

Malmad HaTalmidim: A Suppressed Medieval Provencal Groundbreaker

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A Short Introduction

What is referred to as Provence in Jewish medieval writings is an area in southern France, stretching from south of the river Rhone before it bends southward to the Mediterranean coast, with Italy on the eastern side and Spain on the western side. The Jewish communities in that area date back to pre-Roman times possibly as far back as the early Second Temple era.¹ Very little is known about the community before the early 11th century, as for reasons unknown there is a dearth of writing that survived from earlier times.² At the start of the 11th century with the unrest brought about by the Reconquista in Spain and the persecutions of Jews by the Almohads—the Arab rulers still present in Southern Spain—there was an influx of refugees from Spain into Provence. Provence Jewish culture thus found itself caught between the influence coming from the north, the great developments in learning and creativity of the French and German Ba'alei Hatosafot and from the South, the Spanish schools of traditional learning that developed there by the pupils of Rabbi Yitzchak Alfasi (Rif, 1013–1103)³ and the tradition of incorporating Jewish thought with secular Greek and Arab philosophy and sciences.⁴ These Southern refugees were received with open arms by the local intellectual elite and were encouraged to translate all the literature both Jewish⁵ and secular that they brought with them, from the Arabic

¹ See R. Shmuel Mirsky's introduction to Avraham Sofer's edition of *Chibur HaTeshuva* of Meiri pp. 3-4 available at <http://www.hebrewbooks.org/41637>.

² See I. Ta-Shema, *Rabbi Zerachyah Halevy Baal Hamaor Ubnei Chugo*, Mossad Harav Kook Edition 1992 pp. 32–57.

³ R. Zerachyah Halevy (1126–1180) wrote his *Hama'or* commentary on Rif defending local halachic precedent against the Spanish tradition and Meiri's (1246–1306). *Magen Avot* addresses 24 halachic traditions that the Spanish immigrants tried to change.

⁴ See R. Yehuda ibn Tibon's introduction to his translation of *Chovat HaLevavot* available in most traditional editions.

⁵ Jewish theological writings in Spain were both in Arabic (with Hebrew letters) and in Hebrew.

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into Hebrew. Rabbi Meshulam ben Yaakov of Lunel (d. 1170), a wealthy Provençal scholar, contracted with R. Yehuda Ibn Tibon (1120- after 1190) to translate the *Chovat Halevavot* of Rabbi Bahya ibn Pekudah⁶ while others supported the Kimchi family. These two families, the Tibon and Kimchi,⁷ were the most famous translators of that era and their work, which spread over several generations, introduced secular knowledge of the time into European Jewry. These same translators were instrumental in bringing that knowledge to the general non-Jewish intellectuals.

At the same time that the Tibon and Kimchi families migrated north, other Spanish Jews migrated south to North Africa and from there east to Egypt. That was the time when the Crusaders who had conquered Jerusalem a generation earlier were starting to lose their grip on the conquered land. With all that turmoil in Israel, immigrating there was not practical, so Egypt with its large Jewish population in Cairo and Alexandria was a practical alternative.

One of those families that ended up in Egypt was the Maimon family whose most famous member is “Rabbeinu Moshe,” the Rambam (1135/38- 1204) the most important Halachik authority and Jewish philosopher of all times. Rambam wrote his first major work, the *Pirush HaMishna*, while on his way from Spain to Egypt via North Africa and a short stop in the land of Israel,⁸ finishing it at the age of 30.⁹ That work as well as the following one, the *Sefer HaMitzvot*, and his last major one, the *Moreh HaNevuchim*, were written in (Hebrew lettered) Arabic. The only major work he wrote in Hebrew was his *Mishne Torah*. It is a testament to the greatness of his works that they arrived in Provence very shortly after their publication, not an easy feat considering the state of travel at the time. The second generation of the Tibon family, R. Shmuel Ibn Tibon (1150–1230), was contracted by the elite of Provence to translate the work into Hebrew. He translated the *Moreh HaNevuchim*

⁶ R. Yehuda Ibn Tibon’s introduction to his translation.

⁷ Rabbi Yosef Kimchi (1105–1170) and Rabbi David Kimchi (1160–1235), better known as Radak, are the best-known members of the family for their Tanach commentaries.

⁸ *Rambam’s Letters*, R. Sheilat edition, pp. 228-229.

⁹ See the endnote on *Seder Taharot* in the Rav Kapach edition.

first, followed by the introduction to Avot, the Eight Chapters.¹⁰ The son of R. Shmuel, R. Moshe translated the *Sefer HaMitzvot*.

A member of the Tibon family and a translator in his own right, Rav Yaakov Anatoli¹¹ (1194–1256) was a central figure of Provence Jewry in the 11th and 12th centuries.¹² RYA was the son-in-law (and possibly also the brother-in-law) of R. Shmuel Ibn Tibon.¹³ RYA's income derived from translating Averroes, an Arab philosopher and interpreter of Aristotle into Hebrew, as well as several of Aristotle's works, thus partaking in the great intellectual project of that era in which Jews had a prominent role: the introduction of Arab and Greek knowledge to the European world of learning. This work was done under the auspices and at the court of Emperor Frederick II of Sicily where he befriended a Christian priest, Michael Scot (Scotus)(1175–1232),¹⁴ whom he quotes extensively in his Jewish writing. He wrote a seminal *sefer*, *Malmed HaTalmidim*, which is a collection of weekly sermons based on the Torah reading of the week.

Malmed HaTalmidim was in its time very popular in Provence and considered an important addition to Jewish thought. Although not printed until 1866 in Lyck by the Mekitzei Nirdamim organization, the *Malmed* is quoted extensively by subsequent generations, whether explicitly or anonymously. Meiri in his *Chibur HaTeshuva* quotes him often and many times uses his ideas without referencing him, as R. Shmuel Mirsky has shown in his introduction.¹⁵ In his commentary on *Mishlei*, Meiri

¹⁰ See R. Shmuel ibn Tibon's introduction to *Shemona Perakim* where he states that this translation was done at the request of the city of Lunel after he already translated the *Moreh* at their request.

¹¹ Hence RYA.

¹² For more about him see https://en.wikipedia.org/wiki/Jacob_Anatoli. For an analysis of Provence Jewry see M. Halbertal, *Bein Torah LaChochma* (Heb.), Magnes Press, 2001. Israel Ta-Shema, *Rabbi Zerachyah Halevy* (Heb.) pp. 33–57, Mossad Harav Kook edition 1992; Isadore Twersky, *Rabad of Posquiere*, Harvard University Press, 1962.

¹³ See <http://www.jewishencyclopedia.com/articles/1480-anatolio-jacob-ben-abba-mari-ben-simson>: "Moses b. Samuel ibn Tibbon frequently refers to Anatolio as his uncle, which makes it likely that Samuel married Anatolio's sister, while Anatolio afterward married the daughter of the former."

¹⁴ https://en.wikipedia.org/wiki/Michael_Scot.

¹⁵ R. Mirsky explains that a certain R. Yitzchak Bulka of Nuremburg had planned to publish the *Chibur HaTeshuva* in the late 1930s and was caught up during the war in Warsaw where he had taken a typewritten copy of the manuscript to arrange for its publication. He did not survive the war but his typewritten document did and ended up with R. Mirsky who was planning to publish it at the

(1246–1306) uses the *Malmad's* interpretations wherever they are available without referring them to him. He sometimes quotes him verbatim while at other times paraphrases him or uses his ideas as the basis for his own.¹⁶ Ralbag (1288–1344) also uses his explanations of verses in Tanach without referencing him.¹⁷ In a recent article in *Da'at*,¹⁸ Israel Ben Simon shows that Rabbi Yehoshua ibn Shu'ib (1280–1340) uses the *Malmad* extensively in his *derashot*, using the same opening verses and themes on many *parshiyot* though omitting all controversial interpretations. The surprising thing about that is that Ibn Shu'ib was a pupil of the Rashba (1235–1310) who claims in a letter that the *Malmad* was banned in Barcelona, the Rashba's town. Rabbi Shlomo Kluger (1783–1869) in his approbation of the Lyck edition lists *Kol-Bo*, *Menorat Hamaor* and *Abudraham* as additional works that quote him.¹⁹

Like so many of the works both in Halacha and in thought written in Provence during the 11th through the 14th centuries until the destruction of the Jewish communities which reached disastrous proportions by 1395, the *Malmad* was not popular outside the region, and few copies were made, thus it was almost forgotten. Surprisingly, Halachik works such as Meiri did not fare much better either. Many conjectures for this phenomenon are offered by scholars but they are no more than conjectures. However, in the case of the *Malmad* there seems to have been some kind of ban or restriction imposed outside Provence as indicated by Rashba's comment:

behest of R. Bulka's son. At the same time, R. Avraham Sofer was getting ready to publish his own version of the *Chibur HaTeshuva* and upon hearing of R. Mirsky's plans asked him to desist as his version was already well advanced and the market would not support two separate editions of the same *sefer*. As a compromise, they agreed that R. Mirsky would desist from his own publishing plan in exchange for writing the introduction which can be found at <http://www.hebrewbooks.org/41637>.

¹⁶ See *על מקורותיו של המאירי לפירוש משלי ולמושג אומות גדורות בדת* by Israel Ben Simon 2012, available at www.biu.ac.il/JS/JSIJ/11-2012/Ben-Simon.pdf. An interesting observation is made by Israel Ben Simon: whenever Meiri disagrees with RYA he will tell us that some say *יש מפרשים* and then disagree. When he agrees, he sees no need to give the source. This seems to be a common practice amongst the medieval writers.

¹⁷ See *Malmad Parshat Shemot* and Ralbag, *Kobelet* 4:17.

¹⁸ *Da'at* volume 81, pp. 69–87. Ben Simon notes that Ibn Shu'ib was careful to avoid the ideas that were against Rashba's theology such as secular study which RYA saw as a central need.

¹⁹ He does so by pointing to quotes by those authors and found verbatim in the manuscript used in the Lyck edition as proof of authorship.

כי בטלנוהו מגבילנו אנהנו חכמינו זקנינו יען חקק על ספר מחברו דברים מרים

...

For us, our sages and elders eliminated it from our borders, for he wrote in his book bitter words...

Besides being the translators of Rambam's writings, the Tibon family was actively involved in disseminating the Maimonidean rational approach to Judaism, especially in Provence. It thrust philosophical discussion into the mainstream, especially Rambam's position that both Biblical and Rabbinic stories should be understood allegorically and metaphorically, and soon a backlash took effect. RYA in his introduction already comments about the fermenting opposition to learning the *Moreh*, which broke out into open conflict at the end of his life and into the next generation. That conflict is best known as the second Maimonidean controversy in which the *Malmad* took a central role with opponents such as Rashba condemning it while others responded surprised at how he dared attack such a great God-fearing personality of the last generation.²⁰

Malmad is a collection of sermons that RYA at first gave occasionally at weddings and eventually as the public began showing interest, weekly Shabbat afternoon. He then decided to stop giving these public sermons because he was criticized by colleagues and instead wrote these ideas down as he himself explains in the introduction²¹:

וראיתי כי אין טוב לי מאשר אהבר לו ולהם דברי הערה על תלמוד תורה ועל קיום המצות ועל דעת הברכות והתפלה וההודאות.

I decided that the best is for me to write for him²² and them (the public, DG) bringing out points regarding Talmud Torah, the keeping of the Mitzvot and knowledge of the blessings, prayer of requests and of praises...

²⁰ See *Teshuvat HaRashba*, Dimitrovsky, Mossad Harav Kook Edition pp. 358-359 for Rashba's attack, and pp. 471-472 for Rabbi Shlomo of Lunel's response. Much has been written about the controversy, the latest by Moshe Halbertal in *Bein Torah LaChochma* (Heb.) Magnes Press 2001. Also, Ben-Simon in his article הפרו תורתך לה' לעשות לה' הפרו תורתך available at www.orot.ac.il/publications/amadot/amadotpdf/6-4.pdf

²¹ It is not clear whether the דרשות literature of the era were really public sermons or were presented as such. See note 25 in Ben-Simon in previous footnote for bibliography.

²² It is not clear whom he refers to—his son or R. Shmuel Tibon.

In other words, he is addressing not the Halachik mechanics or ritualistic aspect of learning Torah, the Mitzvot and prayer but what he calls ²³הערה the underlying idea behind the Halacha and the act. His sermons address these issues in a systematic way and it is one of the central themes in the *sefer*. As the title of the *sefer*, *Malmad HaTalmidim*—Prod of the Students—indicates, it is the student namely the scholar that he is addressing. He is talking not to the plain non-intellectual but rather to the elites who study and are well versed in learning Gemara and Halacha. It is to them that he talks, bringing to their attention that in addition to learning there is the need to know why they are learning, what the goals and purposes of Talmud Torah and Mitzvot are, otherwise their labor will be in vain. RYA explains that searching for the reason we do the Mitzvah is an integral part of the Mitzvah. The act has no meaning in itself other than to teach us ethical and moral ideals or inculcate in us certain beliefs. Without knowing what those goals are, the act cannot accomplish its purpose and is therefore meaningless.

Moral and ethical behavior in itself, as important as it may be, is not really a religious issue. It is a social one necessary for peaceful coexistence that allows us to engage in intellectual pursuits and speculation, the ultimate goal of religion. Man is no different from any other living entity if not for his intellectual potential. The intellect is necessary for man to survive in his environment, but that is no different from any other tool that animals have to help them survive and that man does not have. The ultimate differentiation of man from animals is to develop his intellect and explore the existential question of his own existence, its purpose, the ultimate Truth which is God, God the Creator and his relationship with Him. Religion thus in addition to having Mitzvot that teach ethics and morals, also has Mitzvot that inculcate beliefs such as the existence of God, God as Creator, reward and punishment etc. Once he has accepted these beliefs on the basis of tradition, man is now obliged to analyze these beliefs and prove them rationally using logic and the sciences to do so. This now brings him into a rational relationship with God and triggers a strong bond between him and his Creator. Not all these beliefs lend themselves to rational exploration. The belief in Creation from nothingness for example is based on tradition and revelation and can never be proven rationally by humans. However, the existence of God and His uniqueness are rationally demonstrable and indeed it is a Mitzvah to do so. It is the first *Mitzvat Asseh* in Rambam's count of Mitzvot.

²³ This word appears very frequently in his writings and its literal meaning is “bringing something to one's attention.”

But to accomplish that, one needs to go beyond learning the Halachot themselves; one must acquire a good knowledge of logic and the sciences. God is transcendental and that in itself is His uniqueness, something that makes it impossible for a living human to intimately know Him. One only can deduce His existence from the universe we live in, which are His footprints and to find those footprints, sciences and logic are indispensable. This obligation for those who have the ability to engage in this kind of speculation, especially those who are *talmidim* and have already acquired a deep knowledge and understanding of the Law, is one of the recurring themes throughout the *sefer*.

Considering that the sermons are intended for the *talmid*, the scholar, RYA in his criticism of the learning methods of the Yeshivot during his era gives us a glimpse into that method. In his introduction he writes:

ובארו ז"ל שמעשה מרכבה הוא דבר גדול המעלה וכל החכמות מכונות אליו והם כהצעות לו כי בו לבדו התועלת הגדולה והשלמה כי בו יבא האדם לפני המלך ועל היות דאביי ורבא אמרו שהוא דבר קטן וזה לפי שהמשניות ושאר הלכות פסוקות מספיקות לדורשי החכמה זהו דעת רבותינו ז"ל אבל הדבר הגדול היום בעיני חכמינו בעלי הגמרא הוא העסק בסוגיות התלמוד ולא העסק בפסק הנברר ממנו אבל העסק בקושיות ובתירוצים והדבר הקטן הוא בעיניהם מעשה מרכבה שהוא חכמת האלהות ואינו בעיניהם דבר קטן מן הדברים הטובים אבל דבר רע ומר מאד עד שגרם להם רב גנותם החכמה היא לתעות ולקרוא מעשה מרכבה להבלי שמות שבדו מלבם בני בלי לב. השם יכפר בעד כי זה דעת רב חכמינו הרבנים.

The Rabbis clarified that the Workings of the Chariot (a reference to metaphysical speculation—DG) is a matter of great importance and all the sciences point to it, they are considered an introduction to it, for only through them one gets the great benefit and [reaches] ultimate perfection, for it brings man before the King. On the other hand they said that the discussions of Abaye and Rava (a reference to the dialectical discussions in the Talmud) are a minor matter and that is because the Mishnayot and the rest of the Halachik rulings suffice for those that seek knowledge. That is the opinion of our Rabbis. But in our times, our scholars, the masters of the Gemara, consider of greatest importance the involvement with the Sugyot of the Talmud not for the sake of getting to clear rulings but rather to focus on the dialectics while the minor matter in their eyes is the Working of the Chariot, the study of the Divine. It is not even a positive minor matter [to them] but something evil and bitter to the point that the more mindless amongst them refer to

the subject with invented names.²⁴ God forgive them for that is the opinion of a majority of our rabbinical scholars.

Clearly, he is paraphrasing Rambam in *Hilbot Yesodei HaTorah* 4:13 about the different subjects of study and their importance but also criticizing the learning method where emphasis is on the Talmudic back and forth without coming to a Halachik determination.²⁵ That criticism we find in later times too,²⁶ but the suggestion that even Halachik study is not the ultimate purpose, just a preparation for the ultimate goal of learning theology and philosophy, is quite radical and I hope to address it in further articles, especially in light of Rambam's position on this issue.²⁷

In the course of these discussions he addresses many Agadot and Midrashim suggesting their real meaning. He shows how certain stories in the Torah have a deeper meaning and teach us things about ourselves and the world rather than being just historical background narrative. For example, he suggests that Cain represents the practical action-oriented part of the human being, Hevel the theoretical knowledge needed to make things that help to accomplish these practical acts and that also set moral and ethical guidelines, and Seth represents the ultimate perfected part of a person which deals in the abstract and must control the other two parts.²⁸ The conflict between the brothers depicts the inner conflict of man and its different aspects. As he explains these ideas he also gives us a running commentary on the *Moreh*, sometimes overtly at others covertly—in this example not mentioning Rambam but clearly interpret-

²⁴ I am not sure what he is referring to. Some of the critics of the metaphysical discussions referred to them as “Greek science” with derogatory undertones to Aristotle as a non-believer. The other possibility is that he was referring to the kabalistic tendency, which was in great fermentation during his time, among those who claimed to be the legitimate expounders of the Working of the Chariot.

²⁵ See Sheilat, *Rambam Letters* pp. 258 and 302.

²⁶ For a comprehensive analysis and references to this discussion of Halachik learning method see *אוהלי תורה* by Mordechai Breuer pp. 137–153 (Shazar, 2003).

²⁷ See *Hilbot Yesodei Hatorah* 4:13.

²⁸ See *Malmed on Parshat Matot* p. 152, 22, 113. RYA expands and explains Rambam's allusion in different sermons along a similar line. See Abraham Melamed, “The Political Discussion in Anatoli's Malmed HaTalmidim,” *Daat* 20, Winter 1988, p. 106.

ing MN 2:30 (page 238 in the Kapach edition)²⁹ and when talking about Seth referring to MN 1:7.^{30,31}

This mode of interpretation of the biblical text aroused the ire of the more conservative members of the community and the second Maimonidean controversy was launched. Overtly they attacked imitators whom they did not consider learned enough, but we find Rashba in the letter quoted above saying that the *Malmad* was banned in his neighborhood, Barcelona,³² and referring to RYA as ³³המלך הזקן—the old king, a derogatory term. One of RYA's followers was Rabbi Levi ben Avraham who wrote a monumental encyclopedic book on Jewish thought called *Livyat*

²⁹ Rambam in *MN* 2:30 writes: ועוד ממה שאתה צריך לדעת אותו ולהתעורר עליו, אופן החכמת בקריאת שני בני אדם קין והבל, ושקין הוא ההורג את הבל בשדה ושהם יחד נשמדו ואף על פי שניתנה ארכה למתגבר, ושלא נכונה המציאות אלא לשת, כי שת לי אלוהים זרע אחר והנה נתברר זה.

³⁰ In *MN* 1:7 Rambam writes והנה לפי העניין הזה, מי שלמד אדם איזה דבר, ואצל לו השקפה - כאלו ילד אותו האדם, מפני שהוא בעל אותה ההשקפה ובעניין זה נקראו תלמידי הנביאים 'בני הנביאים' כמו שנבאר בשיתוף שמות בן ולפי השאלה זו נאמר באדם ויחי אדם שלשים ומאת שנה ויולד בדמותו כצלמו וכבר קדם לך עניין צלם אדם ודמותו מה הם. נמצא שכל אותם בנים שקדמו לו, לא הושגה להם הצורה האנושית באמת, אשר היא צלם האדם ודמותו האמור עליה בצלם אלוהים ובדמותו. אבל שת, כיון שלמדו והבינו והגיעו לשלמות האנושית, נאמר בו ויולד בדמותו כצלמו.

³¹ RYA in *Parsbat Matot* writes: נמצאו שלש כתות וכנגד שלשה קנייני האדם בבית האדם: במשפחות בית ישראל מהם כעבד בקיום המצות ומהם כאשה ומהם כבן: והם כנגד 'שלשה כוחות אשר לנפש האדם שהן קנויין לו זה אחר זה כנגד שלשה בנים שנולדו לאדם ולחזה הכת הראשון מהם הוא השכל הקנוי שבו ילמד המלאכות כעבודת האדמה וכיוצא בה שהוא הכל להחיות הגוף אין החפץ בו כמו שבא קין שהיה עובד אדמה והוא אשר לא שעה השם אל מנחתו ונע ונד היה בארץ אבל לא התיר השם דמו ונתן לו אות לבלתי הכות אותו כל מוצאו ולא היה לבו כי היתה שמירת האדון עליו אבל שמירה פחותה כפי גריעות עבודתו ואם ישראל היה על העניין הזה בלבד לקיים החלק השפל משלשת חלקי המצות לא היה לבו ולא היה גולה מארצו. הכוח השני לנפש טוב מזה והוא שבו יחשוב ויסתכל בדבר שירצה לעשותו אם אפשר לעשותו ואיך צריך שיעשה וזה הכוח מקנה המידות הטובות והחפץ בו אבל לא לעצמו כמו שבא הבל שהיה רועה צאן. וכן זה הכוח מנהיג החי הנהגה ישרה ובינונית.... והכוח השלישי הוא העיוני שבו ידע האדם הנמצאות שאינם משתנות ובו ישיג ההשגה האנושית וכנגדו בבית הבן וכנגדו יצא שת בדמות אביו וכנגדו כת החכמים בבני אדם היודעים השם והאוהבים והעובדים אותו מאהבה.

Clearly RYA is interpreting Rambam. It is also noteworthy that the sentence ואם ישראל היה על העניין הזה בלבד לקיים החלק השפל משלשת חלקי המצות לא היה לבו ולא היה גולה מארצו refers to the famous letter to Montpellier about astrology p. 480 in Sheilat edition to which RYA must have been privy. It also supports the authenticity of that letter as RYA was quite possibly amongst the recipients.

³² This makes Ibn Shu'ib's intimate knowledge of the *Malmad* even more surprising.

³³ *Kobelet* 4:13. See Rashi who interprets it to refer to the *Yetzer HaRa*.

Chen, which has been edited and published recently by Professor Howard (Chaim) Kreisel,³⁴ in which he allegorizes Avraham and Sara as being matter and form. That further aroused the wrath of the Rashba.³⁵ Factions in the community arose, each defending vigorously its position, and subsided only with the persecutions that began in 1304 and intensified throughout the rest of the century when many communities were annihilated.

The Hebrew of the *sefer* is quite difficult for a contemporary reader as it is written in medieval Hebrew, which at times could be quite parabolic. In addition, the author refers to various texts without giving the reference. At best he will tell us which book of the prophets, which Gemara or Midrash it is found in, but many times it is difficult to tell apart a quote from his own words. He does offer though at the beginning a table of contents, which lists the subject discussed in each week's sermon, though in a very general way.

As an appendix to this short introduction I have prepared an annotated version of the *derasha* to *Parshat Shemini* preceded by a short summary in English, adding references and trying to point to the Rambam for sources RYA used, as well as where possible to show how Meiri uses the *Malmed* in his *Pirush* on *Mishlei*. I chose that sermon as it deals with *Ta'amei Hamitzvot* and is also of medium length. I plan to publish additional segments as time permits in coming volumes of *Hakirah*.

Sermon on Parshat Shemini (Vayikra 9 to 12)

In this sermon (which appears in our Hebrew section) there are two segments. In the first segment RYA discusses the reason the Torah sets limits on which animals we may consume and which we may not, as that is one of the subjects of the Parsha. The other segment deals with the other subject of the *parsha*, the inauguration of the Mishkan, which includes the death of Nadav and Avihu and Moshe's reaction to their death. RYA explains the meaning of that story and its relevance to us. His understanding of these two segments now allows him to explain why these two subjects are placed next to each other and what their common theme is.

The issue of whether there are rational explanations for the 613 commandments and if there are, what these reasons are, is an old and

³⁴ *Livyat Chen* Book Six, Part Three, *The Work of Creation Edited with an introduction and notes by Howard Kreisel*, World Union of Jewish Studies, Jerusalem, 2004 (Heb.)

³⁵ *Teshuvot HaRashba* above p. 377.

complicated subject. Rambam in *Moreh HaNevuchim* 3:26 presents the different views and concludes decisively that “the generalities of the commandments necessarily have a cause and have been given because of a certain utility.” In the following chapter (3:27) Rambam writes further, “The Law as a whole aims at two things: the welfare of the soul and the welfare of the body.” This suggests that the Mitzvot are utilitarian, safeguarding our physical wellbeing both individually and socially and at the same time helping us become more virtuous by acting and thinking in certain ways. As we mentioned earlier, RYA espouses this general view and the issue is one of the central themes of his sermons.

It is important to note that a Mitzvah does not necessarily address exclusively just one of these aspects. It can address both the physical and spiritual wellbeing of a person individually, a person within society, society as a whole or different combinations of these aspects and at the same time affect the individual himself, the way he acts and thinks. Generally, RYA refers to these different perspectives of a mitzvah as *נגלה* and *נסתר* where the former is the outward manifestation of a commandment or prohibition namely the act or lack thereof, while the latter is usually the personal internal intellectual experience that the law is addressing. If the Law is meant only to command or prohibit an action, there is really no reason to have to know why that Law is enacted. It is enough that God so commanded. But if the main goal of the Law is to affect us morally, ethically and/or intellectually, then for it to be effective and accomplish its aim one must understand the reason for that law so that one can understand the message it is supposed to send us. Understanding the reason for the law is therefore an intrinsic component of the law.

The prohibition to consume certain animals while allowing us to eat others is intended as an example of how one is supposed to set limits on consumption and limit our indulgence in physical pleasure in general. Appetite and pleasure are necessary human traits without which human life cannot exist so they should not be eliminated completely; they should be controlled and curbed, limiting them to the necessary for subsistence. Total immersion in physical enjoyment and the pursuit of the means to indulge in it encroaches on the time available for intellectual pursuits and dampens one’s interest in them. Intellectual development being the ultimate goal of a human being, one must train to limit our physical indulgences and their pursuit. By prohibiting the consumption of certain animals while permitting that of others, the Torah teaches us moderation when it comes to satisfying our physical needs. This idea of moderation in satisfying our physical needs is reinforced with the laws of sexual relations and conduct. While the laws of consumption limit the kinds of food we may eat, the laws of menstruation limit the times we

can indulge in physical pleasure as do the laws of sexual relations with close blood relatives. Consumption and sexual pleasure being the most common form of indulgence, they are just examples and should be seen as a pointer to set limits on all physical pleasures.³⁶

But there is a deeper lesson to be learned from the way these limitations are presented. If one were to teach limits on indulgence one could do so by limiting what can be consumed or limit the times one can consume. In other words, one could send the same message by permitting all foods except during certain times, days or periods. By choosing not to do so and limit what is consumed rather than when it can be consumed, the Torah is teaching us an additional lesson, that complete abstinence during certain times would be wrong. Pointing to the unique approach of the Torah to self-improvement, RYA highlights the contrast between us and our sister religion Christianity, which has taken the same underlying concept of limiting physical indulgence and replaced moderation with total abnegation during certain times, indeed to the point of self-flagellation. They permit all foods all the time except for certain periods of the year, Lent for instance, when foods that are daily staples of our diet are prohibited. This modification of the original law distorts the intended teaching that healthy eating is always encouraged, unhealthy eating never. So too with sexual laws: whereas the Torah limits sex monthly, they permit it all the time but expand the laws of incest to cover distant family members that rationally would be a better choice for marriage for economic and cultural reasons. The basis for total abstinence is not sensible and the lessons of rational consumption are lost.

As to the rationale why the specifically listed animals, fish and fowl are prohibited, he at first presents the classic argument that you are what you eat. Animals of prey are cruel and predatory and these traits are transmitted through their consumption. But then he offers a novel³⁷ twist to it. The Torah is teaching us that these traits are wrong and sinful and should not be espoused, just as one should not consume animals with that trait. Making them permissible may lead to us accepting these traits and seeing them favorably. That is why the Torah refers to them as

³⁶ Interestingly, RYA points to an additional advantage brought about in a couple's relationship by the time limits imposed by the laws of menstruation: it offers a feeling of discovery of each other similar to the one at the start of the relationship. This idea is quite novel and I believe not found in any of his predecessors.

³⁷ I have so far not found another classical commentator preceding RYA who presents this idea. I would be happy to be proven wrong.

having the potential to transmit their uncleanness: **ולא תטמאו בהם**, you should not become unclean through them.³⁸

When it comes to intellectual pursuits there is a similar concept of moderation. The ultimate goal of the Mitzvot, the goal of moderating the pursuit of our physical indulgence, is for us to have the time and inclination to focus on the big existential issues of why we are here and what are our obligations toward God and consequently toward fellow man and society. That intellectual quest has its own requirements of moderation and preparation. It is possible only if we have an understanding of the universe we inhabit and the wisdom that is embedded in it. For this a good knowledge of Sciences and Logic is necessary, followed by metaphysical speculation which requires a lot of preparation and study, namely secular knowledge. But what about the risk that these studies will lead us off the straight path? How do we ensure that we come to the correct conclusion once we have opened the Pandora's box? And what about the risk that secular studies will lead us to wrong conclusions? After all, many of the scientists and philosophers that teach those subjects, whether in person or in their writings, are non-believers. Here too moderation is the key. One does not delve into the most advanced speculation without following a path of moderation, a path of balance between traditional Halachik studies and secular scientific study. We do not start this intellectual quest as a tabula rasa. We first develop a deep acceptance based on revelation of the beliefs that Sciences demonstrate, such as the existence of God. We also accept the beliefs that rely on revelation only, such as revelation itself, creation of the universe by God and unnatural occurrences brought about by God through Moshe during the Exodus from Egypt and subsequently during the sojourn in the desert. Many of the Mitzvot that we are commanded are geared towards developing this strong acceptance: Shabbat, Yom Tov, Tefillin, Tzitzit etc.... It is only after having these beliefs deeply embedded in us through studying these Mitzvot and keeping them, having developed an acceptance of the existence of God and His omnipotence, that we now embark on the process of proving those beliefs that we have accepted

³⁸ In his discussion of these reasons for the prohibitions, RYA offers us a glimpse into the Provencal Jewish society of his times. He is very critical of the custom to be lenient with foods infested by bugs and other small creatures. I have not been able to find any other references to the issue amongst his contemporaries and it is not clear exactly what he is referring to, but apparently, there was an issue regarding this at the time. One can imagine that without our contemporary methods of spraying crops and sanitizing water and other liquids, the infestation problem must have been quite common during his time.

and that are provable through a rational process that begins with what is referred to as secular studies: the Sciences, Logic, Philosophy and Metaphysics.³⁹ That rational process too requires moderation and discipline. One cannot let the overwhelming feelings of wonderment of apprehending the Divine overtake us. We must contain ourselves and not start doing things that are outside the bounds of the commandments, that are antinomian, that are “foreign fire,” *אש זרה אשר לא צווה*. That is the lesson that the other subject of the *Parsha*, the death of Nadav and Avihu, teaches us. They allowed themselves to enter the king’s palace garden without the proper preparation and they got burned. RYA ends his *derasha* by pointing out that the ideal man dedicates his days to this intellectual pursuit, which is metaphorically referred to in the words of the prophets as “coming to the house of God.” It is this idea that he reads in the last two *pesukim* of *sefer Yeshayahu*.

This sermon is a typical one where RYA uses a verse in *Mishlei* as the heading and interprets that verse as a summary of the teachings of this *Parsha* and interprets a series of other such verses in support of his thesis. As I show in my notes, Meiri used the interpretations of RYA of the verses in his commentary on *Mishlei* extensively. It is strongly recommended that unless one is fluent in *Tanach*, one have one close by when learning one of the *derashot*, as RYA uses verses from all over, interpreting them to make his point.

The subject of this sermon and many of the others in the *Mamad*, though 800 years old, resonate in our contemporary Jewish society. The criticisms RYA voices against the lack of depth in religious life, the obsession with *Halachik* discourse and detailed case law and the lack of interest in general knowledge and education can easily be directed against our community, especially to the Orthodox enclaves in the USA and Israel. I believe it is important that the voice of one of our *Rishonim* be heard and discussed. See the Hebrew section for the complete annotated sermon. ❧

³⁹ RYA makes a very interesting point regarding the well-known and often quoted saying of the Rabbis *מן ההיגיון מן בניכם* which is generally interpreted as a prohibition to teach secular studies, noting that the Rabbis opposed only the teaching to children *בניכם* but never to adults. Just as children should not drink wine or engage in adult activities, so too they should not be taught philosophy before they reach an age at which they can absorb it.