



## ASK NOW OF THE DAYS THAT ARE PAST

by Eliezer Segal

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## TABLE *of* CONTENTS

INTRODUCTION	ix
SCRIBES <i>and</i> SCHOLARSHIP	
People of the book	3
How to start a Jewish Newspaper	9
The European Genizah	15
The Crown of Aleppo	21
HOLINESS <i>and</i> HERESY	
Where seldom is heard a mystical word	31
A dubious blessing	37
Hiwi the heretic	43
ENCOUNTERS <i>and</i> ENLIGHTENINGS	
Rabbi in the abbey	51
Thou shall not kill	59
On the other hand	65
BABIES, BRIDES, <i>and</i> BURIALS	
Birth rites	71
May the best man win	77
Beauty versus virtue: An age-old argument	83
Who was Rembrandt's Jewish bride?	87
Beneath the stars	93
All cows go to Heaven	101

CONGREGATION <i>and</i> COMMUNITY	
Trimming the guest list	109
Service interruption	113
Buddy can you spare a dime?	119
POLICY <i>and</i> PIETY	
Taking leave of our census	127
The wagers of sin	133
Affairs of state	139
Prophets, protests, and pepper spray	145
The Vice-President of Grenada	151
Majority rules	159
Baldness, bears, and bottled water	165
ECONOMICS <i>and</i> ETHICS	
Minimizing your assets	173
Not all that glisters	177
You can bank on it	183
Ransom note	189
The price is right	195
BUILDINGS <i>and</i> BLESSINGS	
Rabbi, watch out for that beam	205
Beam me up	211
The walls have ears	215
Preparing for a prophet	221
LIFE <i>and</i> LEISURE	
Healthy advice from the top authorities	229
Tennis, anyone?	235
Keeping the ball in play	241
Pushing Torah	247



CREATURES <i>and</i> CURIOSITIES	
The siren's song	255
The power of the human voice	261
The love apple	265
Horse sense	269
The right vampire	275
Going to the ants	281
GLOSSARY	285
INDEX	301



## INTRODUCTION

~ The title of this volume is taken from Moses' admonition in Deuteronomy 4:32: "For ask now of the days that are past, which were before thee, since the day that God created man upon the earth, and ask from the one side of heaven unto the other..." Israel's great leader was telling his people that the only way to appreciate their present situation was to view it within the context of their complete history. Indeed, the notion that there is a religious significance and direction to history was one of the radical innovations introduced by Hebrew religion into a world that saw meaning only in the unchanging cycles of nature.

Although this book reflects my deeply held conviction that a historical perspective is crucial to a healthy awareness of ourselves as Jews, it does not grapple openly with weighty theological or historiographical issues. Quite the contrary, I have tried throughout to ensure that the reading of the book be a pleasurable and entertaining experience that does not demand a lot of serious reflection.

The short essays that are collected in the following pages allow me to step outside the normal strictures of objective academic scholarship and to demonstrate how diverse aspects of the Jewish past can still speak with familiarity to modern “western” culture. The interpretations, personalities, texts, events, and ideas that you will be encountering here hail from eras and locations that seem to differ radically from our own, and often express themselves in arcane or alien formulations. And yet the questions that they deal with, as well as the characters and social forces that they embody, bear uncanny similarities to our contemporary experiences.

Several years ago, I was solemnly cautioned by a veteran professor that I should not let the university authorities know the Dark Little Secret of my predilection for publishing non-technical articles directed to a general audience. Such activities, he assured me, would inevitably destroy my credibility as a serious academic and brand me as a hopeless dilettante.

Thankfully, I am pleased to observe that the mentality exemplified by my colleague’s warning has greatly diminished in today’s scholarly environment. University administrators have come around to the view that the importance of our research obliges us to disseminate it among the wide public, and that the ability to express the fruits of scholarship in an understandable manner is a virtue, not an embarrassment.

I have tried not to let readability come at the expense of sound scholarship. The studies contained

in this book, although they can be appreciated and enjoyed by intelligent and receptive non-specialists, are the products of considerable research, whether by myself or others. Those whose curiosity has been whetted by these essays are encouraged to pursue the bibliographic “Suggestions for Further Reading” in order to obtain a clearer impression of how scholars go about the business of describing the ancient and medieval worlds. I have identified primary sources from the Bible, Mishnah, Talmud, and Midrash for the benefit of readers who are capable of accessing the sources. Other books, authors, technical terms and concepts (usually in Hebrew), insofar as they are not identified when they occur in the text, are explained in the Glossary at the end of the book.

*Ask Now of the Days that are Past* is a natural sequel to its predecessor, *Why Didn't I Learn This in Hebrew School?*, published by Jason Aronson Publishers. Like it, this book is composed of articles that were originally published in newspapers and posted on my site on the World Wide Web. The vast majority of the chapters first appeared in *The Jewish Free Press* in my hometown of Calgary, Alberta, though a few were contributed to *Ha-Atid*, the magazine of the Melbourne Hebrew Congregation in Australia. Their journalistic origins are often perceptible in the manner that they relate to local scenery and recent news, though some of the more specific and esoteric allusions have been removed for this republication. The essays about weddings, financial planning, healthy living, and home improvement were

composed to accompany advertising supplements on those themes, and I am confident that their integrity and readability were not compromised by that fact.

This collection attests to my fascination with Jewish history and tradition, and my conviction that old Jewish documents can be relevant to our contemporary situation. My stimulating experiences in a Department of Religious Studies have convinced me that many of the phenomena that I once regarded as distinctive or idiosyncratic to the Jewish experience are in reality shared by other cultures and religious communities, and I have made especial efforts to point out such instances, which are often rooted in elemental realities of human nature and social dynamics. In presenting this material, it is my sincere hope that the experience will be no less entertaining than it is educational.

Several of the chapters in this book were written during that stimulating academic sabbatical year of 1999–2000, which I spent in Jerusalem, enjoying easy access to the bibliographical treasures of the Jewish National and University Library. That sabbatical was facilitated and enhanced by a generous grant from the Lady Davis Fellowship Trust, to which I wish to express my gratitude.

**SCRIBES *and* SCHOLARSHIP**





# 1

## PEOPLE OF THE BOOK\*

~ I am always taken aback when I hear Jews refer to themselves proudly as the “people of the book,” as if the epithet were some ancient Hebrew expression contained in the Bible or Talmud to describe the traditional Jewish fondness for literature.

The truth, of course, is that the title derives from the terminology of Islamic law, which granted judicial protection to established religious communities (“peoples”) who possessed a venerable scripture (“book”), a policy that furnished the basis for toleration of Jews and Christians in Muslim states.

Notwithstanding the above terminological quibble, there is no denying the longstanding affection that Jews have had for the written word, as well as the printed page.

Some enthusiasts wanted to go so far as to claim that Jews actually invented printing thousands of

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\* Originally published in *The Jewish Free Press*, Calgary, November 26, 1998, pp. 12–13 (as: “First editions and the people of the Book”).

years ago. This outlandish boast is based on an enigmatic passage in the Mishnah (*Yoma* 3:11) that tells of an individual named Ben Kamsar who is said to have pioneered the development of some sort of mechanical writing. As interpreted by the Talmud (*Yoma* 38b), he invented a clever technique for writing four letters simultaneously with the help of four pens that he strapped to his fingers.

Ben Kamsar insisted on keeping his patent under strict secrecy, a policy that did not find favour with the rabbis of the Talmud. Though the rabbis were aware of several artisans who had similarly refused to publish the tricks of their trades, those others were able to justify their secretiveness on grounds that the knowledge could be put to undesirable use. Ben Kamsar was unable to supply a persuasive excuse for his own protectiveness, and hence the sages applied to him the harsh words of Proverbs (10:7): “but the name of the wicked shall rot.”

The upshot of Ben Kamsar’s reticence is that we do not know to what precise use he was putting his craft. Rashi understood that his process was employed exclusively for inscribing the mysterious four-letter name of God on sacred texts, perhaps in order to keep the scribe from voicing it aloud as he wrote; though that detail is not stated explicitly in the Talmud.

The nineteenth-century Galician Rabbi Zvi Hirsch Chajes, one of the precursors of modern Orthodoxy, noted that if the Talmud was referring to the process of writing in its normal sense, with

pens attached to different fingers each writing a different letter, then such an act is humanly impossible. As an alternative, Rabbi Chajes proposed that Ben Kamsar had made use of pieces of metal upon which the forms of the letters had been imprinted.

“We must therefore conclude,” he writes, “that Ben Kamsar’s achievement consisted of the invention of printing!” It follows from this that the rabbis condemned Ben Kamsar for keeping under wraps an innovation that would have brought untold benefit to humanity.

The influential sixteenth-century Polish halakhic authority Rabbi Benjamin Slonik went so far as to deduce from the story of Ben Kamsar that printed texts can be considered more sacred than handwritten ones, precisely because they inscribe the sacred names in a single action. Some authorities even permitted their use for ritual items like mezuzahs and *t’fillin*.

Although Rabbi Chajes might have been a bit imaginative in his interpretation of Ben Kamsar’s accomplishment, it is nevertheless true that Jews were among the pioneers of movable-type printing when the technology was first introduced to Europe in the mid-fifteenth century.

In 1444, an obscure Jewish dyer named Davin of Caderousse, resident in the southern French city of Avignon, began taking lessons from a Christian goldsmith from Prague named Procopius Waldvogel in “the science and practice of writing.” The precise character of this “science” becomes clearer to us

when we read the text of a contract that was drawn up between the two parties in 1446. The notarized document stipulates that, in return for Davin's commitment to train Procopius in the craft of dyeing, the latter would agree to provide Davin with a full Hebrew typeface of twenty-seven Hebrew letters (namely, the twenty-two normal letters plus the five special "final" forms).

That the letters were to be used for printing comes across unambiguously from the contract's phraseology, where it is designated that they must be "well cut in iron" and be bundled with appropriate "instruments of timber, lead and iron." A later receipt refers to the project as "artificial writing."

Unfortunately, however, the agreement fell through for unknown reasons, and the ensuing lawsuit required Davin not only to return the typeface, but also – in a manner reminiscent of Ben Kamsar of old – to refrain from passing on the technology to anyone else in the region.

Had the project reached fruition, it would have culminated in the mechanical printing of Hebrew books several years before the appearance of Gutenberg's famous Bible in 1455.

And Jews would have yet another reason to claim the title "people of the book."

## Suggestions for Further Reading

- Roth, Cecil. *The Jews in the Renaissance*. 1st Harper Torchbook ed. Harper Torchbooks, Temple Library. New York: Harper & Row, 1965.
- Shulman, Nisson E. *Authority and Community: Polish Jewry in the Sixteenth Century*. Hoboken and New York: Ktav and Yeshiva University Press, 1986.



## HOW TO START A JEWISH NEWSPAPER\*

~ Whatever obstacles and risks might stand in the way of individuals who try to establish a new Jewish newspaper in these uncertain times, they can hardly compare with the frustrations that were faced by the pioneers of Jewish journalism in Czarist Russia in the nineteenth century. The need for a Jewish press was felt to be urgent for several reasons. The economic situation of the Jewish populace was extremely delicate, and several Jewish leaders, aware of what was going on in western European societies, became convinced that their plight could be alleviated only if Jewish society could be raised from the medieval morass in which it was steeped, and taught to function in a modern way.

Similar accusations were being levelled by the Russian government, which insisted that the Jews had only themselves to blame for their depressed condition, and that it was up to them to solve their predicament.

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\* Originally published in *The Jewish Free Press*, Calgary, November 16, 1999, pp. 14–15.

The establishment of a Jewish press was felt to be an ideal instrument in this struggle. The new medium would serve a dual purpose, educating the Jews in modern thought and vocational skills, while at the same time providing a counterbalance to the anti-Semitic misrepresentations that coloured almost all portrayals of Judaism in Russian society. The newspapers would provide news about current events in the Jewish and general worlds, as well as introductory lessons in the rudiments of natural science and mathematics. The pages would serve as town hall meetings for the exchange of opinions on social and political issues. Several of them would also have literary supplements that could showcase the creations of the Hebrew and Yiddish authors. Since few Russian Jews were fluent in Russian, the newspapers would be printed in Hebrew or Yiddish, though some of them would also contain sections in Russian, intended primarily to educate gentiles about Judaism.

The initial outlook did indeed seem promising for the prospective publishers. There was an emerging Jewish middle class with an awareness of current developments that could supply the core readership for the newspapers. Several of these individuals could be counted on to invest in the new enterprises, and some were even knowledgeable enough to contribute their share of articles. The turbulent events of the era, like the Crimean War of 1853, kindled a broad interest in current affairs. The success of the Yiddish *Koreh Ha-'Ittim*, which began to appear twice-weekly in Romania



in 1855, provided encouragement to potential publishers in Russia.

There remained one formidable hurdle that had to be overcome: Under the authoritarian Czarist regime, such an enterprise required official permission from the government, and that permission was not forthcoming. This lesson was learned quickly by Samuel Warshawsky when, in 1850, he submitted a request to the minister of education to establish a Yiddish “kind of newspaper” in Odessa. The petition was not even considered.

A further attempt in that direction, this time for a Hebrew periodical to be printed in Zhitomir, was nipped in the bud in 1851 by the governor-general, who noted that the project conflicted with government policy and that the Jews were not sufficiently educated to benefit from a newspaper. He might have added, as did one potential contributor to the Jewish publications, that the strict Czarist censorship would stifle any open exchange of information or ideas.

In the end, all attempts to play by the rules were doomed to failure, and more imaginative stratagems were devised.

Eliezer Silbermann, founder of the *Ha-Maggid* newspaper, solved the problem by publishing his weekly outside of Russian territory, in East Prussia. The Russian minister of education allowed the newspaper to be imported provided it passed through the appropriate censorship procedures when it entered Russia. In spite of *Ha-Maggid*'s obsequious tone

toward its Russian overlords, the censors performed their task with great diligence, so that almost every issue was generously smeared with black ink at the slightest provocation. Thus, an article devoted to the praises of a well-known philanthropist praised the man for instilling in his beneficiaries a new spirit of freedom and self-confidence. The alert censor inked out the subversive words “spirit of freedom.”

The most ingenious ruse for circumventing the governmental objections was surely that of Alexander Zederbaum, editor of the weekly *Ha-Melitz*. After squeezing out permission to print his periodical in Odessa in Hebrew and Hebrew-lettered German (but not in the despised Yiddish!), he was dismayed to discover that Odessa had neither a resident censor nor a printing press, and that the need to send the copy to Zhitomir for typesetting, and afterward to Kiev for censorship, rendered the process impossibly cumbersome.

By seizing an opportune moment, however, Zederbaum was able to realize his dream of printing *Ha-Melitz* in Odessa. In 1860, to mark the anniversary of Czar Alexander II’s coronation, he composed a Hebrew ode that he had translated into German and sent to the Czar, accompanied by a humble request for permission to publish the patriotic masterpiece in the journal *Ha-Melitz* in Odessa. The Czar graciously agreed.

Now that His Majesty himself had consented to the request, it became necessary for there to be

a newspaper named *Ha-Melitz*, and that it be published in Odessa! Thus, the governor-general could not object to the Jewish newspaper without finding himself in disobedience of the Czar. Therefore, he quickly appointed a local censor, while Zederbaum arranged with the local German printer to handle Hebrew print jobs.

*And that was how the first Hebrew newspaper was established in Russia.*

### **Suggestions for Further Reading**

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- Waxman, Meyer. *A History of Jewish Literature*. 6 vols. 2nd ed. New York: Thomas Yoseloff, 1960.
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### 3

#### THE EUROPEAN GENIZAH<sup>\*</sup>

~ The world of classical Jewish studies, because of its reliance on the information preserved in rare manuscripts, often veers between extremes of optimism and despair. On the one hand, scholars are appreciative of the valuable records that have survived the ravages of history, but at the same time they are profoundly distressed to consider the vast numbers of manuscripts that have fallen victim to centuries of forced exiles, book burnings and neglect, leaving us only a miniscule remnant of the total numbers of literary works that existed in previous ages.

And yet, there always glimmers a flickering hope that, just around the next corner, another vast reservoir of Hebrew manuscripts is about to be discovered.

The world of academic Judaic scholarship is currently in the midst of a most exciting new discovery that has been designated the “European Genizah,”

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<sup>\*</sup> Originally published in *The Jewish Free Press*, Calgary, March 2, 2000, pp. 8–9.

and whose breathtaking dimensions are only beginning to be appreciated.

The roots of this discovery go back to the 1980s, when some scholars became sensitive to the fact that the stiff bindings used to house older books and documents were often made of recycled materials, especially discarded parchments. In many cases, if one cut open the book covers, one would find that the cardboard-like material really consisted of unbound pages from older Hebrew tomes.

People in the know began making the rounds of antiquarian book dealers in order to purchase volumes upon which they could conduct their searches, but only on rare occasions did they come up with impressive discoveries. Understandably, the major European institutional libraries, which were the most promising source of suitable bindings, were not particularly willing to allow scholars to slash through their most valuable tomes.

The breakthrough came when it was found that a large proportion of Hebrew pages had been utilized for wrapping notarial files in Italian archives of all kinds: governmental, private, and ecclesiastical. Once the researchers knew where to focus their efforts, they could undertake systematic searches.

Readers familiar with the standard meaning of the Jewish *Genizah*, a receptacle (usually housed in a synagogue) for discarded holy books, will recognize that the archives we are describing do not strictly fit that definition. Nevertheless, the epithet has caught

on owing to the similarities with the renowned Cairo Genizah, whose literary and documentary treasures have so revolutionized the study of Judaism and Mediterranean culture.

The results of the searches through the Italian Genizah, though still in their initial stages, have exceeded the most optimistic projections. Thousands of pages have been discovered so far in archives throughout Italy. Unlike the better-known finds like the Dead Sea Scrolls or the Cairo Genizah, which consist largely of minute fragments that have to be reassembled like puzzles, most of the Italian documents are complete pages that have been extracted from their original bound volumes. They cover a representative sampling of Jewish literary genres, including the Bible and its commentaries, Talmudic and halakhic works, liturgy, science, philosophy, and other subjects.

Among the more interesting finds is a tenth-century page of the *Tosefta*, which is the oldest known text of this third-century rabbinic work. There are also pages from the complete Torah commentary of Rabbi Joseph Kara, a student and colleague of Rashi, who espoused the literal interpretation of the Bible. Prior to its discovery, the scholarly consensus was that Kara had not composed a complete, sequential commentary to the Torah.

The Italian Genizah also contains samples of the first Hebrew printed works. Of particular value are the rare pages of titles that issued from the short-lived

Spanish presses in 1490 and 1491, on the eve of the Expulsion.

Because Italy was always at the crossroads of Jewish migration and trade routes, the manuscripts are of diverse provenance: Though most are Ashkenazic (possibly because the Ashkenazic scribes traditionally wrote their manuscripts on more rugged parchments), Sephardic, Byzantine, and Oriental texts are also to be found.

How did so many Hebrew manuscripts make their way to the binderies? It is of course tempting to blame it on the confiscations by the Church and the Inquisition. Though these may have contributed to the stock of cheap Hebrew parchments, they do not seem to have been the only factor at work here. In the days before the invention of pulp paper, writing materials could be prohibitively expensive, and used paper and parchment in all languages were likely to be recycled.

A more consequential factor was the spread of printing. As the modern, mechanically printed works became more fashionable, the perceived value of the old hand-copied books diminished significantly, and many people could not be bothered to hold on to them.

Now that the Italian discoveries have demonstrated the importance of searching through archival bindings, similar quests are under way in other European countries. The most recent bonanzas have been in Spain, especially in Gerona, which was home to illustrious Jewish scholars like Nahmanides.



Already, thousands of paper pages have come to light in the bookbindings of the city's Historical Archive. These pages appear to have entered their recycling process centuries earlier than the Italian ones, close to the most glorious days of Spanish Jewry. In Spain, the Hebrew pages were not used as wrappers, but rather were glued together to make stiff bookbindings, a use for which paper, rather than parchment, was fully adequate. For this reason, the documents that were preserved there are much more variegated than in Italy. Not only formal literary works were preserved, but also personal letters, commercial ledgers, and other ephemera that give us intimate glimpses of day-to-day life in medieval society.

If the riches of the European Genizah can be successfully brought to light, they will undoubtedly make an immeasurable contribution to our knowledge of the Jewish past.

### **Suggestions for Further Reading**

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## THE CROWN OF ALEPPO\*

NEWS ITEM Shepherdstown, West Virginia  
December 1999–January 2000. Prime Minister  
Barak of Israel and Foreign Minister Farouk a-  
Shara of Syria enter into ill-fated peace nego-  
tiations under American auspices.

~ The negotiations between Israel and Syria, which were conducted with great intensity, concentrated on borders, armies, and diplomacy. To the best of my knowledge, little attention was directed by the negotiators to religious and cultural treasures of Syria's Jewish community. Though that community has been all but eliminated over the last generation, we should not forget that it was one of the most ancient in the world.

In this article I wish to describe one of the most extraordinary exploits of that beleaguered community,

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the tale of its custodianship over the Aleppo Bible Codex.

An aura of legend has always radiated from the “Crown” of Aleppo, which was believed to be the oldest existing manuscript of the entire Hebrew Bible containing all the vowels and cantillation signs. In thousands of instances the Aleppo Codex exhibits readings that are superior to those of any other manuscript or printed edition of the biblical text.

Although the codex has generated some extravagant legends concerning its antiquity, such as the one that ascribes its writing to Ezra the Scribe, it was probably written closer to the year 900 C.E. in the Land of Israel, near the birthplace of the Tiberian vocalization system of which it is the most faithful representative.

The scholar who added the vowels and accents was Rabbi Aaron Bar Asher, one of the most illustrious experts in the specialized science of the biblical text that goes by the name “*Masorah*.” The Masoretes developed elaborate systems for maintaining the accuracy of the written, consonantal text of the Bible, as well as of recording the vowels and accents, which had previously been handed down through oral memorization. Though several such systems were devised during the early medieval era, in the end the one from Tiberias achieved dominance; and Aaron Bar Asher was perhaps the most distinguished exponent of the Tiberian school of *Masorah*.

It is now clear that this was the very same manuscript that was used by Maimonides when he

formulated his regulations for writing Torah scrolls, in spite of many doubts that were once cast on the authenticity of the claim. Modern scholars were initially misled by some apparent discrepancies between the codex and Maimonides' rulings. However, it was eventually established that the fault lay with the printed editions of Maimonides' code, which had been tampered with in order to bring them into conformity with the current conventions. When reliable manuscripts of Maimonides were consulted, they revealed his consistent agreement with the distinctive readings in the Aleppo Codex.

In the sixteenth century, the Keter was stolen from Cairo by bandits. Eventually it found its way to Aleppo, where the local Jewish community held on to it tenaciously, refusing even to lend it out to scholars, let alone to consider selling it. A local tradition declared that if the codex were to leave Aleppo the community would cease to exist.

In a profound sense, the prophecy turned out to be true.

With the rise of Arab nationalism in the early years of the twentieth century, biblical researchers began to worry about the safety of the Keter. Scholars from Jerusalem's Hebrew University began investigating whether there might be some way to preserve its invaluable contents. The leaders of Aleppo's Jewish community staunchly dismissed invitations to remove it from their town for safekeeping. What was worse, they would not even allow it to be photographed.

With great reluctance, they permitted a visit from the renowned Bible scholar Professor M. D. Cassuto, and then did all they could to heap obstacles in the way of his examination of the codex.

In 1947, following the United Nations resolution partitioning Palestine, the worst fears were realized. Anti-Jewish rioters, with help from the army, set fire to the Jewish quarter of Aleppo, including all its synagogues and Torah scrolls (though they were careful not to hurt the Jews themselves). The report was soon circulated that its precious treasure was irretrievably lost.

As Jewish refugees from Aleppo began to trickle into Israel, they told a different story. The details are still not clear, and at least four different Aleppo Jews (and one larcenous Syrian politician) have been credited with returning to the synagogue and rescuing the burning Keter. Many of the details are still not being published in order to protect individuals who still reside in Syria. The story of the manuscript's destruction had evidently been disseminated for the benefit of the Syrian authorities.

A similar confusion obscures the story of how the Keter was kept in strictest secrecy from 1947 to 1948 by members of the Aleppo Jewish community, apparently after a detour to Beirut. At length, it was hidden among the personal effects of a Jew of Persian nationality who had recently been expelled from the country. At grave peril to his life, he succeeded in evading the customs inspection and was

able to smuggle his priceless cargo to Turkey, and from there to Jerusalem.

Even now, the Aleppo Jews would not acquiesce in giving up the Keter to outsiders. A concerted campaign of pressure and persuasion was directed at the Aleppo community leaders by the Israeli government, scholarly institutions, Jewish organizations, and by members of the Aleppo Jewish diaspora, culminating in an official letter, issued in 1953, by Sepharadic Chief Rabbi Ouziel.

The most relentless of the manuscript-hunters was Yitzhak ben-Zvi, the learned expert on Middle-Eastern Jewry who became Israel's second president. He had a lifelong obsession with the Keter, which he had been allowed to view in 1935. As president, he tried to conscript to the cause the Israeli diplomatic and intelligence services.

In 1958, President ben-Zvi was able to announce officially that most of the Aleppo codex had found its way to safety in Jerusalem. It remains there, under expert preservation, today.

However, one-third of the Aleppo codex has never yet been found. Unfortunately, that third includes most of the Torah, up to Deuteronomy 28:17. Scholars have been reluctant to abandon hope for the recovery of at least some of those lost pages.

There are some grounds for optimism. Stories are in circulation that some pages were misappropriated while still in Aleppo. It has been reported by the investigator who wrote the authorized history of the Keter

that none of the surviving sections exhibits signs of fire damage, so the story of its burning may be untrue. A very auspicious development involved a single leaf of the Keter that was turned over to the Jewish National Library in Jerusalem in December 1982, thirty years after it had been brought to Brooklyn by a family of Jewish refugees from Aleppo. More recently, a researcher at Bar-Ilan University identified, in the library of the Jewish Theological Seminary in New York, a printed Bible from 1490 with handwritten notes in its margins by a sixteenth-century scribe who had systematically recorded the readings of the Aleppo Codex.

The ultimate fate of this priceless treasure might ultimately be linked to the future of Israel-Syrian political relations. If true peace does emerge between the two warring nations, then the complete recovery of the Aleppo Bible might be one of the crowning achievements of that accord.

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**HOLINESS *and* HERESY**



... WHERE SELDOM IS HEARD A MYSTICAL  
WORD\*

~ Perhaps the ultimate mystery of Jewish tradition is that of the name of God.

Soon after the close of the biblical era, the four-letter name came to be regarded as too sacred for casual pronunciation. The Septuagint, the third-century B.C.E. Alexandrian translation of the Torah into Greek, already attests to the familiar Jewish convention of substituting the word “A-donai” (Lord) for the original Hebrew consonants, a Jewish practice that was later emulated in the King James English translation.

By the close of the Second Commonwealth the original divine name was not pronounced at all by Jews except as part of certain ceremonies in the Temple. Even the priests who did speak the name during worship were often careful to muffle it so that outsiders could not hear the details of its pronunciation. It came to be referred to by the Greek term “Tetragrammaton,” meaning “four letters.”

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We do not know the precise circumstances that led to the cessation of uttering the divine name. Talmudic sources complain that the name was being spoken irresponsibly, whether for rash vows, for magical incantations and amulets, or for other inappropriate purposes.

Over time, the lack of a living tradition about how to enunciate the name, as well as the absence of written vowels in classical Hebrew, caused the original pronunciation to be forgotten.

This was generally of little concern to Jews, who had no practical use for such esoteric wisdom. It was, however, a matter that continually kindled the curiosity of gentiles, and several different pronunciations of the four-letter name have achieved currency in English and other European languages.

Some of these reconstructions are based on legitimate philological considerations, but others reveal their authors' shallowness and ignorance. The most absurd suggestion is undoubtedly the common non-word "Jehovah," a misreading of the convention in many Jewish prayer books of superimposing the vowel marks for A-donai onto the consonants of the Tetragrammaton.

Some Christians like to use the name Jehovah (or some other reconstruction of the original name) when referring to the God of the "Old Testament." These are usually the same people who are scrupulous to refer to the Muslim God as "Allah." In either case, the implication is that the deities bearing

strange names, who are worshipped by those other religions, are something less than the *real* God (whom they always designate by his generic English name). For these people, the Hebrew divinity is invariably portrayed as a primitive and vindictive tribal deity unworthy of an enlightened universal religion.

The etymology of the Tetragrammaton has also been subjected to diverse interpretations. Most authorities connect it to the Semitic root for “to be,” a reading which is strongly indicated in the biblical passage where God tells Moses, “I am that I am.” This reading was particularly popular among the medieval philosophers, who perceived God as Absolute Being in a profound metaphysical sense.

An alternative interpretation that has been proposed by some scholars traces the name to the Hebrew pronoun *hu*, meaning “he.” According to this theory, the “ya” component is a generic exclamation (as it is in Arabic) akin to the English “O!”; whereas the second syllable of the name was originally pronounced “hu” or “hoo.”

In support of their interpretation, the champions of this etymology point to the practices of the medieval Islamic mystics, especially the Dervishes, who are famous for the whirling dances that they use in order to induce an ecstatic state. As they spin, they gradually raise their voices until they are shouting an unceasing litany of “Ya hoo! Ya hoo: O He! O He!”

As the Persian Sufi Jalal ad-Din al-Rumi wrote in a poem: “I know no other except Ya-Hoo and Ya-man-hoo (O He-who-is!)”

Martin Buber has suggested that a similar usage lies at the primordial core of the four-letter Hebrew name of God: an elemental cry of religious ardour, accompanied perhaps by the throwing out of a gesturing arm. This experience was afterward formalized into a name.

Perhaps there is a link between this theory and the Mishnah’s report that during the spirited festivities that took place in the Temple during Sukkot, the participants used to chant “*Ani-wa-hoo!*”

Needless to say, the image of ancient Hebrew nomads shouting “Ya-hoo!” in the throes of a mystical encounter holds tantalizing associations for someone who lives out here in the land of the Calgary Stampede and its characteristic whoop. Viewed from a proper historical perspective, the rodeo qualifies as a primal religious celebration.

Let me therefore advise any Jewish cowboys who wish to avoid pronouncing the mystical divine name: The next time you are riding on your bronco and feel moved to issue your spirited holler, you should consider crying out an alternative sound, like “*Yippee!*” or “*Ya-koo!*”



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## 6

### A DUBIOUS BLESSING<sup>\*</sup>

~ Few Jewish religious texts have provoked as much indignation and discomfort as the brief passage that is recited by traditional Jewish men at the beginning of the daily morning prayers: “Blessed are you, Lord, our God, ruler the universe who has not created me a woman.” For many, it expresses a quintessential misogyny that lies at the core of our patriarchal religion.

The text in question appears as part of a sequence of blessings, found in the Talmud (*Berakhot* 60b), that are meant to accompany activities performed in the course of waking up in the morning, such as hearing the first cock-crow, opening one’s eyes, stepping on the ground, getting dressed, and so forth. In order to maintain uniformity, medieval Jewish authorities preferred that all the blessings be recited together in the synagogue, rather than left to the discretion of individuals.

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<sup>\*</sup> Originally published in *The Jewish Free Press*, Calgary, October 21, 1999, p. 10.

The “has not created me a woman” blessing is part of a subgroup that expresses similar gratitude for not having been created a gentile (that is, a heathen) or a slave. Differing liturgical traditions are at variance over whether these three blessings are to appear near the beginning of the sequence or at its conclusion.

This inconsistency attests to an important fact: The three “who has not made me” blessings were not originally part of the same sequence as the others. They originate in a separate Talmudic passage, ascribed to the second-century sage Rabbi Judah bar Ilai. Earlier versions of the tradition read “ignoramus” instead of “slave.”

Contemporary apologists for the blessing insist that it is not intended to disparage women or imply that they are inferior, but merely to express gratitude for the fact that men are obligated to perform more religious commandments. It must be admitted that the “apologetic” explanation is not a modern invention, but appears explicitly in the earliest version of the blessing (Tosefta *Berakhot* 6:23).

An old liturgical fragment from the Cairo Genizah contains a more positive formulation of the same themes: “... who has created me a human and not beast, a man and not a woman, an Israelite and not a gentile, circumcised and not uncircumcised, free and not slave.”

Some scholars have suggested that the Apostle Paul was alluding to an early version of this blessing

when he declared, “There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female....” Others have preferred to portray Rabbi Judah as reacting to Paul’s words.

The American Conservative Movement opted to replace the negative formulation with an affirmation of what we *are*: free, Jewish, and (instead of “male”) created in God’s image. In making this change, they could cite the precedent of the Genizah text cited above, as well as the text of the Rome *Mahzor*, which reads, “who has made me an Israelite.”

Several modern scholars, beginning with the philosopher Arthur Schopenhauer, have remarked on the uncanny parallel between the wording of the Jewish blessings and an ancient Greek tradition ascribed variously to Thales, Socrates or Plato. The sage in question was allegedly in the habit of thanking God for three things: “that I was born a human and not a beast; a man and not a woman; a Greek and not a Barbarian.”

Is it possible, then, that our problematic blessing is not even an original Jewish one, but merely a plagiarism from Greek sources?

Most traditional prayer books prescribe an alternative blessing to be recited by women: “... who has created me according to his will.” The blessing, which strikes many as a kind of verbal sigh of resignation, is first cited by the fourteenth-century Spanish liturgical authority Rabbi David Abudraham.

Evidently, that was not the sole option available to women in their prayers. I recall many years ago paying a visit to a well-known American Judaica scholar who had devoted much of his career to obtaining access to Hebrew manuscripts in Soviet libraries. The scholar had just returned from a jaunt to Russia, and was eager to show me his latest finds. One manuscript puzzled him. It was a small, handwritten *siddur*, evidently written in medieval Germany. Upon opening it to the morning blessings, we noticed some orthographic irregularities and tampering within the text of the “who has not made me a woman” blessing.

After a few minutes of investigation, I realized what had happened. The prayer book, which had been custom-written for a woman, had originally contained a blessing praising the Almighty “who had not created me a man,” to be recited while the men-folk were expressing their gratitude for not being women. Subsequent owners had “corrected” the text in order to bring it into conformity with the standard male wording. I have since then had occasion to see a similarly worded text in an illuminated prayer book from the collection of the Jewish National and University Library of Jerusalem.

The discrepancy between the Spanish rite, as reflected in Abudraham’s text, and the Ashkenazic practice attested in these manuscripts is consistent with a general pattern that is emerging in the study of medieval Jewish society, namely, that the Jewish women of France and Germany enjoyed a much

higher social and religious status than their sisters in Islamic lands.

In a society that encourages men to cultivate their “feminine sides,” I doubt that this *vive la difference* approach would be considered acceptable in all circles. At any rate, it does have an unexpectedly egalitarian ring to it, and serves to remind us of the diversity of approaches that coexisted in earlier Jewish tradition.

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**HIWI THE HERETIC\***

NEWS ITEM October 2001. An international force led by the United States begins military strikes against the Taliban regime in Afghanistan as part of a campaign to root out the terrorist forces who attacked American targets on September 11, 2001.

~ Recent events have taught us more than we may have wanted to know about obscure locations in the bleak terrain of Afghanistan with names like Mazar e-Sharif and Kanduz.

Even without entering into the controversial theories that identify certain Afghan tribes with the “ten lost tribes” of Israel, there can be no denying that Jewish communities existed in Afghanistan for many centuries.

During the medieval era, the region was known as Khorasan, and it is mentioned in many Jewish

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documents as a place of habitation and as a station on the lucrative trade routes to the Orient.

I wish to focus here on one particular area in Khorasan, a place known as Balkh, which was recently mentioned in the news as the scene of a major surrender of Taliban fighters. The city of Balkh was known in ancient times as Bactria – a glorious metropolis destroyed by Genghis Khan in the thirteenth century and rebuilt in the fifteenth century by the Turkic ruler Timur.

This territory was also home to one of Judaism's most radical and enigmatic heretics.

The name of Hiwi (or more correctly: Hayawaihi) al-Balkhi shows up, usually qualified by caustic insults and maledictions, in the writings of several prominent Jewish biblical commentators, including Sa'adia Ga'on and Abraham Ibn Ezra.

Hiwi, who lived in the early ninth century, is one of the earliest Jewish scholars that we know of from the post-Talmudic era. None of Hiwi's works have survived intact, and therefore modern scholars have been compelled to reconstruct the personality of this mysterious author on the basis of the derogatory remarks of his antagonists. Sa'adia Ga'on devoted a special treatise to refuting Hiwi's unorthodox views, and a few fragments of that work have survived.

What was it about this obscure Afghan Jew that aroused the indignation of so many distinguished rabbis and scholars? To judge from the few remaining samples of his two hundred (!) objections to the Bible,

Hiwi was neither a profound intellect nor a systematic philosopher. Rather, he often strikes us as a prototypical village atheist taking potshots at easy targets in the Bible.

A favourite stratagem of his was to call into question the miracles of the Torah. For example, he argued that the parting of the Red Sea was a natural phenomenon, and that Moses' claim to greatness lay merely in his ability to calculate the right moment for the crossing. Hiwi provided similar naturalistic explanations for the manna and the radiance of Moses' face (the latter he wrote off as "wrinkling," not "shining"). He also emphasized that the Egyptian magicians were able to reproduce several of Moses' "miracles," proving that they could not have been so unique.

Several of Hiwi's criticisms were directed at what he felt were philosophically primitive notions of God's power. Why should an omniscient deity have to "test" Abraham? Why does God have to walk through the Garden of Eden calling out in search of Adam? Why does he have to be fed on sacrificial meat?

Hiwi was also quick to point out inconsistencies in the meting out of divine justice. Were the people of Sodom and Gomorrah really more evil than many other wicked figures in the Bible? Why can God not safeguard the righteous from natural or human injury?

Historians have attempted unsuccessfully to find a theological foundation that would account for Hiwi's critique of the Hebrew scriptures. Unfortunately, such efforts are usually obstructed by Hiwi's

methodological inconsistencies. In some places, he bases his criticism on the literal meaning of a verse, but in others he is tacitly accepting the Midrashic interpretation. Sometimes he seems to be championing a more refined monotheism, while elsewhere he seems to be supporting a trinitarian reading of the text.

Several scholars have pointed out that Hiwi's objections to the depictions of God in the Bible seem to be reworkings of arguments that appeared earlier in interreligious polemical literature. In the hands of the ancient Gnostic Christian sect, these criticisms were used to prove that the God of the "Old Testament" is an inferior deity who dwells in darkness and ignorance. In the hands of the dualistic Manicheans and Zoroastrians (the founder of whose religion had actually been born in Balkh), the same proof-texts were cited in order to identify the God of Israel as a power of absolute evil.

From all the above examples there emerges a classic image of a self-hating Jew who has accepted the anti-Jewish accusations of rival religious movements. Viewed this way, it is not hard to understand the disdain with which he was treated by Sa'adia or Ibn Ezra.

In spite of all his shortcomings, our Afghan Jewish heretic may nevertheless lay claim to some more constructive contributions to Jewish culture.

It was only in recent decades that it became possible, by comparing a five-word quote preserved in a work by a Karaite author with a manuscript fragment in the Cairo Genizah, to restore about a dozen

lines from Hiwi's original words. This modest snippet of text is enough to reveal some unappreciated aspects of Hiwi's achievement. Most importantly, we can now recognize that Hiwi was a talented Hebrew poet, the earliest known writer to compose Hebrew verse for use outside the synagogue liturgy. Hiwi can also be credited as a pioneer in adapting the sacred tongue to the needs of rationalistic discourse. Many other Jewish philosophers were convinced that Hebrew was unsuited to that task, and elected to publish their works in Arabic. Hiwi had the ingenuity and boldness to harness the holy tongue to this formidable task.

In these respects, Hiwi may be compared to those exponents of Enlightenment ideologies in eighteenth- and nineteenth-century Europe who, in spite of their declared discomfort with traditional Jewish values, became so enamoured of their ancestral language that they laid the foundations for a renaissance of Hebrew letters that would one day play a pivotal part in the Jewish national revival.

So too with the enigmatic personality of Hiwi of Balkh – even when he was attempting to disparage or ridicule the sacred scriptures, he did so as a Jew, and in the language of his people.

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**ENCOUNTERS *and***  
**ENLIGHTENINGS**





RABBI IN THE ABBEY<sup>\*</sup>

~ The most acerbic conflicts between Jews and Christians have hinged on their differing readings of biblical passages. For Christians, the value of the “Old Testament” lies chiefly in the prophecies and “prefigurations” that, as they believed, were fulfilled in the life and death of Jesus. Jews reading the same texts might apply them to the future redemption. In many cases, Jews fail to discern any messianic content whatsoever in those verses.

During the Middle Ages, the two communities kept at arm’s length from one another, and each read its Bible according to its received understanding. However, the respective commentaries frequently indicate, whether explicitly or by implication, that they were well aware of the competing interpretations.

Take, for example, the text of Isaiah 2:22: “Cease ye from man, whose breath is in his nostrils: for wherein is he to be accounted of?” The Hebrew word

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*bameh* that is rendered rhetorically as “wherein” was translated in the Catholic Latin version (known as the “Vulgate”) as “high” or “exalted.” The change transformed the verse into a reference to Jesus, as if to say: “Stop afflicting the Man [that is, Jesus], because he is reputed to be of exalted status.”

A twelfth-century commentator from northern France challenged the Christian reading on solid linguistic grounds, and noted that the larger context of the chapter strongly supports the Jewish reading, since it is a warning to the Judeans not to place their trust in any mortal king, particularly the Egyptian Pharaoh, to save them from the impending wrath of the Babylonians.

The same commentator is not above challenging several other of the most popular Christian biblical proof-texts. Thus, in discussing Isaiah 7:14–16, which was understood as a prediction of the virgin birth, he notes that in its original context the prophecy is part of a reassurance that Judah will be delivered from an attack by the kings of Aram and Israel – an event that predated Jesus by many centuries.

Similarly, our commentator insists that the “suffering servant” chapters in Isaiah, applied by the church to Jesus’ torments, are better understood as personifications of the vanquished Jews of the Babylonian captivity, whose anguish serves an atoning function. He even suggests that the “man of sorrows” in the passage might be Isaiah himself.

All the above instances of exegetical controversy seem quite normal in the setting of medieval Christian-Jewish disputations. However, they take on a very different significance when we note that the French commentator whom we have been citing was not a Jew, but a Christian! Indeed, the author of those staunch defenses of Jewish theological positions was Andrew of St. Victor, a distinguished Catholic cleric who served as the abbot of monasteries in France and Britain.

The Abbey of St. Victor, where Andrew spent much of his scholarly career, had by his time already acquired a reputation for its unconventional approach to biblical study. Under the leadership of Andrew's teacher Hugh of St. Victor, a new interest had evolved in recapturing the literal meaning of biblical texts. In the context of medieval Christianity, this was nothing less than revolutionary, since the church had long since committed itself to symbolic and allegorical exegesis, insisting that the "letter" of Scripture was a trivial pursuit that stifled the spirit.

The vindication of the straightforward reading of the Bible, spearheaded by the scholars of St. Victor's, coincided with similar developments among Jewish French exegetes, as distinguished students of Rashi were also endeavouring to confront the Bible on its own terms, independently of the traditional explanations of the Midrash and Talmud. It appears that one of the motives that impelled the Jewish sages to set aside the traditional Talmudic and Midrashic interpretations was their conviction that the unadorned plain

sense of Scripture provided a stronger weapon against Christian proof-texts.

While it is not clear whether the trends in Christian scholarship were modelled after Jewish precedents, there can be no doubt that the Christian exegetes were consulting with Jewish teachers. Their writings are filled with references to the readings and interpretations of the “*Hebrei*,” including many comments that cannot be traced to known Jewish works. Conscious that in their Jewish quarters dwelled living links to the biblical tradition, Hugh, Andrew, and others were accustomed to drop in on the local rabbis in order to deepen their acquaintance with the Hebrew original.

As we saw in the above example, the Christian scholars were very respectful of the Jewish interpretations, often (though not always) giving them credence equal to or greater than that accorded the readings that were current in the church. Indeed, here and there we can catch glimpses of theological debates between rabbis and monks that are extraordinary in their candidness.

Not all Christians at the time were quite ready for such academic neutrality and religious tolerance; manuscripts of the St. Victor commentaries often contain disapproving glosses inserted by more conservative students, such as “You strive too much to judaize.”

Nevertheless, the annals of Christian European biblical scholarship would come to know several additional “judaizing” exegetes. The most influential of these was probably the French scholar Nicholas

of Lyra (1270–1340). He deplored the state of biblical studies in his own time, insisting that valid theological or allegorical interpretation of the Bible had to be grounded in a proper understanding of Hebrew language and grammar, which had to be based in turn on direct study of the original text and not on translations. Toward that end, Nicholas achieved expertise in Hebrew and relied extensively on the commentaries of Rashi and other Jewish scholars. He produced interpretations that excelled in their clarity, precision, and plausibility. Nicholas’ “*Postillae*” soon achieved unequalled popularity and, in a manner reminiscent of the place of Rashi among Jewish readers, was the first biblical commentary to be printed. By the fifteenth century, it was widely rumoured that Nicholas was of Jewish birth, though there was no truth to the report.

Nicholas of Lyra exerted a decisive influence upon the new vernacular biblical translations that proliferated during the Protestant Reformation. Among other things, this accounts for some of the uncanny agreements between the King James translation of the Bible and the traditional Jewish interpretations as taught by Rashi. For all that many Jews enjoy whining about our reliance on English Bibles that are rooted in a Christian version, the fact is that – aside from a relatively small number of places where the translation blatantly reflects Christian theological doctrine – the elegant King James English, with its faithful echoes of the original Hebrew syntax and word order, has provided a comfortable companion for several Torah and Tanakh editions issued un-

der Jewish auspices, including those of Chief Rabbi Hertz and the Jewish Publication Society.

The following quote, written by a student of the twelfth-century theologian Peter Abelard, reveals another reason why medieval Christians had such appreciation for Jewish scholarship:

If the Christians educate their sons, they do so not for God, but for gain, in order that the one brother, if he be a cleric, may help his father and mother and his other brothers. They say that a cleric will have no heir and whatever he has will be ours and the other brothers’.

... But the Jews, out of zeal for God and love of the law, put as many sons as they have to letters, that each may study God’s law.... A Jew, however poor, if he had ten sons would put them all to letters, not for gain, as the Christians do, but for the understanding of God’s law – and not only his sons, but his daughters.

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## THOU SHALL NOT KILL\*

~ Those of us who are familiar with the original Hebrew text of the Bible find frequent occasion to whine about inaccuracies and misleading expressions in the translations that are in use among non-Jews. Many of these discrepancies arose out of patently theological motives, as Christian interpreters rewrote passages in the “Old Testament” so as to turn them into predictions or prefigurations of the life of Jesus. Some of the mistranslations, though, are harder to account for.

For me, one of the most irksome cases has always been the rendering of the sixth commandment (Exodus 19:13) as “Thou shalt not kill.” In this form, the quote has been conscripted into the service of diverse causes, including those of pacifism, animal rights, the opposition to capital punishment, and the anti-abortion movement.

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Indeed, “kill” in English is an all-encompassing verb that covers the taking of life in all forms and for all classes of victims. That kind of generalization is expressed in Hebrew through the verb *harag*. However, the verb that appears in the Torah’s prohibition is a completely different one, *raṣaḥ*, which, it would seem, should be rendered “murder.” This root refers specifically to criminal acts of killing.

It is, of course, not just a question of etymology. Those ideologies that adduce the commandment in support of their gentle-hearted causes are compelled to feign ignorance of all those other places in the Bible that condone or command warfare, the slaughter of sacrificial animals, and an assortment of methods for inflicting capital punishment.

The good old King James version of the Bible, which introduced this formulation into standard English discourse, is usually much more accurate in its Hebrew scholarship, and I have wondered for many years how the erudite scholars who produced that fine translation managed to slip up on such a simple expression, one that would have been caught by any Jewish schoolchild.

It turns out that the confusion did not originate with that seventeenth-century English translation. From the writings of Jewish exegetes who lived in medieval France, we learn that the gentiles in their environment were also translating the biblical prohibition incorrectly.

For example, two of the most eminent commentators of the time, Rabbi Samuel ben Meir (Rashbam) and Rabbi Joseph Bekhor-Shor, felt the need to go on at uncharacteristic length in order to explain that the Hebrew text refers only to unlawful killing. Both these scholars pointed out plainly the differences between the Hebrew roots for killing and murdering (for good measure, Bekhor-Shor even provides a French translation of the latter term: *meurtre*), and brought ample evidence of the Torah's condoning other types of killing.

Rashbam concludes his discussion of the topic with the following words:

And this is a refutation of the heretics, and they have conceded the point to me. Even though their own books state "I kill, and I make alive" (in Deuteronomy 32:39) – using the same Latin root as for "thou shalt not murder" – they are not being precise.

From the words of these French Jewish scholars, we learn that the "thou shalt not kill" translation stems from the Latin Bible translation that was in use in the medieval Roman Catholic church. Indeed, the Vulgate (as that translation is designated) employs the Latin verb *occidere*, which has the sense of "kill" rather than "murder." By demonstrating that the Vulgate itself employed the root *occidere* in Deuteronomy, when the Almighty himself is

speaking of his own power over the lives of his creatures – in a context where it cannot conceivably be rendered as “murder” – Rashbam aggressively proved the error of the traditional Christian understanding of the sixth commandment. It is not surprising, therefore, to hear that his Christian interlocutors acknowledged their error without a fight.

This still raises some difficult questions about the Latin Vulgate translation. The author of that translation, Saint Jerome (who died in 420), spent much of his career in the Land of Israel, where he consulted frequently with Jewish scholars whose interpretations he often cites with great respect. Even the Septuagint, the old Greek translation of the Bible, translated the commandment with a word that means “murder” rather than “kill.” St. Augustine, basing himself on the standard translations, made it clear that the commandment does not extend to wars or capital punishments that are explicitly ordained by God.

The fact remains, however, that even the Jewish translators were not unanimous in maintaining a consistent distinction between the various Hebrew roots. Don Isaac Abravanel and others noted that *raʿah* is employed in Numbers 35:27–30, both when dealing with an authorized case of blood vengeance, and with capital punishment – neither of which falls under the legal category of murder.

In fact, some distinguished Jewish philosophers believed that “thou shalt not kill” is a perfectly

accurate rendering of the sixth commandment. Maimonides, for example, wrote that *all* cases of killing human beings involve violations of the commandment, even if the violation happens to be overridden by other mitigating factors. It has been suggested that this tradition underlies the virtual elimination of capital punishment in rabbinic law.

Viewed from this perspective, we may appreciate that the translation “thou shalt not kill” was not the result of simple ignorance on the side of Jerome or the King James English translators. Rather, it reflects their legitimate determination to reflect accurately the broader range of meanings of the Hebrew root.

As usual, careful study teaches us that what initially appeared ridiculously obvious is really much more complex than it seemed at first glance. We should be very cautious before passing hasty judgment on apparent bloopers.

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## ON THE OTHER HAND\*

~ Rabbi Yohanan and Rabbi Simeon ben Laqish were among the most distinguished Jewish scholars of the third century, and in keeping with the argumentative spirit of Talmudic discourse, their relationship was often characterized by animated controversies and debates.

Rabbi Simeon, who had been a gladiator prior to turning his energies to Torah scholarship, had a tendency to run afoul of the authorities. He was particularly outspoken when it came to criticizing the Patriarch (*Nasi*), who held the highest administrative position in the Jewish community.

On one occasion (*Yerushalmi Sanhedrin* 2:19d–20a), Rabbi Simeon’s anti-authoritarian diatribes succeeded in offending the Patriarch to such a degree that the latter dispatched a troop of mercenaries to arrest him. Rabbi Simeon escaped and went into hiding.

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\* Originally published in *The Jewish Free Press*, Calgary, October 11, 2001, p. 12.

Shortly afterward, the Patriarch decided to pay a visit to Rabbi Yohanan's academy in Tiberias. The visitor soon noticed that his host did not seem interested in lecturing, and eventually he prodded the rabbi to commence expounding words of Torah.

Rabbi Yohanan started clapping with one hand. When the Patriarch expressed his bewilderment at Rabbi Yohanan's strange and ineffectual behaviour, he had in fact been set up for the delivery of the punch-line:

To attempt to study Torah without his usual study partner, said Rabbi Yohanan, was as unproductive an enterprise as trying to clap with one hand.

The Patriarch conceded the point and agreed to give the delinquent Rabbi Simeon another chance.

I recently had occasion to quote the above story when called upon to say farewell to a valued university colleague who had decided to give up his academic career and join a Buddhist monastery. Rabbi Yohanan's metaphor conveyed aptly how much I had been enriched over the years through my continuing exchanges and debates with my colleague, and how the intellectual atmosphere of our department would suffer from his absence.

Of course, my choice of this particular Talmudic anecdote was also influenced by its use of the distinctive imagery of "one hand clapping." That enigmatic expression is arguably the Buddhist teaching that is most widely known among non-Buddhists.



The question “What is the sound of one hand clapping?” is a quintessential example of a “koan,” a brief meditational saying by means of which Zen Buddhist masters test the enlightenment of their students and of each other. Koans often try to express spiritual intuition by making use of non-rational, paradoxical language, as a way of pointing to a reality that transcends logical discourse.

The “one hand clapping” koan is ascribed to Hakuin Ekaku (1686–1769), one of the most celebrated masters of Zen Buddhism in Japan. Hakuin is credited with bringing about a renaissance in Japanese Buddhism after three hundred years of decline. As a teacher, he placed special emphasis on the study of koans, as a most effective path to spiritual enlightenment.

Apart from my chauvinistic interest in pointing out that the Jewish use of the paradox predated the better-known Buddhist one by fifteen hundred years, I believe that it is particularly instructive to observe how a single metaphor can be put to such extremely diverse uses.

However, we must be careful not to interpret these differences as constituting an essential contrast between the supposed otherworldliness of Buddhism and the scholarly dialectics of Judaism.

The truth is that both these religious traditions can boast of rich and variegated heritages that have accommodated broad ranges of spiritual expression, including ecstatic visionaries, worldly pragmatism, and exacting rationalism. Some Buddhist monasteries encourage intense debate over fine points of logic,

reminiscent of the arguments of yeshivah students. Conversely, Jewish mystics have resorted to paradox and symbolism in order to point to spiritual realities that cannot be encompassed by conventional language.

It is intriguing to speculate whether the remarkable metaphor of one hand clapping wandered along some inscrutable route from third-century Israel to eighteenth-century Japan, or if there was an earlier, lost source, from which both traditions drew. Although it is impossible to determine such questions with any degree of certainty, it seems most likely that Rabbi Yohanan and Hakuin fabricated their respective expressions, er, single-handedly.

The ingenuity of both sages deserves our admiration. Perhaps this would be most effectively expressed in the form of prolonged rounds of mute applause.

### **Suggestions for Further Reading**

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**BABIES, BRIDES, *and* BURIALS**



# 11

## BIRTH RITES\*

~ Excessive politeness can sometimes lead to tragic consequences.

This sad lesson is illustrated by a story in the Talmud (*Baba Qamma* 80a) involving three third-century rabbis who were about to participate in a feast celebrating the birth of a child. When they arrived at the entrance to the hall, each one of the scholars refused to be the first to go through the door, insisting on bestowing that honour upon one of his colleagues.

Before they could sort out the proper etiquette and protocols, the unfortunate infant was mauled by a cat.

This story has a lot to teach us about the hierarchical structures of rabbinic society, about feline temperaments in ancient Babylonia, and about excessive concern for formalities. In the present chapter, however, I wish to focus on an incidental feature of the story; namely, the occasion for which the ill-fated feast was convened.

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The Talmud gives us two different versions of this detail. It was either a *Shavua Ha-Ben* [“week of the son”] or the *Yeshua Ha-Ben* [“redemption of the son”]. Rav Hai Ga’on interpreted the former possibility as a circumcision feast, which is normally held on the seventh day following the child’s birth. The second term he equated with the *Pidyon Ha-Ben* ceremony, usually held when the baby is one month old, when the father ritually redeems his offspring from the Kohen. These identifications were accepted by most subsequent commentators.

The “Week of the Son” is mentioned briefly in a handful of passages in rabbinic literature, without providing much tangible information about its purpose. One source (*Tosefta Megillah* 3:8) includes it – alongside engagements and weddings, funerals, and mourning-houses – in a list of life-cycle commemorations that occupied the busy schedules of Jerusalem’s virtuous residents.

Other texts state that the Roman decrees against Jewish religious practices explicitly singled out the Week of the Son or the Salvation of the Son as proscribed rituals (*Bava Batra* 60b). A liturgical poem by Eleazar Qallir listed such a decree among the anti-Jewish edicts issued by Antiochus in the Hanukkah story.

As the *Tosafot* pointed out, these traditions about religious persecution help us to understand the following cryptic Talmudic quote (*Sanhedrin* 32b): “The sound of the millstones in Bourni means: ‘The Week of

the Son! The Week of the Son!’ The light of the lamp in Beror Hayil means “There is a feast! There is a feast!”

Evidently, Jews upheld these religious celebrations faithfully even when their observance was punishable by government edict. Because they could not be announced publicly, secret signals were devised for the purpose, alluding to Jeremiah’s admonition (25:10), “I will take from them the voice of mirth, and the voice of gladness, the voice of the bridegroom, and the voice of the bride, the sound of the millstones, and the light of the candle.” Rashi suggests that the millstones were used to grind medicines for the circumcision.

As noted above, the overwhelming majority of the traditional commentators seemed to agree with Rav Hai Ga’on and Rashi that the Talmudic “Week of the Son” referred to a circumcision banquet. A rare dissenting voice was that of Rashi’s grandson Rabbi Jacob Tam, who suggested that the “salvation of the son” was in fact a separate festivity in which the parents expressed thanksgiving for the safe and healthy birth.

In fact, there is a very decisive piece of information that argues strongly against the majority interpretation. A Talmudic tradition preserved by the Spanish authorities Rabbi Isaac Ibn Ghayat (eleventh century) and Rabbi Moses Nahmanides (thirteenth century) makes explicit mention of a “Week of the *Daughter*” (*Shavua Ha-Bat*) alongside the Week of the Son. Clearly, neither the circumcision nor the redemption rituals are applicable to females. Hence, it would

appear, we are forced to seek alternative explanations that are gender-inclusive.

Several such explanations have been proposed by modern scholars. Some suggested that the allusion is to a naming ceremony that was held, for male and female alike, at the conclusion of the child's first week. Others found in this ancient custom the earliest source for the widespread medieval practice among Ashkenazic Jews of holding a "Wachnacht" vigil for the week-old child, staying awake all night to fend off malevolent demons who are particularly hazardous on that night.

It would appear most likely, however, that the Week of the Daughter/Son refers to a seven-day period of celebration following the birth of the child. This would bring it into line with other Jewish life-cycle transitions, which were often observed in similar ways. Thus, to take a familiar example, not only are Jewish weddings and funerals both followed by seven-day periods of public camaraderie, but the prayers and blessing that were formulated for these two occasions were also very similar. Therefore, it is reasonable to suppose the same paradigm would have been applied to the other main event of the life-cycle, childbirth.

Although this practice has long since been abandoned, and its memory all but eradicated from our written texts, it continues to exert a definite attraction.

In our generation, which often feels frustrated in its search for authentic Jewish ways for celebrating the births of daughters, a revival of the ancient



“Week of the Daughter” might bring us a step closer to that elusive goal.

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MAY THE BEST MAN WIN<sup>\*</sup>

~ The beginnings of married life can be a very expensive proposition. The furnishing of the new household and the wedding celebration can place formidable pressures on the budgets of the couple and their families. Among the various instruments that society has evolved to soften the blow is the widespread practice of bestowing gifts upon the bride and groom.

In western secular and Christian society, the obligation to bring gifts to a wedding is treated more as a matter of social etiquette than as a formal requirement. Questions about returning presents after a failed engagement or cancelled wedding are more likely to be dealt with in newspaper advice columns than in the courts. In Talmudic sources, on the other hand, the practice is treated as a full-fledged legal responsibility.

In this connection, ancient Jewish tradition assigned a special role to the groom's confidant, who is

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designated by the Hebrew word “shoshbin,” a word of apparent Akkadian origin which often appears in Aramaic in the sense of “a close friend.” In many respects, the shoshbin’s role bears a close resemblance to that of the “Best Man” at gentile weddings, a close companion of the groom who is expected to provide assistance and moral support

Underlying the institution of the shoshbin is a sort of mutual pact between young men of a similar age to assist one another at their respective weddings. The practice is described succinctly by Maimonides:

It is the prevailing custom in all lands that when a man gets married, his comrades and acquaintances send him money in order to help him defray the expenses connected to the marriage. Those same friends and acquaintances who sent him the gifts are then entitled to come eat and drink with the groom during the week of the wedding festivities....Those who sent the money or gifts are referred to as shoshbins.

As with the contemporary Best Man, the choice of a shoshbin was an indication of the most profound friendship, so much so that some rabbis in the Mishnah (*Sanhedrin* 3:5) declared that a person who had served in that capacity was disqualified to testify in court about matters involving the groom.

We have seen that in accepting the honour of being a shoshbin, a person is also assuming a financial

obligation, since the Best Man was expected to confer generous gifts upon the groom. In the short term, some of the expenses could be written off against the pleasures of being invited to wine and dine at the wedding festivities. However, it was of greater significance that the shoshbin could count on recouping his capital more completely on the occasion of his own marriage.

The Mishnah (*Bava Batra* 9:4) rules that the obligation to repay the wedding presents is enforceable by law. If the favour were not returned when the Best Man himself got married, he was entitled to sue for the original costs. Jewish law therefore had to adjudicate cases in which the weddings of the two comrades were of unequal cost; and the rabbis discussed whether the obligation to recompense the wedding presents could be inherited if the original shoshbin died before ever collecting it (*Bava Batra* 144b).

Although halakhic texts tend to focus on the legal entanglements that arise from the office, it is clear that there was a meaningful moral dimension to the honour as well, and hence the selection of a shoshbin was not to be made lightly. Rav Pappa advised that, though it might be appropriate for a man to choose a bride who was his social inferior, he should strive to choose a shoshbin who is of a higher station (*Yevamot* 63a). Indeed, the bride was also expected to have her own shoshbin to support and attend her through the wedding.

Some sources suggest that the shoshbin was deemed to be a kind of protector or godparent of the

marriage, who played an ongoing role in soothing frictions between the couple. This assumption underlies many Midrashic depictions of the covenant between God and the people of Israel, which is often portrayed as a marriage, albeit an occasionally stormy one.

In this setting, the task of the shoshbin was performed by no less a figure than Moses, who even in his last days devoted his energies to upholding the fragile relationship between Israel and their Creator:

It was analogous to the case of a king who had taken a wife, and she had a shoshbin. Whenever the king would lose his temper, the shoshbin would calm him down and restore harmony between the king and queen. When the shoshbin was approaching his death, he began to beseech the king, saying: I beg of you, take care for your wife... (*Numbers Rabbah* 21:2).

In acting as Israel's figurative Best Man, Moses was following a most distinguished precedent. The biblical account of the creation of the first woman states that the Almighty himself "brought her to the man"; from which the Talmud (*Berakhot* 61a, *Eruvin* 18b) deduces that "the Holy One Blessed Be He acted as shoshbin for the first man. From this we may infer that it is proper for a more distinguished person to act as shoshbin for a lesser one without feeling slighted."

Indeed, the awareness of such an illustrious exemplar gives powerful new meaning to the expression “Best Man.”

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## BEAUTY VERSUS VIRTUE: AN AGE-OLD ARGUMENT\*

~ How important is physical beauty in choosing a mate?

The Book of Proverbs, in praising the “woman of valor,” assures us (31:30) that “Favour is deceitful, and beauty is vain: but a woman that feareth the Lord, she shall be praised.” Nevertheless, a cursory survey of the scriptural narratives reveals that several of our biblical forebears married women who were distinguished by their fairness of form. The bevy of biblical beauties includes, among others, the matriarchs Sarah and Rachel, as well as David’s wives Abigail and Abishag.

The ancient Jewish sages appear to send us mixed messages on this question.

We are all familiar with Rabbi Judah the Prince’s well-known advice, “Do not look at the container, but at the contents.” However, the context of this saying in *Pirkei Avot* 4:20 makes it clear that Rabbi Judah

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is speaking of the assessment of scholars, not the selection of a spouse.

An intriguing testimony on this question is found in the Mishnah's description of the rustic festivities of Yom Kippur and the Fifteenth of Av (*Ta'anit* 4:8), when the daughters of Jerusalem used to dance in the vineyards as they sang:

Young man, lift up your eyes and see, what are you choosing for yourself? Do not set your eyes on good looks, rather set your eyes on family.

The Talmud (*Ta'anit* 31a), however, modifies this idyllic and idealistic picture by pointing out that diverse types of maidens tried to draw the attention of their potential suitors to different virtues.

Indeed, those young ladies who could lay claim to impressive pedigrees emphasized the importance of a respectable genealogy.

However, the attractive ones had no qualms about stressing the advantages of physical beauty.

Those unfortunate maidens who could lay claim to neither of those assets were resigned to recommending the men to make their choices out of purely altruistic motives, "for the sake of Heaven."

And in a finale that seems to reflect the shared aspirations of all classes of women, the Talmud reports that they would declare that they would welcome potential suitors "as long as they adorn us with golden coins"!

The ancient rabbis recognized that physical beauty, or its absence, could play a decisive and legitimate psychological role in the selection of a mate. Accordingly, the Mishnah rules that if a man took a vow not to marry a certain woman because she was ugly, but later discovered that she was really attractive, then the vow could be annulled. One can easily imagine the rabbis making a more moralistic – but less realistic – response, by insisting that physical appearance should be entirely disregarded in such matters.

A poignant variant on this theme is discussed by the Mishnah in its account of a potential husband who rejected a proposed match on account of the bride's repulsive appearance. In the end, Rabbi Ishmael was able to improve the appearance of the emaciated girl by sitting her down to a healthy meal (*Nedarim* 9:10).

The underlying assumption of the story is that an ostensibly unsightly appearance can sometimes be the consequence of social or economic conditions, which can deprive underprivileged girls of flattering clothing, cosmetics, or even a healthy diet.

As Rabbi Ishmael lamented tearfully, “The daughters of Israel are all beautiful, but they have been rendered unattractive by their poverty.” For many Jews, this observation epitomized the bleak realities of daily life under the oppressive conditions of Roman rule.

Rabbi Jacob Reischer exemplifies the attempts made by later scholars to grapple with the apparent contradiction between the spiritual and the aesthetic. After expressing his initial surprise at the

fact that the rabbis praised various biblical heroines for their external loveliness, Reischer acknowledged that beauty can be a virtue as long as it serves as a complement to inner piety. And after all, he concludes, an admiration of feminine pulchritude can be a legitimate path to appreciation of the Creator who has fashioned such fair creatures in his world.

In saying this, Rabbi Reischer was alluding to the story told about Rabban Simeon ben Gamaliel who, upon encountering a particularly attractive woman on the Temple Mount in Jerusalem, was moved to proclaim the words of the Psalmist (104:24):

O Lord, how manifold are thy works! In wisdom hast thou made them all!

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## WHO WAS REMBRANDT'S JEWISH BRIDE?\*

~ She might well be the most famous Jewish bride who ever sat for a portrait. The plump young lady, seated alongside her stylishly dressed husband, has come to be known as “the Jewish Bride” in Rembrandt’s famous painting that hangs in Amsterdam’s National Museum.

Evidently it was not Rembrandt who gave that name to the painting, and art historians are not convinced the figures on the canvas are in fact a bride and groom, let alone Jewish. Although it has been called by that name at least since 1825, and the artist is well known for his use of models from Amsterdam’s Jewish community, there are some who have preferred to interpret the subjects as a father and daughter, or as “the birthday salutation.”

On the other hand, there are some scholars who are so certain of the correctness of the traditional designation that they claim to be able to name the figures.

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The most popular such identification was proposed in 1929 by a Dutch scholar named Jacob Zwarts and is based on an alleged resemblance between the man and woman in the picture and those who supposedly appear in other works by Rembrandt; and especially in a copper engraving of a Jewish family that was intended to grace a never-published volume of Spanish poetry.

If this theory is correct, then the groom was one of the more colourful individuals in the extremely eccentric Jewish community of seventeenth-century Amsterdam. Don Miguel de Barrios was born a New Christian in Andalusia and, while living the life of a Spanish military officer in Brussels, also achieved success as a poet.

Like many Marranos, he led parallel lives. In Brussels, where it was legally forbidden to return to Judaism, he was the Christian Captain Miguel de Barrios, who rubbed epaulets with the social and diplomatic elites and composed obsequious verses in praise of his native Spain, though not lacking in expressions of Jewish pride. When in Amsterdam, he professed his Judaism openly, under his Jewish name of David Levi de Barrios. It is unlikely that his Belgian comrades were unaware of his origins, though this does not seem to have seriously impeded his activities in the non-Jewish world.

Eventually he declared a formal commitment to his Jewish heritage and made Amsterdam his permanent home.

The bride in the picture, by de Barrios' second marriage, was Abigail de Pina, who was descended from a prominent Moroccan rabbinic family, and whose father owned a sugar refinery in Amsterdam. Their wedding took place in August 1662.

Like Spinoza, Uriel d'Acosta, and other Marranos who had returned to the Jewish fold, de Barrios found himself embroiled in a series of disputes with the established Jewish community. Offended by his frequent allusions to pagan mythology and immodest themes, the Amsterdam communal leadership would not allow him to publish his poetic works, which had already attracted contributions from lucrative sponsors. He was forced to print them in Brussels.

On the first day of Passover 1674, his Jewish bride found herself in a state of extreme distress, knocking desperately on the door of Rabbi Jacob Sasportas. Her husband had become immobile and unable to speak after a four-day regimen of fasting that had been commanded to him in one of his frequent ecstatic visions. Such extremes of religious piety were recurring phenomena for the *ba'al t'shuvah* de Barrios, who had by then abandoned his literary activity to become an active devotee of the apostate messiah Shabbetai Zvi.

Rabbi Sasportas was perhaps the most uncompromising adversary of the Sabbatian heresy at that time, and we would have expected Abigail's pleas to fall on unsympathetic ears. Yet the rabbi seems to have been so moved by their plight that he was willing to disregard de Barrios' heretical leanings. He

listened calmly to the patient's ravings about the imminent cataclysms and redemption, urging him patiently to place his family's welfare above his messianic fervour and to get back to his proper business of writing poetry. The husband accepted the counsel, at least until his next bout of religious enthusiasm found him urging the community to more penitential fasting.

Although they remained poor ever after, their marriage lasted for twelve more years until Abigail's death in 1686. The doting husband memorialized her in poetry, and the epitaph he composed for her grave spoke of "My doubly good wife Dona Abigail Levy de Barrios.... With permanent love for me and with God her high soul."

According to Zwarts' touching reconstruction, at the time that the aged Rembrandt painted the picture, the artist was at a low point in his life and derived tremendous inspiration from the idyllic image of this loving and stable Jewish family.



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## BENEATH THE STARS\*

~ Some time ago I was consulted by a hotel owner who was considering doing some renovations to one of the social halls in his establishment. He had been advised that Jewish weddings should be held under the stars, and was therefore planning to build a skylight for that purpose. As a Catholic, he was curious about the origin and significance of the Jewish custom.

As it happened, his question had a short answer and a long one.

The short answer can be found by means of a quick glance at the *Shulhan Arukh*, the authoritative compendium of Jewish religious practice. The relevant ruling is contained in the glosses of Rabbi Moses Isserles, which cite the prevailing Ashkenazic customs that were omitted by the *Shulhan Arukh's* Sepharadic author.

In the section dealing with weddings, Rabbi Isserles writes: "Some say that the wedding canopy

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should be placed under the heavens in order to symbolize that their offspring will be as plentiful as the stars in the heavens.” As is the case with most of his rulings, Rabbi Isserles was basing himself on earlier compendia of Jewish customs. His sources consisted of several authoritative works from the fourteenth century.

And this brings us to the long answer to our original question.

It appears that there was an established custom in some Ashkenazic communities of holding weddings in the synagogue courtyard. Correspondingly, there evolved a considerable reluctance to hold them inside the synagogue buildings, irrespective of any imagery that might attach to the stars.

The question of whether it is at all permissible to hold the nuptials inside the synagogue became a matter of fierce controversy in the nineteenth century. An inquiry was addressed to that staunch defender of tradition, Rabbi Moses Schreiber (the *Hassam Sofer*) of Pressburg, asking whether it was allowed to deviate from older custom by moving the *huppah* into the synagogue. In his responsum, Rabbi Schreiber cited an earlier pronouncement by Rabbi Meir Mintz to the effect that one should always strive to perform actions that signify blessings. However, Rabbi Mintz’s responsum also spoke at length about where the bride should be positioned *vis-à-vis* the Torah ark, implying that the ceremony was held inside the synagogue.

The Hassam Sofer resolved the apparent discrepancy by observing that Rabbi Mintz was referring

to two separate ceremonies. The old Ashkenazic custom knew of a celebration known as the *mayen* (from an old German word for dancing or rejoicing) that was held prior to the actual wedding. The event had been described by Rabbi Jacob Moelin (the Maharil, 1355–1427):

At dawn ... when the beadle calls everyone to come to the synagogue, he also summons them to the *mayen*. Then the rabbi escorts the groom in front of himself, with all the people following behind, to the light of torches and with musicians, to the synagogue courtyard. Then they would go back again, still accompanied by the torches and the musicians, in order to escort the bride and her companions. Upon the bride's arrival at the entrance of the synagogue courtyard, the rabbi and the dignitaries lead the groom to the bride. The groom takes her hand, and as they are joined together everybody tosses wheat on their heads while they say "be fruitful and multiply" three times.

The Hassam Sofer presumed that when Rabbi Mintz spoke of an outdoor ceremony, he was referring to this *mayen* celebration, not to the actual wedding. As he understood the original purpose of the custom, its authors wanted the new couple to benefit from both the symbolic blessings of the stars and the sanctity

associated with the synagogue. These dual ceremonies were still prevalent in much of central Europe.

On the other hand, Rabbi Isserles lived in eastern Europe, where the *mayen* ceremony was not known. For that reason, he insisted that the wedding should be held out of doors, in keeping with venerable tradition of their central European forbears.

However, as we survey the positions of other halakhic authorities who dealt with the question, we begin to suspect that there is more at stake here than generic conservatism or resistance to change.

In fact, it is only in the closing sentences of his responsum that the Hassam Sofer offers us a glimpse of his real concerns:

And if anyone chooses to forego the blessing, deeming it an inconsequential matter, his real intention is to emulate gentile customs. The gentiles are not subject to the blessing of the stars [since this was bestowed upon Abraham (Genesis 15:5)], and therefore they hold their weddings inside their churches.

However, for those who desire to partake of their ancestral blessing, that the fruit of their loins should be like the stars and as plentiful as the fish in the sea – then may the Lord fulfill all their wishes for good!

From these remarks we may learn that the traditionalist antipathy to synagogue weddings was rooted in their perception that such ceremonies were an imitation of the Christian practice. Indeed, many of the ritual innovations that were being introduced by the nascent Jewish Reform movement were designed explicitly to make Jewish practices resemble as much as possible those of the Protestant churches.

Nevertheless, the earlier traditions were not entirely consistent on this issue. Though the festivities described by the Maharil had taken place in the synagogue of Mayence, a seventeenth-century account of a wedding in nearby Worms situates the wedding in the communal social hall.

Some authorities deduced from the Hassam Sofer's ruling that there were grounds for permitting a wedding to be held in a private home, since this did not resemble the Christian practice.

Other rabbis raised additional questions that reflected the conditions and mores of their societies. For example, those Jewish communities that were surrounded by hostile gentiles feared that the festivities were apt to provoke violent attacks.

Several Sepharadic authorities were careful to note that their communities had never observed the Ashkenazic custom and that their weddings were normally held indoors. Some, however, were very persistent about requiring the Ashkenazim to observe their own custom.

In more recent years, several distinguished rabbis took more lenient approaches to the issue. Rabbi Moses Feinstein argued that outdoor weddings were no more than a recommended custom; but as long as there was no conscious intention to imitate Christian practice, it should not be insisted on. Rabbi Ovadiah Yosef has expressed a similar view, observing that it is not an important enough issue to provoke a dispute.

One recurring argument against synagogue weddings is that the festivities might lead to actions that are inappropriate for a sacred place. Citing Talmudic passages (e.g., *Megillah* 28a–b) that forbid the use of the synagogue for anything other than prayer or religious study, some rabbis were particularly troubled by the free mixing of the sexes that took place on such occasions, in contrast to the strict segregation that was usually enforced in traditional synagogues.

Rav Abraham Isaac Kook, who spent much of his time among the non-observant pioneers of pre-state Israel, raised an additional point: The modest dress codes that governed traditional diaspora Jewish communities are no longer the norm in our times, and therefore it would be a profanation of the synagogue to hold weddings there, when many of the participants will be dressed in skimpy or revealing clothing.

So once again, a seemingly straightforward query into the source of a Jewish wedding custom has introduced us to a proliferation of rabbinic opinions and historical controversies.



You might even say that the number of divergent views on this question is ... as plentiful as the stars in the heavens.

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ALL COWS GO TO HEAVEN<sup>\*</sup>

~ Of all the awkward theological questions that can be provoked by real-life crises, few are as poignant as the need to determine the afterlife destiny of a beloved family pet. Sometimes the most convenient solution to the predicament is a facile assurance that Fido is now enjoying a blissful existence in Doggy Paradise.

Jewish tradition has not been very clear on this question.

The few ancient rabbinic texts that raise the issue take the position that animals have no expectation of eternal life. This premise forms the basis of a Midrashic homily on Ecclesiastes 3:18–19: “For that which befalleth the sons of men befalleth beasts; even one thing befalleth them: as the one dieth, so dieth the other.” From the biblical comparison, the Midrash (*Ecclesiastes Rabbah* 3:21) deduced that “just as beasts are fated for death and do not merit

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life in the world to come, so too the wicked are fated for death and will not merit life in the world to come.”

A very different position was taken by Sa’adia Ga’on, the tenth-century scholar whose *Book of Doctrines and Beliefs* was one of the pioneering works of systematic Jewish theology.

Sa’adia deals with the fundamental question of why the Torah commands us to sacrifice innocent animals as an act of worship. After explaining that God has ordained matters in such a way that the time of an animal’s slaughter is metaphysically equivalent to the natural lifespan of a human, Sa’adia ponders whether death by the slaughterer’s knife really causes the beast more suffering than a natural demise. To this he replies that if that were the case, then the all-knowing and perfectly just God would certainly reward the beast for the suffering that was inflicted upon it.

This view was discussed by Maimonides in his *Guide of the Perplexed*, though he did not attribute it to Sa’adia. Instead, he ascribed it to the *Mu’tazila*, one of the important theological schools of Islam, a school that did in fact exert a powerful influence upon Sa’adia Ga’on.

Initially, Maimonides characterized the *Mu’tazila* position as “disgraceful,” and poked fun at the notion of dead fleas, lice, or mice enjoying their rewards in the next world. Later on, he conceded that the *Mu’tazila* were motivated by a legitimate concern that no injustice or wrongdoing be ascribed to the Almighty.

Nevertheless, the prospect of Doggy Paradise was not a valid option for Maimonides. His concept of the afterlife was a profoundly intellectual one, in which eternal life was the exclusive privilege of those who were capable of contemplating eternal truths. He accepted Aristotle's thesis that humans, by virtue of their intelligent minds, were subject to individual divine providence. Dumb animals, on the other hand, benefit only from a general providence that guides the survival of entire species.

A very different perspective on the issue was introduced by the Kabbalah, and especially by the rise of the Hassidic movement in eastern Europe.

One of the most bitter struggles waged by the Hassidim against the Jewish establishment had to do with the mechanics and administration of ritual slaughter. Not only did they appoint their own *shohetim*, but they also insisted on the use of specially sharpened knives.

On one level, the Hassidic position was motivated by their suspicion that the communal authorities, who had come to rely on the taxes paid to the slaughterers as an important source of revenue, would not be stringent enough about disqualifying meat that was halakhically unfit.

There was, however, an additional dimension to the controversy, one that derived from their distinctive beliefs about the destiny of the soul.

Like many adherents of the Kabbalah, the Hassidim believed in the doctrine of *gilgul*, the trans-

migration of souls. According to this belief, those persons who are not quite ready to be admitted to Paradise are sent back into the world until they succeed in repairing their spiritual state. The souls of sinners have to rise through the stages of inanimate objects, plants, and animals before being allowed to resume their human status. Kosher animals, such as cattle and sheep, are the penultimate stage in the scale of spiritual ascent, such that the slightest flaw in the slaughter can prevent the soul from achieving its final restoration.

By building on this theological premise, Hassidic ideology was able to offer a compelling new reason to be exceedingly scrupulous about the procedures for slaughtering. That poor cow whose neck is stretched out under the knife might well house the soul of a repentant sinner, whose last chance for eternal serenity depends on the performance of the slaughter according to the strictest standards of Jewish religious law!

This idea was promoted with especial vigour by students of Rabbi Israel Ba'al Shem Tov, such as the Maggid Rabbi Dov Ber of Mezritch. For this reason, manuals for the use of professional slaughterers would include calls to repentance and special prayers, in which the slaughterers expressed the hope that they were spiritually worthy of the awesome metaphysical responsibility that they bore.

Hassidic folklore told bloodcurdling tales about the dreadful punishments that awaited negligent slaughterers in the next world, such as the one who

was doomed to spend the afterlife standing on a rooftop, slashing his own throat until he dropped to the earth, and then rising again and repeating the bloody pattern for all eternity.

It would clearly be preferable to live your life properly the first time around, and find yourself a place in Gan Eden.

When you do arrive there (after 120 years), you should be prepared to set aside a few moments from your eternity to walk the dog.

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**CONGREGATION *and* COMMUNITY**



## TRIMMING THE GUEST LIST\*

~ It is truly a gratifying sight when Jews find opportunities to rejoice, whether on the occasion of a wedding, a B'rit, or any other festive occasion. But sometimes, it must be admitted, people do go overboard in such matters.

Whether they are impelled by high spirits, by the obligations of social position, or by the pressures to “keep up with the Cohens,” there are too many cases in which the extravagance of the celebration exceeds the bounds of good taste or economic prudence.

It was a common practice in earlier generations for communities to issue ordinances known as “sumptuary laws” which set legal limits to the expenses and ostentation that could accompany festivities. There is nothing novel about this state of affairs, which arises naturally from some basic characteristics of the human personality.

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In instituting these rules, which would be published on large posters and affixed to the synagogue walls, it was hoped that people would be prevented from sinking into unmanageable debts and that the Jews would appear less flamboyant in the eyes of their neighbours. The communal leaders of Forlì, Italy, described the situation as follows: “The hosts of weddings and feasts are overly generous, and go beyond their financial means, even more than the wealthy gentiles among whom we dwell, incurring serious economic loss.”

Lavish spending could also kindle envy and might shame poorer Jews out of holding more modest festivities.

The Jewish communities of old were no strangers to such excesses, and often had recourse to sumptuary legislation. Reading those bylaws can provide us with lively glimpses into the day-to-day lives of past Jewish societies.

The communal regulations issued in 1432 by the Jewish communities of Castille specified in meticulous detail the types of clothing and jewellery that Jews could wear. Gaudy apparel, a visible symptom of haughtiness, was a frequent target of moralistic preachers. The list of forbidden articles included silk and purple garments as well as ornaments of silver or gold. Italian statutes dictated the permissible colours, the width of veils, the quantities of real and imitation gems, how many times a necklace could be wound around the neck, and similar minutiae.

Exempted from the Castilian prohibition were unmarried or newly married women. In Italy too, brides were permitted to dress as they pleased when at home. The Castilian Jews had a reputation for allowing their women to dress glamorously, while the men folk wore subdued black attire.

Several statutes were aimed at limiting the numbers of guests who could be invited to festive meals. In Forli the maximum was set at twenty men and ten women (these numbers were halved for a circumcision), and all blood relatives to the degree of second cousins. The stringencies adopted in Fürth (1728) declared that no non-relatives at all were to be allowed admission to weddings, no tea or coffee could be served there, and latecomers would have to forego the courses that had already been served. If the bride had to be escorted from a distant town, no more than ten horsemen and four foot attendants could be employed. Some communities also limited the number of musicians who could be hired.

In Italy, sumptuary laws also set limits to the values of the gifts that could be exchanged at betrothals and weddings. In the seventeenth century the community of Metz restricted the weight of wine goblets that could be placed on the tables.

In a strategy that sounds remarkably like some of our current political and managerial strategies, individual communities in Castille were given thirty days in which to present their programs for the limitation

of festive gatherings, in accordance with their respective economic circumstances.

Those found guilty of violating the sumptuary laws were usually fined. Thus, the Forli regulations imposed a penalty of one ducat for each extra guest, and ten silver bolognesi for each forbidden garment or ornament.

Though similar edicts were enacted in the Rhineland, Frankfort, Lithuania, Moravia, Fez, and elsewhere, historians have remarked how ineffective the Jewish sumptuary laws were. The frequency with which they had to be reissued proves how imperfectly they were observed, and several sources lament how difficult it was to enforce them, especially among the wealthy and powerful strata who were their principal targets.

Perhaps this kind of clash is inevitable whenever standards of morality and sensibility are pitted against the forces of social pressure and human vanity.

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## SERVICE INTERRUPTION\*

~ People have occasionally remarked (not always in a laudatory way) about my skill in pounding on the tops of tables and lecterns. This unusual talent is not a relic from my Cold War childhood, but a requisite of my position as a synagogue “*gabbai*.” Especially (but not exclusively) at those moments during the service when one is not supposed to speak, a resonating blow on the lectern serves to draw the congregation’s attention to important matters, such as seasonal additions to the liturgy, an unacceptable noise level, or an imminent pronouncement by the rabbi.

In current practice, such interruptions of the service are designed primarily to enforce the authority of the community. However, through much of our history, it was just as likely that individual congregants would be the ones pounding on the tabletops in order to give public expression to their grievances against their leaders. The right of wronged parties

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to interrupt public worship in order to plead their cases is one that was respected in both European and Middle-Eastern Jewish communities. There is reason to suspect that its beginnings go back to the Land of Israel during Talmudic times. In Islamic countries, the right to interrupt services seems to have been based on the legal assumption that the community as a whole, assembled in the synagogue, was in principle the highest tribunal, in accordance with the biblical notion that “the people shall judge” (Numbers 35:24). Thus, to plead before the congregation was equivalent to addressing the highest court of appeal.

In documents from the Cairo Genizah, this practice is designated “calling the Jews for help.” The proper time for such appeals was just before the reading from the Torah, as the scroll was lying on its table and the complainant had the power to stall the reading until the case had been heard. One writer even speaks of his intention to lock the ark until he was allowed the satisfaction of confronting his adversary. In the surviving records, the complainants are often women or girls, though they were probably represented by males. One touching petition was submitted on behalf of two orphan girls whose older siblings had driven them out of their house. The matter was dealt with promptly, within a day of the complaint.

A virtually identical procedure, known variously as “interruption of worship,” “closing the synagogue,” or even “the suspension of the daily offering,” was entrenched in the customs of the German and French



Jewish communities from the earliest days of their documented history. The privilege is presupposed in one of the enactments attributed to the celebrated Rabbenu Gershom of Mainz, the celebrated “Light of the Exile,” which had to set some practical limits to its use. According to the enactment, the complainants are initially given opportunities to voice their grievances at the conclusion of the synagogue service (or, according to some interpretations, at the more leisurely Evening service). Only if satisfaction is not achieved after three such occasions may they now proceed to interrupt the communal prayers. A century later, an exception was made to the earlier enactment in a new statute that was issued by Rabbi Jacob Tam, responding to a frequently occurring problem: If the issue involved accusations before the gentile authorities, which threatened to remove the matter entirely from the jurisdiction of the Jewish court, then the complainers would be permitted to “interrupt the worship” immediately without going through other procedures.

In Fürth, Germany, any individual was entitled to protest against abuses by the community by standing up in the middle of the service and calling out, “*Ich klame*: (I have a grievance).” Several liturgical compendia speak of the interruption preceding the morning invocation of the “*Barekhu*” as if it were a routine part of the morning prayers.

These interruptions could be serious matters. An extreme instance was the protest in Cologne that stretched out so long that it was completely impossible

to read the Torah on that Sabbath, forcing the community to postpone the reading until the following week.

The list of situations that warranted the suspension of prayers is long and diverse. Examples range from poor tenants seeking to embarrass hard-hearted landlords wielding eviction notices to indignation at a community's attempt to cancel a committee meeting.

Not surprisingly, this democratic institution lent itself readily to abuse through excessive and frivolous overuse. Such a predicament was acknowledged in the bylaws issued by the Jewish community of Candia, Crete, in the thirteenth century, which decreed that all public protests must first be cleared with the community's leaders, the *contestabile* – a change that must often have defeated the original purpose of the institution. In a similar vein, the Rhineland communities restricted the number of prayers that could be interrupted to less crucial ones, thereby diminishing the complainant's leverage against the congregation. The medieval *Book of the Pious* expressed what must have been a widespread ambivalence with regard to interruption of the prayers. In one chapter, it tells of a powerful community leader who was denied divine compassion at the end of his earthly life, in spite of a distinguished record of philanthropic activity, because he had been the occasion for several synagogue protests. "Because you," God reprimanded him "caused me delays in the prayers and Torah readings, you must bear your iniquity."

Other chapters in the Book of the Pious are less enthusiastic about the interruptions. The author advises worshippers to stay home and study, or to find an alternative minyan, rather than frequent a synagogue service that will be dragged out by announcements of grievances. Similar distaste were expressed by Rabbi Ephraim Luntshitz in seventeenth- or eighteenth- century Poland, who argued that the practice was offensive to God and brought public ridicule upon the Jewish community. I expect that our local synagogues will be reluctant to reinstate this venerable relic of populist democracy, not so much because our congregants are so satisfied with their communal leaders, but principally out of fears that undue prolongation of the services would scare away worshippers.

Come to think of it, it might produce the opposite result. A parade of disgruntled congregants airing their complaints against each other and against their leaders might be just what we need to fill our pews and compete with the television talk shows.

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**BUDDY CAN YOU SPARE A DIME?\***

~ At one time, the social service agencies in Calgary began posting advertisements in the city's trains and buses in order to persuade the public that it is counterproductive to give money to individual beggars on the street. This ostensible act of generosity, they insisted, is likely to aggravate the recipient's dependence rather than solving the problem.

Though panhandlers may seem like a major nuisance in Calgary, it takes a few months in Jerusalem to reveal the real extremes that the practice can reach. Large segments of the population of the holy city have been brought up in the belief that the world owes them charity, whether or not they make any efforts to support themselves productively.

I have found myself in the uncomfortable situation of having to warn my children – reversing years of effort invested in cultivating their generosity and compassion – that they should carefully avoid the greedy

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hands that will be constantly and arrogantly reaching at them as they stroll around Me'ah She'arim or the *Western Wall*.

In Israel, this world-owes-me-a-living attitude is not confined to a few individual shnorrrers; it actually translates into a full-scale political culture. Ultra-orthodox parties have been established largely in order to pressure the government into supporting a constituency that has little inclination to pay its own way through life.

Centuries ago, the sages of the Talmud had to deal with individuals who tried to bypass the communal welfare agencies in order to abuse people's generosity and gain an unfair advantage over others in need. An ancient ruling laid down, "No assistance of any sort is to be given to beggars who go from door to door" (*Bava Batra 9a*).

The Talmud softened the severity of that ruling, permitting the mendicants to be given a small coin – though some commentators insisted that even this should be distributed by the official agencies and not at the whims of individual donors.

The Jewish community always took care of its poor, to a degree that had no parallel in any other society. In Talmudic times, to be "poor" usually meant that one did not possess land. Such dispossessed persons hired themselves out as itinerant agricultural labourers, and their economic fortunes were subject to the caprices of the season and market.

The oral tradition translated the biblical commandment of *tzedakah* into an elaborate network

of funds and agencies to care for the destitute. Even small rural communities were scrupulous to maintain a *kuppah*, which would pay out a weekly stipend to those who required it; a *tamhui* where the hungry could receive their daily meals; as well as specialized funds to supply dowries, burial, ransom of captives, and other needs that could arise. These agencies carefully screened the beneficiaries of their charities to insure that the limited funds would be distributed in the most equitable manner.

Referring to Ecclesiastes 7:20, “For there is not a just man [*tzadik*] on earth who does good and does not sin,” Rabbi Judah ben Simeon asked, “Is there such a thing as a *tzadik* who gives *zedakah* and thereby sins?!” Subsequently it was explained to him that the verse can be applied to communal officials who distribute charity to those who do not deserve it, and do not adequately support those who have legitimate needs (*Ecclesiastes Rabbah* 7:32). The Mishnah (*Pe’ah* 8:9) warned that a fitting Heavenly punishment is in store for those who receive charity when they do not really require it. Such individuals “will not leave this world before they have truly become dependent on the generosity of their fellow creatures.”

The rabbis were aware that generosity did not constitute a virtue if it was channelled to the undeserving. Although the indiscriminate dropping of a coin into the *pushkah* has been turned by some into a ritualized act designed to add points to our mitzvah

rating, the administrators of a fully functional Jewish society were required to focus less on the spiritual betterment of the donor than on the efficient allocation of the resources to the appropriate recipients. The daunting responsibilities that come with the judicious distribution of charitable funds can be felt in the words of Rabbi Yosé ben Halafta: “Let my lot be with the collectors of charitable donations, and not with those charged with distributing the funds” (*Shabbat* 118b).

Such a situation formed the basis for a Talmudic exposition of Jeremiah’s diatribe against the people of Judah: “Let them be caused to stumble before you. Deal thus with them in the time of your anger” (18:23). The Babylonian sage Rava interpreted the verse as if the prophet were beseeching God, “Even when they perform charitable acts, cause them to stumble on account of individuals who are undeserving, so that they will not earn any merit for their deeds” (*Bava Qamma* 15b).

Some of our sages even found consolation in the fact that not all beggars could be trusted, since it lightened the overwhelming responsibility to respond to every cry for assistance, in keeping with the Torah’s grave warnings against ignoring the plight of the legitimate poor.

I used to have a neighbour in Jerusalem who spent his working hours holding out a cup on a street-corner – after which he came home to his comfortable middle-class suburb. A similar experience befell Rabbi Hanina in the Talmud when he



was informed by his wife that a beggar to whom he was accustomed to send weekly donations was in fact very affluent.

The good rabbi reacted with relief, declaring: “Come let us express our appreciation to the swindlers; for were it not for them, we would be committing sins each day!” (*Ketubbot* 68a).

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**POLICY *and* PIETY**



## TAKING LEAVE OF OUR CENSUS\*

~ Last month I had the honour of participating in the latest Canadian census. Finding myself yet again among the minority who were invited to labour over the time-consuming “long form” with its tediously detailed questions, I could readily sympathize with the long-standing Jewish antipathy toward counting people.

That there is something wrong with conducting a census is clearly implied by the orders issued to Moses in Exodus 30:

When thou takest the sum of the children of Israel after their number, then shall they give every man a ransom for his soul unto the Lord, when thou numberest them; that there be no plague among them....

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In spite of the obscurities of the wording, the verse clearly assumes that counting the population could potentially result in a plague, unless something is done to “ransom” the vulnerable souls. The solution to the conundrum, as set out in the subsequent verses, is that rather than conducting a head count, each person should contribute a uniform sum – half a shekel – to the Tabernacle building fund. In this way, the census-takers would not have to actually count the people, but merely to total up the money and perform the appropriate calculations. The Torah also states that the shekels themselves, as donations to a sacred cause, serve as “atoning money” to avert the fearsome consequences of the census.

Subsequent episodes in the Bible serve to reinforce the feeling that head counts can be injurious to our health. When King David ordered one, evidently for the purposes of assessing his military potential, the nation was visited by a plague that took seventy thousand lives. Some of the traditional Jewish commentators were at a loss to explain how the astute monarch could have disregarded the warnings that were set down so unmistakably in the Torah.

Other leaders of Israel took a more prudent approach to their census-taking. King Saul appears to have enumerated his people at Bezek, in preparation for his war against the Ammonites, and again at Telaim, prior to the campaign against Amalek (1 Samuel 11:8; 14:4). However, the rabbis translated the passages so that “*bezek*” meant “potsherd” and “*telaim*” meant

“lambs,” referring to the objects that were counted in lieu of the actual people (*Yoma* 22b).

Later, during the reign of King Joash, the High Priest Jehoiada recommended that the old method of shekel-counting be restored, though in that instance the campaign was motivated not so much by an interest in demographic statistics as by the need to raise funds for renovations in the Temple (2 Kings 12:5–17). The same procedure was followed by the returning Babylonian exiles who built the Second Temple (Nehemiah 10:33–4).

Even in post-biblical times, the Talmud relates how the officials in the Jerusalem Temple, when they had to choose teams of volunteers for work assignments, took care to count raised fingers, rather than the actual priests (*Mishnah Yoma* 2:1).

The reluctance to count people is still in evidence in our synagogues in the diverse ways that have been devised to count available worshippers for a *minyán*. The preferred methods include assigning each person one word in a ten-word biblical verse; or the more picturesque practice of employing negative numbers: “not one, not two, not three...”

The Torah does not explain the reasons for its negative view of census-taking, and the traditional interpreters took differing views on the question.

I have yet to find in our sources anything analogous to the attitudes of those stalwart French peasants who resisted their nation-state’s first attempts to conduct a national head count, because of their

deeply held belief in a citizen's right to remain unknown to the rapacious government.

This attitude is not entirely different from the one demonstrated by some recent arrivals from former Communist countries, whose past experiences still make them reluctant to identify themselves as Jews in the Canadian census, for fear that the fact will be used against them in a discriminatory manner.

Rashi believed that the census threatens to provoke the "evil eye," that ubiquitous power of metaphysical envy that is aroused when people are too open about flaunting their good fortune. Perhaps this image can be read as a metaphorical warning that census data is likely to be utilized by the tax collectors.

Rabbi Obadiah Sforno reasoned that the periodic need to count populations is, after all, really a way of measuring the mortality rate. Since, from a theological perspective, death is occasioned by sin, the census should impel us to seek atonement.

Several Jewish commentators indicated that the census was antithetical to the ideal of national solidarity and served to elevate the individual above the common good. Thus, Rabbi Bahya ben Asher argued that, by assigning to each person a separate number, the census prevents the individual from benefiting from the collective merits of the nation. This renders them more vulnerable to potential calamities.

Rabbi Solomon Alkabetz derived a similar lesson from the Torah's stipulation that each person contribute a *half* shekel, rather than a full one. This



comes to underscore the incompleteness of the individual when removed from the group.

Based on my own experiences with impersonal bureaucracies, I would prefer to read the symbolism in the reverse direction, as a protest against the temptation to reduce people to mere numbers. By opposing census-taking, the Torah is upholding the sanctity of the individual against the inroads of oppressive collectivism.

This sentiment is not entirely without support in the Talmudic sources. The rabbis stated in several places that true blessing cannot be found in things that are counted or measured. Furthermore, they drew a thematic connection between the ban on censuses and the assurances that were made to Abraham that his progeny would be multiplied like the dust of the earth, the sand on the shore, and the stars in the heavens.

In comparing the relevant scriptural verses in which this promise was formulated, the Jewish sages insisted that there is a crucial distinction to be made between cases when a total is merely too large to count, and where it is *essentially* uncountable. Accordingly, they concluded that the prospect of a huge numerical increase for the Jewish people constituted a relatively low order of blessing, one that does not require complete moral or spiritual perfection.

However, the truest and most complete blessing in store for Abraham's descendants, if they should be found truly deserving, is that they will be placed entirely outside the realm of quantification – as each

individual soul is appreciated for its own infinite sanctity, and not as a digit in a statistical total.

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THE WAGERS OF SIN<sup>\*</sup>

NEWS ITEM October 1998: Calgary. A plebiscite calling for the removal of video lottery terminals was narrowly defeated. This development called attention to the fierce controversy over the widespread use of Bingos, casinos and other forms of gambling to finance religious and charitable institutions. Local Jewish institutions were among the beneficiaries of this problematic funding.

~ Calgarians have again been made aware of how dependent we are on various forms of gambling revenues, ranging from Bingo to casinos, in order to support our charitable and religious organizations.

Although the recent plebiscite on the banning of video lottery terminals was spearheaded by religious groups, the official Jewish community has stood on

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<sup>\*</sup> Originally published in *The Jewish Free Press*, Calgary, October 29, 1998, p. 8.

the sidelines, sheepishly aware of how much of our funding comes from those dubious sources.

It is clear that games of chance have never been sanctioned in Jewish tradition. The Mishnah (*Sanhedrin* 3:3) singled out two games that had wide currency among the ancients – dice and pigeon-racing – as disqualifying their practitioners from serving as witnesses in a Jewish court. The Talmud (*Sanhedrin* 24b–25a) questions whether the objection is because the winnings are treated as unlawful gains (in which case it would apply even to occasional gambling) or because gamblers make no useful contribution to society (in which case, only full-time professionals would be disqualified). At any rate, the need for such a law attests that the phenomenon did plague Jews in antiquity.

The lure of gambling continued to entice individual Jews through the Middle Ages. Documents from the Cairo Genizah tell of a visitor to the Egyptian village of Minyat Zifta who had to be expelled from his rented rooms lest his gambling habit provoke a scandal. After being excommunicated by the local Karaite leader, the gambler tried to retaliate with a counter-ban of his own, but finally relented under threats of government interference.

This situation contrasts remarkably with that of another Jewish gambler in fifteenth-century Sardinia who was invited to join the gaming table by none other than the king himself – even as the local rabbi stood by, perplexed as to whether he could

impose sanctions for this outrageous infraction of communal ordinances.

From the early fifteenth century we come across frequent mentions of card-playing, a pastime that ensnared Jews from all walks of life. There were some who made their livings painting playing cards, and at least one sixteenth-century Jewish card-maker (who was also the shamash of the synagogue) sued a rival for infringement of his monopoly. Some ostensibly irreproachable games, like chess and tennis, also became morally questionable when Jews took to placing wagers on their outcomes.

Rabbinic and belletristic writings of the time preserve several different attempts to condemn and discourage games of chance. Several individuals took upon themselves formal religious vows, or even legal contracts, that pledged them to forsake the practice for stipulated time periods, and specified the penalties that would be imposed for violation of the obligation.

At times the communities would issue official enactments to that effect, to be binding upon all residents. Interestingly, these ordinances sometimes specified exemptions for special cases, such as at festive occasions, in the sukkah, when visiting the bedridden, or on Christmas(!). Condemnations of the pastime were a standard feature of moralistic tracts – which directed their censure at winners and losers alike. When the moralists did not succeed by preaching (as they rarely did), they turned to a more potent weapon: satire. Parodies about the evils and

stupidity of games of chance were a staple of Hebrew and vernacular literatures.

An Italian Jew, the impresario Leone de Somni of Mantua, evidently gambled away his garters, causing him profound embarrassment when he had to hold up his stockings with his hand while serving as doorman at his theatre.

One of the most colourful Jewish figures of the Renaissance was the illustrious Italian rabbi and scholar Leone Ariele de Modena. At the age of fourteen years the precocious scholar composed a philosophical dialogue on the subject whose two protagonists, Eldad and Medad, arrived at the conclusion that games of chance, even if not absolutely forbidden by Jewish law, should be eschewed as morally reprehensible. Early in his life, Leone's own father had had his wealth squandered by the gambling of his stepbrother, Abraham Parego, so he had personal experience of the damage that could be caused by the habit.

We can surely learn an object lesson about the addictive power of the vice's lure by following the unfortunate fate of that illustrious anti-gambling advocate.

For in spite of all his upright ideals and convictions, Rabbi Leone Ariele de Modena never succeeded in overcoming his own passion for the practice – and in the end he was bankrupted several times on account of his own gambling.

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## AFFAIRS OF STATE\*

NEWS ITEM Washington D.C. 1998. The United States is shocked by the revelations about President Bill Clinton's sexual indiscretion with Monica Lewinsky and the untiring campaign of Special Prosecutor Kenneth Starr to bring about the president's impeachment.

~ What a dramatic story it is! Truly, it contains all the ingredients of a classic tragedy!

Our hero is a charismatic head of state who rose to power from humble beginnings. He is admired by his people for his successful political administration, as well as his intellectual attainments. He seems to have everything going in his favour.

Somehow, however, he cannot overcome his weakness for women. Much as he tries to keep his indiscretions from becoming public knowledge, a relentless

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critic appears on the scene who will not be silenced. Eventually the leader's private vices are brought to light, to the humiliation of himself, his family, and his country.

Such, in brief, was the tragedy of David, the beloved King of Israel. He was a simple shepherd boy who rose to the throne, the author of magnificent psalms and the first to declare Jerusalem our national capital. Ultimately, however, his inability to resist the allures of Bathsheba led him to cross the lines of acceptable personal morality. His private transgression was brought to light by Nathan the Prophet, and David was obliged to make public confession.

In contrast to the adulation that characterizes the epics and religious scriptures of other peoples, the Bible is not usually squeamish about pointing out the flaws of its protagonists. Nobody, not even Moses himself, was above being taken to task for moral shortcomings.

This uncompromising honesty was not always shared by the rabbis of the Talmud and Midrash. Many of them seemed to prefer a world in which the good guys and the villains were clearly distinguishable, without any confusing shades of grey to complicate the issue.

There are many explanations for this change of attitude, but it would appear that the phenomenon is rooted principally in the settings where Midrash usually originated. Most of the biblical interpretations that make up the Midrashic literature were probably

taken from the texts of sermons that were preached in ancient synagogues. The sermon, as we know, is a literary form with well-defined objectives. It is not designed to teach objective historical truth, but to inspire the congregation to virtue and piety. With this noble goal in mind, the preacher must present the listeners with clear role models, easily recognizable heroes and scoundrels whose attributes they can learn to emulate or eschew. The straightforward biblical narrative, populated as it often is with flawed heroes and sympathetic villains, does not lend itself naturally to such didactic purposes.

Furthermore, as a vulnerable minority, Jewish teachers had additional reasons to be zealous for the honour of their past leaders. Anti-Jewish polemicists, especially among the Christians, would frequently hold their contemporary Jews accountable for the sins of their predecessors.

In the case of David, whose transgressions were delineated so unambiguously in the biblical narrative, the Midrashic preachers had their work cut out for them to present them in a favourable light. His sins fell into the gravest categories known to Jewish tradition: Not only did he commit adultery, but he also brought about the death of Bathsheba's husband, Uriah, by sending him on a dangerous military mission.

Some of the rabbis preferred to minimize David's guilt by means of legal technicalities. As regards the charge of adultery, they introduced some new mitigating factors into the case: Before going

to battle, they insisted, Uriah had given Bathsheba a conditional bill of divorce that would take effect retroactively upon his death; so that she was not technically a married woman at the crucial moment (See *Shabbat* 56a, *Qiddushin* 43a).

As for David's complicity in Uriah's death, it was argued that Uriah had it coming to him for treasonous activities. Unfortunately, there is nothing in the biblical account that would suggest that Uriah was anything other than a loyal and devoted subject of his monarch. According to some, however, this was precisely his weakness: He was *too* devoted. When the king invited him to prolong his furlough, the soldier Uriah pleaded to return as quickly as possible to his buddies at the front. Hardly the sort of disloyalty that we would expect to earn a person a death sentence!

Even the rabbis who were most determined to protect David's good name were not all satisfied with such legalistic excuses. In some instances, this led them to even more far-fetched claims of innocence. Rabbi Yohanan went so far as to deny that the king, who was ever in complete control of his passions, had been at all attracted to that Bathsheba woman; insisting that the whole affair had been staged (as had Israel's equally incriminating misdeeds in worshipping the golden calf) in order to furnish posterity with models of repentance under the most hopeless circumstances (*Avodah Zarah* 4b).

Ultimately, in spite of attempts to put a favourable spin of David's indiscretion, he emerges as a

flawed and quintessentially human being. He came to acknowledge the gravity of his sin, and in contrition begged for forgiveness. He was made to suffer at the death of an infant son and in the uninterrupted sequence of domestic quarrels and uprisings instigated by his sons.

A passage in the Talmud notes with consternation how lightly David was let off for his offences when compared with the tragic fate that befell his predecessor, Saul, for what would appear to be a lesser sin of sparing the life of Agag, king of Amalek. For all the torments and disappointments of David's later years, he was not deposed from the throne. He was allowed to die peacefully while still in power, and the monarchy remained in the hands of his descendants. Saul, however, was declared unfit to rule, and the kingdom was transferred to David.

The medieval Spanish philosopher Rabbi Joseph Albo confronted this question, and offered an intriguing solution: David's sins were manifestations of personal weakness, but did not affect his ability to govern. Saul's sin, on the other hand, had occurred in the exercise of his political office, and hence he was disqualified from that office.

Perhaps in medieval Spain people were ready to forgive their rulers for private indiscretions, as long as they did not interfere with the business of government.

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## PROPHETS, PROTESTS, AND PEPPER SPRAY\*

NEWS ITEM Vancouver, November 1997: The Canadian Government was accused of employing excessive violence to stifle protesters at the Asia Pacific Economic Summit in Vancouver. In order to avoid a diplomatic embarrassment to the Canadian government, the Royal Canadian Mounted Police were authorized to spray pepper spray in the eyes of protesters demonstrating against Indonesian tyrant Suharto, who attended the conference.

~ The city was being honoured by a delegation of distinguished visitors. However, not all the citizens were enthusiastic in welcoming the guests. Led on by their impassioned youth, the townspeople crowded together in a mob in front of the place where the visitors were lodging. The throng was becoming more and more unruly.

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The host tried to defend his charges, arguing to the crowd that such behaviour would violate civilized standards of hospitality; but the demonstrators responded with insults and indignation. Before long the mood became even uglier, and the horde began to press against the entrance, threatening the guests with violence and molestation.

At this point the imperilled visitors could be protected only by quick action. In a moment, the disorderly mob was stricken with temporary blindness, rendering them unable to reach the entrance. In this way disaster was averted.

Such was the story narrated in the book of Genesis 19 about the two angelic beings who visited Abraham's nephew Lot in the depraved city of Sodom. When the crowd tried to break down the doors to do harm to Lot's guests they were afflicted with a sudden and mysterious blindness (verse 11).

The Bible does not provide us with a detailed description of this supernatural marvel, which is expressed through a very rare Hebrew word: "*sanniverim*." Most of the traditional commentators translate the passage as I did above, as denoting a state of temporary, but complete, loss of eyesight.

Rabbi Abraham Ibn Ezra adds that the plague may also have included "blindness of the heart"; that is, a loss of mental faculties. Rashi characterizes the affliction as "when one can see but does not realize what it is that one is seeing." As a later exegete observed, Rashi's interpretation is supported by the



fact that the mob were unable to find their bearings even by means of their sense of touch.

Modern research has called our attention to the affinity between “*sanverim*” and the Akkadian word “*shunwurum*” that translates as “having extraordinary brightness.” This suggests that the assailants were suddenly blinded by a dazzling light.

Nevertheless, I would not entirely rule out the possibility that archaeologists excavating the remains of Sodom might unearth the remains of some very ancient pepper spray.

The rare word “*sanverim*” appears in only one other place in the Bible, in a story about that master miracle-worker Elisha the prophet.

In the exploit related in 2 Kings 6, the king of Syria had been informed that Elisha was somehow using his prophetic abilities to tap into his most clandestine military plans. The king was assured by his advisors that Elisha presented such a formidable security threat that he could, if he wanted, “tell the king of Israel the words that thou speakest in thy bedchamber.” Upon hearing this, the Syrian ruler sent a military force to capture this dangerous intelligence agent. By nightfall, well-armed troops were surrounding Elisha’s village.

When the predicament became apparent, Elisha’s servant was understandably distressed. The prophet, however, remained inexplicably unperturbed. Just like Lot’s guests, Elisha was being approached by a throng with the most hostile of intentions.

And indeed, like the angels in Sodom, Elisha called upon the Almighty to smite the entire enemy army with *sanverim* (verse 18). In their helpless state, it was a simple matter to lead the Syrian soldiers to the Israelite capital in Samaria, where they were now at the mercy of the Israelite king.

This stratagem of inducing temporary blindness seemed so effective that the rabbis of the Midrash were wont to introduce it into several stories where the Bible did not mention it. For example, a suspenseful Midrashic legend had it that Moses was put on trial by Pharaoh for killing the Egyptian taskmaster, and was actually at the stage of execution when one of those opportunely ubiquitous angels arrived to inflict blindness upon Pharaoh's retinue (*Yerushalmi Berakhot* 9:1, 13a, etc.).

Another Jewish legend, speaking of events during the time of the biblical Book of Judges, relates that Kenaz, father of Othniel, ventured alone against a host of Amorite foes. Kenaz's heroism and military prowess were supplemented by assistance from the angel Gabriel, who showed up conveniently to strike the Amorites blind, so that they would begin massacring their own comrades and leave the Israelites in peace.

A similar tradition about the same era tells how the wicked judge Jair attempted to compel seven righteous men to worship Baal. When Jair's servants were about to have the men burned alive for blaspheming their idol, the Almighty sent down an angel to extinguish the flames and to strike all those

present with sudden blindness, so that the good guys could make an easy escape.

From all these stories we may deduce that the inflicting of sudden blindness can be a most effective means to control hostile crowds and armies.

This is information that might someday prove useful to our government or to the Royal Canadian Mounted Police.

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## THE VICE-PRESIDENT OF GRENADA\*

NEWS ITEM August 2000. Al Gore chooses Connecticut Senator Joseph Lieberman, a traditionally observant Jew, to be the Democratic candidate for the vice-presidency of the United States.

~ With the selection of Senator Joseph Lieberman as the Democratic candidate for the American vice-presidency, a lot of rhetoric has been appearing in the news media about how radically unprecedented this development is.

Looking at the matter from a broader historical perspective, we actually find that several traditional Jews have held similar, or higher, positions of authority.

The best known of these figures were probably the biblical heroes Joseph and Mordecai, who served their respective monarchs with efficiency and loyalty.

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In later times, the most extraordinary Jew to hold the equivalent of a vice-presidential office was Rabbi Samuel Ibn Nagrila; and it is to his outstanding achievements that I wish to devote this article.

A native of Cordoba, Spain, Rabbi Samuel (993–1056) was forced to flee to Granada when inter-factional fighting among the local Muslim groups brought about the destruction of his birthplace. After a brief spell in business, the young refugee rose rapidly in the Granadan civil service. He attributed this success in large measure to his elegant Arabic literary style and calligraphy, which were considered the keys to advancement in the governmental hierarchy. (Young readers, take note!) Samuel's political prominence also caused him to be recognized as the official head of Granada's large and established Jewish community, conferring upon him the Hebrew title of *Nagid*.

Throughout his life, Samuel felt a special identification with the Biblical Joseph, whose personal ambition and self-assurance had been fuelled by youthful dreams. Samuel related that he too had been reassured by a prophetic dream that appeared to him in his youth, promising that he would forever be delivered from the perils of fire and water. He would have many occasions to recall that pledge in the course of the intrigues, travels, and battles that would fill his life. Samuel's writings express his constant awareness that his personal success was being guided by a divine hand.

When a dispute arose over the succession to the throne, Samuel found himself in a minority faction

that supported the claims of one of the deceased king's sons, Badis, against his brother Boluggin. As it turns out, Badis prevailed, and the new king acknowledged Samuel's support and political acumen by appointing him Vizier, an office that was roughly the equivalent of a vice-president or prime minister. In several respects, Samuel was emulating the accomplishments of Hasdai Ibn Shaprut, a Jew who, a generation earlier, had achieved prominence in the court of the Caliph Abdur-Rahman III and had used his power to enhance Jewish learning and culture.

Unfortunately, after an initial period of active partnership with his Vizier, Badis withdrew from active politics and left the day-to-day administration almost entirely in Samuel's hands.

Predictably, some of Samuel's fiercest opponents came from the established Jewish community, members of which were uneasy about one of their co-religionists (and an outsider to boot!) rising to such prominence. In the most extreme displays of antagonism, they had him imprisoned and hired thugs to assassinate one of his allies. However, Samuel had a knack for landing on his feet in times of adversity.

Samuel's responsibilities extended to the command of the royal army, requiring him to lead his forces into battle against hostile kingdoms. This role, unprecedented among medieval Jewish leaders, was celebrated by the *Nagid* in a unique corpus of epic Hebrew war poems.

Throughout Samuel's career, the Berber kingdom of Granada was involved in unceasing rivalry with the Arab kingdom of Seville. Each of these states was trying to tip the fragile balance of power in its own favour by making inroads into the smaller districts in the region, whether through alliances or conquest. The upshot of this was that Samuel was almost continually out in the battlefield at the head of the Granadan forces. In the vast majority of his campaigns, he emerged victorious, but his few defeats produced some extremely close calls. Once, when he was caught in a surprise ambush, he fled on his horse across a river, evading his attackers, whose own steeds were too weighed down by armour to make the crossing. On another occasion, he was actually taken prisoner by his foes and rescued by the Granadan forces only moments before he would have been executed.

In medieval Arab society, the political and military leaders were also expected to excel in the artistic, literary, and scholarly realms. In the case of Samuel Ha-Nagid, this expressed itself in a dazzling variety of endeavours, of which the most famous was his immense output of Hebrew poetry. He was, after all, a contemporary of the "Golden Age" of Spanish Jewish civilization, where great importance was attached to humanistic education. A significant feature of the social and intellectual life was the custom of gathering in salons to exchange philosophical ideas or to show off one's latest literary masterworks (which were often improvised on the spot).



Samuel's *oeuvre* encompassed all of the standard poetic themes of the time, including romance, wine, farewells, satire, and more, all composed according to the demanding formal strictures of Arabic poetry, which included precise rules for scanning patterns of long and short vowels. He was the only poet in his circle who was capable of writing war poetry, based on his personal experiences in the battlefield. As a deeply religious individual, he used these poems as an opportunity to express his gratitude to the Almighty who had delivered him from the enemy armies. His positive self-image moved him on several occasions to compare himself favourably with that earlier warrior-poet King David! When dealing with more conventional themes, Samuel found frequent opportunities to dwell on the fleetingness of life and the need to enjoy whatever small pleasures the moment might offer. His personal success was diminished by the deaths of several close relatives, including his beloved brother and two of his young children.

Samuel also distinguished himself in more conventional genres of Jewish religious literature. During his childhood in Cordoba, he had studied with some of Spain's most celebrated rabbis, and he later composed his own influential works on Hebrew philology, biblical grammar, and Talmudic law. His halakhic encyclopedia, from which only fragments have survived, was considered a masterpiece of its genre. It was reported that Samuel even composed a polemical work criticizing the Qur'an – something he could get away with thanks to his powerful

political position. At one point in his career, he became the moving force in the appointment of a new Caliph (the Muslim equivalent of a Pope) who was to serve as a rallying point for a new political alliance of Berber tribes.

Throughout his distinguished career in the service of a gentile state, Samuel Ha-Nagid remained conscious of his Jewish spiritual roots, which he always cultivated with pride and diligence. He found time to pursue his own religious scholarship and took an active role in the religious education of his children, even when this took the form of sending them homework assignments from the battlefield. The *Nagid* of Grenada was always a generous supporter of Jewish scholarship and culture at home and abroad.

Indeed, Rabbi Samuel Ibn Nagrila set formidably high standards for any latter-day Jews who might set their sights on high political office.

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**MAJORITY RULES\***

NEWS ITEM November 2000. The elections to the American presidency remained deadlocked for weeks because of the closeness of the votes. The situation called attention to anomalies in the system that could lead to the election of candidates who did not actually receive the most votes.

~ On first consideration, the following question seems like an embarrassingly simple one: How does one determine a majority? Is it not a trivial matter of adding up all the votes and seeing which category produces the larger number?

In traditional Jewish law, the opinions of the majority have generally prevailed. It is a central axiom of Jewish judicial procedure that where a court fails to reach a consensus in its verdict the case is determined according to the views of the majority of the judges.

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It is for this reason that courts normally have odd numbers of judges: three, twenty-three or seventy-one; in order to minimize the likelihood of split decisions.

The rabbis based this principle on a creative reading of Exodus 23:2, the full text of which teaches, “nor shall you bear witness in a suit, turning aside after a multitude, so as to pervert justice.” Apart from its primary intention of prohibiting collaboration with a deceitful conspiracy, the expression “turning aside after a multitude” can also, according to our sages, be read separately from its context as a positive admonition to the court to follow the opinions of the majority of judges.

This approach was applied to legal decision-making during most eras of Jewish history. The Talmud usually assumes in disputed questions that the normative law favours the views of the majority of rabbis against those of dissenting individuals. Using the same reasoning, the author of the *Shulhan Arukh* based his rulings on the three most important medieval codes of Jewish law, and when they disagreed he followed the two against the one.

There are, however, several areas where the principle of majority rule has broken down because there were too many competing positions. To cite one important example, the sages of the Talmud were aware that a profound change had taken place toward the end of the Second Temple period, in the process of deciding and transmitting the oral tradition. In earlier times, through the generations that had elapsed

since the close of the biblical era, scarcely a single dispute was recorded between the sages of the oral Torah in matters of religious law, a situation that was credited to the courts' ability to issue clear decisions based on majority votes.

And then suddenly, in the first century C.E., in the time of the schools of Shammai and Hillel, we are faced with a proliferation of hundreds of disagreements of the sort that would afterward come to typify Talmudic discourse. Some modern scholars ascribe this new state of affairs to the growth of sectarian divisions at that time, as disagreements among the Pharisaic sages were exacerbated by the disruptive presence of Sadducees, Essenes, and other groups, making it impossible to achieve straightforward majorities on many controversial questions.

Sometimes the definition of a majority could be further complicated by the need to take into account various subsets of the population. The ancient division into tribes corresponded roughly to the states or provinces of modern nation-states.

Such a question arises in connection with the laws in Leviticus 4:13–21 and Numbers 15:22–26 that prescribe special atoning sacrifices for cases when “the whole congregation of Israel sin through ignorance.” While it was generally accepted that “the whole congregation” should be defined as the majority, it was no simple matter for the rabbis to determine precisely how this majority ought to be calculated. (See *Horaiot* 3b, 5a.)

Similar issues were debated with reference to a postulate of Jewish law that states that the normal prohibitions against entering the Temple in a state of defilement are set aside to allow the offering of communal sacrifices, such as the Passover offering. This rule would apply only if the majority of the population were found to be in a state of impurity deriving from contact with dead bodies.

For purposes of these and other laws, the sages of the Mishnah and Talmud were called upon to define precisely what was considered a majority of the population (*Pesahim* 79a–b).

In all these matters, the conclusions that they reached were extremely variegated.

One of the views recorded in the Mishnah held that it should be a simple matter of counting whether the group in question constituted more than 50 per cent of the total population. Another opinion, however, argued that each of the twelve tribes of Israel should be treated as a distinct “congregation” for this purpose and should bring separate sacrifices if a majority of its members were found liable.

Furthermore, if there were at least seven tribes, the majority of whose members were eligible to bring sacrifices, then they should be treated as if they constituted a majority of the twelve tribes, even if the number of their members did not add up to a demographic majority of the overall population.

The learned rabbis also discussed whether a national majority could consist of a single, very populous



tribe. And it goes without saying that the Talmud raised the question of how to proceed when the final count was split evenly down the middle.

And so we see that, contrary to our initial impressions, it is no simple matter to determine what constitutes a legal majority.

But of course, all these discussions are nothing more than typical examples of casuistic hairsplitting by Talmudic sages who must have had too much time on their hands. Once again they have proven themselves guilty of muddying up the waters with far-fetched academic arguments that have no other purpose than to confuse us unfortunate readers.

After all, the situations that they describe could not possibly occur in real life.

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**BALDNESS, BEARS, AND BOTTLED WATER\***

NEWS ITEM May 2000. Pollution in the water supply of Walkerton, Ontario, leads to the spread of the e-coli bacteria, resulting in widespread illness and several deaths. One year later, in April–May 2001, residents of North Battleford Saskatchewan discover that their water supply is infected with the deadly cryptosporidium parasite.

~ In so many ways, the world seemed a simpler place back when I was an undergraduate. The Good Guys and the Bad Guys were much easier to recognize, and it was not just a matter of the colours of their respective yarmulkes.

Take, for example, the environmental movement. In one corner we had the idealistic Common Folk struggling to keep their lakes and rivers clean.

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Opposite them were the nefarious forces of Big Business, ruthlessly lacking all ideals or responsibility, and willing to pour endless barrels of industrial waste into our air and water for the sake of a few pennies' more profit.

In recent times, the contrasts have become much harder to distinguish. There is hardly a major corporation that is not insisting that its products are the most easily recyclable and the friendliest to the environment. Where it was once considered fashionable to avoid the polluted liquids that flow from our faucets in favour of bottled spring water, it is now becoming evident that much of that bottled water is no purer than the kitchen-tap variety.

In Israel, where each year's economic fortunes are bound tightly to the levels of its rainfall, urgent cries are heard seasonally to hurry up and invest in alternative water sources before the next major drought. In response, we are assured that this is no more than an artificial panic that is spearheaded by Big Business interests who stand to profit greatly from the subsidized construction of huge and inefficient desalination plants.

In Canada, our news reports are increasingly filled with accounts of communities being poisoned or infected by their local drinking water.

All of this environmental confusion comes to mind when we look at an odd Midrashic passage in the Talmud. It involves the prophet Elisha, one of the more enigmatic and vexatious of Biblical heroes.

As related in 2 Kings 2:17–22, the first mission to which Elisha was summoned after the departure of his mentor, Elijah, was to solve a water shortage that was plaguing Jericho at the time. In his typically inscrutable fashion, the prophet ended the crisis by pouring salt into the local spring. This unorthodox procedure achieved excellent results.

At this point, we should have expected the local citizenry to be overflowing with gratitude for their benefactor. While this might have been the attitude of the general adult population, it did not extend to the local children, who were more concerned with taunting the prophet about his bald head (verse 23).

Unfortunately, Elisha was not the sort of person whom you should antagonize in this way. As the Bible goes on to recount (verse 24), “he turned back, and looked on them, and cursed them in the name of the Lord. And there came forth two she-bears out of the wood, and tore forty-two children of them.”

Now, this was obviously an overreaction to a few juvenile insults. Predictably, the rabbis of the Midrash tried to interpret the story in a way that was more religiously and morally palatable.

They approached this task in a variety of ways (See *Sotah* 46b–47a). Some of them, for example, shifted the blame onto the adults who had rudely allowed their distinguished guest to leave town without an appropriate escort. Others proposed more creative ways of reading the Hebrew text, and derived from it that Elisha’s taunters were not children at all,

but wicked and faithless adult delinquents, people with unsavoury backgrounds who were guilty of an assortment of heinous sins.

As to their making fun of his baldness, this detail was also understood by the rabbis in unexpected ways. According to some of Talmudic sages, they were really jeering at Elisha and saying, “Go away, because you have made this place ‘bald’ for us.”

The background to this episode, as elucidated by Rashi, is that certain business interests were making a handsome profit from the environmental crisis. As long as the water shortage continued, there was a lucrative market for the bottled water that they were selling. By cleaning up the rivers, Elisha had dealt a serious blow to the interests of the Bottled Water Lobby. This was what the Jericho Chamber of Commerce really had in mind when they picketed the prophet and accused him of destroying the mainstay of the local economy, leaving the town metaphorically “bald.”

I think the story has great cinematic potential. I envision agent Elisha played by Steven Seagal or Arnold Schwarzenegger, aided by his well-trained team of bear commandos, battling hired goons in the pay of the multinational bottled water cartel.

Incidentally, this story became the basis for one of the most picturesque, but misused, expressions in modern Hebrew.

In its efforts to magnify the miraculous dimensions of the Elisha’s exploits, one of the rabbis in the Talmud claimed that the prophet had done far more

than cause the bears to emerge from the forest and gobble up their victims. In fact, according to this sage, prior to Elisha's curse not only were there no bears in the vicinity, but there was not even a forest! Both elements were supernaturally conjured up specially for the occasion, a miracle within a miracle! Rashi tersely incorporates this idea into his commentary on the Biblical passage: "No bears and no forest."

In modern Hebrew the expression "no bears and no forest" was misconstrued as if to imply that the whole episode never actually occurred. It is the most widely used way of expressing total denial, in a sense that is analogous to such English idioms as "No way José!"

This is precisely the kind of dismissive response that has often greeted the alarmists who voiced their concerns for the safety of our water supply.

We can only hope that the problem has not yet reached a state where it can only be solved by a miracle. If some of our policy-makers have their way, we might see the day when there are no bears, no forest, and no water.





**ECONOMICS *and* ETHICS**



## MINIMIZING YOUR ASSETS\*

~ In our materialistic and competitive society, it is normal for people to want to appear more affluent than they are, even if it requires them to get into debt. A reputation for financial stability is, of course, advantageous when they are trying to attract investors or to maintain a healthy credit rating.

There are, however, situations when it is preferable to seem poor. The example that springs most readily to mind is at tax time.

Talmudic law deals with several cases in which this latter assumption is accepted, that people have intentionally tried to make their economic conditions appear less rosy than they really are.

Take the following example (*Sanhedrin* 29b): A dying man admits to an otherwise unknown debt that is still outstanding.

In normal cases of deathbed declarations, Jewish law tends to forego the legal formalities, in recognition

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of the fact that a person approaches such occasions with great seriousness. In the present instance, however, the Talmudic rabbis state that the sum should not automatically be paid to the alleged creditor because we suspect that “a person is likely not to make himself appear sated”; that is to say, he might be trying to misrepresent his financial status, or that of his heirs.

The standard commentaries to this Talmudic passage suggest that a person might act in this manner in order to evade the envious clutches of the Evil Eye; however, it is easy to imagine other motives.

To judge from the incidental references that are sprinkled throughout rabbinic literature, the soil of Israel was veritably saturated with buried treasure. Talmudic jurisprudence has to deal with cases where valuables were unearthed in a newly purchased field or in the wall of a building, with the old and new owners both laying claim to them.

In narrative settings, a hero’s unexpected and fortuitous discovery of a treasure often provides an author or preacher with a convenient means of creating an instant upturn in their fortunes, usually to supply a happy ending or a supernatural reward for virtuous deeds. These contrived plot twists are familiar to us from the comedies of Terence or Plautus, who were active at about the same time as the Talmudic rabbis.

As usual, the ancient preachers ascribed the same kinds of behaviour to the personalities of the Bible. For example, the gold, silver, and precious stones that were amassed by Joseph when he was viceroy of Egypt

were prudently buried in four different places. Jewish legend (*Sanhedrin* 110a) had it that two of the troves were eventually discovered by Korah and the Roman Emperor Antoninus, respectively; the remainder will remain in concealment until they are enjoyed (tax-free?) by the righteous in the messianic era.

All these stories are grounded in the same social reality, where individuals who had amassed nest eggs preferred not to advertise the fact, lest they become targets of the rapacious Roman tax collectors, or of long-lost poor relations.

Later Jewish folklore is replete with stories of Elijah the prophet appearing to unsuspecting individuals in the guise of a poor beggar in order to test how charitable they are toward insignificant strangers. Those who pass the test are likely to be blessed with a suitable reward, such as a promise of offspring who will grow to become celebrated saints and Torah scholars.

Another situation when it is advantageous to seem poor is when it entitles a person to receive charity. In the sophisticated welfare system of Talmudic law, strict standards were established to define who was allowed to benefit from the donations. The Mishnah (*Pe'ah* 8:8) states that a person who possesses 199 *zuz* may collect welfare, whereas the privilege is forfeited as soon as their income reaches the two hundred mark.

In connection with this law, the Jerusalem Talmud tells us of a disciple of Rabbi Judah ha-Nasi whose assets amounted to precisely 199 *zuz*, which

earned him regular stipends from his teacher, while at the same time arousing the envy of his classmates, who used the evil eye to tamper with his income. To the student's chagrin, he found himself cursed with affluence, raised to a higher tax bracket. At that point, his benefactor was compelled to withdraw his support.

Recognizing the source of the unfortunate young man's predicament, Rabbi Judah ordered the students to take their fellow out to eat and to have him pay the bill. This brought his net worth down to 199.75 *zuz* and enabled the student to get back on the dole.

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NOT ALL THAT GLISTERS<sup>\*</sup>

NEWS ITEM 5 June 1998. David Walsh, founder of Bre-X Minerals, died at the age of fifty-two. His company claimed it had discovered the gold find of the century, attracting thousands of investors. Eventually the Busang deposit in Indonesia was revealed to be the biggest fraud in the history of mining.

~ The untimely death of David Walsh served to revive interest in the bizarre saga of his Bre-X corporation and the short-lived gold rush it created on the international investment markets – a tale that is of especial interest to me because of its origins in Calgary.

When I first heard the story of how doctored core samples had been used to convince thousands of investors of the reality of spurious gold deposits in Indonesia, I immediately thought of a passage in the

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<sup>\*</sup> Originally published in *The Jewish Free Press*, Calgary, July 3, 1998, pp. 8, 10.

Mishnah (*Shevu'ot* 3:8) that deals with the concept of a “vain oath” in which God’s name is invoked in order to affirm an assertion that is patently impossible.

As examples of claims that are so obviously false that they require no discussion, the Mishnah mentions the following:

If a person said of a stone column that it was gold, of a man that he was a woman, of a woman that she was a man....

What a simple world our sages lived in, where guys were guys and gals were gals, stone was stone and gold was gold! In our own times, and especially after those disastrous Bre-X core samples, only the most credulous among us would consider taking any of those claims at face value, whether it involved minerals or gender.

The fascination with gold, and the quest for a means to produce it artificially from cheaper ingredients, have long been an inspiration for magicians, charlatans, and scientists. Among Christians in medieval Europe, Jews were reputed to have a special expertise in the realm of alchemy, an enterprise that dealt largely with converting lead into gold. However, like countless other medieval accusations about Jewish involvement in sorcery, this one was entirely baseless. Though Jews had as much interest in magic as any of their gentile neighbours, they had no conspicuous affinity for it.



In fact, the magical branches that were most readily branded by Christians as “Jewish,” such as black magic and alchemy, were almost entirely absent from the Jewish curricula, and bibliographers have searched in vain for any original Jewish manuals on alchemy. This, however, did not prevent popular legend from ascribing such skills to influential rabbinic figures like Rabbi Loew (the Maharal) of Prague. Like the similar myth about his fashioning the “Golem,” this one was entirely without factual foundation.

So too, when Martin Luther advised the Elector Joachim II of Brandenburg to keep Jews out of his court for fear that they would perform alchemical mischief, he was evidently unaware of the fact that Joachim (who, had he lived today, would undoubtedly have invested heavily in Bre-X) had already established a sophisticated laboratory for the manufacture of gold, for which he could not find a single Jewish operative.

The teachings of the medieval Kabbalah, which claimed to reveal the secret metaphysical structure of the universe, also contained the potential for a version of alchemy; and indeed a few respectable Kabbalists like Rabbi Hayyim Vital did occupy themselves in that area of “practical Kabbalah.” However, it is interesting to note that, unlike the classic Christian version of the art, Kabbalistic alchemy typically placed gold at a relatively low rung in its symbolic hierarchy of elements, below that of silver.

For all that alchemy was merely a peripheral concern of mainstream Jewish Kabbalah, it became

a central focus of the Christian version of Kabbalah that became fashionable in the Renaissance and remained influential for centuries afterward. Since these movements were often based more on what their adherents *imagined* the Kabbalah to be like than on any deep familiarity with the actual Jewish mystical tradition, non-Jewish alchemical symbols (including the “Star of David”) were often identified by them as “Kabbalistic.”

Just as today every self-respecting Hollywood star can easily latch on to a Kabbalistic guru, in earlier days there were always to be found some obliging Jews ready to cash in on the gentile interest in Jewish esoteric lore. Such a figure was the seventeenth-century adventurer Samuel Jacob Hayyim Falk, a Galician sorcerer and follower of Shabbetai Zvi’s messianic movement, who escaped from the continent (where he was about to be burned for his activities) to London, where he set up a Kabbalistic laboratory on the London Bridge.

You may already be familiar with his appearance, since a portrait of his cherubic face is invariably reproduced as that of Rabbi Israel Ba’al Shem Tov, the founder of Hassidism. Indeed, Falk was known as the “Ba’al Shem [literally, “master of the name”] of London” by virtue of his ability to utilize the divine name for magical purposes.

Faith in Falk’s ability to produce gold on demand drew to his door a steady stream of European nobility and aspiring royalty, and he ended his days in considerable wealth.

No doubt, if he had lived in our days he would have made his fortune selling his wares on the stock market.

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## YOU CAN BANK ON IT\*

1998: Several major commercial banks in Canada proposed mergers, arguing that only if they increase their size can they compete in the global market. This aroused a public outcry of citizens who feared that reduced competition in the local market would make the banks even less responsive to customer needs. The banks launched an intensive advertising campaign to convince the public of the advantages of their policy.

~ It seems that scarcely a week goes by without hearing new reports about proposed mergers of Canada's mega-banks.

Proponents of these amalgamations insist that this development is a necessity if our financial institutions hope to compete in the emerging global economy. Meanwhile, the banks' humble clients remain skeptical

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as to how much of the new efficiency will filter down to us in the form of savings or improved service.

The economic mood of sixteenth-century Italy bore some interesting similarities to our contemporary situation. At that time Europe was breaking loose from the constricting commercial policies of the Middle Ages and launching into a flourishing capitalistic system.

For the most part, Jews did not regard this as a welcome development. The toleration of their own presence in medieval Europe had derived largely from their usefulness as suppliers of credit, since church law had not permitted Christians to lend money at interest. As the ecclesiastical hegemony weakened and a local Christian middle class aspired to take its place in the sun, the existing Jewish banking establishment was quickly pushed aside. This process was often accompanied by vicious anti-Semitic preaching, and brought about the expulsion of entire Jewish communities.

While the easygoing attitudes of Italy generally led to a diminished degree of hostility toward its Jews, the hard economic and political realities did express themselves nonetheless in the removal of Jews from several Italian states in order to clear the way for the rise of a native middle class.

The Republic of Tuscany, which included such important commercial centres as Florence and Pisa, initially subscribed to this policy, until the return to power of the Medici princes, especially Cosimo (1537–74), who enunciated more tolerant policies toward Jewish bankers. Thus, in 1547 we hear of

the establishment of the first Jewish bank in Pisa in twenty years, under the leadership of an aggressive financier named Ishmael Da Rieti.

This event did not come without a hefty measure of controversy. There was a rival firm that claimed the exclusive privilege of maintaining a bank in Pisa. At the head of the firm was Dona Benvenida Abravanel, heir to a distinguished financial empire centred in Naples. After negotiating from the government the right to set up branches of her bank through most of the region, she entrenched her position by forming an alliance with Abraham Da Pisa.

The Da Pisa family had operated the Jewish loan bank in Pisa prior to its closure in 1527. According to the prevailing business practices of Italian Jews, an existing bank was granted monopolistic protection against any aspiring competitors; and the combined muscle of Abravanel and Da Pisa joined together in arguing that they still possessed that right even though the Da Pisa bank had not operated for two decades.

The dispute between the two financial firms has some striking similarities to our public debate over the expansion of the Canadian banking cartels – including the conviction of both parties that unrestricted competition would be to the detriment of the profession.

Though the real decisions were ultimately determined by political and financial pragmatism, and the parties involved were careful not to reveal publicly their expansion plans, the rivals were nevertheless concerned about obtaining public support for their

respective causes. For Jewish firms, this involved the solicitation of statements of support from leading rabbis, though that support did not really wield much practical weight in the financial and political marketplaces. Normally, Jewish law did not encourage the creation of new economic monopolies, though it reluctantly supported those that were already in existence.

In order to ensure a favourable hearing of their position, Rieti acquired the services of an influential lobbyist, Rabbi Joseph De-Arli, who was successful in obtaining endorsements from some respected rabbis. De-Arli was a controversial figure whose tactics were challenged on ethical grounds and led to a call to revoke his rabbinic ordination.

In terms that will be familiar to many Canadians, the bankers professed that their desire to expand was not rooted in mere avarice, but was intended primarily to benefit the public.

One partisan responsum describes fancifully how the Pisan citizens had once begged desperately for a Jewish banker to open an office in their city, and when the altruistic Ishmael Da Rieti acquiesced, they carried him before the Duke to insist that he be granted the charter.

Initially each faction was accusing the other of collusion with politically powerful elites. In the end, the matter was resolved by civil authorities, when they guaranteed each of the competitors a secure monopoly within a defined territory. Those monopolies were defended zealously and ruthlessly. In later



years we observe that Abravanel and Da Rieti were not above joining forces in order to fend off lesser rivals.

Once their monopolies had been consolidated we do not hear much about either bank's professed efforts at ameliorating the conditions of the common people.

*But of course, banks are different in Canada.*

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## RANSOM NOTE\*

NEWS ITEM October 1997–January 1998. Calgary oil company executive Norbert Reinhart offered himself as a hostage in place of an employee who had been captured by Colombian leftist guerrillas. Government officials in Canada and Colombia expressed their misgivings at Reinhart's independent negotiations with his captors leading to his eventual release.

~ The recent release of local hero Norbert Reinhart, who volunteered to take the place of one of his employees and submit himself to captivity at the hands of Colombian kidnappers, has served to draw our attention to the frequency of hostage-taking as a widespread commercial and political enterprise in many countries of the world.

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<sup>6</sup> Originally published in *The Jewish Free Press*, Calgary, February 4, 1999, pp. 8, 9.

Such indeed was the norm through much of the world's history, a situation that is amply reflected in Jewish law and literature.

In the days of the Talmud, which were often characterized by economic instability and political unrest, many individuals were forced into criminal pursuits as a result of expropriation of their land, extortionate taxation, or discharge from the army. Bands of such ruffians, usually identified in rabbinic texts by the Greek word “*leistes*” – bandits – roamed the highways in search of plunder. Seizing hostages for ransom was a relatively easy way to ensure quick profits, and the compassionate Jews had a reputation for being soft touches always ready to buy back the victims.

Matters reached such a crisis that the rabbis were moved to issue ordinances that discouraged efforts toward the captives' release. The Mishnah (*Gittin* 4:6) tried to set strict limits on the sums that could be paid to the outlaws.

The reasoning behind this rule was sound: Giving in to the kidnappers' exorbitant demands would, in the long run, confirm the profitability of the practice; whereas, if the victims refused solidly to pay the ransoms, then the bandits would eventually have to turn their energies to more remunerative pursuits. Although it would cause anguish to many individual hostages, the policy, if followed consistently, would provide long-term benefits.

As we know well from other instances where the authorities proclaimed their solemn refusal to

negotiate with terrorists or to capitulate to illicit demands, it proved next to impossible to maintain solidarity in the face of the imminent suffering of the captives and the tearful pleading of their families.

A distinguished exception was the thirteenth-century Rabbi Meir of Rothenburg, who was imprisoned by the Emperor Rudolph when he attempted to emigrate to the Holy Land in order to escape the rapacious monarch's oppressive regime. Rabbi Meir issued strict orders that the Jewish community should not pay the extortionate sums that were demanded for his release. As a result, the sage passed the remainder of his days imprisoned in the fortresses of Ensisheim and Wasserberg.

In spite of his frequent apologies for not having access to a library, Rabbi Meir's encyclopedic erudition allowed him to continue his prolific literary output of responsa and commentaries.

It must also have been difficult to enforce another enactment that is recorded in the Mishnah (*ibid.*), one that prohibited all attempts to rescue the hostages. Though this rule was introduced so that the captors would not be required to impose excessively restrictive conditions on their victims, it is hard to imagine anyone who would pass up an opportunity for hastening the escape of a prisoner.

Charitable collections earmarked for the redemption of captives continued to be a major expense on community budgets in virtually every time and locality.

For example, the records of the Cairo Genizah tell of a girl who was redeemed for an exorbitant sum from a Crusader in the Holy Land, and subsequently brought to Egypt to try to recoup the expenses through charitable donations. In 1533, the Jewish community of Candia voted to sell synagogue equipment to finance the release of captives.

A medieval legend traces the founding of the prominent centres of rabbinic scholarship to the exploits of a group of captives who had been seized by pirates and subsequently ransomed by co-religionists in Spain, Tunisia and Egypt.

If forced confinement was an intrinsically unpleasant fate, it had considerably more severe implications for women. Jewish law, basing itself on sad experience, presumes that all female hostages have been sexually violated by the captors, unless the contrary can be proven. For this reason, the Ketubbah, the mandatory marriage contract, had to include clauses that affirmed the husband's obligation to ransom his wife, and afterward to continue the marriage without attaching any stigma to her.

However, it appears that not all Jewish women were completely adverse to the possibility of being taken captive. In comparison to their humdrum daily routines, some housewives might have dreamed of being abducted by a romantic Valentino from out of the desert. The Talmud mentions one such brigandking named Papa bar Naser. Some historians identify

with him with Odenathus, fabled ruler of the desert kingdom of Palmyra.

In a noteworthy passage from the Babylonian Talmud (*Ketubbot* 51b), when Rav Judah insisted categorically that all kidnapped women are to be treated as helpless victims, his colleagues countered by telling about certain ladies who were accustomed to providing food to the bandits, and even supplying them with arrows. Rav Judah nonetheless insisted that all these incriminating acts might have been motivated by fear of reprisal and should not be regarded as proof of real sympathy for the brigands.

In the end, even Rav Judah conceded that he must draw the line at cases where the women chose to remain with their captors after they had been rescued.

Another Talmudic authority went so far as to give the benefit of the doubt to a woman who gave explicit instructions to leave her captor alone, and declared that she would have voluntarily paid for his attentions. After all, argued the rabbi, the unfortunate lady was not in control of her emotions at the time.

As with many peculiar Talmudic discussions, it is difficult to decide how much of it is purely academic, and how much reflects actual events.

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## THE PRICE IS RIGHT\*

NEWS ITEM December 2000–January 2001. The deregulation of public utilities in California, Alberta, and elsewhere leads to power shortages and astronomical jumps in consumer electricity bills.

~ In our current global economy, in which all the players are united by their commitments to free enterprise and capitalism, it is not always easy to unravel the subtle differences between liberals, conservatives, and other shades of political opinion.

All sides seem to agree in principle that open competition works to the advantage of the consumer by lowering prices. Where the ideological paths seem to diverge, however, is on the degree of protection, if any, that should be granted to smaller businesses in their competitive struggles against the larger conglomerates

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whose scale of operations allows them to market their products at lower prices.

Viewed politically, this often translates into a question of whether to protect local businesses against unequal competition from economic superpowers and multinational corporations, or to allow the economic laws to follow their Darwinian course.

In its own modest way, traditional Jewish religious law has had to deal with some of these difficult questions, to which the rabbis have taken a variety of different approaches.

A simple case discussed in the Mishnah (*Bava Mesi'a* 4:12) involved shopkeepers who hand out free gifts (toasted grain and nuts) to children who frequent their establishments.

According to Rabbi Judah, this practice ought to be forbidden, because it gives the seller an unfair advantage over the competition in luring the youngsters to the store. The children's nagging can be counted on eventually to draw in many parents as well, thereby stealing business from the other shopkeepers.

The other sages, however, saw no problem with this practice. The Talmud (*Bava Batra* 21b) explains that, according to the view of these sages, no one is preventing the rival businesses from offering their own freebies: "I am handing out nuts, and you can hand out prunes!" Therefore the competition is perfectly fair.

The same passage in the Mishnah records a similar dispute over the practice of competitive price slashing. Rabbi Judah forbids it, evidently out of

concern for competing businesses who might not be able to bear the ensuing loss in revenues. The other sages approach the question from the perspective of the consumers and declare that any merchant who offers lower prices deserves to be commended, not censured. The Talmud, like later exponents of free enterprise, explains that lowering prices will stimulate the market to the advantage of the general public.

Following the normal procedures governing Talmudic disagreements, the opinions of the sages were accepted as normative in both disputes. In a modest way, this can be seen as a victory for the free-market economic model over the imposing of protective controls.

The Talmud's *laissez-faire* approach could not be transferred automatically to other social and economic contexts. During the Middle Ages, European Jewish communities were often founded on monopolistic privileges bestowed by the local government. These vital privileges required protection against interlopers and upstarts, and much of the halakhic literature of the period was concerned with safeguarding the interests of established businesses.

It is possible to discern a divergence in attitude between Halakhic authorities who lived in Christian countries where the presence of Jews was made possible by economic privileges and the more entrepreneurial spirit that prevailed in Arab lands where Jews participated as equal competitors in a thriving international trade.

One area in which these differences were apparent was in their respective attitudes toward out-of-town merchants who tried to make inroads into the local market by offering their wares at lower prices. Rabbi Joseph Hallevi Ibn Migash (1077–1141), who lived in Islamic Spain, reflected the typical approach of his society when he refused to grant protection to the local retailers, preferring to let the consumers benefit from the competitive pressure to lower prices.

By contrast, Rabbi Moses Nahmanides, writing from Christian Catalonia, insisted that the Mishnah's encouragement of unfettered competition did not extend to foreign businesses who, if they were powerful enough, could cause grave damage to the local economy. Several later authorities, nonetheless, limited the scope of Nahmanides' ruling to cases where the differences between the two prices was not a large one.

In medieval Poland, the economic status of the Jews was frequently defined by their serving as *arendars*, stewards of the local nobility. In many cases this involved exercising a franchise for the sale of liquor in the lord's domains.

Though medieval Jewish communities were zealous in defending the interests of their vested monopolies, the modern era brought with it a spirit of free enterprise in which individuals tried to compete with the established businesses.

A nineteenth-century responsum described a typical problem: Two Jewish *arendars* were operating in adjacent villages, each subject to a different

noble. One of these merchants was planning to sell his wares at bargain prices, a policy that would lure clientele from his neighbour.

The rabbi to whom this question was addressed was aware that the normative Talmudic opinion seemed to encourage this kind of free competition. He nevertheless decided that the current situation was substantially different from the one that was dealt with in the ancient sources. The most important distinction lay in the fact that the Talmud assumed a dynamic price structure that varied with changes in supply and demand. This was not the case in contemporary Poland, where the price of liquor was fixed by law, so that one *arendar*'s lowering his prices would not result in a general advantage to the consumers. In any case, the chief beneficiaries of these bargains would be local peasants whose access to alcohol should not be actively encouraged. On the other hand, the rabbi argued, rival Jewish tavern-keepers would be unable to cope with the outside competition, and might find themselves impoverished and thrown to the mercies of ruthless creditors.

A similar case was adjudicated by the Hungarian rabbinical leader Rabbi Moses Schreiber, the *Hassam Sofer*, in connection with an *arendar* who was selling liquor to customers from a neighbouring district. Rabbi Schreiber ruled that the operative question was whether the defendant was actively seeking out clients from outside his own local jurisdiction. Though it would be forbidden for an outsider to actively intrude upon the livelihood of a fellow merchant, there would be no

legal objection if the out-of-town clients came to him of their own volition. A policy of this kind was adopted by Rabbi Isaac Aaron Ettinger of Lemberg, denying an *arendar* protection against a competitor in a nearby village who was able to undersell him on account of the lower licensing fee that he was paying.

Not all aspects of free competition were seen as benefiting the consumer. In another of his responsa, the *Hassam Sofer* was asked whether a certain printing firm should be awarded exclusive rights to the publication of the Talmud. Rabbi Schreiber argued that in this instance, where the size of the consumer base was fixed and a lowering of prices could be achieved only by means of mass production, to fragment the market among several small firms would ultimately make their products more expensive and diminish the profitability of the enterprise. Under such circumstances, the public interest would be best served by conferring a monopolistic privilege upon a single publisher.

Some more recent scholars have extended Rabbi Schreiber's reasoning to additional realms. Of especial interest is the author of a 1980 work on Jewish business ethics who applied the *Hassam Sofer's* arguments to the realm of public utilities and concluded that the deregulation of electricity, telephone service, or public transit would result in higher output costs and poorer quality.

As we study our utility bills this year, many of us will be wishing that our legislators had a better acquaintance with rabbinic responsa.

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**BUILDINGS *and* BLESSINGS**



RABBI, WATCH OUT FOR THAT BEAM<sup>\*</sup>

~ Since the days of ancient Greece and Rome, carpenters and other craftsmen have provided us with a dependable reservoir of physical comedy, as a result of the mischievous potential contained in the tools of their trade.

The presence of this low kind of humour in the Talmud might not be immediately apparent to the uninitiated; however, veteran students quickly acquire a taste for the kinds of bizarre situations that are discussed in those forbidding-looking volumes.

The Midrashic preachers occasionally read such scenes into Bible stories. Take, for example, their entertaining accounts (*Genesis Rabbah* 38:10) of how the builders of the Tower of Babel ended up mauling one another, after God confused their languages while they were wielding tools.

Our sages often discussed matters of law, which included issues of civil litigation. And the situations

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that lead people to lawsuits tend to appear humorous to those of us who are not directly involved. As that celebrated Jewish philosopher Mel Brooks put it, “Tragedy is when *I* cut my finger. Comedy is when *you* fall into an open sewer and die.”

Talmudic legal texts are “casuistic” by nature; that is to say, they are presented to us not in the form of abstract theoretical principles, but as lists of specific cases. Historians suspect that much of this literature was generated from real-life incidents that were brought for adjudication before the ancient rabbinic courts.

The Torah (Exodus 21:33–4) stipulated the legal liability that attaches to a person who digs or uncovers a pit in a public place. The Mishnah (*Baba Qamma* 5:5–6) extends this principle by methodically examining every permutation of this situation, beginning with the simple one where individual carelessly leaves a jar in the middle of the road so that a passerby can trip on it. In that case, the sages must deal not only with the liability of the jar’s owner for injury to the victim, but also with a possible countersuit for damage to the jar. (“Why didn’t you watch where you were going?!”)

Matters become more picturesque when the offending jar spills out its contents, leading the hapless pedestrian to slip on the resulting mud, doubtless in the head-over-heels back-flip that accompanies such misadventures in cartoons. This eventuality is also analyzed by the Talmudic jurists, as is the more graphic variation when a person shovels slippery manure into a public thoroughfare.

The best-known opportunities for slapstick are those where tradesmen stumble over each other while carrying their respective wares. One of my favourite passages in Jewish legal literature is the following (*Baba Qamma* 3:4–6):

If two potters were walking, one behind the other, and the second stumbled over the first – the first is liable for damages caused to the second.

If one was carrying a pot and the other a beam, and the pot was shattered by the beam – the bearer of the beam is exempt, since each had a right to be walking there.

If the one with the beam was in front and the pot behind, and the pot was smashed by the beam, then the person carrying the beam is exempt. But if the one with the beam stopped suddenly, then he is liable...

If two people were passing through a public road, one of them running and the other walking, or if they were both running – then they are both exempt for damages they inflict.

Though the unfortunate incidents are discussed only as hypothetical possibilities, I cannot help imagining them all acted in sequence out on the stage by the same pair of actors, probably clothed in baggy overalls and oversized shoes, getting up time after time to complete their itinerary, only to end up stumbling

over yet another pot or puddle, or be struck in the head by a wooden beam.

There is also something quintessentially vaudevillian about the following scenario from the Talmud (*Baba Qamma* 10b): Five people are seated peacefully on a bench (I imagine them all reading newspapers, and perhaps pulling out sandwiches from their lunchboxes) until they are joined by that fatal sixth, under whose added weight the bench collapses. The Talmud even goes on to specify that we are dealing with a person “like Pappa bar Abba,” who was apparently known among his contemporaries for his expansive girth. In fact, the rabbis contemplate the possibility of whether the most recent arrival prevented the others from standing because he was leaning on them.

As we peruse the words of the commentators, expounding at such great length upon the weighty (ouch!) questions of who should be held responsible for the damages to the bench, they seem to be devoting too much energy to an example that is clearly no more than a contrived theoretical construct.

However, unlikely as it may sound, a case precisely like it did occur in twelfth-century France, and became a topic of some controversy, embroiling the famous Rabbi Jacob Tam, Rashi’s eminent grandson, in a dispute with a certain Rabbi Azriel over the correct decision in the case. To add to the pathos, the bench was reported to belong to a poor widow!

Is it just my own impish irreverence, or are all Talmud students motivated by the hope that the next folio will bring them a fateful new encounter between a rabbi and a banana peel?





**BEAM ME UP\***

~ Imagine the following scenario:

You've finally gotten around to building that new extension to your house. And it looks as if you've been graced with an additional stroke of luck, since your brother-in-law has succeeded in obtaining a supply of high-quality building materials at bargain-basement prices.

A few days after the completion of the project, you are visited by a police officer, and discover that the deal that you got on the lumber was truly a "steal" – in the most literal sense of the word. The wood was part of a load that had been pilfered from a warehouse several months earlier.

How does this unfortunate development affect the status of that new extension of your house?

The Torah is quite explicit in its insistence that one who is in possession of illegally acquired property "shall restore that which he took violently away,

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or the thing which he hath deceitfully gotten” (Leviticus 6:4).

The sages of the Mishnah also taught that as long as the stolen article is still intact, the illicit possessor is personally obligated to restore it to the hands of the lawful owner. So grave is the moral obligation imposed by Jewish law that an individual might be required to carry the stolen items all the way to far-off Media (*Baba Qamma* 9:5, *Baba Mesit'a* 4:7).

It follows from this that the unfortunate soul who makes use of ill-gotten timber would have to disassemble the offending structures in order to return the boards and beams to their original owners.

In fact, the adjudication of such cases was a topic of controversy among the Jewish religious authorities of the first century (*Gittin* 55a).

The School of Shammai insisted that one who had built a stolen beam into a residence was required to dismantle the entire building in order to extract the beam, in compliance with the dictates of the Torah.

However, the school of Hillel, which became normative for subsequent Jewish law, took a more flexible approach to the matter, allowing the culprit to compensate the owner with the cash equivalent.

This view of the school of Hillel invites an instructive comparison with the ostensibly similar ruling in Roman law, as codified in Justinian’s Code and other sources of judicial procedure. The Twelve Tables stipulated that “no one shall be compelled to

take out of his house materials, even though they belong to another, which have once been built into it.”

In both legal systems, the case of the “stolen beam” became a proverbial expression for any stolen property that was subsequently embedded into a structure. The Talmud gives it the Hebrew designation “*merish ha-gazul*,” while the Latin Jurists knew it as “*tignum iunctum*.”

On the surface, the laws seem identical. However, when we examine them more closely, we realize that they derive from very different motives.

The Romans had an eminently pragmatic reason for this rule; namely “to avoid the necessity of having buildings pulled down.”

The sages of Israel, on the other hand, had a very different concern in mind in foregoing the obligation of taking apart a house to retrieve stolen beams. They refer to “*takkanat ha-shavim*,” an ordinance for the sake of the penitent.

Our rabbis were worried that the resulting financial loss would be so burdensome upon the culprits that it might impede their eventual repentance, which was the overriding purpose of the judicial structures of Jewish law. It was for this reason that they enacted that financial compensation would be acceptable in such circumstances.

As we noted, it was the view of the House of Hillel that became normative, and was adopted in the Mishnah. Nevertheless, though the court could not compel an individual to dismantle a house in order

to restore stolen planks, the third-century sage Samuel insisted that the culprit was still under the Torah's personal obligation to do so (*Ta'anit* 16a).

The rabbis encouraged victims to forego their claims to restitution, where that would facilitate the rehabilitation of the criminal. Rabbi Yohanan claimed the ruling was enacted as a result of an actual incident, when a criminal was on the verge of repentance until his wife argued, "Idiot! If you were to make full amends, then even your belt is not your own!" (*Baba Qamma* 94b).

To be sure, I would be the last person to recommend that you build a house out of stolen materials. Nevertheless, you ought to be aware that, should you find yourself in such an unfortunate situation, it could provide you with some profound lessons about the relationship between law and ethics in Judaism.

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THE WALLS HAVE EARS<sup>\*</sup>

~ A well-structured dome can produce some interesting effects. It can also help explain some obscure passages in the Bible and Midrash.

Allow me to explain these remarks by referring back to wise old King Solomon, to whom Jewish tradition ascribes the biblical book of Ecclesiastes. It is in that book that we find this valuable bit of advice (10:20): “Curse not the king, no not in thy thought; and curse not the rich in thy bedchamber: for a bird of the air shall carry the voice, and that which hath wings shall tell the matter.”

Commenting on this text, the third-century Palestinian sage Rabbi Levi observed: “The walls have ears” (*Leviticus Rabbah* 32:2).

Rabbi Levi, who lived during some of the more tempestuous days of the Roman Empire, was surely familiar with the role that slanderers and informers played in those perilous games of palace intrigue

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<sup>\*</sup> Originally published in *Ha-Atid: Magazine of the Melbourne Hebrew Congregation*, Melbourne Australia 4, no. 2 (Spring 2000): 59.

and backstabbing. Many upright citizens came to unpleasant ends because their unguarded comments were reported to the authorities by unscrupulous *deletores*.

Unfortunately, this is a state of affairs that persists in many different geographic and historical contexts. The rabbis invoked the precedent of the patriarch Jacob in Genesis 31:4, who invited his wives to the field in order to hold a confidential discussion about what measures to take against the growing hostility of his father-in-law. When Rabbi Akiva spoke admiringly of the Medians for their discretion in taking counsel out in the fields (*Berakhot* 8b), Rashi explained that “this accords with the popular aphorism that ‘the walls have ears.’”

Variations on this proverb recur in the literatures of many peoples, including works by Chaucer, Cervantes, and Tennyson; though as far as I am aware, Rabbi Levi’s quote in the Midrash is the earliest documented occurrence.

Now, the image of walls with ears is surely a wonderful metaphor for the point it wishes to put across. Nevertheless, there were some literal-minded scholars who were apparently not particularly pleased by the rabbis’ use of such hyperbole.

Such an individual was Rabbi Isaac Lampronti, the eighteenth-century author of the Talmudic Encyclopedia *Pahad Yitshak*. Lampronti, who lived in Ferrara, Italy, was a striking exemplar of the unique style of Italian Jewish scholarship in all its eclecticism and erudition. More than any other medieval

community, the Italian Jews were deeply immersed in the surrounding civilization and succeeded in integrating it with their religious studies. Lampronti's immense *magnum opus*, most of which did not see print until centuries after its author's demise, displays a vibrant intellectual curiosity that embraces all aspects of literature and science from a deeply Jewish perspective.

The *Pahad Yitshak* contains an entry for "the walls have ears." As is to be expected, he commences by citing the appropriate sources from the Midrash. But immediately thereafter, he seems to launch into a topic that is totally unrelated, taking his reader on an architectural tour of Mantua.

He proceeds to describe the royal *Palazzo del Tè*, situated outside the city gates, and focuses on the palace's large vaulted hall. (Notably, he does not say anything about what lesser figures would have regarded as the palace's principal attraction, its elaborate erotic frescoes on the theme "the loves of the gods.")

Rabbi Lampronti is chiefly concerned with the following piece of structural information:

If a person sits in one corner and speaks directly to that corner in a very, very faint voice, so that even those people nearest to him are unable to hear a thing – a person who is listening from the corner at the diagonally opposite angle of the hall will hear whatever he is whispering, clearly and distinctly.

I, the author, have often been there and tested this out and was able to hear, and the truth of the claim will be confirmed by all the residents of Mantua. I have heard that similar structures may be found in many other places in Italy and abroad. This phenomenon is easily understood by anyone who has some familiarity with engineering.

Perhaps this is what our rabbis had in mind when they said that “the walls have ears”; namely, that there are times when a person says something thinking that he has not been overheard. However, he is mistaken, since his words can be heard far away by an ear that is close to the wall, just as if the wall possessed ears to hear with.

Rabbi Lampronti has hereby succeeded in providing a scientifically acceptable explanation for Rabbi Levi’s quip about walls bearing ears: that under proper acoustical conditions, an imprudent whisper from the back row might be embarrassingly overheard by a newspaper reporter at the other extreme of the hall.

The learned rabbi proceeds to apply his interpretation to other Talmudic passages, including the one that warns the potential sinner that transgressions committed in the privacy of one’s home will eventually come to light because “the very stones and beams of a person’s house will testify against him,” as it says (Habakkuk 2:11): “For the stone shall cry



out of the wall, and the beam out of the timber shall answer it.” For Lampronti, this is no mere poetic image, but a literal fact of architectural acoustics.

In support of his interpretation, our author cites some unconventional sources, including several that would make our contemporary rabbis cringe, such as *Il Cristiano Istruito* (“The Well-Educated Christian”) by the monk Paulo Segnori, which describes an insidious vaulted prison whose warden could eavesdrop on the private conversations of all the inmates through a tiny hole in its top.

When all is said and done, there is an eminently practical lesson to be derived from all this: Even when sitting in the last row of the synagogue sanctuary, be exceedingly careful what you say about the cantor. As it teaches in *Pirkei Avot* (2:4), “Do not utter anything that should not be heard, because in the end it will be heard.”

And besides, the walls have very sensitive ears.

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## PREPARING FOR A PROPHET\*

~ The prophet Elisha was an itinerant miracle-worker who wandered about the Galilee, seeking opportunities to assist those in need. One of the persons who benefited most from his acts of supernatural kindness was an anonymous woman from Shunem who offered hospitality to the prophet and eventually persuaded her husband to build Elisha a room of his own in their small house (2 Kings 4).

The Shunamite woman would later be rewarded for her kindness, as Elisha blessed her with a cure for her prolonged childlessness and later succeeded in restoring her son to life after he had been given up for dead.

The rabbis of the Talmud displayed a surprising interest in the technical details related to building Elisha's guest-room. A dispute arose between Rav and Samuel, two of the foremost Babylonian sages of the third century, concerning the precise nature of the

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renovations that were introduced into the hosts' humble home (*Berakhot* 10b).

One rabbi claimed that the project consisted of adding a wall to an existing hallway, thereby dividing it into two separate chambers. The other rabbi insisted that there had been a walled area on top of the house, to which the hosts added a roof, thereby providing Elisha with a sort of penthouse.

If we take the trouble to read the biblical passage that they are expounding (2 Kings 4:10), then the dispute strikes us as most peculiar. After all, the Hebrew text is speaking quite clearly about the “attic of a wall,” and it is seem reasonable to assume that such a structure contained both walls and a roof! And yet, the Talmud understands that the argument between the rabbis was polarized: Either Mr. Shunamite built *only* a wall, or *only* a roof.

Even if we allow that the wording of the biblical verse is sufficiently ambiguous to tolerate either interpretation (after all, Hebrew employs similar roots to designate both a wall and a ceiling), it is still difficult to account for *why* the Talmud took such an intense interest in this particular issue. At the most, we seem to be dealing with an academic controversy over an obscure question of archaeology. On other occasions, the rabbis were accustomed to dismiss such questions with the expression “What happened, happened!” implying that we should not be wasting our precious time on a matter that is of no practical relevance to us today.

Rabbi Samuel Eidels, the “Maharsha” (sixteenth – seventeenth centuries), was willing to entertain the idea that the passage cried out for explanation. However, he objected to the Talmud’s assumption that the explanations ascribed to Rav and Samuel were mutually exclusive. What prevents us from assuming that, in constructing Elisha’s guest-room, the Shunammite couple added a roof *and* a wall to the attic.

In the end, Maharsha reasons that this kind of renovation could not work in your average attic, since once you have made allowances for the space occupied by the staircase, there would not remain enough area for two usable rooms.

Nevertheless, the Talmudic discussion still appeared too mundane and prosaic to satisfy some of the other traditional commentators. An objection along these lines was registered by Rabbi Jacob Ibn Habib, the sixteenth-century compiler of the *‘Ein Ya’akov*, the definitive anthology of *Aggadah* (non-legal material) from the Talmud.

In his commentary to the relevant passage, Rabbi Jacob lamented: “It would be useful to know what issue of principle underlay Rav and Samuel’s disagreement. For what practical difference could it make whether they added a roof to the attic, or whether there was a hallway? It is unacceptable to suppose that the rabbis were simply concerned with explaining the meanings of the words.”

For a commentator wannabe like myself, this comes across as a personal challenge to supply a

symbolic interpretation of the dispute between Rav and Samuel. One possibility that suggests itself is that they might have been proposing alternative paradigms for the ideal of a “holy man.” The interpretation that focuses on the construction of a wall wishes to emphasize the “vertical” dimension of Elisha’s sanctity, thereby demonstrating that it was his relationship to his Creator that was his foremost priority. Conversely, the rabbi who accentuated the “horizontal” building of a roof was stating thereby that holiness has more to do with how the righteous prophet interacted with the society around him.

Rabbi Jacob Ibn Habib offered his own attempt at a scenario, one that has practical implications for the setting of ethical priorities. In his reading of the story, both of the rabbis concerned were in agreement that the fundamental objective of the Shunammite woman and her husband was to provide Elisha with a modest habitation that would allow them to partake of proximity to the prophet’s holiness. Where the rabbis disagreed, however, was in determining at what stage the guest’s nearness starts to infringe on their privacy.

Viewed from this perspective, the rabbi who claimed that the Shunammites divided their own living space in order to provide living quarters for their visitor was, in reality, making a point about the importance of hospitality as a religious value. For the sake of a guest, one should be prepared to make substantial sacrifices; especially if, as a consequence, the hosts will be privileged to bask in the aura of a great saint.

On the other hand (argues Rabbi Ibn Habib), the rabbi who insisted that Elisha dwelled in an attic was striking a blow for privacy. Hospitality, he implies, is normally a fine virtue, but it must be weighed against other considerations. It should not be stretched to such extremes that it prevents the hosts and the guests from conducting their lives within acceptable bounds of modesty and discretion.

Esteemed readers, I trust you to derive your own edifying interpretation from the Bible story and its Talmudic discussion.

The important thing is to realize that, from a Jewish perspective, even the most humdrum of home renovation projects can serve as an opportunity for deriving moral and spiritual lessons.





**LIFE *and* LEISURE**



## HEALTHY ADVICE FROM THE TOP AUTHORITIES<sup>\*</sup>

~ As you browse through the shelves of your neighbourhood book shop, you will undoubtedly be confronted by numerous volumes devoted to alternative medicine, herbal remedies, and the pursuit of healthy lifestyles.

Chances are that the covers of those books will include attestations that the advice contained between the covers is more than mere quackery. You will probably find impressive résumés of the authors' credentials (medical or otherwise), accompanied by enthusiastic testimonials from healthy and satisfied readers.

Although guides to health and medicine are not a recent invention, earlier generations tended to look for different kinds of endorsements for the reliability of their contents. The traditionally minded folk of pre-modern times were more concerned that their prescriptions could claim an ancient pedigree – and

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most popular of all were those fortunate tomes that could be traced back to a supernatural origin.

This was true in most pre-scientific cultures, and the Jews were no exceptions to the pattern. The upshot of this was that health guides would often include flowery introductions relating how the secret lore had come to the knowledge of the current author.

One venerable Hebrew medical compendium claimed to be the original “Book of Noah,” that is, a collection of teachings that were revealed to Noah in the aftermath of the flood, while he was still anchored in the vicinity of Mount Ararat. At that time (so the author avows), Noah’s family approached him with numerous complaints about plagues and diseases that were being inflicted upon them by malevolent demons. In response to Noah’s prayers and sacrifices, he was visited by the angel Raphael (whose name is derived from the Hebrew root meaning “to heal”), who quickly incarcerated most of the demons, but left some of them at liberty, apparently to serve as instruments of chastisement for sinful humans. However, in order to even the playing field, the remaining demons were also ordered to instruct Noah in the preparation of cures for the afflictions. They showed him how to identify the trees, herbs, roots, and seeds that could be used for medicinal purposes.

This invaluable lore was written down by Noah and handed down to his children. Its mysteries thereby came to be known to the sages of India, Macedonia,

and Egypt, enriching the wisdom of the ancient celebrated medical authorities.

As desirable as it might appear to have access to a health manual that was revealed by an actual angel, there are indications that such works were not always valued by the Jewish sages. The Talmud (*Pesahim* 56a) informs us that King Hezekiah ordered that a “book of remedies” be hidden, and that the rabbis of the time approved of his action.

Most commentators explain that the convenience of surefire medical relief was discouraging people from turning to God in contrition. The medieval scholar Rabbi Eleazar of Worms cited a tradition that Hezekiah’s “book of remedies” had been in use since the time of Noah and that it consisted of a directory of springs whose waters possessed healing abilities.

To be sure, other commentators preferred to believe that its author had been King Solomon, wisest of mortals.

If you are skeptical about the value of the angel’s medical expertise, then what would you say to a giant frog?

Yes, such was the source of the pharmaceutical expertise of a certain pious scholar named Rabbi Hanina, according to an exotic tale preserved in the medieval *Mayse Bukh*. The last instruction given to Rabbi Hanina by his dying father was to go to the market and purchase the first item he saw, whatever its cost. The article he found was a silver plate, exorbitantly priced, which he obediently bought and

took home; as it happened, it was just in time for the Passover *seder*. Appropriately, he discovered that the dish housed a precocious frog, which he dutifully continued to feed and care for.

The amphibian kept eating and growing, even as Rabbi Hanina's finances dropped alarmingly below the poverty level. At this point the frog, now grown to human proportions, addressed him with the modest request that he teach him the entire Torah! Again, with his father's deathbed wish in mind, the beleaguered Rabbi Hanina patiently obeyed (by feeding him the teachings on scraps of paper).

At length, Kermit (who now revealed himself as Adam's illegitimate offspring) decided that the time had come to recompense his unselfish benefactors. He led Rabbi and Mrs. Hanina into the forest and summoned all the birds and the beasts, commanding them to fetch the kindly couple an ample selection of herbs and roots, whose curative potentialities he diligently disclosed to them. Needless to say, the Rabbi and his wife lived happily ever after in wealth and honour.

Esteemed readers, I shall leave it to you to decide into whose hands you prefer to entrust your health: to a sagacious frog, an angel, a wise king – or for that matter, to an M.D.? The most important thing is that you should all be healthy.

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## TENNIS, ANYONE?\*

~ In sixteenth-century Italy, tennis was all the rage. In its tortuous wanderings since ancient times, the game had spread from Egypt, through the Middle East and medieval Spain to the cloisters of French cathedrals. It was in Italy in 1555 that Antonio Scaino composed the first detailed treatise on the game, “*Trattato del Giuoco della Palla*,” carefully outlining its rules and regulations.

The Jews of Italy, who were so deeply immersed in the culture and mores of the Renaissance, were no strangers to the game. This was especially true in the prosperous community of Mantua, whose Duke had extended a warm hand of hospitality to Jews, decreeing in 1545 that they should be “as free and secure in pursuing their business and professions in our City and Duchy as Christians.”

As is often the case, comfort and affluence can give rise to religious problems. And so it was that in

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1560, the colourful and controversial Rabbi Moses ben Abraham Provencal had to respond to a halakhic query “whether or not it is permissible to play ball on Sabbaths and festivals.”

Rabbi Moses’ responsum on the topic, in addition to its importance as a precedent for Jewish religious law, provides us with valuable glimpses into the daily life of Renaissance Jewish society.

The responsum deals with several variations of the game of tennis. In addition to a description of the familiar flat tennis racquet netted with gut and string, reference is made to scooped implements like those used in lacrosse or pelota; and to handball-like games in which no racquets were used at all.

In fact, this was not the earliest discussion of such games in rabbinic literature. The medieval Talmudic commentators had focused on the question of whether a ball qualifies as a vessel or utensil so as to allow its carrying on the Sabbath or on festivals.

The Tosafot (to *Besah* 12a), reflecting the custom in France and Germany, noted that it was common to play pelota in public on festivals, showing that the use of a ball for play is a legitimate reason for considering it a utensil.

From Rabbi Provencal’s halakhic give-and-take we learn that special buildings and courts were constructed to house tennis clubs. The fact that those buildings had windows underlies the concern lest the balls bounce out from a private house into the public domain, thereby violating a Sabbath prohibition.

In making his decision, Rabbi Provencal took into account the motivations for which the players were pursuing the activity. Distinctions were made between those who played for sport, for relaxation or friendship, and those who played for stakes.

The ensuing discussion reveals much interesting information about the diverse frameworks in which young Italian Jews could participate in amateur or professional sports and the different arrangements that were devised to pay for the maintenance of the tennis courts.

Though some clubs were supported through user fees paid by the players, others were run as gambling establishments, with the owners taking a percentage of the prize money. Rabbi Provencal lamented that this latter situation called into question the ethical permissibility of the game. Whereas earlier generations might have been satisfied with nickel-and-dime wagers to add a bit of spice to the competition, in his own days people were risking extravagant sums of money, eliminating tennis's right to present itself as an innocent diversion.

The propensity to bet money on the match's outcome controverted the religious prohibition against doing business on the day of rest. Rabbi Provencal's responsum notes that clever sportsmen tried to circumvent the law by measuring their stakes in terms of commodities, especially food, rather than cash. However, the rabbi noted with misgivings that this legal subterfuge was patently disingenuous since the

units were immediately afterward translated into their cash values.

As if all this were not enough, the responsum went on to observe, with understandable consternation, that the matches were often scheduled to coincide with the delivery of the sermons in the synagogue!

In light of all the above, it is surprising to note that Rabbi Provencal does in the end decide that tennis playing can be allowed on Shabbat, provided that certain strict conditions are observed.

In addition to the elimination of betting, he declared that racquets could not be used be at Saturday games lest a player be tempted to mend a snapped string, which would be in violation of the Sabbath. This stricture was not as radical as it strikes us today, since the use of racquets had at that time not yet become an inseparable part of tennis.

And for God's sake, urged the rabbi, don't play tennis during the sermon.



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## KEEPING THE BALL IN PLAY\*

~ Analogies taken from the world of ball-playing are in frequent use in our society, whether they are being employed to describe aggressive business campaigns or romantic conquests. So widespread was ball-playing during the Talmudic era that the Jewish sages could not avoid the use of such imagery.

In his philosophical and moralistic writings, the ancient Roman philosopher Seneca made skilful symbolic use of ball-playing analogies. He found them especially appropriate for illustrating the most effective forms of charitable giving.

By means of the example of the ball game, Seneca was able to demonstrate that the donors must not only give according to their means and abilities, like skilful pitchers, but they must also bear in mind what the recipient is capable of receiving: Like a good

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game of catch, successful philanthropy depends on careful coordination of the strengths, weaknesses, and individual qualities of each of the players.

In various passages in his writings, Seneca extended this metaphor in order to elucidate such topics as the most gracious way to return a favour, how to judge the quality of good givers who are prevented by external circumstances from carrying out their philanthropy, and so forth.

When the rabbis invoked the model of ball-playing, characteristically, they were most concerned with illustrating values related to the study and observance of the Torah.

“The words of the wise are like goads,” taught the wise Ecclesiastes (12:11). The Hebrew word that is translated into English as “like goads” is *kedorbonot*, and to the astute ears of the rabbinic preachers this suggested a wordplay on the expression of *kadur banot*, a girls’ ball.

This verbal association inspired the rabbis of the Midrash to examine the parallels between a ball game and the transmission of the Jewish oral tradition, from its first revelation at Mount Sinai to Moses, down to their own times in the first and second centuries of the Common Era.

It is just like a ball among the girls. Just as the ball is caught as it passes from hand to hand, and it eventually comes to rest in one hand – even so did Moses receive the Torah at Sinai,



and hand it to Joshua, and Joshua to the elders, and the elders to the prophets, and the prophets to the men of the Great Assembly (*Ecclesiastes Rabbah* 12:10:1:11).

The ball game that is described here is one that seems to involve no throwing, but merely handing the ball from one person to the other. Just as this description does not seem to fit most of the ball games that are played today, it contradicts the information we possess about ball-playing in the ancient world.

The most popular forms of ball games among the Greeks and Romans were variations on “pitch and catch.” The players would toss the ball back and forth, trying to keep it continually aloft.

When compared with these familiar games of throwing and catching, the rabbinic parable that we cited above is striking in its exclusive focus on the perspective of the *receiver*, rather than of the passer.

If we focus upon the metaphoric use of this image, we can evidently deduce that the Midrashic author held that the most crucial role in Torah scholarship is played by the *learner*, the recipient of the tradition. The transmission itself is depicted as a very cautious and painstaking passing from hand to hand, in which more daring long-range passes are assiduously avoided.

A subtle change in the phraseology may be discerned in a different Midrashic collection (*Numbers Rabbah* 14:4):

Said Rabbi Berakhiah: It is just like a girls' ball, like this *sphaira* [the Greek word for "ball"] of young girls, which they toss about. One of them throws it here, and another one throws it here.

In this way, the sages enter the house of study and occupy themselves with Torah. One proposes his interpretation, and the other proposes his interpretation....

In Rabbi Berakhiah's version of the metaphor, good *throwing* is the key to a successful ball game. The role of the sages is not limited to passively accepting the teachings of previous generations, but rather it involves acts of creative originality, as they continue to enrich the tradition with their novel interpretations.

Another crucial variation on the parable is found in yet a third Midrashic source (*Ecclesiastes Rabbah* 12:10:1:11):

It is just like a ball among the girls. Just as the ball is rolled from hand to hand and never falls to the ground, so "not one thing has failed [literally: fallen] of all the good things which the Lord your God spoke" (Joshua 23:14).

The biblical proof-text, cited from Joshua's charge to the people upon entering the Promised Land, places its emphasis neither on the creating of the tradition nor on receiving it, but on the importance of keeping it "in the air." This implies that the oral Torah,

by its essential nature, can endure only as long as each living generation conscientiously passes it to its successors. Any fumbling of that transmission will cause an irretrievable loss.

This version expresses a similar attitude to the one we encountered in Seneca's allegory about the process of philanthropical giving. Both sources agree that a ball game should not be equated with one particular player, but represents the totality of all of their contributions.

Aside from reflecting more accurately the goals of actual ball-playing, our Midrashic author has made astute use of the sports imagery in order to call for a concerted team effort as the best strategy for perpetuating the Jewish religious heritage.

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## PUSHING TORAH\*

NEWS ITEM July 2001. Canada became the world's first country to regulate the use of marijuana, as legislation came into force which allows people with serious illnesses to possess marijuana.

~ The Canadian government's recent decision to permit the medicinal use of marijuana brought to mind a jarring experience I had several months ago when, in the course of my daily routine of Talmud study, I stumbled across the following passage (*Pesahim* 113a):

Rav instructed his son Hiyya: Do not take drugs.

My initial reaction was to presume that I had mistranslated the crucial term. However, a perusal of Rashi's commentary confirmed my first reading. Rashi paraphrases Rav's instruction as: "Don't learn

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to take drugs, because they will become a habit, and eventually turn into an obsession, until you end up spending all your money on them.”

Rabbenu Hananel of Kairowan explained the matter in a similar spirit: “Because your body will become habituated to them.”

Now I am not suggesting that Hiyya had a problem with narcotic addiction. Rav’s advice does not seem to be directed at substances that were inherently injurious or debilitating, and I am not aware of such substances being mentioned in the traditional sources. In fact, although the Talmud makes occasional reference to cannabis, it seems to know only of its usefulness for the manufacture of hemp.

Rav’s concern was for excessive reliance on legitimate medications. The medieval halakhic authority Rabbi Menahem Ha-Me’iri placed Rav’s admonition within the context of other warnings against over-indulgence in physical pleasures. Such worries are rooted in the fear that after being initiated into those delights, a person will eventually become unable to give them up.

Rashi’s grandson Rabbi Samuel ben Meir (Rashbam) spelled out the practical implications of Rav’s statement: Even as part of medical treatment, one should try to avoid drugs if an alternative form a therapy is available.

An alternate interpretation proposed by Rashi formulates the issue in slightly different terms, citing a Talmudic saying to the effect that most foods

that are normally beneficial are likely to have harmful side effects.

Indeed, the Jewish sages were well aware that medicine must be taken with caution, and that indiscriminate consumption of drugs might prove injurious or fatal. This premise formed the basis for some powerful symbolic interpretations in the Midrash.

For example, Rabbi Joshua ben Levi noted that in the well-known verse in Deuteronomy (4:44), “And this is the Torah which Moses set before the children of Israel,” the Hebrew verb that is translated as “set” is *sam*, a homonym of the noun denoting “drug.” This wordplay becomes the basis for a bold analogy: “If the one who receives it is deserving, then the Torah becomes a life-giving medicine. If however the person is not deserving, then it becomes a poison [literally: “a drug of death”] (*Yoma* 72b).

Rabbi Joshua’s homily may have originated in a polemical context, and might be aimed at Christians or other heretics who (from the rabbis’ perspective) had appropriated for themselves the text of Israel’s Torah, but had in reality perverted its spirit. Such people, the rabbi admonishes, will derive no benefit from the sacred scripture; on the contrary, it will be the source of their undoing.

It is also possible to interpret Rabbi Joshua ben Levi’s words as a denunciation of Jews who study the Torah without the proper religious intentions or motivations. Accordingly, he reminds his audience that even the holy Torah is not an unfailing panacea

for every spiritual illness. Much depends on the condition of the patient. Just as people who swallow the wrong prescriptions may well end up forfeiting their lives, so too the study of Torah by those who do not have the adequate spiritual qualifications can lead to fatal consequences.

The same brand of imagery underlies the seemingly bizarre behaviour of a certain peddler in ancient Sephoris who used to circulate among the surrounding villages announcing, “Whoever wants to buy a wonder-drug, come and get it!” (*Leviticus Rabbah* 16:2). When Rabbi Yannai tried to take him up on his offer, the seller assured him that the sage had no need for the product.

Eventually, after he saw that Rabbi Yannai was not about to relent, the “pusher” reluctantly showed him his merchandise. He pulled out a volume of Psalms and began reciting the chapter that opens, “What man is he that desireth life, and loveth many days, that he may see good? Keep thy tongue from evil, and thy lips from speaking guile.”

Yes, the wonder-drug that this dealer was hawk-ing was a moral virtue, the ability to guard one’s tongue and refrain from gossip or slander.

Rabbi Loew of Prague (the Maharal) expanded upon this theme, citing several rabbinic sources that equate human life with the uniquely human power of rational speech. It follows, therefore, that a person who desists from evil speech can be said to be in possession of a life-giving medicine. On the other



hand, those who abuse that power by indulging in inappropriate talk are poisoning their spirit with dangerous drugs; as it says in the book of Proverbs: “Death and life are in the power of the tongue.”

These metaphoric expositions of the phenomenon of drug use give novel meaning to Karl Marx’s assertion that “religion is the opiate of the people.”

Of course, the militant atheist had no idea how close his words came to capturing the rabbis’ profound insights into the power and perils of spiritual learning.

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CREATURES *and* CURIOSITIES



## THE SIREN'S SONG\*

~ The sages of the Talmud rarely displayed an academic interest in science, unless it related directly to matters of religious law or biblical interpretation. For example, some bizarre instances of genetic mutation are discussed by the rabbis only by virtue of their effects on the dietary laws or the sanctification of the first-born.

I don't know whether such topics are more appropriate to a zoology textbook or to the *National Enquirer*, but the Talmud does embark on earnest discussions concerning the halakhic status of creatures who give birth to offspring of a different species, such as sheep begetting goats or cows begetting camels: Should they have the status of the mother or the species that they resemble?

It is in this connection that the rabbis digressed to some rudimentary classifications of various species,

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with a view to facilitating their recognition. The classifications are based on the ways in which the creatures mate, give birth, and nourish their young.

The Talmud's zoological inventory includes a reference to dolphins, which it correctly describes as mammals, in that "they procreate by mating like humans" (*Bekhorot* 8a).

Thanks to our modern dolphinariums and Public Television, any schoolchild can now be expected to have intimate familiarity with the habits of dolphins and other sea mammals. This, however, was not universally true in earlier times. The Babylonian sage Rav Judah felt obligated to explain the unusual word "dolphin" by noting that they are *b'nai yama*: "children of the sea."

It would appear that this explanation was not sufficient for all the subsequent commentators, and medieval exegetical literature supplied some surprising identifications of this mysterious "dolphin" creature.

A particularly noteworthy interpretation took root among European rabbinic scholars. The commentary compiled in eleventh-century Mayence by the disciples of the celebrated Rabbenu Gershom elucidated that Rav Judah's "child of the sea" was more precisely a "man of the sea." A generation later, Rashi amplified this notion, writing that "there exist sea creatures that are half human and half fishlike in their form." For those who might have difficulty imagining such beings, Rashi provided the French translation: "*sirène*."

Now any aficionado of ancient literature will immediately realize that the Sirens of Greek mythology, sea nymphs whose seductive voices presented fatal dangers to ancient seafarers like Odysseus, Jason, and Aeneas, were not mermaids, but rather human-bird hybrids. Nevertheless, it is clear that Rashi believed that the Talmud was referring to mermaids, a species whose existence was not questioned by medieval authorities.

As if that were not enough, Rashi introduces yet another bizarre wrinkle into our increasingly complex account of the dolphin-mermaid: Where most texts of the Talmud passage speak of the dolphins breeding “*like humans*,” Rashi’s version had it that they mated *with humans* and produced offspring!

Although Rashi claimed to know the word “Siren” from the French, he might have been aware that it makes an appearance in an ancient Hebrew Midrashic compilation known as the *Sifra*. Commenting on the passage in Leviticus 11:10 that defines the kosher and non-kosher sea creatures, concluding with the words “and of any living *being* which is in the waters, they shall be an abomination unto you,” the author of the *Sifra* comments that the ostensibly superfluous expression “being” comes to include the Sirens within the scope of the biblical prohibition.

In his commentary to the *Sifra*, the twelfth-century Rabbi Abraham ben David of Posquières (the Ravad) identifies the Hebrew term with the French expression adduced by Rashi and provides a more

extensive description: “The upper half of her body has the form of a woman, *and she sings like a human....*”

This last-mentioned detail was not mentioned in any of the Hebrew sources that were available to the Ravad, and it attests to his independent knowledge of their role in the Odyssey, where their song lured passing sailors onto the deadly rocks, a fate that would have brought disaster upon Odysseus and his crew had he not taken the precaution of plugging his men’s ears and having himself bound to the ship’s mast.

It would appear that these pious scholars were not above occasionally setting aside their Talmudic tomes in order to enjoy some more fanciful fare about heroic voyages and legendary creatures that was so attractive to their contemporaries. Indeed, so enticing are those tales that we can readily appreciate how difficult it was for Rashi and the Ravad to resist the Sirens’ song.

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## THE POWER OF THE HUMAN VOICE\*

~ According to a news report that I heard in the summer of 1999, it should now be standard practice in Texas maternity wards to expose the newborns and yet-to-be-borns to strains of classical music.

This interesting development is consistent with a growing conviction in our culture that sound and music can have far-reaching effects upon the development of plants and animals.

It is possible that a similar belief was shared by some of the ancient Jewish sages.

To cite one example, the Talmud (*Keritut* 6b, in a passage that is also included in the daily prayers) provides the following intriguing detail pertaining to the preparation of incense for the Jerusalem Temple: “While it is being pounded, he calls out ‘well crush, crush well.’” [*hetev hadek hadek hetev*].

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The commentators appear to disagree about who exactly is doing the calling: Is it (as understood by Maimonides) the person who is pounding the ingredients, or his supervisor (as implied by Rashi)? In either case, the need for such a litany is far from obvious. It hardly seems likely that, in the absence of continuous nagging, the person stands in danger of forgetting to grind the spices to their requisite fineness.

At first glance, we might suppose that the advantage of reciting a rhythmically repetitive formula lies in the fact that it helps the pounder chop the chunks into evenly sized grains. The Talmud, however, suggests that it is really the sound of the voice itself that is beneficial to the spices.

Rabbi Yohanan contrasted the case of pounding spices with the procedures for preparing wine for libations in the Temple. According to the Mishnah (*Menahot* 8:7), as wine was being tested from a new cask, the Temple treasurer would sit beside the wine-taster, clutching a reed or straw in his hand. If froth started to issue from the cask, indicating that the wine was not of satisfactory quality, the treasurer would tap the cask with his straw as a signal that the tester should immediately seal the cask.

The Talmud (*Menahot* 87a) inquired why there was need for this roundabout signal, when it would have been much simpler for the treasurer simply to *tell* the tester to close the cask. The reason, it concludes, is that the human voice was considered harmful to the wine. Indeed, concludes Rabbi

Yohanan, “just as speech is beneficial for spices, so is it injurious to wine.”

The comparison between the incense and the wine suggests strongly that in both cases the results are achieved by the sound of the voice itself.

In fact, the spices were improved not only by human voices, but by other sounds as well. The Talmud (*Arakhin* 10b) tells us that “there was a mortar in the Temple made of bronze, which dated back to the days of Moses. In it they would mix the spices. It happened once that the mortar became damaged, so they brought in craftsmen from Alexandria, Egypt. The craftsmen repaired it, but it would not mix as well as it had previously. They undid the repair, and then it mixed as well as before.”

In explaining the nature of the damage that had befallen the mortar, Rashi wrote that in its original state, the mortar had produced a clear sound, which was capable of nicely fattening up the spices and enhancing their aroma. When the Alexandrian craftsmen patched the metal, it became thicker and altered the tone of its vibration, a change that had detrimental effects on the spices.

In support of his interpretation, Rashi alluded to the importance of chanting “well crush, crush well” while pounding the spices.

As in our own scientific community, there may have been some individuals who remained skeptical about the benefits that should be ascribed to voices and sounds.

Thus, in Maimonides' code of Jewish religious law we find an otherwise complete paraphrase of the Talmudic procedures for preparing the incense spices, except that it leaves out the Talmud's rationale that "the voice is beneficial to the spices." I cannot escape the suspicion that Maimonides, who was also a prominent physician and scientist, was not entirely won over by the Talmud's claims.

I too find myself somewhat perplexed by the whole question. I think I'll have a serious discussion about the matter with my avocado plant.

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**THE LOVE APPLE\***

~ What is there to say about Judaism and the tomato? For some reason, I am personally unable to eat tomatoes unless they have been stewed into a gravy or sauce. If I did eat them, however, I would know that they require the blessing over “fruit of the tree” since, in spite of their predisposition to mix with salad greens, they truly belong to the class of fruits.

They are not mentioned in the Bible or Talmud, because they were not introduced to the West until the discovery of the New World.

And it turns out that I am not the only person in the world who has an aversion to eating them.

For quite a long time after the fruit was first imported to Europe from South America in the sixteenth century, not many people were willing to actually

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eat them, rather than just use them for decoration. The suspicion that they were poisonous (as are several of their botanical cousins in the nightshade family) was eventually offset by the belief that they were a powerful aphrodisiac.

Still, it was not until the early nineteenth century that tomatoes came to be appreciated as a normal, healthy ingredient for salads and cooking.

The guarded attitude toward them is reflected in the refusal of Jews in certain parts of eastern Europe, especially Hassidic areas, to imagine that tomatoes could possibly be kosher. Convinced that because of their vivid colour they must contain forbidden blood, those people referred to tomatoes as *treif'eneh apelekh* or *meshugene apelekh*. Residents of those regions would habitually spit when passing a grocery store that sold the defiled fruits, and took their business elsewhere.

The literature and memoirs of the period are full of tales of the domestic discord and culture shock that ensued when Jews from tomato-avoiding regions wed tomato-eating spouses. It rivals the complexities posed by “tomayto”/“tomahto” intermarriages.

I sometimes wonder whether the English word *tomato*, in spite of the dictionary's insistence that it derives from an Aztec word, might actually be etymologically connected to the Hebrew *tum'a*, “uncleanness.”

The Zionist pioneers devoted a lot of effort to finding a type of tomato that could be grown as a commercially competitive crop on the soil of the Jewish



homeland. They achieved considerable success with an Algerian variety that had undergone improvements in France. So entrenched did this species become that, in the early 1960s, when Agriculture Minister Moshe Dayan tried to switch over to a more efficient breed, he was unsuccessful in his efforts. Only in recent years has the elongated “Moshe Dayan” variety of tomato begun to achieve widespread popularity.

The common Hebrew word for tomato, *agvaniyah*, has had an infamous history. It was evidently coined in 1886 by Jerusalem author and scholar Yechiel Michel Pines for his Hebrew translation of a German work on Palestinian agriculture. It was popularized by his son-in-law, the literary savant David Yellin.

*Agvaniyah* (in fact, the grammarians debated for years whether to prefer the form *agbanit*) was intended as a translation of the German word *Liebesapfel*, which literally means “love apple.” The Hebrew root *agav* covers a range of sexual terms, including lust, buttocks, and some that are better imagined than uttered. It harks back to the Italian name *pomi d’amore*, a tribute to the fruit’s reputed ability to kindle passion.

The unsavoury name of this savoury fruit aroused some passionate opposition in the stern Jewish society of turn-of-the-century Palestine.

Eliezer ben-Yehudah, renowned as the founder of modern spoken Hebrew, was ever in search of new words to enliven the language; and yet his monumental *Thesaurus of the Hebrew Language* contains

not the faintest trace of the *agvaniyah*. Ben-Yehudah's children later reported that their parents had systematically banished the word from their house because of its vulgar associations. Following suit, the word was for many years kept out of the Hebrew newspapers, whose editors were careful to substitute the Arabic *bandora*, which was derived from the other Italian name for the fruit: *pomodoro* (golden apple).

Among the Hebrew authors during the early decades of the twentieth century the notorious word shows up only rarely, and is usually cast in the role of an offensive epithet that proves deeply disturbing to everyone who hears it, particularly those prim and earnest young ladies who populate the romantic novels of the time.

All in all, there appears to be something positively subversive about biting into one of those luscious, crimson tomatoes.

It is enough to make even a person like myself, an avowed foe of the fiery red fruit, reconsider my aversion, and think longingly back to my "salad days."

### Suggestions for Further Reading

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**HORSE SENSE\***

~ Have you ever seen photographs of the early Zionist pioneers mounted proudly on horses, garbed like Bedouins and radiating a sublime confidence? An important ingredient in their mood is the fact that they were bucking a long and entrenched tradition.

Jews were simply not supposed to ride horses.

As one who resides in the home of the world's largest rodeo, it is only with great difficulty that I can divulge this dark secret about the age-old animosity between Jews and horses.

The problem goes back many millennia.

In the Bible, horses are likely as not to be mentioned in connection with an enemy cavalry. Even the beloved in the Song of Songs (1:9) is portrayed as a mare sent in to wreak distracting havoc among the stallions of the Egyptian army. The Torah

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(Deuteronomy 17:16) sets strict limits to the number of horses that can be owned by a Hebrew monarch, and the Bible condemns Solomon for violating those limits (1 Kings 10:26ff.).

This hostility to our equine friends is quite surprising when we bear in mind that the ancients regarded horses as an emblem of nobility.

Thus, when Ecclesiastes attempted to describe a state in which all conventions have gone topsy-turvy, he declared, “I have seen servants upon horses, and princes walking as servants upon the earth” (10:7). This indeed expresses aptly the reversal of the normal social hierarchy.

The costs of equine upkeep were sufficiently prohibitive that in ancient times the ownership of horses was usually a prerogative of the aristocratic classes. From their elevated perches, the bluebloods could conveniently command battalions of foot soldiers in war, and lord it over the peasants in peacetime.

As a saying in the Talmud put it (*Shabbat* 152a): “The person on the horse is the king, the person on the donkey is a free man, the person wearing shoes is a human being, and the person who has none of these is worse than someone who is dead and buried.”

From the rabbis’ perspective, the greatest Jewish leaders of the past should have ridden on horses. For this reason, a Talmudic tradition related that the authors of the Greek translation of the Torah had altered the sacred text, so that Moses would be described as riding a horse, in keeping with his position of

leadership, rather than on a lowly donkey, which would have disgraced our greatest prophet in the eyes of foreign readers (*Megillah* 9a).

According to the Talmud (*Sanhedrin* 105b, *Avodah Zarah* 4b), Balaam was ridiculed by his aristocratic colleagues because he rode a humble donkey, instead of the horse that should have conveyed a royal emissary of his stature. The pagan prophet tried to defend his dignity by declaring disingenuously that his horse happened to be in the shop (or pasture) that week. Just his luck that his donkey could talk and divulge the truth.

Jewish traditions from the Second Temple era equated the riding of horses with collaboration with the Greek or Roman enemies. Thus, at the time of the Maccabean uprising, the Hellenistic High Priest Alcimus taunted the martyred sage Yosé ben Yoezer: “Look at my horse, which my Roman master has allowed me to ride! (*Genesis Rabbah* 65:22)”

A certain individual who rode a horse on the Sabbath during the days of the Greeks was executed “not because he really deserved it, but because the hour demanded such action.” The violation of the Sabbath restrictions was considered to be of a lesser severity; however, the riding of a horse was seen as a dangerous betrayal of religious principles (*Sanhedrin* 46a).

So obvious was it that loyal Jews would not ride horses that, according to one tradition, a group of Pharisaic rabbis, in the days of the Sadducee king

Yannai, fled to Lebanon in a time of sectarian persecution and were able to conceal their presence from hostile pagans by tying a horse to the front gate of their hiding place. Potential assailants simply ruled out any possibility that pious Jews could have a horse parked in front of their house.

It is probably no mere coincidence that the most notorious heretic of the Talmudic era was also one of its few Jewish horsemen. Elisha ben Abuya, who abandoned his heritage and collaborated with the Romans, rode his horse beyond the distance permitted on the Sabbath. And just so that there should be no misunderstanding of his intentions, he also made a point of trotting along on the Temple Mount on a Yom Kippur that fell on the Sabbath (*Hagigah* 15a).

The upshot of all these stories is that horses were associated with the qualities that were most antagonistic to Jewish values: oppression, arrogance, and atheism. The beast was accused of every kind of obnoxious trait; including that it “enjoys promiscuity and loves war, is overbearing, hates sleep, eats much and excretes little; and some say that it tries to kill its owner in battle” (*Pesahim* 113b).

Another old adage insisted that “one who purchases a horse in the marketplace in order to ride it and flaunt himself before his fellows – is destroying his reward in this world, and abolishing the fruits of the world to come.”

Is it any wonder that the great rabbis of the Talmud and Midrash, like the prophets of biblical

days, took care to travel on more modest steeds, such as mules and donkeys?

I think that the Jews of the Canadian prairies are ideally positioned to effect a reconciliation of this tragic historic enmity. It is finally time for us to rein in all that ingrained hostility and ride off together into the sunset.

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## THE RIGHT VAMPIRE<sup>\*</sup>

~ In that 1967 film classic “The Fearless Vampire Killers,” there is a memorable scene in which a lady tries in vain to fend off the vampire Shagal by waving a cross at him. The creature of the night, with an unmistakable Yiddish intonation, retorts, “Boy, have you got the wrong vampire!”

Indeed, the literary and cinematic depiction of vampires, from *Dracula* onward, has been so strongly imbued with Christian symbolism that the very idea of a Jewish vampire makes an easy target for such comedic moments; notwithstanding the tragic medieval blood libels that charged Jews with using Christian blood in the preparation of Passover matzah.

Nevertheless, the study of medieval Jewish texts teaches us that a belief in vampire-like creatures was very intense in certain Jewish communities. Not surprisingly, this belief tended to surface in settings where it was also prevalent among their non-Jewish

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neighbours. That the concept was of foreign origin is also indicated by the non-Hebrew names by which the fearsome creatures were designated.

Most of the Jewish references to vampires are contained in the writings of the Hassidei Ashkenaz, a mystical pietistic movement that flourished in thirteenth-century Germany. The monsters were usually female, and were referred to as *estries*. The term is French, and derives from *strix*, a Latin word for a night-owl. The ancient Romans believed that the owls consume human blood, and Petronius tells a scary tale about a certain Cappadocian who was snatched away by a *strix* and later found dead. The *striges* were said to be terrible women who could turn themselves into dreadful birds of prey, with huge talons, misshapen heads, and breasts full of poisonous milk. In medieval folklore, they continued to be associated with screech owls.

Cannibalistic behaviour typified the medieval German *estries*, who were believed to have a special fondness for the flesh of children. During the Middle Ages, the *striges* were given a Christian interpretation, and they were perceived as servants of Satan and his demons. They were usually portrayed as witches who practised sorcery and flew through the air.

Several chilling stories about them were preserved by the Hassidei Ashkenaz, especially in the most important collection of the group's lore, Rabbi Judah the Pious's *Sefer Hasidim*.

According to *Sefer Hasidim*, the Talmud (*Avot* 5:6) was referring to *estries* when it spoke about beings

who were created at twilight on the first Friday, and whose bodies were not completed when God ceased working at the onset of the Sabbath.

A different theory was proposed by the fifteenth-century commentator Rabbi Menahem Zioni. Basing himself on Midrashic sources, he claimed that it was the builders of the Tower of Babel who were transformed into vampires, werewolves, wood- and water-spirits, and sundry monsters. The same author speaks of men and women who, by anointing their bodies with special oils, are able to fly. They must, however, return home before the break of dawn.

The sixteenth-century exegete Rabbi Obadiah Sforno speculated that supernatural beings like demons could not consume normal food. It follows, therefore, that their diet consists of the most subtle and spiritual substance, and this must be blood, which the Torah equates with the power of life. By extension, humans who desire to befriend the spirits will offer them blood; while those who aspire to partake of supernatural powers are likely to consume blood themselves.

In one story that appears in *Sefer Hasidim*, a woman who was an *estrie* fell ill, and was watched over during the night by two unsuspecting ladies. When one of the guardians dozed off, the patient suddenly stood up and began to unravel her hair. In true Dracula-like style, the *estrie* tried to fly off and to suck out the blood of the slumbering lady. Fortunately, her alert companion managed to cry out and wakened her, and the two of them were able

to seize the *estrie* and prevent her from carrying out her nefarious scheme.

The *Sefer Hasidim* had no doubt that the *estrie*'s survival depended on her success in slaying her victim. If prevented from doing so, the *estrie* perished. "This is because a being who was created from blood needs to swallow blood from flesh."

The medieval texts prescribe several different ways to restrain the *estries* – none of which involves crosses, holy water, or wooden stakes. They could be controlled by the imposing of an oath upon them. Furthermore, since their powers were somehow dependent on the loosening of their hair, they could be rendered harmless if the hair was somehow held in check. And if a known *estrie* was included in the prayer for the sick that is recited in the synagogue, then the congregation was cautioned not to respond "Amen"!

Although an *estrie* could be injured by a physical blow, the effect of the blow could be undone if she was allowed to eat bread and salt belonging to her assailant. Conversely, bread and salt also worked as an antidote to injuries inflicted by the *estrie*.

At first glance, it is hard to imagine how anyone would be stupid enough to offer bread and salt to an *estrie* after taking the trouble to attack her. However, we must bear in mind that the creatures were capable of morphing themselves into different forms, and therefore were not easy to recognize. Rabbi Zioni described this ability in detail, and noted that they had a special propensity for turning into cats.

*Sefer Hasidim* records a case of a suspected *estrie* who had assumed feline form. However, a certain Jew recognized her true identity (the source does not indicate how) and struck her. On the following day, a lady asked him for some bread and salt, and the imprudent Jew would have complied had it not been for an old man who appeared on the scene and warned him of his folly.

As with our familiar vampires, the malevolent power of the *estries* did not cease with their deaths. For this reason, it was important to examine their corpses very carefully. Rabbi Eliezer Rokeah states that if the *estrie* has her mouth open when she is buried, you may be certain that she will continue to devour children for a year after her death. In order to curtail such anti-social behaviour, it is crucial to stuff her mouth with earth.

Most of the Hebrew descriptions of *estries* seem to assume that the creatures were not Jewish. However, at least one story implies otherwise.

Thus, we read in *Sefer Hasidim* about some students who wanted to inflict capital punishment on women who were accused of baby-eating. The rabbi reminded them that, while in exile, Jewish courts did not have such authority. He did, however, suggest that an announcement be issued in the synagogue, in the presence of the suspects, that if any harm should befall the children, then they would have their teeth filed on the stones surrounding the well. If the accused were in fact guilty, then the ordeal would result in their inevitable deaths.

Of course, the fact that the *estries* in this story attended synagogue proves that they were Jews – and observant Jews at that!

To the best of my knowledge, Jewish sources have not recorded any vampire sightings for several centuries now. Nor is there any truth to the widespread rumours that the bloodsuckers have been recruited as fundraisers for the United Jewish Appeal.

Nevertheless – purely as a precaution – parents are advised to take some precautions the next time a sweet old *bubbeh* tells them that their precious infant looks “sweet enough to eat.”

### Suggestions for Further Reading

Dan, Joseph. *The Esoteric Theology of Ashkenazi Hasidism*. Jerusalem: Mosad Bialik, 1968 [Hebrew].

Trachtenberg, Joshua. *Jewish Magic and Superstition: A Study in Folk Religion*, Temple Books. New York: Atheneum, 1970.

## GOING TO THE ANTS\*

NEWS ITEM 1998–99. DreamWorks’ “Antz” and Disney-Pixar’s “A Bug’s Life,” two animated features about the insect world, are among the most popular films and video releases of the year.

~ “Go to the ant, thou sluggard; consider her ways, and be wise.” Such was the exhortation of the wise King Solomon in the biblical book of Proverbs (6:6).

To judge from the shelves of the video shops, many of us have been following his advice, and have developed a sublime fascination with the personal lives of talking animated insects. The complex social structures of ants, gnats, and beetles have fired up our imaginations, as we strive to visualize in human-like terms the workings of those miniature communities.

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According to Jewish legend, Solomon himself mastered the ability of communicating with the beasts, to the extent that he appointed a special prince – appropriately, a lion – to oversee the animal kingdom.

A medieval Hebrew work, evidently translated from an Arabic original, relates how one day, while travelling about on his flying carpet, Solomon overheard an ant calling to its fellows to hide themselves lest they be trampled by the Israelite armies. The king landed and angrily ordered that the impudent speaker be brought before him. The bug in question, who was in reality none other than the queen of the ants, explained that she had made her announcement out of fear that her subjects, in their eagerness to catch a peek at Solomon's hosts, be distracted from their more important duty of praising the Creator.

Impressed by her diplomacy, King Solomon asked the ant queen to answer a question for him. However, she refused to do so until he consented to pick her up in his hand and raise her to the level of his head. Only after he had done so was he allowed to pose the question "Is there anyone else in the world as great as I?"

The impertinent insect answered simply, "Yes. I am."

When called upon to explain herself, she reminded him who it was that was carrying whom. The proud king flew into a rage until the clever ant succeeded in humbling him with reminders of his frail mortality.

Notwithstanding his alleged encounter with the ant queen, Solomon had praised the ants in Proverbs



for conducting their complex society in spite of their “having no guide, overseer, or ruler.”

It was told of the second-century Rabbi Simeon ben Halaftha, who had a reputation for seeking empirical verification of such claims, that he devised an experiment to examine the political regimes of ant-dom. According to the Talmud, Rabbi Simeon visited an ant-hole on a hot midsummer day, when no self-respecting ant would show its face. He spread a cloak over the area, making it appear that it was nighttime. When the first ant emerged from the nest, Rabbi Simeon tagged it for subsequent identification. Mr. Ant then returned to the nest to report to his fellows that it was safe to venture outside since it was now shady. When the ants started emerging en masse, the rabbi removed the cloak, exposing them all to intolerable sunlight. So angry were they at the hapless scout that they fell upon him forthwith and lynched him (*Hullin* 57b).

From this instance of uncontrolled mob justice, Rabbi Simeon wished to deduce that ants do not have any ruler, confirming the statement in the Book of Proverbs (6:6–8). Other rabbis, however, found this proof less than convincing, since the evidence could be explained according to alternative hypotheses: perhaps, some suggested, the king was present in the mob; or there might have been a standing royal protocol for dealing with such cases; alternatively, the incident might have occurred during a temporary interregnum.

Some of the rabbis claimed intimate familiarity with the personal conversations of insects. Thus, Rav Pappa once cited a popular adage about how Mrs. Gnat held a grudge against her spouse for seven years, after he had taken a juicy bite from one of the plump citizens of Mahoza who had just come out from bathing – but had not invited her to the feast! (*Hullin* 58b).

This domestic tragedy (which lends new meaning to the expression “seven-year itch”) was also cited as evidence in a rabbinic scientific dispute, since it appeared to contradict the generally held hypothesis that a gnat’s life span is only one day. The proof was ultimately rejected by the sages, since the story might have been speaking in “gnat years.”

All in all, these Talmudic vignettes about the inner workings of the insect kingdom are both instructive and entertaining. I hope that some of my enterprising readers, who are assuredly no sluggards, will appreciate their potential, and turn them into animated movies before Disney or DreamWorks beat them to the box office.

### Suggestions for Further Reading

- Ginzberg, Louis. *The Legends of the Jews*. Translated by H. Szold. 7 vols. Philadelphia: Jewish Publication Society of America, 1909–39.
- Jellinek, A. “Ma’aseh Bi-Shelomoh Ha-Melekh.” In *Beit Ha-Midrash*, ed. A. Jellinek, 2, 86–87. Jerusalem: Wahrmann, 1967.

## GLOSSARY

### **AGGADAH**

Hebrew or Aramaic: telling, narration. The component of rabbinic literature that is not concerned directly with legal issues (opposite of “halakhah”). Aggadah encompasses diverse topics and genres, including sermons that were delivered in synagogues during the era of the Talmud and Midrash.

### **ASHKENAZ [ENGLISH ADJECTIVE: ASHKENAZIC]**

Taken from the name of an obscure nation mentioned in the Bible (Genesis 10:2), the term was adopted in the Middle Ages to designate Germany. It is used principally to refer to the Jews of Germany and their successors in eastern Europe, America, and other localities. Ashkenazic Jews evolved their own ritual customs and developed their distinctive vernacular, known as Yiddish, a German dialect with many borrowings from Hebrew, Aramaic, Romance, Slavic, and other languages.

**BA'AL T'SHUVAH**

Hebrew: a penitent. In recent usage, the expression is frequently used to designate previously non-observant Jews who take on a life of traditional religious observance.

**BAREKHU**

Hebrew: “Bless [the blessed Lord].” The invitation to prayer recited by the prayer leader at the beginning of the mandatory morning and evening services, in the presence of a quorum.

**BEN AND BAT**

Hebrew: son/daughter [of]. Traditional Hebrew names are usually composed of the given name and the name of the father; e.g., Isaac ben [son of] Abraham. A woman would be identified as Dinah bat [daughter of] Jacob.

**B'RIT**

Hebrew: covenant. The theological concept that the people of Israel have entered into a covenant with God that requires their obedience to the commandments of the Torah.

Specifically, the term is often used to designate circumcision, accepted as a sign of the covenant by Abraham and his descendants (Genesis 17:9–15). Normally, male Jewish infants are circumcised in a religious ceremony on the eighth day after birth.

**BUBBEH**

Yiddish (Slavic): Grandmother, old lady.

### GA'ON

From Hebrew: pride. The title given to the head of the rabbinical academies in Babylonia and the Land of Israel during the early Islamic era.

During the medieval era, the title was occasionally attached to certain distinguished rabbis, such as Rabbi Nissim Ibn Shahin of Kairowan (eleventh century), and especially Rabbi Elijah of Vilna (1720–97). In contemporary usage, it is common to attach the honorific “Ga'on” to the name of almost any rabbi.

### GABBAI

Hebrew: collector [of charity or taxes]. The term has been used in the past to indicate diverse administrative positions in the Jewish community. It is now used most commonly to designate the synagogue beadle in charge of organizing the prayer services.

### GAN EDEN

Hebrew: The garden of Eden. The paradise inhabited by righteous souls in the afterlife.

### GENIZAH

According to Jewish law it is forbidden to actively destroy or discard sacred texts. Religious books that have become unusable are placed in special depositories (usually in synagogues), where they are allowed to decompose naturally. Often, after the depositories become filled, they are transferred to a cemetery for interment in the earth. Such a depository (which can be an entire room or a simple box) is referred to in Hebrew as a *genizah*.

The **Cairo Genizah** was established in the twelfth century in a synagogue in Fustat, the Egyptian capital. Because of the dry climate that retarded decomposition, and their

inclusive definition of what constitutes a sacred text (virtually anything written in the Hebrew alphabet, as was the custom among Arabic-speaking Jews even for simple business documents), the Cairo Genizah came to contain hundreds of thousands of texts, most of them in fragmentary state. The Genizah is not limited to literary works, but has personal letters, business contracts, and other invaluable records of daily life. It continued to be actively used until the late nineteenth century, when Solomon Schechter realized its importance and brought its remaining contents to Cambridge University. The study of the Genizah manuscripts has revolutionized virtually every area of ancient and medieval Jewish studies.

#### **HALAKHAH [ENGLISH ADJECTIVE: “HALAKHIC”]**

Apparently derived from the Hebrew word for “walking,” this term is used to designate the component of rabbinic activity and literature that deals with the derivation and application of religious law.

#### **HANUKKAH**

Hebrew: dedication; consecration. An eight-day celebration, beginning on the twenty-fifth day of the Hebrew month of Kislev (usually in December), in commemoration of the successful Jewish uprising against the religious persecutions of the Hellenistic Syrians under Antiochus IV in 168 B.C.E. The name alludes to the rededication of the Jerusalem Temple in 164 after it had been profaned by the pagans.

The festival is celebrated with the lighting of lamps every night, in commemoration of a legend in the Talmud about how a flask of pure oil that should only have sufficed for one day was miraculously able to illuminate the Temple for eight days.

## HASSIDISM

From the Hebrew: piety. A religious revival movement that arose in eastern Europe in the latter eighteenth century under the charismatic leadership of Rabbi Israel ben Eliezer of Medzibozh, known as the “Ba’al Shem Tov” or “Besht.” Hassidism incorporated many elements of previous Jewish religiosity, but was distinguished by its preference for spontaneous religious fervour over scholarly erudition and Talmudic study. Hassidism formulated a popular mystical doctrine based on the Kabbalah, and stressed forms of religious expression that could be observed by the common and uneducated classes; a fact that provoked fierce opposition from the scholarly religious leadership.

Later generations of Hassidism adopted a charismatic model of leadership in which local leaders served as spiritual intermediaries, and were revered as supernatural wonder-workers.

## KABBALAH

Hebrew: received tradition. An esoteric interpretation of Judaism based on a symbolic structure of ten emanated powers (*sefirot*) through which the unknowable God created and guides the universe, and through which humans can interact with the divine realms. Kabbalistic doctrine is first attested in southern France and Spain in the twelfth century. Kabbalists utilize the symbolism of the ten sefirot to provide profound allegorical interpretation of the Bible and other classic Jewish texts, and to attach cosmic metaphysical significance to the observance of Jewish commandments and laws.

The term “Kabbalah” is often employed in a more general way to designate all manifestations of Jewish mysticism.

### KARAITES

“Scripturalists”; a Jewish movement that arose in the eighth century, claiming to acknowledge only the authority of the Bible, while rejecting the oral tradition that was advocated by the rabbis and embodied in the Mishnah and Talmud.

### KETUBBAH

Hebrew: written document. The Jewish marriage contract, a prenuptial agreement in which the couple set out their legal responsibilities to one another, and the obligations undertaken by the husband (or his estate) to support the wife in the event of the termination of the marriage through divorce or death.

### KOHEN [PLURAL: KOHANIM]

Priest. According to the Torah, all priests are descendants of Moses’ older brother Aaron. This family was set aside to conduct the divine worship in the holy temple, including the offering of sacrifices. The Kohens were subject to stringent laws of holiness and purity, and were supported by prescribed portions of produce that were set aside for their upkeep. Since the destruction of the Jerusalem Temple and the consequent inability to offer sacrifices or maintain standards of purity, the Kohens’ role remains largely symbolic, limited to such features as being the first to participate in the liturgical reading of the Torah, avoidance of corpses and cemeteries, and the recitation of a special “priestly blessing” in the synagogue.

### KOSHER

Hebrew, *kasher*: fit; proper. Usually employed to designate food that is permissible for consumption in accordance with the Jewish dietary rules.



**MAIMONIDES, RABBI MOSES (1135–1204)**

Rabbi Moses ben Maimon, known also by his Hebrew acronym Rambam, was one of the most prominent and influential Jewish scholars of the time. Born in Spain, his family fled persecution settling in Fustat (Cairo), Egypt, where he was active as physician, scholar, and community leader. Maimonides formulated a controversial integration of traditional Judaism and Aristotelian philosophy. His major works include: his Arabic commentary to the Mishnah; his enumeration of the 613 Commandments of the Torah; the *Mishneh Torah*, a comprehensive and systematic codification of all of Jewish law; and the *Guide of the Perplexed*, his philosophical masterpiece.

**MATZAH**

Hebrew: Unleavened bread, consumed on the biblical festival of Passover (Exodus 12:39; 13:6, etc.).

**ME'AH SHE'ARIM**

A well-known neighbourhood in Jerusalem inhabited by traditionally religious Jews.

**MESSIAH [ENGLISH ADJECTIVE: MESSIANIC]**

From the Hebrew: anointed. In biblical times, the ceremonies for installing priests and kings involved the ritual anointing of their heads with olive oil. Hence, the vision of restored Jewish sovereignty in a redeemed future came to be associated with the figure of an anointed monarch from the line of King David, who will rule over an ideal and united Israel in the end of days.

## MEZUZAH

Hebrew: doorpost. A parchment containing biblical texts that is attached to the doorposts of houses and rooms in fulfillment of the biblical precept “And thou shalt write them upon the posts of thy house, and on thy gates” (Deuteronomy 6:9, etc.).

## MIDRASH

The component of ancient rabbinic teachings and literature that is related to the Bible. The term “Midrash” (from a root meaning “search, seek”) can refer to the method of interpretation, to the teachings themselves, or to the collections and books in which they appear. Midrash can be exegetical, focusing on the systematic interpretation of biblical texts; or homiletic, using biblical quotations to fashion an artistically structured literary sermon.

## MINYAN

Hebrew: quorum. In traditional Jewish practice, the quorum of ten adult male Jews required for the performance of the full prayer service and various other rituals. In colloquial usage, “minyan” is sometimes used to refer to the worship service itself.

## MISHNAH

A collection of traditions, assembling the decisions and opinions of Jewish sages, mostly from the first two centuries C.E. Composed in Hebrew, the Mishnah classifies the major areas of Jewish religious law into six main topics (“orders”), which are in turn subdivided into some sixty treatises (“tractates”). The Mishnah is differentiated from other collections produced at the time by the fact that it follows a logical, topical order, rather than expounding the Bible. The definitive version of the Mishnah was com-

piled orally by Rabbi Judah the Prince early in the third century, at which point it became a source of religious authority and a topic of study for subsequent generations of Jewish scholars.

#### **NAHMANIDES, RABBI MOSES (1194–1270)**

Rabbi Moses ben Nahman, known also by his Hebrew acronym Ramban, lived in Gerona in Christian Catalonia. Although he was a fiercely independent thinker, he was also a religious conservative who defended established beliefs and institutions against new ideas. Following his participation in the disputation of Barcelona of 1263, he emigrated to the Holy Land in 1267.

Nahmanides contributed to many areas of Jewish thought and scholarship. His major works include: an incisive commentary on the Torah (including some Kabbalistic interpretations), analytical commentaries on the Talmud; and many volumes of responsa, sermons, and ethical works.

#### **NASI**

Hebrew: Prince; patriarch. The title given to the leader of the Jewish supreme court (Sanhedrin) and Israeli community during the Talmudic era. During the earlier part of the era the Nasi was expected to combine political and religious scholarly authority; though in the latter part it became more of a political office.

#### **PIRKEI AVOT**

Hebrew: The Chapters of the Fathers. A tractate in the Mishnah consisting of words of spiritual wisdom ascribed to early Jewish sages (“the fathers of the world”). This work enjoys great popularity, and in many communities it is customary to read chapters from it on Sabbath afternoons during the spring and summer.

## **PUSHKAH**

Yiddish: a coin-box for charity.

## **RABBI [ENGLISH ADJECTIVES: RABBINIC, RABBINICAL]**

Hebrew: “my master.” A title that came into use toward the end of the first century C. E. to designate an ordained authority on Jewish tradition, authorized to serve as a judge on a religious court and to issue rulings on matters of religious law and practice. In modern times and in liberal Jewish movements, the rabbi has taken on functions associated with clergy.

## **RASHI (1041–1105)**

Acronym for Rabbi Solomon ben [son of] Isaac; the foremost Jewish commentator on the Bible and Babylonian Talmud.

During his student years, Rashi studied with the leading Jewish scholars of Germany and France, but lived most of his life in Troyes, northern France, where he earned his living in the wine trade. Rashi’s commentaries on the Bible, especially on the Torah, present a variety of traditional and scholarly approaches, incorporating many interpretations from the Talmud and Midrashic works.

Rashi’s commentaries occupy a central place in traditional Jewish learning, providing the standard explanations through which Jews approach their authoritative religious texts.

## **RESPONSA**

A branch of rabbinic literature beginning in the early medieval era, in which prominent rabbis were consulted on questions of religious law or Talmudic interpretation and their written answers were preserved in published collections. The responsa are an important source for tracing

the interaction between authoritative texts and the changing historical or social realities.

**SECOND COMMONWEALTH (ALSO KNOWN AS THE SECOND TEMPLE ERA)**

The era in Jewish history that extends from the return of the Jews from the Babylonian exile in the sixth century B.C.E. and the construction of the second Jerusalem Temple, through to the destruction of Jerusalem by the Romans in the year 70 C.E.

**SEPHARAD [ENGLISH ADJECTIVE: SEPHARADIC]**

A Biblical term referring to Spain, and used to designate the Jews of Spain and other Arabic-speaking or Muslim countries during the Middle Ages, or Jewish communities whose ancestors fled from Spain or Portugal after the expulsion in 1492.

**SHABBAT**

The Sabbath, the biblical day of rest, extending from Friday evening to Saturday night, in commemoration of God's creation of the universe in six days, and the liberation of the Hebrews from Egyptian slavery. According to traditional Jewish practice, no creative labour (as defined by Jewish law) may be performed by Jews during this time, and many special prayers, customs, and rituals give the day its unique spiritual character.

**SHAMMASH**

Hebrew: Caretaker, usually of a synagogue.

**SHOHET [PLURAL: SHOHETIM]**

Ritual slaughterer.

**SHNORRER**

Yiddish: A beggar.

**SHULHAN ARUKH**

Hebrew: The arrayed table. An important codification of Jewish law compiled by Rabbi Joseph Caro (1488–1575), summarizing the practical legal decisions of the major rabbinic authorities until his time. Caro was a Sepharadi and made use primarily of Sepharadic authorities. A Polish scholar, Rabbi Moses Isserles of Cracow, composed a set of glosses incorporating the traditions and customs of Ashkenazic Jewry, thereby making the Shulhan Arukh usable by those communities. All editions of the Shulhan Arukh include both Caro's original work and Isserles' glosses.

With the religious fragmentation of Jewish life since the eighteenth century, the acceptance of the Shulhan Arukh's authority has often been viewed as a defining criterion of orthodox traditionalism.

**SIDDUR**

Hebrew: "order." The order of prayer; the Jewish prayer book.

**SUKKAH**

Hebrew: booth; tabernacle. A temporary structure in which Jews are required to dwell in observance of the biblical autumn holiday of Sukkot (Tabernacles; see Leviticus 23:42–43).

**TABERNACLE**

The mobile sanctuary built by the Israelites for use during their wanderings through the Sinai desert prior to their

settlement in the promised land and the building of the Jerusalem Temple. See Exodus 26, etc.; cf. *sukkah*.

### TALMUD

One of two monumental commentaries on the Mishnah collecting the opinions and debates of Jewish religious scholars from the third century and for several centuries afterward. Two Talmuds have come down to us: the “Jerusalem” or Palestinian Talmud, and the Babylonian. Though the two works are similar in their purpose and structure and contain much common material, it was the Babylonian Talmud that achieved prominence during the Middle Ages and is usually referred to as “the Talmud.”

The Talmuds are composed in a combination of Hebrew and Aramaic. They are distinguished by the intricate modes of logical argumentation that the rabbis apply to the interpretation of the Mishnah and to other topics. The opinions of the participating rabbis are subjected to critical scrutiny and logical analysis and are compared to proof-texts from the Bible and other statements by the rabbis.

Although they are organized principally as critical expositions of the religious law of the Mishnah, the Talmuds contain diverse types of material, including Biblical exegesis, homiletics, moralistic teachings, case law, legends about biblical figures and rabbis, and much more.

### TANAKH

A modern term used to indicate the Hebrew Bible. It is an acronym for the Bible’s three main divisions: Torah; Nevi’im (Prophets); Ketuvim ([Sacred] Writings).

## TEMPLE

The sanctuary in Jerusalem that was, according to biblical law, the only place where sacrificial worship might be conducted. The first Temple was built by King Solomon and was destroyed by the Babylonians under Nebuchadnezzar. The second Temple was constructed by the exiles returning from the Babylonian captivity and destroyed by the Romans in 70 C.E.

## T<sup>ʿ</sup>FILLIN

Leather boxes containing handwritten passages from the Torah on parchment, which are strapped on the arm and head in fulfillment of the precept to bind God’s words “for a sign upon thine hand, and they shall be as frontlets between thine eyes” (Deuteronomy 6:8, etc.). In standard practice, they are worn by men during weekday morning prayers.

*Tʿfillin* is often translated incorrectly as “phylacteries,” a term that means “amulet” or “good luck charm.”

## TORAH

Hebrew: “teaching” or “instruction.” Torah is applied most specifically to designate the first five books of the Hebrew Bible (also known as the Pentateuch or “Five Books of Moses”), which Jewish tradition regards as the most important and authoritative section of the Bible.

In a more general sense, the term is used to refer to the full range of Jewish religious teaching.

## TOSAFOT

Hebrew: additions. A school of Talmud commentators in medieval France and Germany (twelfth to fourteenth centuries) known for their critical analyses of selected passages in the Talmud. The name “Tosafot” probably refers



to their original function as supplements to Rashi's commentary, since they often propose alternative interpretations to Rashi's. Some of the founders of the school were Rashi's own students and grandchildren.

The typical structure of a Tosafot passage begins with a presentation of Rashi's explanation, then points out a contradiction or logical difficulty and attempts to resolve the problem through a new understanding of the passage and its issues. Tosafot are included in all the standard printed editions of the Talmud.

#### **TOSEFTA**

A collection of oral traditions organized in the same manner as the Mishnah, in the same six orders and almost all of the same tractates. The Aramaic name means "supplement," and the purpose of the Tosefta was evidently to serve as a supplement to the study of the Mishnah by providing explanations, alternative traditions, and other relevant teachings of the early rabbis. The Tosefta was compiled about a generation after the Mishnah, i.e., in the early or middle third century C.E.

#### **TZEDAKAH**

Hebrew: justice; righteousness. Charity, support for the poor.

#### **YARMULKE**

Yiddish: skullcap. A head covering customarily worn by traditional Jewish males as a mark of reverence.

#### **YESHIVAH**

A school for advanced religious study, primarily of the Talmud and religious law. In ancient times the primary

designation of *yeshivah* was a court (where religious traditions were debated in order to determine the law).

### **YOM KIPPUR**

Hebrew: The Day of Atonement (see Leviticus 16). Celebrated on the tenth day of the Hebrew month of Tishri (September or October), this is the most solemn day of the Jewish festival calendar, the culmination of a penitential season, in which Jews beseech God for forgiveness of their sins. In ancient times, the focus of the day was on an elaborate sequence of sacrificial rituals conducted by the High Priest in the Jerusalem Temple, especially the symbolic transfer of the people's sins to the "scapegoat" who is sent out to perish in the wilderness. After the destruction of the Temple, the unique character of the holiday was marked by solemn prayers in the synagogue and a twenty-four-hour fast.

## INDEX

- A
- Aaron Bar Asher, 22
- Abdur-Rahman III, 153
- Abelard, Peter, 56
- Abraham, 45, 96, 131, 146
- Abraham ben David of  
    Posquières, Rabbi (the  
    Ravad), 257–58
- Abravanel, Don Isaac, 62
- Abravanel, Dona Benvenida,  
    185–87
- Abudraham, Rabbi David,  
    39–40
- acoustics, 219
- Adam, 45, 80
- adultery, 141
- Aeneas, 257
- Afghanistan, 43
- afterlife, 101–5, 287
- Agag, 143
- Aggadah, 223, 285
- Akiva, Rabbi, 216
- Akkadian, 78, 147
- Albo, Rabbi Joseph, 143
- alchemy, 178
- Aleppo, 23  
    Bible Codex (Crown,  
    Keter), 22
- Alexander II, Czar, 12, 13
- Alexandria, 263
- Alkabetz, Rabbi Solomon, 130
- al-Rumi, Jalal ad-Din, 34
- Amalek, 128, 143
- Ammonites, 128
- Amorites, 148
- Amsterdam, 87–90
- Andrew of St. Victor, 53
- angels, 148, 230–32
- animals, 60, 101–5, 261  
    kosher, 104
- Antiochus IV Epiphanes, 72,  
    288
- anti-Semitism, 10, 184
- Antoninus, 175
- ants, 282  
    queen of, 282
- Antz* (Dreamworks), 281
- archives, 16
- arendars*, 198, 199, 200
- Aristotle, 103
- Ashkenazic Jews, 18, 40, 74,  
    93, 285

Asia Pacific Economic  
Summit, 145  
atonement, 130, 161  
attics, 225  
Augustine, Saint, 62  
Azriel, Rabbi, 208

## B

Ba'al Shem Tov, Rabbi Israel,  
104, 180, 288  
Bactria, 44  
Badis, 153  
Bahya ben Asher, Rabbi, 130  
Balaam, 271  
Balkh, 44  
ball-playing, 235–38  
bandits, 23, 190  
banks, 183–87  
Canadian, 183  
Barak, Ehud, 21  
Bathsheba, 140–41  
bears, 167–69  
beauty, 83–86  
beggars, 119–23, 175  
Bekhor-Shor, Rabbi Joseph,  
61  
Ben Kamsar, 4–5  
Ben-Yehudah, Eliezer, 267  
Ben-Zvi, Yitzhak, 25  
Berakhiah, Rabbi, 244  
Berbers, 156  
best man (shoshbin), 78–81  
Bible, 297  
and horses, 269  
commentators, 17, 44,  
51–56, 61, 72, 128, 129,

130, 146, 230

Bingo, 133  
blindness, 146  
Boluggin, 153  
Book of the Pious (*Sefer  
Hassidim*), 116, 117  
Bre-X Minerals, 177, 179  
Brooks, Mel, 206  
Brussels, 88, 89  
Buber, Martin, 34  
Buddhism, 66, 67  
Zen, 67  
*Bug's Life* (Disney-Pixar), 281  
Busang, 177

## C

Cairo, 23  
Calgary, 119, 133, 177  
Stampede, 34, 269  
Candia, 116, 192  
Cannibalism, 276  
capital punishment, 279  
capitalism, 195  
card-playing, 135  
Caro, Rabbi Joseph, 296  
carpenters, 205  
Cassuto, M. D., 24  
Castille, 110–11  
Catalonia, 198  
censorship, 12–13  
Czarist, 11  
census, 127–32  
Cervantes, Miguel de, 216  
Chajes, Rabbi Zvi Hirsch, 4, 5  
charity, 119–23, 175, 191, 293,  
299

- Chaucer, Geoffrey, 216
- Christianity, 3, 5, 32, 45, 51–56, 59, 62, 77, 88, 97, 98, 141, 178–80, 184, 198, 249, 275–76
- Christmas, 135
- circumcision, 72–74, 73, 109, 111, 286
- Clinton, Bill, 139
- closing the synagogue, 114–17
- Cologne, 115
- Columbia, 189
- comedy, physical, 205–9
- commandments, 38
- competition, 196–200
- Conservative Judaism, 39
- consumers, 195–200
- Cordoba, 152, 155
- counting worshippers, 129
- courts, 78, 114, 115, 134, 153, 159, 160, 179, 213
- Crimean War, 10
- Crusaders, 192
- D*
- d'Acosta, Uriel, 89
- Da Pisa, Abraham, 185
- Da Rieti, Ishmael, 185, 186, 187
- David, King, 128, 139–43, 155
- Davin of Caderousse, 5, 6
- Day of Atonement, 300
- Dayan, Moshe, 267
- de Barrios, David Levi, 88–90
- de Barrios, Don Miguel, 88–90
- de Pina, Abigail, 89–90
- de Somni, Leone, 136
- Dead Sea Scrolls, 17
- De-Arli, Rabbi Joseph, 186
- debt, 173–76
- demons, 74, 230, 276–77
- deregulation, of public utilities, 195
- Dervishes, 33
- dice, 134
- dietary laws, 255, 290
- divorce, 142
- dolphins, 256–57
- donkeys, 270–71
- Dov Ber of Mezritch, Rabbi, 104
- dress codes, 98
- drugs, 247–51
- E*
- East Prussia, 11
- Ecclesiastes, 101, 121, 215–19, 242–45, 270
- Ecclesiastes Rabbah*, 101, 121
- Egypt, 174, 192, 235, 263
- sages of, 230
- Eidels Rabbi Samuel (Maharsha), 223
- Eleazar of Worms, Rabbi, 230
- Elijah, 167, 175
- Elisha, 147, 166–69, 221–25
- Enlightenment, 47
- Ensisheim and Wasserberg, fortresses, 191
- environmental crisis, 168

environmental movement,  
165–69  
Essenes, 161  
*estries*, 276–80  
ethics, 200, 214, 225  
Ettinger, Rabbi Isaac Aaron,  
200  
evil eye, 130, 174, 176  
Ezra, 22

## F

Falk, Rabbi Samuel Jacob  
Hayyim, 180  
*Fearless Vampire Killers*, 275  
Feinstein, Rabbi Moses, 98  
Ferrara, 216  
festivals, 236  
Fez, 112  
Fifteenth of Av, 84  
first-borns, sanctification of,  
255  
Forli, 110, 111, 112  
France, 40, 114, 236  
Frankfort, 112  
free enterprise, 195–200  
frog, giant, 231–32  
funerals, 72, 74  
Fürth, 111, 115

## G

gambling, 133–36, 237  
Gan Eden, 287  
genetic mutation, 255  
Genghis Khan, 44

Genizah, 16, 287  
Cairo, 17, 38, 39, 46, 114,  
134, 192, 287  
European, 15–19  
Italian, 17  
Germany, 40, 114, 236, 285  
Gerona, 18  
Gershom, Rabbenu, 115  
Talmud commentary by  
disciples of, 256  
gifts, 77–79, 111  
promotional, to children,  
196  
Gnostics, 45  
God  
and Israel, 80  
names of, 4, 5, 31–34  
Golden Age of Spanish Jewry,  
154  
Golem, 179  
Gore, Al, 151  
Granada, 152–56  
Great Assembly, 243  
Greeks, 243, 271  
Gutenberg, Johannes, 6

## H

Hai Ga'on, 72–73  
Hakuin Ekaku, 67–68  
halakhah, 5, 17, 79, 96, 104,  
155, 196, 197, 212–14,  
236–38, 248, 255, 288  
*Ha-Maggid*, 11  
*Ha-Melitz*, 12–13  
Hananel of Kairowan, Rabbi,  
248

- Hanina, Rabbi, 122, 231, 232  
 Hanukkah, 72, 288  
 Hassidei Ashkenaz (German Jewish pietists), 276–79  
 Hassidism, 103, 104, 288  
 health, guides to, 229–32  
 Hebrew University of Jerusalem, 23  
 herbs, medicinal, 230–32  
 Hertz, Chief Rabbi Joseph, 56  
 Hezekiah, King, 230  
 Hillel, 161  
     School of, 212–13  
 Hiwi al-Balkhi, 44–47  
 Hiyya son of Rav, 247  
 holiness, 224  
 hospitality, 225  
 hostage-taking, 189–93  
 Hugh of St. Victor, 53–54
- I*
- Ibn Ezra, Rabbi Abraham, 44–45, 146  
 Ibn Ghayat, Rabbi Isaac, 73  
 Ibn Habib, Rabbi Jacob, 223, 224, 225  
 Ibn Migash, Rabbi Joseph Hallevi, 198  
 Ibn Nagrela, Rabbi Samuel Ha-Nagid, 152–56  
 Ibn Shaprut, Hasdai, 153  
 impurity, 162  
 incense, 261–64  
 India, sages of, 230
- Indonesia, 177  
 informers, 215  
 Inquisition, 18  
 insects, 281  
 interruption of worship, 114–17  
 Isaiah, 51–52  
 Ishmael, Rabbi, 85  
 Islamic law, 3  
 Isserles, Rabbi Moses, 93–96, 296  
 Italy, 184–87, 216, 235
- J*
- Jacob, 216  
 Jacob Tam, Rabbi, 73, 115, 208  
 Jair, 148  
 Japan, 67–68  
 Jason, 257  
 Jehoiada, 129  
 Jeremiah, 73, 122  
 Jericho, 167, 168  
 Jerome, Saint, 62  
 Jerusalem, 12, 23, 25–26, 40, 72, 84, 86, 119, 122, 129, 140, 261, 267, 273  
 Jesus, 51, 52, 59  
 Jewish Bride (painting by Rembrandt), 87–90  
 Jewish Publication Society of America, 56  
 Joachim II of Brandenburg, 179  
 Joash, King, 129  
 Joseph, 151–52, 174

Joshua, 243–44  
Joshua ben Levi, Rabbi, 249  
journalism, 9–13  
Judah bar Ilai, Rabbi, 38, 196  
Judah ben Simeon, Rabbi, 121  
Judah the Pious, Rabbi, 276  
Judah the Prince, Rabbi, 83,  
175, 293  
Judah, Rav, 193, 256  
Justinian's Code, 212

## K

Kabbalah, 103, 179, 289  
practical, 179  
Kara, Rabbi Joseph, 17  
Karaites, 46, 134, 289  
Kenaz, 148  
ketubbah, 192, 289  
Khorasan, 43  
kidnapping, 189–93  
Kiev, 12  
King James Bible, 31, 55, 60,  
63  
koan, 67  
Kook, Rabbi Abraham Isaac,  
98

Korah, 175  
*Koreh Ha-Ittim* (Yiddish  
newspaper), 10

## L

Lampronti, Rabbi Isaac,  
216–19  
Leone Arie de Modena,  
Rabbi, 136

Levi, Rabbi, 215–18  
Levine, Aaron, 200  
Lewinsky, Monica, 139  
libations, 262  
Lieberman, Joseph, 151  
liquor, 198, 199  
Lithuania, 112  
liturgy, 17, 38, 47, 113  
Loew of Prague, Rabbi  
(Maharal), 179, 250  
London, 180  
Bridge, 180  
Lot, 146–47  
Luntshitz, Rabbi Ephraim,  
117  
Luther, Martin, 179

## M

Macedonia, sages of, 230  
magic, 178  
Maimonides, Rabbi Moses,  
22, 23, 62, 78, 102,  
103, 262, 264, 290  
majority, definition of,  
159–63  
Manicheans, 45  
mannah, 45  
Mantua, 136, 217–18, 235  
manuscripts, 15–19, 23, 40, 54  
marijuana, 247  
Marranos, 88–90  
Marx, Karl, 251  
Masorah, 22–23  
Masorettes, 22  
Mayence, 97, 256



- Mayse Bukh*, 231  
 Medians, 216  
 Medici, Cosimo de', 184  
 medicine, 249–51  
 Meir of Rothenburg, Rabbi,  
     191  
 Me'iri, Rabbi Menahem, 248  
 mermaids, 257  
 Messiah, 51, 175, 291  
 Metz, 111  
*mezuzah*, 5, 291  
 Midrash, 45, 53, 80, 101, 140–  
     41, 148, 166–67, 205,  
     215–17, 242, 244–45,  
     249, 257, 272, 277, 291  
 Mintz, Rabbi Meir, 94–95  
*minyán* (prayer quorum), 117,  
     129, 292  
 Minyat Zifta (Egyptian  
     village), 134  
 miracles, 45, 147, 169, 221  
 Mishnah, 4, 34, 78–79, 84–85,  
     121, 129, 134, 162,  
     175, 178, 190–91, 196,  
     198, 206, 212–13, 262,  
     292–93, 297  
 modesty, 225  
 Moelin, Rabbi Jacob  
     (Maharil), 95, 97  
 monopolies, 186–87, 197–98  
 monsters, 276–77  
 Moravia, 112  
 Mordecai, 151  
 Moses, 33, 45, 80, 127, 140,  
     148, 242, 249, 263, 270  
 murder, 61  
 music, 261–62  
     classical, 261  
 Mu'tazila, 102  
 mysticism, 33, 68  
 mythology, 89  
     Greek, 257
- N*
- Nahmanides, Rabbi Moses,  
     18, 73, 198, 293  
 Nathan the Prophet, 140  
 Nicholas of Lyra, 55  
 Noah, 230  
     Book of, 230  
 North Battleford,  
     Saskatchewan, 165
- O*
- Odenathus, 193  
 Odessa, 11–13  
 Odysseus, 257–58  
 Orthodoxy  
     “Ultra-”, 120  
     modern, 4  
 Ouziel, Chief Rabbi Ben-Zion,  
     25
- P*
- Palazzo del Té* (Mantua),  
     217–18  
 Palmyra, 193  
 Papa bar Naser, 192  
 Pappa bar Abba, 208

Pappa, Rav, 284  
 parables, 243–44  
 Parego, Abraham, 136  
 Passover  
     matzah, 275, 291  
     offering, 162  
     seder, 232  
 Patriarch (Nasi), 65–66  
 Paul, 38, 39  
 pelota, 236  
 people of the book, 3  
 pepper spray, 145  
 Petronius, 276  
 Pharaoh, 52, 148  
 Pharisees, 161, 271  
 philosophy, 17, 33, 45, 47, 62  
 pigeon-racing, 134  
 Pines, Yechiel Michel, 267  
 Pirkei Avot, 83, 219, 293  
 Pisa, 185  
 Plato, 39  
 Plautus, 174  
 poetry, 88, 90, 154–55  
 Poland, 117, 198–99  
 poverty, 85, 120  
 prayer, 37, 40, 74, 104, 115,  
     116, 230, 261, 286, 296  
 preachers, 174  
 prices, 195  
 printing, 3–6, 12, 17, 18, 200  
 Protestant Reformation, 55  
 Provencal, Rabbi Moses ben  
     Abraham, 236–38  
 providence, 103  
 Psalms, 250

## Q

Qallir, Eleazar, 72  
 Qur'an, 155

## R

ransom, 190–93  
 Raphael, angel, 230  
 Rashi (Rabbi Solomon ben  
     Isaac), 4, 17, 53, 55,  
     73, 130, 146, 168–69,  
     208, 216, 247–48, 256,  
     257–58, 262–63, 294  
 Rav, 221–25, 247  
 Rava, 122  
 Red Sea  
     parting of, 45  
 redemption, 51  
 Redemption of the first-born  
     (*Pidyon Ha-Ben*),  
     72–73  
 Reform Judaism, 97  
 rehabilitation, 214  
 Reinhart, Norbert, 189  
 Reischer, Rabbi Jacob, 85–86  
 Rembrandt, 87–90  
 Renaissance, 136, 180, 235–36  
 repentance, 104, 142, 213–14  
 responsa, 94, 96, 186, 191, 198,  
     200, 236, 294  
 restitution, 214  
 Rhineland, 112, 116  
 Rokeah, Rabbi Eliezer, 279  
 Roman law, 213  
 Romans, 61, 72, 85, 175, 212,  
     215, 243, 271, 276

- Royal Canadian Mounted Police, 145, 149
- Rudoph, Emperor, 191
- Russia, 9–13, 40
- S
- Sa'adia Ga'on, 44–45, 102
- Sabbath, 116, 236–38, 277, 295
- sacrifices, 161, 162, 230
- Sadducees, 161
- St. Victor, Abbey of, 53–56
- Samaria, 148
- Samuel (Babylonian rabbi), 214, 221–25
- Samuel ben Meir (Rashbam), 61–62, 248
- Sardinia, 134
- Sasportas. Rabbi Jacob, 89
- satire, 135, 155
- Saul, King, 128, 143
- Scaino, Antonio, 235
- Schechter, Solomon, 288
- Schopenhauer, Arthur, 39
- Schreiber, Rabbi Moses (the *Hassam Sofer*), 94–100
- science, 17
- Sefer Hasidim*, 276–79
- Segnori, Paulo, 219
- Seneca, 241–42, 245
- Sepharadic Jews, 97, 295–96
- Sephoris, 250
- Septuagint, 31, 62, 270
- sermons, 141, 238
- Seville, 154
- Sforno, Rabbi Obadiah, 130, 277
- Shabbetai Zvi, 89, 180
- Shammai, 161
- School of, 212
- Shulhan Arukh*, 93, 160, 296
- Shunamite woman, 221
- Sifra*, 257
- Silbermann, Eliezer, 11
- Simeon ben Gamaliel, Rabban, 86
- Simeon ben Halaftha, Rabbi, 283
- Simeon ben Laqish, Rabbi, 65–66
- sin, 121, 130, 143, 161
- Sinai, Mount, 242
- slaughter, ritual, 60, 102–5
- slaughterers, 103
- Slonik, Rabbi Benjamin, 5
- Socrates, 39
- Sodom, 146, 147, 148 and Gomorrah, 45
- Solomon, King, 215, 230, 232, 270, 281
- soul, 103
- sound, 261–64
- Spain, 18, 88, 143, 152–56, 192, 235, 295
- Expulsion from, 18
- Islamic, 198
- speech, human power of, 250
- Spinoza, Baruch Benedict, 89
- Star of David, 180
- Starr, Kenneth, 139
- stolen property, 211–14
- suffering servant, 52
- Suharto, Indonesian President, 145

- sumptuary laws, 110, 111, 112  
 synagogue, 16, 24, 37, 47,  
     94–98, 110, 113–17,  
     129, 135, 141, 192, 219,  
     238, 278, 279, 280
- Syria, 21–26  
     king of, 147
- T*
- Taliban, 43
- Talmud, 3–6, 17, 32, 37, 38,  
     44, 53, 65–68, 71–75,  
     77–80, 84, 98, 120,  
     129, 131, 134, 140, 143,  
     155, 159–63, 166, 168,  
     173–75, 190–93, 196–  
     200, 205–9, 212–14,  
     216, 218, 221, 230, 236,  
     241, 247, 255, 261, 265,  
     270, 276, 283, 297  
     Jerusalem, 175
- taxes, 103, 130, 173–76
- Temple of Jerusalem, 31, 34,  
     129, 162, 261–62, 288,  
     297  
     Mount, 86, 272  
     Second, 129, 160, 271  
     treasurer, 262
- ten lost tribes, 43
- tennis, 235–38  
     clubs, 236
- Tennyson, Alfred Lord, 216
- Terence, 174
- Tetragrammaton, 31–34  
*t'fillin* (“phylacteries”), 5, 297
- Thales, 39
- Tiberian vocalization system,  
     22
- Tiberias, 22, 66
- Timur, 44
- tomatoes, 265–68
- Torah, 211, 277, 298  
     appropriation by  
         Christians and  
         heretics, 249
- Oral, 244  
     reading, 114, 116  
     study, 242, 249
- Tosafot, 72, 236, 298
- Tosefta*, 17, 38, 72
- Tower of Babel, 205, 277
- trade, international, 197
- transmigration of souls, 104
- treason, 142
- treasure, 174
- Tunisia, 192
- Tuscany, 184
- Twelve Tables, 212
- U*
- United Jewish Appeal, 280
- Uriah, 141, 142
- V*
- vampires, 275
- Vital, Rabbi Hayyim, 179
- voice, 262
- Vulgate, 52, 61, 62

## W

*Wachnacht*, 74  
 Waldvogel, Procopius, 5–6  
 Walkerton, Ontario, 165  
 walls have ears, 215–19  
 Walsh, David, 177  
 Warshawsky, Samuel, 11  
 water, 166–69  
 wedding canopy, 93–98  
 weddings, 11, 72, 74, 77, 89,  
     93–98, 109–11  
 week of the daughter, 73–74  
 week of the son, 72  
 welfare agencies, 120, 175  
 werewolves, 277  
 wine  
     testing, 262  
 witches, 276–80  
 woman of valor, 83  
 women, status of, 40, 56, 114  
 Worms, 97

## Y

Yannai, Rabbi, 250  
 Yellin, David, 267  
 Yiddish, 10–12, 285–86  
 Yohanan, Rabbi, 65–68, 142,  
     214, 262, 263  
 Yom Kippur, 84, 272, 300  
 Yosé ben Halafta, Rabbi, 122  
 Yosef, Rabbi Ovadiah, 98

## Z

Zederbaum, Alexander, 12–13  
 Zhitomir, 11–12  
 Zioni, Rabbi Menahem,  
     277–78  
 Zionist pioneers, 266, 269  
 Zoroastrians, 45  
 Zwarts, Jacob, 88–90



**W**ritten for a general audience, the essays collected here present refreshing and often humorous glimpses of various topics in Jewish history and traditional religious literature. Inspired by the diversity of Jewish thought, author and scholar Eliezer Segal sheds light on the social and political forces that have brought the Jewish community together in the past and still speak with familiarity to a modern western culture.

Enlightening and entertaining, Professor Segal's writing is a rare blend of scholarship and wit, highlighting contemporary experiences that bring the rich heritage of Jewish civilization to life for the everyday reader. From topics as obscure as panhandling, tennis, vampires, and the history of the tomato to themes as universal as weddings, charity, and taxation, the essays presented here, some for the first time in English, all include detailed notes on sources for further reading. Equally suited to those after a light-hearted romp or those on a serious quest for knowledge, *ASK NOW of the days THAT ARE past* is sure to satisfy anyone who has ever wondered how the past still influences us today.

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