principles

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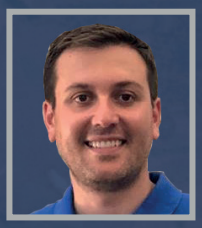
HALAKHA, MAḤSHABA, AND HISTORY

BY SELECTED TEACHERS AND MEMBERS










THE ḤABURA

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Winter 2024 | Edition 7

THE ḤABURA

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INTRODUCTION TO OUR 7TH EDITION

BY SENIOR RABBI JOSEPH DWECK

It is with great pride and enthusiasm that we present another edition of The Ḥabura's journal. This latest issue invites you to delve into topics that both challenge and inspire.

The late Chief Sepharadi Rabbi of Israel, Rabbi Ben Ṣion Meir Ḥai Uziel, shares a profound reflection on the meaning of Torah study, highlighting its expansive and central role in Jewish life. Contributions from our teachers and students feature essays that underscore the importance of studying peshat, an exploration of the significance of Tefillin, evolving interpretations of Biblical narratives, the delicate balance between justice and compassion when responding to the downfall of our enemies, and more.

Since our last issue, our projects and student community have continued to grow. Yet, our mission remains steadfast: a dedication to deep learning and meaningful dialogue, in pursuit of knowing God and His Torah.

With warm wishes for inspired learning,
Rabbi Joseph Dweck
Rosh Bet Midrash
Senior Rabbi, S&P Sephardi Community



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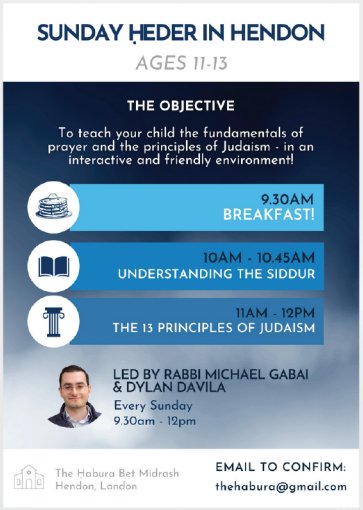
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Ḥakham Ben Ṣion Meir Ḥai Uziel (1880–1953), born in Jerusalem, was a leading *poseq*, teacher, and visionary leader. He became the first Sepharadi Chief Rabbi of Israel in 1939 after serving as Ḥakham Bashi of Jaffa, Chief Rabbi of Salonika, Tel Aviv, and eventually *Rishon LeṢion*.

Well-versed in Sepharadi and Ashkenazi *halakhot*, he worked with Rabbi Abraham Yitzhak Kook to foster Jewish unity while elevating the Sepharadi community. Exiled during WWI, he returned to establish schools and *yeshibot* and championed the Sepharadi tradition in Talmud Torah, science, and philosophy.

He authored many published volumes of teshubot (responsa), such as *Mishpete Uzi'el, Sha'are Uzi'el, Mikhmane Uzi'el and Hegyone Uzi'el*, with many unpublished writings still in manuscript form. In both his literary output and his life, we see a sage who was driven by a desire for unity — but also someone who proudly upheld the Sepharadi approach.

HOW ARE WE TO UNDERSTAND 'TALMUD TORAH'?

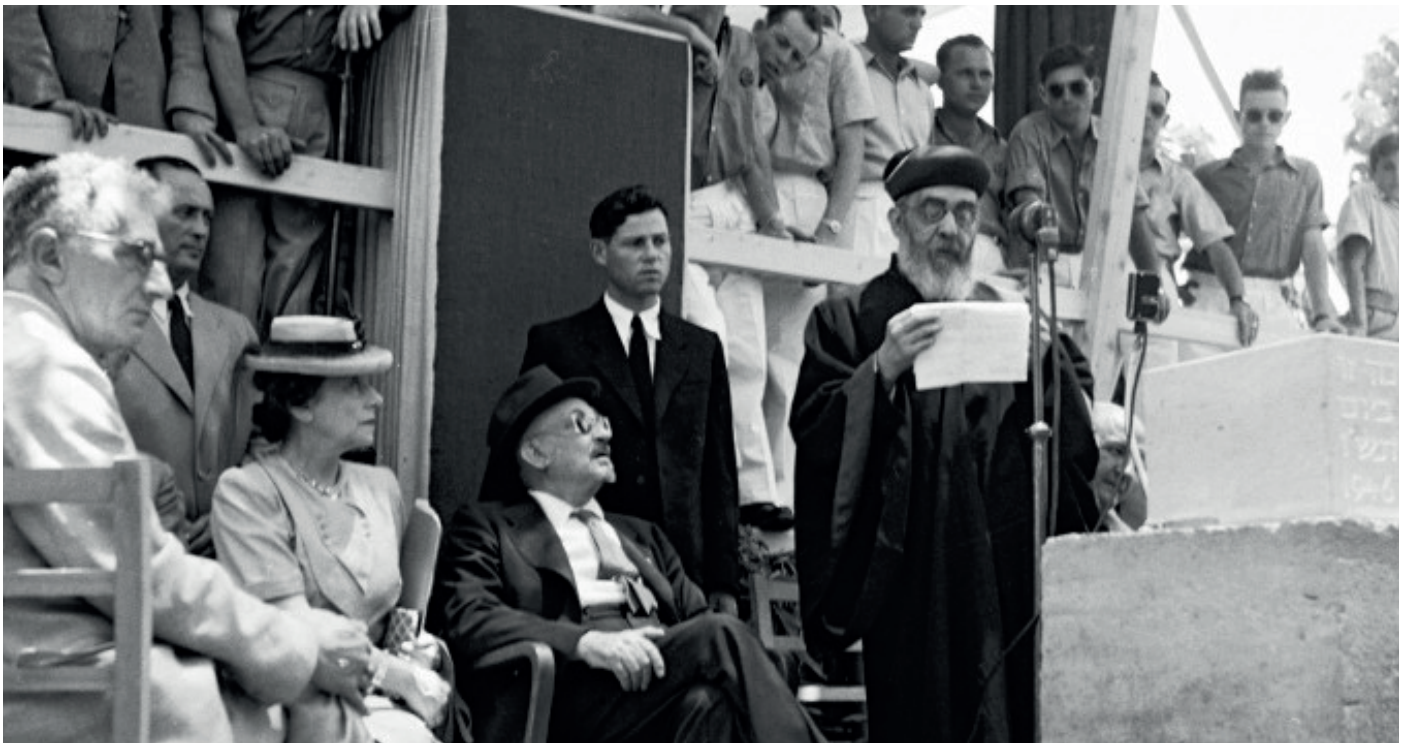
ḤAKHAM BEN ṢION MEIR ḤAI UZIEL (1880–1953)

Synopsis:
Below is an English translation of an excerpt from an essay in his *"Mikhmane Uzi'el"*, p. 405 and p.553

In it, Ḥakham Uziel explores the transformative nature of *'Talmud Torah'*, which defines Jewish identity as a comprehensive pursuit of knowledge that transcends the narrow definition it is often associated with. Unlike instinctive behaviours in animals, human learning reflects a unique capacity for intellectual and moral growth, connecting past, present, and future while uncovering divine unity in the world. He emphasises the integration of general and specific knowledge as a divine commandment, highlighting the importance of understanding history and the interconnectedness of events.

He analyses the terms *'Talmud Torah'* and 'science', asserting that while science reveals the nature of the world (what *is*), Talmud Torah addresses ethical and spiritual principles *(*what *ought to be)*. This duality ensures that science informs while study transforms, aligning human pursuits with divine purpose. Ḥakham Uziel critiques the reduction of *Talmud Torah* to mere "education" (*ḥinukh*) or "culture" (*tarbut*), arguing that true '*Talmud*' (study) elevates humanity beyond practical or cultural achievements, refining life and guiding action through *Halakha*.

Translation:
Study and action *(Talmud umaʿaseh)* are unique attributes found only in humans and not in any other creature. While animals possess instinctual knowledge, such as memory imprints as expressed in the verse, *"The ox knows its owner and the donkey its master's feeding trough"* (Isaiah 1:3), or mimicry, like



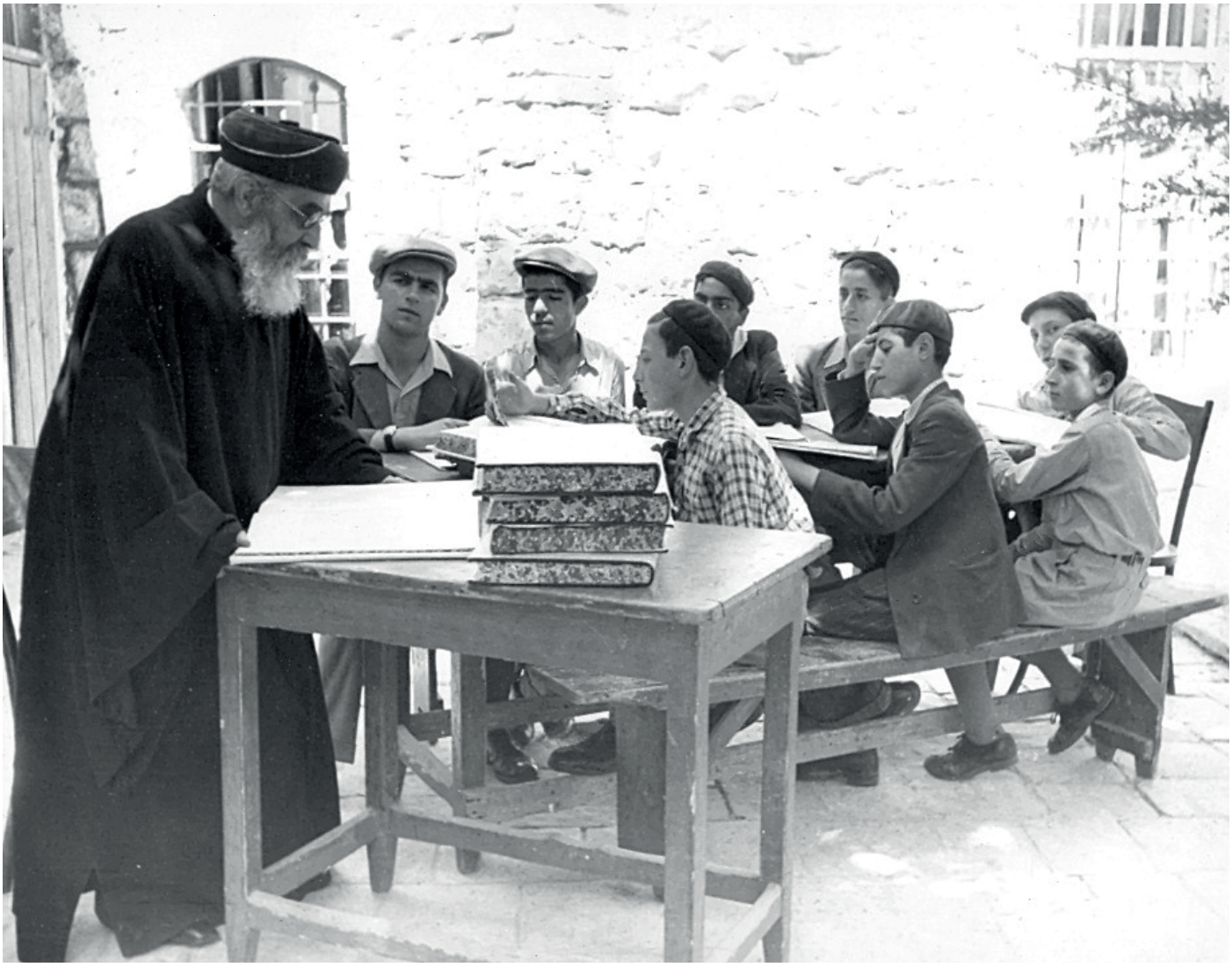
a monkey imitating a human, these are not comparable to human learning. Animals can also display craftsmanship, as in the case of bees, or cunning, as seen with the fox. They are even endowed with qualities like modesty, which serve as instructive examples for humans, as the verse states, *"He teaches us from the animals of the land and makes us wise from the birds of the heavens"* (Job 35:11). The *ḥakhamim* interpreted this: *"Had the Torah not been given, we would have learned modesty from the cat, avoidance of theft from the ant, chastity from the dove, and derekh ereṣ from the rooster"* (*Erubin* 100b).

However, these forms of learning and actions are partial and instinctive, compelled by nature or driven by fear or benefit. The human being transcends these, learning from the phenomena of life that they see and hear, discerning from them the hidden and the unknown, and perceiving in the manifestations of life and the sounds of creation the concealed light *(or ha-ganuz)* that animates and unites all existence into one cohesive whole. Moreover, humans remember the distant past through study, finding the thread that connects the past to the present and to the future, just as a flourishing tree is contained within the seed and revealed within it.

From this perspective, we understand that the study of history is neither optional nor merely a science but a *miṣva* (a commandment), to know the details of events and weave them into the general chain of *ha-qore et ha-dorot mi-rosh* ("the One who calls the generations from the beginning"): *"Remember the days of old; understand the years of each generation"* (Deuteronomy 32:7). This means breaking down the general into its particulars; from this, one remembers the days of old. This principle underlies all study—generalisation and distinction. As the *ḥakhamim* taught: *"At first, one must learn and then analyse" (Aboda Zara 19a)*. In other words, one must first know the general principles and then engage in intellectual inquiry, breaking them into particulars, and then synthesise them into a unified conclusion that joins the overarching general principle, known as *Torah* or *Oraita*.

Humans are commanded to study everything, large and small: the small—*havayot de-Abaye ve-Raba* (the discussions of Abaye and Raba)—the practical problems of life in the realms of property and law; and the large—*maʿaseh bereshit* (the act of creation) and *maʿaseh merkabah* (the act of the chariot). But this study is not for the sake of science as it is often labeled today (e.g., "Jewish Studies" or "Natural Sciences") but for the purpose of deep understanding, penetrating to the essence and interiority of things, to recognize the *nishmat ḥay ha-ʿolamim* (soul of the life of the worlds) within them according to their level and capacity. **For this reason, Judaism calls this comprehensive pursuit *Talmud Torah*, encompassing all studies and sciences in their foundations and depths.**

Here, I wish to address a linguistic corruption we encounter: the shift in terminology of Talmud Torah for young children *(tinoqot shel bet rabban)* to the modern term *ḥinukh* (education). This error has led to a larger mistake: referring to all Jewish studies and institutions of learning as *tarbut* (culture). This is a grave error, as *ḥinukh* refers to guiding students in practical, skillful, and habitual behaviour, as expressed in *ḥinukh la-naʿar ʿal pi darko* ("Train a child according to his way." - Proverbs



22:6). This aligns with the words of the *ḥakhamim: "A child who reaches the age of ḥinukh, his father must educate him in miṣvot" (Sukkah 42a).*

Similarly, *tarbut* conveys the cultivation of physical and emotional attributes, for better or worse, through influence or discipline. This is found even among animals, as the *ḥakhamim* taught: *"A wolf, lion, monkey, leopard, or cheetah, when domesticated, are not considered dangerous"* (*Baba Kama* 15b). The Torah and the words of the Sages use this term specifically with negative connotations: *"And behold, you have risen in your fathers' stead, a brood of sinful men (tarbut anashim ḥata'im"* (Numbers 32:14); *"A bad culture in a person's home is worse than the war of Gog and Magog" (Berakhot 7b).* Nowhere is the term tarbut used to mean "good culture," as true goodness and perfection are acquired through Talmud (study).

The precise and appropriate term for the actions that elevate a person from ignorance to wisdom, from foolishness to understanding, from impurity to purity, and from evil to good is *Talmud Torah* and not "science." Science provides knowledge of things as they are but not their *talmud* (learning). Talmud is an intellectual, deep, and comprehensive study that transforms a person into a scholar (*melumad*), opening the gates of interpretation and inquiry. *Perush* (interpretation) unfolds things like a garment, revealing what is hidden within its folds; *derush* (inquiry) delves deeper, extracting meaning from meaning, learning the hidden from the revealed, and deriving significance from even the crowns of the letters.

From the term *Talmud* (learning), which is the source, derives *talmid* (student), not merely describing one who sits before a teacher but anyone who engages in study. Through Talmud, one becomes a *talmid ḥakham* (student of the wise), a title for the sages of Israel throughout the generations. The concepts of Talmud and *talmid* are unique to Israel, forming their distinctive identity. Thus, the tireless dedication to Talmud (study) is found only among Israel's *talmide yeshibot*.

Human actions *(maʿaseh ha-adam*) are neither instinctive acts nor necessary responses to fulfil needs and desires, for these are activities and not actions. However, an action refers to those good deeds that a person performs out of choice and understanding—not because they are necessary, but because the person is obligated and commanded to do so, as a human being.



These actions are performed only as a consequence of *Talmud* (study): *"And you shall teach them, and observe to do them" (Deuteronomy 5:1)*. From this, it follows that Talmud (study) precedes *maʿaseh* (action), for study leads to action and sanctifies it. However, action does not lead to study. Moreover, an action is incomplete unless it is performed in accordance with study. This study, which leads to action, is called *Halakha* (Jewish law), from which we learn eternal laws *(halakhot olam)* and, through them, also the proper conduct of the world *(halikhot olam)*.

This does not mean that the conduct of the world determines our actions. Rather, throughout the generations, in all professions and pursuits, from it (the *Halakha*) has branched forth the rich literature in all its forms and shades. It has been and remains a purification tool (*kur metṣaref*), refining (*metṣaref*) and clarifying (*mevarer*) all impurities of foreign influences in literature and life, imprinting upon them the seal of pure Jewish teaching.



Rabbi Joseph Dweck *is the Senior Rabbi of the S&P Sephardi Community of the UK – the country's oldest Jewish community. He is also the Rosh Bet Midrash of The Ḥabura. He studied in Jerusalem at Yeshivat Ḥazon Ovadia under the tutelage of the former Sepharadi Chief Rabbi of Israel, Rabbi Ovadia 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. Visit www.SeniorRabbi.com to find out more about his work and initiatives.*

INSIGHTS FROM PIRQE ABOT: GUILTY BY ASSOCIATION

BY SENIOR RABBI JOSEPH DWECK

נִתַּאי הָאַרְבֵּלִי אוֹמֵר
הַרְחֵק מִשָּׁכֵן רָע
וְאַל תִּתְחַבֵּר לָרָשָׁע
וְאַל תִּתְיָאֵשׁ מִן הַפֻּרְעָנוּת

Nitai of Arbel says:
"Distance yourself from a wicked neighbour,
do not befriend a sinful person,
and do not discount misfortune."
(Abot 1:7)

Thus far in my life, I have lived in four cities across three countries. I was born and raised in Los Angeles, studied in Jerusalem, raised a family and worked in New York for sixteen years, and have now lived in London for almost 11 years. During this time, I have met thousands of people, experienced diverse customs and cultures, and heard a myriad of accents and styles of speech. All of this has influenced me and contributed greatly to who I am.

A great deal of its influence, however, occurs without me knowing. My accent, thinking and approach to life are always responding to my surroundings, subtly moulding my character and persona. They tell me in London that when I have spent an extended time in the States my American accent is far more pronounced when I return than it was when I left. I notice no difference at all. While I use British spelling in these essays (several of my American readers are convinced that my writing is rife with typos!) people have noticed that I have even begun using it unconsciously in my personal communications as well. Aspects of West and East coast America, Israel and Britain have seeped into my speech, behaviour, thinking, philosophy, world-view and interactions without any conscious effort of my own. I could not have lived in the places and amongst the people that I have without having assimilated the diverse experience into myself. Nor, in truth, would anyone.

If we are to live an examined life and consider how it is that we wish to develop ourselves and what people we wish to become, a crucial factor in such decisions must include around whom we surround ourselves and the environment in which we live.

In which school will we educate our children? Which university will we choose? Where will we raise our family? To which congregation will we affiliate or become members? Where will we work? Many of us do not base the answers to these questions primarily on the people we will find in each circumstance. Schools and universities are usually considered firstly on the basis of their academic quality and calibre. But what of the social setting? How will the environment, people and ideas, influence me? Where I choose to live may have to do with cost, schooling, commutes to work, and neighbourhood, but what level of priority is the question of the kind of people who reside within that neighbourhood, among whomI will be spending every day?

My career path may have to do with my personal aspirations, interests, financial promise, and viability, but with whom will I be working? What are the



conditions in which I will find myself on a regular basis? It is an influence upon us that is unavoidable, no matter how thick we may perceive our skin. We are all affected by it to a greater or lesser degree.

The issue of human associations has been an overarching theme in the principles presented to us by the Ḥakhamim at the opening of Pirqe Abot. Yet until now, they have told us with whom we should actively seek company. Here, for the first time, Netai of Arbel, tells us from whom we should keep our distance:

Keep distance from a wicked neighbour.
Do not befriend a sinful person.[1]

An obvious point to question here is what is the key difference between his first and second statements? We have a 'wicked neighbour' and a 'sinful person'. What is different between them? And why with the wicked neighbour am I to keep distance, while I am simply not to befriend the sinful person?

The Hebrew word for 'wicked' here is רע – *ra*. Literally, evil. The Hebrew word used for 'sinful person' is רשע – *rasha*. Literally, one who intentionally chooses to sin. The difference is that there can theoretically be a *rasha* — a person who chooses to transgress the Torah's commandments — who is still a decent human being who acts with kindness and compassion towards others. There may also be such a person who does not. In other words one can be sinful and wicked and one can be sinful but not wicked.

Raba said, it is written: "Woe to the sinful wicked one, for the work of his hands shall be done to him" (Isaiah 3:11). And is there a sinful man who is wicked and is there one who is not wicked? Rather, one who is wicked toward Heaven and wicked toward people is a sinful, wicked person; and one who is evil toward Heaven and not evil toward people is [termed] a sinful person who is not wicked.[2]

A great many of the commentators[3] on this mishna understand the first statement of Nitai to be referring to a wicked individual who, in their lack of empathy and compassion, cause suffering, pain and hardship to others. They are not just sinners, but evil. Nitai warns us from even living within the vicinity or being next to such people for fear of their character and behaviour influencing us. In a case where the person is evil in this sense, proximity alone is dangerous and we are susceptible to assimilating these practices in our own lives. Indeed, it is likely to happen without us even noticing a significant change in our thought or behaviour.

The second statement speaking of the רשע, speaks of someone who is transgressing Torah intentionally, but is otherwise good to others and bears a spirit of empathy and compassion. Friendship is the concern with this person as opposed to proximity. Simply living around the rasha who otherwise is kind and humane, does not necessarily threaten a person's goal of keeping Torah and mitsvot. A neighbour can be greeted, we can smile and be cordial, but we need not live our lives in our homes as they do in theirs. Friendship is different. Friends frequent each other's homes, spend time together, share their lives and thoughts with each other. The boundaries expand and we welcome them into our lives and they welcome us into theirs. When this happens there is a natural, subconscious desire to conform to the environment. If we are socialising, eating together, spending time together, the difference in our approach to Torah will be glaring. Naturally the one who requires a more rigorous discipline will be challenged to maintain it when he or she experiences a friend casually and naturally disregarding it.

It is clear that Nitai is speaking here of an ideal life and how a Jewish person who fears God and keeps Torah in its entirety should live. Such a person cannot afford to befriend one who transgresses the Torah and its commandments. It is not a religious fact, but a human one.

1 Abot 1:7
2 Qiddushin 40a
3 See for example, R. Shimon bar Ṣemaḥ Duran, ad loc.; Tifferet Yisrael, ad loc (31).

We tend to believe in our own strength and personal conviction a great deal more than we should. While the conscious, creative, planning aspects of our brains maintain what seems to be a clear and obvious identity and integrity, the thrust of the more primal aspects of our brains is powerful, overwhelming, and most importantly, cunning. It desires predominantly to be secure in the group and works with great subtlety and agility to do so. It also has intense veto power against the later-developing part of the brain that handles reason, the prefrontal cortex. It is from this rigorous honesty and consistent human experience that HaRambam rules halakhically that regardless of how strong one is, one must prioritise the criteria for choosing one's surroundings in almost any situation based on the population:

A person who lives in a place where the norms of behaviour are evil and the inhabitants do not follow the straight path should move to a place where the people are righteous and follow the ways of the good.

If all the places with which he is familiar and of which he hears reports follow improper paths, as in our times, or if he is unable to move to a place where the patterns of behaviour are proper, because of [the presence of] bands of raiding troops, or for health reasons, he should remain alone in seclusion as [Lamentations 3:28] states: "Let him sit alone and be silent."

If they are wicked and sinful and do not allow him to reside there unless he mingle with them and follow their evil behaviour, he should go out to caves, thickets, and deserts [rather than] follow the paths of sinners as [Jeremiah 9:1] states: "Who will give me a lodging place for wayfarers, in the desert." [4]

Our choice of friends and social settings is a choice that directly affects our identity, psychology and behaviours, and if we care about these things we must pause, think and choose wisely. Whom we spend our days with, grow with, and learn from inevitably become part of the fibre of our being. If we are around people who live selfishly, seek what they can take from the world, and think mainly about what, in any given situation, will suit them first, it does not matter how entertaining and exhilarating they may be, we will inevitably imbibe aspects of their values when in their company.

The advice of Nitai of Arbel is simple. But for social animals such as we are, it is exceedingly difficult for many of us to do. We are terribly weak when we face peer pressure. We may recognise that someone or several people are bad influences on us. They may bring out in us aspects of thought and behaviour that we are not proud of, they



may encourage us to be inferior versions of ourselves and to regularly under-achieve. Yet, because we crave belonging, we will seek social acceptance before we seek personal integrity and refinement. Social acceptance is the dark detractor that threatens to thwart Nitai's sound and intelligent advice.

His third and final point of advice, namely, not to discount misfortune, looks to the future of such choices and begs us to consider the consequences. It may feel secure and safe in the short-run to be part of a group or to be friends with someone who is unscrupulous and unethical. But ultimately, the inferiority and counterproductive nature of the life that we choose by living amongst those who would affect us this way, will have long-term effects on the goodness, quality and stability of our lives.

One such example is the environment in which we raise our children. The conditions in which they are raised today, will become the foundations upon which their adulthood is built tomorrow. If it is sensitive, empathic, compassionate and ethical, so will be their adult lives. If it is superficial, selfish, materialistic and competitive, so will be their adult lives. If it is void of, or bears minimal Torah, Jewish education, awareness and pride, so will their adult lives. Of course, it is not only children. We as adults are never static either. Our personalities and traits are always in flux and influenced by our surroundings. Nitai warns us not to dismiss the difficulties that will ensue in living in a less than ideal environment. The effects may not be keenly felt today or tomorrow, but the time will come when the underlying conditions in which we lived will rise to the surface.

Who makes up our community? How is our social group determined? Who are our friends and comrades? The answers to those questions are among the highest indicators of who we are and who our children will be. The Tanna succinctly charges us to choose wisely and consider our identity and future as a high priority.

4 Hilkhot De'ot, 6:1

HALAKHOT OF VOIDING A SALE

BY DAYAN OFER LIVNAT

In this article we will briefly address two situations where a sale may be voided. The first is where the merchandise provided was different from what was agreed upon, or the pricing was incorrect. The second is where there turned out to be a mistake in the measurement, weight or amount of the merchandise.

Incorrect merchandise or pricing

The Mishna *(Baba Batra 83b)* deals with the question of when a sale can be cancelled on the basis of the claim that the merchandise turned out to be different from what was agreed upon. The Mishna differentiates between a case where the merchandise was of the same kind agreed upon, but only of a different quality, and a case where the merchandise turned out to be totally different. In a case where the difference is solely in quality, only the party who was negatively impacted may cancel the sale. However, if he wishes to accept the sale despite the difference in quality, the other side may not cancel the sale. However, in a case where the merchandise turned out to be completely different, both sides may cancel the sale.

For example, if the buyer agreed to purchase high quality wheat, and the wheat turned out to be of poor quality, the buyer may renege on the sale. If the buyer wants the wheat despite the poor quality, the seller cannot renege. However, if the buyer agreed to purchase wine and the wine ended up being vinegar, both sides may renege on the sale, and, even if the buyer wants the vinegar, the seller may renege.

Until now we spoke of cases where the merchandise turned out to be different from what was agreed upon. What happens when the merchandise was as agreed upon, but the price was not appropriate for the merchandise? We learned in *Baba Meṣia (50b)* that when there is a difference of more than a sixth between the price agreed upon and the real value of the merchandise, then the sale may be cancelled. The question is, is this case similar to a difference in quality, and only the losing side can renege, or is it similar to wine and vinegar and both sides may renege.

The Tosafot *(Baba Meṣia 50)* quote two opinions regarding this question. The first opinion claims that a price difference of more than a sixth is considered to be so extreme, that it is similar to a case where the merchandise turned out to be totally different, and both sides may renege. However, the opinion of the Rivam is that only if the losing side demands a return on the price difference may the other side renege, while if the losing side wishes the sale to remain, the other side may not renege. In his opinion, a difference in price is similar to a difference in quality of the merchandise.

Rabbenu Yona *(Baba Batra 84a)* has an intermediate opinion regarding this issue. He claims that as long as the losing side has the option to renege, the other side may renege as well. However, if the losing side has already expressed his wish that the sale stand, or if the time period which he has to renege, because of the price difference, has passed, then the other side cannot renege.

The *Shulḥan Arukh (Ḥoshen Mishpat 227, 4)* rules like the Rivam that in a case where there is a difference of more than a sixth between the real price and the price agreed upon, then only the losing side may renege on the sale. The



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Rema, however, quotes the opinion of Rabbenu Yona that initially both sides may renege, but if the losing side has already expressed his wish that the sale stand, or if the time period to renege has passed, then the other side cannot renege.

A Mistake in Measurement, Weight, or Amount

The Gemara *(Baba Batra 90a)* states that in a case where the buyer and the seller agreed upon a purchase of a certain measurement, weight, or amount of merchandise, and the merchandise supplied was lacking or in excess even a small amount, we do not consider the difference to be forgiven. This is in distinction to the case where the price agreed upon was different from the real price of the merchandise, in which case the halakha is that a difference of less than a sixth is considered to be forgiven. However, for a difference of measurement, weight, or amount, even a small difference is not considered to be forgiven.

The question is, what happens when such a difference is discovered? The Rashbam (ד"ה כל דבר שבמידה) claims that the sale is void. The Rashbam learns this from a case of a price difference greater than a sixth. Just like when the difference between the price agreed upon and the real price is greater than a sixth, the halakha states that the sale is void, so too when there is even a small difference in measurement, weight, or amount, the sale is void.

Rabbenu ibn Megas (ד"ה כל) disagrees with the Rashbam. He claims that the sale is not void but rather the difference must be given or returned. If the merchandise is lacking, then the seller must supply the amount lacking. If there is extra, the buyer must return the excess to the seller. For example, if they agreed upon 100 walnuts for a certain price, and there ended up being only 99 walnuts, the seller must supply another walnut. If there were 101 walnuts then the buyer must return 1 walnut to the seller. Rabbenu ibn Megas explains that this case is not similar to that of a price difference. Regarding a price difference, the problem is with the deal agreed upon, since the price agreed upon was not a fair one. However, in our case, the deal itself was fair, and the problem is only in the execution of the deal; as a mistake was made in the supply of the merchandise. Therefore, the sale stands and the mistake must be corrected. The Rambam *(Mehira 15, 1-2)*, Ramban *(Baba Batra 103b)*, and Rashba *(Qiddushin 42b)* all agree with Rabbenu ibn Megas.

However, if we follow the opinion of the Rabbenu ibn Megas, there still remains another question. What happens if the difference cannot be completed? For example, if the merchandise was lacking, and the seller cannot supply the missing amount, then what do we do? The Ramban and the Rashba dispute this question. According to the Ramban, if the missing amount cannot be completed, the sale is void. However, the Rashba claims that even in such a case the sale is not void, and one must pay the value of the missing merchandise.

The *Shulḥan Arukh (232, 1)* rules like the opinion of Rabbenu ibn Megas that in a case where a mistake occurred in the measurement, weight, or amount of the supplied merchandise the sale stands and the difference must be completed. In a case where the difference cannot be completed, the Sema (ibid, 2) rules like the opinion of the Ramban that the sale is void.

THE PRIMACY OF PESHAT

BY **RABBI YOSEF ZARNIGHIAN**

"One silver jug" (Num. 7:19) corresponds to the Torah, which is compared to wine, as it is written "drink the wine that I have mixed" (Prov. 9:5). The [Princes] brought jugs since wine is commonly consumed from jugs, as it is stated "those who drink from jugs of wine" (Amos 6:6). What is [the significance of the weight of] "seventy shekels worth of Sanctuary Shekels" (Num. 7:19)? Just as wine (יין) numerically corresponds to seventy, so too are there seventy facets of Torah. What is [the significance of] "a single bowl" (ibid v. 85)? To correspond to the Torah which needs to be united, as it is written "A single Torah and a single procedure shall it be for you" (Num. 15:16).[1]

While there is much to unpack in these most profound and insightful words of our Sages, let us draw attention to the theme of harmonising our learning of the Torah between its different layers of meaning.

The Princes *(nesi'im)* of Israel all offer the same package of offerings to the Tabernacle *(mishkan)* in honor of its inauguration, all of which, on a basic level, represent the choicest of material possessions being dedicated to the service of the Creator, such as incense, fine flour, gold, silver, and various animals. However, our Sages offer an additional layer of meaning to these offerings. In particular: the Sages note that the materials and quantities offered by the Princes were no accident. Since the entire source of the *mishkan's* sanctity stemmed from its housing of the Decalogue and Torah[2], it would be befitting to draw a connection between its offerings and the Torah. One notable connection to make is that of unity through deliberate ambiguity. Had the Torah been written in such a manner that would not allow for multiple layers of interpretation, there would be no room for it to endure the test of time.[3] This is precisely why the Princes of Israel—representing the Nation of Israel—wished to highlight the notion that each Jew has what to bring to the table of Torah study. These variances, however, must not divide us, nor should they (often) conflict with allegorical, homiletical, or mystical interpretations of the Torah. Instead, they must serve as complimentary and supplementary layers to the base of the Torah's understanding, which is that of *peshat*—the prevailing, straightforward, and manifest meaning of the Torah's words.

On a very basic level, the primacy of *peshat* is identified through the *miṣva* of learning the written Torah—the Hebrew Bible—which begins with the study of the words and understanding their basic meanings.[4] This fundamental obligation to study the *peshat* of Hebrew Bible is so significant that the Sages list it as the first step of a child's introduction to learning Torah, beginning at the age of five. The acclaimed commentator of



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1 *Bamidbar* Rabba 13:16.
2 See Seforno, Nachmanides, Ibn Ezra, Bekhor Shor: commentary to Exo. 38:12, *s.v. mishkan ha-'edut*.
3 See. *Ḥullin* 7a: "my ancestors left a place for me to add." See also Mishna: *'Eduyot* 1:5
4 While some authorities disagree, R. Joseph Teomim (1727–1792 CE), Peri Megadim (Eshel Abraham): commentary to Oraḥ Ḥayyim: 50, subsec. 2, makes clear that one must understand the words of the written Torah in order to fulfill one's obligation of Torah study. While it is true that according to the Mishna (Megilla 2:1), one fulfills the obligation to hear the Scroll of Esther read on Purim even if one does not understand Classical Hebrew, most authorities rule that this is so due to the unique feature of promoting the miracles of Purim through attending the reading of the Scroll of Esther. This is accomplished even if one does not understand the contents of Esther in its Hebrew form. See Halakhot ha-Rif: Megilla 5a, Pisqei ha-Rosh: Berakhot 7:6, Kol Bo: chapt. 45, subsec. 22. Alternatively, see Or Zarua' (vol. 2: sec. 375), Perush le-Mishnayot le-Harambam (Kafih edi.): Megilla 2:1.



the Mishna, Rabbi Obadiah of Bartenura (15th century), clarifies that a child not only needs to understand the meaning of words; his instruction must include "teaching him the shape of letters and recognition of vowels." Even into adulthood, our Sages add that one's learning of the Torah will endure so long as the Torah is recited out loud and with its traditional musical notes. Rabbi Isaac. D. Abarbanel (1437-1508) spelled out this foundational concept very eloquently when he stated:

Most people forget the simple passages [of the Bible] even if they study them day and night. However, when they are chanted with their melodies—by singing and chanting them—they will be continuously remembered through the [aid] of the melodies, as it is stated: "and you shall recite this song before him as a testimony, so that it will not be forgotten from among his descendants" (Deut. 31:21). And so the Sages of blessed memory said about this: "The verse says about anyone who does not recite [the Bible] pleasantly or regarding one who does not study [the Mishna] without its melody: "I have also given them unpleasant laws" (Eze. 20:25). This means that they will leave one's memory and mind.

While it may be obvious that one cannot study Torah if one is illiterate, it appears that this most basic concept of Torah study escapes the curricula of many Jewish institutions. While these most basic points should be obvious to those who have studied in Jewish schools and *yeshibot* throughout their lives, it is worth reiterating that at the most fundamental and foundational level, children (and certainly adults) must not only comprehend the basic meaning of words in their appropriate contexts, they must also be able to properly recognise and read the Hebrew letters and words of the Bible properly, clearly, and with the appropriate *ta'amim*. A proper reading of the text not only allows for one to fulfill the commandment of studying the *peshat* of the Torah, it is also a prerequisite for fulfilling many commandments of the Torah properly, including the precepts of reciting the *shema'*, publicly chanting the Torah during liturgical services, for kohanim to recite the Priestly Blessing, to qualify for teaching Scripture to children, and so on.[5]

In light of these requirements relating to our study of Torah and Prophetic Writings, one may ask: How may we be original and novel in forming our own insights while maintaining a uniform baseline in biblical interpretation that serves as our common benchmark? In this unconventional example of case law, Maimonides carefully outlines for us two levels of what constitutes the baseline for authoritative peshat, that is, in the sense that the renditions offered carry legal weight, as conclusively rendered by *Targum Onqelos* of the first-century:

One who tells a woman that you are 'betrothed to me' on the condition that I know how to recite [scripture], must be able to recite the Torah and translate it with the translation

5 See Mishne Tora: Laws of Qeriat Shema' 2:8; Laws of Tefilla u-Birkat Kohanim 12:6; 15:1; Laws of Talmud Tora 2:3. It should be noted that the Law requires kohanim to properly utter every letter and word of the Priestly Blessing, in its original Hebrew form, when performing this precept (tract. Sota 38a). While many rabbinical authorities rely on an opinion of the illustrious R. David ibn Zimra, which permits kohanim to chant their blessing if they have corrupted Hebrew accents, so long as such accents are common in their respective locales (She-elot u-Teshubot ha-Ridbaz: vol. 1, res. no. 394), this leniency is noticeably omitted by Maran Joseph Karo (Bet Yosef: Oraḥ Ḥayyim 128, s.v. Mi She-eno). Compare to Siftei Kohen, commentary to Yoreh De'ah: 207:1. See also Zohar 3:145b.

of Onqelos. And if he says ['you are betrothed to me'] on the condition that I am [merely] a reader, then he must know how to read the Pentateuch, Prophets, and Writings, with careful precision.[6]

Maimonides also invokes the legally binding nature of peshat when he refers us to *Onqelos'* rendition wrapping *('ittuy)*, and fornication *(zenut)*, when he restates the standards for head wrapping during mourning, and relating to defining what prohibition is violated upon unsanctioned relations between Jews and non-Jews.[7]

Likewise, Maimonides outlines his second category of *peshat* elsewhere, when he states that only the rulings of Israel's Supreme Court are binding upon the Jewish people insofar as their interpretations and renditions of verses (and enactments) of executing the Torah's commandments are concerned. However, when one interprets the Torah's verses on a personal level—and particularly those passages of the Hebrew Bible that do not concern executing the commandments—one is subject to a much lower set of canons to follow. So long as one is not interpreting the Torah in a manner which undermines the legally binding renditions of verses, as practiced by the Jewish people, there is no objection to one's innovative and original scholarship.[8]

The novelty of *Targum Onqelos*—and *Targum Yonatan* on the Prophetic Writings as the baseline level of peshat for studying Scripture—should not be taken for granted. Since the inception of *Targumim*, the Sages describe the process of establishing an official elucidation of the Scriptures as a necessary crutch, at best, and as a necessary evil at worst.[9] The Talmud relates how after almost a century in exile, Ezra the Scribe was met with an unlettered audience of Jewish refugees who returned with him to the land of Israel—most of whom did not understand the language of the Scriptures that was native to their parents and grandparents (Neh. 13:24). At last, Ezra was forced to teach the Torah to the nation in the original and elucidated Aramaic form, so that the nation may grasp the Torah's basic teachings. Eventually, *Onqelos* the Prostelyte would codify this elucidation into text, leaving us with his *Targum*. The Talmud goes on to record that about a century prior to *Onqelos*, the renown sage, Jonathan b. 'Uzziel, had compiled an elucidation of the Prophet Writings for similar reasons, namely, so that a single baseline understanding of the Prophetic Writings may exist without dissent in the standard curriculum, as he proclaimed before the Creator:[10]

I did not do this for my honor, nor for my family's honor, but rather for Your honor, so that the [people] of Israel should not come to increase in disagreement. [11]

Although there are many examples throughout Rabbinic literature of rendering verses in light of the *peshat*—which does not always translate to a literal reading of a verse[12] —*Rashi* and Rabbi Abraham ibn Ezra (11th century) are perhaps the first of Jewish biblical commentators to make note of this when they record three primary rules to follow in one's quest of learning:

1. To use common sense
2. To follow the rules of classical Hebrew grammar
3. To submit to the Sages' interpretations of legal content even if one's personal interpretations differ.

Ibn Ezra relates that:

If logic does not accept something, or if the senses negate that which is clear, then we must ascribe such phenomena as mysteries, as common sense is The Foundation, for the Torah was not given to he who has no capacity to think—the messenger ('malakh') between man and his God is his intellect … However, the Aramaic Targum of the Torah is a true elucidation—it elucidates all ambiguity. And when he (Onqelos) seeks homiletical interpretations, we know that [he does so] due to his superior knowledge of etymology, and that he merely wishes to couch [such definitions] with added meaning, for even fools can understand the straightforward ('peshat') meaning … Thus the path of 'peshat' is not undermined due homiletics, as there are seventy facets to the Law. However, when we find multiple ways to [read verses] regarding laws, procedures, and statutes, whereby one rendition follows that of the Transmitters of the Torah

6 Mishne Tora: Laws of Ishut 8:4.

7 Mishne Tora: Laws of Issurei Biah 12:13; Laws of Abelut 5:19.

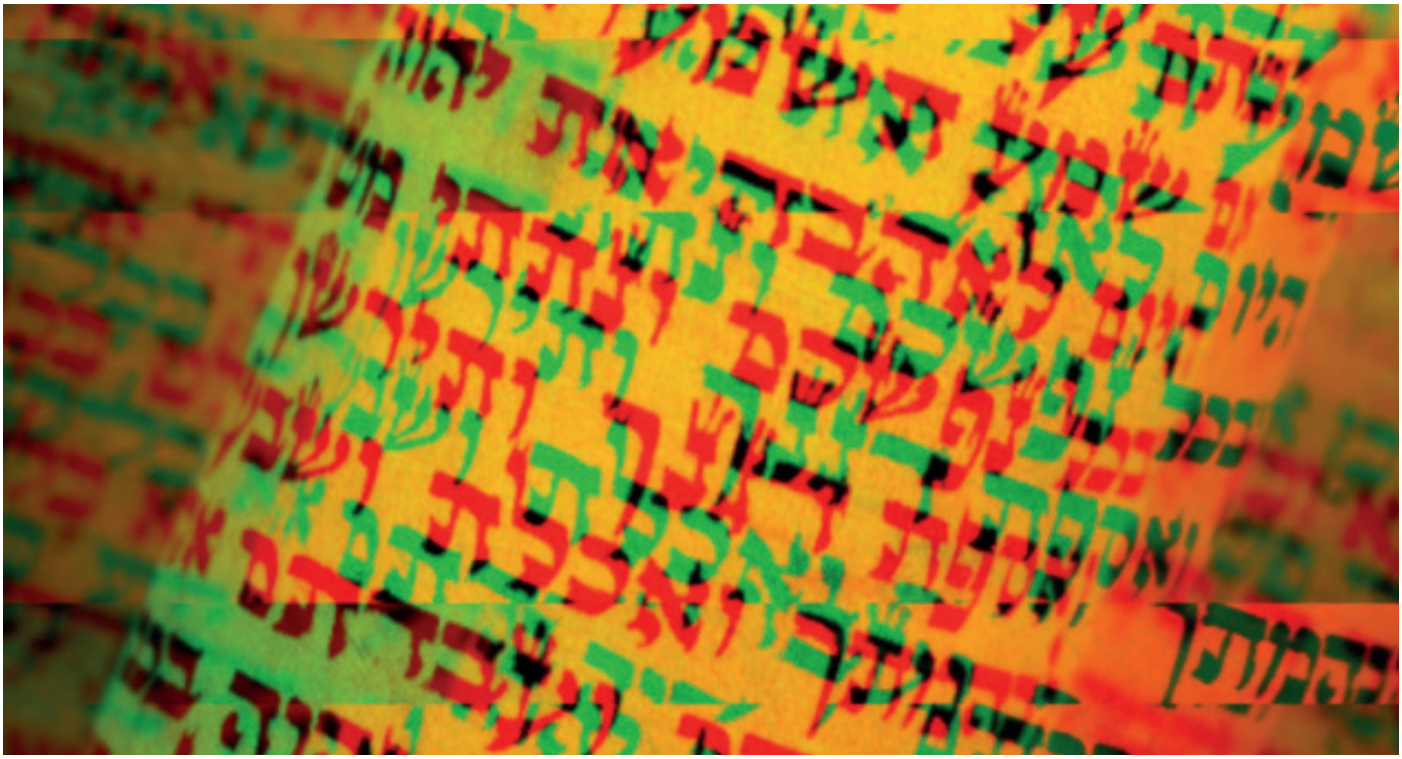
8 See Mishne Tora: Laws of Mamrim 1:1; 3:4-6; Laws of Teshuba 3:11—interpretive heresies against the Law is defined by Maimonides under the canon of megaleh panim batorah shelo ka-halakha.

9 Tract. Megilla 3a; 9a-b, tract. Soferim 1:7. Alternatively, the Talmud Yerushalmi (Megilla 1:9) minimises the significance of the King Talmai incident as the origin story of the Greek translation to the Torah, focusing instead on the unique ability of the Greek language to capture the nuances in translating Hebrew words.

10 Tract. Megilla 3a. The authority of Targum Onqelos and Targum Yonatan stems not from their perceived antiquity or sanctity, but from the fact that they were official publications of the Court—Targum Onqelos by the Court of R. 'Eliezer and R. Joshua, and Targum Yonatan by the Court of Haggai, Zachariah, and Malachi (Megilla, ibid). Even though some authorities ascribe Onqelos' elucidation as divinely ordained to Moses (Tosafot R"i ha-Zaqen: commentary to tract. Qiddushin 49a), the Talmud (ibid) refers to Onqelos' resurrection of Targum from a verse in Nehemiah—not from a verse in the Torah—unlike other instances where the Talmud invokes the canon of "they forgot the [law], but revived it and re-established it" (tract. Shabbat 104a; Yoma 80a). However, it is possible that the notion of Targum's authorship at Sinai is hyperbolic, in the sense that it is authoritative as if it were given to the Jewish people at Sinai (see Pisqei ha-Rosh: Miqva-ot 1:1. See also Mishne Tora: Laws of Issurei Biah 12:14, cf. Yebamot 77a, Yerushalmi Yebamot 8:3). Alternatively, the term "from Sinai" may be understood to refer to the immense precision in Targum's elucidations—its clarifications reveal legal and theological doctrines of the Torah as clearly as if they were just revealed at Sinai (see Ḥiddushei ha-Ritba: commentary to Qiddushin 49a, s.v. ha-metargem. See also R. Yechiel Michel Epstein's 'Arukh ha-Shulḥan (Oraḥ Ḥayyim 285:12).

11 The Sages did not intend for no dissent or creativity of biblical scholarship when they wished "for disagreement not to increase among Israel," instead, this canon is limited to setting a uniform standard for certain fundamental institutions of the Jewish people in an official capacity, but not regarding private matters. See, for example, Ibn Zimra's She-elot u-Teshubot ha-Ridbaz: vol. 4, res. no. 1172.

12 See, for example,tract. Qiddushin 80b, 'Arakhin 8b, Shabbat 63a, Yebamot 24a. See also Zohar 2:109b, cf. Mekhilta de-Ribbi Shim'on 21:5.



(ma'atiqim)—all of whom were righteous—then we shall undoubtedly and firmly rely on their truth.[13]

While the commentary of *Rashi* is often studied at face value, it would be dishonest to overlook a critical comment that he makes regarding the methodology of his commentary to the Hebrew Bible. Despite heavily incorporating the homiletical insights of *Midrashim* and Talmudic passages as a tool of biblical elucidation, even *Rashi* notes that his primary intent in sharing his insights is twofold: to unravel the peshat of verses where it may otherwise may not be apparent by simply reading the text, and to fill in biblical lacunas with additional layers of interpretation which are usually not meant to be read at face value. *Rashi* makes this clear when he states:

There are many homiletical explanations [to the Torah] and our Sages have already arranged them in their appropriate places in [the work] Bereshit Rabba and in other Midrashim. However, I have only come [to comment on] the plain sense of Scripture and with such homiletical passages (aggadot) that compliment the words of Scripture in a manner that fits in with them.[14]

Another term used by the *Talmud* to refer to *peshat*, as noted by Rabbi David Pardo[15] (1719-1792 CE), is that which even school children can comprehend—*qere beh rab*. Maimonides also relates to us that this basic reading of the scriptures is akin to that which the Sadducees—the 1st century group of Jews who rejected Rabbinic Judaism's canons of biblical interpretation—would accept in their own reading of the Torah. This canon of *peshat* is also known as *dabar sheha-ṣidduqim modim bo*—that which even the Sadducees accept. A practical example of invoking this canon is related by Maimonides', who offers a particular example relating to forms of forbidden bowing to foreign deities, where he notes that the Hebrew term, *hishtaḥavaya*, is a form of bowing during which one prostrates whilst spreading one's hands and feet. While this definition appears to be very specific, Maimonides notes that it is contrasted with other forms of bowing in Classical Hebrew, which is why even the Sadducees accept this definition as *peshat*.[16]

Ibn Ezra and *Rashi* offer us many examples of interpretation following these rules which establish the supremacy of *peshat*, and while a completely exhaustive list would be difficult to offer, some examples include: Ibn Ezra's insistence that Esau was not disingenuous when making peace with Jacob, as proposed by the Sages, simply due to the masoretic dots above the Hebrew word *'va-yishaqehu' (and he kissed him)*; his preference of identifying Isaac as not being 37 years old during his binding by Abraham, or that he was bound with consent; his suggestion that Jessica was not Sarah our Matriarch's other name, *Rashi's* insistence that God's revelation of the Jewish calendar simply means that the month of Nissan (and not that He demonstrated the lunar cycle to Moses and Aaron); that the Jewish people stood by the edge of Mount Sinai (and not that the mountain was literally held

13 Ibn Ezra, Commentary to the Torah: Intro. to Genesis
14 Rashi: commentary to Gen. 3:8
15 Maskil le-David: commentary to Lev. 13:3
16 Teshubot ha-Rambam (Blau edi.): vol. 2: res. no. 446: "They do not accept it because it is not in the written Torah." See tract. Sanhedrin 33b, Horayot 4a, Mishne Tora: Laws of Biat ha-Miqdash veha-'Obedim Bo 1:3. However, Nachmanides (Hiddushei ha-Ramban: commentary to Shebu'ot 14b) strongly objects to this definition, opting to define qere beh rab as just 'common knowledge'



above them); that Joseph told his brothers not to fight about their past animosity towards him while they return to Jacob to bring him down to Egypt (as opposed to other fanciful explanations that differetly define "do not fight on the road"; that the commandment to be joyous on the biblical Holidays is actually a biblical promise rather than a precept to be happy, and so on. [17]

Having now established the existence of a legally binding *peshat*, as well as peshat that is harmonious with other layers of interpretation, we may now conclude with the even broader approach of Gersonides (1288-1344 CE), who states that even legal content of the Hebrew Bible may be interpreted in light of Ibn Ezra's first two canons of interpretation, even in contrast to normative halakhic practice, so long as one does not instruct others to disobey the rulings and interpretations of the Sages in practice, which would then carry the weight of the law:

One is liable [to capital punishment] for wantonly instructing one to disobey in practice the priest (kohen) or [members of the High Court], but this does not apply to one's [personal] study or to teaching one's students in an unofficial capacity.[18]

While there is much to add to this otherwise brief analysis, it is better to make one's Torah study established by saying less and doing more, as noted by Shammai the Sage: *"Say little and do a lot."*[19] There are so many examples of multi-layer structures of interpretation throughout the Scriptures and commentators that remain unopened and ripe for us to learn and discover. Ultimately, this most sacred endeavor of studying our Torah—that is the heritage of each and every Jew (Deut. 33:4)—is a lifelong pursuit, a race that begins and ends with every morning and every evening of our lives (Josh. 1:8), our prayer is for us to merit this ongoing chase by maintaining the foundational principles of Torah study along with discovering its novel insights, as King David once prayed:

Be benevolent unto your servant so that I may live; so I may observe Your words. Open my eyes so that I may see the wonders from Your Torah (Ps. 119:17-18).

17 Ibn Ezra, commentary to Gen. 33:4; 22:5; 11:29, Rashi, commentary to Exo. 12:2; 19:17; Gen. 45:24; Deut. 16:15. It should be noted that while many more examples like these do exist, these citations are a sample of such remarks by Rashi and Ibn Ezra, rather than an exhaustive list of cases where they give primacy to the peshat reading of terms.
18 Gersonides, commentary to Deut. 17:11.
19 Tract. Abot 1:15.



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RELIGION OF EVOLUTION AND EVOLUTION OF RELIGION

BY LIEBEL SCHLESINGER

The naturalist crouches quietly in the grass, binoculars trained on the scene unfolding in the sunlit savanna. A young gazelle grazes, unaware that danger lingers nearby. Hidden in the shadows, a leopard moves with near-silent precision, muscles taut, eyes fixed intently on its unsuspecting prey. Watching from afar, the explorer feels an undeniable tug of sympathy toward the gazelle, instinctively leaning toward an urge to interfere, to somehow warn the delicate creature of the danger it cannot sense. But with a measured breath, they resist, understanding the responsibility of a true observer.

To step in would be to disrupt the delicate balance of predator and prey, favouring one life over another when nature does not. Just as the gazelle's life is precious, so too is the leopard's need for survival. The explorer accepts that their role is not to favour either side but to witness the balance of life as it is, knowing that in the wild, the most honest outcome is the natural one, or as we would describe it, the Godly one.

Indeed, the general rule of thumb for wildlife conservationists is to 'not interfere with wildlife when the threat is natural'. If we are to believe that all that exists is only the will of God, then we ought to expand that qualification to all that happens in the world not only in wildlife, and no matter where the threat is coming from.

The Torah, right at the beginning, as part of the actual story of creation, tells us the story of *Adam and Ḥava* in *Gan 'Eden*. This is a tale of the human condition at its most fundamental level. It tells us that the Godly element of the human intellect, the *Ṣelem Eloqim*, does not know how to identify good from bad. It knows very well how to observe God's work and learn from it—what is true and what is false, what is fact and what is fiction. However, it understands that whenever there is a threat to a gazelle, there is also an opportunity to a leopard; nothing is ever good or bad. This is being in *Gan 'Eden*, and this is where we have access to the eternal Tree of Life.

The Rambam in *Moreh HaNebukhim* [1-2] explains that the ability to differentiate good from bad is a vice, not a virtue. This ability is the result of the emotional response to the outside world, listening to the *Naḥash*, that is to eat from the forbidden fruit. It is the irrational fear of a person's insecurities that tells the human that they know better from worse, it is the emotional perception of threat that triggers us to see the world in a way that is split into good and bad. That can only happen when we see the world either from the point of view of the gazelle, or from that of the leopard, but we fail to see the world as the unified integrated ecosystem that it is, containing both the gazelle and the leopard. That is the Godly point of view.

Indeed, this story serves as the prologue for the entire Torah (Ralbag on Genesis 2:4). The Torah's purpose is to teach us how to stop eating from the *'Eṣ HaDa'at*, to stop being locked out of *Gan 'Eden*—a world where we find food only with



frustration and raise children with much pain—and instead to return inside and eat from the ʻ*Eṣ HaḤaim*, experiencing the world as Godly and therefore joyful.

This idea is also the last message the Torah conveys before the *parasha* of Moshe's death:

"See, I set before you this day life and prosperity, death and adversity." (Deuteronomy 30:15)

It is only God who can tell us what is good and what is bad, and we attain the good by eating from the ʻ*Eṣ HaḤaim*. This serves as the Torah's epilogue.

The modern world has, since the insights of Charles Darwin, understood this principle within the confines of the natural world. They understood the evolutionary principle, that nature will try all possibilities equally, and it is the very survival of one option over the other that defines it as the fittest. It follows that in the struggle between different branches of evolution there is never a good and a bad, just parts of an integrated system that keeps defining itself as time goes on. It is the very mechanism of evolution by which God himself defines what is actually good, as only he knows. We, of course, can only see the outcome retrospectively.

The evolutionary principle is observable everywhere in nature and it is therefore the language of God. It is how a climbing plant directs its tentacles to grab onto the rails of a nearby structure, how a tree directs its roots to find water, and how an insect ensures that its offspring end up surviving. It is also how the brain selects which neural pathways are fit and which are not. Individual neurons try different connections on a random basis, but only the ones that succeed in forming functioning networks get to be reinforced, it is the surviving connections that define the brain's overall wiring. We do the same with our thoughts, we imagine many different possible actions and we act out the ones we can calculate to have succeeded. After all, the human intellect is a *Ṣelem Eloqim*.

A lesser-known instance of this principle in play is in the arena of interpersonal politics and ideas. People tend to tell themselves that the reason they support one policy over another, or why they choose one occupation over another is because they rationally agree to one idea over another. However, studies have shown that it is in fact possible to predict, with an astonishing degree of accuracy, any person's alignment with any given political question just based on their personality traits. In fact, the political differences where people choose one idea over another is a result of the natural differences in people's personalities. As individual people come together in societies, they are forced to filter out whose ideas will be implemented and whose will not, it is the sum of all human traits that come together in forming the average idea to survive. Ideas flowing through the generations, is an evolutionary, and therefore Godly, process which retrospectively defines which ideas are good and which are bad.

This is the story of the *Dor HaFalagah* (Generation of the Dispersion). God says that if all people speak the same language, they think the same way, they fear the same threats, the world will not be able to be what it needs to be. As we see in the story, they all chose to live in the same place, and all chose to build the same tower to counter the same threat. God went down and split them up, he made them think differently, speak different languages, only then did they spread into different places and chose to do different things. It is only when each individual has a different nature and pulls in a different direction that the sum average can emerge and come forth to define the world into what it is. The definition of 'good' is therefore the outcome of this process, that which survives and shows us what God wants it to be. Conversely, the definition of 'bad' is the insistence that any individual idea is better than the one we can observe to be surviving.

A religion can be described as a particular set of ideas around the human outlook on oneself and on the world. We take it from the Torah on how to judge such ideas as valid or invalid, and that is how we form our religion. The Torah tells us for example that we must endeavour to understand the unity of God, and that we must love him and pray to him, these are the very points we repeat every day in *Qeri'at Shema*ʻ. The difficulties in how these ideas come properly together is the central topic of many books on Jewish philosophy.

However, apart from the description of our religious ideas, the Torah gives us another requirement for our religion to be valid: it must be passed down to our children and be reproduced through the generations. Indeed, we continue in *Shema*ʻ with the obligation to teach our children and to speak to them in the words of Torah. Similarly, Abraham was chosen by God to father the Jewish nation:

"For I have known him, that he will command his children and his household after him" (Genesis 18:19).

In that sense, Judaism must be considered as a living organism; part of its definition is its ability to pass on to the next generation. This is not always a simple task, as the young, pliable minds of our children are not always capable



of fully appreciating the merit of some of the deeper ideas. The Rambam *(Moreh 1:31)* compares this to the inability of an infant to eat the same food as an adult; in fact, it may even be dangerous for them. Often, the requirement to teach our ideas to our children shapes the very nature of our religion into a form that would not have been the same were it only for adult understanding.

Similarly to political ideas, so do religious ideas follow human personalities, different people with different traits are naturally attracted to different iterations of any particular thought, these ideas branch out through society and compete with one another for survival. And as in any other evolutionary process, it is the Godly design of the process which filters out one survivor over another, and it is the actual survival which defines which is fittest, like anything else in the world.

Judaism has undergone countless iterations throughout history, some radically different from each other, and some with more subtle differences. Starting from the *Kutim* (Samaritans) and *Ṣeduqim* (Sadducees), down to the different movements through the Enlightenment. Each of these groups have tried to argue their case based on the content of their ideas, however, the ultimate test of any possible Judaism is its ability to be taught successfully to our children and thereby to survive. The 'correct' Judaism is ultimately defined by its surviving versions.

As with the natural world, we can't know what idea is good or bad, but we can observe the facts of how God runs the world and learn from it. When judging the validity of any suggested possibility of a Judaism, we ought to consider its ability to survive in the world we're in. We need to properly appreciate the characteristics that make it more likely to engulf the young minds of our children, thereby giving it an advantage in being carried successfully to another generation. To do so, is to learn from God.

To lament the demographic success of a 'bad' version of Judaism, or to cry that Judaism is propagating in the 'wrong' direction, is to eat from the forbidden Tree of Knowledge of good and bad.



UNWRAPPING THE REASONS FOR TEFILLIN

BY **SINA KAHEN**

Judaism has its fair share of paraphernalia. *Tefillin* - known in English as 'phylacteries' - are among the most recognised and cherished of them. They comprise leather boxes containing specific Torah verses, worn on the arm and forehead. These sacred objects embody central themes of Jewish identity, history, and relationship with the Divine, and it is pertinent to explore them.[1] By examining the historical, symbolic, and theological dimensions of *tefillin*, we can uncover insights not only into this unique *miṣva* but also into the Jewish approach to *miṣvot* as a whole, offering a framework for strengthening one's relationship with God.[2]

Pathway to Connection

Jewish observance is fundamentally geared towards drawing closer to God, as part of our chief objective to "know Him".[3] The Torah instructs us to revere, love, and serve God, directing us to invite Him into every aspect of our lives:

And now, O Israel, what does your God YHWH demand of you? Only this: to revere your God YHWH, to walk only in divine paths, to love and to serve your God YHWH with all your heart and soul. (Deuteronomy 10:12)

HaRambam expands on this by teaching that all actions, words, and thoughts should ultimately lead to awareness and love of God.[4] Commandments such as *tefillin* serve as touchpoints, connecting us to this purpose. The Biblical sources for wearing *tefillin* appear in the following verses:

And it shall be for a sign (אות) upon your hand and a reminder between your eyes. (Exodus 13:9)
And it shall be as a sign (אות) upon your hand and as frontlets between your eyes. (Exodus 13:16).

Rabbenu Abraham ibn Ezra initially presents a metaphorical reading, suggesting these words could remind us to carry the memory of God's actions in our hearts and minds. However, he ultimately concludes that the 'literal' interpretation, to make and wear physical *tefillin*, is correct, as it aligns with the interpretation of the Sages who are "faithful witnesses" (עדים נאמנים).[5]



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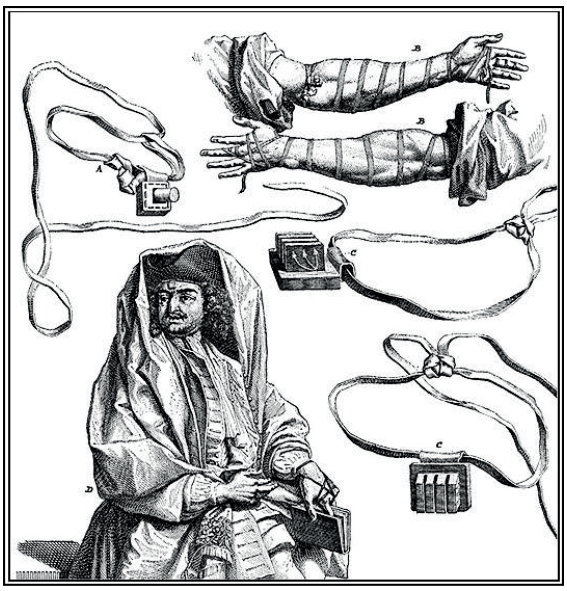
1 In his Moreh HaNebukhim (3:26), HaRambam encourages us to seek ta'ame hamiṣvot, which, although often translated as "reasons for the commandments," more aptly captures the notion of "tastes" or "sensibilities" of the commandments. The term "tastes" implies a subjective understanding of the purpose of the commandments, as opposed to an objective reason. In Hebrew, ta'am carries the dual meaning of both "taste" and "reason," and HaRambam's use of this term highlights the distinction between an experiential, personal understanding of the commandments and the pursuit of an ultimate, objective explanation. According to HaRambam, it is crucial for individuals to explore the commandments and develop personal connections and insights into their significance. This process of seeking the "tastes" of the commandments is akin to savouring the flavours of a dish, where each person may appreciate and relate to different aspects of the experience. By engaging with the commandments in this manner, we strive to deepen our appreciation for and connection with these Divinely ordained practices. It is important to note that this personal exploration should not be mistaken for an attempt to uncover the ultimate, objective reason behind the commandments. The true purpose of the commandments transcends human comprehension and is rooted in God's command. By seeking the "tastes" of the commandments, we acknowledge the limitations of our understanding while nurturing our People's remarkable ability to generate meaning.

2 For a detailed and lengthier analysis of this subject, see Rabbi Dr. Jose Faur's Horizontal Society, Appendix 9. The vast majority of this essay is based on Rabbi Faur's phenomenal analysis there, as well as Ohad Fedida's presentation on the topic (available at The Habura's YouTube page and podcast: https://www.youtube.com/watch?v=QrbFb6Hh-Oo)

3 As developed in Miṣva #1 of HaRambam's Sefer HaMiṣvot:
המצוה הראשונה הוא הצווי שנצטוינו בידיעת האלהות והוא שנדע שיש שם עלה וסבה הוא הפועל את כל הנמצאים
Contrary to popular misconception, this is a command to know God, and not to believe in Him. See Rabbi Yosef Qafiḥ's analysis in Cross-Roads: Halacha and the Modern World. Alon Shvut: Zomet; 1987. pp. 109–16.

4 Mishneh Torah, Hilkhot Yesode HaTorah 2:2

5 Rabbenu Abraham Ibn Ezra on Exodus 13:9



Tefillin as a National Archive

The structure of *tefillin* reflects the Torah in miniature. Each of the four compartments within *tefillin* contains passages encapsulating the Torah's essence. The first compartment[6] narrates the liberation of Israel from Egypt, symbolising salvation. The second compartment[7] links the Exodus to the sanctity of the Land of Israel, underscoring the importance of translating historical memory into geographical reality. The third compartment [8] establishes the cornerstone of Jewish faith: conviction in and love of God. The fourth compartment[9] mandates the fulfilment of His commandments. These texts embody the entirety of Torah principles, reinforcing the rabbinic assertion in that *"the whole Torah has been placed side by side (הוקשה) with the tefillin."*[10] Rabbi Yonah ben Abraham Gerondi amplifies this perspective, asserting, *"whoever wears tefillin, it is as if the whole Torah is on his lips."*[11]

To illustrate the symbolic relationship between *tefillin* and Torah scrolls, Jewish law prescribes that both are sewn in a similar manner.[12] This connection is not merely ornamental but signifies a synthesis wherein *tefillin* serve as a condensed representation of the Torah, creating a portable, daily embodiment of its teachings. This analogy between Torah and *tefillin* is further embedded in judicial practice, where traditionally, a Torah scroll is held when administering certain oaths. However, if the individual is learned, *tefillin* may be held instead, reflecting their equivalence as vessels of Torah.[13] Therefore, the *teffilin* serve as a repository of Torah - an archive of sorts.

This archival function of *tefillin* took on new layers of meaning in the aftermath of the Second Temple's destruction. The Roman authorities, intent on eradicating Jewish people and Jewish memory, destroyed Jerusalem's archives, attempting to sever the continuity of Jewish history.[14] The donning of *tefillin* now had an additional value for Jewish people: they would counter Roman oppression through the observance of *tefillin*. In this act of resistance, the *tefillin* wearer was now turned into a "national archive incarnate"[15], preserving Jewish memory and identity through a daily act that embodies historical continuity. Consequently, it is unsurprising that *tefillin* became a focus of Roman persecution. The Romans decreed, *"Whoever places (מניח) tefillin, (we shall) prick out his brain".*[16] This harsh decree illustrates the perceived threat that Roman authorities associated with the *tefillin*, viewing them not as benign religious symbols but as tools to maintain a semblance of Jewish memory, and as active manifestations of Jewish resilience.

Tefillin as Distinct Signs

In the Torah, the *tefillah shel yad* is described as an אות ("sign").[17] In biblical Hebrew semiotics, a "sign" functions by conveying meaning through contrast, clearly marking distinction. A "sign" is either recognised or missed; it is not open to subjective interpretation, instead carrying a consistent and unified message.[18] In this way, *tefillin* serve as outward symbols of Jewish identity and commitment. This concept of an אות as a "sign" appears in the Torah in only two other contexts: circumcision[19] and Shabbat[20] - both identifying markers that distinguish the Jew from others.[21]

The head tefillin, unlike the arm *tefillin*, is referred to as a זכרון (*zikkaron*), meaning "memorial", a term deeply connected with memory and identity in Jewish tradition. In Targumic translation, זכרון is rendered as דוכרן (*dukhran*), meaning "memorandum."[22] This translation suggests that the *tefillin* serves not only as a tool for personal remembrance but also as a means of memorialisation, reinforcing a collective identity. Each Jew, by wearing the *tefillin*, becomes an

6 Exodus 13:1-10
7 Exodus 13:11-16
8 Deuteronomy 6:4-9
9 Deuteronomy 11:13-21
10 Qiddushin 35a
11 Sha'are Teshuba #153, 16b and Mekhilta de-R. Yishma'el, p. 68
12 Maqqot 11a
13 Shebu'ot 38b and Mishneh Torah, Shebu'ot 11:11-12
14 Josephus, Jewish Wars, VI, 354; vol. 3, p. 479
15 See Appendix 9 of Rabbi Dr Jose Faur's Horizontal Society.
16 Shabbat 49a; cf. Megillah 24b
17 Exodus 13:9, 16
18 See Rabbi Dr Jose Faur's Golden Doves, pp. xxiv-xxv, 83
19 Genesis 17:11
20 Ezekiel 20:12, 20
21 Rabbenu Se'adya Gaon, Commentary on Exodus
22 A memorandum is a formal written note used to communicate information, instructions, or agreements within an organisation, often serving as a record for future reference.



active part of Jewish history, carrying the Torah as both an individual and communal symbol.

Tefillin as Divine Reminders

In ancient cultures, amulets were pervasive and were believed to hold magical properties that could influence the supernatural forces around them. Often tied around the body, amulets included cords, bands, or pendants inscribed with protective texts. Even today, Yamabushi priests in Japan wear similar items on their foreheads. However, tefillin serve a distinctly different purpose. Rather than acting as protective charms, *tefillin* are reminders of our covenantal obligations. HaRambam explicitly dismisses any superstitious interpretation that reduces sacred objects to talismans, stressing instead that *tefillin* "protect" by reminding the wearer of their divine responsibilities:

"Whoever wears tefillin on his head and arm, wears ṣiṣit on his garment, and has a mezuzah on his entrance, can be assured that he will not transgress, because he has many who will remind him".[23]

In this sense, the "protection" offered by *tefillin* lies in their role as symbols of dedication and spiritual awareness. They are not magical objects but "mementos" that focus the wearer's attention on their covenant with God, creating a kind of mental shield. The Talmud associates *tefillin* with strength (עֹז)[24] and closeness to the Divine, reinforcing their purpose as reminders of unflinching commitment. Rabbinic authorities further caution that, while *tefillin* may help bring one closer to God, they are not protective amulets: the wearer is responsible for preserving the sanctity of the *tefillin* rather than expecting the *tefillin* to protect them.[25]

Tefillin as Symbols of Majesty

Throughout history, crowns, robes, and other forms of regalia have symbolised authority, grandeur, and sacred status. Think of the images of ancient Egyptian pharaohs, adorned with gold and the iconic snake emblem on their foreheads, or the golden sarcophagi meant to convey their eternal authority. In a similar way, *tefillin* serve as "crowns", embodying spiritual majesty and honour. The Talmud teaches that mourners do not wear *tefillin* because they represent pe'er (splendour), a quality that is at odds with the humility and sorrow of grief. Rashi expands on this, explaining that the splendour of *tefillin* stands in contrast to a mourner's humbled state. [26]

This description of *tefillin* as *pe'er* suggests that they are more than ritual objects, as they are symbols of the dignity and sanctity carried by each male member of the Jewish people. Through *tefillin*, the concept of divine authority is democratised - no longer reserved for kings or priests, but accessible to every Jewish man. This "crown" signifies each individual's special relationship with God, allowing each to embody a sacred connection that transcends social status, wealth, or rank.

23 Mishneh Torah, Hilkhot Tefillin u'Mezuzah, v. 12
24 Berakhot 6a
25 Tosefta Ḥagiga 1:2
26 Mo'ed Qatan 15a, and see Rashi's commentary there.



Unlike the opulent regalia of other cultures, *tefillin* are crafted from simple leather, symbolising humility and a connection to the natural world. The Talmud emphasises that *tefillin* must be made from kosher animals.[27] This choice reflects the Jewish conviction that sanctity and distinction is achieved not by escaping the material world but by elevating it. This simplicity of *tefillin* also reminds us of our shared origin with animals, underscoring that humans are closely connected to nature. In this way, *tefillin* transform everyday materials into a medium for sanctification, linking human beings to the Divine while grounding them in the natural world.

Tefillin as Paradox

Tefillin commemorate the freedom from Egypt, yet they also embody a profound, self-imposed dedication to divine law. In this way, *tefillin* present a paradox: they symbolise liberation while also representing an act of binding – quite literally! The Torah passages within *tefillin* remind the wearer of the Exodus, the foundational narrative of Jewish freedom. However, the physical act of donning *tefillin* - binding them to the arm and head - reflects a conscious commitment to live as a servant of God rather than a slave to human beings and human impulses. This duality captures the essence of freedom in Jewish thought. The Hebrew word עבודה (service) shares its root with עבד (servant), teaching that the Jewish people are called to serve not human masters, but Existence itself. Through *tefillin*, one embraces this liberation by dedicating their life to a higher purpose, freely choosing divine service over worldly enslavement. This highlights that, for an Israelite, true freedom is found in devotion to God rather than in unrestricted independence. Through the act of wearing *tefillin*, one gains both strength and freedom through commitment.

Tefillin as a Rite of Passage

In Sepharadi tradition, the coming-of-age ceremony for a boy, typically at age thirteen, is marked not as a "Bar Mitzvah" but as *libes at-Tefillin* in Judeo-Arabic or *vestir el Tefillin* in Judeo-Spanish. This difference in terminology shifts the focus from the boy becoming "commandment-worthy" (which is what "Bar Mitzvah" literally means) to him actively taking on the responsibility of wearing *tefillin*. Elder family members usually assist in this first donning, symbolising the transmission of tradition from one generation to the next. This ritual mirrors the act of depositing a sacred item in a safe place, as the young man symbolically becomes a depository of Israel's sacred national treasures.[28] The ceremony thus serves as an initiation into a lineage of Jewish memory, turning the young man's body into a living archive of Jewish values and history.

Conclusion

A moving midrash envisions God Himself "wearing" *tefillin*, mirroring the devotion His people show toward Him.[29] While Israel's *tefillin* hold verses remembering God's commandments, God's "*tefillin*" contain words of praise for Israel, affirming their unique role and loyalty. As the Talmud teaches, inscribed within God's *tefillin* is the verse: "Who could compare to Israel, Your nation, a people unique on earth."[30] This symbolism beautifully reflects the Covenant (*berit*) between God and Israel, each partner metaphorically carrying a record of the other's devotion. Through *tefillin*, both Divine and human, this bond becomes a living emblem of love and remembrance, where each honours the other in an eternal relationship.

Tefillin are more than ritual artefacts. We must remind ourselves of this as we inevitably fall prey to the reductionist and repetitive maelstrom of contemporary life. They are markers of identity. They are symbols of resistance. They are a crown upon our heads. Above all, they are a touchpoint in our Covenant with God. My hope is that the reader internalises these meanings every morning as they rise and prepare to unpack them to put them on - embracing this timeless connection in the manner it deserves.

27 Shabbat 28b
28 See Appendix 9 of Rabbi Dr. Jose Faur's Horizontal Society.
29 Berakhot 6a-b
30 1 Chronicles 17:21

DO WE CELEBRATE THE DOWNFALL OF OUR ENEMIES?

BY **MARC MENASHE**

A 19th-century Ḥakham on the island of Rhodes made a bold decision to annul an established custom in the community of making a noise during *Megilla* reading, in the interests of preserving relations with non-Jewish neighbours. The source of this custom to "stamp out" the name of our arch-foe touches on a dilemma in Jewish philosophy of rejoicing when the wicked fall, but not celebrating their demise.

What were the values that guided the Ḥakham in taking action against a practice, which even until this day remains very popular? More importantly, are those principles relevant in the 21st century (especially in a post-October 7th world) where there is no shortage of modern-day Hamans trying to wipe out the Jewish people and where it often is very tempting to celebrate their downfall?

The Dilemma

The centrality of the debate around our enemies' downfall is based on the miṣva to *"obliterate the remembrance of Amaleq from beneath the heavens"*[1] . The Talmud expands on this in *Sanhedrin* 113b where it is written: *"When the wicked perish from the world, good comes to the world, as the verse states, 'When the wicked perish, there is joyful song.'"*[2]

However, in the very same tractate, the Talmud records that *"When the Egyptians were drowning in the Sea of Reeds, the angels wanted to sing. G-d said to them, 'The work of My hands is drowning in the sea, and you want to sing?'"*

Similarly, it is written in the book of Proverbs: *"When your enemy falls, do not rejoice, and when he stumbles, let your heart not exult, lest the L-rd see and be displeased, and turn His wrath away from him."*[3]

Therein lies the paradox: we celebrate the downfall of our enemies on *Purim*, but we spill wine and omit parts of Hallel on the later days of *Pesaḥ* in recognition of our enemies' humanity.

The Conventional Approach

The Sages have not shied away from addressing this philosophical tension, especially on the topic of *Amaleq* and *Purim*. Many authorities, including the Bet Yosef[4] , the Ramah[5] , and the *Abudarham*[6], have endorsed the minhag of stamping out Haman's name to some degree or form. Rabbi Ḥaim Palachi and the *Ḥida* go as far to say that the practice should be publicised with fervour, so as to act as a deterrent against any nation attacking the Jewish people in future.[7]

Indeed, the *minhag Yisra'el* of today is to follow this approach, although this is not universally accepted[8] and some communities take a more compromised approach to noise-making. For instance, Ḥakham Obadia Yosef discouraged the practice and, if the need arises, the community should bang only on the reading of the first and last Haman.[9]

A Unique Sepharadi Experience

Before exploring the alternative approach, it is important to consider the background of the



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1 Exodus 17:14; see also HaRambam's *Sefer ha-Miṣvot*, positive commandment 188.
2 See also Proverbs 11:10.
3 Proverbs 24:17–18.
4 Rabbi Yosef Qaro, Bet Yosef, *Oraḥ Ḥaim* 690:17.
5 Rabbi Moses Isserles on *Shulḥan 'Arukh Oraḥ Ḥaim* 690:17.
6 Rabbi David ben Yosef Abudarham, *Sefer Abudarham*.
7 Ideas from Rabbi Dr R. Hulkower, *"Minhag or Mayhem – Noisemaking during the Purim Megilla Reading,"* Torah Musings, 22 February 2018; see also Rabbi Ḥaim Palaggi, Ruaḥ Ḥaim, Oraḥ Ḥaim (Izmir: Segurah, 1876), 696:9; and Rabbi Ḥaim Yosef David Azulai, Maḥziq Berakhah (Livorno: Kashtilu, 1785), Kuntres Aḥaron, section 687.
8 For instance, such practices were forbidden in the Spanish & Portuguese congregation in 1783, in the Posen (Poland) community in 1866 and the Yemenite and Kurdish communities had never known of this practice; see Rabbi A. Enkin *"Banging and Noisemaking at the Mention of 'Haman'"* OU Torah.
9 See a summary of the works of Ḥakham Obadia Yosef, Halakha Yomit, 11 March 2024. This practice is also in line with the *Ben Ish Ḥai's* personal customs; see *Rabbi Yosef Ḥaim, Ben Ish Ḥai, Hilkhot Purim* (after Perashat Teṣaveh), section 10

Ḥakham who banned the practice, and the community which he led.

Rhodes Island during the 19th century was at the heart of the Ottoman Empire and the gateway to the Levant. Its population consisted of a milieu of Muslims, Greek Orthodox and a small but impactful Sepharadi community. Rhodes was a centre of Torah learning, known in Ladino as *"La Chica Yerushalayim"* or the "Little Jerusalem". A few dynastic rabbinical families led the community and, for its size, disproportionately influenced other communities across other Ottoman territories. It was against this backdrop that Ḥakham Raḥamim Ḥayyim Yehudah Israel, whose family had been rabbis in Rhodes for 300 years, was Chief Rabbi of the community between 1882 and 1892.

In his book, *Sefer Ben Yamin*, he tackled the question of jeering during *Megilla* and *Perashat Zakhor*.

A Dissenting View

In Ḥakham Israel's responsa, he rebuked the community for noisily hitting the benches with wooden beams and stomping on the floor, which he called an "ugly practice". In explaining his rationale, he cited five potential damages from this practice[10] :

1. Shaming the honour of the *Shekhinah* in the synagogue;
2. *Bal Tashḥit* and the unnecessary destruction of wood;
3. Disruption of the Torah and *Megilla* readings, and ruining the opportunity to fulfil the *miṣva* of hearing every word;
4. Projecting a negative image of Jews to the world as unruly and violent people; and
5. The fear of creating hostility with non-Jews and ruining cordial relations.

The first three reasons are self-explanatory but in explaining the reasons for the latter two, the Ḥakham offered some novel insights into his thinking about the welfare of his community:

"Two years ago, we approached the Effendi [supreme court judge], asking that their custom [of the Greek Orthodox] be annulled. Their custom, on their holiday was to create the figure of a Jew and act out their vengeance on it for their prophet having been hanged. In those days, in their houses of prayer, they would also preach to sustain their rancour and hatred towards Jews, and would then go out into the streets to pursue Jews, and to beat and curse them".

The Effendi found in favour of the Jewish community's plea, saying "if their fathers sinned, and are no longer - what have we against their children?".

However, as part of his decision, the judge also gave a harsh critique of the Jewish community's behaviour during Purim saying:

"Yours is worse than ours, for we have a basis for our revenge, since your forefathers killed our prophet, and we visit the sins of the fathers on their children. You however, did as you pleased with Haman and his sons, and he sinned against you ***in thought only, conspiring yet not acting.*** *Why do you continue to strike out in rage? Why are you so fearful."*[11]

The Ḥakham concluded that the words left the petitioners humiliated and speechless.

Context is Everything

The annulment of a custom is not unprecedented and many Torah scholars have questioned the appropriateness of this particular *minhag* from a practical perspective.[12] However, what is extraordinary from the reasoning of the Ḥakham is how he saw those *halakhic* principles in the context of the contemporary circumstances of his community.

Firstly, he was acutely aware that the Jews enjoyed a protected, and to some extent preferential, status under the Ottomans, but this was not to be taken for granted. For instance, he had witnessed in his younger years the infamous Rhodes blood libel which at the time (1840) was escalated to the highest echelons of European diplomatic affairs, involving Sir Moses Montefiore, the Rothschild family and eventually the Sultan himself.

Secondly, Ḥakham Israel must have had very broad shoulders to reverse a well-established custom, against the tide of codified rabbinical writings and probably facing some objection from lay-leaders.

Thirdly, the Ḥakham saw his role not only as an arbiter of halacha and custodian of Jewish law, but also as a leader who had to make decisions for the welfare and future of the community. While times were good then, he had to keep one eye on the hastily changing political horizon of the late 19th century, and towards a later time when the Jews might need to rely on the goodwill of their Turkish or Greek neighbours. Ironically, and with hindsight, that comradery was tested during the Holocaust when the local Turkish consul managed to save 42 Jews on the island while some Greek neighbours grabbed vacant Jewish properties without remorse.

Timeless Principles, Modern Application

Irrespective of Jewish attitudes to *Megilla* reading today, a question remains if there is a place for that classic balanced Sepharadi approach in today's times.

While it certainly is the easier (and even gratifying) option to celebrate the fall of one's enemies, terrorists and evil in the world today, how would Ḥakham Israel rule on a similar question put forward to him today? Would a context based approach be considered, taking into account the considerations of the Jews being in a prosperous, but precarious, position in society as well as the reactions of non-Jewish communities? More fundamentally, it continues the ongoing debate about when long-established practices and personal convictions should yield to matters of *derekh ereṣ* and communal security.

10 Ideas from, and translations of, Sefer Ben Yamin, derived from a shi'ur by Rabbi Daniel Bouskila of the Sephardic Educational Center, 25 July, 2023.
11 Ibid.
12 Although Ḥakham Obadia Yosef did not ban the practice, he pointed out that the custom has many shortcomings, on the basis of respecting the decorum of the synagogue (these reasonings align with Ḥakham Israel's reasons (1) to (3) above); see Ḥakham Obadia Yosef, *Ḥazon Obadia*, Purim, p. 62 and *Yalkut Yosef*, Purim, p. 454. See also Rabbi Yisrael Meir Kagan, *Mishnah Berurah* 690:59.

TO DWELL IN TORAH: PORTRAYALS OF YA'AQOB AS A RABBINIC FIGURE

BY **NESSYA KAMHI**

First coined by Jacob Neusner, the term 'rabbinization' has been garnering growing interest in the academic world of late.[1]

Its meaning has been difficult to pin down, though two definitions have risen to prominence, the first being that it describes a 'sociological process in which Jews accept rabbinic discourse as normative'.[2] This definition by Ron Naiweld has been reinforced by academics like José Costa and Ra'anan Boustan, both of whom acknowledge the synagogue as a central Judaic space in which rabbinic authority and their methods of disseminating Jewish knowledge became essential.[3] The perhaps more interesting definition, however, is one posed by Costa, who writes that rabbinization can refer to the way in which the rabbis 'reappropriate elements of very diverse origins, Jewish or non-Jewish, literary or non-literary' in their commentaries, placing them within rabbinic contextual frameworks.[4] Tanakh, though the foundation for all Jewish thought, is by virtue of its divine status non-rabbinic, a 'literary' work of sorts which the rabbis seek to irrevocably connect to their own period and teachings, recontextualising the everlasting word of Torah in their own time. With this definition in mind, rabbinization comes to include the practice by which rabbinic terms and characteristics are applied to biblical characters in rabbinic reinterpretations of Torah, bringing these two different chronological contexts side by side.

Perhaps the most famous example of this is the rabbinic referral to Moses as *'Moshe Rabbenu',* a suffix which is well known across the rabbinic world. In calling Moshe 'our rabbi', our Sages were able to bring a revered biblical character into their own framework and context, situating their teachings within the biblical setting from which they originate. Richard Kalmin writes that, in doing this, the rabbis sometimes 'emphasise the greatness of biblical heroes and compare them favourably to even the most important rabbis', cementing the connection between the biblical and the rabbinic.[5] What I seek to explore here, however, is another, less obvious example of rabbinization – the case of *Ya'aqob*, whose characterisation by the rabbis in Talmudic, midrashic and later commentary interpretations of Genesis 25:27 can be viewed as a clear example of

1 Jacob Neusner, *A Theological Commentary to the Midrash*, vol. Six: Ruth Rabbah and Esther Rabbah (Lanham: University Press of America, 2001). 59

2 Ron Naiweld, "The Rabbinization Tractates and Propogation of Rabbinic Ideology in the Late Talmudic Period," in *Diversity and Rabbinization of Jewish Texts and Societies Between 400 and 1,000 CE*, ed. Gavin McDowell, Ron Naiweld, and Daniel Stökl Ben Ezra (Open Book Publishers, 2021), 339–57. 340

3 José Costa, "Réflexions Sue Le Judaïsme Non-Rabbinique, La Rabbinisation et Le Judaïsme Synagogal," *Judaïsme Anc.* Anc. Jud. Int. J. Hist. Philol. 7 (2019): 187–244. 241

4 Costa, "Réflexions Sue Le Judaïsme Non-Rabbinique, La Rabbinisation et Le Judaïsme Synagogal." 210. Own translation; original french: les rabbins se réapproprient des éléments de provenance très diverse, juive ou non juive, littéraire ou non-littéraire .

5 Richard Kalmin, "Rabbinic Portrayals of Biblical and Post-Biblical Heroes," in *The Synoptic Problem in Rabbinic Literature*, ed. Shaye J.D. Cohen (Brown Judaic Studies, 2020), 119–41. 119



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this academically termed phenomenon of contemporising biblical and post-biblical figures in the pursuit of biblical and rabbinic unity.[6]

When we are first introduced to *Yaʿaqob* he is but a hand holding onto his brother *ʿEsav's* heel. In Genesis 25:27, the twins' characters are outlined further, *ʿEsav* being classed as איש ידע ציד איש שד , a 'cunning hunter, a man of the field' – a physical man driven by physical pursuits. The language used to describe *Yaʿaqob*, on the other hand, is diametrically opposed to the description of his twin, the Torah stating יעקב איש תם ישב אהלים, '*Yaʿaqob* was a plain man, dwelling in tents'.[7] This descriptive verse appears simple enough, yet its language leaves ample room for rabbinic interpretation and recontextualisation, beginning with the midrashic explorations of the use of the word תם in this biblical passage. *Midrash Tanḥuma Mishpatim* translates תם as 'perfect' rather than other translations like 'innocent', 'plain' or 'simple', describing *Yaʿaqob* as being 'a perfect man in the performance of good deeds'.[8] Such a description situates this biblical character firmly within the concept of *middot*, a rabbinic structure which builds upon biblical commandments to create a Jewish ethical framework. The text goes on to note that his 'dwelling in tents' depicts that he '[devoted] himself to the Torah', though at this point in Tanakh the concept of Torah did not – and could not – exist as the rabbis understood it, nor as we understand it today.[9]

Torah at this point in Jewish history practically means a belief in G-d and an adherence to the covenant made with Him through *berit milah*[10], yet this *midrash* discusses *Yaʿaqob's* devotion to what can only be understood as a rabbinic conception of Torah, the study of *halakha* as it is carried out in the *yeshiba* system, though how the *yeshiba* functions has changed over the centuries. Here is a glimmer of rabbinization as *Yaʿaqob* is shown to embody rabbinic ideals and methodologies, sitting in his tent and learning in the same way that students are encouraged to learn from Tanakh and rabbinic teachings. Such an idea is compounded by another midrashic reading of Genesis 25:27 in *Midrash Tanḥuma Shemot*. Here, the *midrash* connects *Yaʿaqob* to the rabbinic characterisation of his father *Yiṣḥaq* as a teacher who teaches him 'the law', or *halakha*, stating that 'his father […] taught him the law and reprimanded him (as he studied) in the classroom', citing Genesis 25:27 as the originating verse of the interpretation.[11] It goes on to say that 'after he had absorbed everything his father could teach him, he left his father's home and went to live in *ʿEber's* home, where he continued to study the law', a statement which explains the plural אהלים in the biblical verse by suggesting that *Yaʿaqob* gained instruction in more than one pseudo-institution of learning.[12] *Midrash Aggadah* on this verse also mentions *ʿEber*, expanding by stating that *Yaʿaqob* 'studied in the bet midrash of *ʿEber* and in the seminary *bet midrasho of Shem*' – שהיה למד בבית מדרשו של עבר ובבית מדרשו של שם.[13] These two places of learning are also specifically mentioned in *Bereshit* Rabbah 63:10, their presence in many different rabbinic texts heavily suggesting that this reading of the plural of אהלים was widespread among rabbinic thinkers.[14]

The concept of a בית מדרש, too, is distinctly a rabbinic one, tied to the later institution of the ישיבה which Jeffrey Rubenstein notes emerged as a 'permanent, ongoing institution during Stammaitic times'.[15] It could not have existed in biblical times in the way that these *midrashim* are suggesting, and this historical inconsistency creates an opening through which we can see the process of rabbinization taking place. To explain the difference in character to his brother, *Yaʿaqob* is viewed through the lens of Torah study as the rabbis envisioned it, a primary tenant in rabbinic Judaism which endures today in our continued use and attendance of *yeshibot*. For the rabbis who aimed to perpetuate their interpretive methodologies, Yaʿaqob could serve as a biblical example to their communities, encouraging the Jewish people of the Talmudic and later periods to follow these emerging rabbinic frameworks for learning and keeping Torah. Curiously enough, the word ישיבה is etymological related to ישב, a verb which is used very specifically in our original biblical verse in the phrase יעקב [...] ישב אהלים. The close linguistic links between this verb and the noun ישיבה are astonishingly clear, so much so that it is no wonder that such an associative link was made by the rabbis of the Talmudic period.

This idea is furthered in the halakhic texts of *Mishneh Torah*, particularly on Talmud Torah, which talk about giving one's life up in the אהלי החכמים, 'tents of wisdom' whilst discussing the best way in which a person can learn and absorb Torah.[16] Here, the Mishnah talks of 'tents' in the plural in the same way that Genesis 25:27 does. Such a linguistic link,

6 For a survey of all academic literature on rabbinization, see Ra'anan Boustan, "Afterword: Rabbinization and the Persistence of Diversity in Jewish Culture in Late Antiquity," in Diversity and Rabbinization of Jewish Texts and Societies Between 400 and 1,000 CE, ed. Gavin McDowell, Ron Naiweld, and Daniel Stökl Ben Ezra (Open Book Publishers, 2021), 427–49.

7 Genesis 25:27

8 *Midrash Tanḥuma Mishpatim* 19:7

9 *Midrash Tanḥuma Mishpatim* 19:7

10 Editor's note: For a detailed analysis of pre-Sinaitic 'observance', see: https://alhatorah.org/Avot_and_Mitzvot_%E2%80%93_Was_Avraham_the_First_Jew/2/en

11 *Midrash Tanḥuma*, Exodus 1:10

12 *Midrash Tanḥuma*, Exodus 1:10

13 *Midrash Aggadah,* Genesis 25:27:1

14 *Midrash Rabbah,* Genesis 63:10

15 Jeffrey L. Rubenstein, "Social and Institutional Settings of Rabbinic Literature," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte Elisheva Fonrobert and Martin S. Jaffee, 1st ed. (Cambridge University Press, 2007), 58–74. 70. Rubenstein's body of work on Talmudic literature and culture is seminal in establishing an understanding of the sociological backdrop to and development of rabbinic literature. The word דרש also does not appear with this usage in Tanakh.

16 *Mishneh Torah*, Talmud Torah 3:12

alongside these other methods of literary intertextuality, solidify that *Yaʿaqob* is subject to rabbinization. In making him a proponent of the *middah* of sitting and learning Torah in the 'tent of wisdom' all day, the rabbis of the Mishnaic and Talmudic periods are able to cement their authority further by provide their contemporaries with a biblical example of exemplified Torah study, allowing them to contextualise their *halakhot* within the biblical context from which they originate.

This rabbinizing reading of *Yaʿaqob* and its validity as a connective method continues in later rabbinic commentaries on Tanakh, beginning with seminal commentators like Rashi, who often refers back to the *midrashim*. In his analysis of this verse, Rashi writes that the phrase יושב אהלים refers to the tents of Shem and *ʿEber*, citing *Bereshit Rabbah* 63:10 as his source.[17] Radaq goes further, not limiting *Yaʿaqob's* pursuit of Torah to these two tents; in his commentary he writes that the Torah writes אהלים in the plural mode 'because *Yaʿaqob* studied with any wise man he came across [and did not discriminate in this regard], wanting only to amass knowledge'.[18] Seforno and Rabbenu Baḥya go further, situating 'tents of learning' within a broader philosophical framework, something which allows the concept to be applied much more broadly for the Jews who were not part of the yeshiba context, a linguistic as well as conceptual reappropriation. Seforno considers that 'the plural mode [of אהלים] indicates that the Torah speaks of two distinctly different kinds of tents', the first being the practical 'tent used by shepherds'.[19] In defining the more abstract second tent, however, he suggests that its function is 'to help people come closer to G-d and to gain insight into His ways', suggesting that the philosophical pursuit of Torah study which takes place within it is one method by which Jews can gain a closer relationship with their Creator.[20] Rabbenu Baḥya, too, describes *Yaʿaqob* as a 'student of Torah', concurring with the earlier sources that describe the 'academies' of Shem and *ʿEber*.[21] He expands on this, however suggesting that the plural of אהלים refers to two different 'regions' of spirituality in Torah study, writing 'that *Yaʿaqob* demonstrated that one could live in the tent of the "higher" regions and in the tent of the "lower" regions of the universe simultaneously'.[22]

This interpretation gives even greater weight to the rabbinic methodologies of studying Torah, as it suggests that one can live both a spiritual and a material life in tandem, without compromising one or the other, using the widely revered character of *Yaʿaqob* as a key biblical example.

The application of rabbinization is not limited to this example. As discussed earlier, another example which warrants investigation is the example of *Moshe Rabbenu*, particularly how he is portrayed in the Talmud in *b.Menaḥot* 29b. Here, the rabbis do something entirely unique, bringing this biblical character directly into Rabbi *ʿAqiba's* classroom, recontextualising both the biblical and the rabbinic into a shared context. Though slightly different to *Yaʿaqob's* rabbinic portrayal, it is an example which is worth exploring in another work as it could help us further our understanding of rabbinization as a rabbinic exegetical technique, allowing us to further understand how our Sages related themselves and their teachings to the biblical text at their core. It is clear, however, that the concept of rabbinization, though academically proposed, has much merit in Jewish Torah study; it allows us to connect ourselves more directly to our biblical figures, making their behaviour and characteristics easier to emulate in our own lives. With rabbinization, *Yaʿaqob* becomes the connecting point by which we can relate Torah study to the Torah itself, giving it value and weight as a means of getting closer to G-d. For our rabbis this was essential, and they actively pursued it through rabbinizing biblical figures. It deepens their authority and strengthens the interweaving of the different types of Torah, contemporising the biblical and the rabbinic. Exploring the case of *Yaʿaqob* offers a unique insight into the value of this rabbinic literary and exegetical technique.

Rabbinization, in imbuing the biblical with the rabbinic and the rabbinic with the biblical, allows the rabbis to actively connect their teachings across different centuries to the foundational text of Tanakh, reinforcing their authority and deepening their understanding of and connection to G-d's word. Far from using subjectivity of the text for their own gain, rabbinization reinforces the central Judaic idea that the rabbinic and the biblical share the same divinity, equally important and utterly intertwined in how we understand and approach Torah.



17 Rashi, Genesis, trans. Yisrael Isser Zvi Herczeg (New York City: Mesorah, 1995). 277
18 Radaq on Genesis 25:27, Eliyahu Munk, trans., Mikraot Gedolot: HaChut Hameshulash (Lambda, 2003).
19 Rabbi Obadia ben Jacob Seforno (Seforno)'s Commentary in Munk, *Mikraot Gedolot: HaChut Hameshulash.*
20 Seforno on Genesis 25:27, *Mikraot Gedolot: HaChut Hameshulash*
21 Rabbenu Baḥya on Genesis 25:27, *Torah Commentary by Rabbi Baḥya Ben Asher,* trans. Eliyahu Munk (Urim Publications, 1998).
22 Rabbenu Baḥya on Genesis 25:27

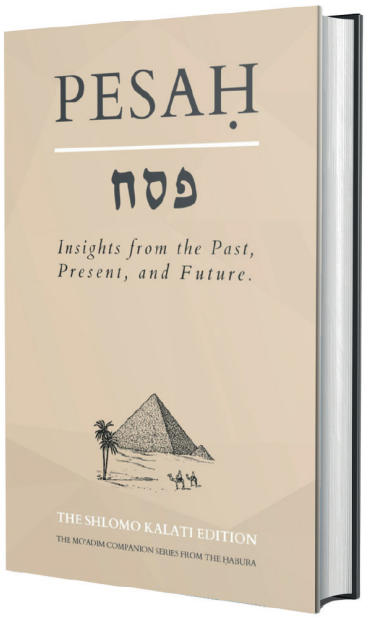


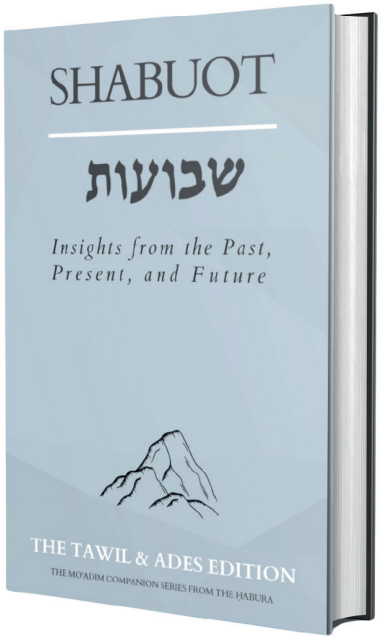
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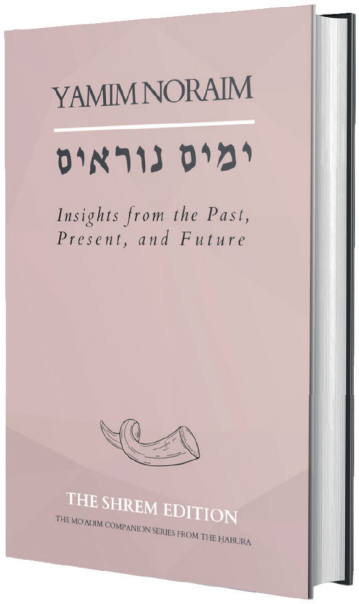
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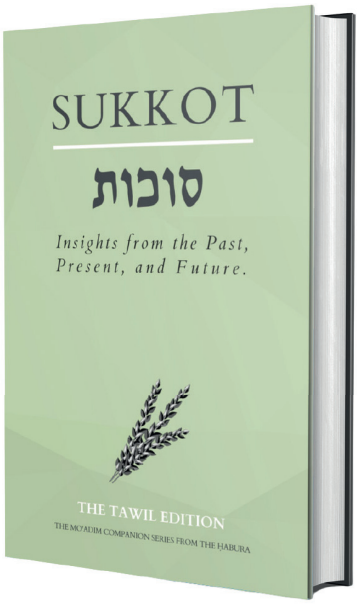
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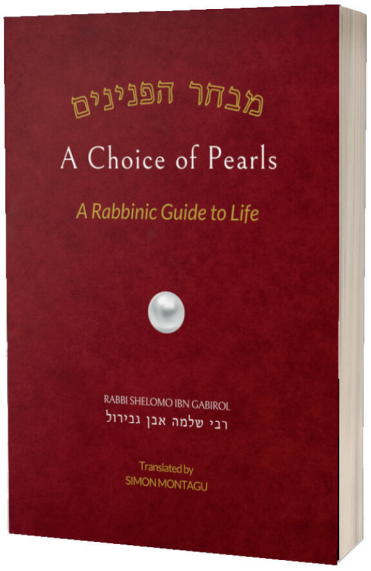




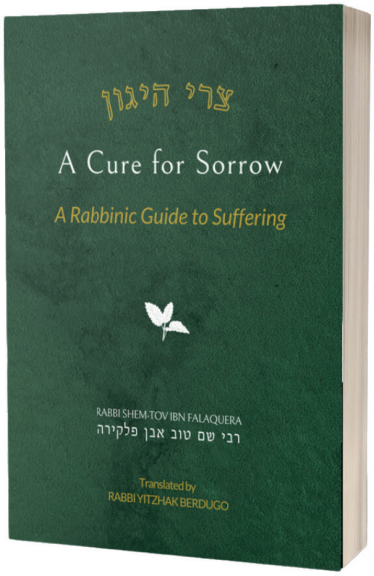
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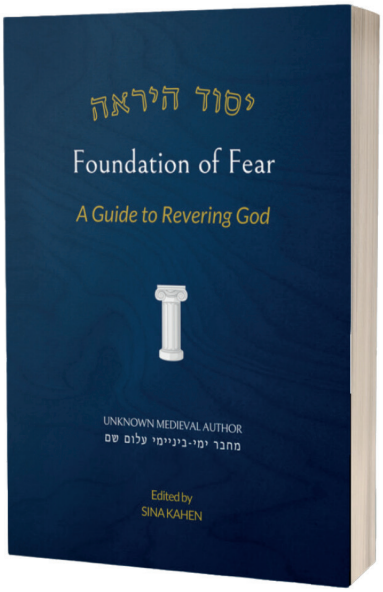
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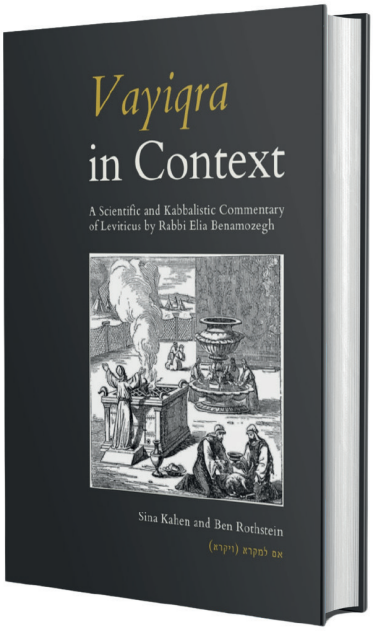


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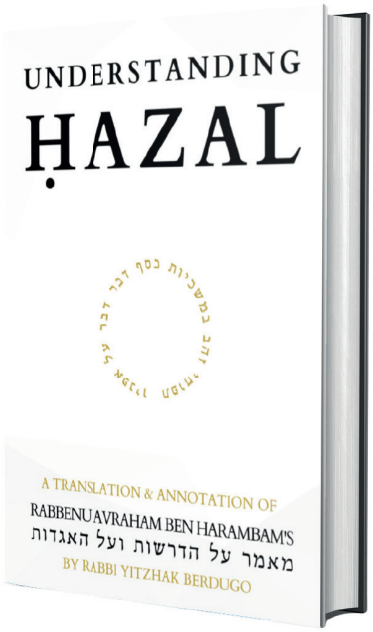
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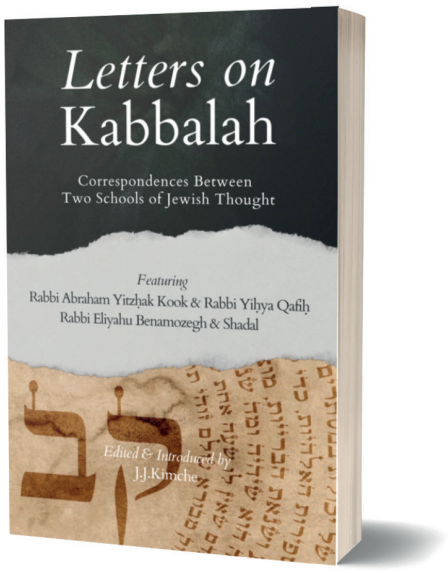
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