

Menachem Av 5769/ July 2009

Reshimu

רשימו

Studies in
Jewish Thought
and History

The Journal of the Hashkafa Circle

The Redaction of the Talmud
and Rambam's Philosophy

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Menachem Av 5769/ July 2009

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The Journal of the Hashkafa Circle

Under the guidance of Rabbi Meir Triebitz

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General Editor

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Introduction

As we approach Tisha B'Av we are reminded of the reasons for the destruction of the Temple, the cause of mourning on this day. The Talmud offers two reasons for the destruction of the Second Temple. On the one hand, the Talmud in Yoma famously states “the Second Temple was destroyed because of causeless hatred” (9b). Yet in *Gittin* Rabbi Yochanan gives a different reason: “the humility of Rabbi Zechariah ben Avkulus destroyed our Beit HaMikdash, burnt our Temple and exiled us from our land” (56a).

“Humility” in this context reflects Rabbi Zechariah’s unwillingness to make a difficult halachic ruling. We find a similar use of the expression in the Tosefta of Shabbat (17:4) where Rabbi Zechariah ben Avkulus is too nervous to follow either the ruling of Beit Hillel or of Beit Shammai. There too, the Rabbis state (this time it is Rabbi Yossi who says it) that because of his humility the Temple was burnt.

It seems that the Jewish people are held accountable on two levels. The sin of the people was a sin of baseless hatred. However the sin of the Rabbinic leadership was humility – causing them to be too nervous to make difficult halachic decisions. And this was the

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underlying cause of the baseless hatred amongst the people. Without leaders to tell them what was right and what was wrong, each person, or group of people, decided for themselves, and having decided that they were right, knew with certainty that everyone else was wrong.

The Netziv writes in his introduction to Bereishit:

The praise “just” (*yashar*) is said about the justice of God’s judgment in the destruction of the Second BeIt HaMikdash because that generation were perverse and twisted. We have explained that even though they were righteous, pious and toiled in Torah, nevertheless they were not “just” in their dealings with the world. Because of their hatred for each other, anyone who didn’t serve G-d according to their opinion was suspected of being a Sadducee or a heretic. These arguments brought them to all possible evil, even murder, which in turn brought about the destruction of Beis HaMikdash.

The Hashkafa circle was founded with the aim of learning and delving into different Jewish worldviews. By analyzing a range of texts from throughout Jewish history, from various streams of Jewish thinking, we have used intelligent study to create tolerance and understanding. Our goal is to create future leaders who will understand the multi-faceted nature of Judaism, and the beauty of the range of viewpoints therein.

The articles in this issue focus on two major and essential topics. The first articles discuss the creation and redaction of the Talmud and halacha. The second half of the issue deals with the nature of God and different perspectives on the way God interacts with the world.

Moshe Becker has analyzed and summarized the approach of the *Dorot HaRishonim* to the organization and redaction of the Talmud. Rabbi Meir Triebitz shows how the traditional medieval commentators viewed this process, and Rafael Salber explains the approach of the Netziv to the process of halacha.

Rabbi Triebitz looks at Rambam's explanation of the attributes of God, and how he would answer the difficulties posed by early Christian and Muslim philosophers dealing with this issue. David Sedley writes about a little known medieval Jewish philosopher, Rav Moshe Taku, and his seemingly radical theological claims. Finally Rabbi Triebitz shows the true nature of Rambam's *Moreh Nevuchim* and explains what happened to the 'missing' book of Rambam about Moshe Rabbeinu.

We offer our thanks to Professors Marc Shapiro and Edward Breuer for reading and commenting on Rabbi Triebitz's article 'From Moshe to Moshe', and to Rabbi Yisrael Herczeg for his comments on 'the history of the Talmud'. Thanks are also due to Rabbi Natan Slifkin for his comments on my article, 'Rav Moshe Taku – non Rationalist Judaism'.

We also want to express our gratitude to all those who read articles and offered comments, or editorial advice. Especially Jasper Pirasteh, Rachel Greiff, Rachel Kalen, Sarah Rivka Feld and Steven Sedley.

We pray that this volume will make a contribution to fostering understanding of different Jewish worldviews, and that we may continue to do our part in rectifying the sins that led to the destruction of the Beit HaMikdash. May we all merit seeing the rebuilding of Jerusalem with the coming of Mashiach.

David Sedley

Menachem Av 5769, Yerushalayim.

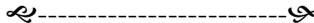
Introduction

A correction:

In my article ‘The Perception of Reality’ in the first edition of Reshimu, the following paragraph on p. 109 should have been attributed to Elijah Judah Schochet's *The Hassidic Movement and the Gaon of Vilna* (Aaronson Publishers, 1994), pg. 65.

For the Vilna Gaon, the passage “The whole earth is full of his glory” denoted a manifestation of divine transcendence and divine providence, rather than a manifestation of divine immanence. The text was praising God for the extension of His providence throughout the world, not for the presence of His essence in places of impurity. To the Gaon, the passage spoke of the transcendence of God; to R. Schneur Zalman, it spoke of the immanence of God.

I apologize for this oversight.



The Redaction of the Babylonian Talmud in Rabbi Y.I. Halevy's Dorot HaRishonim

By Rabbi Moshe Becker

I. Introduction

The Babylonian Talmud, the voluminous encyclopedia of Torah law, ethics, and theology, is the written canon encompassing what is otherwise known as the Oral Tradition. Yet this work, central as it is to the lives of all practicing Jews, cannot be clearly traced to a specific individual's authorship, or even to a clearly defined time period. Not only does the work itself not bear the name of an author or publishing house, but the heels of history have kicked up a veritable dust storm which obscured any possible tradition of authorship and further complicated matters.

Strangely enough, even those classical writers upon whom one can usually rely regarding matters of the transmission and development of Torah, such as Rambam¹, Ra'avad², or R' Sherira Gaon³, are decidedly vague on the specific question of the Talmud's redaction.

1 Both in his Introduction to the Mishna, and in the beginning of *Mishna Torah*.

2 *Seder HaKabbala la-Ra'avad*

3 *Iggeret R' Sherira Gaon*

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Various attempts were made to approach the issue over the course of Jewish literary history, at times with greater intensity than others; we will look at a relatively late treatment of the matter.

The following essay will focus on the approach taken by R' Yitzchak Isaac Halevy. R' Halevy lived from 1847 until 1914, and was instrumental in founding the Agudat Yisrael organization. His six volume⁴ historical work, *Dorot HaRishonim*, covers the history of the Jewish tradition beginning with the end of the Tannaic period through the Gaonic period⁵, with a focus on the transmission of the Oral tradition. Halevy was a brilliant and extremely erudite man, both of which qualities are reflected in his writings.

Perhaps owing to his genius, or possibly due to his rather tumultuous life, Halevy wrote in a very difficult and somewhat disorganized style and his treatment of our topic is split into several parts throughout the different sections of the work. In addition to advancing his opinions, Halevy marshals in his support extremely copious and detailed evidence, and often strong rhetoric against other historians. As a result it is often difficult to make it through the material and grasp his intent. In this essay, I attempt to offer a cogent and concise presentation of his views without leaving out any crucial components. This is not intended to be a thorough critique of his views; rather I will engage in as little commentary as possible and aim to present an objective recording of his theories.⁶

4 Apparently the author intended that the work be comprised of six parts. However the order he wrote them in is very confusing and counter-intuitive. Some later publishers attempted to reorganize the volumes of *Dorot HaRishonim* to follow a more direct chronological progression, and as a result, later editions are spread over more volumes. All quotations below from *Dorot HaRishonim* refer to the original volumes and page numbers.

5 Approximately 200 – 1000 CE.

6 For a comprehensive critique see J. Kaplan, *The Redaction of the Babylonian Talmud* [New York: Bloch Pub. Co., 1933] pp. 19-25, and throughout the book. In

I noted that the Talmud does not testify to its authorship. Halevy was one of the first to reach the conclusion that although the Talmud itself may not explicitly claim an author, it is still the most appropriate place to look for clues to the mystery. With this goal in mind, he set about a focused scholarly analysis of the text of the Talmud to see what information could be gleaned. Although many scholars disagree with Halevy's conclusions, all admit that his method of searching the Talmud itself for the key was a significant contribution to the field⁷.

In addition to a rigorous examination of the text of the Talmud and the clues it may yield, Halevy did make much use of one historical source, the *Iggeret (Epistle of) R' Sherira Gaon*. R' Sherira Gaon⁸ wrote the Epistle in response to questions posed to him regarding the transmission of the Oral Law. In his response, R' Sherira goes into a detailed chronicle of the generations and individuals responsible for the transmission of the Torah and Jewish tradition. Naturally, one would expect such a work to contain a clear statement about the authorship of the Talmud, yet such a statement is not found in *Iggeret R' Sherira Gaon*. However, several phrases contain references to the completion of the Talmud, and these feature prominently in Halevy's work. The latter clearly considered R' Sherira Gaon to be authoritative on the history of the Tradition – seemingly in contrast with other historians, many of whom questioned the reliability of R' Sherira's reports.

addition, see D. Goodblatt's review in *The Formation of the Babylonian Talmud*, ed. J. Neusner, [Leiden: E.J. Brill, 1970] from p. 26.

⁷ *Ibid.* p. 25

⁸ R' Sherira was the *Gaon*, or Dean, of the academy in Pumbedita, Babylonia, during the 10th century, and one of the most prominent *Gaonim*.

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II. The Question of Authorship

It is widely believed that R' Ashi, assisted by his colleague Ravina, compiled or redacted the Talmud⁹. This view is based on a statement of the Gemara: "R' Ashi and Ravina conclude *hora'ab*"¹⁰. Rashi explains this to mean that R' Ashi and Ravina, who lived at the end of the Amoraic period¹¹, collected all the teachings of those preceding them, discussed the difficulties associated with these traditions and their possible resolutions, and formed a single corpus to encompass all this material. According to this understanding, "*hora'ab*" would be translated as "teaching" or "instruction", and the author of such an encyclopedic work as the Talmud – R' Ashi – is the final "teacher". Based on this passage and Rashi's comments, it has become widely accepted that R' Ashi and Ravina compiled the Babylonian Talmud and are thus responsible for preserving the entirety of the Oral Tradition for posterity.

Naturally, R' Sherira Gaon also discusses this Gemara, albeit with a slightly different emphasis. While Rashi focused on R' Ashi's accomplishment as an author or teacher, R' Sherira emphasizes the Gemara's usage of the word "**conclude** *hora'ab*", and the fact that R' Ashi completed something which could no longer be changed thereafter. R' Ashi's generation was the last to engage in deciding between Tannaic opinions and other major aspects of Halachic law-making. Anything which was codified until that point was no longer called into question¹². Thus, while R' Sherira does repeatedly refer to

9 Authorship in this case is an inaccurate description of an encyclopedic work quoting so many different people.

10 *Bava Metz'ia* 86b

11 Beginning of 5th century.

12 For an example of the binding character of Halacha codified at this time, see *Chazon Ish*, *Orech Chaim* §138

the “*bora’ab*” of R’ Ashi and his generation, he never explicitly states that R’ Ashi compiled or wrote the Talmud.¹³

However, the idea that R’ Ashi created or compiled an entirely original work is problematic. The implication of many, many instances in the Gemara is that a canonized body of Talmudic knowledge was already in use during the generations preceding R’ Ashi. Halevy points out many of these instances, and I will reproduce several below.

The important factor to be aware of in these passages is what is known as the “*stama de-gemara*”, the narrative or passive voice of the Gemara. Many passages in the Gemara contain anonymous statements of a narrator as well as quotes attributed to Amoraim by name. Halevy points out that the key is to carefully separate these two components. If we can establish that a part of the narrative *preceded* the Amora who is quoted by name, we must assume that some form of the Talmud had been compiled earlier, and the Amora in question is in fact commenting on this existing form. Examples of this can be seen in many Gemaras.

In one example¹⁴, we find R’ Ashi and Ravina themselves discussing a seemingly preexisting passage: The Gemara¹⁵ discusses the case of an individual who mistakenly ate two olive-sized pieces of forbidden fat. He then found out that one of the pieces was forbidden, and at a later point found out that the second was forbidden as well. The question in the Gemara is how many sin-offerings such an individual is required to bring¹⁶. R’ Yochanan says that the person must bring

13 ‘*Hora’ab*’ can be translated in several ways, and I believe that R’ Sherira Gaon understood it differently than Rashi and influenced Halevy in this respect. I will return to this point later.

14 *Dorot HaRishonim* II p. 55

15 *Shabbat* 71b

16 As a rule, the obligation to bring a *korban chatat* only occurs after one becomes aware of his transgression, and as such, an individual who mistakenly committed the same sin multiple times over a long period of time would only bring one *korban*

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two offerings. Reish Lakish argues and states that only one is required. The argument is followed by an anonymous analysis in the Gemara searching for the sources for these two opinions, and the reasons for their argument. At this point, Ravina poses a question to R' Ashi regarding the exact context of the argument between R' Yochanan and Resh Lakish¹⁷. R' Ashi answers by inferring from the aforementioned anonymous section in the Gemara regarding the sources of the two opinions. We must assume that the redactor of the Talmud is also the author of any anonymous passages in the Gemara. If R' Ashi is redactor/author of the Gemara, then any anonymous statements should be attributed to him. Yet we find R' Ashi, the supposed author of all such anonymous statements, bringing proof to his own opinion from just such a statement. The clear implication is that R' Ashi was "learning" from an older, existing Gemara, and was not the author of the anonymous passage. In fact, Rashi notes this, and without further ado, writes that R' Ashi was able to infer from the earlier discussion in the Gemara because "we see that it was apparent to the members of the academy who compiled the Gemara..." Indeed, beyond suggesting that this case is an exception, it is hard to think of an alternative interpretation to this Gemara.

In his second example¹⁸, Halevy goes further and establishes that a Talmudic corpus existed as the subject of Amoraic analysis even prior

upon learning of his mistake. On the other hand, if one were to eat a forbidden food by mistake, discover his sin, and bring a *korban*, he would need to bring a *korban* again should the occurrence repeat itself. The difficulty in this case is that the individual performed one act of eating, then at the first stage discovered that a part of that act was forbidden, at which point he is already obligated to bring a *korban*. Does the fact that he found out about the second half separately require a second *korban*, since we know that 'finding out' is what actually creates the obligation.

17 Are we speaking about a case where the person had already designated a *korban* when he found out about the second half of his sin, or he had not yet done so?

18 II, p. 552

to R' Ashi: In an entirely anonymous passage, the *stama de-gemara* attempts to resolve an apparent contradiction between a Mishna and a Baraita¹⁹. According to the Baraita it is permissible to separate *Terumah* from fresh figs for dried figs *in a place where it customary to dry figs*, but it is never permissible to separate dried figs for fresh figs²⁰. The Mishna however rules that if there is a Cohen present one may not separate dried figs for fresh figs²¹, but when there is no Cohen present one must separate from the dried figs because they last longer²². The resolution is that the first half of the Baraita is referring to a scenario where a Cohen is present, while the second rule, that dried figs can never be separated for fresh ones, applies in a situation where no Cohen is present. The Gemara then records R' Pappa's comment: that from this passage of Gemara we learn that it is preferable to interpret the Baraita as dealing with two distinct cases than to suggest that the two sections were authored by different Tannaim, which would also reconcile the conflicting sources²³. We have now found R' Pappa, an Amora of the generation prior to R' Ashi and Ravina, reflecting upon a *stama de-gemara*, a passage clearly formulated earlier and studied in R' Pappa's generation.

Halevy discusses many similar examples, which need not be repeated here. However there are two more proofs which I believe are important to note. Whereas the Gemaras quoted are relatively

19 *Menachot* 55a

20 *Terumah* must be taken from each type of produce individually. The question here is under what circumstances we may view dried and fresh figs as one type of produce, and which should be separated as the actual *Terumah* to be given to the Cohen.

21 Because the fresh figs are superior.

22 And will therefore be preserved until they reach the hands of a Cohen.

23 Tosafot (ד"ה ולא מוקמינן בהרי תנאי) explains that the "two Tannaim" would be the two opinions recorded in Mishna *Terumot* 2:6: According to Tanna Kamma, if no Cohen is present one should take *Terumah* from the dried figs because they last longer, while according to R' Yehuda one should prefer the fresh figs for their superior taste - in all cases.

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straightforward proofs of an earlier work, the following two are much more nuanced. Yet Halevy treats them as equally conclusive which is itself instructive in understanding his methodology.

Our next example involves comparing parallel discussions in the Bavli and Yerushalmi. In the Bavli²⁴ we have two versions of an Amoraic statement²⁵. The second version is an anonymous modification of the first. In the parallel *sugya* in the Yerushalmi²⁶ the first version does not appear. The second version, the *stama de-gemara*, is quoted by the Yerushalmi in the name of “*Rabbanan de-Tamman* – The Rabbis from Bavel”. Halevy states categorically that we know that the Yerushalmi’s compilation ended during the generation of Rava²⁷, and hence any statement of the Bavli found quoted in the Yerushalmi must have been said no later than during Rava’s generation.

In our final example, Halevy demonstrates that acceptance of an earlier form of the Gemara sheds light on a somewhat puzzling opinion of the Rif. The Mishna²⁸ lists activities an individual must refrain from in the afternoon out of concern that he may become absorbed in the given activity and neglect his afternoon prayers. The Gemara then attempts to clarify the precise nature of the activities forbidden by the Mishna. The first opinion, that of the *stama de-gemara*, is that the Mishna only forbade a meal, haircut, etc., if it is a very involved activity, such as an elaborate, festive meal, or a very specialized and difficult haircut. Only in such a case is there a concern that the individual may end up missing Mincha. R’ Acha bar Yaakov however, maintains that the rule applies even to normal meals, haircuts, etc., and in each instance we are concerned about a

24 *Ketubot* 79b

25 The statement of R’ Kahana limiting the argument in the Mishna .

26 Yerushalmi *Ketubot* 8:7

27 This is Halevy’s opinion based on his lengthy analysis later in Vol. III.

28 *Shabbat* 9b

particular contingency that may result in the person's missing Mincha.

We now need to determine which opinion the Halacha should follow. Are we to follow the usual rule that the Halacha follows the final opinion²⁹ and rule like R' Acha bar Yaakov, the later opinion in the Gemara, or is there a greater degree of authority to the *stama de-gemara*? Regarding this question there is an interesting discussion amongst the Rishonim.

According to Tosafot, we do indeed apply the usual rule, however the final word in this Gemara is not R' Acha bar Yaakov's, the opinion recorded last in the Gemara, but rather the *stama de-gemara*, which is to be taken as the opinion of R' Ashi. As the compiler of the Gemara, R' Ashi's opinion most certainly qualifies as the "last word" and his ruling is authoritative despite being recorded first in the Gemara, and this does not violate the general rule to follow the last opinion³⁰. On the other hand, the Rif simply rules like the opinion of R' Acha bar Yaakov, without elaborating. The Rosh explains that in this case the anonymous statement is not a real *stama de-gemara* and not the words of R' Ashi, but rather the opinion of another participant in the discussion. This opinion was later rejected in favor of R' Acha bar Yaakov's whose solution was deemed superior³¹.

Yet if we assume that the *stama de-gemara* as a rule is not the words of R' Ashi, but rather an earlier compilation, we avoid the entire question. The *stama* in this Gemara is no different than in any other

29 This is known as "*bilchata ke-batra*". This generally applied rule assumes that the opinion recorded later in the Gemara is in fact the opinion of a chronologically later Amora who considered all the earlier opinions and decided between them, and is therefore considered to have the "last word".

30 תוס' ד"ה בתספורת של בן אלעשה

31 וכן נראה לרבינו יונה דשינויא קמא שינויא דחיקא הוא דהא דקתני במתניתין לא ישב אדם לפני ... הספר בסתם דחיק ומוקי בתספורת בן אלעשה ולא לאכול סתם מוקי בסעודה גדולה ושינויא קמא לאו רב אשי הוא דקאמר ליה אלא כשנשאור ונתנו בדבר בני הישיבה ועמדו בקושיא הוצרכו לתרוץ בדוחק שלא יצאו חלוקים מבהמ"ד עד שמצא רב אחא בר יעקב שינויא ריחא

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– it's part of the original form, which in fact was completed by R' Acha bar Yaakov's time³² and his opinion is the final ruling in the matter. We have no later input from R' Ashi or any other subsequent Amora. Says Halevy, this is the reason that the Rif ruled like R' Acha bar Yaakov, and consequently there is no room for Tosafot's argument and no need for the Rosh's contortions.³³

In all these examples Halevy saw that a form of the Gemara³⁴ was in circulation already among the Amoraim. Generally speaking, we view the concept of *stama de-gemara* as a feature which later Halachic authorities, such as the Rishonim, can utilize to determine what the implicit ruling of the Gemara was. In most of Halevy's examples one sees that this was a method that the Amoraim themselves applied when analyzing the words of earlier Amoraim - our *stama de-gemara*. We see R' Ashi himself, the purported "compiler" of the Talmud, addressing difficulties in the *stama de-gemara* and relating to it as an authoritative corpus. If R' Ashi compiled the Talmud, as many believed, then *he* authored the *stama de-gemara*!

Halevy, and many others, see the above as clear evidence that the Talmud, or at least some form of it, pre-existed R' Ashi's generation. Who compiled this body and when it originated however is not clear from the text, and Halevy resorts to external evidence to locate its author and time frame, yet attempts to find some internal support for his theory.

III. "*Siddur Ha-Talmud*" – Rava and Abaye

Halevy asserts that the compilers of this early stratum of the Talmud were Abaye and Rava. It is not entirely clear precisely what he bases this upon. As noted, all that can be established from the text of the

32 During the middle of the 4th century.

33 II, pp. 555-556

34 A "proto-Talmud" in the words of Goodblatt.

Talmud is the existence of earlier and later elements. To establish his argument that the earlier stratum originated with Rava and Abaye, Halevy pieces together various pieces of information. The first is a quote from R' Sherira Gaon that during the time immediately preceding Abaye and Rava's generation³⁵ the Jewish inhabitants of Eretz Yisrael were subject to severe persecution³⁶. R' Sherira Gaon does not state who was responsible for the persecution or what event or sequence of events brought it about. He does say however, that the persecution resulted in a mass influx of great Torah scholars from Eretz Yisrael to the academies in Babylonia, brought about by both the emigration of native scholars from Eretz Yisrael, as well as the permanent return of Babylonian scholars studying at the academies in Eretz Yisrael. R' Sherira Gaon also states in several places, that although there had always been a number of academies in Babylonia, at various times one of those academies took precedence as the central academy³⁷. Halevy at length deals with the history and details of these two reports, and concludes that during the generation of Abaye and Rava the academy at Pumbedita became not only the central academy in Bavel, but eventually the only one.

Apparently combining these reports of R' Sherira Gaon, Halevy states that Abaye and Rava found themselves presiding over a large, centralized academy between whose walls the greatest scholars of the generation had gathered to study and teach³⁸. These scholars of diverse backgrounds, represented the many different traditions that had developed over time at the various academies of Eretz Yisrael and Bavel, and were the bearers of a wealth of material from their native academies, some of it contradictory or inconsistent, and the time was ripe for a thorough review and organization of all this information. Abaye and Rava, as the leaders of the academy, saw the

35 During the first half of the 4th century.

36 II, pp. 366-372, 455-473

37 II, pp. 490-496

38 From p. 480

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confluence of events as indication of a divine mission to organize the Oral tradition, and their activity resulted in the basic form and much of the content of the current Babylonian Talmud. I will not discuss here the historical veracity of the reports Halevy took from R' Sherira Gaon³⁹ - as I stated earlier, Halevy considered R' Sherira's history sufficiently authoritative. Even on its own terms the picture presented by Halevy is somewhat speculative, but this is his opinion.

The above forms the historical evidence to Halevy's theory. As noted, there is little internal evidence to support his position. In two places, Halevy finds that statements made by the *stama de-gemara* are reported by later Amoraim as being the words of Abaye⁴⁰. Additionally, the Yerushalmi⁴¹ discusses a statement of *rabbanan de-tamma* - "the scholars from there (Bavel)" that is in fact recorded in the Bavli as the words of Abaye and Rava⁴². By attributing the words of Abaye and Rava to a generic source, the Yerushalmi may be indicating that Abaye and Rava are representatives of the entire community of Torah scholarship in Bavel and their words can be seen as the collective product of the academy, which would support the idea that the *stama de-gemara* in the Bavli originated with them as well⁴³. Such is the textual evidence for Abaye and Rava's roles as the compilers of the Talmud.⁴⁴ Furthermore, Halevy suggests that his

39 See Goodblatt, *op cit.* p. 37

40 II, pp. 566-567

41 *Ketubot* 8:7, *Shabbat* 19:3

42 *Ketubot* 79b, *Shabbat* 134b. See also on pp. 568-569, Halevy quotes the Gemara in *Gittin* 62a and its parallel in the Yerushalmi - anything in the Bavli that preceded Rava is quoted in the Yerushalmi by name; Rava's words are *stama*; and that which was added after Rava does not appear at all in the Yerushalmi.

43 II, p. 489-490, 554-555. One would need to explore the occurrences where Abaye and Rava are indeed quoted by name and explain why some statements are "*stama*" and some named.

44 Both Kaplan and Goodblatt suggest that perhaps Halevy felt that the sheer volume of material found in the Talmud in the name of Rava and Abaye indicates their editorial involvement. This is not explicitly stated anywhere by Halevy. See

theory explains the concept of “*havayot de-Abaye ve-Rava*”, a phrase used to refer generally to *sugyot* in the Gemara as “the discussions of Abaye and Rava”, and could be indicative of Abaye and Rava’s prominence – according to Halevy as editors or redactors of the Talmud⁴⁵.

According to Halevy’s theory, Abaye and Rava, along with their academies, took on the task of collecting, reviewing and organizing all the reports and materials carried by all the scholars of their generation. Their goal was to create a comprehensive encyclopedia of all the Torah scholarship accumulated since the formation of the Mishna, although it is not clear if the organization was for the academy’s own educational purposes or there was a greater, long term plan in mind⁴⁶. The product of this activity forms the vast majority of the Babylonian Talmud, and served as the basic template for all subsequent developments.

IV. “*Chatimat Ha-Talmud*” – R’ Ashi

The second stratum of the Talmud is comprised of the additions made by R’ Ashi and his generation⁴⁷, as well as their editorial emendations to the original formulation. This activity is referred to by Halevy as “*Chatimat Ha-Talmud*”. As discussed above, R’ Ashi was traditionally recognized as a key figure in the formation of the Talmud, and while Halevy explicitly rejects the traditional view that R’ Ashi alone is to be credited with authorship of the Talmud, his battle is to preserve tradition; not to undermine it. Regarding R’ Ashi and his role, Halevy devotes much of the discussion to attacking the

Kaplan (*op cit.* p. 21) for an alternative explanation of the frequency with which they are mentioned.

45 II, p. 490.

46 Kaplan (*op cit.* p. 19) writes that according to Halevy their goal was educational as opposed to R’ Ashi’s legal agenda.

47 Late 4th – early 5th century.

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theories of Graetz and Weiss, so much so that his own theory largely arises out of the rhetoric directed against them. I will not get into the theories of Graetz and Weiss beyond presenting the context of Halevy's discussion⁴⁸. According to Graetz and Weiss, at a very young age⁴⁹ R' Ashi reestablished the defunct academy at Sura⁵⁰, essentially opening his own academy and breaking away from the main body of Babylonian scholarship. The picture presented by Graetz and Weiss is that of a young man, a loner, almost a renegade, not yet learned enough to be thoroughly familiar with the tradition, nor old enough to have the respect of the generation. This man opened an academy, presumably gathered a following of some sort, and chose a topic to be covered at each of the bi-annual "*kalla*" sessions⁵¹ of the academy at Sura. The proceedings of these sessions were recorded and set down as the body of the Babylonian Talmud. R' Ashi's career as head of this academy lasted 30 years; two yearly sessions totals 60 sessions, corresponding to the 60 Tractates of the Talmud Bavli which were all covered.

Halevy understood that the approaches of Graetz and Weiss serve to entirely undermine the authority of the Talmud Bavli as the primary pillar of the Oral tradition. By casting R' Ashi as an independent actor, and his work as the private proceedings of his academy, unendorsed by his peers, they effectively severed the connection between the Oral tradition passed on from generation to generation and the Babylonian Talmud. Halevy sees as a recurrent theme in the work of

48 Graetz and Weiss developed their descriptions along similar, but not identical lines. I generalize here for the sake of staying within the parameters of our discussion.

49 The lowest estimates put him at 14 or 19.

50 It should be noted that according to R' Sherira Gaon the cities Sura and Mata Mechasia are one and the same.

51 The *Kalla* was a bi-annual convention during which many non-regular students would gather for a month to study in the academy and hear discourses from its leaders.

these historians an attempt disqualify the Talmud and the tradition it represents, and attacks this position with full vigor⁵².

First, he argues, it is inconceivable that R' Ashi would have been able to accomplish what he did under the conditions they describe. A young man who had not spent considerable time studying under the leaders of his generation would not have been in a position to put together all the material⁵³. He would have lacked much basic information as well as the background and sensitivities needed to put everything in its context. Further, from the sheer quantity of the information one must infer that he was operating with the cooperation of the other scholars of his generation, who assisted in the endeavor by sharing all their traditions and information.⁵⁴

The second component of Halevy's attack is simply all the internal and textual evidence testifying to a layer of the Gemara that existed prior to the generation of R' Ashi. Suggesting that R' Ashi created an entirely original text ignores all this evidence.

Following these arguments, Halevy goes on to explain R' Ashi's role, the conditions under which he operated, and the goal and cause of his work in an entirely different way. According to Halevy, R' Ashi in fact spent many years studying under the authorities of the previous generation, and thus accumulated a vast and thorough knowledge of the Oral Tradition. Upon attaining a position of stature himself, he now had the credibility and trust of the leaders of the generation to take on the task of editing the Talmud.

Let us recall that according to Halevy much of the material which comprises the Talmud was in place and organized already by Rava

52 See below for more on this.

53 According to their chronology, R' Ashi must have commenced his project during the lifetimes of R' Hunna, R' Pappa, and R' Kahana, the great Amoraim of Bavel. Starting a new academy would have been audacious enough, how much more so compiling a Talmud!

54 II, pp. 536-539

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and Abaye. What then was R' Ashi's role? Firstly, several decades had passed since the work of Rava and Abaye, and new material from later Amoraim had developed which needed to be incorporated into the Talmud. R' Ashi collected and organized this information. Secondly, although Rava and Abaye had collected the information and formed the main corpus, there still remained issues that were unresolved or unaddressed, and R' Ashi attempted to deal with these. Thirdly, he wanted to reconcile any contradictory reports or inconsistencies between traditions. Additionally, R' Ashi had the goal of creating a legal work to serve the nation for posterity. To that end it was insufficient to merely collect and organize the information; analysis leading to practical rulings and applications was necessary. The Talmud had to be a useful guide to practical daily life, not merely an academic encyclopedia of the proceeding of the Babylonian academies. All this, along with a general editing, perhaps to attain greater cohesiveness and uniformity, was included in the activities of R' Ashi.

Obviously, such a monumental feat could not be attempted alone. To realize his goals, R' Ashi commissioned a panel of scholars out of the greatest authorities of his time to work on the Talmud under his direction.

Furthermore, says Halevy, this activity should not be confused with the bi-annual "*kalla*". The perfection and editing of the Talmud was a separate project and the output of a group of scholars working full time. This point relates to an interesting side issue regarding the number of Tractates in the Talmud and which gives some support to Halevy's position. Both Talmuds, the Bavli and Yerushalmi, were formed as commentary on the Mishna, which is divided into six Orders, and subdivided into 60 Tractates. Yet the Babylonian Talmud that we have is missing the Orders of *Zeraim*, which deals with agriculture-related laws, and *Tabarot*, covering the laws governing ritual purity. (The exceptions are Tractates *Brachot* in *Zeraim* and *Nidda* in *Tabarot*, which are found in our Talmud.)

According to the schema presented by Graetz, Weiss, and others, whereby all 60 Tractates of the Talmud were covered in the bi-annual conventions of the academy over the course of 30 years, one needs to account for the missing sections of the Talmud. How is it that precisely those Tractates of the Talmud which are no longer relevant nowadays came to be missing from the Talmud? Most laws regarding agriculture are only applicable in Eretz Yisrael, and virtually all the laws of spiritual purity are relevant exclusively at times when the Temple is standing. According to Halevy's understanding that R' Ashi commissioned the work on the Talmud as a special project, this is easily explained: it is quite conceivable that he chose to focus only on the sections of the Talmud that were still pertinent to daily life in Bavel.⁵⁵

To support his position that R' Ashi was leading a large group of scholars in this work, Halevy points out that in many instances in the Gemara, R' Ashi is mentioned as a participant in a discussion, seemingly without rhyme or reason⁵⁶. Often, in contexts in which R' Ashi had not offered any opinion or been involved in any other way, we find Amoraim in the Gemara addressing R' Ashi: "So-and-so said to R' Ashi", or "So-and-so asked R' Ashi"⁵⁷. This phenomenon would make sense if, as the leader of the project, R' Ashi conducted proceedings aimed at resolving difficulties or ruling between opinions. In such a setting, many of the Amoraim would be

55 II, p. 524. The other historians, obviously aware of this difficulty, were forced to suggest that at some later point it was decided to remove the other Tractates or that the copiers stopped including these Tractates in their editions of the Talmud, perhaps due to lack of demand.

56 II, from p. 562.

57 Examples include: *Kiddushin* 6a, where Ravina attempts to resolve a question in the Gemara and addresses his remarks to R' Ashi with no apparent connection; *Yoma* 32b where R' Acha addresses his observation to R' Ashi; similarly *Menachot* 21b; *Bava Batra* 148b, and many others.

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addressing R' Ashi's regardless of his original involvement in a discussion⁵⁸.

I noted above that the popular view of R' Ashi as compiler of the Talmud is supported by the Gemara referring to R' Ashi as “*sof hora'ab*” and Rashi's commentary ad loc. It would appear in this context that Halevy, following R' Sherira Gaon, understood *hora'ab* to mean “halachic ruling” or “codifying”. The passage in the Gemara is stating that Ravina and R' Ashi were the final formulators of the main body of “halacha”, as their editorial activities involved ruling on all the remaining doubts and questions. This seems to have been the understanding of R' Sherira Gaon, who wrote that following R' Ashi's generation, “*hora'ab* was no longer, but there were *Savoraim* who were *mikrivi le-hora'ab*” – lit. “close to giving halachic ruling”, meaning that they retained enough authority, due to their generational proximity to R' Ashi and to the tradition, to codify halacha, at least on a minor scale. This brings us to the next stage of Halevy's theory – the *Savoraim*.

V. “*Istayim Talmuda*” and the *Savoraim*

Although R' Ashi and the scholars of his generation are to be credited, even according to Halevy, with the “sealing” of the Talmud, important activity took place in the generations to follow as well.

The editing of the Talmud continued after R' Ashi's death for fifty years by the scholars of his generation under the leadership of Rabba “*Tosfa'a*”. Although R' Ashi was responsible for most of the work, the additions made after his death were important, so much so that the individual in charge of these additions received the appellation “*Tosfa'a*” to his name. These additions included various illustrations or applications of rulings given in the Gemara, and other elucidations where necessary. Halevy notes that often the given *sugyot* –

58 See Kaplan, *op cit.* p. 42.

discussions of the Talmud - would be difficult to understand without these additions⁵⁹, yet he repeatedly stresses throughout his work that the “sealing” of the Talmud is to be formally attributed to R’ Ashi.

Next we come to the Savoraim. The historical records of this period are particularly vague, and even the Gaonic reports, which Halevy relied upon so heavily, are cryptic. For this reason Halevy diverges greatly from earlier historians, not only in chronicling the activities of the Savoraim, but even regarding the actual length of this period. Halevy contends that the Savoraic period spanned 4-5 generations - about 115 years⁶⁰ - and divides it into two with respect to the redaction of the Talmud. The Savoraim of the first generation are referred to by R’ Sherira Gaon as “close to *hora’ab*” and their additions to the Talmud are qualitatively similar to those of Amoraim. Their connection to the generation responsible for codifying Talmudic law allowed them to provide rulings on cases which had been left unresolved by the Amoraim, and draw upon Tannaic sources to do so. This activity is referred to by R’ Sherira Gaon as “all that had been left unresolved they explained”, and is authoritative on the same level as Amoraic rulings⁶¹. The Savoraim of this generation thus made a distinct contribution to the Talmud, significant enough to have their names introduced into the text; their words do not remain anonymous commentary or glosses⁶². After this point, when the distance from the generation of “*hora’ab*” had increased, no such additions were possible.

59 See III, from p. 36.

60 Beginning in the last quarter of the 5th century.

61 Halevy explains that one cannot possibly read the passage in R’ Sherira Gaon literally. There are many instances in the Gemara in which question are left ‘open’ and unanswered. Rather it means that in certain cases in which the Amoraim did not wish to set down their opinions due to lack of Tannaic support, the Savoraim decided to record those traditions and incorporate them into the Talmud.

62 E.g. R’ Sama barei de-Rava (*Chullin* 47b), R’ Acha bar Rav (*Chullin* 97b), R’ Rechumi (*Yoma* 78)

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Nonetheless, there was still work left for later Savoraim. During the following two generations, the Savoraim added various glosses to elaborate in places where the original text was overly terse. In addition, they added the short excerpt from the Mishna at the beginning of each section of Gemara that indicates what portion of the Mishna is being addressed. Though minor, this latter feature, which is unique to the Bavli, is particularly useful, and its absence in the Yerushalmi is among the factors that make the Yerushalmi so difficult to understand.⁶³

Halevy adds that in all likelihood the Talmud was committed to writing by the Savoraim of the first generation⁶⁴. As an aside Halevy adds that the minor tractates of the Talmud⁶⁵ – the “*masechtot ketanot*” – were formulated at this time⁶⁶. His reasoning is as follows: the Rosh points out that they must not have been written before the Talmud because they are never quoted in the Talmud. On the other hand, Halevy maintains that they could not have been written much later either, and the early Savoraic period is the latest time that could have seen something new added to the Talmud. The reason for this goes back to Halevy's general theory about the conditions that brought about the compilation of the Talmud. He had stated that the generations of Rava and Abaye as well as R' Ashi were periods of relative calm and peace for the Jews; this context enabled the scholars

63 III, pp. 36-37

64 III, p. 25. Halevy had thus far made no distinction between oral compilation and actual writing. It's not entirely clear what forces him to do so at this point. Halevy writes that he had proven that it could not have been written during R' Ashi's time, however all he had really proven through his analysis is that it could not have been written in its entirety as we have it. Theoretically, it would be equally possible to suggest that at each stage of the Talmud's development those responsible committed it to writing.

65 These are several short Tractates, found in the Babylonian Talmud at the end of *Seder Nezikin*, that deal with several topics that are not fully addressed in the Talmud, such as the laws mourning and the laws of *Tefillin*, *Mezuzaot*, and *Sifrei Torah*, among others.

66 III, p. 38.

to focus their energies on such a major project as the Talmud. Perhaps the most important factor, according to Halevy, was the existence of a single unified academy as the central Torah authority of the generation – in the first case, Pumbedita; in the second, Sura⁶⁷, and in the case of the Savoraim, Neharda’a. The Talmud, or any part of it, could not have been compiled, and certainly would not be considered authoritative, if the leading scholars of the generation had been scattered through several different centers of learning. The third generation of Savoraim was the last period to see the existence of one such central academy, and therefore was the latest possible time that any new parts could have been added to the Talmud.

The final stage of editing by the Savoraim – the third stratum of the Talmud - culminated with a consensus of the entire leadership⁶⁸ that no further additions would be made to the Talmud. R’ Sherira Gaon calls these events “*istayim talmuda*” – “the completion of the Talmud”⁶⁹.

VI. Summary

To summarize, the Talmud developed in the following stages: Abaye and Rava, the leaders of the fourth generation of Amoraim, collected all the material that comprised the Oral Tradition, in the form of reports from their colleagues regarding the traditions they received along with discussions about these traditions. In these discussions, positions were often challenged or supported; sometimes resulting in the rejection of a given opinion, in other cases forcing a resolution. All this “*shakla ve-tarya*” – “give and take”, or exchange of ideas, was recorded in this early form of the Talmud, and the basic structure and layout of the Talmud was thus prepared.

67 See III, p. 27.

68 Approximately at the end of the 5th century.

69 III, p. 26

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The second stage was performed by R' Ashi, of the sixth generation of Amoraim, at the academy in Sura. He established a special group of scholars to develop the work of Abaye and Rava, and create a corpus that would include all facets of the Tradition in a form that would be useful for coming generations. Under his guidance, these scholars gathered and edited all the new materials accumulated over the past 50 or so years, worked on resolving any open questions or inconsistencies, and formed practical rulings and applications out of the discussions in the Talmud. This activity did not cease with the death of R' Ashi, and his successor, Rabba "*Tosfa'a*", continued as its leader until the end of that generation.

The third and final major stage is that of the Savoraim, which is divided into two parts. The first generation was still close enough to the Amoraim to be able to imitate their work, and as such we find Savoraic statements in the Gemara giving rulings on questionable cases. The second and third generations could no longer do this, but they were still able to add glosses to clarify particularly terse statements, as well as the very useful feature of the notations indicating which part of the Mishna is being addressed by the Gemara.

Halevy is adamant that after this point, no changes or additions were intentionally made to the text of the Talmud. In support of this statement he quotes the words of R' Shmuel Ha-Nagid⁷⁰ that "in the days of R' Ashi and his associates the Talmud was sealed"⁷¹. The desired implication being that the Talmud as we see it was written by R' Ashi alone, and not R' Ashi with whomever else may have made an addition.⁷² The strong stance that Halevy takes is intended to uphold the integrity of the Talmud's origins, in the face of opinions

70 In his Introduction to the Talmud.

71 III, p. 22

72 Although it's hard to ignore the additional possible reading: that R' Ashi *alone* was responsible for compiling the Talmud, without the various stages and layers suggested by Halevy.

such as those expressed by Weiss, that the Talmud was in fact never sealed, but rather left fluid and open to the scholars of every generation. As a result, many additions and editions were made, be they mistaken or willful, and there is no inherent purity or authority to the work of the Amoraim and Savoraim⁷³.

Refuting such positions actually seems to have been one of the primary goals of *Dorot HaRishonim*, and strong rhetoric is quite prominent in Halevy's treatment of the redaction of the Talmud. Halevy felt that the approaches of Graetz and others challenged the integrity of the "*Mesorah*" – the continuous tradition of the Torah that has been handed down from generation to generation. To address this he wrote his own record of the Jewish history from a traditionalist point of view.

Specifically regarding the redaction of the Talmud, the conclusions reached by Graetz and others conjure up the image of a lone, almost renegade scholar producing the Talmud with little popular support and virtually no authority, formal or otherwise. Obviously the result of such work cannot be seen as authoritative in any way, let alone the untouchable basis of all contemporary Jewish life and scholarship. Halevy also quotes the views of S.Y. Rappaport, who writes that the Talmud was created to address the emergency situation that the community found itself in due to persecution, as opposed to the picture presented by Halevy of a premeditated, planned and concerted project, which was the product of, and made possible by, peaceful times for the Jewish community in Babylonia. Halevy saw in the words of these historians an attempt to undermine the foundation of the Jewish tradition, and he sought to combat this, albeit in his unique and scholarly fashion.

So, while Halevy's study does do damage to a popularly held view - that R' Ashi compiled the Talmud - it preserves the integrity and continuity of the Oral Tradition as a whole in face of the theories of

73 Quoted by Halevy in III, p. 140.

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Graetz and Weiss, which, in Halevy's view, entirely uproot the tradition. Nonetheless, it should be noted that Halevy's does attempt to preserve a unique role for R' Ashi in the history of the Talmud's development, and thus uphold the tradition of R' Ashi's authorship.



The Redaction of the Talmud

By Rabbi Meir Triebitz

Part 1. The First Redaction - Rav Ashi and Ravina

All discussions of the redaction of the Babylonian Talmud invariably commence with the following passage in Bava Metzia 86a. “Rebbi and Rabbi Natan are the end of Mishna; Rav Ashi and Ravina are the end of *hora’ab*”. While the Gemara does not make it at all clear what it means by “*hora’ab*” an obvious analogy is to be made with the preceding statement that Rebbi and Rabbi Natan are the end of Mishna. The Gemara notes the fact that Rav Ashi and Ravina are the last Amoraic sages and thereby close the Amoraic era, just as Rebbi is the last Tannaic sage and closed the Tannaic era. However, the statement “Ravina and Rav Ashi are the end of *hora’ab*” does not actually attribute any special role to Rav Ashi and Ravina nor does the previous statement attribute any special role to Rebbi. However, this cannot be the real meaning, since clearly Rav Ashi and Ravina were not the last Amoraim. The Talmud is filled with many Amoraic sages who lived after the time of Rav Ashi. Furthermore, the choice of the word *hora’ab* instead of the usual word “talmud” (Brachot 11b) or “gemara” (Brachot 5a) clearly indicates that the Talmud’s

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statement does not mean the end of the Gemara as it would normally be understood.

In Bava Metzia 33b Rashi describes Rabbi's role in editing the Mishna.

When the students of Shammai and Hillel multiplied... disputes in Torah also multiplied, and it appeared as if there were two different Torahs. This was a consequence of the oppressive decrees of the empire. As a result it became impossible to have the clarity to understand the underlying reasons for halachic disputes. Then, when God showed favor to Rabbi in the eyes of Antoninus, the Jewish people were able to take respite from their oppression. Rabbi then sent for, and gathered, all the scholars in the land of Israel. Up until that time the laws were not arranged according to tractates, but rather each student heard laws orally from someone greater than him, would repeat it, and would label it; halachot *A* and *B* I heard from Rabbi *C*. When all of the scholars were gathered by Rabbi everyone recited what he had heard. Then, they took the effort to understand the underlying reasons for each opinion in each dispute and decided which opinions to preserve. These were then ordered and arranged according to separate tractates... [In addition] Rabbi would anonymously quote the halacha of an individual sage which he approved of in order to establish the Halacha according to him."

From Rashi's commentary we see that Rabbi took upon himself the role of sifting out and elucidating all of the Mishnaic traditions which he was able to gather and edit into a Mishna which would serve as the canonical text for all future generations. In addition, the Gemara states that the Baraita which says "the study of Gemara is of greatest value" (ibid.) was taught "during the time of Rabbi."¹ This means that

¹ See my article in Reshimu 2 'The emergence of the Mishna and Tosefta' p. 55-58

Rebbi established the process of interpretation and elucidation of Mishna which is called Gemara. This methodology is that of the give and take which we associate with our Talmud, as it seeks to understand the Mishna. Thus Rebbi's achievement according to Rashi was twofold:

1. Redaction of the precise version of our Mishna from the texts of previous Mishnaic traditions.
2. The initiation of the methodology of the dialectical give-and-take known as Gemara which would serve as the central activity of the Amoraic era after him.

We see in Rashi's understanding of Rebbi's role the quintessential historical achievement of an authentic hermeneutical tradition; the closing of one era and the inauguration of another in a way which establishes continuity despite paradigmatic change and metamorphosis. Rashi understood that Rav Ashi and Ravina's role in the transmission of the oral law was parallel to that of Rebbi. Rashi writes:

[The end of *hora'ab* means] the end of the Amoraim. Until the days of [Rav Ashi and Ravina] the Gemara did not exist in the order [of the Mishna]. Rather if a question was posed regarding the underlying reason [of a law] in Mishna a in the study hall or regarding an [independent] monetary problem or legal prohibition, each [Amoraic sage] would offer his opinion. Rav Ashi and Ravina posed questions which elicited responses and appropriate solutions which were then incorporated into the Gemara.

In other words, according to Rashi, the role of Rav Ashi and Ravina was twofold:

1. The organizing of all Amoraic statements which either offered explanation for a Mishna or ruled on extra Mishnaic cases

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2. The incorporation of the above in a dialectical question and answer format, thereby laying the basis for the canonical text which compromises the text of the Gemara.

According to Rashi, the term *hora'ab* does not refer to the activity of *Gemara* as we commonly understand it. Rather it refers to the terse legal rulings and Mishnaic interpretations of the Amoraic sages who lived from the time of Rebbi up until the time of Rav Ashi and Ravina. This is made explicitly clear by Rashi's grandson, Rashbam, in his commentary to Bava Batra 130b where he writes, "certainly one may rely on the laws which are written in the Gemara as they were organized by Rav Ashi for it is stated in Bava Metzia "Rav Ashi and Ravina are the end of *hora'ab*". From whom can we ask and rely upon if not on the terse definitive laws which were organized by Rav Ashi." According to Rashbam, *hora'ab* refers to "*halachot peshutot*" - tersely worded legal decisions. It is only from the time of Rav Ashi and onward that they were incorporated into a give-and-take.

Neither Rashi nor Rashbam deny that there was a tradition of Talmudic give-and-take before the time of Rav Ashi. Indeed, Rashi writes explicitly that in the generations before Rav Ashi "if a question was posed regarding the underlying reason [of a law] in a Mishna in the study hall, or regarding an [independent] monetary matter or prohibition, each [Amoraic Sage] would offer his opinion." There is no reason to think that these discussions were not transmitted across the Amoraic generations. What Rashi is saying is that Rav Ashi was the one who constructed the canonical text of give-and-take which would serve as the basis of the Talmudic text for all future generations. As we shall see later this construction was continued after Rav Ashi in the generations which followed him. What we can say, however, is that Rav Ashi established a new type of canon – one of legal discussion and dialogue which is characterized by a dialectical give-and-take. The transmission of the oral tradition thereby took upon a new form as a result of Rav Ashi's efforts. This is because after the redaction of the Gemara all interpretations and legal rulings

based themselves on the dialectical Talmudic text and not on statements of the Amoraic sages.

According to Rashi, then, the meaning of “Rav Ashi and Ravina are the end of *hora’ab*” is that Rav Ashi concluded the formal transmission of terse statements and comments of the Amoraic sages before him and begins the transmission of canonical dialogue and discussion. This understanding of the term *hora’ab* is much more in line with the general meaning of the term as denoting a specific and definitive legal ruling. We see this meaning of the word in the phrase, “It is taught: the Tannaim confused the world... Ravina [explains this] “they rule [*morab* which is the verb of the noun *hora’ab*] from their Mishna.” Rashi writes in his commentary “they are not careful to understand the underlying reasons of the Mishna” (Sotah 21a).

Thus Rashi explains the parallelism being made by the Gemara’s two statements. Rav Ashi’s redaction was similar to that of Rebbi. The organization of Amoraic traditions within the framework of Rebbi’s Mishna and their incorporation into a canonical dialogue of give-and-take brought about a paradigmatic shift in the oral tradition which assured both its faithfulness to the past and its usefulness to the future. The two part project of editing and methodology of interpretation which Rashi understood to be Rebbi’s construction of the Mishna was duplicated by Rav Ashi almost 300 years later. Rav Ashi produced an entirely new type of canon which satisfied the twofold criteria of faithfulness to the past and usefulness to the future.

This opinion of Rashi and Rashbam that the canonical give-and-take of our Talmud only commences with Rav Ashi and Ravina appears to be universally assumed by both earlier and later medieval authorities and commentators. Rav Sherira Gaon in his famous epistle in which he chronicles the entire history of the oral law up until his own period of Gaoneca, quotes our passage in Bava Metzia and continues “Afterwards, even though there was certainly not any *hora’ab*, there were interpretations and reasoning (*sevara*) close to *hora’ab* and the

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Rabbis [who did so] are called Rabbanan Savorai (p. 69 in the French version).

The French edition, which is usually accepted to be the most authoritative, asserts that beginning in the period after Ravina and Rav Ashi the sages devoted themselves to interpretations and reasoning. The phrase that is used “close to *hora'ab*” refers to the fact that the dialectical methodology of the Savoraic sages did not produce the same definitive halachic conclusions (*halachot pesukot*) of previous generations. Nonetheless it generated a dialogue which would serve as the basis upon which future generations would formulate halachic conclusions. This does not mean necessarily that the sages after Ravina and Rav Ashi are not quoted rendering terse halachic opinions. What Rav Sherira Gaon appears to be saying is that Rav Ashi concluded the period which produced a tradition of definitively worded legal decisions and interpretations while the Savoraic sages produced a tradition of reasoning which seems to imply that their decisions were expressed more as discussion and dialogue.

The distinction made by Rav Sherira Gaon between “*hora'ab*” and “close to *hora'ab*” parallels the twofold redaction program which Rashi attributes to Rav Ashi. It is important to note, however, that while Rashi attributes both steps i.e. editorship of Amoraic legal decisions and interpretations and the establishment of the canon of give and take to Rav Ashi himself, Rav Sherira Gaon's epistle can be interpreted as saying that Rav Ashi and Ravina themselves were only engaged in the first step, i.e. the editing of tersely worded Amoraim legal decisions and interpretations of the mishna. However, the construction of the canonical give-and-take seems to have commenced with the generations afterwards whom he calls the Savoraim.

This same position, namely that the canonical give-and-take of the Gemara only begins with Rav Ashi is also explicitly stated by the Baalei Tosafot in Chullin 2a-b. By examining both the passage in the

Gemara and their commentary in detail we will shed light upon the redactive methodology which, in their opinion, was utilized by Rav Ashi.

In the relevant passage a question is posed by the anonymous Gemara (usually referred to as the *stam*, or *sugya*, of the Gemara) which is countered afterwards by a question posed by Rav Acha, the son of Rava, to Rav Ashi. Rav Ashi's response is "this is what I was asking". On the basis of this question, Tosafot adduce that the anonymous question posed by the Gemara must have been none other than Rav Ashi. Tosafot then conclude that Rav Ashi was the anonymous redactor of the Gemara. They write:

It appears from here that Rav Ashi himself asked the question. Even though it is part of the anonymous give-and-take (*sugyat ha-Gemara*) one may conclude from this that it was Rav Ashi who redacted the Gemara.

By redaction Tosafot is referring to the give-and-take of the Gemara which constitutes the Talmudic dialectic. Tosafot refer to this by the term *sugyat ha-Gemara*. However, on the basis of this one may still contend that Rav Ashi, according to Tosafot, merely added to a redaction which commenced several generations before him. This could well be argued from the fact that the subsequent give-and-take in that sugya quotes earlier Amoraic sages such as Abaye and Rava who lived in previous generations. Tosafot are aware of this difficulty and provides an answer:

Even though Abaye and Rava also attempted to answer the question, and they lived long before Rav Ashi, perhaps the question had already been posed before in their lifetimes.

The crucial point to take notice of in this statement of Tosafot is what they didn't answer. That is they didn't answer that Rava and Abaye had also made a preliminary redaction of the Gemara and that Rav Ashi was merely contributing another stratum to this redaction. Rather, they respond by saying that "Perhaps a similar question had

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already been posed before in their lifetimes”. What Tosafot mean by this is that even the questions posed anonymously by the Gemara to Abaye and Rava were in fact authored by Rav Ashi. However Rav Ashi was not necessarily the first one to pose these questions, as is clear from Abaye and Rava’s statements, which appear to be responses to similar types of questions. What Rav Ashi was doing, in his redaction, was to take statements by Abaye and Rava and place them within the Gemara as responses to questions which were very likely posed to them. Clearly, then, according to Tosafot, Rav Ashi took the statements of Abaye and Rava and placed them within the context of a give and take thereby giving them meaning and reference within the discussion in Rav Ashi’s study hall. This was done by Rav Ashi because of the fact that Abaye and Rava’s statements clearly can be understood as responses to the same question which is asked by Rav Ashi himself. Tosafot is clearly taking the same position which we have seen above that it was Rav Ashi who first created a give and take known as the *stam*, or *sugyat ha-Gemara*.

A consequence of Tosafot’s analysis is that the actual text of the Gemara does not necessarily reflect a historical dialogue but can often be viewed as a legal one constructed by the later Amoraim beginning with Rav Ashi. The statements of Amoraim of previous generations which were either terse halachic decisions or briefly stated interpretations or qualifications of other statements be it a Mishna, baraita or some other Amoraic statement were later embedded and incorporated within an intricate legal dialectic which was constructed by later generations. This methodology was begun by Rav Ashi and, as we shall see, was continued after his lifetime up and until the final concluding redaction of the Gemara.

This methodology is explicitly described by Ramban in his commentary to Shabbat 74a. The Gemara there presents a baraita which is subject to a succession of interpretations by various Amoraim. As soon as one Amora presents his interpretation a second

Amora raises a difficulty in his interpretation and suggests another one. The Gemara there reads:

The Rabbis teach: One who has in front of him several types of foods (on Shabbat) may select and eat, select and leave aside. He may not select and if he does so he must bring a sin offering. [The Gemara asks] how should one read the baraita? Ullah says it should be read: One may select for that day, and put aside for that day. One may not select, however, for the next day, and if one does so he must bring a sin offering. Rav Chisda raised an objection [to Ullah's interpretation]. Is it permitted to bake for the same day? Is it permitted to cook for the same day? Rather, Rabba [interpreted the baraita differently and] said [this is how the baraita should be read]: One may select less than the amount [for which one brings a sin offering]. One may set aside for less than the amount [that one brings a sin offering]. One may not, however, select an amount, and if he does so he must bring a sin offering.

Rav Yosef raised an objection [to Rabba's reading of the baraita]. Is it permitted to bake less than an amount? Is it permitted to cook less than an amount? Rather Rav Yosef reads the baraita in this following way... In his commentary to this Gemara, Ramban writes:

Rabba was not originally coming to resolve Rav Chisda's objection to Ullah's reading of the baraita, but independently offered a reading of the baraita, without having heard Rav Chisda's objection. Rather, Ullah and Rabba were making independent statements concerning the baraita and it is the [anonymous redactor of the] 'Gemara' who placed their statements after the objections. This [phenomenon] occurs in many places in the Talmud...

The Ramban is explicitly asserting here that the redactor of the Gemara constructed a give and take out of independent Amoraic

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statements, thereby creating the '*sugya*' of the Gemara as it appears to us from the text of the Talmud as we know it. This method of construction was begun by Rav Ashi and, as we shall see, was continued in the several generations of Savoraim who came after him.

The sources discussed above directly contradict one of the major tenets of Rabbi Yitzchak Isaac HaLevi in his book *Dorot HaRisbonim*. He claims that a substantial part of the *stam* of the Gemara dates from the time of Abaye and Rava. According to HaLevi, Rav Ashi's contribution was merely to add to this redaction. In fact Rav Ashi's edition was not the final one. The task of redacting the Gemara was completed several generations afterwards. While I will not go on to examine in detail any of HaLevi's arguments², they rely almost exclusively on a scholarly analysis of the Talmudic text with little, if any, recourse to any of the tradition medieval commentaries. According to HaLevi the statement that "Ravina and Rav Ashi are the end of *hora'ab*" is almost meaningless. Rav Ashi was only part of a hierarchy of strata of redactions which began before him and ended afterwards.

HaLevi's theory of the redaction of the Talmud is typical of his entire work, in which he attempts to predate traditions, sometimes to the point of absurdity. An example of this is his contention that "there is no place in the Talmudic literature where the sages derived, or even attempted to derive, a single Halacha from any verse in scripture" (vol. 4 p. 247). These theories were the result of HaLevi's obsession with refuting the scholarship of everyone else. According to HaLevi the opinions not only of those such as Graetz and Weiss but also of the Malbim (to whom the above quote is directed) openly threatened tradition. As a reaction he would seek to redress these threats by offering solutions which directly contradict the opinion of the medieval commentators and other authorities who came before him.

² See Moshe Becker's article earlier in this volume

The paradox of HaLevi's work is that while he claims to be defending tradition he is in fact surreptitiously usurping it.

Regarding our issue of the redaction of the Talmud, HaLevi seems to confuse the two concepts of tradition and canon. The Gemara's frequent references to "*havayot de-Rav ve-Shmuel*" and "*havayot de-Abaye ve-Rava*" certainly attest to an authentic tradition of legal discussion and dialogue. This doesn't mean that they are referring to the actual text of the Talmud itself. The text itself is a canon. The analogy to make is to Rebbi's Mishna. While it is clear that there were Mishnaic traditions before Rebbi upon whom he based his Mishna, the Mishna of Rebbi was an entirely new canon. Just as Rebbi's redaction of the Mishna, even according to HaLevi, does not undermine the Mishnaic traditions beforehand, neither does the redaction of Rav Ashi undermine the legal tradition which preceded him. Tradition before it becomes canonized must serve a role which allows for flexibility and interpretation. A canon, however, by definition, cannot be flexible, but must be interpreted. Just as a child is, on one hand a product of his parents, but on the other hand a living entity unto himself, so too is the relationship between canon and tradition.

Part 2. Period after Rav Ashi

I would like to turn now to the subject of Talmudic redaction after Rav Ashi. I already mentioned that many of the Amoraic Sages lived after Rav Ashi. Certainly, the anonymous (called *stam*) sections of the Talmud dealing with statements of these late Amoraic sages were redacted after Rav Ashi. The question is, however, what about anonymous sections of give-and-take which involve statements of Sages up till Rav Ashi. Were these sections necessarily redacted by Rav Ashi, or were they redacted by generations afterwards. I have already mentioned the *Epistle of Rav Sherira Gaon* which implies that the Savoraim redacted the Talmud. As we shall see, it is universally understood by the medieval commentaries that many sections of the

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Talmud were redacted after Rav Ashi, even those of Amoraim who lived before him.

In tractate Shabbat the Gemara wants to prove that a person may carry an object even for the purpose of another object that cannot be moved on Shabbat. The Gemara says:

Come and hear. One may cover a beehive on Shabbat lying in the sun to shade it from the sun, and one may cover it during the rain to shield it from the rain, on the condition that one does not do so with the intention of trapping the bees.

The Gemara answers: This is not a proof that one may move an object even for another one which cannot be carried on Shabbat. This case is dealing with a beehive that has honey inside it [and is therefore being moved for the sake of the honey]. Rav Ukva from Meshan challenged Rav Ashi. The assertion [that we are dealing with a beehive containing honey] is reasonable during the summer [when it is common for beehives] to contain honey. However, during the rainy months, when there is no honey to be found in beehives, how can we explain the baraita? [The Gemara answers that] we are referring to the two honeycombs [that are always to be found in the beehive]...

After continuing the give-and-take and adding additional interpretations, the Gemara quotes Rav Ashi:

Rav Ashi said: does it say [in the baraita] during the summer days and the rainy days? It [only] says in the sun because of the sun, in the rain because of the rain. [We can say that] the baraita is talking about the month of Nissan and the month of Tishrei when [it is common to have] sun, rain and honey.

The question to be raised in this passage is obvious. Why did Rav Ashi not respond immediately to Rav Ukva? Why is there a lengthy

discussion intended at answering Rav Ukva's objection only after which Rav Ashi produces a response?

Tosafot offer an answer: "Rav Ashi probably answered this to Rav Ukva immediately. The "Shas" (Gemara) however placed its answer first."

Who is the "Shas" that Tosafot is referring to? It is clearly not Rav Ashi himself, but rather someone who came after Rav Ashi who redacted the give and take of the above passage.

We see clearly that Tosafot understood that there was an anonymous redactor after Rav Ashi even of questions and answers which were posed in Rav Ashi's lifetime. Clearly, although Tosafot considered Rav Ashi to be the final redactor (as we saw above) he was by far not the last.

The plain reading of the Gemara's assertion in Bava Metzia 86a "Ravina and Rav Ashi are the end of *hora'ab*" is, as we have seen above, that Rav Ashi and Ravina redacted the Babylonian Talmud. Rabbi Isaac Stein, however, in his commentary on the *Sefer Mitzvot Gedolot* understands that passage to directly imply that the Talmud was in fact completed after Rav Ashi. He claims that it would be unusual for Rav Ashi to have written "praise about himself", and that therefore "the statement is more likely to be attributed to someone who lived after him". Similarly, Rav Sherira Gaon's opinion is that the Talmud was completed during the period of Rabbanan Savorai during the lifetime of Rav Yossi. To quote the entire passage as it appears in his epistle:

[Rav Ashi] passed away in 735. Rav Yaimar ruled (i.e. sat at the head of the Sanhedrin) in the city of Chasia and passed away in 743. [After him ruled] Rav Idi bar Avin and passed away in 763. [After him ruled] Rav Nachmnan bar Rav Huna who passed away in 766. Rav Tivyumi, who is Mar bar Rav Ashi, ruled in Michala and passed away on the night following Yom Kippur. After him [ruled] Rav Taspah who

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passed away in 781 on the fourth day of [the Hebrew month of] Shevat. On the thirteenth of Kislev of the year 786 passed away Ravina, the son of Rav Huna. He is the Ravina who is called the end of hora'ah.... in the year 787 Rav Sammah the son of Rava passed away. After him ruled Rav Yossi and in his lifetime hora'ah ended and the Talmud was concluded. (RSG 97).

The opinion that the Talmud was redacted after Rav Ashi is shared by other medieval commentaries. Several even extended the period of redaction to a time after the Savoraim up until the time of the Gaonim. Evidence for this is gleaned from a discussion in the tractate *Ketubot* in 2a-b. There the Gemara has a discussion about whether a husband must provide food for his bride if the wedding is delayed longer than the normal twelve month engagement period due to circumstances beyond their control. The Gemara's question is first answered by Rav Achai based upon a very close reading of the relevant baraita. According to Rav Achai's reading the husband is always obligated whether or not the marriage is actually consummated. This reading of Rav Achai is countered by Rav Ashi who offers an alternative reading of the baraita, thereby rejecting Rav Achai's halachic position.

Who is this Rav Achai whom the Gemara is citing? Tosafot, in their commentary on this Gemara cites Rashbam who claims that Rav Achai is not from the Amoraic era, but is in fact the famous Rav Achai Gaon, author of the *Sheiltot*. This Rav Achai must have lived approximately four hundred years after Rav Ashi. Rashbam basis his assertion upon the fact that the language of the Gemara quoting Rav Achai is not a normative expression used by the Talmud but rather a non-generic term. Instead of using a more common term for 'answers' the Gemara says "*pasbit* Rav Achai" which indicates that the Rabbinical passage being quoted is not from the Amoraic era. [It should be mentioned that in Tosafot to *Zevachim* 102b Rashbam is quoted as saying that Rav Achai is one of the Rabbanan Savorai, in

which case he lived much closer to Rav Ashi]. While the Tosafot take objection to Rashbam's contention, Rav Isaac Stein points out that the objection is only because Rav Ashi is responding to Rav Achai which implies that they were contemporaries. It is not because Tosafot objected to the implication that a Gaon was incorporated into the Gemara. Clearly, concludes Rav Isaac Stem, Tosafot agreed with Rashbam that the Gemara was not completed until the time of the Gaonim.

Let us now turn to a passage in another Gemara which will elucidate the opinions of other medieval commentators. The Mishna in the first chapter of tractate Shabbat in 9b states:

One should not sit himself in front of the barber (to take a haircut - Rashi) close to the time of Mincha, but if they have already commenced [the haircut or any of the activities mentioned in the Mishna] he does not have to interrupt the activity [in order to offer the Mincha prayer].

The term 'Mincha' refers to a specific time in the afternoon. There are two Minchas; one is called *Mincha Gedolah* (literally the greater Mincha) whose time is half an hour after noon. The other is referred to as *Mincha Ketanah* (literally the smaller Mincha). Its time is three and a half hours after noon. The law in the Mishna is that one should not commence certain types of activities shortly before the time of Mincha out of fear that involvement in those activities might lead one to forget to offer the Mincha prayer.

The Mishna uses the term Mincha without stipulating which Mincha it is referring to. Is it *Mincha Ketanah* or *Mincha Gedolah*? This question is discussed by the Gemara:

Which Mincha is the Mishna referring to? If the Mishna means *Mincha Gedolah*, then why no [can one commence any of these activities before the time of *Mincha Gedolah*]? Isn't there plenty of time left in the day [to offer the Mincha prayer]? But rather [the Mishna must mean] close to the time

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of *Mincha Ketanab*. If so, then [the next part of the mishna which reads] “If they have already commenced they do not have to interrupt themselves” constitutes a direct refutation of [a ruling of] Rabbi Yehoshua ben Levi who says “as soon as the time for the Mincha prayer has arrived it is forbidden for one to even taste anything [before offering the Mincha prayer] (implying that one must cease any activity even though he has already commenced it). The Gemara reverses its reading of the mishna. The Mincha of the Mishna is referring to] *Mincha Gedolah*. [In response to the question “isn’t there plenty of time before *Mincha Gedolah*, and why is it forbidden to commence any activity beforehand, we can answer by saying that the haircut the Mishna is referring to is] the haircut of *ben Alasa* (a rather complex haircut which takes an inordinate amount of time).

Rav Acha bar Yaakov [responds to this and] says: We can [even] interpret the haircut [referred to in the Mishna] as a normal haircut. But [nonetheless] one should not commence [even a normal haircut] a priori [before *Mincha Gedolah*]. Why not? It is a [Rabbinic] decree lest the scissors break [and as result one might take a long time looking for a new scissors and forget to offer the Mincha prayer].

Examining the structure of the *sugya*, we see that it is composed of two major parts. This is an anonymous give-and-take which arrives at the conclusion that the word “Mincha” which appears in the Mishna is in fact referring to *Mincha Gedolah*. In addition the haircut referred to in the Mishna is the elaborate haircut of *ben Alasa*. As a consequence, one may commence taking a normal haircut up to a half hour before *Mincha Ketanab*. The second part of the *sugya* consists of Rav Acha bar Yaakov’s rejection of the halachic conclusion of the anonymous section. According to Rav Acha bar Yaakov the “Mincha” in the Mishna is indeed referring to *Mincha Gedolah*. Furthermore, the prohibition of commencing a haircut

applies to all types of haircuts, and not only the special type of *ben Alasa*. To justify his reading, Rav Acha bar Yaakov maintains that the prohibition of the Mishna was a special precaution to guard against unexpected events such as the breaking of the barber's scissors. Thus according to Rav Acha bar Yaakov, all haircuts are forbidden from close to *Mincha Gedolah*.

To summarize, the Talmud presents us with a halachic dispute between an anonymous section and Rav Acha bar Yaakov. There emerges from this a dispute between the major medieval commentaries with important consequences for understanding their views on the redaction of the Talmud. Tosafot (ibid 9b) reject Rav Acha's position and concludes that the Halacha is in accordance with the anonymous section. They justify their ruling on historical grounds. The anonymous section represents the position of Rav Ashi, who came later than Rav Acha, and there is a principle that the Halacha follows the later opinion. This is in accordance with their position in Chullin 2b cited above that the anonymous give-and-take of the Talmud is from Rav Ashi. And also because he is the anonymous voice of the Gemara. Thus the Halacha must be like Rav Ashi for two reasons:

1. Rav Ashi lived later than Rav Acha ben Yaakov, and
2. He was the final redactor of the Gemara

Rav Ashi's opinion, both with respect to the reading of the Mishna and the consequential ruling, must be given greatest legal weight.³

In contrast to Tosafot, the Rif arrives at the opposite halachic conclusion. He writes that the phrase "close to the time of Mincha" in the Mishna is "concluded" by the Gemara (a reference to Rav

³ It is interesting to note that the Tosafot is not at all concerned with the fact that Rav Acha bar Yaakov is seemingly responding to a position arrived at historically after his lifetime. This would appear to be in accordance with the position of the Rashbam quoted above in *Ketubot* 2b and *Zevachim* 102b, objected to by Rabbeinu Tarn.

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Acha bar Yaakov) to mean “close to the time of *Mincha Gedolah*”. The Rif then goes on to explain the prohibition in accordance with the position of Rav Acha bar Yaakov.

There are two ways of understanding the Rif’s halachic position. Either:

1. The anonymous section is not from Rav Ashi or anyone of his generation (i.e. in direct contradiction to the opinion of Tosafot), but rather represents a conclusion reached during or before the time of Rav Acha bar Yaakov. Hence Rav Acha bar Yaakov is, historically, the final arbiter of this particular sugya.
2. The anonymous section is indeed from Rav Ashi (like Tosafot). However, the ‘redactor’ of this sugya (the Rif uses the language ‘concluder’) lived after Rav Ashi. He therefore constructed a non-historical dialectic and dialogue between Rav Acha bar Yaakov and the anonymous section concluding with Rav Acha’s position. This ‘redactor’ lived after the time of Rav Ashi and constructed the sugya to reflect his own halachic opinion. Since the opinion of the redactor is indeed the final opinion of the Talmud, it therefore is given the appropriate halachic weight.

In order to arrive at the true position of the Rif vis-à-vis the above two possibilities let us turn to further discussion of his position by the two medieval authorities Rav Zechariah Halevi (the author of the *Maor HaGadol*) and Ramban (author of *Milchamot Hashem*). The ‘dialogue’ between these two major commentaries on the Rif will flesh out the true position that he is taking.

Rav Zachariah Halevi (on the Rif) takes issue with the Rif’s ruling. The opinions of both Rav Acha bar Yaakov and the anonymous voice of the Gemara are based upon a ruling of Rabbi Yehoshua ben Levi elsewhere in Berachot. However that ruling is explicitly rejected there. Since both the anonymous section of the Gemara and Rav Acha bar Yaakov reach their conclusions on the basis of Rabbi Yehoshua ben Levi’s statement, it follows that both must be rejected.

The Ramban, however, in his commentary *Milchamot Hashem* (ibid.) defends the ruling of the Rif against *Baal Hamaor's* critique. He writes “We always rely upon the sugya of the gemara”. In Ramban’s view, Rav Acha’s opinion is not necessarily contingent upon Rabbi Yehoshua ben Levi’s ruling. The anonymous redactor, who must have lived after Rav Ashi, arrived at his halachic conclusion for independent reasons. The role of Rav Yehoshua ben Levi only appears in the dialectic to provide a reasoning behind Rav Acha bar Yaakov. It does not necessarily represent the ultimate basis for the Halacha.

According to Ramban, the reasoning of the Rif is in accordance with 2 above. The conclusion of the Gemara represents the ‘sugya’ of the Gemara which in turn is the halachic ruling of the final redactor who lived after Rav Ashi.

We have already seen above that Ramban understands that the Gemara (Shabbat 74a) incorporates statements of Amoraim of previous generations, which were not necessarily said in the context of that *sugya*, within a constructed dialectical give-and-take. The Talmudic discourse is therefore not necessarily ‘historical’ but rather ‘textual’. It represents the halachic reasoning of the anonymous redactor. Ramban, here, is building upon his principle. The dialectical give and take in Shabbat 9b was constructed by the sugya, the anonymous redactor, to provide reasoning for his halachic conclusion. This has the consequence that statements of Amoraim, while independently not accepted as final Halacha, will be used in a give and take which brings the Gemara to the halachic ruling of the redactor. It seems from Ramban’s commentary that the final redactor lived after Rav Ashi, for we do not see him challenging the position of Tosafot that the anonymous give-and-take, which constitutes the first part of the sugya, is from Rav Ashi. For this reason, Ramban prefers to use the expression “*sugya* of the Gemara” instead of Rav Ashi. The redactor actually took an anonymous give-and-take originating from the Belt Midrash of Rav Ashi, and incorporated it in

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a larger and more comprehensive give-and-take to arrive at his conclusion. From the redactor's point of view, both the anonymous section of Rav Ashi, and the words of Rav Acha bar Yaakov, are 'earlier' opinions which are to be incorporated in a give-and-take in arriving at the historically later conclusion.

To conclude, we see that the position of many medieval authorities was that although Rav Ashi redacted the Talmud in order to incorporate the statements of Amoraim within a constructed give and take, this methodology was also continued after him by redactors who came after him. As a consequence, the final redaction of the Gemara incorporated not only the statements of specific Amoraim but also the "canonical dialectics" which appear as anonymous give-and-takes. These replaced the '*halachot pesukot*', the terse rulings and interpretations of Amoraim of previous generations, as a consequence of Rav Ashi's work, and began the era of redaction which extended from the time of Rav Ashi through the period of the Savoraim, until its completion which according to Rav Sherira Gaon took place during the lifetime of Rav Yossi.



Aish Dat: A Brief History of the Development of Halacha According to Rabbi Naftali Tzvi Yehudah Berlin (Netziv)

By Rabbi Rafael Salber

Introduction: Aish and Dat

When our great leader and teacher, Moshe Rabbeinu, concluded the very last Parsha of the Torah, he describes the revelation of the word of God with two distinct characteristics. As the verse states "*Hashem came from Sinai and shone out from Seir, appeared from Mount Paran and came with myriad of Holy (ones), from his right, Aish (fire) Dat (statute/ law)*"¹. The written word itself attests to the closely bound relationship between these two aspects, Aish and Dat, where it is written as one word in the Torah, AishDat, however read as two distinct words. In fact Rashi² tells us that it is one of fifteen words that are written together, yet are read separately.

The fact that Moshe could encapsulate the entire transmission of Torah as defined in two words is astounding and puzzling. What is so significant about these two aspects of Torah and its transmission?

1 *Devarim* 33, 2: "ויאמר ה' מסיני בא וזרח משעיר למו הופיע מהר פארן ואתה מרבבת קדש מימינו" **אשה למו**

2 *Tehillim* 10, 10.

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What is their explanation and how do they relate to each other and what role does it play in influencing human interaction with the content of revelation, Torah, and the legal process? These are some of the areas addressed by the Netziv as he traces the development of Halacha throughout the passage of time, from its formal inception and transmission from Moshe Rabbeinu. This enlightening and creative piece of work called *Kidmat Haemek* is the introduction to the Netziv's commentary on the Sheiltot of Achai Gaon, entitled *Haemek She'eila*. The Netziv highlights two fundamental aspects of Torah and attempts to follow the path of Torah, as it oscillates through time between these two critical elements.

The purpose of this paper is to outline this brief history as presented by the Netziv in order to gain insight into the development of Halacha, the nature of Halacha, and to encourage thought on the impact this history has on Torah study and the application of Halacha today. Furthermore, there are many other issues that will be raised throughout the paper, such as the origins of machlokes, Halacha as an objective reality or subjective reality, and the importance of a chain of tradition. Whilst it is my desire to explore these fascinating facets of research, it is not within the scope of this paper, which is intended as an introduction to a unique perspective on the history of the development of Halacha.

Moshe, Yehoshua and the Early Generations

The first aspect of Torah is that which is characterized as *Dat*, which simply means law or statute. This refers to the clear-cut legal rulings which inform people how to live according to the parameters of Jewish law and how to safeguard the divine commandments. The second aspect, *Aish*, fire, is possibly the polar opposite of *Dat*. Whereas *Dat* is clear-cut and confined to solid boundaries, *Aish* is as its name suggests - uncontainable and alive. This refers to the more concealed portion of Torah which is subject to critical analysis and

deep investigation, comparing and contrasting until the true nature is brought forth to light. The *Midrash*³ also describes the Torah as having several components. The first is one of absolute simplicity, where one does not require explanation how to use it. The second is slightly concealed, requiring a certain intellectual alacrity to reveal the content. The third is completely hidden and one is totally dependant upon the help and assistance of God to find it. The Ramban in his introduction to his commentary on the Torah also alludes to this hidden aspect of Torah where he comments that the entire Torah can also be understood as permutations of the divine name.⁴ This compounds further the aforementioned concept that the Torah is neither a simple instruction manual with clear directions for use, nor is it merely a boundless, wellspring of information hidden in the depths waiting to be brought out to light, rather it exists as an expression of both elements.

The creative nature of analysis and investigation which reveals new novella is comparable to the sparks of a flame that can separate from their source and create a greater torch of light. In the same manner that a torch of fire has the ability to bring forth a new spark and when other materials are added to it which increases the flame, the brightness and strength of the torch increases, which in turn gives way to further sparks and flames, so too it was with the first *machloket* in the days of Yehoshua.

From the times of Yehoshua and onwards, many doubts arose and disagreements were aired regarding numerous laws⁵. Consequently, the leaders came together to resolve the matter and used majority rule to decide upon the legal outcome, according to the dictum *acharei rabim lebatot*. The death of Moshe heralded a new era of arriving at halachic decision, where it was no longer possible to directly receive

3 *Bereishit Rabbah* 1, 1

4 עוד יש בידינו קבלה של אמת כי כל התורה כולה שמותירו של הקב"ה"

5 See *Temurah* 16a, Where the Talmud discusses the loss of knowledge and halacha with the death of Moshe Rabbeinu and the succession of Yehoshua.

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the word of God with the same clarity that was exhibited during the life of Moshe. Torah had to be drawn forth and uncovered through intellectual toil and logic performed by the Sages and leaders of the generation. Despite the fact that the core of Halacha transmitted by Moshe was maintained with the same clarity and certainty, a new method, *Aish*, had to be utilized. This formed the basis and groundwork for the later generations. It became the backboard for which all future halachic decisions were to be measured against. This is known as *Halacha Brura*, clear cut Halacha, where *Dat* was made from *Aish*. In the following generation, those specific matters which had been previously resolved were no longer a cause for doubt or disagreement. When an additional factor to an earlier halachic matter arose there would be further discussion and debate in an attempt to bring forth a resolution, however the groundwork from the previous generation would not be altered. The work of the earlier generation became a root which stabilized later developments.

The concept of *hilcheta gemiri lehu* (הלכתא גמירי להו)⁶, which is mentioned throughout the Talmud, advances the notion of the organic and developmental nature of Halacha. The explanation of this phrase, which evokes an authoritative tone, is that the specific Halacha in question was transmitted from person to person until that generation when the matter was investigated and solidified. The word *gemiri* in this case is to be defined as decided upon and completed, where the transmission of material is clarified and fortified from generation to generation and eventually attains the status of being a root, typical of the aspect of Halacha described as *Dat*. This further emphasizes the critical role that rationale and human involvement has in the evolution of Jewish Law and life.

6 'קדמת העמק, אורח ג: The Netziv notes that there is an apparent disagreement over the definition and nature of הלכתא גמירי להו by Rashi and the Rambam. Rashi and Tosafot understand it to be synonymous with *halacha le-Moshe me--Sinai* and as such have little or no connection with human rationale. The opinion stated in the paper is the opposing view of the Rambam.

The impact and impression that the rulings of the earlier generations have upon their successors is expressed in Talmud and various Midrashim. The Talmud⁷ records that God showed Moses the halachic details and novella of the Soferim and the Midrash⁸ states that it was revealed to Moses that which Torah scholars would in the future come up with. Why would all these masses of details be shown to Moses, and what is their significance? The answer is that the Talmud and Midrash were not referring to every new novel idea of every single Torah scholar, rather what was referred to was those novella that would solidify certain halachic matters leaving no room for further creativity and change. The example that the Talmud provides, which fits the requirements of a newly created halacha set to stand firm and continue through following generations, is the reading of the Megillah. The creation of this type of law is another model of formulation and development of Halacha, where Halacha formed by creative innovation becomes the bedrock for future generations.

The Unique Legislative Qualities of the Tribe of Levi and Yehudah

Both the tribes of Yehudah and Levi, representing the monarchy and the priesthood respectively, are characterized as legal decisors, however their roles in the general process of generating Halacha differs greatly. The unique quality of Levi is the ability to rule according to the moment, dealing with the elements that are in front of their eyes; according to the dictum of our sages that a halachic

7 *Megillah* 19b: 'ואמר רבי חייא בר אבא אמר רבי יוחנן מאי דכתיב ועליהם ככל הדברים אשר דבר ה' עמכם בהר מלמד שהראהו הקדוש ברוך הוא למשה דקדוקי תורה ודקדוקי סופרים ומה שהסופרים עתידין לחדש ומאי ניהו מקרא מגילה

8 *Kobellet Rabbah* 1, 29: אמר ר' יהושע בן לוי עליהם ועליהם כל ככל דברים הדברים המצוה כל המצוה ללמדך שמקרא ומשנה הלכות תוספתות והגדות ומה שתלמיד ותיק עתיד להורות כבר היה וניתן הלכה למשה מסי

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decisor should only rule based upon what their eyes see.⁹ Then with divine assistance they were able to generate the correct law; however their rulings would not be established for all future generations. It is this quality of instruction which is alluded to by Moshe in his blessing of Levi when he says “You will instruct the ordinances to Yaakov”.¹⁰ On the other hand the tribe of Yehudah was different; their unique ability was in the form of finding proofs and resolutions for legal difficulties through their intellectual investigation, until the point where the rulings would arrive in clear-cut form without any room for further doubt to arise. This characteristic also finds reference in a biblical source where the defining features of Yehudah is described as *mechokeik*, as it says in the verse, “the scepter shall not depart from Yehudah, nor a scholar (*mechokeik*) from among his descendants”.¹¹ The aptitude for probing in depth and excavating the source of wisdom and drawing out and refining the law is yet another element of *mechokeik*, which is embodied within Yehudah.

The characteristics of Yehudah and Levi do not cease with their existence, rather they continue within their offspring. This is strikingly apparent in the form of Betzalel and the Leviim. The construction of the *Mishkan* is inextricably linked with the learning of Torah, as our sages say; the making of the Aron causes the merit of Torah.¹² It should therefore be no surprise that the one who designed the Aron and the Mishkan with a divine inspired spirit and understanding, allowing for a new plain of experience with G-d was Betzalel from the tribe of Yehudah. Furthermore, after its inception, those who were responsible for maintaining the *Mishkan* and its

9 *Bava Batra* 131a, *Sanhedrin* 6b & *Nidah* 20b

10 *Devarim* 33, 10

11 *Bereishit* 49, 10. Rav Hirsch does not translate *mechokeik* as scholar, but rather the stylus the scholar uses for inscribing the law.

12 *Shemos Rabbah* 34, 2: א"ר יהודה ב"ר שלום א"ל הקב"ה יבאו הכל ויעסקו בארון כדי שיזכו כולם לתורה

contents, ensuring its existence and the constancy and continuity of the tradition, were the tribe of Levi.

Otniel ben Kenaz

Another prime example of a descendant of the tribe of Yehudah who displayed the characteristic qualities of delving the depths of wisdom and bringing to light the refined law, was Otniel ben Kenaz. The Talmud¹³ relates that during the mourning period for Moshe Rabbeinu masses of Halachot were forgotten - seventeen hundred in all! Rabbi Abahu continues that despite the fact that they were “lost”, Otniel ben Kenaz from Yehudah reinstated them with his *pilpul*. Through his *pilpul* he determined that the outcome he arrived at was the Halacha that was given. The fact that forgotten Halachot can be regained by intellectual investigation and analysis testifies to the strength and the significance of this method. One must question, however, the status of these Halachot in relation to the Halachot that were originally given: whether they have the same legal standing and whether it is something new or rather a discovery of the original, or whether fragments were actually lost despite the renewal.

Shaul HaMelech and David HaMelech

The Talmud¹⁴ differentiates between the influence of the Torah of Shaul HaMelech and David HaMelech. Shaul HaMelech did not institute halachot for future generations since he did not reveal his reasons for his halachic decisions, rather he ruled based upon his evaluation of the material presented to him. The outcome was that the rulings were suited for that specific time based upon those particular variables and were not intended for future application.

13 Temurah 16a: במתניתין תנא אלף ושבע מאות קלין וחמורין וגזירות שוות ודקדוקי סופרים נשתכחו בימי אבלו של משה אמר רבי אבהו אעפ"כ החזירן עתניאל בן קנז מתוך פלפולו

14 Eruvin 53a: דוד גלי מסכתא שאול לא גלי מסכתא דוד דגלי מסכתא

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David, who was from Yehudah, worked out halachot in a manner characteristic of that approach, through investigation, discussion and debate, revealing the reasons and processes. As a result he merited that his decisions became entrenched within the corpus of legislature.

Shlomo HaMelech

The emergence of Shlomo HaMelech heralded a new era within the halachic process. Whereas the style of David HaMelech was, as we have mentioned, through discourse, investigation and debate, it was only upon those matters which were not clarified and established by the earlier generations. That which was established through consensus was not elucidated or explained. Shlomo HaMelech was of a different nature. It was not sufficient to merely uncover that which was not yet revealed, rather everything had to be understood, and therefore everything had to be uncovered and explained. In terms of practical application of Halacha it is necessary to follow the path of David HaMelech, however regarding the pursuit of knowledge and wisdom of the Word of God, which Torah is, it is essential to pursue the way of Shlomo HaMelech. Besides being a true sage, Shlomo HaMelech was an expert on the traditions and legal rulings of the previous generation, and it was with these armaments that he went out to battle in the war of Torah. Understanding the path with which the earlier sages came to conclude upon these laws was the primary aim of the wisest man who ever lived. This mission is perhaps best expressed in the dictum of our sages of blessed memory, “one should learn, then return and contemplate it”.¹⁵

15 *Shabbat* 63a: “דליגמר איניש והדר ליסבר”

Kohanim, Leviim and Yoshiyahu HaMelech

After the era of Shlomo HaMelech, during the time of the *Beit Hamikdash*, the legislative bodies were the Kohanim and Leviim, who, as we have explained, relied upon the heavenly light shining forth from the Holy Ark to guide the path of Torah. Their way was one of divine intuition and guidance, channeled through emissaries of light such as the Cohen Gadol. This is how the process continued until the reign of Yoshiyahu HaMelech. Yoshiyahu saw that the nation of Israel was soon to be exiled to a foreign land, unfamiliar with Torah. Furthermore, he understood that the inspiration required for the process of halachah came with divine assistance through the medium of the Holy Ark (Aron Hakodesh) and if the people were to be without the Holy Ark in the Holy of Holies, they would be without the necessary means to provide legal instruction. It was with this in mind that we are told in *Yoma*¹⁶ that Yoshiyahu HaMelech, in his great wisdom, commanded that the Holy Ark should be hidden. This was an essential step towards opening the path for creativity and investigation within Torah, and away from dependence upon divine inspiration in legal instruction. The decentralization of legal process allowed for the increase in the warriors of Torah, prepared for battle in a wilderness alien to Torah. In the footsteps of his grandfather came Yoachim and the members of the Great Assembly and instituted the instruction to “be discerning in judgment, establish many students and create a fence for the Torah”¹⁷, as a direct impetus to increase the creativity and investigation in Torah thought. This *pilpul* of Torah increased amongst the ranks of Israel, however it did not reach its full height and the nation of Israel were exiled from their land.

16 *Yoma* 53b, and see also *Yerushalmi Sotah* 7, 4.

17 *Pirkei Avot* 1: 1

The Babylonian Exile

The caution of Yoshiyahu had to be firmly upheld during their stay in Bavel. Their mission was to understand Torah and to rule based on their understanding and intellectual investigation, in a manner similar to that exhibited by Shlomo HaMelech. As they were in exile, the merit of the land of Israel was no longer providing them the merit to understand the law with little investigation. This relationship between Israel and Torah is verified in the Tannaic statement “there is no love like the love of Torah and no wisdom like the wisdom of the land of Israel”.¹⁸

R. Yirmiyah describes the method of learning in Bavel to the verse, “He has placed me in darkness”.¹⁹ The meaning of this verse and its relation to Bavel is to be understood that Bavel is a place void of the light of Torah, and only through the great torch of Torah encapsulated in the Babylonian Talmud can those depths of darkness be illuminated. The didactic style of the Babylonian Talmud compels one to search out and bring to the fore the depths of the Tannaic statements of the Mishna. Elaborate constructions of legal interpretation are raised and brought down, in contrast to the decisive, clear cut style of the Talmud Yerushalmi. Within this vein of thought we find similar depictions of the Babylonian style of learning. Rabbi Yochanan tells us that the reason for the name Bavel is because it describes its very nature, “mixed up in scripture, mishna and gemarah”.²⁰ Rabbi Yochanan is certainly not denigrating the Babylonian way; rather he is providing an insight to the Babylonian style, a style which the Kohellet Rabbah suggests is analogous to two people finding their way through a palace with many rooms and chambers, one with a candle and one without. Naturally the one who has a candle will be able to find his way through the palace swiftly

18 *Avot de-Rabbi Nattan*, Ch. 28

19 *Eicha* 3, 6: במחשכים הושיבני כמתי עולם

20 *Sanhedrin* 24a מאי בבל אמר רבי יוחנן בלולה במקרא בלולה במשנה בלולה בתלמוד במחשכים הושיבני כמתי עולם אמר רבי ירמיה זה תלמודה של בבל

and with ease. However, as a consequence of his experience, he will be no more the wiser regarding the configuration of the palace. The other, who has no candle, is forced to exert a greater amount of effort examining the various chambers and corridors and at times will err in his direction, until eventually he arrives at the opening. The outcome of a journey filled with contemplation and exertion of energy will undoubtedly give a clearer, more intimate understanding and knowledge of the ways of the palace. Whilst the Torah of the land of Israel may be analogous to one with a candle who is able to instantly attain a clear understanding, it is the toil and labor of the Babylonian style that will bring greater understanding and illumination of the path of Torah.

Ezra

When Ezra returned from Bavel to Israel, the need for *pilpul* dissipated, for they were once again privy to the inspiration and clarity of the land of Israel and the *Urim* and *Tumim* of the Cohen Gadol. The reliance upon the Cohen Gadol and the lack of intellectual activity resulted in a weakening of the skills and methods of investigation and analysis of Torah law. Furthermore, when the spiritual stature of the Jewish nation dropped to an extreme low during the second temple period and the Cohen Gadol was no longer fitting to receive divine inspiration, and thus their means of accessing Torah disappeared, the Torah almost vanished too. The period of *Dat* had ended and the methods of *Aish* were unavailable. The embers of Torah were rekindled by Hillel, who ascended from Bavel and reestablished the mantle of Torah which continued in the succeeding generations. They followed the path of Hillel and the creative methods of Bavel until the seven rules were instituted.²¹ This resulted in the clarification of many legal doubts and disputes from earlier times until their era, and ultimately this style lead to a

²¹ *Succah* 20a & *Tosefta Sanhedrin* 7, 5

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paradigm change with the compilation and canonization of the Mishna by Rabbi Yehuda HaNassi. Despite the fact that Hillel established seven rules with which the Torah was to be expounded, the path of Torah of the land of Israel was maintained as distinct from the Babylonian path of Torah, as they both blazed trails of establishing clear cut legal rulings and the constant sculpting of legal processes respectively.

The Sages of Israel and the Sages of Bavel

The relationship between the Sages of Israel and the Sages of Bavel was one in which each relied upon the other's strengths. The Babylonian sages recognized the shortcomings of their methods of inquiry, which although they did bring clarity to otherwise cloudy areas of law, they did not match the clarity of the legal rulings of the Sages of Israel received by unbroken transmission. On the other hand, the Sages of Israel recognized the limitations of their inheritance. Within areas where no tradition had been maintained, the only course of action was to utilize the methods of their Babylonian counterparts who were expert at bringing light to darkness. The Talmud acknowledges the value of both of these paths of Torah as it states that one sage of Israel that goes to Bavel is considered like two Babylonian sages²² and elsewhere states that one sage of Bavel that goes to Israel is equal to two Jerusalem sages.²³

The Babylonian Talmud and the Gaonim

The completion of the Babylonian Talmud created a magnificent palace filled with chambers of knowledge awaiting investigation and exploration. A template of the Babylonian style was produced, which encapsulated the creative process of reaching halachic decision and

²² *Menachot* 42a

²³ *Ketubot* 75a

interpretation. The Gaonim were very accustomed to the pathways of the Talmud and its rulings, and as such became reliant upon its clear presentation of statutes. Coupled with decrees of annihilation and persecution, they were not able to establish an extensive and strong chain of transmission in the form of students or literature and thus the creative flame of Torah lessened.

The French Scholars

Following the relative lull of the “fire” of Torah during the Gaonic period, the path of Torah was set to be subject to the methods of inquiry and investigation in order to sharpen the sword of Torah and to increase its splendor. The path led towards France, a land which had not experienced the direct transmission of the tradition. The task of the French scholars was to find an entrance to the “palace” through inquiry, investigation and exploration.

The Talmud in *Shabbat*²⁴ describes the nature of the development of halachic rulings by our Sages as a famine and the subsequent thirst and hunger for food, or in the analogy, the word of God. The Sages tell us that in the future the Torah will be forgotten, as it says in the verse “Behold the days are coming...and I will send a famine in the land, not a hunger of bread, nor a thirst for water, rather to hear the word of God”. The famine is equivalent to the state which was experienced in the period of Yoshiyahu HaMelech, as well as during the times of Hillel with his seven rules. The famine is the over reliance upon set law and statute, *Dat*, which leads to a dulling of the flame of Torah. The flame of Torah increases when there is a hunger and thirst to reveal its infinite wisdom, yet this can only be achieved

24 *Shabbat* 138b: תנו רבנן כשנכנסו רבותינו לחרם ביבנה אמרו עתידה תורה שתשתכח מישראל שנאמר הנה ימים באים נאם ה' אלהים והשלחתי רעב בארץ לא רעב ללחם ולא צמא למים כי אם לשמוע את דברי ה' וכתוב ונעו מים עד ים ומצפון ועד מזרח ישוטטו לבקש את דבר ה' ולא ימצאו דבר ה' זו 'הלכה דבר ה' זה הקץ דבר ה' זו נבואה ומאי ישוטטו לבקש את דבר ה'

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when there is a famine looming, threatening the levels of comfort and satiation of the populace. This was evident in the era immediately following Yoshiyahu HaMelech, as was previously mentioned, and the appearance of the seven principles of Hillel and the Mishna, which was followed with the tireless efforts of the Amoraim and their interpretation of the Mishna. The cyclical pattern now demanded that the dark ages of the Gaonic era be illuminated by the creative spark of the French scholars.

The Distinction between the Later Generations and the Earlier Generations

Shlomo HaMelech, with his prophetic insight, cautions the future generations not to mock the inheritance of the early sages who received their portion in Torah predominantly through a chain of transmission, rather than with wisdom alone.²⁵ He states that greater is Torah and instruction of its ways as was received by the earlier generations than the renewal of the laws through intellectual investigation. Nevertheless, the possession of both aspects is certainly superior, as was exhibited by Shlomo HaMelech.

The Rishonim and their Relationship with the Gaonim

In the same manner that the Sages of Israel and Bavel valued and respected each other's style, so too the Baalei HaTosafot recognized the superiority of the Gaonim and the strength of their received tradition. Nevertheless, the Baalei HaTosafot were accustomed to utilizing tools of investigation to uncover the law and as a result they were not as determined to pore over every detail of the Gaonic rulings. They relied upon their wisdom and intellectual alacrity to aid them in reaching the truth of the tradition as was encapsulated in the

²⁵ *Kobellet* 7, 10-12:

Talmud. Inconsistencies in Gaonic rulings were pushed aside for their interpretation of the law.²⁶

The Ramban, however, gave of himself and toiled to resolve the works of the Gaonim. Nevertheless, when he found inconsistency and ambiguity in the words of the Gaonim, his own legal interpretation and ruling would override theirs.

With the emergence of the Rambam, the world of Torah witnessed a return to the path of the previous generation. The tradition of the Gaonim and their transcripts were handed over by his teachers, his father Rabbi Maimon, and the Ri' Migash. He sifted through their works word for word in order to understand the tradition of his predecessors with accuracy and precision and to resolve any ambiguity. In the same manner that the knowledge of an accepted law (by tradition) will cause the sages of the Talmud to lean towards rulings of Baraitot on certain fine points over the ruling of the Mishna, so too can we say that the Rambam follows the tradition of the words of a certain Gaon even when it seems to contradict the main works of Achai Gaon, *Baal Halachot Gedolot*, and Rabbeinu Alfasi. Thus the way of the Rambam was to re-link the tradition of the Gaonim and their clear cut legal rulings to his current day, and it is perhaps no surprise that his works are renowned for their clarity and simplicity.

The French Scholars had no direct link with the tradition, and so utilized their skills of *Aish*. The Rambam had the tradition of the Gaonim and therefore labored to reestablish *Dat*. In whose footsteps would the later generations follow?

26 'קדמת העמק, אות טו 26: See here regarding the rulings of Rabbeinu Tam over Rav Hai Gaon.

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The Acharonim

Whilst the Acharonim did focus on the works of the Rambam in an attempt to understand the variances between the Rambam and the commentaries of Rashi and the Baalei Tosafot, they did not however place their attention on the works of the Gaonim. The lack of a comprehensive study of Gaonic literature can be attributed to the fact that their primary focus was the investigation and interpretation of the abundant works of the Rishonim, leaving them with little time to explore the Gaonim. Furthermore, as the printing press had not yet become widespread, copies of the texts were limited, which resulted in the increased study of literature that was available, the works of the Rishonim.

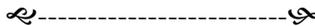
Using the above outline of the development of the oral tradition as a backdrop, the Netziv provides his justification for focusing on the works of the Gaonim and not focusing primarily on the works of the early Acharonim and Rishonim. Perhaps serving as a link in the chain of the pure tradition, or perhaps drawn by the beauty and luminance of experiencing the source of wisdom of the earlier sages.

Conclusion

We have traced the development of halacha and have identified two fundamental components characterized as *Aish* and *Dat*. *Aish* refers to the fiery, creative aspect of Torah which finds expression in *pilpul* and *chakirah*, the thorough intellectual investigation, exploration, analysis, discussion and debate, innovating new pathways of halacha without complete dependency upon transmitted halacha. *Dat* is the clear-cut style of arriving at legal decisions, which does not strive to innovate Halachot, rather it relies heavily upon the transmission of Halacha and the tradition. This approach looks towards the previous generations as the source for the formulation of their halachic decisions. *Aish* and *Dat* have an interactive dynamic where the existence of one precipitates the onset of the other. This was

apparent with the loss of Halachot and the clear instruction after the death of Moshe Rabbeinu and the consequent renewal of the Halachot through the *pilpul* of Otniel ben Kenaz. Thereafter the oscillation between *Aish* and *Dat* continues with Betzalel and the Leviim, Shaul HaMelech and David HaMelech, the Babylonian sages and the Sages of Israel, the Babylonian Talmud and the Jerusalem Talmud, the Gaonim and the Rishonim (predominantly the French scholars), and the Acharonim. Both of these methods are vital for the continuity of the legal process, constantly demanding that neither one of these methods are forgotten and thus ensuring its preservation.

The approach of the Netziv treads a delicate path between validating the creative ingredient of formulating Halacha on the one hand, and justifying the need to explore and discover the accurate transmission of the previous generations on the other. Perhaps it is this path that history has shown us to be the most desirable, as is evident in the approach of Shlomo HaMelech. Perhaps, it is indicative of a Torah which was presented as *AishDat*, a combination of the two forces that demands the individual to emulate this balance of investigating a personal and subjective as well as a “divine” and objective halachic reality.



Rambam's Theory of Divine Attributes

By Rabbi Meir Triebitz

I. The Problem

The First Division of Rambam's *Guide for the Perplexed* culminates in a treatise spanning twenty chapters (I. §50-69) which, taken together, set forth the negative theology that will underpin his famous attack against Kalam philosophy concluding that First Division. In that treatise Rambam makes his equally famous radical claim that the Jewish commandment of Divine unity (and incorporeality) forbids any positive description of God whatsoever; God can be described by no positive statement of any kind. And with this radical assertion Rambam seeks explicitly to reject not only the Christian notion of the Trinity but with it the contemporary Islamic 'theory of attributes' expounded by the Muslim Kalam. While the intention of the latter is to propose a notion of Divine attribution reconcilable with their strict monotheism, in contradistinction to what was for them the clearly paganistic doctrine of the Christian Trinity, Rambam nevertheless denies any such distinction and rejects both theories on the same grounds. "[T]rue Oneness" consists in rejecting any possible

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“composition whatever [...] to be found in Him” and any “possibility of division in any way whatever,” so that attribution upon Him would be tantamount to corporeality: “[J]ust as it is impossible that He should be a body, it is also impossible that He should possess an ‘essential attribute’” (I.§50; Munk 57a / Pines 111).¹ Attribution is, in short, in His case always our error.

Such a principle is plain enough. But so too are the grounds for its continual violation. For since language does not always serve faithfully to represent religious doctrine, but rather allows us to “hold[...] beliefs to which [...] [we] do not attach any meaning whatever,” we are ever liable to fall into the folly of drawing false distinctions not correspondent with any underlying true beliefs, “as if we aimed at and investigated what we should say and not what we should believe” (ibid. 56b-57a), as when the fool seeks only to mouth correct beliefs without genuine knowledge of what is spoken about. Thus “[i]f [...] someone believes that [God] is one, but possesses a certain number of essential attributes, he says in his words that He is one, but believes Him in his thought to be many.” This indeed is the error of the Kalam philosophers, who while motivated to distinguish their own thought from Christian theology, wander onto the path of the very error they seek to repudiate, that error being “what the Christians say: namely, that He is one but also three, and that the three are one.” God’s Unity properly understood obviates any theory of attributes, including that proposed by the Islamic philosophers, whose would-be improvement over the Christian Trinity is only cosmetic: an alteration of theological language but not of underlying theological doctrine.

¹ All translations herein unless otherwise noted are those of Shlomo Pines (Ed. and trans., *Guide of the Perplexed*; Chicago: U of Chicago P, 1963). Citations are, first, to Book and Section number (which are the Rambam’s own), followed by the folio leaf and side of S. Munk’s Arabic manuscript (Paris, 1856-66) as notated in Pines’s edition, followed last by Pines’s own English pagination.

The bulk of this twenty-chapter treatise (specifically, its first eighteen, §50-67) leaves the reader with an elaborated demonstration why it is impossible to assign any positive attribute to God, why all what may be legitimately described of God is either what He is not, or—and this is crucial²—in what some *act* of His consists. Only via such descriptions do we describe merely the creation or some aspect of it without overstepping ourselves and pretending to describe the Creator Himself—the latter amounting, of course, to (false) attribution, which in the case of God has been categorically ruled out. So it comes as something of a shock when, in the final two chapters (§68-69), Rambam explicitly describes God’s essence with attributes, specifically by attributing to Him *intellect*, *will* and *wisdom*, and *life*.

Concerning the first of these, Rambam defines “the intellect **which is His essence**” as “[t]he act of apprehension owing to which He is said to be an intellectually cognizing subject” (§68, 87b/165; emphasis added). So it would seem that God *thinks* (an act) because He *has an intellect* (an attribute). Concerning the second two, namely “His will and wisdom,” which, again, “**are identical with His essence**,” to them attributes Rambam “the order of all ends” (§69, 90b/170; emphasis added):

[...]He [...] is the ultimate end of everything[...]. This [...] is the meaning of His will, which is His essence. In virtue of this it is said of Him that He is the end of all ends[...]. For this reason the philosophers designated Him as a cause and not only as a maker.

Attribution to God (now as causatively relating to the world) is, in other words, justified from some essential feature of God Himself (that He wills). And this superposition of worldly attributes onto the

² For more on the nuances of the Rambam’s negative theology as well as its relation to prophecy, the reader is referred to this author’s “Rambam’s Theory of Negative Theology: Divine Creation and Human Interpretation” in the inaugural issue of these pages (v1:1, March 2008: 9-28).

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Divine Essence is pushed still further when, immediately preceding (ibid. 90a/169), we call Him 'alive':

God has [...] with reference to the world, the status of a form with regard to a thing possessing a form, in virtue of which it is that which it is: a thing the true reality and essence of which are established by that form[...]. Because of this notion, God is called in our language the 'Living of the worlds' meaning that He is the life of the world, as shall be made clear.

It seems that the prospect of describing God's life sends us directly into the realm of positive analogy with the world, if not into expressed positive description as worldly. One has to wonder what relevance or sense remains to the crucial point of Rambam's first eighteen chapters forbidding any divine attribution by the time we have, in the final two chapters, elucidated God's very essence as *thinking, living, wise, and willful*, undermining, it would seem, one of the fundamental tenets and central themes of the *Guide*.

Put briefly: *Why may we, following the Rambam, attribute to God's essence these attributes (of intellect, wisdom, will, and life) without contravening belief in God's unity as demanded by the Torah?* Which is to ask: *How does Rambam mean to escape his own charges against the Islamic philosophers that have fallen prey to meaningless linguistic dogma at the expense of rationally founded belief?* Or still, put most generally: *How can the theology of the Guide hope to collapse the Muslim Kalamist project into the failures of Christian theology while itself remaining philosophically distinct of that project?*

II. A Rejected Answer: Rav Saadiah on the Christian Trinity

The theory of attributes was a relatively late development in Islamic thought. According to some³ it was probably imported as a

³ See, for example, H. A. Wolfson, "The Muslim Attributes and the Christian Trinity," *Harvard Theological Review*, v49/n1 (January 1956): 1-18.

consequence of Christian-Muslim dialogue, wherein even the staunchest Islamic apologists defending against any Trinitarian conceptions were forced to concede that the Creator must necessarily possess some certain attributes, such as wisdom, power, or knowledge, even while His incorporeality precludes any independent description of His essence without undermining His unity. A stalwart monotheist is thus forced to the conclusion that God's essence is *identical with* His wisdom, His life, and His power and thus too to the concession that God is properly describable by *essential* attributes we may understand as properly his own such as these—i.e., not attributes that He has but attributes He Himself Is. Indeed, it is precisely in contradistinction to Christian theological error that Rav Saadiah Gaon, in his *Book of Beliefs and Opinions*, enunciates this conclusion two and a half centuries prior to the Rambam's *Guide*:

[L]et me say that [...] the Christians erred when they assumed the existence of distinction in God's personality which led them to make of Him a Trinity and to deviate from the orthodox belief [...]. [They] maintain that they adopted their belief in the Trinity as a result of rational speculation and subtle understanding and that it was thus that they arrived at these three attributes and adhered to them. Declaring that only a thing that is living and omniscient is capable of creating, they recognized God's vitality and omniscience as two things distinct from His essence, with the result that these became for them the Trinity.⁴

The argument for a 'theory of attributes' is very compelling: If one admits that God can be described as 'living,' 'knowing,' or 'willing,' why should God's 'life,' 'knowledge' or 'will' be any less real than His existence? On the other hand, an attribute which is separate or other from Himself would necessitate corporeality or some disunity within

⁴ *The Book of Beliefs and Opinions [Emunot ve-Deot]*, trans. Rosenblatt (New Haven, CT: Yale UP, 1989): 103-104.

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Him. The only apparent solution is to posit attributes, such as those listed above, which are “at one with His existence,” i.e., essential.

The distinction between this approach and that of Christianity can be explained in the following way: Christianity posits that these attributes are themselves separate personae, a viewpoint is fundamentally paganistic or polytheistic. Islam, by denoting them ‘attributes’ and not separate personae, seems to do away with the objection of paganism. Rav Saadiah counters, however, that so long as “one attribute is not identical with the other,” God necessarily becomes corporeal. Thus, the only way to understand the matter is to maintain that all His attributes are in fact one, however indescribable may be that essential unity. We maintain them as one, even as in speech we multiply them, just as the fire-worshipper “who says that he does not worship the fire but the thing that burns and gives light and rises upward, which is in reality nothing else than fire.”

Rav Saadiah's argument against this Islamic view, however, is that so long as “one attribute is not identical with the other,” God necessarily becomes a corporeal being. He claims that the only way to understand the matter is to maintain that all these attributes are in fact one. It is possible to think of them as one, even though it is impossible for a human being to combine these attributes as one in speech. Yet this does not pose a serious problem. Rav Saadiah cites an analogy of “him who says that he does not worship the fire but the thing that burns and gives light and rises upward, which is in reality nothing else than fire”.

It is clear that Rambam did not find Rav Saadiah's theological rejoinder compelling. While in the chapters that concern us here—those final, problematic chapters cited above (§68-69)—Rambam identifies God's essence with His will, His existence, His life, and His wisdom, there is no attempt to unite and identify those four attributes. On the contrary, the attributes of will and wisdom are explicated in worldly terms; their being given worldly meaning undermines such a notion of implicit unity as Rav Saadiah would

want to suggest. In the final analysis, it would appear that not only is Rambam advocating a theory of attributes that directly contradicts his own theology as laid forth in the prior chapters (*Guide* §50-67) but also a theory that contravenes the defense of such a theory Rav Saadiah could offer. The need for a resolution thus becomes more pressing, as it would seem that Rambam is indeed putting forth a theory of attributes in the very tradition of those Islamic thinkers he manifestly would want to condemn as re-cosmetized Christians. Our aforementioned contradiction stands, and stands indeed against an even wider opposition than we initially supposed.

III. A Resolution

Contradictions in the *Guide* should not be dismissed as mere lapses by the author. On the contrary, they are Rambam's vehicle for teaching to his more astute and intelligent readership. This, in fact, is his primary addressee, as he declares plainly at the outset of his work: "I am he who prefers to address that single [virtuous] man by himself," to which end he will readily sacrifice contenting an audience of "ten thousand ignoramuses" (I. Introduction, 9b/16). In a famous passage of that Introduction Rambam very explicitly maintains that contradictions the reader finds in the *Guide* exist to a purpose and are of two types (11b/20): Either they arise "from the necessity of teaching and making someone understand" an "obscure matter that is difficult to conceive"—in which case the explanation that "is easy to conceive" will precede the more difficult, more exacting explanation, laying forth "that obscure matter [...] in exact terms and explain[ing] as it truly is" (10a/17-18)—or, alternatively, arise "in speaking about very obscure matters," so obscure that the speaker need "conceal some parts and [...] disclose others" (10b/18; emphasis added):

Sometimes in the case of certain dicta this necessity requires that the discussion proceed on the basis of a certain premise,

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whereas in another place necessity requires that the discussion proceed on the basis of another premise contradicting the first one. **In such cases the vulgar must in no way be aware of the contradiction; the author accordingly uses some device to conceal it by all means.**

Put very briefly: The first contradiction occurs as a kind of stepwise pedagogical tool, while the second seeks surreptitiously to teach to a heterogeneous audience of mavens and novices, the sophisticate and the vulgar.

I want to assert that our contradiction here regarding negative theology is of the second type.⁵ Rambam's exposition of negative theology is too difficult and involved for us to assume that he is just making the matter "easy to conceive" in the manner of the first type of contradiction. In all likelihood Rambam was of the opinion that his negative theology was too subtle for most readers, and the contradiction by which he here elucidates it reflects a tension both essential and essentially irresolvable: Although the prohibition against paganism requires foremost that we forgo any positive attributes for God and thereby avoid anthropomorphism, we nonetheless need ways of speaking about God and about His acts—indeed, about such things as "His Wisdom and Will" (quoted above)—and that we be able to do so in ways we can relate to—that is to say, anthropomorphically. As a result, an authentic Jewish theology must validate this ever irresolvable, ever relevant tension, at once irreducible and dichotomous, by walking a course that averts us from paganism on one hand while on the other providing us a way we can speak about and relate to God—a course, in short, between polytheism and atheism. Such a theology requires, almost as its

⁵ "First" and "second" are termed here for our purposes only. In the Rambam's Introduction they actually correspond, respectively, to the *fifth* and *seventh* of the types of contradiction listed there.

natural literary device, paradox and contradiction to elucidate this dialectical tension.

This method of exposition by paradox is evidenced most elegantly in Rambam's interpretation of the dialogue between Moshe and God (Shemos 33), the underlying subject of which is according to him most fittingly the fundamental principles of Jewish negative theology (*Guide* 64b/124). Moshe entreats two requests of God: "Show me now Your ways, that I may know You..." (v13) and "Show me, I pray You, Your Glory" (v18). Initially God does not respond to the first but only later concedes after categorically denying Moshe the second: "You cannot see My face" (v20), but "I will make all My Goodness pass before You" (v19). The initial reticence followed by later acquiescence expresses the potential danger of the first request, and only by being denied the second is Moshe granted it. It is as if to suggest that *both* requests—or, we'll suggest, both *questions*—are really forbidden—or, to say the same here, *unanswerable*—but that for lack of any clear alternative and out of necessity, we receive a grant of the lesser only once we have been explicitly barred from the greater, that we may thereby come to recognize the essential impossibility of either request being granted—and the a priori provisionality of any such answer to either question. Man's relationship to God is illustrated by two questions, where the one answer *can only come at all* upon the complete forsaking of the other. Within the Biblical dialogue between God and Moshe resides a fundamental paradox illustrative of and explicated by the dichotomy of Rambam's negative theology: Man may predicate certain attributes to God only once such predication has been already set apart from ordinary predication as always ultimately in vain.

This method of exposition by paradox is not confined to the nuances of negative theology; we see it arising again throughout the *Guide*. Perhaps the most notable example is the difficulty of reconciling the Torah presumption of an incorporeal Creator *ex nihilo* with His

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eternity.⁶ As a consequence, while Rambam's discussion of creation begins by asserting that the opinion of Torat Moshe is that the world was created by God *ex nihilo*, by the time that discussion concludes eighteen chapters later (II. §30),⁷ he makes the subtle point, casually dropped as if merely incidental, that one of the terms referring to creation in the Torah (*qinyan, qeil qoneh*) itself “tends toward the road of the belief in [...] eternity” (71b/358). To the astute ear honed to his method of paradoxical exposition, the underlying thrust is clear: He begins with the assertion he believes to be obvious and most fundamental—namely, *creatio ex nihilo*—after which, following long diversions, he introduces the contrary premise—*creatio continua aeterna*—by which time the less aware, less initiated reader will likely not notice the subtle discrepancy and the controversial nuance therein entailed: that creation *ex nihilo* is not creation in time, *chiddush nifla*.

And so it is in the case at hand. That the Torah rejects any theory of attributes is a premise most obvious and fundamental, subsumed within the repudiation of paganism upon which Torat Moshe is founded and against which it even defines itself. After a long discussion which emphasizes and reemphasizes this point, thereby wearing out all but Rambam's most alert reader, only then can he bring up a contrary premise for his selected and intended audience, that he might convey to them a more nuanced theology involving conceptions, e.g., of divine will, divine wisdom, and divine life.

⁶ For an extended examination of this contradiction in the Guide and its relation to prophecy and intellectual self-perfection, the reader is referred to this author's “Rambam's Theory of Negative Theology: Divine Creation and Human Interpretation” (Op. cit. above n.2).

⁷ For an extended examination of this contradiction in the Guide and its relation to prophecy and intellectually self-perfection, the reader is referred to this author's “Rambam's Theory of Negative Theology: Divine Creation and Human Interpretation Guide for the Perplexed on Creation” previously appearing in these pages (Reshimu v1/n2, September 2008: 131 Op. cit. above n.2).

IV. Conclusions

We have asserted thus far that Rambam’s negative theology is not as monolithic as it is radical, but rather that it rests on a fundamental dichotomy that demands a dialectical, self-contradictory exposition, and that his theology requires this dichotomy precisely in order that the nuances therein not come at the expense of the radicality of its basic premises—in other words, in order that the simple understanding of the vulgar reader not be compromised for the sake of a more nuanced but more accurate truth aimed at the lone sophisticates within Rambam’s audience. That we may allay skepticism of this assertion—which, we grant, must remain conjectural—it behoves us to examine more closely the concluding chapters of Rambam’s treatise (namely, the aforementioned *Guide* I. §50-69) in light of it. Therein (§68-69), so we’ve claimed, positive divine attributions ostensibly violate his initial premise of divine inattributability, among them *intellect* and *will*. It is those we shall re-examine now.

Regarding God’s intellect we have from Rambam’s *Mishneh Torah* the fundamental “philosophers” principle that God, being absolutely unitary, is uniquely characterized by being with regard to His act of knowledge at once identically the knower, the known, and the knowing itself—in the words of the *Guide*, “the intellect as well as the intellectually cognizing subject and the intellectually cognized object” (§68, 86b/163).⁸ Presumably this identity would not only distinguish God from man but uniquely characterize Him; indeed, in the *Mishneh Torah* it ostensibly serves as the culmination of the negative theology briefly summarized therein—a negative essential attribute of sorts. Yet Rambam closes the same chapter of the *Guide* with what is a very

⁸ Cf. *Sefer haMada’*: *Hilbot Yesodei haTorah* 2:10

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surprising point, the more so in the context of that very chapter (88a/165-66):

[T]he numerical unity of the intellect, the intellectually cognizing subject, and the intellectually cognized object does not hold good with reference to the Creator only, but also with reference to every intellect. [...]n us too, the intellectually cognizing subject, the intellect, and the intellectually cognized object are one and the same thing[...].

Man and God both, it seems, intellectualize similarly; man actualizes his intellect in time, while God, Himself a purely active intellect, is always actuating what man only actuates at certain given moments. Let us be clear: Not only is Rambam concluding the chapter with an implicit contradiction, but he implicitly contradicts his “fundamental principle” by explicitly analogizing God to man, contradicting thereby his entire negative theology most blatantly. Of course, explanation is in order (ibid. 166):

[...] His Essence is the intellectually cognizing subject, the intellectually cognized object, and the intellect, as is also necessarily the case with regard to every intellect in action. We have repeated this notion several times in this chapter because the minds of men are very much strangers to this way of representing the thing to oneself. I did not consider that you might confuse intellectual representation with imagination and with the reception of an image of a sense object by the imaginative faculty, as this Treatise [the *Guide*] has been composed only for the benefit of those who have philosophized and have acquired knowledge of what has become clear with reference to the soul and all its faculties.

The last of the three sentences above, it would seem, aims at addressing the contradiction. (And given our understanding of the Rambam's method of surreptitious instruction to the lone maven beyond the attention of the vulgar many, we should not be surprised

that he addresses the contradiction quite briefly and without emphasis.) The answer he offers, however unprecedented, is itself clear enough and even intuitive:

Intellect is unique among our faculties, yet such uniqueness is often compromised by the minds of most men (or, in this case, most readers) who are apt to analogize the intellect to one of their other mental faculties, such as imagination or sensation. With respect to acts of those more corporeal faculties, any anthropomorphic analogy applied to God will necessarily violate His incorporeality. But in the case of intellect, being essentially and uniquely incorporeal, one can describe God and man in similar ways without violating the principles of negative theology. This, of course, should be obvious for that reader whom Rambam has chiefly in mind, “that single [virtuous] man” referenced in his Introduction, which is to say here someone “who has philosophized and acquired knowledge of what has become clear with reference to the soul and all its faculties.” Such a reader will rightly conclude that while we speak of God ‘having’ intellect only at the gravest doctrinal peril, nevertheless we can arrive at some sound understanding of God as Himself Intellectual only because we ourselves by virtue of our own intellection are most essentially *imago Dei* (Heb. *tzelem Elokim*). Yet this point will remain simply beyond any reader who, though his intellect be directly accessible to him, has yet failed to grasp that his intellection is incommensurable with any other faculty; for him, only God’s incommensurability with man is to be grasped, and only it may be taught.

A similar point is made with regard to God’s will in the final chapter (I.§69). As the creature who performs God’s will, man possesses a will which itself thus participates in the divine Will. (And as with ‘intellect’ above, so with ‘will’ here:) As man’s will partakes of God’s, so then is God’s will obviously analogous to man’s. What the “meaning of [that Divine] Will” is, we are cryptically informed—and, again, almost in passing!—“shall be made clear” subsequently, a

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promise not fulfilled until the very last chapter of the *Guide* (III.§54),⁹ where we finally come to learn that the purpose of man is morally to imitate God and in such imitation reach the highest level of perfection. And what is it in God that man is to imitate? Well, what is “not something other than His essence”—being, ultimately, “His Will and Wisdom,” which constitute “the ultimate end of everything” (90b/170). In short, man by acting like God imitates His will, partaking thereby in some most essential attribute of divinity that is itself closed, actually and doctrinally, from humanity at large.

So in the final analysis we see that Rambam, despite all initial apparent protestations to the contrary, indeed does subscribe to a theory of attributes. We maintain, however, those protestations to be sincere; his was a radically different theory of attributes from that of his Islamic counterparts. For whereas Islamic philosophers understood the attributes to be part of God, or even, à la Rav Saadiah Gaon, essentially identical with God, Rambam understood them as ultimately reflecting true conditions of man's existence, specifically the essential divinity of man's intellectual faculty and man's inherent potential for service to God in *imitatio Dei*. God's attributes, it seems, define man's ability to relate intellectually and morally to God and His creation. And in light of this equation, Rambam's admonition at the beginning of this treatise on negative theology not to be satisfied just with expressions of speech but to represent them in the mind takes on new meaning (I.§50, 56b-57b/111-12); in true Biblical stylistic fashion, it is itself not just an admonition but a sanctioning command to man that he realize those intellectual and moral potentialities granted him by, and reflective of, his Creator.



⁹ See Michael Schwarz' note to his Hebrew edition (*Moreh ha-Nevukhim* [Tel Aviv: Tel Aviv UP, 2002], ed., 180n30).

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Rabbi David Sedley

God has no Physical Body

One of the most basic and fundamental beliefs of Judaism is that there is one God, and that He has no physical form. The Chazon Ish, for example, says that even a pagan who worships idols, but believes that the physical idol is only a representation of a spiritual force, is not considered an idolater, but rather a heretic.¹ In other words, it is the belief in a corporeal god which distinguishes idolatry from error. Certainly we cannot imagine Judaism espousing belief in any kind of physical god.

Rambam writes in *Hilchot Teshuva* (3:7), “Five categories of people are called heretics. . . . Someone who says that there is One God but that He is physical and has form.”

Yet we also recognize that there are many statements in the Rabbinical writings, and many verses in scripture that imply, or state explicitly that God has a physical body. Even the most well known phrase “God spoke to Moshe, saying. . .” implies that God has some form of mouth, and that He moves and changes with time – all of which imply physical attributes.

Therefore Raavad in his glosses attacks Rambam’s claim that a person

¹ *Chazon Ish al ha-Rambam Hilchot Teshuva* 3:7

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who believes the literal meaning of the text should be considered a heretic. He writes, “Why does he call this person a heretic? Many greater and better people than he followed this line of thought, based on what they saw in the Biblical verses, and even more so in what they saw in the words of aggada which confuse the intellect (*de’ot*).” Nevertheless, it seems clear that Raavad does not consider belief in a physical God the correct, normative belief.

Though it seems hard for us to understand, the issue of whether or not God had a physical form was a much debated controversial issue in the Middle Ages. Ramban writes in a letter to the Jews of Northern France²:

Our French Rabbis – we are their students and we drink from their waters - ... in all the land of France, its Rabbis and ministers, agreed to excommunicate someone who reads the *Guide for the Perplexed* and *Sefer Ha-Mada*.... He [Rambam] was like someone forced and with no choice to build the book as a refuge from the Greek philosophers, to get away from Aristotle and Galen... It is permitted for those close to the rulers to learn Greek wisdom, to understand the skills of the doctors, to take each measure, to know the forms, and the other forms of knowledge... when we lost the books of our sages, when we lost our land, and they were forced to learn them from the books of the Greeks or other nations, the hearts strayed after heresy... I also heard that you objected to *Sefer Ha-Mada* because he says that there is no form or shape [to the One] Above.³

In the words of Encyclopedia Judaica:

² All translations are by the author, unless otherwise stated

³ *Igeret Ha-Ramban 2* in *Kitvei Ramban* Chavell edition (1963) vol. 1 p. 338 Ramban belonged to a tradition of kabbalists who had an entirely different approach to the nature of God and his interaction with the world. Unfortunately an investigation of this approach is outside the scope of this essay.

The violence of Maimonides' polemic against anthropomorphic beliefs and doctrines suggests that these were fairly widespread and that a great many people were affected by the aggadot. The influence of Maimonides, however, was both powerful and lasting. Even against the vehement opposition of more conservative thinkers of his day, his Guide determined what was to become the Orthodox concept of God within Judaism for a long time. There is evidence (Jedaiah ha-Penini of the 13th century, Moses Alashkar of the 15th) to show that it was the writings of Maimonides which finally did away with all anthropomorphic notions among Jews.⁴

Rambam himself in his *Igeret Techiat ha-Meitim*⁵ writes that he “met a man who was considered a wise man amongst the Jews, and he certainly knew the ways of give-and-take in the learning of Torah... Yet he was uncertain whether God is physical, having an eye, a hand, a foot or intestines as it states in the verses or whether He is not physical. Others that I met in certain lands held with certainty that He has a physical body, and considered someone who believed the opposite as a heretic.... They understood many of the derashot literally. And I heard this also about some that I haven't seen.”⁶

Rambam also writes in his letter to Pisa (p. 40a), “Guard your soul well from the words of the majority of the French authors from Provence... who make God impure through their language, when they mention the Creator, blessed is He, constantly in all their books, using terminology which gives physical form to the Creator, blessed is He, how great and terrible are the words of the deniers, who to them.”⁷

While it is true that many verses in the Torah imply that God has a body, the contemporary understanding is that such expressions are

4 vol. 3 p. 55

5 p. 8a in *Igrot Ha-Rambam*

6 cited in *Torah Shleima* Yitro p. 297

7 cited in *Torah Shleima* ibid.

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metaphors for God's actions or creations. Targum Onkelos always explains the meaning as referring to one of God's attributes or some other non-physical concept. As Rambam writes in *Moreh Nevuchim* 1:27:

Onkelos the convert was an expert in Hebrew and Aramaic. He set as his goal the removal of [any belief in] physicality [of God]. For this reason he explained any description described by the Torah which may lead to [a belief in] physicality [metaphorically] based on the context. Thus, for example, when he translates words indicating motion he explains them as referring to the revelation of a created light [rather than as referring to God Himself].⁸

Another early Jewish source who explicitly denies any physical form to God is the Jewish-Greek philosopher Philo. In the words of Harry Austryn Wolfson in his book *Philo*:

One general rule laid down by Philo is that no anthropomorphic expression about God is to be taken literally. As proof text for this general rule he quotes the verse "God is not as man" (Bamidbar 23:19) which is taken by him to contain the general principle that God is not to be likened to anything perceptible by the senses.⁹

He also writes that, "The principle of the unity of God furthermore means to him the simplicity of God, which, as we shall see, is understood by him to imply not only the incorporeality of God but also the unknowability and indescribability..."¹⁰

However, Onkelos (and Philo) were in the minority in their explicit claim that God has no physical form. According to Meir Bar-Ilan "the only book attributed to rabbis of the Talmud period (circa 1-6

⁸ See, however, Ramban's commentary on Bereishis 46:1 where he cites this statement of Rambam and challenges his position. However, ultimately he too agrees that the descriptions of God as having physical attributes are not literal.

⁹ p. 116

¹⁰ p.172

centuries), where God has no body is the Aramaic translation attributed to Onkelos. As is quite known there are many cases in that Targum (and in others as well), where the translator refrained from a literal translation, especially when the Hebrew text speaks of an anthropomorphic God.”¹¹ The next historical text that states that God has no body is Rav Saadiah Gaon in his *Emunot ve-De'ot*. His is the earliest ‘mainstream’ book of Jewish philosophy, and in it he states clearly that God does not have any physical body. He writes:

When I came to deal with the subject of the Creator, I found that people rejected this whole inquiry... others again go so far as to picture Him as a body; others, while not explicitly describing him as a body, assign to Him quantity or quality or space or time, or similar things, and by looking for these qualities they do in fact assign to Him a body, since these attributes belong only to a body. the purpose of my introductory remarks is to remove their false ideas, to take a load from their minds, and to point out that the extreme subtleness which we have assigned to the nature of the Creator is, so to speak, its own warrant, and the fact that in our reasoning we find the notion of God to be more abstract than other knowledge shows that reasoning to be correct.... As to those who wish us to imagine God as a body, they should wake up from their illusions. Is not the conception of the body the first stage arrived at in our pursuit of knowledge?¹²

There are those who agree that God has no physical body, but reject Rambam’s claim that such an opinion is a heretical one. For example, the author of *Ohr Zaruah* in his commentary to Sanhedrin 90a argues like the Raavad, that a person should not be considered a heretic for

11 ‘The Hand of God A chapter in Rabbinic Anthropomorphism’ Meir Bar-Ilan <http://faculty.biu.ac.il/~barilm/handofgd.html>

12 Rav Saadiah Gaon *Book of Doctrines and Beliefs* translated Alexander Altmann in *Three Jewish Philosophers* Atheneum, New York 1969. p. 78

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their innocent false beliefs. But he also states explicitly that God cannot have a body:

Rabbeinu Moshe [ben Maimon] wrote in chapter 3 of *Hilchot Teshuva* that five [categories of] people are called heretics. His words are outside the opinion of the Talmud. Even though logic dictates, and the simple reading of the Tanach, that God has no physical body or form, as the verse states, “To whom can you compare God, and what image can you describe for him?” (Yishaya 40:18)... And this is also known by all wise people. But someone who errs and doesn’t descend to the depths of the matter, and understands the verses literally, and holds that God has an image is not called a heretic. If that were true why did the Torah not publicize this fact [that God has no body], and why did the Sages of the Talmud not make it known explicitly?... Rather it must be the case that they were not stringent about this. Rather a person should believe in God’s unity according to his intellect... As Moshe Rabbeinu said, “Hear O Israel, the Lord is our God, the Lord is One.” Hearing in this context means accepting based on received tradition... And the Sages of the Mishna and the Talmud did not involve themselves with this, but accepted it as a tradition and with faith. They didn’t teach to investigate the matter... There were many of the holy Sages of the Talmud, from whom comes the Torah, who didn’t set their hearts to contemplate the nature of God, but simply accepted the verses according to their simple meaning, and based on this naiveté they thought that God has a body and an image. Heaven forbid that we should call such people heretics.¹³

While it is possible to understand why a person who believes in the

13 *Sanbedrei Gedolah le-Masechet Sanbedrin* (Jerusalem, 1972), volume 5, section 2, p. 116-118

literal meaning of the verses is not considered a heretic (as the Raavad and Ohr Zaruah state), it is difficult for us to imagine an alternative to Rambam's basic position that God has no body. How can someone logically believe that God has a body? Doesn't that limit Him and His influence on the physical world? At best it seems a very simplistic philosophical position to take, lacking the sophistication which Rambam ascribes to monotheism. If so, how can Raavad describe people who hold that God has a body as being even greater than Rambam?

Ktav Tamim

The only medieval Jewish work extant today which directly attacks Rambam for his view that God has no body is *Ktav Tamim* written by Rabbi Moshe ben Chasdai Taku. This work was written primarily to challenge Rav Saadiah Gaon's views on God's physicality. He also attacks Rambam's comments in *Sefer Ha-Mada* for the same reason (it appears that Moshe Taku did not ever see the *Guide for the Perplexed*. If he had, presumably, he would have attacked that too¹⁴).

We don't have very much biographical or historical information about him, but Urbach writes that:

Rabbi Avraham bar Utile quotes sections from *Ktav Tamim* in his book *Arugat Ha-Bosem*, and refers to Rav Moshe Taku as being no longer alive. That book was written in (or near to) 1234, and it seems likely that Rav Moshe Taku died only shortly before that time.¹⁵

14 Kirchhiem and Blumenfeld, introduction to *Ktav Tamim*

15 E. E. Urbach *Baalei HaTosafot; Tolodotam, Chibureihem, Shitatam* (1954) p. 425

R. Kirchhiem and I. Blumenfeld in their introduction to the edition of *Ktav Tamim* (in *Otzar Nechmad* 3 (1860) 54-99) write that E. E. Urbach in *Tarbitz*, 10 (1938/39), 47-50

Demonstrates that the author of *Ktav Tamim* lived in the middle of the 13th century. Even though according to some authors (e.g. Tikuchinsky 1910 p. 70) was not the same as Rav Moshe ben Chasdai who

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Even though today he is not well known, Moshe Taku was well known by his contemporaries. He was considered one of the *Baalei Tosafot*, and is mentioned by several of the medieval authorities. For example Ramban writes, “The great sage, Rabbi Moshe ben Chasdai of Polgia – he should live a long and healthy life”.¹⁶ The Ohr Zaruah¹⁷ mentions him, as does the Rema¹⁸.

R. Kirchhiem and I. Blumenfeld explain that, “The writings of Rav Moshe Taku were well known and cited widely by his contemporaries, but were lost to later generations, and almost completely forgotten. The book *Ktav Tamim* was lost and forgotten about until it was rediscovered in Ms. Paris H711. The beginning and end are missing, and the name of the book and the name of the author are missing. However the same criticism of *Shir haYichud* which is cited by *Shut Harama* 123 in his name appears in it.”¹⁹

We no longer have the entirety of this book *Ktav Tamim* - only a couple of sections survive²⁰. We don't know what the intended nature of the work as a whole was, but the remaining section that we have is primarily a polemic. The author renounces any kind of inquiry into ‘what is above’, whether philosophical or mystical, like those works of Rav Yehuda HaChasid and the like. He is against “those who want

lived slightly earlier (in the generation of the Ohr Zaruah and R' Simcha Shapira – he must have died in the first half of the 13th century), Urbach proves from a manuscript of Arugat HaBosem found in Rome, where he states explicitly “HaRav Moshe bar Chasdai wrote in *Ktav Tamim*”. He was almost a contemporary, and thus must be considered a reliable source.

16 Ramban's Commentary on *Gittin* 7b

17 *Ohr Zarua haKatan* 13; 125

18 *Torat HaOlah* (p. 147)

19 R. Kirchhiem and I. Blumenfeld in their introduction to the edition of *Ktav Tamim* (in *Otzar Nechmad* 3 (1860) 54-99)

20 “Only one fragment of *Ktav Tamim* has survived, the end of the second part of the work and the beginning of the third. Quotations from the book are also found in Ashkenazi literature of the 13th century.” *Encyclopedia Judaica* vol. 15 p. 737

to be wise from within themselves and try to put their words into ‘*maaseh Bereishit*.’” This seems to be referring to the manuscripts of Rabbi Elazar of Worms.²¹

At first glance it seems clear that Rav Moshe Taku believes that God has a physical body. Furthermore, he holds that denying that God has a body is a heretical view, since there are many explicit verses and statements of the Talmudic Rabbis that say that God has a body. Kirchhiem and Blumenfeld describe him as being “from the group of *magsheimim*, [those who attribute physicality to God] and thus attacked Rambam for denying God’s physicality. Because he was only a master of halacha, and not a deep rationalist, all of his proofs of God’s physicality are taken from aggadot and the stranger statements in the Talmud and midrashim”²²

Because God is infinite, He can do whatever He wants. To deny the possibility that God can appear in physical form is to limit God’s omnipotence. Because God is unknowable, we can never understand why God does such things. However, according to Rabbi Taku, the words of the Torah and the Rabbis must be understood literally, and to deny that God can have physical form, or to interpret every mention of physicality as allegorical, is to pervert and deny the Torah.

Rav Moshe Taku begins his attack on both Rav Saadiah and Rambam by claiming that they veer from the literal truth of the verses of scripture. They do so in order to avoid any allusion to God having physical form. Rav Taku cites their opinion and attacks it:

He [Rav Saadiah] writes in his book (section 2): Everything is a metaphor, for the Creator has no physicality. He has no speech, no walking or movement. He feels no pain, nor happiness... He writes that when the [Tanach] says, “The hat

21 E. E. Urbach *Baalei HaTosafot; Tolodotam, Chibureihem, Shitatam* p. 423

22 p. 55

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of salvation is on His head”, “the eyes of the Eternal, your God”, “You cried in the ears of the Eternal”, “The mouth of God”, “God will shine His face”, “The hand of God”, “God said to His heart”, “Bow to His footstool”, these are all metaphorical expressions, similar to when it says “the heavens speak of the Glory of God”...²³

He continues his attack on Rav Saadiah

He [Rav Saadiah] writes (*maamar* 2), “A verse does not lose its simple meaning unless the simple meaning contradicts something that is testified to by the intellect, such as “For the Lord, your God, is a devouring fire” which cannot be understood in its simple meaning, since [fire is] physical, and the evidence of the wise men testifies that God does not have a [physical] body.” This contradicts explicit verses and the commentaries of our Rabbis...²⁴

Then he launches into an attack on Rambam:

The books of Rabbi Moshe bar Maimon follow in a similar way... “Since God is not physical or corporeal it is clear that none of the physical things could happen to him, not combination nor separation, not talking, nor speech like a human speaks. All the things that are written in the Torah and the prophets are all analogies and metaphors.” (*Yesodei Ha-Torah* 1:5).²⁵

Rav Moshe Taku tells us what the correct Jewish belief should be – that since God is omnipotent He can choose to appear to His creations in physical form when necessary:

Now we will return to the opinion of the Torah and the opinion of our Rabbis, and we will establish the honor of the

23 p. 64

24 p. 72

25 p. 65-66

Creator, blessed is His Name, in the mouth of all creations in His holiness and His greatness and we will remove the stumbling block from our minds. For the Living God – His greatness cannot be measured, nor His powers. We cannot compare Him to any image, and we, who are fetid drops, cannot think about His nature. When it is His will to show Himself to the angels, He shows Himself standing straight, as much as they are able to accept. Sometimes He shows them a strange light without any form, and they know that the Divine Presence is there. He has movement, which can be derived from the fact that His fetid creations have movement. He created the air which provides life to the creations and created the place of the world. If this world would not continually have new air, any creature that entered into it would not be able to live. When He created the air He brought it to life from the dead state that it was in before. He is the Living God, and His Will is for life, and He created within the air a world that can give birth to creations according to what He decreed for each species. He created the upper worlds with strange creatures so that they can recognize a part of His greatness, and He created man in the lower worlds, who is also similar to the upper creatures, and gave him Torah in order that he be able to recognize through the Torah the greatness of the Creator. He furthermore made known to them the acts of the chariot and the acts of creation. But without the wisdom of the Torah, it is impossible for any person to recognize the greatness of the Holy One, blessed is He, through intellect.²⁶

He continues by claiming that any mention of God as physical in scripture or rabbinic sources is to be understood as referring to God Himself, and not to any created ‘form’. He rejects the approaches of those commentaries who explain these references to physicality as

²⁶ *Ktav Tamim* p. 79-80

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being descriptions of some intermediary force which is created by God.

A wise person will understand that according to the reasoning and intellect of those ‘outside’ viewpoints that we mentioned above, one must deny the statement of the Rabbis (*Bereishit Rabba* 88) that: “I will be faithful for them’ - for three thousand years before the creation of the world God created the Torah and was looking in it and learning it.” According to their words that there is no movement or motion and no speech all the words of the Torah and of our Rabbis must be analogies and metaphors. Heaven forbid that anyone with a soul within his body should believe in what they say, to lessen the honor of our Creator, and to deny the greatness of what our Rabbis have told us! They have also written, “Does He sit on an exalted and high throne? Originally was it possible for Him without a throne and now He need a throne? Furthermore anyone who sits on a throne has the throne surrounding him, and we can’t say such a thing about the Creator, about Whom it says that He fills the heavens and the earth.” These are [their] words of blasphemy, that He doesn’t need the throne! They have forgotten... what the Men of the Great Assembly established in our prayers, “To God who sits ... on the seventh day He ascended and sat on His throne of glory...” We see that He created the world and sat on the throne of glory, and not that He created other forms and sat them on the throne. Such a form was never created and these are words of blasphemy.²⁷

Furthermore he writes, “we have been able to escape from the reasoning of those who say that God created forms through which to speak with His creations. That tradition (reasoning that the voice with which God speaks to prophets is itself a creation) remains with

²⁷ p. 85

the Karaites and heretics.”²⁸

The Real Basis for Disagreement

If we delve a bit deeper we find that Rav Moshe Taku’s primary objection to Rav Saadiah Gaon’s *Emunot ve-Deot* is not about whether or not God has a body, but is rather directed against his reliance on secular wisdom and his rationalist approach. He writes:

My complaint against *Sefer Emunot* is that he comes using *chochma chitzonit* (external wisdom – philosophy) and increases sins by leading the people from complete fear of God and [causing them to] think about things, until they no longer know [the foundations] upon which they are standing. He strengthens the hands of those astrologers who have impure thoughts in their hearts against the Talmud of our Rabbis, which is a complete Torah, and he strengthens their idle chatter.²⁹

An apparent rabbinic basis for the anti-rationalist approach of Rav Moshe Taku is the mishna in *Chagiga*, which expressly limits the possible and/or permitted areas of logical thought:

Anyone who looks into four areas [of rational thought] – it would be better that he had never come into the world; what is above, what is below, what came before and what came after. And anyone who does not have concern for the honor of his Creator – it would be better if he had never come into the world.³⁰

The *Tosefta* is even more explicit regarding this prohibition:

From the day that God created Adam on the earth you [are permitted to] expound, but you are not [permitted to]

28 p. 80

29 p. 64

30 *Chagiga* 11b

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expound upon what is above, what is below, what has been and what will be.³¹

From these sources it would appear that claims about the nature of God, or the nature of the world beyond the physical, or the interaction between God and the world, are forbidden. Furthermore to try to understand God using limited human reason shows lack of concern for the honor of the creator – it would be better for a person who does so never to have been born.

In other words, Rav Moshe Taku doesn't have to present a rational explanation of how God can take on physical form yet still be a complete unity. The fact that it cannot be explained rationally is irrelevant, since according to him the only source of knowledge about God and the world is the Torah, whether written or oral.

Rav Moshe Taku speaks this out explicitly:

Our Rabbis did not try to explain the nature of [the heavenly bodies], because they didn't want to lie about the actions of God, things that they don't know... Not like Rav Moshe ben Maimon and Ibn Ezra who say that there are ten heavens... their words are despicable... Someone who believes in [the Torah] will deny this [statements of the philosophers]... We should not think what God was like before there was a world, and the nature of God cannot be known by even an angel or a seraph, and His place is unknowable... but we know that He is the Master of everything, and His Divine Presence is in the heights of Heaven... Our Rabbis did not try to explain the nature of [the heavenly bodies], because they didn't want to lie about the actions of God, things that they don't know... Not like Rav Moshe ben Maimon and Ibn Ezra who say that there are ten heavens... their words are despicable... Someone who believes in [the Torah] will deny this [statements of the

³¹ *Tosefta Chagiga* 2:4

philosophers].³²

Furthermore, Rav Moshe Taku accuses Rav Saadiah of straying from normative, traditional Judaism. He says that any understanding of scripture that is non-literal is outside the bounds of Jewish belief:

Until the time of Rav Saadiah nobody would make a new meaning in the simple meaning of the Torah, the Prophets, the Ketuvim or the words of our Rabbis which are trustworthy and remain standing forever³³

Rav Saadiah and Rambam, on the other hand, claim that the primary source of knowledge is human reason. They have as a basis for their position from the statement in the Talmud, “Why do I need a verse? We can derive it from reason” (*lama li kera? sevava hee!*)³⁴ Where there is an apparent conflict between reason and Torah they explain the Torah metaphorically or allegorically in order to maintain the primacy of reason.

For example, Rav Saadiah writes:

We affirm then that there exist three sources of knowledge: (1) the knowledge given by sense perception; (2) the knowledge given by reason; (3) inferential knowledge... We have found many people who reject these three Roots of Knowledge... But we, the Congregation of the Believers in the Unity of God, accept the truth of all the three sources of knowledge, and we add a fourth source, which we derive from the three preceding ones, and which has become a Root of Knowledge for us, namely, the truth of reliable Tradition.

32 p. 82-84

33 p. 68

34 *Bava Kamma* 46b, *Ketuvot* 22a. While this principle doesn't necessarily force the acceptance of the primacy of logic, it strongly implies it. Notwithstanding this, even those who do not agree with Rambam (e.g. Tosafot – see below) accept this as a localized principle for derivation of halacha (see for example Tosafot on *Kiddushin* 31a).

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For it is based on the knowledge of sense perception and the knowledge of Reason, as we shall explain.³⁵... As to the knowledge of Reason, we hold that every conception formed in our mind (Reason) which is free from defects is undoubtedly true knowledge, provided we know how to reason, complete the act of reasoning and guard against illusions and dreams.³⁶

He explicitly rejects the approach of Rav Moshe Taku (or those who espoused such views at the time of Rav Saadiah), calling it an ignorant approach.

It may be objected: ‘How can we undertake to pursue knowledge by means of speculation and inquiry with the object of attaining mathematical certainty seeing that our people reject this manner of speculation as leading to unbelief and the adoption of heretical views?’ Our answer is that only the ignorant speak thus... Another objection is that the greatest of the Sages of Israel prohibited this, and particularly the speculation on the origin of Time and Space, when they declared, ‘Anyone who looks into four areas [of rational thought] – it would be better that he had never come into the world; what is above, what is below, what came before and what came after.’ Our answer is this: it cannot be thought that the Sages should have wished to prohibit us from rational inquiry seeing that our Creator has commanded us to engage in such inquiry in addition to accepting the reliable Tradition. Thus He said, “Know you not? Hear you not? Hath it not been told you from the beginning? Have ye not understood the foundation of the earth?” (Yishaya 40:21).... The reader of this book should know that we inquire and speculate in matters of our religion for two

35 Rav Saadiah Gaon *Book of Doctrines and Beliefs* translated Alexander Altmann in *Three Jewish Philosophers* Atheneum, New York 1969. p. 36

36 p. 37

reasons: (1) in order that we may find out for ourselves what we know in the way of imparted knowledge from the Prophets of God; (2) in order that we may be able to refute those who attack us on matters connected with our religion. For our Lord (be He blessed and exalted) instructed us in everything which we require in the way of religion, through the intermediacy of the Prophets after having established for us the truth of prophecy by signs and miracles. He commanded us to believe these matters and to keep them. He also informed us that by speculation and inquiry we shall attain to certainty on every point in accordance with the Truth revealed through the words of His Messenger. In this way we speculate and search in order that we may make our own what our Lord has taught us by way of instruction.³⁷

Rambam in several places explains the primacy of logic and reason over tradition and scripture. He writes:

Acceptance of beliefs based upon communal authority does not entail that one must doubt the capacity of reason to establish truth. The tradition will always agree with reason when the problem is within the domain in which reason is completely competent, e.g. In demonstrating that God is non-corporeal. Demonstrative arguments are never susceptible to refutation by claims based upon authority.³⁸

Rambam only follows the plain meaning of scripture or of Rabbinic statements when they are in accord with his philosophical principles, or when there is no clear proof of a philosophical position.

What I myself desire to make clear is that the world's being created in time, according to the opinion of our Law – an opinion that I have already explained – is not impossible and

37 p. 43-44

38 *Guide* I:28 p. 60.

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that all those philosophical proofs from which it seems that the matter is different from what we have stated, all those arguments have a certain point through which they may be invalidated and the inference drawn from them against us shown to be incorrect. Now inasmuch as this is true in my opinion and inasmuch as this question – I mean to say that of the eternity of the world or its creation in time – becomes an opine question, it should in my opinion be accepted without proof because of prophecy, which explains things to which it is not in the power of speculation to accede.³⁹

In all cases where either scripture or the statements of the Rabbis seem to contradict philosophy he interprets those verses or statements allegorically. Hartman summarizes Rambam's view of the relationship between science and religion:

In his introduction to *Chelek*, Maimonides does not distinguish between the logical status of those principles of Judaism which can be established by reason and those which rest on the authority of tradition. However, Maimonides must account for the acceptance of principles grounded in the authority of tradition if he is to maintain that *Aggada* be included within a universal framework of truth. In the *Guide of the Perplexed* Maimonides does clarify the situation by offering definite criteria which justify one's acceptance of beliefs based on the authority of tradition. Simply stated, Maimonides claims that appeals to authority are justified when it can be shown that demonstrative reason is not able to offer certainty... Truths based upon demonstrative certainty, however, can never be contradicted by an appeal to

³⁹ *Guide* II:16 (p. 293-4). See also *Guide* II:25 where Ramban explains his belief in the creation *ex nihilo* as opposed to the eternity of the universe not because of verses or tradition, but only because scientific, logical evidence is not definitive. Being that there is no clear proof for one view over the other, Rambam reverts to the simple meaning of the verses and Rabbinic statements.

prophetic authority.⁴⁰

Even before Rambam, Rabbeinu Bachya ben Yosef ibn Paquda (1040-1080) in his book *Chovot Ha-Levavot* explicitly states the primacy of reason over all other methods of knowledge. For example, he claims that there is an obligation on anyone who is able to strive to understand the concept of the unity of God using logic and reason. He writes:

Anyone who is able to investigate this matter, and other similar logical matters, using intellect and reason, is obligated to do so according to his ability and strength of his knowledge... Someone who refrains from this intellectual inquiry is to be condemned, and considered like someone who is lacking in wisdom and action... The Torah has obligated us in this, as the verse states “know this day, and place it on your heart...” (Devarim 4:39)⁴¹

It turns out then, that the argument between Rambam (and those in his camp) about whether or not God has a body, is in fact an argument about whether the literal meaning of scripture and talmud is to be taken at face value when it seems to contradict logic and philosophy. Rambam, Rav Saadiah and Rabbeinu Bachya argue that any statement which contradicts logic must be understood allegorically. Conversely, one may, and must, use logic to try to understand the nature of God, which leads to a belief in His incorporeality. Rav Moshe Taku claims that logic is unreliable, and the only truth is that to be learned from the Torah. Therefore one can make no statements about God – for example, whether or not He has a body – which are based on philosophy. Since the Torah states that God has physical form, that is the only truth we can accept, even though it cannot be explained rationally. This is what the Raavad

40 Hartman, D. (1976) *Maimonides, Torah and Philosophical Quest* Jewish Publication Society of America pp 122-3

41 *Chovot Ha-Levavot* shaar 1 chapter 3

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means in his attack on Rambam, that many people believe that God has a body because they understand literally the verses of scripture and words of aggadata.

Consensus of Medieval Ashkenazi Authorities

The truth is that though most people nowadays would accept Rambam's position unquestioningly, a great number of medieval Ashkenazi authorities held either that logic was misleading and not to be trusted, or that it was too dangerous for most people, and therefore not to be studied. They were prepared to allow for the (possibly mistaken) belief that God has a physical form, rather than risk people using their logic or philosophy in a quest which may lead them to more dangerous things.⁴²

Even Rashi, the earliest and foremost of Ashkenazi authorities implies that God has a physical body. In his commentary to Shemot 14:31 he explains that any reference to God's hand means a literal hand⁴³. Another medieval authority, Rabbi Yishaya di-Trani also understands that Rashi believed that God can at times take physical form. He writes on the verse "For the curse of God is hanging" (Devarim 21:23).

Rashi explains that man is made in the image of God. But in

42 The truth is that Rambam also acknowledges that the Torah uses terminology which implies physicality of God because it needs to speak in language which is understandable to the masses. See *Guide* 1:46 where Rambam writes: "necessity required that all of them [the multitude] be given guidance to the belief in the existence of God... and in His possessing all the perfections... The minds of the multitude were accordingly guided to the belief that He exists by imagining that He is corporeal, and to the belief that He is living, by imagining that He is capable of motion." (p. 98)

43 Though this comment of Rashi's alone does not necessarily define his position on God's body, I have subsequently read an article by Rabbi Natan Slifkin "Was Rashi a Corporealist?" in which he demonstrates that Rashi may have held that God could take physical form.

<http://www.zootorah.com/controversy/Vol7Slifkinwithletter.pdf>

Bereishit on the verse “let us make man in Our image” Rashi explained that it was in the image prepared for him. Why did he not explain in the image of God literally? The answer is that certainly man is not made in the image of the Creator... The reason he explains here ‘in the image of God is that when God appears to people He takes on the form of a person. But the image of God is not known.⁴⁴

Rabbi Shlomo bar Avraham min HaHar⁴⁵ was one of the leaders of the campaign against Rambam, calling for a ban on the *Guide*. He wrote a letter to Rabbi Shmuel bar Yitzchak regarding the controversy which was raging about the works of the Rambam. His main argument is that the literal meaning of the Torah must be upheld. He claims that those who use philosophy arrive at conclusions which are against our tradition. In his letter he writes:

Regarding the arguments within our gates, and our zealousness for the sake of Torah of our Rock; We hear what some of the young and old people are saying. They announce new things that our ancestors never dreamed of, in order to destroy our tradition. They make analogies out of words of Torah and turn everything into metaphor and remove its meaning. For example the story of creation or the story of Kayin and Hevel, and the other stories of the Torah. We have heard publicly from the copyist who revealed all the things that the Rav (of blessed memory) used to hide about our Torah – that all the stories are metaphors and all the mitzvot which we do, and similar things like that. I heard them mocking the words of our Rabbis. When I heard these things I was shocked.... I fought with them many times, even though I am like a fool in their eyes.⁴⁶

Rabbeinu Tam, the founder and leader of the school of Tosafot, decries knowledge of philosophy because of the potential dangers

44 *Sefer Nimukei Chumash le-Rabbi Yishaya di-Trani*

45 Or Shlomo ben Avraham of Montpellier (first half of 13th century)

46 Cited in *Torah Shleima* Yitro p. 303

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that it poses. In *Sefer HaYasbar*, he writes:

There are kinds of knowledge that destroy faith, like external knowledge, heretical knowledge and knowledge of the philosophers. A servant of God has no purpose spending time on them, but should distance himself from them as much as possible. Before he would see any benefit from them he would lose his faith.... Even though the intention of philosophy is to know the unity of God, and once known to serve God, but the knowledge of the philosophers is like the ocean [and a person will never reach the end of the knowledge which would allow him to serve God].... A person who enters this field of knowledge cannot trust in himself that he will not lose his faith unless he has an expert and pious teacher who can teach him and protect him from those places that weaken faith. [Only] then can a person escape from the traps of philosophy and attain the benefit that he seeks. But if he reads books of philosophy by himself there is no doubt that his faith will be destroyed... therefore he must be very careful of it.⁴⁷

Opposition to learning philosophy because of the inherent dangers is a common theme amongst many of the Ashkenazi halachic deciders. For example in *Sanbedrei Gedolah le-Masechet Sanbedrin* we find:

That which Rabbeinu Moshe [ben Maimon] writes in chapter 1 of *Hilbot Yesodei HaTorah* that God has no body or movement is certainly true. However that which he wrote at the end of *Hilbot Teshuva* that a person should dedicate himself to understand and know the wisdoms which make the Creator known to him, and he repeated this idea in many places, these words are not from our Torah. The sages of the Torah warned not to explain the 'works of the chariot' or the

47 chapter 6 Kest-Lebovets edition p. 64-5

‘works of creation’ in public.⁴⁸

Similarly Rav Moshe Isserless writes in his glosses to Shulchan Aruch that “A person should learn nothing aside from scripture, mishna, Gemara and poskim who follow from them. In this way he will acquire this world and the world-to-come. But he should not learn any other kinds of wisdom. However, it is permitted to learn other wisdoms occasionally... and this is referred to by the sages as ‘walking in the orchard’.”⁴⁹

Modern Expressions of this Debate

This same dispute as to the relative value of secular knowledge, philosophy and science when it comes into direct contradiction with the plain meaning of Torah texts continues to the present day. It takes on slightly different forms from the time of Rav Saadiah or the Rambam – the pressing issues are no longer the nature of God or creation ex-nihilo. But modern conflicts between science and, in particular Genesis, are still debated in one of two ways. Either the Torah must be considered primary, in which case the scientific approach is ignored, refuted, or made to tow the line to the simple meaning of the texts, or science is given greater weight, and the Torah is reinterpreted to fit within current understandings of science.

A modern proponent of the latter view is Rav Gedaliah Nadel, who spends half of his book *Be-Torato shel Rav Gedaliah* reinterpreting Bereishis in light of modern scholarship, science, philosophy and archaeology. He explains:

Rambam writes that his book was not written for those who are involved solely in learning [Torah] but for those who also learn wisdom of knowledge of reality. They are able to differentiate between things that are necessary, things which are impossible, and things which might be. They find in the

48 (Jerusalem, 1972), volume 5, section 2, p. 116-118

49 Yoreh Deah 246:4

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Torah things which, if understood literally, are impossible according to reason. Therefore they are in great confusion... Should they reject intellect? That is not a satisfactory conclusion. Should they say that what is written in the Torah is not correct? This too is unacceptable.... The resolution that the Rambam offers is that there are things in the Torah that are not meant to be understood literally, but must be understood as metaphor and analogy.... The confusion that Rambam addresses... is regarding verses that imply physicality to God, which contradict philosophy which claims that God has no body. Nowadays we have already forgotten this issue. Rejecting God's physicality, which in those days was not so clear to all, no longer presents a problem nowadays. We have different issues. They are the [apparent] contradictions between the simple meaning of scripture and scientific knowledge.... The Torah doesn't teach us a profession.... It teaches us how to behave.... If the Torah teaches us that the world was created with ten utterances it is [in order to teach us]... look what a wonderful world was created and prepared for you, man, the final creation. Be careful not to destroy it... Now we will begin to learn the verses [and resolve these contradictions]⁵⁰

However, the traditional view of Rav Moshe Taku and the Ashkenazi commentators has become far more popular nowadays. One modern approach to invalidating a rationalist approach to questions of religion is to claim that anyone who reaches logical conclusions which differ from the literal meaning of the Torah is not seeking truth but is under the influence of their personal partiality. In other words, the claim is made that the Torah offers the only 'true' intellectual and

50 p. 79-82. It is interesting to note that this book was banned almost as soon as it was published, and attempts were made to discredit it and its author. This shows the depth of feeling on these issues, in much the same way that there were many who sought to ban the philosophical writings of Rambam in the middle ages.

rational approach, any alternative conclusions are not based on reason but on personal agendas, whether tacit or explicit. The first person to use this approach was the Alter of Slobodka in his book *Ohr HaTzafon*⁵¹. However this idea became well known and gained mainstream acceptance with the writings of Rav Dessler. He writes:

The question must be faced: how can we ever rely on our intellect to give us true conclusions in any matter? There is no alternative. We must admit that the intellect is powerless to produce reliable results in any moral problem... On what are your opinions based? On your intellect? As long as your regrettable qualities are still firmly entrenched, either more or less in the open, or hidden away in the depths of the heart, your intellect is worthless and its conclusions negligible. It may well be efficient enough to make mathematical calculations or to solve technical problems in which no personal or volitional element is involved. But where the problems are of a very different sort, where the solutions impinge on will and behavior, what possible claim can you have that we should take your conclusions seriously? Their final criterion is merely what “appeals to you,” and this we can recognize very well.⁵²

This view has now become accepted by a large segment of Orthodox Jewry. This approach, where accepted wisdom of the Torah is viewed as the real ‘truth’ and rational thought is treated as suspect is particularly widespread among those who are newly religious. Writing for that audience, Rabbi Akiva Tatz states:

There are two parts to the mind – an outer part, the *mabat ha-chitzoni*, the “outer view” or “outer eye”, and the inner part,

51 Vol. 2 parshat Toledot *koach hasbochad* on the words *ki tzayid be-fiv*.

52 *Strive for Truth* vol. 1 p. 170, 175. However, see Chazon Ish – *Emunah u-Bitachon* section 3 chapter 30 where he rejects the concept of partiality and claims that it undermines the entire halachic system.

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the *mabat ha-pnimi*, the “inner view” or “inner eye”. The “outer eye” is easy to define in words: it is that part of the mind which grasps the world through the five senses, and it includes the rational or logical faculty. It deals therefore with the finite, the measurable, the arithmetical, and the logical. Anything which this faculty can grasp can be expressed in words; can be tested and proved... The “inner eye”, the *da’at*... is intrinsic knowledge. It grasps things as they are and because they are, not because they can be measured or proved or expressed. In fact, the things which the *da’at* knows can never be expressed, proved or measured. They are never physical or finite.... This inner aspect of knowledge is you, the real you... A brief consideration shows that they [the things which *da’at* holds] are the most important in one’s inner life. Some of the components of *da’at* are: the knowledge of one’s own existence (this is the primary knowledge of *da’at*); the knowledge of the present; the knowledge of one’s own free will; the grasp that life has meaning; the grasp of intrinsic right and wrong; and ultimately... of a transcendent reality... the dilemma is obvious. How are all these areas to be examined, refined, and elevated in the mind if they cannot be proved or expressed? How can one ever begin to think about them logically? The answer is simple and staggering. Just as the external mind must be used to grasp those things which are accessible to it, so too the *da’at* itself must be used for its material. One must never attempt to use the one mode for the material of the other.... If proof is attempted, it collapses.⁵³

Knowledge of God has been placed firmly in the domain of “*da’at*” - that which is super rational and beyond logic or critique. It is that which is known despite (or because of) the fact that they cannot be demonstrated or proven. While Rambam and the others within the

53 *Living Inspired* p. 83-6

philosophical camp would argue that issues such as freewill, morality and God are to be understood using philosophical reason, Rabbi Tatz claims that they can only be known by “the real you”, the one that is beyond any argument or critique. Investigation of such matters must be delegated to the realm of intrinsic knowledge and self awareness. Our challenge is to rise above the world of logic and reason to arrive at Divine ‘truth’.

That is exactly our challenge; to rise above the purely finite, the mechanical, and to open wide the faculty of da’at, to being with the simple and profound awareness of “I am” and to strive towards sensing the higher Existence, towards knowing that Existence essentially, intrinsically.⁵⁴

He repeats this idea that reasoned knowledge is not a valid methodology for seeking God in a later book, *Letters to a Buddhist Jew*:

No knowledge, indeed no experience, is absolutely reliable... Even knowledge of the simple fact that you are awake has no demonstrable proof... We never reach absolute knowledge... All knowledge is imperfect, never absolute. Even our immediate experience is not absolutely reliable. One of the consequences or applications of this fact is that we always need to act at least somewhat beyond our proofs. There is always a gap’ there must always be *emuna* in commitment and action.⁵⁵

54 *Living Inspired*, Rabbi Akiva Tatz p. 90. It is not clear to me how one goes about acquiring such knowledge. It seems to be assumed. Though perhaps that is entirely the point – it can never be arrived at by reason, and therefore can never be demonstrated or proven to another.

55 p. 129. Rabbi Tatz makes the distinction between two types of knowledge, rational and received, later in the book (p. 141-5). He claims that reason and scientific inquiry are limited, and the only way to gain knowledge of the real nature of the world is through Torah study. In a passage which reaches conclusions remarkably similar to the ideas of Rav Moshe Taku he writes:

The two primary avenues of access to that knowledge [of God’s

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In a questions and answers session recorded and uploaded to the internet, Rav Aharon Schechter, Rosh Yeshiva of Chaim Berlin in New York describes the correct approach to apparent contradictions between science and Torah. His words are almost identical to those of Rav Moshe Taku. In answer to the question, “How does one reconcile the apparent contradictions between Chazal and science?” Rabbi Schechter bases himself on the verse “It is the glory of God to conceal a thing; but the glory of kings is to search out a matter” (Mishlei 25:2). He explains:

There is a Midrash (*Yalkut Shimoni Mishlei 25, remez 961*), “God saw all that He had made” (Bereishit). Rabbi Levi says in the name of Rabbi Chama bar Chanina, “From the beginning of the Chumash until “He completed “It is the glory of God to conceal a thing”. From here on “the glory of kings is to search out a matter” (Mishlei 25:2). There is that which is beyond our knowledge, which is not for us to delve into, and that is the creation... you don’t belong in that which is before you. You have a whole life’s work in that which is with you, not that which is before you... it’s not our assignment to know the creation... If you are a holy person, like Chazal, they have what to say, based on the secrets of

existence] are the Sinai revelation and its unbroken transmission throughout subsequent history, and logical enquiry based on objective examination of reality...

The second method of gaining higher knowledge is logical enquiry... An open examination of the Universe suggests that a higher intelligence has designed and constructed it. There are classic sources that present this approach and they should be studied. I am not going to examine the importance of even the cogency of this line of thinking now... Scientific enquiry can take you to the border of the physical world. At the border it becomes apparent that something lies beyond, but what that something is requires other tools to discover. Using science you can demonstrate to a compelling degree that there is a zone beyond science; but to enter that zone you need Torah. That is why our main avenue of access to the knowledge we seek is Torah study.

Torah. That is not my business... I don't know the secrets of the Torah, and I don't know anyone who knows the secrets of the Torah... The simple meaning of Chumash is for us Torat Moshe – Moshe is true and his Torah is true... You have a problem? Ok. It is not a problem I am obligated to address... I don't have to think about it. I am obligated not to think about it.⁵⁶

It is interesting to note that apart from this modern day version of Rav Moshe Taku's approach to the rejection of philosophical inquiry, the normative medieval Ashkenazi approach also has its modern parallels. Just as Rabbeinu Tam, Rema and others claimed that though it may be valuable, philosophical quests may be too dangerous for the masses, so too we find that the Chafetz Chaim refused to allow his son to learn Moreh Nevuchim, for fear that it may corrupt him. His son Aryeh Leib writes:

When I was young [my father] kept me away from involving myself with logic or philosophy. When he found out that I once bought myself a copy of Moreh Nevuchim he was very unhappy and he took it from me and hid it. After several years I found it by accident. He said to me once that if someone searches after proof it is a sign that he has thoughts of doubt – unless he is doing so to show to others who are confused and misled, like Rambam [did] in his time. One

56 <http://www.youtube.com/watch?v=TO01hVfDFjI>.

Compare this to *Ktav Tamim* p. 71:

It says in Bereishit Rabba: Who can contemplate the thunder of His strength? Rabbi Yehuda said, “[what is] this thunder? When He goes out no creature is able to know His handiwork or His actions.”... If you can't understand how thunder works, how much more so can you not understand how the world works! If someone says to you that they understand how the world works, say to him, “Who is man that he can come after the actions of the Supreme King of Kings, the Holy One, blessed is He. If rabbi Yehuda would see that people are trying to know [about the nature of] the existence of God he would spit on them!

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cannot bring a proof from Avraham, who sought and searched [for philosophical truth] as explained in the Midrash, because he was the first, and he didn't learn this from his father – quite the opposite.... But we are the children of our parents who accepted the Torah on Mount Sinai, in the presence of thousands of thousands of people, and they heard the voice of God, why should we waste time and begin again from the beginning [finding proofs of God].⁵⁷

There are those authors who would perhaps claim that they find a middle ground, though in fact for the most part they attempt a more 'scientific' version of bringing reason into line with Torah. In this group are authors such as Gerald Schroeder and Natan Aviezer, who try to make scientific knowledge fit into the simple meaning of the Torah. Though they show flexibility in their reading of the verses, they never reject the simple meaning in favor of scientific truth, but merely attempt to find ways of showing that there is no contradiction between the two.

Conclusion

In conclusion, though Rambam claims that a person who believes that God has a physical body is a heretic, he is really arguing for rational Judaism, which rejects a literal understanding of verses and Rabbinic statements when they come into conflict with philosophical 'truths'. Conversely, Rav Moshe Taku espouses the mainstream Ashkenazi view, held by the majority of his contemporaries, that the Torah is the only source of truth, and to make it subservient to logic is to undermine the entire basis of the religion and religious 'truths'. Contemporary Rabbinic leadership has, for the most part, accepted this latter view, and rejects any attempts to bring Torah into line with science, or other forms of 'external' knowledge.



57 *Sichot Chafetz Chaim* 'Dugma me-Darkei Avi Zatzal' 13

From Moshe to Moshe

By Rabbi Meir Triebitz

Prophecy of Moshe Rabbeinu

In his discussion of the seventh of his thirteen principles Rambam discusses the prophecy of Moshe Rabbeinu¹⁶⁹:

I would have preferred to elaborate upon this wonderful idea – to unlock the verses of the Torah and explicate the expression “mouth to mouth” (Bamidbar 12:8) as well as that entire verse and other verses like it. However I realized that these ideas are very subtle and require extensive elaborations, introductions and metaphors. All of this is in order to explain the existence of angels, their different levels in relationship to the Creator, the concept of the soul and its powers, and to discuss the language used by prophets relating to the Creator and the angels. A hundred pages – even if I wanted to be brief – would not suffice for all of this. Therefore I will leave this for some other work – either a book explaining Midrash which I intend to

¹⁶⁹ In principle 7 of the Thirteen Principles (based on Rambam’s commentary on the Mishna) it states, “I believe with perfect faith that the prophecy of Moses is absolutely true. He was the chief of all prophets, both before and after Him.”

From Moshe to Moshe

write, or a book about prophecy which I have already begun, or a book explaining the fundamentals.¹⁷⁰

At first thought it seems that Rambam never realized his goal of writing a book on the subject of the prophecy of Moshe Rabbeinu. The only place in his entire literary corpus which he devotes to a discussion of this nature is in Mishne Torah. There, the discussion is limited to a single Halacha¹⁷¹.

¹⁷⁰ *Commentary on the Mishna* 'Introduction to Perek Chelek' ed. Shilat; Jerusalem 5757 p. 143. All translations are by the author unless otherwise stated.

¹⁷¹ See Hilchot Yesodei HaTorah chapter 7; halacha 6

"All the Prophets, from the first to the last, prophesized in these ways, with the exception of Moses our Teacher, chief of the Prophets. In what ways did Moses differ from the other Prophets? Firstly, whereas the other Prophets received their prophecies in a dream or vision, Moses received his while awake and standing, as it is written, "And when Moses was in the Tent of Meeting to speak with Him, he heard the voice speaking to him, etcetera". Secondly, the other Prophets received their prophecies via an angel. Therefore, what they saw was by way of parable and riddle. Moses, on the other hand, did not receive his prophecies via an angel, as it is written, "With him I speak mouth to mouth", "And the Lord spoke to Moses face to face", "...and the outward appearance of the Lord does he behold", that is to say that what Moses saw what not by way of parable, but he saw each prophecy absolutely clearly without any parables or riddles. The Torah said about him, "...manifestly, and not in dark speeches" showing that when Moses received a prophecy he did not do so by way of riddles, but did so with clarity, and saw everything absolutely clearly. Thirdly, the other Prophets were scared [of their prophetic visions] and would shy away, but Moses wasn't and didn't. Scripture says, "...as a man speaks with a friend" - just as a man is not scared to listen to his friend, so Moses had the capabilities to understand his prophecies and to stand unafraid. Fourthly, none of the Prophets prophesized whenever they wanted to, but whenever G-d wanted to He would visit Moses and bestow upon him prophecy. Moses did not have to attune his thoughts or otherwise prepare himself, for the reason that he was always prepared and stood like a ministering angel. Therefore, he would receive prophecies at any time, as it is written, "Stand still and I will hear what the Lord will command concerning you". In this G-d trusted him, as it is written, "Go say to them, 'Return to your tents'. But as for you, stand here by Me, and I will speak to you, et cetera". From here we see that whenever any of the other Prophets had finished prophesizing they would return to their houses

From the following passage in the *Guide* it appears that Rambam himself seems to have changed his mind about writing a book on the topic, because he states that he has dealt with the topic sufficiently.

I have already explained to all the four differences by which the prophecy of *Moses our Master* is distinguished from the prophecy of the other prophets... Accordingly there is no need to repeat it; moreover it does not enter into the purpose of this Treatise.¹⁷²

In Rambam's own words his discussion of Moshe Rabbeinu's prophecy is limited to these two places. By his own admission it seems that he never wrote the work that he envisioned writing and described in his *Commentary on the Mishna*.

This requires explanation. How could it be that Rambam, whose literary efforts cover virtually every halachic and philosophical concept within Judaism, did not realize the goal that he explicitly set for himself in his *Commentary*? The prophecy of Moshe Rabbeinu is the basis of all faith and knowledge about God, Torah and Mitzvot, yet Rambam only devotes one Halacha to it in Mishne Torah and a brief discussion in the *Commentary*! Furthermore, why isn't there even a single chapter devoted to this topic in *Guide*? In fact, in the section on prophecy, Rambam repeatedly points out to the reader that he will not discuss Moshe Rabbeinu's prophecy at all! He writes:

[and families] and other bodily needs, like everybody else, so they therefore did not separate themselves from their wives. Moses, on the other hand, did not return to his home, and separated himself from his wife, and all that resembled her, for ever. His mind was [always] connected to G-d, and G-d's glory never left him at all; light emanated from his face, and he was holy like an angel."

Translation by Immanuel M. O'Levy, 1993 from

<http://www.fordham.edu/halsall/source/rambam-yesodei-hatorah.txt>

¹⁷² Section II chapter 35 p. 367

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As for the prophecy of *Moses our Master*, I shall not touch upon it in these chapters with even a single word, either in explicit fashion or in a flash.¹⁷³

Rambam's exaggerated claim that he will not refer to Moshe Rabbeinu's prophecy in any way must surely be interpreted as an esoteric message to the intelligent reader for whom Rambam has written *Guide*. The fact is that Rambam does mention aspects of Moshe Rabbeinu's prophecy in section II; chapters 39 and 46. In both places Rambam draws distinctions between the prophecy of Moshe and that of other prophets. His declaration in chapter 35 is clearly a rhetorical device through which he is clearly conveying a deeper message. This is a device which Rambam declares in the introduction to *Guide* that will use in his work. He writes:

In speaking about very obscure matters it is necessary to conceal some parts and disclose others. Sometimes in the case of certain dicta this necessity requires that the discussion proceed on the basis of a certain premise, whereas in another place necessity requires that the discussion proceed on the basis of another premise contradicting the first one.¹⁷⁴

Even though in this case there are no mutually contradiction assumptions, Rambam is clearly contradicting himself when he denies that he will discuss Moshe Rabbeinu's prophecy, yet goes on to discuss it. Therefore we must delve deeper into *Guide* to uncover his real meaning.

¹⁷³ *ibid.*

¹⁷⁴ *Guide* Introduction p. 18

The Purpose of *Guide* – The Wisdom of Moshe Rabbeinu

In the introduction to *Guide* Rambam discusses the purpose of the work. He writes that “the purpose of this Treatise... is the science of the Law in its true sense”¹⁷⁵. Further in the introduction he writes:

You should not think that these great *secrets* are fully and completely known to anyone among us. They are not. But sometimes truth flashes out to us that we think that it is day, and then matter and habit in their various forms conceal it so that we find ourselves again in an obscure night, almost as we were at first. We are like someone in a very dark night over whom lightning flashes time and time again. Among us there is one for whom the lightning flashes time and time again, so that he is always, as it were, in unceasing light. Thus night appears to him as day. That is the degree of the great one among the prophets, to whom it was said; *But as for thee, stand thou here by Me* (Deuteronomy 5:28), and of whom it was said: *that the skin of his face sent forth beams, and so on.* (Exodus 34:29)¹⁷⁶.

Having made it abundantly clear that the highest level of understanding of the wisdom of the Torah is that of Moshe Rabbeinu, it thereby follows that if Rambam intends his work to communicate the “true wisdom of the Torah” then he intends to reveal the wisdom of Moshe Rabbeinu! Rambam’s declaration that “there are those among us who have achieved the level of the ‘greatest of the prophets’” leaves no doubt in the mind of his reader that he felt himself to be in a position to communicate that very wisdom. We can rephrase Rambam’s declared intention in *Guide*: to elucidate to his reader the wisdom of the Torah as understood by Moshe Rabbeinu!

¹⁷⁵ *ibid.* p. 5

¹⁷⁶ *Guide* Introduction, p. 7

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It no doubt comes as a surprise to discover this hidden meaning and intention in *Guide*. Nevertheless a careful reading of the work reveals that this is certainly the most consistent and central theme of the entire book. Throughout the text we find that the purpose of *Guide* is to communicate Moshe Rabbeinu's understanding of the Torah, and its commandments, which constitutes "the true wisdom of the Torah."

Moshe Rabbeinu's Wisdom Uncovered

The bulk of the third section of *Guide* is devoted to *Taamei Hamitzvot* – the reasons for the mitzvot. In almost thirty chapters Rambam devotes himself to what he understands to be the Divine wisdom which underlies the commandments. He precedes his discussion of the reasons for the mitzvot with an argument that all acts of G-d must be presumed to have an underlying logic. G-d does not act without reason. As a consequence His commandment must also have an underlying reason¹⁷⁷. At the end of this chapter he writes:

I have already informed you of the opinion of our Torah regarding this matter which we are obligated to believe. There is no objection to our assertion that the existence or non existence of anything is in exact accordance with His wisdom, even though we ourselves do not know many details of the wisdom of His actions. On the basis of this belief the entire Torah of Moshe Rabbeinu is built¹⁷⁸.

Rambam's claim is clear. The Torah of Moshe is built upon the assumption that G-d's commandments have Divine reasons, and that man is privy to a partial understanding of those reasons. Even though man cannot ultimately understand every aspect of Divine reason, he can understand enough so that the commandment can be given a

¹⁷⁷ Section III chapter 25

¹⁷⁸ Schwartz ed. p. 511

rational explanation. The Torah of Moshe Rabbeinu, therefore, informs us of commandments which are based upon clear and reasonable concepts.

Further on, in chapter 27, Rambam discusses in more detail the rational basis and purpose of the commandments. In his opinion the purpose is twofold: “perfection of the body and perfection of the soul”¹⁷⁹. He writes:

The true Law then, which as we have already made clear is unique – namely, the Law of *Moses our Master* – has come to bring us both perfections, I mean the welfare of the states of people in their relations with one another through the abolition of reciprocal wrongdoing and through the acquisition of noble and excellent character. In this way the preservation of the population of the country and their permanent existence in the same order become possible so that every one of them achieves his first perfection; I mean also the soundness of the beliefs and the giving of correct opinions through with ultimate perfection is achieved.¹⁸⁰

Therefore, what distinguishes the prophecy of Moshe Rabbeinu is that the revealed commandments inform man of a rational means to reach his physical and spiritual goals. As such, Rambam’s details elaboration of the rational basis for the commandments is none other than the very rational basis of the prophecy of Moshe Rabbeinu.

This rational nature is expressed in every place where Moshe’s prophecy is mentioned. We have already quoted Rambam’s declaration in the section of prophecy that he will not utter “one word” concerning the prophecy of Moshe Rabbeinu. Nonetheless, in section II chapter 39 in the middle of the section on prophecy, Rambam writes that the laws of Moshe Rabbeinu are intended to

¹⁷⁹ *ibid.* p. 516

¹⁸⁰ *ibid.* chapter 27 p. 511

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produce the ultimate balance in man's actions, thereby guarding him from the twin evils of extremity of either indulgence or asceticism. The scriptural description of such laws as “just statutes and judgments”¹⁸¹ is interpreted to mean ‘equi-balanced’. Rambam continues:

When we shall speak in this Treatise about the reasons accounting of the commandments, there equi-balance and wisdom will be made clear to you insofar as this is necessary¹⁸².

After discussing the reasons for the commandments, Rambam closes his work with four chapters of which the central theme is what is considered man's highest state of perfection. In chapter 54 Rambam first lists four levels of perfection, the highest of which is intellectual perfection¹⁸³. The paragon of intellectual perfection, writes Rambam, was clearly Moshe Rabbeinu¹⁸⁴. Afterwards, towards the end of the chapter he adds an additional perfection – imitatio Dei. He writes:

It is clear that the perfection of man that may truly be gloried in is the one acquired by him who has achieved, in a measure corresponding to his capacity, apprehension of Him, may He be exalted, and who knows His providence extending over His creatures as manifested in the act of bringing them into being and in their governance as it is¹⁸⁵.

The person Rambam is referring to is none other than Moshe Rabbeinu who, as Rambam stated in section I chapter 54¹⁸⁶ was shown the entirety of the natural world by G-d, and its interconnectedness in a way that he was able to understand G-d's

¹⁸¹ Section II chapter 39 p. 380

¹⁸² *ibid.* p. 380

¹⁸³ *ibid.* Section III chapter 54 p. 635

¹⁸⁴ *ibid.* p. 633

¹⁸⁵ *ibid.* Section III chapter 54 p. 638

¹⁸⁶ *ibid.* p. 124

providence in great detail. In essence, Rambam is saying that the intellectual and moral perfection that is the goal of mankind is the level reached by Moshe Rabbeinu. In a sense it constituted for Rambam the very reason that he wrote the book. As he concludes:

This is the extent of what I thought fit that we should set down in this Treatise; it is a part of what I consider very useful to those like you. I hope for you that through sufficient reflection you will grasp all the intentions I have included therein with the help of God, may He be exalted.¹⁸⁷

The Reasons for the Mitzvot

A cursory examination and survey of the quotes from the *Guide* brought above would seem to suggest that the main thrust of Moshe Rabbeinu's prophecy for Rambam lies in the area of the rational reasons underlying the commandments, or as Rambam refers to it, the *Ta'amei Hamitzvot*. Rambam's discussion of this occupies the bulk of the third section of the *Guide*, beginning with chapter 25 and culminating with chapter 49. Since the *Guide* itself goes on for only five more chapters, the bulk of which are seeming digressions, it would appear that Rambam himself understood these twenty five chapters as a major purpose of his work. While it is true that in his introduction he does write explicitly that the goal of the work is to explain the secrets of the chariot – *Ma'aseh Merkava*, and the secrets of creation – *Ma'aseh Bereishit*, he also writes that the purpose of the work is to explain “the true science of the law.” In addition, there does not appear to be any explicit discussion of *Ma'aseh Bereishit*, save for his discussion of the arguments against eternity theories. Nor does his pithy discussion of *Ma'aseh Merkava* in the beginning of the third section seem anything more than an attempt to avoid the issue. The typical reader who must have been quite excited having read

¹⁸⁷ *ibid.* Section III chapter 54 p. 638

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Rambam's promising introduction must surely have been disappointed after reading the seventh chapter of that third section where Rambam concludes his anti-climactic discussion of the secrets of the chariot with the statement:

We shall accordingly start upon other subjects from among those that, I hope, I shall explain in this treatise¹⁸⁸.

As I have already noted, statements of this sort in the *Guide* appear to be signals that Rambam is sending out to his alert and enlightened readers, having discarded his unlearned audience. Communicating secrets of the Torah requires a filtering of the audience and this is best accomplished by giving those whom you don't want to know these types of things the impression that they have gotten as much as they can from the work. Rambam alludes to this methodology in his introduction when he tells his reader to pay attention to the sequence of chapters. Anti-climactic statements of the type above, in my opinion, are an example of this methodology.

In section III chapter 25 Rambam asserts that act of God are teleological, i.e. have rational reasons and motivations. One cannot attribute a vain, comically motivated or useless act to God¹⁸⁹. Acts of God must necessarily be "good and pleasant"¹⁹⁰. Not only is this indicated in the verse "And *Elokim* saw everything which He had made and it was very good"¹⁹¹, but this is the opinion of all those who comply with teachings of Moshe Rabbeinu¹⁹². Rambam's discussion in this chapter, however, is limited to acts of creation – i.e. physical acts in the world. This is clear from both the verses and the examples which he musters to support his point. Those who contend that Divine acts can be for no intelligible purpose are guilty of "vain-

¹⁸⁸ Section III chapter 7 p. 413

¹⁸⁹ Section III chapter 25

¹⁹⁰ *ibid.*

¹⁹¹ Bereishit 1:31

¹⁹² Section III chapter 25

imagination” and “absurd beliefs”, and are doing so in a desperate effort to avoid at all costs any assumption of cosmic “eternity”¹⁹³. Imputing reasons for acts of creation imply eternity because logic and reason necessarily precede the act of creation.

In the very beginning of the next chapter, Ramban makes an almost inconspicuous note of the fact that just as the scholars of the law are divided as to the nature of God’s acts, so too are they divided as to the nature of God’s commandments. It is interesting to note that while he does bring both verses and statements of the Talmudic Sages to buttress his own position that commandments, like acts, are rooted in reason, he does acknowledge, albeit 22 chapter later on, that a Mishna which appears both in Berachot¹⁹⁴ and in Megillah¹⁹⁵ is in line with the contending opinion, which, in chapter 26 he seems to treat with somewhat more respect. It is clear that the argument that God’s commands can be rationally apprehended is not as obvious as the same argument regarding His natural acts. There is, therefore, no doubt that Rambam himself was aware of the fact that he was making a non-trivial jump from positing the rational, teleological nature of Divine creation to the rational, teleological nature of Divine commandments. The central ontological point of Rambam appears to be that just as the natural world is subject to man’s rational analysis, a central theme in the entire *Guide*, so too is it the case regarding His commandments. It can be safely said that Rambam was positing the legitimacy of a rational science of revelation. Of course Rambam understood this as constituting the basis of the teachings of Moshe Rabbeinu¹⁹⁶.

Ramban, in his commentary on the Torah musters arguments against Rambam’s position. An examination of these will help us gain a

¹⁹³ *ibid.* p. 511

¹⁹⁴ chapter 5 Mishna 3

¹⁹⁵ chapter 4 Mishna 9

¹⁹⁶ Section III chapter 27 p. 511

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deeper insight into this matter. The most striking and telling point of contention is their respective interpretations of a Midrash:

Does God really care if one slaughters [an animal] from the front of the neck or slaughters it from the back? For the commandments were given only to ‘purify’ mankind, as it says “the word of God is pure” (Tehillim 18:31)¹⁹⁷

Ramban¹⁹⁸ understands this Midrash as saying that the commandments are of no intrinsic interest to God but only come to communicate to man theological and ethical ideas which will guide him in the proper way. One should understand similarly the Mishna in Berachot which admonishes one who claims that the commandment of sending away the mother bird before taking her children is expressing God’s mercy. God Himself is not commanding us because He is personally concerned with the bird, but is only communicating to us the virtue of mercy. One should therefore not ascribe a motivation of mercy in God’s command, but rather a desire to communicate that virtue to man.

Rambam, in section III chapter 26, also cites the same Midrash regarding the slaughter of animals and initially admits that it appears to contradict his position. His response is that the Midrash is speaking about the details of the commandment and not referring to the general idea of the commandment itself. While all commandments are issued by God with a rational reason and motivation, the details are arbitrary. Nonetheless, a command of God, just as any act of His, is not preformed for purely pedagogical purposes. God Himself has a reason for the command. In the case of sending away the mother bird, He has a real concern for His creatures. Regarding the Mishna itself, Rambam notes in section III chapter 40 that it is expressing the contending opinion and that there is a dispute among the Sages on the issue.

¹⁹⁷ *Bereishit Rabba* 47:1

¹⁹⁸ *Devarim* 22:6

The dispute between Rambam and Ramban on the interpretation of the Midrash concerning the commandment of slaughtering an animal may be understood in the background of a more general theological dispute concerning the nature of the God-man relationship. Rambam has established earlier in section I; chapter 52¹⁹⁹ of the *Guide* that one can only make statements about God's acts but not about Himself. This position is assumed throughout the entire *Guide* and especially in the section dealing with the reasons for the mitzvot. Rambam is including God's commandments within the category of Divine acts. They are fundamentally no different than physical creations. Attributing reasons for the commandments is therefore no different than attributing reasons of any phenomena in the natural world. Just as it is apparent that every thing created in the world has a clear function and purpose which can be established by scientific observation and analysis, so too regarding His commandments. As far as Rambam is concerned giving reasons for the commandments is not describing God in any sense, for that would violate the axioms of negative theology. Rather, it is an objective description of His acts. Ramban, on the other hand, does not, as far as can be gleaned from his writings, ascribe to the position of Rambam regarding Divine attributes and descriptions. As such, he assumes that the Mishna in Berachot which tell us not to ascribe Divine commandments to Divine moral attributes is assuming that God Himself is being described and not merely His acts. Hence, the Mishna is telling us that we cannot infer on the basis of a command, a Divine ethical motive. This is something that Rambam would certainly agree with but he has already ruled it out as being absurd in his negative theology.

The basic theme that arises from this analysis is that Rambam's position on the reasons of the commandments, which he describes as being the basis of the teachings of Moshe Rabbeinu, is based upon a very definitive rational and objective understanding of both Divine

¹⁹⁹ p. 118-9

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acts and revelation. They are part of God's rationally conceived creation and may be analyzed and understood in the same way as science and philosophy analyze and understand the world. This rational view of God's revelation to man constitutes the teaching of Moshe Rabbeinu and it is the *Guide* which presents this very teaching.

Conclusion

This brings us back to the prophecy of Moshe Rabbeinu. In both his Commentary to the Mishna in the introduction to Perek Chelek and the Mishneh Torah, Rambam emphasizes the exclusively "rational" nature of Moshe's prophecy. This is in contradistinction to the prophecy of others which carry an "imaginative" component. This distinction is repeated in the side comment in the *Guide* at the end of the section on prophecy (section II end of chapter 45²⁰⁰). Rambam's division of prophecy in general and Moshe Rabbeinu's prophecy into two independent principles in his Thirteen Principles of Faith emphasize the mutual exclusiveness of these two prophetic phenomena.

However, if we survey the Bible, which constitutes the very prophecy of Moshe Rabbeinu, wherein lies this rationality? The legal part of the Torah is replete with all types of laws ranging from the so called "rational" to laws which apparently have no reason but are irreducible Divine revelations. How, then, does Rambam's assertion of the exclusively rational nature of Moshe's prophecy square with the irreducibly apodictic nature of the legal part of the Bible which constitutes, clearly, the major aspect of Moshe's prophecy?

The answer to these questions seems clear enough. For Rambam, the commandments found in the Bible are not irreducible and opaque legal injunctions, but rather acts of God which are subject to the same rational laws as are evident in God's creation of the physical

²⁰⁰ p. 403

and natural world. Only through the uniquely rational intellect of Moshe Rabbeinu and his prophecy was the Divine logic in bringing the Jewish people to the religion of reason possible.

In this sense, given that the purpose of the Guide was, in the words of Rambam, to explain the “true nature of the law”, we can now come to the conclusion of our discussion. The Guide to the Perplexed itself, in the Rambam’s mind, in fact was communicating to us the underlying rational weltanschauung which constitutes the very nature of the prophecy of Moshe Rabbeinu.

