MAIMONIDEAN STUDIES

Maimonidean Studies

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Arthur Hyman

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ABBREVIATIONS

AJS Review	*AJS Review: The Journal of the Association for Jewish Studies*
CCAR Yearbook	*Central Conference of American Rabbis Yearbook*
EI	*Encyclopaedia of Islam*
EJ	*Encyclopaedia Judaica*
HUCA	*Hebrew Union College Annual*
IOS	*Israel Oriental Studies*
JAOS	*Journal of the American Oriental Society*
JJS	*Journal of Jewish Studies*
JNES	*Journal of Near Eastern Studies*
JQR	*Jewish Quarterly Review*
JSS	*Journal of Semitic Studies*
KS	*Kirjath Sepher*
MGWJ	*Monatsschrift für Geschichte und Wissenschaft des Judentums*
PAAJR	*Proceedings of the American Academy for Jewish Research*
REJ	*Revue des études juives*
ZfHB	*Zeitschrift für hebraeische Bibliographie*

PREFACE TO THE FIRST ISSUE OF MAIMONIDEAN STUDIES

It is with a sense of institutional fulfillment as well as personal pleasure that I welcome the appearance of this first issue of our new annual, *Maimonidean Studies*, edited by my learned and wise colleague and teacher, Professor Arthur Hyman.

The reason for this experience of fulfillment is the appropriateness, the very rightness, of a scholarly series on Maimonides at Yeshiva University. Yeshiva's mission, indeed its uniqueness among the world's institutions of higher education, is *Torah Umadda*—the encounter of religious teaching and worldly knowledge. And who more than the Sage of Fostat embodied this convergence of Torah and Wisdom, of sacred learning and learning that is sacred? Jurist and philosopher, physician and communal leader, he remains the pre-eminent model for the possibility of the unification of all knowledge and, hence, the validity of an institutional effort at the ultimate compatibility of "Yeshiva" and "University."

History has been kind to Moses Maimonides. Even his harshest critics during these past eight hundred years—and they have been, occasionally, unsparing—have been forced to grant his intellectual preeminence. Halakhists, even those who feel deeply uncomfortable with his speculative achievements, revel in resolving a *shverer Rambam*. And the philosophically inclined, who may be indifferent to his vast talmudic erudition and his immortal codification of Jewish Law, continue to debate the meaning, intention, and relevance of his *Guide of the Perplexed*. Both agree with the judgment of the ages, "from [the Biblical] Moses to Moses [Maimonides] there arose none like Moses [Maimonides]."

But Maimonides has been equally kind to history. He has bequeathed to it not only the fruits of his creative genius, but also his peculiarly powerful intellectual and axiological capaciousness, what in the hands of a less gifted individual might seem an impossible marriage of opposites. Depth need not congeal into narrow specialization, he instructs us, and breadth need not dissipate into dilettantism. Tolerance is not the enemy of commitment, and passion does not necessarily lead to bigotry. The cognitive disciplines of the sacred and the profane are different from each other, and the integrity of their individual noetic modes and methodologies must be respected; but that does not at all mean that they are alien to each other, for ultimately they are interdependent.

It is, thus, as an act of discharging a loving obligation, expressing gratitude, and experiencing a sense of ideational propriety that Yeshiva University becomes the home of the first such annual devoted exclusively to Maimonides and Maimonidean scholarship.

All of this could not have come to pass without the perceptive philanthropy of Mr. Michael Scharf, Trustee of Yeshiva University and benefactor of the publication trust that bears his name; the academic leadership and indefatigable efforts of Professor Hyman, himself a renowned Maimonides scholar; the committed assistance of his Editorial Board; and the distinguished scholars who submitted their literary efforts to this pioneering issue, thus expressing their confidence in its future.

To all of them—our profound gratitude.

NORMAN LAMM

Yeshiva University
August 4, 1989

INTRODUCTION

The quality and quantity of contemporary Maimonides research have shown that the time has come to found a publication devoted to this field. In publishing *Maimonidean Studies*, an international, interdisciplinary annual, Yeshiva University has undertaken to fill this need.

Maimonidean Studies conceives its area of interest in broad terms and will be hospitable to articles on a variety of subjects. In the field of Halakhah it will carry interpretations of Maimonides' legal works, studies dealing with their talmudic and geonic antecedents, the influence of his legal writings on subsequent commentators and decisors, and comparative legal studies. In the field of philosophy it will publish interpretations of Maimonides' philosophic writings, and studies of their Greek, Hellenistic, and Islamic antecedents, as well as their impact on Jewish philosophy in the later Middle Ages, on Latin scholasticism, and on the philosophy of the Enlightenment and the Haskalah. Besides these, *Maimonidean Studies* will carry articles on Maimonides as Bible commentator, physician, scientist, and communal leader, and on the history of Maimonides' time, the Maimonidean family, and the Maimonidean controversies. The annual will also publish articles on the language of Maimonides' Hebrew and Arabic writings and bibliographic information.

Since *Maimonidean Studies* is largely intended for an English-reading audience, its primary language is English. Since, however, a substantial part of Maimonides research is being conducted in Israel, each issue will contain some articles in Hebrew. As the need arises, there will also appear articles in French and German. There will be English summaries of articles in languages other than English.

Maimonidean Studies is not committed to any one interpretation of Maimonides' work; its editorial policy is determined by the very history of Maimonides research. As is true of the work of any seminal thinker, that of Maimonides has given rise to a variety of interpretations and has found, from the very beginning, its adherents as well as its critics. One need only think of Maimonides' own controversy with Samuel ben Ali, the *hassagot* of Abraham ben David, the various commentaries on the *Mishneh Torah*, the Maimonidean controversies, down to the controversy in our own days between Julius Guttmann and Leo Strauss concerning the interpretation of Maimonides' philosophic views. The sole criteria governing the editorial policy of *Maimonidean Studies* are: defensible thesis, cogent arguments, proper documentation, and the observance of scholarly proprieties.

It is my pleasant task to thank all those who had a share in making *Maimonidean Studies* possible. First and foremost is Dr. Norman Lamm, President of Yeshiva University and its Jakob and Erna Michael Professor of Jewish Philosophy, who conceived of the idea of such an annual and gave the project his unstinting support. Dr. Leo Landman, Dean of the Bernard Revel Graduate School, Professor of Jewish History, and Editor of Yeshiva University Press, served faithfully on the editorial board and gave generously of his time in guiding the administrative tasks connected with the annual. Dr. Jeffrey S. Gurock, Libby M. Klaperman Professor of Jewish History and Academic Assistant to the President, served as liaison with the Michael Scharf Publication Trust of Yeshiva University Press. Dr. Yaakov Elman, Assistant Professor of Judaic Studies generously shared his extensive publishing experience and served as liaison with KTAV, our publisher.

I have been fortunate in my choice of an editorial board. While most such boards often do little more than grace the fly-leaf of a publication, mine was actively involved in every stage of our project. Members of the editorial board had a part in setting editorial policy and they gave generously of their time when called upon to referee an article in their field of specialization. My thanks are extended to them.

On the technical side I benefited from the help and advice of Mr. Sam Hartstein, Director of Public Relations at Yeshiva University, and his staff. Mr. Bernard Scharfstein of KTAV, and his staff faithfully and with their usual expertise saw the volume through the press. I am grateful to all of them.

Last but not least, my special thanks are extended to Mr. Michael Scharf, patron of Jewish learning, whose generous support through the Michael Scharf Publication Trust of Yeshiva University Press made this volume possible.

As we present this first volume of *Maimonidean Studies* to the public, it is our hope that our annual will be a worthy link in the chain of Maimonides research and that it will help to stimulate research in its chosen field. With the Psalmist of old we pray: ויהי נעם ה' אלקינו עלינו ומעשה ידינו כוננה עלינו ומעשה ידינו כוננהו (Psalm 90:17).

ARTHUR HYMAN

Yeshiva University

ABRAVANEL ON MAIMONIDES' CRITIQUE OF THE KALĀM ARGUMENTS FOR CREATION

by

SEYMOUR FELDMAN

I

In the last few decades we have become more aware and informed of the importance of the philosophical theology of early Islam known as Kalām. This is especially true in regard to the subject of the creation of the world, which for medieval Islam and Judaism was perhaps the most important topic in theology and philosophy. The research of Harry A. Wolfson and, more recently, that of Herbert Davidson has given us much information on the nature and development of the Kalām imprint upon later medieval cosmological thought.[1] It would appear that there was hardly an argument for creation that is not found in the Kalām. We also now know that the Kalām arguments were in fact indebted to the profound and radical critique of Aristotle leveled by John Philoponus, the sixth-century Alexandrian Greek-Christian exegete, philosopher, and theologian. Most recently Richard Sorabji and his associates have added to the pioneering research of Wolfson and Davidson on Philoponus' influence upon the Kalām, particularly with reference to the question of creation.[2] However, in this paper I shall not discuss origins or influences; rather, I shall be concerned with the philosophical results and

[1] Harry A. Wolfson, *The Philosophy of the Kalam* (Cambridge, Mass., 1976); *The Repercussions of the Kalam in Jewish Philosophy* (Cambridge, Mass., 1979). Herbert A. Davidson, *Proofs for Eternity, Creation and the Existence of God in Medieval Islamic and Jewish Philosophy* (Oxford, 1987). William L. Craig, *The Kalam Cosmological Argument* (London, 1979).

[2] Richard Sorabji. *Time, Creation and the Continuum* (Ithaca, 1983); *Philoponus and the Rejection of Aristotelian Science* (Ithaca, 1987). Christian Wildberg, *Philoponus' Contra Aristotelem* (Ithaca, 1988). Herbert A. Davidson, "John Philoponus as a Source of Medieval Islamic and Jewish Proofs of Creation," *JAOS* 85 (1965): 318–27.

success of these arguments. Indeed, my attention will be focused upon a late medieval thinker who still operates within the Kalām framework. It is not only that he makes use of Kalām material; more importantly, he thinks and argues like a Mutakallim, although he gazes at this tradition with a critical eye and uses a surgical scalpel. He is the Spanish-Jewish statesman, exegete, and theologian, Isaac Abravanel (1437–1509).[3]

What is it to think like a Mutakallim? It is not merely to use Kalām arguments, for a *philosopher* like Gersonides also used some Kalām arguments to prove creation but did not think like a Mutakallim. Maimonides gives us a nice working definition of how a Mutakallim operates. Three defining marks single out and indeed differentiate the Mutakallimūn from the Falāsifa: (1) the Mutakallimūn antecedently *assume* the truth of a divinely revealed scripture and are concerned to defend this body of dogma by means of philosophical arguments; (2) these arguments may come from *any* philosopher or school, i.e., the Kalām is not worried about philosophical doctrinal purity or consistency; and (3) the Mutakallimūn usually begin their theological discussions with the topic of creation.[4] Invidiously comparing the philosopher with the theologian, Maimonides gives a summary characterization of the Kalām by means of a citation from the pagan fourth-century Greek commentator on Aristotle, Themistius: ". . . the matter is as Themistius puts it: that which exists does not conform to the various opinions, but rather the correct opinions conform to that which exists."[5] Less invidiously and more specifically we should say that the Mutakallimūn take creation to be not only a fundamental dogma of religion but also a root belief from which most, if not all, the remaining dogmas can be derived. This predilection for the subject of creation, and the primacy given it, reflects a logical-metaphysical awareness that cosmology precedes theology, indeed may very well be identical with it.

In Abravanel the theme of creation is both dominant and pervasive, and he explicitly states that if Judaism has any dogmas at all, creation *ex nihilo* is the primary one. To this theme Abravanel devoted several works, including a large comprehensive treatise, *The Deeds of God* (*Mifʿalot Elohim*), in which the whole philosophical history of this problem is critically commented upon.[6] But it is not only the centrality of creation that entitles us to characterize him as a Kalām-type thinker; the arguments for creation themselves are Kalām in origin or nature, suitably modified as a result of what he learned from his predecessors' use of this material. Accordingly, Abravanel's arguments for creation can be regarded as a revised formulation of Kalām, in which the unacceptable aspects of the atomistic physics and the extreme occasionalistic metaphysics of Kalām are either dropped altogether or weakened considerably. I shall try to develop this general thesis by means of an exposition of Abravanel's "metacritique" of Maimonides' earlier critique of the Kalām arguments for creation and then offer an analysis of his own redeployment of several Kalām arguments to prove the dogma of creation.

[3] Benzion Netanyahu, *Don Isaac Abravanel: Statesman and Philosopher* (Philadelphia, 1972).

[4] Maimonides, *Guide of the Perplexed* 1.71 and 73.

[5] Maimonides, *Guide* 1.71.

[6] Abravanel, *Mifʿalot Elohim* (Lemberg, 1863).

II

As Wolfson showed several decades ago, virtually all the Kalām arguments were readily available and clearly stated in two classical Judeo-Arabic texts: Saadia Gaon's *The Book of Beliefs and Opinions* and Maimonides' *Guide of the Perplexed*.[7] In Saadia there are four arguments; Maimonides lists seven, but three of them are restatements of the arguments given by Saadia. Thus, we have eight distinct Kalām arguments for creation.[8] Prior to his critical exposition of these arguments Maimonides provides a concise summary of the Kalām "philosophical" presuppositions on which, presumably, these arguments are based.[9] These presuppositions amount to twelve theses that express the Kalām appropriation of the Epicurean natural philosophy of atoms together with the doctrine of direct divine causality. However, as Maimonides' exposition of the Kalām creation arguments will show, the most significant of these premises are theses that have nothing or little to do with Epicurus or occasionalism. They are propositions 10 and 11: the former states that possibility is a function of imaginability; the latter denies the exis-

[7] Harry A. Wolfson, "The Kalam Arguments for Creation in Saadia, Averroes, Maimonides and St. Thomas," *Saadia Anniversary Volume*, American Academy of Jewish Research, Texts and Studies, vol. 2 (New York, 1943) 197–207; reprinted in a revised form in Wolfson, *The Philosophy of the Kalam* 373–455. Saadia Gaon, *The Book of Beliefs and Opinions* 1.1. Maimonides, *Guide* 1.74. Some of these arguments also appear in Baḥya's *Duties of the Heart*, bk. 1, and Halevi's *Kuzari* 5.18. Wolfson, *Repercussions of the Kalam*, chap. 6.

[8] Philoponus presents several of these arguments. Sorabji, *Time* 210–31. Davidson, *Proofs*, chap. 4.

[9] Maimonides, *Guide* 1.73.

tence of *any* infinite magnitude. We shall see later how these two propositions serve as the foundations of virtually every Kalām argument.

But before I begin this analysis, there is another point that needs to be noted, although I do not propose to discuss it in detail here. The first of Saadia's arguments—the argument from destructibility—is *not* mentioned at all by Maimonides. It is one of Philoponus' main arguments against the eternity thesis,[10] and will resurface in Abravanel.[11] In my view, as well as Abravanel's, it is a strong argument against Aristotle's position. Why, then, didn't Maimonides use it? Assuming that he knew of it—after all he could have, and probably did read Saadia's *Book of Beliefs and Opinions*—I suggest that he *intentionally* omitted it. For this argument is incompatible with his own cosmological thesis that although the universe had a temporal beginning, it has no temporal end. The Philoponian argument demonstrates, however, that the inherent destructibility of the world *proves* its creation. In other words, whereas Philoponus accepts Aristotle's theorem that generation and destruction are mutually implicatory but uses it against him, Maimonides rejects it.[12] Accordingly, this argument is not available to him. Nevertheless, Abravanel himself considered Philoponus' argument so good that he called it "almost a decisive proof" for creation. Since I have discussed this argument elsewhere, I shall say no more about it here.[13]

Let us now return to Maimonides' evaluation of the Kalām arguments and Abravanel's metacritique. It is important to note at the outset that Maimonides' discussion of the first three of the seven arguments he lists is minimal; he doesn't even bother to criticize them. The first argument is analogical: it infers the generation of the whole cosmos from the generation of a particular man or date tree. If in the latter instance the generation and development of the organism require some external cause, so too in the former. The second argument also begins with a particular case of generation, but instead of drawing an analogy with the whole natural order it proceeds to trace the series of causes for this case of generation back to one ultimate generator; for the series of generating causes cannot be infinite. Indeed, this generating cause, the argument concludes, generates the whole universe *ex*

[10] Davidson, *Proofs*, app. A. 2. L. Judson, "God or Nature? Philoponus on Generability and Perishability," *Philoponus and the Rejection of Aristotelian Science*, ed. Richard Sorabji, chap. 10.

[11] Abravanel, *Mifʿalot* 9.9. Seymour Feldman, "On the End of the Universe in Medieval Jewish Philosophy," *AJS Review* 11 (1986): 67–77.

[12] Maimonides, *Guide* 2.27.

[13] See Feldman, "On the End of the Universe."

nihilo. The third argument, Maimonides claims, is based upon the Kalām natural philosophy of atoms in motion: the atoms are compounded or separated by some external agent, since in and of themselves they do not exhibit an innate tendency for either composition or separation. So what accounts for the fact that some are compounded and others are separated? A nonatomic cause which is the creator of the whole system.

As stated above, Maimonides' exposition of the first three arguments is noncritical. Perhaps he believed that their fallaciousness is apparent. The fourth argument, however, is given more attention, and Maimonides criticizes it explicitly. The starting point of this argument is the existence of accidents, which for the Kalām include *all* the properties of a substance, or atom. Now, by nature accidents come and go, i.e., they are generated. But if all the properties of a thing are generated, so is the thing, or substratum, in which accidents inhere or to which they are joined. And this is true for the whole universe. Perhaps it will be objected that the series of generated accidents could proceed *ad infinitum* while their substratum is ungenerated and unperishable. The Mutakallimūn quickly reply that such an infinite series is again impermissible. Maimonides' analysis of this argument is fuller than his previous remarks, and in particular he accuses it not only of making weighty use of the Mutakallimūn's physics, but, worse still, of begging the question. For the defender of eternity explicitly makes the accidents of motion an exception to the usual course of accidents. Unlike all other accident, circular motion for the Aristotelian is a *continuous and eternal* property of the heavenly bodies. Accordingly, the Mutakallimūn would have to show by an independent argument that this accident in particular cannot be infinite in duration. Failing to do this, they have not proved creation by means of this argument.

The arguments that interest Maimonides the most are 5, 6, and 7. But since the sixth argument is, he claims, a modified form of the fifth, we can treat them together. These two arguments make common use of a certain principle that has not yet been invoked by the previous arguments and that will be of the utmost importance to us. Like the second and fourth arguments the seventh argument, on the other hand, concerns the infinite, more precisely the impossibility of an infinite collection, which the Mutakallimūn believe the eternity thesis entails. This argument too will have a successful career, and Abravanel will respond to it.

The underlying principle of arguments 5 and 6 is the principle of admissibility, or the tenth premise in the Kalām's philosophy. It asserts that anything imaginable is possible. Since we can imagine any feature of the universe to be different from what it in fact is, we need to explain why it is *as it*

is. Thus, we have to invoke a "principle of determination," or "the principle of particularization," to explain such contingent facts. Alternatively, in the sixth argument the very existence of the whole world is a contingent fact: we can surely imagine it to be nonexistent. So what accounts for the "preponderance" of existence over nonexistence? The need to provide a "particularizer" (*meyaḥed*) and a "preponderator" (*makhriʿa*) both imply the existence of a Creator. Maimonides himself admits that the fifth argument—the argument from particularization—is the "best" argument for creation and that he will make use of it later in his own defense of creation. In this context he offers no criticism of it. He also admits that the sixth argument is "very forcible," since it is really a variation of the fifth argument. Yet he believes that in its usual form the sixth argument is misleading, especially in its use of the term "possible." The Falāsifa too admit that the universe is a possible existent; but they claim that it is eternal. So the argument is guilty of the fallacy of equivocation. In his own presentation of the case for creation Maimonides will use a modified form of the fifth argument.

Maimonides' discussion of the seventh argument—the proof from immortal souls—is the most detailed, since he realized that it is one of several variations of the philosophical theme of the impossibility of an infinite magnitude, series, or collection. In this particular version the Kalām argument states that if the universe were eternal *a parte ante* there would be *in actu* an infinite number of immortal souls. But for an Aristotelian an actual infinite is impossible; so past time must be finite. Maimonides' opening move on this argument is to point out that it presumes too much: how can we prove one difficult metaphysical problem by appealing to an even more obscure one, the problem of immortality? He also mentions in passing a philosophical solution to the latter difficulty—the thesis that all immortal souls are in reality *one* entity, and hence the problem is dissipated. In the next paragraph, however, Maimonides goes on to discuss briefly the Kalām position against the infinite, and mentions several versions of the Philoponian thesis that there cannot be an infinite magnitude of any kind. Unfortunately, he abruptly ends his discussion, and in lieu of a critique simply mentions approvingly Alfarabi's refutation of this doctrine. For both Alfarabi and Maimonides, the Philoponian "paradoxes of the infinite" were, then, only pseudo-paradoxes.[14]

[14] The arguments against eternity based upon the impossibility of an infinite series are based upon Philoponus (see the Sorabji and Davidson materials cited in nn. 1 and 2). Philoponus' arguments did not go unanswered: Alfarabi undertook to refute them in his no longer extant book *On Changeable Beings*, and Maimonides refers to this counterargument. In recent years Alfarabi's reply to Philoponus, as gleaned from various surviving sources, has been studied by the following: Muhsin Mahdi, "Al-Farabi against Philoponus," *JNES* 26 (1967): 233–60; Shlomo Pines, "An Arabic Summary of a Lost Work of John Philoponus," *IOS* 2 (1972): 320–52; Joel Kraemer, "A Lost Passage from Philoponus' *Contra Aristotelem* in Arabic Translation," *JAOS* 85 (1965): 318–27.

With this brief exposition of Maimonides' discussion of the Kalām arguments for creation, I now turn to Abravanel's evaluation of this critique. In general, his attitude toward the Kalām arguments is far more positive than Maimonides' position; in particular, Abravanel believes that several of these arguments are stronger than Maimonides had claimed, especially if we use the hermeneutic principle of charity to reformulate them in the strongest form they are capable of having. Consider the first argument, which Maimonides hardly took time to state: in its present form it is indeed an analogical argument that purports to infer the creation of the whole world from the creation of one of its parts.[15] Abravanel, however, restates it in a more rigorous form as follows:

> If a microcosm is generated, so is the macrocosm (i.e., the world).
> Man is a microcosm of the world and is generated.
> Therefore, the macrocosm (i.e., the world) is generated.

Concerning this argument Abravanel makes the following observations. First, it does not presuppose *any* of the twelve Kalām premises, and thus is really independent of the Kalām's atomist physics and occasionalist metaphysics. Second, even in its analogical form the argument, albeit not demonstrative, is useful as a counter-reply to Aristotle; for Aristotle himself often makes use of analogies in his arguments against creation. Consider the following argument against creation *ex nihilo*: since in any particular case of generation we observe that the product is generated out of something else, it must be true for *every* case of generation that what is generated must be generated out of something else.[16] Here, Abravanel argues, an analogy is made to warrant a universal generalization. Why then is it illicit to use an analogy to show that the generation of one member of the universe is evidence for the generation of the whole world? Abravanel admits that this

[15] Efodi anticipated Abravanel in characterizing this argument as analogical (*Guide* 1.74 ad loc.).

[16] Maimonides, *Guide* 2.14, second argument of the philosophers.

argument is not demonstrative; but he likes it as an *ad hominem* reply to Aristotle.[17]

Although the second Kalām argument mentioned uncritically by Maimonides looks like the first insofar as it begins with an individual case of generation, the nerve of this argument is the impossibility of an infinite series of generators. Thus, it rest upon the eleventh Kalām premise, which denies the existence of any kind of infinite magnitude. Unafraid to put words in the mouth of his master, Abravanel supplies a Maimonidean critique of this argument. He emphasizes that, unlike the Kalām, Maimonides *did* recognize the validity of the Aristotelian distinction between essential and accidental infinite causal series. An accidental causal series is one in which the cause is only the productive cause of its effect; an essential causal series is one in which the causes are not only productive but conserving causes of their effects. The Aristotelian admits, Maimonides states, the legitimacy of the former but not of the latter, since an essential infinite series would be an actual infinite in which each member would exist simultaneously with its effect; for in such a series the cause *conserves* its effect.[18] By conflating these two very different kinds of infinite series, the Kalām constructed this invalid argument, failing to see that the endless series of generators asserted by Aristotle is only an infinite series in which the individual members merely *succeed* each other, and thus is possible.

The third Kalām argument for creation was rejected by Maimonides because of its atomist assumptions. Abravanel, however, points out that this argument can be reformulated *without* any atomist premises. Indeed, he claims, we find such an argument in Saadia, who was not an atomist at all.[19] It would appear that Maimonides' formulation of this argument owes more to the Ashᶜarite Kalām (with which he was more familiar) than to Saadia. The former was consistently atomistic, the latter was not. Most, if not all, of the Kalām premises listed and discussed in the chapter preceding his exposition of the Kalām arguments for creation are doctrines in Ashᶜarite Kalām. And so Maimonides quite understandably formulated these arguments within an Ashᶜarite framework. Yet in essence the third argument is a version of the old argument known variously as the argument from design or the teleological argument. In some authors it is used to prove the existence of God, in others

[17] Abravanel, *Mifᶜalot* 9.4:67a.
[18] Abravanel, *Mifᶜalot* 9.4:67c. Maimonides, *Guide* 1.69 and 73, eleventh premise.
[19] Abravanel, *Mifᶜalot* 9.5:68c. This is Saadia's second argument.

the existence of a Creator; for Kalām it does both. In Saadia's version of this argument the variety and diversity in nature are singled out as evidence for its creatureliness; in Maimonides the mere fact that there are both composition and separation in nature is testimony to creation. In either case, the core of the argument is that the present arrangement of the physical universe is proof of its having been composed, or created, by an intelligent and purposeful agent. This argument is, according to Kant, the best of all the arguments for the existence of God; it is still advocated by some philosophers.[20] We shall see later that Abravanel himself will use it.

Maimonides had claimed that the fourth Kalām argument was question-begging. For the Mutakallimūn presuppose that the accident of motion, even celestial motion, is by definition a generated thing, and hence the celestial substratum must be generated; whereas the defender of eternity claims that although many, perhaps most, accidents are generated, the accident of motion is not, at least in the case of the heavenly bodies. Unlike Maimonides, Abravanel shows more respect for this argument. It is not a *petitio principii*, for the thrust of the argument is not, as Maimonides had claimed, the accident of motion, which the Aristotelian wants to prove eternal. Rather, the Mutakallimūn are concerned with accidents in the sublunar world, such as a particular shade of red or a specific degree of heat. This argument contends that if all the accidental qualities of a red apple come and go, so does the apple; for the substratum of these accidents cannot be eternal while all the accidents are generated, since the eternal and the generated are contraries, and contraries cannot be joined together. Moreover, Abravanel insists against Maimonides that this argument does not assume an atomist physics. No matter whether the substrata are atoms or Aristotelian substances composed of form and matter, if the accidents are generated, so is the substratum.[21]

Although Abravanel is satisfied that this argument, as *he* construes it, is stronger than Maimonides had believed, and thus that the Mutakallimūn were, as Maimonides reported, entitled to feel proud of it, nevertheless it is not valid. For, as we have seen, it presupposes the Kalām finitist physics, which does not recognize the difference between a cause that is simultaneous with its effect and a cause that is only temporally prior to its effect. The former cannot, Abravanel contends, proceed *ad infinitum;* the latter can,

[20] Immanuel Kant, *The Critique of Pure Reason* A624 and B652. Richard Swinburne, *The Existence of God* (Oxford, 1979), chap. 8.
[21] Abravanel, *Mifᶜalot* 9.5:68d–69c.

even if each cause in the series is efficacious for its effect. If all the accidents of a substance were coexistent with it, then an actual infinite would ensue, and this is an impossibility for the Aristotelian as well as the Mutakallimūn. But the accidents of a substance are not all simultaneous with it; most just come and go. Thus, they *could* be infinite. Moreover, such an infinite series of successively generated accidents could be joined to a substratum without entailing the generation of the substance itself. For, although each and every accident is itself generated, the whole series, *ex hypothesi Aristotelis*, can continue *ad infinitum* and hence is eternal. This would mean that an eternal but successive series of generated accidents could be joined to an eternal substratum. The fourth argument fails, then, to prove the generation of the world.

I shall now deviate from the present course of exposition and skip Abravanel's critique of the fifth and sixth Kalām arguments, turning directly to the last of the Kalām arguments, the argument from infinite souls. I shall defer my treatment of Abravanel's analysis of the fifth and sixth arguments to my presentation of his employment of these arguments as part of his own "proof" of creation.

As I indicated earlier, the argument for creation based upon the impossibility of any infinite magnitude is Philoponian in origin. Philoponus attempted to prove the inherently paradoxical nature of *all* infinite magnitudes; in particular, he tried to show that the notion of infinite past time is absurd. For example, Philoponus had argued that although *ex hypothesi Aristotelis* time is infinite *a parte ante* and *a parte post*, any *part* of infinite past time is also infinite; yet the part is supposedly *smaller* than the whole. But how can one infinite be smaller than another?[22] Assuming that one infinite cannot be larger or smaller than another, Philoponus concluded that the notion of infinite time is absurd.[23] This argument, as well as variations upon it, had a long history in medieval Jewish philosophy. Levi ben Gershom (Gersonides) made important use of it;[24] but Ḥasdai Crescas, who claimed that the infinite has a different logic, and that our vocabulary should reflect this fact, rejected it.[25]

[22] Davidson, "John Philoponus as Source." Sorabji, *Time*, chap. 14; *Philoponus and the Rejection*, chap. 9.

[23] Sorabji, *Time* 214–18. Davidson, *Proof*, chap. 4.

[24] Seymour Feldman, "Gersonides' Proofs for the Creation of the World," *PAAJR* 35 (1967): 113–37.

[25] Ḥasdai Crescas, *Or Adonai*, bk. 1. Harry A. Wolfson, *Crescas' Critique of Aristotle* (Cambridge, MA, 1929), chap. 2.

Although not mentioning Crescas at all in this context, Abravanel's reply to this Philoponian paradox is taken virtually verbatim from his acute coreligionist. The terms "equal," "greater," and "smaller" simply do not apply to infinite magnitudes. Indeed, the "classical" principle that one infinite magnitude is not greater than another infinite magnitude should be understood as implying not that they are equal to each other but that these comparative terms are not applicable to infinite magnitudes as such. In a sense Abravanel is using the *via negativa* here to avoid the Philoponian paradox.[26] Although the proper solution to Philoponus' paradoxes had to wait another three hundred years, when Georg Cantor opened up for us the realm of the transfinite, several medievals[27] (along with Galileo, Descartes, and Spinoza) sensed that there was something wrong in Philoponus' facile application of the vocabulary of finite mathematics to the infinite. The seventh argument of the Kalām is therefore not acceptable.

III

I now return to Abravanel's discussion of the fifth and sixth Kalām arguments, which will serve as an introduction to his own defense of creation. In spite of their initial attractiveness, Maimonides had rejected these arguments because of their reliance upon the admissibility thesis, which, for him, opens the door to the domain of possibility too widely and yet too narrowly; for there are things we can imagine that are, however, impossible; inversely there are things that are possible but unimaginable. Indeed, Maimonides contended, the Kalām offered no clear-cut criterion of possibility,[28] and this failure undercuts the preponderance argument and weakens the particulari-

[26] Abravanel, *Mifʿalot* 9.7:74c.

[27] John Murdoch, "Infinity and Continuity," *The Cambridge History of Later Medieval Philosophy*, ed. Norman Kretzman and others (Cambridge, 1982), chap. 28.

[28] Maimonides, *Guide* 1.74, fifth and sixth methods, 3.15. For some recent discussions of Maimonides' concept of possibility, see Harry Blumberg, "Ha-Rambam ʿal musag 'al-tajwīz' be-shiṭatam shel ha-mutakallimūn," *Tarbiz* 39 (1969–70): 268–76; Naḥum Rabinovitch, "Ha-musag 'efshar' be-mishnato shel ha-Rambam," *Tarbiz* 44 (1974–75): 159–71; Alfred Ivry, "Maimonides on Possibility," *Mystics, Philosophers, and Politicians: Essays in Jewish Intellectual History in Honor of Alexander Altmann*, ed. Jehuda Reinharz and others (Durham, N.C., 1982) 67–84; Shalom Rosenberg, "Hekhreḥi we-ʾefshari ba-filosofiah ha-beinaimit," *Iyyun* 28 (1987): 103–55.

zation argument. Nevertheless, as Maimonides himself admits, the latter argument has its merits, and he will employ it in a more restricted form.[29]

Abravanel claims that Maimonides was right in not accepting the particularization argument in its standard Kalām formulation. For the latter was too general: it encompassed all kinds of features of the world, including the sublunar world. According to Maimonides, Abravanel explains, the latter can be adequately accounted for: there is no need to appeal to any supranatural cause to explain why the grass is green. What are problematic are certain facts in the celestial domain, features about, say, Jupiter, such as its big red spot. Why does Jupiter have it and not Venus? A strictly deterministic astrophysics, which Maimonides believes is entailed by Aristotle's cosmology, is unable to explain this fact, and this renders the eternity theory suspect. So, according to Abravanel, Maimonides' criticism of the Kalām's particularization argument was relatively minor: in its Kalām form it was just too sweeping.[30]

Maimonides' rejection of the preponderance argument was, we have seen, more radical; Abravanel is, however, more charitable. He is puzzled as to why Maimonides was so harsh: if, as Maimonides believed, the preponderance argument is just another form of the particularization argument, then why is the former so much weaker than the latter? In truth, Abravanel argues, the preponderance argument is neither equivocal nor question-begging. Both the Kalām and the Falāsifa use the term "possible" in this context in the same sense: that which is dependent upon something else, i.e., the contingent. Moreover, both the Kalām and the Falāsifa go on to assert that the universe as a whole is contingent, and thus needs something to cause it—a "preponderator." They depart from each other insofar as the Kalām asserts that the preponderator is a creator who voluntarily created the world *absolutely*, i.e., at a first instant, whereas the Falāsifa deny this and claim only that the world has a First Cause. Although Abravanel has "cleansed" this argument, it is, he admits, not strong enough to prove creation in the sense of the finite duration of the world *a parte ante*. Thus, Maimonides was right to dismiss it, but his explanation of its defectiveness was incorrect.[31]

Let us return to, and take a closer look at, the particularization argument, which Maimonides himself did not hesitate to employ at least in a more restricted form. Abravanel contends that Maimonides' version of this argument is sufficiently "strong and true to demonstrate and prove that the world is consequent upon God's will and intention, not upon necessity, as Aristotle had maintained."[32] Maimonides was then, according to Abravanel, unduly—and uncharacteristically, we might add—modest in disclaiming that he had a proof for creation. But perhaps Abravanel is too quick to pass judgment here. Isn't it *possible* to explain these astronomical anomalies scientifically, even though Aristotle failed to do so? Couldn't we revise Aristotle's cosmology in such a way that sufficient explanations for these phenomena will be forthcoming? Indeed, couldn't a *different* astronomical system be constructed that would do the job? The first alternative was attempted by Averroes and his Jewish disciple Mosés Narboni; the latter by the Muslim astronomer Al-Bitrūjī. Abravanel's attempt to counter these objections to the Maimonidean version of the particularization argument requires us to make use of a different work of Abravanel, his treatise *New Heavens* (*Shamayim Ḥadashim*), which is in part a commentary upon the chapter in the *Guide* wherein Maimonides presents his own version of the particularization argument. Indeed, the very title of this small treatise is revealing: the Hebrew word for "new," *ḥadash*, can also mean "created."

The nerve of the particularization argument is the question, Why this, and not that, if either alternative is logically possible? Since the Aristotelian has failed to answer this question by means of his deterministic system, the door is open to the explanation by means of the divine will. But perhaps Maimonides was a bit too hasty. Why should we retreat so quickly to the *asylum ignorantiae*? This was the reply of Narboni, Maimonides' Averroist commentator. Aristotelian answers are at least logically possible, if not now at least in the future. Indeed, Maimonides himself left the matter in the same sea of ignorance as did Aristotle. For to explain Jupiter's red spot by saying that it is attributable to the divine will is no better an answer than the Aristotelian's more modest *ignorabimus*. In either case, no *specific* solution to the question has been provided. The Aristotelian has given us at least a promissory note on some future answer; the creationist, however, has told us not to look for an answer at all, at least not from a scientist. Why should we think that the latter approach is any better than the former?[33]

[29] Maimonides, *Guide* 2.19.
[30] Abravanel, *Mif'alot* 9.5:69c–d.
[31] Abravanel, *Mif'alot* 9.5:69d–70b.

[32] Abravanel, *Mif'alot* 9.5:71c.
[33] Moses Narboni, *Commentary on Maimonides' Guide of the Perplexed*, ed. J. Goldenthal (Vienna, 1852; rpt. in *Sheloshah Qadmonei Mefarshei ha-Moreh* [Jerusalem, 1961]) on *Guide* 2.19. Abravanel, *Shamayim Ḥadashim* (Roedelheim, 1828) 1:10b.

To this persuasive objection Abravanel replies that the defender of creation is on this point in a stronger position than the defender of eternity. The latter is in a fatally embarrassing situation: he claims that everything in the world follows natural laws according to strict necessity. But what is his evidence for this general priniciple? Specific instances of law-determined natural phenomena. But if there are lacunae in nature, if there are natural phenomena that are *not* law-covered, then this general principle is weakened, indeed falsified. The eternity theory, as it is interpreted by Maimonides and Abravanel, cannot really admit any anomalies, since any epistemic dangler is evidence against its basic premise of nomic, i.e., law-covered, determinism. The defender of creation, on the other hand, need not be so easily embarrassed if he is asked why God put a red spot in Jupiter and not in Venus. Not committed to any kind of natural determinism, the defender of creation does not *have* to come forth with a scientific answer. Leaps and gaps in nature do not disturb him; indeed, they are precisely the things that he expects, since on his hypothesis nature is not a completely deterministic system. If God is regarded as having will, then astronomical irregularities are to be expected; if nature is presumed to be a system of pure nomic necessity, anomalies are signs that it is not. Thus, the defender of creation is permitted to say "I don't know"; the defender of eternity is forbidden.[34]

This epistemic handicap is especially embarrassing to the defenders of eternal creation, such as Averroes, Narboni, and Crescas, all of whom admit that God is a voluntary agent who creates the world, albeit eternally.[35] In chapters 20–21 of part 2 of the *Guide*, Maimonides had already argued that this theory is an incoherent hybrid of two radically different natural philosophies, suggesting that like the mixing of seeds prohibited in Jewish law this theory is to be shunned. Abravanel agrees; but he claims that this conflation can be avoided if we adopt the Kalām distinction between the terms "agent" (*poʿel*) and "cause" (*ʿilah*), a distinction Maimonides had rejected. The term "agent," Abravanel insists, implies creation, whereas the term "cause" merely connotes productive efficacy. The former entails a voluntary act; the latter implies a necessary causal nexus. Had this distinction been appreciated and adhered to, the illicit marriage between the creation and eternity cosmologies would have been detected and annulled. In this respect Abravanel

[34] Abravanel, *Shamayim* 1:10b–11a.

[35] Seymour Feldman, "The Theory of Eternal Creation in Ḥasdai Crescas and Some of His Predecessors," *Viator* 2 (1980): 289–320.

anticipates Spinoza's argument that teleological cosmology and deterministic physics are utterly incompatible, except of course that Spinoza eliminated the former whereas Abravanel rejected the latter.[36]

But the defenders of eternity still might reply that astronomical anomalies are at least in principle explicable. Averroes and Narboni were aware of these problems and attempted to solve them. To no avail, answers Abravanel, who in the second essay of *New Heavens* gives a detailed analysis of their attempt to provide Aristotelian answers to eight of these puzzles. To illustrate the character of the debate I shall give one example. Maimonides had already raised the following objection about the heavenly spheres: each heavenly sphere really comprises two very different types of bodies—the sphere itself, which is transparent and self-moving; and the star, which is nontransparent and non-self-moving but is carried along with the movements of the sphere. Now, how is it that two such different kinds of things are united together? What is responsible for this union?[37] Aristotle had made no distinction between the nature of the star and the nature of the sphere: both are quintessential. Yet he claimed that the star is the best part of the sphere insofar as it emits light and hence is dense and nontransparent. In this respect the star is like the eyes of an animal: even though the eyes do not move they are carried along with the animal's body.[38] Averroes and Narboni substantially repeat this explanation.[39]

Abravanel rejects this solution. If the star and the sphere are so different that one body is dense whereas the other is transparent, and the one is essentially at rest whereas the other is always moving, the more natural conclusion is that these are two *radically different* kinds of bodies, not two bodies of the same simple, homogeneous nature, as Aristotle had maintained. Nor is the analogy with the eyes of an animal relevant. Animals are *composite* bodies made up of very different kinds of parts and organs. No heavenly body is like this. Moreover, the eyes are for the purpose of helping the animal survive in its environment. Is there anything comparable in the heavenly domain?

[36] Abravanel, *Shamayim* 1:2b, 12b. Maimonides, *Guide* 1.69. Spinoza, *Ethics*, pt. 1, app.

[37] Maimonides, *Guide* 2.19. This is the fifth of eight questions discussed in detail by Abravanel in *Shamayim* 2:16a. The point seems to have been originally raised by Philoponus in his *De Opificio Mundi*, ed. G. Reichardt (Leipzig, 1897) 4.15:190.

[38] Aristotle, *On the Heavens* 2.2, 7–8, 12. Abravanel, *Shamayim* 2:22a.

[39] Averroes, *De Substantia Orbis*, ed. and trans. Arthur Hyman (Cambridge, Mass., 1986) 2:92–93. Moses Narboni, *Commentary on Guide* 2.19.

Surely not. So let us drop this analogy altogether. Indeed, why should anyone seriously think that the heavenly bodies are at all *animate*? To be sure, this was a venerable notion, suggested by some of Aristotle's remarks and developed into a full-fledged doctrine on his behalf by his earliest commentators, and it was widely believed throughout the Middle Ages by the most respectable philosophers and astronomers. Yet, Abravanel argues, it is a mistaken belief; indeed, it is not even Aristotle's authentic view. Accordingly, Maimonides' particularization question still stands: who or what is responsible for the combining of these two different types of bodies? The most *reasonable* reply is, God's will.[40]

Suppose someone were to admit that the Aristotelian system *cannot* answer these questions. Nevertheless, another system can; or at least it has not yet been shown that there may not exist some other naturalistic cosmology which can explain these alleged anomalies. In raising this question I am not necessarily alluding to some modern system such as Newtonian or Einsteinian physics. In the Middle Ages a rival astrophysics to Aristotle's had been proposed, and for a few centuries it had been seriously discussed by astronomers and philosophers. It was the astronomical model put forth by the astronomer Al-Bitrūjī, or, as he was known in the Hebrew, "the one who thunders forth a new astronomical system."[41] Avoiding both epicycles and eccentrics this system was more closely wedded to Aristotle's strictly homocentric system of nesting spheres. Al-Bitrūjī claimed that all these spheres moved in the *same* direction, east to west, although with varying velocities based upon their distances from the diurnal sphere: the closer an inner sphere is to the diurnal sphere the *faster* its velocity. Moreover, all heavenly bodies had the same number of movements and spheres. According to Abravanel, this model avoids at least three of the alleged anomalies specifically adduced by Maimonides, and claims in principle to have answers to the others. So perhaps this is the model to adopt.

Relying upon more expert testimony than his own, Abravanel cites the astronomical arguments against Al-Bitrūjī supplied by Gersonides, a person whom Abravanel usually criticized more often than he praised. In general,

[40] Abravanel, *Shamayim* 1:16b–17a. Philoponus too rejects this idea in his *De Opificio Mundi* 1.12, 6.2:231–33.

[41] Salomon Munk, *Mélanges de Philosophie Juive et Arabe*, rev. ed. (Paris, 1955) 518–22. J. L. Dreyer, *A History of Astronomy from Thales to Kepler*, 2nd ed. (New York, 1953) 264–67. Bernard Goldstein, *Al-Bitruji: On the Principles of Astronomy*, 2 vols. (New Haven, 1971).

Al-Bitrūjī's system is counterintuitive and inconsistent with sensory experience. In particular, Abravanel cites two objections, since, as he says in jest, Jewish law requires testimony from at least two witnesses. First, on this model each sphere would have a composite, or spiral, motion resulting from its own motion on its axis and its motion consequent upon the diurnal motion. So the Ptolemaic system of diverse motions has not really been avoided. Second, according to Al-Bitrūjī the closer a sphere is to the diurnal sphere the quicker its velocity. But this is simply wrong, Abravanel contends. Just look and see. So there is no advantage in accepting this system.[42]

Now if Averroes and Narboni, on the one hand, failed to provide adequate Aristotelian explanations for these anomalies, and if, on the other hand, the rival astronomical system of Al-Bitrūjī is even less satisfactory, there seems to be no good reason for not accepting the Kalām's particularization argument as a *compelling proof* for the doctrine of voluntary creation. What complicates this question is the fact that the particularization argument was used by Gersonides in such a way as to amount to a *demonstration* of the world's creation. So why wasn't it compelling enough to convince Maimonides of its probative force? Abravanel now undertakes a detailed critique of Gersonides' version of the particularization argument with the aim of finding an answer to this question. However, since a full discussion of his critique would take me beyond the scope of this paper, I shall make use of only one of its results.

Gersonides' version of the particularization argument is stronger than Maimonides' employment of it in two respects. First, it is formulated as a strictly deductive argument, whereas Maimonides' version is inductive. Second, the main thrust of Gersonides' formulation is its contention that the various properties of the heavenly bodies, even the anomalies, have beneficial consequences for the sublunar world; indeed, the heavenly bodies exhibit these properties *in order to* benefit the earthy domain.[43] As Abravanel correctly notes, Maimonides explicitly rejected the latter contention. Although he subscribed in general to the Aristotelian teleological natural philosophy, Maimonides vigorously rejected extreme anthropocentric versions of this general framework, as for example the formulation in Saadia, for whom

[42] Abravanel, *Shamayim* 3:23b–24b. Gersonides, *The Wars of the Lord* 5.1.40. Bernard Goldstein, "Preliminary Remarks on Levi ben Gerson's Contributions to Astronomy," *Israel Academy of Sciences and Humanities, Proceedings* 3.9 (1969): 246–47.

[43] Gersonides, *Wars* 6.1.7–9; 5.2.6–9.

everything in the universe was created for man.[44] In Gersonides the particularization argument is even more anthropocentric and has been virtually transformed into the argument from design. Indeed, in Gersonides' exposition the particularization argument is sandwiched between two forms of the teleological argument for creation, which suggests that for him there is hardly much of a difference between the two arguments.

Abravanel claims that Gersonides' strongly anthropocentric interpretation of the particularization argument stems from a fundamental mistake, in particular his failure to distinguish between the two formulae "X intends to benefit Y" and "some benefit accrues to Y from X." In several languages, there are certain conjunction-particles that are ambiguous; they can introduce a purpose-clause or a result-clause. For examples, consider *ut* in Latin, *hōs* in Greek, *ḥattā* in Arabic, and *kedei* in Hebrew. Abravanel accuses Gersonides of conflating the difference between these two uses of such conjunction-particles; in other words, Gersonides did not distinguish between results and intentions. For, although it may be true that the acts of an agent that result in a benefit are intended for that benefit, the converse is not true. Not all beneficial results are intended. Accordingly, even if it is true that the particular character of the lunar orbit has beneficial consequences for man, it does not follow that these benefits were intended by it. Thus, Maimonides' criticism of this unwarranted anthropocentrism still stands: the more superior body would, on the Gersonidean theory, be subordinate to the inferior body. Accordingly, sensing, perhaps prophetically, the anthropocentric ramifications or connotations of the particularization argument, especially in some of its forms, Maimonides used it in a weaker form, more as a polemical argument against Aristotle than as a demonstrative proof for creation.[45]

Abravanel's criticism of Gersonides provides an appropriate introduction to one of his own arguments for creation. This argument turns out to be a "combination of forces" insofar as it assimilates the particularization argument to the argument from design, without, however, retaining the anthropocentric features of Gersonides' version of the latter argument. It is worthy of note that the very term Abravanel uses to characterize his argument, *hitaḥadut*, is close in syntax and perhaps in semantics to the Hebrew term for "particularization," *hityaḥadut*. Whereas the latter word connotes uniqueness or particularity, the former signifies unity. One could say that these are two sides of the same coin: the one stresses the fact that the universe is an ordered, unified system; the other focuses upon its unique properties.

[44] Maimonides, *Guide* 3.13. Saadia Gaon, *The Book of Beliefs and Opinions* 4, introd.

[45] Maimonides, *Guide* 3.13. Abravanel, *Shamayim* 3:29b–30. Gersonides, *Wars* 6.2.8.

Let us grant, Abravanel begins, that for Aristotle the telic influence of the heavenly bodies is not intentional but merely consequential. Nevertheless, we observe in nature a complicated network of diverse yet unified microsystems all working toward one goal, i.e., the maximum perfection of the macrosystem. The question is not so much who or what intended this system as who or what is responsible for it. As Abravanel says,

> . . . there is no doubt that we cannot say with respect to the entire system that this [integration of the microsystems] results from the power of their own nature. For, although each one of them acts according to its own nature, [we must ask] who put them together in such a way that their actions agree with each other to bring forth in cooperation that benefit? [This question cannot be answered] unless we posit one thing outside these systems that arranged them in a unified, cooperative act or actions. It is this [cause] that gave them that unity by virtue of which the benefit and good [in the world] derives.[46]

Indeed, for Abravanel this unity (*hitaḥadut*) is the effect of one particularizing agent (*meyaḥed*) who has *created* the whole system. Indeed, Aristotle himself admitted that every composite implies a "composer."[47] In this particular case, i.e., the diverse and complex celestial system, the composer has so made and arranged the system that from these bodies beneficial consequences *ensue*, without the benefits having to be the particular purposes of these bodies. This argument avoids the question that vexed Maimonides: is it proper that the higher heavenly bodies *exist for* the lower earthly bodies? This problem is relevant, according to Abravanel, only if the former are unrelated and independent units. But since they are all parts of a unified system all of whose parts are ordered by one agent, the distinction between "upper" and "lower" no longer has any validity. After all, the eye is "higher" than the heart; but without the latter the eye cannot do its job. And without the arteries and veins in the legs, the heart will cease to function. So what is the point of this invidious distinction?[48]

[46] Abravanel, *Shamayim* 3:31a.

[47] Aristotle, *Metaphysics* 12.7:1072a23. Maimonides, *Guide* 2, pref., prop. 21 and 2.1.

[48] Abravanel, *Shamayim* 3:31b.

Actually, Abravanel claims, the argument from unity was not unknown to Maimonides and indeed is implicit in chapter 72 of part 1 of the *Guide*. In that chapter Maimonides describes the analogy between man the microcosm and the world as the macrocosm in such a way that the difficulties in Gersonides' version of the particularization argument are avoided. Nevertheless, Maimonides did not explicitly employ this argument as a proof for creation, since the defenders of eternity also made use of the analogy between man and the universe. Instead, he was content to show the invalidity of the Aristotelian arguments against creation and the inability of the eternity hypothesis as understood by Aristotle to explain the astronomical anomalies. Yet in essence, Abravanel contends, Maimonides' polemical use of the particularization argument in part 2 of the *Guide* and the implicit statement of the unification argument in part 1 of the *Guide* constitute *one decisive proof* for creation.

> For if the master were asked about the celestical anomalies and he were to determine that they cannot be explained by nomic necessity but only by means of will and intention, [i.e.,] from a divine will that intended to make them in this way, the *unification method* [emphasis added] has been demonstrated. For God has created them according to that agreement, relation, and unity which they exhibit.[49]

I conclude with the suggestion that Abravanel's unification principle may be stronger than he himself thought, since together with some genuine Aristotelian premises it implies that the whole universe is generated. Consider this argument:

1. Some species K is perishable.
2. K is generated.
   [Aristotle's theorem that everything that is generable is perishable, and conversely (*On the Heavens* 1.12).]
3. The unification principle.
4. If some species is perishable, all species are perishable.
5. If all species are perishable, they are all generated. [Aristotle's theorem.]
6. All species are generated.

The crucial premise in this argument is item 4. In its favor one could argue

[49] Abravanel, *Shamayim* 3:32a–b.

that if some species is perishable, why not *any*? No one species would seem to be more privileged than another with respect to perishability or imperishability. We see individuals from all kinds of species perish indifferently. So perishability seems to be a universal property of all species. Moreover, if all of nature constitutes an integrated ecological system wherein each species is "tied together" with every other species, directly or indirectly, the fate of each part is "inherited," so to speak, by the whole. And this is precisely what Genesis 1 tells us.[50]

Conclusion

Leo Strauss maintained that Maimonides' *Guide of the Perplexed* is a book of Kalām.[51] Although a bit extreme, this remark possesses at least a grain of truth when it is applied to Maimonides' defense of creation. Abravanel's analysis of Maimonides' critique of the Kalām arguments for creation does, I believe, support Strauss's thesis. Using Maimonides' own suggestion that the Kalām particularization argument, properly interpreted, is a good argument for creation, Abravanel went on to formulate this argument in a more comprehensive form, combining it with another Kalām argument, the argument from composition, to produce a proof from unification. Throughout the history of this problem from Saadia to Gersonides, the imprint of Kalām cosmogony was pervasive and deep. Abravanel's philosophical critique of this history makes this fact quite plain.

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[50] Abravanel, *Mif'alot* 9.4:68b.
[51] Leo Strauss, *Persecution and the Art of Writing* (Glencoe, LL., 1952) 40–41.

A JUDEO-ARABIC COMMENTARY ON THE HAFṬĀRŌT BY ḤANAN'ĒL BEN ŠĔMŪ'ĒL (?), ABRAHAM MAIMONIDES' FATHER-IN-LAW

by

PAUL B. FENTON

Of the forgotten figures of Jewish history whose veil of oblivion has been lifted by contemporary research in the field of Genizah, Ḥanan'ēl ben Šĕmū'ēl, ha-Dayyān, is one of the most remarkable. After centuries of obscurity, Ḥanan'ēl, often confused with his illustrious namesake, Ḥanan'ēl ben Ḥūšī'ēl, now emerges as having been an outstanding personage of his time, an intimate adept of the Maimonidean inner circle and an authority on the Rambam's halakhic and philosophical writings. Yet until recently scarcely anything was known about him, beyond the precious little the Ḥida had to report.[1] It was only in the last century that Carmoly was able to add, from some as yet unlocated source, the following details:

> He was an outstanding scholar and in the year 1215 he was head of the yĕšībāh in Fosṭāṭ, where he ended his days. His disciple Pĕrāḥyāh b. Nissim took his place. R. Ḥanan'ēl left commentaries on the Babylonian Talmud, as I found written in the novellae on Maimonides by the ancient authorities.[2]

[1] "Ḥanan'ēl b. Šĕmū'ēl. I have seen his commentaries on several talmudic treatises on vellum in a very old manuscript." *Šem ha-gĕdōlīm*, s.v. "Ḥanan'ēl."

[2] "Ziḵrōn la-ri'š'ōnim wĕ-gam la-'aḥarōnim," *ha-Karmel* 6.12, p. 94. For once, Carmoly's wording has a ring of authenticity. See also M. Steinschneider, *Die arabische Literatur der Juden* (Frankfurt am Main, 1903) 227–28. As for S. H. Kook's claim in his article "R. Ya'aqōb Siqīlī ū-sĕfārāw," *Yĕrūšālāyīm* 13 (1919): 69, that R. Ḥanan'ēl was R. Ya'aqōb as-Siqīlī's father, it cannot be sustained for chronological reasons. On R. Peraḥyah b. Nissīm, see I. Suna, *Pērūš Rabbēnū Ḥanan'ēl b. Šĕmū'ēl ha-dayyān 'al ha-RIF* (Jerusalem, 1970) 11–12; Goitein, *Tarbiz* 50 (1980–81): 393–94 and Mas'ūd Ḥayy Rōqaḥ, *Ma'asēh Rōqēaḥ* (Venice, 1742) 2c (= Qōbeṣ tĕšūbōt ha-

Recent research has identified him as the signatory of several Genizah documents which situate his activity in the last quarter of the twelfth century and the first half of the thirteenth. He indeed lived in Fosṭāt, where he seems to have been a notable and a prominent member, or even the principal, of the nagid's *bet din*.[3]

It has long been known that manuscripts of two of his talmudic commentaries had been preserved, and these have of late been published.[4] Isaac Suna, who edited his commentary on Qīddūšin, endeavored in his introduction to sum up for the first time all that was known about R. Ḥanan'ēl.

From his writings it is clear that R. Ḥanan'ēl had several pupils, and it is now recognized that he did indeed have a substantial literary output which included commentaries in the areas of halakhah, biblical exegesis, and ethics. Apparently a man of means,[5] he was a scion of an important dynasty, the Amšāṭī family,[6] and it seems that, like Maimonides, he was also of Andalusian extraction.[7] Of considerable interest in their own right, his works are of prime

RMBM, ed. Lichtenberg (Leipzig, 1859) 53b, where it is stated that R. Peraḥyāh composed a commentary on the treatise Šabbāt in the year 1247. It would not be surprising if some of the novellae in this collection, partly based, according to B. Goldberg (*Maʿasēh nissīm* [Paris, 1867] xvii), on a Ginzburg manuscript (now Moscow, Ginz. 322.7, fols. 64a–70a; Jerusalem, Inst. Microfl. reel 27966), were actually written by R. Ḥanan'el, who seems, in fact, to be mentioned in Lichtenberg 57d, line 7 and 62a, line 9, the latter according to a manuscript originating from Egypt.

[3] This accounts for his having been entrusted with the master-copy of the *Mišneh Torah* after the Rambam's demise, a fact that can be ascertained by R. Ḥanan'ēl's having taken the liberty of writing a poem on the fly-leaf at the end of this precious manuscript, now preserved in Oxford, Hunt. 80. H. Edelman, *Treasures of Oxford* (London, 1850) xxi–xxii, was the first to identify R. Ḥanan'ēl b. Šĕmu'ēl as the author of the inscription.

[4] His commentary on RIF's version of TB Qiddūšīn, preserved in Bodleian Hunt. 252 (Neubauer 438, dated 1307), and first studied by S. Assaf ("Qōbēṣ pērūšīm lĕ-Talmūd ū-lĕ-hilḵōt ha-RIF," KS 23 [1946]: 233–38) was published by I. Suna, *Pērūš Rabbēnū Ḥanan'ēl ha-dayyān ben Šĕmū'ēl ʿal ha-RIF, masseḵet Qiddūšīn* (Jerusalem, 1970). His commentary on the RIF TB ʿErūbīn (BL Add.27.197) was published by M. J. Blau, ed., *Pērūš Rabbēnū Ḥanan'ēl lĕ-massēḵēt ʿērūbīn: Šiṭat haqadmōnīm* (New York, 1980). Neither of these manuscripts is an autograph.

[5] In a Genizah letter published by J. Horovitz, "Ein arabischer Brief an R. Chananel," *ZfHB* 4 (1900): 155–58, the sender, Miša'ēl b. Uzzi'ēl, turns to him for financial assistance.

[6] See article cited below, n. 8.

[7] This is suggested principally by his handwriting and his close association with the Maimonidean clan. Goitein submits that he hailed from Tunisia, which does not preclude a Sefardi origin.

significance for the insight they provide into the intellectual tendencies of the times and the impact and understanding of Maimonides' thought in the very milieu in which the great doctor resided.

In one of the last fruits of his pen, the late Shlomo Dov Goitein made the first in-depth study of R. Ḥanan'ēl the Dayyān based on new documentary evidence from the Genizah. In this article he pointed out that R. Ḥanan'ēl was not only a member of R. Abraham's *bet din* but also the latter's father-in-law, Abraham Maimonides having married R. Ḥanan'ēl's daughter.[8]

We know that Ḥanan'ēl continued to act as *dayyān* under David Maimonides and is mentioned in a document as late as 1249.[9] Supposing Ḥanan-'ēl's daughter to have been born in 1195, he himself could feasibly have been born around 1170 and lived into his seventies or eighties. He would then have been in his early thirties when Maimonides passed away at the age of sixty-six. The key to the discovery of his family connection with the Maimonides dynasty lay in the correct interpretation of the Arabic word *ṣihr*, which in one of its meanings can designate a father-in-law.

Goitein also surmised that in addition to being bound by family ties, the Dayyān was probably also affiliated to Abraham's pietist circle. Goitein could have recalled in this connection the text of a letter which he himself had published over thirty years previously in which Abraham's father-in-law is referred to by the very term *ṣihr*.[10] In this document, which is a report on the agitation fomented by the opponents of Abraham's pietist practices, R. Ḥanan'ēl is portrayed as overtly acting in defense of the movement side by side with his son-in-law.[11] As is known, the adherents of this tendency were persecuted by the Egyptian Jewish establishment,[12] which even went as far as to denounce Abraham to the Muslim authorities. In a newly discovered letter, which apparently dates from this troubled period, Abraham Maimonides informs Ḥanan'ēl's son Ḥayyim of the great danger which threatens both

[8] "Chief Judge R. Ḥanan'ēl b. Samuel, In-Law of R. Moses Maimonides," *Tarbiz Jubilee Volume* 50 (1980–81): 371–95. The marriage possibly took place between 1210 and 1222, when Abraham begot David at the age of thirty-six.

[9] S. D. Goitein, *A Mediterranean Society* (Berkeley, 1971) 2:515.

[10] "New Documents from the Cairo Genizah," in *Homenaje a Millás Vallicrosa*, vol. 1 (Barcelona, 1954) 707–20, esp. 717, line 14. For an annotated French translation of this document, see my *Deux Traités de Mystique Juive* (Paris, 1987) 84–85.

[11] Goitein, "New Documents" 717, lines 14–23: "[Abraham] summoned his co-religionists with the help of the elders, his valet and his father-in-law. . . . As for the petition which the *raʾīs* drew up, your servant met with Rabbi Ḥanan'ēl . . . and I declared that the drawing up of this petition was a sign of weakness."

[12] See my *Deux Traités* 81–89.

him and his father-in-law—they were possibly being held in custody—imploring him to pray for them.[13] Similar circumstances may also plausibly explain why R. Ḥanan'ēl was later compelled to go into hiding when the synagogue and *bet din* of his grandson David Maimonides, where Ḥanan'ēl also officiated, were closed by the government, as a result perhaps of an act of denunciation in connection with his pietist activities.[14]

Following up Goitein's study with a contribution based on literary sources, the present writer was able to corroborate R. Ḥanan'ēl's pietistic sympathies from the remnants of his literary production, which evinced a definite Ṣufi proclivity.[15] Consequently it comes as no surprise that Ḥanan'ēl is referred to in several Genizah documents as "the Pietist"[16] and "the God-fearing ascetic,"[17] and it would seem that he even occupied a position of importance within the circle, since he is also styled "the ensign of the Rabbis, the chief of the Pietists."[18] As we have shown elsewhere, this epithet was not merely an honorific title but designated an individual who followed the doctrines and practices of the Jewish pietists, who were largely influenced by the spiritual model of their Ṣufi contemporaries.[19]

One of these borrowings was the practice of a spiritual retreat (*ḫalwa*) for a period of forty days (*ʾarbaʿūn*) still followed by Sufis of the Naqšabandi order in present-day Egypt. By chance a letter referring to "the noble *dayyān*" in connection with the practice of this spiritual exercise was preserved in the Genizah. The scholarly editor of this letter, published together with a Hebrew translation, failed to recognize either its mystical import or the persons it referred to, believing it to be commercial correspondence concerning a business trip.[20] However, the technical terminology used in the text clearly shows that the theme is that of a spiritual journey (*safar*), whose significance in Sufism is well known.[21] The letter is addressed to one Ḥayyim by a member of the pietist circle who also sends greetings to David and ʿObadyah Maimonides. Now this Rabbi Ḥayyim is known to us from another letter wherein condolences are tendered to him and David Maimonides, a fact which led Goitein to suppose that the two were somehow related.[22] It seems more than likely that this R. Ḥayyim, who was also a judge at David Maimonides' *bet din*, was none other than Ḥanan'ēl b. Šămū'ēl's son, and thus, if our identification is correct, David and ʿObadyah Maimonides were in fact his nephews. Moreover, in the letter, the sender quotes one of Ḥayyim's father's allegorical interpretations in order to reassure his correspondent

[13] This important letter is published in appendix 1 to the present article. The troubles took place before the end of Mālik al-ʿĀdil's reign (1218), when Abraham was about thirty years of age. His brother-in-law, R. Ḥayyim, though addressed by Abraham as a senior, was probably of the same age. He was still active after 1265, as can be shown from a letter to him which cites David but no longer formally mentions R. ʿObadyah Maimonides (d. 1265) (See below, n. 22). Though the name Ḥayyim was fairly rare at the time, it was borne by at least one other member of the al-Amšāṭī family. Indeed, the name of R. Ḥayyim b. Ḥanan'ēl, alias Faḍā'il b. Abū ʿAlī(?) b. Ibrāhīm al-Amšāṭī, was inscribed in the year 1182 on the venerated Bible Codex formerly preserved in the synagogue at Maḥalla al-Kubrä. This Ḥayyim had a brother named Samuel. Was the latter Ḥanan'ēl's father? See A. Yallouz, "Relation d'un voyage d'études à Meḥalla El-Kobra," *Bulletin de la Société d'Etudes Historiques Juives d'Egypte* 1 (1929): 49–52 (reproduced in M. Fargeon, *Les Juifs en Egypte* [Cairo, 1938] 283–86). See also I. Ben-Ze'ev, *Sefunot* 6 (1962): 267, and B. Richler, *Alei Sefer* 5 (1978): 185. On another possible member of the family, Daniel Ibn al-Māšiṭa, author of a critique of the *Guide*, see my article in *REJ* 145 (1986): 279–94.

[14] T-S 6J7.3, published by Goitein in *Tarbiz* 34 (1965): 240–43: "Our allies presented a petition [to the authorities] so that they closed the *raʾīs*' court. Since no worshippers remained at his [private synagogue], he came to the Great Synagogue, notably for the fast. As for R. Ḥanan'el, he has gone into hiding because of the dispute between our allies and the *raʾīs*. Some say he left for Qūs, while others claim he went to Alexandria, and still others say he is hiding in Fostat itself. His son [Ḥayyim?] is giving the lectures on the Sabbath."

The closing of the *raʾīs*' synagogue rather suggests a liturgical motive behind the conflict. R. David is not explicitly mentioned in this document, which is only tentatively dated to his period by Goitein. It could possibly also refer to Abraham Maimonides in connection with the events described in the preceding note.

[15] "More on R. Ḥanan'ēl b. Samu'el, Chief of the Pietists" [Heb.], *Tarbiz* 55 (1985): 77–107.

[16] E.g., T-S NS 321.13.

[17] In the Genizah fragment from Frankfurt am Main, published by J. Horovitz; see above, n. 4.

[18] T-S 8J10.5.

[19] P. Fenton, *The Treatise of the Pool* (London, 1981) 5–6, and my *Deux Traités* 38–40.

[20] The letter was published by E. Ashtor, *History of the Jews in Egypt and Syria* (Jerusalem, 1970) 3:28–32. See also S. D. Goitein, "Genizah Documents from the Mameluke Period," *Tarbiz* 41 (1971–72): 77–79. I offered a French translation of the same in my *Deux Traités* 63–65.

[21] E.g., see al-Ġazzālī, *Iḥyāʾ ʿulūm ad-dīn* 2.7 (ed. Beirut, n.d.) 244.

[22] CUL Or 1080 J 179, published by Goitein in *Tarbiz* 34 (1965): 252. This letter possibly concerns the demise of R. ʿObadyah, and thus is to be dated 1265. Bodl.Heb b.13.43 is another letter addressed to Ḥayyim, wherein David ha-nāgīd and "the wise and perspicacious R. ʿObadyah the prince" are again mentioned.

about the imminent departure of the *dayyān* (R. Ḥanan'ēl) to a spiritual retreat (*ḫalwa*). As the quotation is in keeping with what is already known about R. Ḥanan'ēl's exegetical method, it was not deemed superfluous to offer an English rendering of this letter in appendix 2 of the present article.

As has been said, Ḥanan'ēl's pietistic tendencies are also evidenced by those of his writings which have recently come to light in the Genizah. Fragments of his autographs, easily recognizable by their Andalusian cursive, are so numerous that it may well be that his personal archives along with those of the Fosṭāṭ *bet din* were deposited in the Genizah. The autograph letter, T-S Glass 16.293, published by Goitein[23] contains a typical sample of his handwriting and signature, and could serve as a useful touchstone. Judging by their frequent scorings and additions, most of the fragments which have so far been located are drafts. These remnants convey a fair idea of his rich literary output and include commentaries in Hebrew on the Talmud, as well as compositions in Arabic on the Bible, the Mishnah, Sifri, Sifra, rabbinical literature, halakhah, and ethics. Indeed, his exegesis is of particular significance for his use of philosophical allegory, betraying a distinctly Maimonidean resonance together with a pietistic emphasis typical of the writings of Abraham Maimuni. Furthermore, remains of his commentaries on the *Sefer ha-Miṣwōt* and the *Mišneh Tōrāh* have been located, which make R. Ḥanan'ēl in all probability the very first Maimonidean commentator.

Here is a tentative classification of the fragments so far identified. It goes without saying that this list is far from complete.

Arabic Commentary on Pentateuch

BL Or 5566 B 14 (Exod. 35)
T-S Arabic 23.32 (Gen. 1)
T-S Arabic 50.136 (Deut. 25:8)
T-S Arabic 50.137 (Deut. 21:11)
T-S Arabic 53.52 (Deut. 21:11)
T-S F3.148 (Num. 34)
T-S Misc 22.152 (Gen. 49)
T-S NS 308.152 (Gen. 49)

[23] *Tarbiz* 50 (1980–81): 389–92.

Biblical Commentaries

T-S NS 308.107 (Isa. 17:14)
T-S Misc 20.211 (1 Chron. 28:8)
Moss III.110 (Isa. 29:8)

Arabic Commentary on Sifri

Moss III.148
Moss V.293 (Lev. 22:4)
Moss VI.119.2 (Lev. 16:18)
BL Or 5566 B 28 (Lev. 27:14)
T-S Arabic 1a.11 (Lev. 19)
T-S Arabic 27.26
T-S Arabic 46.51 (Lev. 27:26)
T-S Arabic 47.148 (Lev. 16:14)
T-S Misc 5.70 (Lev. 13)
T-S Misc 7.155 (Lev. 24:18)
T-S NS 164.78 (Lev. 13:39)
T-S NS 307.10
T-S NS 307.20 (Lev. 19:4)
T-S NS 308.75 (Lev. 27:27)
Bod Heb c 108.27 (Lev. 15)
Moss IV.148 (Lev. 22:27)
Moss V.293 (Lev. 22:4)
Harkavy 66 R2 (Lev. 13)

Arabic Commentary on Sifra

Moss III.49 (Num. 33)

Arabic Commentary on Mišnah

T-S Arabic 48.74 (Ḥullin)
T-S Misc 22.89 (Sūkkāh)
T-S Misc 25.56 (Sūkkāh)
T-S NS 90.26 (Kilā'īm)
T-S NS 100.67 (Sūkkāh)

T-S NS 100.70 (Sūkkāh)
T-S NS 220.109 (Sūkkāh)
T-S NS 310.7 (Qiddūšīn)
Moss III.68 (Hilḵōt Gĕnēbāh)
ENA NS 33.6 (Baba Qāmā')
ENA 684.3 (Sūkkāh)
ENA 2967.2 (Ḥūllīn)
ENA 3257.1 (Bābā Qāmā')

Commentary on Talmud

Moss III.117

Commentary on Mišneh Tōrāh

T-S 10Fa1 (*Hilḵōt Maʿasey ha-Qorbānōt* 3–8, *Hilḵot Tĕmidīn* 6) (16 pages)
T-S Arabic 47.206 (*Hilḵōt Šĕḥīṭāh*)

Commentary on Maimonides' Sefer ha-Miṣwōt

Moss VI.119.1 negative *miṣwāh* 89
ENA 2976.5
ENA 3512.2
BL Or 5554B.5 *miṣwōt* 60–61 (= Maimonides 155–56)
T-S Misc 10.46
T-S Misc 25.51 (positive *miṣwāh* 38)
T-S AS 160.270 (positive *miṣwāh* 149)

Responsa

Moss.V 200

Miscellaneous

T-S Misc 24.181
T-S NS 185.28
T-S NS 308.107 *hālāḵāh*

Moss VI.120
ENA 2967.2

Theological Treatise

Moss V 293.3

Treatise on Prayer

T-S Arabic 43.1
T-S Arabic 43.102

Treatise on Repentance

ENA 3281.4
BL Or 5563 E 4

Ethical Treatise

Moss III.91
AIU VA 76

Quotation from Yōsēf ben Qorion

BL Or 5554A.41

It is known from other sources that R. Ḥanan'ēl was the author of certain other works besides the foregoing. The Genizah fragment T-S AS 170.111 contains the beginning of his commentary on the Hafṭārōt, whereas T-S Arabic 26.107 has preserved a fragment dealing with the pericope *ʾAḥarēy mōt* (Lev. 16), derived from his commentary on the Pentateuch.[24] However,

[24] It is noteworthy that A. Geiger knew of a manuscript commentary on the Pentateuch ascribed to Rabbi Ḥanan'ēl. Cf. *Wissenschaftliche Zeitschrift für Jüdische Theologie* 3 (1837): 428. See "More on R. Ḥanan'ēl" 95. In addition to the sources given there, mention should be made of the marginal glosses in Hunt. 597 (Neubauer 625) on folios 34a, 106b, 160a, 164a–166b, 171b, 173b, 174a–b, 185a, and 213a. These make use of R. Ḥanan'ēl's lexicographical observations on the vocabulary of the Miš-

our richest source for the knowledge of R. Ḥanan'ēl's writings has hitherto been the works of his descendant David ben Joshua Maimonides II. The latter quotes his commentary on the Hafṭārōt and also attributes to him commentaries on the Psalms, on the liturgy, and on the tractate *ʾAbōt*.[25]

Perhaps the most significant aspect of R. Ḥanan'ēl's writings, evident above all in his exegetical writings of a theological character, is, as we have already shown, the strong mystical tendency in his thought, which seems to draw its inspiration from contemporary trends in Sufism.

A Judeo-Arabic Commentary on the Hafṭārōt

Of Ḥanan'ēl's writings, the most frequently and extensively quoted by David Maimonides is his Commentary on the Hafṭārōt. As far as can be gathered from these extracts, R. Ḥanan'ēl's exegetical method was allegorical and colored with a distinct philosophical and mystical hue that betrays the deep influence of Maimonides. Now, British Museum manuscripts Or 2583 (A) and Or 2584 (B) comprise a Judeo-Arabic commentary on the Hafṭārōt by an author whose style and method are closely akin to those of our *dayyān*.[26] Moreover, a number of indications, both internal and external, make a strong case for the ascription of this commentary to him. According to the entrance records of the British Museum, these manuscripts were acquired

nāh and *Mišneh Tōrāh*, suggesting that they possibly derive from his commentaries on these works. It has now been ascertained that these glosses are also in the hand of R. David ha-Nagid. This is proof that this volume, like so many others collected in Aleppo by Huntington, originated from R. David's library. To the list of such mss. mentioned in my article "The Literary Legacy" 41–43 (see following note) must be added Hunt. 597, in which a poem on the fly-leaf and folios 164a–166b, 178b–182a, are written in David's hand, as well as Hunt. 503 (Neubauer 814), which contains marginal notes (59b, 69a, 81a), a text (fol. 84b), and a treatise (*Pereq ʿarabī ʿal hilkḥōt ha-RIF*) (fols. 94a-117b) in his hand.

[25] See my articles "The Literary Legacy of David ben Joshua, Last of the Maimonidean Negidim," *JQR* 75 (1984): 22 and "More on R. Ḥanan'ēl" 96–103. I take this opportunity to add to the list of R. David's writings the following manuscripts which I have located since the appearance of these articles: Commentary on the Liturgy: ENA 2160.75 (= Hunt 447.5), Commentary on Aboth: ENA 1069.3, ENA 1498.2, ENA 2282.4,21, ENA 2991.1-2, ENA 3036.23, ENA 3202.5, ENA 908.1. *Taǧrīd al-ḥaqāʾiq* II:10 ENA 3113.5.

[26] G. Margoliouth, *Catalogue of Hebrew and Samaritan Manuscripts in the British Library*, pt. 1 (London, 1899) 185–87, nos. 247 and 248.

together with a lot of Judeo-Arabic pieces from Shapira on 8 July 1882 and presumably derive from the Genizah. Despite the very strong probability that they do, should these commentaries not stem from Ḥanan'ēl's pen, they nonetheless emanate from a circle close to Maimonides in time, space, and spirit.

Manuscript A contains the Commentary on the Hafṭārōt of the Book of Exodus. Bound in quires of five, the fifty folios of Oriental paper, measuring 17.5 × 12.5 centimeters (text 13 × 8.5), are written in an Egyptian square hand to the rate of fifteen lines to the page. The manuscript is acephal; the first complete quire, numbered in Hebrew characters, is the sixteenth. The manuscript is, however, complete at the end.

Manuscript B contains the Commentary on the Hafṭārōt of the Book of Numbers and a fragment from the commentary of Leviticus. Bound in quires of five, the 129 folios of Oriental paper, measuring 20 × 13.5 centimeters (text 14 × 9), are numbered in Arabic characters. The fifteen to eighteen lines of writing per page are in a thirteenth- or fourteenth-century Oriental square hand which differs from that of A. The manuscript is incomplete both at the beginning, where there is a lacuna after the first folio until the thirteenth quire, and at the end. Folios 114 to the end are written in a later hand. Judging from the style and subject matter, B is obviously a later part of A.

No ascription is given within the manuscripts, and Steinschneider, who briefly referred to this work, suggested Tanḥūm Yĕrūšalmī as its author.[27] However, it is not known with any certainty whether Tanḥūm wrote a commentary specifically on the Hafṭārōt. On the other hand, there are a number of indications which support R. Ḥanan'ēl's authorship. As for the place of writing, from the phrase *ʿindanā fī miṣr*, which occurs in A folios 4b and 6a, it is obvious that the author lived in Egypt. As for the date of the work, the paleographical evidence of manuscript B would seem to indicate the thirteenth century. This is corroborated by the fact that the latest authority quoted by the author is Maimonides, with whose *Mišneh Tōrāh* he shows close familiarity. In A folios 5a and 5b, for example, he leaves a space for the

[27] M. Steinschneider, *Die Arabische Literatur der Juden* (Frankfurt am Main, 1902) 287, n. 96. S. Poznanski (*REJ* 41 [1900]: 48 n. 3, p. 305) suggests their comparison with Hunt. 607 (Neubauer 178). See also his remarks in *Orientalistische Literaturzeitung* 7 (1903): 15. A Judeo-Arabic commentary on the Hafṭarōt attributed to Tanḥūm is reported to exist in the Fikovič collection in Leningrad. Unfortunately the extracts *apud* A. Harkavy, *Ḥadašim gam yĕšanim* 10 (Warsaw, 1896): 21–29, do not cover any part of the BL mss.

diagram of the sanctuary as represented by Maimonides in his *Commentary on the Mišnāh, Middōt* 4.4. In A folios 10a and 14b, space is left for Maimonides' diagrams of the altar as represented in his *Commentary on the Mišnāh, Zĕbāḥīm* 5. Moreover the author repeatedly refers to Maimonides in the manner of a close disciple and calls him *rabbēnū Mōšeh zṣl.* On the other hand he refers to Rashi as *rabbēnū Šĕlōmōh zl.* Both of these forms of appellation are commonly used by R. Ḥanan'ēl.[28]

The author also refers to his own commentary on the Pentateuch (B 46b: *šarḥ at-Tōrāh*). As far as is known, besides R. David Maimonides II, R. Ḥanan'ēl was the only prominent author at this time and place to have written a Judeo-Arabic commentary on both the Pentateuch and the Hafṭārōt, as well as, it might be added, a commentary on the *Mišneh Tōrāh.* In his writings, David Maimonides II refers to these commentaries as one would to a well-known work. It is therefore surprising that no manuscript of them has yet been located. Among the other sources quoted by the author are Targum Yonathan, Sifra, Talmud, Rashi, Ibn Ǧanāḥ, Ibn ʿEzra, and Moses Ibn Chiqatilla (B, fol. 90b). The quotations from the Targum and Sifra are particularly probative, since they are R. Ḥanan'ēl's favorite authors. He also refers anonymously to "the translator" (*al-mufassir*) and "the commentator" (*aš-šāriḥ*) without our being able to ascertain to whom these references pertain. Some of the latter correspond to Ibn Ǧanāḥ's observations.

The commentator's first aim is to establish a lexicographical understanding of the verse under study, mainly by way of comparison with other verses. Sometimes he resorts to the comparative method and alleges Arabic examples. He is principally concerned with the literal meaning and ubiquitously adduces the "virtual sense" (*taqdīr*) rendered fashionable by Muʿtazilite rationalist hermeneutics.[29] On rare occasions he evokes a midrashic explanation, as in B 114b (*cf. Pĕsiqta de-Rab Kahānā* 112, parallels between Moses and Jeremiah).

Long ethical developments with a heavy didactic or moralizing tone, such as that in A folios 36b–37a, are not uncommon. In a more mystical vein, he occasionally contrasts the outer (*ẓāhir*) and inner (*bāṭin*) senses of a verse (e.g., A fol. 5a) in which he has recourse to an allegorical interpretation. This is often the case when he desires to express some philosophical or spiritual

[28] Cf. Suna, *Pērūš Rabbēnū Ḥanan'ēl* 2, 3.

[29] R. Ḥanan'ēl also makes frequent use of this exegetical category. See my "More on R. Ḥanan'ēl" 89, n. 28.

notion. As we shall see, these interpretations not infrequently have Maimonidean overtones or even a Sufi coloring. These two traits are characteristic of R. Ḥanan'ēl's writings, which, as we have already stated, have pietist leanings.

In order to convey an idea of the author's method we shall at present provide some conspicuous examples, culled from the theme of prophecy, which best illustrate his Maimonidean and Sufi leanings. It seems that, following Maimonides, he held that individual providence is vouchsafed to mankind alone. However, it is noteworthy that like the pietists, who were concerned with the collective renewal of prophecy, which they believed imminent,[30] the commentator shows himself to be particularly preoccupied with the categorization of divine providence as a preliminary to prophecy. The principal prerequisites for the obtention of divine protection from baneful vicissitudes of human, animal, and celestial origins are obedience to and love of God. Unlike Maimonides, whose attitude toward astrology was entirely negative even though he did admit a planetary influence of a general order, the author subscribes to the theory of astral determination, from which the obedient individual is delivered through providence. Of particular interest is his allegorical explanation of "food" and "nakedness," which he interprets respectively as symbols of "prophecy" and "lack of providence."

Typology of Providence

Haftarat Mas'aey, ms. B. fol. 128b

JUDEO-ARABIC TEXT

אריב אתכם נאום ה

פהדא אלריב יעני בה ען רפע ענאיתה ענהם כמא אן ילזם מן מן יכאצה אלשכץ אנה יקטע ענה מא כאן יוצלה אליה מן אלכיר וכדלך קאל פי אלתורה והסתרתי פני ולתעלם אן

[30] *Deux Traités* 75–76. A noteworthy example of pietist writings on providence is the Genizah ms. II Firkovich NS 1223 (same text in NS 1006 fol. 24), which proposes (fol. 17a) seven levels of providence: (1) universal (*ʿināya ʿāmma*), (2–3) particular (*ḫāṣṣa*), that of the *ṣaddiqīm,* (4) independent (*mustaqilla*), that of the *ḥasidīm,* (5) retributive (*gāziyya*), that of the *ʿanawīm,* (6) complete (*kāmila*), that of the prophets, (7) perfect (*tāmmā*), that of Moses.

ענאיהה תעלא להא גרץ כביר פאן מנהא ענאיה עאמה לסאיר אלנוע אלאנסאני ומנהא אלענאיה אלכציצה אלתי תשתמל כל מן תמייז מן אשכאץ אלנאס מתל חנוך ונוח ואברהם אבינו עה וכדלך אלענאיה אלכאצה בפרקה מן נוע אלאנסאני אלמשתמלה עלי אלטאעה ללה.

TRANSLATION

"Wherefore I will yet contend with you, saith the Lord" (Jer. 2.9).

This contention alludes to the withdrawal of Divine Providence from them as is necessarily [detracted] from a person when he enters into conflict with another. [For] the latter will withhold from him the good which he hitherto bestowed upon him. Likewise it is written in the Pentateuch: "I shall hide My face" (Deut. 31:17).[31] Know that the [term] providence has various meanings: general providence, which includes the whole of mankind; special providence, which includes outstanding individuals such as Enoch, Noah, and the Patriarch Abraham, and particular providence, which concerns a group of people encompassed by divine obedience.[32]

The Conditions of Providence

Haftarat Ba-Midbar, ms. B. fols. 5a–7b

JUDEO-ARABIC TEXT

פן אפשיטנה ערמה והצגתיה כיום הולדה ושמתיה כמדבר ושתיה כארץ ציה והמיתיה בצמא

[31] This is also the interpretation of this verse proposed by Maimonides, *Guide* 3.51 (ed. Qāfiḥ 682).

[32] The theory here exposed conforms to that expounded by Maimonides in *Guide* 2.17–19, according to which the human species alone is the object of particular providence, and individuals are singled out for prophetic inspiration by virtue of their intellectual and moral qualities. Whereas Maimonides thought, above all, in terms of the individual, the author extends his third category collectively to the whole of obedient Israel. This may be referring to collective protection from the influence of the stars (see below, n. 34); alternatively the author may have been influenced by the Muslim notion of *ʿiṣmat al-umma* or the mystical *walāyat al-umma*.

טאהר הדה אלקול פיה מן אלנקמה מא פיה כפאיה יגרי עלי אלדי סאר פי חאל אלגלות מן אלקתל ומן אלעדאב פי חאל אלסבי מא הו אעטם ממא וצף הנא ובאטנה יקצד בה רפע אלענאיה /5b אלכציצה אלתי בהא צאר עם סגולה ועם קדוש לאן תלך אלענאיה מקתרנה באן יכוננוא עלי אלטאעה חתי ירג(עוא) אנהם נוע אכר מן אלוגוד . . . ב אלנאס ובה אסתחקו דלך הדה אלענאיה הי אלוקאיה להם מן כל מודי יודיהם מן אלנאס אלדי יקצדו אדאהם כמא קאל לא יחיצב איש בפניכם פחדכ' ומוראכ' יתן יי וג' ומוקי להם מן סאיר אלחיואנאת אלמודיה כמא קאל פי ממתל אואמרה תעלא פי אלמזמור אלמנסוב למשה רבינו עה על שחל ופתן תדרוך תרמוס כפיר ותנין ועלל דלך בקולה כי בי חשק /6a ואפלטהו ואפהם וצפה לה באלחשיקה אלתי הי גאיה אלמחבה והו אלעשק פיה תעלא מן תאתיראת אלאפלאך כמא קאל אשר חלק יי וג' ואתכם לקח יי וקאל ומאותות השמים אל תחתו כי יחתו הגוים ההם הדה הו אלסר פי תמתיל דלך כאלתוב אלדי הו מוקי ללבדן מן חר אלשמס ואלברד וסאתר לעורתה מן אן יבקי פציחה ללבשר וקולה והצגתיה כיום הולדה לפטה הצגה וצע אלשי ותרכה כקולה אשר לא נסתה כף רגלה הצג על הארץ פתקדירה והנחתיה כיום הולדה יעני כמא כאנת קבל מעמד הר סיני ומגי משה רבי' עה עריה מן תלך אלענאיה מתל אלמולוד אלדי הו עריאן וקולה במדבר יעני כאליה מן ענאיתי /6b כאלשביה באלבריה אלקפרא אלכאליה מן אלגדא [. . .] וקד מתל אלנבי פי מוצע אכר עדם אלנבוה פי זמאן אלגלות בעדם /7a אלגדא ואלמא קאל כי הנה ימים באים נאם ה' לא רעב ולחם ולא צמא למים כי אם לשמוע את דבר יי פכמא אן אלאגסאד תפסד ותתלף ענד עדם אלגדא אלדי להא עוץ מא תחלל מנהא כדלך אלנסים אלדי יכלף להא עוץ מא תחלל מנהא תהלך ענד אנקטאעהא עז גדאהא אלכאץ בה ויבטל אלפעל אלרוחאני אלכציץ בהא ותבקי מנזלתהא פי דלך אלוקת מנזלה אלנפס אלחיואניה אלתי הי כאדמה להא וכדלך קאל אלנבי ענה תעלא מקרע להם אנני רמת בכם אן תכון נפוסכם כנפוס אלכואכב אלתי הי נפוס כאמלה שריפה והי עאדמה מן אן יאתר /7b פיהא בל להא אלתאתיר פי גירהא ומא ארדתם לנפוסכם אן תכון כדלך פהי תבקי נפוס גאדמה מייתה לא להא פעל ולא חרכה ולא תאתיר בל מתאתרה מן גירהא מנפעלה מנה מנקטעה עז אלוצול ללמראתב אלסניה משאבהה לאכס אשכאץ אלנוע אלאנסאני פי הדה אלעאלם ופי עאלם אלבקא דלך קול אני אמרתי אלהים אתם ובני עליון כולכם אכן כאדם תמותון פאפהם יא אכי אן כנת ממן זאל ענך חגאב אלדנוב אלמאנע לך מן אן תסתיקץ מן נומך.

TRANSLATION

"Lest I strip her naked, and set her as in the day that she was born, and make her as a wilderness, and set her like a dry land, and slay her with thirst" (Hosea 2:5).

The exoteric meaning (*ẓāhir*) of this verse speaks clearly of retribution,

alluding to the massacres that would take place during the exile and the sufferings of captivity, more terrible than those here described.

However, its esoteric meaning (*bāṭin*) alludes to the withdrawal of the special Providence by virtue of which [Israel] became a "chosen people" and a "holy people" (Deut. 7:6). For this Providence is dependent upon their being obedient so as to lead a different kind of existence . . . and people, whereby they would deserve this Providence which protects them from the harm which could befall them on account of those that seek their ill. As it is written: "There shall no man be able to stand against you, the Lord your God shall lay the fear of you and the dread of you," etc. (Deut. 11:25). It protects them from all noxious beasts, as it is written concerning him who observes His commandments in the psalm ascribed to our master Moses: "Thou shalt tread upon the lion and asp; the young lion and the serpent shalt thou trample under feet" (Ps. 91:13). The reason given for this [protection] is "because he hath set his love upon Me; therefore will I deliver him" (Ps. 91:14). Comprehend the expression of "love" [employed here] which signifies extreme and passionate love of God.[33] [It also protects them] from the heavenly influences, as it is written: "For the portion of the Lord is His people" (Deut. 32:9); "But you hath the Lord taken . . . to be unto Him a people" (Deut. 4:20). Is it not written: "and be not dismayed at the signs of heaven, for the nations are dismayed at them" (Jer. 10:2)?[34] This is the inner meaning [alluded to] in the comparison of this [phenomenon] to a garment which protects the body from the heat of the sun and the cold, and hides man's nakedness, concealing his shame from his fellow man.

As for the expression "and set her as in the day that she was born," the

[33] Cf. the interpretation of this verse given in *Guide* 3.51 (Qāfiḥ 684) and Maimonides' specification of the meaning of *ḥašaq*: "You know the difference between the Hebrew terms that signify 'to love,' *ʾahab* and *ḥašaq*. When a man's love is so intense that his thought is exclusively engaged with the object of this love, it is expressed in Hebrew by the term *ḥašaq*." See also *Mišneh Tōrāh, Hilḵōt Tĕšūbāh* 10.6.

[34] The author's exegesis is apparently based on Abraham Ibn Ezra's interpretation of the Tetragrammaton in his commentary on Exod. 23:21 (and also Deut. 4:19), where he contends that, when observing the Torah, Israel is preserved from astral determination. This doctrine was taught by R. Ḥanan'ēl's grandson ʿObdayah Maimonides. See my *Treatise of the Pool* 76 and n. 10 thereon. For Maimonides' view on the influence of the planetary bodies, see *Guide* 2.10 (Qāfiḥ 292–94). The verse from Jeremiah, also quoted by R. Ḥanan'ēl in the fragment I published of his Pentateuch commentary ("More on R. Ḥanan'ēl" 91–92), later became a classical *locus probans*. See, for example, Gersonides, *Milḥamōt ha-šēm* (Leipzig, 1866) 191.

verb "to set" (*haṣāgāh*) signifies "to put down" and "to leave," like "would not adventure to set (*haṣṣeg*) the sole of her foot upon the ground" (Deut. 28:56). Its virtual meaning (*taqdīr*)[35] is "to leave her as in the day of her birth," i.e., as the [nation] was prior to the revelation at Sinai and the coming of our master Moses—as void of providence as the nakedness of a newborn babe. The expression "desert" signifies "barren from providence," just as the desert and wilderness are devoid of sustenance [. . .].

Elsewhere the prophet compared the absence of prophecy during the exile to lack of food and water, as it is said: "Not a famine of bread, nor a thirst of water, but of hearing the words of the Lord" (Amos 8:11).[36] Just as bodies diminish and disappear in the absence of nourishment which replaces that which they expend, so too the soul, which has to replace that which it expends, withers when separated from its own sustenance, whereupon its particular spiritual activity ceases. Thereupon its level is that of the animal soul, which is [normally] subservient to it. Likewise the prophet rebuked them, saying "I desired that your souls resemble those of the stars which are perfect and noble souls, which suffer no influence but on the contrary influence others.[37] Yet you did not desire your souls to be thus, and therefore they have become truncated and lifeless, devoid of action, motion, and influence, but [on the contrary] passively influenced by others, incapable of attaining the elevated stations." They thus resemble the most abject of the human species in both this world and the next, as it is written: "I said ye are godlike beings and all of you sons of the Most High. Nevertheless ye shall die like men" (Ps. 82:6).[38] Comprehend, my brother, if you be of those from whom the veil of sin has fallen, which prevents you from awakening from your slumber.

The Election of the Prophet

As in Maimonides' system, Divine Providence is bestowed upon indivi-

[35] See above, n. 29.

[36] Cf. the interpretation of this verse in *Guide* 1.30 (Qāfiḥ 66).

[37] It is not clear whether R. Ḥanan'ēl is simply alluding to the Avicennian concept of "heavenly souls" or whether he subscribes to the belief in the beneficial influence of the angelic souls attached to the stars, as taught in certain gnostic circles. Cf. *Rasāʾil Iḫwān aṣ-ṣafāʾ* (ed. Bombay) 4:331–35. See also the passage ascribed to David Maimonides cited in my *Deux Traités* 139.

[38] Cf. the interpretation of this verse offered in *Guide* 3.8 (Qāfiḥ 409).

duals who evince some predisposition toward prophecy, both by an appropriate spiritual temperament and by a suitable physical constitution. However, in the last resort, the prophetical gift is not a natural faculty but remains a divine prerogative bestowed upon those who are predestined to take on a prophetic mission, even though they themselves have never striven toward that end.

Haftārat Maṭōt, ms. B fol. 114b

JUDEO-ARABIC TEXT

בטרם אצרך בבטן ידעתיך ובטרם תצא מרחם הקדשתיך נביא לגוים נתתיך

מן הנא מא וצף מא קאלה ירמיה הנביא וקולה אצורך משתק מן וייצר ייי אלהים את האדם פקולה בבטן יעני קבל אן /115a/ תבדא אלקווה אלמשכלה אלמצוורה אן תחצור אעצאך ותשכלהם ודלך אן מתי כאן שכל אלאעצא אלדי ללפכר ואלדכר ואלתכייל עלי אפצל מא יכון מן נוע אלאנסאן ثם יקארן דלך אלעצו אפצל מזאג פי גוהרה פילזם ען דלך במקארנה חסן אלתכריג עלי מא ינבגי אן יכון דלך אלשכץ אלדי תעיין תרכיב מאדתה עלי הדה אלצורה ומא ינאסבהא צאלח פי כמאל אסתעדאד בנייתה לקבול מא ירד אליה מן פיצה ثע אלצאדר ען גודה וכרמה פהדה אלצורה הי מאשיה עלי אלאמר אלטביעי ומתי כרג אלאמר ען הדה אלצורה יכון דלך עלי סביל אלמעגז פי אלענאיה אלדי תצחב דלך אלשכץ או באולאיך אלאשכאץ אן כאנו גמאעה פקולה ידעתיך יעני עלמת בצלאחיתך לקבול אלנבוה לאנה גל אסמה ועלא עאלמא באלשי מן קבל אן יכון אן יכון אלחק עז וגל אקתצה משיתה פי תשכיל אלקוה אלמצוורה להדה אלמאדה עלי אפצל היאה ואתם שכל עלי סביל אלענאיה בה ויכון סבב דלך זכות מן תקדם לה מן אלאבא ואלאגדאד או לצרורה אלוקת פי תדביר אלמלה ונפוד מא /115b/ ינפד מן אמור אלרבאניה עלי ידה פאן כרקה אלמעגז בהדה אלצורה הו אקרב ללאמור אלטביעיה מן גיר דלך והו אן תכון בניתה צאלחה אלגסמאניה גיר צאלחה לקבול אלפיץ אלנבוי וינכרק אלמעגז בחית יציר קאבל לדלך (. . .) וימכן אן יכון ידעתיך משתק מן ידעתיך בשם והו מא שרף בה מאדתה קבל אן תשתכל פיהא אלצורה אלאנסאניה ותתכלק במא שרפהא בה מן ענאיה כאצה כאן נתיגתהא או יכון נביא פאלדי תחצל להם אלנבוה ינקסמוא אלי קסמין ואמא מריד והו אלטאלב אלדי יסלך פי טרקהא ויתהייא ויסתעד להא והם בני הנביאים ואמא מריד והו אלדי לם יסלך פי עמרה פי טלבהא ולא תכטר לה בבאל אעני אן יאתיה וחי בחית אנה יעלם אלגאיב מן גנאבה ثע וירמיה עה מן אלקסם אלתאני וכדלך גרא /116b/ לסייד אלמרסלין משה רבינו עה אעני פי כונה כאן משתגלא פי צדד עמרה בכמאלה גיר מתקצד אלי כטאב נבוי יאתיה ולם יזל מסתגרדא פי הדה אלחאלה אלעזיזה אלרפיעה אלי חית אן תעיין ענד אללה ثע אן יטלעה עלי מא אטלעה עליה ثם בעד דלך תעיין ארסאלה פי כלאץ אלמלה.

TRANSLATION

"Before I formed thee in the belly I knew thee, and before thou camest forth out of the womb I sanctified thee; I have appointed thee a prophet unto the nations" (Jer. 1:5).[39]

"I formed thee" is derived from "Then the Lord God formed man" (Gen. 2:7). "In the belly" signifies before the commencement of the formative process and the constituting of the limbs. For if the limbs, [governed by] the faculties of reflection, recollection, and imagination, are formed in accordance with the best possible human model, and then combined with the best temperament in personality, it necessarily follows that, if provided with an appropriate education, the individual whose physical composition has been determined in such a manner and those things relevant thereunto, will be apt through the perfect preparedness of his constitution to receive the divine influx emanating from His generosity and munificence. Now this form is the result of natural phenomena, and any departure therefrom is a miraculous occurrence brought about through the action of providence which accompanies this individual, or individuals, if they constitute a group. The expression "I knew thee" signifies "I knew of your worthiness of receiving prophecy," for the Almighty has precognition of an event prior to its occurrence, and the divine will predetermines providentially that the formative process produces from this matter the best possible constitution. The cause may be an ancestral merit on the part of the individual, the political exigencies of the hour, or [the need for] an instrument to execute the divine will. However, the miraculous aspect of his composition is closer to a natural phenomenon than anything else, since his makeup is receptive of things physical rather than the prophetic influx, the miraculous aspect taking place when he does in fact become receptive to it [. . .]

"I knew thee" may derive from [the similar expression used of Moses] "I know thee by name" (Exod. 33:12), which refers to the nobleness with which He infused his physical matter before He fashioned therein a human form and adorned it with the special providence with which He favored him, resulting in his becoming a prophet.

Those that attain prophethood are of two sorts: either an aspirant (*murīd*) who is a seeker wayfaring in its path, preparing and developing himself for it.

[39] Cf. the interpretation of this verse in *Guide* 2.32 (Qāfiḥ 393).

The latter are known as the "disciples of the prophets."[40] Or, on the other hand, an aspirant who has never in his life undergone a discipline in the quest of [prophecy], nor did its thought ever occur to him, that is, that he would receive prophetic inspiration so as to be endowed with the knowledge of divine mysteries. Jeremiah belonged to the second category. Similarly it transpired with the prince of prophets, our master Moses. I mean his having indulged throughout his life in his perfection without aiming for the endowment of prophetic speech and his having persevered in this precious and noble state of detachment[41] until he was appointed by God to be granted a revelation and subsequently entrusted with the mission of saving his nation.

The Prophetic Vision

The author here follows Maimonides in the distinction he establishes between the prophetic vision experienced by all other prophets in a state of unconsciousness and the superiority of that experienced in a state of consciousness by Moses.

Haftārat Nāsō, ms. B fols. 23–24.

JUDEO-ARABIC TEXT

קולה וירא מלאך ייי (אל האישה) וגו׳ הו טהור אלמלאך להא והדה אלטהור פיה אכתלאף
בין אלשארחין ثם מן ירי אן דלך במראה הנבואה והו ענד מא יכון מסתיקץ ירד עליה אמר
מא יגיב ען עאלם חואסה ויקול ענה פי בעץ אלמואצע ותרדמ׳ נפלה על אברם או יכון דלך
בחלום הלילה וען דלך קאל תע לאהרון ולמרים במראה אליו אתודע /24a/ בחלום אדבר
בו בל והו יקצאן ירי שי לם יצל אליה סוי משה עה כמא קאל כאשר ידבר איש אל רעהו
ובעץ אלשארחין יעתקד אן קולה כאיש ידבר איש אל רעהו הו אנה עה ענד ורוד אלוחי
עליה יתחקק אנה וחי ולא יהלע מנה ולא ינזעג כמא ירד עלי אלאנסאן כלאם מן שכץ
מثלה מע כון אלוארד עליה שי לם ירד מثלה עלי סואה והדה דרגה לם יצל להא גירה בל
כלמא ירד עליה שי והו יקצאן לא ירד כדלך עלי אלנפס בחית תשער אן דלך הו מנה תע בל
יטהר תע לדלך אלשכץ מثלה יכלמה ויאכל מעה חתי לא ישך קט אן דלך הו מثלה

[40] On this expression, see *Deux Traités* 72–76. It is clear from the Sufi technical terms used by the author (*murīd, ṭālib, sulūk, ṭarīq;* see *Deux Traités* 39, 264), that the latter is not thinking exclusively in terms of intellectual preparation.

[41] On this Sufi technical term, see *Deux Traités* 208–9.

שכץ אדמי אלי תרי אנה ענד מא ישער בה אנה מלאך /24b/ יגזע ודלך כמא גרי למנוח
ענד מא פהם אכירא אנה מלאך בטלועה פי להב האש.

TRANSLATION

The verse "and the angel of the Lord appeared unto the woman" (Judg. 13:3) alludes to the angel's having revealed itself to [Hannah]. This appearance is the subject of controversy amongst the exegetes.[42]

Some are of the opinion that this took place in a prophetic vision; i.e., while the individual is *in a state of* [*semi-*]*consciousness*, he is visited by inspiration and becomes oblivious to the world of his senses. In one particular place this [state] is referred to as "a deep sleep fell upon Abram" (Gen. 15:12). Or this can occur in a nocturnal dream, as God said concerning this to Aaron and Miriam: "I do make Myself known to him [the prophet] in a vision, I do speak with him in a dream" (Num. 12:6). Alternatively the vision can take place *in a state of* [*full-*]*consciousness*. None has attained this state save Moses, as it is said: "as a man speaketh unto his friend" (Exod. 33:11). One commentator considers the verse "as a man speaketh unto his friend" to mean that when prophetic inspiration came upon [Moses], though having realized it was inspiration, nonetheless he was not troubled or afrighted, but acted as a person hearing the speech of his fellow-man, despite the fact that nought similar to the inspiration of which he was the object had ever visited his fellow men nor had this state been attained by them. Moreover, on the contrary, if inspiration visited another one while awake, it did not come upon the soul in a manner by which he knew that this was coming from God, but He would reveal to this individual a person similar to himself[43] who would converse and eat with him in such a way that he would not even doubt that this was [not] a human being such as himself. Notice how, when a person

[42] The author draws his inspiration from *Guide* 2.44–45. See also the commentary on this particular verse by Tanḥūm Yĕrūšalmī, *Commentarii in Prophetas Arabici*, ed. Th. Haarbrücker (Halle, 1842) 1–2.

[43] Cf. *Guide* 2:44 (Qāfiḥ 428). The insistence on "similar to himself" rather suggests the type of mystical encounter studied by G. Scholem, "Eine kabbalistische Erklärung der Prophetie als Selbstbegegnung," *MGWJ* 74 (1930): 285–90. From his commentary on Exodus 24:10, ed. E. J. Wiesenberg (London, 1959) 381, it is clear that Abraham Maimonides also knows of the "created Light which reveals itself in the form of a man."

realizes that it is in fact an angel, he is overawed, as in the case of Manoah when he finally understood that he had spoken to an angel as the latter disappeared in a flame.

Pietistic Elements

The most discrete trait which evinces the author's pietistic leanings is to be found in the vocabulary he uses, which abound's in technical terms characteristic of Sufi writings. These might have been considered commonplace in this type of writing were it not for other distinctive elements. Indeed, as we have mentioned elsewhere, one of the typical traits of the pietistic exegetical method was to attribute to patriarchs, prophets, and other biblical figures, ethical attitudes and pietistic comportments which were in fact inspired by contemporary Sufi ideals and models.[44] One of the reasons for this appropriation of Sufi practices was to demonstrate their orthodoxy insofar as they were suposedly of Jewish origin. The author of our Hafṭārāh commentary follows this trend. Indeed, in several places he alludes to the practice of *ḫalwa* by the ancient prophets of Israel. One particularly suprising example is to be found in ms. B 78b (*Hafṭārāt Ḥuqqat*), which identifies Mizpah (Judg. 11:11) as a spiritual retreat (*ḫalwa*) in an "elevated place," where Jephthah practiced solitary meditation (*infirād*) and attained divine inspiration (*ḥulūl aš-šēḵīnāh*) (Judg. 11:29).

In the following text the author refers to a very particular Sufi practice called *tazayyuq*[45] which consisted in a special meditationary attitude designed to provoke theurgical inspiration. Obviously the author had observed this method amongst his Sufi contemporaries and claims it to be of Jewish origin.

Hafṭārat Ki Tīssā', ms. A fols. 37b–38a

JUDEO-ARABIC TEXT

ואליהו עלה אל ראש הכרמל ויגהר ארצה וישם פניו בין ברכיו

וקולה ויגהר יעני רמא גהר(ה) עלי אלארץ שכרא ללה עלי מא פעלה מע ישראל ועלי

[44] See *Deux Traités* 73–75.

[45] Cf. Dozy, *Supplément aux dictionnaires arabes* 1:619: "un terme technique des Soufis qui signifie *appuyer la tête sur les genoux*." The term twice occurs in an Egyptian context in Ibn Batuta (*Voyages d'Ibn Batouta*, ed. Defrémy and Sanguinetti [Paris, 1853] 1:37 and 64), where it is employed as a preliminary to a *karāma* (miracle)—once by a Kalander Sufi. This was indeed a practice among the ancient *ḥasidim*; cf. TB Berakhot 34b and Hai Ga'on in B. Lewin, *Ṫoṣar ha-Ge'onim* 4.14.

הלאך איובי (sic) יי וטלבה מנה אן ינזל אלמטר ומתלה פי מתולי אלכלאפה מן בעדה אלישע עאל ויגהר עליו אלדי מענאה אמתד עליה ובעד דלך קעד אליהו עה ושם פניו בין ברכיו וקצד בדלך קטע נטרה ען כל מכלוק ותגרד אלפכר למא הו בצדדה ואכדוא אלגוים מנא הדא אלצורה ואנתחלוהא ותחלוא בהא בחית יקעד אלואחד מנהא עלי הדה אלצורה נהארא כאמלא ויסמי ענדהם אלתזייק במעני אנה עמל וגהה פי זיק תובה יעני טוקה.

TRANSLATION

"And Elijah went up to the top of Carmel, and he bowed himself down upon the earth and put his face between his knees" (1 Kings 18:42).

The verse "and he bowed himself" signifies "he threw his person" [lit. "exterior"] upon the ground in gratitude to God for that which He had wrought for Israel and the destruction of God's enemies, and to implore of Him that the rain fall. Similarly it is said of him that assumed his succession, Elisha, "and he stretched himself upon him" (2 Kings 4:34). Thereafter Elijah seated himself and put his face between his knees, intending thereby to turn away his attention from all creation and devote his meditation solely to his present pursuit. The nations [= Sufis] have taken this practice over from us and have adopted it and adorned themselves with it [i.e., claim they originated this practice], whereby they sit in this position for a whole day. They call this *tazayyuq*, i.e., the concealing of one's face in the collar, i.e., the hem of one's garment.

APPENDIX 1

A Letter from Abraham Maimonides to His Brother-in-Law, R. Ḥayyim ben Ḥanan'ēl ha-Dayyān

Jewish Theological Seminary ENA NS 18.36 (40 × 14 cm.)

JUDEO-ARABIC TEXT

Recto

עזרי מעם יי עושה שמים

אלדי יחיט בה עלם סידי רבנו ח[יים תבת]
אללה סעאדתה אן אלממ׳ עלי ג[איה א]לשוק
למשאהדתה ופי גאיה אלאס[ף ל]א יכלוני שי מן
תפצילה אחואלה ועלי אן ענדי מן אחואלי ווטר
אחואל אלואלד מא ישגלני ען אלפכרה ולו פי אלצרו[רי]
לאן אחואל אלואלד תפאקמת ואשתדת אלי בעד ג[איה]
ואנחנו עומדים בסכנה גדולה ומא ימכן אן אחכי
לך בעץ אלגזאיאת לאנני אעלם כתרה אנהלאע
סידנא אדא סמעהא פראית אן אגצי ענהא ולא
אעלמך בשי מנהא פלא יכלינא סידנא מן אלדע[א]
לאן אין חבוש מתיר עצמו ואמא עתב סידנא
עליה מן כפה גואב אלכתב וכונה לא יפכר פי מצ[לחה]
סידנא פאלעדר פי הדא אן סידנא יטול פי [מא]
אלדי יכתבהם לה אלי גאיה ויעתקד סידנא אן הדא
מצלחה יעגז ען קראתהם ותציע אלמצלחה לטול
אלכתאב לאן וחק אלחק עדם וקת כלו פי אלס[. .] אן
יאכל כבז בקראר בל בעץ אלאוקאת והו עלי
רגליה וליס אל[. .]אן באלכבר לכתרה אלשדאיד אלמתראדפה
ועטם אלמחן אלוארדה פסבחאן מן חכם פכל כתאב
אן כתבה סידנא פי הדה אלסנה לם יקרא שי מנהם
אלא בעצהם בעד תעב מן אלממ׳ נצף אלליל אנבה
יקראהם פיקרא יסיר ותעדדת אסבאב תמנע
פאדא אראד סידנא תדביר הדה אלקציה יסיר
מקאצדה פי וצל ואחד בלא מקדמה עלי אלכ[תא]ב
בלא נעות ולא וצף בל גרצי כדא וכדא

ך
באל

Verso

אלטע

אצתאב אליה
לכתאב כב[. . .] מנע סנ[. . .]
וכ. לא ינאסב גיר דלך לא שבע תנאלנא
נהמה[?] סידנא גניא ען אלתאכיד פי דלך
למא שרחתה ל[סי]דנא ומע דלך אנא אעלם

אן [סיד]נא יעלם דלך גמיעה ואנמא
אנא מדכר לא גיר ושלום

אלממלוך יקבל יד סידה ומאלך כקת
שלמה
מרנו רבנו חיים הרב הגדול בישראל
ירום הודו ויגדל כבודו וינהי אנה פי גאיה
אלכגל מן כלפה כאטר סידנא רפיע עקידתה
ולם יסטר אלממלוך כדמה ולם יכון סבב
דלך אלא מא סידי עאלם בה מן אלשדאיד
אלדי נחן פיהא פהו תע ימן עלינא בק[. .]
אלכואטר מן הדה אלאחואל אנהי אלמ[מלוך]
דלך בעד תקביל אליד אלכרימה וקצד [אחסאנה]
ושלום

פצל

אשתהי מן אחסאן סידנא אן לא יגפל ען אלצביה אלדי
פי בית סידנא רבנא זכאי וסידנא פי שדה שדיד מן אלקלק
פתחצר גמיעה ויתכלק מנה שי תם יכתב להא מן אל[. .]
מא יחתאג סידנא אן אנצחה עלי אכראם אלא[ך]
ר׳ סעדיה ואחתראמה בכל אלוגוה ואן לא יב[. .]
סידנא פי דלך ממ[. .] לאן הדא אלאמר הו
אלדי ינאסב מן גמיע אלוגוה וכדלך אלנטר
פי אחואל אולאד אלמולאי [. . .] אליה תצל (?)
לאן סידנא יחקק מכותה כיף כאנ[ת]

כתאב מרנו ורבנו אברהם לי

Margin

מן אלאצחאב כמא ינאסב /אלא אלאגתהאד פי ג[מיע] חואיגהם/
ואלנטר פי קראתהם ואן (לא) /יגפל סידנא ענהם/
פי [גמיע] אלאחואל /וכדלך איצא[. .]/
עלי וצף[. .] /אלממלוך יקצד מן/
אחסאן סידנא איצאל /סלאמי ללמ(רנו) אלתלמיד/
אלמבין ר׳ יוסף /הסופר המהיר/

ואלאעתדאר מן /חצרתה עלי כוני/
לם אכתב לה כתאב /בל סידי י[. . .]/
/ממלוכה ושלום/
/וכדלך אלולד/ אלעזיז חננאל
/[. . . .]

TRANSLATION

Recto

"My help cometh from the Lord, who made heaven" (Ps. 121:2).[46]

This is to inform my lord, Rabbi Ḥayyim, may God establish his felicity, of his servant's great longing to see you and his extreme disappointment that you provided no details about your present state. My situation and the preoccupation with the state of [your][47] father do not leave me time to think even of necessary things. For father's state has worsened and exceedingly deteriorated. Indeed we are in great danger. I cannot relate to you [even] the fewest details, for I can imagine what your great consternation would be upon hearing them. Thus have I seen fit to omit them and to mention to you nought thereof. May our master not leave off praying for us, "since a captive cannot free himself" (TB *Bĕrāḵōt* 8b).[48]

As for your lordship's rebuke concerning the brevity in reply to his letters and lack of concern for his welfare, we crave indulgence. Our master is extremely prolix in what he writes, thinking thereby to be useful. [However] it is impossible to read them, and by reason of their length their utility is lost. For in truth, there is scarcely time enough for your servant to taste a quiet morsel of bread, except at times while on his feet . . . because of the constant hardship and the great misfortune which has befallen us. Blessed be the

[46] The regular *ʿalāma* ("motto") employed by Abraham Maimonides on documents emanating from his court is Isaiah 12:2. Is there some reason this was not used on the present letter?

[47] Abraham refers to his own father exclusively as *abbāʾ mōri*. The fact that while addressing R. Ḥayyim he refers to R. Ḥanan'ēl as "father" rather than "the dayyān," indicates perhaps that he is stressing the family and affective bonds between them.

[48] As the context in the talmudic source refers allegorically to illness, it is not clear whether this aphorism is to be taken literally.

[Divine] judge! Every letter which our master has written in the course of the year has only been partly read, after great effort and your servant having remained awake half the night to read them. He read but a little for he was hindered by numerous obstacles. If our master desires to alleviate this difficulty, let him state outright his purpose in a single dispatch devoid of preliminaries, and the conventional civilities but [starting] instead with "My purpose is such and such" [. . . .][49]

Verso

allies. . . .
letter. . . . impeded
will only be appropriate to this. Our lord's desire will not obtain satisfaction not to speak of the certainty of . . . which I have explained to him. Despite this I know full well that you are aware of all this and am only reminding you. Peace.

The servant[50] Solomon,[51] kisses his master's hand, our teacher and master Rabbi Ḥayyim, the great teacher of Israel, may his prestige increase and his honor be magnified. He informs him of his great shame at having worried his master, since he has not written a letter [until now]. The reason being the hardship we are suffering, of which our master is aware. May God be gracious unto us by turning our thoughts from these circumstances. The servant conveys this after having kissed his noble hand and wished him [well].

Peace

I[52] ask his lordship to be so good as not to forget the [my?] girl in the house of our lord Rabbi Zakkay, for our lordship is greatly anxious [concerning her]. Let her perhaps prepare everything and be somewhat free of him. . . . There is no need for me to advise our lord to show honor and deference to Rabbi Saʿdayāh in every respect, even if our lord is not . . . for this is what is appropriate in any case. May he also supervise the affairs of his master's children . . . for our master will verify what the stay was like.

[49] The lower part of the letter has been torn off.

[50] A different hand.

[51] Written below the line. This was perhaps the nasi Solomon ben Yišay, who is known to have had close dealings with the Maimonides family.

[52] Abraham's hand again resumes.

A letter to me from Rabbi Abraham.[53]

Margin

amongst our friends as is appropriate. / Exertion in [all] their duties / and supervise their studies / so that our lord does not neglect them / in any of their needs./ Similarly, in the [. . .]/. Your servant wishes our lord well and [asks him] to convey our salutation to our master and diligent disciple Rabbi Yosef the able scribe, and may he excuse him for not having written him a letter, but our master [will forgive?] his servant.
Peace.
And likewise to [his] dear son, Ḥanan'ēl.

APPENDIX 2

(The Judeo-Arabic text of this letter together with a Hebrew translation is found in E. Strauss-Asthor, *History of the Jews in Egypt and Syria*, vol. 3 [Jerusalem, 1970] 28–32.)

Cambridge University Library, T-S 13J9.12

In the name of the Merciful
His servant Benjamin
informs his worthy lordship, our teacher and master, Rabbi Ḥayyim, the paragon of nobility and virtue, of his sorrow at not being able to see his excellency and his pain at being separated from him as well as from his noble and unique master, his father, the paragon of nobility and virtue. May God reunite him with his excellency after having fulfilled all his wishes for happiness.

May God be a protector and friend during his journey, a defender and succor, a companion and guide, just as he was for the prophets and saints during their journeys and retreats (*ḫalwātihim*) by virtue of their contemplation of the Majesty, Beauty, Splendor, and Perfection of the Divine Presence.

Theirs was a total passion for Him to infuse them with divine knowledge, to reveal to them the mysteries of His Holy Book, and to instruct them in its

[53] A different hand; probably that of R. Ḥayyim himself.

theory and practice.[54] For it is the way and the sign that leads to the divine path as far as man is capable. It is thereunto that the sage [Solomon] alluded when he declared: "If thou seek her as silver and search for her as for hidden treasures; then shalt thou understand the fear of the Lord" (Prov. 2:4–5) in accordance with what the noble *dayyān*, father of our master, had himself taught us in connection with the verse "He judged the cause of the poor and needy; then it was well. Is not this to know Me? saith the Lord" (Jer. 22:16).[55] Especially if this "poor man" is a "poor man and wise in a little city with few men" (Eccles. 9:14). For it is accepted that it is well to care for this poor man's welfare, to assist and deliver him from his oppressor, to defend his cause and enable him to gain sway over him that was to unjustly dominate him. "Is this not to know Me? saith the Lord."

Moreover, his excellency, Rabbi Ḥayyim knows well that even if the noble *dayyān*, his father, be far from the company of men during his journey, he remains in the intimacy of Him who created man, the angels and prophets and the bearers of his Torah, praying, "Open Thou mine eyes, that I may behold wondrous things out of Thy Torah" (Ps. 119:18).[56] So have no fear for him throughout his journey, for God shall reward him. And He will reward you and those who miss him, who need and rely upon your father's generosity, and the support and assistance which will accrue from the benefits of this journey, since he has provided them with the profits of his previous journeys. Furthermore, these journeys and retreats were long, whereas the duration of this journey is short and the length of this retreat (*ḫalwa*) is brief, like that of our master Moses, prince of all prophets, forty days and forty nights.[57]

Your servant met Abraham the physician upon the day of arrival. He said that he had sent the cloth to his excellency with Ibn 'Awdi. The latter was detained at length in Alexandria, but there was no other person of confidence besides him. Therefore the arrival has been delayed.

Peace upon your holiness and upon the noble *dayyān*, father of our master, paragon of all virtues and qualities. [Greetings to] his excellency, his highness, the crown and diadem, our lord and master, David the great prince, the *nāgīd* of the people of the Lord of Hosts, the outstanding master

[54] The vocabulary demonstrates beyond doubt that a spiritual retreat is being alluded to.

[55] See my "More on R. Ḥanan'ēl" 85, where this verse is adduced.

[56] This was possibly one of the verses meditated during the spiritual retreat.

[57] This was the duration of the Sufi retreat know as *'arba'un*.

and strong hammer, man of God, Mount Sinai who overturns mountains, crown of the sages and the wise, and diadem of the pietists. [Greetings also] to his excellency, our glorious teacher and master, ʿObadyah, the eminent sage to whom all mysteries are revealed, in whom "light, understanding, and wisdom like the wisdom of the angels are to be found" (Dan. 5:11). "No secret mystifies him, he lies down and all is revealed to him" (Dan. 4:6), may he be exalted for evermore. The uterine brothers, the pure angels, the two great luminaries, the two tablets of the Torah, the two princes of the host of Israel, the two golden chains, the two Cherubim, may their position be magnified forevermore. Lastly our best greetings and respects to our noble and excellent master, the unique, virtuous, and perfect physician.[58]

Université de Lyon, France

Research for this paper, carried out in 1987 at the Institute for Microfilmed Hebrew Manuscripts at the Hebrew University, was made possible by a fellowship from the Forcheimer Fund and a grant from the Memorial Foundation for Jewish Culture, to both of which I express my sincere gratitude.

[58] The mention of this physician together with David and Obadyah Maimonides lends support to Goitein's theory that Abraham may have had a third son. See Goitein, *Tarbiz* 34 (1965): 251–53 and *Deux Traités* 118.

KING SOLOMON AND METAPHYSICAL ESOTERICISM ACCORDING TO MAIMONIDES

by

SARAH KLEIN-BRASLAVY

One of the central characteristics of Maimonides' intellectual enterprise is his great attachment to the basic written texts of Jewish tradition—the Bible, the Talmud, and the Midrash—and his attempt to demonstrate that he is essentially continuing this tradition. The talmudic sages had the same sense that they were preserving the continuity of the Jewish textual tradition; they demonstrated that they were, in essence, continuing an existing tradition, and not making innovations, by citing biblical verses in support of their opinions. Borrowing his approach from the sages, Maimonides builds his system of philosophical-theological thought as a further link in Judaism's written tradition.

Even though Maimonides adopts the principles of Aristotelian philosophy as taught by Alfarabi and Avicenna, he makes enormous efforts to demonstrate that the Aristotelian world-view is not foreign to Judaism, but is an integral element of its faith and principles, expressed in central texts of its literature. He accomplishes this by an interpretive process that invests traditional Jewish texts with philosophical meaning. From this point of view, Maimonides' enterprise may be seen as exegetical in the broad sense of the word: working within the framework of Aristotelianism, he reinterprets and gives philosophical meaning to fundamental theological terms, to biblical, talmudic, and midrashic texts, and to Jewish historical figures and the events that befell them. From the standpoint of exegesis, Maimonides is very close to the hermeneutical tradition of the sages. He frequently uses rabbinic Midrashim to interpret biblical verses, and he takes ideas from the sages regarding the exegetical connections between their views and the biblical texts they cite in support of them.

One of the most interesting reinterpretations in the writings of Maimonides is his exegesis of the esoteric doctrine of the sages, the *locus classicus*

of which is *Ein Dorshin*, the second chapter of the tractate Ḥagigah. Both in his halakhic writings and in the *Guide of the Perplexed*, Maimonides makes use of the esoteric tradition of the sages in his teaching, giving a philosophical meaning to their mystical basic concepts. He thus identifies the Account of Creation (*Maʿaseh Bereshit*) with Aristotelian physics, and the Account of the Chariot (*Maʿaseh Merkavah*) with Aristotelian metaphysics; he likewise interprets the "secrets" (*sodot*) or "mysteries of the Torah" (*siṭrei Torah*) of ancient mysticism as being identical with philosophical ideas. It is from his reinterpretation of the basic concepts of ancient mysticism that Maimonides derives one of the legitimations for his reading of the biblical texts dealing with *Maʿaseh Bereshit* and *Maʿaseh Merkavah* as belonging to the same sphere of meaning as Aristotelian physics and metaphysics.

But Maimonides is not satisfied merely to identify the contents of the sages' esoteric doctrine with the central elements of Aristotelian philosophy; he applies to his own teachings all of the formal rules which the sages lay down concerning the study of esoteric teachings and their transmission to others. Through his reinterpretation of the esoteric teachings, these rules took on a new meaning that made it possible to apply them to the study and teaching of physics and metaphysics, and to the interpretation of biblical passages and rabbinic sayings whose subject matter, according to Maimonides, is physics and metaphysics. By adopting the formal rules of the sages, Maimonides was able to rely upon the Jewish tradition to justify the literary form of the biblical and midrashic texts whose significance, according to his interpretation, lies in the realm of Aristotelian physics and metaphysics; he was also able to argue that they convey philosophical content through symbolic language, in "parable and riddle." This literary form makes it possible to conceal "secrets" from those who do not deserve to receive them, and at the same time provides hints for those who are able to comprehend such lore. His acceptance of the formal guidelines of the sages regarding the transmission of the Account of the Chariot to others also enables Maimonides to use Jewish tradition to justify his own way of writing about *Maʿaseh Bereshit* and *Maʿaseh Merkavah*, and to argue that, in writing in a concealing and allusive manner, he is continuing an existing tradition on how to convey "secrets of Torah."[1]

There is an additional aspect to the adoption of the esoteric doctrine of

[1] Alexander Altmann, "Das Verhältnis Maimunis zu der jüdischen Mystik," *MGWJ* 80 (1936): 305–30. See also Sara Klein-Braslavy, *Maimonides' Interpretation of the Story of Creation* [Heb.], 2nd ed. (Jerusalem, 1987) 27–34.

the sages in Maimonides' teaching. In *Ein Dorshin*, and apparently also in TB Ta'anit 7a, according to Maimonides' interpretation, the sages held that the warnings and words of wisdom of King Solomon referred to the conduct of a mystic, and not to that of an ordinary person or to practical, everyday conduct. They justify their own conduct or explain the conduct of other mystics by citing verses from the books traditionally attributed to Solomon. These verses can only be used in support of the mystic's conduct if it is implicitly assumed that they are not to be understood literally, but as what Maimonides calls a "parable" (*mashal*), i.e., as texts written in symbolic language which require interpretation in order for their true significance to be apparent. Thus, by the very act of citing Solomon's words as pertaining to the conduct of mystics, the sages identify Solomon with ancient mysticism, implicitly claiming that he was "wise" in the mystical sense, helped others to attain mystical knowlege, and spoke about the obligation to conceal its "secrets."

Both in his halakhic works and in the *Guide*, Maimonides accepted this exegetical idea. But since he identified the mystic with the Aristotelian philosopher who strives to attain the maximal understanding of God possible for a human being, this idea took on a new meaning. For Maimonides, Solomon's words pertain to metaphysics, and not to mysticism, as in the sages' view.

Thus Maimonides inherited from the talmudic sages an elaborate structure for discussing esoteric doctrine. This structure included the idea of an exegetical connection between the conduct of the mystic and Solomon's words of warning and wisdom. In this respect, Maimonides is merely repeating what was said by the sages who preceded him. But he reinterprets the structure and gives it a totally new direction. On the one hand, he adheres closely to the Jewish textual tradition that preceded him; on the other, he revitalizes it by giving it new meaning.

In the course of doing so, Maimonides is not satisfied merely to borrow what the sages said about *Maʿaseh Merkavah* and the Solomonic sources they cited about the conduct of the mystic. Instead, he develops their fundamental exegetical idea further by identifying Solomon with the metaphysician. He does this in two ways. First, for any given idea, he cites sources over and above those brought by the sages. Second, he substantiates the instruction on metaphysical matters given to the wise man with proof from Solomon's statements, deriving morals from the biblical stories or interpreting and developing the sages' esoteric doctrine.

The aim of the present paper is to trace the ways in which Maimonides adopts, interprets, and develops the exegetical tradition connecting Solo-

mon's warnings and wise sayings with the Account of the Chariot. In consequence, it will also discuss the identification of the Account of the Chariot with metaphysics, and with the instruction given the philosopher on the proper method of attaining metaphysical knowledge.

Solomon's Warning Against the Public Teaching of Esoteric Doctrine

The Babylonian Talmud, in its discussion of the prohibition of publicly expounding *Maʿaseh Merkavah* (Ḥagigah 13a), gives an account of an actual incident, evidently an exemplary story intended to teach conduct worthy of imitation. Rabbi Joseph, we are told, studied the Account of the Chariot, while the elders of Pumbedita studied the Account of Creaton. Rabbi Joseph asked the elders of Pumbedita to teach him *Maʿaseh Bereshit*, which they did. They then asked Rabbi Joseph to teach them *Maʿaseh Merkavah*. He refused, basing himself on Song of Songs 4:11 "Honey and milk are under thy tongue," which he interpreted as follows: "Those things which are as sweet as honey and milk should be kept under one's tongue"; in other words, esoteric matters like the Account of the Chariot, which are compared to honey and milk, are to be kept (figuratively) under one's tongue and neither discussed nor taught publicly.

According to this story, Solomon originated the proscription against publicly revealing the meaning of the Account of the Chariot. Rabbi Joseph justified his conduct by saying that he was following Solomon's warning; in other words, he based himself upon the authority of an earlier sage. Further on in the same story, Rabbi Abahu is said to have agreed with Rabbi Joseph that the proscription was of Solomonic origin, but to have derived it from another verse in Solomon's writings, "the lambs will be for thy clothing" (Proverbs 27:26). Abahu read *kevasim* ("lambs") as *kevashim*, which is etymologically related to *kivshon*, "secret" or "hidden thing." On the basis of this reading, he interpreted the verse to mean, "Things that are secrets of the world (*kivshono shel ʿolam*) shall be beneath your clothing," i.e., things that are "secrets," the esoteric teachings of the Account of the Chariot, are to be kept to oneself and not freely transmitted to others.

In his halakhic writings, though not in the *Guide*, Maimonides repeats the sages' exegetical claim that Solomon had condemned the public dissemination of *Maʿaseh Merkavah* in Song of Songs 4:11 and Proverbs 27:26. Since, however, Maimonides holds that the Account of the Chariot is about metaphysics, Solomon's words are reinterpreted in his reading: they are

understood as support for the argument that metaphysics should not be taught in public, and not, as they were for the sages, as a prohibition against teaching mysticism in public.

The fullest presentation of Maimonides' reinterpretation of the mishnaic-talmudic doctrine on the teaching of esoteric matters appears in *Hilkhot Yesodei ha-Torah* 2.12. After summarizing what the sages say in the Mishnah (Ḥagigah 2.1) and the Talmud (TB Ḥagigah 12a and 13a), he makes the following brief comment:

> Our former sages commanded that one is not to expound these things [i.e., the Account of the Chariot] save to one person alone, and that [on condition that] he be wise and understand things by himself [from Mishnah Ḥagigah 2.1]. Thereafter, one conveys to him chapter headings [from R. Ḥiyya's remarks in TB Ḥagigah 12a] and informs him of a bit of the thing, and he understands by himself, and comprehends the end of the thing and its profundity.

Maimonides adds to this summary the lesson to be derived from the account of the four people who entered into *Pardes* (TB Ḥagigah 14b): "and these things are very profound matters, and not every intellect is capable of comprehending them." The term *Pardes*, like the other terms used for the sages' esoteric teachings, such as *Maʿaseh Merkavah* and *Maʿaseh Bereshit*, is reinterpreted and given a philosophical meaning over and above its original mystical meaning in the sayings of the sages. In *Hilkhot Yesodei ha-Torah* 4.13, Maimonides explains that *Pardes* includes both *Maʿaseh Bereshit* and *Maʿaseh Merkavah*, namely, physics and metaphysics. Accordingly, the four who "entered *Pardes*" engaged in philosophical speculation. In the above-mentioned source, Maimonides explains in a general way why R. Akiva's three companions failed: "for even though they were great ones of Israel and great sages, not all of them had the strength to know and to comprehend all of these things fully." The "strength" of which Maimonides speaks here is intellectual power, meaning that some of them had not developed their intellects sufficiently to comprehend the contents of *Pardes*. He evidently alludes to this interpretation in his comments here, where he derives the more general conclusion that not every person has the appropriate intellectual ability or preparation to comprehend metaphysical notions.

After concluding his reconstruction and brief commentary on the words of the sages in Ḥagigah concerning the public teaching of the Account of the Chariot, Maimonides goes back to cite the verses from Solomon with which

the sages justified their conduct. But Solomon's remarks are connected here with others concerning the nature of *Maʿaseh Merkavah:* "and these things are very profound matters, and not every intellect is capable of comprehending them"; and Maimonides adds: "and concerning them [i.e., the same profound things] Solomon said . . ." By placing his remarks in this context, Maimonides indirectly explains why Solomon warned that matters concerning the Account of the Chariot should be concealed: since these things are profound and not everyone is able to comprehend them, they should not be expounded in public.[2]

Maimonides prefaces two explanatory remarks to his citation of the verses from Solomon. First, he notes that Solomon said these words "in his wisdom," i.e., as a philosopher, and therefore they are to be read as the instructions of a "sage" who preceded the sages of the Mishnah and the Talmud. The comment may also mean: and not as a prophet.[3] Second, Maimonides claims here that Solomon's words were as in a "parable." It may be that the stress upon Solomon's saying these things "in his wisdom," and writing them in the form of a "parable," is an echo of Maimonides' claim, in the *Introduction to Ḥeleq*, that "the great sages" wrote their words "in parable and riddle." Maimonides explicitly states there that Solomon, who was wiser than any other man, wrote words of wisdom "in parable and riddle." While in this passage Maimonides is discussing the contents of this wisdom and not its transmission, one may assume that he sees his statement as a general rule applying to all the words of the sages in reference to wisdom, and therefore to Solomon's words of instruction concerning the teaching of "wisdom" to others. On the other hand, the claim that Solomon wrote Song of Songs 4:11 as a parable is based upon the same exegetical assumption that underlies the interpretation of this verse by the talmudic sages, upon which their homiletic interpretation of the verse is based.

Maimonides presents the verses quoted by the sages in *Ein Dorshin* in an order different from theirs. First he cites Proverbs 27:26, "the lambs will be for thy clothing (*li-levushekha*)." Next, he could have cited the version of R. Abahu found in our editions of the Talmud, "the secrets of the world (*kivshono shel ʿolam*) shall be under (*taḥat*) your clothing," a wording that brings

[2] As we shall see in *Guide* 1.34, the argument that matters of the Account of the Chariot are deep is attributed to Solomon himself.

[3] Following the midrashic tradition (in Canticles Rabbah and Ecclesiastes Rabbah), Maimonides sees Solomon as a prophet. I devote my forthcoming article, "Solomon's Prophecy in the Writings of Maimonides," to this problem.

this verse in line with the phrasing of Song of Songs 4:11, "*under* your tongue" (*taḥat leshonekh*). Instead however, Maimonides cites Rabbi Abahu's words in line with the original text of the biblical verse, "*to* your clothing," which is interpreted to mean, "they shall be *to you alone*, and do not expound them in public." He immediately observes that the source for this interpretation is a parallel Solomonic verse, Proverbs 5:17, which contains the very same idea: "Let them be *only thine own*, and not strangers' with thee."

Proverbs 5:17 is not cited in *Ein Dorshin* in support of the proscription against expounding *Maʿaseh Merkavah* in public, but in TB Ta'anit 7a it is interpreted as being concerned with the teaching of Torah to others. R. Ḥanina bar Ḥama poses a question arising from an apparent contradiction between two consecutive verses in the Book of Proverbs. In 5:16 we read, "Let thy springs be dispersed abroad," while in verse 17 we read, "let them be only thine own." Like other sages cited in Ta'anit 7a, R. Ḥanina states that "water" is used in Scripture as an image for Torah.[4] Thus, he explains, both verses from Proverbs deal with the teaching of Torah; they seem to contradict one another only because verse 16 requires the sage to teach the Torah to others, while verse 17 tells him to keep it to himself. R. Ḥanina resolves the contradiction by adding an appropriate "condition" to each verse: "If he is a worthy student, 'let thy springs be dispersed outward'; and if [not], 'let them be only thine own.'"[5] According to R. Ḥanina b. Ḥama's interpretation, Proverbs 5:16–17 revolves around the question of the conditions for teaching Torah to others: if the student is worthy, one is to teach him the words of Torah; if not, one should not teach him, in which case one should keep things to oneself. In Maimonides' view, R. Ḥanina is not speaking here about the teaching of halakhic matters, but about the teaching of "secrets of Torah," so

[4] R. Ḥanina bar Pappa explicates two verses about water in a manner similar to R. Ḥanina bar Ḥama's exposition of Prov. 5:16–17: "Unto him that is thirsty bring ye water!" (Isa. 21:14) and "Ho, every one that thirsteth, come ye for water" (Isa. 55:1). R. Ḥanina bar Pappa says, "If he is a worthy student, they say of him, 'Unto him that is thirsty bring ye water!', and if not, 'Ho, every one that thirsteth, come ye for water.'" It is quite possible that Maimonides had this homily in mind when he says in *Guide* 1.30: "Similarly they often designate knowledge as water. Thus: 'Ho, every one that thirsteth, come ye for water'" (Joel 43; Pines 64; see below, n. 11).

[5] This is, in effect, a "contradiction" of the fourth cause mentioned by Maimonides in the Introduction to the *Guide*, where he argues that this is common in the books of the prophets. This argument relies on the sages' interpretation of verses which they saw as contradictory, such as those found in TB Taʿanit 7a.

that his remarks apply to *Maʿaseh Merkavah*.[6] Accordingly, R. Ḥanina's statements in Ta'anit 7a parallel what the sages say in the second chapter of Ḥagigah, and thus Maimonides can add Proverbs 5:17 to the list of Solomonic verses cited by the sages there in support of the argument that *Maʿaseh Merkavah* may not be expounded in public.[7]

After effectively interpreting Proverbs 27:26 in light of the parallel to Proverbs 5:17, Maimonides returns to the verse originally adduced by the Talmud against the public dissemination of *Maʿaseh Merkavah*, Song of Songs 4:11, as interpreted by Rabbi Joseph. He does not add any exegetical observations of his own.[8]

Maimonides does interpret Song of Songs 4:11 in his Introduction to the Mishnah, where he again deals with the prohibition of public expositions of the Account of the Chariot:[9]

> And they [i.e., the sages], of blessed memory, interpreted it, saying that the subject matter of this verse is that it is fitting that those sweet things which are pleasing to the soul, as the palate finds pleasure from honey and milk, not be spoken of or come upon one's tongue in any circumstances, and this is what is said, "under your tongue"—for these notions are not among [the things] which should be taught or in which instruction should be given in the [public] schools of learning (ed. Kafaḥ 35–36).[10]

[6] Rashi explains it in the same way here: "and if he is worthy tell him the secrets of Torah."

[7] Maimonides gives this verse a different interpretation in *Guide* 3.54, where he says that it refers to the "true human perfection . . . belonging to him alone [i.e. the individual]." See Joel 469 and Pines 635.

[8] In his *Commentary on the Mishnah*, Ḥagigah 2.1, he explains this verse in the same manner as Prov. 27:26: "They already warned in the Talmud against teaching them in public [i.e., those matters which are fundaments of the bodies of Torah, i.e., *Maʿaseh Merkavah*], and they were very strict about this. And they commanded that a person ought to teach them to himself by himself, and that he not pass them on to others. And they based this upon the saying of Solomon in this matter, by way of parable: 'Honey and milk are under thy tongue'" (Kafaḥ 378; see below, n. 10). Maimonides stresses here an additional idea—that *Maʿaseh Merkavah* is a subject which a person studies by himself and does not learn from others. One concludes from this that the "chapter headings" which the teacher conveys to his disciple are only intended to assist him in learning *Maʿaseh Merkavah* by himself.

[9] Here too, as in the *Commentary on the Mishnah*, Ḥagigah 2.1, Maimonides does not mention any other Solomonic verses concerning this matter.

[10] The Introduction to the Mishnah is quoted from *Mishnah ʿim Perush Rabbenu Moshe ben Maimon: Maqor ve-Targum*, translated from the Arabic by J. Kafaḥ (Jerusalem, 1972). On occasion, I have preferred the translation of Al-Ḥarizi or corrected the translation myself.

In the Introduction to the Mishnah, Maimonides not only mentions that *Maʿaseh Merkavah* is not to be expounded in public, but refers to the story of Rabbi Joseph and the sages of Pumbedita, although he does not mention its principals by name. By drawing inferences from this incident concerning the actual conduct of a specific talmudic sage, Maimonides hoped to derive conclusions regarding the conduct expected of sages in general, namely: "that some of the sages, of blessed memory, withheld the secrets of wisdom from one another" (ed. Kafaḥ 35). He interprets Song of Songs 4:11 here as implying a prohibition against teaching *Maʿaseh Merkavah* to other sages, it being understood that this refers to cases in which the sages in question do not satisfy the requirements making it permissible to teach them these subjects. In order to make explicit the general argument that *Maʿaseh Merkavah* may not be expounded in public under any circumstances, Maimonides adds that not only is it prohibited to teach the secrets of *Maʿaseh Merkavah* to sages lacking the proper qualifications, but it is also prohibited to teach them to "foolish people." This supplementary argument is likewise derived from the words of Solomon, and in this case Maimonides himself cites the support for it rather than simply rely upon a verse already explained by the sages:

> Because if they set it before the fool, if they do not deride it in his presence it will certainly not be pleasing in his eyes; therefore, the wise man [i.e. Solomon] said, "Speak not in the ears of a fool, for he will despise the wisdom of thy words" (Prov. 23:9). (ed. Kafaḥ 36)

Maimonides here continues an exegetical line started by the sages, explaining Proverbs 23:9 on the basis of the assumption that Solomon warned against any public expositon of *Maʿaseh Merkavah*.

Maimonides does not repeat this proof in the *Guide of the Perplexed*, relying instead on the words of the sages themselves in *Ein Dorshin*. Nevertheless, it seems to me that the *Guide* echoes the exegetical tradition associating Solomon with the prohibition of publicly disseminating the "secrets of Torah." In *Guide* 2.30, Maimonides tells his disciple how to interpret the story of the Garden of Eden. He states that he will explain this biblical text by means of the homiletical interpretation of the sages found in the Talmud and Midrashim, and then adds:

> Know that these things that I shall mention to you from the dicta of the sages are sayings that are of utmost perfection; their allegorical interpretation was clear to those to whom they were addressed, and they are unambiguous. Hence I will not go too far in interpreting them, and I will not set forth their meaning

> at length. For I will not be "one who divulges a secret." (Joel 249–50; Pines 355)[11]

The words "one who divulges a secret" (*megalleh sod*), quoted in Hebrew in the Arabic text, are doubtlessly an allusion to Proverbs 11:13, "He that goeth about as a talebearer revealeth a secret, but he that is of a faithful spirit concealeth a matter." Maimonides understands the word "secret" in this verse as referring to the "secrets of the Torah"; he therefore explains that Solomon is denouncing one who reveals those secrets. Like Rabbi Joseph in TB Hagigah 13a, Maimonides justifies his own conduct by citing a Solomonic statement. He argues by implication that in conveying to others his interpretation of what the sages said about the story of the Garden of Eden, he has avoided following the examples of negative conduct pointed to by Solomon in Proverbs 11:13. Maimonides therefore maintains here that by refusing to expound more extensively the words of the sages on *Ma'aseh Bereshit*, he is following a long-standing tradition that requires the concealing of these "secrets."

Solomon's Instruction on the Apprehension of God

In his halakhic writings Maimonides presents Solomon as a "wise man" who warns against the public exposition of *Ma'aseh Merkavah*, i.e., as a sage engaged in conveying these "secrets" to others. In the *Guide of the Perplexed*, however, he depicts Solomon as cautioning his readers against attempting to go beyond the limits of human capability in the effort to apprehend God, and as guiding and instructing them toward a proper understanding of God within their mortal limitations.

Since Maimonides identifies *Ma'aseh Merkavah*, the secret doctrine of the sages, with metaphysics, it follows that instruction for the apprehension of God is synonymous with instruction toward apprehending the "secrets" of *Ma'aseh Merkavah*. This being so, Maimonides relies upon *Ein Dorshin* even in those chapters which deal with instruction concerning the attainment of metaphysical knowledge (*Guide* 1.31–34), implying that here too he is only

[11] Quotations from the *Guide* are taken from the edition of the Arabic text by S. Munk and I. Joel (Jerusalem, 1930–31); the English translation is from *The Guide of the Perplexed*, trans. Shlomo Pines (Chicago, 1963).

continuing, explaining, and explicating an existing tradition in Judaism, and not innovating anything.[12]

The Chapters of Instruction in the first part of the *Guide* deal with two central concerns: (1) the limitations of human knowledge (chaps. 31–32), and (2) why the subject matter of *Ma'aseh Merkavah* is concealed, the conditions under which it may be transmitted to others, and the method of transmission (chaps. 33–34). The former concern is developed by way of a commentary on the story of the four sages who entered *Pardes*, while the latter is developed through a commentary on what the Mishnah and Talmud say about *Ma'aseh Merkavah* in chapter 2 of Ḥagigah.

In the *Guide* as in the halakhic writings of Maimonides, we find the same basic model of discussion, namely one that connects the study of metaphysics, the commentary on the passages in *Ein Dorshin* dealing with *Ma'aseh Merkavah*, and support for these arguments from the words of Solomon. However, in the *Guide*, not only does Maimonides adopt an existing exegetical structure of the sages by connecting Solomon and his writings with instruction concerning matters of *Ma'aseh Merkavah*, but he continues that exegetical tradition and develops it along independent lines.

In *Guide* 1.32, Maimonides continues the discussion of the limitations of human knowledge that began in chapter 31. He opens the chapter with a general argument, noting that in sense perceptions, the attempt to overreach human capabilities has the effect of weakening the sense, preventing it from achieving even what would earlier have been within its ability. Similarly, when man attempts to achieve or understand something that is beyond the capability of the human intellect, not only is he unsuccessful, but he loses his former ability for intellectual apprehension, and thereby also for human perfection, which is intellectual perfection. In light of this, Maimonides instructs his disciple:

> For if you stay your progress because of a dubious point; if you do not deceive yourself into believing that there is a demonstration with regard to matters that have not been demonstrated; if you do not hasten to reject and categorically to pronounce false any assertions whose contradictories have not been demonstrated; if, finally, you do not aspire to apprehend that which you are unable to apprehend—you will have achieved human perfection . . . (Joel 46; Pines 68)

[12] As we shall see below, one should also add to these chapters *Guide* 1.5, in which Maimonides' words of instruction are not connected with any esoteric doctrine of the sages.

These words of instruction are buttressed with historical examples. Maimonides presents the contrasting patterns of conduct of two sages who attempted to apprehend God, R. Akiva and Elisha ben Abuyah, as related in the story of the four who entered *Pardes* (TB Ḥagigah 14b ff.). The reinterpretation of the term *Pardes* suggested in *Hilkhot Yesodei ha-Torah* is assumed here. On this basis it follows that the four who entered *Pardes* engaged in philosophic speculation. According to Maimonides, R. Akiva and Elisha were at the highest level of philosophical speculation—metaphysics. R. Akiva serves as an example of a properly conducted attempt to attain metaphysical knowledge, for he acted in accordance with Maimonides' instructions to his disciple in this passage: i.e., he did not attempt to apprehend that which is beyond the capability of the human intellect. Thus R. Akiva "'entered in peace and went out in peace' when engaged in the theoretical study of these metaphysical matters" (Joel 46; Pines 68), thereby achieving human perfection. Elisha, on the other hand, did not follow the right path; he attempted to attain that which is beyond human ability. Therefore, as Maimonides warned his own students, not only did he fail to apprehend God properly, but he lost the faculty of intellectual apprehension, and thereby his intellectual perfection, which is human perfection.[13] Elisha exchanged the intellectual apprehension he had previously possessed for its opposite, imaginative apprehension. As a result, his attempt to go beyond human limitations had consequences in the realm of practical conduct. His behavior was guided by the imagination and not by the intellect, and he tended toward matter and things defective, evil, and wicked (Joel 46; Pines 68).

As in his halakhic writings, here too Maimonides accepts the exegetical tradition connecting Solomon's words of instruction with ancient esoteric doctrine (Ḥagigah, chap. 2). He comments that the verse "Hast thou found honey? eat so much as is sufficient for thee, lest thou be filled therewith, and vomit it" (Prov. 25:16) refers to conduct like Elisha's, maintaining that the sages read it as a "parable" concerning Elisha. In the extant text of the Talmud, the sages apply this verse to Ben-Zoma, but Maimonides may have had another version in which it was applied to Elisha.[14] In any event, Maimonides understands that in the view of the sages, it was Elisha and not Ben-Zoma who sinned by overreaching in his philosophical speculations. This comment well serves his purposes in the chapter under discussion.

[13] Maimonides covertly relies here upon TB Ḥagigah 15a: "'Since that person [i.e. Elisha ben Abuyah speaking of himself] has been expelled from the next world, let him go and enjoy this world.' Thus Aḥer [Elisha ben Abuyah] became an apostate." One must remember that Maimonides identifies the next world with the survival of the soul, which is dependent upon the perfection of the intellect; he therefore understands the passage to mean: since he lost the perfection of the intellect and therefore the world-to-come, he turned toward the appetites of the senses.

Maimonides' contribution to the exegetical tradition that uses Solomon's statement about honey to explain Elisha's fate consists in his explanation of Proverbs 25:16. Maimonides fits Solomon's words to his own admonition to his disciple at the beginning of the chapter, where he referred to the consequences that might follow from a failure to obey the warning to keep metaphysical speculation within the natural limits of human knowledge:

> How marvelous is this parable, inasmuch as it likens knowledge to eating, a meaning about which we have spoken [in *Guide* 1.30]. It also mentions the most delicious of foods, namely, honey. Now, according to its nature, honey, if eaten to excess, upsets the stomach and causes vomiting. Accordingly Scripture says, as it were, that in spite of its sublimity, greatness, and what it has of perfection, the nature of the apprehension in question—if not made to stop at its proper limit and not conducted with circumspection—may be perverted into a defect, just as the eating of honey may. For whereas the individual eating in moderation is nourished and takes pleasure in it, it all goes if there is too much of it. Accordingly Scripture does not say, "Lest thou be filled therewith and loathe it," but rather says, "and vomit it." (Joel 46; Pines 69)

In his commentary Maimonides specifically stresses the second half of the honey metaphor, and not the first part, which embodies the actual warning given by Solomon in this verse. He speaks of the wise man's loss of the wisdom he had before he attempted to grasp that which was beyond his comprehension, or to decide on matters for which there is no rational proof, and of the consequent decline of his intellect as wisdom deteriorates to thought about imaginary things, which is the opposite and absence of rational thought.

Maimonides had laid the groundwork for this parable in *Guide* 1.30, a lexicographical chapter devoted to the various meanings of the verb *akhal* ("ate"), the noun *ma'akhal* ("food"), and of specific "foods," in particular:

> The term "eating" is applied figuratively to knowledge, learning, and, in general, the intellectual apprehensions through which the permanence of the

[14] Another, less likely, possibility is that Maimonides simply erred in arguing that the sages attributed this verse to Elisha.

> human form endures in the most perfect of states, just as the body endures through food in the finest of its states. (Joel 43; Pines 63)

As examples of the scriptural use of the verb "to eat" in this sense, Maimonides cites, among other verses, Proverbs 25:27, which warns against overindulging in honey ("It is not good to eat much honey"), and Proverbs 24:13–14, which recommends eating honey ("My son, eat thou honey, for it is good, and the honeycomb is sweet to thy taste; so know thou wisdom to be unto thy soul"). The meaning of "eating honey" in the latter verse is inferred from the textual context: "honeycomb," which is parallel to "honey," is equivalent to wisdom. It follows that the eating of honey referred to in verse 13 is intellectual apprehension. Maimonides almost certainly relies here implicitly upon the exegetical tradition of the sages in chapter 2 of Ḥagigah, where "honey" is a metaphor for *Maʿaseh Merkavah* (in R. Joseph's interpretation of Song of Songs 4:11, "honey and milk are under thy tongue"), and the "eating of honey" denotes the apprehension of matters relating to it (this, in the context of the claim that Proverbs 25:16, "Hast thou found honey? eat so much as is sufficient for thee, lest thou be filled therewith, and vomit it out," refers to Elisha). Maimonides applies the same exegetical principle to other Solomonic verses about "eating honey."

In citing the two verses from Proverbs, Maimonides alludes to a central idea developed in *Guide* 1.32 and 34: that a person must guard against the temptation to apprehend that which is beyond his ability; the positive goal toward which one should strive is the rational apprehension of God in accordance with human capability.

As in *Hilkhot Yesodei ha-Torah* 2.12, so also in *Guide* 1.32, Maimonides adds other verses from Solomon's writings to the Solomonic quotations cited by the sages in *Ein Dorshin*. All of the passages teach the same central idea, but in this case, Maimonides no longer relies upon the rabbinic interpretations, as he did in *Hilkhot Yesodei ha-Torah*. Instead he supplies the parallel verse in Solomon's words. By doing so, he strengthens and confirms the exegetical tradition received from the sages. The first verse Maimonides cites is Proverbs 25:27, "It is not good to eat much honey," used in *Guide* 1.30 as an example of the biblical use of "eat" in the sense of apprehension of the intelligibles. In 1.32, however, he discusses the whole verse and does not simply infer the meaning of an equivocal term, as he does in chapter 31. Proverbs 25:27 is parallel in meaning only to the first half of Proverbs 25:16, the exhortation of Solomon.[15]

[15] In *Hilkhot Deʿot* 3.2, Maimonides interprets this verse as defining a norm for conduct in everyday life. But even there it is seen as kind of parable, in which "honey" in Solomon's words is taken to refer to tasty foods generally.

Maimonides here adds to the two "parables of honey" (Prov. 25:16 and 25:27) two other verses from Solomon's writings that allude to the same prohibition, Ecclesiastes 7:16, "neither make thyself overwise; why shouldest thou destroy thyself?" and Ecclesiastes 4:17, "Guard thy foot when thou goest to the house of God." The first verse warns against overreaching in the attempt to acquire wisdom. Maimonides evidently understood "why shouldest thou destroy thyself?" as parallel to "and vomit it out" in Proverbs 25:16: why should you destroy yourself, i.e., make yourself devoid of intellectual apprehension and human perfection?[16] The second verse, Ecclesiastes 4:17, indicates that one must follow the right path in order to aprehend "divine matters." In *Guide* 1.18 Maimonides explained the verb *karov* as meaning to advance or move forward in the realm of intellectual apprehension; now he indicates that "goest to" refers to approaching the realm of metaphysical knowledge, symbolized by "the house of God," through intellectual apprehension. The caution that Solomon counsels in this verse, Maimonides says, refers to refraining from judgment in cases where the human intellect is unable to decide on the basis of definite proof, and to refraining from efforts to attain that which is beyond the capacity of the human intellect.

In the *Guide of the Perplexed*, Maimonides ascribes further acitivity to Solomon in the area of providing instruction to the wise man regarding questions of metaphysical knowledge, citing him as one who cautions against haste in the path toward apprehension of God, and who teaches the proper way of acquiring it. His discussion here differs from what we have seen so far. Instead of taking a ready-made model of discussion from the sages, he presents his own words of instruction, in some cases derived from biblical interpretation, and in others presented by way of interpretation of the words of the sages in chapter 2 of Ḥagigah.

The warning against haste in attempts to apprehend God is first presented in *Guide* 1.5, This chapter does not belong to the Chapters of Instruction, and its main purpose is not to guide the reader toward the proper apprehension of God, but to complete the discussion of the ambiguous verbs *raʾoh*, *habbit*, and *ḥazoh* ("to see," "to look at," and "to vision") that began in

[16] Baḥya ibn Paquda makes similar use of this verse in *Duties of the Heart*, Eighth Treatise, chap. 3. Baḥya also sees this verse as a restriction upon intellectual investigation, but he limits such investigation to those sciences which lead to obedience to God and understanding of His wisdom and His power, recommending that one not engage in sciences which do not serve this end.

chapter 4. It does so by means of an exegesis of biblical stories in which these verbs are used as key words for understanding the description of the apprehension of God. As is well known, the avowed purpose of the lexicographical chapters in book 1 of the *Guide* is to explain away the anthropomorphic descriptions of God occurring in the Bible. Maimonides points out that since the terms referring to God in the Bible have multiple meanings, the implication that God is corporeal can be eliminated by reading biblical passages in which God is the subject or object in accordance with a meaning that does not convey this notion. There are two main ways in which the Bible's anthropomorphic descriptions of God occur: anthropomorphic descriptions of God Himself, and anthropomorphic descriptions of man's apprehension of God. The interpretation of biblical pasages devoted to man's apprehension of God, which appear in the lexicographic chapters of the *Guide*, have then as their primary purpose to remove anthropomorphic attributes from God. From another perspective, however, they can be viewed as passages dealing with prophetic apprehension. In the latter respect they form part of Maimonides' account of prophecy. Thus, in completing the discussion in chapter 4, chapter 5 serves, at one and the same time, two functions: to remove anthropomorphic atributes from God and to explain prophecy.

One of the characteristic features of Maimonides' writings in general, and of the lexicographical chapters in book 1 of the *Guide* in particular, is that each chapter has several different goals, and may be read from several different perspectives and in the context of several different chapters or groups of chapters simultaneously. Another striking aspect of the discussion in chapter 5 is the instruction toward proper apprehension of God. In this respect, chapter 5 must be read alongside the Chapters of Instruction in *Guide* 1.31–34. Maimonides evidently anticipates in chapter 5 a number of the ideas to be presented in chapter 34 and, as in chapter 34, he brings Solomonic sources to support his words of instruction.

Chapter 5 is similar in structure to chapter 32, which we have already analyzed. It consists of instructions to a disciple, contrasting models from the conduct of historical figures, and biblical verses which can be interpreted, on the one hand, as parallel to Maimonides' words of instruction, and on the other, as the conclusions to be derived from the historical incidents.[17]

[17] On the interpretation of this chapter, see S. Regev, "The Vision of the Nobles of the Children of Israel (Exod. 24:9–11) in Medieval Jewish Philosophy" [Heb.], *Meḥqerei Yerushalayim be-Maḥshevet Yisrael* 4, nos. 3/4 (1985): 281–86.

At the beginning of chapter 5, Maimonides presents, in concentrated form, his own view concerning the proper mode of investigation to be adopted by someone who wishes to attain proper knowledge of God in accordance with his ability to follow this path:

> . . . man should not hasten too much to accede to this great and sublime matter at the first try, without having made his soul undergo training in the sciences and the different kinds of knowledge, having truly improved his character, and having extinguished the desires and cravings engendered in him by his imagination. When, however, he has achieved and acquired knowledge of true and certain premises and has achieved knowledge of the rules of logic and inference and of the various ways of preserving himself from errors of the mind, he then should engage in the investigation of this subject. When doing this he should not make categoric affirmations in favor of the first opinion that occurs to him and should not, from the outset, strain and impel his thoughts toward the apprehension of the deity; he rather should feel awe and refrain and hold back until he gradually elevates himself. (Joel 19; Pines 29)

According to this passage, a certain degree of ethical preparation is required if one is to apprehend God in accordance with one's ability. It is necessary to restrain the desires of one's soul, to gradually learn the sciences, and know the rules of logic, which is an "instrument" for scientific investigation.

The examples of correct conduct deserving of imitation, and of improper behavior to be avoided, are derived from the Bible, and not from the Talmud, as in chapter 32. Here, however, Maimonides interprets Scripture on the basis of the rabbinic exegesis found in the Talmud and the Midrashim to these texts. The heroes of the biblical accounts are not "sages" but "prophets" i.e., individuals who were worthy of divine revelation. Maimonides equates their understanding, as well as that of the mystics in the second chapter of Ḥagigah, with the intellectual apprehension of the philosopher. This being so, he sees them as both positive and negative examples for the "wise man" who wishes to apprehend God.

The example of conduct worthy of imitation is Moses. Maimonides bases himself upon the sages, who connect God's revelation to Moses in the burning bush, of which the Bible says, "And Moses hid his face; for he was afraid to look upon God" (Exod. 3:6), with the description of Moses' vision in Numbers 12:8, "and the similitude of the Lord doth he behold." The Talmud comments: "As a reward for '[he was afraid] to look' (Exod. 3:6), he merited 'and the similitude of the Lord doth he behold' (Num. 12:8)" (TB Berakhot

7a).[18] In other words, the conception of the Godhead enjoyed by Moses was a reward because he had earlier refrained from looking upon God. The sages evidently understood Numbers 12:3, which speaks of Moses' modesty or meekness ("Now the man Moses was very meek, above all the men that were upon the face of the earth"), as alluding to his conduct at the revelation of the burning bush. But Maimonides interprets Moses' modesty in a different manner. He does not see it as a personality trait or an ethical quality, but as the conduct of a sage engaged in intellectual inquiry.[19] "And Moses hid his face" refers to the fact that Moses refused an immediate apprehension of God because he was unprepared for it and had not learned all the preparatory disciplines that would make it possible. As a reward for this correct conduct, "the similitude of the Lord doth he behold"; according to Maimonides in *Guide* 1.3, this means, "he grasps the truth of God" (Joel 18; Pines 27).

The "nobles of the children of Israel," identified by Maimonides with the seventy elders, are cited as an example of those who did not follow the correct path, but "were overhasty, strained their thoughts, and achieved apprehension, but only an imperfect one" (Joel 20; Pines 30). They attempted to apprehend God but were inadequately prepared. This improper way of pursuing the apprehension of God had consequences similar to those that followed Elisha ben Abuyah's attempt to apprehend that which was beyond human comprehension: the nobles of the children of Israel apprehended God in a confused way, in an imaginary rather than an intellectual manner, and as a result, "they inclined toward things of the body." That is the meaning of "and they visioned God, and did eat and drink" (Exod. 24:11); i.e., when they failed to attain an intellectual apprehension and had not achieved intellectual perfection, they were guided by the power of the imagination, which drew them toward the physical appetities, represented by eating and drinking. "Eating and drinking" were therefore the result of this imaginative apprehension.

As in *Guide* 1.32, here too Maimonides argues that the lesson to be learned from the story, in this case a biblical account, was already formulated by Solomon in the form of a general exhortation:

[18] See also *Tanḥuma*, Genesis 1; Exodus 19; Exodus Rabbah 3.1; Leviticus Rabbah 20:10; Numbers Rabbah 2:25.

[19] One must take into account that according to Maimonides' doctrine of prophecy, Moses did not prophesy by means of the power of the imagination; therefore, his apprehension was purely intellectual.

> Accordingly Solomon has bidden the man who wishes to reach this rank to be most circumspect. He said warningly in parabolic language: "Guard thy foot when thou goest to the house of God." (Joel 20; Pines 30)

We have already seen that in *Guide* 1.32 Maimonides also cites Ecclesiastes 4:17 in support of his words of warning, interpreting it as a "parable" without reference to any exegetical tradition of the sages, associating this verse with instruction for the apprehension of God. Here, too, Maimonides assumes that Ecclesiastes 4:17 is a "parable," but he sees it as an exhortation concerning the path toward apprehension of God, not, as in chapter 32, as a warning against attempts to attain that which is beyond the limits of human comprehension. According to Maimonides here, Solomon's exhortation included all of the words of personal instruction which Maimonides himself presents at the beginning of the chapter. Maimonides says that his own words of instruction are no more than an interpretation of the words of instruction of a wise man who preceded him, Solomon.

In the Chapters of Instruction, *Guide* 1.34, Maimonides returns to the subject of the care to be exercised regarding the path toward the apprehension of God. This chapter completes the discussion begun in chapter 33, and therefore must be understood in the light of that discussion. In chapter 33, Maimonides presents two arguments which serve as an interpretation of the terms used by the sages in chapter 2 of Ḥagigah and their remarks concerning *Ma'aseh Merkavah*. First, instruction should not begin with metaphysics, because the study of metaphysical subjects will weaken the faith of those who lack the necessary preparation. Thus metaphysics should not be taught to the masses and, in fact, should be concealed from them. At the same time, one may, allusively, reveal a few small metaphysical points to those who have the preparation to understand them. The terms "secret" and "mysteries of the Torah" (*sod* and *sitrei Torah*), which appear in the Bible and in the rabbinic literature, and are used by Maimonides to denote metaphysics, suggest the idea of concealing metaphysical topics from those who are not fit to receive them, and of communicating them allusively to those who are fit.

Second, metaphysical matters can only be taught to one who is "wise and able to understand by himself." Maimonides interprets this condition, set forth in Mishnah Ḥagigah 2.1, as follows;

> . . .the one who is to be taught is *wise*, I mean that he has achieved knowledge of the sciences from which the premises of speculation derive; and the other, that he be full of understanding, intelligent, sagacious by nature, that he divine

> a notion even if it is only very slightly suggested to him in a flash. This is the meaning of the dictum of the sages: "able to understand by himself." (Joel 48; Pines 72)

As most people do not satisfy these conditions, it is impossible to teach them metaphysics. The teaching of metaphysics to the masses would constitute a situation in which metaphysical matters were taught directly, without any advance preparation.

Maimonides develops the latter subject in *Guide* 1.34, where he lists five "causes that prevent the commencement of instruction with divine science, the indication of things that ought to be indicated, and the presentation of this to the multitude" (Joel 49; Pines 72). In effect, Maimonides explains here why only unique individuals, constituting an intellectual elite, and not the masses, are able to attain knowledge of God by means of man's ability to know Him. He sets forth the difficulties that stand in the way of one who wishes to apprehend God, the conditions that must be fulfilled, and what one must do in order to succeed in this project. The latter point is identical with the words of instruction to the sage who wishes to apprehend God, and parallels Maimonides' words of instruction in *Guide* 1.5. Here, as in 1.5, Maimonides bases his argument on what Solomon says in Ecclesiastes and Proverbs. But while in *Guide* 1.5 he is satisfied with a general warning from Solomon, here he shows that Solomon also provided a more concrete and detailed warning about the apprehension of God. This warning is presented in the framework of three out of the five items in Maimonides' list of causes preventing the beginning of study with metaphysics. Sometimes in this discussion Maimonides cites a verse from Solomon without offering any interpretation, so that his understanding of the verse must be inferred from the fact that it is used in support of specific words of warning. At times he also provides an interpretation of the verse in order to justify its citation in support of his words of instruction. By finding appropriate verses in support of his own words of instruction, Maimonides here develops independently of the sages, the exegetical principle that Solomon's words are to be associated with the question of occupying oneself with metaphysics.

The first cause or reason why instruction should not begin with metaphysics, or "divine science," is "the difficulty, subtlety, and obscurity of the matter itself" (Joel 48; Pines 72–73). In other words, there is a certain objective difficulty, in that the subject is in itself a complex one. Maimonides supports this idea by citing, among other sources, Ecclesiastes 7:24: "That which was is far off and exceeding deep; who can find it out?" The use of this

verse to support the argument that divine science is profound and difficult to comprehend indicates that Maimonides read it as referring to divine science. This interpretation makes sense when the verse is read within the overall context of Ecclesiastes 7. Since the preceding verse deals with wisdom ("All this have I tried by wisdom; I said, 'I will get wisdom'; but it was far off from me"), Maimonides understood verse 24 as likewise dealing with "wisdom," concerning which it says, "That which was is far off and exceedingly deep," etc. According to *Guide* 3.54, "the term wisdom (*ḥokhmah*), used in an unrestricted sense and regarded as an end, means in every place the apprehension of Him" (Joel 469; Pines 636). In applying this meaning of "wisdom" to verse 23, Maimonides is able to interpret Solomon's words in verse 24 as applying to the apprehension of God, the goal of all wisdom.

Maimonides had already cited Ecclesiastes 7:24 in the Introduction to the *Guide*, in support of the claim that a certain branch of the esoteric teachings of the sages is so profound that it cannot be adequately understood. However, in this instance Maimonides is speaking about *Ma'aseh Bereshit* (physics) and not about *Ma'aseh Merkavah* (metaphysics or divine science):

> And because of the greatness and importance of the subject and because our capacity falls short of apprehending the greatest of subjects as it really is, we are told about these profound matters—which divine wisdom has deemed it necessary to convey to us—in parables and riddles and in very obscure words. As [the sages], may their memory be blessed, have said: "It is impossible to tell mortals of the power of the Account of the Beginning. For this reason Scripture tells you obscurely: 'In the beginning God created,' and so on." They have thus drawn your attention to the fact that the above-mentioned subjects are obscure. You likewise know Solomon's saying: "that which was is far off, and exceeding deep; who can find it out?" (Joel 5; Pines 9)

The Maimonidean commentator Efodi (Profiat Duran) found it difficult to understand how Maimonides could cite this verse in one place as referring to the Account of the Creation (physics) and in another to the Account of the Chariot (metaphysics). He attempted to resolve the difficulty by arguing that the first half of the verse, "that which was is far off," refers, in Maimonides' interpretation, to the Account of Creation, and the latter half, "and exceeding deep; who can find it out," to the Account of the Chariot. But since Maimonides uses the same Arabic word for "deep" in both citations of this verse (*al-umūr al-ghāmiḍa* ["the profound matters"] at the beginning of the *Guide*, and *ghumūḍuhu* ["its profundity"; Pines translates "obscurity"] in 1.34,) this indicates that the Arabic phrase relates to the second half of Solo-

mon's statement: "and exceeding deep; who can find it out." Thus this part of the verse refers to the difficulty in apprehending the contents referred to in both places.

It seems to me that Maimonides' comments on the Account of Creation and the Account of Chariot in the Introduction to the *Guide* explain why he cites the same verse in one place to teach that the Account of Creation is "a profound matter," and in another to teach that the apprehension of God is a "deep" thing. Following the sages, Maimonides distinguishes sharply between these two esoteric sciences, in terms of both their contents and their degree of esotericism, but he also has a certain tendency to somewhat obscure the distinction. Speaking of the Account of Creation in the Introduction to the *Guide*, he says of the principles of physics that "they too are secrets of that divine science" (Joel 3; Pines 7). That is, there is a certain realm which is common to physics and metaphysics, the area in which these two sciences border upon one another. Maimonides is alluding here, among other things, to the causal relationship between the metaphysical world and the physical world, and thus also to the question of the creation of the world. Understanding the creation of the world is, on the one hand, a question of physics, since the explanation of the structure of the created world and the connections among its various parts is physics in the strict sense, but the creation of the physical world and its relation to the metaphysical world is also a metaphysical question. When Maimonides speaks about the "greatness and importance of the subject," "the greatest of subjects," and "these profound matters" in the Introduction to the *Guide*, he is not saying that the Account of Creation is physics in the sense of a description of the physical world, but that an aspect of the natural sciences may properly be seen as "secrets of that divine science" (Joel 3; Pines 7), namely, the creation of the physical world. Ecclesiastes 7:24 refers to this aspect of the Account of Creation. Moreover, the very use of this verse, which Maimonides afterwards understands as referring to the Account of the Chariot, indicates that an analogous interpretation is to be given to his comments here. It follows that in both cases in which he uses Ecclesiastes 7:24 to support his own statements, Maimonides understands it as referring to the difficulty in apprehending metaphysical matters: in the Introduction to the *Guide* it is applied to the connection between God and the physical world in the ontological realm, whereas in *Guide* 1.34 it is applied to the connection between the physical world and the metaphysical world in the realm of human knowledge, to man's apprehension of God through knowledge of physics. In both instances, there is a certain point of

contact between physics and metaphysics, where the "profound thing" relates to the transition to metaphysics.

Another Solomonic verse which evidently refers to the same idea is cited by Maimonides in *Guide* 3.54. At the beginning of this chapter, Maimonides discusses the various meanings of the noun *ḥokhmah* ("wisdom"). The first of these is "the apprehension of true realities, which have for their end the apprehension of Him, may He be exalted" (Joel 466; Pines 632). This definition encapsulates the fundamental idea stated in the explanation of the third reason militating against the commencement of study with metaphysics; namely, that the apprehension of God is the ultimate aim of the process of graduated study of the sciences. Understanding "wisdom" as the comprehension of God made possible by the study of the preparatory sciences, Maimonides says further on in the chapter that "the term *wisdom* [*ḥokhmah*], used in an unrestricted sense and regarded as the end, means in every place the apprehension of Him, may He be exalted" (Joel 469; Pines 636).

Maimonides illustrates the biblical use of the word "wisdom" in this sense by means of two verses from the Hagiographa: Job 28:12 ("But wisdom, where shall it be found?"),[20] cited in *Guide* 1.34 in support of the first reason against commencing study with metaphysical matters, and Proverbs 2:4a ("If you seek her as silver . . ."). The word "wisdom" does not appear in the half-verse from Proverbs, which must be read, similarly to Ecclesiastes 7:24, in its overall context: "So that thou make thine ear attend unto wisdom, and thy heart incline to discernment; yea, if thou call for understanding, and lift up thy voice for discernment. If thou seek her as silver, and search for her as for hid treasures; then shalt thou understand the fear of the Lord, and find the knowledge of God" (Prov. 2:2–5). From verses 2–3, it is possible to derive the equation: wisdom = understanding (*binah*) = discernment (*tevunah*). From this it may be inferred that verse 4 speaks of wisdom. Thus verse 4 is simply the first half of a conditional sentence continued in verse 5: "If thou seek her as silver . . . then shalt thou understand." Verses 4–5 state that one who seeks wisdom will achieve knowledge of God. By citing Proverbs 2:4a, Maimonides is saying that the biblical text itself teaches us that "wisdom"

[20] Chapter 28 of Job deals with the limitations of human as distinguished from divine wisdom. "Wisdom" appears in this chapter in the sense of knowledge of the principles of physical phenomena and their manifestations, by which human life is guided. Maimonides chose here a verse in which the word "wisdom" appears in a way indicative of its sense in the chapter as a whole.

has the significance which he indicates here: "the apprehension of true realities, which have for their end the apprehension of Him, may He be exalted" (Joel 466; Pines 632).

But in citing Proverbs 2:4 in support of the claim that *ḥokhmah* in the Bible has the first meaning discussed here, Maimonides had an additional aim. This verse, like Job 28:12 ("But wisdom, where shall it be found?"), speaks of the difficulty of attaining wisdom. In *Guide* 1.34, Maimonides brings Job 28:12 in support of the first reason why instruction should not begin with divine science, namely, "the difficulty, subtlety, and obscurity of the matter in itself" (Joel 49; Pines 72–73), together with Solomon's words in Ecclesiastes 7:24, "That which was is far off and exceeding deep; who can find it out?" The citation of the same verse together with a verse stating that the acquisition of wisdom, like the unearthing of silver and hidden treasures, requires much effort, indicates that here too Maimonides wished to allude to the idea of the profundity of wisdom and the difficulty of attaining it. The use of Job 28:12 indicates to the reader that he must reread *Guide* 1.34 in order to connect the significance of the noun "wisdom" with the idea of the difficulty of attaining metaphysical truths, and perhaps also with all of the words of instruction found in that chapter.

The third cause against beginning study with metaphysics is "the length of the preliminaries," i.e., the need to master many different sciences, a process which takes a great deal of time. There are two reasons why preliminaries are needed. (1) God can only be comprehended through knowledge of His activities in the world, i.e., by means of physics. Since knowledge of physics is in turn dependent, both directly and indirectly, upon knowledge of mathematics and logic, it is impossible to arrive at knowledge of God without first learning all of these disciplines in a systematic and gradual fashion.[21] Maimonides attributes to Solomon the argument that one must study all these preparatory sciences in order to arrive at the apprehension of God: "Solomon has made it clear that the need for preliminary studies is a necessity and that it is impossible to attain true wisdom except after having been trained" (Joel 51; Pines 75). According to Maimonides, Solomon said this twice, in Ecclesiastes 10:10 and in Proverbs 19:20, and he quotes both passages without commentary. But the very claim that in these verses Solomon explained the

[21] Compare *Guide* 1.5, "man should not hasten too much to accede to this great and sublime matter at the first try, without having made his soul undergo training in the sciences and the different kinds of knowledge" (Joel 19; Pines 29).

need for scientific studies as preparation for the apprehension of God indicates the interpretation which Maimonides gave them. He evidently understood Ecclesiastes 10:10 ("If the iron be blunt, and one do not whet the edge, then must he put to more strength; but even more preparation is needed for wisdom") as meaning that wisdom is made possible by the "preparation" (i.e., the preliminary studies), just as the axe is prepared for use by whetting it. Similarly, he interpreted Proverbs 19:20 ("Hear counsel and receive instruction, that thou mayest be wise in thy latter end") to mean that man must begin by preparing himself through the study of sciences and then, "at his end," will arrive at apprehension of God and acquire "wisdom" in the first sense of the word used in *Guide* 3.54.[22] (2) Rapid investigation arouses doubts regarding the subject of investigation. It is only possible to have a firm basis for one's doctrine, not susceptible to doubt, if the investigative process leading up to it is gradual and systematic, with the premises of its syllogisms all deduced from the science previously learned.

As in other instances where he deals with the correct method of apprehension, here too Maimonides appends some remarks about its opposite, the incorrect method of apprehension, and the results of following it. He does this by means of the "parable of walking," which is similar to the parable of Solomon in Ecclesiastes 4:17:

> One engaged in speculation without preliminary study is therefore comparable to someone who walked on his two feet in order to reach a certain place and, while on his way, fell into a deep well without having any device to get out of there before he perishes. It would have been better for him if he had foregone walking and had quietly remained in his own place. (Joel 51; Pines 76)

As elsewhere in his discussion of the correct and incorrect methods of apprehension, Maimonides again observes that he is not the first to state that anyone who hopes to apprehend God must first learn all the sciences that prepare for this apprehension, for otherwise he will lose the ability to apprehend God in the proper manner. Maimonides claims that this observation was anticipated by Solomon. He begins with a general exegetical rule pertaining to the Book of Proverbs: namely, that all of Solomon's proverbs concerning the "slothful" or "slothfulness" are to be read as parables whose real

[22] Similarly, Abravanel interprets here: "which is the wisdom that comes after the preliminaries, and this is 'at your end.'"

subject is "the incapacity to seek knowledge of the sciences" (Joel 51; Pines 76), i.e., laziness as regards the study of the sciences that prepare man for the apprehension of God. The parables of the slothful describe the conduct of the slothful and what happens to them. Maimonides indicates through these remarks that the reader must himself interpret the parables of the slothful in Proverbs, using the exegetical key provided here.[23] Together with this general directive concerning the parables of the slothful, Maimonides quotes some sayings about wisdom in Proverbs 21:25–26. The first part of this passage is a parable about the slothful, and he gives it a broad interpretation: "The desire of the slothful killeth him; for his hands refuse to labor. He coveteth greedily all day long; but the righteous giveth and spareth not."

In *Guide* 1.5 and 32, Maimonides supports his admonitions with stories about the conduct of biblical and talmudic heroes, arranged in pairs of antinomies. Here, however, he brings Solomonic sayings about wisdom that present two contradictory human types, described in terms of the paths they follow: the "lazy" and the "righteous." According to Maimonides, Solomon is speaking here of the means of apprehending God.

Maimonides understands the word *ta'avah* ("appetite") in Proverbs 21:25 as meaning "longing." Thus, the appetite of the "lazy person" is "desirous to achieve his ends" (Joel 51; Pines 76). His laziness is expressed in his "making no effort to achieve knowledge of the preliminary studies leading up to those ends" (Joel 51; Pines 76). The combination of desire and laziness kills the lazy person: "the reason why the desire of the slothful kills him is to be found in the fact that he makes no effort and does not work with a view to that which would allay that desire; he has only an abundance of longing and nothing else, while he aspires to things for which he has not the necessary instrument" (Joel 51; Pines 76). Maimonides does not elaborate upon the meaning of the "death" undergone by the lazy-longing person, but on the basis of the parallel with the parable of the person who falls into a pit, and of the explanation of the words "life" and "death" in *Guide* 1.42, we may understand that the lazy person arrives at "false opinions" (Joel 63; Pines 93) instead of "correct opinions." As a result, he does not acquire that human perfection in

[23] It seems reasonable to assume that Maimonides understands the parables of the slothful as belonging to that type in which understanding of the parable depends upon understanding of a central image or its key words, and not upon every single word therein. He in fact makes such a point in the comment to his disciple concerning the meaning of these parables. On the two kinds of parables appearing in the Bible, see my *Maimonides' Interpretation of the Story of Creation* 42–44.

which the survival of the soul is rooted, and therefore "dies" in the absolute sense of the word "death," for he does not acquire eternity of the intellect.

Maimonides complements Solomon's statement here with a comment of his own: "It would be healthier for him if he renounced this desire" (Joel 51; Pines 76). By adding this comment, Maimonides establishes a complete parallel between the proverb of the walker who falls into a pit and Solomon's words in Proverbs 21:25. The important idea here, which he sees perhaps as only an expansion of Solomon's words, is presented in a similar context in *Guide* 1.32: that one should not draw hasty conclusions and thus avoid falling into error. Maimonides spoke in 1.32 about absolutely refraining from drawing conclusions, and about refraining from drawing conclusions concerning matters which are not susceptible to man's understanding; here he recommends the same policy, albeit as a temporary expedient: one should not draw conclusions until the necessary studies have been completed, for otherwise one's conclusions will be hasty and incorrect. This temporary abstention from drawing conclusions opens the door for future progress in one's philosophical inquiries, and serves as preparation for the correct apprehension of God in accordance with one's ability after the necessary scientific studies have been completed. In practice, the approach advocated here is similar to that practiced by Moses at the revelation of God in the burning bush: "And Moses hid his face, for he feared to gaze upon God" (Exod. 3:6). According to Maimonides' interpretation in *Guide* 1.5, based upon the interpretation already given by the sages, this act of restraint enabled Moses ultimately to achieve the apprehension of God—"and the image of God he shall see" (Num. 12:8).[24]

At the opposite pole from the "slothful" is the "righteous." Solomon's statement about the righteous is explained by Maimonides at length, because in his opinion what Solomon says about the righteous illuminates his viewpoint on the image of the lazy person who is opposed to the righteous. "But the righteous giveth and spareth not" is interpreted by Maimonides to mean: "the just one [i.e., righteous] among men is he who gives everything its due; he means thereby that he gives all his time to seeking knowledge and spares no portion of his time for anything else" (Joel 51; Pines 76). The interpreta-

[24] Compare also *Guide* 1.8: "He should not make categoric affirmations in favor of the first opinion that occurs to him and should not, from the outset, strain and impel his thoughts toward the apprehension of the deity; he rather should feel awe and refrain and hold back until he gradually elevates himself" (Joel 19; Pines 29).

tion of this portion of the verse is summarized in a Hebrew interjection within the Arabic text as follows: "He says, as it were: 'But the righteous gives his days to wisdom and is not sparing of them . . .'" (Joel 51; Pines 76).

As in *Hilkhot Yesodei ha-Torah* 2.12 and in *Guide* 1.32, here too Maimonides observes that Solomon presented the same ideas differently at different points in his writings. The idea contained in "the righteous giveth and spareth not" is formulated negatively, as a warning, in Proverbs 31:3: "Give not thy strength unto women." According to Maimonides, "to give" in Proverbs 21:26 means, "to give of your time." The symbolism of "woman" in the Book of Proverbs is explained in the Introduction to the *Guide*, and further elaborated in *Guide* 3.8. Maimonides maintains that in the Book of Proverbs, "woman" is synonymous with man's material component, specifically his animal soul, which desires physical things.[25] Thus Solomon's warning in Proverbs 31:3 is a warning against becoming obsessed with one's physical appetites.[26] The person who is attentive to this warning is the righteous "who spareth not" and devotes all of his time to wisdom.

This interpretation of "righteous" sheds further light upon the meaning of "slothful" in the previous verse. The slothful person is not only too lazy to study the preparatory disciplines in order to arrive at a proper knowledge of God, but also devotes most of his time to satisfying his sensual appetites, and therefore is not free to study the sciences that would enable him to acquire proper knowledge of God. Thus the slothful one "gives to women his strength." In this interpretation, Maimonides connects the argument that proper apprehension of God requires systematic study of all the preparatory disciplines in the proper sequence with the claim that proper apprehension of God requires ethical preparation. Restraining the appetites is a necessary precondition for proper apprehension of God because only someone who restrains his appetites can devote all of his time to reflection and study.

The antithetical parallel between Proverbs 21:26 and Proverbs 31:3 suggests that the motif of the married harlot in Proverbs, interpreted by Maimonides in the Introduction to the *Guide* and in 3.8, is to be associated with the chapters instructing the wise man in the proper apprehension of God. The warning against being led astray by a married harlot is seen as a warning

[25] For the interpretation of the term *ishah* ("woman"), see Sara Klein-Braslavy, *Maimonides' Interpretation of the Adam Stories in Genesis* [Heb.] (Jerusalem, 1986) 198–205.

[26] Maimonides gives another interpretation of this verse in *Hilkhot De'ot* 4.19, reading it as an instruction concerning man's sexual conduct.

not to be drawn after the corporeal appetites, which prevent man from attaining the final perfection, identified by Maimonides in many places with the stage of apprehending God in accordance with human capability.

The interpretation of Proverbs 21:25–26 is a logical transitional link between the third and the fourth of the causes that prevent the commencement of instruction with metaphysics, according to *Guide* 1.34. In practice, the latter part of this interpretation deals with the subject of its cause. The fourth cause against the commencement of study with metaphysics is "the natural aptitudes" (Joel 52; Pines 76), i.e., the acquisition of those qualities which are "preparation for the rational virtues" (Joel 52; Pines 76–77). Here Maimonides cites an additional Solomonic verse in support of his position, Proverbs 3:32:

> It is accordingly indubitable that preparatory moral training should be carried out before beginning with this science, so that man should be in a state of extreme uprightness and perfection; "For the perverse is an abomination to the Lord, but His secret is with the righteous." (Joel 52; Pines 77)

Maimonides does not interpret this verse, but anyone familiar with his reading of the Bible will understand how he read it and why he used it to support the argument that the acquisition of moral virtue is a condition for attaining knowledge of God. The two key words upon which Maimonides' interpretation of this verse is based are "the upright" and "His secret." In *Hilkhot De'ot*, Maimonides uses "the upright path" (*ha-derekh ha-yesharah*) to signify the middle path, which is the ideal ethical path.[27] The upright person follows the middle path[28] and possesses the virtues acquired by following it. As we have already seen, Maimonides understands the word "secret" (*sod*) as referring to the secrets of divine science. It follows that "but His secret is with the righteous" means that in order to obtain the "secret," i.e., metaphysical knowledge of God, a person must be upright, i.e., possess moral qualities, namely, the intermediate qualities.

Thus, Maimonides reiterates in *Guide* 1.34 what he also says in 1.5: that the person who wishes to achieve proper knowledge of God must possess

[27] *Hilkhot De'ot* 1.4; cf. 1.6, "and we are commanded to walk in these intermediary ways, which are the good and upright ways."

[28] It is thus that we are to understand Eccles. 7:29, cited by Maimonides in *Guide* 3.12: "Behold, this only have I found, that God made man upright." Cf. my *Maimonides' Interpretation of the Adam Stories* 157, n. 24.

proper ethical qualities and learn the sciences in their proper order; and that these words of guidance and instruction to the seeker of wisdom were already uttered by Solomon, "the wisest of all men."

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(Translated from the Hebrew by Rabbi Jonathan Chipman)

TWO LETTERS OF MAIMONIDES FROM THE CAIRO GENIZAH

by

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The Cairo Genizah is a rich repository of documentation relevant to the life and career of Moses Maimonides. We are in a position to learn from these documents, among other things, how he actually carried on his communal activities. From his autograph letter to a community official concerning the synagogue at Dammūh, for instance (preserved in T-S 10 J 20.5v, first published by Shlomo Dov Goitein, and then by Moshe Gil, and thereafter by Rabbi Isaac Shailat), we behold the care with which he handled quotidian affairs, such as the upkeep of a synagogue. His several letters on the release of captives give us a fine insight into what was perhaps the earliest phase of his communal activity, and, as Goitein suggested, may have helped launch his career as *ra'īs al-yahūd*.

Aside from the letters preserved in the Genizah, there are, of course, other letters of Maimonides that have come down to us in literary sources, that is, epistles that were copied in the course of the centuries, and then printed in editions of letters and responsa. I have in mind, for example, Maimonides' letters to Japheth b. Elijah of Acre, Joseph b. Judah, Joseph b. Jābir, Phineas b. Meshullam, Anatoli b. Joseph, Jonathan b. David of Lunel and the Sages of Lunel, Samuel b. Tibbon, and so on. These epistles are of exceptional value for the life and work of Maimonides, and even for his philosophical convictions. Some afford us insight into aspects of his psychological makeup. For instance, in his letter to Japheth b. Elijah, who had befriended him and his father and brother during their brief stay in the Holy Land, he describes his extreme depression after the death of his brother David, who drowned in the Indian Ocean. (I discuss elsewhere this episode, which was a "core experience" for Maimonides, along with the Japheth letter and the moving letter which David wrote to his older brother from ʿAydhāb before he set sail—a document preserved in the Genizah that was dramatically discovered by Goitein.)

There are at quite a few autograph letters of Maimonides in the Genizah.

The two I offer here in translation have been edited before. These translations will eventually be published in a corpus of Maimonides' letters and responsa in English translation that I am now engaged in preparing.

In our first letter, to al-Shaykh al-Thiqa, we have a fine example of Maimonides' concern with ordinary, routine, human matters, despite his overwhelming preoccupation with major communal affairs, his literary work, his professional medical activities, and his governmental service. This document is a letter of recommendation for a newcomer from Morocco who had to pay his poll tax; in it Maimonides turns to a certain al-Shaykh al-Thiqa in Minyat Ziftā, who may have been his father-in-law (see below), requesting that he get a local community leader to raise money for the man.

The second letter gives us a fine glimpse into the kind of vexatious intrusions with which Maimonides had to cope. A man writes asking him for what amounts to private lessons to help him understand the *Guide*. One gathers that the fellow had a mere smattering of philosophical knowledge. He also wants to know what diet he should follow in order to augment his intellectual and spiritual capacity—Maimonides, after all, was also a physician. The Great Sage dismisses the man's request for a meeting, but he does so courteously and replies to his request for dietary advice. Rather surprising is the detailed nature of Maimonides' apology. He strives to justify his excuse in a manner reminiscent of his famous letter to Samuel b. Tibbon. He complains of "the yoke of the gentiles" that weighs upon him (as he did in a letter to Jonathan of Lunel) and his draining fatigue upon returning daily from Cairo to Fusṭāṭ. As in his letter to Samuel, Maimonides suggests that the man attend his public lectures on the Sabbath, but he also expresses the hope to have free time on other unspecified occasions. The invitation to public sessions, we may assume, defines the level of the fellow's philosophical attainments. This was not, of course, the only time that Maimonides deflected an intended visitor, nor was it rare for him to elaborate on his burdens, maladies, and preoccupations.

The letter has an interesting history, as it was written with ink that oxidized and caused the paper to be eaten away in places. I also noted, while examining the manuscript in Cambridge, what appears to be a small fingerprint on the paper, which one would have to assume was that of Maimonides himself.

An Autograph Letter of Maimonides to al-Shaykh al-Thiqa

Maimonides' letter to al-Shaykh al-Thiqa is preserved in TS 12.192. It is an autograph and an excellent example of the Sage of Fusṭāṭ's handwriting.

The document was first published, and translated into English, by Richard Gottheil.[1] The letter, along with a Hebrew translation, was therafter published by Simḥah Assaf.[2] Isaac Shailat published the letter and a new translation in his *Iggerot ha-Rambam*.[3] Facsimiles of the document and its signature appear in Maimonides' *Commentary on the Mishnah*, edited by Solomon D. Sassoon.[4]

Maimonides writes to a certain Shaykh al-Thiqa in Minyat Ziftā[5] requesting that the latter do a favor for him by raising money in his community to defray the poll tax for an acquaintance from Darᶜa in Morocco by the name of R. Isaac al-Darᶜī. The poll tax was quite onerous at the time, and had to be paid by all newcomers to a place.[6] Maimonides mentions that he was sending R. Isaac on an important mission to Damietta.[7] Whether it had to do with communal, commercial, or personal matters we do not know.

The cognomen al-Shaykh al-Thiqa, which was that of Maimonides' father-in-law, meaning "the Trustworthy Elder," was not uncommon.[8]

[1] R. Gottheil, "Some Responsa of Maimonides," *Gaster Anniversary Volume (Occident and Orient)*, ed. B. Schindler with A. Marmorstein (London, 1936) 174, 177. The readings and translation are, unfortunately, unreliable.

[2] See *Sinai* 14 (1944): 1–8, esp. 1–2; reprinted in *Meqorot u-meḥqarim be-toledot yisra'el* (Tel Aviv, 1942) 163–66. (B. Klar and D. H. Baneth aided Assaf in reading the document.) Assaf gives the shelfmark incorrectly as TS 12.182.

[3] I. Shailat, *Iggerot ha-Rambam* (Jerusalem, 5747 [1987]) 1:169–73.

[4] S. D. Sassoon, *Maimonidis Commentarius in Mischnam: Corpus Codicum Hebraicorum Medii Aevi*, pt. I (Copenhagen, 1966), plate II, fig. 2; xx–xxi.

[5] On the community of Minyat Ziftā, a provincial town in the Delta, see S. D. Goitein, *A Mediterranean Society: The Jewish Communities in the Arab World as Portrayed in the Documents of the Cairo Geniza* (Berkeley, 1967–87) 2:44–50 ("Minyat Ziftā, example of a middle-sized community").

[6] See Goitein, *Mediterranean Society* 2:380–93, esp. 382, where our letter is discussed in this connection and partially translated. Maimonides generally opposed communal support of religious scholars, but he exempted the latter from having to pay the poll tax, upholding the obligation of the community to raise money to help the scholar defray it; see, for instance, Maimonides, *Responsa*, ed. J. Blau, 2nd emended ed. (Jerusalem, 1986) 2:593, no. 325; and see 2:613, no. 341.

[7] Damietta (Dimyāṭ) is a well-known seaport on the Mediterranean, near the mouth of the eastern branch of the Nile and next to Lake Manzala; see *EI* new ed. (Leiden, 1960–), s.v. "Dimyāṭ." Aside from being a port town, Damietta was also the center of a flourishing textile industry. Maimonides may thus have sent Isaac al-Darᶜī there for some commercial purpose, as he kept a hand in trade even after the death of his brother David.

[8] On R. Mishael, al-Shaykh al-Thiqa, see, for example, J. Mann, *The Jews in Egypt and in Palestine under the Fatimid Caliphs* (New York, 1970) 1:226, 2:270 (ms.

The verso side of the letter has the name of the addressee in Judeo-Arabic along with three words in Arabic characters: *fī yaday Ibrāhīm al-Darʿī*.[9] That is, the letter will be delivered "by means of (per) Ibrāhīm al-Darʿī." The Arabic characters are apparently in the hand of Maimonides himself and are the only example of his Arabic writing in Genizah documents that I know of. Ibrāhīm al-Darʿī must have been a relative or friend of Isaac; both were from Darʿa in Morocco.[10] The scenario may be reconstructed as follows: Maimonides gave the letter to a courier to bring to the address of Ibrāhīm al-Darʿī in Fusṭāṭ in order to hand it over to Isaac for delivery to al-Shaykh al-Thiqa in Minyat Ziftā. Isaac, a newcomer to Fusṭāṭ, would not have had a proper address. Maimonides wrote in Arabic characters because letters were occasionally carried by couriers who could not read Hebrew. Assuming that

T-S K 15, f. 7), 2:319 (T-S 8 K 22, f. 6), 328 (Or. 5549), 563; Moshe Gil, *Documents of the Jewish Pious Foundations from the Cairo Geniza* (Leiden, 1976) 261, n. 4; and see Goitein, *Mediterranean Society* 3:5 (discussing T-S K 15, f. 7 on Maimonides' genealogy). The ancestors of R. Mishael, al-Shaykh al-Thiqa, were active in community life in Palestine and Egypt through fourteen generations. His paternal lineage included scholars, physicians, and public figures. For a possible connection with Minyat Ziftā, see the Genizah fragment edited in R. Gottheil and W. H. Worrell, *Fragments from the Cairo Genizah in the Freer Collection*, 14/15; and see corrections by J. Mann, *Texts and Studies* (Cincinnati, 1931–35) 1:447–50, esp. 449, n. 8; and further corrections and discussion by D. H. Baneth, "Documents from the Genizah" [Heb.], *Alexander Marx Jubilee Volume* (New York, 1950) 83. Baneth claims, perhaps rightly, that in this document the cognomen al-Shaykh al-Thiqa is a title referring to the recipient of the letter, R. Judah b. Eleazar ha-Kohen, on whom see Goitein, *Mediterranean Society* 2:532, n. 47, on p. 533; and see 2:48, on this document. The Maimonides responsum preserved in ms. Mosseri L-246 (VII-178) is addressed to al-Shaykh al-Thiqa (and has been edited for publication by M. A. Friedman).

[9] I have discussed the verso in "Maimonides' Letters Yield Their Secrets," *Genizah Fragments* 16 (October 1988): 3–4. In his edition of this letter, S. Assaf reproduced only the name Ibrāhīm al-Darʿī without comment; I. Shailat omitted the address altogether.

[10] Darʿa had a significant Jewish population, which played an active role in its politics until the tenth century. In our period it was the center of Almohade rule. Maimonides may have known Isaac and Ibrāhīm from the time he lived in Fez. Another man from Darʿa, R. Moses al-Darʿī, a scholar who announced the messianic advent, is mentioned by Maimonides in his *Letter to Yemen*, ed. A. Halkin (New York, 1952) 100; and see *Crisis and Leadership: Epistles of Maimonides*, translated by A. Halkin, discussions by D. Hartman (Philadelphia, 5745 [1985]), where the name is given strangely as "Moses al-Darri" from "Darral." See also Blau, *Responsa* 2:543 (and note ad loc.).

the letter was actually delivered to its destination in Minyat Ziftā, we may wonder how it got back to Fūsṭāṭ and then to the Genizah. As it was in a way a letter of recommendation, it is conceivable that Isaac preserved it and brought it back to Fusṭāṭ, or else that the recipient brought it to Fusṭāṭ at some point.[11]

The Letter

May God prolong the life of your honor,[12] my pillar and support, al-Shaykh al-Thiqa, and sustain your glory.

Your servant Moses, who venerates you, greets you. He longs for you because of your distance from him.

Moses requests that your honor kindly help the bearer of this letter, Isaac al-Darʿī, for he is one of our acquaintances. Speak to the *ḥaber*,[13] may God preserve him, about inducing the community (*jamāʿa*) to take on responsibility for him, to collect the sum of his poll tax (*jizya*) among you, as he and his son must pay double.[14]

If your honor can endeavor to have him pay while he is with you at Minyat Ziftā, please do so, as Isaac is a newcomer and has not yet paid a thing.[15]

He is going to Damietta to do something important for me. When he returns, please see to it that whatever possible be done for him.

[11] Assaf dates the letter at a point shortly after Maimonides' arrival in Egypt. Dr. Geoffrey Khan, of the Genizah Research Unit at Cambridge University, who kindly discussed the verso with me, expressed the opinion that the document appears to be an early exemplar of Maimonides' handwriting.

[12] The recipient of the letter is addressed as *ḥaḍra*, as was customary (lit. "presence" in the sense of "his honor" and the like), and is thus addressed throughout in the third-person feminine, which I have changed to the second person. Maimonides calls himself "his servant Moses," another common mode of epistolary etiquette, and thus appears throughout in the third person.

[13] A *ḥaber* was a member of the academy and occasionally, as in our case, a communal leader.

[14] That is, as he is accompanied by his son, he must pay the poll tax of two people.

[15] Goitein, *Mediterranean Society* 2:382, notes that as a newcomer to Egypt Isaac would not yet be registered, and that Maimonides recommended that he be listed as a resident of Minyat Ziftā rather than of Cairo or Damietta because in Minyat Ziftā the tax rates were lower and the officials less strict than they were in the area of the capital and in the port city of Damietta.

May your peace increase and the peace of the *ḥaber* and his son, and the peace of his honor's son, may God preserve him.

Moses b. Maimon, may the memory of the righteous be a blessing.

Advice to an Anonymous Inquirer

The second letter is preserved in TS 16.290, and was first published by David H. Baneth.[16] The writer, whose name is not mentioned, says that he has acquired a rudimentary knowledge of philosophy but needs an instructor in order to make further progress. He adds that he has studied part of the *Guide*, which he extols, but does not fully understand what he has read. He therefore wishes to meet Maimonides in person or else some other person recommended by Maimonides who can help him. In addition, he desires advice on dietary matters in order to enhance his ability to pursue knowledge. The inquirer ends by thanking the Lord for bringing him into the world at the time of the great master.

Maimonides declines the inquirer's request, just as he rejected similar appeals from other people who wished to meet with him; e.g., his famous letter to Samuel b. Tibbon, and his polite but firm dismissals, say, of Jonathan of Lunel and Abū Sahl.[17] As in other cases, he complains that he is frail and infirm and has little time for study and teaching, that he must lie down most of the time, and so on. Maimonides explains that he can only meet his admirer on the Sabbath, when he attends the study hall, and expresses his

[16] Baneth, "From the Correspondence of Maimonides," in *Studies in Memory of Asher Gulak and Samuel Klein* [Heb.] (Jerusalem, 1942) 50–56. For the letter, see also S. D. Goitein, "The Life of Maimonides in the Light of New Genizah Discoveries" [Heb.] *Peraqim* 4 (1966): 35; *Mediterranean Society* 2:252. And see Sassoon, *Maimonidis Commentarius* I, plate lvii.

[17] These letters all date from ca. 1199 when Maimonides was indeed old and infirm. On the other hand, he occasionally invoked illness and fatigue as an excuse for not answering letters or for delayed answers even when he was younger, as, for example, in his letters to R. Phineas and to the Sages of Lunel. That his health was occasionally frail is highly likely, and his deep depression following the death of his brother David, noted in his letter to Japheth b. Elijah, indicates perhaps a tendency to malaise, but one also has the impression that Maimonides used his fragility to fend off invasions of privacy. His rejection of Samuel b. Tibbon is most surprising, and I have always suspected that it also reflects a certain disrespect for the man, but this requires further discussion elsewhere.

hope that he will find time to deal with his questions on another occasion. He recommends for the man's diet almonds and raisins and occasional date honey.

Baneth correctly concluded that the handwriting of our letter is that of Maimonides himself.[18] The response begins without addressing the recipient with praise and benediction and ends without a signature, indicating that we have before us a draft copy which was completed by a scribe and then sent. The fact that our letter was a draft also explains how it got into the Genizah and came down to us, for Maimonides' draft copies were presumably stored in an archive, and were eventually deposited in the Genizah loft.

Baneth mentions that the letter is blurred in places and difficult to decipher. It may be noted, however, that the letter from the inquirer on the other side is clear. Maimonides used the correspondent's paper and wrote on the reverse side. Baneth worked from a photostat found in material collected by David Yellin in Cambridge during the summer of 1936 in preparation for publication of Maimonides' letters by Meqize Nirdamim.[19]

Upon examination of the original document in November 1987, I was able to determine what had blurred the photographs examined by Baneth. As it turns out, a number of words are not blurred but actually eroded, presumably by oxidation. This accounts for the odd formations which Baneth detected and tried to unravel.[20]

The Letter

"Great peace," etc.[21] "Length of days and years of life."[22] "Light is sown for the righteous,"[23] etc.

May our master (may God preserve him) know that his servant has acquired understanding of a number of sublime matters, such as the notions of substance and accident; subject and predicate; matter and form; cause and

[18] Baneth compared the script with the chapters published by S. H. Atlas, *A Section from the Yad ha-Ḥazakah* (London, 1940) and with other manuscripts noted by Atlas in his foreword.

[19] Baneth published some of the letters, namely, those concerning Joseph b. Judah, in his *Epistulae* (Jerusalem, 1946). A second, enlarged edition was published by the Magnes Press in 1985.

[20] I have written about this in "Maimonides' Letters Yield Their Secrets."

[21] Ps. 119:165.

[22] Prov. 3:2

[23] Ps. 97:11.

effect; necessary, possible, and impossible; genus and species; quantity and quality;[24] and that it is absurd to state that "Every man[25] is living" is equivalent to "Every living thing is a man" or that "All life is motion" is equivalent to "All motion is life."[26] And he knows the identity of the thing which exists but does not come into being.[27] He is familiar with the notion of the dispositions of the soul that are called parts[28] and faculties; the notion of potential and actual; and that what is potential is inferior to what moves to bring this potential into actuality; and that what is moved is inferior also with regard to the aim of its motion until it becomes actual. And he is aware of the notion that the intellectually cognizing subject, intellectual cognition, and the intellectually cognized object are one and the same thing when they are[29] *in actu*.[30] Your servant nevertheless requires an instructor to expound further these exalted things.

What is more, you have brought me to life with the *Guide*. For although I have gotten through only sixteen quires, I have found therein precious gems and pearls. It encompasses all knowledge, including preliminaries and premises, and the propaedeutic, natural, and metaphysical sciences. "For everything is in it."[31] "Every part of you is fair."[32] "Your word is exceedingly pure."[33] Indeed, "Moses undertook."[34]

[24] These are notions treated by Aristotle in his logical works, and also in the *Physics* and *Metaphysics*. The inquirer's description of his philosophical learning suggests that it was derived from handbooks and summaries.

[25] "Man" is written *insan* for *insān*.

[26] That is, the inquirer has a basic knowledge of logic; see Maimonides' *Treatise on the Art of Logic*, chap. 5.

[27] That is, God and the natural beings, subjects that are treated in Aristotle's *Physics* and *Metaphysics*.

[28] After this word, at the end of the line, there appear two strokes. This kind of marker occasionally indicates that the last word terminates the line, or it may be used for aesthetic reasons to fill a space at the end of the line.

[29] Ms. *idhā kānā*, i.e., a dual for a plural subject (by hypercorrection).

[30] See *Yesodei ha-Torah* 2.9–10; *The Guide of the Perplexed*, trans. S. Pines (Chicago, 1963) 1.68:163: Translator's Introduction, p. xcviii.

[31] See Mishnah, Avot 5.22. Ms.: *de-khulah bah*. Avot: *de-khula' bah*.

[32] Song 4:7.

[33] Ps. 119:140. Ms. reads here the word *m-ḥ-q-q*. Baneth suggests Heb. *meḥoqeq* ("legislator") or Arabic *muḥaqqiq* ("philosopher," "true investigator"). But the word appears to be out of place, as it falls between two biblical citations. Moses is called *meḥoqeq* in Deut. 33:21, and perhaps there is a hint that Moses son of Maimon is a legislator, as was the first Moses. See also following note.

[34] Deut. 1:5. Rabbenu Mosheh (b. Maimon) was compared even in his lifetime with the first Moses, Mosheh Rabbenu.

I have difficulty with a number of passages, may our master be a guide for my perplexity.[35] Shall I come[36] to him in the evening[37] when our master has free time to expound them to me, or would he recommend someone who understands these ideas with whom I can consult[38] occasionally? [I turn to our master] even if he does not welcome me.[39] For indeed,[40] "there is none so discerning and wise as you."[41]

I also desire a favor from our master, as though from God, namely, medicine for my soul and its organs so that it may actively pursue the sciences. Would he kindly prescribe for me what I should take with bread, for this is needed to promote my understanding of these notions. "For the responsibility is yours."[42] And no mystery baffles you.[43] For my desire has been increased twofold.[44]

"I praise the Lord with all my heart"[45] for the favor He has bestowed upon me by bringing me into the world in the generation of our master and by helping me have access[46] to him. May he not be absent from me! May God extend his days and years in delight[47] and grant for me, "May the Lord fulfill

[35] The inquirer alludes, of course, to the *Guide of the Perplexed*.

[36] Reading:1 *akūn ajī*. *Akūn* appears to be an index word without any grammatical function.

[37] The scribe first wrote *b-l-y-l*, and then placed another *lamed* as a superscript between *l* and *y*.

[38] The expression *akūn arūḥ* is a colloquialism, with *akūn* apparently an index word as above (n. 36).

[39] The text actually says, "even if he kick me out." The inquirer establishes his great love for learning and his overwhelming desire to study with Maimonides. The sentence fits more naturally before the previous one.

[40] Ms. here has: *m-ḥ-q-q*; see above, n. 33.

[41] See Gen. 41:39, where this is said by Pharaoh to Joseph.

[42] Ezra 10:4.

[43] Cf. Dan. 4:6.

[44] Cf. the letter to Maimonides requesting medical advice, TS Arabic Box 46, f. 97 (S. M. Stern, in *Maimonidis Commentarius in Mischnam*, ed. S. D. Sassoon, 3:28), where the writer explains that his entire aim in wanting a prescription from the sage is his seeking the nearness of God. The motif accords with Maimonides' own view of the relation between physical health and intellectual-spiritual flourishing. In that letter, as in ours, Maimonides' response appears on the verso side of the correspondent's letter.

[45] Ps. 111:1.

[46] After the word for "access" (*wuṣūl*), which is the last word on the line, there are two diagonal strokes as above; see n. 28.

[47] Cf. Job 36:1.

your every wish."[48] May the Lord keep alive the lovely blossom,[49] preserve him from all harm, cause him to grow in wisdom and piety, and fulfill for him the saying, "Your sons will succeed your ancestors," etc.[50] How fine are your remarks concerning the removal of the positive attributes of God (may He be magnified and extolled). Who has ever heard of this?![51] And how fine is your theory concerning the Aramaic translation of passages containing "He descends" and "I descend" by "He manifests Himself," whereas "I will descend (with you to Egypt)" is rendered literally.[52] And how fine is your theory concerning "written by the word of God"[53]—the finest gold of Ophir cannot be weighed against it"[54]—and "Show me Thy ways,"[55] and "I will make all my goodness pass (before thee)"[56]—who can describe the precious gems it contains? "No man can ever state them."[57] Peace.[58]

Maimonides' Response

I understand all of your aims, may God (the exalted) fulfill your hopes and increase your understanding.

You have undoubtedly seen and heard[59] of the yoke of the gentiles[60] which is upon me, that I am like one "shattered between daybreak and

[48] Ps. 20:6.

[49] That is, Abraham son of Moses.

[50] Ps. 45:17.

[51] Isa. 66:8.

[52] See *Guide* 1.27 (Pines 57–58). The writer hints that he understands the profound meaning of the *Guide*.

[53] *Guide* 1.66 (Pines 160).

[54] Job 28:16.

[55] Exod. 33:13.

[56] Exod. 33:19; see *Guide* 1.54 (Pines 123).

[57] Eccles. 1:8. Baneth, in a note ad loc., observes that the word *yukhal* is written incorrectly as *yakhol* (without *vav*), but there is actually a small stroke after the letter *y* in the manuscript.

[58] The word "peace" in Arabic epistolary etiquette means *finis*.

[59] Baneth: *[wa-]sa[mi]ʿat*. But under ultra-violet the letters actually appear.

[60] For the expression, see also Maimonides' letter to Jonathan ha-Kohen of Lunel; Blau, *Responsa* 3:56.

evening,"[61] and that I only return to Fusṭāṭ[62] in the evening,[63] very infirm and deeply sighing, and unable[64] to sit[65] because of extreme exhaustion.[66] I only lie supine.[67]

Finally, when the night is over,[68] [I seek solitude with my Creator][69] and go out to my activities.[70]

If you attend[71] the study hall every Sabbath, you will surely receive from me some[72] of what you hope for.[73] Perhaps God will give us some free time when we can learn and teach.[74] May your welfare increase![75]

When it is impossible for you to prepare a meal, you should eat almonds and a small amount of seedless raisins.[76] And it is not harmful at times to

[61] Baneth: *mi-bo[ker] la-ʿereb yuk[tu]*. See Job 4:20. The letter *t* in *yuktu* is eaten away, but the final *u* appears clearly in the manuscript.

[62] The word *Miṣr* (Fusṭāṭ) is eaten away by oxidation and may not be correct.

[63] The word is eroded. Baneth read *bi-l-layl*, but (as he noted) the middle *l* is unclear and may be a *j*. He suggests the possibility of *bi-l-ghāli[b]* ("mostly," "generally"). In his letter to Samuel b. Tibbon, Maimonides says that he returns home after midday hungry, and then he must treat patients, so that by evening he is exhausted to the point that he can hardly speak; see Shailat, *Iggerot ha-Rambam* 2:550–51.

[64] The words translated "sighing and unable" are unfortunately eroded.

[65] Baneth: *[a]j[li]s*. The *alif* and *lamed* are faded but visible.

[66] The *m* in *min* is eroded almost completely, and so is *al-* in *al-aʿyā*.

[67] As in the letter to Samuel b. Tibbon; see above, n. 63.

[68] Baneth suggests either *idhā inqaḍat* ("when it ends") or *idhā ūqiẓtu* ("When I am awakened"). The second letter appears to be *n*.

[69] Baneth reads tentatively *baqi [ya khalawtu ma] ʿa rabbī*, which is reasonable but given the condition of the manuscript a pure guess.

[70] Baneth reads *wa-inṭalaqtu li-l-[ta]ṣarruf*, or perhaps (see note ad loc.) *li-l-[t]asharruf*.

[71] The ms. has *wa-haṣartu* for *wa-haḍartu* (omitting the diacritic) and then *[al-mi]drash*.

[72] Ms. *baʿḍ*. But the *b* and ʿ are somewhat eroded.

[73] The text as it stands would mean: "I go to the study hall on every Sabbath." But for syntactic and other reasons (e.g., Maimonides need not mention this to a Fusṭāṭ resident), Baneth suggests that it be assigned to the addressee. Thus the word *wa-law* or *wa-in* must be supplied at the beginning. In his letter to Samuel b. Tibbon, Maimonides explains that he can see him only on the Sabbath after prayers, when he discusses matters with the community and studies with them until noon, and then later in the day until the evening prayer.

[74] Baneth reads *tastafīd*, but the ms. seems to have *nastafīd*.

[75] This ends the letter. The rest is a P.S.

[76] Read: *zabīb manzuʿ al-ʿajam*; see Stern, *Commentarius* 3:27, n. 5, for this expression and his reference to our text.

accompany bread with seedless date honey that is good and fresh, after removing the fluid.[77] May your welfare increase!

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[77] The words here are eroded. Read perhaps: *manzūᶜ al-raṭb*; see Stern, *Commentarius* 3:27, n. 5.

MAIMONIDES' INFLUENCE ON KARAITE THEORIES OF PROPHECY AND LAW

by

DANIEL J. LASKER

Early Karaism was characterized by marked antipathy to Rabbanite Judaism. Karaites engaged in bitter anti-Rabbanite polemics, rejecting the doctrine of an Oral Torah, embodied in the Talmud, which was given on Sinai simultaneously with the Written Torah. Karaites disagreed with both the halakhic and the aggadic Rabbanite interpretations of Scripture, and, in many respects, Karaite practices were quite different from the Rabbanite ones. Later Karaites, however, attempted a rapprochement with the Rabbanite majority. This rapprochement included the softening of polemics, the adoption of certain Rabbanite legal interpretations and customs, and even the claim that "most of the Mishnah and the Talmud are the words of our ancestors."[1]

There are a number of explanations for this Karaite rapprochement with Rabbanism. Chronic minority status may have led some Karaites to try as

[1] Elijah Bashyatchi, *Sefer Adderet Eliyyahu* (Odessa, 1870; rpt. Israel, 1966), introd. (unpaginated): שרוב המשנה והתלמוד דברי אבתינו הם (and see also p. 5c–d). This claim is made in connection with the injunction attributed to Nissi ben Noah (11 cent.) to study these Rabbanite works; on Nissi, see Leon Nemoy, "Nissi ben Noah's Quasi-Commentary on the Decalogue," *JQR* 73 (April 1983): 307–48. See also Aaron ben Joseph, *Sefer Ha-Miṿḥar Ve-Tov Ha-Miṣḥar* (Eupatoria, 1835), Genesis 9a.

In the context of this article, later Karaism refers to the period after Judah Hadassi (fl. 1149), who, perhaps not so coincidentally, was the last Karaite author before Maimonides. Hadassi remained loyal to Karaite Kalāmic thought; see my "The Philosophy of Judah Hadassi the Karaite," *Shlomo Pines Jubilee Volume*, pt. 1, *Jerusalem Studies in Jewish Thought* 7 (1988): 477–92 [Heb.].

The Karaite-Rabbanite rapprochement is discussed by Nemoy, s.v. "Karaites," *EJ*, 10:781; Zvi Ankori, *Karaites in Byzantium* (New York, 1959) 239–43; "Beit Bashyatchi Ve-Taqanotav," introd. to *Adderet Eliyyahu* (separate pagination).

much as possible, within Karaite parameters, to make peace with the Rabbanite majority. Some Karaites may very well have been convinced by Rabbanite arguments. Another, little-noticed cause for the Rabbanite influence on later Karaism may have been the inaccessibility of classical Karaite texts: Byzantine Karaites could not easily consult these works, which were written in Arabic and translated into a particularly opaque Hebrew.[2] We will be concerned here with a further reason for later Karaite rapprochement with Rabbanism, namely, the decisive influence of Maimonides.

Karaite Influence on Maimonides

I have argued elsewhere that Maimonides was familiar with the classical Karaite theory of prophecy as developed by Yefet ben Eli and repeated, for example, by Judah Hadassi. According to these Karaites, the various levels of prophecy are divided into six degrees, starting with (1) the level exclusive to Moses (face-to-face revelation); and continuing, in descending order, with (2) holy spirit; (3) the level of Samuel; (4) seeing a vision; (5) seeing an angel directly, while awake and hearing him speak; and (6) a dream.[3] In an apparent corollary to this theory of prophecy, Karaites accepted the possibility of deriving laws from biblical books other than the Pentateuch, thereby drawing halakhic conclusions from the words of all the prophets, not just from the Five Books of Moses.[4]

[2] This is expressed by Aaron ben Joseph, *Sefer Mivḥar Yesharim* (Eupatoria, 1835), Joshua 2a, who stated that the translations of Arabic Karaite classics into Hebrew were executed by people who knew neither language, and, hence, there was a need to consult Rabbanite biblical commentaries. Aaron employed the commentaries both of Rashi and of Naḥmanides; see Paul Fenton, "De quelques attitudes qaraïtes envers la Qabbale," *REJ* 142 (Jan.–June 1983): 6–10. Aaron's familiarity with Maimonides will be discussed below.

[3] Yefet's theory of prophecy is discussed by Haggai Ben-Shammai, "The Doctrines of Religious Thought of Abû Yûsuf Ya'qub al-Qirqisânî and Yefet ben 'Elî," diss., Hebrew University, 1977, 259–99; for Hadassi, see my "The Philosophy of Judah Hadassi."

[4] This methodology began with Anan; see Salo W. Baron, *A Social and Religious History of the Jews*, 2nd ed. (Philadelphia, 1957) 5:212; Ankori, *Byzantium* 209; Naphtali Wieder, *The Judean Scrolls and Karaism* (London, 1962) 78–79. The acceptance of post-Mosaic legislative prophecy would seem to be connected to perceiving Mosaic prophecy as not qualitatively different from non-Mosaic prophecy; see below, n. 21.

Responding to Yefet's sixfold division, Maimonides (1) removed Moses from the other levels of prophecy, since one may refer to him as a prophet only if the term is understood ambiguously (or amphibolously—*bi-tashkīk*), and (2) recorded eleven degrees of non-Mosaic prophecy. The lowest two degrees are not real prophecy at all but only manifestations of the holy spirit (*ruaḥ ha-shem* or *ruaḥ ha-qodesh*). The other nine degrees are divided into two parts, the level of dream (*ḥalom*) and the level of vision (*mar'eh*). This division is based upon the verse: "I make Myself known to him in a vision; I speak with him in a dream" (Num. 12:6).

In addition, Maimonides argued that one of the major differences between Moses and the other prophets is the fact that Moses was a legislator, but no prophet after Moses could innovate laws qua prophet, or even proffer authoritative interpretations of the Torah's laws. At the very most, a prophet could contribute to the legal process as a Sage like any other Sage. This view is a complete contradiction to the classical Karaite concept that one may draw legal conclusions from every book of the Bible.[5]

Post-Maimonidean Karaite thinkers adopted these Maimonidean positions, namely, that the levels of prophecy are based upon the distinction between dream and vision, and that the prophets after Moses were not legislators. Following Maimonides and thereby rejecting the earlier Karaite doctrines, these later Karaites contributed to the Karaite-Rabbaniṭe rapprochement mentioned above.[6]

Levels of Prophecy

Aaron ben Joseph the Physician (the Elder, ca. 1250–1320) was the first important Karaite author after Maimonides. Aaron wrote in his commentary on the Torah, *Sefer Ha-Mivḥar:*

[5] The above represents a very short summary of my "The Karaite Influence on Maimonides" [Heb,], to appear in *Sefunot* 20. I point out there that Maimonides' theory of prophecy was influenced by a number of factors, certainly not only by a desire to refute Karaism. Nevertheless, his theory has definite anti-Karaite aspects.

[6] The extent of Maimonides' influence on Karaism is not limited to the issues of prophecy and halakhah. Maimonides also served as the catalyst of the Karaite abandonment of Kalām and adoption of Aristotelian philosophy; see, for instance, my "Nature and Science According to Aaron ben Elijah, the Karaite," *Daat* 17 (1986): 33–42 [Heb.]; and "Maimonides' Influence on the Philosophy of Elijah Bashyatchi the Karaite," *Jerusalem Studies in Jewish Thought* 3 (1983–84): 405–25 [Heb.].

> There are many levels of prophecy, each person according to his degree. I do not want to mention the levels of prophecy which our Sages, of blessed memory, have mentioned, because not everyone who spoke with the holy spirit was a prophet. This is obvious to anyone who has been aroused by their [i.e., the prophets'] words.[7]

We see here that Aaron agreed with Maimonides and not with Yefet, since according to Yefet, he who speaks with the holy spirit, e.g., King David, is on the second degree of prophecy after Moses, whereas, according to Maimonides, he who speaks with the Holy Spirit is on the lowest rank of the degrees of prophecy and is not, in truth, a prophet at all.[8]

In his comment on the verse "I make Myself known to him in a vision; I speak with him in a dream" (Num. 12:6), Aaron wrote: "Scripture has specified for us that the levels of prophecy are two, in addition to the level of Moses our teacher." Yet, he added:

> There is no set number to the levels of prophecy, since all the prophets, except Moses, ascend and descend upon the levels mentioned in Scripture, each esteemed man according to his achievements, his attempts to reach [the level], and the grace extended to him by God, may He be blessed. This is similar to the case of the scholars, where one is greater than the next, and there is no end to levels. Yet all of them are through a vision and not by visual sight. They are only through the vision of the intellect. This is what is meant by "I make Myself known."[9]

Aaron agreed with Maimonides, therefore, that the general levels of prophecy, other than that of Moses, were vision and dream, but he added that these

[7] *Mivḥar*, Genesis 38a: ומדרגות הנבואה רבות איש איש כפי מעלתו ואין רצוני להזכיר מדרגות אשר הזכירו חכמינו ז"ל כי אין כל מדבר ברוח הקדש נביא. ודבר זה ידוע למי שנתעורר מדבריהם.

[8] Ben-Shammai, "Doctrines" 269–73, interprets Yefet's second degree, holy spirit, as a special type of inspiration; Maimonides discussed degrees of prophecy and holy spirit in *Guide* 2.45.

[9] *Mivḥar*, Numbers 11b: והנה הכתוב פירש לנו מדרגות הנבואה שהן שתים, מלבד מדרגת מרע"ה . . . ואין מספר למדרגות הנבואה כי באלו המדרגות הנזכרות בכתוב עולים ויורדים כל הנביאים מלבד מרוע"ה איש איש נכבד כפי השגו וכפי השתדלותו להגיע וכפי מה שחנן לו השי"ת כמו החכמים שזה עדוף מהברו ואין סוף למדרגות. אך כלם במראה ולא במראית עין. רק במראה השכל וזהו יסוד ואתודע

general levels are, in turn, composed of innumerable sublevels.[10] Mosaic prophecy is not included in these levels at all.[11]

Maimonides' influence on Aaron can be seen, in addition, in his defense of various aspect of Maimonides' theory of prophecy. Without mentioning Maimonides by name, Aaron stated, for instance, that the prophets did not actually see angels, nor did certain prophetic visions, such as Hosea's marriage to a harlot or Ezekiel's lying on his side for many months, actually take place.[12] It is clear, therefore, that Aaron ben Joseph's theory of prophecy was based on Maimonidean precedents, not Karaite ones.[13]

The same tendency to prefer Maimonides' theory of prophecy to the older Karaite one can be seen in the work of Aaron ben Elijah (the Younger, d. 1369). In general, Aaron tried to achieve a synthesis between the Kalām of his Karaite predecessors and the Aristotelianism represented by Maimonides.[14] In the case of prophecy, however, Aaron clearly chose the Maimonidean stance. In his major philosophical book *Ez Ḥayyim*, Aaron began a discussion of prophecy by explaining the traditional Karaite division of six levels of prophecy. Then, however, Aaron continued:

> Yet the latter scholars, who have investigated these matters with a wonderful investigation, have produced another opinion, an opinion of the Torah, which is

[10] By stating that there were innumerable levels of non-Mosaic prophecy, Aaron departed from the Maimonidean division of prophecy into eleven degrees. Still, his position was much closer to that of Maimonides than to that of Yefet. See also his commentary on Isaiah in *Mivḥar Yesharim* 20b: והנה לא ינבא נביא רק על ידי אמצעי אע"פ שתהא השגת הא' עדופה משל חבירו, איש איש לפי מעלתו, זה הענין מצד המקבל, לא מצד שני השרשים, כי ידוע כי השם ית' אחד ודברו אחד, והנה אין שיעור למדרגות הנביאים כמו שחשבו זולתינו.

[11] The uniqueness of Moses is also stressed in *Mivḥar*, Numbers 12a: ולא תשים בלבך מאמר האומר כי כל מעלות הנביאים היו למשה במחשבתם שהן שם מדרגות כמו שידעת. כי זה המאמר פחיתות לרבן הנביאים כי המאיר כשמש לא נאמר לו שהוא מאיר כמו כוכב או כמו ירח או למטה מהם כי מצד המקבל תבוא הפחיתות לא מצד האור שניצוץ השמש כלו אחד. והמקבל תוספת האור כבר סרו מונעי האור ממנו, ולפיכך סרו כל המונעים מאת מרוע"ה. ולכך נתנה התורה המאירה על ידיו שלא קדמה כמותה ולא תהיה בלעדיה. ואלו אמרו אין לו צורך באותן המעלות היה נכון, כי לא כן עבד ה' . . . משה שומע הקול מבלי סבה כלומר בלי אמצעי . . . כי משה רע"ה שב כלו שכל בפועל ובעבור הזכירו אתודע לשאר הנביאים נאמר למשה ותמונת ה' יביט שאינו משיג הענינים ע"י אמצעי.

[12] *Mivḥar*, Numbers 11b–12a, based on Maimonides, *Guide* 2.46.

[13] Aaron was aware of his independence; see *Mivḥar*, Genesis 9b: שאני עתיד במקצת המאמרים שאתרחק רחוק גדול מאמרי חכמי הקראים . . . כי אין האמת והשקר אמת ושקר מפי המגיד כי אם מעצמם.

[14] See my "Nature and Science."

> closer to rational argument, namely, that the foundation of our Torah holds that there are four degrees in the principle of prophecy. The first degree is holy spirit; on this level, all the sages are qualitatively equal. The second degree is dream. The third is vision. The fourth degree is the degree of Moses, mouth to mouth. The degree of holy spirit is not true prophecy.[15]

In essence, therefore, there are three levels of prophecy: dream, vision, and the prophecy of Moses, which is distinguished from normal prophecy in that Moses did not use the imaginative faculty to be a prophet. While Aaron ben Elijah's expression "latter scholars" apparently refers to Aaron ben Joseph, the original source of this theory of prophecy is obviously Maimonides.[16]

In another chapter of *Ez Ḥayyim*, Aaron enumerated four differences between Mosaic prophecy and the prophecy of others; he derived these differences from the list compiled by Maimonides, which is mentioned a number of times in Maimonides' writings.[17] The uniqueness of Mosaic prophecy is also stressed in Aaron's commentary on Numbers 12:7 in his *Keter Torah*.[18]

Elijah Bashyatchi (ca. 1420–1490) wrote simply that the levels of prophecy are according to the level of conjunction (*dibbuq*), and the prophecy of Moses was distinguished from that of the rest of the prophets.[19] Judah Gibbor (late 15th-early 16th cent.) poetically paraphrased Numbers 12 by stating: "The types of prophecy are dream or vision / but the messenger [Moses] is

[15] *Sefer Ez Ḥayyim*, ed. Franz Delitzsch (Leipzig, 1841) 98: 169: אך האחרונים חוקרי הדברים בעיון מופלא נולדה להם דעת אחרת מדעת התורה קרובה להקש השכל וזהו שיסוד תורתנו בעקר הנבואה ארבעה מעלות. המעלה האחת רוח הקדש שכל החכמים שוים באיכותה. והמעלה השנית חלום. והשלישית מראה. והמעלה הרביעית מעלת משה פה אל פה. אמנם מעלת רוח הקדש אינה נבואה אמתית.

[16] This is admitted by the Karaite Simḥah Isaac Luzki (d. 1766) in his commentary *Or Ha-Ḥayyim* to Aaron ben Elijah's *Ez Ḥayyim* (Eupatoria, 1847) 110b.

[17] *Ez Ḥayyim* 99: 173; based on Maimonides, *Commentary on the Mishnah*, Sanhedrin 10; *Mishneh Torah*, Hilkhot Yesodei Ha-Torah; *Guide* 2.35.

[18] *Sefer Keter Torah*, (Eupatoria, 1867; rpt. Israel, 1972), Numbers 17b: שאין לו מבוא באלו המעלות ר"ל שאינו מתנבא בחלום כי המאיר כשמש לא נאמר שהוא מאיר כירח; cf. n. 11, above. Both Ankori (*Byzantium*, "Beit Bashyatchi") and Philip E. Miller, "At the Twilight of Byzantine Karaism: The Anachronism of Judah Gibbor," diss., New York University, 1984, stress the part played by the Rabbanite education of fifteenth-century Byzantine Karaites in the Rabbanite-Karaite rapprochement. The citations here from the works of the two Aarons show that the Maimonidean influence, which contributed to the rapproachement, entered Karaism as early as the thirteenth century. It should also be remembered that the liberalizing trend in Karaite law dates at least to the eleventh century.

[19] *Adderet Eliyyahu* 83c: מדרגות הנבואה לפי מדרגות הדבוק ונבואת משה נבדלת מנבואת שאר הנביאים. Bashyatchi's Maimonideanism is discussed in my "Maimonides' Influence."

above this; / [he prophesies] while fully awake."[20] It is clear, therefore, that Yefet's theory of prophecy, with its sixfold division of the levels of prophecy, was unable to withstand Maimonides' criticism, even among Karaite thinkers.

Non-Mosaic Prophets as Legislators

The other aspect of Maimonides' theory of prophecy was the determination that only Moses had been a legislating prophet, while all post-Mosaic prophets had fulfilled the role of admonisher of the people rather than innovator of laws. According to Maimonides, a prophet who states that his interpretation of Moses' legislation was given by God is a false prophet and one must execute him. While this statement undoubtedly was written partially as a reaction to Christianity and Islam, it is not unlikely that Maimonides had the Karaites in mind as well, since pre-Maimonidean Karaite legalists had derived halakhic conclusions from all books of the Bible, not just from the Pentateuch. By denying a legislative role to the post-Mosaic prophets, Maimonides, in effect, disallowed the Karaite legal methodology. According to Maimonides, one must maintain the essential difference between Mosaic and non-Mosaic prophecy mentioned above.[21]

[20] Judah Gibbor, *Minḥat Yehudah*, in *Siddur Ha-Tefillot ke-Minhag ha-Kara'im* (Vilna, 1891) 1:375: ומיני הנבואה — חלום או אם מראה — וציר נאה נאה — בהקיץ בערים. Gibbor's *Minḥat Yehudah* is a long rhymed poem summarizing the entire Torah; on Gibbor, see Miller, "At the Twilight."

[21] See Maimonides; *Commentary on the Mishnah*, Introd.; *Sefer Ha-Mizvot*, first principle; *Mishneh Torah*, Hilkhot Yesodei Ha-Torah 9; *Guide* 2.39, 45; and my "Karaite Influence on Maimonides." Not all Rabbanites agreed that laws may not be derived from the Prophets and Hagiographa, and the Talmud is full of examples of halakhic conclusions drawn from all books of the Bible. Nevertheless, the principle that halakhah cannot be derived from non-Mosaic prophecy is enunciated in the Talmud, and Maimonides turned it into a major part of his theory of prophecy; see Ephraim E. Urbach, "Halakhah U-Nevu'ah," *Tarbiz* 18 (1947): 1–27 (rpt., with additions, in *The World of the Sages* [Jerusalem, 1988] 21–49).

Urbach points out ("Halakhah U-Nevu'ah" 12, 19; *World of the Sages* 32, 39) that the principle that one may not draw halakhic conclusions from the Prophets and the Writings (דברי תורה מדברי קבלה לא ילפינן) is a direct consequence of the principle that the post-Mosaic prophets were not legislators (אין נביא רשאי לחדש). I argue here that the early Karaites, by employing the whole Bible for halakhic purposes, implicitly accepted the possibility of post-Mosaic prophetic legislation, while the later Karaites, influenced by Maimonides, by rejecting the use of the entire Bible for halakhic purposes, implicitly denied post-Mosaic prophetic legislation.

Most Karaites after Maimonides were apparently convinced that, indeed, only the Five Books of Moses were legally binding, thereby abandoning traditional Karaite teachings and moving closer to their Rabbanite rivals. For example, Israel ben Samuel Ha-Ma'aravi (13th—14th cent.), in his list of six principles of the Karaite religion, devoted three principles to prophecy. The first deals with prophecy in general, the second with the prophecy of Moses, and the third with that of the other prophets. Regarding the post-Mosaic prophets, Israel wrote explicitly that no prophet may innovate a law or a religion (*la' shar' wa-la' dīn*).[22] The distinction made here in the list of principles can be compared with the pre-Maimonidean Judah Hadassi (fl. 1149), who placed Moses and the other prophets together in one principle (his fourth) rather than separate them.[23]

Aaron ben Elijah, in his legal work *Gan Eden*, similarly expressed the view that the post-Mosaic prophets do not have legislative powers. Some earlier Karaite authorities had ruled that preparing food on Yom Teru'ah (Rosh Ha-Shanah) was forbidden, basing themselves on Nehemiah 8:10: "Go, eat choice foods and drink sweet drinks, and send portions to whomever has nothing prepared." Aaron responded: "I am surprised that [the earlier Karaites] used the words of the prophets, which can be interpreted in various ways, in order to explain the words of the Torah."[24]

The Maimonidean influence on Karaite legal development can best be seen in the writings of Elijah Bashyatchi, the last major Karaite decisor and the ultimate authority of modern Karaism. Bashyatchi was the leader of the fifteenth-century Byzantine Karaite reformers who attempted to bridge the gap between Karaism and Rabbanism.[25] His dependence upon Maimonides was not restricted to halakhah but can be seen also in the realm of philosophy, since Bashyatchi left Kalām behind almost entirely and adopted a Maimonidean Aristotelianism.[26]

[22] Ernest Mainz, "The Credo of a Fourteenth Century Karaite," *PAAJR* 22 (1953): 55–63; Abraham Halkin, "A Karaite Creed," *Studies in Judaica, Karaitica and Islamica*, ed. Sheldon R. Brunswick (Ramat Gan, 1982) 145–53.

[23] *Eshkol Ha-Kofer* (Eupatoria, 1836; rpt. Westmead, Eng., 1971), 21c: נצח אשור [=עיקר] ד'[=רביעי] בחזקתו, להבין ברור ביראת תורתו, כי יש לו שליח במצותו, משה בן עמרם ע"ה וכל נביאי משלחתו.

[24] *Sefer Ha-Mizvot Ha-Gadol Gan Eden* (Eupatoria, 1864; rpt. Israel, 1972) 50a: ואני תמיה בזה איך לקחו ראיה מדברי נביאים שסובלים פירושים להורות על דברי תורה.

[25] See Ankori, "Beit Bashyatchi."

[26] See my "Maimonides' Influence."

Bashyatchi's negation of the legislative role of the non-Mosaic prophets can be seen clearly in his discussion of prophecy in the list of the ten principles of religion enumerated in his *Adderet Eliyyahu*. The fourth principle, "God sent Moses our teacher, peace be upon him," includes a general explanation of the political need for prophecy. The fifth principle is "God sent His perfect Torah with Moses," while the sixth principle is the need for the believer to know the Torah's language and interpretation. Non-Mosaic prophecy is discussed in the seventh principle: "God sent the rest of the prophets." Bashyatchi wrote:

> This principle is explained by the fourth principle [Mosaic prophecy]; one must ask here, however, as follows: since Moses our teacher, peace be upon him, was God's apostle and the divine Torah was given through him, and the Torah is perfect, what need is there for the rest of the prophets?[27]

This question clearly implies that there is no legislative function for post-Mosaic prophets qua prophets.

Bashyatchi's answer reinforces this conclusion, since he stated that the other prophets served as vehicles for divine providence (and also to reprove the people). Bashyatchi added:

> You must know that just as providence reached Israel in Temple times by way of the prophets, so, too, providence reaches by way of the scholars and sages in the time of exile. . . . Therefore, at any time in which there are no sages in a generation, providence flees from them. The rational soul is slightly lower than the prophetic soul. Hence, it is fitting that the level of the sages at the time of the exile should be the level of the prophets at the time of the monarchy. Every community which despises its sages receives a very great punishment, because they themselves are the reason that providence departs from them.[28]

[27] *Adderet Eliyyahu* 85b: העקר השביעי שהשם יתברך נבא שאר הנביאים. זה העקר מתבאר מהעקר הרביעי אמנם מה שיש לשאול הנה הוא אחרי שמשה רבינו ע"ה היה שליח מהשם ועל ידו נתנה תורה אלהית והיא תמימה מה צורך אל שאר הנביאים? In his discussion of the sixth principle, i.e., one must know the correct interpretation of the Torah, Bashyatchi stated that there were some rational, political commandments (מצות שהשכל גוזר אותן לפי הסדר המדיני) which, though observed before the giving of the Torah, are not mentioned in the Torah. The prophets, however, mentioned them either as a reproach or as a narrative (בדרך תוכחה או על דרך ספור); see *Adderet Eliyyahu* 85b, and cf. the laws of mourning, pp. 167–68.

[28] *Adderet Eliyyahu* 85c: וממה שצריך שתדעהו שכמו שהנביאים היו מגיעים ההשגחה לישראל בזמן הבית כן המשכילים והחכמים מגיעים ההשגחה בזמן הגלות . . . ולכן כל זמן וזמן שלא יהיו נמצאים חכמים בדור ההוא בורחת מהם ההשגחה. כי אחר הנפש הנבואית היא הנפש השכלית. ולפיכך ראוי להיות

Non-Mosaic prophets, therefore, have no legislative function; they serve merely as the vehicles of divine providence. Maimonides had admitted that the prophets could fulfill a legislative function as sages who transmitted the Oral Torah; Bashyatchi, as a Karaite, denied them even that responsibility.

The nonauthoritative status of the prophets can be seen as well in Bashyatchi's discussion of the resurrection of the dead. Bashyatchi noted that while this doctrine is not mentioned in the Pentateuch, it can be found in the later prophetic writings. He added, however, that "the Sages said that we are not to take proof from the words of the prophets to explain the words of the Torah, since the words of the prophet were said according to the needs of [the prophet's] generation."[29] No proof concerning the belief in resurrection can be derived from biblical books other than the Torah; one may not rely on post-Mosaic prophets even in matters of theology.[30]

The theoretical stance concerning prophecy proffered in Bashyatchi's list of ten principles is reflected in his halakhic discussions. This can be seen, for instance, in Bashyatchi's handling of the question of the observance of the fast-days in commemoration of national disasters. After a long discussion of the correct dates on which to memorialize the destruction of the First Temple, based on the words of the prophets, Bashyatchi turned to the possible obligation of fasting in observance of the Fast of Esther. One might think that in light of Esther 9:31, "These days of Purim shall be observed at their

מדרגת החכמים בזמן הגלות כמדרגת הנביאים בזמן המלכות. וכל קהלה וקהלה שיבזו לחכמים ענשם גדול למאד כי הם הסבה אל שתסור מהם ההשגחה. There seems to have been a certain amount of antagonism between the Karaite intelligentsia and the general populace. This was expressed in similar terms by Judah Gibbor, quoted in Miller, "At the Twilight" 143.

[29] *Adderet Eliyyahu* 86d: והחכמים אמרו שאין לנו לקחת ראיה מדברי הנבואה אל דברי התורה כי דברי הנבואה נאמרו על פי הדור. The sages here are anonymous; on p. 51b, Bashyatchi attributed the statement "Each prophecy is according to the generation" (כל נבואה ונבואה היא על פי הדור), to Levi ben Yefet; see also p. 55a. For the possibility that this was Levi's opinion, see below, n. 38.

Bashyatchi's view on resurrection is discussed in my "The Destiny of Man in Karaite Philosophy," *Daat* 12 (Winter 1984): 5–13.

[30] Caleb Afendopolo, Bashyatchi's brother-in-law, student, and successor, stated that even Moses as a prophet could not teach certain truths. In a discussion of the world to come, Afendopolo wrote: "The Torah did not try to teach us these matters fully because this is not the task of a prophet qua prophet but of a sage" (ולא השתדלה התורה ללמדנו הענינים בשלמות לפי שאין זה על הנביא במה שהוא נביא אלא לחכם). See Afendopolo's *'Asarah Ma'amarot*, Jewish Theological Seminary of America ms. 3327 (Institute for Microfilmed Hebrew Manuscripts of the National and University Library, Jerusalem, film 32012), fol. 82a–b.

proper time, as Mordecai the Jew—and now Queen Esther—has obligated them to do, and just as they have assumed for themselves and their descendants the obligation of the fasts with their lamentations," a Fast of Esther would be obligatory. Bashyatchi argued that this did not necessarily follow. In actuality, the verse means that the Jews took upon themselves the obligation of Purim, "even though they had not been commanded in the Torah, just as they had taken upon themselves the four fast-days, even though they had not been commanded in the Torah, since it is difficult for all of Israel to accept something which they were not commanded in the Torah."[31]

The exclusive use of the Pentateuch for legal purposes can be seen as well in the discussion of whether building a booth for the holiday of Sukkot is an obligation. Bashyatchi recorded a number of opinions as to the correct interpretation of Leviticus 23:40 ("On the first day you shall take the produce of *hadar* trees . . ."), especially in light of Nehemiah 8:15 ("Go out to the mountains and bring leafy branches of olive trees, pine trees, myrtles, palms and [other] leafy trees to make booths, as it is written"). Bashyatchi commented: "The prophet did not intend to interpret the word 'booth'; rather, it is the custom of a prophet to say 'as it is written in the Torah of Moses' about a commandment which he commands in his own time. The reason is to announce that he is not adding on to the commands of the Torah."[32] In other words, even if it appears that a prophet is legislating a new law, one should know that he is merely reinforcing a law already present in the Pentateuch.

Another example of this new Karaite legal theory can be seen in the case of carrying from one domain to another on the Sabbath. The early Karaites[33]

[31] *Adderet Eliyyahu* 79b: גם יחכן שהטעם בו לקיים את ימי הפורים האלה בזמניהם אף על פי שלא נצטוו בתורה כמו שקבלו הצומות הארבעה עליהם לעשות אותם בזמנם אף על פי שלא נצטוו בתורה כי דבר שלא נצטוו בו בתורה הוא קשה שיקבלוהו כלל ישראל. Ya'qub al-Qirqisānī, *Kitāb al-Anwār wal-Marāqib*, ed. Leon Nemoy (New York, 1939–43) 916, wrote that the fast-days were accepted by all Israel to commemorate national disasters, not that God had commanded them. Maimonides, *Mishneh Torah*, Hilkhot Ta'aniot 5.4, stated that the four fast-days are clearly stated in the prophets (מפורשים בקבלה). See also Maimonides, Hilkhot Megillah 1.1, where reading the Scroll of Esther is considered rabbinic (מדברי סופרים) since it is an enactment of the prophets (תקנת נביאים).

[32] *Adderet Eliyyahu* 80b: לא בא הנביא לפרש מלת סכות אלא מנהג הנביא לאמר ככתוב בתורת משה על מצוה שיצוה בזמנו, והטעם להודיע שהוא אינו מוסיף על מצות התורה. A review of Karaite teachings concerning the building of booths is provided by Miller, "At the Twilight" 112–21.

[33] Anan, who had prohibited leaving one's house on the Sabbath, forbade the carrying of heavy burdens in the house on the basis of Num. 7:9; see *Sefer Ha-Mizvot le-Anan*, ed. Abraham Harkavy, *Zikharon La-Rishonim* 8 (St. Petersburg, 1903; rpt. Jerusalem, 1968–69) 69, 128–29.

derived the prohibition of carrying on the Sabbath from the verse in Jeremiah (17:22): "Nor shall you carry out burdens from your houses on the sabbath day."[34]

Judah Hadassi, in the middle of a long passage explaining how certain theological and halakhic issues were left obscure by Moses only to be clarified by the post-Mosaic prophets, used the example of carrying on the Sabbath.

> The father of the prophets, peace be upon him, said simply: "Let no man leave his place on the seventh day" [Exod. 16:29], and he did not explain clearly that one may not manually take out or bring in something from his place to another, namely, from house to house or domain to domain, on the holy days. Jeremiah, peace be upon him, came and expanded its meaning by an exact interpretation of the verse "Let no man leave." By saying, "As I commanded your fathers," we understood that this is what was said to Moses, peace be upon him, "Let no man leave his place on the seventh day" [From the verses in the Torah], Jeremiah learned [the law] and revealed it to us.[35]

Jeremiah did not innovate a new law as such; but, as a prophet, his interpretation of the Mosaic precept, which was not sufficiently clear, is authoritative and binding.

Despite the Karaite tradition that the prohibition of carrying on the Sabbath could be derived from Jeremiah, post-Maimonidean Karaites assumed that this law must derive either from the Torah or from tradition. Thus, Aaron ben Elijah, after recording various opinions concerning the origin of the prohibition, concluded that it is based upon Exodus 31:14 ("He who profanes it shall be put to death").[36] Elijah Bashyatchi stated that the sages were confused about this issue. Thus, some scholars claimed that this law is in fact included in Exodus (16:29), "Let everyone remain where he is," and that the verse in Jeremiah is derived from (*yoṣei' mi-koaḥ*) the verse in Exodus. These anonymous sages argued "that every commandment whose reason is explained in the words of the prophets has its source (*shoresh ve-'iqqar*) in the Torah from which this commandment is derived."[37] After a discussion of the various other Karaite views on the issue, Bashyatchi concluded that the prohibition is included in the verse "Six days you shall do your work, but on the seventh day you shall cease from labor" (Exod. 23:12). As for the verse from Jeremiah, it was addressed to the needs of his own generation; it was not intended either as a legal innovation or as an authoritative interpretation of Mosaic law.[38]

[34] See, e.g., Qirqisānī, *Al-Anwār* 3:515. Later Karaites may have modified Qirqisānī's position in order to have it agree with their own legal views. Thus, Aaron ben Elijah, *Gan Eden* 26a–b quoted Joseph Ha-Qirqisani (sic) as saying: "They had [this prohibition] through tradition until the time of Jeremiah, may peace be upon him, and at the time of Jeremiah, when God, may He be blessed, saw that they were violating this matter, He gave it to them as part of the commandment 'You shall do no work'" (והיה להם בהעתקה עד זמן ירמיהו ע"ה ובזמן ירמיה כשראה השי"ת שפרצו בדבר זה נתנו במצות לא תעשה כל מלאכה). Bashyatchi, *Adderet Eliyyahu* 51b, most likely using *Gan Eden* as his source, reported Qirqisānī's view in similar terms: והיה להם בהעתקה המשתלשלת עד זמן ירמיה הנביא וכשפרצו בדבר זה נתבארה להם זאת המצוה. The chapter of Qirqisānī's *Al-Anwār* which deals explicitly with Sabbath carrying (5.18:518) is missing, so it is now impossible to determine what exactly Qirqisānī said on this issue. On p. 515, Qirqisānī stated that the prohibition of removing something from one's house on the Sabbath is known from "the revealed text" (*al-khabr;* that *al-khabr* means "revealed text" can be seen, e.g., on p. 79, where he referred to precepts known through the revealed texts [*al-farā'iḍ al-khabariyya*]; see Georges Vajda, "Études sur Qirqisâni," 2, *REJ* 107 [1946–47]: 67). Qirqisānī further wrote (*Al-Anwār* 469–70) that whereas God will not annul any laws, He can add to existing ones. As proof, Qirqisānī offered examples from the prophet Ezekiel; see Vajda, "Études," 4, *REJ* 120 (July–Dec. 1961): 256–57. It would seem, therefore, that Qirqisānī accepted post-Mosaic prophetic revelation, even though Aaron ben Elijah (and following him, Elijah Bashyatchi) interpreted him as saying that Jeremiah merely recorded a Mosaic tradition.

It is of interest that according to TB Horayot 4a, the prohibition of carrying on the Sabbath from one domain to another is derived from Jeremiah 17:22; See Urbach, "Halakhah U-Nevu'ah" 16–17; *World of the Sages* 36–37.

[35] *Eshkol Ha-Kofer* 64a: וכן אמר סתם אב הנביאי' ע"ה אל יצא א"מ [=איש ממקמו] ביום הז' ולא באר בגלוי שלא יוציא ויכניס אדם בידו דבר ממקומו אל מקום אחר כלומר מבית אל בית ומרשות לרשות בימות המקודשי' ובא ירמיהו ע"ה והרחיב פירושו מדוק פסוק אל יצא . . . ובאמור כאשר צויתי א"א [=את אבותיכם] הבננו כי זה הוא שאמר למשה ע"ה אל יצא . . . למד ירמיהו ע"ה וגלה לנו זה. In another passage, *Eshkol Ha-Kofer* 54c, Hadassi derived the prohibition of carrying from Num. 4:15, 19, 31, and 49; see Baruch Ehrlich, "Laws of Sabbath in Yehudah Hadassi's *Eshkol Hak-Kofer*," diss., Yeshiva University, 1975, 118–19.

[36] *Gan Eden* 26a–b; see above, n. 34.

[37] *Adderet Eliyyahu* 51a: ואמרו שכל מצוה ומצוה שנתברר טעמה בדברי הנביאים יש לה שרש ועקר בתורה אשר יצא אותה המצוה.

[38] In the context of the discussion of Jer. 17:22, Bashyatchi quoted Levi ben Yefet as saying: "There is a difference between a positive or a negative commandment which is taken from the Torah, known to be eternal, given by the master of prophets, and something which is said in the writings of the prophets, since every prophecy is

An especially enlightening example of the change in Karaite halakhic thinking can be seen in Bashyatchi's discussion of Sabbath candle-lighting. As is well known, permission to light candles before the Sabbath in order to have light on Friday night was one of the enactments of the Bashyatchi family, nullifying the previous Karaite custom of sitting in the dark on the Sabbath eve.[39] The original Karaite prohibition was based partially upon a logical analogy drawn from the act of Samson: "He lit the torches and turned [the foxes] loose among the standing grain of the Philistines, setting fire (*va-yiv'ar*) to stack grain, standing grain, vineyards, [and] olive trees" (Judg. 15:5). The fields were not actually set on fire by Samson, but by the torches he had tied to the foxes. Nevertheless, the action of "setting fire" is attributed to him. Therefore, the early Karaites argued, he who lights a candle before the Sabbath and allows it to burn on the Sabbath transgresses the prohibition

according to the generation"—יש הפרש בין אשר יקח ממצות עשה וממצות לא תעשה מן התורה אשר הוא ידוע כי היא תמידית נתונה על ידי אדון הנביאים ובין אשר יאמר בכתבי הנביאים מפני שכל נבואה ונבואה היא ע"פ הדור. (*Adderet Eliyyahu* 51a–b). This statement is a paraphrase of the following quotation from Levi ben Yefet's *Sefer Ha-Mizvot*, Leiden Warner ms. 22 (Or. 4760; Institute, film 28065): יש פרק בין אשר יוקח ממצות הינין וממצות לוין מן התורה אש' כבר נודע כי היא מתמדה ובין אש' יזכר בכתבי נביאים מפני יעבור שתהיה כל נבואה ונבואה על פי הדור ומעשיהם בזמנם. In Bashyatchi's discussion of Sabbath lights, *Adderet* 55a, Levi's statement is again quoted, this time much more accurately: נראה לי יש פרק בין אשר יוקח ממצות הינין וממצות לאוין מן התורה אשר נודע כי היא מותמדה ובין אשר יזכור בכתבי הנביאים מפני שיעבור כי יהיה כל נבואה ונבואה על פי הדור ומעשיהם בזמנם. This opinion, however, is not found in Levi's *Sefer Ha-Mizvot* in this context and was apparently borrowed by Bashyatchi from the original venue of the discussion of carrying on the Sabbath.

If Levi ben Yefet, who wrote at the beginning of the eleventh century, held the opinion just cited, namely, that one may not derive halakhic conclusions from the prophets, then the post-Maimonidean change in Karaite legal theory described in this article would have pre-Maimonidean precedents. There is, however, no guarantee that the theory expressed here ("The words of the prophet are according to his generation") is really Levi's. There are great differences between Levi's Arabic *Sefer Ha-Mizvot* and the Hebrew translations of it which circulated in Byzantium; see Haggai Ben-Shammai, "*Sefer Ha-Mitzvoth* of the Karaite Levi ben Yefet," *Shenaton Ha-Mishpat Ha-'Ivri* 11–12 (1984–86): 99–133. The Arabic original of Levi's Sabbath laws is not known to have survived, so there is no way of determining the accuracy of the Hebrew at this point. If the Hebrew version of the *Sefer Ha-Mizvot* does reflect Levi's view on this issue, then Maimonides' influence can be seen to have strengthened an already existing, but minority, tendency (one not shared, for instance, by Judah Hadassi, who regarded the verse in Jeremiah as authoritative).

[39] See Ankori, "Beit Bashyatchi."

of "You shall kindle (*teva'aru*) no fire" (Exod. 35:3) even though the candle burns by itself.[40]

In his discussion of Sabbath candles, Bashyatchi cited Levi ben Yefet[41] and Aaron ben Elijah ("I am surprised that"),[42] and then continued: "According to this, it is not fitting to draw an analogy between the verse in the prophets, 'setting fire to stacked grain, standing grain, [etc.],' and the verse in the Torah, especially since the former verse was said metaphorically (*'al derekh ma'avar*)."[43] Maimonides' theory of prophecy, which rejected the use of the prophets as a source of halakhah, finally made it possible for the Karaites, in the fifteenth century, to sit in their houses on the eve of the Sabbath and enjoy the light of the candles.[44]

Conclusion

Post-Maimonidean Karaites accepted Maimonides' criticism of the classical Karaite theory of prophecy and accepted his arguments concerning the status of the non-Mosaic prophets.[45] This change in the Karaite stance con-

[40] See, for instance, Salmon ben Yeruhim, *Sefer Milhamot Ha-Shem*, ed. Israel Davidson (New York, 1934) 93–97.

[41] See above, n. 38.

[42] See above, n. 24.

[43] *Adderet Eliyyahu* 55a–b: והנה לפי זה אין ראוי להקיש ממאמר ויבער מגדיש ועד קמה שנאמר בכתבי הנביאים אל מה שנאמר בתורה כל שכן שגם זה נאמר על דרך מעבר.

[44] Bashyatchi's discussion of Sabbath lights is long and involves much more than the verse from Judges. Yet we see here the same legal principle as before: one may not derive authoritative halakhic lessons from non-Pentateuchal sources. It should be noted that internal Karaite needs obviously led to this radical change, which was initiated by Bashyatchi's grandfather, Menaḥem Bashyatchi. We do not know how Menaḥem justified his reform; Elijah Bashyatchi, however, used Maimonides' view as the theoretical underpinnings of his defense of pre-Sabbath candle-lighting.

There had been earlier Byzantine halakhic reforms before the fifteenth century; these are discussed by Ankori, *Byzantium* 204–51.

[45] Mention should be made here of one other major Karaite decisor, Samuel ben Moses Ha-Ma'aravi (early 15th cent.). Samuel lived in Egypt and wrote his legal composition (*Murshid*) in Arabic (1434). A preliminary investigation of this work has revealed a certain inconsistency in the use of non-Mosaic Scripture for halakhic purposes. Thus, Isaiah (58:13) and Jeremiah (17:22) are explicitly denied any legislative role, but halakhic conclusions are drawn from the story of Samson and the booths of

tributed a great deal to the Karaite-Rabbanite rapprochement which has been noticed by students of Karaism. In like manner, Karaite thinkers were influenced by Maimonides' criticism of the Kalām, and they came closer and closer to his Aristotelian outlook (from Aaron the Elder through Aaron the Younger, who tried to control the damage caused by this criticism,[46] to Bashyatchi). Certain aspects of Karaism did not change: Shavuot on Sunday, the absence of phylacteries, eating meat and milk together, the calendar, the laws of menstrual impurity; still, there were reforms, such as the use of Sabbath lights and the order of the reading of the Torah. Karaism did not relinquish its independence, yet Maimonidean influence became more and more pronounced.

Why did the Karaites surrender to Maimonides' attack? It would appear that the Karaites could not ignore the great sage's authority. Maimonides changed the face of Rabbanite Judaism, and even those who disagreed with him needed to come to terms somehow with his opinions. Karaite Judaism also had to take Maimonides into account, and it was not always successful in withstanding his criticism. Sometimes Maimonides' Rabbanite opponents claimed that despite appearances to the contrary, Maimonides actually agreed with the position which he ostensibly attacked. In like manner, Bashyatchi claimed that Maimonides was actually a secret Karaite.[47] In fact, Maimonides was not a secret Karaite; instead, Bashyatchi and other Karaites became Maimonideans. They tried to be faithful, as much as possible, both to

Ezra. It is possible that while Samuel agreed that post-Mosaic prophets could not be legislators, he was willing to use non-Pentateuchal scriptural books for a better understanding of the Torah. See Samuel ben Moses Ha-Ma'arabi, "*Traktat*" *über den Sabbat bei den Karäern*, ed. and trans. Nathan Weisz (Pressburg, 1907) 13 (Arabic), 34 (German) for Samson; 19–21 (Arabic), 44–46 (German) for Isaiah and Jeremiah; and JTSA ms. 3385 (Institute, film 32070), fols. 44b–45b, for Ezra. (This section of *Murshid*, pt. 4, the holiday laws, is not included in Samuel ben Moses ha-Ma'arabi, *Die karaeischen Fest- und Fasttage*, ed. J. Junowitsch [Berlin, 1904].) Samuel's *Murshid* was translated into Hebrew in the eighteenth century; the revelant passages can be found in JTSA ms. 3372 (Institute, film 32057), fols. 12b–13a, 15b–16b, 45a–b.

[46] See my "Nature and Science."

[47] *Adderet Eliyyahu* 3c; my "Maimonides' Influence." Bashyatchi also read Karaite tendencies into the works of Abraham ibn Ezra; see Ankori, "Elijah Bashyachi. An Inquiry into His Traditions Concerning the Beginnings of Karaism in Byzantium," *Tarbiz* 25 (1955–56): 61–63, 196–98 [Heb.].

Karaite traditions and to the great *Guide*.[48] This Karaite synthesis, among other factors, led to the Rabbanite-Karaite rapprochement of the last eight-hundred years.

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[48] Another example of this trend is provided by Bashyatchi's younger contemporary, Judah Gibbor. In a passage of *Minḥat Yehudah*, Gibbor mentioned the three Karaite methods of legal derivation (the biblical text—כתוב; logical analogy—הקש; and tradition—ירושה), and then stated that the rest of the laws are mentioned in the works of the master teacher (רב מורים)—Maimonides; see *Minḥat Yehudah* 358. Miller, "At the Twilight" 72–74, refers to this passage in *Minḥat Yehudah* as a "curiosity." It appears to me less of a curiosity than one more post-Maimonidean Karaite attempt to integrate Maimonides' teachings into Karaite thought. As such, this example of integration fits well into the Maimonidization of fifteenth-century Byzantine Karaism. Gibbor's use of Maimonides' *Mishneh Torah* and *Guide* is discussed by Miller 89–91; and the impact of post-Maimonidean philosophy is mentioned throughout Miller's work.

BELIEF, CERTAINTY, AND DIVINE ATTRIBUTES IN THE *GUIDE OF THE PERPLEXED*

by

CHARLES H. MANEKIN

It is well known that knowledge, and in particular man's knowledge of God, plays a central role in Maimonides' religious and philosophical thought. In knowing God man attains the goal for which he was created;[1] through knowledge man becomes truly man.[2] Yet for all its centrality, the concept of knowledge is never explicitly defined, or even philosophically discussed, in Maimonides' writings. To compensate for the lack of sustained analysis, scholars have attempted to posit or reconstruct the concept of knowledge underlying the religious doctrines in the *Guide of the Perplexed*, doctrines such as providence, prophecy, and the creation of the world.[3] But their

[1] See *Commentary on the Mishnah*, Avot, Shemonah Peraqim, ed. J. Ḳafaḥ (Jerusalem, 1965) 6:391–93; cf. *Mishneh Torah*, Yesodei ha-Torah 1.10, and *The Guide of the Perplexed*, trans. Shlomo Pines (Chicago, 1963) 1.54:123–25. The following texts of the *Guide* were also consulted: Arabic, ed. S. Munk with additions by I. Joel (Jerusalem, 1930–31); Hebrew, trans. Samuel ibn Tibbon (1872; rpt. New York, 1946). Unless otherwise noted, all translations were taken from Pines's version and the page references are to this volume.

[2] See *Guide* 3.54:635–36, and cf. 1.2:24 and 3.51:618–19.

[3] See especially Shlomo Pines's recent articles on the limitations of human knowledge: "The Limitations of Human Knowledge According to Al-Fārābī, Ibn Bājja, and Maimonides," *Studies in Medieval Jewish History and Literature*, ed. Isadore Twersky (Cambridge, Mass., 1979) 82–109; "Les limites de la métaphysique selon Al-Fārābī, Ibn Bājja, et Maïmonide: sources et antithèses de ces doctrines chez Alexandre d'Aphrodise et chez Themistius," *Sprache und Erkenntnis im Mittelalter*, Miscellanea Mediaevalia 13/1, ed. Albert Zimmermann (Berlin, 1981) 211–25; "The Philosophical Purport of Maimonides' Halachic Works and the Purport of *The Guide of the Perplexed*," *Maimonides and Philosophy: Papers Presented at the Sixth Jerusalem Philosophical Encounter*, ed. S. Pines and Y. Yovel (Dordrecht, 1986). For a different approach to the problem of knowledge in Maimonides, see Alexander Altmann, "Maimonides on the Intellect and the Scope of Metaphysics," *Von der mittelalterlichen zur modernen Aufklärung* (Tübingen, 1987) 60–129.

diverging interpretations demonstrate more than anything else the speculative nature of the enterprise.

Part of the problem—the greater part—has to do with the nature of the *Guide* itself. One who reads it in the expectation of encountering a technical treatise on philosophy is apt to be disappointed. While there are lengthy and acute philosophical discussions in the *Guide*, the work was not intended by Maimonides to be a book of philosophy, but rather an explanation of difficult passages in Scripture and in rabbinic writings—as Leo Strauss put it, "a book written by a Jew for Jews."[4] Of course, the passages Maimonides interprets are, for the most part, those that deal with "beliefs and opinions" (*ʾārāʾ wa-iʿtiqādāt*) and not with laws or actions.[5] Yet if we are to accept Maimonides at his word, the philosophical discussions in the *Guide* are ancillary to his primary task of exegesis.[6] And whether we accept him at his word or not, the fact remains that Maimonides often intentionally fails to make explicit the philosophical assumptions on which a particular discussion rests, either taking them for granted or directing his readers to the "books of the philosophers" for further elucidation.[7]

But even allowing for the exegetical nature of the *Guide*, the modern student is hard put to reconstruct Maimonides' concept of knowledge simply because there is very little material related specifically to theory of knowledge. Most of the philosophy in the *Guide* belongs to the realms of physics and metaphysics, with occasional digressions into political philosophy, psychology, and ethics. It is certainly not possible to get at a precise sense of "knowledge" from every passage in which the Arabic words for "science" (*ʿilm*) or "knowledge" (*maʿrifa*) occur, for Maimonides often uses these terms loosely.[8] Nor does Maimonides consider traditional problems such as the criteria, or conditions, of knowledge, or the contrast between knowledge and

[4] See "How to Begin to Study the *Guide of the Perplexed*," in the Pines translation of the *Guide*, xiv. Cf. *Guide* 1.Int.: 5–6, 10, 3.Int.:415.

[5] *Guide* 1.Int.:19.

[6] *Guide* 2.2:253–54.

[7] *Guide* 1.Int.:9–10. Cf. 1.69:169, 2.Int.:239, and 2.14:285–86.

[8] See, for example, *Guide* 3.23 (Joel ed., p. 357 lines 13–14): *lam yakun lahu ʿilm wa-lā yaʿlumu al-Illāh illa taqlīdan* . . . ("[Job] had no knowledge ['true knowledge'—Pines] but *knew* God only traditionally ['because of his acceptance of authority'—Pines]"). Many other examples could be cited.

Not surprisingly, neither *ʿilm* nor *maʿrifa* (nor its cognates) is included in a recent study of key terms in Maimonides' epistemology. See Abraham Nuriel, "Remarks on Maimonides' Epistemology," *Maimonides and Philosophy* 36–52.

opinion, or the challenge posed by skepticism.[9] Given the dearth of material, one might conclude that attempts to come to grips with Maimonides' concept of knowledge are doomed from the outset—a sobering thought for philosophically minded students of the *Guide*.

Still, although the concept of knowledge is neglected, the concept of *belief* fares much better. This is not surprising when one recalls that Maimonides' main purpose in the *Guide* is to explain those biblical and talmudic passages that concern "beliefs and opinions." Thus we learn which beliefs (i.e. positions) exist on a certain topic and which should be adopted by the reader, which should be inculcated in the masses and which should be eradicated (sometimes along with their proponents), which beliefs draw one nearer to God, and which distance one from God. More significantly, we learn about "second-order" epistemological issues such as the definition of belief, the criteria of belief-acceptance, and the assessment of the epistemic value of different kinds of beliefs (e.g., rational, traditional, etc.).

Given this emphasis on belief rather than knowledge, it is arguable that the concept of belief is more important for Maimonides in the *Guide* than that of knowledge, or, more precisely, that for Maimonides what makes knowledge so important in all his writings is its element of "true belief" rather than whether the belief is rationally justified.[10] But be this as it may, it is more fruitful to consider Maimonides' religious doctrines via his explicit treatment of belief than to try to piece together a theory of knowledge from isolated statements.

Belief

Maimonides defines belief[11] at the beginning of *Guide* 1.50:

> Know, thou who studiest this my Treatise, that belief (*al-iʿtiqād*) is not the

[9] Some of Maimonides' arguments against the Ashʿarite Kalām might be read as a rejection of their brand of anti-philosophical skepticism, just as some of his arguments against Aristotle might have been influenced by the fideistic skepticism of Algazali. But these points, important though they may be, are not enough to contradict the claim made in the text that Maimonides does not treat the question of skepticism in the *Guide*.

[10] To argue this position one would have to show, among other things, that knowledge (or rational belief) is distinguished from traditional belief not so much in the question of justification, but rather in the content—and the character—of the belief itself. (See Maimonides' explanation of Job's shift from knowledge of God based on traditional authority to certain knowledge in *Guide* 3.23:492–93.) But this task is beyond the scope of the present paper.

[11] Shalom Rosenberg has analyzed Maimonides' treatment of belief in a series of

> notion (*al-maʿnā*) that is uttered, but the notion that is represented (*al-mutaṣawwar*) in the soul when it has been averred (*ṣuddika*) of it that it is in fact just as it has been represented.

And a few lines later:

> For there is no belief except after a representation (*at-taṣawwur*); belief is the affirmation (*at-taṣdīq*) that what has been represented is outside the mind just as it has been represented in the mind.[12]

Before I try to draw conditions of belief from this definition (or definitions), a few remarks about the key concepts of *belief, notion, representation,* and *affirmation* are in order.

The term *iʿtiqād* "belief" is sometimes translated "conviction." This alternative translation is acceptable provided that it not be taken to refer only to strong beliefs; there is no indication that Maimonides would exclude weakly-held beliefs from *iʿtiqād.*

Belief is described in both statements as having to do with the mind, but the two formulations are not, strictly speaking, equivalent. In the first, belief is considered to be a type of notion (mental object), whereas in the second, a type of affirmation (mental act). Part of the act/object ambiguity is due to the grammatical form of *iʿtiqād,* which, as the verbal noun, means literally *believing*; one must rely on context to see whether the act of believing or the belief itself is intended.

Maimonides' main point in both statements is that belief is not linguistic but mental: *believing* a belief is not the same as *professing* one, and in fact they are entirely independent of each other. In this chapter he emphasizes one aspect of the irrelevance of language to belief: that one may profess a belief without actually believing it. Later on he will emphasize another aspect: that one may believe something without actually articulating it.[13]

Although the levels of language and thought are independent of each other, there is a fundamental correspondence. In the Arab-Aristotelian tradi-

articles, most recently, "The Concept of Belief in the Thought of Maimonides and His Successors" [Heb.], *Bar-Ilan Yearbook* 22–23 (1987–88): 351–89 (see esp. 351–54). This is a revised and expanded version of "The Concept of *ʾemunah* in Post-Maimonidean Philosophy," *Studies in Medieval Jewish Thought and History,* ed. Isadore Twersky, vol. 2 (Cambridge, MA, 1987) 273–308.

[12] *Guide* 1.50:111.

[13] *Guide* 1.59:139–40.

tion of logic, it is common to find a tripartite division of reality into utterances (*kallimāt*), notions (*maʿānī*), and extramental existents (*maujūdāt*). Utterances correspond to the notions which they signify, and the same relation holds between the notions and the existents they signify. Utterances are said to signify notions which in turn signify existents, or, utterances signify existents by means of notions.[14] Maimonides' point is that no matter what utterances the subject uses to formulate his belief, it is the notions that are signified by those utterances which form the content of those beliefs. Beliefs primarily involve notions and, through notions, existents.

The term *maʿnā* "notion" is notoriously ambiguous in philosophical Arabic; depending on context, it can also be translated as "thing," "referent," or "matter." Here the sense is definitely of "thing *qua* thought" because of the qualifying phrases "represented in the soul" and "represented in the mind" in the first and second statements respectively. It may be that Maimonides wished to use such a loose term rather than the technical term *maʿqūl* ("intelligible" or "thought") so that he could refer thereby to all sorts of mental contents, imaginary or intellectual, simple or abstract. In this regard it is instructive to compare Maimonides' phrasing with a similar passage in Alfarabi's *Commentary on the "De Interpretatione":*

> [Aristotle] says *traces in the soul*[15] rather than "thoughts" because he means to cover all that arises in the soul after the sense-objects have withdrawn from the senses. For among the things that arise in the soul there are, apart from thoughts, also images of sense-objects according to the sensation one has had of them, like the sense-image of Zayd, and other things, like the goat-stag and similar things, which the soul invents by combining images. Aristotle wants to cover all these, so he calls them *traces in the soul.* . . . The *traces in the soul* are likenesses of the referents (*maʿānī*) which exist outside the soul.[16]

Although Alfarabi calls Aristotle's *traces in the soul* "likenesses" rather than

[14] The distinction is derived from *De Interpretatione* 1:16a3–9 and the commentaries thereon. For a convenient summary of the main positions and their sources, see A. Sabra, "Avicenna on the Subject Matter of Logic," *Journal of Philosophy* 77 (Nov. 1980): 746–64.

[15] The reference is to the Arabic translation of *De Interpretatione* 16a2–3: "We say that what comes out in the voice signifies traces in the soul," which is cited by al-Farabi in *Al-Farabi's Commentary and Short Treatise on Aristotle's "De Interpretatione"*, trans. F. W. Zimmermann (London, 1981) 10.

[16] *Al-Farabi's Commentary* 10–11.

"notions represented in the soul," it is clear that he is describing the same thing as Maimonides. And Maimonides, like Aristotle and Alfarabi, uses a term sufficiently broad so as to include all sorts of mental contents, and hence, all sorts of beliefs.[17]

Both definitions of belief rest on the distinction in Arabic logic between *taṣawwur* "representation"[18] and *taṣdīq* "affirmation." Several studies have been devoted to this distinction, the precise origin of which is a matter of dispute.[19] Algazali defines *taṣawwur* as "the apprehension of essences of individual things in themselves" and *taṣdīq* as an "apprehension of the relation of these essences to each other, either affirmatively or negatively."[20] Hence, *taṣdīq* requires a prior *taṣawwur*, and if, as Maimonides points out here, there is no belief without representation, this is because there is no belief without affirmation, and affirmation requires representation. Beliefs for Maimonides, as for some modern philosophers, are *intentional*; a belief is always about x because the belief always involves an affirmation about a representation of x.

With these terminological clarifications in mind, we are better able to understand the definition(s) of belief cited above. In fact, it is possible to read the definition(s) as laying down general conditions for belief, though not, of course, conditions of true belief. To believe something of x, one must (1) have a representation of x in the soul, and (2) affirm of this representation that it exists extramentally as it is represented. These conditions, which I shall call the *representation-condition* and the *affirmation-condition*, respectively, are both necessary and sufficient for believing something about x; there is no further requirement that the belief be true, or that it be rationally justifiable, etc. They cover the whole gamut of beliefs: true, false, intellectual, imaginary, traditional, etc. The affirmation-condition excludes the case of entertaining a notion without affirming it to be so; the representation-condition excludes that of apparently believing something about x, but in fact not believing anything of x at all.

[17] Nuriel (in "Remarks" 38–50) makes much of the fact that Maimonides' definition of belief locates belief in the mind (*dhihn*) rather than in the intellect (*ʿaql*). It seems to me that the explanation offered here is much simpler, not to mention the fact that Maimonides speaks of "intellectual beliefs" (*Guide*, 1.Int.:9), as Nuriel himself notes on p. 44.

[18] "Representation" is used here because it is Pines's translation of *taṣawwur* in the *Guide*. Another common translation is "conception."

[19] See especially the long analysis of Josef van Ess in *Die Erkenntnislehre des ʿAḍudaddīn al-Īcī* (Wiesbaden, 1966) 95–113 (I am indebted to Dr. Jesse Mashbaum for this reference), and the well-known article by Harry A. Wolfson, "The Terms *Taṣawwur* and *Taṣdīk* in Arabic Philosophy and Their Greek, Latin, and Hebrew Equivalents," rpt. in *Studies in the History of Philosophy and Religion*, ed. Isadore Twersky and George H. Williams, vol. 1 (Cambridge, Mass., 1973) 478–95.

[20] *Maqāṣid al-falāsifa*, ed. S. Dunyā (Cairo, 1961) 1.7.

Unless one properly understands the force of the representation-condition he will misinterpret passages such as this one:

> If 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.[21]

It is possible to read this passage as describing someone who believes of God that He is one but interprets the notions of divine unity mistakenly. If this reading were correct, then we would say that the subject possessed a mistaken belief *about God*. Yet from other passages it is clear that the believer does not believe anything about God, not even something mistaken, because he lacks a representation *of God*. His belief is misdirected, as it were. So, strictly speaking, we should understand "believes that God is one" in the first line of the passage as "supposedly believes that God is one" or "professes to believe that God is one" but not as "actually believes so." In what follows I shall call this misdirected act of belief "putatively believing about x."

What characterizes putatively believing about God is the defectiveness of the believer's representation of God. There is no problem with his affirmation; since the affirmation-condition is fulfilled when the subject affirms of his notion of divine unity that it exists extramentally as represented, he certainly believes *something*. The difficulty is that his notion fails to refer to God. Moreover, even if the subject actually believes that he believes that God is one, he does not really possess such a belief; he is mistaken on this point. This analysis implies that representation represents an objective component of belief that does not depend upon the higher-order beliefs of the believer.

By contrast, affirmation constitutes the subjective element of belief, in the sense that the act of *taṣdīq* is under the control of the believer. This seems to follow from Maimonides' view that the rational activity of believing an opinion can be a matter of obedience or rebellion:

[21] *Guide* 1.50:111.

> There is some perplexity regarding the rational part[22] of the soul, but I say that obedience and rebellion may also pertain to this power, [namely,] by virtue of [one's] believing an incorrect opinion or believing a correct opinion. However because there is no action within it that can be called without qualification *commandment* or *prohibition*, I said in the preceding that the commandments and prohibitions belong to the first two parts [of the soul, i.e., the sentient and the appetitive].[23]

If belief, which is composed of representation and affirmation, is in some measure subject to our control, and if representation is, as I have argued, an objective component of our beliefs, then the "volitional" aspect of belief mentioned in the passage above lies in the act of affirmation.

Putatively believing should be distinguished from falsely believing. While both are genuine cases of believing, the former is not actually about the intended object, whereas the second is. This is so because in putative beliefs about x, my representation of x is defective, whereas in false beliefs about x, my affirmation is not well founded.

Maimonides develops the distinction between what I have called putatively believing and falsely believing in *Guide* 1.60, toward the end of the discussion of divine attributes. As we shall see, the distinction is crucial for Maimonides' explanation about how man can come to believe something of God. Yet to illustrate his point he brings more mundane examples:

> I shall not say of him who represents to himself that taste is a quantity, that his representation of the thing is different from what the latter really is; rather I shall say that he is ignorant of the being of taste and does not know to what the term applies.[24]

In this example the subject possesses a representation, but it is of quantity rather than taste; since he does not possess a representation of taste, he cannot believe anything about taste; the representation-condition is not fulfilled, and he can be said to believe putatively about taste.

[22] The rational power (*al-quwwa an-nāṭiq*) of the soul is defined in *Shemonah Peraqim*, ch.2:376 as "that power belonging to man [i] through which he intellects, [ii] in which there is deliberation, [iii] with which he acquires the sciences, and [iv] by means of which he distinguishes between good and bad activities."

[23] *Shemonah Peraqim*, ch.3:377.

[24] *Guide* 1.60:145–46.

In the second example the subject constructs in his imagination a representation that fails to apply to anything existent:

> An example is that of a man who has heard the term elephant and knows that it is an animal and demands to know its true reality. Thereupon one who is himself mistaken or who misleads others tells him that it is an animal possessing one leg and three wings, inhabiting the depths of the sea, having a transparent body and a face like that of man in its form and shape, talking like a man and sometimes flying in the air. . . . I will not say that this representation of the elephant differs from what the latter really is, nor that the man in question falls short in his apprehension of the elephant. But I shall say that the thing he has imagined as having these attributes is merely an invention and is false and that there is nothing in existence like that, but that it is a thing lacking existence to which a term signifying an existent thing has been applied—a thing like "griffin" or a centaur and other imaginary forms of this kind to which a term simple or compound, signifying some existent thing has been applied.[25]

Unlike the first example, the problem here is not that the subject affirms absurd or incompatible predicates of a thing of which he has a partial representation. Rather, the subject has applied the term "elephant" to a necessarily nonexistent *maʿnā*, and so he has no representation of elephant at all, but rather of an imaginary creature.[26]

We may grant Maimonides that in the above two examples, the putative belief about x turns out not to be a belief about x at all; in the first example, a serious category-mistake reveals that the subject's representation refers to something entirely different from what x is, whereas in the second example, the representation fails to refer to anything existent. But what about something like:

1. *S* believes that an elephant is a sea-swimming animal.

Does *S* believe something falsely of elephant, or does he believe anything of

[25] *Guide* 1.60:146. The examples of the griffin and the centaur (or the goat-stag) have a long history in the medieval commentaries on the *De Interpretatione*. For Alfarabi's treatment, see Zimmermann, *Al-Farabi's Commentary* 15 (see esp. n. 4).

[26] It is interesting to note that although the man has no apprehension of elephant, he does know, *ex hypothesi*, that an elephant is an animal. So he can know something that an elephant is, without having even a partial apprehension of it. Does this mean that Maimonides distinguishes between believing y of x, which requires at least some apprehension of x, and believing that x is y, which does not? Aside from this passage there is little textual basis for such a distinction.

elephant at all? Without any further information the answer is impossible to tell. One might wish to say that S does believe something about an elephant that happens to be false, for (1) differs from the imaginary representation of the elephant precisely in that "sea-swimming animal" refers to a category of existent things, whereas "sea-swimming, sky-flying, with the body of man, etc.," does not. But that distinction does not seem to be relevant; whether the predicate denotes something existent or not, the real heart of the matter is whether S possesses a representation of an elephant. Thus, Maimonides might very well say that in

2. S believes that an elephant is a rational animal.

S has no belief about an elephant, but is applying the term "elephant" wrongly. On the other hand, he might say that S has a false belief about an elephant, perhaps because he saw one who was well trained. In order to determine whether we have a case of putatively believing or falsely believing it is necessary to be aware of the attendant circumstances, i.e., the origin of the mental representation. For this reason Maimonides, in his examples, accounts how the believer acquired his belief. Without knowing the attendant circumstances we cannot determine the referent of the believer's representation.

The conclusion of our brief analysis is that the question whether S has a belief about x can be settled only after considering the origins of the representation of x concerning which the affirmation is made. If, after considering these origins, it can be affirmed that the representation is indeed of x, then we can conclude that the believer believes something about x; otherwise we cannot. In (1), if S believes that an elephant is a sea-swimming animal because he has seen elephants, and he believes that such creatures can swim, then he has a (false) belief about elephants. Yet if S believes that an elephant is a sea-swimming animal because he has seen whales and was told that these are elephants, then he has no belief about elephants at all. The representation-condition is designed with this distinction in mind.

Certainty

Maimonides' characterization of certainty follows his definition(s) of belief mentioned above:

> If, together with this belief, one realizes that a belief different from it is in no way possible, and that no starting point can be found in the mind for a rejection of this belief, or for the supposition that a different belief is possible, there is certainty (*yaqīna*).[27]

Is the certainty spoken of here *objective* or *subjective*?[28] While it is difficult to decide conclusively on the basis of one sentence, the language suggests an objective reading. For one thing, the beginning of the sentence may be more literally translated as "If, together with this belief, *it occurs* [or 'results' or 'comes to be'; the Arabic is *haṣala*] that a belief different from it is in no way possible," which implies that the believer does not determine the status of the belief. Were the understanding of certainty merely subjective, one would expect something like "one believes" or "one is convinced." Moreover, Maimonides' language suggests that it is impossible for all believers to reject a belief held with certainty: "no starting point can be found [or 'can exist'] *in the mind* for a rejection of this belief." But there is no need to belabor our reading of this passage: it is clear from Maimonides' use of "certainty" in other contexts,[29] as well as from the use of the term in the Arabic philosophical tradition,[30] that it should be taken objectively.

If my interpretation is correct, then according to Maimonides a belief that is certain is *ipso facto* true; no matter how strongly I hold an opinion, I cannot be certain of it if it is false.[31] There cannot be false or imaginary beliefs that are certain, although, of course, there can be false or imaginary beliefs. This point is not merely definitional, but has a grounding in human psychology: false beliefs cannot be firmly established in the mind.[32] In short, certainty is a state of mind over which the believer has no active control: one can control whether one believes x, but one cannot control whether one believes x with certainty—although, of course, one can take steps (e.g., studying philosophy and science) to achieve certainty.

As in the case of belief, Maimonides' statement about certainty amounts

[27] *Guide* 1.50:111.

[28] The question is raised by Rosenberg in "The Concept of Belief" 356.

[29] Cf. *Guide* 2.2:252, 2.23:320, 1.50:111, 1.73:213, and 2.15:290.

[30] See Van Ess, *Erkenntnislehre* 101, 106, 122.

[31] This seems to be the opinion of Ibn Tibbon, who translates *yaqīna* as *'emunah amitit*, "true belief"—although, to be precise, truth is a necessary, though not sufficient, condition for certainty. On the other hand, Pines translates *yaqīna* as "certain knowledge," which is a bit strong. Evidently Pines wished to ward off the subjective interpretation of certainty.

[32] *Guide* 1.54:124: "For the opinions that are not correct are not firmly established."

to setting conditions for belief that is certain. These conditions can be formulated as follows: S is certain of x (or "S believes x certainly") if and only if

1. S believes x.
2. S realizes that not-x is impossible.
3. S realizes that any y leading to rejecting x is impossible.
4. S realizes that any y leading to supposing not-x is impossible.

Condition (2) amounts to, I think, the requirement that S realize the necessity of x, which implies that only necessary truths can be believed with certainty. Now I have argued elsewhere that Maimonides tends to treat modal notions such as "necessary" and "possible" temporally, with the result that something is necessary only if it is always the case.[33] One therefore expects that, for Maimonides, the sorts of propositions that can be believed with certainty are precisely those that are true at all times. This expectation, while not necessitated by his examples, is certainly compatible with them. Thus, a believer may be certain that God exists, that He is one, and that He is incorporeal;[34] these are truths which are dependent upon permanent facts, and not upon particular, transient, states of affairs.

Moreover, conditions (3) and (4) tell us that it is not sufficient for S to be convinced of the necessity of x for him to believe it with certainty; he must realize the necessity of rejecting any y which implies not-x or even the possibility of not-x. These two conditions are quite strong; they require that the subject see the connection between x and other related propositions, and this, in turn, requires philosophical speculation. They thus appear to me to rule out the possibility of believing with certainty propositions that are held by virtue of adherence to authority, either traditional or philosophical.[35] It should come as no surprise that Maimonides' examples of propositions that are certain mentioned above are precisely those which he claims can be phil-

[33] See my "Problems of 'Plentiude' in Maimonides and Gersonides," *A Straight Path: Studies in Medieval Philosophy and Culture*, ed. Ruth Link-Salinger, R. James Long, and Charles H. Manekin (Washington, 1988) 183–94.

[34] *Guide* 1.71:181.

[35] Those who speculate about the influence of Algazali on the *Guide* would do well to contrast the position described here with Algazali's claim that certainty is achieved not through speculation, but through a mystical illumination of divine light. See *Averroes' "Tahāfut al-Tahāfut"*, trans. Simon van den Bergh (London, 1954) 1.xii, and Van Ess, *Erkenntnislehre* 122.

osophically demonstrated: moreover, that he links certainty with the ability either to demonstrate a proposition or to grasp its truth immediately, without the need for demonstration.[36]

To sum up our analysis to this point: Belief is a function of two mental acts (or their outcomes): representation, which concerns the object of the belief, and affirmation, which avers of the object that it exists extramentally as represented. Beliefs may be true, false, imaginary, intellectual, or fictitious, but they must involve representation and affirmation. Beliefs that are certain are realized by the believer to be necessarily true (i.e., they express permanent features of existence), and this realization is achieved either through demonstration or immediate apprehension.

There is one belief deemed certain by Maimonides which I have yet to mention, namely, the belief that all positive attributes are to be negated of God.[37] This belief is arguably the paradigmatic case of a certain belief in the *Guide*, and, as such, merits our close attention. The rest of my paper will be devoted to the implications of our analysis of belief and certainty for Maimonides' theory of divine attributes.

Divine Attributes

As was noted above, Maimonides' definitions of belief and certainty are found in *Guide* 1.50, at the beginning of his analysis of divine attributes. The context is quite important, for chapter 50 marks a break, both in content and in style, from what preceded. Whereas in the earlier, "lexicographic chapters"[38] Maimonides interpreted misleading biblical terms and phrases, in *Guide* 1.50 he begins to consider a more fundamental difficulty, which may be stated as follows: If one accepts the standard Aristotelian

[36] Alfarabi speaks of the philosophers in the city who know the First Cause, the immaterial existents, and the celestial substances through strict demonstrations and their own insight (*bi-biṣā'ir*); see *Al-Farabi on the Perfect State*, ed. and trans. Richard Walzer (Oxford, 1985) 5.17.2 (278, line 11); this insight is called "certain insight" (*baṣīra yaqīnniya*) in the *Taḥṣīl al sa'āda* (Hyderabad, 1345/1926) 39, line 37; Eng. trans.: *Alfarabi's Philosophy of Plato and Aristotle*, trans. Muhsin Mahdi, rev. ed. (Ithaca, 1962) 44.

[37] *Guide* 1.59.

[38] The expression; which refers to the chapters that open with the Hebrew term or terms to be explained, is that of Strauss; see "How to Begin to Study" xxiv–xxv.

analysis of language, in particular the theory of predication, it can be shown that one cannot predicate anything positively about God, with the exception of actional attributes. This is so because the logic of predication presupposes an ontology that cannot apply to God without damaging His unity and uniqueness. Moreover, given the correspondence between the structure of language and that of thought (what Maimonides elsewhere calls "outer speech" and "inner speech"),[39] the same consequence follows for thinking about God, which raises the question, What sort of positive concept of God, if any, may the believer possess? This question is explored by Maimonides in the first part of his discussion (1.50–57); his answer, which I shall consider below, is worked out in the second part (1.58–63).

I have intentionally left this summary vague because the chapters on divine attributes have been the subject of conflicting scholarly interpretations.[40] The major problem has been how to view the doctrine of attributes within the larger context of Maimonides' philosophy, that is, whether it belongs to his theology, epistemology, logic, or what. A decidedly theological interpretation was advanced by Julius Guttmann, who labeled Maimonides' concept of God in these chapters as Neoplatonic: "for Maimonides, God is incomprehensible and mysterious; in fact he is God precisely because he is incomprehensible and mysterious."[41] This "Neoplatonic" theology was said to imply an "agnosticism more becoming Judah Halevi than Maimonides,"[42] for man's intellect is incapable of knowing anything beyond the terrestrial world. To buttress this interpretation, Guttmann appealed to Maimonides' discussions of the limitations of human knowledge (1.31–35), and man's inability to demonstrate whether the world is eternal or created (2.13–25). In other words, he held that Maimonides' theory of attributes was to be treated as a part of his theology and his theory of knowledge.[43]

[39] *Millot ha-Higgayon*, ed. Chaim Roth, 2nd ed. (rpt. Jerusalem, 1965), chap. 14:102–3.

[40] The most famous of these was the long dispute between Julius Guttmann and Harry A. Wolfson on the significance of the positive form of such predications. For a summary, see Julius Guttmann, *Philosophies of Judaism*, trans. David Silverman (New York, 1973) 500, n. 84, and Harry A. Wolfson, "Maimonides on Negative Attributes," rpt. in *Studies in the History of Philosophy and Religion*, ed. Isadore Twersky and George H. Williams, vol. 2 (Cambridge, Mass., 1977) 195–231.

[41] Guttmann, *Philosophies of Judaism* 186.

[42] Guttmann, *Philosophies of Judaism* 186.

[43] Guttmann called attention to other, more positive, elements in Maimonides' epistemology (such as the Aristotelian conception of God as "intellect, intellectually cognizing subject, and intellectually cognized object"), elements which he felt were inconsistent with the Neoplatonist conception of God. The same point has been made repeatedly by Pines (see the articles mentioned above in n. 1), but with an important difference: where Guttmann saw unintentional tensions and inconsistencies, Pines sees deliberate contradictions. One might say that Pines's recent theory of the limitations of human knowledge in Maimonides combines the agnostic interpretation of Guttmann with the esoteric interpretation of Leo Strauss.

Harry A. Wolfson took a different approach.[44] Limiting himself strictly to the logical aspect of the discussion, he saw Maimonides' main point as having to do with the logic of sentences about God. Whereas Maimonides' predecessors had been concerned with whether attributes, as real beings, existed in God or not, Maimonides, taking for granted that they did not, wished to understand the logical structure of sentences about God. Or to put this another way: given that there are no real attributes, how does one interpret a predicative sentence about God? Unlike Guttmann, Wolfson did not associate the doctrine of divine attributes with Maimonides' epistemology, and there is no indication that he wished to do so.

Yet, surprisingly, neither Guttmann nor Wolfson connected Maimonides' discussion of divine attributes with the definitions of belief and certainty at the beginning of that discussion, although the connection is natural enough and suggested by the author himself. In fact, Maimonides defines belief here because of his claim that one who believes that God possesses positive attributes does not, strictly speaking, possess a belief about God at all. Moreover, he defines certainty here because of his claim that one can believe with certainty that it is necessary to reject positive attributes.

The latter claim signals better than anything else the philosophically optimistic tenor of the discussion of divine attributes. The chapters on attributes can be read as a tribute to philosophy, since it is philosophy that enables man to purify his representation of God, which has been corrupted by a literalist reading of Scripture as well as by the weak and sophistical arguments of the Kalām. Without philosophy, the believer in God is in danger of becoming like the man who thought that he possessed a representation of *elephant* although he possessed nothing more than the term. Similarly, the believer may think that he possesses a representation of God because he has read in the Scripture who God is and what He does. But if he understands scriptural references to God literally, he has an imaginative representation

[44] In addition to the article mentioned above in n. 40, see Wolfson, "Crescas on the Problem of Divine Attributes," rpt. in *Studies in the History of Philosophy and Religion* 1:247–337.

that putatively refers to some existent but in fact does not. With the aid of philosophy, the believer is able to purify his representation of God, indeed, to ensure that his representation is *of God.*

The purification of the believer's representation of God is only one of philosophy's roles. Another is the transformation of his beliefs into certain ones. After only a small amount of philosophical training, it is possible to believe that one should negate of God attributes that entail corporeality, potentiality, likeness to creatures, and change.[45] The doctrine that God possesses no likeness to creatures is taught in the Bible, and everyone is already aware of it. One can even know something philosophically more sophisticated, such as that privation attaches necessarily to whatever is potential.[46] But if the believer does not know these things through their demonstrations, then he will not be able to see the implications of these beliefs for his representation of divine unity, nor will he see the necessity of these beliefs being true and their opposites false. He possesses true belief, but not certainty. In this context, philosophical demonstration aids both to make the representation more accurate and to make our true beliefs certain.

Against all this it may be argued that the role of philosophy outlined here, though important, is essentially a negative one, i.e., that of rendering certain the belief that God's essence is unique, and hence unknowable. In terms of historical parallels this position might be seen as "proto-Kantian," insofar as Maimonides, like Kant, uses philosophical argument to remove God (and other remote entities) from the scope of human knowledge.[47] Yet while there is much to be said for the Kantian interpretation of Maimonides, it seems to me that it is not supported by the discussion of divine attributes. If God is in no way an object of our knowledge, then there is no ranking of those who purport to know Him; theology must dissolve into antimonies of pure reason. Yet Maimonides' theory of the negative signification of attributes found in *Guide* 1.59 is designed precisely to answer the claim that because God's *essence* cannot be apprehended, there are no gradations of those *who apprehend Him.* This skeptical inference, argues Maimonides, is invalid: while it is true, perhaps even a truism, that God's essence cannot be apprehended by the intellect, this does not mean that there is no device leading to the "true reality" of Him:

[45] *Guide* 1.35:81.
[46] *Guide* 1.55:129.
[47] See Pines, "Limitations of Human Knowledge" 94, 100.

> You come nearer to the apprehension of Him, may He be exalted, with every increase in the negations regarding Him; and you come nearer to that apprehension than he who does not negate with regard to Him that which, according to what has been *demonstrated* to you, must be negated.[48]
>
> Desire then wholeheartedly that you should know *by demonstration* some additional thing to be negated but do not desire to negate merely in words. For on every occasion on which it becomes clear to you *by means of a demonstration* that a thing whose existence is thought to pertain to Him, may He be exalted, should rather be negated with reference to Him, you undoubtedly come nearer to Him by one degree.[49]

The *via negativa* of Maimonides is through demonstration; hence it is a rational one, assuming the study of sciences, and assuming the demonstrability of the propositions of sciences. For this reason it is impossible and, indeed, forbidden to teach the doctrine of the negative signification of attributes to the ignorant and unlearned.[50] They can be taught to believe in the existence of God, and in the various attributes that relate to His existence, but they cannot be elevated in any way with respect to an apprehension of His essence or the true reality of His substance.[51] Yet because Maimonides singles out the inability of the ignorant to approach an apprehension of the divine essence, one may infer that the learned *can* approach this apprehension. A similar inference may be made from the following passage:

> He is incapable of apprehending the deity and is far removed from knowledge

[48] *Guide* 1.59:138.
[49] *Guide* 1.60:144. Hasdai Crescas (*Light of the Lord* [Vienna, 1859] 1.3.3:23a) argues *contra* Maimonides that there is no point in demonstrating individually the impossibility of each defect with respect to God, because of the general demonstration that no positive attributes can be predicated of God. Accordingly, he holds that Maimonides' *via negativa*, which proceeds, as we have seen, by demonstration, does not get the believer any closer to an apprehension of God. Yet Crescas, in my opinion, confuses two "impossibilities" which Maimonides explicitly distinguishes: the impossibility of predicating positive attributes of God because of the ontology of attribution, and the impossibility of predicating perfections because they are only perfections with respect to us. Both impossibilities can be proved by a general demonstration, but in order to *apply* the latter, we have to know what things constitute perfections and what constitute defects—in other words, we need to increase our scientific knowledge of the world (*Guide* 1.59:139).
[50] *Guide* 1.35:79.
[51] *Guide* 1.46:98.

> of Him who has no clear understanding of the necessity of negating with respect to God a notion negated by someone else on the basis of demonstration.[52]

Strictly speaking, this statement does not entail that one who has the clear understanding in question will be capable of apprehending the deity—but again, it makes little sense for Maimonides to mention this exclusion if the inference is incorrect.

In this cursory look at Maimonides' theory of attributes, I have emphasized those elements that suggest the possibility of possessing certain beliefs about God, beliefs that are attained as a result of a rational method. Moreover, according to my reading, Maimonides' theory becomes a paradigmatic case of the possibility of attaining certainty in divine science through an indirect "device," given the very real and obvious limitations of direct human apprehension of God. Yet there are two apparent difficulties in this reading.

The first is that there are passages in Maimonides' exposition that appear to indicate that *any* knowledge of the deity is impossible, and, in fact, that the theory of attributes is intended to lead us to this conclusion. For example:

> As everyone is aware that it is not possible, except through negation, to achieve an apprehension of that which is in our power to apprehend and that, on the other hand, *negation does not give knowledge in any respect of the true reality of the thing with regard to which the particular matter in question is negated*—all men, those of the past and those of the future, affirm clearly that God, may He be exalted, cannot be apprehended by the intellects, and that none but He Himself can apprehend what He is, *and that apprehension of Him consists in the inability to attain the ultimate term in apprehending him.*[53]

At first glance we have here a radically agnostic statement to the effect that the theory of negative attributes cannot yield knowledge of God's essence *in any respect,* since no intellect—save the divine—can apprehend it. Yet when one recalls that this statement appears in a chapter whose entire purpose is to argue that there are different levels of the apprehension of God, it seems unlikely that Maimonides intends a radically agnostic position, especially when he attributes this position to "all men, those of the past and those of the

[52] *Guide* 1.60:146.
[53] *Guide* 1.59:139.

future." I think that he is merely reminding the reader that the intellect cannot apprehend—seize, comprehend, encompass—the essence of God, either in part (for that would imply multiplicity) or totally (for that would imply finitude). He does this in order to caution against an interpretation of his theory of negative attributes as providing a partial apprehension of the divine essence, which it clearly does not. In short, directly apprehending God's essence is not to be identified with knowing God; while the former is impossible, the latter is not only possible but held to be obligatory.

Against a philosophically optimistic reading of Maimonides there is a more fundamental objection, which can be formulated as follows: For our beliefs to be about God we must have a representation of God. But if there is no possibility of apprehending the essence of God, then how can the mind possess a representation of God? What makes this objection most compelling is that in the Arabic logical tradition, possesing a representation of x often implies, or is the same as, possessing its definition.[54] But God cannot be defined, as Maimonides points out at the beginning of the discussion of divine attributes.[55] Moreover, no amount of demonstrably true statements about God will help us if the term "God" to which we ascribe our putative beliefs turns out to be empty.

The answer to this objection provides us with a key to understanding Maimonides' project in the chapters on divine attributes. For that project may be formulated as follows: "Given the impossibility of directly apprehending the divine essence, how is it possible to acquire a representation of God?"[56] The answer is by, first, coming to believe that the term "God" refers to an entity that exists in a certain manner, and second, eliminating all the predicates which would pick out all other entities save Him. In the case of God, it is by starting from God's existence, which can be shown to be necessary and unique, and then by drawing the implications for what His essence *cannot* be.[57] In this manner there will be no possibility of the representation

[54] See Wolfson, "The Terms *Taṣawwur* and *Taṣdīq*" 480.
[55] *Guide* 1.52:115.
[56] Guttmann writes: "The real problem was to determine what, in fact, could be known concerning God, in spite of the impossibility of making positive statements about him" (*Philosophies of Judaism* 182). But Maimonides' concern in *Guide* 1.50–51 is not the broad question of what can be known concerning God, but rather the specific problem of how one can attain an approximation of apprehending His essence.

either (a) failing to refer to an actual existent or (b) failing to refer to the wrong existent.

It should be emphasized that the existence, necessity, and uniqueness of God are not properties in the sense that they characterize His essence. Rather they are what we may call states of His existence. In *Guide* 1.46 Maimonides distinguishes between "guidance leading to a knowledge of the existence of a thing" and "an investigation of the true reality of the essence and substance of that thing"; the former is possible with respect to God, the latter is not. This point has often been taken to imply that man cannot know what God is but only that He exists, and at least one statement of Maimonides' appears to reinforce this interpretation. But there is another statement which expresses this point better:

> After this preface, I shall say . . . that we are only able to apprehend his "*thatness*" ["the fact that He is"—Pines], and cannot apprehend his "*whatness*" ["quiddity"—Pines].

To apprehend God's existence is much more than merely to know that He exists. It means to apprehend, to the best of our ability, the meaning of necessary existence, and its implications for God's state of existence. Through apprehending God's existence (as distinct from apprehending His essence) one can know things about God's existence, its necessity, uniqueness, etc. I must stress again that the term "knowledge" is not used here, or elsewhere in the *Guide*, in any technical or philosophical sense, but in a broad, familiar one. In fact, the point about knowing God's existence is made with respect to the knowledge of the multitude:

> Such is the knowledge of God given to the multitude in all of the books of the prophets and the Torah as well. They were led to believe that He is an existent

[57] Technically speaking, the student does not have to *demonstrate* God's necessary existence at this point in his philosophical progress, but he must understand it in order to recognize its implications for the problem attributes. This answers partially the famous charge of *circularity* which has been leveled against Maimonides' treatment of attributes (cf. Isaac Abravanel, *She'elot Sha'ul* [Venice, 1574] 22a): how can Maimonides posit the uniqueness of God in order to reject any positive predication before he has demonstrated this uniqueness? Without treating the question with the detail it deserves, I would like to note that Maimonides often demonstrates an opinion mainly in order to show that it is demonstrable, and that the demonstrability of God's necessary existence is not at stake in the chapters of attributes. (See below, n. 59).

> who is living, possessed of knowledge and power, active, and having all the other characteristics *that ought to be believed in with reference to His existence.*[58]

Maimonides is *not* saying here that the multitude were cunningly misled by the Torah to adopt false and imaginary beliefs about the deity because the Torah teaches about such attributes as life, knowledge, power, etc. Nor is he contradicting his well-known position of the inadmissibility of essential attributes. What he is referring to here are not essential attributes. but states of existence. The problem of the multitude, and, for that matter, of some of those engaged in speculation, is that they may mistake attributes which signify states of existence for essential attributes. Even worse, they understand these attributes in an unphilosophical way, combining them with the products of their imagination. This is the built-in danger of teaching anything about God to the multitude, and it is why the multitude must be taught to accept on the basis of authority—if they cannot understand on the basis of reason—that God possesses no likeness to other creatures. The multitude must also be taught on the basis of authority—if they cannot understand on the basis of reason—to understand biblical descriptions of God metaphorically. Maimonides' student proceeds on a surer road, using demonstration first to ensure that the term "God" refers to something existent, and then to refine progressively his concept of God, through negation, so that it will pick out the proper referent.[59] At the end of the journey, the student is vouchsafed a representation *of God*.

Once the student has a representation of God that actually refers to Him, he can "fine-tune" that representation through filtering out inappropriate properties. This process is illustrated in Maimonides' example of the ship, which, more than anything else, displays the referential aspect of representation. Assume that a man has acquired true knowledge of the existence of a ship but does not know to what the term "ship" applies. One way is to acquire the true definition of *ship*, which will surely pick out the objects that are ships. Another way, however, is to eliminate all the parts of incorrect defi-

[58] *Guide* 1.46:98.

[59] *Guide* 1.58:135. The "demonstration" referred to in the text is not that of 2.1 (i.e., that of the Necessary Existent) but rather that of 1.58: "For instance, it has been demonstrated to us that it is necessary that something exists other than those essences apprehended by means of the senses and whose knowledge is encompassed by means of the intellect."

nitions that refer to things other than a ship (e.g., rational animal, plant, sphere). In this manner the believer will "nearly achieve" a representation of ship as it is, and will "attain equality" with one who has represented the ship by means of affirmative attributes, i.e., by means of a positive definition.[60] In a similar fashion we can construct a representation of God even without being able to define Him.

Of course, there is an important disanalogy between constructing a representation of a ship through the elimination of incorrect predicates and constructing a representation of God in the same fashion. One can fix the referent of the concept *ship* in ways other than the process of negation mentioned in the preceding paragraph, e.g., through ostention or through partial apprehension of a ship. But neither ostention nor partial apprehension is an appropriate method for fixing the referent of "God"; the only way of approximating knowledge of the divine essence is through the process of negation. This is why Maimonides finds it so important to eradicate the belief in anthropomorphism among the masses; a concept of God like *necessary-unique-omnipotent-corporeal* is demonstrably absurd; it is not a concept of God, nor, for that matter, of anything existent.

This last point raises a curious question: Does Maimonides' conception of belief imply that there can be no false beliefs about God? If the representation of any false belief fails to pick out God, then are all beliefs about God *ipso facto* true, and, indeed, necessarily so, because otherwise they would fail to be about God? I think not. In order for a representation not to refer to God, that representation must be *demonstrably* incorrect. Where one cannot demonstrate the incorrectness of the representation, then it may indeed refer to God, and hence our beliefs about God may be true or false. Maimonides himself does not make this distinction, but I believe that it emerges from those chapters in which it is assumed that both he and the philosophers are saying different things about *the same* God. Thus, the philosophers deny of God that He created the heaven and the earth; although on Maimonides' account their denial happens to be false, they still can be said to possess a representation *of God*. Similarly, Maimonides argues for God's existence through a disjunction: either the world is eternal, in which case God's existence can be proved in the manner of the Aristotelians; or it is created, in which case God's existence can be proved in the manner of the Muslim theologians. In both sides of the disjunction he assumes tacitly that "God" refers to the same existent entity. Yet one implication remains rather surprising: If it could be demonstrated that one of the alternatives of Maimonides' disjunction is correct, then, strictly speaking, the other disjunct would not be a proposition about God at all.

[60] It is not clear whether Maimonides means that the first man has virtually the *same* representation as the second, or whether his representation achieves the same goal as the second, i.e., picking out the correct referent for "ship," although they are quite different. If the first, then two representations are identical because they pick out the same referent—a point which, incidentally, has much to say about Maimonides' "theory" of meaning.

* * *

Through an analysis of Maimonides' concept of belief we have come to the conclusion that Maimonides' theory of divine attributes, far from being skeptical or agnostic, is intended to provide the believer with a way to obtain belief about God that is certain. Since this way is closed before the multitude, it follows that their beliefs, though true, cannot be certain. Whether this true belief constitutes knowledge depends on how one defines "knowledge." As I have indicated above, Maimonides does talk about the knowledge of God possessed by the multitude, and unless we read him "Spinozistically," there seems to be no reason to take the term "knowledge" here metaphorically. In any event, the point is that all men, on their various levels, can make advances in their beliefs about God; indeed, man's highest goal and ultimate happiness lie in attaining knowledge of God and, through this knowledge, love and worship of God.

Two final comments:

I have emphasized the importance of certainty in Maimonides' presentation of the theory of divine attributes, but I do not wish to suggest that certainty is the only goal of our philosophical endeavors. On the contrary, Maimonides argues that from mere belief to certainty there can be several degrees of epistemic value. For example, there are indemonstrable propositions that may be believed with near-certainty because they are "nearly demonstrable," propositions such as that the world was created as an act of divine will. Thus, one notch below certainty is what may be called "near-certainty," a state in which beliefs are accepted on the basis of arguments approximating demonstration.[61] One of Maimonides' purposes in the *Guide*

[61] See *Guide* 3.51:619. For the importance of the arguments approximating demonstration, and their identification with dialectical proof, see Arthur Hyman, "Demonstrative, Dialectical, and Sophistic Arguments in the Philosophy of Moses Maimonides," *Moses Maimonides and His Time*, ed. Eric L. Ormsby (Washington, 1989) 35–51.

is to appraise the maximum epistemic value that can be accorded to a given belief (e.g., whether we can come to believe it with certainty or near-certainty) so that we may choose the appropriate method for believing it with that value. This part of his project is of crucial importance, because *unless we are aware of the distinction between the epistemic value of beliefs, we may be tempted to reject near-certain beliefs because they have not been demonstrated.* The awareness of the indemonstrability of these propositions, far from serving skeptical ends, actually bolsters the strength of the beliefs that we hold—for we know now what to expect from our beliefs.

It also remains to be explained why Maimonides does not relate his discussion of constructing a representation of God to the general Aristotelian theory of concept-formation. He certainly was aware of the lines of this theory: the mind forms concepts through abstraction from the sensory images retained in the imagination, then creates higher-order concepts through abstracting from the lower-order ones.[62] To form the concept of God on this theory is rather simple; once we have formed the concept of "cause" or "mover" or "existent" we can form the complex concept of "first cause," "unmoved mover," or "necessary existent," and apply it to God. Yet the obvious reason why Maimonides avoids this method is that an abstractionist model inevitably impugns divine simplicity and uniqueness. The concept of necessary existence cannot be formed, at least not directly, through the process of abstraction noted above, for necessary existent is not a species of the existent; it is *sui generis*. Furthermore, Aristotle's psychology is representational in the more literal sense of the term, so there is always the danger of taking our mental concepts of God as representing his essence. Yet for all its difficulty, Maimonides does not scrap entirely the language of representation, or the Aristotelian framework. He even intimates that the difficulty lies more in articulating our true beliefs about God in language than in attaining an accurate representation of Him, and in so doing allows that one may have true and accurate concepts (*maʿqūlāt*) about Him. Thus after affirming that it is impossible for the intellect to apprehend God, he writes:

> The most apt phrase concerning this subject is the dictum occurring in the Psalms, *Silence is praise to Thee*. This is a most perfectly put phrase regarding this matter. For of whatever we say intending to magnify and exalt, on the one hand we find that it can have some application to Him, may He be exalted, and on the other we perceive in it some deficiency. Accordingly, silence and *limiting oneself to the apprehensions of the intellects* are more appropriate—just as the perfect ones have enjoined when they said: *Commune with your own heart upon your bed and be still. Selah.*[63]

[62] Obviously, this is a very generic description of what was a much-studied—and hotly debated—process.

These apprehensions of the intellect are what we know about God, and while Maimonides does not say it explicitly, they appear to constitute the content of our concept of God.

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[63] *Guide* 1.50:112.

THE THEORY OF TIME IN MAIMONIDES AND CRESCAS

by

T. M. RUDAVSKY

Introduction

In his analysis of medieval cosmology, Pierre Duhem distinguished two theories of time in Antiquity: the first he associated with Aristotle, the second with the Neoplatonists.[1] According to Aristotle, time is inherent in the diurnal movement of the spheres. If this movement did not exist, there would be no time. This Aristotelian view has sometimes been characterized as an objective theory of time inasmuch as it correlates the existence of time with movement and change in the external world. Augustine, on the other hand, denied that time had any existence outside the mind; in so doing, he rejected the objective view of time, replacing it with a psychological or subjective view.[2] Each of these views had its followers throughout the Middle Ages, although that of Aristotle tended to be the more influential.

In this paper I will compare the views of Maimonides and Crescas on the nature of time in light of these two theories. I will argue that while Maimonides' presentation of time is straightforwardly Aristotelian, Crescas develops a version of the subjective theory of time. Although recent scholars have noted Crescas' deviance from Aristotle, few have analyzed the implications of this move.[3] I will be concerned in particular with the implications of

[1] For the discussion of these two theories, see Pierre Duhem, *Medieval Cosmology*, ed. and trans. Roger Ariew (Chicago, 1985) 297 ff.

[2] See Duhem, *Medieval Cosmology* 298; Also Richard Sorabji, *Time, Creation and the Continuum* (Ithaca, 1983) 30, 81 ff.

[3] Recent discussions of Crescas' theory of time and its relation to that of Aristotle can be found in the following works: Warren Zev Harvey, "Albo's Discussion of Time," *JQR* 70 (1980): 210–38; "The Term 'Hitdabbekut' in Crescas' Definition of Time," *JQR* 71 (1981): 44–47; Eliezer Schweid, "Dibrei Mabo'," in Hasdai Crescas, *Light of the Lord* (*Or Hashem*) (Ferrara, 1555; rpt. Jerusalem, 1972); and Harry A. Wolfson, *Crescas' Critique of Aristotle* (Cambridge, MA, 1929).

both theories with respect to their concomitant views on creation. Before turning to the discussions of Maimonides and Crescas, however, let me first characterize the Aristotelian and Neoplatonic views in more detail.

Objective and Subjective Theories of Time

Aristotle claims in a number of texts that time is defined in terms of motion, so that there can be no time without motion. For example, in his *De Caelo* Aristotle argues that time is an integral part of the cosmos. He had already postulated that there can be no body or matter outside of the heavens, since all that exists is contained within the heavens. Since, however, time is defined as the number of movement, and there can be no movement without body, it follows that there can be no time outside of the heavens.[4]

Aristotle develops this characterization further in his classic discussion on time in *Physics* 4. 10–14. Having asked of time whether "it belongs to the class of things that exist or to that of things that do not exist,"[5] he rejects various considerations which might lead one to think that time does not exist. Time, he claims, is connected with movement, noting that

> when the state of our own minds does not change at all, or we have not noticed its changing, we do not realize that time has elapsed. . . . So, just as, if the "now" were not different but one and the same, there would not have been time, so too when its difference escapes our notice the interval does not seem to be time.[6]

On this basis Aristotle concludes that time is not independent of movement. Then, from the *epistemological* point that "we perceive movement and time together," he draws an *ontological* conclusion, namely, that "time is either movement or something that belongs to movement."[7]

This leads to a definition of time in terms of the movement of the instant:

> When we do perceive a "before" and an "after," then we say that there is time.

[4] See *De Caelo* 1.9:279a8 ff.: "It is obvious then that there is neither place nor void nor time outside the heaven, since it has been demonstrated that there neither is nor can be body there." A similar point is propounded in *Physics* 4.12.

[5] *Physics* 4.10:217b32.

[6] *Physics* 4.11:218b22–30.

[7] *Physics* 4.11:219a4–9.

> For time is just this—number of motion in respect of "before" and "after." . . . time is only movement insofar as it admits of enumeration. . . . Time then is a kind of number.[8]

But what does it mean to say that time is a kind of number? Aristotle distinguishes two meanings of the term "number": what is counted or the countable, and that by which we count. He then associates time with the first kind of number; that is, time is that which is counted, and not the measure used to count.[9]

Aristotle then stipulates two important qualifications to his characterization of time in terms of movement. First he points out that "not only do we measure the movement by the time, but also the time by the movement, because they define each other."[10] He argues further that time is the measure not only of motion but of rest as well:

> For all rest is in time. For it does not follow that what is in time is moved, though what is in motion is necessarily moved. For time is not motion, but "number of motion": and what is at rest also can be in the number of motion.[11]

The importance of this latter qualification will become apparent when we turn to Crescas' discussion.

Finally, Aristotle raises an important query concerning the relationship between time and the rational perceiver:

> Whether if soul did not exist time would exist or not, is a question that may fairly be asked; for if there cannot be someone to count there cannot be anything that can be counted, so that evidently there cannot be number; for number is either what has been or what can be counted. But if nothing but soul, or in soul reason, is qualified to count, there would not be time unless there were soul, but only that of which time is an attribute . . .[12]

Would time exist if there were nobody to perceive it? Aristotle himself does not seem to provide an answer to this query. Later commentators, however,

[8] *Physics* 4.11:219b1–2.

[9] *Physics* 4.11.:219b5–8. Clearly, though, Aristotle in other texts of the *Physics* seems to conflate these two functions. See Sorabji, *Time* 84–89, for further discussion.

[10] *Physics* 4.12:220b15.

[11] *Physics* 4.12:221b8.

[12] *Physics* 4.14:223a21–28.

latched upon the issue and it became the basis for subsequent idealist descriptions of time.[13]

For Aristotle, then, time falls into the category of accident which exists in motion. What this means is that we have a perception of time only when we perceive motion. The implications of this characterization for Aristotle have been summarized by Harry A. Wolfson in the following statements:

1.1 Time is inconceivable without motion.
1.2 Time implies the existence of some corporeal object in motion.
1.3 Time has a "certain kind of reality and actual existence outside the mind."
1.4 Eternal beings that are incorporeal or immovable cannot have the attribute of time.
1.5 Time could not have existed prior to the existence of matter or motion.[14]

Of these, element (1.3) is most closely aligned with what we have termed the "objective" nature of this theory, while (1.1), (1.2), and (1.5) emphasize the interrelation between time and moving objects.

In contrast to this Aristotelian view, Plotinus and his followers developed a theory of time according to which time does not depend upon external objects and their motion for its existence. On this view, the essence of time is not motion but rather duration. In *Enneads* 3.7.6–9 Plotinus rejects the view that makes time dependent upon physical motion. Rather, he connects it with "the Life of the Soul in movement as it passes from one stage of act or experience to another."[15] Time is produced by the *extension* (*diastesis*) of the life of the soul; it is intrinsic to the soul and implies a continuity or duration of action.[16] Inasmuch as this duration is unmeasured and undetermined, it is ultimately incomprehensible: "No indication of Time could be derived from (observation of) the Soul; no portion of it can be seen or handled, so it could not be measured in itself, especially when there was as yet no knowledge of counting."[17]

What we have then in Plotinus is a distinction between indefinite time

[13] For further discussion of the extent of commentaries on this issue, see Sorabji, *Time* 93–97; Wolfson, *Crescas' Critique* 661–62.
[14] Wolfson, *Crescas' Critique* 96–97.
[15] Plotinus, *The Enneads*, trans. Stephen McKenna (London, 1962) 3.7.11:234.
[16] See *Enneads* 3.7.10–11.
[17] *Enneads* 3.7.12:236.

and definite time. Indefinite time refers to the extension or continuity or length of the life and activity of the universal soul. Definite time, on the other hand, is determined by the motion of the spheres.[18] When duration is measured by the motion of external objects, the measured part of duration becomes time.

Wolfson, Duhem, and others have traced elements of this Neoplatonic view of time in the writings of Augustine, Scotus, Ockham, Crescas, and Spinoza among others. According to Scotus, for example, "even if heaven stopped, time would continue to be and to measure the movements of the other bodies. Moreover, even if all movement were to stop, time would still exist and would measure the universal rest."[19] Thus, Scotus posits a potential time which can be known in the absence of the movement of any body, by which we can measure the duration of all movement and rest.[20]

One implication of the fact that time is not tied to the external world is that time acquires a subjective existence in the mind of its cognizers. Augustine has captured this notion succinctly in his famous dictum that "It seems to me that time is nothing other than an extension (*distentio,*) but of what it is an extension I do not know. It would be surprising if it were not an extension of the mind (*animus*) itself."[21] Other echoes of the subjectivity of time appear in the writings of Plotinus, Ockham, and Crescas, although, as noted above, Aristotle was the first to intimate a subjectivity to the perception of time.

The major elements of this Neoplatonic conception of time have been summarized by Wolfson as follows:

2.1 Time has no reality whatsoever, since it exists in the mind of a knower independently of any external reality.
2.2 Beings that are incorporeal or immovable can be described by attributes of time.
2.3 Prior to creation there existed duration, which is the essence of time.[22]

Wolfson has identified (2.1) with (2.2) and (2.3). We may, however, wish to

[18] See Wolfson, *Crescas' Critique* 655.
[19] See Joannis Duns Scoti *Scriptum Oxoniense* lib. 2, dist. 2, quaest. 11, quoted in Duhem, *Medieval Cosmology* 295. Duhem quotes in this context the importance of the Condemnation of 1277, which prohibited the denial of the reality of time.
[20] Duhem, *Medieval Cosmology* 296.
[21] Augustine, *Confessions* 11.26.
[22] Wolfson, *Crescas' Critique* 98.

question the interconnection between these two sets of statements. More specifically, we may wish to question whether (2.2) and (2.3) can obtain without (2.1): that is, whether the discontinuity of time and motion necessarily implies the subjectivity of time.

Before turning to our two major figures, brief mention should be made of the importance of the term *hitdabkut* in the context of this discussion. Wolfson has suggested that the Neoplatonists employ the notion of duration in their discussions of time. This notion he traces back to two Greek terms used primarily by Plotinus, *diastesis* and *sunexeia*.[23] It is this notion of duration which, according to Wolfson, is captured by Crescas' use of the term *hitdabkut* in his characterization of time. Recently, however, Harvey has challenged Wolfson's interpretation of *hitdabkut*. Arguing that this term ought to be translated not as "duration" but rather as "continuity" or "continuousness" in order "to express its Aristotelian pedigree," Harvey claims that Wolfson has misunderstood and hence misconstrued Crescas' relation to both Aristotle and Gersonides on this point.[24] We shall return to this controversy when we turn to Crescas' discussion of the instant. Suffice it to say at this point that there do in fact appear to be two theories of time in Antiquity, and that both theories are developed in medieval texts. Let us turn now to our two representative thinkers, namely Maimonides and Crescas.

Time in Maimonides

Maimonides' discussion of time reflects its Aristotelian roots. In the Introduction to part 2 of the *Guide* Maimonides lists twenty-five propositions drawn from Aristotle and the Peripatetics which purportly he accepts. Proposition 15, which pertains to time, reads as follows:

> 3.1 Time is an accident consequent upon motion and is necessarily attatched to it. Neither of them exists without the other. Motion does not exist except in time, and time cannot be conceived by the intellect except together with motion. And all that with regard to which no motion can be found, does not fall under time.[25]

[23] For an extended discussion of this point, see Harry A. Wolfson, *The Philosophy of Spinoza* (New York, 1969) 331 ff.

[24] Harvey, "The Term 'Hitdabbekut'" 47.

[25] Maimonides, *The Guide of the Perplexed*, trans. Shlomo Pines (Chicago, 1963) 2. introd. prop. 15:237. Unless otherwise noted, page reference to the *Guide* will be to the Pines translation.

This definition is echoed in *Guide* 1.52, where he defines time as "an accident attached to motion, when the notion of priority and posteriority is considered in the latter and when motion becomes numbered."[26]

In positing these definitions of time, Maimonides is clearly following the Aristotelian definition of time as either the "measure of motion" or the "accident of motion."[27] Several implications emerge with respect to this relation between time and motion. These are articulated most clearly in Maimonides' discussion of creation. The first extended discussion of time occurs in *Guide* 2.30. Having stated that the scriptural account of the creation of the universe involves the creation of all existence, including time, "time itself being one of the created things,"[28] Maimonides raises several puzzles concerning creation and time. The first has to do with how time and motion can be created independently. For if, as Maimonides has already stated in proposition 15, time is consequent upon motion, then time and moving things must be created simultaneously, since neither has any ontological status without the other. But Maimonides does not adopt this route, and does not posit simultaneous creation. Rather, he suggests that "what is moved—that is that upon the motion of which time is consequent—is itself created in time and came to be after not having been."[29] This statement suggests that first God created time, and then He created moving things in time. It should be noted, however, that this statement contradicts the Aristotelian definition of time which Maimonides accepted in proposition 15.

Secondly, Maimonides raises the issue of the relation between God's actions and the domain of temporality. Surely, he claims, no temporal predicates can be used to describe God's activities or nature *before* creation, since then there is no time.

> Accordingly, one's saying: God "was" before He created the world—where the

[26] *Guide* 1.52:117. A further characterization is given in Maimonides' letter to Ibn Tibbon, where he describes them as "the measure of motion according to prior and posterior in motion." See Wolfson, *Crescas' Critique* 636.

[27] In her recent *Maimonides' Interpretation of the Story of Creation* [Heb.] (Jerusalem, 1987) 230–31, Sara Klein-Braslavy points out that this definition can mean one of two things: (a) time is the measure of all motion whatever, or (b) time is the measure primarily of the motion of the highest sphere. Although Maimonides is ambiguous as to which usage he endorses, Klein-Braslavy suggests that he seems to accept (b) while not ruling out the possibility of (a).

[28] *Guide* 2.13:281.

[29] *Guide* 2.13:281.

> word "was" is indicative of time—and similarly all the thoughts that are carried along in the mind regarding the infinite duration of His existence before the creation of the world, are all of them due to a supposition regarding time or to an imagining of time and not due to the true reality of time.[30]

Several points are worth noting in this passage. First, Maimonides is suggesting that inasmuch as God transcends the temporal sphere and does not operate in a temporal context,[31] to predicate of God infinite duration has no temporal meaning.

Secondly, and perhaps even more important for our purposes, Maimonides' use of the term "supposition" or "imagining" of time *(demut zeman)* brings to mind his dismissal of the Mutakallimūn on the grounds that they were unable to distinguish between imagination and intellect.[32] What Maimonides is suggesting is that the scriptural view of creation involves us in a crude or vulgar understanding of time based on imagination, one which is contrasted with the "true reality of time." This true reality, of course, is consistent with an Aristotelian theory of time.

The implication of Maimonides' discussion with respect to the theory of creation is that "God's bringing the world into existence does not have a temporal beginning, for time is one of the created things."[33] Maimonides does *not* want to suggest that time itself is eternal, for "if you affirm as true the existence of time prior to the world, you are necessarily bound to believe in the eternity [of the world]."[34] But neither will he claim that the creation of the world is a *temporally specifiable* action, for the world, on the Aristotelian definition of time, must be *beginningless* in the sense that it has *no temporal* beginning.[35]

[30] *Guide* 2.13:281.

[31] In *Guide* 1.54, Maimonides describes the duration or eternity of the deity in atemporal terms, in order to preclude any temporal predications of Him.

[32] For the importance of this passage for subsequent Jewish philosophers, see Harvey, "Albo's Discussion" 220–21; see also Jonathan Malino's discussion in "Maimonides' Guide to the Perplexities of Creation," diss., Hebrew Union College, 1979, 61–62.

[33] *Guide* 2.13:282.

[34] *Guide* 2.13:282.

[35] For an extended discussion of the implications of this theory of time for Maimonides' theory of creation, see T.M. Rudavsky, "Creation and Time in Maimonides and Gersonides," in press. Portions of this paper have been adopted in the present discussion.

Time in Crescas

Let us now compare Maimonides' account with that of Crescas. Crescas' characterization of time occurs in *Light of the Lord (Or Hashem)*, in the context of elaborating the twenty-five Aristotelian metaphysical propositions mentioned by Maimonides.[36] Crescas first summarizes the arguments on behalf of each of these propositions, and then critically assesses the arguments. Although originally drawn from Maimonides, his analyses reflect numerous other sources as well.[37] As we have seen above with Maimonides, proposition 15 pertains to time; it is summarized by Crescas as follows:

> Proof of the fifteenth proposition which reads: "Time is an accident that is consequent on motion and is conjoined with it. Neither one of them exists without the other. Motion does not exist except in time, and time cannot be conceived except with motion, and whatsoever is not in motion does not fall under the category of time."[38]

This version, which is taken from Maimonides, is then contrasted with Aristotle's own definition: "Aristotle defines time as the number of priority and posteriority of motion."[39]

According to Crescas, this conception of time contains four premises:

4.1 Time is an accident.
4.2 Time is conjoined with motion in such a manner that neither one exists without the other.
4.3 Time cannot be conceived except with motion.
4.4 Whatever is not in motion does not fall under the category of time.

Crescas then summarizes how each of these premises is proved. We shall examine only the arguments for the first two premises.

Crescas summarizes the following argument in support of (4.1) which is offered by its defenders:

[36] This discussion occurs in Crescas, *Light* 1.2.11 and 1.1.15, which have been edited by Wolfson in *Crescas' Critique* 282–91. Page references to these two chapters of the *Light* will be to Wolfson's book. Other page references to the *Light* will be to the Vienna edition, 1859.

[37] These sources are well documented in Wolfson, *Crescas' Critique*.

[38] Wolfson, *Crescas' Critique* 283.

[39] Wolfson, *Crescas' Critique* 285.

5.1 Time is divided into past and future, as well as incidentally into the present.
5.2 The present is only a fleeting instant which has no existence.
5.3 The past is always gone and so does not now exist.
5.4 The future is not yet arrived and so does not exist.
5.5 Hence neither the past nor the future exists.
5.6 Since time is composed of past and future, it has no existence in itself.
5.7 Hence time cannot be a subject on its own.
5.8 Hence time needs a subject, i.e., it is an accident.[40]

This argument follows for the most part that of Aristotle, and is based on the notion that time is divisible into past and future parts by the present instant; inasmuch as none of these parts has present existence, time as a whole is said not to have existence.[41]

Premise (4.2), that although time and motion are interconjoined, they are not to be identified with one another, is defended as follows by its supporters:

6.1 Swift motion is defined as that by which an object traverses a certain distance in less time than by motion called time.
6.2 That is, swift motion is defined in terms of time.
6.3 But time cannot be included in the definition of that which is identical with itself.
6.4 Hence time is not identical with motion.
6.5 However, swiftness and slowness are accidents adjoined to motion and inseparable from it.
6.6 Hence time must also be an accident adjoined to motion.[42]

Again, it should be noted, as does Wolfson, that this is a reconstruction of the second of Aristotle's arguments in his own discussion.[43] Similar summaries of arguments are adduced by Crescas for (4.3) and (4.4) as well.

In part 2 of *Light of the Lord* Crescas turns to a critical evaluation of this Aristotelian conception of time. His own position is that "the four premises which this proposition contains, as has been shown in the first part, are all

[40] The text for this argument is found in Wolfson, *Crescas Critique* 285.
[41] For Aristotle's version of this argument, see *Physics* 4.10:217b32–218a3.
[42] The text for this argument can be found in Wolfson, *Crescas' Critique* 285.
[43] For Aristotle's version of this argument, see *Physics* 4.10:218b13–18.

false."[44] He proceeds, therefore, in his critique, to reject each of the four arguments. This rejection will enable him to replace Aristotle's definition of time with his own.

Crescas' own characterization of time is intimated in the context of his critique of the first premise. Rather than agree with Aristotle that time primarily measures motion, Crescas wants to claim that time can measure rest as well. His contention is based on the following argument:

7.1 Rest can be described as long when an object remains at rest for a long time, and short when it remains so for a short time.
7.2 Hence time is measured by rest without the presence of actual motion.
7.3 Even if we allow the possibility of potential motion in the characterization of rest (i.e., "we measure rest only by supposing a corresponding measure of the motion of an object moved during the same interval"), it still follows that actual motion is not necessary in the conception of time.
7.4 Since rest can be characterized as long or short, it follows that time can be measured by rest alone, without a corresponding motion.[45]

On the basis of this argument, Crescas makes several points. The first is that time can measure rest as well as motion. Secondly, time can be measured by rest as well as motion. And finally, time exists only in the soul. Let us examine each of these points briefly.

The first two points are captured in Crescas' definition of time: "the correct definition of time is that it is the measure of the continuum of motion or of rest between two instants."[46] In this definition Crescas retains Aristotle's and Maimonides' notion of time as a "measure" or "number." However, it is the measure not only of motion or change but of rest as well. We should remember in this context that although Aristotle did allow for time to measure rest, he did not amplify this suggestion. It is in this definition that Crescas most closely approximates Neoplatonic conceptions of time in terms of *diastema*.

Crescas then goes on to say that the genus most appropriate to time is magnitude; for inasmuch as time belongs to continuous quantity and number to discrete quantity, if we describe time as number, we describe it by a genus

[44] Wolfson, *Crescas' Critique* 287.
[45] Wolfson, *Crescas' Critique* 287–89.
[46] Wolfson, *Crescas' Critique* 289.

which is not essential to it. Time is "indeed measured by both motion and rest, because it is our conception (*ṣiyyurenu*) of the measure of their duration [or continuum] that is time."[47] On this basis Crescas concludes that "It seems therefore that the existence of time is only in the soul."[48]

It appears, then, that his emphasis on the *conception* of time leads to a psychological construal: it is because human beings have a mental conception of this measure that time even exists. As Wolfson points out, Crescas takes time in the absolute sense as being pure duration or continuity.[49] This duration depends only upon a thinking mind, and is indefinite. It becomes definite only by being measured by motion. Were we not to conceive of it, there would be no time. Hearkening back to Aristotle's original query whether time would exist if there were no souls, it is clear that Crescas' answer is negative: without cognizing, there can be no time.[50]

It is in this context that Crescas comes closest to reflecting his scholastic predecessor Augustine as well as his near contemporaries Scotus and Ockham. As we have already seen, Augustine regarded time as a subjective feature of the cognizing intellect. Fourteenth-century philosophers developed this subjective view of time further. According to Peter Aureol, for example, time exists only in the mind.[51] And William Ockham develops an even more subjective view, according to which time is a "cosmic clock" which measures the duration of temporal events and things. Like Crescas, who denies the real existence of time as an accident of substance, Ockham claims that time and instants of time are not really existent Aristotelian accidents.[52]

[47] Wolfson, *Crescas' Critique* 289.
[48] Wolfson, *Crescas' Critique* 289.
[49] Wolfson, *Crescas' Critique* 657.
[50] For a comparison of Crescas' analysis with that of Albo and Maimonides on this point, see Harvey, "Albo's Discussion," and Wolfson, *Crescas' Critique* 658.
[51] Peter Aureol's discussion can be found in his *Commentariorum in secundum librum Sententiarum Pars Secundus*, dist. 2, quaest. 1, art. 1, quoted in Duhem, *Medieval Cosmology* 300 ff.
[52] For a sustained discussion of William Ockham's theory of time, see Marilyn McCord Adams, *William Ockham* (Notre Dame, 1987) 853 ff.; Duhem, *Medieval Cosmology* 305 ff. In his influential article "Scholasticism and the Teachings of Hasdai Crescas and His Predecessors," *Proceedings of the Israel Academy of Sciences and Humanities* 1.10.15, Shlomo Pines notes the marked similarity between Crescas' theory of time and that of Peter Aureol, Peter Olivi, and William Ockham, but he does not explore the similarity.

Returning, finally, to the original four premises upon which Aristotle's conception of time was based, Crescas is able to refute all four. That time is an accident (4.1) is only true, he maintains, if we mean by it that time is not a substance; it should not be taken to mean, however, that time is an accident outside of the soul:

> for time depends as much upon rest as upon motion, and rest is the privation of motion and privation has no existence. It thus follows that time depends upon our supposition of the measure of the duration of either motion or rest inasmuch as either of them may be described as great and small.[53]

With respect to (4.2) he claims that time may exist without motion, i.e., that time is measured by rest or by the supposition of motion without its actual existence. With respect to (4.3) he again claims that "to say that the idea of time cannot be conceived except it be connected with motion must be denied."[54] And finally, with respect (4.4) Crescas wants to argue that "the Intelligences, though immovable, may still have existence in time, inasmuch as it can be demonstrated that time existed prior to their creation on the ground that time does not require the actual existence of motion, but only the supposition of the measure of motion or rest".[55] Thus, Crescas argues that on his theory creation and time are two separate issues. Inasmuch as time is separate from motion, time can exist prior to the actual existence of motion. The importance of this point will emerge as we turn to our final issue, namely, the status of the temporal instant in Maimonides and Crescas.

Time and the Instant: Aristotle, Maimonides, and Crescas

In both the *Physics* and the *Metaphysics* Aristotle develops the notion of the instant, or "now" (*τὸ νῦν*), as a basic feature of time. The instant is defined as the middle point between the beginning and the end of time. Since it is a boundary or limit, it has no size and hence cannot be considered to exist. This characterization of time leads Aristotle to ask whether time is real. Since instants do not in and of themselves exist, it might be argued that time itself does not exist. That is, the past and the future do not *now* exist,

[53] Wolfson, *Crescas' Critique* 291.
[54] Wolfson, *Crescas' Critique* 291.
[55] Wolfson, *Crescas' Critique* 291.

and the present instant is not a part of time, since, as we have already noted, it is sizeless. In *Physics* 8.1 Aristotle claims that because the extremity, or limit, of time resides in the instant, time must exist on both sides of the instant.[56] And in *Metaphysics* 12.6 Aristotle claims that there can be no "before" or "after" if time does not exist, for both terms imply the existence of relative time.[57]

Aristotle's basic argument, centered on his definition of the "instant" as the midpoint between "before" and "after," can be summarized as follows:

8.1 If time came to be, there would have to be an actual instant at which it came to be.
8.2 But this would entail there being a potential instant before the present instant was actualized.
8.3 But every part of time has only potential existence, and so no such instant could exist.
8.4 Hence time cannot come to be.

The main thrust of this argument is that in order to account for the coming into existence of any present instant, there must exist a prior actual instant; but in the case of the first instant, there could be no prior instant, actual or potential.[58]

Against the backdrop of these Aristotelian considerations, Maimonides examines three arguments which support the doctrine of eternal creation. These arguments were directed by the post-Aristotelians against the supporters of creation of the universe in time. First, the post-Aristotelians argue that those who claim that God created the world in time "are obliged to admit that the deity passed from potentiality to actuality inasmuch as He acted at a certain time and did not act at another time".[59] The thrust of this post-Aristotelian contention (as stated by Maimonides) can be formulated as follows:

[56] See *Physics* 8.1.251b ff.: "Since the instant (*τὸ νῦν*) is both a beginning and end, there must always be time on both sides of it."

[57] See *Metaphysics* 12.6:1071b ff.: "For there could not be a before or after if time did not exist."

[58] See Malino, "Maimonides' Guide" 64ff., and Sorabji, *Time* 210 ff., for further discussion of this argument in Aristotle.

[59] *Guide* 2.18:299.

[9]
9.1 Suppose that God created the world in time.
9.2 Then the world was created at an instant t_1.
9.3 Then God acted at t_1 and not at t_{1-n}.
9.4 But this implies that at t_{1-n} God was in a state of potentiality to create, and that at t_1 this potentiality was actualized.
9.5 But this move from potentiality to actuality implies change on the part of God.
9.6 God, however, is unchanging.
9.7 Hence, God does not create the world in time.[60]

The thrust of the argument depends upon the Aristotelian conception of action as change from potentiality to actuality. If God is construed as Pure Act, however, He cannot be said to act at an instant.

Secondly, the post-Aristotelians claim that "eternity is shown to be necessary because there do not subsist for Him, may He be exalted, any incentives, supervening accidents, and impediments."[61] This argument actually comprises two main subarguments, which, following Sorabji, we can term versions of the "why not sooner" argument and the "willing a change vs. changing one's will" argument.[62] Maimonides' version of the first subargument can be characterizes as follows:

[10]
10.1 Suppose that God willed the world at a particular instant t_1.
10.2 Then we are saying that God did not will the world at a previous instant t_{1-n}.
10.3 Then there must have been some incentive or purpose to explain God's willing at t_1 and not at t_{1-n}.
10.4 But in the case of God there can be no incentive or purpose external to His will.
10.5 Hence there is no rationale for His having willed at t_1 rather than at t_{1-n}.
10.6 Hence God did not will the world at t_1.

[60] See Malino, "Maimonides' *Guide*" 72, for further elaboration of this argument.

[61] *Guide* 2.18:300.

[62] Sorabji, *Time* 269 ff.

The second subargument is really a restatement of [9], but this time in terms of will, and can be summarized as follows:

[11]
11.1 Suppose that God willed the world at a particular instant t_1.
11.2 Then we are saying that God did not will the world at a previous instant t_{1-n}.
11.3 But this implies that at t_1 God willed and that at t_{1-n} God did not will.
11.4 But this implies a change in God's willing, i.e., a change in God's nature.
11.5 But God is unchanging.
11.6 Hence God did not will the world at t_1.

There is an additional subargument which is drawn from the nature of God's wisdom, but since it is primarily a restatement of [9] in terms of knowledge, I shall not elaborate upon it here.

Maimonides' reaction to all three arguments draws upon the equivocal nature of God, as well as upon the homonymous nature of divine predicates. In response to [9] he distinguishes two senses of the term "act": only with respect to material beings does "act" imply a move from potentiality to actuality; with God, or an immaterial being, "act" does not imply such a move, and hence does not imply change. Similarly, his response to both [10] and [11] is to specify the ways in which divine will is unlike human will. With respect to [10], he argues that God has no need of special incentives to will; that is, God's will does not function like human will, in that it is not activated at a particular instant. With respect to [11], Maimonides' point is that, unlike human acts of willing, when God wills a change there is no change in His willing nature.[63]

Crescas' reaction to Maimonides is contained in *Light of the Lord* 3.1. Without entering into the intricacies of this technical discussion, several brief points can be made. Crescas first summarizes various arguments which were given in support of eternal creation. Of those which are based on the eternity of time, the second argument pertains to the nature of the instant. It claims that if time came into existence, it would follow that the instant would have

[63] *Guide* 2.18:300–01.

no "before," which is an absurdity. Just as a point divides a line into "prior" and "posterior," so too the instant divides time into "before" and "after."[64]

In response to this argument, Crescas follows the precedent of Gersonides, who distinguished two types of instant. Not every instant divides past from future: just as a point can serve as the beginning of a line, Gersonides argued that an "initial instant" can serve as the absolute beginning of time without implying a prior temporal unit.[65] On the basis of this distinction, Crescas is able to posit an initial instant which marks the creation of time. In fact, he goes on to argue that God created the universe at this initial instant.[66]

This argument is not meant to suggest that Crescas rejects the doctrine of eternity altogether. In 3.4 he rejects Maimonides' contention that the world has a temporal beginning, claiming that it is based on the mistaken Aristotelian equation of time and motion. Because he has already abandoned this Aristotelian conception, Crescas is able to argue that the notion of creation of the world does not refer to a temporal beginning. Rather, for Crescas, the world is both eternal and created: because time and motion are not interconnected, Crescas is able to adopt a position which on Aristotelian grounds appears to be self-contradictory.[67]

Implications with Respect to Biblical Commentary

Finally, let us turn to the implications of both discussions with respect to creation. We have seen that Maimonides is wary of positing a domain of temporality prior to creation. How then does he interpret those rabbis who

[64] See *Light* 3.1.1:62b. For further discussion of this version of the argument, see Herbert A. Davidson, *Proofs for Eternity, Creation and the Existence of God in Medieval Islamic and Jewish Philosophy* (New York, 1987) 24.

[65] Gersonides, *The Wars of the Lord* (*Milḥamot Hashem*) (Leipzig, 1866) 6.1.21. For further discussion of Gersonides' argument, see Davidson, *Proofs* 44; T.M. Rudavsky, "Creation, Time and Infinity in Gersonides," *Journal of the History of Philosophy* 26.1 (1988): 25–44.

[66] *Light* 3.1.5:70a.

[67] Commentators have tried to make sense of Crescas' apparently contradictory theory. For further discussion of this theory of creation, see Seymour Feldman, "The Theory of Eternal Creation in Hasdai Crescas and Some of his Predecessors," *Viator* 11 (1980): 289–320; Schweid, "Dibrei Mabo'" 44.

understood the creation account in Genesis to postulate a domain of temporality before the creation event? For example, how there can be "one day" at the beginning of creation when the temporal indicators, i.e., sun and moon, were not created until the fourth day? In *Guide* 2.30 Maimonides quotes two rabbinic authorities, Judah ben Simon and Abahu, both of whom imply that "time existed prior to the existence of this sun."[68] Even though he recognizes that their statements support an eternity thesis, Maimonides does not respond directly to them. Rather, he adopts two separate strategies. The first is simply to admit that their comments imply that "*the order of time* necessarily exists eternally *a parte ante*. That, however, is the belief in the eternity *a parte ante* of the world, and all who adhere to the Law should reject it."[69] In other words, one strategy is simply to recognize that these Sages were supporting a version of the Platonic theory of creation and hence to reject their interpretation.

Maimonides' second strategy is to subsume their comments as corollaries of those of Rabbi Eliezer. In 2.13 Maimonides refers to Rabbi Eliezer, whose commentary on creation postulates creation by means of preexistent matter. Maimonides depicts this commentary as admitting "the eternity of the world, if only as it is conceived according to Plato's opinion."[70] Interestingly enough, Maimonides is speechless in the face of Eliezer's statement, and his only response to it is to claim that it may "confuse very much indeed the belief of a learned man who adheres to the Law. No persuasive figurative interpretation with regard to it has become clear to me."[71] Uttered by an individual who is generally not at a loss for interpretative prowess, for whom the "gates of interpretation" are rarely if ever closed, Maimonides' stance suggests that he is not as uncomfortable with Eliezer's statements as one might expect.[72]

If so, then Maimonides' second strategy with respect to Rabbis Judah and Abahu is similar to his attitude toward Eliezer. Maimonides claims that their comments are "only the counterpart of the passage in which R. Eliezer says, 'Wherefrom were the heavens created?'"[73] Inasmuch as Maimonides is not

[68] *Guide* 2.30:349.
[69] *Guide* 2.30:349
[70] *Guide* 2.26:331.
[71] *Guide* 2.26:331.
[72] See Klein-Braslavy, *Maimonides' Interpretation* 235–38 for further discussion.
[73] *Guide* 2.30:349.

bothered by the latter, it can be inferred that he is not bothered by the former.

It should be noted that Maimonides seemingly discredits these rabbinic comments altogether by questioning the authority of the speakers: "To sum up: you should not, in considering these points, take into account the statements made by this or that one."[74] Here Maimonides seems to be suggesting that in considering the issues of time and creation, one ought not to be misled by the opinions of sundry rabbis.

Crescas, on the other hand, has no problem interpreting these passages. We have seen that for Maimonides time as well as the Intelligences were created. If, however, as Crescas believes, time is independent of motion, and exists prior to the creation of the world, then the Intelligences can be in time even before the creation.[75] This is the import of Crescas' interpretation of R. Judah's statement. In contradiction to Maimonides, who had to interpret this statement figuratively, Crescas is able to adopt its literal meaning: ". . . the passage of Rabbi Judah, son of Rabbi Simon, which reads: 'It teaches us that the order of time had existed previous to that,' may be taken in its literal sense."[76]

Conclusion

In summary, we have seen that Maimonides and Crescas developed strikingly different theories of time. Maimonides adheres fairly closely to Aristotle's characterization of time as the measure of motion. Because of this equation, Maimonides must explain how God can be said to create a universe in time without thereby positing a preexistent temporal sphere. In contradistinction, Crescas deviates from the Aristotelian depiction of time in terms of motion. Employing elements which are implicitly embedded in Aristotle, he emphasizes the discontinuity of time and motion. From this discontinuity Crescas develops two implications: the first has to do with the subjectivity of time, while the second emphasizes the dissociation of time from creation. Hence Crescas, drawing upon Gersonides, is able to claim that God *did* create the universe at an instant, without positing a pretemporal sphere. The

[74] *Guide* 2.30:349.
[75] See Wolfson, *Crescas' Critique* 633.
[76] Wolfson, *Crescas' Critique* 291.

Neoplatonic undercurrents to Crescas' discussions have their counterpart in his scholastic contemporaries, who emphasize as well the subjective element of time. But as Harvey has pointed out, the primary ingredients for Crescas' subjective theory of time were already to be found in Aristotle and Maimonides.

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RELIGION AND PHILOSOPHY: THE SCHOLARLY-THEOLOGICAL DEBATE BETWEEN JULIUS GUTTMANN AND LEO STRAUSS

by

ELIEZER SCHWEID

Julius Guttmann's classic work, *Die Philosophie des Judentums*, was first published in 1933;[1] two years later, the slender volume by Leo Strauss, *Philosophie und Gesetz*, was published for the first time.[2] The latter, while written as an independent study, included a chapter offering a fundamental critique of Guttmann's book.[3] Guttmann apparently accepted Strauss's challenge, even though he did not take it up quickly. Surprisingly, he himself never actually published his response; his profound and interesting essay, "Philosophie der Religion oder Philosophie des Gesetzes?", while written in 1940–45, was only published from his *Nachlass*.[4] The formulation of Gutt-

[1] Julius Guttmann, *Die Philosophie des Judentums* (Munich, 1933). The Hebrew version, which contains corrections and additions, was translated by Y. L. Barukh (Jerusalem, 1951). The English version appeared under the title *Philosophies of Judaism*, trans. David W. Silverman (New York, 1964). The citations in the body of the article are taken from this translation. It should be noted, however, that the English translator, by translating the singular *Philosophie* into the plural *Philosophies*, lost the programmatic nature of the German title.

[2] Leo Strauss, *Philosophie und Gesetz; Beiträge zum Verständniss Maimunis und seiner Vorläufer* (Berlin, 1935). English version: *Philosophy and Law: Essay Toward the Understanding of Maimonides and His Predecessors*, trans. Fred Bauman (Philadelphia, 1987).

[3] "Der Streit der Alten und der Neueren in der Philosophie des Judentums (Bemerkungen zu Julius Guttmann, *Die Philosophie des Judentums*)," *Philosophie und Gesetz* 30–67 (English: *Philosophy and Law* 21–58).

[4] Julius Guttmann, "Philosophie der Religion oder Philosophie des Gesetzes?" *Proceedings of the Israel Academy of Sciences and Humanities* 5.6 (Jerusalem, 1976) 146–73 (Hebrew: *Divrei ha-Aqademiyah ha-Yisra'elit la-Madda'iyim* 5.9 [Jerusalem, 1975–75] 188–207).

mann's views on the philosophy of religion, as they were expressed in his lectures devoted to the subject at the Hebrew University,[5] would also seem to have been the product of the debate with Strauss. In the course of defending his original stance, a certain intellectual development took place within Guttmann, which may have been the reason for the protracted fruition of his response. Strauss's views, too, did not remain static, and his well-known English work, *Persecution and the Art of Writing*, is indicative of an interesting development regarding this same subject.[6]

I

In terms of the history of research in medieval Jewish, Muslim, and Christian philosophy, and particularly in terms of the history of Maimonidean studies, one may see the appearance of the two works mentioned at the beginning of this paper as marking the founding of two "schools" of critical interpretation, which struggle with one another to this very day, particularly concerning the interpretation of the "secret" of Maimonides' *Guide of the Perplexed*. In the same exegetical context, one may view this debate as a direct descendant of the debate which broke out between the disciples of Maimonides and those who were severe critics of his thought around the question of the study of philosophy in general, and of the *Guide* in particular. It should suffice to note that interest in the religious philosophy of the Middle Ages, and in the thought of Maimonides in particular, is not only the result of scholarly concerns and motivations, but is also an expression of the continued confrontations, from one generation to another, with the ongoing problem of the relationship between religion and philosophy. But whatever may have motivated the disciples of Guttmann and Strauss to study medieval religious philosophy, it is absolutely clear that for these two great teachers this was not merely a scholarly disagreement over the proper historical interpretation of ancient texts, but also, and primarily, a debate of great significance for philosophy and religious faith, which each one understood in his own way. Both of them entered their scientific pursuits, directly and openly,

[5] Yiẓḥaq Julius Guttmann, *On the Philosophy of Religion* [Heb.] (Jerusalem, 1958–59) (English: trans. David V. Herman Jerusalem, 1976). This volume is an edited version of Guttmann's lectures at the Hebrew University given during the academic year 1947.

[6] Leo Strauss, *Persecution and the Art of Writing* (Glencoe, Ill., 1952).

as engaged scholars and thinkers, each with a philosophical world-view of his own.

As we have noted, the controversy between Strauss and Guttmann was a kind of sequel to the great debate concerning the study of philosophy, and particularly about Maimonides' *Guide of the Perplexed*, which started at the beginning of the thirteenth century and was later renewed, "battle" after "battle."[7] In order to emphasize the degree of persistence and continuity of this debate in the history of Jewish religious thought, and to determine the full context of its renewal in the twentieth century, one must mention here Maimonides' status as a religious philosopher, and the debate regarding the Jewish authenticity of his activity from the period of the Haskalah onwards.[8] In the eyes of the majority of the Maskilim, Maimonides' halakhic and philosophic works were not only seen as providing religious-halakhic legitimation for acquiring a general scientific education and for intellectual reflection upon the issues of metaphysics and religion; but were also cited as an ideal "model" of the method by which one ought to harmonize beliefs and opinions revealed by the prophets and authoritatively interpreted by the sages with truths apprehended and proven by means of human intellect, i.e., philosophical truth. True, Maimonides' medieval-Aristotelian philosophy was not considered valid philosophy by the Jewish philosophers of the Enlightenment, such as Moses Mendelssohn, Solomon Maimon, Nachman Krochmal, and his son Abraham Krochmal, and certainly not by the Jewish philosophers of the subsequent period, which was characterized by religious

[7] In this connection, one ought to note the polemic among the numerous interpreters of the *Guide of the Perplexed*, whose numbers increased from one generation to the next. Among these, some formulated their positions in the text-centered commentaries and others wrote independent philosophic works in which they relied on Maimonides or criticized him. The polemic was continuous and constant, and more than any other factor shaped the history of Jewish philosophy from the beginning of the thirteenth century until the period of the Haskalah, when it was renewed. Guttmann describes this process, in his typically succinct manner, in *Die Philosophie des Judentums* 2.4. ("Aristotelianism and Its Opponents").

[8] Fischel Lachower, "Maimonides and the Hebrew Haskalah in Its Beginnings" [Heb.], *'Al Gevul ha-Yashan we-ha-Ḥadash* (Jerusalem, 1951), is a study of this subject which is still of interest today. Scholars of the Haskalah have written on the relationship of different aspects of this period to Maimonides. See, for example, Eliezer Schweid, "From 'The True Wisdom of the Torah' and 'The Secret of the Unity of Faith' to 'Philosophy of Religion'," *'Iyyun* 20 (1969): 29–60. The subject, however, requires further study.

reforms designed to facilitate the full integration of Jews into the cultural and political life of European society, such as Saul Asher, Solomon Formstecher, and Samuel Hirsch. As disciples of Spinoza, Leibniz, Kant, Hegel, or Schelling—each Jewish philosopher in his own particular time and in his own way—they could not see themselves as followers of Maimonides' substantive philosophic views. Methodologically, however, insofar as they were concerned with the task of harmonizing the apparent conflict between the truths revealed in the Sacred Writings, and particularly in the Bible, with those of philosophy, they were able, not only to rely upon Maimonides, but also to utilize his model, with certain adjustments and alterations.[9]

It seemed self-evident to these modern philosophers that the harmonization of the revealed truths of Scripture with the truths attained through the "natural light of reason" was a central task for believing Jews who sought to participate in the general culture of their European surroundings, and that this was also the supreme challenge undertaken by Maimonides—for which reason they were his disciples. We must stress this point, because it is the very assumption against which Leo Strauss directed his devastating criticism. To Haskalah philosophers, and particularly to philosophers of the movement for religious reform, it was clear that synthesis of Judaism as a "universal religion" intended for all mankind with universalist humanist culture might be created by harmonizing the revealed truth of the prophets with truth as understood by man through his intellect. By this means, both Jewish religion and general culture come to their fulfillment and perfection, in such a way as to require the adjustment of the particularist limitations of Judaism, expressed in halakhah, to the cultural reality of modern times. In this, they failed to take into account the fact that Maimonides himself based his views as a religious philosopher upon a very strict model of halakhic authority.[10]

[9] This is particularly striking in Nachman Krochmal's *Moreh Nevukhei ha-Zeman* ("Guide of the Perplexed of Our Time"). One should note in this connection that the idea of writing a new *Guide of the Perplexed* was by no means a unique occurrence in the literature of the Haskalah or in the medieval Jewish philosophic literature. On the contrary, many of the Jewish philosophers of the Haskalah thought along this line and gave expression to the idea in the introductions to their works. However, an extraordinary measure of authority was required to use the same title as that used by the "Great Eagle," as Maimonides was called.

[10] Most nineteenth-century Jewish philosophers who relied on Maimonides preferred to ignore the strictly halakhic dimension of his teachings, or, if not, explained them in a historicist manner. Herman Cohen's discussion of this subject in *Die Religion der Vernunft aus den Quellen des Judentums* (Berlin, 1919), chap. 16, "The Law," is of particular interest in this respect. The emphasis upon the halakhic basis of the religion of reason seemed to Cohen both essential and central, since the rational life is one led according to law. It is clear, nevertheless, that Cohen advocated the adjustment of the "law" of the Torah to the realities of modern life. The English version of Cohen's work is: *Religion of Reason Out of the Sources of Judaism*, trans. Simon Kaplan (New York, 1972).

The use of Maimonides as a model for a movement which tended toward the integration of Judaism as a universalist religion within general culture, and thereafter toward the reform of halakhah as well, clearly made him once again the subject and focus of a fierce contemporary debate—not only between the supporters of Haskalah and Emancipation and their opponents in the Orthodox camp, but also within the Haskalah camp (note in particular the polemics of Samuel David Luzzatto) and even within the movement of those who had a positive attitude toward Emancipation, particularly in the confrontation between Reform, Neo-Orthodoxy, and Conservatism.[11] Indeed, the division between the different camps, and thus the place of Maimonides and his philosophic-halakhic enterprise within this polemic, was not entirely unambiguous even at this stage.[12] This was so, it would seem, because of the striking tension, from the perspective of the new age, between the view of Maimonides as a philosopher tending to "accept the truth from whoever has said it,"[13] at least in the scientific and philosophic realms, and his strict position as a man of halakhah, who required complete identification between religious law and the law of the state, and advocated an allegorical method diametrically opposed to the historical-philological method of modern humanistic studies.

[11] Opposition to Maimonides' philosophic approach on the grounds that it introduced foreign, pagan elements into Judaism was most characteristic of the spiritual leaders of Neo-Orthodoxy, such as S. D. Luzzatto and Samson Raphael Hirsch, even though their opposition to his philosophy did not prevent their enthusiastic reliance on his great halakhic work, the *Mishneh Torah*. The same approach is also found to a great extent among the founders of the "positive-historical" school, especially Zacharias Frankel and Heinrich Grätz, who preferred the philosophical approach of Judah Halevi. By contrast, many Reform thinkers advocated Maimonides' approach.

[12] Solomon Ludwig Steinheim, whose theological approach (as distinguished from his approach to haskalah) was Orthodox-fundamentalist, relied considerably upon Maimonides' philosophy, while the reformer Abraham Geiger, who identified with the approach of S. D. Luzzatto, rejected Maimonides' approach, preferring that of Judah Halevi. Concerning what is stated in this and the previous note, see Eliezer Schweid, *The History of Jewish Thought in Modern Time* [Heb.] (Jerusalem, 1978), chaps. 4, 5, 7, 8.

[13] See Maimonides, *Commentary on the Mishnah*, Eight Chapters (Introduction to Avot), trans. Joseph Kafaḥ, *Seder Neziqin* (Jerusalem, 1965) 247.

In this context, one should also take note of the complex, multilayered influence of Spinoza's teaching upon this debate: as a philosopher who was critical of religion in general and Judaism in particular; as one who laid the philosophical and methodological foundations for biblical criticism; as one who proposed a national-political definition of Judaism; as one who leveled a severe criticism against the theological-political views of Maimonides and against his method as a philosophical exegete of the Bible; and as one who followed in Maimonides' footsteps by identifying the philosophical ideal *(amor dei intellectualis)* with the highest ideal of man.[14] Both the parallels and the contradictions between Spinoza and Maimonides led to a situation in which both were considered, by nearly all of the influential modern Jewish thinkers, as primary sources and as challenges to be addressed. As a result, the teachings of these two philosophers were repeatedly invoked in the course of the clarification of those problems debated among the various spiritual movements which arose among the Jewish people in modern times. Representatives of these movements relied upon or, as the case might be, criticized the respective opinions of Maimonides and Spinoza on certain philosophic or theological issues, and the attitude toward one often determined, to a very great extent, the attitude toward the other. It was clear, however, that there were various different possible combinations of agreement and criticism: to polemicize against both of them as philosophers, who, as such, represented thought that was alien to authentic Judaism; to agree with both of them as philosophers who represented the Jewish heritage in philosophy; to reject Maimonides and accept Spinoza, or to accept Maimonides and reject Spinoza, or to accept and reject selectively ideas from both—all this in the context of an intense and multifaceted debate concerning the proper understanding of the teachings of both of these philosophers and of the relation between them. The debate concerning the relationship between philosophy and religion, which in the Middle Ages and the Renaissance focused upon the writings of Maimonides, was split into several additional foci of debate from the Enlightenment onward thanks to the dual challenge of Spinoza. This fact is clearly seen in the scholarly-theological confrontation between

[14] On the place of Spinoza in modern Jewish thought, see Fischel Lachower, "Spinoza in the Literature of the Hebrew Haskalah" [Heb.] *Al Gevul ha-Yashan* 109–23; Julius Guttmann, "Mendelssohns Jerusalem und Spinozas theologisch-politischer Traktat," *Bericht der Hochschule für die Wissenschaft des Judentums* (Berlin, 1931) 31–67 (Hebrew version in *Dat u-Madda'*, trans. Saul Esh [Jerusalem, 1955] 192–218); Schweid, *History of Jewish Thought in Modern Time*, 1:28–63.

Julius Guttmann and Leo Strauss, who, because they disagreed in their understanding and evaluation of the meaning of Maimonides' work, were likewise divided in their evaluation and understanding of the significance of Spinoza's thought.[15]

Guttmann's views were influenced to a great extent by the work of Hermann Cohen's old age: *Religion der Vernunft aus den Quellen des Judentums* ("The Religion of Reason Out of the Sources of Judsiam").[16] This book, in fact, summarized and expressed the German Jewish idealist theological tradition of the nineteenth century. At the same time, it marked a turning point in that tradition, in that it provided a basis for a new movement—dialogical-existential theology. According to Cohen's understanding, the Jewish philosophical literature of the Middle Ages, and first and foremost the writings of Maimonides, was a central link in the chain of development of the "Sources of Judaism," and only through this link could a modern philosopher be connected with this chain.

It is self-evident that Hermann Cohen found in Maimonides' work a suitable imprimatur from an important and recognized Jewish authority for his own investigations. In this respect, he was no different from most philosophers of Judaism from the Haskalah on. But from Cohen's standpoint, reliance upon Maimonides' authority was only possible because he was able to identify with Maimonides' basic positions in the understanding of Judaism, of philosophy, and of the relation between the two, both in substance and in content. Retrospectively, Herman Cohen interpreted Maimonides' teachings in a manner which presented them as an ancient "archetype" of his own philosophy. The limited scope of the present article does not allow me to discuss this question in detail and to document it, but on the

[15] It should be mentioned that, prior to *Philosophie und Gesetz*, Strauss published an important book devoted to Spinoza's critique of religion, *Die Religionskritik Spinozas* (Berlin, 1930; rpt. Hildesheim, 1981) (English: *Spinoza's Critique of Religion*, trans. E. M. Sinclair [New York, 1965]). Spinoza's critique of religion is likewise emphasized in the two works discussed in this study, particularly in *Persecution and the Art of Writing*. The study of Spinoza was less important for Guttmann, as is seen, among other things, from the fact that in *Die Philosophie des Judentums*, he discusses Spinoza at the end of the part of the book devoted to medieval Jewish philosophy rather than at the beginning of the section devoted to modern Jewish philosophy. Nevertheless, he wrote the important article mentioned in note 14. In any event, the difference between Guttmann's and Strauss's evaluations of Spinoza requires a separate study and cannot be undertaken within the confines of this article.

[16] See above, n. 10.

basis of another study,[17] it may be affirmed that Cohen saw in medieval Jewish philosophy, and particularly in the work of Maimonides, who in his eyes marked the peak of that philosophy's accomplishments, not only the incorporation of external Hellenistic influences, but also an organic development which stemmed from the methodological-structural and substantive logic of the pre-philosophic sources of Judaism. Put another way, Maimonides' work was for Cohen the most decisive proof of the existence of a "philosophy of Judaism," which is an original and autonomous expression of Jewish religiosity on the level of "pure reason." The religious philosophy of Maimonides, in fact, interpreted the biblical and rabbinic sources faithfully and embodied an exemplary specimen of Jewish philosophy, which Hermann Cohen continued and developed in the spirit of the accomplishments of philosophical idealism in modern times.

Cohen's relation to Maimonides, quite obviously, also necessitated a severe criticism of Spinoza's philosophy. Cohen saw in Spinoza a philosopher who represented pagan pantheism with logical consistency, that is to say, a philosopher whose teachings represented the absolute antithesis to the fundamental beliefs and ethics of the Jewish religion. Spinoza's critique of Maimonides was required, in Cohen's opinion, by his overall philosophic and religious outlook, not only from a political or exegetical point of view. Accordingly, we find here an unbridgeable confrontation between coherent pagan philosophy and coherent Jewish philosophy.[18] We find, therefore, that Cohen supports Maimonides against Spinoza.

II

Julius Guttmann, as has been noted, was influenced by the later philosophy of religion of Hermann Cohen. But it is also clear that his outlook as a scholar and theologian had already absorbed other influences. As a result, his philosophic views are complex and ambivalent. As a professional historian

[17] See Eliezer Schweid, "Maimonides' Influence on 20th century Jewish Philosophy," [Heb.], *Shlomo Pines Jubilee Volume* 2, *Jerusalem Studies in Jewish Thought* 7 (forthcoming).

[18] Concerning Cohen's attitude toward Spinoza, see Yosef Ben Shelomo, "The Philosophy of Religion and the Understanding of Judaism According to Cohen" [Heb.], addendum to the Hebrew translation of *Die Religion der Vernunft*, trans. Zevi Wislavsky (Jerusalem, 1971–72) 505–10.

and philologist, he noted the "external" status of philosophy in the history of Jewish religious thought with greater exactness and precision than Cohen. He was also more sensitive to and critical of the arbitrary and forced nature of Maimonides' philosophical interpretations of the Bible and rabbinic sayings. As an independent philosopher, whose views were in no small measure, also influenced by Schleiermacher, William James, and Rudolph Otto, and to a certain extent by Rosenzweig, Guttmann was unable to agree with the idealism of Hermann Cohen, for whom religious truth did not go beyond the realm of "pure reason." Guttmann's theology saw in religion, not only an element derived from ethics, but also an autonomous element which was transrational, going beyond the limited realm of philosophy. However, we must stress that an interesting development took place in Guttmann's thought on this topic between the writing of *Die Philosophie des Judentums* and the ideological formulations expressed in his lectures on the philosophy of religion. During the first stage, following Kant and Schleiermacher, Guttmann still seems to have adhered to the view that it was possible to develop a "religious philosophy" which could interpret the "religious consciousness" in relation to its divine subject through the methodological tools of philosophy. It is in this context that one ought to understand his remarks in an extremely interesting scholarly-philosophical essay entitled "Religion und Wissenschaft im mittelalterlichen und im modernen Denken" (Religion and Science in Medieval and Modern Thought), published in 1922, long before *Die Philosophie des Judentums*.[19] This essay became a focus for Strauss's critical comments.

We see, therefore, that a certain conflict took shape during the period in which Guttmann was formulating his outlook as a scholar and philosopher of religion: careful study of his first scholarly book reveals that this conflict had not yet been resolved and that it was expressed in an ambivalent message. The name of the book, *Philosophie des Judentums*, in itself indicates both a unified conception of "Judaism" as well as the existence of a philosophy which understands and develops this unified conception of Judaism, a philosophy "indigenous" to Judaism as a defined idea. This attitude reflects the spirit of the Jewish idealistic philosophy of religion of the nineteenth century

[19] "Religion und Wissenschaft im mittelalterlichen und im modernen Denken," *Festschrift zum 50 jährigen Bestehen der Hochschule für die Wissenschaft des Judentums in Berlin* (Berlin, 1922) 147–216; rpt. in *Selected Writings of Julius Guttmann*, ed. Steven T. Katz (New York, 1980); Hebrew: in *Dat u-Madda'* 1–65.

and of Hermann Cohen. Yet when one studies Guttmann's introduction, one gains the impression that he is not entirely happy with the signification of the title which he had given the book. As a historian, he states:

> The Jewish people did not begin to philosophize because of an irresistible urge to do so. They received philosophy from outside sources, and the history of Jewish philosophy is a history of the successive absorptions of foreign ideas which were then transformed and adapted according to specific Jewish points of view.[20]

It should be noted, however, that Guttmann, in the spirit of idealism and the spirit of Cohen, does speak of Jewish philosophy as a creation of the Jewish people, and following the same line of thought, he softens the severe, almost caustic opening sentence by noting that the Jewish people gave something of its own spirit to the philosophy which it created. Nevertheless, the opening sentence is unambiguous: the Judaism of the prophets and the Judaism of the sages is not only nonphilosophical, it does not even constitute a source for the development of philosophy. Had Judaism remained within its own cultural milieu without encountering external challenges, it would have never developed a philosophy from within itself. Indeed, further on Guttmann states explicitly that it was only external encounters with the Greek philosophical tradition that caused Jews to encounter the world of philosophy. The result of this encounter was far from being a true synthesis, for the philosophy created by these Jews remained Greek and foreign, "thoroughly imbued with the Greek spirit."[21] Only with regard to one central area, that of metaphysics, was there some contact between philosophy and religion, and with respect to this area an original philosophic creation was both sought and produced.

In spite of these strictures, one cannot deny or ignore the close relationship to Cohen displayed by Guttmann in the body of the book. This is particularly striking in the first section of the book, devoted to "Fundamentals and First Influences," and especially so in the first and third chapters, devoted respectively to "The Basic Ideas of Biblical Religion" and "The Religious Ideas of Talmudic Judaism." We will first of all stress the position of these two chapters at the beginning of Guttmann's book, which, reminiscent of Cohen, is "historical" not only in the chronological sense, but "historical"

[20] Guttmann, *Die Philosophie* 9 (English: 3, Hebrew: 9).
[21] Guttmann, *Die Philosophie* 9 (English: 3, Hebrew: 9).

also in the systematic sense. In these two chapters, and particularly in that on "Biblical Religion" Guttmann presents the original contents of Judaism, unencumbered by the philosophic speculations. The Bible is thus the first (both in chronological and systematic sense) autonomous and original embodiment of the unique idea of Judaism, and is the supreme reflection of the spirit of the people. In his remarks on "Biblical Religion" and on "The Religious Ideas of Talmudic Judaism," Guttmann stresses the fact that, both in biblical monotheism and also in the monotheism of the rabbis, "the decisive feature of monotheism is that it is not grounded in an abstract idea of God, but in an intensely powerful divine will which rules history."[22] He goes on to say that

> Jewish thought is not oriented towards metaphysical questions. The sloughing off of mythological cosmogonies eliminated all potential starting points for the growth of metaphysics. The notion of a Creator provides no occasion for a theoretical interpretation of the world. This may well be part of the answer to the question: Why did Judaism not develop its own philosophic system?[23]

Whatever the differences, Guttmann's phenomenological description in these two chapters is almost identical with that of Cohen in *Die Religion der Vernunft*. In this connection it should be stressed that Cohen also noted that in biblical and rabbinic Judaism there is a certain resistance to the speculative-metaphysical approach of philosophy, whose earliest source is, not by accident, pagan.[24] In any event, Guttmann is in complete agreement with Cohen's understanding of biblical religion when he holds that "the God of the prophets is exemplified by his moral will; he is demanding, commanding, promising and threatening,"[25] In Jewish monotheism it is not God's metaphysical unity that is important, but His unity as a supernatural ethical will; God is a unity distinct from nature and one with which man cannot be conjoined, yet He is also the Creator who has a relation to nature and man, and who is close to them by His presence, guidance, and commandments; God is a personal God who places before Himself man, who was created in His image and likeness, as a person of independent value. Guttmann also agrees with Cohen in affirming: Judaism's opposition to pantheism, with all its

[22] Guttmann, *Die Philosophie* 13 (English: 5, Hebrew: 13).
[23] Guttmann, *Die Philosophie* 23–24 (English: 15, Hebrew: 21).
[24] Cohen, *Die Religion der Vernunft*, Introduction, A.8.
[25] Guttmann, *Die Philosophie* 12 (English: 5, Hebrew: 13).

mythological, magical, and mystical implications; the historical-messianic character of the Jewish religion; and the ethical nature of the relation between God and man.

Not surprisingly, when Guttmann wishes to develop the consequences of the ideas of the prophets on theodicy, he also states that

> The premise underlying such thought is the notion that God's moral will is accessible to human comprehension. The theoretical question, whether ethics as such was independent of God or dependent upon him, was completely beyond the intellectual horizon of the prophets. They were all the more conscious of the inner evidence of the moral claim as something proceeding from God. Every man apprehends intuitively what is good or evil. The intelligibility of moral obligation implied the rationality of the divine will. . . . At the same time there existed also the opposite recognition that God was incomprehensible, and that his ways were higher than the ways of man, even as the heavens were higher than the earth. All this, however, did not detract from the belief in the moral reasonableness of the divine will. . . . The problem of theodicy is not settled for Job by saying that God is above all ethical criteria, but rather by the recognition of God's utter incomprehensibility paradoxically becoming a ground for trust in the meaningfulness of his providence, a providence of love and justice which is no less meaningful for remaining impenetrable to human understanding. Thus, even where biblical religion seems to verge most on an irrational conception of the divine will, it never relinquishes the basic conviction of an essential meaningfulness. Even the intelligibility of the divine will is merely limited, not nullified, by our deficient human understanding.[26]

According to Guttmann's ethical interpretation, the religion of Israel as the way of life of the individual and the people before God is fundamentally rational.

Guttmann's proximity to Cohen also emerges when we examine his approach to "Jewish Religious Philosophy in the Middle Ages," in the second and major part of the book. In the introduction to the second part, we again find the claim that Jewish philosophy arose within the sphere of influence of Islamic culture, that is, as the result of the meeting of Judaism with an external philosophy. But even at the outset, Guttmann points out the unique character of this meeting, which demanded internalization and synthesis. He says of philosophic knowledge that it was "not only the highest form of

[26] Guttmann, *Die Philosophie* 24–25 (English: 16–17, Hebrew: 22).

knowledge to which the secular sciences were subordinate, but as the highest form of religious knowledge it was also superior to the study of religious law."[27] Moreover, the confrontation with Islam and Christianity was one which took place before the rational-universal judgment seat of philosophy. Therefore, Guttmann directs his detailed analysis of the historical background toward the conclusion that the Jewish sages of the Middle Ages internalized philosophy, and that Jewish philosophy took shape as the satisfaction of an autonomous religious need. However, Jewish philosophy did not innovate much in the broad domain of philosophy, but with respect to most philosophic disciplines remained attached to the classical Greek schools. But he adds:

> It was in the philosophic explanation of religion that medieval philosophy was at its most original. Dependent in many respects upon ancient traditions, and productive only in so far as it reworked and continued traditional speculations, it found here a new sphere of problems for investigation. Its recasting of traditional metaphysical ideas was due to the necessity of adapting traditional metaphysics to the personalistic religion of the Bible.[28]

It follows from all this, despite the fact that we are speaking about an external pressure, that there came into being in the Middle Ages a religious-philosophical creation which, by virtue of its being a true original synthesis, was deserving of being called "a philosophy of Judaism." Upon examination, one finds that this phrase is indeed the key to understanding Guttmann's presentation of the opinions of the great Jewish philosophers of the Middle Ages. In practice, Guttmann's scholarly tendency is expressed in uncovering the indigenously Jewish elements of that religious philosophy, whose elements are stressed in the opening chapters of the book, dealing with the biblical and rabbinic foundations of Judaism. If this is true in his analyses of all of the major medieval religious philosophers, it is even more so in his analysis of the philosophy of religion of Maimonides. He writes: "Maimonides endeavored to effect an inner reconciliation between the spiritual worlds whose opposition had been blurred and obscured by Ibn Daud. The wide sweep and penetrating power of his philosophical thinking were bent to this task of planting Aristotelianism in the soil of Judaism"—and not by obscuring the

[27] Guttmann, *Die Philosophie* 55 (English: 47, Hebrew: 49).
[28] Guttmann, *Die Philosophie* 63–64 (English: 56, Hebrew: 57).

substantive differences between philosophy and revealed religion. To the contrary, it was specifically in this that Guttmann found the great philosophical originality of Maimonides, who "threw the opposition between Aristotelianism and biblical revelation into bold relief in order to overcome it by a genuine synthesis."[29] Further on, he again stresses that "The greatness of Maimonides does not lie in his introduction of completely new motives into philosophical speculation . . . there is also such a thing as originality of creative synthesis, and Maimonides had this to a very high degree."[30]

The relatively long chapter that Guttmann devotes to Maimonides' teaching is intended to establish this claim in detail. He sets out to show that Maimonides faithfully presented the divinely willed ethical personalism of the teaching of the prophets, the idea of the absolute unity of God, who relates to the world as Creator, guide, and lawgiver, and the ethical-religious values of the halakhah, all in philosophical language—at the same time accepting the scientific and logical elements of Aristotelian philosophy unqualifiedly and with absolute consistency. In this way, Maimonides succeeded, on the one hand, in providing biblical and rabbinic Judaism with a scientific-philosophic basis which strongly brings out the rational elements within the Torah and, on the other hand, in bringing about a "profound change" in the religious content of the Torah by impregnating it with rationalist "philosophical spirituality."[31] It would seem that, from Maimonides on, we have, according to Guttmann, a "philosophy of Judaism" in the same synthetic sense as proposed by Hermann Cohen.

It is clear that the conclusive and explicit confirmation of Guttmann's relationship to Cohen must be sought in his direct references to him: that is, in the chapter of Guttmann's book devoted to Cohen's thought. But in order to fully understand the philosophic context of Strauss's critique, we must first say something about the programmatic conclusions of "Religion und Wissenschaft im mittelalterlichen und modernen Denken," the lenghty essay which preceded *Die Philosophie des Judentums*. While Hermann Cohen is not directly mentioned in the essay, his influence is clearly felt. Holding that Schleiermacher did not arrive at a valid philosophy of religion, because of certain methodological difficulties in his thought, Guttmann advocates that these difficulties can be overcome by turning to certain conclusions derived from Kant's epistemology. Guttmann writes:

[29] Guttmann, *Die Philosophie* 174 (English: 152, Hebrew: 142).
[30] Guttmann, *Die Philosophie* 174–75 (English: 152–53, Hebrew: 143).
[31] Guttmann, *Die Philosophie* 205 (English: 182, Hebrew: 168–69).

> The question of the relation of religious truth and speculative truth maintains its concrete importance even today. However, this old problem appears today in a new form. First, because a new concept of religion lies at the basis of the formulation of the question. The philosophical analysis of religion goes deeper than the principles of religion and the descriptions of its beliefs, to the religious motifs and contents which lie at the basis of the latter. This analysis is thereby able to bring out, with a completely new exactness, the central points in which religion touches the domain of speculative consciousness. But in addition, religion now confronts a completely different philosophical realm; while in the past metaphysics was the fundamental philosophic discipline by which religion was measured, that role is fulfilled today by epistemology. It determines the concepts both of religious and of reflective consciousness, thereby laying the foundation upon which one must build any substantive debate. Not even the metaphysical tendency within contemporary philosophy can avoid basing itself upon epistemology, if it does not wish to be considered a withdrawal to a level of thought which it has already overcome. The general theory of truth, whose broadest development is the primary task of today's philosophy, is also the domain which determines the place of religion within overall consciousness. The future of philosophy of religion is necessarily linked with the fundamental understanding of truth, and it is entirely dependent upon the posing of the problem of philosophical truth in general and its solution. The question of the relation of religious truth and scientific truth must necessarily accompany philosophy through all the stages of its development. Like all the central problems of philosophy, this question is simultaneously constant, and constantly developing in depth and clarity, becoming ever deeper and clearer.[32]

This optimistic conclusion concerning the future development of the philosophy of religion on a Kantian basis is of great significance to our question, for two reasons. First, on the basis of the continuity surveyed throughout his article, Guttmann assumes that the task imposed upon the philosophy of religion throughout the generations has always been the same. We find a development, which presents the same problem over and over in order to propose progressively profounder solutions on the basis of constant progress in scientific and philosophic thought, in such a way that there is a continuity and even unity between medieval philosophy of religion (including Maimonides) and contemporary philosophy of religion with respect to the definition of the problem and of the philosophical task. From this point of view, one can say that general philosophy of religion and modern Jewish philo-

[32] Guttmann, "Religion und Wissenschaft" 216 (Hebrew: 65).

sophy, in particular, are based upon the accumulated accomplishments of ancient and medieval philosophy of religion and of that of the period of the Enlightenment, and that they learn from all of these. There is, of course, also a profound difference between them, because philosophic speculation becomes progressively more profound, and therefore the solutions change and advance; from this point of view, the earlier solutions can no longer be relevant to a modern philosophy of religion. Secondly, in the formulation of the challenge in the modern period, the programmatic approach of Guttmann is virtually identical with that of Cohen, even though it is also already clear that Guttmann cannot be totally satisfied with Cohen's solution, and is not able to accept Cohen's reliance upon Maimonides as such. Guttmann attempted to develop Cohen's impressive accomplishments beyond the limits of Neo-Kantian idealism, in order to arrive at a philosophy by means of which he will be able to attain an existential-personalistic understanding of God.

This contention is indeed confirmed by his explicit comments in the chapter on Hermann Cohen in *Die Philosophie des Judentums*. Guttmann first describes the central importance of Cohen's philosophical endeavor as one whose "great achievement . . . will remain in the center of Jewish religious philosophy, despite many adverse criticisms."[33] He surveys Cohen's work while identifying with Cohen's phenomenological description of the religious essence of Judaism, and confirms Cohen's basic direction to discover, on the basis of Kant's epistemology, the unique essence of the religious consciousness and its unique contents. Guttmann's one critical reservation, albeit of serious weight, is Cohen's lack of success in overcoming the limitation of his idealist method. He writes: "Even in this, the final reach of Cohen's thought, God remains an idea."[34] Therefore: "His book is full of the spirit of living religion, and he bends all of his conceptual, form-giving power to the task of integrating religion within the circle of his concepts; but in his most characteristic formulations he is still bound to this limitation. In his wonderfully religious structure, there remains an unbridgeable gap between the content of religion and the philosophic creation of concepts."[35] It would

[33] Guttmann, *Philosophies* 367 (Hebrew: 329). This evaluation of Cohen appears at the beginning of the chapter on Franz Rosenzweig. This chapter does not appear in the German original; it was written for the Hebrew version and also appears in the English version.

[34] Guttmann, *Die Philosophie* 361 (English: 366, Hebrew: 328).

[35] Guttmann *Die Philosophie* 361–62 (English: 328–29, Hebrew: 328–29).

appear that Guttmann explicitly identified with the understanding of the religious content of Judaism in Cohen's teaching, and with the challenge of developing a philosophy of religion which matches this content, as a continuation of his enterprise of Jewish religious philosophy, and as the full contemporary realization thereof. This was intended to lay the basis for his own work, both as a scholar and as a philosopher of religion in his own right.

III

It is no accident that Guttmann's personal philosophic-religious position, which he openly articulated, was presented in the course of a historical lecture on the development of the problem, and finally in its summation. Not by accident, because this fact is one of the striking characteristics of that same position, and possibly even the key to understanding it. Guttmann saw himself as participating in a religious and philosophical tradition which already had a tradition of ongoing interrelationship, developed and still developing from one generation to another. He defines his own relationship to the problem as a task anchored in the same development, that is to say, in accumulated accomplishments which nourished one another, and in limitations or difficulties which were discovered and which by right ought to be overcome at the next stage. While Guttmann's statements do not support the optimistic nineteenth-century view that the history of human culture as a whole is marked by progress toward a goal, they provide support for an optimistic outlook concerning scientific and philosophic progress, including development toward perfection in the philosophy of religion.

This may be the correct point of departure for understanding the empathetic criticism directed against Guttmann by Leo Strauss, from a position of both distance and closeness. Strauss's position may already be seen in the methodology and structure of his presentation. Strauss begins his book with an introduction in which he defines his personal philosophic-religious viewpoint in the context of a severe critique of contemporary philosophy of religion.[36] On the basis of this critique, he turns to an analysis of the historical perspective of Guttmann's approach,[37] and only in the third chapter does he turn to his own historical presentation of medieval Muslim and Jewish philo-

[36] Strauss, *Philosophie und Gesetz* 9–29 (English: 3–20).

[37] Strauss, *Philosophie und Gesetz* 30–67 (English: 21–58).

sophy.[38] It is not surprising that Strauss arrives at conclusions rather different from those of Guttmann.

Strauss's critique of contemporary philosophy of religion reconstructs the full background of the debate from the point of view of a religious approach totally different from the philosophic tradition within which Guttmann found himself. Strauss holds that Hermann Cohen was more correct than he realized when he stated that Maimonides is the classical rationalist in Judaism. It is precisely through comparison with the rationalism of Maimonides that the great failure of rationalism in contemporary philosophy of religion becomes clear. How can this failure be recognized? The answer to this question is in the tendency to harmonize religion with rationalistic philosophy (in its idealist form) by means of "internalization," or by "removing" to the realm of reason the contents of religion which were initially understood as "external" revelations originating in a divine source. Strauss's radical claim is that harmonization via "internalization" is nothing but a concealed abrogation of those contents, which thereby lose their reality—that is, their authentic religious meaning—and become transforrmed into human "ideas" lacking in vitality.

Strauss's firm and unequivocal judgment applies equally well to those philosophers of religion who represented the process of "return" to tradition at the beginning of the twentieth century: Herman Cohen in the work of his old age; Franz Rosenzweig; and, though he was critical of Cohen, possibly Julius Guttmann as well. Despite their impressive empathy and understanding for the "sources of Judaism" and the authentic religious contents of these sources, they failed because their philosophical attitude toward these sources was not essentially different from that of nineteenth-century idealism. Julius Guttmann had already rightly stated that Hermann Cohen, despite his empathy for the faith of the prophets, never even attempted to overcome the limits implied by his understanding of God as an idea of reason, and not as a concrete reality outside of the "religious consciousness." Together with this went Cohen's understanding of revelation as a rational insight, creation as man's self-understanding within the world, providence as an act of man's ethical will, and similar explanations of the concepts of religion. Despite the attempts of these philosophers to overcome the overly simplified and naive

[38] Strauss, *Philosophie und Gesetz* 68–86 (English: 59–78), "Die gesetzliche Begründung der Philosophie"; 87–122 (English: 79–110), "Die philosophische Begründung des Gesetzes."

critique of religion prevalent during the Enlightenment, according to Strauss they remained, unknown even to themselves, its disciples and the continuers of the same critique, and their sophistication was a means of self-concealment. It is clear that Strauss respects the rationalism of such philosophers as Spinoza and Voltaire in regard to religion, since it is open and consequent. They reached decisions that were legitimate from a philosophic perspective, even if, in Strauss's view, they are very far from the intellectual victory which they and their students, open and concealed, claimed for themselves in their battle against authentic religion.

On this point, Strauss's positive claim is formulated in a direct and unequivocal manner. In his opinion, it is impossible to refute authentic religious faith, that is, orthodoxy, through rational means. No rational argumentation against the personalist conception of God as a concrete reality, or against the conceptions of creation, revelation, providence, and miracle, can be effective when the believer adheres to the view that God is omnipotent. The belief in an omnipotent God is subject to neither proof nor refutation by any rational means; it is ultimately a decision beyond philosophy.

How then did there arise the impression that the ideas of the Enlightenment had "defeated" orthodox religion? Strauss's answer is simple: the impressive success of rationalism in the natural sciences and in the shaping of modern civilization. While orthodox religion was able to successfully protect itself against direct attacks upon the belief in a Creator God, in miracles, and in revealed Torah, it was unable to apply its beliefs and opinions—and therefore its way of life (i.e., halakhah)—to those broad realms of science and culture which had developed on the basis of a world-view which was antagonistic to religious faith. Orthodoxy therefore remained isolated from science, from civilization, and from culture, so that it appeared that the success of the Enlightenment in creating a complete and all-encompassing scientific-philosophic approach to life without needing religion and its contents was tantamount to a full victory of rationalism over religion. However, in this context the crisis of rationalism in the Enlightenment period becomes clear: it did not succeed in its goal over and beyond the realm of the natural sciences. It remained deficient in terms of man's understanding of himself as part of nature, and in terms of guiding man in the moral and political realms. Thus, over and above the rationalistic rejection of religion as a factor disturbing man's happiness and success (during the period of the Enlightement), there arose a rationalistic rejection of religion based upon the recognition of its enormous power as a solution to man's existential problems in the world on the basis of faith. In other words: a rejection which dares man to bear

truth, rather than attain a happiness whose source is in religious illusions. It appears that, according to Strauss, the attempts to approach religion without cutting oneself off from rationalism, and to arrive at a solution on the basis of harmonization, ought to be understood in terms of such a background, even though it is clear that in his opinion such a harmony was imaginary.

In contrast with Guttmann, who in his first two works offered an optimistic view of the progress toward a solution of the problem of the relationship between philosophic rationalism and religion, Strauss has a pessimistic view. He is pessimistic about progress in terms of philosophic sophistication, and he sees a decline in the real influence of authentic religion over human life in modern European civilization, and the weakening of its vital contents—in other words: a deepening of the spiritual, ethical, and political crisis of man (and of the Jewish people) in modern European civilization. If there is indeed a decline, there is no other solution then to return to a point prior to the beginning of this decline. In Strauss's opinion, that point is the same one which, in Guttmann's view, marked the beginning of a fuller and more correct solution of the problem of the relationship between philosophy and religion, namely, the Renaissance. To go back to a time before the Renaissance means to return to medieval philosophy. This philosophy justified the existence of both frameworks—the scientific-philosophic on the one hand, and the religious-political on the other—without harm being done to the authentic vitality of religion by scientific thought. According to Strauss, Maimonides' philosophy of religion is then, not only a stage within an ongoing process of progress toward the solution of the problem of the relation of religion and philosophy, but in itself contains the key to the correct solution. Nevertheless, it is clear that this solution needs to be formulated anew beyond the mistaken rationalism of our own day and beyond the orthodoxy which withdraws behind its own boundaries. The slogan in any event is: return to Maimonides.

Let us now turn to Strauss's critique of Guttmann's book, noting first its composite nature. Strauss went out of his way to express, not only his respect for Guttmann's extraordinary erudition and learning, but also the closeness he felt toward Guttmann on questions of the relationship between philosophy and religion in Judaism. In several respects, it appears that Strauss wished to build upon the scientific and philosophic work of Guttmann, both as a positive source and as a foil for his polemic. For this reason, it sometimes seems to the superficial reader, at least until the middle of the first chapter of *Philosophie und Gesetz*, that Strauss's intention is only to find support for his own views in Guttmann's exposition. Thus, he demonstrates that Guttmann himself criticizes the post-Kantian philosophy of religion as sapping religion of its vitality, a vitality rooted in the faith in a real personal God, in revealed law, and in providence, which disclose the direct intervention of the living God in historical events. He further shows that Guttmann devoted nearly all of his book to medieval Jewish philosophy, indicating thereby that, in retrospect, Guttmann saw its superiority to contemporary Jewish philosophy and understood the important lessons for our own time that can still be derived from it. It is only later on that it becomes clear that, despite Strauss's closeness, there is substantial disagreement between Guttmann and him.

The difference between them is reflected first of all in method. As has been noted, Guttmann refrained from placing his personal views at the beginning of his first major article or at the beginning of his book. He presented himself as a scholar and historian, whose own opinion only becomes clear through the critical perspective which takes him from the past to the present. It is therefore only when Guttmann comes to describe the present situation and the challenges of the future that the reader finds his views explicitly stated. One need not add that, for Guttmann, this is a programmatic position, based upon the assumption that the history of philosophy, in its relation to religion, embodies a developmental methodology in such a way that we find before us a continuous progress toward a complete solution of the problem of the relation of religion and philosophy. Thus, at least from a methodological point of view, Guttmann based his outlook on the accummulated positive achievements of all his predecessors, in order to advance one step further in the realization of the common historical challenge. Against this background, the opening comment of Strauss's critical chapter, which is, on the face of it, an entirely "innocent" programmatic declaration, would seem to constitute the beginning of a critique: "There is no investigation into the history of philosophy that is not at the same time a *philosophical* investigation."[39] The definition proposed by Strauss immediately thereafter, concerning Guttmann's outlook on the relation between religion and philosophy, is a kind of critical demand in which is concealed a certain controversy. From a methodological viewpoint, Strauss thought, Guttmann ought to have proceeded as he (Strauss) did, and not have concealed his views behind a facade of historical research. Guttmann would have, perhaps, arrived at a more correct historical evaluation. In any event, Strauss does not accept the optimistic assumption of a continuous progress of philosophy of religion toward its goal.

[39] Strauss, *Philosophie und Gesetz* 30 (English: 23).

Strauss held that the new philosophy of religion had failed, and that the "original sin" which was the source of its failure was its turning away from the central accomplishment of medieval philosophy of religion. Guttmann may himself have intuitively felt this when he devoted so much space to the Middle Ages and so little to the modern period. And yet it is impossible not to see, in the basic philosophical-historical assumptions adopted by Guttmann, the same view that was typical of Kantian and post-Kantian idealism, which was rooted in the same "original sin."

It follows that, in terms of his "strategy of the debate," Strauss not only sought to base his opinions on Guttmann's findings, but also to challenge Guttmann's views on the basis of these findings. Parallel to the opinion expressed in the introduction to his *Philosophie und Gesetz*, Strauss undertakes to show, on the basis of Guttmann's own findings as a philosopher and historian, that the proper solution of the problem of the relation between philosophy (and science) and religion cannot be achieved by following the failing path of the "moderns," but that one must return to the classical rationalist philosophy of the Middle Ages. At the same time Strauss is critical of Guttmann for erroneously understanding medieval Jewish philosophy in its relation to religion.

In what, then, consisted the superiority of medieval Muslim and Jewish rationalist philosophy, according to Strauss and in opposition to Guttmann? The following is a concise summary of Strauss's lengthy presentation:

1. Medieval philosophers accepted revelation as a factual event, established by reliable testimony, and not as a "condition of human consciousness." According to Strauss, this acceptance embodied the fundamental honesty of the medieval philosophers. Their concept of religion is suitable to the manner in which religion presents itself, even if they were thereafter drawn to interpretations which went far afield from the literal meaning of Scripture. By contrast, the modern philosophers, even if they enjoy many advantages in their phenomenological description of the sources of religion and their penetration to the depths of the literal meaning of the biblical sources, do not accept religion as it presents itself. They draw their picture well, but they afterwards tell us that religion is no more than a pretty picture.

2. Medieval philosophers did not assume, nor did they seek, a correspondence between the truth of revelation and the truth of philosophy. According to Strauss, they recognized that through revelation one attains something which in principle cannot be attained in any other way. This is not how Guttmann interpreted the philosophic position of the medieval period. In his opinion, most of the medieval philosophers, from Saadiah Gaon onwards,

posited an essential identity between philosophical truth and revealed truth. The difference between a philosophic statement and a revelatory statement is "methodological," and is justified by functional considerations. Strauss thought that this was an incorrect interpretation: the assumption of identity makes revelation entirely superfluous for the philosophers, something which was never claimed by the medieval rationalist philosophers. On the contrary, they saw religion as providing a vital and necessary truth for man's happiness and the fulfillment of his destiny.

3. According to Guttmann, the problem of the medieval philosophers is fundamentally an exegetical one: how to bridge the gaps between the literal meaning of prophetic sayings and philosophical truth. According to Strauss, the problem is concentrated on a different area and formulated in a completely different manner: since revelation is indicative of truths which are beyond philosophy (even if not opposed to it), there are two questions which must be asked. One is asked from the vantage point of religion: does it permit, require, or prohibit philosophical speculation? The other is asked by philosophy: does it confirm the legislative authority of religion, on the basis of its own assumptions and considerations? These are essentially two sides of the same problem, namely, the authority and content of religious law. The title of Strauss's book, *Philosophie und Gesetz*, which summarizes the essence of his message, clearly follows from this.

4. According to Strauss, the medieval rationalist philosophers reached a satisfactory solution. They were able to prove that religion commands us to examine the truth within the limits of our intellectual understanding, and they were likewise able to prove the validity of religious law, as anchored in revelation. In this way, the truths of religion and of philosophy were found to be both consistent and complementary, without one trespassing upon the domain of the other. Against this, Guttmann found that the medieval philosophers, who in his opinion sought an identity between the two truths, were unsuccessful in their attempts to bridge the gaps and overcome contradictions. For this reason, the more moderate among them arrived at a kind of uneasy synthesis, while the more extreme arrived at the Averroistic solution, namely, the theory of the "double truth." In his *Philosophie und Gesetz*, Strauss vehemently rejected the thesis that the theory of the double truth was an inevitable conclusion of the axioms of rigorous rationalistic philosophy with regard to religion. It only follows necessarily for those who assume that man possesses only philosophical truths and deny the factual nature of revelation.

5. Strauss nevertheless acknowledged that his interpretation of the solu-

tion of the medieval rationalists raises a perplexing question: how did they succeed in assuming the validity of revelation and of the laws of religion rooted in it, as a topic which lies at least at the margins of the philosophic discussion, if not in its center, and yet avoid a confrontation between the truth taught by the fundamental disciplines of philosophy (physics and metaphysics) and the truth taught by revelation (knowledge of God and the relation between God, man and the world)? The very asking of the question in this manner indicates that Strauss did not deny the existing basis for the interpretation proposed by Guttmann, who in fact, posed this question as a crucial one in the medieval philosophy of religion. Strauss at least admits that there was reason to expect that the rationalist philosophers would see it as their obligation, both as philosophers and as men of faith, to test one truth against another. But his answer closes the breach with a wall of arguments. In his opinion, the philosophers were satisfied to pose the question of the validity of revelation as an issue in political theory, and their discussion centered around the phenomenon of prophecy and the personality and mission of the prophet. The problem was resolved for them by the theory that in his personality the prophet unites philosophy and religion in order to fulfill his political and educational task. From a philosophical perspective, it was sufficient for Strauss to overcome this problem by presenting a philosophic proof of the limited nature of human intellect, and to demonstrate that revelation pertains to a truth which is, in principle, beyond the limits of the ability of human intellect.

Is this indeed so? Strauss himself would seem to have changed his mind regarding this question. In the first stage of the debate, he was to summarize his argument by saying that we have before us the correct (and only) model which allows philosophers to be completely consistent within the realm of scientific and philosopic speculation, and at the same time to be believers, worshippers of God and observers of His commandments.

Just as Strauss based his position upon the findings of Guttmann, Guttmann was influenced by Strauss's conclusions in the area of medieval Muslim and Jewish philosophy as basis his own (later) positions. This becomes clear in analyzing the contents of the last two chapters of *Philosophie und Gesetz*: the third deals with philosophy from the viewpoint of religious law, while the fourth deals with religious law from the viewpoint of philosophy. It can easily be argued that, together with accepting revelation and its authority as an established fact, the statement that religious law requires philosophical speculation was one based upon philosophic consideration, which the philosophers, and they alone, assume to be essential to religion itself; it was not necessarily a halakhic-Torah statement in the normative religious sense as accepted among religious sages in the Jewish-Talmudic tradition, that is, a legal decision based upon considerations of the authority of the Torah and the tradition. "Philosophy" (thus Strauss summarizes the opinion of Averroes, which afterwards he also attributes to Maimonides) "stands *under the law*, but in such a way that it is *commanded* by the Law. And indeed, it is not commanded as one among many human activities; rather its characteristic purpose is identical with the purpose of the Law."[40]

It can easily be seen that this philosophic assumption, that philosophy "penetrates" religion, is the basis for the way in which the philosophers (and they alone) interpret what is written in the Bible, including the view, just mentioned, that religious law requires philosophic speculation. From this opinion it also follows that: one ought to learn the general principles of philosophic speculation from every person and every source, whatever his religion; wherever the literal meaning of the words of Torah are contradicted by philosophic truth, we are required to understand them in a non-literal way, and to interpret them on the basis of philosophic truth; that the law does not restrict philosophic speculation in those areas which are defined by philosophy itself; and finally, the philosophic understanding of the purpose of religion must remain esoteric, because teaching it to someone who is not fit for philosophic understanding involves great danger either to religion or to the freedom of philosophic inquiry.[41]

We must therefore ask the simple question: is it possible to make all of these statements without assuming that, from a philosophical viewpoint—which is the philosopher's point of departure even when they, so-to-speak, discuss religion from within—there is an identity between philosophic truth and religious truth, not only in the realms of ethics and politics, but first and foremost in physics and mataphysics, which were the central fields of interest of ancient philosophy? True, Strauss convincingly argues that medieval philosophy, which recognizes the limits of the capability of the human intellect in relation to the Divine Intellect, was able to recognize that the prophets through revelation and only through it, acquire metaphysical truths in the realm of religion which are beyond the grasp of philosophy. But if what is

[40] Strauss, *Philosophie und Gesetz* 70 (English: 63).
[41] Strauss, *Philosophie und Gesetz* 71–75 (English: 63–68).

said above is the fundamental axiom, then it is clear that even these prophetic truths are a continuation of philosophy, so that it is impossible for prophetic truths to contradict those of philosophy. Concerning the truths of philosophy, one must say that they are completely identical with religious truth, even if they do not exhaust it completely. In any event apprehension of philosophic truth is included in the supreme goal which believers are commanded to attain, including the prophets.

The same conclusion follows from the discussion in the fourth chapter of *Philosophie und Gesetz*, focused upon Maimonides' doctrine of prophecy as confirming the validity of religious law from a philosophic point of view. The assumption that philosophy is able to explain the phenomenon of prophecy by means of its own tools, and that the prophets were perfect philosophers whose intellectual and other perfections made them fit for divine revelation, as well as the related argument that the philosophic explanation of prophecy and its functions confirms the validity of religion from a philosophic point of view, is no more than an application of what was said in the third chapter of Strauss's book. This being so, it can be asked: is it possible to argue as Strauss does, that medieval philosophy did not place the question of the relation between philosophic truth and revealed religious truth in the center of its interests, and that the gap between religious and philosophic truth, particularly in physics and metaphysics, was not in fact the central challenge of religious philosophy in the Middle Ages? On the contrary: it is precisely on the basis of Strauss's argument that one sees that the creation of a synthesis between religious truth and philosophic truth was the main task, the main problem, and the main difficulty of philosophic rationalism of the Middle Ages, as Guttmann indeed argues. The essential inability to overcome these gaps by means of the philosophic tools of the Middle Ages was, in effect, the source of the difficulties and internal contradictions in the various philosophical doctrines which sought a positive solution, as well as the source of the esoteric tendency and even Averroism on the part of extreme rationalists.

It would seem that Strauss, in order to defend his basic claim that the question of the relation of religion and philosophy in the medieval discussion was focused upon the problem of the relation of philosophy to religious law anchored in revelation, which was accepted as a given fact, needed to move beyond the arguments contained in his first book. This brought about a dramatic turn in his views. He needed to confirm the statement that the discussion of philosophy, even from the vantage point of religion, was really done from the viewpoint of philosophy—including the recognition of the factual certainty of revelation, and of a truth beyond the limits of human perception known by means of revelation. If knowledge of God is the most exalted goal concerning which we are commanded by revelation, it can only be attained by means of what we know as philosophers, and what we can receive from revelation as philosophers. It is not within our power (and therefore we have no need to) resolve contradictions between philosophic truth in realms of physics and metaphysics and the literal meaning of revelation, as the truth is, in any event, what we know with certainty from philosophy. Therefore, if in the final analysis we accept the factual reality of revelation, and its trans-philosophic implications, we do so because we have a decisive philosophic reason, even though one derived, not from the central realm of philosophic inquiry, but from the secondary area: the theory of politics and society, in which the absolute authority of law is in the center.

In sum: philosophic-political considerations require us to accept the authority of religious law and to subscribe to the assumption that philosophy is under law and commanded by it, even if what the law argues on behalf of the absolute observance of its authority—at least in terms of its literal understanding intended for the masses of people—contradicts the conclusions necessarily derived from the reflections of the philosophers in their main subjects. We may then assume as philosophers that the prophets, who were the supreme authorities of the religion of revelation, and who were also philosophers, understood equally well this contradiction and accepted it, and that they were not called upon as philosophers to "harmonize" these truths or to create a "synthesis" between them. They were called upon to justify the contradiction and to defend it under a veil of esotericism, which conceals the philosophic truth from the masses and only reveals it to those individuals for whom it is intended. It is only under the veil of esotericism that rationalist philosophy can protect its position as the true inner foundation of religion, in the sense of absolute law, and at the same time to demonstrate that it is itself subordinate to that same law. As is well known, this was the decisive step taken by Strauss in his exegesis of medieval philosophy, and in particular that of Maimonides, in the articles assembled in his *Persecution and the Art of Writing*.[42]

Did this approach allow Strauss to present medieval religious philosophy as the model to be followed in the modern period in order to embrace an authentic religiosity alongside a consistent philosophic rationalism? The question is a difficult one to answer, as in his *Persecution and the Art of Writ-*

[42] See above, n. 6.

ing it appears that Strauss himself has accepted a commitment to an esoteric form of expression, a factor which in itself may be interpreted in either direction.[43] But if a scholar is required to express his opinion clearly (as Strauss argues), it seems that it would be very difficult to find a convincing justification for the esoteric method, from the viewpoint of religion as well as that of philosophy.

IV

It would be both interesting and enlightening to know what Guttmann thought of Strauss's critique in his *Philosophie und Gesetz* and how he reacted to it. However, Guttmann's response was only written after the appearance of two further articles expressing a certain development within Strauss's thought,[44] and therefore takes into account not only Strauss's initial claims, but also the development which followed. Most of Guttmann's "Philosophie der Religion oder Philosophie des Gesetzes?" is devoted to a meticulous and precise analysis of Strauss's arguments and their development, in the course of which a more explicit definition of Strauss's opinions is given. While Guttmann meets Strauss's challenge, he accepts his main claim that philological-historical research is grounded in a developed world-view that ought to be articulated at the beginning of the research.

Like Strauss, Guttmann thinks that religion is based upon the recognition

[43] Strauss's identification with the religious and political forms of thought of the Middle Ages, from a point of view which he understood as essentially postmodern, appears as a consistent line in his thought, one which withstood the changes in his interpretation of the religious philosophy of the Middle Ages. While in *Philosophie und Gesetz* his outlook is formulated clearly and explicitly, this is not the case in *Persecution and the Art of Writing*. The change seems to be the result of his deepening identification with the literary (esoteric) form of the sources he analyzed.

[44] Guttmann, at the beginning of "Philosophie der Religion oder Philosophie des Gesetzes?" states that he was aware of the change which had taken place in Strauss's views. Nevertheless, he organized his reply in accordance with the order of *Philosophie und Gesetz*. Guttmann addressed, however, the development which had taken place in Strauss's understanding of esotericism in medieval religious philosophy. Guttmann could have learned about the changes in Strauss's views from "The Literary Character of the *Guide for the Perplexed*," which appeared in *Essays on Maimonides*, ed. Salo W. Baron (New York, 1941) 37–91. This essay became a chapter in *Persecution and the Art of Writing*. See also Guttmann, "Philosophie der Religion," n. 1.

of eternal, absolute truth anchored in revelation, which is absolutely certain to those who receive it, whether themselves or through a living tradition, and as such is not subject to changes in different cultural contexts, nor even to the changing contexts of philosophy, as it presents itself to them without being dependent upon them as its source. It is clear that Guttmann still adheres to his critique of the idealistic philosophy of religion of Hermann Cohen, while agreeing with Strauss that his interest as a scholar of medieval philosophy is not purely scientific-historical, but rooted in the contemporary lessons still to be derived from it.

There is, however, a "but," and this "but" is the watershed dividing them. According to Guttmann, contemporary relevance may be found in the words of Hermann Cohen no less than in those of Maimonides, even though one cannot accept the solution of either the former or the latter as wholly satisfactory. Both philosophers are interesting, but both also have numerous deficiencies. There is contemporary relevance in the history of the philosophy of religion, each chapter of which represents a new contribution against the background of an important cultural development. It constitutes an extremely important framework, not only for religion, which is essentially rooted in tradition, but also for the new philosophic confrontation which became, from a certain cultural-historic stage, an inseparable part of the religious tradition itself. This statement already indicates a certain development in Guttmann's thought; we shall return to this matter further on, because it embodies, in summary fashion, the essence of Guttmann's fully developed and final view of the function of the philosophy of religion. In his opinion, philosophy of religion, upon its emergence, becomes an important component of the religious life, even though it does not, and cannot, exhaust it.

In any event, this is the lesson that Guttmann derived both from the words of Maimonides and from Herman Cohen. In his eyes, the attempt to create a synthesis between revealed truth and rational truth stands at the center of their essential activity as believing philosophers. It is, therefore, clear that Guttmann rejects both Strauss's critique and his interpretation of the religious philosophy of the Middle Ages. At the basis of his statement that religion demands philosophic inquiry lies his effort to discover a synthesis between philosophic truth and the truth of revelation. Whoever reads the *Guide of the Perplexed* and the *Mishneh Torah* and does not assume at the outset that Maimonides is playing a game of intellectual hide-and-seek, must confront the fact that the comparison of religious and philosophic truths is the subject under discussion, not only apparently, but in actuality.

In spite of these differences from Strauss, the problem of esotericism in

medieval religious philosophy, and especially in that of Maimonides, now becomes the key problem in Maimonidean exegesis for Guttmann as well. One might say, on this point, that Guttmann remains quite close to Strauss's view prior to *Persecution and the Art of Writing*. Without ignoring the declared esoteric element in Maimonides, or the internal contradictions within Maimonides' writings which become apparent as a result of close reading, Guttmann adhered to the view that Maimonides was straightforward, and that he stood behind his declared belief in the creation of the universe *ex nihilo*, in the prophecy of Moses, and in the Revelation on Sinai as miracles revealing God in His attribute of absolute will, which is directed toward absolute perfection and goodness. According to Guttmann, it is this divine attribute which, for Maimonides, sustains the unique personalistic element of biblical and rabbinic faith.[45]

Maimonides' esotericism, as it is presented and explained by Maimonides' intellectual elitism, supports these assumptions. In seeking a synthesis between revealed truth and philosophic truth, he knew that its understanding was restricted to philosophers, and their disclosure to the public was liable to confuse those who did not have the proper intellectual and ethical training. As for the contradictions, these are in part only apparent, forcing the reader to engage in profound examination in order to penetrate to the depths of the author's views. In part, however, they emanate from Maimonides' failure to develop the assumptions of revelation, on the one hand, and of reason, on the other, in order to arrive at a synthesis, or at least the maximal proximity to one. It is therefore possible to learn from these contradictions, interpreted as innocent failures, that in light of the philosophic tools available to Maimonides, it was impossible for him to fully carry out the task of philosophy of religion. Perhaps even more: there may be a certain degree of justice in Strauss's argument that it is impossible to fully carry out this task by means of any philosophy, even though the task itself remains a vital one. In any event, according to Guttmann it was Maimonides' great accomplishment that, insofar as was possible with the tools of Aristotelian philosophy mingled with Neoplatonic elements, he indeed created a synthesis between the ethical-religious values and ideals of biblical monotheism and the scientific-intellectual values and ideals of philosophy. But there remained great gaps, and these remained as a challenge to those who followed him.

[45] Guttmann devoted a separate study to this question: "The Religious Motifs in Maimonides' Philosophy" [Heb.], *Dat u-Madda'* 86–102.

At the center of this discussion there remains the concrete question raised by Strauss concerning the relationship between philosophy and religion and the task of philosophy of religion. Guttmann was asked to express his view on this subject as a prelude to any scholarly study, and he took up the challenge. In his opinion, philosophy of religion is a necessary pursuit both for philosophy and for a monotheistic-ethical religion which seeks to influence and to act within the framework of a scientific-philosophic culture. It is demanded of philosophy in its classical sense, because philosophy is essentially an all-inclusive world-view whose obligation it is to give account of all the contents and aspects of human consciousness. For this reason, it cannot be complete as philosophy without including the area of philosophy of religion. It is likewise demanded of ethical-monotheistic religion, as a religion which by its nature seeks to establish a general stance of man toward himself and his environment, and to form an encompassing way of life. It is impossible to realize this essential goal in the framework of a scientific-philosophic culture without relating to the truth judgments and value judgments of the sciences and of philosophy. In this way religion becomes an inseparable part of an all-encompassing philosophic world-view, just as the philosophic world-view is required, from the religious point of view, as part of the application of faith and the religious way of life to all aspects of the cultural activity of the believing human being.

It was this truth which took shape and was formulated in the clearest way in the later religious philosophy of Herman Cohen. More than any of his predecessors, Cohen succeeded in overcoming idealistic reductionism, acknowledging religion as a special field of philosophic research, and even noting in detail its unique contents. There followed from this Guttmann's profound respect for Cohen's philosophic-religious enterprise, even though Cohen was also unsuccessful in his primary goal of overcoming the reductionistic tendency of nineteenth-century philosophy of religion. To overcome this tendency, one indeed needed to recognize revelation as an absolute, independent source, which as such stands over and beyond all philosophy.

V

We have described above the development in Strauss's thought between *Philosophie und Gesetz* and *Persecution and the Art of Writing*. We must now note a parallel development in Guttmann which, it appears, is largely due to the challenge of Strauss. If there was a certain lack of clarity in the first

essay and *Die Philosophie des Judentums* concerning the relationship of philosophy and religion, and if in both of these works he was attracted to the idea of a historical development tending toward the full solution of the problem, in his later reaction to the challenge posed by Strauss he freed himself both from his lack of clarity and from his historicist naiveté. Regarding the first issue, it was clear to Guttmann (in this he partly accepted the opinion of Strauss) that it is impossible to achieve a full and complete synthesis between philosophy and religion and therefore, even from the beginning one should not strive for one. In its substantive, fixed, and absolute core, which consists of a belief in revelation as a historical event and of an awareness of the divine presence with all its awesome power, demanding man's submission and love, religion is beyond all philosophy, and no philosophy can take its place, nor can any philosophy explain the fundamental core of religion through its concepts. As philosophers, we can only point in silence to religion as an event; we can live it only as believers. But since religion as a revelational event relates to that same reality which is studied in science and in philosophy, and strives to apply to it its own values and assumptions, it must relate to the sciences and to philosophy, i.e., it must internalize the accomplishments of the sciences and of philosophy and accept them in truth, while science and philosophy, in turn, are expected to relate to it. Synthesis is required in those realms in which the religious event is transformed into the guiding factor of an overall world-view and way of life, for which reasons this event penetrates historical life and the changes taking place therein. This is the vital challenge of religious philosophy as the inner dimension of a religious world-view and way of life. Without this enterprise, the believing human being cannot fully express his sense of religious commitment in his thought and his way of life, acting out of a full and responsible relationship to the social-cultural reality of his time.

This, then, is the religious and philosophic commitment which, according to Guttmann, underlies Maimonides' life work. The same commitment underlies the lifework of Herman Cohen; and in the final analysis, it is Guttmann's own commitment as well. It is his desire to be a believing human being who fulfills his full responsibility in contemporary society and culture. But here we encounter the second development which took place in Guttmann's stance. Now he no longer presents the history of philosophy of religion as a path which brings us closer, step by step, to a full solution; instead he now recognizes that it is, in principle, impossible to overcome the tension between religion as a revelational event and the scientific and philosophic forms of understanding nature, society, and culture. This is, in his

opinion, an ongoing task whose solution we may at best approach from time to time, and we must be satisfied with this. But as this is the situation, and all of philosophy is an ongoing task within a culture which is continually in flux and developing, we must recognize that the philosophy of religion also presents an original task, in which we learn a great deal from the religious and philosophical traditions which constitute part of our cultural and spiritual heritage, but in which we are also required to confront its tasks anew in every generation and in every cultural circumstance. In every generation, we must therefore find once again the greatest possible closeness between our faith, rooted in a religious tradition, and the contemporary accomplishments of philosophy and science.

* * *

These ideas are developed no further in Guttmann's written response to Strauss. They were only fully developed in *On the Philosophy of Religion*, the important book that summarizes his lectures on the subject at the Hebrew University.[46] This book goes beyond the initial debate with Strauss, and as such is outside the framework of our discussion. It is nevertheless clear to us, from examination of the ideological continuum, that the stimulus to develop an independent philosophy of religion by Guttmann came from the acute and fascinating challenge of Strauss. If Strauss was correct in his demand that a scholar of the history of philosophy of religion must articulate his own stand, if not at the beginning of his work, at least at its conclusion, it would seem that Strauss's main contribution to the philosophy of religion in our day, as reflected in the two works under discussion, was not so much his thesis itself, which is unconvincing despite his acuteness and profundity, but his challenge, both positive and negative, which fructified the philosophic-religious thought of Guttmann, and the stimulus he gave to its development and formation.

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(Translated from the Hebrew by Rabbi Jonathan Chipman)

[46] See above, n. 5.

MAIMONIDEAN STUDIES 1950–86: A BIBLIOGRAPHY

by

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This is a bibliography of books and articles in the major European languages: English, French, German, Italian, Spanish and Portuguese. Works originally published before 1950 and subsequently reprinted or published in translation have not been included. Moreover the extensive literature on Maimonides' medical theories has not been surveyed fully; the two bibliographies by Fred Rosner, "Maimonides the Physician" (see below) and *Maimonides' Medical Writings* (Haifa, 1984) 14–17, should fill this lacuna.

Exhaustiveness is always a bibliographer's fantasy. While I have made ample use of standard bibliographical references and have, with only a few exceptions, verified the entries below at first hand, there are undoubtedly omissions. Information about these from readers of *Maimonidean Studies* will be especially welcome, since the editor has indicated that addenda and supplements will be published from time to time in future issues.

Even a cursory examination of this compilation will make evident the persistence of the major themes and perplexities of Maimonidean scholarship from the medieval period to recent decades: creation vs. eternity, the doctrine of prophecy, the relation between the *Mishneh Torah* and the *Guide of the Perplexed*, and Maimonides' esoteric teachings. One might reasonably expect these issues to remain at the center of future reflections.

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(A bibliography of Hebrew articles will appear in volume 2 of *Maimonidean Studies.*)

ENGLISH SUMMARIES OF HEBREW ARTICLES

MENSTRUAL IMPURITY AND SECTARIANISM IN THE WRITINGS OF THE GEONIM AND OF MOSES AND ABRAHAM MAIMONIDES

by

MORDECHAI A. FRIEDMAN

Various stringent regulations and practices concerning menstrual impurity and the separation of menstrual women, found over extended periods in many Jewish communities, often caused the complete isolation of these women from society. Their touch, their beds and chairs were considered defiling. They were not permitted to prepare food, do other household chores, or enter the synagogue. Some thought that the soil on which they had tread was contaminated, that their breath was harmful and similar beliefs. The origin of these beliefs and the practices which resulted from them are traceable to superstitions concerning the danger emanating from the menses. Undoubtedly they had a profound effect on the status of women, on family life, and on society in general.

Certain Jewish sages associated these superstitious practices with sectarianism. They affirmed the normative halakhah that husband and wife could not have marital relations until she had immersed herself in a mikveh (ritual bath) seven days after the cessation of menstruation. Concerning other restrictions before her immersion, they followed R. Huna's teaching (TB Ketubbot 4b and 61a) that "all chores a wife performs for her husband are performed by her during menstruation, except for pouring him drink, making the bed and washing his face." Defilement, however, was not the reason for these restrictions, but rather that they were likely to encourage intimacy between husband and wife. In the *Book of Differences between Babylonian and Palestinian Jewry* (composed, it seems, in Eretz Israel ca. 700 CE), R. Huna's ruling was confirmed for Babylonian Jews, while in Palestine "she

does not touch anything moist or household utensils; and they hardly agreed to allow her to nurse her baby."

The Palestinian restriction were increased manifold in a strange work (apparently composed in the early Middle Ages by sectarian Jews), the so-called *Baraita of Tractate Niddah*, which in turn influenced various Jewish communities.

In the present article, sources from the Cairo Geniza which relate to menstrual impurity are published and discussed. Some of these follow the strict separation practiced by the Palestinians, others follow the more lenient practices of the Babylonians. Palestinian-style marriage contracts, for example, assert that the wife will perform her duties "in purity," apparently intending that she would refrain from chores when impure, an implication confirmed by other sources. By contrast, R. Judah b. Joseph ha-Kohen, the "Rav" of mid-eleventh century Egypt, is reported to have told Abraham the Son of the Scholar, "if your mother does not immerse herself, I will come to your house; if not, I will not eat in your home." It is suggested that this enigmatic remark is to be understood as an attempt to abolish the strict separation practices.

A community questioned R. Sherira Gaon (ca. 906–1006) concerning the attempts of some scholars (talmidim) to abrogate its time-hollowed stringent customs concerning menstrual impurity. In support of their lenient view, these scholars had advanced three arguments: (1) There is no state of half purity. Impurity from contact with the dead and other unclean things defiles all Jews and, in our time, defies cleansing. Consequently there is no point in attempting to achieve a state of purity by refraining from casual contact with a menstrual woman. (2) R. Huna's talmudic ruling restricting only three chores during menstrual impurity is binding. (3) A responsum formerly sent from the Yeshiva confirmed that during menstrual impurity, a woman may attend synagogue services, her husband may share clothes with her and "anyone who refrains from these things is tainted by sectarianism, and the elders are required to remonstrate him."

Maimonides undertook by forceful means, including the ban of excommunication, to rid Egyptian Jewry of a practice which he considered sectarian. According to this practice, women cleansed themselves after menstruation with a shower rite (sakb) rather than the prescribed ritual bath in a mikveh. When questioned about separating women before purification from contact with food, drink, vessels, clothing and preventing them from performing household chores, he confirmed that this was not required by law. He further informed his correspondent that in his own home this separation

was not observed. He also ruled that if the separation is undertaken because of cleanliness or as precaution against intimacy between husband and wife, the practice was permitted; but if it was based on the belief that casual contact with a menstruating woman was actually forbidden by law, it was prohibited.

Maimonides' son, it appears, followed the practice of his father. Some twenty years after the Maimonidean responsum that has been discussed, Abraham Maimonides was questioned by Solomon b. Elijah, a prominent figure in his court, about the supposedly horrible sin that abounded in Fusṭāṭ (Egypt) of failing to separate women during menstrual impurity from household chores and similar activities. In following the lenient practice, writes Solomon, people followed the example "of the scholars of our generation," apparently an allusion to Abraham Maimonides himself. The Nagid's response, if preserved, has not yet been identified.

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MAIMONIDES' RESPONSUM PERMITTING TRAVEL BY BOAT ON THE NILE AND OTHER LARGE RIVERS ON SHABBAT

by

ISRAEL TA-SHMA

Maimonides is credited with revolutionizing halakhic norms in Egypt when he permitted travel by boat on the Nile or any other large river on Shabbat. In making this ruling Maimonides went against an old and accepted Egyptian custom according to which such travel was strictly prohibited. The Egyptian practice relied on the authority of the Geonim who had also prohibited travel by boat on the Euphrates and Nile on Shabbat. Maimonides had to defend his ruling against the severe attack of Rabbi Samuel ben Ali, the respected head of the prestigious Yeshiva of Baghdad, and the correspondence between the two sages was widely known and discussed by many scholars throughout the ages.

The present article shows that: 1. The basic halakhic problem is an old controversy between the Babylonian and Jerusalem Talmud, the Babylonian Talmud clearly permitting travel by boat on Shabbat. 2. The geonic prohibition contradicted the Babylonian Talmud. It was hardly explained by the Geonim, was very untypical of them and was, probably, motivated by extra-halakhic considerations. 3. Maimonides' "revolutionary" ruling was not entirely new for Egyptain Jews and was the standard and unanimous view of all rabbinic authorities in Europe at the very beginning of the rabbinic (post-geonic) period early in the eleventh century. 4. Maimonides' ruling, though in complete harmony with the Babylonian Talmud, was based on an explanation which was entirely original, novel and surprising. His explanation had never been offered before nor was it accepted after him. 5. The early authorities who permitted travel by boat on large rivers included the three famous and legendary captives mentioned by Abraham ibn Daud in his *Book of Tradition*: Rabbi Ḥushiel who settled in North Africa, Rabbi Shemariah ben Elḥanan who settled in Egypt and Rabbi Moses ben Ḥanokh who settled in Spain. 6. These early authorities also included Rabbi Meshullam ben Kalonymos who, toward the end of the tenth century, was the first rabbinic immi-

grant to Germany. 7. This unanimous "European" halakhic permission seems to have drawn on the Italian tradition as taught by Rabbi Ḥushiel as a common source. 8. The sources discussed in this article provide, therefore, a rare example of a case in which the decision of Babylonian Geonim was influenced by Palestinian halakhah and the parallel case in which the decision of Italian and other European sages was influenced by (pre-geonic) Babylonian halakhah.

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גדולים [= חכמי לוניל במקרה זה], ולפיכך הספיק לו עימהם ראשי הפרקים . . . ואני ארחיב לך בדברים . . .". וסיים: „כל אילו הפירוקים והפירושין אע"פ שאינן מפורשין בתשובתו ז"ל, יוצאים הן מכח אותם הדברים המעוטים שהשיב לר' יונתן ז"ל, וזה ששתק מלהרחיב בפירוש, לפי שתשובתו לחכמים גדולים היתה, ואין מפרשין לחכם . . .". נטייתו זו של הרמב"ם, קשורה גם בחתירתו להתקרב, ולחקות, ככל האפשר יותר, את סגנון המשנה של רבי יהודה הנשיא — אשר אליו ואל כללי סגנונו הוא משוה את ספר משנה תורה שלו בכל הזדמנות (ראה, למשל, אגרתו לרבי פנחס הדיין, מה' י. שילת, עמ' ת"מ), ובכלל זה הנטיה לשנות 'דרך קצרה'; ואין כאן מקומו של דיון זה. במקרים אחדים, בהם הגיעה לידינו הרחבת דברים נוספת, מפי הרמב"ם עצמו, או מפי בנו רבי אברהם, ניתן להיווכח — לאחר השוואת השיטות השונות במפרשים הראשונים — עד כמה איתנה ויציבה הבנת הרמב"ם את הסוגיה, ועד כמה עדיפה היא כ'פשט' על פני ההבנה המקובלת. ומה שנראה היה כשיטה תמוהה וחסרת הסבר, מתגלה — לאחר דברי ההסבר הנוספים — כהבנה הטובה והקרובה ביותר לפשט הסוגיה התלמודית.[36]

האוניברסיטה העברית בירושלים

[36] דוגמא נאה ביותר לדבר יש להביא מסי' ד' במאמרו הנ"ל של הרב קאפח. כל שעשה הרב קאפח הוא לצטט, מילה במילה, מדברי הרמב"ם ומשיגיו, מבלי להוסיף מילה מדיליה. אולם המעיין בספר 'ברכת אברהם' המכיל תשובותיו של רבי אברהם בן הרמב"ם להשגותיו של רבי דניאל הבבלי על קבוצת הלכות בס' משנה תורה, יראה בסי' מ"ב שם ליבון נוסף של דברי הרמב"ם הנידונים, והדברים מאירים וברורים ועדיפים על פירושה הרגיל של סוגיה זה בדברי שאר הראשונים, ראה מה שהתחבט בספר פני יהושע על אתר. ואכמ"ל.

לעירובין במקומו, ודברי הרשב"א שהובאו שם. ואין אנו עוסקים בהתפתחותה של הלכה זו לאחר המאה הי"ג.[33]

[ה]

לאחר שראינו את השיטות המרובות בהלכה זו, את המפריד ביניהן ואת המשותף והמאחד המרובה אשר בין כולן, ובעיקר — את כיוון התפתחותה ההיסטורית של הלכה זו ואת מהלכיה העיקריים, נוכל לגשת לסקירת עמדתו של הרמב"ם ולבחינת תרומתו המיוחדת. הנקודה המרכזית היא, כי לדעת הרמב"ם, אין כלל דין תחומים, מבחינה עקרונית, בשטח ימי, וזאת מפני שאין רגל אדם יכולה לדרוך בו, וממילא אין הוא דומה ל'דגלי מדבר', היינו לשטחים שבהם דיברה תורה בסיני, ומהם למדו חז"ל דיני רשויות בשבת. הרמב"ם סבור כי אין להעלות על הדעת מצב שבו שטח כלשהו יהיה פטור מדיני רשויות שבת (היינו דיני הוצאה והעברת ד' אמות ברה"ר) ויתקיימו בו דיני תחומין. ומכיוון שים דינו ככרמלית לענין דיני רשויות — מפני שאינו דומה לדגלי מדבר — אי אפשר להעלות על הדעת שיתקיימו בו דיני תחומין. לדעתו, בעיית תחומין למעלה מי' נוגעת אך ורק לשטחי יבשה — ואגב: בבעיה זו כשלעצמה לא הכריע הרמב"ם, אלא השאיר הדבר „ספק אם יש תחומין למעלה מי' או אין תחומין למעלה מי'" (הל' שבת פרק כ"ז, ה"ג) — אבל על פני המים אין לה מקום אלא אם כן גובה פני המים הוא למטה מעשרה טפחים מקרקע היבשה, שבזה גזרו חז"ל אטו יבשה. ממילא מובן כי אין איסור חל כלל על הפלגה בים או בנהרות הגדולים, ואף לא בתחומי מרחק של י"ב מיל ומעלה, שאיסורו 'דאורייתא' לפי השקפת הרמב"ם בשטחי יבשה, וגם אין חובת המתנה כלל, פרט לענין עונג־שבת הקשור במחלת הים, ובהתאם לשיטת הרי"ף הנ"ל.

ככל הידוע לי, עמדתו זו של הרמב"ם חדשנית היא — ולמעשה: מהפכנית — ביחס לכל מה שנאמר לפניו, מימין ומשמאל, ואין לה רמז בדברי הקדמונים. אמנם, מבחינת ההכרעה המעשית אין במסקנתו חידוש כלל, אלא הליכה בטוחה בעקבות מסורת ההלכה הספרדית העתיקה והאיתנה שבעקבותיה דרך הרמב"ם בכל מקום. אולם בבחינה העיונית של ההלכה, ואופן ניתוח הסוגיא שמאחוריה, מתגלה הרמב"ם כמורה מקורי ועצמאי, הלומד את החומר התלמודי שלפניו באופן חדש ובלתי תלוי במה שנאמר בה לפניו.

כיצד פירנס הרמב"ם את מהלכה של הסוגיא בעירובין מ"ג הנ"ל, שביקשה לפתור את בעיית 'יש תחומין למעלה מי' — שהיא בעיה יבשתית מובהקת לדעת הרמב"ם — עפ"י המשנה המדברת בספינתם של התנאים? יש לשער כי לשיטתו בנויה ההוכחה על

[33] ראה ספר 'עבודת הקודש' לרשב"א, בית נתיבות, פרק ח', המוקדש כולו לנושא שלפנינו.

דרך קל וחומר: מה ספינת הים, המהלכת למעלה מי', בשטח שאין בו דין תחומין כלל, החמירו התנאים לנהוג בה דין תחומין, הולכי יבשה על אחת כמה וכמה. והיה התירוץ שהספינה ההיא הילכה למטה מי', מצב שבו גזרו איסור 'אטו יבשה'. והנה, למרות החידוש הרב שבגישתו, והאופן הדחוק־למדי שבו מתפרשת הסוגיה, לא היסס הרמב"ם להציעה כדבר פשוט ומובן־מאיליו, עד כי תמה על שמואל בן עלי כיצד נשתבש בהבנתה. ואין הדבר כך. רבי שמואל בן עלי לא שמע מימיו חידוש זה, שהוא המהפכני מכל מה שנאמר בענין, ובוודאי שלא חייב היה להעלותו על דעתו מתוך נוסח תשובתו הראשונה של הרמב"ם, שבה עדיין לא נאמרו הדברים בפירוש אלא נרמזו בכלל מהלך הדברים, סגנונם והקשרם. מבחינה זו דומה הדבר למצב בחלק ניכר מתשובות הרמב"ם לחכמי לוניל, בהן מציג הרמב"ם קריאה מחודשת ועיון מחודש ומקורי בסוגיות התלמוד, בלשון קצרה ובצמצום מופלג ביותר של הדיבור. תופעה זו הביאה במבוכה רבה את כל פרשני הרמב"ם ולומדיו, שברוב המקרים לא הצליחו לרדת לסוף דעתו, ופעמים רבות הציעו 'ישובים' משלהם לשיטת הרמב"ם, שנראו להם — ולנו — טובים הרבה יותר מהסבריו הקצרים־מדי והסתומים של הרמב"ם עצמו. עד היכן מגיעה תופעה זו נוכל ללמוד מדברי הרב י'. קאפח,[34] שביקש לזייף את כל התשובות הללו ולהוציאן מבעלות הרמב"ם! אין בדבריו ממש, כמובן־מאיליו,[35] אולם די בהם כדי להמחיש עד היכן הגיעה מידת הקריאה העצמאית והמחודשת של הרמב"ם, לפחות באותן סוגיות תלמודיות שלגביהן נשתמרו בידינו דברי פרשנותו המקוריים של הרמב"ם. יתר על כן. סגנונו של הרמב"ם בתשובותיו בהיר לגמרי, אך הקושי נעוץ בקיצור המופלג של תוכן התשובה, ובדרישתו החוזרת ונשנית של הרמב"ם כי מכותביו ידקדקו שוב ושוב בלשונו, ויטרחו בדבר זה הרבה. דרישה זו אמורה, כמובן מאיליו, אך ורק בתשובותיו לחכמי תורה, אך כאלה הן כל תשובותיו לחכמי לוניל. שיטה זו מכוונת היתה אצל הרמב"ם, ופעמים הרבה — כבתשובתו לשמואל בן עלי בענין הנסיעה בנהרות — האריך הרמב"ם בהצעת עיקרון־כתיבה זה, ובהרחבה למפרע של ביאור כוונת דבריו בתשובה הראשונה, במקום להקדיש שטח כתיבה זה לבירור רחב יותר של הענין במכתב הראשון עצמו, ובכך לחסוך מעצמו משא ומתן מיותר בעתיד. וכבר העיר על נקודה חשובה זו — שנעלמה משום־מה מעיני החוקרים — רבי אברהם בנו, בתשובתו הנזכרת להלן בהע' 36: „ושהקשית על פירושו . . . כמה תמיהה קושיא זו, וכי לתינוקות של בית רבן השיב עד שיצטרך להעתיק לשון התלמוד מילה במילה וירחיב בפירוש כאשר ישיבו החכמים למקצת השואלים, לא השיב ז"ל ופירש אלא לחכמים

[34] י'. קאפח, „שאלות חכמי לוניל ותשובות 'הרמב"ם' כלום מקוריות הן?" ספר זכרון להרב י'. נסים, ירושלים, יד הרב נסים, תשמ"ה, סדר שני, עמ' רל"ה ואילך.

[35] ראה מאמרו של י'. שילת, „כלום תשובות הרמב"ם לחכמי לוניל מזוייפות הן?" שם, עמ' רנ"ג ואילך. ומה שהשיב הרב קאפח שם, עמ' רנ"ז, היא דחייה בקש ולית בה בשש.

לצד התפשטות נרחבת זו של היתר ההפלגה, בכל ספינה, בערב שבת, נשאר במקומו, ואף נתבצר יותר, בכל תפוצות ישראל, האיסור העתיק לירד מן הספינה שהגיעה לנמל מחוץ לתחום, כל זאת מפני שהחילו על הנוסע דין של 'מי שהוציאוהו עכו"ם' אל מחוץ לתחום. הלכה זו מיוסדת על ההנחה התנאית־ארצישראלית כי יש דין תחומין גם למעלה מעשרה, וכמעט שאי אפשר לקיימה לפי ההנחה הבבלית ההפוכה; ראה להלן. המקור הקדום ביותר לענין זה הוא ב'ספר המעשים לבני ארץ ישראל' הקדמון, וז"ל: „מע' — אדם מישראל שבא בספינה ממדינ[ת הים] ביום טוב ונכנסה ללמן הרי זה לא ירד ממנה, אבל אם ביקשו לעלות אצלו לאכול עימו יעלו על מנת אם יהיה שם אפקני [= כבש] מן הספינה לארץ . . .". וכו'.[31] וכך הוא בתשובת „רב משה גאון" — קרוב לודאי: רבי משה ב"ר חנוך; ראה לעיל, הע' 24 — לגבי „מי שבא בספינה בשבת או ביום טוב, ובאו המלחים והעמידו את הספינה בעוגין שלה על שפת הים או על שפת הנהר, ולא שהוציאו אותה ביבשה לגמרי אלא . . . במקום עמוק שאין אדם יכול לעמוד על אותו מקום ברגליו אלא אם כן ישוט על פני המים . . . מהו שיכנסו בני אדם שהם דרים בעיר אל אותה ספינה . . . כדי שישאלו בשלומו . . . כי העידו עדים על הר' דוד [בן מוהג'ר, ככל הנראה, ראה הערת אסף שם] שבא ביום שבת בספינה בנהר של טורטושה ובאו אליו קהל טורטושא כדי לברכו, ולא היו רוצים להיכנס אליו, ואמרו שהורה להם ואמר להם למה אתם נמנעים מליכנס אלי כי מאחר שהוא המקום ראוי לרחוץ, מותרין אתם ליכנס אלי בספינה, ומיד נכנסו אליו . . .". בהמשך התשובה מסביר להם המשיב, כי מאחר שהגיעה הספינה לנמל מחוץ לתחום (אע"פ שלא פורש פרט זה בדברי השאלה) לא יכולים נוסעיה לירד ממנה. יתר על כן, גם במקרה של רבן גמליאל וחבריו, שאניתם אכן הגיעה לנמל בתחום שבת, ועל כן גם הותרה ירידתם ממנה, לא יעלה על הדעת להתיר לאנשים מבחוץ לעלות אליה, מחשש שמא תיאלץ הספינה לצאת לים הפתוח מאימת רוחות סערה המתרגשות לפתע, וייאלצו העולים עליה יוצאים מחוץ לתחום שלא באונס, כי היו צריכים לחשוב על אפשרות זו מראש. זאת מלבד איסור השיט במים, שייאלצו העולים לעבור עליו כדי לעשות את המרחק הקצר שבין הספינה ליבשה. ועוד הוסיף הגאון לומר כי אפילו אם היה

[31] י. מאן, „ספר המעשים לבני ארץ ישראל," תרביץ א' (ג'), תר"ץ, עמ' 14. ואע"פ שלא הזכיר היכן היתה הספינה עם כניסת השבת, ברור שהיתה מחוץ לתחום, כי אחרת התירה המשנה עצמה לירד, וגדולי התנאים עשו כך. ממילא סרה תמיהתו הגדולה של מאן שם, הע' 3: „המאמר הזה תמוה, כי הלוא משנה מפורשת היא 'עשה גוי כבש לירד בו, יורד אחריו ישראל; מעשה ברבן גמליאל וזקנים שהיו באין בספינה'" וכו'. אך כאן השאלה נוגעת באיסור תחומין. ועל תתמה על שלא הזכיר ענין התחומים בדבריו, כי פשוט לו שהגיעה הספינה בתוך השבת ממרחקים, ולא היתה בלילה בתחום הנמל, כברוב המכריע של המקרים. ממש כך הדבר גם בתשובת רב משה גאון שהבאתי לעיל, ושם מוכח הענין לחלוטין מתוך התשובה.

דבר זה מותר מעיקר הדין, מוכרחים היינו לאסור אותו, כי: „אין עמי הארץ צריכים יותר מזה, ויהא יום השבת כיום החול לכל מי שפורש בים, ואין לך פרץ גדול מזה, ואין לי ספק בדבר שאם אתם מתירין דבר זה שעדין תתירו החלב והדם[!] . . .". איסור הירידה מן הספינה הנמצאת מחוץ לתחום הנמל בערב שבת היא מושכל ראשון בתשובה, ועל כן לא נשקלה כלל אפשרות ירידתו של רבי דוד מן הספינה. התשובה נלחמת לאסור עלייתם של אנשי החוף אל אניה שכזו (וגם אם נכנסה לתחום הנמל מבעוד יום) אם צריכים הם לשחות או לגשת בסירה אל מקום עגינת האניה, ולדעת המשיב עגנה אנייתו של רבי דוד ביבשה ממש. היתר ההפלגה בשבת אינו נידון, אולם היתרו נשמע מאליו, והוא בגדר יתר המעשים אשר עליהם העיד הרמב"ם, בדברו על הפלגת יהודים בנהרות ספרד והימצאותם עליה ביום השבת, ומשמע שלא ראו עצמם נאלצים לרדת ממנה לפני שבת.

זוהי, אם כן, המציאות הברורה והחד־משמעית בכל ארצות אירופה[32] במפנה תקופת הגאונים: היתר ההפלגה בנהרות בשבת מוסכם וברור לכל, ואילו הירידה מן הספינה בשבת תלויה בהימצאותה בתחום הנמל עם כניסת השבת. וכבר תמה על כך הרמב"ן בחידושיו לעירובין על־אתר: „ואני תמה על מה שראיתי במפרשי ימים כשמגיעין ליבשה בשבת, מהן שאין יוצאין מן הספינה, ומהן שבעלי ספינה אינם יהודים משליכין אותן לחוץ, ואין זזין מד' אמות שלהם, ולא ידעתי מי הנהיג אותם בחומרא זו", ולאחר שהוכיח כי למעשה, עפ"י הבבלי, יש להכריע כי אין תחומין למעלה מעשרה, ולאחר שסתר כל צדדי האיסור האחרים האפשריים, סיים ואמר: „אבל הנוהגין איסור ביציאתם מן הים ליבשה טועין באיסוריהם, וראוי הוא להתיר להם ואין בזה בית מיחוש". עם זאת אפשר כי גם איסור הירידה מכיר בכך שאין תחומין למעלה מעשרה, אך מחיל על הנוסע דין של „מי שהוציאוהו עכו"ם". לדעת הרמב"ן אין דין 'מי שהוציאוהו' חל על מרחבים גיאוגראפיים [היינו: למעלה מעשרה] שאין בהם דין תחומין מעיקר הדין, עיין שם כל אריכות דבריו. דבריו קרובים מאד לפשט הסוגיא, ונתקבלו על דעת כל תלמידיו; ראה חידושי המאירי

[32] אבל אצל הקראים משתקפת — כפי שניתן לצפות — הדעה המזרחית־בבלית דוקא, האוסרת הפלגת הנהרות. יהודה הדסי מונה איסור זה כדבר פשוט ואינו מזכיר כלל מחלוקת הרבנים (דף נ"ו), ואילו אליהו מניקומדיאה בספר 'גן־עדן' כותב לשון מעניינת זו: „אולם בעלי הקבלה התירו זה [היינו הפלגת הים], שהכתוב אומר 'אל יצא איש ממקומו', והים אינו נקרא מקום, אע"פ שנקרא בשם 'דרך', כגון 'הנותן בים דרך'. ואמנם אינו נקרא מקום משום שאינו עושה רושם ועל כן יש בו היתר הליכה . . . אך מה שהתירו רכיבת הים ולא התירו רכיבת הנהר, אין טעם לזה. ור' יוסף הפקח נ"ע אמר אין להם טענה יתירה אלא שרכיבת הים יקשה להם לצאת ביום השישי על היבשה, מה שלא כן מן הנהר, ועל כן אסרו רכיבת הנהר בשבת. וזאת הטענה בלא טעם . . ." (פרק י"ג). הטעם שהוא נותן להיתר הפלגת הים הוא חדש אצלי. דבריו של יוסף הפקח מבוססים על הכרת דברי הגאונים.

מאלפיים אמה . . . אבל אם נכנס בספינה קודם חשיכה קנה שם שביתה, ואם הפליגה הספינה אח״כ בים כל היום כולו, שפיר דמי״.

נמצא תהליך התפתחותה של הלכה זו כך: ההלכה התנאית — והתלמוד הירושלמי גם הוא, כנראה — תלו בהפלגה בים (ובנהר) איסור תחומין רגיל, ועל כן אפשר שאסרוהו כליל (ראה לעיל, ליד הערה 10־9) ולכל הפחות הגבילוהו למרחק המתנה של שלשה (או ארבעה) ימים מיום השבת. אמוראי א״י, בעקבות דברי רבא, שקלו הלכה חדשה, לפיה ׳אין תחומין למעלה מעשרה׳, ומשנתקבל העיקרון הוסר כל איסור ממעשה זה. ברור מתוך כך, כי ההיתר להפליג בנהרות הגדולים בשבת מובלע הוא, מעיקר הדין התלמודי, בהיתר ההפלגה בים הגדול ובלתי נפרד הוא ממנו. לכאורה די היה בזה כדי לבטל, ממילא ובאופן אוטומאטי, גם את גזירת ההמתנה מן המפליגים, אלא שבתלמוד הבבלי נקבעה הברייתא התנאית־א״יית, העוסקת בחובת ההמתנה, במסכת שבת, מבלי להשוותה עם סוגיית עירובין ולעמת אותה עם חידושיה, ועל כן נותרה הגזירה מקויימת למעשה — אך בלתי מוטעמת ובלתי מובנת ׳להלכה׳. הגאונים תלוה באיסור שבות של שחיה, הנזכר במשנת ביצה, ובזמנם היה מוסכם על המון העם במצרים ובבבל לרדת מספינת הנהר אם הגיעה לנמל סמוך לשבת — קל וחומר שלא לעלות אליה סמוך לשבת — שלא כספינת הים שבה אין הוראה זו מעשית, מפני שהנוסע מפסיד כך את סיכוייו להגיע למחוז חפצו. בסוף תקופת הגאונים נתערער לפתע, ובארצות מרוחקות מאד זו מזו כמצרים, ספרד וגרמניה, דין הרחקת שלושת הימים, מפני לחץ צורכי החיים בוודאי, וניתנו לו טעמים חדשים שנטלו את עוקצו המעשי ממנו. בתוך כך הותר גם בארצות אלה, באותו דור ראשון לרבנות, לעלות על כל ספינה, הן זו שבים והן זו שבנהר, סמוך לשבת ואף בערב שבת ממש. גם במצרים נתבטלה גזירת ההמתנה כיובל שנים ויותר לפני זמן הרמב״ם. עדות נאמנה לכך יש לנו מנסיעתו האחרונה של רבי יהודה הלוי לארץ ישראל, כי מן הידיעות החדשות שנאספו מן הגניזה יודעים אנו[27] כי רבי יהודה הלוי עלה לספינה ביום ה׳ (ואפשר ביום ו׳), ראש חודש סיון, אלא שנשתהה על הסיפון, בציפייה לרוח מערבית, ששה ימים, והפליג ביום חג השבועות. ובוודאי לא עשה כך בניגוד למנהג המקומי המקובל. ומכיון שנתבטלה חובת ההמתנה, שוב אי אפשר היה לחייב את נוסעי ספינת הנהר לירד ממנה בערב שבת. — והשאלה היא: כיצד קרה כל זה לפתע, בבת אחת, ובכמה ארצות מרוחקות במקביל ממש? הלוא דבר הוא.

מסקירתנו הנ״ל יראה המעיין כי הצעד המכריע בכיוון זה נעשה על ידי רבינו חננאל, שערך לראשונה את ההשוואה — החסרה בבבלי — בין סוגיית שבת י״ט וזו שבעירובין מ״ג, העמיד את ברייתת ההרחקה בנהרות נמוכים בלבד, ממש כתירוץ

[27] ש״ד גויטיין, „האם הגיע ר׳ יהודה הלוי אל חוף ארץ ישראל״ תרביץ, מ״ו, תשל״ז, 245־250.

התלמודי המתבקש אילו ערך התלמוד עצמו את ההשוואה הנחוצה, ובכך ביטל את גזירת ההמתנה מן ההפלגה הנורמאלית בים ובנהרות הגדולים.[28] רבינו חושיאל, אביו של רבינו חננאל, אף הוא מארבעת השבויים היה — חברם של רבי שמריה ורבי חנוך שנזכרו לעיל — ואני מניח כי הוראתו של רבינו חננאל ממסורת אביו ויתר חכמי איטליה באה לו[29] ונרמזה אצלו בכינוי ׳יש מי שאומרים׳, והיא שנתפשטה גם במצרים וגם בספרד ע״י מסורת ׳השבויים׳ האחרים, ששתלוה בארצות נדודם. מכאן האחידות והבו־זמניות המפתיעה כל כך שבפריצת גזירת שלושת הימים בכל המקומות המרוחקים הללו יחד. לאשכנז הגיעה מסורת זו במישרין מאיטליה, שהיא מולדת־האם של יהדות בינייימית זו, ונתחזקה ונתבצרה שם ביותר משום שנמצא לה מקור ברור בספר ׳הלכות גדולות׳, שהשפעתו על יהדות אשכנז הקדומה היתה גדולה ביותר.[30]

[28] דברי כ״ץ (עמ׳ 27): „מפרוש זה [= של הר״ח] ניתן היה להסיק היתר אף לגבי נהרות גדולים, ואומנם הסתמכו עליו מאוחרים, שהיו מעוניינים בהיתר זה. אם רבינו חננאל נימנה עם אלה לא ברור״ — מוזרים מאד, כי ׳היתר׳ זה מפורש בר״ח, והיא עיקר כוונתו, ולא חתירתו „למצוא צידוק להפלגה בים״. לדעת כ״ץ זוהי אכן עיקר כוונתו, „שכן הוא מסיים את פירושו המצמצם במילים: ומשום הכי נהגו להפליג בים הגדול.״ אולם אם זו כוונתו הרי חסרים חמשת המילים העיקריות: ׳פחות מג׳ ימים לפני שבת׳ ממשפט הסיום! הר״ח מבקש להוכיח כי עיקר הטעם העומד מאחורי ההרחקה הוא איסור תחומין, משום שאם לא כן לא ניתן היה להפליג בשבת כלל, משום איסור תחומין הכרוך בדבר. ומכיון שכל הענין נובע מאיסור תחומין, ממילא אינו חל אלא על פחות מי׳ טפחים. ומה שכתב על פירוש ר״ח „שדחקו גלוי לעין,״ כך הוא הדבר במבט ראשון, עד אשר נשים לב לכך כי בפירושו משווה רבינו חננאל, בשתיקה, את סוגייתנו לסוגיית עירובין מ״ג הנ״ל, ועוקב בדיוק אחר האוקימתא שבה: „בספינה המהלכת ברקק.״ גם שם אוקימתא זו דוחקה גלוי לעיניים. המשנה עצמה מתפרשת, כמובן, כפשוטה ובלא אוקימתא זו, מתוך הנחה שיש תחומין גם למעלה מעשרה, וכך היא עמדת כל המקורות התנאיים והתלמוד הירושלמי, כמו שאמרנו לעיל. רק מתוך ההנחה המקובלת עליהם, כי ׳אין תחומין למעלה מעשרה׳, הוצרכו אמוראי בבל לאוקימתא זו, המעמידה את ספינת התנאים למטה מי׳. ממש באוקימתא זו העמיד רבינו חננאל גם את הברייתא של המתנת ג׳ ימים, שביקש להתאימה אל הסוגיה הבבלית של דיני ההפלגה בשבת. במקורה, ובפשטותה, מניחה הברייתא איסור תחומין גם למעלה מי׳, כשאר המקורות הא״יים הנ״ל, וההמתנה תהא נחוצה בכל מים שהם. — גם מה שכתב בהערה 31 שם, ש„כך [= היינו: כהיתר זה] סבר הרמב״ם בתשובתו לר׳ שמואל בן עלי אלא שהוא עצמו לא גרס טעם זה,״ אין לו מובן, כי הרמב״ם לא הסתמך על הר״ח ולא הזכירו בשמו כלל, וטעמו בהיתר זה שונה לגמרי; ראה להלן.

[29] ושים לבך לכך, שדרך הופעתה של הלכה זו בספר ׳שכל טוב׳ הנ״ל טבועה כולה בחותמו של רבינו חננאל, שאין הספר הזה מייחס שום איסור עצמי להפלגה במים אלא ענין התחומים, ואם רצונו להפליג פחות מאלפיים אמה יכול לעלות לספינה אף ביום השבת עצמו! וברור כי מסורת הלכה איטלקית לפנינו.

[30] ראה: י׳. תא־שמע, „קליטתם של ספרי ר״ח, ר״ף ו׳הלכות גדולות׳ בצרפת ובאשכנז במאות הי״א־י״ב,״ קרית־ספר, נ״ה, תש״ם, עמ׳ 191־200.

העתים, שורות אחדות לפני מקום תשובה זו, רמז רבי יהודה הברצלוני אליה בלשון: „ויש מי שמפרש בים הוא דאיכא הפלגה, אבל בנהרות לא, והולכי נהרות [שבאה] ספינה על שפת הנהר, הם צריכים להזדהר, ויש להם לצאת בערב שבת.“ הרי שאין נהרות בכלל הפלגת הים לדעת בעל תשובה זו. נמצא, אם כן, כי לפי דעת רב האי גאון, גם בהרחקת ג׳ ימים לפני שבת —שבא החזיקו, בלי התחכמות, גם רב האי גאון וגם השואל מעימו — שאינה מצריכה ירידה בשבת מספינת הים, מצריכה היא ירידה מספינת הנהר, אף כי הכל הוא בהתאם לדיני תחומין והמתחייב מהם. ואף שאין האיסור הזה חמור מאד, שהרי אינו אלא שבות ונדחה בבירור מפני דיני תחומין דרבנן, מכל מקום יש להחמיר בו עד כמה שאפשר, שאף במקרים של ספק פקוח נפש החמירו בו חכמים. עם זאת שמענו על היתר שניתן לבני מצרים, עוד בימי רב האי גאון, להפליג בספינה בנילוס — כנראה בהרחקת ג׳ ימים, כפי שמלמדת לשון השואל — ומיד נראה מי הוא שעשה כך, והקדים בזה את הרמב״ם בכמאה וחמישים שנה ויותר. מעניין הדבר, כי מנהג העם לרדת מן האניה לקראת שבת ולהמשיך בנסיעה לאחריה נזכר בתעודות הגניזה, וש״ד גויטיין[22] ראה בזה מנהג ׳מוזר׳, מפני שסבור היה כי מי שכבר היה בנסיעתו על הנהר לא הוצרך לרדת ממנה בשבת ׳כמובן־מאליו׳. וכבר ראינו עד כמה בלתי מוזר ופרובלמטי היה הדבר הזה במצרים.

תשובת גאון מקוטעת, והפעם לא משל רב האי גאון, הדפיס שכטר ב׳סעדינא׳ שלו (עמ׳ 127), וז״ל: „ולגבי המהלך בנילוס נהר בספינה, ובאתה שבת והוא בספינה . . . לצאת מן הספינה לישוב או יהלוך בדרך הילוכו? . . . למקום קרוב . . . ללך שאיפשר לו לילך ביומו, יכול להיכנס בספינה ואפילו בערב שבת ופ. . . להגיע לאותו מקום ביומו ורוצה לילך למקום רחוק, אסור לו ליכנס בספינה [פחות] משלשה ימים קודם לשבת, דתנינא ׳אין מפליגין בספינה פחות משלשה ימים [קודם] לשבת. ואם נכנס בספינה שלשה ימים קודם לשבת, או אם הולך למקום קר[וב] . . . ובאת שבת עליו והוא בתוך הספינה, אינו זקוק לצאת . . . בדרך הילוכו, דתנינא ופוסק עימו על מנת לשבות ואינו שובת . . . [רבן] שמעון בן גמליאל אומ׳ אינו צריך.“

תשובה זו לא ידוע מי כתבה, אולם ידוע מענה, הלוא הוא הרב שמריה ב״ר אלחנן, אשר חי במצרים בסוף המאה העשירית, והיה מ׳ארבעה השבויים׳ המפורסמים, אשר הגיע מדרום־איטליה למצרים. כידוע[23] הגיע הרב שמריה למצרים מרצונו, ולא בכפיה, ואין פרשה זו מעניינו כאן. שכטר, מהדיר הקטע, סבור כי המשיב כאן הוא הרב שמואל בן חופני, גיסו של רב האי גאון, ראה במבואו לקטע זה. נראה קרוב לוודאי, כי

[22] Shlomo D. Goitein, *A Mediterranean Society*, vol. 1 (Berkeley, 1967) 299.

[23] Gerson D. Cohen, "The Story of the Four Captives," *PAAJR* 29 (1960–61): 131.

הרב שמריה הוא המתיר הקדום את השיט בנילוס ועל סמך תשובה זו התיר מה שהתיר. דבר זה מתאים לתיאורו של השואל „עד שבא אצלם מי שהתיר להם,“ היינו שהיה זה חכם מחוץ למצרים, שבא למצרים מחוצה לארץ והתיר לאנשיה דבר שהיה מוחזק להם באיסור מזמנים קדומים.

[ד]

בד בבד עם פירסום ההיתר החדש הזה במצרים, שומעים אנו כיוצא בזה גם על ספרד, שהתירו קדמוניה את הנסיעה בשבת בנהרות הגדולים שם. דבר זה נלמד מעדותו של הרמב״ם, אשר בפולמוסו הנזכר עם שמואל בן עלי, כתב: „וידוע הוא ומפורסם אצלם שנהר אשביליא בינו ובין הים המלוח שמונים מילים, ויבואו בו הספינות וטוענים אותן שמן, ובאים בהם מן הנהר לים המלוח, והם באים לאלכסנדריה תמיד, וישראל באים בה חכמים ותלמידיהם לפני כל הגאונים שיש שם. ומה שאני זוכר מהם הם: רבינו חנוך ורבינו משה בנו[24] ורבנו יצחק בן גיאת ורבינו יצחק בן ברוך [ובכ״י מן הגניזה, מן המקור הערבי, נוסף כאן גם שמו של רבי ברוך, אביו],[25] ורבינו יצחק בעל ההלכות ורבינו יוסף הלוי ז״ל תלמידו, ומעולם לא נשמע מהם בזה איסור, וכן כל אנשי מצרים.“ רבינו חנוך ומשה הנזכרים כאן, אף הם מן ׳השבויים׳ הם. עדות דומה מצויה לנו אף מתחום ההלכה האשכנזית הקדומה, מפי בני מכיר, שפעלו במחצית השניה של המאה הי״א: „מודיעני לאחי, כשאנו הולכין בספינה בשבת ממגנצא לוורמייזא אנו מוציאין זיז מן הספינה להתיר הכנסה והוצאה . . .“ (סדור רבינו שלמה, ירושלים, תשל״ב, עמ׳ רנ״ט)[26], „וכן היה מעשה במגנצא שבאתה ספינה בתוך התחום מבעוד יום בערב שבת מקולוניה, והוליכוה למחר עד העיר, והתירו להם לצאת בשבת . . .“ (שם) ועוד כיוצא בזה. גם באיטליה כבר נתערער בראשית המאה הי״ב (ובוודאי עוד קודם לכן) דין המתנת ג׳ ימים, כמו שמפורש בספר ׳שכל טוב׳ לרב מנחם ב״ר שלמה האיטלקי (פרשת בשלח, עמ׳ 283): „אין נכנסין בספינה לכתחילה כדי לפרוש בים או בנהר יותר

[24] דרך מקרה נשתמרה לנו תשובתו של חכם קדמון זה, ככל הנראה, בפרטים רבים הנוגעים לדין ספינת הנהר. התשובה ממחישה בעליל, את עדות הרמב״ם, אף כי בכל דיונו הארוך אין החכם המשיב נוגע במישרין בעקרונות ההלכתיים המנחים את היתר ההפלגה בנהרות בשבת. התשובה נדפסה ע״י ש. אסף, תשובות הגאונים, ירושלים, תרפ״ז, עמ׳ מ״ו, סי׳ כ״ג. ראה להלן.

[25] ראה: J.L. Teicher, "The Arabic Original of Maimonides' Rejoinder to Samuel Ben Ali," *JJS* 4.4 (1953): 41–42.

[26] וראה א. גרוסמן, חכמי אשכנז הראשונים, ירושלים, תשמ״א, עמ׳ 177.

היתה הספינה בתחום הנמל עם כניסת השבת. ואע״פ שאין תחומין למעלה מעשרה, הרי דין הנוסע בספינה כדין מי שהוציאוהו נכרים חוץ לתחום, שאין לו אלא ד׳ אמותיו.

[ג]

כל השיטות שהזכרנו עד כה, מן המאה הי״א ואילך הן, ונראות כנוגדות באופן טוטאלי את דעות גאוני בבל שקדמון ואת הוראתם המעשית. ניגוד חריף זה, המקיף את כל חכמי אירופה וצפון־אפריקה — אלה שכבר נזכרו וחבריהם שייזכרו להלן — הוא העומד ברקע מחלוקתו של שמואל בן עלי, הנוקט בדעה הישנה, עם הרמב״ם, והוא שעורר את פרופ׳ י. כ״ץ לבחון את משמעותה ההיסטורית והחברתית של ההתפתחות לקולא. הבה ונבחן את שיטת הגאונים ונעמוד על השקפתם, ונראה אם מעור אחד היא (פרט לשיטתו החריגה של הרב יעקב בן מרדכי גאון, שהזכרנוה לעיל ושציין לה כ״ץ).

התשובה הקדומה ביותר בענין זה, עד כמה שאני רואה, היא תשובתו הקצרה של רב יהודאי גאון, כפי שהובאה בספר העתים, עמ׳ 52: „ואשכחן בפסוקות, הכי שאילו מקמי רב יהודאי גאון: לשון הים הנכנס בישוב, ויבשה מכאן ומכאן פחות מאלפיים אמה, מהו להפליג בו בשבת? ואמר — אסור״. הרי לך שאסר כלל הפלגה בנהרות ובדומה להן, ולא הבדיל כלל בין למעלה מי׳ ופחות מכך. והנוסע בספינה שכזו עליו לרדת ממנה לפני השבת (או בתוכה, ראה להלן) כדי שלא יפליג בשבת.

בבירור ובפירוט נתפרש ענין זה בתשובת רב האי גאון, שהובאה אף היא בספר העתים (עמ׳ 57 = אוצה״ג עירובין, עמ׳ 33): „וששאלתם, הא דתנן פעם אחת לא נכנסו לנמל עד שחשיכה — בשבת וספינה המפרשת בים לא קא מיבעיא לי. כי קא מיבעי לי, ביום טוב וספינה הבאה באחד הנהרות מהו לירד ביו״ט? ואם היה דבר מצוה . . . מהו? הכי חזינן: שאיסור לעבור בספינה כשהיא עוברת [ושבת ויו״ט] שוין באיסור. ותנן (ביצה ל״ו, ע״ב) לא שטין על פני המים בין שט בידו ובגופו ובין שט על חביות של שייטין אסור, וכל שכן בספינה . . . ולא דמי לדרבן גמליאל, דאילו האי לענין תחום שבת הוא, שאם היו בתוך התחום עד שלא חשיכה מותרין היו לירד ליבשה. והכי נמי אפילו באחד מן הנהרות, אם הגיע בין השמשות ויכול הוא לעלות ליבשה ובתוך התחום, חייב לעלות, ואם אינו יכול לעלות ליבשה וקידש עליו היום וישנו בספינה, ואח״כ הגיעו לנמל שיכול הוא לעלות בו, כיון שנכנס לתחום עד שלא קידש היום, מותר הוא לעלות לנמל ואפי׳ לדבר הרשות . . .״. הרי לך מפורש שאסר רב האי גאון על הפלגת הנהר בשבת, והורה לירד מן הספינה בערב שבת, אם יוכל, כדי שלא יפליג עימה בשבת.[21] וטעם הדבר נתפרש אצלו משום גזירת

[21] לא ברור מלשונו אם חייב הנוסע לרדת מספינת הנהר גם במקרה שהגיעה הספינה לנמל בתוך השבת, לאחר ששהתה בתחום הנמל בערב שבת. נראה יותר שאינו חייב לרדת אלא אם כן יכול היה לעשות כן לפני השבת. וראה להלן.

תיקון כלי שיט, שהוא טעם איסור שט שהזכיר הגאון מגמרת ביצה ל״ו, איסור המקיף לדעת הגאון גם שיט בספינה מ׳כל שכן׳. ואף שלכאורה אין כאן כל־שכן, שהרי בגופו ובחבית של שייטין הוא שוחה בפועל, ומניע עצמו במים, ואילו בספינה אין הוא עושה כל מאומה, סבור הגאון שאף זה בכלל ׳חבית של שייטין׳.

יש בידינו תשובה נוספת לרב האי, מפורטת, ברורה ומעניינת מקודמותיה, שהיתה כלולה אף היא בספר העתים (אך כיום חסר דף זה מתוך כתב היד) ומשם נעתקה בתשובות הגאונים ליק (סי׳ ס״א), וחזרה והוסגרה אל ספר העתים (עמ׳ 3), וז״ל: „ונשאל גאון, הא דאמור רבנן ׳אין מפליגין בספינה פחות מג׳ ימים קודם שבת׳, מהו לנהוג מנהג זה בנהרות גדולות, כגון דגלת פרס ונילוס של מצרים, וליכנס אדם בספינה שלשה ימים קודם לשבת, ולישב בה כשהיא מהלכת; או אינו דומה ספינת הים לספינת הנהר, לפי שבים מתרחקת מן היבשה ואינו יכול לצאת ממנה כל זמן שירצה, ובנהר מתהלכת קרוב ליבשה וכל זמן שמבקש יוצא, או אית טעמא אחרינא. ובני מצרים וכפריה היו נוהגין איסור חמור בנילוס שלהם, והיו ממהרין לצאת מן הספינות בערב שבת, עד שבא אצלם מי שהתיר להם, ועדיין קצתם נוהגים בו איסור; האיך ראוי לעשות? — אנו לא שמענו מאבותינו ולא מחכמי שתי ישיבות מעולם מי שהתיר לישב בספינות הנהרות, לא בדגלת ולא בפרת ולא בזולתם, ואיסור הם נוהגין בדבר זה. ומי שבא והתיר דבר זה במצרים לא יפה עשה, כי אפילו יהא מותר, פתח היא לכמה קלקלות, ואמרינן (פסחים נ׳, ע״ב) ׳דברים המותרים ואחרים נוהגין בהם איסור אי אתה רשאי להתירן בפניהם׳, כל שכן דברים שלא מצינו להם היתר. וכשאתה מעיין בדברי חכמים כולם, אי אתה מוצא דבר זה [אלא] בים לבד ו׳הפלגה׳ היא שאמרו, ׳אין מפליגין׳, ומופלג [לאו] היא בנהרות כדרך שהוא מופלג כשהוא בים . . .״. והוסיף לומר שאף „במקום גדודי חיות . . . רבוותא דעלמא וחכמי איתני ישראל נזהרין מאד״, אך אין להמליץ על קיצוניות זו לשאר כל אדם.

המילים המוסגרות בחצאי לבינה הכניסם ר״י שור, מהדיר ספר העתים, מדעתו, ואינם בתשובות הגאונים ליק שמהם העתיק. וחלק עליו בזה ב״מ לוין, שהביא תשובה זו באוצה״ג לשבת עמ׳ 18, כנ״ל. לדעתו של לוין הפך המהדיר בתיקונו את כוונת הגאון מן הקצה אל הקצה. אם תקרא את המילים כמו שהן לפניך במקורן, ובלי תיקונו של שור, תמצא כתוב בהן כי אין כל הבדל בין נהר לים, והכל בכלל הפלגה שעליה נאמר ׳אין מפליגין׳, ועל כן חייבים לרדת מספינת הנהר בשבת, אם אך אפשרי הדבר מבחינה מעשית והלכתית. אבל לפי זה, אם היתה ההפלגה שלשה ימים ויותר לפני שבת שוב אין צריך לרדת (אחרת יתחייב לרדת גם מספינה, אם יזדמן לו נמל), וזה בלתי אפשרי, שהרי השואל הזכיר המתנת ג׳ ימים במפורש בלשון שאילתו, ועל זה השיבו רב האי גאון, ובתנאי זה נהגו קדמוני מצרים שלא להפליג בנילוס לדברי השואל, ועל זה הוא שהתיר להם המתיר לעשות כן, ואם רב האי מסכים לזה הרי שהסכים עם המתיר, היפך הנאמר בתשובה! על כן ברור לחלוטין כי למרות שהתיקון נראה שרירותי לחלוטין, ומהפך הכוונה מן הקצה, בכל זאת נכון הוא והכרחי, כדעת ר״י שור. זאת ועוד. בעמ׳ 2 בספר

שאין במים י' טפחים ומשום תחומין גזרו, אבל למעלה מי' טפחים לא גזרו."[17] באופן זה הותאמה סוגיית שבת י"ט לסוגיית עירובין מ"ג עד לאחד, אלא שלא הוסבר מה שונה ג' ימים בזה מב' ימים, ואם הספינה גוששת עליו לנהוג בשבת כדקדוק דיני תחומים החלים עליו, לפרטיהם — ראה להלן — ומה הועילו חכמים בתקנת המתנת ג' ימים?

את שיטת הר"ח העתיק הרי"ף מילה במילה, וכך היתה דעתו, תחילה, הלכה למעשה. לאחר מיכן חזר בו, כעדות הרב זרחיה בעל המאור על־אתר, וציוה בתשובתו להוסיף על דבריו הנ"ל דברי השגה על הר"ח, הכתובים גם הם לפנינו ברי"ף; תחילה היקשה מה החילוק, א"כ, בין ג' ימים לערב שבת? ומדוע דבר מצוה שאני „והא העמידו דבריהם במקום עשה"? ומדוע לא חילקה הגמרא בין ספינה גדולה לקטנה? ועל כן פירש הוא באופן הפוך, כי ההמתנה אמורה בים הגדול דווקא, ומפני צער מחלת הים המשבש את מצות עונג־שבת, ועל כן הצריכו להמתין ג' ימים כדי שיתרגל לתנועת המים ולא יצטער, ובמקום מצוה התירו מפני שהעוסק במצוה פטור מן המצוה. נמצא, ממילא, כי בנהר אין האיסור אמור כלל, מפני שאין בו מחלת הים, ואיסור אחר מעולם לא נאמר בדבר. יש להדגיש כי גם הרי"ף מודה הלכה־למעשה שאין תחומין למעלה מעשרה, שהרי לא רשם בענין זה כל השגה על הר"ח — כפי שהעיר אל־נכון הרמב"ן בחידושיו לעירובין — אלא שלדעתו בנהר הותר השיט גם בספינה גוששת אם אך עלה לספינה בערב שבת, מפני שהמתנת ג' ימים לא נגזרה בגלל חשש תחומין, וגם אין היא יכולה לתרום לפתרונה. ובים הגדול יתיר, למעשה, גם הרי"ף, באדם שאינו חושש למחלת הים, שיש לו רפואה עימו או שאינו סובל מזה וכד'.[18]

[17] שיטת רבינו חננאל אינה מצויה בשום תשובה מתשובות הגאונים שראיתי ולא בחומר גאוני אחר. ומה שכתב המאירי: „פירשוה גאוני הראשונים בספינה גוששת" וכו', אין כוונתו לרב האי גאון כדעת מהדיר המאירי, אלא לרבינו חננאל. ודעת רב האי גאון שונה לגמרי, ותבואר להלן. ובכי"א הגירסא במאירי: „גדולי הראשונים"; ראה הערת המהדיר שם. ומה שכינה הר"ח שיטה זו על שם „יש מי שאומרים", ראה להלן.

[18] י'. כ"ץ (עמ' 35) סבור כי לדעת הרי"ף, החולק על הר"ח, „חל האיסור כמובן דווקא על ההפלגה בים הגדול . . . והרי שמענו את עדות הרמב"ם כי הרי"ף עצמו נהג היתר בדבר." ולא היא. הרמב"ם העיד על הרי"ף שהתיר הפלגה בנהרות הגדולים, אבל בענין המתנת ג' הימים בהפלגת הים לא דיבר כלל. ועוד תמה כ"ץ על כי „כשיטת הרי"ף נימק אף הרמב"ם את האיסור בפסקיו ובתשובותיו, אך גם הוא לא קינא לקיום האיסור בפועל. אדרבה, דיבר בקשר להפלגה בנהרות על כך 'שיש לנו להתיר איסורים מיוחדים מפני ההכרח.'" ואין הדבר כך: בשום מקום לא מצאנו כי התיר הרמב"ם הפלגה פחות מג' ימים לפני שבת ולא רמז על כך. ומה שאמר בקשר לנהרות אינו נוגע לענין כלל, שהרי בנהרות התיר הרמב"ם — כרי"ף לפניו — בכל ענין, כמו שהביא כ"ץ עצמו, ונכונותו 'להתיר איסורים מיוחדים מפני ההכרח' אמורה לרווחא דמילתא, „אפילו על דעת מי שרואה שיש בהליכת אלו הנהרות [איסור], כמו שחשבו", ולא עפ"י דעת עצמו.

בדברי הר"ח והרי"ף שמענו, לראשונה, הבדל בין ספינת הים וספינת הנהר, אם לחומרא ואם לקולא, אף שבדברי המקורות עצמם לא נרמז הבדל שכזה. במקורות התנאיים מוזכר „הים הגדול", מפני שבא"י שיט נהרות אינו מעשי, והים הגדול הוא נתיב השיט המצוי. בבבל, לעומת זאת, שיט נהרות הוא הענין האקטואלי, ועל כן הושמטו בבבלי המלים „ים הגדול" מן ההלכה הזו. כאן וכאן הים הגדול והנהרות חד הם. כך נראים דברים כפשוטם.

שתי שיטות נוספות מצאנו בראשונים לטעמה של גזרת ההמתנה. לדעת רבי זרחיה בעל המאור, מגדולי פרובאנס במאה הי"ב, ההפלגה בים כרוכה בספק סכנת נפשות, ואם ימצא הנוסע עצמו בסכנה יהיה חייב לחלל את השבת. על כן תיקנו חז"ל להרחיק את היציאה מיום השבת, שלא ייראה כמתנה לחלל את השבת.[19] בדומה לזה היא שיטת הרמב"ן, לפיה הרחקה זו תיקנוה חז"ל מפני ההכרח לעשות מלאכות שונות על גבי הספינה בשבת, ונראה הדבר כאילו הוא שוכר את הגוי, בעל הספינה, לעשות מלאכות אלו בשבילו. על כן, בספינה שרוב נוסעיה נכרים, והיתה יוצאת לדרכה גם בלא מיעוט הנוסעים היהודיים, לא קיימת הרחקה כזו כלל.[20]

עפ"י כל השיטות שמנינו עד כה, מותרת ההפלגה בספינה בשבת בכל מקרה ובכל ענין, בין בים בין בנהר, ולרוב הדעות אין גם צורך להמתין ג' ימים לפני שבת, אם משום שההמתנה הנזכרת בתלמודים משקפת דעות יחיד שונות הדחויות מהלכה, ואם משום שבתנאי ההפלגה האקטואליים אין לחשוש למה שחששו חז"ל. לדעת רבינו חננאל, אסור השיט בנהרות הנמוכים פחות מי' משום תחומין, אבל בנהרות הגדולים והעמוקים, לא ראינו עד כה מי שאסר את ההפלגה בהן. בסיס ההיתר להפלגת השבת היא ההכרעה ההלכתית שאין תחומין למעלה מעשרה, ואף שלא הוכרע כך בתלמוד להדיא, שותפים כל הראשונים שנזכרו עד כה לדעה שכך יש להכריע, משום ש'ספק עירובין לקולא'. כל זה לענין עצם ההפלגה, אבל הירידה מן הספינה בשבת לנמל אסורה לדעת הכל, אלא אם כן

[19] תפיסה הלכתית־עקרונית זו חוזרת בדברי בעל המאור עוד, וכך כתב בפרק ר"א דמילה בשבת (דף נ"ג ע"א בדפי הרי"ף) שאע"פ שאם נשפכו מים החמים לאחר המילה, מחממים לו מים אחרים מפני שסכנת נפשות היא לנימול, הרי אם נשפכו המים קודם המילה נדחית המילה מפני השבת, ולא אמרינן שימול עתה את התינוק אשר לפניו, שמילתו דוחה שבת, ולאחר שימול הרי חייב יהיה לחמם מים, כנ"ל, שפקוח נפש דוחה שבת, אלא הלכה היא שלא יכניס עצמו בשבת למצב של פקוח נפש דוחה שבת. עיי"ש.

[20] יש לשים לב לכך כי רק לפי שיטת בעל המאור והרמב"ן (או לפי הגירסא היחידאית שבספרי הנ"ל) ניתן לראות את דין ההפלגה בספינה כענף של הלכות 'גוי של שבת'. לפי כל יתר השיטות — והן הקדמוניות יותר ודעת הרוב — אין כל איסור מלאכה ברקע תקנה־גזירה זו, ועל כן אין כאן עניין ל'גוי של שבת' כלל. ממילא לא יכירנו מקומו של פרק זה בספרו הנ"ל של פרופ' כ"ץ.

מעיקרה? שאלה זו תחריף יותר עפ״י הנוסח המקביל שבירושלמי (שבת פ״א, ה״ח): „אין מפרישין לים הגדול לא בערב שבת ולא בחמישי בשבת, בית שמאי אוסרין אפילו ברביעי ובית הלל מתירין״. למדנו מכאן כי הרחקה זו של ג׳ ימים קדומה היא מאד, וכבר בית שמאי ובית הלל נחלקו בפרטיה! ומנין צמחה לה החמרה קדומה זו בדבר שאין בו איסור של הלכה כלל עפ״י דעת התלמוד הבבלי?

בשאלה זו נאמרו פתרונות אחדים. ראשית, באופן מפתיע אפשר בהחלט כי המילים „ובית הלל מתירין״ מתייחסים להלכה כולה ולאו דווקא לשאלת יום רביעי, ולפי זה לא נאמרו כל ההרחקות אלא אליבא דבית שמאי, וכך אמנם היא דעת הרשב״ם (הובא בתוספות למסכת עירובין, שם), הסבור כי בית שמאי הולכים בזה לשיטתם המחייבת שביתת כלים,[10] ובכך סרה כל תמיהה וגם מתבאר היטב מיקומה המסויים של הברייתא הזו בתלמוד הבבלי, במסכת שבת דף י״ט, ע״א, בקצה הסוגיא המדברת בשיטת בית שמאי בענין שביתת כלים.[11] ולדידן שאיננו מחייבים שביתת כלים, יכולים אנו לעלות בספינה אפילו בערב שבת ולהפליג, שהאניה נוסעת מאליה ואין אדם שעל גבה עושה כל מעשה איסור.

שיטת־יחיד, המסלקת באופן אחר את עוקצו של המתח בין הסוגיות, היא שיטתו של מר יעקב גאון בר מרדכי (סורא, סוף המאה השמינית) כי דברי רבן שמעון בן גמליאל (שם) ׳אינו צריך׳, אינם מתייחסים לענין הפסיקה עם רב החובל, אלא לענין ההמתנה כולו, שלדעתו אין צורך בה כלל, ואע״פ שהלכה כרבי מחבירו, הרי רשב״ג אביו הוא ועל כן הלכה כמותו שכל ההמתנה הזו אינה צריכה.[12] כשיטה זו פסק גם ספר ׳הלכות גדולות׳: „וכל היכא דקנה ליה שביתה בספינתא מחולא, שפיר דאמי למיתב בה

[10] יש להניח כי ההלכה הא״יית הקדומה אסרה הפלגת שבת לחלוטין, כמו שתראה בספר היובלים (נ׳, י״ב), הכולל את „היורד בים באניה״ בין שאר אבות מחללי שבת המנויים שם, החייבים מיתה.

[11] על אפשרות כזו, אליבא דבית שמאי, ראה מש״כ הגר״ש ליברמן, הירושלמי כפשוטו, ירושלים, תרצ״ה, שבת פ״א, ה״ח, עמ׳ 58־59. וראה גנזי שכטר ב׳, תרפ״ט, עמ׳ 10, הע׳ 5.

[12] הגר״ש ליברמן ציין, בתוספתא כפשוטה על אתר (עמ׳ 216־217), בין יתר המקבילות לתוספתא זו ופירושי הראשונים עליה, גם את נוסח הספרי (שופטים, פי׳ ר״ג): „אין מפליגים את הספינה לים הגדול . . .״ וכו׳, היינו: „שבזמנו של שמאי הזקן היו הספינות של ישראל ומלחיה יהודים, ואוסר שמיי הזקן למלחים להפליג את הספינה פחות מג׳ ימים קודם השבת . . .״, עיי״ש. וממילא רווחא שמעתתא. אלא שכל הנוסחים האחרים אינם גורסים כן. — על בעלי אניות יהודים ועל אגודה מקצועית של ספנים יהודים במצרים במאה הרביעית, ראה: א. לינדר, היהודים והיהדות בחוקי הקיסרות הרומית, ירושלים, תשמ״ג, עמ׳ 132.

בשבתא וסגויי, מה לי מבעוד יום מה לי שלושה ימים קודם לשבת, הילכך שפיר דאמי״.[13] על תלותה של שיטת בה״ג בזו של הגאון קודמו, העיר רב האי גאון[14] ודחאה מסברא ומהלכה.

יש להוסיף, כי לדעת הרשב״ם, ומן הסתם כך גם לדעת הגאון יעקב בן מרדכי, מותר להיכנס בספינה אף ביום השבת עצמו. כך קבע הרשב״ם במפורש — ראה בתוספות עירובין שם — ובמקרה זו לא יוכל האדם לזוז מד׳ אמותיו בספינה. לדעת ר״י הזקן, שקיבל את עמדת רשב״ם, לא קיימת אף מיגבלה צדדית זו, מפני שלדעתו כל הספינה כד׳ אמות של דיר וסהר היא, עיי״ש ובפסקי מהר״ם מרוטנבורג לעירובין[15] בשמו. אך אם אין הדבר כך, וגם ב״ה וגם רשב״ג מודים בגזירת המתנת ג׳ ימים, כדעת רוב הראשונים, צריכים אנו להבין מדוע באמת ראו כל החכמים לאסור על הפלגת רשות בים ג׳ ימים לפני שבת ומה הרחקה יש בדבר? ובזה נחלקו הראשונים מאד והעמידו כמה שיטות,[16] וכדברי הרב מנחם המאירי בבית הבחירה למסכת שבת: „שמועה זו נתבלבלו המפרשים בעניינה, וכל שכן ממה שראו שלא נמנעו מלעולם להפליג בים אף בערב שבת, ולא נשמע להם מי שימחה בדבר . . .״.

ראשונה בזמן הינה שיטת רבינו חננאל שכתב על־אתר בשבת: „הא דתנו רבנן אין מפליגין בספינה פחות מג׳ ימים קודם לשבת, יש מי שאומרים בזמן שגוששת ואין במים י׳ טפחים, ומשום גזירת תחומין נגעו בה, אבל למעלה מי׳ טפחים לא גזרו, ומשום הכי נהגו להפליג בים הגדול.״ ולהלן, באותו עמוד: „וכבר פירשנוהו למעלה בספינה גוששת,

[13] ד״ו, פרק ב׳; אספמיא 81, מהד׳ הילדסהיימר החדשה, ירושלים, תשל״ב, עמ׳ 161; וראה הקטע שפירסם א. הורוויץ, „שרידים מפירושי הגאונים״, הדרום, תשרי תש״מ, עמ׳ 97.

[14] ל. גינצברג, מהדיר הקטע (גאוניקה, II, עמ׳ 85־86), סבור כי כוונת הגאון לומר שרב יעקב ב״ר מרדכי השתיל את הקטע לתוך ספר הלכות גדולות, כדי להקנות לו מסמכותו. אולם נראה כי ספר ה״ג נתחבר לאחר ימי גאון זה. ראה: נ. דנציג, „תשובות הגאונים בקטע מן גניזה ויחסן להלכות גדולות,״ PAAJR, 54 (1987): 18, note 17 and p.25 . קשה להבין מנין לקח גינצברג פרוש משונה זה. אפשר שקשה היה לו, אם אכן זו דעת בעל ה״ג, מה זה שהביא את הברייתא כלשונה, שורותיים קודם לכן, ולא העיר עליה כלום? וכך אמנם היקשו האחרונים, אך אינה קושיא כלל, ודא עקא, שאם אכן דעתו כדעת ר׳ יעקב ב״ר מרדכי, הרי המילים ׳אינו צריך׳ שהעתיק חלים על כל ענין ההמתנה, ועל כן העיר מיד כי אין חילוק בין ג׳ ימים לערב שבת.

[15] א. קליין (מהדיר), תשובות, פסקים ומנהגים של מהר״ם, חלק ד׳: פסקי עירובין, ירושלים, מוסד הרב קוק, תשל״ז, עמ׳ ל״ה־ל״ו. והשווה עמדתו של רב נסים גאון בנקודה זו: ש. אברמסון, רב נסים גאון, ירושלים, תשכ״ה, עמ׳ 131.

[16] השיטות נזכרות כאן על שם ראשוני אומריהם. הבאים אחריהם, שתמכו בשיטות השונות, לא ייזכרו כאן אלא אם משתקפת בהן מציאות ממשית של הפלגת שבת, בים או בנהר.

מפלנדרסין[6] והפליגה ספינתם בים. ר״ג ורבי אלעזר בן עזריה הלכו את כולה, ר׳ יהושע ורבי עקיבא לא זזו מד׳ אמות, שרצו להחמיר על עצמן. פעם אחת לא נכנסו לנמל עד שחשיכה, אמרו לו לרבן גמליאל, מה אנו לירד? אמר להם מותרים אתם, שכבר הייתי מסתכל והיינו בתוך התחום עד שלא חשיכה.״ ובמעט פירוט יותר מתואר המעשה בתוספתא שבת פי״ג (מהד׳ הגר״ש ליברמן, עמ׳ 61־62). עולה ממשנתינו, כי משלחת זו של גדולי התנאים לא נמנעה מעצם הנסיעה בשבת על גבי ספינה בים הגדול, ובוודאי לא ראתה בזה איסור כלשהו, ואף שיש לשער שנסיעתם היתה כרוכה בצרכי ציבור וממילא בענין של ׳מצוה׳[7] — שיש בו כדי להתיר הפלגה אף פחות מג׳ ימים קודם לשבת, ראה להלן — הרי לגבי איסורי שבת בפועל אין בזה כל נפקא מינה. מחלוקת נתעוררה אצלם אך ורק לגבי סדר ההנהגה על גבי הסיפון, ומרחב התנועה שיש להם בו ביום השבת, וביחס לזה בא ההקשר ההלכתי במשנה לדין „מי שהוציאוהו נכרים או רוח רעה — אין לו אלא ד׳ אמות״, שהרי איש זה מוצא את עצמו למעשה מחוץ לתחום שהיה לו עם כניסת השבת. לדעת כולם תחומו של הנוסע בספינה נקבע לו עפ״י הנקודה הגיאוגראפית שבה נתונה היתה הספינה עם כניסת השבת: שאם היתה בתחום הנמל, יכולים לרדת ממנה בשבת, אך אם היתה בלב ים, הרי ברגע שהמשיכה בהפלגתה מעבר לתחום שבת מוצאים הנוסעים עצמם כמי שהוצאו ע״י אחרים מחוץ לתחום, ואין להם אלא ד׳ אמות. אלא שלדעת רבן גמליאל ורבי אלעזר בן עזריה מהווה כל הספינה כולה יחידה אחת של ד׳ אמות, ועל כן יכולים הם להלך את כולה. כך היא פשוטה של לשון המשנה וכוונתה.

משנה זו מהווה בסיס לסוגית התלמוד, שחלקה הראשון יובא כאן: „בעי רב חנניא, יש תחומין למעלה מעשרה או אין תחומין למעלה מעשרה? עמוד גבוה עשרה ורחב ארבעה לא תיבעי לך, דארעא סמיכתא היא. כי תיבעי לך, בעמוד גבוה עשרה ואינו רחב ארבעה, אי נמי דאזיל בקפיצה (לישנא אחרינא: בספינה) מאי? אמר רב הושעיא תא־שמע: ׳מעשה שבאו מפלנדרסין והפליגה ספינתם בים׳ וכו׳. אי אמרת בשלמא יש תחומין, משום הכי רצו, אלא אי אמרת אין תחומין אמאי רצו? כדאמר רבא: ׳במהלכת ברקק׳, הכא נמי במהלכת ברקק. תא שמע: ׳פעם אחת לא נכנסו לנמל עד שחשיכה׳

[6] חכמים אלו באו מרומי ועלו לספינתם בנמל ברינדיזי; ראה י״נ אפשטיין, מבוא לספרות התנאים, תל־אביב, תשי״ז, עמ׳ 311. — חילופי נוסחאות בענין זה, ובכל המקורות האחרים שיידונו להלן, יובאו רק אם תהא להן השלכה ישירה על מהלך הדברים.

[7] ההיתר במקרה זה יוצא באופן מפורש גם מן הברייתא האוסרת על הפלגה בשבת ג׳ ימים לפני שבת; ראה להלן, עמ׳ 30. באותם זמנים אין להעלות על הדעת הפלגה רחוקה בים הגדול שלא לצורך גדול, וממילא היו גם ההפלגות האחרות ׳של מצוה׳ בדרך זו או אחרת, וכמו שתפסו נקודה זו גם חכמי ההלכה של ימי הביניים. פרט זה דורש עדיין עיון נוסף.

וכו׳. אי אמרת בשלמא יש תחומין — שפיר, אלא אי אמרת אין תחומין, כי לא היינו בתוך התחום מאי הוי? אמר רבא במהלכת ברקק.״ הבעיה עוסקת בהליכה מחוץ לתחום במישור מורם, על פני הגובה, ושלא בדריכה על הקרקע, היינו: בהליכה על גבי עמודים בלתי־מרווחים או בקפיצה (על גביהן? וראה מפרשים), והשאלה היא האם קיים איסור תחומין בשבת גם על כגון זה? לכך מבקשת הגמרא להביא ראיה מספינתם הנ״ל של התנאים, שכל התנהגותם, כמוסבר לעיל, מוכיחה כי החילו על עצמם כללי דין תחומין בהיותם על גבי ספינה, העומדת ומשייטת בגובה של למעלה מי׳ מעל גבי קרקע עולם. ועל כך משיב רבא, כי ספינתם היתה ׳מהלכת ברקק׳, היינו: בגובה נמוך של פחות מי׳ מעל גבי קרקע. את המילים ׳לישנא אחרינא: בספינה׳ הסגרנו בסוגריים לסימן כי אינם מן הגירסא המקורית[8] אלא נוספו בה, וככל הנראה לא היו מתחילתן אלא הערת גיליון לציון קריאה חליפית — ׳ספינה׳ — למילה הקשה ׳קפיצה׳, שגם מבחינה גראפית קרובה היא לה ביותר. לכאורה אין הבדל מהותי בדבר אם גורסים אנו ׳בספינה׳ בבעיית הגמרא אם לאו, שהרי בין כך ובין כך מבקשת הגמרא ללמוד פשיטות בעיה זו מדין הספינה שבמשנתנו; אולם להלן נראה כי הענין מסובך קצת יותר.

הבעיה נותרת, למסקנת הסוגיא, בעיה דלא איפשיטא, ורוב הפוסקים — למעט את הרמב״ם; ר׳ להלן — הכריעו כי אין תחומין למעלה מעשרה, מכמה טעמים וגם מפני שספק עירובין לקולא, וספינת החכמים אילולי היתה גוששת לא היתה מתעוררת בה שום בעיה. אם כך, הרי הותרה לכל הדעות ההליכה על גבי הספינה בשבת ואף הירידה ממנה, בכל מקרה, ביום השבת, והיציאה לנמל ולעיר, אם אך אינה גוששת. אלא שכל זה הוא על דרך התלמוד הבבלי, אבל לפי התוספתא והתלמוד הירושלמי אין הבחנה כלל בין למטה מעשרה ולמעלה ממנה, והכל בכלל איסור תחומין כרגיל, ועל כן לא אבו התנאים להלך על גבי הספינה ואף חששו לירד ממנה, כפשוטם של דברי המשנה וכתפיסת הגמרא בהוה־אמינא, ובלא הדוחק הגלוי לעיניים שבדברי רבא שהעמיד את ספינתם על הרקק דווקא.[9] עפ״י שיטה זו, התולה איסור תחומין מעל י׳ כמתחת י׳ ברור לנו יפה מדוע גזרה ההלכה על הרחקת ההפלגה בים ג׳ ימים לפני שבת, אולם לשיטת התלמוד הבבלי, לפיה אין איסור תחומין בים כלל, קשה להבין מדוע נגזרה הרחקה זו

[8] ראה החומר שליקט בעל דקדוקי סופרים על־אתר, מחכמי מזרח ומערב, שלא היו מילים אלו בנוסחתם, ובעיקר מדברי הרב יהודה הברצלוני, בעל ספר העתים — שבדבריו נדון להלן — אשר הביא חילוק גירסאות מפורש בענין זה שכבר היה לפניו בכתבי היד. הברצלוני הוסיף והעיר, כי גם אם נמצאת הגירסא בגמרא אין היא יכולה להתפרש אלא לגבי איסור הירידה מן הספינה, ולא לגבי הנסיעה עצמה, שדבר זה פשוט להיתר בכל המקורות התנאיים, ואי אפשר להעמיד בו בעיה ופשיטותה.

[9] והצביע על כך הגר״ש ליברמן בתוספתא כפשוטה, נויארק, תשכ״ג, סדר מועד, עמ׳ 218.

עלי, ראש ישיבת בגדאד, ולהסביר שוב, וביתר פירוט ואריכות, את דרך הסקת ההלכה הזו על ידו מתוך התלמוד, ואת כוונתו המדוייקת בתשובתו הראשונה. הפרשה כולה מזמנת לנו אפשרות נדירה להתבונן אל צידו הפנימי — המכוסה־כרגיל — של תהליך הפסיקה ההלכתי אצל הרמב״ם, ואל כמה היבטים בלתי־שגרתיים הנוגעים למקומו של הרמב״ם בתולדות התפתחות ההלכה בימי הביניים.

[א]

ההפלגה בים הגדול בימי שבת וחג, כשהיא לעצמה, מותרת היתה לכתחילה עפ״י ההלכה התלמודית ונהגה, הלכה למעשה, ע״י חכמי התנאים והאמוראים, וגם מאוחר יותר — בימי הביניים — בלא פקפוקים ובלא מחלוקת. וכשם שהיתר זה פשוט היה ומוסכם על הכל, כך גם ידעו הכל, בתקופה התלמודית ובימי הביניים, כי אם הטילה האניה עוגן בשבת, לא יוכל הנוסע לרדת ממנה בו ביום, אלא אם כן נכנסה האניה לתחום־שבת של הנמל לפני כניסת השבת. לעומת שני עקרונות ברורים וחד־משמעיים אלה נטושה היתה מחלוקת, בימי הביניים, בנוגע למספר שאלות נילוות, כגון: א. האם מותר לעלות לספינה סמוך לשבת, למרות הדרישה התנאית המפורשת, לכאורה, לעשות כן ג׳ ימים לפני שבת דווקא? ב. האם מותר לאנשי המקום לעלות לספינה שהטילה עוגן בנמלם בשבת, כדי לארח לחברת היהודים ׳הכלואים׳ בה מחמת איסור תחומים כנ״ל? ג. האם מותר להכניס ולהוציא מזון מן הספינה הזו ואליה? ד. מה הן אפשרויותיו ההלכתיות של אדם שהוציאוהו מספינה זו בעל כורחו? וכד׳. אך בעיקר נודעה בימי הביניים המחלוקת הקשה — והמעשית ביותר — בשאלת היתר ההליכה בספינה על גבי נהר בשבת. האמנם חלים על שיט נהרות אותם הכללים ההלכתיים הנוהגים בהפלגה בים? או שמא חייב הנוסע בנהר לנצל הזדמנות המצויה לרוב בנתיבי נהרות, ולרדת מספינתו סמוך לשבת, או בשבת עצמה, למקום ישוב, כדי שלא יחלל שבת?

בסוגיה זו נתפרסמה ביותר תשובת הרמב״ם אל אברהם הכהן בבגדד, ומחלוקתו — בתשובתו החוזרת — עם הרב שמואל בן עלי, ראש ישיבת בגדד בעת ההיא. בניגוד

המקור הערבי במילואו, מתוך כ״י הסמינר בניו־יורק, ע״י מ. בניהו, בספר הזכרון לראשל״צ הרב י. נסים, ירושלים, תשמ״ה, חלק ב׳, עמ׳ רט״ו־ר״כ, עם תרגום עברי עפ״י כ״י עץ־חיים ועם הערותיו של מ. עסיס. מקור ערבי זה נכלל ע״י י. בלאו בהשלמתו למהדורתו הנ״ל, הקרויה חלק ד׳, שנדפסה בירושלים, תשמ״ו, עמ׳ 11־22, עם תרגום עברי מחודש משלו. — תשובה זו של הרמב״ם נתפרסמה מאד מיד עם כתיבתה, והרמב״ם במכתבו אל מר יוסף אבן ג׳אבר אומר כי התשובה נפוצה כ׳מאמר׳ בפני עצמו; ר׳ י. שילת, איגרות הרמב״ם, ירושלים, תשמ״ז, א׳, עמ׳ תי״א־תי״ב.

לדעתו של שמואל בן עלי, בניגוד לעמדת רב האי גאון וגאונים אחרים, ובניגוד למנהג הקדום בבגדד ובמצרים עצמה, עמד הרמב״ם והתיר „הליכה בנהרות הגדולות כנהר מצרים וחידקל ופרת והדומים להם. . .״. אולם, כפי שנראה להלן, אף אם היה בעמדתו משום חידוש רב, ואולי מהפכה ממש, ביחס לעמדת הגאונים ולמה שהיה מקובל בעבר, הרי תאמה עמדתו היטב את עמדת כל חכמי ההלכה שאחרי תקופת הגאונים, ראשוני התקופה הרבנית ותלמידיהם, הן אלה שבספרד והן אלה שבאשכנז, שהם כולם הורו להתיר בשאלה זו, בלא יוצא מן הכלל, תוך שהם מתעלמים מעמדת הגאונים. יתר על כן; אף את מיגבלת שלושת הימים המפורשת לכאורה בתלמוד, ביטלו הרבנים מן ההפלגה בנהר, והעמידוה בהפלגת ים בלבד ולא בנהר, ויש שביטלוה מן ההפלגה בים גם כן. אלא שהתאמה זו שבין עמדת הרמב״ם לעמדת שאר הראשונים התאמה חיצונית־מעשית בלבד היא, התאמה דה־פאקטו, ואילו תפיסותיו ההלכתיות של הרמב״ם, אלה אשר עמדו מאחורי היתר זה וקבעו את צורתו, שונות היו משלהם שינוי רב. פרופ׳ י. כ״ץ[4] הקדיש לנושא זה פרק שלם, אסף חומר מרובה ממזרח וממערב, ודן בשאלה מדוע, וכיצד, אירעה התפתחות מפתיעה זו. המקורות שיוצעו להלן, וניתוחם שונים במדה ניכרת ממה שהציע פרופ׳ כ״ץ, מפני שהוא ביקש לברר את המימד המעשי בלבד, ואילו מחקרנו מבקש לברר את טיב מלאכת היצירה של פסק זה ואופיה המהותי. ממילא יהיו גם מסקנותינו המעשיות שונות.[5] בתוך כך תבואר התפתחותה ההיסטורית של הלכה זו בימי הביניים, ותואר תרומתו המיוחדת של הרמב״ם להתפתחות זו.

[ב]

המקור הראשון לענין זה הם דברי המשנה בעירובין (מא, ע״ב): „מעשה שבאו

[4] י. כ״ץ, גוי של שבת, ירושלים, תשמ״ד, פרק ג׳, עמ׳ 33־42.

[5] לדעתו, חלה מיגבלת שלושת הימים, מבחינת המקור התלמודי, על נהר ועל ים כאחד, ו„ההגדרה המצמצמת לא היה בה משום הסבר על שום מה יחול איסור ההפלגה בשלושת הימים שלפני השבת על הים ולא על הנהרות.״ לדעתו, איסור השיט בספינה בשבת הוא תלמודי־מקורי, והגאונים החזיקו באיסור מקורי זה, בלא לחדש בו היתר. רק הדורות שאחריהם הוצרכו למהפכה רבתי זו, ו„הסיבה לכך נעוצה בקושי המעשי, מצד אחד, ובהעדר קשר מוחשי בין האיסור לבין שמירת השבת הלכה למעשה, מצד אחר.״ למרות החומר המרובה שאסף, השתמש פרופ׳ כ״ץ בחלק מן המקורות בלבד, ואף מתוכו לא ניצל אלא את המסקנה הסופית הלכה למעשה, ולא התייחס למשא ומתן ההלכתי המנומק המלווה את הדברים. מחקרו אינו מבדיל בין מגבלת ג׳ הימים לבין שאלת הנסיעה עצמה בשבת, ומתוך כך נתמקד כל דיונו בסוגיית שבת דף י״ח, כאילו בה ובפרשנותה תלוי איסור — או היתר — ההפלגה בימים ובנהרות.

תשובת הרמב"ם
בענין ההפלגה בנהרות בשבת

מאת

ישראל מ. תא־שמע

מבין תשובות הרמב"ם המקובצות בידינו,[1] ידועה מאד זו המתירה את ההפלגה בנהרות הגדולים בשבת ובחג. כבר בשעתה עוררה תשובה מהפכנית זו, שהתירה את מה שהיה מקובל כאיסור על רוב יהודי מצרים ובבל, הדים רבים,[2] והרמב"ם באיגרתו לרבי יוסף תלמידו, מספר כי רגילים היו הלומדים בזמנו להעתיקה לעצמה כאילו היתה 'מאמר' מיוחד.[3] הרמב"ם נאלץ להיכנס לפולמוס הלכתי בנושא זה עם רבי שמואל בן

[1] מאז פרסום המהדורה המדעית השלימה של תשובות הרמב"ם, ע"י פרופ' י. בלאו, ירושלים, חברת מקיצי נרדמים, כרכים א'־ג', תשי"ח־תשכ"א, נדפסו תשובות חדשות במקומות שונים, והן קובצו יחדיו וצורפו ככרך ד' למהדורה הנ"ל, ירושלים, תשמ"ו.

[2] תופעה מעניינת היא ההתנגדות העממית החזקה, מצד פשוטי עם והדיוטיו במצרים — ואין צורך לומר בבגדאד; ראה מכתבו למר יוסף אבן ג'אבר הנזכר להלן — לפסיקתו המקילה של הרמב"ם בניגוד לחומרה שהיתה מוחזקת בידם: ביטול טבילת בעל קרי ע"י הרמב"ם עוררה עליו התנגדות כה עזה עד כי איימו בעלי הבתים על רבי פנחס הדיין מאלכסנדריה — לפי דבריו — שימסרו את הפרשה לשלטונות: „קמו כל העם מקצה אל קצה, זקניהם וקטניהם, ובאו אלי לאמור: אין אנו יכולים לשאת עוד דבריכם, שהרי אתם מתירין מה שתרצו ותאסרו מה שתחפצו. הרי היא בידינו מסורת מאבותינו הראשונים אשר לפני פנינו שאין לבר ישראל להתפלל אם הוא בעל קרי עד שירחץ במרחץ . . . ועכשיו התרתם להתפלל ולהכנס בכנסת ולקרות בתורה בלא רחיצה ובלא טהרה. ואם כך הוא הדת של ישראל נלך ונודיע בפלילים." הרמב"ם מביע כעסו באזני רבי פנחס על כי לא השכיל לעמוד בלחץ עמי הארץ וההדיוטות, ובמקום להשתדל להעמיד את הטועים על צורתה האמיתית של ההלכה, נכנע לתביעתם ו'הסדיר ותיקן' „שאסור לקרות בתורה ולהכנס לבית הכנסת אלא אחר רחיצה מקרי," שלא כהלכה ובניגוד לפסק הרמב"ם שגם רבי פנחס מזדהה איתו.

[3] תשובת הרמב"ם נדפסה פעמים רבות, ולאחרונה ע"י י. בלאו, במהדורת שו"ת הרמב"ם שלו, ירושלים, הוצאת מקיצי נרדמים, תש"ך, חלק ב', עמ' 566־578. בחלק ג' של מהדורה זו, עמ' 171־177, פירסם פרופ' ש. אברמסון שני קטעים מן המקור הערבי של התשובה, כפי שמצאם בגניזה, ובהם הוחזרה השמטה ע"י הדומות המצויה בנוסח העברי הנדפס. לאחרונה נדפס

דיני ישראל. וכן כתב במו"נ ג:מז: 'והמפורסם משיטות ה„צאבה" בארצות המזרח, רצוני לומר, שארית המגוס, שהנידה תהיה בבית בפני עצמה וישרפו המקומות אשר תלך עליהם, ומי שמדבר עמה יטמא, ואפילו אם עבר רוח על הנידה ועל הטהור טמא. ראה מה בין זה ובין אמרנו: כל מלאכות שהאשה עושה לבעלה נידה עושה לבעלה . . . ואין אסור לה אלא תשמיש המיטה כל ימי טומאתה'.[65] למרות דבריו ודוגמתו האישית וכן דוגמת בנו רבנו אברהם בבתיהם, יש שהמשיכו בדורות הבאים לקיים מנהגים טמאים ומטמאים, שאין להם שורש בהלכה של התלמוד. נסיים במובאה מתשובת מתיבתא הקדושה הנ"ל: 'וכל הפורש מדברים הללו אינו אלא דרכי מינות, וחייבין הזקנים למחות בו'.[66]

[הוספות בשעת ההגהה:

חומרות בהרחקת הנידה היו ידועות גם בתימן; ראה לעיל, הערה 6. בכ"י TS 8 J 37.1 ישנה שאלה מאת ר' מצמון בן חסן, 'נגיד ארץ תימן', המופנית אל אדוננו (ר' מצליח הכהן ראש ישיבת גאון יעקב בפסטאט, 1127־1139), אם כלי חרסינה סיניים מיטמאים על־ידי מגע הנידה. התעודה תפורסם ב'ספר הודו' של מרו"ר ש"ד גויטיין ז"ל (פרק ב, מס' 33), אשר אני מכין לדפוס.

בשנת 1216/7 לספה"נ (או בסמוך לה) קמו בתימן מתנגדים למנהגי הרחקת הנידה. בתשובה, הנמצאת בכ"י TS Ar. 48.294, דוחה חכם תימני את התנגדותם ומחייב את המנהגים. מהדורת כתב־יד זה תיכלל במחקרי על שו"ת רבנו אברהם בן הרמב"ם ובני דורו שמן הגניזה, וכאן אעיר הערות אחדות בלבד. החכם המשיב מסתמך בין השאר על תשובת רב שרירא גאון, שדנו בה לעיל. איננו מייחסה אמנם לרש"ג אלא ל'גאון ז"ל' (כספר האשכול, ראה לעיל על־יד הערה 25). במובאה שמסוף תשובת הגאון שינויים קלים, כגון 'וסייג גדול נעשה בזה' במקום 'ולסייג גדול נעשה כזה', שצטטנו לעיל (שם).

בשאלה שנשלחה לרמב"ם מאת סעדיה בן ר' ברכות (מהדורת בלאו, סימן קיד), שהבאתי לעיל (אחרי הערה 43): 'כשהם סומכים על דברי החכמים ז"ל „מהצעת המטה ומזיגת הכוס"'. ואינו מזכיר את הרחצת פניו ידיו ורגליו, שאף היא נזכרה בהלכה של רב הונא. לכאורה אין כאן אלא קיצור בלבד. אלא שבתשובת החכם התימני הנ"ל מובא החילוק הנזכר מספר החילוקים: 'אשני(!) מזרח משתמשת בכל צורכי הבית חוץ משני

[65] על־פי תרגומיהם של אבן תיבון במהדורת אבן שמואל ושל קאפח (ראה הערתו, עמ' שצ, בסוף הערה 31, על שרידי דעות הללו אצל יוצאי ארצות מגוסי לפנים).

[66] טיוטה של שאלה אחרת לראב"ם, שכתב שלמה בר' אליה, ב־TS 6 J 1.21, עוסקת בבעל קרי, במי שקרב לאשתו ובמי שנגע במשכב הנידה, אם יוכל להתפלל לפני [שיטבול]. כוונתי לדון בה במקום אחר.

דברים אינה מצעת לו את המטה ולא מוזגת לו את הכוס ובני ארץ ישראל אינה נוגעת בדבר לח ולא בכלים שבבית ומדוחק התירו שתניק את בנה'. איני מכיר נוסח של החילוקים מעין זה. שמא בימיהם ממילא לא היתה אשה רוחצת את פניו, ידיו ורגליו של בעלה, ולכן השמיטוה, וצ"ע.

בנוסח תקנת הרמב"ם בטבילת הנידה (תשובת הרמב"ם סימן רמ"ב, ראה לעיל לפני הערה 40) מזכיר הוא בין השאר, שנשי מצרים היו מתרחצות במים שאובים. בכ"י TS Ar. 18(1). 57, 104 רשימות תלמיד רבנו משיעור שנתן הרב בהלכות מקואות, ובו עמד על הפסול הזה. מתכוון אני לפרסמן יחד עם דפים נוספים מרשימותיו במקום אחר.

בקשר לביטוי שבכתובות הארץ־ישראליות 'בדכיו ובנקיו' הבאתי לעיל (על־יד הערה 13) קטע מפיוט של ר' יניי, 'צופיה הליכות ביתה' כו'. לכאורה יש מקום להשוות את הכתוב בשיר לחתן שבכ"י ספריית אוניברסיטת מנצ'סטר John Rylands Library Gaster Geniza Collection B 6737 (תודתי נתונה למנהלי הספרייה): 'יקנה משמש צרכיו/ דורש ממשפחת אב/ רצוי לאל כמלאכיו/ ההולך בדכיו'. אולם אפשר, שכאן אין 'בדכיו' אלא טעות במקום 'בדרכיו'.]

אוניברסיטת תל־אביב

6 **וחלהא וכפיפהא ותקילהא אמא אלנדה אן אדא גאהא**
התרתה, הקל והחמור שבה? כאשר בא לנידה

7 **אלדם ואדא כאן פי אליום אלתאלת תנקת הל יגוז להא**
הדם, אם היתה נקייה ביום השלישי,[58] האם מותר לה

8 **אן תטבך או תעגן או תמסך שי מן אלטאהר או**
לבשל או ללוש או לאחוז דבר טהור? או

9 **יגוז להא אן תנטבל מן גיר אן תנקת ותעד בעד דלך**
האם מותר לה לטבול בלי שנוקתה, ותספור לאחר מכן?

10 **הל יגוז דלך אם לא ⟦או יגוז להא תנטבל והי מרקשה אם לא⟧ ואן כאן יגוז להא אן תגסל וגה זוגהא**
האם זה מותר או לא? ⟦או מותר לה לטבול ועדיין יש לה כתמים[59] או לא?⟧ והאם ייתכן שמותר לה לרחוץ את פני בעלה

11 **או תמזג לה אלכאס <או יגוז לה אן יקבלהא בפמה> והי אדן נדה ויורנו אן אדא**
או למזוג לו את הכוס <או האם מותר לו לנשקה בפיו>[60] בזמן שהיא נידה? ויורנו, אם כאשר

12 **נקת מן אלדם ולם תרתחץ הל יגוז להא תפעל שי מן**
תינקה מן הדם ולא תתרחץ, האם מותר לה לעשות משהו מן

13 **הדה אלאשיא מן גמלתהם מסך אלשי אלטאהר או תטבך**
הדברים הללו, מכללם אחיזת דבר טהור או לבשל

14 **או תעגן או תגסל או תקעד עלי שי מן אלטאהר ויורנו**
או ללוש או לרחוץ או תשב על דבר שהוא טהור?[61] ויורנו

15 **כדין וכהלכה לאן כתיר מן אצחאבנא יעמל הדה אלעברה**
כדין וכהלכה. כי רבים מחברינו עושים העברה[62] הזאת.

16 **ואלנאס גאלטין פי הדא אלמעני ואן אדא קרב אלאנסאן**
והאנשים טועים בעניין הזה. ואם, כאשר קרב איש אל

[58] ראה הלכות איסורי ביאה ו:ז. ועיין ברייתא דמסכת נידה, עמ' 3 (ושם: 'אפילו ראתה למאה ימים', וזוהי טעות הסופר, וצ"ל 'לג'', ונתשבש ל'לק''), 4, 28, 42.

[59] 'מרקשה' (אין קריאת הרי"ש בטוחה) פירושה: בעלת צבעים רבים או נקודות.

[60] השווה אדר"ן נו"א פרק ב, עמ' 8: 'יכול יחבקנה וינשקנה'.

[61] על רחיצה אחרי ימי הראייה כדי להתיר את האשה בנגיעה בכלים וכיו"ב, ראה את התשובה, המיוחסת לרב שרירא גאון, המובאת אצל דינרי (לעיל, הערה 3), עמ' 319, ודיונו שם.

[62] השווה להלן בעמוד ב, שורה 5. בברייתא דמסכת נידה מדגשת כמה פעמים ה'עבירה' החמורה שבנידה ובמגעה, ובכמה מקומות מלווה ל'עבירה' משמעות של סכנה; ראה, שם, עמ' 18, 20, 25.

17 **זוגתה ולם תעד ולם תטבל וחבלת מנה איש יכון אלולד**
אשתו ולא ספרה ולא טבלה, הרתה ממנו, מה יהיה דין הולד?

18 **ומא ילזם אלשכץ אלפאעל דלך ושכרו כפול מן השמים**
ומה יתחייב האדם העושה זאת?

בפינה השמאלית העליונה:

אלממלוך ישתהי / אלמסאמחה / פי דלך
עבדו מבקש את מחילתו על זה.

עמוד ב

1 **אלממלוך שלמה ברבי אליה ישתהי מן אנעאם סיידנא**
עבדו שלמה ברבי אליה מבקש מחסדי אדוננו

2 **אלנגיד ירום הודו אן יסאמח אלממלוך פי מא**
הנגיד ירום הודו, שימחל לעבדו על

3 **גסר לאן אלממלוך ראי אשיא מא להא וצף ולא**
העזתו. כי עבדו ראה דברים, שאין להם לא תיאור ולא

4 **חד וטלטול וחלול פי הדה אלצפה ואכתר אהל**
שיעור, וטלטול וחלול[63] באופן הזה. ורוב אנשי

5 **מצר יעמלו הדה אלעבירה ויקולו אלחכמים**
פוסטאט עושים את העבירה הזאת. והם אומרים: החכמים

6 **אלאגלא אלדי הם אליום פי עצרנא יפעלוא**
האדירים, שהם היום בזמננו, עושים את

7 **הדא [אל]אמר ולם יצדוה אלממלוך תלף**[64] **ען**
הדבר הזה, ולא התנגדו לו. עבדו אובד מן

8 **אלמקול אלוכם ושלום רב וישע יקרב אנ"ס**
הדיבור העכור.

סוף דבר. הרמב"ם הדגיש את הפער הגדול בין מנהגי הרחקת הנידה הפסולים לבין

[63] 'חילול' בברייתא דמסכת נידה בכמה מקומות, למשל, עמ' 17 (ומתחללת [ראה לעיל, הערה 32] את השם), 20 (שלא ירבו המומין בישראל, וישראל באין לידי עבירה ויתחלל שם שמים) ועוד. 'טלטול' איני זוכר, שראיתי בהקשר זה או כיו"ב. ועיין מחזור פיוטי רבי יניי, א, עמ' 458: טילטולי טומאת אהיל (אוהל) (וראה ז' בן־חיים, עברית וארמית נוסח שומרון, ג/ב, ירושלים תשכ"ז, עמ' 68).

[64] אין הקריאה בטוחה.

אולם, מסתבר, שציפייתנו אינה מוצדקת. אילו פעל הרמב"ם באותו מרץ, שבו התנגד לעבירות החמורות, שמצא, כדי לתקן כל מנהג, שלא היתה דעתו נוחה ממנו, אצל יהודי מצרים, קהילה ותיקה וגאה, בעלת מסורת רצופה של מאות שנים רבות לפני הגעתו לשם כאיש זר מספרד, היה מכלה בוודאי את כוחותיו, ולא היה יכול להגיע לאותם השגים אדירים, שהגיע אליהם. אף כאן משתקפת גישתו המציאותית. זאת ועוד. רבנו הקפיד על כך בכמה מקומות, שאין לכפות שינויים בלתי הכרחיים במנהגים, אם יביא הדבר לידי מחלוקת. למרות דמיון מסוים, אין לומר אותם דברים על אישיותו של בנו רבנו אברהם ועל מפעלו. אבל, צריך להרחיב על זה ועל זה במקום אחר.

השאלה לראב"ם, נוסח ראשון TS 8 J 20.20r

מידות כתב־היד 18 × 8 ס"מ לערך.

	מקור	תרגום
1	הצרי אין בגלעד	
2	מא תקול הדרת יקרת צפירת תפארת מרנו ורבנו אדוננו נשיא אלוהים בתוכנו	מה תאמר
3	ושכינה שרויה בינינו וצניף תפארתנו ועטרת ראשנו נגידנו אברהם הרב	
4	המובהק הפטיש החזק הנגיד הגדול נגיד עם יי׳ צבאות נר המערבי דגל הרבנים	
5	אור העולם ופלאו ממזרח שמש עד מבואו ירום הודו ויגדל לנצח כבודו [א]נ"ס[56]	
6	פי אלנדה ושרוטהא וחלאה ורבטהא וחלאלהא וחראמהא הל יגוז להא אן תטבך	בדבר הנדה ותנאיה, התרתה, קביעתה והמותר והאסור בה? האם מותר לה לבשל

תשמ"ח, עמ׳ 217 ואילך. מתכוון אני לחזור לפרשה זו ולדון בחומר נוסף מן הגניזה, הקשורה לה, במקום אחר.

[56] אמן נצח סלה.

7	או תעגן או תטבך או תגסל או תמשי «אל» עלי אלאלאת אלטאהרה או תמסכהם	או ללוש או לבשל(!) או לרחוץ או ללכת על הכלים הטהורים או לאחוז בהם?
8	וכם מקדאר איאם נגאסתהא וכם אלאיאם אלדי תעדהם אלי חית תנטבל	וכמה שיעור ימי טומאתה? וכמה ימים תספור עד שתטבול?
9	והל יגוז להא אן אדא לבסת תיאב גדד אמא אן תכון ערוסה והי נדה	והאם מותר לה אם, כאשר לבשה בגדים חדשים או אם תהיה כלה, והיא נידה
10	[ ] ותחט תחת[56א] אלסמא חתי ינזל אלטל עליהם והל יגוז א[ן]	[. . .] ותרד תחת השמים עד שיורד טל עליהם, האם מותר ש־
11	[. . .]ל[. . .]. . . אן כאנו נדות אולא יורנו עלי	[. . .] אם היו נידות מתחילה? יורנו לפי . . .

השאלה לראב"ם, נוסח שני CUL (TS) Or 1080 J 244[57]

מידות כתב־היד 12.5x22 ס"מ לערך.

עמוד א

1	הצֻרי אֵין בְּגלעד אִם רוֹפא שֵׁם וג׳	
2	מא תקול הדרת יקרת צפירת תפארת מר<י>נו ורבנו	מה תאמר
3	אדוננו נגידנו אברהם הרב המובהק הפטיש החזק	
4	נר המערבי דגל הרבנים אור העולם ירום הודו אנ"ס	
5	פי אלנדה ושרוטהא וחלאלהא וחראמהא ורבטהא	בדבר הנידה ותנאיה, המותר והאסור בה, קביעתה,

[56א] שתי האותיות האחרונות תוקנו.

[57] שתי הנוסחות של השאלה צוינו אצל A. L. Motzkin, "A Thirteenth-Century Jewish Teacher in Cairo," *Journal of Jewish Studies*, XXI (1970), 50–51 (דומני, שלא הבנתי למה התכוון מוצקין, כשהעיר שם, שכתיבת השאלה על־ידי שלמה בר׳ אליה מוכיחה, שלא היתה בו מידת הבורות שבשאר הציבור). [ ] = כתוב בשולי הדף.

כולל עניין זה, שאנו עוסקים בו. שנים אחדות לאחר תקנתו בדבר הטבילה אחרי ספירת שבעת ימי נקיים, התחילו לפרסמה ולחייב בה כל זוג, המתחתן במצרים, על־ידי הוספת תנאי מיוחד בכתובה. אולם לא בטלו התופעות, המתוארות לעיל. בשולי דף, שבו רישום בית דין משנת 1229, כלומר מזמן נגידותו של ר' אברהם בן הרמב"ם, בדבר נישואיהם השניים של זוג שהתגרש, מוצאים אנו את ההערה המוזרה הזאת: 'וכאנת בלא טבילה', והיתה בלי **טבילה** (השווה להלן).[51] וראה עוד להלן בסמוך על הרושם, שהטביע הרמב"ם על חיי יהודי מצרים.

השאלה (על שתי נוסחותיה), שהוגשה לר' אברהם בן הרמב"ם, שנהדיר להלן (חלק ממחקר על שו"ת הראב"ם ובני דורו שמן הגניזה, שאנו שוקדים עליו), מאלפת ביותר, אף־על־פי שלא מצאנו את תשובתו של הראב"ם. בין השאר מאירה היא את עינינו בדבר ההמשכיות באורח חייהם של יהודי מצרים בזמנם של רבנו משה ובנו ר' אברהם, אורח חייהם של ר' משה ור' אברהם אחריו בתוך בתיהם הם והשפעת הרמב"ם על בני דורו.

השאלה כתובה בידי שלמה המלמד ביר' אליה, איש מרכזי בחצרו של רבנו אברהם, אשר פעל דור אחד אחרי פטירתו של הרמב"ם (כתביו הראשונים, שזוהו, הם משנת 1224).[52] שלמה היה בנו של ר' אליה בן זכריה, 'הדיין של פוסטאט'. רבות מן השאלות לראב"ם כמו כתבים אחרים רבים, שיצאו מבית דינו, הועתקו (או נכתבו) על־ידו.

בפנייה הישירה לרבנו שבפתיחת השאלה באה שורה של תוארי כבוד מקובלים. אולם בנוסח הראשון, שהיא לשון אחרת לאותה שאלה ושימשה אולי טיוטה, נקרא ר' אברהם, בין השאר, 'שכינה שרויה בינינו'! אותה לשון רשומה מעבר לדף ההוא, ששם יש נוסח של שאלה בעניין אחר. אמנם אפשר למצוא בדברי חז"ל דוגמות של ביטויי כבוד לרב, המשוים אותו לכבוד המקום, אבל לא ראיתי כיוצא בכתוב כאן במקום אחר. תואר חריג זה, הגובל לכאורה עד כדי שיתוף עם הקב"ה [!] (מה שבודאי לא התכוון לו הכותב), משקף את ההערצה המופלגת, שהעריצו את רבנו.[53] אולם ייתכן, שיש כאן

[51] על התנאי והתעודה, ראה פרידמן, חברה במצרים והרמב"ם, עמ' 230־231.

[52] ראה S. D. Goitein, *A Mediterranean Society—The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza*, Berkeley, Los Angeles and London 1972, II, p. 597, n. 39

[53] השווה S. D. Goitein, 'Abraham Maimonides and his Pietist Circle', *Jewish Medieval and Renaissance Studies*, ed. A. Altmann, Cambridge, Mass. 1967, p. 164. שם, בהערה 58, מציין הוא לברכות סד ע"א ולסנהדרין קי ע"א, והשווה אבות ד: יב; ירוש' ביכורים פ"ג ה"ג, סה ע"ד: 'וה' בהיכל קדשו, הא ר' יצחק בר לעזר' כו'; פסחים כב ע"ב: 'את ה' אלהיך תירא, לרבות תלמידי חכמים' (ראה א"א אורבך, חז"ל — פרקי אמונות ודעות, ירושלים תשכ"ט, עמ' 569).

ביטוי לציפיות, שינקוט רבנו פעולה נמרצת בעניין, שהשאלה עוסקת בו (אולם אין לומר כך לגבי השאלה שבעמוד ב). ביטוי חריף אחר לאותן ציפיות ולחומרת המחדל, אם לא ייעשה דבר, בפסוק שמירמ' ח:כב שמעל שאלה זו בשתי נוסחותיו: 'הצרי אין בגלעד' וכו'.[54]

מן השאלה ברור, שעדיין ממשיכים יהודי מצרים באותן חומרות יתרות בעניין מגע הנידה. אלא שרבים המקילים, והשואל רואה במעשיהם עבירה חמורה, שחייבים למנעה. בסוף השאלה (בנוסח השני) תוספת, שממנה רואים אנו, שיש מן העם, שנמנעו אף מן הטבילה (השווה לעיל).

באופן יוצא מן הכלל, כותב שלמה המלמד מכתב התנצלות לרבנו בעמוד ב של הנוסח השני, וממנו משתמע, שזה המסמך המקורי, שהוגש אליו. שלמה מבקש את סליחת הנגיד (וכן בקיצור בהערה בפינת עמוד א) על כך שמעז הוא לשאול את השאלה הזאת, אלא שלא היה יכול לשתוק עוד לנוכח העבירה החמורה, שפשטה בעם. המזלזלים בחומרות אף מסתמכים על 'חכמי זמננו', שהם אינם נוהגים בדברים הללו. בוודאי הכוונה ב'דיבור העכור' הזה לרבנו אברהם עצמו, שהמשיך בביתו את מנהג אביו. הלא דבר הוא, שאיש מרכזי בחצרו של הנגיד יטען טענה זו, שנים מעטות לאחר פטירתו של הרמב"ם, שהוראתו יצאה בפוסטאט ודוגמת אנשי ביתו היתה ידועה בה?

תמיהה זו נובעת מן הציפייה למצוא את חותמה הברור של אישיותו הדגולה של הרמב"ם על חיי היום־יום הדתיים של הקהילה, שישב בה, שיישמעו חבריה להוראתו וינהגו כמנהגו. אולם מלבד תקנת הטבילה, שהיתה פועל יוצא של אמצעים חריגים, שנקט, מסתבר, שהשפעתו האישית בתחום זה היתה מוגבלת למדי, ואפשר להסיק זאת כבר מן השאלה הנ"ל של סעדיה בן ברכות איש פוסטאט, שנשאלה כשלושים וחמש שנה לאחר שהתיישב הרמב"ם בעיר זו (ותשובתו: ומי שלא ירצה לשנות מנהגו, אין כופין אותו על כך).

אף בתחומים אחרים, קול התנגדותו של הרמב"ם למנהגי פוסטאט, שלא הסכים להם, מתון היה, והוא עשה רושם מועט בלבד. רבנו אברהם כותב בספרו 'כפאיה אלעאבדין', שאביו גינה את מנהגי קריאת התורה והתפילה שבבית הכנסת הירושלמי שבפוסטאט, אולם נכנע הוא ללחץ פוליטי של ראשי הקהילה היהודית (של 'הרשע שברשעים' ואחרים), 'שגזרו עליו שתיקה'. בשנת 1211, כלומר שש שנים בלבד אחרי פטירתו של הרמב"ם, כתבו המתפללים באותו בית הכנסת את שמו בין החכמים, ש'תמכו' בסדר תפילתם.[55] ניתן להניח, ששתיקתו של הרב הגדול השכיחה את התנגדותו או, לפחות, אפשרה לקהילה להתעלם ממנה.

[54] השווה לעניין אחר מאמרי '„הצרי אין במצרים אם רופא אין באלקאהרה"', דיני ישראל, ה (תשל"ד), עמ' 205־227.

[55] ראה ע' פליישר, תפילה ומנהגי תפילה ארץ־ישראליים בתקופת הגניזה, ירושלים

התשובה. מה שאמרו **התלמידים** הוא האמת ולפיו מורים. ומי שלא ירצה לשנות מנהגו, אין כופין אותו על כך. **וכתב משה.**

התשובה השנייה, ליוסף בן ג׳אבר מבגדאד, נכתבה, כנראה, אחרי תשובה זו, ומתייחסת לביקורת, שמתחו על רבנו, בגללה (בתרגום):[45]

ומה שהזכרת ממה שגינו אותי, **שהתרתי בשבעת ימי נקיים**, שתסוב האשה בביתה . . . אם הכוונה, שתעשה שאר העיסוקים, כמו הלישה והבישול, או שתגע בבגד, או תלך על מחצלת, זה מותר **אפילו בימי נידה עצמן**, לפי שעניין **הטומאה והטהרה** זולתי עניין **האסור והמותר** אצל הרבנים.[46] וזהו מנהגנו המפורסם בכל ארצותינו ובכל **צרפת**, והוא **דין תלמוד**; ועליו מצאנו **בני ארץ ישראל** כולם בעת שהיינו ביניהם. אבל אנשי מצרים מצאנו אותם **נוטים לדברי מינים**, והולכים אחר נשי הקראים. אם מנהג אנשי ארצכם הוא כמו אנשי מצרים, אנחנו לא נצוה עליכם לבטל זאת ולא נראה אתכם כטועים בהוספת השימור ובפרישה מן הנשים בעת נידתן. אין בזה אלא קבלה כחיוב מה שאינו חייב ותו לא, אבל על תנאי שימנו **שבעת ימי נקיים** ושירחצו[47] ויטבלו **במי מקוה**. אבל אם הוא מנהגכם גם כן, שמשתמרים שלא תגע בכך ולא תלך על כך, והן רוחצות[48] בין השמשות ואינן

על יחסו השלילי של הרמב״ם לריבוי נשים, ראה פרידמן, ריבוי נשים, עמ׳ 25־26 והערה 77. וראה גם פירוש המשניות שלו לסנהדרין ז:ד, מהדורת קאפח, עמ׳ קפב. ואציין כאן, שבכרך עם כתבי־יד, הקשורים לרמב״ם ולמשפחתו שב־Marshall Case בספריית בית המדרש לרבנים באמריקה בניו יורק, ישנו העתק של מכתב ברכות לרבנו על נישואין לאשה בת טובים. ההעתק נעשה אולי על־ידי א׳ מארכס, ולא ידוע היכן המקור. אי״ה אפרסם את ההעתק במקום אחר. עוד יש לציין, שבסוף מכתב שכתב רבנו לתלמידו ר׳ יוסף בר׳ יהודה, שלח דרישת שלום מכל מי שבביתו כולל ׳אחראר וגואר׳, ׳כבני חורין כשפחות׳ (אגרות הרמב״ם בעריכת ד״צ בנעט, ירושלים תש״ו, עמ׳ 71; מהדורת י׳ קאפח, ירושלים תשמ״ז [הדפסה שנייה], עמ׳ קלה, ושם העיר, שהוא ביטוי, שעניינו כקטון כגדול; מהדורת שילת, א, עמ׳ רצט, שיד, ושם תרגם ׳מגדול ועד קטון׳, והעיר, ש׳אין להסיק מזה שהיו בבית הרמב״ם שפחות [אף כי אינו נמנע]׳, וצריך עיון בדבר).

[45] מהדורת בלאו, ב, סימן שך, עמ׳ 588־589; אוצר הגאונים, שם, סימן תסא, עמ׳ 185; שילת, א, סימן כד, עמ׳ תב ואילך, ובעמ׳ תו ניתן לראשונה נוסח (רוב) המקור הערבי.

[46] כלומר, מגע הנידה אמנם מטמא אוכל, אך אין זאת אומרת, שאסור לה לנגוע בו ולבני ביתה לאוכלו (שילת, שם, עמ׳ תיב, הערה 66). בתשובת רש״ג (בכתב־יד אדלר הנ״ל): ׳ומי שחפץ ליגע בכל טומאה אין עליו איסור׳.

[47] במקור ׳יסכבן׳, ותמוה, שרבנו משתמש במלה זו, שהרי, כפי שצוין לעיל, הוא גזר על ה׳סכב׳, אפילו אם יטבלו אחריה, וראה בהערה הבאה. ובתרגום הקדום, כאן: ושיחפפו.

[48] אותה מלה ׳ויסכבן׳ במקור, ראה בהערה הקודמת.

טובלות **במי מקוה**, זו **מינות גמורה, לא מנהג**. הכרחי למחות את השריד הזה[49] כולו ולבטלו, ולהכריח את האנשים על **דין תלמוד** ותו לא, כמו שעשינו אנחנו כאן בארץ מצרים . . .[50] ואמרנו להם, שהנגיעה בבגדים ובמאכלים הוא מותר. אבל תישארו על מנהגכם ומי שרוצה להתיר יתיר. ומי שיימאס הדבר מפני זוהמא או מפני תוספת סייג כדי להתרחק מן הנידה, יש לו לעשות. אבל אם הוא סובר איסור במאכל או במשתה, שתגע בו הנידה, ונתרחק ממנו מפני האיסור, יצא מכלל הרבנים וכפר בתורה שבע״פ. . .

נסכם את הידיעות, הנלמדות מתקנת הרמב״ם ומתשובותיו הללו. רבנו הקפיד לבטל את מנהג המינות של ׳יציקה׳ וההימנעות מטבילה במקוה אחרי שבעת ימי נקיים. אשר לפרישה ממגע הנידה, ראה צורך לדחותה משום מינות, רק אם חשבו, שאסורים הדברים הללו מן הדין, אבל אם חשבו, שהם חומרה בלבד וסייג, או משום זוהמה, אין בכך איסור. אצל רוב הציבור בוודאי היה קשה ביותר, אם לא בלתי אפשרי, להבחין בין ההימנעות מחמת סייג או מחמת איסור. ייתכן, שזוהי קביעה עקרונית יותר מאשר הוראה מעשית.

התלמידים שבמצרים, לעומת זאת, כמו התלמידים, הנזכרים בשאלה לרש״ג, הסתמכו על דברי רב הונא שבתלמוד, ורצו לבטל את מנהגי ההתרחקות. משאלת סעדיה בן ברכות משתמע, שאף־על־פי שידעו התלמידים, שהגאונים תיקנו לשמור את המנהגים הללו (ככל הנראה הכוונה לתשובת רש״ג הנ״ל) סברו, שזוהי תקנה מזיקה. רבים הסתמכו על מעשה הרמב״ם עצמו, כי הכירו, שהוא נהג היתר בעניינים הללו בביתו.

נגד מנהג ה׳יציקה׳ יצא רבנו במלחמת חורמה. שונה הדבר באשר לפרישה ממגע הנידה. כאשר הודיע, שאין איסור במגעה, השמיצו אותו. הרמב״ם הצדיק את עמדתו, אלא שכאן תגובתו מתונה ביותר. משער אני, ששני דברים השפיעו עליו לנקוט דרך ביניים זו. קשה היה לומר, שהוראת רש״ג (שקללה בצדה: ׳ופורץ גדר ישכנו נחש׳) יש בה משום מינות. ועוד, מבחינה מעשית, אי אפשר היה להשוות את חומרת בעית היציקה לזו של הפרישה ממגע הנידה. הרי זו, הראשונה, ׳מאחדת בקרבה מינות וגילוי עריות׳. אפשר, שחש הרמב״ם, שלא ייתכן להכריח את הנשים להחמיר בטבילתן ובו בזמן להקל במגען. עלולים היו לראות סתירה בין שני הדברים הללו. גישת רבנו היא פרגמטית. המציאות השונה בבגדאד (ששם כנראה לא היתה בעיה בדבר הטבילה עצמה) ובמצרים משתקפת בתגובות השונות של רש״ג והרמב״ם.

אין ספק, שהרמב״ם השאיר את רושמו על חיי היהודים במצרים בתחומים רבים,

[49] במקור ׳תעפיה הדא אלאתר׳, כנראה, רוצה לומר, לבטל את המנהג עד שלא נשאר ממנו סימן היכר. וראה שילת, שם, עמ׳ תו, הערות 14, 15, ועמ׳ תיג, הערות 78, 79.

[50] כאן בא תיאור תקנת רבנו בדבר הטבילה. ראה לעיל, הערה 40.

10 **לא וחו אמרינן אמ׳ ראבינא נדה קוצה לה חלה[36] ושלחו**
11 **ממחיבתא הקדושה שנדה מותרת לילך לבית הכנסת**
12 **[להת]פלל[37] ולובשת בגדי בעלה ובעלה לובש בגדיה ובלבד**
13 **שתזהר שלא יהא בהן דם[38] שאין לנו טהרה בזמן הזה**
14 **וכל הפורש מדברים הללו אינו אלא דרכי מינות וחייבין**
15 **הזקנים למחות בו וכשראו קהלנו ושמעו הדבר הזה**
16 **בפסוקין[39] והלכות וטעמים מקצתן נתרפו ידיהן בנדות**
17 **והתירו אותן והשאר עמדו על מנהגם הראשון ולא**
18 **רצו לשנות מנהגם עד שתבוא אליהם תשובתך אדוננו**
19 **ותבאר לנו בהן מנהגכם אתם ותאיר עינינו ותסיר**
20 **הספק מלבינו כי אנו בטוחים שנשמע מפיך הלכה**
21 **למשה מסיני היו יודעים כי דברי התלמידים**

* * *

כאשר הגיע הרמב״ם למצרים, נתן את דעתו על מנהגם של היהודים ׳בכל ארץ מצרים׳ בטיהור הנידה, וראה בו מעוות, שצריך לתקנו. ׳**עוון גדול פשט ברוב הציבור** . . . שנתרשלו בדבר **טבילת נידה במי מקוה ובספירת שבעת ימי נקיים, ונהגו מנהג מינות** לסמוך על הרחיצה **במים שאובים**, וסברו, שבזה תבוא הטהרה ותותר **נידה לבעלה**. ועוד חמור מזה הוא, שרובן סומכות על **מינות גמורה והדבר אשר לא דיברו ה׳**, והוא שתיקח הנידה אשה, שאינה **נידה**, ליצוק עליה מים טהורים לפי סברתה . . . וזאת הפעולה היא הנקראת אצלן **אלסכב** („היציקה״), ויש מהן הממתינות ביציקה הזאת, שתהיה **בין השמשות**, לפי אמונת **המינים**. . . המנהג המגונה, המאחד בקרבו **מינות וגילוי עריות**. . . **ואפילו טבלה במי מקוה אחר כך, הרי היא תרבות רעה ורשעה ופושעת פשע גדול, שכל זמן שמחזיקין במינות זו יזלזלו בטבילה ויחזרו לומר אלו ואלו מטהרין.**׳

אחרי שנים, שבהן הזהיר הרמב״ם ללא תועלת מפני עבירה זו, צירף את חכמי מצרים ליוזמה ציבורית, ובסיון 1176, תיקן תקנה וחרם, שכל אשה, שלא תספור שבעת

[36] בכורות כז ע״א.

[37] בדבר תפילת הנידה ראה דינרי, ׳חילול הקודש׳ (לעיל, הערה 6).

[38] בניגוד לתשובת שר שלום גאון (׳בין יש עליהן דם בין אין עליהן׳), ראה הערת לוין לכאן באוצר הגאונים, ח, עמ׳ 183, הערה א.

[39] הסמ״ך מטושטשת (גם בכתב־יד אדלר), אבל שאר האותיות ברורות למדיי (בכתב־יד קמבריג׳), ואין ספק בקריאה. בגאוני מזרח ומערב: בפרקי׳ (ראה לעיל, הערה 24), ובהאשכול: בפסקים. בנוסח המקוצר הושמטה הראיה מיחז׳ ד:יג, וייתכן, ששינויי הנוסח נבעו מזה.

ימי נקיים ותטבול אחריהם במקוה טהור או שתמשיך בטיהור ה׳סכב׳ (מעין מקלחת), גם אם תטבול אחריו, תפסיד את כסף כתובתה וארורה תהיה.[40]

מנהג ה׳יציקה׳ ותקנת הרמב״ם אינם קשורים במישרין לחומרות בדבר טומאת הנידה.[41] אולם החומרות ההן נדונות בשתיים מתשובותיו.

הראשונה היא תשובה לשאלה, ששאלו, בשנת 1200/1, סעדיה בן ר׳ ברכות המלמד, היושב ב׳צוען׳, היא פוסטאט (קהיר העתיקה),[42] מקום מושבו של הרמב״ם. רובה ניתן כאן בתרגום מן הערבית:[43]

> השאלה. ויורנו גם כן **הדרתו**, מה דעתו בדבר מה שנהגו הנשים אצלנו ובכל מקום, ששמענו עליו, שתתרחק האשה משעת נידתה או לדתה ולא תגע בדבר אוכל ומשקה וכלים ובגדים וזולתם, עד אשר תצא מנידתה ותטהר במרחץ וכיוצא בזה. וכאשר קמו אלה התלמידים היום, התחילו לערער על מנהגן ואומרים להן ׳מאחר שאתן חייבות לטבול אחרי **שבעת ימי נקיים**, זהו העיקר, ולא תישמרו מדבר כל ימי טומאתכן, אלא געו והתעסקו באוכל ובמשקה׳, כשהם סומכים על **דברי החכמים ז״ל ׳מהצעת המטה ומזיגת הכוס׳**. ומה אומר הדרתו בדבר מה שתיקנו **הגאונים ז״ל** בזה, היזיק, אם ידקדקו הנשים בזה, ויקיימו מנהגן להתרחק מכל דבר כל ימי נידתן, ולו מצד הנקיות? . . . ורבים סמכו על **שהדרתו הקדושה** נוהג כן בביתו עם מי שאצלו מן הנשים.[44] יורנו **הדרתו הקדושה** מה דעתו בזה וכיצד הוא נוהג. ושכרו **כפול**.

[40] שו״ת הרמב״ם, מהדורת י׳ בלאו, ב, סימן רמב, עמ׳ 434־444. מהדורה חדשה של התשובה אצל י׳ שילת, איגרות הרמב״ם, א, ירושלים תשמ״ז, סימן ו, עמ׳ קעה ואילך (ושם עמ׳ קעה־קעו על התאריך). וראה פרידמן, חברה במצרים והרמב״ם (לעיל, הערה 19), עמ׳ 230 ואילך. בנוסח התקנה שבסימן הנ״ל נזכר חרם רק על בית דין, שלא יישמע להוראות התקנה, ויגבה לאשה את כתובתה בניגוד להן. וכן כתוב שם, שפרסמו את התקנה והתרו עליה ב׳בתי כנסיות ברבים׳. אולם בתשובה אחרת (להלן, הערה 50) מפרש רבנו, ׳שהחרמנו בספרי תורות בכל בתי כנסיות . . . והיה החרם, שארורה כל אשה, שלא תמנה׳ כו׳. המלים, המודפסות כאן באותיות בולטות בתרגום, מופיעות כצורתן במקור הערבי.

[41] אצל פרידמן, חברה במצרים והרמב״ם, שם, לא צוינה כראוי ההבחנה בין שני הדברים.

[42] על זהות צוען (בכתבי הגניזה) עם פוסטאט, ראה פרידמן, נישואין בא״י, ב, עמ׳ 96.

[43] שו״ת הרמב״ם, מהדורת בלאו, א, סימן קיד, עמ׳ 197־198; ראה אוצר הגאונים, ח, התשובות, סימן, תס, עמ׳ 184־185; שילת, ב, סימן לט, עמ׳ תקעא ואילך.

[44] במקור ׳מן ענדה מן אלנסואן׳, ותרגמתי מלה במלה. בלאו תרגם: עם הנשים אשר אצלו, ושילת: עם בני ביתו. בין כך ובין כך אין מקום להשערתו המסויגת של שילת (שם, א, עמ׳ קעא, הערה 18, העוסקת בעניין אחר), שאולי היתה לרבנו אשה אחרת בזמן שנשא את בת ר׳ מישאל.

הדברים האחרונים (׳וכל הפורש׳ כו׳), שהם ככל הנראה מובאה מן התשובה של מתיבתא הקדושה (וכן משמע הלשון ׳וחייבין הזקנים׳) ולא מדברי התלמידים, חסרים בנוסחים המקוצרים, וידועים הם לנו רק הודות לכתב־היד שמן הגניזה, המתפרסם לראשונה להלן.[28] לטענה זו אמת הסטורית וחשיבות לתולדות החומרות בהרחקת הנידה וההתנגדות להן. כאמור, כיתות שונות נהגו בחומרות כאלה עוד בימי התלמוד, וייתכן, שדברי רב הונא הנ״ל וכמה מדברי חכמים אחרים נועדו להוציא מלבם של המינים מלנהוג בהן. אלא שלא נתפרש הדבר במקורותינו. בימי הגאונים דבקו באיסורים ההם הקראים ומינים אחרים. הגאונים עצמם הכירו מציאות זו. על כן, בדורות שלפני ׳התלמידים׳, כאשר פנו הזקנים למתיבתא הקדושה, ושאלו על מנהגי הרחקת הנידה, הורו להם, שהפורש ממנה יש במעשיו משום דרכי מינות, וחייבים למחות בו. טענה זו לא עשתה רושם על רב שרירא גאון. אף־על־פי שמזכיר הוא את תשובת הגאונים הקדומה שממתיבתא הקדושה,[29] אין הוא מתייחס לטענה, שהועלתה בה, שצריך לשרש את דרכי המינות.

על־פי פירושנו דלעיל לדברים, שיוחסו ל׳רב׳ במצרים, אפשר לשער, שהוא הכיר את תשובת מתיבתא הקדושה או מקורות, הדומים לה. וראה עוד להלן על דברי הרמב״ם ויחסם לשתי השיטות: דרכי מינות וסייג מפני הרגל עבירה.

כתב־היד הוא גליון נייר קרוע ומטושטש מתוך קובץ של שו״ת הגאונים. מידות עמודיו 15 × 20 ס״מ לערך. התשובות ממוספרות, ונשתמרו בו סוף סימן ד, סימן ה כולו (העוסק בריבוי נשים, ופרסמתיו במקום אחר),[30] סוף סימן ט ותחילת סימן י, ובה השאלה, העוסקת בהרחקת הנידה, הניתנת להלן בסמוך.

השאלה, שנשאל רב שרירא גאון: TS G 2.112[31]

עמוד ג

6 י׳ **וששאלתם הא דאמור רבנן כל המלאכות**

[28] השווה רבנו ירוחם, ספר חוה (נתחבר בשנת 1339/1340), נתיב כו, חלק ג, רכב ע״ד: ׳וגם יש מהן, שבכל אותו זמן אינן נכנסות לבית הכנסת. מנהג בטעות הוא ומינות גדולה היא, וצריך למחות על ידן.׳ ועיין דינרי, תעודה, ג (תשמ״ג), עמ׳ 19.

[29] אוצר הגאונים, שם, עמ׳ 183: ׳לפיכך מה שפירשו מן המתיבה הקדושה׳ כו׳. אצל דינרי, תרביץ, מט (תש״ם), עמ׳ 315, הערה 95, הועתק בטעות ׳שפירש[נ]ו׳. על ׳הישיבה הקדושה׳, ראה לאחרונה א׳ גרוסמן, ׳הזיקה בין המבנה החברתי ליצירה הרוחנית בקהילות ישראל בתקופת הגאונים׳, סיני, נג (תשמ״ח), עמ׳ 269.

[30] פרידמן, ריבוי נשים, עמ׳ 14־15.

[31] מאחר שמצבו של כתב־היד גרוע כל כך, אין הקריאה ודאית בכל מקום. וראה לעיל, הערה 27. « » = מחוק במקור. [ראה את ההוספות שבסוף המאמר.]

7 **שהאשה עושה לבעלה נדה עושה לבעלה חוץ ממזיגת**
8 **הכוס והצעת המיטה והרחצת פניו ידיו ורגליו היינו**
9 **במקומנו מחמירין על עצמנו שלא יגע ממנו אדם**
10 **במשכב ומושב שלנדה אלא שיכבס את בגדיו ויטהר**
11 **את עצמו והיה מנהגנו בעת שתטמא הנדה אילו היו**
12 **תחתיה מאה כרים היינו מטמאין את כולן ואינה אופה**
13 **«וא» ולא מבשלת לנו כל ימי נדתה עד שקמו תלמידים**
14 **בזמן הזה ובקשו לשנות מנהגנו בדבר זה ואמרו דלגבי**
15 **משכב ומושב שלנדה שלא לפרוש מהן ואין אנו נוהגין**
16 **בהן מנהג פרישה שאינה בזמן הזה ואין לנו טהרה**
17 **שאלמלא היה אפשר לנו לטהר את עצמנו משאר "**
18 **טמאות כגון טמאת מת ושאר טמאות היינו מטהרין**
19 **מהן את עצמנו וכיון שאי אפשר לנו לטהר את עצמנו**
20 **משאר טמאות מה טעם נפרוש מטמאת נדה ממשכב**
21 **ומושב והביאו על זאת טעם לדבריהן ואמרו וכי יש**

עמוד ד

1 **טהרה לחציים וכיון שאי אפשר לנו לטהר משאר טמאות**
2 **מה טעם שנתקיים[32] בנו ככה יאכלו בני ישראל את לחמם**
3 **טמא[33] אין אנו נפרוש[34] ממשכב ומושב שלנדה והינו**
4 **דאמרינן כל המלאכות שהאשה עושה לבעלה נדה**
5 **עושה לבעלה ושלשה הדברים שאסרום לא משום טמאה**
6 **אסרום אלא דברים המביאין את האדם לידי הרגל**
7 **תשמישהן ומנעו חכמים משלשה דברים הללו לעשות**
8 **סייג לאיסור כדתנן לא יאכל הזב עם הזובה מפני הרגל**
9 **עברה[35] והני מילי מפני הרגל עבירה אבל משום טמאה**

[32] על שימוש פעיל של נתפעל, ראה: מ׳ בר־אשר, ׳עיונים ראשונים בלשון חכמים המשתקפת בכתב־יד רומי 32 לספרי במדבר׳, תעודה, ג (תשמ״ג), עמ׳ 157. בכתב־יד אדלר הנ״ל: שיתקיים.

[33] יחז׳ ד:יג. לא נתחוורתי בראיה מן הפסוק, ואולי רצו לומר, שמאחר שאנו טמאים ממילא מטומאות שונות, שלא נוכל להיטהר מהן, אין טעם, שנחמיר על עצמנו לומר, שלחמנו, שהנידה מכינה אותו, טמא.

[34] על ׳אין׳ לפני פועל, ראה: בר־אשר, שם, עמ׳ 161־162. בכתב־יד אדלר: פורשין.

[35] משנה שבת א:ג.

חייבת בהן. במקומות מסוימים הקפידו להרחיק אף את השפחה מכל מגע במאכלים ובדברים אחרים בעת נידתה (עד שתטבול). כפי שקוראים אנו בתשובת גאון מן הגניזה, מנהג זה הטעה כמה מפשוטי העם לסבור, שטבילתן מתירה לא רק את מגען אלא אף את משכבן ממש, שמותר לבוא על השפחה. על כך השיב הגאון: 'אבל וודאי אסורים לבוא על השפחה, שהבא על השפחה עובר, ואם תאמר כי משמרות הנדות והמצות, מכל מקום חייבין עליהן' כו'.[21]

בין המקורות החשובים ביותר על הרחקת הנידה בתקופת הגאונים שאלה־ותשובה ארוכה מאת רב שרירא גאון. השואל מספר, כי במקומו היו רגילים לנהוג טומאה במושב ובמשכב הנידה, וכן היו מרחיקים אותה מאפייה ומבישול ועוד, עד שקמו תלמידים,[22] וביקשו לבטל מנהג זה, שאינו כהלכה. כששמעו את דברי התלמידים, מקצת הקהילה 'נתרפו ידיהם בנדות'. אחרים לא רצו לשנות מנהגם עד שתגיע תשובתו של הגאון. הגאון משיב, שכאשר היו החכמים 'בנהרדעא גם סביבה[23] ובפומפדיתא', נהגו כשיטת התלמידים, 'אבל עכשיו, שנקבענו[24] בבגדאד המדינה הגדולה' (לשם עברה ישיבת פומבדיתא בסוף המאה הט'), ראו, שאם מרויחים, כלומר מקילים, 'לשאת ולתת' עם הנידה ובמושבה, באים עם הארץ לידי הרגל דבר. היינו, החומרות הינן סייג חשוב לעצם איסור הנידה על בעלה, ועמי הארץ, שראו, שאינם חייבים להקפיד באלה, היו מקילים אף בזה. מכאן הנהיגו חכמי בגדאד אותן חומרות אף בבתיהם, 'שתהא נדה רחוקה, ופורשין ממנה, ולסייג גדול נעשה כזה'. שאלה־ותשובה זו נשמרה בספר תשובות גאוני מזרח ומערב שבעריכת י' מיללער, סימן מד (שם מפורש שהוא מאת רב שרירא גאון) וכן בספר האשכול, מהדורת אלבק, עמ' 4־7. באחרון: 'ונשאל גאון וזה תורף השאלה והתשובה'. מלשון זה ('תורף') משמע, שלא הועתקו השאלה והתשובה

[21] התשובה נתפרסמה אצל פרידמן, ריבוי נשים, עמ' 296־299.

[22] על 'תלמיד' (הוא תלמיד חכמים), ראה את הספרות, שציינתי שם, עמ' 257, סוף הערה 5.

[23] אצל גינצבורג (ראה להלן בסמוך): 'סב. . .'. גינצבורג והבאים אחריו שיכלו את האותיות, והשלימו: בסורא. אבל, למרות שקרוע כאן כתב־היד (ראה להלן בסמוך), ברור משרידי האותיות, ש'סביבה' כתוב שם.

[24] ההעתקה שובשה אצל גינצבורג (ראה להלן), אולם הקריאה הנכונה אצל ב"מ לוין, אוצר הגאונים, ח, עמ' 184, הערה ה. פירושה, שנקבעה ישיבתנו, והיא לשון רגילה אצל הגאונים. (וכן, למשל, בכ"י Heidelberg Heb. 10r, שנדפס לאחרונה אצל גיל, שם, ב, עמ' 45, שורות 13־14: קבע פרק וכי ברהון עמד על ראשו, פירושו, שקבע לימוד ב'פרק' [השווה, למשל, אצל J. Mann, *Texts and Studies*, I, Cincinnati 1931, p. 155: 'ונקבעה הפרקים'], והעמיד את ברהון כאמורא. הפיסקה נתפרשה אל נכון אצל ש' אברמסון, במרכזים ובתפוצות בתקופת הגאונים, ירושלים תשכ"ה, עמ' 110־111; ונפל שיבוש אצל גיל, שם, א, עמ' 474.)

בשלמות, אלא עיקרן בלבד.[25] ואמנם עוד בתחילת המאה פרסם ל' גינצבורג כתב־יד גניזה מאוסף קמבריג', שבו סוף התשובה בנוסחה המלא.[26] ידוע לי היום על שני כתבי יד נוספים מן הגניזה של שאלה־ותשובה זו, ושלושת כתבי־היד שייכים להעתקים שונים של קובץ שו"ת הגאונים. באחד מהם, אף הוא מקמבריג', הנוסח המלא של השאלה (והמלים הראשונות של התשובה), שאותו מעתיק אני להלן בסמוך. השני נמצא באוסף אדלר שבבית המדרש לרבנים באמריקה בניו יורק. הוא דף גדול, שכלל את כל השאלה והתשובה, אולם נשמר הוא בצורה גרועה ביותר. הדף קרוע מסביב, והכתב דהוי מאוד, ולפי שעה קשה להציל הרבה מן הכתוב בו.[27]

לתלמידים, שדבריהם מובאים בשאלה, היו שלוש ראיות עיקריות לתביעתם לבטל את מנהגי הפרישה מנידה: (א) בזמן הזה כולנו טמאים בטומאת המת ובטומאות אחרות, שלא נוכל להיטהר מהן, 'וכי יש טהרה לחציים?'. (ב) מפורש בתלמוד, שאין מרחקים את הנידה אלא משלוש המלאכות הנ"ל, ולא מפני הטומאה, אלא מפני שיש בהן משום הרגל עבירה. (ג) כבר שלחו תשובה מן הישיבה ('מתיבתא הקדושה'), והורו, שנידה הולכת לבית הכנסת להתפלל (דבר הנאסר ב'ברייתא דמסכת נידה'), היא ובעלה לובשים את אותם הבגדים, 'וכל הפורש מדברים הללו אינו אלא דרכי מינות, וחייבין הזקנים למחות בו'.

[25] ראה אלבק, שם, עמ' 4, הערה טו. התשובה נדפסה באוצר הגאונים, ח, התשובות, סימן תנט, עמ' 182־184. ראה הערותיו של לוין שם.

[26] ל' גינצבורג, שאלות ותשובות הגאונים מן הגניזה אשר במצרים (*Geonica*, II), ניו יורק תרס"ט, עמ' 206־207 עם דיון בעמ' 203־204. מספרו של כתב־היד לא צוין שם, וביחידה לחקר הגניזה על שם טיילור־שכטר בספריית אוניברסיטת קמבריג', נודע לי, שמספרו היום TS G 1.85 (הריני מודה לד"ר ש"ק רייף ולעובדי היחידה על עזרתם האדיבה וכן למנהלי הספרייה על הרשות לפרסם את החומר דלהלן). בעמ' 203 אצל גינצבורג משתמע כאילו השאלה היא אם חייבים בטבילה בזמן הזה, ואין הדברים מדויקים. כפי שמוכח מהערותיו של לוין באוצר הגאונים, שם, עמ' 184, היה כתב־היד לפניו, והוא מתקן כמה מן הקריאות השגויות שאצל גינצבורג. מאז פרסומו של כתב־היד בגאוניקה ניזוק הוא מעט, וחסרה קצת מן הכתוב בסוף שלוש השורות הראשונות (בעמוד א). להלן תיקונים לטקסט המודפס. עמוד א, שורה 5, בסופה: טו[מאה ולטה]ר את עצמה. 7 במקום נוהגין, צ"ל: נהוגין. 8 במקום סב....., צ"ל: סביבה. 9 במקום שנין בענו, צ"ל: שנקבענו. עמוד ב, שורה 1, צ"ל: [ומי שפורץ פר]ץ גדול הוא פור[ץ ו]ראוי. 2 צ"ל: שנ' ופורץ. 3 צ"ל: שאנשי. 4 אולי יש לקרוא: שקראתם זה אישים בודאי קוראין את תשובתינו. 5 צ"ל: הלא . . . 6 כתוב: אישים. 7 כנראה צ"ל: ול[א יעז]בוהו. 10 צ"ל: כהלכה.

[27] ENA 4101.19. בשעת כתיבת השורות הללו ברשותי תצלום מצדו האחד. הצלחתי לפענח בו אותיות אחדות, שלא יכולתי לקרוא בכתב־יד קמבריג', ובזכותן פענחתי מלים אחדות מן השאלה. הכתב שבעמוד השני (שכולל גם את סוף התשובה, שנדפס על־ידי גינצבורג מכתב־יד קמבריג') דהוי ומטושטש ביותר, ולא יכולתי לצלמו בתצלום קסירוקס. תודתי לספרן בית המדרש לרבנים באמריקה ולעובדי הספרייה על עזרתם האדיבה.

הבית, כלומר, שרק בזמן טהרתה תעסוק בדברים ההם.[10] אולם בספרי על הכתובה טענתי, שעל־פי הלשון אין הכרח בפירוש זה, וייתכן, שיש להבין 'בדכיו ובנקיו' מעין בטהרת הלב ובנקיות הדעת, כמו שאר המלים הרגילות לבוא בסעיף זה: בצניעו ובהימנו.[11] שם רציתי להביא ראיה לפירוש זה מירוש' שבת פ"א ה"ו, ג ע"ג, מן הביאור, הניתן שם, לברייתא של ר' פנחס בן יאיר, 'נקיות לידי טהרה — וכפר עליה הכהן וטהרה' (וי' יב:ח, ושם פס' ז: 'וכפר עליה וטהרה ממקר דמיה'). אולם כפי שהראה מ' עסיס, ראיה זו מסופקת, ויש לומר, שעוסקת היא בנקיות גשמית.[12]

וראיה לפירושו של אסף ל'בדכיו ובנקיו' אפשר להביא משני מקורות שמן הגניזה, הרחוקים זה מזה בזמנם ובמהותם. הראשון, פיוט של יניי, שתוכנו שיר תהילה על בת ישראל, הנזהרת בדיני נידה, על־פי 'אשת חיל': 'צופיה הליכות ביתה — צועדת בזריזות / ומשמרת בנקיות / ומשמשת בטהרה / ועושה בקדושה'. כפי שציין צ"מ רבינוביץ, מהדיר הפיוט, יש לקשר את הכתוב כאן לברייתא של ר' פנחס בן יאיר הנ"ל,[13] ומשמע קצת, שהפייטן מייחסה, בין השאר, למלאכות, שהאשה עושה בביתה ('ועושה'). ועוד, ייתכן, שיש ב'צועדת בזריזות' (שהיא בוודאי כנגד 'הליכות'), הד לחומרות שבברייתא דמסכת נידה, שאף מה שהנידה דורכת עליו נטמא ומטמא.[14]

והשני, הסכם (שנתפרסם אף הוא על־ידי אסף), שנערך בפיום מצרים לאחר ריב משפחתי, בסוף המאה העשירית או תחילת המאה האחת־עשרה, והכולל את התחייבותה של אשה לבעלה, 'שתהא עומדת לפניו בביאתו וביציאתו ומשמשת ומיקרת לו, ובכל שתהא טהורה אל תמנע עצמה בכל צרכי הבית'.[15] השווה את הכתוב כאן לנוסח

[10] ש' אסף, 'ביטולה של כתובת בנין דכרין' הצופה, י (תרפ"ו), עמ' 29, הערה 3.

[11] ראה במקום, שצוין בהערה 8.

[12] מ' עסיס, 'על הכתובה הארץ־ישראלית', עלי ספר, יד (תשמ"ז), עמ' 165־166 (לברייתא ההיא ראה עוד ליברמן, הירושלמי כפשוטו, עמ' 35־36 ומסכת סוטה עם שינויי נוסחאות, בעריכת א' ליס, ב, ירושלים תשל"ט עמ' שסח), וראה בדברי ל' גינצבורג, פירושים וחדושים בירושלמי, א, עמ' 258, שציין עסיס שם.

[13] מחזור פיוטי רבי יניי (לעיל, הערה 2), א, עמ' 440.

[14] ברייתא דמסכת נידה, עמ' 13: 'אסור לאדם להלך אחר הנדה ולדרוס את עפרה.' וראה בתשובת הרמב"ם להלן, אחרי הערה 45: 'ולא תלך על כך', ולהלן בשאלה לראב"ם.

[15] ש' אסף, 'פיתום ודמסיס', ספר היובל לכבוד פרופיסור אלכסנדר מארכס, בעריכת ד' פרענקיל, ניו יורק תש"ג, עמ' 73־77 (ושם, עמ' 75 הערה 6). אין תצלום התעודה לפניי בזמן, שכותב אני את השורות הללו, והפענוח הוא של אסף. אשר לתאריך, ראה שם, עמ' 74, הערה 1. שמו של אחד העדים, החותמים עליו, יוסף בר סעדאל, ידוע לנו מכמה תעודות מפוסטאט מסוף המאה העשירית (ראה עליו מ"ע פרידמן, ריבוי נשים בישראל — מקורות חדשים מגניזת קהיר, ירושלים ותל־אביב תשמ"ו, עמ' 195, הערה 14). עד אחר, שר שלום הלוי בר נסין, ידוע מתעודה מפוסטאט משנת 1016: TS 13 J 1.3 (אוסף טיילור־שכטר, ספריית האוניברסיטה, קמבריג').

שבכתובה אחת לפי המסורת הארץ־ישראלית מן הכפר צא, מצרים, שנת 1081: 'ורצת בכל צביוני נפשה להתנסבא ליה על מנת דתהוי משמשה יתה וקימה קדמוהי כהלכת נשיא כשיראתה דמוקרין ומשמשין ית בעליהון בדכיו ובנקיו' (ורצתה בכל חפץ לבה להינשא לו על מנת שתשמש אותו ותעמוד לפניו, כמשפט הנשים הכשרות, המוקירות ומשמשות את בעליהן בטהרה ובנקיות).[16]

במכתב מעניין ממצרים, משנת 1055 לערך, קוראים אנו על שתי האשמות, שאויבי 'הרב', הוא החכם ר' יהודה בן יוסף הכהן, טפלו בו. האחת, 'אנה פשע באלשאם', כלומר, התאסלם ('פשע')[17] בארץ־ישראל. והאחרת, 'אנה קאל לאבן אלתלמיד אנך אן לם תטבל אמך אתך ואלא מא אכל פי ביתך טעאם', היינו, שאמר לבן התלמיד (אברהם בן יצחק התלמיד, מנהיג קהילתי ידוע במצרים),[18] 'אם אמך לא תטבול, אבוא אליך, ולא, לא אוכל בביתך מאכל.'[19] אי אפשר לדעת אם יש בהאשמה זו (כמו האחרת) על מה לסמוך. מסתבר, שהמשמיצים ראו בדברים הללו, שיוחסו לרב, עבירה. אולם, נוכל להניח, שהרב, אם אמנם אמרם, התכוון להוציא מן הלב ולשרש את מנהגי הטעות, שנהגו בבית בן התלמיד, שאמו (האלמנה) לא היתה נוגעת במאכלים עד שטבלה לאחר נידתה. על־פי הכתוב בברייתא דמסכת נידה אפשר אפילו, שהיתה הקפדה יתרה בעניינים האלה בבית תלמיד חכם, שאם אינו נזהר, ואוכל מאפה, שעסקה בו נידה, 'דעתו מתקלקלת עליו וסופו לשכח את תלמודו'.[20] ייתכן, שהרב ראה בכך משום דרכי מינות, לכן הוכיח את בן התלמיד, ורצה להכריחו, שלא ינהג כך, ראה להלן.

על־פי הדין טובלת שפחה כנענית לשם עבדות ושומרת אותן מצוות, שבת ישראל

[16] פרידמן, נישואין בא"י, ב, עמ' 176, שורות 9־11. בדיון שלי, שם, א, עמ' 188, לא התייחסתי לדמיון בין לשון המסמך מפיום לנוסח הכתובה.

[17] לשון זו מצויה, וכך מפרש רב האיי גאון בתשובה. ראה: מ"ע פרידמן, 'קטעים חדשים מן הגניזה משו"ת הרמב"ם (עם מילואים לשו"ת הנדפסות)', ספר היובל לכבוד י' בלאו (בדפוס), במילואים לכרך ב, עמ' 373.

[18] ראה עליו אצל פרידמן, ריבוי נשים, עמ' 255 ואילך, והספרות, שצוינה שם.

[19] TS K 25.244, שורות 31־32, נתפרסם על־ידי ש"ד גויטיין, היישוב בארץ־ישראל בראשית האיסלאם ובתקופת הגאונים, ירושלים תש"ם, עמ' 148־149, וראה מה שהקשה על כך שם בהערה 60. התעודה נדפסה גם אצל מ' גיל, ארץ־ישראל בתקופה המוסלמית הראשונה, תל־אביב תשמ"ג, ב, עמ' 741 (מס' 399). וראה פרידמן, נישואין בא"י, א, עמ' 188; הנ"ל, ריבוי נשים, עמ' 296, הערה 1; M. A. Friedman, 'Social Realities in Egypt and Maimonides' Rulings on Family Law', *Maimonides as Codifier of Jewish Law*, ed. N. Rakover, Jerusalem 1987, p. 232 [להלן: פרידמן, חברה במצרים והרמב"ם] (בטעות הדפוס נשמטה שם מלה בתרגום, וצ"ל: otherwise, I will not eat a meal in your house).

[20] עמ' 18. ובקשר לנוסח הרמב"ן בפירושו לבראשית לא:לה, 'תלמיד אסור לשאול בשלומה של נדה', עיין דינרי (לעיל, הערה 3), עמ' 316.

שאמרו יושבת בקתדרא, אבל מוזגת לו כוס ומצעת לו את המטה ומרחצת לו פניו ידיו ורגליו.'[2] מסתבר, כפי שהראה לאחרונה י' דינרי, שיש להבין אף הלכות ודרשות אחרות של חז"ל על רקע הפולמוס נגד הרחקת הנידה.[3]

הלכתו של רב הונא אינה נזכרת בתלמודה של ארץ ישראל. יתירה מזו, בספר החילוקים שבין אנשי מזרח ובני ארץ ישראל, שנתחבר בארץ ישראל קרוב לשנת 700 לסה"נ (כדעתו של מרו"ר פרופ' מ' מרגליות ז"ל), עדות חשובה על החומרות היתרות, שנהגו בהן בארץ־ישראל בעניין זה. בחילוק יא: 'אנשי מזרח נדה משמשת כל צרכי הבית, חוץ מג' דברים: ממזיגת הכוס והצעת המטה והרחצת פניו ידיו ורגליו, ובני א"י אינה נוגעת בדבר לח, ולא בכלים שבבית ומדוחק התירו להניק את בנה.'[4]

חומרות מופלגות ומנהגים משונים שלא כדין בדבר טומאת הנידה, סכנתה

[2] החיבה והקירוב בהרחצת פניו, ידיו ורגליו גלויים ופשוטים הם, ועל הצעת המיטה, ראה כתובות ד ע"ב תוס' ד"ה והצעת המטה. אשר למזיגת הכוס, ראה שם ס ע"א את הקולות על־ידי שינוי בהושטתה או הנחתה, שנהגו בהן שמואל, אביי, רבא ורב פפא. יש מן הראשונים, שהעמידו אותן קולות רק בימי ליבון האשה (שבעת ימי נקיים) ולא בימי ראייתה, אולם כפי שהראה י' דינרי (בהערה הבאה), עמ' 319 ואילך, הכניסו חכמי אשכנז פירוש זה לגמרא על־פי מנהגם בהרחקת הנידה בעת ראייתה, המבוסס על אמונה, שאז יש בה סכנה. כפי שציינתי בפנים, ביסוס וחיזוק לפירוש, שמזיגת כוס נאסרה מפני שיש בה משום דרך קירוב וחיבה, ניתן להביא מדברי רב הונא עצמו, שזו אחת המלאכות, שאשה עושה לבעלה אף־על־פי שאמרו שיושבת בקתדרא. אולם בדרך שמא ואולי אפשר לשער, שנשמע הד לאמונה, שיש סכנה דווקא במזיגת הכוס על־ידי הנידה, בפיוט של יניי על טומאת הנידה, שאומר, שצבעי הדם מזכירים את חטאה של חוה, שגרמה למיתתו של אדם הראשון: 'וכמזג, כי כוס מות מזגה לו' (מחזור פיוטי רבי יניי לתורה ולמועדים, בעריכת צ"מ רבינוביץ, א, ירושלים ותל־אביב תשמ"ה, עמ' 435). שיטת יניי כדברי האומר, שפרי אותו עץ ענבים היו; ראה בר"ר טו:ז (מהדורת תיאודור־אלבק, עמ' 140) ומקבילות. ועיין ירוש' שבת פ"ב ה"ו, ה ע"ב (ראה ש' ליברמן, הירושלמי כפשוטו, ירושלים תרצ"ה, עמ' 72־73) והמקבילות על למה ניתנו לאשה מצוות נידה, הדלקת נר של שבת וחלה, וכולן מפני שהביאה מיתה לעולם. ובברייתא דמסכת נידה (להלן, הערה 5), עמ' 27: 'האשה שנתנדת אסורה להטפל בחלה ובהדלקת הנר של שבת', ומפני הסכנה אמרו. ולפי מה שאמרתי, אפשר היה לסבור, שמאותה סיבה נאסרה מזיגת הכוס על־ידי הנידה. אלא שזו השערה בעלמא, ואין לה על מה שתסמוך, ומצינו במקומות אחרים, שמזיגת הכוס, הצעת המיטה והרחצה הן המלאכות העיקריות של שירות האשה לבעלה, ראה תוס' נדרים ז:א (מהדורת ליברמן, עמ' 120 תוספתא כפשוטה לשם, עמ' 491), ולגבי מזיגת הכוס, ראה מדרש תהילים, עמ' 524 ומקבילות ועוד.

[3] י' דינרי, 'מנהגי טומאת הנידה — מקורם והשתלשלותם', תרביץ, מט (תש"ם), עמ' 302־324, במיוחד עמ' 305 ואילך.

[4] החילוקים שבין אנשי מזרח ובני ארץ ישראל, בעריכת מ' מרגליות, ירושלים תרצ"ח, עמ' 79; ראה מקורות ודיון שם עמ' 114־118. ב"מ לוין, אוצר חלוף מנהגים בין בני ארץ ישראל ובין בני בבל, ירושלים תש"ב, עמ' 29־32. [ראה את ההוספות בסוף המאמר.]

והרחקתה, מובאים בחיבור המוזר 'ברייתא דמסכת נידה', שנתחבר לפי מרו"ר הגר"ש ליברמן ז"ל בארץ ישראל על־ידי כת יהודית כזו או אחרת (לא קראית), שלא התנהגה כתורה וכהלכה.[5] מלבד יהודי ארץ ישראל ישנן ידיעות מן התקופה שלאחר התלמוד ומתקופת הגאונים על יהודי תפוצות שונות, כולל בבל, שנהגו בכמה מן החומרות הללו. לאחרונה זכתה פרשה זו לדיונים יסודיים.[6] עליהם סומכים אנו, ומסתפקים כאן בסקירת ממצאי הגניזה, שלא נדונו, ובהבאת מקורות ממנה, שטרם פורסמו. בקשר לכתבי־היד, המתפרסמים להלן והמתייחסים לרבנו אברהם בן הרמב"ם, נעסוק גם בשו"ת אביו, שפורסמו כבר, וביחסו של הנשר הגדול לבעיות הללו.

לבני ארץ־ישראל בתקופת הגאונים היתה מסורת מיוחדת בכתיבת הכתובה, כפי שידוע לנו היום מעשרות כתובות מן הגניזה, שנכתבו לפי מסורת זו במאות הי־י־א בארץ־ישראל, בלבנון ובסוריה ובמצרים.[7] בין הנוסחות, המייחדות אותה מזו של כתובות בני בבל, היה סעיף, המפרט את התחייבויות הכלה לבעלה ('התחייבויות הדדיות') לשרתו ולכבדו. בכתובות רבות כתוב, שהאשה תשרת את בעלה 'בדכיו ובנקיו', כלומר בטהרה ובנקיות.[8] עדות קדומה לנוסחה זו נמצאה לאחרונה בכתובה, המתאימה למסורת הארץ־ישראלית, שנכתבה על פפירוס באנטינואופוליס מצרים בשנת 417 לסה"נ, ושם 'בדכו ובקדושה וב[. . .]'.[9]

ש' אסף, שפרסם לראשונה כתובה לפי נוסח ארץ־ישראל,(שנכתבה בצובה היא חלב, סוריה) עם הביטוי הנ"ל, פירשו כרמז למנהגי הרחקת הנידה מבעלה וממלאכות

[5] ברייתא דמסכת נידה, ראתה אור על־ידי ח"מ הורוויץ, ספר תוספתא עתיקתא, מחלקה רביעית ומחלקה חמישית, פרנקפורט תר"ן. ראה ש' ליברמן בספר מתיבות, בעריכת ב"מ לוין, ירושלים תרצ"ד, עמ' 115 ואילך; הנ"ל, שקיעין, ירושלים תרצ"ט, עמ' 22; הנ"ל בנספח לספרו של I. Gruenwald, *Apocalyptic and Merkavah Mysticism*, Leiden 1980, pp. 241 ff.

[6] מ"י ומ' קיסטר, 'על יהודי ערב — הערות', תרביץ, מח (תשל"ט), עמ' 240־243; דינרי (לעיל, הערה 3); הנ"ל, 'חילול הקודש ע"י נידה ותקנת עזרא', תעודה, ג (מחקרים בספרות התלמוד, בלשון חז"ל ובפרשנות המקרא, בעריכת מ"ע פרידמן, א' טל וג' ברין, תל־אביב (תשמ"ג), עמ' 17־37. בכינוס ה־Association of Jewish Studies שנתקיים בדצמבר 1988 הרצה S.J.D. Cohen על Women and the Sacred: Menstrual Pollution in Judaism and Christianity. אני מודה לפרופ' כהן, שהואיל לשלוח לי העתק הרצאתו.

[7] הכתובות הללו נחקרו בספרי M. A. Friedman, *Jewish Marriage in Palestine — A Cairo Geniza Study*, New York and Tel-Aviv 1980–1981, I-II להלן: פרידמן, נישואין בא"י.

[8] ראה: פרידמן, שם א, עמ' 187־188.

[9] C. Sirat, P. Cauderlier, M. Dukan, et M. A. Friedman, *La Ketouba de Cologne: Un contrat de mariage juif a Antinoopolis*, Opladen 1986 (מהדורה עברית מתוקנת ומורחבת תימסר לדפוס בקרוב).

הרחקת הנידה והמינות אצל הגאונים, הרמב"ם ובנו ר' אברהם על־פי כתבי גניזת קהיר

מאת

מרדכי עקיבא פרידמן

איסורים וחומרות משונים, שנהגו בתקופות ובמקומות מסוימים בדבר טומאת הנידה, גרמו להפרדתה הגמורה כמעט של האשה מן החברה בעת וסתה. מגעה, מושבה, משכבה היו מטמאים, אסור היה לה לבשל או ללוש או לעסוק בשאר צרכי הבית, ללכת לבית הכנסת, יש שחשבו, שהאדמה, שדרכה עליה מטמאה ושהבל פיה מזיק, ועוד ועוד. אין ספק, שהמנהגים הללו, ששורשיהם באמונות טפלות בדבר הסכנה שבנידה, השפיעו רבות על מעמד האשה, על חיי המשפחה ועל החברה כולה. אלא שכמה מחכמינו קבעו (כפי שנראה להלן), שחומרות אלה יונקות ממקור שהוא עצמו טמא, המינות, הוי אומר דיני הכיתות, שנהגו שלא כהלכה של חז"ל, ומשום כך, חייבים, לדבריהם, למחות במי שפורש ממגע הנידה. במחקר זה נעיין במקורות מן הגניזה, העוסקים בשתי המגמות הללו, ההתרחקות ממגע הנידה ודחיית התרחקות זו, והמתייחסים בעיקר לתקופת הגאונים ועד לזמנו של ר' אברהם בן הרמב"ם. בין השאר נעמוד על אורח חייהם של הרמב"ם ובנו ר' אברהם בבתיהם ועל השפעתם האישית על יהודי מצרים.[1]

חכמינו אמנם הקפידו על איסור הנידה לבעלה עד שתספור שבעת ימים נקיים ותטבול במקוה, אולם דחו הם חומרות אחרות. וכן איתא בשם רב הונא בבבלי כתובות ד ע"ב וסא ע"א: 'כל מלאכות שאשה עושה לבעלה נדה עושה לבעלה, חוץ ממזיגת הכוס והצעת המטה והרחצת פניו ידיו ורגליו.' שלוש המלאכות הללו נחשבו כדברים, העשויים לגרום לקירוב בין איש ואשתו, ונאסרו משום הרגל עבירה, שמא יבוא עליה, ולא משום טומאה (ראה להלן בפנים ובהערה כאן). וכן פירש רש"י, שם, ד ע"ב: שדרך קירוב וחיבה הן, ובאין לידי הרגל דבר. וגם משמע כך מדברי רב הונא שם, סא ע"א: 'אע"פ

[1] מחקר זה נתמך על־ידי הקרן למחקר בסיסי בניהול האקדמיה הלאומית הישראלית למדעים, קרן הזיכרון לתרבות יהודית והקרנות שבאוניברסיטת תל־אביב: הפרויקט ע"ש קפלן להיסטוריה של מצרים וישראל—חקר תולדות עם ישראל וזיקתו למצרים, קרן מחקר בתולדות עם ישראל ופילוסופיה של היהדות ע"ש דורית יניב ז"ל וע"ש מאיר שלום יניב וקרן יורן־שניצר למחקר בתולדות עם ישראל.