof. M. Margaliot, *Sefer Hilkhot Hanagid*, p. 9 and p. 33). In his youth, R. Shemuel Hanagid staunchly adhered to the approach of R. Ḥanokh, paying no heed to Babylonian authority and even expressing vehement criticism of R. Hai. This critical tone persisted in his compositions over time, but as he neared the end of his life in 1051 while outlining the plan for his monumental work, *Hilkheta Gabarata*, R. Shemuel Hanagid underwent a significant shift in perspective regarding R. Hai, writing (quoted by Margaliot, *ibid.* p. 18, and see Dov Yarden's edition, pp. 91–92):

*Rav Hai, the greatest of all, let me boast of his wonders with sirens,
And from his cistern I draw, and from his bread I eat and I find no bitterness.
And from his clouds, I quench the thirsty and cause springs to flow in Israel.*

The tension between R. Hai and R. Ḥanokh, which had permeated Spanish intellectual circles—Ibn Daud records that R. Hai "hated R. Ḥanokh"—had eased and R. Nissim was largely responsible for this, fostering relationships of appreciation and respect while maintaining a critical and independent stance characteristic of the sages of Spain.

At this juncture, it would have been appropriate to discuss somewhat the protracted struggle between the Land of Israel and Babylon in Kairouan (see Prof. Shalom Spiegel's impressive article "Lefarashat Hapulmus shel Pirkoi ben Baboi" in the *Jubilee Volume in Honor of Zvi Wolfson*, pp. 243–273). Such an examination would have shed light on the extent to which these contentious issues are reflected in R. Nissim's writings. Additionally, R. Nissim's utilization of the Palestinian Talmud—preceded by, for example, the author of *Sefer Metivot*, which was probably written in Kairouan—not only increased awareness of the Palestinian Talmud but also elevated and publicized its importance, leading to its increased use. It would be worthwhile to investigate whether Kairouan played a role in motivating R. Shemuel Hanagid's ongoing engagement with and important contributions to the study of the Palestinian Talmud. Scholars generally attribute this revival to the influence of R. Ḥananel and R. Nissim (see, for example, Rabbi L. Ginzberg, *Perushim Vehiddushim Bayerushalmi*, p. 107, and generally from p. 88ff.).⁶ Prof. Saul Lieberman (*Jubilee Volume in Honor of Alexander Marx*, p. 288) highlights R. Nissim's significant contributions, writing: "Mainly and notably, R. Nissim Gaon of Kairouan made significant strides in

⁶ Margaliot, in his *Sefer Hilkhot Hanagid*, does not accept this viewpoint and suggests, instead, that the encouragement to make use of the Jerusalem Talmud came from R. Ḥanokh, his influence being clear as is evidenced by R. Shemuel Hanagid's approach to the Jerusalem Talmud (see p. 21; but see also pp. 18–19 which appear to negate this).

our matter in his book *Megillat Setarim*. Within its pages, he skillfully interwove Babylonian and Jerusalem methodologies, illuminating the reciprocal insights each tradition offered. He was among the pioneers in recognizing the interpretive potential of the Yerushalmi in elucidating certain passages in the Bavli ...” Given R. Nissim’s central role in Kairouan’s intellectual milieu, and on some level, his position as the “final arbiter” in Kairouan, after which “the study of the Talmud ended in the land of Africa” (*Sefer Hakabbalah*), a more thorough exploration of these themes would have enhanced our understanding of his scholarship and its broader implications.

4. Among his disciples, Ibn Gassum, who is mentioned by Maimonides (*Teshuvot*, Freimann, 81; Blau, p. 682), merits special attention. Abramson provides a succinct summary of the bibliographic information regarding him (p. 25). Overall, R. Nissim fostered an environment where his students encouraged him to explore and innovate new interpretations. His study hall served as the focal point of his spiritual growth; numerous inquiries “emanated from the Beit Midrash of R. Nissim” (see, for example, Tosafot Megillah 31b, s.v. *kelalot* and many other examples brought by Abramson). This continuous intellectual stimulation is evident in all of R. Nissim’s works, embodying Maimonides’ assertion that “Students increase their teacher’s wisdom and broaden his horizons ... Just as a small branch is used to light a large bough, so a small student sharpens his teacher’s thinking processes, until, through his questions, he brings forth brilliant wisdom” (*Hilkhot Talmud Torah* 5:13). *Sefer Hamafte’ah* sometimes references instances where students encountered difficulty with certain matters and sought R. Nissim’s interpretation. This sentiment is echoed in the introduction, where R. Nissim states: “Having observed that many contemporary students struggled with this and exerted efforts to seek this proof in vain, causing the halakhah to be difficult and obscure for them, I resolved to compile these insights into a book akin to a key for those who find themselves lost in obscurity so that the student in need of one of the topics mentioned will find it quickly and effortlessly” (p. 3). For our purposes, whether he is referring to his own students or students in a broader sense, the essence remains the same.⁷ R. Nissim held in high regard the “magnificent wisdom” that emerged from his study hall and the numerous innovative interpretations that he originated therein, often emphasizing his originality and precedence with certain ideas (see p. 11, 17, etc.). It is somewhat surprising that Abramson did not, as far as I can tell, discuss the claim made by the author of the *Sefer Hakabbalah*, that R. Alfasi was a disciple of R. Nissim (see pp. 213–222, discussion of passages in R. Alfasi’s *Halakhot* that evidently draw from R. Nissim’s *Megillat Setarim*, or R. Alfasi’s method of presenting passages from the Palestinian Talmud, in comparison to R. Nissim’s practice).

⁷ See my comments on this matter with regard to the Ravad, who wrote glosses on Maimonides, in my above-mentioned book, p. 34.

5. The introduction concludes with a brief inventory of R. Nissim's literary output, as Abramson subsequently provides in-depth examinations of each work. However, Abramson inserts several key details into this initial overview that are more suited to the detailed discussions. Notably, he offers an intriguing and compelling interpretation of the name *Megillat Setarim* (see p. 37), suggesting it should be understood as: "*Megillat Setarim*, that is, places that are hidden from human understanding that our master reveals and interprets." Such a compilation of interpretations of difficult subjects reflects a literary tradition common in that era, akin to works found in Maimonides' oeuvre.

Abramson, following the lead of Poznański, refutes claims about Torah commentaries and a prayer book attributed to R. Nissim, as proposed by Shir (R. Shelomo Yehudah Rapoport in his study, n. 22). He argues convincingly that all quotations attributed to these alleged works are found within *Megillat Setarim*, a compendium covering diverse topics such as biblical commentary, prayer laws, and aggadic interpretations. Thus, attributing specific books or commentaries to an author based on isolated quotes is an unreliable approach, warranting more caution in such assumptions. Regarding the existence of a *Sefer Hamitzvot*, Abramson leaves it as an open question (p. 40), emphasizing that "we are not allowed to doubt any source without foundation" (see also p. 360 d).

6. In this broad introduction and in important comments interspersed within the later detailed introductions, Abramson began to draw a portrait of the spiritual and intellectual character of R. Nissim and the historical context of his era, while pointing out the signs of religious and social confusion and spiritual struggle that became more acute. However, the depiction provided feels incomplete and somewhat unbalanced and there is more to be mined from these sources, explicitly or implicitly, than is presented here.

For example, Abramson rightly comments (pp. 27–28) that from R. Shemuel Hanagid's words of appreciation for R. Nissim's poems ("*Balanced by the meter of the Ishmaelites/ and prepared with Greek wisdom*"), we learn that R. Nissim was a nimble and talented poet who mastered the ability to create "modern" poetry of his time. This is certainly a novel idea that adds a new dimension to the image that we have of R. Nissim. As for his knowledge of Greek wisdom, his books that we possess attest to the fact that he was conversant with philosophy, but we cannot be entirely certain about the scope of his knowledge, the sources of his wisdom, and the areas of study that dominate his system of philosophical-Talmudic thought. Nevertheless, we can discern a prototype of a Sephardi sage—a rabbinic scholar versed in various disciplines, a teacher, and a proactive individual attuned to contemporary issues and challenges. He made use of the philosophical content of R. Saadiah Gaon's *Emunot Vede'ot* (pp. 4–5, and other

places), although he does not always explicitly reference R. Saadiah by name, as was customary in the Middle Ages. Moreover, R. Nissim demonstrates the ability to recognize approaches as stemming from the Islamic Kalam and to identify R. Shemuel ben Ḥofni Gaon as following the path of *mutakallimun* (p. 192). He diligently seeks to explain the foundations of religion and instructs readers in matters of faith, hinting at the possibility of a compendium of the laws of faith (akin to Maimonides' later *Hilkhot Yesodei Hatorah*), which he either composed or contemplated composing (p. 333).

Based on this, the “digressions” found in his works, which may appear superficially as such, are revealed upon closer examination to be well-considered. In his *Ḥibbur Yafeh Mehayeshuah*, R. Nissim explicitly justifies these digressions, stating, “I seek to explain what the sages of blessed memory said on the matter so that this book will not be of no use” (see p. 394, and also in Hirschberg, p. 89, and in the introduction, p. 52). One prominent theme that captures R. Nissim's attention is the problem of reward and punishment (see, for example, pp. 330ff.), a topic of significant concern in both the Jewish and Muslim worlds. The problem of corporeal descriptions of God preoccupied nearly all Jewish thinkers, and R. Nissim's teacher R. Hananel consistently expressed his strong objections to any attempts to describe God in physical terms. This topic was also extensively discussed by R. Nissim (e.g., pp. 93, 281, 332).

R. Nissim stands out as one of the first scholars who delved deeply into the systematic interpretation of aggadah (p. 11, and elsewhere), aiming to refute the skeptics. In this regard, to give credit where credit is due, it must be said that Shir's insightful comments are particularly enlightening. Yet, what sets R. Nissim apart, and has not been sufficiently emphasized, is how R. Nissim engaged not only with issues of the oral Torah, as was typical among the *Geonim*, but also, and even more so engaged with those concerning the written Torah. As we seek to understand the motivations behind his occasional digressions, it becomes clear that his primary drive was to safeguard the integrity, coherence, and eternal significance of the written Torah (see p. 5, and beyond). The presence of Karaites in Kairouan is compellingly evidenced (see the intriguing discussion on p. 32ff. regarding “the day after the Sabbath,” apparently a pressing concern in that time and place). While R. Nissim's main scholarly pursuits focused on the oral Torah, his unwavering commitment to defending the written Torah against heretical attacks, such as the idea of “cancellation” (i.e., that since we find apparent contradictions in the Torah that indicate that commandments given earlier may have been canceled, one might entertain the notion that a subsequent revelation could indeed abrogate certain aspects of the Torah., see p. 5), or the allegation that the Torah had been forgotten (pp. 348–350), is unmistakable. R. Nissim emerges as a multifaceted figure, “adept in the wisdom of Torah and possessing vast knowledge” (as articulated in the words of Maimonides, Sanhedrin, 2:1).

B

Most of the book—the vast majority of it—is dedicated to the publication of the “fragments of [R. Nissim’s] works.” Prof. Abramson explains (p. 47) that he used this modest name because “the entire teachings of our Rabbi have not been revealed, only fragments of it.” Credit is due to the author for his relentless dedication to uncovering these fragments, even venturing into new territories like legal rulings (chapter 3). By establishing a literary framework for future discoveries, he sets a standard against which all subsequent identifications of R. Nissim’s writings will be measured. Prof. Abramson’s work is not only a great accomplishment, but also a foundation for future work. However, it is regrettable that Prof. Abramson stopped short of compiling a comprehensive edition of the accumulated material, bringing many fragments of sources—some longer, some shorter, and some in-between—but he did not place brick-upon-brick to erect a complete edifice. He meticulously annotates each section, providing invaluable insights in accordance with his vast erudition, but the lack of a complete structure diminishes the utility of his work. Students seeking to study R. Nissim’s writings, *Sefer Hamafte’ah*, for example, still must rely on Goldenthal’s earlier edition (Vienna, 1847), albeit with the added task of cross-referencing Abramson’s contributions, although the detailed index will help with this. He undermined the reliability of Goldenthal’s edition and proved its incompleteness and imprecision but did not reward us with a replacement in the end. It is a shame that he did not reprint the complete Hebrew translation (the book was written entirely in Arabic, while *Megillat Setarim* was written partly in Hebrew and partly in Arabic) to (a) gather all the fragments into one convenient place, (b) correct the many mistakes that were made in the translation, (c) and add all his comments *in situ*. As it stands, Abramson’s rich work provides an introduction, glosses, and additions to Goldenthal’s edition, adding a wide variety of interesting comments. A definitive, comprehensive compilation of R. Nissim’s legacy is not revealed here.

The same is the case with *Hibbur Yafeh Mehayeshuah*, to which about 150 pages are dedicated. Abramson scrutinizes the question of authorship and carefully compares various manuscripts and editions. He underscores the deficiencies in the Harkavy manuscript, which served as the basis for Hirschberg’s Hebrew translation, revealing numerous erroneous additions and omissions. Through his thorough analysis, Abramson arrives at a crucial conclusion: “It would be correct to go back and translate the book according to the new manuscripts” (p. 393). I would venture to expand on this conclusion, suggesting that it would be correct for the new translation to incorporate all of Abramson’s insightful comments, given his mastery of the subject. In a similar vein, Abramson demonstrates this approach in the index to the book *Megillat Setarim*, discovered and published by the late Simḥa Assaf, which Abramson subsequently corrected and published “entirely according to manuscripts ... to avoid

publishing corrections that would be unintelligible without Assaf's article" (p. 246). This demonstrates his commitment to accuracy and integrity, and regrettably, he did not do likewise throughout his work. Ultimately, any additional expectations placed on Prof. Abramson stem from a genuine appreciation for the valuable contributions he has already bestowed upon us, coupled with a hopeful anticipation of future endeavors.

C

The book assumes an interpretive form and adopts a concise and restrained style, which, rather than facilitating the reading, demands prolonged and attentive study. It includes interpretive digressions, as is customary among Torah scholars ("I have diverted my attention to matters that do not really concern the words of our Rabbi, but such is the way of a quill that is drawn after the heart," p. 47). Methodological insights are embedded within the text or can be inferred from it, offering valuable guidance across various contexts. Many details provided extend beyond their immediate scope and hold broader applicability to diverse subjects. For instance, Goldziher (*REJ*, vol. 47, p. 181) once attempted to trace the influence of the Mu'tazila on R. Nissim. Abramson (p. 4) astutely observes that the prime example cited by Goldziher can be explicitly found in R. Saadiah Gaon's *Emunot Vede'ot*, and it was almost certainly derived from there. This underscores the importance of exhaustively exploring internal sources before referencing external ones and distant parallels. Another instance is Abramson's analysis (p. 394) of the phrasing of rabbinic sources quoted in medieval literature. He illuminates the crucial principle of distinguishing between a literal quotation and a paraphrasing of a rabbinic teaching, clarifying that not every alteration signifies a variant reading in the original source. Abramson's conservative approach to medieval sources, as discussed earlier, warrants appreciation. His exhaustive examination (pp. 19–27) of whether the author of the *Arukh* utilized R. Nissim's *Sefer Hamafte'ah* exemplifies scrupulous literary analysis, diligently examining every detail and connecting threads to reach a small, but important, conclusion.

In a comprehensive comment spanning two pages (pp. 29–30), the author delves into the phrase "They would review (*gorsim*) it [the Talmud] by heart (*be'al peh*)," that appears in the introduction to *Sefer Hamafte'ah*. He dismisses the notion "that according to R. Nissim, they learned the Talmud by heart even after it had been committed to writing." To support his interpretation, he references numerous sources that either corroborate or challenge his viewpoint. Among these citations is Maimonides' letter to his student R. Yosef, where Maimonides advises, "And with this, you shall persevere in studying the composition by heart (*be'al peh*)" (*Iggerot Harambam*, Baneth, p. 68). The author comments "It appears to me to be a misreading that the Rambam would instruct his student to memorize his composition."

Consequently, he questions the accuracy of Baneth's translation. While I am reluctant to argue, I firmly believe that Maimonides meant exactly this. In the introduction to the *Mishneh Torah*, he states: "Each chapter shall be divided into succinct laws, facilitating memorization (*al peh*)."⁸ Moreover, in the introduction to his *Sefer Hamitzvot*, he emphasizes this point with even greater fervor, asserting, "to ensure its effortless retention by heart (*al peh*)."⁹ The very appellation *Mishneh Torah* evokes the rabbinic teaching (*Sifrei*, *Shofetim*, and see Lieberman in his *Tosefta Kefshuta*, Shabbat, p. 202): "*Mishneh Torah*—that is destined to be studied by heart (*be'al peh*) in times to come." Maimonides regarded oral traditions as "extreme wisdom on the part of the Law" (*Guide* I:71), surely concurring wholeheartedly with Rabbi Yehudah Halevi's assertion (*Kuzari* II:72) that "spoken words are superior to written ones."

R. Nissim's teachings on the topic of repentance have significant breadth and importance, with indications that Maimonides drew upon them in his discussions of the subject. Notably, Maimonides elucidates (*Hilkhot Teshuvah* 7:4) the Rabbinic dictum, "In the place where penitents stand, even the completely righteous cannot stand," explaining: "for they overcome their [evil] inclination more." Maimonides asserts that the penitent's reward surpasses that of the completely righteous, "for he has tasted sin and yet, separated himself from it, conquering his evil inclination." It is almost certain that these insights stem from R. Nissim's *Hibbur Yafeh Mehayeshuah* (Hirschberg edition, p. 84): "For the truly righteous individual never sinned habitually, so he finds that honesty and innocence are inherent to him, and he knows nothing other than that. But the penitent reveled in sin and was accustomed to it, so if he abandons it, he is deserving of great reward." Furthermore, parallels between Maimonides' *Hilkhot Teshuvah* 2:2 and R. Nissim's words (Hirschberg, p. 81) have been observed, as noted by commentators on *Sefer Hamadda* in the Mossad Harav Kook edition.⁸

In *Megillat Setarim* (p. 278), R. Nissim asserts, "And those who have a tradition to partake in their final meal on the eve of Tishah Be'av with a stew of lentils, this tradition has a reliable source." Abramson delves into the origins, parallels, and historical development of this custom. It is noteworthy that this custom is explicitly referenced in *Pirkei R. Eliezer*, chapter 35: "And Israel eats a dish of lentils in mourning and tribulation over the mourning of the Temple" (Professor Saul Lieberman drew my attention to this some time ago). This statement by R. Nissim offers insight into a law presented in Maimonides' *Mishneh Torah* that requires elucidation. In *Hilkhot Ta'anuyot* (5:9), Maimonides concludes the regulations concerning the final meal on the eve of Tishah Be'av with a personal reference: "And we never consume cooked food, not even lentils, on the day preceding Tishah Be'av ..." Maimonides,

⁸ See also examples brought by Lieberman, *Hilkhot Yerushalmi Larambam*, p. 15, n. 124.

known for his concise and deliberate language, never expands without a polemical or emphatic purpose; this is also true when he inserts autobiographical material (see, for example, *Hilkhot Sefer Torah* 8:4, 9:10; *Hilkhot Sheḥitah* 11:10; *Hilkhot Matanot La'evyonim* 9:3). Maimonides' mention of it indicates that the practice described by R. Nissim was well-known, and Maimonides sought to emphasize that he abstained from this custom and ate no cooked food, even lentil stew that symbolizes grief and distress.⁹

On page 43, R. Nissim's slightly idiosyncratic explanation of *H.z.y.v le.kh.a*—the division of the readings of *Parashat Ha'azinu*—is cited from the *Maḥzor Vitri* in the name of R. Saadiah Gaon, with each letter of the acrostic symbolizing a different number: “Why is *Parashat Ha'azinu* divided according to the acrostic *heh-zayin-yod-vav lamed-kof*? *Heh* represents the five people who are called to the Torah on Rosh Hashanah ... when it falls on a weekday. *Zayin* represents the seven people called to the Torah on Rosh Hashanah and Yom Kippur when they fall on Shabbat. *Yod* represents the ten days between Rosh Hashanah and Yom Kippur. *Vav* represents the six people called to the Torah on Yom Kippur when it falls on a weekday. *Lamed* represents the thirty shofar blasts on Rosh Hashanah. *Kaf* represents the twenty days that individuals fast.” It is worth comparing this interpretation with Maimonides' simple explanation, found in *Hilkhot Tefillah* (13:5) “Why is the Torah reading interrupted at these points? Because these are verses of rebuke, whose purpose is to motivate the people to repent.”

In *Hibbur Yafeh Mehayeshuah* (Hirschberg, p. 11), R. Nissim writes: “And the wicked will never cease to regret the past in which they did not merit to perform good deeds.” Abramson, in his commentary (p. 412), identifies this as the early iteration of the well-known proverb, “The wicked are full of regrets.” He draws attention to the sermons of Ibn Shem Tov and Abarbanel, as quoted in Davidson's *Otzar Hameshalim Vehapitgamim*. It should be noted that the origin of this statement is Aristotle's *Ethics*, and it appears in the Hebrew translation of Aristotle's *Sefer Hamiddot*, compiled at the beginning of the 15th century. Professor Harry Wolfson pointed this out in his great work on Philo, volume 2, p. 253. Additionally, this statement is referenced in *Sefer Hatanya* as a rabbinic teaching.

For the story, *Etrogim Leterufah* (*Hibbur Yafeh Mehayeshuah*, pp. 86–87), see Yehudah Ratzhaby's comment, in his edition of the *Sefer Hamussar Lerav Zekhariah al-Dhahiri*, p. 20, n. 4.

In conclusion, Prof. Abramson's significant contribution in this impressive book deserves commendation. Through this work, the verse, “How humble will

⁹ Abramson notes (p. 39) that he intended to write a chapter on “Maimonides and *Megillat Setarim*,” but a personal tragedy prevented him from completing it. This loss is lamentable in every sense. Perhaps in the future there will be an opportunity for him to develop the outline he initiated (p. 233).

your beginnings seem when in the end you are flourishing” (Iyov 8:7) finds fulfillment. The genesis of the book can be traced back to an article published in *Tarbiz* 26 (1957), and its culmination not only signifies flourishing but also leaves us pondering what future endeavors lie ahead, as the author’s hand “remains outstretched.”

Review Essay: Ephraim Elimelekh Urbach, *The Tosafists: Their History, Writings and Methods*

1

A comprehensive historical analysis of the Tosafists—*Ba’alei Hatosafot*—“cedars of Lebanon” revered as pillars of Torah wisdom, who dedicated themselves ardently and tirelessly to the study and elucidation of the Torah, particularly the oral tradition, and in formulating decisive rulings to guide the Jewish people in righteous conduct, has long been a scholarly aspiration awaiting a cohesive academic treatment.

This illustrious epoch in Israel’s annals—a narrative rich in personal and literary, societal and cultural dimensions—awaited a champion endowed with historical insight and nuanced understanding, capable of consolidating the dispersed materials strewn across myriad sources, encompassing printed and manuscript Tosafot, legal compendia, responsa, commentaries, poetry, and polemical treatises. Such a figure would undertake a meticulous archival endeavor, synthesizing these diverse elements with the wealth of research accumulated over the past century. The objective: to construct a structured framework that subjects these materials to rigorous historical scrutiny, culminating in the creation of a grand repository. Within this repository, dedicated sections would be allocated to each distinguished Tosafist, delineating their virtues and indelible contributions to Jewish culture and medieval life at large, while illuminating their pivotal role in shaping the tapestry of Jewish jurisprudence.

Preparatory studies have been undertaken to some extent, yet the propaedeutic work, if I may call it that, remains unfinished. Scholars such as Zunz, Michal, Gross, Aptowitzer, and others have diligently amassed a wealth of biographical data and literary insights into the Tosafists. Furthermore, there exist specialized studies and monographs focusing on individual figures who exemplify various facets of this era, spanning over two hundred years within the heart of the Middle Ages. Among notable works are Poznański’s comprehensive exploration of the “French sages’ commentaries on the Bible,” and the extensive introduction in Aptowitzer’s examination of R. Eliezer ben Yoel Halevi of Bonn (Ra’avyah), which, on the one hand, also belongs to the genre of comprehensive studies, since it contains information about all the sages and books mentioned in the Ra’avyah’s writings, and on the other hand, serves as a detailed historical monograph, offering an exhaustive summary of the Ra’avyah’s life and works. Additionally, we find such studies as R. Jacob Epstein on R. Yehudah ben Natan (Rivan), Rashi’s son-in-law; Avraham Epstein on R. Shemuel ben R.

Kalonymus; S. Albeck on the Ra'avan; D. Rosin on the Rashbam as an interpreter of the Bible; I. Agus on the Maharam of Rothenburg; H. Gross on R. Shimshon ben Avraham of Sens; A. Freimann on the Rosh, and many more.

Additionally, there are broader works on the history of Jewish law, the legacy of decisors, and Jewish culture in general, such as those by Isaac Hirsch Weiss, C. Tchernowitz (Rav Tza'ir), and M. Güdemann. While these scholars underscore the significance of the Tosafists in France and Ashkenaz, their books cover expansive periods, and thus, readers should not anticipate novel, groundbreaking information specific to the Tosafists from these works.

However, despite these notable achievements—many of which can be considered “heritage assets” and could be deemed as the pinnacle of scholarship in certain areas—it is evident that there is still much work to be done. One significant reason for this is the prevailing indifference or reluctance towards the study of the subject as a whole. An emblematic illustration of the indifference or limited engagement of 19th century *Wissenschaft des Judentums* regarding the vital field of history of Jewish law and related topics is reflected in the lack of interest shown by the renowned bibliographer, Steinschneider, in this area, as well as in the bare alphabetical list of Tosafists presented by Zunz in his *Zur Geschichte und Literatur*. It raises questions about whether these scholars were adequately equipped, intellectually or otherwise, to grapple with the complexities of the history of Jewish law and its associated challenges.

We must thus express our gratitude to Dr. Ephraim Urbach, a prominent figure in contemporary academic and scholarly circles renowned for his extensive studies and essays on Jewish history in the Middle Ages and the nature of Jewish law and its history, who has bestowed upon us a twofold gift—both quantitatively and qualitatively—through his monumental work titled *The Tosafists: Their History, Writings and Methods*.

Indeed, this book is not merely a summary, although it fulfills the necessary and anticipated role of summarizing; it also addresses a recognized deficiency to a significant extent. Within its pages, the author introduces new perspectives that emerged from his innovative study of the intricate web of issues inherent in this tapestry of persons and works. Demonstrating a profound power of summarization and condensation, the author not only provides a panoramic view of the forest but also delineates the precise contours of its trees—both the towering cedars and the humble shrubs. Drawing upon the research of his predecessors (including those mentioned earlier), the author carefully sifts through unfounded hypotheses and upholds solid conclusions, occasionally offering support for unproven assumptions or presenting brilliant insights of his own. Rather than merely referencing external sources, leaving it to the reader to seek them out, Dr. Urbach seamlessly incorporates the insights of various authors into his discussions, delivering them in a concise and fluid style. The result is a valuable resource that anyone seeking information on this subject would do well to consult. Erudition and originality, summation and novelty converge harmoniously within its pages.

Under his shepherd's staff, the author meticulously guides his readers through a landscape littered with the literary conundrums inherent to this topic. These include inquiries into parts of Rashi's commentary that bear the imprint of other hands, the composition of the *Sefer Hayashar*, the elusive identity of the *Sefer Hayashar Hakatan*, a commentary on the Tractate Tamid attributed to the Ravad, a commentary on the *Sifra* attributed to R. Shimshon of Sens, R. Eliezer of Metz' commentary on Tractate Nedarim, the book *Tzafnat Pa'ane'ah* attributed to Ra'avyah, the book *Gan Bosem* which many scholars attribute to R. Yehudah Heḥasid. Each of these issues is scrutinized as the author navigates through the labyrinth of opinions and proposals, offers a comprehensive survey of the diverse perspectives surrounding these literary matters, accepts and justifies a certain proposal, or proposes a new solution.

In this book, we encounter a rich array of personalities, ranging from the eminent figures to the less heralded contributors, creative as well and innovative scholars, the compilers and editors: Rashi's disciples, sons-in-law and grandsons, *Ḥasidei Ashkenaz* and the Tosafists among them, the scholars of France and Ashkenaz in the 13th and 14th centuries. The author carefully unveils their roles and contributions. Notably, the author sheds light on the identities of various individuals, such as R. Shemayah, a disciple of Rashi; R. Yosef of Orléans, the author of the *Bekhor Shor*; R. Yosef Porat; the students of Rabbenu Tam in Bohemia, namely R. Eliezer ben Yitzḥak of Prague, R. Yitzḥak ben Yaakov Halavan and R. Petter ben Yosef; and R. Simḥah ben Shemuel of Speyer, among others.

Through his painstaking examination and elucidation, the author challenges established positions that have become entrenched in scholarly discourse, sometimes engaging in polemics to contest them. For instance, Urbach refutes Aptowitzer's hypothesis regarding the existence of two separate books titled *Maḥzor Vitri*, purportedly authored by two of Rashi's students, Rabbi Shemayah and Rabbi Simḥah. Additionally, Urbach rejects the notion—he does not mention whose suggestion this was, but he was certainly referring to Zunz (*Rashi*, in Bloch's Hebrew translation, Warsaw 1862, p. 29b)—that Rabbi Shemayah was Rashi's grandson, proposing a variant reading in the text of the *Mordekhai* that had been cited as evidence for Zunz' view. Similarly, and in this instance following Aptowitzer's lead, Urbach critiques the approach of the late Prof. Jacob Nahum Epstein, which clearly differentiates between the Tosafot of the sages of Worms and those of Mainz, arguing—apparently correctly—that they share common foundations. Furthermore, the author engages in polemics with Isaac Hirsch Weiss, particularly contesting the tendentious depiction of Rabbenu Tam, and criticizes the lack of critical examination and precision in Tchernowitz's views. It is important to note that Urbach's approach does not involve combing through manuscripts in search of flaws merely to justify criticism. His aim is not criticism for its own sake. Rather, he works with the need for objective impartiality which leads him to recognize the occasional necessity for critique.

The structure of the book follows a pattern of *klal ufrat ukhlal*—generalization, detailed exploration, and then another layer of generalization—with each part shedding new light on the others. Urbach opens by noting the significance of the subject matter and emphasizes its crucial importance in Torah study. He then delves into the creation, editing, printing, and dissemination of “our Tosafot” (that is, the Tosafot printed on the folio pages of the Talmud, in distinction from the numerous Tosafot found in manuscripts). To further define the literary nature of Tosafot and also because “the creation of the Tosafot cannot be isolated from similar phenomena in medieval Latin literature” (p. 27), he describes the glosses to Justinian’s Codex and compares the two works, highlighting their unique characteristics. Subsequently, Urbach proceeds to discuss the creators of this literature, the Tosafists themselves, in roughly chronological order, although occasional deviations occur due to geographical considerations. In these sections, Urbach provides biographical insights and literary analysis, while examining selected passages to elucidate each figure’s role in the social life of his community and the development of Jewish law. These discussions often extend beyond biographical or literary analysis, delving into social, economic, and even political issues within medieval Jewish society.

Readers will encounter a wealth of instructive material covering a diverse range of topics, including *ot hakalon* (the badge of shame), house rentals, *herem hayishuv* (the ban on settlement), *dina demalkhuta* (the law of the land), the wine industry, coin cutting practices, and more. Urbach delves into internal conflicts within communities, external feudal disputes, and the distinct life patterns with their nuanced differences, alongside the broader trends of the period that influenced them. Some insights are revealed in a seemingly random and indirect manner, while others are presented with deliberate foresight and directness, showcasing Urbach’s keen, penetrating, and profound historical perspective.

It is important to note that the depth of discussion varies throughout the book. The leader’s relationship to the organized society and his place within it are not fully explained. While the author adeptly quotes multiple passages reflecting the historical realities of the Middle Ages, they are not explicated by him sufficiently. The author’s promise to discuss other genres of Tosafist literature (p. 31), including commentaries and liturgical poems, is sometimes fulfilled while at other times is neglected. Particularly puzzling is the omission of a discussion on *takkanot* (legislative enactments) and their analysis, as they are crucial for understanding the mutual influence between law and societal reality. For instance, Rabbenu Tam’s role in the famous *takkanot Shum* is mentioned only in a parenthetical remark, with nothing more than a bibliographic note advising the reader to turn to Finkelstein’s book, *Jewish Self-Government in the Middle Ages* and Prof. Baer’s review article (p. 80). Furthermore—and I will comment further on this important matter—the discussion in these chapters, which makes up most of the structure and most of the book’s content aside from the general chapters at the end, focuses overly on human-psychological aspects (as in Urbach’s “dream interpretations” p. 174) overshadowing

the theoretical-legal discussions. It appears that the author overemphasizes the historical-psychological approach, at the cost of sufficient halakhic analysis and precise halakhic understanding. Many complicated halakhic matters are perceived and interpreted solely within the framework of personal and emotional factors or within a framework of changing historical circumstances, resulting in a methodological injustice to basic concepts and internal processes of Jewish law. The late Gedaliah Alon (*Tarbiz*, 1939) has previously cautioned against developing a one-sided sociological approach, which risks attributing the rules of Jewish law, its history, and development to local social factors.

At times, the organization of the chapters appears somewhat deficient, as it occasionally separates connected topics or connects unrelated ones. For instance, in the chapter “Rabbenu Tam’s disciples in France,” the discussion initially focuses on contemporaries of Rabbenu Tam who interacted with him, including both allies and rivals, before addressing his French disciples. However, the accounts of Rabbenu Tam’s students in other European countries are scattered throughout the book, rather than being consolidated into one section. It would have been beneficial for the author to gather these accounts together, even if only to offer a comprehensive list or a brief summary, to elucidate the extent of Rabbenu Tam’s influence. Similarly, in the chapter on “The Ri and his *Beit Midrash*,” the discussion of all the numerous students who attended his renowned yeshiva in Dampierre—in every sense of the word an *ir va’em beyisrael*, a major urban Jewish center—is not integrated in one place. This prevents readers from obtaining a complete picture of the Ri’s pedagogical endeavors, which exerted a profound influence across France, including Provence, and Ashkenaz.

At the end of the book, there are two chapters (12 and 13) that delve into overarching themes. The first is dedicated to technical aspects and stands out as a distinct section that could easily be separated from the rest of the book. Here, the author examines the printed Tosafot of each tractate individually, documenting the names of the *Rishonim* mentioned in them, attempting to pinpoint their primary sources in Tosafot Sens, Tosafot Touques, Tosafot Évreux, and so forth, while also typically establishing a *terminus ad quem* for their compilation. Many of the conclusions drawn in this chapter had previously been presented to the public in 1937 in the author’s German publication: *Die Entstehung und Redaktion unserer Tossafot*.

The expansive final chapter spans over fifty pages and provides a comprehensive summary of the Tosafists’ approach to interpreting the Talmud and adjudicating matters of Jewish law. In meticulous detail, the author delineates the interpretive methodology employed by the Tosafists, which he aptly dubs “the critical dialectical method” (further elaborated upon in our subsequent comments). In reflecting on this chapter—and to some extent, the entire book, which represents the culmination of roughly twenty years of labor—one may be reminded of the renowned aphorism of the eminent French historian Fustel de Coulanges: *une vie d’analyse pour une heure de synthèse* (“a lifetime of analysis for an hour of synthesis”).

This comprehensive volume is instructive and thought-provoking in its summary of the achievements of historical research while simultaneously highlighting numerous avenues for further study. It will undoubtedly emerge as a foundational work of medieval historiography and the history of halakhic literature. The author demonstrates diligence and precision and exhibits a complete mastery of all of halakhic literature. But beyond that, his love for and devotion to the material are the motivating sources fueling his enormous dedication. It is worth noting that this fervent love did not cause distortion and the author remains steadfast in his commitment to the truth—even if, in the eyes of this critic, he did not always succeed—while striving to reveal the unique characters of the great personalities and historical processes of the entire period.

In certain respects, this book is a pioneer in integrative halakhic-literary scholarship. Notably, no other school of thought has yet received such a comprehensive treatment: neither the sages of Spain, who have garnered considerable attention, perhaps due to their historical association with the “Golden Age” that has long captivated researchers; nor the sages of Provence, who have been largely overlooked by historical inquiry (with notable exceptions, such as the contributions of B. Z. Benedikt, as seen in *Tarbiz*, 22). The same holds true for the later Ashkenazi sages, the scholars of Poland in the 16th century, and the subsequent luminaries of Lithuania. Even the literary contributions of the *Geonim*, and their methods of study have not been subject to an integrative analysis or a systematic summary. This underscores the profound significance of the Tosafists in Torah study, as evidenced by the prioritization of their work in this study. Given the importance of both the book and its subject matter, it is appropriate to offer various methodological and factual comments.

2

This massive study is, of course, grounded in methodological principles and fundamental assumptions that shape its nature and trajectory. One such principle is the comparison with similar parallel phenomena in general history. From the outset, the author declares: “I draw parallels between their world and that of the Christian environment in which they lived and with which they interacted” (p. 6). This assertion is reiterated in several instances (to be noted below). However, in order to avoid “interesting views” (*ibid.*) and to guard against “hasty generalizations and conclusions” (p. 18), the author cautions against making rash or arbitrary determinations regarding the question of “who is the source and who is just responding” (p. 27). In other words, the author typically aims to present parallels without definitively establishing direct influence. Urbach’s cautious and measured approach is commendable since, in cases of influence, whether real or perceived, Jews are often portrayed as the influenced party, with Christians assumed to be the originators. The impact is usually depicted as predominantly unidirectional.

However, despite the author's diligent efforts to collect scholarly parallels, readers may step back and wonder: what does this parallelism achieve? If the author does not attempt to trace the origins of these phenomena and uncover the historical factors that gave rise to them—and there is ample opportunity for original contributions in this context in a variety of disciplines, particularly in the sociology of science—then noting parallels may serve merely as a display of the author's erudition or a faint echo of outdated historical methodologies seeking the *Zeitgeist*—"the spirit of the age"—in Urbach's language (p. 14). If the author's goal is solely to highlight parallel cultural phenomena without implying influence, then there is no need to restrict comparisons to close parallels in time and place. On the contrary, if the intention is to demonstrate a broader unconscious spiritual partnership or a uniform response to similar situations or stimuli—a unity of "challenge and response" in Toynbee's famous terminology—it would be more effective to reference similar phenomena across different countries and periods. For instance, comparing biblical ethical teachings with other thought structures from China or India would indicate a universal human spirit rather than asserting influence. The fact that the author emphasizes parallels within the same country and century while neglecting other potential parallels—despite their abundance, as we will illustrate below—compellingly demonstrates that beneath the guise of objective parallelism lies a desire to show influence.

In fact, Urbach is ambivalent about whether he is dealing with parallels or influence (see, for example, pp. 27, 56, 525, etc.). Moreover, the parallels he draws are often speculative, as the underlying differences outweigh surface similarities. For instance, Urbach suggests a similarity between the Tosafot and the glosses written on copies of the Justinian Codex during the 12th and 13th centuries. However, he promptly acknowledges a fundamental disparity between the Tosafot and these glosses, rooted in the contrasting nature of the Talmud—a multifaceted compendium of Jewish law and tradition that is far from being a *corpus juris*—and the Codex, which serves as a definitive legal text. Consequently, Urbach narrows the comparison to the Tosafot and Christian glosses on Scripture, i.e., the Vulgate, rather than extending it to the Roman and canonical books of law (p. 28).

The truth is that the comparison between the Tosafot and glosses has lost its relevance. Firstly, the primary characteristic of the work of glossators according to the assessment of Kantorowicz—the recognized expert in these matters according to Urbach—are their annotations to legal texts, a tradition that began with Guarnerius, considered the "father of legal science" by Kantorowicz. The glosses on Scripture, in comparison, are of secondary importance. Secondly, if the author highlights glosses on Scripture, similar annotations should be identified in the realm of Jewish biblical interpretation. Moreover, glosses on Scripture—as opposed to the legal glosses of the schools of Guarnerius and Accursius—were not a novel phenomenon in the 12th century; as early as the 9th century, figures like Walafrid Strabo produced the *Glossa Ordinaria* to the Vulgate, with support from Charlemagne's descendants. Such

parallels merely underscore the prevalence of a specific literary genre that catered to legal professionals and scholars across different places and periods.

In this context, two additional points merit consideration:

- a. If we are to draw parallels between the work of the glossators and a Jewish literary tradition, it would be more apt to examine the critical glosses and annotations composed mainly by scholars from Provence. Here, we find shared characteristics such as a concise and direct style, a blend of negative critique, interpretive additions, citation of parallels, and the like, and a focus on compiling annotations to codes of law rather than to scholarly study materials.
- b. Among the various types of glosses: *summulae*, *distinctiones*, *continuationes*, the most relevant type is the *quaestio disputata*, which serves to reconcile formal legal principles with prevalent behavior, bridging the gap between theoretical law and everyday practice. The Tosafot, and responsa literature in particular, abound with such discussions.

Dr. Urbach shows that Miriam, the wife of Rabbenu Tam (although it is unclear why he assumes she was his second wife), was “treated with respect” like other women in Rashi’s family (p. 56). He further posits—this time not in terms of parallels but of influence—that the portrayal of women in this circle reflects the influence of prevalent views towards women in the Christian knighthood class. Did Rashi and his descendants, who were enjoined by Jewish law “to love his wife like himself and honor her more than himself” need to derive lessons on women’s status from Christian nobility? What connection or similarity, far be it influence, exists between the conception of courtly love and the genuine respect and appreciation for the wives of rabbis or learned or otherwise distinguished Jewish women? Moreover, from a chronological standpoint, the concept of courtly love emerged primarily in southern France during the 12th century, whereas Rashi and Rabbenu Tam lived in northern France, to where these conceptions had not yet spread during their lifetimes.

The author makes a strange comparison between Rabbenu Tam and Peter Abelard, the renowned author of *Sic et Non* and a key figure in dialectical theology. Urbach suggests that a source for Rabbenu Tam’s “difficult style and vigorous language” (p. 74) in his emotional correspondence with R. Meshulam of Melun can be found in the *Zeitgeist* of the twelfth century in Western Europe, claiming that his language and style are “an expression of the period in which he lived.” However, even if we were to entertain the comparison to Abelard, it seems more fitting to associate R. Meshulam with the student who rebels against his teachers and strives for intellectual independence, rather than Rabbenu Tam, who is portrayed as a proud scholar aspiring to halakhic authority. If the author seeks to draw a parallel to Rabbenu Tam’s method, it might be more appropriate to consider a personality like Gratian and his seminal work in canon law. In general, the author would have found closer parallels

between the Tosafists' oeuvre and canon law rather than Roman law. Such parallels would reveal a clever historian, without there being genuine organic connections between the phenomena being compared.

Regarding the prevalence of vigorous language, including personal attacks and intellectual independence and boldness, the author could have derived a more compelling generalization based on Jewish sources alone. By gathering scattered details from his book and adding some that were not mentioned, the author could have constructed a convincing portrayal of mental sharpness and fierce independence among Jewish scholars. For instance, while providing characteristic sketches of figures like the Rivan, Urbach notes instances where the Rivan freely criticizes Rashi, his father-in-law (p. 38). Similar observations can be made regarding the Rashbam (p. 45). Therefore, instead of venturing into unrelated territories to find parallels in figures like Abelard and his followers, the author could have highlighted similar stylistic phenomena found in Jewish scholars such as R. Yosef Kara (commentary on Yesha-yahu 2:20), or R. Avraham ibn Ezra, the Ravad, the Ba'al Hamaor, and the Ramban (throughout their works). Such a comprehensive description would also have shed light on the strong polemical element present in medieval rabbinical literature.

It is puzzling why the author specifically mentions the issue of a dowry "that they did not collect before the death of their wives" (*dos profectitia*; p. 187), noting that it engaged the glossators of Roman law, considering the plethora of common legal problems. Could it be that it is because Kantorowicz dedicates several pages to this specific problem?

In his discussion about the Tosafists in Ashkenaz in the second generation—both the halakhic decisors and the *Hasidim*—the author highlights a significant difference emerging between the Ashkenazi sages and those of France. He notes that the former gradually began focusing more on books of legal rulings, relegating the composition of Tosafot to a secondary role. The author suggests a parallel between this shift and the emergence of German law books (*Rechtsbücher*), noting that the period between 1200 and 1500 is known as the "period of law books" (p. 285). Here too the slippage towards influence is noteworthy. I will not dwell upon the validity of this comparison, which appears to be mostly artificial. There are notable differences in structure and purpose between the two types of law books, and they should not be grouped together indiscriminately.

Anonymous authorship is one of the most noteworthy characteristics of medieval writing, prevalent across various fields of study including law, philosophy, and history among both Jewish and Christian authors (see, for example, Harry Wolfson's book, *Crescas' Critique of Aristotle*, p. 6). Our author (p. 525) restricts his discussion of this phenomenon to the books of halakhic rulings and collections of Tosafot, likening the "anonymous" nature of Tosafot to the prevalence of anonymity in the canonical legal literature of the 12th century. He interprets this similarity, following Kantorowicz, through a theological lens: "Truth belongs to God, and what human being can call it his own truth" (quoted verbatim from Kantorowicz' work, although

not presented as a direct quote; moreover, Urbach's note cites p. 111, but it should be p. 213). This is clearly an unjustified and inappropriate application of Christian theological concepts to Jewish literature. Moreover, there seems to be some confusion regarding the term "anonymity," which can be understood in two ways: writing anonymously and utilizing previous works without crediting their authors. The theological rationale of intellectual humility is relevant only in the context of the former type of anonymity—writing anonymously. The example provided by the author from *Sefer Haterumah*, where the author's name is known but the contributions of previous sages are not attributed, falls into the category of "the inferred conclusion is not similar to the proof." If the theological rationale were applicable, R. Barukh ben Yitzhak of Worms should have concealed his own name while including the teachings of his predecessors with attribution. Furthermore, Dr. Urbach himself acknowledges at the beginning of his book that initially, there was an attempt to record the names at the beginning or end of the Tosafot (p. 21). The Tosafot, as Urbach describes, remained in a state of flux, with students adding, subtracting, and rearranging content. Therefore, the anonymity practiced here does not stem from theological reasons but rather from a stylistic convention favoring phrases like "some say" or "some interpret" over explicit attribution to specific individuals. Moreover, as the author felicitously explains (p. 538ff.), the dialectical method rebelled against anonymity and sought precise primary sources, citing them by name in the Mishnah, Tosefta, midrashim, and the works of the *Geonim*.

It is interesting that in this section, which describes how the Tosafot came into being, the author unknowingly offers an instructive example of the same kind of parallelism that we mentioned above: the parallelism between similar phenomena in different periods and distant countries. "The formation of rabbinical literature in Ashkenaz and France mirrors the broader processes observed in the Middle Ages, reminiscent also of the evolution and crystallization of early Talmudic literature, including compilations of *mishnayot*, *baraitot*, *talmudim*, and midrashim, which was also not dissimilar from the ways of composing and distributing 'books' common in the ancient world" (p. 525). This underscores a general similarity in the creation of collective literary works transcending both temporal and geographical boundaries, and any hint of influence or even of a narrower sort of parallelism is unnecessary and gratuitous.

A central yet intricate issue revolves around aligning Jewish law with temporal reality, as described vividly by Urbach: "The tension between the formalist trend, which adheres strictly to the sources and attempts to derive practical halakhah from them, and the purposive-teleological trend, which seeks to solve the problem posed by reality and answer the question at hand" (p. 571). This dilemma surfaces repeatedly in Urbach's biographical narratives (see, for instance, pp. 78, 79, 369, 397, 430, and more). He tends towards an easy and convenient historical-practical resolution—one that may be too easy and too convenient—that the exigencies of reality, undeniable as they are, compelled the halakhic decisors to adapt the law or reinterpret it in

response to real-life demands. This is exemplified in his characterization of Rabbenu Tam: “Considering them [the conditions of his time] led him to find distinctions, effectively nullifying the halakhah, as contemporary conditions rendered its fulfillment impossible” (p. 79). However, this solution overlooks inherent difficulties that spur the evolution of Jewish law and the meaning of the concept of “Oral Torah,” as understood by those same traditional Jewish legal scholars being discussed by Urbach. Urbach (p. 571) appears to validate this stance, as it were, by drawing parallels to developments in Roman law, as encapsulated in the proverb of a German scholar regarding the internal process of the development of Roman law: *durch das römische Recht aber über dasselbe hinaus* (= “by Roman law, but beyond it.”).

This comparison invites a fundamental critique of the author’s approach to this issue. Urbach, as noted, appears to sidestep basic questions and oversimplify the problem, stripping it of its intricacies. In every field of study, there exists a notable gap between the realm of abstract concepts and the practical application of those concepts, between the formulation of laws and their implementation, validation, and adaptation to real-world circumstances. This discrepancy is akin to the distinction between “pure science” and “applied science,” or between “law” and “practice.” These two facets should not be reconciled by entirely disregarding one side of the equation. By allowing reality to dominate unchecked, as Urbach seems to advocate, the tension, conflict, and complexity inherent in the development of halakhah are effectively nullified. If legal evolution is solely contingent upon the “reality of the times and their evolving demands and conditions” (p. 571), then the immanent “problem” within the history of halakhah becomes a mere figment of imagination. Urbach “succeeds” in alleviating the tension between the “formalist trend” and the “finalist trend” by effectively subordinating the former to the latter. Although he sporadically expresses reservations concerning his simple approach to the problem and acknowledges the influence of “verification from sources” and “the opinions of early authorities,” alongside “local conditions and established traditions” (p. 430), these concessions seem merely cursory. In sum, despite the importance that can be attributed to “reality” as a contributor to the development of halakhah in its various manifestations, Urbach’s approach tends towards an excessive emphasis on the actualization or practical realization of the halakhah.

3

An in-depth exploration of a specific historical halachic school demands an acknowledgment of its place in the historical evolution of Jewish law and a detailed analysis of the innovations within its methodology. While the author endeavors to meet this requirement, it appears that the treatment may not be entirely adequate. At the outset of the book, the author asserts—correctly but without sufficient substantiation—that “Rabbenu Tam and the other authors of the Tosafot introduced new elements to the Talmud or continued its trajectory and added to it” (p. 19). Towards

the book's conclusion, he revisits this theme, stating: "Here, we witness a sort of leap over the intervening period, from the *Geonim* and the early sages of Ashkenaz and France up to Rashi ... *Ba'alei Hatosafot* picked up where the Talmud left off ... Furthermore, they supplement what the Talmud lacks and articulate what it could have said" (p. 525–526). The author quotes an intriguing passage from the responsa of the Rivash, wherein he attempts to assess the significance of the Tosafists from a historical standpoint compared to the relatively modest literary contributions of the *Geonim*. However, Urbach does not fully explore the implications of this passage. The words of the Rivash—" ... and the second great light is Rabbi Yaakov ish Tam, whose likeness in *pilpul* has not been found since the Talmud was completed ... because in his days there were still few works written on the Talmud ... and even in these there was nothing new beyond what is written in the Talmud except for explanations and a few additions"—suggest that the Tosafists introduced a novel and significant layer to the edifice of Jewish law, as demonstrated by a brief historical review.

The primary objective of the Babylonian *Geonim* and the heads of their yeshivot following the editing and the completion of the Babylonian Talmud at the close of the fifth century or the beginning of the sixth century was to expound upon it, elucidate its intricacies, and make it accessible and accepted in all Jewish communities worldwide. Given the limited comprehension of the Talmud among the populace at that time, their focus lay more on elucidating the "explanations of the words" rather than delving into the deeper meanings of the content (see, for example, the commentary of the *Geonim* to *Seder Tohorot* attributed to R. Hai Gaon or R. Saadiah Gaon's commentary on Tractate Berakhot). The complexity of the Talmud necessitated the creation of various reference materials (see, for example, Rabbenu Nissim's introduction to the *Sefer Hamafte'ah* or R. Paltoi Gaon's responsum regarding these books [*Hemdah Genuzah* 110]).

In contrast to the extensive responsa characteristic of the Middle Ages, which often resembled halakhic treatises, Geonic responsa addressed practical, everyday inquiries without extensive elaboration or theoretical discourse, or replied to elementary queries in the study of Talmud. "Responding to the needs of the hour"—in Maimonides' language (in his preface to the *Mishneh Torah*) when describing the literary activities of the *Geonim*—set the literary tone of the period of the *Geonim*; these urgent, essential, but prosaic needs prevented academic expansion. Both Maimonides and the Me'iri in his introduction to the *Beit Habehirah* on Tractate Avot underscore the *Geonim*'s meticulous attention to particulars, focusing on concrete questions, explanations of tractates or chapters, and isolated statements, rather than comprehensive analyses of the entire Talmud. "And there was nothing in them to satisfy the hunger of the students" (Me'iri's introduction).

The endeavor to "encompass the entire Talmud" through a comparative and critical approach, providing a comprehensive overview that addresses issues holistically, identifies challenges along with their resolutions, recognizes contradictions,

and reconciles them through logical analysis of fundamental concepts, was pioneered by the scholars of the *Tosafot*. Simultaneously, it is important to acknowledge for historical completeness, the sages of Provence also embarked on a similar path. They developed the critical method, known in traditional circles as *lamdanut*, which left a lasting impact on Talmudic study, influencing figures from Nahmanides and the Rashba to R. Akiva Eiger and R. Hayyim Soloveitchik of Brisk. For the first time, we witness a profound discussion to clarify intricate legal terms that recur in so many places throughout the Talmud, such as *sefek sefeika*, *bereirah*, *hatikhah na'aseit neve-lah*, *veset*, *hazakah*, *migo*, and others. By aggregating similar discussions, conducting comparative analyses, and engaging in conceptual problem-solving, these early authorities shed light on numerous obscure matters. Without their contributions, our understanding of these concepts would remain uncertain. The Maharshah's enthusiastic praise captures the significance of their work: "Were it not for the French sages, the Tosafists, who consolidated it like one ball ... and maneuvered it from place to place where resided what was seemingly a dream with no interpretation ... so that the Talmud became straightened and connected" (cited by Urbach, p. 538).

Urbach's portrayal does not succeed in painting a full picture of this—neither its historical development nor its systematic side. It is not sufficient to posit that the Tosafists commenced at the point that the Talmud left off. Mere assertions that "the Tosafists adapted to themselves the ways of discussion of the *Amoraim* and the special technique of their expression" (p. 526) fail to capture the unique essence of the Tosafist approach since these virtues are the property of many. While the final chapter offers insights into Tosafist methodology, it lacks systematic clarity. Although Urbach illuminates certain aspects such as textual examination, editing practices, and the use of Jerusalem Talmud and *midreshei halakhah*, the discussion lacks depth regarding the internal mechanics and the enduring vitality of the method of the Tosafists. A comprehensive analysis is warranted to define the core tenets of the Tosafist method and delineate its early and later developmental stages. Such an analysis should explore the halakhic intricacies of their approach and uncover the underlying principles that contributed to its efficacy. This examination is lacking in the biographical narratives since Urbach's discussion there is subordinated to psychological analysis. For example, while we learn of Rabbenu Tam's independence, pride, and eminence, a clear exposition of his analytical methodology is noticeably absent.

The author comments in one place—in reference to aggadah, but no less relevant to matters of halakhah—about "a technique of settling difficulties and removing contradictions" (p. 553). Rabbenu Tam is one of the leaders in establishing a critical methodology and setting its foundations. It is reasonable to assume that the evidence of this technique, which replaces logical conceptual analysis, would be discernible in his work. Therefore, it would be valuable to have scrutinized Rabbenu Tam's writings to identify where he offers explanations based on such analysis and when he resorts to more technical responses such as "it is a rabbinic enactment" or "this is

rabbinic and this is a Torah law.” By examining Rabbenu Tam’s thought process and methodological evolution, we can gain insights into the refinement of his approach over time. This approach extends to Tosafot as a whole, as they employed the same critical dialectic method embraced by Rabbenu Tam, including Ri, Ra’avan, Riva, *Sefer Haterumah*, *Sefer Yihusei Tannaim Va’amora’im*, *Sefer Mitzvot Gadol* and *Sefer Haroke’ah* (p. 523). This method did not simply materialize but rather evolved and flourished in the *beit midrash*, in all its sharpness and precision.

In these factual and systematic comments, our aim is not to diminish Dr. Urbach’s many merits. A reviewer, who seeks to make a small contribution to the discipline under discussion will tend to focus on the work’s weaknesses or negative aspects while skimming over the book’s positive, original, and refreshing elements, with the assumption that interested readers will appreciate its virtues. It is undeniable that Dr. Urbach’s important book contains immeasurably more positives than negatives. There are only a few points where a critic seeking to clarify or innovate can find traction.

This impressive and stimulating study tackles a central and complex subject, demanding repeated and painstaking investigation by critics and readers. Only a select few are armed with the halakhic and historical knowledge to undertake an endeavor of this scope. The breadth of material in this immense book is such that one person alone cannot exhaust it, and it would be unreasonable to expect such exhaustive treatment. Dr. Urbach’s decision to publish the book in its current form rather than waiting many more years—may Hashem grant him a long life—to perfect it further is commendable. His work presents scholars with a twofold obligation: to engage in monographic research clarifying details with precision, for analysis precedes summation, and to publish comprehensive works that demonstrate mastery of sources and a broad historical perspective.

With its publication, the book has firmly established itself as an essential work in both Torah and academic scholarship, and no amount of critique can detract from its significance. We can only hope for a follow-up edition that incorporates further research and novel interpretations from Dr. Urbach, as he undoubtedly continues to deepen his insights with each passing day, with the help of God.

Rabbi Avraham ben David's Critique of the *Mishneh Torah*

Fortune favored R. Avraham ben David of Posquières, who is universally regarded as the foremost critic of Maimonides' *Mishneh Torah*. Just as the unqualified term *Parshandata* refers to Rashi, so too does *Ba'al Hahasagot* refer to Ravad. He was held in great esteem by the leading *Rishonim*, the sages of the medieval period, who drank from his waters and were nourished by his Torah. They referred to him as "a teacher of righteousness in purity,"¹ "A holy one, who expounds, and it is fitting for him to expound,"² "And who will come after the king to attempt that which he has already done. He has refined and purified, revealed unfathomed depths of the law as if from the mouth of Moshe, and explained that which is difficult,"³ "The illustrious rabbi,"⁴ "The greatest of judges in the land,"⁵ "The sun of wisdom, who brings hidden things to light,"⁶ "The great rabbi ... whose wisdom fills the land, with praise of the works he authored ... the likes of whom have never

¹ R. Zerahyah Halevi (Razah), *Perush Masekhet Kinnim*, Mishnayot (Vilna, 1929–1932), Kodashim II, in the additions at the end of the volume, 27a, introduction. See also: R. Zerahyah Halevi, *Sela Hamahloket*, introduction, in: *Ba'alei Hanefesh* (Jerusalem: Mossad Harav Kook, 1965), 134. A longer version appears in R. Yosef Sambari, in: Abraham Neubauer, *Seder Hahakhamim Vekorot Hayamim* (Oxford: Clarendon, 1888), vol. 1, 125.

² Nahmanides, in his introduction to *niddah* laws, in *Hiddushei Haramban: Shevuot Veniddah* (Jerusalem: Makhon Hatalmud Hayisraeli Hashalem, 1976), 259.

³ Rashba, *Torat Habayit Ha'arokh Vehakatzar*, ed. Moshe Hakohen Baron (Jerusalem: Mossad Harav Kook, 2008), introduction to *Beit Hanashim*, 6. However, Rashba later retracted his position, and chose to complete his *Torat Habayit* with *Beit Hamayim*. See: *Beit Yosef, Tur, Yoreh De'ah*, 201:2—"And the Rashba ... wrote that he did not want to engage with the laws of *mikvaot* since he relied on what Ravad wrote. Nevertheless, in some versions of *Torat Habayit*, after the completion of the seventh section, laws of *mikvaot* appear under the title *Sha'ar Hamayim*." This section was published by David Samuel Levinger, "Beit Hamayim Larashba," *Hatzofeh Leḥokhmat Yisrael* 14 (1930), 363–374. See also: "Sha'ar Hamayim," *Hasoker* 1 (Budapest, 1933), 7–37. See also: *Teshuvot Harashba*, 1:357.

⁴ R. Yitzhak Hayisraeli, *Yesod Olam* (Berlin, 1846), vol. 2, 35.

⁵ *Temim De'im* (Jerusalem: Makhon Hatam Sofer, 2006), *siman* 206. See also: Heinrich Graetz, *Monatsschrift für Geschichte und Wissenschaft des Judentums* 22 (1873), 403, n. 2.

⁶ *Teshuvat Haravad*, see: Ephraim Elimelech Urbach, "Miteshuvoteihem shel Hakhmei Provence," *Mazkeret* (Jerusalem: Heichal Shlomo, 1962), 6.

been heard of throughout the land,”⁷ “A mighty tree that requires no support, thoroughly proficient in the entire Talmud, both Babylonian and Jerusalem, the *Sifra*, the *Sifrei*, and the Tosefta.”⁸ These and numerous other laudatory expressions attest to the profound force of Ravad’s greatness and influence.

Regarding his glosses in particular, it was widely acknowledged that “it was not Ravad’s way to dispute the truth.”⁹ It was said of him: “In some places, ‘a carpenter and son of a carpenter’ [i.e., a Torah scholar, and a scholar who is the son of a scholar] is needed to solve the difficulties [that he raised].”¹⁰ Scholars urged, “We must scrutinize Ravad’s brief glosses with the care they deserve, for they require great analysis,”¹¹ and they lamented those who failed to exert sufficient effort to grasp his intent, declaring that they “did not understand the meaning of Ravad’s glosses.”¹²

In contrast, in their defense of Maimonides, many modern scholars castigated his adversary Ravad for wielding his sharp pen against Maimonides’ remarkable and masterful work. Some went even further, claiming that animosity distorted his judgment and jealousy clouded his reasoning. Although “a person is not judged in his moment of distress,” they saw Ravad’s sharp and biting style as uncharacteristic of Torah scholars who express themselves gently.¹³

Indeed, one could rely on prominent figures, both among the *Rishonim* and the *Aḥaronim*, who maintained that, from time to time, Ravad did not restrain his critical impulse, expressed himself harshly, scrutinized the *Mishneh Torah* to expose imagined flaws, and raised excessively fine distinctions that appear as criticism for its own sake: “I see that here he desires to refute”;¹⁴ “I say that the very essence of Ravad was to attribute error to our Master”;¹⁵ “Therefore, I say that his intent was to challenge our Master”;¹⁶ “Ravad critiqued as he pleased” and “exerted himself to

⁷ R. Yitzḥak Lattes, “*Sha’arei Tzion*,” in *Seder Hakabbalah* by R. Menahem Hame’iri, ed. Shlomo Zalman Havlin (Jerusalem: Machon Ofeq, 2006), 174.

⁸ Radbaz, *She’elot Uteshuvot* (on Maimonides’ language), vol. 5, *siman* 267.

⁹ R. Moshe Alashkar, *Teshuvot* (Sadilkov, 1834), *siman* 26. See also *siman* 23, where R. Alashkar refers to Maimonides as “the master of all authors” yet does not refrain from expressing his appreciation of Ravad’s work.

¹⁰ R. Yosef Karo, *Kesef Mishneh*, introduction.

¹¹ R. David ben Yehudah Messer Leon, *Kevod Hakhshamim*, ed. B. Bernfeld (Berlin, 1899), 114.

¹² Radbaz, *Yekar Tiferet*, ed. Shmuel Baruch Werner (Jerusalem: Mossad Harav Kook, 1945), 20. See also: Radbaz, *Hilkhos Shevuot* 2:18. These remarks are likely directed against R. Yosef Karo.

¹³ See, for example: Heinrich Graetz, *Divrei Yemei Yisrael*, vol. 4, trans. Saul Pinchas Rabinowicz (Warsaw, 1895), 266, 402; Abraham Harkavy, *Ḥadashim Gam Yeshanim*, in Graetz, 57; Rabinowicz, in Graetz, 403, n. 2. Harkavy based his argument on a rhyming verse by R. Yosef Sambari, cited below.

¹⁴ *Maggid Mishneh*, *Hilkhos Shabbat* 1:12.

¹⁵ *Kesef Mishneh*, *Hilkhos Beit Habaḥirah* 4:5. See also: *Hilkhos Hametz Umatzah* 6:6.

¹⁶ Radbaz, *Hilkhos Ma’aser Shenit* 1:14.

challenge this.”¹⁷ R. Gedalyah ibn Yahya went even further, summarizing succinctly: “Ravad did not criticize as a friend and seeker of wisdom, but rather as an adversary revealing Maimonides’ shortcomings.”¹⁸

From R. David Conforte’s words, we can infer that some believed that envy of Maimonides’ greatness and the honor heaped upon him drove Ravad to his scathing critique.¹⁹ The psychological explanation of jealousy and petty contentiousness was explicitly suggested by R. Yosef Sambari:

Ravad would pointlessly criticize him because he was older during Maimonides’ lifetime ... Indeed, Ravad composed a work resembling *Mishneh Torah*, fashioned in its likeness, but it did not acquire fame. In contrast, Maimonides’ work illuminated the eyes of all Israel and spread across the world, and for this reason, Ravad criticized him ... with harsh words. Therefore, the wits say that Maimonides’ name was the cause of his good fortune: Maimonides is *Ram-bemazal* [*Rambam z”l*]*—high in fortune, for it was his great fortune that his work gained universal recognition. And*

¹⁷ R. Manoah, *Sefer Hamenuḥah, Mishneh Torah*, ed. Shabtai Frankel (Jerusalem, 1975), *Hilkhot Shofar* 1:1; 2:8.

¹⁸ *Shalshet Hakabbalah* (Jerusalem: Hadorot Harishonim Vekorotam, 1962), 96. The extreme assessment of the Maharshal (*Yam shel Shelomo, Hullin*, Introduction) is transparently motivated: to use Ravad as a means to diminish Maimonides’ stature. He writes as follows: “Maimonides received his due when one of his contemporaries arose, namely the pious and pure Ravad, challenging him in many places and deeming him insignificant, as one of those who err and distort their learning and undermine it.” Similarly, it is unsurprising that the Yemenite poet, a contemporary of R. Gedalyah ibn Yahya, would exhibit particular sensitivity to sharp words of critique, given that Maimonides was sanctified in the eyes of Yemenite Jewry (see: *Hida, Shem Hagedolim, Otzar Hasefarim*, Jerusalem, 1992, p. 158), and whoever speaks against him is as if he touches the apple of their eye. The poet writes: *But a man arose, his intellect turned against him, engaged in battle, his thoughts in turmoil, his tongue a drawn sword, sharpened and honed, his words like spears flashing as lightning. His name is Ravad, and near did he bring ruin upon the pillars, in the depths of cast iron ... But the word of God, in His book of wars, stands firm with those who grasp it, and Beit Hillel and Beit Shammai testify to deepen and clarify the traditions. All honor, ethics, and humility are bound to their courts and palaces. No disgrace is heard from their lips, no envy, no oppression, unlike Ravad, who filled his chambers with derision against the exalted one who illuminated the world with his commentaries on laws and statutes.* See: *Shirei Teiman*, ed. Abraham Zevi Idelsohn (Cincinnati: Hebrew Union College Press, 1931), 318 (no. 333). See also: R. Ḥiyya Harofe, *Ma’aseh Ḥiyya* (Jerusalem: Haktav Institute 1997), 180–181.

¹⁹ *Korei Hadorot*, ed. Shalom Hillel (Modi’in Illit: Machon Ahavat Shalom, 2008), 38. See also: R. Moshe Ḥagiz, *Mishnat Hakhamim*, ed. Yisrael Schwartz (New York: Feldheim, 2009), 109: “What is the great wrath he displayed in his glosses, as if, Heaven forbid, he were an enemy to him, and as if he regarded Maimonides as one who cuts reeds in a swamp (i.e., a worthless, ignorant person).”

Ravad—his name determined his fate as well, for he was called *R. Avad-zal* [*Ravad z"l*], and indeed, his work was lost (*avad*).²⁰

Other personal and ideological motives were also ascribed to Ravad, as if they served as the foundation and driving force behind his critiques.²¹ Notably, all the critical tendencies or types of polemical criticism that Maimonides anticipated from his future opponents were later attributed to Ravad and his glosses. Maimonides foresaw—correctly—that his work would provoke a storm and that sharp-witted critics would rise against him. He even explained his expectations and categorized his future detractors:

A second principle: I knew with certainty, even as I composed it, that this work would inevitably fall into the hands of the malicious and the envious, who would disparage its virtues and claim that it is either unnecessary or deficient; into the hands of the ignorant fool, who lacks any sense of its worth and deems it of little benefit; into the hands of the novice in study, the deluded and confused tyro, to whom many places in the book would be incomprehensible, inasmuch as he does not know their source or is unable to comprehend in full the inferences which I inferred with great precision; and (that it would fall) into the hands of a reactionary and obtuse man of piety who will assail the explanations of the fundamentals of faith included in it.²²

It is beyond our scope to examine the accuracy of Maimonides' prophecy or the validity of his sharp words,²³ but it is significant that all these characteristics were discerned in the glosses and were ascribed to Ravad.

The one-sided nature of this negative assessment was recognized and repudiated by various scholars, who emphasized that Ravad also appears as an interpreter and supporter, delving deeply into and expanding Maimonides' words.²⁴ Commentators on Maimonides' *Mishneh Torah* wrote in various instances that "Ravad, of blessed memory, does not function as a critic but as an interpreter,"²⁵ that "he did not write

²⁰ R. Yosef Sambari (above, n. 1), vol. 1, 124; Berliner edition, selections from *Divrei Yosef*, Berlin 1896, 17. Also in *Divrei Yosef*, ed. Shimon Shtober (Jerusalem: Ben-Zvi Institute, 1994), 183.

²¹ See my: *Rabad of Posquières* (Philadelphia: Jewish Publication Society of America, 1980), 178ff.

²² *Iggerot HaRambam*, ed. Shilat, 301.

²³ See above, Chapter 3.

²⁴ See my *Rabad of Posquières* (above, n. 21), 188–189, and the detailed notes there. See also: *Sefer Hahashlamah to Seder Nezikin*, ed. Yehuda Lubetzky (Paris, 1885), vol. 1, Introduction, page IX, n. 9.

²⁵ Radbaz, *Hilkhot Ma'aser Sheni* 8:15. Compare his remarks in *She'elot Uteshuvot Haradbaz*, vol. 5 (*Leshonot Harambam*), *siman* 155: "It is possible that he did not intend to critique but rather to interpret, so that we do not err in the words of our master, of blessed memory, and there are similar cases in his glosses."

against our master in a critical manner, but rather as one who provides further clarification,”²⁶ and that “it is clear that our master’s intention was as Ravad wrote.”²⁷

Particularly instructive in this regard is the language found in the writings of many early authorities who were deeply influenced by Ravad and seemingly grasped his intent. It is no small matter that R. David ben Levi of Narbonne,²⁸ author of *Hameorot* (the nephew of the author of *Sefer Hahashlamah*),²⁹ R. Shemuel Hasardi,³⁰ Nahmanides,³¹ R. Aharon Hakohen of Lunel,³² R. Manoah (author of *Sefer Hamenuḥah*),³³ Rashba,³⁴ R. Menahem Hame’iri,³⁵ and Radbaz³⁶—all prefer to refer to Ravad’s comments as *hagahot* (“annotations”), a neutral and general term, rather than *hasagot* (“critiques”), a term that, over time and contrary to its original intent, acquired a negative connotation.³⁷

In truth, the term *hasagah* also conveys the meaning of addition and expansion, integrated with critique and rejection,³⁸ and belongs to a distinct literary genre that

²⁶ *Kesef Mishneh, Hilkhhot Biat Mikdash* 5:11.

²⁷ *Maggid Mishneh, Hilkhhot Nizkei Mamon* 8:13. See also: *Hilkhhot Sekhirut* 3:6; *Hilkhhot Genevah* 7:5. See also: *Hilkhhot Gerushin* 9:27; as well as all the commentaries up to *Helkat Mehokek, Even Ha’ezer, siman* 120.

²⁸ *Sefer Hamikhtam*, ed. Avraham Sofer (New York, 1959), 443.

²⁹ See: Lubetzky (above, n. 24), page IX.

³⁰ See: *Sefer Haterumot*, with the commentary *Gidulei Terumah*, ed. Aryeh Goldschmidt (Jerusalem: Machon Yerushalayim, 1988), vol. 1, 129, 250, 543, 596.

³¹ “Derashat Haramban Lerosh Hashanah,” in *Kitvei Rabbenu Moshe ben Nahman*, ed. Hayyim Dov Chavel (Jerusalem: Mossad Harav Kook, 1963), vol. 1, 232.

³² R. Aharon of Lunel, *Orhot Hayyim*, ed. Yosef Stitzberg (Jerusalem, 1956), *Hilkhhot Birkat Hamazon*, section 4, 71.

³³ *Sefer Hamenuḥah* (above, n. 17), *Hilkhhot Hametz Umatzah* 1:8; 2:6; 4:4.

³⁴ Cited in *Kesef Mishneh, Hilkhhot Gerushin* 2:13. In *Torat Habayit (Bayit Shishi, Netilat Yadayim, Sha’ar Sheni)*, Rashba uses both “the *hasagot* of Ravad” and “the *teshuvot* of Ravad.”

³⁵ *Magen Avot*, ed. Yekutieli Cohen (Jerusalem, 1989), 143. One of Ravad’s titles in Me’iri’s *Beit Hابهירה* is, as is well known, *Gedolei Hamagihim*—“one of the great glossators.”

³⁶ Radbaz, *Hilkhhot Shevuot* 1:4.

³⁷ R. Yosef Karo apparently distinguished between *hasagot* and *hagahot*. In the introduction to *Kesef Mishneh*, he carefully states that Ravad “critiqued him (*hisig alav*) . . .” Yet regarding R. Moshe Hakohen, he writes that he “glossed upon him (*higia alav*).” Interestingly, the author of *Korei Hadorot* writes that R. Moshe Hakohen composed *hagahot* on *Mishneh Torah*. Shimon Moshe Chones (*Toledot Haposekim*, Warsaw 1911, p. 232), claims that this is a scribal error and that *hagahot* was mistakenly written in place of *hasagot*. However, it is clear that this “correction” is unnecessary and baseless. R. Shimon ben Tzemaḥ Duran also refers to “R. Moshe Hakohen in his glosses (*hagahotav*).” See: R. Shimon ben Tzemaḥ Duran, *Hatashbetz, Teshuvot*, ed. Yoel Katan, vols. 1–2, (Jerusalem: Machon Yerushalayim, 1995–2002); vol. 2, *Inyan* 272, page 251.

³⁸ This term is R. Yehudah ibn Tibbon’s linguistic innovation; see Michael Wilensky’s note in *Sefer Harikmah* (Berlin, 1929), 19, n. 17; Avraham Chaim Freimann, “Teshuvat Harambam Lerabbi Yosef Hama’aravi Talmido,” *Sefer Hayovel: Kovetz Torani-Mada’i, Mugash le-Dr. Binyamin Menashe*

includes *tosafot*, *hagahot*, *hashlamot*, and *sifrei tashlum*. What these works share is that they “sometimes strengthen a statement and sometimes challenge it,”³⁹ and their authors “examine, inquire, investigate, illuminate, and raise questions—sometimes reinforcing and supporting, and at other times responding and overturning.”⁴⁰ Ravad’s perspective and approach to his glosses are revealed in the fact that he treats the terms *hagahot* and *hasagot* as synonymous.⁴¹

In my book on Ravad, I examined the nature of his *hasagot* in detail, analyzing and categorizing them to demonstrate through clear evidence that they constitute a mixture of positive and negative comments of all types, both reinforcing and refuting. Neither category of comment should be isolated and regarded as primary. Just as we encounter lengthy and detailed *hasagot*, or at least those that are sufficiently clear, alongside short, fragmented, or even cryptic ones—making it impossible to generalize stylistically without accounting for all variations—so too, the *hasagot* should not be characterized based on a single dimension, whether positive or negative, personal or analytical. The *hasagot* are the result of rigorous study and critical engagement with the *Mishneh Torah*, grounded in the principle that there is no favoritism in Torah. Ravad studied the work with diligence, leafing through it carefully and weighing its words with precision.⁴²

Levin, ed. Rabbi Y. L. Hakohen Fishman (Jerusalem: Mossad Harav Kook, 1940), 37, first note. R. Menahem ben Shimon, a biblical commentator who was a contemporary and fellow townsman of Ravad, refers to *Sefer Hahasagah*. See: Samuel Poznanski, “Un Commentaire Sur Job,” *Revue des Études Juives*, 52 (1906), 57–58; 54 (1907), 302–305.

³⁹ Introduction of R. Meshulam ben Moshe to *Sefer Hahashlamah*, ed. Moshe Yehuda Hakohen Blau (New York, 1964), 189.

⁴⁰ R. Zerahyah Halevi’s introduction to his *Sefer Hamaor*. The same applies, for example, to *Sefer Hamakhria* and the relationship of R. Yeshayah di Trani to Rashi.

⁴¹ See, for example: *Hilkhhot Terumot* 3:7; *Hilkhhot Meḥusarei Kapparah* 4:2; *Hilkhhot Tumat Met* 6:9; *Hilkhhot Sanhedrin* 1:5. His glosses on Alfasi’s work are based on the same fundamental premise: “Therefore, I did not refrain from seeking after him whenever I was able—sometimes to refute and sometimes to reinforce.” See: Alfasi, Ketubot 14b. This dual purpose—“to destroy and to overthrow, to build and to plant”—runs as a central theme throughout Maimonidean commentary. It is worth adding here, for example, the words of the printers in the introduction to the Mantua edition (1566): “We have adorned the book with *hagahot*, glosses, and *ḥiddushim*, original halakhic insights, both of recent vintage and those from the past, drawing the reader’s attention to a particular remark—whether to build upon the words of the master or to refute, or to understand the truth of his words where they require explanation.” See Yehuda Leib Avida’s important article, “Sefer Mishneh Torah Leharambam Kesefer Limud,” *Areshet* 3 (1961), 31–47, especially 32–34.

⁴² At times, the language of the *hasagot* explicitly indicates that Ravad consulted various works, including the Talmud, Alfasi, the novellae of R. Yosef ibn Migash, *Sefer Hatashlum* by Rabbenu Ephraim, and other halakhic literature that was available to him. He examined them in order to assess Maimonides’ statements or to determine their precise meaning. For example, *Hilkhhot Tzitzit* 1:15 (“I examined his words and did not find this so in the Gemara ...”); *Hilkhhot Shabbat* 1:10 (“This author presented the matters in their plain sense, but when I examined the Gemara in its place in Keritot, I did

He recorded offhand remarks that function as mere notations, without arguments or explanations, while also composing extensive *hasagot* that propose and refine entire halakhic approaches.⁴³ It may be said that the *hasagot* represent the concentrated response of a towering Torah scholar to a monumental codification of Talmudic law. The seriousness of his engagement, and even his esteem for the work, is clearly reflected in one striking fact: Ravad incorporated novel insights into his *hasagot* that have no connection whatsoever to Maimonides' words and are independent of his system. For example, regarding a ritual bath whose water changed appearance naturally, Ravad adds: "I found in the Tosefta ... this seems correct to me, and since

not find that they hold ..."); *Hilkhot Shabbat* 25:15 ("I did not find this so in the Gemara"); *Hilkhot Yom Tov* 7:3; *Hilkhot Nezirut* 5:15 ("I examined the passage in Nazir and saw ..."); *Hilkhot Tumat Met* 20:5 ("I examined and considered at length, yet found no clear proof for this matter—neither from the Mishnah nor the Tosefta, neither from Mishnat Kelim and its Tosefta nor from Mishnat Ohalot and its Tosefta, for all that he brought from Mishnat Kelim is ..."); *Hilkhot Avot Hatumot* 3:3 ("By my very life, when I examined the matters in their place in Zevahim ... I did not find them as he stated ..."). See also *Hilkhot Ma'akhalot Asurot* 9:16; *Hilkhot Kilayim* 4:9; *Hilkhot Zekhiyah Umatanah* 3:5; *Hilkhot Malveh Veloveh* 14:3; *Hilkhot Naḥalot* 4:6; 9:8.

Beyond such explicit testimony, there is also clear evidence that Ravad meticulously traced the sources of the *Mishneh Torah*. His rulings—whether explicitly stated or implicit in his interpretations—should be compared with those of his predecessors. For example, in *Hilkhot Sekhirut* 10:1, concerning *ba'al hov koneh mashkon* ("a creditor acquires a pledge"), Ravad begins: "We do not concede to him or to his teachers." This is somewhat surprising, as Maimonides here presents his ruling without attribution, unlike in other places where he explicitly cites his teachers (see, e.g., *Hilkhot Shekhenim* 7:6; *Hilkhot Sekhirut* 2:7; *Hilkhot She'elah Ufikadon* 5:6, among others, where Ravad emphasizes, "We do not concur with him or with his teacher," and similar expressions). However, it is evident that Ravad examined the matter and found—or recalled immediately—that Maimonides had copied the words of Alfasi verbatim, down to the last letter, which is what he alluded to when introducing his critique with the phrase "him and his teachers." Regarding the substantive issue of whether a lender who acquires a pledge is liable for its loss due to factors beyond his control, see Alfasi, end of *Shevuat Hadayanim* (25a), R. Zerahyah Halevi, Naḥmanides, and Ran, ad loc. See also Kiddushin 8b, Tosafot, s.v. *minayin leva'al hov*. It follows that Rashi, R. Zerahyah, and Ravad are in agreement.

⁴³ It must be emphasized that the *hasagot* do not constitute the full scope of the critique of the *Mishneh Torah*. There are many difficult rulings and perplexing laws that stirred strong opposition, with critics expressing their dismay in the strongest terms, yet Ravad offered no comment—which is surprising. Examples include *Hilkhot Tefillin* 4:5; *Hilkhot Shabbat* 10:1; *Hilkhot Gerushin* 2:20; 5:3–15; *Hilkhot Sheḥitah* 4:14; 8:23; *Hilkhot Shevuot* 5:4; *Hilkhot Sanhedrin* 4:11; *Hilkhot Eduṭ* 13:1; *Hilkhot Avel* 7:6. It appears that Ravad did not study the book systematically from beginning to end (see, for example, *Hilkhot Ishut* 6:14, among others), and it is likely that certain halakhic conclusions escaped his notice. Thus, one cannot assume that silence necessarily indicates agreement, as suggested by R. Azaryah dei Rossi in *Meor Einayim: Imrei Binah*, ed. David Cassel (Vilna, 1866 [repr. Jerusalem: Makor, 1970], 252). There are even cases where Maimonides later retracted his position, yet Ravad did not critique him; see *Hilkhot Tefillah* 7:17 regarding whether an individual recites *kedushah desidra*, and *Kesef Mishneh*, ad loc.; *Orhot Hayyim* (above, n. 32), 24.

I arrived at this insight independently, I wrote it down and explained it.”⁴⁴ Likewise, his well-known interpretation concerning the burglar who furtively enters a house is directed against the rabbinic *derashah* in the *Mekhilta* and in Tractate Sanhedrin and contains no critique of Maimonides at all; he simply used the *Mishneh Torah* as a fitting platform from which to present his view.⁴⁵ Any new idea, compelling reasoning, or original interpretation—any insight into Jewish law that occurred to him—was recorded here. Some significant halakhic positions, true pearls of insight, have been preserved solely in the *hasagot*, and certain *hasagot* provide an intimate glimpse into the development of his thought, illustrating how particular opinions reached their final formulation.

For example, a complex issue that has occupied halakhic scholars concerns the circumstances under which a conditional statement must adhere to the formal language governing such statements. A widely accepted view, originating with the *Geonim*, maintained that “it is necessary to double the condition and to state the affirmative before the negative only in cases of marriage and divorce”⁴⁶; “nevertheless, with regard to monetary law, we do not require a doubled condition, but only an expression of intent.”⁴⁷ This position was entirely rejected by Maimonides (“it is not proper to rely on this”), who instead formulated a different rule: “Anyone who says ‘on condition’ is as if he said ‘from now,’ and he need not double the condition.”⁴⁸ However, according to Maimonides, the distinction between matters of monetary law and matters of marriage and divorce has no foundation.

In his glosses on Alfasi, Ravad was initially unable to justify and properly explain the Geonic position, dismissing it with the remark, “This is astonishing.”⁴⁹ However, by the time he encountered the *Mishneh Torah*, he had delved deeper into the topic and was able to propose that “although there is no definitive proof for this position, there is a textual allusion and a compelling rationale for it.” His core argument is that weighty matters such as marriage and divorce cannot be nullified merely by an unstructured verbal statement. In monetary law, a transaction can be invalidated by a claim of error—one may argue that one did not intend for the transaction

⁴⁴ *Hilkhot Mikvaot* 7:12. It should also be noted that *Hilkhot Mikvaot* contains numerous clarifying or supporting glosses that outnumber critical and dissenting comments, despite Ravad’s strong codificatory decisiveness in this area. Furthermore, he did not always seize every opportunity for critique. For example, compare Maimonides’ rulings in *Hilkhot Isurei Biah* 4:13; 6:3; 8:1 with the discussions in *Ba’alei Hanefesh*.

⁴⁵ *Hilkhot Genevah* 9:8. See also *Hilkhot Mikvaot* 8:7; *Hilkhot Matenot Aniyim* 1:12; 5:11; *Hilkhot Tzitzit* 2:8 and the gloss of *Migdal Oz* there.

⁴⁶ *Hilkhot Zekhiyah Umatanah* 3:8.

⁴⁷ Rashbam, Bava Batra 137b; see also Tosafot, Kiddushin 8b.

⁴⁸ *Hilkhot Zekhiyah Umatanah* 3:8; see also *Hilkhot Ishut* 6:14. Rosh (*Perek Mi She’ahazo, siman 9*) quotes Ravad as “providing a rationale for” the view of the *Geonim*. This refers to the approach that Maimonides accepted and justified in his major work, while Ravad expressed reservations about it.

⁴⁹ *Hasagot al Harif*, Gittin 76a (*Perek Mi She’ahazo*), 37b in Alfasi.

to take effect under certain conditions, and this claim is valid even if it was not formally articulated. The assessment of intent (*umdana deda'ata*) confirms that an error occurred. However, in matters of marriage and divorce, such an assessment is invalid as “there can be no doubt whatsoever ... and the matter must be explicitly stated as though it were expressly articulated.”⁵⁰ It is inconceivable that marriage and divorce, which determine the establishment or dissolution of a marital bond, should be subject to volatility, capriciousness, or ambiguous statements that are not evident to all who hear them. If a person did not reinforce his verbal declaration with the formal structure of conditional statements, then the act remains valid, and the condition is nullified. This moral reasoning emerged for Ravad over time, between his *hasagot* on Alfasi and his *hasagot* on Maimonides, and he hastened to include it in the pages of his manuscript.⁵¹

At times, we find him explicitly declaring that his gloss reflects his final conclusion: “Thus ruled the master, of blessed memory, and we were perplexed by it ... This is what we assumed for many days until I reconsidered and saw ...”⁵² “I too had assumed this until I saw in the Jerusalem Talmud ...”⁵³

⁵⁰ Tashbetz (above, n. 37), vol. 1, *siman* 95, 216.

⁵¹ Nahmanides, *Sefer Hazeckhut*, on Alfasi, Gittin 76a (Vilna edition, 38a in the pages of the Rif; Oz Vehadar edition, 113), comments: “... and I have already seen that R. Avraham himself wrote this in his commentary on Kiddushin ...”.

From this, incidentally, it follows that Ravad's commentary on Tractate Kiddushin was apparently composed after his glosses on Alfasi. See my book on the Ravad (above, n. 21), 77ff., on the question of the chronological order of the Ravad's writings. My remarks there, on page 79, require correction and expansion in light of this note.

⁵² *Hilkhot Shabbat* 25:13. See also: *Hilkhot Tumat Okhlin* 11:4.

⁵³ *Hilkhot Ishut* 18:4. It is worth noting that some *hasagot* do not seem to reflect the Ravad's final opinion—leading to important conclusions regarding the chronology of his works, the existence of “second editions,” additions, and the like. For example, regarding the separation of *hallah* on holidays (see: Beitzah 9b, and the comments of the Rif, R. Zerahyah Halevi, and Ravad there), Alfasi ruled that it is prohibited to separate *hallah*. R. Zerahyah Halevi rejected both his interpretation and his halakhic conclusion, arguing that it is prohibited only in the Land of Israel (since there, the act of separating *hallah* effects a legal change by removing its untithed status), whereas in the Diaspora, it would be permitted. Maimonides (*Hilkhot Yom Tov* 3:8) reiterated Alfasi's ruling: “If a person kneaded dough on the day before a holiday, he may not separate *hallah* from it on the holiday.” Ravad objects, aligning with R. Zerahyah Halevi, and carefully explains the distinction between *hallah* in the Land of Israel and in the Diaspora. However, in his gloss on *Sefer Hamaor* (Beitzah 9b) where the Razah explains his disagreement with Alfasi, Ravad writes: “I too initially objected to the words of the rabbi of blessed memory, but after much time passed, I retracted ...” Here, he explicitly abandons the very position he had taken in his gloss on *Mishneh Torah*. It would be shocking to assume that shortly after retracting, he once again reversed his retraction and revived the rejected opinion! It is more reasonable to conclude that his gloss on Maimonides preceded his gloss on Razah. See also: *Sefer Hamikhtam*, Beitzah, ed. Avraham Sofer (Jerusalem, 1959), 189. Further evidence that the *hasagot* on Razah contain later additions can be seen in the discussion on Pesahim 36a, and from the comments of Ravad

Had Ravad considered the *Mishneh Torah* to be of little value and unworthy of preservation, or had he advocated for its removal,⁵⁴ it is doubtful that he would have embedded his own innovations within it. On the contrary, the more plausible conclusion is that he regarded Maimonides as a towering authority, worth engaging with and using as a repository for his own novel insights and clarifications. Likewise, he would not have expended energy and intellectual effort on a work that he believed would soon become obsolete.

Indeed, Ravad sought to identify sources—sometimes obscure and difficult to locate—for Maimonides’ rulings,⁵⁵ to align reworked and reformulated statements with their Talmudic origins,⁵⁶ or to elucidate obscure and enigmatic sources that Mai-

and Razah there, as well as in *Hilkhot Ḥameẓ Umatzah* 5:20. Moreover, Ravad’s original definition of doubt regarding the search for leaven appears in his gloss on Razah, in relation to the discussion in *Pesaḥim* 9b, whereas in *Hilkhot Ḥameẓ Umatzah* 2:10, Ravad reiterates the standard position. Again, it seems that his gloss on Razah was added later, as it is most original and incisive, resolving many difficulties. The objections of R. Aharon Halevi (the Ra’ah) against the Ravad in *Mishneh Torah* are based on the Ravad’s own comments in his glosses on R. Zerahyah Halevi.

⁵⁴ Nahmanides (see: *Iggeret Terem E’eneh Ani Shogeg*, *Kitvei Haramban* [above, n. 31], vol. 1, 345) remarked in his time: “All the people of Lunel and the great rabbi, R. Avraham ben David, of blessed memory, have already seen that book and did not command that it be consigned to oblivion ... and R. Avraham ben David, of blessed memory, responded to some of its statements but did not say that it contained heresy or blasphemy, Heaven forbid.” While these remarks concern *Sefer Hamadda*, they are equally applicable to the work as a whole. See also Ravad’s gloss on *Hilkhot Isurei Biah* 2:10: “For this reason, this section ought to be suppressed.” However, this applies only to that particular section and no more.

⁵⁵ See, for example: *Hilkhot Rotze’ah* 1:7; *Hilkhot Naḥalot* 3:1; *Hilkhot Sanhedrin* 18:3; *Hilkhot Terumot* 10:22; *Hilkhot Nedarim* 9:18. See also: *Hilkhot Tzitzit* 1:15; *Hilkhot Shabbat* 1:10; *Hilkhot Yom Tov* 7:3; *Hilkhot Shekalim* 3:9; *Hilkhot Bikkurim* 9:6; *Hilkhot Shemittah Veyovel* 4:6, 9:6; *Hilkhot Nedarim* 6:7; *Hilkhot Nezirut* 5:15; *Hilkhot Tumat Met* 20:5, and more. An interesting comment by the *Kesef Mishneh* appears in one instance (*Hilkhot Nedarim* 9:18): “I do not know why Ravad saw fit to cite the source of the law here more than in other places.” He further speculates: “It is possible that since our master’s language does not precisely match that of the Gemara, he wished to teach us that nonetheless, the ruling derives from there.” As we have seen, Ravad’s citation of sources is neither incidental nor rare in his glosses. See also the following note.

⁵⁶ For example, *Hilkhot Kelim* 11:19; Ravad identifies Maimonides’ phrase, “a vessel with a spoon on one end for removing ashes and a fork on the other end for roasting meat,” with *kaligrifin* and praises the interpretation. See: *Mishnah, Kelim* 13:2; *Arukh Hashalem*, ed. H.Y. Kohut (New York, 1955), vol. 7, 97; *Maimonides’ Commentary on the Mishnah*, ed. R. Yosef Kafih, Tohorot, 79; *Perush Hageonim Leseder Tohorot*, ed. Yaakov Nahum Epstein and Ezra Zion Melamed (Jerusalem: Magnes, 1982), 28, n. 23; Yaakov Nahum Epstein, “Lalexikon Hatalmudi,” *Tarbiz* 1,2 (1930), 125. Other pertinent examples: *Hilkhot Shabbat* 18:10 (see also: R. Saul Lieberman, *Hilkhot Yerushalmi Larambam*, New York: Jewish Theological Seminary, 1948, 9); *Hilkhot Tumat Met* 10:4; 11:10; *Hilkhot Beit Habeḥirah* 7:5; *Hilkhot Nizkei Mamon* 13:13. Even when Ravad rejects Maimonides’ interpretation, he identifies its linguistic source; for example, *Hilkhot Tumat Met* 14:3; 17:3; *Hilkhot Malveh Veloveh* 5:5. A characteristic example of Ravad’s effort to trace Maimonides’ sources appears in this statement: “I have not

monides cited verbatim, without explanatory clarification,⁵⁷ and to reconstruct the interpretations underlying Maimonides' conclusions.⁵⁸ He labored to resolve difficulties and reconcile contradictions to the best of his ability.⁵⁹ Furthermore, he emended

found this saying anywhere, and it appears unnecessary, but my heart tells me that he copied it from what he saw in *Menahot* ...” (*Hilkhot Avot Hatumot* 3:7).

⁵⁷ For example, *Hilkhot Tumat Tzara*’at 4:5; *Hilkhot Ma’akhalot Asurot* 12:1; *Hilkhot Ma’aser Sheni* 3:20; *Hilkhot Sheluḥin Veshutafin* 8:7. Ravad insisted emphatically that a decisor of Jewish law must also engage in interpretation: “This man explains where there is no need and leaves unexplained what requires clarification. Why did he not explain here ... ?” (*Hilkhot Tumat Met* 16:5). Otherwise, we have a case of circular reasoning and the ambiguities outweigh the clarities. Maimonides’ commentators, following Maimonides himself—who, in his letter to R. Pinḥas Hadayan distinguished between a *ḥibbur* (monolithic code) and a *perush* (discursive commentary) (*Iggerot Harambam*, ed. Shilat, 440)—argued that “our master, in this book, is a codifier, not a commentator” (*Kesef Mishneh*, ad loc.). Radbaz (*Hilkhot Bikkurim* 8:2) emphasizes: “I do not know why Ravad does not interpret our master’s words as he interprets the Mishnah and the Yerushalmi ... And if it is because this would require lengthening and explaining, our master has already preceded him in quoting the exact wording in order to be concise.” See also Migdal Oz, *Hilkhot Ma’akhalot Asurot* 3:8; *Hilkhot Gerushin* 5:14. However, Maimonides did not always quote verbatim, as we have seen. Moreover, the wording of his sources is not always entirely clear, and it cannot be assumed that he relies on the conventional understanding. See, for example, *Hilkhot Kelim* 5:1, where Maimonides uses the term *erekh* without explaining it, and Ravad demonstrates that its meaning is disputed. Similarly, *Hilkhot Tumat Okhlin* 13:11, regarding *kasyah*, where Ravad’s interpretation—contrary to the *Arukh*—resembles Maimonides’ *Commentary on Tohorot* (ed. R. Yosef Kafih, Jerusalem, 1968, 403). In short, no decisor or author focusing on Jewish law can avoid interpretation. This same exegetical tendency is evident in the Mantua edition’s introduction (see above, n. 41): “... to explain nearly all the foreign terms that the rabbi left obscure in his book, using the language of the Mishnah” See also *Kesef Mishneh*, *Hilkhot Avodat Yom Hakippurim* 3:4.

⁵⁸ For example: *Hilkhot Nizkei Mamon* 8:13; 13:11; *Hilkhot Biat Mikdash* 5:11; *Hilkhot Tzitzit* 3:1; *Hilkhot Terumot* 4:13–14; *Hilkhot Sekhirut* 3:9.

⁵⁹ For example: *Hilkhot Avodat Kokhavim* 3:9; *Hilkhot Mekhirah* 15:13 (“One can explain ... and this is the manner in which the author proceeded”); *Hilkhot Tumat Met* 11:9; *Hilkhot To’en Venitan* 1:8; 4:8 (“It has a plausible reading, but he ought to have clarified”; “And perhaps following what he wrote elsewhere ... but he should have been more careful in his wording”). A direct statement regarding Ravad’s intention appears in his gloss on *Hilkhot Tumat Met* 19:2: “These words are difficult, and we have nothing on which to rely. Yet if we find even a single thread to hang upon, we will rely on it ... and I have found a thread of warp to depend upon, for they have said ... See, I have found this, and perhaps in this way they proceeded and stated” He even refuted objections raised directly against Maimonides, for instance, *Hilkhot Tzitzit* 2:8 (“I have seen one who raises a question on him ... but this is not a difficulty”); *Hilkhot Mekhirah* 6:11; *Hilkhot Malveh Veloveh* 22:15. R. Moshe Hakohen of Lunel followed in his footsteps, striving to uphold Maimonides’ words. See his gloss on *Hilkhot Keriat Shema* 2:3 in Samuel Atlas, “Hasagot Haramakh al Harambam,” *Hebrew Union College Annual* 27 (1956), Hebrew section, 22.

the textual variants in his own copy in order to establish the correct reading,⁶⁰ most often attributing errors to the scribe rather than to the author himself.⁶¹

These points seem clear and straightforward to me, in the spirit of “let us bring out the book and see.” The more one delves into the glosses, the more one becomes convinced that they also contain emendations and supplements. Their author sheds the role of an opponent and assumes that of a *tanna demesayeia*—a supportive colleague—at times raising objections, at times offering resolutions. The intensely argumentative style occasionally employed by Ravad—a fascinating subject in its own right—does not impose a negative-destructive character upon the entire enterprise.⁶²

However—and this is a less obvious and thus more decisive feature for an overall assessment—even among the glosses that dispute Maimonides’ opinion, reject his views, and question his rulings, many do not do so in a negative or adversarial sense in the usual understanding of the term. We find critique and reservation here but no blind impulse to object. Rather, the glosses emerge naturally; one might classify this category of remarks as “interpretive-instructive glosses,” inserted for the sake of completeness and comprehensiveness. This aspiration for scholarly thoroughness and an all-encompassing interpretation of the Talmud manifests in several ways:

a. A significant group of glosses appears with phrases such as “some say” (*yesh omrim*), “some interpret” (*yesh mefarshim*), “not everyone agrees” (*ein hakol modim*), “the commentators did not interpret it this way” (*hamefarshim lo kakh pershu*), “there is no uniform opinion among the commentators” (*ve’ein de’ot kol hamefarshim shavot bazeh*), “some add” (*yesh mosifin*), “some raise objections” (*yesh makshin*), and similar expressions.⁶³ It is reasonable to assume that these glosses do

⁶⁰ For example: *Hilkhot Gezelah* 2:10; *Hilkhot Melakhim* 9:11; *Hilkhot Sanhedrin* 1:5; *Hilkhot Genevah* 5:3; *Hilkhot Zekhiyah Umatanah* 10:2; *Hilkhot Mekhirah* 16:12; *Hilkhot Sheluhin Veshutafin* 6:3; *Hilkhot Tumat Met* 6:9; *Hilkhot Isurei Biah* 11:9.

⁶¹ *Hilkhot Tumat Okhlin* 11:1 (“And perhaps this is a scribal error”), and many more. However, it is not always clear where the fault lies; sometimes, in printed editions, we find “a great scribal error,” while in manuscripts, only “a great error” appears (*Hilkhot Isurei Biah* 11:9). Regarding such cases, Maimonides wrote to the sages of Provence: “Your complaints are not against me ... nor against yourselves, but against the scribe.” See *Teshuvot Harambam*, ed. Blau, *siman* 354, 631. See also Migdal Oz, *Hilkhot Malveh Veloveh* 9:1: “This is how it is written in the manuscript corrected by the hand of Rabbenu Moshe, of blessed memory, and Ravad, of blessed memory, wrote it in his glosses because it was missing from his copy, as the scribe had omitted it. And both were correct in their statements, but the scribe who omitted it—upon him rests the blame.”

⁶² See my note in “Review Essay: Ephraim Elimelekh Urbach The Tosafists: Their History, Writings and Methods” (Chapter 16 in this volume). See also my *Rabad of Posquières* (above, n. 21), 191ff.

⁶³ *Hilkhot Keriat Shema* 2:9; *Hilkhot Tefillah* 10:13; *Hilkhot Avodat Kokhavim* 1:3; *Hilkhot Sefer Torah* 10:4; *Hilkhot Tzitzit* 3:9; *Hilkhot Shabbat* 2:20; 6:5, 16; 17:11; 27:12; *Hilkhot Eiruvim* 5:5; *Hilkhot Yom Tov* 1:17; 2:14; *Hilkhot Hametz Umatzah* 2:2; 5:2; *Hilkhot Shofar* 2:2; *Hilkhot Sukkah* 6:13; *Hilkhot Lulav* 8:9; *Hilkhot Ishut* 5:15; *Hilkhot Gerushin* 10:11; *Hilkhot Ma’akhalot Asurot* 11:21; 12:10; 15:18;

not always reflect Ravad's own position. At times, it is demonstrable that his view contradicts that of the *yesh omrim*, while at other times, this conclusion follows naturally from the phrasing. These opinions are cited to highlight specific difficulties, to demonstrate that the matter is not as simple or self-evident as it may seem, to give voice to earlier authorities who follow their own reasoning in opposition to Maimonides, to challenge Maimonides' certainty, or simply to clarify and encourage study.

b. This category also includes analytical remarks intended as intellectual exercises rather than rulings on matters of Jewish law. Some serve to introduce a new argument or a more persuasive proof without affecting the halakhic conclusion.⁶⁴ Conversely, some comments explicitly indicate the accepted practice when it diverges from the Talmudic halakhah due to a decree, regulation, or similar consideration. In such cases, there is no dispute regarding the conceptual foundations; rather, Ravad seeks to "update" Maimonides' rulings.⁶⁵

c. Closely related to the previous category are glosses based on local custom, such as: "in these places, the custom is" (*bamekomot halalu nohagin*), "our custom is" (*anu minhagenu*), "the practice among us is" (*venahagu etzlenu*), "we do not follow this custom" (*ein anu nohagin*), and "the custom among us is" (*minhag etzlenu*).⁶⁶ These glosses are self-evident and justified, similar to the *Hagahot Maimoni-*

Hilkhot Shehitah 7:4, 8; 11:13; 14:8; *Hilkhot Nedarim* 6:7; *Hilkhot Arakhin* 8:11; *Hilkhot Matenot Aniyim* 3:12; *Hilkhot Tumat Met* 22:3; *Hilkhot Gezeleh Va'avedah* 2:2; 13:20; 15:4; *Hilkhot Hovel Umazik* 4:11; 7:7; *Hilkhot Mekhirah* 5:10; 6:11; 11:4; *Hilkhot Zekhiyah Umatanah* 6:17; *Hilkhot Sekhirut* 13:4; *Hilkhot Nahalot* 7:3; 11:8; *Hilkhot Edut* 8:7; 12:2; 22:2; *Hilkhot Mamrim* 4:3.

⁶⁴ See: *Hilkhot Mekhirah* 16:3 ("This is a correct ruling, but there is no proof from here"); *Hilkhot Kelim* 13:5 ("The law follows him, but not for his reasoning"); *Hilkhot Tumat Tzara'at* 10:12; *Hilkhot Hametz Umatzah* 3:3 (this gloss is explained further in our discussion).

⁶⁵ See: *Hilkhot Shevuot* 11:13, 20; *Hilkhot Isurei Biah* 5:12, 13, 24.

⁶⁶ For example: *Hilkhot Tefillah* 12:15; 13:6; *Hilkhot Berakhot* 8:14; 11:16; *Hilkhot Tzitzit* 1:7; *Hilkhot Milah* 3:1; *Hilkhot Eiruvim* 1:16; *Hilkhot Sukkah* 6:12; *Hilkhot Isurei Biah* 11:18; *Hilkhot Shehitah* 8:14; *Hilkhot Ishut* 3:23; *Hilkhot Ma'akhalot Asurot* 6:10; 9:10; 12:10. For instance, "It is our practice" in *Hilkhot Isurei Biah* 11:18 is cited in *Or Zarua* (ed. Shalom Yehuda Klein, Merkaz Shapira: Hamakhon Hatorani Ohr Etzion, 2014, *Hilkhot Niddah, siman* 360, p. 102) "in the name of the sages of Narbonne." "And in these places the practice is" (*Hilkhot Tefillah* 13:6) is mentioned in *Sefer Hamikhtam* and also by R. Yitzhak Karo, *Toledot Yitzhak* (Warsaw, 1878), Parashat Vezot Habera-khah, on page 163. In some cases, a gloss appears to reflect variations in custom influenced by external local factors. For example, Maimonides' well-known stringency requiring the washing of hands and feet before prayer, and Ravad's response: "I do not know why [he mentions] the feet" (*Hilkhot Tefillah* 4:3). The tendency to attribute this divergence to differences between Christian and Islamic practices is already emphasized by Maimonides; see *Iggerot Harambam*, ed. Shilat, page 437 ("They mock us and say: 'You have learned cleanliness from the Ishmaelites'"). This issue is discussed in detail by Naftali Wieder, "Islamic Influences on Jewish Worship," in *The Development of the Liturgy in the East and West* (Jerusalem: Ben-Zvi Institute, 1998), vol. 2, 664ff. Interestingly, R. Moshe

yot, which recorded the customs of France and Ashkenaz in contrast to the Spanish and North African traditions reflected in the *Mishneh Torah*. They were written in the spirit of Me'iri's statement: "It is fitting for every scholar and every distinguished person to uphold the custom of his locality, so as not to infringe upon the boundaries set by their ancestors and the early sages."⁶⁷ Moreover, these glosses are of particular significance in the development and consolidation of the "Provençal custom," which deserves recognition as an independent tradition within the history of Jewish law. Provençal scholars, from R. Moshe ben Yosef⁶⁸ to Me'iri, devoted themselves to refining their methods and communal practices with the same diligence and precision commonly attributed to the sages of Ashkenaz and Spain. Ravad played a central role in shaping this Provençal school, a role that is naturally reflected in his glosses as in his other writings.

d. Special attention must be given to glosses that reflect Ravad's firmly held positions. A comparative analysis of all Ravad's writings—his commentaries, responsa, sermons, glosses, and legal rulings—reveals a clear consistency in his views on Jewish law and his analytic, critico-comparative methodology. When Ravad explicitly references his earlier works and directs the reader to consult them,⁶⁹ or when he simply states, "this is how we interpret it" (*vekakh anu mefarshim*), "we do not agree with him and have strong proofs for our position" (*lo hiskamnu imo veyesh lanu ra'ayot gedolot lidevarenu*), "in this, I do not concede to him" (*bezeh eini modeh lo*), "I rule accordingly" (*ani moreh uva*), "I say" (*va'ani omer*), or "I hold a different view on all these matters" (*ani da'at aheret yesh imi bekhool eleh*), it is abundantly clear that there is no unrestrained inclination to undermine other views; rather, he desires to uphold and establish his cherished positions alongside those of Maimonides—allowing the learned reader to weigh and judge. Indeed, in such cases, one would be more surprised by Ravad's silence; had he withheld his existing interpretations and innovations, he would have been akin to one who "suppresses his prophecy."⁷⁰

Hakohen, in his gloss, seeks a Talmudic source and is not satisfied with attributing the practice solely to local custom.

⁶⁷ *Magen Avot* (above, n. 35), 31.

⁶⁸ See: Binyamin Ze'ev Benedict, "R. Mosheh ben Yosef of Narbonne," *Tarbiz* 19 (1948), 19–34 (=idem, *Merkaz Hatorah Beprovence: Asufat Ma'amarim*, Jerusalem: Mossad Harav Kook, 1985, 34–52).

⁶⁹ *Hilkhot Berakhot* 6:2; *Hilkhot Lulav* 8:5; *Hilkhot Ishut* 16:26; *Hilkhot Gerushin* 15:7; *Hilkhot Kilayim* 8:7; *Hilkhot Kelim* 2:5; *Hilkhot Hovel Umazik* 8:4; *Hilkhot Malveh Veloveh* 6:7; 16:7.

⁷⁰ *Hilkhot Ma'akhalot Asurot* 9:18 (cf. *Temim De'im* [above, n. 5], *se'if* 5); *Hilkhot Arakhin* 5:8 (cf. Ravad's commentary on *Sifra Devei Rav*, ed. Isaac Hirsch Weiss, Vienna, 1862, 7b); *Hilkhot Malveh Veloveh* 15:7 (cf. *Hasagot* on Alfasi, Gittin 24b); *Hilkhot To'en Venitan* 1:7 (cf. *Hasagot* on Alfasi, 26a); *Hilkhot To'en Venitan* 3:14 (cf. *Divrei Harivot*, ed. Dov Drachman, New York, 1905, p. VI); *Hilkhot Yibbum Vahalitzah* 5:24 (cf. *Sefer Hazeckhut* [above, n. 51], Alfasi, Yevamot 38a); *Hilkhot Genevah* 4:2 (cf. commentary on Bava Kamma, ed. Samuel Atlas, London, 1940, 292); *Hilkhot Tumat*

Let us examine several glosses that exemplify this type of commentary, focusing primarily on the first group, which I find particularly significant.

a. Rabbinic decisors debate, based on the passage in *Hullin* 49, whether the status of the lung is the same as that of the other internal organs regarding the presumption of the kosher status of an animal. If internal organs are lost before they can be inspected, the animal's original presumption of permissibility remains. Following numerous *Geonim* and early decisors, Maimonides ruled that the presumption of permissibility for a properly slaughtered animal extends even to a lost lung: "Just as we do not suspect a defect in the brain membrane, the spine, and similar cases, so too, we do not suspect a lost lung."⁷¹

Ravad comments briefly: "There are those who disagree regarding the lung," meaning that the lung requires examination, and if it is missing, one can no longer presume permissibility, as the presumption that the lungs are undamaged is weakened. Based on one of Ravad's responsa that has been preserved, which discusses this issue, two important points emerge:

1. The identification of the anonymous "those who disagree" with Ravad's grandfather, who disputed the opinion of R. Yehudah ben Barzilai Al-Bargeloni (*Ba'al Haḥibbur Habarceloni*) and ruled stringently.
2. Ravad himself agreed with R. Yehudah, stating that the permissive ruling is the more reasonable conclusion.

It seems, then, that the mention of this dissenting view in his gloss serves to broaden the discussion and highlight the complexity of the halakhic issue for the student. It is also possible that the gloss subtly suggests that one should adopt a stringent approach. Indeed, in the aforementioned responsum, while Ravad expresses reservations about his grandfather's theoretical position and Talmudic reasoning, he concludes: "Nevertheless, it is proper to be stringent, as a preventive against inadvertent transgression."⁷²

b. On a related note, the case of R. Neḥemyah (*Hullin* 48a) regarding the inspection of a lung in lukewarm water has been interpreted both leniently and stringently. Some have maintained that water inspection constitutes an additional stringency: only when there is an internal wound on the animal's side that could account for

Okhlin 10:17 (cf. commentary on *Sifra*, 12a); *Hilkhot Ishut* 4:7 (cf. the discussion in *Gittin* 65a, and Alfasi, Ravad, and Naḥmanides ad loc.); *Hilkhot Berakhot* 6:2 (cf. *Temim De'im, se'ifim* 66–67); and many others.

⁷¹ *Hilkhot Sheḥitah* 11:13.

⁷² *Temim De'im* (above, n. 5), *se'if* 12. See also: *Shulḥan Arukh, Yoreh De'ah*, 39:2, in Rema.

the defect does this examination render the animal permitted. The stringency is that one cannot rely solely on the presence of such a wound and must perform the water inspection. Others have taken a more lenient view, arguing that this examination is an independent criterion, and if the water does not bubble, the lung is deemed kosher, even in the absence of a wound to which the defect could be attributed. Maimonides ruled leniently, meaning that the inspection of a lung in lukewarm water permits the animal. Ravad comments in unequivocal terms:

This author interprets R. Neḥemyah's inspection in lukewarm water as a leniency, whereas most commentators maintain it is a stringency, such that even if there is a wound on the inner wall, one still must inspect it.

From one of Ravad's responsa, we see that he followed Maimonides' approach in his reading of the Talmudic discussion.⁷³ It further appears that this position was prevalent in Provence; R. Zerahyah Halevi shared it, and Rabbenu Tam followed it in a letter he sent to southern France.⁷⁴ It is therefore inconclusive whether Ravad ultimately aligned himself with the stringent position or whether his gloss merely records the stricter view for the benefit of the student or the halakhic decisor who seeks to act stringently.

c. The Talmudic statement (Pesahim 36b) that "fruit juice does not cause fermentation" has been interpreted in two ways:

1. It does not cause fermentation at all; therefore, dough kneaded with wine, honey, or oil does not ferment and is permissible for consumption on Passover.
2. It does not cause full fermentation that would incur the punishment of *karet*, but it does lead to a partial form of leavening (*ḥametz nuksheh*).

Maimonides ruled in accordance with the first view, which is also the position of the Tosafists. Ravad comments, "Not everyone agrees with this, for although it does not create full *ḥametz* ...," a view that closely mirrors Rashi almost verbatim. In Ravad's glosses on *Sefer Hamaor*, there is no indication of this position or its justification.⁷⁵ The conclusion here, as well, is that Ravad did not necessarily endorse this

⁷³ *Hilkhot Sheḥitah* 7:8; *Temim De'im*, se'if 12.

⁷⁴ *Sefer Hamaor* on *Hullin* 48a; see *Torat Habayit*, ed. Moshe Hershler (Jerusalem, 1976), *Hilkhot Bedikah*, 71.

⁷⁵ *Hilkhot Ḥametz Umatzah* 5:2. See Pesahim 36a, Rashi, Tosafot, Ravad, and *Ba'al Hamaor* ad loc. See also the remarks of R. Saul Lieberman in his introduction to *Hilkhot Yerushalmi Larambam* (above, n. 56), 10.

opinion but considered it worth recording, as many halakhot depend on it. The introductory remark in the gloss supports this reading: “This matter is not straightforward ...,” meaning that the interpretation of the Talmud is subject to dispute, as it is based on reconciling conflicting passages within the same chapter of Pesahim; thus, Maimonides’ ruling does not hold absolute authority.

d. In two instances, Ravad objected to Maimonides’ position that women do not recite a blessing when performing a positive time-bound commandment from which they are exempt. In *Hilkhhot Tzitzit* 3:9, he writes: “There are those who disagree and say that they may even recite a blessing,”⁷⁶ and in *Hilkhhot Sukkah* 6:13, he states: “I understand from his words that women, for whom [these mitzvot] are optional, do not recite a blessing at all—and not everyone agrees with him.”

However, in his glosses on *Ba'al Hamaor*, in *Sefer Katuv Sham*, Ravad explicitly aligns himself with Maimonides’ view: “A woman is not permitted to recite a blessing over the lulav because she is not included in that commandment.”⁷⁷ Furthermore, from the continuation of his gloss in *Hilkhhot Sukkah*, it is evident that his objection is primarily theoretical or interpretative: “And I see from the words of Rava ...,” meaning that even according to Maimonides’ position—if we accept that women do not recite a blessing (because the blessing depends on the individual’s obligation)—the cited proof is still not analogous to the case at hand. One cannot infer from women to *tumtum* and *androgynos*, as the nature of their halakhic uncertainty is fundamentally different.⁷⁸

e. Maimonides proposed an original interpretation of the well-known Talmudic discussion on *mekadesh behana'at milveh* (betrothing a woman with the benefit derived from a loan). Contrary to all other commentators—*Behag*, R. Hananel, R. Alfasi, and Rashi—who understood that the act of betrothal takes place after the loan,

⁷⁶ This is the opinion of Rabbenu Tam; see Tosafot, Rosh Hashanah 33a, s.v. *Ha R. Yehudah*. There is no doubt that Ravad was already familiar with the writings of Rabbenu Tam; compare my *Rabad of Posquière* (above, n. 21), 235. Notably, the gloss of R. Manoah (*Hilkhhot Tzitzit* 3:9) (Atlas [above, n. 59], 36) mentions that “Rabbenu Yaakov Tam and R. Zerahyah wrote that [women] recite a blessing.” Despite his doubts regarding the correct interpretation, he notes that “the custom in our region is that women do recite the blessing.”

⁷⁷ *Sefer Katuv Sham*, ed. Yissakhar Dov Bergman (Jerusalem: Mossad Harav Kook, 1957), 71.

⁷⁸ The clarification of this issue already appears in the gloss on *Hilkhhot Milah* 3:6. The structure of the gloss in *Hilkhhot Edut* 22:2 is parallel to this. The first part—*yesh makshin* (“some raise a difficulty”)—is general and does not necessarily reflect Ravad’s view. (It is possible that this question was raised in Ravad’s study hall, as it is directed against Maimonides’ use of the phrase *yera'eh li* “it appears to me”.) The second part presents Ravad’s opinion.

when the repayment period is extended,⁷⁹ Maimonides suggested that the betrothal takes effect at the moment the loan is given.⁸⁰ This interpretation is profound and insightful, and it was affirmed by the commentary attributed to R. Yitzhak the Elder, who remarked, “He explained it properly.” Ravad, however, comments: “The early authorities explained ...,” clearly intending to distance himself from Maimonides’ novel interpretive and halakhic stance.⁸¹ Maimonides himself was aware of the “revolutionary” nature of his interpretation, as can be seen, according to our approach, from his rare concluding remark: “My teachers interpreted the benefit of a loan in a way that is not worth mentioning.”

f. Maimonides, in parallel to R. Alfasi, ruled that “during the ten days from Rosh Hashanah to Yom Kippur, if one erred and concluded the third blessing with “the holy God” [rather than “the holy King”], he must return to the beginning [of the *Amidah*],” meaning that the Talmud’s statement *lo yatza* (“he has not fulfilled his obligation”) indicates that he has not fulfilled it at all, even post-facto. Ravad comments: “There are those who say that he does not return to the beginning, and what the Talmud means by *lo yatza* is merely that he has not fulfilled the obligation of the blessing in its ideal form.” He supports this interpretation based on linguistic usage in a parallel Talmudic passage.⁸² This position appears in *Sefer Hamaor*, which

⁷⁹ See Kiddushin 6b with all the commentaries. See also *Sefer Ha’itur* (Warsaw, 1883), vol. 1, letter *kuf*, *Kiddushin*, 150.

⁸⁰ *Hilkhot Ishut* 5:15. Rabbenu Hananel, *Otzar Hageonim*, Kiddushin, ed. Binyamin Menashe Levin (Jerusalem, 1940), page 8, explains: “What is *hana’at milveh* (the benefit derived from a loan)? For example, when the time for repayment has arrived, and he extends the deadline, saying to her, ‘With that benefit, that I forgo the repayment until such and such a time, be betrothed to me.’ She then hands him the money, and he returns it to her for her benefit ... For if you do not explain it this way, the secondary matter becomes greater than the primary one, as we hold that one who betrothes with a loan is not betrothed, and all the more so with *hana’at milveh* ...” Essentially, Maimonides relies on R. Hananel’s question and confirms his reasoning, but he questions his interpretation: If the law requires the transfer of money for the betrothal to take effect, why introduce two separate loans (returning the money and then re-lending it)? Nevertheless, Ravad does not dismiss Maimonides’ interpretation and ruling outright (“and all the more so, what he wrote is correct”) but rather challenges its exclusivity. According to Ravad, extending the repayment time, even without any monetary transaction, is analogous to the moment of transferring money and therefore allows betrothal to take place even after the loan. See also *Hilkhot Malveh Veloveh* 6:3, where Maimonides and Ravad follow their respective approaches (see also *She’elot Uteshuvot Harashbash*, no. 342—S.L. [=Saul Lieberman’s note]).

⁸¹ Me’iri, *Beit Habehirah* on Kiddushin, ed. Avraham Sofer (Jerusalem, 1963), 33, has already noted that Maimonides’ interpretation does not align well with the language of the Talmud. See also *Tosafot Rid* ad loc.

⁸² It is worth noting that the interpretation cited in the name of R. Manoaḥ in *Kesef Mishneh*, *Hilkhot Keriat Shema* 1:12, likely originates from Ravad’s gloss under discussion in *Hilkhot Tefillah* 10:13. See: Me’iri, *Beit Habehirah* on *Berakhot*, ed. Shmuel Dickman (Jerusalem: Makhon Hatalmud Hayisraeli Hashalem, 1960), on 12b; Ritva on Yoma 37a.

disputes R. Alfasi's ruling, and in his glosses, Ravad endeavors to justify R. Alfasi's position.⁸³ The opinion presented as "there are those who say" is that of the Tosafist, R. Yehudah ben Yitzhak Messer Leon.⁸⁴ However, it is quite possible that Ravad was referring to the view of the rabbis of Provence. Furthermore, it can be demonstrated that the phrase *ein hakol modim lo* ("not everyone agrees with him") in several places reflects Provençal positions.⁸⁵

These examples effectively illustrate the broader principle and provide insight into the nature of the glosses that open with the expression *yesh omrim* ("some say"). The author of *Keneset Hagedolah* already formulated this rule: "When Ravad writes *yesh mi sheomer*, it cannot be inferred conclusively from this phrase that he adopts the view expressed there."⁸⁶ He may not completely identify with these opinions, yet they remain significant enough to be recalled and reexamined, particularly in contrast to Maimonides' decisive rulings. At times, they appear to reflect Ravad's own uncertainty, and due to his hesitation—neither fully affirming nor entirely rejecting—he inclines toward stringency in these matters of practical Jewish law.⁸⁷

It is essential to remember that Ravad's stated objective was to restore judicial discretion to the halakhic decisor and to prevent exclusive reliance on Maimonides, who had codified the law.⁸⁸ This type of gloss fits well within the broader charac-

⁸³ See Berakhot 12b and the comments of Tosafot and the students of R. Yonah on Alfasi's Berakhot ad loc.; Maimonides, *Hilkhot Tefillah* 10:13, and *Hagahot Maimoniyot* ad loc. See also: R. Yitzhak ibn Ghayyat, *Sha'arei Simḥah—Me'ah She'arim*, ed. Yitzhak Dov Halevi Bamberger (Jerusalem, 1998), *Hilkhot Teshuvah*, 61.

⁸⁴ *Tosafot R. Yehudah ben Yitzhak Messer Leon* on Berakhot 12b, in *Berakhah Meshuleshet* on Masekhet Berakhot, with *Tosafot R. Yehudah Heḥasid (Sir Leon)*, Jerusalem, 1987, 11–12.

⁸⁵ See: *Hilkhot Hovel Umazik* 7:7; *Hilkhot Mekhirah* 5:10; and compare the discussions of Me'iri and Shitah Mekubetzet on the relevant Talmudic passages.

⁸⁶ [See *Kelalei Haravad* following *Kelalei Harambam* at the beginning of most editions of Maimonides' *Mishneh Torah*, which states: "The introductions and principles ... are taken and compiled mainly from *Yad Malakhi* and some from *Keneset Hagedolah* ..."] See also: *Beit Yosef, Tur, Oraḥ Ḥayyim, siman* 582, at the beginning. It is worth noting that even Maimonides, despite his pursuit of absolute finality, occasionally cites an opinion as *yesh omrim*. For example: *Hilkhot Shabbat* 29:14; *Hilkhot Yom Tov* 2:12; *Hilkhot Shekalim* 3:9; *Hilkhot Ma'akhalot Asurot* 7:9; *Hilkhot Nedarim* 2:4; *Hilkhot Gerushin* 3:8. See: R. Tzvi Hirsch Chajes, *Tiferet Lemoshe*, in *Kol Sifrei Maharatz Chajes* (Jerusalem, 1958), vol. 1, 412–413.

⁸⁷ The phrase *ein ba'alei hora'ah modin lo* ("decisors of Jewish law do not agree with him") found in *Hilkhot Ma'akhalot Asurot* (12:10) attests to this.

⁸⁸ Ravad's gloss at the end of Maimonides' introduction to *Mishneh Torah* states: "... And now, I do not know why I should retract from my received tradition and my reasoning because of this author's composition ... and why should I rely on his selection, when it does not seem correct to me ..." Therefore, when Maimonides rules with absolute decisiveness, Ravad challenges his ruling. For example, *Hilkhot Edut* 8:4: "... And anyone who does not judge in this manner does not know how to distinguish between his right hand and his left in the laws of monetary matters," to which Ravad

ter of his critiques.⁸⁹ Ultimately, it seems reasonable to conclude that the pursuit of comprehensive understanding and conceptual completeness gave rise to many of these glosses.⁹⁰

Ravad's glosses that aim to expand Torah study, add reasoning, and draw analogies also integrate seamlessly into the fabric of the *hasagot*. *Torah lishmah*—the pursuit of the true meaning of the text even when it has no direct practical relevance—and the presentation of significant rationales for well-known rulings are characteristic of the scholarly method of medieval sages and Torah scholars across all times and places; thus, this is hardly surprising. A striking example is *Hilkhot Gerushin* 13:29. Maimonides offers two explanations for the halakhic fact that testimony ordinarily

firmly responds: "There are those who do not rule this way, yet they are knowledgeable in the laws just as he is."

The consistent refusal of halakhic authorities, from the time of the dissemination of Maimonides' work onward, to adopt his terminology—the title *Mishneh Torah* [see e.g., Chapter 3]—indirectly reflects their alignment with this critique. Instead of *Mishneh Torah*, they used the title *Yad Haḥazakah*, a term that expresses deep respect but without total submission. Already the Exilarch of Damascus, R. Yishai ben Hizkiyah Hanasi, states: "The *Yad Haḥazakah*, which he called *Mishneh Torah*" (*Kovetz Teshuvot Harambam Ve'iggerotav*, vol. 3 [*Iggerot Kenaot*], ed. Avraham Lichtenberg, Leipzig, 1859, 21b). This despite the fact that he was one of Maimonides' most ardent supporters, and the entire aim of the letter in which this aside appears was to defend the Rambam and condemn his detractors. Regarding this, see above, Chapter 3, n. 55, and Chapter 4, pp. 110–111. the text after note 7ff; Boaz Cohen, "The Classification of the Law in the Mishneh Torah," *Jewish Quarterly Review* 25 (1935), 529, n. 41.

⁸⁹ This tendency also extends to matters of aggadah, beliefs, and doctrines; for example, *Hilkhot Avodah Zarah* 1:3. See also below, Chapter 18, pp. 441–442. Among those who acknowledge that Ravad himself "utterly rejected all corporeality," one should also mention the writer in *Kerem Hemed* 5 (1841), on page 19.

⁹⁰ It seems to me that this also partially explains the succinct language occasionally employed by Ravad: "There is much disagreement in the Tosefta and Yerushalmi" (*Hilkhot Shekalim* 3:7); "It is not so—examine carefully and you will see" (*Hilkhot Ma'akhalot Asurot* 15:14); "The foundations of these matters are in the Tosefta of Ohalot, and one who understands will perceive and comprehend" (*Hilkhot Tumat Met* 7:7); "If you examine the midrash in *Torat Kohanim* alongside the Mishnah of Nega'im, you will find ..." (*Hilkhot Tumat Tzara'at* 12:4); "It seems that his statements contradict one another ... and this requires extensive discussion" (*Hilkhot Sheluhin Veshutafin* 3:11); "This does not accord with the Gemara" (*Hilkhot To'en Venitan* 6:7); "The Gemara does not support this" (*Hilkhot Sanhedrin* 11:6). Some of these remarks were undoubtedly written in the margins of his copy merely as notes or mnemonic aids, yet they suffice to spur students and emphasize that the issues under discussion require thorough examination. His reservations concerning Maimonides' positions are clear and decisive, but the Talmudic-conceptual foundations of his arguments depend on the student's inquiry, in the spirit of "go and learn." At times, however, his terse wording conveys sarcasm and derision; Maimonides' error is so evident that further elaboration is unnecessary. This reasoning appears explicitly in one instance: "I see the opinion of this author ... but it is incorrect as is clear from several explicit proofs in the Gemara, which I do not have time to enumerate ... and one with understanding will comprehend and will not be misled at all by his compilations" (*Hilkhot Ishut* 19:13).

deemed invalid is nonetheless accepted as reliable in permitting a woman to remarry. Ravad adds a third rationale for this ruling, and it is clear that he is not challenging Maimonides' argument, which is based on indisputable Talmudic sources.⁹¹

It is worth pausing to examine one gloss that reflects a different analytical-interpretive approach from that of Maimonides, though it is doubtful whether Ravad actually sought to change practical implementation. The early commentaries disagreed about the procedure when the fourteenth of Nisan falls on Shabbat—whether one should destroy the leaven on Shabbat itself or set aside food for two meals and destroy the leaven on Friday. Maimonides ruled that *biur* is done before Shabbat, whereas Ravad, in his glosses on both Maimonides and on *Ba'al Hamaor* aligns himself with the position of Alfasi, who maintains that the destruction of the leaven is to be performed on Shabbat, as usual, on the fourteenth of Nisan.

However, in a brief passage found in *Temim De'im*—likely a remnant of a collection of laws for Passover—Ravad explicitly rules that “when Passover falls on Sunday, it is already an established ruling (*hukbe'ah halakhah*) that all leaven must be destroyed before Shabbat, except for what is needed for two meals.” This apparent contradiction is not particularly surprising in light of the historical development of this issue. The tension between theoretical interpretation and practical ruling emerges among most of the *Geonim* and decisors, including Rashi and R. Zerahyah Halevi, who accepted Alfasi's interpretation in principle but nevertheless ruled in practice that leaven must be destroyed before Shabbat. Even Maimonides himself, in his *Commentary on the Mishnah*, accepted the ruling of R. Eliezer b. R. Tzadok based on the Talmudic discussions, yet in *Mishneh Torah*, he ultimately ruled that one “leaves over food for two meals.” The *Geonim* provide an explicit reason for this shift: to prevent Shabbat desecration. This concern also appears to underlie Ravad's language—“it is already an established ruling”—indicating that the practical ruling was fixed even though the plain textual interpretation suggests otherwise.⁹²

In contrast, Maimonides summarizes the Talmudic discussion regarding oaths as follows: “There is no difference between a *shevuat heset* (an oath instituted by the *Amoraim* in a case where a defendant completely denies a claim) and *shevuat hadayanim* (an oath administered by judges where, e.g., the defendant admits to part of a claim) except that [the latter] must be taken [while] holding a sacred article, while a person who takes a *shevuat heset* does not hold a Torah scroll. Instead, an oath is administered to him using God's name or one of the terms used to describe Him.” Ravad calmly adds: “I have heard that the *Geonim* enacted that nowadays,

⁹¹ These matters become clearer in light of the following discussions: *Hilkhot Gerushin* 12:9; *Hilkhot Sotah* 1:14; *Hilkhot Rotze'ah* 9:14.

⁹² See: Pesahim 13b, 49b, and the commentaries; Rif, Pesahim 5a, and Ravad and R. Zerahyah Halevi ad loc; *Hilkhot Hametz Umatzah* 3:3; *Temim De'im* (above, n. 5), *se'if* 28; *Teshuvot Rashi*, ed. Yisrael Elfenbein (New York, 1943), no. 51, p. 44; *Otzar Hageonim*, Pesahim, ed. Binyamin Menashe Levin (Jerusalem, 1931).

one is not administered an oath using either the Divine Name or a substitute.” This is a practical adjustment; in *Temim De'im*, his formulation is identical to that of Maimonides.⁹³

It would be possible to expand on additional intriguing examples, but for now, it suffices to conclude that Ravad's glosses are rich and multifaceted annotations. If he is regarded as the foremost of all critics, he must also be considered the first to study *Mishneh Torah* in its entirety with depth and seriousness. Indeed, the extensive literature that developed around Maimonides exhibits two distinct tendencies: (1) a tendency to diminish his authority due to the absence of sources and citations, as well as the unequivocally definitive tone of his rulings, and to demonstrate conclusively that the gates of interpretation and halakhic decision-making remain open; (2) an effort to identify sources, emend textual variants, reconstruct interpretations, and justify rulings—even if the justification is expressed with hesitation, such as “this too is possible” or “perhaps”—in order to enhance his work's value and restore its authority. Ravad was the pioneer of both approaches.

⁹³ *Hilkhot Shevuot* 11:13; *Temim De'im*, *siman* 63.

Rabbi Avraham ben David of Posquières: His Attitude to and Acquaintance with Secular Learning

Probably the most scintillating and creative Talmudic scholar of that notable galaxy whose members are designated in later chronicles and rabbinic texts as the “sages of Provence,” “elders of Narbonne,” or “wise men of Lunel” was Rabbi Avraham ben David (Ravad) of Posquières (d. 1198).¹ Contemporary and subsequent sources repeatedly underscore his phenomenal erudition, inspirational piety, widespread authority, and immense prestige; and he himself graciously volunteers the information—certainly accurate but slightly immodest—that his word is law in all Provence.² During the last decades of Ravad’s life Provence was the scene of great intellectual fermentation which came in the wake of the introduction of secular learning carried by émigrés from Almohade Spain; a man of Ravad’s stature and intellect could hardly insulate himself from this pervasive process of cultural pollination or view the resultant, truly epoch-making changes impassively. This paper aims to appraise Ravad’s attitude to, and acquaintance with philosophic thought and extra-Talmudic science. It does not pretend to be an exhaustive study of his theological and ethical opinions; only those which reflect philosophic terms or concepts will be drawn into the scope of this paper.³

The investigation of such a delicate, often evasive problem must first summarily be placed in the proper geographical-chronological as well as personal-literary perspective. As for the time and place, it should be remembered that Provençal Jews, who until the middle of the twelfth century were immersed head and shoulders in exclusively rabbinic learning, were just being exposed to secular culture. Hitherto, like the Jewish centers of northern France, and unlike

¹ The date of Ravad’s death is given by Shelomo ibn Verga, *Shevet Yehudah*, ed. Shohet-Baer (Jerusalem: Mosad Bialik, 1947), 146–47. The date of his birth can only be conjectured.

² *Temim De'im*, 113. נהוג בכל פרובינציא על פינו וחברינו הסכימו בידינו ולא בעטו בהוראתנו. Cf. also the addition to *Sefer Hakabbalah* edited by A. Neubauer in *REJ*, X (1885), 102 and reprinted in *Medieval Jewish Chronicles*, I, 84:

כל אלה עמודיהם גדולים בתורה שבכתב ושבעל פה. אבל הרב ר' אברהם ב"ר דוד הגדול על כלם. . . .

³ We shall not, for instance, analyze Ravad’s insights into various questions of ethical theory, especially his original discussion of sexual temperance which is found in the *Sha'ar Hakedushah* of the *Ba'alei Hanefesh*. Nor shall we have occasion to mention his terse comments on eschatology and resurrection, which must be viewed in the light of the more articulate position maintained by Nahmanides or R. Meir Halevi Abulafia.

those of Muslim Spain which distinguished themselves by their inclusion of secular learning and Arabic scholarship alongside of the traditional academic subjects, Provence was—and is so described by such scholarly observers as Avraham bar Ḥiyya,⁴ R. Avraham ibn Da'ud,⁵ and R. Yehudah ibn Tibbon⁶—a monistic, Torah-centered community completely devoid of secular learning. However, the ground was prepared for expansion and innovation; stray seeds of a more cosmopolitan culture—restricted acquaintance with Arabic, sporadic use of Latin and Provençal, some knowledge of astronomy—were sprouting. The introduction of secular learning was considerably facilitated and accelerated by the availability of original Hebrew writings on a variety of topics: the many valuable works of Avraham bar Ḥiyya and R. Avraham ibn Ezra,⁷ several commentaries on the *Sefer Yetzirah* by Shabbetai Donnolo, R. Saadiah Gaon, and R. Yehudah ben Barzilai, the philosophic poems of Shelomo ibn Gabirol and R. Baḥya ibn Pakuda, and a bizarre paraphrase of the *Emunot Vede'ot* of R. Saadiah. This accumulation of Hebrew writings accessible to interested Provençal students was augmented by the translations of R. Yehudah ibn Tibbon and R. Yosef Kimḥi who immigrated to Lunel and Narbonne respectively, bringing with them their secular learning and Arabic scholarship. Between 1161 and 1186—in the course of a twenty-five year plan of systematic translations—they had made available in Hebrew the *Tikkun Middot Hanefesh* and *Mivḥar Hapeninim* of Shelomo ibn Gabirol, the *Hovot Halevavot* of R. Baḥya ibn Pakuda and the *Kuzari* of R. Yehudah Halevi (two ambivalent works capable of stimulating both philosophical and mystical speculation), and the *Emunot Vede'ot*, faithfully rendered. It should also be recalled that Berekhiah Hanakdan, famous fabulist and popularizer who had epitomized the *Emunot Vede'ot* on the basis of earlier translations, paraphrased the *Questiones Naturales* of Adelard of Bath;⁸ Avraham ben Ḥisdai, Hebrew translator of the well-known *Ben Hamelekh Vehanazir*, translated Algazali's ethical work *Mozenei Tzedek* (*Mizan al-Amal*);⁹ R. Yehudah Alḥarizi provided a Hebrew translation of Ḥonein ben Ishak's *Musarei Hafilosofim*, a ninth-century Arabic collection of ethical apothegms which enjoyed

⁴ Avraham bar Ḥiyya, *Hibbur Hameshiḥah Vehatishboret*, ed. J. Guttmann (Berlin, 1913), 2.

⁵ R. Avraham ibn Da'ud, *Sefer Hakabbalah*, ed. Neubauer, *Medieval Jewish Chronicles* (Oxford, 1887–95), I, 78.

⁶ R. Yehudah ibn Tibbon, Introduction to *Hovot Halevavot*, ed. A. Zifroni (Jerusalem, 1928), 2; *Will* of R. Yehudah ibn Tibbon, ed. I. Abrahams, *Hebrew Ethical Wills* (Philadelphia: The Jewish Publication Society, 1948), 57.

⁷ It is noteworthy that both Ibn Ezra and Bar Ḥiyya sojourned in Provence and thus augmented and vivified their literary influence by direct personal contact.

⁸ Entitled *Dodi Venekhdi*, ed. H. Gollancz.

⁹ Ed. Goldenthal, 1839. Haberman and Gutstein maintain that this translation is one of Avraham ben Ḥisdai's earliest, preceding that of *Ben Hamelekh Vehanazir*; cf. M. Gutstein, "Midarkei Hatargum," *Gotthold Weil Jubilee Volume* (Jerusalem, 1952), 75, n. 6.

considerable vogue.¹⁰ In the last decades of the twelfth century, therefore, a dedicated Provençal student, although a monolinguist, could already begin to amass a definite measure of knowledge concerning philosophy—something which, all its lingering limitations notwithstanding, was radically novel and previously totally inconceivable.

As for the person, it should be emphasized that Ravad was primarily a Talmudist, a “man of one preoccupation” to which everything else was decidedly peripheral. Moreover, inasmuch as the new philosophic learning was just beginning to take root in Provence, we would not genuinely expect Ravad—or anyone else of his time—to have composed a philosophic opus, nor is there reason to expect any pervasive influence of this new literature on his writings. The *Ba’alei Hanefesh*, a code on the laws of uncleanness and purity, which is most revelatory—in its own discursive manner—of his theological and ethical opinions, was written almost simultaneously with the first Tibbonide translations from the Arabic.¹¹ In his later Talmudic commentaries, the one on Bava Kamma, for instance, which was written after 1171,¹² and especially in the various *hasagot*, which followed the translations, he had little occasion to express himself philosophically and a sense of literary discipline made him shun digressions from his predetermined subject. Even the aggadic portions of those Talmudic tractates which he commented upon evoked no philosophical homilies and very few kabbalistic allegories from him. Consequently, his views on various questions relating to God, nature, and man have to be reconstructed and inferred from scattered references. They will, moreover, be derived mainly from native Jewish sources—from which it is possible to construct a complete system of theology and ethics—and will be expressed for the most part in traditional rabbinic terminology. It may be noted that inasmuch as traditional views are not dogmatic or monolithic, an author’s skill in manipulating and selecting various texts displays a definite measure of originality and creativity.

However, Ravad did have at his disposal the Hebrew philosophic works mentioned previously and an incipient knowledge of the new translations. The atmosphere was generally congenial to this learning, especially in the circle of his famous teacher and patron R. Meshulam ben Yaakov of Lunel, whose house and school were veritable dynamos of religious and secular learning. If there is no reason to expect

¹⁰ Ed. A. Loewenthal (Frankfurt a. M., 1876); cf. M. Steinschneider, *Die Hebraeischen Uebersetzungen des Mittelalters* (Berlin, 1893), 350.

¹¹ An exact *terminus ad quem* for the *Ba’alei Hanefesh* would be forthcoming if the second ethical treatise of Berekhiah Hanakdan could be precisely dated, for this work apparently contains the earliest quotation from the *Ba’alei Hanefesh*; cf. Berekhiah Hanakdan, *Ethical Treatises*, ed. H. Gollancz (London, 1902), 125, 127; also J. Guttmann, “Zwei Jungst edirte Schriften des Berechja ha-Nakdan,” *MGWJ*, XLVI (1902), 536–47.

¹² Cf. *Novellae of Abraham ben David on Tractate Baba Kamma*, ed. S. Atlas (London, 1940), 346, n. 6; A. Freimann, *Kiryath Sefer*, XX (1943), 26.

that this literature played a decisive role in molding Ravad's thinking and terminology, it is warranted to assume that traces of, or veiled allusions to this learning and its technical jargon are to be discovered in his writings. The undefined variable in the scheme of his theoretical knowledge is how much of the new learning he actually incorporated into his thought and writing.

In light of this we must turn, first of all, to the problem of Ravad's ideological attitude toward secular sciences. A number of writers—starting with Geiger and Zunz and followed by Gross and others¹³—have drawn for us an impressionistic portrait of Ravad as completely impervious to the humming activity which then enveloped non-halakhic learning. They depict Ravad not only as choosing to remain ignorant of the entire literature which was then circulating in Provence but also as frowning upon its use and denigrating its value. The pigments for their painting are mixed from the following ingredients: they failed to find any immediately explicit references to such learning in Ravad's writing, while they thought they had found certain apparently clear statements by Ravad which bear out their contention. Two passages in particular, in which he speaks of his scholastic inferiority and intellectual backwardness and in which he concedes his remoteness from astronomical knowledge respectively, are usually adduced in support of this view. In addition to—and partly, as a result of—the very evident rationalistic bias under which most members of this school labored, they also conventionally assume that Ravad's criticism of several Maimonidean opinions which reflect philosophic thought is a sure sign of his opposition to philosophy which was, as it were, embodied in Maimonides. The following is a representative summary of this common view:

Although all branches of scholarship flourished in Provence, he confined himself to Talmudic studies only; and herein lies his weakness as well as his strength. Ravad himself was aware of his inadequate training, and deplored his shortcomings in other branches of scholarship.¹⁴

Against this extreme view, there was also a reaction which sought to modify the conventional assumption of his opposition to philosophy and to indicate instead that he showed a benevolent attitude toward it. Even Steinschneider, who speaks of Ravad in one place as “the learned but mystic and not very scientific” scholar, comments elsewhere in a terse, elliptical style characteristic of Ravad himself that “his style is short and abrupt, and his views are, after all, not far removed from those

¹³ Zunz, “Abraham b. David,” *Wissenschaftliche Zeitschrift für jüdische Theologie*, V (1839), 309; Geiger, *ibid.*, 558; Gross, H., “R. Abraham b. David aus Posquières,” *MGWJ*, XXII (1873), 402; Atlas, *op. cit.*, 20; cf. also J. Sarachek, *Faith and Reason* (Williamsport: Bayard Press, 1935), 66ff.; *Divrei Harivot*, ed. Drachman (New York, 1907) VIII.

¹⁴ Atlas, *op. cit.*, English Introduction, XIII.

whose exclusive authority he condemns.”¹⁵ Reifmann also, who states that Ravad completely ignored secular sciences, observes—again, with a brevity reminiscent of Ravad—that “secretly he yearned for their love.”¹⁶ Interesting in this respect are the acute insights of some late medieval scholars. The rabbi in Oran, North Africa, in the early fifteenth century, in a correspondence with his more prominent contemporary Rabbi Yitzhak ben Sheshet (Rivash) comments on Ravad’s relationship to secular sciences as follows: “He was not well-known in, nor did he boast about and let himself be attracted to secular science. Yet, it appears that their views are close.”¹⁷ Similarly, the philosopher Yosef Shelomo Delmedigo, in the introduction to his *Novelot Hokhmah*, alludes to Ravad’s familiarity with secular learning.¹⁸

In analyzing this problem, it should be noted first of all that Ravad’s stand cannot be assumed *a priori* to have been negative and reactionary by virtue of the fact that he dared criticize several philosophical-theological views of Maimonides, the supreme exponent of rationalism and Aristotelianism in the Middle Ages. Ravad’s *hasagot* on Maimonides’ *Sefer Hamadda* must be considered in a historical context and compared to similar views maintained by predecessors and successors. The divergent opinions should be treated as legitimate issues of controversy, just as so many of his halakhic strictures on the *Mishneh Torah* must be viewed historically, as links in the historical development of certain juridical views. His acute animadversions against Maimonides on such problems as anthropomorphism, determinism, and eschatology should not be taken as signs of arbitrary opposition to a philosophic-rationalistic formulation of opinion. They should be analyzed as reasoned convictions, with backgrounds of their own. This analysis might indeed locate Ravad in what we designate as the conservative camp, which was suspicious of excessive philosophizing or rational investigation of traditional beliefs, but certainly no verdict of a blanket condemnation of philosophy is warranted by such disagreement.

We must therefore reexamine the two vague passages generally taken as indicating Ravad’s negativism and reluctance to admit the use of philosophic literature. The first is found in an introductory passage to his *hasagot* on the *Halakhot* of Alfasi, where he humiliatingly proclaims:

I know well that I am among the inferior creatures that God created and did not achieve success in any of the simple sciences (*hokhmot*) that are

¹⁵ Steinschneider, *Jewish Literature* (London, 1851), 87.

¹⁶ Reifmann, *Hamaggid*, XII (1862), 382; cf. also, L. Ginzberg, *JE*, I, 116; Marx, “Bemerkungen,” *ZfHB*, X (1906), 95; Benedict, B. Z., “Letoledotav shel Merkaz Hatorah Beprovence,” *Tarbiz*, XXII (1951), 101, n. 155.

¹⁷ *Responsa of Yitzhak ben Sheshet*, 118; cf. Hershtman, *Rabbi Isaac Perfet and His Times* (New York, 1943), 173.

¹⁸ P. 5 of the unnumbered introduction.

accessible to wise men because of the dullness of my nature and because the troubles and distressing events of the time which occur to men oppressed me. As a result, I did not grow wise. I put my hand to my mouth because intelligence is lacking and I have no power of speech.¹⁹

Ravad continues that despite these shortcomings, he swallowed his reluctance and was presumptuous enough to dissent from Alfasi's views and even to record his criticisms, lest one suspect him of being a "silent fool who does not differentiate between good and bad."

Now, if this self-debasing confession of ignorance with regard to *hokhmot* is to be taken as referring to secular sciences, as Zunz, Geiger, and company have done, it appears incongruous and not at all justifiable by the context. Probably what misled these scholars is the plural use of the term *hokhmot* which ordinarily refers to various branches of secular science but which Ravad, most likely following Mishlei 9:1, is obviously using with regard to knowledge or learning in general. For, of what relevance is a disclaimer of secular knowledge in the introduction to a purely Talmudic undertaking? As a matter of fact, self-indictment on the grounds of Talmudic parochialism—if such were actually the case here—might even be considered an asset rather than a liability in the critical annotation of a purely Talmudic composition like that of Alfasi, for it would allow greater specialization and more exhaustive knowledge of this one field. We are inclined to maintain that Ravad is not here confessing his ignorance of secular sciences or his inability to pursue them, but is engaging in a customary profession of general humility, unworthiness—even in the field of Talmud, with which he deals—and seemingly insurmountable reluctance in undertaking the task of halakhic criticism. The whole structure of the passage—the transition from the self-deprecation to the declaration of his intent and the subsequent encomium of Alfasi followed by the reiteration of his own shortcomings—corroborates this interpretation.²⁰

The superficial impression received from the second passage—an animadversion against Maimonides concerning astronomy—is also modified after some analysis. Prefatory to his actual critique of a factual statement by Maimonides—a critique which, in the words of a prominent living mathematician, "has not lost any of its weight even today"²¹—Ravad says somewhat derisively:

¹⁹ *Hasagot* on Alfasi, Ketubot, 14b.

²⁰ Self-deprecation and altruistic praise are conventions of medieval rabbinic composition and need not be illustrated specifically. It is interesting, however, that the identical phrase used by Ravad to indicate his intellectual inferiority is repeated by R. Meshulam ben Moshe of Beziers, who knew Ravad's writings very well; cf. *Sefer Hahashlamah* on Berakhot, ed. H. Brody (Berlin, 1893), introduction. Razah, Ravad's temperamental, independent colleague also comments on his inferiority prior to a lengthy analysis of astronomical theories; cf. *Hamaor Hakatan*, Rosh Hashanah, 20b.

²¹ A. Fraenkel, "Al Nimmuḳeihem shel ...," *Rabbi Kook Memorial Volume* (Jerusalem, 1945), 180.

Because this author raises himself up and boasts about this science and in his opinion he reached the very ultimate (in knowledge of it), while I, on the other hand, am not among those proficient in it, for also my teachers did not attain to it—consequently I have not intruded upon his statements to check up on him, but when I encountered this statement which he wrote it was remarkably strange in my eyes.²²

Ravad proceeds to explain the error of Maimonides' calendrical calculation and to correct it.

We may safely infer from this passage only the following. Ravad seems to be disclaiming that expert knowledge of astronomy based on foreign sources of which Maimonides, as alleged by Ravad, “boasted,” but no hostility to it can be detected in his remarks.²³ He felt that the traditional Jewish astronomy was perfectly sufficient for all calendrical problems and he refers, for example, to his great teachers who managed very well and even understood the laws regulating the proclamation of the new month without the specialized astronomical knowledge which Maimonides ostentatiously claimed to possess. In fact, there is a somewhat satirical indication that Maimonides was led astray by his secular knowledge, for after the preliminary contrast between Maimonides' knowledge and his own ignorance, Ravad unhesitatingly goes on to disprove Maimonides' statement and to conclude triumphantly: “He seems to me as one who is straying.”²⁴

²² *Mishneh Torah, Kiddush Haḥodesh*, 7:7.

²³ As for Ravad's allegation of Maimonides' boasting, it may be said that the tone and style in this section of the *Mishneh Torah* are clearly more confident and authoritative than elsewhere and Maimonides actually appears in his exposition of astronomical theories as if displaying superior knowledge. For instance, after describing the difficulties inherent in the calculation of the calendar and alluding to the “significant controversies between ancient non-Jewish scholars” who investigated the matter, Maimonides states that “great scholars fell into error concerning these matters, did not possess all the knowledge, and doubts were created in their mind concerning these matters.” Since in the course of time and as a result of much research and investigation “the methods of this calculation became known to a few scholars” and there are some books on this subject that are not generally known, Maimonides saw fit “to explain the methods of this calculation in order that it be available for whoever desires daringly to come unto the work to do it.” (*Ibid.*, 11:1–4.) It is perhaps significant that although Maimonides is here quoting a verse in Shemot 36:2, he changes the idiom from “*nesa'o libo*” to “*mela'o libo*” (*Esther* 9:5), which implies daring and even presumption. Such passages may have been in Ravad's mind when he spoke of Maimonides' boasting. Moreover, Ravad may also have seen Maimonides' famous letter to the Provençal sages concerning astrology (1194) in which Maimonides boasts of having studied this topic assiduously and having read just about every available book on the subject of astronomy and astrology. Ravad may have been alluding to—and poking fun at—this boasting.

²⁴ *Ibid.*: והוא בעיני כמתעתע.

Furthermore, Ravad's opposition was not to the use of astronomical knowledge derived from secular sources in the exploration and solution of calendrical problems but to the fact that this knowledge was not always in keeping with halakhic norms, that it was sometimes erroneous for practical religious purposes. Since Maimonides believed himself to be completely proficient in astronomical science while he admittedly was not, Ravad maintained, as a rule, a discreet silence. None of Maimonides' statements in this section of the *Mishneh Torah*, moreover, were objectionable on halakhic grounds—Ravad's primary concern in the *hasagot*. However, that Ravad was as articulate as ever when astronomical or mathematical discussion affected practical decisions in halakhah is evident not only from this lone animadversion on *Hilkhot Kiddush Haḥodesh* where he is quick to expose what appears to him as a blatant error in regard to actual practice, but also in his *hasagot* on Rabbi Zerahyah Halevi (Razah) concerning the International Date Line, where he allows nothing to pass unscrutinized.²⁵ Ravad's criticism of Razah for the use of secular astronomical learning—Razah draws there upon the *Kuzari* and the astronomical works of Avraham bar Hiyya—is predicated upon the fact that this reliance upon unqualified outsiders in the solution of halakhic questions led to error in the interpretation of the law. He focuses attention upon the erroneous interpretation and makes the point that there is absolutely no need to resort to this foreign knowledge. There is no implication of disdain whatsoever in the remark that we should rely exclusively upon professional Talmudists in the solution of halakhic questions. Ravad merely objects strongly to unqualified outsiders, deficient in Talmudic training but possessed of some astronomical learning, encroaching upon the field of halakhah, for they usually distort it. That Ravad was not hostile to astronomical science as such is clear from the fact that he welcomes its use by trained Talmudists who know how to harmonize it with the halakhah. He was not content simply to reject dogmatically the conclusions reached by Razah on the basis of astronomical computations as being irreconcilable with the requirements of halakhah—as could be done unflinchingly by a rabid traditionalist—but refers to the scientific refutation of this view by R. Yitzḥak ben Barukh ibn al-Baliya, Spanish Talmudist and mathematician who was equally proficient in both fields of learning. Such a person was, in the opinion of Ravad, capable of grappling with these knotty problems and his solution would deserve serious consideration. Ravad is pleased here both with the invalidation of an erroneous opinion by kindred theoretical arguments and with the harmonization of a Talmudic view with a related scientific theory.²⁶

²⁵ *Ba'al Hamaor im Hasagot Haravad Katuv Sham*, edited by Yissakhar Dov Bergman (Jerusalem: Mossad Harav Kook, 2003), 40.

²⁶ *Ibid.*: אין לנו ללמוד מדברי מי שאינו מאנשי התלמוד לפי שהם מסבבים פני ההלכה ודברים אשר לא כן. וכבר שמענו: cf., e.g., what the fourteenth-century chronicler R. Yitzḥak de Lattes recorded about R. Yitzḥak ben Barukh

It is possible to cite more indirect corroborative evidence—mostly in the form of appropriate and persuasive arguments *ex silentio*—that Ravad did not dismiss secular science or discredit its literature. The fact that he did not dissent from a number of Maimonidean statements on the importance of secular knowledge is very meaningful. Note the following Maimonidean declaration in praise of

... the wise men of Greece who composed many books on astronomy which we now possess. The books which the wise men of Israel, who lived in the time of the prophets, from the tribe of Yissakhar, composed did not reach us. Inasmuch as all these matters are based on clear proofs that are beyond reproach and it is impossible for one to question them, we should not care about the author, irrespective of whether prophets or (scholars from) other nations composed the books.²⁷

Ravad is conspicuously silent. Similarly, when Maimonides enumerates the intellectual prerequisites necessary for election to the Sanhedrin, including in his catalogue an impressive array of secular subjects which must be mastered, Ravad tacitly assents. The significance of this assent, with its implicit awareness of the importance of secular learning, is accentuated all the more by the fact that his younger Provençal contemporary and successor in Maimonidean criticism Rabbi Moshe Hakohen pointedly dissented from this statement, inquiring why the members of the Sanhedrin should be obliged to acquire this knowledge.²⁸

Another detail worthy of special comment is the question of Ravad's interpretation of the aggadah, for his attitude toward aggadah is sometimes taken as a significant correlative of his intellectual attitude in general. For instance, Gross remarks that "Ravad was entirely prejudiced in favor of the aggadah and he opposes its frequently absurd utterances to the profoundest ideas of philosophy expressed by Maimonides."²⁹ It is customary to classify Ravad as an uncompromising literalist in aggadah, dedicated to the simple, unsophisticated meaning of all legendary lore, while Maimonides is presented as the apostle of spiritualism and allegorization. The proof-text confirming Ravad's servility to the literalness of the aggadah is in the first chapter of *Hilkhot Akum* where Maimonides reports Avraham as proclaiming monotheism at the ripe age of forty, possessed of mature intellectual faculties and

(Neubauer, II, 234): היה חכם גדול בחכמת התכונה וחבר ספר גדול דרך פסק, קראו קופת הרוכלים. It is interesting that Ravad implies that Avraham bar Ḥiyya and R. Yehudah Halevi, upon whom Razah leans and about whose Talmudic knowledge we know nothing, were not outstanding Talmudists capable of dealing with halakhic problems.

²⁷ *Mishneh Torah, Kiddush Haḥodesh*, 17:24.

²⁸ *Ibid.*, Sanhedrin, 2:1 and commentaries *ad loc.*

²⁹ Gross, *op. cit.*, XXIII, 167; cf. Steinschneider, *op. cit.*, 87.

after much independent reflection, while Ravad cites a second view mentioned in the Talmud that Avraham was only three years old when he recognized the unity of God—and consequently, it is assumed, that this perception must have been a supernatural, supra-rational act.³⁰ This nourishes the generalization concerning Ravad's literalism and naïveté in the interpretation of aggadah.

However, enough examples to the contrary are forthcoming—for instance, the first *hasagah* in the *Mishneh Torah* concerning the phenomenal age of Aḥiyah the Shilonite who participated in the exodus from Egypt and was also a high-ranking member of King David's court,³¹ one in the third chapter of *Hilkhot Teshuvah* where Maimonides reproduces verbatim the Talmudic statement that “a person whose sins outnumber his merits dies immediately because of his wickedness,”³² significant interpretations in the *Sifra* commentary, and many others. In these, instead of following the aggadah verbatim as Maimonides happens to do, Ravad pursues the correct historical perspective or the more realistic interpretation. While these examples do not detract much from Maimonides' rationalism any more than they justify the ascription of an advanced historical or critical sense to Ravad, they do, however, caution against loose generalization and counsel more objective reading of related *hasagot*.

As a matter of fact, even the conventional demonstration based on the divergent statements concerning Avraham's age at the time he proclaimed the monotheistic principle is far from conclusive. There is no reason to assume that Ravad actually espoused the legend that he cites. He merely means to call attention to a conflicting source and thus to challenge Maimonides' imaginative description of Avraham's rationalistic powers and speculative prowess in discovering the truth about God. There are a number of conflicting legends and variant readings concerning Avraham's age at the time. Just as the age of forty does not tell us that the act was rational, so the age of three does not tell us that it was mystical or intuitional. Furthermore, Ravad cites this view as “there is a legend” and it should be remembered that when Ravad introduces a critical note vacuously as “some say” or “there is another opinion,” he does not necessarily commit himself to this explanation. There are numerous cases in his halakhic critique of Maimonides where he quotes different views merely for the sake of supplementing Maimonides' statement or registering possible alternative explanations. The author of the *Kenesset Hagedolah* lists this as one of the general methodological principles governing Ravad's composition: “When Ravad writes ‘there is someone who

³⁰ *Mishneh Torah, Akum*, 1:3; cf. *Nedarim*, 32a; cf. S. Baron, “The Historical Outlook of Maimonides,” *PAAJR*, VI (1935), 119. For additional variants, cf. S. Abramson, “Imrei Hōkhmah,” *Minḥah Lihudah*, ed. S. Assaf, (Jerusalem: Mosad Harav Kook, 1950), 23.

³¹ *Mishneh Torah*, Introduction; cf. *Bava Batra*, 121b.

³² *Mishneh Torah, Teshuvah*, 3:2. Ravad's interpretation is followed by Nahmanides, beginning of *Sha'ar Hagemul*, and Hame'iri, *Hibbur Hateshuvah*, 247.

maintains' it cannot be inferred conclusively from this phrase that he adopts the view expressed there."³³ This rule is certainly applicable with regard to the subject here discussed, for elsewhere we find Ravad explicitly speaking of an intellectual, cognitive perception of God.³⁴ If we may further introduce a definitely persuasive argument from silence, it is very notable that Ravad allowed the following intellectualistic, typically Maimonidean statement to stand unqualifiedly: "No one loves the Holy One, blessed is He, except by means of the knowledge with which he knows Him. The love will be according to the knowledge: if it be small, the love will be small; if it be great, the love will be great ..." That Ravad studied this passage attentively—thus eliminating the possible contention, undoubtedly valid in other cases, that Ravad may have glossed over this section without observing it too carefully—is demonstrated by the interesting lexicographical annotation on the meaning of "*shigayon*" which he appended to the beginning of this very passage.³⁵

Corroborative evidence, finally, that Ravad did not always feel obliged to take the aggadah literally is the celebrated obiter dictum in which he refers to some midrashic passages and homiletical themes as "corrupting opinion about religious matters."³⁶ This statement, which is a vindication of the metaphorical interpretation and modification of certain aggadic notions, should deliver the coup de grace to the preconception concerning Ravad's servility to the literalness of aggadah.

In summation of the question of his attitude to secular learning, we may say that there is no reason to posit that Ravad appears as an antagonist of secular learning. The sources nowhere reveal an attitude of uncompromising hostility. If anything, we may assert only that in Ravad's implicit classification of sciences, secular learning was relegated to a secondary position, that it occupied a lower rung in the ladder of knowledge. For Ravad was certainly no philosopher and did not, for instance, share Maimonides' enthusiasm for philosophy. He would unquestionably grant that the "four ells of halakhah" might indeed be enlarged to provide space for secular learning, but the latter was clearly not on par with Talmudic learning nor was it indispensable. In a number of passages, Ravad stresses that Talmudic study has clear-cut priority over everything else.³⁷ All wisdom, which he duly recognizes,

³³ *Kenesset Hagedolah, Kelalei Haravad* (printed at the beginning of most editions of the *Mishneh Torah*):

כשהראב"ד כתב יש מי שאומר אין בלשון זה הכרע שסובר כן.

³⁴ *Ba'alei Hanefesh*, 88.

³⁵ *Mishneh Torah, Teshuvah*, 10:6.

³⁶ *Ibid.*, 3:7.

³⁷ Cf. e.g., *Sifra Commentary*, ed. Weiss, 110b; *Kinnim Commentary*, end. It is interesting to observe that there are many parallels between this sentiment and the disputed opinion of R. Hai Gaon concerning the value and usefulness of secular studies. The latter's statement is quoted by Nahmanides in his letter to the French scholars concerning the ban against secular studies (Hayyim Dov Chavel,

is ultimately futile and evanescent if it is not allied to Torah—and we might note parenthetically that when you get down to it, this view, with minor variations and shifts of emphasis, is really the dominant medieval attitude. It might be worthwhile to point out a curious literary discrepancy between two practically similar statements by Maimonides and Ravad which is very symbolic—even if trivial or perhaps unintentional. Both affirm that man should not castigate or weaken himself because of a contemptuous attitude toward things of the body. Physical well-being is a necessity, for “one who suffers hunger, thirst, or pain” cannot engage in spiritual activities. Maimonides identifies these activities with “understanding and speculation in the sciences” while Ravad says that one who is weak will necessarily be idle from prayer and study.³⁸

As a final indication of Ravad’s attitude to philosophy, we should mention a preliminary, methodological criticism leveled by Ravad at Maimonides before taking issue with his view on the problem of free will. Maimonides had elaborately presented the perplexing antinomy between human freedom and divine foreknowledge and left it as an insoluble problem. Ravad contends that he should never have introduced such an antinomy in a work like the *Mishneh Torah* which was destined also for laymen and nonprofessionals. Untrained people who do not understand that there exist certain ideas which are insoluble might be misled by Maimonides’ conclusion, which is in essence an admission of logical impotence. It is preferable, Ravad contends, to leave such matters in the realm of faith from the very beginning rather than to analyze them philosophically, speculate about them, and ultimately reduce them to articles of a religious creed.³⁹

From one aspect, this may be taken as an accusation of Maimonides for a breach in the discipline of esoteric knowledge, of confronting laymen with problems that are beyond their grasp. It should be noted incidentally that Maimonides would definitely defend himself against such an accusation, for he himself counseled esotericism and in a number of passages in his writings explicitly asserted the value and necessity of an esoteric approach to learning.⁴⁰ From another point of view, this criticism may be taken as revealing Ravad’s lingering distrust of unbridled philosophic speculation which could only breed perplexity and disbelief

ed., *Kitvei Haramban*, vol 1, 349–350). Cf. also I. H. Weiss, “Rav Hai Vehahokhmot Hahitzoniyot,” *Ha’asif*, III (1886), 148–152.

³⁸ *Mishneh Torah*, *De’ot*, 3:3; *Ba’alei Hanefesh*, 87.

³⁹ *Mishneh Torah*, *Teshuvah*, 5:5. Cf. the similar opinion in the unauthenticated *hasagah* quoted in the name of Ravad by Yosef Shelomo Delmedigo in *Novelot Hokhmah*, p. 5 of the unnumbered introduction.

⁴⁰ *Mishnah Commentary*, Introduction; *Hagigah*, 2:1; *Mishneh Torah*, *Yesodei Hatorah*, 2:12; 4:10; *Moreh Nevukhim*, I:71. For Ravad’s esotericism, cf. Scholem, “Te’udah Hdashah Letoledot Reishit Hakabbalah,” *Sefer Bialik* (Tel Aviv, 1934), 143. Cf. also D. Sassoon, *Ohel Dawid*, (London, 1932), II, 1014.

and even if this would be only a temporary state it was not worth it—“perhaps for a short time a thought (of uncertainty) concerning this matter will enter their heart.” This clearly underscores Ravad’s primary, pervasive concern with the practical religious life.

In view of all this, we may affirm that Naḥmanides was undoubtedly justified in invoking the authority of Ravad and the sages of Lunel in support of his conciliatory position during the prolonged and heated controversy concerning philosophic works, in general, and the study of Maimonides’ *Moreh Nevukhim* and *Sefer Hamadda*, in particular. He cites Ravad’s essential acceptance of Maimonides. Even though Ravad criticized and disputed several opinions, Naḥmanides asserted, he never accused Maimonides of heresy or impugned his orthodoxy. He never suggested that the book be suppressed or its reading be prohibited. Naḥmanides believes, in short, that Ravad would naturally have aligned himself with his own intermediate view.⁴¹

This reservedly benevolent attitude which we have tried to delineate is best attested to and substantially bolstered by his actual use of philosophic literature. This use is revealed by a study resting upon the usual bases of internal evidence: bits of philosophic terminology discovered in his writings; similarities of structure and reasoning between Ravad and representatives of the philosophic learning. Such an investigation discloses that Ravad knew a number of philosophic or scientific works, either originally composed in Hebrew or made available in Hebrew translations from the Arabic. These are the astronomical works (*Sefer Hokhmat Hakokhavim* and *Sefer Ha’ibbur*) and *Hegyon Hanefesh* of Avraham bar Ḥiyya, the *Tikkun Middot Hanefesh* of Gabirol, the *Kuzari* of R. Yehudah Halevi, the *Hovot Halevavot* of R. Baḥya ibn Pakuda, the *Emunot Vede’ot* of R. Saadiah, and possibly the *Musarei Hafilosofim* of Ḥonein ben Ishak and *Hakemoni* of Shabbetai Donnolo. These borrowings and similarities, although not abundant, are strikingly exact and sufficiently technical to warrant the assumption of direct use of these works. The specific contexts in which they usually appear preclude the possibility of their having been “picked up” indirectly. I shall try in the following pages to reproduce as succinctly as possible the evidence for this sweeping declaration.

In the lengthy discussion concerning the International Date Line, which we have already cited, two authors are mentioned by name. The first is Avraham bar Ḥiyya whose astronomical treatises—*Sefer Hokhmat Hakokhavim* and *Sefer Ha’ibbur*, the latter being, incidentally, the oldest Hebrew work on the calculation of the calendar—are knowingly discussed in comparative detail. Ravad does not repeat the titles of these works, which Razah had already specified;⁴² he dismisses them as “the treatises of Avraham bar Ḥiyya the Spaniard,” but the manner of his discussion and

⁴¹ Kovetz Teshuvot Harambam, III, 9b. Contrast the view of the sixteenth century R. Menaḥem Azaryah Fano, like Naḥmanides a prominent Talmudist and mystic: *Teshuvot* (no date), 108.

⁴² Hamaor Hakatan, Rosh Hashanah, 25a.

refutation clearly evidences direct knowledge.⁴³ This knowledge—boastfulness, if you like—is even reflected in the flippant remark implying that Razah was a dilettante in these matters and the little information which he garnered from his perusal of Bar Ḥiyya’s works was inadequate.

Furthermore, Ravad’s reference in the *Ba’alei Hanefesh* to the “eternal thought” (*maḥashavah kadmonit*) in which all later creative acts resided most probably reflects Avraham bar Ḥiyya’s intellectualistic conception of divine action, formulated in the *Hegyon Hanefesh*, where he uses the phrase “pure thought” (*maḥashavah tehorah*) to describe the eternal, primordial divine idea which preceded and planned the entire creation. It is noteworthy that this intellectualistic conception—vis à vis the voluntaristic conception of Gabirol, for instance—is also found in the *Bahir*, an early kabbalistic classic appearing in Provence at this time in Ravad’s circle. The *Bahir* uses “thought” (*maḥashavah*) to designate the highest divine sphere (*keter*)—a usage which Professor Scholem traces back to the *Hegyon Hanefesh*.⁴⁴

The second and main source from which Razah derived his information for establishing the International Date Line was the *Kuzari* of R. Yehudah Halevi. Razah does not mention Halevi explicitly; all he gives is a vague reference to “Spanish sages.”⁴⁵ The name of the immediate, underlying authority is supplied for us by Ravad for, as is his custom in many halakhic strictures, he first clarifies his opponent’s source, elaborates his view, and only then does he proceed to refute it. Ravad felt that Razah’s reproduction of Halevi was too nebulous and wanting in precision, and the reader could never understand the subject only from Razah’s account—“the halakhah is not clearly formulated on the basis of his statements.” Consequently, Ravad presented “the gist” of Halevi’s thought. What he gives is an accurate paraphrase of Halevi’s four arguments for the centrality of Palestine. The equivocation existing among scholars concerning the question of Ravad’s direct use of the *Kuzari* or second-hand acquaintance with its contents can be categorically eliminated by a parallel reading of the two passages.⁴⁶ The perfect correlation of thought-content as well as the stylistic affinities speak for themselves. The fact that he does not quote Halevi verbatim is in keeping with common medieval literary usage as well as his professed intention of stating only “the gist of his statements.”

⁴³ *Katuv Sham*, II, 38. Quoted also by Marx, “R. Abraham ben David et R. Zerahya ha-Levi,” *REJ*, LIX (1910), 208, n. 2.

⁴⁴ *Ba’alei Hanefesh*, 4; *Hegyon Hanefesh* (Leipzig, 1860), 2; cf. Scholem, *Reishit Hakabbalah* (Jerusalem: Schocken, 1948), 61.

⁴⁵ *Hamaor Hakatan*, op. cit., 20b.

⁴⁶ Cf. Marx, op. cit., who quotes the different views of Gross and Cassel.

R. Yehudah Halevi

Ravad

The beginning of the Sabbath must be calculated from Sinai because that is (a) the place where the Torah was given (b) where Adam was transferred from the Garden of Eden on the eve of the Sabbath. (c) It is there that the calendar began after six days of creation, for Adam then began to name the days. (d) When the earth was inhabited and people multiplied they continued counting in the same way.⁴⁷

One who sees this opinion in the *Kuzari* will understand that the beginning of the Sabbath is there, in Eretz Yisrael, because (a) that is the source of the Torah and the commandments; (b) it was there that Adam was transferred when he left the Garden of Eden; (c) it was there that he named the days; (d) all succeeding generations accepted (this system) from him ... This is the gist (*toref*) of his statements.⁴⁸

It may be noted incidentally that Ravad's use of the Hebrew word "*toref*" in the sense of "gist" or general idea is in keeping with that common in the writings of Abraham bar Hiyya. The word "*toref*" may also be used—as it is by Maimonides, for instance—to introduce a direct quotation.⁴⁹

There is other proof that Ravad borrowed from the *Kuzari*. In explanation of the verse "Out of heaven He made thee to hear His voice ... and upon earth He made thee to see His great fire,"⁵⁰ adduced in the *Baraita* of Rabbi Yishmael to illustrate the thirteenth hermeneutic rule of Scriptural interpretation—"when two verses contradict each other, the contradiction is removed by a third verse"—as well as in explanation of the midrashic statement that "God lowered the upper heavens of heaven down to the mountain top,"⁵¹ Ravad submits that "God showed the form of the upper fire (*esh elyonah*) on the mountain top."⁵² *Esh elyonah* is the phrase used in the *Kuzari* as the equivalent of what was known in Greek philosophy as "ethereal fire."⁵³ This is, incidentally, a good example of Ravad's non-literal, philosophic exegesis and confirms what we have said about Ravad's interpretation of midrashic statements.

As for R. Bahya ibn Pakuda's *Hovot Halevavot*, whose mystical overtones, pietistic strains, and popular religious character were undoubtedly of great interest to Ravad—part of it was even translated from the Arabic at his insistent urging—he knew not only the Hebrew text but also R. Yehudah ibn Tibbon's introduction. One

⁴⁷ *Kuzari*, II:18.

⁴⁸ *Katuv Sham*, II:38.

⁴⁹ Cf. Efros, "Philosophical Terminology of Abraham bar Hiyya," *JQR*, XX (1930), 137–138.

⁵⁰ Devarim 4:36.

⁵¹ *Sifra Devei Rav*, ed. L. Finkelstein, (New York: Jewish Theological Seminary, 1983), Vayikra chap. 1, p. 9.

⁵² Ravad's *Sifra Commentary* (above note 37), 1a.

⁵³ *Kuzari*, V:14.

version of an annotation on *Hilkhot Shevuot* faithfully reflects Ibn Tibbon's observations on the prerequisites for proper translations. Criticizing Maimonides for translating the original Aramaic of the Talmud into Hebrew and, in the process, changing the meaning or not reproducing it accurately, Ravad remarks: "I acknowledge the truth to be with them who said that one who translates from one language to another must be proficient in the subject matter and in both languages." In the introduction to his translation of the *Hovot Halevavot*, R. Yehudah ibn Tibbon enumerates three factors which lead translators to corrupt the original works: "They are not proficient in Arabic from which they translate ... are not proficient in Hebrew to which they translate ... do not understand the statements of the author."⁵⁴

There is a more or less literal allusion in the *Ba'alei Hanefesh* to the first section of the *Hovot Halevavot*. Speaking of the relation of the Creator and the created, Ravad describes God as beyond both transcendence and immanence:

Every created being should know that he is not separated from the Creator and (yet) is not compound with him, for whatever is compound is limited and whatever is limited has been created. The Creator, exalted be He, has none of these attributes for He is eternal, neither limited or created.⁵⁵

This is obviously a reflection of the similar statement by R. Bahya:

Whatever is separate is limited. Whatever is limited is finite. Whatever is finite is compound. Whatever is compound has been created. Whatever has been created has a Creator. We have therefore demonstrated that the Creator is eternal, cause of all causes.⁵⁶

The recently published *derashah* of Ravad for Rosh Hashanah—the only extant example of a significant literary genre cultivated by Ravad, as by Provençal scholars in general—also reveals his acquaintance with the *Hovot Halevavot*. In the context of his exhortatory, ethical discourse on repentance, Ravad gives a five-fold classification of penitent people: (a) penitent on his own, not motivated by the rebuke of another; (b) penitent as a result of heeding the rebuke of another; (c) penitent only after witnessing the punishment inflicted upon another sinner; (d) penitent only after he himself is castigated; (e) penitent only at "the gates of death." This is based directly on R. Bahya's analogous four-fold classification in chapter 6 of his *Sha'ar Hateshuvah*. The fifth category, added by Ravad, is a self-evident extension or supplement.⁵⁷

⁵⁴ *Mishneh Torah, Shevuot*, 6:9; R. Yehudah ibn Tibbon, Introduction to *Hovot Halevavot*.

⁵⁵ *Ba'alei Hanefesh*, 88.

⁵⁶ *Hovot Halevavot*, I:9. This was noted by Scholem, op. cit., 82.

⁵⁷ *Derashah Lerosh Hashanah*, ed. A. S. ha-Levi (London, 1955), 24; *Hovot Halevavot*, VII:6.

In addition, we shall presently note the affinity between Ravad and R. Baḥya concerning the problem of Divine Incorporeality.

In further describing God's relationship to and presence in the world, Ravad says that the existence of created things does not separate God from the world or restrict His being:

The Creator is the place of the world but the world is not His place. The analogy of this is that the world is full of air and everything enters into the air. They feel it but it is invisible to them.⁵⁸

This analogy, which, as Professor Scholem mentions,⁵⁹ was adopted and elaborated by later kabbalists, is to be traced back to R. Saadiah. Attention should be called to the following passage in the *Emunot Vede'ot*: "How is it possible to conceive the thought of God's presence everywhere so that no place would be vacant of His presence?"⁶⁰ Also, R. Yehudah ben Barzilai, in his commentary on *Sefer Yetzirah*, observes that "all places are in Me, for I am the place of My world and My world is not My place and I am the place of all My creatures."⁶¹

The late Professors Marx and Ginzberg contended that Ravad's statement in *Hilkhot Teshuvah* ("this author did not conduct himself according to the custom of the sages, for one does not start something if he does not know how to finish it") is actually a quotation from the *Musarei Hafilosofim* ("do not start something which you will be unable to finish"). If Ravad did in fact use this as his literary model—and the thought itself is clearly too much of a common-sense maxim to warrant any definite assertion of literary dependence—it follows that it is the oldest known quotation from the *Musarei Hafilosofim* by a French author.⁶²

The question of the place of man in creation and, especially, his relationship to the angels—in other words, the subject of anthropocentrism, which was a favorite of both midrashic and philosophic speculation⁶³—is taken up, among others, by Shelomo ibn Gabirol. Speaking of the fact that everything was created for the purpose of

⁵⁸ *Ba'alei Hanefesh*, op. cit.

⁵⁹ Op. cit., 83.

⁶⁰ *Emunot Vede'ot* II:13; also, II:55. Cf. R. Saadiah's Commentary on *Sefer Yetzirah*, ed. M. Lambert (Paris, 1891), 92 (French translation).

⁶¹ R. Yehudah ben Barzilai, *Perush Sefer Yetzirah*, ed. S. J. Halberstam (Berlin, 1885), 17. For additional references, especially in the literature of mysticism, cf. G. Scholem, *Major Trends in Jewish Mysticism* (New York: Schocken, 1941), 108–09.

⁶² *Mishneh Torah*, *Teshuvah*, 5:5; *Musarei Hafilosofim*, ed., Loewenthal, 39; cf. Marx, "Bemerkungen zu Steinschneider's Hebraeischen Uebersetzungen," *ZhHB*, X (1906), 95; Ginzberg, *JE*, I, 103.

⁶³ For the midrashic background, cf. G. F. Moore, *Judaism* (Cambridge: Harvard University Press, 1944) I, 444–51; for the philosophic background, cf. Malter, *Saadia Gaon* (Philadelphia: The Jewish Publication Society, 1942), 212ff., especially n. 485.

serving and benefiting man, Gabirol states in the introduction to the *Tikkun Middot Hanefesh*:

We see that the angels are used for the purposes of serving the needs of the righteous person. We know this from the Patriarch Avraham when (the angels came) to inform and warn him ... There are many illustrations of these matters and I shall not expatiate to recall them all.

The language, imagery, and ideas of Gabirol are reflected in the following passage of Ravad, taken from the context of a similar discussion in the *Ba'alei Hanefesh* and not distinguished by any philosophic language:

Even the higher spiritual beings (angels) are given over to serve the righteous person. We found this (in the case) of the angel who came to inform Sarah ... There is no need to expatiate on this matter, for (it is illustrated) in many places which are known to all.⁶⁴

In Gabirol, as well as in other philosophic literature available to Ravad, it was common to point out analogies between the four elements of nature and the four humors of man. This analogy, which, as Prof. Wolfson has shown,⁶⁵ stems originally from a passage in Galen, is expressed in the *Tikkun Middot Hanefesh* as follows: “God created man with four natural elements, for he has in him blood which is analogous to air, phlegm which is analogous to water”⁶⁶ Also Shabbetai Donnolo, in the first part of *Hakemoni*, works with this parallelism: “So He created man also from the four elements: from air, water, fire, and earth and they are blood, phlegm, choler, and melancholy.”⁶⁷ In discussing the nature and importance of man, Ravad echoes this distinctly philosophic concept: “the four elements of man are based upon the four elements of the world and are nourished by them.”⁶⁸

Besides these concepts and phrases which we have described and correlated with the philosophic literature from which they must have been taken, there are a number of key philosophic terms scattered throughout Ravad's writings. We find him

⁶⁴ *Ba'alei Hanefesh*, 3.

⁶⁵ H. A. Wolfson, “Arabic and Hebrew Terms for Matter and Element,” *JQR*, XXXVIII (1947), 56.

⁶⁶ *Tikkun Middot Hanefesh*, 4. Cf. the translation of S. Wise (New York, 1901), p. 13 where he claims that Gabirol “copies the words” of Donnolo.

⁶⁷ Shabbetai Donnolo, *Hakemoni* (Warsaw, 1884), 12a. That Ravad was acquainted with Donnolo's text of the *Sefer Yetzirah*, and presumably with his *Hakemoni*, may be ascertained on the basis of a quotation from the *Sefer Yetzirah*; cf. A. Epstein, “Studien zum Jezira-Buche und seinen Erklärern,” *MGWJ*, XXXVII (1893), 268 (and reprinted in *Mikadmoniyot Hayehudim*, ed. A. M. Haberman [Jerusalem: Mosad Harav Kook, 1957], 205, 207).

⁶⁸ *Ba'alei Hanefesh*, 3.

using such phrases as *ilat ha'ilot*, *yeshut*, *kadmut*, *ḥiddush*, *yesh me'ayin*, *ḥai med-aber*; *nefesh behemit*, *gezerah* (in the sense of predetermination), *ruḥanim elyonim* (in the sense of angels). Besides, other Arabicized Hebrew terms, introduced by the contemporary translators—for instance, *haber* in the sense of “compose,” *hasagah* for “criticism,” *anshei* (like *anshei hameḥkar*) for devotees of a certain subject—are also used by Ravad. These terms could be derived only from the new literature then beginning to circulate in Provence.⁶⁹

In the philosophic literature available to Ravad, the perennial problem of human free will versus divine foreknowledge was customarily solved by maintaining that God's knowledge was not causative or determinative. R. Saadiah repeats this middle-of-the road solution in the fourth chapter of the *Emunot Vede'ot* as follows: “The Creator's foreknowledge of things is not the cause of their coming into being ...”⁷⁰ In the last part of the *Kuzari*, R. Yehudah Halevi also reproduces this answer, which was the stock Kalam view:

The Mutakallims considered this matter in detail, with the result that the divine knowledge of the potential is but casual, that the knowledge of a thing is not the cause of its coming into existence and God's knowledge does not compel.⁷¹

Maimonides did not believe this to be a satisfactory answer and did not repeat it. In the *Mishneh Torah* he states frankly that the antimony is insoluble, inasmuch as the omniscience and prescience of God, on one hand, and the freedom of the will, on the other, are two incommensurate concepts. Divine knowledge, which obliterates the customary subject-object division, is incomprehensible to us and therefore we cannot eliminate or logically circumvent this inherent contradiction between the freedom of man and the knowledge of God. Both, Maimonides concludes, must remain articles of faith.⁷²

This exposition—which Husik has termed “agnostic”⁷³—left Ravad cold and led him to submit hesitatingly a solution of his own:

Although there is no decisive answer to this (dilemma), it is desirable to provide some answer. I say that if the righteousness or wickedness of man were dependent on the decree of the Creator blessed be He, we would conclude that His knowledge is His decree and then the question would

⁶⁹ Ibid., especially 3, 4, 80, 87, 88; cf. Zunz, *Gesammelte Schriften* (Berlin, 1875), I, 51; M. Wilensky, ed. *Harikmah* (Berlin, 1929), 2, n. 8; 19, n. 7.

⁷⁰ *Emunot Vede'ot*, IV: 4.

⁷¹ *Kuzari*, V:20.

⁷² *Mishneh Torah*, *Teshuvah*, 5:5.

⁷³ I. Husik, *A History of Medieval Jewish Philosophy* (New York, 1916), XLVIII, 287.

be very difficult for us. Now that the Creator removed this power from His hand and put it in man's own hand, His prescience is not a decree but may be compared to the foreknowledge of the astrologers who conclude the character of a man from the stars. It is known that whatever happens to man, great or small, God turned over to the power of the stars. He bestowed upon man, however, a mind which gives him the strength to avert the influence of the stars. That is the possibility given to man to be good or bad. The Creator knows the power of the stars and can judge whether the mind has the strength to overcome it. This knowledge is not a decree. But all this is not worth much (as an answer).⁷⁴

The problematic aspect of God's prescience in relation to man's freedom is thus disposed of by Ravad just as it was by R. Saadiah and R. Yehudah Halevi—prescience is not a decree. When he says that “it is desirable to provide some answer” to this dilemma, he is merely falling back upon the conventional philosophic theory which Maimonides had rejected and which he himself admits “is not worth much.”

Furthermore, undoubtedly borrowing from astrological works current in southern France and reflecting especially R. Avraham ibn Ezra's commentary on Shemot, Ravad illustrates or vivifies this theory by comparing God's foreknowledge to an astrologer's augury, which is able to forecast but does not determine the future. The influence of the stars, belief in which was a fashionable, widespread doctrine, is not determinative, for God endowed man with adequate intellectual resources with which to avert this influence and liberate his destiny from blind power. Man remains, therefore, in the face of both divine foreknowledge and stellar influence, a free, volitional creature capable of self-determination.⁷⁵

In conclusion, we turn to a famous *hasagah* on the *Mishneh Torah* which indirectly involves both the problem of his attitude to philosophy as well as his use of philosophic terminology. The issue was the well-known question of Divine Incorporality, which had been discussed at great length and on many occasions by the rabbis and by all Jewish philosophers from Philo to Maimonides.⁷⁶ The metaphoric interpretation of all Scriptural anthropomorphisms, in keeping with the explicit Scriptural doctrine of the absolute unlikeness of God, was the accepted view. When Maimonides, in his code, made a five-fold classification of heretics, the third being “he who says there is one ruler, but that He is a body and has form,” he elevated a common belief to the status of a rigid dogma. In his animadversion directed against this part of Maimonides' statement, Ravad comments trenchantly:

⁷⁴ *Mishneh Torah*, op. cit. Part of this *hasagah* was translated by Marx, *Studies in Jewish History and Booklore* (New York, 1944), 74.

⁷⁵ Cf. in general, Marx, *ibid.*, 63–76. R. Avraham ibn Ezra, Shemot 7:3. On the use of Ibn Ezra's commentary in Provence, see also Efros, op. cit., 130, n. 14.

⁷⁶ Cf. Wolfson, *Philo* (Cambridge: Harvard University Press, 1947), I, 55ff.; 135; II, 127.

Why has he called such a person an heretic? There are many people greater than and superior to him who adhere to such a belief on the basis of what they have seen in verses of Scripture and even more in the words of those aggadot which corrupt right opinion about religious matters.⁷⁷

This polemical statement, which alludes to the Scriptural sanction of the use of anthropomorphisms and the intensified use of anthropomorphic descriptions by the rabbis, has received varying interpretations. There are those scholars—like Eppenstein, Gross, David Kaufmann, Ezekiel Kaufmann, and others, with slight shades of opinion between them—who, disregarding the very meaningful conclusion of Ravad's animadversion which brands the anthropomorphic legends as corrupting, place him in the camp of anthropomorphists or attributists.⁷⁸ Others, like Steinschneider, Guedemann, Ginzberg, Atlas, and Kadushin, maintain that the last phrase clearly indicates that Ravad himself did not subscribe to the principle of corporeality but intended only to defend its adherents against the charge of heresy.⁷⁹ Deserving special mention is Professor Scholem's original interpretation which submits that Ravad's *hasagah* reflects the mystical belief in a logos—"which is like a body to the soul." Although Ravad and the mystics agreed that God as the first Cause was absolutely spiritual, they were willing to sanction all corporeal allusions with reference to the Demiurge.⁸⁰

Now, there is not a shadow of doubt that Ravad was personally committed to the traditional Jewish view which maintained the unlikeness and incorporeality of God as an indispensable corollary of the existence and unity of God. Those Talmudic legends and homilies which nurture the corporeal misconception of God are in his opinion frankly "corrupting." R. Yosef Albo, neutralizing the acidity of Ravad's *hasagah*, quotes him as saying: "Certainly the essential principle of belief is that

⁷⁷ *Mishneh Torah, Teshuvah*, 3:7. ולמה קרא לזה מין. וכמה גדולים וטובים ממנו הלכו בזו המחשבה לפי מה שראו. במקראות ויותר מה שראו בדברי האגדות המשבשות את הדעות. The incomplete manuscript of the *hasagot* in the Jewish Theological Seminary (ms. 38477) omits the word "*mimenu*" and thus takes all the sting out from this note. For variations of this passage, cf. D. Kaufmann, *Geschichte der Attributenlehre* (Gotha, 1877), 487–88; M. Kasher, *Torah Shelema* (New York, 1955), V. XVI, 288ff. Note also that the version of R. Shelomo Luria resembles our printed one, including the word "*mimenu*"; cf. *Yam shel Shelomoh*, Hullin, Introduction.

⁷⁸ S. Eppenstein, in *Moses ben Maimon (sein Leben, seine Werke und sein Einfluss)*, ed. J. Guttman (Leipzig, 1914) II, 73, n. 2. Gross, op. cit., 166. D. Kaufmann, op. cit., 487; E. Kaufmann, *Toledot Ha'emunah Hayisra'elit* (Tel Aviv: Dvir, 1937), I, Bk. II, 240–41. S. Rawidowicz, "Iyunei Rambam," *Mezudah* II (1944), 143, n. 39 and "Saadya's Purification of the Idea of God," *Saadya Studies*, ed. E. Rosenthal (Manchester University Press, 1943), 163, n. 1.

⁷⁹ Steinschneider, *Jewish Literature*, 87; Guedemann, *Geschichte des Erziehungswesens* (Hebrew translation—Warsaw, 1896), I, 56; Ginzberg, *JE*, I, 103; Atlas, op. cit., 26; Kadushin, *The Rabbinic Mind*, 283, n. 40.

⁸⁰ Scholem, *Reishit Hakabbalah*, 75.

God is incorporeal.”⁸¹ Elsewhere in his writings, Ravad is emphatic and unequivocal concerning the elimination of all anthropomorphic attributes with regard to God: “... it is not correct to speak in this manner about the Creator.”⁸² In this statement he implicitly concurs with the Talmudic maxim “the Torah speaks according to the language of men,” which is explicitly invoked by Maimonides in the *Mishneh Torah* in connection with the allegorical interpretation of certain grossly anthropomorphic expressions of Scripture—and there also Ravad tacitly assents.⁸³ As a matter of fact, Ravad quotes the famous rabbinic statement from the *Mekhilta*—“We describe God by terms borrowed from His creations in order to cause them to sink into the ear”⁸⁴—with a few minor variations. He says concerning the description of God:

If Scripture compared the Creator (in His act of creation) to clay in the hands of the potter, it is only that the ear might get it in accordance with its capacity for hearing, i.e., understanding. Any simile applied to God is as remote from the literal sense of the metaphor as east is from west.⁸⁵

Moreover, he was very fond of the *Hovot Halevavot*, which is decidedly antianthropomorphic.⁸⁶ Finally, he passes over Maimonides’ lengthy metaphysical formulation of the absolute incorporeality of God in the very first chapter of *Hilkhot Yesodei Hatorah* without comment or qualification. This is a case where an argument *ex silentio* may convincingly be mustered as corroborative evidence.

Why then did Ravad dissent so vociferously when Maimonides, in his enumeration of the “five classes (that) are termed heretics,” included those who impute body or form to God together with those who actually deny His existence or posit a plurality of deities? Why should he take issue with Maimonides on a matter concerning which they are in theoretical agreement?

The answer is that Ravad objected to the apodictic style in which Maimonides stressed the importance of this dogma. He was clearly not against the belief in incorporeality, but he was against Maimonides’ doctrinaire statement that one who affirms the corporeality of God is a heretic. Certainly, individuals distinguished by impeccable piety and Talmudic erudition ought not to be stigmatized as heretics and, by implication, be denied a place in the hereafter as a result of their literal reading

⁸¹ R. Yosef Albo, *Ikkarim*, I:2.

⁸² *Ba’alei Hanefesh*, 4.

⁸³ *Mishneh Torah, Yesodei Hatorah*, I:12; cf. *Berakhot*, 31a.

⁸⁴ *Mekhilta, Bahodesh, parashah* 4.

⁸⁵ *Ba’alei Hanefesh*, 88.

⁸⁶ Louis Ginzberg (op. cit.) asserts that Ravad’s encouragement of the translation of R. Bahya’s work is a sign of his allegiance to the antianthropomorphic view. While the point is a good one, it should be observed that R. Bahya’s refutation of anthropomorphism occurs in the first chapter (section ten), which was translated at the request of R. Meshulam ben Yaakov of Lunel.

of Scripture. Literalism of this sort, moreover, was evidently widespread. Maimonides himself was acquainted with Jews of unshakeable literalist persuasion, whom he condemned unqualifiedly. He reports that he encountered many prominent Talmudists some of whom were uncertain whether God possessed eyes, hands, and feet while others concluded categorically that God had a body with organs and senses.⁸⁷ Younger contemporaries and immediate successors such as Nahmanides, R. David Kimḥi, and Maimonides' son R. Avraham also inform us of the prevalence of these beliefs.⁸⁸ Ravad presumably knew such people, whom he held in high esteem, and he was not prepared to dismiss them as second-rate Jews, even though he himself did not favor literalism.

It may be added here in passing that the expression implied by Maimonides—Incorporeality—is a purely philosophic term and is not found in Scripture at all. Scripture speaks only of the “unlikeness” of God, which Philo for the first time equated with the doctrine of philosophic incorporeality. In his footsteps, all philosophers identified this philosophic view with this Scriptural teaching but recognized that divine Incorporeality is nowhere explicitly taught in Scripture.⁸⁹ It is noteworthy that in his *hasagah* Ravad does not use the term for incorporeality. He must have been thinking in terms of “unlikeness.” In short, an erroneous notion concerning the philosophic conception of the incorporeality of God did not necessarily imply religious imperfection and need not be condemned. In his opinion—and this, as we have seen, is characteristic of his entire attitude and manner of thinking—philosophic formulations were not binding for all Jews provided that the practical religious life was unimpaired.

Such, in essence, is the view, popular and tolerant, expressed also by R. Baḥya ibn Pakuda in the first section of his philosophic work, the contents of which Ravad had undoubtedly absorbed:

The foolish and simple person will conceive the Creator in accordance with the literal sense of the Scriptural phrase. And if he assumes the obligation of serving his God and strives to labor for His glory, he has in his simplicity and lack of understanding a great excuse for his erroneous conception. For man is accountable for his thoughts and deeds only according to his powers of apprehension and comprehension, physical strength and material means.⁹⁰

⁸⁷ “Ma’amar Tehiyat Hametim,” in *Iggerot Harambam*, ed. M. D. Rabinovitz (Tel Aviv: Rishonim, 1951), 345; cf. Rawidowicz, *Mezudah*, VII, 128.

⁸⁸ Nahmanides, *Kovetz Teshuvot Harambam*, III, 9b; R. D. Kimḥi, *ibid.*, 3b; R. Avraham Maimonides, *Milḥamot Hashem*, ed. R. Margaliyot (Jerusalem: Mosad Harav Kook, 1953), 52.

⁸⁹ Wolfson, *Philo*, II, 96ff.

⁹⁰ *Hovot Halehavot*, I:10.

It is in the spirit of this view of R. Bahya that the concurrent opinion of Ravad is reformulated in the fifteenth century by R. Yosef Albo, the last of the great medieval Jewish philosophers. R. Albo was well-acquainted with Ravad's theory, which he quotes—with a very meaningful variation, as we have noted—and explains as part of an interesting justification of both philosophic inquiry and speculative nonconformity. His argument runs as follows, the similarities to Ravad being self-evident:

We say, therefore, that a person whose speculative ability is not sufficient to enable him to reach the true meaning of Scriptural texts, with the result that he believes in the literal meaning and entertains absurd ideas because he thinks they represent the view of the Torah, is not thereby excluded from the community of those who believe in the Torah, Heaven forbid. Nor is it permitted to speak disrespectfully of him and accuse him of perverting the teaching of the Torah and class him among heretics.⁹¹

⁹¹ *Ikkarim*, I:2.

The Contribution of Italian Sages to Rabbinic Literature*

There are four major areas for, and desiderata in, the scholarly investigation of “the contribution of Italian sages to Rabbinic Literature”¹: the reconstruction, retrieval, and critical publication of all the works of Italian sages in the vast field of rabbinics²; the patient, full-orbed literary and conceptual assessment of their worth, originality, and importance (for preservation and innovation, substantive as well as methodological) by comparative study, by developing an all-encompassing perspective which brings into focus the works of Spanish, Provençal, French and German sages and, for the later period, Polish and Turkish authors³; the analytic determination whether there exists a distinctive Italian school with its special features, its chain of tradition from teacher to disciple, its self-consciousness, its methodological traits, its adherence to local custom and hallowed tradition—or to be more precise, the issue is whether the historian reviewing all the evidence must be unrelentingly atomistic and anatomistic in speaking of Italian sages or whether there is also justification for an organic-holistic frame of reference; the chronicling of the process of their dissemination and absorption into the mainstream of rabbinic creativity—or,

* *To my dear brothers Rabbi Menachem Nochum and Rabbi Moshe and their families.*

¹ I have retained the original form of this lecture, which was, of course, undocumented, and have now added only some essential bibliographic references or elaborations of a few points made in the text. General background is available in the standard works: A. Milano, *Bibliotheca historica italo-judaica* (Florence, 1954); C. Roth, *History of the Jews in Italy* (Philadelphia, 1946); J. Starr, *Jews in the Byzantine Empire* (Athens, 1939); A. Sharf, *Byzantine Jewry from Justinian to the Fourth Crusade* (London, 1971); H. Vogelstein-P. Rieger, *Geschichte der Juden in Rom* (Berlin, 1895); H. Gross, “Isaac ben Malki-Zedek und seine suditalischen Zeitgenossen”, in *Magazin für jüdische Geschichte und Literatur*, II (1875); the big works of I. Halevi, S. Rappoport, I. H. Weiss, L. Zunz; S. Assaf in *Hashiloah* XXXV (1918), 12–17, 275–286; the introduction of A. Wertheimer to the Bible commentaries of R. Yeshayahu (see below, n. 2); and the items cited below, esp. nn. 3, 5; also, M. Margaliyot (ed.), *Halakhot Ketuvot*, (Jerusalem, 1942); id., *Hilkhot Eretz Yisrael min Hagenizah* (Jerusalem, 1973).

² Cognate fields are also indispensable for a balanced-judicious appraisal of rabbinics; e.g., for purposes of this paper, see the *Bible commentaries* of R. Yeshayah of Trani (Elder or Younger) (ed. A. Wertheimer, Jerusalem, 1959); the recently published article by E. Fleischer, “Hedvata Berabi Avraham: Rishon Lepayetaney Italiyah?,” in *Italia*, II (1981), 7–30, and the new edition of R. Hillel of Verona, *Sefer Tagmulei Hanefesh* (ed. G. Sermoneta, Jerusalem 1981).

³ Some basic monographs should be brought into the picture: e.g., E. Urbach, *Ba'alei Hatosafot*, the recently published A. Grossman, *Hakhmei Ashkenaz Harishonim* (Jerusalem, 1981), or the older work by Guedemann, *Hatorah Vehahayyim*, 3 vol. (Warsaw 1898).

in other words, the establishment of the parameters of their influence (collective or individual), the extent of their durability, their impact on major codes, and their role as intermediaries and transmitters. The following observations, pointed prolegomena to a comprehensive monograph, concentrate primarily on the early period (to 1300), with occasional observations on the 15th and 16th centuries, and are intended to provide a matrix for the treatment of items two and three.

1. The study of medieval rabbinic literature in Europe presents scholars with a complex, composite problem of “beginnings.” There is need (a) to establish the historical-literary facts—who are the earliest authors in the various centers, what are the foci of their interests, and what works (commentaries and supercommentaries, codes, responsa, halakhic monographs, abridgements of Talmud, lexicons, midrashic collections) did they compose? There is also need (b) to evaluate these bio-bibliographical facts by placing them in a horizontal as well as vertical perspective. How does rabbinic creativity at a certain period—e.g., 1050—in northern France compare to what is happening in Provence, Italy, and Spain? Moreover, how does it relate to pre-1050 developments in its own region? This question is, in fact, part of a larger question: is literature commensurate with culture or is there an oral pre-literary phase with its own cultural value and impact? In pursuing these lines of inquiry we must be regularly mindful of three related issues. First, the problems of reconstructing and evaluating an oral tradition are sticky and complex.⁴ Second, are there records of any abrupt changes—political, cultural, or demographic—which would militate against the assumption of uninterrupted continuity or make such continuity an impossibility?⁵ Finally, the impact of the Geonic legacy, both as a fructifying and stultifying force, needs to be assessed; attitudes to it vary—it is a source of dialectical development in Jewish history.⁶ Varying attitudes produce continuity or change.

Furthermore, at what point does a continuous literary tradition crystallize and begin to show distinctive and accumulative features which validate our labeling a certain literary-intellectual phenomenon as a school, with its methodology and outlook, traditions and loyalties—as distinct from intermittent, essentially individualistic and

⁴ Vestiges of an oral tradition are often obliterated. In the case of Italy, the dominant Palestinian orientation of the ninth century is overwhelmed by the strong and abundant Babylonian influences of the tenth century. This, in turn, is the period for which evidence becomes available and which we begin to study in detail. The earlier period inevitably remains a dark age. Dr. Reuben Bonfil is developing this issue of rather swift Babylonian ascendancy in a study to appear in the I. Tishby *Festschrift*.

⁵ See, e.g., U. Cassuto, *Hurban Hayeshivot Be'ityah Haderomit Bame'ah ha-XIII*, in *Sefer Zikaron Legulak ve-Klein* (Jerusalem, 1942), 139–152. Cassuto posits continuity in Italy until the destruction of its academies at the end of the thirteenth century—a problem-ridden thesis.

⁶ For the dialectical attitudes to *Geonim*, see my brief remarks in *Tarbiz*, XXXVII (1968), 321–322 and *Rabad of Posquières: A Twelfth Century Talmudist?* (Philadelphia: The Jewish Publication Society, 1980), 216ff. Cfr. also, H. Soloveitchik in *Perakim Betoledot Hahevrah Hayehudit* (Jerusalem, 1980), English section, 11–12.

non-cumulative activity by talented scholars unfettered by common commitments or methods? After schools emerge, when do they begin to interact and crossfertilize? In the same vein, when and where do we find self-consciousness with regard to creativity and self-perception of one's place in and contribution to the development of the literary genre? While the factual problem of beginnings is constantly being dealt with and illumined by modern scholars (the research of Avraham Grossman on tenth-century Ashkenaz is a good example), the self-perception is forthcoming from the authors themselves, the codifiers, commentators, writers of novellae and responsa, who not only created the literature we study, but occasionally paused to reflect on the general significance of their enterprise, its genesis and scope, motive and impetus, generic variability, relation to antecedents and historical impact. These reflections need to be carefully analyzed.

One of the most instructive and suggestive of such reflections is found in a famous passage in the introduction of R. Menahem Hame'iri to his monumental *Beit Habehirah* on Avot, a work which unmistakably reflects the author's sense of being a watershed personality.⁷ He chronicled the transmission of the Oral Law and the development of rabbinic literature down to his own time. We may utilize this historical reflection and record as a means of gaining insight into the problem as a whole and the place of Italy in particular. His scheme helps provide a perspective for the study of rabbinic literature in Italy and especially for the question of whether or not there existed a school in Italy.

After a rather sober description and characterization of the Geonic period, deftly combining abundant praise of the knowledge and fame of the *Geonim* with penetrating (even debunking) criticism of their literary heritage which seems to be all too fragmentary, elliptical and unsophisticated, he suggests that in seeking a balanced synthesis or polychromatic overview of the development of rabbinic literature in France, Provence, and Spain, we must avoid oversimplification or reductionism by being attentive to the *difference between oral and literary culture*; we must be careful not to equate literary productivity with creativity and conceptual advance, for the latter may be oral as well. There is something isomorphic as well as synchronic about the scheme which he then advances. Hame'iri affirms that literary tradition, which should be understood as substantive, comprehensive work which remains influential and provides a solid stimulating basis for continuity and expansion by successors, begins concurrently with R. Yitzhak Alfasi in Spain, with Rashi in France, with Ravad and R. Yehudah Albargeloni in Provence-Catalonia—the four fathers of Talmudic study whose intended audience was the nation as a whole:

⁷ *Beit Habehirah*, Avot (New York, 1944). The key passage is on pp. 64–66. The general introduction to *Beit Habehirah*, Berakhot (Jerusalem, 1965), also reflects this sense of synthesis and tradition: its style, *raison d'être*, relation to predecessors, use of philosophy, treatment of codes versus Talmud, and other issues. I hope to present an intellectual profile of Hame'iri in a forthcoming study.

"ארבעה המה מטיבי לכת אבות התלמוד אשר התחילו לחבר חבוריהם להועיל תועלת כללי לאומה"

They began to compose major books in order to benefit the *entire nation*; the didactic motive, the rational awareness, and the more systematic-comprehensive nature of writing are allied. However, they are not the first scholars in these areas. There is a pre-literary period (which merges with a partially-literary period, à la the Geonic writing), and its muteness or even its widespread anonymity—by no means complete, for such figures as Rabbenu Gershom or R. Moshe ben Yosef of Narbonne are prominent—should not be identified with primitivism or passivity, ignorance or inability. This pre-literary stage is not merely a period of gestation or digestion of classical materials. It is not that the breakthrough comes after an “extended intellectual moratorium” as is the case with individuals, some of whom launch their literary careers early in life and some only after long delay. (See, e.g., Erik Erikson, *Young Man Luther*.) As a matter of fact, Hame’iri contends—contrary to the conventional assumptions and sensibilities of modern scholars and congruent with Platonic-Maimonidean categories—that oral culture is intrinsically superior to literary culture⁸; we may say that he operates with the notion of an *extended moratorium* which is not merely transitional or propaedeutic but quite creative and significant and desirable in its own right. Interestingly enough, he supports and legitimates this view in two ways: first by adapting a Talmudic maxim which stipulates that the acceptance of witnesses’ testimony in court is contingent on its being oral—reading from notes disqualifies it (מפיהם ולא מפי כתבם); and second by applying a medieval adage, found already in R. Yehudah Halevi’s *Kuzari*⁹ and quite popular in Provençal Hebrew literature, concerning study and transmission of knowledge and the desirability of receiving instruction directly from teachers rather than impersonally from books—מפי סופרים ולא מפי ספרים.

“In general,” R. Menahem Hame’iri notes, “everything preceding these [the four fathers of Talmudic study mentioned above] in time” is covered by these two statements. In other words, the state of oral creativity and transmission is not only important but is ideal; it also lasted for a long time. It should be appreciated accordingly. Not only is there no reason to be apologetic about the oral culture but there is reason to be proud of it. In fact, the transition to literary culture is problematic. Writing is a response to historical decline, to special, anomalous exigencies and contingencies which ruffle the stability, spontaneity and serenity of the tradition and necessitate the production of literature. Indeed, Geonic writing which hovers over the beginnings of rabbinic literature in Europe has a sense of urgency and immediacy to it which, in fact, explains its unsystematic presentation and fragmentary character. It is a kind of crisis literature, responding to sudden needs. That is why, he interjects, it is unfair to judge the worth, the greatness, and the historic achievement of the *Geonim* only on

⁸ See I. Twersky, *Introduction to the Code of Maimonides* (New Haven, 1980), 72–74.

⁹ *Kuzari*, II:72.

the basis of critical review of their extant works, *pieces de circonstance*, for such a review would not be very flattering; eulogistic oral reputation and traditional attestations of importance must be duly weighed. Their literary achievement does not faithfully mirror their full stature. We hear in this conception echoes of the Spanish view that the redaction of the Mishnah—and the end of the completely oral phase of the Oral Law—was an emergency consequence of historic pressures and apprehensions about the preservation of Torah. The Law was oral not only for theological, methodological, or meta-historical reasons (i.e., to guarantee the uniqueness of Jews vis à vis Christians who, Septuagint in hand, claimed to be *verus Israel*), but because of the essential superiority of oral culture.¹⁰ It is this historiographical scheme and this theory of literature which he applies to France, Provence, and Spain. While chronicling the literary achievements of these centers in Western Europe, he summarily emphasizes their oral phase.

Obviously, the total omission of Italy from Hame'iri's account is most noteworthy—and quite enigmatic—for our purposes. Now, were we to meet with Hame'iri, we would be in a position to sketch the early history of rabbinic literature in Italy (until the second half of the thirteenth century, the period of Hame'iri) on the basis of skeletal facts and a few lingering conjectures. Very briefly, the following items would be included or investigated: (1) the redaction of *Halakhot Ketuvot* in southern Italy—à la Mordekhai Margaliyot; (2) the possibility (discussed since the time of Zunz) that certain midrashic compilations are, in their final form, of Italian provenance; (3) Shabbetai Donnolo's report about the death of ten prominent scholars in 925¹¹; (4) the achievement of R. Meshulam ben Kalonymos of Lucca, most of whose work was done in Italy rather than Germany, and the general role of Italy as intermediary in transmitting Palestinian teachings to Ashkenaz (emphasized since the time of S. Y. Rappoport), even though the great formative influence of Babylonian teachings is now being more fully assessed¹²; (5) the reports of Aḥimaatz concerning his family contributions to Talmudic scholarship, liturgical poetry, and statesmanship as well as his comments concerning Abu Aharon of Bagdad who found “already established” schools at Oria; (6) the powerful Italian-Byzantine axis, suggested by the above and abetted by numerous other indications; (7) the *Arukh* composed by R. Natan ben Yehiel of Rome; (8) the two important manuscripts of the Mishnah which

¹⁰ See Chapter 23 below, pp. 537–539. For the views on the redaction of the Mishnah, see J. N. Epstein, *Mavo Lenusah Hamishnah* (Jerusalem, 1948), 692ff.

¹¹ See A. Sharf, *The Universe of S. Donnolo* (New York, 1976). Prof. S. Abramson has shown how R. Moshe of Coucy made use of Donnolo's *Hakhmoni* in the *Sefer Mitzvot Gadol*; see *Sinai*, LXXX (1976/77), 211–213.

¹² See especially, A. Grossman, *Hakhmei Ashkenaz*, 31 and the review by I. Ta-Shema, *Kiryat Sefer*, LVI (1981), 344–352.

originated in Italy at the end of the eleventh century¹³; (9) the Mishnah Commentary (on Zera'im and Tohorot) of R. Yitzhak ben Malkitzedek of Siponto, the “Greek rabbi” apparently used by Maimonides, lavishly praised by some contemporaries, and sharply criticized by Ravad, as well as references to his father and son (Shiloh); (10) R. Shelomo ben Hayatom and his commentary on the Talmudic tractate Moed Katan (or *Mashkin*); (11) references to *ḥakhmei Romi* both those living in Rome and those emigrating elsewhere (e.g., Worms); (12) the scholars mentioned by Bin-yamin of Tudela; (13) R. Tam’s rhapsodic declaration in his *Sefer Hayashar* concerning Bari and Otranto מאוטראנטו כי מבארי תצא תורה ודבר ה’ מאוטראנטו; (14) the *Tanya Rabbati*¹⁴; (15) R. Yeshayah ben Mali of Trani (Rid), a prodigious author to whom we shall return; (16) R. Tzidkiyah ben Avraham Anaw and his important compilation *Shibolei Haleket*. While sketching this history, the following place names would be mentioned: Bari, Brindisi, Lucca, Milan, Oria, Otranto, Pavia, Rome, Siponto, Taranto, Trani, Venosa, Verona—and they would ring a bell; all were seats of learning.

These items, in short, together with a review of contacts and influences from and upon other centers as well as references in related genres (such as R. Yaakov Anatoli’s *Derashot* or R. Hillel of Verona’s *Tagmulei Hanefesh*), are the chapter headings for a history of rabbinic literature in Italy. The material is indeed substantive and significant. If we then revert to Hame’iri’s scheme, we are all the more puzzled by his omission of Italy. We would expect him to have mentioned someone—perhaps R. Natan ben Yehiel of Rome—as a fifth “father of Talmudic study,” alongside of Rashi, R. Yehudah Albargeloni, R. Yitzhak Alfasi and Ravad. There is no reason to assume that Hame’iri, extremely erudite and generally comprehensive, was *totally* unaware of these developments nor is there reason to accuse Hame’iri of parochialism or intentional neglect.¹⁵ There were literary and personal connections between Provence and Italy. What then is the meaning of his silence concerning Italy in light of his general historical scheme and the many details concerning the other centers? It can only be that in addition to the geographical-territorial lack of unity—Italy has been described by historians as a “geographic expression,” lacking any political unification until modern times—Hame’iri did not perceive any

¹³ This was already noted by Cassuto. Prof. Y. Sussman reviews the matter in his article on the history of *Mishnah* manuscripts which is to appear in the *Proceedings* of the Seventh World Congress of Jewish Studies. I was pleased to receive a copy of the galley. It is clear from this that *Mishnah* study was prominent in southern Italy, but there is not much that we are able to say about it on the basis of impersonal paleographic evidence. The role of Italian scholars as transmitters is also underscored, but again without much personal or methodological information.

¹⁴ See the basic study of Y. Z. Peintoch in *Sinai*, LXXX (1976/77), 14–25. This book is frequently quoted in later times (e.g., by R. Yosef Colon) and is seen as a repository of Italian customs (e.g., R. Gedalyah ibn Yahya); see M. Shulvass, *Ḥayyei Hayehudim Be’ityah* (New York, 1955), 256.

¹⁵ To be sure, a cursory inspection reveals that there are very few references to Italian scholars, but he does mention the *Arukh*. The question of his knowledge and use of Italian rabbis deserves a full and careful review.

conceptual, literary, or methodological unity and continuity. Apparently, it was not even a geographical-cultural *idea* comparable to Ashkenaz or Sepharad. (Liturgical custom—*minhag Italiani* or *minhag Romi*—is a separate issue; it certainly indicates unity and continuity in an important sphere, with halakhic repercussions, but is not a surrogate for hard-core rabbinic literature.)¹⁶ The development must have appeared to him as sparse and episodic in comparison with the other major centers which he was chronicling succinctly and in broad strokes. Finally, their achievements were not, in his opinion, widely influential or *famous*, an important criterion for him. There was no school.

Moreover, it would appear that the Italian rabbis themselves exhibited no awareness of continuity and made no explicit or implicit claims to being part of a local school. From the very beginning it was more of a receptive center, across which successive ripples or waves of influence washed. It transmitted to Ashkenaz and, in turn, received, for example, from R. Gershom. R. Natan of Rome, who to be sure travelled to several Italian cities and was both student of and successor to his father as head of the Rome yeshiva, also went to Narbonne to study with R. Moshe Hadarshan, *inter alia*. His *Arukh* apparently integrates material from Geonic traditions, R. Ḥananel's commentaries, the Ashkenazic teachings emanating from Mainz, and Provençal interpretations. R. Yitzḥak ben Malkitzedek cites R. Daniel of Rome together with R. Hai Gaon and R. Nissim Gaon. Both use multi-lingual vernacular glosses. There is no early local figure who is a counterpart or counterweight to Rashi or R. Yitzḥak Alfasi, in the sense of being intrinsically important as well as representative. Italy is alternately centrifugal and centripetal but lacking internal cohesiveness and continuity. Now, to be sure, the towering figure R. Yeshayah of Trani, for example, does quote R. Natan of Rome, R. Shelomo ben Hayatom, R. Yitzḥak ben Malkitzedek, and R. Barukh ben Shemuel of Aleppo (and in one responsum cites also R. Hillel ben Elyakim of Greece)¹⁷, as he himself is quoted frequently by R. Tzidkiyah ben Avraham in the *Shibolei Haleket*; this is noteworthy and as such suggests a chain of tradition, but it is also rare and hence does not constitute nativism or regionalism.¹⁸ There is no evidence that he sees himself as part of an accumulative, accretionary *Italian* enterprise, endowed with special features, methods, traditions, loyalties, assumptions or inclinations. R. Yeshayah is clearly basing himself on R. Ḥananel and Rif, on one hand, and Rashi (*the teacher* par excellence) and the Tosafists on the other; he is more Ashkenazi than Italian and perhaps should be classified as a Tosafist (even though Prof. Urbach in the *Ba'alei Hatosafot* has included his colleague R. Eliezer ben Shemuel of Verona, a student of Ri, as an Italian Tosafist while excluding R. Yeshayah himself, a student of R. Simḥah of Speier). Maimonides, we may note, does not appear too frequently on the pages of R. Yeshayah. For him, in any event, the entire halakhic

¹⁶ See, e.g., the relevant chapters in E. D. Goldschmidt, *Mehkerei Tefillah Ufiyut* (Jerusalem, 1980).

¹⁷ *Teshuvot Harid*, 34.

¹⁸ The Ashkenazic element is predominant in the *Shibolei Haleket*.

enterprise is unified, transcending geographic boundaries; wide-ranging selectivity is perfectly appropriate and discriminating eclecticism is a virtue in rabbinic writing.

We may note pointedly by way of anticipation—and this needs to be fully elaborated—that this remains the regnant attitude and reality in the fifteenth and sixteenth centuries, a period of Italian efflorescence and intensive creativity. There are French, German, Spanish and Levantine influences. Central and northern Italy are dotted with bustling, thriving centers in close contact with Ottoman and East European Jewish communities. Rapidly shifting geographic, demographic, ethnic, political, communal and cultural factors militate against the crystallization of any nativism in such prominent figures as R. Yosef Colon, R. Yaakov Landau (*Agur*), R. David Messer Leon, R. Azriel Dienna, R. Yehoshua Boaz (*Shiltei Giborim*, in which, as is known, the writings of R. Yeshayah the Younger are preserved), R. Meir of Padua, R. Azaryah Figo, R. Avraham Portaleone and many others on to R. Yitzhak Lampronti (*Paḥad Yitzhak*). This ethnic-halakhic heterogeneity, of course, contrasts sharply with the sturdy, sometimes aggressive, Ashkenazi sentiment and allegiance which characterize central and Eastern Europe at this time, where Ashkenazi origins are flaunted (אנו מצאצאי אשכנז) and the normativeness of Ashkenazi precedent is held aloft.

Even in the early period, the relative paucity of Ashkenazi rabbinic literature from the tenth and eleventh centuries notwithstanding, *ḥasidei Ashkenaz* of the twelfth and thirteenth centuries happily looked upon themselves as heirs of the earlier Ashkenazic tradition.

As far as I am able to establish, there is at no time Italian resistance to Ashkenazi expansion and entrenchment or to any other kind of intrusion. Ashkenazi views are welcomed, recognized as indispensable; witness the cases of R. Yeshayah and his predecessors. We may note in addition, for example, that at a later period R. Yoḥanan Alemanno's projected curriculum¹⁹ lists R. Yitzhak Alfasi, R. Yeshayah the Younger of Trani and R. Asher ben Yehiel as the three authoritative codifiers—and the first and the third appear (together with Maimonides) in R. Yosef Karo's triumvirate of authorities. This lack of resistance contrasts sharply and symbolically with events and attitudes in thirteenth century Provence—Hame'iri's time and place. Toward the end of the century Spanish students of Naḥmanides were imperiously trying to impose their customs and teachings on the Provençal communities. The Provençal leaders reacted to this pretention to superiority with pride and determination, with awareness of the antiquity, distinction and distinctiveness of their own traditions. Their spokesman was R. Menaḥem Hame'iri, whose *Magen Avot* is an eloquent defense of Provençal tradition and hence a barricade against Spanish halakhic imperialism.

¹⁹ See M. Idel, *Seder Halimud shel R. Yoḥanan Alemanno*, in *Tarbiz*, XLVIII (1979), 304. B. Septimus notes that Luzzatto's *Ma'amar* has no Italian "heroes."

Italy has open borders. The *Shibolei Haleket* is the greatest repository of the early teachings of Ashkenaz. There is no Italian *Magen Avot*.²⁰

In sum, R. Menahem Hame'iri's judgment—and this is implicitly shared by R. Moshe of Coucy (*Sefer Mitzvot Gadol*) before him and R. Menahem ben Zerah (*Tzedah Laderekh*) or R. Yaakov Landau (*Agur*) after him in the historical prefaces to their codes—is as follows: while the beginnings of rabbinic culture in Europe are shrouded in the silence, often obscurity, of oral learning, there comes a point when we are able to discern clear features of continuous literary creativity, consciousness of writing for and influencing the entire nation, and transmission and steady-sturdy patterns of study and writing. Italy—Sicily (whether Muslim [until 1061] or Norman), the Byzantine southern region, the papal states in the center, and the north under Lombard, Carolingian, Saxonian, or Ottoman rule—was an exception. He, therefore, limits his review to northern Europe, southern France, and Spain.

If we now forget Hame'iri and the historically significant medieval self-image and undertake to review this issue dispassionately, we would note the dramatic developments in western Europe from about 1050 to 1200—a real rabbinic renaissance: Rashi and the most creative generations of Tosafists; R. Yonatan Hakohen, Ravad, R. Zerahyah Halevi, R. Meshulam, R. Moshe Hakohen, who help develop a sophisticated method of critico-conceptual study; Alfasi, R. Ephraim, R. Yosef ibn Megas and Maimonides; however, in Italy no achievement of similar magnitude or cohesiveness or influence. The thirteenth century sees intense new creativity in Spain from R. Meir Halevi Abulafia and R. Yonah Gerondi to Ramban, Rashba and R. Aharon Halevi, with a steady flow of *hiddushim* and critical review of the *Mishneh Torah* as a constant; rabbinic literature in Provence, moving on a plateau whose elevation was fixed by the giants of the preceding century, is concerned with critical commentary on Alfasi and Maimonides, independent study and explication of the Talmud in depth, composition of new up-to-date codes—see R. Manoh, R. David ben Levi, R. Meshulam ben Moshe, R. Yehudah Lattes, R. Meir Hakohen, R. Aharon Hakohen, R. David ben Shemuel d'Estella, R. Yeruham, R. Menahem Hame'iri; in northern Europe, there is the proliferation of Tosafot, codification and consolidation of earlier breakthroughs by an ever-increasing cadre of Talmudists, culminating in the school of R. Meir of Rothenburg and the several works of R. Asher ben Yehiel. Here Italy *emerges* on the scene, primarily in the persona of R. Yeshayah ben Mali of Trani (Rid), a prolific author building, as we have noted, on North African-Spanish works, using Rashi as the literary substratum of his own books, and relating freely and critically to the burgeoning Tosafists.²¹

²⁰ Even though it should be noted that the *Tanya Rabbati* is described as *sefer minhag avot*; see n. 14 above.

²¹ See, M. Higger, *Halakhot Va'aggadot* (New York, 1933), 11–27. A. Wertheimer, see n. 1 above; A. Rosenfeld, *Piskei Harid*, in *Sinai*, LIV (1963), 290–301; S. Abramson, *Sefer Haleket*, in *Sinai* LXV (1969), 103–108; Guedemann, *Hatorah Vehahayyim*, III, 161, is more realistic than Cassuto in saying

2. Against this background and with this perspective, we may comment briefly on Rid, the pivotal, powerful personality in the curt, compressed chronicle of rabbinic literature in Italy. His output was voluminous and variegated, including *Tosafot*, *pesakim*, responsa and collections of essays or dissertations (e.g., *Sefer Hamakhria*) on selected topics of recognized difficulty or controversiality. As the volume of rabbinic literature grew through the ages, halakhists had to disentangle the ever-increasing multiplicity of possible meanings and suggested interpretations—this generalization fits the *Sefer Hamakhria* and some of the long responsa. His writings are quoted by R. Yitzhak ben Moshe of Vienna in his *Or Zarua* and in the *Shibolei Haleket*; one of the last great Tosafists, R. Meir of Rothenburg (Maharam), mentions him in the same breath with Alfasi, Maimonides, and Rabbenu Gershom, four mighty, nearly invincible scholars with whom no one should ever disagree.²² This is indeed high praise by association, even stripped of the eulogistic epithets. Examination of his impressive and comprehensive productivity demonstrates its richness, representativeness and greatness. His praise is well deserved.

Given a large measure of uniformity in medieval rabbinic literature, how does one evaluate the individual works of this genre and what significant features does one seek to identify in them? *Inter alia*, the following aspects come to the fore: (1) halakhic novelties in theory and practice; (2) cultivation of special literary genres for halakhic writing; (3) methodological advances or refinements or, at least, the general methodological orientation; (4) reflection of social and historical realities or biographical data; (5) integration of material from cognate areas of nonhalakhic learning (e.g., philosophy, mysticism, philology, exegesis) and elaboration of meta-halakhic themes (particularly, *ta'amei mitzvot*), which reveal ideological commitment. In all these respects, the works of Rid, many of which have just recently been published, are suggestive and significant and warrant intensive analysis.

His works are also quite representative of contemporary rabbinic preoccupations and his attitudes on many standard issues—such as use of the Tosefta and Palestinian Talmud, dialectical attitude to *Geonim* or to predecessors in general—are typical. He may thus profitably be referred to when discussing major trends in medieval rabbinic literature or when trying to pinpoint the views and positions of such key contemporaries as R. Barukh (*Sefer Haterumot*), Nahmanides, R. Yitzhak *Or Zarua*, or R. Meir of Rothenburg; let me mention, as a way of concretizing this generalization, that I found it useful to refer to him regularly in analyzing and characterizing the opinions and positions of his influential predecessor Ravad.

that the great Italian Talmudists (i.e., Rid) appeared on the scene too late—after the pioneering and formative achievements of the Spanish and French Talmudists—and could not therefore create a tradition and school of their own.

²² *Teshuvot Maharam*, Berlin, 286.

However, even when tracing typological features, bland reductionism must be avoided. Scholars differ from each other intellectually as they do physically and emotionally. Streaks of individuality, special nuances or emphases, terminological peculiarities, polemical thrusts, interpretative strategies, exegetical novelties and literary flourishes, personal attitudes and aspirations, self-revelatory glimpses—all must be noted and appraised. The complexity of any creative individual, immersed in and bound by tradition, changes the tidy simplicity of ideal types. Rid's resounding declaration in behalf of intellectual freedom and progress in the halakhic process clearly illustrates this point. The passage from his *Teshuvot* which makes the case for intellectual freedom and independent judgment as a prelude to his analysis of a disputed halakhic issue is frequently noted—deservedly so—by modern scholars and often repeated by pre-modern authors, but I think has not yet been completely analyzed.²³ Let me attempt such an analysis briefly by suggesting that there is a three-tiered structure to his argument.

In order to assess Rid's argument correctly, we must cast a horizontal glance and note that at this time many halakhists, particularly in neighboring southern France and northern Spain, were articulating a sturdy rationale outlining the importance, permissibility—indeed indispensability—of intellectual freedom, individuality and criticism. If we analyze their treatment of the theme of conceptual-ideational progress, in which the crucial, invigorating dialectic of authority and innovation unfolds, we shall acquire a perspective for viewing and assessing Rid's vigorous presentation of his credo.²⁴

²³ *Teshuvot*, n. 62; see also n. 1 (see appendix, below). My students and friends, Bezalel Safran and Bernard Septimus, read this article after I had mailed it to the conference organizers. I am grateful for their observations. Both commented on a point which clearly needed to be elaborated: namely the possible relation or correlation between Rid's unique argument for and characterization of his intellectual freedom and the fact that he was not rooted in any firm tradition molded by towering figures. His critical bent may explain the absence of a school, which is certainly identified with a measure of *ad hominem* allegiance if not veneration, local color and pride, hallowed views, etc. The kind of criticism and openness which he endorsed would negate the existence or emergence of a school. Of course, the question of priority remains moot: was the absence of a school conducive to such independence or did the inclination to independence forestall the crystallization of a school? The latter assumes that Rid's predecessors shared this inclination. The Tosafists illustrate how individuality and criticism may be combined with traits of a school—continuity, methodology, etc. ... Semantics and reality must temper each other.

²⁴ The following is adapted from the introduction to the revised edition of I. Twersky, *Rabad of Posquières* (Philadelphia, 1980), pp. XX–XXIII; see also Id., *Introduction*, cit pp. 168–175; Chapter 3 above, p. 92 ff. and note 20; “Al Hasagot Haravad,” in *H. Wolfson Jubilee Volume* (Jerusalem, 1965), Hebrew Section, 179ff. For Nahmanides' reaction to R. Zerahyah, see G. Vajda, *Recherches sur la philosophie et la Kabbale* (Paris, 1962). Nahmanides clearly formulates this view, but does not necessarily mean that he follows it in his own *hiddushim*.

Various epigrams or slogans expressing this concept were to become current. Many rabbinic authors, Ravad included, speak of *melekheth shamayim* (labor for the sake of heaven), which says that the responsible Talmudist, by definition committed to the weightiness of tradition and precedent, will eschew misplaced dogmatism. He must be simultaneously cautious and creative, conservative and innovative. On the one hand, he will not consider himself free to desist from recording a novel interpretation or original conclusion just because no previous writer mentioned it. Inasmuch as his view *may* be the correct one, he is morally obligated to advance it, for he is engaged not in a private and optional academic enterprise but in *melekheth shamayim*. The latter is an intellectual *noblesse oblige*—speak boldly and responsibly. On the other hand, the significance and solemnity of halakhic study will so sensitize and humble him that he will cite views of predecessors even if opposed to his own position. Inasmuch as these opposing views *may* be correct, he is morally obligated to deflate his own authoritativeness and keep the realm of the possible and conjectural open. *Melekheth shamayim*, in short, is concomitantly a stimulant and a depressant: a spur to originality and inventiveness but also a motive for conservatism and restraint. We may see it as embodying in part the idea articulated so clearly by Nahmanides, upon undertaking to defend R. Yitzhak Alfasi against the stricture of R. Zerahyah Halevi, concerning an inevitable measure of *relativism*, of the recognition of multiple views in halakhic interpretation. Students of Talmudic literature must be mindful of the fact that their field of study lacks the objective determinary characteristic of the mathematical sciences. A text could presumably be subject to two or more tenable interpretations. Hence, Ravad motivates his selective criticism of R. Yitzhak Alfasi in terms of *Melekheth shamayim*. Alfasi's greatness notwithstanding—and all concurred concerning the seminal value of the *Halakhot*—his work invited careful review and critical commentary. There is no inconsistency or insincerity in the fact that Ravad records his deep-seated humility in the face of this Talmudic giant and then produces some serious and substantive criticisms. This situation, which is typical for the halakhist, must elicit a finely calibrated response, honest and courageous, resourceful and respectful, combining diffident acceptance with deft augmentation. The complex dialectic of rigidity and resilience, receptivity and sensitivity is thus clearly silhouetted although its complexity and tension are not camouflaged or reduced.

On a different level and using a different idiom, R. Zerahyah Halevi vindicates his sustained criticism of Alfasi by suggesting a mandate for intellectual freedom based on the metaphysical concept of *kavod*, glory of God in man, whose chief trait is reason and unbridled pursuit of truth. His exposition culminates in his quotation of a version of the adage: love Plato, love Aristotle, but above all love the truth—cited by R. Yonah ibn Janah and found even earlier in Dunash ibn Labrat. It is interesting to note that this definition of *kavod* aroused the wrath of

Naḥmanides who believed that *kavod* should be identified with *shekhinah* and not with the *galgal hasekkel*. In other words, he does not object to the idea of intellectual freedom, but his referent would be different. He is provoked by the exegesis and metaphysical contention of R. Zerahyah rather than by his intellectual theory and practice.

R. Meshulam ben Moshe, one of the thirteenth-century Provençal Talmudists preoccupied with study of R. Yitzḥak Alfasi's *Halakhot*, presents yet another rationale in the introduction to his *Sefer Hahashlamah*. He insists that a measure of egalitarianism and freedom in Torah study is an unquestionable legacy of the Sinaitic Revelation when great and small were equal. Consequently, the great should not scold the small if the latter engage in Torah discussion in their presence. He then buttresses this position with some crucial, very effective quotations from Talmudic literature which help explain and illustrate the persistence of originality—or, more importantly, the tenacious striving for originality. His own oeuvre is designated to support R. Yitzḥak Alfasi, when appropriate, or to question his statements (literally “to express wonder at them”). He declares, in addition, that he will be completely free in his writing—he has no intention of binding himself (by indenture) to either R. Yitzḥak Alfasi or Maimonides.

In the next generation, R. Menaḥem Hame'iri tries to clinch his explanation of why Maimonides' *Mishneh Torah* was inadequate to the need of halakhists, all its novelty and excellence notwithstanding. He claims that the very nature of study demands independent understanding, dynamic review of the process of interpretation and adjudication, and not merely passive knowledge of the conclusions. In this respect the most authoritative summary is defective. We may hear echoes of Ravad's immediate rejection of the undocumented, unannotated *Mishneh Torah*, for “why should I rely upon his choice when it is not acceptable to me and I do not know whether the contending authority is competent to differ or not.” There is an innate passion for total comprehension and autonomous judgment which alone yield gratification and repose or, to change the metaphor, a compulsion to disentangle and identify the strands that compose the neat, harmonious texture. The analytic-cognitive process is both compelling and indispensable. Maimonides' codification, for all its comprehensiveness and authoritativeness, could not persuade scholars to abandon their independent study habits and convictions.

Projected against this literary screen, Rid's finely-honed declaration concerning the right to judge is quite striking; the result is congruent with this widespread (even conventional) attitude, but the conceptual components of the argument are not at all conventional. First of all, the critical sentiment found in the Talmud (*Hullin* 124a—if a statement is not logically persuasive, even if put forth by Yehoshua bin Nun, it does not command obedience) is buttressed by relating it to a parable *avowedly* borrowed from the philosophers “שמעתי מחכמי הפילוסופים”; in the *Shibolei Haleket*, where this is reproduced in Rid's name, its foreign source is given greater prominence, being attributed

explicitly to *ḥakhmei hagoyim*.²⁵ The philosophers said that later scholars may have clearer vision and more accurate perception than earlier authorities because they are like dwarfs on the shoulders of giants. If the dwarfs controvert or eclipse the giants, if they call attention to hitherto unperceived associations or interpretations, it is a result of their utilizing faithfully and creatively the accumulated insights of the giants, but controvert they may. This parable, which contains an impressive plaudit to predecessors but zealously preserves the prerogative of dissent and innovation, has been traced to Bernard of Chartres who, in common with other medieval thinkers, was trying to reconcile Plato and Aristotle; William of Conches and Richard L'Èveque use it, as does John of Salisbury in his popular *Metalogicon*. Dwarfs on the shoulders of giants is to become a *topos* in medieval literature, a respectful, outwardly timid but unequivocal and effective justification of intellectual freedom. Rid acts out the role with verve and aplomb while acknowledging its universal philosophic origin and impact.

Second, and this is novel and repercussive, he contends that the existence of controversy among the authoritative predecessors (*rishonim*; *rabbanim*; *gedolim*) absolutely necessitates independent judgment and sovereign ideational evaluation. The only alternative to such intellectual independence is *ad hominem* evaluation, i.e., the assertion that A was greater—more pious and more learned—than B and therefore his decisions are more authoritative. This alternative was actually used in a low-keyed way by R. Moshe of Coucy in the *Sefer Mitzvot Gadol* where he suggests two reasons for occasionally abandoning Maimonides in favor of the preeminent Tosafists, R. Tam and Ri: (1) methodological—the apodictic, undocumented nature of the *Mishneh Torah* makes it vulnerable; (2) axiological—French scholars, whose authoritativeness is universally acknowledged, sometimes disagree with his rulings, and unquestioned priority is assigned to these scholars. ... “ועל פסקיו חולקין עמודי התורה ... אשר כל חכמי ישראל האחרונים שותין מימיהם בכמה מקומות על פירושי” It had of course, been used long before R. Moshe of Coucy and would be used more stridently a few centuries later by R. Shelomo Luria (in the introduction to *Yam shel Shelomoh*). Rid contends that this *ad hominem* alternative is more audacious and more offensive; an *ad rem* approach, reviewing sources and interpretative procedures and bypassing the post-Talmudic controversies, is more constructive and desirable. Rid's argumentation, strong and repercussive, does not revolve around *direct* exaltation or humiliation of any predecessor or contemporary; it does not entail a subjective commitment to the acceptance of Rashi or repudiation of Ri. Whereas *a priori*, automatic reliance upon one authority qua authority inevitably maligns the other, in this way, at least outwardly, the process is impersonal for the classical texts are re-examined and the post-Talmudic controversies

²⁵ Some of the recent literature is noted by D. Zlotnick, in *PAAJR*, XL (1972), n. 90. See also Id., *Sinai*, LXXVII (1975), 184–189; and J. Elbaum, *Sinai*, LXXVII (1975), 287. Note also H. Levine, “Dwarfs on the Shoulders of Giants” in *JSS*, XL (1978), 63–72.

For all his use of Ashkenazic sources, Rid may still be characterized as “one of the severe critics of the scholars of France and Spain” (Urbach, *Ba'alei Hatosafot*, cit., 413).

fade into the background; the final decision, thus, seems to move along “the edge of objectivity” “נגניח הרבנים ההמה ... בכבודם, ונחזור לבינת הספרים, לראות להיכן הדין נוטה”. The independent student does not pass judgment on the rabbis of the past. This is, moreover, the attitude and practice of the *Amora'im* and the *Tanna'im* amongst themselves and the attitude of *Amora'im* toward the *Tanna'im*. In sum, the undeniable fact of controversy and multiplicity of views—in many respects, the hallmark of rabbinic literature—creates its own corollary: the ineluctable need for judicial review. This is markedly different from the arguments of Razah and R. Meshulam; independent judgment is not only an *intellectual prerogative* or metaphysical endowment of the individual but a *methodological halakhic imperative* rooted in the realities and complexities and dialectical-disputational motifs or the totality of Talmudic lore, characterized as it is (to use Maimonidean language) by “multiplicity of opinions, variety of schools ... and the production of confusion with regard to actions.”²⁶

The third and concluding part, a gem of compression, asserts that in any event there is no human infallibility. “Wisdom is greater than the wise man,” he declares, and—he need not specify the obvious—our goal is wisdom. The motto “perfection (perfect wisdom) is the sole prerogative of God” is reminiscent of Nahmanides’ peroration to his *Milhamot Hashem*, a defense of the great Alfasi against the strictures of Razah which in the final analysis also contains some fresh criticism of Alfasi. Awareness of fallibility invites critical perspectives and independent efforts.²⁷

3. In assessing the cultural contributions of medieval Italian Jewry generally, the historian concludes that Italy, home of the oldest Jewish communities, marks a slow but sustained beginning. Italian Jewish authors, to be eclipsed in practically all domains, are pioneers on the European scene: poetry—Amitai, Shefatyah, Shelomo Habavli and perhaps, following Ezra Fleischer’s hypothesis, the first of Italian *paytanim*, Hedvata; science, philosophy and mysticism—Abu Aharon, Shabbetai Donnolo (and important, diversified contributions in the thirteenth century); history—Yosipon and Ahimaatz; rabbinics—R. Meshulam ben Kalonymos, R. Natan of Rome, the anonymous Mishnah study and R. Yitzhak ben Malkitzedek. The historian may then turn to the test of endurance to determine how much of this did the national Jewish consciousness or universal Jewish corpus of literature incorporate

²⁶ *Moreh Nevukhim*, I:71.

²⁷ This theme deserves study. There is a circular development: criticism is justified, and, subsequently, the precedent of criticism (e.g., Ravad versus Maimonides or R. Tam versus Rashi) validates the critical inclinations and practices of later scholars. See, e.g., R. Yair Hayyim Bacharach, *Havvot Ya'ir*, n. 9; R. Avraham Azulai, *Ba'alei Brit Avraham*, introduction. Some rely on the more pallid justification inherent in the Talmudic principle of *derosh vekabel sakhar*—see e.g., R. David Provençal (in describing his plan for study of Scripture and the best commentaries as part of his university curriculum), cited in S. Assaf, *Mekorot Letoledot Haḥinukh*, II (Tel Aviv 1930), 118. Rid does not rely on this prerogative at all.

(e.g., liturgical pieces in the prayer book; the remarkable bibliographical odyssey of the *Arukh*, regularly used and recurrently enlarged). When all is said and done, there is no individuality, no *Italian* innovation, no indigenous development; there are contributions. This is especially salient in rabbinic literature.

4. Isaiah Sonne was cognizant of this peculiarity and suggested that it be understood in terms of challenge and response, i.e., that Italy, starting with the period of the disintegration of the Roman Empire, was too heterogeneous and diffuse to challenge Judaism and to elicit a new creative response. He says that Italy added “notes and glosses” to the achievements of other centers without providing a distinctive achievement. It was and remained a receptacle to outside influences, impulses and impetuses. Implicit in his historiographical scheme is the notion that only a powerful, pulsating environment can be a stimulant or catalyst for Jewish creativity and novel synthesis.²⁸ Whatever one may say about the validity of this cultural-intellectual characterization in the fields of *piyut*, philosophy, science, exegesis, and mysticism, it seems technically appropriate for rabbinic literature but without imposing his metahistorical mold on the facts. The challenge and response theory is dispensable. Let the facts speak for themselves, unencumbered by debatable quasi-philosophical rigidities. The title of this paper turns out to be rather precise. Italian Jewry did not create a school, is not identified with a specific development, did not cultivate any one genre with exclusive passion, but Italian sages *did* make contributions to rabbinic literature. It is for this reason that I tried to show how Rid is representative of trends, problems, and achievements, and no study of medieval rabbinic literature may claim any measure of comprehensiveness without integrating his contributions, attitudes, and insights.

Appendix

A. *Teshuvot Harid*, n. 61.

תחלת כל אני משיב לאדוני על מה שכתבתה אלי שלא אחלוק על הרב הגדול רבינו יצחק זצ"ל, חלילה לי מעשות זאת ולא עלתה במחשבה כחולק עליו, ומה אני נחשב פרעוש אחד כתרגומו כנגד תלמידו אף כי בדבר אחרי המלך, אך זאת אתי כל דבר שאינו נראה בעיני אי אמרה יהושע בן נון לא צייתנא ליה ואיני נמנע מלדבר עליו מה שייראה לי לפי מיעוט שכלי ואני מקיים עלי מקרא זה ואדברה בעדותך נגד מלכים ולא אבוש, ועדי בשחק נאמן סלה שאף במקום שנראה לי שאני אומר יפה על כל אחד מדברי רבותי הראשונים ז"ל חלילה שיזהיני לבי לומר אף חכמתי עמדה לי אלא אני דן בעצמי משל הפילוסופים שמעתי מחכמי הפילוסופים שאלו לגדול שבהם ואמרו לו הלא אנחנו מודים שהראשונים חכמו והשכילו יותר ממנו והלא אנחנו מודים שאנו מדברים עליהם וסותרים דבריהם

²⁸ I. Sonne, *Hayahadut Ha'italkit: Demutah Umkomah betoledot Am Yisrael* (Jerusalem, 1961). Sonne's characterization remains *perceptive* even if one is not persuaded by the theory.

בהרבה מקומות והאמת אתנו היאך יכון הדבר הזה, השיבם אמר להם מי צופה למרחוק הננס או הענק
 הוא אומר הענק שענינו עומדות במקום גבוה יותר מן הננס, ואם תרכיב הננס על צוארי הענק מי צופה
 יותר למרחוק הוא אומר הננס שענינו גבוהות עכשיו יותר מעיני הענק, כך אנחנו ננסים רוכבים על
 צוארי הענקים מפני שראינו חכמתם ואנו מעניקי עליה ומחכמתם חכמנו לומר כל מה שאנו אומרים
 ולא שאנו גדולים מהם, ואם זה באנו לומר שלא נדבר על דברי רבותינו הראשונים אם כן במקום
 שאנו רואים שזה חולק על זה וזה אוסר וזה מתיר אנו על מי נסמוך הנוכל לשקול בפלס הרים וגבעות
 במאזנים ולומר שזה גדול מזה שנבטל דברי זה מפני זה הא אין לנו אלא לחקור אחרי דבריהם שאילו
 ואילו דברי א-ל-הים חיים הן ולפלפל ולהעמיק מכח דבריהם להיכן הדין נוטה שכך עשו חכמי המשנה
 והתלמוד לא נמנעו מעולם האחרונים מלדבר על הראשונים ומלהכריע ביניהם ומלסתור דבריהם וכמה
 משניות סתרו האמוראים לומר שאין הלכה כמותם, וגדולה החכמה מן החכם, ואין חכם שינקה מן
 השגיאות שאין החכמה תמימה בלתי ליי' לבדו.

B. Teshuvot Harid, n. 1.

ואל תסברו מפני שאני חפץ לקיים דבר המורה אני נזקק לפרש כן שהרי כמה עמודי עולם חולקי' עליו
 ואמרי' דכולה שאיבה כשיר' מן התורה ואינה פסולה אלא מדרבנן, ואפי' אם לא היה אדם גדול חולק
 עליו בזה אני מה שנראה לי להוכיח מתוך הספר אני כותב, ואל תחזיקוני בזה כזהוהי הלב כי מכיר
 אני בעצמי שצפורנן של אותם הרבני' הראשונים הקדושים יפה מכרסין ולא לשומרי פתח מדרשם,
 אך זה יש כי כל דבר שאינו נראה לי מתוך הספר אי אמרה יהושע בן נון לא ציינתא ליה, ואיני נמנע
 מלכתוב מה שנראה לי כי כך דרך התלמוד לא נמנעו דרך אחרוני האמוראים מלדבר על הראשונים וגם
 על התנאים, וכמה משניות סתרו מעיקרם וכמה דברי רבים בטלו ופסקו הלכה כיחיד כל שכן שבדבר
 זה חולקי' רבנים גדולים ויש לנו לתור ולחקור מתוך הספר הראיות ברורות ולראות כמי ההלכה
 נוטה, ואין בנו כח ודעת לשקול בפלס הרים מי גדול מחבירו, הילכ' נניח הרבנים ההמה עליה' השלום
 בכבודם ונחזור לבינת הספרים לראות להיכן הדין נוטה.

The *Shulḥan Arukh*: Enduring Code of Jewish Law

Shulḥan Arukh, a term taken over from early rabbinic exegesis in the Midrash¹ and applied to one of the most influential, truly epochal literary creations of Jewish history, has a double or even triple meaning, and its use therefore necessitates precise definition or description. *Shulḥan Arukh* is the title given by R. Yosef Karo (1488–1575) to a brief, four-part code of Jewish law which was published in 1565–66, just over four hundred years ago. *Shulḥan Arukh* also designates a composite, collaborative work, combining this original text of R. Yosef Karo, a Spanish émigré from Toledo (1492) who lived and studied in Turkey and finally settled in the land of Israel in a period of turbulence and instability and apocalyptic stirrings, with the detailed glosses—both strictures and supplements—of R. Moshe Isserles (c. 1525–1572), a well-to-do Polish scholar, proud of his Germanic background, who studied in Lublin and became de facto chief rabbi of Cracow in a period of relative stability and tranquility. This unpremeditated literary symbiosis then generated a spate of commentaries and supercommentaries, brief or expansive, defensive or dissenting, from the *Sefer Me'irat Einayim* of R. Yehoshua Falk and the *Sefer Sifte Kohen* of R. Shabbetai Hakohen to the *Mishnah Berurah* of R. Yisrael Meir Hakohen; and the term *Shulḥan Arukh* continued to be applied to this multi-dimensional, multi-generational, ever-expanding folio volume—a fact which attests to the resiliency and buoyancy of the Halachic tradition in Judaism. A person must, therefore, define his frame of reference when he purports to glorify or vilify, to acclaim or condemn—or, if he is able to avoid value judgments, to

¹ *Mekhilta* on Shemot 21:1, ed. J. Z. Lauterbach (Philadelphia, 1935), v. III, p. 1: “‘And these are the ordinances which thou shalt set before them.’ Arrange them in proper order before them like a set table (*shulḥan arukh*).” See Rashi on this verse, who adds, “like a table set before a person with everything ready for eating.” Attention should be paid to the identical use of this phrase in the thirteenth century by R. Menaḥem Hame’iri to describe his Talmudic opus; see introduction to *Beit Habaḥirah* on Bera-khot (Jerusalem, 1960), p. 31. Also, R. Shelomo ibn Adret uses this metaphor in verbal form in the introduction to his *Torat Habayit*.

Leo Baeck, *This People Israel* (Philadelphia, 1965), p. 301, suggests another association: “When Joseph Karo chose his title, he almost certainly had in mind that psalm which begins, ‘He Who is my shepherd; I shall not want’ and continues, ‘Thou preparest a table before me in the presence of mine enemies’ (Tehillim 23).”

describe historically.² The genuinely modest purpose of the following remarks is, first, to chronicle the emergence of the *Shulḥan Arukh*, especially in its first and second meanings, and then to describe a few of its salient literary and substantive characteristics. “The rest is commentary,” which we should go and study.

I

In the year 1522,³ R. Yosef Karo, a young, struggling, volatile and ascetic scholar, having settled temporarily and discontentedly in Adrianople, Turkey, launched a massive literary project that would preoccupy him, sometimes at a frenetic pace, for over thirty years—twenty years in the composition and about twelve years in editorial revision and refinement.⁴ The stimulus was provided by the worrisome decline in scholarship—“and the wisdom of their wise men shall perish”⁵—coming in the wake of the rigors and vicissitudes of exile, the endless turbulence of history, and the increasing human imperfection.⁶ The need was great for a comprehensive as well as

² Contemporaries would sometimes criticize the *Shulḥan Arukh*, even stridently, but it was left for modern, post-Enlightenment writers to vilify it. See, for example, the references in L. Greenwald, *R. Yosef Karo Uzmano* (New York, 1954), pp. 174–176; B. Cohen, *Law and Tradition in Judaism* (New York, 1959), pp. 66–68; R. J. Z. Werblowsky, *Joseph Karo* (Oxford, 1962), p. 7; *Jewish Encyclopedia*, III, p. 588.

Actually, there is no need even for devotees of the *Shulḥan Arukh* to indulge in meta-historical panegyrics, for supernatural phenomena carry no weight in Halakhic matters. The *Shulḥan Arukh* is not a revealed canon, nor is it a hypostasis of the Law. In the long, creative history of the Oral Law, it is one major link connecting R. Hai Gaon, Maimonides, Nahmanides, and R. Shelomo ibn Adret with R. Eliyahu Gaon of Vilna, R. Akiva Eiger, and R. Yosef Rosen. It is a significant work which, for a variety of reasons, became a repository and stimulus, a treasure and inspiration for Halakhah, both practice and study.

³ What follows is based essentially on the authors’ own, often autobiographical narratives: R. Yosef Karo’s introductions to the *Beit Yosef* and R. Moshe Isserles’ introduction to the *Darkhei Moshe*, which can conveniently be found in the Jerusalem, 1958 reprint of the *Turim*. I have interpolated historical or other explanatory comments, but have not seen fit to burden the reader with cumbersome references. I wanted simply to recount their tale.

⁴ He came to Palestine and settled in Safed in the year 1536. See Professor Z. Dimitrovsky in *Sefunot*, VII, p. 62, n. 137.

⁵ The verse is Yeshayahu 29:14 and is quoted in similar context by Maimonides, introduction to the *Mishneh Torah*. The correlation of political adversity and intellectual decline becomes a constant theme and appears almost as a stereotype justification for halakhic abridgements or codifications. Difficult times necessitate the composition of books which would facilitate the study and perpetuate the practice of Halakhah. Note, for example, the introduction to the *Turim*. See my *Rabad of Posquières* (Cambridge, 1962), pp. 133–134, n. 9.

⁶ This reflects the widespread attitude of humility, even self-effacement, expressed in the Talmudic dictum: “If those before us were sons of angels, we are sons of men, and if those before us were sons of men, we are like asses” (Shabbat, 122b; Yoma, 9b). It is typical of the deep-rooted veneration

authoritative guide, which would stem the undesirable and almost uncontrollable proliferation of texts and provide a measure of religious uniformity in this period of great turmoil and dislocation. This would be accomplished, however, not by producing another compact, sinewy manual—a small volume such as the *Agur*, which R. Karo treats pejoratively⁷—but by reviewing the practical Halakhah in its totality. The oracular type of code, containing curt, staccato directives and pronouncements, was neither adequate nor reliable. It did not provide for intellectual stimulus and expansion of the mind, nor did it offer correct guidance in religious practice.

R. Yosef Karo's ambitious undertaking in the field of rabbinic literature, entitled the *Beit Yosef (House of Joseph)*,⁸ was thus motivated by the need to review “all the practical laws of Judaism, explaining their roots and origins in the Talmud” and all the conflicting interpretations concerning them. No extant work answered to this need. In order to avoid duplication or reduce it to a bare minimum, he decided to build his own work around an existing code that was popular and authoritative. He selected the *Turim* of R. Yaakov ben Asher (c. 1280–1340) rather than the more famous and widespread *Mishneh Torah* of R. Moshe ben Maimon, because the latter was too concise and monolithic, presenting, on the whole, unilateral, undocumented decisions, while the former was expansive and more interpretive, citing alternate views and divergent explanations. At this stage, then, the text of the *Turim* was only a pretext for his own work.⁹ His method was to explain every single law in the text, note its original source, and indicate whether the formulation found in the *Turim* was the result of consensus or was subject to dispute. He would, furthermore, explain the alternate interpretations and formulations which the *Turim* referred to but rejected. In addition, he would introduce and elucidate those views which the *Turim* had totally omitted from consideration. As a purely theoretical increment, he promised to examine and explain those views of predecessors—especially Maimonides—which were problematic or remained obscure despite the availability of such commentaries as

traditionally displayed by later scholars to early masters. However, it did not, as we shall see, restrict independence of mind or stifle creative innovation. Fidelity and freedom were felicitously combined.
⁷ Why this small work, written by R. Yaakov Landau at the end of the fifteenth century, is singled out for special criticism is not clear. The reason may be that it was simply one of the most recent representatives of this genre. Or was R. Yosef Karo provoked by the author's declaration that he produced this compendium in order to satisfy the minimal needs of Halakhic study in the most economical way so as to provide ample time for philosophic study?

⁸ He thus incorporated his first name into the title—again, pretty much standard literary procedure. There is, however, an added homiletical explanation: just as the house of Yosef in Egypt supplied bodily nourishment, so this book will supply spiritual nourishment.

⁹ Actually, the *Mishneh Torah*, with its theoretical approach, which included all laws and concepts, even those temporarily devoid of practical value, would not have been consonant with R. Yosef Karo's practical orientation, while the *Turim*, with its limited scope, did coincide with the latter goal. Another reason for selecting the *Turim* could have been the fact that the *Turim* was the most popular textbook at the time.

the *Maggid Mishneh*.¹⁰ He would, incidentally, correct the text of the *Turim*, which suffered many scribal corruptions. That he intended his encyclopedic review of Halakhah to be used as a study-guide is indicated by his promise always to give exact bibliographical references in order to enable his readers to consult original texts or check quotations in their original contexts. However, having completed this panoramic presentation and almost detached, academic analysis of a law, he would regularly indicate the normative conclusion, for the “goal is that we should have one Torah and one law.” The function of this massive work is thus twofold: to flesh out the bare-bones codifications which are too brief and uninformative, but preserve their sinewiness and pragmatic advantage by unequivocally stating the *pesak*, the binding regulation, in each case.¹¹ Certitude and finality are among the top-priority items that will be guaranteed.¹²

In connection with this, the author lays bare his juridical methodology, a methodology that was to be vigorously contested, as we shall see. The judicial process was complex. A Talmudist could arrive at the normative conclusion by critically reviewing and appraising all arguments and demonstrations marshalled by his predecessors and then selecting the most cogent, persuasive view. His guide would be examination of underlying texts, relying, in the final analysis, upon his autonomous judgment and not on appeal to authority.¹³ This independent, assertive approach is unqualifiedly repudiated by R. Yosef Karo for two reasons: 1) it would be presumptuous to scrutinize

¹⁰ This foreshadows his later work, the *Kesef Mishneh*, in which he reveals himself as an astute, sympathetic and resourceful student of the *Mishneh Torah*.

¹¹ Later commentators—e.g., the authors of the *Sefer Me'irat Einayim* and the *Bayit Hadash*—felt that R. Yosef Karo's ultimate codificatory aim vitiated his commentatorial one and that the former prevailed at the expense of the latter. Their own works, which were intended exclusively as faithful text commentaries, were thus urgent desiderata. Contemporaries such as R. Shelomo Luria (*Yam shel Shelomoh*, Hüllin, introduction) note the extraordinarily wide bibliographic coverage and unusual erudition of the *Beit Yosef*.

¹² His striving for a powerful, central authority is unmistakable (and, incidentally, something he shared with his Sephardic teachers and colleagues—e.g., the great R. Yaakov Berab). This aspiration is quite prominent also in the *Maggid Mesharim*, a revealing and intriguing diary of instructions and messages received from his angelic mentor. Analysis of this work is the main concern of Professor Werblowsky's study. Professor Dimitrovsky's article in *Sefunot*, VII provides much background information; it is important and suggestive.

¹³ The following passage from Benjamin Cardozo, *The Nature of the Judicial Process* (New Haven, 1921), p. 10, comes to mind:

What is it that I do when I decide a case? To what sources of information do I appeal for guidance? In what proportions do I permit them to contribute to the result? ... If a precedent is applicable, when do I refuse to follow it? If no precedent is applicable, how do I reach the rule that will make a precedent for the future? If I am seeking logical consistency, the symmetry of the legal structure, how far shall I seek it? At what point shall the quest be halted by some discrepant custom, by some consideration of the social welfare, by my own or the common standards of justice and morals?

the judgment of such giants as R. Moshe ben Naḥman, R. Shelomo ben Adret, R. Nissim, and the Tosafists and then pass judgment on them—we are not qualified or competent; 2) even if the task were not beyond our powers and capacities, the process would be too long and arduous. Forcefully underscoring his subservience and *apparently* forfeiting his judicial prerogatives, he chose to arrive at the normative conclusion in each case by following the consensus or at least the majority rule of the greatest medieval codifiers—R. Yitzḥak Alfasi (d. 1103), Maimonides (d. 1204), and R. Asher ben Yehiel (d. 1328).¹⁴ Contemporary legislation, innovation, and native usage are given no role whatsoever—almost as if the law were all logic and no experience. In other words, in the realm of commentary R. Yosef Karo was bold and resourceful, while in the realm of adjudication he was laconic, almost self-effacing.

At about the same time, in entirely different circumstances and with a totally different motivation, R. Moshe Isserles, born into comfort and affluence,¹⁵ son of a prominent communal leader who was also a gentleman scholar and (for a while) son-in-law of the greatest Talmudic teacher in Poland (R. Shalom Shakhna), also began to compile an exhaustive commentary on the *Turim*. He reveals the immediate stimulus which led to his project: having been persuaded by friends to assume rabbinic duties in Cracow—his youth, immaturity, and unripe scholarship notwithstanding—he found himself deciding many halakhic problems and issuing numerous judicial opinions. It was his practice to turn directly to the Talmud and consult its authoritative expositors, among whom he mentions R. Yitzḥak Alfasi, R. Moshe ben Naḥman, and R. Asher ben Yehiel. He found, however, that he was repeatedly subjected to criticism for having ignored the rulings of the most recent scholars (e.g., R. Yaakov Weil, R. Yisrael Isserlein, R. Yisrael Bruna) who were really the progenitors of contemporary Polish Jewry and gave it its creative and directive vital force. They introduced, *inter alia*, many preventive ordinances and stringent practices which tended to nullify earlier decisions, and as a result no picture of Halakhah could be true to life which did not reflect these resources, motifs and developments. This put R. Moshe Isserles in a bad

The most forceful contemporary exponent of this approach was R. Shelomo Luria, as exemplified in his *Yam shel Shelomoh*. He was preceded in this by R. Yeshayah of Trani. See, generally, my *Rabad of Posquières*, pp. 216–219.

¹⁴ This distinguished triumvirate was already recognized as authoritative before the time of R. Yosef Karo, as he himself implies. Explicit confirmation is found in the *Responsa* of R. David ben Zimra (Radbaz), v. IV, n. 626. R. Moshe Isserles (introduction to *Shulḥan Arukh*) and R. Yehoshua Falk (introduction to *Sefer Me'irat Einayim*) suggest that the Sephardic view would automatically prevail inasmuch as Alfasi and Maimonides would always coalesce to determine the majority view. The truth is that R. Asher b. Yehiel was not fully representative of the Tosafistic school of France and Germany and was at a very early date accepted in Spain, to the exclusion of other Tosafists. This was noted in the introduction to the commentary *Ma'adanei Yom Tov* and also in an anonymous responsum in R. Yosef Karo's *Avkat Rokhel*, n. 18, which refers to R. Asher as a "Spanish rabbi." See the literary study by José Faur in the *Proceedings of the American Academy for Jewish Research*, XXIII (1965).

¹⁵ See his *Responsa*, nn. 45, 95, 109, and others.

light, and he and his colleagues were, therefore, subjected to much severe criticism, the validity of which he fully appreciated and accepted, as we shall see.

Impromptu, ad hoc review—and judicious, instantaneous application—of all this material, this panoply of interpretations and traditions, would be cumbersome, if not impossible. It therefore occurred to R. Moshe Isserles that the way out was to prepare a digest and anthology of all opinions and record them alongside of a standard code. The best book was the *Turim*, for its arrangement was very attractive and useful, and it was easily intelligible to all. He set out, with great determination and commensurate perseverance, to implement this literary plan (he vividly describes his frenetic, indefatigable activity, without ease and without quiet). At a rather advanced stage of his work, he was electrified by the news that “the light of Israel, head of the exile” R. Yosef Karo had composed a comparable commentary on the *Turim*, the *Beit Yosef*, the excellence of which was immediately evident. R. Moshe Isserles’ anxiety was indescribable; just as he neared the hour of consummation, it appeared that his efforts and privations would turn out to be a wearying exercise in futility. He acknowledges—with what seems to be a blend of modesty and realism—that he could not hold a candle to R. Yosef Karo. However, shock did not lead to paralysis. His peace of mind and momentum were restored when, reassessing the situation, he realized that the field had not been completely preempted and that he was still in a position to make a substantive contribution.

There were three areas in which he could realign his material and operate creatively and meaningfully:

1. He would compress the material, almost encyclopedic in its present proportions, and present a more precise formulation of the law. Length, as Maimonides notes, is one of the deterrents of study.¹⁶ Nevertheless, R. Moshe Isserles is somewhat apologetic at this point, because he was fully aware of the pitfalls of excessive brevity; indeed, it had been the codificatory syndrome—the rigidities and inadequacies of delphic manuals—that initially impelled him to disavow the methodology of existing codes. As a compromise, he determined to cite—not to reproduce or summarize—all sources, so that the inquisitive or dissatisfied but learned reader will be able to pursue matters further, while the less sophisticated and less talented reader will still benefit and not be able to argue that the material is too lengthy and complicated.
2. The *Beit Yosef* was too “classical,” somewhat remote, for Germanic-Polish Jewry: it failed to represent equally the more recent codifiers and commentators. His work, the *Darkhei Moshe*, would do justice to them by incorporating

¹⁶ The reference is probably to the *Guide of the Perplexed*, I, 34 (tr. S. Pines [Chicago, 1963], p. 73): “For man has in his nature a desire to seek the ends; and he often finds preliminaries tedious and refuses to engage in them.”

their positions. It would reflect the historical consciousness of R. Moshe Isserles and his colleagues who looked upon themselves as heirs and continuators of the Ashkenazi tradition. On one hand, therefore, the *Darkhei Moshe* would be an abridgement of the *Beit Yosef*, and, on the other, it would expand its scope. Clearly, R. Moshe Isserles had taken the words of his earlier critics to heart.

3. Perhaps the most radical divergence between the two works appeared in the methodology of *pesak*, formulating the normative conclusion and obligatory pattern of behavior. Unlike R. Yosef Karo, who cautiously claimed to follow the *communis opinio*, or majority rule, of early codifiers, and unlike those who would freely exercise independent judgment in arriving at practical conclusions, R. Moshe Isserles adopted a third stance: to follow most recent authorities—*halakhah kebatra'ei*.¹⁷ This method would preserve established precedent and respect local custom. It is reflected stylistically in R. Moshe Isserles' habit of underwriting the most valid view by adding "and this is customary" and then identifying the source or by noting candidly "and so it appears to me."¹⁸ He is thus more independent and resourceful than R. Yosef Karo, though less so than R. Shelomo Luria.¹⁹ In short, as R. Moshe Isserles puts it in a rhetorical flourish, "And Moshe took the bones of Yosef"²⁰—he adapted and transformed the essence of the *Beit Yosef* and abandoned the rest.

This ends the first chapter of our story in which R. Yosef Karo made it to the press before R. Moshe Isserles and forced the latter to revise his initial prospectus

¹⁷ In formulating this principle, R. Moshe Isserles relies—with good effect—upon the authority of R. Yitzhak Alfasi. See *Darkhei Moshe*, introduction, and *Yoreh De'ah*, 35:13. An anonymous contemporary, writing against R. Yosef Karo, advances the same position; *Avkat Rokhel*, n. 18. Note R. Yosef Karo's important discussion in *Kesef Mishneh*, *Hilkhot Mamrim*, 2:1.

¹⁸ It is noteworthy that R. Hayyim ben Betzalel, a former classmate and colleague of R. Moshe Isserles, took him to task for not going far enough in his vindication of local custom. The *Vikuaḥ Mayim Hayyim* is built on this premise. This work is significant also in that it opts for still another possibility of juridical methodology. The author's contention is that a code should simply review all the different opinions and arrange them systematically but leave the final determination to the specific rabbinic authority that is responsible for a given decision. He protests forcefully against "leveling" books which tend to obliterate the distinctions between scholar and layman and implicitly undermine the authority of the scholar. A code should be an auxiliary manual for the judge and scholar, not an explicit, monolithic work.

¹⁹ See n. 13. R. Shelomo Luria also displays an anti-Spanish, especially anti-Maimonidean, animus or polemicism, which is not found in R. Moshe Isserles.

²⁰ Shemot 13:19, with a play on the word "bones" (*atzmot*), which may be interpreted as essence (*atzmut*).

in light of a changed literary reality. What is, of course, striking is the remarkable parallelism and similarity of attitudes between these two Talmudists, both seeking to push back the frontiers of Halakhic literature, both convinced of the need to review individual laws in their totality and not rely upon delphic manuals, and both selecting the same code (*Turim*) as their springboard.

II

Ten years later, in the course of which the *Beit Yosef* spread far and wide and his authority was increasingly respected, R. Yosef Karo came full cycle in his own attitude towards the oracular-type code. Having previously and persuasively argued against the utility and wisdom of the apodictic compendium, he now conceded its need and efficacy. He himself abridged the voluminous *Beit Yosef*—“gathered the lilies, the sapphires”—and called his new work the *Shulḥan Arukh*, “because in it the reader will find all kinds of delicacies” fastidiously arranged and systematized and clarified. He was persuaded that the *Shulḥan Arukh* would serve the needs of a diffuse and heterogeneous audience. Scholars will use it as a handy reference book, so that every matter of law will be perfectly clear and the answer to questions concerning Halakhic practice will be immediate and decisive. Young, untutored students will also benefit by committing the *Shulḥan Arukh* to memory, for even rote knowledge is not to be underestimated.²¹

When the *Shulḥan Arukh* appeared, it elicited praise and provoked criticism; the former could be exuberant, and the latter, abrasive. Some contemporaries needed only to resuscitate R. Yosef Karo’s initial stance and refurbish his arguments against such works as the *Agur*. R. Moshe Isserles’ reaction moved along the same lines which had determined his reaction to the *Beit Yosef*.²² He could not—like R. Shelomo Luria or R. Yom Tov Lipman Heller—take unqualified exception to the codificatory aim and form,²³ for he had already, in his revised *Darkhei Moshe*, aligned himself in principle with this tendency and had eloquently defended it. He could, however, press his substantive and methodological attack on R. Karo: the latter had neglected Ashkenazic tradition and had failed to abide by the most recent rulings, thereby ignoring custom which was such an important ingredient of the normative law.²⁴ Moreover, just as R. Yosef Karo drew upon his *Beit Yosef*, so R. Moshe Isserles drew upon his

²¹ See Berakhot, 38b. It is interesting that Maimonides also intended his *Mishneh Torah* to be used by “great and small,” learned and simple.

²² See *Rabad of Posquières*, p. 113, and pp. 96–97.

²³ A helpful review of these attitudes can be found in H. Tchernovitz, *Toledot Haposekim*, v. III. The rationale of this position is eloquently stated by the Maharal of Prague in *Netivot Olam*, *Netiv Hatorah*, chapter 15. I say “unqualified exception” because the fact is that R. Moshe Isserles’ contribution to the *Shulḥan Arukh* is significantly more expansive than that of R. Yosef Karo.

²⁴ See, e.g., *Orah Hayyim*, 619; *Yoreh De‘ah*, 381, 386.

Darkhei Moshe;²⁵ both, coming full cycle, moved from lively judicial symposium to soulless legislative soliloquy. If R. Yosef Karo produced a “set table,” R. Moshe Isserles spread a “tablecloth” over it.²⁶ It is certain that the “table” would never have been universally accepted if it had not been covered and adorned with the “tablecloth.” R. Moshe Isserles’ glosses, both strictures and annotations, were the ultimate validation of the *Shulḥan Arukh*. The full dialectic has here played itself out, radical opposition to codes giving way to radical codification, almost with a vengeance; for the *Shulḥan Arukh* is the leanest of all codes in Jewish history—from the *Beit Yosef* to the *Shulḥan Arukh*, from the baroque to the bare.

It is not this dialectical movement per se which is novel or noteworthy, for this characterizes much of the history of post-Talmudic rabbinic literature. Attempts to compress the Halakhah by formal codification alternate with counter-attempts to preserve the fulness and richness of both the method and substance of the Halakhah by engaging in interpretation, analogy, logical inference, and only then formulating the resultant normative conclusion. Any student who follows the course of rabbinic literature from the Geonic works of the eighth century through the *Mishneh Torah* and *Turim* and on down to the *Shulḥan Arukh* cannot ignore this see-saw tendency. The tension is ever present and usually catalytic. No sooner is the need for codification met than a wave of non-codificatory work rises. A code could provide guidance and certitude for a while but not finality.²⁷ *Arvakh arva tzarikh*—“your bondsman requires a bondsman.” A code, even in the eyes of its admirers, required vigilant explanation and judicious application. The heartbeat had constantly to be checked and the pulse had to be counted. It became part of a life organism that was never complete or static. What is striking, therefore, in the case of the *Shulḥan Arukh* is that the dialectical movement plays itself out in the attitudes and achievements of the same person—“surfing” on the “sea of the Talmud,” rising and falling on the crests of analysis and thoughts of argumentation, and then trying to “gather the water into one area,” to construct a dike that would produce a slow, smooth flow of its waters. The *Shulḥan Arukh* thus offers an instructive example of the dialectical movement in rabbinic literature as a whole.

This whole story is important, I believe, because it expands the historical background against which the *Shulḥan Arukh* is to be seen and cautions against excessive preoccupation with purely sociological data, with contemporary stimuli and contingencies. It makes the *Shulḥan Arukh* understandable in terms of the general history of halakhic literature and its major trends. It provides an obvious vertical perspective—i.e., literary categories seen as part of an ongoing halakhic

²⁵ See his *Responsa*, nn. 35, 131.

²⁶ The imagery is provided by R. Moshe Isserles himself. The “table” was bare and uninviting without his “tablecloth.”

²⁷ See B. Cardozo, *The Nature of the Judicial Process*, p. 18: “Justinian’s prohibition of any commentary on the product of his codifiers is remembered only for its futility.”

enterprise—to be used alongside of an, at best, implicit horizontal perspective—i.e., historical pressures and eschatological hopes—for an explanation of the emergence of the *Shulḥan Arukh*.²⁸ This is strengthened by the striking parallelism between the literary careers of R. Moshe Isserles and R. Yosef Karo; their historical situations, environmental influences, social contexts (in a phrase of contemporary jargon, their *sitz-im-leben*) are so different, but their aspirations and attainments are so similar.

III

When we come to gauge and appraise the impact of the *Shulḥan Arukh*, it is idle to speculate whether R. Yosef Karo intended the *Shulḥan Arukh* to circulate and be used independently, as a literary unit sufficient to itself, or to be used only as a companion volume together with the *Beit Yosef*. His intention has been disputed and variously construed. Some condemned those who studied the *Shulḥan Arukh in vacuo*, thereby acquiring superficial acquaintance with halakhah, claiming that this contravened the author's intention. Others treated the *Shulḥan Arukh* in a manner reminiscent of R. Yosef Karo's original attitude as found in the preface to the *Beit Yosef*. In this case, however, the original intention of the author is eclipsed by the historical fact, abetted or perhaps made possible by R. Moshe Isserles' glosses,²⁹ that the *Shulḥan Arukh* and not the *Beit Yosef* became R. Yosef Karo's main claim to fame, and its existence was completely separate from and

²⁸ This important vertical perspective is usually left out of the picture. See e.g., R. Werblowsky *Joseph Karo*, pp. 7, 95, 167. There can be little doubt that R. Yosef Karo was preoccupied with eschatological hopes and that he saw the catastrophic nature of his period as having messianic significance. This is attested, *inter alia*, in the introduction to *Sefer Haredim*.

It would indeed be strange if the mood of that generation—physically uprooted, emotionally shattered, but spiritually exuberant—did not leave an imprint on the *Shulḥan Arukh*. Note in this connection the author's novel emphasis upon the desirability of unflagging awareness of the state of exile, dispersion and destruction. After reproducing (*Orah Hayyim* 1:2) the statement of the *Turim* concerning nocturnal prayer dealing with the destruction and the dispersion, R. Yosef Karo adds in a separate entry that "it is proper for every God-fearing person to grieve and worry about the destruction of the Holy Temple." This is a cardinal principle, part of one's consciousness—over and beyond any concrete expression.

²⁹ The fact is that R. Moshe Isserles' strictures are very radical, but low-keyed and disarmingly calm. They are free of the stridency and impetuosity which punctuate the glosses of R. Avraham ben David on the *Mishneh Torah*, but are nevertheless uncompromising in their criticism. While they contain explanations, amplifications and supplements, most were designed simply to supersede R. Yosef Karo's conclusions. It is only the harmonious literary form that avoided an overt struggle for halakhic hegemony such as occurred in other periods—for example, in the 13th century when Spanish students of the great Nahmanides attempted to impose their customs and interpretations on Provence. There was no dilution of diversity in this case, either, but there was at least a formal fusion of Ashkenazi and Sephardi halakhah in one work. Sephardim continued to rely on R. Yosef Karo, pointing to the verse, "Go unto Yosef; what he saith to you, do" (*Bereishit* 41:55); Ashkenazim continued to rely on

independent of the *Beit Yosef*. Commentators such as R. Avraham Gumbiner in the *Magen Avraham* effectively and irreparably cut the umbilical cord which may have linked the *Shulḥan Arukh* with the *Beit Yosef*. What some literary critics have said about poetry may then be applied here: “The design of intention of the author is neither available nor desirable as a standard for judging the success of a work of literary art.”³⁰ In our case, consequently, we should simply see what are some of the characteristics of the *Shulḥan Arukh* and some of the repercussions of its great historical success.

Perhaps the single most important feature of the *Shulḥan Arukh* is its unswerving concentration on prescribed patterns of behavior to the exclusion of any significant amount of theoretical data. The *Shulḥan Arukh* is a manual for practical guidance, not academic study. This practical orientation is discernible in many areas and on different levels.

First of all, by initially adopting the classification of the *Turim*, R. Yosef Karo capitulated unconditionally to the practical orientation. The import of this becomes more vivid when we contrast the two major codes on this point. The *Mishneh Torah* is all-inclusive in scope, obliterating all distinctions between practice and theory, and devoting sustained attention to those laws and concepts momentarily devoid of practical value or temporarily in abeyance because of historical and geographical contingencies. Laws of prayer and of the Temple ceremonial are given equal treatment. Laws concerning the *sotah*, the unfaithful wife (abrogated by R. Yoḥanan b. Zakkai in the first century), are codified in the same detail as the ever practical marriage laws. The present time during which part of the law was in abeyance was, in Maimonides’ opinion, an historical anomaly, a fleeting moment in the pattern of eternity. The real historical dimensions were those in which the Torah and its precepts were fully realized, that is, the time after the restoration of the Davidic dynasty, when “all the ancient laws will be reinstituted ... sacrifices will again be offered, the Sabbatical and Jubilee years will again be observed in accordance with the commandments set forth in the Law.”³¹ The Oral Law was, therefore, to be codified and studied exhaustively. The *Turim*, on the other hand, addresses itself only to those laws that are relevant, to those concrete problems and issues whose validity and applicability are not confined either temporally or geographically. For while both Maimonides and R. Yaakov ben Asher were of one mind in abandoning the sequence of the Talmudic treatises and seeking an independent classification of Halakhah, they differed in their goals: Maimonides sought to create a topical-conceptual arrangement that would provide a new interpretive mold for study and would also be educationally sound, while R. Yaakov ben Asher was guided only

R. Moshe Isserles, adapting the verse, “For the children of Israel go out with upraised hands” (*beyad ramah*—and “*Ramah*” was the acrostic for R. Moshe Isserles).

³⁰ W. K. Wimsatt and M. C. Beardsley, “The Intentional Fallacy,” *Sewanee Review*, LIV (1946), 468.

³¹ *Hilkhot Melakhim* 11:1. See Rabbi J. B. Soloveitchik, “Ish Hahalakhah,” *Talpiyot*, 1944, pp. 668ff.

by functionality and as a result was less rigorous conceptually. It involved a lesser degree of logical analysis and abstraction, and did not hesitate to group disparate items together. A code, according to this conception, should facilitate the understanding of the operative laws and guide people in translating concepts into rules of conduct.

The *Shulḥan Arukh* adds a further rigorism to the practicality of the *Turim*. The *Turim*'s practicality expresses itself in the rigid selection of material, in the circumscribed scope, but not in the method of presentation, which is rich, varied, and suggestive, containing as it does much textual interpretation and brief discussion of divergent views, while the functionality of the *Shulḥan Arukh* is so radical that it brooks no expansiveness whatsoever. The judicial *process* is of no concern to the codifier; exegesis, interpretation, derivation, awareness of controversy—all these matters are totally dispensable, even undesirable, for the codifier.³² In this respect, the *Shulḥan Arukh* has greater affinities with the *Mishneh Torah*, which also purports to eliminate conflicting interpretations and rambling discussions and to present *ex cathedra* legislative, unilateral views, without sources and without

³² This is, of course, a codificatory utopia, never achieved. First, all the author's protestations notwithstanding, the *Shulḥan Arukh* is not a mechanical, scissors-and-paste compilation. For all his veneration of authority and his *a priori* declaration of subservience to the three great medieval codifiers, the author writes selectively and discriminately. Already his contemporary, R. Ḥayyim ben Betzalel, observed (in the *Vikuaḥ Mayim Ḥayyim*) that R. Karo did not really follow the standards he outlined theoretically. Similarly, R. Moshe Isserles in the introduction to the *Darkhei Moshe* called attention to inconsistencies and discrepancies between the statement of intention and actual performance. There are many examples which show how subtly but steadily the author of the *Shulḥan Arukh* modified positions and expressed his own judgment. This is often indicated by the deletion of a phrase or addition of a word in what is otherwise a verbatim reproduction of a source. Note *Yoreh De'ah* 246:4, which is almost an exact quotation of Maimonides, *Hilkhot Talmud Torah*, 1:11, 12. The author has, however, expunged the sentence which makes philosophy (*Pardes*) an integral, even paramount component of the Oral Tradition, for this statement obviously caused him more than a twinge of discomfiture (see Chapter 8, above). R. Moshe Isserles reinserts this reference less conspicuously and more restrainedly toward the end of his gloss. The author's censure of the writings of Immanuel of Rome (*Oraḥ Ḥayyim*, 307:16) is an example of a novel, emphatic addition.

Second, all the author's statements about certitude, finality, and unilateral formulations notwithstanding, there are many paragraphs which cite multiple views. Sometimes reference is even made to the authorship of these divergent views. See, e.g., *Oraḥ Ḥayyim*, 18:1; 32:9; 422:2 and many others. This area of indecision is one of the major concerns of the 19th-century work, *Arukh Hashulḥan* by Rabbi Y. M. Epstein, and such earlier works as *Halakhah Aḥaronah Vekuntros Hare'ayot*.

Third, there is a sparse amount of interpretive and exegetical material. See, e.g., *Oraḥ Ḥayyim*, 6:1, which contains the explanation of a liturgical text. Note also 11:15, 14:1, 14:3, 15:4, 17:1 and many others where reasons are briefly adduced or the halakhic process is traced. What is more, even the self-sufficiency of the work is weakened when, for example, the author says (*Oraḥ Ḥayyim*, 579), "this is explained well in the *Tur* in this section."

explanations. The fact is that the *Shulḥan Arukh* is much closer to this codificatory ideal than the *Mishneh Torah*, which, after all, is as much commentary as it is code. One has only to compare, at random, parallel sections of the *Turim* and *Shulḥan Arukh* to realize fully and directly, almost palpably, the extent to which the *Shulḥan Arukh* pruned the *Turim*, relentlessly excising midrashic embellishments, ethical perceptions, and theoretical amplifications. It promised to give the “fixed, final law, without speech and without words.” It left little to discretion or imagination.

There is yet another area in which this austere functionality comes to the surface—in the virtually complete elimination of ideology, theology, and teleology. The *Shulḥan Arukh*, unlike the *Mishneh Torah* or the *Sefer Haroke’ah*, has no philosophical or Kabbalistic prolegomenon or peroration. The *Shulḥan Arukh*, unlike the *Mishneh Torah* or the *Turim*, does not abound in extra-halakhic comments, guiding tenets and ideological directives.³³ While, as I have tried to prove elsewhere, the *Mishneh Torah* does reveal the full intellectualistic posture of Maimonides,³⁴ the *Shulḥan Arukh* does not even afford an oblique glimpse of the Kabbalistic posture of R. Yosef Karo, who appears here in the guise of the civil lawyer for whom “nothing was more pointless, nothing more inept than a law with a preamble.”³⁵ He was concerned exclusively with what Max Weber called the “methodology of sanctification” which produces a “continuous personality pattern,” not with its charismatic goals or stimuli, the ethical underpinning or theological vision which suffuse the Halakhah with significance, guarantee its radical, ineradicable spirituality and thereby nurture the religious consciousness. The *Shulḥan Arukh* gives the concrete idea, but omits what Dilthey called *Erlebniss*, the experiential component. In the *Shulḥan Arukh* the Halachah manifests itself as the *regula iuris*, a rule of life characterized by stability, regularity, and fixedness, making known to people “the way they are to go and the

³³ One striking illustration is provided by the prologue of the *Turim* to the *Hoshen Mishpat*, where the instrumental role of positive law is expounded. The point of departure is the apparent contradiction between two statements in the first chapter of Pirkei Avot. One reads: “Upon three things the world stands, upon Torah, upon divine service, and upon acts of lovingkindness.” The other reads, “By three things is the world sustained, by justice, truth, and peace.” These are means; the others are ends. The author of the *Shulḥan Arukh* omits all preambles and plunges directly into the legal-institutional details. Compare the two also at *Orah Hayyim*, 61, 125, 242 (introduction to the laws of Sabbath) and others. At *Yoreh De’ah*, 335 (visitation of the sick), the *Turim* starts unhurriedly with a midrashic motif used by Nahmanides at the beginning of his code *Torat Ha’adam*, while the *Shulḥan Arukh* plunges *medias in res*. It has no time—or need—for adornment.

³⁴ In my article “Some Non-Halakhic Aspects of the *Mishneh Torah*” (Chapter 8 in this work).

³⁵ J. W. Jones, *The Law and Legal Theory of the Greeks*, p. 8. R. Moshe Isserles fleshed out a good number of the lean formulations in the *Shulḥan Arukh*, introducing many Kabbalistic motifs and explanations. See, for example, *Orah Hayyim*, 426 (on New Moon), 583 (on Hoshana Rabbah), 664 (on *kapparot*), and others. See also 290, in comparison with the *Turim*. He is thus much less reserved and less reticent than his Sephardic counterpart.

practices they are to follow” (Shemot 18:20). These specific, visible practices are not coordinated with invisible meaning or unspecified experience. One can say, in general, that there are two major means by which apparently trans-halakhic material has been organically linked with the Halakhah proper: 1) construction of an ideational framework which indicates the ultimate concerns and gives coherence, direction and vitality to the concrete actions; 2) elaboration of either a rationale of the law or a mystique of the law which suggests explanations and motives for the detailed commandments. The *Shulḥan Arukh*, for reasons of its own, about which we may only conjecture, attempts neither.

IV

The restrictive, almost styptic trait of the *Shulḥan Arukh* was noticed—and criticized—by contemporaries, foremost among whom was R. Mordekhai Jaffe (1530–1612), disciple of R. Moshe Isserles and R. Shelomo Luria and successor of R. Yehudah Loew, the famous Maharal, of Prague. It is worth re-telling the story of the composition of his major, multi-volume work, known as the *Levush*, inasmuch as it zeroes in on the radical functionality of the *Shulḥan Arukh* and also briefly reviews the tense dialectic surrounding codification which we discussed above.

R. Mordekhai Jaffe, a very articulate, sophisticated writer who was well acquainted with the contemporary scene, describes the enthusiastic reception accorded to the *Beit Yosef* because people imagined it would serve as a concise, spirited compendium, obviating the need for constant, wearisome recourse to dozens of rabbinic volumes in order to determine the proper halakhic course. He shared this feeling and heightened anticipation, but enthusiasm gave way to disillusionment as he realized that the *Beit Yosef* was anything but concise. Inasmuch as a comprehensive and compact compendium remained an urgent desideratum, he began a condensation of the *Beit Yosef* that would serve this purpose. External factors—an edict of expulsion by the Austrian emperor, which compelled him to flee Bohemia and settle in Italy—interrupted his work. In Italy, where so much Hebrew printing was being done, he heard that R. Yosef Karo himself had made arrangements to print an abridgement. Again he desisted, for he could not presume to improve upon the original author who would unquestionably produce the most balanced, incisive abridgement of his own work. R. Jaffe adds parenthetically—but with remarkable candor—that there was a pragmatic consideration as well: even if he persisted and completed his work, he could not hope to compete publicly with such a prestigious master as R. Yosef Karo—and to do it just for personal consumption, to satisfy his own needs, would be extravagant.

However, upon preliminary examination of the *Shulḥan Arukh*—in Venice—he noted two serious deficiencies. First, it was too short and astringent, having no reasons or explanations—“like a sealed book, a dream which had no interpretation or

meaning.” He describes it as “a table well prepared with all kinds of refreshments, but the dishes are tasteless, lacking the salt of reasoning which makes the broth boil and warms the individual”—i.e., lacking a minimum of explanatory and exhortatory material to embellish and spiritualize the bald halakhic directives. Second, it was almost exclusively Maimonidean, or Sephardic, and Ashkenazic communities could not, therefore, be guided by it—an argument that had been tellingly and uncompromisingly put forward by both his teachers (R. Moshe Isserles and R. Shelomo Luria). Again he started work on a new composition which would fill the gap, and again he abandoned his plans in deference to R. Moshe Isserles who was reported to have undertaken this task. When the full *Shulḥan Arukh* appeared—the text of R. Yosef Karo and the glosses of R. Moshe Isserles—he quickly realized that only the second deficiency had been remedied, that Ashkenazic halakhah had found a worthy and zealous spokesman, but the first deficiency remained—and this was glaring. Some measure of explanation was as indispensable for law as salt was for food. So, for the third time, he turned to producing a code which would a) strive for a golden mean between inordinate length (the *Beit Yosef*) and excessive brevity (the *Shulḥan Arukh*); and b) would explain, motivate, and spiritualize the law, often with the help of new Kabbalistic doctrines.

In effect, R. Mordekhai Jaffe—whose code was a potential but short-lived rival to the *Shulḥan Arukh*—addressed himself to the problem which great halakhists, ethicists, philosophers and mystics have constantly confronted: how to maintain a rigid, punctilious observance of the law and concomitantly avoid externalization and routinization. On one hand, we hear the echoes of Maimonides, R. Eleazar Haroke’ah of Worms, and R. Menahem ben Zerah (author of the *Tzedah Laderekh*), who attempt to combine laws with their reasons and rationale, as well as R. Bahya ibn Pakuda, R. Yonah Gerondi, and R. Yitzhak Aboab, to mention just a few of his predecessors. On the other hand, this tone continues to reverberate in the *Shulḥan Arukh* of R. Shneur Zalman of Liadi, as well as in the writings of R. Yeshayah Halevi Ish Horowitz and R. Moshe Hayyim Luzzatto, to mention just a few of his successors. The common denominator here is the concern that the halakhic enterprise always be rooted in and related to spirituality, to knowledge of God obtained through study and experience. All difficulties notwithstanding, it was generally felt that even when dealing with the corpus of practical, clearly definable law, an attempt should be made to express the—perhaps incommunicable—values and aspirations of religious experience and spiritual existence.

V

However, when all is said, it would be incorrect and insensitive to assert unqualifiedly that the *Shulḥan Arukh*, that embodiment of Halakhah which Jewish history has proclaimed supreme, is a spiritless, formalistic, even timid work. Its opening

sentence, especially as elaborated by R. Moshe Isserles, acts as the nerve center of the entire halakhic system and the fountain of its strength.

A man should make himself strong and brave as a lion³⁶ to rise in the morning for the service of his Creator, so that he should “awake the dawn” (Tehillim 57:9)³⁷ ...

“I have set the Lord always before me” (Tehillim 16:8). This is a cardinal principle in the Torah and in the perfect (noble) ways of the righteous who walk before God. For³⁸ man does not sit, move, and occupy himself when he is alone in his house, as he sits, moves, and occupies himself when he is in the presence of a great king; nor does he speak and rejoice while he is with his family and relatives as he speaks in the king’s council. How much more so when man takes to heart that the Great King, the Holy One, blessed be He, whose “glory fills the whole earth” (Yeshayahu 6:3), is always standing by him and observing all his doings, as it is said in Scripture: “Can a man hide himself in secret places that I shall not see him?” (Yirmeyahu 23:24). Cognizant of this, he will immediately achieve reverence and humility, fear and shame before the Lord, blessed be He, at all times.

Law is dry and its details are burdensome only if its observance lacks vital commitment, but if all actions of a person are infused with the radical awareness that he is acting in the presence of God, then every detail becomes meaningful and relevant. Such an awareness rules out routine, mechanical actions; everything must be conscious and purposive in a God-oriented universe, where every step of man is directed towards God. Halakhah, like nature, abhors a vacuum; it recognizes no twilight zone of neutrality or futility.³⁹ It is all-inclusive. Consequently, every action—even tying one’s shoes⁴⁰—can be and is invested with symbolic meaning. Nothing is accidental, behavioral, purely biological. Even unavoidable routine is made less perfunctory. The opening paragraph of the *Shulḥan Arukh* is thus a clear and resounding

³⁶ See, Pirkei Avot, 5: 23.

³⁷ This verse, meaning that man “awakens the dawn and not that the dawn awakens man,” is elaborated in the Palestinian Talmud, Berakhot, chapter 1 and is cited by the *Turim*.

³⁸ What follows is part quotation, part paraphrase from the *Guide of the Perplexed*, III:52. Maimonides refers in this context to the Talmudic saying in Kiddushin, 31a forbidding a person to “walk about proudly, with erect stature,” because of the verse, “the whole earth is full of His glory.” He concludes: “This purpose to which I have drawn your attention is the purpose of all the actions prescribed by the Law.”

³⁹ See Maimonides’ definition of futile action in *Guide of the Perplexed* III:25: “A futile action is that by which no end is aimed at all, as when some people play with their hands while thinking and like the actions of the negligent and the inattentive.”

⁴⁰ *Orah Hayyim*, 2:4.

declaration concerning the workings and the searchings of the spirit. Its tone should reverberate throughout all the subsequent laws and regulations. It provides—as does also paragraph 231, which urges man to see to it that all his deeds be “for the sake of heaven”—an implicit rationale for the entire Halakhah, but it is a rationale that must be kept alive by the individual. It cannot be passively taken for granted; it must be passionately pursued.

What I am saying, in other words, is that to a certain extent the *Shulḥan Arukh* and Halakhah are coterminous and that the “problem” of the *Shulḥan Arukh* is precisely the “problem” of Halakhah as a whole. Halakhah itself is a tense, vibrant, dialectical system which regularly insists upon normativeness in action and inwardness in feeling and thought.⁴¹ It undertook to give concrete and continuous expression to theological ideals, ethical norms, ecstatic moods, and historical concepts but never superseded or eliminated these ideals and concepts. Halakhah itself is, therefore, a coincidence of opposites: prophecy and law, charisma and institution, mood and medium, image and reality, the thought of eternity and the life of temporality. Halakhah itself, therefore, in its own behalf, demands the coordination of inner meaning and external observance—and it is most difficult to comply with such a demand and sustain such a delicate, highly sensitized synthesis.⁴²

There can be no doubt that R. Yosef Karo, the arch mystic passionately yearning for ever greater spiritual heights, could not have intended to create a new concept of orthopraxis, of punctilious observance of the law divorced, as it were, from all spiritual tension. While this may indeed have been one of the unintended repercussions of the *Shulḥan Arukh*—while it may unknowingly have contributed to the notion, maintained by a strange assortment of people, that Judaism is all deed and no creed, all letter and no spirit—its author would certainly discountenance such an interpretation and dissociate himself from it. If the *Shulḥan Arukh* only charts a specific way of life but does not impart a specific version or vision of meta-Halakhah, it is because the latter is to be supplied and experienced independently.⁴³ The valiant

⁴¹ See the brief discussion of this in Chapter 26, section II in this work. For a clear, almost unnoticed example of this correlation, see *Yoreh De'ah*, 335:4 where it is stated that the external action of visiting a sick person without the concomitant feeling of compassion and inward action of prayer for his recovery does not constitute the fulfillment of a mitzvah.

⁴² See in this connection G. van der Leeuw, *Religion in Essence and Manifestation* (Harper, 1963), II, p. 459ff; Joachim Wach, *Sociology of Religion* (Chicago, 1944), p. 17ff. See also “Religion and Law,” Chapter 23 in this volume.

⁴³ The introduction to the *Shulḥan Arukh* should perhaps be re-examined at this point. After stating that this compendium will serve the needs of the veteran scholar and the uninitiated student, the author refers to the pleasures which the *maskilim*, the wise men, will derive from his work. *Maskilim* is a common epithet for Kabbalists, for mystics proficient in esoteric lore. “The wise will shine like the brightness of heaven when they shall have rest from their travail and the labor of their hands.” Does this suggest that the *Shulḥan Arukh* will provide a compass with the help of which the *maskilim* will be able to chart their own course in the lofty spiritual realms?

attempt of so many scholars to compress the incompressible, imponderable values of religious experience into cold words and neat formulae, alongside of generally lucid halakhic prescriptions, did not elicit the support of R. Yosef Karo. Halakhah could be integrated with and invigorated by disparate, mutually exclusive systems, operating with different motives and aspirations, as long as these agreed on the means and directives. I would suggest that R. Mordekhai Jaffe's parenthetical apology for his expansive-interpretive approach to halakhah—that every person spices his food differently, that every wise person will find a different reason or taste in the law, and this reason should not be codified or legislated—may well be what prompted R. Yosef Karo, generally reticent about spiritual matters, to limit his attention to concrete particularization of halakhah. This could be presented with a good measure of certitude and finality, but its spiritual coordinates required special and separate, if complementary, treatment.⁴⁴

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As a personal postscript, or “concluding unscientific postscript,” I would like to suggest that, if the Psalmist's awareness of “I have set God before me continually” (Tehillim 16:8)—the motto of the *Shulḥan Arukh*—is one of the standards of saintliness,⁴⁵ then all “*Shulḥan Arukh* Jews,” all who abide by its regulations while penetrating to its essence and its real motive powers, should be men who strive for saintliness. But strive they must, zealously, imaginatively, and with unrelenting commitment.⁴⁶

It should also be noted that R. Yosef Karo is for the most part uncommunicative about his inner world, his spiritual *Anschauung*, and even about such contemporary issues in which he was deeply involved, as the attempted re-institution of ordination in Safed. I would add that even in the *Kesef Mishnah* he remains remarkably reticent (see, e.g., *Hilkhot Talmud Torah*, 1:11, 12), and only occasionally is a subdued comment forthcoming (e.g., *Yesodei Hatorah*, 1:10; *Teshuvah* 3:7; 10:6).

The introduction to the *Beit Yosef* has a single laconic reference to the Zohar. R. Moshe Isserles is more expressive in this respect; see n. 35.

⁴⁴ See the balanced remarks of Werblowsky, pp. 290–92; also pp. 146–47.

⁴⁵ S. Schechter, *Studies in Judaism* (New York, 1958), p. 147.

⁴⁶ See R. Moshe Ḥayyim Luzzatto, *Mesilat Yesharim* (Philadelphia, 1948), pp. 3–4.

Rabbi Yosef Karo, Author of the *Shulḥan Arukh**

This article aims to illumine the distinctive profile of R. Yosef Karo, in accordance with the conclusions that emerge from a study of his *Shulḥan Arukh*. It should be noted that the current state of scholarship on the *Shulḥan Arukh* specifically, and on R. Karo's works in general, is significantly lacking. To the best of my knowledge, none of his works—neither the *Shulḥan Arukh*, the *Kesef Mishneh*, nor the *Beit Yosef*—has been subjected to systematic academic analysis. While these texts are frequently cited and occasionally quoted, they have not yet received a conceptual analysis from the standpoint of Jewish law nor a comprehensive literary evaluation. These seminal works remain in need of scholarly attention. Furthermore, this issue is indicative of a broader neglect of the study of rabbinic literature, much of which has been overlooked and remains largely unexplored.

1.

I must clarify that I do not intend to suggest that rabbinical literature, described as “the wisdom of the Talmud, a unique wisdom for the sacred people,”¹ is neglected. Numerous students and scholars devote themselves to the study of texts such as Tractate Sanhedrin alongside volumes like *Hoshen Mishpat* with the *Shakh*, the *Urim Vetumim*, *Ketzot Haḥoshen*, *Netivot Hamishpat*, *Keren Orah*, and *Or Same'ah*. However, there is a noticeable lacuna in the literary-historical research of this vital and dynamic body of work. These fundamental texts have not been subjected to historical-biographical analysis or a systematic-objective approach that could clarify

* In memory of Chief Rabbi Yitzḥak Nissim, of blessed memory. The title of this article as it appeared in Hebrew יוסף קארו בעל הש"ע is drawn from the epitaph on R. Yosef Karo's tombstone, a text that, in its brevity, conveys profound meaning. It captures the essence of the subject with the conciseness characteristic of an epitaph, distilling the central idea into a few words and points to the need of fundamental scrutiny. This article was inspired by reflections on the 500th anniversary of R. Karo's birth. The thoughts presented here are preliminary, offering only fragments of insight and foundational ideas. With God's help, I hope to delve deeper into these topics at a more appropriate time. The ideas expressed were originally delivered as a lecture at the Institute for Research in Jewish Law at the Faculty of Law of the Hebrew University in December 1988. Due to time constraints, I was unable to include the comprehensive bibliographic notes I had promised the editor. While preparing this lecture for publication, my elder brother, R. Menachem Nachum, of blessed memory, passed away on 22 Adar Sheni 5749. It is impossible to share these reflections without honoring his memory, and I pray that my words may serve as a light for his pure soul. May he rest in peace.

¹ As described by R. Menaḥem Hame'iri in his introduction to the *Beit Habeḥirah*, Berakhot, Samuel Dickman edition (Jerusalem: Makhon Hatalmud Hayisraeli Hashalem, 1960), 23.

obscurities, situate these seminal compositions within the continuum of rabbinic literature, classify and characterize the works, and focus scholarly attention on central themes that require further exploration. Such themes include methods of study, methodological and theoretical assumptions, types of innovation, authority and independence, meta-halakhic material, the integration of aggadah into halakhah, considerations of historical context, and so on.

The subject is undoubtedly complex, and the underlying source material is intricate and challenging, making it a daunting endeavor. The words of R. Zerahyah, the Ba'al Hamaor, resonate in this context: "My heart melted and became like water, because the waters rose, [becoming] a stream that I could not cross."² Not every historian is equipped to engage with rabbinic literature, yet no historian can approach his work with true fidelity and integrity without engaging with this rich and diverse material. It appears to me that beyond the inherent difficulties that deter some academic scholars, modern historiography often harbors a hostile attitude toward halakhah, leading to the neglect and even disparagement of halakhic literature.³ It is well known that the Enlightenment (*Haskalah*) propagated a negative view of halakhah and related Torah literature. The reasons for this were varied and curious, sometimes rooted in practical social concerns and claims: Halakhah was seen as a barrier to citizenship, as it created a distinct separation between Jews, who shaped their behavior according to its commandments and instructions, and their non-Jewish neighbors. Spiritual-intellectual critiques also emerged, suggesting that halakhic study is "barren," devoid of intellectual stimulation or spiritual fulfillment. Solomon Maimon's characterization of halakhic practice as *geistestötendes Geschäft* ("a mind-numbing business") stands out and encapsulates this hostile and negative perception. There were also historical-theological critiques claiming that halakhah is an extraneous and unwelcome addition to pure, biblical Judaism. Some critics combined these arguments when attacking halakhah and rabbinic literature. Unsurprisingly, the *Shulḥan Arukh*, whose authority gradually became accepted throughout the Jewish Diaspora, came to symbolize these debates. Some writers extolled it, while others castigated and denigrated it. In any case, systematic scholarship that seeks to understand and present matters as they are is conspicuously absent.

Another reason for the current inadequate state of research must be acknowledged, particularly considering how different elements contribute to this situation. It can be hypothesized that the recent rise in the prominence of Kabbalah—both in academic research and as an ideological force—has led to an unbalanced approach to the study of history and thought. This shift, consciously or unconsciously, has

² R. Zerahyah Halevi, *Sela Hamahloket*, in: R. Avraham ben David (Ravad), *Ba'alei Nefesh*, R. Yosef Kafih edition (Jerusalem: Mossad Harav Kook, 1997), 158.

³ Isaac Hirsch Weiss on R. Menahem Hame'iri, author of the *Beit Hابهירah*, or Simon Dubnow on Nahmanides demonstrate the imbalance and distortion in the evaluation of halakhists by historians. See Chapter 33, "Academic Jewish Studies in America," p. 737–738.

emphasized mystical phenomena excessively, with even the most tenuous mystical elements receiving vigorous scholarly attention, often at the expense of halakhah and its literature, creating a formidable rivalry. In the context of our discussion, R. Yosef Karo is first and foremost the author of the *Beit Yosef* and *Shulḥan Arukh* rather than a *mekubal* (a term whose meaning and relevance to this discussion will be further addressed), author of the “*Maggid*” (*Maggid Mesharim*), who nightly encountered a *maggid*, a spiritual guide, who instructed, admonished, encouraged, and enlightened him. Of course, R. Karo was both—a master of halakhah and the author of the *Maggid*—and I do not intend to support those who deny his authorship of *Maggid Mesharim* or downplay its significance. My aim is simply to emphasize the necessity of maintaining balance, proportion, and moderation in our scholarship, striving to present a complete and accurate portrayal of the sage rather than a fragmented image that distorts his true character.

A thorough and well-crafted study on the *maggid* and the book *Maggid Mesharim* exists—R. J. Zwi Werblowsky’s work *Joseph Karo, Lawyer and Mystic*.⁴ However, anyone who reads the book will observe that it scarcely addresses R. Yosef Karo as a “Man of Law” or a “Man of Halakhah” (aside from one chapter that provides a detailed analysis of the eight halakhic matters discussed in *Maggid Mesharim*). Consequently, it offers little insight into the primary works and achievements of R. Yosef Karo, the author of the *Shulḥan Arukh*. I must emphasize that my intention is not to denigrate the value of *Maggid Mesharim*—it can undoubtedly coexist alongside the *Shulḥan Arukh*—but I wish to underscore that it is not the appropriate focus for a general and comprehensive discussion of R. Karo’s oeuvre. It is impossible to subordinate the *Beit Yosef* and the *Shulḥan Arukh* to *Maggid Mesharim*. In sum, there is no need to search far for evidence; this important book demonstrates that the “Man of Halakhah” is entirely absent from the scholarly discussion.

The relevance and appeal of *Maggid Mesharim* have certainly not diminished, and it continues to receive scholarly attention. For instance, Mordechai Pachter’s significant article, “*Sefer Maggid Mesharim* Lerav Yosef Karo Kesefer Mussar,”⁵ demonstrates convincingly that the book holds “general objective significance” despite the personal nature of its moral teachings. Pachter argues that “the *maggid*’s instructions, warnings, and rebukes, scattered throughout the entire text, collectively form a complete moral framework that reflects a coherent doctrine.” The central theme of the book is repentance, which is built upon three pillars: devotion (*devekut*), prayer (*tefillah*), and asceticism (*sigufim*). In essence, *Maggid Mesharim* is more accurately characterized as a book of moral instruction rather than a purely Kabbalistic text.⁶ Regardless of how one categorizes the work, Pachter’s article makes a

⁴ R.J. Zwi Werblowsky, *Joseph Karo, Lawyer and Mystic* (London: Oxford University Press, 1962).

⁵ *Daat*, 21 (1988), 57–83.

⁶ No one can deny that *Maggid Mesharim* contains kabbalistic material, and in many instances, the *maggid* actively encourages the study of Kabbalah. However, it is equally clear that the book cannot be classified as a purely Kabbalistic work, like R. Moshe Cordovero’s *Or Ne’erav*.

valuable contribution to its analysis and understanding. However, it also underscores that we should not expect an analysis of *Maggid Mesharim* to lead to a discussion of halakhah, which is the cornerstone of R. Karo's work and teachings. R. Karo's halakhic contributions' primary importance and historical significance are overshadowed, and the scholarly focus is misplaced.

2

R. Yosef Karo's works are of great importance; all are regarded as rabbinical literature. In addition to his writings, he served as the head of a yeshiva in Safed and delivered public Torah lectures (as documented in R. Zekharyah al-Dhahiri's *Sefer Hamusar*⁷ and the lamentations of Italian sages who mourned his passing⁸). His works include *Bedek Habayit*, which offers corrections and additions to the *Beit Yosef*; *Shut Maran Le'even Ha'ezer*; *Avkat Rokhel*, a collection of responsa on various topics; sermons and commentaries on biblical texts and rabbinic teachings in *Or Tzadikim*, which also contains a certain amount of Kabbalistic material; novellae on tractates Kiddushin and Gittin, included in his responsa to *Even Ha'ezer*; and *Kelalei Hagemara*, methodological inquiries, and discussions reflecting a prevalent practice of the sixteenth century.⁹ His *Kesef Mishneh*, a comprehensive commentary on the *Mishneh Torah*, was completed later in his life (though he had begun working on it decades earlier).¹⁰

I want to highlight a particular feature of the *Shulḥan Arukh*, which branches into several important directions and ultimately leads to a discussion of R. Karo's approach to the reasons behind the commandments (*ta'amei hamitzvot*). However, two preliminary observations are necessary: (a) The *Shulḥan Arukh* is a meticulously constructed and intentionally concise code of law designed for brevity and precision. It can be argued that it is the only work truly deserving of the title "legal codex." (b) R. Yosef Karo had a profound affinity for Maimonides, as is evident in his life and works. A careful analysis of the sources reveals that Maimonides' writings are central to Karo's oeuvre and decisively influenced his interests and efforts.

⁷ *Sefer Hamusar*, Yehuda Ratzaby edition (Jerusalem: Ben-Zvi Institute, 1965), 116–117.

⁸ Meir Benayahu, "Kinot Hakhmei Italiah al Rabbi Yosef Karo," *Kovetz R. Yosef Karo*, Yitzhak Rafael, ed. (Jerusalem: Mossad Harav Kook, 1969), 302–359.

⁹ R. Shimshon of Chinon, *Sefer Keritut*; R. Yehoshua Halevi of Tlemcen, *Halikhot Olam*; R. Yosef ibn Verga, *She'erit Yosef*; R. Shemuel ibn Sid, *Kelalei Shemuel*; R. Betzalel Ashkenazi, *Kelalei Hatalmud*. Eliav Shochetman suggests (*Shenaton Hamishpat Ha'ivri*, 8 [1981], 16) that R. Betzalel Ashkenazi's *Kelalei Hatalmud* was written as an addition to and completion of *Sefer Keritut*, just as R. Karo wrote *Kelalei Hagemara* as a supplement to *Halikhot Olam*. In his introduction, R. Karo writes "What can be gained by rewriting what has already been written?"

¹⁰ See, for example, *Avkat Rokhel*, 2.

The *Shulḥan Arukh* is perhaps the work that most closely adheres to the standard of a law book, presenting a distilled account of the practical laws of Judaism. It is not by chance that R. Yehoshua Falk, author of the *Sema*, emphasized the “cryptic and impenetrable glosses” of this work. Maimonides, as is well known, articulated his goal as presenting “things that become clear from all these works ... in clear language and a concise manner, without questions and answers.” R. Yosef Karo described his objective in the *Shulḥan Arukh* similarly as offering “all precious, clear rulings, without excess speech or discussion.” In fact, R. Karo shortened and condensed his work even more than Maimonides and R. Yaakov ben Asher, author of the *Turim*.

Regarding Maimonides, I have argued in various contexts that the *Mishneh Torah* encompasses much more than straightforward, dry halakhah. As both a jurist and a philosopher, Maimonides aimed not only to delineate legal actions and behavior but also to set out spiritual and religious principles. He sought to integrate religious-moral conduct with intellectual perfection, normative law with theological ideals, liberating himself from the rigid constraints of purely practical jurisprudence. A careful study of the *Mishneh Torah* reveals that Maimonides provided reasoned halakhic rulings, added explanations, established connections to the written Torah, and even embellished certain laws with philosophical insights, all while focusing on the religious motivations and spiritual conclusions derived from the commandments. Similarly, the *Turim* is characterized by interpretative expansions accompanying its halakhic rulings. This is evident not only in the plurality of opinions cited—a feature noted by R. Karo when justifying his decision to align his *Beit Yosef* with the *Turim*—but also in the interpretative breadth. In contrast, R. Karo was not at all expansive in this way. His restrained approach is evident from the very first *siman* in *Orah Hayyim*. A comparison between the opening passage of *Shulḥan Arukh Hoshen Mishpat* and *Tur Hoshen Mishpat* reveals this difference: the former is modest and concise, while the latter is expansive and profound. The *Tur* frequently offers broader elaborations, including verses, commentaries, midrashic passages, and multiple opinions—all hallmarks of the classical Talmudic approach. The *Shulḥan Arukh* is characterized by economy of expression.

Therefore, when I refer to the brevity and economy of style in the *Shulḥan Arukh*, I am not merely pointing to the absence of halakhic sources—this also characterizes the *Mishneh Torah*, much to the frustration of the Ravad, who criticized Maimonides for having “abandoned the way of all authors ... by not providing evidence for his statements or attributing them to their original sources.” Rather, I refer to the deliberate omission of interpretative expansions that might otherwise refine and temper the text’s sharp formulations, as well as the exclusion of meta-halakhic considerations. The “search for brevity”—an expression Maimonides used in the preface to his *Sefer Hamitzvot*—guided R. Karo’s approach. This principle was the cornerstone of his comprehensive jurisprudential program. In crafting a concise, decisive,

and authoritative law book, R. Karo went further than any of his predecessors.¹¹ He created the first true codex in the history of rabbinic literature. From a purely legal perspective, it could be argued that most works typically classified as literature of legal rulings do not meet the strict criteria of a codex. They combine—to utilize the terminology of the *Rishonim*—*ḥibbur*, a composition or monograph, with *pesak*, legal rulings. Only the *Shulḥan Arukh*—and its various abridgments—satisfies the rigorous and narrow definition of a codex. The *Shulḥan Arukh* is a significant innovation in rabbinic literature, and its impact on Jewish history in the following generations merits careful consideration.

3

Thus the author of the *Shulḥan Arukh* consistently limited the work's interpretive and spiritual dimensions to an extreme degree. There is minimal commentary, almost no explanation of the reasons behind the commandments and laws, and an avoidance of conceptual midrashic expansions or calculated “digressions” into the meta-halakhic realm. R. Mordekhai Jaffe's *Levush* can be seen as a critique of the extreme brevity of the *Shulḥan Arukh* and an attempt to address its limitations. It should be noted that the few interpretive elements present in the *Shulḥan Arukh* are largely derived from Maimonides, as if R. Karo deferred to Maimonides' will, and reflecting a deep Maimonidean influence.

Before demonstrating this generalization, it is important to emphasize that careful attention to Maimonides' oeuvre occupies a central position in R. Karo's work, permeating it throughout. His work bears the unmistakable stamp of Maimonides' influence. We will briefly highlight some aspects or expressions of this emphasis.

a. R. Karo's reliance on Maimonides is well known, and near-contemporary halakhic authorities frequently commented on this. These observations typically focused on halakhic rulings and their phrasing, but our interest also extends to interpretive comments and theoretical expansion. For instance, in his *Ma'adanei Yom Tov*, R. Yom Tov Lipman Heller remarks about R. Karo: “And regarding his language, it is always the language of Maimonides.” Similarly, R. Yoel Sirkis, in his *Shut Habaḥ Haḥadashot*, criticizes R. Karo's complete reliance on Maimonides, perceiving it as a flaw. This comment of the Rema is also noteworthy:

¹¹ In his “Codification of Jewish Law,” *On Jewish Law and Lore* (Philadelphia: The Jewish Publication Society of America, 1955), 18, Louis Ginzberg writes: “But Caro is much more independent than his predecessor in that he generally reduces the Halakhah to rules without giving every difference of opinion.” These words are puzzling in many respects, primarily because the issue at hand is not one of independence but rather of having a systematic plan and a coherent concept on legal rulings.

This author omitted all the laws of the tithe for the poor (*ma'aser ani*) that the *Tur* included, from which many laws of charity applicable today can be derived. It is possible that he relied on what is explained in the laws of charity. However, even in the laws of *terumot* and tithes, he omitted some laws included by the *Tur* and substituted others. All of this occurred because he copied Maimonides' words from *Hilkhot Terumot Uma'srot* verbatim without paying attention to other sources.¹²

In one of the lamentations in memory of R. Karo published by Meir Benayahu, we find the following definitive statement: "He is embedded upon Maimon, layer upon layer."¹³

R. Moshe Hayyim Luzzatto makes a significant observation in his *Derekh Hakhmah*,¹⁴ where he outlines a comprehensive study program: "Then study the *Shulhan Arukh*, and for any law that is found to differ from the words of Maimonides or adds to them, one should seek its origin in the *Beit Yosef* to understand its explanation and reasoning." In other words, alignment or agreement between the author of the *Shulhan Arukh* and Maimonides is the norm, while any divergence is the exception. The expansive interpretive commentary found in the *Beit Yosef* serves to clarify and elucidate the reasons for these differences. It is fitting to observe that Ramhal's instruction echoes Maimonides' own guidance regarding the differences between his *Mishneh Torah* and the *Halakhot* of the Rif. In a letter to his student R. Yosef ben Yehudah, Maimonides advises: "If you wish to truly study Torah, devote yourself entirely to the *Halakhot* of the late Rabbi, and compare them with the *Hibbur* (i.e., the *Mishneh Torah*). Wherever you find a discrepancy, recognize that it arises from differing interpretations of the Talmud, and you will identify its source there."¹⁵

b. It can be claimed that R. Karo lamented the neglect of Maimonides' *Mishneh Torah* and expressed concern that it was not being studied in its entirety as Maimonides had envisioned, providing a comprehensive understanding of the Oral Torah. In one instance, at the beginning of the *Beit Yosef* (*Orah Hayyim*, 3), he states: "Even though the world follows the words of the Tosafot, of blessed memory, it is because they do not study the words of Maimonides in *Hilkhot Beit Habehirah* except for one or two in an entire generation." Here, R. Karo emphasizes that Maimonides' plan was not fully realized—most people continue to study only those laws relevant to their contemporary lives—and acknowledges the jurisprudential consequences of neglecting parts of the *Mishneh Torah*. Although the *Shulhan Arukh* focuses on laws

¹² *Yoreh De'ah*, *Hilkhot Terumot*, 331:146.

¹³ "Kinah Lerav Yosef Sigri," Meir Benayahu, *Yosef Behiri: Mehkarim Betoledot Maran R. Yosef Karo* (Jerusalem: Yad Harav Nissim, 1991), 572.

¹⁴ R. Moshe Hayyim Luzzatto, *Derekh Hakhmah*, Mordechai Shriki edition (Jerusalem, 2009), 35.

¹⁵ *Iggerot Harambam*, Shilat edition, 312.

applicable in contemporary times, halakhah as a whole is an indivisible unit that cannot be broken down or segmented, and its all-encompassing scope contributes to precision in practical detail.

c. In his *Beit Yosef*, a commentary on the *Turim*, the interpretive engagement with Maimonides' *Mishneh Torah* is extensive and significant in quality and quantity. R. Karo himself highlights this:

I decided to compile a book that would include all the laws that apply today, explaining their roots and origins ... and I did not want to make this book a stand-alone work ... and it occurred to me to attach it to the work of Maimonides, of blessed memory, given that he is the most famous decisor in the world, but I then changed my mind ... because in many places his (Maimonides') words are enigmatic and require clarification, which is provided in this book.¹⁶

It is noteworthy how other halakhic scholars acknowledged R. Karo's dependence on Maimonides and referenced it on various occasions. They point out deficiencies in R. Karo's interpretations or some unsatisfactory explanations, but all begin with the premise that the *Beit Yosef* is a rich repository of commentaries on Maimonides. For instance, the Radbaz, in his commentary on the *Mishneh Torah*,¹⁷ remarks: "And the author of the *Beit Yosef* did not grasp the Ravad's intention in his gloss." This statement reflects his recognition of the significant body of Maimonidean interpretation in the *Beit Yosef*. The Rema writes: "And the explanation provided by the *Beit Yosef*, which sought to resolve Maimonides' words with a weak argument, is nullified, and I saw no reason to record it."¹⁸ This, too, acknowledges a unique dimension of the *Beit Yosef*—that the commentary on the *Turim* is heavily infused with interpretations of Maimonides' *Mishneh Torah*. R. Yoel Sirkis further justifies the creation of his monumental work, *Bayit Hadash* on the *Turim*, by noting that the commentary on Maimonides is not always comprehensive, thus necessitating additional explanations. His work addresses "what is difficult in his commentary, whether in his interpretation of the words of the *Tur* itself, or in elucidating Maimonides' words."

d. *Kesef Mishneh*, R. Karo's important treatise on the *Mishneh Torah*, was written to clarify, source, and resolve ambiguities and difficulties in Maimonides' work. R. Karo explains his motivation:

¹⁶ *Beit Yosef*, introduction.

¹⁷ *Hilkhot Shevuot* 4:9.

¹⁸ *Darkhei Moshe*, *Hoshen Mishpat*, 307:4.

He [Maimonides] authored the great compilation of the *Yad* on all the laws of the Torah as a whole—its general rules, particular rules, and minor details ... yet the generations that followed struggled to grasp his words, often lost in the depth of his pure and refined statements, to the point that even the source of certain laws became obscure. This difficulty was exacerbated by the critiques of R. Avraham ben David so that in some instances, an expert scholar was required to elucidate his writings. R. Moshe Kohen of Lunel also critiqued him, leading to the perception of his words as a sealed book ... My soul longed to comprehend his words in all his works and trace their origins ... Therefore, I resolved, with the help of Heaven, to write on all of Maimonides' works, identifying the source of each law, clarifying his words, and responding to the critiques.¹⁹

A close examination of *Kesef Mishneh* reveals not only R. Karo's deep familiarity with Maimonides' works—his understanding of the sources and foundations of Maimonides' rulings—but also his acute sensitivity to the novel interpretations embedded in the *Mishneh Torah*. R. Karo recognized that interpreting sources and halakhic ruling are intricately intertwined in Maimonides' work. He consistently upheld Maimonides' interpretations, preserved his innovations, and affirmed his emphases, ensuring they were integrated into halakhic discourse with the simple yet profound endorsement: “The words of our Rabbi are worthy of him” or *zeh pashut*—“it is obvious.”

Many sections of the *Mishneh Torah* represent remarkably novel contributions to halakhic literature. While these ideas are now widely accepted as foundational elements of rabbinical literature, this was not always the case; Maimonides was the one who formulated, refined, and clarified these concepts and emphases, constructing a formidable and innovative legal structure. R. Karo was acutely aware of this and could properly recognize and evaluate this fundamental achievement with an honest and thorough assessment. His restrained statement, *zeh pashut*, reflects the profound breadth and depth of Maimonides' *Mishneh Torah*.

While a comprehensive typology of *Kesef Mishneh*'s approach to understanding the *Mishneh Torah* remains unavailable, it is fitting to highlight some of the qualities and virtues that characterize R. Karo's work.

¹⁹ Introduction to the *Kesef Mishneh*.

R. Karo, with his keen clarity of mind, approached the *Mishneh Torah* with the conviction that every word carried significance. Even when he encountered passages he could not fully explain, he nonetheless drew attention to them. His interpretative principle, which aligns with his assessment that “who is like him, offering rulings in concise and precise language like the Mishnah,” was that there are no unnecessary words in Maimonides’ work. Consequently, the reader is required to interpret every detail meticulously. For instance, in *Hilkhot Beit Habehirah* 1:17, Maimonides connects two laws: “We must not make steps for the Altar ... Anyone who ascends the Altar with steps receives lashes. Similarly, anyone who demolishes a single stone from the Altar ... with a destructive intent is worthy of lashes.” After citing sources for Maimonides’ ruling, R. Karo observes: “And the word ‘similarly’ [*vekhen*] that our Rabbi wrote is not precise.” The use of the connecting word “similarly” prompts the need for further explanation, yet R. Karo did not find a satisfactory interpretation. Nonetheless, his directive is unmistakable: the reader must be precise in every detail,²⁰ as Maimonides’ language has nothing superfluous or extraneous. (It is interesting to compare this with the language in his responsum, “Is the [accuracy of the] Mishnah just like the [accuracy of the] Temple courtyard Torah scroll that does not have a missing or extra letter?”)²¹

R. Karo offers guiding principles for interpreting Maimonides’ language. For instance, in *Hilkhot Yesodei Hatorah* 5:11 (and it is notable that R. Karo’s interpretation works to narrow the gap between the letter of the law and supererogatory behavior), he begins his comment by stating, “And a rule of his language is as follows.” In another instance, in *Hilkhot Hanukkah* 3:7, he concludes his analysis by noting, “And since we find that he wrote in his *Sefer Hamitzvot* ... his language here also proves that, so we have to interpret it this way, and the words of the Ravad and the *Maggid Mishneh* are difficult to understand.”

Another example illustrates how R. Karo defended Maimonides’ prerogative to offer original interpretations, cautioning against imposing conventional or common explanations upon his work. Addressing the Ravad’s gloss on the meaning of the term *mukhnei* in *Hilkhot Beit Habehirah* 3:18, R. Karo cites Maimonides’ *Commentary on the Mishnah*, noting, “These are his words here, as well.” He concludes by writing:

²⁰ Above, in Chapter 9, n. 13, I explain the juxtaposition of these two laws based on Maimonides’ words in his *Guide* III:45. It is worthwhile noting that R. Karo does admit to searching for a source without success. For example, in *Hilkhot Ta’anit* 4:1 (“Ashes are placed ... on the Torah scroll”) he comments: “I do not know his source for this.” See also the Me’iri’s *Beit Habehirah*, Ta’anit, Avraham Sofer edition (Jerusalem, 1969), 57, in the editor’s note, n.7.

²¹ *Teshuvot Harambam*, Blau edition, *siman* 442, p. 721.

The Ravad was accustomed to Rashi's interpretation and, as a result, found our Rabbi's words perplexing, leading him to write "this is a strange explanation." However, it is perplexing why the fact that he accepts Rashi's interpretation should cause him to deem a different interpretation strange. Moreover, one must wonder about his comment that his explanation is found explicitly in Yoma and Zevahim. His interpretation is no more explicit in the Gemara than Maimonides' interpretation.

These are crucial considerations in the immense effort to understand Maimonides and defend him against unwarranted criticism. We must identify or reconstruct the interpretations that underlie his rulings. R. Karo continues, "The generations that followed him struggled to grasp his words and to fully plumb the depths of his pure and meticulously refined statements." Significant effort is required to uncover the various elements of Maimonidean interpretation embedded in his work.

R. Yosef Karo was well aware and indeed instructed us that one must strive to faithfully reproduce the interpretations embedded in the *Mishneh Torah* with the utmost precision. There are halakhic rulings that have eluded even the combined efforts of generations of scholars to fully comprehend or provide a plausible explanation for Maimonides' reasoning. It is in this context that we should understand his remark regarding the Ravad's gloss—"an expert scholar was required to elucidate his writings" (See Avodah Zarah 50b).

It is instructive to cite a brief passage from *Beit Yosef, Yoreh De'ah* 242, which clearly illustrates how R. Yosef Karo perceived the essential role of interpreting Maimonides' language. In discussing the interpretation of the rabbinic statement concerning "disagreeing with one's teacher" and the explanation given by the *Tur*, R. Karo writes: "I do not understand why our Rabbi did not attribute these words to [Maimonides]." It is evident that the *Tur* is quoting Maimonides' language, and one would expect him to credit the source. R. Karo—raising the objection and resolving it himself—suggests the following: "Perhaps, because these words elucidate the rabbinic sages' understanding of disagreeing with one's teacher, he did not deem it necessary to ascribe them to Maimonides, as it appeared to him that this was the straightforward interpretation of the rabbinic statement."

In other words, since the author of the *Turim* was elucidating a fundamental rabbinic concept, he could assume that Maimonides' interpretation was intrinsically linked to the original rabbinic statement. Maimonides' words are so straightforward and compelling that there was no need to attribute them explicitly to him. His interpretation seamlessly aligns with the words of the Sages, and his words are included in their words. R. Karo continues: "And I found it written that R. Moshe Kohen of Lunel critiqued Maimonides, asking what is his source for ruling that it is forbidden to establish a study hall in the lifetime of one's teacher. But this question is immaterial since Maimonides' words clearly convey his understanding that this is the meaning of 'one who disagrees with one's teacher.'" The same rationale that justifies the *Tur*'s

not attributing the statement to Maimonides nullifies R. Moshe Kohen's objection. The matter is simple and clear.²²

R. Karo's close alignment with Maimonides and his approach to interpreting the Talmud seems to cause him at times to uncritically accept Maimonides' underlying premises, presuming that his rulings align precisely with the straightforward meaning of a Mishnah or Gemara. The reality is often more complex, and Maimonides' ruling does not reflect a universally accepted interpretation but embodies a distinct, novel approach.²³

If so, there is no doubt that our master, the *Meḥaber* [R. Karo], is an outstanding exegete, is deeply committed to uncovering and elucidating the interpretive underpinnings of the *Mishneh Torah*, aiming to identify and clarify them, to reconstruct and analyze them. This makes the following passage particularly intriguing. It is as if R. Yosef Karo is voicing a heartfelt grievance to Maimonides: I must express a concern, for in truth, you ought to have explained more clearly rather than relying on commentators to labor and decipher what you left obscure. "And although Maimonides adheres to the order and language of the Mishnah, we should not offer a forced explanation of Maimonides' words in the manner that Ri labored to explain the Mishnah. For Maimonides is a later authority. If he indeed held this view, then he should have provided the necessary clarification rather than leaving matters as obscure as the Mishnah."²⁴

5

We will now present several examples, in no particular order, that illustrate the generalization that the limited instances of expansion, conceptualization, and

²² In the *Tur*, *Yoreh De'ah*, 246, we find the following statement: "And Maimonides wrote: when does this apply? Only at the beginning of one's study, but when he grows in wisdom ..." In the parallel passage in the *Shulḥan Arukh*, R. Karo omits the phrase "and Maimonides wrote," likely reflecting his position as established in the *Beit Yosef*, 242. According to R. Karo, there is neither a need nor a reason to attribute this law explicitly to Maimonides since it represents the straightforward meaning of the Talmud. It is noteworthy that in the *Kesef Mishneh* on *Hilkhot Talmud Torah* 1:12, the source of this law, R. Karo states simply: "and this is a straightforward matter ..." (while the *Leḥem Mishneh* sharpens the point, emphasizing: "He said this based on his own reasoning").

²³ See, for example, *Hilkhot Tefillah* 13:17, regarding the Torah reading on Hanukkah, where the *Kesef Mishneh* writes: "and this is straightforward." However, upon examining Sukkah 55a, one discovers that the order of the Torah reading on the intermediary days of Sukkot is a point of debate between Rashi and Tosafot. Maimonides' application of Rashi's understanding (which appears to be based on the question of the sanctity of the day) to Hanukkah represents a novel approach.

²⁴ *Beit Yosef*, *Yoreh De'ah*, 201. We frequently encounter the author of *Migdal Oz* defending Maimonides by asserting that the explanation we apply to the Gemara—no matter how much effort it requires—should equally be applied to Maimonides' phrasing. Maimonides is using the language of the Gemara.

interpretation found in the *Shulḥan Arukh* are either drawn directly from the works of Maimonides or extrapolated from them.

a. In *Yoreh De'ah, Hilkhoh Tzedakah* 248:8, we find the following:

He who wishes to deserve divine reward should conquer his evil inclinations and open his hand wide; everything done for Heaven's sake should be of the finest and the best. If one builds a house of prayer, it should be finer than his private dwelling. If he feeds the hungry, he should give him the best and the sweetest of his table. If he clothes the naked, he should give him from his finest garments. If he consecrates something, he should give from the best of his possessions. Thus, Scripture says: "All the fat is the Lord's" (Vayikra 3:16).

These sentences are taken verbatim from the *Mishneh Torah, Hilkhoh Isurei Mizbe'ah* 7:11. This detail is particularly significant for our discussion, as it is not merely a case of copying in the same context—indeed, this section does not appear in the *Tur*—but rather a transfer from one halakhic context to another. R. Karo, who comments in his *Kesef Mishneh* on this passage, "These are the words of our Rabbi and are worthy of him," saw fit to incorporate these elevating words, taken from the conclusion to *Hilkhoh Isurei Mizbe'ah*, into the laws of charity. Additionally, he abridged the text to suit his needs within the laws of charity. Maimonides' original text was as follows:

If all kinds (of oil) are valid for meal offerings, why did the Sages rank their quality? So that one would know which was the very best, which was of average value, and which was the least valuable. He who wishes to earn merit for himself will overcome his evil inclination and generously bring an offering from the finest and the very best of the species he was bringing. Behold, it is said in the Torah, "And Hevvel, he also brought of the firstlings of his flock and of the fat thereof. And the Lord paid heed to Hevvel and to his offering" (Bereishit 4:4). The same principle applies to everything which is done for the sake of the good God; namely, that it be of the finest and the best. If one builds a house of prayer, it should be finer than his private dwelling ...²⁵

²⁵ An examination of all of *siman* 247 in the Laws of Charity in the *Shulḥan Arukh* reveals that R. Karo consistently shortened and omitted material found in the *Tur* (with the Rema sometimes finding it necessary to restore these omissions). In this process of abridgement and reduction, he skillfully incorporated Maimonides' language.

b. *Yoreh De'ah*, *Hilkhhot Nedarim*, 203:7:

Whoever takes vows to discipline his moral disposition and improve his conduct displays commendable zeal and is worthy of praise. How so? One who was a glutton who forswore meat for a year or two; or a drunkard who forswore wine for a significant amount of time, or forswore drunkenness forever; or one who chased money and was frantic for wealth, and forswore gifts or benefits from people of that land; or a person proud of his good looks who swore to be a Nazirite and similar vows, all of these are ways of serving God, and of them and their like the Sages have said, “Vows are a fence for self-restraint” (*Avot* 3:13). Nonetheless, even though these are service of God, a person should not become accustomed to them; rather, one should abstain from what is worthy to be abstained from, without making a vow.

R. Karo is quoting here from the conclusion of *Hilkhhot Nedarim* (13:23–24) and sets Maimonides’ closing remarks at the end of the first *siman* of *Hilkhhot Nedarim* in the *Shulḥan Arukh* as a sort of introduction to the laws of vows.²⁶ It is worth noting that the passages from the *Mishneh Torah* about which R. Karo commented in the *Kesef Mishneh*, “Here he offers sound advice, and these words are worthy of him,” do not appear in the *Shulḥan Arukh*. In truth, the change in context in which these statements are presented somewhat diminishes their impact and blurs their significance.

c. In *Yoreh De'ah* 394:6, R. Karo rules:

Whoever does not observe mourning rites as the Sages commanded is a cruel person, but one should fear and be troubled, examine his deeds, and repent.

This ruling is a distilled version of Maimonides’ more detailed instruction found in *Hilkhhot Avel* 13:12, where he writes:

Whoever does not observe mourning rites, etc. If one member of a group dies, the entire group should worry. For the first three days, one should see himself as if a sword rests on his neck. From the third day until the seventh, he should regard it [the sword] as if it is in the corner. From that time onward, as if it is passing before him in the marketplace. All this is so that a person should prepare himself and repent and awake from sleep.

²⁶ Maimonides’ definition of “vows involving prohibitions,” as opposed to “vows of sanctification,” is presented in *Hilkhhot Nedarim* 1:1–2.

It is written in Yirmeyahu 5:3: “You have stricken them, but they have not trembled.” This implies that one should awake and tremble.

Maimonides combined two distinct rabbinic teachings and incorporated a verse from Yirmeyahu (which he also cites in *Guide* 3:36), thereby expanding, enhancing, and focusing the teaching. In his *Kesef Mishneh*, R. Karo appropriately remarked, as is characteristic of him: “The words of our Rabbi are worthy of him.” However, in *Shulḥan Arukh*, *Yoreh De’ah* (this time following the lead of the *Tur*), he minimized Maimonides’ language. This example demonstrates that even when R. Karo incorporates an interpretive expansion that includes significant exhortations, he tends to condense where Maimonides elaborates. The foundation remains Maimonidean, but the reduction curtails its full expression.

d.

<i>Shulḥan Arukh Even Ha’ezer</i> 23:7	<i>Mishneh Torah, Hilkhot Isurei Biah</i> 21:24
One of the early pietists and great scholars took pride in the fact that he had not looked at the place of his circumcision, and another took pride in never having contemplated his wife’s figure, as his mind turns away from vain things to the true matters which grasp the hearts of the holy ones.	One of the early pietists and great scholars took pride in never having looked at the place of his circumcision, and another took pride in never having contemplated his wife’s figure, as his mind turns away from vain things to the true matters which grasp the hearts of the holy ones.

It is important to note that by not preserving Maimonides’ stylistic approach of consolidating these elements at the conclusion of halakhic units, R. Karo somewhat diminishes their impact, intentionally or not. One might say that while Maimonides articulates these points emphatically, R. Karo only alludes to them in passing.

To sum up, it can be observed that when R. Karo, who typically employs concise and unembellished language, ventures beyond his usual brevity, he skillfully integrates Maimonides’ teachings into his rulings. He demonstrates a deep knowledge of the *Mishneh Torah*, adeptly transferring laws from one context to another, expanding or condensing them as needed, and revealing impressive literary acumen. The lyrical passages that evoke religious experiences, expressions of spiritual fervor, or admonition in the *Shulḥan Arukh* are predominantly Maimonidean.

6

These instances of selective and deliberate addition or expansion confirm the impression that what often stands out are the omissions—specifically, the complete omission of essential material. This characteristic is of fundamental significance. As

will be shown, these omissions are particularly evident both in unique halakhic formulations and in the realm of beliefs and opinions. For example, in *Hilkhot Megillah* 2:17, after Maimonides summarizes all the commandments of Purim (such as the festive meal, presents to friends, and gifts to the poor), he adds his own original and profound statement:

It is preferable to spend more on gifts to the poor than on the Purim meal or presents to friends. For no joy is greater or more glorious than the joy of gladdening the hearts of the poor, the orphans, the widows, and the strangers. He who causes the hearts of these unfortunates to rejoice resembles the Divine Presence, as Scripture says, “To revive the spirit of the humble, and to revive the heart of the contrite ones” (Yeshayahu 57:15).

A review of *Shulḥan Arukh*, *Orah Ḥayyim*, reveals that all the parallel sections presenting these laws are directly based on Maimonides. However, this passionate passage about which the *Maggid Mishneh* states (and with which the *Kesef Mishneh* likely concurred), “our Rabbi’s words are worthy of him,” is entirely omitted.²⁷

Another interesting and important example can be found in *Orah Ḥayyim* 574:3, which states: “If one forgot and ate and drank [on a day observed as a fast day in the place], he must not portray himself publicly as someone who has eaten, nor should he indulge in delicacies, saying, ‘Since I ate a little, I will eat a lot.’” This ruling, which reflects the Talmud’s teaching, also appears in the *Mishneh Torah*, but with an important addition: “Anyone who is fasting ... should not indulge in pleasures.” This is a fundamental innovation, about which the *Maggid Mishneh* comments: “And it is certainly clear that this rule applies to every fast day, and it is an obvious matter.”

R. Karo was aware of these additions and, in most cases, explained and highlighted them, yet did not always incorporate them into the *Shulḥan Arukh*.

In other words, these examples represent Maimonides’ innovations that are rooted in a particular religious sensibility, reflecting his unique spiritual and conceptual approach. A preliminary research task would be to conduct a rigorous, systematic examination to determine when R. Karo includes such interpretive-spiritual material and when he omits it. Investigating whether an underlying rationale or a coherent framework guides these individual cases is essential.

It should be noted that R. Karo’s approach is not merely to be more economical with words than the *Mishneh Torah*. He is also more terse than the *Turim*. A comparison of specific laws in the *Tur* and the *Shulḥan Arukh* reveals his conciseness and exceptional precision. Indeed, brevity was his primary objective in composing the

²⁷ See Chapter 10 above, p. 250.

Shulḥan Arukh, and all will acknowledge that he achieved this with remarkable consistency, as though every word were carefully measured and weighed from a halakhic standpoint, without a single unnecessary word included.

7

Permit me to note here another point with far-reaching implications: even in instances where R. Karo omitted Maimonides' words and had the opportunity to substitute them with those of another ideology—in his case it would presumably be Kabbalistic—he chose not to do so. This restraint appears to be a form of self-discipline. A clear example of this can be seen in Maimonides' famous and innovative definition of Torah study, which includes the study of philosophy (referred to as "*Pardes*"):

One is obligated to divide his study-time into three parts: a third devoted to the Written Torah; a third, to the Oral Torah; and a third in which he draws conclusions from premises, derives new things from established things This third subject is what goes by the name *talmud* The topics termed *Pardes* come under *talmud*.²⁸

R. Karo omits "*Pardes*" from the corresponding law in the *Shulḥan Arukh*, but, contrary to expectation, he does not replace it with a Kabbalistic definition. He had an opportunity to highlight and add prestige to a fundamental Kabbalistic concept by defining "*Pardes*" according to its basic tenets, yet he chose not to do so. Even in his *Kesef Mishneh* commentary on this section in *Hilkhot Talmud Torah*, he remains strikingly silent. We are therefore compelled to consider the significance of this silence or restraint.

Not only does R. Karo omit the term "*Pardes*" in the *Shulḥan Arukh Yoreh De'ah* without replacing it with the anticipated Kabbalistic definition, but also in his *Kesef Mishneh* commentary on *Hilkhot Yesodei Hatorah* 4:13 (where Maimonides writes that "The topics treated in these four chapters, which are devoted to those first five commandments, are what the ancient sages called *Pardes*" that is, physics and metaphysics identified as the Account of Creation and the Account of the Chariot), we encounter an approach that is notably measured and deliberate. At the outset of his comment, R. Karo cites Ran ("Maimonides wrote what he wanted, and I wish it had not been written") and the Ritva ("And this interpretation is true and not as interpreted by others, and God will atone for them"), who staunchly reject Maimonides' interpretation of the rabbinic statement that "the account of the Chariot is 'a great matter'; the disputes of Abaye and Rava are 'a small matter'," and sharply disapprove of the philosophical implications of Maimonides' reading. R. Karo then

²⁸ *Hilkhot Talmud Torah* 1:11–12. See Chapter 8 above, pp. 222ff.

presents remarkable insights from R. Eliyahu Mizrahi, who draws a parallel between philosophy and Kabbalah that is worth quoting:

Evidently, the term “great” can be applied in two ways: in quantity or quality. The greatness in quality can itself be divided into two categories: one is the greatness of the inquiry and its significance, which can further be divided into two aspects—either the greatness of the subject of the discourse or its conceptual depth. The second category of greatness of quality pertains to the greatness of the reward. Therefore, there is no argument against the term “great” as it is applied to *Ma’aseh Merkavah* (the mystical Account of the Chariot). If *Ma’aseh Merkavah* is called “great” compared to Talmudic wisdom, it is because it is greater in terms of the nobility of the inquiry in both respects—namely, the greatness of the subject of the inquiry and its conceptual depth. Talmudic wisdom does not explore a subject as significant as *Ma’aseh Merkavah*, as the subject of inquiry of *Ma’aseh Merkavah* is the Creator (whether according to the Kabbalists or the philosophers), while the subject of Talmudic wisdom is the performance of God’s commandments. Nevertheless, when the matter is not fully understood, from the perspective of the greatness of the reward, it is without a doubt that Talmudic wisdom is the foundation and core knowledge that enables us to attain eternal life, thereby surpassing, in this respect, all other forms of wisdom.

R. Eliyahu Mizrahi, who likely maintained a reserved attitude toward the Kabbalah prevalent in his time and place, though not toward Kabbalah as a whole (so Moshe Idel has informed me), did not consider himself obligated to distinguish between philosophy and Kabbalah, as both philosophers and Kabbalists, each according to their own approach, identify *Ma’aseh Merkavah* with the knowledge of the Creator. From the context, it appears that R. Karo accepts R. Eliyahu Mizrahi’s definition-premise, slightly expands upon it, and applies it to the interpretation of the Mishnah in *Pirkei Avot* (end of chapter 3), which has implications for the matter at hand:

... and I suggest that, according to this approach, that which we learn in the Mishnah can be explained: “R. Eliezer ben Hisma said: mixed bird offerings and the calculations of menstruation days are essential halakhot, [astronomy and *gematria* are embellishments of wisdom].” This means that even though astronomical calculations and *gematria* deal with lofty subjects, namely the heavenly bodies, while bird offerings are matters of small value, and menstruation calculations are an unpleasant subject, nevertheless, they are all substantive laws, meaning the core of the Torah, due to the great reward set aside for those who engage in them. Although

astronomical calculations and *gematria* deal with very lofty subjects, they are not at the core but rather are embellishments of Talmudic wisdom, which is rightly called simply wisdom since it concerns the interpretation of God's commandments and the great reward given to those who engage in it and fulfill its commandments.²⁹

In other words, R. Karo shifts the focus toward reward and punishment rather than refining the precise definition of *Ma'aseh Merkavah*. His concluding remarks, which appear to affirm R. Eliyahu Mizrahi's premise, primarily function within the domain of positive law and do not engage with metaphysical concerns. Notably, Kabbalah is entirely absent from his discussion.

Relevant to the matter at hand, in *Hilkhot Yesodei Hatorah* 1:10, Maimonides discusses the extent of Moshe's comprehension of God as follows:

What then was it that Moshe our Master sought to apprehend when he said, "Show me now Your glory" (Shemot 33:18)? He sought to know the true nature of the being of the Holy One, blessed be He, so that He would be known to his mind the way one knows an individual whose face he saw, whose form was impressed on in his memory, and who is, thus, distinct, in his mind, from others. So did Moshe our Master wish the existence of the Holy One, blessed be He, to be distinct, in his mind, from those of other existents, so that he would know the true nature of His being as it really is. He, blessed be He, responded that the intellect of a living human, composite as he is of body and soul, is incapable of apprehending the essence of this matter as it really is. ... To this Scripture alludes by saying: "And you will see My back, but My face is not to be seen" (Shemot 33:23).

In the *Kesef Mishneh*, R. Yosef Karo recorded the gloss of the Ravad, which begins with a detailed disclaimer: "My mind is not settled on this ..." and concludes with the cryptic remark: "The terms 'face' and 'back' contain great secrets, and it is not appropriate to reveal them to everyone. Perhaps the author of these words also does not know them." R. Karo engages with the initial parts of the Ravad's statement, where the Ravad expresses his view (and that of the Kabbalists) that Moshe indeed attained a profound knowledge of God. R. Karo attempts to reconcile Maimonides' interpretation and defend his position while seemingly disregarding the Ravad's cryptic remark about the secrets contained in the terms 'face' and 'back.' It is difficult to imagine a Kabbalist restraining himself and proceeding with theoretical commentary when faced with the profound secret of 'face' and 'back,' as is evident

²⁹ *Kesef Mishneh*, *Hilkhot Yesodei Hatorah* 4:13.

from the writings of R. Moshe Cordovero and R. Yitzhak Luria, contemporaries of R. Karo. Nevertheless, R. Karo objectively and dispassionately discusses Maimonides' view without addressing the underlying Kabbalistic secrets.

All the halakhot in the *Shulḥan Arukh* that directly or indirectly reflect religious beliefs and opinions need to be examined with particular rigor and sensitivity. Only based on such an examination can we form a balanced assessment of R. Karo's approach in this area and his worldview, which many assume—without a solid foundation or conclusive evidence—to be Kabbalistic.

We can add another detail with far-reaching implications. In the *Shulḥan Arukh, Yoreh De'ah, Hilkhoh Me'onen Umekhashef* 179:8, the author formulated the halakhah as follows: "One who recites an incantation over a wound or a sick person, spits, and then recites a verse from the Torah has no share in the World to Come." In his *Mishneh Torah*,³⁰ Maimonides omitted the word "spits," thereby retracting what he wrote in his *Commentary on the Mishnah*, where the reason for the prohibition was the desecration of God's name. R. Karo reinstated the word—and its rationale (see the commentaries of the *Taz* and *Shakh*)—as well as the laws concerning amulets and the like. Seemingly, the selection and formulation of these halakhot reflect a clear and consistent anti-rationalist stance. However, before forming a final judgment, we must revisit what he wrote in that same *siman*, section 6: "If one was bitten by a scorpion, it is permissible to recite an incantation over him, even on the Sabbath, even though it is of no benefit whatsoever." On this brief, sharp halakhah, the Vilna Gaon (and before him, the author of *Be'er Hagolah*) commented that the source is Maimonides. In the same breath, the Vilna Gaon expressed reservations about what is stated and what it implies:

But all who came after him disagreed with him, for many incantations are mentioned in the Talmud, and he was influenced by philosophy ... Philosophy led him astray with its great persuasion to interpret such Talmudic statements entirely allegorically and to uproot their plain meaning. Rather, all these matters should be understood according to their plain meaning, although they also contain an inner dimension—not the inner dimension of the philosophers, which is external, but rather that of those who possess the truth.

This sharp remark against Maimonides has garnered significant attention. The Vilna Gaon acknowledges that there is a hidden dimension in the words of the Sages, but he outright rejects Maimonides' allegorical interpretation, suggesting that it should be replaced by a Kabbalistic-allegorical interpretation, which alone can reveal the inner wisdom of the Torah. For our purposes, it is important to emphasize that R.

³⁰ *Hilkhoh Avodah Zarah* 11:12.

Karo follows in the footsteps of Maimonides, and, knowingly or unknowingly, he, too, “is influenced by philosophy.” The Vilna Gaon dissents, while R. Karo aligns himself with it.

8

A conspicuous and apparently comprehensive omission—both principled and consistent—concerns the reasons for the commandments, a subject that calls for further inquiry. It is untenable to suggest that R. Yosef Karo categorically opposed the notion of reasons for the commandments (*ta’amei hamitzvot*) in general, or those articulated in Maimonides’ thought in particular, for it is evident that he recognized their value and expressed appreciation for them. An important, central example can be found in *Hilkhhot Me’ilah* 8:8.

It is fitting for man to meditate upon the laws of the holy Torah and to comprehend their full meaning to the extent of his ability. Nevertheless, a law for which he finds no reason and understands no cause should not be trivial in his eyes. “Let him not break through to come up against the Lord, lest the Lord break forth upon him” (Shemot 19:24); nor should his thoughts concerning these things be like his thoughts concerning profane matters. Come and consider how strict the Torah was in the law of trespass! Now, if sticks and stones and earth and ashes became hallowed by words alone, as soon as the name of the Master of the universe was invoked upon them, and anyone who comported with them as with a profane thing committed trespass and required atonement, even if he had acted unwittingly, how much more should man be on guard not to rebel (*baot*) against a commandment decreed for us by the Holy One, blessed be He, only because he does not understand its reason; or to heap words that are not right against the Lord; or to regard the commandments in the manner in which he regards ordinary affairs. Behold, it is said in Scripture: “Ye shall therefore keep all My statutes, and all Mine ordinances, and do them” (Vayikra 20:22); whereupon our Sages have commented that “keeping” (*shemirah*) and “doing” refer to the “statutes” as well as to the “ordinances.” “Doing” is well known, namely, performing the statutes. “Keeping” means that one should be careful concerning them and not imagine that they are less important than the ordinances. Now the “ordinances” are commandments whose reason is obvious, and the benefit derived in this world from doing them is well known; for example, the prohibition against robbery and murder or the commandment of honoring one’s father and mother. The “statutes,” on the other hand, are commandments whose reason is not known. Our Sages have said: “My statutes are the decrees that I have decreed for you, and you are not permitted to question them.” A man’s impulse pricks him

concerning them, and the Gentiles reprove us about them, such as the statutes concerning the prohibition against the flesh of the pig and that against meat seethed with milk, the law of the heifer whose neck is broken, of the Red Heifer, or of the scapegoat.

How much was King David distressed by heretics and pagans who disputed the statutes! Yet the more they pursued him with false questions, which they plied according to the narrowness of men's minds, the more he increased his cleaving to the Torah; as it is said: "The proud have forged a lie against me; but I with my whole heart will keep Thy precepts" (Tehillim 119:69). It is also said there concerning this: "All Thy commandments are faithful; they persecute me for nought; help Thou me" (Tehillim 119:86).

All the (laws concerning the) offerings are in the category of statutes. The Sages (Avot 1:2) have said that the world stands because of the service of the offerings, for through the performance of the statutes and the ordinances, the righteous merit life in the World to Come. Indeed, the Torah puts the commandment concerning the statutes first; as it is said, "Ye shall therefore keep My statutes, and Mine ordinances, which if a man do, he shall live by them" (Vayikra 18:5).³¹

This significant passage holds a central place in Maimonides' philosophical system. The individual has the freedom—or, more precisely, the obligation—to delve deeply into this matter and to boldly, earnestly and tirelessly strive to uncover the reasons behind the practical and moral commandments. Maimonides' stance is explicit and decisive. He clearly and vigorously delineates the boundaries of conceptual inquiry without ignoring the dangers that await one who delves into it; this passage includes a clear description of skeptical or agnostic antinomianism—that is, the rejection of religious law because it has been devalued in the eyes of a person who has failed to find for it a spiritual rationale. Maimonides also warns the student who seeks to contemplate the laws of the Torah not to attribute inappropriate reasons to the commandments out of excessive haste. Likewise, one should not dismiss as valueless the commandments for which one understands no cause. The laws of God are true and beneficial by their very nature. One must be convinced that these laws are rooted in wisdom and designed to advance humanity toward perfection. According to Maimonides' interpretation, "observing" the laws involves a value judgment and obligates the individual not only to perform and uphold them but also to honor them.

R. Karo aptly remarks in his *Kesef Mishneh*, "Our master's words and methods are faithful, and they are befitting of him." It is worth noting, however, that this

³¹ See above, Chapter 9.

gracious compliment sidesteps deeper analysis and thus avoids engaging with the conceptual innovations and intellectualist religious tendencies underlying the passage. R. Karo expresses agreement but does not offer clarification.

One could argue that this remark should not be overemphasized, as the *Kesef Mishneh*'s comment might be nothing more than a polite response from a commentator who holds the discussed source in high regard. An incidental remark should perhaps not be transformed into a conceptual stance. It is therefore important to emphasize that R. Karo was well aware of the innovative nature of this passage, treated it with respect, and defended it vigorously. It can be demonstrated that at the outset of his literary endeavors, specifically in his *Beit Yosef*, an opportunity presented itself for him to refer to this Maimonidean passage. In *Tur Yoreh De'ah* 181, R. Yaakov ben Asher writes regarding the prohibition of rounding the head and shaving the beard as follows: "(a) In these, too, Maimonides wrote that the Torah prohibited these practices because they were performed by idolaters. (b) This is not explicitly stated. (c) We do not need to seek reasons for the commandments, as they are the King's decrees upon us, even if we do not know their reasons." The *Tur* succinctly emphasizes three points here: (a) Maimonides—the reference is to *Hilkhot Avodah Zarah* 12:1—opens with: "One should not shave the corners of the head as idolaters would do ..." And in *Hilkhot Avodah Zarah* 12:7: "It was the custom of the priests of idolaters to destroy their beards, and therefore the Torah prohibited destroying the beard." He adheres to his method in this context as well, and in "these, too" he proposes a historical, rational explanation. (b) The reason he provides does not have an explicit source—it is the product of Maimonides' reasoning and perspective and is not definitive. (c) All of Maimonides' exegetical and philosophical efforts are in vain, unnecessary, and unhelpful. We are commanded and obligated to observe the commandments, and the rational explanation neither adds nor detracts.

R. Karo strongly opposes this approach, disagreeing with each aspect of the *Tur*'s concise argument, and defends Maimonides' position. He writes: "His explicit words express his opinion that disagrees with Maimonides: why one should seek a reason from his own thinking for any commandment, implying that if the reason for the commandment were unknown, we would not be obligated to perform it?" Here, he addresses the potential danger of antinomianism that results from attempting to find reasons for the commandments, particularly when those reasons are based on conjecture rather than explicit sources. He then continues in order to dispel this concern:

And it is not so. The commandments are decrees of the King upon us, and even if we do not know their reasons, we are still commanded to perform them. I say that Maimonides, Heaven forbid, would not hold such a [potentially antinomian] view. Who would be more concerned for the honor of the Torah and its commandments than him? His words at the end of *Hilkhhot Me'ilah* bear witness to this. He wrote similarly at the ends of *Hilkhhot*

Temurah and *Hilkhhot Mikvaot*. From these, we understand that his view is that although all the laws of the Torah are royal decrees, wherever a reason can be found, we should ascribe one.

R. Karo first asserts that there is no danger of nullifying religious practice. Even Maimonides views the commandments as divine decrees whose validity is absolute. The intent of the statement “Who would be more concerned for the honor of the Torah ...” is that the reasons for the commandments add honor, prestige, and meaning to them. The reason given honors the Torah; it does not detract from it. On the contrary, leaving the commandments without reason and justification could open the door to antinomianism rooted in ignorance and misunderstanding. It is well known in the history of religion that antinomianism arises from philosophical knowledge. The assumption is that a commandment serves a specific purpose, and if one succeeds in understanding its full intent, it is possible to forgo the practice; knowledge supersedes the act. The nullification of a commandment’s practice can result from understanding its meaning and purpose. Maimonides’ innovation in *Hilkhhot Me’ilah* is that while knowledge may lead to neglect in the performance of a commandment, ignorance and misunderstanding can also do so. Specifically, a person who fails to comprehend the full intent of the commandment will neglect its observance, for if there is no reason or justification for it, why should one perform these arbitrary actions? True knowledge and effective explanation enhance the value of the act. This is what R. Karo means when he writes, “Who would be more concerned for the honor of the Torah ...” Maimonides’ teleological interpretative approach to the reasons for the commandments aims to exalt the Torah.

R. Karo adeptly directs the reader to two additional places where Maimonides’ framework for understanding the reasons behind commandments is elaborated upon. In the conclusion of *Hilkhhot Temurah*, Maimonides reaffirms the validity of intellectual inquiry into the commandments and, moving from the general to the specific, demonstrates his method by explaining the specific law in question. He underscores that the commandments refine and purify the individual in both a literal and conceptual sense. At the end of *Hilkhhot Mikvaot*, Maimonides attempts to elevate and deepen the spiritual significance of ritual purity and impurity. We can deduce that R. Karo was understating the case when he said “similarly.” In these laws, the method is applied and expanded, strengthened and enhanced.

Regarding the critique/accusation by the *Ba'al Haturim* that Maimonides offered reasons based on personal opinion, R. Karo emphasizes, “he did not provide reasons of his own opinion, but based on the wisdom to be found in the biblical text.” In practice, this restrained formulation is a robust defense of Maimonides’ method. R. Karo argues that Maimonides did not devise reasons capriciously but derived them from the biblical text with careful sensitivity, understanding, and insight. This response is crucial, given the recurring assertion that Maimonides, like other philosophers, fabricated reasons based on personal judgment rather than relying on established

tradition. R. Yosef ibn Shoshan's commentary illustrates this point: "These are allusions to erroneous opinions and weak beliefs, whose authors lack a solid foundation upon which to rely, as they were not transmitted from the original source but emerged from individual speculation and judgment."³²

This argument is a central theme in R. Meir ibn Gabbai's *Tola'at Yaakov*.³³ Philosophers invent reasons based on their own judgment.

Still, while he defends the system of reasons proposed by Maimonides, R. Karo exercises considerable restraint; he does not express his own unique beliefs or reasons that he attributes to the commandments.

9

Two key questions arise: (a) Are there traces of Kabbalah—Kabbalistic positions or Kabbalistic influences on halakhic discourse and rulings—evident in R. Karo's halakhic works, particularly in the *Shulḥan Arukh*? (b) Perhaps we should revisit the question—though it may seem bold—whether R. Karo should indeed be classified as a Kabbalist. Is this assumption open to challenge? For the sake of brevity, it is sufficient to note the position taken by Jacob Katz.³⁴ He first emphasizes that there are indeed halakhot based on the Zohar. In that historical period, this is not novel at all. This assertion counters the position of Zwi Werblowsky, the author of the book on R. Yosef Karo's *Maggid Mesharim*. Katz writes as follows:

Karo's attitude has been misrepresented on two counts. Rationalistically minded scholars of the nineteenth century could not imagine that Karo the "lawyer" could, at the same time, have been the author of *Magid Mesharim*, the mystical diary dictated to its author in a semi-conscious state of mind. The historical as well as psychological misconceptions underlying this skepticism have been examined and the twofold mentality of Karo as "lawyer and mystic" convincingly established by Karo's modern biographer, R.J. Zwi Werblowsky.³⁵ In the same context, Werblowsky spoke also of "Karo's well-known unwillingness to allow kabbalistic considerations or mystical experiences to influence halakhic decisions." The first half of this

³² *Perush R. Yosef ben Shoshan al Masekhet Avot*, Moshe Shlomo Kasher and Yaakov Yehoshua Balkrovits edition (Jerusalem: Machon Torah Shelemah, 1968), 19, commentary to Mishnah 1:11: "... and the disciples who follow you will drink of those waters and die."

³³ See, for example, R. Meir ibn Gabbai, *Tola'at Yaakov* (Jerusalem, 1996), 4.

³⁴ Jacob Katz, "Post-Zoharic Relations between Halakhah and Kabbalah," in Bernard Dov Cooperman, ed., *Jewish Thought in the Sixteenth Century* (Cambridge: Harvard University Press, 1983), 301–302. See also Moshe Halamish, "Hakabbalah Bapesikah shel R. Yosef Karo," *Daat*, 21 (1988), 85–102.

³⁵ Werblowsky (above, n. 5), 15–21.

sentence is well taken. The half-conscious meditations of Karo's mystical diary contain also reflections on halakhic matters, and these indeed left no trace in his halakhic writings. Kabbalistic considerations based on literary sources, primarily the Zohar, on the other hand, are part and parcel of his *Beit Yosef* and *Shulḥan Arukh*, as was shown long ago by Moshe Kunitz in his *Ben-Yohai*.³⁶

In closing, Prof. Katz concludes: "Far from being free from kabbalistic influence, then, the author of the *Shulḥan Arukh*, as we have seen, yielded to it to the utmost extent possible for a halakhist of his stature."³⁷

I believe it is necessary to distinguish between Kabbalistic considerations and Kabbalistic perspectives. While there are certainly numerous halakhic formulations reflecting Kabbalistic considerations, a Kabbalistic worldview does not distinctly emerge. In contrast, from the *Mishneh Torah*, one can discern Maimonides' character and outline his philosophical-spiritual profile—*Mishneh Torah* serves as a sort of mirror reflecting the influence of his philosophical heritage and the ways in which he integrated it into his work. This is not the case with the *Shulḥan Arukh* and its author, R. Yosef Karo. The philosophical sensitivity in the *Mishneh Torah* is evident, whereas the Kabbalistic involvement in the *Shulḥan Arukh* remains concealed.

Therefore, it is difficult to accept Gershom Scholem's statement: "R. Joseph Karo deliberately ignored kabbalism in his great rabbinic code *Shulḥan Arukh*, yet there is little doubt as to the secret eschatological motives of its composition."³⁸ This statement is vague and unexplained. What does it mean to say that he "deliberately ignored kabbalism"? He did not distance himself from Kabbalistic influences in matters of halakhah; these influences had already been accepted and integrated into halakhic literature, losing their distinctiveness as markers of Kabbalists. The extent to which Kabbalistic works have permeated halakhic literature is primarily a question of the evolution of rabbinic literature. As a leading halakhic authority, R. Karo engaged with these influences, much like other great halakhic authorities who followed him.

Regarding the "the secret eschatological motives of its composition," the nature of these motives is entirely unclear. To the extent that various scholars address this issue, their claims are conjectures, leaving the question open to speculation. Transitioning to a related matter, I would like to note that R. Karo's introduction to the *Shulḥan Arukh* is not significantly different from R. Yaakov ben Asher's introduction to his work, the *Turim*. In the introduction to the *Turim*, he writes:

³⁶ Moshe Kunitz, *Ben-Yohai* (Vienna, 1815), 136–149.

³⁷ Katz (above, n. 35), 304.

³⁸ Gershom Scholem, *Sabbatai Sevi, The Mystical Messiah, 1626–1676* (Princeton University Press, 1973), 19.

And since the days of our exile have been prolonged, our strength has weakened, our hearts have grown desolate, our hands have slackened, our eyes have dimmed, our ears have become heavy, our tongues have been stilled, our speech has been taken away, the springs of wisdom have been sealed, our reasoning has become confused, and disputes have increased, there is no longer a single definitive law that does not have divergent opinions.

The immanent literary tendency seems to be asserting its dominance. In the introduction to *Beit Yosef*, R. Yosef Karo writes:

As the days have lengthened, we have been emptied from vessel to vessel and gone into dispersion. Many calamities, severe and successive, one after the other, have befallen us until, due to our sins, the verse “the wisdom of its wise will perish” has been fulfilled in us. The strength of the Torah and its learners has weakened because the Torah has not become like two *Torot* but rather like countless *Torot*, due to the multitude of books that exist explaining its laws and rulings.

Here, it appears that R. Karo shifts from a historical explanation (“the wisdom of its wise will perish” is a prominent aspect in Maimonides’ introduction to the *Mishneh Torah* and elsewhere in his work, as Maimonides felt the grim reality of decline and deterioration due to harsh circumstances) to a literary-immanent explanation.³⁹ R. David Halevi, author of the *Taz*, also perceived R. Karo’s statements in a literary rather than historical sense in his introduction to *Yoreh De’ah*:

After seeing the introduction to *Beit Yosef*, where he expresses concern that the Torah has become like multiple *Torot* due to the differences of opinion among the legal authorities, he weighed and explored the matter correctly. In our generation, this fear has returned to its place because great leaders of Israel arose after him, one particularly distinguished among us, the great scholar R. Shelomo Luria, may his memory be blessed,⁴⁰ and my father-in-law the great scholar R. Yoel, each of whom wrote works according to their understanding.

³⁹ From my perspective, the reality of the “multitude of books” referenced by the author remains somewhat unclear. R. Shelomo Alami (late 14th century), in his *Iggeret Musar* (Abraham M. Haberman edition [Jerusalem: Mossad Harav Kook, 1946], 40), laments: “And authors write various works that will neither help nor prevent changes in opinions and beliefs.” Despite this, it is essential to recognize that each generation perceives itself as enveloped by “the darkness of events and transformations,” which compels them to undertake corrective measures.

⁴⁰ The *Maharshal*, in the introduction to his *Yam shel Shelomo* states that “the Torah has become like 613 *Torot*.”

Therefore, the literary reality justifies his own endeavor as well.

10

We may conclude that R. Yosef Karo frequently engaged with Maimonides' writings, providing commentary on his novel ideas and deeply analyzing halakhic issues through the lens of Maimonides' teachings. He carefully selected interpretative elements from the *Mishneh Torah* to incorporate into the *Shulḥan Arukh*. This raises important questions: Why hesitate to accord a significant place to Kabbalah? Why did he suppress this inner spiritual message and refrain from imparting his knowledge of Kabbalah and his commitment to its fundamental positions and core beliefs to his readers and students?

One possible explanation is that R. Karo sought to rigorously emphasize the unity and centrality of halakhah, distinguishing it from any meta-halakhic system. The spiritualization of halakhah, while indispensable, is multifaceted, yet it has no place in a legal code. Separate works will provide the necessary meta-halakhic dimension, while the *Shulḥan Arukh* is intended to present practical halakhah in a concise and accessible form. R. Yaakov ibn Ḥabib's introduction to *Ein Yaakov* aligns with this possible explanation. He sought to explain why the Rif and the Rosh, two leading halakhic authorities, omitted the aggadic-*derash* parts of the Talmud from their works. In other words, he sought to reconstruct the motives of the Rif and the Rosh after he prefaced his question with a definition of aggadah as a source of foundational beliefs, moral paths, and good counsel. He states: "From here on, anyone is permitted to complete his work and write in a separate book, in general, and in detail, every path of *derash*. There is nothing new in this, for scholars and students, both earlier and later, have always been accustomed to writing books based on the midrashim of the Sages." These words propose a unique perspective on rabbinic literature compared to the literature of the Talmudic Sages. While the Sages unified halakhah and aggadah, later halakhic scholars, both early and late, delineated the boundaries of each genre and dealt with aggadah separately from their halakhic works.

Extending this analysis, examining the halakhic monographs—those works focusing on specific topics, such as *Emek Berakhah* by R. Avraham Horowitz or *Mateh Moshe* by R. Moshe Mat—would be worthwhile. These texts, similar to the works of the *Geonim*, aim to provide comprehensive legal rulings on particular halakhic subjects. However, they also emphasize the meta-halakhic dimension, as if the authors recognized an opportunity to establish a unique position within the broader legal discourse. They appeared to believe there was an urgent need to emphasize the importance of the religious experience and meta-halakhic study, which was lacking from other halakhic works. In the introduction to his *Emek Berakhah*, R. Avraham Horowitz explicitly raises the question of the need for a "*Shulḥan Arukh* on the Laws of Blessings" when the *Shulḥan Arukh* already encompasses all areas of Jewish law. He then offers multiple answers to his question, among them answers that highlight

the meta-halakhic dimension.⁴¹ This suggests an awareness that the *Shulḥan Arukh* had significantly altered the landscape of rabbinic literature, restructuring its frameworks and increasing the emphasis on “Talmudism.”

In summary, we cannot avoid raising this question: perhaps R. Karo was not a Kabbalist at all, at least not in the conventional sense. The *Shulḥan Arukh* not only does not reveal its author’s Kabbalistic consciousness, it even raises doubts and challenges, for in cases where the Zoharic view was explicitly repudiated in the Talmud “the kabbalistic tradition would have to give way.”⁴² As we have seen, he refrains from rejecting the identification of the *Ma’aseh Merkavah* with philosophy. His silence is telling and provocative. While Kabbalists did not hesitate to declare openly and with great conviction the supreme value of esoteric wisdom over the exoteric, R. Karo did not join their ranks. The gap between his approach and that of R. Meir ibn Gabbai in *Avodat Hakodesh* or R. Moshe Cordovero in *Or Ne’erav* is vast. Neither the mystical experiences described in *Maggid Mesharim*, nor the sermons in *Or Tzadikim* (which contains Kabbalistic material, but those elements are not particularly distinguished by their uniqueness, originality, or power), nor the halakhic content in *Beit Yosef*, and certainly not the *Shulḥan Arukh*, justify characterizing R. Karo as a Kabbalist. Under no circumstances can he be classified alongside figures like Naḥmanides, Rashba, Radbaz, or other prominent halakhic authorities who were also ardent and enthusiastic Kabbalists. It is uncertain whether this represents self-restraint on the part of R. Karo, who did not wish to reveal the secrets of the Torah, or whether he should not be considered among the great Kabbalists at all; this matter requires careful consideration.

⁴¹ R. Avraham Halevi Horowitz, *Emek Berakhah*, Mosheh and Naḥman Kroizer edition (Jerusalem, 1985), Introduction, 6–7.

⁴² Katz (see above n. 35), 303.

Review of Jacob Katz, *Tradition and Crisis*

KATZ, JACOB. *Masoret Umashber (Tradition and Crisis: Jewish Society at the End of the Middle Ages)*. Jerusalem. Mosad Bialik. 1958. Pp. 316.

Jacob Katz, brilliant Israeli historian and professor at the Hebrew University, concluded a programmatic-methodological essay on “The Concept of Social History and its Possible Use in Jewish Historical Research” with the hope “that social history is destined to produce those treatises on periods and centers which Jewish historiography still so sadly lacks.” (*Scripta Hierosolymitana*, vol. iii (1955), 310). *Talmid hakham* that he is, Professor Katz heeded the Talmudic maxim (Sanhedrin 82a), “let him who dictates the letter be the carrier” and in *Masoret Umashber* has produced a penetrating work of historical synthesis which will undoubtedly become a standard and durable model of scientific historiography. Actually, “social history,” in its conventional sense as one of many topical sub-divisions of history, does not do justice to the scope and content of this book. Perhaps a more comprehensive category would be historical sociology, which investigates not only the social facets of a given historical period but includes also what is usually designated as institutional, intellectual, and religious history. This kind of historiography differs from the customary historical narrative in its attention to the typological or characteristic, rather than the discrete, isolated historical phenomenon. The sociological historian, in other words, is more concerned with the static structure and routine functioning of institutions, social cells, and intellectual types than with their historical dynamics, mutations, and developmental features. Katz, as sociological historian, has acquitted himself admirably. What is more—and much less common—his book is eminently readable, stylistically delightful.

Katz’ thesis—not essentially novel—is that Jewish society, which up to the eighteenth century was more or less homogeneous and monolithic, began to disintegrate in the face of the convergent attacks of two antipodal forces: the rationalistic forces of the enlightenment and the charismatic forces of hasidism, both of which—according to Max Weber’s sociological theory—locate autonomous sources of authority outside the traditional, institutionalized framework. In order to document this thesis—which is suggestively relevant to the complex problem of periodization—the author has first to describe the traditional, religiously-grounded society (of central and eastern Europe): its demographic spread, sociological configuration, occupational

stratification, contacts with the Christian environment, the mechanics of communal autonomy, and the major social institutions—family, religious, philanthropic, and professional associations (e.g., *hevra kadisha*), synagogue and its clerical functionaries, school. Then the ideational and social repercussions of the new historical forces are accurately and insightfully seismographed. It is this apparently schematic approach which accounts, interestingly enough, for the dynamic, dialectic qualities of the book as a whole.

The use of primary sources—halakhic literature of all types (codes, commentaries, responsa), ethical treatises, mystical tracts, homilies, chronicles, communal registers—is extensive and resourceful; one gets the impression that, of all the major literary genres, only the numerous works of scriptural exegesis (e.g., the *Ma'asei Hashem* of R. Eliezer Ashkenazi) are not cited copiously. The sifting of secondary and tertiary literature is thorough and perceptive. The work is rich and rewarding, simultaneously informative and provocative, and a cursory review cannot possibly do justice to it. At best, we may call attention to some of its problems and leitmotifs.

A central and challenging theme is the relation of traditional law (halakhah) to ever-changing historical realities and socio-economic contingencies. On the whole, there is here a sustained attempt at balancing what we may call the genetic and eidetic approaches to history of halakhah—of recognizing the relevance of historical-sociological explanation while not eclipsing the immanent development of halakhic concepts. It should be perfectly clear—and Katz contributes somewhat to this desired clarity (cf. e.g., pp. 31, 33, 38, 47, 52, 87, 248)—that juridical views are not custom-made by economic pressures. Halakhah does not operate with the law of the excluded middle; it is tense, vibrant, fecund, and susceptible to heterogeneous applications. The fact that the historian finds analogous controversies at different periods or similar alternatives preferred in dissimilar circumstances shows that he is often dealing with basic, recurrent types and possibilities rather than monadic, historically-conditioned views and deliberate improvisations. The flexible concept of “stimulus” would perhaps be a more suitable frame of reference than the rigid one of “influence”. Historic contingencies, personal inclinations, and similar variables may be seen as helping to direct the course of halakhic interpretation or the choice, at a given historical juncture, of one of several “halakhic options.”

Concerning halakhic literature, it should be noted that in his usually judicious use of contemporary codifications—by Rabbis Moshe Isserles, Mordekhai Jaffe, Shelomo Luria, Yoel Sirkes, Shabbetai Cohen, Yehoshua Falk and others—the author does not always specify what parts are innovative and expansive and what parts are traditional and repetitive.

In one of his many stimulating asides (p. 203, n. 16), Katz suggests that the homily or sermon should be studied architectonically as well as conceptually. It is suggested in passing that examples of perfectly-constructed homilies may be found in the writings of R. Yehezkel Landau or R. Yonatan Eybeschütz. We might add, more concretely, that the famous kabbalist and ethicist R. Yeshayah Halevi Ish

Horowitz, in his *Shenei Luhot Haberit*, already provided a detailed blueprint for the construction of sermons, in light of which contemporary writings may be examined: “Every sermon should be subdivided into three parts. One part should contain good literal explanations of the weekly portion of Scripture culled from the best commentators ... A second part should communicate laws in order to teach the masses ... A third part should contain ethical discourse based on the *Hovot Halevavot*, the *Reishit Hokhmah*, and similar treatises ...” This is truly a classic definition.

Katz’ treatment of Sabbatianism—and messianism in general—although predicated squarely on the prodigious research of Prof. Scholem—is nevertheless free and perceptive. He contends in essence that the phenomenal rise and unparalleled influence of Shabbetai Tzevi was an “historical accident” (p. 252) and cannot be casually related to contemporary events or theories.

His treatment of hasidism as a disruptive force is less persuasive, occasionally even ambivalent. It seems as if hasidism, much to the despair of sociologists, did not abide by the pre-established norms and directives of charismatic movements. Its ideological potential was never fully realized. The movement could perhaps more fruitfully be interpreted as a far-reaching trans-valuation of accepted values within the traditional, “halakhocentric” community.

It is to be regretted that the author did not even attempt to grapple with the fascinating problem which he poses in passing (p. 18): how does eighteenth century rationalism differ from its medieval predecessor and counterpart? Why was the latter—equally explosive in theory—less disruptive in practice?

The choice of the end of the middle ages (sixteenth-eighteenth century) as an autarkic unit for study was a methodological necessity (p. 12), and consequently, in many respects arbitrary. The arbitrariness comes to the surface when the author quotes—quite legitimately, in view of the organic continuity of the whole period—early medieval authorities (e.g., the striking quotation from Maimonides, p. 200, n. 5 and passim) to illustrate aspects of the later period. This leads to a measure of inconsistency, for he could have done so more frequently and most appositely on many other occasions (e.g., p. 45). It should be added, moreover, that the underlying unity extends forward as well as backwards. Many of the traditional features and institutions of society are faithfully represented in nineteenth-century as they are in thirteenth-century writings. Traditional Jewish life and thought did not vanish overnight; they were seriously challenged by new, vigorous, and corrosive forces but were not obliterated. Indeed, modern and contemporary Jewish history can only be understood in light of the co-existence and interaction, even interpenetration of classical rabbinism, hasidism, and enlightenment—the three major strands of eighteenth-century Judaism. In this respect, Katz’s problematics are as timely as ever. The theme of “tradition and crisis” is as relevant to the twentieth century as to the eighteenth.

Part Four

Halakhah and Meta-Halakhah

Abstract

The major portion of this lecture was constructed around a close exegesis of one short passage in the *Ma'aseh Efod* of Profiat Duran¹—an early fifteenth-century work composed in Spain by a colorful, versatile member of R. Hasdai Crescas' philosophic circle. The interpretation of the passage provides a stereoscopic view of the question of the relationship of Bible study to Talmud study and concretizes many aspects of the theme of religion and law as defined and structured in the first part of the paper, particularly the gnawing dissatisfaction with extreme Talmudism. By showing how this late medieval text subtly reflects earlier sources, arguments, interpretations and tendencies, this analysis also illustrates the centrality and durability of the underlying tension.

The second part of this article contains a brief digest of the exegesis; the full textual-exegetical underpinning—including the unpublished text of R. Yitzhak ben R. Yedayah Hapenini's^{1a} *Perush Ha'aggadot*—will be provided in a separate article. Inasmuch as we are dealing here with abstract categories (if not ideal types), references to texts, both before and after Duran, are for their representative value.

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A tense, dialectical relationship between religion in essence and religion in manifestation² is at the core of the Jewish religious consciousness—its legal configuration and its historical experience. Halakhah is the indispensable manifestation and prescribed concretization of an underlying and overriding spiritual essence, a volatile, magnetic and incompressible religious force designated as Judaism. The tension flows from the painful awareness that manifestation and essence sometimes drift apart, from the sober recognition that a carefully-constructed, finely-chiseled

¹ See Y. Baer, *History of the Jews in Christian Spain* (Philadelphia, 1966), II, pp. 150ff.; R. Emery, "New Light on Profayt Duran 'the Efodi,'" *JQR* LVIII (1967–68); pp. 328–337; S. Baron, *Social and Religious History of the Jews*, IX, pp. 103, 111ff. For the name, see *MGWJ*, IV (1855), pp. 197–202.

^{1a} See note 35.

² I am adapting the title of the classic work by G. van der Leeuw, *Religion in Essence and Manifestation* 2 v. (Harper, 1963).

normative system cannot regularly reflect, refract, or energize interior, fluid spiritual forces and motives. Yet, if the system is to remain vibrant, it must.³ If halakhah is a means for the actualization and celebration of ethical norms, historical experiences, and theological postulates, then external conformity must be nurtured by internal sensibility and spirituality. This *concordia discordantium*⁴—prophecy and law, charisma and institution, mood and medium, image and reality, normative action and individual perception, objective determinacy and subjective ecstasy—is the true essence of halakhah and its ultimate consummation, but this harmonious, mutually-fructifying relationship between law and experience is not always attainable. Hence, in short, the titanic Heraclitean struggle rather than the placid Hegelian synthesis is the historic and conceptual focus of this story.⁵ When the spiritualizing speculative quest, in philosophic, mystical or pietistic terms, is overshadowed, then the incidence of atrophied patterns of behavior sets off attempts to restore the ideal equilibrium: to see that action is reflective and deliberate, that the religious performance is both an expression of as well as stimulus to experience, deep and rich, full and fresh.⁶

³ See my “The *Shulḥan Arukh*,” above, Chapter 20 pp. 485ff.

⁴ [The harmony of opposites] See S. Kuttner, *Harmony from Dissonance: An Interpretation of Medieval Canon Law* (Latrobe, Pa., 1960), pp. 1–4, and Chapter 8 above, end of section I.

⁵ The story extends from the plaintive notes of the prophets—Yeshayahu 29:16—to the modern movements of hasidism and musar (see the recent anthology *Kitvei R. Yisrael Salanter* [Jerusalem, 1972] with a well-balanced introduction by M. Pachter, esp. p. 11). For some recent illustrations of interest, see R. A. Bornstein, *Eglei Tal* (Jerusalem, 1960), introduction (unpaginated, p. 1); R. Yisrael Meir Hakohen (the Ḥafetz Ḥayyim), *Ahavat Ḥesed* (Jerusalem, 1960), 9 (interpretation of תופשי התורה לא ידעוני); Ḥazon Ish (R. Avraham Karelitz), *Al Inyanei Emunah Uvitaḥon*, chapter 3, n. 18; R. Yaakov Moshe Charlap, *Mei Marom* (Jerusalem, 1950), introduction, p. 8 (cf. to *Ahavat Ḥesed*, p. 9); the exchange of letters between Rabbi Avraham Yitzḥak Kook and R. Yitzḥak Halevi in *Iggerot*, ed. A. Reichel (Jerusalem, 1972), 151.

⁶ It should be stated unequivocally that there is here no natural alliance between spirituality and anti-intellectualism, as is often the case in the history of religion; cf., e.g., the excellent analysis of Giles Constable, “Twelfth Century Spirituality and the Late Middle Ages,” *Medieval and Renaissance Studies* V, pp. 28–29 and passim. The usual contrast between intellect and religion—seeing, “religion evaporate in intellectual terms,” as formulated, for example, by William James, *Varieties of Religious Experience* (New York: Modern Library), 492, or stressing the need for “rehabilitating the element of feeling in religion and subordinating its intellectual part” (ibid.)—is neither accurate nor useful for understanding the tensions in the history of Judaism. Similarly, Wilhelm Pauck (*Journal of Religion* [1928], 453) is certainly right that “theology as the rational expression of the religious experience is always in danger of violating the inner character of religion,” but the same needs also to be said for unexamined piety. It too is teetering on the brink of “violating the inner character of religion.” See also Joachim Wach, *The Comparative Study of Religions* (New York, 1958), chapter 3 (“The Expression of Religious Experience in Thought”) and chapter 4 (“The Expression of Religious Experience in Action”).

A

On one hand, Judaism is halakhocentric. Indeed, the halakhocentric nature of Judaism and of Jewish history is probably the axial concept for purposes of thoughtful Jewish historiography and the governing proposition for historiosophical analyses. This is, moreover, practically the consensus omnium—of the protagonists of the system, its inveterate enemies, newly-formed antagonists, and allegedly detached observers. Whatever the concomitant value judgments—positive or negative, appreciative or derisive, often reflected in the choice of terminology, i.e., legalism, particularism, nominalism, activism, pragmatism, formalism, ritualism, Talmudism—there is agreement that what I prefer to call halakhocentricity is the hallmark of historic Judaism.

A major corollary of this halakhocentricity is the repeated demand for and frequent achievement of a nearly exclusive emphasis on Talmud study—a curriculum oriented towards religious practice and hence weighted with Talmud, Talmud, and more Talmud. Study is the handmaiden of practice⁷ and Talmudic lore is the prerequisite for and source of religious performance. R. Avraham ibn Ezra, that

One way to achieve spirituality is by study, understanding, rationalization; emotionalism or “sensuousness” are not the exclusive, not even the preferred, means toward heightened sensitivity and spirituality. Rationalism and spirituality are congenial; the cognitive gesture is not only not antagonistic but is conducive to sensitivity, subjectivity and spontaneity. A good statement of this relationship is found in R. Ovadyah Sforno, *Sefer Or Amim* (Bologna, 1537), introduction, pp. 3–4. From R. Bahya ibn Pakuda (see n. 11) to R. Moshe Hayyim Luzzatto the demand is for disciplined study, thoughtfulness and concentration and not hymn-singing, other ecstatic postures, or extreme asceticism. See especially R. M. H. Luzzatto, *Mesilat Yesharim* (Philadelphia, 1948), p. 3: “This fact has its evil consequences both for the learned and the unlearned. It will be exceedingly hard to find saintliness among us, since neither the learned nor the ignorant are likely to cultivate it. The learned will lack saintliness because they do not give it sufficient thought; the ignorant will not possess it because their powers of understanding are limited, so that the majority of men will conceive saintliness to consist in reciting numerous Psalms and long confessionals, in fasting and ablutions in ice and snow. Such practices fail to satisfy the intellect, and offer nothing to the understanding. We find it difficult to properly conceive true saintliness, since we cannot grasp that to which we give no thought.” R.M.H. Luzzatto’s wide-ranging influence on both hasidim and *mitnagdim* has recently been documented—bibliographically—by I. Tishby in *Kiryat Sefer* XXXV (1969–70), pp. 127–154.

Cf., however, G. Scholem, “Devekut, or Communion with God,” *The Messianic Idea in Judaism* (New York, 1971), esp. 215–216; *Major Trends in Jewish Mysticism* (New York, 1941), 91; also H. G. Enelow, “Kavvana, the Struggle for Inwardness in Judaism” *Studies in Jewish Literature* (Berlin, 1913); I. Etkes, “Shitato shel R. Hayyim Mivlozhin,” *PAAJR* XXXVIII–IX (1970–71), Hebrew section, pp. 2–3 and ff; and, generally, R. Norman Lamm, *Torah Lishmah* (Jerusalem, 1972).

⁷ A history of interpretation of the Talmudic dictum גדול תלמוד שמביא לידי מעשה Kiddushin, 40b, sheds much light on our theme. See, e.g., Rashi and Tosafot, Bava Kamma, 17a; Maimonides, *Hilkhot Talmud Torah*, 1:3 and 3:3; R. Shem Tov Falaquera, *Sefer Hama'alot*, p. 56; for Duran’s statement in *Ma’aseh Efod*, p. 3, cf. R. Hasdai Crescas, *Or Hashem*, introduction, p. 1b; “Derush” R. Zerahyah, *Hehalutz*, VII, p. 99; and for some later interpretations, see R. Eliyahu de Vidas, *Reishit Hokhmah* (Tel

protean twelfth-century exegete, grammarian, and philosopher, reproduces—critically but faithfully—this pragmatic rationale while describing those scholars whose sole intellectual preoccupation is the Talmud. They plunge directly into the vast sea of the Talmud (*oceanus juris*) without any preliminary or concomitant studies, because Talmud provides the practical knowledge necessary for religious behavior. “For from the Talmud do we know all the commandments ... by means of which we shall be able to inherit the life of the World to Come.”⁸ Since the goal is knowledge and practice of halakhah, then proceed forthwith, dispensing with propaedeutic disciplines and avoiding theoretical distractions or cosmetic additions. Ibn Ezra’s northern French contemporary, the independent, provocative Talmudist and exegete, R. Shemuel ben Meir, likewise portrays this attitude very accurately—while dissociating himself from it—in the famous report of his conversation-confrontation with his aging grandfather Rashi: “To be sure, the main objective of the Torah is to teach us (conduct) and to give us pertinent information through the various methods of ordinary as well as aggadic or halakhic interpretation. For this reason, the older sages, in their great piety, immersed themselves completely in the hermeneutic teachings which are essential (for practical conduct) and failed to delve into the profundities of the ordinary meaning.”⁹ Since the goal was to determine fully the practical applications and conceptual implications of the Biblical text, all other matters were derivative and ancillary; *peshat*, the attempt to establish philologically the *sensus literalis*, was most easily discarded. This is the program and rationale of Talmudism, the child of halakhocentricity.¹⁰

The other side of the ledger tells a tale of apprehension and anxiety lest the halakhic enterprise become externalized and impoverished, lest that fine precision instrument with its most delicate mechanism cease to function effectively. We hear resounding calls for vigilance to assure that the halakhic system remain rooted in and related to spirituality, to knowledge of God obtained through study and experience—through *both or either* of them. The spiritual concern, with its eye on the balance between essence and manifestation, will therefore trigger a

Aviv, N.D.), introduction, esp. pp. 2 and 5; R. Yeshayah Halevi Ish Horowitz, *Shenei Luhot Haberit*, Masekhet Shevuot (Jerusalem, 1969), II, p. 115b, and 118a.

⁸ R. Avraham ibn Ezra, *Yesod Mora* (Prague, 1833), chapter I. (p. 12) גם ויש חכמים רבים שלא למדו מסורת, גם דקות הלשון בעיניהם הבל, גם לא קראו מקרא אף כי הטעמים, רק מימות הנעורים למדו התלמוד, שהוא פירוש המשנה, והם על דרכים רבים, וכולם על דרך נכונה כי מהתלמוד נודע כל המצות אשר יעשה האדם וחי בהם. See the statement of R. Eleazar Haroke’ah cited by E. Urbach, *Arugat Habosem* (Jerusalem, 1963) IV, p. 11. This seems to be an adaptation of Ibn Ezra’s remarks, thus providing additional proof of the penetration of philosophic ideas into the intellectual milieu of Hasidut Ashkenaz.

⁹ R. Shemuel ben Meir, Bereishit 37:2. See S. Baron, *Social and Religious History of the Jews* VI, pp. 294–295.

¹⁰ See, e.g., R. Azaryah Figo, Commentary (*Gidulei Terumah*) on *Sefer Haterumot* (Jerusalem, 1961), 8. For the ancillary conception of philosophy in relation to Scripture, see H. A. Wolfson, *Philo* (Cambridge, 1962). I, pp. 143ff., esp. 158.

sustained tendency to censure halakhic intellectualism and to downgrade Talmudism which crowds sensibility and spontaneity out of the picture or even ranks a far-fetched, impracticable legal speculation higher than a theological or ethical inquiry. R. Baḥya ibn Pakuda, whose *Hovot Halevavot* had such a remarkable resonance directly and indirectly in later Jewish history, captures the flavor of much of this spiritualist anxiety and criticism.¹¹

And if any one of them is moved to devote himself to the study of the Torah, his motive is to be called a scholar by the masses and to gain a name among the great. And thus he turns aside from the way of the Torah to that which will neither secure for him any special moral excellence, nor free him from spiritual stumbling, and for ignorance of which he would not be punished, while he omits to investigate the root-principles and fundamental precepts of his religion, which he should not have ignored nor neglected, and without the knowledge and practice of which, no precept can be properly fulfilled.

A learned Rabbi, on being consulted concerning a strange case in the law of Divorce, replied to the inquirer, “Thou who askest concerning a point which will not harm anyone, if he does not know it,—hast thou the knowledge of duties which thou art bound to learn, art not permitted to ignore and which it is not proper that thou shouldst transgress, that thou spendest time in speculations on curious legal problems, which will neither advance thee in knowledge or faith, nor correct faults in thy character? I solemnly assure thee that for the past thirty-five years I have occupied myself with what is essential to the knowledge and practice of the duties of my religion. Thou art aware how assiduous I am in study and what an extensive library I possess. And yet I have never turned my mind to the matter to which thou hast directed thy attention, and about which thou enquirest.” And he continued to rebuke and shame him concerning the matter.

This is, in many respects, the bedrock of later spiritualist demands and criticisms of excessive Talmudism.¹²

A major corollary of this spiritual resurgence is the repeated demand for curricular expansion that will provide for meta-halakhic disciplines. Just as nearly exclusive emphasis on Talmud is the child of the halakhocentric thesis, similarly, assigning pride of place and axiological primacy to extra-Talmudic study is the child of the spiritualist antithesis. The concept of Talmud Torah should not be excessively specialized,

¹¹ R. Baḥya ibn Pakuda, *Duties of the Heart*, I, tr. M. Hyamson (Jerusalem, 1962) pp. 27, 29; see also pp. 35, 221. For a striking parallel to this attitude, and the very same example in al-Ghazali, see M. Watt, *Muslim Intellectual* (Edinburgh, 1963), p. 113.

¹² See the subtle comments of R. Yair Hayyim Bacharach, *Havvot Ya'ir*, n. 123.

but instead must be sufficiently expansive and integrative so as to include specific meta-halakhic subject matter, be it philosophy or mysticism, pietism or *musar*, study of Bible or aggadah. Consequently, we find Maimonides putting his immense weight as legal authority behind a normative, halakhic decision which emphasizes forcefully and unequivocally that the religious commandment of study includes metaphysics and physics as an integral, indispensable component.¹³

The time allotted to study should be divided into three parts. A third should be devoted to the Written Law; a third to the Oral Law; and the last third should be spent in reflection, deducing conclusions from premises, developing implications of statements, comparing dicta, studying the hermeneutical principles by which the Torah is interpreted, till one knows the essence of these principles and how to deduce what is permitted and what is forbidden from what one has learned traditionally, this is termed Talmud ... The subjects styled *Pardes* are included in Talmud.

R. Eleazar of Worms (Roke'ah) does the same in a less eloquent but equally persuasive manner.¹⁴ The study of philosophy or hasidut or kabbalah—or, as we shall see, Scripture and its full-panoplied exegesis—is thus not merely an intellectual indulgence or a sop thrown to some perverse demands but a basic religious duty.

However, not only is this study deftly grafted on to the substance of the Oral Law but it is viewed as the crowning achievement, the ultimate goal and worthiest aspect. The centrality, universality, and indispensability of Talmudism are readily recognized, but hierarchical superiority is rigorously reserved for a meta-halakhic preoccupation. Philosophers and kabbalists agree on the principle, differing only on the method and content of this meta-halakhah. Maimonides' famous palace metaphor, in which the highest and noblest representatives of the *homo religiosus* are those philosophers who have traversed all the ante-chambers, which represent various disciplines including the study of Talmud, and are now, after having entered into

¹³ *Mishneh Torah*, *Hilkhot Talmud Torah*, 1:11–12 and note *Yesodei Hatorah* 4:13; discussion in Chapter 18 above, section III. See S. Rawidowicz, "Philosophy as a Duty," *Moses Maimonides*, ed. I. Epstein (London, 1935), pp. 177–188; also R. Brunschvig, "Averroes juriste," *Etudes Levi Provençal* I (Paris, 1962) pp. 35–68.

¹⁴ *Sefer Roke'ah* (Jerusalem, 1967), *Hilkhot Hasidut*, pp. 5ff.; *Sefer Hasidim*, ed. J. Wistinetzki (Berlin, 1891), pp. 1–2. See G. Scholem, *Major Trends in Jewish Mysticism*, p. 94; E. Urbach, *Ba'alei Hatosafot*, pp. 325–27; Ivan G. Marcus, "The Organization of the Haqdamah and Hilekhot Hasiduth in Eleazar of Worms' *Sefer Ha-Roqueah*," *PAAJR* XXXXVI (1968) 85–95.

the domain of metaphysics, in the presence of the King, is identical in import and impact with the pivotal position of kabbalists. Maimonides writes:¹⁵

Those who seek to reach the ruler's habitation and to enter it, but never see the ruler's habitation, are the multitude of the adherents of the Law, I refer to the ignoramuses who observe the commandments.

Those who have come up to the habitation and walk around it are the jurists who believe true opinions on the basis of traditional authority and study the Law concerning the practices of divine service, but do not engage in speculation concerning the fundamental principles of religion and make no inquiry whatever regarding the rectification of belief.

Those who have plunged into speculation concerning the fundamental principles of religion, have entered the antechambers. People there indubitably have different ranks. He, however, who has achieved demonstration, to the extent that that is possible, of everything that may be demonstrated; and who has ascertained in divine matters, to the extent that that is possible, everything that may be ascertained; and who has come close to certainty in those matters in which one can only come close to it—has come to be with the ruler in the inner part of the habitation.

In his *Mishneh Torah*, he conveys the same attitude boldly and succinctly, without any smokescreens or diversionary tactics:¹⁶

The topics connected with these five precepts, treated in the above four chapters, are what our wise men called *Pardes*, as in the passage, “Four went into *Pardes*” (Hagigah 14). And although those four were great men of Israel and great sages, they did not all possess the capacity to know and grasp these subjects clearly. Therefore, I say that it is not proper to dally in *Pardes* till one has first filled oneself with bread and meat; by which I mean knowledge of what is permitted and what is forbidden, and similar distinctions in other classes of precepts. Although these last subjects were called by the sages “a small thing” (when they say “A great thing, *Ma'aseh*

¹⁵ *Moreh Nevukhim*, III:51 (*Maimonides Reader*, ed. I. Twersky, p. 342). Duran makes an original attempt to reinterpret this passage in *Ma'aseh Efod*, 9, which is noted approvingly by R. Shem Tov in his commentary on the *Moreh*, ad loc. Duran's explanation is intended to deflate the extravagant, arrogant claims of the self-proclaimed heirs of Maimonides. See also R. Yosef Gikatilia, *Ginat Egoz*, 54d, and M. C. Weiler, *Iyunim Betermonologiya Hakabalit shel R. Yosef Gikatilia*, *HUCA*, XXXVII (1966), p. 26; also, R. Menaḥem b. Zerah, *Tzedah Laderekh* (Warsaw, 1880) IV:5:17 (p. 253).

¹⁶ *Hilkhot Yesodei Hatorah* 4:13 (*Maimonides Reader*, p. 48). See also Maimonides' use of the midrash *Shir Hashirim* (1:5) in the introduction to the *Moreh*; the upshot is that the secrets of the Torah are undeniably nobler than the subtleties of halakhah.

Merkavah; a small thing, the discussion of Abaye and Rava”), still they should have the precedence. For the knowledge of these things gives primarily composure to the mind. They are the precious boon bestowed by God, to promote social well-being on earth, and enable men to obtain bliss, in the life hereafter. Moreover, the knowledge of them is within the reach of all, young and old, men and women; those gifted with great intellectual capacity as well as those whose intelligence is limited.

Analogously, the kabbalists find the following midrashic text congenial and expressive of their attitude:¹⁷

If there comes before Him one who is learned in the Talmud, the Holy One says: “My son, since you have studied the Talmud, why have you not also studied the *Merkavah* and perceived My splendor. For none of the pleasures I have in My creation is equal to that which is given to Me in the hour when the scholars sit and study the Torah and looking beyond it, see and behold and meditate these questions (concerning esoteric subjects of theosophy).”

Some kabbalists are more aggressive in their evaluations and characterizations. R. Avraham Abulafia, the kabbalistic enfant terrible of the thirteenth century, who earned the wrath of Rashba,^{17a} does not shy away from asserting—with obvious desire for maximum shock effect—that the difference between the Talmudist and the one who, initiated into the vital mysteries of esoteric lore, knows the “ineffable name” is similar to the difference between the non-Jewish dialectician and the Talmudist!!¹⁸

R. Yeshayah Halevi Ish Horowitz, prestigious author of the *Shenei Luhot Haberit*, states in a more positive vein that the masters of kabbalah are immeasurably superior (“have ten parts more than” — Shemuel Bet 19:44) to the masters of Scripture and the masters of Mishnah. It is incumbent upon every student to proceed, cautiously but irreversibly, to the study of kabbalah, for without it the entire structure of one’s intellectual-religious achievement is jerrybuilt.¹⁹

¹⁷ *Midrash Mishlei*, ed. Buber, p. 34a; Scholem, *Major Trends*, p. 71.

^{17a} *Teshuvot Harashba*, n. 548.

¹⁸ R. Avraham Abulafia in A. Jellinek, *Philosophie und Kabbalah* (Leipzig, 1854), p. 35.

¹⁹ *Shenei Luhot Haberit, Asarah Ma’amarot, Ma’amar Rishon*, I, 66a:

יש עשר ידות לַמְאָרִי הַקְּבֵלָה עַל מְאָרִי מְקָרָא וּמְאָרִי מִשְׁנָה.

See the will of his son, R. Shabbetai Sheftel Horowitz, in I. Abrahams, *Hebrew Ethical Wills II* (Philadelphia, 1948), 256:

אחר שתמלאו כריסכם בתלמוד ובפוסקים, הנני מצווחם שתלמדו חכמת הקבלה כי אין אדם ירא שמים מי שאינו לומד חכמה זו. Also, R. Moshe Cordovero, *Or Ne’erav* (Jerusalem, 1965), 11–16. A moderate, restrained formulation in R. David ibn Zimra, *Metzudat David; Ta’amei Hamitzvot*, mitzvah 22:

To further validate the idea that kabbalah and philosophy are phenomenologically alike in their tense relation to halakhah, it is worth calling attention to an important, rather suggestive and repercussive phenomenon of medieval Judaism. Many writers of the thirteenth and fourteenth centuries, in fragmentary autobiographical notices, chart their spiritual odyssey, describing their disenchantment with and disengagement from philosophy, on the one hand, and their fresh involvement with mysticism on the other hand. Erstwhile ardent Maimonideans—R. Yitzhak ibn Latif, R. Yosef Gikatilia, R. Avraham Abulafia, R. Moshe de Leon—became fervent kabbalists. They move out of one spiritual ambiance into another, all along feeling the need for something to supplement positive law and invigorate it.²⁰

B

The early fifteenth century text (*Ma'aseh Efod*) of Profiat Duran, known as Efodi, enables us to consider the fate of Bible study and its role in this tense, complex drama, inasmuch as the reasons for its neglect as well as the arguments for its centrality provide a case study of the religion-law syndrome as here defined. We see the entrenched supremacy of Talmudism, sometimes a beleaguered Talmudism, the up-hill struggle of Bible study to win for itself a respectable place alongside of the Talmud, and the broad cultural-religious implications of this encounter, for the relation of Bible to Talmud study is, to a great extent, interchangeable with the relation of philosophy or mysticism to Talmud study.

The *Ma'aseh Efod* is a study of Hebrew grammar and language, belonging to the genre of works by such authors as R. Yonah ibn Janah, R. Avraham ibn Ezra and R. David Kimhi, and foreshadowing the later works of such authors as R. Avraham de Balmes, R. Immanuel Benvenuto and R. David ibn Yahya. However, its lengthy introduction (structured, as it is, around an analysis of the twin axes of Judaism, deed and wisdom) provides an unusual description—sometimes objective, sometimes slanted—and characterization—sometimes perceptive, sometimes stereotyped—of

ואעפ"י שעיקר למודינו בתלמוד ובהלכות, צריך מי שיחננו ד' שכל ליחד מקצת שעות לחכמה [ות] הפנימיות.

For the meaning of *hokhmah penimit*, see my *Rabad of Posquières* (Cambridge, 1962), 243, n. 16.

For a philosophic parallel, see R. Avraham Bibago, *Derekh Emunah, Sha'ar Hashelishi*, especially p. 45b. R. Bibago, whose work was rather influential in succeeding generations, is quoted in the *Ein Yaakov*, Berakhot, end:

ויהיו בעיניו כל הלומדים בספרי המשנה והתלמוד ככל המון ישראל ההולכים לתומם, ומידעת סתרי תורה קצתם נעדרים.

²⁰ Accessible references are in I. Zinberg, *Toledot Sifrut Yisrael II* (Tel Aviv, 1956), chapter 2 (pp. 23ff.). An illuminating example of counter-movement might be R. Yitzhak Albalag who was not enthralled by the fledgling Kabbalah and turned to philosophy; see *Tikkun Hade'ot*, ed. G. Vajda (Jerusalem, 1973), p. 4 (also pp. 38, 60, 70).

Of course, we are not dealing here at all with yet another motive—an outer-directed one—for the serious cultivation of philosophic studies, namely the need to maintain an impressive, intellectual profile “in the eyes of the nations”; see Chapter 27 below, pp. 612, 626.

medieval Jewish culture. There is nearly a universal consensus²¹ that the halakhic performance, in its most meticulous form,²² is not self-sufficient but needs to be complemented by study of Torah, by pure intellectual achievement. The religious commitment is total and must therefore find total expression, in body and soul, in act and thought.²³ Any limitation or fragmentation corrodes, even destroys, the integrity of the religious commitment. It is in identifying the wisdom-component that the consensus gives way to diversity and divergence. Efodi describes three competing views—or three schools of thought—concerning the proper and noble subject matter of study: the views of the Talmudists, the philosophers, the kabbalists. Each contended vigorously, sometimes imperiously, that its special preoccupation provided the necessary and ultimate complement to the halakhic act and only both, in tandem, led to the *summum bonum*. Ritual punctiliousness is not being questioned nor is there any suggestion of replacing it with an inner ecstasy or cognitive bliss; both are maintained and integrated. The shared assumption is that study is indispensable and of intrinsic, not ancillary, worth. In the process of presenting the views of these three groups—the Talmudists get the longest, apparently sympathetic, account, the philosophers get a lengthy but critical review, and the kabbalists get a laudatory but synopated description—Duran affirms and laments a major fact of Jewish intellectual history: the deep-rooted neglect of the study of the Bible.²⁴ In fact, the long description of the Talmudic school almost turns out to be a ploy for the introduction of a fourth school—the Biblicists, who contended that the study of the Bible is the proper intellectual complement to halakhah—with which Efodi aligns himself and for which he assumes the role of protagonist and theoretician; this is the only school which does not have its band of enthusiasts. The Bible is victimized in particular by the

²¹ He is intolerant of the view that the Jew merits the reward of eternal bliss merely by regular performance of the commandments. See R. Yehudah Halevi, *Kuzari* I:2; III:7, 23. Cf. H. H. Ben-Sasson, “*Yiḥud Am Yisrael Leda’at Bnei Hame’ah Hashteim Esreh*,” *Perakim* II (Jerusalem, 1971), 152. Also, R. Ḥasdai Crescas, *Or Hashem*, introduction, pp. 1–2; R. Nissim Gerondi, *Derashot*, chapter VI (Jerusalem, 1959), 44.

²² That *kavanah* must suffuse the act itself is axiomatic for Duran; see his letter on the death of R. Avraham Halevi (*Ma’aseh Efod*, pp. 191–192) where he asserts that the separation of *kavanah* from deed is the cause of destruction. The whole question of Christian contacts and apologetic motifs should be examined in this context. Clearly, his anti-Christian polemical tract *Kelimat Hagoyim*, ed. A. Poznanski, *HaZofeh*, III and IV must be analyzed from this vantage point. See R. Yosef Albo, *Sefer Ha’ikkarim*, III, ed. I Husik, (Philadelphia, 1946), chapter 25, esp. p. 219; the Christian indicts Judaism because “the law of Moses commands only right action (כשרון המעשה) and says nothing about purity of heart (טהרת הלב).”

²³ This is the thrust of his interpretation of Devarim 18:13 (תמים תהיי). *Temimut* means total commitment, total service of God by harnessing one’s mind and soul as well as body and limbs. See R. Bahya ibn Pakuda, *Hovot Halevavot*, introduction, p. 36. Cf. *Mishneh Torah*, *Hilkhot Akum*, 11:16.

²⁴ See pp. 5, 10, 15, 41. Part ten of Duran’s *Kelimat Hagoyim* is devoted to a critical review of Christian use of Biblical passages—another indication of his deep involvement in Bible study.

excessive, zealous, all-consuming study of the Talmud. Contributing causes alluded to by Duran are: the unrelenting need to underscore the supremacy and safeguard the inviolability of the Oral Law;²⁵ a pervasive religious pragmatism which simultaneously reflects and sustains the centrality of halakhah by looking upon Bible study as derivative and ancillary;²⁶ achievement of social prominence, prestige, and power—self-aggrandizement in short—by ostentatiously parading one's judicial expertise—compounded of dialectical skills and esoteric legal knowledge—before the masses.²⁷ The major determinant, however, of this widespread unwholesome phenomenon is the dominant and domineering position of Talmud and in further explanation of this Duran constructs an analogy between contemporary medieval conditions and the original (oral) state of the Oral Law.

ומיראתו שלא יתמעט העסק בתורה שבכתב מפני עיון המקובל לא רצה שיעלה על ספר דבר ממנו, וכמו שאמרו דברים שבעל פה אי אתה רשאי לאמרן בכתב כי חשש שלא יהיה זה סבה להסתעפות הדיעות והסברות, והרבות המחלוקות בין האנשים וימשך מזה קושי העמידה על המשפטים במעשה התורה ויתחייב מפני זה שיתמעט ויחלש העסק בה, ומפני זה אמרו במחשכים הושיבני זה תלמוד בבלי.

Duran offers here a provocative explanation for the fact that the Law was designed to remain oral. The wise intent was to obviate the regrettable developments of later times (his own medieval period) when an obsessive preoccupation with the intricacies and subtleties of Talmud crowds out concern with and attention to Torah as the true fount of spirituality, religious experience, and closeness to God. There are several steps—exegetical and conceptual—in the unfolding of this explanation which, at first glance, appears stunning in its novelty but upon closer scrutiny turns out to be a remarkable, harmonious eclecticism. First of all, Duran conspicuously fails to refer to the conventional reason, frequently adduced in medieval writings, for the Law being oral; it constituted the *mysterium* of Israel—the individuating feature of the Jews vis à vis the Christians once the Bible becomes *common property* and is even arrogantly appropriated by the Christians as their special possession. The Oral

²⁵ See p. 5, the discussion of Rashi's explanation of מנעו בניכם מן ההגיון, Berakhot, 28b. R. Yehudah ben Barzilai, *Perush Sefer Yetzirah*, ed. S. Halberstam (Berlin, 1885), p. 5:

הרבה מבעלי המקרא שאנו רואים בזמן הזה כיון שאינן יודעים תלמוד ופירושי המצוות, קרובים הם להיות מינין.

²⁶ See p. 4.

²⁷ See pp. 5, 14. The theme can be found in R. Bahya ibn Pakuda, *Hovot Halevavot*, loc. cit. and R. Avraham ibn Ezra, *Yesod Mora*, chapter I; also, R. Kalonymus ben Kalonymus, *Even Boħan* (Tel Aviv, 1956), 56; among Duran's contemporaries see R. Shelomo Alami, *Iggeret Musar*, ed. A. M. Haberman (Jerusalem, 1946), p. 40, and among later writers, see R. Yosef Yavetz, *Or Haħayyim* (Lublin, 1912), p. 4b. A striking analogue is R. Yosef ibn Kaspi's indictment of those half-baked philosophizers whose goal is to impress the ignorant with their wisdom; see *Hatzotzrot Kesef* (Commentary on Mishlei), ed. I. Last (Pressburg, 1903), 104:

הכסילים הם המתחילים בעיון, ואינם משיגים השגה שלמה, לפרסם שהם יודעים בפני הנשים ועמי הארץ.

Law thus remains Israel's badge of religious distinction and claim to chosenness.²⁸ Duran, skillfully grafting a Maimonidean motif²⁹ on to a compressed reformulation of an attitude elaborated by R. Yitzhak ibn Latif in the thirteenth century,³⁰ argues that what actually occurred in post-Talmudic times was prudently anticipated and successfully held in abeyance in the earlier period. The Oral Law, all agreed, had to be studied because it contained the key to the religious *vita activa*: it unfolded the meaning of the Biblical commandments, dispelled ambiguities and concretized generalities, and contained directives for normative behavior. The centrality of Talmud is thus incontrovertibly affirmed. However, whereas a unified oral tradition provides comprehensive, authoritative guidance without preempting all one's time or exhausting all one's energies, a written text, generating a proliferation of conflicting views and dissenting interpretations, results in a certain obfuscation of the law and consequently demands more strenuous, time-consuming exertion in its study. It is much costlier to achieve the same goal. This is how he understands the famous Talmudic dictum:³¹ "The words which are written you are not at liberty to say by heart and the words transmitted orally you are not at liberty to recite from writing." You are not at liberty to transform the oral tradition into a written codex because of its spiritually undesirable consequences. The Law, by being oral, would not become "imperialistic"; its clarity and unanimity would see to it that time and energy were available for Scriptural study, whereas the difficulties of the written Talmud, tended, willy nilly, to eliminate Scriptural study. The upshot of this unqualified preoccupation with law is also startling. Total Talmudism is spiritually stultifying, inevitably leads to error and deviation by divorcing itself from the Bible,³² and plunges its devotees into theological darkness. Hence the Talmudic application of darkness to the Babylonian Talmud.³³ "He had made me to dwell in dark places like those that have been long dead" (Eikhah 3:6). This, said R. Yirmeyah refers to the Babylonian Talmud." This is also the context in which the following statement should be understood:³⁴ "When R. Zeira

²⁸ See the elaborate presentation of this view in the introduction to the *Sefer Mitzvot Gadol* (New York, 1959), 15, and briefly in *Tosafot*, Gittin, 60b and R. Yehudah ben Barzilai, *Perush Sefer Yetzirah*, 6. It is referred to in *Shenei Luhot Haberit*, Masekhet Shevuot, p. 108. An alternate explanation is found in *Sefer Hasidim*, ed. Wistinetzki, n. 1829 (p. 438).

²⁹ *Moreh Nevukhim* I:71. Cf. *Mishneh Torah*, *Hilkhot Mamrim*, 1: 4 (*Maimonides Reader*, p. 208). See also *Iggeret Hateshuvah*, attributed to Ibn Latif, *Kovetz al Yad*, I (1885), p. 59. R. Hasdai Crescas, *Or Hashem*, loc. cit. Note how both views are combined by R. Yehoshua Falk, *Sefer Me'irat Einayim*, introduction.

³⁰ *Sha'ar Hashamayim*, introduction, in *Hehalutz* XII (1887), p. 121.

³¹ Gittin, 60b; Temurah, 14a.

³² *Ma'aseh Efod*, p. 14.

³³ Sanhedrin, 24a.

³⁴ Bava Metzia, 85a. A non-polemical, almost nonchalant statement about neglect of Bible study by Talmudists is found in the introduction to the *Yalkut Hamakhiri*, *Tehillim* (Jerusalem, 1964), p. 3a:

ובטרדת לבם בתלמוד, בדינין ... לא ימצאו ידיהם לאלתר המדרש הנדרש בכל פסוק ופסוק כפי הצריך להם.

emigrated to Palestine, he fasted a hundred fasts to forget the Babylonian Talmud, so that it should not trouble him.” The relentlessly exacting nature of Talmud study is troubling; it inevitably prevents the Talmudist from devoting himself to theological and philosophical pursuits, and keeps him away from the systematic study of the principles of faith and the nature of religion.³⁵

³⁵ This exegesis is based upon R. Yitzhak ben R. Yedayah Hapenini’s *Perush Ha’aggadot* on Sanhedrin, 24a. [The commentary was originally thought to be authored by R. Yedayah Hapenini, whom Prof. Twersky mentioned in the original version of this essay. His student, Marc Saperstein, has proven that the commentary was written by R. Yitzhak ben R. Yedayah—see Appendix A to Chapter 31. For a discussion of Sanhedrin 24a see Marc Saperstein, *Decoding the Rabbis* (Cambridge: Harvard University Press 1980), 176]. See also R. Avraham Abulafia, op. cit. There are striking similarities between Duran’s lengthy classification and description of the three schools of thought and R. Abulafia’s terse characterization.

An interesting application is found in R. Meir ibn Gabbai, *Tola’at Yaakov* (Warsaw, 1876), 94 (epilogue), where the author apologizes for shortcomings and imperfections in his attempt to provide mystical explanations for the commandments. One of the extenuating circumstances is his sustained preoccupation with Talmud, which restricted his perception of kabbalistic truths.

דלא פסק פומי מגירסא באישון לילה ואפילה בהוויות אביי ורבא. ואמרינן בסנהדרין, במחשכים הושיבני זה תלמוד בבלי.

It should be noted that Duran’s statement (p. 10) that mechanical reading or unreflective recitation of Torah is also significant seems, at first, to neutralize the quest for spirituality, because it is usually the profound understanding of the contents of Torah which yields spirituality. See, however, *Shenei Luhot Haberit*, Masekhet Shevuot, II, p. 107b and I, 19b and his reference to R. Bahya ben Asher, *Kad Hakemah*, s.v. Torah. The special intrinsic quality (סגולה) of Scripture, deriving from the fact that it is the word of God, guarantees that even a perfunctory, soulless reading will have spiritualizing value. R. Bahya ibn Pakuda would certainly take violent exception to this theory; it is precisely for the one who is satisfied with reading Scriptural verses without achieving an understanding of their contents that R. Bahya reserved his pungent and poignant phrase חמור גושא ספרים. See *Hovot Halevavot*, section III, chapter 4 (Hyamson, p. 219): “People who have learned the Bible and the rest of Scripture and are satisfied with their ability to read the text (גרסת הפסוק) without any understanding of the contents ... They are akin to a *donkey laden with books*.” This evaluation of גרסת הפסוק clearly rules out the notion that mechanical reading (ההג’ לבד היא הקריאה) is significant. Note finally that Duran (pp. 12–13) dissents from Maimonides (*Moreh*, III:51) who views reading of the Torah as propaedeutic, conditioning one for higher spiritual activities; for Duran, reading is a goal.

I plan to publish a complete evaluation of Duran in the near future.

Talmudists, Philosophers, Kabbalists: The Quest for Spirituality in the Sixteenth Century*

I

This paper is a brief chapter in the dialectical history revolving around the relationship between study of the Talmud and study of philosophy, Kabbalah or other meta-halakhic disciplines¹—a relationship which is sometimes smooth or mutually supportive, sometimes caustic, critical or competitive, sometimes openly hostile and ultimately rather sharply exclusivist in conception and value judgment.

*For my beloved grandson, Meshulam Zusha, ז"ל, born 12 Sivan, 5742.

¹ The following three terminological observations were introduced in response to questions and comments concerning the paper as presented to the colloquium participants:

(a) I use meta-Halakhah in its dual sense to connote both that area of study which comes after Halakhah as well as that which is the appropriate, indispensable culmination of the learning process by virtue of its revealing the infrastructure and superstructure, the foundations and goals, of religious law and life. For “meta-history,” see C. Dawson, *The Dynamics of World History* (New York, 1956), 281.

(b) This conceptualization does not eclipse or curtail the autonomous significance of each discipline per se but does help us focus on their interrelationship. Inasmuch as kabbalists and philosophers recognize that their areas of study have a special relation to Halakhah, it is neither restrictive nor imperialistic to speak of Halakhah and meta-Halakhah. Indeed, the latter, whatever it be (philosophy, Kabbalah, Hasidism), remains sovereign in all respects and scholars continue to investigate these fields in their totality. Moreover, we are not interested in the in-house rivalries and competition between them concerning the formulation of the practical norms of Halakhah, in attempts to intrude into the halakhic process; for Kabbalah and Halakhah, see the Hebrew article of Meir Benayahu, “Vikuah Hakabbalah im Hahalakhah,” *Daat* 5 (1980), 61–115, and the article of Jacob Katz, “Post-Zoharic Relations Between Halakha and Kabbalah,” in *Jewish Thought in the Sixteenth Century*, edited by Bernard Dov Cooperman (Cambridge, MA, 1983), 283–307. As I was belatedly reviewing my article for publication, I came across the article of Rachel Elior in *Mehkerei Yerushalayim Bemaḥashevet Yisrael* 1 (1981), which contains some new material on this theme—see below n. 100. Whether philosophy was also involved in such a competition needs to be clarified independently.

(c) “Dialectic” is to be understood not in the Hegelian sense of an antithetical process which reaches a placid solution which subsequently breaks down and generates a new antithesis, but in the Heraclitean sense of ongoing, tempestuous struggle. Cf. the introduction of E. R. Leach to *Dialectic in Practical Religion* (Cambridge, 1968), 1–2.

I have retained the original form of this essay, in which some themes, summarily noted at the beginning, are then elaborated more fully.

It is necessary to emphasize that the pivot of the paper—and of the entire history which I am trying to reconstruct—is the importance of study and the concomitant relation between the cognitive effort, however directed, and the attainment of spirituality, however defined; study as an indispensable prerequisite, catalyst, and preservative for spirituality is our topic. Hence, “Talmudist” does not designate one observant of the Halakhah in contradistinction to one who makes light of normative-halakhic obligations and gives his allegiance instead to a cognitive or ecstatic antinomianism. We are not dealing with a mystic tendency which trivializes external ceremonies and revels in a purely spiritual mode of religious identification or with a philosophic tendency which claims that ritual observance may be by-passed by the intellectual elite as a result of a philosophic-teleological understanding of the laws and a rationalized view of tradition. Rather, the term “Talmudist” refers to one whose primary, sometimes exclusive, intellectual commitment is to study of the Talmud and its ever-growing corpus of cognate works rather than to philosophy or Kabbalah and who insists that this type of study is not only the ideal supplement to, and sustaining force of, religious practice but also the means to spirituality. In terms of practice, they are *all* Talmudists or halakhists—from this vantage point, all are halakhocentric. The differentiation emerges with regard to the perception of spirituality and its individual realization—from this vantage point *not all* are Talmudo-centric.

Actually, Talmudists, philosophers, and kabbalists are well-known, clearly identifiable types (even though in reality they often cross lines and assimilate certain traits of each other) with carefully formulated programs and aspirations. One of the most detailed, fecund, and suggestive typologies was sketched at the end of the fourteenth century by Profiat Duran (Efodi) in the extensive introduction to his original study of Hebrew grammar, the *Ma'aseh Efod*.² The premise of his spiritual typology is that exponents of all three types, committed as they are to halakhic observance, accept one common axiom: the need to anchor the religious *vita activa*, the life of mitzvot, in some form of intellectual-contemplative-spiritualizing activity. They differ concerning the methodology and morphology—i.e., the identification of the proper subject, scope, value and goal of study, each group contending unqualifiedly, tenaciously, and passionately that its field, with the concomitant premises, objectives

² See Chapter 23, above, and most recently the introduction of Frank Talmage to his edition of Duran's polemical works, *Kitvei Pulmos le-Profiat Duran* (Jerusalem, 1981).

Profiat Duran's work is relatively well known in subsequent generations and his typology is used by various writers, as I show in my forthcoming Hebrew monograph on him. Many authors of our period—e.g., R. Yitzhak Abravanel, R. Menaḥem Tamar, R. Avraham Bakrat, R. Yoḥanan Alemanno, R. Ḥayyim ben Betzalel and somewhat later, R. Menaḥem di Lonzano and R. Aviad Sar Shalom Basilea—mention Duran and his *Ma'aseh Efod*, particularly the introduction. For our purposes, see R. Menaḥem di Lonzano, *Sefer Derekh Ḥayyim* (Lemberg, 1931) who quotes Duran and thereby marshals support for an uncompromising anti-philosophic position.

and repercussions, is the indispensable one and its approach unimpeachable, that its scholarly concern provides the ultimate complement to the halakhic act. Within this framework Duran is able to present a full and informative, sometimes tendentious and provocative, delineation of the intellectual preoccupations as well as spiritual presuppositions and projections of Talmudists, philosophers and kabbalists; as a matter of fact, he uses this typology as a pretext for introducing a fourth school whose advocate and theorist he becomes: the biblicists, who affirmed that the study of the Bible is the most noble and important complement to Halakhah. This Biblo-centrism is indeed a notable position; its roots and offshoots need to be carefully examined.³ We may add here parenthetically, for the sake of completeness, that we also find protagonists of Aggadah or *musar* who present these areas of study as the most important in terms of spirituality.⁴

Many typological formulations of this sort, not all so detailed or extensive (some involve only two types—i.e., Talmudism and one kind of extra-Talmudism, but are nevertheless of great interest and importance) are forthcoming in various sources. They are found, for example, in R. Bahya ibn Pakuda,⁵ R. Moshe ibn Ezra,⁶ R. Avraham ibn Ezra,⁷ R. Moshe ben Maimon (Maimonides),⁸ R. Avraham Abulafia,⁹ *Sefer Ḥasidim*,¹⁰

³ It is noteworthy that in addition to citation of verses extolling the “word of God” as the overriding subject of study, he also bolsters his position by kabbalistic arguments. For the special intrinsic quality (*segulah*) of the Bible, see Chapter 23 above, n. 35. See F. Talmage, *Kitvei Pulmos*, pp. 17ff., on contemporary Christian approaches to Bible. Part ten of Duran’s *Kelimat Hagoyim* reviews critically Christian use of biblical passages. Note that in the sixteenth century while R. Ephraim Luntshitz appreciates the significance of Bible study for ethical purposes, Maharal emphasizes the importance of Bible study for halakhic purposes.

⁴ See, e.g., R. Yitzhak Aboab, *Menorat Hamaor* (Jerusalem, 1961), introduction, p. 10; R. Elyakim Getz, *Rapduni Batapuḥim* (Cracow, 1896), introduction, p. 1 and p. 15.

⁵ *Hovot Halevavot*, tr. M. Hyamson: *Duties of the Heart*, vol. I (Jerusalem, 1962), 27, 29, 35, 221. On Ibn Pakuda’s indictment of the courtier class and its cultural-spiritual values, see Bezalel Safran, “Bahya ibn Paquda’s Attitude toward the Courtier Class,” *Studies in Medieval Jewish History and Literature*, ed. I. Twersky (Cambridge, 1979), 154–96, esp. 161–62.

⁶ For R. Moshe ibn Ezra, see P. Kokowzoff, “The Date of Life of Bahya ibn Pakuda,” *S. Poznanski Memorial Volume* (Warsaw, 1927), esp. 19–20. R. Moshe ibn Ezra’s coupling of Ibn Janah and Ibn Pakuda is not exact.

⁷ *Yesod Mora* (Prague, 1833), chapter I (p. 12).

⁸ *Moreh Nevukhim*, III:51; *Mishneh Torah Yesodei Hatorah*, 4:13; *Talmud Torah*, 1:11, 12; *Teshuvah*, 10:6. See I. Twersky, *Introduction to the Code of Maimonides* (New Haven, 1980), esp. chapter VI. Note also, for example, the brief remark of R. Avraham ibn Da’ud, *Emunah Ramah*, ed. S. Weil (Frankfurt, 1862), introduction, p. 2.

⁹ See A. Jellinek, *Philosophie und Kabbalah* (Leipzig, 1854), 33–38; idem, *Ginzei Ḥokhmat Hakabbalah*, 15 (*Iggeret R. Avraham Abulafia*).

¹⁰ For *Sefer Ḥasidim*, see H. Soloveitchik, “Three Themes in the *Sefer Ḥasidim*,” *AJS Review* 1 (1976), 311–357, esp. 339ff.; I. Ta-Shema, “Mitzvat Talmud Torah ... Besefer Ḥasidim,” *Bar-Ilan Annual*

R. Avraham Maimonides,¹¹ R. Yitzhak Polkar,¹² R. Yitzhak ibn Latif,¹³ R. Shem Tov Falaquera,¹⁴ R. Kalonymus ben Kalonymus,¹⁵ R. Yosef Kaspi,¹⁶ R. Menaḥem ben Zerah,¹⁷ R. Yitzhak Aboab,¹⁸ R. Yehoshua ibn Shu'eib,¹⁹ R. Shelomo Alami,²⁰ *Sefer Alilot Devarim*,²¹ R. Yitzhak Abravanel,²² or later in R. Simḥah Luzzatto,²³ R. Yair Ḥayyim Bacharach,²⁴ R. Moshe Ḥayyim Luzzatto,²⁵ R. Shelomo Ḥelma (*Mirkevet*

14–15 (1977), 98–113. More generally, see I. Marcus, *Piety and Society: The Jewish Pietists of Medieval Germany* (Leiden, 1981).

¹¹ *The High Ways to Perfection* of Avraham Maimonides, ed. and trans. S. Rosenblatt, v. I (New York, 1927), 13–17; v. II (Baltimore, 1928), 128–34; see also *Milḥamot Hashem*, ed. R. Margaliyot (Jerusalem, 1953), 52, 59, 74. For his excoriation of “dry externalism,” see *High Ways*, II, 227. G. Cohen claims that this work of R. Avraham Maimonides is “apologetic-defensive”; see “The Soteriology of R. Abraham Maimon,” *PAAJR* 35 (1967), 75–98; 36 (1968), 33–56, and note especially 78–9. As noted further, the apologetic impetus in the quest for spirituality is important but not the exclusive factor.

¹² *Ezer Hadat* (Jerusalem, 1970), 1–2.

¹³ *Sha'ar Hashamayim*, introduction, in *Heḥalutz* 12 (1887), 121.

¹⁴ *Sefer Hamevakesh*, in *Kitvei Shem Tov Falakera* (Jerusalem, 1969); see the selection in Hayyim (J.) Schirmann, *Hashira Ha'ivrit Bisfarad Uveprovantz* vol. 2 (Jerusalem, 1956), 329–342.

¹⁵ *Even Boḥan* (Tel Aviv, 1956), 56.

¹⁶ *Hebrew Ethical Wills*, vol. I, ed. I. Abrahams (Philadelphia, 1926), esp. 128–138, 151; also, e.g., *Asarah Klei Kesef*, vol. I, Mishlei, pp. 16–17; Iyov, pp. 171–74; see Chapter 30 below, p. 672ff.

¹⁷ *Tzedah Laderekh* (Warsaw, 1880), introduction, p. 8; see also *Ma'amar* 4, *Klal* 6 (p. 131).

¹⁸ *Menorat Hamaor*, introduction, p. 10.

¹⁹ *Derashot* (Jerusalem, 1969), p. 37c; also, 38a, 39a, 54b, 66b.

²⁰ *Iggeret Musar*, ed. A.M. Haberman (Jerusalem, 1946), esp. pp. 40–1. Unlike Efodi or R. Shem Tov, R. Alami does not present an intrinsic-substantive critique of Talmud per se but only of certain types of students and certain prevalent distortions of motive and behavior (e.g., ostentation, materialism, quest for power). The demand that leaders possess not only intellectual distinction but moral impeccability and integrity of character is recurrent; for our period, see now R. Bonfil, *Harabanut Be'italyah* (Jerusalem, 1980), 40.

²¹ Published in *Otzar Nehmad* 4 (1864), 176–214. See the most recent study by R. Bonfil, “*Sefer Alilot Devarim*,” *Eshel Be'er Sheva* 2 (1980), 229–65, who speculates about the author's time and place, suggests the second half of the fourteenth century and surmises that the author may be the Spanish R. Yosef Tov Elem, author of *Tzafnat Pa'ane'ah*.

²² *Nahalat Avot* on Pirkei Avot (New York, 1953), pp. 45, 48, 74, 98, 131, 159, 212, 232. See also *Yeshuot Meshiho* (Königsberg, 1865), introduction, p. 5.

²³ *Ma'amar al Yehudei Venetziya* (Jerusalem, 1951), 139–46.

²⁴ *Teshuvot Havvot Ya'ir*, nn. 123, 210. See D. Kaufmann in *JQR* 3 (1891), 292–313.

²⁵ *Mesilat Yesharim* (Philadelphia, 1948), 1–4; see below n. 83a. It is noteworthy that while in the *Mesilat Yesharim* Ramḥal addresses himself to the need to study principles of piety, in his *Milḥemet Moshe*, he argues for the superiority of Kabbalah as a discipline, in intellectual-theoretical terms.

Hamishneh),²⁶ and in early Haskalah works as well.²⁷ They provide rich material for a history of Judaism, particularly its quest for spirituality by means of a proper alignment of ritual punctiliousness and religious experience. The upshot of these typologies is that philosophy and mysticism are alike in their demand that a secure, honored place be guaranteed for some meta-halakhic discipline. Whatever the bi-lateral relations between philosophy and mysticism, our focus is their attitude to Talmudism and vice versa.

Particularly important for our purposes is the type of Talmudist that emerges from both positive as well as negative portrayals (i.e., the self-perception as well as the image and reality as perceived by others)—the monolithic Talmudist who rejects the value or necessity of complementary disciplines and argues for the exclusivity of halakhic study, in some case even vis-à-vis Bible study or aggadah and certainly vis-à-vis philosophy, Kabbalah, or other forms of meta-Halakhah. While the spiritual-intellectual chronicle which we are investigating is so very rich in protagonists who push back the frontiers of study by *adding* subjects to Talmud (or at least to codificatory summations of law), here the movement is not accretionary but restrictive.²⁸

²⁶ *Mirkevet Hamishneh* (Frankfurt, 1751), introduction (p. 6).

²⁷ E.g. Aaron Gumperz, *Ma'amar Hamadda*; N. H. Wessely, *Divrei Shalom Ve'emet*; I. B. Levinson, *Te'udah Beyisrael*; I. Reggio, *Hatorah Vehafilosofiya*. The *Heshek Shelomoh* of Solomon Maimon contains a very interesting passage where the three-fold typology of Talmudists, philosophers and kabbalists is reproduced. I thank Dr. Moshe Idel, who is preparing a study of Maimon's work, for sending me a copy of this passage. See, also, S. Dresner, *The Zaddik* (New York, 1960) chapter V; M. Wilensky, *Hasidim Umitnagdim* v. I (Jerusalem, 1970), 18, 66, 224; J. Weiss, "Talmud Tora ... Besht," *Tiferet Yisrael (Jubilee Volume for Israel Brodie)*; London, 1967) 151–69. See also the introduction of R. Yisrael Salanter to the journal *Hatevunah* and I. Etkes, "Tevunah: Ktav Eit Torani Rishon," *Kiryat Sefer* 54 (1979), 371–83.

²⁸ This type emerges, e.g., from Ibn Kaspi's *Will*, Ibn Latif's *Sha'ar Hashamayim*, Duran's *Ma'aseh Efod*, R. Menaḥem b. Zerah's *Tzedah Laderekh*, R. Shelomo Alami's *Igeret Musar*, and others (see below, n. 107). See the important passage in R. Yosef Albo, *Ikkarim*, III, chapter 28 (p. 262), and R. Meir ibn Gabbai, *Avodat Hakodesh* (Jerusalem, 1973), 86. For what follows, see Chapter 20 above, esp. Section IV. Note the parenthetic, but important, observation of D. Tamar, "Demuto Haruḥanit shel R. Yisrael Isserlein," *Mehkarim* (Jerusalem, 1970), 55, that practically all the great Ashkenazi Talmudists of the 15th century—e.g., R. Shalom of Neustadt, R. Yaakov of Igra, R. Natan of Igra, Maharil, R. Yom Tov Lipman Mülhausen, R. Avigdor Kara, R. Menaḥem Tziyoni, R. Naftali Treves, R. Yaakov Bruna, R. Yitzhak Kolon, and R. Meir Mintz were engaged in the study of Kabbalah and, in some cases, of philosophy as well. E. Kupfer has greatly illumined the spiritual-cultural character of the period in "Lidmutah Hatarbutit shel Yahadut Ashkenaz ...," *Tarbiz* 42 (1972), 113–147. M. Nehorai, in his unpublished dissertation (Jerusalem, 1978) has made available the *Moreh Nevukhim* commentary of the Ashkenazi scholar R. Shelomo ben Yehudah Hanasi. Concerning R. Shem Tov ben Gaon's insistence that a kabbalist must be a good Talmudist, see D. S. Lowinger, *Sfunot* 7 (1962), 23 (from *Sefer Badei Ha'aron*). See also the unpublished dissertation (Jerusalem, 1968) of Dr. I. Dinari on "Hakhmei Hahalakhah Be'ashkenaz."

The monolithic Talmudist just referred to is, quite clearly, not the prevalent type of Talmudist who, through the ages, ordinarily and rather naturally combined halakhic study with some meta-halakhic discipline: Maimonides, Ravad, R. Eleazar Roke'ah, R. Yonah Gerondi, R. Avraham Maimonides, Nahmanides, Rashba, Ritva, R. Nissim Gerondi, R. David ibn abi-Zimra, R. Yosef Karo, R. Elazar Azikri, R. Moshe Isserles, R. Mordekhai Jaffe, R. Shemuel Eidels (Maharsha), R. Moshe Metz, and countless others. As I have indicated, they acknowledged and nurtured the reciprocity and complementarity of the disciplines with full awareness that this was the appropriate way to maintain punctilious observance of the halakhah while avoiding externalization and routinization. The values and aspirations of religious experience and spiritual adventure are firmly mounted upon the norms of positive law. The problem of historical reconstruction becomes more acute when we confront thinkers who do not possess credentials in Talmudic studies, criticizing Talmudists for their scholastic exclusivism and religious parochialism.²⁹ The same is true when some writers reproduce either a rationale or a critique of Talmudism which also focuses on this monolithic preoccupation.³⁰ Sometimes, this Talmudist profile emerges in what seems to be an objective typology or historical account of intellectual classes.³¹ For the most part, however, while Talmudists may argue for axiological superiority of their discipline, they do not argue for narrow exclusivism. Even those—e.g., R. Yair Hayyim Bacharach³²—whose ostensible aim is to curtail study of extra-Talmudic subjects and foster a de facto Talmudism do it prudently and strategically; they initially acknowledge the uncontested significance of meta-Halakhah and then contend that since the subject matter is beyond our grasp it is wise to concentrate on Talmud. Their position is that the difficulties and dangers are so great that one had best forgo these esoteric studies—intrinsically elevating and edifying—and devote one's energies to exoteric halakhah. In sum, although not the major or representative species of Talmudism, our monolithic variant is historically significant, and the impact of this position needs to be carefully assessed; its nineteenth- and twentieth-century recrudescence warrants close study, for it was particularly influential.

²⁹ E.g., R. Avraham ibn Migas, *Kevod Elokim* (reprinted Jerusalem, 1977), 119a. Of course we need to study those de facto monolithic Talmudists who did not leave us any non-Talmudic works. For example, how should we characterize R. Shelomo ben Yosef Sirillo, the great sixteenth-century commentator on the Palestinian Talmud (*Zera'im* and *Shekalim*)?

³⁰ R. Menaḥem ben Zerah, *Tzedah Laderekh*, 8.

³¹ E.g., R. Avraham ibn Ezra, *Yesod Mora*, 12; R. Yosef ben Yitzḥak Halevi, *Givat Hamoreh* (Prague, 1612).

³² *Havvot Ya'ir*, n. 210; see earlier the statement of R. Abba Mari, *Minḥat Kenaot* (Pressburg, 1838), chapter 3, p. 6: אכל בזמננו זה שאנו מצפים לישועה, די לנו ... כשנוכח להשיג האסור והמותר, הכשר והפסול הטמא והטהור ... ודי לנו להתעסק בחבורו של רבנו הקדוש.

Note also R. Yitzḥak ben Sheshet, *Teshuvot*, n. 157; also nn. 25, 45, 394, 438–9, 447. See also R. Yeḥezkel Landau, *Noda Be'yehudah*, *Orah Hayyim*, n. 109; *Yoreh De'ah*, n. 96. R. Shelomo Helma refers to *Havvot Ya'ir*, n. 210, in his introduction to *Mirkevet Hamishneh*.

Again, it is important to underscore at the outset that the conceptual center-point in this history is the issue of spirituality and religious-metaphysical perfection, not orthodoxy or heterodoxy,³³ not the respective claims of Kabbalah versus philosophy but their relation to the study of Talmud and the ways in which Talmudists welcomed, rejected, or were suspicious of them.

II

The sixteenth century provides us with a fair share of significant typologies, which sketchily or elaborately depict Talmudists, philosophers, kabbalists—their profiles and attitudes, the certainties and tensions of their programs. We may extract from the literature of this period, from a wide array of different genres, highly informative material which illustrates some of the stock features of the dialectical history—what subjects to study, the hierarchy of subjects, reasons for this hierarchy, the degree of inter-connectedness or independence and the metaphysical priorities—while simultaneously underscoring some special emphases, nuances, and novel constellations. These mutually re-enforcing extracts enable us to define with a great measure of precision what the terms mean; any possible vagueness or ambiguity is diminished not only by pointed description but also by context and contrast, inference and innuendo. In emphasizing the timelessness of certain positions or constellations of practices, values and beliefs, we must, of course, be attentive to unprecedented events and special developments of this period which have repercussions for our theme and its mutations:³⁴ e.g., widespread demographic shifts, emergence of new centers and confrontation between communities of divergent background or dissimilar intellectual commitment, personal and literary contacts between Italy, central Europe, Poland, and Turkey, opening of universities to Jews, intensification of Christian Hebraism, influence and challenge of the Renaissance and the Counter-Reformation, the Marrano attack on the Oral Law, and a new skepticism toward the credentials of the rabbinic tradition, implications of the eschatological value assigned to the study of the Mishnah on one hand or Kabbalah on the other, burning of the Talmud in Italy and augmented Christian criticism of the Talmud, intensive and heterogeneous halakhic

³³ See, e.g., R. Asher ben Yehiel, *Teshuvot*, n. 55; R. Yitzhak Albalag, *Sefer Tikkun Hade'ot*, p. 2.

³⁴ See general bibliography. The following books are especially relevant: S. W. Baron, *A Social and Religious History of the Jews*, vol. XVI: *Poland-Lithuania, 1500–1650* (New York, 1976); I. Barzilai, *Between Reason and Faith* (The Hague, 1967) and the review by J. Sermoneta, *Kiryat Sefer* 45 (1970), 539–46; H. H. Ben-Sasson, *Hagut Vehanhagah* (Jerusalem, 1959); R. Bonfil, *Harabanut Be'ityah Bitkufat Harenesans* (Jerusalem, 1980); J. Elbaum, “Zeramim Umegamot Besifrut Hamahashavah Vehamusar Be'ashkenaz Uvepolin Bame'ah ha-16” (Ph.D. dissertation, Hebrew University, 1977); M. A. Shulvass, *The Jews in the World of the Renaissance* (Leiden, 1973); *Sfunot* 11–13 (= *Sefer Yavan*) (Jerusalem, 1971–78). S. Assaf, *Mekorot Letoledot Hahinukh*, 3 vols. (Tel Aviv, 1925–36) remains valuable.

creativity (particularly in the areas of codification and methodology [*kelalim*] as well as the controversial development of *pilpul*), the *apparent* waning of medieval philosophy (together with the emergence of new philosophic currents and a new philosophic orthodoxy) and the triumphant spread of Kabbalah spearheaded by the publication of the Zohar and other key kabbalistic texts. In short, the sixteenth century is in many respects a continuation of earlier trends and in other respects we may find in it new postures and possibilities, new structures and confrontations. Only by being acquainted with the former will we be able to appreciate the latter. This perspective is precisely the value of history of ideas.

Indeed, our sixteenth-century authors concretize this historical-conceptual duality or bi-focal view by addressing themselves to, and debating with, thirteenth- or fourteenth-century figures on the one hand (e.g., R. Yosef Yavetz versus R. Yosef ibn Kaspi³⁵ or R. Yehiel of Pisa versus R. Yedayah Hapenini) and on the other by turning directly to their contemporaries (e.g., R. Avraham ibn Migas singling out “*ket-zat bnei amenu bedorenu zeh*”³⁶ or R. Moshe Cordovero referring “*lahamon ha’am velahakhamim hatalmudiyim shebizmanenu*”³⁷ or R. Yosef ben Yitzhak Halevi’s characterization of “*rov anshei dorenu zeh*.”³⁸ It is obvious that the intellectual-spiritual phenomena they refer to are well-established positions—clear alternatives, with venerable pedigrees, which one could readily opt for—but the polemicizing authors here choose, with patent rhetorical skill, to emphasize their contemporaneity rather than their place in a historical typology. This dialogic feature (i.e., direct

³⁵ Indeed, Yavetz identified an entire school of past “villains”; in addition to Kaspi, he mentions Narboni and Albalag. Furthermore, he identifies the ideological school to which he belongs and names some of his esteemed predecessors: R. Hasdai Crescas, R. Yehudah Halevi, Rabbenu Yonah and R. Yitzhak Abravanel. We may add that there is also a literary school of commentators on Avot from whose members—e.g. R. Yosef ibn Shoshan, R. Yosef Hayyun—he derived many insights. Consequently, in studying Yavetz and other sixteenth-century commentators, we need to be attentive to the selection of arguments and themes from earlier literature as well as their deployment in new contexts—for very often, therein lies the novelty. For Yavetz’ influence see G. Nigal, “Hashpa’ato Hasifrutit shel R. Yosef Yavetz,” *Kiryat Sefer* 51 (1976), 289–99. R. Yehiel of Pisa’s answer to Hapenini is treated below. Note also, on the other side of the fence, the small 16th-century poem in defense of philosophy against Rashba published by H. Hirschfeld, *JQR* 12 (1899–90), 138–42.

³⁶ *Kevod Elokim*, 119a.

³⁷ *Elimah Rabati*, chapter II, 18.

³⁸ *Givat Hamoreh* (Prague, 1611); R. Avraham Bibago, *Derekh Emunah*, 43a, 94a, also turns his criticism to “*anshei zamanenu*.” This is also the stratagem of the Maharal who condemns the neglect of Mishnah study and adds *והן הן מעשה הדור הזה*; see S. Assaf, *Mekorot* I, p. 46. Actually, Mishnah had not been a subject of study for a long time and he was in truth condemning a centuries-old practice. R. Yeshayah Halevi Ish Horowitz, *Shenei Luhot Haberit*, Masekhet Shevuot; Maharal, *Tiferet Yisrael*, chapter LVI; *Derush Leshabbat Hagadol*; R. Eliyahu de Vidas, *Reishit Hokhmah*, *Sha’ar Hakedushah*, chapter II.

On the neglect of Mishna, see most recently, Y. Sussman in *Proceedings of the Sixth World Congress of Jewish Studies*, 226.

confrontation with the antagonist) of much of the literary presentation is noteworthy and effective, for it does not allow the virulence of the debate to be dampened or to be treated as a footnote to earlier developments. The issues remain live and timely; their resonance is great and their impact is immediate. Moreover, while guarding against the pitfalls of precursorism, this bi-focal view enables us also to look ahead and to see the seeds of various seventeenth- and eighteenth-century developments in the sixteenth century as well as in earlier centuries.

To spell out these substantive and methodological generalizations with somewhat greater specificity, we may note that the sixteenth century serves as a microcosm of the entire entangled issue in the following ways. (1) There is the rising crescendo of voices proclaiming the absolute axiological supremacy of meta-Halakhah—and here the kabbalists are more aggressive and sophisticated and apparently more influential. The entrenchment and dissemination of Kabbalah add a novel dimension and considerable immediacy to the dissatisfaction with an exclusivist-imperious Talmudism or even to a timid Talmudism which apologetically and respectfully shies away from the “secrets of the Torah” and meta-halakhic investigations. The philosophic contention has already been well rehearsed³⁹ and, even though it is repeated (e.g., by R. Avraham ibn Migas or indirectly by R. Meir ibn Gabbai),⁴⁰ the kabbalistic voice is stronger and more resonant. Thus, as we shall see,⁴¹ R. Moshe Cordovero is engaged in an unrelenting attack on those Talmudists who thought and taught that there was no supra-literal dimension to the authoritative texts of Judaism or that even if it did exist it was dispensable. (2) On occasion it appears that the question is not only one of hierarchical supremacy, of demanding that Kabbalah be recognized as the “queen” of all sciences. Rather, Talmud study per se seems to be under fire and its intrinsic worth is being questioned or qualified, demeaned or dismissed. While we may find antecedents or paradigms (e.g. Yosef ibn Kaspi, Asher Lemlein)⁴² for the denial of intellectual-spiritual value to pure Talmud study and the reduction of the latter to behavioral importance, there is a certain acuity to the issue in sixteenth-century literature (as reflected, e.g., in the impassioned defense of Talmudic study provided by Yavetz and Maharal).⁴³ The critical refrain gets sharper. R. Yaakov Provençal urges R. David (son of R. Yehudah) Messer Leon not to follow the local rabbis who do not “value the Talmud at all.”⁴⁴ R. Avraham ibn Migas advises his reader not to communicate with one who has spent

³⁹ Note, e.g., the views cited by R. Menaḥem b. Zerah and R. Yosef Albo, n. 20 above. See also appendix, below.

⁴⁰ *Avodat Hakodesh* (Jerusalem, 1973), chapter XXIII (p. 86).

⁴¹ See below, n. 100.

⁴² For Kaspi, see n. 16 above; for Lemlein, see E. Kupfer, *Kovetz al Yad* 8 (18) (1975), 402–05, 416. He also (p. 404) focuses attention on “*ḥakhmei elu hadorot*.”

⁴³ See their statements cited in appendices to Chapter 30 below.

⁴⁴ See S. Assaf, *Mekorot*, I, 99ff., especially p. 101.

all his life only studying Talmud.⁴⁵ In studying the sources, we must try to detect this occasional transition from the unrelenting demand that Talmud study be supplemented and enhanced to a demeaning attitude to this very study. Moreover, we must also note the differences between the latter and specific arraignment of excesses or distortions or motivational aberrations by practitioners, by “unrepresentative” unsensitive Talmudists who lose sight of the real goal and purposes of study (see critiques advanced by R. Shelomo Alami, R. Yosef Yavetz ...). The various attacks on methodological flabbiness—symbolized in our period by *pilpul shel hevel*⁴⁶—should also be seen in the light of ad hoc and ad hominem rather than essential or phenomenological criticism. The anti-*pilpul* harangues of this century are by no stretch of the imagination to be included in the anti-Talmudic genre; they are specific methodological criticisms. (3) The protagonists of monolithic Talmudism, to the exclusion of *everything* else, never become very numerous, but they appear more strident for a variety of reasons, defensive as well as aggressive. The intriguing documents concerning the famous Posen controversy of 1559 are to be read in this light and I would suggest that the Maharal’s “Talmudism” should be re-examined in this context.⁴⁷

The methodological assumption of this analysis—i.e., the history of ideas approach—should also be amplified at this point. As we shall see, the range of relevant sources is so wide from every point of view—geographically, ideologically, generically—that oversimplified socio-historical explanations are clearly untenable. While scholars are frequently—and justly—apprehensive about dissociating ideas from realities, there is also need for reverse checks and balances. “The danger that cultural analysis will lose touch with the hard surfaces of life—with the political, economic, stratificatory realities within which men are everywhere contained—and with the biological and physical necessities on which those surfaces rest, is an ever present one. The only defense against it, and against, thus, turning cultural analysis into a kind of sociological aestheticism, is to train such analysis on such realities and such necessities in the first place.”⁴⁸ While this danger is certainly real and serious, we must be equally careful of the parallel danger of mechanical reductionism: not to reduce every intellectual development to extraneous influences or correlate every spiritual constellation with historical realities in the general scene. Sociological determinism is as unacceptable as sociological aestheticism. Allowing horizontal and vertical perspectives to intersect or being mindful of the similarity of conclusions and

⁴⁵ *Kevod Elokim*, 119a.

⁴⁶ See most recently, Dov Rappel, *Havikuah al Hapilpul* (Tel Aviv, 1979); also R. Bonfils, *Harabanut*, 40, 167.

⁴⁷ See S. P. Rabinowitz, *Ikvot shel Hofesh De’ot Barabanut shel Polin* (Jerusalem, 1959). The texts are readily available in H. Beinart and H. Ben-Sasson, eds., *Mekorot Letoledot Hayehudim Bimei Habeinayim* (Jerusalem, 1958). Also, *Beit Yisrael Bepolin*, vol. II, 239–41. Note A. P. Kleinberger, *Hamahashavah Hapedagogit shel Hamaharal Miprag* (Jerusalem, 1962), 112.

⁴⁸ C. Geertz, *The Interpretation of Cultures* (New York, 1973), 30.

convictions crystallizing against dissimilar social-cultural-historical backgrounds provides a corrective for facile one-dimensional explanations (e.g., hastily characterizing an attitude, pro-Biblicism let us say, which has precise antecedents or definite parallels, as a “Renaissance phenomenon”).⁴⁹ While being fully attentive to contemporary historical stimuli or changing historical conditions, we see more clearly the immanent tension, recurrent dialectical shifts or universality of certain positions and espousal of varying metaphysical options. Incommensurability between the spotty spiritual reality and a sublime spiritual ideal is a common occurrence and cannot simply be related to, or correlated with, a specific historic contingency. Moreover, if we are inclined to correlate external crises with inner developments, we should note that there is here a crisis not only of historical consciousness but of religious *Anschauung* and sensibility; the latter, widespread as it is, requires judicious investigation.

In our case, facts, descriptions, insights, arguments, indictments, pleas, or programmatic formulations concerning sixteenth-century relations between Talmudists, philosophers, and kabbalists are drawn from the writings of such disparate figures as R. Avraham ibn Migas,⁵⁰ R. Moshe Almosnino,⁵¹ R. Yoḥanan Alemanno,⁵² R. Yitzḥak Arama,⁵³ R. Avraham Shalom,⁵⁴ R. Meir ibn Gabbai,⁵⁵ R. Immanuel Benevento,⁵⁶ R. Yosef Shelomo Delmedigo,⁵⁷ R. Eliezer Ashkenazi,⁵⁸ R. Yosef Ashkenazi,⁵⁹ R. Moshe Isserles,⁶⁰ R. Shelomo Luria,⁶¹ R. Avraham Horowitz,⁶² R. Yehudah Loew ben Bet-

⁴⁹ Cf. now D. Ruderman, *The World of a Renaissance Jew* (Cincinnati, 1981), 18.

⁵⁰ *Kevod Elokim* (Jerusalem, 1977), passim. See the introductory essay by H. H. Ben-Sasson. For Ibn Migas' comment on R. Yitzḥak Campanton, see *Sfunot* 7 (1962), 83.

⁵¹ *Pirkei Mosheh* (Masekhet Avot) (Jerusalem, 1970), passim.

⁵² See now M. Idel, “Seder Halimud shel R. Yoḥanan Alemanno,” *Tarbiz* 48 (1979), 303–331.

⁵³ See S. Heller-Wilensky, *R. Yitzḥak Arama Umishnato* (Jerusalem, 1956).

⁵⁴ See H. Davidson, *The Philosophy of Abraham Shalom* (Berkeley, 1964).

⁵⁵ *Tola'at Yaakov* (Warsaw, 1876), 94 (epilogue) and *Avodat Hakodesh*, passim, esp., e.g., 86, 109.

⁵⁶ *Livyat Hen* (Jerusalem, 1967), introduction, p. 2.

⁵⁷ *Novelot Hokhmah*, introduction; *Mikhtav Ahuz* (in A. Geiger, *Melo Hofnayim* [Berlin, 1840]) is very instructive. Also, his ancestor R. Eliyahu Delmedigo, *Behinat Hadat* (Vienna, 1833). See I. Barzilay, *Yoseph Shlomo Delmedigo* (Leiden, 1974). See Prof. Jacob Ross' new edition of *Behinat Hadat* (Tel Aviv University Press) which enlarges the text by about one-third, particularly with material on anti-Christian polemics.

⁵⁸ *Ma'aseh Hashem* II (Jerusalem, 1972), 75b–76b.

⁵⁹ See G. Scholem, “Yediot Hadaṣhot al R. Yosef Ashkenazi,” *Tarbiz* 28 (1958), 59–90, 201–35; Chapter 4, above.

⁶⁰ *Teshuvot Harema*, Asher Ziv, ed. (Jerusalem, 1971) nn. 6–7, pp. 23–37; *Torat Haolah* (Koenigsberg, 1860), introduction; *Yoreh De'ah*, 246. See Ziv, *Harema* (New York: Yeshiva University Press, 1972) and Jonah Ben-Sasson, *Mishnato Ha'iyunit shel Harema* (Jerusalem: Israel Academy of Sciences and Humanities, 1984).

⁶¹ See above, n. 60; also *Teshuvot Hamaharshal*, nos. 64, 73 and 98.

⁶² See his *Hesed Le'avraham* (introduction to Maimonides' *Eight Chapters*) and above, n. 47. J. Elbaum analyzed the *Hesed Le'avraham* in his “Rabbi Avraham Horowitz al Hateshuvah,” in the festschrift for Professor I. Tishby (Jerusalem: Magnes Press, 1986).

zalel (Maharal),⁶³ R. Hayyim ben Betzalel,⁶⁴ R. Mordekhai Jaffe,⁶⁵ R. David Gans,⁶⁶ R. Ephraim Luntshitz,⁶⁷ R. Yosef ben Yitzhak Halevi,⁶⁸ R. Hayyim Vital,⁶⁹ R. Moshe Cordovero,⁷⁰ R. Eliyahu de Vidas,⁷¹ R. Shelomo Alkabetz,⁷² R. Yosef Karo,⁷³ R. Yosef Taitatzak,⁷⁴ R. Yehiel of Pisa,⁷⁵ R. Avraham ben Meshulam of Asti,⁷⁶ R. Ovadyah Sforno,⁷⁷ R. Azaryah dei Rossi,⁷⁸ R. Azaryah Figo,⁷⁹ R. Avraham Portaleone,⁸⁰

⁶³ See, e.g., the selections in Assaf, *Mekorot*, I, 46ff.; also *Tiferet Israel*, chapter 18; *Netzah Yisrael*, chapter 30; *Gevurot Hashem*, chapters 34, 36; *Netivot Olam*, *netiv* 9 (antithesis of R. Avraham ibn Migas). My son Mayer called my attention to the classic statement about the hazards of intellectualization in the Maharal's introduction to *Tiferet Yisrael*: the love of learning may eclipse the love of God, the religious experience may be obscured by the scholastic achievement. Cf. the beautiful study of monastic culture by Jean Leclercq, *The Love of Learning and the Desire for God* (New York, 1961).

⁶⁴ *Sefer Haḥayyim*; *Etz Hayyim*; also *Vikuaḥ Mayim Hayyim*. For bibliography, see B. Sherwin, "In the Shadow of Greatness: R. Hayyim ben Betzalel of Friedburg," *JSS* 37 (1975), 35–60.

⁶⁵ *Levush Malkhut*. See Lawrence Kaplan, "Rabbi Mordekhai Jaffe and the Evolution of Jewish Culture in Poland in the Sixteenth Century" in *Jewish Thought in the Sixteenth Century*, edited by Bernard Dov Cooperman (Cambridge Mass.: Harvard University Press, 1983), 266–283, and references to his unpublished dissertation on R. Mordekhai Jaffe.

⁶⁶ *Nehmad Vena'im* (Dessnitz, 1743); *Tzemaḥ David*. See M. Breuer, cited below, n. 87. Also, A. Neher, "Homer Ḥadash al D. Ganz," *Tarbiz* 45 (1976), 138–47.

⁶⁷ *Olelot Efraim* (Tel Aviv, 1964). See J. Elbaum's dissertation, 132–34.

⁶⁸ *Givat Hamoreh* (Prague, 1611).

⁶⁹ *Etz Hayyim*, introduction.

⁷⁰ *Or Ne'erav* (Tel Aviv, 1965).

⁷¹ *Reishit Hokhmah* (Tel Aviv, n.d.), introduction (pp. 2a–5b) and *Perek Hamitzvot*, pp. 239bff. See also Dr. Mordechai Pachter, "The Concept of Devekut in the Homiletical Ethical Writings of 16th Century Safed," in volume two of *Harvard Studies in Medieval Jewish History and Literature*, ed. Isadore Twersky (Cambridge, Mass.: Harvard University Press, 1984), pp. 171–230.

⁷² *Ayelet Ahavim* (Venice, 1552), 43b. Dr. Beracha Sack's doctoral dissertation at Brandeis University deals with the mystical teachings of R. Shelomo Alkabetz.

⁷³ See R. J. Z. Werblowsky, *R. Joseph Karo* (Philadelphia, 1977).

⁷⁴ See G. Sermoneta, "Hasifrut Hafilosofit Haskolastit Besefer *Porat Yosef* Lerabbi Yosef Taitatzak," *Sfunot* 11 (1971–78), 135–187.

⁷⁵ *Minḥat Kenaot*, ed. D. Kaufmann (Berlin, 1898).

⁷⁶ *Teshuvot Matanot Ba'adam*, n. 39 (quoting R. Eliyahu Gennazano); see I. Sonne, *Mipaulus Harevii ad Pius Haḥamishi* (Jerusalem, 1954), 122–6, for a list of the authors who endorse this position about the superiority of Kabbalah and its scholarly-judicial consequences concerning the reliance upon a simple code; R. Bonfils, *Harabanut*, 169.

⁷⁷ R. Bonfils, "Torat Hanefesh ... Bemishnat R. Ovadya Sforno," *Eshel Be'er Sheva* 1 (1976), 200–256.

⁷⁸ *Meor Enayim*, ed. D. Cassel (Vilna, 1866).

⁷⁹ *Gidulei Terumah* (on *Sefer Haterumot*), introduction; *Bina la'ittim*. See I. Bettan, *Studies in Jewish Preaching* (Cincinnati, 1939).

⁸⁰ *Shiltei Giborim* (Mantua, 1622).

R. Yosef Yavetz,⁸¹ R. Avraham Farissol⁸² and R. Leone da Modena.⁸³ We have here an intriguing, polychromatic array of authors who appear as learned expositors, skillful controversialists, erudite and versatile commentators, polemicists defending Judaism against external defamation while presenting their own vision of religious vitality and virtuosity, forceful proponents of a rabbinic culture free of adventitious elements, assiduous students of Bible and Aggadah, ethicists, determined defenders of a waning philosophy or optimistic proponents of a revitalized philosophy, inspired protagonists of Kabbalah, indeed of varieties of Kabbalah, or zealous devotees of Talmudism. They are writing in Italy, Bohemia, Poland, Turkey and Palestine. Some never leave their birthplace while others travel extensively from center to center. Some are living with the trauma of the Spanish expulsion while others are ensconced in the humanistic and/or Counter-Reformation centers of Italy or the burgeoning communities of Poland. Their literary media vary: exegetical works (especially on Tehillim and Avot, with increasing attention to the Megillot), halakhic codes and commentaries, supercommentaries on earlier works which had already become classics, technical philosophic or kabbalistic books, ethical-inspirational tracts, homilies, historical opera, polemical-propagandistic compositions and introductions to newly printed works (the Zohar is the best example). They are professionally, economically, temperamentally, scholastically and intellectually different and yet are confronting similar problems and grappling alike with the issues of religious existence and spirituality. The diversity speaks for itself and forcefully supports the history-of-ideas approach which utilizes all sources, cuts across artificial boundaries, spans centuries and countries, and in the process underscores continuities while identifying special features and novelties. The varieties of response to the same issue are significant, as are the similarities of attitude emerging from quite different quarters.

The issue in the heated dialogue or trialogue between Talmudists, philosophers and kabbalists is attainment of spirituality, deepening of ideological sensitivity,

⁸¹ *Or Hahayyim*, 7–8 and passim, *Perush Avot*, III:13 and passim. See the references collected in G. Nigal, “De’otav shel R. Yosef Yavetz,” *Eshel Be’er Sheva* (1976), 258–87.

⁸² *Perush Avot* (Jerusalem, 1969), 97, and see now David Ruderman’s book on R. Avraham Farissol (above, n. 49).

⁸³ *Ari Nohem* (Jerusalem, 1929). This list is by no means exhaustive. Important material may also be culled from the writings of R. Yaakov ibn Nahmias, R. David Messer Leon, R. David ibn abi Zimra (Radbaz), R. Elazar Azikri, R. Levi ibn Habib, R. Shemuel Eidels (Maharsha), R. Yom Tov Lipman Heller, R. Moshe Alsheikh, R. Eliyahu Mizrahi, R. Yehudah Moscato; R. Yitzhak Luria and his disciples obviously require intensive investigation as does R. Yeshayah Halevi Ish Horowitz (*Shenei Luhot Haberit*). See meanwhile Eugene Newman, *Life and Teachings of Isaiah Horowitz* (London, 1972). R. David Provençal (see S. Assaf, *Mekorot*, vol. II, 116–119), in announcing his proposal to establish a Jewish university, also illumines the types with which we are concerned. For R. David Messer Leon, see the doctoral dissertation of Hava Tirosh-Rothschild, “Mishnato Hafilosofit shel R. David Messer Leon” (Jerusalem, 1978) and her article, “Tefisat Hatorah Bemishnato shel R. David Messer Leon” in *Mehkerei Yerushalayim Bemaḥashevet Yisrael* 2 (1982), 94–117.

religious vitality and understanding—the interlocking of “duties of the limb” with “duties of the heart.” The key term in the vocabulary of spirituality and religiosity is perfection (*shelemut* or *hashlamat hanefesh*). Within the framework of accepted views or on the basis of shared traditional premises, the debate revolves around how these disciplines interact, which is superior and which is subordinate and which is most conducive to *shelemut*. Whatever terms we use—axiological premises, hierarchical ratings, theological values, metaphysical priorities, or religious objectives—the relation of the disciplines is the crucial issue, and the importance of study from the vantage point of *shelemut* is being appraised continually. The curricular aspect is the practical expression while the phenomenological aspect is the theoretical motive.^{83a}

When discussing philosophy, in other words, we are not concerned primarily with questions of orthodoxy or heterodoxy, with the legitimacy of philosophy and its place within the Oral Tradition, with the alleged naturalism of its views on prophecy, miracles, immortality and eschatology or its endemic antinomianism; our concern is rather with the efficacy and appositeness of rationalism as a means to spirituality. Should one strive to exert oneself intellectually and absorb the natural science and metaphysics of the philosophers in order to rise to higher levels of religious understanding and, hence, spiritual intensity? For philosophers—and their opponents heatedly contest this claim—the only road to spirituality is rationalism, the exercise of reason in the service of religion. Rationalism as a means to spirituality, to *shelemut*, is a *topos* of philosophic writing and at the same time a target of its critics.

By the same token, when discussing mysticism we are not concerned primarily with the question of putative heterodoxy; indeed we find during this period apodictic repudiation of Kabbalah by opponents of publication of the Zohar who contend that its study is studded with danger and actually leads to apostasy. Kabbalah is seen by these acidulous critics as a threat to traditional Judaism. This extreme charge is reminiscent of R. Avraham Farissol’s description⁸⁴ of converts who had espoused a “spiritualized,” antinomian view of Judaism—a view which made the road to

^{83a} A classic formulation was provided by R. Moshe Hayyim Luzzatto, *Mesilat Yesharim* (where “saintliness” and “spiritual perfection” are to be taken as interchangeable): “If you will observe the present state of affairs, you will note that most of those who possess quick mental grasp and keen intellect, concentrate all their study and thought upon the subtleties of the sciences, each according to the bent of his mind and natural taste. Some devote themselves to the physical sciences; others turn all their thoughts to astronomy and mathematics; others, again, to the arts. Finally, there are those who penetrate into the innermost sanctuary of knowledge, which is the study of the holy Torah. Of these latter, some pursue the study of dialectics, some study Midrash, and others study the Codes. There are but few who study the nature of the love and the fear of God, or communion, or any other phase of saintliness.”

⁸⁴ See D. Ruderman, *The World of a Renaissance Jew*, 43. After the burning of the Talmud in Italy, the opposition to Kabbalah was fueled to some extent by the apprehension that it might play into the hands of the Christians. On the other hand, the loss of the Talmud spurred the publication of the classical texts of Kabbalah (e.g., Zohar, *Ma’arekhet Eloket*, *Sha’arei Oraḥ*). See J. Elbaum, “Zeramim,”

desertion of Judaism easy to traverse. However, as indicated, in both cases the charge of heresy or heterodoxy is not the relevant issue. Nor, in the case of the Kabbalah of this period, are we concerned with contemplative-ecstatic procedures per se, with the practical mystical life of individuals or conventicles, the striving for *ruah hakodesh* with what is sometimes summarily called “mystical and magical contemplation.” While this is clearly relevant, our concern is primarily with the intellectual-curricular relationship of Talmud and Kabbalah and the contemplative-spiritual “fallout” from the study of Kabbalah. We are concerned with the kabbalistic claim that an unreflective observance of commandments, not plugged in to kabbalistic concepts and intentions, misses the mark and that a merely “literalist” approach to Talmud is deficient. For kabbalists, the only road to spirituality is their system of *sitrei Torah* which perfects one’s understanding and purifies one’s visions. Philosophy for them is an alien, fruitless endeavor. Obviously, in the case of Kabbalah, it is not always possible to sustain such a sharp demarcation between the two converging aspects of contemplation but the attempt is phenomenologically necessary. (R. Elazar Azikri’s mystical diary is a good case in point.)^{84a}

The attempted differentiation between these two related and complementary aspects is as necessary and as delicate—in some respects analogous—as the attempted disentanglement of the purely spiritualistic thrust of philosophy (which may be traced from R. Saadiah Gaon through the letter of R. Sheshet Hanasi on to R. Moshe Ḥayyim Luzzatto who talk about the spiritualizing impact of philosophy on practice [e.g., prayer] and belief [e.g., immortality]) from its apologetic-rationalist impetus, i.e., to project “in the eyes of the nations” the image of the Jews as “a wise and understanding people.”⁸⁵ We may note that this outer-directed apologetic is discernible rather strikingly in the various interpretations of the Talmudic crux in Pesahim 94b (*nitzehu ḥakhmei ha’umot*)⁸⁶ or even in R. Ḥayyim ben Betzael’s plea that the study of grammar be revived inasmuch as the nations of the world

515–519, and the references to the articles of D. Tamar, I. Tishby, M. Benayahu, and E. Kupfer. See I. Sonne, *Mipaulus*, 128. There was, of course, an independent, self-propelling interest in Kabbalah.

^{84a} See M. Pachter, “Ḥayyav Ve’ishiyuto shel R. Elazar Azikri Bere’i Yomano Hamisti Vesefer Ḥaredim,” *Shalem* 3 (1981), 127–47; note also I. Sonne, *Mipaulus*, 124, 133.

⁸⁵ See Chapter 27 below, end of section 2, and pp. 626–627. The outer-directed apologetic motif—the need to maintain an intellectually impressive profile in the eyes of others—surfaces also in the context of the Posen debate concerning Talmud study. Whereas it was originally introduced as a justification for *ta’amei mitzvot*, it is here extended to cover all Halakhah and Aggadah (*sevarot hatalmud udrashotav*); see the text cited in n. 47 above and n. 105 below. The upshot is clear: centrality of Talmud study does not result automatically in its exclusivity, for it needs the cognate insights and methodology of universal disciplines to make it attractive and intelligible.

⁸⁶ See Chapter 30 below, n. 52 for a partial history of interpretation; note especially the references found there to authors of this period—R. Moshe Alashkar, R. Eliyahu Mizrahi, R. Moshe Isserles, R. David Gans, R. Yosef Ashkenazi. See S. Rosenberg, “Parshanut Hatorah Bemoreh Nevukhim,” *Mehkerei Yerushalayim Bemaḥashevet Yisrael* 1 (1981), 146, n. 98.

value this discipline very much and, therefore, the Jews should not be deficient in it.⁸⁷ Although the line between them is often blurred and they are in fact historically interconnected—R. Ovadyah Sforno, e.g., reports that Christians condemn Jews for lack of rationality and lack of spirituality and candidly acknowledges the link between them⁸⁸—they are phenomenologically separate. The apologetic motive is not coterminous with the spiritualistic objective and modality; the latter usually develops its own momentum.

Now, while we are not in this context turning our attention to the philosophy-Kabbalah debate per se—i.e., to the mutual recriminations that philosophy is alien and corrosive (e.g., R. Meir ibn Gabbai and earlier R. Shem Tov ben Shem Tov) or that Kabbalah is superstitious and unworthy (e.g., R. Avraham ibn Migas and earlier the *Alilot Devarim*), we should note that there was a real *live* confrontation, the much-touted decline of philosophy notwithstanding. This means that although R. Meir ibn Gabbai selected Maimonides as his major adversary (with Ibn Ezra a respectable second) and his *Avodat Hakodesh* is constructed as a comprehensive rebuttal of philosophy (i.e., Maimonideanism), his argument is not antiquarian but is clearly lubricated by contemporary conditions, considerations and cultural realities. Much to their chagrin, kabbalists witnessed the continued study and cultivation of philosophy in this period. There was a substantial philosophic legacy in Italy, eastern Europe and the East as reflected in different ways, directly or obliquely, for example in R. Shelomo Luria, R. Moshe Isserles, Maharal, R. Mordekhai Jaffe, R. Yosef ben Yitzhak Halevi, R. Eliezer Ashkenazi, Yehudah Abravanel, R. Ovadyah Sforno, R. Azaryah Figo, R. Yehudah Moscato, R. Eliyahu and R. Yosef Shelomo Delmedigo, R. Avraham Horowitz, R. Hendel Manoah, R. Avraham ibn Migas,

⁸⁷ See S. Assaf, *Mekorot*, I 43–44. Asher Lemlein (see above n. 42) had noted, in his virulently polemical way, that Jews turned to the two disciplines of philosophy and grammar for apologetic reasons. R. Yitzhak ben Shemuel Halevi, older brother of R. David Halevi (the *Taz*—*Turei Zahav*) also complains about the neglect of the study of grammar in his little work *Siah Yitzhak* (Basel, 1627), which was printed with an approbatory letter from R. Yom Tov Lipman Heller. R. Immanuel Benevento, author of *Livyat Hen* (a grammar book which, in its introduction, extols the supremacy of Kabbalah) also records contemporary ridicule of grammar as a field of study (introduction, *Sha'ar I*, chapter 2 [p. 3a]). Avraham Lonzano, author of *Kinyan Avraham* (1723), disputed the ability of Talmudists to study Torah without knowledge of Hebrew. The argument of R. David Gans in behalf of the study of history is analogous—i.e., the nations of the world are engaged in it. See generally, M. Breuer, “Kavim Lidmuto shel R. David Gans,” *Shenaton Bar-Ilan* 11 (1973), 97–118.

R. David Provençal relies on the same motive in pressing his case for the establishment of a Jewish university.

למה נגרע מכל האומות אשר יש להם אוהל מועד בשבת תחכמוני ומקום מוכן ללמוד החכמות והנמוסים.

⁸⁸ *Or Amim*, introduction, p. 3.

R. Yosef Taitatzak, R. Moshe Almosnino, and others.⁸⁹ Awareness of this fact is important not only for the proper assessment of this confrontation but also for the correct understanding of an antithetical, yet cognate phenomenon: the degree of conscious harmonization of philosophy and Kabbalah by many of these authors. I refer not only to the well-known cases of Maharal in his diverse works and of R. Moshe Isserles, especially in part three of the *Torat Haolah*, but also to the cases of R. Josel of Rosheim (*Sefer Hamikneh*), R. Yosef Taitatzak (*Porat Yosef*), and, partially, R. Avraham ibn Migas (*Kevod Elokim*), or the intriguing statement reported by R. Leone da Modena in the name of the Lurianic disciple R. Yisrael Sarug that he could explain all kabbalistic teachings philosophically.⁹⁰ The point is that meta-halakhic elements, even of diverse provenance, could be merged in the attempt to provide positive law with a spiritualistic leaven. Moreover, if not merged they could be used successively—i.e., one disenchanted with philosophy could rapidly replace the latter with a form of Kabbalah. The important point is that Halakhah was regularly setting itself in a meta-halakhic framework. As I have observed elsewhere, this spiritual-ideological movement, this meta-halakhic restlessness, illustrates most clearly that Kabbalah and philosophy are *phenomenologically* alike in their tense relation to Halakhah.⁹¹ Many writers of the earlier centuries chart their spiritual odyssey, describing how they move out of one meta-halakhic spiritual ambiance into another, all along feeling the need for something to supplement positive law and invigorate it. Just as erstwhile ardent Maimonideans—R. Yitzhak

⁸⁹ H. Davidson notes correctly, in his brief introduction to the 1971 reprint of Almosnino's *Tefilah Lemoshe*, how significant is the fact that large amounts of medieval philosophy could be integrated into popular works (homilies and commentaries) and presented to the general public. Presumably an author wants to be read and to be understood.

General historians of the sixteenth century have revised the conventional view concerning the nearly total eclipse of Aristotle in this period. For a good example from the beginning of the century (in the writings of Jacques Lefèvre d'Étaples), see Eugene F. Rice Jr., *The Prefatory Epistles of Jacques Lefèvre* (New York, 1972), pp. xv ff. Rice comments: "Lefèvre's enthusiasm for Aristotle reminds us how misguided is the facile distinction between an Aristotelian Middle Ages and a Platonic Renaissance. ... A count of editions of Aristotle's works published between the beginning of printing and 1600 would run to many thousands; ample evidence that Lefèvre's esteem for the philosopher was not eccentric." See now Breuer's review of Bonfils' *Harabanut*, *Kiryat Sefer* 55 (1980), 367. On lingering rationalism in eastern Europe, see also H. H. Ben-Sasson, *Trial and Achievement: Currents in Jewish History* (Jerusalem, 1974). Also, J. Elbaum in *Sinai* 76 (1975), 287. R. Eliyahu Gennazano complains that kabbalists were a minority and philosophy was still in the ascendancy.

⁹⁰ Modena, *Ari Nohem*, 52–53. Note also R. Hendel Manoah, author of a commentary on the *Hovot Halevavot*, where he mentions his commentaries on such recently published works as the *Ma'arekhet Elokut*, *Sha'arei Orah* as well as the recently composed *Pardes Rimonim*. The inclusion or intrusion of Kabbalah in Halakhah is, as noted (above n. 1), a separate issue treated by M. Benayahu and J. Katz, even though in this context one may choose to view it also as a form of harmonization.

⁹¹ See Chapter 23 above, very end of section A.

ibn Latif, R. Yosef Gikatilia, R. Avraham Abulafia, R. Moshe de Leon—became fervent kabbalists, there is a similar phenomenon in the sixteenth century (witness the intellectual itinerary of R. Yeḥiel Nissim of Pisa).

III

A few compressed case studies which reflect the tensions, criticisms, and proposals—for the relevant texts invariably combine critical-contentious components with vigorous programmatic formulations—will enable us easily and quickly to concretize the range and intensity of the problems.

R. Yeḥiel Nissim of Pisa chose a special, imaginative form for his work *Minḥat Kenaot*: it was planned and structured as a detailed rebuttal of R. Yedayah Hapenini's *Iggeret Hahitnatzlut*, an enthusiastic, meticulous, and pungent apology for philosophy written at the beginning of the fourteenth century in answer to Rashba's well-known, forceful, and authoritative criticisms and denunciations of the philosophic movement in Judaism. R. Yeḥiel's book consciously spans the centuries and picks up the religious debate concerning the general value of philosophy and the merits of specific philosophic doctrines which was left in abeyance at the beginning of the fourteenth century. It thus illustrates incidentally that little was changed by the ban and counter-ban: the desirability or objectionability of rationalized religion remained in dispute. The *Minḥat Kenaot*, which places itself in a clear, repercussive historical context, is therefore a document of prime importance not only for sixteenth-century history but also for the overarching history of ideas: a good example is the quintessential definition of the two irreconcilable positions, intellectualism versus the life of mitzvot, which is clearly relevant to contemporary tensions but also reflects a timeless issue.⁹² It is a carefully argued work in which his polemical-conceptual strategy is to fully present the philosophic view (in order to demolish it), contrast it in broad strokes with the superior view of the kabbalists and, almost as an extra dividend, also to provide an articulate defense and unequivocally positive appraisal of pure Talmud study. This defense commands our attention because of its intrinsic importance and because such paeans to Talmudism are not too common. While on many occasions he combines Halakhah and Aggadah (or meta-halakhic speculation) as twin

⁹² *Minḥat Kenaot*, 72. Note his *Ḥayyei Olam*, ed. S. Rosenthal (New York, 1962), 7, where he lodges a double complaint about (a) religious laxity and perfunctoriness (*mitzvat anashim melumadah*); (b) the lack of Talmud study (*behavayot de'abayei verava lo higia yadam*). The *Ḥayyei Olam* is thus of interest not only for economic history—the theory and practice of banking and moneylending—but for rabbinic literature as well. See also the material edited by Rosenthal in *Kovetz al Yad* 8 (1976). For R. Yoḥanan Treves, the addressee of the *Minḥat Kenaot*, see A. Marx, *Kovetz Mada'i Lezekher M. Shor* (New York, 1945), 189ff. The excellent monograph of R. Bonfils, which appeared after my paper had been written, contains a perceptive analysis of R. Yeḥiel; see *Harabanut*, chapter VI (pp. 173ff.). See also J. Hacker, "Kevutzat Igrot," *Perakim Betoledot Haḥevrah Hayehudit* (Jerusalem, 1980), 69, and J. Nadav, *Tarbiz* 26 (1957), 440–52.

components of Talmud, the key passage concerning the indispensability of Talmud study relates exclusively to the halakhic component.⁹³ Skillfully and effectively, he refers to “some contemporaries” (reminiscent of the earlier R. Yaakov Anatoli and R. Yosef ibn Kaspi) who question the value of traditional Talmud study—“why waste our days studying variants of the Talmud and the controversies of the *Amora'im*,” when knowledge of the normative-practical result is sufficient.⁹⁴ His rebuttal is striking, for it proceeds on a practical rather than metaphysical plane. It does not resort to the abstract, pathos-laden notion (found already in Maimonides and R. Moshe of Coucy) of “study of God’s word” or study for study’s sake (*Torah lishmah*) even if this study be devoid of practical benefits and immediate relevance. It does not argue that divine study is its own justification, but it operates with a pragmatic-judicial argument reminiscent of the opposition to Maimonides’ *Mishneh Torah* and parallel to, or anticipatory of, the opposition to the *Shulḥan Arukh*: without study of the Talmudic controversy, its dialectical amplification, its multiplicity and diversity of views and interpretations, proper understanding, adjudication and application of the law will be impossible. Full-orbed study is necessary for correct practice; diversity is a boon for Talmudism and not its bane. He argues that Talmudic debate and deliberation, *pelugta digemara*, *maḥloket ha’amora'im*, is the very hallmark of the Oral Law and the linchpin of the halakhic system. This strong judicial argument is then bolstered by a curt interpolation of a converging kabbalistic motif alluded to by R. Menaḥem Recanati: the essence of the Oral Law is the debate and controversy—*masa umatan*—of the Talmud. Now, this whole trend (in which the practical and the metaphysical are finally merged) may be assessed as a veiled anti-Maimonidean polemic, for Maimonides invariably emphasized that *masa umatan* should be seen as an undesirable and unproductive feature, an unavoidable by-product of the Talmud, rather than a premeditated or indispensable feature. The Maimonidean code was intended to restore the original state of the Oral Law which was free of “multiplicity of opinions, variety of schools ... and the production of confusion with regard to actions”; it would provide relief from exhausting and unrewarding study. It has already been observed that the Maimonidean concept is similar to the Platonic view which exalted oral culture and underscored the superiority of the oral word over the written word.⁹⁵ The expansive-judicial argument is thus allied in the *Minḥat Kenaot* with a kabbalistic notion and pitted against the pragmatic-codificatory argument as nurtured by a philosophic notion. This defense is all the more noteworthy inasmuch as ultimately, after the judicial argument is settled, Kabbalah emerges at the top of

⁹³ *Minḥat Kenaot*, pp. 2, 5, 7, 10–12, 88 (on Talmud), 109. In light of n. 89 above, R. Yehiel’s reference (p. 11) to contemporary philosophic controversy concerning human freedom is significant. It was, of course, a prominent theme of the philosophic literature of the period.

⁹⁴ See I. Twersky, *Introduction to the Code of Maimonides*, 104, n. 15.

⁹⁵ Twersky, *op. cit.*, 97ff., esp. 99; also 72, n. 129. The Maimonidean position is reflected in Modena, *Ari Nohem*, 50.

the hierarchy and this is seen as his major curricular-spiritual concern. It should be remembered that some contemporaries (e.g., R. Immanuel Benevento, *Livyat Hen*) asserted that Kabbalah was needed to stem the tide of philosophic views *after* the disappearance of the Talmud. R. Yeḥiel of Pisa himself, writing before the burning of the Talmud, cited at the very beginning of his work (page 2) the role of in-depth Talmud study as a corrective for “deviant” views. How would he have phrased his arguments some twenty years later when such study was more difficult and scholars willy-nilly turned to codes for Talmudic material?⁹⁶

We should note an additional component of his Talmudist-kabbalist position. He insists (taking his cue from a responsum of R. Asher ben Yeḥiel) that no alien methods borrowed from logic and philosophy need to be utilized in Talmud study. Indeed, such methodological hybridization is a violation of “*tamim tihyeh*,” of inner religious integrity and conceptual consistency. It is a sign of a “disintegrated consciousness” (Hegel). Of course, the argument that logic and dialectic are necessary tools for study is an old one as is the counter-argument that they are undesirable intrusions into a self-sufficient system. The entire issue was to be resurrected in the Posen controversy of 1559 when R. Avraham Horowitz vehemently repudiated “the fool” who advocated monolithic Talmudism by affirming that “something extra” (i.e., logic) is needed even for the proper explication of the Talmud.⁹⁷ The sixteenth century thus provides a sharp focus for this pivotal issue.

In this context, finally, R. Yeḥiel introduces the concept of *shelemut*, spiritual perfection, which he defines not in metaphysical or intellectual terms but *in relation to the body*. Only body and soul in tandem achieve perfection and this is the purpose of religious wisdom being coupled with, and expressed in, mitzvot. The conjunction of the soul with the body and their unification pave the way for perfection; inasmuch as we are dealing with a finite material entity, perfection must reside in bodily action rather than in pure intellectual attainment. Otherwise, man in toto would not have a chance to serve God; study would not involve the whole person. We have here another perspective on integrity and integration. The idea that the religious *vita activa* rather than the *vita contemplativa* is the channel to and for perfection—an idea

⁹⁶ For the cultural repercussions of the burning of the Talmud, see now J. Elbaum, “Zeramim,” 515ff. R. Bonfils, *Harabanut*, 22–3, 180–82, submits that Talmud study was not diminished after the burning. R. Eliyahu Gennazano (*Igeret*, p. 6) endorses the reliance on codes.

⁹⁷ See nn. 47 and 85 above. See the recent discussion of M. Breuer, “Minu Beneikhem min Hahigayon,” *Sefer Zikhron Harav D. Oks* (Ramat Gan, 1978), 242–62, and the supplement by M. Idel in *AJS Review* 5 (1980), 15–20. There is an additional passage, not noted by either author, in the *Moznei Iyun* of R. Yosef ben Shem Tov: See Shaul Regev, “Leba’ayat Limud Haphilosofia Behagut Hame’ah Ha15: Rabbi Yosef ibn Shem Tov Verabbi Avraham Bibago,” *Daat*, vol. 16, 1986. Concerning the responsum of R. Asher ben Yeḥiel, see J. L. Teicher, “Laws of Reason and Laws of Religion: A Conflict in Toledo Jewry in the Fourteenth Century,” *Essays and Studies Presented to S. A. Cook*, ed. D. W. Thomas (London, 1950), 83–94. The responsum is also cited by R. Leone da Modena, as D. Kaufmann noted in *Minḥat Kenaot*, 88, n. 4.

which dramatically upgrades mitzvot while substantially constricting intellectualism of all sorts—may be found in such varied writers of the period as R. Avraham Farissol, Yavetz, Maharal, and R. Eliyahu de Vidas. It is a substantive variation of Duran's fundamental thesis concerning the relation of practice and study (although Duran's long characterization of the Talmudists alludes to it) with far-reaching repercussions for the importance of the life of mitzvot.⁹⁸

This brief analysis of the position of R. Yehiel Nissim of Pisa provides a good microcosm of the period and its central religious problem. It is all the more significant because of its literary setting: the anti-Talmudic sentiment reported and rebutted by R. Yehiel is contained in a work devoted to a critical review of philosophy. Now, this is not an isolated instance. We may here turn to the Maharal, a colorful, intriguing figure who is certainly not a monolithic Talmudist; his extensive exegetical-homiletical writings impinge on many areas and genres (Bible, Halakhah, Aggadah, ethics, polemics). Indeed, his fame does not rest primarily on his achievements as a Talmudist. It is therefore noteworthy that (particularly in *Tiferet Yisrael* and *Netivot Olam*) he parries the anti-Talmudic thrust of the philosophers—Kaspi may well have been the irritant, for he argued with great zeal that the truly universal, imperative subject of study is philosophy and not Talmud—by insisting that *Talmud study* leads to religious perfection and attainment of spirituality. The insistence is not buttressed theologically, is not rooted in scriptural arguments, but is formulated directly in terms of spirituality and perfection—the same concepts taken from the common intellectual-religious-metaphysical argumentarium. Using his own idioms and metaphors, he reaches the same conclusion as R. Yehiel Nissim: perfection does not follow from contemplative achievement but rather from practical performance. Man, combining body and soul, achieves perfection through religiously-defined action which relies upon antecedent study. Of course, the latter is important but it is not the crowning achievement. Only performance of the mitzvah engages *all* of the human resources. Now, within the sprawling realm of study, he emphatically gives priority to Halakhah over Aggadah, even though Aggadah is recognized as a treasure trove of profound wisdom and theological insight.⁹⁹ From this vantage point, he may be characterized as representing Duran's school of Talmudists.

⁹⁸ Yavetz, *Perush Avot*, p. 77 (on Avot 3:21): והטעם כי אנו בעלי חומר עיקר שלמותנו במעשה. See also his *Or Haḥayyim*, 61, where he polemicizes with those who ignore mitzvot because they contend that their link to God is intellectual and by apprehension of intelligibles they resemble angels; consequently, “corporeal commandments are superfluous.” Maharal, *Netivot Olam*, *Netiv Hatorah*, chapter I, p. 4b: כי המצוה שהיא על ידי מעשה האדם שנעשה על ידי גופו הגשמי היא קרובה יותר אל האדם הגשמי. R. Eliyahu de Vidas, *Reishit Hokhmah*, introduction, p. 3ff.: His whole book, he asserts (p. 4b), revolves around the superiority of action. See also, Abravanel, *Nahalat Avot*, 84: המעשה עיקר ולא התלמוד בשלמות האדם בשגם הוא. R. Azaryah Figo, *Gidulei Terumah*, introduction: השגת אושר הצלחת הנפש בקיום משפטי.

⁹⁹ See P. Kleinberger, *Maharal*, 112.

Actually, while R. Yeḥiel Nissim and Maharal are shielding Talmudism from the shafts and barbs of the philosophers, the kabbalists, who with remarkable consistency and tenacity exalt their discipline as axiologically superior, seem to present the most strident and sturdy criticisms and it is they who are in the forefront of the attack upon exclusive preoccupation with Talmud. Such Talmudism is a deterrent to theological insight and sensitivity. A very pungent formulation comes from the pen of the influential R. Moshe Cordovero, the great architect of pre-Lurianic Kabbalah. In the *Or Ne'erav*, a sententious handbook of Kabbalah which contains a ringing affirmation of the supremacy of the latter over “plain” or purely literal Talmud study, R. Moshe Cordovero condemns (as do R. Shelomo Alkabetz in *Ayelet Ahavim*, R. Moshe Alsheikh in his commentaries and R. Immanuel Benevento in *Livyat Hen*), those Talmudists who posit with apparent equanimity and satisfaction that the Torah has only a surface literal meaning and who deny an esoteric content.¹⁰⁰ In the eyes of R. Moshe Cordovero and his fellow kabbalists, the masses and the Talmudists of this sort are linked together as simple literalists: *kol elu ha'inyanim heviu lahamon ha'am velaḥakhamim hatalmudiyim shebizmanenu leha'amin ba'inyan kifshuto*. This rather stinging reduction of contemporary Talmudists and masses to one category is reminiscent of R. Avraham Bibago who, from his philosophic vantage point, compared those who study Mishnah and Talmud with the masses who walk in their innocence and are removed from knowledge of *sitrei Torah*; both lack profundity, in-depth knowledge.¹⁰¹ R. Moshe Cordovero sees this pale commitment to literalism as the most serious and pernicious source of opposition to Kabbalah and is unrelenting in his criticism of its advocates; his resounding

¹⁰⁰ *Or Ne'erav* (Jerusalem, 1965), 5a, 12a, 23b; *Elimah Rabati*, 18; R. Shelomo Alkabetz, *Ayelet Ahavim*, 43b. See S. Shalem, *R. Moses Alsheikh*, ed. M. Benayahu (Jerusalem, 1966), 73 (יש אומר די). The attack on “*ḥakhmei hapeshat*” continues; see M. Benayahu, “R. Abraham ibn Mus-sah,” *Michael* 5 (1978), appendix 15 (116–121). Note *inter alia*, 117: *כי אין בן דוד בא אלא בעסקי חכמה*; and the quotation (118) from the printer's introduction to *Zohar Ḥadash* (Amsterdam, 1702). This is the thrust of the *Sefer Hakanah* and *Sefer Hapeliah*; see now the systematic study of M. Oron, “*Hapeliah Vehakanah*, Yesodot Hakabbalah Shebahem ...,” (Ph.D. dissertation, Hebrew University, 1980). There are some very relevant and revealing passages in the fragments of *Galya Raza* just published by R. Elior, “Hama'avak al Ma'amadah shel Hakabbalah,” *Mehkerei Yerushalayim Bemahashvet Yisrael*, 1 (1981), 177–90, esp. 186–87 (ואינם עוסקים אלא בפשטים). See also R. Aviad Sar Shalom Basilea, *Emunah Hakhamim*, introduction, p. 3b: *והוא שם בלתי ידוע לבעלי הפשט, כי אינם מכירים רק העשרה*. The purpose of *Shomer Emunim* by R. Yosef Ergas is to convince the reader to believe that the Torah is not limited to its *peshat*, and has an esoteric as well as exoteric meaning.

¹⁰¹ R. Avraham Bibago, *Derekh Emunah, sha'ar* III, esp. p. 45b. R. Bibago, whose work was read in the following generations, is quoted by R. Levi ibn Ḥabib in the *Ein Yaakov*, Berakhot, end ידהו. בעיניו כל הלומדים בספרי המשנה והתלמוד ככל המון ישראל ההולכים לתומם ומידיעת סתרי תורה קצתם נעדרים. The parallelism between the philosophic and kabbalistic attitudes is noteworthy. For Bibago, see J. Hacker, “Mekomo shel R. Avraham Bibago Bamahloket al Limud Hafilosofiya,” *Proceedings of Fifth World Congress for Jewish Studies*, v. III (1972), 151–58.

repudiation of the literalists, the *ba'alei hapeshat*, is obviously not connected with, or aimed at, Karaism. Halakhah is “safe”; the spiritual-intellectual strife concerns meta-Halakhah and, more specifically, the teachings of Kabbalah. We should add, however, that, while the position of R. Moshe Cordovero is powerful and aggressive, it is not nearly so caustic as that of R. Asher Lemlein who refers to Talmudists as “servants” or “artisans” far removed from the King. Nor does it have too much affinity with the contemporary kabbalistic view (presented by R. Avraham of Asti) that the abundance of halakhic works has negative consequences eschatologically; excessive Talmudism is a deterrent to the realization of the messianic goals.¹⁰² Cordovero’s position, insisting upon the absolute supremacy and indispensability of Kabbalah without berating Talmud study, is the classical kabbalistic one, found in many earlier sources and to be repeated later, for example, by R. Yeshayah Halevi Ish Horowitz. Talmud study is important but it must be supplemented and sustained by Kabbalah.¹⁰³ The only possible complication or inconsistency in this classical, absolutely clear, position concerning the relation of Halakhah and Kabbalah is for one to espouse Kabbalah’s superiority but to back away from the practical educational consequences, which would demand that a certain amount of time, perhaps the major part of one’s study-time, be devoted to the superior discipline; we would then have a situation in which the postulates of religious axiology and phenomenology do not determine curricular practice.¹⁰⁴ R. Moshe Cordovero contends that all difficulties and dangers notwithstanding, Kabbalah’s superiority must not only be recognized in principle but its systematic study should be pursued with zeal and discipline. Timidity is inadmissible.

We may note at this point R. Meir ibn Gabbai’s unequivocal assertion that full-time Talmud study actually excludes theological insight and knowledge. In a similar vein the activists who fought for the publication of the Zohar and other kabbalistic texts declared forcefully that Talmudists are incapable of achieving perfection and must have the meta-Halakhah provided by kabbalistic doctrine. Without it their religious behavior is perfunctory and uninspired and they will never deserve to be

¹⁰² For Lemlein, see above, n. 42; for the eschatological argument, see I. Sonne, *Mipaulus*, 133: ריבוי הספרים מעכבים את הקץ; and above n. 100. Study of Mishnah, which also benefited from eschatological associations, was high on the list. See D. Tamar, *Mehkarim Betoledot Hayehudim* (Jerusalem, 1970), 96–97, who notes that in the Safed conventicles (*havurot*) Mishnah was emphasized more than Kabbalah, even though Kabbalah must have had superiority.

¹⁰³ “Will” of R. S. Horowitz, in I. Abrahams, *Hebrew Ethical Wills* vol. II (Philadelphia, 1948), 256: אחר שתמלאו כריסכם בתלמוד ובפוסקים הנני מצוכם שתלמדו חכמת הקבלה, כי אין אדם ירא שמים מי שאינו לומד חכמה זו.

¹⁰⁴ This is the position described in *Havvot Yair*, no. 210; see above n. 32, and see Chapter 25, below.

described as “a wise and understanding people”—a skillful appropriation of a philosophic motif given wide currency by Maimonides.¹⁰⁵

While Yavetz and Maharal defend Talmud study against its philosophic detractors who question the ultimate value of such study and deny its relevance to the quest for spirituality and perfection, they in theory recognize the ideal type as the Talmudist armed with meta-halakhic knowledge; suffice it to note Maharal’s polymath interests and the divergent emphasis in Yavetz’ polemic (*Or Haḥayyim*) where the prime focus is the importance of Talmud as distinct from his commentaries where he clearly charts the intellectual course from laws of *nezikin* to kabbalistic doctrines and *ta’amei mitzvot*.¹⁰⁶ However, the literature of the period which has already been referred to attests to the existence of the monolithic Talmudist as well. The famous Posen incident provides a stark example (*ein mutar lilmod rak hatalmud levad*). A forceful presentation is given by the little known but interesting *Givat Hamoreh* of R. Yosef ben Yitzḥak Halevi (a work which earned the written approbation of R. Ephraim Luntshitz) which describes four classes of opponents to the *Moreh Nevukhim*. The third consists of those who study Talmud exclusively (“*samu kol megamatam la’asok batalmud uvemah sheyityaḥes elav*”). They say unequivocally—and they constitute the *majority* of contemporary students—that perfection is attainable only as a result of Talmud (“it is impossible for a person to reach *shelemuto hanitzḥi bemah shehu zulat hatalmud va’asher gadlu alav mine’ureihem vehen hem rov anshei dorenu zeh.*”) Delmedigo (*Novelot Hokhmah*), R. Ḥayyim ben Betzalel and many other kabbalists all describe for us the exclusive Talmudist syndrome. Finally, in the course of an eloquent, impassioned plea for rationalization and a concomitant arraignment of unreflective acceptance and repetition of beliefs, R. Avraham ibn Migas counsels his reader: “*shelo tedaber ... im mi shelo asak kol yamav ki im betalmud levad velo ra’ah meorot miyamav.*”¹⁰⁷ This warning against one who has studied only Talmud is a classical critique of the unexamined life, an exposition of reason as a means to spirituality and the radical insistence that lack of this prevents spiritual illumination. This phrase (*lo ra’ah meorot*), used in the same way by R. Meir ibn Gabbai, again underscores the mutuality of the philosophic and kabbalistic critiques.

¹⁰⁵ See above n. 85. Note the statement of R. Avraham Horowitz in the Posen controversy:

כי מה שאמר החמור שאין מותר ללמוד רק התלמוד לבד, זה סותר באמת למה שאמר הכתוב: ושמרתם ועשיתם, כי היא חכמתכם ובינתכם לעיני העמים. אדרבא כל סברות התלמוד ודרשותיו ודרכיו הם לעג והיתול בעיני העמים אם לא נלמוד יותר מזה, כדי שנדע לבאר ג”כ סברות התלמוד והדרשות באופן שיוכשרו בעיני העמים.

¹⁰⁶ Yavetz, *Perush Avot*, 3: 12 (p. 60). See appendix.

¹⁰⁷ *Kevod Elokim*, 119a. See appendix.

Appendix: Selected Texts

1. R. Menahem ben Zerah, *Tzedah Laderekh*, p. 8.

כי שמעתי דבת רבים מהמתפלספים אומרים למתלונן בצל ש-ד-י ולשוך על דלתותיו יום
מה יתן לך ומה יוסיף לך אם חכמת במשפט דין יתום ואלמנה ... וידעת משפט שור תם ושור מועד ...
ולא הצלת נפשך מפח הפתיות והסכלות.

2. R. Yosef Albo, *Ikkarim*, III, chapter 28.

יהי' אם כן השתדלות רוב חכמי ישראל ועסקם בתלמוד ובדיני השאלות התלמודיות דבר בלתי
מועיל להקנאת השלמות, ויהי' יגיעתם לריק חלילה.

3. R. Yosef ben Shem Tov, *Moznei Iyun*.

לועגים על דברי חכמים ואומרים מה לנו בדיעת דיני שור ובור ודיני נזק צרורות וד' שומרין ...

4. R. Avraham Farissol, *Perush Avot*, p. 97.

ושנאתי השומרים הבלי שוא המונעים בניהם מן המקרא, כי בטרם ידע הנער כמעט לקרות מקרא
ופסוק, יכניסוהו לתלמוד בבלי.
מה שלא הי' יודע לפרוס על שמע, ולא לברך ברכת חתנים ולרדת לפני התיבה, לרוב עיונו
בפלפול ענינים אלו התלמודיים ... וגם מצאנו תועלת אחר מדברי החכם הלז, אשר למד אותנו דרך
ה' לעלות בהר ה' דרך סדר הלמוד, להיות בתחלה מתעסק בהוי' דאביי ורבא ואח"כ יתעסק בחכמות
ממדרגה למדרגה, ולא יהרסו לעלות.

5. R. Meir ibn Gabbai, *Tola'at Yaakov*, epilogue.

דלא פסק פומי מגירסא באישון לילה ואפילה בהוויות אביי ורבא, ואמרינן בסנהדרין במחשכים
הושיבני—בבלי ובמדרש העם ההולכים בחושך אלו העוסקים בתלמוד ראו אור גדול לעולם הבא.

6. R. Avraham ibn Migas, *Kevod Elokim*, p.119a.

ולא כקצת בני עמנו בדורנו זה בפיהם יכזבו לו ויחפאו עליו כזבים, ולבם לא נכון עמו. כי
יאמינו בלא ציור מה שיאמינו. והם מאבדים עצמם לדעת המאמרים ולא יקפידו לדעת ענין הדברים
... ואשכילך בדרך זו תלך שלא תדבר עם מי שלא עסק כל ימיו כי אם בתלמוד לבד ולא ראה מאורות
מימיו.

7. R. Yosef Yavetz, *Perush Avot*, p. 60.

גם יתכן לפרש כי החכמה הנזכרת בזו המשנה אינה חכמת עשיית המצות, כי אם החכמה העליונה
חכמת הקבלה, והיא ידיעת טעמי המצות, ועלי' אנו מתפללים בכל יום והאר עינינו בתורתך, כי מה
חסרנו באומרנו ותן בלבנו בינה להבין להשכיל לשמוע ללמוד, שאמרנו אח"כ והאר עינינו, א"ו אנו
מכוונים לחכמה המפוארה הזאת, שעלי' אמר גל עיני ואביטה נפלאות מתורתך, ולא אמר דוד כן על
דיני שור מועד ושור תם, ואף לא על דיני איסור והיתר שהיו נשי ישראל בקיאות בהם, אלא על זו
החכמה שאין לה סוף ...

8. Maharal, *Tiferet Yisrael*, chapter 10.

אנשים שואלים על למוד התורה במצותיה ובדקדוקיה ובנוק השור והבור וכיוצא בזה שהיה נראה בדעתם כי יותר יצליח כאשר ישיג בענין היסודות ובמהות הגלגלים ובשכלים הנפרדים. לכך דעתם כי הצלחת האדם בהשגת הדברים האלו ודעתם בהשגת הנפש שנשאר השכל אשר קנה האדם בחייו וזה שנשאר אחר המוות ... כפירה גמורה.

יותר ראוי שתהי ההצלחה על ידי התורה ממה שתהי בזולת זה ואל יחשוב כאשר קונה הידיעה בארבעה אבות נזיקין שהוא קונה הידיעה בשור ובבור ... כי כאשר יקנה האדם הידיעה בהיזק ד' אבות נזיקין וכיוצא בו ממשפטי התורה נחשב זה שקנה הידיעה בגזרת השם ית'.

Netivot Olam, Netiv Hatorah, p. 46.

כי מי שחשב כי עקר הלימוד לאדם בחכמה שישגי בנמצאים ובגלגלים ובמלאכים ולא נתנה מדרגה זאת לתורה, לנזיקין, ולטמאה ולטהרה, דבר זה הוא מכשלה גדולה מאד.

9. R. Hayyim ben Betzalel, *Etz Hayyim*, introduction.

כל העם הזה מקצה הכו בסגורים נלאו למצא את הפת"ח, עשו זאת חוק ומשפט מן היום שלא ללמד נערי ישראל דקדוק לה"ק לפי שידעו שהורס את מצב משפט התלמוד שלהם, וכהנה דברי חרופים וגדופים רבים ... ואשיבה את חורפי לאמר ... הלא אין לכם מחכמה זו רק מה שגנבתם מספרי העברים הקדמונים, כמו החכם ר' אברהם בן עזרא והקמחי, וספרי ר' יודא המדקדק הראשון הגדול וספרי רב יונה והאפו"י וכיוצא בהם, והם ידעו קדושת התלמוד שהוא מיוסד על אדני פז משפט דקדוק לה"ק, עד שאמרו כי הרב הקדוש איש א-ל-הי רבנא אשי ובני ישיבתו כאשר חתמו את התלמוד בחותם הקודש חתמו עמו עוד ספר אחד על חכמת הנקוד ודקדוק לה"ק. וכל זה להודיע שמשולבות הנה אשה אל אחותה ... רק כי בהיות שהגלות המר והארור הזה גבר עלינו מיום אל יום נתמעטו הלכבות, שלא היה בידם יכלת ללמד את בניהם את כל החכמות, ע"כ ראו אבותינו הקדושים, ובפרט חסידי אשכנז, למשוך את בניהם אחר התלמוד בלבד ולהרגילים ולחנכם אחר הספר הקדוש הזה, כי בו חכמה ויראת ה' במקום אחד, והוא הלחם והמזון האמתי אשר בצלו נחיה בגויים, ועם כל זאת יחידי סגולה אשר בכל דור ודור שמלאו כרסם מלחם התלמוד למדו גם חכמת הלשון בכלל שאר החכמות, גם חברו ספרים על זה ...

ואחר הימים הרבים האלה קם הדור השפל הזה, יתמי דיתמי, נשתכחה חכמה זו לגמרי, ובפרט במדינת אשכנז, ודברי הספרים האלו כחתומים ואין עמנו היודע להימ"ן או להשמא"ל, לפעו"ל פעול"ה או לבנו"ת בנין, והדבר הזה כְּדִי בזיון וקצף נגד השרים והעמים, על כן ... קנא קנאתי לה' צב-אות ואמרתי עת לעשות ולהפר מעט זמן מלמודי ולהתבונן מפי הספרים שחברו הראשונים וגם האחרונים. גם שקדתי על דלתי הגויים המחרפים עצמם ... והנני קמתי לפתוח ג' שערים ולהיות מקצר ועולה ולכתוב רק כלל החכמה הזו בדרך משא ומתן ובלשון שהורגלו בה נערי בני ישראל, כי לא טוב היות האדם ערירי מחכמה זו מפני לעג האומות.

10. R. Yosef ben Yitzhak Halevi, *Givat Hamoreh*.

הכת הג' הם התלמודי, כלומר אותם אשר שָׁמוּ כל מגמתם לעסוק בתלמוד ובמה שיתחס אליו והם אפשר שיוודו שלמות זה הספר מצד החזר והצורה, אבל לא ירצוהו לחשבם שא"א אדם שייגיע לשלמותו הנצחי במה שהוא זולת התלמוד ואשר גדלו עליו מנעוריהם וכן הם רוב אנשי דורנו זה לא יביטו לחכמת המורה כי ידמה להם שהעסק בו הוא ללא תועלת. וקצתם יאמרו כי מלבד שהחכמה החיצונית בלתי נותנת שום שלימות אל העוסק בה עוד היא סבה להעדר השלמות המגיע מעסק התורה.

Law and Spirituality in the Seventeenth Century: A Case Study of R. Yair Ḥayyim Bacharach*

In my paper on “Talmudists, Philosophers, Kabbalists: The Quest for Spirituality in the Sixteenth Century,”¹ a brief chapter in the “dialectical history revolving around the relationship between study of the Talmud and study of philosophy, Kabbalah, or other meta-Halakhic disciplines,” I cited a long, representative list of sources from the *Hovot Halevavot* of R. Bahya ibn Pakuda to the *Mesilat Yesharim* of R. Moshe Ḥayyim Luzzatto which contain typological formulations or basic information concerning the relationships between Talmudists, philosophers, and Kabbalists; sometimes, instead of a three-fold typology, the data is limited only to Talmudism and one kind of extra-Talmudism. The fundamental issue is the way in which Jewish law is sustained and supplemented by meta-legal study—be it philosophy or Kabbalah. While most agree that some meta-Halakhic preoccupation is indispensable for the attainment of religious perfection, there are some who make a case for a spiritually self-sufficient Talmudism.² R. Yair Ḥayyim Bacharach, colorful, complex, seventeenth-century Talmudist (1638–1702), whose Talmudic erudition is dazzling while his knowledge of meta-Talmudic literature, both philosophic and Kabbalistic, is extremely wide ranging, was one of the last mentioned in that list. This paper seeks to present succinctly another chapter in the history of spirituality by analyzing the attitude of this prominent, influential Talmudist (generally referred to as the *Ḥavvot Ya’ir*) to three related matters: (a) the value of philosophy, (b) the special significance of Kabbalah, and (c) the paramount importance of the proper kind of Talmud study—with all its subtleties and nuances, ambiguities and allusions, its explicit as well as

* For my beloved grandsons, Refael ז"ל, born 25 Mar-Ḥeshvan 5745, Meshulam Zusha ז"ל, born 6 Kislev 5745.

¹ Chapter 24, above, especially the end of section I.

² Jacob Katz, “Halakhah Vekabbalah Kenose’ei Limud Mit’ḥarim,” *Da’at* VII (1981), 37–68 (reprinted in *Halakhah Vekabbalah* [Jerusalem, 1984]), skillfully surveys the competition between Halakhah and Kabbalah for curricular primacy. The focus of my inquiry is philosophy and Kabbalah as “competing subjects of study” intended to complement the well-nigh universal commitment to and pre-occupation with Halakhah. It should also be underscored that the “internal” competition between philosophy and Halakhah or Kabbalah and Halakhah is often more axiological than practical, a question of the place in the hierarchy rather than the place in the curriculum. See Chapter 23 above. Katz (66–67) does not deal with the second half of the seventeenth century at all; he skips from R. Yeshayah Halevi Ish Horowitz (*Shenei Luḥot Haberit*) to eighteenth-century Hasidism so that R. Bacharach and his contemporaries are not mentioned.

implicit tendencies and tensions, directives and directions. Putting his multi-tiered attitude in historical-conceptual perspective will shed much light on the religious-intellectual concerns of the man and the period; understanding his carefully-calibrated kind of Talmudism will sharpen some aspects of the various modes of perceiving and acquiring spirituality.³

1

R. Bacharach lived in a time of great social upheaval and ideological turmoil, on one hand, and intense literary creativity in the realms of Halakhah and Kabbalah, on the other.⁴ Crisis and creativity characterized his age. Actually, we shall see, these twin features are in the background as well as the foreground of R. Bacharach's life and activities—his programmatic statements and his critical reactions, his literary achievements and frustrations. The Chmielnicki uprisings of 1648–49, the Swedish-Russian war (1655–56), the Sabbatian catastrophe of 1666–67, general instability in Central Europe, and personal insecurity (frequent wandering, dislocation and destruction of communities, the absence of long-term “tenure” in any place, the lack of a sense of continuity) constitute one part of R. Bacharach's historic mold; needless to say, the Sabbatian debacle, with its communal, religious, ideological repercussions,

³ R. Bacharach's attitude—particularly responsum 210 in the collection *Havvot Ya'ir* (henceforth HY) with which we are primarily concerned—did not go unnoticed. See, e.g., R. Shelomo Helma, *Mirkevet Hamishneh* (Frankfurt, 1751), introduction, p. 6: “וכבר נתעורר בזה בשו"ת חוות יאיר נהם כארי שאלה ר"י, דרשהו משם באריכות. The allusion to R. Leone da Modena's anti-Kabbalistic treatise *Ari Nohem* is not accidental for (see below, nn. 21, 27) R. Bacharach may have been acquainted with Modena's works; see also the reference in the additional notes to Modena's *Ari Nohem* (Jerusalem, 1929), 116. R. Helma, of course, is no blind follower of R. Bacharach; e.g., *Mirkevet Hamishneh, Hilkhhot Shabbat*, I (p. 27):

עיינ בשו"ת חוות יאיר, שאלה קפ"ח שהאריך בזה וכל דבריו תמוהים.

See also R. Hayyim Azulai, *Shem Hagedolim*, 41: ואת יקר תפארת גדולתו ניכר מספרו, ובדרך האמת: לשם יחוד and R. Yaakov Emden, *Siddur* I, 7a (concerning the meaning of the formula כמ"ש סימן ר"י where he mildly criticizes R. Bacharach. On the other hand, the responsum, saturated with references and allusions, is an excellent de facto review of the issue of spirituality and fifteenth-sixteenth-century positions on the place of Kabbalah in the Jewish curriculum.

For his opposition to *pilpul* (especially HY 124, 152, and the selection from *Ya'ir Netiv* published in Bikkurim, I [1865], pp. 4ff.), see S. Assaf, *Mekorot Letoledot Hahinukh*, vol I (Tel Aviv, 1954); H. Z. Dimitrovsky, “Al Derekh Hapilpul,” *Saló Baron Jubilee Volume* (Jerusalem, 1975), Hebrew section, 130, n. 90; D. Rappel, *Havikuah al Hapilpul* (Tel Aviv, 1979), esp. 118ff.

⁴ On R. Bacharach, see D. Kaufmann, *R. Chajjim Bacharach* (1894), and literature in *Encyclopedia Judaica*, vol. 4, 48. On his period, see G. Scholem, *Sabbatai Sevi*, tr. R. J. Zwi Werblowsky (Princeton, 1973), esp. 77ff.; M. Shulvass, “Hatorah Velemudah Bepolin Velita,” in *Beit Yisrael Bepolin*, II, 13–35; H. H. Ben-Sasson, *Hagut Vehanhagah* (Jerusalem, 1959); J. Katz, *Masoret Umashber* (Jerusalem, 1958). Also, the recently published *She'elot Utshuvot* of R. Yitzhak of Posen (Jerusalem, 1982), introduction.

casts a long shadow over the entire period and is a source of turbulence, confusion, frustration and accusation. The other part is formed by intensive and widespread literary achievement in rabbinic literature and Kabbalah. The former is characterized by two salient features: (1) cultivation of the genre of *kelalim*, concern with methodology, and continued debate, often quite acerbic, concerning the status and legitimacy of *pilpul* in the study of Talmud;⁵ (2) the entrenchment of the *Shulḥan Arukh* both as the normative code and the standard frame of reference for practical and theoretical discussions of Jewish law.⁶ The latter development is enmeshed in a well-known dialectical process: on one hand, writing of major commentaries which are partly critical and partly supportive but for the most part help to solidify the authoritative position of the code and, on the other, weighty criticisms directed at specific rulings or stemming from an *a priori* repudiation of codification per se. Such writers, immediate predecessors or contemporaries of R. Bacharach, as R. Yoel Sirkes, R. Mordekhai Jaffe, R. Avraham Gombiner, R. David ben Shemuel Halevi, R. Yehoshua Falk, R. Meir Lublin, R. Shabbetai ben Meir Hakohen, R. Meir ben Yaakov Hakohen Schiff, R. Shemuel Eidels, R. Yom Tov Lipman Heller tell the story: commentators or critics, their works relate for the most part to the *Shulḥan Arukh* (and/or the *Turim*) and the ongoing discussion of the proper methods of Talmudic study and adjudication. They are all towering Talmudists. Dissatisfaction with unproductive methods, with unprofitable approaches, or with unwise selection of material for study is expressed forcefully and frequently; “*pilpul*” continues to be a highly-charged term (*Zera Berakh* by R. Berakhya Berakh, a work known and appreciated by R. Bacharach, is a particularly good illustration of the temper and criticism).⁷ Of course, the writing of novellae and responsa remains a constant. In addition it might be noted that preoccupation with interpretation of aggadah (e.g., R. Avraham Gombiner’s and R. Avraham ben Shemuel Gediliah’s commentaries on *Yalkuṭ Shimoni* or the abridgement of *Ein Yaakov* by R. Yaakov Ḥagiz) and the supercommentaries on Rashi (e.g., the work of R. David ben Shemuel Halevi, his brother R. Yitzḥak Halevi, and R. Yeshayah Menahem ben Yitzḥak), also more or less continuous concerns of writers through the centuries, are rather prominent traits of rabbinic study at this time.⁸

⁵ The *kelalim* literature is cultivated mostly by Sephardic scholars. See the recent article by Yakov Spiegel, “R. Gabriel Conforte and His Book *Yesod Olam*,” *Sefunot* XVIII (1985) 221ff. One of the last chapters (entitled “Torah shebe’al peh”) of the *Shenei Luḥot Haberit* of R. Yeshayah Halevi Ish Horowitz may be characterized as the first work of this kind by an Ashkenazi rabbi. ḤY, 28, although not fully comprehensive, is an early example of Ashkenazi concern with methodology and rules of Talmudic interpretation and adjudication. See H. Dimitrovsky, 164, n. 290. H. Michael, *Or Haḥayyim*, 383, notes the influence of these *kelalim*. See also ḤY 192 which touches upon the very essence of the Oral Law.

⁶ See Chapter 20 above; M. Elon, *Hamishpat Ha’ivri* (Jerusalem, 1975), vol. III, 1087ff.

⁷ See *Ya’ir Netiv* published by A. Jellinek in *Bikkurim* I (1865) 5, and generally ḤY 124.

⁸ In ḤY, 124 he dismissed study of aggadah as ornamental; it may be used ostentatiously but it does not produce a true scholar. His attitude to aggadah as expressed in *Ya’ir Netiv* is less restrained; see,

The kabbalistic literature of the period is characterized by the following features: (1) abundance of productivity; (2) the accelerated dissemination and premeditated popularization of Lurianic doctrines; (3) the continued influence of Cordoveran views, all the successes and advances of the Lurianic system notwithstanding. The names of R. Yeshayah Halevi Ish Horowitz, R. Shabbetai Sheftel Horowitz, R. Menahem Azaryah Fano, R. Natan Nata Shapira, R. Natan Shapira of Jerusalem, R. Yosef Shelomo Delmedigo, R. Naftali Bacharach tell this story of growth, prestige, popularity and popularization. There is, however, an additional feature which had always—in a rather salient way, at least from the fourteenth century onwards—been problematic and provocative and is now even more pronounced because of Kabbalah's ascendancy: the prevalence of controversy in the exposition of cardinal theological views.⁹ There is no unified Lurianic corpus; transmitters and interpreters of Lurianic teachings vie with each other for credibility; passages from the Zohar are subject to disputed interpretations just like passages from the Talmud; differences between Cordoveran and Lurianic teachings are sometimes harmonized and sometimes accentuated. The continuous tradition and direct transmission from one devotee to another seem to have been interrupted. There is a sense of the breakdown of discipline. The *Emek Hamelekh* of R. Naftali Bacharach is a good example of this situation of centrifugal interpretation and was, indeed, a target of much criticism.¹⁰ It should be emphasized that the lack of consensus was not only an embarrassment but served as a deterrent as well. There was heated controversy, often with acidulous accusations, concerning the reliability, accuracy and authoritativeness of that which was being presented as Kabbalistic truth. Antagonists would utilize this to denigrate the discipline. Some protagonists would be less restrained in their criticism on one hand, or in their innovative interpretation on the other; divergence would beget and legitimize further divergence. Another obvious position for protagonists was to shy away from the entire subject. Indeed, this would be a common meeting ground for critics and defenders; given the controversy and divergence of interpretation of cardinal doctrines, the former would diplomatically advocate benign neglect of the subject because of doubts whether in fact the contemporary study is identical with

e.g., p. 19: והמהרש"א בהקדמתו לחדושי אגדה כתב ג"כ בזה וז"ל רבים מהלומדים באגדה ... רק להשמיע ברבים קולם ... כקול הסירים תחת הסיר ... שאין המקרא והמאמר סובל פירושן ... וע' מה שהתנצל הרב הגדול מהרמ"י בעל הלבושים סוף הקדמתו על שהלך בדרושו בדרך חילוק והוא מפני תכלית טוב יע"ש והוא כענין עבירה לשמה והוא מוסר ה' והתעוררות הרב המגיד שיעור בדברי אגדה בכל יום: Note HY 163: Y.S. Delmedigo, *Matzref Lahokmah*, p. 59, reports that there were students who became "specialists" in aggadah (just as others were specialists in Talmud or in the codificatory literature):

והללו בקיאים ב"עין יעקב", ב"רבות", וב"ילקוט" והם מתפארים בדרשות ... והגם שמתמיהים הנשים וההמון, לפי הרוב אין להם עומק וידיעה.

⁹ See G. Scholem, loc cit.; Profiat Duran, *Ma'aseh Efod* (Vienna, 1868), 9–10.

¹⁰ Scholem, 87. See, e.g., R. Berakhiah Berakh, *Zera Berakh*, II, introduction, See HY 210, addendum (citation from his father, who describes study of kabbalistic works:

יגע בלימוד שערי אורה ... ישכון בעמק המלך.

the ancient tradition while the latter would strategically ban its indiscriminate study or restrict its circulation.

2

Piecing together facts, allusions, and repeated emphases in the statements of R. Bacharach, we are able to construct a picture of a complicated person, fiercely proud of his family background, delicate, vulnerable, somewhat embittered, fully articulate about his sufferings and setbacks, apprehensive about how his actions will be perceived; he is nevertheless eager to publish his works. He is a self-conscious stylist, striving for puns, allusions, and epigrammatic constructions; he weaves abundant quotations or references into his exposition. His mastery of all rabbinic literature up to his own time is indisputable. Most significantly, he is determined to sustain his positions and quite firm in his commitment to intellectual freedom.¹¹ This commitment is demonstrated repeatedly in practice and its rationale upheld by citing such slogans as “Love Plato, love Aristotle but above all love truth,” or mentioning Maimonides’ letter to R. Yonatan Hakohen of Lunel in which the legitimacy and propriety of criticism are upheld.¹² Indeed, his statements about intellectual freedom and conceptual-ideational progress need to be integrated into the history of the crucial dialectic of authority and innovation in rabbinic literature. He belongs to the camp of Halakhists who maintain the importance and indispensability of intellectual freedom and criticism. He is regularly careful and fair, giving an author the benefit of every doubt, but in the final stage does not mute his criticism as we shall see. The same attitude, buoyed by the same slogans, surfaces in his discussion of Kabbalah.

He—and he shares this with his father—is very concerned about correct methods of study and is sharply critical of undisciplined methods. There are twinges of sarcasm as well as cases of uncamouflaged indictment when he occasionally links tainted motives with flawed methods. He comments, on one occasion, how difficult it is to find an honest teacher!¹³ His father, whom he quotes with admiration and reverence, goes so far as to establish a causal connection between the distorted methods and goals of Talmud study and the pogroms (*sibat avadon veharigat alafim urvavot miyisrael*).¹⁴

¹¹ HY, introduction and passim. See now, *Mekor Hayyim* (on *Shulḥan Arukh Oraḥ Hayyim*), ed. E. Pines (Jerusalem, 1982). See also *Hut Hashani*, n. 20.

וכן ראיתי ממחברים שבכל דור ודור שקדמוני, לא נמנעו להשיג על גדולים שלפניהם בכל אופן המועיל, ואף כי ידעתי ונגרע ערכי מערכי המחברים שקדמוני, מכל מקום הרי כל אחד קיבל שלו מסיני, וגם לצעירי רועה צאן כמוני הונח מקום להתגדר בו. לכן אבחר דרכי אחזתיו ולא ארפאנו כי תורה היא ואין מחניפין לשום אדם.

¹² HY, introduction, 9: (210, 155, כתב ראש הפילוסופים היוני); *Mekor Hayyim*, introduction; *Ya’ir Netiv*, p. 7.

¹³ HY 124, 152.

¹⁴ HY 124, addendum (quotation from his father).

The century witnesses debate not only about the merits of *pilpul* as a system but even about antics or gymnastics of *pilpul*. Clapping hands, jumping, shouting—did these movements contribute to sharpening of the mind and to purification of the soul? R. Shemuel Heida, respected author of *Zikukin Denura*, endorsed these practices and surrounded them with mystical aura. R. Bacharach, politely but firmly (after mentioning R. Heida's great piety) repudiates and ridicules such propositions and practices. While he repeatedly expresses his dissatisfaction with *pilpul* as a value and a method of study, in one place he stops to give a first-rate historical survey of the issue, citing the roster of distinguished predecessors who condemned the excesses and distortions of *pilpul*. Some of the most passionate words of indictment, as just mentioned, were penned by his own father. Securely entrenched in this distinguished tradition of criticism, R. Bacharach does not hesitate to criticize even such a contemporary as R. Yitzhak Hayyot who was an eloquent and respected protagonist of *pilpul*.¹⁵

In common with many of his contemporaries, the massive codificatory effort of R. Yosef Karo and R. Moshe Isserles commanded his attention and allegiance. Indeed, the *Shulḥan Arukh* was not only of far-reaching normative significance for him but it decisively influenced his method and style. Unlike earlier scholars who would cite the underlying Talmudic passage, review its various interpretations and then record a decision, he omits or compresses this procedure because of the availability and authoritativeness of the *Shulḥan Arukh*. He felt that the mode of rabbinic writing should now be different.¹⁶ With verve and emphasis, he urged the study of codes in general and the *Shulḥan Arukh* in particular. The *Orah Hayyim* was especially central in his scheme; he laments its neglect (comparing it to the *met mitzvah* characterized in the *Sefer Hasidim*), underscores its importance and recommends its study. He himself wanted to adorn this part of the *Shulḥan Arukh* with an exhaustive commentary. His commentary (*Mekor Hayyim*) on the *Orah Hayyim* was, however, ill fated, because after he completed his manuscript the two commentaries *Magen Avraham* and *Turei Zahav* appeared in print under the joint heading of *Maginei Eretz*. He was perplexed for, despite a measure of disagreement, for the most part (*ruha deminkar*) they anticipated his comments. For a while he felt that his efforts had been in vain and his commentary would be stillborn; his situation must have reminded him of that of R. Moshe Isserles vis à vis R. Yosef Karo.¹⁷ He did, however, undertake to rework it, adding glosses to his volume, sometimes changing his mind and sometimes criticizing the *Magen Avraham* and *Turei Zahav*, and also incorporating

¹⁵ HY 152; *Ya'ir Netiv*, 5–6; see above, n.3.

¹⁶ HY introduction. Cf. the method of R. Yeshayah de Trani as described in Chapter 19 above, section 2 and onward.

¹⁷ See Chapter 20 above.

“light matters and customs” for the sake of completeness.¹⁸ However, no publication resulted; he printed the introduction to the *Mekor Hayyim* at the end of his volume of responsa in order to celebrate his intentions. In the interim, his hardships were intensified—Worms was destroyed in 1689, he wandered from place to place, and finally settled in Frankfurt; he describes his physical infirmities and generally depressed condition. The motto of the times seems to be instability—and he was engulfed by it. After rehabilitating himself, he decided to publish a collection of selected responsa entitled *Havvot Ya’ir*.¹⁹ His creativity and outlook are embodied in this selection. The precise way in which he characterized the contents is important; the volume contains (a) answers to questions which were addressed to him during his early years; (b) questions which he submitted to his teachers and their responses to him; (c) his novellae and insights growing out of his own study or out of difficult practical situations in which he found himself from time to time. This means that he had great flexibility in molding the volume; it was not a mere register of correspondence. His thoughts and preoccupations could be accurately reflected in the volume. The anonymity imposed upon the book—i.e., his omission of the names of his correspondents—is intended to avoid the misinterpretation that he is boasting by broadcasting the fact that (a) distinguished scholars sent questions to him and (b) that he was sometimes critical of them. He is concerned about perceptions and misperceptions, but not paralyzed by fear of criticism; he claims to have reached a level of equanimity. It is noteworthy that the responsa document his concern for method and his interest in rules (*kelalim*) of study. They also reflect his reserved attitude to aggadah.

While his mastery of Halakhic literature, past and contemporary, is incontrovertible and the range of his citations really striking, his knowledge of extra-Talmudic literature is also impressive. His references to philosophic works are precise and varied—from *Hovot Halevavot* (including translator’s introduction), R. Avraham ibn Ezra and R. Levi ben Gershon through R. Yosef Albo, R. Yitzhak Abravanel, R. Yitzhak Arama, and R. Avraham Shalom to R. Yehudah Moscato’s commentary on the *Kuzari* and R. Menasheh ben Yisrael’s *Nishmat Hayyim*; his use of Maimonides’ *Guide of the Perplexed* is especially extensive and suggestive.²⁰ His references to and

¹⁸ For his interest in customs, see now S. Eidelberg’s Hebrew article in *Proceedings of American Academy for Jewish Research*, 51 (1984) 3, 13. The *Mekor Hayyim*, in fact, pays abundant attention to customs and is an important source for the development of customs; see, e.g., 155 for one of the earliest references to the custom of not studying on Christmas eve. Some paragraphs are rich, almost exhaustive anthologies of Halakhic and Kabbalistic literature on various customs.

¹⁹ This was preceded by a collection of his father’s and grandfather’s responsa—*Hut Hashani*. See above n. 11. See also *Hut Hashani*, n. 53 and *Havvot Ya’ir*, n. 193 (concerning *halakhah lemoshe misinai*) and the article of Shalom Rosenberg, “Emunat Hakhamim,” *Jewish Thought in the Seventeenth Century*, ed. I Twersky and B. Septimus (Cambridge, Mass.: Harvard University Press, 1987), 285–341.

²⁰ It is important to note also incidental references to philosophers and philosophic literature; see, e.g., HY 92:

use of Kabbalistic literature are comprehensive and penetrating. He had not only the recognized classics (*Sefer Yetzirah* and *Ra'aya Mehemna* are frequently cited), but also the most recent interpretations and presentations of Kabbalistic teaching—R. Menahem Azaryah Fano, R. Shabbetai S. Horowitz, R. Natan N. Shapira and other writers of the seventeenth century. The *Matzref Laḥokhmah* of R. Yosef Shelomo Delmedigo, in which the tension between philosophy and Kabbalah is a major theme, occupies a central yet paradoxical position in his Kabbalistic reservoir; he uses and criticizes it concurrently. He also refers to Delmedigo's *Novelot Hokhmah*. Indeed, his use of these works—as well as R. Eliyahu Delmedigo's *Behinat Hadat*—is noteworthy; they would not be bibliographical commonplaces in the writings of later Talmudists. Moreover, he seems to take seriously the idea, which emerges clearly from the *Matzref Laḥokhmah* and *Novelot Hokhmah* of Delmedigo, that there are structural-conceptual affinities between philosophy and Kabbalah. He will refer to Maimonides' *Guide* when dealing with a Kabbalistic issue. The conceptual transfer is perfectly natural. He will interpolate philosophic motifs from the *Kuzari* and *Ikkarim*. Such comments and interpolations are phenomenologically significant.²¹ The tendency to refer frequently to R. Moshe Cordovero's *Pardes Rimonim* is also noteworthy—a tendency he may have taken over from R. Yeshayah Halevi Ish Horowitz and which is a significant part of the intellectual history of this century and an important component of his own general position. All his use of the *Pardes Rimonim* notwithstanding, his statement on Kabbalah nevertheless may be seen as a direct confrontation with the ideological directives and values of R. Cordovero's *Or Ne'erav*.²² He himself used this literature both in carefully-defined, technical contexts

ותמהתי על המליץ הגדול המוסקטו דאזל בתר איפכא בפירושו ק"י [קול יהודה] על הכוזרי.

וכן הוא דרך חכמיהם המחוכמים וכן ויכוחי פלסופים הקדמונים: HY 152:

References to philosophy were quite natural for him—e.g., HY 70:

קשה מאד לתת גדר לסעודת מצוה כמ"ש הפילוסוף הפרטים לא יכלול המספר.

For Maimonides, see the formulation in *Ya'ir Netiv*, 19 המורה ספר בפתחת ספר המורה.

R. Bacharach mentions glosses which he wrote on the *Moreh Nevukhim*.

²¹ R. Bacharach's ideological relation and literary indebtedness to both the *Behinat Hadat* and *Matzref Laḥokhmah* deserve careful investigation. *Matzref Laḥokhmah* is an avowed defense of Kabbalah and a rebuttal of R. Eliyahu Delmedigo's criticisms. However, inasmuch as the author himself says that a writer does not always reveal his true intentions, that the reader needs to be aware of premeditated duplicity, many have seen the *Matzref* as a veiled anti-Kabbalistic tract. See I. Barzilay, 240ff, 280ff. It is not at all certain—as Barzilay, 280, takes for granted and see I. Tishby, *Mishnat Hazohar* (Jerusalem, 1957), I, 46—that R. Bacharach took the *Matzref* at face value. He notes, for example, that Delmedigo sang an entirely different tune in the *Novelot Hokhmah*. He also describes him as ועמד כנגדו כארי נוהם מהר"ר יש"ר מקנדיאה. See also *Ya'ir Netiv*, p. 7, which strengthens the possibility that he questioned the sincerity of Delmedigo.

²² For Cordoveran influences, see G. Scholem, 78, and "The Influence of Cordovero on Seventeenth Century Jewish Thought" by Bracha Sack in *Jewish Thought in the Seventeenth Century*. Concerning his *Or Ne'erav*, see Chapter 24 above, pp. 547, 551, and especially 558–562. R. Menahem A. Fano

and also more casually as literary-conceptual flourishes or support for his decision to undertake a literary project or sustain a certain attitude—and, one has the impression, even playfully. He did not, however, as we shall see presently, recommend that others follow his example—and this apparent inconsistency is the crux of the issue.

Historians need to recognize the role of modes and vestiges of philosophic or Kabbalistic thinking as distinct from purely technical philosophy and systematic Kabbalah. Even in the absence of the latter, use of the concepts and symbols of this literature (and there is generally greater interest in spiritual-moral themes than in speculative-ontological issues), is significant. The degrees of and motives for assimilation of philosophic materials need to be assessed and understood as an extension of the inner-directed, nonapologetic motif of the history of philosophic thought. Philosophic literature was studied for religious reasons, as part of a spiritual quest, totally separate from external contacts and influence. This attitude to the classics of medieval philosophic literature—and the resultant stimulus for the creative application of its ideas and insights or for the composition of new works in the same genre—is important for any attempt to define the role and nature of philosophy in Jewish history. Analogously, the presence of Kabbalistic ideas and phrases reflects reverence for the system without full involvement in its speculative intricacies. The “metaphysical pathos” of the system rather than its actual metaphysics was important. Hence, there is much writing saturated or sprinkled with Kabbalistic motifs and symbols; this is hardly a major contribution to the corpus of Kabbalistic literature but it provides important testimony concerning the impact of Kabbalah on Jewish life and literature.

3

R. Bacharach's attitude to the study of meta-Halakhah is best seen as a two-tiered structure, practical and theoretical: forceful practical advocacy of Talmudism and subtle theoretical allegiance to Kabbalah. On the practical level, he is a skillful and persuasive protagonist of pure Talmudism; his ostensible aim is to curtail extra-Talmudic study and foster de facto concentration on Talmud, and even on codificatory works or abridgements: Alfasi, R. Moshe of Coucy, R. Asher ben Yehiel, R. Yaakov ben Asher, and, finally, the *Orah Hayyim*. In the context of this discussion, which contains significant autobiographical materials and interesting genealogical comments (e.g., concerning his father-in-law, grandfather), R. Bacharach records curricular practices and describes scholastic routines which are important for the history of Jewish education. In essence, he may be characterized as defending those Talmudic students who fended off advances and arguments of fervent Kabbalists by deciding to remain firm in their refusal to expose themselves to the dangers of this

is one of his favorite authors; inasmuch as *Kanfei Yonah* was not published apparently until the eighteenth century—Koretz, 1786—he must have read this in manuscript.

awesome study. This is, of course, a struggle which may be followed for several centuries: R. Yehudah Hayyat's introduction to the *Minḥat Yehudah* and the controversy surrounding the publication of the Zohar in the sixteenth century are some of the clear landmarks, frequently noted. The majority opinion was that Kabbalah was an indispensable supplement to halakhic study and without it the religious life was defective. R. Moshe Cordovero's contention is illustrative as it is authoritative: all difficulties and dangers notwithstanding, Kabbalah's superiority must not only be recognized in principle but its study pursued with passion. The possibility of error is real, to be sure, but one should not be daunted by this because, if the motive is pure, the error will be forgiven. His *Or Ne'eraḥ* is programmatic and exhortatory—and very heated and uncompromising. A popular and respected formulation in our period is found in the will of R. Shabbetai Horowitz (son of R. Yeshayah [author of the “*Shelah*”] frequently cited by R. Bacharach): “Then, when you have filled yourselves brim-full of the Talmud and Codes, study, I bid you, the Kabbalah, for it is impossible for a person to be God-fearing without study of this wisdom.”²³ The words are simple and resounding and may be seen as the challenge to which R. Bacharach is responding (just as such a work as R. Yosef Ergas' *Shomer Emunim* may in turn be seen as a response to the kind of arguments and reservations being discussed here, namely that study of Kabbalah, all its importance notwithstanding, should not be pursued).

Now, R. Bacharach does not pretend to be indifferent to or aloof from Kabbalah. He is not openly critical or skeptical of its value—à la R. Eliyahu Delmedigo or R. Leone da Modena. On the contrary, he acknowledges the axiological supremacy of Kabbalah. Thus, we immediately confront a striking phenomenon. While in the previous century R. Yeḥiel of Pisa (*Minḥat Kenaot*) and Maharal, for example, write works on philosophy, Kabbalah, ethics, aggadah, but defend most passionately the supremacy of Talmudism,²⁴ R. Bacharach writes primarily Halakhah (the role of the polyglot *Etz Hayyim* in his oeuvre has yet to be determined) but reiterates the superiority and supremacy of Kabbalah. He backs away from the practical educational consequences of this ideology which would demand that a certain amount of time be devoted to the superior discipline. This means, in other words, that the postulates of religious axiology and phenomenology are not allowed to determine curricular practice. He may be seen as waging the battle of authentic, constructive Talmudism. This necessitates that he question the value or relevance of philosophy, resist the encroachments or allurements of Kabbalah, for reasons which he elaborates, but also arraign the improper methods of Talmud study with their attendant abuses, motivational aberrations, behavioral eccentricities, and conceptual distortions. The role of method is very prominent, perhaps to an unprecedented degree, in his Talmudism. Finally, he even seems to downgrade aggadah (*Midrash Rabbah*, *Ein Yaakov*—and he must have had in mind *Yalkut Shimoni* which was appearing

²³ *Hebrew Ethical Wills*, II (Philadelphia, 1948), 256.

²⁴ See Chapter 24 above, pp. 559–561.

with new commentaries), suggesting that it is ornamental or permits the most public display of erudition by being able to interrupt a speaker. The attitude of his ancestor the Maharal to Halakhah-Aggadah is relevant here. Proper Talmud study remains the core—the measure of all things.

4

Several details in his exposition²⁵ need to be elaborated.

1. There is apparently complete symmetry—structural and terminological—between the question and the answer. In fact, it is almost as if the question, which is excerpted from a longer letter, is an ideal pretext for a thorough review of a hotly debated curricular-theoretical issue; responsum 210 is listed in the index as an elaboration of a line in *Yoreh De'ah*, i.e., the scope and contents of *talmud Torah*. The correspondent, a senior scholar (described as *vatik vehasid*), presents his dilemma tersely: he has spent his life studying the Talmud and cognate codificatory literature but he is aware of the fact that Kabbalah is the soul and essence of the Torah (*nishmat hatorah*) and a person who has neglected this study will not appear before the Holy King; yet it is encrusted with dangers. Which course of action should he choose? Which path is “an incitement against the good and the useful”? Should he abridge his preoccupation with Talmud in order to crown his activity with study of Kabbalah? In resolving the dilemma of uncontested importance of the subject versus the clear and present danger attending its study, the latter prevails and looms as an insurmountable obstacle. Prudence endorses continued Talmudism.

2. The anonymous inquirer also intimates an historical approach, which will be deepened by the respondent: the apparent consensus concerning Kabbalah's superiority notwithstanding, the Talmud, which is the source of all authority, nowhere prescribes its study and actually proscribes it. This point is not belabored but its impact is great—and the sensitive reader will make all kinds of associations with an ongoing debate concerning the antiquity and authority of this subject.

3. In his answer, R. Bacharach elaborates the dilemma in the very terms used by the inquirer while sketching rather sharply an elitist consideration: the Talmud is the general good for the whole people while the Kabbalah (*nishmat hatorah veshoresh ha'emunah*) is for the select few. His formulation is reminiscent of Maimonidean language—is, indeed, an effective condensation of the famous paragraph in *Hilkhot Yesodei Hatorah* (4:13) utilizing also part of the verse from Yoel 3:5 which is the Maimonidean phrase for philosophers.²⁶

²⁵ Based for the most part on HY 210, but making use of 94, 124, 152, 219 and his introductions. The nuanced statements of *Ya'ir Netiv* are also important.

²⁶ E.g., *Moreh Nevukhim*, I:34; II:29; *Mishneh Torah*, introduction. For *nishmat hatorah* see R. Ḥayyim Vital, *Sha'ar Hayiḥudim*, chapter V. Zohar III, 152a: ושאׁר הַיּוֹם בְּנִשְׁמַת הַתּוֹרָה שֶׁהִיא חֻכְמַת הַקְּבָלָה.

4. The historical sense—represented in this period by R. Leone da Modena (to whom he alludes)²⁷ and previously by R. Azaryah dei Rossi (whom he mentions) and R. Eliyahu Delmedigo (*Behinat Hadat*) who is cited frequently—is unveiled very skillfully. Not only does he endorse the inquirer’s intimation but he diffidently denies that the Mishnah actually contains teachings of Kabbalah. He obviously realizes that this skepticism is a radical departure from the consensual view. Even if we assume, he says, that the *Tanna'im* were masters of Kabbalistic lore, they revealed nothing of it. Moreover, although the Zohar implies that they “concealed many secrets in the Mishnah” and the Kabbalists and especially the disciples of the Ari “wrote in a similar vein” about the antiquity of the Kabbalah, R. Bacharach proclaims: “if this is a tradition, we accept it” but if “there is no trace of a sin” in questioning this he prefers to say that the Kabbalists merely attached or appended their secrets to the Mishnah or the Talmud, whereas the sages actually did not include any such teachings. As we shall see, R. Bacharach likes to compare and contrast Halakhah and Kabbalah—their status and the methods of study applicable to them. In this case, he deftly utilizes the Halakhic category of *asmakhta* for that Kabbalistic doctrine which is generally assumed to be implicit in the Mishnah. The boldness of this suggestion—presumably influenced by R. Eliyahu Delmedigo—is sustained and extended by a curt analogy: “just as themes of rebuke have been related to laws of shofar.” *Tokhaḥah* as the goal of shofar is a prevalent motif in philosophic, Kabbalistic, pietistic, and homiletical literature—and in one mild phrase R. Bacharach dismisses it completely. The only concession he makes to the assumed presence of Kabbalah in Talmudic literature is that the “strange words of the aggadah” contain secret teaching, but, he adds quickly, those are “individual sayings in esoteric form” (*divrei yahid bilshon seter*) and therefore less authoritative. In sum, we have here a highly compressed but powerful historical argument which explicitly and dramatically underscores the difference between the authoritativeness and clarity of the Talmud qua Halakhic corpus and the fuzziness or dubiousness of its alleged esoteric teaching. The radicalism of this suggestion that the Talmudic sages had no knowledge of Kabbalah becomes greater when we remember that even philosophers for the most part regularly read philosophy into

²⁷ See above, n. 21, and Bezalel Safran’s “Leone da Modena’s Historical Thinking” in *Jewish Thought in the Seventeenth Century*. Leone da Modena, *Ziknei Yehudah*, ed. Simonsohn (Jerusalem, 1957), n. 35 (pp. 50–51), denies that contemporary kabbalists possess the ancient tradition. Halakhah is based on a continuous uninterrupted tradition, while Kabbalah is alternately revealed and hidden. ומי יעיד שהקבלה הנמצאת עתה הן הן היסודות והסודות והדברים שנאמרו הלי”מ. In n. 55 (pp. 76–78), dealing with the question whether preachers should be allowed to preach on Kabbalah, he says that we must first determine whether their subject is truly Kabbalah. See also n. 131 (pp. 176–178).

classical rabbinic sources.²⁸ This argument should find its place in any study of the development of a historical sense among Jewish writers of this period.²⁹

5. Nevertheless, inasmuch as he does not actually dislodge the Kabbalah from its place of pride and authority, he buttresses his advocacy of de facto neglect by introducing an ingenious analogy between study of this holy of holies (*kodesh hako-dashim*) and travel to the holy land (*admat kodesh*) which Moshe and Aharon were not privileged to enter.³⁰ The religious importance and centrality of Eretz Yisrael are uncontested, and it would *appear* that a perfectly religious life is impossible without being there; but the number of those who were able to settle there through the ages is infinitely smaller than those who did not—“thousands of thousands of great and pious and scholarly.” Heaven forbid, he declares, that anyone think that these people labored in vain or that their efforts were futile and that they were denied religious perfection. The reference to futility is not a mere metaphor; it triggers associations and is carefully nuanced. We detect in this phrase reverberations of a key argument repeated by philosophers and mystics alike against monolithic Talmudists: their efforts are in vain unless they rise from the details and minutiae of law to the secrets and insights of metaphysics. Only meta-Halakhah, they contend forcefully, yields perfection of the soul. R. Yosef Albo,³¹ for example, had noted: “... then it would follow that the intensive occupation with the Talmud on the part of the Jewish sages and their study of Talmudical questions is of no benefit in acquiring perfection, and their labor is in vain, God forbid.” R. Bacharach’s insistence that the thought of futility should be banished is neatly interwoven with his view that spiritual perfection may result not only from metaphysics but from any study, properly pursued. Talmud itself is an effective safeguard against futility.

6. Now, R. Bacharach is cognizant of the fact that in past generations people studied philosophic works in order to achieve *shelemut hanefesh*; his examples are from the moderate school of the waning of medieval philosophy, the classics of R. Yitzhak Arama, R. Yosef Albo, and also, from an earlier period, the greatly admired R. Yehudah Halevi. Almost as an after-thought, he mentions R. Bahya ibn Pakuda.³² Kabbalah, as

²⁸ For an exception to this tendency and a critique of its assumptions, see Chapter 30 below. Note that R. Leone da Modena, *Behinat Hakabbalah*, 34–35, has high praise for R. Yosef ibn Kaspi.

²⁹ Another example of historical thinking is his explanation (HY 124) of why the curricular directives of the Mishnah in Pirkei Avot (Mishnah study at age 10 and Talmud at age 15) are no longer operative and obligatory. When Mishnah was studied orally, it was more difficult and exacting. The advent of printing has changed this. His repudiation of *pilpul*, which is, in the first instance, methodologically oriented, also has a historical dimension. It is not found in the Talmud nor did the Tosafists know it. The “appeal to history” is important and repercussive; it is used by advocates of differing positions.

³⁰ See Yavetz, *Or Haḥayyim* (Lublin, 1912), chapter IX, for a more conventional comparison of the study of philosophy to a perilous voyage. Note R. Natan Shapira, *Tuv Ha’aretz* (Jerusalem, 1976).

³¹ *Ikkarim*, III:28. See also R. Menaḥem ben Zerah, *Tzedah Laderekh*, 8.

³² HY 124. See H. H. Ben-Sasson, “Jewish-Christian Disputation in the Setting of Humanism and Reformation in the German Empire,” *Harvard Theological Review* LIX (1966) 371. The inclusion of R.

previously noted, was designated as the “soul of the Torah” and the road to perfection. The goal was not intellectual but spiritual, not scholastic but religious—a leitmotif in the programmatic statements of philosophers and Kabbalists. The means, to be sure, were speculative-intellectual—when he cites the *Hovot Halevavot*, he is careful to note that the first chapter is philosophic-speculative—but the objective transcended the means. The key term in the vocabulary of spirituality is *shelemut* or *hashlamat hanefesh* and the importance of study of philosophy or Kabbalah is appraised from the vantage point of *shelemut*. This was the motive and objective of earlier generations in the study of philosophy. It is therefore especially significant to find him stating nonchalantly that the goal of *all study* is *shelemut hanefesh*. The major determinant in every science (*hokhmah*) is “order and graded sequence”—and this applies to *hokhmat hatorah* as well.³³ In light of the requirements of “order and gradation”—the absence of any reference to *higayon* is conspicuous and symptomatic of the times—Talmud study per se is a long, hard road and after having travelled this road the student does not have too much to show for it. R. Bacharach is particularly critical of the study of *Tur* with the *Sefer Me'irat Enayim* commentary, which was common among young scholars. One of his arguments, a well-known *topos* of Hebrew literature,³⁴ revolves around the triple allegation: that study of *dinei mamonot* tends to make the student saucy and supercilious, for he may flaunt his technical knowledge; prone to seek payment for settling litigation (an unworthy motive for study in the first place); and susceptible to pilpulistic modes of analysis, for the material is complicated and has a long history of interpretation. The most suitable subject is *Orah Hayyim* which is of universal relevance and practicability—and in this regard even R. Bahya ibn Pakuda would have to endorse it.³⁵ In any event, R. Bacharach makes the transition from *shelemut hanefesh*

Yitzhak Arama's *Akedah* shows that he is referring—by hearsay—to the sixteenth-century והנה בדורות מפני שהיה. Speculation as a means to spirituality and religiosity is emphasized: הראשונים, לפי מה ששמעתי כל מגמתן להשלמת נפשם שהוא האמונה בשורשי הדת. לכן למדו ספרים המדברים וחוקרים בזה ... גם היו קצתם לומדים מטעם הנ"ל ספר חובת הלבבות והוא מדבר ג"כ בחקירה בשער הראשון. For additional references, see Chapter 23 above, n. 6. Note the striking statement by Maimonides concerning שלמות in *Ma'amar Tehiyat Hameitim* (ed. J. Finkel, p. 4): ולא ישליכו ידיעת השם אחרי גנם אבל ישימו השתדלותם הגדול וזריזותם על מה שישלימם: (and see *Moreh Nevukhim*, I, 18, 60). This could serve as a paradigmatic formulation for the speculative spiritualist syndrome.

³³ HY 124: והנה קשה מאד לקרב איזה לימודים ולרחק קצתן באשר כלם אהובים כלם גבורים כלם עומדים ברומן של עולם: והכנות להמצא תכלית המבוקש שהיא השלמת הנפש.

³⁴ See, e.g., Chapter 30 below, n. 49, and Chapter 23 above, n. 27. R. Bacharach emphasizes that Jewish law is “alive” or a “source of life”—HY 123, 136 (משפטי ה' כי חיות הנה)—and they do not depend on human reasoning (שיקול דעת האדם). For *higayon*, see Chapter 24 above, pp. 558–560. For an interesting eighteenth-century reference to this passage of the HY, see the citation from *Havvot Ya'ir* on this matter in the *Liebes-Brief* (27b) by Isaac Wetzlar; Morris M. Faierstein, “The Liebes Brief: A Critique of Jewish Society in Germany (1749)” in *Leo Baeck Institute Year Book XXVII* (London, 1982), 229 n. 88.

³⁵ *Hovot Halevavot*, I, Introduction; see Chapter 23 above, pp. 530–532. It is noteworthy that R. Menahem di Lonzano in his *Derekh Hayyim* singles out the *Hovot Halevavot* for sustained critique. He

via metaphysics to *shelemut hanefesh* via Talmud without any discomfiture. The goal is spiritual perfection and it may be achieved by study of Halakhah. As for theological principles—and he never questions their importance—they may be appropriated on faith. So, with one stroke of the pen, he disposes of philosophy. While R. Yosef Albo proceeds to argue that the religious act joined with the intention to fulfill God's command “gives perfection to the soul of the agent,”³⁶ and many sixteenth-century writers find and define *shelemut* not in metaphysical or intellectual terms but in relation to the body, to the life of mitzvot,³⁷ R. Bacharach remains proudly and confidently with his Talmudism which is under no circumstances to be seen as spiritually impoverished and certainly not futile—just as a religious, committed and observant life outside of the Land of Israel is not futile. The analogy to travel to the Land of Israel, as we have seen, is not merely to underscore the perils, but to emphasize the positive upshot: it is dispensable.

7. His powerful and painful references to lack of consensus among Kabbalistic authorities and its corollary of endless and often undisciplined interpretation fit what is known about the method of Kabbalistic *pilpul*.³⁸ His distaste for Halakhic *pilpul* is very great, as we have seen. Echoing R. Shelomo Alami and R. Yosef Yavetz, on one hand, and explicitly continuing the anti-*pilpul* tirade of such predecessors as Maharal, R. Yeshayah Halevi Ish Horowitz, etc., on the other, R. Bacharach describes a precipitous decline in Talmud study resulting primarily from the substitution of distorted methods for true investigation. His contemporary R. Berekhyah Berakh blamed the Talmudists for the 1648 uprising and slaughter—and his father seems to align himself with this indictment. R. Bacharach himself is unmistakably and unambiguously in the same camp. Now, if *pilpul* is a villain in Halakhah—how much more so in the exquisitely delicate, rarefied Kabbalah. R. Bacharach argues sharply against open-ended, free-wheeling interpretations found in contemporary literature and characteristic of Kabbalistic *pilpul*. Contradictions abound concerning fundamental theological doctrines and we are not in a position to eliminate them; we have no right—and no authority—to prefer one rather than the other nor are we intellectually free to harmonize conflicting views.³⁹ Just as philosophers have been condemned

follows Profiat Duran (*Ma'aseh Efod*, 7) in calling attention to the radical rationalism which informs R. Bahya's work and also cites the passage from the introduction to the *Hovot Halevavot* (I, pp. 27, 29) where unbridled Talmud study is censured. Both points—irritants for genuine Talmudists—are underscored by R. Bacharach. Critical attitudes to the *Hovot Halevavot*, which had a rather charmed existence in Jewish history, deserve further study. For R. Menaḥem di Lonzano and his *Derekh Hayyim*, see now the article of Joseph Hacker in *Mehkarim Bekabbalah ... le-Y. Tishbi* (Jerusalem, 1985), 507–536.

³⁶ *Ikkarim*, loc. cit.

³⁷ Chapter 24 above, p. 560 (e.g., references to Maharal and R. Eliyahu de Vidas).

³⁸ See, e.g., G. Scholem, *Sabbatai Sevi*, 81.

³⁹ The presumed influence of R. Berakhya Berakh in this context—he was one of the contemporaries critical of *Emek Hamelekh*—needs to be elaborated. Note also that in his criticism of those who study

for use of independent reasoning (*shikul hada'at*), so Kabbalists are now condemned for the same sin. Their independent reasoning or speculative reconstruction is no substitute for uninterrupted tradition—and this does not appear to be available. *In other words, R. Bacharach denies to students of Kabbalah the intellectual option which is available in handling Halakhic disputes.* His firm commitment to criticism, freedom and interpretive innovation—his emphasis on human fallibility, the likelihood that an authority missed some relevant sources, etc.—is suspended. Kabbalistic doctrines which enjoy consensus should be accepted. All the rest is out of bounds. Our own ratiocination is neither relevant nor productive when applied to Kabbalah. So, with another stroke of the pen, he has effectively put Kabbalah out of reach.

8. The reason for this very sharp distinction is two-fold. The dangers in the study of Kabbalah, which had been compared to the difficult trip to the Land of Israel, are in fact far greater than the hazards of travel. Inasmuch as we lack continuous personal tradition and we are not perfectly expert even in the prerequisite field of Halakhah, any resultant error of interpretation in the field of Kabbalah is considered willful and intentional, not accidental. The insistence upon lack of preparation interweaves with contemporary discussion⁴⁰ about not approaching the subject until the age of forty. In sum, the subject matter is truly awesome and perilous—and one may never deem himself adequately prepared to undertake this study. Furthermore, there are methodological and substantive differences between Halakhah and Kabbalah. First of all, in Halakhah, tradition assigned to scholars a mandate for free reconstruction and interpretation. The sages of every generation have been invested with authority (*masur lehakhmei hador*); this is part of traditional judicial procedure.⁴¹ Halakhists construct and fashion the reality of Jewish law. Furthermore, in Halakhah, what is at issue is the correct meaning of a statement while in Kabbalah the nature of reality is at issue. In the former, error is not so terrible and in the latter error is intolerable. Indeed, there is still a further sub-distinction: although the initial very repercussive dichotomy is between theory (i.e., Halakhic constructions and perceptions) and reality (i.e., nature and the nature of the Godhead), controversy and error concerning aspects of nature are less significant than controversy and error concerning aspects of

to be lawyers (see above, n. 34), the basic contrast between Jewish law and non-Jewish law is that the latter is based on human reasoning: שיקול הדעת ושכל האנושי. The reliance on *shikul hada'at* by philosophers is frequently criticized by traditionalists and Kabbalists who claim that they rely on revealed truth transmitted without interruption.

⁴⁰ E.g., R. Shabbetai Kohen, *Yoreh De'ah*, 246. See M. Idel's Hebrew article in *Association for Jewish Studies Review* V (1980) 1–20.

⁴¹ See *Hiddushei Ritva*, Eiruvim 13a; R. Meir ibn Gabbai, *Avodat Hakodesh*, chapter 23; R. Shelomo Luria, *Yam shel Shelomoh*, *Bava Kamma*, introduction. On a hierarchy of error, see Maimonides, *Moreh*, I:36; P. Duran, *Ma'aseh Efod*, 10—האמת מאשר היא—במעשה אם יפול בו שגיאה בנטות אחר דעת שלא כמשפט.

Note also R. Yosef ibn Megas, *Teshuvot*, 104, concerning error in Halakhah.

divinity. He rather strikingly and surprisingly introduces the *topos* from Pesahim 94b about differences of opinion between Jewish and gentile sages concerning astronomy to prove that there is no need to be overly agitated by controversy in this field. Whereas most writers use this *topos* to argue the case for intellectual openness and receptivity, inasmuch as the Jewish sages acknowledged their error,⁴² he uses it to sustain the absolute uniqueness of Kabbalah, i.e., God's nature, even vis à vis God's world. Elsewhere,⁴³ he describes the intellectual chaos reigning in astronomy; one who reviews the theories cited in *Tzurat Ha'aretz*, *Moreh Nevukhim*, *Tzedah Laderekh*, *Shevilei Emunah*, and *Shalsholet Hakabbalah* can only fall into despair—and abandon this field of study. Moreover, while in astronomy authors of different astronomical treatises often contradict each other, in Kabbalah the same author (e.g., the great authority R. Moshe Cordovero) appears to contradict himself—and the hope or chance of overcoming these contradictions and arriving at a true, unified conception are minimal or nil. In short, nature and theology have a common denominator—i.e., error concerning reality (*ta'ut bametziut*); in the realm of Halakhah, the error concerns *theory* and interpretation. This is the basic distinction: controversy and possible error in theory versus reality where controversy should not exist and error is banned. The latter, however, has its own hierarchy: nature of the world and nature of God. The radical awesomeness of the latter should serve to make Kabbalah highly classified and for all practical purposes inaccessible.

9. Finally, it is instructive that at the very beginning of his answer R. Bacharach expands the framework: while the inquirer posed his dilemma concerning study of Kabbalah, the respondent notes with great precision that his answer, reluctantly given, relates also to “the subject of study or the subject of intention [*kavanah*] in prayer.” He chose to intensify the problem. Consequently, when he proscribes or rigorously delimits study of Kabbalistic lore, the same applies to prayer. He has, in effect, set prayer up as a paradigm of the confusion, the undesirable popularization and the inevitable and highly desirable constraints. The reasons are conceptual and historical. Prayer was already singled out in the twelfth and thirteenth centuries, by antagonists and protagonists alike, as a microcosm of mysticism. The theory and practice of Kabbalah were combined and compressed in mystical prayer.⁴⁴ Historically, many new prayer books, replete with Kabbalistic directives for the proper intentions which should accompany the recitation of various prayers, were being circulated at this time (e.g., *Sha'arei Tzion*), and there were collections of Kabbalistic *tikkunim*—a literary development which could be seen as the ultimate and totally indiscriminate

⁴² See Chapter 30 below, note 52; S. Rosenberg, “Parshanut Hatorah Bemoreh Nevukhim,” *Mehkerei Yerushalayim Bemahashevet Yisrael* I (1981) 146, n. 98. Note especially R. Moshe Isserles, *Torat Ha'olah*, I, chapter 2.

⁴³ HY 219.

⁴⁴ See, e.g., the epistle of R. Meir ben Shimon ed. by G. Scholem in *Sefer Bialik* (Tel Aviv, 1934), 141–142; R. Yitzhak ben Sheshet, *Teshuvot*, 157; R. Shelomo Luria, *Teshuvot*, 98.

popularization of esoteric lore. The incident which he describes concerning a question submitted to him asking for the meaning of “*leshem yihud*,” the Kabbalistic formula which is a prologue and prelude to certain performances or recitations, is typical: he ended up proclaiming that he did not understand it. This, to his mind, reflects the strange situation in which we find ourselves generally when we approach Kabbalah: we read the words of divine books (*Zohar*, *Sefer Yetzirah*, Lurianic writings) without a glimmer of insight or understanding. The reasons given in *Moreh Nevukhim* I:34 for the difficulties of metaphysics are all applicable to Kabbalah, but the latter has additional intrinsic difficulties and peculiar sources of obfuscation; even the words themselves—semantics, syntax, sequence—are tantalizing. Tradition has been ruptured and independent literary analysis is unreliable. All this is mirrored in prayer à la Kabbalah. The prudent person will distance himself from it.

5

In sum, although writing Halakhah for the most part, he acknowledges in theory the supremacy of Kabbalah—a tendency which is to become paramount among *Aḥaronim*. This supremacy is seen in classical terms of spirituality; Kabbalah is represented as the “soul of the Torah.” However, while agreeing that study is necessary for perfection of the soul, he is quick to affirm that *any* study leads to perfection, provided order and method are observed. He thus neutralizes the efforts of previous generations of Kabbalists to establish the absolute indispensability of Kabbalah. The prominence assigned to method in this context of spirituality is special. Given this amalgam of subject and method, his subtle criticism of R. Baḥya ibn Pakuda is quite poignant. R. Baḥya, as is known, chided Talmudists for zealously spending time on far-fetched problems and for blithely neglecting that which affects them most—principles of religion. R. Bacharach now counters: *Orah Hayyim* is completely practical, affects everybody constantly (*Yoreh De’ah* is second, while *Hoshen Mishpat* is avowedly theoretical and impracticable), and it is very orderly and systematic. It is, consequently, a perfect road to spirituality. As for principles of belief, they may be accepted as items of tradition—echoes of the medieval philosophic notion of *taklid*—and the short poem *Yigdal*—a very egalitarian formulation of simple faith—suffices.⁴⁵ One gets metaphysical knowledge

⁴⁵ See *Shenei Luḥot Haberit*, *Sha’ar Ha’otiot* for a commentary on *Yigdal*. A good statement of the view that knowledge provided by tradition (without being subjected to philosophic examination) is as good a conduit for love of God as rationalized tradition is found in R. Ovadyah Sforno, *Or Amim* in *Kitvei R. Ovadyah Sforno* (Jerusalem, 1983), 412:

ובלעדי הידיעה הנזכרת או קבלתה מהיודעים ... היתה האהבה והיראה בלתי-אפשרית.

We should mention the view of R. Abba Mari of Lunel, *Minḥat Kenaot*, chapter III, who urges contemporaries to oppose philosophy not because it is intrinsically objectionable but because we are not qualified at present to pursue it. We await improved conditions:

from *Yigdal*, Halakhic knowledge and spirituality from *Orah Hayyim*. This is his overt program of Talmudism.

The results are not clear, and perhaps complete clarity was never intended. Indeed, the elusive quality of his exposition may be alluded to when R. Bacharach tells his distinguished inquirer, who was also a childhood friend, that he “revealed his opinion” reservedly and jaggedly—in a style similar to the way “[the living creatures] ran and returned”—a reference to Yehezkel 1:14 “and the living creatures ran and returned as the appearance of a flash of lighting.”⁴⁶ Without any fanfare, he muted rationalism and proclaimed that philosophic literature is fully dispensable—even though he himself gives evidence of having read widely in this genre and using it with skillful selectivity. With considerably more fanfare, he neutralized mysticism and dismissed the bulk of Kabbalistic literature—even though he refers to it regularly and implies that readers conversant with this literature will appreciate his virtuosity and precision; he uses Kabbalistic sources extensively in his *Mekor Hayyim*, particularly with regard to *min-hagim* and *ta'amei halakhot*, and concludes the *Havvot Ya'ir* with one big Kabbalistic flourish—a chain of *gematriot* (comparable to those found in *Megalleh Amukot*) to which he apparently attaches great importance.⁴⁷ He even promises, after the incessant talk about the unintelligibility of Kabbalah, to produce a distillation of its teachings.

His theoretical-axiological allegiance to Kabbalah, at best, results in a finely-honed elitist commitment which is surely at loggerheads with the regnant Kabbalistic view. His de facto dissociation from Kabbalah (together with a subtle, suggestive skepticism about its antiquity) is more far-reaching than that suggested by earlier scholars (for example, R. Moshe Isserles or R. Shemuel Eidels)⁴⁸ who only objected to its indiscriminate study. However, he does not go so far as the great R. Yehezkel Landau in the eighteenth century. A comparison of their respective responses to questions concerning the introductory *leshem yihud* prayer may help focus the matter. R. Bacharach, as noted, claims that it is intended only for the select few, that he does not really understand it, and, finally, after being badgered, concludes that he doubts whether any Kabbalist understands it. R. Landau curtly dismisses the entire question, asserts that the issue is not what it means but whether or not it should be recited, and

אבל בזמננו זה ... די לנו ... כשנזכר להשיג האסור והמותר, הפטור והחייב, הכשר והפסול, הטמא והטהור ... ודי לנו להתעסק בחבורו של רבינו הקדוש ולאחוזו בעיקרי האמונה קבלה מן השמים אבות העולם חכמי התלמוד.

See, of course, R. Yehudah Halevi, *Kuzari*, V:21.

⁴⁶ HY 210 וועם כל זה גליתי לך דעתי ברצוא ושוב.

⁴⁷ HY, *ḥatimat hasefer*:

ולהמעין ורגיל בספר מגלה העמוקות אל ירחק גימטריא זו ... ויבוסמו ויערבו דברינו לאשר הריחו מעט בחכמת האמת ובפרט בספ"ר (ספר פרדס רמונים).

Conspicuously absent from his writing is an eschatological system. See the generalization of G. Scholem, *Kabbalah* (New York, 1974), 80 concerning the conservative, non-messianic character of kabbalistic writing from 1700 onward.

⁴⁸ *Torat Ha'olah*, III, chapter 7; Maharsha, *Ḥagigah*, 13a.

ends up offering a rationalistic explanation (based on *Moreh Nevukhim*, I:25) for the concept of *Shekhinah*.⁴⁹

There is a type of Talmudist whose primary preoccupation is with Halakhic literature; he is for the most part anti-rationalistic and has some measure of theoretical allegiance to, but not active involvement in, Kabbalah. R. Yitzhak ben Sheshet, R. Shelomo Luria, R. Yehezkel Landau and many nineteenth-twentieth-century Lithuanian rabbis, cautious and reserved, are of this school. R. Yair Hayyim Bacharach represents this type and illumines its problematics. In general, he serves as a model for the attitudes, preoccupations, achievements, and even style of many, many *Aḥaronim*.

⁴⁹ *Noda Be'yehudah Yoreh De'ah (mahadurah kamma)*, 93:

הנה בזה אני משיב עד שאתה שואלני נוסח אמירתו יותר ראוי לשאול אם נאמר כי טוב באמירתו ולדעתי זה רעה חולה בדורנו ועל הדורות שלפני זמננו שלא ידעו מנוסח זה ולא אמרוהו והיו עמלים כל ימיהם בתורה ובמצוות.

Orah Hayyim (mahadurah tinyana), 107:

מהו ששאל פירוש על נוסח לשם יחוד. מה לנו לגלות פירוש של דברים שלא מצינו בדברי שני התלמודים בבלי וירושלמי ... ולא בדברי הפוסקים—מה ששאל על מה רמזו באמרם שכינה, ומהו גלות השכינה ... אמינא לי' מילתא אשר ראינו בדברי ... הרב המורה ... ואני לוקח מתוך דברי רבינו הגדול שנתן בו פירושים.

Op. cit. 109: אין לי עסק בנסתרות והלואי שאוכל לצאת ידי חובתי בתלמוד ופוסקים הנחוצים למעשה:

Jewish Perspectives on Charity and Social Welfare

To discuss a theme such as *tzedakah*—charity or philanthropy—is as difficult and challenging as it is important and compelling. In addition to the fact that the multi-faceted halakhic material demands rigorous analysis and precise conceptualization, the treatment of such a theme is beset with “occupational” or topical hazards; it can imperceptibly pass from the carefully lined notebook of the historian or halakhist to the supple and suggestive text of the preacher or partisan. Welfare, social justice, acts of loving-kindness, humanitarianism are not neutral terms that can be handled with frosty detachment. T.S. Eliot already observed that “social justice” is a much abused phrase; its rational content is often replaced by an emotional charge.¹ This could be especially applicable in our case, for the Jewish tradition of social welfare contains much vitality, virtuosity, and relevance and can easily beget impassioned rhetoric. If, as Whitehead aphorized, all of western thought is a footnote to Plato, one might suggest that western humanitas is a footnote to the Bible—and then proceed indolently to luxuriate in this flattering fact.

In planning this paper (and in an attempt to avoid generalities which could intensify the kind of abusiveness just mentioned), I undertook to answer three questions which presumably provide a matrix for comprehensive analysis of the issue under consideration. I should like to emphasize that I have tried only to fulfill the function of a cartographer and plot the conceptual-historian terrain. The general scheme, worked out in terms of halakhic categories and in light of historic experiences, needs thoughtful elaboration and patient application to the many details of the problem.

The three questions may be formulated as follows:

1. What is the metaphysical foundation or ideological root of charity? Into what conceptual-axiological framework does the practice of philanthropy fit? And let me hasten to add that this is not a purely speculative matter, for, as is always the case, the Halakhah consistently translates metaphysical postulates into practical conclusions.
2. Is charity, as conceived and motivated in halakhic thought, an integrated-unified act on the part of the individual or is it polaric and tense? Is it a simple, one-dimensional deed or a complex, dialectical performance? In other words,

¹ T. S. Eliot, *Notes Toward the Definition of Culture* (New York, 1949), p. 89.

just how much—in quantity and quality, objectively and subjectively—does philanthropy demand from the individual?

3. Is charity a particularistic performance of the Jew—like Sabbath observance—or is it a universal expression of the basic dignity of man and the concomitant sense of reciprocal helpfulness? On the practical level, this question revolves around the historic position of Judaism vis à vis non-Jewish philanthropic enterprises. It eventually asks how activities of a welfare state fit into this framework.

Let us eliminate the third question for the time being—because of limitations of time and endurance—and concentrate on the remaining two.

I

The Jewish theory of philanthropy (*tzedakah*; *hesed*)—or humanity, i.e., helping those who need help²—has often been discussed, sometimes analyzed.³ Its centrality in Jewish life and its concomitant importance in Jewish literature,⁴ starting in

² These two terms are used interchangeably by Philo; see Wolfson, *Philo* (Cambridge: Harvard University Press, 1947), II, 219.

³ The following references are representative of the treatment of our theme in modern scholarly literature; they are not intended to provide a complete bibliography. I. Abrahams, *Jewish Life in the Middle Ages* (New York: Meridian Press, 1958), chs. 17–18; S. Baron, *The Jewish Community* (Philadelphia: The Jewish Publication Society, 1942), vol. II, chapter XVI; J. Bergman, *Hatzedakah Beyisrael* (Jerusalem, 1944); Israel Chipkin, “Judaism and Social Welfare,” *The Jews*, ed. L. Finkelstein, (3rd ed., The Jewish Publication Society, 1960), vol. II, pp. 1043–1075; A. Cronbach, *Religion and its Social Setting* (Cincinnati, 1933), pp. 99–157; Ephraim Frisch, *An Historical Survey of Jewish Philanthropy* (New York, 1924); K. Kohler, “The Historical Development of Jewish Charity,” *Hebrew Union College and other Addresses* (Cincinnati, 1916), pp. 229–253; S. Schechter, “Notes of Lectures on Jewish Philanthropy,” *Studies in Judaism*, 3rd series (Philadelphia: The Jewish Publication Society, 1934), pp. 238–277.

⁴ The following sources are most relevant: Mishnah, Pe’ah, 8:3–8 and Tosefta, Pe’ah, 4:9–11; Tosefta, Megillah, 3:4; Bava Batra, 8a-lla; Ketuvot, 67b–68a; Kiddushin, 30b–33a; Bava Kamma 36b (and especially *Sefer Hamaor* and *Milhamot*, ad. loc.); *Shir Hashirim Zuta*, ed. S. Buber (Vilna, 1925), pp. 17ff. Among the post-Talmudic codes: *Sefer Ha’eshkol*, ed. Albeck, I, pp. 164ff; *Mishneh Torah*, *Hilkhot Matenot Aniyim*, chs. 7–10; *Hilkhot Mamrim*, chapter 6; *Hilkhot Melakhim*, chapter 10; *Or Zarua*, I, *Hilkhot Tzedakah*, pp. 13–18; *Yoreh De’ah*, 247ff. For more popular discussions or compendia of sayings, see *Sefer Hasidim* (Frankfurt, 1924), n. 857ff. (pp. 215ff.) ; n. 1713ff. (pp. 404ff.) ; *Ma’alat Hamidot* of R. Yehiel ben Yekutiel Harofe, chs. 5 and 6; *Menorat Hamaor* of R. Yitzhak Aboab, *Ner III*, *Kelal VIII*; *Menorat Hamaor* of R. Yisrael ibn al-Nakawa, ed. G. Enelow (New York, 1929), I, pp. 23–90; *Netivot Olam* (Maharal of Prague), *Netiv Tzedakah* and *Netiv Gemilut Hesed*; R. Yitzhak Lampronti, *Paḥad Yitzhak*, s.v. *tzedakah*. Of special interest is the *Me’il Tzedakah*, by R. Eliyahu Hakohen of Izmir.

the Biblical period and continuing through Talmudic times into the modern era, is copiously documented.⁵ Many rabbinic statements which stress, with much verve and persuasiveness, the axial role of *hesed* are frequently quoted⁶; for example, the dictum that “charity is equivalent to all the other religious precepts combined” (Bava Batra 9a) or that “He who is merciful to others, mercy is shown to him by Heaven, while he who is not merciful to others, mercy is not shown to him by Heaven” (Shabbat 151b). I have no intention of reviewing this. My aim is simply to describe the metaphysical foundation of charity and underscore a few basic concepts, whose implications for Jewish social justice and welfare are as profound as they are pervasive, by interpreting one striking Talmudic passage.⁷ This is presented as a dialogue between the second century sage R. Akiva and the Roman general Turnus Rufus who was governor of the Judean province. This historical fragment embodies the quintessence of a Judaic social ethic: (a) the special role of man (in the world) resulting from his practice of philanthropy and (b) the relation of men to each other.

It has been taught: R. Meir used to say: The critic [of Judaism] may bring against you the argument, ‘If your God loves the poor, why does He not support them?’ If so, answer him, ‘So that through them we may be saved from the punishment of Gehinnom.’ This question was actually put by Turnus Rufus to R. Akiva: ‘If your God loves the poor, why does He not support them?’ He replied, ‘So that we may be saved through them from the punishment of Gehinnom.’ ‘On the contrary,’ said the other, ‘it is this which condemns you to Gehinnom. I will illustrate by a parable. Suppose an earthly king was angry with his servant and put him in prison and ordered that he should be given no food or drink, and a man went and gave him food and drink. If the king heard, would he not be angry with him? And you are called “servants,” as it is written, *For unto Me the children of Israel are servants.*’ R. Akiva answered him: ‘I will illustrate by another parable. Suppose an earthly king was angry with his son, and put him in prison and ordered that no food or drink should be given to him, and someone went and gave him food and drink. If the king heard of it, would he not send him a present? And we are called “sons,” as it is written, *Sons are ye*

Many of the talmudic sources have been discussed by Prof. E. E. Urbach in a very valuable article in *Zion*, XVI (1951), pp. 1–27. Mention should also be made of Prof. A. Cronbach’s series of articles which appeared in the *HUCA* since 1925.

⁵ The latest is Harry Lurie, *A Heritage Affirmed* (Philadelphia: The Jewish Publication Society, 1961).

⁶ Nahmanides observed: והצדקה גם כן חמורה מאד ובאו בה אזהרות רבות והתעוררות גדול בתורה בנביאים בכתובים: ובדברי רבותינו ... ובדברי רבותינו אין אני צריך להזכיר המקומות שדברו בענין הצדקה כי כל התלמוד וכל ספרי ההגדות מלאים מזה.

See *Derashot Haramban Lekohélet*, ed. Z. Schwarz (Frankfurt, 1913), pp. 26, 28.

⁷ Bava Batra 10a.

to the Lord your God.' He said to him: 'You are called both sons and servants. When you carry out the desires of the Omnipresent, you are called 'sons.' When you do not carry out the desires of the Omnipresent, you are called 'servants.' At the present time you are not carrying out the desires of the Omnipresent.' R. Akiva replied: 'The Scripture says, *Is it not to deal thy bread to the hungry and bring the poor that are cast out to thy house.* When "dost thou bring the poor who are cast out to thy house?" Now; and it says [at the same time] *Is it not to deal thy bread out to the hungry?*'

1. The first premise to emerge from this dialogue is that *hesed* is that distinctive function which legitimatizes our worldly existence and adds a new dimension of purposiveness to life. It constitutes a special challenge and unique prerogative⁸ for man by establishing him as a very powerful agent and delicate instrument in the conduct of human affairs. God has abdicated part of a function of His in order to enable man to continue and extend creation.⁹ It is our practice of kindness which enables us to continue God's creative plan, elevates our life from brutishness to sensitivity, and extricates us from chaotic, vacuous biological existence. Indeed, man was created only on the assumption that he would passionately pursue *hesed*¹⁰ and this, in turn, saves him from damnation and perdition.

This axial role of *hesed* is underscored in many other ways, among which the following is probably the most notable. While all religious-ethical actions are based on the principle of "imitation of God" (*imitatio Dei* or *mimesis theou*), of walking in His ways and assimilating His characteristics,¹¹ this is especially true of *hesed* in its broadest sense. *Hesed* is the most emphatic of God's attributes (*rav hesed*); the world came into existence because of *hesed*; the majority of God's actions toward man are characterized by *hesed*.¹² The Torah begins and ends with loving-kindness as a divine act.¹³ The practice of *hesed* thereby becomes man's "most God-like act."¹⁴

However, this is not the complete picture. Aiding the needy in all forms is not only a fulfillment of *imitatio Dei* but it is comparable to aiding God Himself (!). The same R. Akiva, whose dialogue with Rufus we are trying to interpret, dramatically deepens the social ethos of Judaism by equating charity to the poor with a

⁸ See *Midrash Rabbah*, Vayikra, 34:8 (ed. M. Margaliyot, p. 791); *Tanḥuma*, *Mishpatim*, 9; *Shir Hashirim Zuta*, p. 18.

⁹ See the other dialogue between R. Akiva and Rufus, *Tanḥuma*, *Tazria*, 9 (ed. Buber, p. 18a).

¹⁰ *Bereishit Rabbah*, 8:5.

¹¹ Sotah 14a; Shabbat 133b.

¹² See Maimonides, *Guide for the Perplexed*, III:53 and *Mishneh Torah*, *Hilkhos Megillah*, 2:17. Also Nahmanides, op. cit., p. 26.

¹³ Sotah 14a.

¹⁴ The phrase is that of R. Samson Raphael Hirsch, *Horeb*, vol. II.

loan to God!¹⁵ We are accustomed, on the basis of halakhic terminology and conceptualization, to thinking of God as the ultimate “recipient” or “beneficiary” of all things “consecrated” for the Temple or other religious causes, all priestly gifts (tithe, heave-offering, etc ...). God (usually designated as גבויה) is the juridical personality that is the “owner,” agent, or trustee and all legal procedures are based on this fact. Now, in R. Akiva’s homily, God appears also as the ultimate “beneficiary” of gifts to the poor.¹⁶ This involvement of God is certainly the noblest endorsement of that loving-kindness practiced between men.

2. Now, let us return to the second feature of the dialogue. At issue between the two discussants is the point of departure for determining human relationships. For R. Akiva, we are all brothers, because we are all children and, therefore, completely equal before God.¹⁷ The brotherhood of man and fatherhood of God are inseparable. Any system which denies the common origin of man in God eviscerates the idea of brotherhood. Any system which affirms it, must logically and inevitably sustain its corollary. The coordinates of the human system, in this view, are both horizontal and vertical and together create a relationship which results in mutual responsibility and overlapping concern for each other. Even in a period of disgrace, disenchantment, or repudiation (such as exile or impoverishment), this relationship is not nullified and its demands not relaxed. Our identity as children and brothers is never obscured.¹⁸ It is notable that the author of this statement, the great martyr who witnessed and experienced persecution and bestiality, was the one who articulated: “Beloved is man who was created in the image of God.” His ethical objectivity was unaffected by oppression, his view of man and hierarchy of values was firm. Man was a unique figure.

¹⁵ Bava Batra 10a (in the name of R. Yoḥanan); *Shir Hashirim Zuta*, p. 15.

¹⁶ This homiletical motif can even be substantiated by halakhic norms. According to many Talmudic authorities, obligating oneself for charitable contributions conforms to the same procedure as consecrating objects to God. See Maimonides, *Hilkhot Mekhirah*, 22:15–16; Naḥmanides, *Commentary* on Bemidbar, 30:3 (second explanation); and *Sefer Hamaor* and *Milḥamot* to Bava Kamma 36a. When speaking of “things which are for the sake of God,” Maimonides mentions, all in the same breath, consecrating objects, constructing synagogues, and feeding the hungry; *Isurei Mizbe’ah*, 7:11.

¹⁷ See also Avot, 3:18.

¹⁸ This is the thrust of the end of the passage, emphasizing help to the poor when “they are cast out.” It is also the theme of פרנסני ככלב וכעורב (Bava Batra 8). See also the view of R. Akiva in the Mishnah, Bava Kamma 8:6 (“Even the poorest in Israel are looked upon as freemen who have lost their possessions”); the concluding paragraph of Maimonides, *Hilkhot Avadim*, 9:8 (וכן במדותיו של הקב"ה ...). (שצונו להדמות בהם הוא אומר ורחמיו על כל מעשיו). It is noteworthy that the Bible invariably uses the word “brother” when speaking of *tzedakah*.

Incidentally, Rufus’ rejoinder probably mirrors the Christian polemic that exile is punishment, symbolizing the complete rejection of Israel. Note Ḥagigah 5b: עמא דאדריגהו מריה ... ההוא אפיקורסא לאפיה מיניה.

For Rufus, on the other hand, only one aspect of the *vertical* relationship between man and God is determinative: that of submission and slavery. And did not Aristotle already proclaim that “slaves are like animals”? And had not Plato defined the slave as a “species of tame animal”?¹⁹ If, then, the world—in this case the Jewish community—is a large household inhabited by a mass of unrelated individuals, mere biological atoms, there can be no community of interests and responsibilities, no compassion and cooperation.

3. Implicit in R. Akiva’s exchange with the Roman governor of Palestine is also a realistic-pragmatic view of the human situation, a view which is sensitively attuned to suffering and privation and earnestly questing for improvement and fulfillment. The discussion here is not oriented to metaphysics; it is geared to ethics, to concrete social problems—something which is characteristic of Talmudic discussion generally. It implies that one cannot conveniently fall back upon religious assumptions in order to justify passivity and resignation when confronted with social and ethical indignities. We must not look upon trouble impassively, whether the motivation be determinism (this is God’s decree) or condescension (some people are irretrievably singled out for subjection) or contemptuousness (physical-carnal matters are insignificant).²⁰ Poverty and inequality are pervasive—and will perhaps endure forever²¹—but they must be incessantly condemned and combatted. Judaism insists that man is obligated to mitigate injustice and alleviate suffering. There is, if you like, something antithetical in this situation. Poverty or sickness may be viewed as divine punishment or a form of retribution just as wealth and health may be construed as signs of

¹⁹ Aristotle, *Politics*, 1254; Plato, *Politics*, 289b, d. See, e.g. Glenn Morrow, *Plato’s Law of Slavery in its Relation to Greek Law* (Urbana, 1939).

²⁰ Judaism for the most part, realistically negated asceticism, monasticism or any other contemptuous rejection of worldly matters. (See E. Urbach, “Asceticism and Suffering in Talmudic and Midrashic Sources” *Baer Jubilee Volume* [Jerusalem, 1960], 48–68.) There is in Judaism no exaltation or idealization of poverty, such as we find in many Christian systems of thought (see Troeltsch, *Social Teachings of the Christian Churches*, vol. I). Poverty is not adored as a blessed state; it is an ugly, demeaning situation. One is duty-bound—as far as is humanly possible—to avoid falling into such a state; he who brings it upon himself by dissipating his resources is a fool (Maimonides, *Arakhin Vaharamin*, 8:13). Diminution of wealth is not per se an act of piety or self-transcending religiosity (see Kuzari, II:50). “Holy voluntary poverty” (a basic concept of canon law) was neither an attraction or a goal for the Halakhah. It should be stressed, of course, that this emphatic point has its counterpoint: there is in Judaism no glorification of wealth as an end in itself. As a matter of fact, the unbridled pursuit of money is most objectionable. Wealth is a trust over which man is the executor; it should be used imaginatively and wisely to uproot poverty. (See *Guide for the Perplexed*, III:35 and 39; *Yoreh De’ah*, 247:3. The “stewardship theory” of wealth as well as the cyclical view of human resources are commonplaces.)

²¹ Shabbat 151b.

divine favor or reward.²² Indeed, given a theocentric-teleological view of life, every episode or situation—exile, death—is divinely purposive.²³ Man, however, must not sit in judgment from such a theistic perspective; it is not for him to approach poverty or sickness as predetermined criminal or punitive situations. A providential view of history is no excuse for quietism or pretext for withdrawal.

4. Similarly, it seems to follow that one cannot dismiss a destitute person with a counterfeit expression of faith: “Rely on God, your father and king! He will help you.” The cherished virtue of *bitaḥon*, trust, is something with which to comfort yourself in a time of depression, but it is not a pain-killing drug to be callously prescribed for others. If Reuben is starving, Simeon must provide food—not sanctimony. It is true that Reuben must live with hope and courage, but Simeon must act with dispatch and compassion. God’s inscrutable benevolence is not a substitute for man’s tangible benevolence. As R. Baḥya ibn Pakuda observes,²⁴ *bitaḥon* has a multiplicity of implications: to the impoverished person it conveys the need for tranquility, patience, and contentment with one’s portion, while to the man of means, it suggests the obligation of sustained and gracious liberality.

Our cursory analysis of these concepts enables us, in conclusion, to pinpoint the unique feature of *hesed*, in contradistinction to other philanthropic systems. It would be gratuitous—and chauvinistic—to give Judaism an exclusive monopoly over the practice of charity; the rabbis, as a matter of fact, never denied that other nations were charitable.²⁵ Judaism’s contribution is a new *motive* for philanthropy: the religious-humane motive, which means acting for the sake of humanity because of religious conviction and obligation. Humanity is an expression of piety (“Every man who is endowed with loving-kindness is without doubt a God-fearing man,” Sukkah 49b); the two are absolutely inseparable. Commitment to God is inconceivable in Judaism without compassion for man. “Whoever turns his eyes away from [one who appeals for] charity is considered as if he were serving idols.”²⁶ Philo describes philanthropy as “the virtue closest akin to piety, its sister and its twin,” for “the nature which is pious is also humane, and the same person will exhibit both qualities of holiness to God and justice to man.”²⁷ One cannot claim to be God-intoxicated without having an

²² See Sukkah 29a.

²³ Hullin 7b: אין אדם נוקף אצבע למטה אלא אם כן מכריזין עליו למעלה.

²⁴ *Hovot Halevavot, Sha’ar Habitahon* (Warsaw, 1875, p. 202 f.). It is noteworthy that the Karaites promulgated an inflexibly passive, quietistic interpretation of *bitaḥon*; see now M. Zucker, *Al Targum Rasag Latorah* pp. 205–207.

²⁵ The famous symposium between R. Yoḥanan b. Zakkai and his disciples, Bava Batra 10a, focuses on this. See also S. Lieberman, *JQR*, 36 (1945–46), pp. 357–359; E. Urbach, *Zion*, p. 4, n. 23.

²⁶ Bava Batra 10a; *Kohelet Rabbah*, 7:1.

²⁷ See Wolfson, *Philo*, II, p. 219.

unquenchable thirst for social justice. Indeed, theological postulates sundered from their practical consequences are powerless, and—perhaps—purposeless. They are mutually supplementary and independently fragmentary.²⁸

This motive should be the propelling force of philanthropic activities, whether individual or institutional.

II

Halakhah is a tense, vibrant, dialectical system, identifiable by its beautiful blend of romanticism and classicism. This is both cause and consequence of the halakhic insistence upon normativeness in action and inwardness in feeling and thought. The historic achievement of Halakhah was to move beyond theoretical principles of faith to a minutely regulated code of religio-ethical behavior—to give concrete and continuous expression to theological ideals, ethical norms, and historical concepts. It is based upon the conviction that abstract belief, even an intensely personal or charismatic one, will be evanescent and that religious insight which is not firmly anchored down by practice is unreal. Its goal is spirituality together with conformity—“the saturation and transfusion of everyday life with the thought of God” (the felicitous phrase of a 19th century theologian, Bousset). This insistence upon the “coincidence of opposites” (call it law and prophecy, if you like, or institution and charisma, everyday life and the thought of God) creates the “dialectical pull” or tension which is characteristic of so many root principles and fundamental beliefs of Judaism.

A favorite example of this creative tension is the institution of prayer, which attempts to balance inward experience with routinized performance, to avoid an anarchic liturgy and at the same time not to produce a spiritless stereotype. In other words, the Halakhah takes a thesis—spontaneity of prayer, manifest in a genuinely dialogic relationship between man and God—superimposes upon it an antithesis—standardization and uniformity of prayer—and strives to maintain a synthesis: a devotional routine.

I would like to suggest that the institution of *tzedakah*—charity—provides an equally attractive illustration of this dialectical structure. The Halakhah undertook to convert an initially amorphous, possibly even capricious act into a rigidly defined and totally regulated performance. It made charitable contributions, usually voluntary in nature, obligatory, subject to compulsory assessment and collection. However, while objectifying and concretizing a subjective, fluid state of mind, it insisted relentlessly upon the proper attitude, feeling, and manner of action. It hoped to combine the thesis of free, spontaneous giving with the antithesis of soulless, obligatory contribution and produce a composite act which is subjective though quantified, inspired and regular, intimate yet formal. As is the case with prayer and other products of such dialectical

²⁸ See especially Kiddushin 31a, passage starting מאי דכתיב יודוך ה' כל מלכי ארץ כי שמעו אמרי פיך.

synthesis, the tension is very great, for the breakdown of the synthesis is always an imminent and immanent possibility. The pattern of behavior may become atrophied and despiritualized or else the standardized practice may be overthrown. Here the tension is even reflected semantically in the term *tzedakah* which is both righteousness and charity, an act based on one's moral conscience as well as an appropriate course of action spelled out in detail by the law.²⁹

Within the practical-halakhic framework of philanthropy, this polarity comes to the surface in two main areas. First of all, there is the constant interplay between the individual and the community with regard to the responsibility for an awareness of philanthropic needs. A study of the laws of charity yields paradoxical conclusions. On the one hand, it seems that the central figure is the individual: to him are the commandments addressed, he is enjoined to engage unstintingly in charity work, and assiduously to help his fellow man. He is the hero of philanthropy, seeking exposure to needy people and responding effusively to their requests. On the other hand, it is surprising to find that the Halakhah has assigned an indispensable, all-inclusive role to the community. The community acts not only as a supervisory, enforcing agency but occupies the center of the stage as an entity possessed of initiative and charged with responsibility. One may persuasively argue that the Halakhah makes of philanthropy a collective project; philanthropic endeavor, long-term aid (*kupah*) as well as immediate, emergency relief (*tamḥuy*), is thoroughly institutionalized. Responsibility for the care of the needy—sick, poor, aged, disturbed—is communal. The individual makes his contribution to the community chest and with this he apparently discharges his obligations. He acts mechanically, almost anonymously, by responding to the peremptory demand of the collectors “who go about among the people every Friday soliciting from each whatever is assessed upon him” (*Mishneh Torah, Hilkhot Matenot Aniyim*). *Tzedakah* thus emerges as an individual obligation which is fulfilled corporately. And it should be noted that this is a premeditated arrangement. The community does not step in and assume responsibility *ex post facto*, after individuals have shirked their duty or failed to manage matters properly. The community initially

²⁹ Perhaps it is this built-in tension which explains the view of those *Rishonim* (see *Tosafot*, Ketuvot 49b) who maintain that although charity is obligatory, it is not enforceable in court, but can be collected only with the help of moral suasion and social sanction. This preserves a “subjective” element. Even more striking is an apparent incongruity in the view of Maimonides. In common with most halakhists he assumes that charity is subject to compulsory assessment and collection. (See *Matenot Aniyim*, 7:10 and *Ketzot Haḥoshen, Yoreh De’ah*, 290.) Yet, in the *Moreh Nevukhim* (III:53) he differentiates between *tzedek* and *tzedakah*; *tzedek* is legally prescribed and regulated while *tzedakah* stems from one's moral conscience. There is an ethical increment, something more than and different from the formalized, purely legal act. The same problem is reflected in R. Yonah ibn Janah's dichotomous definition of *tzedakah*: ומאלה השמות מה שענינו דין וזכות וזכות ומהם מה שענינו ישר והישר (Sefer Hashorashim, p. 423). See also *Tosafot*, Shabbat 10b, “*hanoten matanah*,” where *tzedakah* is referred to as a present.

appears as a modified welfare city-state, with its special functionaries who collect the compulsory levy and act as trustees for the poor and needy.

This is the first expression of polarity between the individual and community.

Whoever continues to acquaint himself with *Hilkhot Tzedakah* in the *Shulḥan Arukh* or *Matenot Aniyim* in the *Mishneh Torah* comes across another basic antithesis inherent in the very concept of charity. On the one hand, the halakhah is interested only in the objective act, the amount given, meeting the challenge, and relieving the needs of the destitute. This is a complete, self-contained, determinate act. On the other hand, we are confronted by an exquisitely sensitive halakhah, very much concerned not only with *what* but *how* the act of charity is implemented. Not only the outward act is important but the experiential component is significant. One need not rely upon the preacher's eloquence or the moralist's fervor to underscore the importance of motivation and attitude in the halakhic act of charity.

This correlation of the objective and subjective components within the individual act is the second area of tension and polarity.

Let us take up these two points briefly and concretize them somewhat. We may illustrate the polarity of the community-individual partnership by introducing a few specific laws.

For example, the Mishnah states that twelve months' residence is required before a man is counted as one of the townsmen and is obliged to support communal projects. The Talmud, however, goes on to cite another passage which differentiates between various levies. "A man must reside in a town thirty days to become liable for contributing to the soup kitchen, three months for the charity box, ... and twelve months for contributing to the repair of the town walls."³⁰ The reason for the distinction between charity and communal enterprises is clear. Only after a man has become a full-fledged resident and has submitted to communal jurisdiction does he become liable to abide by communal ordinances (*takkanot benei ha'ir*) and share communal expenses. Charity, though, is an individual obligation and one need not come under communal jurisdiction to be liable. The community, however, serves as the executive branch which organizes and implements and distributes.

The sense of communal involvement is projected even more in the following laws. "If the inhabitants of a city impose a charitable levy upon a visiting merchant, the contribution belongs to the poor of the city visited. If, however, the levy be imposed upon a visiting group of people, the contributing is done in the city visited, but the sum collected is conveyed, by the returning visitors, to the city of their origin that the poor of the latter city may be aided with that money."³¹ Again, the reason for the differentiation between a wayfaring individual and an itinerant company is apparent. The individual relates to his immediate communal framework and his charitable contribution is absorbed and disbursed there. A group of people are

³⁰ Bava Batra 7b, 8a.

³¹ *Matenot Aniyim*, 7:14; see *Or Zarua*, I, p. 15.

considered to have affiliations with both communities. They contribute immediately to demonstrate their solidarity with the new group and remove suspicion that they are tax dodgers, but return the money for distribution to their original community. What is significant is the permeative involvement with the community on all levels—the strong, ineradicable sense of community action.

So far the enterprising community is in the center and the timid individual is on the periphery. It would almost appear as if a man's obligation is terminated when he weighs the gold pieces or signs a check—and then, losing his identity, just fades away into the shadows of the community. Now let us see how the relationship shifts gear and hear the halakhah insist that there are aspects of the commandment concerning charity which transcend the basic levy exacted by the community. The institution of *kupah* relieves only one's minimal, quantified duties but other individual, contingent obligations are not superseded.

For example, the obligation of charity is based on both positive and negative commandments: “open thy hand unto him”; “thou shalt not harden thy heart nor shut thy hand” (cf. Vayikra 25:35; Devarim 15:7–8). The nature of the relationship between such mutually reinforcing formulations—a *mitzvat aseh* and a *mitzvat lo ta'aseh*—presents an halakhic problem. Some interpretations submit that the two are completely commensurate and the negative one has no intrinsic significance; it relates only to the omission of the positive—the failure to contribute. According to many Talmudic authorities, however, the negative commandment not to harden one's heart relates exclusively to one's mental-emotional attitude when confronted with distress. It is addressed only to the individual and stipulates that the individual should not be insensitive and non-responsive to the plea of an indigent person—“a poor person in search of help.” The positive commandment is in no way contingent upon the plea or request of the poor, while the negative commandment relates not only to the omission of the positive but is also an act of commission: of callously refusing the poor, of consciously hardening one's heart and thwarting one's inclination to kindness when one is face to face with misery.³²

What is more, if one has already given charity, even over-subscribed his quota, there is an additional law which states: “It is forbidden to turn away a suppliant poor person empty handed, though one grant no more than a single berry.” This is based on Tehillim 74:21: “Let not the oppressed turn back in confusion.”³³

The emphasis upon the individual responsibility is thus unequivocal. However, if you are not convinced, we might go further and submit that according to the social ethos of Judaism, the individual can never really isolate himself from the need, *especially* in times of euphoria, pleasure and indulgence. The very nature of rejoicing and festivity includes sharing with others. This axiom of kindness was

³² See *Tosafot*, Bava Batra 8b (the views of R. Tam and Ri); *Matenot Aniyim*, 7:2 (עני מבקש); *Sefer Yere'im*, amud 5, n. 202 (p. 182).

³³ *Matenot Aniyim*, 7:7.

formulated by Maimonides as follows. “While one eats and drinks by himself, it is his duty to feed the stranger, the orphan, the widow, and other poor and unfortunate people, for he who locks the doors to his courtyard and eats and drinks with his wife and family, without giving anything to eat and drink to the poor and the bitter in soul—his meal is not a rejoicing in a divine commandment, but a rejoicing in his own stomach ... Rejoicing of this kind is a disgrace to those who indulge in it.”³⁴

It is noteworthy that in many cities—one of the earliest records is from Hamburg—a communal ordinance required every townsman to have two guests for the Sabbath.³⁵ Personal contact with and exposure to the needy was of the essence. “There was a certain pious man with whom Eliyahu used to converse until he made a porter’s lodge (gatehouse) after which he did not converse with him any more” (because the poor men were shut out from the courtyard).³⁶ Sharing the companionship of the poor and making them socially equal is a highly sensitive performance which merits special blessing. “He who lets poor people and orphans partake of food and drink at his table shall call upon the Lord and find, to his delight, that the Lord will answer as is written ‘Then you will call out and God will answer’ (Yeshayahu 58:9).”³⁷

So, although the balance may be delicate and tense, corporate responsibility does not eclipse individual awareness and should not dull individual sensitiveness. This would remain true even if communal funds were somehow to become inexhaustible; individual obligations never cease.³⁸

Let us return to the second expression of polarity—the objective act vis à vis the inner experience and accompanying attitude. As a general principle we may study the assertion that “the reward of charity depends entirely upon the extent of the kindness in it.”³⁹ The cold, formal, objective act does not suffice; it must be fused with warmth and loving-kindness. From an objective point of view, the giving of charity is not subject to qualifications; if you give, that’s that and the amount is the only thing that counts. From a subjective point of view, the same act may well be shoddy and meretricious. There can be such a thing as “defective charity.” The difference is, if you like, whether there is a heart of flesh or a heart of stone behind it. Allow me to suggest

³⁴ *Yom Tov* 6:18; see also *Megillah* 2:17.

³⁵ See *Yoreh De’ah*, 256:1 and commentaries, *Menorat Hamaor*, *Ner III*, *Kelal VII*; Bergmann, *Hatzedakah Beyisrael*, p. 143.

³⁶ *Bava Batra* 7b.

³⁷ *Matenot Aniyim*, 10:16.

³⁸ It is important for welfare workers to remember that distribution of funds is a more exacting task than collection—no matter how important the latter may be substantively and sociologically (as a cohesive force). Allocation of funds, requiring serious deliberation and penetrating evaluation, is halakhically and ethically the most responsible task; allocation committees are in the most delicate, or vulnerable, position. See the halakhot concerning: ... קופה של צדקה נגבית בשנים ומתחלקת בשלשה

³⁹ *Sukkah* 49b.

perhaps that the difference expresses itself in the two expressions we have for this act: “giving charity” and “doing charity.” “Doing” relates to the method and quality of “giving.” “Giving” is concrete and limited; you give ten dollars or one hundred dollars. *Doing* is how you go about it.

A late source gives this apt illustration.⁴⁰ “The giving is *tzedakah*. The doing is the *trouble* to bring it to the poor man’s house, or the *thoughtfulness* on the part of the giver that it should be most useful ... in short, being *preoccupied* with the good of the poor recipient.” The key terms here are *tirḥah* and *tirdah* which denote constant concern and abiding interest—continuous commitment rather than fleeting attention. The same idea of mental and emotional preoccupation is underscored by the recurrent idiom *osek betorah uvigemilut ḥasadim*. *Osek* suggests a resilient, incompressible quality of attention and dedication; it negates the idea of a perfunctory, quantified act.⁴¹

⁴⁰ *Paḥad Yitzḥak*, s.v. *tzedakah*.

⁴¹ The beautiful passage (*Avot Derabbi Natan*, 7) which contrasts the benevolence of Avraham with that of Iyov points up, in its own homiletical idiom and cadence, the qualitative difference between bland “giving” and inspired “doing”:

Now when that great calamity came upon Iyov, he said unto the Holy One, blessed be He: “Master of the Universe, did I not feed the hungry and give the thirsty to drink; as it is said, ‘Or have I eaten my morsel myself alone and the fatherless hath not eaten thereof?’ (Iyov 31:17). And did I not clothe the naked, as it is said, ‘And if he were not warmed with the fleece of my sheep’ (Iyov 31:20)?”

Nevertheless the Holy One, blessed be He, said to Iyov: “Iyov, thou hast not yet reached half the measure of Avraham. Thou sittest and tarriest within thy house and the wayfarers come in to thee. To him who is accustomed to eat wheat bread, thou givest wheat bread to eat; to him who is accustomed to eat meat, thou givest meat to eat; to him who is accustomed to drink wine, thou givest wine to drink. But Avraham did not act in this way. Instead he would go forth and make the rounds everywhere, and when he found wayfarers he brought them in to his house. To him who was unaccustomed to eat wheat bread, he gave wheat bread to eat; to him who was unaccustomed to eat meat, he gave meat to eat; to him who was unaccustomed to drink wine, he gave wine to drink. Moreover he arose and built stately mansions on the highways and left there food and drink, and every passerby ate and drank and blessed Heaven. That is why delight of spirit was vouchsafed to him. And whatever one might ask for was to be found in Avraham’s house, as it is said, ‘And Avraham planted a tamarisk tree in Be’er Sheva’” (Bereishit 21:33). Tr. by J. Goldin, (Yale University Press, 1959), p. 47.

See also Sotah 10b; Shabbat 104a.

III

There are a number of specific *subjective* features which may be collated under this general principle—that “the reward of charity depends entirely upon the extent of the kindness in it.” Many of these features are embodied in Maimonides’ original, well-known classification of the “eight degrees of benevolence, one above the other.” Instead of reproducing this classification here, it might be more useful to abstract from it and related source material a few characteristics and tendencies, which identify the experiential component of charity.

1. Most important is to approach the needy prudently and tactfully and graciously. “Happy is he that considereth [or deals considerately and wisely with] the poor” (Tehillim 41:2). Philanthropy requires prudence and planning. The ultimate aim of this approach is to get the poor one to take a loan or else think that he is taking a loan, to accept him into business partnership or help him find employment. This completely eliminates or deftly camouflages humiliation and degradation. It rehabilitates rather than aids and avoids the most objectionable influences of pauperism.⁴² In other words, it is not only ethically correct but is also economically sound. Is not this the ideal of all philanthropic federations? It is also intended to be the motive of individual charitable enterprise.

2. If the humiliation attendant on receiving charity cannot be eliminated, it should be reduced as much as possible. This expresses itself above all in the secrecy and privacy of giving. “He who gives alms in secret is greater than Moshe” (Bava Batra 9a).⁴³

3. Another basic principle, which may be most relevant to our experiences, is the insistence upon individual consideration of the needy rather than indiscriminate handling of them as so many “faces in the crowd.” The indigent remains a dignified individual, with his own needs and drives, his own sensibilities and rights, strengths and weaknesses. The essence of the religious commandment is to “assist a poor person according to his needs”—in other words, selectively not uniformly. The fact that a person is poor does not mean that he also loses his personality and individuality;

⁴² This was noticed by perceptive observers. For example, Beatrice Webb concludes her description of the Jewish Board of Guardians in England as follows: “While all groundwork for the charges of pauperization is absent, we have conclusive evidence that either from the character of those who take, or from the method of those who give, Jewish charity does not tend to the demoralization of individual recipients.”

⁴³ Very beautiful is the midrashic explanation, adopted by Rashi and other commentators, of the last verse in Kohelet. Whereas the standard translation reads: “For God shall bring every work into the judgment concerning every hidden thing, whether it be good or whether it be evil,” the midrashic translation would read: “... concerning every hidden thing which is *both* good and evil.” And what constitutes a “thing which is both good and evil”—giving charity publicly! See also Hagigah 5a.

material impoverishment should not be equated with spiritual demoralization or psychological depletion. Regimentation or massive institutionalization are not in keeping with this spirit. You might find here an inferential endorsement of the case-method of social work, being careful not to depersonalize the individual client or blur his identity by mechanically bracketing him. If you like, we have here the social-philanthropic repercussions of the metaphysical idea of the dignity, worth, and uniqueness of each individual.

4. Also imperative is prompt, courteous attention, with little or no “red tape,” bureaucratic inefficiency or personal procrastination. Delay in responding to a request may blemish the entire act or even tragically obviate its need. You know the “confession” of the sorely afflicted Naḥum ish Gamzu, who was “blind in both his eyes, his two hands and legs were amputated, and his whole body was covered with boils.” He had wished this state upon himself after, in his own words, “a poor man stopped me on the road and said, ‘Master, give me something to eat.’ I replied: ‘Wait until I have unloaded something from the ass.’ I had hardly managed to unload something when the man died.”⁴⁴

5. The benevolent act should be gracious from beginning to end and should not display half-heartedness or impatience. It is in this light that we understand one of the commandments subsumed under the precept “Love thy neighbor as thyself,” namely the obligation to “escort the strangers and departing guests.” “Hospitality to wayfarers is greater than receiving the Divine Presence ... but escorting guests is even greater than according them hospitality ... Whoever does not accompany guests is as though he would shed blood.”⁴⁵ It would appear that hospitality without escorting is like throwing a bone to a dog—a begrudging concession of kindness, an intrinsically benevolent act which is vitiated by its rudeness.

6. Most striking because it is most intangible and “supralegal” is the stipulation that actual giving be accompanied by sympathy, sharing the recipient’s troubles, talking with him, relieving him psychologically. It calls for a genuine sense of commiseration. “He who gives a small coin to a poor man obtains six blessings, and he who addresses to him words of comfort obtains eleven blessings.”⁴⁶ Maimonides sharpens this sentiment even more: “Though one were to give a thousand pieces of gold, one forfeits, yea, one destroys the merit of one’s giving if one gives grudgingly and with countenance cast down.” On the contrary, “one should give cheerfully and eagerly. One should grieve with the poor person over his misfortune (Iyov 30:25) and should address to him words of solace and of comfort” (Iyov 29:13).⁴⁷

⁴⁴ Ta’anit 21a.

⁴⁵ Maimonides, *Hilkhot Avel*, 14:2. See also Rashi, Sotah 10a, explanation of אשל.

⁴⁶ Bava Batra 9b.

⁴⁷ *Matenot Aniyim*, 10:4. See *Sefer Mitzvot Gadol* (“לא ירע לבבך בתתך לו”); *Guide for the Perplexed*, II:39.

The receiver must feel that there is a living human voice behind the grant, not a hollow, impersonal one. The donor should never lose sight of the fact that *tzedakah* is as much a “duty of the heart” as it is a “duty of the limb.”

Without these subjective elements, the objective act is deficient and sometimes even worthless.

Even though we have expanded its scope and insisted upon the place of subjectivity in it, we have been examining *tzedakah* almost exclusively. However, we should not fail to note that there is within the scope of *hesed* an entire area of acts of kindness where the personal subjective attitude is not only relevant but is of exclusive significance. This may be designated as “mental hygiene” (as distinct from physical aid and rehabilitation). Of the several categories of kindness referred to in the Talmud, two belong to this area: visiting the sick, comforting the bereaved. These acts could also conceivably be regulated—e.g., stipulating by communal ordinance that the sick should be visited right after the Sabbath morning service⁴⁸—but clearly the physical act of entering the sick room, unlike the physical act of signing a check, is worthless. For these are “the deeds of loving-kindness performed in person and for which no fixed measure is prescribed” (*Hilkhhot Avel* 14:1). The subjective moment is paramount; the visit (*bikkur ḥolim*) must be motivated by and expressive of genuine empathy, of commiseration in the literal sense of the term.

Old-age care and consideration is another area in the realm of kindness and social welfare where the attitude outweighs or at least conditions the act.

This is true with regard to parents as well as aged people generally. We are obliged “to rise up before the gray-haired and honor the face of the old man” (*Vayikra* 20:32). There is nothing material in this. Financial assistance to poor old people is to be viewed from the general vantage point of charity. The specific obligation is the reverential attitude: to stand, to make respectful gestures. With regard to one’s parents, the material assistance, when required, is probably also to be viewed from the vantage point of charity.⁴⁹ Indeed, the halakhah states that honoring one’s parents means providing them with food and drink, clothing and covering, but the expense is to be borne by the parents. What counts, on the part of the son, is the zeal and quality of service. In other words, the fulfillment of “honoring thy father and mother” and “ye shall fear, every man, his mother and father” is not contingent upon finance. Indeed, since it was emphatically maintained that the honoring of parents was on a level with the honoring of God,⁵⁰ this could not be, in essence, a materially-conditioned act. In socially ideal situations, where the parents have

⁴⁸ See *Or Zarua*, II, 51.

⁴⁹ This is a moot point halakhically. We may discern three basic views: see *Tosafot*, *Kiddushin*, 31a (ד”ה כבד) and 32a (ד”ה אזור ליה); R. Shimshon (Rash of Sens), *Pe’ah* 1:1; Maimonides, *Hilkhhot Mamrim*, 6:3 (כפי מה שהוא יכול) .

⁵⁰ *Sifra*, *Kedoshim*, 86d; *Kiddushin* 30b.

independent resources, the duty of honor and reverence is unimpaired and their scope unrestricted. The religious-social obligations toward an old person are the same regardless whether he is independently wealthy, sustained by social security and old-age assistance, or indigent.

In this sense, welfare activities which tend to mitigate financial difficulties, cannot be looked upon as corrosive of traditional values and obligations because they do not impinge upon the core of philanthropic actions: the motif of personal service and attitude. Welfare activities are no more “dangerous” in theory than the activities of high-powered, mechanized philanthropy: both challenge the subjective element, tend to neutralize or obliterate it. The response to this challenge will have to reaffirm that if Halakhah, generally, was intended to be an ongoing education in holiness and spiritual dedication, *tzedakah* in particular was intended to be an education in kindness and all-consuming *humanitas*.

Part Five

Jewish Intellectual History

Aspects of the Social and Cultural History of Provençal Jewry

1

The following remarks—facts and generalizations, conclusions and hypotheses—should be read as prolegomena to a comprehensive study of the social and especially the cultural history of the Jews in southern France (Provence)¹ during the High Middle Ages (c. 1100–1400). Scholarship has only recently begun to explore and illumine various aspects of this rich and fecund period and we shall probably have to wait for some time until we have a work of synthesis which will integrate the heterogeneous, polyglot literary output of the period while analyzing its institutions and socio-political conditions.²

Jewish history in southern France, often seen merely as an epicycle of the Spanish or northern French spheres of influence, invites scholarly attention both because of its intrinsic, substantive value as well as its self-transcending methodological

¹ The area under consideration may be designated as Provence (*Provincia Narbonensis*) only if understood as covering the widest territorial limits to which this term is applied, including lower Languedoc, Roussillon, Comtat, Venaissin, Cerdagne and other countries. See H. Gross, *Gallia Judaica* (Paris, 1897), pp. 489ff; see the brief, mostly archaeological survey by M. Lowenthal, “The Southlands of France”, *A World Passed by* (New York, 1933), pp. 101–119; and the literary-historical survey by A. M. Haberman, “Mishut Be’eretz Provence”, *Otzar Yehudei Sefarad*, VI (1963), pp. 17–31. On Avignon, Carpentras, Cavaillon and L’Isle-sur-Sorgue, see A. Temko, “Four Holy Communities,” *Commentary* (March, 1959), pp. 223–242. Some of the major centers are: Aix, Argentièrre, Avignon, Bagnols, Beaucaire, Béziers, Bordeaux, Carcassonne, Carpentras, Cavaillon, Lunel, Marseille, Montpellier, Narbonne, Nîmes, Orange, Perpignan, Posquières, Salon, Tarascon, Toulouse, Trinquetaille.

² See the observation of L. Zunz, referred to by A. Z. Eshkoly in *Zion*, X (1945), p. 107. Examples of significant scholarly advances on various fronts will be cited below. The importance of Provence has always been appreciated; see H. Malter, *JQR* I (1910), p. 153. “As center for this widespread learning of the age, Provence stood second only to Spain. Its geographical situation made it the meeting point for the scientific culture developed under Arabic influence in Spain and the Talmudic learning of the French Jews. In Provence the last of the compilers of the Haggadah lived. There, since the time of Tibbon, numerous translators were busied with Arabic works, and there in the thirteenth century secular learning continued to be cultivated with zeal and enthusiasm. There also appeared many famous scholars, who united a comprehensive knowledge of the Talmud with broad general learning, and who exerted a lasting influence upon later ages.”

relevance. On one hand, the chronological span of the period is rather clearly delimited and therefore sustains one's hopes for a meaningful overview of or synoptic approach to the entire period and, on the other, the cultural productivity is sufficiently impressive and comprehensive so as to present a colorful microcosm of medieval Jewish intellectual history. Independent literary and intellectual activity makes its appearance toward the middle of the eleventh century—with the works of R. Moshe Hadarshan of Narbonne³—and continues uninterruptedly, with vigor and intensity, until the beginning of the fourteenth century—with the works of R. Menahem Hame'iri of Perpignan.⁴ In the intervening centuries, there is a remarkable efflorescence of Jewish culture in Provence: rabbinics, philosophy, mysticism, ethics, exegesis, grammar and lexicography, poetry and belles-lettres are cultivated. Certain clearly defined indigenous trends reach maturation while there is an appropriation of new intellectual motifs and tendencies. There is hardly a facet of the total Jewish religious and intellectual experience that is not reflected—and all in a compact period of time. There are legists who enriched all the major genres of halakhic literature and accelerated the development of a new, critico-comparative method of Talmudic study which was to become a mainstay of halakhic thinking and writing.⁵ There are students of philosophy and philosophers and devotees of philosophy, as well as patrons and protagonists, who are responsible for preserving and transmitting the accumulated philosophic and scientific learning of Arabic-speaking Jewry as well as

³ See A. Epstein, *R. Moses ha-Darshan* (Vienna, 1891); *Midrash Bereishit Rabbati* ed. H. Albeck (Jerusalem, 1940) and French translation by Jean Joseph Brierre-Narbonne (Paris, 1939). It is noteworthy that this preoccupation with midrash, operating on different levels and with different methods of interpretation, persists in southern France as indicated, e.g., by the works of R. Moshe ibn Tibbon and R. Yedayah Hapenini Bedersi at the end of the thirteenth and beginning of the fourteenth century. See also R. Yosef Kaspi in *Hebrew Ethical Wills*, ed. I. Abrahams, p. 155.

⁴ See the extensive introduction of S. K. Mirsky to the edition of Hame'iri's *Hibbur Hateshuvah* (New York, 1950). I have chosen R. Menahem Hame'iri as the terminal figure because of his undisputed importance, the centrality and versatility of his activity, and because the date of his death (c. 1315; see M. N. Zobel in *Eder Hayekar: S. A. Horodezky Jubilee Volume* (1947), pp. 93–96) can easily be synchronized with the expulsion of the Jews from France (1306). To be sure, Jews continue to live and create after 1306 in the Papal states (around Avignon) and other southern areas (e.g., Arles, Marseille) not yet incorporated into the royal domain, but with diminished vigor, restricted scope, and magnified malaise. On the expulsion of 1306, see I. Loeb, “Les Expulsions des Juifs de France au XIV^e siècle,” *Jubelschrift H. Graetz* (Berlin, 1887), pp. 39–56; S. Schwarzfuchs, “The Expulsion of the Jews from France (1306),” *JQR Seventy-fifth Anniversary Volume* (1967), pp. 482–490.

⁵ See B. Z. Benedict, “Letoledotav shel Merkaz Hatorah Beprovence,” *Tarbiz* XXII (1951), pp. 85–109; I. Twersky, *Rabad of Posquières* (Cambridge, 1962). Manuscript sources of rabbinic literature—commentaries, codes, and responsa—are being published in rapid, almost dizzying, succession thanks to the industrious editorial work of S. Atlas, J. Blau, M. Hershler, Y. Kafih, A. Sofer, and others. Such figures as R. Meshulam ben Moshe (*Sefer Hahashlamah*), R. Meir Hakohen (*Sefer Hameorot*) and R. David ben Levi (*Sefer Hamikhtam*) are just now emerging into the full light of history.

for interpreting it, disseminating it, and extending its frontiers.⁶ There are kabbalists who—at first haltingly and reservedly, then boldly and confidently—move mystical speculation and experience to the center of the stage: some of the oldest known kabbalistic texts were redacted or first circulated here and the earliest devotees of the new doctrines organized themselves in Provence at this time.⁷ Poets energetically ply their humanistic trade and enthusiastically vindicate it—producing rationales of the poetic art, articulating the consciousness of the artist, and defining his place in society.⁸ Exegetes make durable contributions to the field of Scriptural commentary and enlarge its scope by combining midrashic interpretation with philosophical allegory and philological insight.⁹ Polemicists and apologists marshal erudition and ingenuity in their defense of Judaism against persistent theological arraignments and social-economic attacks.^{9a}

All in all, one can observe here many dynamic features of Jewish history such as the confrontation of conventional cultural preoccupations with new secular learning, the relationship or integration of apparently disparate cultural disciplines, the role of charismatic and rationalistic forces within the framework of traditional communal institutions, personality clashes and polemics. Furthermore, the interaction of Jewish and general cultural developments—e.g., troubadour poetry and belletristic

⁶ See, in general, S. Munk, *Mélanges de Philosophie juive et arabe* (Paris, 1859); S. Steinschneider, *Die hebräischen Übersetzungen des Mittelalters* (Berlin, 1893); E. Renan and A. Neubauer, *Les Ecrivains juifs français du XIV^e siècle* (Paris, 1893); E. Myers, *Arabic Thought and the Western World* (New York, 1964), chapter 7, provides a check-list of translators from which one gets a good idea as to the role of Jewish translators.

⁷ See G. Scholem, *Reishit Hakabbalah* (Jerusalem, 1948) and the revised German edition, *Ursprung und Anfänge der Kabbala* (1962); S. Baron, *Social and Religious History*, VI, pp. 29–42; *Rabad of Posquières*, pp. 286–300.

⁸ See L. Zunz, “Die jüdischen Dichter der Provence”, *Zur Geschichte und Literatur* (Berlin, 1845), pp. 450–483; H. Schirman, *Hashirah Ha'ivrit Bisfarad Uveprovence*, 2 v. (Jerusalem, 1956); I. Davidson, *Parody in Jewish Literature*, esp. pp. 15–29; J. Chotzner, *Hebrew Humour and Other Essays* (London, 1905), chapter 8 (on R. Yedayah Bedersi), chapter 11 (on R. Kalonymus ben Kalonymus). At the beginning of the thirteenth century R. Yehudah Alharizi (*Tahkemoni*, chapter 18) is able to praise the poetry of Provence while at the beginning of the fourteenth century Immanuel of Rome (*Maḥbarot*, p. 43) echoes and intensifies this paean. See Y. Penini, *Sefer Hapardes in Oztar Hasifrut*, III (1890), section 6, pp. 1–17.

⁹ A study of the commentaries of R. David Kimḥi, R. Shemuel and R. Moshe ibn Tibbon, R. Menahem Hame'iri, R. Yosef ibn Kaspi, R. Levi ben Gershon, and others would sustain this generalization. See, e.g., M. Barol, *Menachem ben Simon aus Posquières und sein Kommentar zu Jeremia und Ezechiel* (Berlin, 1907); W. Bacher, “Joseph ibn Kaspi als Bibelerklärer,” *Judaica: Festschrift zu Hermann Cohen* (Berlin, 1912), pp. 119–135.

^{9a} See, e.g., F. Talmage, “R. David Kimḥi as Polemicist”, *HUCA*, XXXVIII (1967), pp. 213–235; M. Stein, “Me'ir b. Simeon's Milḥemeth Misvah”, *JJS*, X (1959), pp. 45–63.

writing¹⁰—is significant and, finally, the measured influence of relatively favorable social, political and economic circumstances upon cultural creativity is noteworthy. Provence in this period thus provides a case study for the analysis of the rise and fall of Jewish culture in a foreign environment.¹¹

2

Jewish cultural history unfolds against a checkered, shifting political background in which a situation of relative comfort and tolerance, the Jews enjoying definite economic and political privileges and opportunities, is replaced by a “decline in political status and economic prosperity, growing insecurity in face of widespread massacres and unpredictable fits of governmental intolerance.”¹² The political fate of Provence and its Jewish inhabitants is tied up with diverse and conflicting forces: the ever-increasing centralization of the royal domain in France, the expansionist tendencies of the rulers of Catalonia and Aragon,¹³ the sacerdotal and imperial vicissitudes of the papacy, and the stubborn independence of powerful suzerainties and ancient municipalities. Expulsions (national and local, reaching successive stages of finality in 1306, 1394 and 1500), popular uprisings and social revolutionary movements (e.g., the Pastoureaux of 1320), libels and accusations, personal humiliation and discrimination, chronic fiscal exploitation and harassment—these punctuate the history of the Jews even in the comparatively hospitable milieu of the Midi. On the whole, at the risk of some over-simplifying schematization, the graph of the socio-political destiny of Provence Jewry may be plotted in bold downward strokes. It should be remembered, however, that at all periods in Provence Jews suffered humiliation and discrimination, their position was precarious, social indignities were common, the

¹⁰ See the studies of H. Schirmann, “Isaac Gorni, poète hébreu de Provence”, *Lettres Romanes* III (Louvain, 1949), pp. 175–200; “Iyunim Bekovetz Hashirim Vehamelitzot shel Avraham Bedersi”, *Sefer Yovel le-Yitzhak Baer* (Jerusalem, 1951), pp. 154–173. R. Shimon Duran, *Magen Avot* (Leipzig, 1855), p. 55b, refers to the fact that French Jews borrowed melodies from troubadours.

¹¹ Cf. Y. Baer, *History of the Jews in Christian Spain* (English tr.; Philadelphia, 1961), v. I. p. 2.

¹² S. Baron, *Social and Religious History of the Jews*, X, p. 117. The facts and vicissitudes of the socio-political life of the Jews have been carefully reviewed by Baron, op. cit., pp. 82–91 (see especially pp. 82–83 and 87 for working generalizations) and XI, pp. 212–225. There is a brief summary of the twelfth-century situation in *Rabad of Posquières*, pp. 20ff.

¹³ The political interrelatedness of northern Spain and southern France had cultural repercussions as well; see below, section 4. Hebrew writers of Catalonia and Provence often call attention to their geographic unity and separateness from the rest of Spain; see e.g., the references of R. Zerahyah Halevi, *Sefer Hamaor*, and Nahmanides, *Milhamot* on Berakhot, 11a. The close contacts between the two regions during the controversy over philosophy should also be seen in light of these facts. The Jewries of southern France and northern Spain were thus tied by personal, economic, political (sometimes), and intellectual connections.

process of compulsory restriction of spheres of economic activity was having its effects, and the consciousness of exile was never dulled or de-sensitized.¹⁴

While this situation at first allowed substantial Jewish involvement and prominence in commerce, medicine, communal affairs and many Jews, because of their great wealth, and concomitantly high social position, rose in the political hierarchy, there does not seem to be a Provençal counterpart to the Spanish-Jewish “aristocracy”. The phenomenon of court Jews is not prominent in southern France—especially after the Albigensian crusade when northern princes acquired suzerainty over Languedoc and Provence and Jews were officially excluded from administrative posts. This needs to be underscored in light of the importance which has been attached to the Spanish-Jewish aristocratic intelligentsia in the history of ideas and evolution of a corrosive, anti-traditional rationalism in the Jewish communities of Spain. Provence had no entrenched courtier class and yet became the seat of rationalism.¹⁵

¹⁴ See *Rabad of Posquières*, p. 21; J. Katz, *Exclusiveness and Tolerance* (Oxford, 1961), p. 128. A poem by R. Shem Tov ben Yosef Falaquera provides an eloquent description of the mood and the reality:

“Can the lorn Jew be joyous, when
Accursed is his lot among men?
For, thou’ to-day his wealth be more
Than sand upon the ocean’s shore,
To-morrow goes he stripped and sore.
What justice can there be for Jew,
His foe being judge and jury, too?
Or how should Israel raise his head,
Wallowing in blood and sore-bestead?
O God, redeem Thy people’s state,
And glorify and vindicate
Thy name, which foes now desecrate!”

See Malter, *JQR*, I (1910), p. 156. The archival materials analyzed by R. Emery, *The Jew of Perpignan in the Thirteenth Century* (New York, 1959), suggest a revised view of the economic realities of the period.

¹⁵ See Baer, op. cit., pp. 189, 237, 241 and passim. He notes, in passing (p. 241), that Provence was different—but draws no conclusions from this concerning his major thesis about the relationship of social-economic interests and cultural-ideological positions; see the critique of I. Sonne in *JSS*, IX (1947), pp. 61–80. Indeed, one might well use Provence to illustrate a more idealistic approach, for from the very beginning—when R. Meshulam ben Yaakov (see below, p. 619) provided tranquility and sustenance for translators and other scholars—there is no persuasive social-economic explanation for the enthusiastic reception and energetic diffusion of philosophic literature in Provence. Some of its patrons and devotees were, to be sure, wealthy but others—notably R. Levi ben Ḥayyim, about whom see L. Baeck in *MGWJ*, XLIV (1900), pp. 24–41—were pitifully poor. Some—e.g., R. Yaakov Anatoli or R. Kalonymus ben Kalonymus—accepted invitations of Frederick II or Robert of Anjou to spend time at the royal court as “visiting scholars”—see M. Steinschneider, “Robert von Anjou und sein Verhältnis zu einigen gelehrten Juden”, *MGWJ*, XLVII, pp. 713–717, and Willy Cohn, “Jüdische

The socio-communal fact, however, that appears to have had most significant cultural repercussions was the relative openness of the society, the grassroots contacts between Jews and Christians, the ease of social intercourse, and the cultural liaison entered into by Jewish and Christian intellectuals. One writer is unabashedly proud of the presence of Christian notables and clergymen at his son's wedding.¹⁶ A prominent Talmudist records his discussions with a Christian and notes the resultant stimulus which he received for the composition of a comprehensive work on the theory and practice of "repentance."¹⁷ We know of ardent Jewish students of Averroes living for two days—on bread and water—in the house of a Christian philosopher in order to copy part of a manuscript which was not available elsewhere.¹⁸ This intellectual rapport will help account for and contribute to an outer-directedness in the philosophical-scientific activity of Provençal Jews—an awareness of the profile of the Jews "in the eyes of the nations" and a need to project continuously the image of a "wise and understanding people"—and will, indeed, provide a persuasive motive for much of this activity.¹⁹ People engaged in philosophy and science, their profound particularistic commitments notwithstanding, must have a sense of universality, a community of interests that supplement historic-religious interests without supplanting them, a conviction that "all nations share in the sciences and they are not restricted to one specific nation".²⁰ The desire to be "wise in the eyes of the nations", especially in areas cultivated jointly by the nations, can be a powerful catalyst for cultural activity.

Ubersetzer am Hofe Karls I. von Anjou ... (1266–1285)", *MGWJ*, LXXIX 246–60; others never left their communities. On the whole, Prof. Baer's thesis needs modification. The differentiation that he suggests (p. 304) parenthetically between the interests of members of the liberal professions—physicians, translators, litterateurs—and of the social aristocracy is valid and, indeed, significantly modifies his general thesis.

¹⁶ R. Yehudah ibn Tibbon in *Hebrew Ethical Wills*, ed. I. Abrahams (Philadelphia), p. 67. See J. Katz, "Sovlanut Datit Beshitato shel R. Menaḥem Hame'iri," *Zion*, XVIII (1953), p. 29.

¹⁷ R. Menaḥem Hame'iri, *Hibbur Hateshuvah*, p. 2.

¹⁸ See L. Berman, "Samuel b. Judah of Marseille," *Jewish Medieval and Renaissance Studies*, ed. A. Altmann (Cambridge, 1967), p. 297.

¹⁹ See below, p. 626.

²⁰ This is the statement of R. Shem Tov Falaquera; see Malter, *op. cit.*, p. 169. Note the analogous statement of Ibn Khaldun cited by M. Mahdi, *Ibn Khaldun's Philosophy of History* (Chicago, 1957), p. 76. This idea, of course, underlines the apothegm "Accept the truth from whoever expresses it" which is found in Maimonides' *Eight Chapters*, introduction (ed. Gorfinkle, New York, 1912), p. 36 and p. 6 (Hebrew section), as in R. Zerahyah Halevi, *Sefer Hamaor*, introduction, and becomes practically the motto of subsequent writers—e.g., R. Yaakov Anatoli (*Malmad Hatalmidim*, introduction, end), R. Shem Tov Falaquera (Malter, p. 168, n. 31), R. Yosef Kaspi (Abrahams, *Ethical Wills*, I, p. 155), Profiat Duran (*Ma'aseh Efod*, p. 25) and many others. The idea of the universality of philosophic learning is forcefully articulated by R. Eliyahu Mizrahi, *She'elot Uteshuvot*, n. 57, p. 176. Of course, the enlightenment of the eighteenth century—one may search for medieval antecedents as well—led to a situation in which the universality of philosophic interests did indeed supplant particularistic religious commitments.

Probably the most remarkable fact about the development of Jewish culture in Provence is the manner in which a Torah-centered community, widely respected throughout Jewish Europe for its wide-ranging rabbinic scholarship and deep-rooted piety, whose sages were constantly beseeched for scholarly advice and learned guidance, turned with remarkable zest and gusto to the cultivation of philosophy and other extra-Talmudic disciplines. This cultural dynamism and interaction in the spheres of religious and secular learning pervades the period, produces tensions and frictions as well as substantive achievements in many areas. Given the limitations of space in this article, it seems best to focus on this dynamic characteristic which is woven into the very fabric of Jewish history in Provence: its multi-faceted contributions to rabbinic learning, its serving first as a receptive, then a creative center for philosophic learning and broad humanistic culture, and its turbulent attempts to preserve both harmoniously and fruitfully. Its attainments and triumphs—indeed, even its frustrations and failures—its controversies and compromises left their imprint on the evolution of Jewish culture.

Provence is inarticulate, almost mute in the early centuries.^{20a} We have documents and traditions about the establishment of the academy at Narbonne, we are scantily informed about certain individual Provençal scholars—but there are no literary remnants or scholarly monuments.²¹ It is a period of oral study, appropriation and dissemination. Provence is marking time, preparing to make its literary debut at the end of the eleventh, beginning of the twelfth century. This is accomplished with great intensity and originality, and the twelfth century (continuing into the early decades of the thirteenth) is marked by dynamic study of Talmudic literature and midrash and innovation in halakhic ideas, methods, and literary genres. A sturdy succession of Talmudists is forged.²² They compose codes and commentaries, studies of existing codes or abridgements of the Talmud and treatises of the Talmud itself, customals,

^{20a} During this period rabbinic literature bursts forth in Spain under the aegis of Ḥasdai ibn Shaprut (d. 975) and in the pioneering achievements of R. Moshe (the Captive), his son R. Ḥanokh, and R. Yosef ibn Abitur and reaches its first peak in the codes and commentaries of R. Shemuel Hanagid (d. 1056), to be followed by R. Yitzḥak ibn Giat, R. Yitzḥak Alfasi, and R. Yehudah ben Barzilai, and Franco-German Jewry basks in the luminous achievements of R. Gershon the “light of the Exile” (d. 1028), his Lotharingian disciples and Rashi (d. 1105).

²¹ See Benedict, *op. cit.*, pp. 97ff.

²² R. Avraham ben Yitzḥak (*Eshkol*), R. Meshulam ben Yaakov, R. Moshe ben Yosef, R. Zerahyah Halevi (*Sefer Hamaor*), R. Avraham ben David (*Hasagot*), R. Yitzḥak ben Abba Mari (*Itur*), R. Yonatan Hakohen (Alfasi Commentary), R. Yitzḥak Hakohen, R. Moshe Hakohen (*Hagahot*), R. Avraham ben Natan Hayarḥi (*Hamanhig*), R. Meshulam ben Moshe (*Hashlamah*), and R. Meir Hakohen (*Meorot*). In addition some Provençal Talmudists assumed positions of leadership elsewhere—e.g., R. Meshulam ben Natan, who settled in Melun and becomes the uncompromising antagonist of R. Tam; R. Pinḥas ben Meshulam and R. Anatoli ben Yosef, who become judges in

and, of course, voluminous responsa. Their literary activity thus encompassed all the usual genres of rabbinic literature and most of these sages secured for themselves honorific positions in the gallery of immortal Talmudic celebrities. Their works are not merely of antiquarian interest; they are still studied and debated. Even their corporate character is recognized and their collective influence is reverently acknowledged in such designations, found in later chronicles and rabbinic texts, as “sages of Provence,” “elders of Narbonne,” and “wise men of Lunel.”

Given a large measure of uniformity (formal and conceptual), often repetition, in medieval rabbinic literature, how does one evaluate the individual works of this genre and what significant features does one seek to identify in them? I would suggest the following: (1) halakhic novelties in theory or practice; (2) methodological advances; (3) reflection of social and historical realities; (4) sometimes, material from cognate areas of nonhalakhic learning (e.g., philosophy, philology, exegesis). In all these respects, the rabbinic literature of southern France, much of which has just recently been published and has yet to be analyzed properly, is suggestive and significant.

A few special observations about this literary output are in order at this point. The chronological facts concerning the emergence of this literature mean that Provençal writing confronts initially a respectable and weighty Spanish literature, which it must master and assimilate but against which it must sustain its own accumulated oral traditions, tendencies and customs.²³ One of the dialectical results of this is the evolution of a distinct Provençal “school” and native halakhic literature. From R. Moshe ben Yosef²⁴ to R. Menahem Hame’iri,²⁵ rabbinic scholars thwarted the attempts of the Spanish school, represented first by the monumental works of R. Yitzhak Alfasi and R. Yehudah ben Barzilai, and later by the aggressive disciples of Nahmanides, to dominate southern France and were assiduous in preserving Provençal traditions in the face of foreign imports and innovations. The attitude was one of reverence, tempered by independence; many interpretations and practices were adopted but local color was not erased and native custom not obliterated.

Alexandria and are highly esteemed by Maimonides; and before them, R. Yosef Tov Elem (Bonfils) who came to Anjou from Narbonne.

²³ There are, of course, influences from northern France—the emergent Tosafistic school represented by R. Shemuel ben Meir and R. Yaakov Tam—as well (see *Rabad of Posquières*, pp. 232ff.) but the cumulative impact is different. Ravad, for example, chides R. Zerahyah Halevi for being a satellite of the French writers, especially Rashi; see *Rabad of Posquières*, p. 233. R. Tam (*Sefer Hayashar*, p. 89), on the other hand, accuses R. Meshulam of aggressiveness in propagating Provençal views and customs—an aggressiveness that is abetted by the modesty and weakness of French scholars.

²⁴ Benedict, “R. Moses b. Joseph,” *Tarbiz*, XIX (1948), pp. 19–34.

²⁵ Hamei’iri, *Magen Avot*, ed. I. Last (London, 1909). See *Rabad of Posquières*, pp. 11, 236ff., and Chapter 17 in this work, pp. 423–424.

This situation is reflected in another way in the special relationship of Provençal commentators and critics to the two greatest rabbinic works of Sephardic Jewry—the *Halakhot* of R. Yitzḥak Alfasi and the *Mishneh Torah* of Maimonides. One may say that both of these works were “launched” on their careers in Provence. As a matter of fact, the most sustained and fruitful activity in the realm of rabbinic literature is the study of the *Halakhot* and the *Mishneh Torah*. The *Halakhot* spread rapidly, in some respects superseded the Talmud as the basic text of study—it quickly earned the epithet “miniature Talmud”; it is in this context that we should understand the fact that Provence produced a rash of expository works of all kinds, criticism, defense, commentary and supplement, while it expounded initial methodological rules and insights for study of the *Halakhot*. These works gradually became the standard companions of the *Halakhot*.²⁶ It is noteworthy that all the works on Alfasi, regardless of point of departure, are partly approbatory, partly critical. One finds neither blanket criticism nor blanket endorsement, total dependence nor absolute independence; instead, stricture and supplement co-exist.

The same is true for the reception and spread of the *Mishneh Torah*. From the moment it arrives in southern France, an area on which Maimonides pinned his hopes for the survival of rabbinic scholarship,²⁷ the main contours of its future influence and study are fixed. Its strengths and deficiencies were noted almost instantaneously. Its value as a commentary as well as a code was promptly appreciated. Critics and commentators—e.g., R. Avraham ben David, R. Moshe Hakohen, R. Yonatan Hakohen of Lunel, R. Meshulam ben Moshe, R. Manoah—work side by side in the exhaustive study, searching analysis, and honest appraisal of the *Mishneh Torah* which thus became a highly charged “instrument of legal progress”.²⁸

As a concomitant—and partial consequence—of this fruitful activity, Provençal sages contributed to the development of a critico-conceptual approach to Talmud study. I have previously described this method of halakhic criticism as follows:²⁹ The Provençal scholars probe into the inner strata of Talmudic logic, define fundamental Talmudic concepts, and formulate the disparities as well as similarities between

²⁶ S. Baron, *Social and Religious History*, VI, pp. 86–89; *Rabad of Posquières*, pp. 230, 248. The epithet “miniature Talmud” (*Talmud katan* and later *Gemara ze’ira*) is first used by R. Avraham ibn Da’ud in the *Sefer Hakabbalah*. R. Menahem ben Zerah (*Tzedah Laderekh*, 6) notes that at the time of R. Meir Halevi Abulafia only the *Halakhot* of Alfasi were being studied. See also the testimony of R. Yosef Rosh Haseder, cited by Goitein, *Sidrei Hinukh* (Jerusalem, 1963), p. 148. Profiat Duran, *Ma’aseh Efod* (Vienna, 1865), p. 19, undoubtedly has all these works in mind when he speaks of the “*Halakhot* of Alfasi and the commentaries by the rabbis of Catalonia”.

²⁷ Kovetz *Teshuvot Harambam*, II, p. 44. On the chronology of Maimonides’ correspondence with the sages of Provence, see S. M. Stern, “Ḥalifat Hamikhtavim bein Harambam Veḥakhmei Provence”, *Zion*, XVI (1951), pp. 18–29.

²⁸ S. Baron, VI, p. 107. See also Chapter 3 above. Hame’iri, *Beit Habehirah*, introduction, refers to the use of the *Mishneh Torah* for purposes of commentary.

²⁹ *Rabad of Posquières*, pp. 62–64.

various passages in the light of conceptual analysis ... They performed for halakhic study something similar to what Aristotle accomplished for philosophic thought by the method of abstraction. They were not only expositors of the text but also investigators. They were “constantly looking for new problems, discovering difficulties, raising objections, setting up alternative hypotheses and solutions, testing them, and pitting them against each other.”³⁰ This method attunes one to whispers of contradictions but also persuades one that all contradictions are resolvable.³¹

In casting a hurried glance at the thirteenth century we may single out the fact that there was much tension concerning the proper study of Talmud. On the one hand, many Talmudists continued or duplicated or seemingly perfected the major tendencies of the twelfth century: critical commentary on the *Halakhot* and *Mishneh Torah*, independent study and explication of the Talmud in depth, composition of new up-to-date codes.³² Just as, to a great extent, later, post-Maimonidean Hebrew philosophic literature is a sort of dialogue between philosophers—by virtue of quotations, discussions, endorsement or refutation of classic views—rabbinic literature also has this characteristic: most of the writing revolves around the views of R. Zerahyah, R. Avraham ben David (Ravad), R. Yonatan Hakohen, and, of course, Alfasi and Maimonides—and sometimes R. Yaakov Tam and his fellow Tosafists. Although rabbinic literature in the thirteenth century moves more or less on a plateau—whose elevation was fixed by the giants of the preceding century—it retained sufficient vitality and originality to command the respect of R. Shelomo ibn Adret (Rashba) in Barcelona.³³

On the other hand, many Provençal intellectuals questioned the prudence of this conventional, all-embracing and therefore time-consuming study in view of the ready availability of classic abridgements and codes—especially that of Maimonides—which, to their mind, satisfied all the basic needs and demands of Talmudic study.³⁴ Scholars are chided in contemporary sources for repeatedly delving into the subtleties and dialectics of Talmudic discussion, for seeking elaborate proofs and explanations

³⁰ H.A. Wolfson, *Crescas*, p. 26.

³¹ This last sentence is more or less the formulation of my brother-in-law Haym Soloveitchik in an unpublished paper.

³² E.g., R. David ben Levi (*Sefer Hamikhtam*), R. Yehudah Lattes (*Ba'alei Asufot*), R. Menahem Hame'iri (*Beit Habehirah*), R. David ben Shemuel d'Estella (*Sefer Habatim*), R. Aharon Hakohen (*Orhot Hayyim*), R. Yeruham ben Meshulam (*Toledot Adam Vehavah*).

³³ *Teshuvot* I, 624. The volume of responsa (*Teshuvot Hakhmei Provence*) published by A. Sofer (Jerusalem, 1967) just as this article was being completed provides much important information concerning the relations between Rashba and the Provençal scholars of his time. I hope to analyze this material elsewhere. On the notion of dialogue in post-Maimonidean literature, see S. Pines' article on “Jewish Philosophy” in the new *Philosophical Dictionary* (1967).

³⁴ For example, R. Yosef Ezovi, *Ka'arat Kesef*; R. Yaakov Anatoli, *Malmad Hatalmidim*; R. Shem Tov Falaquera, *Sefer Hamevakesh* and others; see S. Assaf, *Mekorot Letoledot Hahinukh*, II, pp. 30, 43 and passim.

of laws, instead of accepting the codified traditions of Maimonides which were perfectly reliable and most convenient.³⁵ This restrictive, pragmatically oriented emphasis is most poignantly delineated by R. Yosef ibn Kaspi who does not even shrink from the rather radical suggestion that great Talmudic scholarship need not be the highest ideal, the ultimate consummation devoutly to be desired and pursued by all students of Jewish lore.³⁶ A measure of philosophic knowledge is more universally indispensable.

4

Provençal Jews were initially immersed head and shoulders in traditional learning—Biblical exegesis, midrash, Talmudic study, pietistic thought, liturgical poetry—and devoted themselves exclusively to its development. Unlike their coreligionists in Muslim Spain, where, in addition to rabbinic learning, Jewish scholars welcomed and absorbed the culture of the Muslims and emulated them in the cultivation of non-liturgical poetry, comparative linguistics, philosophy and natural science, the rabbis of Provence were scarcely exposed to secular literature and their culture was rather monolithic—with all the strengths and shortcomings inherent in such a situation.³⁷ A passage from the works of one of those who introduced Spanish Jewish culture into France accurately describes the condition of Jewish learning in Provence as he found it as an exile from Spain in the middle of the twelfth century. Coming from the land of the Muslims which is usually described in Hebrew as the “land of Yishmael” and referring to the Jews living under Christian rule by the conventional medieval phrase “the Jews of Edom,” he says concerning the Jews of southern France:

Also in the lands of the Christians there was a remnant for our people. From the earliest days (of their settlement) there were among them scholars proficient in the knowledge of Torah and Talmud, but they did not occupy themselves with other sciences because their Torah-study was their (sole) profession and because books about other sciences were not available in their regions.³⁸

³⁵ See Chapter 3 in this work, “Beginnings of Mishneh Torah Criticism,” n. 51.

³⁶ *Hebrew Ethical Wills*, ed. I. Abrahams, p. 138. Yavetz, *Or Haḥayyim*, chapter 9, realized the full implications of this and denounced Kaspi for denigrating the study of the Talmud.

³⁷ Cf. the characterization of German Jewry by G. Scholem, *Major Trends in Jewish Mysticism* (New York, 1941), p. 80.

³⁸ R. Yehudah ibn Tibbon, Introduction to *Hovot Halevavot*, ed. A. Zifroni (Jerusalem, 1928), p. 2. In the testament addressed to his son Shemuel, he implies that there were no tutors for secular studies available in Provence and he had to import at great expense a special instructor from abroad; see

R. Avraham ibn Ezra, who visited Béziers and Narbonne, also had reason to contrast “Edom” and “Yishmael.”³⁹ Similarly, another Spanish Jewish writer, an astronomer and philosopher who lived in Provence for a while, records with patent disapproval the ignorance of French scholars with regard to mathematical and geometrical problems.⁴⁰

The rather clear-cut terminus provided by these observations—the sudden, rather intensive exposure at mid-century—makes it possible to chart the course of this extra-rabbinic culture in Provence from its beginning through its periods of ascendancy and conflict to the age of decline and exhaustion.

The transmission of the Judeo-Arabic achievements in philosophy and philology from Spain to Provence resulted from the confluence of two factors: the arrival in Narbonne and Lunel, of R. Yehudah ibn Tibbon and R. Yosef Kimḥi, émigrés from the Almohade invasion of Spain who carried with them their secular learning and Arabic scholarship, and the remarkable zest of Provençal Jews for philosophic learning and Hebrew writings on non-Talmudic subjects. For while Avraham bar Ḥiyya, who sojourned in southern France,⁴¹ condemns the indifference and ignorance of French scholars with regard to very practical aspects of geometry and algebra, in the same breath he mitigatingly notes that there were absolutely no Hebrew books available on these subjects and that the Provençal sages repeatedly urged him to provide them with Hebrew texts, either translated or original.⁴² The same discrepancy

Hebrew Ethical Wills, ed. I. Abrahams, p. 57. Note also R. Avraham ibn Da’ud, *Sefer Hakabbalah*, ed. A. Neubauer, I, 78.

³⁹ See the quatrain in D. Rosin, *Reime und Gedichte des Abraham ibn Ezra* (Breslau, 1885), p. 87; and, in general, the important study by J. L. Fleisher, “R. Avraham ibn Ezra Betzarfat,” *Mizraḥ Uma’arav* IV (1930), pp. 352–360, V (1931), pp. 38–46, 217–224, 289–300. Ibn Ezra in fact helped trigger those developments which were to change the cultural complexion of Provence Jewry. Already Yehudah ibn Tibbon calls attention to Ibn Ezra’s significant role in the transmission of learning, especially grammatical knowledge, to Provence; see his Introduction to *Sefer Harikmah*, pp. 4–5. R. Yedayah Hapenini Bedersi reports a family tradition describing the joy with which the “pious and the rabbis” of Provence received Ibn Ezra who “began to open [people’s] eyes in our regions”; see his *Iggeret Hahitnatzlut*, *Teshuvot Harashba*, 418. Thus it is not only that Ibn Ezra—as did Bar Ḥiyya—wrote in Hebrew and thereby made his scientific works available to the non-Arabic-speaking West but he augmented and vivified his literary influence by direct personal contact.

⁴⁰ Avraham bar Hiyya, *Hibbur Hameshikhah Vehatishboret*, ed. J. Guttmann (Berlin, 1913), p. 2. On the influence of this work on the development of scientific learning in Provence, see Guttmann’s introduction and S. Gandz “Studies in Hebrew Mathematics and Astronomy,” *Proceedings of the American Academy for Jewish Research*, IX (1939), pp. 5–55.

⁴¹ Zunz (*Zur Geschichte und Literatur* [Berlin, 1845], p. 483), Graetz (IV, p. 128), and Renan (*L’Histoire Littéraire de la France*, XXVIII [1877], p. 523) maintain that Avraham bar Ḥiyya was in Provence. Gross (*GJ*, p. 369) doubts it. Cf. Guttmann, introduction, op. cit., IX, nn. 2–3. It seems certain that he had direct contact with Provençal scholars and in all probability lived there for a while.

⁴² Cf. his revealing introductions to *Tzurat Ha’aretz* (Offenbach, 1720) and *Sefer Ha’ibbur* (London, 1851). These were composed at the request and for the sake of the Provençal sages. Also the

between their restricted knowledge and their intense desire for philosophic works is indicated later by R. Shemuel ibn Tibbon in his introduction to the Hebrew translation of *Moreh Nevukhim*. On one hand, he observes, they do not occupy themselves with secular sciences, while on the other, the yearning of these wise men for more wisdom leads them to plead with Maimonides for a copy of his philosophic opus.⁴³ R. Yehudah Alḥarizi's characterization of the scholars of Marseilles⁴⁴ as well as R. Yonatan of Lunel's letter to Maimonides on the translation of the *Moreh Nevukhim*⁴⁵ both underscore this stimulating tension between the available and the desirable. The zeal and eagerness of the Lunel circle, of which R. Meshulam ben Yaakov is representative, for learning which they did not possess has also been depicted by R. Yehudah ibn Tibbon in a statement which we shall presently quote.

It was then at such a juncture, when Provençal Jewry's intellectual ambition was great and the receptivity quotient high, that R. Yehudah ibn Tibbon and R. Yosef Kimḥi, two enthusiasts of Judeo-Arabic culture who would spare no efforts to preserve it, made their appearance. A decisive change, for which the time was ripe, was to take place under the aegis of R. Meshulam ben Yaakov of Lunel whose home served as a sort of clearing house and center for translations from the Arabic to the Hebrew. His house and school were, generally, dynamos of religious and secular learning. R. Yehudah ibn Tibbon settled in Lunel about the middle of the twelfth century and became very friendly with R. Meshulam and his family, especially his two sons Aharon and Asher. In glowing metaphors he describes R. Meshulam as "the pure candelabra, lamp of the commandment and the Torah, the great rabbi, a saintly pious person, Rabbi Meshulam ... The oil of his understanding is pure and beaten (for the light) to cause the lamp of wisdom to burn continually. He craved for books of wisdom and according to his ability assembled, disseminated and had them translated ..."⁴⁶

The new knowledge which Ibn Tibbon and other émigrés carried must have been, as we have observed, enthusiastically received. The Hebrew poetry of Shelomo Gabirol and R. Yehudah Halevi, as well as the philosophic poem of R. Baḥya

introduction to his encyclopedia *Yesodei Hatevunah*, published in German by Steinschneider, *ZFHB*, VII, p. 336, n. 12.

⁴³ R. Shemuel ibn Tibbon, introduction to *Moreh Nevukhim*.

⁴⁴ Introduction to Hebrew translation of Maimonides' *Mishnah Commentary*. See also n. 56 below.

⁴⁵ A. Freimann, *Teshuvot Harambam* (Jerusalem, 1934), LII–LXI. See also R. Yonatan's praise of Shemuel ibn Tibbon in *Ginzei Yerushalayim*, ed. S. Wertheimer (Jerusalem, 1899), p. 33; introduction to *Sefer Harikmah*.

⁴⁶ Yehudah ibn Tibbon, introduction to *Hovot Halevavot*. See also Binyamin of Tudela, *Itinerary*, p. 3, and Berekhyah Hanakdan, *Ethical Treatises*, ed. H. Gollancz (London, 1902), Hebrew text, p. 1. At a later date, protagonists of philosophy made much of the fact that the great R. Meshulam, respected scholar and munificent Maecenas of Jewish culture, encouraged the methodical transmission of the philosophic and scientific learning of Spanish Jewry to French Jewry; see the letter of Yaakov ben Makhir to Rashba, *Minḥat Kenaot* (Pressburg, 1838), p. 85.

ibn Pakuda, was presumably known in Provence, even though it does not seem to have been incorporated into their liturgy; Berekhyah Hanakdan, for instance, uses the poetry of Gabirol.⁴⁷ The commentaries of R. Avraham ibn Ezra supplemented what they knew about R. Saadiah Gaon from the current Hebrew excerpts of his writings. Now, in his discussions with interested Provençal scholars, R. Yehudah ibn Tibbon probably informed them that these same authors had also written theological and ethical works in Arabic. He transmitted to them the contents of these works. It is very symbolic that before R. Yehudah ibn Tibbon produced a written version of R. Baḥya ibn Pakuda's *Hovot Halevavot*, R. Meshulam had ordered him to translate the first chapter orally.⁴⁸ The same was true for Gabirol's *Tikkun Middot Hanefesh*. Yehudah first discussed the contents of this little book with Asher ben Meshulam, one of his cherished tutees. Later, at the request of Asher, whose pious soul was fascinated by the moral maxims contained in this work, Yehudah produced a complete written translation.⁴⁹ Somewhat later, adhering apparently to a similar procedure, Shemuel ibn Tibbon translated random selections of the *Moreh Nevukhim* for R. Yonatan Hakohen and his avid, intellectually curious colleagues. After they had sampled the high quality of Maimonides' philosophic writings and personally experienced the maturity and profundity of his speculative faculties, they entreated Shemuel to produce an unabridged translation.⁵⁰ These illustrations suggest a companion means of transmission which supplemented and also prepared the ground for literary works. Spanish émigrés carried oral traditions with them and circulated the scientific news which they brought by word of mouth. Many views and theories on science, ethics, and philosophy must have been disseminated in such a fashion. Such an atmosphere, moreover, increased the appetite of many for more accurate and direct information, for reliable Hebrew translations.

Consequently, stimulated and encouraged by R. Meshulam, Yehudah ibn Tibbon embarked upon a 25-year program of planned translations. He selected his works methodically and prudently, for he was writing for popular consumption. His translations reveal a progression—too marked to be inadvertent—from the light to the difficult. The same is also true of R. Yosef Kimḥi, who likewise sought easy works for translation, thus duplicating many of Yehudah ibn Tibbon's works.⁵¹ In 1161 Yehudah

⁴⁷ J. Guttmann, "Zwei Jungst edirte Schriften des Berachja ha-Nakdan," *MGWJ*, XLVI (1902), p. 545.

⁴⁸ Yehudah ibn Tibbon, Introduction.

⁴⁹ See ibn Tibbon's dedicatory letter to Asher, in *The Improvement of the Moral Qualities*, ed. S. Wise (New York, 1902). A lengthy excerpt is available in A. Geiger, *Nachgelassene Schriften*, I, p. 16.

⁵⁰ Shemuel ibn Tibbon, Introduction. At a later date, R. Kalonymus ben Kalonymus describes the circumstances of his translation of the *Iggeret Ba'alei Ḥayyim* (translated from the twenty-first treatise of the *Encyclopedia of the Brethren of Purity*) in a similar manner; see *Iggeret Ba'alei Ḥayyim*, ed. M. Haberman (Jerusalem, 1949), p. 1.

⁵¹ They both translated the *Hovot Halevavot* and the *Mivḥar Hapeninim*; see A. Marx, "Gabirol's Authorship of the Choice of Pearls and the Two Versions of J. Kimḥi's Shekel ha-Kodesh," *HUCA*, IV

ibn Tibbon translated the first chapter of R. Baḥya ibn Pakuda's *Ḥovot Halevavot* (*Al Hidayah ila Faraid al-Ḳulub*) at the request of R. Meshulam. Only the first chapter on the "Unity of God" was actually of a philosophic nature and introduced new terms and concepts, while the remaining nine chapters of this popular work dealt with conventional moral teachings, occasionally using new terminology perhaps. That Yehudah considered R. Baḥya primarily a moralist rather than a philosopher—an issue still debated by modern scholars—is clear from the brief history of that literary genre to which the translated book belongs, which he sketches in his introduction.⁵² His first impulse was not to translate the last nine chapters, for he believed that their contents were succinctly presented in a simple straightforward ethical work by Shelomo ibn Gabirol: the *Tikkun Middot Hanefesh*. Choosing the path of least resistance and simultaneously desiring to fulfill the requests of Asher ben Meshulam, he proceeded to translate Shelomo ibn Gabirol's moral composition into Hebrew. Meanwhile, R. Yosef Kimḥi took advantage of this omission on the part of R. Yehudah ibn Tibbon. Finding that only the philosophical chapter of Baḥya's treatise had been translated, Kimḥi hastened to complete the remaining chapters and then to retranslate the first chapter as well. The translation of Kimḥi was obviously defective and those few competent scholars, émigrés from Spain most likely, who knew Arabic and could detect the deficiencies, were not slow to criticize this work, publicize its deficiencies, and convince the people of its shortcomings. As a result of this, we find Ravad urging Yehudah to resume his task so that the readers in southern France should not have to rely upon Kimḥi's unsatisfactory production. Yehudah prefaced the second installment of his translation of the *Ḥovot Halevavot* with a long discourse on intelligence and fools who undertake tasks incommensurate with their ability—a reference to Yosef Kimḥi, as is clear from the immediately following paragraphs.⁵³

Meanwhile, Yehudah turned to R. Yehudah Halevi's *Kuzari* (*Kitab al-Khazari*) which was ready in Hebrew by 1166. To this early period of translations also belongs most likely the translation of Shelomo ibn Gabirol's *Mivḥar Hapeninim*, a sort of ethical anthology which Gabirol intended to utilize as the basis of his larger ethical treatise.⁵⁴ Compilations of proverbial sayings enjoyed immense popu-

(1927), pp. 438–448. On the "duplicate translations" from Arabic to Hebrew, see I. Sonne in *MGWJ*, LXXII, p. 67 and J. I. Teicher, "The Latin Hebrew School of Translators in Spain," *Homenaje à Millas-Vallicrosa* (Barcelona, 1946), II, pp. 440–443. On the creative role of translators—"ministers armed with unlimited discretionary powers"—see the beautiful statement in P. Hazard, *The European Mind* (New York, 1963), p. 72. It should be added, however, that translators have discretionary powers not only in the art of translation but in the very selection of texts which determines what will be accessible to the average reader.

⁵² He discusses briefly various works on ethics, thereby indicating the great need for R. Baḥya's work.

⁵³ Yehudah ibn Tibbon, introduction to chapter II of *Ḥovot Halevavot* (p. 55).

⁵⁴ For a review of the historical skepticism and excessive textual agnosticism that surrounded both the author and translator of this work, cf. A. Marx, "Gabirol's Authorship of the *Choice of Pearls*,"

larity among the Jews from Biblical times onwards and contact with Arabic writings merely provided a special impetus for this type of gnomic literature. Ibn Tibbon's translation of the *Mivḥar Hapeninim*, along with the metrical paraphrase-translation of Kimḥi entitled *Shekel Hakodesh*⁵⁵, is thus representative of a venerable literary genre which was achieving renewed prominence. Alḥarizi's Hebrew translation of Ḥonein b. Ishak's *Musarei Hafilosofim*, prepared at the request of the sages of Lunel, also enjoyed considerable vogue as one of the famous Arabic collections of ethical apothegms.⁵⁶

A lengthy interlude in the translation of philosophic literature ensued, during which Yehudah ibn Tibbon produced Hebrew translations of Ibn Janah's grammatical-lexicographical treatises (1171)—and Kimḥi was probably teaching and writing original works, for it should be pointed out parenthetically that, while we are here primarily concerned with his work as a translator, R. Yosef Kimḥi's essential activity as a Hebrew popularizer and transmitter manifested itself in his teachings and in original Hebrew works based upon Arabic writings, in contradistinction to Yehudah ibn Tibbon who earned his reputation through professional translations, his original compositions being few and of ephemeral value. Ibn Tibbon finally brought forth a translation of R. Saadiah's *Emunot Vede'ot* (1186).⁵⁷ This was after the Provençal reading audience had been exposed to lighter philosophic works and was now presumably prepared to grapple with a full-fledged technical work of philosophy representing the quintessence of Kalam speculation.

It should be recalled that prior to this exact, literal translation, another translator and popularizer, Berekhyah Hanakdan, who was also a member of R. Meshulam's illustrious circle had epitomized the *Emunot Vede'ot* on the basis of earlier translations. Berekhyah, commissioned by R. Meshulam—who in this respect anticipates a Renaissance patron who would assemble various writers and commission them to translate classical works—to write and translate, also produced a Hebrew paraphrase of Adelard of Bath's *Quaestiones Naturales*.

Moreover, just as Yehudah ibn Tibbon was the main but not sole translator, similarly R. Meshulam was the most important but not exclusive director and initiator of translations. We have seen, for example, how Ravad urged Ibn Tibbon to disregard R. Yosef Kimḥi and produce a literal, exact translation of the last nine chapters

HUCA, IV (1927), pp. 438–448. Stern (*Zion*, XVI, pp. 19–28) had adduced important new evidence both for Gabirol's authorship and Ibn Tibbon's translation.

⁵⁵ Ed. Herman Gollancz (Oxford, 1919). J. Davidson, *JQR*, XI (1922–1923), pp. 507–512. Cf. J. Weill, *REJ*, LXX (1920), pp. 216–223. Marx, op. cit., conjectures very plausibly that we possess two entirely different versions of this translation and not merely two divergent manuscripts.

⁵⁶ Ed. A. Loewenthal (Frankfurt a. M., 1896); Steinschneider, *Die Hebräischen Übersetzungen des Mittelalters*, p. 350.

⁵⁷ 1186 is the date found in a colophon to the Constantinople edition of 1562: Malter, *Saadia Gaon*, p. 370.

of the *Hovot Halevavot*. R. David Kimḥi (son of Yosef), an important author and popularizer in his own right, also encouraged the translating activity of his time. In the introduction to his translation of R. Yitzḥak Yisraeli's *Sefer Hayesodot*, Avraham ben Ḥisdai, Hebrew translator of the famous *Ben Hamelekh Vehanazir*, informs us that he consented to this undertaking as a result of the persistent request of "that great scholar," R. David Kimḥi. Besides desiring to fulfill the commandment of the latter, whose lofty intention and aspiration was to disseminate philosophic knowledge, our author indicates an additional motive for his translation: to save the book from perdition. The contemporary linguistic milieu was not favorable to the preservation of unintelligible Arabic texts; their sole chance for survival lay in translation.⁵⁸ This Avraham also translated Algazali's ethical work *Mozenei Tzedek* (*Mizan al-'Amal*).

To sum up, of the important Spanish Jewish thinkers, R. Avraham ibn Ezra and Avraham bar Ḥiyya wrote in Hebrew and their works were immediately available for monolingualists in southern France. Shelomo ibn Gabirol's *Mivḥar Hapeninim* and *Tikkun Middot Hanefesh* were translated into Hebrew. The *Hovot Halevavot* and the *Kuzari*, ambivalent works capable of stimulating both philosophical and mystical speculation, were definitively translated in the sixties. In addition to these Spanish productions, the first major philosophic work of medieval Judaism, oriental in origin but of inestimable importance in the West—the *Emunot Vede'ot* of R. Saadiah Gaon—was also made available in a complete translation. This activity was crowned by the Hebrew translation of the *Moreh Nevukhim*. Moreover, several commentaries on the *Sefer Yetzirah* by Shabbetai Donnolo, R. Saadiah Gaon, and R. Yehudah ben Barzilai were in circulation. On the basis of this, we conclude that in the last decades of the twelfth century a Provençal Jew, who was an earnest and dedicated Hebrew student, could already begin to amass a definite measure of knowledge concerning philosophy even though he was ignorant of Arabic, something which, all its lingering limitations notwithstanding, was radically novel and previously totally inconceivable. In the course of the thirteenth century many of the original works of Aristotle together with the writings of the greatest of his commentators Averroes were translated into Hebrew so that "Hebrew literature became also the repository of the whole Aristotelian heritage of Greek philosophy."⁵⁹ It should be added, furthermore, that by striving for fidelity of rendition rather than felicity of expression, the

⁵⁸ *Sefer Hayesodot*, ed. S. Fried (Frankfurt a. M., 1900), p. 3. At a later date, the celebrated Talmudist R. Nissim Gerondi—in a letter written for the benefit of a certain Yitzḥak, descendant of the famous Tibbonide family—underscores the same motive of preventing a "work of truth from being defiled in stammering lips and a strange tongue" and of "giving it an everlasting redemption" via translation into Hebrew; see S. Assaf, *Mekorot Umehkarim* (Jerusalem, 1946), p. 181. This ongoing process of linguistic change also resulted in the Hebrew translation of rabbinic works—e.g., Maimonides' *Sefer Hamitzvot*.

⁵⁹ Wolfson, *Crescas' Critique of Aristotle* (Cambridge, 1929), IX.

translators on the whole achieved exactness in literary transmission which enabled others to achieve exactness in philosophical comprehension.⁶⁰

5

The next steps—sometimes taken concurrently by many of the same people involved in the process of translation and transmission—entailed the production of commentaries on philosophic classics and composition of independent philosophic works. Translators and commentators, philosophers and scientists, encyclopedists and popularizers⁶¹ are representative of this multi-dimensional development in which southern France passes hurriedly from the receptive to the creative stage, from the preservative to the innovating, and emerges in the thirteenth century as the main center of philosophic activity.^{61a} Not only R. Saadiah Gaon and Maimonides, but Al-Ghazali and Averroes, and needless to say Plato and Aristotle, became household names for Hebrew writers as a result of the translating, paraphrasing, commentatorial and critical work of these people.⁶²

Especially noteworthy is the extent to which philosophic material permeates other, more conventional literary genres. Bible commentaries, Talmud studies, homilies, codes, poetry—all are saturated in various degrees with philosophic motifs, terminology and trends of thought. Aside from their substantive importance—and no history of Jewish philosophic thought can be complete without incorporating the

⁶⁰ Cf. *ibid.*, p. 7.

⁶¹ Figures such as R. Yaakov Anatoli, R. Shemuel ibn Tibbon, R. Levi ben Ḥayyim, R. Yaakov ben Makhir (ibn Tibbon), R. Avraham Bedersi, R. Yitzḥak Albalag, R. Moshe Narboni, R. Shem Tov Falaquera, R. Yedayah Hapenini Bedersi, R. Gershon ben Shelomo of Arles, R. Yosef Kaspi, R. Kalonymus ben Kalonymus, R. Moshe ben Shemuel ibn Tibbon, R. Moshe ben Shelomo of Salon, R. Shemuel ben Yehudah of Marseille, R. Levi ben Gershon (Gersonides), R. Abba Mari ben Eligdor.

^{61a} Truth to say, it is difficult to draw rigid lines between Catalonia and Provence which, sometimes united politically, regularly appear as one cultural sphere. The locale of some of these people—e.g., R. Yitzḥak Albalag—cannot be precisely determined; see G. Vajda, *Isaac Albalag: Averroiste Juif* (Paris, 1960).

⁶² See H. A. Wolfson, “Revised Plan for the Publication of a Corpus Commentatorium Averrois in Aristotelem,” *Speculum*, XXXVII (1963), pp. 88–89. Most of the Averroian commentaries, for example, were translated by R. Moshe ibn Tibbon and R. Kalonymus ben Kalonymus. On the importance of R. Shem Tov Falaquera for the history of philosophy see M. Plessner in *Homenaje*, II, pp. 161–186. A. Marx, “The Scientific Work of Some Outstanding Medieval Jewish Scholars,” *Linda Miller Essays and Studies* (New York, 1928), pp. 117–171, has information on many of these people. For examples of recent studies, see G. Vajda, “An Analysis of the Ma’amar Yiqqawu ha-Mayim by Samuel b. Judah ibn Tibbon,” *JJS*, X (1959), 137–151; S. Pines, “Hatzurot Ha’ishiyot Bemishnato shel Yedayah Bedersi,” *Harry Wolfson Jubilee Volume*, Hebrew section, pp. 187–203; A. Ivry, “Moses of Narbonne’s ‘Treatise on the Perfection of the Soul’: A Methodological and Conceptual Analysis,” *JQR*, LVII (1967), 271–97; L. Berman, referred to above in n. 18.

abundant material embedded in these disparate sources—these references, quotations, critical analyses, and digressions contributed significantly to the process of popularization. These writers fulfill the function of intellectual brokers and middlemen who help keep alive, and in the fulness of its vigor, the spirit of rationalism while they familiarize average readers with provocative philosophic theories.⁶³ Some are reminiscent of later pamphleteers and gazetteers. Sometimes it is just the nonchalant exposure—and gradual habituation—of the audience to intellectualistic patterns of thought and exegetical methods which is the far-reaching determinant.⁶⁴ This permeation is so extensive that even the opponents of the philosophic movement—e.g. R. Abba Mari of Lunel and Rashba⁶⁵—are rather well versed in philosophic literature, and their own writings contain material for the history of ideas. They use phrases from the vocabulary of rationalism and introduce concepts from the realm of philosophy. There are few who do not reflect awareness of and acquaintance with philosophy. Even the kabbalists, many of whom are vituperative in their condemnation of philosophy and its detrimental consequences, are, in any event, not innocent of it.⁶⁶ One may conclude that, allowing for varying degrees of profundity or shallowness, rationalism and rationalistic habits were entrenched in the Provençal communities and inextricably woven into the fabric of its religious culture.⁶⁷

The general impression is that there are few truly seminal figures or intellectual heroes in Provence—Gersonides, e.g., is an obvious and weighty exception—but many sensitive, remarkably industrious, versatile, deeply committed writers eager to disseminate and vindicate philosophy, to prove that it was not an upstart discipline alien to religious concerns.⁶⁸ They defended the cause of philosophy with elegance and persuasiveness, sometimes with a touch of lyricism, always with passion. What is more, there is not only strength of conviction but even aggressiveness in their temper. As R. Yosef ibn Kaspi put it, “neither timidity nor diffidence is in place where truth is concerned.”⁶⁹ Its adherents should possess intellectual integrity and courage. Philosophic believers could be as fanatical as naïve believers. In their *apologia pro*

⁶³ E.g., R. David Kimḥi, Shofetim 9:13 (on theory of attributes) or Yirmeyahu, 7:22 (explanation of sacrifices). Scriptural exegesis is perhaps the major vehicle for popular philosophic expression.

⁶⁴ *Sefer Hamikhtam on Pesahim*, ed. A. Sofer (Jerusalem, 1959), p. 433, or *Orhot Hayyim*, I, p. 102a. Hame'iri's long introduction to the *Beit Habehirah* is of this nature.

⁶⁵ *Minḥat Kenaot*, n. 96; see *Teshuvot Harashba*, I, *siman* 9, 60, 94.

⁶⁶ I. Zinberg, *Toledot Sifrut Yisrael*, Vol. II, gives many examples. See also G. Scholem, *Major Trends*, pp. 203, 398.

⁶⁷ Apparent inconsistencies and equivocations in the later controversy are more intelligible in light of this fact. It is clear, for example, that attempts were made to involve Rashba in the rationalistic debate and make him commit himself on certain issues: see e.g., *Teshuvot Harashba*, I, pp. 395, 413.

⁶⁸ It has been said that history—or historiography—likes to upgrade mediocrities. Actually, there is no need to upgrade them; it is enough to recognize their importance for intellectual history, in which they may surpass great “classical” thinkers.

⁶⁹ *Hebrew Ethical Wills*, I, p. 152.

scientiae, they sought to disabuse their co-religionists of any possible error concerning the legitimacy and religious respectability of philosophy. Indeed, they unequivocally asserted the primacy of the intellectual experience and cognitive attainment in Judaism and, consequently, the indispensability of philosophy. Philosophic knowledge as a duty was the nuclear notion of their program.⁷⁰ They did not conceal the fact that they found perfunctory piety or unexamined traditionalism uncongenial and that routine Talmudism divorced from spiritual animation was not at the top of their scale of values. Rationalism is here in an upright posture and a militant, confident mood. They taught (e.g., R. Levi ben Ḥayyim), preached (e.g., R. Yaakov Anatoli), propagated (e.g., R. Yosef Kaspi and R. Kalonymus ben Kalonymus), interpreted (e.g., R. Moshe Narboni) and explored new areas (e.g., R. Levi ben Gershon) with verve and gusto.

A prominent component of the philosophic apologia is the desire, indeed the compulsion, to show the world (i.e., fellow intellectuals) that Judaism has not forfeited its claims to, or skills in, philosophy and science. The vision of contemporary Judaism that writers such as R. Shemuel ibn Tibbon, R. Yaakov ben Makhir, R. Yosef Kaspi or R. Menaḥem Hame'iri evoke—with good polemical advantage—is one of diminution of philosophic expertise, of intellectual backsliding, and resultant loss of prestige.⁷¹ Judaism, the source of so much of mankind's religious inspiration and philosophic wisdom, suffers from atrophy, indifference, and misguided hostility to philosophy. This accounts, in their opinion, for a pejorative, condescending attitude of non-Jews to Jews, who are portrayed as lacking in sophistication and skill. This attitude must be corrected. It is one of the lasting achievements of Maimonides that he helped restore lustre and dignity to Judaism by commanding the respectful attention of Christians and Muslims. The fact that they regularly quote and rely on Maimonidean writings enhances the importance of Jews in the eyes of non-Jews and triumphantly refurbishes the label “a wise and understanding people” (Devarim 4:7) which should remain the appropriate designation of the Jewish people.⁷² The relative openness of the intellectual society and the rather frequent contacts between Jews and Christians add weight to this matter.⁷³

⁷⁰ Cf. in this context, H. A. Wolfson, *The Philosophy of the Church Fathers* (Cambridge, 1956), pp. 99–100.

⁷¹ *Yikavu Hamayim*, p. 173; *Minḥot Kenaot*, n. 39, and introduction to Hebrew translation of Euclid (*Sefer Hayesodot*); *Amudei Kesef*, introduction; *Hoshen Mishpat* in *Zunz Jubelschrift (Tiferet Seivah)*, p. 192.

⁷² Hame'iri, in *Hoshen Mishpat*, loc. cit.; R. Yedayah Bedersi, *Iggeret Hahitnatzlut, Teshuvot Harashba*, n. 418, end; R. Yosef Kaspi, *Hebrew Ethical Wills*, p. 154. See, in general, J. Guttmann, “Der Einfluss der maimonidischen Philosophie auf das christliche Abendland,” in *Moses b. Maimon* (Leipzig, 1908) and D. Kaufmann, “Der ‘Führer’ Maimunis in der Weltliteratur,” *Gesammelte Schriften*, Vol. II (1898).

⁷³ Shemuel ibn Tibbon's assertion (*Yikavu Hamayim*, p. 175) that philosophy was more widespread among Christians than Muslims would be good reason to intensify and extend philosophic learning

These devotees of philosophy genuinely believed—or satisfactorily convinced themselves—that they harmoniously combined piety and devotion to the study of Torah with the cultivation of philosophic-scientific disciplines. They passionately repudiated the charge that they were lax in religious observance or deficient in traditional knowledge because of their allegiance to philosophy. Torah and *hokhmah* went hand in glove in Provence, where scholars had diversified interests and proficiency.⁷⁴ The articulate proponents of rationalism, e.g., R. Yedayah Hapenini, Hame'iri, R. Yosef Kaspi, R. Kalonymus ben Kalonymus—even R. Moshe Narboni—usually described themselves as the center party, waging war on two fronts: against the extreme allegorists or really untrained philosophers who seem to be, willy-nilly, paving the way for the destruction of the religious tradition—those who consider themselves philosophers but are not—and against the unswerving literalists who seriously complicate religious commitment and do violence to the requirements and essentials of faith—those who consider themselves sages but are not. Those with a true conception of the role of philosophy and its relation to faith consistently disavow the fringe groups and intrepidly affirm the centrality of their own position. This spirited affirmation is a recurrent theme in Hebrew literature from R. David Kimḥi to R. Menahem Hame'iri.⁷⁵ Anyone who contended differently was malicious or had been duped by flagrant misrepresentation of the Provençal reality.⁷⁶

The fact of the matter was, however, that they had no unified or monolithic interpretation of their own position and they criticized each other for inconsistencies and extremism—witness the differences between R. Kalonymus ben Kalonymus and R. Yosef Kaspi.⁷⁷ There is actually a wide spectrum with positions shading

among Jews in southern France. Professor S. Pines has recently been trying to document the extent of the influence of Christian scholasticism on such philosophers as R. Yedayah Bedersi, R. Yosef Kaspi, and R. Levi ben Gershon.

⁷⁴ See, e.g., Hame'iri, op. cit., pp. 162–163. There are two parts to his statement: (1) Provençal scholars combined Talmud and philosophy—and one could easily cite many examples of this intellectual type; (2) even those who did not devote much time to Talmud and were very proficient in philosophy were men of piety and religious integrity. One of the crucial issues here was the method and extent of rationalization of the religious commandments; see e.g., Hame'iri, *Commentary on Avot*, pp. 129–130.

⁷⁵ E.g., R. David Kimḥi, *Kovetz Teshuvot Harambam*, III, 3d; Y. Bedersi, *Iggeret Hahitnatzlut*, beginning; R. Yosef Kaspi, *Mishneh Kesef*, chapter 5; Me'iri, loc. cit.; *Minḥat Kenaot*, p. 48. See the suggestive statements of R. Moshe Narboni (concerning Abner of Burgos) cited by Y. Baer, op. cit., I, p. 332, and I. Zinberg, op. cit., II, p. 116.

⁷⁶ This was the thrust of Bedersi's answer to Rashba. See now A. Halkin, "Yedaiah Bedershi's Apology," *Jewish Medieval and Renaissance Studies*, pp. 165–184.

⁷⁷ See the letter of R. Kalonymus ben Kalonymus, ed. F. Perles (Munich, 1879). Contemporary medieval literature, to be sure, does portray absolute types. The great spiritual tension between them is accurately reflected in the apparently stereotyped debates presented in such works as R. Shem Tov Falaquera's *Sefer Hamevakesh* and Kalonymus' *Even Boḥan*; also R. Yitzḥak Polkar, *Ezer Hadat*, part II, and R. Meir Aldabi, *Shevilei Emunah*, section eight. See also Profiat Duran, *Ma'aseh Efoḏ*,

off one into another. Their opponents—e.g., Rashba, R. Asher ben Yehiel, R. Abba Mari of Lunel—were also not cut from the same cloth and they represent diverse, sometimes incongruent tendencies. Adherents of philosophy shared many convictions with the opponents of philosophy. The former proposed more or less the same restrictions and called for the same safeguards as the latter. Their common attitude to Maimonides was one of almost undiluted awe and reverence—and criticism of Maimonides was usually couched in apologetic terms. The fact that the lines were not clearly drawn had conflicting results: attitudes on both sides could be conciliatory in order to avoid exacerbating wounds, rivalries, and antagonisms or else emotions could be aroused, tempers quickened and tolerance diminished, in order to protect one's position.

It is out of such a matrix that the well-known controversy concerning philosophy flares. The facts have often been reviewed in modern scholarly literature.⁷⁸ Opponents of philosophy repeat the charge that the bounds had been transgressed. Basic beliefs and mores seem to be disintegrating. Philosophers are censured for their destructive views, rampant allegorism and indiscriminate publication of the same. All sides agreed that the unqualifiedly exoteric nature of philosophic activity was at fault: loose preaching and teaching which engulfed an unqualified audience which did not need and therefore could not appreciate the philosophic approach.⁷⁹ The adherents of philosophy conceded that there were exceptional instances of unjustified extremism and that the involvement of the masses was especially regrettable, but a few lapses should not be allowed to disqualify the rationalistic enterprise. Their opponents contended that these negative facts were quite widespread, terribly objectionable, and potentially disruptive of the Jewish tradition. The reduction of the law to pragmatic-utilitarian categories was considered to be the prelude to antinomism. They feared the victory of the “God of Aristotle” (as defined by R. Yehudah Halevi) who is removed from and unconcerned with human affairs, who is not accessible in prayer, who would not and could not intervene miraculously in the natural course of events. The postulates as well as the objectives of the philosophical movement were thus unnerving. In a word, the reasons for opposition to religious rationalization as articulated in the introduction to R. Saadiah's *Emunot Vede'ot* were still applicable: “There are people who disapprove of such an occupation, being of the opinion that

introduction. Later opponents of philosophy similarly lump their antagonists—e.g., R. Yitzhak Albalag, R. Moshe Narboni, R. Yosef Kaspi, Gersonides—together. See R. Yosef Yavetz, *Or Haḥayyim*; R. Shem Tov ben Shem Tov, *Sefer Ha'emunot*, and others.

⁷⁸ J. Sarachek, *Faith and Reason* (Williamsport, 1935); Y. Baer, op. cit., I, pp. 289ff. (and bibliography); A. Neuman, *The Jews in Spain* (Philadelphia, 1948), II, pp. 97–146.

⁷⁹ See, e.g., *Minḥat Kenaot*, pp. 48, 94, 134, 175; Y. Bedersi, *Iggeret Hahitnatzlut*, passim; R. Yosef Kaspi, *Hatzotzrot Kesef*, p. 104; *Hoshen Mishpat*, op. cit., p. 167; *Malmad Hatalmidim*, introduction, p. 92.

speculation leads to unbelief and is conducive to heresy”.⁸⁰ The arguments and counter-arguments, incriminations and recriminations, bans and counter-bans spent themselves over the years and were abruptly interrupted by Philip the Fair’s edict of expulsion in 1306.⁸¹ As for the fate of rationalism in Provence, Y. Penini seems to have struck the most characteristic note: the movement of philosophy was irreversible and, indeed, any regression would be lamentable.⁸² The achievements of Gersonides—to cite only one—show in fact that the ban was not much of a deterrent. Philosophy, astronomy, mathematics, medicine remained popular. Y. Penini’s predictive declaration was initially substantiated and finally contradicted only because of external developments. The debate was left in abeyance.

Code

JQR *Jewish Quarterly Review*

JSS *Jewish Social Studies*

MGWJ *Monatsschrift für Geschichte und Wissenschaft des Judentums*

ZfHB *Zeitschrift für hebräischen Bibliographie*

HUCA *Hebrew Union College Annual*

REJ *Revue des Etudes Juives*

⁸⁰ Tr. S. Rosenblatt (New Haven, 1948), p. 26. Cf. H. A. Wolfson, “The Jewish Kalam,” *JQR Seventy-Fifty Anniversary Volume*, pp. 554–555. Such an argument is also cited by R. Yaakov Anatoli, *op. cit.*

⁸¹ See, e.g., D. Kaufmann, “Deux Lettres de Simeon b. Joseph,” *REJ*, 29 (1894), esp. pp. 225–228.

⁸² “It is certain that if Yehoshua the son of Nun arose to forbid the Provençal Jews to study the works of Maimonides, he would scarcely succeed. For they have the firm intention to sacrifice their fortunes and even their lives in defense of the philosophical works of Maimonides.” Tr. in I. Abrahams, *Jewish Life of the Middle Ages*, p. 371.

Jewish Education in Ashkenazic Society in the Middle Ages

A. The living conditions and character of Ashkenazi Judaism

Ashkenazi Judaism as a distinct cultural entity began to emerge as early as the tenth century within the confines of the Christian “Edomite Kingdom,” primarily concentrated in the urban centers of northern France and along both banks of the Rhine. The distinctive identity of Ashkenazi Judaism was developed under the auspices of great sages—commencing with R. Gershom Meor Hagolah and extending through his disciples, the scholars of Lotharingia, followed by Rashi, the Tosafists, and culminating with the Maharil—R. Yaakov ben R. Moshe Halevi—and R. Yisrael Isserlein who mark the end of the period and whose works provide a summary picture of it. In Ashkenaz, France, and Lotharingia, various facets of life were slowly fashioned during this epoch, such as societal structures, cultural norms, philosophical outlooks, educational methodologies, linguistic patterns, modes of expression, and ways of sensing and responding, exerting enduring influence on the trajectory of Judaism as a whole, persisting into contemporary times.

Ashkenazi Judaism exhibited a notable degree of homogeneity, characterized by a cohesive cultural trajectory that yet remained attuned to the exigencies of the era. This Torah-centered Judaism, which created an abiding heritage in the fields of Biblical interpretation and halakhic interpretation of the Talmud, did not make important contributions in secular fields. Ashkenazi Jews were distinguishable by their distinct physical features, setting them apart from their Sephardi counterparts. R. Menahem ibn Zerah the Sephardi (14th century) attested to these differences, writing: “It is well-known that the forms of the people of Ashkenaz are different from the forms of the people of Sepharad ... according to the climate, solar patterns, and atmospheric influences under which they live, so that species of plants and fruits are different and those who eat this food will change according to their temperament so that their language and physical appearance will change ... and according to the magnitude of the change of physical appearance, thoughts and opinions change, as well” (*Tzedah Laderekh* I, 1, 36).

The term “Ashkenazi Judaism” has broad regional-cultural significance, denoting a Judaism that extended its influence beyond the confines of France and Germany. It permeated into English Jewry, exerted influence in Italy, initially absorbing influences from there, and established branches in Bohemia and neighboring regions. Its

most significant impact was on the Judaism of Eastern Europe, notably in Poland, Lithuania, and Russia.

Ashkenazi Judaism demonstrated remarkable resilience in establishing a network of autonomous communities despite facing formidable political challenges, limited economic opportunities, and precarious living conditions. The autonomy of these typically small communities was primarily derived from two distinct sources: (1) *Din Torah*—Talmudic law—which served as the supreme religious authority universally recognized by all community members. (2) The consent and official endorsement of the non-Jewish secular authorities. Written charters, known as *privilegia*, were granted to the communities by rulers such as kings, princes, or governors. While these charters often subjected Jews to servitude and designated them as “servants of the royal chamber” (*servi camerae*), they concurrently safeguarded the status and autonomy of the Jewish communities, endorsing their religious and organizational independence. Leadership and executive authority within these communities were predominantly vested in rabbis and community officials (who frequently had scholarly backgrounds). With the power of coercion at their disposal, which included the imposition of bans and, when necessary, appeals to secular authorities, these leaders compelled even recalcitrant members of the community to adhere to communal discipline and norms.

The presence of a Torah scholar in a particular locality bestowed upon its inhabitants the authority to independently deliberate and decide upon public and religious affairs, thereby generally averting external interference from other qualified Jewish leaders. This is an additional reason that Torah scholars and commentators were honored, and also possibly provided the widespread incentive to become a Torah scholar. The rabbis engaged in deliberations concerning contemporary issues through the lens of traditional law, and when deemed necessary, they established regulations and enacted decrees accordingly. This proactive approach, coupled with communal activities, played a pivotal role in fostering national unity and ensuring the preservation of historical continuity.

During this period, the Jewish diaspora in Europe operated without a centralized authority or an officially sanctioned supreme institution akin to the Sanhedrin, the *nasi* in the Land of Israel, or the Geonic leadership in Babylonia. Instead, each community, even the very smallest, developed its own set of regulations and customs and guarded its autonomy in the face of external pressures. Only occasionally, primarily at fairs, did representatives of different communities gather together (known as a *kenufiya* [gathering] of sages) to formulate regulations that would be binding on the multiple communities they represented. Despite the relative isolation of these often-small communities, they wielded significant spiritual influence, and their educational systems greatly surpassed those of the surrounding Christian environment. There was also frequent interaction and exchange between communities, particularly in the realm of higher education. Students traversed various locales, seeking tutelage

from great rabbis, and these traveling students strengthened the bonds between the communities of Ashkenaz.

From the onset of the 11th century, coinciding with the tumultuous era of the Crusades, until the conclusion of the Middle Ages, Jewish history within the French-Ashkenazi domain unfolded amidst a continuous series of trials and persecutions. Contemporary literature, notably the liturgical poetry of *kinot* (laments) and *seliḥot* (liturgical poems focused on asking divine forgiveness) bears witness to the prevailing atmosphere of distress and captures the spirit of steadfast resolve to sanctify the name of God. This enduring state of adversity fostered a profound internalization of the community's values that left a lasting impression on the cultural and religious identities of these generations.

B. Economic and cultural contact with their surroundings

The economic interactions between Ashkenazi Jews and their surrounding communities played a significant role in shaping their educational and scholarly endeavors. From the early stages of the period under consideration, when Ashkenazi Jews were still involved in trade and various artisanal pursuits, to the later periods when they increasingly were forced to engage in interest-bearing loans to the local populace, economic activities had profound educational implications. Money-lending, which demanded relatively less time, especially since women often participated in these activities, allowed the men to dedicate their leisure hours to Torah study. This facilitated a conducive environment for Torah scholarship to flourish. As R. Yosef (Joslein) ben Moshe pointed out (*Leket Yosher*, written in the latter half of the 15th century): “As for the Torah being observed in Ashkenaz more than in other countries, it comes from taking interest from the Gentiles so they do not need to do work, and have leisure to study Torah; and he who does not learn, helps those who study Torah from the profit he is earning.” R. Yehudah Heḥasid (d. 1216) author of *Sefer Ḥasidim*, expressed his unhappiness at this economic reality while similarly underscoring the centrality of Torah study, advising (Ms. Parma *siman* 774) those with the capability to prioritize Torah scholarship over other pursuits to fulfill the command “contemplate it day and night” (Yehoshua 1:8) in a literal fashion.

Even the greatest Torah scholars of that era typically sustained themselves through their business activities and did not receive remuneration for their rabbinic duties. Furthermore, it is reasonable to presume that their livelihood requirements and direct engagement with worldly affairs provided them with a wealth of practical knowledge concerning everyday matters. This experiential knowledge undoubtedly informed their discussions and writings.

Cultural exchanges between Jews and their neighbors were also prevalent during this era. The author of *Sefer Ḥasidim* observed that “in the cities in most areas the practices of the Jews mirrored the practices of the surrounding non-Jewish

populace” (*siman* 1301). Additionally, *Sefer Ḥasidim* cautioned against adopting Gentile melodies and songs (*siman* 348). Rabbenu Tam (1100–1171), whose powerful influence shaped Jewish life of the time, admonished a contemporary sage, mockingly advising him against emulating the rhetorical style of Catholic priests: “Do not reply quickly like the shaved ones (the tonsured Catholic priests)” (*Sefer Hayashar*, 153). Jewish scholars were aware of the dialectical methods employed by their non-Jewish counterparts, albeit viewing them with a degree of disdain (*Sefer Ḥasidim* 752). The Gentiles, in turn, were aware of the Talmudic dialectic employed by Jews, dubbing them *parvipontani*, a term evoking the image of attempting to pass an elephant through the eye of a needle.

Secular love songs were known to the Ashkenazi Jews, and an anonymous commentator (in his commentary to Shir Hashirim 3:5; Leipzig edition 1855, p. 45) even compared them to the Song of Songs. R. Yeḥiel of Paris (d. 1296) mentions Catholic priests who were scholars of Hebrew language, having acquired this knowledge from Jews. Moreover, the author of *Sefer Ḥasidim* does not hesitate to point out Gentiles as moral exemplars, who could serve as models for Jews in times of calamity (*siman* 359). Similarly, R. Yitzḥak of Corbeil (13th century) suggested that Jews could learn from idol worshippers, who, despite their lack of belief in the true God, stand silently in their holy places (*Sefer Amudei Golah*, called *Sefer Mitzvot Katan*, *siman* 11). Despite these instances of interaction, this contact did not lead to significant formal educational or cultural influences.

A distinct form of interaction emerged in the realm of religion, stemming from an ongoing polemic prompted by the stark contrasts between Jewish and Christian religious beliefs. This dynamic relationship may reflect a dialectical interplay between economic familiarity and ideological estrangement. Throughout the Middle Ages, religious debates between Jews and Christians were commonplace, occurring in informal settings as well as in official forums (such as the Paris debate of 1240). In addition to oral debates, literary polemics proliferated within the writings of the period, spanning commentary, liturgical poetry, philosophy, and more. Engaging in such polemics demanded a high level of proficiency and comprehensive knowledge of both Jewish and Christian religious texts, as exemplified by R. Yom Tov Lipmann ben Shelomo Mühlhausen’s (14th–15th centuries) work, *Sefer Hanitzahon*. However, this knowledge was not enough to bridge the abyss that separated the two religions.

The sentiment of being chosen: “You have chosen us from among all peoples,” and “who has not made our portion like theirs,”¹ was cultivated, serving as a foundational element in both the conceptual framework and practical manifestation of Judaism. These feelings were impressed upon the youth in their education then

¹ Both of these quotes come from Jewish prayers, the first in the *kedushat hayom* section of the *amidah* prayer of the three pilgrimage festivals, and the second in *aleinu* recited at the end of every prayer service.

and in the following generations. A good example of this process was the way that Rashi's commentary to the Torah, which absorbed these polemical approaches, as well as other theological and popular notions, served as a major educational resource throughout the generations.

C. The nature of education

French and Ashkenazi Jewry was deeply imbued with the rich legacy of Talmudic teachings, drawing extensively from the traditions of the land of Israel and from that of Babylonia as well. This Talmudic heritage served as a guiding beacon for the internal development of Ashkenazi Judaism, instilled in it values and inculcated a sense of purpose and direction particularly within the realm of educational ideals. This is evident in the meticulous codifications of laws of Talmud Torah found within the writings of halakhic decisors, including Maimonides' *Mishneh Torah*, which exerted considerable influence on Ashkenazi Jewish thought. Additionally, *Shores Hatorah* that appears at the beginning of R. Eleazar of Worms' (circa 1176–1238) *Haroke'ah* offers an anthology of insights from rabbinic sages on educational principles and practice.

The collective dedication of Ashkenazic Jews during that era to the legacy of their past, coupled with prevailing aspirations, political and cultural constraints, the both symbolic and practical significance attributed to the scholarly sage and the consciousness of exile and the anticipation of redemption, transformed Ashkenaz into a vibrant Jewish religious and educational hub whose scholarly achievements were extremely numerous.

In Ashkenaz, education was not approached by the rabbis and teachers as a subject for systematic study and theoretical formulation. Rather, it was viewed as a practical endeavor essential for preparing individuals for a wholesome life. Education in this context was not geared towards acquiring a profession or purely intellectual achievements, but rather towards fostering what was written in *Sefer Hasidim* (*siman* 752): "The only Torah a person should learn is that which leads to reverence for God." Consequently, education went beyond mere knowledge dissemination; it aimed to cultivate the persona of a scholar deeply rooted in past tradition, capable of bearing the burdens of the present while identifying with aspirations for the future.

The importance of the kind of religious ideas and beliefs that were taught was due to the fact that it would shape the spiritual and religious identity of the student, guided by the belief that education disconnected from action could lead to failure.

Rashi's definition of *hinukh*—education—as presented in Bereishit (14:14) further elucidates this perspective as he defines *hinukh* as "the introduction of a person or thing to a particular occupation with the intention that they remain steadfast in it." In essence, practical and tangible reinforcement.

This education cultivated a deep love for the Torah in the youth, a fervent aspiration for redemption, and a readiness to sanctify the name of God. This was achieved through various means, including the careful selection of textbooks (which consisted of excerpts from the Bible) and the tailoring of the curriculum to suit the requirements of synagogue worship, household commandments, and religious rituals. These educational methods were designed to immerse the child in the religious practices and thought of the community. All societal institutions actively supported this educational approach, working together to integrate students into the societal fabric and life patterns of Ashkenazi Jewry.

This educational ethos was not reserved solely for the exceptional or privileged individuals within Ashkenazi society; rather, it was incumbent upon all members to impart Torah knowledge to their sons and daughters. R. Eliezer bar Shemuel Halevi's ethical will (14th century) underscores this obligation, emphasizing that even if one had to resort to door-to-door charity collection, one should not allow his children to remain idle. Jacob Katz highlights the widespread reach of traditional education, noting that due to the religious imperative and community pressure, virtually all members of society, without exception, were encompassed within its purview. This sentiment was recognized even by non-Jews, as evidenced by the words of a Christian theologian, a student of Abelard, at the end of the 12th century. He observed that "out of their reverence for God and love of His Torah, Jews send all their sons to study, in order to understand God's teachings. The Jew, even the poorest of the poor, if he has ten sons, he will send them to study."

Education was perceived as an ongoing lifelong journey, from cradle to grave, with no concept of graduation or final examinations. Instead, individuals were encouraged to continue learning throughout their lives, drawing upon their talents, prior knowledge, and available free time. This perspective is exemplified by *Takkanot Shum* (12th-century regulations jointly established by the communities of Speyer, Worms, and Mainz) which mandated that "Every person should set aside time for study. If he is unable to study Talmud, he should study Bible, *Parashah*, or Midrash to the best of his abilities." This commitment to lifelong learning was emphasized by R. Moshe of Coucy (France): Every person whether rich or poor is obligated to set aside time for Torah study during the day and at night ... for the covenant of Torah is evident in the blood ... and whoever does not study Torah brings destruction upon the world" (*Sefer Mitzvot Gadol* 12; written in the middle of the 13th century). Halakhic summaries and theoretical discussions pertaining to education similarly urged individuals of all ages to persevere in their learning endeavors and seize every opportunity for study. The recurring concern, expressed metaphorically yet with real-world implications, was "lest the Torah be forgotten by Israel," reflecting an overarching effort to promote Torah study among all segments of society and across all age groups. This inclusive approach aimed to ensure that Torah study remained a central and enduring aspect of Jewish life, accessible to individuals of diverse backgrounds and circumstances.

D. Elementary education

Elementary education practices in Ashkenaz were not explicitly described in contemporary writings. However, from accounts of educational activities and summaries of instructions and regulations, a coherent image emerges of both the students and teaching methodologies.

Formal education typically commenced when children were five or six years old. The initiation ceremony was marked by a festive occasion, wherein the child, adorned in holiday attire and draped in a tallit, was brought to the synagogue, which was usually adjacent to the school. This auspicious beginning often coincided with the holiday of Shavuot, commemorating the giving of the Torah, and occasionally on the first day of the month of Nissan, deemed “appropriate for everything” (*Midrash Tanhuma*, Parashat Bo). The teacher would then prepare a board inscribed with the first and last four letters of the Hebrew alphabet, along with the verse “Moshe charged us with the Law” (Devarim 33:4). Additionally, the first verse of the book of Vayikra would be included, [reflecting the ancient Talmudic expectation that “those pure in heart should engage in the study of purity”]. Finally, the sentence “Torah shall be my calling,” would also be featured on the board (as recorded in *Sefer Assufot* at the end of the 13th century, with a similar description in the *Roke’ah*). Some proposed an alternative order of study for the Pentateuch, beginning with Bereishit instead of Vayikra, a shift intended to render the sequence more logical and less symbolic. Additionally, the following was done: “When a child was brought to begin his Torah study, letters of the Torah would be inscribed on a board ... Three loaves of bread made with fine flour and honey, prepared by an unmarried woman; and three boiled eggs are prepared and they are brought in with apples and assorted fruits. An esteemed scholar would be sought to escort the child to the synagogue. He would hide him under his clothing and bring him into the synagogue. They would feed him the bread with honey and the eggs and fruits and read the letters to him, and then cover them with honey, and they would say: lick [them]” (*Maḥzor Vitri*, by R. Simḥah of Vitry in France, a student of Rashi, active at the close of the 11th and beginning of the 12th centuries). The author of *Shevilei Emunah* (14th century; quoted by R. Moshe ben Ḥanokh Altschul in his Yiddish *Sefer Brant Shpigl*), adds “God willing, as the wafers are sweet, so will the words of the Torah be sweet to you.” This celebratory and symbolic commencement of Torah study reflected educators’ aspirations to endear the Torah to young hearts through engaging rituals and gestures. Such practices were intended to leave a profound impression on the children, and indeed, their influence extended into everyday life.

Initially, children would begin their education by familiarizing themselves with the Hebrew letters. Subsequently, they would progress to assembling these letters into words, then mastering entire verses, followed by sections of the Torah (*parashot*). This educational progression would continue with the study of Mishnah and eventually, Talmud, as detailed in the *Roke’ah*. The book *Hukei Hatorah* (likely

originating from Provence in the early 13th century, though some attribute it to the 11th century; it faithfully reflects customs and beliefs that were prevalent in all of France and in Ashkenaz)², provides further insight into the educational process. It recounts a father entrusting his son to a teacher, specifying: “You will teach my son in this month the recognition of the letters, and the second month the vowels, and in the third month the combination of the letters in the words, and then ‘those pure in heart should engage in the study of purity’—Sefer Vayikra.”

Education typically took place in dedicated spaces, such as the teacher’s residence or a study hall adjacent to the synagogue. The term *heder*, used as a colloquialism for the place of study, began to gain prominence in the 13th century. In southern France, efforts were made to ensure that educational institutions had an aesthetically pleasing exterior, with some communities even constructing magnificent buildings specifically for this purpose. This emphasis on creating conducive learning environments extended to certain regions of Italy as well.

According to the *Hukei Hatorah*, a teacher typically had a class size of only ten students, a departure from the Talmudic standard of 25 students per teacher. This adjustment was attributed to the diminished capacity of individuals’ hearts due to oppressive living conditions. In reality, however, the number of students per class decreased because many individuals sought to pursue teaching as a profession and consequently opened their own schools.

When forming classes, consideration was sometimes given to the talents and abilities of the students. Teachers sometimes advocated for the separation of clever students from slower learners, recognizing that each group would benefit from tailored instruction to facilitate their individual progress. “He who is instructing children and observes that one among them demonstrates greater aptitude than his peers, and the teacher discerns that it is inappropriate for them to continue learning together, recognizing the need for a separate teacher for the more apt students, he should not remain silent and should say to the father: ‘These require their own teacher, these their own’ even if it entails financial loss [for the teacher]” (*Sefer Hasidim*, *siman* 823).

Corporal punishment was a customary practice, but it typically was preceded by verbal encouragement—“at first they encourage him, and finally a strap on his back” (*Maḥzor Vitri*). Even so, the communities avoided hiring teachers who were quick to anger.

Teachers were expected to embody a lofty moral character, exemplifying piety in observing God’s commands, and virtuousness in their relationship with man, thereby serving as role models for their students; “If you see a learned man who does not fear God, do not let your son study before him” (*Sefer Hasidim siman* 811). However, teaching was not regarded as a specialized art requiring formal training. Instead,

² See the author’s discussion of *Hukei Hatorah* in his book *Rabad of Posquières*, pp. 25–27.

it was considered a profession and a means of livelihood accessible to individuals of varying talents, backgrounds, and motivations. Teachers ranged from the learned to the ignorant, from idealists to adventurers, and even included those who sought to evade their responsibilities by walking out before the end of the *zeman* (half a year), with their wages in hand.

Many affluent households employed private tutors to educate their children within the confines of their homes. These tutors were sometimes engaged for specific tasks, such as aiding in the completion of the Bible, and sometimes hired on a yearly basis. The prevailing custom was to contract tutors for a fixed term—a *zeman*. By the fifteenth century, there emerged a practice of hiring tutors by the hour, who provided individualized instruction to a single child for a specified duration. While the responsibility of paying school fees typically fell upon the parents, a significant number of communities extended support to poor families by covering the costs of education, often utilizing funds from charitable endowments.

In large communities throughout France, oversight of educators was a common practice. These communities often appointed a head teacher, known as a *sofer mata* (see Rashi Bava Batra 21a), who held authority over subordinate teachers. This head teacher provided guidance and instruction to all educators under his purview, ensuring quality in teaching practices. Additionally, there were instances where a more experienced teacher was placed above the regular teachers to oversee their work. This senior educator did not directly teach the students but instead focused on supervising and monitoring the teaching staff, providing guidance on how to teach (*Hukei Hatorah, siman 2*).

E. Curriculum

At the beginning of the child's education, significant emphasis was placed on the study of the Bible. An anecdote from the days of R. Gershom Meor Hagolah (d. 1028) highlights this focus, as a teacher lamented being deprived of his salary, stating, "I taught your son until he completed the Bible." According to *Hukei Hatorah*, the curriculum typically involved two years of studying the Pentateuch followed by two years dedicated to the study of Prophets and Writings. From the teachings of *Sefer Hasidim* it can be inferred that during that period, students were engaged in studying at least the Torah and the Prophets. Moreover, in the Talmudic period there was one instructor for Torah, one for Mishnah, and one for Talmud. "Now there are three instructors, one for Torah, the second for Nevi'im and the third for Talmud." (*Sefer Hasidim, siman 820*).

This was true in theory. In practice, during this period, the study of the Talmud took precedence over other subjects. The enigmatic statement in the Talmud, "prevent your children from *higayon*" (Berakhot 28b), was interpreted by Rashi to mean "do not let your children spend too much time studying the Bible". Rashi's reason is "because it is alluring." Additionally, R. Yehudah ben Asher, who immigrated to

Spain from Ashkenaz in the early 14th century, emphasized in his ethical will: “set specific times for learning the verses of the Bible with the grammatical meaning as well as with its interpretative meaning ... as a child I did not learn it, because they were not used to learning it in Ashkenaz.” This neglect of Bible study seems to have intensified over the years. By the second half of the 16th century, R. Yosef Yuspa Nördlinger Hahn of Frankfurt lamented that “in our generation, there are some rabbis who have not encountered the Bible ever in their lives.”

In the final analysis, while the Bible was not entirely absent from the curriculum, it was not highly esteemed, although Ashkenazi Judaism had made significant contributions to its interpretation. Particularly, studies of the Prophets and Writings were largely neglected, and although the Pentateuch was taught, the method of instruction was flawed. Students would begin studying the weekly Torah portion each week in the *heder*, without ever finishing it by the end of the week.

Contemporary response to this situation varied; some presented explanations that vindicated the situation while others were highly critical. Rabbenu Tam justified the neglect of Bible study by invoking the teaching that “a person should always divide his years of study into three parts: a third for Bible study, a third for Mishnah study, and a third for Talmud study” (Kiddushin 30a). The exclusive study of Talmud is justified since the Babylonian Talmud encompasses all the aforementioned categories. Similarly, in the early 16th century, R. Hayyim ben Betzalel, brother of the Maharal, attributed the reduction in Bible study to the “bitter and long exile” because “they did not have the ability to teach their children all wisdom; that is why our holy forefathers, and in particular *Hasidei Ashkenaz*, saw to it that their children are exposed only to the Talmud and to accustom them and educate them using this holy book as it contains wisdom and the fear of God all in one place, which is the essential nourishment that will sustain us as we live among the Gentiles” (*Etz Haḥayyim*). This perspective echoes the sentiment expressed by R. Natronai Gaon (head of the yeshiva in Sura 853–858), who wrote: “Since poverty and destitution abounded and students needed to earn a living from manual labor, and they could not engage in constant Torah study and divide their day into three parts, they thus turned only to the Talmud and relinquished the (study of the) Bible and Mishnah” (quoted in the *Maḥzor Vitry*). Still, the obligation to read “the (weekly) Bible text twice and the *targum* once” (Berakhot 8b) provided a manner (perhaps not in all places) by which adolescent boys reviewed the Torah portion of the week.

The Christians also knew that the Jews preferred the study of the Talmud, but they interpreted it as they had since the days of the Church Fathers. Thus, for example, Pope Innocent IV claimed (1244) that Jews prioritize Talmudic study over the Bible out of fear that exposure to the Bible may lead their children to Christian beliefs.

The Mishnah was generally not studied as an independent subject but was rather studied as part of the give and take of the Talmud. Mishnah commentaries primarily focused on the orders missing in the Talmud (Zera'im, Tohorot), as the rest would be covered during Talmud study. *Hukei Hatorah* understands the instruction that one

begins the study of Mishnah at age ten (Avot 5:21) as the commencement of Talmud study, specifically starting with Tractate Berakhot and the shorter tractates in Seder Moed, continuing until the child reached thirteen years old. Furthermore, there was a common practice of starting Talmud study even before the age of ten. Ultimately, the curriculum emphasized achieving a high level of proficiency in Talmud studies.

The need for moral and religious education lent importance to the study of aggadic midrashim. *Hasidei Ashkenaz* valued the study of midrashim and did not differentiate between aggadah and halakhah in the Talmud. They believed that “anyone who is well acquainted with Midrash but not with halakhah has not truly experienced the taste of Torah, and conversely, anyone who knows halakhah but not Midrash has not truly experienced the taste of fear of sin” (*Roke’ah*, authored by R. Eleazar of Worms, who is quoting from *Avot Derabbi Natan*). *Sefer Hasidim* (*siman* 748) states that “if a person is not capable of studying the Talmud (*libo satum*) he should dedicate himself to the study of Midrashim, Tenakh and Aggadat” which will enable him to emulate actions of the righteous and pious individuals throughout history.

In the circles of the kabbalistic *Hasidim*, *torat hasod* (esoteric matters), was also studied. However, unlike in Spain at that time there was almost no inclination in Ashkenaz to deal with “external wisdoms,” that is, philosophy and sciences, not in any educational framework nor through self-study. “A man should only learn Torah which brings him to fear of God ... and not other wisdom, such as the dialectics of Gentiles” (*Sefer Hasidim*, *siman* 752). On the contrary, they interpreted the Mishnah: “Turn it over, and [again] turn it over, for all is therein” (Avot 5:22) as instructing that the Torah be reviewed over and over again since all the wisdom of the world can be found in it (*Mahzor Vitri*). However, elements of philosophy can be found in the writings of Ashkenazic kabbalistic *Hasidim*, and R. Saadiah Gaon’s *Emunot Vede’ot* was widely studied in Ashkenazi Judaism even before the translations of R. Yehudah ibn Tibbon were available. Philosophy and the sciences from Spain, particularly through Maimonides’ *Guide of the Perplexed*, penetrated into southern France, leading to a significant cultural conflict in the 13th century that also impacted northern regions.

F. Teaching methods

Methods of teaching in Ashkenaz were characterized by reading aloud “to ensure clear articulation [of the words of the Torah] and prevent stammering or whispering” (Rashi, Eiruvim 54a). Memorization was emphasized through regular and frequent repetitions—every week, month, mid-year, etc. Learning by heart was highly valued not only because of the Talmudic rule: “one who reviews his studies one hundred times is not comparable to one who reviews his studies one hundred and one times” (*Hagigah* 9b), but also due to the scarcity and cost of books. The Talmudic custom of chanting while reading was regarded favorably. It was done while rocking back and forth, apparently as a means of facilitating several learners consulting one book. This approach improved concentration and recall of the material; “They were accustomed

to reviewing *mishnayot* in song in order to learn it by heart, and better commit it to memory” (*Tosafot* Megillah 32a).

Similar to the Talmud’s advice (Shabbat 104a) to vary the study of reading by attaching special associations with the names of the letters and their form, R. Yitzhak ben Moshe of Vienna, author of the *Or Zarua* (active in the first half of the 13th century), also recommended this approach. For example: “*Alef-Bet*. That is, study (*Alef*) two (*Bet*) Torahs: the written Torah and the oral Torah. And how should you learn? *Gimel-Dalet*: first study (*Gemor*) and then you will know (*Da*).” (He then goes on to offer interpretations of the meanings of the other letters of the alphabet.) This didactic tendency attributed multiple meanings to each letter, providing various interpretations. R. Yitzhak ben Moshe of Vienna himself mentions a number of possibilities which were also used by teachers.

However, little consideration was given to didactic rules aimed at facilitating learning for the student. Teaching was primarily dominated by rote study, which may explain why many individuals had limited achievements in reading and writing.

The studies were generally conducted in the vernacular language—French, German, Italian, and so on. Texts were translated into these languages and interpreted accordingly. This practice is evident from various sources, particularly from the *Hukei Hatorah*. R. Yehudah ben Asher, while traveling from Ashkenaz to Spain, found himself unable to participate in studies in France because: “I knew neither the writing nor the language to be able to learn from their written books or understand the language of their lectures” (from his Ethical Will). However, it is possible that Hebrew was the language of teaching in the yeshivot or that students attained a sufficient level of proficiency to use Hebrew when needed. As noted by R. Shelomo Parhon who was born in Aragon and lived in Italy in the 12th century: “All the land of Edom [= Catholic Europe] speak different languages, and when [Jewish] lodgers come, they do not understand each other, so they speak in the holy tongue, therefore they are more accustomed to it.” Additionally, R. Eliyahu Capsali (Turkey, circa 1490–1555) provides an interesting testimony: “This R. Hayyim Cremieux was one of the great scholars and was a Frenchman ... and my father visited his rabbi to engage in learning with him; and so they did, and they said *pilpul* in the yeshiva in the holy tongue so that he too would understand” (*Book of Chronicles of the Kingdom of Venice*).

G. Women’s education

Girls’ education was characterized by its limited scope, primarily focusing on imparting religious knowledge to cultivate pious women who could fulfill their religious duties. The emphasis was on teaching them to pray and acquainting them with the specific commandments applicable to women, for “If you do not know the laws of Sabbath, how will you keep the Sabbath?!” (*Sefer Hasidim*, *siman* 835). “We must teach women the *mitzvot* in which they are obligated, the positive and negative

commandments, as well as reading and grammar which are as important to them as the study of Talmud is important for men” (*Sefer Mitzvot Katan*, introduction). Some however advocated for broader education for girls: “twenty-four [books of the Tenakh] and the laws of *issur veheter* (kosher laws and other laws focusing on what is permitted and what is prohibited), which the fathers are obliged to teach them” (*Sefer Middot*, written in Yiddish in a slightly later period). While there were differing opinions on the extent of girls’ education, there were a fair number of instances where fathers permitted their daughters to pursue learning according to their interests, despite the traditional view “that women were not obligated to study Torah” (*Piskei Rid*, active in Italy in the first half of the thirteenth century). However, it is worth noting that there may be some exaggeration in the assertions made by a Christian theologian from the 12th century, a student of Abelard [quoted above, section (c)], who praised the dedication of Jewish parents to educating their children, including girls, contrasting it with perceived negligence among Christians: “If he has ten children, he will send them to study ... and not only the boys but also the girls.”

Girls were also taught sewing, weaving, and embroidery, not necessarily for utilitarian purposes, but rather to keep them occupied and prevent idle time that might lead to sinful thoughts.

The education of adult women was primarily conducted by learned and righteous women. For instance, R. Eleazar ben Yehudah of Worms (circa 1176–1238) praised his late wife, acknowledging that “she taught women in all countries.” Additionally, from the time of Rashi’s daughters in the 11th century to the grandmother of R. Yair Hayyim Bacharach in the 17th century, daughters of Torah scholars engaged in self-study of rabbinic texts and attained proficiency to the point that halakhic decisors accepted their opinions in matters of custom. Some became qualified teachers whose opinions on matters of custom were respected. One notable example is Miriam, daughter of R. Shelomo Shapira and wife of R. Yoḥanan Luria in the 16th century (Ashkenaz and in France), who even delivered a Talmud lesson in a yeshiva from behind a curtain.

H. Yeshivot

At the age of 13, youths continued their studies in yeshivot. According to *Hukei Hatorah*, fathers were encouraged to ensure that at least one son was dedicated to Torah study. Much like the establishment of Christian universities in Europe during that era, yeshiva centers formed around renowned teachers. Consequently, the focus and curriculum of each yeshiva were shaped by the personality and knowledge of its leader.

The Talmud served as the cornerstone and focal point of learning in the yeshiva, with the overarching goal of cultivating students who were adept at navigating the complexities of the Gemara. As a result, Ashkenazi yeshivot excelled in producing significant accomplishments in this realm, nurturing a cultural elite and spiritual

leadership within the community. This emphasis on Talmudic proficiency—knowingly and unknowingly—imparted an aristocratic quality to education, as only the most talented individuals could attain the requisite heights of mastery.

The most talented students aspired to study at famous yeshivot, even if it meant traveling great distances to do so. “Like doves who fly from one dovecote to another seeking food, so they go from the study house of one sage to the study house of another to seek tastes of the Torah” (Rashi’s Commentary on Shir Hashirim 5:16). To maintain a degree of consistency in the curriculum and accommodate these traveling students, a new tractate would typically commence on Rosh Hodesh.

Yeshiva students who hailed from distant locales were supported by the head of the yeshiva with the means that came from the local communities. Additionally, study halls or the residences of yeshiva leaders often served as living quarters for needy students who traveled from afar.

The primary mode of study was self-directed. The *rosh yeshiva* (the head of the yeshiva) would deliver a lecture to all the students, after which students would engage in self-study based on their own preferences. Initially, before the widespread dissemination of Rashi’s commentaries, it is presumed that the rabbi’s primary role was to teach and interpret the text of the Talmud. According to *Hukei Hatorah*, the rabbi was aided by “interpreters” who would review the *halakhot* two or three times with groups of ten students. These *halakhot* were based on the teachings delivered by the *rosh yeshiva* twice daily to all students. With the increasing availability of Rashi’s commentaries, there were shifts in study methods. By the time of the early Tosafists (beginning of the 12th century), the *rosh yeshiva* began classes with a lecture focused on a specific text, which also included comparative analysis and discussions on Jewish law, allowing space for student questions within this educational framework. “Before him [the Ri, R. Yitzhak ben Shemuel the Elder from Dampierre, France, active in the 12th century], sixty rabbis would gather to study. Each would attentively listen to the rabbi’s teachings. Additionally, each rabbi would independently study a tractate not covered by their peers, committing it to memory. Together, they were well-versed in every *halakhah* taught by R. Yitzhak [collectively encompassing the entire Gemara]. Any *halakhah* or statement by a *tanna* or *amora* that seemed to be a contradiction to what was found elsewhere in the Talmud was thoroughly discussed and resolved in due course” (*Tzedah Laderekh*, introduction).

Thus, a comparative-critical method coalesced and was refined, a method that first surveys the entire Talmud, examines halakhic topics in their entirety, reveals and reconciles discrepancies, senses contradictions and resolves them with the aid of a logical analysis of fundamental concepts. This method not only sharpened the students’ intellect but also encouraged deeper exploration of Jewish law, fostering an understanding of both similarities and differences across various legal domains. Additionally, it served as a valuable tool for addressing practical questions. At times, however, scholars were criticized for excessive reliance on this method, characterizing it as *pilpul*, in its negative connotations, particularly when it veered into artificial

questions and answers. Detractors argued that such approaches neither enhanced understanding of Jewish law nor promoted intellectual acumen. Instead, they contended that *pilpul* could lead to confusion and misguided conjectures, ultimately resulting in futile-brilliance and meaningless speculations. Consequently, there were calls to curtail the use of this method.

The lecture of the *rosh yeshiva* and the novel explanations generated in the yeshiva were documented by the students in *kuntrusim*—notebooks—which served as a foundation for further exploration of the discussed topics and for the independent intellectual pursuits of the most gifted among them. The yeshiva leaders actively promoted their top students to compose essays “before our Rabbi,” that is, crafted under the guidance and oversight of the *rosh yeshiva*. In both purpose and outcome, these treatises resembled dissertations or theses seen in university settings.

Yeshiva students studied Talmud in its entirety, encompassing even those sections of law with no immediate practical halakhic application, such as the commandments exclusive to the land of Israel. While there was an inclination to overlook the orders of Zera'im, Kodashim, and Tohorot, their neglect stirred dissatisfaction. Further, they delved deeply into the theoretical pietistic literature, studied the interpretations of the standard liturgy as well as liturgical poetry, using *gematria* and esoteric methods.

Teachers exerted personal influence on their students, molding their characters and guiding their development. Close bonds were forged between teachers and students, who often prayed together rather than joining the general congregation. Students were frequently invited to share meals at their rabbi's table, and some even lodged in their homes. Over time, distinct patterns of communal life emerged within the yeshiva, nurturing graduates who were well-rounded in Torah knowledge and piety, and poised to assume leadership roles in the public sphere.

I. Self-study and adult education

Householders—*ba'alei batim*—whose primary occupation was not Torah study, were encouraged to establish regular study schedules, dedicating time to delve into various texts according to their abilities and interests. Whether it be Talmud, Bible, *Parashah* of the Week, or Midrash, each individual pursued his own path of learning. Particularly cherished were aggadic sources in the Talmud and in the midrashim, which instilled fear of sin. The aggadic passages included in Rashi's Bible commentary were likely intended for these householders. It was for their sake the sermon was established, “in which the preacher preached publicly every Shabbat” (Rashi, Sotah 49a) in the synagogue. Both learners and listeners sought solace in these aggadot and sermons, during the many instances of calamity.

To further enrich the religious education of adults, various books were compiled, catering to different aspects of morality, Jewish law, and storytelling. Works such as *Sefer Hasidim* focused on morality, while others like *Sefer Haroke'ah* and *Sefer*

Yere'im combined moral teachings with halakhah. Collections of stories in Yiddish, like *Ma'ase Buch* (*Sefer Ma'aseyot*), were also widely studied. Interestingly, while the rabbis of the time may have disapproved of books detailing wars and conquests, they encouraged the reading of history books containing biographies, memoirs, and stories that intertwined legends with factual accounts. For example, *Sefer Yosippon*, a collection of stories from Jewish history likely composed in the tenth century, was popular not only among the general populace but also among established scholars. These books served as repositories of wisdom, offering valuable lessons drawn from the experiences of great figures in Jewish history.

J. The legacy of Ashkenazi Judaism

The values and the ways of Ashkenazi Jews, i.e., *nusah Ashkenaz*, had a great influence on the way a large part of Jewry lived. The lifestyle and customs of Jews in Eastern Europe drew heavily from it and its influence persisted well into the modern era. The model of the *matmid* emerged—a devoted scholar who immersed himself tirelessly in the study of Torah devoid of practical or utilitarian motives. “The sages of Ashkenaz would take off their shoes only on the eve of the Sabbath, since they study all nights of the week and just sleep a little in their clothing” (R. Moshe of Coucy); “In France, scholars were known to embark on extensive endeavors, dedicating themselves to the comprehensive study of the entire Talmud, often remaining seated in one place for extended periods” (*Orhot Tzaddikim* whose anonymous author, probably an exile from France, lived in Ashkenaz in the 14th century). The remarkable perseverance and dedication to study found in France and Ashkenaz were so profound that one of the eminent scholars of Spain, R. Yitzhak ben Sheshet (Rivash, 14th century), remarked: “For from France will come Torah and the Word of God from Ashkenaz.”

Introduction to *Rabbi Moses Nahmanides (Ramban): Explorations in His Religious and Literary Virtuosity*

Rabbi Moshe ben Nahman, Ramban or Nahmanides (1194–1270), comments—quoting from the halakhic midrash *Sifrei*—concerning the Song of *Ha'azinu* in Devarim (chapter 32): “great is the song, embracing as it does present, past, and future.”¹ If we were to paraphrase this remarkable statement, we might comment concerning the genius of Nahmanides: “great is the literary oeuvre of Ramban, embracing as it does halakhah, aggadah, Scriptural exegesis, homilies, kabbalah, philosophy, poetry, polemics.”² In order to complete the picture of greatness and comprehensiveness, we should mention also his intensive activity as communal leader of and spokesman for Spanish Jewry during prolonged periods of internal crisis, antagonism and strife as well as external oppression and turbulence.³ The central public events are, of course, the Maimonidean controversy of 1232 and the Barcelona disputation of 1263; the central literary-intellectual events—e.g., the critical study of Alfasi and

¹ Ramban, Devarim 32:40 and see *Sifrei* ad loc. Note R. Saadiah Gaon, *Emunot Vede'ot* VII:3 (tr. S. Rosenblatt [New Haven, 1948] pp. 267–268). See the curious, chronologically impossible, anecdote in J. Heilperin, *Seder Hadorot* (Warsaw, 1876), 161, that this meta-literary statement by Nahmanides was the cause of the apostasy of “his pupil,” Abner of Burgos. The latter heard Nahmanides’ interpretation of *Ha'azinu* and, since it struck him as implausible and untenable, he converted! On Abner, see Y. Baer, *History of the Jews in Christian Spain* Vol. I (Philadelphia, 1961), 327–354.

² These expressions of Nahmanides’ genius remain, for the most part, unstudied; there are many uncharted lanes waiting to be explored. Many of his works have recently been edited by H. Chavel. Some recent studies: R. Chazan, “The Barcelona ‘Disputation’ of 1263,” *Speculum* LII (1977), 834–842; A. Funkenstein, “Parshanuto Hatipologit shel Haramban,” *Zion* XLV (1980), 35–59; E. Gottlieb, *Mehkarim Besifrut Hakabbalah* (Tel Aviv, 1976), esp. 88–96 and 516–536 (an important critique of one of Chavel’s editions); M. Idel, “Perush Lo Yadua Lesodot Haramban,” *Daat* II (1979), pp. 121–126; A. Shohet, “Berurim ...,” *Zion* XXXVI (1971), 27–60; D. J. Silver, *Maimonidean Criticism and the Maimonidean Controversy* (Leiden, 1965). Also, the big book of C. Henoah, *Haramban Kehoker Umekubbal* (Jerusalem, 1978), dealing mostly with his interpretation of the mitzvot, and large sections of G. Scholem, *Hakabbalah Beagerona* (Jerusalem, 1964). There are not, as yet, any trend-setting scholarly monographs or decisive works of synthesis. E. Kupfer published an additional section of the famous sermon “Torat Hashem Temimah” in *Tarbiz*, XL (1970), 64–83.

³ See B. Septimus, “Ma’avak al Shilton Tziburi Bebarcelona,” *Tarbiz* XLII (1973), 389–400; idem, “Piety and Power in Thirteenth-Century Catalonia,” *Studies in Medieval Jewish History and Literature* (Cambridge, Mass., 1979), 197–231. Cf. the note of M. Saperstein, *Decoding the Rabbis* (Cambridge, Mass., 1980), 263, n. 25.

Maimonides, the advancement of the conceptual-dialectical method of Talmud study, new patterns of exegesis, careful unveiling of kabbalah—will be noted in the following pages. The life of this social and spiritual aristocrat tells a story of an extraordinary fusion of the *vita activa* and *vita contemplativa*, a leader of distinguished genealogy, of authority and responsibility, and a scholar of resourcefulness and piety and individuality; his writings reflect rigorous scholarship, aesthetic awareness, and religious spirituality. His outstanding achievement, in its multi-faceted splendor, rivets attention upon itself as one of the high points of the thirteenth century—and, unquestionably, of all Jewish history. While it appears formidable and awesome, it enthralls and excites. Indeed, great is his song.

His imposing literary oeuvre is properly characterized as versatile, original, and profound, provided we are mindful of the fact that these adjectives are frequently used with abandon or imprecision. Versatile is often taken to mean journalistic and glib writing resulting in facile coverage of many topics, rather than sovereign, disciplined mastery of diverse fields, resulting in creative-critical contributions to these fields. Original is often applied impressionistically when the background of a theme has not been thoroughly investigated and the history of ideas not fully developed with the result that a commonplace idea may appear new for want of perspective while an original interpretation, novel emphasis, conceptual breakthrough or even significant redeployment of source material may not be fully appreciated.⁴ Profound is often used when obscurity, premeditated or unintentional, prevails, and readers are overwhelmed rather than enlightened.⁵ We may, with care and precision, with complete semantic accountability, affirm that Ramban was truly versatile, original, and profound. His creative contributions to the multiple disciplines which molded Judaism and through which the Jewish genius expressed itself were innovative and substantive, intense and penetrating.

Furthermore, his massive and original literary oeuvre was historically influential and vibrant; his great song continued to reverberate through the ages. Nahmanides is not merely of arcane or antiquarian significance—an interesting figure whose works should be salvaged and studied in compliance with the rules of the scholarly game; he appears on the historical scene as a towering figure whose resplendent multi-dimensional achievement was formative and remained resonant—constantly relevant,

⁴ See, e.g., H. A. Wolfson, *Religious Philosophy* (Cambridge, Mass., 1961), 1: “For nowadays, as we all know, to be called philosopher one must be ordained and one must be hired to teach philosophy and one must also learn to discuss certain hoary problems as if they were plucked but yesterday out of the air.” Julius Guttman (*Philosophies of Judaism* [New York, 1964], 153), says with regard to Maimonides, “But there is also such a thing as originality of creative synthesis ...” See n. 17 below.

⁵ The story is told about Martin Buber who, many years after he had settled in Jerusalem, was asked “how good is your Hebrew?” His answer: “Good enough to lecture in—but not sufficiently good to be obscure.” On obscurity, see Walter Kaufmann, *I and Thou* (New York, 1971), 20: “A lack of clarity is almost indispensable to the survival of a book.”

exciting and stimulating, eliciting admiration and amplification and, of course, dissent and qualification. His works were always alive and influential. It seems to me that we may say that he actually helped crystallize major areas of study; by this I mean that his own works in these fields were pivotal contributions, intrinsically important and repercussive, as well as formative and directive. They provided substrata and molds for further activity.⁶

I have often thought, for example, that his classic Bible commentary, which gave legitimacy and respectability to kabbalah⁷ while simultaneously underscoring the complexity inherent in the use of rabbinic aggadah and providing a spur to the quest for *peshat*,⁸ helped determine the contours of the so-called “Rabbinic Bible,” the *mikraot gedolot*. The mighty printers of the sixteenth century, whose selection of which books were to come off the fresh printing presses shaped Jewish culture to a great extent, certainly played a role here as they did in other areas,⁹ but Nahmanides’ role was catalytic; by singling out the French Rashi and the Spanish R. Abraham ibn Ezra as the two weighty predecessors whose totally divergent commentaries engaged his attention and to whose wide-ranging exegetical attitudes and insights his own commentary related in a special way,¹⁰ Nahmanides set the stage for the

⁶ This influence was not always as planned or anticipated by Nahmanides himself. His commentary, which was quoted and anthologized by R. Bahya ben Asher and R. Yaakov ben R. Asher (*Ba’al Haturim*), never really became popular in the sense that he expected: “to attract their heart by simple explanations and sweet words”—a goal of many commentators who used midrash for purposes of edification and consolation. On the other hand, the comprehensive world-view embedded in the commentary has not been fully reconstructed. R. Moshe Sofer (*Hatam Sofer*, *Hoshen Mishpat*, n. 61), cited by Chavel, introduction to *Perush*, 11, notes pithily: כִּי סִפְרֵי הַרְמְבֵּן מְצוּיִים אֲלָא שְׁעוּסָקִיו אֵינָם מְצוּיִין. Scholars and the masses share the neglect of his commentary.

The work of any great author shares this fate. It bears unintended as well as intended fruits; its total influences and repercussions need not be designed, directed, or even desired by the author. See my *Introduction to the Code of Maimonides* (New Haven, 1979), 527.

⁷ This is the insight of Yosef Shelomo Delmedigo, *Mikhtav Ahuz*, ed. A. Geiger, *Melo Hofnayim* (Berlin, 1841), 21. R. Yitzhak Luria singled him out as the “last” authentic kabbalist prior to his own (Lurianic) system. Y. Baer, *Galut* (New York, 1947), 51, refers to Ramban as “the first full and authoritative representative of the new orientation” (i.e., kabbalah).

⁸ My student Mordecai Feuerstein is studying this facet of Ramban’s commentary.

⁹ See, e.g., I. Sonne, “Tiyulim Behistoriyah Ubibliografiyah,” *Alexander Marx Jubilee Volume* (New York, 1950), 209–235.

¹⁰ He used the phrase “open rebuke and concealed love” to characterize his attitude to Ibn Ezra. See the comments of Bernard Septimus, “‘Open Rebuke and Concealed Love’: Nahmanides and the Andalusian Tradition” in *Rabbi Moses Nahmanides (Ramban): Explorations in His Religious and Literary Virtuosity* edited by Isadore Twersky, (Cambridge Mass.: Harvard University Press, 1983), 11–34. Ramban’s criticisms of Rashi generated an extensive and interesting literature, some of which is noted by Chavel in the introduction to his edition of the commentary (Jerusalem, 1957). See, e.g., the opening paragraphs of R. Eliyahu Mizrahi’s supercommentary on Rashi where he dismisses Ramban’s opening stricture as wide of the mark (וְנִלְ שְׁלָא שְׁאַלְתּוּ הִיא שְׁאַלָה וְלֹא תְּשׁוּבָתוֹ הִיא תְּשׁוּבָה מְסַכֶּמֶת עִם)

emergence of the triumvirate which still casts its shadow over all Bible study. Rashi, Ibn Ezra, and Ramban are the pivot, the point and counterpoint of Scriptural exegesis; neither Rashbam (R. Shemuel ben Meir) nor Ralbag (R. Levi ben Gershon), R. Ovadyah Sforno nor R. Ephraim Luntshitz achieved similar centrality or influence. Just as Ramban significantly and creatively relates to the previous two, so subsequent commentators and super-commentators interact with all three. Ramban's perception became regnant. The exegetical problems and hermeneutical issues, the tensions and complexities, emerging from this triple confrontation remained at the core of the history of exegesis. Ramban's richly-textured, many-tiered commentary is crucial.

Similarly, one could suggest that his works (*Sefer Milḥamot* and *Sefer Haze-khut*) on the *Halakhot* of R. Yitzḥak Alfasi determined in large measure the standard folio edition of the *Halakhot*, accompanied by the highly critical *Sefer Hamaor* of R. Zerahyah Halevi, the two sets of *hasagot* of R. Avraham ben David of Posquières—one being a selective critique of certain views of Alfasi and the other (*Katuv Sham*) an incisive rebuttal of R. Zerahyah's strictures against the *Halakhot*—and the double-barreled, high-powered defense of Alfasi by Nahmanides against both Provençal critics—the *Milḥamot* against R. Zerahyah and the *Sefer Haze-khut* against Ravad. Moreover, the format of the folio edition is not merely a matter of external literary structure but impinges also upon the substance of post-Talmudic literature—the whole complicated process of Talmudic interpretation and the interrelation of authority and freedom. The complexity and dialectical involvement of the defense-criticism syndrome are amply illustrated. Nahmanides, whose avowed aim was a vigorous, imaginative defense of Alfasi, sometimes ends up as a critic disassociating himself from untenable attempts at defense.¹¹ The later, expansive commentaries on Alfasi—e.g., by R. Nissim Gerondi and R. Yosef ibn Ḥabib—are structured around these works, while utilizing in addition Maimonides' *Mishneh Torah* and the French-German *Tosafot*.

Ramban's centrality and durable influence in rabbinic literature are manifest in many other ways. In addition to the monumental, challenging *Milḥamot*, his *ḥiddushim* achieved classic status and became a permanent component—enlightening and stimulating—of advanced Talmud study. He emerges as one of the architects

(לשון האגדה). Such figures as Maharal of Prague, R. Mordekhai Jaffe and R. David ben Shemuel Halevi (the *Taz*) significantly augmented this literature. As in other areas, the development of commentaries and supercommentaries and their critical interactions is of major importance. This literature indirectly reflects the authors' perceptions of Ramban's critical attitude to Rashi.

¹¹ See my brief comments in *Rabad of Posquières* (Philadelphia, 1980), 151–155, and Chapter 3 above, pp. 92–93. Note also *Torat Ha'adam in Kitvei Haramban*, ed. Chavel, II, 294, and the interesting application of Ramban's attitude by R. Aviad Sar Shalom Basilea, *Emumat Ḥakhamim* (Mantua, 1730), chapter XXV, to the need of trying to defend and explicate Maimonidean doctrines, regardless of how faulty and fallible they appear. The entire issue of authority, criticism, independence and “exegetical relativism” needs more study.

of classical rabbinic study, a pioneering protagonist of profound analysis of the Talmud—its textual cruxes and moot halakhic conclusions. No serious study would dare to omit “the Ramban.” While the genre of *hiddushim* is by nature individualistic, even atomistic, his *hiddushim* are also the beginning of a great chain of such literary compositions (Rashba, Ritva, Ran, etc.).¹² Furthermore, while we now know that Spanish and Provençal scholars at the beginning of the century—e.g., R. Meir Halevi Abulafia, R. Avraham ben Natan Hayarhi, R. Yonah Gerondi—started to study the works of the Tosafists and to “naturalize” them in the south, Ramban’s role in irreversibly integrating the far-reaching achievements of the Tosafists into Spanish Talmudism as well as showering them with honorific epithets and accolades is crucial. This marriage of French and Spanish Talmudism would last.¹³ His searching critique of Maimonides’ *Sefer Hamitzvot* not only locked the two in intellectual battle and kept the issue of the precise enumeration of the 613 commandments alive—again there is a history of commentaries and supercommentaries¹⁴—but it is also symptomatic of the all-embracing dialectical Maimonides-Nahmanides relation—on the fronts of halakhah and philosophy, aggadah and *ta’amei hamitzvot*.¹⁵ Finally, mention may be made of the richly-textured *Torat Ha’adam* which not only serves as a microcosm of the skills, methods, and versatility of Ramban, but continues and perfects the genre of halakhic monograph (e.g., Ravad’s *Ba’alei Hanefesh*): an exhaustive summation of a legal topic together with systematic investigation and exposition of its meta-legal ideas and principles. The importance of the halakhic monograph in the history of rabbinic literature—from the Geonic works of R. Hai Gaon and R. Shemuel ben Hofni Gaon to the contributions of modern Talmudists (e.g., the *Pe’at Hashulhan*)—awaits careful study, and the *Torat Ha’adam*, with its famous eschatological section (*Sha’ar Hagemul*), is a paradigm for this.¹⁶

A rather neglected aspect of Ramban’s achievement is his role as kabbalist and his seminal contributions to the advancement and entrenchment of kabbalah.¹⁷ While the significance of his inclusion of kabbalistic teachings in his exoteric Bible commentary has been duly noted, their precise meaning has yet to be systematically determined. The scholarly task is two-fold: there is need to analyze the kabbalistic thought of Ramban in detail, with all its subtleties and nuances, its enigmas and ellipses, its symbolism and allusiveness and then to determine the extent of his influence

¹² Recently, more works of the “Ramban school” have been published—e.g., the novellae of R. David Bonafed. The *hiddushim* of Ramban are also being re-issued in new editions, utilizing manuscripts.

¹³ See, of course the famous statement at the beginning of *Dina Degarme*. The merger of *Tosafot* and *hiddushim* provides the matrix for subsequent Talmudic study.

¹⁴ See, e.g., Jacob I. Dienstag, *Ein Hamitzvot* (New York, 1969) and the recent edition of Ramban’s *Sefer Hamitzvot* by H. Chavel (Jerusalem, 1981).

¹⁵ The subject awaits detailed study. The article by S. Krauss in *Hagoren* V (1905) is clearly inadequate.

¹⁶ Note also his *Mishpetei Haherem* and *Dina Degarme*.

¹⁷ See, e.g., G. Scholem, *Hakabbalah Begerona*, and the works mentioned in n. 2 above.

or its gradual diminution. His major theories await disciplined explication. Hitherto unidentified citations in the works of thirteenth-fourteenth century writers—i.e., R. Moshe of Burgos, R. Bahya ben Asher, or the school of Rashba—need to be collected and the many unpublished commentaries on the “secrets of Ramban” need to be made available. While this material will be useful and enlightening, great care will be needed in trying to chart the baselines of Ramban’s cosmology, anthropology, philosophy of history and eschatology. He had profound, all-embracing conceptions of God, Israel, history and the world, and his total *Anschaunung* needs to be meticulously reconstructed. He defies facile categorization, as evidenced for example by his agile critique of philosophy and deft use of philosophic materials and ideas.¹⁸ His discriminating eclecticism, if that is the proper term, is not an indication of intellectual fatigue and dependence but is rather a source of strength and expression of originality—as is often the case in the history of thought.

His intense, simultaneous preoccupation with halakhah and kabbalah is also emblematic of the “law and spirituality” theme in Judaism—a creative, authoritative Talmudist of the first order, Nahmanides insisted with great pathos that study of Talmud must be supplemented by study of kabbalah whose concepts and symbols infuse the normative system with spirituality and theological vision. His own output in the field of kabbalistic study is skimpy compared to his output in Talmudic study, but the former has axiological supremacy in the hierarchy of disciplines.¹⁹

In truth however, kabbalah is not the only part of his oeuvre which awaits systematic study; most aspects of Ramban’s achievement are neglected. We owe *him* a scholarly debt, payment of which will enrich *us*. While his works, as noted, have remained alive, systematic study of Ramban as halakhist or exegete is not in a very advanced or felicitous state. We still lack a clear, comprehensive picture of Ramban as a halakhist, and the patterns of his exegesis have not yet been analytically described. The list of lacunae and desiderata is long and impressive, including many basic tasks: careful editions, propaedeutic studies, topical and methodological explorations as well as comparative analyses, histories of ideas, imaginative syntheses.

¹⁸ J. Guttman, *Philosophies of Judaism*, who devotes only a few lines to Nahmanides (244), gives us a perceptive generalization: “R. Moses ben Nahman of Gerona, a Talmudic scholar and biblical exegete who adopted a mediating position in the polemical battle which raged around philosophy in the third decade of the thirteenth century, developed a unique and vigorous conception of Judaism which utilized some philosophic ideas in its details but sought to escape philosophic rationalism.” It is interesting that Nahmanides is often coupled with and compared to R. Yehudah Halevi just as Maimonides is often linked and likened to R. Avraham ibn Ezra. Nahmanides could be quite sharp and apodictic in his condemnation of philosophic views just as he could integrate select views very smoothly and unobtrusively. Most surveys of medieval Jewish thought—from I. Husik to C. Siratt—do not assign any place to Nahmanides.

¹⁹ See, e.g., Chapter 23 above and the brief remarks of J. Katz, “Halakhah Vekabbalah—Maga’im Rishonim,” *Sefer Zikaron le-Baer* (Jerusalem, 1979), 169, and “Halakhah Vekabbalah Kenose’ei Limud Mitharim,” *Daat* VII (1981), 44.

Most important, all of this should be geared to a holistic-integrative reconstruction of the complete persona and judicious appreciation of his genius rather than a fragmented-atomistic study of select facets. Ramban did not fritter away his erudition, ingenuity and subtlety on isolated topics or narrow undertakings: his grand oeuvre, which reflects comprehensiveness, cohesiveness and imaginativeness, should, in the final analysis, not be fragmentized.²⁰ The tasks are inseparable, for “a work of synthesis does not venture where current scholarship has not gone.”²¹

Indeed, were we to take our cue from the nations of the world, we would long ago have established an *Institute Nahmanides*, with an interlocking network of international scholarly committees for scientific publication of all his works, for annotated editions with commentaries long and short, for translation of select works, and for comprehensive-comparative analysis of the major trends of his thought and its total gestalt. Figures of lesser stature, to put it mildly, have merited such attention. The list of institutes and of special journals devoted to the legacy of individuals, let alone movements or periods, is well known.²² By all objective scholarly standards, an *Institute Nahmanides* should be widely acclaimed and supported.

It is our hope that the five elegant articles in this rich little volume [see above, note 10], while shedding light on unexplored facets of his achievement and reexamining themes that have been studied but have remained moot, will also stimulate further study as well. We see it as constructive and suggestive—and, indeed, divergent approaches to certain issues (e.g., natural law) are presented. Ramban’s attitude to aggadah, poetry, exegesis and rationalism, his coupling of genuine conservatism and powerful originality, his views on the nature of man, law of nature, miracles, history of kabbalah, dialectics of halakhah, his relation to the Spanish intellectual-spiritual background, Provençal culture, and French Talmudism—these are some of the topics explored in these pages. In connection with these specific topics of Nahmanides research, some broader historical issues are also touched upon: continuities and differences between Islamic and Christian Spain; varieties of thirteenth-century

²⁰ Somewhat symptomatic of the state of scholarship—its foci, priorities, imbalances—is the remarkable statement of Simon Dubnow that Nahmanides’ “report on the disputation of Barcelona has historic and religious value and will certainly live longer than his big books in the field of halakhah.” See S. Dubnow, *Divrei Yemei Am Olam* Vol. V (Tel Aviv, 1968), 66. Only one who never studied the *Milhamot* and *Hiddushim* closely, who has not savored the delicacy and dynamism, insight and ingenuity of their expositions—and who implicitly dismissed them as so much arid subtlety—could make such a tendentious statement. It is interesting to note that the disputation has, as far as I am able to see, continued to receive more attention in recent research than any other aspect of Ramban’s creativity and historic legacy. See R. Chazan’s article (n. 2 above) and the literature cited there.

²¹ This formulation in *Speculum* LVI (1981), 191—in a review of Pierre Riché, *Les Ecoles et l’enseignement*—caught my attention. It is, of course, a scholarly commonplace which needs to be re-affirmed periodically.

²² The most recent example that I have noted is the *Acta Alfonsinae*, “a new journal established to honor the seven hundredth anniversary of the death of Alfonso X, el Sabio.”

kabbalah; preoccupations of medieval halakhists; root problems of Scriptural exegesis; the reorientation of Hebrew poetry in Christian Spain; the relation of philosophy and mysticism. Moreover, fundamental methodological questions—e.g., esotericism, how to resolve inner contradictions, the significance of “diplomatic insincerity” (in the Maimonidean controversy and the Barcelona disputation), the notion of relativism in halakhah and kabbalah, the role of popular philosophy versus technical, scholastic philosophy, poetic convention and actual meaning of the text—are broached. This thematic affluence and methodological diversity attest to the centrality of Ramban—to his versatility, originality, and profundity; they echo the greatness of his song.

R. Yosef ibn Kaspi: Portrait of a Medieval Jewish Intellectual

The Study of Ibn Kaspi

This paper might well be entitled R. Yosef ibn Kaspi *redivivus*—resurrected and revisited—for throughout modern times this prolific Provencal writer (1280–1340) was a relatively obscure figure.¹ His name was mentioned in standard works and histories accompanied by encyclopedia-like blurbs, bibliographical summations, or stereotype characterizations—varying in length from a few lines to a few pages.² His reputation—fame or notoriety—was nurtured by direct knowledge only of his ethical will, published in 1844 (ed. E. Ashkenazi), an indisputably important document of intellectual history, and his twin commentaries on the *Moreh Nevukhim*, published in 1848 (ed. S. Werbluner and D. Kircheim), very significant chapters in the story of Maimonidean exegesis and the dissemination of philosophic views and values.³ His own descriptive bibliography, *Kevutzat Kesef*, listing about 30 works, was also published by I. Benjacob in 1844 and the existence of many of these works in

¹ See, most recently, the information made available by Richard Emery, “Documents Concerning Some Jewish Scholars in Perpignan in the Fourteenth and Early Fifteenth Centuries,” *Michael*, IV (Diaspora Research Institute), (1976), 27–49. A condensed version of the first part of this chapter appeared in *Juifs et Judaïsme de Languedoc*, ed. M. Vicaire and B. Blumenkranz (Toulouse, 1977), 185–205.

² See, e.g., H. Graetz, *Divrei Yemei Yisrael*, V (Warsaw, 1897), 290–294; H. Gross, *Gallia Judaica* (Paris, 1897), 67–69; H. Hirschfeld, *Literary History of Hebrew Grammarians and Lexicographers* (London, 1926), 94; A. Neubauer and E. Renan, *Les Ecrivains Juifs Français* (Paris, 1893), 131ff.; *Jewish Encyclopedia*, III, 600–601; Y. Zinberg, *Toledot Sifrut Yisrael*, II (Tel Aviv, 1956), 107–144; M. Steinschneider, *Gesammelte Schriften*, I (Berlin, 1925), 89ff.

³ His commentaries boldly undertake to elucidate and interpret the esoteric parts of the *Moreh Nevukhim*. In his own commentary on the *Moreh* (e.g., I: 7, 8, 14 and passim), R. Yitzhak Abravanel wrathfully indicts Kaspi for radicalizing Maimonides. (My student Lawrence Kaplan had occasion to illustrate this in his dissertation on R. Mordekhai Jaffe [Cambridge, 1976], which dealt, *inter alia*, with problems in the history of Maimonidean exegesis.) In *Mifalot Elokim* (reprinted, London, 1961), II, 1, Abravanel also damns Kaspi, together with R. Moshe Narboni and R. Yitzhak Albalag, for belonging to that “cursed sect” which apparently believed in the eternity of the world. See also G. Vajda, *Isaac Albalag* (Paris, 1960), pp. 273–274. Moshe Idel in his dissertation on R. Avraham Abulafia (Jerusalem, 1975), 12, has observed that Kaspi was apparently the first to quote R. Abulafia’s commentary (*Sitrei Torah*) on the *Moreh*, a radicalization of a different kind.

manuscript was noted. Passivity, however, reigned supreme and no serious attempt was made to push back the frontiers of Kaspi study. It was primarily the achievement of a dedicated English paleographer, Isaac Last, who at the fin de siècle began to publish many of these manuscripts, that made the study of Kaspi possible once again. Yet, the scholarly yield is still meager and Kaspi's works, recently reprinted, are still to a great extent forlorn, unexamined and unmonographed, while many are still unpublished. One thinks of two pioneering articles by W. Bacher (1912),⁴ a noteworthy little German dissertation (1930),⁵ a penetrating Hebrew essay by S. Pines.⁶ He thus remains a fetching figure, with a determination still to be made as to how original, influential, or interesting; even if careful analysis shall sustain the impression of mediocrity, he may still remain historically important and instructive, for, as has been noted elsewhere, articulate, aggressive mediocrities may surpass great "classical" thinkers in their significance for intellectual history and their writings may be more protean and influential.⁷ We have here incidentally a paradigm for the slow process of scholarly absorption of new material into the mainstream of monographic analysis and textbook synthesis.⁸

⁴ W. Bacher, "Joseph ibn Kaspi als Bibelerklärer," *Judaica: Festschrift zu Hermann Cohen* (Berlin, 1912), 119–135; *Monatsschrift für Geschichte und Wissenschaft des Judentums*, LVI (1912), 199ff. See also H. Stourdze, "Les Deux Commentaires d'Ibn Kaspi sur les Proverbes," *REJ*, LII (1906), 71–76.

⁵ B. Finkelscherer, *Die Sprachwissenschaft des Joseph ibn Kaspi* (Breslau, 1930).

⁶ S. Pines, "Histabrut Hatekumah Meḥadash shel Medinah Yehudit lefi Yosef ibn Kaspi ulefi Spinoza," *Iyyun*, XIV (1964), 289–317; and see J. Schlanger, *REJ*, CXXIV (1965), 450–452. See also S. Pines, "La Conception de la Conscience de Soi chez Avicenne," *Archives d'Histoire Doctrinale et Littéraire du Moyen Age*, XXI (1954), 23, note 4. See also the compressed, impressionistic review by H. R. Rabinovitz, *Beit Hamikra*, XV (1970), 352–359. When I wrote this chapter I had not yet seen the recently published (Leiden, 1976) dissertation of B. Mesch. S. Rosenberg's dissertation on "Logic and Ontology in Fourteenth Century Jewish Philosophy" (Jerusalem, 1974) devotes considerable attention, and analysis, to Kaspi. In connection with Professor Pines' argument, I would submit that the recognition of natural historical forces does not automatically presuppose a non-sacral attitude or a non-providential view of history. The quest for secondary causes does not negate ultimate divine causation. The link between Kaspi and Spinoza is thus quite flimsy.

⁷ See Chapter 27, cited below, note 14; on the importance of "minor" writers, see, in a different context, A. Lovejoy, *The Great Chain of Being* (Cambridge, Mass. 1936), 19–20.

⁸ Cf. *Jewish Encyclopedia*, III, 600–601, with *Encyclopedia Judaica*, X, 809–811. Emery's article (note 1 above) shows that even biographical information is still forthcoming. The same is true for the bibliographical record; see, e.g., A. M. Haberman, "Shenei Hibburim shel Hokhmah Umusar," *Minḥah Liyhudah* (Jerusalem, 1950), 179. His commentary on Shir Hashirim was edited by I. Akrish, *Sheloshah Perushim* (Constantinople, 1567). See now the brief treatments, and bibliographic entries, in the following Keter surveys: C. Sirat, *Hagut Filosofit* (Jerusalem, 1975), 325ff.; J. Dan, *Sifrut Hamusar Vehaderush* (Jerusalem, 1975), 98ff. (concerning his will). Additional writings of Kaspi, some of which I have examined at the Hebrew University Institute for Manuscripts, still await publication.

Let me add immediately that, in referring to the fact of Kaspi's relative obscurity, I purposely emphasized "in modern times" in order to dissipate the notion of censorship, of any conspiracy of silence or premeditated concealment of his works. It would appear that for several centuries at least he was known and studied—quoted, criticized, or supported. He elicited strong feelings of approval or censure, never an attitude of indifference or nonchalance. On the crucial issue of Talmud study, for example, he is mercilessly indicted by R. Yosef Yavetz, the forceful sixteenth-century antagonist of philosophic culture in the *Or Hahayyim*, and enthusiastically commended by that colorful Renaissance figure Leone de Modena in the *Behinat Hakabbalah*.⁹ This vertical relationship is, in itself, of obvious historical significance. It tells us not only about Kaspi's *Nachleben* and the representative, typological value of his works; the search for pedigree by later (in this case, sixteenth-century) writers reveals much about the self-consciousness of a period vis à vis the phenomenon of continuity and change and the concomitant justification or repudiation of change or the attempt to root apparently novel attitudes in certain precedents.¹⁰ In any event, only in premodern and modern times do his writings, along with those of many Provencal contemporaries like R. Menahem Hame'iri, R. Yedayah Hapenini, R. Moshe Narboni, R. Kalonymos ben Kalonymos and Gersonides, fall into oblivion and the manuscripts are left to collect dust in libraries.

From a formal-material point of view, that is, the approach used by a cataloguer or bibliographer, Kaspi should be characterized and classified as an exegete, with a special yen for logical-philological interpretation, for his works are primarily exegetical. There is some "pure" philosophy, for example, an epitome of R. Shemuel ben Yehudah of Marseilles' Hebrew translation of Averroes' *Middle Commentary*,¹¹ but the center of gravity is Biblical exegesis. Moreover, self-consciousness as an exegete suffuses his literary creativity and, while an author's self-evaluation may not be precise and need not be normative for the historian, it is always significant

⁹ R. Yosef Yavetz, *Or Hahayyim* (Lublin, 1912), chap. 9 (p. 88); L. de Modena, *Behinat Hakabbalah*, 34–35. See also R. Moshe Rieti, *Mikdash Me'at* (Vienna, 1851), whose judgments are indeed strange; he puts Ibn Kaspi in paradise together with the Tibbonides and R. Eleazar Haroke'aḥ. Caution is, of course, called for in making claims concerning the extent of later acquaintance with Kaspi's exegetical oeuvre, for the *Will* and *Moreh* commentaries are clearly the most prominent and the most frequently cited.

¹⁰ Of related interest is the polemical tract (*Minhat Kenaot*) of R. Yeḥiel of Pisa, ed. D. Kaufmann (Berlin, 1898) against the *Iggeret Hahitnatzlut* of R. Yedayah Hapenini or the critical attitude of R. Yosef Ashkenazi (see the selections published by G. Scholem, *Tarbiz*, XXVII [1959], 59ff.), toward Hapenini. At the same time, R. Moshe Isserles cites the *Iggeret* approvingly; see *Teshuvot*, ed. A. Ziv (Jerusalem, 1971), 7 (p. 29). Concerning the intellectual stance of R. Yeḥiel of Pisa, see the new material published by A. Rosenthal, *Kovetz al Yad*, VIII (1976).

¹¹ See L. Berman, "Greek into Hebrew: Samuel ben Judah of Marseilles, Fourteenth Century Philosopher and Translator," *Jewish Medieval and Renaissance Studies*, ed. A. Altmann (Cambridge, 1967), p. 297.

per se. Kaspi never tired (his readers may become weary) of underscoring the ardor of his aspirations and the originality of his achievements in exegesis; he was totally obsessed with the importance of his method and its value as a precision instrument that would enable sensitive students to interpret Scripture correctly, that would accelerate the progress of speculative thought and rational understanding. He insisted that he would not repeat or summarize, would not write postscripts or hackneyed ideas but would regularly aim to focus on novel insights; it is almost as if he were responding to the charge-challenge of his contemporary R. Yedayah Hapenini, who asserted that only poets are creative and truly original while thinkers are only able to collect and repeat old, classical ideas. The eclectic, repetitive philosopher is contrasted with the innovative, inspired poet.¹² In any event, this simple bibliographical fact has compounded the difficulties of scholarly analysis, for exegetical writings are particularly knotty, frequently recalcitrant, sometimes repetitious, sometimes inconsistent (ranging from apparent or outright contradiction to subtle divergences of emphasis), and the attempt to systematize non-systematic writings, to extrapolate rigorously structured concepts from soft, pliable molds, is problematic. Kaspi may be said to dramatize the scope and intensity of rational exegesis and to illustrate the attendant difficulties of systematization and conceptualization on the part of students. Even his *Sefer Hasod*, an avowedly systematic classification of the principles of exegesis, that is, a brief methodological prologue to his exegetical oeuvre, which especially

¹² See, e.g., *Sharshot Kesef*, p. 6; *Asarah Kelei Kesef*, I:8, 65, 183; II:31, 46, 214; *Adnei Kesef* I:137, and passim; note how in *Menorat Kesef* (*Asarah Kelei Kesef*, II:77) this emphasis on originality serves paradoxically (and perhaps tongue in cheek) to justify his open treatment of esoteric themes, for it is possible that he is not really revealing anything inasmuch as everything he writes is his own.

כי אולי אין אני מגלה דבר ממה שהוא על אמתו כי לא באה לי קבלה כלל לא מפי סופרים ולא מפי ספרים. גם ... אין אני זוכר כי מעולם שאלתי לאיש על זה.

This dialectical interlacing of original interpretation and exoteric presentation is noteworthy. See the significant observation (*Asarah*, I:184 on Kohelet) that exegesis is after all not subject to absolute demonstrations; also *Mishneh Kesef*, I:6 (beginning of *Sefer Hasod*). This “exegetical relativism” is tempered only by the persuasiveness of the interpretation and the degree of natural harmoniousness with the underlying text; cf. *Asarah Kelei Kesef*, p. 28 (on possibility of intrinsic plurality of meanings). Cf. R. David Kimḥi, *Yehoshua*, intro. (and see F. Talmage, *David Kimḥi* [Cambridge, Mass., 1975], 215). For Y. Hapenini, see his *Sefer Hapardes*, in *Otzar Hasifrut*, III (1889–90), chap. 8. This should be correlated with attitudes in Talmud study; note especially Naḥmanides, *Milḥamot*, intro.

To what extent this emphasis on *hiddush* and originality should be correlated with the growing general contemporary emphasis on modernity and “subtlety of the moderns” (*subtilitas modernorum*) needs to be investigated. See the general work of E. Gössmann, *Antiqui und Moderni im Mittelalter* (Munich, 1974), and the special study of M. T. Clanchy, “Moderni in Education and Government in England,” *Speculum*, II (1975), 671ff. The theme of intellectual progress, of cognitive advance, conceptual breakthrough, and interpretive innovation (see Gersonides, *Milḥamot Hashem*, intro.) is also relevant here. See also *Mishneh Kesef*, I:65, 86, 90; *Asarah Kelei Kesef*, I:127 (*lo kidmani adam*); *Tam Hakesef*, p. 8.

stressed the freedom of interpretation given to an exegete, is rife with problems of this kind.¹³

However, from a substantive-typological point of view, he should be characterized as a “Maimonidean,” as an energetic zealous intellectual, a broker of rationalistic ideas and ideals rather than as a Bible commentator or grammarian: exegesis was the vehicle for his philosophic activity. R. Yosef ibn Kaspi belonged to that group I have described elsewhere as “sensitive, remarkably industrious, versatile, deeply committed writers eager to disseminate and vindicate philosophy, to prove that it was not an upstart discipline alien to religious concerns. They defended the cause of philosophy with elegance and persuasiveness, sometimes with a touch of lyricism, always with passion.”¹⁴ Specifically, he saw himself as a protagonist of Aristotelian rationalism, as a continuator of the school of R. Avraham ibn Ezra and Maimonides, the two great original influential authors of Spanish Jewry that were linked together, either for praise or criticism, by many fourteenth-century writers (for example, Ritva, R. Shem Tov, R. Yosef ibn Wakar). It is not only that he wrote supercommentaries on the *Perush* of Ibn Ezra and the *Moreh* of Maimonides, but their writings are the pivots of his entire enterprise. Their influence is pervasive, their stimulus profound. Even when he departs from their specific views—and he deliberately underscores his freedom—his indebtedness to them is regularly and meaningfully acknowledged; moreover, the indebtedness is discernible even when not openly admitted. Kaspi is thus a major contributor to the so-called “fourteenth-century Ibn Ezra Renaissance,”¹⁵

¹³ The *Sefer Hasod* (on the secrets [*sodot*] of the Torah) gives a good picture of rationalist exegesis; the first part contains general propositions and the second deals with select Biblical themes and *topoi*. Its major concern is Biblical narrative (as distinct from halakhah), which, like rabbinic aggadah, has often been ignored or dismissed nonchalantly.

One of his arguments for freedom of interpretation is the fact that it is illustrated by distinguished predecessors, e.g., Ibn Ezra and Maimonides. This becomes a prominent theme of Hebrew literature; see, e.g., R. Avraham Azulai, *Ba'alei Brit Avram* (Vilna, 1874), intro., p. 1. R. Menaḥem Tamar (fifteenth-century Spain) makes a similar point at the beginning of his interesting, as yet unpublished, work (“Tanḥumot E-I”) by referring to Ravad’s strictures against Maimonides’ *Mishneh Torah*. Obviously, the defense of freedom of interpretation and the possibility of intellectual progress are interwoven. Note the theory developed by R. Zerahyah Halevi in the introduction to the *Sefer Hamaor*.

¹⁴ Chapter 27, above, p. 625; see also *A Maimonides Reader* (New York, 1972), 23. John Noonan’s comment about scholastic authors is equally applicable to this case: “The scholastic field, in which the authors work within a common tradition and constantly refer to each other’s work, is a particularly easy one in which to determine which authors were representative, influential, original, or astute.” J. Noonan, *The Scholastic Analysis of Usury* (Cambridge, 1957).

¹⁵ See, e.g., A. Altmann, *Studies*, 196–197. Such a fourteenth-century commentary as *Mekor Hayyim* of R. Shemuel Sarsa is also representative. Note also Ritva, *Sefer Hazikaron* (Jerusalem, 1955), 69. Kaspi’s relationship to Ibn Ezra, whose influence on his exegesis was formative, warrants careful study; significant correlations may be established between parenthetical remarks of Ibn Ezra and more elaborate emphases of Kaspi. See generally his Commentary on “Sodot Hatorah leben Ezra,” *Asarah*

in which the writings of Ibn Ezra were carefully studied and commentaries and super-commentaries composed; he is also a sturdy prop in the spread of Maimonideanism. In short, Kaspi, together with other post-Maimonidean philosophers or devotees of philosophy (R. Shemuel and R. Moshe ibn Tibbon, R. Yaakov Anatoli, R. Zerahyah ben She'altiel Hen, R. Hillel of Verona, R. Moshe Salerno, R. Yedayah Hapenini of the thirteenth or early fourteenth century come to mind as do R. Yosef ben Shem Tov or R. Avraham Bibago of the fifteenth century), accepts the philosophic (Maimonidean) interpretation of Judaism, its ethos and its logos, as an Archimedean point; Maimonidean positions may be criticized, modified, or extended but they are axial, and essentially paradigmatic.

Seen from this vantage point, the study of Kaspi is, in my opinion, most appropriately located in the discipline of history of ideas rather than history of philosophy (or, for that matter, even history of exegesis). It is not only that he is not in the class of his predecessor, who serves as a paradigm for him, R. Moses Maimonides, or his contemporary, whom he apparently did not know, R. Levi Gersonides, but the real value of his works is to be found in the attitudes he formulates and postures he adopts. We must understand what intellectual-spiritual problems concern him and what positions typify him, what influences molded him and what aspirations propelled him, what was the nature of the intellectual revolution he wanted to strengthen and perpetuate. It is, of course, possible to add Kaspi footnotes to the history of philosophy concerning most of the major problems and themes that preoccupied medieval Jewish philosophers: faith and reason, prophecy, creation of the world, causality and natural law, miracles, free will, providence, ethical theory, rationalization of the halakhah, and similar problems or details thereof. The results would most likely be a pale florilegium of views.¹⁶

What seems to be most worthwhile and enlightening is a reconstruction and appraisal of his attitude toward central, abiding issues in Jewish cultural life and intellectual history, issues concerning which there was room for considerable latitude, variation or selective identification with prototypal patterns. He may be seen, in other words, as a typical intellectual—and thus analysis of his works may help us construct a phenomenology of medieval Jewish intellectualism—without necessarily blurring his individual inclinations or emphases. Use of a historical phenomenology must be clear and flexible, so as to identify standard typological features as well as individual divergences and whims—accentuation or attenuation of recurrent tendencies. This flexibility bridges the gap between intellectual history, which might become ensnared in *Zeitgeist* theories and exaggerated sociologizing, presumptions of excessive homogeneity or uniqueness of periods, and history of ideas, which uncovers

Kelei Kesef, II:147 and passim. Note, however, such a comment as *Mishneh Kesef*, I:98, where he laments that “the sage Ibn Ezra” failed to use logic.

¹⁶ See, e.g., G. Vajda, *L'Amour de Dieu dans la Théologie Juive du Moyen Age* (Paris, 1957), 252, note 2.

continuity, identity, or similarity of basic attitudes and intellectual postures in various periods. The vertical and horizontal dimensions of historical analysis need to be balanced. The following topics are illustrative examples, not an exhaustive enumeration, and each one could be analyzed at length, put in historic context and its ramifications outlined: (1) attitudes to Talmud study, examination of its presumed centrality, and the whole complex of the relation of Talmud study to other areas as formal curricular subjects (Bible, grammar, philosophy, kabbalah, history); (2) approach to aggadah, that is, continuation of the quest for an exegetical methodology which, by disciplined allegorical interpretation, would present aggadah as a treasure trove of philosophic ideas and, at the very least, eliminate difficulties or embarrassments; (3) the literal and unliteral in Scriptural interpretation; (4) the role of language study, the nature of grammar and the proper methods for its study (involving criticism, sometimes quite strident, of Ibn Janah and R. David Kimhi and marked differences with Rashi) and the whole issue of language and logic; (5) the (declining) role and status of poetry; (6) relationship of the beliefs of intellectuals and those of the masses—the whole crucial issue of elitism, esotericism together with the progressive enlightenment of the philosophically naïve and untutored; (7) the quest for spirituality and the dangers of antinomism and a double-barreled polemic (contra Christian indictments as well as material for internal debate) concerning Judaism as a religion of spirituality; (8) the question of originality and innovation in medieval writing, particularly the insistence upon freedom of interpretation; (9) rabbinic leadership of the community and its socio-intellectual critics, with special emphasis upon criticism for intellectual-spiritual shortcomings; (10) the sporadic intensification of historical thought in medieval Jewish writing and its various uses and applications (for example, for purposes of causal explanation, specifically the recognition of intermediate causes in the historical process) concern with a philosophy of history, and the role of messianism; (11) openness to non-Jewish culture, particularly Judeo-Arabic philosophy and Christian scholasticism with particular attention to the quantitative aspect (how much use and influence) as well as the axiological (what were its repercussions, if any, with regard to attitudes, tolerance, relativism or skepticism); (12) anti-Christian polemics, particularly the significant shift from formal disputations to literary (historical-theological) attacks on the foundations of Christianity. Full analysis of these issues would help provide a “character study” (to use the phrase of A. R. Hall, *The Scientific Revolution*) of the intellectual revolution which Kaspi and his colleagues supported—not a scholastic analysis of philosophic problems and not even an intellectual profile of one significant protagonist but a sensitive, repercussive study in the history of ideas and their origin and impact.

Literary Oeuvre and Ideology

A few observations about his milieu and some generalizations about his literary achievement will provide a suitable background against which to present a

brief exposition of two of the issues listed above: his exegetical methods, particularly a special kind of literalism, historicism and naturalism in Bible study; his attitude to Talmud study. Kaspi was the child of a dedicated philosophic movement, tested through many turbulent years, with a record of advance and regression, influence and frustration. The prolonged and heated controversy concerning the legitimacy of philosophy, culminating in the 1305 promulgation of the ban against its study and a counter-proclamation denouncing the advocates of this ban, was fresh in his memory. He may have been one of the anonymous, zealous, not too influential supporters of the philosophic party. We know that some of his townsmen, scholars of Argentièr, took part in the controversy and aligned themselves with the anti-philosophic camp of Rashba.¹⁷ The turbulence was apparently a stimulant for Kaspi, not an irritant or a deterrent. Kaspi's commitment and his determination to advance the cause of philosophy were most likely deepened, not diminished. His confidence in rationalism was pure and simple, his enthusiasm for the application of logic and philosophy to religious tradition was unabated; his goal was to prove that the victory of the Maimonidean antagonists was pyrrhic, because, like Maimonides, he considered an unphilosophical religion illegitimate, a historical and phenomenological aberration. He displayed an intransigent attitude to unphilosophical culture, insisting that there was no alternative, no room for compromise. One uses and pursues reason not as an expression of hubris, in the sense of "aggrandizement of man against God," but as a fulfillment of a religious commandment, as an attempt to ally human reason with divine norm, to bring man closer to God via knowledge. Inasmuch as philosophy was an indispensable component of Judaism, he would rather risk being accused of imprudence and impudence in elaborating philosophic insights than of insincerity or inconsistency in concealing them.¹⁸

Furthermore, the usual evolutionary view, which we sometimes use unreflectively, almost dogmatically, and which, therefore, can be quite arbitrary, is clearly not applicable here. Kaspi wrote intensely and intensively over the course of a few decades; his writings are steady and consistent, with salient, easily identifiable leit-motifs, characterized by uniformity of goal and immutability of method.¹⁹ His life is

¹⁷ *Minhat Kenaot*, 101. See most recently Charles Touati, "La Controverse de 1203–06," *REJ*, CXXVII (1968), 21ff. also idem., "Les Deux Conflits autour de Maimonide et des Etudes Philosophiques," *Juifs et Judaïsme de Languedoc*, pp. 173–185. On his acute awareness of controversy, see *Mishneh Kesef*, II:43,

עדיין בני פלג אנחנו, כלנו בני ריב ומדון ומחלוקת, והיא שהחריבה את ביתנו, ועדיין במקומה עומדת. Also *Mishneh Kesef*, I:72 (following *Moreh Nevukhim*, III:29, which he does not cite). This is a leit-motif in his writing.

¹⁸ See I. Abrahams, *Hebrew Ethical Wills*, I (Philadelphia, 1926), 131ff. The definition of hubris is found in W. Jaeger, *Paideia*, I (New York, 1965), 168, a sharp antithesis to Maimonides, *Hilkhot Teshuvah*, 10:6, or *Moreh*, III:51 and 54, and Kaspi, *passim*.

¹⁹ In a very helpful seminar which I conducted on Ibn Kaspi, students were able to demonstrate, by independently analyzing different parts of the extensive literary oeuvre, that almost any commentary

characterized by intellectual restlessness but ideological steadfastness, a variety of media but consistency of vision.

This leads one to emphasize the paradox, at first glance rather strange but really quite natural, which surrounds the activity of Kaspi (and many of his contemporaries). He is an intellectual, acutely aware of the gap, sometimes widening into a complete breach, between the insights and rationalizations of philosophers vis à vis beliefs and assumptions of the masses (often described as foolish, dormant, unfortunate, poor in knowledge), but nevertheless he seeks relentlessly, if not to bridge the gap, at least to win adherents, to spread philosophic enlightenment and raise the level of philosophic sophistication, and this with the zeal and verve of a proselytizer. There is, needless to say, an inevitable residuum of esotericism and tension consisting, on one hand, of ritualistic assertions that not everything may be told, that there are interpretations which must not be disseminated, that in fact he does “not wish to reveal all the secrets,” and on the other, that, inasmuch as full congruence between the philosophers and the masses will not be forthcoming, one should not be deterred from the truth by mass criticism or disagreement, but basically the movement is from shyness and restraint and elitism to articulateness and boldness and democratization.²⁰ This dialectic is, of course, not limited to philosophy; it is also typical of kabbalah, which emerges from the shadows of a tight, almost impenetrable, esotericism to the center stage of an energetic movement attempting to popularize and proselytize. Any religious-intellectual movement which possesses special insight must eventually

(on Bereishit, Yehezkel, or Ruth) is a real microcosm of all his methods and goals. The uniformity of style, interpretation, criticism, and emphasis is striking. Indeed he suggests that he is developing a coherent, unified system, based on clear logical criteria, historical-philological guidelines, and general methodological principles which may be transferred from one work to another; e.g., *Mishneh Kesef* II:49. For reservations concerning the usefulness of the evolutionary view in general—e.g., Werner Jaeger’s assumption that conflicting statements and conceptual problems in Aristotle should be seen as consequences of a slow evolution (in the case of Aristotle, from idealism to realism)—see N. F. Grayeff, *Aristotle and His School* (London, 1974), 10, and before that, M. Greene, *A Portrait of Aristotle* (London, 1963), 15ff.

²⁰ E.g., *Mishneh Kesef*, 2; *Menorat Kesef*, intro. See, however, such a statement (*Adnei Kesef*, II:44) as והטעם לכלל האומה כי ליחידים יש אותות אחרים הכרחיים כפי תנאי האותות והראיות והמופתים לפי ההגיון.

Note also his sardonic introduction to the commentaries on the Scrolls:

וגם ראיתי המונינו צועקים בחג השבועות מגלת רות כמו שקבעו להם חובה לצעוק כלם בקול רם מגלת איכה בליל צום אב לאבל ומגילת אסתר בליל יום הפורים לשמחה, אשר זה דבר טוב וראוי בלי ספק, אך כי יבינו תחלה הענין בדבור הפנימי עד שישמיעו לאזנם מה שיוציאו בפהם.

Asarah Kelei Kesef, II:3. In his interpretation of Iyov (*Asarah Kelei Kesef* I:176) we find an interesting typology of religious people together with a suggestive statement about tolerance of various types and about the fact and desirability of mobility from a lower to a higher stage. Nevertheless, he frequently notes that he chooses to remain esoteric, e.g., *Mishneh Kesef*, I:2, 65, 67. His genuine contempt for the masses comes to full expression in the anecdote reported in *Asarah Kelei Kesef*, I:37–38. The entire section combines ridicule with prudent comments on how to talk to and deal with the ignorant.

propagate it and become public or else it faces the serious charge of egotism; if one does not make it possible for others to benefit from his achievement, he is guilty of withholding the good from him to whom it is due and of destroying important, hard-won knowledge. As Maimonides put it in the introduction to part 3 (another apology for publicizing his philosophical positions) of the *Moreh Nevukhim*: “If I had omitted setting down something of that which has appeared to me as clear, so that that knowledge would perish when I perish, as is inevitable, I should have considered that conduct as extremely cowardly with regard to you and everyone who is perplexed. It would have been, as it were, robbing one who deserves the truth of the truth, or begrudging an heir his inheritance.”²¹ It is not for the philosopher to sit in solitary dissatisfaction, lamenting the lowly state of true learning and the prevalence of error. He must skillfully share his insights, gradually dispel error and elevate the state of philosophic knowledge. In any event, this exoteric thrust, nurtured by a medley of motives, in turn exposes the protagonists to the charge of breaching a necessary, consensual esotericism, of indiscriminate dissemination of secret teachings. In the case of Kaspi, we find this at the core of R. Kalonymos ben Kalonymos’ indictment of him: even if everything Kaspi taught was true and unimpeachable—and Kalonymos clearly does not think that this is the case—he should still be faulted for lack of discretion, because philosophic popularization, which substitutes provocative interpretations for bland restatements of comfortable propositions, could loosen the fabric of traditional beliefs and erode the institutions of the religious community.²² Nevertheless, the intellectual, in various degrees, has the temerity to attack features of popular religion and hence blur objects on which the popular religious consciousness focuses. He risks the danger that the unsophisticated may miss the import and impact of his philosophic interpretations and fall into total confusion, but an inner compulsion drives him onward.²³ In sum, the antithetical tendencies cannot really be united nor can the pressures be eased.

Almost a corollary of this situation is the high degree of self-consciousness in his writing, not merely with regard to exegesis, the frequency of first person references, confessional obiter dicta concerning method, motive and goal, and direct address to the reader. His ethical will is, in essence, a kind of spiritual-intellectual autobiography, a genuine *apologia pro vita sua* belonging, *mutatis mutandis*, to the genre of Plato’s Seventh Letter, Avicenna’s *Autobiography*, or Peter Abelard’s

²¹ This Maimonidean statement is referred to in a very clever way by Kaspi, *Menorat Kesef*, intro. (*Asarah Kelei Kesef*, II:77). The idea is a pivot of his thinking and writing; see also the beginning of the commentary on Ibn Ezra, *Asarah Kelei Kesef*, II:147. Note, of course, Sanhedrin, 91b.

²² Kalonymos ben Kalonymos, *Teshuvah (Sendschreiben)*, ed. J. Perles (Munich, 1879).

²³ *Mishneh Kesef*, pp. 9, 10, and passim; *Tam Hakesef*, pp. 19, 23. Leo Strauss’ evaluation of Kaspi as “a competent reader of the *Guide* who wrote an esoteric commentary on it” is one-sided, undoubtedly reflecting Strauss’ own desideratum of “an esoteric interpretation of an esoteric interpretation of an esoteric teaching.” See L. Strauss, *Persecution and the Art of Writing* (Chicago, 1952), 56.

Historia. It emerges as a vigorous summary of his approach to law, religion and philosophy, alerting us (through his son) not to succumb to the pressures and distortions of the opposition. Maimonides' immunity to *genut hehamon* (the contempt which the masses feel toward the elite) reverberates, while the desire to benefit every reader in accord with his capacity is also a driving force. In many respects, it resembles, and, I would suggest, was greatly influenced by Maimonides' *Ma'amar Tehiyat Hametim*, which is concerned with the central, expansive issues of religious phenomenology and axiology rather than the clearly circumscribed problem of corporeal resurrection and is thus a defense of his life's work. It is a vigorous restatement and defense of his standard, life-long approach to issues of law, religion, and metaphysics, alerting the reader to the fact that the opposition to his view in this case is not an isolated matter but is symptomatic of divergent, perhaps irreconcilable, religious conceptions. Kaspi's will, which gives us a clear vignette of a fighting intellectual, is similarly a distillation of his views and a vindication of his life's work, reflecting intellectual skirmishes with adversaries or efforts at protecting philosophic positions which must never be abandoned, for they are the bastions of traditional, rationalistic Judaism. A prominent component of this apologia is the emphasis upon his own consistency as well as originality. The heavy, obvious self-consciousness of the will is characteristic of his entire corpus.²⁴ We may picture him, in sum, as a crusty, probably intractable, self-confident and self-conscious, indefatigable author.

Bible Exegesis: Literalism and Historicism

Perhaps the most salient feature in Kaspi's approach to Bible interpretation is the far-reaching, relentless quest for literalism. To be sure, no exegete is ever a complete literalist and least of all a philosophically oriented exegete for whom the use of allegory is axiomatic and compelling. Yet there is dialectical divergence in both the quantitative as well as qualitative relationship between philosophic literalism and philosophic nonliteralism. Most assume that a measure of nonliteralism is mandatory; the differentiation concerns the extent and reasons for its use, and the

²⁴ For Maimonides' *Ma'amar Tehiyat Hametim* as an apology for his life, see my *Introduction to the Code of Maimonides* (Mishneh Torah) (New Haven, 1980), chap. VI. On *genut hehamon*, see *Moreh*, intro., end, *Kovetz Teshuvot Harambam*, II, 16b; Kaspi, *Asarah Kelei Kesef*, II:187; *Mishneh Kesef*, I:8; I. Abrahams, *Wills*, I, 152 and note; A. J. Arberry, *Aspects of Islamic Civilization* (London, 1964), 120ff., 136ff. Sometimes the difference between the masses (*hamon*) and those who understand—in this case understanding based on grammar and logic—is so great as to affect accepted customs; see *Asarah Kelei Kesef*, II:28, where his explanation of the last verse of Eikhah eliminates its stinging, condemnatory tone thereby making the public repetition of the penultimate verse, which is of a petitionary-consolatory nature, unnecessary. הנה לפי זה יהיה זה הסיום נחמה ואין צורך למנהגינו, לחזור השיבנו, ואם הוא טוב בעבור ההמון.

Also *Mishneh Kesef* I:16: כי תועלתו להמון יותר רב מתועלתו להיחידים השרידים.

differences may be quite substantive. While Kaspi's exegesis has its share of allegory, what is novel and striking is the way he is uniformly and stressfully critical of nonliteral interpretations. He goes so far as to suggest that, in the absence of clear hermeneutical canons or tight textual-philological restraints, they lead to anarchy, to intellectual *laissez-faire*. Interpretation which is not guided by context and grammar, by *higayon*, must inevitably be wobbly; interpretation which fails to project the Biblical text against its linguistic, geographic, and socio-historical background, thereby according primacy to natural or grammatical explanations, must fall wide of the mark.²⁵ These are the parameters of literalism within which the exegete should

²⁵ E.g., *Mishneh Kesef*, I:19; II:254, 286; *Tam Hakesef*, 5, 7, 20 and passim; *Adnei Kesef*, I:137. In *Mishneh Kesef*, I:79 he describes allegory, nonliteralism, as an extreme measure; it is like strong medicine which should be taken only on very rare occasions. See also *Mishneh Kesef*, II:254, where in arguing for the absolute supremacy and indispensability of literalism, he does not spare even the Talmudic sages or the authoritative Aramaic translation of Onkelos. Non-literalism is always fraught with grave dangers.

His philological approach differs sharply from that of the Spanish grammarians. While they tamper with the text—emending, changing the order of letters or words, in the name of and under the banner of grammar—he proposes a different principle of interpretation, simple yet far-reaching: by recognizing the plurality of meanings, it is possible to understand a text without changing its syntax or sequence. Every apparently awkward or wayward construction is, in the final analysis, grammatically defensible. See *Asarah Kelei Kesef*, II:11 and cf. “Sefer Ha’emunah Vehabitahon,” *Kitvei Ramban*, II, ed. H. Chavel, (Jerusalem, 1964), 379. His grammar is logical and analytical; see S. Rosenberg, *Logic*, 15. In this context, note how he insists that the rabbinic statement *minu beneikhem min hahigayon* cannot possibly refer to logic. A similar, very sharp statement is made by his Italian contemporary (1275–1355) R. Shemaryah Ha’ikriti in characterizing his Bible commentary: *Otzar Nehmad*, II (1857), 91.

בכל אלה הספרים אסרתי עלי באיסור כרת ונשמרתי בנפשי לאמר שיש במאמר אחד מכל כתבי הקדש אות אחת יתרה או חסרה, ק"ו תיבה ... כי המדבר כאלה הוא כופר בכל המכתב הקדוש, אמנם לא בכונה מאתו, כי כל מי שיפרש מאמר אחד מן המקרא יוסף ויגרע אות אחד מן הכתוב מושכל ראשון הוא שפירושו שקר וכזב, ולא הוא כונת הכתוב. ואיך יסכל לב אדם לאמר על נותני התורה והמדברים ברוח הקדש שטעו בדבריהם ולא ידעו לדבר כראוי, ואיך יסכים הלב להאמין להם אם גם לדבר לא ידעו.

He in turn emphasizes the literalism of his own commentary and notes particularly that it contains absolutely no aggadah, which he explicated in his Talmud commentary (his major works, available in manuscript, are *Sefer Amatzyah*, *Elef Hamagen* and *Sefer Hamora*). This rigid compartmentalization is noteworthy. Later, an original exegete such as R. Eliezer Ashkenazi (*Ma’asei Hashem*) explains his exclusion of aggadic materials from his commentary as a consequence of the invention of printing: inasmuch as aggadic texts are now readily available, there is no longer any need, or justification, for incorporating them into Bible commentaries.

For Kaspi's “exegetical agnosticism” see e.g., *Mishneh Kesef*, I:1, 63.

In addition, for logical as well as methodological reasons, his exegesis is general, not specific; he repeatedly explains why detail may be omitted, why certain words should be seen as ornamental and rhetorical and therefore not subject to microscopic interpretation, and that his task is to give the essence, the conceptual framework and message (see, e.g., repeated emphasis concerning the Five Scrolls—*Asarah Kelei Kesef*, II). In other words, proper exegesis is characterized by restraint and selectivity—not all details need to be explained. This principle, rooted in the nature of language and

move. We may add briefly that this literalism, in addition to the emphasis on some exegetical relativism, also contains a measure of “exegetical agnosticism”: certain things may not be known because we have no analogies, no similar experience, no corroborating evidence. Inasmuch as the exegete is committed to rigid canons of literalist interpretation, he must be careful not to foist unintended meanings upon the text. Kaspi shows extraordinary sensitivity to the exegesis-eisegesis syndrome and this results in restraint or readiness to withdraw and be silent.

We must be more specific and note that his extensive literalism is really a two-tiered construction. The use of grammar and logic, which adds some precision and rigor, of philology in the broadest sense of the term, all of which has precedents and sequels,²⁶ is only the first phase; this in turn culminates in a novel, intriguing exegetical dimension, highly suggestive and very repercussive, which deserves careful description and evaluation. Kaspi frequently operates with the following exegetical premise: not every Scriptural statement is true in the absolute sense. A statement

contingencies of communication, helps the exegete get to the point. We may recall in this context Maimonides' observations (*Moreh*, intro.) concerning the metaphorical interpretation of prophetic parables and, *mutatis mutandis*, his approach (*Moreh*, III:26) to the rationalization of the commandments which dwells on the general import and omits details. Contingency must be recognized.

Furthermore, his socio-historical approach has certain sharp emphases which are noteworthy: (1) There is the need to predicate interpretation upon naturalism, i.e., understanding scriptural passages in light of ordinary, rather than unusual, experiences. This ipso facto rules out excessive allegorizing. (2) The exegete assumes a continuity of practices and mores, learning from fourteenth-century Egypt about Egypt in the time of Moshe and the Pharaohs. In other words, not only does the exegete endorse and utilize the historical approach, but he assumes that the contemporary cultural and anthropological differences he observes or learns about existed also in antiquity and thus provide insight into the text. R. Kalonymos ben Kalonymos is quick to challenge and, indeed, to demolish this assumption; even granted the historical approach, there is clearly change over the centuries. (See J. H. Brumfitt, *Voltaire Historian* [Oxford, 1958], 101, who describes Voltaire as being guided by the assumption that human nature does not change and hence the historian should use his observation of contemporaries to understand the past.) Note the following examples of historical explanation: *Mishneh Kesef* II:162, 182, 183; *Matzref Lekesef*, 19, 27. Note in this context Nahmanides, Devarim 16:22 (*vegām hayom osin ken*). As for Hebrew, Kaspi suggests that it is the holy tongue because it is grammatically correct; *Asarah Kelei Kesef* II:17 and II:78; cf., of course, Maimonides, *Moreh*, III:8, and the multiple explanations of R. Yehudah ben Shelomo (*Midrash Haḥokmah*) cited by B. Dinur, *Yisrael Bagolah*, II, V. 6, 19; also Profiat Duran, *Ma'aseh Efod* (Vienna, 1868), 177–178. On the inadequacy of all translations from Hebrew, see *Mishneh Kesef*, II:4. Preservation of the integrity of the scriptural text is thus the motive for his contextual-syntactical-historical approach and his criticism of the Spanish grammarians.

²⁶ Particularly noteworthy is the introduction of R. Yaakov Anatoli (author of the provocative *Malmad Hatalmidim*) to his Hebrew translation of Averroes' Middle Commentary on the *Isagoge* of Porphyry:

וידוע שאין כח באדם ממנו לעמוד כנגד הפקחים משאר האומות החולקים עלינו, אם לא ילמד החכמה הזאת. ומפני שראיתי כי רבו ההוללים הרעים המתפארים עלינו בדרך המחלוקת והניצוח קנאתי בהם ... והתעורר תשוקתי להעתיק החכמה הזאת כפי אשר תשיג ידי.

may be purposely erroneous, reflecting an erroneous view of the masses. We are not dealing merely with an unsophisticated or unrationalized view, but an intentionally, patently false view espoused by the masses and enshrined in Scripture. The view or statement need not be allegorized, merely recognized for what it is. Where did such a radical hermeneutic originate? How could Kaspi validate such an unusual methodological construct?

The key factor is Kaspi's use of the well-known rabbinic dictum: *dibrah Torah kilshon benei adam*, "The Torah speaks in the language of men," famous for its medieval use in the realm of anthropomorphism. Actually, in its original context, this statement, a cardinal rule of the school of R. Yishmael, applies to a wide range of grammatical-lexical-interpretive issues but never to anthropomorphism.²⁷ Maimonides, foreshadowed by R. Yehudah ibn Koreish, R. Nissim Gaon, R. Avraham ibn Ezra,²⁸ is responsible for converting this dictum into the basis and rallying point for all anti-anthropomorphic interpretations.

You know their dictum that refers in inclusive fashion to all the kinds of interpretation connected with this subject, namely their saying: "The Torah speaks in the language of the sons of man." The meaning of this is that everything that all men are capable of understanding and representing to themselves at first thought has been ascribed to Him as necessarily belonging to God, may He be exalted. Hence attributes indicating corporeality have been predicated to Him in order to indicate that He, may He be exalted, exists, inasmuch as the multitude cannot at first conceive of any existence save that of a body alone ... In a similar way one has ascribed to Him ... everything that in our opinion is a perfection in order to indicate that He is perfect in every manner of perfection and that no deficiency whatever mars Him. Thus none of the things apprehended by the multitude as a deficiency or a privation are predicated of Him.²⁹

As Maimonides continues to establish the foundations for his theory of attributes, he parenthetically defines *leshon benei adam*: "However, in accordance with the language of the sons of man, *I mean the imagination of the multitude*." In its

²⁷ Berakhot, 31b; Yevamot 71a, and parallels.

²⁸ E.g., S. Abramson, *R. Nissim Gaon* (Jerusalem, 1965), 281; R. Yehudah ibn Koreish, *Iggeret*, ed. M. Katz (Tel Aviv, 1952), 58; *Otzar Neḥmad*, II (1857), 213; R. Avraham ibn Ezra, *Perush*, Bereishit 6:6 (and see Shemot 32:14). *Otzar Hageonim*, Berakhot, I, 131; II, 92; Ḥagigah, 30. For a partial history, see S. Abramson, "Ma'amar Ḥazal Uferusho," *Molad*, 421ff.

²⁹ *Moreh Nevukhim*, I:26 (and see, I:33, 46, 59); *Ma'amar Teḥiyat Hametim*, ed. J. Finkel (New York, 1939), 8; *Mishneh Torah*, *Yesodei Hatorah*, I:9, 12. See R. Baḥya ibn Pakuda, *Hovot Halevavot*, I:10; R. Yehudah Halevi, *Kuzari*, V:27; R. Avraham ibn Da'ud, *Emunah Ramah* (repr. Jerusalem, 1961), intro., p. 2a.

Maimonidean adaptation, the rabbinic dictum may then be paraphrased as follows: “The Torah speaks in conformity with the imagination (and frequently crude perception) of the multitude” and therefore uses anthropomorphic imagery when speaking of divine attributes.

Now, Kaspi rather boldly takes a third step and more or less systematically extends the parameters of this philological principle to include issues and problems totally unrelated to anthropomorphism. In so doing, he converts it from a pedagogic principle which provides a license for allegorical interpretation to an hermeneutical principle which provides a lesson in what we would call historicism. Many scriptural statements, covered by this plastic rubric, are seen as errors, superstitions, popular conceptions, local mores, folk beliefs, and customs (*minhag benei adam*), statements which reflect the assumptions or projections or behavioral patterns of the people involved rather than an abstract truth. In its Kaspiian adaptation, the rabbinic dictum may then be paraphrased as follows: “The Torah expressed things as they were believed or perceived or practiced by the multitude and not as they were in actuality.” *Leshon benei adam* is not just a carefully calculated concession to certain shortcomings of the masses, that is, their inability to think abstractly, but a wholesale adoption of mass views and local customs. With regard to the latter, Kaspi is almost adumbrating—and I am wary of modernization or precursorism—the *Sitz-im-Leben* approach. There is here in embryo a general historicistic position.

We may find snippets of historicism, occasional forays into historical explanation, in the writings of some predecessors (R. Avraham ibn Ezra, R. Shemuel ben Meir),³⁰ but the influence seems to be Maimonides’ use of the principle of *leshon benei adam*. Indeed, the impetus provided by Maimonides (Ibn Ezra is also a recognized force here) is fully acknowledged by Kaspi, who repeatedly emphasizes the significance of Maimonides’ interpretation but also, quite confidently, sees his extension of the principle from anthropomorphism into other areas where the Torah reflects the imagination of the multitude as perfectly natural and indisputable.³¹

³⁰ Ibn Ezra, *Perush*, Shemot 12:8, where he quotes and rejects such a view in the name of one of the scholars of Spain; 20:3 (*keneged mahshevot*); 23:9 (*da ki minhag hatorah ledaber al hahoveh*). On Shemot 19:23 he quotes the “Gaon” in such a context. And note the application of this by R. Yitzhak Arama, *Akedat Yitzhak*, chap. (*sha’ar*) 44, pt. 2. R. Shemuel ben Meir, *Perush*, Bereishit 25:33 (*kemin-hag benei adam*), 45:19; also Shemot 17:9; Vayikra 11:34; 13:2, and others; Nahmanides, Shemot 28:2. See Maimonides, *Perush Hamishnah*, Nedarim, 7:6; *Moreh* III:39 (about the animals selected for sacrifices); *Mishneh Torah*, *Ma’akhalot Asurot*, 16:9; *Ishut*, 25:2.

³¹ *Amudei Kesef* on *Moreh*, I:26.

... ראה פירוש נכבד שעשה המורה לאמרם ... ז”ל דברה תורה ... והנה זאת ההקדמה רצוני האומרת ד”ת כלשון בני אדם, בפי המורה הוא דבר יותר כולל מן הפחותים, בענין ציור האל, כי גם זה נמצא בכל המקרא אע”פ שאינו נוגע בשם או מלאך, רק בדברים השפלים מאד. וזה מה שכתוב יהושע (ב:ז) והאנשים רדפו אחרים, ואמר כפי מחשבות הרודפים, כמו שבאר א”ע ובכלל כל המקרא מליאה מזה המין, רצוני שידבר הכתוב כפי מחשבת רבים או יחידים או יחיד ... וזה ענין נכבד מאד, והנני מעיר על זה במקומות רבים מיתר ספרי.

There are, however, converging influences and precedents, also Maimonidean in the first instance, which most likely contributed to the full crystallization of Kaspi's method. The following example will concretize the method, elaborate its implications and repercussions, and clearly illustrate the Maimonidean impetus and inspiration.

The Torah prohibits us from cursing: "You shall not curse the deaf" (Vayikra 19:14). In the *Sefer Hamitzvot*, Maimonides explains, at some length, the nature of the act and the reasons for its prohibition.

When a person is moved by a desire to revenge himself on one who has wronged him by inflicting upon him an injury of the kind which he believes he has suffered, he will not be content until he has requited the wrong in that fashion; and only when he has had his revenge will his feelings be relieved, and his mind cease to dwell on the idea. Sometimes a man's desire for revenge will be satisfied by merely cursing and reviling, because he knows how much hurt and shame this will cause his enemy. But sometimes the matter will be more serious, and he will not be content until he has completely ruined the other, whereupon he will be satisfied by the thought of the pain caused to his enemy by the loss of his property. In yet other cases the matter will be more serious still, and he will not be satisfied until he has thrashed his enemy or inflicted bodily injury upon him. Or it may be even more serious, and his desire for revenge will not be satisfied except by the extreme measure of taking his enemy's life and destroying his very existence. Sometimes, on the other hand, because of the lightness of the offense, the desire for vengeance will not be strong, so that he will find relief in uttering angry imprecations and curses, even though the other would not listen to them if he were present. It is well known that hot-tempered and choleric persons find relief in this way from the (annoyance caused by) trivial offenses, though the offender is not aware of their wrath and does not hear their fulminations.

Now we might suppose that the Torah, in forbidding us to curse an Israelite, (was moved by) the shame and the pain that the curse would cause him when he heard it, but that there is no sin in cursing the deaf, who

The example of Yehoshua 2:7 is found in Ibn Ezra, Shemot 4:14 and the second example from Yirmeyahu 28:10 (which is omitted here from the Hebrew quotation) is briefly alluded to by Ibn Ezra, Shemot 20:3. The significance of this is self-evident but it should be noted that Ibn Ezra does not invoke the principle of *dibrah Torah*. See also, e.g., *Tam Hakesef*, pp. 21, 24; *Mishneh Kesef*, I:19, 42, 46, 49 (where he says that this solves all problems); 149; 162; II:162; *Asarah Kelei Kesef*, I:139. In at least one place, *Asarah Kelei Kesef*, II:27 where his own use is conventional, i.e., related to anthropomorphism, he explicitly attributes this first extension to Ibn Ezra, and reserves credit for the second extension for himself (*va'ani tzerasti inyan shelishi le'elah ... vehu yakar meod*). This sharply underscores the complex nature of the relation of his system to Ibn Ezra's sporadic comments.

cannot hear and therefore cannot feel hurt. For this reason He tells us that cursing is forbidden by prohibiting it in the case of the deaf, since the Torah is concerned not only with the one who is cursed, but also with the curser, who is told not to be vindictive and hot-tempered.³²

The upshot of this ethical-psychological explanation, which emphasizes the desire for revenge and the ethical shortcomings of the one who curses, is to deny the efficacy of the act: cursing is not really effective in the sense that it produces malevolent results.³³ It is prohibited because it reflects moral weakness of the one who utters the curse.

In the *Moreh Nevukhim*, in the context of his discussion of criminology and penology, Maimonides again has occasion to discuss the nature of the act of cursing. Having stated that severity of punishment according to the halakhah is commensurate with the severity, frequency, and enormity of the culpable act, Maimonides notes that transgressions in which there is no action are not even punishable by flogging for they “can only result in little harm ... and it is also impossible to take care not to commit them for they consist in words only.” Why then is cursing one’s fellow man one of the three exceptions to this rule? Maimonides answers parenthetically, almost nonchalantly, that the Torah dealt stringently with cursing “for *in the opinion of the multitude* the injury resulting from curses is greater than that which may befall the body.” The popular view, “the opinion (and imagination) of the multitude,” erroneous and without foundation in truth or reality, is sufficient reason for the law. In a word, the Torah takes into account psychological tendencies, fears, and beliefs, and popular perceptions which, even though philosophically unfounded, exert influence and, therefore, have their own “reality.”³⁴

Kaspi picks up this parenthetical explanation, elaborating it and extending its applicability. In essence, he has converted this new historical awareness into a vehicle for philosophical enlightenment. If one recognizes superstition and popular error, one is in a position to neutralize or eliminate them. The Torah did not endorse or validate these views; it merely recorded them and a proper philosophic sensibility will recognize them. As a matter of fact, in certain matters—for example the efficacy of blessing and cursing or the harmful consequences of counting the members of the community—Kaspi claims that one may readily discern a continuum of folk belief from Biblical to contemporary times.³⁵ This claim provides a dash of “empiricism” for the *a priori* philosophic sensibility which determines the direction of the interpretation.

³² *Sefer Hamitzvot*, 317; cf. *Mishneh Torah, Sanhedrin*, 26:1–2; *Teshuvah*, 4:3.

³³ Cf. *Sefer Hahinukh*, 23. See, Rashba, *Teshuvot*, 408; R. Nissim, *Sheneim Asar Derushim* (Jerusalem, 1959), 85.

³⁴ *Moreh Nevukhim*, III:41.

³⁵ E.g., *Mishneh Kesef*, I:43; *Tam Hakesef*, 26, 32.

There is thus no limit to the kinds of difficulties that may be resolved by this interpretive mechanism which is based on a new form of historical awareness and a concomitant critical philology. It should be emphasized that this philological method did not entail text criticism or emendation, as was the case with the emergent humanist method of Petrarch and Valla. The issue was not the authoritative-ness, accuracy, or sanctity of the text, but its literal understanding; the method was primarily, almost exclusively, philosophical insight and application of *higayon*, that special blend of logic and grammar, and not actual historical research or anthropological observation, which of course, could on occasion be utilized quite effectively. *Leshon benei adam*, which insists that the text be interpreted in accord with all rules of language as well as all realia, including folk beliefs, enables the exegete to sustain a literalist-contextual approach, thus obviating the need for excessive allegory and yet not doing violence to philosophic conviction. Kaspi declares that *zeh hama'amar ... matir rov hasefekot*; various kinds of textual and conceptual problems, apparently intractable, may thus be solved.³⁶ Furthermore, they may be solved without various forms of philological-textual criticism. Kaspi was critical of his predecessors because they in effect tampered with the text; a by-product of this criticism is his assertion that his explanations are more profound, sophisticated, and unassailable than those of his famous predecessors.³⁷ He proposes an alternate exegetic procedure, simple yet far-reaching, which will yield a literal understanding of the text without adding or emending or shuffling. This procedure combines exegetical naturalism—trying to understand everything in context of ordinary experiences—and historicism—noting cultural realities, differences in manners, habits, geography, expression.

This approach is clearly provocative. Kaspi, acutely aware of this, frequently appeals for God's forgiveness if he has erred or claims to rely on God's scrutinization of his pure, constructive intentions,³⁸ but there is no indication that Kaspi intended it to be latitudinarian or corrosive, to desacralize or humanize Biblical history or to secularize the understanding of the whole of Jewish history. His vision of Jewish history is indeed dynamic; he assigns a role to intermediate causes (in a way that adumbrates Vico) and emphasizes the contingencies of the historic process, but it would be incorrect to equate a measure of naturalism and human secondary causations with secularism or repudiation of providential patterns. It was a sharp tool for a philosopher, helping dispel intellectual foggiess. It also could be used to vanquish Christian

³⁶ E.g., *Tam Hakesef*, 24; *Mishneh Kesef*, I:49.

³⁷ *Mishneh Kesef*, I:1; II:190; *Sharshot Kesef*, 6.

³⁸ E.g., *Tam Hakesef*, 18, 24, 34. The notion that the Torah writes *ad captum vulgi* really has no connection with the principle of *dibrah Torah*, for the assumptions, intentions, and conclusions differ radically; see, e.g., Y. Yovel, "Bikoret Hadat Uferush Hamikra: Bein Spinoza Lekant," *Iyyun*, XVII (1966), 259, note 49.

claims and Christian attacks on Jewish spirituality.³⁹ These are, in fact, the twin axes around which Kaspi's entire literary corpus revolves: an inner-directed program of spreading rationalism and an outer-directed polemic for silencing Christian criticisms. Bible interpretation, congruent with logical rules and philosophic assumptions, is the key to both the inner- as well as the outer-directed concerns and is thus his major preoccupation.

Talmud and Philosophy

This logical-philological approach to Scripture, particularly its philosophical-spiritualist implications, as well as the very pronounced emphasis on the special importance of this study for understanding God's word and thereby attaining intellectual-religious perfection, helps focus also on the novelty of what we shall see to be his pejorative attitude to Talmud study. The setting in which this novel attitude is to be assessed is clear.

Judaism is halakhocentric.⁴⁰ One corollary of this insistence upon norms and normative behavior is the centrality, often the exclusivity, of Talmud study; for study is the handmaiden of practice and Talmudic lore is the prerequisite for and source of halakhic practice. Now, periodically, the legitimacy and justification of this intellectual-curricular pattern (almost an axiom) are disputed, as devotees of other disciplines vigorously contend that study of Talmud is not completely self-sufficient; it must be supplemented, and each one, needless to say, focuses on the worth and importance of his own expertise as the most important supplement. For example, R. Yonah ibn Janah argues passionately for the indispensability of grammar and language study, complaining that Talmudists with very skimpy philological knowledge condescendingly belittle the field.⁴¹ Some will raise their voices and pens against that excessive preoccupation with Talmud which results in neglect of Scripture.⁴² The most persistent and passionate claims come from the philosophers and the kabbalists and the various interminglings thereof, from those protagonists who aim to construct or sustain a spiritual, meta-halakhic framework for halakhah. In this context, we see Maimonides insisting unqualifiedly upon the necessity of moving from halakhah to

³⁹ E.g., *Mishneh Kesef*, II:254ff.; *Tam Hakesef*, I, 41. Indeed, the eight theses (*derushim*) which constitute the *Tam Hakesef* may be seen as an attempt to revolutionize the basis of polemic; a major goal is the reaffirmation of the eternity of the Covenant and the spirituality of Judaism. See also *Adnei Kesef*, II:45.

⁴⁰ See my formulation in Chapter 23 above, section A.

⁴¹ *Sefer Harikmah*, ed. M. Wilensky (Berlin, 1910), 19. See also Y. Kimḥi, *Sefer Hagaluy*, ed. H. J. Mathews (reprinted, Jerusalem, 1967), 3.

⁴² E.g., the references to R. Yitzhak ibn Latif in Chapter 23 (note 40 above). Kaspi himself is a forceful spokesman for this view; e.g., *Adnei Kesef*, II:6. For earlier neglect of Bible study, see also S. Lieberman, *Midreshei Teiman*, 27–31.

meta-halakhah; actually he advocated the complementarity and reciprocity of halakhah and philosophy, affirming that the religious commandment of Talmud Torah includes metaphysics as an integral, indispensable component.⁴³ The same is true for the religious conceptions elaborated by kabbalists, pietists, and the like, each with their own meta-halakhic goals and definitions, pressures and projections.⁴⁴ These various programs—criticisms, challenges, curricular constructions or reconstructions—all recognize the centrality and universality of Talmud study but insist that it be regularly related to and supplemented by meta-halakhic disciplines in order to guarantee its spirituality. There is agreement concerning the indispensability of purely legal study on one hand and its theological spinelessness on the other. Extending the parameters of study should not be viewed as optional or supererogatory but as the mandatory fulfillment of a religious obligation, the continuous pursuit of religious perfection. Philosophers and kabbalists agree completely concerning the principle, differing only with regard to the content of the meta-halakhah. They agree, moreover, that this meta-halakhah is not only the indispensable complement but constitutes the pinnacle of religious cognition and experience.

Against this background and from this perspective, Kaspi's approach and intellectual demands are quite revolutionary. While acknowledging the centrality of halakhah—antinomism is not an issue here at all⁴⁵—he denies the correlative centrality of Talmud study. He not only wants to supplement it but he would have philosophy supersede it. Others point out deficiencies in the study of Talmud which can be remedied with spiritual exertion and intellectual determination, but he is ready to relinquish the Talmud's academic-scholarly centrality and distinction. All others, while assigning axiological primacy to the meta-halakhic disciplines, underscored that one should first of all be a Talmudist and only then proceed to complement and elevate this achievement by the cultivation of philosophy (or kabbalah or hasidism).⁴⁶ Kaspi in effect proclaimed that proficiency in Talmud was not imperative, was not even an ideal, for everyone. His argument actually results in total inversion of the traditional scale of values: the truly universal subjects of study now become physics and metaphysics, the subject matter of the first four commandments. "Now, the

⁴³ E.g., *Mishneh Torah*, *Yesodei Hatorah*, 4:13; *Talmud Torah*, 1:11, 12; *Teshuvah*, 10:6; *Moreh*, III:51. I dealt with this at length in chapter 6 of my *Introduction to the Code of Maimonides* (*Mishneh Torah*) (New Haven, 1980).

⁴⁴ On the *Hasidei Ashkenaz* see H. Soloveitchik, "Three Themes in the *Sefer Hasidim*," *Association for Jewish Studies Review*, I (1976), 311ff.; I. Ta-Shema, "Mitzvat Talmud Torah ... Besefer *Hasidim*," *Bar-Ilan Annual*, XIV–XV (1977), 98ff.

⁴⁵ Cf. I. Abrahams, *Hebrew Ethical Wills*, 128–129. Various statements about the unimpeachability and absolute indispensability of halakhah are strewn throughout his writings, in addition to the unequivocal passages in the Will; e.g., *Asarah Kelei Kesef*, I:18, 150, 175; III:164; *Mishneh Kesef*, I:6–7, 159, and many others.

⁴⁶ See, e.g., an additional statement to this effect by R. Shem Tov ibn Gaon, cited by D. S. Löwinger, *Sefunot*, VII (1963), 23.

knowledge of God is the primary precept of all our 613 laws, as may be seen from the texts enforcing this knowledge. It is the basis of the four precepts enumerated by Maimonides at the beginning of his Code. He specifically terms them the Foundations of the Torah. These four precepts are (1) to know that there is a First Cause, (2) to recognize that He is One, (3) to love Him, and (4) to fear Him. They are designated the Foundations of the Torah, for they are at once the purpose and the root of all the commandments, the observance of which is the whole end of man.”⁴⁷ These are absolutely indispensable for individual perfection and cannot be achieved vicariously or collectively; they should be known “by way of demonstration” (*derekh mofet*) not “by way of tradition” (*derekh kabbalah*). Talmudic knowledge, on the other hand, may be professionalized; one’s knowledge of law need be neither direct nor comprehensive. Expertise in Talmud is seen simply and starkly as one “area of concentration,” a field of specialization similar to any other field in which one acquires special skills.

But “if there arise a matter too hard for thee in judgement,” as regards any of these practical laws, follow the ordinance of Scripture, “Arise and get thee up into the place which the Lord thy God shall choose.” Note the selection of terms. “Thou shalt come unto the priests the Levites and unto the judge,” “and thou shalt *do* according to the tenor of the sentence which they shall declare unto thee.” It is written, “thou shalt *do*,” and not, “thou shalt *know*.” The Scripture had previously defined the kind of law to which this rule (of seeking expert advice) was to apply. It starts with a very wide category, “between blood and blood,” and further adds, “between plea and plea,” another general category, and then qualifies by the phrase, “even matters of controversy within thy gates.” The implication is that we are not all bound to know every detail of the law of the “four bailees,” of “claimant and respondent,” of “loan and deposit.” Acquaintance with such matters is commendable, yet is it enough for us if there be available in our age a judge or judges familiar with the law, who “shall judge the people at all times.” That is to say, if I am able to pass my whole life without litigation, then ignorance of the law as to disputes is no defect in my soul. And if, God

⁴⁷ *Hebrew Ethical Wills*, p. 132. Note that he regularly uses *mitzvot libiyot* (i.e., *sikhliyot*) for rational commandments. See *Asarah Kelei Kesef*, I:11, 17, 171.

(המקיים כל המצוות המעשיות, ואע”פ שעם זה ידע הלביות דרך קבלה, אין מעלתו כמעלת המקיים כל המצוות המעשיות, ועם זה ידע הלביות מה שנקרא ידיעה על דרך האמת רצוני במופת.)

Moshe is lauded (I:176) for punctilious observance of all commandments, first via tradition (*kabbalah*) and then via demonstration (*mofet*). In I:184, they are designated as *ikkar hatorah*. The introduction to the fourteenth-century abridgement of R. Bahya ibn Pakuda’s *Hovot Halevavot* echoes this mood and emphasis; see B. Dinur, *Yisrael Bagolah*, II, 6, 52.

forbid, contention should arise between me and another and I go before one of the Rabbis expert in these affairs, again it is no defect at all in my soul.⁴⁸

Kaspi shows no appreciation of pure Talmud study, utilizing *Nezikin* as the obvious example of dispensable halakhic subjects. “As the sage Ibn Ezra remarks: ‘If all men are righteous, there would be no need for the tractate concerning torts.’ Yet it would certainly be a defect in my soul if, when occasion arose for applying the law, I transgressed it.”⁴⁹ This, to be sure, is somewhat of a *topos* in medieval writing but its significance is not lost. His candid confession concerning the limitations of his own study and his aggressive conclusion concerning the relative merit of law versus philosophy are quite striking.

I will confess to thee, my son! that though in my youth I learned a great portion of the Talmud, I did not acquire (for my sins!) a knowledge of all the *posekim*. Now that I am old and grey, I have often to consult rabbis younger than myself. Why should I be ashamed of this? Can one man be skilled in every craft? If, for instance, I want a gold cup, I go to the goldsmith, and I feel no shame; and so with other products, I turn, in case of need, to those whom God has gifted with the requisite skill.

Once I made a great feast at which all kinds of delicacies were served. I had the table prepared, I invited my friends to eat and drink with me, for it was a family party. Then the luckless handmaid put a milk spoon into the meat pot. I did not know the ritual law, how one ought to estimate the lawfully permissible proportion of intermixture. Perturbed in mind, as well as famished in body, I went to one of the rabbis held high in popular repute. He was (for my sins!) at table with his wife and family, eating, and drinking wine. I waited at his door until the shades of evening fell, and my soul was near to leave me. He then told me the law, and I returned home where my guests and the poor were awaiting me. I related all that had happened, for I was not ashamed to admit myself unskilled in that particular

⁴⁸ *Wills*, 138–139. See *Mishneh Kesef*, I:10. A striking parallel both to the supremacy of meta-halakhic studies as well as to the idea of professionalization or specialization in Talmud studies is found in the recently published letters of R. Asher of Lemlein (fourteenth-century Germany) where knowledge of the commandments is deemed relevant for all; otherwise, Talmud is a subject for specialists, just like any other profession. See E. Kupfer, *Kovetz al Yad*, VIII (1975), 403–406, 416. The language is extremely sharp.

⁴⁹ See *Yesod Mora* (Prague, 1833), chap. 1 (p. 15b). R. Avraham ibn Da’ud, *Emunah Ramah*, II, intro. (p. 45) that if all men were honest and did not wrong each other the legal profession would be superfluous; R. Yosef Ezovi, *Ka’arat Kesef* (Berlin, 1860), 29; R. Yitzhak Polkar, *Ezer Hadat* (reprint, Jerusalem, 1970), 5; R. Kalonymos ben Kalonymos, *Even Boḥan*, ed. A. M. Haberman (Tel Aviv, 1936), 56.

craft. In this I lack skill, but I have skill in another craft. Is not the faculty of expounding the existence and unity of God as important as familiarity with the rule concerning a small milk spoon?⁵⁰

It follows naturally that he will endorse the reliance on codes, particularly the *Mishneh Torah*, inasmuch as the textual-conceptual underpinning of study is completely superfluous; the fullness and richness of the method and substance of halakhah—the interpretive process, the dialectical flow, the use of analogy and inference, the entire experience of “surfing” on the refreshing, often turbulent, waters of the “sea of the Talmud”—are remorselessly forfeited in favor of the stark normative conclusion. He even chides those contemporary scholars who seek proofs and explanations for the commandments rather than being content with the apodictic, codified traditions of the *Mishneh Torah*.⁵¹ There is, in sum, a definite *odium Talmudicum*, which was detected and detested by R. Yosef Yavetz in his *Or Haḥayyim*.⁵²

⁵⁰ *Wills*, 151 (and see above, note 47). A similar confession is made by Netanel Harofe, translator of part (*Seder Kodashim*) of Maimonides’ *Mishnah Commentary* into Hebrew.

ואני לא למדתי בעונותי גמרא אלא מעט מהרבה ... רק גדלתי במלאכת הרפואה ועמדתי על מקצת ספרי חכמות.

Other contemporaries complain about the difficulties of Talmud study; e.g., R. Aharon Halevi, *Pekudat Haleviyim*, intro. I would suggest that when dealing with Kaspi, as well as other “intellectuals” who are quite critical of Talmudism, it is useful and enlightening to construct a “Talmudic profile” in order to determine their Talmudic education, their literary output, if any, in the realm of rabbinics, and their ability to use Talmudic ideas, or even idioms, creatively and compellingly. For Kaspi, see his Biblical commentary *Mishneh Kesef* I:141, where he states that he will not deal with *Mishpatim* and refers the reader to *Nezikin*. He obviously is not competent in this area. His comments (*Asarah Kelei Kesef*, I:51) on the *ir hanidahat* are noteworthy, as is his apt use of the halakhic maxim (*mesirat mafte’ah koneh*) in *Asarah Kelei Kesef* II:75. His various declarations of intention and motivation, or statements of achievement all revolve around Bible study (*batorah uvamikra kulah*) e.g., *Kevutzat Kesef*, at the beginning of *Asarah Kelei Kesef*, I:20; and see above note 42. Although he dissociates himself from the quest for reasons of the laws, asserting that Maimonides’ system is definitive, he does nevertheless suggest explanations for those Temple laws concerning which Maimonides suspended judgment, e.g., *Mishneh Kesef*, I:5 (and *Moreh Nevukhim*, III:46). He was preceded in this by R. Shemuel ibn Tibbon (unpublished ms., on select *ta’amei mitzvot*). See also notes 20, 52.

⁵¹ See Chapter 3 above, p. [currently p. 98].

⁵² *Or Haḥayyim* (Lublin, 1912), p. 144b. A careful reading of Kaspi’s oeuvre reveals a frequently flippant and sardonic tone concerning excessive Talmud study or even the groundlessness of certain customs; see, e.g., *Mishneh Kesef*, I:90, 159; *Asarah Kelei Kesef*, II:1, 28; certain characterizations, like that in the Will, combine ad hominem and ad rem criticism or disdain; see *Asarah Kelei Kesef*, I:17; II:87, a cynical description of the long-bearded elder who uses a mantle of piety to camouflage his ignorance or insensitivity, which is reminiscent of R. Shemuel Hanagid’s famous beratement of such a type; see *Diwan*, ed. D. Yarden (Jerusalem, 1966), 228. His treatment of the famous passage in Pesahim, 94b, presenting an astronomical issue concerning which the opinion of the Gentile sages prevailed against that of the Jewish sages, is a barometer of his attitude. The passage has a long history of interpretation, reflecting various moods: embarrassment, perplexity, satisfaction, with some

Now, I would suggest that R. Yosef Yavetz not only perceptively characterized and passionately condemned Kaspi's position (the ridicule of Talmudism) but he devised an ideological strategy for the defense and exaltation of Talmudism. When he dismisses philosophy's claim to axiological primacy by asserting that, whereas science studies the work of God, Torah studies the very essence of God, it appears quite certain that this is part of his confrontation with and refutation of Kaspi. It is as if he were discussing the philosophic question of the nobility of sciences and he concludes unequivocally that Torah is the noblest. The fact that the Talmud is so difficult proves its cardinal importance; for if indeed the noblest and most edifying subject of study were metaphysics, we would have been given a simple bare-bones listing of commandments, free of controversy, dialectic and argumentative development. It is, therefore, foolish to straitjacket Torah study into a narrow frame of relevance and functionality; debate and its complexities, dialectical unfolding of laws—all the accepted insignia of rabbinic discourse—are intrinsically significant.⁵³

This confrontation continues when we find the Maharal of Prague vehemently denouncing those who ridicule the study of *Nezikin* while revering the study of physics; he repeatedly exposes the fallacy of such argumentation. If we were to look ahead, we could see the Maharal's position as a historical fulcrum: on one hand reacting against the position established by Kaspi and on the other setting the stage for that position usually attributed to the two great contemporaries and antagonists of the beginning of the nineteenth century: R. Ḥayyim of Volozhin and R. Shneur

attempts at harmonization or reinterpretation or restricting the significance of the report. Kaspi seems to be very pleased, finding here support for his universalist-rationalist position. The non-Jewish sages of the world have something to teach us. The following references illustrate the range of approaches, thereby providing perspective for Kaspi. *Moreh*, II:8; referred to by R. Moshe ibn Tibbon, *Sefer Hape'ah* (and see R. Shemuel ibn Tibbon, *Yikavu Hamayim* [Pressburg, 1837], 16); R. Avraham Maimonides, "Ma'amar al Derashot," *Milhamot*, ed. R. Margaliyot (Jerusalem, 1953), 86ff., esp. p. 88, note 31; R. Shemaryah Ha'ikriti, *Sefer Hamora*, 4; R. Menahem ben Zerah, *Tzedah Laderekh*, I, chap. 22, p. 33; R. Moshe Alashkar, *Teshuvot*, 96; R. Eliyahu Mizrahi, *Teshuvot*, 57; R. Moshe Isserles, *Torat Haolah*, III, chap. 38; R. David Gans, *Nehmad Vena'im*; R. Yosef Ashkenazi in *Tarbiz*, XXVIII (1959), 219, note 50. For the astronomical background, see G. Zarfati, *Tarbiz*, XXXII (1963), 140ff. Note the kabbalistic approach of R. Todros Abulafia in the fragment edited by L. Feldman, *S. Baron Jubilee Volume* (Jerusalem, 1975), 310.

⁵³ Or *Haḥayyim*, pp. 21a, 33b, 42a; on the difficulty of Talmud study, see R. Menahem ben Zerah, *Tzedah Laderekh*, 8; R. Yosef Albo, *Ikkarim*, III, chap. 28 (p. 262). Hame'iri, *Beit Habeḥirah*, intro., deals with this in a different context; also Profiat Duran, *Ma'aseh Efod*, 5. On the nobility of sciences, see H. A. Wolfson, *Philo*, I, 157. Note also Yavetz' rebuttal of the philosophic position that knowledge of God (metaphysics) is indispensable for religious perfection for the following reason: this would mean that Aristotle is more important than Moshe. What would then be the fate of all those who lived before Aristotle? And he quickly adds (15a) that this is like the Christian view that those who lived before Jesus were denied salvation.

Zalman of Liadi, the two great idealogues of pure Talmud study which is, in the final analysis, to be perceived as study of God's essence. All Talmud study is useful and perennially relevant; expending time and energy in order to understand even the discarded opinion in a debate or the wrong view in a controversy is unquestionably meritorious, for it is study of the word of God, it is thinking God's thoughts. Study per se is practical and need not seek to anchor itself in an external, self-transcending relevance. All Talmud study is self-validating and its universality should be the ideal for all. This, of course, is the absolute antithesis of Kaspi's restrictive attitude which would make Talmudic knowledge a purely professional concern nurtured by pragmatic or utilitarian criteria.⁵⁴

In summary, this attempt to present in compressed form a bifocal view of R. Yosef ibn Kaspi—as a typical Jewish intellectual sharing certain common concerns and commitments with others of this rationalist persuasion and as one who carried certain attitudes or projections to new, atypical extremes—could actually be restructured around three specific criticisms leveled at Kaspi by contemporaries and followers: Kalonymos' charge of a breach of esotericism; Abravanel's indictment for misinterpreting the Bible and radicalizing Maimonides' *Guide*; Yavetz' condemnation for ridiculing and demeaning Talmud study.

Of the two themes which were investigated, it may be said that the impact of his exegesis, a blend of literalism, naturalism, historicism, and selectivity, was not too great but his attitude to Talmud study provoked considerable discussion, direct and indirect, in the medieval as well as modern periods.

⁵⁴ See *Tiferet Yisrael*, chap. 10.

אנשים שואלים על למוד התורה במצותיה ובדקדוקיה ובנוק השור והבור וכיוצא בזה שהיה נראה בדעתם כי יותר יצליח כאשר ישיג בענין היסודות ובמהות הגלגלים ובשכלים הנפרדים. לכך דעתם כי הצלחת האדם בהשגת הדברים האלו ודעתם בהשגת הנפש שנשאר השכל אשר קנה האדם בחייו וזהו שנשאר אחר המות ... כפירה גמורה.
This should be compared with the more restrained yet unequivocal formulation in *Netivot Olam*, *Netiv Hatorah*.

כי מי שחשב כי עקר הלימוד לאדם בחכמה שישג בנמצאים ובגלגלים ובמלאכים ולא נתנה מדרגה זאת לתורה, לנזיקין, ולטמאה ולטהרה, דבר זה הוא מכשלה גדולה מאד.

It is noteworthy that Maharal belonged to that school which opposed primary reliance on codes (*Mishneh Torah* or *Tur*); he based his halakhic study directly on the Talmud.

Chapter 11 of *Tiferet Yisrael* goes a step further in the reaction against the Kaspi-type position and the vindication of pure Talmud study.

יותר ראוי שתהי ההצלחה על ידי התורה ממה שתהי בזולת זה ואל יחשוב כאשר קונה הידיעה בארבעה אבות נזיקין שהוא קונה הידיעה בשור ובבור ... כי כאשר יקנה האדם הידיעה בהיזק ד' אבות נזיקין וכיוצא בו ממשפטי התורה נחשב זה שקנה הידיעה בגזרת השם ית'.

In the history of ideas, this may be seen as setting the stage for R. Hayyim of Volozhin, *Nefesh Haḥayyim*, *sha'ar* IV, chaps. 6, 10.

Let me note here that Profiat Duran (Efodi) justified his work on astronomy by asserting that it combines two noble, actually the noblest, studies, both of which deal with God's work—nature and Torah.

R. Yedayah Hapenini and His Commentary on Aggadah*

Perush Ha'aggadot by R. Yedayah Bedersi Hapenini¹ is a work of significant quality and scope that has been almost entirely neglected, lying untouched and unstudied; no one seeks it or inquires after it. It was discussed, copied, and debated in the generations closer to his own—apparently until the 16th century—where its reception varied: some quoted and praised it,² while others criticized it.³ Some recognized its originality,⁴ while

* Dedicated with affection and admiration to my friend Professor Altmann, who also contributed to the understanding of the new homiletics in Ashkenaz in his important article: 'Zur Frühgeschichte der jüdischen Predigt in Deutschland,' *Leo Baeck Year Book*, 6 (1961), 3–59. The quotations in the article are taken from the Escorial manuscript of the Talmud and Midrash Rabbah (see below, n. 6).

¹ Among the books and articles worth mentioning: Henri Gross, *Gallia Judaica* (Paris: L. Cerf, 1897), 101–103; Ernest Renan and Adolf Neubauer, *Les Ecrivains juifs français du XIV^{me} Siècle* (Paris, 1893), 359–402; Solomon Munk, *Archives Israélites*, 7 (1847), 62–72; David Kaufmann, *Gesammelte Schriften*, 3 (Frankfurt a/M, 1908), 470–477; Heinrich Graetz, *Divrei Yemei Yisrael*, vol. 5, translated by Saul Pinchas Rabinowitz (Warsaw, 1897), 229–232; Avraham Meir Haberman, *Toledot Hapiyut Vehashirah* (Ramat Gan: Masada, 1972), 139; Israel Zinberg, *A History of Jewish Literature*, vol. 2 (Press of Case Western Reserve University, 1973), 95ff; Schirmann, Pines, and Halkin, below, n. 10–12.

² For example, R. Yitzhak Abravanel, in his commentary on the Torah, *Parashat Tetzaveh* (Shemot 28:1), when he comes to “explain the symbolism that [the priestly garments] hint at,” sharply rejects the approach of R. Avraham ibn Ezra and Ralbag (Gersonides), while he accepts the allegorical interpretation of En Bonet (Hapenini's Occitan name) with a favorable disposition: “This approach to the symbolism of the garments is correct according to the Torah and sound reasoning.” It is noteworthy that Ibn Ezra's interpretation strives for a naturalistic (astronomical-astrological) basis for the symbolism of the garments, while Hapenini's interpretation is spiritual-philosophical.

³ For example, R. Yitzhak Arama, *Akeidat Yitzhak*, ed., Amnon Gross (Jerusalem, 2014), Parashat Vayeshev, *Sha'ar* 28, 445: “And this has already been explained by the *Hakham* Ibn Bonet, of blessed memory ... but there is no support for his words, neither from the Scriptures nor from reasoning.” The commentary praises philosophical inquiry and intellectual understanding, in a manner that does not align with R. Yitzhak Arama's perspective.

⁴ Abravanel, *Yeshuot Meshiho* (Königsberg, 1861), 5: “And the commentators of the Talmud did not explain the aggadot and instead focused solely on explaining the commandments ... perhaps they left them to be interpreted later in a hidden scroll, as the author of the *Guide* planned to do ... but may the Lord repay the efforts of the Rashba, who was both a Sinai (extremely erudite) and uprooted

others overlooked it.⁵ Despite this, the considerable number of manuscripts attests to the broad dissemination of his commentaries, which encompass the entire Talmud, *Midrash Rabbah*, *Tanḥuma*, *Pirkei Derabbi Eliezer*, and more, representing a vast treasure of aggadic literature.⁶ In recent generations, however, the work's fortune has declined. We lack scholarly studies on his method of interpreting aggadah and his overarching purpose,⁷ and it is clear that no accurate critical editions of his works exist.⁸ This neglect is a distortion that can and should be corrected, the sooner the better. A comprehensive and in-depth study of the *Perush Ha'aggadot* would undoubtedly yield valuable insights across various fields.

mountains (extremely sharp), and also of En Bonet, of blessed memory, because they began this work of the Lord to explain the aggadot ..."

⁵ Shem Tov ibn Shaprut, *Sefer Pardes Rimmonim* (Sabbioneta, reprinted: Jerusalem 1968), introduction, mentions "the great rabbi, Rashba, [who] took the initiative to explain some aggadot in a significant matter." He concludes by stating that he himself will follow in the footsteps of "our great master, Maimonides, of blessed memory, and Ibn Ezra, of blessed memory," while Hapenini is not mentioned at all.

⁶ Meir Benayahu listed the manuscripts in the appendix to his important article on "Rabbi Shemuel Yaffe Ashkenazi," *Tarbiz*, 42 (1973), 419ff.; see especially page 457, note 3. Also see: Heimann Joseph Michael, *Or Haḥayyim* (Jerusalem: Mossad Harav Kook, 1965), 433–436. My work is primarily based on the Escorial manuscript on the Talmud and *Midrash Rabbah*; a copy is available at the Institute of Manuscripts in the National Library in Jerusalem. My thanks go to Mr. Benjamin Richler, a staff member of the Institute; my student Marc Saperstein is preparing a comprehensive research study on Hapenini and his commentaries. [His research has been published with important conclusions regarding the authorship of the aggadic commentaries attributed to R. Yedayah. See the appendices at the end of this article.]

⁷ Leopold Zunz, *Haderashot Beyisrael* (Jerusalem: Mossad Bialik, 1947), 504, n. 202, fulfills his obligation by referencing the *Iggeret Hahitnatzlut*. Hanoch Albeck added that "he divides the aggadot into four parts." Salomon Buber (see the next note) did not properly appreciate the commentary, and his remarks there are conventional and meager. See Appendix B to this chapter, regarding the literary comments of R. Yaakov ibn Ḥabib, author of *Ein Yaakov*.

⁸ The commentary on *Midrash Tehillim* was printed in Venice in 1599 and reprinted by Salomon Buber (Krakow, 1891; reprinted: Jerusalem 1967); his remarks on the "nature of the book" on page 8 are general and superficial. The commentary on *Pirkei Avot* was published in *Sefer Perushei Rishonim Le'avot*, eds. Moshe Shlomo Kasher and Yaakov Yehoshua Blecherovitz (Jerusalem: Machon Torah Shelemah, 1973), 49–74. The editing of the book is selective and subjective, with the editors abridging or obscuring Hapenini's commentaries at will. The commentary on Tractate Horayot is included in *Otzar Haperushim: Otzar Haperushim al Masekhet Horayot*, edited by Dov Genachowski (Tel Aviv, 1969), 12–16. Abraham Neubauer is remembered favorably for having published an important fragment of this commentary on Horayot in *Revue des études juives* 2 (1881), 245ff., and it was reprinted by Simḥa Assaf in *Mekorot Letoledot Haḥinukh Beyisrael*, vol. 2, ed. Shmuel Glick (New York and Jerusalem: Jewish Theological Seminary of America, 2001), 157ff.; see there, note 1. Chaim Brody also published it in *Sefer Hahashlamah*, Berakhot (Berlin, 1893), introduction, p. x (without adding any additional commentary). Regarding *Midrash Rabbah* on Bereishit, printed in Roedelheim in 1854, which is said to include Hapenini's commentary, see Benayahu (above, n. 6), 457, n. 3.

1. First and foremost, analyzing the commentary and understanding its content, essence, and purpose will allow us to draw a complete portrait of R. Yedayah Hapenini, that “complete scholar”⁹ who is discussed and described as a poet,¹⁰ a philosopher,¹¹ and even as the leading voice in defending philosophical rationalism.¹² However, he is not yet seen as a fully cohesive and unified personality, rich in nuances and achievements. The complete scholar has been fragmented into disparate parts, and his literary creation has been divided into separate scrolls and fragments.¹³

⁹ This expression is used by Crescas in his *Commentary on the Guide of the Perplexed* II:30.

¹⁰ See: Hayyim Schirmann, *Hashirah Ha'ivrit Besfarad Uveprovence* vol. 2 (Jerusalem: Bialik Institute, 1961), 489ff. On the numerous editions of *Behinat Olam*, its distribution and impact, see: Isaac Rivkind, “Sheyurei Sefer: Ba'ayot, He'arot, Urshimot Bibliographiyot” *Kiryat Sefer*, 13 (1936), p. 238ff.

¹¹ See especially: Shlomo Pines, “Hatzurot Ha'ishiyot Bemishnato shel Yedayah Bedersi,” *Sefer Hayovel Lekhvod Zvi Wolfson* (Jerusalem: American Academy for Jewish Research, 1965), 187–201. Also, his major article: “Haskolastika She'aharei Thomas Aquinas Umishnatam Shel Hasdai Crescas Veshel Kodmav,” *Proceedings of the Israel Academy of Sciences and Humanities*, vol. 1 (Jerusalem, 1966), especially 73ff. Prof. Pines contributes to clarifying Hapenini's independent work in the field of philosophy, in addition to his achievements in translation, adaptation, and commentary (the manuscripts were described by Solomon Munk [see above, n. 1], 62–72). He attempts to prove that Hapenini had mastery of Christian scholasticism, as there are parallels between his views and those of scholastics such as Duns Scotus. His proof is based on a completely conjectural assumption that thinkers in Provence used Christian sources but avoided mentioning their names, even though they explicitly referenced their Greek and Arabic sources. Yet the contact between Jews and Christians was not hidden. R. Yaakov Anatoli frequently mentions Michael Scot in *Malmad Hatalmidim*. Regarding Gersonides and his Christian colleagues in the field of astronomy, see: Baruch Goldstein, “Al Terumato Shel Ralbag Le'astronomia,” *Proceedings of the Israel Academy of Sciences and Humanities*, vol. 4 (Jerusalem, 1971), 4. On R. Shemuel ben Yehudah, part of the group of philosophical translators in Provence in the early 14th century, see: Lawrence Berman, “Greek into Hebrew: Samuel ben Judah of Marseilles, Fourteenth-Century Philosopher and Translator,” *Jewish Medieval and Renaissance Studies*, ed. Alexander Altmann (Cambridge, Mass.: Harvard University Press, 1967), 295ff; see also above, Chapter 27, pp. 611–612. and p. 626. Hapenini (Escorial manuscript [see above, n. 6], 80) mentions “what I responded to one of the Christian scholars regarding the Messiah,” and on page 16 it is said “that he would learn from any Jewish or Aramean person to the best of his ability.” Ben-Zion Dinur, *Yisrael Bagolah*, vol. 2, section 6 (Tel Aviv: Dvir, 1972), 220, cites a passage from Hapenini's introduction to his commentary on Avicenna's *Canon of Medicine*. His extensive engagement with medical texts is an independent subfield within his philosophical work.

¹² See: Avraham Halkin, “Haherem al Limud Haphilosofia,” *Perakim*, 1 (1967), 35–55. Writers opposed to philosophy direct their criticisms against Hapenini but refer only to the *Iggeret Hahitnat-zlut*. For example, R. Yehiel of Pisa, *Minhat Kenaot*, edited by David Kaufmann (Berlin, 1898; reprint: Jerusalem: Makor, 1970), and see above, Chapter 24, Section 3; R. Aviad Sar-Shalom Basilea, *Emunat Hakhamim* (Mantua, 1730).

¹³ See: A. Toynbee, *A Study of History*, 12: *Reconsiderations* (London: Oxford University Press, 1961), 8: “The study of human affairs is really one and indivisible. The conventional academic dismemberment of this vast subject into ‘disciplines’ is a convenient, and perhaps unavoidable, educational

We are obligated to reconstruct this unity and integrate as much as possible all the different areas of his work, for without a thorough understanding of his commentaries, we will be unable to arrive at a true and balanced assessment.¹⁴

2. Based on a preliminary examination, it seems justifiable to assert that these commentaries represent the pinnacle and most original achievement of his literary endeavors. Scholars of various fields will find significant interest in them if they engage with the work. Those focused on aggadah will find ample material for exploration, halakhists will discover a novel approach to halakhic interpretation, and philosophers will uncover important perspectives. Historical material is also embedded in the text, although to a relatively modest extent.¹⁵ Indirectly, the connection between poetry and philosophy during this period is clarified through the commentary. Hapenini began as an enthusiast of Hebrew poetry—between the ages of fourteen and eighteen, authoring works such as *Bakashat Hamemin*, *Sefer Hapardes*, and *Ohev Nashim*—before transitioning to both professional and popular philosophy.¹⁶ This well-known phenomenon of abandoning poetry, even complete abstention from it, holds significant meaning and reflects the tension inherent in pre-modern literary creation. Following Maimonides, he perceived aggadah as written in “a poetic idiom,”¹⁷ and this identification between aggadah and poetry is both important and illuminating. In summary, this is a small world that faithfully mirrors Hapenini’s larger world—his adventures and uncertainties, achievements and shortcomings, aspirations and frustrations.

3. These interpretations will complete the historical portrayal of aggadic exegesis, encompassing its various trends, schools of thought, methods, and approaches during the Middle Ages. In many respects, it can be said that this period—the late 13th and early 14th centuries—represents a peak in aggadic commentary,¹⁸ characterized by philosophi-

device, but it is an arbitrary surgical operation, and this makes it a serious impediment to the gaining of knowledge and understanding.”

¹⁴ Remarkably, there are researchers who do not even mention the existence of the aggadic commentaries, including, for example, Habermann, Zinberg, and Schirmann in their aforementioned works, n. 1.

¹⁵ I will mention, for example, his description of the *parnas*, an influential court figure (*Perush Le'avot*, manuscript [see above, n. 6], 8); messianic polemics (80); the participation of Jews carrying the Torah scroll in the king’s coronation ceremony (148); interest-bearing loans (152); and the description of the yeshiva in a section published by Neubauer (see above, n. 8). At the beginning of Tractate Horayot, he also engages in polemics against Christian asceticism.

¹⁶ His contemporaries, R. Shem Tov Falaquera (*Hamevakesh*) and R. Kalonymus ben Kalonymus (*Even Boḥan*), justify their withdrawal from poetry after having devoted themselves to it unreservedly in their early years. The statements of these individuals and the actions of Hapenini are interconnected.

¹⁷ See, for example: *Be'urim al Ma'amarei Hazal Bemidrash Tehillim*, ed. Salomon Buber (Krakow, 1891), 34; Maimonides, *Guide* III:43.

¹⁸ We will mention only R. Moshe ibn Tibbon (see: Graetz [above, n. 1], 109; *Sefer Hape'ah*, *Kitvei R. Moshe ibn Tibbon*, eds. Howard Kreisel, Colette Sirat, and Avraham Israel [Be'er Sheva:

cal, polemical, and exegetical engagement. R. Yedayah Hapenini contributes a significant layer to this tradition, establishing his own unique and independent contribution.

4. Finally, understanding this exegetical work will aid in comprehending the intellectualism of the early 14th century (and the Middle Ages in general), its trends and challenges, the consciousness of aloofness from the masses, and yet the ongoing connection with them to “benefit and enlighten them with the knowledge of the Divine.”¹⁹ Indeed, the sharp polarization characterizing the stance of intellectuals during this period is fully reflected here: dissatisfaction with the common folk engrossed in materialism, as well as with the scholar who turns away from spiritual pursuits. The intellectual—specifically R. Yedayah Hapenini—struggles to preserve the religious uniqueness and spiritual mission of the people. The educational mission of these commentaries stands out, shedding light from a unique vantage point on the tensions and divisions within the Jewish communities of Provence and Spain.

The objective of my article is to provide a general, literary-analytic characterization of this substantial work, to situate it within the framework of medieval midrashic exegesis, and to assess its historical significance. It is not my intention to outline Hapenini’s worldview,²⁰ nor is there a need at this time to revisit his role in the controversy and ban on the study of philosophy.²¹

1

At the conclusion of the *Iggeret Hahitnatzlut*, Hapenini categorically rejects, without equivocation, the accusation that the sages of Provence are inclined toward

Ben-Gurion University of the Negev, 2010], which is of great interest); the Rashba—see: the main appendix to Joseph Perles, *R. Salomo B. Abraham B. Adereth* (Breslau, 1863), 24ff.; *Hiddushei HaRashba, Perush Ha’aggadot*, ed. Aryeh Leib Feldman (Jerusalem: Mossad Harav Kook, 1991); R. Shem Tov ibn Shaprut, *Pardes Rimonim* (above, n. 5); the introductions to the Torah commentaries of Nahmanides and R. Bahya ben Asher (and compare with the introduction of R. Yitzhak Abravanel to Yehoshua) and the introduction of Ralbag to his commentary on Shir Hashirim; R. Menaḥem Hame’iri, *Beit Habeḥirah al Masekhet Berakhot*, ed. Shmuel Dickman (Jerusalem: The Israel Institute of Talmudic Research, 1965), introduction, 15; *Magen Avot*, ed. Yekutiel Cohen (Jerusalem, 1988), 47; polemical literature from the *Vikuaḥ Haramban* to *Ezer Ha’emunah* by R. Moshe Hakohen of Tordesillas, Yehuda Shamir, *Rabbi Moses ha-Kohen of Tordesillas and His Book Ezer HaEmunah* (Coconut Grove, Florida: Field Research Projects, 1972). The introduction to *Mikhlal Yofi* by R. Shemuel ibn Seneh Zarza was published in *Otzar Hasifrut*, vol. 2 (1888), part 3, 21ff. Compare with our comments at the end of the chapter and the bibliographical references there.

¹⁹ This is the language of Hapenini, MS (above, n. 6), 66, on “And to the sons of the concubines whom Avraham had, Avraham gave gifts.” His commentary emphasizes that Avraham made efforts to influence them, to perfect “the souls of his generation to the best of their ability.”

²⁰ Compare, above, Chapter 27, part 5.

²¹ See: Charles Touati, “La controverse de 1303–1306 autour des études philosophiques et scientifiques,” *Revue des études juives*, 127 (1968), 21–37.

allegorical interpretations that nullify the plain meaning of Scripture.²² Simultaneously, he proudly and with deep satisfaction affirms Rashba's claim that Greek wisdom is prevalent among the sages of Provence. Contrary to Rashba, he offers a robust defense of this wisdom, enumerating its virtues and achievements, as well as its intellectual influence and ramifications—likening it to “the words of the wise are like goads, like well-fastened nails.” He demonstrates a keen historical sense in his assessment of Maimonides' decisive and invigorating contribution to the restoration of philosophy and the reinstatement of this crown to its former glory in the history of the Jewish faith.²³ He argues that the knowledge of philosophy and its foundations stimulates and guides scholars toward a true and profound understanding of Scriptural verses and aggadic statements while also eradicating misguided beliefs from among the people.²⁴

²² No one disagrees that the issue is not with allegory itself but with the nature of the allegory. R. Yehiel of Pisa, who delved into the depths of the controversy, noted that everyone agrees that “we do not take things at face value but rather in a concealed manner” (*Minḥat Kenaot* [above, n. 12], 14). However, the position of R. Moshe Taku, author of *Ketav Tamim*, is well known. Compare: R. Shimson of Sens, *Kitāb al-Rasā'il, Iggerot Haramah*, ed. David Zvi Hillman, *Sefer Zikhron Beit Aharon* (Bnei Brak, 2003), 104: “And how could it enter a person's mind to say that we do not take the words of the aggadah according to their plain meaning?”

²³ After providing a well-crafted survey of the history of philosophy from R. Saadiah Gaon onward, he concludes about Maimonides:

In short, he ascended the heights of truth in a secure and righteous manner, more than we have observed of anyone else from the closing of the Talmud until now. In human philosophy he truly understood all that Aristotle and all the commentators on his works comprehended. He grasped in geometry, arithmetic, and their applications everything that Euclid and his colleagues understood, and in astronomy, he knew all that was revealed in its mysteries to Ptolemy, known as Megisti (see: Moritz Steinschneider, *Die Hebräischen Übersetzungen des Mittelalters und die Juden als Dolmetscher*, Berlin 1893, 519ff.), and his followers. He mastered the art of medicine as thoroughly as Galen, Hippocrates, and their schools. His intellect encompassed the entirety of Torah knowledge that had been revealed and developed up to his time. He inscribed and refined its secrets and mysteries, and the truths of prophecy, more than any author who existed until the day of his passing (*Iggeret Hahitnatzlut, She'elot Uteshuvot Harashba*, vol. 1, Jerusalem: Machon Yerushalayim, 1997, 217).

Compare with his well-known remarks at the end of *Beḥinat Olam* (Podgórze, 1902), 50:

In conclusion, whether you turn to the left or to the right, believe in everything that the last of the *geonim* in time, the first in importance, the great teacher, R. Moshe ben Maimon, of blessed memory, believed, for there is no equal to him among all the sages of Israel after the closing of the Talmud.

These words are not merely rhetorical; they reflect a historical perception and a spiritual stance.

²⁴ One of the “wonderful benefits” of wisdom is the eradication of the belief in anthropomorphism. See: *Iggeret Hahitnatzlut*, *ibid.*:

And it nearly happened that anthropomorphism spread to many corners at the beginning of the dissemination of his holy books in various lands. We have seen in many writings from the time of the first controversy, letters sent against him from the ends of the earth, criticizing and condemning his books for asserting that the Creator has no measure or form. We also

In this context, Hapenini outlines a systematic conceptual framework that establishes clear guidelines for the interpretation of aggadah, specifying when it is permissible and even necessary to resort to allegorical interpretation and philosophical exegesis. He argues—and in doing so defends himself against Rashba’s harsh criticism—that all the narratives in the Torah should be interpreted according to their plain meaning, even in cases where they defy natural law,²⁵ as long as they do not contravene the laws of God’s omnipotence. Since all miracles fall into this category, there is no need to deny them or deviate from their straightforward interpretation. There is only one exception: when the literal interpretation of a concept or narrative is impossible, even under divine law—such as when it involves erroneous beliefs or a logical contradiction—then the gates of interpretation should be opened widely. Overall, his approach is measured and restrained.

Regarding aggadot—and in contrast to the aforementioned—Hapenini identifies four categories:

1. Statements that do not contradict the laws of nature should be accepted according to their plain meaning, even if they involve elements that are distant from ordinary experience (“remote possibilities”). The rationale for this is noteworthy, as it surfaces in other contexts as well: “It is appropriate to rely on the complete sage who made the statement, trusting in his wisdom.”²⁶

saw a letter sent by the esteemed sage, Nahmanides, of blessed memory, to the great rabbis of France, arguing before them ... against the belief in anthropomorphism for which they accused him. It seems, therefore, that there were public promoters of anthropomorphism at that time ... And today, thank God, that evil belief has been completely uprooted from all our groups ... Therefore, even if no other benefit had been achieved from our great teacher’s philosophy but this alone, it would have been sufficient, and we would be obliged to acknowledge and glorify his broad wisdom that led him to the truth.

Compare: Simon Rawidowicz, “Be’ayat Hahagshamah Lerasag Velarambam,” *Iyunim Bemahshevet Yisrael*, vol. 1 (Jerusalem: Reuven Mass, 1969), 171ff., especially 230ff. Additionally, compare: Harry Wolfson, “The Jewish Kalam,” *The Seventy-Fifth Anniversary Volume of the Jewish Quarterly Review* (1967), 569–573.

²⁵ This is a fundamental point in the entire debate. See: *Guide* III:15. Compare: R. Yitzhak Albalag, *Tikkun Hade’ot*, ed. Yehuda Aryeh Vida (Jerusalem: The Israel Academy of Sciences and Humanities, 1973), 12, 24, where he offers a different explanation regarding the concept of impossibilities. Hapenini’s position is frequently referenced throughout the generations; see, for example: *Minhat Kenaot* by R. Yehiel of Pisa, (above, n. 12), 114; R. Yosef Shelomo Delmedigo, *Matzref Lahokhmah*, ed. Y. Becker (Jerusalem, 2007), 41; David Conforte, *Kore Hadorot* (Modiin Illit: Ahavat Shalom, 2008), 80.

²⁶ A careful preservation of the authority of the bearers of tradition is a consistent theme in our literature, with Maimonides’ statement in the introduction to *Perek Helek* of his commentary on the Mishnah serving as a foundational principle; see Maimonides’ *Introductions to the Mishnah*, Shilat edition, 133–134. Compare: *Kerem Hemed*, V (1841), 13: “If their explanations are obscure, it is due to the limitations of our knowledge and understanding, not from any deficiency in the wisdom of those who stated them. And how strongly the Rabbi, of blessed memory, warned in his work against casting aspersions on the aggadot or their authors.”

2. Statements that contradict the laws of nature (deviating from “the natural order and logical structure”) but reinforce the principles of the Torah and the foundations of faith. These should also be accepted in their literal sense as long as they do not contradict or undermine an agreed-upon and fundamental belief. When a specific detail clashes with a general principle, the detail must be set aside in favor of the principle. For example, a literal, non-allegorical interpretation of statements about physical rewards and changes in the natural order, such as “In the future the Land of Israel will produce cakes [*geluskaot*] and fine wool clothing [*meilat*]” (Shabbat 30b), would contradict and weaken the fundamental principle that “The only difference between this world and the days of the Messiah is with regard to servitude to foreign kingdoms alone” (Berakhot 34b), or that “in the World to Come, there is no eating or drinking” (Berakhot 17a).²⁷

3. Statements that contradict the laws of nature and do not contribute anything to reinforcing faith, such as the aggadot of Rabbah bar bar Ḥana, require us to distance ourselves from their literal meaning (“from their surface”) and interpret them allegorically. R. Yedayah adds that he is convinced these aggadot were originally intended as humorous anecdotes, meant to entertain the students and provide relief from the burden of deep study and intense learning. Nevertheless, despite the clear conclusion that these statements lack serious content, we are still obligated to strive for an allegorical interpretation for three reasons: (1) to remove the oddities from the teachings of the Sages and “to prevent those studying them from thinking poorly of them”; (2) to preserve the unique and extraordinary nature of miracles so that they do not become trivial in our eyes, as if they were ordinary occurrences; (3) to emphasize that a miracle should always have a specific purpose and not be merely for show. This third category is particularly challenging. On the one hand, R. Yedayah, following Ibn Ezra²⁸ and Maimonides,²⁹ asserts that these teachings have no serious meaning; on the other hand, instead of allowing them to be dismissed lightly, he demands that we create a worthy and dignified interpretation for them. In this case, rather than merely grappling with the statement to uncover the hidden intent of its author, the interpreter wrestles with his own concepts and beliefs, ultimately crafting an interpretation that may never have crossed the author’s mind.

²⁷ Compare: *Iggeret Teḥiyat Hametim*, in *Iggerot Harambam*, Shilat edition, 344–345.

²⁸ See: Introduction to the Commentary on Megillat Eikhah; Levi ben Avraham, “Batei Hanefesh Vehalehashim,” *Yediot Hamakhon Leḥeker Hashirah Ha’ivrit*, vol. 5 (1939), 37.

²⁹ *Shemonah Perakim*, chapter 8. Compare: *Kuzari* III:68–73. See also: R. Saul Lieberman, *Sheki’in* (Jerusalem, 1939), 82. Additionally, see: R. Yosef ibn Kaspi, “Sefer Hasod,” in *Mishneh Kesef*, ed. Y. Last (Pressburg, 1905), 2: “They thought it contained either excess or trivialities or humorous matters.”

4. Aggadic statements that are inherently impossible—such as “Anyone who knows the exact measure of the Creator is assured a place in the World to Come” or “The Holy One, blessed be He, dons tefillin”³⁰—although they may serve to benefit matters of faith and strengthen the belief of the common people, must never be taken literally. These must only be accepted if they are interpreted allegorically, in a manner that aligns with the fundamental principles of faith “with utmost clarity and precision.” In such cases, the commentator’s role is clear: he must decipher the hidden meaning and reveal a reasonable and enlightening interpretation. In these instances, it is not merely a matter of adding a layer of interpretation. The commentator must uncover the intended meaning, which lies concealed like a kernel beneath a thick shell. Anyone who adheres to the apparent literal meaning misses the mark, as the literal interpretation was never intended from the outset.

2

Anyone who moves from these foundational principles to Hapenini’s actual commentary immediately observes the vast disparity between them. The framework outlining the foundational principles suggests that only particularly difficult matters should be interpreted allegorically, yet the commentaries themselves cast the net of free interpretation and philosophical exegesis broadly—not only over the difficult, strange, and unbelievable matters but also over statements where the plain meaning is logical, and the allegory seems forced. Moreover, even straightforward statements rooted in halakhic matters are transformed into material for philosophical and rationalistic exegesis. As will be demonstrated, these interpretations are offered from a consistent perspective, a unique approach to statements made by the Sages that encompasses both halakhah and aggadah. A few examples will concretize this approach, highlighting both the novelty of his interpretations and their general direction.

1. “All the sacred vessels that Moshe fashioned, their anointment consecrates them. From that point forward, their use in Temple service initiates them” (Sanhedrin 16b). While the subject of the anointing oil is complex and problematic, the halakhah is simple and clear. Maimonides summarized the halakhah as follows:

³⁰ Cited in R. Yedayah’s *Iggeret Hahitnatzlut, She’elot Utshuvot Harashaba* part 1 (Jerusalem: Machon Yerushalayim 1997), *Teshuvah* 418, p. 222. It is not possible to determine whether these statements were chosen randomly, or if there is an anti-Kabbalistic tone, as will be further examined at the end of the article. Compare: *Iggeret Teḥiyat Hametim*, in *Iggerot Harambam*, Shilat edition, 340–341; *Hakdamot Harambam Lamishnah*, Shilat edition, 133 (“*Derashot Berakhhot Uferek Helek*”). See also: Abraham Halkin, “Sanegoriah al *Mishneh Torah*,” *Tarbiz*, vol. 25 (1956), 419.

All of the vessels of the Sanctuary that were fashioned [at the command] of Moshe were sanctified only by being anointed with the anointing oil, as [Bemidbar 7:1] states: “And he anointed them and sanctified them.” This practice was not followed in the coming generations. Instead, all of the utensils became sanctified when they were used for their purpose in the Temple, as [implied by Bemidbar 4:12] “... that they will serve with them in the Sanctuary,” i.e., through service, they are sanctified.³¹

R. Yedayah, as is typical for him, interprets this to mean that everything depends on intellectual attainment, and the laws concerning the Temple vessels reflect the level of wisdom and the philosophical understanding of the people of that generation. The anointing oil, according to him, is a symbol for the preparation and purification of the hearts toward pure and exemplary faith, for the correction of beliefs:

The Sages, of blessed memory, teach that during the time of Moshe, the people as a whole were believers in the eternity of the universe, and they did not comprehend the existence of a First Cause beyond the celestial spheres. Consequently, they would deify the celestial spheres and construct altars to offer sacrifices to the objects of their choice. [Moshe], master of the prophets, was then commanded regarding that construction [of the Tabernacle] to guide the people, to make them aware of the nature of reality as a whole, so that upon understanding reality, they might apprehend what necessarily follows from it ... To teach them about creation and to distance them from the belief in the eternity of the universe, this noble structure was given to them ... The Sages said regarding the structure made by Moshe that its sanctification came from the anointing with oils. You are well aware that in the Torah and the Prophets, anointing is metaphorically used for the softening of the heart, as when it is uncircumcised and then humbled, just as it is known that anointing with oil softens the flesh externally; similarly, the metaphor is applied to the softening of the heart if it is uncircumcised ...

The implication of this interpretation is that the use of anointing oil reflects a deficiency. Moshe, the master of the prophets, was compelled to use it not as a special virtue but due to the degraded state of the people, their beliefs, and their views. In contrast, pure faith reached a peak during the days of Shelomo. Here, Hap-enini employs a literary *topos* particularly common among the sages of Provence,³² describing Shelomo’s era as a brilliant period of wisdom and intellectual pursuit:

³¹ *Mishneh Torah, Hilkhoh Kelei Hamikdash* 1:12.

³² R. Yaakov Anatoli in his commentary on Kohelet (MS); R. Moshe ibn Tibbon’s commentaries on Shir Hashirim (Lyck, 1874); Ralbag, ed. Menachem Kellner (Ramat Gan: Bar-Ilan University, 2002);

Their eyes were opened ... and their hearts perceived all true wisdom. They did not require that anointing at that time because their hearts were already softened on their own ... The Sages, of blessed memory, sought to teach about the people who left Egypt under Moshe by the command of God. These people were of little faith and lacked true knowledge of the Divine. Therefore, they required the anointing with oil to soften their uncircumcised hearts. But in the days of Shelomo and all the wise-hearted among the people, after the Torah had been given to them ... they no longer required that anointing because their hearts were already softened.³³

2. The distinction between true intellectuals and the lowly masses—those deprived of intellectual understanding and sensitivity, who drain the essence of a refined spiritual world—is reflected according to Hapenini in the halakhah that states the Tetragrammaton is pronounced explicitly in the Temple but referred to by an appellation outside of it. This basic halakhah applies to the service on Yom Kippur, the priestly blessing, and similar matters.³⁴ Moreover, in *Midrash Tehillim* (Ps. 87:3, Buber edition) on the verse “Glorious things are said of you” we find:

R. Huna said in the name of R. Idi: Why did Israel express God’s name explicitly in the Holy Temple and use a cognomen outside of the Temple bounds? Because it is written, “... to fear this glorious and awesome name, the Lord, your God.” (Devarim 28:58) This is ‘glorious things are said about you.’ And where is it said? In the city of God, in the city of Zion. And where? “... the city of God, forever.”

Once again, Hapenini finds a halakhic opportunity to introduce his own innovative interpretation:

Immanuel of Rome, S. B. Eschwege edition (Frankfurt am Main, 1908), and others. See: R. Saadiah Gaon, *Perush Tehillim*, Kafih edition (Jerusalem: The American Academy for Jewish Studies, 1966), introduction, 24–25: “And know ... that this book, due to its great value and because it is the word of God ... was given by God only when the nation was in the utmost state of perfection and purity.” Ralbag, Bereishit 1:1 (*Be’ur Ralbag Latorah, Sefer Bereishit*, eds. Baruch Brener and Eli Freiman (Ma’aleh Adumim: Maaliyot, 1993), 30: “In the days of our teacher Moshe ... philosophy was very much lacking.”

³³ Compare: *Otzar Haperushim*, Horayot, ed. Genachowski (above, n. 8), 13: “That anointing came to soften and humble their hearts if they were uncircumcised of heart ... and they said, ‘And that oil will exist in the future,’ meaning that the purpose of the oil, which was to soften his heart and revive his soul, will endure in the future ... the anointing of the oil softened him so that his heart would not be lifted above his brothers ... and that anointing came with the intention to soften his heart if it was uncircumcised, just as the anointing with oil softens the flesh from the outside.”

³⁴ See: Sotah 34a; Kiddushin 71a; Ta’anit 16b, among others.

Therefore, it is proper for any perfect person to refrain from explaining and revealing profound truths to the masses, as their understanding cannot bear them. This is the strict restriction that the Sages placed on teaching the Account of Creation (*Ma'aseh Bereishit*) and the Account of the Chariot (*Ma'aseh Merkavah*) to the public, reserving them instead for an individual who shows signs of success in contemplation and is perfect in his character traits, having renounced worldly affairs and physical needs. However, to the masses, certain truths should be transmitted through tradition, specifically those essential³⁵ for organizing their beliefs in the existence of God, as well as the detailed contemplation of reward and punishment, so that they may fear and revere God. All these matters are understood through the Divine, described by the prophets with attributes, which are appellations. Therefore, it is said that God is to be referred to by appellations outside the Temple, which is filled with common people and a great multitude, to awaken this intention—namely, the fear of God. However, in the Temple, He is referred to without an appellation, as it is a place of seclusion and instruction of all perfections, and where its inhabitants are the elite of the nation, who possessed great understanding ... it is fitting that truths be transmitted to them without concealment or riddles, but through rational demonstrations devoid of any imagery.

In the Temple, where the “pure of faith and those with refined beliefs”³⁶ are found, the Tetragrammaton is pronounced explicitly. However, elsewhere, “the truth is disseminated among the lowly, and discourse is conducted with the masses ... and it is impossible to speak except in terms that their imaginations can bear, in order to bring them closer to the truth as much as tradition allows”;³⁷ therefore, only an appellation is used, for the gap between the masses and the elite is vast.

3. “They place on the Great Sanhedrin only men of high stature, and of wisdom, and of pleasant appearance” (Sanhedrin 17a). The simple meaning of this halakhah emphasizes the value of external appearances, as stated by Maimonides: “Just as the judges of a court must be on the highest level of righteousness; so, too, must they be unsullied by any physical blemishes. An effort should be made that they all be white-haired, of impressive height, of dignified appearance, men who understand

³⁵ *Guide* III:28.

³⁶ *Be'urim al Ma'amarei Hazal Bemidrash Tehillim* (above, n. 17), 20.

³⁷ *Be'urim al Ma'amarei Hazal Bemidrash Tehillim* (above, n. 17), 35. See also his commentary on Sanhedrin (MS [above, n. 6], 45) on “Hidden things ... as for overt acts—it is for us and our children.”

whispered matters ...”³⁸ However, this physical emphasis was unacceptable to the intellectual and spiritual approach of R. Yedayah Hapenini:

And when they said “of impressive height,” they meant that they had perfected themselves and refined their ways to ascend the rungs of the ladder to apprehend their Creator who stands above it. For this reason, they called them “of impressive height,” meaning that they are superior in rank and level, apprehending that which is abstracted from matter.

He was not content until he dispelled the literal interpretation from the minds of those who adhered to it, explaining: “And they did not call them ‘of impressive height’ because of their physical stature, like the children of the giants, for the Blessed One does not choose human beings based on their physical form ...”

4. At times, it seems that Hapenini becomes entangled and overly elaborate in his language due to his spiritualist-philosophical agenda. The Mishnah in Pirkei Avot states, “Beloved are Israel in that they were called children to the Omnipresent. Especially beloved are they for it was made known to them that they are called children of the Omnipresent, as it is said: ‘you are children to the Lord your God’ (Devarim 14:1).” Hapenini offers an explanation that is somewhat peculiar and convoluted, weaving the philosophical perspective on death into the laws of mourning:

We see the intention of the Torah in its compassion for the priest, the Nazirite, and any Israelite who strives to follow their path of holiness. The commandment was given to them that they should not come into contact with a dead body ... and that they should not witness the death of others, nor mourn and lament for them, as it would harm them and deprive them of much good and true perfection. They would be unable to attain closeness to their Creator amidst a broken heart and troubled spirit. The Lord had compassion on their souls, preventing them from being destroyed by grief, which would melt them from within due to sorrow. This prohibition was not extended to the general population, as they could not restrain themselves in the face of death—whether of a father, mother, brother, or sister—without mourning and lamenting for them ... However, a suggestion is made that if they wished to follow the same path as the priest and the Nazirite regarding mourning and to conduct themselves as scholars, they were permitted not to mourn for the dead. The master of the prophets instructed the entire nation, saying, “Do not lacerate yourselves or make bald patches in the middle of your heads for

³⁸ *Hilkhot Sanhedrin* 2:6. See: Rashi, Sanhedrin 17a, who explains the need for impressive height “so that their fear will be upon the people.” Compare: Menahot 65a; Bekhorot 45b.

the dead.” He did not forbid them from weeping altogether. If one wishes to refrain from mourning, he is permitted to do so, for the intention of the Divine concerning humanity is not focused on the perishable physical form. Mourning over it does not benefit us, nor does it save us from death ... Concerning this, the master of the prophets instructed and warned them about mourning, saying, “You are children of the Lord your God.” He taught them that the Father who gives form to the soul will never die, and if the soul is perfected, it will live eternally and not perish. Therefore, one should not grieve over the separation of the soul from its material body, for there it will find rest, and then it will delight in the Lord.

I described these ideas as strange because the philosophical perspective, which is almost dualistic, seems to conflict with halakhic obligations. First and foremost, the prohibition against impurity from contact with the dead for a priest and a Nazirite is not based on the principle of holiness but rather on a philosophical notion that glorifies death by rejecting the material and emphasizing the ultimate goal of attaining knowledge and truth.³⁹ Furthermore, permission is granted here to anyone to exempt oneself from observing mourning practices. Any person can self-represent as a Torah scholar—essentially, like a priest or a Nazirite, that is, like a philosopher who withdraws from worldly concerns and vanities—and thereby nullify the laws of mourning. This is baffling! Even a priest is required to mourn; he is only prohibited generally from becoming ritually impure through contact with the dead. As is well

³⁹ See also: *Perush Le'avot*, 15 (MS), where asceticism is praised as a tested and even desirable means “so that one may come to know his Creator through abstinence”; *Perush Le'avot*, 53: “The pious of the nations of the world ... were called pious because of their abstinence” ... “The matter of the Nazirite in the Torah applies to any person of Israel who abstains even from what is permitted to him, for he is holy.” It is important to emphasize that while Hapenini offers harsh and continuous criticism of excessive materialism, which he views as detrimental to intellectual attainment, he does not advocate extreme asceticism or self-mortification. His remarks at the beginning of Tractate Horayot (“A decree is not imposed upon the public unless the majority of the public can bear it”) are significant in this context:

“For the commandments were not given to humanity so that the service would be overly burdensome upon people, Heaven forbid, but rather they were given in a moderate and balanced way that brings glory to those who fulfill them. Just as you find that the Torah does not command—like the verse in Iyov 33:29, ‘God intervenes two or three times with a man’—to afflict oneself through fasting day after day, as the Christians, who emulate us, do, fasting for the majority of the year, as if they were required to do so by ‘the words of fasting and their cries’ [Esther 9:31]—Heaven forbid! For He, blessed be He, chose them [the Jews] above all other nations and gave them His Torah, which provides them with a straight path and does not burden them to cross the sea or wander the land to go to desolate places ...”

The idea that there is no excessive burden in the Torah is found in *Guide* III:30,47. Compare: R. David Kimhi on Hoshea 11:3. See also: R. Yehudah Halevi, *Kuzari* II:50; Ibn Ezra on Kohelet 7:3. Further references: *Guide* II:39; *Hilkhot Isurei Biah* 13:14.

known, Maimonides distinguished between two domains: death as a “kiss,” the culmination and pinnacle of life, and death as a tragic, destructive event that leads to despair, sorrow, and anguish. There is death “that, in truth, rescues one from death,” for which the Sages “used a well-known trope, calling it ... a kiss.”⁴⁰ In contrast, Maimonides established a firm halakhic principle that “Whoever does not mourn over his dead in the manner which our Sages commanded is cruel.” Although one must not mourn excessively—for that is the way of the world—the obligation to mourn remains in its place.⁴¹

One might conjecture that Hapenini exaggerated here and, in his great enthusiasm, expanded the scope and application of Maimonides’ words stated in a different context and without any conflict with Jewish law, to the effect that those who aspire to a world of pure goodness can elevate and sanctify themselves like the priests and Levites:

Not only the tribe of Levi but every single individual from among the world’s inhabitants, whose spirit moved him and whose intelligence gave him the understanding to withdraw from the world in order to stand before God to serve and minister to Him and to know God, and who walked upright in the manner in which God made him, shaking off from his neck the yoke of the manifold contrivances which men seek—behold, this person has been totally consecrated, and God will be his portion and inheritance forever and ever. God will acquire for him sufficient goods in this world just as He did for the priests and the Levites.⁴²

5. Hapenini discusses the story of Elazar ben Dordaya—the great sinner who turned to the mountains and hills, the heavens and earth, the sun and moon, asking them to seek mercy for him. Ultimately, he concluded, “The matter depends on me alone.” He placed his head between his knees, wept bitterly, and his soul departed. A heavenly voice proclaimed: “Rabbi Elazar ben Dordaya is destined for life in the World to Come.”⁴³ Using this story, Hapenini engages in polemics with his contemporaries,

⁴⁰ *Guide* III, end of chapter 51. Compare: Introduction to the Mishnah, in *Hakdamot Harambam Lamishnah*, Shilat edition, 28: “And his death was from our perspective, because we miss him, yet it was life for him, for what he ascended to ...”; Ralbag, Commentary on Shir Hashirim 1:2 (above, n. 32), 77 (kiss = cleaving).

⁴¹ *Hilkhot Avel* 13:11–12. R. Bahya ben Asher (*Kad Hakemah*, *Kitvei Rabbenu Bahya*, ed. Hayyim Dov Chavel, Jerusalem: Mossad Harav Kook, 1970, entry “Avel,” 51) emphasizes the “inferiority of this world, which is entirely utter vanity and nothingness,” but this leads him to elevate the value of the laws of mourning. Nevertheless, see: Nahmanides’ commentary on the Torah, Devarim 14:1.

⁴² *Hilkhot Shemittah Veyovel* 13:13. Compare: *Perush Horayot*, 14b (MS) [the printed version in Genachowski (above, n. 8) ends at 14a, and it appears that the continuation was censored].

⁴³ Avodah Zarah 17a, and his commentary on the passage.

who turn in prayer to intermediaries rather than casting their trust directly upon God: “There is no need for other intermediaries between oneself and one’s God, for all are subordinate to Him.”

Some of the common folk of the Torah have erred in this matter, placing an intermediary between themselves and their God to appease Him ... This error stems from the root of divination and a misguided belief that approaches dualism. This was once found among Israel, and its traces are still recognizable within our people when, during the ten days from Rosh Hashanah to Yom Kippur, they rise in the early morning hours to pray and say, *Makhnisei Raḥamim* (“Conveyers of Mercy”) and beseech intermediaries to pray on their behalf. This is a grave error, leading them toward dualistic beliefs, for the Blessed One has no need of an intermediary ...

A new, sharp testimony has emerged, piercing as a sword, regarding the practice of reciting *Makhnisei Raḥamim*—a custom that has stirred controversy well into the modern era.⁴⁴ This is a prime example of Hapenini’s polemic against popular religiosity, which he views as flawed. He does not advocate a passive “leave them be” approach, but rather a proactive *lekh red*, “go and descend” (Shemot 32:7) stance.

6. His understanding of the first *mishnah* in Pirkei Avot adds a crucial layer to his system of interpretations and ideas. First, “Moshe received the Torah from Sinai and transmitted it to Yehoshua.” The meaning here is “the concealment of that precious thing, abstract and immaterial, which is not grasped by the senses, but only by the clear and pure intellect. They say that Moshe transmitted these truths to Yehoshua ...” Thus, Torah is not merely the Written Law, nor even halakhah, but rather “that special portion of it relating to the knowledge of God and His angels, who are separate from matter.” The order of transmission—Yehoshua to the elders, and the elders to the prophets—also demands interpretation, for this sequence seemingly inverts the hierarchy of the higher and the lower. After all:

The prophet is more perfect and wiser than the elder ... The prophet’s perfection surpasses that of the elder by far, as light exceeds darkness. Because of the prophet’s superior wisdom and greater moral virtues, the Divine Presence rests upon the prophet more than upon the elder, who has acquired wisdom.

⁴⁴ Compare: Dov Flatto, “Malakhei Elyon Usheliḥutam Ledarei Matah,” *Eder Hayakar* (Tel Aviv: Dvir, 1947), 81–87. On the custom in Provence to receive blessings from elders and pious men, see: R. Kalonymus ben Kalonymus, *Iggeret Musar*, ed. Isaiah Sonne, *Kovetz al Yad*, 1 [11] (1936), 107; R. Yosef ibn Kaspi, *Tam Hakesef* (London, 1913), 32, among others.

He poses the question and offers a daring response rooted in a Maimonidean conception that reverberates throughout this period:

In placing the elder before the prophet, the Sages, of blessed memory, only spoke according to the view of the common people of the Torah, who believe that prophecy can rest upon a person who is mistaken or foolish and that even without wisdom or knowledge, one may prophesy if God chooses him.⁴⁵ It is a well-known, evident, and fundamental truth that prophecy is impossible for any person who has not first acquired wisdom. How could the Blessed One reveal Himself to someone who neither recognizes nor understands what He is ... ? Yet, they placed the elder before the prophet according to the understanding of the common people of the Torah. Although this view is misguided, they prioritized the elder due to the opinion of the multitude.

Hapenini bases his interpretation on a hermeneutical principle that allows for surprising interpretations and opens the door to various unconventional explanations. According to him, the Sages gave consideration to popular beliefs, even if they were erroneous and baseless. In other words, the Sages preserved flawed and distorted opinions due to their widespread acceptance; the mistaken voice of the masses was, in effect, to be taken seriously. This approach appears rooted in Maimonides' explanation of the prohibition against cursing. Why should one receive lashes for cursing—a prohibition lacking an action—when such prohibitions generally do not incur lashes because they “cause little harm and, being verbal, are scarcely avoidable?” As is well known, there are three exceptions: vain oaths, substitution (of another animal for one reserved for sacrifice), and cursing in God's name. Maimonides explains the reason for each: “(i) vain oaths, given the reverence that is God's due; (ii) substitution, to avoid trifling with the offerings consecrated to Him; and (iii) cursing someone in God's name, for a curse is popularly believed to be worse than bodily injury.”⁴⁶ In truth, the curse has no actual effect—it is mere words. However, in the imagination of the masses, these words hold significant peril.⁴⁷ According to Maimonides, the Torah takes psychological factors into account, acknowledging popular, even mistaken, beliefs. According to Hapenini, the Sages followed this path, sometimes

⁴⁵ Compare: *Guide* II:32.

⁴⁶ *Guide* III:41. Compare: *Teshuvot Harambam*, ed. Blau, *siman* 218 (regarding *katlanit*).

⁴⁷ *Tam Hakesef* (see above, n. 44) develops this view: “In truth, there is no substance in his words, and they are not inherently causative. However, they may still serve as an incidental cause, due to their belief that the one who is cursed will be cursed, and this will act on their imagination in most cases.” The Torah addresses blessings and curses, despite their lack of inherent influence on reality, because widespread popular belief attributes significance and influence to them. For a contrasting perspective, see: *Sefer Haḥinukh*, *Mitzvah* 239. See also above, Chapter 29.

crafting their statements in accordance with widespread—yet erroneous—views. Consequently, one can easily dismiss difficult or uncomfortable statements. One can wave the magic wand and declare: this reflects a popular, entrenched belief that has been recorded in the sources.

3

The stark contrast between the restrained tone of the *Iggeret Hahitnatzlut* and the more radical interpretations in Hapenini's commentaries is easy to understand. This divergence cannot merely be attributed to the conservative stance expected in a letter such as the *Iggeret*, as opposed to the greater freedom for allegorization in commentaries, particularly regarding puzzling passages. Nor can it be explained by the plausible assumption that in the *Iggeret*, Hapenini wrote as a representative of the sages of Provence or possibly even composed it in collaboration with the scholars of Montpellier.⁴⁸ Rather, Hapenini sought to disseminate his philosophical ideas broadly. His commentary represents an ambitious educational-literary project, aiming to introduce philosophical notions, spiritual inclinations, and rationalist patterns of thought into the realm of aggadah and rabbinic discourse in general. It is well known that philosophers frequently linked their ideas to rabbinic teachings, but Hapenini goes further by grounding his views in halakhic concepts as well. While earlier commentators toiled in their efforts, they did not exhaust the potential of these texts. Hapenini aspired to demonstrate that the teachings of the Sages are imbued with philosophical depth and rest upon spiritual and intellectual foundations.

The emotional declaration at the conclusion of the *Iggeret Hahitnatzlut* applies equally to Hapenini's commentaries: "For they believe they are defending the honor of the great rabbi, may his memory be blessed, and his writings, and for the sanctity of his Torah they are willing to sacrifice their wealth, their progeny, and even their very souls as long as they live." Not only does Hapenini seek to defend Maimonides' honor and teachings, but he also seeks to deepen and extend the scope of Maimonidean thought while endeavoring to extract it from the words of the Sages. Hapenini's reliance on Maimonides is explicitly stated at the outset of his commentary on *Pirkei Avot*:

I did not come to explain what he [Maimonides] has already explained, for to add to his words would diminish them, as he spoke of great and weighty matters in his commentary on the tractate, and there is nothing to add to his

⁴⁸ R. Yehiel of Pisa, *Minḥat Kenaot* (see above, n. 12), 6; R. Moshe Isserles, *Shut Harema*, ed. Asher Ziv (Jerusalem, 1971; reprint: Jerusalem: Mossad Harav Kook, 2018), *siman* 7, p. 32. They assume that Hapenini wrote the *Iggeret* as a consensus document, with the agreement of all the scholars of Provence. Graetz (see above, n. 1) speculates that the letter is the result of collaboration among them.

excellent words. What person could come after the king?⁴⁹ Therefore, on this entire tractate, I have come only to explain what the prophet has not commented on.

From this point forward, Hapenini feels free to intensify the spiritual tension and seek further support for his philosophical views. Beyond the explicit declarations, Maimonidean ideas, even without direct attribution to the master, underpin much of the commentary's foundations.⁵⁰

Once Hapenini finds an opportunity to promote his positions, he addresses anything that can be interpreted according to his method or supports his ideological agenda. Thus, the question of selectivity in his commentaries is naturally resolved. At first glance, it may be difficult to discern the principles guiding his choice of material for interpretation. Hapenini is not a conventional commentator but a partisan one, with a transparent agenda: the integration of philosophical principles into the rabbinic midrashic formulations. Continuity in interpretation is not his primary concern; the philosophical emphasis is. The ideological debate shapes the character of the work, and the rationalist propaganda leaves its imprint on the commentary's style. It gives the impression that Hapenini is an intellectual peddler—he possesses a certain stock of foundational ideas and is ready to reiterate them endlessly, inserting them into various frameworks.

While one must always be cautious of imposing excessive systematization where there are merely interpretive insights, isolated comments, and fragmented ideas clothed in midrashic form, it is nearly possible to create a conceptual index of Hapenini's commentary. The reader, through deductive reasoning, could almost predict the forthcoming interpretations. Hapenini's approach to interpreting rabbinic sayings is highly consistent; at times, he explicitly declares the principles underlying his interpretation,

⁴⁹ Compare: Maimonides' letter to R. Yonatan Hakohen of Lunel, *Iggerot H Rambam*, ed. Shilat, 503: "And let not the reader of my work say, 'What is man that he should come after the king?' (Kohélet 2:12), but rather, I have permitted it, and the king has invited him to come forward."

⁵⁰ One clear example: the passage in Sanhedrin (87a), "this teaches that the location [chosen by God for the Sanhedrin to convene] causes [their rulings to be authoritative]," provides Hapenini an opportunity and stimulus to summarize Maimonides' view on sacrifices and to interpret it in a radical manner. The entire goal of the law and the wisdom of the Legislator is "to minimize sacrifices." "His wisdom decreed to command the people not to offer a sacrifice unless it was in a single place within Israel's borders, designated for all their sacrifices, in order to reduce their offering of sacrifices and not to have them offered day after day ... Moreover, that place was too small to contain the multitude of sacrifices ... All of this, His wisdom decreed in order to reduce the sacrifices from them, and if only the people would refrain from offering them, whether few or many." Still unsatisfied, he continues: "That place was higher than all other parts of the settled world ... and the air was very pure ... and it would purify the minds of those who came there so that they would understand, from their own reasoning, that the sacrifice was not the true intention of the Blessed One ..." Compare *Guide* III:32: "All this was to delimit worship of this sort, preserving only as much of it as His wisdom determined must not be wholly abandoned."

while at other times, the consistency is self-evident. For example, he states, “We have already explained in many places that our Sages, of blessed memory, compared human virtues to bread, for they sustain the soul and lead it to its desired destination.”⁵¹ Such a statement encourages us to make broader generalizations and to extend the interpretive framework to areas where he did not explicitly outline his method.

1. Every reference to tradition or Torah ultimately directs toward philosophy and the esoteric aspects of the Torah. Torah and wisdom are synonymous, and that identification is consistently emphasized.⁵²
2. Any admonition against verbosity—simple statements like “I have found nothing better for a person than silence” or “whoever indulges in too many words brings about sin”—is aimed at those who engage in anthropomorphism or use descriptive attributes carelessly and imprecisely.
3. Every statement concerning Torah and *derekh erez*, or wisdom and commandments, presents the hierarchy of values of the perfection of virtues and intellectual perfection, or the perfection of the body and the soul.
4. Prayer or worship of the heart is equivalent to intellectual apprehension.⁵³
5. Praise and glorification of God refer to gratitude and praise via understanding of the natural order correctly.⁵⁴
6. Holiness signifies the negation of materiality and the sense of touch, “which is a disgrace to us.”⁵⁵
7. The term *orlah* (foreskin) metaphorically refers to anything within a person that prevents him from achieving perfection.⁵⁶
8. “*Ervah* (nakedness) and *orlah* (foreskin) are figurative terms used to describe any shameful matter.”⁵⁷

⁵¹ Escorial manuscript (above, n. 6), 49.

⁵² See, for example, Escorial manuscript, 5, 24, 56. Torah commentary—“the special part of it,” “knowledge of God and His holy angels,” “the purpose of the commandments, which were given to reveal the existence of God and His angels, who are separate from matter.”

⁵³ See *Be’urim Lemidrash Tehillim* (above, n. 17), 21; MS on Avot, 11 (the recitation of *Shema* and prayer are rational commandments, and “if one directs his heart toward them, he will recognize his Creator through them and live before Him forever”).

⁵⁴ *Be’urim Lemidrash Tehillim* (above, n. 18), 26, 33, 39; Escorial manuscript (above, n. 7), 66: Anyone who recites *shirah* every day ... “that they endeavor to recognize and investigate [God], to give honor to His name, and to distance from Him anything impossible in His nature.”

⁵⁵ Escorial manuscript 9, 11, et al.

⁵⁶ Escorial manuscript 36.

⁵⁷ Escorial manuscript 37.

9. “The Sages spoke in a concealed manner about the king, referring to the king as one who controls his spirit and physical desires.”⁵⁸

10. The *am ha'aretz* is “someone who conducts himself properly with others, maintaining social order, as all humans are social by nature and require assistance from others. The person who behaves in this way is called *am ha'aretz* because he understands societal and communal leadership, even though his heart has not attained wisdom and knowledge.”⁵⁹

In brief, Hapenini integrates a consistent set of ideas into a canonized and influential literary corpus—especially in Provence, where aggadic literature was widely disseminated since the days of R. Moshe Hadarshan.⁶⁰ His educational and religious objective is to train readers to understand aggadah through its spiritual content, philosophical allusions, and rational directives: “We have already explained a similar idea in *Tanḥuma*, Part II”; “We have already explained this statement in *Tanḥuma*”; “The intention of this statement we have already explained through a similar one in Part V ...”. In his commentary on Tractate Sanhedrin, after citing a series of statements regarding a man’s wife—such as “Anyone whose first wife dies in his lifetime, it is as though the Temple was destroyed in his days,” “Anyone whose wife dies in his lifetime, the world is darkened for him,” “A man finds no true contentment except with his first wife”—he explains that these statements refer to a person’s relationship with material and physical matters (“Our Sages did not speak of these things literally, but rather allusively, by way of metaphor, allegory, and riddles”).⁶¹ He then offers an insightful observation that reveals his broader interpretative method:

⁵⁸ Escorial manuscript 42.

⁵⁹ Escorial manuscript 14. On page 148, in connection to the rabbinic saying (Makkot 22b) “How foolish are those people who stand up for a Torah scroll but do not stand up for a great person,” Hapenini adds: “Their reference to ‘those people’ was directed at the masses and the ignorant who are not students of Torah and do not honor its scholars, and it is to them alone that this warning was addressed. The enlightened will shine forth to seek desirable words, and they do not need further warning ... The masses, called ‘those people’ (*she’ar inashei*) were referred to as such because they are formed from the impure earth, molded from matter, and possess only their humanity (*enoshut*) without their hearts perceiving wisdom and knowledge ... And of the best of the people, it was said ‘he is not a human being’ (*leit bar enash*) indicating that they are divine intellects even in their lifetime, making use of matter only when absolutely necessary.”

⁶⁰ See: Isadore Twersky, *Rabad of Posquières: A Twelfth-Century Talmudist* (Philadelphia: Jewish Publishing Society, 1980), 252. See also, Chapter 27 above, n. 3.

⁶¹ MS, 45. This is a significant principle which has important ramifications. On page 49 (regarding Mishlei 12:11: “He who works his land will be sated with bread”), he again establishes a fundamental approach: “And they, of blessed memory, did not speak here according to the revealed meaning of their words, for it is already known about Shelomo, and well-known in the nation, that he spoke his good words through divine inspiration on two levels, revealed and concealed. And

All the other things they spoke at length about regarding women also follow this same intention, which is doubly true. From the statements we have explained, one can infer the meaning of the others, as they are all connected to one another and share a common intent. Mentioning and explaining them further is unnecessary.

Hapenini builds foundational examples and relies on the reader to infer and connect various teachings and apply his interpretative principles across different literary contexts with precision and near-scientific rigor.⁶²

Several prominent motifs serve as a central thread throughout his writings. A fundamental idea that stands out is the persistent effort to refine the beliefs of the masses, to remove misconceptions from their hearts, and to gradually elevate them, slowly but surely, without deviations or compromises.

The masses are immersed in physicality, and there is a need to be compassionate toward them, as they are akin to those “walking on the path”—“for they [the Sages] referred to ‘walking on the path’ as a metaphor for a person throughout their life”—who interrupt their study. Here, we encounter the great contradiction in the scholars’ relationship to the common folk. On one hand, they are strict about esotericism and erecting a barrier between their own beliefs and the faith of the masses. The secrets of the Torah are reserved only for kings—and who are the kings? The wise philosophers. There is a vast chasm between the masses and the elite, and the two do not draw near to one another: “Most of the errors and doubts have arisen from the words of those who try to explain deep matters to the masses—concepts that most scholars cannot bear, let alone the minds of the masses.”⁶³

On the other hand, one who attains true knowledge and intellectual understanding of the secrets of the Torah and its foundations desires, and is even obligated, to share one’s insight with others. It is obligatory to make it known. As a result, the individual turns toward the masses, gradually and carefully revealing aspects of his true beliefs, seeking to influence them—like “one who sits and teaches, with the fire burning around him.” Thus, on the one hand, the sage draws a circle and stands

they, of blessed memory, followed in his path and came to explain his good words according to the concealed meaning, not only the revealed. For what would they have taught us about the revealed meaning of their words, if they came only to instruct about the diligent worker of the land, who plows all day to sow ... ?” There is no difficulty in the revealed meaning, but one must delve deeper to uncover the hidden. It is not the apparent strangeness that drives his interpretation, but rather the profound hidden meaning implicit there.

⁶² See his note (Horayot, Genachowski edition [above, n. 8], 14): “The prophets and every intelligent person in the nation likened [wisdom] to living, flowing waters that do not fail in summer or winter ... as we have explained in many places in our investigation of this matter.”

⁶³ R. Shem Tov Falaquera, *Moreh Hamoreh* (Pressburg, 1837), 5. A striking expression of this, which can serve as a paradigmatic example for all that has been said on the gap between the masses and the sages, can be found in Maimonides, *Mishneh Torah Hilkhoh Shevuot* 5:22.

within it, but on the other hand, he yearns to break through and step into the public domain. In this case, the problem is less severe, as Hapenini is not engaged in professional philosophy—mysteries or metaphysics—but rather in popular philosophy, that is, a spiritual conception of religion and the spiritual direction of religious practice and aspiration. Nevertheless, he stirred controversy.

Hapenini also engages in a vigorous polemic against Talmudic scholars who neglect the sciences and confine themselves to the four cubits of halakhah. He creates opportunities to criticize those scholars who spend their days exclusively on Talmud study without engaging in matters of faith and wisdom or the experiential dimension of performing the commandments. He goes so far as issuing a harsh judgment: exclusive Talmudism leads to spiritual disorientation or dullness. This is the meaning of the enigmatic statement (Sanhedrin 24a) “‘He has made me dwell in dark places, as those that have been long dead’ (Eikhah 3:6), R. Yirmeyah says: This is the Talmud of Babylonia.” Hapenini explains, “They [the Sages] came to teach that anyone who devotes himself solely to that wisdom (i.e., Talmud) and has not studied any other wisdom dwells in dark places.”⁶⁴ His engagement with aggadah demonstrates his position and intertwines with his broader cultural-religious critique of the Talmudic scholars. This critique echoes the sentiments of the author of *Yalkut Hamakhiri*,⁶⁵ whose statement aligns with Hapenini’s agenda: “And due to their preoccupation with the Talmud, with its laws of what is permitted and forbidden, they are unable to grasp the homiletical teachings required by each verse.” Hapenini laments that the scholars’ intellectual strength has diminished, and their vision has dimmed due to their lack of philosophical education.

4

In this purposeful approach, Hapenini distinguishes himself from all his predecessors, beginning with Rav Hai Gaon and R. Shemuel ben Ḥofni. In his discussion of aggadah and review of its interpretative development, Azariah dei Rossi writes:⁶⁶

Like Rabbenu Nissim Gaon, the Rashba, and others of discerning mind, who took upon themselves the task of interpreting the aggadot and narratives of

⁶⁴ See above, Chapter 23, particularly the final page.

⁶⁵ *Yalkut Hamakhiri*, Tehillim, ed. Salomon Buber (repr. Jerusalem, 1964), 3.

⁶⁶ Azariah dei Rossi, *Me’or Einayim*, ed. David Cassel (Vilna, 1866 [repr. Jerusalem: Makor, 1970]), *Imrei Binah*, chapter 15, 205. See also the characteristic remarks of R. Nachman Krochmal, *Moreh Nevukhei Hazeman*, *Kitvei R. Nachman Krochmal*, ed. Simon Rawidowicz, 2nd ed. with corrections and additions (London/Waltham, Mass.: Ararat, 1961), 246–247. On R. Shemuel ben Ḥofni Gaon’s position regarding the interpretation of aggadah, see Moshe Zucker, “Lefitaron be’ayat lamed-bet mid-dot umishnat R. Eliezer” *Proceedings of the American Academy for Jewish Research* 23 (1954), 13–14.

the Sages, which appear to contain intellectual difficulties, and sought to align them beautifully, “like golden apples in silver settings.”⁶⁷

These words provide a succinct and fitting summary of the challenge of interpreting aggadah in general, especially the task of addressing difficult texts. This can be further corroborated and illustrated through testimony from those directly involved in this endeavor. R. Avraham Maimonides emphasizes: “In this way, one saves oneself from attributing improper accusations to the Sages, as do the Karaites, fools, and the like; or from sinking into the abyss of folly, imagining that impossible events took place, and believing that something happened which never existed, thus leading one to heresy by anthropomorphizing God and similar errors.”⁶⁸ The interpreters of aggadah, therefore, have a twofold goal: first, to prevent critics from finding fault; and second—an equally important goal in its own right, independent of external provocation—to avoid the pitfalls of anthropomorphism and superstition.

This emphasis resurfaces among the contemporaries and compatriots of Hapenini. We will mention a few of them. R. Hillel of Verona writes:

And all that is similar to these, which are foreign and far removed from the interpretation they gave them, must certainly be understood metaphorically, for they are “like golden apples in silver settings” as explained by Maimonides ... and whoever understands them literally is, in my view, a pious fool.⁶⁹

R. Yosef ibn Kaspi elaborates on this matter in his ethical will to his son:

... I will also remind you of one more thing, lest you forget, due to your childhood immersion in the Gemara, particularly in Tractate Berakhot, which serves as the starting point. In it, several aggadot appear, which, when taken literally, suggest matters that are logically impossible or attribute corporeality, change, or emotion to the Divine. Lest you indulge in these poisonous “foods”—by which I mean these literal interpretations—may God save you! Therefore, know, my son, that most of the aggadot found in the Gemara and in other texts, whose literal meaning involves the aforementioned issues, contain profound and hidden meaning. They are all allegories, whether we comprehend their deeper meaning or not. We must understand that anyone descended from our father Avraham—who

⁶⁷ This refers to Maimonides’ introduction to his *Guide of the Perplexed*.

⁶⁸ *Milhamot Hashem*, ed. Reuven Margalio (Jerusalem: Mossad Harav Kook, 1953), “Ma’amar al Odot Derashot Hazal,” 98.

⁶⁹ *Sefer Tagmulei Hanefesh LeHillel ben Shemuel Meverona*, ed. Joseph Baruch Sermoneta (Jerusalem: The Israel Academy of Sciences and Humanities, 1981), 184.

risked his life to oppose all the people of his country and their king, who believed in God's corporeality—follows his faith. But whoever believes the opposite, in a corporeal God, testifies about himself that he is not from the seed of our father Avraham, but from the seed of Nimrod or from the other Chaldeans, who opposed Avraham. Moreover, if, in any case, one of your rabbinic teachers insists that some aggadot have no depth and are to be taken literally, even though they speak of impossibilities or attribute corporeality or something remote to the Blessed One ... do not agree with him, nor listen to the words of that statement or to the one who said it, for he is a singular voice ... ⁷⁰

Here, too, Ibn Kaspi seeks to guide his son in confronting strange aggadot and to reject a literal understanding of them. However, in this case, the polemic is directed primarily inward: it is forbidden to submit to those Talmud-focused rabbis who oppose allegorization. R. Yaakov ben Makhir writes in a letter included in *Minḥat Kenaot*: “When we encounter many aggadot that appear obscure or implausible in their literal sense, even to the point of being mocked by other nations, we should be grateful to anyone who finds a way to clarify or interpret them in a manner that makes them acceptable and meaningful to their audience.”⁷¹ Rashba confesses: “I was compelled to write the explanations of these aggadot because they collect the aggadot of the Talmud against us in order to magnify their arguments and accuse the true Sages of falsehoods, Heaven forbid. Likewise, I will have to address the subsequent aggadot in the Talmud, and I see it as my duty to persist in them so that we may respond to those who challenge the work of Heaven.”⁷² His student, R. Shem Tov ibn Shaprut, identifies with Rashba's aims, which motivated him to compose his *Pardeš Rimonim*: “I was zealous against the fools who mock the words of our Sages; they compiled books and gathered in them aggadot, and they interpreted them as defective teachings.” However, he distances himself from Rashba's approach, in which philosophy and Kabbalah are mixed, and chooses a different path.

I will strive with all my soul and might, to the best of my ability, to explain and interpret the teachings of the aggadot that seem to me to require explanation, in accordance with the Torah views made known to us by our great master, Maimonides, of blessed memory, and by R. Abraham ibn Ezra,

⁷⁰ Israel Abrahams (ed.), *Hebrew Ethical Wills*, Vol. 1 (Philadelphia: The Jewish Publication Society of America, 1926), 155–156. The phrasing regarding “the seed of our father Avraham” echoes Maimonides' language, *Hilkhot Isurei Biah* 19:17. See also: Ibn Kaspi, *Sefer Hasod*, vol. 1 (above, n. 29), 2.

⁷¹ R. Abba Mari of Lunel, *Sefer Minḥat Kenaot, Teshuvot Harashba*, Part 1, Vol. 2, ed. Haim Zalman Dimitrovsky (Jerusalem: Mossad Harav Kook, 1990), chapter 58, p. 511.

⁷² Rashba, *Perush Hahaggadot* (above, n. 18), 27.

of blessed memory. For their opinions are reasonable by the standards of philosophy, and one can speak of them openly before all the nations in the marketplaces and public squares.⁷³

These remarks remind us of R. Moshe ibn Tibbon's purpose in writing his *Sefer Hape'ah*, where he aimed "to respond to the Christians who mock the stories of the aggadah."⁷⁴ Further, we can cite the words of R. Yeshayah di Trani the Younger, a contemporary of Hapenini, who writes in his volume of rulings on Tractate Sanhedrin:

Since I have seen among the transgressors of our people those who mock and scorn the words of the Sages, and teach the midrashim to the priests of other nations to mock and ridicule our Torah, I have come to explain the matter of the midrashim and what the intention of our Sages was in them. ...

He enumerates three types of midrash:

- (1) "Some of them are exaggerated, as they said ... the Sages spoke in hyperbole ...";
- (2) "There are also midrashim that are about miraculous events, where the Holy One shows His power and strength to His pious ones ...";
- (3) "And there are midrashim where the intention of the Sages was to expound Scripture in any manner possible."

He concludes: "And those who mock their words, about them it is said (Divrei Hayamim Bet 36:16), 'They continued to scorn God's messengers ... and ridicule His prophets,' and in some places, people were severely punished for mocking the words of the Sages."⁷⁵

The common thread running through this intense and focused engagement with aggadah relates to its problematic nature. The commentators, serving as defenders, primarily dealt with sources that allowed various detractors to mislead the Jewish people or with statements requiring special effort to remove any trace of anthropomorphism. The key term that recurs, almost as a refrain, in declarations and assessments, is *la'ag*, "mockery," or *liglug*, "ridicule." This dual tendency—polemics and apologetics directed both externally and internally—runs like a central thread through all

⁷³ *Pardes Rimmonim* (above, n. 5), Introduction, 2a.

⁷⁴ *Sefer Hape'ah* (above, n. 18), 83.

⁷⁵ This appeared in *Ohel David, Descriptive Catalogue of the Hebrew and Samaritan Manuscripts in the Sassoon Library*, 2, compiled by David Solomon Sassoon (London: Oxford University Press, 1932), 742–743 (= *Piskei Hari'az* by R. Yeshayah Aḥaron on Tractate Sanhedrin, ed. Avraham Yosef Wertheimer [Jerusalem, 1994], 193–195). R. Saul Lieberman referenced this in his *Sheki'in* (above, n. 29), 82. See also: *Responsa of Radbaz*, vol. 3 (Warsaw, 1882), *siman* 1066 (641), 66b, where he complains about Radak's statement regarding a particular aggadah being far from reason, saying "It would have been better for the rabbi, of blessed memory, to remain silent and not mention the words of the aggadah since he did not know how to reconcile them."

the interpretive efforts of the Jewish commentaries. It is therefore no surprise that a particular collection of sources accumulated, with nearly all scholars grappling with them and attempting to interpret them in a way that distances them from any perceived peculiarity. The imagined peculiarity, rooted in misunderstanding, leads to ridicule.

Not so with Hapenini. The classical sources, the aggadot that “corrupt right opinion about religious matters,”⁷⁶ the fantastical midrashim which scholars and sages of all camps dealt with in order to respond to Karaites, Christians, and other critics, do not receive special attention from Hapenini. The outward-facing direction emphasized by Maimonides, which is given theoretical grounding and new impetus in his interpretation of the verse (Devarim 4:6) “for this will be your wisdom and understanding in the eyes of the peoples,”⁷⁷ is not central to Hapenini’s interpretive approach. He does not fear the collapse of faith, nor does he rush to defend the aggadot of the Sages against attacks and denigration. His commentary is not meant “to respond to the scoffers,” even though he occasionally polemicized with “Christian scholars.” His focus was on strengthening the precarious position of philosophical enlightenment and promoting it within the people. In his commentary, there is no engagement with fantastical passages that require intellectual scrutiny but rather an emphasis on rational elements that, in his view, shine forth from within both aggadah and halakhah. Because of this, he is compelled to turn away from the plain meaning of aggadah, even when it appears reasonable, and instead ventures far into allegorical interpretations. Hapenini emerges as a force that establishes and strengthens the aggressive philosophical stance, one that neither defends nor apologizes but rather attacks and accuses. He could easily align with R. Yosef ibn Kaspi’s motto: “Truth should neither be timid nor ashamed.”⁷⁸

This also explains why Hapenini did not shy away from this difficult task. After all, Maimonides himself wrestled greatly with the idea, ultimately reconsidering his intention to compose a commentary on the aggadot of the Sages:

⁷⁶ *Hasagat Haravad, Hilkhot Teshuvah* 3:7. Compare: My volume on the Ravad (above, n. 60), 282ff.

⁷⁷ Guide III:31; *Hakdamah Leferek Helek, Hakdamot Harambam Lamishnah*, Shilat edition, 133.

⁷⁸ *Hebrew Ethical Wills* (above, n. 70), vol. 1, 152. R. Yaakov Anatoli, *Malmad Hatalmidim* (Lyck, 1866), Parashat Va’ethanan, 159, had already coined the phrase: “It is not proper for truth to be bashful.” This reflects an issue relevant to many matters in Jewish history. On one hand, philosophy became widespread and was taught publicly, a situation that incited the anger of R. Abba Mari, Rashba, and their followers. They vehemently protested against the scholars who lectured openly before the public, “as many preachers do in our time” (*Minhat Kenaot* [above, n. 71], chapter 4, 236). One can point also to interesting literary facts:

Early in his significant halakhic compendium, *Orhot Hayyim*, R. Aharon Hakohen of Lunel quotes R. Anatoli’s words from *Malmad Hatalmidim*. Yet, on the other hand, philosophers were dissatisfied and felt compelled to publish their views and beliefs to preserve the religious identity of the people according to their outlook. For example, Ibn Kaspi laments the decline of wisdom (*Hebrew Ethical Wills*, 154), particularly bemoaning the neglect of studying Maimonides’ *Guide*, while philosophy was gaining prominence.

In commenting on the Mishnah, I promised to explain certain puzzling ideas in a Book of Prophecy and a Book of Correlation, the latter explaining all the troubling midrashim—all of them poetic, irrational, and much at odds with the truth if taken literally. But when I began these books years ago and had written parts of them, I did not like how the explanations were coming out. If I stayed in the poetic mode, veiling what should stay hidden, I could see I would preserve the intent but just exchange one image for another, as it were. But if I explained what calls for explanation, the end product would ill suit a popular audience ... Besides, I saw that to some numbskull from the Rabbanite masses, these midrashim present no trouble at all ... ⁷⁹

Maimonides testifies that he labored over this issue, struggled considerably, and ultimately sought to withdraw rather than write his commentary. In contrast, Hapenini overcame all obstacles, impediments, and contradictions. Maimonides focused primarily on material that “deviates from rational understanding” and inevitably found himself at an impasse. Hapenini, on the other hand, concentrated on material that could be interpreted philosophically. He does not fear the confusion of the masses or “some numbskull from the Rabbanite masses” but rather focuses on their education and elevation. He seeks a hook on which to hang this activity, and the aggadah offers that to him.

Here, it seems, one can draw a parallel between Hapenini’s work and the exegetical project of the Kabbalists of Gerona before him, specifically the *Perush Ha’aggadot* of Rabbi Ezra and Rabbi Azriel. According to the balanced summary of the editor of the edition of that work, they delve deeply into the teachings of the Talmud and midrashim, uncovering within them a treasure trove of Kabbalistic ideas, concepts, and symbols.⁸⁰ Their goal is clear: to embed the Kabbalistic tradition into the rabbinic sources until they are entirely unified. Similarly, Hapenini seeks out sources, parallels, supports, and hints—of which there are many—for his rationalist ideas and philosophical beliefs within the teachings of the Sages, including halakhic texts, and aims to establish an absolute identity between them. He demonstrates that his ideas are rooted in the teachings of the Sages and embedded in their traditional worldview.⁸¹

⁷⁹ *Guide*, Introduction. Interestingly, the Rema also prepared a commentary on the aggadot, which he kept private: “My concealed scrolls are a commentary on the aggadot” (see Asher Ziv, *Harema*, Jerusalem: Mossad Harav Kook, 1957, 66). Compare this with Abravanel’s language (above, n. 4).

⁸⁰ See: Isaiah Tishby, “Aggadah Vekabbalah Beferushei Ha’aggadot shel R. Ezra verabbi Azriel Migerona,” *Hikrei Kabbalah Usheluhoteha*, 1 (Jerusalem: Magnes, 1982), 31ff.

⁸¹ The question arises—but is difficult to answer—how much this is even a response to the Kabbalistic attempt to anchor their esoteric teachings in the words of aggadah. In his *Iggeret Hahitnatzlut*, Hapenini notes that one of the benefits of philosophy is the refutation of the erroneous belief in the doctrine of reincarnation—a distinctly Kabbalistic belief (and it is no coincidence that R. Aviad Sar Shalom

It is worth pausing to examine his intellectualist and spiritualist interpretations of matters of halakhah. First, they demonstrate his intentional blurring of the boundaries between halakhah and aggadah, which, in any case, are not entirely clear. Moreover, these halakhic interpretations, which emphasize the spiritual and philosophical dimension inherent in certain commandments, carry antinomian potential—as if the restraints of halakhah are loosened. The halakhah regarding “a king shall not take many wives” is not problematic at all, and yet Hapenini comments: “The Sages spoke about the king in a concealed manner and called the king one who rules over his spirit and his physicality.”⁸² Anyone who closely examines Hapenini’s discussions regarding the anointing of a king could easily reject the literal interpretation of the anointing ceremony itself:

The Sages spoke in a concealed manner and allegorically, suggesting that their kings be anointed by a spring to teach them not to appoint a foolish person as king ... and then his reign will continue, be preserved, and established forever ... The Sages did not intend, based on the literal meaning of their words, to command that the people anoint their king by the riverbank, believing that this would ensure his dynasty for generations, and if he is not anointed by the water, his reign will not continue. For any rational thinker, this would appear as foolishness, tricks, and empty nonsense. Heaven forbid that they would engage in such trivial matters! For how could the monarchy of a king anointed by a river flowing to the sea be extended? What mystical property could be found in a spring to extend the reign of a king anointed there, except in the manner we have explained, and no other.⁸³

dealt with this extensively in the introduction to *Emunat Hakhamim* [see above, n. 12]). In the description of R. Meshulam’s yeshiva, there is no doubt that Hapenini uses *Ma’aseh Merkavah* as a reference to philosophy rather than Kabbalah. Nevertheless, it seems that in southern France, Kabbalah did not pose a serious challenge to philosophy during this period, when philosophy was flourishing in Spain. It is interesting to note that R. Yehiel of Pisa, in his *Minhat Kenaot* (see above, n. 12), p. 15, sensed the issue and juxtaposed philosophy and Kabbalah in a distorted historical mirror: “The truth is that neither the aforementioned colleague who explained this aggadah, nor the sage R. Yedayah who praised him, should be blamed, for the true accepted opinions had not yet spread in their lands, nor had their secrets been revealed to them, and the books of the great Nahmanides had not yet been disseminated, in which he alludes to the teachings and riddles of the Sages.”

⁸² MS to Sanhedrin, 42.

⁸³ Horayot, Genachowski edition (see above, n. 8), 14. A clear example of tension can be found in his commentary on Makkot 22b: “How foolish are the rest of the people who stand before a Torah scroll and yet do not stand before a great man.” He goes on to emphasize the superiority of the sage who interprets over the interpreted book: “That book is sacred and revered in the eyes of the Blessed One, but it was not commanded to the people to stand before it, nor was the whole nation burdened by this ...” Nevertheless, at the end of his words, he adds: “It was not intended to

Hapenini, who was educated in R. Meshulam's study hall and testified to his early immersion in Torah study (*girsā deyankuta*), explicitly affirmed the centrality of halakhah: the Talmud stands at the heart of Judaism, with everything revolving around it. It is the foundation in practical, educational, and spiritual terms. The goals Hapenini pursued in spreading his ideas necessitated that he not confine himself solely to aggadah but also address matters of halakhah. In doing so, he engaged in far-reaching spiritualization. He does not explain the reasons behind the commandments, as the purposes of material and spiritual well-being do not negate the performance of the commandments, as is well known. Rather, he developed the symbolic dimensions of halakhah. The expositors of hermeneutical principles had already established: "Metaphor—this measure applies only to *divrei nevi'im uketuvim*, but with regard to Torah and mitzvot, you cannot interpret them in this manner."⁸⁴ Popular philosophy and its spiritualist tendencies burned within him like a consuming fire, creating significant tension filled with challenges and contradictions.⁸⁵ His commentaries embody a unique formulation of the spiritualist tendency. With great skill, sometimes by force or necessity, he redirects the content of halakhah and its practical rulings into entirely spiritual channels.⁸⁶ This, once again, explains why his spiritualism stirred such strong reactions.

In light of everything discussed, we can also understand why there is no trace in his work of the longstanding distinction, dating back to Rav Hai Gaon,⁸⁷ between aggadot found in the Talmud and those found in extra-Talmudic midrashic literature. According to this distinction, the aggadot of the Talmud have a certain precedence, requiring one to make every effort to fully grasp their meaning, whereas aggadot outside the Talmud, if they appear reasonable, are worthy of interpretation, and if not, they can be set aside without guilt or hesitation. Consequently, it is clear that Hapenini felt no obligation to engage in a critique of aggadot in any way. He did not feel the need to dismiss difficult or problematic passages as minority opinions or the

disparage (!) a person who stands before a Torah scroll, Heaven forbid, for it is required of every Jew to honor it ..." See also: *Mishneh Torah, Hilkhot Sefer Torah* 10:9.

⁸⁴ *Mishnat Rabbi Eliezer or Midrash Sheloshim Ushtayim Middot*, ed. Hillel Gershom Enelow (New York: Bloch, 1934), 35, and the note there.

⁸⁵ In the manuscript on Makkot, page 147, Hapenini reflects on the law of conspiring witnesses (*edim zomemim*), expressing a well-known rational concern: "I have not grasped their reasoning nor understood their intention in this matter, which seems to go against the other punishments written in the Torah of Moshe, the master of prophets. But their words are the words of the living God, for they have understood the intention of the Torah and comprehended it fully. This ruling was revealed to them through tradition, and one must not question their words ..."

⁸⁶ On the methods of spiritualization in Kabbalah and its relationship to the "rampant spirituality" of the philosophers, see: Gershom Scholem, *Reishit Hakabbalah* (Jerusalem: Schocken, 1948), 135–136.

⁸⁷ See: R. Avraham ben Yitzhak Av Beit Din, *Sefer Ha'eshkol*, vol. 2 (Halberstadt, 1869), 47. Both R. Hillel of Verona and R. Menahem Hame'iri uphold this distinction.

like. His task was to interpret in order to disseminate, and he selectively interpreted those passages that could align with and reflect his spiritual worldview.

In general, two possibilities or approaches have existed with regard to interpreting a difficult and challenging aggadah. A shared assumption among all commentators is that it should not be understood literally; rather, one must grapple with its mysteries and wonders:

1. Attempt to decipher it and bring it closer to rational understanding;
2. Disregard it as an incomprehensible or non-binding opinion—either as an isolated view (as in Maimonides' letter to the sages of Marseille), a jest, or simply as a non-normative statement.

Regarding the dual tendency noted earlier—polemic and defensive—both approaches are valid and effective, and each, in its own way, achieves its aim. If a matter cannot be interpreted in a rationally satisfactory manner, then one is permitted to distance oneself from it and reject it. In other words, derision becomes a method of defense and a response to the heretics. R. Menahem Hame'iri summarizes this regarding midrashim: “Rather, whoever wishes can accept it and whoever does not, is not compelled to accept it.”⁸⁸ This statement pertains to a halakhic ruling, yet the principle remains the same. These are precisely the words of R. Yehiel of Paris: “There are also aggadic statements to draw the heart of man; if you wish to believe them, you may, and if you do not wish to believe them, you need not.”⁸⁹ Nahmanides followed this view: “We have a third book called midrash ... and whoever believes in it, it is good, and whoever does not believe in it, it does no harm.”⁹⁰

It is clear that such a division would not serve the educational and explanatory aims of Hapenini as they are presented to us. It is even possible to trace the development of Hapenini's thought. In the remarkable work of his youth, *Hapardes*, Hapenini states regarding aggadah: “Viewing the aggadot with innocence, we will believe them, and from another viewpoint, we will discredit them.”⁹¹ In this state-

⁸⁸ *Magen Avot* (see above, n. 18). On the matter of minority opinions in aggadah, see also: Maimonides' letter to the sages of Montpellier, *Iggerot Haramban*, ed. Shilat, 488. See also R. Yitzhak Abravanel, in his introduction to his commentary on *Sefer Yehoshua* (Jerusalem, 1955), 13: “I will not refrain from pointing out the weaknesses in their words in places where their interpretations were given as explanations and were not received as tradition.” See also Yitzhak Polkar, *Ezer Hadat*, ed. Gershon Belasco (London, 1906 [reprint: Israel, 1970]), 27.

⁸⁹ *Vikuaḥ R. Yehiel Miparis*, ed. Reuven Margaliot (Lemberg, 1928), 13.

⁹⁰ *Vikuaḥ Haramban, Kitvei Haramban*, ed. Hayyim Dov Chavel, vol. 1 (Jerusalem: Mossad Harav Kook, 1963), 308.

⁹¹ *Halevanon*, vol. 5 (1868), 472, mentions the matter only in passing. See also the remarks of Hillel Gershom Enelow (ed.), *Sefer Menorat Hamaor* by R. Yisrael Al-Nakawa, vol. 4 (New York: Bloch, 1929 [reprinted Jerusalem: Makor, 1972]), English introduction, 14.

ment, one can still hear the echo of the conventional view, with all the complexities involved in interpreting aggadah and the educated person's relationship to it. However, his commentary on aggadah calls out and declares: Aggadah as a whole is beautiful and praiseworthy and a skilled writer who senses the dual danger of "sitting in the synagogues of the ignorant" and "He sat me down in darkness like those forever dead" will know how to extract precious pearls from it.

R. Yedayah Hapenini

Appendices

Appendix A

My student, Marc Saperstein, who is engaged in the study of R. Yedayah Hapenini's commentaries on the aggadot, informed me that based on a meticulous examination of the manuscripts and a stylistic and conceptual analysis, he conjectures that the aggadic commentaries on the Talmud and the aggadic commentaries on *Midrash Rabbah*, *Tanḥuma*, etc., are not by the same author. He believes—based on reasons and arguments he has articulated—that the aggadic commentaries on *Midrash Rabbah*, etc., were authored by R. Yedayah Hapenini, while the identity of the second author remains, for the time being, a mystery. The entire issue requires further investigation and clarification. However, if this theory holds weight—and for several reasons, it seems plausible—it could help resolve certain perplexities and clarify two important matters.

- a. One must not hastily rely on unfounded assumptions by attributing error or inaccuracy to R. Yaakov ibn Ḥabib (see Appendix B). It is likely that he indeed used a different commentary that was not attributed to R. Yedayah Hapenini at all.
- b. If we assume that R. Yitzḥak son of R. Yedayah, the author mentioned (see below, Appendix B), is not the son of Hapenini but rather a figure from the previous generation, then the complicated issue of the timeline in the famous description of R. Meshulam's yeshiva would be resolved. If R. Meshulam was born in 1190 and R. Yedayah was born around 1270 (see, for example, Assaf-Glick [above, n. 8], 158, with much debate about this matter), we find that R. Meshulam would have been of an extremely advanced age yet still active in the yeshiva. However, if this description had been written in the previous generation (R. Yitzḥak ben R. Yedayah), everything falls into place smoothly.

It seems to me that the essence of my article, which attempts to characterize the philosophical interpretation of aggadah, its methods and trends, and to determine its place within aggadic interpretation in general, remains intact. Indeed, it is clearly demonstrated that among all the commentaries, there is a significant and even decisive commonality. The fact that Ibn Ḥabib's words apply equally to all the commentaries shows that we are dealing with an exegetical school founded on clear fundamental principles and common values, that aspired to specific cultural and educational influences.

It is clear that with regard to the systematic treatment of foundational ideas and historical-philosophical perspectives, we are compelled to distinguish between the

works rather than treat them as a later literary unit. This work is being meticulously undertaken by Marc Saperstein.

[See: Marc Saperstein, “R. Isaac b. Yeda’ya: A Forgotten Commentator on the Aggada,” *Revue des études juives*, 138 (1979), 17–45; and *Decoding the Rabbis* (Cambridge, Mass.: Harvard University Press, 1980). In his article, he asserts that the commentary on the midrashim, particularly on *Midrash Tehillim*, was authored by R. Yedayah Hapenini, while the commentaries on the Talmud and *Midrash Rabbah* were penned by R. Yitzhak ben Yedayah. His book provides a systematic description and analysis of the works of R. Yitzhak ben Yedayah. Furthermore, Saperstein clarifies the differences between the two in two additional articles: “The Earliest Commentary on the Midrash Rabbah,” *Studies in Medieval Jewish History and Literature*, ed. Isadore Twersky (Cambridge, Mass.: Harvard University Press, 1979), 283–306; and “Selected Passages from Yedaiah Bedersi’s Commentary on the Midrashim,” *Studies in Medieval Jewish History and Literature*, 2, ed. Isadore Twersky (Cambridge, Mass.: Harvard University Press, 1984), 423–440.]

Appendix B: Addition to Note 7

Joseph Perles, in his German book on Rashba (above, n. 18), 74, n. 100, mentions the comments of R. Yaakov ben Ḥabib, the compiler of *Ein Yaakov*, regarding a new book, *Perush La’aggadot* by R. Yitzhak ben Yedayah. Ibn Ḥabib later speculates that the author is the son of Yedayah Hapenini: “Surely this attests to his great eloquence, for perhaps he is the son of R. Yedayah, who composed the treatise *Behinat Olam*.” We are not familiar with this work, and perhaps this is the commentary under discussion—after all, how many commentators on the aggadah were there in the fourteenth century? In any case, Ibn Ḥabib’s words aptly characterize Hapenini’s commentaries, and it is worth quoting a few sentences:

I have seen a new book attributed to the philosopher, R. Yitzhak ben Yedayah, which interprets aggadot in several tractates ... Most of what he wrote in his commentary is in the manner of allegory, focusing on matter and form. In many places, he does not concern himself whether the Talmudic discussion directly contradicts his interpretation. And he includes flowing statements that are pleasant but that do not at all align with the intent of the authors of the original statements, whose clear meaning is entirely different from his interpretation (*Ein Yaakov*, Berakhot 55b, Jerusalem 1965, 172).

At the end of the tractate (p. 216), he quotes from him “a pleasant and pleasing interpretation regarding the quality of abstinence”:

The benefit I derive is that at first glance, it appears to be a pleasant matter ... but it does not align with the true intent of the statement ... Moreover, I had a second intention in writing his words here so that it may be seen how he is verbose in his commentary ... but there is not much substance to it, for most of what he wrote is unnecessary. I had a third intention to show how his approach contradicts the verified principles of the Sages, such as the harm caused by the evil eye, which they affirmed in their teachings. His intent is to refute the belief in the existence of demons ...

Later, he compares the approach of R. Avraham Bibago to that of R. Yitzhak ben Yedayah. “Both wrote philosophical discourses, which they themselves would admit were not the intention of the author of the statement” (p. 217). These observations draw our attention to the selective process, the verbose and flowing style, and the nature of the interpretation that makes its own point despite the clear literary context; the intellectualist tendency prevails. As R. Shemuel ibn Tibbon already stated in *Ma’amar Yikavu Hamayim* (Bratislava, 1837), 17: “Even though we depart from the plain meaning of the phrase ‘when were the angels created,’ as commonly understood by the masses, it is better to strain the language than to strain reality.”

(I discussed this matter extensively with my students even before I began examining the manuscript, and I would like to express my appreciation to them. Professors Bernard Septimus and Bernard Cooperman even wrote seminar papers on the subject.)

I

This large volume [*Jewish Thought in the Sixteenth Century*], distinguished by original analyses, authoritative syntheses, and sophisticated suggestions for revisionist approaches to certain problems, contains most of the papers prepared for the international colloquium on “Jewish Thought in the Sixteenth Century” which was held at Harvard University under the auspices of the Center for Jewish Studies. Our ambitious goal was to assimilate the substantial advances of scholarly research of recent decades, to deal with topics which have not received sufficient attention, to emphasize unperceived connections, to make available unknown literary or archival materials, and to reflect new perspectives gained from shifts in thought, sensibility and information or interpretation. There would also be an unavoidable increment, both substantive and theoretical. Inasmuch as any period may serve as a microcosm of the total Jewish historical process and experience, we knew that certain overarching methodological and conceptual questions would inevitably be of great concern as well. This was particularly true in our case because of the fact that the sixteenth century has long been recognized as a crucial period in Jewish history—what Selma Stern labeled a “fateful turn in history”—a period of synthesis and innovation, expulsion and relocation, decline of old centers and burgeoning of new ones, intellectual turmoil and resourcefulness, cultural decline and transformation together with creativity and versatility, religious restlessness and resurgence, spiritual challenge and response. This characterization is valid regardless of what one prefers to see at the core of the century: the sunset of Spanish-Jewish history, the dynamism of east-European Jewry, the creativity and diversity of Italian Jewry, or the vitality of the centers in Turkey and the Land of Israel (particularly Safed). It was, moreover, a century which left its mark on subsequent developments in Judaism and Jewish history: authoritative codification of Halakhah and a practically unbroken chain of commentaries, supercommentaries, glosses, and animadversions all relating to this authoritative code (the *Shulḥan Arukh*); liturgical creativity and the final formation of the *siddur* (e.g., *kabbalat shabbat*, insertion of relevant Zoharic passages, directives [*kavanot*] for proper contemplation during the recitation of various benedictions); kabbalistic and ethical sources of Hasidism (e.g., Lurianic thought, such big popular works as *Sefer Haredim* and *Reishit Hokhmah*, writings of the Maharal); the emergence of eastern

Europe as the dominant center of Jewish life until the Holocaust; the intermittent but intense attachment to the Land of Israel (the romantic attempt to rebuild Tiberias, the kabbalistic activity in Safed, the movement to re-introduce ordination in the so-called “*semikhah* controversy” and the migration or visits by individuals and groups all attest to this); and finally the long-range negative consequences of the dormancy of the philosophic tradition, particularly in eastern Europe, at the very time that the general Enlightenment begins to influence Judaism. It was, in sum, a period of continuities and discontinuities—an obvious feature of any historical epoch—with its special paradoxes, acute problems and, consequently, unique features. We aimed to produce a carefully circumscribed work of analysis and synthesis of major intellectual-spiritual developments for which, *mutatis mutandis*, we might appropriate the title of Henry Osborn Taylor’s work: *Thought and Expression in the Sixteenth Century*.

The topic presented many stimuli and problems. We had certain ideas and expectations, elaborated some guidelines, emphasized the *a priori* importance of certain themes and genres as well as places, but also allowed for a measure of flexibility which would be shaped by the contributors and their divergent approaches to the diversified sources and interlocking themes.

II

While we tried to minimize exclusively biographical presentations, we knew that certain key figures would obviously and appropriately occupy important roles in many papers. Such figures—the list is representative, not exhaustive—as R. Shelomo Alkabetz, R. Yoḥanan Alemanno, R. Moshe Alsheikh, R. Eliezer Ashkenazi, R. Shaul Cohen Ashkenazi, R. Eliezer Azikri, R. Eliyahu Baḥur, R. Yaakov Berav, R. Yitzḥak Campanton and his many disciples, R. Eliyahu Capsali, R. Moshe Cordovero, R. Eliyahu Delmedigo, R. Azriel Diena, Leone Ebreo (Yehudah Abravanel), R. Menahem Azaryah da Fano, R. Avraham Farissol, R. Azaryah Figo, R. David Gans, R. Meir ibn Gabbai, R. Yaakov ibn Ḥabib, R. Avraham Yitzḥak Halevi, R. Yeshayah Halevi Ish Horowitz, R. Moshe Isserles, R. Mordekhai Jaffe, R. Yosef Karo, R. Yehudah Messer Leon and his son R. David, R. Ephraim Luntshitz, R. Yitzḥak Luria, R. Shelomo Luria, R. Avraham ibn Migas, R. Leone da Modena, R. Yehudah Moscato, R. Yehudah Loeb of Prague (Maharal), R. Avraham Portaleone, R. Azaryah dei Rossi, R. Avraham Saba, R. Avraham Shalom, R. Ovadyah Sforno, R. Yosef Taytatzak and his disciples, R. Eliyahu de Vidas, R. Yeḥiel of Pisa, R. Yosef Yavetz and R. David ben Shelomo ibn Zimra—all of these figures concerned many of the authors at different points. Careful, co-ordinated study of the papers would thus yield a significant biographical dividend. Talmudists, biblical exegetes, philosophers, kabbalists, ethicists, homilists, chroniclers—they all, with a sharp perception of contemporary realities and needs as related to eternal verities and ideals, embody the charming heterogeneity and colorful creativity, the tensions and

turmoil of the time. While contributing to the cultural macrocosm of the sixteenth century, each one in the galaxy is intrinsically important and deserves comprehensive analysis as a micro-unit. In any event, the “biographical approach” to history, which we did not adopt, may be quite instructive and illuminating; the field of Jewish biography is not very well cultivated—witness the state of research concerning the names on this list. Any advances, however slight, and even if unintentional, are therefore welcome.

We also expected that certain topics would recur with some frequency, examined and assessed from different vantage points: e.g., change and continuity; the influence of non-Jewish thought (particularly in the Renaissance—was there only surface contact or was there a genuine impact of one on the other?—and the question is applicable not only to Italy but to Germany and even Poland); the role of the Counter-Reformation; Jewish-Christian polemics; the attack on, and defense of, the Oral Law; popular genres (e.g., homilies, commentaries) as vehicles of Jewish thought; the relation of literary form to content; unity and diversity within various Jewish centers; the impact and repercussions of Lurianic Kabbalah and the fate of pre-Lurianic Kabbalah; historical periodization from the point of view of Jewish thought; the re-emergence of “orthodox” Aristotelianism; the confrontation, co-existence, or intermingling of philosophy and Kabbalah; eclecticism and/or originality, especially in a period when the authority and appeal of classical works were widely recognized; wide-ranging, often passionate, interpretations of *galut* (the diaspora) and the Jewish historical experience; the impact of the Spanish expulsion—trauma together with a quickened pace of creativity; and the relation of systematic thought (as in philosophy and Halakhah) to popular religion. Here again the overlapping would be fruitful and zeroing in on the same theme from different angles would produce vivid, revealing insights, a stereoscopic view not otherwise available. The presumed role of the Renaissance as a stimulus for Jewish historical writing and thinking or the assumed role of the Counter-Reformation in the accelerated decline of philosophy are good examples. These assumptions are critically assessed and related to other perspectives. The relation between the metaphysical (cosmological, philosophical, theosophical) and ethical components of the various systems of thought and the greater influence of the ethical teachings—this is the heyday of kabbalistic ethics and pietistic writing in the form of monographs, wills, commentaries, *hanhagot*, or moral-halakhic manuals—is still another. Awareness of this far-reaching principle helps us understand the role of philosophic and/or mystical speculation in Jewish history.

Within this topical array, it was clear that some phenomena would actually deserve to occupy center stage: the apparent waning of philosophy, its remarkable recrudescence in certain forms, and the variety of motives (intellectual, apologetic, spiritualistic) for its study; the ascendancy of Kabbalah, the magnificent *summa*, *Pardes Rimonim*, of R. Moshe Cordovero, and the dramatic appearance of the all-embracing Lurianic system recorded and elaborated by R. Hayyim Vital and

his disciples as well as by other authors such as R. Yisrael Sarug and R. Yosef ibn Tabul; the jostling of rationalism and anti-rationalism; the continued, ramified halakhic creativity with its special achievements in codification, manuals of methodology and commentaries on Maimonides' *Mishneh Torah* as well as heated debates concerning the proper methods of Talmud study; the centrality of ethical teachings (particularly kabbalistic ones) and their rapid, intensive dissemination; the relative but not enduring efflorescence of historical writing and historical thinking; the fusion of historical and philosophical interests—associated, for example, with Ibn Khaldun in an earlier period (fourteenth century) and Vico in a later period (seventeenth century)—as represented here by Azaryah dei Rossi and continued by Leone da Modena; a colorful spectrum of exegesis, particularly of the *Ketuvim*, a fact which has yet to be appreciated and, if possible, explained; intense introspection and self-criticism. The problem of external influences and/or internal developments is of intrinsic importance, but also impinges on most of the other issues mentioned here. All of these topics and problems of interpretation are the very substance of the history of Jewish thought.

Furthermore, from a literary point of view, there would be great generic variability in two ways. Most literary genres would be of intrinsic interest and would invite study in their own right: halakhic, philosophic, kabbalistic, ethical, homiletical, poetic, rhetorical, exegetical, polemical, historiographical. In addition, there would be a hybridization or cross-fertilization in the use of various genres for the purpose of conceptual analysis or total re-construction of ideas: systematic books on philosophy and mysticism would be effectively supplemented by material embedded in exegetical and homiletical works. The latter, of course, are fraught with difficulties for the researcher—repetitiousness, inconsistency, allusiveness and the constraints as well as the inducements to interpretive tours de force implicit in textual exegesis—and the attempt to systematize non-systematic writings, to extrapolate rigorously structured concepts from soft, pliable molds, is always problematic. The scholar must attempt to provide a central focus for interpreting and systematizing unsystematic writings, but needs to be careful not to impose rigid forms or fully-etched blueprints that are incongruous or unreal. This is true not only for the history of ideas—following a specific theme through the works of Delmedigo and R. Yehiel of Pisa together with the commentaries of R. Moshe Almosnino or the homilies of R. Yehudah Moscato—but even with regard to individual authors who contributed to, and expressed themselves through, many genres—e.g., R. Meir Arama, Maharal, Sforno or Yavetz. These difficulties undoubtedly contributed to the fact that most thinkers who used the discursive, homiletical or exegetical media have not made their way as yet into the standard surveys. (There is, of course, some progress with regard to this deficiency, as a hurried glance at the works of Isaac Husik, Julius Guttman, and Colette Sirat reveals.) We are receiving, and may expect, an increasing number of monographs on these very important figures: R. Avraham Saba, R. Avraham Farissol, R. David Messer Leon, R. Moshe Almosnino, Maharal and R. Ovadyah Sforno.

III

All this is tantamount to saying that the conference aim—which is *eo ipso* the aim of this volume—was rather bold, aggressive and expansive. It did not focus on one major achievement or pivotal phenomenon—comparable, for instance, to the Renaissance, Reformation, the Copernican Revolution, the typographic revolution, etc., in general history. Our aim was integrative-holistic, an investigation of Jewish thought in its many facets, expressed in diverse genres and media in order to confront its centrifugal and centripetal tendencies, its tensions and harmonies, commonplaces and innovations. This turned out to be both exhilarating and problematic—and inevitably a bit frustrating, for obviously not all topics, genres, authors or ideas could be encompassed. Genuine comprehensiveness was beyond our reach. However, the panoramic conception illumined most areas and crevices, even those which remained unexplored. The clear realization of the lacunae was itself instructive and turned out to be a stimulant rather than an irritant. Lurianic Kabbalah was discussed, directly and allusively: perceptive, probing questions about its assumed relation to, or actual rootedness in, the Expulsion from Spain were raised, although there was no session—or even one full paper—devoted to it. Thus, paradoxically, the omission reflected full awareness of its overarching importance and of the fact that, while much had been done to present its complex, repercussive teachings, much still awaited detailed, perceptive study. The theoretical systems, ethical instructions, and ritual practices of R. Yitzhak Luria, R. Hayyim Vital and others stand in need of careful analysis. These systems were of such magnitude, of such great originality, provocativeness and enduring influence, that they demanded undiluted attention. Similarly, halakhic literature per se was not a topic for specific analysis. This was partly a consequence of the formulation of the broad conference topic; at best, given the parameters of the topic, reflection upon the nature and problems of Halakhah, motives for composition, halakhic and meta-halakhic disciplines, jurisprudential issues and methodological concerns could be introduced. Contemporary “thinking about” Halakhah—its philosophical, historical and methodological components—would be grist for our mill, whereas the history of rabbinic literature per se would not. We were not undertaking a total review of the period—and just as political, economic, and social issues were excluded, so purely literary themes and developments (history of literature as distinct from history of ideas) would have to be excluded. The fact is, we did relatively little even about the “philosophy of Halakhah” broadly conceived. Yet, the incontrovertible centrality of Halakhah, as a corpus of literature and a religious regimen, was clear. Here again, omission tended to call attention to primacy and to the attendant need for exhaustive study and meticulous interpretation. It might be appropriate to note here that there is a growing awareness that modern Jewish scholarship must revise its approach and its, for the most part, negative bias toward the study of Halakhah. Scholars must recognize the historical as well as phenomenological centrality of

Halakhah and its indispensability for the balanced, judicious study of Judaism and Jewish history. There are some simplifications which enlighten and others which obfuscate. Treatment of Halakhah generally has been subject to neglect, disdain, simplistic summation or obfuscation.

IV

The issue of periodization is always thorny and somewhat recalcitrant. It is a commonplace that centuries, taken literally or rigidly construed, are not necessarily meaningful historic entities; if anything, the contrary is the case. The reasons are many; one obvious reason is that most creative figures were not born and buried in one century but their lives and achievements straddle two centuries. I might cite R. Aharon Berakhya ben Moshe of Modena (d. 1639), a figure I would have liked to have included in our analyses. Similarly, ideas and religious movements straddle centuries; the kabbalistic corpus containing Lurianic teachings is a case in point as is the history of the acceptance of the *Shulḥan Arukh* together with its authoritative commentaries. Nevertheless, centuries are repeatedly used as such, sometimes with simple excuses of convenience or with some chronological accommodations (e.g., the termini of Charles Homer Haskins' *Twelfth Century Renaissance* are actually 1050–1250). There is a journal called *The Eighteenth Century: Theory and Interpretation* and a more recent one entitled *Fifteenth Century Studies*.

The sixteenth century in our case is clearly an arbitrary unit but unquestionably convenient; moreover, it is variously suggestive and quite provocative. We could easily have chosen a terminus ad quem which reflects the prevalent Hispano-centrism of recent historiography, or one which would revolve around Italian Jewry in the light of the Renaissance and the shadow of the Reformation, or one which seems to be particularly repercussive for the emergence and rapid crystallization of the Jewish centers in eastern Europe. Indeed, just as scholars speak of the Sephardic diaspora, we might begin to refer to this latter development as the Ashkenazic diaspora—the transplanting of Ashkenazi traditions and tendencies into new centers of the Slavic countries—and thus be attentive to a more general shift from west to east. Or we could have chosen a terminus ad quem which reflects a major, influential cultural-spiritual achievement: the crystallization of Lurianic Kabbalah; the publication of the *Shulḥan Arukh*; the appearance of, and conflict surrounding, the *Meor Enayim*. The death of pivotal personalities—e.g., R. Moshe Isserles or R. Yitzḥak Luria (1572)—is also a useful device for periodizing and packaging history. By leaving the sixteenth century as a unit, with all its rough edges and scratchy surfaces, with inevitable forays backward (e.g., R. Yitzḥak Campanton and his school or R. Yehudah Messer Leon) and forward (e.g., R. Yosef Tayatzak and his school or Leone da Modena), we may have dodged or fudged the issue, but we also escaped historical parochialisms whether geographic, cultural or ethnic.

Actually, as we pause to confront the distinct “time-frameworks” as well as the different “space-frameworks” within the century, we unavoidably pass to another, most crucial phase of the problem: the real or alleged unity of Jewish history. A global perspective, which transcends geographic barriers and demographic distinctions as well as the dazzling multiplicity of themes, styles, moods and modalities, compels us to raise searching questions about the nature of the Jewish historical experience.

When we, for example, approach sixteenth century *darshanim*—Rabbis Yitzhak Adarbi, Moshe Almosnino, Moshe Alsheikh, Moshe Galanti, Shelomo Leveit Halevi, Ephraim Luntshitz, Maharal and his brother Hayyim ben Betza-lel—irrespective of geographic boundaries and apparent socio-historical forces, we must be mindful of the basic questions of unity and continuity, local influences and common methodologies, special historical stimuli and ideational *topoi*. Similarly, when we pursue philosophic problems across political-geographic borders (e.g., in the writings of R. Eliezer Ashkenazi, R. Moshe Isserles, R. Mordekhai Jaffe, R. Yehudah Messer Leon, Yehudah Abravanel, R. Moshe Almosnino, or R. Ovadyah Sforno or in the autobiographical or personal comments of R. Avraham Portaleone, R. Azaryah Figo, R. Avraham ibn Migas, or when we discuss as a unit Jewish historiography in Italy, Bohemia and Turkey (e.g., R. Azaryah dei Rossi, R. Shelomo ibn Verga, R. David Gans, R. Eliyahu Capsali, R. Shemuel Usque, R. Yosef Hakohen) we implicitly or explicitly advance ideas or defend propositions concerning the essence and dynamism of Jewish history. Many years ago, in a different context, I tried to understand the emergence of the *Shulḥan Arukh* in the sixteenth century primarily in terms of immanent literary traditions, competing genres, and basic halakhic attitudes rather than contemporary contingencies and historical influences. I noted, *inter alia*, that

this whole story is important because it expands the historical background against which the *Shulḥan Arukh* is to be seen and cautions against excessive preoccupation with purely sociological data, with contemporary stimuli and contingencies. It makes the *Shulḥan Arukh* understandable in terms of the general history of halakhic literature and its major trends. It provides an obvious vertical perspective—i.e., literary categories seen as part of an ongoing halakhic enterprise—to be used alongside of an, at best, implicit horizontal perspective—i.e., historical pressures and eschatological hopes—for an explanation of the emergence of the *Shulḥan Arukh*. This is strengthened by the striking parallelism between the literary careers of R. Moshe Isserles and R. Yosef Karo; their historical situations, environmental influences, social contexts (in a phrase of contemporary jargon, their *Sitz-im-Leben*) are so different, but their aspirations and attainments are so similar.

The question hovering over all this is: by virtue of what do we posit an organic entity and speak of an essentially unified Jewish history rather than merely the history of Jews in Spain, Italy, Poland, or Turkey? What is the interplay between local factors and national-geographic determinants on one hand, and universal features and tendencies on the other? Does increased or lessened mobility of ideas play a role? This pivotal problem demands detailed, judicious deliberation. Students of Judaism and of Jewish history are for the most part convinced that the very essence of Jewish history combines apparently different dimensions of reality—geographic, cultural, spiritual, literary, demographic, ethnic—into a single, continuous landscape. Polarity and diversity do not negate an underlying unity. This is not merely a metaphysical mold for Jewish history but its actual substance: its operative categories and its empirical constructs.

As a component and corollary of the problem of periodization as well as that of methodology, it became clearer than ever that one must allow horizontal and vertical perspectives to intersect if cultural-spiritual developments are to be properly understood. This is automatically underscored in any general treatment of philosophy or of exegesis—and its validity is not diminished even when we find explicit declarations concerning innovative intent (as, e.g., in the *Ma'asei Hashem* of R. Eliezer Ashkenazi); it is also clearly discernible in specific analyses of Maharal or R. David Gans, Leone Ebreo or R. Avraham Saba, R. Avraham Shalom or R. Yehudah Moscato. Should one characterize Maharal as modern or as traditional or should one see the apparent modernity emerging from a re-alignment of traditional motifs? “Modern” is never intelligible outside of a specific context. The emergence of the *Shulḥan Arukh*, as we have noted, is also a case in point.

The interaction of these two perspectives is important also for the prospective gesture of the scholar, for his inquiry into what remained alive, influential, repercussive as the century waned. Just as he analyzes the maturation or atrophy of certain earlier developments, he may also pay attention to the sowing of seeds of future developments. As noted, the avoidance of precursorism does not mean insensitivity to ongoing influences or to the recognition of the beginnings of movements and tendencies which will flourish in future eras. It means only avoiding a skewed view of history, a subjective selection of facts and phenomena leading “inexorably” to modernity and modernization.

V

Louis B. Wright begins his article on “The Modern Relevance of the Renaissance” (*Medieval and Renaissance Studies* 1 [1966]) by asking the reader to suspend rigid definitions and exclusions and use the Renaissance to refer to that “long period of ferment.” We may say the same for the sixteenth century in Jewish history. Of course, even the ferment is understandable only in terms of the interaction of “old” and “new,” continuity and innovation. The penchant for the

“modern,” the varieties of precursorism with their patent foibles and fallacies, the writing of history in light of the features of modernity—such approaches are untenable and unproductive. Only the awareness of the dialectical interlacing of old and new, traditional and critical, will guide one to perceptive analysis and substantive synthesis.

Part Six

Contemporary Issues and Figures

Academic Jewish Studies in America

Allow me to preface my remarks with two introductory points regarding the content and structure of the following. First, I perceive myself as adhering to the injunction: “you shall speak of them,” recognizing that certain topics are enriched by discussion and debate. Consequently, my words are not meant to constitute an exhaustive lecture but rather to serve as a proposal and an outline for discussion.¹ In truth—and I assert this without exaggeration—I find, in this instance, greater satisfaction in listening than in speaking, aligning with the adage that it is for this reason that Adam was created with two ears and only one mouth.

Second, I certainly hope that my words will not ring reminiscent of “Rav, who was a descendant of the House of David, seeks to interpret in David’s favor” (Shabbat 56a), or “R. Yishmael the priest sides with the priests” (Hullin 49a). I am compelled to center my discussion on the United States and Harvard University—this is what the subject demands. I assure you that I would prefer to discuss the state of Jewish Studies in Jerusalem and the Land of Israel.

The topic of the lecture was proposed to me, and I willingly accepted the responsibility to initiate the discussion, given its significance and relative obscurity. It is entirely conceivable that its importance is amplified due to the size, significant influence, and potential of the Jewish community in the United States. However, upon reflecting on the original title and the subject in all its breadth and depth, the title appears somewhat artificial and difficult to address properly. It is widely acknowledged, and I need not belabor the point, that the challenges facing academic Jewish Studies are universal. Philological and historical methodologies are consistent, with no inherent reason to differentiate Jewish Studies in the United States from those in Israel or England. Nevertheless, if delineating this field is warranted, it necessitates a thorough historical investigation to uncover any novel developments that have been presented by scholars of Judaism, or those who aspire to be such, in the United States. Once we establish this foundation, we can proceed to highlight the unique challenges, opportunities, and dynamics that distinguish Jewish Studies in the United States and the broader Diaspora—taking into account the positive influence of location on its inhabitants and the tensions inherent within these communities.

¹ I did not have the opportunity to distill these orally-expressed thoughts into the formal structure of an essay. Therefore, they retain their conversational quality, augmented by some additional commentary.

In discussing Jewish Studies, my remarks will necessarily be derived from my particular experience and any insights will necessarily depend upon the degree to which that experience reflects something general. Had I agreed to speak about Jewish Studies without the geographical and temporal constraints imposed by focusing solely on the United States, I fear I might fall short of the mark, echoing Maimonides' concern about his student: "lest his achievement not equal his desire."

A

It seems to me that those who review the history of Jewish Studies in general and in the United States in particular will recognize the special significance of the establishment of the chair of Hebrew literature and philosophy at Harvard University in 1925—the first university chair dedicated exclusively to Judaism. In other words, here we find a marker for the independent and honorable entry of *Hokhmat Yisrael*—Jewish Studies—into the general university framework (*civitas litterarum*). After all, engagement in academic Jewish Studies, currently called *Mada'ei Hayahadut*, previously known as *Wissenschaft des Judentums*, as well as *Hokhmat Yisrael*—and the name change is no small matter²—is not a new phenomenon. Nevertheless, the creation of this chair signifies a pivotal moment in recognizing the integrity, unity, and autonomy of Jewish Studies scholarship. It highlights the unique areas of inquiry, focal points, and research needs within Jewish Studies, which deserve recognition in their own right, independent of other academic disciplines. It is evident that Jewish Studies have been blessed with many great scholars of great stature and spirit, most of them Jews, but a minority of non-Jews, who have made significant contributions. We are discussing, of course, scholars in university settings rather than rabbinical seminaries and similar Jewish institutions. These scholars' efforts often faced obstacles within their universities, including weak institutional support and limited positions within academia. The absence of a robust university foundation limited the production and dampened the spirits of these eminent researchers. Many scholars harbored hopes and dreams, awaiting a great awakening in Jewish Studies within university settings, but their aspirations remained unfulfilled. I am not well versed in this history in all its details, but I believe that we cannot point to a single chair dedicated solely to Jewish Studies, even in Europe, before the establishment of this chair at Harvard. Perhaps Martin Buber's chair in Frankfurt might be considered the first, but I doubt it. Prof. A.S. Yahuda's chair for Hebrew in Madrid, established by Alfonso XIII's government in 1915, might be regarded as an earlier precedent, but Yahuda's case was an exception

² Different scholars have weighed in regarding this name change and its significance. See, for example, Jekuthiel Ginsburg, "Hokhmat Yisrael Vehamadda Ha'ivri," *Miklat* 1, 1 (New York, Tishrei-Kislev 5680), 102–113; Aaron Zev Eshkoli, "Hokhmat Yisrael Umada'ei Hayahadut," *Sedarim: Me'asef Soferei Eretz Yisrael* (Tel Aviv 5702), 466–475.

as he was there for only seven years—Yahuda returned to Jerusalem in 1922, and the chair ceased to exist subsequently. Precedents in England, including positions held by Solomon Schechter, and later Israel Abrahams in Cambridge and Sir Hermann Gollancz at King's College, demonstrate early efforts, but these positions operated outside of the accepted academic framework and did not cumulatively constitute a significant development.

While prestigious, Graetz's appointment in Breslau was a governmental "Honoris Causa" rather than a full academic appointment. Additionally, there were individuals appointed to positions in fields such as Middle Eastern studies, linguistics, philosophy, and ancient history, who, while not formally recognized in Jewish Studies, dedicated significant time and effort to the pursuit of Jewish scholarship as a secondary focus, believing that it is possible to wear two hats. Eugen Täubler served as a professor in Heidelberg, but for the history of the ancient world; Freudenthal was a part-time professor, and that, too, in general philosophy; Eduard Mahler lectured in Budapest, but always on general topics, and remained outside the academic camp; Julius Guttmann who later taught at the Hebrew University was a *Privatdozent*, but, again, only in general philosophy; Israel Levy from Paris also lectured at the Sorbonne on Talmudic literature, but it seems to have been on an occasional basis. And so on, over and over again, and I do not need to be like a peddler who goes on listing known things. Despite the ambitions of Jewish scholars in Europe to excel and gain official recognition, they often found themselves marginalized. The enduring sentiment of being "not reckoned among the nations" remained, and the researchers continued to "wrap themselves in borrowed cloaks."

Jewish Studies within universities and institutions of higher education were often relegated to secondary status compared to other disciplines, at least institutionally and academically. Organizational structures, scientific frameworks, and academic theological-political considerations frequently marginalized Jewish Studies, positioning them as ancillary pursuits rather than central academic endeavors. These facts are important for understanding the historical context.

One might conclude that the enduring interest in Judaism spans throughout history, intricately woven into the fabric of Western culture and the study of its development. From the scholars of ancient Greece and Rome to the church fathers, interpreters of the Bible in Charlemagne's court, medieval scholastics, humanists and reformers of the late Middle Ages and the Renaissance, philosophers, deists, and encyclopedists of the eighteenth century, the influence of Judaism is profound and far-reaching. This interest persists through the works of Fichte and Hegel, Matthew Arnold and Max Weber, and continues to flourish, even to the point of explosion, in our contemporary era. The common thread running through all these stages of development is the notion that, in a sense, "Israel is primary and Jacob is secondary to it" (Berakhot 13a), meaning, throughout history, the interest in Judaism has been

fueled by various motives, all of which were of secondary importance for the proper understanding of Judaism. Among these motives were:

a. The theological motive seeks to advance or encourage polemical objectives or to formulate certain knowledge as a means to religious conversion. *Hebraica veritas*, the original Hebrew Bible, has constantly served as a theological and not as a cultural resource. This dynamic is evident across the ages, unfolding before us as a constant theme: from the disputes of figures like Justin Martyr to Roger Bacon in the thirteenth century, who—with a fervent and strange pathos—contended that the illumination of wisdom (*Sapientia*) would wield greater influence than coercion and persecution; the renowned Reuchlin who advocated for the study of Hebrew “for the sake of God and the Christian faith”; Eisenmenger who delved into Judaism not for enlightenment, but to expose what he perceived as its malevolence and ignominy; and up to contemporary times, where we see that a significant portion of theological research (*Religionsgeschichtliche*) remains entangled in this theological framework, whether overtly or covertly.

In 1921, George Foot Moore, the well-known historian at Harvard University, delivered a penetrating critique of this pseudo-scientific approach and the scholarship that results from it, science *cum ira et studio*, with intense emotion and zeal, condemning it as distorted apologetics.³ More recently, our own Professor Urbach revisited this issue at the outset of his seminal work, *The Sages: Their Concepts and Beliefs*, providing an insightful critique of the fundamentally flawed scholarship and distorted apologetics propagated by this school of thought. It is imperative to underscore that recounting this history is a vital task for the present moment; it is a duty that cannot be overstated. Continuously exposing and denouncing these forgeries is essential, as many individuals, particularly impressionable young people, fall prey to their allure and unwittingly accept a distorted Christian rendition of Jewish history with dire outcomes.

b. The second motive is of a comparative-historiosophical nature. Scholars who explore various phenomena in general history—such as mysticism, philosophy, law, sociology, and economics—seek to enhance their approach or enrich their lectures by incorporating examples from Jewish history. They gather details based on their observations or whatever they happen to come across, adhering to the fundamental principle of comparative research: the more examples, the better. There is no endeavor to comprehensively define any field and explore it from all angles. This approach is particularly evident in contemporary studies of mysticism. It is important

³ George Foot Moore, “Christian Writers on Judaism,” *Harvard Theological Review*, 14 (1921), 197–254; Lou H. Silberman, “Judaism and the Christian Theologian,” *Journal of Religion*, 37 (1957), 246–253. It should be noted that Moore played a decisive role in establishing the chair at Harvard.

to note that researchers, philosophers, and theologians of diverse backgrounds often turn to Jewish history due to its enigmatic nature. It is perceived as possessing a unique vision that demands interpretation, with some viewing it as commendable while others find reasons to condemn it.⁴ Dubnow himself alluded to this “utility” of Jewish history in passing, as mentioned in his essay on the philosophy of Jewish history.⁵

c. I would describe the third motive as a factual-historiographical one, stemming from the acknowledgment that Hebrew documents offer valuable material or documentation for social, economic, or cultural history. Unlike the previous motive, which is more phenomenological, this motive is grounded in factual analysis and historical inquiry. In essence, there are academic inquiries that cannot be fully comprehended without recourse to Jewish sources. For instance, the Genizah documents offer invaluable insights into trade, industry, and daily life in Mediterranean countries, as demonstrated by the research of scholars like Prof. Goitein. Similarly, medieval Jewish philosophical works, such as R. Saadiah Gaon’s *Emunot Vede’ot* and Maimonides’ *Guide of the Perplexed*, provide crucial information about the development of Arabic *kalam* and foundational concepts for Christian scholasticism, as evidenced by the work of scholars like Professor Wolfson.

Another area of study, currently being pursued by one of my colleagues in the United States, pertains to medieval legislation and the strategies employed by kings to overcome the constraints of feudalism, which often undermined or limited their authority. It has been discovered that laws concerning Jews, often referred to as *Judei Nostri*—our Jews—are crucial for understanding the evolution of this political and state legislation more broadly.⁶

And yet, the Jewish matter in itself is not important; it serves other fields. A distinguished scholar, recognized as one of the greatest humanists of our time, shared with me his perspective on Jewish Studies within universities—and it must be emphasized that he maintains a sincere and very positive attitude towards this development—as a “service department.” Their main purpose is to serve the research needs of other, better-established fields, fields whose importance is unquestionable. If he had known Maimonides’ famous response to R. Yonatan Hakohen of Lunel, he could have reversed Maimonides’ description and said that

⁴ See Nicholas Berdyaev, *The Meaning of History* (Cleveland: World Publication Co., 1962), 82ff.; Friedrich Heer, *The Medieval World* (New York: New American Library, 1963), 312.

⁵ Dubnow: *Nationalism and History*, ed. K. Pinson (Cleveland: World Publication Co., 1958), 267ff. See also Guido Kisch, “Research in Medieval Legal History of the Jews,” *Proceedings of the American Academy for Jewish Research*, 6 (1934–1935), 248.

⁶ Gavin Langmuir, “Judei Nostri and the Beginning of Capetian Legislation,” *Traditio*, 16 (1960), 203–239.

it was Jewish Studies that “were taken from the beginning to become ... perfumers, cooks and bakers.”⁷

On occasion, scholars in various fields may encounter challenges when confronted with obscure references or unresolved issues in ancient texts, whether it be a vague allusion found in the writings of Tacitus or Posidonius, or a theological quandary posed by figures like Justin Martyr or Origen; Hebrew influence, real or imagined, in Dante; the appearance of a Semitic concept in Ibn Khaldun; a kabbalistic *topos* in Nicholas of Lyra; a Rabbinic expression in Milton’s writings; a Talmudic quotation in John Selden; a particular fact in Walther Rathenau’s biography; a literary symbol in Kafka’s writings, or even a Yiddish idiom in Bernard Berenson’s memoirs.

The Jewish scholar is called upon to stand at attention, lend his expertise, and assist the scholar who grapples with “matters of great importance.” He meticulously dissects important passages, shedding light on obscure or fragmented aspects. Despite these invaluable contributions, however, the complete teaching, with its myriad nuances and complexities, goes unrecognized and unwanted.

d. Another motive arises from a perspective that maintains, directly or indirectly, that only a Judaism that is on the verge of extinction and only those Jews who renounce their traditions and national religious identity are capable of making contributions to general culture and capturing the attention of the broader historian. I detect such a theoretical statement in the writings of Thorstein Veblen, the American economist and sociologist, who discussed the significant presence of Jews in the cultural landscape of Europe in recent generations. He lauded the Jewish community for their substantial contributions to the scientific and research advancements of Christian Europe during this era. Veblen notably emphasized and commended their dynamic, pioneering roles. He writes:

It is a fact which must strike any dispassionate observer that the Jewish people have contributed much more than an even share to the intellectual life of modern Europe. So also it is plain that the civilization of Christendom continues today to draw heavily on the Jews for men devoted to science and scholarly pursuits. It is not only that men of Jewish extraction continue to supply more than a proportionate quota to the rank and file engaged in scientific and scholarly work, but a disproportionate number of the men to whom modern science and scholarship look for guidance and leadership are of the same derivation. Particularly is this true of the modern sciences, and it applies perhaps especially in the field of scientific theory,

⁷ *Iggerot Harambam*, ed. Yitzhak Shilat (Ma’aleh Adumim: Maaliyot Publishing, 1988), 502.

even beyond the extent of its application in the domain of workday detail. So much is notorious.

The sting lies in the continuation of Veblen's words:

The cultural heritage of the Jewish people is large and rich, and it is of ancient and honorable lineage. And from time immemorial this people has shown aptitude for such work as will tax the powers of thought and imagination. Their home-bred achievements of the ancient time, before the Diaspora, are among the secure cultural monuments of mankind; but these achievements of the Jewish ancients neither touch the frontiers of modern science nor do they fall in the lines of modern scholarship. So also the later achievements of the Jewish scholars and savants, insofar as their intellectual enterprise has gone forward on what may be called distinctively Jewish lines, within the confines of their own community and by the leading of their own home-bred interest, untouched by that peculiar drift of inquiry that characterizes the speculations of the modern gentile world—this learning of the later generations of home-bred Jewish scholars is also reputed to have run into lucubrations that have no significance for contemporary science or scholarship at large.

It appears to be only when the gifted Jew escapes from the cultural environment created and fed by the particular genius of his own people, only when he falls into the alien lines of gentile inquiry and becomes a naturalized, though hyphenate, citizen in the gentile republic of learning, that he comes into his own as a creative leader in the world's intellectual enterprise. It is by loss of allegiance, or at the best by force of a divided allegiance to the people of his origin, that he finds himself in the vanguard of modern inquiry.

It will not do to say that none but renegade Jews count effectually in the modern sciences. Such a statement would be too broad, but for all its excessive breadth, it exceeds the fact only by a margin. The margin may seem wide, so wide as to vitiate the general statement, perhaps, or at least wide enough materially to reduce its cogency. But it would be wider of the mark to claim that the renegades are to be counted only as sporadic exceptions among a body of unmitigated Jews who make up the virtual total of that muster of creative men of science that the Jewish people have thrown into the intellectual advance of Christendom.

Only those who break free from Judaism and liberate themselves from its constraints—referred to as “renegades” by Veblen—are the true creative forces and the ones of genuine interest. It is they who can effectively engage with the world at large and fulfill a significant and influential role. Conversely, those who remain entrenched

in inward-focused Judaism, content to cultivate their own fields, even while also aspiring towards universality, can be erased from the annals of human history.⁸

It seems to me that this embodies the fourth motive behind the fragmented interest in Judaism—an interest that is confined to those individuals whose focus is outward-facing and who remain detached from their Jewish heritage. Judaism is mere background and nothing more. Authentic Judaism is disposable.

It is evident that approaching Jewish history from such a skewed perspective is untenable. Anyone who pretends to study Jewish history based on the writings of S. Weil, Julien Benda, Henri Bergson, Émile Durkheim, Edmund Husserl, and others will surely come up empty handed and undermine serious research. Indeed, even a course on the history of Jews in modern times anchored solely on the accomplishments and contributions of figures like Marx, Freud, and Einstein, along with lesser-known “contributors,” is bound to end in disappointment and inadequacy. This fragmented interest is further reflected in the bibliographic detail often mentioned by the late Leon (Hyam Yehuda) Roth.⁹ In the well-known *Everyman's Library* series, which serves as a sort of overview for the masses or popular education, nearly a thousand titles are included, six of which purport to represent Judaism or Jewish culture. Among these books are: one volume titled *Ancient Hebrew Literature*, which comprises selections from the Bible and the Apocrypha; one volume containing *The Jewish War* by Josephus; one volume featuring Spinoza's *Ethics*; another volume showcasing belles-lettres by Heinrich Heine; one volume dedicated to Disraeli's writings, specifically the novel *Coningsby*; and finally, Marx's *Das Kapital*. The conclusion drawn from this selection is evident: Judaism has been misrepresented and distorted.

This general situation, characterized by Jewish Studies in universities being secondary, trivial, and lacking substance, momentum, and initiative—regardless of the motive behind it, whether theological, phenomenological, or historiographical, and regardless of the resulting knowledge—has undergone a transformation. This change is marked by the establishment of chairs dedicated exclusively and unconditionally

⁸ Thorstein Veblen, “The Intellectual Pre-eminence of Jews in Modern Europe,” *American Social Thought*, ed. Ray Ginger (New York: Hill and Wang, 1961), 35, 38–39. The essay concludes with a resolute condemnation of Zionism, rooted in its perceived aspiration for separation. Veblen expresses concern that if this ambition is realized, it may lead to a drying up of the wellspring of Jews who abandon their traditions and talented Jews may retreat to insular pursuits such as “Talmudic studies,” depriving the world of their potential contributions. See also Isaac Deutscher, *The Non-Jewish Jew* (London: Oxford University Press, 1968), 25–41. This Jewish individual, who was raised in the nurturing embrace of a sincerely religious Polish Jewry, immersed himself in the teachings of Gur Hasidism before embracing Marxism with fervor—an embodiment of Veblen's stance. Deutscher extols figures such as Spinoza, Heine, Marx, Rosa Luxemburg, Trotsky, and Freud as exemplars of the Jewish nation and the foremost proponents of “original Judaism.” It is evident, without the need for extensive psychological analysis, that he harbors a hope to be counted among these individuals.

⁹ Leon Roth, *Great Jewish Books* (London: Jewish Book Council, 1955), 1.

to Jewish Studies, facilitating in-depth research in a conducive environment. In essence, research in Jewish Studies is no longer contingent on the fleeting enthusiasm of external factors, which can be easily ignited but just as easily fade away. Instead, it has evolved into a self-sustaining endeavor, capable of carrying itself forward without relying on external interests that may prove constraining or unreliable. This shift represents a departure from being placed in the precarious position of the proverbial Procrustean bed, which can never be a suitable fit in the first place. In this sense, it can be said that the ambition of many nineteenth-century German-Jewish scholars has been realized in the present century, particularly in the United States and in Western countries at large.

B

That is the concrete historical framework. Distinctive problems and particular challenges persist that are absent in Israel altogether or take on altered forms or different emphases. Allow me to touch upon these briefly.

A significant issue that could potentially disrupt Jewish Studies and veer them off course is the challenge of striking a balance in research. This involves navigating between the universal aspect, which is outward-facing, and the inward aspect, which centers on the developmental trajectory of Judaism itself. A prominent aspect of Judaism and its historical trajectory is its dialectical nature, with opposing forces and trends and the continual interplay between centrifugal and centripetal influences. It is only natural that this dialectical process will not only enrich and diversify research but also mirror the richness and diversity inherent within Judaism itself. Throughout history, there have been individuals who disregarded the universal aspect of Judaism, as well as those who overlooked its particularistic dimension. Both of these approaches failed to grasp the essence of Judaism and lacked a solid foundation. Indeed, an exclusive focus on the universal face of Judaism also contributes to fragmented research and one-sided interest, alongside the reasons previously mentioned. This focus is obviously not the same as the sentiments expressed by Veblen in the earlier quote.

This observation pertains primarily to the study of the Bible and philosophy. The books of the Bible serve as a cornerstone of Western culture, as Maimonides aptly expressed, albeit in a different context, “And already the world is filled ... with the words of the Torah ... and these words have spread to the distant islands” (end of *Hilkhot Melakhim*). Similarly, the study of philosophy is inherently universal, transcending narrow and rigid frameworks, including national historical boundaries, a notion recognized as far back as the Middle Ages. The phrase “accept the truth from whoever says it” illuminated the path for all seekers of wisdom, transcending national or linguistic barriers. In an intriguing responsum, R. Eliyahu Mizrahi eloquently articulates this approach, echoing the wisdom of his predecessors: “These wisdoms are books compiled by the sages of the Greeks (may their names and memories be

erased), and they are studied from the day they were compiled until this day from nation to nation, from Gentiles to Jews and from Jews to Gentiles, from Ishmaelites to Jews and from Jews to Ishmaelites, and from the Gentiles to the Ishmaelites and from the Ishmaelites to the Gentiles.”¹⁰

The realms of Bible and philosophy have historically served as bridges between Israel and other nations, often blurring distinctions between them. (This is why, in my presentation, I refrain from discussing academic chairs primarily focused on the Bible or Semitic linguistics. In the current context, which can be described as a “breaking of the vessels,” there exists a separate issue that falls outside the scope of our discussion. This is an area where the scholars of Israel residing in the Land of Israel are best positioned to address and rectify any distortions present.) It is noteworthy to recall the words of Prof. Wolfson at the outset of his article on Solomon Pappenheim:

Towards the end of the eighteenth century, among the first Jews who gained their way into general literature, there was a predominance of those who worked in the field of philosophy. Some of them, like Solomon Maimon and Moses Mendelssohn, achieved fame and distinction, either through the profundity of their thought or through the elegance of their table talk. Others, less famous, like Marcus Herz and Lazarus Bendavid, succeeded only in enshrining themselves in an occasional footnote in the history of German philosophy or in being included among those who lived and philosophized, but still, they will always be remembered as the pages, if not the armor-bearers, of Kant. That philosophy should have been the vehicle through which the first linguistically emancipated Jews should break into the world’s literature was only natural, for outside the Bible philosophy was the only field of knowledge which the Jews shared in common with the rest of Europe.¹¹

The rationale behind these words continues to ring true as an accurate depiction of the realities on the ground in the 20th century.

Yet, it was not solely the natural interplay between conflicting trends, alongside the innate inclination towards these domains that served as a bridge between Jews and non-Jews, that left their mark here. This one-sided and unbalanced interest was also bolstered, both knowingly and unknowingly, by Jewish scholars who sought to promote their ideas to broader audiences in an attempt to garner sympathy, understanding, and support. Thus, for example, in 1913, the Association for the Study of the History of the Jews in Italy issued a call for the study of Jewish history.

¹⁰ *Teshuvot*, R. Eliyahu Mizrahi (Jerusalem, 5697), *siman* 57, p. 176.

¹¹ Harry A. Wolfson, “Solomon Pappenheim on Time and Space and His Relation to Locke and Kant,” *Israel Abrahams Memorial Volume*, Vienna (1927), 426.

Concluding the call, it asserted that Jewish history holds great interest for sociologists, economists, scholars of literature and art, historians of philosophy, and historians of medicine. Undoubtedly, this assertion is true and is widely acknowledged. However, one must ponder whether this call aimed to broaden or narrow the field of interest. It is intriguing to juxtapose this with the well-known article by Alexander Marx regarding the goals and objectives of Jewish historiography, published in the United States in 1918.¹² This article includes a comprehensive overview of the aims of historical research. Prof. Marx, who possessed some familiarity with the United States, highlighted certain achievements as well as many objectives and outlined the fundamental principles for many significant endeavors. Reading between the lines, it becomes apparent that Marx could not have dreamed that well-known and prestigious universities might collaborate to fulfill the noble tasks he outlined. Instead, his primary audience was Jewish institutions and the Jewish community, whom he implored to provide support for scholarly endeavors. This perhaps explains why his words are so measured and balanced, without specifically emphasizing the outer-directed aspects or the integration of broader historical factors and processes.

Indeed, it is worth revisiting Felix Perles' article "Die Erforschung des nachbiblischen Judentums im Rahmen der Universitas Litterarum [The Study of Post-Biblical Judaism in the Context of the 'University of the Arts and Sciences']," published in *Der Morgen* in 1926. Perles' work stands as a critique of the biased tendencies present in Bousset's research. Perles meticulously examines each universal aspect of Judaism, underscoring the imperative for universities to embrace Jewish Studies since they extend beyond a strictly Jewish framework and merit inclusion in a broader academic context. Even those who make light of Judaism cannot afford to disregard its significance entirely.

It is therefore no coincidence that the inaugural chair at Harvard, discussed earlier, primarily focused on philosophy. Intriguingly, in the same year of its establishment, both the philosophy department and the Semitics department contended that a chair had been added to their respective domains: the former asserting ownership due to philosophy, and the latter due to Hebrew studies. A discrepancy arose in the university president's report, where he inaccurately stated that one chair was added to philosophy and one to the Semitic department. While the organizational framework holds significant importance with wide-ranging consequences, delving into detailed specifics exceeds the scope of our discussion here.

The very same Wolfson, a graduate of Slabodka's Yeshivas Knesses Beis Yitzchak, widely regarded as one of the foremost philosophical scholars of our era with extensive expertise spanning Greek, Christian, Muslim, and Hebrew philosophy, would certainly acknowledge that the primary focus of Jewish Studies should be the examination of Rabbinic literature. This body of work serves as the central pillar

¹² Alexander Marx, "The Aim and Tasks of Jewish Historiography," *Publications of the American Jewish Historical Society*, 26 (1918), 11–32.

and foundational support for the expansive edifice of Judaism. However, within the university context, the cultivation of philosophy holds greater merit as it fosters connections with broader cultural currents.¹³ Indeed, there appears to be a deliberate concession here, grounded in the recognition that the university framework often dictates certain directions. It is indeed essential not to overlook the universal implications, including identifying points of intersection and correlation between the history of Judaism and the broader history of the world—an idea passionately advocated by the prolific writer Edmund Wilson. In his eloquent essay advocating for Jewish Studies at the university, Wilson proposes a two-year study program. He emphasizes the necessity of coordinating and aligning the accomplishments of Judaism with those of the broader world: “To correlate the adventures and achievements of the Jews with those of the rest of the world.”¹⁴

While these connections and contexts are integral to Jewish history, and no Jewish scholars can allow themselves to be distracted from them, Jewish scholars must remain vigilant against a phenomenon highlighted by Goldziher in a completely different context.¹⁵ In discussing the important role of Muslims in the East in the development of Islam in all its layers and variations, Goldziher pointed out that scholars often allocated disproportionate attention to Spain in their assessments. This was due to Spain’s significant influence on the external world, particularly in shaping Europe’s perception of Islam, thereby elevating its prestige in academic circles. A great deal of caution is warranted in this regard. We must avoid confusing external influence with internal significance. While acknowledging the importance of external factors, we must not elevate them at the expense of understanding internal processes. And certainly, the latter should not be abandoned due to exclusive preoccupation with the former.

The same distinction holds in the study of Judaism. Just because something has had a notable impact beyond Judaism does not necessarily make it superior in importance to aspects that are significant solely within Judaism. The notion that what captures the interest of non-Jews should also be of interest to Jews is not a novel concept. Indeed, with a shift in emphasis, we have consistently contended that the wisdom and understanding we seek to showcase to non-Jews should also be a concern for Jews. Throughout history, philosophers and intellectuals of various backgrounds have often invoked the verse “For this will be your wisdom and understanding in the eyes of the peoples” (Devarim 4:6) to assert the legitimacy and superiority of their pursuits. This slogan resonated deeply with students of philosophy. In his will, R. Yosef ibn Kaspi lamented openly: “Woe unto us, for we

¹³ Harry A. Wolfson, “The Needs of Jewish Scholarship in America,” *Menorah Journal*, 7 (1921), 5–6.

¹⁴ Edmund Wilson, “The Need for Judaic Studies,” *A Piece of My Mind* (New York: Farrar, Straus and Giroux, 1958), 147.

¹⁵ Ignac Goldziher, “The Spanish Arabs and Islam,” *The Muslim World*, 8 (1963) 5–18ff.; reprinted: idem, *Gesammelte Schriften*, 1 (Hildesheim: G. Olms, 1967).

have sinned. The Jews today despise or abandon the *Guide* ... while the Christians respect it and raise it up and make copies of it, and even more so the Ishmaelites in Fez and in other countries where they established *madrasas* to study the *Guide* from Jewish scholars.”¹⁶

While acknowledging these external influences, it is crucial to maintain caution and balance in determining the scale of priorities. No one could disagree that Maimonides’ renown stems not only from his impact outside the Jewish community—his influence on Albertus Magnus and Thomas Aquinas is significant and undeniable—but also from his profound importance within the Jewish tradition. Even within the university setting, there is no justification for bifurcating his multifaceted work, relegating him to a divided world and focusing solely on fragmentary aspects of his oeuvre. Maimonides without the Rambam is merely half the man.

The disregard for Maimonides’ *Mishneh Torah*, even among his most fervent adherents, serves as a poignant example of the broader issue concerning the study of halakhah (Jewish law) and Rabbinic literature. Halakhah, which offers a direct window into the essence of Judaism, its ethos, and its intricacies, has often been overlooked, lacking the sympathetic and thorough examination it deserves. Certainly, it is an intricate and difficult field, resistant to simplistic universalist generalizations—a complexity that has led some to withdraw from it for this reason.¹⁷ What prevails in this arena is not a spirit of universality but rather animosity and a dearth of comprehension, both from within and without. The unfortunate legacy of the Haskalah movement, which regarded Talmudic study as barren and unproductive—*geistestötendes Geschäft*, in the words of Salomon Maimon—contributed to this perception. This movement often portrayed matters of halakhah as fostering a monotonous and narrow routine, lacking in religious depth and disconnected from spiritual aspirations.¹⁸ And so, this field was initially neglected due to powerful bias, and now it faces neglect due to suffocating universalism. It is clear that the centrality of halakhah in

¹⁶ R. Yosef ibn Kaspi, “Sefer Hamusar,” *Hebrew Ethical Wills*, ed. Israel Abrahams, 1 (Philadelphia: The Jewish Publication Society of America, 1926), 154.

¹⁷ See: Eliezer Meir Lipschuetz, *Rashi* (Jerusalem, 5726), 11: “There are many scholars who tend to prioritize literary expressions found in other cultures because they find established standards against which they can measure these literary endeavors. These standards, which are both methodical and creative, are ingrained in their consciousness and influence their perception of literature without conscious awareness. This is why philosophy and poetry have traditionally held significant positions in our literary history, while original spiritual works from our own culture—such as that emanating from French Jewry—may not be viewed with the same importance; it did not occur to these scholars that fields which uniquely characterize our culture offer the most powerful embodiment of the national spirit.”

¹⁸ See, for example, Isaac Eisenstein-Barzilay, “The Treatment of the Jewish Religion in the Literature of the Berlin Haskalah,” *Proceedings of the American Academy for Jewish Research*, 24 (1955), 46–47; see above, Chapter 20, n. 2 and Chapter 21, p. 493.

Jewish history and its significance for Jewish identity should be duly reflected in both teaching and academic endeavors.

In general, challenging conventions and re-evaluating what is deemed important versus unimportant is crucial. It appears to me that many academics rely on something like the definition proposed by T.S. Eliot, who wrote: “A people is judged by history according to its contributions to the culture of other peoples flourishing at the same time and according to its contributions to the cultures which arise afterwards.”¹⁹

We are all too familiar with this idea. We have had our fill of the notion of being mere “contributors” to various fields—the contributions of Jews to science, philosophy, literature, and art, acting as mediators or intermediaries, Judaism’s role in educating humanity, the Jew as the quickener of Western culture, as the eternal rebel and the perpetual adversary. Jewish Studies cannot thrive on the premise of “... and they will take my contribution” (Shemot 25:2). If we persist with this unbalanced approach, we will be mistaken and foolish. We must not allow others to dictate the trajectory of our research or determine the foci of our interests. In conclusion, I can state with certainty regarding Jewish Studies that its interior differs from its exterior. Indeed, its internal richness far surpasses what is apparent to an external observer, who may only see the surface without grasping the depth of its significance.

As a sub-section to our discussion on this outward focus, I would like to address a related problem. Pedagogically, it is often best to start from the easier and move toward the difficult, from the known to the unknown, facilitating understanding of the familiar before returning to the more complex matter. Therefore, when delving into an esoteric or obscure subject or addressing an unfamiliar case, it is beneficial to employ comparisons to aid comprehension. Such exercises are customary for anyone involved in Jewish Studies. However, if we stretch the facts or present events inaccurately merely for the sake of a convenient comparison or an instructive parallel, we have not truly gained anything. For example, drawing a comparison between the Vilna Gaon and Lessing, the author of “Nathan the Wise,” and attempting to parallel the place of the Vilna Gaon in Jewish history with Lessing’s place in the intellectual history of Germany should raise questions. Does this comparison truly enhance the understanding of the individual’s character for the student? Or does it ultimately obscure rather than clarify?

Close associates and admirers of the renowned Gilbert Murray suggest that his effectiveness and influence as a teacher and writer stem largely from his skillful use of a particular technique: he had a knack for making Greek literature more accessible to his contemporaries by offering insightful and illuminating comparisons, as in the Rabbinic idiom: “to what might this be comparable?”²⁰ The Rabbinic teaching

¹⁹ T.S. Eliot, *Notes Toward the Definition of Culture* (London: Faber and Faber, 1948), 129.

²⁰ Gilbert Murray, *An Unfinished Autobiography*, ed. Jean Smith and Arnold Toynbee (London: Allen & Unwin, 1960).

referenced by Maimonides in the introduction to his *Guide* underscores this point: “Thus did Shelomo say one parable after another and speak one word after another until he understood the meaning of the words of the Torah.” This highlights the importance of effective parables and comparisons in facilitating understanding. If a parable fails to resonate or a comparison lacks precision, it can lead not to enlightenment but to ignorance.

Another sub-section: There are numerous academic conventions, idiomatic expressions and accepted modes of thinking that a Jewish scholar must approach with caution, refrain from using, or employ with careful consideration. For example, something that is at the same time symbolic and essential—similar to the notion of Adam’s naming the animals—is the use of the term “Old Testament”; there is no doubt that this term has no place in an academic environment. It carries theological connotations rooted in Christian tradition and historical anti-Jewish sentiment, and there is no reason for Jewish scholars to accept it as settled usage. Neither the university framework nor the universal tendency obliges him to do so. And yet, it is something to which people do not pay attention and remain indifferent to its consequences.

Another example is the widely accepted tripartite division of history into antiquity, the Middle Ages, and the modern age. It is elementary that the origins of this division lie in Christian historiography. This periodization was shaped by Christian perspectives, particularly influenced by Protestant reformers and by humanist scholars who perceived a significant gap between antiquity and the fifteenth-century modernizing period. One group saw declines and religious deviations and strove to renew the face of religion, while the other saw degeneration and cultural contraction and strove to renew the face of culture.²¹ Such transformations have no parallel within the lengthy and rich history of the Jews, replete with vision, passion, suffering, and endurance, encompassing the world in its breadth and depth. A Jewish historian must approach the task of dividing Israel’s history into periods with an original perspective, seeking unique criteria, making independent distinctions, and resisting the temptation to conform to foreign and artificial frameworks, including those prescribed by academic catalogs and programs.²²

Now, let us delve into another question closely tied to the previous issue: objectivity. This concept is vital for maintaining an honest intellectual approach that withstands scrutiny. All scholars grapple with the complexities of subjectivity and

²¹ See, for example, George L. Burr, “How the Middle Ages Got Their Name,” *American Historical Review*, 20 (1914–1915), 813ff.; Theodore E. Mommsen, “Petrarch’s Conception of the Dark Ages,” *Spectrum*, 17 (1942), 226–242; Wallace K. Ferguson, *The Renaissance in Historical Thought* (Cambridge: Houghton Mifflin, 1948).

²² See, for example, the symposium *Ba’ayat Halukatan shel Toledot Yisrael Litkufot Behistoriografyah Hayehudit*, Proceedings of the World Congress of Jewish Studies, Jerusalem 5727, 47–56, Participants: B. Mazar, B. Dinur, Y. Baer, R. Mahler. [Accessible online at <https://www.jstor.org/stable/23514455>].

objectivity, reflecting on their actions and striving to justify them within this framework. Indeed, this struggle is not limited to scientists and academics alone. Gedaliah Alon once cited a dilemma attributed to Rabbi Yisrael Salanter: “Recognizing the truth or brilliant innovation, is there anything that can be done to reconcile them?” And if not, which one is superior? He ultimately ruled that innovation should not be “removed or curbed,” provided that an individual maintains the “purity of his spiritual powers,” ensuring that thoughts remain uncorrupted and unbiased. This standard aligns closely with the principles of scientific cognition, that is, scientific discipline among academics.²³

The universal nature of this problem is evident in the stark contradictions between sweeping statements about pure science and distinct apologetic trends. Gershom Scholem’s renowned essay on *Wissenschaft des Judentums* comes to mind,²⁴ in which he extensively explored the profound and entrenched contradiction that gnaws away at it: an oath of allegiance to pure science on one hand and allegiance to political obligations and religious objectives on the other. As noted, this issue transcends temporal and geographic boundaries, impacting scholars universally. However, it appears particularly acute in the United States and the broader Diaspora. The manifestation of this issue begins with matters of expression and terminology, affecting linguistic choices in speech, writing, and lecturing. Allow me to illustrate with an anecdote: a respected academic once confided in me that while he typically refers to “Saint Augustine” or “Saint Thomas” without hesitation or compunction, he is careful not to say “*Rabbi Akiva*” or “*Rabbi Shemuel ben Ḥofni*” lest doubt be cast on his sincerity, reliability, or objectivity as an academic committed to critical inquiry. There are many individuals with refined sensibilities and heightened sensitivity who instinctively recoil from any perceived amalgamation of academic discourse with Jewish identity, even if such a fusion exists only in the realm of imagination.

In a recent conversation, a young scholar who completed his studies at a rabbinical seminary prior to embarking upon an academic career shared a dilemma he has been pondering: Should he permit those students aware of his background to address him with the title “Rabbi,” or should he choose to discard that title altogether? “He shall be called ‘scholar’ but not ‘Rabbi’!” (Bava Metzia, 86a).

Lately, there has been a concerning deterioration regarding this sensitive issue, exacerbated by the swift but not carefully considered expansion of African-American studies. Blacks have railed against the possibility that anyone who is not Black teach these subjects. Some refuse to enroll in courses taught by non-Blacks, regardless of their expertise or credentials. Even a world-renowned scholar would not meet their

²³ Gedaliah Alon, “Yeshivot Lita,” *Mehkarim Betoledot Yisrael*, Vol. I (Tel Aviv: Hakibbutz Hame’uḥad, 5717), 5.

²⁴ “Mitokh Hirhurim al Ḥokhmat Yisrael,” *Luah Ha’aretz* (5705); Reprinted in *Gershom Scholem, Devarim Bego: Pirkei Morashah Utehiyah*, ed. Avraham Shapira, Vol. 2 (Tel Aviv: Am Oved, 5736), 385–403.

standards. The academic establishment, where Jewish scholars hold prominent positions (and the gradual integration of Jews into various academic disciplines warrants examination in its own right), asserts that merit should be the primary criterion, not race. It emphasizes the importance of knowledge, expertise, and perspective over ethnicity or background. The focus is on intellectual capacity rather than heritage, on the quality of ideas rather than personal grievances. There seems, therefore, to be a discomfort surrounding Jewish scholars engaged in Jewish Studies: Is there a contradiction between their involvement in this field and their stance on other subjects? I have consistently argued against this notion. It lacks merit and should not be an issue at all. Just as members of “Americans for Democratic Action” would not question their ability to teach American history due to their American identity, despite having clear opinions and loyalties, neither would a French or German historian teaching World War II hesitate to contribute based on their nationality. Absolutely, self-criticism and an unwavering commitment to truth are essential. However, feelings of helplessness and inferiority have no place here! I would further emphasize that in the realm of Jewish Studies, the pertinent question is not about the spiritual and experiential capacity of a non-Jew to teach but solely about his academic and professional competence.²⁵

The imitation of non-Jewish scholarship, which, due to our collective failings, often seems to be the core of scholarship, deserves special consideration. It is worth noting that Ahad Ha'am has already cautioned against this:

There is one academic realm entirely our own, both in name and content—*Wissenschaft des Judentums*. In this field, we certainly should have infused our spirit and unearthed the inherent strength within us. Yet what do we actually see? We find ourselves eclipsed by scholars from other nations, with Jewish scholars treading in the footsteps of their non-Jewish counterparts, strictly adhering to their rules and methods of investigation even where there is much to question about them ... In essence, *Wissenschaft des Judentums* remains enslaved to foreign influence.²⁶

A final remark on the matter of subjectivity versus objectivity: Scholars openly loyal to their research subjects, scholars devoted to Judaism, akin to American historians staunchly devoted to the United States and its ideals, have from time to time found themselves challenged by critics who accuse them of lacking objectivity and argue that their critical faculties have been dulled by affection. It is a notion we often encounter: “Love distorts reality,” fostering apologetics and excessive idealism. And

²⁵ Wilson (ibid, n. 13), p. 152: “Jewish subjects have a way of becoming denatured when they pass through non-Jewish hands.”

²⁶ “Tehiyat Haruah,” *Kol Kitvei Ahad Ha'am* (Tel Aviv: Dvir, 5710), 178.

indeed, there is truth to that. However, it is equally important to recognize that “hatred distorts reality” as well, breeding polemics and character distortion.

Another issue arises from the absence of a cohesive strategy for establishing academic chairs in the United States. While very significant developments have occurred in this area in recent years, they have often unfolded without careful design. Consequently, there is disorder and lack of coordination. First of all, there is a shortage of qualified individuals deserving of these positions. Not everyone who dons academic robes is necessarily deserving. Furthermore, chairs for Jewish Studies are scattered across various departments, including Semitic studies, Middle Eastern studies, history, linguistics, sociology, philosophy, history of religion, comparative religion, classical studies, and similar fields. As we alluded to above, the academic framework significantly shapes the direction and content of research. Scholars often aim to underscore the similarities between their work and that of their colleagues. Moreover, alongside fortuitous organizational factors, another issue looms large, potentially yielding devastating consequences. There are no professional standards in the appointment of professors, leading to the possibility of a sociologist, anthropologist, Orientalist, or expert in unrelated fields like the history of socialism or modern revolutionary movements being appointed to chairs designated for Jewish Studies.

It is easy to offer justifications for such appointments, as Judaism indeed engages in dialogue and interaction with these areas. They are of interest precisely because they possess the crucial quality that often determines academic life and death: relevance. However, this issue becomes particularly acute when there is not a large team of academics and scholars involved. Frequently, just one, two, or three individuals are tasked with representing an entire world of study. Students who lack proper mentorship and maturity in their field of study are always at risk of causing harm, especially in situations like this. In Talmudic terms, “If Rebbi did not teach it, how could [his student] Rabbi Hiyya know it?” That is why it is crucial to ensure that the initial opportunities are afforded to those capable and qualified to instruct and research in the areas of Talmudic studies or the Middle Ages, which are central to Jewish Studies. Assimilating Jewish Studies or burying them within other fields should not be an option.

We must guard against the dilettante manner in which Jewish sources and ideas sometimes are approached. As we have noted, numerous Jews now hold prominent professorial positions in major universities across all fields, even in areas of study that were entirely devoid of Jewish presence thirty years ago. No one could have imagined, for instance, that a Jewish professor would have a foothold in English literature. This landscape has undergone a profound transformation. One consequence is that intellectuals from this milieu now show interest in a wide array of Jewish topics, encompassing significant and profound aspects of Jewish history and Judaism. The general reader often struggles to discern between amateurish ventures and serious scholarly research. For many, it is challenging to ascertain whether their understanding of the Jewish sources is sound. Skilled writers with robust academic backgrounds

but without a solid grounding in foundational Jewish Studies often delve into topics such as Jewish law and philosophy. Their works, often featured in reputable journals, attest to this. The market is inundated with works purportedly aimed at disseminating the essence of Judaism. Sadly, many of these attempts to rectify misconceptions end up perpetuating them instead. In such cases, it would have been preferable for these works not to exist at all. Of course, non-Jewish writers also play a role in spreading inaccuracies, offering distorted assessments and unsubstantiated claims.

When Bialik established the journal *Dvir* in 1923, he expressed, among other sentiments: “The day when the vitality of Hebrew creativity was displaced from its native soil and settled permanently in foreign tongues is more grievous, in my estimation, than the combined destruction of both Temples.” It is difficult to assess the contemporary significance of linguistic choices on the substance and essence of academic research. Undoubtedly, language plays a pivotal role in shaping the trajectory of future scholarship. The Hebrew language, in and of itself, imbues scholarship with a distinctive depth. Therefore, it is imperative to acknowledge this issue as problematic.²⁷

My discussion has only focused on some of the issues prevalent in contemporary academic Jewish Studies. It is evident that alongside these concerns lies a significant educational imperative, akin to the insights shared by Prof. Dushkin in his presentation, although this warrants separate consideration. Within university settings, one encounters a diverse educational landscape, spanning from introductory studies of the *alef-bet*—where, notably, in locales such as the United States, France, and England, initial interest often centers on Hebrew language acquisition—to rigorous, advanced courses encompassing Jewish history, halakhah, philosophy, Kabbalah, Hebrew literature, etc. In many universities, the focus remains primarily on the study of Judaism rather than academic Jewish Studies, a distinction often influenced by the priorities of the Jewish establishment, motivated by its own set of considerations. Delving into this topic would lead us elsewhere and necessitate examination of the reciprocal influence and mutual relations between universities, secondary schools, and Jewish institutions across the board. Moreover, it raises questions about the role of the Jewish community, which derives honor and esteem from the representation of Judaism within academia.

We still have a long way to go, both in Israel and abroad, before reaching the utopian ideal envisioned by the Sages: “They sought from Dan to Beersheba and did not find an unlearned person” (Sanhedrin 94b). Nevertheless, university Jewish

²⁷ When Professor Israel Davidson undertook the task of compiling and publishing the treasures of *piyut* and poetry from the *Genizah* that had made their way to New York, he encountered a linguistic quandary: Should he compose the introductions in English, as he initially favored, or in Hebrew? Ultimately, he concluded that there was little value in writing in English. See *Ginzei Schechter* (New York: Jewish Theological Seminary of America, 5688), 3; “Piyutim Veshirim Min Hagenizah Shebemitrayim.”

Studies programs, offering introductory and survey courses to undergraduate students, provide a crucial gateway, however narrow, into the hearts and minds of many young individuals who might otherwise remain disconnected from their heritage. The significance of this group should not be underestimated. Indeed, it warrants focused discussion, particularly regarding its impact on the pursuit of “pure scholarship,” but we cannot explore this topic further within the present context.

Additionally, the dynamic between yeshivot and universities demands reevaluation, recognizing that in the absence of a reservoir of *bnei Torah*, well-trained in Rabbinic literature—the scholarly heirs of Jewish tradition—the loss would exceed the gain. While scientific pursuits offer valuable insights, they cannot supplant the foundational knowledge of Judaism. Philosophical and pseudo-philosophical perspectives should not serve as a veneer for ignorance.

To conclude, the evolution of Jewish Studies can be encapsulated by the teaching: “By your name, they shall call you, and in your place, they shall seat you, and from your own, they shall give you” (Yoma 38a). The fulfillment of the first part has occurred; the realization of the latter part hinges upon the actions and dedication of those who occupy these positions.

Harry Austryn Wolfson, 1887–1974

The public academic career and impressive scholarly achievement of Harry Austryn Wolfson, Nathan Littauer Professor of Hebrew Literature and Philosophy at Harvard since 1925, are relatively well known. However, in addition to this Wolfson *revelatus*—the straightforward success story of a talented, industrious young immigrant and his rise to scholarly fame—there is a Wolfson *absconditus*—a story, for the most part unknown, of a shy, introspective, sometimes melancholy, former yeshiva student and eminent professor, candidly assessing his own achievement in historical-typological terms, soberly pondering the state of Jewish scholarship and sensitively, sometimes agonizingly, reflecting upon contemporary history and the destiny of Judaism and the Jewish people. This brief memoir tries to integrate the two narratives.

“From enormous knowledge ...”

Wolfson was clearly one of this century’s great humanists, a prolific and creative scholar in the history of philosophy. The quintessential Wolfson was pointedly described in the citation accompanying the honorary degree (Litt.D.) which Harvard conferred upon him in 1956: “From enormous knowledge, he graciously illumines the major problems of religious philosophy and their relation to revealed truth.”

In many respects, he resembled an uncrowned and unwreathed scholar laureate, widely acclaimed and admired, respected and honored. Even a partial list of honorary degrees which were bestowed upon him, and organizational affiliations which he maintained, and awards which he received is a suggestive, although very formal, index of the esteem he enjoyed in this country. His honorary degrees came from the Jewish Institute of Religion (1935), Jewish Theological Seminary (1937), Hebrew Union College (1945), Yeshiva University (1950), and Dropsie College (1952), as well as from the University of Chicago (1953), Harvard University (1956), Brandeis University (1958), Columbia University (1970), and Stonehill College (1973). He was a founding member, fellow, and past president of the American Academy for Jewish Research; honorary member of the American Jewish Historical Society; fellow of the Medieval Academy of America, American Philosophical Society, and American Academy of Arts and Sciences, and past president of the American Oriental Society. He received the American Council of Learned Societies award for distinguished

scholarship in the Humanities and the Kaplun prize awarded by the Hebrew University for distinguished research and scholarship in Judaica.

Wolfson's trail-blazing study and interpretation of the unpublished commentaries (originals as well as translations) of Averroes and his systematic integration of the study of Jewish and Islamic—and Christian—philosophy (in other words, the philosophical literature written in Hebrew, Arabic, and Latin) attracted wide, even international, attention. His arduous and meticulous investigation of Averroes, in a pre-xerox, almost pre-technological academic age, without staff or secretariat, led to the preparation of a “Plan for the Publication of a Corpus Commentariorum Averrois in Aristotelem” which, in turn, goaded and guided other scholars—students and colleagues in the United States and abroad—to edit the long, intermediate and short commentaries of Averroes, the great twelfth-century Islamic philosopher whom Wolfson dubbed “a naturalized Hebrew and Latin author.” This Averroes project, an academic milestone, may be seen as an Archimedean fulcrum for the originality and scope of his work, and its resonance in the international scholarly community. It may be noted that soon after his death the Medieval Academy of America, which sponsored the project, despaired of continuing it without the editorial direction, scholarly supervision, and personal dedication of Wolfson.

Totally un-Aristotelian, shunning moderation in his extreme, all-consuming devotion to learning, Wolfson converted his life into an *itinerarium mentis*, an adventurous journey and colorful odyssey of the mind. He transcended all formal requirements and academic norms, pursuing his scholarly enterprises—truly his calling—with zest and love. Indeed, his prodigious scholarly output is comprehensible only if we see it emerging from a matrix of singleness of purpose, intensity of commitment, consistency of method, and clarity of destination. I may testify that to the very end of his life, when he was lean and wizened, his eyes dim and tired, his body racked with disease, he continued to be preoccupied with scholarly matters.

From Philo to Spinoza

His intense, unqualified commitment to scholarship—there was something fervent about it—bore ripe fruit. His many well-known and justly celebrated volumes are monuments to the pertinacity, perspicacity, and profundity of his life's work: *Crescas' Critique of Aristotle: Problems of Aristotle's Physics in Jewish and Arabic Philosophy* (1929); *The Philosophy of Spinoza: Unfolding the Latent Processes of His Reasoning*, 2 vols. (1934); *Philo: Foundations of Religious Philosophy in Judaism, Christianity and Islam*, 2 vols. (1947); *The Philosophy of the Church Fathers* (1956); *The Philosophy of Kalam* (1976); and *Kalam Repercussions in Jewish Philosophy* (1979). There are, in addition, three collections of papers and articles, some of which are full-fledged monographs of high quality and wide scope: *Religious Philosophy: A Group of Essays* (1961); *Studies in the History of Philosophy and Religion*, vol. I (1973), vol. II (1977). Each one of these large tomes in its own

right could and would be a scholar's pride; each one would amply justify a lifetime devoted exclusively to Hellenistic, *or* to patristic, *or* to Islamic, *or* to scholastic, *or* to Jewish scholarship.

This is the real measure of Harry Wolfson, of his intellectual daring and imaginativeness; starting as a student of medieval Jewish philosophy (his first published article, growing out of an undergraduate paper written at Harvard for Santayana, was "Maimonides and Ha-Levi: A Study in Typical Jewish Attitudes towards Greek Philosophy in the Middle Ages," *Jewish Quarterly Review*, n.s. 2 [1912], 297–337), he burst the recognized bounds and bonds of specialized, sometimes provincial scholarship and then patiently but vigorously brought within his purview the entire history of philosophy, moving with verve and aplomb and delicacy from pre-Socratics to neo-Kantians, from Greek atomists to American pragmatists. In the process he sought unsolved problems, unexplored sources, unperceived relationships, and uncharted lanes of philosophy. The challenge of understanding and unraveling the origin, structure, and diversity of philosophic systems fascinated and stimulated him; his sustained, simultaneously erudite and imaginative, response to the challenge produced the pageantry and vitality of his wide-ranging scholarship.

This achievement is notable for its happy marriage of philosophical perceptivity and philological precision, its unusual combination of powers of dissection and integration, its fastidious argumentation and felicitous formulation. This tireless scholar, cloistered most of his life in Widener Library, was able to combine unflagging attention to detail—stylistic, structural, or substantive—with powerful skills of original synthesis. While elucidating difficult texts and knotty passages in Averroes or Gersonides, Aquinas or Falaquera, Pico della Mirandola or Abravanel, he also clearly formulated a new anti-Hegelian scheme for the periodization of the history of philosophy—in which Jewish philosophy from Philo to Spinoza was central—and expounded, more allusively, a philosophy of the history of philosophy—in which religious thought played a major role. Both of these are reflected in the subtitle of his study on Philo: "Foundations of Religious Philosophy in Judaism, Christianity, and Islam." Wolfson depicts Philo as the founder of a new philosophic trend which was continued not only by his immediate chronological successors, the Church Fathers, but also by his indirect disciples, the Muslim, Jewish, and Christian medieval philosophers until the time of Spinoza. The distinctive-innovative feature of Philonic teachings—and that which was to be a dominant influence, latent or visible, indirect or direct, in European philosophic thought for seventeen centuries—was a well-integrated interpretation of Scripture in terms of philosophy and a balanced critique (and, concomitantly, radical revision) of philosophy in light of Scriptural principles of belief. It is this *type* of religious philosophy which was new and influential—and which was so fully and sympathetically and imaginatively reconstructed by Professor Wolfson.

This central conception concerning the history of philosophy—which positioned Philo, the first century Jew of Alexandria, and Spinoza, the seventeenth century Jew

of Amsterdam, as the pivots of “medieval” philosophy—was very dear to him; it was, in many respects, the core and catalyst of his life’s work. The fact that this conceptual scheme of periodization did not become widely influential was, consequently, a major disappointment for him.

Furthermore, while developing and sustaining his conception of the history of philosophy, he also provided an unequivocally affirmative answer to the question whether or not there is such a creature as Jewish philosophy, a question which had been answered negatively by many serious scholars. It was Wolfson’s contention that not only is there such an intellectual entity as Jewish philosophy but that it is the very core, the essence, of all religious philosophy for seventeen centuries—and indeed, in residual form or unacknowledged guise, down to our own time.

The literary quality of his work, his lucidity of style and precision of expression, should also be underscored. He was as concerned with form as with content. The same patience and exhaustiveness which characterized his approach to research determined his style, which became an integral, not merely ornamental, part of his work. The presentation had to conform with the analysis. He would not consciously settle for “good enough” or “second best,” regardless of the requisite expenditure of time and energy. A reader need only turn to one of the collections of Wolfson’s essays in order to encounter directly the elegance of style, flow of wit, and effusion of charm; the vigorous prologue, the animated epilogue, the exhilarating characterization, the intricately-textured and carefully-cadenced generalization, and the resonant allusion provide a light, soothing ambiance for his philosophic explorations. The fusion of these aspects is seen very clearly in the volume on Crescas, where felicitous translation, exhaustive explication, and enticing conceptualization are combined.

The methodological foundation for this literary-philosophic and historiographical achievement is a mode of minute textual-philological study which Wolfson labeled the “hypothetico-deductive method” or the method of conjecture and verification, but which was in essence the traditional method of studying Talmudic texts. Wolfson applied it purely and consistently, free of sociological generalizations, metahistorical hypotheses, and other popular forms of conjecture. He was particularly wary of sociological explanations which often claimed to supplant rather than supplement historical-philological analysis and then ended up as smokescreens for lack of precision. His conjecture was philological, which he always tried to verify by adducing direct, or at least indirect, textual evidence; he developed an interpretation and then proceeded to anchor it textually; he traced abstract problems through their terminological footprints, guided all along, to be sure, by his own conception of the history of philosophy, its major trends and traits. There was, in short, constant interplay between the *a priori*-conceptual and the empirical-textual. While his critics sometimes found him to be too speculative in his unfolding of latent processes of philosophic reasoning, ready to build upon soaring conjecture without sufficient, self-evident textual verification (his lucid expositions of complex problems and

ingenious interpretations of intractable texts are punctuated by such phrases as “it may be reasonably assumed;” “from all this we may gather;” “his [Ghazali’s] explanation may be taken to reflect Aristotle’s ... ;” etc.)—and it is precisely the daring of his method which contributes both to the solidity as well as the vulnerability of his achievement—he could only retort that the alternative was deadly, stultifying, or prosaic. The following conclusion of an article—a rejoinder to some critical comments on his explication of “four Arabic terms”—is typical: “But all this is based, of course, only upon circumstantial evidence; we have no direct testimony of either al-Kindi or Israeli that this is exactly how their minds worked; bread-and-butter scholarship may, therefore, brush it all aside and dismiss it as unconvincing.” His own erudition and ingenuity (rich but not extravagant) prevented him from being prosaic or timid.

From Slabodka to Harvard

While there is not much material connection between Talmudic study and philosophic research—and Wolfson was totally engrossed in the latter—he did try to sustain and benefit from a methodological affinity between them and, in many respects, this affinity—natural or contrived, real or imaginary—is the cornerstone of his life. Harry Austryn Wolfson was born November 2, 1887, in Ostrin, Lithuania, and died on September 19, 1974,¹ in Cambridge, Massachusetts. His life—its heterogeneity and creativity as well as its tensions and increasing loneliness of his later years—is symbolized by his odyssey from Ostrin through Grodno, Slonim, Bialostok, Kovno, Slabodka and Vilna, a roster of place names which throbs with Jewish history and learning, joy and suffering, to Cambridge. Upon his arrival with his family in New York (September, 1903) he continued his Jewish studies and shortly thereafter (1905) settled in Scranton, Pennsylvania, where, at the age of 18, he enrolled in the Central High School and graduated three years later, supporting himself during this period by part-time Hebrew teaching. A \$250 scholarship, awarded on the basis of competitive exams, enabled him to come to Harvard, from which he received his B.A. (1911) and Ph.D. (1915) with two years in Europe as a Sheldon Travelling Fellow; typically enough, he spent most of this time working independently in the great libraries of London, Paris, Berlin, and Munich, rather than in the lecture hall or seminar room. In 1915 he began teaching at Harvard and, after a series of term appointments during which he was also for a few years part-time professor of Jewish history at the recently established Jewish Institute of Religion, in 1925 became the first Littauer Professor of Hebrew Literature and Jewish Philosophy.

This student of Santayana—Wolfson entered Harvard toward the end of its so-called golden age in Philosophy (Josiah Royce, William James, George

¹ 4 Tishri, 5735

Santayana)—had attended the last *musar* lecture² delivered by the famous R. Yitzhak (Itzele) Blazer at the Yeshiva of Slabodka prior to his becoming the rabbi of Petersburg. We have here in this juxtaposition an effective symbol of the two worlds which constituted Professor Wolfson's universe. His early Lithuanian years left their mark on all the later decades at Harvard. All indications suggest that he was a serious undergraduate, hard-working doctoral student, and imaginative junior faculty member, overflowing with remembrances of things past (particularly his formal educational experiences supplemented by his extracurricular *haskalah* reading) and hopes for things future (particularly a career as a free-lance Hebrew writer and novelist, a goal he gradually abandoned in favor of academic scholarship). Even in his later years, these experiences continued to reverberate.

The intense education of Harry Wolfson and his Americanization notwithstanding, he could never be singled out as the typical Harvard scholar, even though he spent over sixty-five years of his life at Harvard and became not only one of Harvard's most illustrious, but also one of its most loyal and loving sons. There was something different about him—not only because of the accent which stayed with him throughout his life even after he became an eloquent master of English prose. He was reminiscent of an old-fashioned *gaon* transposed into a secular university setting, studying day and night, resisting presumptive attractions and distractions with a tenacity which sometimes seemed awkward and anti-social. Bialik's description of the *matmid*, the paradigm of an assiduous scholar, the classical student of Jewish lore, comes to mind:

A matmid, in his prison-house
A prisoner, self-guarded, self-condemned,
Self-sacrificed to the study of the Law ...

Earth and her fullness are concentrated here,
A thousand suns blaze in the gloomy corner.
Like vehement coals, his eyes give answering fire
While, lore-impassioned, back and forth he sways ...

Day after day firm stands the sentinel
From noon to night, from darkness to darkness.

All you have to do is remove the swaying posture, change the subject matter, and substitute one of the studies in massive Widener Library for the gloomy corner of the modest *beit midrash*—both prison houses—and you have the scenario for Wolfson's scholarly career. A dramatic change, and yet ... !

² A discourse combining homiletics, exegesis, and theology, geared to stimulating or sustaining the individual's quest for ethical perfection.

The impact and imprint are manifest in many scholarly, as well as personal, ways.

In 1921, at the dawn of his scholarly career, he penned the following lines:

Once, in a great library, I was walking through the narrow aisles between long rows of book-shelves stocked with the works of the church writers. Every great thinker of the church whose teachings helped to mold Christian thought and tradition was represented there by his writings. There were the old Church Fathers, both those who wrote in Greek and those who wrote in Latin; there also were Augustine the saint and Abelard the erratic, the great Albertus and Thomas, he of Aquino. Hundreds upon hundreds of volumes, the choicest products of the printer's art of Venice, Basel, Leipzig, Paris, and Rome, bound in pigskin and in Morocco leather, with gilded back and bronzed corners, all were gathered together, standing there in the open shelves, offering themselves for use and for study. And looking at that wealth of magnificent volumes, I thought of those shabby tomes which incarnate the spirit of Saadia, Halevi and Maimonides, of those unpublished works of Gersonides, Narboni and Shem-tobs, scattered all over the world and rotting in the holds of libraries; and I was overcome by that feeling of sadness and sorrow which to our forefathers was ever present throughout their exiled life amid the foreign splendor of European cities, a feeling so well expressed in the touching prayer:

“Lord, I remember, and am sore amazed
To see each city standing in her state,
And God's city to low grave razed.”

I see in these words more than just the stirrings of a scholarly consciousness. His citing the words of Amittai ben Shefatyah's penitential hymn—which is recited during the Ten Days of Repentance and repeated at the Ne'ilah service concluding the prayers of the Day of Atonement—is not, in my opinion, merely an academic secularization of a religious motif, but rises from deep emotional wellsprings. His knowledge of this poem came from the prayer book and not from an anthology of Hebrew poetry. His abiding appreciation of traditional Judaism was a formative and pervasive—and sometimes enigmatic and unsettling—influence.

While Wolfson was effusive about his scholarly works—he repeatedly and uninhibitedly discussed them—he rarely discussed his inner experiences or publicly reflected upon his self-assessment and self-perception. With typical Lithuanian restraint and detachment, almost Stoic apathy, he camouflaged and concealed his feelings and aspirations. Now, if we were to unfold the latent processes of his heart and mind, as he, for example, unfolded the latent processes of Philo's or Spinoza's reasoning, we would reconstruct an unknown dimension of his life. We would be

able to illumine his deep roots in the Jewish past, profound concern for the Jewish present, and passionate commitment to the Jewish future. There is no need, nor am I able, to identify and isolate the emotional, intellectual, or fideist components of this commitment; we need only confront it and recognize the tension, introspection, and retrospection which it produced. Just as the focus of his work—medieval Jewish philosophy—did not change but the periphery kept growing and expanding, embracing Greek, Christian, and Islamic philosophy, so the core of his life was unaltered even though he often moved on the periphery and seemed to stray from the traditional center.

Jewish Studies on Campus

As first incumbent of the first chair in an American university completely devoted to Jewish studies, he played an important role in the institutionalization and professionalization of Jewish studies and their spread across the American campus. Actually, Wolfson's life-work at Harvard marks the emergence of Judaica in great universities as a respectable, self-sufficient discipline with its own integrity, autonomy, and comprehensiveness. In the past—and that means up to very recent times—the study of Judaica was ancillary, secondary, fragmentary, or derivative. Jewish studies were sometimes referred to as service departments whose task was to help illumine an obscurity in Tacitus or Posidonius, a midrash in Jerome, a Hebrew allusion in Dante, or an exegetical turn in Nicholas of Lyra, a kabbalistic *topos* in Pico or a Jewish notion in Ibn Khaldun, a rabbinic metaphor in Milton, a Talmudic citation in John Selden, a fact in the biography of Walter Rathenau or Emile Durkheim or Hans Kelsen, a symbol in Franz Kafka, or even a Yiddishism in the memoirs of Bernard Berenson. The establishment of the Littauer chair at Harvard for Harry Wolfson gave Judaica its own station on the frontiers of knowledge and pursuit of truth, and began to redress the lopsidedness or imbalance of quasi-Jewish studies.

Jewish studies in the university are difficult and demanding and—indeed like Judaism itself—require dialectical deftness. They should be universalist, should strive to correlate, as Edmund Wilson put it, “the adventures and achievements of Jews with those of the rest of the world,” should bring the outer-directed tendencies of the Jewish historical experience into clear focus, and try to develop a panoramic and synoptic view which sees the interplay of forces and helps integrate the study of Jewish and world history. However, in the process of elaborating this approach and sustaining this conception, Jewish studies should not ignore the unique features, should not play down the inner-directed forces and experiences, sacrifice the specific to the generic, the particular to the general; in a word, they should avoid dwelling exclusively on the borders of the picture. It has been said—the idea is widespread, but Ernst Curtius' formulation of it comes to mind—that specialization without universalism is blind but universalism without specialization is inane. Wolfson concretized this principle in his scholarly creativity; he personified the scope, balance, and

profundity which are needed to make Jewish studies innovative and authentic while saving them from superficiality or sensationalism, abuse, distortion, and caricature. He knew that the inner core of Jewish studies must not be eroded.

Wolfson's impact was great not only because of institutional leverage, but also because of the broad range of his own creative scholarship as well as the even wider range of his literary interests. Personal, professional, and institutional preeminence—happily joined, at some point, by growing seniority and increasing venerability—carved out a central niche for Harry Wolfson in the development of Jewish scholarship in America. He was, really, in his own humble, retiring way, a one-man scholarly establishment, commodious and capacious, a respected symbol of the entire range of twentieth-century Jewish scholarship, a senior scholar-statesman in Judaica, whose learning or intuition made his opinions relevant. Cuneiformists and Americanists, medievalists and modernists, students of belles-lettres as well as philosophy frequented his Widener study, requesting and receiving advice and encouragement. His work provided a general paradigm of thoroughness and originality, his personal involvement and interest in many scholarly fields encouraged scholars to devote their energies to them, and his generally sage and subtle (sometimes, apparently innocent) comments on virtually all facets of Jewish learning led different individuals and organizations to seek his support or participation. He revealed great understanding and appreciation of fields in which he was not, but would have liked to be, involved. Rabbinic scholarship in the broadest sense was clearly the most important of these fields, one which attracted him irresistibly and which he respected unboundedly. His acknowledgement of the centrality of Talmudic learning in Judaism and Jewish scholarship never wavered and his respect for Talmudists—traditional *talmidei hakhamim* or modern Talmudic scholars—was steadfast. Early in his career he wrote—and repeated this sentiment throughout his life—that “the Talmud with its literature is the most promising field of study, the most fertile field of original research and investigation.” If he had his way, he would make a traditional Talmudic education a firm prerequisite for any area of Jewish scholarly expertise; he was uncomfortable with academic upstarts and “nouveaux riches” who lacked such Jewish education and pretended to be authorities in Judaica.

Past and Present

All his commitment to detached, humanistic scholarship, his personal shyness and rigid sense of discipline notwithstanding, Wolfson was not indifferent to or unconcerned with contemporary realities. He shied away from discussing *his* epistemology and ontology; he did not even formulate his “philosophy of life.” He was not a “public” figure in the conventional sense; he did not address large popular gatherings or plenary sessions of philanthropic or cultural organizations and never issued pronouncements concerning the burning issues of the day. Perhaps he was afraid of

compromising—even obliquely—his scholarly objectivity. Nevertheless, his writing is seasoned with relevance and insight, all the more forceful and attractive by virtue of its subtlety and unobtrusiveness, and studded with critical commentary on the contemporary scene. He remained a child of his times: he lived with the complexities, ambiguities, continuities, and discontinuities, that characterized a *matmid-maskil* who remained rooted in, and loyal to, his past, who refused to join the ranks of the alienated intellectuals (whom he described so poignantly at the beginning of his study on Philo). The problems of tradition and modernity, faith and enlightenment, religious observance and acculturation, evoked concerned, unsettling, and often paradoxical or apparently inconsistent responses from him. He was particularly agitated by much of the intentional obfuscation or unintentional ignorance which characterized discussion of religious philosophy. Just as he approached those addicted to fashionable jargon or scholarly faddishness with benign but trenchant criticism, he looked with wry humor and suspicion at many aspects of modern Jewish life. He approached the presumptive modernity of certain nineteenth- and twentieth-century philosophers with scholarly reserve and critical insight. He was guided by the discipline of medieval Jewish philosophy; modern distortions or tendentious interpretations of classical Jewish thought were, therefore, distasteful to him.

One could easily compile a collection of Wolfsonian observations—culled from his writings, particularly his occasional pieces and the early articles in the *Menorah Journal*, and the memories of friends and colleagues—which would illustrate his concern with, and attitude to, such specific issues as the relationship of Christianity to Judaism (as broached, for example, by Aḥad Ha'am) and Jewish-Christian relations, ecumenicism and good will (“bury the hatchet, not the differences”), study of Judaism and the Western humanistic tradition, varieties of scholarship (good and bad), renaissance of Hebrew literature and formation of modern Hebrew style, the danger of Yiddishism and the promise of Hebraism, optimistic and pessimistic appraisals of the prospects for Jewish survival in face of assimilation, Zionism and the varieties of anti-Zionism, religious reform and cultural enlightenment. He tended to view such problems and phenomena from a historical perspective and to form a judgment about them in light of traditional patterns and conceptions.

While many writers were apparently agitated about the tyranny of the past and its stultifying effects—i.e., varieties of traditionalism—Wolfson, despite his settling into an academic routine which appeared to be almost clinically, antiseptically detached from contemporary contingencies and time-bound concerns, was worried about the tyranny of the present—i.e., varieties of conformism, amorphous existentialism, and facile acculturation. He was an unrelenting critic of the “disintegrated consciousness” of modern Judaism. The following words, first published in 1925 and frequently reprinted (most recently in a Hebrew translation as well) are revealing:

Throughout the history of religious controversies between Christians and Jews in the Middle Ages, Christianity was on the defensive. The

Christians considered themselves called upon to prove the claims they made on behalf of Jesus by endeavoring to show that the vague prophetic promises were all fulfilled in Christ. The Jews had no counterclaims to make; they simply refused to be impressed. As the historical custodians of the Bible texts as well as of its manifold interpretations, the Jews were rather amazed and at times even amused by the confidence with which the erstwhile heathen interpreted at their own pleasure the mistaken Scriptures quoted from the Vulgate. This attitude of aloofness and incredulity was sufficient to enrage even saints among Christians, for it gave them an uneasiness of feeling, deepening into fear and doubt and a general sense of discomfort, which explains much of the Christian intolerance of the Jews. The great victories achieved by Christianity, its conquest of many youthful barbarian races and its destruction of many effete civilizations—all this did not compensate its adherents for their failure to win over the handful of survivors of the race that had witnessed the birth of Christianity. And so the Jews were dragged to the churches and to royal courts to listen to sermons and to partake in disputations in order to be impressed and become convinced.

Today many of us Jews have taken the burden of proof upon ourselves. A century of infiltration of Christian ideas into our life through all the agencies of education has robbed many of us of our essential Jewish character, of our distinctive Jewish philosophy of life, and has left us Jews only in appearance, in occupation, and in the semblance of an external social coherence. In everything that guides our life and determines our view thereof, we have become Christianized.

American Judaism

We may note finally that American Jewish history was also of special interest to him. Convinced that a historiography of the Jewish experience in America built on sociological platitudes, general political-economic tendencies, impersonal communal and institutional developments or simplified cultural traits could not be too enlightening, he would urge writers in this field to elaborate case histories of prominent and not so prominent families, to search for the pre-modern and pre-American roots of this experience, to recognize the uniqueness of American Jewish history and yet to relate it to the totality of Jewish history. His articles in the *Menorah Journal* reveal a witty, poignant, and constructive critic of American Judaism. His statement (1922), restrained but firm, concerning the proposed quota for Jewish students at Harvard illustrates how he would invariably—whether addressing himself to Jews or to non-Jews—relate contemporary situations to historical perceptions. All the problems—challenges and frustrations—of modernity could be found in the American Jewish experience. Particularly noteworthy in this context are the notes and observations

published under the title, “Pomegranates” (*Menorah Journal*, IV [1918], pp. 16ff; 162ff). For example:

Today the problem which Judaism has to contend with is indifference. Once it was error. To fight error, be that error superstition or heresy—for superstition is the heresy of the ignorant and heresy is nothing more than the superstition of the educated—implies a certain courage and conviction. Once Judaism had both. It knew its own mind and spoke it. Judaism stood defined, in terms clear and unmistakable, in a cumulative written tradition. Not that the living tradition, the life and institutions of the people, has ever been discounted as a source from which an understanding of Judaism could be derived, but the living tradition was significant only in so far as it had been continuous, pure and unadulterated, guided and controlled by eternal immutable principles. Judaism was then something objectively real and tangible from which it was conceived possible that the entire people could be led astray, and toward which, in that case, it was the duty of those entrusted with its care to lead it back. The nomistic character of Judaism, whatever else it may have meant, surely meant that Judaism was not a mere will-o’-the-wisp. Today a perverted sense of democracy and of a biological nationalism has given rise to a doctrine of the religion of the people corresponding to the old autocratic doctrine of the religion of the king. Judaism is now the changing mood of the Jews. It is no longer an inheritance; it is a set of inherited characteristics. It is no longer a discipline; it is a day-dream. ... We cannot take Jewish life of today as the source of Judaism, for we are all now in a state of apostasy both in a religious and in a secular cultural sense. To remain as Jews it is not sufficient for us to continue to be what we are, for we are not what we should be. Jewish life of today is indeed peculiar, but it is not peculiarly Jewish.

“Escaping Judaism” (*ibid.*, VII [1921], pp. 71ff), a clever and caustic indictment of that Judaism which “suffers from an excessive craving for modernity, formality and respectability” and deludes itself into thinking that religion without law is possible, is still timely and refreshing.

Harry Wolfson was a great, laconic, and lonely person; his legacy is rich, colorful, and provocative.

Survival, Normalcy, Modernity

Following William James who began his work *Varieties of Religious Experience* (chap. II), with a “circumscription of the topic,” I may more modestly note at the outset that the following is a highly compressed personal statement, almost a soliloquy, touching upon three broad themes or central motifs which invariably are associated with discussions concerning Zionism: (1) crisis and survival; (2) history and normalcy; (3) tradition and modernity. The format, imposing inevitable constraints, necessitates a measure of selectivity as well as simplification, i.e., of direct statement unencumbered by scholarly documentation or digression. The subject in any event is so vital and so comprehensive, so suggestive and so resonant, that it would not be possible to cover everything even allusively. This is a genuine excuse for fragmentariness or choppiness.

Survival

Survival is the core and catalyst, the underlying conception and overriding objective of contemporary Judaism. Its closest competitor for this position of centrality is *crisis* and often the two are coupled. Historians and sociologists, pundits and prophets (self-styled), political leaders and fund raisers, all talk eloquently and alarmingly about crisis and survival, about the proliferating crisis which casts gloom over the prospects for survival. In this context, I should declare unequivocally, without any intention of being paradoxical or perverse, that while I am deeply conscious of crisis I am not really apprehensive about survival. Jewish survival per se is not a source of anxiety and perplexity for me. The reason for this apparent serenity is not insensitivity or indifference, not withdrawal or wistfulness, but unshakable conviction, unwavering faith, and a special historical consciousness nurtured by the record and realities of the Jewish past. Let Rabbi Moses Maimonides, whose own life was punctuated by crisis and disintegration, subversion and suffering, speak to this issue (*Epistle to Yemen*):

The divine assurance was given to Yaakov our father that his descendants would survive the people who degraded and discomfited them as it is written: “And your seed shall be like the dust of the earth” (Bereishit 28:14). That is to say, although his offspring will be abased like dust

that is trodden under foot, they will ultimately emerge triumphant and victorious, and as the simile implies, just as the dust settles finally upon him who tramples upon it and remains after him, so shall Israel outlive its persecutors.

The prophet Yeshayahu has long ago predicted that various peoples will succeed in vanquishing Israel and lording over them for some time, but that ultimately God will come to Israel's assistance and will put a stop to their woes and affliction as is suggested in the following verse: "A grievous vision is declared to me; the treacherous one will deal treacherously and the spoiler will spoil; Go up, O Elam, besiege, O Media! But ultimately the sighing thereof I shall make to cease" (Yeshayahu 21:2).

We are in possession of the divine assurance that Israel is indestructible and imperishable, and will always continue to be a preeminent community. As it is impossible for God to cease to exist, so is Israel's destruction and disappearance from the world unthinkable, as we read, "For I the Lord change not, and you, O sons of Yaakov, will not be consumed" (Malakhi 3:6).¹

Should you think for a moment that the Rambam is a prejudiced and therefore unreliable witness, should you look upon him as a great, influential thinker who has been "brainwashed" by religious ideas and is consequently incapable of calm reflection and realistic dispassionate appraisal, let us briefly introduce another witness—a total outsider who is the antithesis of Rambam in every sense. I refer to Nicholas Berdyaev, the Russian religious philosopher who died in exile from Soviet Russia in 1948 and in many respects may be viewed as a forerunner of the contemporary dissident movement; his little book *The Meaning of History* has been acclaimed as "the book for which modern Christian apologists have been waiting." Let him also speak to this issue:

Their destiny is too imbued with the "metaphysical" to be explained either in material or positive-historical terms. Moreover, it presents no sign of that antithesis between the metaphysical and the historical, which I regard as an

¹ Note the similar emphasis in a purely halakhic context (*Mishneh Torah, Isurei Biah*, 14:4):

They should say to him (the prospective convert) further, "Be it known to you that the World to Come is treasured up solely for the righteous, who are Israel. As for what you see that Israel is in distress in this world, it is in reality a boon which is laid up for them, because it is not granted them to receive the abundance of good things in this world like other peoples, lest their hearts should wax haughty and they should go astray and squander the reward of the World to Come, as it is said, 'But Jeshurun waxed fat and kicked' (Devarim 32:15)."

"Nevertheless, the Holy One, blessed be He, does not bring upon them too many calamities, lest they should altogether perish. Rather, all the heathen shall cease to exist, while they shall endure."

obstacle to the apprehension of the inner significance of history. I remember how the materialist interpretation of history, when I attempted in my youth to verify it by applying it to the destinies of peoples, broke down in the case of the Jews, where destiny seemed absolutely inexplicable from the materialistic standpoint. And, indeed, according to the materialistic and positivist criterion, this people ought long ago to have perished. Its survival is a mysterious and wonderful phenomenon demonstrating that the life of this people is governed by a special predetermination, transcending the processes of adaptation expounded by the materialistic interpretation of history. The survival of the Jews, their resistance to destruction, their endurance under absolutely peculiar conditions, and the fateful role played by them in history; all these point to the particular and mysterious foundations of their destiny.

The fact is, of course, that there is no need to adopt a metaphysical or mystical posture, a romanticizing or lyricizing mood, or, if one's commitment and *Anschauung* predispose him to it, there is not even need to operate with traditional covenantal premises, promises and predictions. One may operate with a hardheaded pragmatism and thoroughgoing empiricism, and still unreservedly endorse these judgements inasmuch as the turbulent and majestic saga of Jewish history authenticates the promises and validates the conclusions. The tenacity, resilience and creativity of the Jewish community through the ages, through all transmutations and convolutions, in the face of incessant trials and tragedies, are existential propositions—simple, incontrovertible facts. Demographic dispersion, political disintegration, economic dislocation, social alienation, psychological oppression, subtle as well as crude discrimination, theological indictment, and brute physical annihilation—all must be assessed from a special historical perspective variously described as purposive, providential, or messianic. No heroic adjectives and certainly not hackneyed epithets can capture the uniqueness and quintessence of this truly unparalleled record.

What is it, then, that generates so much anxiety and produces so much rhetoric, sometimes bordering on the neurotic, about the uncertainty of the future? Why is it that beneath the surface of our achievement and confidence there lurks a stubborn disquiet and a persistent, gnawing restlessness? If the answer to the question “Will Judaism survive?” is unequivocally affirmative—the pure empiricism provides a strong presumption for continuity while the divine promise is a firm guarantee—there still remains a worrisome even awesome, question: “*mi yiḥyeh?*” who will survive? Will our children and grandchildren, our friends and neighbors, our cousins in all corners of the world—will we *all* survive as Jews, committed, concerned, creative? Herzl remarked: “Whole branches of Jewry may wither and fall away. The tree lives on.” Who will be part of the eternal tree, the tree of life, and who, *has veshalom* (God forbid!) will be the transient, decaying branch? Will we survive as a large, flourishing nation or a minute, fragile entity?

Here the answer is very equivocal and uncertain and therefore so terribly unsettling. Far from being escapist or complacent,² the confident awareness which was our premise, or point of departure, accentuates the apprehensiveness inasmuch as we dare not write off large segments of the Jewish People. I recognize ideological pluralism and social heterogeneity as facts of life, not necessarily as intrinsic values. Every individual is of concern to us; no effort should be spared to enlarge the group of survivors. Our destinies are somehow interwoven. *She'erit hapeletah* (the surviving remnant) is a consolatory concept but it is not an ideology which one consciously and resignedly embraces *ab initio*. “The Torah is very solicitous for the lives of Israelites” (Rambam, *Mishneh Torah, Rotze’ah Ushmirat Nefesh*, 13:14) and this certainly means spiritual as well as biological. Everyone potentially should be included in that special group referred to as “among the remnant are those whom the Lord shall call” (Yoel 3:5). The massive dimensions of assimilation and desertion, of religious and biological erosion, coming in the wake of the attempted Nazi genocide, are simply appalling. The various guises and expressions of anti-Semitism should not be glossed over or misconstrued. They must become catalysts for systematic reflection and introspection which make us move with zeal and determination on all fronts and respond vigorously to ever-changing stimuli. Crisis is enervating, conviction is energizing; the two must therefore interact and the latter must prevail.

In this context, obviously, the State of Israel has a unique role not only as the embodiment of the Zionist dream, as the incipient fulfilment of a fervent hope patiently nurtured through the ages, but as a unique symbol and source of solidarity, ideological identification and historical awareness, of renewed confidence and inspiration. The impact of Israel has already been immense and its centrality in Jewish life is virtually a *consensus omnium*. There is little *Jewish* opposition to Israel today; philanthropic identification, political admiration, religious motivation, nearly universal emotional and intellectual commitment—and above all the steady trickle of *aliyah*—are concurrently expressions and buoys of this centrality. Israel has both a visionary and a pragmatic thrust. However, the future of Israel is itself part of this very problematic because I do not believe that political sovereignty or normalcy is *eo ipso* the absolute condition for historic continuity, creativity and survival. Statehood is a precious boon; its Jewish character must be patiently fought for and its historic potential realized. This is the background against which Zionist reformulation or, more appropriately, Jewish revitalization, should be discussed.

² I am clearly not advocating quietism, passivity, misplaced Utopianism; as a matter of fact I take issue with the view that our religious tradition prescribes passivity while proscribing activism. This widespread assumption should be investigated dispassionately. Moreover, involvement with and concern for the totality of the people of Israel is a religious-historical mandate. “*Kol Yisrael arevim*” (All Jews are responsible for each other) (Sanhedrin, 39b; see Maimonides, *Hilkhot Mamrim* 2:4 and commentaries) is a firm directive for activism and harmony, for responsible action. It is only in relatively recent times that the passage in Ketubot, 111a (*shalosh shevuot*) has become an ideological crux.

History and Normalcy

Is Zionism in need of doctrinal-programmatic reformulation and revitalization and if so, what should be its nature and direction? These questions are linked quite logically to a cognate prior consideration: have the goals of Zionism been completely fulfilled, or has its program been only partially realized? Clarification of this issue hinges on an indispensable differentiation between two definitions or conceptions of Zionism: a bare-bones, essential, even monolithic one which concentrates on a political objective, and a many-tiered, hyphenated one which includes social, cultural, spiritual, ethical, and religious aspirations. This differentiation, far from being merely a matter of semantics, also provides a sharp focus for viewing and assessing various corollaries and repercussions.

It may be said that the essential goal of Zionism, the common denominator of the various ideological tendencies associated with it and its very nerve center, was political regeneration: proclamation of the rights of the dispersed-despised-depressed Jews to national self-determination and restoration of sovereignty in the Land of Israel as the basis of free collective existence. Its single overriding aim, unadorned and unobstructed, was to restore a missing dimension—territorialism and political normalcy—to the Jewish historical existence. In terms of the inner processes of Jewish history, Zionism emerged in a time of crisis as a critical-constructive reaction to the problems and failures of various attempts to integrate Jews coming out of the ghetto into modern society regardless of the price to be paid in effacement of identity or distortion of essence. It broadcast an ideological innovation which should supersede emancipation, assimilation, conversion and related phenomena: national normalcy and independence as the solution to the problems of the Jews. From this vantage point, the State of Israel, despite its territorial fragmentization and special status in terms of global diplomacy and geopolitics as well as the fact that the Diaspora has not been liquidated, is unquestionably the glorious, perhaps miraculous, fulfilment of the Zionist dream.

It follows, therefore, that Zionism is not in need of reformulation, for its goal of political normalcy, however hedged, has been achieved. Zionism may continue to maximize its aims by insisting on the negation of the *galut*, by unnerving Diaspora Jews religiously, nationally and existentially. It should not, however, weaken foundations of Jewish existence anywhere because of *a priori* assumptions. To assert this, however, is not necessarily to ensconce nationalism or normalcy as the ultimate consummation, to view it as a self-sufficient achievement, as a desirable transmutation of Jewish history and a replacement for all other values. If Zionism is seen as restorative, then it means rectifying the imbalance or reestablishing the equilibrium between the religious-spiritual spheres and national-territorial bases of Judaism and Jewish history. It means re-creating the full dialectic, the fructifying tension between these forces which is the individuating feature of Jewish history and Jewish peoplehood. During its long exilic period, Judaism had been deprived

of one of its major components; an abnormal condition, sometimes described as “emancipation from state and territory,” developed and persisted for such a long time that most ceased to apprehend its nature, to resist it, or react to its repercussions. Removal of the abnormality, often depicted in clinical-pathological metaphors (e.g., by Leo Pinsker), should not mean introducing political sovereignty and normalcy as a self-sustaining ersatz; it should be seen as injecting a vital, energizing force which would avoid overspiritualization while simultaneously guarding against spiritual atrophy by restoring all of the special richness and resonance of the Jewish dialectic.

A new form of imbalance, radical political normalcy, is not the goal. Just as the passive, resigned Diaspora Jew had—and still has—to be aroused and made cognizant of a serious political deficiency, so the serene Israeli who may be inclined to carry the marked modern Jewish preference for the national over the religious component to its extreme and embrace normalcy per se will have to be aroused and made aware of a serious spiritual deficiency. From a Zionist perspective, Jewish history bears the indelible stigma of national abnormality and consequently everything about it is seen as negative and aberrant; institutionalized religion is obviously the greatest villain, for it was the mainstay of this ignoble past. Hence the tendency, conscious and unconscious, to obliterate or liberate oneself from this legacy. Needless to argue, this warped and quite prevalent perspective needs to be corrected.

It is relevant to remember that most of the vociferous, often virulent criticism and denunciation of Zionism from disparate quarters, from Orthodox and Reform, from Left and from Right, even from assorted non-Jews, nucleated around one major issue variously formulated: Zionism would destroy the uniqueness of Judaism, would obliterate its special spirituality, aristocracy, universality, its extraordinary *élan* and virtuosity. The religious criticism is well known. We may note, for example, that Franz Rosenzweig was emotionally and intellectually ill at ease with Zionism on the grounds that it would transpose Judaism from glorious eternity into dull temporality. “In order to keep unharmed the vision of the ultimate community it must deny itself the satisfaction the peoples of the world constantly enjoy in the functioning of their state.” The Norwegian playwright Henrik Ibsen asked: “Who needs a Jewish state? For 2,000 years the world had at least one noble people, a people of aristocrats who did not descend to the level of having its own police, army, prisons, wars, intrigues and all the corruption that comes with political power.” In short, there was a rather widespread feeling and suspicion that political normalcy was irreconcilable with spiritual adventure, religious virtuosity, intellectual creativity, and aristocratic (i.e., passionate, suffering) existence.³ Obviously it was the task of Zionism to dispel this suspicion and to demonstrate that unfragmented Jewish existence was possible, that

³ I would suggest rereading the powerful little book *Zionism Reconsidered*, Michael Selzer, ed. (New York, 1970), sometimes superficial, occasionally disingenuous, but interesting and provocative.

one part need not be sacrificed for the other. We did not struggle to substitute one abnormality for another.

Simple, one-dimensional national normalcy not as a vital means but as an absolute value—a seductive but specious concept—is an historical aberration. The historical process is an amalgam of continuities and discontinuities; the above is such a radical disjunction that it makes itself irrelevant and illegitimate. (We should not confuse this with the question of whether or not the messianic era will be the fulfilment or destruction of history, whether it will consummate or consume the past; I, for one, do not find “secular messianism” a particularly enlightening explanatory category.) Moreover, it cannot endure; all indications are that it will move from fragility to futility. From both points of view, empirically and axiologically, it is unattractive and unstable and cannot provide spiritual-ideological sustenance for the State of Israel or for world Jewry.

The normalcy which should be espoused is that underscored, for example, by the Maharal of Prague who eloquently and forcefully noted that the very delineation of the Jews as *am kadosh* (a holy nation) necessitates political normalcy and clear national identity. Without it, the component of *am* is missing; before we will be in a position to realize the noble goal of *kadosh* we must establish the *am* firmly. Aristotle taught, and many Jewish thinkers repeated, that a definition must have genus and species, must start with an inclusive, common category and move to an exclusive, particularistic feature: for example, man is a rational animal. In our case, the genus is *am*-nation and the species is *kadosh*-holy. To expunge the species and dwell exclusively on the genus is as lopsided or ludicrous as deleting rational from the definition of man and leaving only the genus of animal.⁴

Allow me to mention my favorite—and probably the clearest—expression of this relationship of complementarity and reciprocity: the relationship of Pesah and Shavuot as formulated very succinctly in the *Moreh Nevukhim* by Maimonides and more expansively by the author of the *Sefer Hahinukh* (mitzvah 306). The political *geulah* (redemption) of Pesah which bestowed normalcy upon the Israelites or initiated the process of political normalcy was incomplete without the crowning spiritual achievements of Shavuot. That (and not agriculture or other considerations) is the underlying rationale of the counting of the *omer*: the act of counting concretizes

⁴ It is only after Israel has certain common national characteristics and accoutrements—land, language, sovereignty—that its unique feature, *kedushah* (sanctification) can be appreciated; indeed, this must be silhouetted against the background of the accepted political insignia, because only after the general characteristics of something are recognized is it possible to underline its distinct and distinctive features. The latter must reside in a political-physical reality.

Maharal, of course, expressed this in his medieval scholastic terminology, utilizing the concept of matter and form: “Every nation has two aspects: one as a people and this aspect stands in the relation of matter, and one as a particular people, and this stands in the relation of form.” Form molds and fashions the amorphous matter, endowing it with unique traits.

and dramatizes the great passionate yearning for Torah.⁵ In literary terms, one might describe this as enjambment. To proclaim political normalcy as a self-sufficient goal is to deny that Shavuot is the indispensable complement to and culmination of Pesah. Hence any such proclamation should be repudiated, because it is incongruous, and could only impoverish Israel and befuddle its Jewish character. The above, clearly axiomatic in my opinion, need not have been belabored were it not for the fact that there are vocal, aggressive, respected protagonists of the flat, one-dimensional normalcy.

It is noteworthy that a perceptive theoretician, Thorstein Veblen, who praised the “intellectual preeminence of Jews in Europe” even though a prerequisite for this preeminence was the “loss of allegiance,” becoming “renegade Jews,” etc., understood that Zionism *should* bring in its wake an intensification of historical concerns and traditional preoccupations, *should* use normalcy as a springboard, *should* release energies which would turn the returning Jews inward.

⁵ Here is the formulation of the *Sefer Haḥinukh* as translated by G. Appel, *A Philosophy of Mitzvot* (New York, 1974), 40:

The reason for this commandment may be explained as follows: The Torah is of the very essence of Israel. Indeed, it is for the sake of the Torah that heaven and earth were created: as it is written, “If my covenant be not with day and night, if I have not appointed the ordinances of heaven and earth” (Yirmeyahu 33:25). The main object and purpose of their deliverance from Egypt was in order for them to receive the Torah at Sinai and to keep it, even as God said to Moshe, “And this shall be the token unto thee that I have sent thee; when thou hast brought forth the people out of Egypt, ye shall serve God on this mountain” (Shemot 3:12): that is to say, Israel will receive the Torah which is the essential thing and for which they were delivered. This constitutes their ultimate good, and it is of greater import for them than their liberation from bondage. Therefore, God set their liberation from bondage as a token for receiving the Torah, since that which is of relatively secondary importance is set as a token for that which is of primary importance. Hence, since the receiving of the Torah is the essential reason for Israel’s existence, and for its sake they were redeemed and were elevated to the high position which they reached, we were therefore commanded to count the days from the morrow of the festival of Passover until the day the Torah was given. We are bidden to do so in order to demonstrate our great and heartfelt yearning for that notable and longed-for day.

Actually, the full dialectic of Jewish national-spiritual existence is already unfolded in this remarkable passage of the *Sefer Haḥinukh*. In keeping with his unequivocal explanation, the author answers the following question: if the political redemption from slavery in Egypt was only instrumental, why do we not start counting on the very first night of Passover? This would certainly be much more dramatic, fully expressive and repercussive. His answer is that political *geulah*, although instrumental, is a laudable and memorable phenomenon, an indispensable achievement, which should not be eclipsed. By giving it “its day,” its importance, even though not absolute, was recognized.

Note also how Maimonides (throughout *Hilkhot Melakhim*) has added a spiritual dimension to political existence. The king is portrayed not only as a temporal sovereign, endowed with vast powers and prerogatives, but also as a spiritual leader, charged with the duty to study Torah relentlessly, and generally committed to an exacting scale of values and ideals.

As bearing on the Zionist's enterprise in isolation and nationality, this fable appears to teach a two-fold moral: If the adventure is carried to that consummate outcome which seems to be aimed at, it should apparently be due to be crowned with a large national complacency and, possibly, a profound and self-sufficient content on the part of the Chosen People domiciled once more in the Chosen Land; and when and insofar as the Jewish people in this way turn inward on themselves, their prospective contribution to the world's intellectual output should, in the light of the historical evidence, fairly be expected to take on the complexion of Talmudic lore, rather than that character of free-swung skeptical initiative which their renegades have habitually infused into the pursuit of the modern sciences abroad among the nations. Doubtless, even so the supply of Jewish renegades would not altogether cease, though it should presumably fall off to a relatively inconsiderable residue.

He then concludes rather wistfully:

There should be some loss to Christendom at large, and there might be some gain to the repatriated Children of Israel. It is a sufficiently difficult choice between a life of complacent futility at home and a thankless quest of unprofitable knowledge abroad. It is, after all, a matter of the drift of circumstance; and behind that lies a question of taste, about which there is no disputing.

We need not here critically appraise Veblen's sophisticated, cosmopolitan, but hollow call to assimilation which equated Jewish contributions to civilization with renegade status and, while exalting this, pejoratively dismissed Jewish concerns as parochial or irrelevant; the foibles and fallacies as well as factual inaccuracies of his contention are easily spotlighted. Nor need we indicate our outrage at his condescending characterization of the Zionist dream as "a life of complacent futility at home." It is obvious, however, that what is lamentable for him should be laudable for us (particularly if we demonstrate that authentic Jews also contribute to the advancement of science and scholarship). A Jewish contribution colored by "Talmudic lore" would indeed be exciting and unique—and something to be undertaken without defensiveness or self-consciousness.

So much for the political definition of Zionism and the thesis of normalcy, the latter appropriately seen as a prerequisite and complement, as a vital component of healthy, dynamic Jewish existence.

We must return to the second conception of Zionism, the many-tiered, hyphenated one. If Zionism is a utopian adventure and an experiment in social engineering, the road to fulfilment is still a long one. If Zionism is a secular revolution and negation of *all* exilic history, it has not achieved its goal and its dream remains—I

would interject, happily—unfulfilled. If Zionism is a romantic revolution against the petrified, institutionalized halakhah and an attempted liberation of *all* modern Jews from the stultification of normative religion, it was aborted. If, in short, Zionism has metapolitical aspirations and pretensions, its saga can only be described as a fusion of frustration and fulfilment, failure and triumph. Protagonists of these various ideologies therefore contend that Zionism is in need of reformulation and revitalization.

However, at this point, it should be noted that Zionism as a spiritual program or cultural ideology or historical-philosophical conception sometimes seems slightly imperious or imperialistic in its confrontation with the Jewish past generally and the modern Jewish experience in particular. In other words, there is here a case of “misplaced concreteness,” to use A. N. Whitehead’s phrase. Zionism in this broad metapolitical sense is often equated with modern Judaism, and their destinies are linked, whereas proper historical perspective requires that it be viewed and assessed as one of many competing ideologies and programs. Zionists were not the only ones to grapple with the problems of the modern age. Moreover, Zionism in this sense, unlike the political one, did not develop new teachings *ex nihilo*. A good example is the poignant, resonant statement of Martin Buber, characteristically elegant and rhetorical, in *Die jüdische Bewegung*:

To create! The Zionist who feels the whole holiness of this word and lives up to it seems to me [in contrast to other types of Zionists, from whom he differentiates himself] to be of the highest rank. To create new works from out of the depth of one’s primeval unique individuality, out of that uniquely individual, incomparable strength of one’s blood that has been for so fearfully long cast in the irons of unproductivity ... that is an ideal for the Jewish people. To create the monuments of one’s essence! To let one’s way burst forth into a new intuitive view of life! To set forth a new form, a new configuration of possibilities before the eyes of infinity! To let a new beauty glow, to let a new star ascend in the enchanted night sky of eternities! First, however, to penetrate to one’s self, with bloody hands and undaunted hearts to struggle through to one’s essence itself, from which all these wonders will rise to the surface. To discover oneself! To find oneself! To gain oneself by struggle!⁶

In this case much of what is presented as Zionist ideology is actually a continuation of tendencies, attitudes and criticisms begun by the Enlightenment and sustained throughout the nineteenth century. This moving response to crisis and its resounding call for renewal should be seen as a variety of modernity. Buber’s anti-Talmudism

⁶ I take this quotation from Gershom Scholem’s critical analysis of “Martin Buber’s Conception of Judaism” (*On Jews and Judaism in Crisis*, New York, 1976, p. 132); Scholem’s essay, and its underlying attitudes, is very relevant per se.

(and the same may be said for Gershom Scholem), the call to shatter the “irons of unproductivity,” is a Haskalah stereotype and I see no reason to romanticize it, rehearse it unreflectively, record it as the most promising prescription, or recognize it as the highest form of Zionism. The notion that there is no creativity, no challenge, no dynamism, no romance, no opportunity for self-expression and self-renewal in traditional Judaism of the modern age is neither novel nor correct. I am not easily persuaded, for example, that the anarchic nonnormative religiosity of X is a more authentic, creative experience than the crystallized, normative religiosity of Y, or that it is more conducive to self-discovery and self-knowledge. Jews committed to halakhah usually quested for spirituality and religious adventure; they sought to coordinate medium and mood, external observance with inner meaning. Sometimes, to be sure, the spiritualizing speculative or pietistic quest is overshadowed and an uninspired and uninspiring routinization of religious behavior emerges. Such atrophied patterns of behavior, however, are aberrations. To set up a Spinozist-Mendelssohnian definition of Judaism as all deed and no creed or experience and then to condemn this as inadequate and unattractive is hardly proper procedure. In sum, autobiography, usually interesting, need not become rigid ideology, nor does it necessarily yield profound philosophy.

In any event, I mean to suggest that the medley of contemporary spiritual-historical-cultural problems is best defined as the general concern of Judaism rather than the exclusive concern of Zionism. A revitalization of Zionism will be a part of a rejuvenation of Judaism—*bikhlal matayim manah* (the greater includes the lesser). It follows that the problems of Diaspora Jewry and those of Israeli Jewry, the crucial political difference notwithstanding, have much in common. They should not be separated but be analyzed together. Moreover, those engaged in the process of analysis and reflection, of prescription and decision, need not—I would say, should not—confine themselves to the works of the “founding fathers” of Zionism. This issue is frequently raised and heatedly debated in the context of the reformulations of the Zionist program. Clearly we must turn to pre-modern and pre-Zionist sources as well as to non-Zionist writings in our quest for renewed vision, strengthened dedication, and unswerving commitment—a quest for *Kelal Yisrael* in Israel and elsewhere.

This leads to our final reflection on tradition and modernity or what I am wont to designate as “Judaism in modern times” vis à vis “modern Judaism.”

Tradition and Modernity

Obviously, only a fallacy compounded of reductionism and precursorism could equate Judaism in modern times with modern Judaism. Yet this confusion between a historical-chronological concept (“modern” as an aspect of periodization) and an axiological concept (“modern” as an ideal, an aspiration, a consummation) has been dominant. Should one constitutive or organizing principle (an apparently dominant ethos or *Zeitgeist*) completely eclipse or subordinate other principles, sometimes

complementary, sometimes antagonistic, sometimes independent? In studying and teaching the modern period most have consciously or unconsciously allowed this assumption to be operative. As a result, our conception of and approach to modern Jewish history has been seriously skewed. Writers have concentrated on what is new rather than on the new emerging organically from the old, being forced into it, or coexisting with it. Much has been written and constructed in terms of ideology (Zionism and Israel) or hindsight (the destruction of European Jewry), and neither is a completely appropriate category. In large measure, the modernity of the social-political transformations of the Jewish community—where the process variously referred to as naturalization, reform, civic amelioration or emancipation was clearly novel and unprecedented—carried over to the intellectual-cultural realm in which enlightenment, the historical twin of emancipation, although of great significance, was by no means exclusive or exhaustive.

Now for reasons of scholarly integrity and intellectual honesty, as well as educational value and ideological edification, in studying Jewish intellectual and cultural history of the modern period, in studying philosophy, mysticism, *musar* (ethics), in studying Hebrew and Yiddish literature, in studying Zionism and anti-Zionism, in studying the recrudescence of anti-Semitism or its new motives and expressions as well as various Jewish reactions, in studying the total Jewish historical experience and its manifold expressions, our net must be cast more widely. We must identify multiple foci and analyze the multi-faceted repertoire of concepts and values, ideas and ideals, instead of a monolithic scheme or a linear development, in order to be cognizant not only of discontinuities and ambiguities but also continuities and commitments. The lodestar should be comprehensiveness rather than modernity. Only by separating modernity as a chronological designation or a socio-political concept with attendant ideological aspirations and cultural implications from the destiny and struggle, triumphs and setbacks of Judaism as a whole in modern times will we be able to place the issue of Zionist reformulations in the proper perspective.

For example, the story of modern Jewish philosophy is almost exclusively a tale of the speculations, experiences, and lucubrations of German-Jewish writers starting with Moses Mendelssohn. The third part of Julius Guttman's classic *Philosophies of Judaism* consists of Formstecher, Hirsch, Krochmal, Steinheim, Moritz Lazarus, Hermann Cohen and Franz Rosenzweig. We may note parenthetically the special emphasis even of this partial presentation: whereas the bulk of Guttman's great oeuvre is devoted to *Jewish Religious Philosophy in the Middle Ages*, the modern section is prudently and suggestively entitled "Jewish Philosophy of Religion".⁷

⁷ To be sure, Jewish philosophy of religion rather than Jewish religious philosophy is itself a hallmark of modernity, a major intellectual change (which may perhaps be traced back to Yehudah Abravanel or Delmedigo). Mendelssohn already emphasized that his two philosophic works, *Phaedon* on the immortality of the soul and *Morning Hours* on the belief in the existence of God, are not to be assessed as contributions to Jewish doctrine but rather to general doctrines of rational religion. Guttman

Obviously this should not stand as a full, balanced presentation of Jewish thought in modern times. Where is the *Mesilat Yesharim* of R. Moshe Hayyim Luzzatto, the *Nefesh Hahayyim* of R. Hayyim of Volozhin, the *Sefer Hatanya* of R. Shneur Zalman of Liadi, *Iggeret Musar* of R. Yisrael Lipkin-Salanter in which there is so much that is new and fresh? These works, which continue traditional Jewish thought with all its tension and complexity—faith and reason, intellectualism and voluntarism, spontaneity and conformity, ritual and ethics, objective norm versus subjective experience, debate concerning the hierarchy of religious values (intellectual-cognitive vis-à-vis emotive-ecstatic)—have received some monographic treatment but have not been integrated into the full-orbed history of this genre known as modern Jewish thought.⁸

Note also that if struggle and self-identification are the key elements or stimulating factors, the partisanship remains striking and the need for a panoramic view remains pressing. We may mention Michael Meyer's first-rate book *The Origins of the Modern Jew*, an attempt to probe how "the period testifies to the modern Jew's persistent desire to explain continued Jewish identification in terms of the cultural values dominant in his generation." The result is a learned, insightful, urbane analysis from Mendelssohn through David Friedlander to Leopold Zunz. However, such a presentation tells me that we need a companion volume; we need to consider alongside of this "persistent desire" the equally persistent desire to explain Jewish identification and sustain Jewish creativity in terms of cultural or religious values *inherent* in the Jewish tradition and not merely in terms of extraneous shifting values dominant in one generation and dormant in the next. We need a study of the varieties of traditional experience and expression in the modern age. Sartre has put it well: "One must write for one's age, but that does not mean that one has to lock oneself up in it. To write for one's age is not to reflect it passively; it is to want to maintain it or change it, thus to go beyond it toward the future." We may interpolate that the best route to the future is often via the past. The tyranny of the present—a stultifying solipsism—is potentially worse than the tyranny of the past. Franz Rosenzweig spoke of bringing the periphery into the center. I might add that lest you think that the traditionalist camp is bland or homogeneous, merely consider the intellectual skirmishes between various creative individuals who belong to this group, the great variety of religious postures, social positions and cultural attitudes.

(p. 291) curtly notes: "As a philosopher of religion, too, he cannot be considered a philosopher of Judaism." This accentuates the problematic nature of such historical scholarship.

⁸ Professor N. Rotenstreich is more expansive and more creative. In his book (*Jewish Philosophy in Modern Times*), he takes note of a Luzzatto, not R. Moshe H. Luzzatto mentioned above but Shmuel D. Luzzatto, and concludes with a chapter on Rav Kook called "Harmony and Return" and one on A. D. Gordon called "Between Man and Nature." No sooner is the literary framework enlarged and room is made for such important writers representing a more colorful spectrum of positions and programs, than the question of selectivity becomes more acute and more lacunae are quickly underscored.

Equally telling is the study of Hebrew literature in the modern era. This has been artificially confined to what is known as modern Hebrew literature, i.e., belles-lettres, occasionally and *inconsistently* peppered with some essayists or scholars (Krochmal, Aḥad Ha'am, or S. Y. Rapoport) and very recently sporadic literary attention is being devoted to some Hasidic works (notably the *Shivḥei Habesht* and *Likutei Moharan*, the extraordinary tales of R. Naḥman of Bratzlav), but it is not the total study of Hebrew literature in the modern era which should include the continuation of pre-modern forms, values, and visions (see the eloquent and erudite essay by Prof. Dov Sedan, *Al Sifrutenu* [Concerning Our Literature]).

A piquant illustration is the disputed role of R. Moshe H. Luzzatto. Some list him as the father of modern Hebrew literature because he wrote dramas and poetry which may show influence of Italian pastorals and Rousseau-like “return to nature” themes while others omit him. The point is that even those who include him in a place of honor do so by fragmentizing his personality and achievement, by writing in the light of what is to become quantitatively important later or what one thinks (à la Hegel) is philosophically-teleologically important. Precursorism always produces an extra measure of straitened scholarly interests or narrow exegetical pursuits. It is anemic. It colors and constricts the scope of inquiry and perception of the past.

The following is noteworthy. The 1965 issues of *Moznayim* contain articles relating to the heated debate which came in the wake of a proposal for a revised high school curriculum for the study of modern Hebrew literature. Many agitated readers—writers, teachers and concerned laymen—felt that this carefully prepared proposal mercilessly dismembered the corpus of Hebrew literature. The Haskalah writers were dropped; works of Gordon, Peretz, and Shimoni were expunged; Berdichevsky, Brenner, Gnessin and Steinberg were to be assigned to a new *genizah*. Proponents argued that there was need to base the literature curriculum on purely literary-esthetic criteria; opponents rejected the sharp bifurcation between works with formal-literary value and works which embody and include national-historic values. This was, in their opinion, a serious disjunction which was simultaneously undesirable and untenable. The outrage was sustained by interesting, revealing idioms and metaphors quarried from traditional sources and saturated with traditional associations: *perikat ol Torah* (casting off the yoke of Torah); a generation that has a father but no grandfather; literature without historic continuity is inconceivable; neglect of Haskalah literature is like cutting off a limb from a living being (*ever min haḥai*); and similar exclamations of anger and indignation. Obviously, it is possible to appreciate the cultural-ideological issue and its repercussions without taking a stand on the academic issue of the appropriate definition of “literature.” Reviewing these articles led me to exclaim “Ribbono shel olam!” If such a curricular “reform” touching only the modern period releases such a massive flow of adrenalin and wrath, how should we react to the radical surgery performed on other areas and eras of Hebrew literature and Jewish thought?

Undoubtedly the most serious casualty of the modernist reductionism has been the investigation and appreciation of rabbinic literature. Talmudic scholars have on the whole been ignored—one might say that benign neglect, lack of enthusiasm and animosity alternate one with another—or else are lumped together and treated as parts of a completely uniform phenomenon: a blanket of bland homogeneity is spread over the creative figures of rabbinic literature. The background for this is bi-dimensional. The Talmud was attacked or dismissed, by Jews and non-Jews, as dry and irrelevant on practical-religious grounds or from the point of view of religious phenomenology: law is uninspiring. It was also attacked on intellectual grounds: as a subject of study it was dry and technical, lacking sophisticated methods of analysis and interpretation (see e.g., M. L. Lilienblum). The scholarly faults of this conception are transparent; its educational shortcomings are regrettable—and most relevant to our practical problems.

Modernity is not synonymous with experiences and adventures of Judaism in modern times.

Reformulation

In arguing that the various expressions of modernity, their seminal importance notwithstanding, should not be allowed to preempt all our energies and attention, I am frankly concerned not only with the scholarly shortcomings but with the adverse educational-existential effects as well. If there is consensus concerning the fact that this generation needs rejuvenation, needs, in the most colloquial sense, to find roots, and this need is universal (in Israel as well as the Diaspora), we dare not constrict the field of its vision or the parameters of what is relevant and possibly stimulating. Viewing our problem as a comprehensive spiritual-historical one has two corollaries: 1) it underscores that we face a common challenge; 2) it prevents us from limiting our conceptualization and analysis and introspection to Herzl and Pinkser, Nordau and Aḥad Ha'am. When I suggested this, I was not being atavistic or anachronistic; I merely thought that it was important to recognize the timeliness of timeless insights. Our youth must be free to choose—yes, to choose traditional forms and values, which, if properly presented, are quite attractive and persuasive. “Self-affirmation,” so frequently discussed and held aloft as a modern ideal, need not be exclusively in secular or anti-traditional terms. The question of influence and relevance needs to be reviewed carefully. Moses Hess and Moses Hirsch, R. Yisrael Ba'al Shem Tov and R. Yisrael Salanter—who is the more influential and relevant? Why should our youth become acquainted only with Judah Leib Gordon and not with R. Eliezer Gordon of Telz; or with Perez Smolenskin and not with R. Naftali Tzvi Yehudah Berlin? We may go further and ask: why should “Revolutionary Jews from Marx to Trotsky” (title of a recent study) be given such prominence? Revolutionary Jews from the Ba'al Shem Tov to Rabbi Kook deserve, at the very least, equal time and enthusiasm.

We need to recognize that the modern postures frequently glorified—romanticism, antinomism, etc.—are not the only options and we need particularly to acknowledge that secularism is not irreversible. Again I should say that there is both proof and promise for this. The phenomenon of *teshuvah* in different forms and on different levels is widespread and impressive; the list of *ba'alei teshuvah* tells an important, enthralling story. Moreover, while assimilation and erosion of tradition is usually by default, *teshuvah* is by deep, consuming commitment. In addition, there is a divine promise: *sofam shel Yisrael la'asot teshuvah* (in the end all Jews will repent). There is no intrinsic, ineluctable clash between tradition and the modern age; this has been conclusively proven. It is a matter of choice, of identification, of hierarchy of values and commitments, determined in large measure by education, by sociological facts, by models and alternatives. Hence when I submit that a halakhic regimen is the best guarantee for continuity and survival of *Kelal Yisrael* as a great, creative, committed community, I am not saying that we substitute hypothetical imperatives for categorical imperatives, that we act out of expediency, that we sacrifice conviction and sincerity in the interests of continuity. It is sometimes said—it was said to me in debate—that there is no way at this stage of modernity to return to tradition with integrity and sincerity. I believe that the abiding truth of our tradition may be espoused with verve and conviction by many “modern” Jews if we only give them a chance, if we alter our educational assumptions and aspirations, values and objectives, procedures and premises. People change their political persuasion because of altered perceptions of contemporary events; the same may be true for spiritual persuasions and intellectual convictions. The fact is that scientists and humanists alike have been doing this. Otherwise, the scenario is one of self-fulfilling prophecy; we perpetuate a certain kind of education predicated on certain values, we transmit a certain kind of ideology which prescribes certain attitudes, and wonder why the results are generally monolithic as well as predictable.

As far as the traditionally committed Jew, guided by the Torah, is concerned, he should set an example which literally commands respect, irresistibly attracts and fascinates and ultimately leads to emulation and identification. Ethical impeccability—consistent, ennobling, moral behavior—is a key determinant here; that trait which the halakhah prescribes as necessary for *kiddush Hashem* (see Maimonides, *Yesodei Hatorah*, 5:11) and as the basis for projecting an attractive profile in the eyes of non-Jews (see *Sefer Mitzvot Gadol*, positive commandment, 74) is also the indispensable prerequisite for convincing fellow-Jews of the viability and superiority of our tradition. Moreover, he should concentrate upon a few guiding principles in the initial stages of expounding the religious tradition and bringing people close to it. Again, this is not a concession, a compromise, or an act of expediency. It is a fully-sanctioned prudential-pedagogic ploy. (See, e.g., Sukkah, 46b; R. Yosef Albo, *Ikkarim*, III:290.) For us, Torah is an indivisible entity but it cannot be transmitted all at once. Gradualism is the necessary approach.

Finally, while emphasizing that our spiritual-cultural problems are universal and that therefore to speak only of Zionist reformulation is to miss the real point, it is obvious that there is a crucial difference between Israel and the Diaspora. Present indications are that spiritual survival in the Diaspora will indeed be a matter of *she'erit hapeletah*, whereas in Israel there is a *chance* for it to encompass the majority of the people. The chance must be converted into a probability and then into a reality. This is where the political normalcy makes all the difference. It does not automatically guarantee such survival, but creates conditions for large-scale survival, conditions which require imaginative, sensitive molding. These conditions are unique to Israel. This is how the Zionist reality is to be perceived and ultimately how the centrality of Israel may be fully appraised and praised.

The Rov—Rabbi Joseph B. Soloveitchik

A profile of the Rov, *zekher tzaddik livrakhah*, should include comments on his persona, his teaching, and his influence. This would have been the appropriate way to introduce him, with love and reverence, during his lifetime, and it remains appropriate for a retrospective presentation. What follows is such a three-tiered introduction; should I err, I ask that the benevolent Lord forgive me.

1

To understand fully who this great man was and what he represented, it is necessary to recall that he was, first of all, a worthy heir of the *beit harav*,¹ that most remarkable institution of modern Jewish life—vibrant, fascinating, invigorating, ennobling. The *beit harav*, sometimes referred to as *beit hamalkhut*, the house of royalty, was a focus of Jewish creativity and rabbinic leadership in Lithuania, and eventually in all of Eastern Europe. *Beit harav* became synonymous with intensive, trailblazing Torah scholarship, exemplary piety, and dedicated leadership. We know of many uninterrupted, spiritually aristocratic traditions in the last two or three centuries of Jewish history; it is fair to say that the *beit harav* in Lithuania is in many respects probably *sui generis*, really in a class by itself, the cradle of so much of Jewish life and learning in modern times. Rabbis of the *beit harav* were trusted mentors to countless members of the Jewish communities in Europe. People, learned and unlearned, rabbis and laymen, would refer to *beit harav* “*mit a tzitter*,” with deep reverence and great affection.

The Rov was, I must add, not only a worthy, luminous heir of the illustrious *beit harav*, which he frequently referred to in his lectures and *shiurim*; to this should be added the special individuating characteristics of Brisk—a simple place-name that has been transformed into a complex of values, associations, and ideals, a network of great achievements and lofty aspirations. Brisk became a code word for conceptual precision and rigor in Torah study; laser-sharp analysis of and commentary on baffling passages or difficult themes; economy of expression and clarity of exposition; intellectual honesty together with intellectual boldness, strenuous discipline, and disciplined sensitivity—all this as well as a pervasive tradition of *hesed*. Rav

¹*Beit harav* refers to the descendants of R. Hayyim of Volozhin.

hesed ve'emet, abundant in goodness and truth, was an uplifting, enticing ideal and a remarkable, irresistible reality. Reb Hayyim's acts of *hesed* are legendary; the Rov's *hesed* was bountiful.

2

The Rov was all this and more, because his glorious heritage was filtered through his unique personality, through the original constructs of his mind and heart, through that new entity formed by his majestic Torah learning together with his all-encompassing philosophic, scientific, and humanistic education. We need to be precise: even his sovereign mastery of the traditional sources of halakhah together with his creative control of aggadah, kabbalah, Jewish philosophy, biblical exegesis, and the literature of Hasidism would make his learning unique—how much more so with the catalytic addition of the other ingredients. To be sure, comprehensiveness, impressively wide-ranging learning, was always the lodestar of *gedolei Yisrael*—it was assumed that rabbinic authorities had mastered the vast corpus of Torah teachings. However, his knowledge and range of associations in the universe of Torah and *hokhmah*, his erudition and creativity, his powers of analysis and interpretation, his insight and intuition represent a special kind of comprehensiveness. This needs to be recognized and underscored, for even apparently devoted students are not able to acknowledge the true dimensions of his uniqueness. As we shall note, it is easier—yet unpardonable—to reduce the extraordinary to the ordinary; this is the case even if the ordinary refers to recognized standards of intellectual-spiritual greatness. There are differences even among the great, and we need to free ourselves from routinized thinking in order to perceive and appreciate these differences. The Rambam already taught us that among the “causes of disagreement” is the fact that “man has in his nature a love of, and an inclination for, that to which he is habituated. For this reason also man is blind to the apprehension of the true realities.”² It takes special effort and honest concentration to transcend conventions of perception and expression, to recognize something new and beautiful and authentic—something beautiful in its original mode and in its authentic force.

As for comprehensiveness, the Rov always taught that for Torah to be rich and percussive, charming and challenging, timely and timeless, it must be comprehensive and commodious and dare not be compartmentalized or fragmented, shallow or routine. In Kiddushin our Rabbis interpret *veshinantam levanekha*, “you shall teach them diligently to your children,” strikingly: “Do not read *veshinantam* but rather *veshilashtam*. A person should always divide his study time into three parts: a third

² *Moreh Nevukhim*, 1:31. See also *Perush Hamishnah*, Sanhedrin, *Perek Helek*, ed. R Yosef Kafih, 203–204.

should be devoted to Scripture (*Mikra*), a third to Mishnah, and a third to Talmud.”³ How are we to understand the transition from *veshinantam* to *veshilashtam*? This is certainly not to be seen as just another application of the well-known *al tikrei* principle, which is based upon a different vocalization of the same letters (e.g., *banayikh-bonayikh*); phonetics and semantics are intertwined in cases of *al tikrei* in order to focus our attention on a new insight or novel inference.⁴ It appears that we have here a new conceptualization, a dynamic interpretation which underscores a basic principle and essential feature of Torah study. *Veshinantam* means to have a clear, unobstructed grasp of the subject matter (Torah) in its entirety, which may then be transmitted without hesitation, with zeal and accuracy, charm and authoritativeness:

That matters of Torah should be *meḥudadim befikha*, sharp and clear in your mouth, so that if a person asks you something, do not answer him with a stutter; rather, answer him immediately.⁵

This mode of teaching and transmission is attainable only if one has comprehensive scope and the ability to systematize; that is the thrust of *veshilashtam* as setting the groundwork for *veshinantam*—study methodically so as to include everything (*Mikra*, Mishnah, Talmud [in which, according to the Rambam, philosophy is included]), and then you will be in a position to transmit Torah precisely and unfalteringly. Fragmentation often results in distortion.

At the beginning of *Hilkhot Talmud Torah*, the Rambam cites *veshinantam* when emphasizing the obligation to teach Torah to everyone—all students are perceived as sons—whereas he could have cited the verse “and you shall teach [the words of the Torah] to your children.”⁶ He says:

but not *only* his son and son’s son; a commandment, rather, devolves on every Israelite scholar to teach all students, even if they are not his offspring. For [where Scripture] says, “and you shall teach them diligently to your sons,” we have it on tradition: “Your sons’ are your students.”⁷

We must be attentive to the significance of this formulation.

³ מאי דכתיב: וְשִׁנְתָּם לְבָנֶיךָ (דברים ו, ז)? אל תקרי ושננתם אלא ושלשתם, לעולם ישלש אדם שנותיו, שליש במקרא, שליש במשנה, שליש בתלמוד (קידושין ל, א).

⁴ See Rabbi Y. Twersky, *Perpetuating the Mesorah: Halakhic, Ethical, and Experiential Dimensions*, ed. C. Horowitz and D. Shapiro (Jerusalem, 2023), pp. 27–29, for a parallel discussion.

⁵ ת”ר וְשִׁנְתָּם שיהו דברי תורה מחודדים בפ”ך. שאם ישאל לך אדם דבר אל תגמגם ותאמר לו, אלא אמור לו מיד (קידושין ל, א).

⁶ וְלִמְדָתָם אֹתָם אֶת בְּנֵיכֶם. (דברים יא, ט).

⁷ ולא בנו ובן בנו בלבד, אלא מצוה על כל חכם וחכם מישראל ללמד את כל התלמידים אף על פי שאינן בניו, שנאמר: וְשִׁנְתָּם לְבָנֶיךָ (דברים ו, ז), מפי השמועה למדו: בניך אלו תלמידיך (משנה תורה הלכות תלמוד תורה א, ב).

It appears that there are in fact two levels of teaching: *limmud*—teaching everyone something, on many different levels—a task which everyone is able to perform in one way or another; *shinun*—teaching which requires finely honed interpretive-expository skills and extensive knowledge, which only the Torah sages have acquired. This explains the Maimonidean formulation which shifts from the commandment to teach one's children and grandchildren to the obligation incumbent upon every scholar to teach all the disciples even though they are not his children. In sum, *veshinantam*, interpreted also as *veshilashtam*, underscores the lesson that the ideal fulfillment of the mitzvah of *talmud Torah* (to study and to teach) hinges on lucid, systematic knowledge which is all-inclusive. Seen from this perspective, it is clear why *talmud Torah* is a special, open-ended mitzvah which is fulfilled with different degrees of intensity and creativity by different people.⁸

The Rov's virtuosic, versatile teaching is a vigorous, persuasive illustration of the truth of this interpretation. His Torah is comprehensive and therefore sharp; it is systematic and therefore effusive; his fulfillment of the mitzvah reflects his individuality. He occupies a position in Torah teaching which is his and his alone.

3

What needs to be emphasized repeatedly and unequivocally is the Rov's uniqueness. His extraordinary Torah erudition together with his wide-ranging general knowledge, his dazzling brilliance, lucid, compelling analysis, phenomenal originality (which did not tolerate the shallow or the commonplace), astonishing intuition, almost legendary preoccupation with Torah (even when drinking a cup of tea or crossing the street, as was pointed out by my son Reb Mosheh), uncompromising honesty, unfailing eloquence, deep-seated sensitivity and lyricism, carefully crafted philosophy (or *hashkafah*), and overpowering charisma—all combined to shape a remarkable Torah personality, unlike any other we knew. This is the concept and reality of “not so My servant Moshe.”⁹ It is a cardinal principle that Mosaic prophecy is not only of a higher order but is intrinsically different, unique, generically and qualitatively incomparable. Failure to recognize that Moshe was not just another prophet was, in the opinion of the Rambam, the error and sin of Miriam; she did not malign or slander her brother, but she who was “older than he and had nurtured him on her knees and had put herself in jeopardy to save him,” did not acknowledge his unique status and stature. “She did not slander him but erred by comparing him to all other prophets.”¹⁰ Failure to discern precisely and acknowledge properly the true greatness

⁸ *Mishneh Torah, Hilkhhot Talmud Torah* 1:1–3 and the beautiful comments of *Or Same'ah*. See *Perpetuating the Mesorah: Halakhic, Ethical, and Experiential Dimensions*, p. 16 at n. 11 and p. 92.

⁹ לא כן עבדי משה (במדבר יב, ז).

¹⁰ “שהיא גדולה ממנו בשנים, וגידלתו על ברכיה, וסכנה בעצמה להצילו ... והיא לא דברה בגנותו, אלא טעתה, שהשנתו לשאר נביאים” (משנה תורה הלכות טומאת צרעת טז, ז).

of a person is part of *leitzanut velashon hara*, “raillery and slander” according to the Rambam.¹¹

Many years ago, the Rov mentioned to me with words of high praise an article on Reb Ḥayyim Brisker by R. Meir Berlin in which the latter used the expressive, repercussive phrase: “not so My servant Moshe” to characterize Reb Ḥayyim vis-à-vis his contemporaries—indeed truly preeminent *gedolei Yisrael*, whose light never dims. The point was that Reb Ḥayyim was unquestionably different even in this galaxy of great sages; routine praise, even if sincere, misses the mark.

The Rov subsequently used this same highly charged phrase to portray his uncle the Brisker Rov, and we may properly, with a full measure of intellectual rigor and accountability, honesty and discipline, apply it to the Rov. Let us listen to his words and learn from them:

Nevertheless, “not so My servant Moshe” ... the Brisker Rov was utterly dissimilar and completely set apart from all the scholars of his generation; different in his manner and his comportment. The description *gedol hador*, the outstanding rabbi of the generation, is inadequate and does not express his distinct characteristics. He was unique in his generation; he was peerless. His conceptual universe, his world outlook, his piety, moral character, and deeds cannot be captured in the platitudes of the eulogizers ... The eulogies that were delivered at his funeral and those that were written afterward placed his originality and his uniqueness in a Procrustean bed. Rather than describe the person as he really was, he became what his eulogizers, with their hackneyed verbiage, wanted him to be.¹²

What could be more appropriate for us as we continue to think about the Rov and confront the challenging and daunting task of portraying him as he was, and not as stereotyped phraseology or conventional plaudits would depict him, not as he would appear as the result of self-mirroring. We all know that language, imperfect to begin with, is debased; we find everywhere inflated rhetoric, meaningless hyperbole, sweeping generalization, unbalanced comparison, insipid stereotype, perfunctory praise. The leveling process casts its net even on truly great *hakhmei Yisrael*; they are presented as if they were all alike—same youthful precocity, same Torah expertise,

¹¹ “שיחת הרשעים שהוא הליצנות ולשון הרע ... דברי הבאי ... גנות הצדיקים” (משנה תורה שם). להספד על הרב מברסק עיינו “מה דודך מדוד,” דברי הגות והערכה (ההסתדרות הציונית העולמית תשמ”ב), עמ’ 57–98. האפיון של משה רבינו נמצא בעמ’ 56 והלאה. עיינו גם בהלכות יסודי התורה ז,ב.

ובכל זאת, לא כן עבדי משה ... הרב מברסק הלא היה מופרד ומופרש מהם; שונה בדרכיו ואורחותיו. התואר גדול הדור אינו הולמו ואינו מבטא את האופייני לו. היחיד שבדור או בחיר הדור היה. עולמו המחשבתי, השקפתו, חסידותו, מידותיו ופעולותיו אינם נתפסים במטבעות שטבעו הספדנים ... ההספדים שנאמרו אחרי מיטתו והמאמרים שנכתבו עליו קיצצו כמיטת סדום את מקוריותו וייחודו של האיש הזה. במקום להביע את אשר היה האיש, נהיה הוא את אשר רצו הספדנים לומר. עליו בכליהם הלשוניים שכבר העלו חלודה (“מה דודך מדוד” [למעלה הערה 11], עמ’ 69).

same piety, same kind of communal leadership. In this scheme there is no room for individuating characteristics. As for us, there is no fear of contradiction in saying simply and forthrightly—without any trace of posthumous flattery or eulogistic license—that the Rov was different: different in his teaching, different in his outlook, different in his style, different in his behavior, different in his charisma. Indeed, “not so My servant Moshe.”¹³

The truth is that it is not really possible for anyone to say, without proper qualification, that the Rov was identical with his father and grandfather—great tribute that it is, this would be an example of a kind of oversimplification which impoverishes our spiritual-religious history. Of course, there were basic similarities and common features, but equally evident is the fact that there were essential differences and individuating features. Juxtaposing the *semikhah* given him by the Kovner Rov, R. Avraham Shapiro, and the letter written about him by his father in 1935 is a good way of balancing and integrating judicious comparison to his ancestors with candid recognition of his own persona. The Kovner Rov underscored with passionate elegance the intellectual similarities between grandfather and grandson:

The inspiration of his grandfather, the “living great lion of the group [of *talmidei hakhamim* of the generation],” has rested upon him ... Like his grandfather, he has mastered the sea of the Talmud to its very depths. No difficult text baffles him, he reveals hidden meanings, deciphers the concealed, and with a piercing ray of light illuminates the meaning of obscure halakhot.¹⁴

The Rov’s father readily and emphatically acknowledged the unique endowment of his son: his unique talents together with his unique training, his erudition coupled with his analytical skills, his mastery of halakhah and of Jewish thought, his great creativity in the study of Torah and philosophy. The father introduces the son,

¹³ Our Rabbis affirm (Moed Katan 25a) that *cham kבודו בהספדו*, a sage’s honor is expressed in his eulogy. What meaningful link is there between a eulogy and honor to the sage? A wise man does not need praise during his lifetime and certainly not posthumously. Apparently, our Rabbis teach that a *hesped* (eulogy), honest and sensitive, allusive and revealing, honors the departed sage by sharply delineating the magnitude of our indebtedness to him and the scope of his influence. Any posthumous evaluation should enrich our lives by helping us appropriate the teachings of the *hakham*; it must, therefore, be true and disciplined. This is how we honor the *hakham*: by engaging in a meditation and reflection galvanized by a spiritual-intellectual teleology. In this way, the sage remains a source and a model, a stimulus and a catalyst, a challenge and a guide. We are obligated to recognize the unique characteristics and achievements of the *hakham*.

¹⁴ “נחה עליו רוח זקנו הארי החי הגדול שבחבורה ... כמוהו מושל בים התלמוד עד עמקי תהומותיו, וכל רז לא אניס ליה, מעלה נסתרות ומפענח נעלמות ובוקע נתיב אורה בהלכות העמומות” (הרב אברהם דובער שפירא מקוונא, ספר זכרון הרב: קובץ חידושי תורה לזכר ... רבי יוסף דוב הלוי סלוביצ'יק, בעריכת הרב חיים ירמיהו ווידער ואברהם ירוחם שמידמן, ישיבת רבנו יצחק אלחנן, 1994, בהקדמת הספר).

whom he describes as having been a youthful prodigy and a distinguished philosophy student, in a way that allows his radiant persona to shine forth; he focuses on the fact that diverse resources converge to emphasize the Rov's preeminence in knowledge and understanding of Torah.

In emphasizing his son's fame, Rav Moshe Soloveitchik wrote: "[As evident by reports in the newspapers in Eretz Yisrael] his Torah and wisdom have preceded him, and many have taken note [of his talents]," and he highlighted the fact that his son is really *sui generis*: "[Appreciating him] requires a developed insight to comprehend; he brings glory to the Jewish people." He then goes on to cite the Rov's unique achievements:

In previous generations many imagined that Torah and other branches of wisdom cannot be integrated; however, in this generation we now find Torah and wisdom fully connected. It is found in a person who is a *gedol hador*, an astonishingly great Torah scholar of the generation, equal to the great scholars of previous generations. In addition, his mastery of general wisdom is so great as to make him completely unique in those fields, and he is without a doubt the outstanding Torah scholar of our generation. His understanding [of Torah] carries enormous weight, and his opinion is decisive in all the laws of the Torah, be they simple or complex.

In a subsequent paragraph he refers explicitly to his son's general education and distinguished achievement in philosophy:

He was a prodigy in his youth, and now the entire Torah is inscribed in his heart ... his proficiency is not limited to one area; he has acquired in significant measure also ancillary areas of wisdom which adorn him, and which impart to him grace and splendor. He has attained a doctorate in philosophy with honors from Berlin University, where the professors were astonished by his outstanding talents and with the breadth and depth of his understanding, which they had never before seen. His philosophic originality designates him as a genius of this generation.

The conclusion is powerful and succinct:

He is a personage who possesses everything: he is a towering figure in his knowledge of Torah, a sovereign genius in the other fields of wisdom, and one of the most talented individuals of the Jewish people today.¹⁵

¹⁵ כפי שראיתי בעיתוני א"י תורתו וחכמתו הלכה לפניו והכריזה עליו ... הוא מין בפני עצמו שצריך התכוננות מיוחדת, תכשיט לעם הישראלי ... בדורות הקודמים דימו שאי אפשר במציאות להיות תורה ושאר חכמות משולבים יחד. אמנם בדור זה כבר פוגשים תורה וחכמה מחוברים. אבל באופן הזה גדול הדור בתורה באופן מבהיל, כאחד מגדולי הדור בדורות

This uniqueness also underlies the abundance, the bountifulness, what almost seems to be the ubiquitousness of the Rov's teaching—a fulfillment and manifestation of *ulehorot natan belibo*, “He has put in his heart that he may teach”—the extraordinary ability to communicate ideas and insights is a special gift, a special dimension of genius, for not every person, even one possessed of great learning, is blessed with *ulehorot natan belibo*.¹⁶ The Rov had it and his inspired, disciplined teaching was like a spring flowing with undiminished, ever-increasing strength.

This extraordinary ability was felicitously coupled with his unfailing readiness to teach. I am inclined to suggest that his real greatness lay not in the majesty of his erudition, the force of his originality, or the brilliance of his intuition. (People always admired the sheer pageantry of his learning and were enchanted by the elegance of its various manifestations and formulations.) His greatness—intellectual and moral—lay in his extraordinary ability and amazing readiness to teach and converse effectively, vigorously, and intelligibly on *all* levels; moreover, he did so sympathetically and graciously in a way that simultaneously satisfied and stimulated the listener. In order for the Rov to give a *shiur*, a *derashah*, or a lecture, he had to engage in an act of *tzimtzum*, contraction; he had to restrict and restrain a mighty intellect and channel it, to select prudently from an awesome erudition and a vast reservoir of original insights in a carefully controlled way. The profundities of his learning and

הקודמים, ואם בשארי חכמות באופן גדול הנו היחיד ומיוחד, אין ספק, כי הוא כעת יחיד הדור בהבנת התורה. הבנתו היא משקולת ודעתו היא המכרעת בכל דיני התורה, קלות וחמורות ... היה עילוי וגאון בילדותו ועתה כבר כל התורה חקוקה על לבו ... והלא אינו בעל מלאכה אחת. רכש במידה מרובה גם הפרפראות לחכמה, המעטירים אותו, ונותנים לו לויית חן ויופי. השיג את תאר ד"ר פילוספי" באופן הכי מצוין בהאוניברסיטה דברלין, והפרופסורים דשם היו בהתפעלות מגודל כשרונותיו ורוחב הבנתו העמוקה שלא ראו כזאת. ומחדש גם בחכמה זו כגאון הדור ...

ואך הוא הגברא דכוליה ביה, גדול התורה בתורה, אב וגאון בשארי חכמות, אחד המיוחדים בכשרונות בין עם ישראל (הרב משה סולוביצ'יק, "אב מעיד על בנו", מכתב מיום י"ט באלול תרצ"ה, בתוך ספר היובל להגרי"ד סולוביצ'יק, בעריכת הרב שאול ישראלי ואחרים, [מוסד הרב קוק, תשמ"ד], כרך א).

Allow me to recreate the following experience. The Kovner Rov, R. Avraham Shapiro, is known for his classic three-volume collection of responsa *דבר אברהם*. I remember my excitement when I received a posthumously published copy of a volume of *דבר אברהם* subtitled *חלק הדרוש* (New York, 1949). On page 115, the following note caught my attention:

ראוי להתעורר על חסרון גדול, שמן ספר העקרים להר"י אלבו ז"ל, לא נתחבר כמעט שום ספר כמתכונתו העוסק באופן שיטתי והתעמקות בעניני הדת ועיקריה, **בהשתמשות עם הספרים והידיעות הנחוצות**, כמו שעשו הראשונים ז"ל, בעוד **שהשעה צריכה מאד** לכך ... אמנם ידעתי כי לא מלאכה קלה היא ואין לנו אנשים רבים מוכשרים ומומחים לזה ע"פ חינוכם והכשרתם ...

As I read these insightful words, I immediately assumed that he was thinking of the Rov.

ולְהִלֵּךְ נִמְן בְּלִבּוֹ (שמות לה, לד). עיינו פירוש ראב"ע על הפסוק—“כי יש חכם גם חרש לא יוכל להורות היטב.”¹⁶

the subtleties of his thinking had to be unfolded slowly and methodically. Otherwise, students and listeners would have been overwhelmed, would have drowned in the sea of his Torah. His teaching would not have been intelligible—it would rather become a source of frustration and restlessness. He knew that teaching, no matter how profound, must be pleasant and palatable.

“Honey and milk are under your tongue.” Whoever publicly expounds the words of Torah, and they are not pleasing to their hearers like honey and milk mixed together, it would have been better had he not spoken.¹⁷

Every *shiur*, every speech, was crafted with consummate artistry. This is not only an expression of his literary-conceptual perfectionism but of his realization that if he was to teach effectively, he had to contain his immense learning and unbounded creativity. Style and exposition required sustained attention; hasty writing, like shabby thinking, was intolerable.¹⁸ He had to find the best way to combine felicitous generalization and lucid, compelling interpretation of detail, while interjecting a sprightly parenthetical remark, an anecdotal reference, or a lyrical note. Otherwise we would not have been able to learn from him. He therefore happily fused apparently limitless erudition with enthralling elegance and immense pedagogical skills. When he repeated an idea or interpretation—and the repetition was always eloquent—his intention must have been to guarantee that the presentation was properly textured and fully nuanced, that one theme had been adequately developed and the transition to the next one was crystal clear. Ever mindful of his audience and the goals of his presentation, he used as much learning—*lomdus*, Midrash, philosophy, history, literature—as was necessary and no more.

When I think of him and see him before my eyes preparing and delivering a *shiur*, I am reminded of the following: The Gemara says, in referring to the fact that Hillel had eighty disciples, that “the greatest of them was Yonatan ben Uziel and the smallest was Rabban Yohanan ben Zakkai.” The text then continues to depict graphically the greatness of the smallest, least distinguished disciple: he is described as knowing everything.

¹⁷ דבש וחקלב תסת לשונך. כל מי שאומר דברי תורה ברבים ואינם ערבים על שומעיהם כדבש וחקלב המעורבים זה בזה, נוח לו שלא אמרן (שיר השירים רבה ד, יא).

¹⁸ Long before the famous epigram that the style is the man was formulated, the Talmud underscored the importance of style: (סנהדרין פט, ב). “סגנון אחד עולה לכמה נביאים ואין שני נביאים מתנבאים בסגנון אחד” Rambam emphasized (in *Moreh Nevukhim*, 2:29): “ודע כי לכל נביא, דבר אחד מיוחד בו, כאילו הוא לשון האיש.” Marcel Proust might have cited these references when he said: “Style is in no way a decoration, as some people believe; it is not even a matter of technique; it is—as color is with painters—a quality of vision” (see Peter Gay, *Style in History* [New York, 1974], 5, n. 1). The Rov’s style is, as all acknowledge, quite unique.

They said of Rabban Yoḥanan b. Zakkai that he did not leave [unstudied] Scripture, Mishnah, Gemara, Halakhot, Aggadot, details of the Torah, details of the Scribes, inferences *a minori ad majus* ... great matters and small matters. “Great matters” mean the *Ma’aseh Merkavah*, “small matters” the discussions of Abaye and Rava.

The stage is set for the Gemara to ask a crucial question: “If the smallest of them was so great, how much more so the greatest?”

However, we are eager to know what remains to be said in laudatory characterization of the greatest; what is the extra dimension that may be identified and attributed to the most distinguished of the disciples? This is the answer: “They said of Yonatan b. Uziel that when he used to sit and occupy himself with the study of Torah, every bird that flew overhead was immediately burnt.”¹⁹

In studying this remarkable passage and pondering its significance, the yeshiva student focuses on a legal issue to be decided in accord with the *Hoshen Mishpat* or *Hilkhot Hovel Umazik*: Who has to pay? Who is liable for the damage and the loss? The Kotzker *hasid*, conscious of and questing for ecstasy, marvels: If this is how the student is portrayed and celebrated, what is left to describe the teacher? *Voz iz shoin baym rebbin*? What unusual resourcefulness does he possess?

To paraphrase the Talmudic sentence: If this is what happens with the student, how much more so with the teacher! We seem to have exhausted everything; every factual assessment, every metaphor, every category of praise has been used. Our armamentarium is depleted. The answer of Kotzk was: *Baym rebbin vert nisht farbrent*, “Nothing is ever burnt by the rebbe.” The master has sovereign control over his mighty resources and uses them with laserlike precision. He creatively summons forth from his reservoir of knowledge and skills only that which is necessary for the task at hand. While revealing one thing, he conceals many things. Nothing is squandered; no available resources are used needlessly or mindlessly. There is no exhibitionism, no ostentatious parade of erudition, no ornamental accumulation of source references. The rebbe produces much light and just enough heat—nothing is burnt and the Torah teaching shines luminously.

The Rov always dispensed his Torah learning in a measured way. He shared his learning graciously and benignly in order to make it possible for others to be partners or participants in the intellectual process. His thorough, meticulous preparation as well as masterful, deliberate presentation were expressions of this. He always prepared very carefully, regardless of the level of his presentation. I recall vividly how he would write out his remarks for the boys and girls of Maimonides School when he

¹⁹ אמרו עליו על רבן יוחנן בן זכאי, שלא הניח מקרא, ומשנה, גמרא, הלכות ואגדות, דקדוקי תורה ודקדוקי סופרים, קלים וחמורים ... דבר גדול, ודבר קטן; דבר גדול מעשה מרכבה, דבר קטן הויות דאביי ורבא. וכי מאחר שקטן שבכולם כך, גדול שבכולן על אחת כמה וכמה? אמרו עליו על יונתן בן עוזיאל, בשעה שיושב ועוסק בתורה—כל עוף שפורה עליו מיד נשרף (סוכה כח, א) ועיינו תוספות שם. השו"ר מח"ל, דרך השם, חלק ד סוף פרק ב.

came to address them on *Erev Yom Hakippurim*—remarks about the beauty and sanctity of Yom Hakippurim, about *taharah*, about the role of the *Kohen Gadol*, about the exaltedness of prayer, about *teshuvah* and *kapparah*, atonement, about the inseparability of mitzvot between man and man and those between man and God, about the striving for moral perfection, about the multiple meanings of *lifnei Hashem*, before God. Everything was carefully crafted even, or especially, for young boys and girls who needed to be reassured and aroused in the quest for understanding and insight, piety and spirituality.

The great master-teacher is described as follows:

And more than being wise, Kohelet further taught knowledge to the people, and weighed and searched out and framed many maxims.²⁰

His learning enables him to teach and disseminate knowledge among the people, among all the people; for this purpose of effective, inspiring teaching, he devises multiple techniques of clarification and exposition and various strategies of explanation. The wise man pays a price for his teaching, which is *torat hesed*.²¹ For a sage to transmit knowledge and wisdom to the people, not to a pre-selected elite, is to be

²⁰ וַיִּמְרָ שְׁהִיָּה קִהְלֵת חֲכָם עוֹד לִמְדָּ דַעַת אֶת הָעָם וְאֵין וְחִקְרָ תִּשְׁלִים הַרְבֵּה (קהלת יב, ט).

²¹ See Sukkah 49b. Cf. Hatam Sofer, *Teshuvot, Yoreh De'ah*, introduction ("פתוחי חותם"). [See I. Twersky, *Torah of the Mind and Torah of the Heart*, ed. David Shapiro (Jerusalem, 2020) pp. 19–21.] Actually, the *hakham hamasorah*, whose grasp of the tradition is total, is obligated to relate to the totality of the *masorah* community. Everyone has a share in the *masorah*, and therefore none should be excluded from the process of transmission and enhancement which we have been discussing; no one should be denied the opportunity to benefit from inspired, inspiring teaching. Already the Rambam in his introduction underscored the fact that his monumental codification, the *Mishneh Torah*—a distillation of the entire corpus of Torah literature, broadly conceived—was intended to provide a creative systematization of the Torah and make its contents known to all: **עַד שֶׁתֵּהָא כּוֹלָה סְדוּרָה בְּפִי הַכָּל**. With greater emphasis he added: **לְקַטֵּן וּלְגְדוֹל**.

Everybody will find meaning and insight, guidance and edification. A halakhic formulation that will seem simple and straightforward to an unscholarly or insensitive reader will appear original, provocative, and multifaceted to a scholarly and sensitive reader. **וְאִפְשָׁר שִׁידַעַם הַכָּל קִטָּן וְגָדוֹל, אִישׁ וְאִשָּׁה**. *(Mishneh Torah, Hilkhoh Yesodei Hatorah 4:13)* **בַּעַל לֵב רַחֵב וְבַעַל לֵב קָצֵר**.

The *hakham hamasorah* uses his knowledge and pedagogic skill to write and teach in such a way that two distinct voices may be heard therein, for the small and for the great. He has to achieve the right fusion of popular and sophisticated components, exoteric and esoteric elements. Indeed, the Rambam succeeded in this regard; he remains a teacher of great and small. The echoes and reverberations of the Rambam's great work were heard in different ways by varied members of the community through the ages. It is noteworthy that even the *Moreh Nevukhim* was conceived in such a way that it had something even for beginners. In the introduction, the Rambam states: "I know that among men generally *every beginner* will derive benefit from some of the chapters of this treatise, though he lacks even an inkling of what is involved in speculation. A perfect man, on the other hand, devoted to Law and, as I have mentioned, perplexed, will benefit from all its chapters."

deflected from his own study and writing, his attainments and advance. Nevertheless, he persists and teaches in a stimulating way. This was the Rov: the rabbi's scholar, the layman's rebbe, the child's guide—all luminous facets of his untiring teaching—*ulehorot natan belibo*.

5

This remarkable achievement was the consummate expression of combined intellectual and moral prowess—of magnanimity, generosity, and graciousness. The statement in Nedarim comes to mind:

The Torah was given only to Moshe and his descendants ... Moshe treated it with generosity and gave it to the Jewish people. And about him, the verse says: “He that has a bountiful eye shall be blessed.”²²

The Rov had a very bountiful eye; he was a great *tov ayin*. He shared his wisdom and learning with everyone—rabbis and students, various groups of *ba'alei*

R. Yosef Karo also affirms that his *Shulḥan Arukh* was intended to serve beginning students as well as advanced scholars, to increase Torah knowledge among the small and the great. “ומובטח אני בחסד עליון כי על ידי ספר זה תמלא הארץ דעה את ה', הקטנים עם הגדולים, תלמיד עם מבין, חכם חרשים ונבון לחש.”

The model for this teaching and transmission is none other than the Almighty, “who teaches Torah to His people Israel.” On the verse (דברים לב, ב) *יְעַרְףְּ כַּמֶּטֶר לִקְחֵי תִזְלַל פֶּטֶל אֶמְרָתִי* (דברים לב, ב), R. Ovadyah Sforno comments:

יְעַרְףְּ כַּמֶּטֶר לִקְחֵי: הנה תורתִי היא תערוף ותבא בשטף כמטר למבינים המוכנים לקבל מבוע מקור חכמה. תִזְלַל פֶּטֶל אֶמְרָתִי, ונותנת ג"כ כפי הנגלה ממנה איזו ידיעה להדיוטות שעם היותה מועטת היא טובה מאד כטל, באופן שהיא פשעים עלי דשא, שהמשכילים יביטו נפלאות ממנה, וכרביבים עלי עשב, שגם ההדיוטות יקנו בה איזה מדע להכיר בו בוראם באופן זה. The great teacher is walking in the ways of God, fulfilling the mandate of *imitatio Dei*, when he takes pains to make his teaching accessible to great and small. Religious-moral imperatives and didactic-pedagogic purposes merge.

We may add, furthermore, that the great teacher knows that his own knowledge and insight are ultimately refined and enhanced by the ability to address “small and great” (קטן וגדול), for the reactions of each contribute to full understanding, mature formulation, and judicious interpretation. As the Rambam summed it up:

וכשם שעץ קטן מדליק את הגדול כך תלמיד קטן מחדד הרב עד שיוציא ממנו בשאלותיו חכמה מפוארה (משנה תורה הלכות תלמוד תורה ה, יג).

Let us note the Rov's explicit awareness of this moral-pedagogic feature:

איש ההלכה הוא פדגוג נפלא, בעל הסברה מצוינת, מזדקק לקטנים ולגדולים (“מה דודך מדוד” למעלה הערה 11, עמ' 85). He himself performed this act of *imitatio Dei* with zeal and dedication so that heterogeneous audiences were enthralled by his teaching.

See also R. Joseph B. Soloveitchik, *And From There You Shall Seek*, trans. Naomi Goldblum (Ktav, 2008), 147. Note Pesahim 109a and Kiddushin 30a.

לא ניתנה תורה אלא למשה ולזרעו ... משה נהג בה טובת עין ונתנה לישראל ועליו הכתוב אמר: טוב עין הוא יברך פי' נתן²² מלקחיו לכל (משלי כב, ט; נדרים לח, א).

batim, young and old, large gatherings and small assemblies. Whether he was interpreting a difficult passage in *Tosafot*, explicating a particularly recalcitrant formulation by the Rambam, interpreting a comment of Rashi or Ramban on the Torah, he was always the master teacher—happily and skillfully making his rich learning available to all.

In addition, he felt—and compellingly expressed the idea—that wisdom, like prophecy, was not to be seen as the private possession of an individual. “Neither prophecy nor wisdom is the property of the individual; they belong to everyone.”²³ The halakhah obligating a prophet to communicate his prophecy—“a prophet ... who suppresses his prophecy ... is liable to death at the hands of Heaven”²⁴—should govern the behavior and attitude of the wise man, even if a high price is paid. *Noblesse oblige*; the sage is driven to share his learning. The Rov illustrated untiringly the lesson implicit in the opening halakhot of the Rambam, *Hilkhot Talmud Torah*,²⁵ that studying and teaching constitute one unified mitzvah, one fully integrated performance. As we shall subsequently note, his magnanimity—making his great mind and soul available to those who thirsted for “the word of God”—together with the charm and cogency, pedagogic refinement and rhetorical force of his teaching, resulted in an extraordinarily widespread impact which literally made him *Rabban shel Yisrael*.

6

These comments on magnanimity and bountifulness lead to one more comment on the Rov’s personality. This great man, whose unique scholarship was admired far and wide and whose wise counsel was sought throughout the world, was totally unpretentious, free of all pompousness and officiousness. He deserved and received the greatest respect but never wanted this to be tinged with artificiality. He opened the door, answered the telephone, and conducted all his correspondence without secretaries, without an office staff, without any bureaucracy. His resistance to and antipathy toward mechanization, institutionalization, stodginess, perfunctoriness—above all, artificiality and pretense—carried over to his personal behavior. Just as he was far from being banal and platitudinous in thought or style, so he had no use for the artificial, which is also superficial, in behavior and human relations. The Rov’s greatness was thus expressed also in his individuality, personal authenticity, and naturalness in everything he did.

²³ *And from There You Shall Seek*, 146. In the original Hebrew:

אין הנבואה, וגם החכמה, קניין היחיד; שייכות הנה לכול, “ובקשתם משם”, איש ההלכה גלוי ונסתר (ההסתדרות הציונית העולמית, תשל”ט), עמ’ 232.

²⁴ נביא ... הכובש את נבואתו ... מיתתו בידי שמים (סנהדרין פט, א).

²⁵ *Mishneh Torah, Hilkhot Talmud Torah* 1:1–7, and see *Sefer Hamitzvot*, positive mitzvah 11.

As for his method of Torah teaching—the celebrated Brisker mode of analysis, interpretation and exposition—let me, in the interests of brevity, mention two salient components.

The first component in his method of teaching is that it necessitates treating the Rambam's *Mishneh Torah* not only as a code of Halakhah (as the influential precursor of the *Shulḥan Arukh*), but as a commentary on the Talmud; it recognizes that the Rambam, the authoritative codifier, is *eo ipso* a versatile, original commentator. This premise yields great exegetical-interpretive freedom in reconstructing the implicit commentary. The characterization of a statement as a “difficult Rambam” usually presumes a conventional explanation of the Talmud text or a common form of reconciliation of several texts;²⁶ when this conventional interpretation fails to illumine the Maimonidean formulation, we are left with a “difficult Rambam.” It is self-evident that a curt, normative formulation, a *halakhah pesukah*, in the *Mishneh Torah*, reflects the Rambam's latent explanation of Talmudic texts and halakhic concepts—an explanation that often differs from the standard commentators. Consequently, a major task of the rabbinic scholar is to unfold or reconstruct the Rambam's unarticulated interpretive processes; in other words, to compose, by means of fastidious reasoning and disciplined hypothesis, the kind of commentary that the Rambam would have written on the Talmud.

The testimony of R. Menaḥem Hame'iri concerning the mode of study followed in his school is particularly informative and enlightening. Having completed the study of a Talmudic passage and arrived at what seemed to be the “true explanation” of the passage, he would consult the *Mishneh Torah* in order to find the practical codificatory summation. Frequently the latter, in its Maimonidean formulation, convinced him that his explanation of the passage was defective or imprecise. The attempt to align the *pesak* with the *sugya* necessitates intensive intellectual exertion and relies on great ingenuity and resourcefulness. Failure to do this will often leave one with an inadequate understanding.

I will formulate a rule for you, and I beg your indulgence not to disparage it. Anyone who ignores the final legal ruling [based on the Talmudic discussion] will often not comprehend the correct interpretation [of the Talmud] nor will he exert effort to seek it out. As God lives, many a time it happened that I was sure that I had arrived at a correct interpretation of a halakhic discussion. But upon searching for the correct final ruling in the works of previous authorities, and particularly in the works of the Rav [i.e., Rambam], of blessed memory, which always served me as a final step and

²⁶ See Netziv, introduction to his commentary on the *She'iltot*.

the authoritative ruling vis-à-vis other codes of law, I would realize that I did not interpret the halakhic discussion properly.²⁷

It is especially interesting, in light of this, to read the Rov's description of how his father was accustomed to study.

My father always spoke about the Rambam. This is how he would proceed: He would open a volume of the Talmud and read a passage. Then he would say, "This is the interpretation of R. Isaac and the [other] Tosafists; now let us see how the Rambam interpreted the passage." Father would always find that the Rambam had offered a different interpretation and had deviated from the simple way.²⁸

Hence the biggest challenge and the delightful opportunity provided by the Rambam is the invitation to a disciplined yet imaginative interpretive hypothesis, to a hermeneutic which fuses textual precision with conceptual insight.

I emphasize "disciplined yet imaginative" because that is the key to understanding what is colloquially referred to as a *hiddush*, a new interpretation.

8

A *hiddush* is not something contrived or extraneous or completely autonomous, but an age-old, timeless truth waiting to be brought to the surface. It is an inspiring, edifying insight not hitherto perceived, a novel interpretation based upon previously unnoticed associations or connotations, an elegant clarification which resolves hard-core difficulties. A *hiddush* is present in Torah, but temporarily invisible. The resourceful, erudite interpreter, using penetrating logic and creative powers of association and differentiation, brings this new-old truth to everyone's attention. This is really what the Ramban is telling us in the introduction to his *Milḥamot Hashem*: "We are obligated to carefully study Torah and mitzvot and to uncover concealed

²⁷ וכלל אומר לך ומחסדך אל תבזו אליו, והוא שכל מי שלא יחוש לידיעת פסק הענין לא יעלה בידו בהרבה מקומות אמתת הפירוש וגם הוא לא יתעמל בזה. וחי השם, הרבה פעמים קרה על סוגית ההלכה והייתי חושב שכונתי בה לביאור אמתי, וכשהייתי מחפש לידיעת הפסק בספרי המחברים הקדמונים בפסקיהם ויותר בספרי הרב ז"ל אשר היו לי מכוש אחרון וסוף הוראה לכל החבורים המחברים דרך פסק הייתי מרגיש בעצמי שלא היה ביאור הסוגיא עולה בידי כהוגן (ר' מנחם המאירי, בית הבחירה על מסכת ברכות, מהדורת שמואל דיקמן, מכון התלמוד הישראלי השלם, תש"ך, פתיחה לחיבורו, עמ' כח).

²⁸ *And from There You Shall Seek*, 143. In the original Hebrew:

אבא מרי דיבר תמיד על אודות הרמב"ם, וכך היה עושה: היה פותח את הגמרא; קורא את הסוגיא. אחר כך היה אומר כדברים האלה: זהו פירושו של הר"י ובעלי-התוספות; עכשיו נעיין נא ברמב"ם ונראה איך פירש הוא. תמיד היה אבא מוצא כי הרמב"ם לא פירש כמותם ומטה מן הדרך הפשוטה ("ובקשתם משם" למעלה, הערה 23, עמ' 230).

meanings.”²⁹ The highest praise in Brisk was to react to an idea or insight, to a beautiful compelling *hiddush*, with the rhapsodic exclamation: *Amitah shel Torah*, “This is the true meaning of Torah!”—i.e., the *hiddush* reveals the truth which has not previously been grasped. In the letter which we have already mentioned, the Rov’s father says of him: “He is unique in this generation in revealing the *hiddush* which expresses the true meaning of Torah.”³⁰

It is well known that the Talmud in Sukkah characterizes R. Eliezer as never having transmitted a teaching which he did not hear from his teachers; indeed, he himself proclaimed, “I never said anything that I did not hear from my teacher.”³¹ Yet elsewhere (in *Avot Derabbi Natan*), our Rabbis emphasize that he was the master of doctrines which nobody ever heard prior to his teaching them.³² Many have correctly suggested that these two descriptions are not contradictory. R. Eliezer’s grasp of the *masorah* was so comprehensive, his knowledge so fastidious, his understanding so profound, his intuition so keen, that his *shemuah*, his tradition, included themes and motifs, premises, conclusions, and insights unknown to others. He elaborated them and they, in turn, became components of the *masorah*.

There are in the Rambam’s *Mishneh Torah* hundreds and hundreds of *hiddushim*—in addition to those explicitly signaled by the phrase *yera’eh li*, “it seems to me”—which the commentators acknowledge by noting that they are original Maimonidean formulations: “The words of Rabbeinu are appropriate to him”; “It is his own insight, and they are words worthy of being said,” and similar phrases. They do not strain to find an explicit source; rather they highlight the novelty, are stimulated by its profundity, savor the felicity of style, power of compression, wealth of allusions, while they experience time and again the delicacy and dynamism of the innumerable original explanations and conclusions. In a word, they confront, admire, and are stimulated by the multisplendored originality.

The *masorah* is deepened and expanded by a great *hakham hamasorah* who succeeds in discovering inherent, authentic ideas which have not received any attention or have not been given the primacy and prominence which they deserve and, concomitantly, the opportunity to influence our thinking and behavior.

The Rov, at the beginning of his essay *Ra’ayonot al Hatefillah* had occasion to comment on this phenomenon, this process of *hiddush* (intuitive, authentic interpretation and expansion) as follows:

All are in need of redemption and liberation: the historical community as well as the individual ... Sometimes an idea remains abandoned and anonymous within systems of thought, until its redeemer who is intimately

²⁹ החיוב המוטל עלינו לחפש בעניני התורה והמצוות ולהוציא לאור תעלומות מצפונים (רמב"ן מלחמות ה', הקדמה).

³⁰ הוא יחיד הדור בחידוש התורה לאמיתה (ספר היובל להגרי"ד סולוביצ'יק, למעלה הערה 51).

³¹ לא אמרתי דבר שלא שמעתי מפי רבי לעולם (סוכה כח, א).

³² שלא שמעתי און מעולם (אבות דרבי נתן נוסחא א, פרק ו).

familiar with it wrests it from isolation and abandonment to freedom and preeminence ...

There is redemption within halakhic thought as well. There are [halakhic] postulates that have been relegated to the margins for shorter or longer periods and have strived for deliverance for generations until their liberator arrived and redeemed them. The redeemer is one of the scholars of Israel whom Divine Providence has chosen to extract the approach or the reasoning from its isolation, and to set it at the center of halakhic thought.³³

It is self-evident that not everyone is qualified or licensed to submit novellae, and not every *hiddush* will be absorbed into the mainstream of our *masorah*. When we read the Talmudic statement that “anything that a distinguished student (*talmid vatik*) will innovate was included in the original revelation of Torah,”³⁴ the adjective *vatik* resonates in a special way: only a trusted, thoughtful transmitter, one who carries the *masorah* and contributes to it with dedication, authenticity, and creative understanding, joins the august company of *hakhmei hamasorah*. Originality and innovativeness are outgrowths of being saturated with traditional categories and concepts. There is a weighty inducement to novelty but it is accompanied by a deep sense of responsibility and accountability.

9

It should be noted that mighty historical challenges—conditions of adversity, tendencies to decline, symptoms of erosion—elicit especially creative responses from these great sages who are the guardians and interpreters of the *masorah*. My son Reb Mayer called attention to the complementary terminology used by the Rambam to describe the *hakhmei hamasorah*: they are *ma'atikei hashemuah* and *magidehah*,³⁵ transmitters of tradition and its interpreters. Actually, the Rov commented on the significance of the phrase *makhḥish magidehah* in *Hilkhos Teshuvah* 3:8, in his

הכול זקוקין לגאולה ולפדיון: גם הציבור ההיסטורי, גם היחיד ...³³
לפעמים נשארת אידיאה גלמודה ואלמונית במערכות המחשבה, עד שבא גאולה הקרוב לה ומוציא אותה מבידודותה ומשוממותה לחרות ומעמידה במרכז ...

ישנה גאולה גם במחשבה ההלכתית. ישנן סברות שנידונו לגלות לזמן רב או מועט, וחתרו לגאולה במשך דורות, עד שבא הגואל וגאלם. הגואל הוא אחד מחכמי ישראל שאותו בחרה ההשגחה להוציא את השיטה או הסברה מבידודותה ולהעמידה במרכז המחשבה ההלכתית (הרב יוסף דוב סולוביצ'יק, “רעיונות על התפילה”, איש ההלכה גלוי ונסתר [למעלה הערה 23], עמ' 239).

³⁴ ואפילו מה שתלמיד וותיק עתיד להורות [גרסת הגר"א “לחדש”] לפני רבו כבר נאמר למשה מסיני (ירושלמי, פאה ב, ד).

³⁵ מעתיקי השמועה (משנה תורה, הקדמה); מכחיש מגידה (משנה תורה הלכות תשובה ג, ח).

famous *shiur* on *kiddush haḥodesh*.³⁶ *Hakhmei hamasorah* counter the challenges, which ordinarily produce pessimism and demoralization, with intellectual creativity and spiritual virtuosity, which can only result in optimism and revitalization. These wise men, teachers par excellence, inexhaustible sources of inspiration and commitment, sustain and advance the authoritative *masorah*.³⁷

10

The second component³⁸ in his method of teaching is that the primary mode of interpretation used in this process is abstract conceptualization, i.e., to find or extrapolate the unarticulated idea, the unperceived association, the unifying or differentiating characteristic which informs the plethora of details, to identify and analyze the concept which undergirds the many apparently disparate facts. This often involved the imaginative translation of facts into ideas; “pots and pans” become abstract concepts. The method probes into the inner strata of Talmudic logic and formulates the disparities as well as similarities between various passages in the light of conceptual analysis. Complex concepts, discussed fragmentarily in numerous sections of the Talmud or unrelated contexts of the Maimonidean code, are defined with vigor and precision, with dialectical insight and acuity.

11

This entire method, which at the risk of oversimplification I have reduced to its most essential features, lends dignity to Torah, enhances *kevod hatorah*, the honor of the Torah. Original and profound, elegant and enthralling, such novel interpretations combining massive erudition with great intuition speak not only to one’s religious consciousness but fully engage the mind as well. They powerfully rebut the platitudinous Haskalah indictment of Talmud study as intellectually insipid and spiritually stultifying. There is not only technical proficiency and extensive knowledge but intellectual-aesthetic delight in the process of learning. By his mastery and repercussive application of this method, as a result of readily discernible extraordinary sophistication and generally admired unfailing originality, the Rov enhanced *kevod hatorah*. His teaching was intellectually exciting and religiously uplifting.

There is a story that when the Rov’s great-grandfather, the Beit Halevi, met Reb Yisrael Salanter, he would repeat to him some *hiddushim* of his son Reb Hayyim, the most forceful protagonist, if not the originator, of this approach in modern times. Reb

³⁶ הרב משה סלוביצי'ק ובנו ותלמידו ר' יוסף דוב הלוי סלוביצי'ק, קובץ חידושי תורה: אסופת מאמרים (מכון ירושלים, תשמ"ד), עמ' סא.

³⁷ See the concluding section of this chapter.

³⁸ See sec. 7 above.

Yisrael Salanter, who was very much attuned to contemporary nineteenth-century developments coming in the wake of emancipation and enlightenment, and who agonized over the negative phenomena which he observed, responded as follows: “The next generation will study Torah that way and we shall overcome the Haskalah.” What are we to make of this remarkable statement? What is the connection between the two parts of his statement?

Reb Yisrael Salanter meant to say that in addition to the religious-metaphysical commitment which must be nurtured and sustained, young people need intellectual challenge and intellectual satisfaction. He knew well that many thought, mistakenly, that the Haskalah provided this kind of intellectual excitement; that is why an analytic-conceptual method, equal to any in its rigor and profundity, in its vigorous discipline and its invigorating results, would rehabilitate Halakhah while repudiating the Haskalah.

The Rov does not tell this story, as far as I know, but I found one sentence in his eulogy on his uncle the Brisker Rov which makes the same point very poignantly. In that remarkable, revelatory essay, which contains a spirited characterization of Reb Ḥayyim’s method more sharply delineated than what is described in *Ish Hahalah*, the Rov asks about his grandfather’s decisive impact: “What was the source of [R. Ḥayyim’s] power that if not for him, Torah would have been forgotten and we would have been unable to disseminate it in that period?”³⁹

What was the secret of his genius? If not for his trailblazing, stimulating, widely repercussive achievement, we would not be able to teach and disseminate Torah.

The Rov, who frequently emphasized the importance of enhancing *kevod hatorah*, who saw this as the assignment given us in this age by Divine Providence, was privileged to do this more than anyone else. He was the teacher who disseminated Torah in this age with verve and zeal, emphasizing the nobility of the intellectual process, the exhilaration of learning, the beauty of Torah study.⁴⁰ The same statement that he made about his grandfather is applicable to him: “What was the source of his power ... ?”

We should note that the Rov’s early *hiddushei Torah* deal with themes of *zera'im*, agriculture, and *kodashim*, the sacrificial service in the Temple; they are markedly original and completely classical in theme and format. He appropriated Reb Ḥayyim’s approach and individualized it by his erudition, clarity of insight, and mode of exposition. His innovations and acuity, using a method characterized by innovation, are salient. Subsequently, he chose to concentrate on themes of prayer, benedictions, Torah reading, festivals, and fast days—these are, of course, the topics of his celebrated *yahrzeit shiurim*. He sought themes that had not been studied in this

³⁹ במה היה כחו יפה, שאילמלא הוא הייתה משתכחת תורה מישראל ולא היינו יכולים להרביץ אותה בתקופה זו (”מה” דודך מדוד” [למעלה הע’ 11] עמ’ 07).

⁴⁰ עיינו רמח”ל (למעלה הערה 19).

way. Dichotomies between technical-theoretical and popular-practical were not real; topics considered to be popular, well known, and accessible were transformed by his profoundly original and repercussive analysis.

12

The other major area of his teaching, which is conventionally described as his philosophy, is, in my opinion, best seen—to use traditional religious categories—as his incessant, inspired preoccupation with *penimiyut hatorah* or *nishmat hatorah*, the inner spirituality of Torah. One utilizes contemporary philosophic terminology and phenomenology—which is a stylistic, conceptual requirement basic to the very enterprise—but one’s goal is the same as that of the great thinkers of previous generations: to penetrate to the inner core of Torah, to expound its essential beliefs, to explain what is contained in mitzvot, to unfold their teleology (which is sometimes explicit and sometimes allusive), to understand the dynamics of *Torah shebe’al peh* and its axiology, and hence to deepen one’s comprehension and to intensify one’s experience. This endeavor is not extraneous to Torah, not independent of Halakhah, but is an integral, indispensable part of it. As the Ramban put it, “Study of the Torah’s [core] beliefs is itself Torah study.”⁴¹ It is not merely an intellectual indulgence or a concession to the attraction of philosophic study, but the fulfillment of a basic religious duty. Use of philosophic language and conceptualization is integral; indeed, it may provide the stimulus for an analysis which yields new insights in the realm of *penimiyut hatorah*.

The Rov illustrated vividly and powerfully the meaning and majesty of the Rambam’s formulation in *Hilkhot Teshuvah* concerning the instrumental relationship between wide-ranging philosophic knowledge and the ultimate religious attainment.

It is a truth clearly known that love for the Holy One, blessed be He, becomes bound up in a person’s heart—so that he is always rightly enthralled by it, and forsakes all else, as he charged, “[Love the Lord your God] with all your heart and all your soul”—only through such knowledge as he has of Him. As is the knowledge, so is the love: if [the one be] little, [the other will be] little; if [the one be] great, [the other will be] great. One must, therefore, be single-minded in mastering and reflecting on the disciplines and sciences that give him such knowledge of his Master as humans can fathom and grasp.⁴²

⁴¹ לימוד אמונת התורה הוא הלימוד בתורה (ספר המצוות לרמב"ם עם השגות הרמב"ן שכחת הלאין ב') (Perpetuating the Masorah, 31, n. 45).

⁴² דבר ידוע וברור, שאין אהבת הקדוש ברוך הוא נקשרת בלבד של אדם, עד שישגה בה תמיד כראוי ויעזוב כל שבעולם חוץ ממנה, כמו שציוה ואמר "בכל לבבך ובכל נפשך", אלא בדעה שידענה. ועל פי הדעה על פי האהבה, אם מעט מעט ואם

This resonant formulation highlights the inexorable link between knowledge of God and love of God; it provides a double spiritualistic teleology for a comprehensive and rigorous intellectualism. Wide-ranging philosophic knowledge leads to knowledge of God, which in turn is a prerequisite for love of God. Indeed, no attempt is made, here or elsewhere, to camouflage or gloss over the robust intellectualism—only to emphasize its true spiritual purpose.

We may say that the Rov disproved the assumption of practically all religious philosophers since William James that “primary experience and conceptual articulation are always at odds with each other,” that there is a difference between “philosophy of religion as dialectic of ideas and living religion in its ‘pristine form.’”⁴³ The Rov’s point of departure—his method, his objective—was not formal scholastic philosophy of religion, which he knew well in all its guises, but rather a glorious *masorah* of *ahavat Hashem, de’ot*, and *talmud Torah*, of *Zohar* and *Sha’arei Orah*, of *Reishit Hokhmah* and *Likutei Torah*; a *masorah* in which the dialectic of ideas provides a natural, nurturing framework for the primary religious experience and for the open-ended, ongoing religious quest. He is in the tradition of the *Hovot Halevavot* (e.g., introduction, book 1, book 5) and of that ever-fascinating chapter 51 of the third part of the *Moreh Nevukhim*, which insisted that profound knowledge of God is necessary for the true service of God. This is intellectualism, to be sure, but not a self-contained or self-sufficient intellectualism. It is intellectualism with a higher purpose which thus bridges what seems to be a yawning chasm between dialectical analysis and philosophical discourse on one side and subjective experience and normative religious action on the other.

13

I want to clarify a bit more the role of philosophy. There is, in my opinion, no justification for debate or equivocation concerning the Rov’s relation to general culture—philosophy, science, literature—but it is necessary to put this in a proper perspective. The facts are unmistakable. He achieved sovereign mastery of these fields and used his knowledge selectively, creatively, and imaginatively, with great philosophic acumen and originality. He often reminisced with me about his student years and his unquenchable thirst for knowledge, which, he said, was characteristic of many of his contemporaries. He recalled that straitened material circumstances never dampened his enthusiasm for study. The impact of those years on him was great and lasting; his quest for wide-ranging scientific-humanistic knowledge was

הרבה הרבה. לפיכך צריך האדם ליחד עצמו להבין ולהשכיל בחכמות ותבונות המודיעין לו את קונו, כפי כח שיש באדם להבין ולהשיג (משנה תורה הלכות תשובה י, ו).

⁴³ See the introduction by John E. Smith to his edition of William James, *The Varieties of Religious Experience* (Harvard University Press, 1985).

successful. The record of his dedicated quest for and ongoing use of this knowledge is clear and unambiguous.

The following may be a useful way of approaching this topic. If you knew nothing about the Rambam's programmatic statements concerning the religious value of the process of intellectualization, his ideological conviction concerning the indispensability of philosophy for Torah, his passionate commitment to demonstrating the inseparability and complementarity of two apparently discordant but intrinsically harmonious domains (referred to as *gufei Torah* and *yesodot gufei Torah*);⁴⁴ if you were not acquainted with these forcefully articulated positions and merely studied the *Commentary on the Mishnah*—the most popular of his writings—you would be struck by the multiple contexts in which philosophy, philosophers, and philosophic ideas appear. Indeed, you need read only the introduction to the commentary on *Pirkei Avot*, *Shemonah Perakim*, and the commentary on *Pirkei Avot* itself and you will encounter directly his extensive use of philosophy, repeated references to philosophers, and incisive analysis of philosophic problems. There is no need for any *a priori* statement of intention or a methodological-ideological prologue. His actions, his words, the message which he communicates to his readers by the scope, style, and subtlety of his writing tell the entire story. The ready, abundant references and forceful disquisitions buttress his reputation as an enthusiastic propagator of philosophy and a creative religious philosopher.

Similarly, if you knew nothing about the Rov's biography and merely studied the *Ish Hahalakhah* (published in 1944), you would confront a massive, strategic reliance on the history of philosophy and science. The first two pages introduce you to Hegel, Kierkegaard, Rudolph Otto and Karl Barth, Eduard Spranger and Ferdinand Lasalle, Rousseau, Nietzsche, Bergson, Spengler, and Heidegger—a breathtaking list. A page later you meet Plato and Aristotle, Galileo and Newton and soon thereafter Husserl, Scheler, Berkeley, and Hermann Cohen. If you persisted and made your way to the end of this remarkable philosophical-spiritual meditation, the very last note refocuses your attention on a cast of influential figures: Kant and Hermann Cohen, Kierkegaard, Ibsen, Scheler, and Heidegger together with the Rambam and Ibn Gabirol, and then once again, after a passing reference to Duns Scotus, on to Schopenhauer and Nietzsche. These references reflect not only great erudition and precision in the history of philosophy but also a philosophic temper, a philosophic mode of thinking, a subtle, analytical mind.

In addition, we may note certain propositions, affirmations or generalizations which stand out. For example, the following sentence summarizing the views of many thinkers concerning *toda'ah datit*, religious consciousness (perhaps the major motif in the Rov's writings), in the opening paragraph of the *Ish Hahalakhah* is enthralling:

⁴⁴ [That is, Halakhah and meta-Halakhah. See Rambam, *Commentary on the Mishnah*, Hagigah 2:1.]

There is much truth to the fundamental contention set forth both by the dialectical philosophies of Heraclitus and Hegel with regard to the ongoing course of existence in general, and the views of Kierkegaard, Karl Barth, and Rudolph Otto with regard to the religious consciousness and its embodiment in the experience of *homo religiosus* in particular, namely, that there is a creative power imbedded within antithesis.⁴⁵

The halakhic master invites the reader to ponder carefully certain philosophical and theological classics which illumine the antithetical structure of religious experience and creativity—the theme which enthralled him.

Similarly, the following sweeping generalization concerning Christian theology in *Kol Dodi Dofek*—the great manifesto of religious Zionism—also arrests your attention by virtue of its authoritativeness and comprehensiveness:

One must have a comprehensive knowledge of theological literature, from Justin Martyr to contemporary theologians in order to understand the enormous miracle of the public repudiation of a central axiom of Christian theology.⁴⁶

In the evocative eulogy of his uncle, the Brisker Rov, the Rov finds it useful and appropriate to characterize the innovative aspects of Reb Ḥayyim Brisker's method by positioning it in the framework of the conceptualization and mathematization of nature developed by the founders of classical and modern physics from Galileo and Newton until our own time. He then suggests, a bit further in the same essay, that there is a basic analogy between Kant's declaration concerning the independence of pure reason and Reb Ḥayyim's insistence upon the autonomy of the reason of Halakhah:

Kant, in his time, proclaimed the autonomy of pure reason of scientific-mathematical cognition. R. Ḥayyim fought the war of independence for halakhic reason and demanded on its behalf total autonomy.⁴⁷

⁴⁵ R. Joseph B. Soloveitchik, *Halakhic Man*, trans. by Lawrence Kaplan (The Jewish Publication Society, 1983), 142, n.4

יש הרבה מן האמת במשנתם הדיאלקטית של הירקליט והגל בנוגע לתהליך ההוויה בכלל, ובהשקפתם של קירקגור, קרל ברט ורודולף אוטו ביחס אל התודעה הדתית והתגלמות הוויתו של איש הדת בפרט, שכוח יוצר נטוע באנטיטה ("איש ההלכה", איש ההלכה גלוי ונסתר [למעלה הערה 23], עמ' 12).

⁴⁶ יש צורך בידיעה מקיפה בספרות התיאולוגית, מאז ימי יוסטין מרסיר עד התיאולוגים החדשים בימינו, כדי להבין את כל הפלא הגדול הזה, שעל ידו נפרכה בפומבי ההנחה המרכזית בתיאולוגיה הנוצרית (קול דודי דופק), דברי הגות והערכה [למעלה הערה 11], עמ' 25).

⁴⁷ קאנט בשעתו הכריז על עצמאותה של התבונה הטהורה של ההכרה המדעית-מתמאטית; ר' חיים נלחם את מלחמת השחרור של תבונת ההלכה ותבע לה אוטונומיה שלמה ("מה דורך מדוד" [למעלה הערה 11], עמ' 78).

The clarity and naturalness of the comparisons underscore that this mode of reference and of perception (using universal concepts and moving from the general to the particular) is integral to his way of thinking and exposition. That is the way to clarify, to conceptualize, or to put in perspective; that way of conceptualization and exposition provides the infrastructure of all his writing.

Particularly striking in this context are the citations from belles lettres, e.g., Tolstoy's *Death of Ivan Ilitch*, Ibsen, Stefan Zweig's article on Tolstoy (which is introduced for purposes of comparison with Reb Hayyim), Y.L. Peretz's *Bonze Shweig*, Heinrich Heine's *Reisebilder*, or the theory of literature (Aristotle's *Poetics*). I note parenthetically that the Rov liked literature and appreciated good literary criticism; he could easily have been a literary critic—erudite and insightful.

All this is a given—crystal clear, absolutely incontestable, and very meaningful.

14

What is distinctive is the fact that the Rov does not preach or cajole, persuade or brainwash; he does not present an elaborate rationale for the study of philosophy. The latter simply appears as part of his intellectual capital; he uses it freely and wisely and effectively in his various expositions and explorations of Jewish thought. The Rov's philosophic and homiletical corpus has *no apologetics*; there is no attempt to argue and demonstrate the importance of general learning as an abstract proposition, just as there is no attempt to defend or glorify Western culture. Similarly, there is no attempt to demonstrate that traditional Judaism is completely congruent with philosophy (or any part of it). This truly noteworthy feature is a result of the fact that for the Rov there was nothing essentially problematic about the *masorah*; he did not feel compelled to prove that Torah and philosophy or science are compatible. Neither Kant nor Kierkegaard, Hegel nor Husserl are sources of authoritative norms or principles to which Judaism *must* conform. Rather, Kant and Kierkegaard, Bergson and James, and many other figures from classical to contemporary thought provide a reservoir of ideas and insights, concepts and categories to be used critically and constructively in the analysis and clarification of aspects of the *masorah*—indeed, in the attempt to portray and explain the traditional, often-maligned Talmudist or to enhance one's appreciation for the unique religious significance of Halakhah. The clichés of the history of Jewish thought—synthesis, symbiosis, harmony, reconciliation—are missing from his vocabulary and are not applicable to his teaching. His all-encompassing philosophic, scientific, and humanistic knowledge served him for his own purposes—for creative, enthralling exposition, for urbane, intelligent discourse, for subtle, sophisticated commentary on Torah ideas.

Indeed, I think that what the Rov reports in the name of Reb Hayyim Brisker concerning the proper understanding of the famous midrash on the *akeidah* is emblematic of his intellectual position. The midrash says that only *after* the angel

told Avraham not to harm the young Yitzḥak did he inquire of God: “On the one hand You told me yesterday that ‘it is through Yitzḥak that offspring shall be continued for you,’ and on the other hand now You said to me, ‘Take your son, your only son, and offer him as a sacrifice.’”⁴⁸ The drama of the *akeidah* is not only in binding Yitzḥak on the altar but also in the inner struggle of Avraham to avoid positing even for a moment that God’s words are contradictory: “He did not, Heaven forbid, understand God’s words as contradicting themselves.”⁴⁹

His faith had to remain consistent and unfragmented. When the angel’s appearance resolved the apparent contradiction—the apparent absurdity and self-negation of two such antithetical statements—only then was Avraham free to ask. The Rov quotes his grandfather’s interpretation:

As long as the third, harmonizing, verse had not yet been revealed, Avraham had no right to question God’s word, and for this reason he contained himself until the end of the epic.

and then adds his peroration:

The pangs of consciousness of the man of God and the towering and awesome strength of his self-restraint shine forth here in a clear and pure light.⁵⁰

We recognize the significance and forcefulness of this statement, for descriptions of the religious consciousness—the self-awareness, turbulence, and steadfast commitment of the *homo religiosus*—are among the salient, recurrent themes of the Rov’s writing. This formulation reflects a man of perfect faith who does not feel a need to look for external justification or adventitious vindication. Faith, the motive force and defining norm in the behavior and thought of the *homo religiosus*, needs to be understood, to be analyzed and internalized; its demands may be challenging, but its essence is restraint, discipline, and commitment.

The Rov’s teaching is not cast as an apology for traditional Judaism or as an attempt to harmonize it with some general school of thought. The *masorah* is not subordinated to any extraneous system, nor does it need to be validated by aligning it with Kant or Hegel. It needs to be appropriated and explicated, to be analyzed and conceptualized. The Rov’s teaching—drawing freely from Torah and *hokhmah*—fascinates us for its compelling interpretive insights and uncanny intuitions, its

אתמול אמרת לי כי בִּצְחָק יִקְרָא לְךָ זָרַע, ועכשיו אמרת לי קח נָא אֶת בְּנֶךְ אֶת יִצְחָק... וְהִשְׁעֵלְהוּ שָׁם לְעֹלָה (ירושלמי תענית ב, ד).

שלא תפס את דברי ה' כאילו, חס ושלום, הכחישו אהדדי ("איש ההלכה" [למעלה הערה 23], עמ' 15, הערה 5).

⁵⁰ R. Soloveitchik, *Halakhic Man*, 143, note 5.

כל זמן שהכתוב השלישי המכריע לא בא, לא היה אברהם רשאי לשאל ולפיכך התאפק עד סוף המחזה ... ייסורי התודעה של איש האלקים וכוח הבלגתו הענקי והנורא בוקעים כאן באור בהיר וזך ("איש ההלכה" שם, למעלה הערה 23).

theological subtleties, philosophical perceptions, and moral nuances, its beauty and profundity. We are never told to be defensive or apologetic. The Rov's message is the following: When you know your way—your point of departure and goals—then use philosophy, science, and the humanities to illumine your exposition, sharpen your categories, probe the profundities and subtleties of the *masorah*, and reveal its charm and majesty; in so doing, you should be able to command respect from the alienated, and communicate with some who might otherwise be hostile or indifferent to your teaching, as well as to increase the sensitivity and spirituality of the committed.

The discussion of the *akeidah* is completely congruent with the Rov's finely honed comments on the significance of the cosmological and ontological proofs for the existence of God—an axial theme in the history of philosophy. The Rov emphasizes with great passion that these proofs should *not* be seen as logical, objective, epistemologically valid, but as expressions of man's natural yearning for God. "We do not need these demonstrations as proofs, because the experience of God is the basis of certainty."⁵¹

Direct religious experience guarantees absolute certitude; logical inferences from the finite to the infinite, from the temporal to the eternal are insignificant and pale in comparison. Proofs should be seen as functions of direct religious experiences, not based on the process of logical deduction, not making scientific-epistemological claims. "The religious sensibility does not offer decisive proofs, draw inferences, or make deductions. It 'senses' and experiences God in its innermost ontological consciousness."⁵²

Again we return to the nature of "religious consciousness," which makes the experience of the living God part of the ontological awareness. The religious consciousness is not to be subservient to or derivative from any philosophic impetus; indeed, it is powerful and plays a leadership role in philosophical reflection. This is the thrust of Reb Hayyim's statement about two passages which contradict one another. This is the upshot of the Rov's statement concerning proofs of the existence of God. The context is different, the vocabulary is different, the religious-intellectual position is the same.

Such a perspective highlights the uniqueness of the Rov's teaching, in comparison to both modern Jewish thinkers and to the *Rishonim* as well. Unlike R. Azriel Hildesheimer, who devoted his immense learning to showing, *inter alia*, that there was no conflict between the philological-historical methods of modern scholarship and traditional views and assumptions; unlike R. Samson Raphael Hirsch or

⁵¹ R. Soloveitchik, *And from There You Shall Seek*, 157, note 3.

אין אנו זקוקים למופתים אלה לשם הוכחה, כי הלא חווית האלקים היא יסוד הוודאיות ("ובקשתם משם," עמ' 721 הערה 3).

⁵² R. Soloveitchik, *And from There You Shall Seek*, 13.

אין התודעה הדתית חותכת מופתים, אין היא מקישה ולא מסיקה, 'מרגישה' היא וחייה את הא-לוה בתוך תוכה של התודעה האונטולוגית. ("ובקשתם משם," עמ' 129).

R. Yitzhak Yaakov Reines or R. Avraham Yitzhak Kook who, with varying degrees of success or consistency, elaborated philosophic, meta-historical conceptualizations explaining the importance of Western culture; unlike those nineteenth- and twentieth-century thinkers who believed that Judaism had to be vindicated and verified in terms of contemporary European philosophy, the Rov made no sophisticated arguments on behalf of philosophy and did not engage in intricate apologetics. There is no confrontation with philosophy. Synthesis was not the driving force of his system. He mastered philosophy—it was a valuable part of his intellectual endowment. He then selected from his magisterial erudition what was useful and constructive, insightful and enhancing—e.g., Kant on the noumenon-phenomenon, Bergson on epistemological pluralism, Otto on the nature of the holy, Kierkegaard on the existentialist critique of Hegelianism, Barth on the role of dialectics and antithetical categories—and used ideas strategically and effectively. Of course, he did the same, *mutatis mutandis*, with the *Moreh Nevukhim* and the *Tanya*. His blessed combination of massive knowledge and great originality enabled him to formulate and express axial religious ideas in a universal philosophic language as well as a particularly Jewish idiom—a special kind of *lishna derabban*, a rabbinic parlance.

This is the secret of his extraordinary, creative philosophic writing; he was not artificially constrained by any one school.⁵³ He did not have to conform in a rigid, scholastic way to any system. His works reflect the same structural pattern: abstract analytical-dialectical philosophical writing laced with lyrical flashes, autobiographical reminiscences, and touching scenes based on familial lore or related generally to *hakhmei hamasorah*. While the philosophic exposition is erudite and enlightening, the impetus and the objectives of his writings are distinctly religious; generically they belong to the great religious literature of all times.

Hence to look for apparent contradictions and inconsistencies in his various works, to quibble whether his premises and arguments are medieval or modern, rationalistic or pietistic, to argue whether his thought should be described as existentialist

⁵³ He once commented to me that the Ramban may have been conceptually more creative than the Rambam for this very reason. The Rambam was subject to Aristotelian constraints and operated within a clearly defined philosophic framework. The Ramban was unfettered. Note that Julius Guttmann (*Philosophies of Judaism* [Holt, Rinehart and Winston, 1964], 153) said the same thing with regard to the Rambam: “But there is also such a thing as originality of creative synthesis.”

I think that something I wrote many years ago about the Ramban is applicable to the Rov: “He had profound all-embracing conceptions of God, Israel, history, and the world, and his total *Anschaung* needs to be meticulously reconstructed. He defies facile categorization, as evidenced, for example, by his agile critique of philosophy and deft use of philosophic materials and ideas.” See above, Chap. 29. It is worth mentioning here that the Rov was drawn to the halakhic analysis found in *Milhamot Hashem* and *Hiddushei Haramban* and frequently pointed out similarities in modes of reasoning between the Ramban and Reb Hayyim Brisker. As is known, the Rov contributed significantly to reviving the study of the Ramban’s *Peirush al Hatorah*; he certainly agreed with the saying of the Hatam Sofer:

ספרי הרמב"ן מצויים אלא שעוסקו אינם מצויים (שו"ת חתם סופר חלק ו', ליקוטים סימן סא).

or dialectical, Kierkegaardian or neo-Kantian, is not very edifying. He was neither Kantian nor Kierkegaardian and he could be both. While he had the intellectual ability and resourcefulness to expound their ideas vigorously and critically, what he chose to do was to use them carefully and selectively for his constructive-expository purposes. The apparent contradictions reflect his dialectical style of writing, his effective use of typologies in which opposite phenomena and antithetical attitudes are elucidated. In addition, it has been frequently noted that style is a mixture of self-expression and self-control, of exposition and concealment; in our idiom we would describe this dialectic as “More than what I have read before you is written here”⁵⁴ or “The words of Torah can be succinct in their context, but ample in other contexts.”⁵⁵ Therefore, it is only natural, quite predictable, and fully understandable that the degree of expression and control will vary, that different modes of self will be selectively expressed, that we will find varying exposures, different modalities, and successive moods—all of which, taken together, produce a complete, polychromatic picture. We must avoid fragmentation of his literary corpus, be wary of extrapolating one theme or one segment and analyzing it in isolation. The Archimedean points of his teaching always need to be identified.⁵⁶

15

The *hakhmei hamasorah* who are chosen to affect the destiny of the Jewish people often appear at a critical juncture in history—at a time of fatigue and frustration, social despair and intellectual gloom, when Torah study seems to be in irreversible decline and its very continuity threatened as a result of historical vicissitudes and inexorable, apparently insurmountable pressures. I emphasize “often” because obviously there is an unbroken chain of *hakhmei hamasorah*, of *ma'atikei hashemuah*, those who perpetuate the *masorah* by teaching others; but times of crisis bring forth especially creative sages, driven by a mission and a vision, whose role is crucial and whose influence is profound and reinvigorating. The powerful words of the Rambam, simultaneously frightening and energizing, resonate in our minds:

“In our days,” Maimonides states in the introduction to the *Mishneh Torah*, “all feel the pressure of hard times. The wisdom of our wise men has disappeared, the understanding of our prudent men is hidden”;⁵⁷ this motif from Yeshayahu (29:14), the disappearance of the wisdom of our wise men, becomes a standard slogan describing

⁵⁴ יותר ממה שקריתי לפניכם כתוב כאן (סוטה מ, ב).

⁵⁵ דברי תורה עניים במקומן ועשירים במקום אחר (ירושלמי, ראש השנה ג, ה).

⁵⁶ וכל המניח דברים שביארנו שהם בנויים על יסודי עולם והולך ומחפש בהגדה מן ההגדות או במדרש או בדברי אחד הגאונים ז"ל עד שימצא מלה אחת על פשטה, ישיב בה על דברינו שהן דברי דעת ותבונה—אינו אלא מאבד עצמו לדעת ... אלא כך ראוי למי שהוא מבין ולבו נכון למול דרך האמת: שישים ענין זה המפורש בתורה עיקר, ויסוד שלא יִהָרַס, ויתד התקועה שלא תמיש (“איגרת לר' עובדיה הגר”, איגרות הרמב"ם, מהדורת שילת, עמ' רלו-רלז).

⁵⁷ ובזמן הזה תכפו צרות יתירות, ודחקה השעה את הכל, ואבדה חכמת חכמינו ובינת נבוינו נסתתרה (משנה תורה, הקדמה).

the worrisome decline in scholarship, as evidenced by its use in the introduction to the *Tur* and the *Shulḥan Arukh*. At such a time of intellectual-spiritual eclipse, the Rambam felt that he had to act boldly and heroically: “I, Moshe the son of Maimon the Sephardi, bestirred myself ... to compose a work from which the entire Oral Law might become systematically known to all ... so that all the rules shall be accessible to young and old.”⁵⁸ His response to a critical situation characterized by diminishing knowledge of Torah was to compose a comprehensive, systematic work that could be studied by great and small, learned and unlearned. This was a novel, daring enterprise—an act of intellectual and religious courage.

It is noteworthy that a similar sense of crisis, of challenge and response, underlies his description of the period of R. Yehudah Hanasi and his momentous redaction of the Mishnah. “And why did our holy master act thus [to reduce the oral tradition to writing] and not leave the matter as it was? Because he saw that the disciples were becoming few, and new troubles were coming upon them.”⁵⁹

The chaotic and unsettled conditions of the country, the widespread demographic-social instability, the crushing confrontation with destructive historical forces brought in their wake a serious impoverishment of the people’s spiritual-intellectual forces. R. Yehudah Hanasi was stationed on the crest of a great wave of learning, and before his contemporaries and successors fell into the troughs, he had to act decisively. The redaction of the Mishnah, like the *Mishneh Torah* many centuries later, was a novel, daring achievement. R. Yehudah Hanasi and, consciously following him, R. Moshe ben Maimon were *ḥakhmei hamasorah* who acted creatively, courageously, and decisively to safeguard the *masorah*.

Recent sages, fully aware of the nexus between crisis and creativity in the history of our *masorah*, reflected upon the etiology and teleology of this phenomenon. Let us note two beautiful, resonant examples. The illustrious founder of Gerer Hasidism, known as the *Hiddushei Harim*—a spiritual-intellectual giant of formidable resources who guided Polish Jewry during the first half of the nineteenth century and whose influence remains widespread—provides insight into this phenomenon by commenting on R. Akiva and his troubled, turbulent, traumatic times. The terse comment of the *Hiddushei Harim* contains an entire philosophy of Jewish history, a religious conceptualization of the development of Torah study focusing especially on why there are periods of strikingly intense creativity and overwhelming originality.

This is what *Hazal* meant when they cite the verse in Iyov, “And all precious things his eye has seen,” and explain, “Matters not revealed to Moshe

⁵⁸ ומפני זה נערת חצני, אני משה ברבי מיימון הספרדי ... לחבר דברים המתבררים מכל אלו החיבורים ... עד שתהא תורה שבעל פה כולה סדורה בפי הכל ... עד שיהיו כל הדינים גלויים לקטן ולגדול (שם).

⁵⁹ ולמה עשה רבינו הקדוש כך ... ולא הניח הדבר כמות שהיה? לפי שראה שתלמידים מתמעטים והולכים, והצרות מתחדשות ובאות ... (שם). [וראו דברי הרב טברסקי בספרו כמעין המתגבר: הלכה ורוח ביצירת ימי הביניים בעריכת כרמי הורוביץ (מרכז שזר, תש״ף, עמ' 91 והלאה).]

were revealed to R. Akiva and his friends.” For R. Akiva lived at the time of the destruction (of the Temple) and it was necessary to cause the light of the Torah to shine with greater intensity. How much more so is it necessary [that commentaries to the Torah must light our way to ensure our continued existence] in later generations, for we have lost all because of our sins, and all that remains is the Torah, as it is written, “Had not Your teachings been my delight, I would have perished in my affliction.” ... For that reason there are times in these generations that the words of Torah shine with greater depth, with the hope that with their merit, our hearts will turn to God, blessed be He.⁶⁰

Because R. Akiva lived during a particularly turbulent and pessimistic period—the aftermath of the destruction of the *Beit Hamikdash* and the tragically abortive uprising of Bar Kokhba—the light of Torah had to shine more radiantly and more powerfully than ever. Precious perspectives on Torah (“And all precious things his eye has seen”), unperceived even by Moshe Rabbenu, were made visible. Intense preoccupation with and discernible enhancement of Torah was the only effective response to the historical challenge—and this describes R. Akiva and his mission as a *hakham hamasorah*. The first Gerer Rebbe adds that this dynamic feature accounts for the fact that sometimes, in these generations, words of Torah are illuminated with greater profundity. This burst of creative energy is a historic-providential need.

The remarkable Rabbenu Tzadok Hakohen of Lublin—another charter member of the academy of unique *hakhmei hamasorah*, who lived in the second half of the nineteenth century—also commented on the dialectic which characterizes the relation between the adversity of dispersion and the glory of creativity:

The verse “When the ark was to set out” alludes to exile and burdens, for travel is a burden. From this we infer the principle [that the result is] the expanding and building of *Torah shebe’al peh*, the Oral Law. As the Rabbis formulated it: “Sometimes forsaking the study of Torah is [the catalyst for] its reemergence.” This was the situation at the time of the Babylonian exile, at which time the Oral Law was established by the *harash*, the craftsmen, and the *masger*, the metalworkers. *Midrash Tanhuma* interprets the verse in

“וזהו עצמו מה שאיתא (במדבר רבה יט, ו) ‘וְכָל יָקָר רָצָתָה עֵינִי’ (איוב כח, י) דברים שלא נגלו למשה נגלו לרבי עקיבא⁶⁰ וחבריו. שרבי עקיבא היה בזמן החורבן, היה מהצורך להאיר אור תורה ביתר שאת. כל שכן דורות אחרונים שאבדנו הכל בעוונותינו הרבים, ואין לנו שיוור רק התורה הזאת כמו שכתוב ‘לולי תורתך נשעשעי אֲנִי אֲבִדְתִּי בְעֵנִי’ (תהלים קיט, צב). מהצורך לקיום שלנו שיאירו פירושי התורה ... לזאת מאירים לפעמים בדורות אלו דברי תורה בעמקות יותר, כדי שאולי על ידי זה נזכה להטות לבבנו להשם יתברך” (ליקוטי הרי”ם על תורה ומועדים לרבינו חידושי הרי”ם זי”ע, אור תורה תש”ע, פרשת חקת, עמ’ שנט).

Note that this resonant statement serves to justify an original explanation of the sin of Moshe. Novel explanations are thus part of the texture of *Torah shebe’al peh*.

Yeshayahu “Those walking in darkness will then see a great light” as referring to [the experience of] Talmudic scholars. Kohelet’s words expressed [the idea] “For in much wisdom is much *ka’as*, anger”; this means that as a result of *ka’as* there will be a great increase in *Torah shebe’al peh*.

The verse from Kohelet (1:18), “For in much wisdom is much anger,” is interpreted to mean that the increase of anger (*ka’as*), despondency and irritation, brings in its wake an increase in wisdom (*hokhmah*), knowledge and understanding of *Torah shebe’al peh*. This paradoxical principle was already discernible during the Babylonian exile, for then the *Torah shebe’al peh* was established. The people walking in darkness saw a great light—profound knowledge of Torah. In a time of exile, of demographic and spiritual dislocation, there is paradoxically a quantum leap in Torah study and creativity. The *hakhmei hamasorah* must adopt heroic measures which not only preserve but exponentially increase, deepen, and expand the tradition and reveal its luminousness.⁶¹

In light of this dialectical principle, we may turn our attention to a remarkable, provocative passage in tractate Gittin:

What is the meaning of that which is written: “The Lord acted zealously to bring upon us the evil; for the Lord our God is righteous [*tzaddik*]”? How can it be that because the Lord, our God, is righteous, He acted zealously to bring upon us the evil?⁶²

This almost sounds like a cruel joke, a perverse, cynical statement made tongue in cheek. If God accelerates the pace so that good events happen quickly, we understand and appreciate that as an expression of His compassion and benevolence. However, zeal with regard to evil—how is that perceived and justified as Divine righteousness? The Gemara clarifies:

The Holy One, blessed be He, acted benevolently toward the people of Israel by exiling “the exile of Tzidkiyahu” while “the exile of Yekhonyah” still existed [in Babylonia], as it is written with regard to the exile of Yekho-nyah: “The thousand craftsmen (*heharash*) and the smiths (*hamasger*).”⁶³

⁶¹ נִהְיָ בְּנִסְעָה הָאֶרֶץ מִרְמָזוֹ עַל הַגְלוֹת וְהַטִּירְדָּא, כִּי הַנְּסִיעָה הוּא טִירְדָּא. וְזוֹ דִּיּוּקָא הִסּוּד לְהַרְבּוֹת וּלְהַבְנוֹת עַל יְדֵי זֶה בַּחֲנִינָא תוֹרָה שֶׁבַעַל פֶּה, וְכַאֲמָרָם ז”ל (מִנְחֹת צֶט, ב) “פְּעָמִים שְׁבִיטוּלָה שֶׁל תוֹרָה זֶה יִסּוּדָהּ”. וְכֹמוֹ שֶׁהָיָה מִיד בְּגִלוֹת בָּבֶל שְׁנַתִּיּוּסָדָה שֶׁם הַתּוֹרָה שֶׁבַעַל פֶּה עַל יְדֵי הַחֶרֶשׁ וְהַמַּסְגֵּר. וְכַדָּאִיתָא בְּתַנְחוּמָא (פֶּרֶשׁת נח ג) עַל פֶּסוּק (יִשְׁעִיָּה ט, א) הָעָם הַהֲלֹכִים בְּחֹשֶׁךְ רָאוּ אֹרֶךְ גָּדוֹל, אֱלוֹ בְּעֵלֵי תַלְמוּד. וְכֹמוֹ שֶׁנֶּאֱמַר (קֹהֶלֶת א, יח) בְּרַב חֲכָמָה רַב כָּעֵס, שֶׁעַל יְדֵי הָרֹב כָּעֵס בָּא הַתְּרַבּוֹת הַחֲכָמָה שֶׁל תוֹרָה שֶׁבַעַל פֶּה (פֶּרִי צִדִּיק פֶּרֶשׁת בְּהַעֲלֵתָךְ סְעִיף יד).

⁶² מֵאִי דְכָתִיב וַיִּשְׁקֹד ה' עַל הָרָעָה וַיְבִיאָהּ עָלֵינוּ כִּי צִדִּיק ה' אֱלֹהֵינוּ (דְּנִיָּאל ט, יד) מִשּׁוֹם דְּצִדִּיק ה' אֱלֹהֵינוּ וַיִּשְׁקֹד ה' עַל הָרָעָה וַיְבִיאָהּ עָלֵינוּ? (גִּיטִין פח, א).

⁶³ צִדְקָה עָשָׂה הַקָּדוֹשׁ בְּרוּךְ הוּא עִם יִשְׂרָאֵל שֶׁהִגְלָה גְלוֹת צִדְקִיָּהוּ וְעִדְיָיו גְלוֹת יִכְנִיָּה קִיּוּמָת דְּכָתִיב בִּיה בְּגִלוֹת יִכְנִיָּה, וְהַחֲרָשׁ וְהַמַּסְגֵּר אֶלֶף (מַלְכִּים ב' כד, טז) “חֶרֶשׁ” שֶׁבַעַשָּׂה שְׁפוֹתָחִין נַעֲשׂוּ הַכֹּל כְּחֶרֶשׁ, “מַסְגֵּר” כִּיּוֹן שְׁסוּגֵרִין שׁוֹב אֵינָן פּוֹתַחִין, וְכֹמָה? אֶלֶף (שם).

The answer is based on interpreting *heḥarash vehamasger* in the verse from Melakhim as metaphors for the great *ḥakhmei hamasorah*. The Divine righteousness is manifest in the fact that the last exiles (*galut Tzidkiyahu*) from the Land of Israel arrived while the authoritative, universally respected transmitters and interpreters of Torah were still alive and able to secure the *masorah* among the new exiles. Had more time elapsed between *galut Yekhonyah* and *galut Tzidkiyahu*, the influential transmitters of Torah would no longer have been on the scene; the later exiles would have been doomed to spiritual impoverishment and gradual estrangement from the *masorah*—they would have been caught in the assimilation syndrome.

In American Jewish history, the pattern of immigration was the reverse. *Galut Tzidkiyahu*—large numbers of exiles from Europe—reached the shores of the United States and there was spiritual confusion and desolation. There was little Torah leadership, and the situation of the *masorah* was precarious—it looked as if the ominous possibility of Torah being forgotten (*Torah shetishtakḥ*) might be realized. People lacked learning and dignity and pride, and the anxiety about the future was deep. In my opinion it is clear that dispassionate and non-partisan chroniclers of American Jewry in the twentieth century (and, by extension, of the fate of traditional Jewry everywhere) will underscore the arrival of the Rov at the end of 1932 as a turning point in the spiritual destiny of American Jewry, as the beginning of the arrival and flourishing of *galut Yekhonyah*, the saving of the battered *galut Tzidkiyahu* as a result of the new vitality, remarkable resilience, and enhanced confidence generated by the *ḥakhmei hamasorah* of *galut Yekhonyah*. The Rov, following in the footsteps of his father Reb Moshe, played a major role in the flourishing of *galut Yekhonyah*. Many other Torah leaders, including the Lubavitcher Rebbe R. Yosef Yitzhak Schneerson and R. Aharon Kotler played important roles as well in the spiritual change, the beginning of Torah renaissance, but the Rov's role was probably the most significant. He emerged as the *ḥakham hamasorah* par excellence.

As was the case with previous *ḥakhmei hamasorah* who appeared at critical moments when people were engulfed by despondency and a sense of futility, the Rov—whose reputation as a youthful prodigy was widespread—emerged on the stage of history and was destined to bring brilliant, beautiful Torah to the twentieth century from his base in Boston and New York. We should not underestimate the impact of one great *ḥakham*. One towering scholar, whose grasp of the *masorah* is majestic and magisterial, whose teaching is original and insightful, whose influence is profound and pervasive, is indeed able to change the entire landscape.⁶⁴ The Rov was such a

⁶⁴ עשינו עצמנו בבבל כארץ ישראל, מכי אתא רב לבבל (גיטין נ, א). Note the divergent explanations in Rashi and Tosafot. The Rov wrote as follows about the idea of individual mission and vocation:

”את העובדה שמישהו חי בזמן מסוים, בתקופה מיוחדת ובמקום מוגדר, ולא נולד בתקופה אחרת ובנסיבות אחרות, נוכל להבין אך ורק אם נקבל את עצם הרעיון בדבר שליחותו של האדם. ההשגחה יודעת היכן וכיצד יכול הפרט—היחיד על חסרונותיו וכוחות הנפש האצורים בו, לקיים את שליחותו, באילו נסיבות ותנאים ובאיזו חברה יהא זה בכוחו של האדם למלא

ḥakham hamasorah. His decisive contribution was quantitative and qualitative; he disseminated Torah and enhanced *kevod hatorah*. His tireless, vigorous, imaginative teaching, on so many different levels, suffused the *masorah* with new charm and fascination, revealed its profundities, and thereby buoyed the confidence of so many individuals who were demoralized and pessimistic. He energetically and modestly combined the methods of R. Ḥanina and R. Ḥiyya as reported in the Gemara.⁶⁵

The circumstances surrounding the establishment of Maimonides School in Boston and the energies expended subsequently for its maintenance are reminiscent of R. Ḥiyya; the outpouring of *shiurim* and lectures gives substance to the claim of R. Ḥanina. The combination of the methods and characteristics of R. Ḥiyya and R. Ḥanina is truly amazing—a very special fusion of the *vita activa* and *vita contemplativa*: a great teacher and tireless fundraiser for his school, a formulator of enthralling *ḥiddushim* and beautiful categories of thought, a communal rabbi who manifested great *hesed*—whether by generous charity, wise counsel, astute guidance, or, indeed, by being available to people who needed to talk with him—while assuming national leadership roles as well.

Indeed, the Rov took his place among the *ḥakhmei hamasorah* and the *ma'atikei hashemuah*.

את שליחותו ... משום כך נברא היחיד בתקופה ובמקום שבהם יוכל לקיים את פעולתו לשם קיום שליחותו" (הרב יוסף דוב הלוי סלוביציץ, ימי זיכרון המחלקה לחינוך ולתרבות תורניים בגולה, 1996, עמ' 11).

"חנינא בר חמא ישב בראש ... והא הוה רבי חייא? ... רבי חייא עסוק במצוות הוה ... דכי הוו מינצו ר' חנינא ור' חייא, ⁶⁵ א"ל ר' חנינא לר' חייא: בהדי דידי מינצת? דאם חס ושלום נשתכחה תורה מישראל, מהדרנא ליה מפלפולי! א"ל ר' חייא: אנא עבדי דלא משתכחה תורה מישראל, דאייתנא כיתנא ושדינא, ומגדלנא נישבי וציינא טביא, ומאכילנא בישרא ליתמי, ואריכנא מגילתא ממשכי דטביא, וסליקנא למתא דלית בה מקרי דרדקי, וכתיבנא חמשה חומשי לחמשה ינוקי, ומתנינא שיתא סידרי לשיתא ינוקי, לכל חד וחד אמרי ליה אתני סידרך לחברך" (כתובות קג, ב). וראו במקבילה, בבא מציעא פה, ב.

[R. Ḥanina claimed that if, God forbid, the Torah would be forgotten, he could restore it through his intellectual acumen and analysis. In response, R. Ḥiyya asserted that he works proactively to ensure that Torah will not be forgotten, by energetically teaching both the Written and Oral Law to as many children as he can; Ketubot 103b.]

FIRST PLACE OF PUBLICATION OF BOOK CHAPTERS*

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2. **“Sefer Mishneh Torah: Megamoto Vetafkido,”** *Proceedings of the Israel Academy of Sciences and Humanities*, 5 (Jerusalem, 1972), pp. 1–22.
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4. **“R. Yosef Ashkenazi Vesefer Mishneh Torah Larambam.”** In *Sefer Yovel Leshalom Baron*, ed. S. Lieberman and A. Hyman (Jerusalem: The American Academy for Jewish Studies, 1975), pp. 183–194.
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