



## Parashat Beshalach

Living in Egypt

By David Silverberg

Parashat Beshalach features the dramatic story of *keri'at Yam Suf*, the splitting of the Sea of Reeds to allow *Benei Yisrael* passage to escape the pursuing Egyptian army. We read that as the fleeing slaves found themselves trapped between the Egyptians and the sea, they directed their anger and frustration towards their leader, Moshe, crying, "Is it for want of graves in Egypt that you have taken us to perish in the wilderness? What have you done to us, by taking us from Egypt?" (14:11). Moshe reassures them, "Do not fear! Stand back and behold the Lord's salvation – for as you see Egypt today, you shall never see them again – never!" (14:13).

Maimonides, both in *Mishneh Torah* (Hilkhoh Melakhim 5:7) and *Sefer Ha-mitzvot* (*lo ta'aseh* 46), cites this verse as one of three Biblical sources of a prohibition against residing in Egypt. In *Sefer Ha-mitzvot*, he writes that although Moshe here appears to merely promise the people that they would never see their former oppressors again, an oral tradition instructs reading this verse as an admonition forbidding the people to ever return to Egypt. Nachmanides, in his commentary to this verse, explains that this rabbinic tradition interprets the verse as Moshe's response to the people's petition that they surrender and return to their former life of Egyptian slavery. Moshe admonishes the people that God has forbidden returning to Egypt, and they must therefore remain by the sea and await His miraculous salvation.

The other two verses cited by Maimonides in this context appear in the Book of Devarim. In Parashat Shoftim, Moshe makes mention of this prohibition amidst his presentation of the restrictions relevant to the Jewish king: "But he shall not have many horses, so that he does not bring the nation back to Egypt to have many horses; and the Lord said to you: You shall never again return along this road" (Devarim 17:16). Egypt was the ancient center of horse trading, and thus an excessive interest in acquiring horses on the king's part would likely require dispatching a workforce to establish trading centers in Egypt, in violation of this prohibition. Lastly, in Parashat Ki-Tavo, Moshe warns the people that should they disobey God, "The Lord will bring you back to Egypt in ships, along the route that He said to you: You shall never see it again; and you will be sold there to your enemies as slaves and maidservants" (Devarim 28:68). Here, too, Moshe makes mention of a Divine ordinance forbidding the return to Egypt.

Maimonides' codification of this law is based upon several sources in Talmudic literature. The *Mekhilta* (the halakhic Midrash to the Book of Shemot), commenting on this verse, makes explicit reference to the three verses cited by Maimonides as the Biblical origin of this prohibition, as does the Talmud Yerushalmi (Sukka 5:1) and *Midrash Ester Rabba* (Introduction, 63). The Talmud Bavli (Sukka 51b) likewise mentions this prohibition, and attributes the destruction of the flourishing Jewish community of Alexandria to its having violated this law. Unlike the other sources, however, the Bavli cites as the source for the prohibition only the verse in Parashat Shoftim. It perhaps did not accept the oral tradition referred to by Maimonides interpreting the verse in Parashat Beshalach as a command, and instead followed the more obvious reading of the verse, as a promise and expression of reassurance. Maimonides, however, followed the view expressed in the *Mekhilta* and Talmud Yerushalmi, which includes this verse as one of the sources of the prohibition against residing in Egypt.

In the next paragraph in *Mishneh Torah* (Hilkhoh Melakhim 5:8), Maimonides, based on a different source in the Talmud Yerushalmi (Sanhedrin, end of chapter 10), qualifies this prohibition:

It is permissible to return to Egypt for commerce and business, and to capture other countries. Only residing there permanently is forbidden... And it seems to me that if the king of Israel captured the land of Egypt in accordance with the rabbinical court, it [residing in Egypt] is permissible; [the Torah] forbade only the return there by individuals, or residing there while it is under the rule of idolaters, because its conduct is more depraved than that of other lands.

Maimonides here imposes two limitations on this law forbidding residence in Egypt. First, it applies only to permanent residence, and not to temporary visits for commercial interests and the like. Secondly, he adds, this prohibition stems from the particularly immoral culture that pervaded ancient Egypt, and therefore should the land come under Jewish dominion, the Torah would allow residing there, since the Jews would then determine the cultural norms and mores.

Maimonides' unequivocal ruling forbidding residence in Egypt has given rise to an entire literature that attempts to justify his own residence in that country. Maimonides arrived in Egypt no later than 1168 C.E., as evidenced from his remarks at the conclusion of his commentary to the Mishna, where he attests to having completed this work in Egypt during that year. It is documented that Maimonides moved with his father and brother first to Alexandria and then to Fostat, the old city of Cairo, where he lived until his death in 1204. Numerous theories have been posited, debated, proven and disproved by later scholars who sought to reconcile Maimonides' codification of this law with his own life. Especially astounding is a comment in the work *Kaftor Va-ferach*, which cites a family tradition from a descendant of Maimonides that Maimonides would customarily append to his signature a confession to having violated this Torah law forbidding residence in Egypt. Besides the fact that no other source (to my knowledge) exists of this habitual confession, it is hardly conceivable that Maimonides would have knowingly transgressed an explicit Torah law without any justification.

Discussions on this topic are innumerable and scattered across the vast spectrum of halakhic literature. What follows is but a humble attempt to present in succinct fashion some of the more commonly suggested approaches, briefly noting the strengths and weaknesses of each argument.

## 1) Extenuating Circumstances

The *Kaftor Va-ferach* himself, as well as the Radbaz (Rabbi David Ben Zimra, 1480-1574), in his commentary to *Mishneh Torah*, claim that Maimonides fell under the category of *annus*, having no choice but to live in Egypt. As we know from Maimonides' personal accounts, he served as the personal physician to the Egyptian Caliph, and thus quite possibly had no realistic opportunity to leave without risking his life. Thus, Maimonides' residence in Egypt was, indeed, technically forbidden, and he lived there only due to extenuating circumstances.

Of course, this explanation invites the question of how Maimonides settled in Egypt in the first place, before being assigned to the position of the Caliph's personal physician which forced him to remain in Egypt. Evidently, proponents of this theory assumed that Maimonides initially moved to Egypt as a temporary station, which, as we have seen, he permits. Ultimately he found himself unable to leave Egypt due to the extenuating circumstances that arose, and thus his nearly forty years of residence in that country was justified. Indeed, Rabbi Yitzchak Herzog (first Chief Rabbi of the State of Israel), in his work of responsa (*Heikhal Yitzchak – Even Ha-ezer*, 12), writes (though without any reference to historical documentation) that the Maimon family initially intended to reside in Egypt temporarily, awaiting the return of Maimonides' brother, David, from a business trip in India. The family anticipated moving to Israel and living off the David's profits from his sales, but, as Maimonides writes in one of his letters, his brother drowned in the Indian Ocean, spelling the end of the family's source of income. It was at that point that Maimonides began his medical career. In any event, according to this account, the family indeed did not intend initially to reside permanently in Egypt, but unfortunate circumstances compelled them to do so until ultimately they had no possibility of leaving.

## 2) The *Sefer Ha-yerei'im*

The *Kaftor Va-ferach* proposes another theory, as well, which appears also in the *Hagahot Maimoniyot* commentary to *Mishneh Torah* (by Rabbi Meir Ha-kohen, Germany, 13<sup>th</sup> century). This approach attributes to Maimonides the position espoused by Rabbi Eliezer of Metz, France (1115-1198) that the Torah forbids only returning to Egypt via the route traveled by *Benei Yisrael*. In his famous work, *Sefer Ha-yerei'im* (309), Rabbi Eliezer appears to restrict the prohibition to moving to Egypt directly from the Land of Israel, permitting relocation in Egypt from other countries, such as from European lands by crossing the Mediterranean. Other sources, however, including the Ritva (famous Talmudic commentator, Spain, 1250-1330), in his commentary to Masekhet Yoma (38a), cite Rabbi Eliezer of Metz as imposing an even narrower limitation on this law, applying it only to the actual route taken by the Israelites through the wilderness. According to this version of Rabbi Eliezer's view, one who sails from a Mediterranean port city on the Israel coast to Egypt would not violate this prohibition, even though he travels directly from *Eretz Yisrael* to Egypt. These theories could perhaps explain Maimonides' residence in Egypt, assuming that he did not travel to Egypt along the forbidden route.

However, as several writers have noted (including Rabbi Menachem Kasher, in *Torah Sheleima*, vol. 14, appendix 2), it is hardly likely that Maimonides subscribed to this view of the *Sefer Ha-yerei'im*. For one thing, he makes no mention at all of such a qualification, stating plainly that "it is permissible to dwell anywhere in the world other than the land of Egypt..." Had Maimonides limited the prohibition to travels from Israel to Egypt, or specifically the desert route, he most certainly would have written so explicitly. Moreover, Maimonides very clearly emphasizes that the prohibition relates to residence in Egypt, rather than the trip to Egypt, as he attributes it to the potential influence of the decrepit culture of ancient Egypt, clearly defining this law in terms of dwelling, rather than traveling a given route.

Moreover, this approach might depend on the historical data concerning Maimonides' settlement in Egypt. Different accounts exist as to whether Maimonides moved to Egypt directly from Morocco, or if he first visited *Eretz Yisrael* and from there relocated in Egypt. And in any event, if Maimonides did move to Egypt directly from Morocco, he visited *Eretz Yisrael* at some point after settling in Egypt. (See Herbert A. Davidson, *Moses Maimonides: The Man and His Works*, chapter 1.) Seemingly, then, the position restricting the prohibition to direct relocation to Egypt from Israel is insufficient to explain Maimonides' trip from *Eretz Yisrael* to permanently reside in Egypt.

## 3) The Assyrian Conquest

The Ritva, in his aforementioned treatment of this subject, as well as the *Sefer Mitzvot Gadol* (or the *Semag*, by Rabbi Moshe of Coucy, France, early 13<sup>th</sup> century), suggest that Maimonides and others who resided in Egypt relied on the tradition that mass population transfers occurred in the region during the period of the Assyrian Empire. A famous Mishna in Masekhet Yadayim (4:4) establishes that the Torah's ban on marrying converts from the nations of Amon and Moav or their descendants (Devarim 23:4) does not apply after the rule of the Assyrian emperor Sancheriv, who exiled the population of every country he conquered and replaced it with a different nation. Since a person identifying himself as an Amonite after Sancheriv's time does not necessarily descend from the Biblical nation of Amon, he may marry into the Jewish nation. There is some controversy as to whether Sancheriv displaced the population of Egypt, as well. Maimonides, in *Hilkhot Isurei Bi'a* (12:25), rules in accordance with the Tosefta (Kiddushin, chapter 5), which held that Egypt's population, too, was transferred as a result of the Assyrian conquest. He thus permits marrying an Egyptian convert nowadays, despite the Torah's prohibition against marrying Egyptian converts or their children (Devarim 23:8). Quite possibly, then, the prohibition against living in Egypt became

no longer applicable after the Assyrian conquest, once we can no longer identify the Egyptian nation with the ancient people who dwelled in that territory when *Benei Yisrael* received the Torah.

This theory touches upon the fundamental question as to whether the Torah forbade living within the territorial boundaries of ancient Egypt, or among the ancient Egyptians. The *Sefer Ha-yerei'im* dismissed the notion that the prohibition became inapplicable after the Assyrian conquest, arguing that the Torah forbade residence within the territory of Egypt, regardless of the origins of its native population. This contention runs consistent with the *Sefer Ha-yerei'im*'s view mentioned earlier, restricting the prohibition to the route traveled by *Benei Yisrael*. The *Sefer Ha-yerei'im* clearly understood the prohibition in geographical, rather than anthropological, terms. Maimonides, however, emphasized the feared corrosive influence of the culture of the ancient Egyptians. It indeed stands to reason, then, that once Sancheriv drove the ancient Egyptians from their homeland, the Torah's prohibition against living in Egypt no longer obtains.

Later writers have questioned this theory based on the account in Masekhet Sukka (51b) that we mentioned earlier concerning the Jewish community of Alexandria. The Talmud attributes this community's downfall to the very fact that they resided in Egypt, in violation of this prohibition. While the precise historical reference is unclear (the Gemara speaks of Alexander the Great destroying this city; Rabbi Tzvi Hirsch Chayot, in his glosses, claims this is a misprint), this event undoubtedly occurred centuries after the Assyrian empire. Why was the Jewish population of Alexandria in violation of this prohibition, if they lived well after the banishment of the original Egyptian population from the area?

Two answers have been suggested to reconcile the Gemara's account with the theory advanced by the Ritva and *Sefer Mitzvot Gadol*. First, one might explain that the condemned community of Alexandria was established much earlier, prior to Sancheriv's rule, and the Almighty – for whatever reason – delayed punishment until much later. It should be noted, however, that the famous Talmudic commentary Maharsha (Rabbi Shemuel Eliezer Aidel's, Cracow, 1555-1632) attributes the punishment visited upon the Jews of Alexandria to the Jewish migration to Egypt after the destruction of the First Temple. As told in the Book of Yirmiyahu (chapters 42-43), the prophet Yirmiyahu urged the survivors in Israel to remain and not to settle in Egypt, but they disobeyed his warning. Maharsha posits that it was this group that established what would become the great Jewish population of Alexandria, and their flagrant violation of the prophet's admonition accounts for the severity of their punishment. According to this theory, the community of Alexandria was founded many decades after the Assyrian conquest, in the aftermath of the Babylonian conquest of *Eretz Yisrael*.

Others have suggested that the statement in Masekhet Sukka regarding the destruction of Alexandria follows the view that Sancheriv never transferred the population of Egypt. As we mentioned earlier, the historical question of how the Egyptian population fared during the Assyrian rule is subject to considerable debate. Maimonides, as discussed, explicitly held that the Egyptians were, indeed, displaced, and therefore permitted marrying an Egyptian convert, since he or she does not descend from the original nation of Egypt. By the same token, then, he perhaps allowed residing in Egypt after the Assyrian conquest, attributing the Gemara's comments regarding the community of Alexandria to the view that Egypt was not affected by Sancheriv's population transfers.

This answer, too, is far from compelling, given that Maimonides, in *Sefer Ha-mitzvot*, cites the Gemara's remark in Masekhet Sukka as a Talmudic source for the prohibition against living in *Eretz Yisrael*. It thus appears that he accepted that passage as authoritative, and did not dismiss it as a dissenting view.

More troubling, however, is the simple fact that Maimonides makes no mention of the contemporary inapplicability of the prohibition against living in Egypt. In the context of the prohibition against marrying Egyptian converts, Maimonides specifies that this prohibition no longer applies after Sancheriv's rule. Had this been true regarding the issue of living in Egypt, as well, we would most certainly expect him to say so. It seems hardly likely, then, that the ban on residence in Egypt became inapplicable after the Assyrian conquest.

On the other hand, if our claim is correct, that Maimonides upholds the applicability of this prohibition even after the exile of the original Egyptian population, the question then becomes why this is the case. Once he acknowledges that the current population in Egypt does not descend from the ancient Egyptians, and he understands the prohibition against living in the country in terms of the corrupt influences of ancient Egypt, why should the prohibition remain in effect even today?

This question was addressed by the 20<sup>th</sup>-century writer Rabbi Gershon Arieli, in his work *Torat Ha-melekh* (a commentary to the Hilkhot Melakhim section of *Mishneh Torah*). His answer involves the complex *halakhot* that apply to the area of *sefeikot* – how we are to proceed in situations of halakhic uncertainty. Before presenting Rabbi Arieli's analysis, we should mention that these laws are among the most intricate and abstruse in all of *Halakha*; we will present the relevant concepts very briefly, without delving into their various intricacies.

The Gemara (Berakhot 28a), in discussing the Mishna's ruling allowing marriage to a Moavite convert after Sancheriv's conquest, invokes the principle of *kol de-parish mei-ruba parish* (literally, "anything that separates presumably separated from the majority"). Meaning, once Sancheriv transferred the populations of the Middle Eastern nations of his time, such that national origins can no longer be ascertained, marrying any convert should, at first glance, be forbidden out of concern that the prospective mate is of Amonite and Moavite descent. *Halakha* nevertheless allows marrying converts due to this principle of *kol de-parish*, which says that for purposes of halakhic status, we may assume that an individual taken from a group is of the majority component of that group. The majority of gentiles obviously do not descend from the Moavites or Amonites, and therefore a convert may be presumed to have descended from the majority, and is hence permissible for marriage into the Jewish people.

However, this halakhic principle applies only once the given individual or item has left the place where its status came under question to begin with. While still in the original location, *Halakha* does not allow relying on a statistical majority. (This provision is known in Talmudic jargon as "*kol kavu'a ke-mechetza al mechetza dami.*") Therefore, if a person wishes to live in Egypt, he cannot rely on the statistical likelihood that the native population does not descend from the ancient Egyptians. Thus, even though Maimonides maintained that Sancheriv indeed displaced the Egyptian population of his time, this would not practically affect the prohibition against living in Egypt after that point, and the prohibition remains in effect nonetheless.

In any event, the straightforward reading of Maimonides' rulings suggests that the prohibition against residing in Egypt still applies, even after the Egyptian population was banished during Sancheriv's time, thus calling into question this theory proposed by the Ritva and *Semag*.

#### **4) Living in Egypt During the Jewish Exile**

The Ritva advances yet another explanation, as well, arguing that the Torah's prohibition against living in Egypt does not apply when Jews are in any event scattered throughout the world. Only when the Jewish people live together in their homeland does the Torah forbid choosing to live instead in Egypt; once the Jews were dispersed to the four corners of the earth, living in Egypt is halakhically no worse than living anywhere else.

The Ritva provides no explanation for this theory, that the Torah forbids dwelling in Egypt only when *Am Yisrael* live as a nation in its land. Seemingly, Maimonides' understanding of the prohibition, as intended to keep the Jewish people away from the corrupt influences of Egyptian civilization, would warrant its practical application so long as this concern remains relevant, regardless of whether *Benei Yisrael* live together in its ancestral homeland or have been dispersed among the nations of the world.

#### **5) "Raising the Banner of Torah"**

Finally, Rabbi Yosef Kapach advances the theory that Maimonides' settlement in Egypt was entirely justified because he went there to "raise the banner of Torah," by helping the traditional

Jewish community in their struggle against the Karaites. Much of Maimonides' public life in Egypt revolved around this heretical group that denied the teachings and traditions of the Talmudic Sages, and advocated independent interpretation of the written Torah and halakhic decision-making based exclusively on Biblical exegesis unrestrained by rabbinic tradition. Maimonides fought vigorously to oppose this sect and establish traditional, rabbinic Jewish belief and practice. Though he cites no historical documentation to this effect, Rabbi Kapach contends that this was the motivation behind Maimonides' permanent settlement in Egypt, and it was therefore halakhically warranted.

Maimonides explicitly allows residing in Egypt for commercial or military purposes, and it stands to reason this it would be allowed as well for spiritual concerns, in this instance filling the void of rabbinic leadership among Egyptian Jewry. It should be noted that although this theory justifies Maimonides' own settlement in Egypt, it offers no validation for the communities that were established before he went to serve them.

In any event, this and similar theories must be tested against the available historical data that has been collected and analyzed by historians of Maimonides. It is commonly assumed that the Maimon family settled in Egypt to escape persecution they endured in Morocco and due to the lack of economic possibilities in the Land of Israel, rather than to lead the opposition against Karaism. Of course, this itself might suffice to justify the family's decision to settle in Egypt; if, indeed, they found no other viable home due to religious persecution and economic hardship, then this would certainly meet the criteria that Maimonides established for allowing permanent residence in Egypt.

### **Maimonides on Choosing a Place to Live**

It is perhaps appropriate to conclude our discussion by citing Maimonides' celebrated comments in *Hilkhot Dei'ot* (6:1) regarding the power of social influence, and how a person should decide upon a place of residence:

A person's nature is to be drawn in his character and conduct after his friends and colleagues, and conduct himself in accordance with the conduct of the people of his land. A person must therefore attach himself to righteous people and always dwell near the wise men so that he learns from their actions, and distance himself from the wicked who walk in darkness, so that he does not learn from their actions... And if he is in a land whose practices are wicked and whose people do not follow the proper path, he should go to a place whose people are righteous and follow the path of the good. And if all the lands that he knows about and hears about follow an improper path, like in our time, or if he cannot go to a land whose practices are good because of armies or disease, he should dwell by himself, alone... And if they are bad and sinful, in that they do not let him live in the land unless he mingles with them and follows their evil practices, he should go to the caves and forests and deserts, rather than conduct himself according to the sinful path.

Maimonides clearly afforded grave importance to the issue of social influence. His admonition in this passage perhaps sheds some light on his approach to the prohibition against living in Egypt, viewing it as a safeguard against the negative influences of the corrupt beliefs and practices of ancient Egyptian civilization.