

DEGEL

תורה וחכמת ישראל מקהילת עלי ציון
TORAH AND JEWISH STUDIES FROM ALEI TZION

תשרי תשע"ז
TISHREI 5777



ה' מֶלֶךְ ה' מֶלֶךְ
ה' יִמְלֹךְ לְעוֹלָם וָעֶד

שנה טובה

לזכר נשמת

ר' ישראל יצחק בן ר' צבי גדליהו ז"ל

נפטר ד' תשרי תשנ"ז

שנה טובה

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*This edition of Degel
is dedicated by
Family Gedalla
to mark the
20th Yahrzeit of
Mr Cecil Isaac Gedalla ז"ל*

4th Tishri 5757

שנה טובה

DEGEL

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Notes from the editor

We are grateful to Family Gedalla who chose to honor the memory of Mr Cecil Gedalla by dedicating this edition of Degel in his name.

This is a time of year when we are all prompted to consider our own mortality, “who will live and who will die”. As inheritors of an ancient tradition, during the month of Ellul and holy days of Tishrei, we isolate time from amidst the relentless routine and inevitable mundanity of daily living to examine the parameters of life itself. And although each one of us resembles merely “a broken shard, a faded flower, a fleeting shadow, a passing cloud”, as individuals and as a community we dwell on the significance of the minutiae of our actions.

The themes of mortality, personal accountability, repentance and forgiveness have etched themselves inextricably into our modern experience of this time of year. These religious festivals therefore provide an annual catalyst to ponder themes that might otherwise escape regular and systematic attention.

The emergence of the modern understandings of the Biblical festivals is one of the central themes of the recently published “Rendezvous with God” by Rabbi Nathan Laufer. We are delighted that Koren publishers have allowed us to feature an extract of the essay on Rosh HaShanah in Degel prior to the volume becoming available in October.

Continuing on the High Holy Day theme, this edition of Degel includes a review by Ben Savery of a number of topics related to Yom Kippur that are raised in the Talmud. Articles by Moshe Dovid Spitzer and Michael Blank provide text based analyses of the treatment of miracles in the Torah and the connection between Israel and Eden respectively. Rabbi Knopf offers a philosophical discussion on the significance of Halakha. And Rabbi Roselaar has provided a far-reaching and eclectic Shaalei Tzion compendium of practical halakhic questions recently posed by Alei Tzion members that he has addressed.

I want to close by expressing a personal thanks to all the authors without whom Degel would simply not exist and also recognize the unique contribution of Yolanda Rosalki who unfailingly provides outstanding original artwork to adorn the cover.

We welcome feedback and future submissions. Please contact us at degel@aleitzion.co.uk

With best wishes for a happy, healthy and sweet year – Shana Tova.

ELANA CHESLER

MESSAGE FROM THE CHIEF RABBI – ROSH HASHANAH 5777

"בראש השנה יכתבון וביום צום כיפור יחתמון"
 'On Rosh Hashanah it is inscribed and on Yom Kippur it is sealed'

As we recited these moving words in the *Unetaneh Tokef* prayer last year, we could hardly have anticipated the devastation that would be wrought by the relentless terrorist atrocities that would follow. The daily threat of terror is one to which our brethren in Israel have long become accustomed, but that awful reality has largely been greeted by silence in the mainstream media. Global terrorism has spread its tentacles far and wide, making no place on earth immune to this scourge. As the French philosopher and author Bernard-Henri Lévy has said, the world must now learn from the experiences of the Jewish State.

Never before in the history of human conflict has every innocent man, woman and child found themselves on the front line. As we endure an onslaught on our freedom, our democracy and our very civilization, what should our response be?

The *Unetaneh Tokef* prayer provides an answer: תשובה תפילה וצדקה - Repentance, Prayer, and Charity.

תשובה - Repentance

Teshuvah comes from the Hebrew word meaning 'to return'. Over our High Holydays we are tasked with making a uniquely honest and comprehensive assessment of ourselves so that we can return to our natural state of piety and purity. Our global challenge is to return to the values of human dignity, tolerance, mutual respect and peaceful coexistence. That process must begin with ourselves and those upon whom we can make a positive impression.

תפילה - Prayer

#PrayersForParis #PrayersForMunich #PrayersForBrussels. If these popular sentiments from social media are anything to go by, it seems that the world is rarely more united in prayer than after devastating terrorist attacks. In July, after a particularly brutal murder of a beloved Catholic Priest in Normandy, one Twitter user responded to my own message in despair: "The time for prayer is long gone," he said. I couldn't disagree more.

The Talmud describes prayer as *avodah shebalev* – the 'service of the heart' – because, in essence, prayer is about training oneself to love and serve God. The Hebrew word for prayer, *tefillah*, is linked to *tofel*, which means connecting to a greater power. We pray with a deep sense of humility and responsibility because we understand that we can never simply be a 'law unto ourselves'. The power of prayer has always been and will always be a force for good; a spiritual connection with something greater than ourselves, elevating our souls and directly affecting our future actions. We will never fully comprehend the potency of our prayers or how things would have turned out without them but we do know that while terror thrives on a sense of narcissism and superiority, through prayer, we act with modesty and accountability.

צדקה - Charity/Righteousness

The first Chief Rabbi of the Holy Land, Rav Kook, taught that the antidote to causeless hatred is causeless love. Having embraced *Teshuvah* and *Tefillah* with all of the self-improvement that they require, we will have an instinctive and deeply rooted love for peace. But *Tzedakah* is the means by which we look beyond ourselves and turn that goodness into positive, meaningful action that will leave a lasting impact on the world around us.

Every one of us can increase the degree to which we give of ourselves to others, whether as part of an organised charitable campaign or by investing our time and energy into kindness and generosity. There is no degree of evil that cannot be overcome and outshone by an equal and opposite desire to do good for others.

Embracing more fully these three fundamental principles of Jewish life as a response to global hatred and violence might feel inadequate, even naïve. But, I believe that we are far more likely to change the world through positive action and leading by example, than simply by standing in judgement.

May this coming year be one filled with only peace and reconciliation among the peoples of the world.

Valerie and I extend to you all our very best wishes for a happy and fulfilling New Year.



Chief Rabbi Ephraim Mirvis
 September 2016 • Ellul 5776



Fast Thinking: Examples from Masechet Yoma

BEN SAVERY

The final chapter of masechet Yoma deals with the afflictions of Yom Kippur, the best known of which is the obligation to fast. The chachamim of the mishna and the gemara, like rabbis throughout the ages, grappled with the difficult question of the circumstances under which a sick person is permitted – or, perhaps, obliged – to eat¹.

One interesting conundrum is what rule should apply if a sick person says he needs to eat, whereas his doctor believes he need not. According to R' Yanai, the patient is listened to, because of the verse in Mishlei 14:10, "Lev yodeah marat nafsho" "The heart knows its own bitterness".

Of course, this article cannot be taken as halachic advice, as the words of the gemara are complex, terse and layered with centuries of written and unwritten exposition, colouring their application in modern times. However, it is interesting to note the acute psychological awareness which the sages of ancient times had, recognising that a person's pain is subjective and not to be doubted by an onlooker, even, as in the case of a physician or rabbi, where the onlooker appears to be more knowledgeable than the sufferer.

It is interesting to note the acute psychological awareness which the sages of ancient times had

Unfortunately, such understanding is not always so keenly shown in society today, with regard to physical or mental illness.

Interestingly, the gemara does not allow the patient to be believed where he says he does *not* need to eat and the doctor says he does, a scenario which, one imagines, continues to arise from time to time. In keeping with the tradition of this Talmudic contrast – believe the patient when he says he needs to eat, but

not if he says he doesn't – Reb Chaim Soloveitchik (Russia, 1853-1918) was known for his extremely lenient decisions regarding sick people's need to eat on Yom Kippur. When challenged on this approach, he was wont to say that he was not lenient about Yom Kippur, but stringent about the Torah obligation to guard one's health – two obligations which, we may note, have the potential to conflict².

Lest we think that a carte blanche sick note policy was applied to Yom Kippur (self-certifying even for the holiest day of the year!), the gemara records the case of a pregnant woman who was overcome with a desire to eat on Yom Kippur and whose case was urgently brought before R' Yehuda Hanasi. He ruled that she should be reminded that it was Yom Kippur, presumably on the assumption that this would focus her mind on whether she really needed to eat or not. As soon as she received this reminder, she recovered and managed to complete the fast.

The epilogue to the story is that the child grew up to become Rabbi Yochanan, one of the greatest of the sages, whereupon R' Yehuda Hanasi quoted the verse in Yirmiyahu, "Before yet I had formed you in your mother's body, I knew you". Without wishing to get into debates of nature and nurture, it is interesting to note that again the gemara demonstrates its awareness of psychological factors: in a parallel case, R' Yehuda Hanasi's proto talking therapy didn't work, and the expectant mother was allowed to eat.

One intriguing medical condition which seems to have played upon the Talmudic mind was "bulmus", an intense, raging hunger of sudden onset, so severe that it could apparently kill. A sufferer of this condition could be fed on Yom Kippur, if necessary with non-kosher food, leading the gemara to set out an interesting hierarchy of which forbidden items he should preferably eat, should nothing "less treif" be available.

The gemara relates that two tannaim were walking on the road, when one, feeling a bout of this condition coming on, asked a nearby shepherd for some food.

When they arrived at the city, the second was struck by the same condition, whereupon the town's inhabitants rushed out with food for the ailing rav. Luckily, it was not Yom Kippur, but the story demonstrates that "bulmus" was a common, widely recognised and serious diagnosis.

"Bulmus" sounds to modern ears to be related to the medical condition described since the twentieth century as bulimia nervosa, more specifically to the symptom of that condition and of others, bulimia. Indeed, it might have evoked something similar to the ancient ear, derived as the term bulimia is from Ancient Greek "bous", "ox" and "limos", "hunger", or "ravenous hunger". It is important in this context to distinguish between "bulimia" – the word meaning "ravenous hunger" or, effectively today, "binge eating" – and "bulimia nervosa", which is a medically defined psychiatric illness. It is not clear whether the Talmudic term "bulmus" might approximate to one, neither or both of these.

Historians of medicine today discourage "retrospective diagnosis" – thinking about what George III's "madness" was or "what was wrong with Tiny Tim" – as "little more than a game, with ill-defined rules and little academic credibility"³. There are also opinions in the great commentators, such as Sherira Gaon (Babylonia, 906-1006), that the many medical passages in the gemara are not to be given scientific credence, as the sages were merely recommending practices in use in their time⁴. Similarly, the Rambam (Spain, Egypt, 1135-1204) famously omitted Talmudic medicine from his

Mishnah Torah, a work otherwise conceived as a complete synopsis of Torah shebe'al peh.

However, it is tantalising - perhaps especially when we are all feeling a little hungry - to consider what exactly bulmus "was", even though such speculation may carry questionable historical, or indeed halachic, value.

There are indications in the gemara that the condition was connected in some way to the eyes or eyesight. Is it possible to see these descriptions as linked to the patient's perception, rather than his physical eyesight, especially as the gemara uses cryptic terms such as "restoring the light to a person's eyes"? This may bolster the view that bulmus was - at least in part - a psychological state as much as a physical symptom or condition.

Certainly, when we are all feeling as hungry as an Ancient Greek ox, we need to combine the hardness of Rabbi Yochanan's mother with the sensitivity of Rav Yanai, and remember that the purpose of fasting is not that we think about food all day, but rather that we forget about it!

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¹ Yoma 82a and following

² See the philosophical treatment of this issue in *Halachic Man* by Rabbi Joseph B. Soloveitchik, grandson of Reb Chaim

³ Elmer, Peter *The healing arts: health, disease and society in Europe, 1500-1800*

⁴ See Otzar HaGe'onim, Gittin 68b.

Shaalei Tzion (V) – Questions and Answers from Alei Tzion

RABBI DANIEL ROSELAAR

In this bite sized update Rabbi Roselaar presents the answers to some of the halachic queries that he has recently received from members of the community.

How does one dispose of old or torn tzitzit?

The Talmud (Megillah 26b) makes a distinction between *tashmischei mitzvah*, i.e. items used in the fulfilment of a mitzvah, and *tashmischei kedushah*, i.e. items that are used in conjunction with Hashem's written name. Examples of the first category are sukkah, lulav, shofar and tzitzit, whilst examples of the second category are bags used for Sifrei Torah, mezuah cases, and the retzuot of tefillin. The distinction is that *tashmischei mitzvah* may be disposed of normally once they are no longer in use, whereas *tashmischei kedushah* must be hidden away in a respectful manner.

The Rambam (Hilchot Tzitzit 3:9) rules that tzitzit which are no longer in use can be thrown into the garbage and this is also the ruling of the Shulchan Aruch (OH 21:1). However, the Rama cites the Kol Bo to the effect that whilst tzitzit do not need to be put in genizah like tefillin bags etc., they may not be treated in a degrading fashion and should not be thrown out with the rubbish. He further cites with approval the practice of the Maharil which was to be strict and put old tzitzit in the genizah (and others mention that the Maharil would use discarded tzitzit as bookmarks in holy books).

As regards the garment to which the tzitzit are attached, there is no reason to be as strict and this may be discarded with the rubbish, provided that it is not done in a degrading manner (Mishnah Berurah s.k. 13). Accordingly, once the tzitzit have been removed the garment itself can be wrapped in a bag and then placed in the rubbish bin.

By mistake I recited *al hamichya* at the end of a meal instead of saying the full birkat hamazon. Did I fulfil my halachic obligation with that or did I need to bench again?

The formal title of the *al hamichya* after-bracha is birkat me'ein shalosh because it contains the

essence of the three brachot in the full benching which are biblically mandated. So whilst it might be true that on a biblical *deoraita* level *al hamichya* could substitute for the full birkat hamazon, on a rabbinic level there is a requirement to recite four brachot after eating bread. Furthermore, the Shulchan Aruch (OH 187:3) rules that if one omitted the references to the covenant of brit milah and the Torah from the second bracha of birkat hamazon the whole benching would need to be repeated. Since there are no such references in birkat me'ein shalosh it would follow that the essential requirements of birkat hamazon have not been fulfilled and that a full benching must be recited¹. Interestingly, there is some discussion in the Acharonim about what a person should do if they only know the text of *al hamichya* and not birkat hamazon – should they recite the former text so that they will fulfil their obligation on a biblical level? In practice the question is merely theoretical because in the contemporary world it seems that people have greater familiarity with the (longer) text of the full benching than with the (shorter) text of birkat me'ein shalosh.

This never happened when we lived in Hendon, but in Modiin we had a guest for Shabbat lunch who brought with a mango that he had found in the street. I said that we couldn't eat it on Shabbat. Was I correct?

I'm glad that the Olei Tzion are still keeping in touch with us, because nobody in Hendon has ever come to me on a Shabbat saying that they found a mango in the street! If your presumption is that the mango simply fell out of somebody's rucksack (or tallit bag) then your primary concern would be one of terumot and maasrot – has this fruit had the required tithes taken from it before Shabbat? If most of the fruit shops and supermarkets in the area have a reliable *teudah* that terumot and maasrot have been separated, then the mango is *hefker* and you could eat it on Shabbat. But if most of the local

stores do not sell their produce already tithed, then you would not be able to eat this fruit until after Shabbat.

However, the case at hand might be where your guest found the mango under, or near, a mango tree. If so, the prohibition of *peirot hanoshrin* is applicable. The Talmud (Betza 2b) states that fruit which has fallen off a tree on Shabbat may not be eaten. Even though the prohibition against plucking fruit (tolesh) has not been transgressed, there is still a concern that one might come to pick further fruits. This halacha is codified in the Shulchan Aruch (OH 322:3) and the Mishnah Berurah (sk 5) adds that even if one is uncertain if the fruit fell from the tree on Shabbat or before Shabbat it may not be eaten until after Shabbat.

We are thinking about going on a cruise but someone said that there is a problem with trips that start on a Friday. Is that correct?

The Talmud (Shabbat 19a) states that normally² one is not allowed to embark on a sea voyage within three days of Shabbat³. Several explanations are given by the Rishonim for this prohibition – i) According to the Rambam and Rif it is because one often feels seasick during the first three days of a voyage and such queasiness would preclude one from properly enjoying Shabbat; ii) Baal Hamaor understands the reason to be associated with the chilul Shabbat which is usually necessary on board a ship. Whilst one is permitted to put oneself in a position which will entail chilul Shabbat for the sake of preservation of life on the high seas, one is not allowed to do so during the latter part of the week; iii) Rabbenu Chananel maintains that the prohibition is associated with the laws of techumin and the prohibition against travelling beyond a certain distance on Shabbat.

In practice, all three of these opinions are referenced by the Shulchan Aruch and Rama (OH 248:2). This means that unless the crew and the majority of the passengers are gentiles (so that the concern of chilul Shabbat is redundant), the boat is sailing in a lake or along a gentle river (so that the enjoyment of Shabbat will not be jeopardised), and the water is deep enough that the bottom of the boat doesn't come within ten tefachim of the riverbed (so that the concern of techumin is redundant) one may not embark on a ship within three days of Shabbat⁴.

Can we recite kiddush in shul at the end of the service before people go outside into the car park for the food?

There is a principal that *ein kiddush ela b'makom seudah*. This means that to fulfil the mitzvah of

kiddush one has to eat some food as well as make the bracha over the wine, and that the food must be eaten in the same place that the kiddush was recited. The Shulchan Aruch (OH 273:1) records a view that one may recite kiddush and drink the wine in one place and eat the food in another place, if that was the person's intention when they made kiddush. But this is provided that both places are within the one building, which is not the case in our shul. The Shulchan Aruch does cite the view of some Rishonim who hold that even if the two places are not in the same building it is good enough if it is possible to see from one to the other, even if there was no initial intention to move from one to other. But the Mishnah Berurah (sk 7) advises against following this opinion because many Rishonim reject it. And whilst the Derech Hachayim opines that if it is possible to see from one place to the other *and* there is also an intention to go from one to the other the requirement of kiddush b'makom seudah is fulfilled, other poskim disagree with this ruling. So whilst there are lenient opinions that could be relied upon at least bediavad (eg if a person is in a shul or at a simcha where this is done) the halachic consensus is that it is not a recommended practice.

On Shabbat morning I took a peek at the cholent and gave it a bit of a stir. Were we allowed to eat it on Shabbat?

Chazal asserted that on Shabbat it is prohibited to stir a pot of food that is on the stove because this speeds up and assists the cooking process. There is considerable debate amongst the Rishonim about the parameters of this prohibition – whether it applies to food that is already fully cooked, whether it applies to partially cooked food which is no longer on the stove, and even whether it applies to fully cooked food which has been removed from the stove. The Mishnah Berurah (318 sk 118) quotes the Bet Yosef who cites the Kol Bo to the effect that if the pot is still on the stove it is biblically prohibited to stir it, even if it is fully cooked, and Shemirat Shabbat Kehilchata (1:36) rules in accordance with this view that a pot which is on the stove should never be stirred on Shabbat.

The Biur Halacha addresses our particular question and indicates that bediavad the cholent may be eaten, even if it was not fully cooked. Even though we have a principle that food which is cooked on Shabbat may not be consumed (318:1), the Mishnah Berurah (sk 2) rules that when there is a dispute amongst the poskim as to whether something is prohibited or not, the food is permitted. Since the above-cited view of the Kol Bo is disputed by other Rishonim, with some maintaining that if the food is fully cooked there is not even a rabbinic prohibition, this is a classic

example of a machloket poskim and thus the food is permitted even though it should not have been stirred in the first place. In actual fact, even if the cholent had been stirred on Friday night when it might not yet have been fully cooked it would still have been permissible to eat it because of the dispute amongst the poskim regarding whether there is a prohibition of further cooking something which is already half (or even one-third) cooked.

I am staying in a hotel over Shabbat. Am I allowed to ask a porter to open my door for me with the electronic card⁵?

According to most poskim the use of this sort of electricity is prohibited only *miderabanan*. Even though one is not allowed to ask a gentile to do things that are rabbinically prohibited, leniencies can be applied in certain circumstances. The Shulchan Aruch (OH 307:5) permits “*amirah lenochri*” for rabbinic prohibitions in cases of (even) mild illness, great need, or to enable a mitzvah. Certainly if you left your room to go to shul on Shabbat and want to be let back in upon your return, it would fall under the category of enabling a mitzvah. But even if you are left your room to go for a walk or to sit in the lounge I believe that this counts as a great need. Even though the Mishna Berurah (sk 22) cites the restrictive view of the Magen Avraham to be permissive only in a case of significant financial loss, in Shaar Hatziun (sk 24) he opines to be permissive in a case of physical discomfort, and being cooped-up in one room for an entire Shabbat is considered physically uncomfortable. But if you want to go back to your room just to collect the JC so that you can read it in the lounge, or if you want to be readmitted to your room shortly before the end of Shabbat, that would not be permitted.

We will be staying in a hotel near Bournemouth for a couple of nights during chol hamoed Pesach. What should we do about the coffee and snacks that will be in the room?

The best course of action would be to call the hotel in advance and ask them not to leave any snacks in your room. However, if you do find them in your room you need to dispose of them right away as they have been left in what is (temporarily) your property and they have been provided for your enjoyment. You could either take them down to the front desk, or place them in a bin outside your room. Interestingly, you would also need to conduct *bedikat chametz* upon arrival. The Shulchan Aruch (OH 437:2) states that if one rents a room from someone on erev Pesach they should inquire about whether *bedikat chametz* has been performed. But if they are unable to ascertain if this is the case they may assume that it was done

because of a *chazakah* (halachic likelihood) that a Jew will have done the right thing in this regard. Renting a hotel room is the same as renting any other property and since the hotel is not Jewish-owned you can obviously not assume that the room was searched for *chametz*⁶. You don’t need to use a candle for this *bedikah* but you should use some sort of torch or flashlight and you should also say the *bracha* beforehand.

My son is a very picky eater but likes meat and chicken. I assume that the nine days apply to him, but is there is any leniency for babies?

The Rama (OH 551:10) writes that during the nine days (between the first and ninth of Av), the wine from Havdalah should be given to a child to drink. This suggests that there is no rule of *chinuch* for the restrictions of the nine days. However the Mishna Berurah comments that this is only permitted for the wine of havdalah which is enabling a mitzvah and does not apply in any other instances, which would suggest that there is a rule of *chinuch* for the nine days. In any event, your son is still only a toddler so the concept of *chinuch* does not apply since he has no ability to understand or comprehend what he is being trained to abstain from. And whilst in general one is not allowed to feed prohibited foodstuffs even to a young child, in this case no such restrictions would apply since the food is not intrinsically prohibited, it is just that the time of year prohibits adults from eating meat⁷.

Moadim lesimchah! I have to speak at a conference during Pesach. Will I be able to have a glass of mineral water there? I'd assumed the glasses would be a problem but thought I'd check.

Indeed, it is always worth checking these matters. The Shulchan Aruch (OH 251:25) rules that cups used for drinking don’t need to be koshered for Pesach at all and it is enough simply to wash them thoroughly. The reason for this ruling is that the Shulchan Aruch follows the view that the koshering requirements of various utensils are dependent on their regular usage. Since drinking cups and glasses are normally used cold they never properly absorb *chametz* and thus a thorough wash suffices. However, the Rama disagrees with this principle and maintains that even if something is used for hot *chametz* only occasionally, it has still absorbed *chametz* and must be koshered in the normal manner. Consequently, the Rama comments on this ruling that some people are strict and that the *minhag* is in accordance with that practice. Normative Ashkenazic practice is as the Rama writes. But the Mishnah Berurah (sk 149) writes that this is *lechatchilah*, but *bediavad* one is permitted to use the cups even if they have not been

koshered, provided that they are properly clean. Consequently, even though one should make sure to take one's own drinking cups into the workplace on Pesach, if one forgets, or as in the case you describe, it is not practical to do so, it is permissible to drink from the regular cups that are provided.

I was cooking a meaty dish but poured in Worcester Sauce (contains anchovies). Are we allowed to eat what I cooked?

The Talmud (76b) asserts that fish which has been roasted together with meat may not be eaten because it can cause a disease euphemistically referred to as *davar acher*. There is some discussion amongst both the Rishonim and the early Acharonim about the parameters of this prohibition – particularly with regards the question whether it applies only to meat and fish that have been cooked together or applies even if they are being eaten one after the other. Significantly, the Rambam does not codify this as a halacha, but it does appear in the Shulchan Aruch (YD 116:2). The Magen Avraham (OH 173) questions whether nowadays we need to pay halachic heed to health concerns which are mentioned in the Talmud but are absent from modern medicine, but nonetheless halachic practice is in accordance with the ruling of the Shulchan Aruch.

With regard to a case where the foods have already been cooked together, the Rama rules that they are not prohibited. Though it is possible to understand his ruling to mean that post facto the regular rules of *bitul* (nullification) are not required, the Taz (sk 2) and other Acharonim rule that if the meat and fish have actually been cooked together, then the quantity of one must be at least sixty times greater than the other for the mixture to be permitted. It is reasonable to assume that unless you were exceptionally generous with the Worcester Sauce there was far more meat than sauce, so you are permitted to eat the meat. Interestingly, the Pitchei Teshuvah (sk 3) even suggests that it might be permitted to deliberately increase the amount of whichever has the greater quantity so as to overwhelm the other food even though generally we have a principle that *ein mevattlin issur lechatchila* (that one may not deliberately do this).

I have been given some tokens at work to buy lunch from a non-kosher establishment. Am I allowed to use them and then give the food to non-Jewish colleagues? If not, am I allowed to give them the tokens directly?

The Shulchan Aruch (YD 117:1) rules that one is not permitted to trade in foodstuffs that are biblically prohibited. The Rama adds that one is not

even allowed to buy non-kosher food to serve to gentile workers and employees. The Shach and other acharonim attest to the fact that the minhag is not in accordance with the ruling of the Rama and they justify the lenient practice. In your case your colleagues are not your employees and you have no imperative to provide them with lunch so you would not be allowed to buy the food and then to give it to them as a gift. However, you could give them the tokens and they could buy the food themselves.

Am I allowed to buy a glass of wine in a bar for a gentile colleague?

The Shulchan Aruch (YD 123:1) states that one may not get any benefit from *stam yeinam*, i.e. wine which has been produced or touched by gentiles. The reason for this restriction has its origins in antiquity when gentile wine was often produced and used for idolatrous purposes. The Rishonim debate whether such restrictions should be maintained in an era where such wine is a rarity and their discussions revolve around the nature of the original restriction and whether or not it can be rescinded. The lenient views are reflected by the comments of the Rama who suggests that there are circumstances under which one may benefit from *stam yeinam* but recommends that in the first instance (*lechatchila*) one should not rely on such opinions. However, if a person happens to acquire such wine they may benefit from it. Consequently, someone who is given a bottle of wine as a gift may give it in turn as a gift to a third party even though they gain in some way by doing so.

With regard to your specific question, I believe that there are additional grounds for leniency, primarily the fact that the wine is never really coming into your possession – you are simply paying the bartender for a glass of wine that he will give to someone else. Furthermore, even if you were to be actually buying the wine, since when you settle the bill you will be paying for several drinks some of which are permitted and thus there is no discrete transaction for the *stam yeinam*.

I am looking to buy a new shaver. Some of the information on the internet is telling me that all shavers are usually fine, whilst other sites are saying that all the lift-and-cut models are problematic. Please advise me!

Asking a man with a beard for recommendations about a shaver is a bit like asking a vegetarian which shechita authority he recommends! The Torah states that one is not allowed to “destroy the corners of your beard”(Vayikra 19:27) and the Talmud understands this to mean that one may not shave with a razor. However one is allowed to cut

the beard with scissors, even if they seem to cut as closely as a razor. Consequently the use of electric shavers is widespread in the halachic community since the blade and the screen are regarded as being like the two blades on a pair of scissors – the hairs are cut because of the interaction between both components rather than being sliced off by a single blade like a razor. Since the advent of the lift-and-cut model of rotary shaver there has been some halachic debate regarding its suitability. Many hundreds of pages have been written on the subject, but the basic discussion can be summarised as follows: Essentially, a small blade lifts the hair follicle out of the skin and holds it whilst another blade cuts it lower down. The critical question is whether this is akin to how a razor cuts the hair, i.e. without the opposite and opposing forces of two blades pushing against each other, or is it akin to how scissors cut, i.e. with the hair being “tensed” by another blade rather than just one blade slicing by itself.

¹ The Shita Mekubetzet (Brachot 44a) opines that al hamichya can substitute for bircat hamazon (bediavad) but this is because he is of the view that the references to brit milah and Torah are not critical. The Chazon Ish (OH 28:7) is of the opinion that such a substitution would not be valid.

² Unless for the sake of a mitzvah.

³ According to most poskim the restriction of the three days are exclusive of Shabbat and begin on Wednesday. But according to the Gra they include Shabbat and begin only on Thursday.

⁴ The normative psak is as I have written. However, I have seen Rav Eliyashiv cited as ruling that the concerns of the Rambam and Rif are not normally relevant on modern ships and thus one can embark on a cruise towards the end of the week.

⁵ Rav Nachum Rabinovich, the Rosh Yeshiva of Yeshivat Bircat Moshe in Maaleh Adumim and a recognised halachic authority, has recently ruled that magnetic keys may be used on Shabbat to open electro-magnetic locks. His ruling is based on the assertions that the use of electricity on Shabbat is usually prohibited only because of *uvdin dechol* (it is a weekday activity) and that if there is no obvious electronic effect and no likelihood that one will come to do melacha as a result of what is being done the prohibition is not in force. The clear

As you have discovered from your internet research (the first port of call for every halachic question in the modern era) there are differing halachic opinions on this matter, though the majority view is that lift-and-cut shavers are not suitable. This was also the ruling that I received from my own mentor and Rosh Yeshiva, Rav Aharon Lichtenstein z”l. I think that his view is particularly germane with regards to this question since he is one of the few poskim who was unbearded.

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consensus of mainstream poskim, as is evident from several teshuvot on the subject, is that such keys cannot be used on Shabbat. In addition, Rav Yisrael Rosen, head of Machon Zomet, has published a specific rebuttal of Rav Rabinovich’s ruling. (The debate appears in the journal *Emunat Itecha* – Tamuz 5776.) In my opinion it will be interesting to see how this debate develops in the coming years as the technology develops and becomes ever more prevalent in daily life.

⁶ Even if it is a Jewish-owned hotel you can probably not assume that bedikat chametz was done in the individual rooms. Unless the hotel management is religiously observant it is unlikely that with all the chaos of preparing a hotel for Pesach they can also spare the staff to go round checking rooms for chametz.

⁷ A further reason for leniency is because it is a minhag to abstain from meat and wine during the nine days. According to the Talmud the prohibition applies only for the pre-fast meal on the afternoon preceding Tisha B’Av, though we extend the prohibition for the whole of the nine-days. The use of the term minhag does not imply that one may be casual about it and the Shulchan Aruch castigates strongly those who disregard the minhag.

Rosh HaShana in the Torah: Remembering the Terua and the Revelation at Sinai

RABBI NATHAN LAUFER

With thanks to Maggid Books, an imprint of Koren Publishers Jerusalem, we are delighted to bring you an excerpt from the recently published *'Rendezvous with God'* by Rabbi Nathan Laufer, in which he demonstrates how God's seven revelations to the Jewish People in their first year after the Exodus irrevocably shaped the way the holidays were celebrated during that first year – and to this day. Understanding how order and content of the biblical narrative determines the order and content of the holidays dramatically alters the way we view these days and the mysterious rituals by which they are commemorated.

The Torah does not call the first day of the seventh month by the name “Rosh HaShana.” The Torah does refer to this day as “a day of rest,” “a sacred day,” “a day when no service work shall be done” – appellations that apply to nearly all the biblical holidays. What distinguishes Rosh HaShana from all the other biblical holidays are the terms “a remembrance of the *terua*” and “a day of *terua*.” But what is a *terua*?

In the Book of Numbers, the Torah tells us that a *terua* is one of two musical notes produced by the trumpet or the shofar.¹ The *terua* was blown in two sets of circumstances: as a signal to the Jewish people to move their encampment from one place to another (Num. 10:5–6), and in the event of war, to “remind God” of their precarious plight, through the tremulous, staccato sound of their blowing (Num. 10:9). An alternative shofar sound, the *tekia*, was blown to gather (“*uvehak'hil*”) the people (Num. 10:7).

The one place in the Torah prior to Leviticus 23, the chapter of the holidays, where the blowing of the shofar on Rosh HaShana is mentioned, is in the Book of Exodus during the revelation of God's presence at Mount Sinai. There, the Torah speaks three times of the sounding of the shofar:

And on the morning of the third day there

was thunder (*kolot*), lightning, and a heavy cloud upon the mountain, and the sound (*kol*) of the shofar was very strong, and all the people in the encampment trembled. And Moses led the people out of their encampment toward God. (Ex. 19:16) And the sound (*kol*) of the shofar continued and was very strong. Moses would speak and God would respond with the sound (*bekol*). (Ex. 19:19)

And all the people witnessed the thunder (*kolot*), the flames, the sound (*kol*) of the shofar, and the mountain smoking, and the people trembled when they saw it and kept their distance. (Ex. 20:15)

If Rosh HaShana, as described in Leviticus 23, is “a remembrance of the *terua*,” and if the revelation at Sinai is the only prior place in the Torah that the shofar is mentioned, it follows that Rosh HaShana is, in fact, a commemoration of the revelation at Sinai.² And the *terua* sound, which the Torah prescribes for the holiday of Rosh HaShana, is also precisely the one, described in Numbers 10, that is used to move the people from their encampment. After the first sounding of the shofar at the Sinai revelation, Moses led the people out of their encampment to encounter God. Rosh HaShana, “a day of *terua*,” therefore recalls this experience.³

Furthermore, the reason for the traditional sounding of the *tekia*, the long sound of the shofar, before and after the *terua*, can also be connected to the events surrounding the revelation at Sinai. Moses' description of the revelation in Deuteronomy includes God's command to "gather for Me (*hak'hel*) the people" (Deut. 4:10), an action accompanied by the blowing of a *tekia*. Hence, every time we sound the shofar on Rosh HaShana, we blow both the *terua*, symbolizing Moses' leading the people out of their encampment,⁴ and the *tekia*, symbolizing Moses' gathering the people around Mount Sinai.⁵

The "sound" of the shofar carries additional importance in the events of the revelation. Along with the sound of the shofar, the sound (*kol*) of God's thunderous presence and the sound of God's revealed word were heard at Mount Sinai. All of these sounds – the shofar, the thunder during the Sinai theophany, and God's response to Moses – are referred to as "*kol(ot)*" in the Bible:

On the morning of the third day there was thunder (*kolot*)... and the sound (*kol*) of the shofar became stronger. Moses would speak and God would respond with the sound (*bekol*).
(Ex. 19:16, 19)

This use of the word *kol* to denote not only the sound of the shofar, but also the sound of God's revealed word, is already evident in the prelude to the revelation: "If you will listen to My voice (*bekoli*) and keep My covenant, then you will be treasured to Me from among all the nations" (Ex. 19:5).

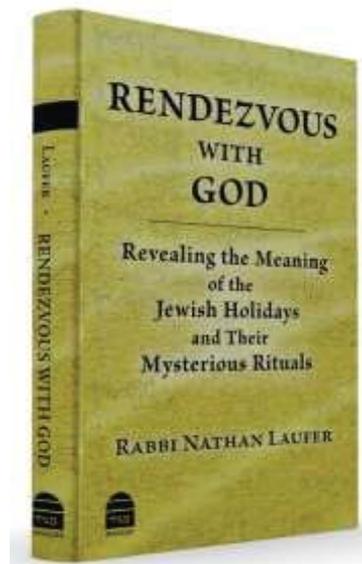
And in Deuteronomy, as if to drive home this very point, Moses reiterates the equation of "*kol*" with God's revelation at Mount Sinai: "God spoke to you out of the fire; you heard the sound (*kol*) of words, but saw no image; there was only a sound (*kol*)" (Deut. 4:12).

The sounding of the shofar on Rosh HaShana is therefore not only a reminder of the blasts but a reenacting of God's thunderous presence and covenantal word at Mount Sinai. Indeed, the sounding of the shofar plays such a prominent role in the earth-shaking events surrounding the Sinai revelation that the Torah positioned it as the centerpiece of the holiday.

And if the sounding of the shofar on Rosh HaShana is a reenactment of the frightening spectrum of sounds heard at Sinai, it is also clear why the mood of the day is one of fear and trepidation. Just as the Jewish people, and indeed the entire mountain, stood trembling before the spectacle of God's

awesome presence and revelation at Mount Sinai,⁶ so too do the Jewish people on Rosh HaShana stand in fear and trembling, reexperiencing God's revelation through the tremulous, shuddering *terua* sound from the shofar. It is no wonder then that Rosh HaShana inaugurates the ten-day period known in the Jewish tradition as the *Yamim Nora'im*, the Days of Awe.

There is additional biblical support for the thesis that Rosh HaShana commemorates the revelation at Sinai, from the Book of Nehemiah. The eighth chapter presents a dramatic account of the recovenanting ceremony led by Ezra the Scribe after the Jewish people's return from the Babylonian exile. At this ceremony, all the people – men, women, and children – gathered as one⁷ and responded "Amen" in fear and trembling as Ezra, standing on a raised platform (suggesting a mountain), "revealed" to the confused and struggling returnees to the Land of Israel the Torah of Moses that they had forgotten. This "second revelation" of the Torah from a physically elevated point took place on the first day of the seventh month – that is, on the day we call Rosh HaShana. Apparently, Ezra too saw the linkage between the day of Rosh HaShana and the awe-inspiring revelation of the Torah to the Jewish people who stood at the foot of Mount Sinai.



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¹ Num. 10:1–10; Ps. 47:6, 98:6.

² The very brevity of the command to commemorate Rosh HaShana in Leviticus 23 (only three verses) as compared to the far more elaborate commands for the other holidays in that chapter indicates that to the listeners, the meaning and significance of this command was self-evident. In the chronology of the Torah, the Book of Leviticus is revealed while the Jewish people are still encamped around Mount Sinai (See Lev. 25:1, 26:46, 27:34 and cf. to Num. 10:11–12). Hence, the “remembrance of the *terua*” would have immediately been understood by the people as referring to the events that had occurred within the previous few months at the site of their encampment, Mount Sinai.

³ See also Rashi on Ex. 20:19, citing R. Yehoshua b. Levi in Shabbat 88b, saying the Jews moved their encampment twelve miles in response to the fearful events described in the third mention of the shofar blasts.

According to this opinion, the third mention

of the shofar blasts at Mount Sinai, like the first mention, involves the movement of the Jewish people from their encampment. In Num. 10:9, the Torah provides a second situation in which the *terua* is sounded – i.e., in times of imminent war. Interestingly, the language of Moses leading (*yotzei*) the people out of their encampment toward (*likrat*) God is reminiscent of the language used in Num. 20:18, 20 and 21:23 to denote the arraying of the people toward war (*yotzei, likrat*) – perhaps the war on behalf of civilized society that the Sinai revelation represents (on this latter point compare to Nahmanides’ commentary on Lev. 23:24, beginning with the words, “*Al derekh haemet*,” invoking war imagery from Jer. 4:19 and Ex. 15:3).

⁴ As per Num. 10:5, 6.

⁵ As per Num. 10:7.

⁶ See Ex. 19:16, 18; 20:15.

⁷ On the unity of the people, cf. Neh. 8:1, Ex. 19:2, and Deut. 33:5.

The Significance of Halakha for the Theory and Practice of Jewish Ethics

RABBI ANTHONY KNOPF

*Introduction*¹

It is well known that Rabbi Joseph B. Soloveitchik takes issue with many great Torah authorities of previous generations by maintaining that Jewish philosophy must be derived from *halakha*. As the Rav argues in *The Halakhic Mind*², this approach to discerning philosophical and ethical ideas is compelling because it is based on the religious experience of the community rather than seeking to explain Jewish ideas in terms of a foreign axiology.³ This article will discuss some of the ways in which values have been derived from *mitzvot* and *halakha* and the different philosophical understandings of that process. Such analysis elicits the recognition of the great significance of *halakha* as a basis for appreciating specifically Judaic ethical perspectives.

In addition to the relevance of *halakha* to the development of Jewish ethical theory, *halakhic* commitment contributes in important ways to the development of an ethical character. With reference to important rabbinic sources as well as recent social science research, these features of *halakhic* life will be identified and elucidated. An appreciation of these morally salient aspects of *halakhic* commitment indicates the ways in which the *halakhically* observant community can maximise a combination of Jewish practice with ethical reflection, leading not only to a meaningful Jewish observance, but one which contributes to the cultivation of *derekh eretz* and appropriate *middot*.

Jewish Law and Jewish Philosophy

Whilst Rav Soloveitchik critiques some earlier authorities for explaining *mitzvot* in terms of philosophies that are extraneous to Torah, it is clear that his construction of philosophical and ethical perspectives on the foundation of *halakha* has antecedents in Jewish tradition.

The Rambam, for example, writes in *Hilkhot Temurah* 4:13:

[E]ven though all the statutes of the Torah are [Divine] decrees...it is appropriate to contemplate them and, wherever we can ascribe a reason for them, we should do so.

Although the Rambam understands that the *mitzvot* are binding by virtue of having been commanded by *Hashem*, he proposes the extrapolation of ideas from the commandments.

The Ramban in his celebrated commentary to the phrase ‘And you shall do what is upright and good in the eyes of *Hashem*’ writes that, after having listed many specific commandments relating to interpersonal interactions, the Torah presents a general imperative to act in an upright and good way, even in cases which are not circumscribed by *halakha*.⁴

Rabbi Simcha Zissel Broide provides further detail on this:

*“And do the right and the good” is not a specific mitzva but a general mitzva: to delve deeply into the understanding of mitzvot and the reasons behind them; to comprehend and contemplate and appreciate, through the mitzvot that we are commanded to perform, also those obligations that are not explicit. We must develop an understanding of what is really God’s desire from us, and what is good and right in His eyes.*⁵

Hence, on Rav Simcha Zissel’s interpretation, the Ramban understands that principles of Torah ethics must be derived inductively from the *halakhot*.

A similar understanding is advanced by Rabbi Moshe Chaim Luzzatto (Ramchal). In chapter 18 of *Messilat Yesharim*, the Ramchal explains the value of abstinence from *halakhically* permitted pleasures as

comparable to a son who loves his father, so goes beyond merely following his instructions. The *mitzvot* are indications of God's will and by analysing those commands, one can discern the intention of the Commander: 'Since I already know that the desire of *Hashem* inclines in a certain direction, I should expand and broaden it so I can judge what *Hashem's* will is.'

The Need to Supplement Halakhic Laws

In understanding the derivation of ethical norms from *halakhic* literature, it is important to understand the distinction between *halakha* itself and the values derived therefrom. *Halakhot* apply, in the words of the Maggid Mishneh, 'at all times, in every period and under all circumstances'⁶ but not every Judaic value is to be applied in a uniform manner, independent of the situation and the personalities involved. As the Ramban writes, it is impossible for *halakhic* rulings to define the normative behaviour for every conceivable interpersonal interaction.⁷

It is impossible for halakhic rulings to define the normative behaviour for every conceivable interpersonal interaction

Whilst *halakha* proscribes and mandates certain behaviour for various defined scenarios, the values and philosophies that are derived from Jewish law provide the basis from which ethical decisions are to be made in cases not specified by *halakha*.

Moreover, different standards of behaviour are expected of individuals based on their stature. Ramban explains that each Jew should abstain from technically permissible physical pleasure until reaching the lofty level of Rav Chiya with the clear implication that the level expected of each individual at a given time corresponds to his level of spiritual refinement.⁸

Other texts explain that normative expectations can vary from person to person, not only due to their stature, but because of their particular spiritual opportunities and orientations. One of the early sages of Provence, Rabbi Avraham ben Yitzkhak Av Beit Din refers to several Talmudic sources supporting the idea that each individual should choose specific *mitzvot* in which to specialise with an exceptional intensity.⁹ Similarly, Rabbi Naftali Zvi Yehuda Berlin writes that a person should determine how to balance personal engagement with Torah study, prayer and kind deeds based on and examination of 'his own nature and seeing what best suits his talents'.¹⁰ Therefore, there are cases for which *halakha* does not mandate an identical response in all cases. In such situations, normative values are to be applied with a sensitivity to contextual subtleties.¹¹

Although many authorities maintain this distinction between *halakhic* rules and Torah values, the Sefer HaHinnukh, on a number of occasions, identifies the spiritual-moral kernel of a particular *mitzvah* and presents broader applications of those underlying values as *actual halakhic mandates*.¹²

To take one such example, in *Mitzvah* 431, the Hinnukh discusses the *mitzvah* to love converts. In the concluding paragraph, he writes:

And we should learn from this precious mitzvah to have mercy on a man who is in a city that is not his native land or his ancestral home, and don't mistreat him when we find him alone and when those who would help him are far away, just as we see that the Torah exhorts us to have mercy on anyone who needs help...¹³

Whilst the subject of the formal imperative is limited to the love of a convert, the Hinnukh incorporates an expansive interpretation begetting a *halakhic* mandate to behave mercifully toward anyone who is in a foreign environment. Whilst this seems to challenge the aforementioned distinction between ethical values and the *halakhic* corpus from which they are derived, the Hinnukh is essentially in agreement with Ramban and others in promoting the extrapolation of ethical norms from *halakha* in order to discern a Torah ethic which transcends the strictures and imperatives previously elucidated in *halakhic* sources.

Discerning Reasons or Inferring Values?

Having enumerated some of the Jewish thinkers who inferred moral norms from Jewish law, it is important to define more clearly the nature of this methodology. When a Torah thinker extrapolates ethical principles from the legal literature, is he purporting to have discovered the actual reason for the *mitzvah*? Or, alternatively, is the idea that is derived understood to be associated with the commandment but not its underlying rationale? Many authorities understand that the aforementioned enterprise of deriving values from *mitzvot* is the process of discovering the very reasons for the commandments. Saadia Gaon affirms the ability of human intellect to comprehend the rationale of many *mitzvot*, explicitly asserting that a large body of God's commandments fall into what he calls the category of 'rational precepts of the Torah'.¹⁴ Similarly, in providing explanations for various *mitzvot*, Rambam indicates that these are the actual reasons for the *mitzvot*. In *Hilkhot Me'ilah*, he writes that 'the *mishpatim* are *mitzvot* whose reasons are revealed and the good they do in this world is known, for example the prohibitions against theft, murder and honouring one's mother and father.'¹⁵

In The Guide for the Perplexed, Rambam writes that slaughtering an animal and its child on the same day is prohibited ‘in order to avoid slaughtering the young animal in front of its mother’ and adds that such compassion ‘is also the reason for the commandment to let [the mother] go from the nest’. Anticipating a challenge against his claim to discern the reason for this law, the Rambam writes:

You must not allege as an objection against me the dictum of (the Sages), may their memory be blessed (Mishnah, Berakhot V:3) He who says: Your mercy extends to young birds, and so on. (Such an individual is blamed in the Mishnah). For this is one of the two opinions mentioned by us- I mean the opinion of those who think that there is no reason for the Law except the will (of God) - but for us, we follow the second opinion.¹⁶

Whilst Rambam recognises that there is a view in the *amora'im* that there are no reasons for the commandments and that the only motivation for mitzvah observance is obedience to Divine decree, he rejects this position and claims that it is an isolated opinion.¹⁷

Although Rambam takes strong exception to certain aspects of Rambam’s approach to *ta’amei mitzvot*, he too believes that it is possible to discern the reason for the *mitzvah*. Rambam explains that ‘the reason for the prohibition [against taking the dam with its nest or against killing the dam with its young in one day] is to teach us the trait of compassion.’¹⁸ Whilst Rambam understands that the reason for the commandments is to ensure compassionate treatment of animals, Rambam insists that their purpose is to nurture the good characters of those who observe the *mitzvot*. That it is possible to expose the reasons for some of the *mitzvot* seems to be common ground between them.¹⁹

On the other hand, many authorities contend that it is impossible to discern the reasons for the *mitzvot*. On this view, any ethical idea that is derived from *halakha* should be understood as part of the meaning of the *mitzvah* but not as the actual basis for the commandment itself. Hence, on one *amoraic* view, at least on Rashi’s understanding, one should not seek to identify the reasons for the mitzvot and the commandments should simply be accepted as Divine decrees.²⁰

This perspective seems to be supported by the Tur who writes that it is unnecessary to investigate the reasons for the *mitzvot*. With reference to Rambam’s explanation of the prohibition against rounding the hair of the head and destroying the beard in terms of the need to reject the practice of ancient idol worshippers, the Tur writes:

And this is not explicated and we don’t need to seek the reason for mitzvot because they

are mitzvot of the King upon us even if we don’t know the reason²¹

Nevertheless, a number of commentaries contend that the Tur’s opposition to *ta’amei Mitzvot* is not absolute. According to the Prisha, the Tur limits his objection to the investigation of reasons for *chukkim*, permitting discussion of the reasons for a mitzvah in case where there are hints to such reasons in the Torah.²² Moreover, Beit Yosef implies that the Tur’s only objection is to the notion that observance of *mitzvot* is dependent on discovering their reasons. If a person is unconditionally committed to mitzvah observance, investigation of the reasons is unobjectionable.²³

Yet a third interpretation of the Tur is offered by Darkhei Moshe who contends that Tur understands that Rambam rules that there is no prohibition unless the rounding of the head and destroying of the beard are done in a manner similar to that of idolaters. On this interpretation, the Tur merely opposes determining the parameters of the *halakha* based on the reason for the mitzvah, a methodology that is only legitimate in a case in which the rationale is specified in the Torah.²⁴

Similarly, R. Yosef Dov Soloveitchik, the Beit Halevi, points to sources that teach that the Torah preceded the creation of the world by 974 generations²⁵ and that God looked into the Torah and created the world.²⁶ Based on these sources, the Beit Halevi argues that it is untenable to provide reasons for the *mitzvot*. Rather, the mitzvot are expressions of Divine will with independent transcendent authority.

Mitzvot are expressions of Divine will with independent transcendent authority

Nevertheless, the Mishnah²⁷, quoted in the Pesach Haggadah, brings Rabban Gamliel’s association of *Pesach*, *matzah* and *marror* with the story of the Egyptian exile and redemption, indicating that the Egyptian exile and exodus constitute the reason for those *mitzvot*. The Beit Halevi explains that this is not the entire reason for the mitzvah. Rather, Rabban Gamliel’s intention is to demonstrate that the gratitude we have to *Hashem* provides an extra layer to our obligation to perform these *mitzvot*.²⁸ Hence, the Beit Halevi is another proponent of the view that rejects the possibility of discerning the reasons for the commandments whilst supporting the association of *mitzvot* with overarching ethical and spiritual principles.

It is this approach which is championed more explicitly and expansively by the Rav. The Rav denies that the extrapolation of ethical and philosophical principles from *halakha* is tantamount to discovering the actual reasons for the *mitzvot*.

Rather, *halakhic* rules have their own *a priori* validity such that it is illegitimate to ask why God commanded us to behave this way or how keeping this *mitzvah* achieves its goal. The derivation of ethical value from *halakha* is rather to be understood as an elucidation of the ‘symbolic meaning of this religious norm’²⁹

More recently, this approach has been advocated by Rabbi Walter Wurzburger who contrasts the relationship between ethics and law in Judaism from that in many other ethical systems. Whilst natural law theories or utilitarianism deduce specific moral norms and rules from underlying moral values such as justice or utility, R Wurzburger asserts that in the Jewish scheme the reverse holds true. Morality derives its normative significance from the intrinsic transcendent authority of the law.³⁰

We have presented two understandings of the development of Jewish ethical understanding on the basis of *halakha*. The first is that it is possible to understand why the *mitzvot* were given and what goals they are meant to achieve. The second sees the *mitzvot* as important in their own right but supports deriving ethical ideas from them.

The second position can be challenged by reference to the many Biblical stories which demonstrate that those not commanded in *mitzvot* were nevertheless morally required to abide by them. Hence, Kayin was punished for murder³¹, the generation of the flood for corruption and immorality³², Sodom for not caring for the poor and needy³³ and Onan for destroying his seed³⁴. In each of these cases, it was morally expected that human beings observe the respective laws out of an appreciation of their ethical propriety and not because of any Divine command.

It was morally expected that human beings observe the laws out of an appreciation of their ethical propriety

Similarly, Bilaam confesses that he sinned by going to curse the Jewish people even though he was not commanded not to do so³⁵. Moreover, the *gemara* in *Eruvin* presents the understanding that, had the Torah not been given, the laws would have been developed through observing appropriate behavior amongst the various animals.³⁶ The view that those who lived before the Torah was given were bound to keep many of the laws due to their rational basis is advanced by Rashbam³⁷. Similarly, the view that contemporary non-Jews must abide by many *mitzvot* for ethical/rational reasons even though they are not amongst the seven Noahide laws is argued by the Netziv³⁸, Rabbi Baruch Halevi Epstein³⁹ and Rabbi Menachem Mendel Schneerson.⁴⁰

These sources are difficult to reconcile with the position that it is impossible to discern the reasons for the *mitzvot*. It is possible, however, to acknowledge a *general* correspondence of many *halakhot* and intuitive ethical values whilst insisting that *the parameters of the mitzvah* cannot be explained in such terms. Indeed, this is the approach R Soloveitchik proposes in *Community, Covenant and Commitment*. Whilst the Rav accepts that the overwhelming majority of interpersonal commands ‘correspond to internal emotional instincts’, he contends that the *mitzvot* involve an expansion and deepening of ethical norms reaching boundaries of idealism ‘which are unknown to the psychological instincts and predilections.’⁴¹

A more difficult challenge to R Soloveitchik’s position is that the details of the laws often depend on an understanding of their reasons.

Although the opinion of Rabbi Yehudah that we cannot derive any halakhic conclusions from the reasons for the *mitzvot* is accepted over the contrary view of Rabbi Shimon⁴², this is so only regarding *mitzvot* with complex and unclear reasons. In contrast, in the case of *mitzvot* where the reasons are more obvious, the parameters and details of the *mitzvot* can indeed be determined by the commandments’ underlying reasons.⁴³ An example of this is the prohibition on muzzling an ox during threshing which does not apply if the ox is sick such that eating the grain would harm him because the intention of the law is to preserve the animal’s welfare.⁴⁴ Similarly, the Chatam Sofer rules that it is improper to chase the mother bird from the nest if one is not at all interested in either the eggs or the nestlings, based on the Ramban’s explanation of the *mitzvah* in terms of the goal of character refinement.⁴⁵ The understanding that the parameters of such *halakhot* are determined in this way indicates that it is, in fact, possible to identify the laws’ underlying rationale.

This debate over how to understand *halakha*-based value derivation applies only to Biblical law. A major component of Talmudic study is the identification of the reasoning behind the various rulings. Rather than confining Talmudic study to the accepted halakhic rulings (by, for example, learning the Rif’s selection of the *gemara*’s conclusions), a range of viewpoints are scrutinised in order to understand the nuanced reasoning for the difference in *halakhic* perspectives. The enterprise of in depth *gemara* learning underscores the preference for internalisation of the reasons for rabbinic rulings over a mechanical, unreflective halakhic observance.⁴⁶

Hierarchy of Values

We have heretofore presented the idea of deriving ethical values from *mitzvot*, have presented examples of such derivations in the writings of Torah

luminaries and have discussed the different philosophical understandings of this enterprise. It is essential to emphasise, however, that the significance of *halakha* for Jewish ethics is not only in identifying certain Judaic values but in according them a certain priority and hierarchy.

In order to understand a worldview, it does not suffice to know the values and virtues it embraces, but also the order of priority among them.

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Many ethical systems share the same ideals but, because they assign them different places in the axiological hierarchy, they result in radically different moral visions.⁴⁷ Whilst Jewish tradition gives certain weight to moral intuition⁴⁸ and Torah narrative⁴⁹ in identifying ethical principles, the specific application and balance of those principles is typically established in *halakhic* literature.⁵⁰ The subtle application of conflicting ethical values allows for an understanding of Torah wisdom relating to morally challenging issues, such as when various values conflict or when character traits which are general considered to be negative are actually appropriate.⁵¹

A famous example of *halakhic* indication of ethical hierarchy is in the case of conflict between truth and peace. Truth and truthfulness are fundamental values in Judaism⁵² but, in a case in which prevarication is required in order to maintain peaceful relations, the pursuit of peace is given priority.⁵³ A second example is balancing the aversion to character defamation with countervailing considerations. While *lashon hara* is generally considered deplorable, *Pitkhei Teshuva*⁵⁴ writes about the problem of people not exposing the shortcomings of others when such an exposure is necessary in order to save those who are being misled into loss. A third example, discussed by Rabbi Yehuda Brandes in a recent volume⁵⁵, is the tension in *halakha* between universalism and particularism. Hence, it is forbidden to steal from non-Jews but one need not return lost property to them – although in certain circumstances the injunction to restore lost property to non-Jews is given greater weight than the command to restore such property to a Jew. According to R Brandes, the appropriate balance and application of these values is determined by halakhic authorities such as the distinctions drawn by many halakhic authorities between “repulsive idolaters” and “nations who live according to ethical laws.”⁵⁶

Halakha, Ethical Behavior and Moral Development

The centrality of *halakha* for an understanding of Jewish ethics is of great significance, not only for the conceptual component of ethical life but also for its practical implementation in moral behaviour and character development. The remainder of this article discusses various ways in which commitment to *halakha* impacts upon Jewish ethical living.

(a) Divine command

Regardless of the perspective one adopts with regard to the attribution of reasons for *mitzvot*, the consciousness of obedience of the Divine command has a transformative impact on the attitude to *mitzvah* observance.

It is related in the *gemara* that Rabbi Yosef, who was blind, initially states that he would make a party if someone would tell him that the law follows the opinion that a blind person is exempt from performing *mitzvot*.⁵⁷ After hearing the principle that one who performs a *mitzvah* having been commanded to do so is greater than one who performs a *mitzvah* without having been commanded to do so, R Yosef declares that he would now throw a party if told that a blind person is obligated to perform *mitzvot*! This teaching underscores the priority of transcendent duty above personal fulfilment in Jewish thought. Presumably, one who isn't commanded but performs acts in accordance with his personal inclination and, therefore, attains more self-fulfillment than one who is simply commanded, ‘Do this!’⁵⁸ Nevertheless, greater value is ascribed to the latter than the former.

It is particularly significant that this idea is not only considered homiletical but also has normative *halakhic* implications. For example, it is the basis for regarding the meal at a Bar Mitzvah and, according to some at a Bat Mitzvah, as an obligatory festive meal (*seudat mitzvah*) as this is the point at which the child becomes obligated to observe the *mitzvot*.

The acceptance of a transcendent Authority as the source of moral obligation runs counter to the current zeitgeist in which self-fulfilment is typically viewed as the ultimate desideratum and personal happiness is frequently the litmus test of ‘moral decision making’.

Thought leaders have argued that policy decisions should be based on the promotion of happiness and the absence of misery⁵⁹ and this is a message that resonates strongly within contemporary culture. In 1993, French sociologist Gilles Lipovetsky bemoaned the death of ‘sacrificial culture’, commenting that ‘[w]e’ve stopped recognising ourselves in any obligation to live for the sake of something else than ourselves’⁶⁰ whilst others have argued that this axiology has permeated religious

teachings in which ‘they too serve the greatest of the modern gods, the most ultimate of ultimate ends: the god of good feeling, who now reigns below.’⁶¹

This identification of the goal of personal happiness as the basis for decision making is subversive of moral integrity. In 1959, the English philosopher Elizabeth Anscombe wrote a fascinating article in which she argued that morality had become incoherent because we had lost the foundation on which it is built. The concept of moral obligation belonged to a culture in which people believed in Divine law. In the absence of such belief, words such as ‘obligation’ and ‘ought’ had become meaningless.⁶² The very notion of moral responsibility has been undermined by its detachment from a consciousness of Divine command. The appreciation of the *ratzon Hashem* as life’s operative normative principle is counter cultural and has a decisive impact on ethical life.

(b) From abstraction to action

A comprehensive ethical system and an effective moral educational philosophy require the translation of abstract values into practical behavioural norms. It is insufficient to identify which character traits are good or bad or to answer the abstract question of the nature of goodness. It is necessary to understand how these judgments mandate normative determinative modes of action.⁶³

This realisation highlights the ethical significance of the *halakhic* way of life. As Rabbi Samson Raphael Hirsch argues, whilst Judaic teachings are to be derived through Biblical study, *halakhic* analysis is required to elucidate and amplify ‘those ideas we already know from the Bible’.⁶⁴ Study of *halakhic* material not only deepens and broadens the conceptual understanding of Judaic ethics but mandates the specific ways in which those values are to come to fruition in human behaviour. Whilst the Torah frequently presents general and abstract principles and demands, the Oral law stipulates how these theoretical aspirations must be applied within concrete reality.⁶⁵ The *halakha* preserves and maintains the Biblical teaching by elaborating on its external form.

The decisive moral impact of mandating each individual’s practical application of moral values can be exemplified in a number of ways. One such way is the recognition of the responsibility to improve the lives of others who are suffering. In their study of rescuers of Jews in Nazi Europe, Samuel and Pearl Oliner argue that empathy, however intense, does not necessarily lead to helping those who are suffering. Those who rescued Jews tended to conjoin ‘empathy for pain with personal responsibility’ which was reflected in their ‘greater task perseverance, commitment to fulfill promises... and acceptance of the obligation to give of their time for the good of the

larger community.’⁶⁶ It is insufficient to feel distress over the suffering of others. An ethical response to suffering often requires a consciousness of responsibility to act to reduce the suffering and protest against evil.

According to British sociologist Zygmunt Bauman, it is precisely this sensitivity that is lacking in contemporary culture. Bauman notes the irony that ‘the spectacular rise of egotistic self-concern’ in modern times has run ‘shoulder to shoulder with rising sensitivity to human misery and abhorrence of pain and suffering visited on even most distant strangers.’ Empathy is felt in abundance, Bauman explains, but this is compassion is stripped of any sense of obligation to alleviate the suffering.⁶⁷

The moral impact of the contrasting emphasis on action in the halakhic system is illustrated by Mark Ottoni Wilhelm in his study of differences in denominational giving across denominational identities. In explanation of his findings that Jewish families are more likely to give and more like to give larger amounts, Wilhelm suggests that a significant cause is the *halakhic* imperative to give to the needy, quoting literature on Jewish philanthropy to the effect that ‘*tzedakah*... is a must, not a should.’ Wilhelm writes that it is difficult to find similar statements in the mainstream Christian literature which often presents charitable giving as a morally optional calling or an invitation, rather than an imperative.⁶⁸

The moral potency of *halakha* is emphasised in a broader context by the atheist philosopher, Alain de Botton. According to de Botton, religions in general emphasise structure and ritual such that their adherents are regularly reminded of important truths which otherwise tend to be peripheralised.

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De Botton recognises that the secular world tends to lag behind in this respect, believing that, if we have good ideas, we will be reminded of them just when it matters. With specific reference to Yom Kippur, he remarks on the transformative impact of designating a day and a ritual to making amends so that it is not neglected or left to ‘the awkward fumbblings of people’.⁶⁹

Of further significance is that *halakha* not only mandates the practical expression of values but does so to a high degree of specificity. A person’s moral beliefs may suffice to restrain him from stealing

money from someone's pocket but may not have been clarified to such a level of precision as to condemn lying and telling a shopkeeper that an item is available elsewhere at a lesser cost.⁷⁰ By stipulating the explicit parameters of normative behaviour, *halakhic* commitment reduces the opportunity for evasion of moral responsibility through rationalisation.⁷¹

(C) *The Impact of Action on Character*

Not only is the emphasis on behaviour important in its own right, it is also a significant cause of character development. Hence, the Rambam explains that a person should develop appropriate character traits by repeating actions which express those characteristics⁷² and that giving a thousand coins to one person at one time is not as effective in stimulating feelings of generosity as giving a single coin one thousand times.⁷³ This understanding of the effect of mitzvah observance is the approach of the Ramban in explaining that the person who is careful to send away the mother bird before taking the eggs will develop the trait of compassion.⁷⁴ This causal connection has been frequently confirmed through empirical research.⁷⁵ Recent neuroscientific research has shed light on the relationship between repeated behaviour and character development. Each new skill reconfigures the brain, creating new neural pathways. The repetition of an activity increases the production of a substance called myelin in the brain which wraps itself around the neural pathways, making the connections speedier the more they are used. The result is that, through practice, certain forms of behaviour become instinctive and our characters become reconfigured so that we are no longer the people we once were.⁷⁶

¹ The author is grateful to Rabbi Jack Bieler and Rabbi Dr Gidon Rothstein for comments on an earlier draft of this article.

² Joseph B. Soloveitchik, *The Halakhic Mind* (Free Press, 1998), 100. See also Joseph B. Soloveitchik, *Worship of the Heart: Essays on Jewish Prayer*, ed. Shalom Carmy (Ktav, 2003), 104 where the Rav writes that 'halakhic elements constitute the most appropriate and reliable material out of which a philosophical understanding might emerge.' A similar understanding is advanced by Rabbi Samson Raphael Hirsch who sought to construct a weltanschauung based on halakha. See Isidor Grunfeld, introduction to *Horeb: A Philosophy of Jewish Laws and Observances* by Samson Raphael Hirsch (London: Soncino Press, 1962), cxi.

³ In other writings, however, the Rav supports and exemplifies a guarded use of non-halakhic sources in the development of a Torah outlook. See Soloveitchik, *Worship of the Heart*, p.104 and, more generally, Joseph B. Soloveitchik, *The Emergence of Ethical Man*, ed. Michael S. Berger (Ktav, 2005) in which the Rav relies far more on the narrative

As we all know, however, the relationship between ritual behaviour and character development is not always strong. We are familiar with the repeated criticisms, advanced already by the *nevi'im*, that many of those committed to a religious lifestyle perform their duties in a rote manner without reflection.⁷⁷ In order for the repeated practice to have its desired effect, a measure of reflection on the ethical concepts associated with the behaviour is required.⁷⁸

Conclusion

In an age in which many Jews and gentiles regard Judaism as a legalistic system with no overarching moral vision, it is essential to extrapolate philosophical and ethical principles from both Torah and Rabbinic law. Our analysis has explored the relationship between Jewish law and philosophy and identified a number of important ways in which halakhic commitment advances both ethical behaviour and moral character. Whilst the features of halakhic life that we have highlighted can stimulate and reinforce moral growth, when approached wrongly, they lead to its detriment. Both an excessive emphasis on the status of mitzvot as Divine command and the preoccupation with practical application can attenuate the appreciation of their ethical and spiritual themes.⁷⁹ Only an identification and analysis of halakhic values will facilitate the moral growth that is both a foundation of and part of the substance of Torah life.

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portions of the Torah than the halakhic literature in developing his philosophy of Judaism. See Yoram Hazony, "The Rav's Bombshell," *Commentary* (April 2012)

⁴ Ramban, Commentary to Devarim 6:18

⁵ Simcha Zissel Broide, *Sam Derekh, Ha-yashar ve-hatov*, Introduction. Translation from Binyamin Zimmerman, *Bein Adam Le-Chavero: Ethics of Interpersonal Conduct*, http://etzion.org.il/vbm/english/archive/chavero/18ch_aver0.htm

⁶ *Maggid Mishneh*, Hilkhos Shkhenim 14:5.

⁷ *Devarim* 6:18.

⁸ Ramban, Commentary to Vayikra 19:2. See also BT *Avoda Zara* 17; *Maggid Mishneh*, Hilkhos Shkhenim 14:5; Rabbi Moshe Chaim Luzzatto, *Mesilat Yesharim*, ch.4 and end of ch.13; *Or Sameiakh, MT Talmud Torah* 1:2 s.v. *beyoma* cited in Yehuda Levi, *Facing Current Challenges*, (Hemed Books, 1998), 405.

⁹ R Avraham ben Yitzchak Av Beit Din, *Orkhot Hayim*, Hilkhos Rosh Ha-shana, siman 25

¹⁰ *Ha'amek Davar*, Bemidbar 15:41 cited in Levi, *Facing Current Challenges*, p.406.

¹¹ *Ibid* to Shemot 19:6

¹² Mayer Twersky, "Halakhic Axiology within the Sefer Ha-Hinnukh," *Tradition: A Journal of Orthodox Jewish Thought*, Vol. 37, No. 3 (Fall 2003), 49-56

¹³ The Minhat Hinnukh comments *ad loc*: "This is by way of an ethical exhortation but it is not part of the mitzvah." As R Twersky argues, this interpretation is difficult given that, in other instances, the Hinnukh extrapolates from the *mitzvah's* thematic kernel to reach normative conclusions. In any case, and as also noted by R Twersky, the fact that the Minhat Hinnukh does not comment regarding the Sefer Ha-Hinnukh's similar extrapolations, indicates strongly that the Minhat Hinnukh agrees that, in those instances, the extrapolated element is normative. Twersky, "Halakhic Axiology within the Sefer Ha-Hinnukh," 52.

¹⁴ *The Book of Doctrines and Beliefs*. Translated by Alexander Altmann (Indianapolis/Cambridge: Hackett Publishing Company, 2002), 97

¹⁵ MT Hilkhoh Meilah 8:8. See however Soloveitchik, *The Halakhic Mind*, 94-96 where R Soloveitchik contends by reference to M.T. Hilkhoh Teshuvah 3:4 and Hilkhoh Mikvaot 11:12 that, in *Mishneh Torah*, the Rambam sought to associate the *mitzvot* with meaningful ideas and perspectives but made no claim to have discovered the commandments' underlying reasons.

¹⁶ *The Guide for the Perplexed*. Translated by M. Friedlander (New York: Dover Publications, Inc, 1956), III:48

¹⁷ *Ibid* III:26, 31, 48. See also III:49. See, however, Rambam's commentary to *Brakhot* 5:3. For an analysis of Rambam's approach to explaining *mitzvot* in *The Guide*, see Soloveitchik, *The Halakhic Mind*, 92.

¹⁸ Ramban, *Commentary on the Torah: Deuteronomy*, edited and annotated by Charles Chavel (New York: 1976), 271 in his comment to *Devarim* 22:6-7.

¹⁹ See however Joseph B. Soloveitchik, *Out of the Whirlwind: Essays on Mourning, Suffering and the Human Condition*, ed. David Shatz, Joel B. Wolowelsky and Reuven Ziegler (Ktav, 2003), 44 where Ramban is explained differently.

²⁰ Rashi, Commentary to *Brakhot* 33b, sv. Midotav. As noted above, Rambam agrees with Rashi's interpretation of this *amoraic* position but regards it as an idiosyncratic viewpoint. The Ramban, however, argues that Rambam has misinterpreted this *amoraic* perspective, see Ramban, *Commentary on the Torah: Deuteronomy* in his comment to *Devarim* 22:6-7.

²¹ Yoreh De'ah 181

²² *Prisha*, Yoreh De'ah 181:2

²³ *Beit Yosef*, Yoreh Deah 181

²⁴ *Darkhei Moshe*, Yoreh Deah 181

²⁵ T.B. *Shabbat* 88b

²⁶ *Zohar*, Terumah, 161b

²⁷ *Pesachim* 116a-b

²⁸ *Beit Ha-Levi Al Ha-Torah*, Bo sv. di-kvar, p. 9d/18. See similarly Maharal, *Tifferet Yisrael*, chapter 6 and Rabbi Zvi Hirsch Chajes' commentary to Rosh Hashanah 16a. The positions of Maharatz Chajes and the Beit Halevi are referred to by Gil Student, "Why We Do Mitzvos," accessed June 20 2016, <http://www.torahmusings.com/2015/05/why-we-do-mitzvos-2/> (2015).

²⁹ Soloveitchik, *The Halakhic Mind*, 93-4, 98; *Out of the Whirlwind*, 44. *Community, Covenant and Commitment*, 275

³⁰ Walter Wurzbarger, "Law as the Basis of a Moral Society," *Tradition* 19:1, 42, 44, 46

³¹ See Chizkuni, Commentary to Bereshit 7:21;

Jonathan Sacks, *To Heal a Fractured World* (Continuum, 2005), 163; Yonatan Grossman, "Religious Sin, Ethical Sin and the Punishment of Exile," accessed 28 June 2016,

<http://etzion.org.il/vbm/english/parsha.59/01bereis.htm>

³² See Chizkuni, Commentary to Bereshit 7:21;

Ramban, Commentary to Bereshit 6:2, 6:13; Rabbi Avraham Grodzinski, *Torat Avraham*, Torat HaSekhel Ha-Enoshi

³³ See Chiddushei HaRan, *Sanhedrin* 56b, s.v. *vayezav.*; Torat Avraham, *ibid* based on Ezekiel 16:49

³⁴ See *Torat Avraham*, *ibid*

³⁵ See Rabbi Yehudah Hehasid, Commentary to Bemidbar 22:33

³⁶ Eruvin 100b

³⁷ Commentary to Bereshit 26:5

³⁸ Approbation to Rabbi Yisrael Meir HaKohen Kagan's *Ahavat Chesed*

³⁹ Rabbi Baruch Halevi Epstein, *Baruch She'amar*, in his commentary to Pirkei Avot

⁴⁰ Rabbi Menachem Mendel Schneerson, "Universal Mission" Chabad.org, 1:37-2:01, http://www.chabad.org/therebbe/livingtorah/player_cdo/aid/712309/jewish/Universal-Mission.htm

⁴¹ *Community, Covenant and Commitment*, 333.

Another way to reconcile these sources with the position that discerning the actual reasons for *mitzvot* is beyond our ken is to posit that, whilst many *mitzvot* are consistent with intuition or reasoning, these are not the reasons why Jews should observe them. See beginning of Bartenura's commentary to *Pirkei Avot*; Chaim Volozhiner, *Ruakh Haim* (Targum, 2002), 1:2; Moshe Feinstein, *Iggrot Moshe* OC IV:66; Natan Gestetner, *Le-horot Natan* 1:1; Asher Weiss, *Minkhat Asher*, *Devarim* 51:4.

⁴² BT *Bava Metzi'a* 115a

⁴³ See Levi, *Facing Current Challenges*, 411

⁴⁴ BT *Bava Metzi'a* 90, elaborated in *Tosafot HaRosh*

⁴⁵ Responsa *Chatam Sofer* OC 100 as cited in Levi, *Facing Current Challenges*, 412

⁴⁶ See Micha Berger, "Halakhah and Virtue Ethics," accessed 20 June 2016,

<http://www.aishdas.org/asp/virtue-ethics> (2015).

Sometimes, as in Rambam, *MT*, Hilkhoh Hanukah 4:14, the values are explicitly affirmed in halakhic texts. For further examples of this, see Nahum Eliezer Rabinovitch, "The Way of Torah," *The Edah*

Journal 3:1 (2003). For a discussion of the derivation of values from halakhic texts by identifying unstated assumptions and on the basis of stylistic presentation, see Avraham Walfish, "Hermeneutics and Values: Issues in Improving Contemporary Talmud Teaching," in *Wisdom From All My Teachers: Challenges and Initiatives in Contemporary Torah Education*, ed. Jeffrey Saks and Susan Handelman (Jerusalem/New York: Urim, 2003), 275-6.

⁴⁷ See Jonathan Sacks, *Covenant and Conversation: A Weekly Reading of the Jewish Bible* (Genesis) (Jerusalem: Koren, 2009), 333 and Soloveitchik, *Out of the Whirlwind*, 183-186.

⁴⁸ See Anthony Knopf, "Moral Intuition and Jewish Ethics," *Hakirah* (forthcoming)

⁴⁹ See *Mekhilta* on Shemot 15:26; Maharsha, Introduction to *Chidushei Halakhot*; Zadok HaKohen, *Or Zaru'a La'Tzadik*, p.7; *Ha'amek Davar*, Introduction to Bereshit; Joseph B. Soloveitchik, *Halakhic Man*, trans. L. Kaplan (Philadelphia: Jewish Publication Society of America, 1983) 100; Aharon Kotler, *Mishnat Rabbi Aharon I*, 201; Rabinovitch, "The Way of Torah,"

⁵⁰ See Yosef Albo, *Sefer HaIkkarim* I:8. In modern times, this feature of halakha has been emphasised by Michael Broyde, "Learning Law Young – What Happens When Elementary Schools Teach (Jewish) Law" You Tube Video (11 mins), accessed June 25 2016, <https://www.youtube.com/watch?v=l-BbOHBDZZA#t=420>; Steven H. Resnicoff, "Jewish Identity's Impact in a Nutshell," *Rutgers Journal of Law and Religion* (forthcoming), 6-7; Aharon Lichtenstein, "Remembering the Needy," accessed June 25 2016, <http://etzion.org.il/en/remembering-needy> and Binyamin Zimmerman, "The Need for a Divine Command (Part 2)," accessed June 25 2016, etzion.org.il/vbm/english/archive/chavero/05chavero.htm. Cf. Saadia, *The Book of Doctrines and Beliefs*, 3:3

⁵¹ See Micha Berger, "Teaching Mussar," accessed April 20 2016, <http://www.aishdas.org/asp/teaching-mussar> (2011). The limitations of ethical codes which simply affirm well-recognised virtues have been highlighted by Mary Ann Glendon, *A Nation Under Lawyers: How the Crisis in the Legal Profession is Transforming American Society* (Harvard University Press, 1996), 78-79

⁵² *Shemot* 23:7; BT *Shevuot* 31a

⁵³ BT *Ketubot* 17a, *Yevamot* 65b, *Bava Metzia* 23b; Rambam, MT, *Hilkhot Dei'ot* 5:7. See Scot A. Berman, "'So What?!?': Talmud Study Through Values Analysis," *Ten Daat*, vol.10:1 (1997), 17-31 and Rabinovitch, "The Way of Torah," 17-18

⁵⁴ *Pitkhei Teshuvah*, Orakh chaim, 156

⁵⁵ Yehuda Brandes, *Human Rights: The Dialectic Between "Image of God" and "Holy Nation"* (Hebrew) (The Israel Democracy Institute, 2013)

⁵⁶ For a discussion of R Brandes' understanding of the hierarchy of values underlying halakhic decisions, see "An Interview with Rabbi Yehuda Brandes of Beit Morasha," accessed June 26 2016, [https://kavvanah.wordpress.com/2014/01/14/an-](https://kavvanah.wordpress.com/2014/01/14/an-interview-with-rabbi-yehuda-brandes-of-beit-morasha/)

[interview-with-rabbi-yehuda-brandes-of-beit-morasha/](https://kavvanah.wordpress.com/2014/01/14/an-interview-with-rabbi-yehuda-brandes-of-beit-morasha/).

Yehuda Rock, "Love for the Ger," retrieved 21 June 2016, <http://www.torahmusings.com/2015/08/love-for-the-ger/> explains that the Written Law will often present a *mitzvah* without regard for other principles and laws that are in tension with that *mitzvah*. The Oral Law, by contrast, awards each *mitzvah* its appropriate scope and boundaries, thus explaining the priority given to some values over others and the way in which conflicting values are to be expressed on a practical level. Rabbi Rock notes that this approach to understanding the difference between the plain understanding of Scriptural law and the halakhic interpretation and application of the law is invoked in various contexts by Rabbi Mordechai Breuer.

For further discussion of the prioritizing of certain values over others in halakhic literature, see Amnon Bazak, "'That You Shall Live By Them': When Values Clash, A Study of the Sanctity of Life and the Integrity of the Land of Israel" (Jerusalem: Meimad, 1993).

⁵⁷ BT *Bava Kama* 87a and *Kiddushin* 31 a

⁵⁸ See Aharon Lichtenstein, *By His Light: Character and Values in the Service of God*, ed. Reuven Ziegler (Ktav Publishing House, 2003), 51. This attitude is also indicated in *Avot* 2:4. For discussions of the importance of submission to Divine command see Joseph B. Soloveitchik, "Majesty and Humility," *Tradition* 17:2, 37; Joseph B. Soloveitchik, "Al Ahavat haTorah veGeulat Nefesh Hador," in *BeSod haYahid vEha-Yahad* and Aharon Lichtenstein, "Law and Spirituality: Defining the Terms," in *Jewish Spirituality and Divine Law*, ed. Adam Mintz and Lawrence Schiffman (New York : Michael Scharf Publication Trust of the Yeshiva University Press, 2005), 12-3.

⁵⁹ Gus O'Donnell, Angus Deaton, Martine Durand, David Halpern, *Wellbeing and Policy* (Legatum Institute, 2014).

⁶⁰ Gilles Lipovetsky, *L'ere du vide: Essais sur l'individualism contemporain* (Paris: Editions Gallimard, 1993), 327-8. For further discussion of the prevalence of this attitude in the contemporary zeitgeist, see Lichtenstein, *By His Light*, 49-50; Sherry Turkle, *Alone Together* (Basic Books, 2011), 5; Nel Noddings, *Caring: A Feminine Approach to Ethics and Moral Education* (Berkeley: University of California Press, 1984) 173.

⁶¹ Darrin M. McMahon, "The Pursuit of Happiness in Perspective," accessed 21 June 2016, <http://www.cato-unbound.org/2007/04/08/darrin-m-mcmahon/pursuit-happiness-perspective> (2007). See similarly, Soloveitchik, "Al Ahavat haTorah veGeulat Nefesh Hador".

⁶² G.E.M. Anscombe, "Modern Moral Philosophy," reprinted in G.E.M. Anscombe, Mary Geach and Luke Gormally, *Human Life, Action and Ethics: Essays* (Exeter: Imprint Academic, 2005), 169-94. See also *Covenantal Imperatives: Essays by Walter S. Wurzburger on Jewish Law, Thought and*

Community, ed. Eliezer L. Jacobs and Shalom Carmy (Jerusalem/New York: Urim Publications, 2008), 84. On the significance of love of God for the attitude of religious people toward duty, see Hastings Rashdall, *The Theory of Good and Evil: A Treatise in Moral Philosophy*, vol.2, (Oxford: Clarendon Press, 1907), 67. On the importance of *yirat Elokim* in this respect see Malbim's commentary to Bereshit 20:11.

⁶³ Cf. Soloveitchik, *Worship of the Heart*, 16-7 and *Out of the Whirlwind*, xi.

⁶⁴ Samson Raphael Hirsch, *The Nineteen Letters on Judaism*, Bernard Drachman translation revised by Jacob Breuer (New York: 1960) 127

⁶⁵ Rock, "Love for the Ger," explains that, often, the Biblical formulation of *mitzvot* is most appropriate for the context of the Biblical social reality whereas the Oral law presents clear cut rules and precise definitions as to how the law is to be observed in other contexts.

⁶⁶ Samuel P. Oliner and Pearl M. Oliner, *The Altruistic Personality: Rescuers of Jews in Nazi Europe* (New York: Free Press, 1988), Samuel Taylor Coleridge, whilst bemoaning the insensitivity of those who help others half-heartedly, concedes that their behaviour is superior to that of those who feel empathy for others but do nothing to ease their plight. *Select Works of the British Poets with Biographical and Central Prefaces with Dr Aiken*, ed. John Aiken and Lucy Aiken (London: Longman, Brown, Green and Longmans, 1843), 951.

⁶⁷ On the importance of consciousness of personal responsibility as a supplement to empathy, see Noddings, *Caring*, 81. For anecdotal confirmation of the increasing rarity of this consciousness, see Randy Pausch, *The Last Lecture* (Hyperion: 2008).

⁶⁸ M. Ottoni-Wilhelm, "Giving to Organizations that Help People in Need: Differences Across Denominational Identities," *Journal for the Scientific Study of Religion*, 49 (2010), 389–412 doi: 10.1111/j.1468-5906.2010.01518.x, 393. See similarly Cecil Roth, *The Jewish Contribution to Civilization* (New York: 1941), 251.

⁶⁹ Alain de Botton, *Religion for Atheists: A non-believer's guide to the uses of religion* (Vintage, 2013)

⁷⁰ See Dan Ariely, *The (Honest) Truth About Dishonesty: How We Lie to Everyone – Especially Ourselves* (HarperCollins, 2012). The importance of specificity in Torah education is emphasised by Aharon Hersh Fried, "Is There a Disconnect between Torah Learning and Torah Living? And If So, How

Can We Connect Them? A Focus on Middos," *Hakirah, the Flatbush Journal of Jewish Law and Thought*, Vol.6 (Summer, 2008), 52

⁷¹ As discussed above, *not all* ethical questions can be answered through specific behavioural demands as the appropriate behaviour can vary based on the people and circumstances. Nevertheless, *halakha* does provide specific instructions for many moral challenges, such as those discussed in the next section of this article.

⁷² MT Hilkhhot De'ot 1:7

⁷³ Commentary to Avot 3:15. See similarly, *Orkhot Hayim*, Skha'ar han'divut and, at length, Eliyahu Eliezer Dessler, *Mikhtav me-Eliyahu* (Sifriyati), vol. 4, 245-246 and Kuntress Hachedes in *Mikhtav M'Eliahu*, vol. 1, 32-51, 140-145. Cf. R Yaakov Emden, *Lekhem Shamayim*, Avot 3:15.

⁷⁴ This understanding of the impact of *mitzvot* is often presented as the view of the Sefer Ha-Hinnukh. This view is indeed advanced many time by the Hinnukh, see, for e.g., Mitzvah 16. However, as we have shown it is also promoted by earlier writers including Rambam and Ramban.

⁷⁵ See David G. Myers, *Psychology* (Worth, 2007), 726 who confirms that "[m]any streams of research confirm that attitudes follow behavior."

⁷⁶ See Daniel Coyle, *The Talent Code* (London: Cornerstone, 2010). Cf. William James, *The Principles of Psychology* (Dover Publications, 1950), 122. The significance of this neurological finding for understanding the impact of religious practice on character development has been emphasised by Jonathan Sacks, "Ritual develops habits that can lift us to greatness," accessed June 24 2016, <http://www.rabbisacks.org/credo-ritual-develops-habits-that-can-lift-us-to-greatness/>.

⁷⁷ For a discussion of this danger in a more general context, see Joshua Foer, *Moonwalking with Einstein* (Penguin Press HC, 2003)

⁷⁸ Whilst contemplation of the themes of the *mitzvah* is essential, the actual practice of the *mitzvah* is a prerequisite to understanding. As Rabbi Isadore Twersky emphasises, "One cannot understand the meaning of grieving on the Ninth of Av unless one gets down on the ground and recites *kinnot* (Lamentations)." Quoted in *Visions of Jewish Education*, ed. Seymour Fox, Israel Scheffler and Daniel Marom (Cambridge University Press, 2003), 80.

⁷⁹ See *Visions of Jewish Education*, 80

Psalm 130 – Ascent from the Depths

ELANA CHESLER

Songs of ascents

Out of the depths I have cried out to You, O Lord -

“Lord, hear my voice.

Let Your ears be attentive to the voice of my supplications.

Were You Lord to preserve wrongdoing, who, O Lord, who could stand tall?

But with You is forgiveness, that You may be revered.”

I trust in the Lord; My soul trusts and in His word I put my hope.

My soul waits for the Lord,

More than watchmen wait for the dawn.

More than watchmen wait for the dawn.

Let Israel hope in the Lord, for with the Lord there is kindness, and abundant redemption is with Him.

And He will redeem Israel from all their wrongdoings.

Typically printed as continuous prose, Psalm 130 is a beautifully arranged poem which is included in the High Holy Day prayers. The Hebrew is comprised of four tightly constructed stanzas; of 11 words, 12 words, 12 words and 11 words respectively, closing with a concluding sentence¹.

It takes the form of a reflective monologue exploring personal relationship to God, wrongdoing, prayer and forgiveness, and culminates in an expression of the certainty of collective redemption.

The first phrase identifies it as belonging to the group of fifteen psalms each titled “Song of Ascent” which were sung in the Temple in Jerusalem.

In the opening lines, we meet the protagonist calling out to God from the lowest point – from the depths.

“Out of the depths I have cried out to You”.

Traditionally this is understood as referring to the depths of despair. Malbim (d.1879) notes the many aspects of despondency – poverty, illness, war and emotional turmoil – from which despair may originate. Perhaps that is the reason why this psalm is often recited in worrying times.

“Hear my voice”. The use of the word “kol”, “voice”, rather than “words” highlights the primal emotion

embedded in this cry. Sometimes the words are simply a vehicle to convey emotion. Certainly, on the High Holy Days, the goal is to go beyond the words of our prayers and reach an emotional engagement, to an expression of feelings of remorse, regret or longing for things to be better. The inchoate “kol shofar”, “voice of the shofar” is used in part to stir these emotions, representing our wordless cry heavenwards.

“Were You Lord to preserve wrongdoing, who, O Lord, who could stand tall?”. The focus of this line is the great human equalizer: the ubiquity of human wrongdoing. Sincerely facing shortcomings can result in feelings of self-abnegation and untamed, this emotion leads to a dead end. There is a recognition of the conundrum – if we are identified only by our wrongdoing we fall impossibly short of the Divine expectation. But there is a way to break the impasse – forgiveness.

“But with you is forgiveness”. “Forgiveness is, in origin, a religious virtue. There is no such thing as forgiveness in nature.”² Forgiveness melts the distance created by wrongdoing. The possibility of forgiveness provides us with a cause for hope across the entire spectrum of human relationships.

“My soul waits”. From here we transition to the yearning for deliverance. The waiting is palpable –

enhanced by the metaphor of the night watchmen who are actively waiting and watching for dawn. Dawn is inevitable, but for the watchman, waiting, perhaps the wait seems endless. For our protagonist, dawn is deliverance with a vision turning outwards, moving from trust in God on an individual level, to a teaching that can be applied more broadly to a nation awaiting deliverance.

By translating the verb 'podeh' (usually translated in this context to the theologically weighted 'redeem') in line with its Biblical usage as 'ransom' we can unlock particularly relevant meaning. We are held to ransom - perhaps by ourselves, perhaps by others – by the weight of our wrongdoing. By assigning ownership of redemption to God, ultimate release

¹ This article draws from the work of R' E. Samet (Israel, b.1953)

from this ransom is situated outside the human construct, accessible to all those who wish for it.

The concluding line, future orientated, is the statement of a general principle of confidence in a collective redemption which ultimately rests with God. It provides an assurance that from the depths we can and will ascend.

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² Sacks, J. *The Dignity of Difference* (Continuum:2004)

Miracles in the Torah – A study of Ibn Ezra and Ramban

MOSHE DOVID SPITZER

Traditionally, study of the Torah is accompanied by study of Rashi's commentary. Foremost amongst the other medieval commentaries are those of Ibn Ezra and Ramban. To a greater or lesser extent, all these fall into the school of commentary referred to as "pshat": translating Scripture according to its simple and straightforward meaning, influenced by the context.

Ramban's commentary includes discussion of (and argument with) the comments of his antecedents Rashi and Ibn Ezra.¹ In his introductory poem, Ramban reveals his perspective on Rashi and Ibn Ezra. He refers to Rashi as "having the right of the firstborn". In contrast, "with Ibn Ezra, we will have open remonstrance and hidden love".

In this essay, I examine part of the commentary of Ramban to Parshat Vayigash, in which he argues with Ibn Ezra. The central disagreement is Ibn Ezra holds that we should expect miracles to be mentioned in the Torah, and their absence from the text is evidence that they did not occur. Ramban argues that miracles do not need to be mentioned in the text.

I have divided the essay into three sections, each one starting with a summary of the relevant comments of Ramban:

Section 1: Is having a child at an advanced age miraculous? An attempt to defend Ibn Ezra against an attack by Ramban.

Section 2: The Miracle Nation. Should all miracles have been recorded in the Torah? Did some miracles not make it into the text? Ramban argues with Ibn Ezra on this point. This section attempts to identify some of the comments of Ibn Ezra on this matter, and concludes by suggesting that

contemporary editions of Ramban have misidentified one of these comments.

Section 3: An apparent contradiction in Ramban. This section attempts to explain a comment of Ramban elsewhere, in which he seems to contradict his view discussed in the first two sections

Section One: Is having a child at an advanced age miraculous?

In Parshat Vayigash, the Torah states that seventy people travelled from Canaan to exile in Egypt, and lists their names.² However on counting the names, there are only sixty nine people listed.

Rashi states (following a teaching quoted in the Gemara) that the missing person is Yocheved, daughter of Levi and mother of Moshe, who was born as they entered Egypt – she was born in Egypt but conceived in Canaan.³

Ibn Ezra takes issue with Rashi's approach

*The Midrash states that Yocheved was born as they entered Egypt. This is surprising – for why did the Torah not mention this miracle, that she gave birth to Moshe when she was one hundred and thirty? Why did it mention the miracle of Sarah, who was ninety?*⁴

In other words: Yocheved was the mother of Moshe, who was eighty at the time of the Exodus. If she was born at the start of the exile, which lasted two hundred and ten years, this means she was one hundred and thirty when she gave birth to Moshe. Now, the Torah emphasises the earlier miracle of Sarah, who had a baby when she was ninety – so why does it not mention the miracle of Yocheved, who was even older when she had Moshe? This refutes the view that Yocheved was

born when they entered Egypt – she must have been born considerably later, making her younger at the time of Moshe’s birth. (Ibn Ezra has his own opinion as to the identity of the missing person.)⁵

Ramban seeks to defend Rashi.

*Lest Ibn Ezra feel wise enough in his own eyes to contradict our Sages, I must respond to him.*⁶

Ramban points out that Ibn Ezra’s argument is internally inconsistent. Even Ibn Ezra is forced to admit there is a miracle which is not emphasised by the Torah. For if Yocheved was born well into the exile, making her younger when she gave birth to Moshe – that just increases the age of her father Levi when she was born! Ramban calculates that Levi was forty three at the start of the Exile. If we assume Yocheved was a more normal age (e.g. fifty) when she bore Moshe, that would make Levi much older (one hundred and twenty three) – which would be a greater miracle than Avraham, who fathered Yitzchak at one hundred!

Ramban therefore supports the original position: Yocheved was born at the start of the exile. She was in fact very old when she bore Moshe – but Ramban claims that Scripture does not generally feel it necessary to mention miracles such as someone having a baby at an advanced age.

Ramban goes on to prove this from the genealogy of King David listed at the end of the book of Ruth. The final generations are Salmah – Boaz – Oved – Yishai – David. Salmah was born in the desert and was the first to live in Israel; Boaz, Oved, Yishai and David were born in Israel. Ramban calculates that there were approximately three hundred and seventy years from the Jews’ arrival in Israel until the birth of David. This means that Salmah, Boaz, Oved and Yishai were all around ninety three when they bore a child (and if we say that some of them were younger, that makes the others older). Yet this miraculous bearing of children in old age is not emphasised at all by Scripture. Proof, according to Ramban, that Scripture does not generally mention miraculous childbearing at advanced ages.

So according to Ramban, there is no difficulty with stating that Yocheved was born at the start of the Exile in Egypt – she was indeed one hundred and thirty when she bore Moshe, but the fact that the Torah does not mention this is not a problem. And why, according to Ramban, does the Torah emphasise the ages of Avraham and Sarah when they had Yitzchak – after all, the Torah does not generally mention this type of miracle? Ramban suggests an answer, which I have included in a footnote.⁷

In defence of Ibn Ezra

At this point I would like to pause my quoting of Ramban’s comments, and suggest a defence for Ibn Ezra.

Ibn Ezra stated that Yocheved giving birth at one hundred and thirty would have been miraculous enough to have been included in the Torah. Ramban pointed out that if Yocheved was younger when she bore Moshe, it would have made her father Levi older when he bore her – and *that* miracle should have been mentioned in the Torah!

I suggest that Ibn Ezra indeed holds that Levi was old when he fathered Yocheved – but this is not included in the Torah, because *for men* it is not particularly remarkable. But for women, it is miraculous – so the fact the Torah doesn’t tell us about Yocheved giving birth to Moshe at a hundred and thirty, implies that it did not happen. (To bolster this answer: although Ramban writes that Ibn Ezra refers to the miracles of *both Avraham and Sarah*, it is significant that Ibn Ezra himself actually mentions *only the miracle of Sarah*. For in his view, Avraham having a child was not so remarkable.)⁸

This approach also explains the genealogy at the end of Ruth. Here, Scripture implies that up to four generations of men bore children at an advanced age, but Scripture does not go out of its way to emphasise this as miraculous. Ramban brought this as proof that Scripture does not feel it necessary to mention the miracle of birth at advanced ages. But Ibn Ezra would respond that in Ruth, the people mentioned are men –so there is nothing particularly miraculous to mention.⁹

A problem

There is however a problem: elsewhere, Ibn Ezra himself appears to contradict this. In Parshat Lech Lecha, when Avraham is told by God that he will have a son, he laughs and says

*Is it possible for a man of one hundred to father a child? And Sarah who is ninety, can she bear a child?*¹⁰

And on this verse, Ibn Ezra comments:

*Avraham was amazed, because an old man cannot father children. And it would be even more wondrous for a woman who has ceased menstruating to have children. The miracle of Sarah was indeed greater than that of Avraham, for we do find elsewhere that men can father children over the age of ninety.*¹¹

Ibn Ezra seems here to state explicitly that it is miraculous for an old man to have a child!

The Torah as narrator vs the Torah recording speech

To resolve this problem, let us analyse this last verse. Who is speaking? Avraham. (“Avraham fell on his face and laughed, and said in his heart, “Is it possible for a man of one hundred to father a child?”). This is important. We are not actually told by the Torah that Avraham’s fathering a child was miraculous – we are told this by Avraham! The Torah is merely recording Avraham’s words.

This distinction is a crucial one. The Torah tells us information in different ways. Sometimes we are told things by the Torah acting as “narrator”; and at other times via people’s speech, recorded in the Torah. There is a qualitative difference between the Torah telling us that something happened, and the Torah telling us that *someone said* something happened.¹²

Had the verse stated, “it was miraculous for a man of a hundred and a woman of ninety to have a child” – the Torah itself would be affirming that this is a miracle. But instead, the Torah records that *Avraham said* it would be miraculous. The Torah tells us that this is what Avraham thought, subjectively. But objectively, *it may not have been miraculous* for him to father a child at an old age.¹³

A further problem and resolution

However this leads to a further problem. As mentioned earlier, Ibn Ezra in Parshat Vayigash points out that the Torah emphasises the miracle of Sarah’s giving birth at the age of ninety. But where does the Torah say this? We have just discounted the verse in Parshat Lech Lecha – because those were the words of Avraham, not the words of the Torah. So to which verse is Ibn Ezra referring?¹⁴

I think Ibn Ezra may mean a different verse entirely. In Parshat Vayeira, after his circumcision, Avraham and Sarah are visited by angels.¹⁵ One of the angels tells Avraham that they would have a son. Sarah overhears and laughs – can I possibly have a child? I no longer have the physical ability, and my husband is old! Then God appears to Avraham and says,

Why did Sarah laugh, saying “Can I really have a child at this age?” – is anything too miraculous for God?

Here we see that God himself refers to Sarah (note: not Avraham) having a child as a miracle.¹⁶ This may well be the verse to which Ibn Ezra refers.¹⁷

Section Two: The Miracle Nation

Ibn Ezra’s principle, and Ramban’s opinion to the contrary

As explained at the start of Section One, Ibn Ezra holds that miracles should be recorded in Scripture. If they are not recorded, we cannot be certain they happened. This is why he holds that Yocheved was not born at the start of the exile in Egypt – for this would mean that giving birth to Moshe she would have been at a miraculously old age. Since this miracle is not mentioned in the Torah, there is no reason to say it occurred.¹⁸

Ramban objects. In his view, there is nothing particularly special about miracles, and therefore no reason to assume they should have to be recorded by the Torah. Ramban continues:

And why should Scripture mention these miracles, when all the fundamental teachings of the Torah are predicated on hidden miracles? For all the affairs of the Nation of the Torah are only miracles, not nature or the ordinary course of events. The promises of the Torah are all miraculous signs and wonders.

And Ramban explains why certain miracles are recorded:

*Scripture mentions miracles which occur by the prediction of a prophet who prophesies so first, or through an angel which appears on a Divine mission. But miracles that occur on their own without any prior prophecy, in order to aid a righteous person or to destroy a wicked person, are not mentioned explicitly in the Torah or the Prophets. **And this is molten gold cast in the mouth of this wise one [Ibn Ezra], for what he argues against our Sages regarding Pinchas, and many in other places.***¹⁹

With this poetic last sentence, Ramban tells us that Ibn Ezra states his principle (in addition to here with Yocheved), “regarding Pinchas and in many other places”.

Where are these places? Ramban does not tell us specifically. We will discuss Pinchas last. First, let us try to identify two of the “many other places”.

The Miracle of Ur Kasdim

The Midrash tells us of an episode where Avraham was thrown into a furnace by Nimrod, the local ruler, for having destroyed the idols of his father Terach. Avraham was miraculously saved. However, there is no hint of this story in the Torah. Ramban discusses this story in his commentary, and then quotes Ibn Ezra:

Do not let Rabbi Avraham [Ibn Ezra] mislead you with his questions, when he says that the verse does not mention this miracle.²⁰

Ibn Ezra holds that since this miracle is not recorded in the Torah, there is no certainty that it occurred.

The Ten Commandments

The Ten Commandments appear in the Torah twice (Parshat Yitro and Parshat Vaetchanan), with some textual differences. Most famously, the fourth commandment in Yitro begins זכור ‘Remember the Shabbat’, whereas the version in Vaetchanan begins שמור, ‘Guard the Shabbat’. The Sages teach that these two words were said in the same instant, “which the mouth cannot speak and the ear cannot hear”.²¹ Ibn Ezra finds it difficult to take this literally. This would be an unparalleled miracle which should have been explicitly mentioned in the Torah.²² But Ibn Ezra does not reject the Sages’ statement, stating “God forbid that they were incorrect; our opinion is insignificant compared to theirs”. He therefore prefers to understand the Sages’ statement in a more figurative way, with no miracle involved.

Pinchas

Finally, we turn to the Ibn Ezra concerning Pinchas. This is the only comment of Ibn Ezra to which Ramban refers specifically – “*this is molten gold cast in the mouth of this wise one [Ibn Ezra], for what he argues against our Sages regarding Pinchas, and many in other places*”. But Ramban does not specify exactly which comment of Ibn Ezra about Pinchas he means.

All editions of Ramban I have seen write that Ramban refers to Ibn Ezra’s comment on a verse in Parshat Pinchas 25:13.²³ Here, Ibn Ezra writes that Pinchas is not Eliyahu Hanavi. There is a tradition that Pinchas and Eliyahu Hanavi are one and the same person – which would mean that Pinchas/Eliyahu lived for centuries, obviously a miraculous occurrence. But Ibn Ezra disagrees. Superficially, this seems to be consistent with the principle propounded by Ibn Ezra in the other places we have seen: we would expect miracles to

be mentioned in Scripture, so the fact that Pinchas/Eliyahu’s long life does not appear in Scripture implies that Pinchas was not Eliyahu. However if we examine Ibn Ezra’s comment itself, it is difficult to agree with these editors. The verse records God saying about Pinchas:

*Behold, I am giving him My covenant of peace. And it shall be for him and his descendants **after him** a covenant of everlasting priesthood.²⁴*

Comments Ibn Ezra:

The word “after him” is proof that he died, and he is not Eliyahu at all.²⁵

Clearly, the reason Ibn Ezra contends Pinchas was not Eliyahu is entirely different. It is not because the miracle is not mentioned in Scripture. Rather, it is a textual proof: to say that Pinchas’s children shall inherit the covenant “after him”, implies that he died. This cannot be the comment of Ibn Ezra to which Ramban refers.

Instead, I suggest that Ramban refers to an earlier comment of Ibn Ezra about Pinchas. This is the final comment on Parshat Balak. The verse describes Pinchas’s act of zealotry, killing a Jewish prince who was brazenly sinning with a Midianite princess. Rabbinic tradition enumerates a number of miracles which assisted Pinchas – for example, his spear miraculously lengthened to pierce both the man and the woman, and that he was given supernatural strength to carry them around the camp impaled on his spear, displaying their disgrace to all.²⁶ Ibn Ezra quotes this tradition, and then adds a few words:

There is also a Midrash that ten miracles occurred to Pinchas – but the verse does not mention them.

What does Ibn Ezra mean by the end of his sentence, when he says “but the verse does not mention” the miracles? Is he just telling us some general knowledge – that miracles occurred, though they are not mentioned in the Torah? I contend otherwise. With these words (and consistent with his general principle), Ibn Ezra means to *reject* the tradition of miracles occurring to Pinchas – *because miracles should have been mentioned in the verse.²⁷*

Section Three: An apparent contradiction in Ramban

In this section, I focus on a comment of Ramban in Parshat Ekev, which seems to contradict what he says in the piece we have examined until now.

The book of Devarim records Moshe's final speech to the people – the children of those who left Egypt with him forty years earlier – before they entered Canaan. In Parshat Ekev, he recounts the drowning of the Egyptian army in the Yam Suf:

*[God] swept the waters of the Yam Suf over them when they pursued you – and God destroyed them until this day.*²⁸

What did Moshe mean by the words “until this day”?

Ibn Ezra explains:

Their sons no longer stood to be like them.

Ramban offers his own explanation of the verse, then quotes Ibn Ezra and clarifies what he means:

Ibn Ezra means that because the pursuers acted more wickedly than the rest of Egypt, God punished them by killing their children in Egypt at the same time as he killed them in the sea, so that no remnant was left of the pursuers.

(Thus: since the pursuers died, and they had no descendants to follow in their footsteps – they remained dead “until this day”.) Ramban then adds a comment:

But this is not mentioned in the Torah

What is Ramban adding? Some commentators feel that with these words, Ramban means to refute Ibn Ezra.²⁹ The footnotes in the Artscroll edition quote this approach, explaining:

If indeed this open miracle occurred, that specifically the offspring of the pursuers perished back in Egypt, it would have been mentioned explicitly in the Torah.

But surely this cannot be the case. As we have seen, this is the opposite of what Ramban holds. Ramban is usually quite content with miracles not being mentioned in the Torah. It is Ibn Ezra himself who holds that miracles should be mentioned, otherwise there is no reason to say they happened. So what does Ramban mean? He seems to contradict his earlier words? Here are three possible approaches:³⁰

1. Perhaps Ramban is still challenging Ibn Ezra, but *from Ibn Ezra's own opinion*. Ibn Ezra feels that this verse contains a reference to a miracle. Ramban responds that this reference is not explicit enough to be consistent with Ibn Ezra's view –

according to Ibn Ezra, the miracle should appear more overtly.

To paraphrase Ramban: “Personally, I (Ramban) would be happy to explain the verse as you (Ibn Ezra) do – after all, I do not require miracles to be mentioned in the Torah. However, you do require this, and here the miracle does not appear explicitly enough. So how can you explain the verse to be referring to a miracle which does not appear explicitly in the Torah?” (Ramban's expression “this is not mentioned in the Torah” really means “this is not mentioned in the Torah *explicitly enough*”.) (And despite the fact that he could explain the verse like Ibn Ezra, Ramban offers a different explanation of his own.)

2. Alternatively Ibn Ezra claims that this reference *is* explicit enough to count as a miracle which is recorded in the Torah. Ramban agrees that the words themselves could be interpreted this way; however the context militates against this explanation. If the verse were referring to this, it should have been written at a more appropriate place: in Parshat Beshalach with the original story of the splitting of the sea, rather than being mentioned only in Moshe's speech forty years later. The fact that we did not know of this occurrence until now, implies that actually the verse is not referring to it at all. That is why Ramban offers his own alternative explanation. (In other words, Ramban's objection is not actually related to their argument about miracles being written in the Torah. Here it is simply about where an event (miraculous or not) should be recorded. Ramban's expression “this is not mentioned in the Torah” means “this is not mentioned in the Torah *earlier*”.)

3. In Ramban's view, miracles do not need to be mentioned in Scripture – but they do at least require a reliable oral tradition transmitted through the Sages (e.g. Yocheved bearing Moshe at an old age, Avraham being cast into the furnace etc.). Otherwise how else do we know a miracle occurred? The miracle Ibn Ezra refers to here – the death in Egypt of the pursuers' children – is not included in the oral tradition. So in order to accept that a miracle occurred, Scripture should have mentioned it. (Ramban's expression “this is not mentioned in the Torah” really means “since we have no reliable oral tradition, it should be mentioned in the Torah”.)

To defend Ibn Ezra, let us look again at his (rather cryptic) words: “their sons no longer stood to be like them”. Ibn Ezra does not actually say that the children died – this is just Ramban's interpretation of his words. Ibn Ezra may well mean differently: that the Egyptians' descendants were so cowed that they no longer pose any threat to the Jews.

Adopting this understanding of Ibn Ezra would mean that Ramban's challenge poses no problem.

I would like to dedicate this essay to the memory of one of my mentors, Rav Yehuda Copperman (לעולי נשמת הרב יהודה בן ר' אברהם שמחה זצ"ל), who died earlier this year. As well being a remarkable pioneer of women's higher Torah education in Israel (founding the Michlalah Jerusalem College and heading it for over fifty years), Rav Copperman authored several important works on Torah commentary. When in yeshiva in Jerusalem and subsequently, I was fortunate to be able to spend time learning from him, and part of this article is based on his teachings. On one occasion I discussed the contents of Section Two of this essay

with him. I was pleased that he agreed with my analysis – and we were both delighted when he then took out his copy of Ibn Ezra to Parshat Balak, to find that he had written a note on the margin stating that this was the comment to which Ramban in Parshat Vayigash referred: proving that he had arrived at the same conclusion many years earlier.

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¹ *Rashi*: Rabbi Shlomo Yitzchaki (France 1040-1105)

Ibn Ezra: Rabbi Avraham Ben Meir Ibn Ezra (born in Spain 1089 and thereafter travelled widely through Europe, North Africa and the Middle East, died 1167)

Ramban: Rabbi Moshe Ben Nachman (born in Spain 1194, died in Israel 1270)

² Bereishit 46:8-27

³ *Rashi* Bereishit 46:15. This opinion is quoted in the Gemara, Sotah 12a and Bava Batra 123b

⁴ Ibn Ezra Bereishit 46:23 – loosely translated

⁵ A short note on Ibn Ezra's attitude to the comments of the Talmudic Sages. Ibn Ezra frequently appears to argue with the traditionally accepted interpretations of the Sages. This cannot reflect a lack of respect for the Sages; on the contrary, Ibn Ezra writes numerous times of his great reverence for the words of the Sages, and often defers to their authority. (See for example below in Section 2, the paragraph headed "the Ten Commandments".) This subject is discussed by Rabbi Yehuda Copperman in his "Peshuto Shel Mikra" (Michlalah Jerusalem College for Women, 2001 Section 4, Chapter 3)

⁶ Ramban Bereishit 46:15. (Due to Ramban's poetic style, all comments quoted here are loosely translated, as well as summarized)

⁷ Ramban suggests that with Avraham and Sarah, there were greater miracles than just their advanced ages – firstly the fact that as a *couple* they had not had a child together until this advanced age, and secondly the fact that Sarah had ceased to menstruate. Yocheved, on the other hand, could still have been menstruating (In fact, Ramban could have given another reason for the mention of Yitzchak's birth. Ramban (quoted below at the start of Section Two) writes that prediction by an angel is enough reason for a miracle to be included in Scripture. And the birth of Yitzchak was predicted by an angel (see Parshat Vayeira 18:10)! It is unclear to me why Ramban

does not use this reason to explain the inclusion of Yitzchak's birth.)

⁸ In fact, my suggested defence for Ibn Ezra is actually more or less what Ramban himself holds – that Avraham having a baby was not really that remarkable (see previous footnote). So although Ramban feels he is arguing with Ibn Ezra, the two commentators may actually be taking a remarkably similar approach

⁹ In fact, in Ibn Ezra's own commentary to Ruth he makes a similar calculation to our Ramban, working out that some or all of the four generations (Salmah – Oved – Boaz – Yishai) were significantly old when they fathered children. But unlike Ramban, Ibn Ezra does not label this as miraculous – again, consistent with my suggestion

¹⁰ Parshat Lech Lecha 17:17

¹¹ Presumably Ibn Ezra is referring to the end of Ruth where, as we have seen, David's ancestors included some men of advanced age

¹² See Rabbi Copperman's Peshuto Shel Mikra, Section 2 Chapter 4 for thorough discussion of this principle

¹³ This suggestion is supported in the second part of Ibn Ezra's comments quoted above. He writes that, "the miracle of Sarah was indeed greater than that of Avraham, for we do find elsewhere that men can father children over the age of ninety". Now, if both Avraham and Sarah having a child was miraculous, why does Ibn Ezra feel it necessary to add that Sarah's miracle was greater? It may indeed be true that Sarah's miracle was greater, but what is Ibn Ezra adding to our understanding of the verse? But according to our approach, Ibn Ezra is telling us that although Avraham *thought* he was going to experience a big miracle, *in reality* his was not so remarkable; the real miracle was Sarah's

¹⁴ As mentioned earlier in the main text: Ramban (Parshat Vayigash) writes that Ibn Ezra thinks the Torah mentions the miracle of *both Avraham and Sarah* having a child (whereas in reality Ibn Ezra only refers to the miracle of Sarah). Where is this supposed comment of Ibn Ezra? Contemporary

editions of Ramban cite the Ibn Ezra we are now discussing, Parshat Lech Lecha 17:17. Now, this may indeed be the Ibn Ezra to which *Ramban* refers. (If so, Ramban would reject the distinction between the Torah narrating, and the Torah recording speech. Accordingly, here the *Torah* mentions the miracles of both Avraham and Sarah.) But to be clear: this is only Ibn Ezra through the eyes of Ramban. As discussed, Ibn Ezra himself (in Parshat Vayigash) does not say that the Torah mentions the miracle of Avraham. He writes only about the Torah mentioning the miracle of Sarah. Accordingly, Ibn Ezra does not mean to refer to the verse in Parshat Lech Lecha. To which verse he is actually referring, is now addressed in the main text.

¹⁵ Bereishit 18:10-14

¹⁶ In fact, Sarah says that *both she and Avraham* can no longer have children, but in quoting her, God only mentions Sarah as a miracle.

¹⁷ On a related note: it is interesting that when Yitzchak is actually born, the Torah tells us (21:2) “Sarah conceived and bore Avraham a child in his old age”, and (21:5) “Avraham was a hundred years old when Yitzchak was born to him.” Both these verses mention the age of Avraham whilst not mentioning Sarah. I have not seen the commentaries address this point. Presumably we must understand these verses as purely recording a genealogical/chronological event, rather than stressing its miraculous nature

¹⁸ It is important to note that in the view of Ibn Ezra, the omission of a miracle from the Torah is not necessarily proof that it did not occur. Ibn Ezra sometimes writes that he is prepared to accept a tradition despite it not being recorded in Scripture (for example see the main text below about the Ten Commandments, and also footnote 20). (Possibly, the omission of a miracle from the text means that less weight is given to the suggestion of a miracle, and alternative explanations may easily prevail. See also footnote 5.)

This principle of Ibn Ezra also appears in the writings of Radak (Rabbi David Kimchi, 1160-1235, whose commentaries in general tend towards the approach of Ibn Ezra). In his commentary to Joshua, Radak mentions the principle of Ibn Ezra three times I am aware of (3:10, 4:11 and 6:5 – Rabbi Copperman quotes these *ibid.*). (However with regard to the discussion in Section One above, Radak seems to agree with Ramban rather than Ibn Ezra, that it is miraculous for a man to father a child at an advanced age – see his commentary to Bereishit 17:1.)

¹⁹ In Ramban’s commentary, this passage actually precedes the one immediately above

²⁰ Ramban Bereishit 11:28. Although the Ibn Ezra is cited here by Ramban, this comment does not actually appear in our versions of Ibn Ezra’s commentary. It is found in the alternate version, “Shita Acheret”, published by Mossad Harav Kook in their three-volume set of Ibn Ezra’s Torah commentary: וקדמונינו אמרו שהשליך אברהם אבינו בכבשן האש. ולא נזכר זה בכתוב. ואם היא קבלה נקבל כדברי תורה – *Our antecedents said that he threw Avraham into a furnace. This is not mentioned in the verse. If it is tradition, we will accept it like words of Torah.*

²¹ Shavuot 20b

²² Ibn Ezra, Shemot 20:1. (He goes so far as to say that if taken literally, this would be the most miraculous event of the whole Exodus period)

²³ Including the editions of Shavel/Mossad Harav Kook, Beis Hayayin (Dvir), Artscroll and Margolin

²⁴ Bamidbar 25:12-13

²⁵ Ibn Ezra Bamidbar 25:13

²⁶ See for example Targum Yonatan Ben Uziel to Balak 25:8 and Sanhedrin 82b

²⁷ Admittedly, Ibn Ezra does not state explicitly that he is arguing with the tradition; his words are rather more neutral. But certainly I feel that Ramban understood Ibn Ezra this way (I can’t find an alternative comment by Ibn Ezra regarding Pinchas which would align with his principle that miracles should be mentioned in the Torah). And compare this with the expression of Ibn Ezra quoted in footnote 20, “*Our Sages said that he threw Avraham into a furnace. This is not mentioned in the verse. If it is tradition, we will accept it like words of Torah*”. In this statement, Ibn Ezra clearly intends to argue with the Sages, but he does so in a neutral way – “this is not mentioned in the verse”.

The first editions of the Artscroll Ramban contained a reference only to the verse in Parshat Pinchas (which we have rejected). In 2007 I corresponded on this matter with Rabbi Hillel Danziger, Editorial Director of the Artscroll Ramban. He agreed to include my explanation as an alternative in the footnotes of subsequent editions, where it has appeared since

²⁸ Devarim 11:4

²⁹ Pnei Yerushalayim and Beis Hayayin.

³⁰ (The first and third suggestions could also concord with the Artscroll footnote). I am grateful to Rabbi Dovid Dombrowski of Gateshead for suggesting the third approach (and for his help with the preparation of this essay)

To be immortal: a peak into Tanakh

MICHAEL BLANK

Freely they stood who stood, and fell who fell

John Milton, Paradise Lost III, Line 102

The Choice

There are some ideas that, once planted, are so potent that it is difficult to see it any other way. Once noticed, the idea becomes indelible, unable to be un-noticed. I want to present a way of understanding a notion that underlies Bereishit that seems so obvious in retrospect; un-notice it if you can.

מִפֶּלַעַץ-הַגֶּן, אֲכַל תֹּאכַל. וּמֵעֵץ, הַדְּעַת טוֹב וְרַע--לֹא תֹאכַל, מִמֶּנּוּ: כִּי, בַּיּוֹם אֲכַלְךָ מִמֶּנּוּ--מוֹת תָּמוּת

Of every tree of the garden you are free to eat; but as for the tree of knowledge of good and bad, you must not eat of it; for as soon as you eat of it, you shall die.¹

Traditionally, this is a causal punishment: if you do this act, you will be punished in such-and-such a way. Perhaps it can be understood rather differently. Instead of the punishment being subsequent to the act, it is in the very essence of the act that the outcome lies. If we assume free will to be the enacting of our choice, Adam eating from the tree is the very embodiment of free will, him choosing to defy God. And now that man has used his free will for the first time, has made a choice, the problem of theodicy must inevitably enter the world. It is called the ‘tree of good and bad’ precisely because eating from it requires free will, the sequelae of which must be man acting according to how he chooses. Those last words-“you shall die”-is God’s statement that free will is not compatible with immortality. Perhaps interminable life does not focus the mind to our choices in the same way as finitude might.

The Nephilim

As we approach the end of the first parasha a rather odd pericope appears, which is so often glossed over; it reads like something out of Middle Earth²

וַיְהִי כִּי-יַחַל הָאָדָם לְרַב עַל-פְּנֵי הָאֱדָמָה; וּבָנוּת, יִלְדוּ לָהֶם. וַיֵּרְאוּ בְנֵי-הָאֱלֹהִים אֶת-בָּנוֹת הָאָדָם, כִּי טֹבֹת הָנָה; וַיִּקְחוּ לָהֶם נָשִׁים, מִכָּל אֲשֶׁר בָּחָרוּ. וַיֹּאמֶר ה', לֹא-יֵדוּן רוּחִי בָאָדָם לְעֹלָם, בְּשָׂגֵם, הוּא בָשָׂר; וְהָיוּ יָמָיו, מֵאָה וְעֶשְׂרִים שָׁנָה. הַנְּפִלִים הָיוּ בְּאֶרֶץ, בְּיָמֵי הָהֵם, וְגַם אַחֲרָי-כֵן אֲשֶׁר-יָבֹאוּ בְנֵי הָאֱלֹהִים, אֶל-בָּנוֹת הָאָדָם, וַיִּלְדוּ לָהֶם: הַמָּה הַגְּבִרִים-אֲשֶׁר מְעוֹלָם, אֲנָשֵׁי הַשָּׁם .

When man began to increase on earth and daughters were born to them, the divine beings saw how beautiful the daughters of men were and took wives from among those that pleased them. The Lord said, “My breath shall not abide in man forever, since he too is flesh; let the days allowed him be one hundred and twenty years.” It was then, and later too, the Nephilim appeared on earth, when the divine beings cohabited with the daughters of men, who bore them offspring. They were heroes of old, the men of renown.³

While immortality seems to have ended upon exit from the Garden, longevity remained the norm: the previous chapter details lives close to 1000 years. The text gives a reason for the change, that before the divine decree there were mixed unions that allowed a god-like status; post-decree these unions were no longer allowed. The juxtaposition of this passage with the successive flood indicates that the starting afresh was in order to remove any trace of human immortality⁴.

Thus, it seems that it is not that the divine beings were profaned by the daughters of men; rather, the daughters of men were imbued with a holiness by their contact with the divine beings, and that had allowed the immortality.

Comparison with Ezra

Diana Lipton⁵ takes this even further by comparing the passage from Genesis with one in Ezra. Ezra is dealing with a situation in which many of the Jewish nation have intermarried; indeed, many contemporary scholars have criticised him for what ostensibly appears to be a racist approach to the other nations. The Torah beseeches the Jewish people on multiple occasions to care for the *גר תושב*, stranger in their midst, but Ezra seeks to banish (or divorce) them.

לֹא־נִבְדְּלוּ־הָעָם יִשְׂרָאֵל, וְהַכֹּהֲנִים וְהַלְוִיִּם, מֵעַמֵּי הָאֲרָצוֹת
 כְּתוּעַבְתִּיהֶם, לְכַנְעֲנֵי הַחִתִּי-הַפְּרִזִּי הַיְבוּסִי-הָעַמֹּנִי הַמְּאָבִי
 הַמִּצְרִי וְהָאֱמֹרִי: כִּי־נָשְׂאוּ מִבְּנוֹתֵיהֶם, לָהֶם וּלְבָנֵיהֶם
 וְהִתְעַרְבוּ־זָרַע הַקֹּדֶשׁ, בְּעַמֵּי הָאֲרָצוֹת

The people of Israel and the priests and Levites have not separated themselves from the people of the land whose abhorrent practices are like those of the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites. They have taken their daughters as wives for themselves and for their sons, so that the holy seed has become intermingled with the peoples of the land.⁶

Note, however, that Ezra does not fall back on the argument that the Israelites will be led astray by the other nations, towards other gods. It is not that the Jewish people will be profaned by the other nations; the issue is that the other nations' seed will be given a holy status, weakening the Israelite position in the land. Just as in the passage above in Genesis, the fear is not that the holy be profaned, but that the profane be sanctified or made holy. And a presence in Israel is dependent on that:

וְעַתָּה-בְּנוֹתֵיכֶם אַל־תִּתְּנֶנּוּ לְבָנֵיהֶם
 וּבְנוֹתֵיהֶם אַל־תִּשְׂאוּ לְבָנֵיהֶם וְלֹא־תִדְרָשׁוּ שְׂלֵמָם וְטוֹבָתָם
 עַד־עוֹלָם לְמַעַן תִּחְזְקוּ־וְאִכְלִיתֶם אֶת־טוֹב הָאָרֶץ-וְהוֹרִשְׁתֶּם
 לְבָנֵיכֶם עַד־עוֹלָם:

Now, do not give your daughters in marriage to their sons or let their daughters marry your sons; do nothing for their well-being or advantage, then you will be strong and enjoy the bounty of the land and bequeath it to your children forever.⁷

Seen in this light, both the pericope in Ezra and the one preceding the flood narrative illustrate a remarkable point that helps us to understand immortality. Ezra fears the 'contamination' with the other nations, leading to the loss of Eretz Yisrael; God prevents it in the Genesis narrative because it led to near-immortality. Could they somehow be connected?⁸ Many of us will have found ourselves defending Judaism's inextricable distaste for intermarriage: "it isn't racist, it's just exclusive". But could there be something more to intermarriage being forbidden that connects back to the first passage in the Garden of Eden? Could it be that somehow the

move away from the immortality of the Garden was a move towards inhabiting a land? As will become apparent in the next section, there is a see-saw functioning, with Eden on one end, Eretz Yisrael on the other, and intermarriage in the middle. As the Torah's focus switches from the garden to Eretz Yisrael, so too the Torah's focus moves from that of immortality in Bereishit, to that of intermarriage in Ezra making Israel's existence in the land impossible.

Eretz Yisrael and Eden

It is startling that from a situation in which man wants for nothing, man suddenly has to provide for himself outside the garden. Suddenly, he has to labour on the land, man and woman are no longer equal. Gone is the utopia. But, as Yael Ziegler points out⁹, the Tanakh seems to ignore Eden once Adam and Eve have left. Why does no matriarch crave those days of equality, why does no prophet seek a return to the utopia where no one goes without? The answer is beautiful, and yet so ubiquitous. What the characters in Tanakh seek is no longer the Garden; instead they seek Eretz Yisrael.

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First Avraham, then every subsequent figure has their spiritual compass pointed in that direction. The Jewish people become nothing without it. This is the place where God is accessible, where they can interact. Only in the Holy Land is God's presence felt. Yehuda HaLevi waxed lyrical about it:

God's presence here [in Egypt]
 Was like a traveller's,
 Resting in the shade beneath a tree.
 In Zion, it's at home and dwells
 Grandly, as all Scripture tells.

Shir HaShirim is the story of the love between man and woman, between man and God. But notice the setting. The plants, the weather, the place names. This is Eretz Yisrael. Indeed, the bride is compared to the garden, "I have come to my garden, my own, my bride"¹⁰. And when the relationship is restored between man and woman, between God and his people, Eretz Yisrael can bloom again. While the Christian solution to Paradise lost is their messiah, the Jewish denouement is Eretz Yisrael, the return to the land where God resides.

Conclusion

We have cast a web across the vastness that is Tanakh; now to bring it all together. We started by establishing that mortality is a necessary sequelae of the free will that eating from the tree gave. A world

with free choice has too much evil in it; to live forever would be unbearable, and would we care about our choices if we were to live forever? They would pale compared to the endless life we would lead.

It is this mortality which God perpetuates by avoiding mixed marriages. Initially the intermarriage is between divine beings and man; later it is Israel and the nations. There is a shift from a focus on the immortality of the garden to the continued presence of the Jewish people in the land. To intermarry in the context of Bereishit allowed for near-immortality; intermarriage in the context of Ezra would mean loss

of the land of Israel. God wants neither. Eden of immortality is replaced by the Eretz Yisrael of the Jewish nation. We all seek meaning amongst the absurdity of our existence; the Torah provides the answer that the focus is not in time but place: "Hold infinity in the palm of your hand¹¹." And so, intermarriage remains a focus, but Eretz Yisrael becomes where it is now relevant.

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¹ Genesis 2:16-17

² It is telling that Tolkien sought to create his own mythology, attempting to emulate the Tanakh in its epic tales.

³ Genesis 6:1-4. Nahum Sarna compares the flood to the Gilgamesh epic in Near Eastern cultures, and shows how the Genesis narrative is God-directed, whereas the other cultures see the stories entirely as being the acts of man. God has an absolute standard of morality that man lacks.

⁴ Rashi 6:3

⁵ Lipton, Diana. *Longing for Egypt and Other Unexpected Biblical Tales* (Hebrew Bible Monographs), Chapter 7. (Sheffield Phoenix Press) (2008)

⁶ Ezra 9:1-2

⁷ Ibid 9:12. Lipton also compares this with Leviticus 21:13-15 to show that in the case of priests, it is not the status of the (profane) mothers that profane their offspring; rather it is the status of the (pre-marital) fathers of the children who might not be priests themselves.

⁸ A further intertextual link that Lipton points out besides the thematic one above is that of the weather. Ezra tells the people to gather to deal with the problem of the wives, and they delay by saying that there is too much rain. The chiefs finally appear on the 1st day of the 10th month and are finished by the 1st day of the 1st month. Of course, the flood narrative is imbued throughout with meteorological updates (often with superfluous use of גשם); the mountain tops are visible on the 1st day of the 10th month and the waters are dried by the 1st month of the 1st day. These details, amongst others, seem to function to provide a further connection between the pericopes.

⁹ Ziegler, Yael. *Paradise Regained: Eretz Yisrael and the Garden of Eden*. In *Yom Ha'atzmaut and Yom Yerushalyim Machzor* (Koren). 2013.

¹⁰ Song of Songs 5:1

¹¹ Blake, William. *Auguries of Innocence*

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