

principles

An introduction by our Rosh Bet Midrash



Essays on Halakha and Maḥshaba by a selection of
Our Teachers & Contributors



Essays on Halakha and Maḥshaba by a selection of

Our Talmidim



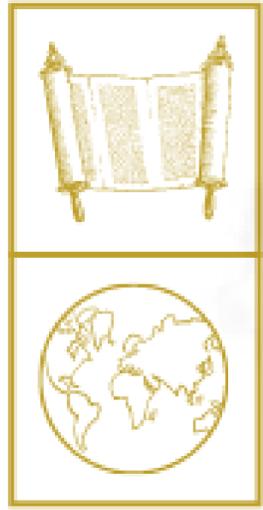
THE JOURNAL OF
THE ḤABURA

EDITION 2 | APRIL 2021

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An Introduction

Senior Rabbi Joseph Dweck

Rosh Bet Midrash, The Habura



With this, our second journal, we present to you essays from both our teachers and students.

The aim of the *Habura* is not only to teach Torah but also *lehagdil Torah* — to cultivate and magnify Torah [1]. So we will, in the coming months and years, work not only on educating our members, but also empowering them to educate others.

On Pesah, *zeman herutenu* —the time of our freedom, we focus on what it means to be free and how to live free lives. Torah is central to our freedom. As the *Hakhamim* teach us [2] אין בן חורין אלא מי שעוסק בתורה - only one who engages in Torah is truly free. Torah provides us the framework through which we can recognise the viability of the various possibilities that life brings us and choose to live our lives as responsible and conscious people.

In this second issue of *Principles* our students and teachers have written essays on issues like: mental slavery and freedom, the nature of Torah's legislative system and its mechanics of innovation and development with the changes of time, explorations of ethnicity, identity and peoplehood, superstitious beliefs and their effects on our free thought, the primal, reptilian instinct for control and security contrasted with enlightenment and freedom, and how the broad principles of freedom uniquely manifest in the ethnic practices of the Sepharadim on Seder night. These and other thoughts are among the offerings in this edition. The essays are built on concepts that we learn from Torah, along with examples, insights, elucidation and analogy from worldly sources as well. They are examples of how Torah 'lives and breathes' in our everyday lives and realities.

There are also essays that illuminate Torah concepts, both legally and conceptually. What was the manna and what can we learn from it? What is 'glatt' meat? What constitutes a Jewish marriage? How do we determine liability for damages in Jewish law?

Although this is our second edition of *Principles*, it is the first presentation of its kind—our first fruits. In the maiden volume we presented biographies of the *Hakhamim* to whom we look as our chief guides and instructors. Here, we begin to write on the material that we learn. First fruits are not always the elite fruits, but they are special in that they are first. This journal will develop and reach greater refinement with time. This edition, however, sets the tenor for the trajectory of what is to come.

An Introduction

Senior Rabbi Joseph Dweck

Rosh Bet Midrash, The Habura



I am deeply grateful to every single contributor who took the time to write, revise and prepare their essays for publishing. We are blessed to have such wise, creative, diverse and dedicated people as collaborators and participants within the Habura's virtual, global group. May it grow in health, strength and wisdom. A special thank you to Lauren Grunsfeld who gave of her time and expertise to proofread the essays for publication.

There has been much development for the Habura since our last journal. We have produced a website (TheHabura.com), a podcast with all the audio versions of the classes that have been given to date, and the full curriculum for the next year (beginning in July) is complete! Thank you to Matthew Miller for setting up the audio recordings and the podcast.

Thanks to Sina Kahen and Avi Garson without whom, this entire project could not have happened. Their work, competence, attention to detail, and enthusiasm, help bring dreams into reality.

We pray that our endeavours find favour in the eyes of HaQadosh Barukh Hu and that we continue to merit teaching, learning, and living our holy Torah. **כי הם חיינו ואורך ימינו.**

With best wishes for a happy and healthy Pesah,

Joseph Dweck

[1] Isaiah 42:21

[2] Pirque Abot 6:2

Rabbi Joseph Dweck is the Senior Rabbi of the S&P Sephardi Community of the UK - the country's oldest Jewish community. He studied in Jerusalem at Yeshiva Hazon Ovadia under the tutelage of former Sephardi Chief Rabbi of Israel, Ovadia Yosef. He has an MA in Jewish education. In his capacity as Senior Rabbi, Rabbi Dweck serves as a President of The Council of Christians and Jews, Deputy President of the London School of Jewish Studies, Ecclesiastical Authority of The Board of Deputies of British Jews, and Standing Committee Member of the Conference of European Rabbis.

Latest Curriculum

Look what we covered last quarter!

JANUARY 2021		
Weds 6th	Shulhan Arukh (Part 3)	Rabbi Yonatan Halevy
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Weds 20th	Learning Talmud: Differences between Sephardim and Ashkenazim	Rabbi Harold Sutton
Tues 26th	Thoughts of Hakham Gaguine (Part 2)	Senior Rabbi Joseph Dweck
FEBRUARY 2021		
Weds 3rd	Sefer HaMitzvot	Dayan Ofer Livnat
Tues 9th	Rabbi Sacks' Writings: Not in God's Name	Senior Rabbi Joseph Dweck & Dayan Daniel Kada
Weds 17th	Teshubot of our Hakhamim: The Meiri, Science, and Philosophy	Dayan Daniel Kada
Tues 23rd	Were Amalek the first Existentialists? A Maimonidean Approach	Senior Rabbi Joseph Dweck
MARCH 2021		
Weds 3rd	How to Study Talmud (Part 1)	Rabbi Abe H Faur
Tues 9th	Principles: From the Mishne Torah and the Moreh (Part 1)	Senior Rabbi Joseph Dweck
Weds 17th	How to Study Talmud (Part 2)	Rabbi Abe H Faur
Tues 23rd	Principles: From the Mishne Torah and the Moreh (Part 2)	Senior Rabbi Joseph Dweck

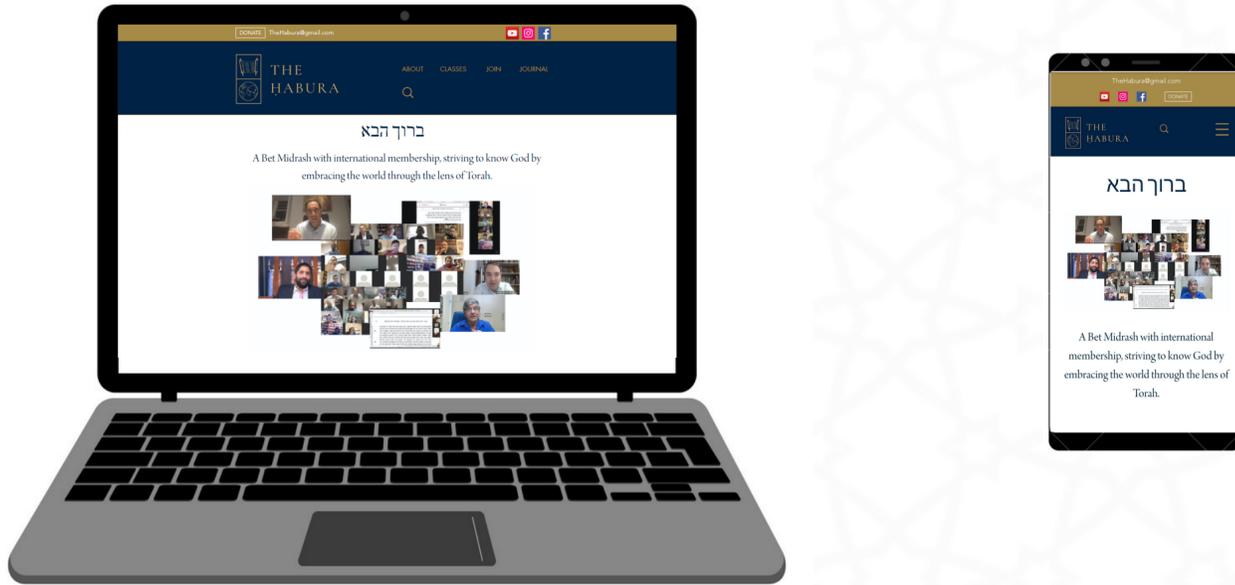
Look what's coming up this quarter!

APRIL 2021		
Tues 6th	Principles: From the Mishne Torah and the Moreh (Part 3)	Senior Rabbi Joseph Dweck
Weds 14th	Introduction to Sephardi Liturgy	Rabbi Hanan Benayahu
Tues 20th	How Do We Approach Aggadah In The Talmud?	Rabbi Isaac Tawil
Weds 28th	Yemenite Commentaries on the Torah	Dayan Daniel Kada
MAY 2021		
Tues 4th	Teshubot of our Hakhamim: R Yosef Messas	Rabbi Yitzhak Berdugo
Weds 12th	Surprise Event	Senior Rabbi Joseph Dweck
Weds 19th	The Reception of Rashi's Commentary in Sepharad	Professor Eric Lawee
Weds 26th	Sefer HaMitzvot (Part 2)	Dayan Ofer Livnat
JUNE 2021		
Tues 1st	The Challenges of Writing a Book on Mental Health & Halakha	Rabbi Yoni Rosensweig
Weds 9th	Hakhamim of S&P	Rabbi Shalom Morris
Tues 15th	Insights from Rav Kook (Part 1)	Senior Rabbi Joseph Dweck
Weds 23rd	The Halakhic Philosophy of Classical Sephardi Posekim	Senior Rabbi Elie Abadie
Tues 29th	Insights from Rav Kook (Part 2)	Senior Rabbi Joseph Dweck
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Biographies of selected Teachers & Contributors featured in this journal



Dayan Ofer Livnat is a Dayan of the Sephardi Beth Din of the UK. A graduate of the Eretz Hemdah Institute for Advanced Jewish Studies in Yerushalayim, Dayan Livnat teaches in a number of programs for training rabbis and Dayanim, including the Semicha and Dayanut Programs run jointly by the Montefiore Endowment of London and Eretz Hemdah. Dayan Livnat has previously served in an artillery unit in the IDF and is currently studying for a PhD in Jewish studies at University College London.



Dayan Daniel Kada is due to begin serving as rabbi of Lauderdale Road Synagogue. He has been the Rabbi at S&P Wembley Sephardi Synagogue, registrar of the Sephardi Beth Din, and Director of Education at Tiferet Eyal. Having studied for almost 10 years in Gateshead, Mir and in the Kollel of Rabbi Mordechai Eliyahu ZL where he obtained his Semicha in conjunction with the Israeli Chief Rabbinate, Dayan Kada recently completed a Dayanut qualification through the Eretz Hemdah Institute of Jerusalem and Montefiore Endowment. Dayan Kada also read law at King's College London as a Dickson Poon scholar.



Rabbi Nir Nadav is a graduate of the Lady Judith Montefiore College's London Semikha Programme, under the tutelage of Dayan S Amor זצוק"ל. With special focus on community development and engaging broader participation in all areas of communal and Jewish life, he teaches, writes and lectures broadly. With over twenty years' experience in Technology and Internet engineering, he now edits and produces prayer books and other religious publications as well as chairing a mental health charity.



Professor Zvi Zohar is one of the leading academics on classical Sephardic thought, practice, and history. He studied at Merkaz HaRav Yeshiva for three years, and was appointed Professor of Sephardic Law and Ethics at Bar Ilan University. He has published over 60 scholarly articles in Hebrew, English and French, as well as several book-length studies in Hebrew.



Rabbi Abe H Faur is the rabbi of Congregation Ohel David & Shelomo, in Manhattan Beach, NY. Rabbi Faur was ordained by R. Mordechai Eliyahu and R. Abraham Shapira. He teaches Talmudic and Rabbinic thinking in accordance with the Andalusian sages, and the teachings of his father, the Great Hakham Jose Faur, a"h. Rabbi Abe has studied various scientific and philosophical disciplines.



Rabbi Yonatan Halevy is the spiritual leader of Kehillat Shaar HaShamayim in San Diego, and the founder of Shiviti. He studied at Ner Israel in Baltimore, and Shehebar Sephardic Centre in Yerushalayim - receiving semiḥa from HaRav Yaakov Peretz and HaRav Shelomo Kassin. He is the author of Yehi Shalom, and is also known for his popular Torah content online.



Dr. Efrat Sopher is an advisor on foreign policy in the Middle East. She formally practiced as a solicitor in London. Efrat is an active member of the World Jewish Congress Jewish Diplomatic Corps, a Deputy at the Board of Deputies of British Jews, and serves on the Board of Elders of the S&P Sephardi Community. Dr. Sopher studied International Relations, earning a B.A. degree from the University of Southern California, her Post-Graduate Diploma in Law from the College of Law, London, and her MSc, MPhil, and PhD from London School of Economics.



Rabbi Isaac Tawil, originally from Brooklyn, NY, is a graduate of Magen David Yeshiva High School, BMT in Israel, Yeshiva University Sy Syms school of Business and received Semicha from the Sephardic Rabbinical College. Rabbi Tawil is the head Rabbi at Kol Israel Congregation and the Dean of Student Life at Magen David Yeshiva HS.



Rabbi Aaron Haleva is a partner in the Intellectual Property Department of Montgomery McCracken of Philadelphia. He focuses his practice on intellectual property litigation, trademarks, and patent preparation and prosecution in various industries including medical devices, pharmaceuticals and immunology, digital computing systems, devices and architectures, and artificial intelligence. He studied with Hakham Professor Jose Faur for 40 years, and teaches the tradition of Old Sepharad.



Lauren Grunfeld has been an educator in Jewish schools in New York and New Jersey for over 20 years, where she has taught Jewish Studies, English and History. She holds a BA in English and Psychology from CUNY Brooklyn College and is currently pursuing a Masters in Jewish Education from the Hebrew University of Jerusalem. She has been teaching Middle School Humanities in Barkai Yeshiva for the past ten years and lives in Brooklyn with her husband and children.

Biographies of selected Talmidim featured in this journal



Eli is currently a PhD student at Hebrew University, studying the writings of R. Avraham b. HaRambam. He is also working on several projects, including working as Translation Editor of a recently published edition of the Guide for the Perplexed, working with Prof. Bernard Septimus on a new English translation and commentary to Rambam's Sefer ha-Madda', and working with Prof. Tzvi Langermann on publishing a 15th century Yemenite commentary to the Guide, with both English and Hebrew translations. Eli currently lives in Yerushalayim with his wife Meital.



Gershon Engel is from Teaneck, NJ. He has studied in various batei midrash, such as Yeshiva Govoha Beit El and Yeshivat Eretz Hatzvi. He has recently begun his studies in CUNY Brooklyn where he is taking classes in Middle Eastern history, Film and Philosophy. He is also currently involved in a number of initiatives on the side, including his work for an online conflict resolution community called Sulḥa.



Originally from London, Michoel started yeshiva at Kerem BeYavne, Israel, in 2016. He officially immigrated to Israel in 2017, and is currently still at Kerem BeYavne in the fifth year of the Hesder programme.



Jack Cohen serves as the Rabbi of West Hampstead CoP United Synagogue as well as the Associate Rabbi at Hampstead Synagogue in London, UK. He attended Yeshivat Har Etzion and has a degree in Philosophy from University College London.



Avner Yeshurun lives in Miami, Florida, where he is currently pursuing degrees in Finance, Financial Technology, and Accounting. He studied at the Hebron Yeshiva in Yerushalayim, and is involved in several research projects concerning Jewish culture, texts, and history.



Rabbi Sam Millunchick, 33, originally hailing from Chicago, made Aliyah from London, England. He holds a BA in Philosophy and Psychology, and earned Semiha from Judith Lady Montefiore College in London, in conjunction with Eretz Hemdah Institute in Yerushalayim. Sam is currently a rabbinic fellow, working towards his advanced Semiha certification from the Chief Rabbinate of Israel as well as his Master's at Bar Ilan in the field of "Science and Halacha". During his IDF active duty, Sam served in the Givati brigade as combat medic, and is active in the same role in Miluim. His wife Leat holds a B.A. in Criminology and Sociology from City University London, and is a certified doula and childbirth educator. They live with their three children in Ma'ale Adumim.

Determining Liability for Damages

Dayan Ofer Livnat



The Mishna in Baba Qama [1] states:

אדם מועד לעולם בין שוגג בין מזיד בין ער בין ישן סימא את עין חברו ושבר את הכלים משלם נזק שלם

The legal status of a person is always that of one forewarned. Therefore, whether the damage was unintentional or intentional, whether he was awake while he caused the damage or asleep, whether he blinded another's eye or broke vessels, he must pay the full cost of the damage. [2]

From this ruling of the Mishna, it appears that a person is always liable for any damages he causes. However, we see from many statements in the Gemara, that this rule is not always applicable, and there are cases for which one is not liable.

In Baba Qama [3], the Gemara lays out the guidelines regarding this issue. The Gemara distinguishes between three situations:

1. The damager was acting without permission and the damaged with permission.
2. Both were acting with permission or both without permission.
3. The damager was acting with permission and the damaged without permission.

If the damager was acting without permission and the damaged was present with permission then the rule of "a person is always liable" is in force. A classic example of this is when the damager entered one's property without permission and caused damage there. Furthermore, even when both are in a public domain, if the damager did not act in accordance with the normal behavior there, for example, he ran instead of walked; he is liable even for damages that were done unintentionally.

If both were acting with permission, for example, if both were walking in a public domain, or both were without permission, for example, if both were running in a public domain, the Gemara distinguishes between different circumstances. According to RaSH"Y [4], the distinction is whether the damage was done in an active manner or a passive manner. If the damager ran into someone and caused damage, he is liable.

However, if the person who was damaged ran into him, he is exempt. If both were active and ran into each other, it is considered as damage done passively, and he is exempt. According to Maimonides [5], the distinction is regarding the intent of the damager. If he did the damage intentionally, he is liable, while if it was done unintentionally, he is exempt. However, it appears from the Maimonides [6] that any case of negligence is also considered as damage done intentionally, and as such one would be liable for damages in any case of negligence, even if generally acting with permission.

If the damager was acting with permission and the one damaged was without, for example, if the one damaged entered the property of the damager without permission, according to RaSH"Y, the damager is exempt even if the damage was done actively, since he was not aware of the presence of the one who was damaged. Only if he was aware of his presence would he be liable for damage done actively. According to Maimonides, here too the distinction is between whether the damage was done intentionally or unintentionally. These guidelines may be implemented, even today, in many cases. For example, regarding car accidents, which unfortunately are very common, we would utilize these guidelines to determine who is liable for the damages.

An interesting case which I was once asked about, pertained to someone who had suddenly braked in the middle of the road, and the car behind him crashed into his car. At first glance we could claim that the person braking is responsible for the damages, as he has deviated from the normal road speed, thus causing the damage. On the other hand, driving guidelines require maintaining a safe distance from the car in front of you, thus enabling drivers to safely brake in case of emergency. The driver behind should then be responsible for the damage, for either not having maintained a safe distance, or for not being attentive enough to notice that the car in front had braked. However, further inquiry into the case revealed that the front car's braking lights were not working, and although the driver was aware of the fault, he had failed to have the lights fixed. The braking light is in essence the warning signal to the cars driving behind other cars. This is the agreed upon signal on modern day roads, and is a safety feature required for all vehicles.

Therefore, the one driving in the front car without properly functioning braking lights was essentially driving without permission, and therefore is the one liable for the damages.

The Limits to One's Responsibility for Damages

The Gemara [7] makes an important distinction between a situation where a person actively damages property with his own hands and a situation where a person indirectly causes damage through his negligence, such as a person who was supposed to guard an object and did not guard it properly. The situation the Gemara discusses is regarding a person who gave someone a gold coin to guard for him, but told him it was a silver coin. The problem in this case is that the coin is really a gold one, but the guardian thinks it's a silver coin whose value is much less.

Determining Liability for Damages

Dayan Ofer Livnat



The Gemara distinguishes between two ways the one given the coin can cause damage to it. If he directly damaged the coin, such as by throwing it into the sea, he has to pay its real value as a gold coin. However, if he did not guard the coin properly and because of his negligence the coin was lost, he only has to pay for the value of a silver coin. The Gemara explains that the reasoning behind this is that in any case he should not have directly damaged the coin, and therefore he has to pay its real value. However, regarding an obligation to pay as a result of his obligation to guard, since he accepted upon himself only to guard a silver coin, he cannot be made to pay more than that.

From this statement it appears that when a person directly causes damage he is liable for the entire value of the damage that he did, regardless of what it appeared to him that he was damaging. However, the Gemara, a few lines later, appears to contradict this conclusion. The Gemara deals with a case where a person took someone else's box that was used for storing money and threw it into the river. The owner of the box claimed that in the box there was a very expensive stone. The Gemara deliberates about whether people would normally put an expensive stone in such a box. However, this discussion appears to be insignificant in light of the above conclusion. Since the damager in this case did the damage in a direct fashion, even if people do not normally put an expensive stone in such a box, he should be liable.

The Rishonim gave different solutions to this question. The Tosafot [8] claim that the deliberation of the Gemara is even in a situation where the box owner had proof of the stone's presence in the box. The Tosafot explain that in a situation where a person could not have been aware that he was damaging what he ended up damaging, he is exempt even if he did the damage directly. Therefore, if people do not usually put expensive stones in such a box one cannot obligate someone who threw away such a box for damage to an expensive stone. However, in the case where someone gave a gold coin for guarding and told the guardian it is a silver coin, the guardian could have realized that it is really a gold coin, and the owner only told him it was silver because he was afraid that if he knew it was gold he would not agree to guard it.

Maimonides [9] and other Rishonim disagree and claim that if the box owner had witnesses that there was an expensive stone in the box the damager would have to pay for it since he did the damage in a direct fashion. The deliberation of the Gemara was in a situation where the box owner did not have such proof. The Sages instituted that in a situation where a person caused damage but does not know what he damaged or its value, like in this case where the damager threw a box into the river without knowing its contents, that the person damaged can swear to the value of the damage and receive full payment from the damager. However, if the one damaged claims that included in the damage was an object which is not usually placed in the object damaged, such as an expensive stone in a box usually used for money, in this situation the Gemara deliberates about whether he can swear as to the presence of an expensive stone. Therefore, Maimonides rules that a person cannot swear in such a case, and only if he has proof as to the presence of the stone would the damager be obligated to pay.

The Shulhan Arukh [10] (388, 1) rules in accordance with the view of Maimonides, that one who directly damages is liable for the entire value of the damage, even if he could not have been aware that included in the damage would be valuable objects, but if the one damaged does not have proof of the presence of such objects, he would not be able to swear that they were indeed there. The ReM" A rules in accordance with the Tosafot, that even if he directly does damage, he is not liable for what he could not have been aware of. The SHa"KH [11] claims that most of the Rishonim agree with Maimonides and he rules this way as well.

[1] 2:6

[2] Translation from the Sefaria website.

[3] 48a-b

[4] RaSH" I on bottom of Baba Qama 48a and top of 48b.

[5] Mishne Tora Hilkhos Hovel u'Maziq 6:1-3

[6] ibid 8, and other places

[7] Baba Qama 62a

[8] Dibur Hamathil "Mi"

[9] Mishne Tora Hilkhos Hovel u'Maziq 7:18

[10] Hoshen Mishpat 388:1

[11] ibid 6

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What is a Jewish Wedding?

Dayan Daniel Kada



A Jewish wedding consists of two distinct parts, Erusin [1] and Nisu'in, both essential for the halakhic status of marriage. Despite the Mishna [2] teaching that Erusin may be effected in one of three ways, [3] the prevalent custom today is for a ring to be used to create Erusin [4]. As long as two kosher [5] witnesses are present when the bridegroom hands over the ring to the bride, the woman becomes an Arusa, a betrothed woman. Despite only being a betrothed woman, an Arusa is forbidden to have relations with another man and will need a bill of divorce in order to marry another man. [6] Nonetheless, the Arusa may not have relations with her husband-to-be until the second part of marriage, Nisu'in, takes place. [7] This is because until the second stage of marriage has occurred, the Arusa is not his wife, but is only betrothed. Consequently, her husband-to-be has no duty to maintain her and cannot expect her income or inheritance if she dies before Nisu'in [8]. Only once Nisu'in occurs can the husband and wife expect these rights. Historically, the Nisu'in could take place even a year after the Erusin [9]; until then an Arusa is forbidden to have relations with anyone.

What though constitutes a Nisu'in? What do a couple need to do in order to be considered fully married and to live together? This question was the crux of the case, *Lindo, By Her Guardian v Belisario* (June 1795) [10], concerning two Spanish and Portuguese Jews living in London.

Facts of the Case

On Friday morning, 26th July 1973, Miss Esther Mendes Lindo and Mr Aaron Mendes Belisario met at the home of Aaron's brother, Jacob, in Little Bennet Street, Westminster, for the performance of, at least, Erusin. Aaron, reportedly, was an impoverished individual; Esther though came from a wealthy family. As a child, Esther had lost both her parents and had been bequeathed a large inheritance under the guardianship of Abraham De Mattos Macota. At the time, Aaron was 29-years-old whilst Esther was only 16-years-old. Two witnesses, Abraham Jacobs and Lyon Cohen, 'two credible persons of the Jewish nation' [11], witnessed Aaron give Esther a ring for the purpose of Erusin. Esther's guardian, Macota, was not present and neither was a registrar nor rabbi; only the couple, the two witnesses and Jacob Belisario were present at this clandestine betrothal. No ketuba was written or given and the couple did not go home after the ceremony to live together as husband and wife do; Lindo rather went back to her guardian.

Subsequent to this ceremony, Aaron claimed that he was in fact married to Esther and therefore had a right to her substantial property. When Esther's guardian denied the marriage, Aaron began legal proceedings.

The judge in this case, Sir William Scott, introduced his judgment by expressing his reluctance to get involved in a case of this sort: 'This is a question of marriage of persons governed by a peculiar law of their own and administered to a certain degree by a jurisdiction established amongst themselves' (i.e. the Bet Din) [12]. For an unspecified reason, the Bet Din had referred this case to the courts: 'I repeat that nothing but my respect for the high authority which has prescribed this duty, would have induced me willingly to undertake it'. [13]

The judge began by ruling out any imputation of fraud, deception or duress. Despite the disparity of age and social status of the families, it was not contested that Esther willingly accepted the ring for Qidushin. There was also affectionate correspondence between the couple prior to the ceremony, indicating that Esther had fully consented to the ceremony. As to the private manner of the ceremony, the judge said: 'if I was to hold that to be material enough to invalidate the marriage, I might unhinge no small number of marriages in this kingdom'. [14]

Esther's guardian claimed that since there was no ketuba, marriage registration or Hupa, Esther was not married, only betrothed. Aaron, however, claimed that they were married despite the lack of these items. Sir Scott grappled with the concept of the two-part process of a Jewish marriage and required the Bet Din to explain to him the halakhic difference between betrothal and Nisu'in.

What is Nisu'in?

It is clear that following Erusin, Hupa effects the Nisu'in [15]. Despite us nowadays colloquially referring to the wedding canopy as a Hupa, it is unclear whether this is really the legal definition of Hupa. Maimonides [16] defines Hupa as 'שִׁבֵּיא אוֹתָהּ לְתוֹךְ בֵּיתוֹ וַיִּתְיַחַד עִמָּהּ וַיִּפְרֹשׂ שָׁנָה', 'bringing his bride into his home, secluding himself with her and designating her as his wife'. [17] Thus, for Maimonides, to create Nisu'in a groom must (i) bring his bride to his home, and (ii) seclude himself with her. [18] This seclusion is presumably a full seclusion in which only bride and groom are present and the door is locked [19]. On this reading of Maimonides, a couple today are not considered married until they go home after the wedding and as such a bride would not need to cover her hair on her wedding day until she leaves her home the following day [20], since our canopy today is not a legal Hupa.

However, many of the other medieval commentators understood Hupa differently. For Tosafot [21] covering the face of the bride is the Hupa. Some understand Hupa to be a covering over the couple's heads [22]. According to Baal HaItur [23], the Hupa is what we have today – the bride entering a floral canopy in which the bride and groom are together. For R. Nissim [24] the woman entering her groom's home is the Hupa.

What is a Jewish Wedding?

Dayan Daniel Kada



Ruling for the Ashkenazim, Rabbi Moshe Isserles brings the different opinions and concludes: ‘The custom today is to call the canopy in which the bride and bridegroom stand publicly the Hupa. Following this, the couple go to and eat together in a secluded place’. [25] Indeed, this is contemporary Ashkenazic practice, where following the Hupa canopy the couple enter a room [26] and eat together for a short period of time. This practice satisfies some of the aforementioned opinions. [27]

The Practice of Sefardim

However, the authority for the Sefardim, Shulhan Arukh, rules like Maimonides. It would seem, therefore, that our wedding canopies today do not constitute a legal Hupa for Sefardim. This is in fact how R. Obadia Yosef understood: the couple are only married when they go back to his home and are secluded. According to this, our wedding canopies today are not strictly required for Sefardim; we do use a canopy to satisfy the other opinions that Rabbi Isserles quotes and that is the custom of Sefardim today [28] Furthermore, according to R. Yosef, there is no requirement for a ‘Yihud room’ following the Hupa since the couple will be going to their home later that night.

R. Abraham Yeshaya Karelitz gives a novel interpretation of Maimonides [29]. According to him, Maimonides does not require a real halakhic seclusion together; Maimonides' intention is merely to say that the groom should be together with the bride when she comes to his home and not that she enters the home alone. He goes even further to say that Maimonides does not require the groom to bring his bride to his house; any place designated for marriage which the groom takes his bride to is considered his ‘house’. Thus, for R. Karelitz, the Hupa which we have today satisfies even the two requirements of Maimonides listed above: it is the groom’s ‘house’ and despite there being hundreds of guests, this is considered ‘seclusion’. This is admittedly a stretch of Maimonides' words, but on this reading we can understand why Sefardim have a wedding canopy today; this is the legal Hupa even for Maimonides [30].

Judgement

Returning to the 18th century, Sir Scott had to understand the minutiae of halakha to rule on this case and requested the guidance of the three Dayanim of the Bet Din, Dayanim Julian, Almosnino and Delgado [31]. The fact that a ketuba had not been written was immaterial for the purposes of the validity of the marriage [32]: in the words of the judge, a marriage without a ketuba may be ‘unsolemn’ but is valid [33]. That there was no rabbi present was also immaterial [34]. As to the fact that no sheba berakhot [35] had been recited, this again did not invalidate the marriage: it is true that sheba berakhot should be recited in the first instance but the wedding is still valid [36].

The real issue was whether there had been a Hupa for the purposes of Nisu'in. The Dayanim explained to the judge the different opinions on what a Hupa exactly is and concluded: ‘we are of the opinion, that either this [Maimonides' Hupa] or the other mode [canopy] will constitute Hupa; the latter because it is the one generally adopted, for we greatly revere customs universally and anciently established; the former, because it is laid down by the great Maimonides and the author of Bet Josef’. [37]

Since a canopy was not present on Friday morning and Esther did not return home with Aaron to the matrimonial home, Sir Scott ruled that Esther was not the wife of Aaron [38]. This decision was upheld upon appeal. As the decision was in line with the Halachic position, it was accepted by the Bet Din.

[1] Also known as Qidushin.

[2] Qidushin 2a.

[3] The groom handing over a certain sum of money, writing a document or sexual relations.

[4] Rabbi Moshe Isserles, Eben HaEzer 26:1, the ring being equivalent to money.

[5] See Shulhan Arukh, Hoshen Mishpat, 33 and 34 for details.

[6] Ibid, Eben HaEzer, 26:3.

[7] Ibid, 55:1.

[8] Ibid, 55:4-5.

[9] See Ketubot 57b.

[10] Full judgment can be found here: <http://www.commonlii.org/uk/cases/EngR/1795/4123.pdf>.

[11] Lindo v Belisario, p.224.

[12] Ibid, p.217.

[13] Ibid, p.218.

[14] Ibid, p.223.

[15] Ketubot 48a, Qidushin 5b, Shulhan Arukh 61:1.

[16] R. Moshe Ben Maimon.

[17] Mishne Tora, Ishut, 10:1.

[18] Lehem Mishne, R. Abraham Hiyya De Botton, ibid.

[19] Bet Shemu'el, R. Shemu'el Ben Uri Shraga Phoebus, Eben HaEzer, 61:2. See, however, Helkat Mehoqeq, R. Moshe Ben Yishaq Yehuda Lima, ibid 55:6.

[20] Yehave Daat, R. Obadia Yosef, 5:62.

[21] Yoma, 13b, s.v LeHada.

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[22] See Orhot Hayim, R. Aharon Ben Yaacob, Laws of Ketubot, 4.

[23] R. Yishaq Ben Abba Mari, quoted in Bet Yosef, Eben HaEzer, 61.

[24] Ra"n, Ketubot 1a.

[25] R. Moshe Isserles, Eben HaEzer, 55:1.

[26] Commonly known as the 'Yihud room'.

[27] Bet Shemu'el, R. Shemu'el Ben Uri Shraga Phoebus, ibid, 55:9, rules to also cover the bride's face so as to satisfy the opinion of the Tosefot.

[28] Yabia Omer, Eben HaEzer, 5:8.

[29] Hazon Ish, Eben HaEzer, 63:17-18.

[30] On this reading, a bride would need to cover her hair immediately after the Hupa.

[31] 'It is the habit of the Jews to mix the pursuit of religious studies with secular employments, and they have not a numerous body of men secluded from the] business of the world as we have. Some of their priests, without any degradation, follow likewise other occupations; this is the case also with some members of the Bet Din (sic); there is no...expectation to the contrary, and therefore the weight of their opinions is to be considered' (n.11, p.238).

[32] See Shulhan Arukh, Eben HaEzer, 66 regarding the prohibition of living with a woman who does not have a ketuba; this does not invalidate the marriage though.

[33] n.11, p.227.

[34] ibid, p.228. We do not find anywhere where the halakha requires a rabbi to be present for a wedding to be valid.

[35] Seven benedictions recited at the time of Nisu'in.

[36] Rabbi Isserles, Eben HaEzer, 61:1.

[37] n.11, p.257.

[38] Another major issue discussed was whether since she was an Arusa, Aaron now had the right to compel Esther to perform Nisu'in with her. This was ultimately rejected. See Shulhan Arukh, Eben HaEzer, 56.

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Dayan Amor Taught: Defining Kosher, Glatt, and Halak/Bet Yosef Meat

Rabbi Nir Nadav



Adherence to increasing standards of halakhic observance in our times, what may be termed *הַדוּר מְצוּה* – beautifying, or enhancing our practice of *mišvot* – is to be lauded and is of benefit – certainly to the individual – but also more broadly within our communities.

As better-quality education has developed, and deeper understanding of our tradition is fostered, many are enriching and enhancing their engagement with our great heritage, through living increasingly deeply connected, halakhically authentic, Jewish lives. This reinforces our values and traditions in our young, fundamental in nurturing a strong Jewish identity and connection to pass on to the next generation.

A major area of halakhic observance relates to our food, particularly to permitting correctly slaughtered meat, whether animal or fowl (birds),^[1] from particular species which themselves must be kosher according to the Torah ^[2]. Shulhan Arukh Yoreh Dea deals extensively with the *הַלְכוּת* of *שְׁחִיטָה*, slaughter in accordance with our tradition, ^[3] and *טְרֵפוֹת*, physical defects rendering an animal or bird not kosher. ^[4]

These *טְרֵפוֹת*, causing animals to become unsuitable for kosher consumption, are in most cases far stricter than any modern food health and safety standards require and include defects or injuries such as broken limbs, perforated, missing or extra organs, certain lesions and lacerations, or if the animal was attacked by another. Fortunately, the majority of these are uncommon, so there is no requirement to inspect every animal for them, based on the principle of *חֲזָקָה*, what may be termed a legal presumption that animals are generally considered to be in good health. ^[5] Of course, it goes without saying, that this does not permit turning a blind eye to any *טְרֵפוֹת* which do become apparent in an animal.

However, although still uncommon, because the lung is more likely to have a defect rendering the animal a *טְרֵפָה*, it does require inspection. The major issue that can arise in the lung of an animal is the appearance of *סְרִיכוֹת*, adhesions. There is a difference of opinion amongst the Rishonim as to the physiology of why they may arise. RaSH"Y (Rashi, Rabbi Shelomo Yīshāqī) ^[6] explains that these *סְרִיכוֹת* appear in order to seal a perforation that has appeared, while the Tosefot hold that *סְרִיכוֹת* appearing do not indicate a prior puncture, but could cause a hole to appear if they were to be severed. ^[7]

Shulhan Arukh Siman 39 deals with the inspection of the lungs of the animal following *שְׁחִיטָה*. Even then, this does not apply to new-born lambs, kid goats, or fowl as such *טְרֵפוֹת* are very unlikely to occur in their lungs. ^[8] The relevant *סְעֻפִים*, clauses, to our discussion in Siman 39, are 10-13. In "סְעֻפֵי" Maran rules as follows, quoting RaSHB"A: ^[9]

כָּל מְקוֹם שֶׁאֶסְרוּ סְרוּכַת הָרֵאָה, אֵין הַפְּרֵשׁ בֵּין שְׁתֵּיהֶן הַסְרִיכָא דְקָה כְּחוּט הַשְּׁעָרָה בֵּין שְׁתֵּיהֶן עֵבָה וְחִזְקָה וְרַחֲבָה כְּגוּדֵל, וְלֹא כְּאוֹתָם שֶׁמְמַעְכִּים בְּיַד וְאֵם נְתַמְעָכָה תּוֹלֵין לְהַקֵּל, וְכָל הַנּוֹחֵג כֵּן, כְּאֵלוֹ מְאָכִיל טְרֵפוֹת לְיִשְׂרָאֵל.

"Wherever an adhesion in the lung has been forbidden, there is no difference whether the adhesion is as fine as a hair or whether it is thick and strong, the width of a thumb. Unlike those people who squash [the adhesions] by hand and are inclined to be lenient if [those adhesions] are easily squashed, anyone doing so, is considered as if they are feeding terefot to the Jewish people." ^[10]

This seems quite cut and dry – not only are no *סְרִיכוֹת* permitted on the lungs of the animal, but if there are any, interfering does not help. However, in the following *סְעֻפִים*, Maran and especially Rabbi Moshe Isserles, ^[11] hesitantly and tentatively, each bring opinions that are more lenient in relation to an animal that may appear, upon inspection, to have a *סְרִיכָא*, allowing the *בוֹדֵק*, inspector, to interfere with these under certain, limited conditions, such as the animal belonging to a Jew and the *בוֹדֵק* being known to be a G-d-fearing individual, Rabbi Isserles in particular allowing this only in a case of *הַפְסַד מְרִבָּה*, significant loss.

Now, the terms *חֲלָק*, meaning smooth, or in Yiddish *גַּלַּט*, glatt, do not appear anywhere in the Shulhan Arukh, nor in any of the works of the Rishonim.

The obvious questions arising are:

1. How and when did these terms arise?
2. Critically, what are their precise definitions in relation to our halakhic sources?
3. Must we follow the most stringent opinion, as brought by Maran in the Shulhan Arukh?

My revered Rav, teacher, and mentor Dayan Saadia Amor זצוק"ל, in an extensive teshuva, responsum, on the subject, tackles these issues.

He explains that in practice, very few animals are completely free from any *סְרִיכוֹת* at all, noting that under many circumstances it was simply impossible to find meat that was totally free of *סְרִיכוֹת*, leaving even halakhically-particular individuals with no choice.

Dayan Amor Taught: Defining Kosher, Glatt, and Halak/Bet Yosef Meat

Rabbi Nir Nadav



A major part of the discussion in the teshuba revolves around the various anatomical, physiological and technical points raised in the Shulḥan Aṛukh and the various opinions of the Rishonim. Additionally, Dayan Amor draws our attention to the hesitant and cautious language employed by Maran and to an even greater extent Rabbi Isserles, when they quote practices that RaSHB”A opposed forcefully. He also highlights to us an awareness of the biological reality and of the fact that many G-d-fearing rabbis and halakhic decisors had permitted such practices and that these were being employed.

It seems to me that the entire issue revolves around the expression that RaSHB”A used: כְּאֵלּוּ מֵאֲכִיל טְרֵפוֹת לְיִשְׂרָאֵל, it is as if they are feeding terefot to the Jewish people. The use of the word כְּאֵלּוּ, as if, would be akin to saying that soya milk is כְּאֵלּוּ milk. It is like milk, but no sensible person would argue that it is in fact milk.

These are not actual טְרֵפוֹת but should be avoided if at all possible. In fact, Dayan Amor quotes the פְּרִי תֵאֵר, a halakhic work on the Shulḥan Aṛukh by the famed רַבֵּי חַיִּים אֶבְרָהָם אֶבְרָהָם, better known as the אֹרֶךְ הַחַיִּים הַקְדוּשׁ, relating that when he had visited Fez, the Moroccan citadel of Jewish learning and tradition, he noted with surprise that they ate of animals that had certain סְרִכּוֹת, following the more lenient opinions. This was the reality that had to be contended with by the rabbis in these places. They could not with a clear conscience ban almost all meat, or by permitting only a small minority of the animals, put it totally out of reach of the vast majority of their communities. Hence, although tentatively and in a restrained way, these opinions were quoted in the Shulḥan Aṛukh. Continuing, Dayan Amor excerpts a passage from the פְּרֵי הַחַיִּים explaining [12] the origin of the terms חֲלָק, and גְּלַט.

The פְּרֵי הַחַיִּים wrote:

"The minhag of the Sefardim in Jerusalem, was to follow the ruling of the Shulḥan Aṛukh to forbid any interference with the lung. However, since the [first World] War, from the year 5678 (1918) onwards, when the English took over in Israel, the practice became more lenient, due to the growth in the population... so now we have two types of meat on sale: one in which the more lenient opinion has been used is called 'kosher' and the one where the lung has been found to be clear of any adhesions is called חֲלָק, 'smooth', following the Shulḥan Aṛukh." [13]

The פְּרֵי הַחַיִּים continues in the following paragraph (222) to explain that the Ashkenazim do the same except instead of calling it חֲלָק, 'smooth', they call it גְּלַט, a Yiddish word meaning the same thing and differentiating it from the simply 'kosher' meat.

As with any halakhic subject, a variety of opinions has arisen and in practice, writes Dayan Amor: what is called חֲלָק, and גְּלַט today, are not identical and even what has been termed by butchers (at least in the UK) חֲלָק בֵּית יוֹסֵף, is not quite as strict as the ruling of Maran in 'סְעִיף'.

However, at the end of his teshuba Dayan Amor writes, quoting the פְּרֵי הַחַיִּים again (219), that although we Sefardim have adopted the חֲלָק, strict opinions of Maran in the Shulḥan Aṛukh, 'we should not berate those who have not practiced like this from years past.'

Dayan Amor ends saying that: 'we are fortunate nowadays that higher standard meat (in terms of kashrut) is easily available at the same price, meaning that those who wish to make a הִדְיוּר, enhance their practice in relation to kashrut, should, when possible, purchase only חֲלָק...' Finally finishing with: 'The G-d-fearing follow the ruling of the Shulḥan Aṛukh.'

In this teshuba, Dayan Amor displays his acute critical skills and deep understanding of our traditional sources of all periods. At the same time, he demonstrates his sensitivity to people and empathetic consideration of their ability, whether on economic, spiritual, or other basis, to engage with the highest halakhic standards, always endeavouring to bring individual and communal practice within the halakhic framework, most especially careful not to disqualify practices of the past, while encouraging הִדְיוּר and striving for more in the relationship with HaQadosh Barukh Hu.

Dayan Amor was a true model of the ideal of halakhic depth joined with genuine empathy for people, a combination not often exhibited in our times.

[1] Permitted fish and locusts do not require שְׁחִיטָה.

[2] See VaYikra 11, Deuteronomy 14:3-21.

[3] Shulḥan Aṛukh Yoreh Deʿa, Simanim 1-28.

[4] Shulḥan Aṛukh Yoreh Deʿa, Simanim 29-60.

[5] See, for example, Tur Yoreh Deʿa, Siman 39.

[6] BT Ḥulin 46b SV Haynu Rebitayhu.

[7] BT Ḥulin 46b-47a SV Haynu Rebitayhu.

[8] See Tur Yoreh Deʿa, 39.

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[9] Rabbi Shelomo ben Avraham ibn Aderet (1235 – 1310) was a rabbi, Talmudist, and halakhic decisor. He was the outstanding rabbinic authority of his time, and more than three thousand of his responsa, covering the entirety of Jewish life, are concise and widely quoted.

[10] Notes to Shulhan Arukh Yoreh Dea 39:221. Translation my own.

[11] Rabbi Moshe Isserles, 1530-1572, an eminent Ashkenazi rabbi, Talmudist, and posek. Renowned for his fundamental work of halakha entitled HaMapa, ‘the tablecloth’, an inline commentary on the Shulhan Arukh, ‘the set table’.

[12] By Rabbi Yaʿaqob Hayim Sofer (1870–1939), born in Baghdad, he moved in 1904 to Jerusalem. The **מגן אברהם** is his most famous work, by which he is colloquially known.

[13] Translation my own.

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Halakhic Freedom

Professor Zvi Zohar



Pesah is the Holiday of Freedom: Freedom from slavery, freedom from political subordination, freedom from idolatry. In this brief article, I discuss another aspect of Freedom, one that is especially relevant to observant Jews: Halakhic Freedom. I begin with a statement of Rab, cited in Sanhedrin 17a:

"Rab Yehuda said that Rab said: They appoint to the Great Sanhedrin only one who knows how to rule that a shereṣ [a 'creeping animal'] is 'pure/kosher' by Torah law."

In several verses, the Torah states plainly that a shereṣ is ṭamé. In some of these cases, this seems to mean that it may not be eaten, i.e., it is not kosher [1]. In others, this seems to mean that if a person touches or carries the carcass of such a creature, s/he becomes 'ritually impure'. [2]

Clearly, Rab holds that the capability to rule – pace the overt meaning of Torah – that a shereṣ is 'pure/kosher' is the sign of a highly talented scholar. At this point, two questions present themselves:

1. Under what conceivable circumstances would we want a rabbi to exercise such a capability, reaching a conclusion that seems to be in direct contradiction to God's word?
2. How could such a conclusion be compatible with what we understand to be the truth of Torah?

I will begin by considering the second question, and then relate to the first.

Ruling that a shereṣ is ṭahor

When thinking about Rab's words, there immediately springs to mind the closest parallel in the Talmud (Ḙrubin 13b):

"It was taught in a beraita: There was a distinguished scholar at Yabne who would give one hundred and fifty reasons to rule that a shereṣ is pure/kosher."

The Talmud in Ḙrubin cites this beraita soon after describing the wonderful capability of Rabbi Meir:

"Rabbi Aḥa bar Ḥanina said: It is revealed and known before He Who Spoke and the world came into being, that in the generation of Rabbi Meir there was no sage who was his equal. Why then didn't the Sages establish the halakha in accordance with his opinion? Because his colleagues were unable to plumb the profundity of his thought: He would state with regard to an item regarded as impure that it is pure, and give justification for that; and would state with regard to an item regarded as pure that it is impure, and give justification for that."

Returning to Sanhedrin 17a: Rab holds that a member of the Sanhedrin must be able to interpret Torah in a manner that will lead to the conclusion, that what we previously thought was considered impure by Torah because it falls within the category of Shereṣ – is not considered impure by Torah itself.

Above we asked: How could such a conclusion – that the animal under consideration is 'pure'/kosher – be compatible with what we understand to be the truth of Torah? Now, we are in the position to respond: Rather than holding that Torah has one true meaning which in certain cases can be suspended/circumvented, powerful rabbinic sources hold that the words of the Divinely-given Torah are profoundly multivalent.

Let us consider the following passages from Masekhet Soferim ch. 16 [3]:

"R. Tanḥum b. Ḥanilai said: If the Torah had been given cut-and-dried, no decisor would have a locus standi to formulate a ruling [4]; [but now a judge has a locus standi] [5] – if he rules a thing to be impure there are those [scholars/sources] who declare such a thing 'impure', while if he rules it 'pure', there are those who declare such a thing 'pure!'" [6]

God could have given Torah in a cut-and-dried formulation, admitting of only one understanding. Under that scenario, the role of a moreh hora'a – halakhic decisor – would be superfluous, as only one outcome would be possible in any given situation. For the same reason, there would be no possibility of any novelty: whatever one person would say [about the meaning of Tora] would be the same as what everyone would say.

Clearly, Rabbi Tanḥum ben Ḥanilai regards such a scenario as catastrophic: it is imperative that a decisor have flexibility to rule in several different ways, and that innovative interpretation be possible! Thankfully, the Torah we received from God is not univalent, and thus a decisor can find support for a variety of positions, and creative interpretation is possible.

Halakhic Freedom

Professor Zvi Zohar



The subsequent passage in Masekhet Soferim (ch. 16:6) explains that Torah is intentionally richly multivalent, as an expression of God's love for us:

"R. Yannai said: The Torah which the Holy One, blessed be He, gave to Moses was given to him in forty-nine facets/aspects of ṭamé ['impure'] and forty-nine facets/aspects of ṭahor ['pure']. The gematria of veDiglo -- 'and His banner' -- is 49." [7]

The Song of Songs is understood by the Sages as expressing the loving relationship of God and Israel. According to this reading, the male persona in the Song is God, and the female persona is the Israelite People. In chapter 2:4 the female persona says:

"He brought me to the house of wine, and His banner (וְדִגְלוֹ) over me was love."

In Rabbi Yannai's reading, God's banner is Torah. His love for Israel is expressed and reflected in the rich variety of meanings inherent within that 'banner'. Indeed, the numerical value of 'and His banner' – forty nine – alludes to the multiplicity of valid interpretations that He lovingly embedded in Torah itself. The Torah is thus the very opposite of 'cut-and-dried': it is so multivalent (or, as some would say: 'undetermined') that any normative statement of Torah [8] has the potential to be validly interpreted in 49 different ways as entailing a positive requirement and to be validly interpreted in 49 ways as entailing a negative requirement. [9]

Rabbi Yannai adds, that immediately upon being presented with this Torah of multiple meanings, Moshe raised a crucial question:

"Moshe asked God: How will I act?"

He replied: If those who rule it impure are the majority -- it is impure; If those who rule it pure are the majority -- it is pure."

Moshe immediately realized that if the Torah he had just received was so multivalent, no honest rabbi could ever claim that his interpretation was the only correct meaning of Tora. If so, how could a halakhic decision ever be made? G-d answered: That is a correct observation. A halakhic decision does not determine which position represents the correct interpretation of Torah. Rather, it represents the considered judgement of the decisor(s) as to which of the many possible interpretations should be applied now.

Ḥakham Eliyahu Bekhor Ḥazan – Halakhic Freedom

Let us now address the first question we posed above: Under what conceivable circumstances would we want a rabbi to reach a conclusion that seems to be in direct contradiction to God's word?

The study of Torah has continued throughout the generations, and over the centuries, scholars and rabbis have discovered more and more of the great riches of meaning that stem from the Torah. Some feel that this tremendous body of scholarship that has accumulated over the ages weighs down upon us today, as if we are in a vast maze constraining our ability to find the path to apply Torah authentically in our time. By this view, the more we know, the less free we are. Serious knowledge of Torah undermines freedom of halakhic choice.

In contrast to this perspective, that seems to be held – and indeed advocated for – by many of those who identify themselves as Orthodox, is the view held by several Sefardic ḥakhamim of the first rank. By way of example, let us consider the words of the great Ḥakham Eliyahu Bekhor Ḥazan (İzmir 1845 – Alexandria 1908):

"Since the Holy Torah was given to humans of flesh and blood, who are always subject to changes stemming from the passing of times and eras, rulers and edicts, natures and temperaments, countries and climates – therefore, all Tora's words were given in marvelous, wise ambiguity; thus, they can receive any true interpretation at any time and era Indeed, the Torah of Truth, inscribed by God's finger, engraved upon the Tablets will not change nor be renewed, for ever and ever." [10]

By using the phrase "engraved upon the tablets", Rabbi Ḥazan alludes to a powerful midrash. The Bible describes the tablets that Moses received on Mount Sinai with the following words: *"And the tablets were the work of God, and the writing was the writing of God, engraved upon the tablets [ḥarut al haLuḥot]"*. [11] The midrash comments pithily: *"'engraved upon the tablets' – do not read ḥarut [= engraved] but ḥerut [=freedom]"*. [12]

Rabbi Ḥazan here offers a deep reading of this midrash, building upon the contrast between ḥarut – that is, engraved in stone [i.e., eternal, immutable] – and ḥerut – freedom [i.e., indeterminate and open-ended]. In his reading, ḥarut and ḥerut express two contrasting but complementary aspects of Tora: The language of the Torah is indeed ḥarut engraved, i.e., eternal and unchanging; but the meaning of the Torah is eternally open to interpretation. Indeed, God invested the Torah with an infinite richness of alternate meanings.

Halakhic Freedom

Professor Zvi Zohar



These alternate meanings should not be experienced as creating an inert mass weighing down upon us; to the contrary: it is specifically by virtue of this innate wealth of options that halakha can be adapted to any and all of the tremendously diverse situations in which the Jewish people found – and will find – themselves during the course of their long history. It is the task of halakhic decisors in all generations and locations to identify and apply those interpretations of Torah that are most appropriate to the specific realities of their time and place.

Thus, halakha is not a fixed and constant 'given' that scholars can master merely by acquiring knowledge of the halakhic decisions made by earlier rabbis in previous generations. Rather, halakha is an ever renewing religious cultural project, the product of ongoing creative intellectual activity that each generation is obligated to undertake.

[1] E.g., Leviticus 11:43; Deuteronomy 14:19.

[2] E.g., Leviticus 5:2; 11:29; 22:5.

[3] My translation follows the translation provided by Sefaria, with certain emendations.

[4] Since he would have no discretion.

[5] The clause 'but now a judge has a locus standi' is found in the text of Masekhet Soferim according to the Vilna Gaon (first edition Shklov 1804, p. 59b).

[6] Masekhet Soferim 16:5

[7] For interesting variants of this statement, see Yerushalmi Sanhedrin ch. 4 halakhot 2-3; Midrash Tehilim (Shoher Tob) ch. 12.

[8] Of course, this also acknowledges the vast range of possible interpretations of the non-normative (narrative, poetic etc.) parts of Torah. But to the best of my knowledge this has never been seen as problematic.

[9] Ideally, the ability to 'unpack' all these meanings of Torah should not be the provenance of only a minority of scholars. Even young children should be able to do this, as related in Midrash Tehilim (Shoher Tob) ch. 7.

[10] Eliyahu Bekhor Hazan, Zikhron Yerushalayim, 1874, p. 57.

[11] Exodus 32:16.

[12] This Midrash is cited by several rabbis, each relating it to a different issue. See e.g. Pirque Abot 6:2 (spiritual freedom); Erubin 54a (freedom from political subservience).

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The Primordial Serpent & Politicians

Rabbi Abe H Faur



A puzzling episode is the case of Noah and his son, Ham.

"Noah, the man of soil, began to plant a vineyard. He drank of the wine and became drunk, and he became revealed within his tent. Ham, the father of Kanaan, saw his father's nakedness and told his two brothers who were outside. Shem and Yafet took a cloth, placed it on their shoulders, and while walking backwards, they covered their father's nakedness; their faces were turned backwards, so that they did not see their father's nakedness. When Noah woke up from his wine and learned what his youngest son had done to him, he said, "Cursed be Kanaan; the lowest of slaves shall he be to his brothers."

While Noah blesses Shem and Yafet for acting properly, oddly he seems to curse not Ham, but Ham's son, Kanaan. Why? A careful reading suggests that Noah did not curse either Ham or Kanaan. Rather, he was describing an aspect of a certain type of civilization where power is abused and civilians are oppressed. The Talmud relates a disagreement between Rab (175–247 CE) and Shemu'el (165 – 254 CE) regarding whether Ham also castrated or rather sodomised his father [2]. Sigmund Freud (1856 – 1939) introduced the concept of the Oedipus complex in *The Interpretation of Dreams*. The Oedipus complex includes hatred by the son towards the father, often accompanied by violence and resentment. Rab and Shemu'el, understanding the nature of this hatred, accuse Ham of having committed a perverted and violent act, expressing a kind of Oedipal resentment.

Noah's wisdom is in his understanding that in Oedipal societies, where fathers are hated by their sons, families are marginalized and eventually destroyed. With the descendancy of the family, comes the ascendancy of the Tyrant.

In this early stage of human history, the purpose of parents was not only to raise children in a warm and caring environment, but to transmit knowledge and traditions from one generation to another. Maimonides explains that six of the seven Noahide laws were given to Adam [3]. R. David Nieto (1654–1728) describes how Adam transmitted these laws to his offspring [4]. Knowledge of God, and His laws, was transmitted by Adam to Shet, by Shet to Enosh...and eventually to Noah.

When this transmission stops, as it does with the Oedipal rejection of the father, there is a vacuum, and this vacuum will be filled, but with what?

Abuse of Tyrants

Ham's other grandson was Nimrod, the tyrant who stood in opposition to God. As the rabbis teach, Nimrod was behind the construction of the Tower of Babel, the purpose of which was to protect the people from a future flood that God may bring on humanity. The essence of the Tyrant's message is that you don't need God or His laws as long as you have the Tyrant to protect you. However, this comes at a price: submission to the Tyrant means destruction of the family, since it is through the family that one may attain knowledge of God and His laws; and, without the traditions of the family, one may never learn that there is a paradise (the Garden of Eden) waiting for those who seek God's protection. In contradistinction, the Tyrant deludes people into believing that God wishes to harm them, and that only he can protect them. Tellingly, Nimrod called the Tower of Babel, meant to save people from God's wrath, "the House of Nimrod." [5] I, Nimrod, will protect you from Him!

Serpent's Seduction

When God created man, he placed him in the Garden of Eden, where all of his needs were taken care of: abundant food, clean air, and pristine waters were all readily available. Then, when Adam sought a counterpart, God created Eve, with whom Adam was to share eternal bliss. In the Garden, under God's protection and love, they wanted for nothing. When the serpent seduces Eve, he mentions the Elohim, who know what's good and bad. Anqelos (35 – 120 CE) associates these Elohim with political leaders, the ruling class, who know best what's good for us [6]. Here's the serpent's real message: rather than remaining aligned with God, align yourselves with Elohim, by partaking in their system of good and bad, or rather, by replacing your critical judgment with a Tyrant's dictates of what's good and what's bad. The choice is either to adhere to God's laws and remain in the Garden of Eden or turn away from God and seek the Tyrant's protection. Why think for yourself when you can have a Tyrant do so for you?

Displacement of the Family

By defiling his father, Ham engendered a society where the laws of God are vacated, to be replaced by the dictates of a Tyrant, Nimrod. Correspondingly, Karl Marx referred to the family as a type of private ownership that should be abolished [7]. Destruction of the family was essential for the communists because, by vacating the role of parents and delegitimizing their role in transmitting truths, they could better manipulate people into subservience. To delegitimize the family, promotion of promiscuity was essential. The French philosopher, Charles Fourier, scorns the traditional family, praising the importance of giving in to one's passions, whatever these may be. [8]

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The role of promoting promiscuity, as Hollywood has unabashedly done for decades, takes on a sinister but clear purpose. [9] Similarly, essential to the success of Hitler was the Hitler Youth, which raised children away from their parents, producing obedient Germans with no moral compunction. Tyrants recognize that promiscuous people with weak family bonds make strong citizens of the state.

We now understand Noah. He admonishes Ham by describing what will happen to Ham's child, Kanaan: an oedipal son who defiles his father, promotes promiscuity, and destroys the family, produces submissive children who are ready to become slaves of a Tyrant. The eradication of family and values, promotes subservience to tyranny and Tyrants. This is precisely what happens when Nimrod enslaves humanity to build the "House of Nimrod" – for their own protection of course!

Primordial Serpent in the Palace

When Moshe visits Pharaoh, he throws his staff upon the ground, and it transforms to a serpent. This serpent represents the primordial serpent of the Garden of Eden. Moshe's message to Pharaoh is: You fool these people around you, and your entire nation. But we know who you are. You are the primordial serpent! God created a perfect world, a paradise where man's every need is taken care of. You, Pharaoh, are the serpent that seduces man to leave God and to lose paradise, all so that you can abuse and enslave him. You enslaved your nation, who accepted such slavery willingly, and you enslaved the Israelites, who now reject this slavery, and plan to leave Egypt and its godless soil.

A House of Slaves

Regarding the enslavement of Egyptians, it is important to recall that God declares to Israel: "I am the Lord your God who took you out of Egypt, a house of slavery." [10] It could have instead stated, "I am the Lord your God who took you out of Egypt, out of slavery"? Egypt is referred to as a "house of slavery" intentionally. While it is true that Jews were slaves in Egypt, they were actually part of a pyramid of slavery, that enslaved everyone, each at his or her level of hierarchy. At the tip of the pyramid was the Pharaoh, under which were his ministers (referred to as slaves [11]) and under which there were further layers of slavery, each lower than the other. Thus, God did not free us from mere slavery, but from a prison of slaves, from whence no one could escape, a place devoid of God and filled with idols, all approved and promoted by the local Tyrant.

The Con of Pharaoh, Stalin and Serpents

The following dialogue takes place after the plague of locusts. The Egyptian countryside has been decimated. Pharaoh's ministers (tellingly, referred to as "the slaves of Pharaoh" [12]) are becoming increasingly impatient with the state of affairs, insisting that Pharaoh should let the Israelites go "and worship the Lord their God, before you learn of the destruction of Egypt!" [13] Giving in to public opinion, Pharaoh grants Moshe permission to go and worship God, inquiring however, "who exactly will be going"? [14]

Moshe informs Pharaoh that we will "be going with our young and elderly, with our sons and daughters, with our sheep and cattle, as for us, this is a celebration of God." [15] Pharaoh's reply is fantastic: "may the Lord be with you, if I send you and your children; behold that evil will confront you... the men may go and worship the Lord." [16] Keeping in mind the previous Pharaoh's decree that any male baby should be thrown into the Nile, one would be forgiven for viewing the Pharaoh as the "Progenitor of Phony Sanctimoniousness." [17] How breathtaking for Pharaoh to present himself as the great protector of women and children, while decrying Moshe's irresponsible plan to take women and children to the desert to worship God, away from the cradle of Egypt and the protection of Pharaoh (all for a primitive religious rite). No! I won't let this happen! I will protect the women and children. [18] Only men can go.

Tyrants throughout history have presented themselves as the great protectors of people from the evils out there. They expertly and unabashedly stir fear among the populace, frantically pointing to looming threats, while manufacturing crises. Unable or unwilling to think for themselves, the mobs then react to these crises (with the Tyrant puppeteer pulling the strings) with sadistic violence, as in the perverse destruction of the Kulaks by Stalin and his mobs, which included the deportation and brutal massacre of millions of farmers and their families. No doubt, this harsh measure was needed to rid Russia from evil hidden capitalists. Unfortunately, it also resulted in mass starvations, affecting the very mobs that stomped the life out of those poor farmers. [19]

Who needs God? Useful Idiots certainly don't.

The wisdom of the Israelites was that we didn't fall for the con of the Pharaoh or of other serpents. We left the protection of the serpent / Pharaoh, and sought out the word of God, eventually reaching Mt. Sinai, something that no slave can ever experience. "For there is no one as free as one who toils in the study of Torah." [20]

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[1] This note is based on lessons I learnt from my father, Hakham Yosef Faur א"ה, over many decades. These ideas may be found in my father's writings. As I received them directly from him, I will not cite his written works, as I seek merely to relate some of what my father taught me to students who want to participate in those lessons.

[2] Talmud Babli Sanhedrin 70a.

[3] Mishne Tora Melakhim 9:1.

[4] I don't have the precise citation, but it appears in the book Ma'at Dan.

[5] Talmud Babli Aboda Zara 53b.

[6] See Ankelos on Genesis 3:5.

[7] Cf. https://www.marxists.org/archive/marx/works/download/pdf/origin_family.pdf

[8] Cf. https://en.wikipedia.org/wiki/Charles_Fourier

[9] The October 13, 2014 episode of the Disney TV show, Once Upon a Time, shows Mulan having romantic feelings towards Aurora.

[10] Exodus 20:2.

[11] Cf. fn. 12 below.

[12] Exodus 10:7.

[13] Ibid.

[14] Ibid vs. 8.

[15] Ibid vs. 9

[16] Ibid vs. 10-11.

[17] Cf. the UN Human Rights Commission.

[18] Cf. the United Nations Committee on the Rights of the Child.

[19] Cf. <https://www.history.com/news/ukrainian-famine-stalin> the destruction of the kulaks by Stalin in <https://en.wikipedia.org/wiki/Dekulakization>.

[20] See Pirqa Abot 6:2.

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Divided We Stand: The Failed Experiment of “Mizug Galuyot”

Rabbi Yonatan Halevy



An Israeli news reporter once interviewed a Hassidic rabbi about the secret of his community's long-lasting marriages, in contrast to the general public's seemingly higher divorce rate. The Rabbi explained: “In our community, husbands and wives take great care to eat separately at weddings, sit separately at the synagogue, and some of our neighborhoods even have separate sidewalks for men and women. Ultimately, we do everything separately – in order to stay together!”

Though the above story is shared in jest, I was reminded of it when honored with the request to contribute an article to this special journal of The Habura.

I was once walking with Mori HaRab Ya'qob Pereş when we passed a sign outside a Yeshiva building, proudly boasting that it was a “Lithuanian Kollel”. Mori HaRab turned to me and said: “Do you know how viciously the Lithuanians murdered these people's forefathers? I cannot understand why anyone would wish to name a Bet Midrash after them!” When I remarked that the same could be said about our very own Yeshiva which proudly boasts “Sefardi” in its title, he responded, “Of course! You are correct! I did not name the Yeshiva! Sefard is a country of idolaters in Huş La'Areş. What did they give us aside from an Inquisition? We are in the Land of Israel; “Yisra'elim” and “Yehudim” are the only words we should use to describe ourselves!”

Our beloved Rishon LeŞiyon, Rabbi BenŞion Meir Hai Uziel, so eloquently said in a speech given at the World Sefardi Federation [2] in 1925 [3]:

What is the reason for the name of this Federation? Many are doubtful as to its purpose, and many see in it something dangerous... It does not only frighten the others, but also us Sefardim, for the question arises within us: is it not our desire to create one solidified unification of the entire nation? How do we wish to unite the redemption with the exile? The bitter exile separated us, and the redemption must erase the impressions of the exile. And why does Spain – the land of blood – deserve to once again be placed on a platform?

Indeed, in Iraq, Iran, Morocco, Algeria and Yemen, we were not considered Iraqis, Iranians, Moroccans, Algerians or Yemenites – but rather “Jews”! [4] I might even be so brazen as to add that our Hakhamim did not view themselves narrowly as “Sefardic Hakhamim”, but much more broadly as Jewish Hakhamim, who were responsible for the entire Jewish people wherever they may be from. We therefore must ask ourselves: are we not being divisive by continuing to allow the impressions of our various exiles to remain upon us? Is it not time to stop being divisive and finally unite into one nation?

Rabbi Uziel himself announced his desire to abandon such terms in his inaugural address [5] as Hakham Bashi of Yaffo:

"It is my tremendous desire to unify all of the divisions that the diaspora tore us into, the separate communities of Sefardim, Ashkenazim, Temanim, etc. This will not be a difficult task for me, since unity is in our nature and our national character as a people. It was only our dispersion throughout the diaspora that created the particular linguistic and communal divisions that exist amongst us. As we now return to our homeland, there is absolutely no reason to continue living by these communal and linguistic divisions imported from the diaspora. Instead, we will be one unified community... Should I succeed in helping to quickly realize and fulfill this unity amongst us, great will be my merit."

Regarding this natural unity among the Jewish people, Rabbi Uziel writes elsewhere [6]:

"The bitter exile has torn us into separate communities and ethnic groups, separated by distance, language, and speech... but each [Jewish] community was united internally, and maintained its brave bond to the one, united Jewish people. Nonetheless, we were divided into two camps, Sefardim and Ashkenazim... both of which were like the Cherubs who faced each other and recognized each other as brothers in knowledge, tradition, suffering, and hope, yearning to gather together in a moment of opportunity in the Land of Hope, the melting pot which would enable us to once again return to being one, united nation in faith and language... and to dwell together as “brothers who dwell together”." [7]

Rabbi Uziel himself felt this duality in the essence of his being. In a speech he gave at his fiftieth birthday celebration, he shared the following thoughts [8] with his friends and colleagues:

"In his address tonight, my friend and colleague Rabbi Fishman touched upon the Sefardic and Ashkenazic elements within me. I have already expressed on many occasions that I do not relate to any distinctions or separations between Sefardim and Ashkenazim. It is not the countries of Spain (Sefard) or Germany (Ashkenaz) that gave us great Torah scholars, rather the Torah itself – regardless of locale – that has inspired generation after generation of Torah learning."

To my childhood friend, the honorable author A. Elmaliach, I say: I love the concept of unity for our people, and my goal is to see the elimination of the unnatural divisions amongst us that were created by the diaspora. I absolutely hate divisiveness, and I sharply condemn and reject all divisiveness masked as religion."

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Rabbi Yişhaq Nissim, Rishon LeŞiyon and successor of Rabbi Uziel, wrote the following words in his eulogy for the latter [9]:

This character trait of Ahabat Yisrael along with the complete and total recognition for the need to unite the Jewish people, to merge the tribes and the ethnic groups, were present in all that he did. [11] He always rose up against ethnic separatism, against the tendency to build barriers of separation between ethnic groups. How important is this noble task in our generation of the “ingathering of exiles.”

We find similar sentiments among many of the Hakhmim of that unique generation in which the Jewish people returned home to Eretz Yisrael after two-thousand years of longing.

Most notable is Rabbi Yosef Kapach (Qafih) [11], who – while valiantly continuing his family’s mission to maintain and preserve authentic Yemenite tradition and practice – authored a short article titled “Educating The Youth To Merge [Exiles]” [12] in which he writes:

“One of the tasks of our generation is that of ‘merging the exiles’, which means: creating one lifestyle, which will replace all the customs which currently exist among the various ethnic groups.”

Rabbi Kapach is careful to warn us that in order for this to be accomplished, there must exist:

“More cordial relations between the ethnic groups, in such a fashion that will enable every group to see in its counterpart the light, the positive, the good inherent in it.” [13]

After two pages in which he discusses various suggestions on how to merge customs, prayer rites, Hebrew pronunciation, tunes, and even how to abandon superstitions, he concludes:

“One thing is clear to me; we are already in this process, and we must steer it in the proper direction in order to achieve our desired result, which is: one singular, united practice among all of Israel.”

As mentioned above, many of our Hakhmim returned to Israel with this dream in their hearts. Unfortunately, many of them were not aware that this willingness was often only one-sided. [14] Whatever the reason, this reality quickly caused many of our Hakhmim to reconsider their stance regarding the “merging of the exiles”.

The next article [15] of Rabbi Yosef Kapach contains in it the following episode, illustrating the practical difficulty in executing this ideal of “merging exiles”. In response to questions he received concerning the education of young women, Rabbi Kapach instructs the teachers to:

“[Teach Halakha] by separating actual Law from customs belonging to various ethnic groups. Similarly, it is important to point out the customs of various ethnic groups – so long as the teacher genuinely knows them – while stressing the legal foundation in them. Also, while teaching elementary Law, she must emphasize the various legal stances of the Posekim. For example: “the RaMBa”M rules this way” and “the Shulhan Arukh rules this way” and “the custom is this way”. This is so that when a young lady will hear in her home something different, she should know that the custom of her parents is not mistaken, and so that the school will not contradict the home. [16]

There was an instance where a young lady of a particular ethnicity was instructed by her mother to observe her forefather’s age-old practice. When this reached her “Madricha”, who was from another ethnicity, she rebuked her harshly saying that this was a non-Jewish custom. Ultimately the matter was clarified, and it was shown that the young lady’s mother had instructed her properly, in accordance with the rulings of the early Posekim – which the “Madricha” was entirely ignorant of.”

The same article of Rabbi Yosef Kapach contains in it the following grievance, which shows just how quickly this “merging of exiles” backfired: [17]

“Regarding whether or not “merging of the exiles” should take place in Halakha; my opinion is that we must leave everything as it is, and we should even encourage the observance of customs as they are, since they originate from holiness. This claim of “merging of the exiles” is a deceptive illusion. I have not yet heard of an Ashkenazi community which has accepted upon itself Yemenite Halakhic custom, or even Sefardic custom. All of this discussion regarding the “merging of exiles” is nonsense, and is instead intended to blur and destroy the customs of exile. In some instances, it even happens that they abandon the more correct and foundational customs, and force inferior and less foundational customs in their place. There are even some who preach to us that we must stand in front of “three ignoramuses” [18] to perform an “annulment of vows” in order to abolish our beautiful and foundational customs. They are even willing to volunteer themselves to be the “ignoramuses” for this purpose! Therefore, it is proper to leave matters as they are until the Righteous Ruler [19] will come.”

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This concern regarding unity coming at too-high a cost was shared by Rabbi Uziel when he said [20]:

"However, hand in hand with my love for unity, I want to draw the distinction between unity and self-belittlement. It is my goal to see unity amongst us in the field of work and [my emphasis] in the field of literary creations. Therefore, may it come to pass, that from the descendants of the great Rabbis from Spain, once again will emerge Posekim (halakhic decisors) and Darshanim (homiletical preachers), Hoqerim (philosophers) and Meshorerim (poets), Parshanim (Biblical commentators) and Mequbalim (mystics/kabbalists). This is my goal, and this is my prayer. Will I merit to see this take place in my lifetime? May Hashem say yes. But in this way, I hate the self- and ethnic-belittlement. It is from this ideological worldview that I lent a hand to strengthen the World Sefardi Foundation, but from the very first moment, I told them that their most important mission lies in the areas of culture and Tora. More than once, I asked to create, under their umbrella, a Bet Midrash LeRabbanim (a rabbinical school), because I believe that Tora and higher intellectual education are the foundations for peace and unity amongst us."

The famous Sefardic historian, Rabbi Moshe David Ga'on [21], wrote the following emotional introduction to his magnum opus [22] :

"Before ascending to Ereṣ Yisrael from Bosnia, the land in which I previously had dwelled, I was unfamiliar with the term “Eastern Jews” – though I am Sefardi from birth and have been raised in a location populated with Jews... Rarely, in passing, my ears picked up conversation surrounding Jews whose customs differed one from another... [but differences] which were not intended to cause separation and division..."

Only upon reaching the holy city of Jerusalem – which I had previously imagined and envisioned as a place intended for the ingathering and merging of exiles – was I awoken from my drunken stupor, and was my childish innocence violated.

I stood for a moment, surprised, at the Kotel – that monument of shame of the people of Israel; my face contorted and twisted in shame, my heart depressed within me. Walking afterwards in the city streets, the state of the Jewish union was revealed to me in all its ugliness. I realized that my miserable nation was torn and ripped to pieces, each tribe and its flag, each family and its direction, customs and traditions.

I soon realized that, apparently, I no longer belong to one organized, suffering nation which is fighting for its survival with all its strength, but rather I belong to one small ethnic group which stands for itself.

This matter awakened me to ponder the essence and purpose of tribalism, and what justification exists for this unusual phenomenon. These musings troubled my mind greatly, torturing me immensely, and shaking me to my core... "

What is the purpose of this tribalism?

Perhaps we will never know the answer to that question; unable to understand the justification for this unusual phenomenon.

What I can suggest though – from my familiarity with this fascinating Ḥabura – is that it exemplifies the true meaning of the word “Sefardi”:

"It must be known that “Sefardim” are not exclusively those who come from Spain. All who have embraced the influence of the [Ḥakhamim] of Spain and its customs, are considered “Sefardim”... We were honored because of that unique Torah, song, philosophical research, and [Jewish] nationalism." [23]

Or as we say in the Shiviti Bet Midrash: “Sefardic is not about where you come from; but rather about where you wish to see yourself go”.

I bless us all that until we are able to properly unite our divides, heal our rifts, and fuse our destinies, we utilize this Ḥabura to ensure that – with the help of HaQadosh Barukh Hu – from it: will emerge Posekim and Darshanim, Hoqerim and Meshorerim, Parshanim and Mequbalim.

This is my goal, and this is my prayer.

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1. Whereas Kibbuş Galuyot means the “ingathering of the exiles”, “Mizug Galuyot” or “merging of the exiles” is the term used for the subsequent ideal of integrating them into one, homogenous people. This issue of Mizug Galuyot was a cornerstone of early Zionist philosophy, and is discussed frequently in rabbinic texts from that generation.
2. The World Sephardi Federation (WSF) was founded in 1925 at the international convention of Sefardi Jews held in Vienna, prior to the 14th Zionist Congress. The initiative behind its establishment came from the heads of the Sefardi and Oriental communities in Palestine, who, together with the heads of the Sefardi communities in the Balkan countries and central Europe, set up the World Union of Sefardi Jews. Moshe Pichotto was chosen as the first president of the union, whose center was set in Jerusalem. In a unanimous resolution, it was declared that the establishment of this union was essential for the Zionist movement, in order to build the land with the cooperation of all the Jewish communities. Source: Avi Shlush: Letter of Introduction. The World Sefardi Federation.
3. Mikhmane Uziel, Volume 4 (page 260).
4. I use this term lightly, as there is much to be said about when we begin to find the word “Yehudi” replacing the word “Yisraeli” in Jewish literature.
5. Mikhmane Uziel, Volume 1 (page 325). English translation courtesy of Rabbi Daniel Bouskila, with minor changes of my own.
6. Mikhmane Uziel, Volume 4 (pages 94-99).
7. Tehillim 133:1.
8. Mikhmane Uziel, volume 1 (page 473-474). English translation courtesy of Rabbi Daniel Bouskila.
9. LeDor Dorot, Volume 1 (page 226).
10. Much has been written about Rabbi Obadia Yosef’s negative perception of Rabbi Uziel’s dream for unity, understanding it as nothing more than a “fantasy”, and even accusing him of “being submissive to his Ashkenazi counterparts”, namely Rabbi Abraham Yishak HaKohen Kook. See Rabbi Binyamin Lau’s article in Akdamot, volume 10 (Kislev 5761). For Rabbi Obadia Yosef’s own words, see Yabia Omer, Volume 6, Oraḥ Haim (43), and Eben HaEzer (14), among others.
11. Rabbi Yosef Kapach himself transliterated his last name as “Kafih”, slightly different from his grandfather who transliterated it as “Alkafeh” (as seen in his book “Milhamot Hashem”). I have chosen to use the colloquial Israeli pronunciation of his name here.
12. This undated article in Ketabim (volume 1, page 100) leaves much to be desired. It’s brief style and lack of sources indicates to me that it may be a transcription of an oral interview or something of the sort.
13. Rabbi Kapach is adamant that the elders of the community will not be able to maintain their level-headedness throughout this process, and rather it is proper to shift the focus to the youth, in which we can hope this process can happen more peacefully.
14. Though here is not the place to do so, serious research must be dedicated to why it was the sad reality that the willingness to unite the Jewish people under one umbrella that was so much the dream of Sefardic Hakhamim, was only reciprocated in rare instances by their Ashkenazi counterparts.
15. Ketabim (volume 1, pages 102-108), undated. The significance of these articles being undated is that I have no way to tell how much time elapsed between Rabbi Kapach’s initial support of the “merging of exiles” and his withdrawal from it.
16. With the help of Hashem, I hope to one day share my personal thoughts and experiences on this painful topic in a future article. Rabbi Hagai London of Israel once composed a prayer for the parents of a new schoolchild, in which he wrote these heartfelt words: “May the values of our child’s school not clash with the values of our home”.
17. I believe that is for reasons such as these, that Rabbi Uziel’s student and secretary for many years, Rabbi Haim David HaLevy, set out to write his book Mekor Chaim, a unique work of Halakha and custom which intends to preserve the various practices of the Jewish community by recording them in one book which can be studied by all. From my experience, familiarity with different stances and practices can go a long way to create the comfort and cordiality required to bring about true unity of the Jewish people.
18. Shelosha Hedyotot; a lay “Bet Din”, similar to the annulment of vows performed on the Eve of Rosh HaShanah.
19. Presumably, the Mashiah. This phrase should not be confused with the “Teacher of Righteousness” found in some of the Dead Sea Scrolls at Qumran, referring most likely to the group’s founder.
20. Mikhmane Uziel, volume 1 (page 473-474). English translation courtesy of Rabbi Daniel Bouskila, with minor changes and additions of my own.
21. Rabbi Moshe David Ga’on was born in Sarajevo (Bosnia) in 1889. After getting a degree from the Vienna University (Austria), he immigrated to Ereş Yisrael and settled in Jerusalem. He was a school master in various primary schools in Jerusalem, İzmir [Smyrna] (Turkey) and in Buenos Aires (Argentina). Upon returning to Jerusalem, he became a member of the Sefardi Community Committee and at the same time a Municipal Council member until his passing in 1958. Rabbi Ga’on’s son, Yehoram Ga’on, is an Israeli singer, actor, director, comedian, producer, television and radio host, and public figure.
22. Yehude HaMizrach BeEreş Yisrael, “To The Readers” (page 1). Rabbi Moshe David Ga’on published many publications among which the most important is this two-volume work, Yehude HaMizrach B’Ereş Yisrael (Eastern Jews in Eretz Yisrael), published in 1928 and 1938. This is a biographical dictionary of close to three-thousand rabbis, scholars and notables etc., in Spain, Provence in France, Italy, the Ottoman Empire including the Balkans and the Middle East and North Africa. He also published a bibliographical historical survey of the Ladino press. It is my opinion that the study of this work – perhaps one of the most important ever written on Sefardic history – would change much of the modern perception of Sefardic contribution to Jewish history in the eyes of Ashkenazim and uninformed Sefardim alike.
23. Rabbi BenShion Me’ir Hai Uziel, Mikhmane Uziel, volume 4 (page 294). I cannot recommend enough that one take a look at the important footnote on this topic in the writings of the late Rabbi Dr. Yosef (José) Faur, in his book “Rabbi Yisrael Moshe Hazzan: The Man and His Works” (chapter 1, footnote 1).

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Queen Esther: Strategist, Leader, Diplomat, Saviour

Dr Efrat Shaoulian Sopher



Queen Esther's wise words and the strategy that she helped to orchestrate resonate loudly in modern times. At my first address to the United Nations Human Rights Council, I recounted the story of Esther who was faced with the prospect of the Jews of Persia being threatened with complete elimination. Esther courageously and shrewdly navigated the palaces of power and galvanised her people to protect themselves from a royal decree to eliminate the Jews. It is important, now more than ever, to heed the lessons that Esther and her Book represent. This is a recurring theme for the Jewish nation and its leaders.

In the Book of Esther, we are introduced to political concepts that include self-defence, strategic calculus, human agency and the role of leadership and relationships in statecraft. Indeed, the lessons taught could easily fill a textbook in a modern strategy course. This article aims to shed light on a number of these lessons by way of introduction to a thoroughly modern ancient leader of historic proportions.

One may ask what roles do personality, beliefs and identity play in the grand state strategy both in the past and in the present? Identity is a very prominent part of the collective identity mediated through leadership. A precursor to the modern Israeli foreign policy 'story of becoming' is the sense of the individual leader's identity, seen through Esther and Mordechai in this case, when strategies become policies, and policies transform the fate of a nation. Secular political theorists explain the importance of these elements. Yaacov Vertzberger, in his analysis of the decision-maker and leader explains that: "Within the network of the core beliefs relevant for political analysis and action, are the operational code beliefs and philosophical and instrumental ones, that have decisive diagnostic and prognostic roles." [1] Core beliefs play a critical role within the calculus of the leader having both the belief and the subsequent power to act. Valerie Hudson explains that "the source of all international politics and all change in international politics is specific human beings using their agency and acting individually or in groups." [2] It is through this role of agency that the Book of Esther teaches us in its context the very modern concepts of statecraft.

Personality, Intelligence, and Political Favour

Both Esther and Mordechai's characters illustrate the importance and vital potential impact of good intelligence. Chapter 2 of the book of Esther demonstrates how Mordechai and Esther were intimately acquainted with Persian politics and centres of power. Mordechai shrewdly spent time at the king's gate (Esther 2:19) Mordechai and Esther appreciate that good information is used and traded, so that effective listening is also key. For instance, in Chapter 4 of Esther, Mordechai obtains intelligence on conspirators against the king Bigtan and Teresh which Esther makes good use of by forwarding it to the king. (Esther 2:21-23) Yoram Hazony explains that the capital that was attained via good intelligence was collected and guarded in order to be used defensively by Esther and Mordechai at a later date. [3]

Esther realises not only the power of listening, but also her critical role of speaking out as Queen. Mordechai points out to her that speaking out to save her people is a part of her responsibility in the position that she holds. Rabbi Joseph Dweck points out that this is where Esther rises to the occasion and seizes upon her own sense of strength and steps into action to save her people from Haman and in turn Amalek. This is in contrast to her great grandfather King Saul who does not entirely eradicate Amalek when instructed to do so by G-d via Shmuel. [4] The power to act goes beyond access to power of the state, it also involves a sense of the leader's own sense of agency.

It is possible to have access to excellent intelligence, but a leader must also be able to adeptly navigate political power structures, be they national or international. This brings agency to a new level of potential and influence when the matter of identity is also at play. Any political context also has rules of the political game. Esther shrewdly learned the game at play in her own unique way. Potent parallels have been drawn between Joseph and Esther-their *moda operandi* in navigating power structures while maintaining their identities.

Perceptions and Perspectives

Esther was exceptional at finding favour in the eyes of those in power and is considered "the most gifted subsequent practitioner of Joseph's art." [5] Chapter 2:15 teaches that Esther "found favour in the eyes of all who looked upon her." [6] Esther was not only blessed with external beauty, but it could also be argued that she also made it her mission to immerse herself in the Persian court's mentality and accepted behaviour that in turn helped her to gain political favour. Hazony emphasises that "When it came to Esther... to go to the king, she requested nothing other than what Hegai the king's chamberlain, keeper of the women advised-and Esther found favour in the eyes of all who looked upon her." This is a prime example of Esther wisely relying on an expert advisor to help her learn the norms and social mores which would in turn help to succeed.

Queen Esther: Strategist, Leader, Diplomat, Saviour

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As the consummate diplomat, Esther convinces all whom she comes into contact with that their interests are shared and therefore cooperation is the only way. [7] This was and still is a hugely effective tool of diplomacy. Esther navigated the Persian royal court like a chameleon and not only by taking the counsel of experts, but also by gaining the trust of all she met. In Masechet Megillah 13a R. Elazar suggests that Esther put others at ease to such a degree that every man mistook her for a member of his own people. [8] Trust is an element of statecraft on the individual level that once well established, can change policies and the course of history. Just as Esther gained trust, and Joseph and Mordechai before her gained the trust of those around them, in modern examples, extraordinary international agreements have been made in diplomatic efforts which required trust, for instance between Israel and pre-revolutionary Iran. Esther and Mordechai both understood the vital importance of speaking the king's language and making good use of experts. In this regard, Esther surpassed Joseph. Esther appreciated the importance of perceptions and ensured that she found favour in all the eyes that looked on her.

Wars and Enemies

Haman the Agagite, descended from Amalek, is heir to a conflict which has dogged the Jews from the day they left Egypt and became a people. This makes him a historic nemesis of the Jews, which goes beyond being a genocidal anti-Semite. Esther and Mordechai therefore come face to face with an enemy that must be overcome with strategy and cunning. Facing Haman the Amalekite was not a traditional conflict.

Hazoni explains how “wars are fought against rival powers to eliminate them as a threat, or to despoil them, or to enhance one's own reputation. But in all of these cases, the Amalekites should have sought to engage the Jews as a military force- attacking the best men and the least tired in order to destroy them as a threat, or to take them and their possessions into captivity, or to gain in stature for having demolished a formidable power.” [9] Instead, the Amalekites attack the weakest among the nations, in their most vulnerable state. It could be argued that the Amalekites demonstrated the first use of terrorist tactics, which Esther had to thwart in her time as well when Haman and his allies sought to eradicate the most vulnerable members of society throughout the land.

Indeed, it could be argued that the war of self-defence that Esther faced was a biblical version of modern asymmetric warfare. Asymmetric warfare is open conflict between belligerents with vastly different relative military power with extremely different tactics and strategy. Jewish communities throughout the land potentially faced the might of the Persian empire to fight for their survival. Queen Esther was forced to consider creative and innovative tactics to defend her people, just as is the case today in the modern State of Israel where the military must consider the strategic calculus of asymmetric warfare on all fronts on a daily basis.

Strategy

Esther had a crystal-clear mission for which a strategy for survival evolved. Esther considered all forms of strategy- action as well as effective pauses- in order to achieve her objectives and save her people. Every encounter, meeting and opportunity was a dot to be joined strategically on the road to achieving her aim from start to finish of the entire tale.

For instance, success depended on seamless execution from her preparation at the harem before meeting the King to her banquets for the King and Haman, to facilitating the drafting of the king's decree for the Jews to save themselves from Haman's genocidal decree. Esther understood the King's mentality and cadence and this served her exceedingly well. Esther even lingered outside the King's door in royal robes and waited to catch his eye. It could be argued that this could even have been a plan to make the dialogue seem like the King's own idea. This is also diplomacy personified. Interestingly, this was a tactic used historically by Persian queens and Royal consorts.

Once she becomes queen, Esther patiently holds her nerve and does not act immediately. Esther uses quiet diplomacy at the same time as Mordechai is employing public pressure. As Esther develops as a leader, she also evolves in her issuing of commands and making requests of the King, as her plan progresses from banquet to banquet. She invites the king and Haman to two dinners to discern the potential weakness in Haman's position. Quiet diplomacy is both an ancient and modern tool of statecraft.

Esther's acumen and foresight lend themselves to further analysis on various levels. It is worthwhile to look closely at Queen Esther herself as a leader and a strategist, who faces a formidable and historic enemy with unequal means and modes of warfare and who emerges triumphant. In the same Book, we learn of her great diplomatic skill and execution of a clear mission. Modern day leaders would be well advised to study Esther and her brave leadership closely for successes in our time.

Queen Esther: Strategist, Leader, Diplomat, Saviour

Dr Efrat Shaoulian Sopher



1. Vertzberger, Yaacov Y.I. *The World in their Minds: Information Processing, Cognition, and Perception in Foreign Policy Decision-making* (Stanford: Stanford University Press, 1990), p. 123.
2. Hudson, Valerie M. *Foreign Policy Analysis: Classic and Contemporary Theory*. (Lanham, Md.: Rowman and Littlefield, 2007), p. 6.
3. Hazony, Yoram. *The Dawn: Political Teachings of the Book of Esther* (Jerusalem: Genesis Jerusalem Press, 2000), P. 31.
4. Rabbi Joseph Dweck, Sermon, 20th February 2021, Lauderdale Road Synagogue, London.
5. Hazony, p. 36.
6. Hazony, p. 36.
7. The Talmud further explains this passage by Esther Rabba 6:8- Rabbi Judah pointing out that individually, everyone admired Esther in their own way as would a sculpture when admired by a thousand people.
8. Megilla, 13a.
9. Hazony, p. 96.

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Gemara in Context

Rabbi Isaac Tawil



The study of Talmud is the hallmark of Jewish thought. Jewish law, Jewish philosophy and the Jewish approach to interpreting the Torah all sprout forth from the oral tradition that is rooted in the Gemara.

There are many different approaches towards decoding a Sugya. What we, as inheritors of the Sephardic tradition need to ask ourselves is 'How are we supposed to attack a Daf of Gemara in the same way our Sefardic ancestors did?' While we cannot cover all of these different philosophies in one article, I feel that there is one basic approach that opens students' minds and helps to open doors to the stories in the Talmud and allows them to gain the maximum amount from the wellspring of knowledge possessed by the Tana'im and Amora'im. This very simple, but often overlooked, approach is to make sure to understand the context of the Gemara.

When we talk about context, we are referring to specific questions the student must ask as they read the holy lines of the Gemara. Who is speaking? What is their past? With whom have they interacted in their lives? What is their philosophy on life? What is the setting, time and place of the story? The Sefardic masters of the past always preached about knowing the context of the Sugya before being able to move forward. As an example, and a small exercise we can all learn from, is a story brought by the Gemara very early on in the ס"ז, which when analyzed with an understanding of the context, illustrates how difficult it would be to understand the Sugya otherwise. On a more practical and immediate note, I feel like this Gemara also provides us with some much needed Musar considering that we are still living through the COVID-19 pandemic.

The Gemara states [1] in the name of Resh Laqish as follows:

נאמר "ברית" במלח ונאמר "ברית" ביסורין; נאמר ברית במלח, דכתיב: "וְכֹל קֶרֶבֶן מִנְחֹתָי בַמֶּלַח תִּמְלָח וְלֹא תִשָּׁבֵית מֶלַח בְּרִית אֱלֹהֶיךָ מֵעַל מִנְחֹתַי, עַל כֹּל קֶרֶבֶן תִּקְרִיב מֶלַח" (ויקרא ב: יג), ונאמר "ברית" ביסורין, דכתיב: "אֲלֶּה דְבַרֵי הַבְּרִית" (דברים כח: ט). מה "ברית" האמור במלח - מלח ממתקת את הבשר, אף "ברית" האמור ביסורין - יסורין ממרקין כל עונותיו של אדם

The word "covenant" is mentioned in the Torah in a passage dealing with salt and another discussing suffering. Regarding salt the Torah states: "And you shall salt every one of your meal offering sacrifices with salt, and you shall not omit the salt of your God's covenant from [being placed] upon your meal offerings. You shall offer salt on all your sacrifices." Regarding suffering the Torah states: "These are the words of the covenant, which the Lord commanded Moshe to make with the children of Israel." The Gemara explains that the word 'covenant' is mentioned in both the context of salt and that of suffering- just as salt sweetens (memateqet) meat, so too suffering cleanses (memareqet) all of a person's sins. While it is easy to see how salt enhances food, how can we possibly understand that suffering enhances a person?

To fully understand this Gemara, we need to understand the context. In the ancient world, salt was considered a miracle compound. It had many abilities; to enhance taste, remove blood and other foul substances from food, but most importantly, it had the power to preserve. Without salt, many families would have perished due to their inability to keep food fresh. We also must understand the history of Resh Laqish, the author of this statement. The Gemara [2] tells us the story of a young Resh Laqish being reunited with his peer Rabbi Yoḥanan. Resh Laqish at the time was a bandit, thief and a warrior capable of leaping over a river in a single bound. This man had no interest in becoming a scholar or living a Torah lifestyle. Upon expressing admiration towards Rabbi Yoḥanan about how handsome he was, Rabbi Yoḥanan offers Resh Laqish the hand of his sister in marriage, who was much more beautiful than him, on the condition that Resh Laqish abandons his current lifestyle and commit to becoming a Torah scholar. Once Resh Laqish agreed to the deal and entered the study hall, he was hooked. His diligence in Torah study was unmatched [3]. Once he adopted this new lifestyle, he was no longer able to jump across the river and his life was forever changed...for the better.

Resh Laqish shares with us the concept that salt is so important (even in the Temple rites) that it is like the covenant itself; it is thus connected to the word "ברית". The Torah also uses the word "ברית" at the end of the descriptions of the sufferings that will befall the nation for not following God's word in "The Admonishment" (תוכחה) in Parashat "כי תבוא". He compares the two: suffering acts on a person's sins in the same way that salt "sweetens" meat. The usage of "sweeten" here should not be taken literally. Rather, to sweeten here means to make it "the most pleasant", choicest or best. This is the key to unlocking the words of the Gemara that "suffering cleanses (memareqet) all of a person's sins." Resh Laqish wishes to impart to us the lesson that through suffering, a person's character may be sweetened or refined. Had Resh Laqish not experienced the past that he had, he wouldn't have had such a bright future. The same energy that made him an almost mythical character in the world of thieves made him a legend in the Bet Midrash.

Gemara in Context

Rabbi Isaac Tawil



In order for us to become serious Talmudic scholars, or even to get the most out of learning the oral tradition, these contextual questions, must be asked. Had the student simply glossed over the name Resh Laqish, and just accepted that this is just a Gemara talking about suffering, he'd have completely missed the poignancy of this deep piece of Oral Torah.

There are powerful lessons from this story which would be highlighted for us by using our Sefardic methodology . When a person finally tastes success in his or her life after enduring a difficult road, facing many hardships and experiencing setback after setback, they can reflect on those difficulties and see how those setbacks not only enhanced their successes but were an integral part of the process. One may think that all of their success is solely due to hard labor and many hours spent on the job. Set backs can often help us realize that we cannot be successful without help from above. A man who went through suffering is able to appreciate every little nuance of good tidings that God has bestowed upon him because he knows how difficult those good times are to come by.

When we look back at the past year where the world was battling COVID-19, we have a choice as to how we view the pain and suffering it has caused. We can focus on all the negatives: not being in school, not attending shul, limiting our fun and recreation, and the list can go on. Or, we can focus on how resilient it made us become. Prayer didn't stop—we connected virtually to our synagogues. Learning didn't stop—we learned over ZOOM and other platforms every day. Human interaction did not stop—we bonded with our families like never before. Do WE appreciate every single nuance of the “suffering” God has given to us this past year? This was a salty year, but maybe it was the type of salt about which Resh Laqish taught us above.

Our Torah impresses upon us the unique belief that we must acknowledge and bless God for bad tidings as well as good tidings [4]. It all comes from above; the question is, do we internalize this and try to turn our bitterness and suffering into fuel for the good that is to come? Let us learn from Resh Laqish to make our futures brighter and more enriched.

1. BT: Berakhot: 5a
2. BT: Baba Mešia 84a
3. Sanhedrin 24a--"Ullah remarked (regarding Resh Laqish's diligence in Torah): watching Resh Laqish delve into a text in the study hall was like watching someone uproot two mountains and grind them down against each other." Meaning; he was able to take what seemed to be established concepts and break them down and challenge them.
4. Mishna Berakhot 9:5

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Lo Tokhelu Al Haddam, Benamozegh and the Time Axis of Halakha

Rabbi Aaron Haleva



This paper addresses the time axis in Judaism, which I learned about from Ḥakham José Faur [1]. I would like to say a few words about the Ḥakham, by way of introduction.

I was a student of Ḥakham Professor José Faur for 43 years. He was not a Rebbe. He was also not a “Mori.” Moreover, he was not your standard Sefardic Ḥakham or “Haham.” The best way I know to describe him is that he was a Soshu. In Japan, a Soshu refers to a master who began a new way in either the arts or spiritual pursuits. While his way was new, it related to something very old. He advocated, to the extent possible, a return to the intellectual, spiritual and developmental world of Old Sefarad.

Ḥakham Faur resurrected, lived, practiced and taught a Judaism that is simply no longer in favor, often not even known. This is the Judaism of the Geonic-Andalusian tradition. What he called the culture of “Old Sefarad.” The world of Maimonides, AlFasi, Ibn Megas, Samuel Nagrella, Abraham Ibn Ḥzra, Solomon Ibn Gabirol, Yiṣḥaq AlBeila, Yiṣḥaq Ibn Gayat, and Zekharia Aghamati, to name just a few. This tradition began with the arrival of R. Moshe Bar Ḥanokh in Córdoba in the year 990 CE and, prior thereto, the official transmission of the Babylonian Talmud to Spanish Jewry by R. Natronai HaNasi in 770 CE. In Andalusian Judaism there is no separate “rational” and “mystical.” Both are thoroughly, and inextricably, interrelated. There is precision, where a Talmudic sugya always has a clear conclusion, and to even read the Talmud a knowledge of its technical terminology and structures must first be acquired by face to face transmission. Ijtihad, or “personal zeal” -- and therefore essentially all “customs” -- are regulated by and subservient to Law. In Old Sefarad the Law is expressed in precisely defined and well known categories, or, as R. Yehuda HaLevi put it “huddud mustaqasa fi-illim.” There is no “appease all opinions” or “well, technically you may do A, but it’s better to do B.” To Ḥakham Faur the world of Old Sefarad was never just “an interesting study,” or a footnote to a “Sefardic identity.” It was the Judaism that he actually practiced, each and every day.

Adopting the nomenclature of Saussurean Linguistics, Ḥakham Faur often taught about the “diachronic-axis” -- or “time axis” -- in Judaism and Jewish Law. The time axis refers to how the form or implementation of a Biblical miṣva changes over time. When it does change, this is the result of legislation by a Sanhedrin or Bet Din HaGadol. The new law is expressed (but never originates) via a midrash halakha -- exegesis of a Biblical verse that posits a re-interpretation. If the new legislation addresses a new question, for which there was no previous “qabala”, whether Mosaic or otherwise, the new legislation is one of the famous “dinim mufla’im” that Maimonides referred to [2], alluding to Deuteronomy 17:8.

Ḥakham Faur and I often discussed R. Elie Benamozegh’s wonderful commentary on the Torah, entitled “Em LaMiqra.” Em LaMiqra applies to the Torah the analytical methods of the 18th century Neapolitan professor of rhetoric, Giambattista Vico [3]. One of Vico’s famous statements is that “our language knows much more than we do.” In other words, if one mines the idioms, peculiar phrasings and cultural forms reflected in a language, one discovers unexpected treasures regarding the distant past of those who spoke that language. When the language in question is embodied in an ancient text, one may bridge the gap to the long forgotten institutions, norms, underlying assumptions, and world view of those that produced and valued that text [4]. In Em LaMiqra, the text is the Torah, and the language and culture under study is that of Biblical Hebrew and the ancient Hebrews. Discovering the original referent of words and phrases in the Torah often uncovers a different original understanding of certain miṣvot. This involves the time axis.

This paper is a restatement of R. Eliyahu Benamozegh’s commentary to Vayiqra 19:26. This pasuq reads as follows:

כּוּ לֹא תֹאכְלוּ עַל-הַדָּם; לֹא תִנְחָשׁוּ, וְלֹא תַעֲוִינוּ.

This translates to “do not eat on the blood; do not divine, and do not perform augury.”

Three acts are prohibited. Holding in abeyance what the first act refers to, the second and third proscribed practices clearly relate to magical acts. They are thus forbidden under the laws of ‘Aboda Zara’ or foreign worship, which includes various types of magic, divination, soothsaying and foretelling.

To understand exactly what is prohibited in “eating on the blood”, one may first consult Maimonides’ Sefer Hamiṣvot, which lays out a brief abstract of each and every miṣva.

Lo Tokhelu Al Haddam, Benamozegh and the Time Axis of Halakha



Rabbi Aaron Haleva

Maimonides counts this negative commandment as Negative Precept No. 195:

The proscription that we are enjoined from gluttony and drunkenness in youth according to the conditions described regarding the wayward and rebellious son. And that is His statement, may He be exalted, “Do not eat on the blood.”

And the language in Gemer Sanhedrin [5] is “the warning for a wayward and rebellious son is from which verse? Train yourself to recite ‘do not eat on the blood’, in other words do not eat in a way that results in the spilling of blood. This is the eating and drinking of this glutton and drunkard who is liable for death as a result.” [6]

There are some enigmas here. First, the second part of the pasuq addresses magic and divination; it is thus very likely that the first part does as well. Second, there is already an entire section of the Torah describing the ‘wayward and rebellious son’ -- Debarim 21:18-21. It seems unlikely that the azhara or proscription against being a rebellious son would be one half of a pasuq in Leviticus that addresses divination. Finally, as per the gemer Sanhedrin, the preposition “al (on)” in the injunction “do not eat on the blood” is interpreted in a forced way: “do not eat in a way that results in the spilling of blood.”

Finally, if we look at Sanhedrin 63a, we see that four other laws are also sourced by this very same pasuq (Leviticus 19:26), via Midrash Halakha:

דתניא מנין לאוכל מן הבהמה קודם שתצא נפשה שהוא בלא תעשה תלמוד לומר (ויקרא יט) לא תאכלו על הדם.

דבר אחר לא תאכלו על הדם לא תאכלו בשר ועדיין דם במזרק.

רבי דוסא אומר מניין שאין מברין על הרוגי ב"ד ת"ל לא תאכלו על הדם.

ר' עקיבא אומר מנין לסנהדרין שהרגו את הנפש שאין טועמין כלום כל אותו היום ת"ל לא תאכלו על הדם.

These include: (i) eating an animal before it fully dies; (ii) in the Temple, eating the flesh of a qorban while its blood is still in a sprinkling bowl; (iii) there is no seudat habara (initial mourner’s meal) for the family of an executed criminal; and (iv) the judges of a criminal court that convicted and executed someone may not eat that entire day.

None of these acts are in any way related to divination and augury. Moreover, they are details of other mišvot, not stand alone mišvot in their own right. Obviously, we have a Rabbinic re-interpretation. By associating “lo tokhelu al hadam” with five separate laws, all unrelated to “lo tenaḥashu velo teḥnenu”, the Rabbis displaced the original meaning. R. Benamozegh shows that the original referent was a Canaanite ritual that during the Rabbinic Period, was defunct, obsolete, and no longer understood. His note on Leviticus 19:26 is reproduced below. [7]

The key to unlocking the puzzle lies in the Septuagint’s translation of this pasuq, which echoes a related verse, Ezekiel 18:6:

26 μὴ ἔσθετε ἐπὶ τῶν ὀρέων καὶ οὐκ οἰωνοῖσθε οὐδὲ ὀρνιθοσκοπήσεσθε.

26 Eat not on the mountains (oreon), nor shall ye employ auguries, nor divine by inspection of birds.

Yehezqel 18:5-6

ה ואיש, כי-יהיה צדיק; ועשה משפט, וצדקה. ו אל-ההרים, לא אכל, ועיניו לא נשא, אל-גלולי בית ישראל; ואת-אשת רעהו לא טמא, ואל-אשה נדה לא יקרב.

Ezekiel here describes the acts that a righteous man avoids. “On the mountains he never ate, and he never lifted his eyes to the idols of the house of Israel, nor did he defile his neighbor’s wife or come near to a menstruating woman.”

What does the phrase “on the mountains he never ate” refer to?

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Benamozegh notes, citing Pluche [8], that it was the practice of pagan peoples to gather on the mountains, dig a pit, kill a large animal, and pour the animal's blood into the pit. Following that, they would take an oath to a dead person, asking him to come to them, so they could ask him whatever they desired. The dead somehow enjoyed drinking the blood. This is precisely why the Septuagint translated “lo tokhelu al hadam” as “do not eat on the mountains”, and from this we can understand what Ezekiel meant when he wrote “on the mountains he never ate.”

Moreover, Benamozegh notes, there is another set of pesuqim at Ezekiel 33:25-26 that explicitly refer to “eating on the blood” and add a further detail of this ritual.

כה לכן אָמַר אֱלֹהִים כֹּה-אָמַר אֲדֹנָי יְהוִה, עַל-הַדָּם תֹּאכְלוּ וְעֵינֵיכֶם תִּשְׂאוּ אֶל-גִּלּוּלֵיכֶם--וְדָם תִּשְׁפְּכוּ; וְהֶאֱרָץ, תִּירָשׁוּ. כו עַמְדָתָם
עַל-חַרְבְּכֶם עֲשִׂיתֶן תּוֹעֵבָה, וְאִישׁ אֶת-אִשְׁתּוֹ רִעֵהוּ טִמְאַתֶּם; וְהֶאֱרָץ, תִּירָשׁוּ.

25Therefore say to them, thus saith the Lord YHWH; You eat on the blood, and you lift up your eyes toward your idols, and you shed blood -- and you expect to possess the land? 26You stood upon your sword you have done an abomination, and everyone defiles his neighbour's wife -- and you expect to possess the land?

What does this “standing on the sword” refer to? For this Benamozegh refers us to Homer’s Odyssey, Book 11:

Thither we came and beached our ship, and took out the sheep, and ourselves went beside the stream of Oceanus until we came to the place of which Circe had told us. “Here Perimedes and Eurylochus held the victims, while I drew my sharp sword from beside my thigh, and dug a pit of a cubit's length this way and that, and around it poured a libation to all the dead, first with milk and honey, thereafter with sweet wine, and in the third place with water, and I sprinkled thereon white barley meal.

*But when with vows and prayers I had made supplication to the tribes of the dead, **I took the sheep and cut their throats over the pit, and the dark blood ran forth.** Then there gathered from out of Erebus the spirits of those that are dead, brides, and unwedded youths, and toil-worn old men, and tender maidens with hearts yet new to sorrow, and many, too, that had been wounded with bronze-tipped spears, men slain in fight, wearing their blood-stained armour. These came thronging in crowds about the pit from every side, with a wondrous cry; and pale fear seized me.*

And I myself drew my sharp sword from beside my thigh and sat there, and would not suffer the powerless heads of the dead to draw near to the blood until I had enquired of Teiresias.

* * *

Then there came up the spirit of the Theban Teiresias, bearing his golden staff in his hand, and he knew me and spoke to me: ‘Son of Laertes, sprung from Zeus, Odysseus of many devices, what now, hapless man? Why hast thou left the light of the sun and come hither to behold the dead and a region where is no joy? Nay, give place from the pit and draw back thy sharp sword, that I may drink of the blood and tell thee sooth.’ “So he spoke, and I gave place and thrust my silver-studded sword into its sheath, and when he had drunk the dark blood, then the blameless seer spoke to me and said . . .

This ritual thus involves a sort of communion with the dead, where the living ask the dead for information, or ask the dead to do something for them, offering the dead the animal’s blood to drink. It is thus a type of divination, related to “doresh el hametim” (Deuteronomy 18:11). When a specific dead soul is desired, one draws his sword to prevent the other souls from approaching the pit of blood.

In his Guide for the Perplexed, Maimonides comes to a very similar conclusion. He associates the “akhila al hadam” ritual with an idolatrous practice of the Sabeans, who took blood to be the food of demons, and who used to take the blood of a slain beast and put it in a vessel, or in a hole dug in the earth, and eat the flesh sitting round about the blood. They fancied that by this means they had communion with the demons, and contracted friendship and familiarity with them, to gain knowledge of future things [9]. Maimonides here adds a very important point. The *humans* ate the flesh of the slain animal, adjacent to the blood in the pit while the demons drank the blood. Now we understand the prohibition “not to eat on the blood” as “adjacent to” the blood.

Through the lens of Old Sefarad, the “peshat” of a pasuq may change over time, just as the semantic sense (“signified”) of a linguistic term (“signifier”) changes as a language evolves. When the original peshat of Leviticus 18:26 was lost, the Rabbis

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associated the original words with five different mišvot, rendering the prohibition (lav) of “lo tokhelu al hadam” to be a “lav shebikhlatot”— a lav whose violation cannot be punished -- further indicating to the astute reader that an interpretive change has occurred.

Why is the time axis of the Torah important? To keep the Torah relevant and meaningful, the Beth Din HaGadol is empowered to re-interpret its pesuqim when necessary [10]. For a future Sanhedrin to be able to astutely do that, its members must first understand the complete “legislative history” of the mišvot thus far. They must understand that our Law is not static. Its forms in 1300 BC are not all the same as the masqanot of the Talmud Babli in 500 AD. No, Moses did not attend synagogue or say qadish. The Torah is not a primeval myth that we “re-enact.” It is a vibrant corpus that we must live in the here and now.

I do hope that the legislative history of “lo tokhelu al hadam” presented above inspires my readers to dig down into our past, revivify Old Sefarad, and discover the many treasures of our tradition still virtually unknown.

1. This article is dedicated to Ḥakham Professor José Faur, my dear teacher, sherobh ḥokhmati mimmennu. He taught me, amongst literally thousands of mostly unknown aspects of Rabbanite Judaism, the time axis of Halakha and thus the ‘legislative history’ of the mišvot that is encoded in the Talmud Babli. I was very saddened at not receiving any opportunity to eulogize him cuando paso a la mejor vida this past summer (2020). I hope this paper will accomplish, at least in part, my deep yet hitherto unfulfilled desire to do so.

2. See Haqdama to the Mishne Tora, paragraph 25, Makhon Mishnat HaTora edition (Qiryat Ono 5744/1984) p. 44.

3. Accordingly, Benamozegh’s Em LaMiqra includes literally dozens and dozens of citations to Vico’s primary work, “Principi di una Scienza Nuova Intorno alla Natura delle Nazioni...”, Naples: Felice Mosca. (1725), known in English as “The New Science of Giambattista Vico.” Ḥakham Faur was convinced that Vico himself was a descendant of Conversos, and authored several articles on him.

4. In the nomenclature of Ferdinand de Saussure, such underlying assumptions and world views are known as “l’orientation semantique.” See Ferdinand de Saussure and Florence Sechehaye, Cours de linguistique générale (Bibliothèque scientifique Payot 1995).

5. In Old Sefarad they used the Hebrew term for the Talmud, or “gemer”. “Gemara” being “the Gemer” in Aramaic. A “gemer” means a “final or complete teaching.” As Ḥakham Faur pointed out, a legal gemer has the same linguistic sense as “until their completion” in the phrase “ad tumam” in Deuteronomy 31:24. The citation here is to Babli Sanhedrin 63a.

6. Sefer Hamiṣvot, Mossad Harab Kook edition, ed. Yosef Qaḥih, pp. 276-277. The translation is mine.

7. R. Elie Benamozegh, Em LaMiqra, III, p. 46b.

8. Noël-Antoine Pluche, known as the “abbé Pluche,” Histoire du ciel considéré selon les idées des poètes, des philosophes et de Moïse, où l’on fait voir: 1° l’origine du ciel poétique, 462 (1739).

9. Moses Maimonides, Dalalat il-Hairin, Part III, Chapter 46.

10. See Mishne Tora, Mamrim 1:3 and 1:8, Makhon Mishnat HaTora edition (Qiryath Ono 5756/1996) pp. 13-16.

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Rabbi Aaron Haleva

ספר ויקרא יט

חֲטָאתוֹ אֲשֶׁר חָטָא וְנִסְלַח לוֹ. מִחֲטָאתוֹ
 אֲשֶׁר חָטָא: פ' שלישי כג וְכִי־תִבְאוּ אֶל־
 הָאָרֶץ וְנִטְעַתֶם כָּדָר־עֵץ מֵאֵכֶל וְעַרְלַתֶם
 עַרְלָתוֹ אֶת־פְּרִיֹו שְׁלֹשׁ שָׁנִים יִהְיֶה
 לָכֶם עַרְלִים לֹא יֵאָכֵל: כד ובשנה
 הַרְבִּיעֵת יִהְיֶה כָּל־פְּרִיֹו קִדְּשׁ הַלוּוִיִּם
 לַיהוָה: כה ובשנה הַחֲמִישִׁת תֹּאכְלוּ
 אֶת־פְּרִיֹו לְהוֹסִיף לָכֶם תִּבְוֹאתוֹ אֲנִי
 יְהוָה אֱלֹהֵיכֶם: ט לא תֹאכְלוּ עַל־הָדָם
 לֹא תִנְחָשׁוּ וְלֹא תַעֲוֹנוּ: כו לא תִקְפוּ

פאת

חכמתו ות' סגשגכה מנחמתוכו והמכוכה קשרי המלואות כלם ככקירה אחת •
 (כו) לא תֹאכְלוּ עַל הָדָם • כך הוה מנהג עו"ז להתקבץ על ההרים
 ולחפור גומא ולחרוב כהמה ולשפוך דמה בגומא, ואח"כ נשבעים
 אל המה שיכוא לדרוש ממנו מה שרצו Pluche Hist. de Ciel. I. 462. —
 וזה טעם השבעים שהעתיקו לא תֹאכְלוּ עַל הָדָם לא תֹאכְלוּ עַל
 ההרים — ומה נכון מ"ש כוחקאל אל ההרים לא תֹאכְלוּ — וגם מדרשו לא
 זו מהכוונה זו עלמה שהרי דרשו חז"ל לא תֹאכְלוּ כוכות אכותיו, שהם המהים
 שהיו מעלים הגוים עו"ז אלא שהסכו הכוונה דרך כבוד כלפי ישראל, וגם
 כשהיו מעלים מהם הרים שיש כמשמעו אכות כמו ככות הרי — והמנהג
 שזכרו אלל עו"ז הוא שהיה כגד עוכו חז"ל כשהורו שלא לשחוט כחוק
 הכלים ולא לחוק הגומא שכן דרך עב"ם, (עיון חולין כ' מ"ה והרמב"ם ס'
 שחיטה כ' ה') עליו הסוכנה מלואות הנכוא (וחזקאל ל"ג) עמדתם על
 תרכס עשיהם תועבה, שכן ספר אומרוס הקדמון על אולוס כשהיה דרש
 מכפש טורוזיאס על תורתו לעור איטאקא, ואחר שעשה כל מה שאמרו
 למעלה עמד והחרכ כידו להחתיק כל שאר הנפשות המשחוקות לרם ההוא
 עיון (Pluche ibid.)

לא

Crisis & Continuity: What the Talmud Teaches Us About Education During a Crisis

Mrs Lauren Grunsfeld



A crisis can act as a mirror, reflecting our true values and priorities, because tough choices testify to our most deeply held beliefs. The crisis of Covid-19 has certainly displayed the most important values of the Jewish community, and highlighted which aspects of our way of life are most difficult to give up. But one sacrifice has stood out among the others as an almost impossible one for the Jewish community to make. The prospect of closing schools and ceasing to educate our children has been perceived as an absolute disruption to our way of life, and led to the most innovative and determined solutions, rather than to the community simply accepting a reality where our children would not go to school. In some communities, this determination was pursued to a fault, with teachers and administrators arranging classes without adequate protection from the virus, in order to provide what was seen as a higher priority. Inside the classroom, the crisis also forced teachers to re-evaluate their goals and methods for teaching the students on new platforms and with new restrictions. What was essential? How much could we expect to achieve? And how could it possibly be done under these entirely new circumstances? The crisis of 2020 forced schools and teachers to find answers to these questions in recording breaking time.

But 2020 was not the first time the Jewish people had to face a crisis which threatened to cut off the transmission of our way of life to our children, forcing us to re-evaluate why and how we would do so. In this modern-day crisis we can look to the decisions of the rabbis of the Talmud to help us find an effective response to what might seem to us to be an unprecedented event.

In Tractate Baba Batra 21a-b we learn that universal primary education in a school setting was established to take the onus off of parents who were originally required to educate their own children based on the injunctions of וְהִגַּדְתָּ לְבִנְךָ and וְשִׁנַּנְתָּם לְבִנְיָיִךְ [2]. [בַּיּוֹם הַהוּא לְאִמֹר בְּעִבּוֹר זֶה עָשָׂה יְהוָה לִי בְּצֵאתִי מִמִּצְרָיִם] [3]. This major shift happened during the greatest crisis the People of Israel have ever experienced- the destruction of the Temple. Without this innovation, instituted by Yehoshua ben Gamla, according to Rav Yehudah in the name of Rav, “The Torah would have been forgotten from the Jewish people”. [4]

According to Josephus, Yehoshua ben Gamla was the last High Priest of Israel [5] and on the eve of destruction, before he himself is killed by the Romans, he recognized the urgency and imperative of establishing schools for children in every city. He is therefore credited with nothing less than saving the Torah itself from destruction. With such a backstory, it is no wonder that Jews until this day see the education of their children as tantamount to the continuity of the nation and the Torah itself. This education is seen as so essential that it actually sustains life in this world. [6]

It is also instructive to notice how responsive the rabbis of the Gemara were in establishing the laws and norms around education. When it became clear that not every child had a parent who could educate them, the entire system shifted from one of homeschooling to that of the classroom with which we are familiar today. When teachers noticed the difficulty of instilling respect and curiosity for learning in teenagers, (as it was the Roman custom to begin schooling at age 17) the rabbis established a universal entrance into school at age six, when children are most impressionable and can be stuffed with information “like an ox” [7]. The ḥakhamim take a student-centered approach to education, ensuring that schools are easily accessible to children in every city and that barriers [8] do not exist between the children and their learning. Rav even suggests differentiating learning, saying “He who reads, let him read on his own; whoever does not read, let him be a companion to his friends, which will encourage him to learn to read.” The children are placed at the center of the endeavor and their needs are accommodated in order to ensure the best possible outcome.

But what does the Gemara tell us about the best type of teacher? Because this is not part of the original ordinance, a debate between Rava and Rav Dimi ensues about which type of teacher is preferable: one who teaches a great deal of material but sometimes makes mistakes or one who is precise in his teaching but gets through less material. The debate is really one about students and one that educators are still having until this day about how students learn best. According to Rava, it is not a problem if a teacher teaches imprecisely because “שבשתא ממילא נפקא” - errors will be corrected by themselves and so it is better to get through more material. However Rav Dimi disagrees, saying “שבשתא כיון דעל על” - once a mistake is taught, it is not easily untaught so it is more important to be precise than prolific.

In order to defend Rav Dimi’s approach, the Gemara brings a graphic midrash from the story of Yoab, the commander of the army under King David, who slew every male of Edom [9]. According to the midrash, Yoab justifies this action with a pasuk [10]- “תמחה את זכר עמלק”, but pronounces the word זכר as zakhar rather than zekher rendering the commandment “blot out every male of Amalek” rather than “blot out the memory of Amalek”. Yoab kills every male of Edom because of a slight pronunciation error! Yoab then confronts his teacher about this error and despite the teacher’s insistence that he taught it correctly, Yoab threatens to kill him as well! Being imprecise in one’s teaching is presented as causing death and destruction and is a capital offense even if the teacher taught it correctly but did not check for precision in the children’s understanding. [11]

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With such a graphic demonstration of the danger of the imprecise teacher, how can we understand Rava's position? Was he just woefully out of touch with cognitive development and best practices? Was he immured from the possible grave danger that could occur as a consequence?

I would like to suggest otherwise.

Perhaps the difference between Rava's understanding of education and Rav Dimi's can be better understood if examined within the original context of the establishment of Jewish education. It is within the great crisis of the destruction of the Temple that the need for schools was recognized. This crisis would have been the greatest rupture that the Nation of Israel had ever experienced, disrupting their entire way of life, which of course would have included how parents educated their children about the Torah. When the Temple stood, children would have witnessed their parents fulfilling the misvot with their own eyes. When the proverbial son asks his father "מה העדות והחקים והמשפטים אשר צונו? הנה אלהינו אֵתְכֶם" *"What are these testimonies, statutes and judgments that the Lord our God commanded you?"* [12] presumably he is witnessing his parents actively engaged in the rituals of the Passover sacrifice. This would have been true for most of the misvot. Within this type of context, Rava would be correct to assume that "errors will be corrected by themselves", as the most famous maxim about education tells us "Tell me and I forget, teach me and I may remember, involve me and I learn." In a scenario where children are learning experientially, errors would surely be ironed out as Rava indicates.

With the destruction of the Temple however, this mimetic tradition (made famous in Haym Soloveichick's seminal essay *Rupture and a Reconstruction* [13]), where children learn through experience and by copying what they witness, disappears and a classroom and text-based system must be implemented to save the Torah from being completely forgotten. Once the experiential education of Jewish children is no longer possible because most of the laws of the Torah will no longer practically apply, only Rav Dimi's preferred teacher, who is exacting although slow, will be successful. When all we have is text, even small mistakes can be tantamount to erasure. The midrash about Yoab is a graphic reminder of how one minute error can lead to destruction. However confident Rava is that mistakes will iron themselves out, the midrash vividly demonstrates that in this new context -primary education based on texts- teachers must be as precise as possible so as not to plant incorrect seeds in young minds.

As modern educators, still locked primarily in a text-based system, we can witness the importance of this precision everyday in teaching Torah to young children. When a student who has studied Torah their whole life scours the text of the ḥumash certain they will locate the scene where Abraham is thrown into the fiery furnace or the pasuk that tells us that Caleb jumps into the sea before it splits, we are witnessing the effects of foundational errors which lack the distinction between peshat and derash, and about which Rav Dimi correctly states "a mistake once entered, remains." Without the distinction between peshat and derash, the students will lack both an understanding of the text and an understanding of how midrash works.

This need for precision is perennial, but especially today in the midst of a pandemic, we must constantly be reminded of both Yehoshua ben Gamla and Rav Dimi. We cannot of course ever give up on our children's education, however we must be willing to pivot and shift and keep in mind that it is not how much we teach that is essential, but that what we teach is actually being transmitted no matter the mode of transmission.

1. For the analysis of this sugya in terms of education I am indebted to Dr. Richard Lewis of the Hebrew University of Jerusalem
2. Deuteronomy, 6:7
3. Exodus 13:8
4. Baba Batra 21a
5. Josephus "Antiquities" xx. 9, § 4
6. "אין העולם מתקנים אלא בשביל הכל תינוקות של בית רבן" Shabbat 119b
7. The idea is to stuff the children the way you would feed an ox
8. Literal barriers such as rivers
9. I Kings 11:16
10. Deuteronomy 25:19
11. Rabbi Shimon b. Zamah of 15th century Spain (Rashbaz), gleans from this story that the teacher is not only responsible for ensuring that he does not err himself, but also that the children do not err in their repetition. Magen Avot, Pirke Avot, 4:13
12. Deuteronomy 6:20
13. Haym Soloveitchik "Rupture and Reconstruction" Tradition Magazine, 1994

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Nissayon at Mara: The Transition from Mental *Abdut* to *Herut*



Eli Shaubi

The nissayon, then, is a “challenge” in the sense that it is a moment of choice. It is not a test for God to know what man will choose, but rather an opportunity for man to choose to be free or to be a slave [5]. Thus Maimonides states:

“The meaning of *nasotekha* can also be ‘to habituate you’, as in His saying (Deuteronomy 28:56): [הַרְכָּה בְּךָ וְהִעֲנִיחָה אֲשֶׁר] לֹא־נִסְתָּה כַּף־רַגְלָהּ [הַיָּצֵג עַל־הָאָרֶץ מִהֲתַעֲנֵג וּמְרֹךְ] (= [The pampered and delicate woman,] whose sole was not habituated/accustomed [to stepping on land, being so delicate and tender].)”

We may now understand the purpose of the interim period between the Exodus from Egypt and the reception of the Torah at Sinai. The several *nissayonot* mentioned therein, served the purpose of presenting Israel with an opportunity, a moment of choice, in which Israel could be habituated in some proper choice. But in which kind of choice? Let’s relook at the *pesuqim*, first at *Mara* (Exodus 15:25-26):

(כה) וַיִּצְעַק אֶל־יְהוָה וַיִּוְרְהוּ יְהוָה עֵץ וַיִּשְׁלַךְ אֶל־הַמַּיִם וַיִּמְתְּקוּ הַמַּיִם שָׁם לֹו חֶק וּמִשְׁפָּט וְשָׁם נִסָּהוּ (כו) וַיֹּאמֶר אֱם־שָׁמוּעַ תִּשְׁמָע לְקוֹל | יְהוָה אֱלֹהֶיךָ וְהִישָׁר בְּעֵינֶיךָ תַעֲשֶׂה וְהִיאֲנִתָּ לְמִצּוֹתָיו וְשָׁמַרְתָּ כָּל־חֻקָּיו כָּל־הַמִּצְוֹת אֲשֶׁר־שָׁמַתִּי בְּמִצְרָיִם לֹא־אֲשִׁים עֲלֶיךָ כִּי אֲנִי יְהוָה רַפְּאֵי

And then, Exodus 16:4, regarding the manna:

(ד) וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה הִנְנִי מִמְטִיר לָכֶם לֶחֶם מִן־הַשָּׁמַיִם וַיֵּצֵא הַעָם וַלְקַטּוּ דָבָר־יּוֹם בְּיוֹמוֹ לְמַעַן אֲנִסְנוּ הַיֵּלֶךְ בְּתוֹרַתִי אֱם־לֹא

Both *nissayonot* served the same purpose: to habituate Israel in performing His commandments. The content of the commandment, at this point, is irrelevant, so much so that in the first instance, the Torah does not even bother telling us what the command was, beyond simply stating *hoq umishpat*. What matters is that the people of Israel, after a long bondage in Egypt, begin exercising their free-will muscle once again, in preparation for the reception of the Torah [6]. R. Abraham Maimonides sheds light on this in his comment to Exodus 15:25:

“The ‘challenge’ of The Waters of Mara was to make clear to them that for the path of adhering to the Torah, one need be capable of struggle [against one’s instincts] (*mujāhada*) [7] and breaking loose of habits. [8] ‘Vesham nisahu’ bears two possible explanations: The first is that [lenasot] has the meaning of habituation, whereby the meaning [of the verse] would be that ‘There, they became habituated in struggle, restraint, and trust.’”

The process of bringing freedom to Israel is a long and difficult one, and they fail several times (as in the case of the manna, about which Moshe is swift in rebuking them). It contains numerous steps on the way, each step presenting a new opportunity, and a new moment of choice on the path to true *herut*. That choice is the difference between real life and death, as Moshe tells us at the end of the Torah (Deuteronomy 30:15-20), “See, I have placed before you today, life and goodness, or death and badness... You shall choose life, so that you may live.”

1. See MT Hilkhot Yesodé HaTora 4:8, where the *šelem* is presented as only referring to the *šura* of the human who is *shalem bedato*. The *šelem* is not the *nefesh* itself, which is present in all men, but is rather *šurat ha-nefesh*. That is, the *šelem* does not exist in people a priori, but is rather acquired as one develops his mind. What all men possess is the potential to acquire that perfection.
2. See Guide 3:8, where Rambam explains that all disobedience and sin is consequent upon man’s matter, whereas all his virtues are consequent upon his form.
3. See Guide 3:32, and Hakhm José Faur’s *Homo Mysticus*, p. 131.
4. See Numbers 33:8, where Mara is actually listed as Israel’s fifth encampment since leaving Rameses in Egypt. The previous encampments occurred in the interim period after Pharaoh had allowed Israel to leave, but before his decision to chase after the nation, prior to the parting of the Sea. In this sense, those encampments are all pre-Exodus encampments, Mara being the first to occur after completely leaving Egypt’s grip.
5. Likewise, a *nes*, in addition to “a banner”, can mean “a milestone” in one’s life.
6. Similarly, Maimonides placed Hilkhot Deot prior to Hilkhot Talmud Tora in the Mishne Tora.
7. *Mujāhada*, literally “struggle”, is defined by R. Abraham in his *Kifāya* (Rosenblatt, 2:312) as: “That a person’s mind and intellect overcome their desires and nature.”
8. Because all habituation in certain choices, requires breaking loose of prior habits.

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Lessons From the Manna

Gershon Engel



The heavenly manna (Hebrew: “מַן”) is one of the miracles of the Pesah story that has captured the imagination of Jew and non Jew alike for centuries. Within Islamic sources, the Qur'an describes the manna multiple times, in addition to one Hadith that compares it to dessert truffles and mentions how the manna had medicinal properties. Within Christian ones, to this day, followers of St. Nicholas have an annual ceremony every May where they collect a liquid they refer to as manna.

Within the Jewish canon, the manna is described multiple times in Tanakh, but primarily in the books of Deuteronomy and Exodus. Clearly the chapters relating to the episode of the manna were seen as an important chapter of our history by many Hakhamim, and there are sources that date back to perhaps even as early as the Yerushalmi recommending their consistent study.

In fact, various Hakhamim and Jewish thinkers have attempted to explain the manna itself in more detail. Saadya Gaon describes the manna as a kind of qatayef, a sweet Arab dumpling served during the month of Ramadan. The great Moroccan poseq, Hakham Ya'qob Messas, identifies the manna with none other than a form of couscous. Ladino sources going back to the 16th century express that the manna tasted like honey buñuelos (a type of donut), and RaSH"Y suggests a similar concept. Josephus and the famous heretic Hiwi al-Balkhi (Who Ibn Ezra often attacked in his works) both attempt to decipher the miracle of the manna using existing natural phenomena. While halakhic works battle out all sorts of legal ramifications of the miracle, aggadic and midrashic texts ascribe all sorts of mystical properties to the manna, such as gemstones raining down along with it, or the idea that manna can taste like anything. (Of course, many of these midrashim are likely not to be meant literally: For example, the two aforementioned midrashim can be interpreted to suggest that even if the manna was able to taste like literally anything one can desire, and was buried in precious gemstones, Bené Yisra'el still would have complained.)

The secular academic world as well, has not been immune to attempts of identifying the manna. Within those spaces, various naturalistic explanations have been given for the manna, such as a type of desert lichen, or a type of tamarisk eaten to this day by Bedouins that is naturally covered in the sweet honeydew secretions of insects, or even thick mats of cyanobacteria that naturally occur in African lakes.

Of course, we would be remiss to neglect to mention the more folk mentions of manna like the Iraqi street food “Man il Sama”, (manna from the sky in Arabic), a nougat-like treat made from ground tamarisk, that the Jews of Baghdad referred to as “Baba Kadrasi”.

And yet, of perhaps more interest than identifying what the manna was and how it works, are the lessons we can reap from it.

A wide range of viewpoints exist, from those who see the whole episode of the manna as the second divine attempt to mandate a vegetarian diet (such as Rab Yişhaq Arama) to those who draw connections between the manna story and the idea of Shabbat (such as Rabbi Moshe Shamah and Rabbi Kook) or perhaps the tale of creation (such as Rabbi Aryeh Kaplan). Rabbi Marc Alain Ouankin, a contemporary Algerian Jewish philosopher well known in France, weaves together a sort of modern midrash where the central theme of the manna is that of constant questioning. Within Hasidic thought, Rabbi Mendel of Rimanov ascribes extreme importance to the entire manna story, and he sees the manna as something that symbolically and spiritually cleansed the Israelites of their cultural assimilation in Egypt.

Yet I would like to bring to attention three other fascinating ways of looking at the manna. The first approach can be found primarily in the writings of Philo of Alexandria. Philo was adamant that in truth, the manna symbolically refers to not just physical food, but divine wisdom from God. The Zohar builds on this idea, and claims that the manna was not merely a meal, but a method of internalizing God's knowledge. Rabenu Bahya, on a similar note, details an ideal state that is achieved only through fusing physical consumption (eating) with the spiritual “consumption” of wisdom. Rabenu Bahya paints a picture where the ideal is not purely physical or purely spiritual, but a merging of the two. (This is not impossible to achieve-- seemingly one can accomplish this through having discussions of Torah while they eat, for example.)

This way of looking at the manna story paints the entire narrative as a lesson in the importance of expressing and internalizing divine wisdom through mundane and earthly tasks. The second way of looking at the manna tale that I would like to point out is that of the viewpoint of Rabbi Joseph Soloveitchik. Rabbi Soloveitchik juxtaposes the account of the manna with the account of the quail, and he interprets the entire manna narrative as a lesson in economic ethics. He argues that the economic model of the

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is one in which cutthroat and self centered behavior are encouraged, as Bené Yisrael engage in greed and hoarding, and he sees this model as “typical not only of the Israelite tribes in the Sinai desert, but also of modern man”. The economic model of the manna, however, is what Rabbi Soloveitchik describes as a sort of idyllic time in history, where every man received what they needed, and yet still recognized that all stems from God. This is a perspective on the manna that suggests the moral of the story is the need for maintaining a healthy and moral economic framework.

The final approach to looking at the manna that I would like to discuss is an idea expressed by Hakhm Jose Faur. Hakhm Faur points out that many of the Rishonim could not understand the pesuqim about how the manna rots, because they believed in spontaneous generation, and did not properly understand how food decomposed. Thanks to the relatively recent scientific discoveries of Louis Pasteur, we now understand how this process actually works, and thus the pasuq makes perfect sense to us. The manna, as Hakhm Faur explain it, is a perfect demonstration of how the Torah’s insights are continually being realized as our own knowledge of the universe progresses, and a testament to the eternal nature of the Torah, always beyond current human sophistication.

Of course, these three approaches to the manna are not mutually exclusive in any way. It would be of great use, when we think of the Pesah miracle of the manna, to meditate on all three of these important ideas, these fundamental concepts about the notion of expressing holy wisdom through the mundane, the Jewish conception of economic ethics, and the eternal nature of the Torah and how it relates to our wider universe.

Hag Pesah Sameah!

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Reflections on Superstition at The Seder

Michael Chalk



The first night of Pesah is arguably the evening most central to the Jewish year.

The Torah presents it and the ceremonies surrounding it as the primary setting within which to present our tradition, faith and gratitude to succeeding generations. Through a large variety of factors, in tandem with its incredible significance to our nation -maybe precisely because of it- the seder has become a highly ritualised, sometimes even theatrised [1] event. This provides a perfect setting for ritual (characterised by J. Z. Smith [2] as “a mode of paying attention”) to solidify into superstition. By ‘superstition’ I intend a very general sense of the word [3]. The Catechism of the Catholic Church has provided a succinct definition: attributing ‘an importance in some way magical to certain practices otherwise lawful or necessary. To attribute the efficacy of prayers... to their mere external performance, apart from the interior dispositions that they demand, is to fall into this superstition (Catechism 2111).’

Many sages throughout the ages have espoused this kind of ‘superstitious’ approach, but others have been just as vociferous in putting forward a ‘rationalist’ alternative which will be the focus of this piece [4]. If we are not to take the ‘superstitious’ approach, there is little significance in the qelipa, or outer shell, of a given rite. It is incumbent on us to infuse it with meaning. Seder night is central to our childhood experience and the lessons on which we use it to focus have long-lasting repercussions. We must seriously evaluate the material we present and its basis, because that is a foundation of tomorrow’s Judaism.

What follows are three illustrations from the hagada of ambiguous customs which have been appropriated for the purposes of both approaches. For each one, after briefly tracing its development, we’ll see something of how it fits into a broader picture, or what it means for us.

The first incursion of superstition into the seder meal may be identified at Ha Lahma Anya. In this seemingly innocuous Aramaic text we introduce the night by transporting ourselves back to Egypt: The maṣot in front of us are reminiscent of those our ancestors ate in slavery. Although we can’t partake of the Paschal lamb, next year may God grant that we do so. Thus runs the text. A question posed by many commentators, though, is why we begin in Aramaic when most of the seder is Hebrew. Curiously, different manuscripts of Maḥzor Vitry, a version of the prayer book modelled on RaSH”I’s (1040-1105) practices, offer strikingly different interpretations. The Moscow manuscript states simply “because this was their language” in Babylonia where this text was presumably instituted [5],[6]. An older version of the book, however, the Sasson manuscript, offers a more sinister view. Although there is a view (Rab Naḥman, b. Pesahim 109b) that on seder night we are protected from demonic harm, extra precautions must still be taken. Our invitation at the start of the meal is in Aramaic so that demons, who only speak Hebrew, will not understand and ‘gatecrash’, ruining the festivities [7].

Rabbi Moshe Cordovero (1522-1570) takes the demon approach one step further, stating that demons actually can understand Aramaic. Earlier on in the day we have burned all ḥameš in our possession, symbolically ridding ourselves of our sins and thus the forces of evil. As a conciliatory gesture we open our meal in Aramaic, an impure tongue, thereby inviting Satan back (to some extent) into our homes [8]. These varied explanations within the very opening of the Seder serve well to demonstrate how our world perspectives are likely to influence the way we look at a text. Through the concept of Tora Shebeal Pe (Jewish oral law) we are granted the power of interpretation, the ability to see the text’s relevance to our own day [9]. Nonetheless, it would be irresponsible to read in our perspective as ‘original intent’ without being aware of the effects our cultural mindset has on us. Tora Shebeal Pe is a powerful gift, but ‘with great power comes great responsibility’.

Carrying on through Magid, we arrive at the section where we detail the plagues. As we do so, starting from ‘blood, fire and plumes of smoke’ through the specific ten plagues in Egypt and their tripartite abbreviation, at each stage wine is spilt from the cup. Many explanations are offered for this phenomenon, ranging from an expression of sympathy to the Egyptians [1] to a more vengeful idea of removing the plagues from us (in contradistinction to Exodus 15:26) and transferring them to our persecutors [11]. Whereas the first interpretation is nowadays the more popular [12], the second has not entirely died out. A notable Rabbi from Baltimore reports his practice of a custom (of Iraqi origin [13]) of pouring this wine on a neighbour’s doorstep in order to bring down a curse on their home [14]. This in of itself is a prime example of superstition in the ritual, but it goes further. In many oriental communities (most commonly Moroccan) this wine, associated with divine retribution, is feared. It may not be looked at, and certainly not drunk by the children. Rabbi Joseph Dweck has pointed out how this is antithetical to the nature of the evening. It is a setting in which we strive to absorb and impart conviction in God’s mercy, justness and special covenant with us. By maintaining practices whereby we attempt to seize control of God’s reigns and steer the universe not through His ways but by spilling wine, we deny all three [15].

This brings us to another area in which demons may have made their way into the hagada - here wine does not generate the problem, but thwarts it. Although we famously drink four obligatory cups of wine at the seder, there is a mysterious fifth cup, dating in some manuscripts [16] to the Talmud itself. It is poured mainly amongst Ashkenazic communities and consumed only in some Yemenite communities. Maimonides (1138-1204), following the Ge’onim, recommends it as optional. It is commonly referred to as ‘the Cup of Eliyahu the Prophet’.

Reflections on Superstition at The Seder

Michael Chalk



What is its meaning?

Rabbi Shemtob Gaguine (1884-1953) connects this to another practice (first evidenced, to my knowledge, in the 1453 Ulm-Treviso illustrated hagada) of opening the door to welcome Eliyahu. According to b. Rosh HaShana 11b seder night has retained its relevance as a 'night of waiting' [17] even through modern times, for it is at this time that we can expect the final redemption. Hence, in the last part of the seder, when we move from reminiscing on the past to praying for the future, Ashkenazim open the door to be ready to greet Eliyahu, the herald of redemption [18], and even pour him a cup of wine, lest he choose to stay and dine. On the other hand, Rabbi Yousep Shammass of Wormes [19] (1604-1678) states that Eliyahu's cup refers to a custom of uttering Eliyahu's name to ward off demons [20]. Rabbi Isaac Ber Levinsohn [21] (1788-1860) points out that according to Rab Nahman [22] in the Talmud the four Passover cups are grouped together and therefore [23] could make their drinker susceptible to magical (though not demonic) attack. So the solution, for those who wished, was to add a fifth cup, restoring the total to a more propitious number. Leor Jacobi [24] suggests that in time, as the superstition became less popular, the additional cup's original reason was lost. So this practice too may have had its roots in superstitious beliefs, but here as opposed to seeing the superstitiousness of a ritual (ritual defined above as 'a mode of paying attention'), we seem to see the ritualisation of a superstition. An action to safeguard against sorcery became a poignant pointer to God's future redemption.

We have seen that although practices - or the outer shells of our rituals - often stay the same, their souls, what they mean to us, never stagnate. Within the framework of God's immutable kindness to us, the more minor points are tailored by each generation to impart beliefs which are important to it. Just like in Yaḥas, the best is saved for later. The children always continue to ask, and there will always be more answers to explore.

1. This takes place in settings as diverse as children's Pesah plays and the Eucharist.
2. To Take Place (1987), p. 103.
3. The halakhic parameters of superstition and ramifications thereof are not dealt with here.
4. A brief outline of both approaches may be found in Rabbi Dr. Natan Slifkin's book, Rationalism Vs. Mysticism.
5. This fits well with b. Ta'anit, whence it seems that not all of this formula was unique to the seder rite.
6. The text, which continues 'next year in Israel', was after all clearly not composed there. If so, the invitation to 'pesah' most likely refers to partaking in the Passover festivities, not specifically the paschal lamb. This could resolve a problem raised by Rabenu Tam, cited in HaManhig.
7. Although both of these approaches are reiterated by several early commentators, this one is most likely the original version of Mahzor Vitry. This manuscript is older, and the answer also matches that given by RaSH"l elsewhere, in Sefer HaPardes.
8. Siddur of ReMa"C, quoted in Taamei HaMinhagim. This mild form of Satan worship is not a new idea in Jewish mystical circles- see for example chapter 45 of Pirqé deRabbi Eli'ezer.
9. This conception is borne out of Antiquities of the Jews 13:193, Mishna Makot 1:10, b. Baba Mešia 59b, b. Menaḥot 29b, b. Temura 16a and the outline of R Eliyahu of Viḥna's approach found in the introduction to Pe'at Hashulḥan, amongst other sources. See also the discussion at p. 138 of Joshua Berman's Ani Maamin (2020) on common vs. statutory law.
10. Commentary of Abarbanel to the Hagada.
11. MaHaRI"l in the name of Rabbi Shalom of Neustadt.
12. Espoused by Rabbi SR Hirsch and other recent influentials.
13. For similar customs and their explanations see the article of Rabbi Professor David Golinkin from 6th April 2016 at Schechter.ac.il.
14. He was not on good terms with this neighbour. He reports that the first year he tried this their dog died, the next year their house burnt, the third year the husband died. At this point he stopped, his vengeful spirit presumably satisfied.
15. N.b.: This attack is applicable not to the basic custom itself, but rather to one of the possible intentions with which it may be fulfilled. Fulfilling it with other intentions in mind could still be deeply edifying.
16. Presumably, see b. Pesahim 118a and RI"ף (1013-1103) there.
17. Exodus 12:42.
18. Malachias 3:23.
19. Cited by Leor Jacobi in his paper The Fifth Passover Cup and Magical Pairs.
20. Attracted by the fourth cup, c.f. the discussion at b. Pesahim 109b. C.f. the comments of Rabbi Moshe Isserles and ḤaTa"M Sofer to OH 480.
21. EFe"S Damim, conversation three. This part of the piece is omitted in Keter Shem Tob.
22. This is one possible understanding of Levinsohn, though probably not the most accurate. Inconsistencies such as those pointed out by Me'iri ad locum could provide another explanation. Most simply, Levinsohn might see the fifth cup approach as Amoraic in origin (so pseudepigraphic) and conflicting with the opinions of Rab Nahman and the other Amora'im there.
23. In some, but not all, Amoraic circles even-numbers were thought to strengthen evil forces. See b. Pesahim 110b.
24. In his paper The Fifth Passover Cup and Magical Pairs.

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Curated Memories

R. Jack Cohen



That memory plays a central role in identity is indisputable. The lauded filmmaker Luis Bruñel (1900-1983) writes:

"You have to begin to lose your memory...to realise that memory is what makes our lives. Our memory is our coherence, our reason, our feeling, even our action. Without it, we are nothing."

What applies to the individual applies to nations too; especially covenantal polities. Thus, memory (usually as story) is the vehicle through which the covenanted nation continually preserves its identity. Rabbi Lord Jonathan Sacks (1948-2020) puts it as follows:

"Story-telling is how covenant is renewed...It follows that in covenantal societies, telling the story is always, in some way, a political act. It gives the polis and its citizens a historical context ...Stories create memory, and memory creates identity ...Without memory, there is no identity, and without identity we are cast adrift into a sea of chance, without compass, map or destination." [1]

As has often been observed, the Torah has no word for history but repeatedly emphasises memory. History and memory are fundamentally different; the former attempts a dispassionate review of the past, whilst the latter provides a dynamic context for the present. It is precisely this context which must be transmitted to the next generation to ensure the continuity of national identity. Hakham José Faur (1934-2020) expands on these themes:

"One [history] has to do with the past, the other [memory] with the future...In Hebrews [sic.] the word for 'remember' (זכור) comes from the root (זכר) 'male.' It has to do with 'fertilization' and 'generation,' rather than retrieving an experience. When Scripture urges to "remember (זכור) the Sabbath,"...it is not instructing us to 'recollect,' but to transform belief in Creation into a day of rest...Thus, when the liturgy proclaims that the Sabbath is "a reminiscence (זכר) of the acts of Creation," it is referring to a generative process, the outcome of such a belief -not the 'remembrance of things past.' " [2]

The Torah shows immense sensitivity to the memory-identity relationship [3]. What is remarkable however, is how this sensitivity manifests itself in the Exodus narrative.

The Exodus is the seminal event in Israel's history; it constitutes the birth of the nation under God. As the author of the Hagada emphasises:

"If the Holy One, blessed be He, had not brought our fathers out of Egypt- then we, and our children, and the children of our children, would still be enslaved to Pharaoh in Egypt."

As such, one would expect Israel to be enjoined to remember the Exodus. Indeed, one finds this instruction repeatedly throughout the Torah. What is surprising is that the Exodus seems to have been orchestrated ab initio with memory in mind.

For instance, Israel is commanded to eat the Paschal lamb on the night of the Exodus (12:8) and, prior to the actual Exodus instructed to repeat this rite annually, at least in part to prompt questions from future generations that will serve as a platform for telling the story of what was about to occur (12:24-27). [4]

Of course, it is the Maṣa which best illustrates the point. As is well known, Israel had Maṣa when they left Egypt as their dough did not have time to rise (12:34,39). However, before the Exodus proper, they were instructed to eat the Paschal lamb with Maṣa even though there was sufficient time to prepare bread (12:8). Likewise, they are informed of a future festival during which they are to consume Maṣa and refrain from bread before they leave Egypt and before their dough did not have time to rise (12:15,17).

That the dough did not have time to rise was therefore not coincidental, rather it was preconceived and staged by God. Israel would now have food items with which they could re-enact, relive, recall, and retell their story to themselves and the next generation. [5]

Curated Memories

R. Jack Cohen



Ensuring that these elements would ultimately contribute to a living memory required the creation of an anniversary; a point in cyclical time to which the people could regularly return in order to recall the formative events of their past [6]. The Midrash interprets the Torah in precisely these terms [7]:

"Just as I [God] created the world and I told them, Israel, 'to remember' (לִזְכוֹר) the Shabbat day as a remembrance to the act of creation, as it says "Remember the Shabbat day", so too you shall remember the miracles that I did for you in Egypt and 'remember' (זָכַר) the day that I took you out from there- "Remember this day that I took you out from Egypt" (Ex.13:3). " [8]

As Maimonides (1138-1204) explains in his Mishne Torah:

"It's a positive commandment of the Torah to tell of the miracles and wonders that were done for our forefathers in Egypt on the night of the fifteenth of Nissan, as it is stated "remember this day that you came out from Egypt" (Ex.13:3), similarly to that which is stated "remember the Shabbat day" (Ex.20:7)... " [9]

As with previous examples, the anniversary was created prior to the events it was designed to commemorate, akin to a couple planning anniversary celebrations before the wedding itself (12:14,17,18). [10]

To conclude, the Exodus was curated in such a manner as to enable future generations to recall and relive it with ease. The love and investment that the God of Israel has for His people manifests itself in a deep concern for their memory, and a willingness to go to great lengths to ensure that it will be preserved throughout the generations.

1. Jonathan Sacks, *The Home We Build Together*, pp.118-122. Also of note is how the author addresses the interplay between identity and truth in covenantal societies, where 'truth-as-story' takes precedence over 'truth-as-system' (page 116).
2. *The Horizontal Society*, p. 215.
3. For variety see the following six examples: Deut. 4:9, 9:7, 16:3, 20:7, 24:9, 25:17.
4. Naturally, the stated aim of the command must not be confused with its binding force which stems entirely from the fact that it was commanded by God to Israel in the context of covenant.
5. See Mishna Pesachim 10:5.
6. A prerequisite for an anniversary is a calendar into which one can put a 'date in the diary', this too was provided (12:2).
7. For an alternative explanation and approach see RaSH"Y's comments to Ex.13:3. See also the Ibn Ezra who aligns with the understanding presented here.
8. Midrash Raba Parashat Bo.
9. Mishne Torah Hameš u'Matša 7:1. That this Midrash is Maimonides' source, is observed by Abraham ben Judah Leib Maskileison in his "Yad Eitan". Several commentators seem to have been unaware of this connection and thus struggled to account for Maimonides's reference to Shabbat here (see the comments of the Or Sameah, Benei Binyamin, and Mirkevet HaMishne). See also the analysis of Rabbi Joseph Soloveitchik on this piece of Maimonides (Harerei Kedem II:81) where he suggests an interpretation which is incompatible with the Midrash.
10. For an alternate view see the comments of Samuel David Luzatto (ShaDa"l, 1800-1865) to 13:3.

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The Nature of Freedom and its Manifestations in the Sephardic Experience



Avner Yeshurun

If we are to understand the classical Sephardi approach to Passover, and interpret certain unique customs therein through the prism of Passover's theme of freedom, we must begin with an inquiry. Namely, it is necessary to establish a definition of freedom which can be read into the historical and traditional contexts of the holiday termed Zeman Herutenu, the Time of Our Freedom.

Of course, the simpler aspect of freedom is that of physical freedom from oppression. The story of Passover is the story of a nation exiting the house of bondage and achieving self-determination. Thus, the festival of Passover is also a paradigm of a recurring theme throughout the long and troubled history of the Jewish nation, namely, redemption from persecution and bondage under the cruel dominations of foreign rule. Throughout the ages, Jews have gathered in the synagogue and around their Seder tables on Passover in the hope that the Exile's end was fast approaching. Yet self-determination alone does not guarantee freedom, for one may still be enslaved to other forces such as one's own desires. Thus, while freedom from oppression may be one aspect of freedom, it is not the whole of it.

Rabbi Samuel de Uçeda (1545-1604) offers a relative definition of freedom which extends to the realm of moral and intellectual discipline:

"The free man is he who immerses himself in Torah, for his soul is not subordinated to his body whatsoever, since he does not engage in material pursuits...Furthermore, when he pursues matters of Torah, he subordinates his physical entity to his soul; this very subordination is his freedom, for he thus cleanses his material aspect and elevates it to his spiritual aspect...there exists no greater captive and slave than he who hasteth after riches and pursues material matters, for he subjugates the soul to the body, he has lain with her and violated her."

Paradoxically, true freedom is the faculty whereby an individual subjugates the human condition to the pursuit of the holy. True freedom is, therefore, a disciplined lifestyle such as the Torah commands; one who achieves this shall not be enslaved by physical pursuits. It is no contradiction to proclaim, on the night of the Seder, that "it is our duty to thank...He who...brought us forth from slavery into freedom" in face of the verse "For it is to Me that the Israelites are slaves..."

One may err in concluding that de Uçeda is ill-disposed to material pursuits in any form, that one must, in order to achieve this freedom, become an angelic, ascetic being, a gross misinterpretation of this idea. For de Uçeda does not state that he who denies his human condition altogether is free, rather it is he who contextualizes it as a means for the pursuance of holiness. This idea is also expressed by Maimonides (1138-1204):

"He said, "Make the study of Torah the foundation and principal, and all other matters following after it. If they materialize, they materialize, yet if they do not, there is no damage in their absence.""

Thus, "all other matters" follow after the Torah. For it is absurd to expect a being programmed to interact with a physical scene to achieve much of anything if that interaction is discouraged. Freedom is the state by which one is not governed by the mundane or removed from it; it is the state by which one infuses the human condition with holiness by channeling it in the service of spiritual pursuits.

Custom

The custom, as a phenomenon, leads to some peculiarities within the practice of Jewish law. A custom is a locale's way of enhancing the message of a given law or ritual. Two ideas must be noted regarding the nature of custom. First, Halakha is significantly more homogenous than custom with respect to Jewish communities, which have been interspersed among myriad cultures throughout the time of the Diaspora. Second, custom is quantal; unlike various levels or modes of observance in Halakha, customs are performed only in the exact manner passed from generation to generation.

This combination of parameters creates the conditions for distinct Jewish communities across the earth. Often, customs reflect the culture within which they were first founded. Thus, customs are a living history, to be examined as a record of a community's journey through history.

The Nature of Freedom and its Manifestations in the Sephardic Experience

Avner Yeshurun



Manifestation

We shall now examine several customs practiced by Sephardim on Passover, and their relation to the aspects of freedom defined above.

Rabbi Shem Tob Gaguine (1884-1953) writes of an Algerian custom to sound the shofar at the time the dough of the maṣot is kneaded. The basis of this custom is the Talmudic dictum, "In Nisan, they were liberated, [and] in Nisan they are destined to be liberated." The shofar relates to redemption, as found in the Amida prayer, "Sound the great shofar to herald our redemption..." Indeed, R. Gaguine continues, "the sounding of the shofar at this moment stirs the heart to repentance." Perhaps redemption and repentance intertwine due to the nature of freedom: one is truly free having internalized the spirituality of the Torah, and having conducted material pursuits through that spiritual medium.

A striking example of the proper contextualization of material pursuits is the custom to set a lavish table for the Seder, replete with elegant crockery. Rabbi Jacob Sofer (1870-1939) elaborates:

"The reason being the maxim "In every generation, a man is obligated to regard oneself as though he himself had gone forth from the bondage of Egypt." "

The basis for this custom relates to the generation of an atmosphere of freedom, and even to the collection of Egyptian assets by the Israelites on the night preceding the exit from Egypt. We may add profundity to this message by extending it beyond a commemoration of an acquisition of assets. The redemption from Egypt was the moment when the nation of Israel acquired its freedom to uplift the mundane. The Israelites immediately infused their wealth with spirituality by way of contribution to the Tabernacle. Jews throughout the ages commemorate this by setting the Seder table with fine dishes.

In Iraq and Spain, community members organized a Seder for individuals- men and women- who would not otherwise have a place to fulfil this miṣva:

"In such a hall, even the most destitute among Jews reclines in greatness, stability, and freedom; thus, he gives thanks to the Lord, may He be blessed."

"R. Judah says, 'Great is charity in that it advances the redemption.'" Passover has long been a time for reflection upon times of persecution and peace, scarcity and plenty. A central theme of the Seder is "All who are famished, let them come and eat; all who are in need, let them come and partake of the Passover sacrifice." Rabbi Yom Tov Asevilli (1260-1330) writes:

"For when we were enslaved in Egypt, we had meager bread and scant water, in measure, weight, and capacity. Now, in the manner of freedom, we have food and abundance and a wealth of bread and wine. "

Conclusion

Our brief survey of the meaning and manifestation of freedom in the classical Sephardi approach has led us to visit and contemplate many meaningful aspects of Passover. We have seen but a drop from a vast sea of tradition which establishes Passover as a fundamental part of every Jew's observance. It is appropriate to end with the poet's verse, for he, too, plays a role in imparting the eternal message of Passover:

*"When the people of Israel went out of Egypt singing,
with their children and their wives, the Song of Songs they were singing.
Some carried the wood, and others the kneading-trough;
the men took the young ones in their arms or by the hand.
The women bore the gold for it was lighter to hold.*

*Of the wonders He does take note For us the Lord on high;
he is One and none beside, the Lord of earth, of sea, and sky." (El Paso del Mar Rojo/ The Crossing of the Red Sea)*

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Avner Yeshurun



1. See Rabbi Shem Tob Gaguine, Keter Shem Tob, III, pp. 34.
2. Proverbs 28:22
3. Genesis 34:2
4. Midrash Shemu'el to Avot 6:2
5. Mishna Pesahim 10:5
6. Leviticus 25:55
7. Commentary to the Mishna, Avot 1:15
8. In most cases, custom remains within the parameters of the law. See Rabbi Hezekiah da Silva, Peri H'adash to Shulhan Arukh, Oraḥ H'ayyim 496, "Dinei Minhagei Isur" for a thorough discussion on this topic.
9. There are sociological reasons for this; however, they are beyond the scope of our discussion.
10. Customs have been a point of fascination and intrigue for many scholars throughout the ages, and countless compendiums and anthologies have been compiled in attempts to codify them (none have achieved this completely). Some notable works include (this is by no means a complete list): Rabbi Shem Tob Gaguine, Keter Shem Tob; Rabbi Abraham Sperling, T'amei ha'Minhagim u'Meqorei ha'Dinim; Rabbi Isaac Lipietz, Sefer Maṭamim; Rabbi Abraham Hershovitz, Ozar Kol Minhagei Yeshurun; Rabbi Judah David Eisenstein, Ozar Dinim u'Minhagim. For further discussion on this topic, see Patai, Bar-Itzhak, Encyclopedia of Jewish Folklore and Traditions, "Minhag Books (Books of Custom)."
11. The term "Sephardic" is used loosely here.
12. This is also customary among some Ashkenazi Jews.
13. This was first noted in Arba'a Turim and subsequently codified by Rabbi Joseph Karo in Shulhan Arukh, Oraḥ H'ayyim 472:1
14. Kaf ha'Hayyim to Shulhan Arukh, Oraḥ H'ayyim 472 (99)
15. Rabbi Menashe Klein, Mishne Halakhot, XI, no. 375; Moses Pesante, Huqat ha'Pesah (ed. Spiegel), pp. 21
16. Indeed, the Hebrew word for Egypt, Miṣraim, is related to the word meṣar, which means a boundary or limit. The redemption from Egypt was a transcendental experience of a nation beginning to realize its full potential for spirituality.
17. Prior to the Tabernacle contributions, the Israelites used their wealth to construct the Golden Calf. While this was, of course, detrimental, it is nevertheless another example of an elevation of the mundane through spiritual means.
18. Rabbi Shem Tob Gaguine, Keter Shem Tob, III, pp. 106, note 1
19. Baba Batra 10a
20. Based on Isaiah 30:20
21. Based on Leviticus 19:35. Namely, Asevilli means that food and water were extremely limited.
22. Commentary of RIṬB"A to the Hagada, Magid, "He Laḥma Anya"
23. Translated from Ladino by Moshe Lazar, The Sephardic Tradition

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The Jew in the Arena

R. Sam Millunchick



When we think of a *philosophy* of Torah, our minds are inevitably drawn to Rishonim like the Rambam, those early pioneers who laid out a systematic *abstract* understanding of what the Torah wants from us and why. So seemingly important, these things are conspicuously absent from the Torah itself. Why did God choose to present His vision to the world through *mišvot* and not through philosophy?

The RaMBa"m (1138-1204) asks this very question in his Guide for the Perplexed [1]. He writes [2] to his student: *"I know that on thinking about this at first your soul will necessarily have a feeling of repugnance towards this notion ... How is it possible that none of the commandments, prohibitions, and great actions - which are very precisely set forth and prescribed for fixed seasons - should be intended for its own sake, but for the sake of something else, as if this were a ruse invented for our benefit by God in order to achieve His first intention?"* Shouldn't God tell us what He wants from us and leave it at that?

The thing is, He can't. That is, at least, if God wants to deal with *humans*. Daniel Kahneman explains in detail how the hardware of our brain routinely circumvents explicit knowledge that we have - we are beings who find it difficult to integrate and use knowledge that remains purely *intellectual* [3]. Antonio Damasio's research demonstrates with clarity that to make decisions, we rely primarily on our feelings - we lead with our hearts and then use our heads to rationalise our actions. Hashem couldn't just tell us what to think. It wouldn't work. We learn through doing, through the actions that our body takes, day in and day out, those things we build into our muscle and emotional memory. The *mišvot* are God's way of teaching us about the life He'd like us to lead.

Indeed, it is just this point that is the reason for the numerous *mišvot*. Drawing on a story about Rabbi Hananyah ben Teradyon [5], the RaMBa"m explains [6] that we are given so many *mišvot* so that we may act out of pure instinct just one time, without superimposing our wills, our narratives, or our dreams onto what we do. The *mišvot* train us to turn right action into right thought into right habit into right being, so that the life we're meant to lead will come unbidden to our fingers. [7]

This paradigm can perhaps help us solve an interesting problem in the RaMBa"m's Mishne Tora. Based on a Gemara in Rosh HaShana, the RaMBa"m writes that one who has *maša* force-fed to him on Pesah fulfils his *mišva* of eating *maša*. He has no interest in eating *maša*, nor in fulfilling the *mišva*, yet nevertheless, *"if one ate maša without intention (to fulfil the mišva), like if he was force-fed by torturers, he fulfils his obligation."* [8] What the RaMBa"m seems to be doing is taking a position on the major discussion - do *mišvot* need intention when performing them to be fulfilled? In other words, if I do a *mišva* without any intention that it should be a *mišva*, does it count towards discharging my obligation? From here, it seems that his position is a firm yes.

Except, when we read the RaMBa"m in Hilkhot Shofar [9], we get a different picture altogether: *"One does not discharge his obligation [of hearing the shofar] until both the baal toke'a and the one listening have intention to fulfil the mišva"*. Well, which is it? Does one need the intention to fulfil a *mišva* or not?

The RaMBa"m's son, Rabenu Abraham [10] (1186-1237) explains that the difference here is critical - in the case of the *maša*, he's doing something with his body. The locus of the *mišva* is in the bodily consumption of the *maša*, and therefore he does fulfil the *mišva* even without intention. On the other hand, the entire *mišva* of shofar is in the listening, not the hearing. To listen, one must focus and appreciate the sound - otherwise, as the Gemara [11] says, it's just the braying of a donkey.

We can understand this perfectly in light of what we explained about the *mišvot* in the RaMBa"m's worldview. The *mišvot* are, at ground, physical actions to change your existential nature. In The Guide [12], the Rambam identifies two overarching purposes for the *mišvot* - the achievement of physical and metaphysical perfection. They do this, even without your conscious effort. A person who uses his body to do God's bidding will be qualitatively different than one who "wants to feel closer to God" but who can't bring themselves to act out the *mišvot*. The message is in the doing. It happens to be that the doing of the *mišva* of shofar is in the listening, so without intention, it doesn't work - but this is an exception, not a rule.

When Wilbur Wright, of the famous Wright Brothers, spoke to a society of engineers about flying in 1901, he made an analogy to learning to ride a horse: *"One [way] is to get on him and learn by actual practice...the other is to sit on a fence and watch the beast a while, and then retire to the house and at leisure figure out the best way of overcoming his jumps and kicks. The latter system is the safest, but the former, on the whole, turns out the larger proportion of good riders."*

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By forcing us to live a good life rather than just theorise about it, God gave us skin in the game. By tying our philosophy to action, God ensured that we can't grow too far in the wrong directions – the mišvot keep us rooted in what is real, and what's not, dies out. In the words of the late R Nachum Eliezer Rabinovitch [13], *“like a plant whose roots spread out and anchor it to the land, so too a person who has made the Torah his and for whom it has become his life-source will find a place in God's world and become a “resident” and fulfil the verse “and I settled in the house of Hashem”*”. Without the rootedness of the Torah, we are in danger of following in the footsteps of the archetypically wicked Doeg and Achitophel, whose Torah was purely intellectual, “from the lips outward” [14]. Not so with those who keep the mišvot.

This is why even our two greatest works of the Oral Torah – the Palestinian and Babylonian Talmuds – don't contain any philosophy in the way we encounter this idea today - that is highly abstracted discourses on first principles. Instead, they contain stories, mythologies, and anecdotes. Far from the crystal-clear abstract ideas of the modern commentators, the agadot in the Gemara recognise the messiness and non-linearity of the human condition [15]. They're not prescriptive because they can't be.

A system of roots, such as the mišvot are, don't merely serve to keep us in place though, as some would have it. They provide, instead, a sturdy foundation on which to grow.

As those who study artificial intelligence will tell you, consciousness can't be discerned by studying the structure of the neurons in the brain. Each neuron doesn't contain that information – yet when they combine together, they form something more than the sum of their parts. This is what scientists term an emergent property. The same is true of many phenomena in the world, both scientific and social. Love is another one of these properties; it can't be accessed directly through any particular element and yet when given the right conditions, time, and freedom, it can develop.

So with the mišvot. When viewed and performed holistically [16], the mišvot create a space [17] in the way that the rules of a game create a space. A space where we become capable of connecting to our Creator, where the possibility for Divine connection exists. But this space is only ever reached through the doing, through the carving out of a life lived in such a way that we allow God in. Safely rooted, we are free to reach for God through the constraints of the mišvot, and not despite them.

Indeed, if we were to point to a Jewish philosophy, it would start here. It would start with the mišvot which were given to our nation, young and old, man and woman alike. It would start with our mišvot, which “settle the mind ... and they are accessible to all, young and old, man and woman, slow or gifted.”

1. 3:32

2. Translation from Pines, “Guide of the Perplexed”, Volume 2.

3. See, for example, Daniel Kahneman's Thinking, Fast and Slow, in particular Chapter 7 “A Machine for Jumping to Conclusions.” See also Adam Alter, Irresistible, in particular Chapter 1, where he details the lengths that technology experts go to to prevent themselves from becoming addicted to technology.

4. For more on this, see Antonio Damasio's Descartes' Error, where he explains that decisions are not taken in the “rational” part of the brain, but rather in the “emotional” part. In particular, see Part 2, Chapter 8, “The Somatic-Marker Hypothesis”.

5. Babli, ḥaboda zara 18b

6. Perush HaMishna, Makkot 3:17 - “ריבוי המצוות אי אפשר שלא ינשה האשם אחת בכל ימי חייו בשלימות ויזכה להארות הנפש באותו המעשה”.

7. For a further explanation of this idea, see R Nachum Eliezer Rabinovitch z”l, “מדעי הטבע וטעמי המצוות” sections 4 and 5.

8. Hameš u'Maša 6:3

9. 2:4

10. Birkat Abraham, 34

11. Rosh HaShana 28b

12. 3:27 - “והנה התורה האמיתית ... באה רק להועיל לנו במתן שתי השלמויות יחד”.

13. מסילות בלבבם, דף 102: “ולא עוד, אלא כמו שתיל הצומח ששורשיו מתפשטים והוא קונה לו שביתה בקרקע והיא נעשית מקומו, כך גם האדם שהתורה נעשית שלו והיא היא חיותו, אף הוא מוצא את מקומו בעולמו של הקב”ה ונעשה “תושב” ומתקיים בו “ושבתי בבית ה'” - “הוא השלמות האנושית האמיתית”.

14. See the entire amud on Sanhedrin 106b for a long exposition on the characters of Doeg and Achitophel. It's instructive to note the Gemara's assertion that the Torah of Doeg and Achitophel was concerning a suspiciously rootless “flying tower”.

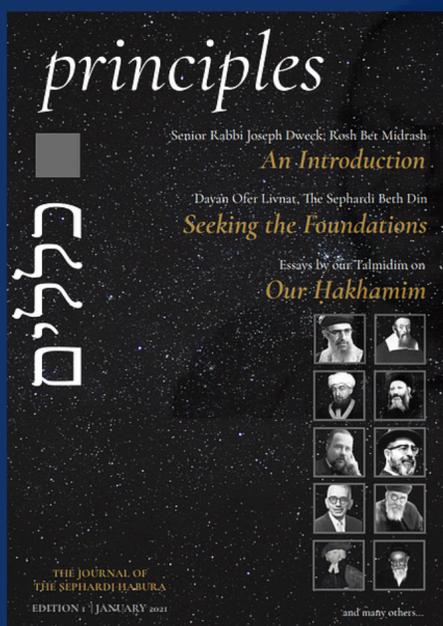
15. See Faust, Shemu'el; Agadeta: Sipure Ha-Drama Ha-Talmudit, Or Yehuda: Devir, 2011.

16. See Hilkhot Yesode HaTorah 4:13, where the Rambam writes that the mišvot are not modular; one may not pick and choose. Rather one must keep all the mišvot, קלות וחמורות.

17. See Hilkhot Yesode HaTorah 4:13, where the Rambam writes that the mišvot are the first step towards love and fear of God. They are a critical first step, but a first step nonetheless, and must be a base upon which we build a deeper relationship with God.

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