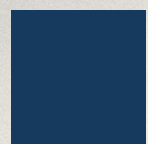


הכלים



principles

ESSAYS ON **HALAKHA, MAHSHABA
AND HISTORY**

BY SELECTED TEACHERS AND MEMBERS



THE
HABURA

The Journal of The Habura
January 2022 | Edition 4

“שמע האמת מפי שאמרה”

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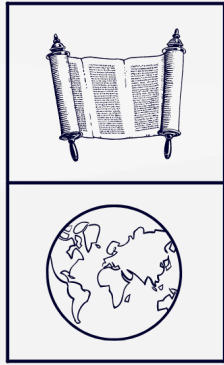
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LEARNING PHYSICALLY AND VIRTUALLY



AROUND THE WORLD

INTRODUCTION TO OUR 4TH EDITION

BY SENIOR RABBI JOSEPH DWECK
ROSH BET MIDRASH

Principles is part of the robust Torah education experienced and provided at The Ḣabura. The purpose of the journal is to provide a platform for our teachers and students to write about what they've learned and issues they may be studying and exploring to share with a wider audience. Many of the articles in this issue are member's reflections on learning they've had from classes and lectures they've attended at The Ḣabura. We also include essays from our teachers and guest contributors on an array of topics both in Halakha and Maḥshaba.

Among the array of subjects covered in this issue are: Reflections on how Rashi's commentary was accepted in Sepharad, how significant Rambam's Mishne Torah is to the modern Jew, veganism in halakha, our relationship to wine, and the basic responsibilities we share with every human being.

These essays give us a taste of the active teaching that occurs weekly in the Ḣabura lectures, discussions that occur in the WhatsApp groups, and interactions that occur every day between the Ḣabura's teachers and students. The study, discussion, learning, and growth is happening in various modes at all times. The sun does not set on the Ḣabura!

I thank all of our contributors, teachers and students, who have provided essays for this issue of *Principles* and pray that it goes *meḥayil el ḥayil*.





THE
HABURA



VEGANISM FROM A PHILOSOPHICAL AND PRACTICAL PERSPECTIVE

BY DAYAN DANIEL KADA

TEACHER

Dayan Daniel Kada served as rabbi of Wembley S&P Sephardi Synagogue for seven years and began serving as rabbi of Lauderdale Road Synagogue earlier this year. He was the registrar of the Sephardi Beth Din for the last five years and currently sits on the Sephardi Beth Din.

Having studied for almost 10 years in Gateshead, Mir and in the Kolel of Rabbi Mordechai Eliyahu Z'L where he obtained his Semikha in conjunction with the Israeli Chief Rabbinate, Dayan Kada recently completed a Dayanut qualification through the Eretz Hemdah Institute of Jerusalem and Montefiore Endowment, graduating with distinction.

Dayan Kada also read law at King's College London as a Dickson Poon scholar, graduating with First-Class Honours and winning the Bryan Cave Leighton Paisner Law Prize. He is a sought-after lecturer in Halakha and Jewish philosophy.

Veganism is clearly on the rise. According to research conducted by The Vegan Society in 2020, 7.2 million British adults currently follow a meat-free diet. Various news outlet sources¹ reported that the percentage of Brits following a vegan diet skyrocketed by 40 percent in 2020. In 2019, Waterstones had 2,058 book titles with the word 'vegan' in them available for sale compared to 994 in 2018. Indeed, we are increasingly hearing of people who are becoming more mindful of their diets and are starting to favour a vegan diet.

The Torah's perspective on Veganism

Ostensibly, veganism is not a value the Torah promotes. In many places in the Torah animal sacrifice and consumption are mandated. The festival of Pesah historically revolved around, and still today is named after, the Pascal Lamb feast. Perhaps the clearest verse in Tanakh expressing the permissibility of meat consumption is in Deuteronomy: *'If you shall say "I will eat meat," because your soul desires to eat meat, you may eat meat, according to every desire of your soul'*².

However, there are several sources that seem to support vegetarianism as being an ideal to which man should aspire.

When God first speaks to Adam in the first chapter of Genesis (1:29), Adam is given an

herbivorous diet. When Noah left his ark though he was told that he may now consume meat³. Indeed, the Gemara⁴ tells us: *'Adam was initially not permitted meat for purposes of eating'*.

Some *Hakhamim* have understood this statement to be reflecting the notion that primordial man was denied the flesh of animals because of his superior moral status. Permission for Noah to eat meat was granted only to Noah due to Adam's expulsion from the Garden of Eden and the degeneration of subsequent generations, man no longer being able to be held to such lofty moral standards. It is argued therefore, that although man is allowed to consume meat, one should nonetheless aspire to a diet eschewing animal flesh. This is indeed the opinion of 15th century philosophers R. Yisḥaq Abarbanel⁵ of Portugal and R. Yosef Albo⁶ of Spain.

In more recent times, R. Abraham Yisḥaq Kook (1865-1935), first Ashkenazi Chief Rabbi of British Mandatory Palestine, in his treatise entitled *Hazon ha-Šimḥonut v'ha-Shalom*⁷, strongly advocated vegetarianism from a philosophical perspective. R. Kook claimed that vegetarianism is a Torah ideal and that many *mišvot*, such as covering a slaughtered animal's blood⁸ and *shaṭnez*⁹ are based on this ideology. However, on a practical level, R. Kook opined that given the present nature of the human condition it is too difficult for

1 <https://plantbasednews.org/culture/ethics/vegans-in-britain-skyrocketed/>

2 Deuteronomy 12:20.

3 Genesis 9:3.

4 Sanhedrin 59b.

5 Abarbanel *Al Ha-Torah* 9:3.

6 *Sefer Ha'Iqqarim* 3:15.

7 *The Vision of Vegetarianism and Peace*.

8 Reminding us that killing an animal is an act akin to murder and that the blood must therefore be concealed and 'covered up' (Ch. 17).

9 According to R. Kook, *shaṭnez* was enacted so that man will not mix two different textiles—one which is moral and another which is immoral. Wool is immoral since it is painfully taken from an animal and leaves it bare, while linen is taken from a plant and, therefore, does not harm or steal from any living being (Ch. 12).

man to sublimate his desire for meat and man's focus should first be on eradicating war and strife in the world between human beings, leaving vegetarianism to be implemented in practice when mashiah arrives.¹⁰ It should be noted though that the aforementioned opinions are certainly not the typical rabbinic view.

This Talmudic statement seemingly supporting vegetarianism is a terse statement of the relevant law prior to the time of Noah but is silent with regard to any validating rationale. Indeed, many commentaries offer different explanations as to why Noah was permitted to consume meat. The Tur¹¹ (1299-1323), for example, explains that before eating from the Tree of Knowledge Adam lacked a desire to eat meat; only subsequent to eating did he develop a carnivorous nature. Thus Noah being allowed to eat meat simply reflects a biological change in the human condition with no moral overtones to the Gemara's statement.

Additionally, according to some *poseqim* there is an obligation, or at the very least a *mišva*, to eat meat on Yom Ṭov even nowadays when we no longer have the Temple and sacrifices¹². As such it is questionable whether one would be able to abstain from meat on Yom Ṭov due to one's vegetarian ideology.

Eating in Vegan Restaurants

It is widely assumed that one is allowed to eat in a vegan restaurant without a reliable Kashrut certification. If there are no animal products prepared or served in the vicinity of the restaurant what could be the issue with eating one of its dishes?

This is however not so simple and there are a number of problems with eating in such a restaurant:

1: A major problem is that whilst there are rules which govern product labelling for food allergies, there is currently no legal definition of 'vegetarian' or 'vegan' either at UK or EU level. The European Commission has recently¹³ begun the process of creating a legal definition of vegetarian and vegan food this year and it remains to be seen whether the UK would adopt any definition set by the EU following Brexit. Without clear guidelines, manufacturers are left to decide for themselves when to apply descriptive labels such as "suitable for vegans" or "vegan friendly" meaning the use of such terms is likely to be inconsistent at best and misleading at worse. I am personally aware of a purported vegan restaurant in London where the crusts of the bread served with certain dishes had been bought from a company who fry the

crusts in lard.

It is accurate that to be compliant with certain vegan organisations there are some comprehensive criteria that must be fulfilled. I have in my correspondence an email from The Vegetarian Society which states categorically that in order for a product to be Vegetarian Society Approved: *'it must demonstrate that there are adequate measures and procedures in place to ensure that cross-contamination is avoided. This often means that vegetarian and non-vegetarian foods are prepared in entirely separate areas of the same factory'* and that 'The Vegetarian Society would consider a product to be unsuitable for vegetarians if there was even a tiny trace of a non-vegetarian ingredient in it. There is no grey area there. A product is either free from non-vegetarian ingredients or it is not.'



What people fail to understand though, is that this only deals with *manufactured* products and not restaurants. Unless the restaurant can say with certainty that every single product is Vegetarian Society Approved, there is a concern that not all the food is actually fully vegan. After all, there is a difference between "vegetarian" and "vegan".

2: The entire process of making wine or grape juice (i.e. from grape crushing, pressing and transferring to tanks)

¹⁰ It is well known that certain evil dictators practiced Vegetarianism.

¹¹ *Perush Ha-Tur Al Ha-Torah* (Genesis 1:29).

¹² See Rambam *Hilkhos Yom Ṭov* 6:18, *Bet Yosef* (O.H. 529), *Kaf Ha-Hayyim* (529:28) and *Hazon Qbadya* (Yom Ṭov p.95).

¹³ https://www.euroveg.eu/wp-content/uploads/2021/02/072019_EVU_PP_Definition.pdf

must be done by a Jew¹⁴. Even natural grape flavour, which is derived from grape crushing must be kosher. Similarly, balsamic vinegar, which is also made from grape juice, requires kosher certification and most products that contain balsamic vinegar such as salad dressings are likely not kosher. Vegan restaurants of course have no restrictions when it comes to wine, grape juice and their derivative ingredients.

3: Based on the realization that bonds of friendship are established by eating together, the *Hakhamim* prohibited eating certain foods cooked by non-Jews in order to limit socialization which might lead to intermarriage between Jews and gentiles. This prohibition is known as *Bishul Aĸu"m* and applies to foods which are inedible raw and are fit to serve with nobility. An aubergine or other such vegetables which are inedible raw and served at a royal banquet would be subject to this prohibition.

Whilst discussing *Bishul Aĸu"m*, it is worthwhile noting that many Kosher-certified restaurants are not compliant with the requirements of *Bishul Yisrael* according to R. Yosef Qaro in *Shulĸan Arukḥ*. It is commonly believed that for a food to be considered *Bishul Yisrael* and not be subject to the *Hakhamim*'s prohibition, it is sufficient for a Jew to light the flame upon which the gentile will cook the food. Whilst this is indeed the opinion of Rema¹⁵ ruling for Ashkenazim, and is the practice of the vast majority of kashrut organisations, Maran¹⁶ follows the opinion of the majority of the *Rishonim* that it is necessary for the Jew to actually place the food on the fire in order for the food to be *Bishul Yisrael*. *Hakham Qbadya Yosef* in various places¹⁷ discussed this problem and allowed one to be lenient and eat in a *Jewish owned* restaurant where the Jew has only ignited the fire. However, it is proper, if possible, to ensure that the food is placed on the fire by a Jew.

4: Fruits and vegetables by their nature are kosher. Insects though are clearly proscribed by the Torah. Small insects that are visible to the naked eye such as aphids, thrips and leaf miners are often found in even the most common produce. As a result, certain vegetables often require inspection and cleaning prior to consumption.¹⁸ It is doubtful that all vegan restaurants clean produce in a way that would render them acceptable for consumption from the perspective of *halakha*.

Consequently, it is incorrect to assume that a vegan restaurant is automatically kosher. Care must be taken to ensure all aspects of *halakha* have been addressed before eating in such a restaurant. One who is well versed in the *halakhic* issues and the realities of food production may possibly find something kosher to eat in a ve-

gan restaurant. But without this mastery of *halakha*, it is doubtful that vegan restaurants can be recommended to the average observant Jew. ■



14 See *Shulĸan Arukḥ*, Yore Dea, 123 for details.

15 R. Moshe Isserles, Yore Dea, 113:7.

16 Ibid, *Shulĸan Arukḥ*.

17 *Yabbia Omer*, Yore Dea, 9:6 and *Yehavveh Daat*, 5:54.

18 See *Shulĸan Arukḥ*, Yore Dea, 84 for more details.

HOW I WAS TAUGHT TO READ THE GUIDE

"WHEREOF ONE CANNOT SPEAK,
THEREOF ONE MUST BE SILENT."
- LUDWIG WITTGENSTEIN

BY **RABBI YAMIN LEVY**

TEACHER

Maimonides had one goal in mind when investing his limited amount of time¹ to writing the *Mishne Torah*. His goal was to ensure the survival of Judaism for generations to come. He wrote to the sages of Lunel that he did not compose the *Mishne Torah* for personal glory, rather he devoted his intellectual and creative output to provide a clear practical code of Jewish law that is available to all who seek to know how to observe *halakha* (Letter to R. Jonathon of Lunel Responsa 49). Similarly, *The Guide for the Perplexed* was written with one objective in mind. To provide the excellent student a guidebook to prophecy hence preserving the Jewish esoteric knowledge that, according to the tradition Maimonides inherited,² had been lost:

*"It already has been explained and that even the measure apprehended by someone to whom this knowledge had been opened via his understanding, he is forbidden to teach or explain, per a prohibition by law, except face to face to a qualified individual. Then he could mention to him only headings of chapters. **This is the reason that this knowledge has totally disappeared from the nation of Israel. Nothing could be found of it, whether little or much**" (Guide, Introduction to Part Three).*

Revelation, as in God communicating with a human being, is a cornerstone of Judaism: *"It is one of the foundations of our faith that God graces man with prophecy"* (Yesode HaTorah 7:1). If Torah is to be taken seriously revelation cannot be an occurrence of a past era. Prophecy

and the skillset required to be a prophet must not only be explained but also taught. The "enchanted mystical" teachings that were prevalent during the early Middle Ages were regarded by Maimonides as vulgar, clumsy, and theologically unsound. The theology he endorsed required a universe with no other entity but God. In this economy of spiritual ideas and Jewish mysticism there is no room for angels, demons, powers, *segullot* or the supernatural.

To be clear for Maimonides a mystical experience with a transcendent God can only be achieved through perfection of the intellect, perfection of the body, an elevated imagination, perfect moral conduct, and the grace of God (Guide 2:32 & 34). Short of that, induced mystical experiences are a figment of people's imagination at best or lies and deceptions at worst.

It has been incorrectly suggested that Maimonides could never endorse a direct experience with God because of God's absolute transcendence³. This school of thought teaches that it is solely the philosophical understanding of God (or more accurately what God is not, Guide 1:58-59) that brings one to ultimate human perfection. While Maimonides did indeed write that knowledge of God is the *"foundation of foundations and the pillar of wisdom"* (MT Yesode HaTorah 1:1) that is, however, just the beginning. For Maimonides, the human being can and does discern God through revelation:



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He is the founder and director of the Maimonides Heritage Center based in Israel and New York.

He has authored and edited several books as well as published extensively in English, Hebrew, and Catal. He published an award-winning novel called Sababa that deals with the Israeli Arab conflict. Rabbi Yamin Levy has an active Youtube channel and corresponds via email with learning communities around the world.

¹ See to Letter to Ibn Tibbon edited by Leo Stitskin, published in Tradition Fall 1961 for a sense of Maimonides' time limitations.

² Rab Hayye Gaon (939-1038) Responsa edited by Simcha Emanuel (Jerusalem: Ofek institute 5755/1995) no 115. Also, Oṣar HaGeonim, Qiddushin, Teshubot 399

³ For a discussion on angels in Maimonides' worldview see Menachem Kellner, Maimonides' Confrontation with Mysticism, The Littman Library of Jewish Civilization, Portland Oregon, (Littman Press 2006), pages 12, 121, 181 and 211.

"Moreover, every perfect man – after his intellect has attained the cognition of whatever in its nature can be grasped – when longing for another apprehension beyond that which he has achieved, cannot but have his faculty of apprehension deceived or destroyed – unless divine help attends him" (*Guide* 1:21, Pines p. 49).

The higher goal is not simply knowledge but apprehension of God. According to David Blumenthal ("Philosophic Mysticism," pp. 96-114) for Maimonides intellectual and philosophical study is the prerequisite for love and awe of God as is stated clearly in *Yesode HaTorah* 2:2 which itself is the prerequisite for the experience and apprehension of God. In chapter 51 of the third section of the *Guide* Maimonides presents the palace metaphor where he describes seven levels of human spiritual perfection. Maimonides encourages those who have achieved the penultimate level of perfection to strive for the ultimate goal, "to reflect on Him and think of Him". The seventh and final level of spiritual perfection is achieved by exclusively focusing and meditating on God and not mere intellectual and philosophical knowledge. Maimonides writes:

"The first thing you must do is this: Turn your thoughts away from everything while you read the *Shema'* and during *Tefilla*, and do not content yourself with being devout when you read the first verse of the *Shema'*, or the first paragraph of the *Amida*. When you have successfully practiced this for many years, try in reading the law or listening to it, to have your heart and all your thoughts occupied with understanding what you read and hear. After some time when you have mastered this, accustom yourself to have your mind free from all other thoughts when you read any portion of the books of the prophets or when you recite a blessing, and to have your attention directly and exclusively to the perception and understanding of what you recite." (*Guide* 3:51)

Blumenthal refers to this as "post-cognitive worship". Maimonides refers to this seventh level of spiritual perfection as that of the prophets of Israel who apprehended God and were privy to direct revelation from God. By focusing one's thoughts on God the prophet transforms the "potential into actual". True knowledge as Maimonides writes in *Guide* 1:68 occurs when one is actively thinking and imagining about that which it seeks to know. When one actively imagines the form or essence of something, and the form enters the mind, the object can be said to exist in-actuality and not merely in potential.

"Thus, in us too, the intellectually cognizing subject, the intellect, and the intellectually cognized object, are one and the same thing wherever we have an intellect in actu." (*Guide* 1:68)

God does not exist in matter therefore God and the essence of God are not separate entities as Maimonides

writes: "He is the knower, He is the known, and He is the knowledge" (*Yesode HaTorah* 2:10) when one is fully engaged - focusing on God – one apprehends the infinite. This of course assumes the individual meets the criteria of a prophet and has correct understanding when he / she meditates on God exclusively. If successful, he / she enters into a state referred to by Gidon Freudenthal as a "Mystical Union" with the divine.

Hakham Jose Faur based on Maimonides' own words frames this experience as a "genuine worship of God" an experience that "must involve the active participation of the human intellect" (Faur, *Homo Mysticus*, p. 55).

"When you perceive God and His actions according to what the intellect determines, you then consign yourself to Him, march toward His nearness, and strengthen the link between you and Him which is the intellect." (*Guide* 3:51)

While in a meditative state focusing heart and mind on God "the individual", writes Maimonides in as clear terms as possible, "is with God and God is with him" (*Guide* 3:51).

God is not hidden from the human being it is the human being who is distant from God (Faur pp. 53-55). God's remoteness is a function of human limitations when the human being is not utilizing his / her intellect and rational faculties correctly. God is ever present, constantly gracing the human being with "His light" (Faur). Maimonides' proof text for this teaching is Deuteronomy 31:18, "And I shall surely hide My face on that day because of all the evil that they did."

For Maimonides "all the evil that they did" refers to the lack of spiritual effort and intellectual discipline on the part of the people. *Deus absconditus*, writes Faur is the "human hiding from God, not God [hiding] from humans" as the verse in Isaiah says:

"Woe to those who think deeply to hide counsel from the Lord, while their deeds are in the dark saying, 'Who sees us and who knows us?'" (Isaiah 29:15)

This insight is the key to understanding Maimonides' philosophy on divine providence. For Maimonides, the human being experiences divine providence in proportion to his / her level of intellectual and spiritual perfection



(Guide 3:17). In 3:51 Maimonides describes a heightened level of divine providence when one is actively meditating on God. In other words, divine providence is the natural result of one who has achieved prophetic status such as *Moshe Rabbeinu* and *Abraham Abinu*, two examples Maimonides mentions in that chapter. This also explains how it is that there are varying degrees of prophetic experiences. Moses apprehended God at the highest level possible while other prophets experienced their revelations at varying degrees and in varying states of being (Guide 2:35; MT *Yesode HaTorah* 7:1). The essence of God is unknowable and constant while the variable to prophecy is the various levels of comprehension of the human being. As a result, prophecy is experienced in varying degrees.



Blumenthal notes that Gershom Scholem could not fathom a mystical trend in *The Guide for the Perplexed* because "For Scholem, mysticism had to be dramatic". It had to have its angels and spirits and demons. For Maimonides, union with God and prophecy has none of that. In fact, the paradigm of Maimonides' esoteric pursuit is silent equanimity as described by the Psalmist, *lekha dumiyya tehillah*, "to You, silence is praise" (Psalms 65:2).

Language is a media that is at best limited and certainly not adequate to describe the essence of God or the true nature of a Mystical Union with God. The inner spiritual life cannot be described with images and metaphors at the expense of philosophical and *halakhic* integrity. Every attempt at exalting God through language fails:

"Praise be He, who at the moment that their minds glance at His essence, their understanding turns faulty. At the moment of glancing at the necessary correlation between His will and His actions, knowledge turns into ignorance. When the tongue attempts to exalt Him with attributes, all verbosity turns into ineptitude and faultiness." (Guide 1:58)

Basing himself on Rabbinic texts,⁴ Faur suggests that the most mankind can express in words is to participate in a spiritual dance while contemplating on God and announcing in unison with coreligionists "*Qadosh, Qadosh, Qadosh*" hence affirming God's transcendence. This dis-

ciplined approach to the pursuit of the divine, while less dramatic than the immediate promise of imaginative visions and mystical experiences, is the only genuine avenue to the infinite.

In the Maimonidean economy of ideas, silence is not a defeat but rather the practice itself. As the verse in Psalms so aptly states: "There is no utterance, there are no words" (Psalms 19:4). While commenting on the Mishna in *Hagiga* 13a Maimonides writes:

*"There are some significances traced in the soul of the perfect individual, that if articulated linguistically or expressed in metaphors would turn coarse and elude one's intent"*⁵

A written record of the esoteric tradition guarantees its loss and is absolute proof of its inauthentic nature. Esoteric teachings, writes Maimonides in his introduction to the *Guide*, are like the "sword at the gates of the Garden of Eden" which is constantly in motion, perpetually revealing and concealing itself. The curriculum and the teachings are purely experiential. The student is part of the transmittal process. Herein lies the key to understanding the Epistle Dedicatory, the apparent *raison d'être* of the *Guide*. Maimonides makes three points to his many readers while addressing his single student. Per rabbinic instruction the student must be qualified.

"Whereupon you read under my guidance texts dealing with the science of astronomy, and mathematics my joy in you increased because of the excellence of your mind and the quickness of your grasp."

Second, Maimonides informs his student that the *Guide* was written only after the student left. The lessons are processed independently at the student's pace. The esoteric teachings are especially personal and find their fullest expression when the student is ready to receive the teaching. This explains the third and final point in the letter, namely that the student will be receiving the lessons in installments. This is not how the *Guide* was written but this is how it is to be processed and internalized. The truths contained "will reach you" writes Maimonides "wherever you may be." He is not referring to a geographical location of the student but rather to an intellectual place of maturation. Both in the letter and in the introduction to the *Guide* Maimonides alerts his readers that the *Guide* is structured as an intellectual maze designed to be decoded. Ultimately truth and knowledge will be revealed from within the student and not from external texts or teachers. The teacher simply points the way thus the Arabic name for the *Guide*, *Dalālat al-Ḥā'irīn* which means pointing the way for the perplexed.

4 Shemot Rabba 23:1; BT Taanith 31a; TY Megillah 73b
5 Similar idea found in Guide 2:29

There is only one place and one media, according to Maimonides, that can contain and channel the truth – that is “in solitude” – beyond the reach of images, metaphors, and language. The Andalusian philological tradition understood the limitation of language especially when it involved describing the world of the spirit.⁶ For Maimonides such descriptions are self-contradictions, deceptive and fabrications of the imagination. As Wittgenstein noted: “There are indeed things that cannot be put into words – they are what is mystical.”⁷

Of all the prophets in the Bible it is Elijah the Prophet who identifies the mystery contained in silence. The scene on Mount Carmel is remarkable. “The God that answers” says Elijah “let Him be God” (I Kings 18:24). God immediately responds in a fiery demonstration of force, the false prophets of Baal are slaughtered and yet the dramatic test is a failure. Jezebel’s warrant for Elijah’s arrest is reiterated. The king and the people of Israel seem unaffected by the miraculous incident and the prophet must run for his life. He arrives at Mount Horev possibly a hint to *Mattan Torah* and the text describes what happened next:

“Come out He called and stand on the mountain before the Lord. And behold the Lord passed by. There was a great and mighty wind, splitting mountains and shattering rocks by the power of the Lord; but the Lord was not in the wind. After the wind – an earthquake; but the Lord was not in the earthquake. After the earthquake – fire but the Lord was not in the fire. And after the fire a silent still voice.” (I Kings 19:11-13)

While the fire, wind, lightning, and dramatic showdown with the false prophets makes for powerful theatrics the biblical text exposes for us how God’s message is revealed in the silence. The silence of the prophet is due to the limitations of language. Any attempt at describing the illumination or the flash-experience will be misleading at best, idolatrous at worst. The limitation of language is not a function of the nature of the experience or of the prophet’s inability to describe his or her experience. The prophet is left with knowledge that simply cannot be expressed in words. The prophet enters a meta-linguistic state of cognition.

Ḥakham Faur in an artful literary fashion reveals this point with a Talmudic story of the third century sage Rab Sheshat. The Talmud informs us that Rab Sheshat was blind.

“Once all the people went out to see the king and Rab Sheshat arose and went out with them. A certain Sadducean came across the sage and said to him: ‘Whole pitchers go to the river but where do broken ones go to?’ Rab Sheshat replied I will show you how I know more than you. The first troops

passed by and people started to shout. The Sadducean said: ‘The king is coming.’ ‘He is not coming said Rab Sheshat.’ A second troop passed by and again a shout arose. The Sadducean said: ‘Now the king is coming.’ Rab Sheshat replied: ‘The king is not coming.’ A third troop passed by and there was silence. Rab Sheshat said: ‘Now the king is coming...’” (Berakhot 58a)

Of the four sages who entered the *Pardes* (*Hagiga* 14b; *Guide* 1:30) R. Aqiba “entered in peace and went out in peace.” The word *shalom* only appears in Maimonides’ presentation of the story suggesting he was alluding to a sense of *shelemuth*, human perfection.⁸ The Talmud links R. Aqiba’s success to the verse associated with Elijah the Prophet, *qol demama daqqa*, “a still and silent voice.” By freeing himself from the noise and drama of the enchanted experiences R. Aqiba is the only one who emerges unscathed by the *Pardes*.

Final Thoughts

HaRambam organized and presented the student the path to, and the way to traverse into, the transcendent reality of religious life. *The Guide for the Perplexed* is the key to the knowledge and guide to the practices of spiritual mysteries attaining an awareness of the mystical dimension of religious life.

To be clear the path to the illuminated dimension is through philosophy. Religious experience on the highest level is predicated on correct philosophic and moral preparation. It is learned and remains within Rabbinic traditional Judaism. Ritual observance, and traditional knowledge must be complemented with philosophic excellence. Therefore, service of God in the Maimonidean worldview has a distinctly intellectual contemplative component. The image is that of the human mind / spirit touching the divine spirit. Philosophy, however, is but a “station on the pilgrim’s path” and the ultimate goal is a place beyond thinking and beyond language. It is a place referred to by *HaRambam* where one “isolates oneself” and “wholly devotes oneself to God” and finds himself “in His presence alone.” *The Guide* is an invitation to the covenantal student to approach the divine and live his /her religious reality. The reality of the numinous, the holy in all its mystery, beauty, and power. ■

6 Guide 1:51; 52; 56; 59; and 60

7 Wittgenstein Ludwig, *Tractatus Logicus-Philosophicus*, 4 :121

8 Josef Stern, “Maimonides on the Growth of Knowledge and the Limitations of the Intellect”, in *Maimonide Philosophie et Savant*, edited by Tony Levy and Roshdi Rashed, Peeters (France 2004) page 177

FAITHFUL FIGHTERS

RECLAIMING OUR POSITION IN THE FIGHT
AGAINST GLOBAL OPPRESSION, PERSECUTION
AND SOCIAL INJUSTICE

BY **RABBANIT DEVORAH HALEVY**

TEACHER

If the Hanukkah doughnuts are just a knock-off of 16th Century German Gefüllte Krapfen¹, dreidel a game originally called totum or teetum played in England and Ireland especially popular at Christmastime², and latkes originally Italian ricotta pancakes³, what is left of Hanukkah as we know it, and is there an alternative story that might inspire us and bring relevance to our national mission today?

The Hashmonayim were waging a political war against internal corruption and external oppression. Years of corruption in the Priesthood, erosion of authentic leadership, and exploitation of the masses, left the Jewish community angry and disenfranchised. Conquest and loss of sovereignty to the Greek Empire further oppressed the Jewish Community⁴. Unfortunately, the Hasmonean dynasty was racked with the same, if not worse corruption it initially fought against. Their successors engaged in the same self-aggrandizement, political connivances, and bloodshed as the previous regime. Though they failed in their mission— their initial legends, their initial legacy, and their initial pursuit for justice is a fight we must reawaken and rally behind.

To understand why we must fight for the end of oppression of the vulnerable, we must establish the fact that one of the tenets of our nation, as established by the actions of our forefathers is our responsibility to care for the welfare of the individuals of the world. Rabbi Naftali Tzvi Yehuda Berlin,

in his book, Haamek Davar stresses that what made our forefathers great is:

*"In addition to being righteous, pious, and lovers of God to the utmost degree, they were also yesharim[upstanding]. That means they were civil with the [other] nations of the world, despite [the latter] being detestable idol worshippers. Our forefathers nevertheless extended them love and concern for their welfare, as this fortifies [God's] creation... the Holy One blessed be He is yashar, being intolerant of those types of [distorted] righteous individuals. [He is only accepting] of those who act in a way that is socially yashar – unlike those who act in a perverse manner, even when their actions are performed for the sake of Heaven. As such [a deficiency] can lead to the destruction of [God's] creation and the ruin of civilization."*⁵

The most authentically Jewish approach to the world is the one exemplified by those who formed the Jewish nation⁶. Interacting with the world as champions for social reform and social justice isn't a new-age value that some Jews have inherited from contemporary society – while other Jews vehemently and sometimes violently ignore – it is a core value that our forefathers have implanted as a requisite of being part of our nation.

Similarly, the Torah recounts the first indicator that Moshe Rabbenu, Alav HaShalom, was ready to assume the position of leadership of the Jewish people: "And Moshe had grown up, he went out to his kins-



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1 Marks, G. (2020, December 15). History of the jelly doughnut ~ Sufganiyah. Leite's Culinaria. <https://leitesculinaria.com/60405/writings-history-of-sufganiyah.html>.

2 Golinkin, R. D. (2020, October 26). The surprising origin of the dreidel. My Jewish Learning. <https://www.myjewishlearning.com/article/the-origin-of-the-dreidel/>.

3 Avey, T. (n.d.). Discover the history of LATKES During Hanukkah. PBS. <https://www.pbs.org/food/features/history-of-latkes/>.

4 Mishneh Torah, Scroll of Esther and Hanukkah 3:1. Sefaria. (n.d.).

5 Berlin, R. N. T. Y. (n.d.). Haamek Davar on Genesis, introduction to Genesis 4.

6 Avraham Avinu's attempted interception with Sodom destruction (Genesis 18:20-33) Yishaq Avinu's active role in peacemaking between himself and the neighboring nations (Genesis 26:14-31), and Ya'aqob Avinu's indictment of his wife (Genesis 31:32), and his children (Genesis 49:5-7) for the sake of justice and fairness are but few of the abundant examples of how our forefathers intentionally dealt with society.



folk and witnessed their labors.”⁷In *Shemot Rabbah* our rabbis explain the final words of the previous verse as: “he set his eyes and mind to share in their distress.”⁸ Everyone has the ability to observe events, some even feel the need to speak and comment on them, however few are those who experience a burning sense of obligation to focus their eyes and mind on the plight of others, not only so as to empathize with them, but to make real significant change as well. To serve as a judge in a Jewish Judicial Court, a position of leadership through legislation, one is required to have a brave heart that is unafraid to save the oppressed from the oppressor.⁹

Though Moshe Rabbenu’s task was to save the Jewish people from the slavery of Egypt, our task as a nation is not limited only to those who are strictly part of our inner circle. The distinction between caring strictly for “one of us” versus caring for “the other” is not a new phenomenon. In decades prior to the establishment of the State of Israel as well as thereafter, the term “*Anash- Anshei Shlomeinu*” [people of our well-being] was frequently

used in organizational communications to identify the presenting individual as an insider or an outsider – “one of us” or “one of them”. While in exile, frequently the identification of Jew to another Jew was sufficient enough to solicit assistance, within the State of Israel, there were additional characteristics such as political and ideological affiliations that created greater subcategories of “*mishelanu-im*” [from ours], another term of distinction.¹⁰

The inability to see ourselves as a distinct nation with a unique heritage and specific mission while maintaining a deep care, concern, and connection to the greater world is juvenile and dangerous. In the censored writings of Rabbi Abraham Yiṣḥaq HaKohen Kook, Rabbi Professor Yehudah Mirsky, who has spent years researching Rav Kook’s lesser-known writings highlights that, “*thus for him (Rabbi Kook), modern nationalism is a form of élan vital that, in its secular form, will self-destruct in chauvinism, but if disciplined by Jewish ethics can be a positive force in the world.*” Rabbi Kook believed that if nationalism simply advocated raw patriotism without a “universal ethical

7 Exodus 2:11. Sefaria. (n.d.).

8 Exodus 2:11. Sefaria. (n.d.).

9 Rambam, Sefer Shoftim, Hilchot Sanhedrin, Halacha 7

10 Danet, B. (1990). *Protektzia: the roots of organizational biculturalism among Israeli Jews*. *Social forces*, 68(3), 909-932.



Mashiah, aside from the oppression of government. And this [the oppression] that is destined to be destroyed in the days of Mashiah- is not only in regard to the Jews, but rather for all of humanity.”¹³

The ultimate redemption for the Jewish people is contingent on the reclamation of our rightful place in history as fighters for truth and seekers of justice for the oppressed, the downtrodden, and the vulnerable of society. Hakham Dr. Yosef (José) Faur articulates the Jewish alternative that must be reintroduced and reinforced to counter the brutal societies of world history,

“For thousands of years, humanity has suffered at the hands of cunning tyrants, individual men who use charm, rhetoric, and deception to maintain power over the masses... human society has been structured to benefit those in power at the expense of the common people. The sole exception to this arrangement... is the Jewish society. Thousands of years ago, the Jewish nation became what Nobel laureate Elias Canetti called a ‘naked crowd’; a society built on transparency and inclusiveness, impervious to the attempts of would-be tyrants to control the ‘crowd’ through mind-games, linguistic manipulation and mass hysteria.”¹⁴

Our duty is to stop focusing on the trivial customs we have collected along the journey of our national exile, such as consumption of sufganiyot over an eight-day period, and various forms of gambling legalized through dreidel playing, and instead reclaim the fight the Hashmonayim began, by internalizing the core ideals which led them to the battlefield. It is our moral and ethical obligation as Jews to actively assist the world in creating and maintaining truly free societies for all. ■

system and play an interactive and principled role within the rest of world”¹¹, it would self- destruct.

The Jewish people have not lamented for thousands of years merely over the destruction of a geographical homeland. The yearning and desire to build a physical safe haven for the Jewish people is only the first step in our national vision of redemption. Rabbi Ben-Zion Meir Hai Uziel so poignantly writes that:

“The redemption of Israel is not a personal redemption, rather it is the redemption of every human being from their numerous and devastating wars, and from their servitude to foreign ideas and false beliefs and tyrannical regimes, or from hypocritical counterfeit religion. Judaism does not seek to change the order of the world, or the values of life, rather her greatest desire is to destroy the political and religious rulership which oppresses and crushes, subjugates and enslaves, which rules and conquers with the strength of the sword and might.¹² [And this is what our Rabbis mean when they teach] There is nothing different between this world and the days of

11 Michal, R. G. (1970, January 1). 115) the CENSORED writings OF rav kook. 115) THE CENSORED WRITINGS OF RAV KOOK: <https://www.kotzkblog.com/2017/02/115-censored-writings-of-rav-kook.html>.

12 See Rabbi Jose Faur in Horizontal Society, page 96 for an in-depth analysis of violence and Herut. Faur, J. (2010). The Horizontal Society. Academic Studies Press.

13 הגיוני עזיאל: שער כ"ח – הגאולה ותעודתה פרק א' / הגאולה ותעודתה

14 Faur, J. (2009). The Naked Crowd: The Jewish Alternative to Cunning Humanity. Derusha Publishing.



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SEVEN PRECEPTS

HUMANITY’S UNIVERSAL LAWS FROM GENESIS AND BEYOND

BY **RABBI YOSEF ZARNIGHIAN**

TEACHER

The book of Genesis is perhaps the most captivating book of our Tora.

As we begin a new cycle of the annual Tora reading, it is worth noting seven practical lessons, or precepts, under which all of humanity is responsible for one another. Maimonides (c. 1138–1204)¹ informs us that while these seven universal precepts are dictated by common-sense and Israel’s legal-transmission, they are also alluded to throughout the book of Genesis and beyond: 1. Worship of foreign-deities, 2. Blasphemy, 3. Murder, 4. Illicit-relations, 5. Robbery, 6. Establishing courts of justice, 7. Consumption of a live limb.

It is with regard to the first precept² in Maimonides’ list that we read (Genesis 2:15): *And God the Lord took Adam, and He placed him in the Garden of Eden to work it and to safeguard it.* Being that Adam is immediately placed in a location to which he bears the responsibility of maintenance, the Sages of Israel make note³ of a fascinating implication: if Adam is commanded to perform these tasks, this implies an inherent obligation upon man to heed to the Creator’s instructions, and not to be led by the fabrications of instruction from a foreign deity. This is precisely why *Targum Neofiti* elucidates upon this verse by stating:⁴ “And God the Lord took Adam, and He situated him in the Garden of Eden in order to engage in the Law [in which he was currently obligated],

and in order to observe His precepts.”

Secondly, with regard to the crime of blasphemy, legally defined by the Sages⁵ as a proscription against “defaming” the Creator’s name, either by uttering the ineffable name of the Lord, or by using the ineffable name as a medium to curse an individual,⁶ one must ask why it is that such a prohibition is among the category of universal crimes for Israel. R. Meir L. Wisser (1809–1879), also known as the *Malbim*, elucidates⁷ on this point during a brief series of remarks regarding the origin of blasphemy and its severity: “The [population of the earth] made a great error in the generation of Enos,⁸ and Enos himself was among [these] erroneous individuals, for they would declare that the Lord had transmitted the condoctorial [force of the universe] to the stars and constellations, and by virtue of this [alleged power], one ought to honor them and prostrate before them, just as we honor and prostrate before the commanding officers of a king, for [the king] had designated [a portion of] his honor unto them. And behold, the ineffable name of the Holy One is representative of His [absolute] existence, and that He is the first cause [of reality] ... And so it was stated regarding the era and generation of Enos that mankind had begun to only make use of the ineffable name [of the Creator]⁹; they did not call Him by any other name which is representative of his

1 Mishne Tora, Laws of Melakhim u-Milhamotehem: 9:1-2.

2 Our method of citing precedent from the Pentateuch for these seven precepts is unofficial, as in R. Jacob Hagiz’s dictum in *Tehillat Hokhma*, (Warsaw edi.), p. 45, canon no. 40: “It would appear that all [attributions of verses] which pertain to exposition [of the Law] or of homiletics are not particularly regulated, so that an emora [may offer a different scriptural source] from that which a tanna [offers as a source for an accepted ruling].” See also R. Judah ha-Levi’s *Kitāb al-Khazari*: 3:73.

3 The term used for ‘taking,’ or *qiha*, in Hebrew, connotes formal, legal acquisition over the subject which is being acquired. This subtle verb hints to the Creator’s right of instruction over Adam by virtue of his creation of him. See the remarks of R. Judah in *Yalqut Shimoni*: Genesis 2, sec. 247:22.

4 *Targum Neofiti*: Genesis 2:15, retrieved at: [https://mg.alhatorah.org/Dual/Targum_Yerushalmi_\(Neofiti\)/Bereshit/2.11#m7e0n6](https://mg.alhatorah.org/Dual/Targum_Yerushalmi_(Neofiti)/Bereshit/2.11#m7e0n6)

5 Leviticus 24:16, *Targum Onqelos*, *ibid*, Mishna, Sanhedrin 7:5. See also Abot de-Ribbi Natan: 12:13.

6 Sanhedrin 56a.

7 Commentary on the Pentateuch: Genesis 4:26.

8 See R. Tobiah ben Eliezer (11th century), *Midrash Leqah Tob*, commentary to Genesis 4:26. *Mekhilta de-Ribbi Yishmael*, 20:2, also cited in *Midrash Tanhuma*, sec. Noah, subsection 18.

9 See Genesis 4:26, *Targum Onqelos*, *ibid*.

providence, for they had already attributed the [force of] conductibility to the celestial bodies, and so they began to exclusively refer [to them] by the ineffable name of the Holy One, being that He is the first cause [of their existence].” According to *Malbim’s* report, the crime of misattributing, or performing a sort of identity-theft against the Creator; thereby effectively hijacking the source of moral and fundamental legal instruction to all inhabitants of Israel, is truly an intolerable crime, one which borders on the realm of treason and national security risk.

By way of extension R. Joseph Ibn Kaspi (c. 1279-1340)¹⁰ connects this very formula of legal reasoning when he discusses the prohibition against blaspheming certain political officials of Israel (Leviticus 24:15): *If any man¹¹ curses his [superior] head; he shall bear his [own] crime.* Ibn Kaspi notes: “If one were to blaspheme the name of the Almighty by cursing another Israelite [with His name], one would not be liable to capital punishment, but he still would incur a transgression [by doing so], for it is sensible that his intent [may extend to also] blaspheming one of His Justices or His King, and so it is befitting for there to be a proscription against he [who blasphemes], due to the attributed [name] of the Almighty with the title [of such political ranks].”

Ibn Kaspi would not be the first to draw the connection between blasphemy and attributed rank from the Creator, as prescribed by Law. In his monumental work of Hebrew proverbs, Ben Sira (c. 2nd century BCE) draws this very comparison between blasphemy of the Creator’s name and one’s parents; the latter also constituting a Constitutional prohibition (Exodus 21:17). Both the Creator and one’s parents are not only pillars of the public life and the social cohesion of Israel, but of their private lives and familial stability, too:¹² *The honor of a man is by honoring his father, and he who sins is a blasphemer of his mother. For it is a deliberate [act] to ridicule one’s father, and he who blasphemes his mother angers his Creator.* In effect, Ben Sira compares he who blasphemes his parents to the blasphemy of the Creator Himself, as one’s parents are enjoyed with this inalienable honor vis-vis their children, as endowed to them by the Creator; their honor is shared with the Creator’s honor.

Ibn Kaspi’s remarks are quite brief and ambiguous, but they are also concise with regard to a very real and prac-

tical application of political structure within the structure of Israel’s offices of government. Our leaders: the Justices of the Supreme Court of Israel, as well as the King of Israel, serve as acting representatives, or delegates of the Creator, insofar as executing their respective roles under the Law are concerned.¹³ There is one primary difference between the respect awarded to Justices and a King. While a member of the Court has the right to temporarily forgive his due respect, such as by permitting those in his presence to be seated, or to be addressed informally, a King of Israel may not do so, as the former’s respect is earned by virtue of his acquisition of the Law; it is the Justice’s or Judge’s earned respect, whereas a King’s respect is not merely respect; it is a form of reverence for the power solely awarded to him by the Creator; the respect is not his, but that of the Creator.¹⁴ A King of Israel does not wield ultimate executive domain in enforcing the Law of Israel, as transmitted and promulgated by the judiciary. The Creator, and His prophets, by extension, do.



These seven universal precepts are dictated by common-sense and Israel’s legal-transmission, they are also alluded to throughout the book of Genesis and beyond.

Thirdly, we may confidently state that the crime of murder is not only a grave and serious one; vain bloodshed of any kind is a sacred proscription in the national psyche and legal tradition of Israel: *And if a man strikes his servant or maidservant with a rod, and he dies in his custody, he shall surely be avenged*” (Exodus 21:20). When we collectively speak of “progressivism,” we often forget just how progressive the Law of Moses really was and still remains. Under Roman Canon Law, for example, there was no punishment for murdering one’s slave

until Emperor Hadrian (117-138 CE) put an end to the practice, which required a great deal of force to accomplish.¹⁵ It is not without reason, then, that *Malbim* concludes in his commentary to this verse “for [our] hearts must be furious over his death, until the point where the [murderer] is executed, vengefully, as would be done by the Redeemers of Blood by our own brethren.” Prior to the instruction of this passage, the Creator relates a bedrock of legislation for humanity (Genesis 9:6): *He who spills the blood of man shall have his blood spilled by man; for He created man in the form of God.* When rendering this verse, *Targum Onqelos* outlines the framework for the due process of all those who are accused of murder. No one is spared: if every human represents a microcosm of the Creator’s bestowed will and form for humanity, we would all share one common theic-identity, of one Father, who is the Creator of all: “He who spills the blood of man, with witnesses [who observed the act], shall

10 Commentary on the Pentateuch: Leviticus 24:15. Retrieved at: https://mg.alhatorah.org/Parshan/R._Yosef_ibn_Kaspi/Vay-ikra/24.1#m7e0n6

11 This rendition is in accordance with the view held in *Torat Kohanim* (Emor): 19:4.

12 Ben Sira (Kahana edi.): 3:10;15.

13 See 1 Sam. 12:3, 15:6, *Mešudat David*, *ibid*, *ibid*. Ps. 82:1, *Mešudat David*, *ibid*, Ibn Ezra, *ibid*.

14 See the remarks of Tosafot, Sanhedrin 19a, s.v. yannai.

15 *Historia Augusta*, The Life of Hadrian: Part 2, 18:7-8. Retrieved at: https://penelope.uchicago.edu/Thayer/e/roman/texts/historia_augusta/hadrian/2*.html

have his blood spilled by the pronouncement of Judges, for He created humanity in the form of God.” In what is perhaps one of the most powerful and potent proclamations of human rights in the history of legal literature, the Sages¹⁶ of Israel report how its Judges would address their witnesses with the episode of Cain’s murder prior to commencing a capital trial: *The sound of your brother’s bloods cry out to Me from the earth*” (Genesis 4:10). *The sound of your brother’s blood* is not stated [in the verse], rather, *your brother’s bloods* [is stated]: His blood and the blood of his offspring [are ascribed to Cain’s murder of his brother] ... Therefore, Adam [the First] was created singularly, [in order] to teach you that anyone who murders (lit. ‘destroys’) a single life is reckoned to have destroyed an entire world, and anyone who sustains a single life is reckoned to have sustained an entire world.¹⁷” Maimonides adds¹⁸ one critically important, note regarding our theic-identity as humans, and why it is that we all retain this identity: “[this passage] refers to the form of the species that is mankind; in which Adam was formed; this is [the current form] of mankind, and so every [human] within mankind is enjoined in this [line of species].”

Fourthly, we may recall the pleading words from Joseph, son of Jacob, towards the wife of his newfound master, Potiphar, Chief Executioner under the Pharaoh of Joseph’s era. The Tora¹⁹ relates to us that despite her long-standing lust towards Joseph, and whilst Joseph remained tempted to lie with her, Joseph refused to lie with Potiphar’s wife for two reasons: it would be morally

unconscionable for Joseph to betray his master’s trust after so much of it has been placed in his hands, and because the crime of certain form of adultery, including that of lying with a married women, is a universal crime upon humanity. In response to Joseph’s defense for refusing her, R. David Qimḥi (c. 1160–1235)²⁰ elucidates Joseph’s remarks: *“And so how can I perform this great evil: to lie with [Potiphar’s] wife, whereby I would be deceiving him. And furthermore, I would be committing a crime against the Almighty, for He had proscribed illicit-relationships²¹ for mankind, as we have written in the portion of our [commentary] to Genesis (2:24): And he shall cleave unto his wife, [implying that one may] not [cleave unto] his fellow’s wife.”*

Fifthly, the crime of robbery should warrant our extra attention, as this proscription serves as a bedrock for the sixth universal law; the establishment of courts of justice. In what was the only instance of recorded destruction for human society as a whole, we may revisit the infamous episode of the flood narrative of Noah; more precisely, the events which led to the consequence of a large-scale flood by the hand of the Creator (Genesis 6:1-2): *And it was when mankind had begun to proliferate upon the earth; and daughters had been born to them. And the son of the nobles²² saw the daughters of [the common] man, for they were good [in appearance]; and so they took wives from themselves from all which they chose.* The Tora now tells us about the Creator’s need to start anew, and that Noah stood out in this regard. We

are now provided with the Creator’s reasoning; in light of mankind’s impulsive acts of robbery, the Almighty started anew with Noah as his pioneer for civilization’s next and new chapter: *And the [people of] earth had become corrupt before the Almighty; and the earth had become full of seizure, or, as rendered by Onqelos: “[A]nd the earth had become filled with aggravated robbery.” And so the Almighty observed the earth, and behold, it was corrupted; for all mortals had corrupted their way[s] upon the earth.*²³ R. Qimḥi²⁴ astutely notes why Noah stood out to the Creator, and why he alone had found grace in His eyes: “[He was] righteous, for his actions were just, in contrast to the [actions] of his generation, which



16 Mishna im Perush Rabbenu Moshe ben Maimon (Qafih) vol. 4, p.114.

17 This dictum applies to those who sustain others via charity as well. See Abot de-Ribbi Natan: 3:10. Conversely, the same holds true for one who robs an individual of any amount from his assets, as in Prov. 1:19; see Baba Qamma 119a, and the metaphorical anecdote of Rashi, commentary to Gen 29:11. See especially, the heartfelt remarks of R. Moses Alsheikh (c. 1508-1593) towards the status of the poor being akin to the deceased, in his work Sefer Debarim Tobim, commentary to Ecclesiastes 10:19.

18 Mishna im Perush Rabbenu Moshe ben Maimon (Qafih), ibid.

19 Genesis 39:7-16.

20 Commentary on the Pentateuch: ibid, v. 9.

21 In his work, Yesod Mora, Ibn Ezra seems to reject the premise that some illicit-relationships may be proscribed for non-Israelites. Ibn Ezra resolves this problem in ibid, treaties no. 5, although elucidating his proposed resolution is beyond the scope of our discussion.

22 ‘Masters’ or ‘nobles,’ in the sense of communal and legal leadership; see Targum Onqelos, ibid, and R. Seadya Gaon, Tafsir, ibid.

23 Genesis 6:11-12.

24 Commentary on the Pentateuch: ibid, v. 9.

were violent [robbery]. [He was] *wholehearted*, as in: complete [in his actions] without any disingenuity ... for all of his actions were done for His sake. And this [world-view demonstrates] immense intellectual strength [on the part of Noah], for he had overcome his very nature, for he was [raised] in a generation of evildoers and robbers, and [nevertheless], did not learn from their actions, and no one but he [in his generation] had self-meditated upon the service of the Almighty.”

Noah was put to the test during his generation’s struggle, that of ignoring the fundamental right to sovereignty over one’s property, and he triumphed against the corrupt norms of his era. Noah’s victories, therefore, are directly connected to the sixth universal law, to establish courts of justice. Nachmanides (c. 1194–1270) demonstrates²⁵ the need and interconnection between a functioning and upright judiciary and all other universal laws of mankind: “The children of *nobles* [are] the children of the [then] officers [of the Law] and of the judges ... and therefore, this verse relates that the judges [of the time], upon whom the responsibility of administering justice rested, committed acts of public theft among themselves with no one objecting to [their crimes].” We may now also understand why it is that Jonah, a prophet of Israel, was instructed to reveal the upcoming demise of Nineveh, for the very same crime that was committed in Noah’s generation (Jonah 3:8): *And the people and animals covered themselves in sackcloth, and they beseeched the Almighty with intensity; and so [each] person returned from his evil way, and from [holding] the seized [items] that were in their palms.* While there is one primary difference between the actions of the Noah’s and Jonah’s generations, the commonality they share, as noted by R. Abraham b. Hiyya ha-Nasi (c. 1070-1136), teaches us of the universal value of respect for personal ownership, as well as the value of repentance by undoing one’s evils by means of a sincere and broken heart, as well as by means of undoing one’s action to the best of one’s capabilities. R. ha-Nasi portrays²⁶ the similarities and differences described above as follows:

“And so in this incident, you see that the people of Nineveh are akin in wickedness to the people of the Generation of the Flood ... And so [Jonah] states ‘each person from his evil way (Jonah 3:8), in other words, from his [evil] habits to which he had become accustomed in performing, and *from the seized [items] that were in their palms* (ibid), for they would [now] return all stolen and robbed [items] that were found in their hands, to their [rightful] owners²⁷ ... Therefore, you may now come and see how great is the honor of returning lost, stolen, and defrauded items, and the like, as is the asking for forgive-

ness regarding them, for it was in the merit of returning the stolen items alone that the Omnipresent had nullified the decree of the People of Nineveh’s demise, to which Jonah declared upon them.”²⁸

And lastly, it was when Noah has finally resettled and re-established his family and inhabitation, that the Creator reassured him of his superior status above all other forms of life; it was not for man to worry about the natural order and placement of species within the animal kingdom (Genesis 9:2-4): *But flesh; do not consume it with its lifeblood [intact].* The practice of consuming meat from a living animal appears to be intuitive, and practical by the same token. In an age of lacking preservation for meat products, a practical solution such as cutting the desired limb of choice for consumption from the animal, only to allow the animal’s flesh to heal, thereby preserving its remaining flesh for the owner, appears to be consistent with man’s reassured superiority over other species of life. However, this is indeed not the case, As we read in Proverbs (12:10): *The righteous one knows the life-force of his animal; but the mercy of the wicked is savage.* A righteous person is he who is attentive even to the needs and desires of his animal, as the compassion of animal owners is a known trait, unlike the love or mercy that is shown by the wicked, which appears to be benevolent on the surface, but, in truth, is quite the opposite.²⁹ The sort of savagery described here, by Proverbs, is vividly illustrated³⁰ by R. Judah Regensburg (c. 1150-1217), colloquially known as R. Judah he-Hasid: “The mercy with which the savage [person] acts with his animal is [comparable] to one who places a great quantity of fodder for his animal to eat, whereby he [forces] it to run the mountains and hills the next day, for he says: ‘did I not give it much fodder?’ And so [the wicked] will occasionally beat [the animal] with savagery, if it cannot run according to his wishes. Consequently, the mercy that is bestowed upon [the animal] with food is turned into savagery [by its owner], and so this is [the meaning] of that which is stated: *the mercy of the wicked is savage.*” This long-held aversion towards tyranny not only applies to forced rule and savagery over humankind, but upon animals as well, as R. ha-Nasi states³¹ in his concurring remarks: “By virtue [of this privilege], Adam became obligated to conduct them, guide them, and to tend to their welfare, for it was in this condition that they were trans-mitted to his jurisdiction; if he fulfils [this] condition of the Holy One, blessed be He, by not pretentiously using his rank [over animals]. But if he were to negate his condition, the Omnipresent would punish him, and degrade him from his rank.” ■

25 Commentary on the Pentateuch: ibid, v. 2.

26 Sefer Hegyon ha-Nefesh (Freiman, Jerusalem, 1967), p. 26a.

27 Ibid, p. 27b.

28 Ibid, p. 28b-29a.

29 See Rashi, Commentary on the Pentateuch, Genesis 18:19; Mešudat David, Commentary on the Writings: Proverbs, ibid.

30 Sefer he-Hasidim: entry no. 669.

31 Sefer Hegyon ha-Nefesh: p. 9a.

SEPHARADI AND ASHKENAZI APPROACHES TO TORAH COMMENTARY

BY DOVI PFEIFFER MEMBER

HOW WAS RASHI RECEIVED IN SEPHARAD?

Dr. Yitzchak Twerski would say about RaSH"l (1040-1105) that "he wrote the classic commentary on the two classics of Judaism" - that is, the Torah and the Talmud. RaSH"l's Torah commentary has had significant influence on all sorts of Jews, educated and uneducated, throughout the years. It is so ubiquitous that it is often viewed as the standard commentary on Torah, even though there have always been communities where RaSH"l wasn't an exclusive factor. However, there was a time before RaSH"l's commentaries had essentially spanned the globe; There was a point where RaSH"l's commentary had to travel from Troyes, past Languedoc, and spread through Spain¹, and it is the reception RaSH"l's commentaries received then that merit careful analysis.

One of the first Spanish encounters with RaSH"l occurs when Ibn Ezra was forced to emigrate from Muslim Spain and travels throughout Christian Europe. There, he encountered the styles and cultures of the Christian Jews, including their attachment to *derash* style interpretation, which explains verses using nonliteral methods, often taken from homilies found in midrashic collections. Ibn Ezra was a strong proponent of *peshat*² interpretation, based on the Rabbinic dictum, "*En Miqra yoše mide peshuto*," that a verse must be explained within the constraint of its logical implications. He understood clearly non-literal rabbinic homilies as a means to add meaning, intended to complement the literal understanding. In his introduction to one of his grammatical works, *Safa Berura*, he criticizes RaSH"l for engaging in homiletic interpretation thinking they are the *peshat* meaning, saying not even 1 in 1000 of his interpretations are *peshat*. One example of the difference in approach can be seen in the approach they take to Nimrod³, a figure who is described vaguely as a powerful individual who was a mighty hunter: RaSH"l following midrashic tradition based on the similarity of his name to the root "MRD," to rebel, understands him as an evildoer; Ibn Ezra denies the validity of this type of name analysis, and interprets

him as a hunter who would bring some of his animals as sacrifices to God.

RaSH"l himself doesn't seem to have had much influence at any point in Muslim Spain, whose Jewish community was destroyed in the mid to late 12th century. R. Abraham Ibn Daud in his *Sefer HaQabbala*, a work recording the transmission of Torah, written around 1160, mentions only Rabbenu Tam as an example of Northern French and German scholars, leaving out RaSH"l entirely, although it is suggested that he only recorded his contemporaries, in which case his omission of RaSH"l would be insignificant. Interestingly, RaSH"l does appear in a later interpolation added to the work, which describes him in glowing terms.

Later, in Christian Spain (which was ideologically different to Muslim Spain), approaches to RaSH"l were different. RaMBa"N, who lived from 1194-1270, describes RaSH"l in his poem that opens his Torah commentary as the primary commentator, whose explanations serve as the starting point for RaMBa"N's own comments, though subject to examination in his comments. Interestingly, RaMBa"N here may refer to the idea of a 'RaSH"l *Midrash*' where a certain *Midrash* becomes 'canonized' by virtue of appearing in RaSH"l's commentary, even when other *Midrashim* disagree with the one RaSH"l quotes. Conversely, he treats Ibn Ezra much more critically, writing that he will treat him with open critique, but hidden love. It is worth noting that RaMBa"N does criticize RaSH"l's comments at times, such as in Genesis 2:24.

Another later issue which demonstrates just how popular RaSH"l had become relates to *shenayim Miqra*. The *Gemara* in *Berakhot* 8a-b requires one to finish the weekly Torah portion twice, with the Aramaic *Targum* once. Over time, as Aramaic knowledge became less widespread, the question of replacing its recital with an alternative was raised. R. Moshe of Kuš, a French Rabbi, suggests that one could read a commentary instead, which his Rabbis approved. Rabbenu Asher ben Yehiel, commonly known

1 [This is for writing purposes, not an actual description of how RaSH"l spread.]

2 The precise boundaries of *peshat* and *derash* cannot be summarized here, beyond that *peshat* is a more simple meaning that emerges from careful analysis of the text, while *derash* permits large non-textual edifices to be created, and views numerology, name etymology, and similar methods as valid.

3 Genesis 10:8-11

as the Rosh, a German Rabbi who emigrated to Spain, says a commentary could serve in place of the Aramaic translation, which, although not explicit, almost certainly refers to RaSH"l's commentary. Rosh's son, R. Yaaqov ben Asher, records explicitly in his *Arbaʿ Turim* that one can read RaSH"l instead of *Targum* for the requirement. R. Yosef Qaro later recorded a compromise position in his *Shulḥan Arukh*. However, these comments are not able to shed too much light on the general approach to RaSH"l, since they all come from Ashkenaz transplants.

R. Yehuda Kaleš in his introduction to his super-commentary on RaSH"l records that it was standard to begin learning Torah with RaSH"l's commentary, as through it one would not only understand the meaning of the verses, but also the talmudic vernacular. However, we also have references indicating opposition to RaSH"l for various reasons. R. Moshe Gabbay, a Sephardic commentator on RaSH"l, refers to critics of RaSH"l protesting against the midrashic emphasis in his commentary, which they see as far from the simple meaning of scripture. He implies that this was primarily among those who were fond of philosophy and sciences, whom he also seems to imply are outside the boundaries of Judaism. Another critique he records is those who disagreed with his grammatical skills. Although unmentioned, this is likely caused by RaSH"l's ignorance of the more up-to-date Arabic grammatical works of Ibn Ḥayyuj, Ibn Janāḥ, and the like, and was limited to the earlier grammatical works of Menaḥem ben Saruq and Dunash ibn Labraṭ⁴. In the late middle ages, Profiat Duran, a fascinating figure himself, wrote in a grammatical work, *Maʿase Efod*, about the unfortunate neglect of scripture, primarily in France and Germany. He contrasts this with past times, when RaSH"l, in addition to being a great talmudist, also wrote commentaries on scripture containing pristine explanations of verses, and elegant grammatical comments. Another sign of RaSH"l's popularity is found in early 15th century Christian-Jewish disputations, where RaSH"l's commentary is used by the Christians to support their arguments, demonstrating that many Jews would have seen his comments as being authoritative. An interesting late critique is found in Abrabanel's introduction to his commentary on the early prophets, where he describes it as being "*bitter and unfortunate*" that RaSH"l largely limited himself to midrashim in his commentaries, and didn't present his own ideas.

The history of how RaSH"l's commentary spread throughout Spain, especially its seeming absence in Muslim Spain, leads to the question of how the Andalusian tradition approached those midrashe *ḤaZa"l* that served as RaSH"l's sources. By going through writings from the Geonic times through the generation of the ex-

pulsion from Spain, we will see a fairly consistent general attitude expressed towards rabbinic homily. This analysis will primarily focus on Geonic responsa and transition to the positions expressed by HaRambam and his son R. Abraham, but other sources and figures will be discussed on the way.

In the responsa and other literature of the Geonim, starting from R. Saʿadya until R. Hayye Gaon, we find a general approach that views rabbinic homily as being the ideas of the individual scholar, unlike halakha with its Mosaic basis, and therefore nonbinding.

The easiest summation that represents the Geonic view can be found in the *Mavo haTalmud* placed after *Masekhet Berakhot* in many Gemaras. It is attributed to *Shemuel haNagid*, though this is unlikely. When explaining *Aggada*, he writes as follows (all emphases, here and in future sources, my own):

Aggada is any explanation given in the talmud for anything not related to law (=Mišva). This is all aggada, and one only should conclude from it that which is reasonable. You should know that any legal decision of ḤaZa"l is of Mosaic origin, received from the Almighty, which you may not add to or detract from. However, what they explained in the verses, was said by each one as appeared to him according to his understanding, and based on what seems reasonable from these explanations we learn from, and the rest we do not rely on.

The *Gemara* in *Berakhot* 59a records an incident where, roughly, Rab Qaṭina was walking and when he came to the door of a certain necromancer, an earthquake occurred. The necromancer explains the earthquake as occurring because God, upon remembering the suffering of Israel among the nations, sheds two tears into the great sea, causing an earthquake. The *Gemara* concludes that this is the proper explanation. R. Hayye Gaon, in his commentary⁵ says as follows:

This matter is aggadic, and for it and all that is like it, the Rabbis say "We do not rely on Aggadah." The way of explaining is to first determine that both from logical reasoning and the words of scholars it is clear that the Holy One, blessed is He, can't be compared to any creation, and there is no playing (seḥok?), tears, relief (anaḥa), or force (doḥaq). Once we have determined this, it is clear that any rabbinic statement that attributes these to God isn't meant literally, rather as an analogy (mashal), to convey an idea through familiar terms, in the same way the Torah uses human terms.. This is the explanation⁶: Bene Yisrael are precious to the Holy One, and all that comes to the world, good and bad, is because of them... Therefore, since the Israelites' oppressions were difficult before heaven... And the earthquake

4 Parenthetically, the knowledge of secular sciences and wisdom, as well as grammatical knowledge, were two of the major accomplishments of Muslim Spanish scholars.

5 Can be found in *Oṣar haGeonim Berakhot*, helek haPerushim, item 271

6 Since the explanation is fairly long, I will be shortening my translation to try to transfer the gist of Rav Hai's explanation

is as follows, as a sign to Rome over their cruelty to Israel. Rain pours into the great sea, along with great sound, like a person crying, not that drops fall from the Lord's eye, as God forbid to attribute that to him. Rather, all water that drips is called 'tears'...

R. Hayye seems to have a two-pronged approach. First he says that it is aggadic, and from that alone it isn't binding to accept its literal premises. Second, he looks at how to explain it, and there based on the impossibility of the literal meaning determines it must be a metaphor. In this explanation, we see how he tries to understand the ideas being expressed, and how the words can be understood.

Another important source is recorded from the margin of the *Sefer haEshkol* of RaAB"ad 2. There, a statement of Rab Sherira is recorded which says as follows:

"These statements which are derived from verses, called 'Midrash' and 'Aggada,' many of them are based on one's individual understanding. Some of them are correct'... Some of them are incorrect... The Talmud and Midrash collections record each individual's views, and we, according to his (=the author of each statement's) wisdom a man is praised. Similarly, the homilies of Rab Osha'ya (= Bereshit Rabba) and R. Tanhuma (=Midrash Tanhuma) aren't correct, therefore we don't rely on Aggada, as they said "We don't learn [Halakha] from aggadot..." The good ones of them, those that are supported by the intellect and scripture, we should accept, as there is no

end or conclusion to aggada."

Here, Rab Sherira expresses another facet of the Geonic approach to *Aggada*. Unlike scripture or *halakha* which are authoritative, *aggada* is subject to outside review. The *halakha* of scripture cannot be wrong - individual opinions may be incorrect, a particular understanding may not conform to reality, but as a corpus, acceptance of scripture and *halakha* are binding. *Aggada* is not like that: *Aggada* is subject to determination from the outside; It must justify itself.

From these two responses, we can list the general 'geonic approach' as having the following points: First, *aggada* is not binding. An aggadic statement does not require one to believe a certain way. This seems to be because unlike *halakhah*, it doesn't derive from Sinai; Rather, it is generally a personal judgement. Second, *aggada* is subject to judgement; One who say 'this *halakha* is pleasant; This one is not,' we are told has no share in the world to come. By *aggada*, one can make these judgments. Third, although we don't rely on it, it is appropriate to explain it in a logical manner when possible. It is appropriate to conclude with two points relating to the Geonic position. First, Rab Hayye⁸ does differentiate between *aggadot* found in the Talmud, and other *Aggadot*, though the precise nature of this distinction is unclear. Second, the statement that most *aggada* is not from tradition has a converse; Some *aggadot* are considered by Geonim to be of Sinaitic origin⁹.



Ibn Ezra discusses *Aggada* at length in two places in his writings. The lengthier one occurs in his introduction to his grammatical work, *Safa Berura*, the second in the introduction to his commentary on the Torah¹⁰. In both, he is sharply critical of those who base their commentaries on homily, and presents the approach that *aggada* in general is a means to add nice ideas to the *pesuqim*. He also notes that *derash* is usually motivated by *peshat* related concerns. His contemporary, R. Yehuda haLevi has a similar approach in the 4th section of his *Kuzari*.

HaRambam has a unique connection to *Aggada*. He writes in his *Mishna* commentary about his original intent to write a work explaining the

7 It seems this is meant as the correct understanding of the verse for halakhic purposes

8 Oṣar haGeonim, Hagiga, section of explanations, piece 69

9 See Rabbenu Hananel, Hagiga 12b

10 We have this introduction in two different forms, as Ibn Ezra wrote it a second time.

meaning of *aggadot*¹¹. He describes the function of the *aggada* in his introduction as follows:

The derash found in Talmud; don't think it is of little value and wanting in use. Instead, it has great wisdom, as it contains wondrous secrets, for the derashot, when one analyzes them intellectually, he will understand the great truth within, which has nothing higher, and he will understand divine concepts, Those very concepts that wise men would hide, not revealing to a soul, and all the wisdom the philosophers discovered. However, if one takes it literally, one will conclude strange, absurd, concepts, which are far from what any person would believe.

HaRambam continues there to give reasons why the Rabbis disguised their ideas, including to guide the student to the correct answer, and to keep them from those not worthy of them. HaRambam discusses this also in his introduction to *Pereq Heleq*, and spells out the obvious logic nature of his views very clearly in the Guide, 3:43:

*As regards the four species [the branches of the palm tree, the citron, the myrtle, and the willows of the brook] our Sages gave a reason for their use by way of Aggadic interpretation, the method of which is well known to those who are acquainted with the style of our Sages. They use the text of the Bible only as a kind of poetical language [for their own ideas], and do not intend thereby to give an interpretation of the text. As to the value of these Midrashic interpretations, we meet with two different opinions. For some think that the Midrash contains the real explanation of the text, whilst others, finding that it cannot be reconciled with the words quoted, reject and ridicule it... Neither of the two classes understood it, that our Sages employ biblical texts merely as poetical expressions, the meaning of which is clear to every reasonable reader. This style was general in ancient days; all adopted it in the same way as poets [adopt a certain style]. Our Sages say, in reference to the words, "and a paddle (yated) thou shalt have upon thy weapon" [azenekha, Deuteronomy 13:14]: Do not read azenekha, "thy weapon," but oznekha, "thy ear?" You are thus told, that if you hear a person uttering something disgraceful, put your fingers into your ears. Now, I wonder whether those ignorant persons [who take the Midrashic interpretations literally] believe that the author of this saying gave it as the true interpretation of the text quoted, and as the meaning of this precept: that in truth yated, "the paddle," is used for "the finger," and azenekha denotes "thy ear?" I cannot think that any person whose intellect is sound can admit this. **The author employed the text as a beautiful poetic phrase, in teaching an excellent moral lesson, namely this: It is as bad to listen to bad language as it is to use it.***

This lesson is poetically connected with the above text. (Friedlander translation). It would seem HaRambam recognizes at least two types of *derash*, one type described in the introduction to the *Mishna* to veil difficult teach-

ings in common language, for the reasons he gives there, the other to teach valuable lessons in a poetic manner, as seen here. This distinction is very clear in his son's organized treatise on *aggada*, where he splits *aggada* into parts, 5 for sayings, 4 for events, and we find there that one of the sections discusses *derashot* hiding a deeper meaning behind an absurd premise, and a second section discusses *derashot* expressing a true idea by tying it to a verse in a poetic manner. As a whole, R. Abraham's short work methodologically gives the reader the keys to understand our Rabbi's many sayings as they meant them.

Living in a world where so often *Aggada* is thrown around meaninglessly, treating the simple meaning as the only one, where sometimes whole edifices are constructed by analyzing vigorously what was never meant literally, it can be easy to see *Aggada* as absurd. It is important that we look back to the style practiced throughout the Jewish world, to discern the meaning *HaZa"l* intended from its protective shell. We may not have a particularly large quantity of *Aggadot* explained by our great sages in the medieval era, but we have more than enough examples from great figures like Rab Saadya, Rab Hayye, Yehuda haLevi, HaRambam, and Meiri, as well as the guide of R. Abraham, that we have no excuses to not take on this momentous task ourselves. ■

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11 Introduction to the 10th chapter of Sanhedrin in his commentary on the Mishnah.

AM YISRAEL AND WINE

BY MR. MO GARSON

MEMBER

ויין ישמח לבב אנוש

"Wine gladdens the hearts of man".¹

יחוגו וינעו כשכור וכל חכמתם תתבלע

"They reeled and staggered like a drunk, all their abilities were rendered useless"²

These two Psalmic verses represent contrasting views of wine's effect; the first praises the Almighty for wine that cheers the hearts of man, the second expresses concern at the intoxicating negative effect of alcohol. Throughout *Tanakh* and the writings of *Hazal* these two opposing views manifest themselves regularly. This article looks to explore this theme and apparent contradiction.

Wine and Ancient Civilisations

There is a statement attributed to Confucius (551-479 BCE) where he says that wine is nutritious and beneficial up to the point it affects the stability of our minds. Academics surmise that wine produced in China in his times was light in alcohol and contrasts with that available in Israel which the rabbis recommended watering down. Throughout the ages, some developed civilisations considered alcoholic beverages as something that should be controlled by man so as not to debase his lofty human abilities. Not every nation followed what they preached. In ancient Greek society, Aristotle (384-322 BCE) advised that boys should abstain from all use of wine until their eighteenth year, "for it is wrong to add fire to fire" but he does not ban it nor curtail its abuse. In fact, one finds that intellectuals met around a table to discuss lofty subjects with a glass of wine in one hand and a bottle within reach. In Plato's (423-348 BCE) *Symposium*, the scene is depicted of great minds (Socrates et al) assembling at a wine feast. Socrates' (470-399 BCE) style was a debating forum which generated knowledge by posing questions

that encouraged others to contemplate what concerned them and articulate these ideas. Wine was a vehicle to loosen thoughts and tongues.

Romans also held symposiums, known as "*convivium*". In Greek symposiums, wine was served after the meal and women were not allowed to attend. In Roman conviviums, women could join in and wine was served during and after the meal. This often resulted in wine being drunk to excess and the licentiousness and promiscuity of the social gatherings and dinner parties of Ancient Rome are well recorded and according to some historians helped contribute to the downfall of the Empire³.

Wine in the Torah and in Rabbinic Literature

The Gemara in Berakhot says לא תרוי ולא תחטי. אמר ליה. אליהו לרב יהודה. *"Elijah the Prophet said to Rav Yehuda: Do not get drunk and you will not sin".⁴* Maimonides (1138-1204) writes *"When the Hakham drinks wine, he does so to moisten the food in his stomach; but whosoever intoxicates himself is a sinner, disgusting, and causes the loss of his wisdom. If he intoxicates himself in the presence of the uncouth, behold, he has caused a Hllul Hashem".⁵*

Reading the biblical narrative through the prism of rabbinic literature, we see the negative effect wine had on humanity and *Am Yisrael*. R. David Abudarham (1340-?) presents the Gemara's view that the tree Adam ate from was a vine,⁶ and he writes that as a result of his intoxication he sinned and humanity continues to feel the consequences.⁷

In Genesis 9:20, Noah left the Ark and planted a vine. He drank of its produce and fell into a deep stupor. His son Ham saw his nakedness and castrated him.⁸ Wine caused him to lose his sensibilities and the ability to pro-

1 Psalms 104:15

2 Psalms 107:27

3 Particularly in respect to some of the more self-indulgent emperors (Caligula, Nero et al). See Paul Chrystal's *In Bed With The Romans* (2015)

4 BT Berakhot 23b

5 MT Hilkhos Deot 4:23 ואם נשתכר. וכל המשתכר הרי זה חוטא ומגנה ומפסיד חכמתו. וכן נשתכר הרי זה חוטא ומגנה ומפסיד חכמתו. וכן נשתכר הרי זה חוטא ומגנה ומפסיד חכמתו.

6 תניא ר"מ אומר אותו אילן שאכל אדם הראשון גפן היה.

7 עוד שמעתי טעם אחר ואתיא כמ"ד עץ שאכל ממנו אדם הראשון גפן היה ולפיכך נקנסה עליו - 18 Sefer Abudarham Hilkhos Ereb Shabbat

8 BT Sanhedrin 70a ומאן דאמר סרסו... ומאן דאמר רבעו - One opines he was castrated, another opines he was sodomised.

create further.

After the destruction of Sodom, Lot escaped with his two daughters. They assumed the whole of humanity had been destroyed and plotted to get their father drunk. Once drunk, they had sexual relations with him in order to continue the human line. He was so drunk that the Torah tells us he was totally unaware of what had occurred **וְלֹא יָדַע בְּשִׁכְבּוֹ וּבְקִוְמוֹ**.⁹

When Yosef's brothers conspired to sell him the Midrash related that they had sat down to dine. When wine was imbibed, it emboldened them to carry out a drastic sentence.¹⁰

The episode of the Golden Calf involved drinking and frivolity leading to idolatry which as a result led many to die **וַיִּשָּׁב הָעָם לְאָכֹל וְשָׁתוֹ**.¹¹ According to the Midrash, Nadab and Abihu, Aharon's sons, died because they were intoxicated when they brought an inappropriate *qetoret* offering to the Holy of Holies.¹²

Bilam advised Balaq to send the women to entice the Hebrew males with wine so that they would end up performing licentious acts culminating in idol worship.¹³ This eventually led to the flagrant challenge by Zimri to Moshe and Aharon and the ensuing plague that killed 24,000 people.

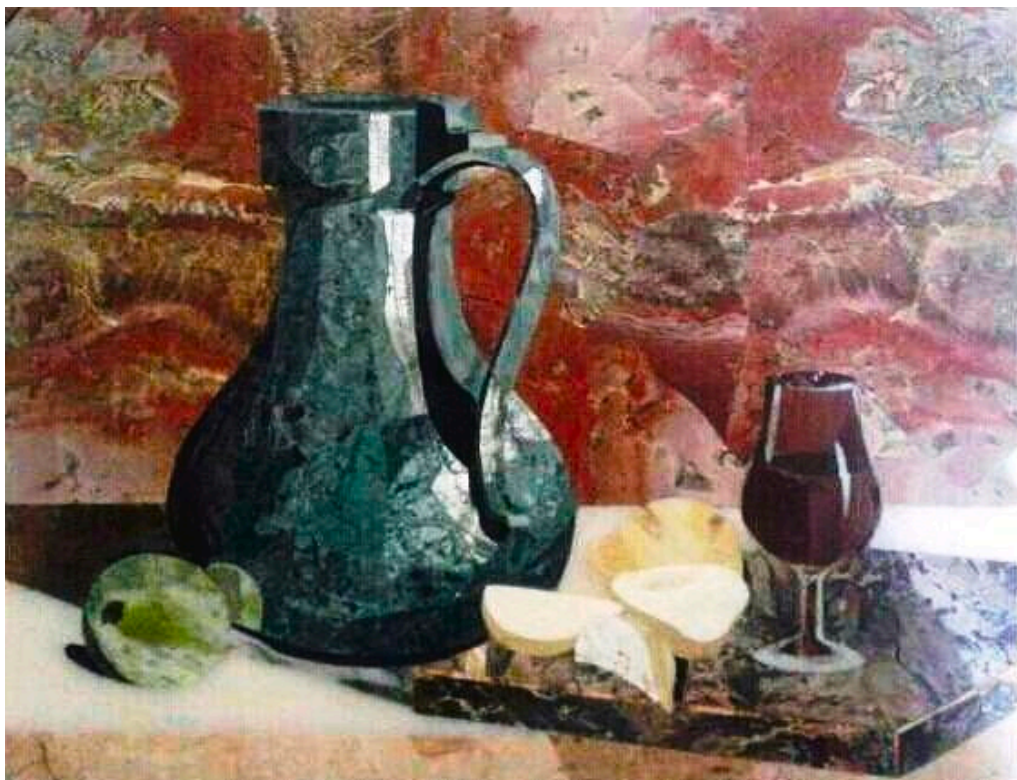
On the positive side, however, we find that when Abraham defeated the kings and saved Lot from captivity, Malki-Şedeq toasted the victory with wine and bread.¹⁴ This is one of two occasions in the Torah when wine is associated with blessing.

The line of King David and the future Mashiah originate from the incestuous relations between Lot and his younger daughter - Moab. As we know, Ruth the Moabite married Boaz and bore a child named Obed who fathered Yishai, David's father.

When Ya'aqob came to obtain the blessings from Isaac

he brought him wine to drink.¹⁵ This is the second occasion when wine is linked to blessing. Yosef's release from prison was orchestrated through wine. The wine butler was imprisoned by Pharaoh and sent to the same prison as Yosef. That same butler recommends Yosef's dream interpretation skills to Pharaoh. When Ya'aqob blessed his children on his deathbed, he blessed Yehuda with reference to the abundance of wine in his territory.¹⁶

If we look at *Tanakh* more broadly, there is no doubt that wine has been central to the salvation of *Am Yisra-*



el. From Ya'el intoxicating Sisera before killing him and thereby delivering Israel from the troops of King Yabin to the entire episode of Purim which revolves around wine. A story that begins with the endless wine of Ahasuerus's 180 day long banquet, ends with the salvation of Israel heralded through Esther's wine parties. It comes as no surprise that Purim is celebrated through wine and festivity.

The Kohen & The Nazir

The *Kohen* 'priest' and the *Nazir* 'religious ascetic' are fundamental characters in Scripture and the Torah places tremendous emphasis on their laws and, in particular, their relationship with wine. For instance, the Torah puts

9 See Genesis 19:32-35 for the several references to yayin.

10 Midrash Tanhuma (Genesis 9:21) **וְכָן בְּשִׁבְטִים, שִׁישְׁבוּ לֹאכֹל לֶחֶם, מִכְרוּ אֶת יוֹסֵף אֶחָיו**.

11 Exodus 32:6.

12 Midrash Leviticus Rabbah 20:9.

13 BT Sanhedrin 106a.

14 Genesis 14:18 **וַיָּבֵא מֶלֶךְ שָׁלֹם הוֹצִיא לֶחֶם וַיִּין וְהָיָה בָהֶן לֶאֱלֹהֵינוּ**.

15 Genesis 27:25 **וַיִּגֶשׁ לוֹ וַיֹּאכַל וַיִּבָּא לוֹ יֵין וַיִּשָּׁת**.

16 Genesis 49:12 **חִבְלֵי עֵינָיִם מִיֵּין וְלֶבָן שְׁנַיִם מִחֶלֶב**.



this cup is "לחיים" - To Life!²²

Conclusion

King Solomon wrote in Proverbs (31:6), תִּנּוּ שֵׁכָר לְאֹבֵד, וַיִּין לְמָרִי נָפֶשׁ - "give wine to the obed and wine to the mare nafesh". The Gemara in Sanhedrin interprets this to mean that wine was created to give comfort for mourners in their distress and to reward the wicked in this world so that they will have no reward left in the World-to-Come.²³

In a play on words, the Gemara continues and discusses the effect of changing a letter "sin" to the letter "shin" in the context of Psalm 104:31.

רַבָּא רַמִּי כְּתִיב (תְּהִלִּים קד, לא) יִשְׂמַח וְקִרִּין יִשְׂמַח זָכָה מִשְׁמָחו
לֹא זָכָה מִשְׁמָמָהּ וְהֵינּוּ דְאָמַר רַבָּא חֲמָרָא וְרִיחָנִי פִקְחִין

Expounding on the verse in Tehilim [ויין ישמח לבב אנוש]:
"Wine gladdens the hearts of man", the Gemara explains that the word for gladdens [ישמח] could be read as "ye-SHammaḥ", which would mean wine makes one incoherent and crazy, but we read it as "yeSammaḥ", it gladdens the heart. [The matter can be explained as follows:] If one is worthy [and drinks a moderate amount of wine] it will gladden him [meSammehō], whereas if he is not meritorious [and drinks excessively] it will make him incoherent and crazy [meSHammemehu]. And that is what Raba meant when he said: Wine and fragrant spices have made me wise; [that is to say, the controlled drinking of wine is beneficial to the drinker].

This attitude is explicitly declared in the Abot De-Ribbi Natan:

ח' דברים רובן קשה ומיעוטן יפה יין מלאכה שינה ועושר ודרך
ארץ ומים חמין והקזת דם

"There are eight things which are dangerous in excess but good in moderation: wine, work, sleep, [having] wealth, sexual relations, [bathing in] hot water, and bloodletting."²⁴

These teachings encapsulate the general opinion and advice of Hazal on this matter. It is clear our Sages were aware of the many social dilemmas alcohol abuse cre-

ates in society and ḥakhamim have continued to deal with issues arising from excessive alcoholic consumption in early responsa and in more recent teshubot.²⁵ Ultimately, their recommendation is that drinking alcohol in moderation, in the right context, and within the limits of halakha is not only appropriate but it is encouraged for it is uplifting, it gladdens the heart and is a sign of joy and blessing.²⁶ ■

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22 Sefer Abudarham Hilkhos Arbit Shel Shabbat:

ענין סברי מרבן רבו בו הטעמים יש אומרים שהטעם על שם דאמרינן בסנהדרין ב'פ' נגמר הדין היו מוציאין אותו לסקלו והיו משקין אותו כוס של יין חי בקורטי לבונה כדי שתטרף דעת עליו. פ' ולא ירגיש בענין הסקילה ויש רמז לזה היין מן הפסוק שנאמר ויין ענושים ישתו פיר' יין של אותם שעונשין אותם בדין ישתו על כן אומר סברי מרבן כלומ' היש בדעת מורי ורבותי שזה הכוס לחיים ולא למות לברכה ולא לקללה ולא יהיה כאותו שנגמר דינו והם עונין לחיי חיים יהיה ולא למות מיתה ולכן הוא אומר סברי מרבן היש בדעתכם שזה הכוס הוא לחיים ולא למות כאותו של אדם הראשון והם עונין לחיי חיים יהיה ולא למות.

See Midrash Tanhuma (Pequde §2).

23 Sanhedrin 70a quotes this pasuq: (משלי לא, ו) תנו שכר לאובד ויין למרי נפש.

24 Abot De-Ribbi Natan 37:5

25 Questions arise for example in respect of honouring a parent who is a drunk or abusive. An intoxicated individual acting as ḥazzan is contentious too. Our rabbis have not shied away from difficult social issues, but these subjects are for a future article.

26 BT Erubin 65a compares one who relaxes after drinking wine to the Bore Olam!

Ribbi Hanina said: Whoever is appeased by his wine, [i.e., whoever becomes more relaxed after drinking], has in him an element of the mind-set of his Creator.

PRACTICING LOVING MISVOT AS A MEANS, NOT AN END: A GOAL FOR AM YISRAEL

BY BETSY DWEK

MEMBER

אלא הקב"ה ליבא בעי

*Rather, the Holy One, Blessed be He, seeks the heart.*¹

In this fundamental class, our Rosh Bet Midrash, Rabbi Joseph Dweck, gave over how radically out of the box HaRambam (1138-1204) was, and still continues to be, in his unique approach to understanding the significance of context in relation to the *misvot*. We are going to delve into three sources from the writings of Maimonides to uncover what his insightful view is in order for us to fully understand and integrate the act of a *misva*.

Misvot are not ends or goals in and of themselves. There is a quality, a particular setting in which one performs them that brings a person in a certain direction. We can therefore deduce that there is a right and wrong way to "do" a *misva*, and the only way we are able to determine that is by evaluating the place to which it brings a person.

What is this specific place that we are looking for? At Har Sinai, Israel is waiting to receive the Torah, but before God gives the Law to the people, He instructs Moshe:

כֹּה תֹאמַר לְבֵית יַעֲקֹב, וְתִגִּיד לְבָנֵי יִשְׂרָאֵל:

*"Thus shall you say to the house of Jacob and declare to the children of Israel"*²

This infers that there is a context, a framework, first, and that this must be explained to the whole community before anything else can be given. *HaQadosh Barukh Hu* describes the relationship that has been established as the *Berit* itself that must be told over to the whole congregation:

ד אַתֶּם רְאִיתֶם, אֲשֶׁר עָשִׂיתִי לְמִצְרַיִם; וְאֲשָׂא אֶתְכֶם עַל-כַּנְפֵי נְשָׁרִים, וְאָבֹא אֶתְכֶם אֵלַי
ה וְעַתָּה, אִם-שָׁמוּעַ תִּשְׁמְעוּ בְּקוֹלִי, וּשְׁמַרְתֶּם, אֶת-בְּרִיתִי--
וְהָיִיתֶם לִי סֻגְלָה מִכָּל-הָעַמִּים, כִּי-לִי כָל-הָאָרֶץ.

ו וְאַתֶּם תִּהְיוּ-לִי מְמֻלָּכֶת כְּהִנִּים, וְגוֹי קָדוֹשׁ

*"You have seen what I did to the Egyptians, how I bore you on eagles' wings and brought you to Me. Now then, if you will obey Me faithfully and keep My covenant, you shall be My treasured possession among all the peoples. Indeed, all the earth is Mine, but you shall be to Me a kingdom of priests and a holy nation."*³

This premise of a loving relationship sets the basis for accepting all consequent commandments. Later, the nation would be given *misvot* in the form of words, but actions would follow the statements. Naturally the question of how to keep the *misvot* properly would ensue, and therefore if the Children of Israel didn't understand the context in which they were given, they would undoubtedly fail. Context is essential.

Moshe is instructed to pass over this information because it sets the context of the covenant as a relationship: *"I...brought you to Me... you shall be My treasured possession... you shall be to Me... a holy nation."*⁴ It's about you and me, and our connection; a *misva* is meant to help further this connection.

Therefore, Moshe says over to the people exactly what God told him to, and everyone responds that:

כָּל אֲשֶׁר-דִּבֶּר יי נַעֲשֶׂה

*"All that the LORD has spoken we will do!"*⁵

Even before the Children of Israel have been told of what is contained in the Torah, they agree to the *Berit* with *HaQadosh Barukh Hu*, with the emphasis solely on doing God's will in order to form a relationship with Him. They accept this unconditional condition, that a prerequisite to doing any *misva* needs to be in the context that the goal is to have a relationship with God. Any action done without this intention is paramount to not even being

1 Sanhedrin 106b:14

2 Exodus 19:3

3 Ibid, 19:4-6

4 Ibid, 19:4-6

5 Ibid, 19:8

considered a *mišva* by God, as it is written, “Bringing oblations is futile; incense is offensive to Me.... Assemblies with iniquity, I cannot abide.”⁶

To Be or Not to Be a Mišva

HaRambam cites in his *Mishne Torah* that a *mišva* performed outside of this context is not even considered a *mišva*.⁷ One who transgresses is described as being separate from God; even if he would call out and pray to Him, he would not be answered:

He would fulfill mišvot, only to have them ripped up in his face as [Isaiah 1:12] states: “Who asked this from you, to trample in My courts,” and [Malachi 1:10] states: “...nor will I accept an offering from your hand.”

This is what it looks like when someone does a *mišva* out of context. HaRambam describes how this person is separated from God even when doing *mišvot*; the acts are not accepted by God and are, so to speak, ripped up in front of him. He need not do an *qbera* to do *teshuba*, because as you can see in this case a *mišva* on its own is not even adequate! But if one listens to God’s voice and returns to relate with Him, they are answered instantly:

But today, he is connected to the Shekhina as [Deuteronomy 4:4] states: “And you who cling to God, your Lord.” He calls out [to God] and is answered immediately as [Isaiah 65:24] states: “Before, you will call out, I will answer.”

Intriguingly, the one who misses the mark, “fulfills *mišvot* and they are accepted with pleasure and joy as [Ecclesiastes 9:7] states, ‘God has already accepted your works.’” Perhaps he even observes the very same commandments, yet he is acknowledged with delight. What is the difference between the first and second instance? The environment in which the *mišvot* were taking place. A commandment can only be fulfilled when performed holistically: an act performed in a designated framework, “Moreover, [G-d] desires them, as [Malachi 3:4] states: ‘Then, shall the offering of Judah and Jerusalem be pleas-

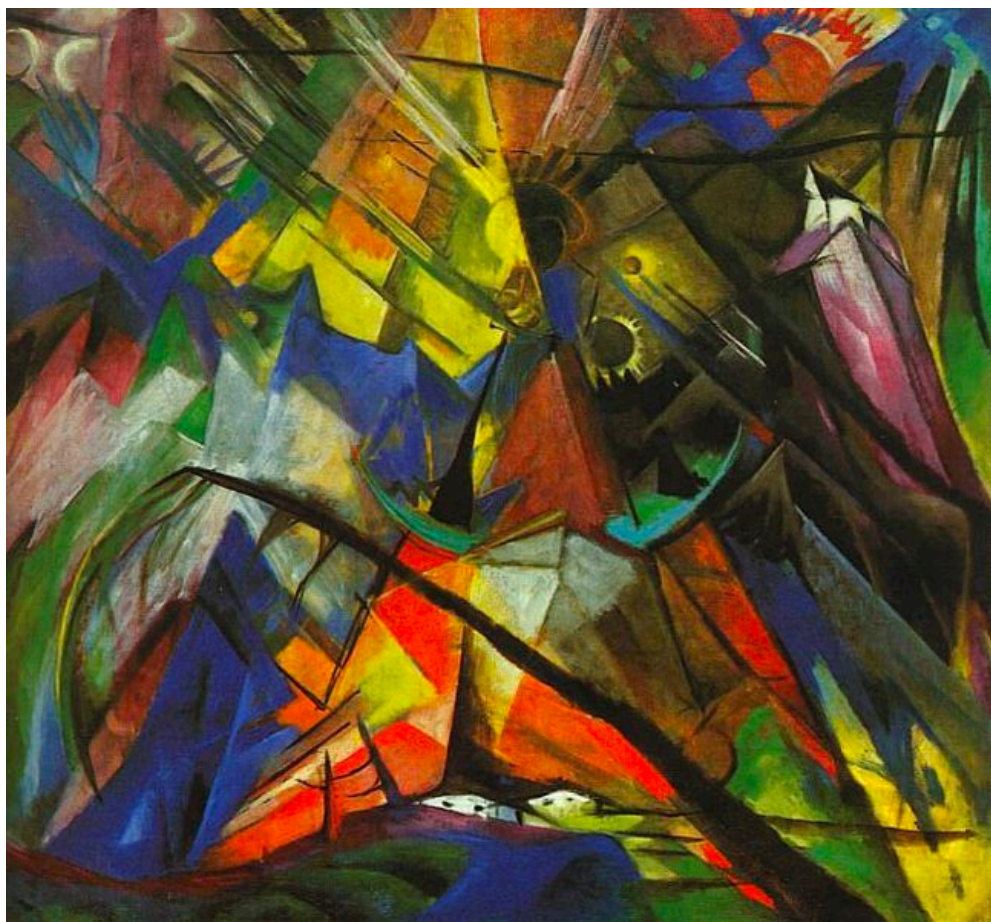
ing to God as in days of old and as in the former years.”

This leads us back to the classic question of quantity versus quality. Is it better to judge one’s connection to *mišvot* on the basis of numbers alone, and not look at the scaffolding holding up the act? Of course, this does not allow someone to pick and choose *mišvot*: each Jewish adult is obligated in all of them. Rather, in his *Mishne Torah* we learn that one can perform a *mišva* incorrectly and it will be disregarded. Therefore, if a person has hundreds of “faulty” *mišvot* it would not help accomplish the true goal of connection. Only quality would suffice, and in his Commentary on the *Mishna*, HaRambam is very persuasive that perhaps in one’s life, one true *mišva* is all we are able. The *Mishna* in *Makkot* 3:16 says:

Ribbi Hananya ben Aqashya says: The Holy One, Blessed be He, sought to confer merit upon the people of Israel; therefore, He increased for them Torah and mišvot, as it is stated: “It pleased the Lord for the sake of His righteousness to make the Torah great and glorious.” (Isaiah 42:21)

HaRambam on *Mishna Makkot* 3:16 says:

It is among the fundamental principles of the Torah that when an individual fulfills one of the 613 commandments in a fit and proper manner, not combining with it any aspect of worldly intent but rather doing it for its own sake, out of love,



⁶ Isaiah 1:13

⁷ *Mishne Torah*, Hilkhot Teshuva 7:7

then they merit the World to Come through this single act.

He brings a proof from the Talmud in *Aboda Zara*⁸ where R. Ḥanina ben Teradion asks Yose ben Qisma “Will I merit life in the world to come?” and he receives the response “Have you ever done anything?” HaRambam interprets this question as asking whether one has ever had the chance to do one of the commandments properly. R. Ḥanina answers that one time he had the chance to give *ṣedaqa* in a wholehearted fashion, and it was through this that he merited to life in *Qlam HaBa*.

HaQadosh Barukh Hu gave us so many commandments so that we could have the statistical likelihood of being able to perfect even one, through no ulterior motives but “to strive through love to draw near to God.”⁹ Carrying out *mišvot* in this way is an art of practicing loving. The multitude of *mišvot* is like an exercise in synthesising one’s inner and outer worlds, waiting for any *mišva* that could come knocking, ready with a compassionate and open heart.

If a *mišva* is not performed in this context, it is dangerous and can cause death, as it is written in Ezekiel 20:25: “Moreover, I gave them laws that were not good and rules by which they could not live.” Our *Hakhamim* say that this is when people do *mišvot* outside of the context in which they were given. God is taken out of the picture and replaced by a stagnant reductionist performance of a relationship based on the number of *mišvot* accomplished.

Countering the Mechanistic Approach

The following section in the Guide for the Perplexed 3:32 provides an opposition to the mechanistic proposition that is often put forward in Jewish communities which suggests that there is a tally score in the sky counting *mišva* points that will, in the World to Come, be withdrawn by the winners of this heavenly money. Instead of teaching Jews to pay attention to the *mišvot* they do, all that is left is to count how much monetary merit they are collecting under their belt.

By showing how the Creator of the Universe has made everything so that it grows and progresses in stages, HaRambam demonstrates how *mišvot* operate in a similar manner. Mammals show this best: their offspring cannot survive by themselves, unlike reptiles that are essentially independent from birth. Mammalian young need constant nurture and protection, as is shown in the form of pre-digested food they drink at the beginning of life in order to be absorbed by their weaker systems. Yet, as they grow and get stronger, so does their body and ca-

pability to eat rougher and coarser foods. Rabbi Dweck points out that the most extreme example of this is a human baby, which has the longest childhood than any other creature on Earth. Essentially delivered prematurely in order to be able to exit the womb safely, a human infant is born and continues to grow outside the uterus as if it were still inside; nurtured and nursed until capable of living independently, which takes many years. A child gradually grows into wholeness, and this process does not happen immediately but rather in a leveled way. HaRambam suggests that what we see in nature, we see in Torah, and *mišvot* are mechanisms to the growth, not the growth itself: “Many precepts in our Law are the result of a similar course adopted by the same Supreme Being.”¹⁰



Our intellectual, psychological, and physical development carries on over time, and therefore the Torah speaks to us in this way: the Children of Israel were used to serving deities in the way of people at that time, through sacrifices. *HaQadosh Barukh Hu* could not demand that we drop this habit in one instant, and therefore recognised that we need to use this same system but this time directed in service to the One God. *Mišvot* are there to help us move towards God with matters already in our hands. HaRambam gives a contemporary example:

It would in those days have made the same impression as a prophet would make at present if he called us to the service of God and told us in His name, that we should not pray to Him, not fast, not seek His help in time of trouble; that we should serve Him in thought, and not by any action.

We would fail constantly. How intelligent it was that God instead asks us to channel our natural impulse towards Him, and only Him. The goal of all of these actions is that we foster a relationship with the Creator of the Universe. The means may be the behaviour and actions taken, but the goal is the relationship. It doesn’t take too much to see why it is so tragic and dangerous when these means

⁸ Aboda Zara 18a:6

⁹ Hirsch, Rabbi Shimshon Refael. *Horeb: A Philosophy of Jewish Laws and Observances* (The Socino Press London, Isidor Grunfeld, 1962), Volume I, p. XV.

¹⁰ Guide for the Perplexed 3:32

themselves become ends, because it shows that the true goal has been swallowed up by misunderstanding. This can be seen by God's reaction to the bringing of qorbanot in many of the books of the Prophets, in particular Isaiah.



HaRambam admits that we, the reader, will most likely reject this idea that the *mišvot* were not commanded for their own sake but only for reaching another place through them because of the length the Torah goes to in describing and detailing them as if they were the primary destination:

What prevented God from making His primary object a direct commandment to us, and to give us the capacity of obeying it?

Yet he responds that only a person with a sick heart asks such a question, and that the Torah has already given us the answer: our discomfort with process and development is the deeper question being asked. Without the details demanded of us in the form of intricate *halakhot*, growth in the hands of the receiver would not be possible. A clear example is found in *Perashat Beshalah* where God chooses not to lead the Children of Israel through the land of the Philistines, the fastest way into *Ereš Kenaan*, but a longer route through the wilderness. This was due to the fact that as newly freed individuals they were not prepared to go to war, but instead would take one look at the upcoming battle and flee, running back to the comforting familiarity of slavery in Egypt, as weak and soft as newborns.

As a newly emerging nation, growth and development is a painful process of stages: a bootcamp of risings, fallings, and reality hitting each man, woman and child in the face, like a spiritual weaning process. God did not make the way of the world to change man's nature through miracles. If this were the case then *"the mission of prophets and the giving of the Law would have been altogether superfluous."* The opportunity must be for each person to do the work themselves, to have a share in the partnership with God, who guides by giving instruments to be involved in easing the process, nevertheless this is purely to participate in our growth and enable us to build a deep and authentic relationship with Him.

Mišvot are the instruments here to help us get to know God. If you do not attempt to comprehend God and thereby worship the Source of Being, you are instead idolising something that is dependent on Existence. This is why the retribution of bringing of meaningless qorbanot is addressed by Jeremiah in the name of God:

כב כי לא-דברתי את-אבותיכם, ולא צויתים, ביום הוציא (הוציא) אותם, מארץ מצרים--על-דברי עולה, וזבח
כג כי אם-את-הדבר הזה צויתי אותם לאמר, שמעו בקולי--
והייתי לכם לאלהים, ואתם תהיו-לי לעם

"For I did not speak with your forefathers, nor did I command them, on the day I took them out of the land of Egypt, concerning burnt- or peace-offerings. Rather I commanded them only in this, saying: "Obey My voice, so that I will be your God and you will be My people." ¹¹

The *qorbanot*, although layered with intricate rules and therefore confused with being goals to achieve, were hijacked as an object of success to attain. God simply states through Jeremiah that the point of the Law is to *"Know me and serve no one else."* Once this introductory and foundational precept is taken to heart, the faulty scenario does not happen and instead one is steered to the path of performing *mišvot* with the correct intention, not stepping over into the boundary of worshipping that which is contingent on the Living God.

***Mišvot* as Commandments of Love**

R. Shimshon Refael Hirsch (1808–1888) introduced *mišvot* in his significant work *Horeb* as *"precepts of love towards all beings without distinction, purely because of the bidding of God."*¹² Without love there can be no perfecting and repairing the world. Professor Zvi Zohar¹³ explains in his lecture on the thought of *Hakham Ben Zion Uzziel* (1880-1953) that an individual's destiny in exist-

¹¹ Jeremiah 7:22, 23

¹² Hirsch, Rabbi Shimshon Refael. *Horeb: A Philosophy of Jewish Laws*

and Observances (The Socino Press London, Isidor Grunfeld, 1962), Volume I, p.ii.

¹³ Professor Zvi Zohar, "The Approach of Hakham Ben Zion Uzziel." The Habura. 1 October, 2020. Lecture.



ence cannot become complete except when he is part of the greater group, giving and receiving, interacting with other human beings. In order for the world to reach completeness, God implanted the need in His creatures to connect to others; to love means to be in interaction with other people and the ultimate goal is to create peace throughout all of humanity. The universal mission of the Jewish people is to seek peace, with each other, with themselves, and with God. This can be seen in the *Birkat Kohanim* where a threefold blessing is given, each corresponding to these three layers of development:

כְּדִיבְרַכְךָ ה' וְיִשְׁמְרֶךָ:
כִּהַיָּאֵר ה' פָּנָיו אֵלֶיךָ וִיחַנֶּךָ:
כִּוְיֵשָׂא ה' פָּנָיו אֵלֶיךָ וְיִשָּׁם לְךָ שְׁלוֹם:

May God bless you and watch over.

May God shine His countenance for you, and be gracious to you.

May God be forbearing toward you, and give you peace.¹⁴

Concentric circles spiral outward as the syllables steadily increase in each line of the blessing. The first corresponds to the material realm of needs, the second blessing speaks of spiritual wants, and the final blessing is a magical combination of the two, blending the outer and inner states to bring about genuine peace of mind, body, and spirit.

In conclusion, it can be difficult to introduce HaRambam's conception of *mitzvot* as a means to further your relationship with God into a world that has built towers

from a dramatically dissimilar viewpoint of performing *mitzvot* as ends. As we constantly struggle in our becoming שְׁלֵם (whole and integrated), his fundamental teachings are needed today more than ever before. With the help of God, these Maimonidean rays of light are penetrating darkened dusty rooms, fuelling us forward in our endeavours as a *Bet Midrash*. ■

Betsy Dwek was born in London and grew up in the beautiful English countryside where her joy for dialogue blossomed. Passionate about the inherent unity between intellect and spirit through talmud Torah, she studied at Midreshet Rachel v'Chaya in Yerushalayim, and is training to be a midwife at King's College London.



¹⁴ Numbers 6:24-26

THE RELEVANCE AND SIGNIFICANT PRACTICALITY OF THE MISHNE TORAH FOR THE MODERN JEW

BY JOSHUA PARIENTE MEMBER

אבדת אביו ואבדת רבו, של רבו קודמת, שאביו הביאו לעולם הזה, ורבו שלמדו חכמה מביאו לחיי העולם הבא

"If one finds his father's lost item and his teacher's lost item, his teacher's lost item takes precedence, as his father brought him into this world, and his teacher, who taught him the wisdom of Torah, brings him to life in the World-to-Come."

The beginning of this Mishna teaches us a very important lesson: a person's own financial loss takes priority over that of his teacher, and of his father. Nevertheless, in clarifying which loss takes priority, between his teacher and that of his father, the Mishna indicates that the loss of his teacher comes first. The simple reason given in this Mishna is that this individual's main teacher (of Torah) represents a greater tangible value for him than his own father does, unless his father is a talmid *hakhamim*.²

HaRaMBa"m's (Maimonides) Introduction to Mishne Torah is a substantive and representative sample of this principle. Hereafter, we will see why.

Every Jew has the obligation to learn Torah in order to do more.³ Maimonides emphasized this principle by clarifying that even if a person depends on alms for his livelihood, because he needs to go around knocking from door to door begging for his daily bread, or he is a father with numerous children and a wife who require his attention and support; he is nevertheless still obligated and encouraged to set an appointed time for Torah study.⁴

The question is raised: how could, then, this individual succeed in deriving the necessary and sufficient conclusions from the five authoritative works⁵ of rabbinic literature? Especially, when it comes to assessing how to conduct himself according to the *mišva*?⁶ In other words, if his hours are scarce, and his intellect is filled with the worries that occupy his mind for the time being, it is only natural that the Judaism in him will gradually start to dilute itself, until it completely disappears. On the other hand, it seemed true to Maimonides that the Torah could only be properly acquired when paired alongside the interaction with the world surrounding us. This appears to be how the nation of Israel originally, and historically, conducted itself:

גדולי חכמי ישראל היו מהן חוטבי עצים ומהן שואבי מים ומהן סומים ואף על פי כן היו עוסקין בתלמוד תורה ביום ובלילה והם מכלל מעתיקי השמועה איש מפי איש מפי משה רבנו

"Some of the great scholars in the nation of Israel were hewers of wood, drawers of water, and some of them blind: nevertheless, they engaged themselves in the study of Torah by day and by night. Moreover, they are included among those who transported the tradition as it was transmitted from mouth to mouth, even from the mouth of Moses our Master."⁷

Maimonides in his introduction to the Mishne Torah drew a similarity between how he saw himself in his generation, and how he believed Rabbenu Ha-Qadosh, peace be upon him, saw himself in his own generation. Even though, both of them lived in two distinct geographical

1 Mishna Baba Mešia 2:11

2 Mishne Torah: Hilkhot Talmud Torah 5:1

3 Deuteronomy 5:1 "That he may learn them, and observe to do them".

4 Mishne Tora: Hilkhot Talmud Tora 1:8.

5 Introduction to Mishne Tora: See paragraph 40. (Talmud Babli, Talmud Yerushalmi, the Sifra, the Sifre and Tosefta)

6 Ibid. See paragraph: 1 (ex. Tora Shebe- Al Pe)

7 Ibid. see paragraph: 9.

areas, and two different eras, the urgency and immediacy of the Jewish people's need for a more palatable and portable Oral Law remained the same across the ages, and even grew stronger with the constant persecutions and attacks against the Jewish communities around the world.

Maimonides made this point very clear in his Introduction to his Mishne Torah:

ובזמן הזה תכפו צרות יתרות, ודחקה שעה את הכל, ואבדה חכמת חכמינו, ובינת נבוינו נסתתרה

"In this age, with afflictions mightily intensified, the pressure of the hour weighing heavily upon everybody, when the wisdom of our wise did perish..."⁸

This diligent endeavor could not wait any longer. It was precisely for this same reason, that haRaMBa"m, peace be upon him, took upon himself the charge and responsibility of designing a system of organization which could logically facilitate and simplify the access of every Jew around the world to the mesorah of the Torah Shebe- Al Pe, that Moses received from the Boré Olam at Mount Sinai. This same mesora, that was transported intact by forty individuals: (among them Rashe Galuyyot, Rashe Batte Din, Gedole Ha-Dor, Rashe Yeshiba, and those who sat at the Sanhedrin Ha-Gadol), and heard by even more hundreds of people, until the times of Rab Ashe, was considered as if it was received by all of them from the mouth of Ha-Qadosh Barukh Hu at Har Sinai.

In one of his Teshubot, the great poseq and Rosh Yeshiba of Lucena, HaR"l Megas (Rabbenu Yosef Ha-Levi ibn Megas), peace be upon him, about 900 years ago, illustrated the intellectual flaw of a few individuals, who presumed to rule based on their close study of halakha on the strength of their study of Talmud:

ואין בזמננו זה מי שיגיע בתלמוד לגדר שיוכל לסמוך להורו ממנו

"Nowadays there is no one who will reach, through the Talmud, the status of one who is reliable to issue rulings from it."⁹

Furthermore, according to HaR"l Megas, what is considered to be a more serious error than relying on deriving halakha from the Gemara is the lack of assessing the proper context, and understanding the distinct cases as presented in the Talmud.

והם חושבים שהורו כדין ושהוא ברור כשמש והם טעו

בהוראתה ותלו הדבר ההוא אל מקום בלתי מקומו ולמדו הדין ממקום שאין ללמוד אותו ממנו

"They think that they issued proper rulings, and that the matter is clear as day, but in fact they issued mistaken rulings, basing the matter on a source that is not the proper source, deriving a law from a place that should not serve as precedent for this..."¹⁰

Maimonides was aware of this negative habit and trend among most Torah scholars of his generation. This is the reason that he made it clear in his introduction to Mishne Torah, that Torah scholars did not enjoy the sufficient intellectual skills needed to derive halakha from the Talmud any longer. Therefore, he encouraged them to learn Torah Shebe- Al Pe from his Mishne Torah extensively. To the point that he even raised the possibility that anyone could learn his entire corpus of Mishne Torah by "heart."¹¹

Moses taught the Oral Law to the elders and wisemen of Israel, in contrast to Pinehas and Elazar Ha-Kohen (relatives to Moses) who just received the Torah Shebe- Al Pe intact from him, yet they were not accounted for its transmission. However, it was only upon Joshua, peace be upon him, the responsibility of affirming it to the next generation. This qabbala/mesira was the safety mechanism by which the interpretation of how to fulfill the misvot could possibly be authenticated, and settled without further mahloqet (disagreement, dispute or argument).

Mahloqet was not beneficial for the transmission of the Oral Law. While Talmudic gymnastics became, in recent Jewish history, the popular center for the curricula of modern-day yeshivot, particularly among Ashkenazi and Hassidic circles of Polish and Lithuanian descent, it was always obvious to Maimonides -who wrote very specifically in his introduction to the Mishne Torah- that this system in particular, was not employed, delegated nor encouraged by Moses, our Master, to Joshua, and to the subsequent generations of individuals, who were authorized with the reception and transmission of the divine interpretation of the Written Law.

Mahloqet did not assist the preservation of the finite character of the Torah Shebe- Al Pe and on the contrary, it exacerbated its cracks and diluted its message.

As Hakham José Faur, peace be upon him, explained: contrary to pilpul, 'halakha' (Aramaic, hilkheta) had to be memorized, in order to be perfectly transmitted. The rabbinic saying: "With the destruction of the Temple, God has nothing in this world except for the four cubits

8 Ibid. paragraph: 41

9 Teshuba by HaR"l Megas #114, better known as R. Yosef Ibn Meir Ha-Levi Ibn Megas was the Rosh Yeshiba of Lucena in Cordoba, Spain. He lived approx. during 1077-1141 CE. He taught R. Maimon, the father of HaRaMBa"m. It is believed he taught HaRaMBa"m too.

10 Ibid

11 Introduction to Mishne Tora: paragraph 43

of halakha" (Berakhot 8a); underlines this very same concept. There is an implicit and firm need for the Oral Law to be easily handed down to next generations without the possibility of it being permanently lost.¹²

"We are the Judaic voice in the conversation of humankind", proclaimed the former philosopher, theologian, author, Ab Bet Din (spiritual head) of the London Bet Din (Rabbinical Court), and Chief Rabbi of the United Hebrew Congregations of the Commonwealth Lord Rabbi Jonathan Sacks, peace be upon him.¹³

What this powerful statement represents for all of us, in simplified terms, is that as members within the larger community of humankind, we have the sole holy duty to prop ourselves up with the best instruments out there in the field of Torah and universal wisdom, in order to be an active link in the epic experience of Jewish history and the Jewish Nation throughout the evolution of mankind.

This is definitely one of the reasons why Maimonides felt compelled to note in his Mishne Torah the peculiar fact that he was a "Sefaradi" (suggesting a sense of pride in the fact that he belonged to the intellectual product of Andalusian Spain).¹⁴ Therefore, an ad rem fact is that the learning of Mishne Torah of haRaMBa"m should precede the learning of Gemara and Talmud.

In conclusion, the introduction to Mishne Torah is a subject in itself. It is not a common introduction, which would lay out what will be exhibited further in its content, but rather, what constitutes the frame of reference we should employ every time we encounter and analyze a specific halakhic presentation. We should always ponder the following questions in our heads: What is its content? Who said it? Why did he say what he said? From whom did he learn it? In other words, what is the context for the presentation of a particular halakha, and how was it meant to be understood?

May we support ourselves in the Rock, blessed be He! and merit to follow in the words of R. Jeudah León De Yoséf Perez, as he wrote originally in the vernacular language of many Sefaradi Jews, Ladino¹⁵ in the year 5489 in the city of Amsterdam. Regarding the pasuq:

דע את־אלקי אביך ועבדהו בלב שלם ובנפש חפצה כי כל־
לבבות דורש הי וכל־יצר מחשבות

"Know the God of your father, and serve Him with single mind

and fervent heart, for the LORD searches all minds and discerns the design of every thought,"¹⁶

"Como fi dixera: lo que te he enfeñado en general a conofcer al Dio de tu padre, debes tu conofcerlo, y alcanfarlo con Rafones fixas, y evidentes, con faber las cofas cada qual de ellas en particular, como fon los Articulos, y Fundamentos de la creencia de Ifrael (Israel), pues fi llegares a faberlos, y alcançarlos pordrás fervirle con ardiente afecto de coraçon devoto y voluntad perfecta." (Ladino)

"You must understand this verse, as if it said: what I have taught you in general, to know the God of your father, you must know and attain with firm and evident reasons; with proper knowledge of the principles, each one of them in particular, as are the Articles and Foundations of the belief of Israel, for if you come to know them and attain them, you will be able to serve him with ardent affection and devoted heart and perfect will".¹⁷ ■

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12 See Golden Doves with Silver Dots by José Faur. Textuality in Rabbinic Tradition: pp 84-89

13 Yeshiba University and The World of Tomorrow Conference on the subject: Modern Orthodoxy. Oct 2017

14 "In the days of Ḥasdai the Nasi they began to chirp, and in the days of Samuel the Nagid they sang out loud." - Abraham ibn Daud, Sefer ha-Qabbalah. The Jews of Spain. A History of the Sephardic Experience by Janes S. Gerber. pp. 27-30. "Córdoba's sparkling cultural life was enriched by seventy libraries, with the caliph's library alone reportedly stocking 400,000 volumes. Recognized as the center of medicine and technology, the city also housed numerous observatories. Ibn Ḥawqal, who was deeply familiar with the splendors of medieval Islam, remarked that neither in Syria nor in Egypt nor in all the countries of North Africa could a comparable city be found."

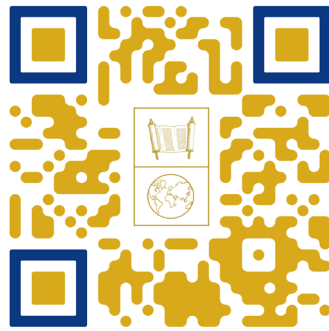
15 Medieval Spanish. Ladino was the lingua franca most Jews of Sefaradi origins used to speak.

16 I Chronicles 28: 9

17 Fundamento Sólido Sefer Yesod Qz. R. Jeudah León De Yoséf Perez, Noticia Primera. p. 30

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