principles

Essays on Halakha & Maḥshaba by a selection of

Our Teachers & Contributors






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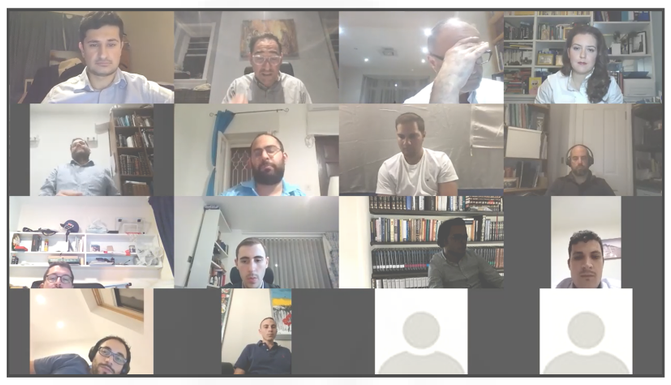
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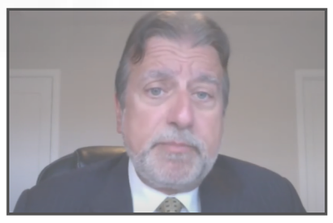








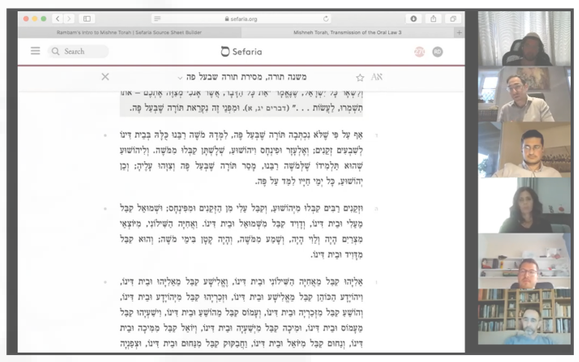






















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Rabbi Joseph Dweck is the Senior Rabbi of the S&P Sephardi Community of the UK - the country's oldest Jewish community. He studied in Jerusalem at Yeshiva Hazon Ọbadya under the tutelage of former Sephardi Chief Rabbi of Israel, Hakham Ọbadya Yosef. He has an MA in Jewish education. In his capacity as Senior Rabbi, Rabbi Dweck serves as a President of the Council of Christians and Jews, Deputy President of the London School of Jewish Studies, Ecclesiastical Authority of the Board of Deputies of British Jews, and Standing Committee Member of the Conference of European Rabbis.



Rabbi Daniel Kahana was born in Jerusalem, Israel. He has studied in various institutions including Yeshivah University (New York), Yeshivat Kisse Rahamim (Bene Brak), the Sephardic Rabbinical College (Brooklyn) and Bar Ilan University (Ramat Gan). He teaches at the North Shore Hebrew Academy High School (Great Neck) and gives classes in Beth Torah Congregation (Brooklyn). Rabbi Kahana resides in Brooklyn NY and in Givat Shemuel, Israel along with his wife Susan and their 5 children.



Rabbi Dr. Samuel Lebens is a research fellow in the philosophy department at the University of Haifa, and a dynamic Jewish educator. He has studied at Yeshivat Hakotel, Yeshivat Hamivtar, and Yeshivat Har Etzion. He holds a PhD in philosophy from Birkbeck College (University of London), and held post-doctoral positions at the University of Notre Dame and Rutgers. R' Lebens is author of 'Principles of Judaism', published by Oxford University Press.



Born and raised in England, R' Shmuel Phillips has spent almost two decades studying in Yeshiva and Kollel in Israel, during which time he has also completed a law degree from the University of London. Shmuel currently resides in Rechavia, Jerusalem, with his wife Rivka and four children. There he divides his time between Torah study and managing a suite of serviced offices in downtown Jerusalem. R' Phillips is author of the popular book, 'Judaism Reclaimed'.



Raised in Gibraltar, born in Yerushalayim to Sephardi parents from Morocco and Colombia. Michael Amselem spent a year in Yeshivat Hakotel in Yerushalayim and then moved to London to study Engineering. He currently works for Dell Technologies as a Systems Engineer and has a keen interest in disruptive technologies.



Mord Maman is from Manchester, UK. When he isn't analysing or visualising data at start-up Urbix, he spends time with his family, enjoys reading books and riding his bike, but not at the same time! He is the Parnas Presidente of the Manchester Congregation of Spanish and Portuguese Jews.



Joey Faur is a student of his father Rabbi Abraham Faur and his grandfather Ḥakham Dr. Jose Faur a"h with whom he has studied Torah for his entire life. After finishing his service in IDF special forces in March 2021, he founded "Yafeh Beito: Ḥakham Jose Faur Studies," an organization focused on publishing his grandfather's books, classes, articles and Torah. In addition, Joey is currently working on publishing his first book, which he completed writing while still in the army.



Makena Mezistrano holds an MA in Biblical and Talmudic Interpretation from the Graduate Program for Women in Advanced Talmudic Studies at Yeshiva University. She is the Assistant Director of the Sephardic Studies Program at the University of Washington in Seattle, where she writes about modern Ottoman Sephardic history, Ladino literature, Judaica librarianship, and contemporary Sephardic culture. Her maternal grandparents are from Salonica, Greece.



Originally from Chicago, Jacob Chereskin has lived in Washington D.C. for almost 10 years. He is a graduate of the George Washington University's Elliott School of International Affairs and has studied at Yeshivat Machon Meir in Jerusalem. He currently works as a project manager for EDGY Inc., a Silicon Valley-based consulting firm.



Yonatan Rahmani is a Jewish educator and community organizer living in Brooklyn, New York. He hopes to act as a connector for those seeking meaning in their lives, drawing others close to Tora, and ultimately bringing them to know Hashem. Yonatan is happiest when teaching, cooking, hosting guests for Shabbat, and spending time with his family.

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AUTHORITY, RESPONSIBILITY, & KNOWING BETTER

Thoughts on Tractate Horayot and the fallibility of the Sanhedrin

Senior Rabbi Joseph Dweck



Much of the subject matter in tractate Horayot deals with issues with which the modern Jew is generally unfamiliar. It discusses the Jewish people not as a religion, but as a nation governed by the law of Torah. Sitting at the centre of this government are the King, the High Priest and the Bet Din HaGadol, the 'Supreme Court' — otherwise known as the Sanhedrin. The Sanhedrin was the nation's final authoritative word in the interpretation and legislation of the Torah's commandments. The rulings of the Sanhedrin were binding upon the people by a mandate of the Torah [1]. Anyone who ruled against them and instructed others to act accordingly was considered treasonous, and if found guilty, was executed [2]. Yet, as powerful and prominent as the Sanhedrin were, they were not infallible. Mistakes could and would be made and this tractate deals with how we address such high-level errors.

Horayot, literally 'conceptions', deals with the question of mistaken rulings made by the Sanhedrin and the mode of atonement for ruling incorrectly. The tractate raises many issues that apply to the scope of judicial authority and its fallibility and the extent of the personal responsibility of the people in light of the leadership's authority.

In this essay we will outline the basic responsibilities of the Sanhedrin, and how it influenced Jewish law. We will also look at what level of responsibility one has as a citizen of Israel who must abide by that law, and ultimately, how the Jewish people deal with scholarship in terms of their leaders and their own lives.

Commandments Require Detailed Explanations

The commandments of the Torah all require some level of interpretation in order to perform them as a nation in a unified manner. The written Torah does not present us with detailed law, but with commandments that provide us with legal principles. When it comes to actually performing these commandments, definitions, which are often not included in the written presentation, must be determined in order to properly execute them.

For example, the Torah commands us to '*honour your father and your mother.*' But what does honour entail? Is it based on the preference of the one who is honouring or the one being honoured? [3] To what degree must we honour parents if it encroaches on our personal well-being? And who is called 'father' and 'mother'? Does this apply only to biological parents? Are adopted parents legally included in this commandment?

For a people meant to adhere as a nation to these legal principles and perform them in daily life, there must be a system of legislation that determines the official definitions of the legal terms. Otherwise, there would be no uniform practice and the law that was meant to bind the people and hold them together as a nation under God, would unravel.

The Lord knew that if the interpretations of Torah were entrusted into the hands of each individual person, each according to his own reasoning, they all would interpret the words of Torah as they understood them, and there would be an abundance of discord in Israel in terms of the definitions of the commandments. The Torah would then splinter into many....for if [there was no central authority], it would destroy the religion, tear apart the heart of the nation, and it would result in the loss of the entire nation. It is for this reason that the interpretation of Torah was entrusted into the hands of the scholars of Israel and that the minority [among the scholars] should follow the opinion of the majority. (Sefer HaḤinnukh, commandment 496)

The Supreme Court Determines the Details

The Torah provides an outline for its own legal system. The authority of legal conception and application lies squarely with the Supreme Court.

When any legal matter is too extraordinary for you, in justice... you are to arise and go to the place that God your Lord chooses, you are to come to the Levitical priests and to the judge that there is in those days;...they are to tell you the word of judgment...You are to take care to observe what they instruct you, by the regulation that they tell you, you are to do; you are not to turn-away from the word that they tell you, right or left. (Debarim 17:8-11)

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The Supreme Court in Jerusalem is the centre of the Oral Torah. They are the pillars of legislation and rulings, from whom statutes and judgments issue forth to all Israel. Upon them, the Torah secured itself saying: "You are to take care to observe what they instruct you, by the regulation that they tell you, you are to do…" This is a positive commandment. Whoever believes in Moshe and in his Torah is obligated to make all of his religious acts dependent on this court and to rely upon them. (Rambam, Hilkhot Mamrim, 1:1)

Why Leave the Details Out of the Text?

There are many reasons that Torah was given in the form of written principles rather than detailed law. One important reason is that while the written law is immovable and the principles will never change, the Oral Torah was meant to be the fluid, responsive, living aspect of the Torah that moved with the developments of time.

The reason the interpretation of Torah was kept oral and not written was so that it would not become fixed for all generations, and so that the hands of the scholars should not be restricted from interpreting the scriptures according to their understanding. It is only in such a way that we can understand the eternal nature of Torah. For with the changes of each generation and their thought, along with the [changes] in their physical and moral lives, changes in their laws, with edicts and amendments are required.…
(Rabbi Moshe Shemuel Glaszner, Dor Rebiį, Introduction) [4]

The Supreme Court of Israel — with its master scholars of Torah — was meant to be the source of the conception of new and relevant interpretations of the Torah's eternal principles. What's more, the entire covenant was based on our engagement with the Oral Torah.

The Holy One entered into covenant with Yisrael only based on the Oral Torah, as it says, 'In accordance with these words did I establish a covenant with you and with Yisrael'. (Shemot 34:27). (Giṭṭin, 60b)

Relevance of Torah

They were to engage in *hora'a*. The Hebrew word *hora'a* literally means 'conception'. As in English, 'to conceive' is to create something new; whether it be a life or an idea. Concepts are creative and are only relevant when applied within a working, realistic context. The *hora'a* or conception of novel interpretation that is meant to be brought out by the Torah's scholars and judges cannot be determined by simply looking up prior information in a book.

Only a new ruling is considered hora'a.
But not something that has already been established and known to all…
[This includes] all that is written in the books which contain the rulings of the Geonim.
(Shulḥan Ạrukh, Yore Deạ, 242:8)

True *hora'a*, however, is not to occur without structure and guidelines. There are rules for making rules. An indissoluble connection between written and oral law. All *hora'a* must derive from the text of the Written Torah.

Ribbi Yishmaẹl says: The Torah is expounded by thirteen principles:
1. An inference from a lenient law to a strict one, and vice versa.
2. An inference drawn from two identical words in two passages.
3. A general principle derived from one text or two related texts…

Mistakes, of course, happen. And the Sanhedrin at times, may rule incorrectly having misunderstood, misinterpreted, or misjudged the details of law. When this is discovered the people who may have acted on the mistaken ruling of the Sanhedrin are not culpable.

If a court erroneously issued a ruling permitting the Jewish people to violate one of all the miṣvot that are stated in the Torah, and an individual proceeded and performed that transgression unwittingly on the basis of the court's ruling, then whether the judges performed the transgression and he performed it with them, or whether the judges performed the transgression and he performed it after them, or whether the judges did not perform the transgression and he performed it alone, in all these cases the individual is exempt from bringing an offering. This is due to the fact that he associated his action with the ruling of the court. (Mishna Horayot 1:1)

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Personal Responsibility and Intellectual Honesty

However, there is a limit to just how much one can rely on the misjudgments of the Sanhedrin. When one is a scholar of the law and understands the inner workings of legal conception, and recognises a flaw in the reasoning and deduction of the Sanhedrin, he may not simply carry on acting in accordance with their ruling knowing that they erred in judgment. Here, personal responsibility kicks in.

If the court issued a ruling and one of the judges knew that they erred, despite the fact that the majority ruled against his opinion, or if he was a student and he was qualified to issue halakhic rulings…the judge or the student is liable to bring an offering. (ibid.)

God's law takes precedence over that of the people. Yet, an important aspect of responsibility and culpability in all of this is one fundamental issue: scholarship.

The Sanhedrin fail because of flaws in their scholarship; the individual is responsible because of the accuracy of his scholarship. Criticisms, questions, and judgments about the Torah and its legal system are issues of scholarship, not one's moral compass or personal feeling. As with all things, conjecture is superficial, irresponsible and ill-suited to proper analysis.

One must learn about the system and its details before making judgments as to its efficacy, meaning and value. Yet, we do it all the time. Because we tend to favour our own contentment to truth we all are guilty of conjecture many times over. It is not rare that we read a book or attend a lecture (or a series of lectures) on a particular subject and begin pontificating about it as though we have graduated with honours in the discipline. There is a value to, at the very least, being agnostic about that which we lack knowledge, in that it keeps us humble and ensures that we can continue in our journey upon the path of wisdom. We leave that path when we believe we know it all. This is why we call our great scholars *Talmide Ḥakhamim* ('students of Wise People') because on the path of true wisdom even the greatest scholars are always learning.

Intellectual honesty requires us to understand before criticising. As Benjamin Disraeli once said, *'How much easier it is to be critical than to be correct'.*

We are not all expected to be scholars. In any given discipline, there have always been, and will always be, laity who, with limited knowledge, will need to trust and rely upon the expertise of others in the fields in which they are lacking.

Still, we are not at liberty to pretend that we do not know when something is wrong when we genuinely have the data and evidence to prove otherwise. There is a strong tradition in Judaism of speaking up and challenging ideas even of earlier or more learned sages when we believe that they are flawed.

And what the master wrote saying not to dispute the great scholar Rabbenu Yiṣḥaq author of the Tosafot - it would be wrong of me to do such a thing, and who am I in comparison to him? But this I do believe: that everything that doesn't seem correct in my eyes, I would not accept even if Yehoshua' Bin Nun said it. And I'm not going to refrain from expressing my opinion according to my understanding, "And I will speak of your testimonies before kings and I won't be embarrassed" (Tehillim 119:46), like the analogy the philosophers give of a dwarf standing on the shoulders of a giant. And the later Sages never refrained from refuting the words of the earlier Sages. There are plenty of mishnayyot that the Amoraim refuted and declared as not halakhically binding. There is no scholar that is free from mistakes. (Rabbi Yehoshua' di Trani ben Mali the Elder.) [5]

Even though there is room to say that the earlier Sages have more expertise than us regarding the explanations of the Rishonim, this only refers to matters that are not based on reasoning. However, matters based on reasoning that we understand, should be judged according to our understanding. Because in every generation it can be said, "We are not reed cutters in the swamp". I.e. "We aren't fools." (Rabbi Yosef Qaro, Abqat Rokhel, Ch. 155) [6]

It is forbidden for a student to accept his Rabbi's words if the student can refute them, because sometimes the truth will be with the student. Similar to how a small tree can light a larger tree on fire. (Rabbi Ḥayyim of Volozhin, Ruaḥ Ḥayyim, Abot 1:4) [7]

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A Dysfunctional System

In contemporary society however, this question is complex. We are, for all intents and purposes, experiencing the situation that the author of Sefer HaḤinnukh feared! We no longer have, nor have we had, a central authority like the Sanhedrin for over two thousand years.

Hora'a ended with Rab Ashe and Rabena. (Baba Meṣiạ, 86a)

In fact, we pray for their return every day.

Restore our judges as at first, and our counsellors as at the beginning, and remove from us agony and sorrow...Blessed are You, Lord, the King who loves righteousness and justice. (Daily Ạmida Prayer)

We have no final word, no unified system for our people. But in this unfortunate state personal responsibility is at its height. We are still bound by our covenant with God and each of us is essentially responsible for his or her own actions. It is incumbent upon every individual to uphold that covenant by self-educating and by seeking a faithful and knowledgeable teacher or guide. If for nothing else, so that one's life does not become an echo chamber.

Yehoshua' ben Perahya says, 'Establish for yourself a master'. (Abot, 1:6)

He means to say even if he is not fit to be your master; still place him upon you as a mentor, so that you can give and take (discuss and argue) with him, and as a result of this the study of wisdom will come to your hand. As the study of a man on his own is good, but his study from someone else will be better established in his hand and it will be more clear - and even if he is like him in wisdom or below him....(Gloss of Rambam to Abot, ibid.)

There is a limit to how much we can hide behind ignorance. Ignorance thrives on self-reinforcement and assurance. We surround ourselves with friends, colleagues and family who think like we do. We made sure that this was not the way our leading scholars worked. The system ensured that they did not lose themselves in their own thought and that they maintained a well-established foothold in reality.

If any of the safeguards were missing it was liable to lead to an erroneous ruling.

When does the concept that the court is liable for a sacrifice and those who act upon their ruling are exempt apply? When the following conditions are met:
a) When those who deliver the ruling are the High Court of 71 judges;
b) When the head of the academy participates in the ruling with them;
c) When they are all fit to deliver rulings;
d) When all - or the majority - of them err in the ruling they delivered;
e) That they rule explicitly and tell the people: "You are permitted to do this"; similarly those who heard from the court must have told others: "You are permitted to do this"; and the majority of the people or all of them must act because of their ruling;
f) Those who commit the transgression must act in error because of them, thinking that the court ruled according to law;
g) They must rule to negate part of a commandment, to preserve part of it, but not to displace the entire commandment;
h) When they become aware of their error, they must know the precise matter concerning which they ruled erroneously.

When all of these conditions are met, the court is liable to bring a sacrifice and those who act upon their rulings are exempt. If, however, one of these conditions is not met, the court is exempt from the sacrifice and anyone who unknowingly performed a transgression must bring a fixed sin-offering for his inadvertent transgression. (Rambam, Hilkhot Shegagot, 12:2)

There are times when, as adults, we must make a decision to either educate ourselves or remain unaware. It is a difficult decision fraught with anguish and discomfort. Ignorance is bliss. Or alternately, as King Solomon said:

For as wisdom grows, vexation grows; To increase learning is to increase heartache. (Qohelet, 1:18)

Bearing Responsibility

And when we do not properly know about something on our own, we must diligently seek someone whom we trust who does.

AUTHORITY, RESPONSIBILITY, & KNOWING BETTER

Thoughts on Tractate Horayot and the fallibility of the Sanhedrin

Senior Rabbi Joseph Dweck



In whatever field our ignorance lies, we look for the faithful expert to help fill the gap of knowledge that we lack. Be it a doctor, lawyer, rabbi, mentor, professor, plumber, electrician, accountant, we must allow ourselves to trust their scholarship, expertise, and mostly their dedication to doing what is right, faithful and true. But we must choose carefully. That choice is our responsibility and often, such people are hard to find.

If we find ourselves in a situation that our knowledge — not our feelings — about a subject seems to go against their advice and actions we must voice it and question their decisions. If they are indeed the experts they will either explain their thinking in light of the questions or admit to their mistake. For they will, in their wisdom and dedication to the discipline, serve the truth rather than themselves.

Scholarship has thus always been at the centre of the Jewish world. Learning is in the very fabric of our lives. We have always had a culture that encourages our people to study, question, think and learn. There is in fact a strong concept of *biṭṭul* - wasting time if one is not actively learning. [8]

There is no other nation or religion on earth that so deeply and completely embraces and promotes learning. For this reason, when it comes to discovering a leading teacher we seek one who has breadth of knowledge over depth of knowledge. While it is valuable and at times essential to penetrate an issue to its depths it is more often valuable to have expansive knowledge about a great many things; especially when leading a community of people. It is with this ideal that Tractate Horayot ends.

Ribbi Yoḥanan said: Rabban Shimṣon ben Gamliel and the Rabbis disagreed with regard to this matter. One said: a 'Sinai' [scholar], (i.e., one who is extremely knowledgeable), is preferable; and one said: [A scholar] who uproots mountains, (i.e., one who is extremely incisive), is preferable. Rab Yosef was 'Sinai'; Rabba was one who 'uproots mountains'. They sent a message from Babylonia to Ereṣ Yisrael: Which takes precedence? They sent in response: Sinai is preferable, as the Master said: Everyone requires the owner of the wheat i.e., one who has the means to provide 'nourishment' (in this case wisdom) to all. (Horayot 14a)

We are, and have always been, a people who cherish wisdom. Our children have been literate and considering nuanced thought throughout all of the world's dark ages. For generations, we have been taught that when it comes to learning all are welcome to participate regardless of age or rank, as long as their desire and love of truth rises above their own personal vulnerabilities.

Now we find our people re-established as a national entity sovereign on its ancestral land. We see emerging from the ancient people in the new State extraordinary strides in innovation and thought in so many areas of life. Israel is alive and thriving—even as it is regularly condemned by a great many of the world's other nations. One area, however, that still requires rehabilitation is that of our Torah and the covenant we hold with God. The nation as a whole walks uneasily with this. It is an old and complicated issue that we find difficult to grasp as a unified, sovereign people. Will we one day be able to focus as a nation together on these things? Will we see a modern-day Sanhedrin emerge? Will our children see it?

Granted, it is hard to imagine. But, given the astonishing events of Jewish History, crazier things have happened. ▪

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[1] Debarim, 17:8
[2] Ibid. 17:12. 2
[3] Shemot, 20:12; Debarim, 5:16. 3
[4] https://en.wikipedia.org/wiki/Moshe_Shmuel_Glasner
[5] 1180-1250
[6] 1488-1575
[7] 1749-1821
[8] See Berakhot, 5a; Abot, 3:7.

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THE MAN MOSHE WAS EXCEEDINGLY HUMBLE

"והאיש משה ענו מאד"

Rabbi Daniel Kahana



Rabbi Moshe ben Maimon, or HaRambam, (1138 – 1204) is one of the most significant Jewish thinkers and prolific writers of Jewish Law and Jewish thought alike.

HaRambam elicited both intense admiration and fierce opposition during and after his lifetime. Accolades such as those of R. Yeda'ya ben Abraham HaPenini (1270-1340) reflect the magnitude of HaRambam's impact.

אחרון הגאונים בזמן, ראשם בחשיבות הרב המורה הגדול רבנו משה בן הרב הגדול רבנו מיימון זצ"ל, אשר אין ערוך אליו בכל חכמי ישראל אחר חתימת התלמוד – "*The last of sages chronologically yet the first in importance, the great teacher Rav R. Moshe son of the great Rav R. Maimon of blessed memory, to whom no sage is akin since the sealing of the Talmud*". [2]

HaRambam's "Perush HaMishna" [3], composition on the Mishna, marks the first work to fully encompass in scope the entire 6 orders of the Mishna (code of Jewish law edited by R' Yehuda HaNasi of the 2nd century). His "Sefer HaMiṣvot" [4] is a trailblazing work which comprehensively covers the subject of enumeration of *miṣvot* (Biblical precepts). Prior to HaRambam this subject was presented as a short cryptic list [5] or obscure liturgical poetry [6]. HaRambam's work ushers in a new genre of halakhic literature dedicated to this subject of enumeration of *miṣvot*.

His magnum opus the "Mishne Torah" remains until today the only code of Jewish law which is a complete restatement of the entirety of Jewish law [7].

HaRambam indeed is unmatched in the scope of his works, yet no less are HaRambam's contributions in establishing methodological principles and delineating the critical underpinnings in each field of Jewish law and thought. Thus HaRambam, for example, does not simply enumerate the 613 Biblical precepts in his "Sefer HaMiṣvot"; he first establishes 14 methodological rules upon which he bases his count. [8]

The purpose of the forthcoming paragraphs is to highlight one guiding principle or modus operandi of HaRambam, that typically is not emphasized in studying HaRambam's works.

Regarding the laws of meat and milk, HaRambam rules (Hilkhot Maakhalot Asurot 9:3-4):

"From the Torah, only meat of a pure (species of) animal with milk of a pure (species of) animal is forbidden [...] However meat of a pure (species of) animal which was cooked in milk of a non-pure animal or meat of a non-pure animal in milk of a pure animal, is permissible to cook and derive benefit from, and one does not violate 'meat and milk' for its consumption. And so too meat of a ḥaya (non-domesticated animal) or bird in milk of a ḥayya or animal is not prohibited for consumption from the Torah". [9]

Regarding the legal status of meat of a *ḥayya* (non-domesticated animal), HaRambam places it in the same category of birds regarding the prohibition of meat and milk. Thus, both a *ḥayya* and bird with milk is not prohibited from the Torah but prohibited by rabbinic decree. [10]

In his Hilkhot Mamrim, HaRambam defines the role of the national court of Israel (בית דין הגדול שבירושלים) as well as parameters of the prohibitions of adding and subtracting to the *miṣvot* (Debarim 4:2):

"Since the court can (issue a) decree prohibiting something that is permitted, and that prohibition could last for generations [...] what is of the negative miṣva of the Torah not to add or diminish from it? (The prohibition) is not to add or diminish and set it forever as (prohibited) from the Torah whether (labeling it as prohibited) from the written or oral Torah. How so? – The Torah states 'Do not cook a kid in its mother's milk', and the oral tradition teaches that this verse prohibits cooking and eating meat and milk, whether meat of a domesticated or non-domesticated (ḥayya) animal, but bird is permitted from the Torah. If a court were to permit meat of a ḥayya in milk – this is diminishing (from the Torah), and if the court were to prohibit bird and rule that it falls under the 'kid' and is prohibited from the Torah – this is adding (to the Torah), but if they rule that bird is permitted from the Torah but we are forbidding and publicizing that it is a decree, this is not adding but rather a safeguard to the Torah." [11]

HaRambam here clearly places *ḥayya* in the same category as a domesticated animal which is prohibited from the Torah to the extent that recategorizing it as permissible is a violation of diminishing from the Torah. [12] In the words of R. Abraham Di Boṭon (1545-1660): *"There is a massive and difficult contradiction (in the rulings of HaRambam)"* [13].

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I would like to present seven different approaches in explaining this contradiction.

The Pedagogic Approach:

R. David Ibn Zimra (1479-1573) in his commentary on the Mishne Torah explains that HaRambam's ruling in Hilkhot Maakhalot Asurot that the meat of a *ḥayya* is not biblically prohibited (in accordance with R. Aqiba) is indeed binding law, yet HaRambam used a non-halakhic opinion (of R. Yose HaGalili) in Hilkhot Mamrim for pedagogic reasons of illustrating the prohibition of adding and subtracting to the Torah. [14] One may wonder why an example which is consistent with Jewish law could not have been chosen by HaRambam.

The Syntactical Relocation Approach:

R. David Ṭarama (16th century) quotes a reading in which the opening words of halakha 4 in Hilkhot Maakhalot Asurot "וכן בשר חיה" are to be read as the ending of halakha 3 such that halakha 4 begins ועוף בין בחלב חיה בין בחלב בהמה אינו אסור באכילה מן התורה. This small relocation of three words makes a huge difference and yields an opposite legal conclusion. This reading is found in Yemenite manuscripts of the Mishne Torah. [16]

The Scribal Error Approach:

R. Ḥayyim Benvinisti (1603-1673) suggests amending the text in Hilkhot Maakhalot Asurot 9:4 to "וכן בשר עוף". There is no textual corroboration for such an amendment. [17]

The Relativity of Space Approach:

R. Yosef Qaro (1488-1575) posits *"if a court rules meat of a ḥaya is permissible from the Torah...it is considered diminishing (bal tigra') if it were in the place which follows R. Yose Hagalili"*. [18]

The Relativity of Time Approach:

R. Shelomo Ashkenazi Rapaport (1717-1781) suggests *"perhaps the Bet Din HaGadol will decide in some future time that ḥayya is from the Torah"*. [19]

The Theoretical Approach:

R. Moshe Sofer (1762-1839) explains that clearly HaRambam rules that both *ḥayya* and bird meat are not prohibited from the Torah, yet the language "*Gedi*" (Shemot 23:19, 34:21, Debarim 14:21) means all meat including *ḥayya*. *Ḥayya* is excluded through *derasha* (Mishna Ḥullin 8:4). Thus, HaRambam is saying even if Bet Din only proclaimed that the word "*Gedi*" does not include, in and of itself, *ḥayya*, it would be a violation of "diminishing". [20]

The Multiple Editions Approach:

R. Yehoshua' HaNagid (1310-1355) the great-great grandson of HaRambam [21] was asked regarding the contradiction and responded:

הנוסח אצלכם בהלכות ממרים אינו נכון, וזהו נוסח ההלכה 'מפי השמועה למדו שזה הכתוב אסר לבשל ולאכול בשר בחלב בין בשר השור בין בשר השה אבל בשר העוף מותר בחלב מן התורה – "*your text in Hilkhot Mamrim is incorrect rather this is the text: 'the oral tradition teaches that this verse prohibits cooking and eating meat and milk, whether meat of an ox or a sheep" [22].*

According to R. Yehoshua' the text in Hilkhot Mamrim has no mention of *ḥayya* and thus there is no question. R. David Ibn Zimra in his responsa corroborates that he checked in precise texts of the Mishne Torah corrected from the actual autograph copy of HaRambam and the text reads "*whether meat of an ox or a sheep*" [23].

How is it that only the autograph edition of the Mishne Torah and those books fixed from it have this text? The resolution is simple; HaRambam *changed his position* regarding the matter.

This underscores an important phenomenon regarding HaRambam's works. HaRambam continued throughout his life to update his works.

In our example, Hilkhot Mamrim as it appears in most versions reflects HaRambam's earlier opinion that the meat of a *ḥayya* is prohibited from the Torah. Later HaRambam concluded that *ḥayya* is only rabbinically prohibited. He fixed the text in the most vital places yet did not always correct the secondary place. [24]

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Some corrections were late and remained only in his own copy. Although we do not have the autograph copy of the Mishne Torah, we do have the autograph manuscript of 5 orders of the Perush HaMishna written in the hand of HaRambam himself. [25] In his introduction to Perush HaMishna, in bringing an example of a rabbinic decree he writes

ולא יחרם מן התורה גיר בשר בהמה וחיה, וחרם אל חכמים בשר עוף

- *"and there is no prohibition from the Torah except meat of an animal and ḥayya, and ḥakhamim prohibited bird's meat"*. The word "*ḥayya*" is crossed out and above it the word "טהורה" – "pure" is written. [26] This is physical evidence of this "multiple editions approach".

This phenomenon of HaRambam changing rulings is indeed attested to by HaRambam himself. [27] It reflects a great individual who is unyielding in his quest for truth and precision. It reflects a true humility in which ego would never stand in the way of truth. [28] As HaRambam writes to his close student R. Yosef ben Yehuda Ibn Shimṓn (1160-1226):

וההתלחשות הזו שהוא מלחש נגד פירוש המשנה, כל זה מפני שאני תקנתי בו כמה מקומות, בורא הכל יודע [...] איני טוען שהגעתי לשלמותי הסופית מראש ולא שאני לא טעיתי כלל, אלא כל מה שנתבאר לי הפכו חזרתי בי תמיד בכל דבר ממה שחברתי וממדותי – *"The negative gossip that he (Shemuel ben Ali) is gossiping against Perush HaMishna, all this is because I made corrections in some places, God knows [...] I do not claim that I have reached final completion, from the beginning, and not that I have never erred; rather anytime it became clear to me the opposite (view to be correct), I changed my view always in all my works as well as in my character traits". [29]*

Perhaps one of the great methodological principles we learn from HaRambam is to continuously reevaluate oneself with humility and candor, in one's never-ending journey towards truth. ▪

[1] Bemidbar 12:3. This article summarizes a class I presented on 20 Shevaṭ 5764 (2004) in memory of my maternal grandfather Isidore Spodek A"H. מוקדש לזכרו של סבי ומורי יצחק בן נחום אריה זצ"ל; בדרך חכמה הורתני, הדרכתני במעגלי יושר.

[2] Sefer Beḥinat Ọlam, R. Yeda'ya HaPenini, Venice 1546, pg. 56. See R. Yehuda Al-Ḥarizi's (1165-1225) praise to HaRambam found in Qobeṣ Teshubot HaRambam, Leipzig 1859, Iggerot HaRambam pg. 43. Also see (my all time favorite) by R. Immanuel ben Shelomo (1265-1335) Maḥberot Emmanuel HaRomi, Dov Jarden, Volume I pg. 202, lines 171-173.

[3] As referred to by HaRambam himself in his Hebrew poetic introduction to the work.

[4] As referred to by HaRambam himself, Teshubot HaRambam, Blau edition, volume 2, #447, pg. 725.

[5] Sefer Halakhot Gedolot of R. Shimọn Qayyara written in 841 includes a brief list of misvot in the introduction.

[6] The beautiful poetic legacy of "Azharot" includes those of Rabbenu Saạdia (882-942), R. Eliyyahu Zaqen (circa 1040), R. Yiṣḥaq bar Reuben (11th century), R. Shelomo Ibn Gabirol (1021-1058) to name a few.

[7] Incorporating the Talmud Babli, Talmud Yerushalmi, Sifra, Sifre (HaRambam uses this term to include the midrash halakha on the other 3 books thus including "Mekhilta") and Tosefta (Introduction of HaRambam to the Mishne Torah paragraph 40).

[8] This is the case as well regarding the underpinnings of Jewish thought as HaRambam states אלא שדרכי תמיד בכל מקום שיש איזה רמז בעיני אמונה אבאר משהו, כי חשוב אצלי להסביר יסוד מהיסודות יותר מכל דבר אחר שאני מלמד ("Perush HaMishna", Berakhot 9:7, translation of R. Yosef Qafiḥ).

[9] Text of Mishne Torah, Frankel edition, 1986.

[10] This is consistent with the opinion of R. Ạqiba (circa 135) in the Mishna, Ḥullin 8:4 who debates this point with R. Yose HaGalili. HaRambam in "Perush HaMishna" ad loc. indeed rules "והלכה כר' עקיבה".

[11] Hilkhot Mamrim 2:9. Text from Frankel edition 1998. The bold is mine.

[12] This approach seems consistent with the opinion of R. Yose HaGalili (2nd century) in the Mishna, Ḥullin 8:4.

[13] Leḥem Mishne, Hilkhot Maakhalot Asurot 9:4.

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[14] Ridbaz in Hilkhot Mamrim 2:9. This is also the approach of R. Shemuel Di Medina (1506-1589), Teshubot Maharashdam Oraḥ Ḥayyim #2, R. Levi Ibn Ḥabib, Teshubot Maharalbaḥ #87 (על צד הדחק) and later adopted by Benedict, HaRambam Lelo Seṭiyya min HaTalmud, Jerusalem 1985, pg. 36-40. This approach is reminiscent of the 5th reason HaRambam delineates for contradictions in works: סתירה או ניגוד הנמצאים בספר מן הספרים או חיבור מן החבורים, סיבתם אחת משבע סיבות...הסיבה החמישית היא הכרח שעשוי להיווצר בשעה שמלמדים ומביאים לידי הבנה...המורה ייאלץ אפוא לוותר על דיוק העניין...כדי שהוא יבין מה שנדרש עכשיו להבין – The Guide of The Perplexed, Schwarz edition, pg. 21.

[15] Perush R. David Ạrama on HaRambam, first printed in Salonica between 1560-1572. R. David rejects this approach in his conclusion. R. Abraham Di Boṭon brings this approach as well in Leḥem Mishne, Hilkhot Maakhalot Asurot 9:4. This approach resolves the internal contradiction in Hilkhot Maakhalot Asurot itself between 9:4 and 9:27.

[16] Noted in the apparatus of textual variants in the Frankel edition in Hilkhot Maakhalot Asurot 9:4.

[17] Dina DeḤayye, Constantinople 1742-7, Vol. I, 132a: ואי לאו דמסתפינא ה"א דלא גרסינן בדברי הרמב"ם בפ"ט מהמ"א וכן בשר חיה ועוף אינו אסור באכילה מן התורה אלא וכן בשר עוף לחודיה גרסינן ולא חיה.

[18] Kesef Mishne, Hilkhot Mamrim 9:2. This approach is difficult considering the framework of Hilkhot Mamrim which is dealing with "Bet Din HaGadol SheBirushalayim" (1:1) with jurisdiction over the entire Nation of Israel irrespective of place.

[19] Mirkebet HaMishne, Hilkhot Maakhalot Asurot 9:4. R. Shelomo bases his explanation on the aforementioned Kesef Mishne. This explanation needs more explanation as to how the same Bet Din could then violate "diminishing".

[20] Ḥiddushe Ḥatam Sofer, Ḥullin 103b. See in greater length Teshubot Ḥatam Sofer, Vol. II, Yore Deạ #73, where he admits "ואולי יש קצת דוחק בלשון הרמב"ם.

[21] יהושע בן אברהם בן דוד בן אברהם בן משה בן מימון

[22] Teshubot R. Yehoshua' HaNagid, Raṣabi edition pg. 83. The bold is mine. This teshuba is brought by R. Yosef Qaro, Abqat Rokhel #38.

[23] Teshubot Ridbaz Vol 5, #9

[24] See the 2nd reason HaRambam delineates for contradictions in works: הסיבה השנייה היא שמחבר אותו ספר היתה לו דעה וחזר בו ממנה, ודבריו הראשונים והשניים נרשמו...ובודקים איזו משתי הדעות היא המאוחרת – The Guide for The Perplexed, pg. 21.

[25] 3 volume facsimile edition with introduction from Solomon David Sassoon, Copenhagen, 1956. For an excellent description of the history of this manuscript see the introduction of Simon Hopkins, Maimonides's Commentary on Tractate Shabbat; The Draft Commentary According to Autograph Fragments From The Cairo Geniza, Jerusalem, 2001. There is no other rabbinic figure of HaRambam's time (or earlier) of whom we have nearly as many autograph manuscripts. See Hilkhot HaYerushalmi, with introduction of S. Lieberman, New York, 1995. See The Authorized Version of the Code of Maimonides, Facsimile edition of Oxford Manuscript Huntington 80; with an addendum of facsimiles and holographs, Ofeq Institute 1997.

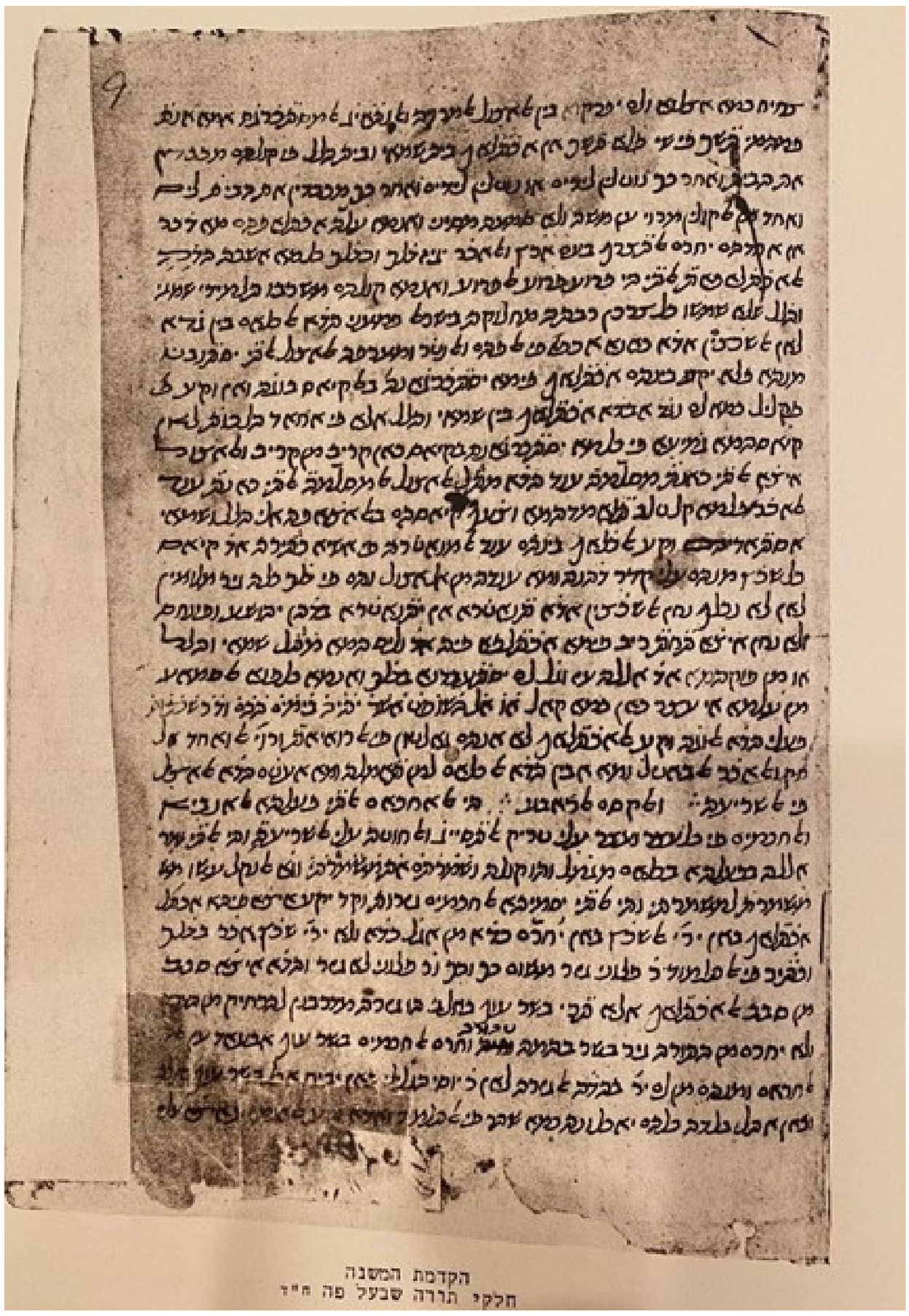
[26] Facsimile edition Vol. I, pg. 17. See final page of this article. This change of HaRambam's own hand is not reflected in printed editions such as the first printed edition, Napoli 1492. For a theory on what the possible thought process of HaRambam was in changing his mind in this particular case, see Mishne Torah with commentary of R. Yosef Qafiḥ, Qiryat Ono, n.d. Vol. 8 pg. 207.

[27] See for example Teshubot HaRambam #217, Blau edition Vol. II pg. 382-383. See the introduction of R. Yosef Qafiḥ to Perush HaMishna in which R. Yosef to categorize the "editions" or waves of HaRambam amending Perush HaMishna into 4 stages (3 volume edition, Vol. I pg. 15-16). See the doctoral thesis of Aharon Adler, "Haęqronot Hashiṭatiyyim KeYesod LeḤazarotav Shel HaRambam", Bar Ilan University, 1987, who counts 749 "Ḥazarot".

[28] See Teshubot HaRambam, Blau edition Vol. III pg. 144: ואמנם מודה אני, שלא רחוק הדבר שאטעה ויעלם ממני עיון או נוסח ואין זה דבר גדול. ואני שמח מאד, שכך בודקים אחרי, ומי שעושה כן, ראוי לשכר ולתודה, כי או שהוא מכוון אל האמת בבקרתו ואפיק אני תועלת מתוך כך, או שהוא שוגה ויפיק הוא תועלת וזולתו.

[29] Iggerot HaRambam, R. Yosef Qafiḥ edition, pg. 129.

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METAPHORS ABOUT METAPHORS

Rabbi Dr Samuel Lebens



The Rabbis often illustrate their views with the help of a literary device known as a *meshal* (משל).

In this article, I explore a vivid debate, recorded in the Midrash (Shir HaShirim Rabba 1:8), about how *meshalim* work. What's distinctive about this debate is that each Rabbi provides his own *meshal* in order to illustrate how *meshalim* work. These are *meshalim* about *meshalim*. We could call them *meta-meshalim*! [1]

The first participant in our debate is Rav Naḥman. He doesn't present one *meshal* to explain how *meshalim* work. He presents two. First, he says that the *meshalim* that King Solomon composed can be compared to:

...a large palace that had many entrances, and everyone who entered it got lost from the entrance. A wise man came and took a coil of string, and attached [one end of it] to the way of the entrance. Thereafter, everyone came in and left by way of the coil of string. Likewise: until the rise of Solomon, nobody was able to understand words of Torah. And, after Solomon arose, everyone began to understand the Torah.

In other words, when King Solomon wrote his *meshalim* (whether in the form of the extended metaphor of The Song of Songs, or in the form of the collected *meshalim* of the book of Mishle, i.e., Proverbs), he was like a wise man attaching string to an entrance of the palace of Torah. Upon entering, you can grab onto that coil of string, unwinding it as you go. This way, you'll never get lost. You can follow the string back to the entrance. [2]

For some reason, R. Naḥman didn't think that his first illustration was sufficient. He supplemented it with another. Before King Solomon, the Torah was *"like a thicket of reeds that nobody was able to enter. A wise man came and took a scythe and cleared [a path]. Thereafter, everyone began to come in and leave by way of the path that had been cleared."*

These two meta-*meshalim* are quite different. The coil of string doesn't impose a specific route upon our journey through the palace. The path that's cut through the field, by contrast, doesn't give the public anything like the same freedom to choose their own route. Consider also the wise man himself. There's no suggestion that he needed the coil of string. He wasn't getting lost in the palace. He left it there to help others. But the thicket of reeds is different. Even the wise man would have been stuck without his scythe. He wasn't just doing a favour for others. He needed it himself. Finally, the coil of string does no damage to the architecture of the palace, but the scythe literally cuts a path and damages the field.

The romance at the heart of King Solomon's Song of Songs is supposed to impart some deep theological truth. According to the palace metaphor, the Song of Songs provides a way to think about the relationship between the human and the Divine, without saying much that's very specific. It's as if we're told: think of the relationship between God and Israel in terms of a loving relationship, and let your imagination explore the terrain from there. No fine-grained content is conveyed by such an instruction. We're given free rein to construct our own theologies within the boundaries somehow presented by the metaphor. In other words, according to the palace metaphor, Solomon's rope constrains our journey through the palace of theological speculation – because it selects a particular entrance to function as our beginning and end – but it doesn't constitute a very tight leash.

The thicket of reeds metaphor disagrees. According to that metaphor, a very specific path is cut through the conceptual territory by Solomon's metaphor. We're somehow presented, by Solomon's extended metaphor, with a whole set of, potentially, very fine-grained theological theses. Given that this sounds so alien to the theological liberalism of pre-medieval Judaism, it's tempting to say that R. Naḥman would clearly side with his first illustration, regarding this issue. So, why did he present his second illustration?

Well, perhaps he preferred it in other respects. Perhaps he valued its insinuation that even the wise man needed the metaphor. Moreover, perhaps he valued his thicket of reeds illustration for its insinuation that a metaphor actually does some harm (albeit, a harm that's offset by the benefits it brings).

Friedrich Nietzsche was of the opinion that all language use was, in some sense or other, metaphorical [3]. Truth, he declared, is a *"mobile army of metaphors, metonyms, and anthropomorphisms."* [4]

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George Lakoff and Mark Johnson (2003) basically agree. They have tried to add some scientific rigor to Nietzsche's thesis. Given a sophisticated appreciation of cognitive science and developmental linguistics, they argue, it becomes clear that all language and thought is inherently metaphorical.

Take the allegedly non-metaphorical sentence, *"The fog is in front of the mountain."* In actual fact neither the fog nor the mountain have particularly clear boundaries. To treat them as discrete entities, that we can pick out with names, is really to engage in a sort of metaphor. Second, we talk about the front and the back of the mountain as if it's facing us. Speakers of the African language, Hausas, by contrast, make a different projection than we do.

They would say that *"the fog is in the back of the mountain"* whenever we would describe it as being in front (p. 161). Metaphors are hiding in our use of language without our realizing it.

More radical, and yet equally pervasive, is our attempt to structure our less well-delineated experiences by thinking of them in terms of other, better-delineated experiences. As they point out (p. 86), love is not a very well-delineated experience. It can often be intensely powerful, and yet it's certainly difficult to describe. Accordingly, we structure it in terms of a whole array of culturally entrenched metaphors: we think of love as a journey when we say, *"it's been a bumpy road, but we've come a long way together"*; we think of love as a patient when we say, *"I really feel that we're on the mend"*; we think of love as a physical force when we say, *"We were drawn together"*; and we think of love in terms of mental illness when we say, *"I'm crazy for her."*

As I read R. Naḥman, he's telling us that metaphor is just as pervasive as Nietzsche, Lakoff and Johnson claim (or, at least they are in the realm of theology). That's why the palace metaphor isn't sufficient for R. Naḥman. He doesn't think that anybody can enter the palace, even the wise man, without the aid of something like the coil of string. The wise man cannot go in unaided and attach a coil of string for everybody else as he leaves. If there's no coil there, even the wise man will get lost. But the palace illustration doesn't make that clear.

Matters theological are too abstract to think about unless we think about them, metaphorically, in terms of less abstract things. R. Naḥman therefore moves to the metaphor of the reeds because he wants to capture the fact, and to make clear, that even the wise man couldn't traverse this terrain unless he took a scythe and carved a path. The path that he carved—i.e., the metaphor—wasn't the only path he could have carved, but if there were no path at all, he couldn't so much as enter the field.

Lakoff and Johnson, at their most extreme, reject the entire notion of objective meaning and truth — Nietzsche did too.

According to them, language never neatly corresponds to the world. The "myth of objectivity" is merely a myth: it fails to realize the numerous and pervasive ways in which language and thought actually structure, rather than simply mirror, our reality. At this point, or so it seems to me, R. Naḥman demurs.

There is an underlying reality. There is a thicket of reeds. It's true that the path that we cut through it does damage to the thicket. The path obscures certain features. It imposes an artificial structure upon it. But, the very fact that we can talk about the damage done to the field indicates that we have some understanding of an underlying objective reality that we're having trouble doing justice to in the metaphors that we use to explore it.

On my reading, R. Naḥman presents his two metaphors in tandem because he prefers the metaphor of the palace in one respect – since it recognizes that King Solomon's metaphors are supposed to give us a certain amount of imaginative freedom, but he prefers the metaphor of the reeds in two different respects – since it (1) recognizes that metaphors are essential, without (2) going so far as to attack the notion of an objective reality.

R. Yose offers us a completely different meta-*meshal*. The Torah, before King Solomon, was, according to R. Yose, like a great *"basket of fruit, and it had no handles, and nobody was able to move it. A wise man came and made handles and began to move it by way of [these] handles. Likewise: until the rise of Solomon, nobody was able to understand any of the words of Torah. And, after Solomon arose, everyone began to understand the Torah."*

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In contemporary English, we describe ourselves getting a handle upon a complicated thought or notion. R. Yose's idea is that metaphors do just that. However heavy the pile of fruit may be, we could, if we wanted to, and had the time, move the fruit one by one, re-piling them in the desired location. The handles on the basket, however, allow us to move the pile with much greater convenience. Metaphors (at least in theology) are essential according to R. Naḥman, but merely optional for R. Yose. But perhaps there's more to R. Yose's meta-*meshal* than meets the eye.

According to the philosopher, Max Black (1954–55), one of the important functions of a metaphor is to bring two sets of association into conversation. For every common word in English, a community has a set of what Black calls "commonplace associations." Some of these associations may be completely false.

The word "wolf" might conjure up associations of cunning cruelty, when wolves may in fact be loving creatures (for all I know). And, indeed, within subcultures, say the Anglian Wolf Society (which I found online), the commonplace wolf-associations might be quite different from the wider culture's wolf-associations. Nevertheless, in any given conversational circumstance, speakers will be able to tap into the same system of commonplace associations concerning wolves.

Similarly, the English word "man" conjures up a whole different system of commonplace associations. Against this backdrop, Black explains (p. 288): *"The effect, then, of (metaphorically) calling a man a 'wolf' is to evoke the wolf-system of related commonplaces. If the man is a wolf, he preys upon other animals, is fierce, hungry, engaged in constant struggle, a scavenger, and so on."*

The metaphor doesn't attempt to impose all of our wolf-associations upon man. Wolf-associations that gel less well with our man-associations are not at all emphasized by the metaphor. And thus, due to the ways in which the two systems of associations interact, the wolf metaphor emphasizes man's ferocity; but not his inclination to live among the trees and eat raw meat. Black goes on to construct his own metaphorical device for talking about metaphors (pp. 288–9):

Suppose I look at the night sky through a piece of heavily smoked glass on which certain lines have been left clear. Then I shall see only the stars that can be made to lie on the lines previously prepared upon the screen, and the stars I do see will be seen as organised by the screen's structure. We can think of a metaphor as such a screen, and the system of "associated commonplaces" of the focal word [i.e. "wolf"] as the network of lines upon the screen. We can say that the principal subject [i.e. man] is "seen through" the metaphorical expression.

On Black's account, metaphor doesn't merely convey certain content. It does more. In Black's words (pp. 291-2), *"The metaphor selects, emphasizes, suppresses, and organizes features of the principal subject [i.e., man] by implying statements about it that normally apply to the subsidiary subject [i.e., wolves]."*

You can translate the content of the "man is a wolf" metaphor into a list of sentences of literal English. The problem is that when you're confronted with the metaphor, you're given a sense of which of these sentences has most weight.

Once you've merely got the sentences out of your translation into literal English, and you've deleted the metaphor, then you lose that sense of which of these sentences has most weight.

Of course, it would be absurd to suggest that R. Yose had prefigured any of the specific mechanics of Black's view of metaphor. And yet, what R. Yose's metaphor does illuminate is this: metaphors are used not merely to convey first-order content (i.e., the fruit), but in order to respect second-order relations that obtain between different elements of that first-order content (that is to say, the way that the fruit is arranged in the basket is preserved as you move the basket with the handles – you're not just moving the fruit; you're preserving the order and arrangement of the fruit inside the basket). The handles on the basket allow you to move the fruit, not one by one, but as they are; in the arrangement and formation in which they're currently piled.

The Midrash moves on to present a further meta-*meshal*. Once again, the wise man attaches handles to something. But, according to R. Shila, the handles are attached not to a barrel of fruit, but to a "jug of boiling water."

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According to R. Yose, the Torah contains fruit-like nuggets that can be appreciated, one by one, without the structural metaphors imposed upon the whole by King Solomon. According to R. Shila, by contrast, the Torah viewed not through the prism of Solomon's metaphors is dangerous: there are no fruit-like nuggets that can be processed or enjoyed in isolation from an appreciation of the whole.

For R. Yose, metaphors help us to perform two jobs: (1) they help us convey, speedily, a great deal of propositional content; (2) they help to convey the internal structure that holds between that propositional content. For R. Shila, a metaphor is simply for the first of these jobs —conveying content.

But, even though metaphors do less for R. Shila, their job, on his account, is more important. For R. Yose, metaphor allows you to perform two jobs that could be performed (albeit clumsily) without metaphor. But, for R. Shila, the content of the Torah is the sort of stuff that simply cannot be moved without a container. Like R. Naḥman, R. Shila thinks that, at least when Torah is the subject matter, metaphor is inescapable.

Moving on to the next meta-*meshal*, I quote:

R. Ḥanina said: it is like a deep well full of water. And its waters were cold, sweet, and good. But, nobody was able to drink from it. A man came along and tied string to string, and rope to rope, and drew from the well and drank…So too, [moving] from word to word, and from meshal to meshal, Solomon was able to understand the secrets of the Torah.

When I say that So-and-so has a cold heart, my metaphor can be cashed out metaphor-free via the following translation: So-and-so lacks compassion. But, when Romeo describes Juliet as the sun, he says something that we struggle to translate without recourse to further metaphors: his life revolves around her; she sustains him; she gives him warmth and light; life without her would be dark. Some of these metaphors can be translated, themselves, into metaphor-free sentences; some may give rise, in their explanation, to still new metaphors; either way, the first metaphor was entrenched. I say that a metaphor is entrenched when its explanation requires at least one more metaphor.

An entrenched metaphor moves your mind through a chain of associations: from the sun, to warmth and light, and from there to sustenance, etc. A chain of associations moves in an order; it is, in some sense or other, a directional affair. By moving in steps, in a certain direction, we give rise to a notion of pointing. With our chain of associations, we end up pointing to something beyond them. The idea that metaphors point beyond our linguistic capabilities echoes Elisabeth Camp's (2006) claim that metaphors point towards things for which we currently have no name.

The Midrash contains one more meta-*meshal*, this time, in the name of "Our Rabbis". They said:

Don't look lightly upon this notion of the meshal. For, by way of the meshal, a person is able to understand the words of the Torah. It is like a king who lost some gold in his house, or a precious jewel. Doesn't he find it using a wick that's worth a penny? Likewise: you shouldn't look lightly upon this notion of the meshal because, by using the meshal, a person can understand the Torah. Know that this is so, for Solomon understood the subtleties of the Torah by way of this notion of the meshal.

The metaphor of the wick has a great deal in common with the metaphor of R. Ḥanina. Both disagree with the notion that a metaphor somehow contains the content it wants to convey; instead, it points you towards the content it wants you to apprehend. In this respect, both R. Ḥanina and the rabbis pre-echo the approach that Donald Davidson adopts towards metaphors and their meanings:

When we try to say what a metaphor "means," we soon realize there is no end to what we want to mention… How many facts or propositions are conveyed by a photograph? None, an infinity, or one great unstatable fact? Bad question. A picture is not worth a thousand words, or any other number. Words are the wrong currency to exchange for a picture. (Davidson 1978: 46–7)

For R. Yose and R. Shila, the content conveyed by the metaphor is in the metaphor: the basket contains the fruit; the jug contains the water; but, for R. Ḥanina and the rabbis, the metaphor leads you to find the body of water or the ruby that lies beyond. In this respect, R. Ḥanina and the rabbis are proto-Davidsonians.

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Where R. Ḥanina and the rabbis seem to come apart is on the notion of cheapness. The rabbis' metaphor allows for the possibility that once you've understood what the metaphor was trying to convey, you can throw the metaphor away. Once you realize that talk of God's hand is a metaphorical device for conveying information about his providence, you can discard all talk of his hand. R. Ḥanina's illustration, by contrast, seemingly gives the metaphor a longer life of service. A chain of rope at a well can be used many more times than a wick.

Furthermore, if we take seriously the notion of content that can only be grasped via chains of association, then even the wisest of the wise will need to use those chains. Without the candle, you could stumble in the dark until you find what you're looking for with your groping hands. Without the ropes, on the other hand, the water in that well remains totally inaccessible.

Our Midrash presented us with a number of meta-*meshalim*. They express a divergent array of attitudes towards the nature of metaphor, be those attitudes Nietzschean, Blackean, Campean, or Davidsonian. They encode debates about the dispensability of metaphors, their function, and the nature of the content that they seek to convey. And thus, I hope to have shown that some knowledge of contemporary philosophy can help us uncover layers of wisdom waiting for us in Midrash, and other Rabbinic sources.

Our Rabbis didn't need to read Donald Davidson to formulate their views. But knowledge of contemporary philosophy can often help us to uncover the wisdom that might otherwise be too deeply buried within our own tradition. ▪

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[1] This article is an abbreviated, and somewhat revised version of my previously published paper, Lebens 2019
[2] This metaphor and the next one also appear in Qohelet Rabba 2:11 and Bereshit Rabba (Theodore Albeck's edition), Perashat Bereshit 12.
[3] For a very clear presentation of Nietzsche's view on this matter, see Hinmann 1982.
[4] Quoted in Hinmann 1982: 184.

Bibliography

Black, M. (1954–55) "Metaphor." Proceedings of the Aristotelian Society 55: 273–94.
Camp, E. (2006) "Metaphor and that Certain 'Je Ne Sais Quoi'." Philosophophical Studies 129: 1–25.
Davidson, D. (1978) "What Metaphors Mean." Critical Inquiry 5(1): 31–47.
Hinman, L. (1982) "Nietzsche, Metaphor and Truth." Philosophy and Phenomenological Research 43(2): 179–99.
Lakoff, G. and Johnson, M. (2003) Metaphors We Live By. Chicago: University of Chicago Press.
Lebens, S. (2019) "A Commentary on a Midrash: Metaphors about Metaphor" in Lebens et al (eds), Jewish Philosophy in an Analytic Age, Oxford: Oxford University Press.

THE EXILE OF HALAKHIC INNOVATION

Decline and Stagnation

Rabbi Shmuel Phillips



When we assess the impact that thousands of years of exile has inflicted on our nation, our primary consideration tends to focus on the weighty toll of human suffering and loss of sovereignty over our land. What is often ignored is the damage which has been wrecked on the Torah itself – the national treasure of the Jewish people. In fact, we have become so accustomed to the Torah in its stunted exilic form that we are unable to appreciate the extent to which our relationship with it is defined by the stagnation of halakha. A stultification which is the result of over 1500 years without a functioning National Court.

In the legal system envisaged by the Torah, the Court (or Sanhedrin) was empowered and charged with the task of maintaining and updating Torah law in a way which would maximise its relevance and applicability to each generation. This was to be achieved not only by enacting various forms of rabbinic decrees but also, more significantly, by drawing upon their extensive expertise and wisdom to legislate details of Torah law. A recurring theme in Maimonides' description of the halakhic system is the delineation between two different categories of Torah law. To quote from his Introduction to Commentary on the Mishna:

"*In all that was received from Moshe…there could be no discussion and nothing was disputed. But regarding what was not heard as commentary from the Prophet…the matters which are peripheral to them [what was received from Moshe], they produced their laws through sebara [logic], through the Thirteen Middot [exegetical tools] which were given at Mount Sinai through which the Torah is to be expounded. And in these laws that they produced…some of them were subject to dispute between opposing opinions.*"

Each of the 613 commandments, writes Maimonides, was taught by God to Moshe – and from Moshe to the nation – along with its basic explanation and central details. By way of example, Maimonides writes that when the commandment *"In Sukkot you shall dwell for seven days"* was taught, certain key definitions and components of the commandment were clarified such as the basic structural requirements of the Sukka, the scope of the obligation to "dwell" and which categories of people would be bound. Finer details – such as the maximum size of a Sukka, were not transmitted but were instead delegated to the sages to determine. As a result, these details can be – and indeed are – subject to dispute with sages advancing competing formulations as to the most appropriate form of legislation.

Even once the Court has reached its decision as to how one of these finer details is to be determined, the decision remains open for a future Court to revisit, thus ensuring the ongoing dynamism of the halakhic process. To quote Maimonides (Hilkhot Mamrim 2:1):

"*When, using one of the principles of exegesis, the Supreme Sanhedrin derived a law through their understanding of the matter, and afterwards, another court arose and they perceived another rationale to revoke the previous ruling, they may revoke it and rule according to their perception.*"

Historically, the Court can be seen to have played an instrumental role in recognising the evolving needs of the nation – particularly in challenging and sensitive times – and legislating in order to fulfil them. Following the era of the prophets, the Men of the Great Assembly refashioned the nature of Jewish worship through a series of enactments which formalised prayer services, liturgy and public Torah reading. In a similar vein, the Sanhedrin of Rabban Yoḥanan ben Zakkay issued a series of edicts which helped to adapt the nation to the realities of religious life in a post-Temple era. Individual decrees such as the *ketubba* rights for married women and Hillel's institution of a *pruzbul* to mitigate the effect of *shemiṭṭa* loan-cancelation laws further demonstrate the power of the Court.

The most explicit example of a Court reinterpreting details of Torah law in order to address a national crisis may be found in a Mishna (Karetot 1:7) in which R. Shimṇ ben Gamliel reacted to soaring prices for sacrifices by reinterpreting more leniently the Torah obligation to bring certain sacrifices:

"*It once happened in Jerusalem that the price of a pair of doves rose to a golden denar. Rabban Shimṇ ben Gamaliel said: By this sanctuary, I shall not go to sleep tonight before they cost but a [silver] denar! Then he entered the court and taught: if a woman had five certain births or five discharges she needs to bring only one offering, and she may then eat sacrifices, and she is not liable to bring the other [offerings]. Thereupon the price of a pair of birds stood at a quarter of a [silver] denar each.*"

While the Sanhedrin was exiled prior to the destruction of the Temple, it survived in various diminishing incarnations until the Court of Hillel II (approx. 350 C.E.), who presided over the adopting of a fixed national calendar.

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The Epistle of Sherira Gaon describes how, in the century that followed the disbanding of the Sanhedrin, religious and scholarly authority gradually became concentrated under Rab Ashe and his academy. This rare display of Jewish unity and de facto acceptance of a supreme Jewish leader allowed Rab Ashe to achieve his momentous task of reviewing, redacting and ruling on the vast records of oral teachings from the Amoraic period. As persecution and dispersal once again intensified, the resulting compilation, which had been completed by Rabena, gained national acceptance as the final word in Jewish legal matters. The Sanhedrin-like status granted to those who sealed the Talmud is reflected in a Talmudic teaching *"Rabena and Rab Ashe were the end of (innovative) legal rulings"* (Baba Meṣiạ 86a).

It was not only the practical authority of the Sanhedrin which was diminished as a result of exile. The profound knowledge and halakhic expertise which had been transmitted through the generations found itself under serious attack from the brutal Roman persecution. Dispute and confusion gradually increased within the Oral Tradition, leading Ribbi Yehuda HaNasi to take the unprecedented step of transcribing the fluid Oral Tradition into a formal text in order to staunch the loss of Torah scholarship. While some form of Sanhedrin authority was maintained in subsequent centuries, the Talmudic scholars generally recognised their inferior level of Torah knowledge and expertise relative to the sages of the Mishna. As a consequence, their focus became elucidating and reconciling the Tannaitic teachings; primarily accepting and seeking to understand the details of the commandments as established by sages of earlier generations rather than advancing their own legislative innovations. It would appear that they no longer relied upon their ability to utilise *sebara* and *derasha* to create new laws.

Maimonides' introduction to Mishne Torah describes how the deterioration in Torah knowledge and expertise proliferated further following the sealing of the Talmud:

After the court of Rab Ashe composed the Talmud and completed it in the time of his son, the Jewish people became further dispersed throughout all the lands, reaching the distant extremes and the far removed islands. Strife sprung up throughout the world, and the paths of travel became endangered by troops. Torah study decreased and the Jews ceased entering their yeshibot in the thousands and myriads, as was customary previously…At this time, we have been beset by additional difficulties, everyone feels [financial] pressure, the wisdom of our Sages has become lost, and the comprehension of our men of understanding has become hidden. Therefore, those explanations, laws, and replies which the Geonim composed and considered to be fully explained material have become difficult to grasp in our age, and only a select few comprehend these matters in the proper way."

While formalising the Oral Tradition in the fixed authoritative texts of the Mishna and Talmud was seen as necessary in the context of persecution, dispersal and significant loss of Torah knowledge, it came at an exceedingly high cost. One of the primary intended functions and benefits of the two-tiered halakhic system was to maintain an immutable core to each commandment based on what had been communicated to Moshe, while providing flexibility and human-input with regard to the determination of finer details. With the fixing of the Oral Tradition, the legislative creativity of subsequent generations has been neutered. This is a phenomenon which Rabbi Meir Simḥa of Dvinsk, writing in his Meshekh Ḥokhma, blames for much of the frustration that many feel with the Torah's inability to engage with and respond to challenges of the modern world. It has led to a situation in which our primary laws and texts – even of the supposedly fluid Oral Tradition – reflect the societal and technological realities of 1500 years ago.

Maimonides and Yeridat HaDorot

Returning to a focus on the spiralling loss of knowledge that was inflicted upon the Jewish nation at this time, I believe that this recognition by Maimonides of the decline of Torah scholarship and expertise is of inestimable importance when evaluating his approach to the difficult concept of '*yeridat hadorot*' (literally: 'decline of the generations').

The idea that later generations are somehow inferior to their forebears emerges from several Talmudic sources, most strikingly:

"*If the earlier [Sages] were the sons of angels, then we are mortals; but if the earlier ones were mortals, then we are like donkeys." [1]*

And:

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"The hearts [understanding/intellect] of the earlier scholars were like the door of the Ulam [20 amot], that of more recent scholars like the door of the Hekhal [10 amot] while ours is like the eye of a fine needle". [2]

While this concept of generational decline is commonly understood [3] to mean that, as generations became further removed from Sinai, their intellectual or spiritual faculties dimmed, such an approach is exceedingly difficult to reconcile with Maimonides' understanding of the consistency of nature, and his relatively restrictive approach to miracles. [4]

Drawing upon his introduction to Mishne Torah, it can be suggested that Maimonides would instead have interpreted these sources to be referring to a practical loss of scholarship generated by the challenges of exile. Indeed, Maimonides' introduction to his Commentary on the Mishna appears explicitly to interpret the Talmudic description of generational decline in this manner:

"*The sages, despite having a strong desire to study, considerable intellectual endeavour, a worthy group of study partners and maintaining a distance from worldly matters, nevertheless attributed shortcomings to themselves in comparison to preceding sages. And this is what they say: "The hearts [understanding/intellect] of the earlier scholars were like the door of the Ulam [20 amot], that of more recent scholars like the door of the Hekhal [10 amot] while ours is like the eye of a fine needle.". And how much more so us, from whom wisdom has ceased and is absent, as the Holy One Blessed Be He informed us: "The wisdom of their sages will be lost, and the understanding of their wise ones will be hidden"".*

Maimonides' citation of the prophecy of Isaiah, which views this loss of wisdom as punishment for the Jewish peoples' sins, provides crucial context for how he understands these Talmudic sources regarding decline of the generations.

Conclusion

This perspective allows us to appreciate the gulf which separates the halakhic system as it exists today from the dynamic and fluid Oral Tradition and a national Supreme Court that was envisaged by the Torah. It brings into focus the deep challenges facing the Jewish nation today as we attempt to reconcile 2000 year-old legislation with the social and technological developments of the twenty-first century; texts formulated in the Babylonian exile with the realities of new-found Jewish statehood.

On a theoretical level, Maimonides cautiously raises the possibility of the reintroduction of a national Sanhedrin which would have the power to revisit halakhic determinations of the Mishna and Talmud, as well as legislate to address some of the challenges posed to Judaism in the modern world:

"*It appears to me that if all the sages of the Land of Israel consent to appoint dayanim (judges) and grant them semikha (ordination), they have the law of musmakhim and they can judge penalty cases and are authorized to grant semikha to others [thus restoring Biblical ordination…However, this matter requires a final decision." (Hilkhot Sanhedrin 4:11)*

Practically, the disunity and infighting which persists among Jewish communities in both Israel and the Diaspora makes such required unanimity difficult to imagine. A hypothetically reconstituted Court would immediately be faced with a delicate dilemma to determine the scope of their new legislative powers. On the one hand, two millennia of stagnation have left the halakhic system with a long list of pressing needs, from resolving the anguish of *Agunot* to clarifying and legislating details of Shabbat restrictions – particularly as they are to apply in a modern Jewish state. On the other hand, however, if Amoraim were willing to restrict their creative legislative powers out of appreciation of their inferior knowledge relative to earlier generations, should today's *dayanim* be similarly circumspect? In his introduction to Mishneh Torah, Maimonides acknowledged that the decline of Torah knowledge was not limited to the era of the sages. Even in his own era:

"*At this time, we have been beset by additional difficulties, everyone feels [financial] pressure, the wisdom of our Sages has become lost, and the comprehension of our men of understanding has become hidden. Therefore, those explanations, laws, and replies which the Geonim composed and considered to be fully explained material have become difficult to grasp in our age, and only a select few comprehend these matters in the proper way. Needless to say, [there is confusion] with regard to the Talmud itself…*"

This difficulty over the proper apportionment of legislative power would weigh down heavily on the shoulders of this first hypothetically universally-approved Sanhedrin. To what extent could a newly-formed Court feel entitled to renew legislation of

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details of Torah law in accordance with their own understanding of the hermeneutical principles of derivation which appear in ancient sources?

How confident would they be in their ability to delineate between the immutable ikkarim and the peripheral peratim which they would have authority to alter? Would they, perhaps, be better advised to limit the scope of their renewed legislation until a generation of greater knowledge arrives? As Maimonides concludes his Mishne Torah with reference to the longed-for Messianic era:

"*the Jews will be great sages and know the hidden matters, grasping the knowledge of their Creator according to the full extent of human potential, as Isaiah 11:9 states: 'The world will be filled with the knowledge of God as the waters cover the ocean bed.'*"

From the perspective of today's minimally-functioning halakhic system, this is a conundrum which we look forward to confronting in the near future. ▪

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[1] Shabbat 112b. Further expressions of this idea can be found at Sheqalim 5:1, Talmud Yerushalmi, Giṭṭin 6:7, Yoma 9b and Berakhot 35b.
[2] Ẹrubin 53a. The Gemara then identifies "early scholars" as R. Aqiba. Later Talmudic scholars then continue this pattern of increasing self-criticism compared to earlier scholars.
[3] See for example Rashi to Ẹrubin 53a and Maharal's introduction to Be'er HaGola.
[4] In the second chapter of his book Maimonides on the "Decline of the Generations" (SUNY Press, Albany NY, 1996), Menachem Kellner demonstrates how any proposed miraculous or natural cause for *yeridat hadorot* would be totally at odds with Rambam's broader worldview.
[5] As well as Meshekh Ḥokhma, this interpretation of Rambam's Introduction to Mishne Torah also appears in R. David Nieto's Maṭṭe Dan (3:58).
[6] Isaiah 29:14.
[7] Rambam cites the same verse in a similar context in Moreh Nebukhim 2:11.

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ḤUQQIM & MISHPAṬIM

by Michael Amselem



Towards the end of Masseḥet Berakhot in his Perush HaMishna, Maimonides writes the following:

"יקר בעיני ללמד עיקר מעיקרי הדת והאמונה יותר מכל אשר אלמדהו"
"It is more precious in my eyes to teach a principle of the Torah rather than anything else that I may teach."

The reason that Maimonides thought this way is because the right principles provide the individual the ability to think independently. Thus, it is our mission to learn principles from the Torah wherever they appear, because the Torah was given to us directly from God. Therefore, HaRambam would rather teach us principles because it is necessary for us to be able to apply these ideals in our own life. Granted this is true only if a humble approach is taken with the understanding of one's own limitations. This humility is required specifically towards our approach to חֻקִּים because they do not appear with any logical explanation for their existence other than their origins in the Torah.

Let us begin by firstly addressing the differences between חֻקִּים and מִשְׁפָּטִים.

Laws known as מִשְׁפָּטִים are ones that we would have been able to reason out through our own ability to think in a rational manner. It is possible to deduce them through common sense and with a connection to reality. Laws such as "do not kill", "do not steal", "respect your father and mother" are straightforward examples whose purposes can be intuitively understood. On the other hand, laws known as חֻקִּים are decrees that come with no clear purpose and therefore may be used against us by the other nations to belittle us. At a glance they may seem to be completely arbitrary; for example laws such as not eating pig, laws of *shaaṭnez*, *yibbum* etc. One could possibly conclude, therefore, that these laws are not relevant because they originated with no clear purpose and it is not easily intuitive what their purpose is. Therefore, the verse (Vayyiqra 18:4) states *"I am the Lord"* to indicate: I am the Lord, I decreed these statutes and you have no right to doubt them. From here our Sages expound:

וְשָׁמָא תֹּאמַר מַעֲשֶׂה תּוֹהוּ הֵם תַּלְמוּד לוֹמַר אֲנִי ה׳ אֱנִי ה׳ גְּזַרְתִּיו וְאֵין לְךָ רְשׁוּת לְהַרְהֵר בָּהֶן

"...Lest you say these (Ḥuqqim) are meaningless, (therefore) the verse teaches "I am the Lord" - I am Lord who decreed them and you have no licence to waver from them (Yoma 67b)..."

Maimonides addresses חֻקִּים in the Mishne Torah on the topic of Teruma. He says that even though HaQadosh Barukh Hu gave us חֻקִּים as a decree, it is worthwhile to meditate on them and assign a reason to them wherever possible. Maimonides is precise in the words that he uses, and deliberately uses the word 'טַעַם' - taste.

This means that we should assign some sort of 'taste' to חֻקִּים so that we may relate to them through our own senses. Maimonides is suggesting here that where possible we must use our sense of reality to assign a possible reason for a decree.

On an interesting note, King Solomon, the wisest of all men, knew most of the reasons for חֻקִּים which he was able to derive through his own intellect. Unfortunately, he assumed that knowing the reasons for חֻקִּים meant that he would be able to overcome the issues that they were addressing and therefore, as an example, allowed himself to marry more women than was permitted to him as king. This evidently proved to be an error of judgement which we can learn from and make sure not to replicate. One must be careful not to assume that they understand the reasons behind the חֻקִּים and thereby use their own rationale to decide matters for themselves on that basis.

Another place where Maimonides expounds on these concepts are in chapter 8 of the Mishne Torah with regards to הלכות מעילה. Here, he explicitly states that one should discover the reasons for the מִשְׁפָּטִים of the Torah as best as they possibly can. But if this is not possible then one should definitely not belittle the miṣva because of one's own limitations and furthermore fall into the trap of categorising it as a mundane action in one's life. The Torah itself says, "וּשְׁמַרְתֶּם אֶת כָּל חֻקֹּתַי וְאֶת כָּל מִשְׁפָּטַי וַעֲשִׂיתֶם אֹתָם" - *"You shall faithfully observe all My laws and all My regulations"* (Vayyiqra 20:22). Our sages interpreted this to mean that one must give the same observance and execution to חֻקִּים as they do to מִשְׁפָּטִים.

So far, we have established that חֻקִּים are laws that are not 'sensible' – meaning it is not always possible to intuitively use our own senses to extrapolate a definite reason for their existence. It is not something we can easily understand through our sense of taste, vision, touch, sound, or smell. Typically, our intuition and the way we interact with the world give us clues as to the possible reason for the existence of a certain commandment. This is not the case with חֻקִּים.

For this reason, Maimonides wants us to contemplate these matters and assign logical reasons for their purpose so that one may find it easier to interact with these commandments and thereby facilitate their completion. However, Maimonides is clear that our own understanding of the rationale behind a certain decree cannot be assumed to be the actual reason for its existence, nor its ultimate purpose. Maimonides wants us to assign reasons but not confuse them with discovering the actual purpose for the existence of the decree in the first place. This is because if the rationale being applied is found to be completely invalid at any point, one might assume falsely that this *miṣva* is not relevant in one's life, in which case more damage has been caused than any potential gain acquired.

In the opening sentences of *Sidrat Beḥuqotay* this message is abundantly clear. God speaks to us directly by stating that if we follow the path that He has laid out for us and we keep the *miṣvot* and חֻקִּים that He established then we will be blessed with all that is good.

Alternatively, if we choose not to obey the חֻקִּים and מִשְׁפָּטִים of the Torah, then we will bear the consequences.

ḤUQQIM & MISHPAṬIM

by Michael Amselem



In the opening sentences of *Sidrat Beḥuqotai* this message is abundantly clear. God speaks to us directly by stating that if we follow the path that He has laid out for us and we keep the *miṣvot* and חֻקִּים that He established then we will be blessed with all that is good. Alternatively, if we choose not to obey the חֻקִּים and מִשְׁפָּטִים of the Torah, then we will bear the consequences.

Maimonides himself spends time rationalising the reasons for *miṣvot* through two distinct approaches: the first is the historical perspective, attempting to determine what aspect of humanity at that time in history was being addressed by מתן תורה. The second approach is through understanding the human condition that has existed throughout all generations and the laws of nature themselves that govern the way of all life on this earth. If these are the methods used by Maimonides, then we too can leverage them to assign reasons to חֻקִּים and other laws that exist in the Torah.

A great example of Maimonides applying these approaches can be found in מורה נבוכים ג:מח. Here he discusses 'שילוח הקן' which is the *miṣva* of sending the mother bird away before taking her eggs, stating that it can be a form of 'צער בעלי חיים' - suffering of living creatures, if done incorrectly. Maimonides continues to explain that eggs being nurtured by the mother bird who would need to be sent away to alleviate any potential burden on her as a result of losing her young, would not be fit for consumption. In other words, if one has to go through the process of sending the mother away with all the related laws, specifically for eggs that are not fit for consumption, then perhaps one may decide to not go through with it at all. Therefore, according to Maimonides, this *miṣva* was created not to stop the individual from taking the eggs if they so choose but to foster a situation whereby one opts not to do so, because of the extra intricacies involved. HaRambam interestingly also takes the opportunity here to emphasize that if the Torah is concerned about such matters as they relate to animals, how much more importance must the Torah apply to our interactions with other human beings. This illustrates how vigilant we must be to always treat people fairly and with a level of sensitivity.

We can see that Maimonides rejects the opinion that all we can truly know about *miṣvot* are their abstract ideas; rather he takes the perspective that it is paramount to look deeper and find reasons behind each *miṣva*. Maimonides foresaw the obvious contradiction within his own writings regarding the matter of shutting down a *ḥazzan* who is saying the following words "על קן צפור יגיעו רחמיך" - "*to the bird's nest may your mercy reach*", implying that we should not proclaim publicly the extent of God's mercy and how it is applied.

Regardless, Maimonides leans towards the belief that we can and should assign reasons appropriately due to the tremendous value unlocked and the deeper connection built within the *miṣvot*. There is a difference between applying a sensible cause to the existence of a *miṣva* that facilitates an individual's ability to relate with it, and the action of publicly proclaiming the purpose for a *miṣva*.

Ḥakham Qafiḥ notes in his commentary on HaRambam that the reason the *ḥazzan* is removed from their services is because stating publicly that God's mercy is directed straight at birds' nests does not sit appropriately in one's mind when considering the laws of sheḥita. If the real reason for שילוח הקן is God's mercy, then how can there be laws pertaining to the slaughtering of animals? Therefore, Ḥakham Qafiḥ holds that the reason for this *miṣva* is to instill the capacity for mercy within humans. Henceforth, it is appropriate to view this decree through the lens of mercy, but not to attribute its entire existence on this premise. Rather, we should draw logical conclusions for what could be a primary feature of this miṣva. So, what does this all mean? It means that it is appropriate to use our senses to apply a form of understanding to חֻקִּים, but not to mistakenly count on it to inscribe the purpose for the existence of any *miṣva*.

There is another section within the Mishne Torah where Maimonides discusses the struggles that King David faced when dealing with heretics and idol worshippers who taunted him regarding חֻקִּים. Despite this, wherever they chased him with their false ideas and lies, King David would run further towards embracing the Torah. It should give us comfort knowing that throughout the generations our greatest leaders also had to struggle with the lack of understanding surrounding חֻקִּים and the ridicule that came with it. However, their faithfulness to God and His Torah allowed them to overcome these obstacles because they knew what we know to be true today, that God is our creator and our father. The only road that does not lead to chaos is the one that leads to Him. Perhaps the most relatable part of this section is HaRambam stating emphatically that all form of animal sacrifices fall under the category of חֻקִּים.

It is fair to assume that in the 21st century most people find the laws pertaining to animal sacrifices to be the least relatable of all commandments. It would therefore be wise of us to use Maimonides' approach mentioned above to help us discern possible reasons for the existence of such laws.

In conclusion, we learn from Maimonides not only the importance of principles but also how they should be applied throughout one's own life. Maimonides gives us a method by which we can relate to *miṣvot* and enhance our observance of them with the hope that this facilitates their completion. After all, we believe that the creator of the world is also the author of the Torah and therefore it is our responsibility to be a people of rational and logical thinkers who can bind the physical world and the spiritual world together.

Perhaps this is attainable if we are willing to take on the challenge of executing these important ideals that we have explored above. ▪

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KABBALAH IN HALAKHA

by Mord Maman



As the Jewish nation has travelled throughout history, the halakha has been their guide to day to day living; as vital to the 21st century Jew as it was thousands of years ago at Sinai. Pages, books and libraries have been filled with halakhic debate and decision as we continue to determine the application of the halakha in the ever changing lives and circumstances in which the Jewish people find themselves.

Our *poseqim* and rabbis have to take into account the existing legal texts, such as the Talmud and the Rishonim, in addition to having a competent understanding of legal principles as well as the relevant information pertaining to the question being asked in terms of current circumstances which may be relevant to the *pesaq halakha*.

Together with our rich halakhic tradition, Judaism has a deep corpus of Kabbalistic texts and thought which came into prominence in 13th Century Spain with the appearance of the Zohar and then exploded with the Arizal's teachings being popularized by his student, Rabbi Ḥayyim Viṭal. The elaborate and intricate system of the Ari became firmly established as the primary Kabbalistic school of thought and has permeated Jewish communities worldwide.

When it comes to the many texts halakhic decisors use in reaching decisions, is Kabbalah included in that process? If it is, what weight does it carry and how have Sepharadi Ḥakhamim approached these questions and integrated the Kabbalah, if at all?

Our Rosh Bet Midrash, Rabbi Joseph Dweck, delivered a five part "Sepharadi Teshubot Series" where each week we delved into a *teshuba* of different time periods in order to discover how different poseqim approached fundamental questions, which are as pertinent now as when they were written. The series allowed us to plot points in the pattern of the thought of these Ḥakhamim and helped us understand and appreciate the lens through which we look at the Torah.

The fourth instalment of these series was devoted to exploring a part of a *teshuba* of Ḥakham Ọbadya Yosef (*Yabbia' Omer II - Oraḥ Ḥayyim 25*) which dealt with the role Kabbalah has to play in Halakha. Through learning this *teshuba* we attained an appreciation of the Classical and Western Sepharadi approach to Halakha and Kabbalah, as well as learning some key principles of the halakhic process in general.

The specific teshuba in question is dealing with the recitation of the *Berakha Meẹn Sheba'* ('Seven-Faceted Blessing') customarily said on Friday night after the silent *Ạmida*.

This *berakha* was instituted when synagogues and places of prayer were located away from town, in fields for example, and there was the concern that people who came late to prayer, or who remained in the synagogue longer than the rest of the congregation would come to harm on their journey home. The blessing was therefore instituted which meant the entire congregation would remain and therefore everyone could return to town safely. The question is, does this need to be recited on a Friday night which is also the first night of Pesaḥ?

The first night of Pesaḥ is a night of Heavenly protection, a *lell shimmurim*, and therefore people would be protected from any harm and therefore this blessing would presumably not need to be recited. Based on this reasoning, *poseqim* who are not necessarily basing their decisions on Kabbalah, the *'pashṭanim'*, rule that indeed the *Berakha Meẹn Sheba'* does not need to be recited on Friday nights which is also the first night of Pesaḥ. Various Kabbalists disagree and rule that one should recite it.

Ḥakham Ọbadya uses this as an opportunity to dive into the question in general about how to deal with a situation where Kabbalah poses an opinion on halakha which is contrary to the poseqim who are not necessarily involved in Kabbalah. Which takes precedence? Do we rely on the legal rulings based on the application of the principles of Halakha, disregarding the Kabbalah or do we actually pay attention to the Kabbalah and give it consideration over non-Kabbalistic Halakha?

Ḥakham Ọbadya poses this very question: *"When the mequbbalim have opinions that are contrary to the poseqim do we hold like the mequbbalim or poseqim?"* The section of the *teshuba* where Ḥakham Ọbadya addresses this question is actually not dealing with the *Berakha Meẹn Sheba'*, rather it is examining the recital of the blessing *HaNoten Layaef Koaḥ* in the morning. The *Birkhot HaShaḥar* are all found in the Talmud except for the blessing *"who gives strength to the weary"*. Despite the fact that it does not have a Talmudic source, it has found its way into pretty much every *siddur* as part of the morning blessings and likely ended up in the liturgy as a result of the influence of the Arizal.

Ḥakham Ọbadya cites the Ḥida (Ḥayyim Yosef David Azulay) in his sefer Birke Yosef who writes that despite the objection of Rav Yosef Qaro in the Shulḥan Ạrukh (O.C 46:6), it has become customary to recite the blessing of *HaNoten LaYaef Koaḥ* according to the writings of the Arizal. The Ḥida then makes a bold claim when he suggests that *had Maran seen the Arizal's teachings he would not have written what he did and would have taught his followers to recite the blessing.*

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by Mord Maman



Ḥakham Ọbadya could not let this claim go unchallenged and wondered in a note how the Ḥida could suggest such a thing, disregarding Maran's honour!

However, he presents the rest of the Ḥida's argument, including the Keneset HaGedola (Ḥakham Ḥayyim Benveniste) who wrote that there was a tradition that Maran changed his mind towards the end of his life, further buttressing the Ḥida's claims that we should say the blessing. The Ḥida goes further and says that Maran and other Rabbis didn't know even a hundredth of the Arizal's greatness because due to a certain sin, the Arizal died during Maran's lifetime. Echoing a similar claim to the Keneset HaGedola, it is possible Maran had heard the Arizal's position and changed his mind.

Another principle which could potentially override the Kabbalistic addition of *berakhot* into the liturgy is that of *Sefeq Berakhot Lehaqqel*, namely that in cases of doubt regarding the recitation of a blessing one should follow the lenient position and not say it. This is a more severe prohibition according to the Sepharadim in that it is a transgression of a Negative Commandment, *"Do not take the name of the Lord your God in vain"* (Shemot 20:7). This has ramifications in legal requirements for the recital of blessings, as it does in the question of *HaNoten LaYaef Koaḥ*. Should we disregard the principle of *Sefeq Berakhot Lehaqqel* and recite an ex-Talmudic blessing on the basis of Kabbalah?

The Sede Ḥemed (Ḥakham Ḥayyim Ḥizqiyyahu Medini) and the Ben Ish Ḥai (Ḥakham Yosef Ḥayyim) simply say that we do not apply the principle of *Sefeq Berakhot LeHaqqel* when the Arizal says one should recite a blessing.

Having concluded the arguments made by the Ḥida et al, Ḥakham Ọbadya begins his response apologising for his apparent poverty in understanding how these Ḥakhamim came to such an evaluation of Maran's position. Notwithstanding the greatness of the Arizal, Ḥakham Ọbadya reminds us that Torah is not in the heavens - *Lo baShamayim Hi*.

Ḥakham Ọbadya asks how *poseqim* such as the Ḥida, the Sede Ḥemed and the Ben Ish Ḥai could simply disregard the words of the established *poseqim* and elevate the opinion of the Arizal to that of *Halakha leMoshe miSinai*?

According to the *Mequbbalim*, especially among the Eastern Sepharadi Ḥakhamim, the teachings of the Arizal came from heaven and therefore this meant his teachings would trump any others. If the Torah of the Arizal came from above how could we possibly reject it and subject it to the legal process as we would with any other opinion?

Ḥakham Ọbadya is coming to do exactly that, and in doing so he breaks from his intellectual predecessors in the Middle East. Despite his Baghdadi roots, Ḥakham Ọbadya demonstrates his concern for and protection of the Law which required a standoffish approach to Kabbalah when it comes to mixing it with Halakha. In doing so he broke from a long line of Middle Eastern Sepharadi Rabbis and came to align with the approach of the Ashkenazim and Western Sepharadim.

He brings Maimonides to support his application of legal principles. In the introduction to his Commentary on the Mishna, Maimonides tells us that when it comes to '*investigation and reasoning and discernment of the commandments, he [the prophet] is like the other sages who are like him and don't have prophecy'*. Therefore, if a prophet follows a certain reasoning and the non-prophet has their own reasoning, even if the prophet claims that they are correct because God said so, we do not listen to them. And even if we were to have a thousand prophets of the calibre of Eliyyahu and Elisha on one side of the argument, and one thousand and one sages on the other side, we apply the principle of *"we lean towards the majority"* and the law is according to the words of the sages not of the prophets.

Therefore even if we were to say that the Arizal's teachings were all divinely communicated or inspired, it has no effect on legal proceedings, and we can and must only evaluate it as a legal argument like any other.

Ḥakham Ọbadya then brings support from the Vilna Gaon, the Lithuanian Talmudist and Kabbalist who did not believe that all of the Arizal's Torah came from heaven but was rather a product of his genius and intellect. The Vilna Gaon therefore ruled that there would be no obligation to accord it any supremacy over other legal arguments.

This isn't the first time Ḥakham Ọbadya has stood up against purportedly divinely inspired halakha either. There is a 12th Century responsa *"ShuT Min HaShamayim"* from the French Rabbi Yaaqob of Marves which are reported as a result of his conversations with an angel. The Ḥida had also said regarding these responsa that had Maran seen these rulings he would have ruled according to them too. As he did in other places, Ḥakham Ọbadya made it clear that a conversation with an angel does not override *"Lo BaShamayim Hi."*

Open a *siddur* nowadays and one will see the *berakha* of *HaNoten LaYaef Koaḥ*, and Ḥakham Ọbadya himself recited it. But as he explains, he does not do so on the basis of the Arizal.

KABBALAH IN HALAKHA

by Mord Maman



There are arguments in favour of reciting it, especially that of *minhag*, which is why Ḥakham Ọbadya doesn't go according to the Bet Yosef in this instance. He makes it clear that we aren't doing so based on the opinion of the Arizal.

There are clear principles when it comes to determining the Law, there are Halakhic texts, there are legal precedents and there is *minhag*. Kabbalah does not get special treatment in terms of overriding other arguments or evidence. The Talmud has already made this very clear. We have a process and principles, we have a commandment not to say God's name in vain, this means we apply *Sefeq Berakhot Lehaqqel*, this doesn't change, despite the Ḥida's opinion, on one person's say so, even if that person is the Arizal, because the Torah is not in heaven.

There is one siddur that doesn't have the *berakha* of *HaNoten LaYaef Koaḥ*, that of the Spanish and Portuguese communities.

Ḥakham Yaạqob Sasportas was appointed the first Senior Rabbi of the Spanish & Portuguese Community in London in 1664 before going on to take up leadership roles in various communities around Europe. He was a noted Talmudic scholar and Kabbalist, yet he would oversee the removal of nearly all Kabbalistic influence from the Spanish & Portuguese liturgy as a response to Shabbetai Ṣebi. There wasn't just a question of legal applications of Kabbalah as Law but also the wider issue of relating to Kabbalah in general, and bringing the theories of Kabbalah into practice.

If we take a step back, we need to appreciate that there are elements of the Torah which are metaphysical in nature, where the Torah speaks of things in terms of theory and esoterics in abstracted ideas which are subtle and need a great deal of reason and sensitivity to nature, reality and logical thought in order to be brought down to their core practical applications.

Maimonides goes to great lengths in the Moreh Nebukhim to explain how one needs to train their mind to correctly and appropriately ascertain abstract, metaphysical concepts in order to incorporate them into life and practice. Of course, Maimonides referring to Midrash, but this is certainly applicable to Kabbalistic concepts as well.

It takes a way of thinking and therefore certain thinkers to be able to painstakingly bring these abstracts down to practical application; minds such as that of the Vilna Gaon and Ḥakham Ḥayyim Moshe Luzzato, who translated the structures of Lurianic Kabbalistic thought and presented them in a practical fashion in his works *Mesillat Yesharim* and *Derekh Hashem*.

The Western Sepharadim, like some Ashkenazim, related to Kabbalistic ideas through a different lens to their Eastern brethren. The Eastern Rabbis did not have to contend with the Enlightenment, imposing the perspectives of rationality and reason onto their thought, therefore they would approach the Zohar and the writings of the Arizal at face value, so to speak, and have no problem with integrating Kabbalah with the Law. However when we recognise Kabbalah as a set of principles, and as a myriad ways of applying these principles. Halakha requires the definite application of a principle into active practice.

The overall approach of the Ashkenazim and Western Sepharadim was that Kabbalah is not to be used to determine halakha, because to bring it from abstract to practical is a shaky and dangerous endeavour and can make it very difficult for people to live a halakhic life. Especially when one considers the general tendency of Kabbalistic halakha to lean stringently, which is a natural result of a system that sees every act reverberating throughout this world and many others.

However, the allure of Kabbalistic thought is growing, having made serious inroads into the Ashkenazi world too. Ḥasidut and Kabbalah gives answers to life's big questions without the worry or doubt that often accompanies reason and rationality. It can be likened to sugar and sweet things, and it is indeed how Maimonides views delving into the *Pardes* i.e. mysticism, that one should not do so until one's belly is filled with *"bread and meat"*. It is necessary to have a solid grasp on Torah fundamentals and also a correct state of mind that will give the proper tools to translate the abstracts to reality.

Most of the Arizal's influence can be found in the liturgy. Open a *siddur* and his impact is there for all to see and to most it is easier and seemingly less costly, to just say a few different things. However, the Spanish & Portguese siddur is a time machine of sorts, to an era before the Lurianic revolution, to the times and prayers of the Talmud and Maimonides. The Spanish and Portuguese leadership understood the serious endeavour behind concretising the abstract and were careful not to take it lightly.

When it comes to adding Kabbalah to the Halakhic conversation, Ḥakham Ọbadya did not grant it any special permissions; the logic of the Kabbalah was to be judged on its merit as we would judge any other halakhic text. The Western Sepharadim and the Ashkenazim approached the Kabbalah with rational thinking, yet did not deny the tremendous importance of the principles in the Zohar and Lurianic teachings, and engaged them with a different approach to the Eastern Sepharadim, limiting their application. ▪

HOW DID THE GEONIM & SEPHARADIM UNDERSTAND TALMUD?

by Joey Faur



Imagine traveling back in time and meeting the pupils of the great Athenian philosopher, Socrates. Let us say that in a room with us are Euclid of Megara, and perhaps Socrates, the younger. We are discussing with them the various approaches to understanding Socrates' dialogue. Imagine their reaction when one of us tells them that there is the "Polish approach" to studying Socrates, the "French approach" to studying Socrates etc. You can imagine that for them this would be a difficult thing to accept because these actual students of Socrates can really tell us what Socrates and his philosophy was about, without any interpretive approach.

Through the allegory, it is easier to understand the scope of the importance of the Geonic traditions which were brought from those who resided and studied in the very same place the Talmud was written. Moreover, they spoke the same language and understood the semantic connotations of the rabbis who wrote the Talmud, and in essence were their direct students. So how would they feel if they were approached with the *"different approaches of studying Talmud"*? Most likely they wouldn't take such a concept seriously.

The wisdom of the Geonim followed directly to Andalusia, Spain (Sepharad). And although there are many so-called "approaches" to studying Talmud, using the word "approach" in comparison to the Geonim is improper and insensitive to the fact that the Geonim weren't simply another approach to the Talmudic traditions, but rather the official holders of the Talmudic traditions given to them directly by the editors of the Talmud themselves. Thus, this methodology of the Geonim is to be given a special credence and it is most important to return to it.

Textuality: Bridging a Western Mind and Rabbinics

Most of us are products of a Western society. It is close to impossible for a Westerner to study Talmud unless he or she is willing to change their perspective and shift their intellectual perspective.

The Talmud is first and foremost a *text*. And the concept of *text* is in fact foreign to Western methodology. Conveying to a Western public the understanding of the functionality of a text is a tall but not impossible task, a task with which we will engage in this essay.

In order to understand the minds of Talmudic authors and understand their way of thinking, we need to find a bridge between Western intellectual traditions and those of the Talmud.

This bridge, is to be found is Rabbi Dr. Jose Faur's seminal work *Golden Doves with Silver Dots*, and is in the form of *textuality*, which will be discussed a little later.

The concept of text is undeveloped in Western thinking, and because of this, the explanation will be a little challenging, but we will better understand using textuality, or the study of text. For our purposes a text is: *"a composition, designed for transmission"* – this composition written by an author is transmitted to the public – in our case the Nation of Israel.

At the simplest level, the Talmud is a text that represents the oral traditions of Israel held by the Sanhedrin, the Jewish court of every generation. It was in the authority and responsibility of the court to (1) receive the oral laws from the previous generation (2) transmit the oral law to the generation after (3) and to interpret the oral laws it has received.

Ribbi Ąqiba, was the one who started this monumental work's writing and publication. During the time of the Sanhedrin there was no fixed formulation to the law, much like the English common law system which (1) had no fixed formulation of law, such that every court had its own specific policies adhering to universal laws, while maintaining unique chains of traditions transmitted to them from the court that preceded them. These courts were also responsible for transmitting the laws to the courts after them.

In English Common law (2) there was no official formulation of the laws until the laws were later transformed into statutory law. Thus, it was up to the common judges to decide the laws based on their understanding, as did the Sanhedrin.

Last but not least, (3) in the English common law system the law was never static, precisely because the law was not set forth in a specific formulation, allowing the judges to refine and develop the law along with society. The law was not changing, but growing. The Jewish common law, better known as the *Torah sheBeąl Peh*, was received by Moses at Mount. Sinai and was transmitted from there on out, generation after generation.

In the days of R. Ąqiba, it became clear that the judicial authority and the supreme court of the Jewish people were no longer a viable mechanism for transmitting the oral law. The liquidation of these institutions threatened the liquidation of the Jewish common law. Therefore R. Ąqiba spearheaded the compilation of various oral law/common law traditions, and arranged the traditions into a specific textual format – a text that would be accessible and transmissible.

HOW DID THE GEONIM & SEPHARADIM UNDERSTAND TALMUD?

by Joey Faur



Thus, from a common law system, Jewish law turned into a civil law system.

In order to undertake this project, the development of new textual concepts was necessary, the first being the distinction between oral text and written text; *Torah sheBikhtab* and *Torah sheBeạl Peh*. The 24 books of the Bible received the status of a written text, and all of the later texts received the status of oral texts. The sensitivity to written texts was different than the sensitivity to oral texts and this was manifest in many ways.

One of the seminal differences between an oral text and a written text is the medium of transmission. Where a written text was to be transmitted from generation to generation as is – in the form of a book–, the oral text was to be transmitted orally, despite the fact that it was written down in a precise formulation of the Mishna. This transmission was done via the Tannaim, individuals with an extraordinary memory who memorized the Mishna as compiled by R. Ạqiba and passed it onwards to the next generation orally.

The Talmudic saying: "*the Tanna withers the world*" is just one of many passages signifying the fact that not everyone was happy with R. Ạqiba's new institution. This is because R. Ạqiba changed the system of the transmission of Jewish law from a common law system to a civil law system.

It is generally assumed that halakha is exclusively used to describe the law, while *aggada* is used to describe folklore. While the halakhot are transmitted verbatim, as is, in a precise formulation, the *aggadot* refer to conceptual formulation and are not in any precise linguistic formulation. Thus traditions known as *aggada* were not necessarily committed to memory like the halakhot, which had to be remembered precisely.

What is the Talmud?

The Talmud is a collection and recording of the formal discussions that took place in the *yeshibot* of Babylonia (modern day Iraq). It is important to note that there are two Talmuds: the Palestinian Talmud (completed ~400 CE) and the Babylonian Talmud (completed ~600 CE).

A *yeshiba* as used in the modern context had nothing to do with the word *yeshibot* in Talmudic thinking. The *yeshibot* in the Talmud were national institutions or universities with academic level studies of the laws of Israel. Unlike modern day universities in which there is only study, the *yeshibot* of the Talmud also had legislative and judicial authority. There is no counterpart in the Western world to these national institutions of the Talmud.

Universities today have no authority to legislate or interpret the laws; that responsibility lies in the hands of congress, which discusses, agrees upon and ratifies certain laws.

While today's court has the authority to interpret certain laws and the university professor has none of this power, the *yeshibot* of the Talmud studied and decided how to legislate or interpret the laws.

In the American system, all of the aforementioned institutions are independent, but the *yeshibot* in Babylonia were not only institutions of learning (like modern day universities), but also had the authority to legislate (like the modern day US congress) and interpret the law (like modern day courts). The legislations of the *yeshibot* of the Talmud were binding upon the Jewish people, however not every *yeshiba* had this authority; it was bequeathed to only the most prominent *yeshibot*.

The *yeshibot* were the formal body responsible for receiving the laws from previous generations and passing it on to the following ones. This holistic approach is the approach of the Jewish system.

That said, there is nevertheless a separation of powers in the Israelite system, which is not manifested in the legal system. It manifests itself instead in the various political systems better known as the three crowns of Israel – (1) the Crown of Torah, (2) The Crown of Priesthood and (3) the Crown of Kingship.

The Talmudic *yeshibot* were not interested in uncovering God's will, but wanted to understand God's laws as they were expressed in the text of Israel. They did not purport to uncover the will of God, since that was already disclosed to Moses at the foot of Mount Sinai over 3000 years ago. Therefore, *the purpose of Talmud study in the yeshibot of the Geonim was not to uncover God's will.* Rather, it was to understand God's laws.

The Mishnaic discussions of the Talmud were recorded, the way court proceedings today are documented. The Talmud is the official record of the proceedings in Israel's national courts. As amassed from all of the *yeshibot* in Babylonia by the editors of the Talmud, Rabena and Rab Ashe. Studying Talmud is not about extracting from a difficult text; it is about surrendering to the structures of motion of the Talmud. It is easy to supplement original text with commentaries and summaries, but they cannot replace the study of the Talmud itself.

The study of Talmud is not just the study of the concepts, but it is the surrendering of oneself to the oral text and the repetition of returning to the words over and over - just like our ancestors did. ▪

THOUGHTS ON ḤAKHAM GAGUINE: AN EXPLORATION OF MINHAGIM

by Makena Mezistrano



A 2004 edition of *The Torah U-Madda Journal*, an annual publication by Yeshiva University's rabbinical college, features a review of Marc Shapiro's then newly-released book, *The Limits of Orthodox Theology*. Among the reviewer's critiques is the "authoritative status" of certain ḥakhamim cited by Shapiro — including Ḥakham Shem Ṭob Gaguine (1884-1953). "*This reader,*" writes the reviewer, *"failed to recognize any of these names, and wondered whether much weight should be given to their positions."* [1]

That Ḥakham Gaguine would be unrecognizable to any serious student of halakha is perhaps unimaginable to those of Spanish and Portuguese descent — especially members of Sepharadi congregations in the United Kingdom, where Ḥakham Gaguine served as rabbi of the Sepharadi *qehilla* in Manchester; Rosh Yeshiba of Ramsgate's Montefiore Yeshiba; Sepharadi Ab Bet Din; vice chairman of the Vaạd ha-Rabbanim of England; and where he authored his most monumental work, K*eter Shem Ṭob*. Though *Keter Shem Ṭob* focuses primarily on the *minhagim* of London and Amsterdam's Spanish and Portuguese *qehillot*, Ḥakham Gaguine also treats the customs of Syria, Israel, "eastern communities" (which includes former Ottoman cities like Salonica and Istanbul), and Egypt. Born in Israel and having served as a rabbi in Cairo before coming to the United Kingdom, he was uniquely positioned to survey, investigate, and even interrogate *minhagim* practiced throughout the Sepharadi world.

I was first introduced to *Keter Shem Ṭob* just two years ago by my *ḥabruta* and mentor, Al Maimon, while I was working on a digital project to document Ottoman Jewish life cycle customs. In addition to social histories, anthropological studies, and personal testimonies, *Keter Shem Ṭob* was an invaluable resource for my project — and unlike any compendium of halakha and minhag that I had seen before. Al and I each marveled at the book's unique style, Ḥakham Gaguine's clear and even beautiful prose, and his astute observations about the motivations behind Jewish practice.

The aforementioned book review and my only very recent exposure to *Keter Shem Ṭob*, despite a lifetime of formal Jewish education, reveals that it is far from being regularly studied — even though it includes a range of Sepharadi minhagim and analyses of Ashkenazi customs, as well. *Keter Shem Ṭob* is even, on occasion, maligned: one popular edition includes an audacious *modaạ* (notice) that calls the book "strange," and only valuable as a record of some otherwise undocumented *minhagim* — appalling rhetoric given Ḥakham Gaguine's credentials. [2]

Keter Shem Ṭob is, of course, more than just a record of a few obscure practices. Two recent classes by our Rosh Bet Midrash, Rabbi Joseph Dweck, that touch on four minhagim provide a long overdue entry point into Ḥakham Gaguine's style and methodology, and position *Keter Shem Ṭob* as a thorough and courageous work of modern halakhic literature.

Mode Ani

Organized according to Ḥakham Moshe Gaster's [3] edition of the Spanish and Portuguese *siddur*, *Keter Shem Ṭob* begins with a discussion of *modeh ani*. Ḥakham Gaguine immediately observes that while *mode ani* appears in the Gaster *siddur* and is recited by many other Sepharadi *qehillot*, it is absent from the *nusaḥ* Amsterdam prayerbook, and from Spanish & Portuguese *siddurim* arranged by rabbis David Levi [4] and David de Sola Pool. [5]

In their defense, Ḥakham Gaguine points out that *mode ani* is not documented in most *siddurim* throughout history, and that its authorship is entirely unknown - though he suggests that it may have kabbalistic origins. [6] A similar text is recorded in the Talmud Yerushalmi, but it includes God's name [7], which is omitted from the Gaster *siddur*. This is likely based on the rationale provided by Ḥakham Yaạqob Yaạbeṣ [8], who discouraged people from saying *mode ani* with God's name in the morning before washing their hands. With historical context and the Yaạbeṣ's *pesaq*, Ḥakham Gaguine legitimizes the omission of *mode ani* and defends the Amsterdam *nusaḥ* and other Spanish and Portuguese rites.

Birkat Kohanim

Ḥakham Gaguine's investigation into the diverse customs surrounding *birkat kohanim* illustrates the import and relevance of *Keter Shem Ṭob* for Sepharadim and Ashkenazim alike. The Mishna records that *birkat kohanim* was recited daily in the Bet haMiqdash with a *minyan*, and Shulḥan Ạrukh is *poseq* accordingly for *shaḥarit* and *musaf*, and even for *neịla* of Yom Kippur [9]. Maimonides, interpreting the Mishna, writes that a kohen's abstention from reciting the blessing when he is called upon to do so [10] is akin to transgressing three *ạberot* [11]. Despite a clear halakhic tradition, *Keter Shem Ṭob* documents a striking lack of uniformity surrounding the contemporary practice among Sepharadim, which ranges from daily recitation of *birkat kohanim* to only saying it on *yamim ṭobim*. Most Ashkenazim outside of Israel, however, only say *birkat kohanim* during Pesaḥ, Shabuọt, and Sukkot [12].

Ḥakham Gaguine's exploration of these discrepancies is extensive and cannot be treated in full here, but his critique of the Ashkenazi *minhag* is noteworthy. Based on *Shibbole ha-Leqeṭ* (also cited by Bet Yosef), which emphasizes the importance of kohanim saying the *berakha* in a state of *simḥa* (happiness), Darkhe Moshe and Maṭṭe Moshe explain that persistent Ashkenazi concerns throughout the diaspora prevent any kohen from having the proper mindset to reliably recite *birkat kohanim*. Even Shabbat - a day of *ọneg* (enjoyment) - is rife with economic concerns for Ashkenazim who refrain from business on that day.

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by Makena Mezistrano



For Ḥakham Gaguine, these explanations are antithetical to the *miṣvot*, to which a person is obligated irrespective of whether they serve one's emotional well-being [13]. The prevailing rationale in Ashkenaz also contradicts a number of Talmudic statements that establish *simḥa* and *ṣoneg* as intrinsic to Shabbat, and thus attainable by all — even in some small measure [14]. To only recite *birkat kohanim* on the *shalosh regalim* also presents a logical fallacy, as those holidays are actually "worse" in this regard than Shabbat. A person has to spend more time fretting over economic opportunities lost and may even have to manage family complaints about insufficient means during the *yom ṭob*. It would be unreasonable, writes Ḥakham Gaguine, to expect a kohen to suddenly better manage his emotions on a *yom ṭob* than on Shabbat — or any other day. Suspicions over his mindset are certainly not an adequate reason to default on a tradition spanning from the Mishna to Shulḥan Ạrukh [15].

Hallel on Shushan Purim

While Ḥakham Gaguine could be bold in his critique, *Keter Shem Ṭob* also displays his reverence for and defense of *minhagim* — especially those practiced by London's Sepharadi Bevis Marks synagogue [16]. One such instance relates to the unique Bevis Marks custom to recite a partial *hallel* during arbit of Shushan Purim. Ḥakham Gaguine is immediately struck by this practice, which, according to his research, is not mentioned by any rishonim, nor is it even ubiquitous in London, as it is not practiced in the Sepharadi congregation at Lauderdale Road [17].

His investigation into this distinctive minhag transcends the boundary of Sepharadi and Ashkenazi halakhic literature, drawing from famous and obscure books alike. He initiates his argument with a practice documented in Sefer Shomer Emet, which describes that a French community established a commemorative day (*purim meyuḥad*) to celebrate its deliverance from danger marked by an abridged *hallel*. In addition, Ḥakham Ḥayyim Yosef David Azulay rules that a person without a *megilla* on Purim can recite *hallel* to fulfil the obligation of *qeriat ha-megilla*. This halakhic equivalency between *megilla* and *hallel* legitimizes the Bevis Marks *minhag* [18].

Ḥakham Gaguine also offers his own rationale for the practice, positing that the partial *hallel* serves as a diasporic equivalent to the *megilla* reading in Ereṣ Yisrael on Shushan Purim [19]. Creative approaches such as this are woven throughout *Keter Shem Ṭob*, and illustrate Ḥakham Gaguine's careful observations about the motivations underpinning the practices of his own *qehilla* — a *qehilla* into which he was not born, but which he dutifully observed and methodically documented.

Remembering the _Makkot_ on Pesaḥ

Sepharadi customs were not exempt from Ḥakham Gaguine's careful probing — an aspect of *Keter Shem Ṭob* exemplified by his interrogation of a well-known Passover *minhag* to drip with a finger, or pour out, sixteen portions of wine corresponding to the verse in the *haggada* that introduces the ten plagues (*makkot*), the plagues themselves, and their corresponding mnemonic device [20]. Among many Sepharadi communities — except for London and Amsterdam — and in Ashkenaz, it is then customary to immediately throw the wine outside and wash out the vessel from which it was poured to "expel" the plagues from the *seder*.

Ḥakham Gaguine is unsympathetic to this practice, especially disposing of the wine after the ritual. It is not recorded by the rishonim until the fourteenth century [21], but, he writes, is a "*craziness*" (*hazaya*) that developed out of Ashkenaz; on the other hand, Sepharadim *"who did not know their right from left adopted this practice from the kabbalists"* [22]. It is most unusual that Ḥakham Gaguine appears to view the adoption of this minhag as inevitable given what he claims is a Jewish propensity for superstition [23]. He cites numerous examples of other *hazayot*, especially those related to the evil eye (*ạyin ha-ra'*), which many Jewish communities adamantly maintain despite their superstitious origins. The adherence to this Pesaḥ practice, in his view, is just another symptom of this widespread Jewish tendency.

It is likely this type of rhetoric that has prompted some to denounce *Keter Shem Ṭob*, and which has led to its limited study. Ḥakham Gaguine's forceful defense of certain customs, in contrast to those he criticized - even trivialized - points to his inclination to defend *minhagim* that lend themselves to rational interpretations. His evaluation of certain practices can read like an exposé: when a minhag lacks documentation in traditional halakhic sources, Ḥakham Gaguine pushes readers to reconsider why they maintain such a "baseless" practice. This is especially true for practices that originated out of Kabbalah; in one instance, Ḥakham Gaguine even calls the acceptance and perpetuation of customs initiated by the false messiah Shabbetai Ṣebi a stain on Sepharadi history [24].

Is there a value to Jewish customs that do not have a basis in the Talmud or the Rishonim? I would argue that there is immense insight to be gleaned from studying minhagim — especially the "superstitious" ones — to understand Jewish communities in a specific time and place. The fluid and individualized nature of *minhag* [25] offers a unique reflection of how a community fashioned elements of Jewish tradition to address its fears, aspirations, and priorities. To ignore the "superstitious" customs in academic and popular discourse often even constitutes a particular erasure of Sepharadi history in favor of an Jewish intellectual story in which rationalism always won the day.

THOUGHTS ON ḤAKHAM GAGUINE: AN EXPLORATION OF MINHAGIM

by Makena Mezistrano



Our history is ultimately more textured and varied than that narrative suggests.

The ultimate aim of *Keter Shem Ṭob*, though, is to consider the practical implications of *minhag*. Although Maimonides offers an equivalence between *gezerot*, *taqqanot*, and *minhagim* issued in the Talmudic era, it is clear that we have allowed minhagim the greatest latitude. *Gezerot* are not permitted in post-Talmudic times, but as *Keter Shem Ṭob* illustrates, *minhagim* are constantly developing. The sophistication of *Keter Shem Ṭob* lies in Ḥakham Gaguine's ability to limit our indulgence in *minhag*, and to constantly consider the boundaries and very definition of our tradition: What are the fundamental truths of the Torah and halakha, and how do our *minhagim* support those truths? What should we do when our practices contradict these ideas, however they are defined? To study *Keter Shem Ṭob* is to consider these critical questions and to experience how they were approached by a courageous, contemporary Ḥakham. ▪

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[1] Yitzchak Blau, "Flexibility with a Firm Foundation: On Maintaining Jewish Dogma." The Torah U-Madda Journal, Vol. 12 (2004), pp. 179-191.

[2] *"Notice to all who read and study this book that the author's pen spit out many strange things. The only value of this book is that it is a testimony to many customs, so it upholds in the sources of customs in many qehillot that are not documented in any other place. This is the only source we have for some of these customs, and we therefore republished this book."* (Author's translation, emphasis mine)

[3] Ḥakham Moshe Gaster (1856-1939) served as the Spiritual Head of the Spanish & Portuguese Jews community.

[4] Ḥakham David Levi (1742-1801) was born in London and translated the Ḥummash and multiple volumes of Sepharadi and Ashkenazi liturgy into English.

[5] Ḥakham David de Sola Pool (1885-1970) was rabbi of Congregation Shearith Israel in New York and translated and edited a Sephardic siddur for the Union of Sephardic Congregations, which is still used by many Sephardic qehillot today, and which been the basis for many new compilations and translations.

[6] הנוסח של המודה אני לא תמצאהו בסדר התפילה העתיקים, ולא נודע מי חברו, ואילו אולי ? נתחברו על ידי אנשים יודעי ח״ן [חכמה נסתרת: קבלה].

[7] Y. Talmud Berakhot chapter 4.

[8] Yosef Yaʿabeṣ lived in the 15th century and was exiled from Spain, and should not be confused with the 18th century German rabbi R. Yaʿaqob Emden, who was also known as the Yaʿabeṣ.

[9] B. Talmud Megilla 9b; Shulḥan ʿArukh Oraḥ Ḥayyim 129.

[10] Kohanim are only obligated in *birkat kohanim* when they are called for the recitation based on Bemidbar 6:23-24. The redundancy of "דבר אל אהרון ואל בניו לאמור" and "אמור להם" in the verse is the basis for this halakha.

[11] Hilkhot Tefilla u-Birkat Kohanim 15:12.

[12] Ashkenazim and Sepharadim in Israel both recite *birkat kohanim* daily.

[13] אבל האמת במה שהוא אמת שלא נתנו המצוות לשיעורין ולא פלגו רבנן, שאם לא כן יכול אדם לפטור את עצמו מכמה מצות מטעם זה...

[14] B. Talmud Berakhot 57b; B. Talmud Shabbat 118b; B. Talmud Beṣa 16a; among others.

[15] שנית ב״ש משום שהכהנים טרודים במחייתם בגלותם ומפני זה אינם שרויים בשמחה, אי משום הא אטו בי״ט מפני שכתוב ושמחת בחגך יהיה יכול לשלוט הוא על הרהוריו ומחשבותיו ודאגותיו מטרדת הפרנסה למעון קיים את מצות נ״כ ביו״ט בשמחה? אדרבא בחגים תגדל דאגתו מראות את אשתו וילדיו שואלים ללחם ואין לאל ידו לשמחם ולשמח את נפשו...

[16] Generally referenced in Keter Shem Ṭob by its official name, Qehillat Shaʿar ha-Shamayim.

[17] מנהג זה מצאתיהו מוזר בעיני, ולא ראיתי לאחד מן הראשונים שעלה על דל שפתיו מנהג זה, והדבר היותר מתמיה הוא כי לעדת הספרדים בלונדון יש להם שני בתי כנסיות מפוארים...והביה״כ השניה שנבנה במערבה של עיר אינם נוהגים לומר חלק מהלל כלל.

[18] Based on B. Talmud Megilla 14a, which explicitly forges this equivalence in order to explain why *hallel* is not recited on Purim; both Maimonides and Baʿal Halakhot Gedolot are *poseq* accordingly. Ḥakham Ọbadya Yosef cites Ḥakham Azulay as *halakha le-maʿase*.

[19] כיון שבארץ ישראל ושושן קוראים המגילה, ובחו״ל כבר קראות ביום... שלפנים מצאו לנכון שבמקומם יקראו איזה פסוקים מהלל, להראות בפועל כי הם לוקחים חבל בשמחת אחיהם שבארץ ישראל.

[20] One drop or pour for each word in dam, va-esh, ve-timrot ashan; one for each plague, and one for DaṢaKH, ʿADaSH, BAḤaB, totalling sixteen. Ashkenazim drip with their finger (based on Yalkut Shimọni Parashat Vaera) while Sepharadim generally pour straight from the wine glass.

[21] Keter Shem Ṭob cites Maharil, quoting the Roqeaḥ, as the earliest source.

[22] 'והזיה זו יצאה ע״י חכמי אשכנז. וכאשר חכמי ספרד בימי האר״י ראו כי האר״י מסכים אליה, גם הספרדים חקו להם בין המקובלים, ולאט לאט נתפשט המנהג גם בין ההמון הע״ה אשר אינם יודעים מימינם ומשמאלם.'

[23] ...שטבע היהודי בכלל אוהב ומאמין בהזיות שונות.

[24] על מנהג הבא ע״י שבתאי צבי שעדיין מנהיגים כמה קהילות [והזכר] לחטאת קבועה בההסטוריא של הספרדים המלאה הוד והדר ואצילות...

[25] See Rambam's introduction to Mishne Torah for a discussion of the limits of minhag after the Talmudic period, and the reach and influence of one local bet din over another in matters of *minhag*.

[26] Ibid.

WAS HARAMBAM HIDING HIS ARISTOTELIANISM?

by Jacob Chereskin



This essay is dedicated in the memory of my grandmother Susan Barocas Chereskin, who nurtured my love for Judaism and particularly, the legacy of Sepharad. Ke su alma repoze en Gan Ẹden.

One of the greatest sages of our generation, Rabbi Yosef Qafiḥ, had a saying: *"HaRambam is like a mirror, everyone looks at a mirror and sees themself."* The legacy of Maimonides and his scholarship irrevocably shaped the Jewish world from the Middle Ages onward. It is no surprise that everyone wants to be on the same team as the greatest philosopher and jurist in the nation of Israel since Saạdya Gaon.

However, many scholars, academics and writers are convinced that Maimonides provided codes inside the *Dalālat al-Ḥā'irīn* (Guide to the Perplexed/Moreh Nebukhim) that in fact show that he was a skeptic of either traditional Judaism or even the existence of God!

In a shiụr for the Ḥabura, Rabbi Daniel Rowe of AISH UK tackles the hefty topics of the esoteric aspects of the writings of Maimonides and adds to this long list of valorous defenders of Maimonidean theory. The foil of Rabbi Rowe's shiur is the thought of Leo Strauss, the Chicago-based scholar who specialized in esoteric modes of political and philosophical writing. Strauss has pioneered the modern argument (shared by Shlomo Pines and others) that Maimonides was not convinced of the truth of Torah.

Strauss' beliefs from Maimonides are rooted in three parts:

1) An alleged influence of writers like the Islamic philosopher Al-Farabi, who wrote books for both the laity and scholars respectively. The works for these two levels of society contain multiple contradictory opinions, likely to mask controversial teachings from those who haven't engaged in advanced philosophical studies.

2) A consistent mischaracterization of Maimonides' arguments against the Kalam. While both Maimonides and the Kalam advocate for creation ex nihilo, their positions were divided by further ideological disagreements such as the place of law within the order of the universe and the range of possibilities within natural law.

3) Statements by Maimonides highlighting the need to hide apparent contradictions from novices, like "Seventh Cause of Inconsistency" in *The Guide's* introduction. However, these statements when viewed in the larger context indicate fidelity to a method of resolving blatant contradictions in Jewish texts, particularly the tension between anthropomorphism of the Bible and Judaism's traditional view of God's transcendence and incorporeality.

Citing these premises, Strauss begins to construct an edifice of arguments that the traditional expressions in *The Guide* are "exoteric" writings used to mask the alleged "esoteric" beliefs of Maimonides.

An important example cited by Strauss is Maimonides' discussion of the mistake of the elders of Israel "*seeing God*," as them identifying God with the universe or primordial matter (roughly equivalent to the idea of Brahman in Hinduism) instead of the transcendent, eternal cause of all.

Strauss notes that Maimonides' citation of a section in Pirqe deRibbi Eliẹzer stating that the world was created from the "*light of God's dress*," believing it to be a clear sign of Maimonides' belief in an eternal universe. However, this is not necessarily the case.

Rabbi Rowe feels that it is far more likely that Maimonides is simply presenting multiple options to Jews who feel that certain "facts" derived from the science of their time cannot be reconciled with a certain interpretation of the Torah.

When viewed in the larger context, the argument that this Midrash allegedly supports the eternity argument is used by Maimonides to hint at an Aristotelian position is weakened since Maimonidean theory relies quite heavily on creation ex nihilo as derived from tradition as well as logical proofs.

According to Rabbi Rowe, a similar undertaking in our days can be found in Rabbi Dr. Joshua Berman's recent book *Ani Ma'amin*, which addresses modern biblical scholarship. This book consists of two parts: the first, a systematic argument against the premises of source criticism while the second advocates for the permissibility of loosened ideological boundaries regarding the question of completely Mosaic authorship of the Torah.

In summary, Strauss and the other supporters of an "esoteric" understanding of *The Guide* (like Samuel Ibn Tibbon) believe that Maimonides left a very small trail of breadcrumbs leading the reader away from the simple faith of the masses to a bare-bones, minimalist Judaism that borders on Deism.

Esotericists differ on what Maimonides allegedly thought, but the two main options usually presented are: 1) A heavily Aristotelian Judaism hiding under the mask of traditional faith, or 2) covert agnosticism, (or even atheism), the preferred option of Strauss.

Recently, the esotericist position has been losing popularity in the academic community. This decline is due to the fact that it is usually rooted in cherry-picked sections that are not viewed with a holistic, contextual reading of Maimonides and his writings.

WAS HARAMBAM HIDING HIS ARISTOTELIANISM?

by Jacob Chereskin



The convincing arguments against the esotericists are as follows:

1) Maimonides provides a clear and explicit caveat to hide secrets of the Torah within both the Guide and his earlier writings. He was upfront that this aspect of Jewish tradition must be kept for the truly adept.

2) The centrality of apophasis, the negation of positive knowledge in relation to God, is clearly overlooked. This mode of thinking is aimed to help Jews properly contemplate God's existence following the tradition of earlier scholars. Unfortunately, it is many times dismissed as closeted atheism by those who cannot understand the inability for humans to apply positive attributes to God.

3) Maimonidean thought is quite diverse and rarely monolithic. The growth of the "esotericist" approach first emerged in the "Jewish Averroists" of Spain and Provence who followed the teachings of Averroes, during the multiple Maimonidean Controversies, while others like Maimonides' own son, Rabbenu Abraham and his students completely rejected this line of thinking.

Concluding, Rabbi Rowe mentions that Maimonides must not be solely understood as a "rationalist philosopher," but someone also presenting authentic mysticism of the Andalusian tradition.

I believe that Rabbi Rowe's point connecting apophasis with mysticism is critical to an accurate understanding of Maimonides. One who reads his work knows that he utilizes both intellect and intuition to best reach an understanding of God.

Many are confused by the apparent contradiction, since it shatters the decontextualized, artificial view of Maimonides held by so many. But tradition has a way of settling these contradictions.

Maimonides wrote chapter upon chapter utilizing apophasis and objectivity to "perceive" God as closely as possible, moving away from a projection of one's inner aesthetics to the divine. What allowed Moses to actually reach his level of prophecy was grasping his limitations as a human being.

The scholar of our generation who best explained this dynamic relationship, the illustrious Ḥakham Jose Faur זיל, described the steps in a process to best understand God in his seminal work on the Guide, *Homo Mysticus*. As an aspiring student of Torah begins their education, they must utilize this negation when thinking about God, *"[because] apophasis results in a definite knowledge of God…the better understanding one has of his essence," allowing them to "puncture through imagination."*

By contrast, they cannot come to the fullest understanding of God (as represented by the Tetragammaton), which is only available through revelation. The understanding of God known through reason (represented by *Elohim*) cannot grant one the full scope of understanding.

In contrast with popular proofs utilized by some sectors of the Jewish community which claim to systematically demonstrate the truth of *Maąmad Har Sinai*, those of us who learn the tradition of Maimonides are far from convinced.

We agree that we can (and should) utilize logical proofs to distill the truth of God's existence as the first cause. However, we cannot justify belief in a revelation like that of Sinai without intuition. It is only through God "proclaiming" his presence that one becomes completely certain.

While our journey must begin through objective apophasis, proving God's existence, it is only the first step. We can only reach the top of the ladder by recognizing our epistemological limits and humbly acceding to the will of God.

As explained by Ḥakham Faur, Maimonides knew that only by recognizing this connection between objective apophasis and intuition, human beings can be granted the ultimate form of bliss:

"Happiness is achieved upon the realization that God's ways are not reducible to human imagination. It requires a shift from an anthropocentric to a theocentric perspective, thus allowing the individual to participate in the cosmological chorus dance."

It is this *"dance"* that Maimonides, his predecessors and their students want to teach all of us. The challenge for us is to learn the steps. ▪

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WERE ḤAMALEQ THE FIRST EXISTENTIALISTS?

by Yonatan Rahmani



As a member of the Ḥabura, over the past year I have been able to grow tremendously from the countless hours of shiurim hosted by Ḥakhamim, professors, and teachers alike. Heading into Purim this past year, Ḥakham Yosef Dweck, the Rosh Bet Midrash of the Ḥabura, delivered a shiur titled *"Were Ḥamaleq the first Existentialists?"* In reviewing this class, I hope to recount Ḥakham Dweck's main points, his overarching theme, and what we, as members of Ḥm Yisrael living in a modern world, can learn from our yearly exhortation to remember what Ḥmaleq once did to us.

Each year, as the Jewish community gears up to celebrate the holiday of Purim, communities around the world read a special *maftir* (concluding portion) to the weekly Torah portion. Known as *Shabbat Zakhor* (sabbath of remembrance), we take out an additional Sefer Torah to recount what Ḥmaleq did to us as we left Egypt:

Remember what Ḥmaleq did to you on your journey, after you left Egypt— how, undeterred by fear of God, he surprised you on the march, when you were famished and weary, and cut down all the stragglers in your rear. Therefore, when the LORD your God grants you safety from all your enemies around you, in the land that the LORD your God is giving you as a hereditary portion, you shall blot out the memory of Ḥmaleq from under heaven. Do not forget! (JPS Debarim 25:17-19)

For the vast majority of us today, the notion of wiping out a nation (blotting out the memory) is, rightly so, an uncomfortable and unimaginable thought. Thus, to relate to these verses requires one of three approaches: take it at face value, expound on the verses to make them applicable to today, or ignore it altogether (and go on with one's life) unnecessarily. Ḥakham Dweck, however, in his analysis of Ḥmaleq as the progenitors of existentialism, has provided another approach. Are there any patterns that emerge from Ḥmaleq that that express similarities in the existentialist worldview, and what does this have to do with Haman, a central character in the story of Purim? Ultimately, how does the Jewish way differ from Ḥmaleq's?

Beginning with the context that existentialism grew out of, Ḥakham Dweck opened his shiur with a quote by Richard Tarnas, who writes:

Nowhere was the problematic modern condition more precisely embodied than in the phenomenon of existentialism, a mood and philosophy expressed in the writings of Heidegger, Sartre, and Camus, among others, but ultimately reflecting a pervasive spiritual crisis in modern culture. The anguish and alienation of twentieth-century life were brought to full articulation as the existentialist addressed the most fundamental, naked concerns of human existence--suffering and death, loneliness and dread, guilt, conflict, spiritual emptiness, and ontological cosmic absurdity…Man was condemned to be free…things existed simply because they existed and not for some "higher" or "deeper" reason. (The Passion of the Western Mind)

Existentialism, therefore, bears fully the pain of being a human in a rather crude environment, and, although man is "free", there is ultimately no reason for our existence. Existentialists recognize a world void of meaning, in and of itself. Since there is no higher or deeper reason, there is nothing that can be imposed on a person. This is the opposite of the Jewish way, where God, from the outside, imposes the Torah on the nation of Israel, and the covenant implores that God cares about us, and that we care about God.

According to Ḥakham Dweck, *"Ḥmaleq lived in a cold, dark world; one where God did not pay attention. The world is random, and you have to beat the odds to live in this world because odds are not in our favor."* So why does the Torah exhort us to remember this cold, dark nation? And for what purpose did the Ḥakhamim connect Ḥmaleq to the story of Purim, a holiday that urges us to remember the randomness of the "lottery" used to decide our fate?

In the episode following the sin of the Golden Calf, God tells Moshe: *"Say to the Israelite people, 'You are a stiffnecked people. If I were to go in your midst for one moment, I would destroy you." (Shemot 33:5).* In the Talmud (Berakhot 7a), the Ḥakhamim confront this notion of God being angry for just a moment, in order to define what "one moment" (*rega'*) actually is. The Ḥakhamim state that *"no creature can precisely determine that moment when God becomes angry, except for Bilḥam the wicked, about whom it is written: "He who knows the knowledge of the Most High"" (Bemidbar 24:16).* But what was so special about Bilḥam that he could pinpoint exactly when God was going to get angry? In the words of Ḥakham Dweck:

"Bilḥam did not take anything for granted when it came to reality. He read nothing into reality. He accepted completely, which is one of the most difficult things for any of us to accept because we are not wired this way, that the world is completely random, and that any patterns that we detect in the world happen only [in our minds]. So he trained himself out of that thinking."

Our actions of yesterday have no bearing on today. Thus, Bilḥam recognized that time was a construct, and that each moment and occurrence in time was not at all existential, but rather only perceived, and thus *"not fundamentally real"*. There is no past or future time. Therefore, according to Ḥakham Dweck, Bilḥam was able to talk to God, for Bilḥam saw the world for what it was. He therefore did not commit *ḥaboda zara* (idolatry/foreign worship), since he did not create gods out of his mind, and project them on to reality, bowing down to them. Furthermore, in the Torah, Bilḥam is the only non-Israelite person who relates to God as *"Adonai Elohai"*, God, my Lord.

WERE ḤAMALEQ THE FIRST EXISTENTIALISTS?

by Yonatan Rahmani



Now, in order to understand Ḥamaleq, we must first understand the story of Bilḥam, who was the "mentor" to Ḥamaleq. Bilḥam is requested, as a non-Israelite prophet, to curse this powerful nation for Balaq, king of Moab, who is afraid of the thunderous and numerous nation of Israel. And when God says, "*Do not go with them. You must not curse that people, for they are blessed,*" *(ibid. 22:12)*, Bilḥam accepts and listens. And then what happens? God changes His mind and reverses, telling Bilḥam, *"If these men have come to invite you, you may go with them. But whatever I command you, that you shall do." (ibid. 22:20)*. Thus, Bilḥam accepts that even though the world is completely random, it is God who is in charge. God is not bound by rules and at any point can and does change his mind. He plays into the randomness.

When Bilḥam goes forward to meet with Balaq, he says repeatedly how he can only do what God wills, and even as Balaq gets angry and frustrated, constantly changing physical places to curse Ḥam Yisrael hoping that maybe the geographical location will better suit the needs of the prophet to conjure a curse (due to how he sees them), we see Bilḥam is undeterred and can not go against God's will:

"And now that I have come to you, have I the power to speak freely? I can utter only the word that God puts into my mouth." (ibid. 22:38)
"I can only repeat faithfully what the LORD puts in my mouth." (ibid. 23:12)
"But I told you: Whatever the LORD says, that I must do." (ibid. 23:26)

And how does God talk to Bilḥam? The verse states: "God appeared to Bilḥam" (in Hebrew: וַיִּקָּר אֱ־לֹהִים אֶל־בִּלְעָם / vayyiqqar being the verb that signifies 'appearing in a haphazard way'). In l*eshon haqodesh*, the root q.r.h means "to encounter (without pre-arrangement)", "to meet", "to befall", and "to chance to be present". As a matter of *derasha*, Ḥakham Dweck makes a play on words on the phonetic similarity between the root q.r.h and the root q.w.r meaning "coldness", in that such chance-encounters manifest themselves in an "indifferent" manner. Hence, we say in our vernacular "a cold behavior", since indifference is the opposite of warmth. Thus the word signifies "haphazardness", "indifference", "lack of mattering". And how did Ḥamaleq encounter Ḥam Yisrael? The Torah states *"when they happened upon you"* (*asher karekha baderekh* - Debarim 25:18). Ḥamaleq had no fear of God, and they believed, like Bilḥam, that the world was completely random. Hence, patterns have no meaning because they are just patterns, and that's all. 'Meaning making', to Ḥamaleq, is the biggest threat. And this is why, according to Ḥakham Dweck, the Nation of Israel is still a threat, and continues to confound the nations of the world:

"For the Jewish people, for many of us, it's too big of a weight to bear. It's too strong a signal for us to look straight in the eye. And for the rest of the world, it makes everything extremely uncomfortable…

…"Because we don't go away. So when Ḥamaleq saw us walk out of Egypt, they were stunned. People couldn't handle the fact that Egypt was defeated and the people were walking out, as the Torah says, with a pillar of fire by night and a pillar of clouds by day. You're not gonna reel back from these people? So you need a terrorist group like Ḥamaleq to say "it's just a minor, local, random fluke, but it's not what everyone is saying" … let's tone it all the way down… let's cool them way off. Another way to read the verse is "they cooled you down when you came out of Egypt". They did precisely what terrorism is supposed to do, to destroy you mentally and psychologically."

And so we see how Ḥamaleq is the progenitor for existentialism, since they saw the world with no meaning. Ḥamaleq viewed the Nation of Israel as unimportant, and pushed back on God's covenant with Israel as if it was just a fluke. But the Torah tells us that God does care about investing in a relationship with the Nation of Israel. And that is why there is a war between God and Ḥamaleq. God is invested in this relationship, as we see from the *pasuq* before Moshe Rabbenu dies:

But the LORD your God refused to heed Bilḥam; instead, the LORD your God turned the curse into a blessing for you, for the LORD your God loves you. (Debarim 23:6)

We see how love is the underpinning of the covenant between God and Ḥam Yisrael, as we say every morning and evening in the Shema', *"You shall love the LORD your God with all your heart and with all your soul and with all your might." (Debarim 6:5)*. It does not matter if Bilḥam knows the exact time that God can destroy Ḥam Yisrael. Since their relationship is based on love, which is meaningful, God will not give in to Bilḥam.

However, it is important to accept that Ḥamaleq is correct, and that the existentialists are not far off in saying that meaning has to be externally imposed. For Ḥam Yisrael this happens in the form of the Torah, which is imposed on us by God, as mentioned earlier. Bilḥam ends up pointing out at the end of his divination, *"He saw Ḥamaleq and, taking up his theme, he said: A leading nation is Ḥamaleq; But its fate is to perish forever." (Bemidbar 24:20)*. Bilḥam knew that Ḥamaleq was correct; they were at the top, for a time, and they were the only ones who see things clearly. However, in the end, they are destined to disappear.

Connecting all this to the story of Purim, we learn to pay serious attention to Ḥamaleq. The world is not mechanical - God has a plan, and that plan will eventually actualize. Megillat Esther teaches us that God does not need to manipulate every aspect of the world to make His will reality. The holiday of Purim is a time for us to recognize this fundamental aspect of God's relationship with the world, and specifically Ḥam Yisrael. It is up to us to connect to God's plan, or suffer the consequences for not doing so.

WERE ʿAMALEQ THE FIRST EXISTENTIALISTS?

by Yonatan Rahmani



So how do we get to 'know' God, to have an 'interaction' or a 'relationship' with God, and to be a part of this "flow", as Ḥakham Dweck calls it?

Haman rejected this idea of having a relationship with God, as opposed to Mordekhai who understood fully that the Jews were not going anywhere because he knew that the Jewish people were bound up with God in a covenant renewed at Har Sinai.

Mordekhai had this message delivered to Esther: "Do not imagine that you, of all the Jews, will escape with your life by being in the king's palace. On the contrary, if you keep silent in this crisis, relief and deliverance will come to the Jews from another quarter, while you and your father's house will perish. And who knows, perhaps you have attained to royal position for just such a crisis." (Esther 4:13-14)

Mordekhai knew the trajectory of history, and that the Jewish people would ultimately end up surviving. In this message to Esther, it was necessary for him to remind her that it was up to her to choose to be a part of the solution, lest she and her family perish. And so we learn from Megillat Esther that ultimately, it's up to each of us to choose to be a part of the plan or not. Or as Ḥakham Dweck states:

"Are you interested in going into that flow, and being a clear entity that is instrumental in bringing things forward, or not?.. You have to know God, and you have to know you, and you have to choose your life in line with how God made you. As Mordekhai points out, the Jews will be okay, but you, and your father's household, will disappear, and you will fall into the backdrop. And so you have an opportunity here to do something that is staring you in the face, and only you can do it. Or, choose not to and that's the last we will hear about you because you will fall into the randomness of it all; a blip on the screen. And so, Esther responds, fast for me. I'm going in... and it ends up being Megillat Esther, and Taạnit Esther."

Ḥakham Dweck provides one of the clearest, most illustrative examples to prove this point: a simple bird's nest. From afar, it looks like a bird's nest, but look at it close up and examine what the nest is made of: strings, random sticks, pieces of foam, whatever it takes. And to apply that to God's world: God will make His world - it will get made - with what? Whoever and whomever is available. As members of Ạm Yisrael, it is up to us to become available to God to make God's world.

In reflecting on this shiur, my mind kept returning to a particular moment I had a number of years ago. I was standing in a crowded bar in Manhattan speaking to a friend of a friend. At the time, I was an extremely proud Jew working for a Jewish organization dedicated to providing meaningful Jewish moments to Jewish students on college campuses.

Back then, I would refer to myself as a "zakhor Jew" and not a "shomer Jew", since I didn't see the point, purpose, or reason for fulfilling the *miṣvot* of the Torah, and I didn't particularly identify with any of the American denominations. And so I'm standing there talking to this less than excited Jewish guy, and he's asking me why I work for this organization if I'm not "religious" and "don't see the point of the Torah". And the only answer I could provide him is that there was a stirring in my heart that I could never turn off, one that always pushed me to critically examine the role of Ạm Yisrael in the history of the world.

Years later, now a student learning full time to one day be a rav and Jewish educator, or meaning maker, for others, I can't help but connect to the words of the Ḥakham - that it is on each of us to plug in to the flow, and to build a relationship with God. That the relationship won't just happen unless we as individuals choose to work on it.

When I was a student in Yerushalayim, I attended a shiur focused on building one's *kavvana* in *tefilla* (focus in prayer). The Rabbi of the shiur would often say that the point of *tefilla* is not to have a transcendental experience every single time one stands before God, but rather, to build the necessary infrastructure that a transcendental experience requires, so that when that moment does arrive, you are ready to stand in awe and fully feel God's influence.

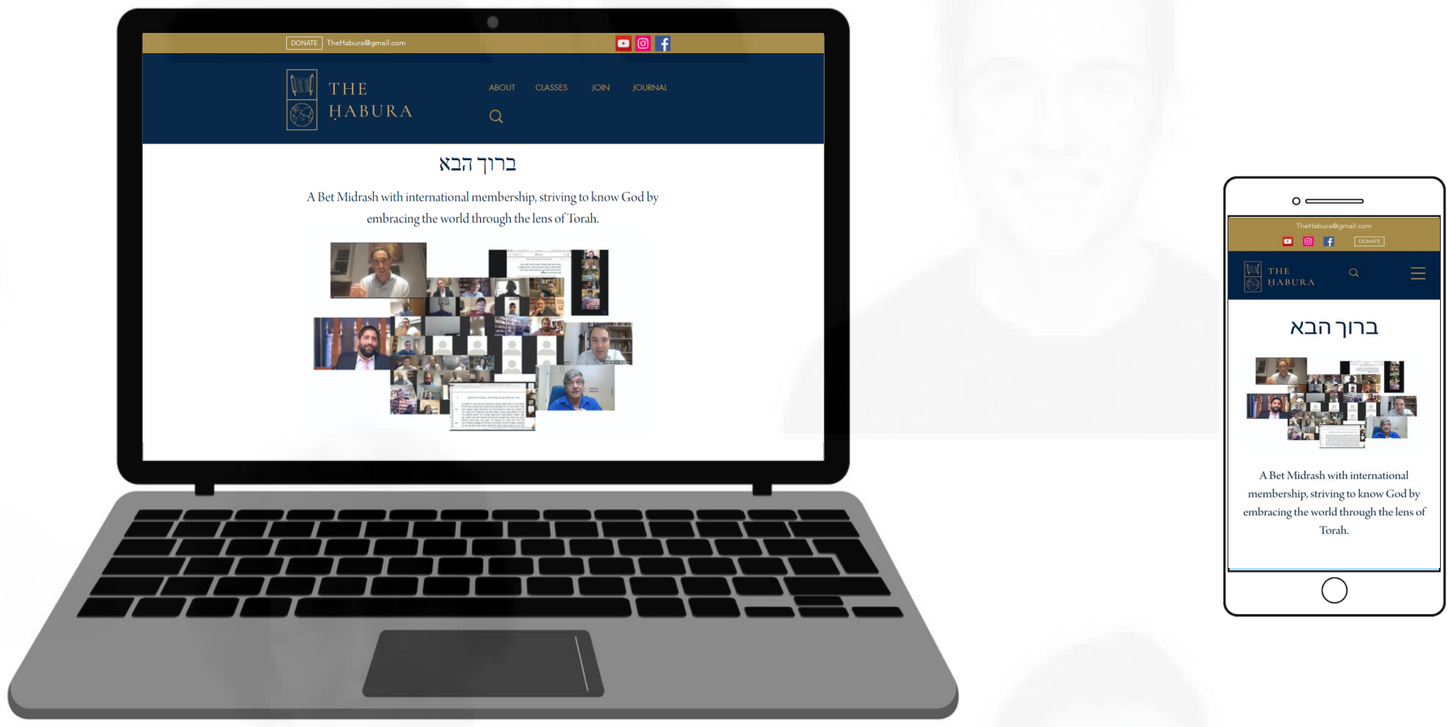
The story of Purim pushes us to look honestly at our nation, Ạm Yisrael, and to recognize the meaning emanating from God's covenant, as opposed to Ạmaleq, the progenitors of existential thought, who respond with a sneer and contempt for our desire to recognize the blessings that exist all around us. ▪

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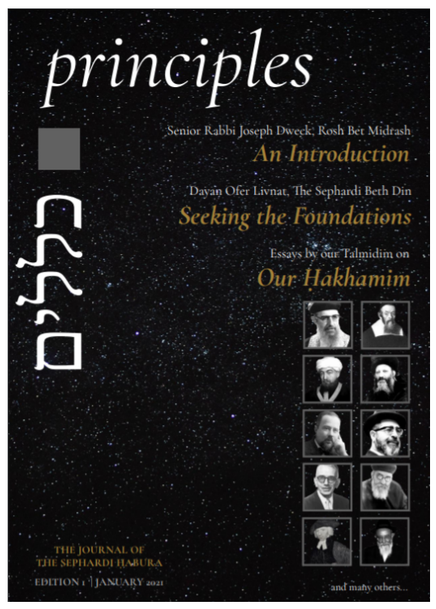
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