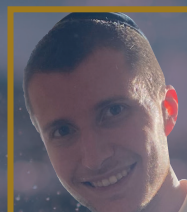


סלימ

principles

ESSAYS ON **HALAKHA, MAHSHABA,
AND HISTORY**

BY SELECTED TEACHERS AND MEMBERS



THE
HABURA

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the
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INTRODUCTION TO OUR 5TH EDITION

BY **SENIOR RABBI JOSEPH DWECK**

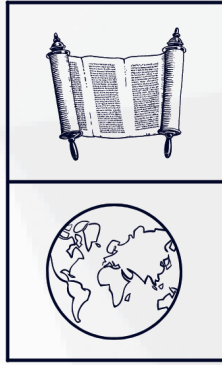
Welcome to the fifth edition of Principles. Since our last edition, The Ḥabura has blossomed in inspiring and significant ways. Our online learning platform now hosts over 1,000 hours of Torah study each month, across both video and podcast channels. Our viewership has grown to encompass thousands of regular viewers from over 20 countries, and we have held classes and programming in the UK, USA, Mexico, and Israel. In addition, we have successfully published four books, and we are working on putting out more thought-provoking insights as well as translations of works from our Ḥakhamim.

In this new edition of Principles, we are thrilled to offer an array of essays from selected teachers and students of The Ḥabura. They delve into a wide range of topics that mirror the vibrancy of the discussions held in our classrooms, and in our online interactions.

We express our deepest gratitude to our contributors, teachers, and students, who have brought this edition to life through their dedication and scholarship. We pray that HaQadosh Barukh Hu continues to bless the work of The Ḥabura, and may we continue to grow and flourish from strength to strength. We hope that you find the contents of this edition as enriching and enlightening as we have found in its creation.



Rabbi Joseph Dweck
Rosh Bet Midrash
Senior Rabbi, S&P Sephardi Community



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TRANSLATED WRITINGS OF OUR ḤAKHAMIM RABBI YOSEF QAFIḤ (1917-2000) ON SECULAR STUDIES & THE RAMBA"ḤM

This section of our journal features writings and teshubot of our Ḥakhamim, translated into English by our students. This section seeks to bring the wisdom and insights of our tradition's Rabbanim to an English-speaking audience.

Rabbi Yosef Qafih was born in Sana'a, Yemen, on November 27, 1917. Orphaned at a young age, he was brought up by his grandfather, Rabbi Yiḥye Qafih. With his grandfather's guidance, young Qafih delved into *halakha* and *maḥshaba*, acquiring formidable expertise in the works of Maimonides, Se'adya Gaon, and others of the Geonic-Sepharadi tradition.

After a harrowing period involving false accusations and threats of forced conversion to Islam, Qafih married and turned to silversmithing. In 1943, he moved to Mandatory Palestine, where he continued his studies and became a dayan. In 1950, he was appointed to the Jerusalem district court and later served on the Supreme Rabbinical Court, alongside Rabbi Ovadia Yosef and Rabbi Eliezer Waldenberg. His leadership and scholarship won him significant recognition and respect, including an honorary doctorate from Bar-Ilan University.

Qafih's legacy is marked by his extensive translations and commentary on religious texts, particularly Maimonides' Mishneh Torah, which he restored from old Yemenite manuscripts, highlighting many errors that exist in many popular editions. His translation of Se'adya Gaon's works and his commentary on Maimonides' Code of Jewish law continue to inform and guide serious scholars and students of Torah.

He held key roles in the religious community, such as his tenure on the Chief Rabbinate Council of Israel and his presidency of the Yemenite community in Jerusalem. Despite the various factions within the Yemenite community, Qafih worked diligently to maintain peace and preserve Yemenite customs.

Rabbi Yosef Qafih passed away on July 21, 2000, leaving behind a vast body of work that continues to illuminate the study of Torah and inspire those dedicated to preserving the rich traditions of a classical Sepharadi approach to law, life, and beyond.

We have translated an essay written by Rabbi Qafih about the role of "secular" studies in our Torah learning and in our efforts to fulfil our obligation to "know God", and it was originally featured in *Cross-roads: Halacha and the Modern World*. *Alon Shvut: Zomet*; 1987. pp. 109–16.

SECULAR STUDIES & THE RAMBA" M

1. The Commandment to Know God

The RaMBa" M commenced his work, *Mishne Tora*, the compendium of all the laws and precepts, with the laws of the principles of the faith. His opening words are, "The principle of principles and the pillar of the sciences is to know that there is a first being". Further on, (*hal.* 6), he writes, "The knowledge of this is a positive commandment, as is written "I am the Lord your God"". In the next four chapters, The RaMBa" M reviews the principles and concepts which a Jew is obligated to know in order that he may serve God truly, so that he will be able to fulfil all the precepts of the Torah enumerated in the fourteen volumes of the *Mishne Tora*. At the end of chapter four he writes,

*"When a man examine these things and he knows all the creatures, from the angels and the spheres and man and the like, and he perceives the wisdom of God in all creatures, he ascends to the love of God and his soul thirsts and his flesh yearns to love God. When he compares himself to one of the great holy bodies, even more so to one of the pure forms which are unembodied, he will fear and tremble at his poverty and meanness and superficiality... The subjects matter of these four chapters is what the sages call *pardes*, as in their statement "Four entered *pardes*". Even though they were great sages, not all of them had the ability to know and grasp fully all of these things."*

In *Hilkhot Teshuba* (10,6) he writes:

"It is well known that the love of God is not implanted in the heart of man without his meditating always on it, leaving everything else in the world except for it, as He commanded 'with all your heart and all your soul'. One loves God only in proportion to the knowledge that one knows him. The love is relative to the knowledge either less or more. Therefore, a man must prepare himself to understand and acquire the disciplines and the sciences which reveal his Creator to him, to the extent that it is possible for a man to understand..."

Similarly, in *Hilkhot Mezuzah* (6,13):

"If a man recalls that there is nothing which survives forever except for the knowledge of the Rock of Eternity, he will promptly repent and follow the path of the righteous."

2. I'tiqād— Belief or Knowledge

In the *Sefer HaMišvot* (*Book of the Commandments*), positive commandments 1, the RaMBa" M writes, "The first commandment is that we are commanded concerning the knowledge of God, which is that we should know that there is a cause which actuates all existence. This is the meaning of the verse, 'I am the Lord your God'".

The *Sefer HaMišvot* was written in Arabic. The term "knowledge" used in *Mishne Tora* in the beginning of the book is here translated by the RaMBa" M in Arabic as *i'tiqād*. R. Moshe Ibn Tibbon translated it as "*emuna*" – "belief". This error is perpetuated in the famous thirteen "I believe's" (*ani ma'amin*) based on the RaMBa" M's formulation of the principles of the faith. The correct translation given above is justified by the RaMBa" M's own usage in the *Mishne Tora*. Ibn Tibbon could have been aware of the correct translation by examining the discussion of the term *i'tiqād* in the *Guide to the Perplexed* (1,50):

*"Know, you who read this work, that *al-i'tiqād* is not something said verbally, but rather something formed in the soul when proven (by a serious scientific enquiry) that is as imagined. If you are the sort who is satisfied with correct opinions, or assumed correct opinions, only declaring them verbally without understanding, and surely without enquiry into them, this is very easy. You will find many fools who have opinions but do not at all understand. But if you are one of those who desire to ascend to the distinguished level of analysis, to know truly that God is a true unity, without any plurality of parts whatsoever... and you are intelligent enough to examine all that I will write in the coming chapters... then you will be of those who know the unity of God, not as one who recites it without understanding... For it is well that a man be of those who know the truth and apprehend it, even though they do not recite it verbally."*

It is clear from this passage that *i'tiqād* mentioned in the *Sefer HaMišvot* is the knowledge mentioned in the *Mishne Tora*. Knowledge is not belief, nor the recital of words, but rather a mental image as close to the original as can possibly be achieved by man. Before we examine the studies which prepare man for the acquisition of wisdom, let us take a look at the discussion of Rav Se'adya Gaon concerning the term *i'tiqād*, which is basically identical with that of the RaMBa" M. (*Book of Beliefs and Opinions*, intro., ch.4):

"Al-i'tiqād is a matter formed in the soul in regard to the actual character of anything that is apprehended. When the substance of the analysis emerges, the mind embraces and enfolds it, and it is acquired and merged into the soul, and the person becomes convinced of the truth of the matter he has thus acquired. He deposits it in his heart... as is written, 'Wise men store away knowledge, but ruin is near the mouth of the foolish' (Prov., 10,14)."

Evidently, knowledge and belief are two different things. Belief without intellectual comprehension, i.e., the verbal recitation of terms by one who has not acquired the philosophic background to enable him to understand them, is considered by R. Se'adya, "the mouth of the foolish". In another passage, he writes,

"If one were to ask: 'how can we take it upon ourselves to engage in the analysis of the sciences to the point where it becomes established as firm and truthful convictions, when there are people who disapprove of this occupation, being of the opinion that analysis leads to unbelief and is conducive to heresy?' I say that this is the opinion of only the uneducated among them. Thus, you see... certain uneducated people of our nation who believe that something resembling a whale swallows the moon, and this is the eclipse... and many other such ridiculous things." (ibid., intro., ch.6)

What an instructive comparison he makes between a statement of the sciences leading to heresy and the statement that a whale swallowed the moon! It is for this, according to him, that we daily bless God "who has separated us from those who go astray".

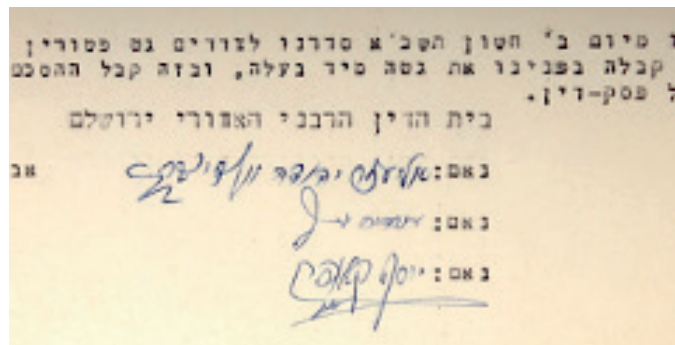
3. Prerequisite Disciplines for the Knowledge of God (Logic, Astronomy, Mathematics, Natural Science, Medicine, Rhetoric)

The RaMBa"m contends that without a preparatory course in the sciences a man is without understanding. In his commentary to the Mishna (RH 2,7) he states,

"These things can be understood only by one who is religious, intelligent, desirous of knowing the truth, and unwilling to fool himself; and all this on condition that he has prepared himself for many years by studying those disciplines that prepare a man to grasp profound matters. If not, then my words will be in his hands like '...a price in the hands of a fool to get wisdom, but he has no understanding.'"

We must, therefore, determine the prerequisites to wisdom, keeping in mind that the RaMBa"m distinguishes between the wisdom of the Torah, which he calls "true Torah knowledge", and knowledge of the laws of the Torah. In his introduction to the *Guide to the Perplexed*, he writes, "This work is not intended for one who has only delved into the knowledge of the Torah, i.e., its laws, for the purpose of this work is true Torah knowledge". In the letter to his student, Yosef ben Yehuda, printed at the beginning of the *Guide*, the RaMBa"m writes,

"When I perceived the great thirst you have for theoretical matters, which was evident in your poems and letters from the time you were... in Alexandria before I was able to personally test your intellectual level, I wondered whether perhaps your thirst was greater than your understanding. But when you showed me what you had already studied of astronomy and what you knew of the necessary prerequisites for the sciences, I loved you the more for your wisdom and understanding, and, seeing that your thirst for study is very great, I encouraged you to prepare yourself for it, knowing your ultimate goal. And when you showed me



R. Yosef Qafih's signature on a Jerusalem Rabbinical Court document together with R. Ovadia Yosef and R. Waldenberg

what you had learned in logic, I placed my hopes on you, and I saw in you one who is worthy to have revealed to him the mysteries of the books of the prophets, until you will know of them all that should be known."

Here we already see the RaMBa"m speaking of astronomy as a necessary prerequisite to the study of theology. This means that without it one cannot approach theology. The RaMBa"m mentions a second discipline whose absence would disqualify his potential student, the study of logic. Had he not known that his student has mastered this discipline, he would not have introduced him to theology and the mysteries of the prophets, as there would not exist a common language between them. There is a well-known legend concerning Plato. A man came before him to discuss philosophy. Plato demanded of him to first demonstrate that they have a common language and asked him to solve a problem in spatial geometry. The man guessed at an answer, which was of course wrong. Plato said to him, "Not only do you not know, but you have the gall to cast your ignorance before me." This is apparently the source of the RaMBa"m's example in chapter thirty-six of the first part.

The RaMBa"m repeats this idea in the introduction to the *Guide to the Perplexed*.

"...God desired to bring us to perfection and social order through His practical mišvot, which can only be achieved after intellectual comprehension, first and foremost of the nature of God; and this study of theology can only be achieved after the study of the natural sciences, for they define theology and must precede it in the course of study."

The RaMBa"m here states something that seems to be incredible. What is the difficulty in shaking a *lulav* or putting on *tefillin* without graduating a course in theology? The answer is that the RaMBa"m is referring to His *mišvot*, meaning that the *mišvot* must reflect the relationship to God, which is impossible without the study of theology. He then continues and says that this study is impossible without the prior study of the natural sciences.

In this passage the RaMBa”M explicitly mentions only astronomy and logic as examples of necessary sciences. In the *Guide to the Perplexed* (1,34) he writes,

“...there are prerequisites taken from mathematics, and from geometry, ...astronomy, natural science. There are theoretical studies whose contents do not directly contribute to theology but train the mind and give one the ability to study and know truth... It is necessary for anyone who desires to attain human perfection to first prepare himself in the study of logic, and then in the preparatory disciplines, and then in the natural sciences, and then in theology.”

Here the RaMBa”M mentions among the preparatory disciplines geometry and mathematics; among the sciences which lead to theology are all the natural sciences, meaning physics, botany and zoology; and finally he mentions logic once again. We will examine the status of medicine and anatomy below. In another section he states, “A man who desires to know his own worth without error should also examine the measures of the spheres and the stars, and the distances between them...” (ibid. 3,14). When the RaMBa”M says “examine”, he clearly does not mean a superficial skimming of a magazine, or an evening reading after supper. He means *study*, study leading to the sort of understanding that the RaMBa”M expects. Here we have another example of the necessity of secular studies.

Elsewhere, the RaMBa”M utilises an example taken from the examination of the structure of the eye to demonstrate a point (3,19). This recourse to the study of human anatomy is reminiscent of the statement quoted above from *Hilkhot Yesode HaTora*, “...the angels, the spheres, and *man*...”. In the chapters dealing with Iyyob, the RaMBa”M claims that the understanding of both Iyyob and Elihu, which the RaMBa”M considers to be the correct one, is due to their having studied physics and zoology (3,23).

Concerning medicine, which was the RaMBa”M’s profession, he has this to say.

“The study of medicine is very important for the knowledge of God and the achievement of the true well being. Its study and practice are to be considered a service (q̄boda) of the highest order. It cannot be compared to weaving or carpentry, for through it we can direct our actions so that they be human actions leading to the perfections and to truth.” (intro. to Abot, ch.5)

Aside from this, the RaMBa”M requires knowledge of language and grammar, and a knowledge of equivocal, derivative and amphibolous terms in Hebrew, so that one can understand the language of the prophets and the mysteries found in them. This constitutes a great part

of the content of the first part of *Guide to the Perplexed* (cf. *Guide to the Perplexed*, 2,29).

4. The Obligation to Pursue Secular Studies

Aside from the above, the RaMBa”M declares that it is a Torah obligation to study the so-called secular studies. In the *Guide to the Perplexed* (3,25), after discussing the obligation to know God’s existence, unity, knowledge, power, will, eternity, etc., he states,

“All other correct beliefs concerning everything existing, that is, all the theoretical sciences of all types, which are support for the beliefs in the ultimate things, even though the Torah does not mandate them specifically the way it does the previously mentioned ones, nonetheless it mandates them in general, as is written ‘to love the Lord your God’. Concerning love, the Torah emphasises, ‘with all your heart and all your soul and all your might’. We have already explained in the Mishne Tora that the love (of God) can be achieved only by knowing the world as it is, and through examining His wisdom embodied in it.”

It is clear from this that the commandment to love God includes the study of the disciplines which are preparatory to it. All the disciplines and sciences which are commonly called “secular studies”, when studied in order to achieve through them the knowledge of God which is the “principle of principles and the pillar of sciences”, are properly to be considered *holy in the highest degree*.

“Enjoy life with the wife whom you love’. Ribbi said in the name of the holy congregations, [this means] acquire a trade together with Torah... Why are they called the holy congregation? They were R. Yossi b. Meshullam and R. Shimon b. Menasya who divided their day, one third to Torah, one third to prayer, and one third to work. Others say that they used to study Torah all winter and work throughout the summer. R. Yiṣḥaq b. Elazar would call R. Yehoshua b. R. Ṭimi and R. Burqi the holy congregation because they divided their time, one third to Torah, one third to prayer, and one third to work.” (Qohelet Rabbati 9,7)

Even if one engages in these studies only for the purpose of learning a profession, it is still called “holy”. Only the holy can be a cause of holiness; surely the secular cannot be a cause of holiness.

5. The Distinction Between the Laws and the Wisdom of the Torah

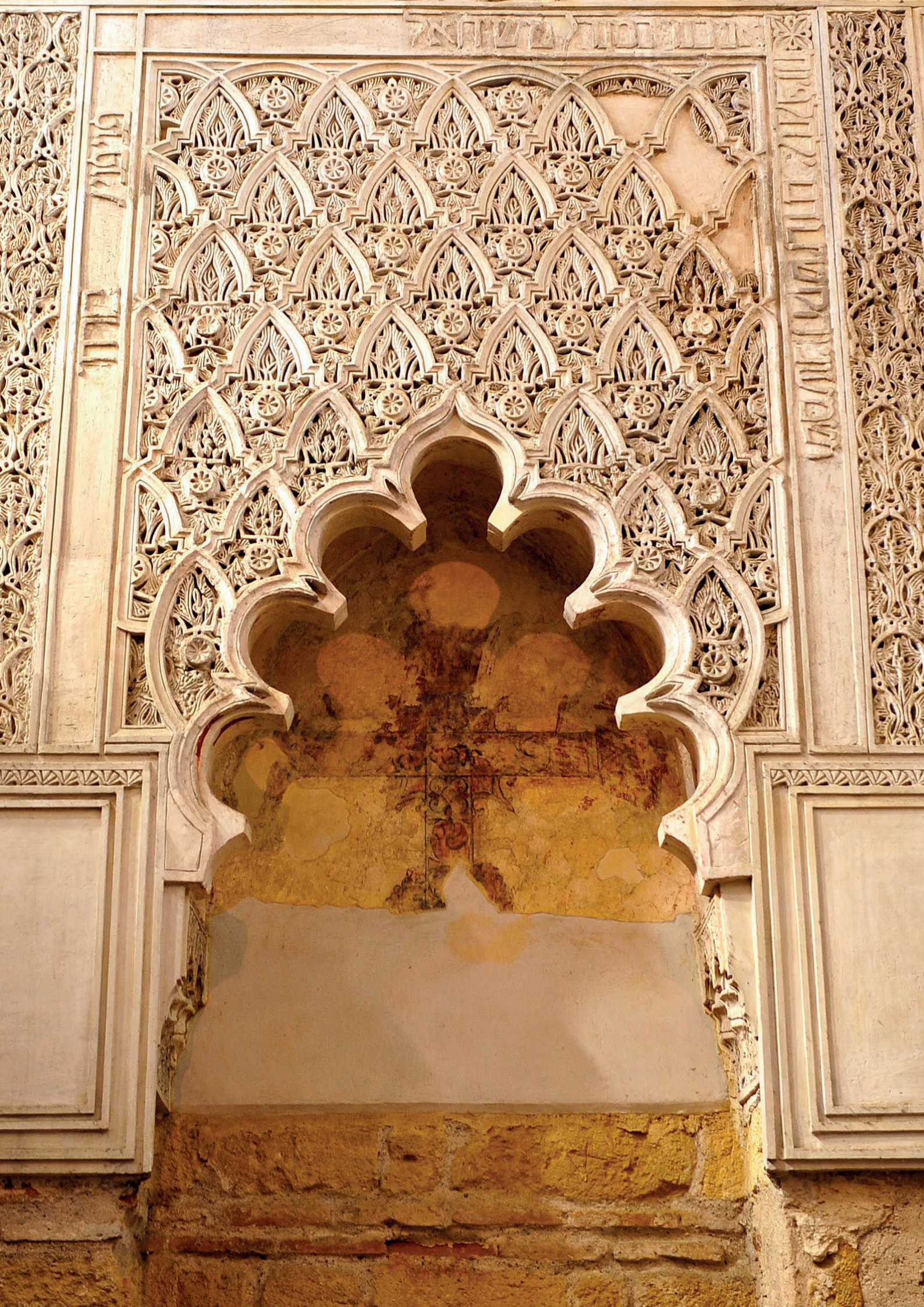
This article commenced with the words of the RaMBa”M; it is therefore appropriate to conclude with the words of the RaMBa”M.

“According to this explanation, a person who has true knowledge of the entire Torah is called wise in a double sense: firstly, because it brings him to the truths of logic, and secondly because it brings him to moral perfection. But as the truths of the Torah are taught by way of tradition and are not proven by philosophical method, the knowledge of the Torah and (the acquisition of) wisdom are treated in the books of the prophets and the words of the sages as two different things. Wisdom is that which proves what the Torah teaches us by way of tradition. What you find in the books concerning the high value of wisdom... refers to that wisdom which leads us to the proof for the opinions of the Torah. Similarly in the words of our sages... They said that a man is first asked to render account concerning his knowledge of the Torah, and then concerning wisdom, and finally concerning that which the laws of the Torah obligated him to do. This is the proper order; first to know those opinions by tradition, then to prove them, then to investigate the actions that improve our ways. These are their words...; ‘when a man comes to be judged, first they say to him, “Did you fix times for the study of Torah? Did you engage in the speculations of wisdom? Have you derived one thing from another?”... The fourth category is the true human perfection. It is the acquisition of the highest intellectual faculties; that is, the forming of the ideas which lead to true theological opinions. This is the final goal, which perfect man in true human perfection, and it applies only to him. It bestows on him immortality, and because of it man is called man... Hear the words of Bereshit Rabba: One verse says ‘All your desires are not the equal of it’ and another verse says ‘All desirable things are not the equal of it’. ‘Desirable things’ are mišvot and good deeds, ‘your desires’ are precious stones and pearls. Both are not the equal of it, ‘but in this shall he who glories glory, that he understand and know Me’... We find that the ultimate goal as defined in this verse, which is the perfection of man in which he may glory in truth, is the attainment of the apprehension of God to the extent possible, and the knowledge of His providence over His creatures...”(Guide to the Perplexed 3,54)

It has been clearly established, beyond the shadow of a doubt, that in the opinion of the RaMBa”M it is impossible to attain knowledge of God without the preparatory and the preliminary sciences. One can of course disagree with the RaMBa”M, one can attribute his opinions to an honest understanding of the Torah, one can even say that “the accursed philosophy led him astray”, but in any event one cannot distort what he wrote and thought. That is all we set out to do in this article.

Rabbi Yosef Qafih







Rabbi Moshe Shamah served as the long-time principal of Sephardic High School, and leads a congregation in Brooklyn, NY. Rabbi Shamah is the author of *Recalling the Covenant* as well as many articles that were published by Tebah Educational Services. Rabbi Shamah studied under the likes of Hakhm Jose Faur and Hakhm Solomon D. Sassoon. He continued his studies at some of the finest rabbinical seminaries, including Ner Israel Rabbinical College and Beth Medrash Govoha of Lakewood. He also received a Master's degree in education from Loyola College of Maryland. In 1968, Rabbi Shamah went on to establish the Sephardic Institute in 1968, which he actively heads until this day. He currently resides in Brooklyn with his wife, children, grandchildren and great-grandchildren.

HEALTH & HALAKHA: EATING FISH WITH DAIRY

BY **RABBI MOSHE SHAMAH**

There is no mention of a prohibition regarding eating fish with dairy in the Talmud. Several Talmudic statements (cited in coming paragraphs) indicate that it is permitted. The RaMBA"m¹, as well as other *Rishonim*, specifically state that it is permitted and *Shulhan Arukh* codifies its permissibility².

However, there is an obscure passage in Rabbi Yosef Caro's *Bet Yosef* commentary³. Referring to the Tur's statement that fish with dairy is permitted, the Bet Yosef begins by citing the Mishna⁴ that codifies the prohibition of meat and milk ("All meat is prohibited to be cooked in milk except for that of fish...") and favourably quotes the following: "*Rabbenu Nissim stated that the Mishna, in permitting the cooking of fish with milk, is also permitting the eating of them together, as the Torah's prohibition of eating meat with milk is derived from the case of cooking. The RaMBA"m and RaSHB"A also permitted eating fish with milk.*"

The Bet Yosef does not cite a single authority who prohibits. Then come the strange words: "*However, [fish] should not be eaten with milk because of danger, as explained in Oraḥ Hayyim 173*".

That is all that is written in the Bet Yosef's famous 'fish and dairy' passage.

Although the Torah's dietary laws and the rabbinic legislation attached to them are not predicated on health considerations, something found

dangerous or unhealthy may enter halakha through a different channel, that of 'health and safety', which is a Torah imperative totally independent of dietary laws.

Back to the *Bet Yosef*. Besides the incongruence of the concluding words with the permissible thrust of the previous lines, surprisingly, there is no discussion in *Oraḥ Hayyim* 173 or in any other place in the *Bet Yosef* of a problem attached to eating fish with dairy. In *Oraḥ Hayyim* 173, following the Tur, he speaks about fish and meat. Hecites a Talmudic passage⁵, which has been widely accepted and itself deserves a discussion, indicating the problem of having fish and meat together:

One who roasted fish with meat should not eat the fish with kutaḥ (a dairy product) according to Raba MiParzika. Mor bar Rab Ashe said that he should not even have this fish with salt (in other words, even alone) as it is causative of bad breath and 'something else' (a euphemism here interpreted by RaSH"l and others as 'saraqt', or leprosy.)

Most of the great authorities of the past four centuries who have written on this difficulty in the *Bet Yosef* have acknowledged that they do not have a satisfactory interpretation of the text. Some have explained the *Bet Yosef* as saying, in effect, "Don't have fish with dairy, just as I explained in *Oraḥ Hayyim* not to have fish with meat." Rab H"ID"A, and others, have pointed out how strained such an interpretation is. The Bet Yosef would be uncharacteristically brief, not explaining a 'new' regulation

1. Mishne Tora Hilkhos Ma'akhalot Asurot 9:5.
2. Shulhan Arukh Yore De'ah 87:3.
3. Bet Yosef Yore De'ah 87:3.

4. H"ollin 103b.
5. Pesahim 76b

that he doesn't mention anywhere else and that has no well-known source. He does not cite any halakha, minhag or health consideration without presenting its sources.

A *poseq's* formulation of *halakha* is based on his reasoning, his sources and his traditions, and is only as strong as they are. Absent these substantiating factors, particularly when introducing something new, a later-day *poseq's* formulation is not considered binding. The *Bet Yosef* himself always insisted on such a standard throughout his works. As Rab H̄ID"A put it:

"When they said a poseq is supposed to explain his words, how much more so for one whose characteristic it is to explain, and he being the last, Maran z"l."

Additionally, the passage the *Bet Yosef* quoted from the Talmud indicates that fish with dairy is permitted!

The only reason Raba MiParzika prohibited the fish roasted with meat to be eaten with dairy is because it absorbed from the meat. Otherwise, the fish would have been permitted with dairy.

Thus, many great rabbis concluded that the only acceptable explanation of the *Bet Yosef* passage is that a scribal error (*taut sofer*) entered the text, and it should read 'meat' in place of 'milk'. In essence, the *Bet Yosef* would be saying 'although it is permitted to eat fish with milk, there is a problem eating fish with meat, as already pointed out in *Orah Hayyim*'.

Rab H̄ID"A also pointed out that such a textual emendation is strongly supported by the overriding fact that *Shulhan Arukh* never mentions any problem attached to eating fish with milk. This cannot be interpreted away, particularly given that there are a number of chapters in *Shulhan Arukh* where such a problem, if it existed, should have been included. Four such *Shulhan Arukh* citations follow:

1. *Orah Hayyim* 173, which deals with washing hands in mid-meal. Maran states that one should wash between eating meat and fish, but no mention is made of fish and dairy.

2. *Yore Deq* 87:3, which defines the extent and application of the prohibition of meat and milk. Maran states that fish and milk may be cooked and eaten together without any mention of a problem.

3. *Yore Deq* 95:1. Maran, codifying a Talmudic passage, states: "Fish cooked in a completely clean meat pot is



permitted to be eaten with *kutah* (dairy)...". (As fish is parev, the possibility that the clean pot, which at most has only 'taste' absorbed in it, transmitted the meat taste into the fish is discounted.) Again, no hint of a problem.

4. *Yore Deq* 116, which codifies a number of prohibitions based on health and safety. Maran writes that one should not eat fish and meat together, but no mention is made of fish and milk.

It is inconceivable that *Maran* would leave out of *Shulhan Arukh* –from a number of chapters where it would have been relevant and appropriate – a health regulation he believed in. It is far more probable that he originally intended to write fish and meat in the *Bet Yosef*, but somehow our texts have fish and milk instead.

The authorities who favour the scribal error interpretation include the most important post-*Shulhan Arukh* poseqim in both Sepharadi and Ashkenazi halakhic tradition: RaM"A in his *Darkhe Moshe* (c. 1560), *Tore Zahab* (1646), *Sifte Cohen* (1646), *Peri Hadash* (1692), *Magen Abraham* (1692), and Rab H̄ID"A (1785). According to these authorities there is no problem whatsoever eating fish with dairy. Most of the Jewish world has followed their *pesaq*.

There is one source prior to the *Bet Yosef* who does mention a health problem associated with eating fish and cheese: Rabbenu Bahya in his commentary on the Torah (1291). On the verse prohibiting meat with milk⁶, he comments: "It is the opinion of the doctors regarding the mixture of fish and cheese that were cooked together that it produces a negative disposition and leprosy." Some

6. Exodus 23:1

have speculated that *Maran* had seen this comment and used this as his source, although he omitted to cite it. It is important to note that this comment of Rabbenu Bahya was entirely based on contemporary medical opinion.

If we do not accept the scribal error explanation, the most logical interpretation of the *Bet Yosef-Shulhan Arukh* discrepancy is that *Maran* changed his mind between writing the two, concluding that there is no danger. There are a number of cases in *Shulhan Arukh* where it is absolutely clear that *Maran* changed his mind from the *Bet Yosef*.

There are some later authorities who followed the unamended text of *Bet Yosef*. Generally, they based their position on the medical opinion of their times. As the question is one of health and safety, they invoked the halakhic rule 'considerations of danger are more serious than considerations of ritual prohibition' (*hamira sakanta me-issura*). Interestingly, many of these strict poseqim limited the regulation to fish with milk or cheese, but permitted fish with butter, as that is what they heard from doctors.

As the danger presumed for fish with dairy by the strict authorities is 'leprosy', the same as the Talmud stated for fish with meat, it is instructive to review the position of some of the leading authorities on the latter.

The RIF (early 11th century) and the RaMBa"M (11th century) did not include a prohibition of fish with meat in their halakha compendiums. In the case of the RaMBa"M this is especially significant, as he was a physician and codified numerous health regulations in his comprehensive halakhic compendium *Mishne Tora*. The Hatam Sofer⁷ explained the omission of fish and meat in the RaMBa"M notwithstanding its Talmudic source as follows (slightly paraphrased):

The RaMBa"M, in his outstanding knowledge of medicine and nature, omitted the Talmudic health regulation of not eating fish with meat because he investigated and determined that there had been a change in the nature of things...as Tosafot also has stated on a number of Talmudic health matters... but regarding fish with dairy...those doctors quoted as saying it is dangerous are incorrect. It is not dangerous and therefore completely permitted. The RaMBa"M, chief of the physicians, is trustworthy for us. On fish with meat, however, we don't follow the RaMBa"M in practice because, perhaps, it should be considered like an item decreed by the Talmudic sages which is not to be abrogated except by another Bet Din. However, we rely on the RaMBa"M to the extent that we no longer consider fish with meat dangerous.

The Magen Abraham⁸, regarding fish with meat, states:

"Perhaps in our days it is not so dangerous as we see a number of items mentioned in the Gemara as dangerous for ru'ah raq ('bad spirit') or other problems, and in our days they do not cause harm, for the nature of things has changed. Also, everything depends on the nature of the region."

Additionally, most Jewish communities have been lenient on fish with dairy through the centuries, and their intuition and experience is that the combination causes no special problem. It has been traditional with the *poseqim* to recognise far less compelling empirical evidence even on health matters mentioned in the Talmud.

The RaMBa"M's position is actually even more extensive than described above. He would advocate ongoing research to determine the reality and harmonise our practice with it. He authoritatively stated that when the Talmudic sages spoke on scientific and empirical matters, they spoke according to the best evidence available. In such cases, if we subsequently find contrary compelling evidence, we must modify our position⁹. HaRaMBa"M omitted fish and meat from the *Mishne Tora*, along all other supposed health problems which research had determined were not or were no longer valid.

Conclusion:

There is no Talmudic or *Shulhan Arukh* source forbidding fish with dairy. That in some circles it once might have been some sort of regulation was entirely based on out-of-date medical opinion. In such a case, we consult with the present-day medical experts, who do not recognise any special problem with the fish-dairy combination. So, in conclusion, it is appropriate that we rely on the great *poseqim* who made a convincing case that there never was a *halakha* prohibiting fish with dairy, on the long experience of the Jewish community that the combination is harmless and on present-day medical opinion which states that there is no special problem with the combination.

Postscript: We see how much emphasis *halakha* places on health considerations. Medical and health science have a great deal to say to us today, and with much more compelling evidence than was available regarding health regulations that were entered into our halakhic compendiums. Is it not a halakhic imperative to take seriously the many recommendations of modern medical and health science regarding tobacco, saturated fat and cholesterol, alcohol abuse and so much more, even if it causes us great inconvenience?

7. Responsa Yore Dea 101, c. 1841.

8. Magen Abraham Oraḥ Ḥayyim 173:1.

9. More Nebukhim II:8, and elsewhere.

THE GODS, DELUSION AND THE GOD SOLUTION

BY SENIOR RABBI JOSEPH DWECK

The formidable drive for worship

Human beings have a curious and formidable drive to worship. Whether aimed at celebrities, leaders, parents, or a deity, we often find ourselves moved to adore and adulate someone or something that we perceive as great. In ancient times this powerful inclination was often aimed at a number of diverse deities. A great portion of the Torah is focused on directing the attention of Israel's drive towards worship away from these deities and exclusively towards God Himself. It is a charge that the nation of Israel has struggled with for over one thousand years.

This was a drive so powerful, that the Israelites could barely stave it off for more than a month after having received the commandments. The first and most famous failure of its kind was of course, the episode of the Golden Calf:

God said to Moshe: Go down! for your people whom you brought up from the land of Egypt have wrought ruin! They have been quick to veer from the way that I commanded them, they have made themselves a molten calf, they have bowed to it, they have slaughtered offerings to it, and they have said: 'This is your god, Israel, who brought you up from the land of Egypt!'
(Exodus 32:7-8)

But it didn't end there. After we entered the Promised Land and spent close to two and a half decades conquering it under the leadership of Yehoshua, his

disciple and successor, Moshe used his last words to implore us to finally make a choice as to whom we would serve.

So, now [said Yehoshua], hold God in awe and serve Him in integrity and trust; remove the gods whom your fathers served across the River and in Egypt and serve God! But if it be evil in your eyes to serve God, choose yourselves today whom you wish to serve... But as for me and my household, we will serve God! The people answered and said: [Heaven] forbid for us, from abandoning God to serve other gods!
(Joshua, 24:14-16)

And though they seemed quite certain of their allegiance to God when in front of their leader, throughout the first 380 years in the land they failed to resist experimenting with a myriad of deities. They were so dualistic in their religious devotions that the Prophet Eliyahu demanded that they choose a side and stick with it.

*Eliyahu came close to all the people and said: How long will you hop on two branches?
If God is Lord, walk after him, and if Baal, walk after him!*
(1 Kings 18:21)

This drive is so much a part of the human condition that HaRaMBa"m understood the Torah's entire treatment of qorbanot (animal offerings) to be provided by God as a safe and acceptable way for us to channel and sublimate such a primal drive.¹



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1. More Nebukhim, III:46.



Killing the drive and its slow but steady death

The Talmud discusses this in the following fascinating passage. We are told that the struggles with worshipping foreign deities ultimately drove the Sages at the time of the Second Temple to fast and pray for its eradication from the Jewish people altogether. They reasoned that it was utterly unmanageable and only getting us into trouble. The challenge of directing it appropriately proved too great for us and they believed it was best to shut it down.

Indeed, they tried and we are told that they succeeded.²

Rab said, and some say it was Rabbi Yoḥanan who said: "Woe, woe. It is this, (the evil inclination for idol worship), that destroyed the Temple, and burned its Sanctuary, and murdered all the righteous ones, and caused the Jewish people to be exiled from their land. And it still dances among us!"

"Didn't You give it to us solely for the purpose of our receiving reward for overcoming it? We do not want it, and we do not want its reward. We are prepared to forgo the potential rewards for overcoming the evil inclination as long as it departs from us. In response to their prayer a note fell to them from the heavens upon which was written: 'Truth,' (indicating that God accepted their request)... In response to the indication of Divine acceptance, they observed a fast for three days and three nights, and He delivered the evil inclination to them. A form of a fiery lion cub came forth from the chamber of the Holy of Holies. Zekhariah the prophet said to the Jewish people: This is the evil inclination for idol worship, as it is stated in the verse that refers to this event: "And he said: This is the evil one" (Zekhariah 5:8)

2. Yoma, 69b

3. The Literary Tenor of Our Times, in Claremont Review of Books, January 26, 2007 Vol. VII, Number 1 - Winter 2006/07

In this process they discovered a shocking reality. While they had only wished to get rid of the drive for foreign worship, they found that there was no such thing. Their search brought them to none other than the Holy of Holies. What they found was not the drive for idol worship per se, but for worship itself and it resided in the holiest of places.

The Consequences

The Sages discovered that it was impossible for us to surgically withdraw the drive towards foreign worship without deadening the drive for worship altogether. We could not eradicate the drive for worship and find the same vivacity for devotion to God that we once had. It was clearly not what it used to be.

One day Rab Ashe ended his lecture just before reaching the matter of three [heretical] kings. He said to his students: Tomorrow we will begin the lecture with our friends the three kings. Menashe, king of Judea, came and appeared to him in his dream. Menashe said to him angrily: "You called us your friends? How dare you characterise yourself as our equal!"

... Rab Ashe responded: "If you understood so much Torah, how could you have worshipped idols?" "Why, had you been alive in our time," answered Menashe, "you would have hiked-up your robe so your little feet could run fast enough to keep up with me!" (due to the fierce desire to engage in idol worship).

The next day Rab Ashe said to the Sages as a prelude to his lecture: We will begin with the treatment of our teachers... (Sanhedrin 102b)

Deities everywhere

The world was once filled with theism — gods that we created filled our everyday life. The most unassuming objects became religious. But these were not the stuff of meticulously explored, wisely cultivated faith systems, honed and refined over generations of thought and discipline. These were glorified, institutionalised superstitions. They filled the gaps of human ignorance about our world and the uneasiness and insecurity that we harboured because of its random nature, as all superstitions do. Superstition is at the base of idolatry.

Until There Weren't...

As humanity has deepened and broadened its understanding of the world and moved towards what we confidently call 'enlightenment' we may have gained more illumination than ever before about how our world works, and indeed, come closer to certain truths, but we have also lost much of our sense of awe and passion for devoting ourselves to worship. It has been brought from a rolling boil to a light simmer.

From Theism To Atheism

The enlightened West has largely moved from theism to atheism and we turned to assuage our fears of life not with gods of our making but with the clarity and certainty of our own reason. We have made ourselves the gods. Yet, reason is limited and it will never explain things like consciousness, art, and love. Many of us believe that with our relentless dedication to science and rational thought, mystery will soon cease to exist.

There is no question that humanity's fire for exaltation has steadily cooled over the last two-thousand years. It has taken its time but we have finally become a world that one could confidently call 'post-religious'. And it is not an exaggeration to consider that the day will come when the world's religions will be relegated to the same class of mythology as the ancient pantheons.

Theistic fervour and numinous aspirations have given way to reductionism and the exaltation of the mundane. Scents of nihilism and contempt lace the modern air we breathe.

As Mark Helprin writes: *"The dominant narrative of modernism that replaces faith is the grey and bloodless portrait that must arise from a conviction that everything is a themeless accident and to believe otherwise is merely self-deception."*³ We have grown embarrassed to love and serve God because we are embarrassed by the historical misplacement of our love and service to gods that were not God.

The enlightened West, in its conscious recognition of the inappropriateness of our misplaced religious zeal (the wars, the thousands burned alive, the suffering, mutilation, flagellation, prejudice, control, abuse and more) has rightfully thrown out the proverbial dirty bathwater of our idolatrous past. But in disregarding the fact that it was a process of maturity and coming-of-age we've also thrown the baby out with it.

Losing God

We have lost God. Not the gods of our making, but God — the source of existence, the creator of the universe, and we have curled up into our own little heads and sufficed with personal supplements of spirituality.

Our scorn of our own misplaced adoration has yielded a world built only on reason and cold hard facts. We are uncomfortable with the numinous because we have been burned by our passions. But passion, like fire, is essential to life; it is only when it is mishandled and used carelessly that it destroys.

Taking God's Place

Without God we are left to take up His station — which we neither deserve nor can truly manage. In the past we filled it with ourselves in the form of idols and today we fill it with ourselves in worshipping our own capacity for reason.

We make the mistake of thinking that this is a world in which God must assert His presence, but it is rather a world in which we must provide the conditions for God's presence. We must *care* about God, not just believe in Him.

It will take even more time. Still, contrary to the belief of many, we continue steadily on the path that will take us there. Sadly, there may be many casualties of faith along the way, but the day will come in which *"The earth will be filled with the knowledge of God as the waters cover the seas."* (Isaiah 11:9) And we will learn to balance our fears with our fervour, and our reason with our love. That prophecy too will come true like those before it and we will find a place of *shalom* - peace. There, in the stillness, we will find our truest selves and finally, our God.



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INSIGHTS FROM WESTERN SEPHARADI TESHUBOT

BY **RABBI NATAN PERES**

One aspect of the Western Sepharadi Communities' legacy which I find particularly insightful is the teshubot (responsa) published by the Hakhhamim who served in the communities' Rabbinical and Educational establishments.

While browsing through these teshubot one can gain a broad understanding of the sorts of halakhic issues that were being addressed by the communities' Rabbinical courts, insights into the life and business affairs of its members, but more importantly, the teshubot are real evidence of their approach to Torah learning and halakhic rulings – indicating the sources quoted, how they are interpreted, and the places from which the questions originated, quite often from different countries or communities outside of their own.

This article is not meant to be a full dissertation on the topic – it originates from my personal interest in the subject and my browsing through the sources over the years whilst looking out for teshubot related to topics which I happen to be learning. There are various sources of teshubot from the Western Sepharadi communities and their Hakhhamim and the reader can refer to online resources that list these extensively.

A most extensive source, worthy of mention here, is to be found in a collection of 953 *teshubot* from the alumni of the Amsterdam *Esh Hayim* academy, published over many decades under the name *Peri Esh Hayim*. Another source which I personally

find very insightful is the *Dibre David*, a collection of teshubot by Hakhham David Meldola (1714-1818) who was born in Livorno and subsequently lived in Amsterdam.¹ The Meldola family originated from Livorno (Leghorn, Italy), another classic S&P community, and produced a distinguished line of scholars and Hakhhamim throughout the generations – in our case we have two Hakhhamim known by the exact same name 'David ben Raphael Meldola', and both served in distinguished positions in Amsterdam and London S&P communities.

Our Hakhham Meldola was a student in the *Esh Hayim* academy (some of his teshubot appear in volumes of *Peri Esh Hayim*), and also studied under the tutelage of the Rabbi of the Amsterdam Ashkenazi community, having later engaged in Torah correspondence with great luminaries of the Ashkenazi world such as the *Penei Yehoshua*, the *Ya'abe"z*, and the *MaHaRi"z hayuT*.

In this article we shall examine a teshuba published in *Dibre David*, with the intention of giving our readers a small glimpse into the sources by examining an actual *teshuba*. Much can be speculated about the approach of Western Sepharadi Hakhhamim to the Halakha and to Torah study, and I find the best way to demystify this topic is by looking at the sources themselves objectively, learning a bit of Torah as we go along.

As a participant in The Montefiore Endowment-sponsored Dayanut Programme under the auspices of the

1. The reader should note that the author of *Dibre David* should not be confused with another Hakhham David Meldola who in 1828 succeeded his father Raphael Meldola (the nephew of our Hakhham David Meldola) as Hakhham of the Spanish & Portuguese community in London.

Eretz Hemdah Institute, and studying under *Dayan Ofer Livnat* from the London Sephardi *Beth Din*, we have been learning most recently the halakhot related to *Giṭin* – the halakhic ‘bill of divorce’ granted by a husband to dissolve a Jewish marriage.

In the *Halakhot of Giṭin*, there are a great number of peculiarities regarding the specific *nusah* (text) of the document and the *seder* (order) of writing the *geṭ*, in addition to the document’s exposition of technicalities concerning the proper spelling and rendition of the names of husband and wife. As with pretty much all other areas of the Halakha, we find a variety of opinions in regard to every aspect of a *geṭ*, going all the way back to the Rishonim, and these have, over the years, developed into specific *minhagim* which differ across various communities and locations. In essence, we end up with various differing ways in which such a document might be written (in accordance with local custom), which must nevertheless all result in the production of a valid legal contract.

Consequently, when a *geṭ* is to be sent from one location to a wife living in another city, we run into the question as to which specific *nusah* and *seder* we ought to follow. Should we treat the location where the *geṭ* is being written as the determining location and write the *geṭ* based on the custom of that city, or should the location where the *geṭ* will be given determine the correct approach?

Again, within the context of this topic, there are countless different angles and opinions concerning the different elements of a *geṭ*—and so we shall limit ourselves to examining the question posed to Ḥakham Meldola, and his approach to answering it in the *teshuba* which appears in *Dibre David, Siman 72*.

As evidenced in a number of *teshubot* in *Dibre David*, Ḥakham Meldola would often receive she’elot (halakhic questions) from Ashkenazi communities in Eastern Europe – this specific one was received from a Rabbi Wolff in the city of Brisk.² The city of Brisk, made famous world-wide by the great Rabbinical Soloveitchik dynasty, was a bastion of deep Torah study and produced many renowned *talmide ḥakhamim*. The reader might note a certain irony here, for in the 18th century we find a *teshuba* penned by a Western Sepharadi Ḥakham that was delivered to none other than a ‘*Torani*’ (great Torah scholar, title used by Ḥakham Meldola in the *teshuba* to address Rabbi Wolff) in the city of Brisk. In today’s Torah circles one would have intuitively expected the opposite, with Brisk being regarded as a prime source of Torah erudition.



The question posed to Ḥakham Meldola was the exact question we outlined above: do we go after the place of writing or the place of giving the *geṭ* to determine the text and the order of writing the *geṭ*? It should be noted that the question does not mention any specific aspect of the *seder haGeṭ* and it only addresses the topic generally, which is how Ḥakham Meldola responds to it.

Ḥakham Meldola starts the *teshuba* by stating that he would rather not involve himself in such questions due to many reasons, some of which are of public knowledge and others which are private — but decides to engage nonetheless since one should not leave personally directed questions unanswered, and after all, he is not about to reveal anything new or polemical. (One can only speculate as to what could possibly be the reasons, though it should be noted that Ḥakham Meldola was once

2. currently Brest, Belarus, formerly Brest Litovsk lit. Lithuanian Brest, in Jewish sources Brisk De’Lita or just plain Brisk.

3. Quoted in the Tur (Eben haEzer, Siman 125)
4. Perek HaSholeah Daf 34b

involved in a polemic with international repercussions. This incident concerned a *teshuba* (written by his father) addressing a question on conflicting views concerning the *minhag* of reading from an additional *sefer Torah* during a *Shabbat Hatan* (the Shabbat after a wedding). This triggered the proliferation of many *teshubot* throughout Europe and had great repercussions in the Rabbinical world. Several other *teshubot* in *Dibre David* are related to this incident.

Ḥakham Meldola opens his *responsum* by quoting a *teshuba* from the Ro"Sh³ about a *geṭ* that arrived from a far-away land which contains letters that differ in form and appearance from place to place. The Ro"Sh rules that the *geṭ* must be legible by a *tinok* (young average child) in the place where it was written, and if that is not the case then the *geṭ* would be invalidated (*eino geṭ klal* which means invalidated even at the Rabbinical level).

A specific *Siman* and *Seif* in the *Shulḥan Arukh* deals with the actual shape of the words and letters in a *geṭ* and this is the scenario which the Ro"Sh addresses in his *teshuba*. There is another *sugya* in the gemara in *Giṭin*⁴—which the *Shulḥan Arukh* deals with in *Siman* 129—addressing the writing of the names, especially in a scenario where someone is known by multiple names which may differ in the places where the *geṭ* is written and where it will be given. In this *sugya* the overall conclusion seems to be that the place of giving the *geṭ* is more important when determining how to write the names. As pointed out above, the question posed to Ḥakham Meldola was addressing a specific aspect of the *geṭ*, though one can possibly infer that it is not related to names as it would otherwise have been specified.

Ḥakham Meldola then goes on to quote sources that deal with the question raised by the *Bet Yosef* (ad loc.), who challenges our reading of the Ro"Sh where he seems to rule that the place of writing takes precedence, from the *sugya* in *Pereq HaSholeaḥ* which concludes with the opposite opinion, that the place of giving is more important. The *Bet Yosef* brings proof from the end of the Ro"Sh's *teshuba* which quotes the above *sugya* to mean that he actually does rule that the place of giving is most important and therefore it must be a *ṭaut Sofer* (scribal mistake) at the beginning of the *teshuba* which misled the Tur to quote the Ro"Sh as holding that the place of writing would be the determining factor. The *Bet Yosef* further posits that the Ro"Sh would be of the opinion that the writing must be recognised in both locations as otherwise how can the witnesses sign a document which they cannot read. He quotes the opinion of the RaMBa"n who holds that the place of giving is determining, and rules in the *Shulḥan Arukh* according to the RaMBa"n and his own reading of the Ro"Sh, that the place of giving is

the determining element. He however also brings the opinion of the Ro"Sh as a *yesh mi sheOmer* (an additional opinion) that requires that the *geṭ* also be legible in the place of writing, which matches his explanation of the Ro"Sh's opinion based on the Tur's reading of the *teshuba*.

Ḥakham Meldola then cites a number of other opinions, including a *teshuba* from the RITB"A quoted in the *Mordekhai* (*Giṭin, Siman 446*) that specifically rules (in a case of a *geṭ* where the *nusah* differed from the place where it was given) that the *geṭ* is *kasher* since it is following the *minhag* of the place of writing, and a number of other sources which seem to support the simple reading of the Ro"Sh as brought down in the Tur, that the place of writing is the determining location. He also quotes a *teshuba* of the *MaHaRaSHDa"m* (Rabbi Shmuel di Medina from Saloniki) and also brings the opinion of the *Mikhtab Me'Elyahu*⁵ who states clearly that there is no room to categorically rule decisively as to which location should be considered determining, and explains the *sugya* in *Pereq HaSholeaḥ* which treats the place of giving as determining to mean that this is only in regard to names, as there is a question whether the person is recognised by that name elsewhere—and we therefore should not bring any proof from that *sugya* to other aspects of the *geṭ* such as the *nusah* and writing. He concludes that we are not careful in this respect (and also quotes *Geṭ Pashut siman 129 seif qaṭan 42* to support this view).

Ḥakham Meldola then concludes that in regard to the *nusah* and writing we can go by either the place of writing or place of giving, as each one is '*lkar BiMekomo*'.

It should be noted that there are a number of sources regarding the *minhag* in *Yerushalayim* to write '*Vekhol Shum*' (specific criteria in regard to writing of names which is beyond the scope of this article) where it is clear that such *giṭin* were written and sent to other places and accepted as valid, though there are those nowadays that argue one should be careful to try and follow the *minhag* of the place of giving, even they would agree that the *geṭ* would nonetheless be accepted regardless of how it was written in this regard.

I hope this article can contribute to an increased awareness of the important Torah legacy of the Western Sepharadi communities— a legacy which is not limited to *teshubot*, as there are many other interesting topics, such as *derashot* (sermons), which have to date not been fully explored.

5. on *Hilkhot Giṭin* printed in *Kushta*, Constantinople, not to be confused with the *Mussar* compilation by Rabbi Elyahu Dessler

LIABILITY OF ONE WHO RAN IN A PUBLIC DOMAIN AND CAUSED DAMAGE

BY DAYAN OFER LIVNAT

This essay examines the concept of liability for damages caused by a person running in a public domain, as discussed in the Talmud and various halakhic authorities. We will explore differing opinions regarding liability, exceptions made for certain situations such as running in preparation for Shabbat or lifesaving measures, and the application of these principles to modern modes of transportation, including cars and ambulances. By analysing the nuances and interpretations of these laws, we hope to provide valuable insight into the broader implications of liability and responsibility within Jewish law.

The Mishna in *Baba Qamma*¹ states: שנים שהיו מהלכין ברשות הרבים אחד רץ ואחד מהלך או שהיו שניהם רצים והזיקו זה את זה שניהם פטורין

“Two who were walking in the public domain, or one running and one walking, or both running, and they damaged each other, both are exempt.”

However, the Talmud² quotes an opinion that seems to differ:

איסי בן יהודה אומר: רץ - חייב, מפני שהוא משונה; ומודה איסי, בע"ש בין השמשות - שהוא פטור, מפני שרץ ברשות

“Isi ben Yehuda says: The one who ran is liable, because he is unusual. But Isi agrees that on Ereb Shabbat at dusk that he is exempt, because he has permission to run.”

The Talmud goes on to say that the halakha is in accordance with Isi ben Yehudah, and the Mishna that stated that the runner is exempt was referring to a case of *Ereb Shabbat* at dusk.

We see from here that if a person ran in the street and caused damage to another person that was walking there, he is obligated to pay for the damages. Since the normal pace of movement in a street is walking, running is considered unusual. Nonetheless, the Talmud states that a person who ran *Ereb Shabbat* at dusk and caused damage is exempt – since one is allowed to run in preparation for Shabbat.

This *halakha* is codified in the *Mishne Torah*³ and *Shulhan Arukh*⁴. The RaMa”H⁵ limits this ruling. Although we normally assume that a person who runs *Ereb Shabbat* at dusk does so in honor of the Shabbat, if it is known that his running was not in honor of the Shabbat, but rather for his own needs, he would be obligated to pay damages. If we do not know his purpose in running, we give him the benefit of the doubt that he ran to honor Shabbat, and he would be exempt.

The SeM”A⁶ understood that according to the RaMa”H, only a person who ran in actual preparation for Shabbat is exempt. However, if he ran for personal reasons, although he was doing so in order to finish his tasks before Shabbat, he is obligated to pay



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1. Mishna Baba Qamma 3:6.

2. Baba Qamma 32a.

3. Mishne Tora Hilkhot Hovel U'Mazziq 6:9.

4. Hoshen Mishpat 378:8.

5. In accordance with the Nimmuqe Yosef's citation of Rav Meir HaLevi Abulafia, dappe HaRi”F 15b, s.v. “שהוא רץ ברשות”.

6. Sefer Me'irat Enayim 378:11.



from a fire or from drowning, the *Arukh HaShulhan*¹² rules that he would certainly be exempt – since in such a case one must run as fast as possible – even more than a person running for the sake of Shabbat.

Another interesting application of this discussion is to other modes of transportation. The *RO"SH*¹³ writes that just as one who runs where people walk is liable for damages, so too one who has his horse gallop where all the other horses are trotting, would be liable for resulting damages. The *Arukh HaShulhan*¹⁴ also states that the same principles apply to one who is riding on a horse or in a wagon.

The *Pitḥe Hoshen*¹⁵ claims that this would apply to cars as well, and the criterion would be one who deviates from traffic rules. Clearly, one who exceeded the speeding limit and caused damage would be liable. An interesting argument could be made regarding a case where one drove particularly slow where the regular speed is much higher. The Talmud states that the reason one who runs is liable is because it is *'meshunne'* – unusual. The implication perhaps is that anytime one is going at a different speed from the norm, and as a result caused damage, should be liable. According to this logic, perhaps one who drove particularly slow on a fast road, without properly signaling to other drivers, should be liable for resulting damages. I have not seen sources on this question, but it is worth considering.

What about one who drove fast on *Ēreb Shabbat* at dusk and caused damage? Rav Shelomo Zalman Auerbach is quoted¹⁶ as stating that for sure one would be liable for damages. Only running is permitted on *Ēreb Shabbat*, because it is not so dangerous. However, driving too fast is exceptionally dangerous and would be comparable to running with a bomb in one's hands that may go off, which would certainly not be permitted. The only case where it might be different is an ambulance driving fast to save a life, for two possible reasons. First of all, the need for speed in the case of an ambulance is much greater, as someone's life may be at stake. Secondly, an ambulance is able to warn others through its special lights and siren, and other drivers and pedestrians can take care to move aside and let it pass. Indeed, Rav Auerbach is quoted (ibid.) as having stated that an ambulance driver who caused damage while on his way to save a life would be exempt from damages. Of course, ambulance drivers must follow all safety measures and procedures for ambulance drivers so as to avoid causing damages, and Rav Auerbach's ruling would only be applicable in the event that damages nevertheless occurred.

damages. However, the *SeM"A* points out that from the wording of the *RaMBa"M*⁷ "and if it was *Ēreb Shabbat* at dusk, he is exempt – since he was running in a permissible manner lest Shabbat would enter without his being free," it appears that even if one ran to take care of his personal needs in order to complete them before Shabbat, it is considered running for the sake of Shabbat, and one would be exempt. Indeed, the *Tosafot Yom Tov*⁸ claims that there is a dispute here between the *RaMBa"M* and the *Nimmuḡe Yosef*, and that the *Meḥabber* seems to follow the *RaMBa"M* while the *RaMa"H* follows the *Nimmuḡe Yosef*. The *Arukh HaShulhan*⁹ claims that there is no dispute and everyone, including the *RaMa"H*, would agree with the *RaMBa"M* that if he is running to complete his personal needs before Shabbat, that would be considered running for sake of Shabbat. The *RaMa"H* was only intending to exclude one running for reasons completely unrelated to Shabbat.

The halakhic authorities additionally deliberated on what the ruling would be if a person would run for the sake of another *miṣva* and subsequently cause damage. The *Mordekhai*¹⁰ rules that only one who ran in preparation for Shabbat is exempt, because there is a time constraint. However, if a person ran for other *miṣvot*, such as running to a synagogue or to a *bet midrash*, since there is no time pressure, he is liable for damages. The *Ḥabbot Yair*¹¹ similarly ruled regarding a person who heard the *gabbai* call out to gather for Qiddush Lebana and ran in order to get there in time to recite the blessing on the moon together with everybody else, but caused damage on the way – that although there is a *miṣva* to recite the blessing on the moon together with others, nevertheless, since it is possible to recite the blessing on the moon alone, the situation is not as urgent as running for the sake of Shabbat and one is liable for damages.

However, if a person runs for the purpose of *piquah nefesh* [lifesaving measures], such as saving someone

7 Mishne Tora Hilkhot Ḥovel U'Mazziq 6:9.
8 Tosafot Yom Tov Baba Qamma 3:6.
9 *Arukh HaShulhan* 378:18.
10 *Mordekhai* Baba Qamma 39.

11 *Ḥabbot Yair* 207, mentioned in *Pitḥe Teshuba* 378:4.
12 *Arukh HaShulhan* 378:19.
13 *Shu"t HaRO"SH* 101:5.

14 *Arukh HaShulhan* 378:19.
15 *Pitḥe Hoshen Neziqin* 1:101.
16 *Shulhan Shelomo Ērke HaRefu'a* vol. 1 p. 20.

HUMAN AGGRESSION AND ANIMAL SACRIFICE

BY SINA KAHEN

The practice of animal sacrifice in the Jewish tradition has long been a subject of debate and discussion. With the destruction of the Second Temple in 70 CE, animal sacrifices ceased to be a part of Jewish worship. As the Jewish people still await the rebuilding of the Temple, we will analyse animal sacrifices in light of our primal human nature. In this attempt, we are seeking to discover another taste – or “ta’am” – for this eternally relevant commandment.¹

The Nature of Aggression: Lessons from Konrad Lorenz

Konrad Lorenz, an esteemed ethologist, delved deep into the nature and origins of aggression in animals, including humans, in his book *“On Aggression.”* Lorenz proposed that aggression is an innate and essential aspect of animal behaviour, crucial for survival and reproduction.² He argued that aggression is not merely a reaction to external stimuli but a biologically driven mechanism for establishing social hierarchies, defending territories, and ensuring the survival of one’s offspring.³

Lorenz recognised the evolutionary benefits of aggression while also being acutely aware of its potentially destructive consequences, especially in human societies. He cautioned against suppressing natural aggression and advocated for a better understanding and management of our aggressive instincts to prevent large-scale conflict and destruction.⁴

Animal Sacrifice: A Historical and Spiritual Perspective

The roots of animal sacrifice in ancient Israelite culture and religion served as a means of worship, atonement, and thanksgiving. The Torah outlines various types of sacrifices, including burnt offerings (*ola*), sin offerings (*ḥatat*), guilt offerings (*asham*), and peace offerings (*shelamim*). These rituals were an integral part of Israelite religious life, performed by the *kohanim* in the Tabernacle and later, the Temple in Jerusalem.

Following the destruction of the Second Temple, the sacrificial system was no more. Structured prayer was introduced to correspond with the timings of the sacrificial system. Therefore, structured prayer was to correspond to - not replace - sacrifice.

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

² Lorenz, Konrad, *On Aggression*.

³ *Ibid.*

⁴ *Ibid.*



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The Intersection of Aggression and Animal Sacrifice

When viewed through the lens of Lorenz's insights on aggression, the animal sacrifice system in Halakha can be seen as a means of channelling our primal aggressive nature into a controlled, sacred context. In this framework, the act of sacrificing an animal becomes a physical manifestation of one's innate aggressive instincts, enabling individuals to confront and manage these impulses constructively.

This idea is supported by our Sages' understanding of man's struggle against his "evil inclination" (*yeşer hara*), which encompasses aggressive behaviour:

*"Rabbi Shimon ben Levi said: Man's evil inclination gathers strength daily against him, as it is said: 'Only the wickedness of man was great in the earth' [Genesis 6:5], and were it not for the fact that the Holy One, blessed be He, helps him, he would be unable to withstand it, as it is said: 'But I am with him in trouble' [Psalms. 91:15]."*⁵

Another Talmudic passage, while apparently accepting the astrological concept of the period that someone born under the influence of the planet Mars will have a heightened tendency towards violence⁶, emphasises that this tendency can find its outlet in either destructive or constructive directions:

"Rabbi Hanina said, '... Someone born under Mars will be one who spills blood.' Rab Ashe said, 'Either a surgeon, or a thief, or

*a shoḥet, or a mohel."*⁷

In his commentary on Targum Onqelos, the first Ashkenazi Chief Rabbi of the United Kingdom, Rabbi Nathan Marcus Adler, develops this concept with reference to Cain and Abel:

*Perhaps they disputed about the theory and practice of sacrifices to God, concerning whether He wishes to receive offerings of blood from living creatures: Cain believed that blood would not be acceptable and with his high-minded concern and sensitivity rejected the idea of animal offering and brought crop offerings, but Abel believed that loving his brother and slaughtering an ox would be better than beating another person. For all his delicacy and pacifism, Cain ended up killing his brother. As so often happens, the two extremes meet.*⁸

By engaging in the Divinely ordained act of animal sacrifice, individuals not only fulfil an obligation but also curb their aggressive nature. Additionally, the regulated nature of the sacrificial system may help to contain and mitigate the potentially destructive effects of aggression. The Torah prescribes specific guidelines for performing sacrifices, including the types of animals that may be offered, the required rituals for slaughter and preparation, and the proper disposition of the sacrificial remains.⁹ These detailed regulations ensure that the expression of aggression is both purposeful and constrained, reducing the likelihood of uncontrolled violence or harm to others.

⁵ Talmud Babli, Kiddushin 30b.

⁶ The question of the validity of astrology has been debated among Rabbanim for generations, and a good overview can be found at: www.jewishvirtuallibrary.org/astrology

⁷ Talmud Babli, Shabbat 156a.

⁸ Netina Lager on Genesis 4:8.

⁹ Leviticus 1-7.

¹⁰ Lorenz, Konrad. On Aggression.

¹¹ Talmud Babli, Sanhedrin 98a; HaRambam. Mishne Tora, Laws of Kings and Wars, 12:5.

Beyond the individual benefits of channelling aggression through animal sacrifice, the ritual may also serve a communal purpose by reinforcing social cohesion and order. In Lorenz's view, aggression is a mechanism for establishing social hierarchies and maintaining group stability.¹⁰ The sacrificial system, with its well-defined roles for the *kohanim* and the laity, provides a structured means of enacting and reinforcing these social dynamics.

Moreover, the collective participation in sacrificial rituals fosters a sense of unity and shared purpose among the Jewish people. As members of the community gather at the Temple to witness and partake in the sacrifices, they are reminded of their shared heritage, values, and commitment to the service of God. This collective experience helps to channel and redirect the community's aggressive instincts toward the maintenance and preservation of their identity.

The Future: Restoration of the Temple and the Return of Animal Sacrifice

Our conviction in the restoration of the Temple and the resumption of animal sacrifices is manifest in our law.¹¹ Indeed, the rebuilding of the Temple and the re-establishment of the sacrificial system will coincide with the arrival of the Messiah and the ushering in of a new era of peace, justice, and spiritual renewal.¹²

In this context, the return of animal sacrifice can be understood as a means of restoring the natural order of creation, in which human aggression is properly channelled and integrated into a Divine purpose. By re-establishing the sacrificial system, the Jewish people will once again have the opportunity to confront and manage their innate aggressive instincts in a spiritually constructive manner, ultimately contributing to the realisation of the Messianic vision.

What About Other Outlets of Aggression?

In contemporary society, we tend to channel our aggressive instincts through various means, such as playing sports, engaging in competitive games, or immersing ourselves in aggressive characters in movies and video games. While these activities offer temporary release, they may not entirely satisfy the complex needs of our primal instincts. This brings us to our intriguing proposal: the practice of Temple sacrifices offers a more profound and comprehensive outlet for human aggression.

Sports, for instance, are often lauded as effective channels for aggression. The physical exertion and competitive nature of sports seem to offer an ideal outlet for our aggressive

instincts. Psychologists have indeed shown that sports can facilitate the regulation of aggression and foster pro-social behaviours.¹⁴ Although sports and similar activities do indeed impact our emotional states, they primarily engage our *physical selves*. Further, the competitive nature of sports can inadvertently fuel aggression. Striving to win, dealing with defeat, and sometimes, the physical contact involved in some sports can provoke aggressive tendencies. Therefore, while sports can help regulate emotions and curb aggression to a certain extent, they may also stimulate aggressive behaviours.

On the other hand, the practice of animal sacrifice in the Temple merges physical, emotional, and spiritual domains, providing a holistic outlet for aggression. Here, aggression is not simply released but transformed and elevated into a sacred act. This process of "sublimation" — turning a socially unacceptable impulse into a socially acceptable or even beneficial act — is a well-known psychological concept, first elaborated upon by Sigmund Freud.¹³

The sacrificial ritual involves the physical act of offering an animal, a profound emotional connection in the act of giving, and a spiritual dimension in relating the act to the Divine. This multi-faceted engagement can offer a more satisfying release and transformation of aggressive instincts.

Moreover, the Temple sacrifice is a regulated activity, performed according to specific guidelines and within a defined community context. This characteristic gives it an advantage over activities like sports, which can sometimes spiral into uncontrolled aggression.¹⁴

Furthermore, the sacrificial ritual serves to reinforce societal norms and values, fostering unity and mutual understanding within the community. This communal aspect is absent in many contemporary outlets for aggression, which tend to focus on individual satisfaction. The return of the Temple sacrifices might appear as an archaic proposal in our modern world. However, by drawing on our historical and religious traditions, we may uncover wisdom that could guide our understanding and management of aggression.

¹² Soloveitchik, Joseph B. *The Halakhic Mind: An Essay on Jewish Tradition and Modern Thought*.

¹³ I highly recommend researching this area of psychology.

¹⁴ See these two papers: Guivernau, M., & Duda, J. L. (2002). "Moral atmosphere and athletic aggressive tendencies in young soccer players". *Journal of Moral Education*, 31(1), 67-85. and Visek, A. J.,

Hurst, J. R., Maxwell, J. P., & Watson, J. C. (2016). "A crosscultural psychometric evaluation of the athletic identity measurement scale". *Journal of Applied Sport Psychology*, 28(4), 449-468.

Reconciling Seemingly Contradictory Views

A famous perspective on the role of animal sacrifice comes from HaRaMBa"m in his *More HaNebukhim*. He explains that the reason for animal sacrifice was to wean the Israelites away from idolatry, prevalent among the surrounding pagan nations:

"It is impossible to go from one extreme to the other suddenly. Therefore man - according to his nature - is not capable of suddenly abandoning that to which he was deeply accustomed.... As it was then the deeply ingrained and universal practice with which people were brought up to conduct religious worship with animal sacrifices in temples... G-d in His wisdom did not see fit to command us to completely reject all these practices - something that man could not conceive of accepting, according to human nature which inclines to habit. It would have been comparable to a prophet appearing today, calling for the service of G-d, declaring that G-d now commands you not to pray to Him, not to fast and not to seek His help in time of distress, but your service of Him should be in meditation without any deeds whatsoever. He therefore allowed these practices to continue but transformed them from idolatrous associations... that their purpose should be directed toward Him. Thus, He commanded us to build a sanctuary for Him with an altar to His name and offer sacrifices to Him.... In this way idolatry was blotted out and the great foundation of our faith - the existence and oneness of G-d - was established. This was accomplished without confusing people's minds by prohibiting the worship they were accustomed to and with which alone they were familiar.... G-d does not choose to change man's nature with a miracle.... As sacrificial worship is not a primary intention... only one Temple has been ordained... and in no other place is it allowed to sacrifice... to limit such worship within bounds that G-d did not deem it necessary to abolish it... because of this the prophets often declared that the object of sacrifices is not very essential, and that G-d can dispense with them..."¹⁵

This understanding of animal sacrifice as a transitional practice has led some scholars to suggest that HaRaMBa"m viewed animal sacrifice as a temporary concept or law.¹⁶ However, in his *Mishne Tora*, HaRaMBa"m restates the law that animal sacrifices will return as a law for the people of Israel once the Temple is rebuilt:

"In the future, the Messianic king will arise and return the Kingdom of the House of David to its former place as ruler, and will build the Temple and gather the Jewish exiles, and in his days, all the laws will be reinstated as they were before: sacrifices will be offered, and [the people] will keep the sabbatical and jubilee years in the form they are described in the Torah."¹⁷

At first glance, this may seem contradictory to his view in the *More HaNebukhim*. Nevertheless, when examined in the context of the points we have explored above, this apparent contradiction can be resolved.

Understanding the sacrificial system as a means to channel our primal aggressive nature provides a unifying perspective that reconciles HaRambam's seemingly conflicting views. As a response to the idolatrous practices of pagan culture, the institution of animal sacrifice allowed the Israelites to redirect their aggressive instincts away from a morally reprehensible act and toward a more controlled and spiritually constructive practice. In this context, animal sacrifice was both a means of distancing the Israelites from idolatry and a way to manage their innate aggression.

When the Temple is rebuilt and animal sacrifices are reinstated, this practice will continue to serve as a healthy outlet for our primal aggressive instincts, as explored earlier. In this sense, the sacrificial system remains relevant and necessary, even after the initial purpose of distancing the Israelites from pagan notions has been achieved. Thus, HaRaMBa"m's views on animal sacrifice can be harmoniously integrated when considered through an understanding of the sacrificial system as a means of channelling and managing human aggression.

The Primal Wisdom of Torah

The return of the animal sacrifice system, as viewed through the lens of aggression, offers another compelling value of this primal ritual in channelling and managing mammalian aggression. By providing a controlled, sacred outlet for the expression of aggression, animal sacrifices serve both individual and communal functions, contributing to personal growth, social cohesion, and spiritual development.

As we await the rebuilding of the Temple, we must continue to consciously and actively seek to understand the wisdom of a Torah framework that has sustained our eternal people for millennia. In doing so, we can prepare ourselves for the restoration of the sacrificial system, and the profound realisation that it provides us with about life itself.

"Sacrificial Judaism brings the truth of human existence into the Temple. It does not leave it outside its portals. It does not reserve sacred ground only for silent worship. Instead, the bruting, bleeding, dying animal is brought and shown to God. This is what our fate is."¹⁸

¹⁵ HaRaMBa"m, *More HaNebukhim*, 3:32

¹⁶ Kellner, Menachem. *Maimonides on Human Perfection*.

¹⁷ HaRaMBa"m, *Mishne Tora*, *Laws of Kings and Their Wars*, 11:1

¹⁸ Wyschogrod, Michael. *The Body of Faith*. Page 19

EARLY RABBINIC TRANSLATIONS OF MIQRA: A GUIDE TO UNDERSTANDING

BY YEHUDA MEIR LEIKIN

The union between historical discovery and technological advancement has brought us to a golden age of Jewish study. The Cairo Genizah, rediscovered in the 19th century, opened a door into the lives and minds of the great Jewish scholars of a now bygone era. Thanks to the availability of technology and the generosity of various scholastic organizations, one now has the ability to study nearly all of the manuscripts that were found in the Cairo Genizah; manuscripts written and studied by the greatest names of Medieval Jewry. A large portion of these manuscripts were written in Judeo-Arabic, the *Lingua Franca* of the Jewish people who lived in that period. Jews did business, wrote correspondence and most importantly wrote religious literature in Judeo-Arabic. Yehuda ibn Tibbon, often referred to as “the father of Hebrew translators,” says in his introduction to Bahya ibn Paquda’s *Hobot HaLebabot*:

*“Most of the Geonim in the dispersion under the rule of Ishmael in Babylonia, Palestine and Persia spoke Arabic; likewise all the Jewish communities in those lands used the same tongue. Most of the commentaries they wrote on the Bible, the Mishna and the Talmud, they wrote in Arabic, as they similarly did with their other works, as well as their Responsa, for all the people understood that language.”*¹

Arabic was prolific amongst the Jewish people from Muslim Spain to Persia, and it even took precedence over Hebrew and Aramaic in the writing of religious matters. In referencing A.S. Halkin’s *Judeo-Arabic Literature*, Joshua Blau states that reasons for the use of Judeo-Arabic were the “*desire of the author to reach a widest possible audience and the inadequacy of Hebrew for expressing the author’s meaning.*”² When the Muslims conquered the Middle East and North Africa, Arabic gradually replaced Aramaic as the *Lingua Franca* of Jews, Christians, and other residents of these newly conquered lands. The importance of Aramaic as a scholarly language of the Rabbinic schools of Babylonia diminished as the commencement of the period of the Geonim coincided with the rise in the use of Arabic. Hebrew had already fallen into disuse as a spoken language for almost a thousand years. Though Hebrew was used by the Rabbinate well into the first millennium, its natural development stalled, and as result, one no longer had the expansive vocabulary needed to fully express oneself. Arabic was now the primary language used by Jews of all fields, and most important in scholarly circles, but the importance of Hebrew and to lesser extent Aramaic never fully waned.

The dominance of the use of Arabic in the Cairo Genizah manuscripts is self-evident, but Hebrew and Aramaic are



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¹ Yehuda ibn Tibbon, Introduction to *Hobot HaLebabot*, translation by Joshua Blau.

² Blau, Joshua, *The Emergence and Linguistic Background of Judaeo-Arabic*. 1981, p. 21.

still commonly found. Perhaps one of the most fascinating phenomena within the Cairo Genizah is the use of the three languages together in one manuscript. Today, in the vast majority of printed editions of the Five Books of Moses, the *Aramaic Targum Onkelos* is printed alongside the Hebrew original, and amongst Jews in the diaspora one can easily find many editions of the Bible printed in three languages: Hebrew, Aramaic, and English (or Spanish, Russian, or whatever language is most common amongst Jews of the publication's region). This tradition of studying the Hebrew text with the aid of a translation, which often also serves as a commentary, dates back to the *Targum Onkelos*, the primary translation of *Torat Moshe* into Aramaic, and the only translation that we have today that was approved in the courts of the Sages of the Talmud. Because Hebrew was no longer spoken by the general Jewish populace, there was a need for a common translation that could be understood by the broader population. The Targum was read along with the Hebrew original in Synagogues on Shabbat throughout the Jewish world, and the sages mandated that the daily study of the Torah must be accompanied by the study of the Aramaic *Targum*. The importance of *Targum Onkelos*, even to this day, cannot be overstated.

Despite the preeminence of the Targum, because of its approval by the national Jewish court in Babylonia, when Aramaic's use declined, the general population of Jews no longer understood the translation. Once again the Jewish world required a translation that even the most unlearned could understand. Saadya Gaon filled the void with his translation of the *Miqra* into Judeo-Arabic, called the *Tafsir*. Though translations of the Bible into Arabic existed, Saadya Gaon introduced important innovations including standardizing the Judeo-Arabic alphabet. Previously it had been phonetic, now every Arabic letter was represented by a specific Hebrew character. Saadya Gaon also solidified Classical Arabic, not Neo-Arabic, as the primary language of the Jewish population.³ This was done partly by the adoption of specific Arabic phraseology found in the surrounding culture. David Freidreich states that Saadya Gaon uses common Arabic phrases rather than "use Arabic cognates of Biblical words."⁴ The example cited by Freidreich is Saadya Gaon's choice to translate *kohen* as *imam*.⁵ Saadya Gaon did not confine his work to the *Tafsir*, he also wrote a work on Jewish thought, entitled *Emunot v'Daot* and one of the first commentaries on the *Siddur*. As Joshua Blau states in *The Linguistic Character of Saadia Gaon's Translation of the Pentateuch*, "Saadia Gaon ushered in

classical Judeo-Arabic and molded it in almost every field of Jewish and general scholarship."⁶ He also says elsewhere that the *Tafsir* is "the most influential medieval Judeo-Arabic work."⁷ Saadya Gaon's translation of the Bible and the style of writing in his other works had a deep impact on Medieval Jewish literature.

With Saadya Gaon's *Tafsir* now firmly accepted across the Arabic speaking Jewish world, for the first time, there started to appear manuscripts that included the Biblical verses in their original Hebrew and also Arabic as well as Aramaic. As stated above, though Aramaic was no longer understood by the uneducated masses, scholars still read Hebrew and Aramaic and the relationship between these three Semitic languages became extremely valuable in Rabbinic interpretation. The *Tafsir*, like *Targum Onkelos* was not just a translation of the *Miqra* but also a commentary thereon. *Targum Onkelos*, which was meant for all people not just the educated, explains difficult to understand metaphors and deanthropomorphises descriptions of God to express the correct understanding of the Bible within the Rabbinic tradition.

Deuteronomy 28:13 states, *Unatanekha Hashem l'rosh v'lo l'zanab*, The Lord will make you the head, not the tail, which is translated by in *Targum Onkelos* as, *veyitninakh Hashem l'takif v'la l'halash*, "the Lord will make you strong and not weak." Israel Drazin explains in his introduction to his English translation of the *Targum* that, "metaphors and other figures of speech that the populace may misunderstand are replaced by what the poetic word or phrase represents."⁸ This translation style was required to convey Biblical texts' truest meaning without too much deviation for the original Hebrew, only translating words or phrases differently when necessary. As Edward Cook stated in his article, *The Interpretation of the Hebrew Bible in the Targums*, "in thus returning the metaphorical speech to its presumed semantic kernel, the targumists are not, in principle, going beyond the proper job of a translator."⁹ Cook is arguing that all the Aramaic *Targums* deviated to reveal the implied meaning of Biblical metaphors.

Perhaps the most prevalent changes made by the targumist are those that relate to the *Miqra's* anthropomorphic presentation of God. Genesis 17:22 states, *v'yaql Elokim me'ql Abraham*, "God went up from Abraham." This verse is translated in the *Targum Onkelos*

3 Blau, Joshua, *The Linguistic Character of Saadia Gaon's Translation of the Pentateuch*. Oriens, vol. 36, Brill, 2001. Writing in the 10th century, by Rabbi Saadia's time, Neo-Arabic was already surpassing Classical Arabic as a spoken language, consigning Classical Arabic to literature.

4 Freidenreich, David M, *The Use of Islamic Sources in Saadia Gaon's 'Tafsir' of the Torah*. In *The Jewish Quarterly Review*, vol. 93, University of Pennsylvania, 2003, pp. 353–95.

5 Ibid. p. 361.

6 Blau, Joshua, *The Linguistic Character of Saadia Gaon's Translation of*

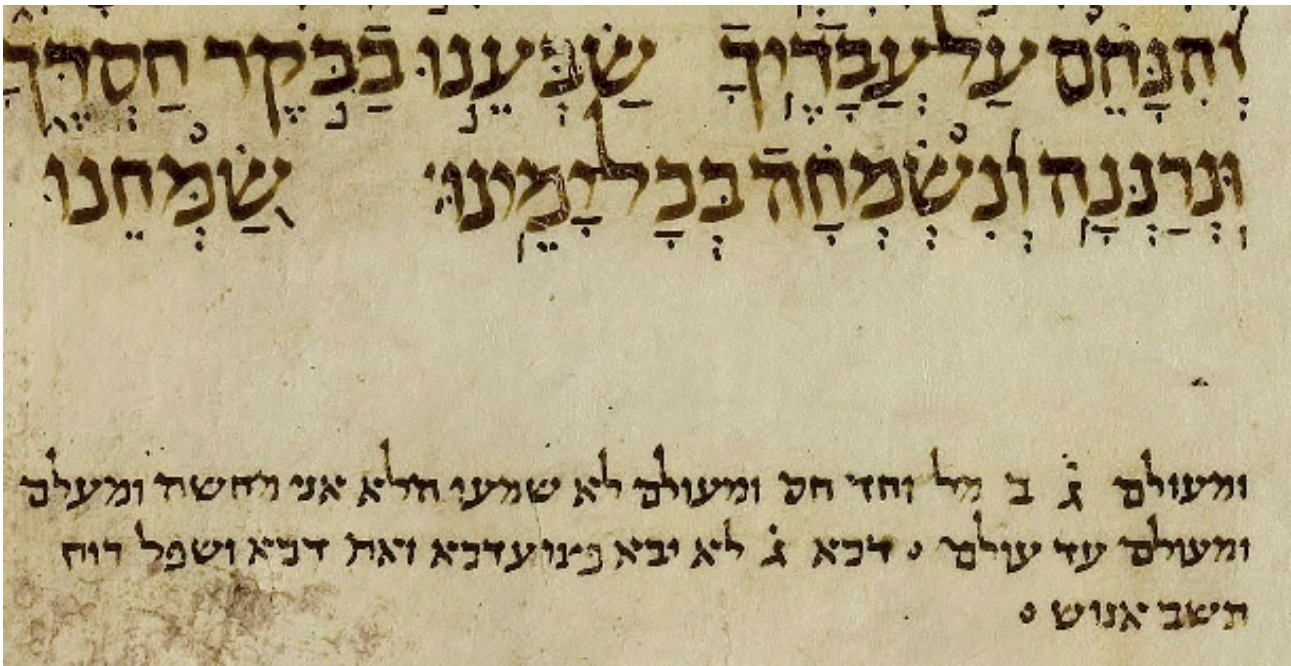
the Pentateuch. Oriens, vol. 36, Brill, 2001.

7 Blau, Joshua, *Studies in Middle Arabic and its Judeo Arabic Variety*. Magnes Press.

8 Drazin, Israel, *Targum Onkelos: Understanding the Biblical Text*. Ktav Pub. 2006, p. xxi.

9 Cook, Edward., *The Interpretation of the Hebrew Bible in the Targums*. 2012, p. 97.

10 Drazin, Israel, *Targum Onkelos: Understanding the Biblical Text*. Ktav Pub. 2006, p. xxii.



as, *veistalak yekara d'Hashem melavohi d'Abraham*, "the glory of the Lord was removed from where Abraham was." Drazin explains that "so as to not depict a divine appearance, the Aramaic *yekara*, "glory," is similarly added in twenty-one instances in the Pentateuch. The targumist's usage of this term indicates that the people experienced a perception of God's glory, not God's actual presence."¹⁰ Cook adds that "'Glory' can also be used wherever the targumist wished to render any biblical text that suggested God was spatially located in a place."¹¹ Explaining metaphors that were specifically anthropomorphic in their depiction of God was central to the targumist's project. The non-corporeality of God is a quintessential tenet of Jewish faith, but the idea of principles of faith would not be codified until later in the Medieval Period. Because these principles were not yet clear, an uneducated person could easily misunderstand the Biblical text and develop an anthropomorphic understanding of God. As such, in nearly all cases of an anthropomorphic depiction of God, the *Targum* does not translate the text literally; rather it explains the metaphor and presents God without body parts or human action.

This need for clarity remained as Arabic rose to prominence, and Saadya Gaon followed many of the same methods of translating that are found in *Targum Onkelos*. Drazin states that Saadya Gaon "borrowed extensively from *Onkelos*."¹² In the verse above from Exodus, Saadya Gaon follows the targumist's lead

and inserts "glory" into his translation of the phrase.¹³ Saadya Gaon lists his rules of exegesis in *Emunot v'Daot*. There he states that passages that depict God as having a form, whether human or otherwise, must be understood "in an elliptical sense."¹⁴ Stanley Klein discusses Saadya Gaon's knowledge of Aramaic in the context of his translations of Biblical Aramaic, such as is found in the *Book of Daniel*.¹⁵ Klein states that the study of Aramaic was extremely important, as evidenced by his knowledge of the Aramaic in the Bible, the *Talmuds* and the *Targums*, and Saadya Gaon's belief that "Aramaic shared to some extent the holiness and importance of the Hebrew language and so was worthy of the same exacting study."¹⁶ Aramaic and *Targum Onkelos* not only influenced Saadya Gaon, but inclusion of the *Targum* and the *Tafsir* on manuscripts show that both languages remained vital to explaining and understanding the Biblical text.

Judeo-Arabic and Aramaic both continue to influence Jewish exegesis of the *Miqra* to this day. The historical significance of these languages represents a vast array of culture from exegesis and law to poetry and music. They were the languages of the people, used in business and on the street. The translations of the Torah that were presented in Aramaic and Arabic to this audience simplified and explained the original Hebrew text so that God and His Law could be understood clearly and correctly by all who heard it being read.

11 Cook, Edward, *The Interpretation of the Hebrew Bible in the Targums*. 2012, p. 100.

12 Drazin, Israel. *Targum Onkelos: Understanding the Biblical Text*. Ktav Pub. 2006, p. 419.

13 *Ibid.*, p.97.

14 Ben-Shammai, Haggai, *The Tension between Literal Interpretation and Exegetical Freedom: Comparative Observations on Saadia's Method*. 2021.

15 Klein, Stanley. *Rav Saadia Gaon's Translation on the Aramaic Portions of Daniel*. 1977, pp. 10-11.

16 *Ibid.*, p. 14.



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THE SERVICE OF GOD AND THE IMPORTANCE OF TRUTH

BY **VEDAT LEVI ALEV**

הַדְרִיכֵנִי בְאֱמֶתְךָ | וְלִמְדֵנִי כִי־אֵתָהּ אֱלֹהֵי יִשְׂרָאֵל אוֹתְךָ קִוִּיתִי כָּל־הַיּוֹם:

“Guide me in Your truth and teach me, for You are God, my deliverer; it is You I look to at all times.”¹

וכן כמו ששאל משה רבנו, עליו השלום: הראני נא את כבודך (שמות ל"ג:י"ח), שאל גם כן דוד ואמר: הדריכני באמתך - והוא אמתת מציאותו

“Just as Moshe Rabbenu, peace be upon him, asked ‘Show me please, your glory,’ David also asked and said ‘Guide me in your truth’ – this is the **truth of his existence**. ...”²

The famous mishna in *Masekhet Abot* advises, *הוֹי זְהִיר בְּמִצְוָה קְלָה כְּבַחְמוּרָה, שְׂאִין ... אֶתָּה יוֹדֵעַ מִתֵּן שְׂכָרְךָ שֶׁל מִצְוֹת [to] “.. be [as] careful with a light mišva as with a heavy one, for you do not know the reward for the mišvot...”³*

Nevertheless, it is tempting for many communities to ascribe special values to certain *mišvot* that align well with their natural inclinations. It could be tempting to value the *mišvot* which are between man and God over the *mišvot* between man and his fellow, or to value with the *mišvot* that one performs on a regular basis (such as *tefilla* and the *birkat haMazon*) over the *mišvot* that one can only perform on given occasions (such as the *mišva* of eating *maša* on the night of *Pesah* or the shaking of the *lulab* during the holiday of *Sukkot*). This temptations and inclination are intimately connected to the dichotomy between *emet veSheqer* (truth and falsehood) and *ṭob vaRā* (good and bad). A dichotomy upon which we will try to shed some light on, guided by the writings of HaRaMBa”M.

The distinction between “good and bad” and “truth and falsehood”, is one of the first issues tackled in HaRaMBa”M’s Guide for the Perplexed. HaRaMBa”M states **on the account of** man’s ability to distinguish truth from falsehood, the *mišvot* were granted and that this ability is his ultimate perfection.

... the intellect that God made overflow unto man and that is the latter’s ultimate perfection, was that which Adam had been provided with before he disobeyed. ... It was likewise on account of it that he was addressed by God and given commandments ... For commandments are not given to beasts and beings devoid of intellect. Through the intellect one distinguishes between truth and falsehood, and that was found in [Adam] in its perfection and integrity. Fine and bad, on the other hand, belong to the things generally accepted as known, not to those cognised by the intellect...⁴

Alluding to the above idea, in *Hilkhot Yesode haTora*, after explaining that the *mišva* to know God is the foundation of everything, HaRaMBa”M alludes thusly

1 Psalms 25:5, translation JPS 1985 with minor modifications.

2 RaDa”Q on Psalms 25:5

3 Abot 2:1, translation adapted from Rabbi Dovid Rosenfeld’s translation as published on torah.org

4 Guide for the Perplexed 1:2, translation from Shlomo Pines’ edition

how the ability to distinguish truth from falsehood is relevant for one's perception of God: לְפִיכֶם אֵין אֱמֶתוֹ: הוּא שֶׁהִנְבִיא אוֹמֵר "וְהָאֱלֹהִים אֱמֶת" (ירמיהו י?)--הוא לְבַדוֹ הָאֱמֶת, וְאֵין לְאַחַר אֱמֶת בְּאֱמֶתוֹ. וְהוּא שֶׁהִתּוֹרָה אוֹמֶרֶת "אֵין עוֹד, מִלְבָּדוֹ" (דברים דלה), כְּלוּמָר אֵין שֵׁם מְצוּי אֱמֶת מִלְבָּדוֹ כְּמוֹתוֹ

...Therefore, the truth of His [being] does not resemble the truth of any of their [beings]. **This is implied by the prophet's statement: "And God, your Lord, is true" - i.e., He alone is true and no other entity possesses truth that compares to His truth. This is what [is meant by] the Tora's statement: "There is nothing else aside from Him" - i.e., aside from Him, there is no true existence like His.**⁵

In *Hilkhot Teshuba*, HaRaMBa"m states that the highest level in the service of God is "service out of love", and that this level of service is motivated by truth – as opposed to the anticipation of good (reward) or evil (punishment).

הַעוֹבֵד מֵאֲהָבָה, עוֹסֵק בְּתוֹרָה וּבְמִצְוֹת וְהוֹלֵךְ בְּנִתְיָבוֹת הַחֻקִּים--לֹא מִפְּנֵי דְבַר בְּעוֹלָם, לֹא מִפְּנֵי יְרֵאת הָרָעָה, וְלֹא כְּדֵי לִירֵשׁ הַטּוֹבָה: אֲלֵא עוֹשֶׂה הָאֱמֶת, מִפְּנֵי שֶׁהוּא אֱמֶת; וְסוֹף הַטּוֹבָה לְבוֹא בְּכָלֵל.

One who serves [God] out of love occupies himself in the Tora and the *mišvot* and walks in the paths of wisdom for no ulterior motive: not because of fear that evil (heb. *raq/evil*) will occur, nor in order to acquire benefit (heb. *ṭoba/goodness*). Rather, he does what is true because it is true, and ultimately, good will come because of it.⁶

God is true and above relative judgements, but so are his *mišvot*. Thus, the reason to serve God is not that which is generally accepted as good or bad—but this very truth and absoluteness. Man's ability to distinguish truth from falsehood not only makes it possible to relate to the the *mišvot* but to God. In the words of Ibn Ezra,

...ולא נתנה תורה לאשר אין דעת לו
והמלאך בין אדם ובין אלוהיו הוא שכלו

.. *The Law was not given to he who lacks knowledge, and Man's intelligence is the angel which mediates between him and his God. ...*

Given the above, one could try to make the case that being overzealous about a single *mišva* is praiseworthy and sufficient in itself. However, we see in the Guide that

5 *Hilkhot Yesode haTora* 1:3-4, ed. Mekhon Mamre, translation from Rab Eliyahu Touger's edition of *Mishne Tora*

6 *Hilkhot Teshuba* 10:2, ed. Mekhon Mamre, translation from Rab Eliyahu Touger's edition of *Mishne Tora*

7 Rabbenu Abraham ibn Ezra's introduction to his commentary. Note the similarity to the quote from *Guide for the Perplexed* 1:2 above. These words are part of a criticism directed at those who choose to cast words of Tora as a mystery when a simple explanation exists. The words continue, "... Thus anything in the Tora which does not contradict reason we must explain literally (heb. *kaAmito* / according to its truth), take as it is written, and believe that it is so. We should not grope

performing one *mišva* overzealously while being lax about the others **can** lead to a cognitive dissonance, which 'merits utmost blame'. Concerning the aspects of the law, which require and incentivise cleanliness, HaRaMBa"m states:

*Cleaning garments, washing the body, and removal of dirt also constitute one of the purposes of this Law. But this comes after the purification of the actions and the purification of the heart from polluting opinions and polluting moral qualities. For to confine oneself to cleaning the outward appearance through washing and cleaning the garment, while having at the same time a lust for various pleasures and unbridled license in eating and sexual intercourse, merits the utmost blame. Isaiah says about this: They that sanctify themselves and purify themselves to go unto the gardens behind one in the midst, eating the flesh of swine, and so on. He says: They purify themselves and sanctify themselves in the open and public places; and afterwards, when they are alone in their rooms and in the interior of their houses, they are engaged in acts of disobedience...*⁹

Indeed, the rebukes that the Prophets utter for overzealousness over sacrifices without being compliant with God's commands, also stem from a similar place. Accordingly, Shemuel rebukes Shaul by saying

וַיֹּאמֶר שְׁמוּאֵל [הַתַּפֵּץ לִי] הֲתַפֵּץ וְזִבְחִים כְּשָׁמַע בְּקוֹל י"י הִנֵּה שְׁמַע מִזִּבְחַ טוֹב לְהִקְשִׁיב מִחֻלָּב אֵילִים:

[But Samuel said:] 'Does God delight in burnt offerings and sacrifices, as much as in obedience to God's command? **Surely, obedience is better than sacrifice, compliance than the fat of rams.**'¹⁰

Similarly, in *Hilkhot Teshuba*, one also sees that the performance of a *mišva* does not always achieve its intended end, when those performing the *mišva* do not find themselves on the truthful side of law. HaRaMBa"m states the following while talking about the state of a sinner prior to his repentance,

אִמְשׁ הִיָּה זֶה מְבַדֵּל מֵהָ אֱלֹהֵי יִשְׂרָאֵל, שֶׁנֶּאֱמַר "עוֹנֵתִיכֶם, הִיוּ ... מְבַדְלִים, בִּינְכֶם, לְבֵין אֱלֹהֵיכֶם" (ישעיהו נט,ב). צוּעֵק וְאִינוּ נִעְנָה, שֶׁנֶּאֱמַר "גַּם כִּי-תִרְבּוּ תִפְלָה, אִינִי שְׁמִיעַ" (ישעיהו א,טו). וְעוֹשֶׂה מִצְוֹת וְטוֹרְפִין אוֹתָן בְּפָנָיו, שֶׁנֶּאֱמַר "מִי-בִקֵּשׁ זֹאת מִיָּדְכֶם, רָמַס חֲצָרִי" (ישעיהו א,יב), "מִי גַם-בְּכֶם וְיִסְגַר דָּלְתֵיכֶם" (מלאכי א,י), "...("עוֹלוֹתֵיכֶם סָפוּ עַל-זִבְחֵיכֶם, וְאָכְלוּ בֶּשֶׂר" (ירמיהו ז,כא

walls as the blind do, and interpret verses according to our subjective needs..." (translation adapted from Ibn Ezra's commentary on the Pentateuch, tran. and annot. by H. Norman Strickman and Arthur M. Silver. Menorah Pub., 1988-2004)

8. Isaiah 66:17. The pasuq in Hebrew reads, הַמִּתְקַדְּשִׁים וְהַמְטַהְרִים אֶל-הַגּוֹת אַחַר אֶחָד (אחת) בְּתוֹךְ אֶבְרֵי בֶּשֶׂר הַחֲזִיר וְהַשֶּׁזֶץ וְהַעֲכָר יִחַדּוּ יִסְפוּ נְאֻם יְהוָה:

9 *Guide for the Perplexed* 3:33, translation from Shlomo Pines' edition

10 Samuel 1 15:22. See also *Guide to the Perplexed* 3:32 on this pasuq, and on many other similar rebukes.



...Previously, the [transgressor] was separate from God, the Lord of Israel, as the pasuq states: 'Your sins separate between you and your God.' He would call out [to God] without being answered as the pasuq states: **"Even if you pray many times, I will not hear."**

He would fulfill mišvot, only to have them crushed before him as the pasuq states: 'Who asked this from you, to trample in My courts,' and states: 'O were there one among you who would shut the doors that you might not kindle fire on My altar for no reason! I have no pleasure in you,' says the God of Hosts, 'nor will I accept an offering from your hand!...' ¹¹

On top of this, we see that abandoning truth in favour of generally accepted notions in the axis of good/bad **can** lead to a complete negation of the Law. The very first chapter of *Hilkhot Aboda Zara* describes the generation of Enosh which engaged in *aboda zara* (alien worship) as they opined that this was the **proper** thing to do,

בימי אנוש טעו בני האדם טעות גדולה, ונבערה עצת חכמי אותו הדור; ואנוש עצמו, מן הטועים. וזו הייתה טעותם: אמרו

הואיל והאל ברא בוכבים אלו וגלגלים אלו להנהיג את העולם, ונתנם במרום, וחלק להם כבוד, והם שמשים המשמשים לפניו-ראויים הם לשבחם ולפארום, ולחלק להם כבוד. וזה הוא רצון האל ברוך הוא, לגדל ולכבד מי שגדלו וכבודו, כמו שהמלך רוצה לכבד עבדיו והעומדים לפניו, וזה הוא כבודו שלמלך

*During the times of Enosh, mankind made a great mistake, and the wise men of that generation gave thoughtless counsel. Enosh himself was one of those who erred. Their mistake was as follows: They said God created stars and spheres with which to control the world. He placed them on high and treated them with honor, making them servants who minister before Him. Accordingly, it is fitting to praise and glorify them and to treat them with honor. [They perceived] this to be the will of God, blessed be He, that they magnify and honor those whom He magnified and honored, just as a king desires that the servants who stand before him be honored. Indeed, doing so is an expression of honor to the King.*¹³

HaRaMBa"m, adds in the second chapter, עיקר הצווי בעבודה זרה, שלא לעבד אחד מכל הברואים--לא

11 Hilkhot Teshuba 7:7, ed. Mekhon Mamre, translation by Rab Eliyahu Touger's edition of Mishne Tora

12 cf. "The Horizontal Society." The Horizontal Society. Academic Studies Press, 2010. Appendix 11: Alien Cult

13 Hilkhot Aboda Zara 1:1, ed. Mekhon Mamre, translation from Rab Eliyahu Touger's edition of Mishne Tora

14 Hilkhot Aboda Zara 2:1, ed. Mekhon Mamre, translation from Rab Eliyahu Touger's edition of Mishneh Tora; Also see Guide for the

Perplexed 1:36, where HaRaMBa"m generalises his treatment of Enosh to all engaged in alien worship, saying that they do not believe the idol that they have constructed is a God, but that it acts a mediator between them and God.

15 Hilkhot Aboda Zara 2:8, ed. Mekhon Mamre, translation from Rab Eliyahu Touger's edition of Mishneh Tora.

16 which will motivate the person to do the true thing, because it is true. 17 Hilkhot Teshuba 10:6

מלאך, ולא גלגל, ולא כוכב, ולא אחד מארבע היסודות, ולא אחד מכל הנבראים מהם. ואף על פי שהעובד יודע שה' הוא האלהים, והוא עובד הנברא הזה על דרך שעבד אנוש ואנשי דורו תחלה--הרי זה עובד עבודה זרה

The essence of the commandment [forbidding] alien worship is not to serve any of the creations, not an angel, a sphere, or a star, none of the four fundamental elements, nor any entity created from them. Even if the person worshipping knows that 'ה is the [true] God and serves the creation in the manner in which Enosh and the people of his generation worshiped originally, he is considered to be worshipping via an alien cult.¹⁴

In the same chapter he also remarks,

... משמך לעבודה זרה, הרי הוא משמך לכל התורה כלה ...
... An apostate with respect to [the prohibition of] alien worship is considered to be an apostate with regard to the entire Tora.¹⁵

Thus, the mishap of the generation of Enosh, which has its roots in the prioritisation of good over the truth, is not a minor and isolated offense – but an offence which challenges the Law at its foundation.

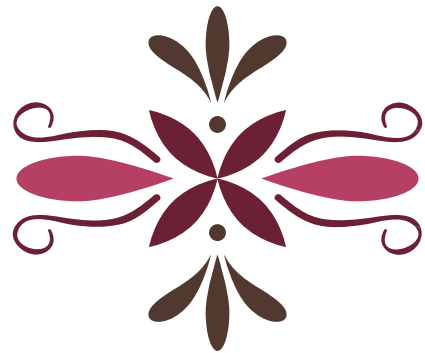
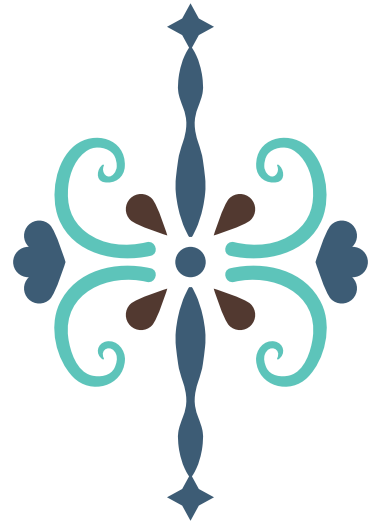
In conclusion, we repeat once more that according to the texts we have cited, the proper way to serve God is motivated by God's truth and the truth of His *mišvot*. Yet, this is only possible when one **understands** what this truth is. Accordingly, it is fitting to conclude this article by quoting HaRaMBa"m's conclusion to *Sefer haMada*,

דבר ידוע וברור שאין אהבת הקדוש ברוך הוא נקשרת בלבו שלאדם, עד שישגה בה תמיד כראוי ויעזב כל שבועולם חוץ ממנה כמו שצוה ואמר "בכל-לבו ובכל-נפשו" (דברים ו,ה); דברים יב; דברים ל,ו): אלא בדעה שידעה. ועל פי הדעה-- על פי האהבה--אם מעט מעט, ואם הרבה הרבה. לפיכך צריך האדם ליחד עצמו להבין ולהשכיל בחכמות ותבונות המודיעין לו את קונו כפי כוח שיש באדם להבין ולהשיג, כמו שבארנו בהלכות יסודי התורה.

It is a well-known and clear matter that the love of God¹⁶ will not become attached within a person's heart until he becomes obsessed with it at all times as is fitting, leaving all things in the world except for this. This was implied by the command "Love God, your Lord, with all your heart and all your soul."

One can only love God [as an outgrowth] of the knowledge with which he knows Him. The nature of one's love depends on the nature of one's knowledge! A small [amount of knowledge arouses] a lesser love. A greater amount of knowledge arouses a greater love.

Therefore, it is necessary for a person to seclude himself in order to understand and conceive wisdom and concepts which make his creator known to him according to the potential which man possesses to understand and comprehend...¹⁷





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A CHIEF RABBI'S VIEW OF NON-JEWS: A SERMON IN HONOUR OF THE KING

BY **BENJAMIN ZEMMEL**

In the *She'elot U'Teshubot Raḥamim Peshutim* of Rabbi Rafael Ḥaim Moshe Benaim (c.1845-1920) - former Chief Rabbi of Gibraltar - there is a fascinating derash (sermon) printed at the end of the work [1]. In this sermon, presumably addressed to the Gibraltar Jewish community [2], Rabbi Benaim eulogised King Edward VII (d. 6 May, 1910), praising him as a 'pursuer of peace' [3], clearly holding the deceased King in high esteem. The title of the sermon ('An Abbreviated Sermon in Honour of Our Lord The Mighty King, Pursuer of Peace, Edward the Seventh, May His rest Be in Eden') indicates that the actual sermon was significantly longer than the one that is before us and was shortened in order to be published [4]. What was kept, however, is truly fascinating. Rabbi Benaim takes this opportunity to explain his views on gentiles, Christianity and the Jewish theology of the 'other'. In this article I will translate various sections from his sermon and will leave it to a future article to consider how his views relate to central Jewish thinkers before and after him. The bold text indicates a direct translation from Rabbi Benaim's Hebrew, and the regular typeset are my own additions.

Translation Of Sermon

The Mishna (Abot, 1:12) writes: 'Hillel used to say: be of the disciples of Aaron, love peace and pursue peace, love people and draw them close to the Torah.'

Our Sages teach us... 'Love people' and draw them close to the Torah. It

specifically says 'People' rather than Jews or Israel because they are all the creations of God as the commentators of the Mishna explain. And with this we can understand why the Mishna says 'Love peace and pursue peace' and then continues to say 'love people' which is an unnecessary repetition for surely someone who loves peace etc., will also love God's creations? Rather it repeats this in order that one should not say that one should only love one's fellow Jews, rather one should love all people, for they are all God's creations.

The Mishna continues 'And draw them close to the Torah', which can be explained in a similar manner to how the great Sage, the Ḥida (Ḥaim Yosef David Azulai, d.1806), may his memory be a blessing, explains upon the passing of the king who was called 'Bonaparte' (Napoleon Bonaparte, d.1821 [5]) that one can find an allusion to Napoleon in the Torah: from the verse (Proverbs, 4:2) 'For a good portion I give you, do not forsake my Torah'- 'good portion' is 'bonaparte' [6]. For Napoleon brought about and publicised religious [7] freedom. Similarly in our Mishna the intention of 'And draw them close to the Torah', we can also say that loving all human beings is a reason to draw the Jews to Torah because it allows each nation to follow [8] their own religion. Unlike those kings who forced their subjects to follow the religion of the king like the claim of Haman, may his bones be crushed, who said (Esther, 3:8) 'nor do they follow the King's religion' [9] and indeed there are countless other examples of kings who forced their subjects to keep their own

religion.

And in continuation of the words of the Tosafot Yom Tob (Rabbi Yom-Tob Lipmann Heller, d. 1654) on Abot, Mishna 3:14 [10]. The Mishna says 'He (Rabbi Akiba) used to say: Beloved is man for he was created in the image [of God]' and the Tosafot Yom Tob writes how 'Rabbi Akiba is referring to all of mankind' i.e. not just Jews. See there for the graceful words of a wise man.

And in continuation of the words of the *Sefer HaBerit* (Rabbi Pinhas Hurwitz b.1765) in his chapter on 'Love of One's Fellow' Chapter (5) [11] where he explains the verse (Leviticus 19:18) of 'One should love one's fellow as oneself' as including all the nations of the world i.e. not just Jews. As the verse says (Samuel II, 16:16) 'And it came to pass when Hushai the Archite (a non-Jew), David's friend'. See his words there... And it is well known that this verse includes all of the laws of man relating to his fellow etc., and thus since God cherishes all types of humans and publicises his love for them in the Torah, how can we distinguish between nations and peoples?

And for this reason that one must show love for every human being, whenever I see a funeral procession, irrespective of who it is, Jew or gentile, I accompany the funeral procession. This is not only because I want to promote peace between Jews and gentiles like the opinion of our teacher the Bet Yosef (Yore Dea 367), may his memory be a blessing, rather like those who hold that it is an obligation to feel pain on the separation a godly spirit from every human body... Because the gentiles of today do not serve idols but they follow a 'partnership' theology i.e. the Trinity. And we do not find that non-Jews (lit. sons of Noah) are warned against believing in a 'partnership' theology. And thus we are obligated to treat them as a 'Ger Toshab' (Leviticus 25:35). And even according to those who maintain that a non-Jew must also accept the Seven Noahide Laws to warrant such respect, in my humble opinion, the gentiles of today fulfil these Seven Laws.

If so, behold they have a share in the World To Come as Maimonides writes at the end of the eighth chapter of 'The Laws of Kings' (8:10-11) [12] and see what the *Kesef Mishneh* writes there that even though there is a Talmudic debate about whether gentiles receive a portion in the World To Come (T.B Sanhedrin, 105a), we follow the ruling of the one who maintains that they do if they follow the Seven Noahide Laws... And since they fulfil these laws behold they are not obligated to do more than this in order to receive their portion in the World To Come. And, in fact on the contrary, they have added to their own obligations more than what the Torah required (!).

Although Maimonides requires [13] that they must fulfil them (i.e. the Noahide Laws) because they recognise that our Torah has commanded them thus, and not based on their own theological or moral speculations (see note) [14],



behold they believe in the antiquity of the Torah, and that which they fulfil their laws is because of it; only they claim that because of Divine Grace, God alleviated their obligation to fulfil many of them (i.e. the *mišvot*). But that which they fulfil their laws is because of our original Torah [15].

And look at the work 'The Sceptre of Judah' that recounts stories of the destructions, desolations decrees and expulsions of Jews throughout the ages...that the noble Judah Abravanel [16] showed Thomas the Wise, a Christian theologian (see note) [17], an explanation given by one of the early Jewish Sages from more than six hundred years ago (before his i.e. Abravanel's time) that this Sage wrote 'He who believes in the existence of God, in Creation, in prophecy, and in reward and punishment, is surely a man who has a religion, and the Christians believe in all these. If they believe in the Trinity, it is not because they deny the unity of God but because they hold that this is itself unity (!), and therefore they are considered men who have a religion, and we Jews have no right according to our religion to kill them, nor to injure their wealth [18]... And even if they do not perform the commandments (i.e. the six hundred and thirteen commandments) they are not culpable, for only the nation that went forth from Egypt has been so commanded, and most of the commandments are rooted in this principle.'

And thus, in every event we should consider their belief in the Trinity as not compromising their status as being 'Gerei Toshab'. For if belief in the Trinity is considered a 'partnership' theology, they are surely not commanded against holding such beliefs, as mentioned before. And all the more so if it is

not considered a 'partnership' theology but rather a mistaken conception of true unity as mentioned by Abravanel. For their true intent is only to honour the One God and thus they should not be considered idol worshipers.

However, we asserted before that they also keep the Seven Noahide Laws (i) the prohibition against worship of false gods; (ii) the prohibition against cursing God; (iii) the prohibition against murder; (iv) the prohibition against incest and adultery; (v) the prohibition against theft; (vi) the command to establish laws and courts of justice; (vii) prohibition against eating the limb from a live animal (Maimonides, Laws of Kings, Ch.9). Do they keep all of these laws?

Furthermore, eating the limb of a live animal etc. is not common amongst them, because they slaughter and kill the animal before eating it, and they are not commanded to perform shehita.

Furthermore, cursing God's name is not common save for lowly ones amongst them and usually they curse without God's true Name or appellation of God's Name, but rather they intend for their messiah, and whenever they curse they are punished by the authorities, which indicates that they see this as something viceful.

They are only commanded on four types of forbidden relations with women (Cf. Maimonides, Laws of Kings, Ch.9): their mother, step-mother, maternal sister and a married lady. They have no desire (lit. evil inclination) for the first three women and adultery is uncommon because with regards to non-Jews, unlike Jews who need a proper bill of divorce, if she says that she does not want to remain with her current husband or her husband tells her to leave him, behold she is now divorced, as Maimonides writes in Chapter Nine [19], Law Eight of 'The Laws of Kings' and thus in most cases of gentile adultery, she is already divorced. And all the more so that prohibitions about relations with animals and men is uncommon.

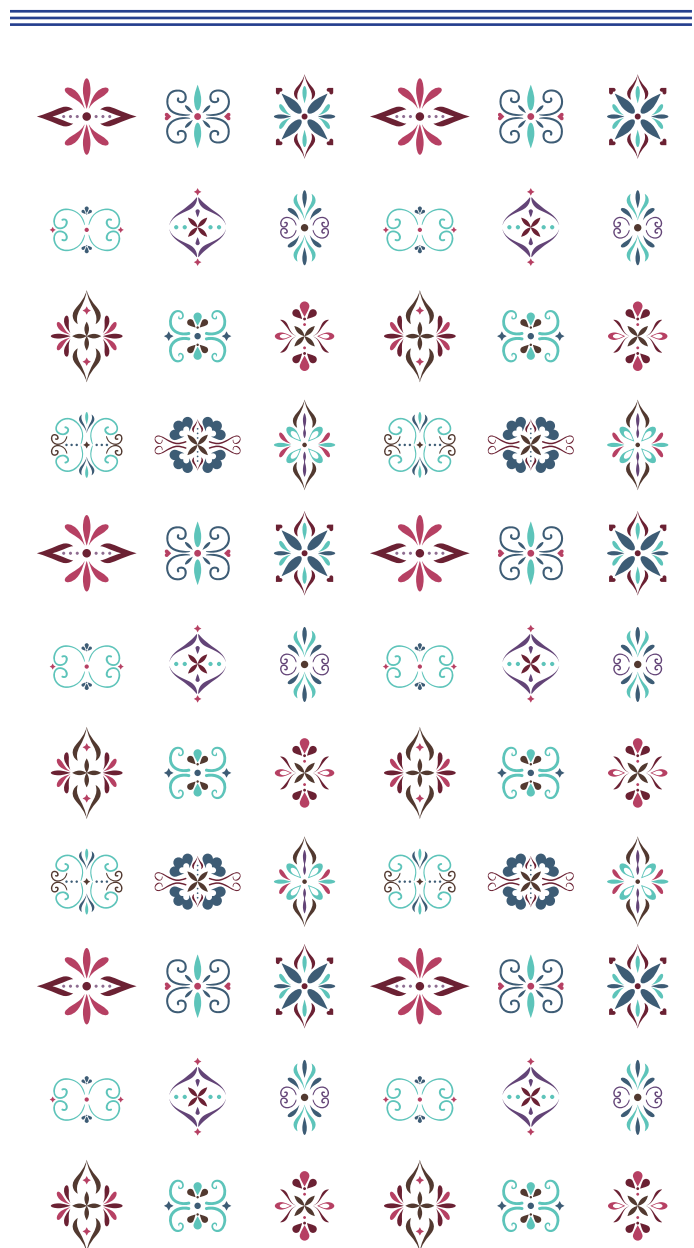
They are also unaccustomed to theft, robbery and murder, and in fact they punish those who act thus. And they have laws for each of these matters, and despite the fact that there are differences between our law and theirs, nevertheless they (i.e. their laws) are considered bona fide laws that lead to universal peace, and this is enough for them.

[Rabbi Benaum now returns to the concept of the Trinity and how this belief, although not necessarily forbidden to gentiles, is certainly forbidden for Jews].

Only Jews were commanded in the Ten Commandments about 'partnership' theologies like the Trinity, as the Torah writes (Ex. 20,3) 'You should have no other gods beside Me.'

And Moses, our teacher, was able to intercede on behalf of Israel and save them from complete destruction only because they served the Golden Calf in partnership with God, as opposed to serving the Golden Calf as the only god, which demonstrates that although 'partnership' theologies are forbidden for Jews, nevertheless we see that even it is not as severe as worship of idols without God. As the Rav Yikra Dishkevi (Rabbi Yosef David Saloniki, b.1660) explains on what our Sages (T.B. Sanhedrin, 63a) say that 'Rabbi Yoḥanan says: Were it not for the vav in the term: "Which brought you up [he'elukha]," giving it a plural form, the haters of the Jewish people, a euphemism used to refer to the Jewish people themselves, would have been sentenced to destruction.'" See there the words of a wonderful sage. And Jews are not able to convert because this is called an apostate Jew, and he will surely be punished for all of this, as is well known.

This Concludes the Sermon That I Gave in Honour of Our Lord King Edward The Seventh, May His rest Be in Eden.



[1] This work has recently been republished by Maḥon Yerushalyim (תשפ"א). I thank Benjy Cuby (who was instrumental in republishing the *sefer*) for his comments on the nature and history of the sermon. The wife of the author of this article is a direct descendant of Rabbi Benaim.

[2] As will become clear, it is unlikely that this was given publicly (i.e. to non-Jews) as the sermon is based entirely on Jewish sources. For a brief history of the Jews of Gibraltar see Madway, L. (1993). *Sefarad but not Spain: the settlement of Jews in Gibraltar, 1704-1783*. *Espacio Tiempo y Forma. Serie IV, Historia Moderna*, (6); Benady, T. M. (1992). *The role of Jews in the British colonies of the Western Mediterranean*. *Jewish Historical Studies*, 33, 45-63.

[3] *Raḥamim Peshutim* p. 639. The selections from the sermon that will be translated are found on pp. 640-641.

[4] The exegetical, homiletical and Halakhic aspects of this sermon were kept with his comments about King Edward's virtuous reign omitted.

[5] There must be some confusion here as the Ḥida died in 1806 and Napoleon died 1821. Perhaps the Ḥida wrote it generally about Napoleon and not on his death.

[6] I have re-ordered the sentence here to make it more readable.

[7] This is clearly his intention as will become apparent shortly.

[8] Or 'to fulfil'. The Hebrew reads לקיים.

[9] This word is usually translated as 'rules' but Rabbi Benaim's intention is clearly 'religion' which is in fact a more accurate rendering of דת.

[10] The *Tosafot Yom Tob* continues to explain how non-Jews are certainly created in the image of God, unlike the opinion of other Jewish writers who he (Rabbi Heller) cannot understand: 'Therefore, I wonder why it is that the commentators remained so distant from this approach and did not want to use it to explain the words of R. Akiba as applying to all men, limiting them instead to Jews alone.' *ibid*.

[11] The actual chapter number is missing from the Hebrew, and the editors of the recent addition have simply written [?]. However, I managed to locate Rabbi Benaim's reference which can be found in Volume II of *Sefer HaBerit, Ma'amar 13* (אהבת רעים), Chapter 5. At the beginning of that *Ma'amar* he writes 'The essence of love of one's fellow is that a person loves all types of people, all those who walk on two legs, whichever nation he happens to be from, whichever language (he speaks) because he is a human who was created in God's image and form like him (i.e. like the Jew). The section that Rabbi Benaim is quoting in from Ch.5, as noted. The *Sefer HaBerit* is a fascinating encyclopaedia, which has chapters on astronomy, mathematics, prophecy, theology and fear of God. See Fontaine, R. and Berger, S., 2006. *On pre-modern Hebrew and Yiddish encyclopaedias*. *Journal of Modern Jewish studies*, 5(3), pp.278-279 for a neat summary of this incredible work. Most notably, the *Sefer HaBerit* contains important sections on the Jewish reception of Copernicanism (which Rabbi Horowitz rejects) see Brown, J., 2013. *New Heavens and a New Earth: the Jewish reception of Copernican thought*. OUP USA. pp. 133-143.

[12] 'Anyone who accepts upon himself the fulfilment of these seven *mišvot* and is precise in their observance is considered one of 'the pious among the gentiles' and will merit a share in the world to come.' Maimonides, *ibid*.

[13] The Hebrew reads 'התנה' and thus a more accurate translation would be that 'Maimonides makes their receiving a portion in the World To Come conditional... 'but the translation offered above is more readable and the intention is the same.

[14] Maimonides writes (*ibid*.) 'This applies only when he accepts them and fulfils them because the Holy One, blessed be He, commanded them in the Torah and informed us through Moses, our teacher, that Noah's descendants had been commanded to fulfil them previously. However, if he fulfils them out of intellectual conviction, he is not a *Ger Toshav*, nor of 'the pious among the gentiles,' nor of their wise men.' For an interesting application of this idea regarding the 'Problem of Evil' see Nahmanides, *Pirush L'Iyob*, Introduction p.23, Chavel [Heb.]. Nahmanides argues that those wicked people who perform wicked acts and deny God's existence do not deserve any earthly reward even for their righteous acts and thus their success in this world warrants serious ex-

planation. See also p.24, *ibid* and the notes of Rabbi Chavel there. Cf. Ibn Ezra, *Long Commentary, Shemot, 20:2*: 'For One who does not believe in his heart that God exists, has no commandments upon him (i.e. fulfils no *mišvot*)'.

[15] Cf. Maimonides, *Teshubot Ha-Rambam*, no. 149, ed. Blau (Jerusalem, 1960), vol. 1, pp. 284-85. He writes 'It is permitted to teach the commandments to Christians [nošrim] and to draw them to our religion, but this is not permitted with Muslims because of what is known to you about their belief that this Torah is not divine revelation [aynah min ha-Shamayim] ... but the uncircumcised ones (i.e. Christians) believe that the version [nosah] of the Torah has not changed, only they interpret it with their faulty exegesis... But when the Scriptural texts shall be interpreted with correct exegesis [al haperush ha-nakhon], it is possible that they shall return to what is best [el ha-mutab].' Translation from Novak, D., 1989. *Maimonides' View of Christianity*. *Jewish-Christian Dialogue: A Jewish Justification*, p.64.

[16] The current Hebrew edition (unlike the original print) has in brackets 'Isaac', a reference to Isaac Abravanel, who is famous as the Abarbanel (Abravanel in English). See Cohen, J., 2017. *A Historian in Exile: Solomon ibn Verga, Shevet Yehudah, and the Jewish-Christian Encounter*. University of Pennsylvania Press, who also seems to understand that the Abravanel who is quoted by Thomas the Wise is the more famous Don Isaac rather than his father (or son) Judah.

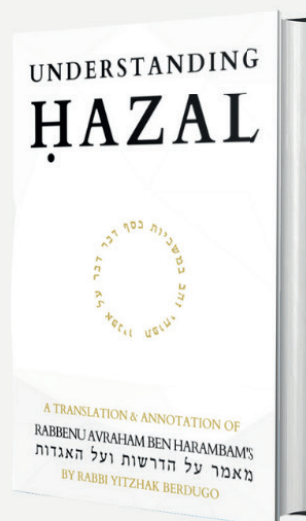
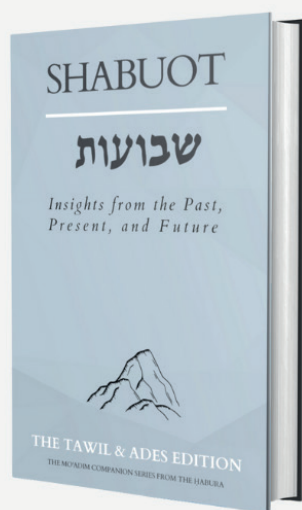
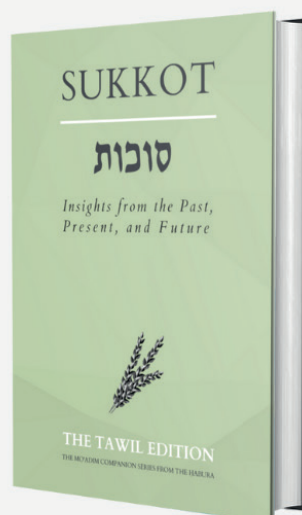
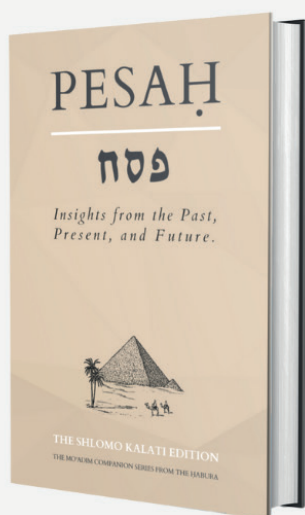
Rabbi Benaim's reference to Judah may be to Judah Abravanel, the son of Isaac who is most famous for his philosophical work 'Dialogue of Love' or 'Dialoghi d'amore' in the original Italian. This work has almost no Jewish references and so became a popular work of general philosophy. It features a dialogue between 'Philo' representing love and 'Sophia' representing wisdom (as 'philo-sophy').

[17] The work 'The Sceptre of Judah' attributed to Solomon ibn Verga (b.1460) is a chronicle of 'the great, terrible tragedies that have befallen the Jewish People whilst they were in foreign lands', as noted on its title page. It was widely read and, throughout the ages, has been translated into Yiddish, Spanish, Latin, German, Ladino, and Hungarian (Cohen, J., 2017. *A Historian in Exile: Solomon ibn Verga, Shevet Yehudah, and the Jewish-Christian Encounter*. University of Pennsylvania Press. p.2). The extract quoted by Rabbi Benaim can be found on p.10 of the Weiner Edition which can be found at www.hebrewbooks.org/37804. This section (7) of the book recounts a dialogue between a King Alfonso and a Christian theologian Thomas who discuss several central topics that interested Christians regarding their Jewish neighbours: why are they in exile?; why can't we touch their wine?; why are they allowed to charge interest to gentiles? It is truly a fascinating read, particularly Thomas' discussion on *yayin neseh*, p.12.

[18] This is a continuation of the original text of 'The Sceptre of Judah'. The translation of 'The Sceptre of Judah' has been taken from Cohen, J., 2017, *ibid*., pp.159-160 with slight amendments based on Rabbi Benaim's version.

[19] The Hebrew reads Ch.7 but it can be found in Ch.9.

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