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THE THEOLOGY OF HAHAM DAVID NIETO

An Eighteenth Century Defense of the Jewish Tradition

by

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Submitted in partial fulfilment  
of the requirements for the Doctor  
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DIGEST of THE THEOLOGY OF HAHAM DAVID NIETO  
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David Nieto (b. Venice 1654, d. London 1728) assumed the religious leadership of the Spanish & Portuguese Synagogue in London in 1701. The congregation, as an official body, had barely been in existence for 50 years; but the cause of traditional Judaism was already endangered from several directions. Opposition to the Oral Law on a quasi-Karaite basis was rampant among ex-Marranos who found themselves unable to adjust to Rabbinism. The Sabbatian heresy, with which Nieto's predecessor in office was connected, led to both trinitarianism and antinomism. At the other extreme, Deism, just then coming to the fore, manifested itself in an impatience with Tradition, a claim for the "Religion of Nature", and a concept of God so remote from the world that "Nature" was regarded as a metaphysical entity in its own right.

In this study the background of these "heresies" is investigated, special attention being paid to the writings of da Costa and Spinoza, and to the Kol Sakhal. This gives the setting for Nieto's apologetic and polemic writings which are our source for his theology. A brief biography of Nieto himself is included, leaning on the biographies already published, but supplementing the latter with autobiographical data culled from his own writings which have not been considered hitherto. The various influences shaping his outlook and contributing to the widening of his horizon are then discussed.

Separate chapters are devoted to Nieto's justification of the scientific approach, his concept of Revelation, his defense of the Oral Law, his defense of Midrash and Aggadah, and his concept of God. The latter includes a discussion of the question whether Nieto had Spinozistic leanings, a question which is answered in the negative.

The concluding chapter deals with Nieto's significance in the History of Judaism. It is argued, on the basis of Nieto's work, that the 18th century was not bereft of Jewish thinkers who were aware of the changing philosophical and theological trends, as is frequently claimed. Nieto himself is seen to belong both to the world of medieval thought and to that of nascent modernity .

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INTRODUCTION

In the first half of the 19th century, the Jewish Community of England was agitated by a fierce struggle which, on January 27, 1842, led to the opening of the first Reform synagogue in that country. The reforms advocated and opposed were of a very moderate nature, and were primarily dictated by the practical demands of life. No attempt was made at the time to lay a groundwork of theoretical and theological foundations of the kind introduced in Germany by men like Geiger and Holdheim.

But one important theological issue was raised, and could not help being raised, since the agitation for Reform involved the conscious departure from codified Jewish Tradition. And that was the question of the validity of the Oral Law.<sup>1)</sup> The mere opening of a Reform synagogue and the publication of a reformed prayer book did not put an end to the discussion of that question. It has remained a moot question with the Anglo-Jewish community ever since;— even as the "Great Schism" of the 1840's was by no means the first time in Jewish History that this question was raised.

It was, then, as part of this controversy that Dr. Louis Loewe issued, in 1842, his translation of the first Dialogue of

THE ROD OF JUDGMENT, being a Supplement to the BOOK KUZARI,

which demonstrates by natural inferences

THE TRUTH OF THE ORAL LAW, transmitted to us by the Sages of

Israel, the Authors of the Mishna and the Talmud,

by

THE REV. DAVID NIETO (of blessed memory),

Chief Rabbi of the Spanish and Portuguese Congregation

of London (in the year 5474).

Loewe followed this up in 1845 by issuing the second as well as the first Dialogue in an English translation; <sup>2)</sup> and, in his Preface, he minces no words in explaining the purpose of his work:-

"Of the vast number who read in these times, but a small proportion can understand; for the supply of matter is so great and various - there are so many claims on the attention of those who desire instruction - that, ere a clear insight can be obtained into any one subject, and any intricacies it may contain unravelled, the mind is distracted; and ~~they~~ either take it as it is given, or turn with unsettled ideas to something else, by which an irrepressible love of change is gradually engendered. Thus many plausible theological disputers are enabled to disseminate pernicious doctrines, with a success which, under other circumstances, they could not have hoped for....."

In the very same year in which Dialogues I and II of the Rod of Judgment appeared in an English garb, Moses Mocatta, who was one of the founding members of the new Reform Synagogue <sup>3)</sup>, issued, under the title "The Inquisition and Judaism", his English translation of

A SERMON addressed to JEWISH MARTYRS,  
on the Occasion of an Auto da Fe at Lisbon, 1705. By  
The Archbishop of Cranganor.

Also

A REPLY TO THE SERMON, BY CARLOS VERO.

The late Israel Solomons <sup>4)</sup> has drawn attention to the fact that "Carlos Vero" is the name of the printer of the "Reply," but not of its author. The latter was, in fact, none other than Haham David Nieto.

Since this work was published anonymously, we do not know whether or not Mocatta was aware of the real author of the Spanish "Reply" which he translated. But we do know that he was sufficiently inspired by this well reasoned defense of Judaism against the claims of Christianity to deliver himself of the following "topical" comments in his Introduction: - 5)

"The old and somewhat curious work now put forth having made its way by mere chance to the translator, he at once deemed it a religious duty to give it an English attire, and to secure for it a ready reception amongst the youthful portion of his Jewish brethren, by presenting it to them gratis. It is to be regretted that some steps in the same direction have not long since been taken by those whose bounden duty it is to train youth in religious knowledge. Far better would it have been for the moral and spiritual welfare of Israel, if the Rabbins of other times had manifested less concern for every tittle of outward ceremonies and had displayed more earnestness for the development of the exalted principles which constitute the basis and the glory of the Jewish faith. Had they but imitated the example of the meturgeman in the days of Ezra, had they stood forth like him to expound the law in the vernacular tongue instead of spending their lives in subtile speculations and in fine hair drawn disquisitions which exercise no moral or religious influence over the minds of youth, how many would even at the present day be worshipping the God of Israel as an absolute Unity, instead of bowing at the shrine of apostasy."

Haham Nieto had been dead for more than a century when these two works of his appeared in English translation. The fact that recourse was had to the writings of the Haham in meeting the problems of the 19th century would indicate two things: First, that, at any rate in certain respects, the problems of Judaism in 19th century England were analogous to those of a century before. And, secondly, that the 19th century Anglo-Jewish community had produced no religious leader of their own who could match the caliber of the Haham who lived a hundred years before.

But what kind of a personality was this Haham David Nieto, whose literary productions could be invoked by Orthodox and Reformer alike? What kind of synthesis had he achieved in his own religious philosophy, so that he could combine strict adherence to the practical demands of Rabbinic Judaism with the satisfaction of the intellectual claims made by the 18th century English environment, - an environment which had just passed through "The Age of Experiment"<sup>6)</sup>, and was even then in the throes of the Deist controversy?

Israel Solomons<sup>7)</sup> has given us a full biography and bibliography of David Nieto, and, in a considerably shorter form, the same was done by M.B. Amzalak.<sup>8)</sup> A study of Nieto's own writings enables us to supplement these published biographical data from several not unimportant aspects. But our primary object is an analysis of the Haham's major ideas, and of the way in which he presented them. It is, moreover, our endeavor to view the work of the Haham from the perspective of the philosophical and theological currents and cross-currents of his age, and to see what light is shed by his writings on the religious situation in 18th century Anglo-Jewry.

David Nieto was a prolific writer, as is evidenced by the fourteen pages which Solomons <sup>9)</sup> can devote to his bibliography.

In our present study we have primarily concentrated on three works which deal more specifically with the Haham's theological position:-

De La Divina Providencia, London, 1704;

Matteh Dan veKuzari Helek Sheni, London, 1714, which is his magnum opus; and

Esh Dath, London, 1715.

When Graetz <sup>10)</sup> very briefly characterizes David Nieto as an "educated rabbi," who, "besides many platitudes, wrote much that was reasonable," he does, in the view of the present writer, scant justice to a man who has set the tone for much that has remained permanent in the orientation of Judaism in England. Nor can there be a true appreciation of Nieto when his life and work are considered in isolation from the great issues which were agitating the minds of men - Jew and Gentile alike - in the early days of the 18th century.

To contribute to a better understanding of David Nieto, and of his place in the history of Judaism, is the aim of the following pages, written in the year which marks the tercentenary of Haham David Nieto's birth.

Chapter One

English Judaism in the Early 18th Century

When Haham Nieto came to London in 1701, the Sephardi community had just completed the building of their new synagogue, which has remained the center of the Spanish and Portuguese Jews in England to this day.<sup>1)</sup> The Ashkenazi Jews, too, had already established their own congregation.<sup>2)</sup> It was clearly the beginning of a flourishing era in Anglo-Jewry, though the official recognition of the legal existence of a Jewish settlement in London had been given only as recently as 1656.

Even more remarkable is the rapidity with which members of the Sephardi community began to make their name not only in the commercial and financial enterprises of the country, but also in the cultural and scientific field. The community to which Nieto was to minister counted among its members, already in the very beginning of the 18th century, Fellows of the Royal Society.<sup>3)</sup> It is not surprising that, under such conditions, a drift from Judaism should have become apparent among some of the sons of the synagogue who had attained worldly affluence or were influenced by the respect shown them for their intellectual successes in the new circles into which they entered.<sup>4)</sup>

It is also plausible that, as Margoliouth claims<sup>5)</sup>, a considerable number of conversions to Christianity took place because the Marranos who had come to England were genuinely impressed by the type of Christianity represented by the Church of England. Being fanatically opposed to the image-worship of Catholicism, they found kindred spirits in the Anglican Church; for "never was Protestantism

against the Church of Rome more zealously displayed in this country than it was in the days of William Prince of Orange."

There were, however, other influences at work, influences both more subtle and more deeply rooted than outright conversion to Christianity, which the new Haham felt himself in duty bound to combat.

Nieto's immediate predecessor in office, Solomon Ayllon, had resigned after members of the congregation had come into possession of information concerning his life and activities abroad. In his youth, Ayllon had been a member of a Sabbatian circle in Salonica, composed chiefly of young people who led a rather loose life. He himself had married a wife, as the one appointed by Heaven, whom another man had forsaken without formal divorce, and she was carried off from him by a third.<sup>6)</sup>

The fact that there was a serious dissension in the London community which hastened Ayllon's resignation<sup>7)</sup>, would indicate that he not only had enemies, but also friends and supporters.

Indeed, the rise of Sabbatai Zevi had created quite a stir in the Jewish community recently established in London, in the reign of Charles II. It derived additional encouragement from contact with Christian enthusiasts who hoped to bring about the millenium. Curious reports flew from mouth to mouth. It was said that in the north of Scotland a ship had appeared, with silken sails and ropes, manned by sailors who spoke Hebrew. The flag bore the inscription "The Twelve Tribes or Families of Israel." Believers living in London offered wagers at the odds of ten to one that Sabbatai would be anointed king at Jerusalem within two years, and drew formal bills of exchange upon the issue.<sup>8)</sup>

Even the curious aftermath, when devotees throughout the world persisted in the belief in a False Messiah, who had not only failed but also apostacized, had its echoes in London, where various polemics on the subject were published.<sup>9)</sup>

G. Scholem has aptly drawn attention to an external factor of crucial importance which would account for the part played by the Sephardic communities in the Sabbatian movement.<sup>10)</sup> For generations the Marranos in the Iberian peninsula had been compelled to lead as it were a double life. The religion which they professed was not that in which they believed. Even those who returned to the fold after they or their children had fled from Spain, particularly in the 17th century, retained something of this peculiar spiritual make-up.

"The idea of an apostate Messiah could be presented to them as the religious glorification of the very act which continued to torment their own conscience. There have been Marranos who tried to find a justification for their apostasy, and it is significant that all the arguments which they were wont to put forward in defense of their crypto-Judaism recur later on in the ideology of Sabbatianism, above all the frequent reference to the fate of Queen Esther, who was supposed to have led a kind of Marranic existence at King Ahasuerus' court....."<sup>11)</sup>

Ayllon's departure did by no means put an end to the Sabbatian undercurrents in Anglo-Jewish life. In 1715, Haham Nieto published his "Esh Dath" as a refutation of the heretical doctrines of Nehemiah Hiyah Hayyun.<sup>12)</sup> In the latter's Oz l'Elohim (Berlin 1713), incidentally<sup>13)</sup> the only document of Sabbatian Cabbalism which was ever printed we

find a typical version of the Sabbatian conception of the Trinity, of which the following characterization is given by Scholem<sup>14)</sup> :

"The ancient Gnostics of the 2nd and 3rd century distinguished between the hidden and benevolent God... and the Creator and Lawgiver whom they also call the Jewish God... The term Jewish God or God of Israel is abusive and meant to be so... The same dualism is to be found in Sabbatian theology, but with a significant difference. The Sabbatians distinguish between the hidden God, whom they call the First Cause, and the revealed God who is the God of Israel..... Religion is in no sense concerned with the First Cause; rather is its essence to be found in the revelation of something which the mind by itself cannot grasp. The First Cause has nothing to do with the world and with Creation; it expresses neither providence nor retribution. It is the God of the philosophers.... The God of religion, on the other hand, is the God of Sinai. The Torah, the documentary evidence of Revelation, says nothing about the hidden root of all being, of which we know nothing except that it exists, and which is never and nowhere revealed. Revelation alone has the right to speak, and does speak, of that 'God of Israel,' who is the Creator of everything, but, at the same time, Himself the First Effect of the First Cause.

"Where the ancient Gnostics disparaged the God of Israel, the Sabbatians disparaged the Unknown God. According to them, the error committed by Israel in exile consists in confusing the First Cause and the First Effect, the God of Reason and the God of Revelation.....

"The object of religion... can only be the 'God of Israel' and his unity or union with his Shekhinah.

"From this original dualism some Sabbatians developed a Trinity of the Unknown God, the God of Israel and the Shekhinah; and it did not take long for the idea to develop that the completion of Salvation is dependent upon the separate appearance of a Messiah for each of these three aspects of the Trinity, with a female Messiah for the last!"

Nieto was not merely taking up the cudgels for "normative" Judaism against such mystic aberrations as were then in vogue on the Continent of Europe. These doctrines had found followers and converts in the London community itself, where the adherents of Ayllon continued to copy and to circulate manuscripts of the works of men like Hayyun,<sup>15)</sup> Cardozo and Ayllon.

From its very beginning the Sabbatian movement had its pronounced antinomian aspects; and they were not missing in the theological system of Hayyun. The rather curious statement in b. Nazir 23 b, "Greater is a transgression committed for its own sake than a commandment not performed for its own sake,"<sup>16)</sup> which has a rather limited and circumscribed significance in Rabbinic Judaism, figures as an unqualified principle in the writings of Hayyun.<sup>17)</sup>

Yet this cabbalistic antinomianism was not the only, and perhaps not even the primary, source of opposition to Jewish Law in 18th century England. There was also rampant at the time that particular approach to the Oral Law, which is known under the name of Karaism. It is difficult to decide whether or not there was any organized Karaism in England at the time; but what there is of available evidence for either view should be presented here.

We know, for example, that among the pamphleteers who argued about

the re-admission of the Jews to England, following upon Menasseh ben Israel's "mission," there was "the ingenious Mr. Borel, a student of things Jewish, (who) had the brilliant idea of extending an alternative, or supplementary, invitation to the Karaites..."<sup>18)</sup>

In 1597, Cornelis Pieteresz, Hooft, the Burgomaster of Amsterdam, said in a speech on Toleration: "... Also among the Jews, with whom we so much like to compare ourselves, especially among them, too, there are several sects living together in the greatest of harmony....." Now,<sup>19)</sup> whom did the Burgomaster have in mind? He obviously could not mean the Pharisees and Sadducees, for the New Testament knows of no "harmony" between them. And, while he might be referring to Ashkenazim and Sephardim, it should be noted that there was no Ashkenazi congregation in Amsterdam until 1635.

There is, of course, a certain difficulty in understanding Hooft to refer to the Karaites, in view of the fact that the reference is supposed to illustrate the "greatest of harmony" between the Jewish sects. On the other hand,<sup>20)</sup> Graetz knows of friendly relations between Karaites and Rabbanites. But that was in Eastern Europe, and besides, it happened two centuries later. All that can be deduced with certainty from Hooft's speech is that the Burgomaster of a city which had a settlement of Sephardi Jews in 1597 knew of sectarian divisions within Jewry. The Karaites as such are not specified. Only together with other evidence, if such can be found, may Hooft's statement be utilized.

More to the point are the words of the (anonymous) editor of the "Reply to the Sermon of the Archbishop of Cranganor", a work which, as

we have seen, came from the pen of Haham Nieto. It was published in London in 1729<sup>21)</sup>. The relevant words of the editor's Introduction are as follows:-

"Now the Jewish Religion may be divided into two forms of faith: the one professed by the majority of the Jews is the Law of Moses conjoined with Rabbinical traditions; the other is that which is professed by the Caraites who reject tradition."<sup>22)</sup>

It stands to reason that a writer who speaks of the sectarian division in such a matter-of-fact way had in mind quite a definite group known as "Caraites."

On the other hand, Benjamin Kennicott, writing in Oxford in 1759, relies on secondary sources for a description of Karaism. After quoting Buxtorf's criticism of the Jews for venerating Rabbinic tradition more than the Bible, he says<sup>23)</sup> : "But tho' this latter part of Buxtorf's censure may be just, as to the bulk of the Jews; yet MASCLEF assures us that some of the more learned were griev'd at this blind superstition; and endeavor'd to bring back their brethren to a proper preference of the word of God. On this account, they and their followers were call'd קראיתים "; which he goes on to describe as being, "as it were 'Scripturalists', who profess to believe in Scripture alone. For that reason the name 'Rabbanites' is given to those who staunchly adhere to the Rabbinic traditions. The Karaites began around the year 740."<sup>24)</sup>

One would expect a man of Kennicott's interests to have sought personal contact with Karaites, if such were to be found in his immediate vicinity, rather than to rely on secondary sources. His account would thus speak against the existence of a Karaite sect in

18th century England.

It must also be borne in mind that the word "Karaites" was used as a name of opprobrium in the 17th and 18th century. In a responsum of Leon da Modena, quoted by Rivkin <sup>25)</sup>, we read: "I detect in the words of the questioner an attempt to label as a Karaite anyone who explains the midrashim and the Aggadot of the Talmud in other than their literal sense, and who, putting aside these teachings, attempts to explain the Torah literally....." In the ~~same~~ <sup>26)</sup> responsum, Leon da Modena informs his reader that the Karaites of his time do not fit into the definition given either by Maimonides or Yehudah Halevi; for ever since they emerged from the Sadducees, they have changed their program in every generation.

David Nieto himself gives this definition of the word "Karaite" <sup>27)</sup> :-  
 "... Just as all the children of Israel believe with common consent in the 'first principles' - which are the commandments written in the Law -, so do we all agree upon, and believe in, these 'secondary principles' - which constitute the Oral Law which Moses our Teacher received from God on Sinai.

" And if there is any controversy among our Rabbis, it is not about any of these principles, for such a thing would never enter the mind of a Jew. But he who denies one of them, or raises any doubt concerning it, stands apart from the Jewish Community (בדל מן הקהל), and is called a 'Karaite' for shame (אשם קרית), and is called 'אשם קרית'."

"Karaite", then, according to this definition, is the name given to anyone who has fallen foul of orthodoxy. Nevertheless, in his

Introduction to the Matteh Dan, Nieto, conscious of writing against the opponents of the Oral Law in his own generation, is at pains to trace the chain of heresy from Zadok and Boethos, via Anan and Saul, through the "Karaites" of his own time.

"I have called the name of this book in Israel Matteh Dan veKuzari Shen. Matteh Dan, because it is a rod of strength and judgment wherewith to smite the head of the Karaites, the disciples of Anan and Saul, to punish them with stripes....."<sup>28)</sup>

<sup>29)</sup>  
Isaiah Sonne has drawn attention to a round-about way through which Karaite arguments have come to Marranos and ex-Marranos. These people were familiar with Christian polemical literature ridiculing the Aggadoth. But that literature, in its turn, borrowed from the arguments of Karaism.

There must, however, have been also a more direct way. Nieto<sup>30)</sup> quotes the Adereth Eliyahu of Elijah ben Moses Bašyatchi. This work has been printed three times: Constantinople 1530/31; Eupatoria<sup>31)</sup> 1834; and Odessa 1870. It follows that Nieto must have been in possession of the 1530/31 (Constantinople) edition. It follows furthermore that Karaite literature found its way to the Sephardim of the West. But if it was possible for this type of literature to get into the hands of the opponents of Karaism, is it not reasonable to suppose that it found its way, with no greater difficulty, to say the least, to the friends and sympathizers of this sect?!

While, therefore, it is extremely doubtful that there was any kind of organized Karaism in 18th century England, and while, moreover, there is ample evidence to show that 'Karaite' was a name of opprobrium, we

must not - in view of the attested circulation of Karaite literature - rule out altogether the possibility that the opponents of the Oral Law in 18th century England were "disciples of Anan and Saul" in more than a mere metaphorical sense.

In another chapter we shall investigate the factors which would account for the popularity of "Karaism" especially in communities of Marranos who had returned to the fold. But, before we can deal with this question of background, we must address ourselves to one further form of opposition to traditional Religion, which was not without its influence on Judaism in 18th century England.

In a report drawn up in Spanish by the pupils of the Medrash (i.e. the school attached to the Spanish and Portuguese Synagogue in London) in the year 1725, which is quoted by Gaster <sup>32)</sup>, we read about the following curious incident:- A certain Isaac Baryentes boldly entered one day the Medrash where Haham Nieto used to read with the advanced students. Seeing that they were just dealing with the first chapter of Genesis, he volunteered his own explanation of the word "firmament", which was contrary to the traditional notions.

Asked whether he dared deny the truth of what was written by Moses at the command of God, he replied that they were deceiving themselves in believing that God commanded it to be written. Moses, who was a great philosopher brought up in the arts and sciences of Egypt, had written it in such a manner as to convey to the people the notion of a world that was created, and which did not exist ab eterno.

When he was pressed further to state his views whether he denied that God had spoken to Moses, he averred that God had none of the human

organs for speech, and that the "speaking" mentioned in Scripture was a kind of drowsiness in which state Moses used to contemplate, and which appeared to him as if God had spoken<sup>33)</sup>.

This, he declared, was not only his private opinion. It was also that of Yehudah Halevi, the author of the Kuzari. His mistake was soon pointed out to him; and he was then asked how he could expect any salvation whilst holding such scandalous heretical opinions. He replied that "he would be saved like all those who observe without believing in the First Cause."

Now, this impetuous Mr. Baryentes, with his rationalistic exegesis and his certainty about attaining salvation through "observing" and "without believing in the First Cause," seems to have been under the influence of none other than Benedict Spinoza.

Spinoza had no use for the traditional concept of a "First Cause," for, according to him<sup>34)</sup>, "God is the immanent, and not the transitive cause of all things." And more specifically<sup>35)</sup>: "God cannot be properly called the remote cause of individual things..... For by a remote cause we understand that which is in no way joined to its effect. But all things which are, are in God, and so depend upon Him that without Him they can neither be nor be conceived."

The question arises, how much of Spinoza was known in 18th century England in general, and among English Jews in particular? Leslie Stephen traces the whole Deist position (of which more anon) to Spinoza's 'Tractatus Theologico-Politicus'. But he also insists that few of the Deists had actually read Spinoza's works. "The name of Spinozism was, of course, dreaded by them. They take care both to avoid the imputation, and to make it undeserved...."<sup>36)</sup>

As far as the Jews are concerned, one would expect them to have abided by the terms of the herem proclaimed against Spinoza, which included the clause: "Take to heart the warning that...no one is permitted to read any document of which he is the author." <sup>37)</sup> The assumption that the Jews in England were more familiar with the fact of Spinoza's excommunication than with his actual 'heretical' writings need not even be shaken when we hear of certain gentlemen in the Kahal Kados Sahar Asamaim who, in 1703, accuse their Haham of Spinozistic leanings.

For one thing, this very accusation is sufficient evidence to show that the gentlemen in question had no understanding of either their Haham or of Spinoza. For another, as will be shown in the appropriate place, the accusation was made for "theologico-political" reasons rather than as part of a conscientious heresy-hunt.

However, in 1792, the London physician Mordecai Gumpel <sup>38)</sup> published his book Yesod haTorah. The following quotations from this work <sup>39)</sup> give us quite a different picture of the extent to which Spinoza was known to English Jews:-

"I do indeed remember the opinion of one man.... who became a heretic and separated himself from his community, the congregation of Israel. He spoke against the Lord and against His Law. He caused the multitude to sin with his words of arrogance, saying: that God and the world which He created are one and the same, and that every separate existing thing is just a part and a thought of the Infinite. ....

Indeed, I would not have spoken about this man and his sin, were it not for the fact that I have seen many of the sons of our people, the young men of the children of Israel, following

this vanity and becoming confused. They consider him to be a great sage, and his opinion to be truth. ...."

Admittedly, Mordecai Gumpel's consternation was caused by the state of affairs as it obtained in the community at the very end of the 18th century, while we are primarily considering its beginning. But it must have taken quite some time for the views of Spinoza to win such a wide circle of adherents. Besides, the case cited above, of Isaac Baryentes, would indicate that, already in the life time of Haham Nieto, a knowledge of Spinoza's works was not without danger for the spiritual welfare of the young.

But the dominant creed in 18th century England was not, as we have already noted, a thoroughgoing Pantheism. Rather was it either the pure or the Christian Deism worked out by the rationalism of the day.<sup>40)</sup>

While the Deists' approach to the narratives of Scripture may owe its inspiration to the 'Tractatus Theologico-Politicus' of Spinoza, as is claimed by Stephen<sup>41)</sup>, the theoretical undergirding of the movement goes back to the publication, in 1624, of Lord Herbert of Cherbury's "De Veritate." Here we find the assertion of the competence of human reason to attain certainty with regard to fundamental religious truths, and an insistence upon the indissoluble connexion between religion and the practical duties of life.<sup>42)</sup> The five fundamental propositions of natural religion are, according to Lord Herbert, (i) the existence of God; (ii) the duty of worshipping him; (iii) the importance of piety and virtue as the chief parts of this duty; (iv) the propriety of repentance; and (v) the existence of a future state of rewards and punishments.<sup>43)</sup>

By the time Haham Nieto had come to England, Locke had already published his "Essay Concerning Human Understanding" (1690), his "Reasonableness of Christianity" (1695); and John Toland had published his "Christianity not Mysterious" (1696).

While Locke himself was not a Deist, Deism would never have enjoyed the vogue to which it eventually attained apart from his influence. <sup>44)</sup>

"He read his New Testament without note or comment, as it might have been read by a youthful disciple of a modern dissenting preacher. No such student could have more summarily swept aside the labours of commentators, divines, .... than this venerable philosopher. As he read, the old words, doubtless familiar enough, dazzled him with a new light. The meaning seemed to him so plain that he could not understand how any one could have missed it." <sup>45)</sup> He came to the conclusion that neither Christ nor his apostles, on admitting converts to the Church, exacted from them a belief in the Athanasian Creed. They were satisfied with the acknowledgment that Christ was the Messiah. The only thing that is to be added to this one essential article of faith, unless, of course it is taken to be implied therein already, is the belief in the one true God. "Nobody can add to these fundamental articles of faith, nor make any other necessary but what God hath made and declared to be so."

If Locke had argued for the reasonableness of Christianity, <sup>46)</sup> Toland went one step further and claimed that there was no nonsense in Christianity. But, as Leslie Stephen rightly points out, "Christianity" for Toland was no longer the historical creed of Christendom, which it still was for Locke, but a pure and undefiled religion of his own making. He lays down the principle that Reason must be the only foundation of all certitude; and theologians are therefore unjustified in demanding

assent to propositions which deal with matters in which the light of Reason can be at best fluctuating and uncertain. We are entitled to demand strict proofs of the historical statements in the Scriptures. It would be mere superstition to accept them without due attestation. Toland cites the example of the Virgin Mary, who refused to believe that she should bear a son until the angel gave her a satisfactory answer.

Inasmuch as Deism was assailing the traditional creeds of the Church, it could have no exact parallel in Judaism. But inasmuch as the claims of Reason were set against those of Tradition, the Deist approach had its counterpart in Jewish opposition to the Oral Law. And just as the opponents of Deism were constrained to meet their adversaries on the common ground of "Reason", so also the Jewish apologetes had to make concessions to the accepted premisses of their adversaries.

Enlightening in this connection is the following remark made by David Nieto:

"Occasionally I have based my proofs on the literal meaning of Scripture verses, in order to compel the heretics to come to the way of Faith and Tradition, as it is said: 'eth la'asoth ladonai, heferu thorathekha, --- even though I am not unaware of the fact that our Sages have interpreted these verses in a different manner."<sup>47)</sup>

Or, when reading the professions on the title-page of the editio princeps of the Matteh Dan<sup>48)</sup> : "demonstrating and proving with logical arguments, strong evidences, and great proofs the truth of the Oral Law..", one invariably thinks of the criteria suggested by Charles Leslie

(1650-1722) in his "A Short and Easy Method with the Deists" (1697).  
49)

Leslie proposes a four-fold test to try the truth of alleged matters of fact:

1) That the matter of fact be such, as that men's outward senses, their eyes and ears, may be judges of it.

2) That it be done publicly, in face of the world.

3) That not only public monuments be kept in honor of it, but some outward actions be performed.

4) That such monuments and such actions or observances be instituted and do commence from the time the matter of fact was done.

The first two criteria make deception impossible at the time; the last two make it impossible at any subsequent period.

According to Leslie, Christianity meets all these requirements, and the Deists could not produce a single instance of a falsehood supported by such evidence. It may be noted in passing that, as will become clearer in later chapters, this is, to all intents and purposes, the method followed by Nieto in his Matteh Dan.

Apart from its attack on Tradition, Deism presented an even more fundamental threat to Judaism. While, on a superficial view, it might appear that the Deists' purification of the God concept from Christological and mythological accretions would bring them more closely in line with Jewish ideas, the Deistic God concept nevertheless had to be opposed from the Jewish side as much as from the Christian. The God concept of the Deists arose out of the desire to combine the idea of a divine Creator of the Universe with the notion of a strictly mechanical causality in Nature.

The fabric of the universe is supposed to stand to God in the relation which the instrument bears to its maker. As the craftsman determines the characteristic properties of his machine, so is God conceived to have dealt with the world. He brought it into being, and ordained its laws. He imparted to it once for all the energy which serves as the driving power of the stupendous mechanism. The Deist recognizes in God the ultimate source of matter and motion, and, consistently with this conception, admits the possibility of occasional interferences on the part of the Deity. But though this possibility is granted, the probability of it is called into question. It seems more in accordance with the principles of Deism that Nature should be left to work itself out in obedience to laws originally given. Any suggestion of a deviation from the established order is resented.<sup>51)</sup>

In effect this meant the positing of a metaphysical entity, called "Nature", between God and the world. David Nieto could, therefore, say<sup>52)</sup> : "The Deists believe that there is One God, but that He does not engage in the affairs (of the world)." And his comment on this view was<sup>53)</sup> that it "was enormously heretical and detestable blasphemy; because there was no such Nature which governed, for this 'Nature', which, they say, governed, was God (working) through His Providence."

Incidentally, it was Nieto's sermon refuting the Deist God concept which gave rise to the (false) accusation that he was a follower of Spinoza. For, like the latter, but with entirely different connotations, he equated "God" with "Nature", - as we shall see in greater detail further on.

To sum up, then, we may say that English Judaism in the early 18th

century, the Judaism of the community which Haham David Nieto came to lead in 1701, was threatened from the following quarters:

- 1) The Christian Church which attracted a considerable number of Jewish proselytes, who came to it from motives pure and otherwise.
- 2) The Sabbatian Heresy, which was still flourishing in England at the time.
- 3) The opposition to the Oral Law, akin to, if not altogether identical with, Karaism.
- 4) The Deist Movement, and occasional echoes of Spinozism.

Haham Nieto fought the "Battle of the LORD" on all of these fronts. His theological writings are the product, not of academic isolation, but of the controversies raging around the burning issues of his time. In our next chapter we shall examine Nieto's qualifications to deal with the task that confronted him.

## CHAPTER TWO

David Nieto, the Man

A complete biography of the Haham has been written by the late <sup>1)</sup> Israel Solomons. From this valuable work we are merely selecting certain essential data which are necessary for an appreciation of the life and personality of the Haham in as far as this is required for a better understanding of the Haham's thought. There are, however, a number of autobiographical data, scattered throughout Nieto's writings, of which no cognizance has thus far been taken. These are included in our present treatment, and are presented as a "supplement" to the biography written by Solomons.

David Nieto (the variants Neto, Netto and Nietto also occur) was born in Venice on January 18, 1654. His father was Phineas Nieto; and there is extant a responsum of Samuel Aboab from the year 1674, addressed "To R. Phineas Nieto at Rome." Little is known about the family, except that bearers of that name are heard of in various centers of Sephardi Jewry.

David Nieto was educated at the University of Padua, where he took his degree in Medicine. Subsequently he resided in Leghorn, where he exercised the functions of Dayyan, preacher, and physician. He was in Leghorn in 1684, when the city was shaken by three earthquakes; and, during the subsequent epidemic which broke out on account of the poisonous vapors released by the earthquakes, Nieto, too, was stricken, but he recovered his health soon thereafter. <sup>2)</sup>

In 1693, while still residing in Leghorn, he composed, in Italian, his book Pascalogia, which is a series of five dialogues dealing with the relation of the date of the Christian Easter, as celebrated by the

Greek and Latin churches respectively, to the date of the Jewish  
 3) Passover. The work is dedicated to Cardinal Francesco Maria de' Medici. It thus testifies to the author's pre-occupation with astronomy and questions of calendation as well as to his amicable relations with non-Jewish representatives of the learned world. Both were to remain characteristic of the Haham. Although the dedication is dated 1700, the book was not published until 1702, after Nieto had taken the MS  
 4) with him to London. For reasons not altogether clear, the place of publication appeared on the title-page as "Colonia".

From the period of his residence in Leghorn there are still extant some Hebrew poems written by Nieto, which were published in Piperno's "Kol 'Ugabh" (Leghorn 1846), as well as two responsa, one on business matters, and the other on a discrepancy in Maimonides concerning the dietary laws.

Unfortunately, only a few records have been preserved which could give us information about Nieto's family life. From his wife's tombstone inscription  
 5) we know that her name was Sarah, that she died in 1741 at the age of 88, thus surviving her husband by 14 years. The age, indicated on the tombstone, shows that she was born one year before Nieto himself. The marriage must have taken place while Nieto was still in Italy, because we know that his son Isaac, who ultimately was to succeed him as Haham in London, was born in Leghorn, on  
 6) September 15, 1687.

Another son was called Moses. He and his brother Isaac gave discourses at the inauguration of the London Sephardi Orphanage in  
 7) 1703, while both of them were still boys. Since Nieto did not arrive in London before 1701, Moses, too, must still have been born

Italy. Whether he was older or younger than his brother Isaac, the present writer has been unable to find out. Of a third son we only know the name. It was Phineas <sup>8)</sup>, and he was evidently named after the Haham's own father.

On the fourth of Sivan 5461 (1701), the Mahamad of the Spanish and Portuguese Synagogue in London addressed a letter to David Nieto, inviting him to the post of Haham in London, on condition that he would not practise medicine there as he did in Leghorn. Nieto accepted the invitation, and arrived in London towards the end of Ellul 1701. His arrival thus coincided with the opening of the new house of worship, which took place on Friday, the 27th of Ellul, in that year. <sup>9)</sup>

Already in December (Kislev) of the same year, Nieto published in Spanish his "A fervid and humble prayer addressed to the Great and Omnipotent God of Israel by the Congregation of Jews in London, in which they implore the assistance and help of Heaven at the Deliberations of His Majesty the Invincible King William III, their Sovereign, of his Supreme Council, and of both the Chambers of his August Parliament."

On Sabbath Vayeshebh 5464 (November 20, 1703) Nieto delivered a discourse in the "Yeshiba", which was to have far-reaching consequences. Alarmed by the "enormously heretical and detestable blasphemy" of Deism which regarded Nature as a metaphysical entity apart from God <sup>10)</sup>, Nieto insisted that what the Deists called "Nature" was really nothing else than God working through His Providence. In other words, "God" and "Nature" were one and the same. <sup>11)</sup> In support of his thesis, he pointed out that the word "Nature" is of comparatively recent coinage, and that all the things which modern authors ascribe to "Nature" are

ascribed to God Himself by the biblical and rabbinical authors.

It may well have been that the Haham failed to make it clear to his audience that the "Nature" he had in mind was natura naturans and not natura naturata, although he is later at great pains to clarify this point at great length both in his apologia (hithnatzluth) addressed to Haham Zevi Ashkenazi as well as in his "De La Divina Providencia". At any rate, there were men among his audience who chose to understand this equation of God and Nature in terms of the dreaded heresy associated with the name of Spinoza.

Dissensions arose in the congregation, and a certain Joshua Zarfatti in particular stood out by his disrespectful behavior towards the Haham. To demonstrate the perfect orthodoxy of his views, Nieto published, in 1704, his "De La Divina Providencia" (On Divine Providence, or whether it be a Universal Nature or a Naturing Nature. A Theological Treatise, divided into two dialogues, wherein the identity of these terms is proved and authenticated from authorities in the Holy Bible, the Talmud, the Zohar, and Medrasim; and confirmed by irrefragable proofs from the same authorities. <sup>12)</sup> ) This work, written in Spanish, goes over the same ground as the Haham's original discourse, but, undoubtedly, in much greater detail, and in the form of a dialogue between "Reuben" and "Simon".

The fact that the publication of this treatise failed to appease the "Yehidim" who were in accord with Zarfatti's convictions would indicate that more was involved than a bona fide heresy-hunt. It may well be, as Gaster surmises <sup>13)</sup>, that the men who fastened on the Haham's innocent statement and twisted it into a heretical utterance were the adherents of Nieto's predecessor in office, Solomon Ayllon, and other

secret Sabbatians then living in London. These men knew Nieto to be a man of enlightened and philosophical mind, who could not sympathize with the false Messianic teachings and mystical delusions propagated by the adherents of Sabbatai Zevi. By raising the accusation of Spinozism against Nieto, they hoped to weaken the attacks which they were sure would soon be made by so strenuous and devoted a champion of rational Judaism against these mystical aberrations.

In actual fact, Nieto did not publish his Esh Dath, the polemic treatise against this particular brand of heresy, until 1715. But it is, of course, quite likely that Nieto's views in this matter were known through his verbal utterances as early as 1703.

Be that as it may, when Nieto's opponents failed to be satisfied with the "De La Divina Providencia", the case was submitted for arbitration to the beth din of Amsterdam, which, ironically enough, included at the time Haham Solomon Ayllon. However, no decision was forthcoming from the Amsterdam beth din. Fourteen members of the London congregation, as a consequence, took it upon themselves to conduct their own correspondence with the lay leaders of Amsterdam. This, too, did not produce the desired legal decision; but, at any rate, these letters were answered.

Annoyed that a few individuals were being held of more account than a whole congregation, the Mahamad of the London congregation passed a resolution that in future no Mahamad, for any reason hitherto or hereafter imagined, may request a legal decision or any other judgment from the beth din or Mahamad of Amsterdam.

This was far from bringing relief to the tempers agitated by the Nieto controversy. The Amsterdam beth din, the outstanding Sephardi

authority in Europe, had let them down; and the issue was still awaiting its settlement. Hamburg, the next Sephardi community of importance, was, at that time, without a Haham.

It was then that a Reb Aberle (or Abraham of Hamburg), a parnas of the Ashkenazi synagogue in London, and persona grata with the leadership of the Sephardi congregation, suggested that the matter be submitted to the Haham Zevi Ashkenazi, who was in Altona at the time. This rabbi had, in his youth, studied in Salonica and Constantinople under Sephardi teachers who, in recognition of his erudition, had bestowed upon him the title of "Haham", normally reserved by the Sephardim for their own rabbis.<sup>14)</sup>

How completely "Ashkenazi" this rabbi still was can be deduced from the fact that, when he agreed to deal with the Nieto controversy, he stipulated that none of the documents forwarded to him should be in the Spanish Rabbinical script !

The parties concerned in London agreed to submit their case to the Altona rabbi, and the latter forwarded his decision to London on Friday, August 7, 1705. The decision was in favor of Haham Nieto.<sup>15)</sup>

Haham Zevi insists that, far from having to be considered heretical, Nieto is, in fact, to be commended for the stand he has taken. For, by identifying Nature with God, Nieto has rejected the mischievous theories of the naturalistic philosophers, - although, "as we have heard", he is deeply versed in them himself. Instead, he has clearly followed the opinion of the Sages that all things depend directly on the providence of God. If it is thought that the statement, "there is no Nature apart from God", is a derogation from the glory of God, it should be realized that the opposite view, which would see Nature as a

mediation in the general world-order, is much more likely to lead to error. Besides, Nieto has made himself perfectly clear to the effect that by "Nature" he does not mean the individual created things (natura naturata), but only natura naturans.

Above all, and this carries the greatest weight with Haham Zevi, Nieto is in good company. Similar views had already been expressed by Yehudah Halevi, Judah Moscato, Meir ibn Gabbai and Isaiah Horowitz. The implication is that, since these worthies have not been branded as "heretics", no such charge could be levelled against Nieto either. To give his decision due weight, Haham Zevi called upon two other dayyanim to sign the document with him: Solomon ben Nathan and Aryeh ben H.H. Simha.

What is so remarkable about Haham Zevi's responsum is the fact that the philosophical issues involved were in all probability quite beyond him. <sup>16)</sup> Sokolow draws attention to Haham Zevi's responsum No. 93, where the rabbi deals, in all seriousness, with the question whether a man created by means of thaumaturgy may be counted as part of the minyan. It would seem that he whole-heartedly believed in the literal meaning of the Aggadah. In fact, he was one of the most orthodox believers of his day. The case of Nieto, therefore, was for him merely a logical question, on the order of: "Assuming that this is so, what would be the law?"

However, the important thing was that the decision was rendered in favor of Nieto, and, with the atmosphere thus cleared, the London Haham could now devote himself to more creative work.

In 1714, Nieto published his magnum opus, entitled "Matteh Dan

veKuzari Shenit". It is a defense of the Oral Law, written in dialogue form, and is divided into five parts. Nieto explains the title of his work as follows: "Matteh Dan, - because it is a rod of strength and judgment wherewith to smite the head of the Karaites, the disciples of Anan and Saul; to punish them with stripes, with the straps of Truth and Reason; so that they may know and understand that their sages and interpreters have labored in vain to understand the Words of the Living God with their own tottering reason without the aid and support of the Truth transmitted by Tradition from Moses down to this day..... I have also called it Matteh D a n, because the letters D and N contain my name: David Nieto. Kuzari Helek Shenit, - because the whole intention of R. Yehudah Halevi in his book Kuzari was to demonstrate the truth of the Written Law in detail, while he spoke of the Oral Law only in a general way..... And because there are controversies about the first Kuzar king and about his kingdom, - some saying that the author invented both king and kingdom in his own mind, without their having any existence in reality, while others are of the opinion that the events really transpired as related in the book-, in order not to increase the controversy on the basis of my own Kuzari, I proclaim in all sincerity to every reader of my book that the events related therein did not really happen. But I have invented them myself. For I have never seen either the Kingdom Kuzar or the Kuzari King; but I am following in the footsteps of R. Yehudah Halevi....."<sup>17)</sup>

The book was issued in Hebrew and Spanish simultaneously; the latter, undoubtedly, for the benefit of recent arrivals who had not yet mastered the Holy Tongue. It was for the same group that some years previously Nieto had issued Spanish translations of parts of

the High Holy Day services, which were distributed in the synagogue free of charge.

By no means all of the Matteh Dan is devoted to the defense of the Oral Law. Thus, in the Fifth Dialogue, Nieto returns to his "first love", the question of the Calendar, - although, as we shall have occasion to see, there is a certain connexion between the defense of the Oral Law and the justification of the traditional Calendar. The Fourth Dialogue is primarily concerned with the relation of Judaism to Philosophy, - where "Philosophy" includes the whole range of the secular sciences. Nieto avails himself of the opportunity provided by these terms of reference to state his own unmistakable position, which is one of enlightened piety, as opposed to narrow-minded obscurantism. We shall leave the detailed discussion of the ideas contained in the Matteh Dan to subsequent chapters.

Here we shall only note that, as Solomons has pointed out, the Matteh Dan is the only work of Nieto that has had a popular demand. The first two Dialogues, as we have already seen, were published in an English translation more than a century after Nieto's death. Solomons also knew of an English translation of the remaining three Dialogues. But they have remained in MS form. Other MS translations of the work are extant in Italian and in Yiddish.

Solomons gives a long list of editions through which the Matteh Dan went; but the list ends with the Warsaw edition of 1890. There is, however, yet a further Warsaw edition, known to the present writer, dated 1914; which would indicate that the work has retained its popularity for an even longer period than Solomons had assumed.

The reason for this popularity is not far to seek. The Matteh Dan

is an eminently readable presentation of the case for Rabbinic Judaism. The dialogue form, which necessitates the breaking up of involved arguments into smaller sections, helps to maintain the reader's interest. And if, here and there, the author cannot help introducing the discussion of a very intricate halakhic point, the reader finds ample compensation in the many anecdotes, parables and literary allusions with which Nieto manages to preserve the popular character of his work.

It should also be remembered that, as we get from the 18th century into the 19th, opposition to the Oral Law was no longer confined to communities with an ex-Marrano heritage. Long before nascent Reform Judaism claimed the right of adopting a critical attitude towards the Bible, its early adherents took liberties with certain rabbinic provisions. The Bible was indeed the "Word of God", but the Talmud was merely a human invention. Against such a religious orientation Nieto's arguments would undoubtedly still hold good.

In 1715, the year immediately following the publication of the Matteh Dan, another work of Nieto was printed by Thomas Ilive, again both in Hebrew and in Spanish. It was the Esh Dath, a polemical tract directed against Nehemiah Hayyun. We have discussed the teachings of this heresiarch in our first chapter. On June 30, 1713, Hayyun had come to Amsterdam, and he found in Haham Zevi Ashkenazi a fierce opponent. However, Hayyun succeeded in beguiling the leadership of the Sephardi community, and even found adherents in Haham Zevi's own congregation. Matters had come to a head when Haham Zevi repeatedly refused to appear before the Sephardi beth din, which

openly favored <sup>18)</sup> Hayyun ; and thus came to pass, what <sup>19)</sup> Sokolow calls one of the ironies of History: that Haham Zevi, who, a decade before, had saved Nieto from the ban in store for him, was himself excommunicated by the Amsterdam tribunal. Anticipating his forceful eviction from Amsterdam, Haham Zevi went into "voluntary exile" in 1714. He received a tremendous welcome from both the Ashkenazi and Sephardi sections of the Anglo-Jewish community <sup>20)</sup> .

While the Esh Dath contains no reference to the fact, it would seem to us that the t i m i n g of its publication indicates an effort on Nieto's part to repay "in kind" the help he received ten years before from Haham Zevi.

Like the other major works of Nieto, the Esh Dath is written in dialogue form. In fact, it consists of two dialogues, of which, strictly speaking, only the first is concerned with the refutation of the pernicious doctrines of Hayyun. The second dialogue treats of a variety of religious problems, and thus serves as a primary source for Nieto's theology.

Little enough is known about Nieto's contacts with the non-Jewish world, but what evidence we have would indicate that the Haham's interests were not confined to his own community.

<sup>21)</sup> Mr. Wilfred S. Samuel writes that he "would like to think that William Wollaston knew Haham David Nieto in London"; but there appears to be no evidence to make this more than an assumption.

We are on firmer ground when it comes to Nieto's contacts with Dr. John Covel, the Master of Christ's College in Cambridge from 1688 to 1722. Covel was a noted Oriental traveller, and his diary contains several interesting, but not very agreeable, remarks about the Jews of

22) the Orient. This notwithstanding, his relations with Nieto seem to have been of a most cordial nature, as can be seen from their correspondence of the year 1705/06.<sup>23)</sup> Covel asked Nieto to contribute some articles about the Jewish Calendar and Jewish antiquities to an almanack which was about to be published. Unfortunately, no copy of this almanack has been preserved. In his letter to Covel, Nieto laments the fact that he does not know English, and says that he would have to write the requested articles in Latin. He also sent Covel a copy of the De La Divina Providencia and wanted to hear Covel's views on this matter.

In his reply to Nieto, the Master of Christ's College expressed his regret at his correspondent's unfamiliarity with the English language but he assures him that "a man so learned and so noble as you are will certainly find some true friend who will translate your very learned works." As to the De La Divina Providencia, Covel had read it "with great pleasure", and is in full agreement with its author; "Universal Nature seems to me not more or less than the Platonic Chimera, that is, the soul of the world, or a blind and vicarious Spirit, senseless, without reason, which, I do not know by what plastic virtue, leads the particular Nature of everything. How I laugh at these foolish things!" The correspondence was conducted in Italian, Nieto's native tongue.

In 1719, Nieto received an enquiry concerning various biographical and bibliographical matters in relation to contemporary Hebrew authors from Christian Theophilus Unger, pastor in Herrenlaurschuetz.<sup>24)</sup> This would indicate that Nieto's reputation as a literary man had already spread throughout the continent of Europe. Nieto answered these questions to the best of his ability, writing in the Spanish Rabbinical script, and asking Unger to continue the correspondence in Latin, since

he, Nieto, was unable to read the Ashkenazi Hebrew script. At the same time, Nieto took the opportunity of forwarding to Unger, via the Secretary of the Envoy of the King of Poland, all of his own publications.<sup>25)</sup>

<sup>26)</sup>  
In his Esh Dath Nieto also tells us about a theological discussion he has had with an intelligent non-Jew (who remains anonymous), when the latter approached him for some clarification of the concept of an "eternal" God. Coming as an agnostic, the non-Jew left Nieto's house as a convinced theist.

Towards the end of his life, when he was feeling "oppressed by age and infirmities"<sup>27)</sup>, Nieto was much concerned about the fate of the victims of the Inquisition, which, at the time, was still holding its dreadful sway over the Iberian Peninsula. The most famous of his publications dealing with this sombre aspect of Jewish life is the reply to a sermon, preached by the Archbishop of Cranganor, on the occasion of an auto da Fe at Lisbon in 1705. This "Reply" was published posthumously in 1729, and has been translated into English by Moses Mocatta in 1845.

The Archbishop, preaching to men condemned to die at the stake, had been making a last-minute attempt to win them over to Christianity. His sermon ran the whole gamut of devices familiar to the student of conversionist literature. Quoting and misquoting the Hebrew Scriptures in and out of context, insinuating that the messianic claims made for Jesus are tacitly accepted by the Talmud, stating that Ibn Ezra had been convinced that the Messiah must be God and that Rashi had falsified the text of the Hebrew Bible, -- such were the arguments

used by the Archbishop.

Nieto submits this sermon to a very detailed analysis. He has no difficulty in turning the tables on the Archbishop, when it comes to the accusation that the Jews have falsified Scripture. He can quote no less an authority than St. Augustin to the effect that it is impossible to believe that the Jews have falsified the Hebrew text of Scripture.<sup>28)</sup> As for Ibn Ezra's acceptance of the Christian claim, Nieto comments that "any Jew, acquainted with the true state of the case, ...will in his heart rejoice, at perceiving to what arts and inventions he (the Archbishop) was obliged to have recourse in order to maintain his system."<sup>29)</sup> Indeed, the very arguments of the Archbishop prove the weakness of his case. "Blessed art thou, the great God of Israel, who hast preserved me in my true faith! for what better proof of its truth can I desire than that of its assailant having no means to confute me save those which spring from disguises, exaggerations, and omissions, contradictions of fact, and quotations so garbled that I can find the most convincing arguments in its favor in the very passages which he attempts to bring forward to confute it."<sup>30)</sup>

Above all, asks Nieto, how can any Jew believe that the Messiah has come, when the very purpose of his coming - the liberation of Israel and the Restoration of the Temple - has not been achieved?<sup>31)</sup>

Moreover, it is as futile to convince the Jews by means of allegories as it is to try to retain water in a sieve, for the Jews never abandon the literal meaning of Scripture.<sup>32)</sup> As for the allegories of the Talmud, they were not meant to carry the decisive authority of Talmudic law.<sup>33)</sup>

Not content with refuting the Archbishop point by point, Nieto

carries the battle into the enemy's camp. He laughs at the Inquisition, which prohibits every book that argues against its religion, and contrasts that position with the Jewish practice of publishing "such works as are written against us, and we explain them to our children, that they may know the truth of our reasoning and the fallacy of theirs; that they may gain strength in the true belief, and that they may perceive what subterfuge they are driven to who wish to distort the truth, and to what contrivances they must have recourse in order to maintain their opinions."<sup>34)</sup>

Nieto concludes his "Reply" by giving expression to his own messianic hopes: "May he be pleased in his Divine mercy to unveil the eyes of all nations; so that we may all worship Him alike, uniting, in the same mind, to call upon his most holy name with one voice, according to the assurance given us by the prophet Zephania, chap. iii, ver.9, 'For then will I diffuse among the people a pure language, that they may invoke the name of the Lord, and serve Him with one accord.'<sup>35)</sup>"

Other works of Nieto include a number of published sermons preached on various occasions, a Hebrew calendar, and, in MS form only, several responsa dealing with ritual matters, and an unfinished anthology of sayings to be found in the Babylonian Talmud, entitled Sha'ar Dan. For the complete bibliography of Nieto the reader is referred to Solomons' biography of the Haham.<sup>36)</sup>

David Nieto died on Saturday, Tebeth 28 5488 (January 10, 1728), the very day on which, according to the Hebrew calendar, he completed the seventy-fourth year of his life. Among the several memorial sermons that were preached were those of his own son, Isaac Nieto, who was to succeed him as Haham of the London community, as well as of Dr. Jacob

de Castro Sarmiento. The latter, a Fellow of the Royal Society, was a close friend of Haham Nieto, and, on at least one occasion, substituted for Nieto in the pulpit on the Day of Atonement. <sup>37)</sup> It is an eloquent commentary on the religious scene with which Nieto had to deal that this very Dr. Jacob de Castro Sarmiento severed his connections with the Jewish community in 1758, claiming that "The different opinion and sentiments I have entertained long ago, entirely dissenting from those of the Synagogue, do not permit me any longer to keep the appearance of a member of your body...." <sup>38)</sup> It is tempting indeed to speculate on what there was in the approach and the personality of David Nieto that managed to retain the loyalty of men like de Castro Sarmiento for the Jewish cause, a loyalty which was waning with the passing of the Haham.

The translation of the epitaph, composed by Dr. Isaac de Sequeira Samuda, which appears on David Nieto's tombstone is as follows:-

Sublime Theologian, profound Sage,  
 distinguished Physician, famous Astronomer,  
 sweet Poet, elegant Preacher,  
 subtle Logician, ingenious Physicist,  
 fluent Rhetorician, pleasant Author,  
 expert in Languages, learned in History:

Since so much is here, enclosed within so little:

In Death a little earth holds what is much and little. <sup>39)</sup>

On hearing of Nieto's death, David Meldola, who was Haham and rosh yeshivah in Leghorn, eulogized Nieto by playing on his nom de plume, DaN. <sup>40)</sup> After showing that, by dealing with religious law

and by being a physician, Nieto has lived up to the ideals of torah,  
<sup>41)</sup>  
abhodah and gemiluth hasadim , Maldola proceeds to apply to him  
 Genesis 49:17: "Dan shall be a serpent in the way", - that is, against  
 heresy. "A horned snake in the path", - that is, against scepticism  
 and against those who deny the words of the Sages. "That biteth the  
 horse's heels", - that is, against the ignorance of the Gentiles who  
 do not know how to calculate the years.

But the mention of the tribe of Dan also suggests the figure of  
Samson, who was of that tribe. Indeed, the mighty deeds of Samson are  
 closely paralleled by those of Nieto. Samson made riddles, and Nieto  
 made riddles, and wrote songs for bridegrooms and brides. Samson burnt  
 down the corn of the Philistines, and Nieto, with his knowledge, set  
 fire to the insinuations against the fiery Law. <sup>42)</sup> Samson smote with  
 the jawbone of an ass, and Nieto fought, armed with the wisdom of  
<sup>43)</sup>  
Issachar. Samson quenched his thirst by drinking the waters of  
<sup>44)</sup>  
Lehi , and Nieto went to imbibe the waters of the spirit. When  
Samson was bound, he broke the bonds with his strength, and Nieto  
 knew how to find the solutions to difficult questions. Samson laid  
 hold of the gates of Gaza, and Nieto produced an apologia for the  
 sermon he had preached; and Truth was on his side. <sup>45)</sup> Samson fell  
 into the hand of Delilah, and Nieto fell into the hand of old age and  
 the infirmities attendant upon old age. Nevertheless, he said (like  
Samson): "Let me die with the Philistines, --- by writing a book about  
 calendation, to show the Gentiles that they are wrong in their  
 reckoning, but that we are right."

In his homiletical manner Maldola has thus covered all aspects of  
Nieto's work. His reference to Nieto's authorship of epithalamia is

particularly instructive in rounding out the picture of his multifarious activities. The only difficulty in Maldola's eulogy is his reference to Nieto's book on the Gentile calendar as being the work of his old age. The reference can only be to the Pascalogia, which, however, was the very first of Nieto's publications. We must either assume that Maldola made a mistake <sup>46)</sup>, or that Nieto did, in fact, return to this subject in his old age, and published a work unknown to the bibliographers, - which seems unlikely.

We proceed now from these "external" biographical data to a consideration of those aspects of the Haham's spiritual and intellectual accomplishments which confront us in his own writings.

To begin with, we would like to draw attention again to the fact that the major works of Nieto are written in dialogue form: the Pascalogia in 1693; De La Divina Providencia in 1704; Matteh Dan in 1714; and Esh Dath in 1715. In his introduction to the Matteh Dan, Nieto tells us why he has adopted this literary form: "I have written my book like his (i.e. Halevi's), in the form of Question and Answer, even though I myself am the speaker throughout, -- because this style is more powerful than any other device or style in implanting into the heart of the reader the strength of the arguments and the power of the proofs....."

But we also know that, leaving aside the original Platonic dialogues, the dialogue form in philosophical writings goes back to the Humanists of the Renaissance. <sup>47)</sup> This is not to say that Nieto can only be understood in terms of the Renaissance. He lived too late for that, and other factors too were involved in the acquisition of

his knowledge and the shaping of his attitudes. It should, however, be remembered that the University of Padua, from which he graduated, attained the greatest prominence among Italian universities in the 16th century.<sup>48)</sup>

It was at this particular university that emphasis was placed on logic and natural philosophy rather than on metaphysics, and that philosophy was studied together with medicine rather than with theology.<sup>49)</sup> Thus it is not surprising that Nieto's interest in ancient philosophers and in the thinkers of his own days is aroused primarily by their physics rather than by their metaphysics.

He quotes Aristotle many a time; but it is on such questions as the nature of heat<sup>50)</sup>, the composition of comets<sup>51)</sup>, or of lightning<sup>52)</sup>. Again, he mentions Aristotle's views on Matter, Form and Privation<sup>53)</sup>; but Aristotle's "metaphysics" play no part in his thinking.

Similarly, he refers to the views of Descartes concerning the latter's theory that lightnings are composed of the vapors of nitre<sup>54)</sup> and his identification of Matter with Space<sup>55)</sup>. And he makes mention of the Atomistic Theory propounded by Assendi<sup>56)</sup>; but he passes over in silence those aspects of the teachings of the modern philosophers which were destined to bring about a radical departure in religious thought. This, too, was quite in keeping with the Renaissance tradition; for the Humanism of the Renaissance was held together by a common cultural program and ideal, but not by specific philosophical or theological convictions; and a classical training could be combined in each case with a great variety of ideas and of opinions.<sup>57)</sup>

Again, if the distinguishing feature of the Renaissance was a "universal intellectual curiosity"<sup>58)</sup>, then Nieto was a true heir of

this rebirth of the human spirit. He manifests a particular delight in the reports from distant lands and peoples which he finds in the books written by seafarers and travellers.<sup>59)</sup> The eye-witness reports of the adventurer Juan Leon Africano<sup>60)</sup>, a Moslem convert to Catholicism, help him to clear up certain difficulties in the rabbinic Aggadah. Indeed, Nieto says of himself: "I call heaven and earth to witness that I have investigated and studied all the religions and cults of the world!"<sup>61)</sup> And there was probably not too much exaggeration in this claim, either, for he quotes St. Augustin<sup>62)</sup> and Platina's "Lives of the Popes"<sup>63)</sup> in the same matter-of-fact way in which he quotes from Jewish sources.

However, Nieto's statement that he had studied all the religions of the world is significant also in what it tells us about influences other than the Renaissance that had their effect on the Haham. The statement deserves to be quoted in full:-

"I call heaven and earth to witness that I have investigated and studied all the religions and cults of the world; and I have found that, not only the Christians and the Moslems - who believe in our three dogmas of The Existence of God, Divine Revelation, and Retribution, (though they disagree with us in their interpretation)-, but even the majority of the inhabitants of the East Indies, and the majority of the inhabitants of the West Indies, as well as the majority of the inhabitants of Africa, who are black and barbarians, worshipping the sun and the moon and all the hosts of heaven, and cattle, and the beasts of the field, and serpents and sea-monsters, and creeping things, and all the work of the hands of man in wood and in stone, -- they all believe and proclaim that the righteous

will be rewarded after death, whereas the wicked will be chastised and punished with severe sufferings through countless ages." <sup>64)</sup>

The formulation of the three dogmas is, of course, taken over from Albo, whom Nieto quotes quite frequently. So also is the view which regards Christians and Moslems as sharing the three basic "roots" of Judaism, though deviating from Judaism in their further application and definition. <sup>65)</sup>

But the "proof" for the belief in Retribution after death, based upon the existence of such a belief at the very outskirts of civilization, is the kind of "proof" which was very dear to Nieto's contemporaries who are known to us as "Deists". We have had occasion to take cognizance of the five fundamental propositions of "natural religion" enumerated by Lord Herbert of Cherbury. It will be recalled that the fifth of these dealt with the existence of a future state of rewards and punishments. <sup>66)</sup>

Now, it was basic to the outlook of the 18th century Deists in England that what they called "natural religion" be of universal applicability, - in contradistinction to the limited groups which laid claim to "revelation". Thus they laid considerable stress upon what they believed to be "a common residuum discoverable in all non-Christian faiths". <sup>67)</sup>

For Lord Herbert had already asserted that religion was the chief distinguishing mark of man as a species, and that there were no real atheists. <sup>68)</sup>

But, in order to discover this "residuum", it became a matter of utmost importance to find out as much as possible about as many religions as were available for such an investigation. With the

expanding activities of the British trading companies in the West Indies and the East Indies at the end of the 17th and the beginning of the 18th century <sup>69)</sup>, facilities for this study of "Comparative Religion" were not lacking.

A.C. Bouquet is thus justified in claiming for Lord Herbert of Cherbury the honor of having been the first to initiate the comparative study of religion in England. <sup>70)</sup>

Two important facts emerge, therefore, from Nieto's statement quoted above: (i) that Nieto's interest in all religions may be attributed to the intellectual climate of the England of his time, and (ii) that, though the Haham was an outspoken opponent of Deism, he was not above using typical Deist arguments when they suited his own purpose.

We may now resume our enquiry into the sources which helped to shape Nieto's thought. Needless to say, there are innumerable instances where he quotes the Bible, the Palestinian and the Babylonian Talmudim, the Midrashim, the standard commentators like Rashi, Kimchi, Ibn Ezra, the philosophers Saadiyah, Halevi, Maimonides and Albo, and the standard codes with which we would expect him to have been familiar.

Of interest is his relation to the Zohar. As we have seen, in his De La Divina Providencia, the Zohar figures together with Bible and Talmud as a source from which Nieto draws the "proofs" to his own orthodoxy, and his justification for the statement that God and Nature are identical.

Again, it is almost the exclusive function of the first part of the Esh Dath to show that the Zohar does not mean what Hayyun makes

it to mean, that, in fact, as far as the essentials of Judaism are concerned, there is a perfect harmony between the teachings of the Zohar and those of the Talmud. In the second part of the Esh Dath<sup>71)</sup> he regards Kabbalah as an "attempt" to solve, by means of the theory of Emanation, the problem of how an Infinite God can create a finite world.

The question that arises is this: How far did Nieto himself accept the claims made for the Zohar, and how far did he merely accommodate himself to the general esteem in which the Zohar was held at the time, only trying to prevent the Zohar from being used as a weapon in the hands of the heretics?

In different places Nieto disclaims any responsibility for the teachings of the Cabbalists. The first is in the De La Divina Providencia, where, as part of a discussion on Providence and Astrology, Nieto frankly admits that his interpretation differs from that of the Cabbalists, "because I am speaking as a Literalist theologian, and not as a Cabbalist."<sup>72)</sup>

Another instance occurs in the Esh Dath, where Nieto is explaining the basic agreements between Cabbalists and non-Cabbalists as far as the God concept is concerned. Doing so, he was compelled, by way of an excursus, to mention some of the Cabbalistic theories of Emanation. But he refuses to go into details, saying: "Make thee a master and get thee a companion from among the Cabbalists, and read in their books. There you will find a commentary on my words; for it is not my intention to teach you the wisdom of the Cabbalah; but only to let you know that there is no difference between those who interpret things literally and the cabbalists

as far as the belief in God is concerned." <sup>73)</sup>  
of

Nieto also feels the need to treat the problem of the Zohar's provenance. He had been arguing, in his fateful sermon on "God and Nature", that the Hebrew word יגו, meaning Nature, was an invention of the last 500 or 600 years, - more specifically, since it began to be used in the Humanities (Sciencias Humanas). <sup>74)</sup>

Against this argument it had been urged that the word does, in fact, occur in the Zohar <sup>75)</sup>, and, since the Zohar is the work of R. Simeon bar Yohai, a Tanna!, the word is to be found long before the 600 years mentioned in the sermon. <sup>76)</sup>

Nieto admits that, according to the testimony of the Sefer Yuhasin, the Zohar was written by R. Simeon bar Yohai or his disciples after him. However, from the same Sefer Yuhasin we know that the Zohar was not discovered until after the death of Mahmanides and Asher ben Yehiel, which brings us up to the beginning of the 14th century. This, in turn, means that, at the time of the Haham's sermon, the Zohar had not been known for more than about 400 years, - that is: well within the time-limit given by the Haham. Consequently, Nieto insists that, even if the time of the appearance of the Zohar be taken into consideration, his original claim that the word יגו was invented 500 or 600 years ago would still be justified. <sup>77)</sup>

From this chain of reasoning it would appear that Nieto did not really believe in the authenticity of the tradition which links the Zohar with the name of R. Simeon bar Yohai, -- although he does not say so in so many words. The pivotal point of the whole argument is that the Sages of Mishnah and Talmud did not know the word יגו in the sense of "Nature". <sup>78)</sup> The date of the "appearance" of the

Zohar is, therefore, completely irrelevant, if it be conceded that the Zohar, concealed though it may have been throughout the centuries, was the work of Simeon bar Yohai. For, in that case, the word זוהר was used by a Tanna, and must have been known to the esoteric circle which guarded the tradition throughout the centuries until it was "published" by Moses de Leon. In that case, too, the word was considerably older than the 500 or 600 years with which it was credited by Nieto.

That he nevertheless maintains his original view about the age of this word may be regarded as clear evidence that Nieto did not regard the Zohar as the work of R. Simeon bar Yohai. But rather than encourage additional opposition to himself by departing from the generally accepted notion about the Zohar's origin, he preferred to meet his antagonists on their own ground, i.e.: the Sefer Yuhasin's testimony to the Zohar's provenance, all the while maintaining his original position by means of the apparent though illogical "proof" based on the time of the Zohar's "discovery".

It is not surprising that Nieto should have maintained a respectful attitude towards the Zohar, even though he did not believe in bar Yohai's authorship of the work. Modern theological authors manage to maintain a reverential attitude towards the teachings of the Bible, even though they may have discarded the traditional notions about the authorship of the biblical books.

Three conclusions, then, emerge from the above considerations:

- (i) Nieto was acquainted with, and quotes from the Zohar. (ii) He (implicitly) rejects the view that R. Simeon bar Yohai was the author of the Zohar<sup>79</sup>. (iii) He makes it clear that he himself is not a Cabbalist.

Nieto's knowledge of Jewish History is derived from rabbinic sources, from such parts of the Hellenistic-Jewish literature as will be discussed below, as well as from such works as Ibn Daud's Sefer haKabbalah <sup>80)</sup>, David Gans' Zerah David <sup>81)</sup>, and, as we have seen, Abraham Zacuto's Sefer Yuhasin.

A great variety of Jewish philosophical, mystic, legal and exegetical writers, from both the Ashkenazi and the Sephardi orbits, are making their appearance in the pages of Nieto's works. Thus, he quotes Jedaiah ben Abraham Bedersi <sup>82)</sup> as well as Samuel Japhe <sup>83)</sup> Ashkenazi <sup>84)</sup>; Don Isaac Abrabanel <sup>85)</sup> and Isaiah Horowitz <sup>86)</sup>; Solomon Levi <sup>87)</sup> and Samuel Edels (the Maharsha) <sup>88)</sup>; Josiah ben Joseph Pinto <sup>89)</sup> and Solomon ben Adret <sup>90)</sup>; Judah Moscato <sup>91)</sup> and Jacob Abendana <sup>92)</sup>; Judah Hayyat <sup>93)</sup> and Joseph Gikatilla <sup>94)</sup>; Azariah de Fano <sup>95)</sup> and Shem Tob ibn Shem Tob <sup>96)</sup>; Meir ibn Gabbai <sup>97)</sup> and Rabbi Peretz <sup>98)</sup>, the author of Ma'arekhet haElohuth <sup>99)</sup>; and David ibn Zimra <sup>100)</sup>. He quotes the Karaite author Elijah ben Moses Bayatchi <sup>101)</sup>, and mentions the protagonist of the Oral Law, Immanuel Abcub, of whose "Nomologia" he approves, although he regards this work as no longer meeting the needs of his own days.

Nieto's knowledge of the Greek and Roman classics, which we have mentioned in connexion with the Renaissance tradition of which he was an heir, is further evidenced by his references to Pythagoras <sup>102)</sup>, to Plato <sup>103)</sup>, to Plutarch <sup>104)</sup>, to Jamblicus <sup>105)</sup>, and to Diogenes Laertius <sup>106)</sup>. He refers to Aesop <sup>107)</sup> and to Pliny <sup>108)</sup>; and he also quotes the "De Preparatione Evangelii" of Eusebius.

It need not be assumed, however, that Nieto derived his knowledge

of all the classical and philosophical writers as a result of his study of primary sources exclusively. Thus, for example, he gives us an impressive list of philosophical authors <sup>109)</sup> which he finds quoted in the Sha'ar haShamayim of Abraham Cohen Herrera <sup>110)</sup>.

On the other hand, there cannot be any doubt that Nieto had first-hand acquaintance with the Latin translation of the works of Philo of Alexandria, whom he calls both 'הַאֲלֵכְסַנְדֵּרִי 111) and פ"ט"י 112). Nieto says that the passages he quotes from Philo have been translated by him from Latin into Hebrew <sup>113)</sup>. The following writings of Philo are quoted by Nieto:- DE MUNDI OPIFICIO <sup>114)</sup>, QUOD DEUS SIT IMMUTABILIS <sup>115)</sup>, DE CONFUSIONE LINGUARUM <sup>116)</sup>, and DE LEGATIONE AD GAIUM <sup>117)</sup>.

Incidentally, since we owe the Hebrew translation of Philo's name into "Yedidyah" to Azariah dei Rossi <sup>118)</sup>, it is clear that Nieto must have been familiar with the "Me-or 'Enayim" as well, -- which is not altogether surprising.

Nieto also quotes Josephus <sup>119)</sup>, and, although he calls him "Yosipon" <sup>120)</sup> and "Joseph ben Gorion" <sup>121)</sup>, it is the authentic Josephus Flavius he has in mind, and not the popular work "Yosipon". Like Abraham Zacuto before him <sup>122)</sup>, Nieto must have been under the impression that the "Yosipon" was written by Josephus himself in Hebrew, as a kind of abbreviation of his longer history in Greek. But it is to this latter that Nieto refers as well as to the Contra Apionem <sup>123)</sup>. He availed himself of the Hebrew translation of the Contra Apionem which was appended to Samuel Shullam's edition of the Sefer Yuhasin <sup>124)</sup> (Constantinople 1566). But for his quotation from the "Antiquities of the Jews" קַדְמוֹנוֹת הַיהוּדִים <sup>125)</sup>, he must have had recourse to

either the Greek original, or, which is more likely, to a Latin translation.

Nieto also gives three quotations from a "Book of the Has-moneans", ( הַשְׁמוֹנִימֵי הַלְּוִיִּם <sup>126)</sup> of which one is definitely identical with a verse in the Second Book of Maccabees in the Apocrypha <sup>127)</sup> .

That Nieto's knowledge of classical and scientific literature included even wider areas than those we have been able to name is evidenced by his discussion of the Copernican world-view in the Fourth Dialogue of the Matteh Dan <sup>128)</sup> , his demonstrations of geometrical theorems <sup>129)</sup> , and the whole of the Fifth Dialogue of the Matteh Dan, where the question of the Calendar is discussed from all aspects.

If we were to ask how this wide knowledge and this mastery of both religious and secular literature affected the conduct of the Haham and his effectiveness as a spokesman for Judaism, we would find the answer in three different spheres. First, there is the cordial relation of the Haham to non-Jewish representatives of the learned world. We have already remarked on this in connexion with his first published work, the Pascalogia, which was dedicated to Cardinal Francesco de' Medici; and we have noted his correspondence with Dr. John Covel, the Master of Christ's College, Cambridge, and with Christian Theophilus Unger, pastor in Herrenlaurschuetz.

Secondly, the Haham's wide culture had its effect upon the way in which he envisaged Jewish education. Instead of plunging the pupils straight into the vast ocean of Talmudic dialectic, he would like them to receive an "Introduction" to this type of literature

first. Hopefully, he suggests that his own Matteh Dan might serve this purpose:-

"I implore all who teach the Torah in all the dispersions of Judah and Israel that they should teach their pupils the first three Dialogues of this book and explain them well, before they teach them Mishnah and Gemara. It is for this reason that I have written them in a clear and easy language; -- so that when they enter the chambers of Mishnah and Gemara, their heart will not become faint on seeing the discussion and argumentation between Abaye and Rabah; for they will know from the very beginning that 'both of them are the words of the Living God'.<sup>130)</sup>"

The modern reader of these lines may well have his doubts as to the suitability of the Matteh Dan for that particular purpose. Surely, it is essential for the comprehension of the author's point of view that the many references and allusions to rabbinic literature, which are scattered throughout the three Dialogues, be understood by the reader. But, if that is the case, then a previous knowledge of rabbinic literature is pre-supposed of the reader; -- and that includes the youthful reader who is asked to study the Matteh Dan before he even approaches the study of the Talmud itself!

Be that as it may. The fact remains that Nieto, for whom the Oral Law was without any doubt the very Word of God, was nevertheless aware of the need for a suitable "historical" introduction which was to precede the study of the sources themselves.

And, finally, we come to that aspect of the Haham's personality, which induced Gaster to say, "there was no Ghetto-bend in his gait

131)  
 or in his mien" . In an age when Judaism could be ridiculed among the so-called "educated", whose knowledge of Science or of the Classics seemed to give them a superior vantage-point from which to judge the tenets and the traditions of Judaism, in an age like that, Nieto was the perfect apologete of Judaism. His own mastery of the secular learning of his day enabled him to meet such opponents of Judaism on their own ground.

To illustrate this aspect of the Haham's personality and of his work, we conclude this chapter by giving a verbatim translation of a paragraph in the Matteh Dan 132), to which we might well give the heading "Nieto's Apologia for Rabbinic Lore". It is addressed to those who ridicule the words of the Jewish Sages, and who consider them to be full of stupidities and puerile expressions 133) .

" I am amazed that there are people who think like this about the faithful and holy Sages of Israel.

" I shall ask them why they go to such troubles in interpreting the Greek and Roman poets, those idolaters who neither knew the LORD nor served Him. For the bulk of their poetry is exclusively concerned with the love-life and the harlotries of their gods. And if, perchance, there be in them a little Philosophy and Rhetoric, that little advantage is made void by the great disadvantage.

" And as for the words of the Tannaim and Amoraim, not only do they not explain them, but they speak of them disparagingly, in haughtiness and in contempt.

" Behold, it is not proper for them to do so. For even the corpse of a king is honored, and people prostrate themselves before it as if it were still animated with life. And there he lies, ensconced in

gold and in silver, ---- though not a single breath is within him!-

" Let us grant then, for argument's sake, that the Israel of to-day is but the corpse of ancient Israel. Why, then, do they not show him at least as much respect as they show the corpse of a king?

" Nay, more than this! For our bones have not yet dried, and our hope is not lost. Even though we have been poured from vessel to vessel, and even though we have been thrust out again and again, behold, we are bearing the yoke of Exile with great patience, because we can see with our own eyes that God has not forsaken us in our slavery.

" How much more so was this the case in the days of the Tannaim and the Amoraim, when the strength of our nation was not yet completely cut off, for there was still the sap of an existing Sanhedrin, and the LORD had not yet hid His face from us!

" And even now, while we are suffering the most complete humiliation and dispersion, we can see the face of the LORD looking through the windows of heaven to watch over us in His great goodness and loving-kindness. For, with all the troubles that have come upon us, there was fulfilled in us (the verse of Jeremiah 46:28):

" 'But I will not make a full end of thee; and I will correct thee in measure.'

" And this is our certain hope: that the LORD has pleasure in us, to sanctify His great Name through us, even as He has promised us through His servants, the Prophets.

" The fact is furthermore not concealed from their eyes that all the Sages of antiquity - be they Jews or Gentiles - used to write their books in proverbs and in riddles. Pythagoras, for example,

wrote in his books: 'Do not eat beans!' and 'Do not put a golden ring upon your finger!', and many things of this order. And his commentators say that these are merely riddles which contain the secrets of the highest moral virtues.

" Similar things they wrote about Aesop.

" Why, then, do they not take this sort of thing to heart?!

" And when it comes to religious laws, they can surely see that there is no intelligence like that of our Sages, no incisiveness like their incisiveness, and no understanding like their understanding!"

On this note of self-confidence and conviction, we shall leave the biography of Haham David Nieto, and proceed to a detailed examination of the background of heresy against which we have to see the Haham's endeavors and achievements.

CHAPTER THREE

The Antecedents of Heresy

" What I would now explain is this, that the Pharisees have delivered to the people a great many observances by succession from their fathers, which are not written in the laws of Moses; and for that reason it is that the Sadducees reject them, and say that we are to esteem those observances to be obligatory which are in the written word, but are not to observe what are derived from the tradition of our forefathers." (JOSEPHUS, Antt. Bk. XIII, ch. X, 6, Whiston's translation.)

The religious scene which confronted Nieto, and which we have described in Chapter One, was typical of the 18th century. But the issues, against which the shafts of contemporary criticism were directed, were of considerably older provenance. They go back, in fact, to the very beginning of Pharisaic Judaism.

It is, therefore, necessary for us to cast a brief glance backwards, in order to gain the true perspective, before we proceed to a detailed investigation of the particular variety of heresy which called forth Nieto's opposition.

The tradition which regards the Sadducees as a heretical sect which split away from the main "orthodox" body of the Jewish people, has been shown by Lauterbach<sup>1)</sup> to have arisen at a time when the true historical state of affairs was no longer known. In effect, it was the Sadducees who were the protagonists of the "Old Time Religion", and, in their eyes, the Pharisees were the "modernists" and dangerous innovators. Not that the Sadducees rejected in toto the customs and observances by which the Pharisees set so much store. They merely denied that these traditions were of equal authority with the Law of Moses; whereas the Pharisees even went so far as to claim a Sinaitic origin for them.

So much for the historical facts of the case. There is, however, a certain justification for the Rabbis' view of the Sadducees, which regards them as "heretics". It was, after all, Pharisaic Judaism which ensured the continuation of the Torah and of the Jewish People, at a time when the very prerequisites of the Sadducean approach - Temple and State - had passed away. Had all Jews been Sadducees then, it is hard to imagine how Judaism could have continued to exist. Life itself had validated the Pharisaic position. Even the later Karaites were compelled by the exigencies of life to evolve a legal system in addition to the Bible (!), which, while it is often stricter than the Rabbinic halakha, does, in many instances, parallel it.

But, if it was Life which both called into being and validated Pharisaic Judaism, it has to be remembered that it was Life under certain quite definite conditions. Within the framework of Jewish life in Palestine and in Babylonia the Mishnah and the Gemara were a "natural", almost "logical" continuation of the Biblical tradition.

Yet, take away these environmental factors, bring the Written Law to a distant people that has no knowledge at all of post-Biblical Judaism, and they will certainly evolve a system of hermeneutics to make biblical law applicable to their conditions. But what they are going to evolve will not be an exact copy of the Talmud. In this connexion we need not even take sides in the argument whether or not the 13 middoth of R. Ishmael correspond to the workings of human reason or to the demands of strict Aristotelian Logic. The Talmud itself <sup>2)</sup> lays down the principle that one is not permitted to apply the reasoning from analogy of his own accord, but only in instances sanctioned by Tradition. This means, in effect, that Tradition is as important a factor in "correct" Scripture exegesis as human reason. Consequently, where this "Tradition" is

lacking, Rabbinic Judaism cannot, like Athene from the head of Zeus, spring fully-fledged into existence from the mere letter of the Biblical Law.

Precisely this lack of Tradition marked the clandestine adherence to Judaism of the Marranos in Spain and Portugal, and proved to be the great stumblingblock along the path of their re-adjustment to normal Jewish living. As the knowledge of Hebrew was gradually dying out among the Marranos of Spain and Portugal, as even the possession of Jewish books in translation meant courting the danger of exposure, the place of the many volumes of Jewish literature was occupied by the single volume of the Latin translation of the Bible. While they neglected the New Testament, they seem to have treated the Apocrypha with the same reverence as the Old Testament, - a fact, as Roth rightly points out <sup>3)</sup>, which clearly indicates the extent to which Jewish tradition had been forgotten.

Those Marranos, who, like the young Gabriel (Uriel) da Costa, were willing to forsake all their possessions and risk life itself, because they felt compelled to obey the Law of Moses which was given by God Himself <sup>4)</sup>, expected Jewish life in Holland or Italy to conform to the pattern of that Law of Moses which, in its strictly literal sense, had meant so much to them.

Imagine, then, their surprise when, in place of the "Mosaism" they had expected to find, they were confronted by a Rabbinism which read the Bible through the spectacles not only of Judah the Prince, of Rab and Samuel, but also of Maimonides, Jacob ben Asher and Joseph Carol

But, sooner or later, this surprise had to give way to a definite course of action. Would they, or would they not, adjust themselves to

the pattern of Rabbinic Judaism?

The physician Isaac Orobio de Castro <sup>5)</sup> who was born in Braganza around the year 1620 and who, after spending three years in the dungeons of the Inquisition in Seville, ultimately made his way to Amsterdam via France, gives us a description of two different states of mind that could be found among Marranos recently arrived in Amsterdam. <sup>6)</sup>

There are those who come "sick with ignorance, but, because the terrible disease of pride has not infected them, they can be easily cured by partaking of the wholesome and holy medicine offered to them by the piety of their brethren. For, from the moment of their arrival, everybody, from the chief rabbi to the last layman, endeavors to instruct them, so that they err not in the observance of the Divine Law."

On the other hand there are others who, "while still living under idolatry, had studied some secular sciences, such as Logic, Philosophy, Metaphysics and Medicine." When they arrive they are no less ignorant as far as the Divine Law is concerned than the first group mentioned. But they are full of pride and haughtiness, convinced that they are well grounded in all disciplines; and, consequently, they consider it to be beneath their dignity to accept instruction from those who are really learned in the holy Law. "They parade great learning in contradicting that which they do not understand."

Orobio de Castro is severe in his condemnation. Having himself made a perfect adjustment, physician and philosopher though he was, he can see nothing but pride and haughtiness in those "intellectuals" who refuse to see the point of Rabbinism. Being a writer of polemic pamphlets, de Castro lacked the necessary detachment to produce more than an argumentum ad hominem. After all, these people did risk life

and fortune in order to find an environment where Judaism can be lived freely. And if the logicians and metaphysicians among them refused to submit to Tradition, we ought to be able to find a cause for that refusal without impugning their characters and motives.

The real issue at stake has, we believe, been correctly diagnosed by Isaiah Sonne <sup>7)</sup>. He points out that, while the Chain of Jewish Tradition had been broken for the Marranos for a hundred years, there had, in the meantime, been woven around them a Chain of Christian Tradition. In order to return to Judaism, it was necessary for these Marranos to rid themselves of that Christian Tradition. But, once the mind is trained to demolish Tradition, it makes no distinction between one Tradition and another. And they were already in possession of weapons against the Jewish Tradition. In their "Christian" childhood and youth they had been nourished by the literature of apostates to Christianity (Abner of Burgos and his like), and these apostates considered the fight against the Oral Law as one of their main tasks.

<sup>8)</sup>  
Undoubtedly, Uriel da Costa was sincere when he said : "Already after a few days I experienced that the manners and ordinances of the Jews do not correspond at all to those which Moses had prescribed. If, however, the Law was to be observed exactly, as it itself demands, then the so-called Sages of the Jews have wrongly invented so many things which completely depart from the Law. I could no longer contain myself, - yes, I thought to be doing a work pleasing to God, if I defended the Law freely and openly."

This much could have been said by any bona fide Karaite. But <sup>9)</sup>  
da Costa continues :

"The present-day Sages of the Jews have still retained their manners

as well as their malignant character; stiff-neckedly they fight for the sect and the institutions of the detestable Pharisees, not without anticipation of their own advantage and, as they have otherwise been rightly accused, to get the first seats in the Temple and to be saluted first in the market place."

Da Costa is evidently thinking of Luke 11:43: "Woe to you Pharisees! for you love the best seat in the synagogues and salutations in the market places."

What went on in da Costa's mind may be described as follows:- His surprise at finding Rabbinism in place of the anticipated Mosaism gave way to an active struggle against this Rabbinism. When opposition was encountered, the Amsterdam rabbinate immediately assumed the ugly features the New Testament associates with the Pharisees. The fact that da Costa operated with these concepts would substantiate Sonne's claim that the Marranos brought with them from their "Christian" background their antipathy towards Pharisaic Judaism.

10)

Elsewhere da Costa is accusing the Pharisees of falsifying Scripture: "Therefore all those who love truth and desire to represent it must strive with all their might to become familiar with what the Sadducees say about the authenticity of the books which the Pharisees desired to include among the number of holy and divine (books)....."

Spinoza was later to echo the same sentiment about the Pharisees when he said : "I am willing indeed to admit that those persons (if any such there be) would be more absolutely certainly right, who have received either a trustworthy tradition or an assurance from the prophets themselves, such as is claimed by the Pharisees; or who have a pontiff gifted with infallibility in the interpretation of Scripture, such as the Roman Catholics boast. But as we can never be perfectly

11)

sure, either of such a tradition or of the authority of the pontiff, we cannot found any certain conclusion on either; the one is denied by the oldest sect of Christians, the other by the oldest sect of Jews."

In addition to voicing his general antipathy for Rabbinic Judaism, da Costa has given us a detailed list of disagreements with Tradition, 12) which should be mentioned here.

I He begins his "Theses against Tradition" with an attack on the phylacteries. This commandment, he says, is not from the Torah but a human commandment. He brings the following arguments:

(a) The Torah does not explain how they should be made, what their shape and form is supposed to be etc., as we would be led to expect on the analogy of the tzitzith. 13)

(b) If phylacteries were a Torah commandment, the obligation to wear them would apply at all times, just like the tzitzith, as a reminder of the commandments of the Lord, not just at times of prayer. 14) Also, far from not using them on Sabbath and Festivals, their use on these days would be even more appropriate.

(c) The Torah passages that are being made to refer to the phylacteries are to be taken metaphorically, just as Proverbs 3:3, "Write them on the tablets of thy heart" is not meant to be taken literally.

(d) The variation in practice among different sections of Jewry with regard to the phylacteries shows that there can have been no uniform tradition going back to the Torah.

(e) He who for some reason or other does not have to pray, also does not have to put on phylacteries. But the Torah does not make the remembering of the commandments dependent upon prayer. The tzitzith are to be worn whether one prays or not.

(f) Since the phylacteries are said to have the same function as the tzitzith, the Torah would be guilty of an unnecessary duplication.

II Next, he tries to show "How we sin against the Torah with our practices of Circumcision".

(a) Metzitzah is not commanded. By performing it, we are adding to the commandments.

(b) It is unseemly for the mouth, which speaks the words of the Living God, to be thus defiled.

(c) The "Chair of Elijah" brings us mockery from our enemies. Such things are foolishness, but not law.

(d) Peri'ah is not part of circumcision as ordained in the Torah. This is also proved by the practice of Moslems and Karaites.

III Da Costa claims that "The Introduction of Additional Days of the Festivals, Eight instead of Seven, is an Alteration and a Sin against the Torah".

(a) The number 7 has a mystical significance which is thus lost.

(b) It is a change, which we are not permitted to make in any part of the Torah.

(c) In this way, we are devaluating the prayers. How can we say on two consecutive nights: "On this night God brought us out of Egypt"?

(d) The uncertainties about the right day no longer obtain with our fixed calendar.

IV "We contradict the Torah by using Molten Lead for the Punishment of 'Burning'."

(a) If that is what the Torah meant to say, it would have said so. But it does not.

(b) Leviticus 20:14 states specifically: "they shall be burnt in the fire". ( יִפְרֹשׁוּ בְאֵשׁ )

(c) Pouring molten lead into the mouth is not "burning in the fire"; for lead is not fire, and "burning" means that the man be burnt in the fire, not the fire in the man. We have proof in the case of the Red Heifer, the burning of which took place specifically for the purpose of obtaining ashes. And there Scripture does not even mention "fire". In our case "fire" is mentioned to rule out the view that "burning" means "pouring something hot".

V "It is against the Law of the Torah if the Owner of a Goring Ox, who has been warned, need not Die."

Da Costa is here pressing for the literal interpretation of Exodus 21:29. Exodus 21:30 is only an exceptional case, and not a general rule. Otherwise the words of verse 29, וְגַם בְּעֵלְיוֹ יוֹמֵת would be unnecessary!

VI "To Explain the Lex Talionis as Monetary Compensation is Against the Torah Law".

Among the arguments da Costa adduces for this statement, the following should be noted: "We also have proof from the civil legislation of the Gentiles who have introduced the Lex Talionis, and who are not satisfied with monetary fines, but demand physical punishment, and, occasionally, capital punishment."

VII "Concerning the Principles of the Oral Law", da Costa has this to say: "For the purpose of making the basis of the Torah collapse, it is sufficient merely to say that we have to deal with the legislation of the Torah according to Tradition, and that we have to believe in

this Tradition as much as in the Mosaic Law itself. In truth, this would come close to altering the Torah and opposing a new Torah to the true one. But one must not say that there is an Oral Law in addition to the Written one; for the following reasons:-

(a) There is no evidence or hint in the Written Law that there is another Law... Even if those people who testify to the Oral Law could perform miracles, we would still be unable to agree with them if their words do not correspond to the Written Law. Since the Torah was given by the Master of all the Prophets, and confirmed by God, correspondence to the Written Law is the only valid criterion to distinguish the true from the false prophets.

(b) From the Written Law itself it can be seen that there is no other Law besides it. Deuteronomy 4:2 states: "Ye shall not add.... neither shall ye diminish". The word hayyom ("this day") in verse 8 of the same chapter is a particularly strong proof that "there are no commandments other than those which I have commanded you, NOW, TO-DAY." Pay no attention to those who come and say that I have ordained laws in addition to these. For I have given all of them in public, and they are written down; but they were not whispered into the ear or transmitted orally. Similarly, Deuteronomy 27:26: "Cursed be he who does not fulfil the words of this law..." There is only this Law, and I am not giving another.

(c) Also, the case law, which began in the days of Moses, was not decided by Tradition, but on the basis of the Written Law. "All the difficult cases they brought to Moses" (Exodus 18:26). Similarly the Torah commanded to do so in future, by <sup>bringing</sup> the difficult cases to the priest or the judge (Deut. ch. 17), in order that they

should decide not according to a different Torah, but that God may pour out His Spirit upon them to decide according to the Written Law.

(c) When King Solomon saw the difficulty of the law, he asked God for an understanding heart to judge His people according to His Law. But he did not judge according to an Oral Law, albeit, in hard cases, according to Reason. When the people saw this, they were amazed at his wisdom. And, because judges must be endowed with the qualities of reason - as Jethro said to Moses: "able men etc." (Exodus 18:21) - this is the "Tradition" belonging to the Torah, none other!

After we have thus demonstrated that no other Law besides the Written Law, and no other explanations, are from God, it follows that what people call Tradition in the above-mentioned and other explanations is merely of human origin, against which one may have objections. Moreover, it is a great breach to give men the opportunity to depart from the Mosaic Law, to explain and to change, and to proclaim human interpretations in place of the divine. It follows from this that, once we regard it to be of human origin, it is great heresy to consider it as an equal to the divine law, and to say that we are obligated to observe all the laws of the Talmud just as those of the Mosaic Law.

True enough, we admit that, in the realm of practice, there may exist a minhag. But, if so, we have to examine it carefully. If it is in agreement with the Torah, it is valid. If not, we shall consider it as void.

VIII "There are among the Jews opinions (de'oth) unworthy of those who bear the name of Israel. They may be more fitting for the Gentiles, and even then not for all of them, but only for their fools. Not only are

they the opinions of fools, but they are in opposition to good morals. They are fitting to be plucked from the minds of those who hold them, and one should neither speak of them nor mention them in public."

Da Costa does not specify the "opinions" he has in mind, and <sup>15)</sup>Gebhardt admits that he is at a loss in trying to understand what Da Costa is getting at. But he draws attention to the fact that Leon da Modena did not know either what to make of this accusation.

There can be little doubt, however, that the "opinions" which da Costa attacks in such violent language, are of the same type as, if not actually identical with, the "opinions" (de'oth usebharoth) listed <sup>16)</sup>by Crescas in the fourth part of his Or Hashem. These include such things as the belief in Astrology, amulets, metempsychosis, Heaven and Hell, etc.

IX "A vow by which someone has bound himself, in so far as it is not opposed to the Torah or to morals, cannot be annulled; and nobody has the authority to do so. The only authority the Sages have is that of being able to examine whether or not the vow is compatible with the Torah. The customary impudence (of annulling vows) ought to be controlled."

X "What is called the 'Fence Around the Torah' is definitely not good. For (these fences) can easily bring people to sin through the 'intention' which is the principal aspect of incurring guilt, - inasmuch as they think they are sinning if they merely transgress the 'fence'. Laws that are ordained as a protection to prevent man from sinning ought to be clearly stated to be 'means of protection', but not commandments in their own right. One must not build one Torah

upon another, - and a more difficult one at that, one which it is almost impossible to fulfil. The same applies to additional, superfluous commandments. One should therefore separate the divine from the human, and not regard them as being equal."

XI "We also say that the benediction before the recitation of the Hallel, and the benedictions to be recited before the performance of the rest of the Rabbinic commandments, are unseemly; for, by saying 'And He has commanded us', one assumes that these commandments are from the Torah.

And in the prayer books there are matters that ought to be erased, - such as Elijah seeing twelve generations, or, in the passage about the 'asarah haruge' malkhuth, where it is said that this (martyrdom) was decided by the judgment of God."

If we analyze these "theses" from the point of view of their relevance, we come to the following conclusion:-

VII, possibly VIII, X and XI are basic, for they cast aspersions on the whole validity of Rabbinic Judaism, and reflect the theoretical difficulties which a Marrano must have felt at his first encounter with Rabbinism.

I, II, III and IX are of practical significance. These laws and customs were being observed in da Costa's Amsterdam environment, and, sooner or later, a man of his background would be led to question their legitimacy.

But IV, V and VI had no practical significance at all in the 17th century. It seems that da Costa is consciously trying to identify himself completely with what he imagined the Sadducean position to

have been, and to assail the Rabbinic interpretation of the Torah on all fronts. Both "Sadduceanism" and "Pharisaism" were regarded by him as "closed systems". If he could prove that the Pharisaic system is not watertight in certain spots, he would thereby have demolished the whole system.

Similar arguments, of which the relevance is not apparent at first sight, crop up again and again, in the polemic literature of the 17th century. Of particular significance, in this connexion, is the re-opening of the question debated by Pharisees and Sadducees about the fate of false witnesses <sup>17)</sup>. According to the Pharisaic halakhah, the false witnesses are put to death only if the death penalty has not yet been executed on the wrongly accused person. But if the latter has been executed, the false witnesses are not put to death. A purely academic question in the 17th century. But we find the Pharisaic ruling attacked in the Kol Sakhal <sup>18)</sup>, where acknowledgment is made to Abner of Burgos; and, in 1652, R. Jacob Sasportas complains about an unorthodox answer given by R. Saul Morteira when the latter dealt with the opposition to this particular halakhah <sup>19)</sup>.

Another butt of the anti-Rabbinist attack was the curious statement in b. Sanhedrin 64b, that he who causes all of his children to pass through the fire for Moloch is not guilty, since Scripture (Leviticus 18:21) says mizar'akha and not kol-zar'akha. Saul Morteira had to deal with the objections to this ruling, too, and was rebuked for his unorthodox answer by Jacob Sasportas <sup>20)</sup>. R. Moses Hagiz deals with this objection in the second edition of his book Eleh haMitzvoth <sup>21)</sup> (1726).

Such objections were on the order of da Costa's "theses" IV, V

and VI, and, as Sasportas' rebuke of Morteira shows, these objections did not fail to carry dissension into the orthodox camp itself.

22)

Sonne gives a whole list of rabbinic responsa and polemics, Nieto's Matteh Dan being part of this chain, which shows that the issues raised by da Costa continued to be raised and refuted uninterruptedly until the second half of the 18th century. "The heretical trend of da Costa was born with the coming into existence of the Sephardi community, and undoubtedly lasted for more than 150 years, - that is to say: so long as new Marranos came to join those who had preceded them and to swell the size of the congregation".

23

One heretical work in particular should be mentioned here, since it was, as Sonne calls it, <sup>24)</sup> the "Shulhan Arukh" of the heretics. It is the Kol Sakhal. The question as to the identity of its author is still, as it were, <sup>25)</sup> sub judice, and is, as far as the framework of this study is concerned, of no immediate relevance. For our purposes it is sufficient to be aware of the fact that the Kol Sakhal, whoever its author was, played a significant role in the Marrano heretical circles of the 17th century.

This work is divided into three parts. The first deals with a rational approach to the fundamentals of Religion. The second part is a historical investigation into the rabbinic claims for the authenticity of the Oral Law; and the third part is, as it were, a running commentary on certain sections of Jacob b. Asher's Turim. We shall have occasion to consider the first two parts in greater detail below. For the present we shall confine our attention to the third part. The objections contained in it against specific parts of Rabbinic Law may be considered in their own right, - especially since they are of the

same order as the various objections we have noted above. All the objections have one aim: to discredit the Oral Law. But the individuality of the author is clearly discernible in the formulation of these objections. He discredits Rabbinic Law for a variety of reasons, which, without making any claims to absolute consistency, we may classify as follows:

- (a) Objections on the ground of Reason and Common Sense.
- (b) Objections reflecting the author's own peculiar approach.
- (c) Objections in the Karaite and literalist tradition.
- (d) Objections to the Rabbinic Calendar, related to the objections of (c).
- (e) Straightforward polemics.
- (f) Objections arising out of a desire for Religious Reform - often identical with the pronouncements of the "Reform Movement" which arose two centuries later -, as well as attempts to bring about a more harmonious relationship between Jew and Gentile.

(a) The "common sense" type of objection is the very first one that appears in the third part of the Kol Sakhal. The reference is to the laws regulating the Jew's conduct on rising in the morning. But, argues the author, since the guiding principle there is that of modesty,<sup>26)</sup> there is no need to go into all the cumbersome and indelicate details .

Similarly, he objects to the amplification of the law concerning the honor due to father and mother. This, he says, is one of the "laws of Nature", and need not be dealt with in Rabbinic Law at all.<sup>27)</sup> The same applies to the laws regarding charity<sup>28)</sup> as well as the rules<sup>29)</sup> regulating the visiting of the sick and similar acts of kindness .

Solely the province of Reason and Common Sense is the whole field of Civil Law, which, for this reason, is in no need of rabbinic codification<sup>30)</sup> .

As for the "commandment of procreation", which, in the rabbinic scheme of things, heads the commandments given by God to man, the author claims that it is not a commandment at all. The Scripture verse on which it is based records the blessing which the Creator pronounced upon His creatures. But the Rabbis turned it into a law! A great deal of economic hardship could be avoided if this matter of procreation were left to individual tastes and inclinations. As there will always be people who get married, the survival of the species will not be endangered if the one or the other prefers the single state. <sup>31)</sup>

(b) Under this heading we would like to mention the author's approach to the laws prohibiting interest. According to his view, the Torah permits the taking of interest, -- so long as the rate is reasonable. Only on food, necessary for survival, is the taking of interest completely prohibited. <sup>32)</sup> This view is all the more remarkable and tends to stress the author's individual approach, if we bear in mind that, at a later date, Nieto had to defend the rabbinic practice of permitting certain financial transactions which look like usury <sup>33)</sup>, -- the implication being that the stock-in-trade of the objectors to the Oral Law was not that the taking of interest was completely prohibited, but, on the contrary, that, under certain circumstances, it was allowed.

On the question of the absolution of vows the author of the Kol Sakhal occupies an intermediary position. He does not deny the possibility altogether, but demands that absolution be granted in very rare cases only, and not as frequently as was customary in rabbinic practice. <sup>34)</sup>

He takes a similar view of excommunication, which, he argues, should only be imposed by a competent authority or court. <sup>35)</sup>

More radical is his objection to the current interpretation given to the concept of manzer and its consequent legal application. Only the child of an adulterous or incestuous union should be considered a manzer, but not the offspring of a marriage which in some detail has offended the Rabbinic legislation.<sup>36)</sup>

(c) From the point of view of a strictly literal interpretation of the Scriptures, the author of the Kol Sakhal assails the laws concerning the washing of hands, for which, he claims, no commandments can be found in the Torah.<sup>37)</sup> On the other hand, he accuses the Rabbis of having minimized the applicability of the law of tzitzith, when they specify the kind of garment on which they have to be worn, and when they claim that the commandment is to be observed during day time only.<sup>38)</sup> Just as they have minimized the law of tzitzith, so they have made an unwarranted addition by the laws of tephillin.<sup>40)</sup>

As far as divorce is concerned, the author seems to adopt the point of view of the School of Shammai by insisting on immorality as the sole ground for divorce. The form of the get should merely be a simple statement that the woman in question is divorced. If the rabbis had stuck to the biblical grounds for divorce, they need not have busied themselves with complicating the divorce regulations.<sup>41)</sup>

The rabbinic substitution of halitzah for the levirate marriage in all cases is in direct contradiction to biblical Law which gives man the choice of two alternatives. The Rabbis commit a definite falsehood when they force a man to say that he does not want to marry his siter-in-law; for, in the majority of cases, he really does want to do so. But they insist on halitzah, since its legal complications give them greater power over the people.<sup>42)</sup>

Strictly in line with the rigorism of early Karaism<sup>43)</sup> is the Kol Sakhal's condemnation of the rabbinic "sanctification" of the Sabbath. The latter takes the form of drinking wine and eating special food, and sexual intercourse is considered a special mitzvah, whereas, claims our author, real "sanctification", as is evident from Exodus 19:14f, means precisely the abstinence from sexual intercourse, while there is certainly not much sanctity attached to gluttony and wine-bibbing<sup>44)</sup>.

(d) The author of the Kol Sakhal is in the company of all sectarian objectors to Rabbinic Judaism when he attacks the Rabbinic Calendar. He wants to return to the biblical legislation by abolishing the second days of the festivals<sup>45)</sup> and of the New Moon<sup>46)</sup>. In view of the fact that our calendar now is based on calculation, there can be no justification for the "second day". To celebrate eight days instead of the required seven is just as bad as it would be to celebrate only six<sup>47)</sup>.

Likewise, of course, Rosh Hashanah is to be celebrated on one day only; and, when the Rabbis prohibit the blowing of the shofar when this day happens to fall on a Sabbath, they are actually abrogating a law of the Torah<sup>48)</sup> !

But his particular ire is aroused by the manipulation of the calendar required by the assumption that Hoshanah Rabbah must not fall on a Sabbath<sup>49)</sup>.

(e) Our author polemizes against the custom of eating a sweet apple on Rosh Hashanah and other customs of that order, and, as for the custom of kapparoth, he not only calls it "great nonsense", but

considers it to partake of downright idolatry<sup>50)</sup> .

As we have seen above, the author does not see the need of having Civil Law codified at all. For him it is simply a matter of Common Sense. But he goes out of his way to attack certain provisions of rabbinic Civil Law, acknowledging as his source the apostate Abner of Burgos. In this connexion he singles out the law regarding false witnesses, the Kol Nidre formula and other provisions<sup>51)</sup> .

He is particularly furious about rabbinic laws governing the intimate aspects of married life. He calls these laws "licentious", and is afraid that they have a corrupting influence on youth<sup>52)</sup> .

(f) His "reform" tendencies (we use the word in its modern connotation) are manifest in his desire for greater simplicity and accompanying inwardness in religious life. Thus, the daily prayers are to be considerably curtailed<sup>53)</sup> ; the present form of the Grace after Meals is entirely too long and ought to be shortened<sup>55)</sup> while the whole apparatus of the birkhoth hanehenin is in great need of radical simplification<sup>56)</sup> .

He would like to see a simplification of the laws governing Sabbath rest<sup>57)</sup> , of the definition of "leaven" on Passover<sup>58)</sup> , and of the sukkah requirements<sup>59)</sup> .

The Seder on Passover is entirely optional, and a few answers explaining the festival, if and when the son asks questions, (but he need not be made to ask!) are all that is required<sup>60)</sup> . The Torah was merciful enough to ordain only one annual fast day. There is, therefore, no need to observe others<sup>61)</sup> . The "counting of the Omer" does not have to be done literally. Besides, the season of the "counting" should be one of joyfully anticipating the "giving of the Law", and not one of

sadness based on the legends of R. Akiba .

He accuses the Rabbis of withholding from us the story of the Maccabean victory, and of basing the observance of Hanukkah on the miracle of the oil instead, -- while they go into hair-splitting details about the manner in which the Hanukkah lights are to be kindled <sup>63)</sup> . Similarly, he makes fun of the involved legal discussion <sup>64)</sup> pertaining to the reading of the Scroll of Esther .

He accepts the Dietary Laws as being sound in principle, but there is no need for their undue elaboration <sup>65)</sup> . Similarly, he accepts the need of a woman's "purification" after her menstruation; but for this purpose a bathtub or any other means will do, and she becomes "clean" <sup>66)</sup> immediately after her bath .

He counsels that more attention should be paid to the medical and hygienic aspects of circumcision, while the non-scriptural periah should be disregarded <sup>67)</sup> .

The rabbinic marriage law, in his view, is too elaborate in unimportant details <sup>68)</sup> , while he also sees no purpose in the regulations concerning mourning. Such matters ought to be left entirely to individual taste and local custom <sup>69)</sup> .

The distinction between Cohanim, Levites and ordinary Jews has lost all meaning for him, because this classification arose in connexion with the ancient Temple service which is no longer being performed, and, besides, we can no longer be sure about the genealogies <sup>70)</sup> . He is consistent in applying the same criterion to other observances which were connected with the ancient Temple service and routine, even though, in Rabbinic Judaism, they are not classified as mitzvoth hateluyoth ba-arets. Thus he would abolish 'Orlah and other agri-

cultural laws<sup>71)</sup>, as well as the Redemption of the First Born of both  
 man and cattle<sup>72)</sup> .

He wants to see the laws of sha'atnez applied only to garments woven together out of the two substances, but not to a woolen garment which is merely sewn with flax<sup>73)</sup> . He also takes the prohibition of shaving to refer only to that kind which removes all traces of facial hair, and might thus be practised for immoral purposes. But there is nothing wrong with shaving one's cheeks, -- even with a razor<sup>74)</sup> .

To promote better understanding between the Jews and their neighbors, he would like to abolish the laws which prohibit the drinking of the Gentiles' wine and the eating of their bread and food, - laws, he claims, which have no basis in the Torah anyhow. They merely create bitter feelings<sup>75)</sup> .

In general, he urges that note should be taken of the distinction between ancient and modern times. The laws relating to dealings with idolators cannot possibly apply to Moslems and Christians<sup>76)</sup> .

The legislation about slavery no longer applies. Besides, for the sake of public relations, the Jews should not acquire slaves in any case<sup>77)</sup> .

Our author also wants to waive the circumcision requirement in the case of male converts to Judaism. He feels that the rabbinic insistence upon it has kept many potential converts away<sup>77a)</sup> .

The author of the Kol Sakhal has thus produced a program of religious reform which is almost identical with the one that came into vogue in 19th century Reform Judaism, --- with this important difference: that the author would have repudiated any suggestion that he believed in what came to be known as "Progressive Revelation". In

criticizing the Rabbis' substitution of halitzah for the levirate marriage, he says that they are acting "as if God did not know and could not foresee the circumstances of future generations. In this way people come to improve His Law according to the needs of the times, ---  
 78)  
 as is the Christian view" .

Against such a view, our author clings to the unchangeability of God's revelation with an almost Karaite fervor. But it is the "Karaism" of a man of the world, tempered by a clear perception of the exigencies of time and place. It could very easily have been the orientation of the type of Marrano we have discussed above, of a man to whom Judaism meant Mosaism, but, at the same time, of a man who is used to social and intellectual contact with his non-Jewish environment.

We have dealt with the third part of the Kol Sakhal first, because every single attack on a rabbinic law is made in its own right and is supported by its own chain of argumentative "proofs". There must have been many ex-Marranos who took umbrage at the one or the other rabbinic provision, without having an over-all approach to the Oral Law as a whole.

But our author did have such an approach. He discusses it in the second part of the Kol Sakhal. In this part of the work he draws attention to the biblical accounts of the people's "backslidings", and he argues: if not even the Written Law was kept uninterruptedly, how could there possibly have been an unbroken chain of oral tradition reaching back to Moses 79) ?! In fact, the whole thing is a Pharisaic invention, and it was this unwarranted multiplication of commandments 80) which induced Jesus to form his own sect . Even Deut. 17:11ff. cannot be adduced in support of the Oral Law, for this passage states specifically that cases ought to be judged on the basis of the Written

81)  
Law .

This, too, is the kind of theory which must have been shared by many an ex-Marrano. It operates with concepts which a Marrano might have absorbed in his early Christian upbringing.

Yet the author of the Kol Sakhal offers us something more complex still. The first part of his work deals with his theology as a whole, and it is a rationalistic theology. The author begins by saying that he imagined himself away from civilization, in a place where there is no Religion at all. And he begins to ponder the riddle of the universe. Finally he comes to the conclusion that there must be a necessary existence as the cause of all other existing things. This necessary existence is God; and from this God concept he derives all other principles of Religion <sup>82)</sup>. These latter include Creation, Teleology, Providence, Retribution, Revelation, Immortality and a Theodicy.

The problem posed by this part of the Kol Sakhal is one of sequence. Did the author begin with a rationalistic theology, then evolve a theory of the Oral Law, and then proceed to a detailed refutation of individual aspects of that Oral Law? Or was it the other way round? Was he repelled by the detailed provisions of Rabbinic Law, then evolved his theory of the Oral law, and finally acquired the frame of mind described in the first part?

This problem cannot be settled with any certainty. But we are inclined to adopt the second alternative; for, logically speaking, after the complete refutation of the Oral Law in Part Two, Part Three was no longer necessary. On the other hand, it must be borne in mind that the author's theology, apart from some peculiar conceptions of his own, is still within the boundaries of "orthodox" thought.

Such, however, was not the case with some of his contemporaries. Leslie Stephen says of the great Protestant divines of the 17th century that they are "rationalist in principle, though they might long receive as equivalent to an ultimate, because a universally acknowledged truth, the authority of the Scriptures or of the early Fathers. Thus, in many of their arguments it is sufficient to substitute Revelation for Rome to make the attack upon Catholicism available for an attack upon all supernatural authority" <sup>83)</sup> .

As far as Stephen's Protestant divines are concerned, they merely forged the weapons with the aid of which a future generation was to attack the basis of all Revealed Religion. They themselves were content with the fight against Rome. But we have documentary evidence to show that in at least one Jewish parallel both battles (mutatis mutandis) were fought by one man within his own life-time.

We have taken note above of Uriel da Costa's inability to adjust to his Jewish environment in Amsterdam. The first result of this maladjustment was the "Theses against Tradition", which we have discussed in greater detail. It will be remembered that da Costa took his stand on the Written Law as against the Oral Law. But da Costa <sup>84)</sup> did not remain a "Karaites" for long. He tells us in his autobiography :

"Later, in the course of time..., I began to doubt if the Mosaic Law may really be regarded as the Law of God; for there was much in it which would speak against that, or rather, which forced one to accept the opposite. Finally I reached the conviction that the Law was not Mosaic but merely a human invention of a kind of which there are countless others in the world. For much in it contradicted the Law of Nature; and God, Nature's Creator, would hardly contradict Himself, --- which would have been the case if He had prescribed something

for man which was in contradiction to the very Nature of which He is considered to be the Creator."

85)

Rivkin has drawn attention to the general phenomenon of Marranos fleeing from Spain and Portugal in the first decades of the 17th century, who first emancipated themselves from rabbinic tradition, and were then mentally prepared to take the next step, which was to discard the concept of a revealed religion and to give allegiance to the God of Nature and Reason.

Such a one must have been Dr. Abraham Farrar (alias Simon Lopes Rosa), a parnas of the Amsterdam congregation, who, four years before the birth of Spinoza, publicly expressed his opinion that "Philosophy takes precedence over the Talmud and the Kabbalah." It was on hearing of the case of Abraham Farrar that Joel Sirkes delivered himself of the statement: "Philosophy is heresy in itself and the 'strange woman' concerning whom Solomon gave his warning." 86)

Another member of the Farrar family, Dr. David Farrar, also aroused orthodox opposition by asserting that he was as capable of interpreting Scripture as Rashi, and by taking the liberty of explaining certain passages allegorically. He, however, was acquitted by the Venetian beth din, of which Leon da Modena was a member. 87)

A rationalist approach in itself, therefore, need not be identical with heresy. Sokolow remarks that Joel Sirkes' condemnation of Philosophy was quite fitting for an orthodox authority in Poland, but that it must have made a strange impression in Amsterdam, where all the Hahamim dabbled a little in Philosophy. 88)

We shall have occasion to see how, less than a century later, David Nieto is at great pains to justify his own espousal of Philosophy and the secular sciences; and he does it as

part of his defense of the Oral Law itself! <sup>90)</sup> Nieto's apologia, however, would indicate that the negative attitude towards Philosophy was not confined to the Polish legalists but found its representatives even among the Sephardim of the West. But that was after the rationalist approach had wrought even greater havoc, as the example of Spinoza demonstrates.

There need have been no direct literary link, as Sonne points out <sup>91)</sup>, between da Costa and Spinoza. They are both representatives of the same stream of thought. Both of them, as spokesmen of a Religion of Reason, are engaged in "debunking" the claims of Tradition and of "Revealed Religion".

If Spinoza has not left us his autobiography, as da Costa did, there are, at any rate, unmistakable traces of such an approach in his works. Thus he says <sup>92)</sup> : "We see that this natural Divine law does not demand the performance of ceremonies - that is, actions in themselves indifferent, which are called good from the fact of their institution, or actions symbolizing something profitable for salvation, or (if one prefers this definition) actions of which the meaning surpasses human understanding. The natural light of reason does not demand anything which it is itself unable to supply, but only such as it can very clearly show to be good, or a means to our blessedness. Such things as are good simply because they have been commanded or instituted, or as being symbols of something good, are mere shadows which cannot be reckoned among the actions that are the offspring, as it were, or fruit of a sound mind and of intellect."

It is easy to see how such an approach would have brought Spinoza into conflict with the Jewish authorities quite apart from

his pantheistic system. Gebhardt, indeed, goes as far as to justify (!) Spinoza's excommunication on this ground alone.<sup>93)</sup>

Spinoza is careful to make a clear distinction between Scripture, on the one hand, and truth, on the other. "It is one thing to understand the meaning of Scripture and the prophets, and quite another thing to understand the meaning of God, or the actual truth."<sup>94)</sup>

Herein we can see most clearly Spinoza's radical departure from Jewish Tradition. That a thinker's philosophical conclusions should be at variance with the literal meaning of Scripture, that human Reason should be acknowledged as a source of Truth, -- these things had happened before in the history of Jewish thought. But there had always been a way out. There had always been a "guide for the perplexed" who pointed to the way in which Scripture might be understood in the light of these new Ideas. Spinoza would have none of this. "We cannot wrest the meaning of texts," he says<sup>95)</sup>, "to suit the dictates of our reason, or our preconceived opinions. The whole knowledge of the Bible must be sought solely from itself."

In this light we have to see his polemics against Maimonides<sup>96)</sup>. If Maimonides' method of reconciling the dictates of Reason with the words of Scripture were valid, then there might have been room within the framework of Judaism for Spinoza himself. It is precisely from his disagreement with Maimonides that we can see that Spinoza did not want to remain within Judaism. He must have felt that he had "outgrown" Judaism; a frame of mind of which da Costa has left us such a full description in his Exemplar Humanae Vitae. Basically it was in Spinoza's case, just as in that of da Costa, the inability of the Marrano to see a Tradition, which was both new and foreign to him, as a source of Truth, as Some has clearly demonstrated.<sup>97)</sup>

The congregants of Haham Nieto in London less than a century later were people of the same background as the "heretics" of the Amsterdam community in the 17th century. As the "mission" of Menasseh ben Israel would indicate, the London community was, in its origin, practically a "colony" of the community in Amsterdam. Most of the "founding" members came from there <sup>98)</sup>, as did also the first two Hahamim, Jacob Sasportas <sup>99)</sup> and Joshua da Silva <sup>100)</sup>.

There must have been among those Amsterdam Jews who came to England men who had undergone the same spiritual development as Uriel da Costa, or who were merely opposed to the one or the other of the provisions of the Oral Law, or, again, men who, to use Sonne's phrase, regarded the Kol Sakhal as their "Shulhan Arukh."

Yet, again, during the ministry of Haham Nieto, Marranos were still arriving in England. It was for such Marranos, unacquainted with Hebrew, that Nieto prepared Spanish translations of parts of the liturgy <sup>101)</sup>. We would expect some of these newcomers to have undergone the same development as the Marranos who came to Amsterdam looking for Mosaism and finding Rabbinism. In the intellectual climate of 18th century England such development in the direction of "heresy" might have even been more rapid.

Thus far in this chapter we have not spoken of that other kind of "heresy", which, standing at the pole diametrically opposed to "Natural Religion", was undermining traditional Judaism by means of Sabbatian Kabbalah. In Chapter One we have noted G. Scholem's analysis of the spiritual needs which were met by the doctrines of the "apostate Messiah".

Here we would like to draw attention to the fact that even before

these justifications for Sabbatai's apostasy were evolved, even before the actual apostasy took place, the figure of Sabbatai Zevi must have made an enormous impression on Jews of Marrano stock.

Sokolow does well in stressing the fact that the pivotal point of Marrano resistance to full conversion to Christianity was their belief that the Messiah had not yet come. "Has the Messiah come? The Messiah has not yet come. The Messiah is still to come!" If the Messiah had already come, all their suffering would be in vain. On the other hand, if he were still expected, then there would be a purpose in their suffering.<sup>102)</sup>

And just at this critical juncture, when the Marranos were fleeing from Spain and Portugal to return openly to their ancestral faith, the "Messiah of Ismir" was making his appearance. To what extent this caught the Marrano imagination nothing illustrates better than the fact that Spinoza who had broken all ties with the Jewish group, and for whom Reason had taken the place of Revelation, could actually say in his Tractatus Theologico-Politicus (begun around 1665, published in 1670): "Nay, I would go so far as to believe that if the foundations of their (i.e. the Jews') religion have not emasculated their minds, they may even, if occasion offers, so changeable are human affairs, raise up their empire afresh, and that God may a second time elect them."<sup>103)</sup>

Jews less remote from the beat of Jewish life must have shared Spinoza's reaction in a much less detached way.

With this remarkable testimony to the strength of the Sabbatian appeal, we may leave our investigation of the background of 18th century heresy, and return to Haham Nieto himself who wielded the "rod of judgment" over the heads of Karaites, Sabbatians and Deists alike.

## CHAPTER FOUR

The Scientific Approach Justified

The opponents of the Oral Law and the sympathizers with the Deistic philosophy, with whom Nieto had to contend, were, as we have seen <sup>1)</sup>, men of considerable intellectual accomplishments. He who would maintain the Jewish Tradition in the face of their opposition would have to be able to meet them on their own ground and fall behind them in his own secular accomplishments.

Nieto, as we tried to show in Chapter Two, was, by background and training, eminently suited to meet these requirements in the Anglo-Jewish community of the early 18th century. Nothing should, therefore, give less cause for surprise than the fact that Nieto did, in fact, avail himself of his secular knowledge when writing his apologetic and polemical works. Just as the Christian opponents of Deism tried to show that the "Reason", by which the Deists swore, was, in fact, a double-edged sword that could be turned against Deism with the same ease in which the Deists wielded it against Christianity, so would we expect the spokesman of traditional Judaism to render unto Science the things that are Science's to be all the more justified in rendering unto God the things that are God's.

Especially would we expect this in a Sephardi environment, among the heirs in the spirit as well as in the flesh of a Maimonides and the Ibn Ezras. We would expect it from them, --- even though we may not expect quite as much from their Ashkenazi brethren. When, in the early 17th century, Joel Sirkes writes to Amsterdam that "Philosophy is heresy incarnate" <sup>2)</sup>, Sokolow may well be right in saying that this evaluation must have made a strange impression in Amsterdam, where all

the Hahamim engaged a little in Philosophy.

But it seems that in 18th century England even a Sephardi Haham had to prove that his orthodoxy was unimpeachable in spite of his use of secular sources. As Nieto tells us himself <sup>4)</sup>, the Jews of his time were divided into two opposing camps with regard to the study of the secular sciences. One group held that this kind of study was quite all right because Abraham was already an expert in these sciences; and that it was he who taught the sciences in the Land of the Chaldeans and in Egypt, whence they spread to the rest of the world.

But the other group held that the Jews had no business to dabble in the sciences, which are mere vanity. And, says Nieto, it would appear that this latter view was the predominant one. This state of affairs is, of course, easy to understand, and it is not without its parallels in medieval and modern Jewish History. Since those who were suspected of "heresy" were, at the same time, the very men who were known to have engaged in secular studies, the inference was drawn, and that not altogether without justification, that heresy and secular learning went hand in hand. The excommunication of da Costa and Spinoza was still a fresh memory, and must have put even the "enlightened" Sephardim on their guard.

Nieto thus found himself in the curious position of being looked at askance by the very upholders of orthodoxy whose cause he had espoused, and whose battle he was ready to fight with the weapons of secular learning. Some 120 years later, Samson Raphael Hirsch was to find himself in the same predicament <sup>5)</sup>.

It is against this background that we have to see the Fourth Dialogue of Nieto's Matteh Dan. Longer than any other chapter in that

book, it is, with the exception of the last few paragraphs which "explain" some aggadic eccentricities, only remotely connected with the defense of the Oral Law, though this defense is supposed to be the burden of the whole undertaking. Instead, the Fourth Dialogue deals primarily with the relation of Judaism to Philosophy and the secular sciences (hokhmoth hizoniyoth). These last two terms are used interchangeably; and for Nieto, who lived before the divorce of the individual sciences from Philosophy had become complete, "Philosophy" still included such things as (we mention them in alphabetical order):

6)	7)	8)	9)	
Agronomy	Anatomy	Geography	Geometry	Mathematics in all its
10)	11)	12)	13)	14)
branches	Medicine	Music	Physics	and Rhetoric

In expatiating on this topic, Nieto undoubtedly had a number of aims in view. Thus, for instance, the authority of the Rabbinic Tradition is enhanced, if it can be shown that the Rabbis of old were the peers of the very "Philosophers" whose teachings were partly responsible for the latter-day assault on Tradition.

Again, Nieto may have regarded it as his duty to give the "orthodox" answer to some of the problems which were then agitating the minds of the people as a result of recent scientific discoveries. In this way we may regard Nieto's discussion of the Copernican System <sup>15)</sup>.

But, above all, as the beginning of this Dialogue clearly shows, Nieto had to justify his own pre-occupation with Science vis a vis the more narrow-minded trend in his community, in particular, and to establish the compatibility of Judaism with secular studies in general.

The following arguments had been marshalled by the opponents of secular learning <sup>16)</sup> :-

(a) In Halevi's "Kuzari" (Part I, 76f) the view of the "Philosopher"

is shown to lead to heresy, in that "we are persuaded to add an associate to God, if we say that Nature is wise and active, that perhaps Nature even creates."

(b) In Sanhedrin 10:1, Rabbi Akiba would exclude him from the World-to-Come who reads sefarim hahizonim. In the Gemara ad loc. this is explained as "Books of the Heretics" (sifre minim), while Rab Joseph would even include Ecclesiasticus in this forbidden category.

Rashi, to the Gemara, explains sifre minim as "books of heathen priests", and says of Ecclesiasticus that it contains "vain talk" (dibhré habhai) which leads to idleness. Bertinoro, ad loc., gives as an illustration of sefarim hizonim "the books of Aristotle the Greek and of his colleagues. And into the same category belongs he who reads the Histories of Gentile Kings, and love songs, and romances, which contain neither wisdom nor usefulness, but are simply a waste of time."

(c) In b. Sotah 49b, b. Baba Kamma 82b, and b. Menahoth 64b, we find the statement: "Cursed be he who teaches his son Greek Wisdom."

(d) We learn from the Response of R. Solomon ben Adret (numbers 415 - 417) that he and 38 other sages pronounced the herem in Barcelona against those who study and teach the books of the Greeks, written about Physics and Theology, - whether in their original language or in translation.

(e) In b. Berakhoth 28b we read that, at the time of his death, R. Eliezer admonished his disciples: "Restrain your sons from higgayon"; and some commentators explain higgayon as Logic!

Before refuting these objections in detail, Nieto delivers himself of some general remarks on the subject with the intention of showing

how unfounded these objections are in the very formulation of the problem.

17)  
He says that it is impossible to believe that the Sages of Israel should have discouraged the study of the very sciences which are essential for civilized life. All they prohibited was the reading of such books which could lead to heresy, immorality, or the kind of idleness which induces mental disturbances.

It should be noted here that, with all of his scientific training, Nieto was still sufficiently a child of his time to regard the Talmud as a unit, without trying to relate certain "narrow" statements to the particular historical situations that caused them to be uttered. He thus implicitly grants the premisses of his opponents, and merely endeavors to limit the scope of their applicability.

And then Nieto takes a leaf out of the books of Hellenistic Judaism by insisting that the sciences were themselves of Jewish origin 18). But, while the Hellenistic Jewish authors made this claim to make Judaism respected among the Gentile philosophers 19), the wheel had turned full cycle by the time we come to Nieto who made the same claim in order to make Philosophy respected among the Jews! Thus, for example, in Job, chapters 38 through 42, God glories in His creations, and shows Job His Wisdom and Power by referring to the limit He had set to the sea. He speaks of the light, the dew and the rain, the clouds, the stars, the beasts, the fowls and the animals. But all this, exclaims Nieto, is the subject matter of Philosophy!

Again, when Scripture (I Kings 5:13) says of Solomon that "he spoke of trees, from the cedar that is in Lebanon even unto the hyssop that springeth out of the wall; he spoke also of beasts, and of fowl,

and of creeping things, and of fishes", --- it means, according to Nieto, that he made known their nature, and their properties, and their therapeutic qualities.

Nieto concludes that, if it were not for the troubles of our Exile, we would still be in possession of Solomon's books on these various subjects; and then we would not need to be satisfied with non-Jewish productions in this field.

Having thus established the "principle" that the secular sciences are of Jewish origin, Nieto proceeds to refute the individual objections raised against secular learning.

20)

(a) He admits that the "Philosopher" in Halevi's "Kuzari" was worsted. But this, he insists, was due to the fact that the "Philosopher" presumed to speak of something which was not his metier. He was a Natural Philosopher, whose subject should have been the creature, which is natura naturata. Instead, he talked like a theologian, whose subject is the Creator, Who is natura naturans.

If one were to ask a Natural Philosopher what a creature is he would give an answer according to the extent of his researches and knowledge. But if one were to ask him, "Who created the matter and the form, who prepared them, and by whose power are they set in motion?", he would fumble about for an answer like a ship in the stormy sea, - because he had not been enlightened by Theology, and the principles of the Torah had not been revealed to him.

He may even, in his ignorance, invent a secondary cause, and, by mere conjecture, raise that secondary cause to a position of sovereignty. Thus will he be led to heresy.

This, then, and this alone, is the reason why the "Philosopher" in

the Kuzari meets with rejection, --- the implication being that, if the "Philosopher" had stuck to his own subject no objection would have been raised either against his person or against his discipline, which was that of Natural Philosophy.

(b) The argument from the mention of sefarim hizonim in Sanhedrin 10:1 <sup>21)</sup> Nieto regards as inconclusive , for the simple reason that Bertinoro stands alone in his interpretation of sefarim hizonim as "the writings of Aristotle". The correct interpretation is rather that of Rashi who adopts the Talmudic explanation, viz. sifre minim.

(c) As for the Talmudic statement: "Cursed be the man who teaches his son Greek Wisdom": its literal meaning is not to be pressed, but it is to be understood as a mere allusion, as explained by Rashi and Bertinoro <sup>22)</sup> .

(d) As for the herem pronounced by R. Solomon ben Adret and his colleagues, it was directed only against persons engaging in such studies while under the age of 25. Besides, the herem was enacted for a period of 50 years only, after which it became utterly void. <sup>23)</sup> Not only does Nieto thus set aside Solomon ben Adret's responsa as having become invalid according to the terms of their own formulation, but, with a show of perhaps greater logical acumen than historical likelihood Nieto manages to utilize this very herem as an argument in his favor.

He says that Ben Adret could not possibly have shared Bertinoro's interpretation of sefarim hizonim as including Aristotle, secular history, etc. For the original statement about sefarim hizonim was made by Rabbi Akiba. But Ben Adret limits his herem to a period of 50 years. If, then, the things prohibited by Ben Adret were identical

with Akiba's sefarim hizonim, the result would be that Solomon ben Adret has placed a 50-year limit upon an unlimited prohibition enacted by Akiba, which, in view of the fact that the former was inferior to the status of the latter, who was a Tanna, would manifestly be absurd!

(e) Nieto says nothing about the admonition to restrain one's children from higgayon. Perhaps he thought that, whatever the meaning of this particular word, the statement in question could not weaken the line of defense with which he had already confronted his opponents.

In addition to the above refutations, Nieto heaps up further evidence to justify his position. Thus he gives an impressive list of nineteen philosophers<sup>24)</sup> who are quoted in the Sha'ar haShamayim of Abraham Cohen Herrera<sup>25)</sup>. Herrera was a disciple of R. Israel Saruco, who, in turn, was a disciple of R. Isaac Luria. This would indicate that the Cabbalists, too, could see no objection to the study of philosophical writings, even as the Sha'ar haShamayim itself says about R. Moses Cordovero that "he utilized the arguments of the philosophers in his endeavor to establish the truth of the Cabbalah."

Furthermore, Maimonides, in his commentary to Shabbath 23:1, says that it is forbidden to read works of secular science on the Sabbath. But, says Nieto<sup>26)</sup>, from this it follows that, according to Maimonides, the reading of such works on weekdays is permitted! This ruling is also quoted by Joseph Caro both in the Beth Joseph and in the Shulhan Arukh (Hilkh. Shabbath 307:16).

After having thus shown that the presumed arguments against secular studies do not refer to secular studies at all, but, at best, to the reading of heretical literature, Nieto goes one step further by limiting

the applicability of even this interpretation. He says <sup>27)</sup> that the prohibition of reading heretical works is addressed to the layman only, but not to the scholar who must be familiar with their contents in order to fulfil the injunction: "Know what to answer the epikuros!" <sup>28)</sup>

Nieto, having thus demonstrated that there is nothing in Jewish Tradition which could prevent a scholar from studying secular sciences, or even, as we have just seen, heretical literature, reverts to his original claim that the sciences originated among the Jews.

He begins with a consideration of Rhetoric <sup>29)</sup>. The Greeks, he says, boast of Plato, Aristotle and Demosthenes, as being the originators of Rhetoric. Similarly, the Romans boast of Julius Caesar, Cicero, Quintilianus, Hortensius and others. What, then, asks Nieto, constitutes Rhetoric? And he mentions the following parts:

1) Attributing to a thing something which is not its nature. (But this is done in Exodus 15:12, "The earth swallowed them".)

2) Mentioning a part for the whole, or the whole for a part. (The former we find in Exodus 15:1, "The horse and his rider hath He thrown into the sea"; the latter in Exodus 14:27, "The Lord overthrew the Egyptians..."; - but some of them must have been left behind at home!)

3) Hyperbole. (We find that in I Kings 1:40, "...so that the earth was rent with the sound of them.")

4) Figure of Speech. (What else is the "vineyard" in Isaiah, chapter 5?!)

5) Periphrasis and Synonyms. (Cf. Isaiah 5:27)

All this goes to show that what is attributed to the Greek orators who lived at the beginning of the days of the ~~Second~~ Temple, and to the Roman orators who lived about 120 years before its destruction, was

already known to Moses and the Jewish People a thousand years before the Greeks, and circa 1300 years before the Romans.

That the Hebrews were familiar with the Science of Geography from the days of old is evidenced by Moses' detailed description of Palestine (in Numbers, ch. 34) before they even entered the land, as well as by Joshua's division of Palestine into Provinces, Cities, Towns, etc. (Joshua, chapters 13ff.)<sup>30)</sup>

Ingenious is Nieto's attempt to show that a knowledge of Geometry is pre-supposed in the law dealing with the division of the land according to the number of members of each family<sup>31)</sup>. Suppose, for example, that Family A is allotted a piece of land of 4 square miles in the plain, and Family B, having the same number of members, is allotted a mountainous region of the same dimensions. In such a case, Family B would get more than Family A, for not only will they have the 4 square miles of the plateau but they will also have the additional land which makes up the sides of the mountain. To prevent such an unequal distribution of the land, a knowledge of Geometry was essential. Such knowledge was able to take into account this difference in area; and the distribution could be made accordingly.

In Greece, on the other hand, Nieto adds, the Science of Geometry was not committed to writing until the time of Euclid, who was a contemporary of Plato, and therefore, we are left to infer, --- much later than Moses.

We need not describe in detail the very similar arguments which Nieto uses to "prove" that the ancient Hebrews were familiar with the

sciences of Agronomy - which was involved in determining the right place  
 for planting the right seed - <sup>32)</sup> and Mathematics - needed for the erection  
 of the Tabernacle, the Temple, and the manufacture of their vessels <sup>33)</sup> .

But the proof which Nieto brings to show that the Hebrews preceded the  
 Greeks in the knowledge of Music, by which, it may be supposed, he means  
 the "science of harmony", deserves to be quoted in full.

<sup>34)</sup>  
Pythagoras, says Nieto , is generally regarded as the "inventor"  
 of Music. However, we know from Genesis 4:21 that it was Jubal who was  
 the founder of Music. Moreover, Pythagoras who lived at the time of  
 the Babylonian Exile, was preceded by many centuries by King David of  
 whom the Psalms testify that he was a great musician.

This merely proves that what the Greeks regarded as "new", was  
 already known since antiquity in Asia. For it was there that the first  
 man was created, and from there Civilization spread to the surrounding  
 territories, - as witness the Greek adoption of the Hebrew Alphabet!

In trying to evaluate these claims of Jewish "firsts", the modern  
 reader, who wants to do justice to Nieto, must constantly remind himself  
 of the purpose of these "proofs" within the framework of Nieto's theo-  
 logical system. It must be borne in mind that Nieto was not writing  
 about "Jewish Contributions to Civilization" for Gentile consumption.  
 But he was writing for the benefit of those of his Jewish readers whose  
 opposition to the secular disciplines could only be overcome by evidence  
 that the sainted heroes of biblical days had themselves been pursuing  
 these studies.

The problem confronting Nieto was, in a way, similar to that  
 confronting the Reformers on the Continent of Europe a century later,  
 when they tried to justify their introduction of the organ. They did

so by identifying the modern organ with the magrepha which is mentioned in connexion with the Jerusalem Temple, - with hardly more justification than Nieto's attribution of the knowledge of harmonics to King David. In their case, too, it was not a question of glorying in the fact that the Jews had the organ before the Church did. Rather was it an attempt to pacify the traditionalists by saying to them, "If the organ was permissible in the Temple of old, why should it not be so for us today?!"<sup>35)</sup>

Thus far we have been considering those sciences of which Nieto thought to have found evidence in the Bible itself. He gives an even more detailed description of the sciences mentioned, or implied, in rabbinic literature.

His discussion of Anatomy in the Talmud<sup>36)</sup> is interesting, especially for the insight it affords us into Nieto's method of "reconciling" the discrepancies between his own medical knowledge and certain statements in the Talmud.

Among the sciences which "in this generation" enjoy the greatest support in Europe, Nieto tells us, is that of Anatomy. The modern anatomists have unravelled intricacies that were beyond the ken of the ancients. Thus, they know all about veins, arteries, the pulse, the nerves, etc. But, as their aim is the practical application of this science to the art of healing they go no further in their investigations than is necessary for that purpose. Consequently, they do not investigate the capillaries, because that is much too cumbersome and has no practical value.

The Rabbis, on the other hand, whose aim was the prevention of transgressing a ritual prohibition, went into this subject in a very thorough manner, and revealed innumerable capillaries. Some of them they

prohibited as "blood", others as "forbidden fat", and still others on account of the "vein of the hip-sinew". Thus, even if we were to admit that the modern anatomists know as much as the Rabbis did, it would still give the Rabbis a priority of some 1500 years.

It is true that there is a difference between the Rabbis and the anatomists in the enumeration of the members of the human body and of the bones. Yet is there no contradiction, for what the ones saw, the others saw, too. The difference is due to the purpose of these enumerations. The anatomists are interested in the medical aspect, the Rabbis in the question of the ritual impurity of a corpse (tum-ath meth).

The Rabbis' knowledge of Anatomy is further evidenced by their having had to decide upon an animal's fitness for the altar. And there are seventy-three blemishes to be borne in mind!

If it be asked how, in view of the brevity of human life, the Rabbis could be experts in all the sciences, the answer is that they did not have to be. It was enough for them to know what was necessary for the proper understanding of the Torah. Besides, there were those among the Rabbis who were real specialists. Thus we are told, in b. Yoma 49a, that Rabbi Haninah was an expert physician. The same we are told in b. Baba Metzi'a 85b about Samuel who, besides, had the reputation of being an astronomer of no mean order.

Nieto uses the account in b. Baba Metzi'a 85b to show that the ancient Rabbis were in no way behind "modern" medical practice<sup>37)</sup>. Briefly, the account is as follows: - Samuel attended Rabbi when the latter was afflicted with an eye disease. Samuel wanted Rabbi to put some medicine into his eye. But Rabbi was unable to do so on account of the pain. He could not even apply it to the eye-lid. Samuel then

placed a tube containing the medicine under Rabbi's head, and Rabbi was cured.

At this point, Nieto digresses into a long dissertation on the properties of compound substances, and the "sphere of potency"<sup>38)</sup> which varies from chemical to chemical. In the light of these "modern" theories the cure effected by Samuel is explained as follows:

Samuel must have known that the heat generated by Rabbi's body would warm up the medicine under his head, that the light particles would, in consequence, free themselves from the heavier ones and penetrate through the pores of the head's skin, via the skull bone to the brain, and, from there, via the optical nerves, to the eyes. Samuel must also have known that the "sphere of potency" of the drug would likewise penetrate the thickness of pillow and cover before reaching the pores of the skin.

It follows from all this that Samuel was well acquainted with what is considered to be modern "Philosophy".

<sup>39)</sup>  
Nieto insists that a knowledge of the principles of Mathematics was a conditio sine qua non for the proper understanding of the laws dealing with calendation, Kil-ayim, 'Erubhin and Sukkah. To the objection that the Rabbis may possibly have known about the practical application of these principles without being able to furnish the proofs, - on the analogy of builders, carpenters and land surveyors - Nieto replies emphatically:

"God forbid that you should think that men, who had spirit in them, would quench the thirst of their intelligence with mere principles, without being able to prove them, - as is the manner of fools and ordinary workmen!"<sup>40)</sup>

To support his argument, Nieto quotes the comments of Rashi and Tosaphoth to b. Sukkah 8a,b, and furnishes detailed geometrical proofs and diagrams for the propositions implied there. These geometrical proposition, Nieto concludes, the Rabbis had to know for the proper understanding of the Torah. But they were also familiar with certain mathematical principles "for the mere love of knowledge"<sup>41)</sup> .

As such we may regard the "ruse" of Rab Hunnah, recorded in Jer. Sukkah 5:5, where we read that the government decreed that a room of 40 square cubits full of wheat be delivered by way of an imposition. Rab Hunnah suggested to the Exilarch that he request permission to make payment in two instalments of a room of 20 square cubits each. But, of course, two rooms of 20 square cubits each contain only one half of the area of one room of 40 square cubits! It follows, therefore, that Rab Hunnah must have been familiar with the geometrical proposition underlying his advice.

Similarly, in b. 'Eruvin 43b we are told that Rabban Gamaliel had a tube through which he could see 2000 cubits on dry land and a corresponding distance on the sea. With this tube he could measure the depth of a valley. Nieto infers from this that the instrument of R. Gamaliel cannot have been so very different from the modern instruments which are constructed on the principles of Trigonometry. For the man together with the ground on which he stands describe a Right Angle, and from the eye, looking through the tube, there proceeds a line which is the hypotenuse of this triangle. And, even though there may have been certain details which we no longer know, it is clear that Rabban Gamaliel's was a mathematical instrument.

We need not be detained here by setting down, one by one, all

the illustrations which Nieto has culled from rabbinic literature to prove his point, namely: that the Rabbis were not opposed to the secular sciences. They are all of the same order, but each one of them, at the time, must have been welcomed as an additional weapon to assail the entrenchments of the obscurantists.

But one further illustration should be singled out here, if only as an indication of the significance which a purely halakhic consideration can assume when seen through the eyes of Nieto.

In b. Pesahin 76b a discussion between Rabh and Levi is recorded which centers on the pivotal point as to whether odor is to be regarded as a substance or not. <sup>42)</sup> For Nieto <sup>43)</sup> this discussion implies siding with "Modern Science" as against Aristotle, - if we may compare the odor emanating from a thing with the heat radiated by the fire. In the latter case Aristotle holds that heat is merely an accident of fire, but not a substance in its own right; whereas "Modern Science" considers it to be a substance, albeit an invisible one.

The proof for this lies in our ability to ignite materials on a sunny day by means of a convex lense. What happens in this case is this: fire has two effects, namely light and heat. Let us say, for argument's sake, that 10 particles of fire are required for heat and 20 for light. In the summer the rays of the sun are dispersed in the air in such a way that they generate heat but do not ignite. However, the convex lense can gather the necessary number of particles for ignition. It follows that, just as there can be no ignition without fire, so there can be no heat without fire. The only difference is that ignition can be seen whereas heat cannot.

Having thus established an "invisible substance" in the case of

heat, we may apply the same thing to odor. The fire liberates small particles of the meat, which are then dispersed within a certain area, but are invisible.

Both Rabh and Levi knew this. Their disagreement was only as to whether a ritual prohibition is involved post factum in eating something which has absorbed the odor of forbidden food, - considering that odor is, after all, invisible. It follows, therefore, concludes Nieto, that Rabh and Levi were experts in "Natural Philosophy".

Having thus enhanced the authority of the Rabbinic Tradition by showing the scoffing "modernists" that the Rabbis of old were the peers of the "Philosophers", and having, above all, demonstrated to his less enlightened contemporaries that Judaism can be combined with secular studies, and has, in fact, always been so combined by the religious leaders of Israel from Moses through the Amoraim, Nieto may be regarded as having fully justified his utilization of scientific  
44) literature and terminology .

It remains to be seen, therefore, just how "scientific" Nieto really was. In other words, to what extent did Nieto's secular learning really influence his religious thought, and to what extent did it merely serve as a "window-dressing" for the presentation of unmodified, inherited religious notions?

One part of the answer will be supplied in Chapter Eight where, in dealing with Nieto's concept of God, we shall have to consider his evaluation of the rational proofs for the existence of God, as well as his views on miracles.

But another part of the answer can already be given in this chapter. For an 18th century thinker's attitude towards Astrology,

on the one hand, and the heliocentric world-view of Copernicus on the other, may well serve as criteria by which we may judge his integration and assimilation of the elements of nascent modern Science. A rejection of the one and an affirmation of the other would indicate the leaving behind of medievalism and the influence of modern Science.

Where does Nieto stand with regard to these two criteria?

The subject of Astrology is introduced into the discussion of "God and Nature". The consideration of such rabbinic statements as that about "the angel presiding over man's conception"<sup>45)</sup> leads to the related thought about the constellations, to whom is attributed a similar function. It is in this connexion that Nieto gives his graphic description of "what the stars really indicate"<sup>46)</sup>.

Just as an unschooled person, looking at a clock, might think that the h a n d s contain some special power which makes them move;- or as one who knows about the wheels inside the clock, thinks that the w h e e l s make the hands move;- or as one who knows that it is really the w e i g h t which moves the wheels, which, in turn, move the hands, ---- and all three are right, depending on whether they take into account c a u s e s or e f f e c t s, ---- so man, at his birth, has his wisdom and his riches decreed by God. The stars, thereupon, indicate God's decision. But they do not themselves determine that decision; and God can still alter the course of man's fate.

To the extent to which he ascribes any validity to Astrology at all, even in this attenuated form, Nieto may still be regarded as a medieval thinker, and one who has retrogressed from the position reached by Maimonides. For the latter is quite outspoken in his condemnation of Astrology, classing it with the superstitions and

idolatrous practices which must be shunned by the Jew <sup>47)</sup> .

However, Nieto had to insist on God's ability to overrule the fate indicated by the stars. Had he not done so he would have involved himself in a trend of thought very similar to the one he so vigorously opposed, viz: that there is a "Nature" apart from God.

Nieto's "way out", i.e. ascribing to God the ability of altering man's fate, is the standard procedure of those who want to reconcile Astrology with what they know to be the basic tenets of Judaism. Such, <sup>48)</sup> for example, was the method of Abraham Ibn Ezra .

Nieto is, in fact, merely restating the position of Albo, who, though attaching a certain validity to Astrology, insists that "the indications of the stars are not necessary causes; and though we see some of them being verified, like the prognostications of the astrologers, nevertheless they may be nullified for various reasons.....; not to speak of the will of God, which is the highest principle of all and nullifies all other indications, no matter what their origin..." <sup>49)</sup>

It should also be pointed out that the Zemah David of David Gans, <sup>50)</sup> to which Nieto was indebted for some of his historical knowledge , lays great stress upon the influence of the constellations upon <sup>51)</sup> history .

Hardly less medieval is Nieto's attitude towards the Copernican <sup>52)</sup> system . It was not, however, that Nieto failed to be convinced by the scientific arguments in favor of Copernicus' hypothesis. He summarizes them as follows: "The modern Philosophers reject the view which was held from the days of Creation to close to our own time, that the six planets are dark bodies which receive their light from the sun which is the seventh and greatest planet. Instead, they affirm that

our earth is one of them, while the sun is immovable and in the center around which the other planets revolve." <sup>53)</sup>

Nieto considers this to be absolutely logical <sup>54)</sup>. However, he also insists that "our attitude to Science must be that we accept whatever is not opposed to the Written and the Oral Law, - just as it is permitted to let oneself be healed by a Gentile physician, -- so long as one does not consult him about matters of Religion." <sup>55)</sup>

But in the heliocentric view of Copernicus we have, according to Nieto <sup>56)</sup>, an instance where Science does contradict the Scriptures. For we read in Joshua 10:12f: "Sun, stand thou still upon Gibeon..... And the sun stayed in the midst of the heaven, and hastened not to go down about a whole day." This can only mean that, according to the Scriptures, the sun normally does move and revolve like the other planets.

The attempt has indeed been made to reconcile the new system with Scripture, by saying that Joshua merely used these expressions for the sake of the multitude who thought that the sun was moving, and who were ignorant of the revolution of the earth. But this attempt is unrealistic. <sup>57)</sup> It follows, then, that the system which denies the movement of the sun is an abomination! <sup>58)</sup>

As an afterthought, Nieto adds that, even if there were no such passages as Joshua 10:12f, and even if we were at liberty to make up our own minds on this question, we should still be unable to gain any certainty with regard to the Copernican system <sup>59)</sup>. And this for the following reason:

In actual fact we see that the sun is moving and that the earth remains stationary. The argument against this evidence of our senses

takes the form of claiming that sense experience is illusory. For example, people on a ship which is moving away from the coast, imagine that the ship is stationary while the coast is moving.

Nieto grants the cogency of this analogy. But he insists that there is another side to this analogy as well. People standing on the shore and watching the ship depart, think that the ship is moving while they are remaining stationary. And t h e y happen to be right!

That this is but an afterthought is fairly evident from the fact that some completely innocuous subjects are dealt with by Nieto between his downright rejection of the Copernican system on "scriptural" grounds and this argument from the "ship and the coast". For greater effectiveness this argument should have been presented together with the Joshua passage. Besides, Nieto had already admitted the reasonable-<sup>60)</sup>ness of the arguments for the Copernican view .

It is instructive to compare Nieto's rejection of the Copernican system with the condemnation of the Copernican astronomy by the Inquisition. This was formulated in the process of Galileo who was denounced to the Inquisition in 1615, and the sentence ran:

"That the sun is the centre of the universe and motionless is a proposition absurd and false in philosophy <sup>61)</sup>, and formally heretical, because it is in express contradiction to Holy Scripture.

"That the earth is not the centre of the universe, and not motionless but has also a diurnal motion, is likewise a proposition absurd and false in philosophy, and, theologically <sup>62)</sup> considered, at least erroneous in matter of faith."

Nieto would go along with this sentence, --- but with one significant reservation. He would agree with the description: "formally

heretical, because in express contradiction to Holy Scripture". But in view of his characterization of the Copernican proofs as "absolutely logical", he would hardly consider them to be "absurd and false in philosophy".

Yet it is precisely this reservation which makes the Inquisition sentence a more consistent position than the one held by Nieto. In fact, Nieto comes dangerously close to the "doctrine of the twofold truth", of which, in the second half of the 13th century, Isaac Albalag<sup>63)</sup> was a rare representative among the Jews. Only from the point of view of "twofold truth" can one maintain that a certain proposition is "acceptable to Reason", but unacceptable from the point of view of Religion.

Clearly, then, in this instance too, Nieto marked a retrogression from the position occupied by Maimonides. True, the latter had no occasion to come to terms with the Copernican system; but, if we bear in mind what he did say about the Eternity of the Universe, we may be reasonably sure that his approach to the Copernican system would have been quite different from that of Nieto.

Maimonides says: "We do not reject the Eternity of the Universe because certain passages in Scripture confirm Creation; for such passages are not more numerous than those in which God is represented as a corporeal being; nor is it impossible or difficult to find for them a suitable interpretation."<sup>64)</sup>

And he lays down the principle that "those passages in the Bible, which in their literal sense contain statements that can be refuted by proof, must and can be interpreted otherwise."<sup>65)</sup>

It is easy to see how such an approach might have helped Nieto

in coming to terms with the heliocentric view of the world; --- all the more so since, long before it had become necessary to square Judaism with the views of Copernicus, the particular miracle in Joshua 10:12f. had been "rationalized" out of existence by Gersonides <sup>66)</sup>.

In trying to account for Nieto's position vis a vis the Copernican system we should bear in mind the views of more or less contemporary Jewish writers on Astronomy.

David Gans (1541 - 1613), in his Nehmad veNa'im, is full of praise for Copernicus, whom he considers to be the greatest scholar of the age. But he does not accept his world view which, he says, was already known by the ancients and rejected by them. This attitude is explained by Waxman <sup>67)</sup> as being due partly to the influence of Tycho Brahe who was a great opponent of the Copernican revolution, and partly to the piety of the author who could not accept the view of Copernicus since it contradicts Biblical passages.

Tobias Katz (1652 - 1729), the author of Ma'aseh Tuviyah, is very wroth against Copernicus for his theory which contradicts a number of statements in the Bible. For this reason he rejects it and clings to the Ptolemaic system <sup>68)</sup>.

At the time it appears to have been only Joseph Solomon del Medigo (1591 - 1655) who was not an outspoken opponent of the Copernican system. In the fourth part of his Ma'yan Gannim he lays special emphasis on the new discoveries from the time of Copernicus to his own. But he does not decide whether the views of Copernicus are correct, though he quotes them <sup>69)</sup>.

Such being the case, we may well be able to sympathize with Nieto for not wanting to be the trail-blazer of new ideas within the structure of traditional Judaism. The storm which he had aroused by his notorious sermon on "Divine Providence" may have discouraged him from venturing

further into the realm of modern Science and Philosophy than the ground already occupied by such of his predecessors as were above any suspicion of heresy.

Besides, Nieto saw himself in the role of a defender of Tradition rather than in that of an innovator. Sir Leslie Stephen has rightly said that "books, which may fairly be considered as landmarks in the history of literature, belong for the most part to one of two classes. They sum up the controversies of the past or open those of the coming generation."<sup>70)</sup> Nieto's "Matteh Dan" is decidedly a representative of the former class.

We see, therefore, that, if a thinker's attitude towards Astrology on the one hand, and the Copernican system on the other, be regarded as criteria to determine his classification as a "modern" rather than as a "medievalist", then, on the basis of both criteria, Nieto, though living at the threshold of modernity, must be reckoned among the thinkers of the Jewish Middle Ages.

Having denied himself the entrance into the "gates of interpretation", which, according to Maimonides, should not be regarded as closed, Nieto is compelled to reject the heliocentric view of the world. But what about that other contribution of modern Astronomy, the theory that the other Planets are inhabited worlds like our own? Nieto discusses this question in greater detail<sup>71)</sup>.

To begin with, he says, we must be guided in these matters by what the Sages say: "R. Meir found a nut; he ate the kernel and threw away the shell."<sup>72)</sup>

Nieto says that he himself is inclined to the view that the

planets and the stars are inhabited worlds. This might possibly be what the Sages had in mind when they said <sup>73)</sup> that God will in future cause every righteous man to inherit 310 worlds. On the other hand, he admits, this particular reference may be to spiritual worlds.

Words that tend to support the view that the planets are inhabited have been written by Jedajah ben Abraham Bedersi, who says that it would be quite unlike God to create heavenly bodies merely to be of service to the lower creatures, - as if one were to use machinery worth 10,000 kikar of silver merely to manufacture one iron needle! <sup>74)</sup> This would especially apply to the numerous stars of the Eighth Sphere, which have no other relation or function vis a vis our world than to show man the Wisdom and Power of God. We must therefore say that they were created for some other purpose as well.

The reason why Bedersi does not speak of this is that, at his time, everybody was a follower of Aristotle. And among the Aristotelians there were many who thought that the asterisms of the Eighth Sphere were influencing, by means of their light, all the dwellers on earth. They asserted that every one of the stars of that sphere was a sun giving light and heat to the world beneath it, - which we cannot see on account of its distance, and that the little light which does percolate down to our world is of no use to us.

It may be that Bedersi knew nothing about this and, therefore, did not mention it. Certain it is that he ascribed a great function to these stars, though it is concealed from us.

However, "ca. 150 years ago", a rebellion took place against Aristotle, which shattered his authoritative position <sup>75)</sup>. A new Science was invented which is closer to Reason and more in conformity

76)  
with sense-perception .

With the rejection of the Aristotelian position, then, with its view of the stars in the Eighth Sphere influencing our world, we must look for the purpose of these stars elsewhere. It is, therefore, likely that they exist in their own right, - just as our world does.

Similarly, Aristotle and his followers thought that Comets are formed from hot vapors arising out of the earth, which are ignited by the rays of the sun. The Moderns, on the other hand, think that the Eighth Sphere is altogether ethereal, that all the stars - both known and unknown to us - are suspended there, and that the comet was created together with the other created things during the Six Days of Creation. It has, however, its own sphere in which it rises and descends according to a schedule which has not yet been determined by the astronomers.

Nieto says that there would be nothing heretical in accepting this modern view. While a Jew must believe that God, in His infinite Power, created the world ex nihilo, there is nothing to prevent him from believing that, once the initial act of creatio ex nihilo had been accomplished, further creation - even during the "First Six Days" - was out of existing matter. Scripture itself says that God created man out of dust. All the Philosophers want to determine is the exact material out of which God made such things as lightning and thunder, rain, snow and hail, etc.

From this point of view, then, it makes no difference, dogmatically, whether one believes that the comet is formed out of vapor, or whether one assumes that it has been created together with the other stars.

We may now summarize the conclusions which emerge from the in-

vestigations of this chapter:

1) In order to gain the respect and attention of the heretics he opposed, Nieto had to show himself their equal as far as his knowledge of the secular sciences was concerned.

2) In order to allay the suspicions of his less enlightened co-religionists, Nieto had to demonstrate that normative Judaism had never been opposed to scientific investigations.

3) Nieto meets these two requirements by touching on a wide range of scientific investigations and theories, on the one hand, and by "demonstrating", in a manner reminiscent of Hellenistic Jewish writings, that the great religious heroes of Bible and Talmud had been engaged in scientific studies, on the other. They had been the peers, if not indeed the paragons, of the Gentile Philosophers.

4) Having thus justified the scientific approach, Nieto at once imposes a limit on its application. The touchstone is the compatibility of the scientific theories with the literal meaning of Bible and Talmud. He does not follow Maimonides in interpreting the Scriptures in the light of scientific theory. The Copernican world view is, therefore, rejected.

5) Nieto's acceptance of some of the claims made for Astrology further shows him to have remained unaffected by the more thorough-going advances of Science.

6) While, therefore, Nieto was entitled to the respect of the educated heretics and the approval of the uncompromising orthodox, his (intentional?) avoidance of the deeper metaphysical and theological issues raised by the progress of the physical sciences<sup>77)</sup>, would cause him to be regarded as an able spokesman of the Jewish Middle Ages rather than as a forerunner of modern Jewish thought.

CHAPTER FIVENieto's Concept of Revelation

Nieto who is convinced that Halevi has already demonstrated the truth of the Written Law <sup>1)</sup>, regards his own role as that of a defender of the Oral Law. It is, therefore, only incidentally that he touches upon the subject of the Sinaitic Revelation at all. And when he does so, he does not feel called upon to offer a philosophical or theological justification of this belief. This, presumably, has already been given by Halevi.

Following in Halevi's footsteps, he tells us that close to three million people witnessed the Revelation on Mt. Sinai, and that the trustworthiness of Moses is thus irrefutably established. <sup>2)</sup> He arrives at that enormous figure by saying that the 600,000 men mentioned in the Bible were merely heads of families, and it is normal for a family to consist of about five members.

Having thus removed the problem of Revelation from the realm of speculative thought into that of historical fact, the only real problem that remains for him is that of the permanency of that Revelation. <sup>3)</sup> What if a later prophet should contradict the prophecy of Moses?

But here, too, Nieto has nothing original to offer. He refers <sup>4)</sup> the reader to Albo who makes much of Deuteronomy 34:10 ("there arose no prophet in Israel like unto Moses"). If we did not have this principle, then, indeed, whenever another prophet contradicts Moses, we would have to follow him. But in view of this principle, a law can only be abolished by God Himself and under circumstances identical <sup>5)</sup> with those of the Sinaitic Revelation. Such a likelihood, however, is remote.

If Nieto does not have too much to say about the act, or the fact, of Revelation, he is, on the other hand, very much concerned with its content. Not only is he at pains to show that the Sinaitic Revelation was a twofold one, and included both the Written and the Oral Law, as we shall see in our next chapter, but he also discusses certain aspects of the Written Law itself.

If R. Hanania b. Akashia is right in ascribing the multitude of commandments to God's desire of letting Israel acquire merit <sup>6)</sup>, says Nieto <sup>7)</sup>, and he undoubtedly had to deal with this argument in actual fact, then it seems strange indeed that the negative commandments should outnumber the positive ones by 117!

But, says Nieto, this is not really strange; for the punishment that follows the transgression of these negative commandments is actually a healing for the soul, and enables it to attain forgiveness and atonement. Besides, the things that are forbidden are not just a caprice on the part of God. They are evil in themselves. Therefore it is evidence of God's love for us that He should have told us so.

For example, concerning the 'swarming things', Leviticus 11:42 tells us: "them ye shall not eat; for they are a detestable thing." Similarly, in connexion with incest, we are told in Leviticus 18:24: "Defile not ye yourselves in any of these things; for in all these the nations are defiled, which I cast out from before you; and the land was defiled."

Consequently we have just as little right to question God's judgment in giving us the 365 prohibitions as we have to question the physician's judgment when he tells us to abstain from certain kinds of food which contain deadly poison. For just as physical poisons destroy

the body, so there are 365 deadly poisons which can destroy the soul. By warning us about the latter, God has indeed done us the great favor of which R. Hanania b. Akashia spoke.

However, this analogy of physical poisons may be questioned. For there does seem to be a difference in the severity of the punishment meted out to different people committing the same sin. Thus, in transgressing a negative commandment, a difference is made between transgressing it intentionally and transgressing it unwittingly. The latter case merely calls for a sin-offering, whereas the former can have capital punishment as its consequence. On the other hand, if two people eat of the same deadly poison, they would both die.

But Nieto shows on medical grounds that the analogy can still be upheld. Two people eating of the same kind of poison need not necessarily share the same fate. It depends upon the state of one's digestive organs. A man who has had a full meal which has not yet been completely digested and who takes of the deadly poison, can still be saved by means of an emetic or by blood-letting; for the poison has not yet been absorbed by his system. On the other hand, the man who partakes of the poison on an empty stomach is doomed; for the poison is immediately absorbed by his system.

Similarly, the man who commits a sin intentionally is to be compared to the man who eats poison on an empty stomach; - for his soul is empty, as is shown by the fact that he intentionally made room for thoughts of sin. Consequently, his sin has lethal effects. But the man who commits a sin unwittingly can be compared to him who partakes of poison on a full stomach, and who can still be saved.

For Nieto this analogy is more than a happy homiletical turn. He is deadly serious in asserting that, just as there are rules of physical

hygiene to preserve the health of the body, so there are rules of spiritual hygiene ministering to the spiritual welfare of the soul<sup>8)</sup>. These rules of spiritual hygiene are, of course, the commandments of the Torah.

But this spirituality is more than just morality and ethics or intellectual achievement. Nieto would not go along with Maimonides in determining the "reasons of the commandments". Rather does he adopt the view of Halevi<sup>9)</sup>, when he insists that the commandments which depend upon physical performance have an inner spirituality, which bestows sanctity upon us.

This spiritual holiness is real in essence, and not just in relation to us. We cannot say, therefore, that God prohibited a certain thing merely for the sake of letting us acquire merit; - as a king would do, who wants to enrich one of his servants. Such a king would command his servant to perform certain tasks, even though the king has no advantage through them. He merely wants to give his servant an opportunity to acquire wealth.

If such had been God's intention in giving us the Law, He would not have been so specific in all of the details. Think of the laws relating to the Red Heifer! If, for example, the heifer has two hairs which are not red, it becomes useless. Would it not have been sufficient for God to command us to take a heifer just as it is? Consequently it follows that every single detail is an active cause of spirituality. Otherwise there would have been no reason for God to command the lavish spending of Jewish money. God would not have troubled the people in this matter without a good cause!

If God had merely given us two or three laws with all their minutiae, we might think that it is only in these two or three cases

that He wants us to observe the laws in specified detail, so that we do not treat them as being of little account. But, as for the rest of the commandments, He does not care in what manner we observe them.

But are we not witness to the fact that this is not so?! For there is not a single commandment that has not its details and minutiae. Take, for example, the detailed sacrificial regulations in Mishnah Zebahim, ch.V; or all the details involved in the erection of the Solomonic Temple, or Ezekiel's vision of the Third Temple. Is it possible to assume that all these details have been given in a haphazard manner, without a deeper reason?!

Not only, then, must we admit that these things have a hidden meaning but we must also say that whoever does not believe that the commandments and their minutiae, and the minutiae of their minutiae, contain wonderful and divine secrets, cannot properly be called a Jew.

10)  
God commanded : "And ye shall take you on the first day the fruit of goodly trees (which is the ethrog), branches of palm-trees (which is the lulabh), boughs of thick trees (which is the hadas), and willows of the brook (which is the 'arabhah)."

He commanded us about the ethrog, which is a definite species. And if we do not take the ethrog, as specified in the Oral Law, but some other fruit, even though it resembles an ethrog, we cannot fulfill the law. And the same applies to all the other three species.

This makes sense only if we accept David's characterization of the Law<sup>11)</sup> as "perfect, restoring the soul, and making wise the simple." If we were to say that we have merely been commanded to do so, without rhyme and reason, it would amount to regarding David's characterization of the Law as fraudulent.

The following parable illustrates what has just been said:

A king had in his kingdom a forest covering an area of 200 square miles. One day he commanded his servants: "Take with you strong men, and go, cut down all the trees of the big forest; for this thought has just occurred to me." When the men went to do what the king had commanded, the local inhabitants approached them and asked what they were doing. Had they answered: "The king has commanded us to do so, but we do not know why", the questioners would have begun to criticize the king's character.

But if, in the first place, the king had said to his princes: I have commanded that the forest be cut down because it is the habitat of wild beasts who attack the travellers; or because it deprives a nearby city of the benefit of the wind; or because the forest is of no use to anybody and I want to utilize the area for agriculture", had the king said this, then those who heard the explanation would have said: "Happy is the people that has such a king, who loves his people and has their welfare at heart!"

This parable, however, merely illustrates a state of affairs as it obtains in the physical realm. That the same goes for the spiritual realm we can learn from the ashes of the Red Heifer. Just as the ashes of the Red Heifer, which have been prepared in accordance with Scriptural Law, have the power to dispel the impurity of him who has been defiled by contact with a corpse, - so have the making of the zizith, the observance of Sabbath and festivals, the bringing of sacrifices, and the observance of the rest of the commandments, the ability to cause holiness to rest upon those who are prepared for it.

And just as it is impossible to say that the ashes of the Red Heifer can dispel impurity because of physical qualities, so it is impossible to say that the observance of the other commandments causes

holiness to rest upon us, because of physical qualities.

The analogy of the ashes of the Red Heifer is highly instructive. According to rabbinic tradition, the law of the Red Heifer is a hukkah which completely eludes human understanding. Not even Solomon in all his wisdom was able to fathom it.<sup>12)</sup> By putting all the other biblical commandment on the same level, Nieto would seem to preclude the very possibility of finding a rational explanation for them.

Thus, for example, Nieto deals with the argument that the Rabbinic Dietary Laws are not of Mosaic origin at all but are due to the lack of expert medical knowledge on the part of the Rabbis. The Rabbis, it was argued, seemed to think that the bodily ailment or irregularity will be transferred from the animal to the eater.

<sup>13)</sup>  
Nieto rejects this argument on three counts:

(a) It is a mere conjecture.

(b) Even if the argument be granted in the case of disease of the lung, what can be said about all the other cases? Did the Rabbis really believe that eating an animal with an additional leg - which they prohibited - would cause a third leg to grow on the body of the eater?!

(c) When the Rabbis made laws for the purpose of preventing physical danger, they stated their reason for doing so; - as in the case where they prohibit the drinking of water from a vessel left uncovered over night, for fear of snake poison, etc.

It follows, then, that if health reasons had been the basis of the Dietary Laws, the Rabbis would not have omitted to say so. For, in that case, both the righteous and the wicked would have observed them.

We have taken this illustration from Nieto's defense of the Oral Law. But, in view of the fact that Nieto regards these Dietary Laws

as part of the Sinaitic Revelation, it is a pertinent example of his approach to revealed Law in general.

We may say, then, that Nieto's concept of the commandments is as close to the Christian concept of sacrament as a Jewish thinker could get.<sup>14)</sup> While, in general, the Jewish concept of self-sanctification does not attach value to the ritual action itself but to the thought and intention which the worshipper brings to that action, we find in Yehudah Halevi's stress on the ritual law definite traces of the sacramental idea.<sup>15)</sup>

The connexion between Halevi and Nieto is self-evident. As we have seen, Nieto regards Halevi's defense of the Written Law as completely adequate; and he therefore accepts Halevi's concept of the Law in toto.

The question, however, arises why an eclectic thinker like Nieto who prided himself on being a rationalist, should choose, out of the variety of views available, precisely the most irrational of them all, that of Halevi.

We can perhaps best understand this in the light of what went on, at the same time, in the non-Jewish world. The Deists were particularly irked by what they called "positive religion", i.e. those institutions of the traditional religions which do not necessarily follow from the "Law of Nature".

Thus, in 1730, Tindal who must have given expression to thoughts that had been "in the air" for quite some time, argued, in his "Christianity as Old as the Creation", that modes of worship and all positive regulations must be judged by their fitness to promote human happiness. The view that such observances have an absolute value because required by God for His own sake, has been fostered by the priests.<sup>16)</sup>

Any rationalist attempt to justify Jewish observance in terms of "fitness to promote human happiness" would have been unable to account for any number of biblical laws, especially those designated as hukkoth. But, to offer only a partial justification would have been quite unacceptable, for the system as a whole was attacked. The opposite view, that observances were required by God for His own sake, must have been as unacceptable to Nieto as it was to the Deists. That basic idea of Prophetic Religion was accepted even in the most narrow legalist circles of the Middle Ages.

But, by removing the mizwoth from the realm of speculation and rational discussion altogether, Nieto may not indeed have satisfied those of Deist inclinations, but he certainly shielded the "positive regulations" from immediate attack, - if only for the time being.

Anything short of this drastic step might have involved him in the necessity of having to defend every single one of the 613 commandments. Whether or not Nieto would have been capable of doing so, the fact remains that the immediate issue with which Nieto saw himself face to face within the Jewish community was not the defense of the Scriptures, but the defense of the Oral Law.

CHAPTER SIXNieto's Defense of the Oral LawI. Deut. 17

We must now turn to a consideration of what may be regarded as the outstanding facet of Nieto's literary career, and of what Nieto himself designated as the exclusive purpose of his Matteh Dan, the defense of the Oral Law.

1)

In previous chapters we have seen that the Oral Law proved to be a stumbling-block to many a Marrano on his way back to Judaism, and we have tried to show why the validity of the Oral Law was called into question particularly in Nieto's time and place.

This, however, should not blind us to the fact that the Oral Law has had its opponents from the very moment of the formulation of this concept. And ever since that time attempts have been made to justify both the concept and its practical application by reference to the wording of Scripture which was recognized as authoritative by protagonists and opponents of the Oral Law alike.

The crucial passage of the Scriptures, which has figured in this controversy ever since the Pharisees disputed the priests' exclusive right to interpret the Torah <sup>2)</sup>, is Deuteronomy 17:8-13. Since reference will be made to this passage throughout this chapter, it will be convenient to quote it here in full:

If there arise a matter too hard for thee in judgment, between blood and blood, between plea and plea, and between stroke and stroke, even matters of controversy within thy gates; then thou shalt arise, and get thee up unto the place which the LORD thy God shall choose. And thou shalt come unto the priests the Levites, and unto the judge that shall be in those days; and thou shalt inquire; and they shall declare unto thee the sentence of judgment. And thou shalt do according to the tenor of the sentence, which they shall declare unto thee from that place which the LORD shall choose; and thou shalt observe to do according to all that they shall teach thee.

According to the law which they shall teach thee, and according to the judgment which they shall tell thee, thou shalt do; thou shalt not turn aside from the sentence which they shall declare unto thee, to the right hand, nor to the left. And the man that doeth presumptuously, in not hearkening unto the priest that standeth to minister there before the LORD thy God, or unto the judge, even that man shall die; and thou shalt exterminate the evil from Israel. And all the people shall hear, and fear, and do no more presumptuously.

The Pharisaic and rabbinic application of this passage was by no means confined to matters of civil law, as a cursory reading of it might lead one to assume. Thus, when the question is raised <sup>3)</sup>, 'Where has God commanded us to kindle the Hanukkah light?' - a question based on the wording of the benediction: 'who hast sanctified us by thy commandments and commanded us to kindle the light of Hanukkah'-, Rab Ivya, a fourth generation Babylonian Amora, answers it with a reference to Deuteronomy <sup>4)</sup> 17. Similarly, we are told in the Pesikta Rabbati that a man should not say: 'I will not observe the commandments of the elders, because they are not of Pentateuchal origin', because the justification for rabbinic enactment is in the Pentateuch, namely Deuteronomy 17. In fact the whole body of rabbinic enactments is seen to be supported by this passage in Deuteronomy <sup>5)</sup>.

Judah Halevi invokes this passage in support of the following rabbinic enactments: (i) the reading of the Megillah; (ii) the kindling of the Hanukkah light; (iii) the recitation of the Hallel; (iv) the washing of hands; (v) the making of an 'Erubh. <sup>6)</sup> All of these acts are preceded by the standard benediction '...who hast commanded us', and yet none of them is to be found in the most obvious record of God's commandments, the Pentateuch. But, says Halevi, in Deuteronomy 17 we have the Mosaic warrant for post-Mosaic legislation.

Ingenious is the twist given by Maimonides to the use of Deuteronomy 17 as a support for rabbinic enactments, involving the

recitation of the standard berakhah.

7)  
 There are, he says, commandments which were promulgated by the Prophets and Sages after the Giving of the Law, such as the Reading of the Megillah, the Hanukkah light, the Fast of the 9th of Ab, 'Erubhin, and the washing of hands. We are obligated to observe these commandments on account of Deuteronomy 17. In spite of the wording of the benediction, the Prophets did not claim that God commanded them to make such additions to the Law as the making of an 'Erubh, or the reading of the Megillah in its season. Had they done so, they would indeed have been guilty of transgressing the Law (Deut. 13:1) which prohibits the making of "additions". Rather should it be explained as follows: The Prophets, in conjunction with the Beth Din (!) ordained and commanded that the Megillah be read in its season, - in order to recall the praises of God and the salvation He hath wrought for us, and that He was nigh unto our cry, so that we may bless and praise Him, and make known to future generations that what He promised us in the Torah is true, viz: (Deut. 4:7) "For what great nation is there, that hath God so nigh unto them, as the LORD our God is whensoever we call upon Him?"

Since "praising the LORD" may be regarded as a standing commandment of the Torah, Maimonides would seem to hint, the expression weziwanu in the benediction is absolutely justified, while, on the other hand, Deuteronomy 17 compels us to abide by such a post-Mosaic law once it has been established by authority.

Without saying how, Maimonides declares that every single commandment of the sopherim has come about in this manner.

When we get to Nieto we find him taking up and elaborating this

8) Maimonidean interpretation . At the same time, and here he indicates that the favorite proof-text had already worn rather thin, he insists that the rabbinic enactments <sup>9)</sup> with their attendant berakhoth can be based on Deuteronomy 17 only in a general way. But since these rabbinic commandments and the expression weziwanu have become the butt of the heretics' fiercest criticism <sup>10)</sup>, Nieto furnishes a detailed proof for every single one of them.

To begin with, there is the general observation that there are two ways in which man renders thanksgiving and praise to God; to wit: sacrifice or words. Nieto traces the history of worship (with and without sacrifice) from Noah, via the Patriarchs and Matriarchs and Moses through David. Now David composed a multitude of songs and praises to God, as is evident from the Book of Psalms. And in Psalms 107 he has taught us about the four classes of men who must give thanks, viz: "they that go down to the sea", "they that wandered in the wilderness", the sick man who was healed, and the prisoner who was liberated. But there is really no difference between being delivered from the dungeon or the sea and being delivered from personal enemies who seek one's life. There is also no difference between an individual who was saved and a saved multitude. In all of these cases God desires, nay he commanded us (!) that we offer Him praises and thanksgiving.

Ex. 13:8; Deut. 8:10; and Lev. 23:42f are adduced as Scriptural proofs to the fact that God wants us to celebrate festivals in order to praise His name. To celebrate these festivals suitably, argues Nieto, we would have to compose songs of praise. But in view of the fact that David has already composed such songs, under the inspiration of the Holy Spirit at that, these Davidic Psalms are particularly suitable for the purpose; and we are absolutely justified in saying weziwanu before

reciting the Hallel, since we are reciting it in fulfilment of the commandment to praise God.

The same applies to the reading of the Megillah which recounts the miracle God wrought for us by saving us from Haman. Moreover, the Talmud<sup>11)</sup> says that on Purim the Reading of the Megillah takes the place of the Hallel.

Again, the same applies to kindling the Hanukkah light which is lit in commemoration of the miracle of the oil.

As far as Sabbath and Festival Lights are concerned, Nieto refers to Isaiah 58:13 ("And thou shalt call the Sabbath a delight") and to Deut. 16:14 ("And thou shalt rejoice in thy feast"); and he argues that, since there can be neither "delight" nor "rejoicing" in complete darkness, the kindling of Sabbath and Festival lights is an essential part of proper (i.e. Scriptural) Sabbath and Festival observance. The blessing weziwanu is, therefore, completely justified.

The Four Fasts present no problem, according to Nieto. In the first place, there is no benediction claiming that God commanded them. Besides, in Zechariah 8:19 their institution has received divine acknowledgment.

The Seven Days of Mourning also present no problem, for no benediction is recited in connexion with them which includes the phrase weziwanu.

The Wedding Banquet has only one benediction claiming that "God commanded us"; and that is על הער'ות, which refers to express Scriptural commandments. The other six berakhoth are Blessings of Thanksgiving.

The Washing of Hands before praying and eating, and after answering nature's call, is a logical application of the biblical law (Lev. 11:44):

"Sanctify yourselves", - in the sense that the body of every Jew must be clean before he mentions the name of God. It is therefore only fitting that the benediction weziwwanu should go with this!

As far as 'Erubhin are concerned, the Talmud <sup>12)</sup> tells us that they were instituted by King Solomon. But even if we grant for argument's sake that some later authority instituted them, the phrase weziwwanu would still be justified.

We read in Numbers 30:3, "When a man voweth a vow unto the LORD, or sweareth an oath to bind his soul with a bond, he shall not break his word; he shall do according to all that proceedeth out of his mouth." It follows from this that it would theoretically be possible for a Jew to say weziwwanu every time he fulfils a vow, and thereby observes the commandment of Numbers 30:3. Such a berakhah, however, does not exist since no berakhoth were formulated for eventualities which might never arise. And it is feasible that a man may never make a vow in his life.

On the other hand, since the Jewish People at the time of Solomon, or at some later time, have taken it upon themselves and their descendants not to go beyond the city limits on a Sabbath further than 2000 cubits, and, if the necessity arises to go further, to arrange for 'Erubhe' Tehumin on Friday, the abiding by this common agreement constitutes a fulfilment of the commandment (Num.30:3) "he shall not break his word"; and, as such, is entitled to the benediction weziwwanu.

The 'Erubh Tabshilin is shown to rest on the same foundations.

The discussion of the Second Days of the Festivals is postponed to a further chapter.

The fact that Nieto feels himself compelled to give up the time-

honored "blanket justification" of Deuteronomy 17 for the various rabbinic enactments does not, however, mean that he himself does not accept the validity of this proof-text. He does, even as he complains that the Sages have been wrongly accused of having perverted the clear meaning of Scripture verses <sup>13)</sup> .

He also tries his best to save Deuteronomy 17 in the face of all the opposition that had become apparent. It is argued, he says <sup>14)</sup> that the Rabbis have made illegitimate use of the authority granted them in Deuteronomy 17. When Scripture says that in doubtful matters one should go to the Great Both Din, Scripture also specifies these matters as "blood, plea and stroke" and "matters of controversy". It could clearly not have been God's intention that they should interpret the whole Torah, expounding every commandment, word, letter and point, - and all that on the basis of Deut. 17!

Even stranger is the rabbinic interpretation of Deut. 17:11, which bids us abide by their decision, even if we are told that right is left and left is right, that is to say: they must be obeyed even if they tell us to do something that is against the commandment of God <sup>15)</sup> . Is it any wonder that the Rabbis arouse such fierce opposition?!

For argument's sake, Nieto continues, let us grant that Scripture speaks solely of "blood, plea and stroke". But our opponents must also concede that Scripture does not specify whether the decisions handed down by the authorities are based on Divine Revelation or on their own reasoning. According to Deut. 17, then, we would have to abide by their decision, even though it was not revealed to Moses on Sinai, and even though our reasoning conflicts with their reasoning. And whoever does not recognize their decision as the Will of God incurs

capital punishment on the strength of Deut. 17:12.

This being so, the Sages, had they wanted to, could have rested a l l their decisions on the authority vested in them by these Scripture verses. But they did not. Instead, they gave credit to the Oral Law which "Moses received on Sinai", - thereby limiting their own prestige. For they clearly distinguish between halakhah lemosheh missinai and their own takkanoth. The Talmud abounds in instances where it is stated: "This is Biblical, and that is Rabbinical", or "This is a rabbinic law, the Scripture verse being merely an asmakhta". Had it been the Rabbis' desire to gain in importance they could have taken credit for all laws without distinguishing between their own ordinances and the Mosaic Oral Law.

Nieto strengthens his argument with a parable. A king appoints a governor over a province with full power to impose legislation and to demand a fine of 100 silver shekels of those who refuse to do his bidding. The governor thereupon issues an order to the effect that no iron implements must be found in any house. After a search in Reuben's house a knife was found there. Consequently he was ordered to pay the fine. But Reuben refuses to pay the fine, because he claims that in all the other provinces of the king the same law was promulgated, yet never was the possession of a knife considered a breach of the law. Nevertheless the king sustains the decision of the governor because the governor had full power to impose legislation; and it was none of Reuben's business to institute comparisons with the legislation of other provinces.

The same, Nieto concludes, applies to the legislation of Deut. 17; - only that this latter case is even stronger. Reuben did know about the procedure in other provinces, whereas we are unable to furnish

any proofs that, for example, the "fruit of a goodly tree" is not an ethrog.

With the help of another parable Nieto tries to account for the strange rabbinic dictum "Even if they tell you that right is left etc."

If a governor orders his province to obey his rules even though they are at variance with those of the king, such a governor would either be a fool, or a rebel, or a man who does not value his own life. But a governor would be justified in this procedure if he merely adopts it in order to save his subjects the constant bother of finding out whether or not the governor's edicts correspond to the expressed desire of the king.

In effect, such a governor would say: "Do what I tell you even if it appears to you to be contrary to the king's command. In any case, the king would not punish you, but me. For he commanded you in the first place that you should obey me."

The same, concludes Nieto, applies to the Sages whom we must obey even if it would appear to us that they are not giving the right decision. The Sages are, in effect, saying to us: "Do in any case what we are teaching you to do. Do not be afraid, even if you think that our decisions do not - God forbid! - correspond to God's commandment. If such were the case, you would be free from guilt. You would even be rewarded for obeying Deut. 17. It is we who would receive the punishment."

Thus far, it will be remembered, Nieto had been meeting his opponents on their ground by granting, for argument's sake, that Deut. 17 has reference to civil law only. But now he goes over to the offensive. What, he asks his opponents, would you have us do in doubtful cases other than the three specified in Deut. 17? If there be a difference of opinion

as to whether the biblical word hodesh refers to a solar or to a lunar month, who is going to decide the question? The tailor? The barber? Or the architect? Obviously it would be a matter for the Sages to decide! For the laity does not know much about these details.

Then what is our opponents' complaint against the Sages, seeing that Reason compels us to seek their expert advice?!

But our opponents would charge that the Sages invented all such detailed laws as the derivative prohibitions of work on the Sabbath or the 70 kinds of tarpuyth, - in order to widen the scope of their authority, and in order to command greater respect.

Nieto does not find this argument convincing. For had the Rabbis' aim been to win popular support, they would have eased the rigor of the law. They would have reduced the "fine" for transgressing the "derivatives", substituting "stripes" for "stoning". They would have simplified the dietary laws, merely demanding the removal of the terefah organ, but permitting the rest of the animal. In this manner it would have been easier for them to establish their authority, had this been their aim and intention.

Moreover, there are a number of cases where the Rabbis clearly limit their own authority, - as when they defer the death penalty to "the hands of Heaven", rather than exercising their own authority by dealing out the punishment themselves.

(Nieto does not seem to realize that there is a contradiction involved in the last two paragraphs.)

A further argument in support of the rabbinic interpretation of Deut. 17 is found in the actual religious practice of the opponents of the Oral Law themselves<sup>16)</sup>.

They do abstain from a cake on Passover, if there is any doubt that it may be leaven. They do abstain from a slice of meat, if there is any doubt that it may be helebh instead of shuman. And they do abstain from work and food on a day of which they have any doubt (e.g. in desert travel) that it might be the Day of Atonement. They do this because transgression of any of these laws involves kareth, and their own practice shows them to hold the principle that "matters of doubt  
17) in the Torah are to be decided towards stringency."

Whether they have adopted this principle from the Rabbis, or whether they have arrived at it through their own reasoning, is immaterial in this particular argument, - though Nieto is at pains to prove that the principle is to be derived from the Scriptures themselves.

Now, Deut. 17:12 states that he will incur the capital punishment "that doeth presumptuously, in not hearkening unto the priest... or unto the judge." If, then, God commands us not to do any work on the Sabbath, and the Sages subdivide the concept "work" into abhoth and toladoth, setting the punishment of "stoning" for a wilful transgression of either; - and if, furthermore, the opponents of Tradition claim that these are rabbinic "inventions", -- they must realize that their claim is one of "perhaps" (for others do accept the rabbinic law). But the claim of "perhaps" immediately makes it a question of "doubt", and, in view of Deut. 17, a "doubt concerning laws of the Torah", which, on their own showing, the opponents would have to decide towards stringency. Ergo: they are obliged to abide by the decision of the Sages.

Finally, Deut. 17 is used in reply to the question: "How can we be sure that the teachings of the Rabbis conform to the Will of God?"<sup>18)</sup>

Through Deut. 17 God communicates His agreement with the decisions reached by the Beth Din.

To the argument that the Rabbis may be reaching their decisions in a haphazard way <sup>19)</sup>, knowing that they will be backed up by Deut.17 in any event, Nieto replies that such a thing is inconceivable. We cannot believe that in a Sanhedrin consisting of 71 men, through ever so many generations, there should not have been at least one single God-fearing person who would have denounced the sinfulness of such a procedure.

## II. Other Lines of Defense

While reference to Deuteronomy 17 was undoubtedly the oldest defense of the Oral Law, it was by no means the only one. If the unity of the Pentateuch be granted, -and that it was by protagonists of the Oral Law and its antagonists, - then a number of apparent contradictions in both the legislative and the narrative passages could be pointed to, which could be "reconciled" only if it be assumed that an Oral Law accompanied them from the very beginning. Nieto mentions a number <sup>20)</sup> of these in the Introduction to his Matteh Dan .

Again, it could be shown that the Karaites themselves tacitly acknowledge the validity of Rabbinic Tradition in their acceptance of the Torah text, its vocalization, accentuation, etc. Halevi uses this <sup>21)</sup> argument , but Spinoza was no longer able to find it convincing. He <sup>22)</sup> says : "Indeed, if we consider the series of years...accepted by the Pharisees from their Rabbis, during which time they say they have handed down the tradition from Moses, we shall find that it is not correct... Therefore such a tradition should be received with extreme suspicion; and although, according our method, we are bound to consider as uncorrupted the tradition of the Jews, namely, the meaning of

the Hebrew words which we received from them, we may accept the latter while retaining our doubts about the former."

This quotation from Spinoza shows that not only was the argument based on the general acceptance of the Masoretic Text no longer acceptable, but that also another "proof" had fallen by the wayside, the "proof" from the "unbroken chain of Tradition", based primarily on the first chapter of Aboth. Halevi had used it <sup>23)</sup>. Ibn Daud had written his Sefer ha-Kabbalah with the express purpose of "making known to the students that all the words of our Rabbis of blessed memory, the Sages of Mishnah and Gemarah, have all of them been received by one great and righteous Sage from the mouth of another great and righteous Sage; by one Head of an Academy and his colleagues from the mouth of another Head of an Academy and his colleagues; from the Men of the Great Synagogue who, in turn, <sup>24)</sup> received the Tradition from the Prophets of blessed memory."

<sup>25)</sup> Maimonides, too, avails himself of this argument.

Coupled with this argument is the stress on the fact that "Our Rabbis of blessed memory never disagreed about the principle of a <sup>26)</sup> commandment, but only about its derivatives." <sup>27)</sup> Maimonides singles out five typical rabbinic interpretations of Biblical Law about which <sup>28)</sup> there has never been any disagreement. Nieto, in fact, is so convinced by that particular line of reasoning that he regards it as the sole function of his Matteh Dan "to be a commentary on Maimonides and Ibn Daud. These two great luminaries could be content with mere chapter headings. That is why their words are few, though their subject is manifold. But, on account of our sins, our age requires a more detailed explanation. And so I come with the scroll of a book, to prove with uprightness, with rational arguments, with true proofs and great demonstrations that our Rabbis of blessed memory are Truth and their words

29)  
Truth."

Another argument in defense of the Oral Law is based upon those traditional laws, often even observed by the Karaites, which are indeed based upon Scriptural Law, but a Scriptural Law which has to be made explicit by further interpretation. Halevi cites a large number of such instances <sup>30)</sup>. In fact, Halevi gives such a detailed defense of the Oral Law, to which he devotes the whole third part of his Kuzari, that it is, at first sight, difficult to understand Nieto's claim that the whole intention of Halevi was "to prove the truth of the Written Law. Of the Oral Law he spoke only in a general way." <sup>31)</sup>

Indeed, if, as Rivkin <sup>32)</sup> argues, Leon da Modena was sincere when he wrote the Sha-agath Aryeh, it is not without interest to note that da Modena considered the third part of Halevi's Kuzari as an adequate defense of the Oral Law <sup>33)</sup>.

Why, then, was it necessary for Nieto to produce his own defense of the Oral Law? Was his description of Halevi's work merely a literary device, an apology for writing on the same subject? Or did the opponents of the Oral Law, in the half century that had elapsed between the death of da Modena and the publication of the Matteh Dan, produce objections which Halevi's Kuzari could no longer meet?

Nieto gives us to understand that it was this latter. Even the Nomologia, written by Immanuel Aboab <sup>34)</sup> for a circle of readers very similar to that of the Matteh Dan Nieto considered to be true but insufficient for the needs of his own time <sup>35)</sup>. For the following two questions had not yet been answered adequately:

- (a) Is it possible to understand the Written Law without the Oral Law?
- (b) Is the interpretation of our Sages identical with the

interpretation of the Torah which Moses received on Sinai?

Our opponents agree with us on part of the answer to each question, and they disagree with us on another. They agree with us that Tradition is needed to know what part of the body is to be circumcized, for this is not specified in the Torah, and whether the hodesh of the Torah is a solar or a lunar month. They disagree with us on the measurement of the Sukkah, and the material and form of the phylacteries, etc.

Concerning the second question, they say that our Sages have taught the truth regarding the part of the body that is to be circumcized, and the 39 kinds of work forbidden on the Sabbath. But they differ from us in the detailed application of these, and of all other commandments, because they interpret them according to the estimate of their own reason, and not according to Rabbinic Tradition.

Consequently they are split up into ever so many sects and divisions, - which is admitted, unashamedly, by Elijah Bašyatchi, who speaks of three different Karaite practices, regarding the coincidence of Sabbath and Circumcision.

Bašyatchi, furthermore, sets up the following syllogism, - only  
37)  
to demolish it again:

It is impossible to understand the Written Law without an Oral Law. The Sages interpreted the Written Law.

ergo: Their interpretation is the true Oral Law.

The conclusion, says Bašyatchi, does not follow from the premisses. He also agrees with us only on part of the Major, saying that it is impossible to understand only part ( but not the whole) of the Written Law without an Oral Law. And even though he agrees with us on the Minor, he hastens to reject the Conclusion, because, in addition to very few details which he accepts, he considers the rest of the Oral Law

to be mere "inventions" of the Sages who have thus deceived us.

It therefore becomes necessary for us, Nieto concludes <sup>38)</sup>, to strengthen the premisses so that the Conclusion will truly follow. We have to prove, then, that what our Sages taught us by way of interpreting the Written Law is identical with what God spoke to His servant Moses on Mt. Sinai.

It is evident from the above that Nieto is not interested merely to show that Deut. 17 gave the Sages the authority to enact such additional legislation as was demanded by the exigencies of the times. His point is much more fundamental. It was that, apart from the few instances specifically so designated, the whole body of the Oral Law is of Sinaitic origin, so that there can be as little doubt as to its validity and divine sanction as there is about the Written Law. To see in the Oral Law a process of religious development was, as a way of looking at the phenomenon, not only completely foreign to him but it would have defeated his very purpose.

In his day and age, religious development could mean only the deterioration of Religion. That Religion had "developed" was precisely the claim of the Deists and the protagonists of "Natural Religion". But by "development" they meant the deterioration from its original purity, the priestly accretions of which they wanted to purge it again.

Apart, therefore, from re-emphasizing a traditional Jewish concept, Nieto undoubtedly also had in mind the controversies of his own time, - which made it of paramount importance to him to demonstrate that the Oral Law, far from representing a "development" in Judaism, was, in fact, there from the very beginning, before any corruption could have set in.

That he makes the refutation of Ba'yatchi his starting-point, rather than the utterances of contemporary "heretics", is suggestive, and would speak for a wider acquaintance with actual Karaism in 18th century England than has been frequently assumed.

### III. Pre-Sinaitic Oral Revelations

Nieto begins his treatment of the Oral Law <sup>39)</sup> with a proof to the effect that the possibility of this type of Revelation is amply evidenced by what had transpired already in pre-Mosaic times. Because it was God's intention to give Israel a Torah, the greater part of which would be oral, he trained the human race from its very beginning to accept oral commandments, - so that, later on, it would not be a strange thing for Israel to accept an Oral Law.

These early revelations contained both negative and positive commandments. Among the former he lists the "forbidden fruit" of Genesis 2:17, which must have been given orally since it was not committed to writing before the time of Moses. He also includes the prohibition of murder, as is proved by God's punishing Cain and the latter's admission of his guilt in Genesis 4:13. If he had not been warned before he might have had an excuse, saying that he did not know that murder would be punished. Similarly, God would not have punished the Generation of the Flood if He had not warned them previously about violence and fornication. Again, God communicated to Noah the prohibition of eating part of a living animal (Gen. 9:4) and the prohibition of murder (Gen. 9:6). That God must have prohibited adultery is shown by the punishment meted out to Pharaoh and Abimelech as a consequence of their design on Sarah (Gen. 12:17 and 20:18).

Of positive commandments which were revealed orally, Nieto

mentions sacrifices, which were brought by Cain, Abel, Noah and the Patriarchs.

The commandment of circumcision was given to Abraham. Moreover, God knows that Abraham will command his sons to keep "the way of the LORD" (Gen. 18:17). And Abraham himself <sup>is</sup> described (Gen. 26:5) as keeping God's mizwoth, hukkoth and toroth, while Jacob commanded his household (Gen. 35:2) "to remove the strange gods, to purify themselves, and to change their garments."

Whence, asks Nieto, comes all this detailed knowledge of God's requirements? And he concludes <sup>40)</sup> by saying that we are forced to admit that all the statutes and ordinances which God commanded before the Sinaitic Revelation were oral and not written. These include laws we know, such as ebher min hahay, circumcision, theft, etc., and laws we do not know, such as the full implication of the mizwoth, hukkoth, and toroth mentioned in connexion with Abraham.

#### IV. Proofs for the Existence of the Oral Law in Bible Times

##### (a) The Sabbath Law

Having thus demonstrated the existence of an Oral Law even in pre-Mosaic times, and thereby justified the concept as such, Nieto proceeds to adduce the testimony of Scripture to the co-existence of the Oral with the Written Law.

He quotes Jeremiah 17:21f, "...bear no burden on the sabbath day, nor bring it in..., neither carry forth a burden from your houses." Since this commandment is not found in the Pentateuch, it follows that it must have been preserved by Oral Tradition from the days of Moses down to Jeremiah.<sup>41)</sup>

Jeremiah did not specify the measurements of what constitutes a

"burden", because he was talking to the kings and princes who are not accustomed to carrying anything heavier than a kerchief, a little key or a letter. From this it follows that even a light "burden" is forbidden. But this prohibition is "almost specifically" stated in the Torah itself <sup>42)</sup> ; and this in the following manner:

When David says (Psalm 33:6) that "By the word of the LORD the heavens were made", he indicates that all God had to do in Creation was to issue His "fiats", as we find it corroborated in Genesis I.

Now, God is not subject to exhaustion. But even if, purely for argument's sake, we were to regard Him as such, we should still have to admit that the daily enunciation of two words does not induce fatigue or exhaustion. Nevertheless, God d i d rest on the 7th day from all His work. (Gen. 2:3) Therefore he who would observe the Sabbath properly, even as God did, must rest also from "light burdens".

Two things follow: (i) The carrying from one domain into another on the Sabbath, forbidden by the Rabbis, is of divine origin, as witness Jeremiah. (ii) Since "light burdens" are merely hinted at in the Torah, there must, of necessity, have been an Oral Law originating in the days of Moses, which was preserved orally until the time of Jeremiah.

(b) Oral Interpretation Presupposed in Written Law <sup>43)</sup>

The non-observance of the laws of Circumcision, the Paschal Lamb and the Removal of Leaven, and the Affliction of one's soul on the Day of Atonement, leads to the punishment of kareth, - which indicates the great importance of these laws.

Yet, as far as Circumcision is concerned, Scripture does not specify the member of the body. As far as Passover is concerned, it does not specify whether "the first month" is a lunar or a solar month; and the same specification is lacking with regard to "the seventh month" in which

the Day of Atonement is to be observed.

Since there can be no doubt that, in the days of Moses, Joshua, the Judges, the Prophets and the Kings, Israel observed all the appointed seasons of the LORD in all their details and minutiae, it follows that they must have had an Oral Law.

(c) The Prohibition of Business Transactions on Sabbath and Festivals

44)

This prohibition, says Nieto, is neither written in the Torah nor included among the 39 kinds of prohibited work enumerated by the Rabbis. Nevertheless this prohibition is widely observed in Israel, even without the knowledge whether this prohibition is Mosaic or merely traditional. But in Nehemiah 10:30 we find that the people "entered into a curse, and into an oath, to walk in God's law which was given by Moses the servant and of God, to observe and do all the commandments of the LORD, etc." This oath included: (verse 31) the prohibition of intermarriage;

(verse 32) "we would not buy..on the sabbath or a holy day";

(ibid.) The Sabbatical Year.

Now, intermarriage and the Sabbatical Year are mentioned in the Torah. But the people call all three of them "the commandments of the LORD". It follows, therefore, that the prohibition of business transactions must be of divine origin, and must have been handed down orally until committed to writing by Nehemiah <sup>45)</sup>.

(d) Even Commandments Explicitly Stated Were in Need of Oral Law

What Nieto has demonstrated so far might not even be denied by the opponents of the Oral Law. Basvatchi has been quoted to the effect that an oral interpretation was necessary for the proper observance of some (though by no means all) of the commandments in the Written Law. Even the author of the Kol Sakhal admits that "it cannot be denied that

Moses our Master explained to Joshua several matters that were in need of explanation in the commandments of the Torah." <sup>46)</sup>

But the Karaites were careful to point out that an Oral Law was required only for such biblical commandments which were not explicitly stated, the מצוות שכתובות . No Oral Law, on the other hand, was required for biblical laws which were explicitly stated.

As such an approach would invalidate the greater part of what Rabbinic Judaism considers to be the Oral Law, Nieto endeavors to show <sup>47)</sup> that an Oral Law is required even for biblical commandments which are clearly stated.

Nothing could be more explicit than the law in Deut. 7:1ff, which forbids intermarriage with "the Hittite, and the Girgashite, and the Amorite, and the Canaanite, and the Perizzite, and the Hivite, and the Jebusite, seven nations..." This is a clear and explicit commandment, leaving nothing vague and doubtful, restricting the prohibition of intermarriage to the seven nations mentioned there.

However, I Kings 11:1ff informs us that, besides the daughter of Pharaoh, Solomon loved "women of the Moabites, Ammonites, Edomites, Zidonians, and Hittites; of the nations concerning which the LORD had said unto the children of Israel, 'Ye shall not go among them, neither shall they come among you, etc.'" <sup>48)</sup>

Of the six nations enumerated here only two, the Zidonians and the Hittites, correspond to the list of Deut. 7. Nevertheless, the other four nations are also included in the statement: "of the nations concerning which the LORD had said etc."

It follows, then, that the prohibition of Deut. 7 applies not only to the seven nations explicitly mentioned there, but to 63 other nations as well, namely: to all non-Jews. It follows furthermore that even

an explicit biblical commandment is in need of the Oral Law.

Again, Ezra 10:3 speaks of the expulsion of all the foreign wives "and such as are born of them... and let it be done according to the law" ( וְכִי יִשְׁעוּ בְּכִלְכִּילָתָם )<sup>49)</sup> Yet nowhere in the Pentateuch do we find the statement that the status of such children is determined by the status of their mothers, -- unless, of course, we accept the rabbinic interpretation that what applies to the case of the Gentile bondwoman<sup>50)</sup> applies also to the case of the free Gentile woman.

If we accept this rabbinic interpretation we shall have to admit that even the explicit passages of the Law include implicit applications. ( וְכִי יִשְׁעוּ ) If we do not accept it, we shall be forced to admit that Ezra and his colleagues expelled the sons of the foreign wives on the basis of a Tradition which entitled them to do so. In this latter case, we would be dealing with an oral commandment pure and simple, for, according to this view, there is not even a hint of such a procedure in the Written Law! But, on either count, it would have to be considered as Divine Revelation, for Scripture says: וְכִי יִשְׁעוּ בְּכִלְכִּילָתָם.  
Ergo: The existence of an authentic Oral Law is attested by Scripture itself.

#### V. Proofs for the Authenticity of the Mishnah

It is one thing to demonstrate that Scripture cannot be understood without the aid of the Oral Law. It is quite another to go on to say that the document which purports to contain this Oral Law does, in fact, contain it.

The deists of the time, if we may refer to an analogous case, were quite ready to admit that there was a Law of God. But what they refused to accept was the claim that the Bible is identical with that Law.

How, then, can it be proved that the Mishnah is a record of the authentic Oral Law? Judah Halevi, the philosopher-poet, had argued for the authenticity of the Mishnah from its literary excellence! <sup>51)</sup> But such an argument would hardly be convincing to those who were quite at home in the classics of antiquity. Surely, the literary excellence of a Homer could, in the 18th century, hardly be expected to prove the truth of Greek mythology! An 18th century proof for the authenticity of the Mishnah would have to be rather more in line with the canons of verification laid down by a man like Charles Leslie in his "A Short and Easy Method with the Deists." <sup>52)</sup>

Consequently Nieto endeavors to furnish proofs more in consonance with the spirit of the times. Altogether he has four proofs of this kind, which we shall now proceed to outline very briefly:

(a) The Proof from Chronology and Geography <sup>53)</sup>

Hadrian destroyed Bethar 52 years after the destruction of the Temple. (sic!) At that time R. Akiba was put to death; and, according to b. Kiddushin 72b, R. Judah Hanasi was born on the day R. Akiba died. At the beginning of his reign, Hadrian determined that the Euphrates be the farthest Eastern limit of the Roman Empire which was not to extend further East. This limit was retained by the Emperors who succeeded Hadrian until several generations after the death of R. Judah Hanasi.

From this it follows that the Jewish community in Babylonia, i.e. East of the Euphrates!, was subject neither to the Roman Emperor nor to the jurisdiction of Rabbi, who was nasi in Roman Palestine. Indeed, we know from many passages in the Talmud that the Babylonian Jews had their own Exilarch. Therefore the very acceptance of the Mishnah by the Babylonian Jews proves that the Mishnah was no new invention but that it contained the authentic Oral Law which was already known to the Baby-

lonian Jews previously!

54)

(b) The Proof from Understood Terminology

If we tell someone who is ignorant of Geography that Jerusalem is in the 66th degree of Longitude, and that London, the capital of England, is approximately in the 20th, and that, as a consequence, the sun rises and sets in Jerusalem three hours before it does in London, then that explanation will not make much sense to him until the terminology is explained to him.

On the other hand, the man who has a knowledge of Geography will immediately understand what we mean.

55)

Similarly, when Rabbi wrote in the Mishnah : "R. Ishmael says: Three myrtle-branches are needed, and two willow-branches, and one palm-branch, and one ethrog....", he ought to have explained that ethrog is the "fruit of the goodly tree" mentioned in the Bible, - unless he could assume that all Israel were already familiar with this interpretation of the Bible verse.

Since Rabbi, however, simply mentions the ethrog without any further explanation, it follows that all Israel, near and far, were already familiar with this interpretation of Scripture.

Even if we were to assume that Rabbi and the Sages under his jurisdiction agreed de novo that ethrog is the fruit meant by the Bible, we would have to expect fierce opposition from the Babylonian community, in case some other fruit had been in use among them previously. And this would apply to e v e r y t h i n g which the Mishnah brings over and above the Written Law.

Not only did the Babylonians not object, but they praised Rabbi for his work; and when his disciples, Rab and Samuel, went to Babylonia to

explain the Mishnah, they met with no opposition either.

R. Johanan edited the Palestinian Talmud about a century later; and R. Ashi and Rabina edited the Babylonian Talmud very many years later, - at a time when the Palestinian Patriarchate had ceased to function and when the descendants of Rabbi no longer occupied positions of authority.

A fortiori, the Mishnah must have been authentic to begin with.

56)

(c) The Proof from the Impossibility of Forgery  
57)

St. Augustin had said that it would have been impossible for the Jews to falsify their Bible. Since the Jews are dispersed all over the world, they could not a l l have agreed to commit such a crime without s o m e of them opposing such a falsification of the Scriptures.

The same argument, says Nieto, can be applied to the Mishnah. Rabbi, the redactor of the Mishnah, lived after the fall of Bethar, when the Jews were leading a miserable existence. How would they have taken upon themselves all the stringencies and minutiae, involving loss of money and time, unless they had been convinced that the Mishnah contained Divine Revelation?!

58)

(d) Proof from the Submission of Later to Earlier Authorities  
59)

Maimonides writes that, on the basis of Deut. 17:9, it would be possible for a Great Beth Din to annul the decision of its predecessor.

60)

Joseph Caro comments that, if this were so, the Amoraim could disagree with the Tannaim, - which, however, is not the case. If they do oppose the view of the Tannaim, they are basing their arguments on Tannaitic sources, or they merely uphold the view of one Tanna against another. We must assume, therefore, that from the day of the completion of the Mishnah they took it upon themselves that later generations would not oppose the decision of the earlier masters. The same happened,

mutatis mutandis, with the Gemara.

This voluntary relinquishing of their right to oppose the Tannaim suggests to Nieto that the Amoraim submitted to the authority of the earlier teachers, because, in their view, the latter were in possession of the authentic Tradition, dating back to the ages when there were as yet no controversies.

The possible objection that this submission of Amoraim to Tannaim might be due to the ruling that "a court cannot annul the opinion of another court unless it exceeds it both in wisdom and in number"<sup>(61)</sup> is ruled out by reference to Maimonides who says<sup>(62)</sup> that this ruling refers exclusively to gezeroth and takkanoth which have found universal acceptance.

There is, furthermore, no difficulty in the rule that "even in cases where the Mishnah determines the halakhah according to the view of one Tanna one must not follow it unless it is also confirmed by the Amoraim in the Gemara". For even so, and even in cases where the Gemara will favor the view of a n o t h e r Tanna, it is, after all, the view of a Tanna which determines the halakhah for the Amoraim!

In order to meet the objection that this submission may be due to the fact that knowledge had decreased in the course of history, various passages of the Talmud are adduced, which would speak for an against such an argument.

This leads to a consideration of Abaye's saying<sup>(63)</sup> that he and his contemporaries, in the fifth generation of Amoraim, were greater sages than Rabh Judah of the third generation. For while the latter covered only the Order of Nezikin, the former covered all the Six Orders. Yet the same Abaye is quoted<sup>(64)</sup> to the effect that he and Raba and Rabh Ashi were inferior to the rishonim in learning, reasoning, and retentive power.

This apparent self-contradiction of Abaye's is harmonized by saying that the latter statement reveals the true state of affairs, while the former passage is also right in the sense in which the dwarf, standing on the shoulders of the giant, can see more than the giant himself. This also accounts for the ruling that the halakhah is always according to the view of the last authorities <sup>(65)</sup> .

The analogy of the giant and the dwarf, just referred to, might be taken to imply that the human mind deteriorates to the same extent to which the world grows older. But, clearly, experience teaches the very opposite; and, speaking of the Gentile scientists, it may indeed be said that "the fingernail of the moderns is better than the belly of the ancients".

Nieto goes along with this evaluation of intellectual progress, and therefore, he says, the inferiority which the latter Sages ascribe to themselves is not really an inferiority in mental capacities. Rather is it due to the troubles and the persecutions which they had to undergo in their time.

Of the four proofs for the authenticity of the Mishnah this last one is probably weakest. Nieto seems to have lost sight of what he was trying to prove. He was trying to prove that the Amoraim voluntarily submitted to the authority of the Tannaim. He was also trying to disprove the argument that this was so because the Amoraim were not the equals of the Tannaim. By substituting an externally imposed inferiority for an innate one, Nieto does not disprove this particular argument, for the fact of "inferiority" remains.

#### VI. The Impossibility of Rabbinic Inventions.

Not satisfied with proving the authenticity of the Mishnah as the

document containing the genuine and original Oral Law, Nieto proceeds to show that, for reasons of common sense and psychology, it would be impossible to assume that the Mishnah contains anything which is not actual Divine Law.

66)

(a) The Analogy from Legislators

There are three types of kings or legislators. The first is the good and righteous one who enacts laws solely for the benefit of his people. The second is the rapacious one who enacts laws solely for his own benefit. The third one is average. He imposes taxes so that the rich do not have too much nor the poor too little. He himself, however, always stands to gain. Yet nowhere do we find a king or a prince who enacts laws which are harmful to himself as well as to his people.

But precisely such an absurd phenomenon would be represented by the rabbinic enactments were we to assume that the Rabbis "invented" the elaborations of Scriptural Law. For the stringency of these enactments affects the Rabbis no less than it does the laymen.

The following examples prove that it would have been of no advantage to the Rabbis to "invent" stringent laws to which they themselves are subject:

- 1) The extension of the concept of terefah. A terefah animal or fowl is as prohibited to a Rabbi as to the layman.
- 2) The derivatives of "forbidden work" on the Sabbath. A Rabbi, too, must bring a sacrifice if he transgresses them unwittingly. He, too, is stoned if he transgresses them with intent.
- 3) The interpretation of Leviticus 19:27. Two things seem to be implied in this law. From the word פֶּאֶרֶךְ (singular construct) it would appear that Scripture speaks of only one corner. From the words לֹא תִשְׁחַתּוּ it would seem that any kind of shaving is prohibited.

Yet, the Rabbis are lenient in the latter case, by prohibiting shaving only if it is done with a razor, but not otherwise. But, in the former case they make the law stringent for others as well as for themselves by enumerating five "corners".

4) "Seething a kid in its mother's milk"<sup>67)</sup>. Literally understood, the prohibition would imply only a kid, only the case of seething, and only the milk of its own mother. The Rabbis interpret it to mean: any kind of animal, not only "seething" but also eating and deriving benefit from it, and any kind of milk. Instead, therefore, of the one punishment of stripes which would be incurred for transgressing this law, the Rabbis have made possible three punishments: for בישול, אכילה and הנאה. Also, all the laws relating to בשר בחלב entail great financial loss; and they are not even hinted at in the Torah.

5) The absolute - rather than the relative - measure for the space to be left between different kinds of seed on one field, to avoid kil-ayim. This is particularly hard on the little fellow who owns a small field only. (Nieto seems to imply that the Rabbis are to be reckoned to this class.)

6) All the expenditure in time, effort and money, which is involved in meeting the rabbinic specifications for the material, shape, color and manufacture of the phylacteries. Scripture seems to imply a far less elaborate arrangement.

7) The exclusive use of the ethrog in the fulfilment of "the fruit of a goodly tree" in Lev. 23:40. One would think that this verse might refer to any kind of nice fruit such as pomegranates, apples, etc. But, in its rabbinic form, the law involves great financial expense and also anxiety to people living in cold climates. The expense alone would not

be too bad, but sometimes, when the ethrog does not arrive on time,  
 there is the expense without the benefit <sup>68)</sup> .

Surely, Nieto concludes, all these cannot be laws which the Rabbis  
 "invented" for the sole reason of lording it over the people!

69)

(b) The Argument from Martyrs

The opponents of the Oral Law obviously do not regard the Sages as  
 having been righteous. Otherwise they would not malign them. Yet, if  
 they were not righteous, how was it possible for them to die as martyrs,-  
 as did the עשרה הרוגי מלכות ?!

It is hardly logical to assume that they died for their own glori-  
 fication because (a) being dead, that would have been of no benefit to  
 them, and (b) had they merely desired honor they could have obtained it  
 very easily, and escaped the martyr's death at the same time, by doing  
 what the Emperor required them to do. It follows, then, that their  
 martyr's death testifies to their integrity and to the fact that they  
 had no ulterior motive.

If, however, it be objected that, being righteous at the hour of  
 death, they might still have invented laws to gain authority over the  
 people prior to their hour of death, then this objection can be easily  
 refuted by saying that they fully repented at the hour of death. This  
 being the case, they could not have concealed the fact of their "in-  
 ventions", but they would have proclaimed it to all Israel, or, at any  
 rate, to the multitude of people around them.

The further objection that "perhaps they did not have time for  
 such a confession, or that no Jews were present at the time of their  
 death, or even that they actually did make this confession, but that  
 their disciples hushed up the matter so that they, in turn, might assume

authority over the community", -- all these objections show that our opponents can base their arguments only on hypothetical conjecture, on "ifs" and "buts".

Surely, concludes Nieto, these shaky arguments are not strong enough to induce us to make void the commandment of Deut. 17! The martyr's death of the Rabbis thus proves that they were merely the bearers of Tradition but not the inventors thereof.

#### VII. The Origin and Scope of Rabbinic Controversies.

The assumption that the Mishnah contains the authentic Oral Law which God revealed to Moses on Mt. Sinai, an assumption which Nieto is at such great pains to demonstrate as a fact, seems to be refuted by the very obvious existence of disagreements among the Tannaim and Amoraim themselves. In fact, the very Talmud is a voluminous record of such controversies. And the opponents of the Oral Law were not slow in making capital out of this diversity of rabbinic views and opinions.<sup>70)</sup>

To invalidate the arguments of these opponents, Nieto attempts to show that the rabbinic controversies are always about the detailed application of the commandments of the Oral Law but never about the fundamental principles of the Oral Law itself.<sup>71)</sup>

As examples of undisputed provisions of the Oral Law Nieto cites the following :

(a) The shofar. The Mishnah quotes differing views as to what is, and what is not, to be considered as a shofar. But there is no disagreement with the basic interpretation of Numbers 29:1, which refers to the use of a shofar.

(b) The ethrog. No one doubts that "the fruit of the goodly tree" in Leviticus 23:40 is an ethrog.

(c) The myrtle. There are arguments about the number of branches required in fulfilment of the commandment. But no one denies that the "boughs of thick trees", in Leviticus 23:40, are to be understood as a reference to the myrtle.

(d) The 39 kinds of forbidden work on the Sabbath are accepted by everybody.

(e) The different kinds of tereboth. Not only are all the Tannaim agreed on the basic principles of these, but even the Amoraim are. Raba makes any number of uncontested statements on this subject. Indeed, the very Amoraic controversies on this subject are possible only because all contending factions agree on the Mosaic basis of the Oral Law which furnishes the principle of the subject under discussion.

72)

Nieto specifies further what he means by this "principle". There are in Jewish Law, he says, primary, secondary and tertiary principles. The primary principles are the explicit Scripture verses, containing the laws of Sabbath and Festival observances, etc. These are absolutely uncontested. But there is not even any argument about the secondary principles. These are the provisions of the Oral Law concerning e.g. the 39 kinds of forbidden work on the Sabbath, the 40 se-ah of the mikwah, the shofar on New Year, and the ethrog on Tabernacles.

If there is any controversy at all, it is about the tertiary principles which are the detailed application of the secondary principles. As an example of this he mentions the arguments about the measure of the article which one is forbidden to carry from one reshuth to another on the Sabbath <sup>73)</sup>. This very controversy indicates that both contending factions accept the fundamental principle of the Oral Law that one must not carry from one reshuth to another. Moreover, when all is said and done, there is precious little difference between

the mahamir and the mekil in this case.

Such differences of opinion among the Rabbis as do exist as far as the "tertiary principles" are concerned, Nieto tries to account for by referring to the historical background <sup>74)</sup>. As long as the Jews had their self-government in Palestine, there was no controversy among the teachers. Every doubtful matter was brought before the Great Beth Din, and the decision of this authoritative body was accepted as binding. The one and only matter that was subject to debate among the early Tannaim was the question whether or not one may lay his hands upon the head of the sacrificial animal on a festival. <sup>75)</sup>

A definite decision could have been reached even in this question by regarding it as one to be settled by the Supreme Court, under the terms of Deuteronomy 17. But the vote was never taken, - probably, Nieto ventures to suggest, because the contending factions had hopes of bringing their opponents over to their respective sides in the course of time.

As late as the times of Hillel and Shammai, we find these two Masters in disagreement over three matters only, - as described in the beginning of 'Eduyoth. But, as we are told in the Talmud <sup>76)</sup>, "when the disciples of Hillel and Shammai, who had not attended their teachers sufficiently, increased, the controversies increased in Israel, and the Torah was made like two toroth."

Nieto explains that this was not the disciples' fault, but that the blame rests upon the unsettled conditions of the Jews at the time. Quoting the Talmud, Josephus, and even Platina's "Lives of the Popes", he gives a resume of Jewish History from Herod the Great through Julian the Apostate, including the Destruction of the Temple, the Jewish rebellions in Cyrene, Egypt and Cyprus, and the subsequent Roman retaliations, the Bar Cochba Rebellion and the Hadrianic persecutions, etc. It was

throughout, Nieto concludes, a history of decline and deterioration. At a time when the disciples had to be bent on saving their very lives, there was no opportunity for extended study.

What is amazing is not that the detailed application of some of the secondary principles should have been forgotten but that, under all these adverse circumstances, the principles themselves have been retained!

77)

#### VIII. The Function of the Hermeneutic Rules

Jewish History furnishes another argument in defense of the Oral Law, when the latter's authenticity is called into question in view of the existence and use of the thirteen hermeneutic rules.

In the Introduction to his Mishneh Torah, Maimonides had stated that in every generation new laws were enacted on the basis of the thirteen hermeneutic rules. This statement invites the question as to the need of enacting legislation on such a basis, if we are to believe that Moses received all the details and minutiae of the Law on Mt. Sinai.

By the use of examples taken from the legislation about the Bringing of the First Fruits and about vows made in favor of the sanctuary, Nieto shows that in the days of the Temple - the existence of which is a pre-condition for the observance of these laws - all the minutiae relating to these laws must have been known. They certainly were revealed to Moses, and they were being observed in actual practice.

However, by the time we come to rabbinic literature, the Temple had already been in ruins for a long time, and, consequently, there had been no opportunity to observe these laws. Thus, when the Rabbis wanted to establish the connexion between the minutiae of the oral traditions and the Scripture Law, they could not do so on the basis of practical experience, which had become impossible by then. Instead, they established

that connexion by means of the hermeneutic rules. This, says Nieto,  
78)  
is what Maimonides had in mind.

Nieto proceeds to explain all the thirteen hermeneutic rules of the Baraita d'Rabbi Yishma-el, giving illustrations for the application of each; and he concludes by showing that the Torah itself cannot be properly understood without these rules.

79)

#### IX. In Defense of Casuistry

Nieto meets the charge of excessive "hair-splitting", levelled against the Rabbis, by an a fortiori argument based on an analogy:

A king issues a decree making it obligatory for each of his subjects to give the king a tenth of all he earns. But the word "earning" is left unspecified. As a result the people are divided into two parties: those who hold that the tax is imposed upon business gains only, and those who would also include agricultural produce. To settle their argument, they all go to the experts who will scrutinize the royal decree many a time, and argue among themselves, each giving reasons for his particular interpretation.

This, indeed, is the customary procedure with all contracts and testaments. Why, then, concludes Nieto, should one not be even more particular and squeamish when it comes to clarifying the words of the King of Kings Himself, the Holy One, blessed be He?!

Take, for example, the case of the recitation of the shema'. Scripture (Deut. 6:7) commands us to read the shema' "when thou liest down and when thou risest up". The Torah thus having given us the limit, it becomes necessary for us to find out at what point morning, or night, begins, and at what point it ends. These considerations are not superfluous, but they are essential to the proper observance of

the commandment of geri-ath shema'. On the contrary, without this casuistry we would not know what to do.

Again, to take the case of pe-ah, Scripture (Lev. 23:22) says: "thou shalt not wholly reap the corner of thy field"; but it does not specify what is to be considered as the border of a field, or whether a man who owns several fields must give pe-ah of all of them, or of one only; or upon whom the duty of leaving pe-ah devolves, the reaper who begins, or the ingatherer who completes the harvest, etc. etc. All these points will have to be determined before the commandment can be observed. It follows, therefore, that casuistry in rabbinic law is far from being the superfluous "hair-splitting" it is made out to be.

#### X. Individual Objections Refuted.

In addition to giving a justification for the Oral Law as a whole, Nieto also feels himself compelled to deal with objections that have been raised specifically against some of its provisions. In dealing with the antecedents of 18th century heresy <sup>80)</sup>, we have had occasion to see that men like da Costa were always on the look-out for the "weak spots" of the rabbinic system. For, if the structure could be assailed at only one point, the whole basis of rabbinic Judaism could then be considered as untenable.

Typical of such attacks was the one launched against the rabbinic interpretation of the lex talionis <sup>81)</sup>. This had been a bone of contention from the days of the controversies between Pharisees and Sadducees, and Judah Halevi had already undertaken to justify the rabbinic position vis a vis the Karaites <sup>82)</sup>. Nieto takes up anew the defense of this much contested interpretation.

##### <sup>83)</sup> (a) The Lex Talionis,

Scripture (Exodus 21:24) says expressly: "An eye for an eye, a tooth

for a tooth, etc." And again (Leviticus 24:20): "...as he hath maimed a man, so shall it be rendered unto him."

The rabbinic interpretation of these verses, which understands them to imply monetary compensation, can be based on Numbers 35:31, "Ye shall take no ransom for the life of a murderer, that is guilty of death, but he shall surely be put to death." From this verse it follows that, while no ransom may be taken for a murderer, in cases where murder is not involved ransom may be taken. In fact, the beth din force the injured party to take it, saying: "Of what benefit would it be to you if the eye of your assailant were also destroyed? That would not bring back your own eye to you. It is much better for you to have the satisfaction derived from monetary compensation."

It is argued that the Talmudic warning not to inflict bodily re-  
 84) tialiation lest life itself be endangered is difficult. For if there be any fear that the offender might die at the time when the talio is carried out, all one has to do is to adopt the procedure which is customary in the case of malkuth, namely: a medical examination to determine the fitness of the offender to take the full punishment.

As against this argument, Nieto insists that it is more common for people to die when an eye is being removed than under the stripes of malkuth. Moreover, the same Scripture which says (Ex. 21:25), "stripe for stripe" also says (Ex. 21:18f), "If men contend, and one smite the other with a stone, or with his fist, and he die not, ... only he shall pay for the loss of his time, and shall cause him to be thoroughly healed." Now the bodily injury spoken of in verse 25 evidently comes about through some such contact as is described in vv. 18f. But in this latter case Scripture specifically mentions monetary compensation. Therefore, just as monetary compensation applies to the "stripe" mentioned

in verse 18, so does it also apply to the "stripe, the eye, the tooth, etc." of vv. 24f.

85)

(b) Usury

It has been objected that, in spite of the Rabbis' theoretically strong opposition to usury, they do permit certain financial transactions which have all the earmarks of usury,<sup>86)</sup> thus getting around the law by means of legal fictions.<sup>87)</sup> Nieto uses several arguments to meet this objection:

(a) These legal fictions were permitted only to the Sages, not to the people at large. There would thus only be a point to the objection if the Sages had been rich men who stood to gain by these legal fictions. However, this was not so, for in the normal course of events "the wise men have no bread, and the men of understanding no riches."<sup>88)</sup> Even if we were to assume that the Sages were all rich men, these legal fictions would not have brought them any special advantages of which the layman could not have availed himself as well. "I myself", says Nieto, "have many a time instructed business men in these matters, when they have consulted me about them."

89)

(b) In the story about the "Concubine in Gilead" we are told that, even though the men of Israel had sworn not to give their daughters in marriage to the Benjaminites, they later let the Benjaminites know that they would not prevent them from carrying their daughters off. They did that in order not to let the tribe of Benjamin die out. Clearly, then, they used a legal fiction by distinguishing between the actual giving of their daughters (which they considered prohibited under the terms of their oath) and their non-interference in the snatching away of these same daughters. And we are not told that God was angry at their legal fiction!

Similarly, in the matter of usury there are subtle distinctions between permissible and prohibited procedures.

(c) Having already proved that the Sages did not enact laws which were bad for themselves as well as for the people, and having established their trustworthiness in that they had no regard for their own lives when dealing with the derivative laws of Sabbath rest, or for their own money when dealing with tarpuh, we are therefore compelled to believe them in all matters; and it is therefore not necessary to justify every single one of their legal interpretations.

(d) In any case, this matter comes under the category of Deuteronomy 17, for the laws prohibiting usury in Leviticus 25:36f. and elsewhere, and the statement in Ezekiel 18:18, are not explicit enough, so that, in view of Deut. 17, we are obligated to abide by the rabbinic interpretations in this matter!

In view of the general aims which Nieto had set for himself in the Matteh Dan, (c) and (d) must have been rather weak arguments with which to convince any determined opponent of Rabbinism. But, then, this particular feature of Rabbinic Law was a very hard one to defend.

#### (c) Conscious Departure from the Literal Meaning of Scripture

Nothing could have been more welcome to the opponents of the Oral Law than the talmudic statement which says: "In three places the halakhah uproots the Scripture."<sup>90)</sup> This practically amounts to an admission on the part of the Rabbis that the charges levelled against them are true. The Talmud itself lists these three instances as follows:

(1) Leviticus 17:13 says that the blood of a slaughtered animal must be covered with dust ( 75 י ). The halakhah says that anything in which plants can grow will do.

(ii) Numbers 6:5, dealing with the nazirite, says: "no razor (  $\text{רעז}$  ) shall come upon his head." The halakhah says that he must not shave his head with any tool.

(iii) Deuteronomy 24:1 says that, when a man wants to divorce his wife, he must give her a "  $\text{סוד}$  of divorcement". The halakhah says that the divorce formula may be written on anything, - and not just parchment.

Nieto, in trying to show that these passages cannot be taken literally <sup>91)</sup>, insists that, if we are determined to press the literal meaning of Scripture we would have to let the murderer of a woman go unpunished. For Scripture (Exodus 21:12) says: "He that smiteth a man (  $\text{איש}$  ), so that he dieth, shall surely be put to death." Since Scripture says  $\text{איש}$  and not  $\text{אשה}$ , it would follow that a woman can be murdered with impunity. Clearly, however, this is not the intention of Scripture. For we read in Leviticus 24:17, "And he that smiteth any man (  $\text{אדם}$  ) mortally shall surely be put to death." But the noun  $\text{אדם}$  applies equally to both men and women. Consequently, Exodus 21:12 applies to women as well.

But once we admit this interpretation of Exodus 21:12, we tacitly assume an exegetical principle of the Rabbis, used by them in many places. This principle states that the words of the Torah may be implicit (  $\text{סוד}$  ) in one place and explicit in another. In such a case the meaning of the implicit verse is to be derived from the explicit one.

If it be objected that our opponents also accept this exegetical principle, and that they only reject the words of the Sages when these words contradict the simple meaning of Scripture or run counter to the canons of Logic, then let it be stated that the rabbinic interpretation of Lev. 17:13; Nun. 6:5; and Deut. 24:1 is opposed neither to the

peshat nor to Logic! And Nieto proceeds to give logical and philological proofs to justify the rabbinic interpretations in question.

This, however, raises the further question, why, in view of the fact that these interpretations are grounded in Scripture itself, the Rabbis should have made the provocative statement that "the halakhah uproots the Scripture"?

Nieto makes the following reply: "Because seemingly the Torah is giving a ruling which is meant to be taken literally. This appearance, however, is deceptive; and so the halakhah is enlarging the meaning of that which is not explicitly stated in the Law of God, though, as I have demonstrated, it is implicit and hinted at."

#### (d) The Calendar

Nieto devotes the whole of the Fifth Dialogue of the Matteh Dan to a defense of the Rabbinic Calendar, and of its claim to originality and divine approval. This elaborate treatment of the calendar, a detailed consideration of which would be beyond the scope of our present study, is undoubtedly due in part to Nieto's own pre-occupation with this subject. The relation of the calendars of the various Christian churches to that of the Synagogue was the burden of his first publication, the Pascalogia in 1702.

There is, however, a great deal of justification for the inclusion of this topic in a defense of the Jewish Tradition against the heretics. Throughout Jewish History, the rejection of the Jewish calendar, in part or as a whole, has been a shibboleth of all sectarian movements. From the Samaritans this chain of opposition goes through the Sadducees, the Book of Jubilees, the Christians, the Karaites, right up to the heretics among the ex-Marranos in the 17th century.

The author of the Kol Sakhal complains bitterly about the rabbinic manipulation of the calendar, undertaken so that Hoshannah Rabbah cannot fall on a Sabbath, -- with the result that "New Year, the Day of Atonement, Passover, Tabernacles, and all the festivals are made to fall on the wrong dates."<sup>92)</sup>

In a responsum of Jacob le Beth Halevi, dated 1632,<sup>93)</sup> the question is dealt with whether the mother of a man who "denies the whole Oral Law, and mocks the words of the Sages"<sup>94)</sup> may be given a proper Jewish burial. The mother is described inter alia as "eating on the proper Day of Atonement and fasting on the Day of Atonement as it falls according to the calculations of her son; and the same applies to the matter of leaven on Passover, and work on the festivals."<sup>95)</sup>

We can learn from this responsum that the objections raised against the traditional calendar were not of a theoretical character alone. The opponent of the Oral Law referred to must have been absolutely sincere in his desire to adhere to Biblical Law; and he therefore undertook his own calculations in order to observe the Scriptural festivals in, what he considered to be, their proper season. No doubt, he was not alone in this unorthodox practice, and the likes of him must still have been found a century later when Nieto wrote his defense of the rabbinic calendar.

This calendar, with its provision of second days for all the festivals which biblical law ordains for one day only, also involved what to the outsider must have appeared as a breach of Scriptural legislation. Knowing that if the shofar be not blown on the first day of the New Year the people will have a chance to listen to its sound on the (non-Scriptural) second day, the Rabbis felt justified in prohibiting the blowing of the shofar on the first day of New Year when that day should happen to fall on a Sabbath. Similarly, they prohibited the use of the lulabh

on the first day of Tabernacles when that day coincides with the Sabbath.

Nieto had to meet the objection that these rabbinic rulings are a direct abolition of Scriptural Law.<sup>96)</sup> This objection was particularly strengthened by the very statement in the Mishnah<sup>97)</sup> that the commandment of the lulabh outside of the Temple referred to the first day only. The taking of the lulabh during the whole week was merely a takkanah of R. Yohanan ben Zakkai, enacted after the destruction of the Temple.

In his typical manner of arguing from analogy, Nieto attempts to justify the attacked rabbinic rulings:

There are, he says, two generally accepted cases of leniency in the Law.

- (a) A sick person may, on account of danger to life, be fed on the Day of Atonement.
- (b) If two brothers of a new-born baby have died because of circumcision, this baby is not circumcized.

This, in spite of the fact that, under normal circumstances, kareth would be the punishment for the transgression of these two commandments.

Nieto then presents a statistical analysis - based on Talmudic passages and Agrippa's "Letter to Gaius" - of the Jewish population of Palestine in the Tannaitic period. This is followed by an occupational analysis of the population, based on the trades and crafts mentioned in Mishnaic case law. He comes to the conclusion that the majority of the population were engaged in manual labor. In other words, the majority of the people belonged to the 'am ha-aretz class.

Now, by 'am ha-aretz, Nieto hastens to point out, he does not mean the person who would maliciously transgress the law. On the contrary, he is the man who would carry the lulabh or the shofar to the hakabim, in

order to have the blessing recited over it, or to be told how to shake the lulabh, or to have the shofar blown for him.

Should this happen on a Sabbath, then the 'am ha-aretz, by carrying from one reshuth to another, would incur the punishment of "stoning".

The 'amme' ha-aretz, therefore, are in danger of losing their lives, just as the people are whom we have considered in (a) and (b). For it makes no difference whether that danger arise out of physical causes as in the latter two cases, or whether it arise out of intellectual causes, as is the case with the 'am ha-aretz. Therefore, just as Scriptural law is set aside in cases (a) and (b), in view of Scripture's express state-<sup>98)</sup>ment that the commandments were given for man to live by them , so also the commandments of lulabh and shofar have been set aside on the Sabbath in order to save the lives of the 'amme' ha-aretz. And, since our statistical and occupational analyses have yielded the information that the majority of the people belonged to the 'am ha-aretz class, it follows that the Rabbis had to enact this regulation for the whole people!

Nieto rather spoils this neat piece of reasoning by dogmatizing in the end: "Besides, what business have we who come so much later, to argue with the Sages of former times, who must have known very well what they were doing?!"<sup>99)</sup>

As we have indicated above, not much harm was done by the rabbinic prohibition of the use of the shofar on the Sabbath, in view of the fact that there always was a second day on which the people could listen to the sound of the ram's horn.

However, the very institution of the second day of the festivals seemed to have lost its justification, and was fiercely attacked by the opponents of the Oral Law. Nieto defends it on the following three grounds:<sup>100)</sup><sup>101)</sup>

(i) The first one is taken over in toto from the Talmud , where the warning is given: "Be careful with the custom of your fathers!" The political conditions may change for the worse, with the result that the "secret of calendation" ( ליל הע'בול ), on the basis of which alone the correct calculations can be made, will be forgotten.

(ii) If a Jewish settlement in Palestine should become possible in pre-Messianic days, and a Sanhedrin will be re-established there, then the determination of the calendar will again be on the basis of observation of the moon, and not of calculation. This being the case, it would only be on rare occasions that the Diaspora communities celebrate their one-day-festivals on the same day as the Jews in Jerusalem.

(iii) Since, at one time, all Israel accepted the "second day", it would require the agreement of all Israel to abolish it now. But this is manifestly impossible, for there are Jews with whom we have no contact, in places like Persia, India, Ethiopia, China and Tartary. <sup>103)</sup>

#### XI. The Rabbis' Advantage over the Philosophers.

As far as the more enlightened readers of the Matteh Dan were concerned, Nieto may have made out a very good case to establish the reliability and the unimpeachable character of the ancient Rabbis. The Oral Law was, therefore, worthy of the consideration even of those who had thus far refused to submit to its authority. But, as a "way of life", it had its competitors.

It was, after all, conceivable that a man may get his morality from the Science of Ethics, and his grasp of the Truth from philosophical speculation. For Jewish Tradition to retain the allegiance of the 18th century Jewish intelligensia, the need thus arose to be measured by the yardstick of modern criteria, and to be found to compare favorably with

what the secular sciences had to offer.

For Nieto there was no question that the absolute certainty vouchsafed by revealed religion was preferable to the hypothetical character of the conclusions reached by speculative thought and experimental science.

Since the Rabbis are the duly accredited bearers of that revelation, it follows that they have more to offer than the secular philosophers.

In a series of arguments Nieto tries to make his position clear:  
104)

(a) The Argument from the Moral Realm

Even though both the Rabbis and the Philosophers are sages, the difference between them is like that between light and darkness; - and that in spite of the fact that both Rabbis and Philosophers aim at finding the distinction between Truth and Falsehood, Good and Evil, so that they may cling to the Good and reject the Evil. But the Truth sought by the Rabbis is that of Divine Revelation, which means: absolute certainty; and the Good they are seeking is that without the slightest admixture of Evil. And this has been vouchsafed to them in such passages as Deuteronomy 30:19. He, therefore, who keeps all of God's commandments is assured of the World-to-Come.

The Philosophers, on the other hand, are groping in the dark. For there is no assurance that their theories are right. Nobody, for example, has ever gone up to heaven and come down again to tell them whether or not the stars are inhabited worlds. In the realm of Morals they have, in spite of their good intentions, strayed from the right path, - by elevating poverty to a virtue! Thus, they admire the Cynic Diogenes who lived in a barrel and who ultimately even discarded the dish from which he used to eat.

And then there is the story of the poverty-stricken Philosopher to

whom the King gave money. He returned the money on the very next morning because, during the night, he had been worrying too much about what he should do with it. He now wanted to regain his former happiness and poverty.

All this is, of course, so much non-sense; for, if a man has to worry where his next meal is coming from he has not much time for philosophizing. This is why Solomon, the wisest of men, prayed: 105)  
 "Give me neither poverty nor riches; feed me with mine allotted bread."  
 Moreover, in the Torah poverty is represented as a punishment meted out 106)  
 by God. Is it, then, not rather something one should shun?!

Clearly, the Philosophers are unable to distinguish between Good and Evil; seeing that God, in His Torah, identified Good with plenty, and Evil with poverty!

To ask, "Where is the Good of the martyrs who die before their time?", is no valid objection, since they die cheerfully 'for the sanctification of the Name'.

While, admittedly, the Stoics also had their share of martyrs, unafraid of death, they can stand no comparison with martyrs of the type of Akiba and Hanina b. Teradyon and "our own Jewish contemporaries in Spain and Portugal", who die cheerful in the knowledge that, not only their sins will be forgiven but that, their souls, holy like angels, will live on eternally to enjoy the greatest Good.

It follows then that the Philosophers who are unable to distinguish Good from Evil, are also unable to reject the Evil and cling to the Good.

(b) The Argument from the Hypothetical Character of Science 107)

Nieto discusses the various explanations that have been given to account for the phenomenon of lightning. He notes the conflicting views of Aristotle and Descartes, as well as of other, anonymous, thinkers.

Finally, he outlines the view which he himself accepts. It is a mixture of Astronomy, Optics and Chemistry. But he admits that he would be quite willing to give up his own view if another philosopher were to account for the same phenomenon in a way which is still more logical.

It follows, therefore, that what the Philosophers have to offer are merely hypotheses. If one asks ten Philosophers, he gets as many different theories; each one being reasonable and logical, so that he has a hard time making up his own mind.

We are left in the same uncertainty when we ask about the composition of substances. Nieto discusses:

(i) The Aristotelian view of Matter, Form and Privation.

(ii) The atomistic theory of Gassendi.

(iii) Descartes' identification of Space with Matter.

(iv) The practice of the chemists who use fire to reduce everything to its basic chemical constituents.

Nieto adduces arguments for and against each one of these theories; and he arrives at the conclusion that certainty in these matters cannot be attained. God's question to Job: "Where were you, when I founded the earth?"<sup>108</sup> is applicable to the Philosophers as well. Besides, the Philosophers themselves admit the hypothetical basis of their chains of reasoning!

(c) The Argument from the Accidental Nature of Inventions and Discoveries. 109)

The practical and concrete achievement of Science can, indeed, not be gainsaid. But Nieto refuses to regard them as evidence that the scientists are in possession of Absolute Truth. He does appreciate such inventions as the barometer, the thermometer, and the camera obscura, the

telescope, and the microscope, with the help of which the circulation of the blood was recently discovered, and more potent and better tasting medicine.

But all these discoveries and inventions approach the realm of Truth only in as far as they are subject to mathematical verification. Yet even here it must be pointed out that Mathematics itself still has some unsolved problems.  $\pi$  has not yet been determined, nor has the relation of the diagonal of the square to its side.

As for the bulk of inventions and discoveries, they are simply due to accident and chance. Take, for example, the telescope. A man put together two pieces of ice, for the sole purpose of amusing himself. Looking through them, he discovered the principle of the telescope. (Some say it was the brother of Descartes.)

Or take the case of Pythagoras, who is said to have discovered the principle of Harmony by watching a smith wielding different kinds of hammers on the anvil. His attention was drawn to the differences in sound corresponding to the differences in weight between the various hammers.

The accidental nature of such discoveries is furthermore attested by both Jewish and Gentile sages. R. Yohanan says <sup>110)</sup> that, if the Torah had not been revealed, we would have learned modesty from the cat; the prohibition of theft from the ant; chastity from the dove, <sup>111)</sup> etc. Pliny tells us how the various therapeutic practices can be learned from the animal kingdom.

It follows, therefore, that the concrete results of Science are no indication of its possession of Absolute Truth!

(d) The Argument from the Mistakes of the Geographers. <sup>112)</sup>

Nieto gives an exposition of the various Zones into which Geographers

have divided the world. He stresses their conclusion that human life is possible only in the Temperate Zone, and impossible in the Torrid Zone. This conclusion, of course, conflicts with Isaiah 45:18 ("He created it not a waste, He formed it to be inhabited.") How could Scripture say so, if only one fifth of the world were inhabited?!

But we cannot blame the scientists for not knowing better. All of them were born in the Temperate Zone. How, then, could they attain a knowledge of God's omnipotence and providence manifest in things of which they had never heard?!

Nowadays, however, we know from places like Peru that human life is possible in the Torrid Zone. The lack of rain there is compensated for by a super-abundance of dew, etc. Which just goes to show that the scientists merely engage in guess-work!

113)

(e) The Argument from the Rabbis' Agreement on First Principles.

In striking contrast to the philosophers' inability to agree even on first principles in their universe of discourse is the Rabbis' unanimous agreement on first principles and even on secondary principles. When they disagree with one another at all, it is merely on "tertiary" principles, and even here the disagreements are of no great significance. 114)

This clinches the argument for Nieto; for, throughout his book he is maintaining the thesis that, in any controversy where the claim of certainty ( בְּרָרָה ) is opposed by a claim of "perhaps" ( אֲנִי וְ ), the claim of certainty is to be given preference.

It follows, therefore, that those who Sincerely search for Truth will be able to find it in the certainty of revealed religion, as maintained by the Rabbis, rather than in the hypothetical pattern of philosophic and scientific thought.

The validity of Jewish Tradition, even when compared with the apparently more attractive secular disciplines, has thus been established.

## CHAPTER SEVEN

In Defense of Midrash and Aggadah

Every people has its folklore and its fairy tales. These elements of a people's culture are being met with the interest and appreciation they deserve. If they overtax our credulity, no harm is done in denying their literal truth.

The folklore, fairy tales, homiletics and superstitions of the ancient Rabbis are known as midrash and aggadah. But it is the literary form of rabbinic literature which poses a problem not encountered in the literature of other peoples. With a remarkable absence of any attempt at systematization and classification of material, one and the same page of Talmud may contain legal decisions which have become authoritative (halakhah) and any number of statements of a midrashic and aggadic character.

The unsuspecting reader, therefore, might attach the same importance and authority to the latter which he knows he has to attach to the former. And not only the unsuspecting reader. The professional fault-finder might discredit the halakhah just because it happens to share the same page with aggadic elements which offend his reason and common sense.

Not surprisingly, therefore, the author of the Kol Sakhal augments his arsenal against the Oral Law with the following characterization of Midrash and aggadah:

"One third consists of vanities and absurdities. One third deals with eating, drinking, and sexual intercourse. In half of the last third they speak of the Lord as "one forsaken of men", and of His righteous servants as if they were lacking in merit. One quarter of this third consists of riddles which latter generations deem to be wisdom. And only in the remaining quarter of the last third do we find some kind of

good teaching relating to knowledge or morality; for it is impossible that among the thousands of speakers there should not have been one from whose mouth there proceeded something good." <sup>1)</sup>

The "unreasonableness" of aggadic material could never have been used as an argument against the Oral Law, if the rules of procedure outlined by Samuel Ha-Nagid (d. 1055) had been universally adopted. In his "Introduction to the Talmud" <sup>2)</sup>, Samuel Ha-Nagid had defined aggadah as "explanatory material mentioned in the Talmud in connexion with any subject that is not meant to be taken as a commandment" <sup>3)</sup>. The legal tradition does indeed go back to Moses, but the non-legal interpretations were given by various Sages as the occasion demanded, and, therefore, do not have the same authority. Consequently, "one takes of these explanations only those that are in conformity with reason. As for the rest, <sup>4)</sup> one does not rely on them."

Samuel Ha-Nagid notwithstanding, the apostate Peter Alphonso (1062 - 1110) <sup>5)</sup> attacks the Talmud as a whole on the basis of statements which ascribe a body to God, or make Him wear phylacteries, etc. "This seems to be the earliest example of what was afterwards so common, pillorying the anthropological images of God, and the outrageous and paradoxical tales, contained in the Talmuds and the Midrashim, as though they were <sup>6)</sup> meant to be taken literally."

While Peter Alphonso was pressing the literal meaning of aggadic passages, his contemporary Judah Halevi insisted upon the relative unimportance of the aggadah. <sup>7)</sup> There are, he says, aggadic passages which elude our understanding. They must have had a point in their time. But we must also bear in mind that the disciples simply recorded any kind of conversation they heard from their masters, even if they, the disciples, themselves did not understand what it was all about. But all this has no

relevance to the ritual law. It is, therefore, unimportant for us from the practical point of view, and does not reduce the value of the Talmud.

Yet the presence of aggadic material in rabbinic literature continued to be a problem, - so much so that Maimonides was toying with the idea of writing a "Book of Harmonization" ( ספר התיאור ) in which he would examine all the passages in the Midrash which, if taken literally, appear to be inconsistent with truth and common sense, and which must therefore be taken figuratively.<sup>8)</sup>

Later, however, Maimonides gave up this plan. Expounding the midrashic passages by means of allegorical and mystical terms, he thought, would merely be substituting one thing for another of the same nature, without giving a full explanation to the ordinary reader. Besides, the unschooled reader will find no difficulty with the midrashim, for, possessing no knowledge of the property of things, he will not reject statements which involve impossibilities. The only real dilemma confronts him who is both religious and trained in Philosophy. He will either take those passages literally, and thus question the abilities of the author and the soundness of his mind - which would still not affect the fundamentals of religion -, or he will acquiesce in assuming that the passages in question have some secret meaning, and he will continue to hold the author in high esteem whether he understands the allegory or not.<sup>9)</sup>

In view of Maimonides' general approach to the anthropomorphic passages in the Bible itself, it is easy to imagine what his own attitude to midrash and aggadah must have been, and why he did not consider it necessary to write a special book about the anthropomorphic passages in midrash and aggadah.

What must also be borne in mind, however, is the equally obvious

fact that by no means all of his contemporaries shared his rationalistic approach. When, for example, Maimonides declares him to be a heretic (min) who conceives of God as a corporeal being<sup>10)</sup>, Abraham ben David of Posquieres (RaBaD) remarks<sup>11)</sup> : "Greater and better men than he have accepted this view, on the basis of what they saw in the Scriptures, and even more on account of what they saw in the words of the aggadoth, which confuse the minds."

The problem of the aggadah was, therefore, by no means solved in the 12th century. When, in 1263, the apostate Paulus Christiani tried to use the Talmud as a proof that the ancient Rabbis accepted the messianic claims made for Jesus, Nachmanides made the statement that the midrashim, which are but the rabbinic "sermons", are not authoritative, even if they do represent the deliberate opinion of individual teachers.<sup>12)</sup>

Nachmanides cannot be accused of having invented this characterization on the spur of the moment. The particular arguments of Paulus Christiani could have been refuted, even if the literal meaning of aggadah had been granted. Besides, Nachmanides was merely echoing the view pronounced two centuries before by Samuel Ha-Nagid.

Our quotation from the Kol Sakhal shows that in the 17th century the opponents of the Oral Law had by no means reconciled themselves to the non-authoritative character of midrash and aggadah. As late as 1740, Moses Hayyim Luzzatto wrote his Ma-amar 'al ha-Aggadoth, in which he defends the aggadoth against the heretics he encountered among Sephardi circles. Sonne points out<sup>13)</sup> that the aggadoth were a special target for the arrows of these heretics who were influenced by Christian polemical literature.

On the other hand, it must be remembered that it was not only the

heretics who insisted upon the literal meaning of the aggadoth. A spokesman for orthodoxy, like Haham Zevi Ashkenazi, also believed whole-heartedly in their literal meaning.<sup>14)</sup>

This, then, was the state of affairs at the time when Nieto wrote his Matteh Dan. In addition there was the general impatience with the legendary components of Religion, which marked the Age of Deism. Typical of this atmosphere is Tindal's "Christianity as Old as the Creation" (1730), in which he asserts that biblical history supplies innumerable examples of the necessity of checking the extravagance of superstition by calm reason. He takes umbrage at such things as the story of Balaam's ass, etc.<sup>15)</sup>

Mutatis mutandis, the Jewish opponents of the Oral Law, even if, for the time being, they did not attack the biblical narrative, could find a great deal of scope for their negative criticism in the aggadic portions of the Talmud. Moreover, it was the intention of Nieto to prove the authenticity not only of the concept of the Oral Law, but also of the documents which purport to contain it. He, therefore, could not forgo the defense of the aggadic and midrashic elements which share the same page with the very halakhah to the defense of which Nieto had devoted the major part of his work.

Nieto leans heavily on what previous authors had written on this subject, but his treatment bears enough marks of his individual approach to make a detailed study of it worth while.

There are, he says<sup>16)</sup> three views about the meaning of the midrashim: There is the threefold division of the subject propounded by Isaiah Horowitz (the Shelah) who speaks of

(a) Hyperbole;

(b) Miracle stories told to proclaim God's might;

(c) All manner of Scripture interpretation which never departs from the implicit principle that "Scripture never leaves its literal meaning"<sup>17)</sup>.

There is the view of Maimonides who speaks of midrashim and aggadoth which contain profound wisdom which was purposefully concealed so as not to cheapen it in the eyes of the multitude.

And then there is the view of the Cabbalists who see a hidden meaning in everything.

Nieto thinks that there may be some truth in a l l of these explanations. On the other hand, on account of the Exile and its wanderings, we no longer have the ability to penetrate into all these mysteries.

Mysteries or not, Nieto is sufficiently a child of his own time to know that the Talmud is not the only kind of literature which contains statements liable to offend our common sense. Considered merely as a piece of ancient literature, quite apart from its religious claims, the aggadah is as much entitled to the benefit of the canons of modern literary criticism and interpretation as are the Greek and Roman classics! And Nieto singles out Pythagoras and Aesop as examples in which such interpretation has been successfully employed to smooth over the rough edges.<sup>18)</sup>

But what of those statements in the Talmud which, as the quotation from the Kol Sakhal at the beginning of this chapter has shown, can be understood as disrespectful towards God Himself?

Nieto deals at length with one of these. It is the story<sup>19)</sup> of the bath kol which supported the view of R. Eliezer. After this bath kol was heard, R. Joshua arose and said: "The Torah is not in heaven.....

We pay no attention to a bath kol, since it is already written in the Torah that the majority decision must be followed." The climax of the story is that God smiles and says: "My children have prevailed against Me."

The following is a summary of Nieto's highly original and lengthy explanation<sup>20)</sup>.

The "Kuzari" finds it hard to understand that a story like this should be found in the Talmud, since this cavalier disregard of a Heavenly Voice surely indicates disrespect towards God.

The difficulty is met<sup>21)</sup> by pointing to Deuteronomy 18:10. Just as the false prophet must not be obeyed, so must a bath kol be disregarded if it contradicts a specific commandment of the Torah. (And that legal decisions should be based on majority rule is considered to be such a specific commandment, in the light of Exodus 23:2).

But, says the "Kuzari"<sup>22)</sup>, we do have instances, such as Elijah sacrificing on Mt. Carmel, where the Prophet is conceded the right to abrogate the Law, according to the need of the hour. Moreover, we do find in the Talmud that attention was paid to a bath kol when it proclaimed that the halakhah was to be according to the School of Hillel.

This bath kol, says the "Haber",<sup>23)</sup> was not an analogous case; for it merely confirmed what had already been established by a majority decision.

Nieto then reverts<sup>24)</sup> to the original difficulty, and, in trying to meet it he launches into an attempt to identify the bath kol with an illusion (!) of auditory perception.

In the books of the ancients there is a report to the effect that Alexander the Great used to address his troops by means of a megaphone which carried his voice through all of his camp, an area of 12 square miles.

But, if this account be suspect, since the Greek authors are notorious for their fables, there is, in Europe, an example nearer home, to wit: the instrument called in Latin tuba locutoria, by means of which ships, as far as two miles apart, can be in communication with each other.

Furthermore, there is the story of the Prince who was looking through his telescope, and saw a wolf menacing the herd of a shepherd. By means of a megaphone the Prince warned the shepherd who himself had not yet seen the approaching wolf. The shepherd, hearing the voice, suspected Satan at play. Later the Prince had the shepherd brought to him and explained to him what had happened.

There is also the story, reported in the "Chronicles of the Kings" to have happened more than 400 years ago, of a vizier who frightened his king by speaking through a brass megaphone. He purported to be a Heavenly Voice telling the king that he was unfit to rule. The result was that the king abdicated and died in miserable isolation. The crafty vizier, needless to say, was made king in his stead.

All this goes to show that R. Joshua is to be commended for not paying attention to the bath kol. How easy it would have been for wicked men to mislead the Rabbis by means of such mechanical devices, and to make them turn from the true laws of God! Far from being disrespectful towards God, therefore, R. Joshua did well in thus averting a stumbling-block from his and later generations.

This involved explanation is necessary because the most fundamental principle of Religion is at stake. And that is the belief that there arose no prophet in Israel like unto Moses.<sup>25)</sup>

Albo states that, if we did not have this principle, then, whenever another prophet contradicts Moses, we would have to follow him.

And if a third prophet would contradict the second, we would then have to disregard the second. The result would be the utter ruin of the Torah. The belief in the superiority of Moses' prophecy is, therefore, the safeguard of our Faith. If another prophet contradicts Moses, we shall have to interpret that other prophet in conformity with the prophecy of Moses, - even if it involves departing from the literal meaning of Scripture. For whom do we have who is greater than Moses?!

Close to four million people witnessed the Revelation on Mt. Sinai; and the trustworthiness of Moses is thus irrefutably established. Therefore, in order to abolish a single letter of the Torah or a single point, it is not sufficient that a mere man come, be he ever so great in wisdom, righteousness, piety, prophecy and miraculous power, - or a bath kol (!), or an angel, or even all of the ministering angels together. It would have to be God Himself, revealing Himself under circumstances identical with those of the Sinaitic Revelation, and saying with His own mouth that the letter or the dot is abolished!

However, this has never happened, and it is not going to happen; for God will never change His Law! Thus David says of the Law that it is "enduring for ever"<sup>26)</sup>. And Malachi, the last of the Prophets,<sup>27)</sup> says : "Remember ye the law of Moses My servant."

It was in defense of this immutability of the Law that R. Joshua donned the garments of zeal on behalf of the Lord of Hosts and His holy Law, and replied: "The Torah is not in heaven..... We pay no attention to a bath kol!"

Indeed, this particular bath kol was sent with the specific purpose of testing the steadfastness of Israel, as is proved by the conclusion of the story, where God is said to have smiled and exclaimed: "My children have prevailed against Me."

"Does it still appear", Nieto asks in conclusion, "as if R. Joshua had been disrespectful to God? Is it not rather that he spoke like a saint, like an angel of the LORD?!"

It can perhaps be said that Nieto rather weakens the impact of the original story by identifying the bath kol with an illusion of auditory perception, in which case R. Joshua was indeed justified in ignoring it. On the other hand it bespeaks a certain amount of courage on the part of Nieto to make this identification, for, after all, in rabbinic literature the bath kol was recognized as the legitimate successor of the direct communication of the Holy Spirit. 28)

Of even greater significance is the fact that the elaborate argument which we have just been summarizing was used by Nieto ---- to prove the literal truth of the story in b. Baba Metzi'a 59b! Rationalist though he is, and in spite of the fact that he reserves himself the right to treat aggadic passages allegorically, Nieto stops at nothing if he can prove, by arguments ever so circuitous, that an aggadah is literally true.

We find the same tendency in his interpretation of other aggadic passages. Halevi had already used the argument that a number of aggadoth are unintelligible to us because of the long stretch of time that has elapsed between their authors and ourselves<sup>29)</sup>. To this argument from Time, Nieto now adds an argument from Space.

"We do not understand many of the words of our Sages because we live far away from their country which is Babylonia and Persia. And there are many things there - both in the nature of the land and in the nature and morals of the people -, which Europeans cannot even guess.

"And even though the inhabitants of Europe are the wisest of men,

and travel from one end of the world to the other, investigating with great intelligence and keen minds whatever is to be known in distant countries, - in the way of Physics, or Medicine, or Morals, - nevertheless whenever they uncover one handbreadth of the unknown, they are confronted by two more!"<sup>30)</sup>

Thus, on the basis of travellers' reports from the East, Nieto is able to substantiate the accuracy of such statements as the one which<sup>31)</sup> says that "the wave which can submerge a ship in a stormy sea appears as a kind of fiery spark", and the report of Rabbah bar bar Hanah<sup>32)</sup> who tells of an Arab in the desert who could judge the distance to the nearest oasis merely by smelling the dust on the ground.<sup>33)</sup>

Undoubtedly, says Nieto, the man who sits securely in his own house, and comfortably in his palace, who never leaves the city limits for more than a thousand cubits, this man will say that such things are impossible.

On the other hand, he who has seen or heard that there are desert travellers in Asia and in Africa, and Arabs who travel all their life through impassable deserts as one who travels on a highway, he will admit the truth of such statements, and say that they have to be taken in their literal sense.

And even though the words of our Sages are in no need of confirmation, nevertheless such a man will say: "What I have heard, and what I have read is really true!"

After quoting his evidence in great detail, Nieto concludes:<sup>34)</sup>  
 "Realize, then, that what appears to be amazing and incredible... is really an every-day experience in distant countries. And, if it appears strange to us it is because of our own lack of knowledge, and not because the thing in itself is impossible."

And the "Kuzari" exclaims at the end of the whole argument :

"May God reward your work; for you have shown me good and definite proofs which prove that our Sages were experts in all the Sciences; and that there is Science and instruction in the midrash and the aggadah. It is only that we have no way of penetrating into their meaning. For the Sages have not handed down to us methods of interpretation applicable to them, as they have done in the case of the Talmud as far as legal matter is concerned....."

We see, then, that Nieto regards the allegorical interpretation of midrash and aggadah only as a last resort in defending the aggadah against the attacks of the opponents of the Oral Law.<sup>36)</sup>

Prima facie he is convinced that the incredulous events recorded in the aggadah really happened. The eighteenth century was still under the influence of the many eye-witness reports that kept pouring in from the strange world beyond the seas. Surely, what the Talmud had to say was no more strange than what was known from other sources about the Talmud's locality!

For this plank in its defense the aggadah had to wait for a Haham living in the capital of the seafaring nation par excellence.

It is, moreover, characteristic of Nieto that he utilizes his scientific attainments and knowledge of worldly affairs not to call into question the accuracy of traditional notions, but, on the contrary, to strengthen and defend them.

## CHAPTER EIGHT

Nieto's Concept of God

Underlying Nieto's defense of the Oral Law there is, of course, his belief in the existence of God; for Nieto accepts the three dogmas of Albo, viz.: Existence of God, Revelation, and Retribution, and he quite logically insists that the Existence of God is central. For while it is theoretically possible to deny either of the other two, a denial of the Existence of God would automatically render a belief in Revelation and Retribution impossible.<sup>1)</sup>

But whereas the Existence of God is taken for granted in De La Divina Providencia and in the Matteh Dan, it is established by means of formal proofs in the Esh Dath. In postponing our consideration of Nieto's God Concept until this chapter, we have, therefore, been guided by the chronological sequence of the Haham's own literary works. The Esh Dath, published in 1715, contains Nieto's most complete reflections on the concept of God.

At the same time, we have found it convenient to include in this chapter also those aspects of the God concept which Nieto had occasion to treat of before the publication of the Esh Dath, i.e. the identification of God and Nature, of which he spoke in 1703, and of which mention has already been made in our treatment of the Haham's biography.

I. Rational Proofs for the Existence of God.

The belief in God is, of course, amply attested in the Scriptures, but a quotation from the Bible would hardly convince "one of the inhabitants of America or of the West Indies, who have no God nor religion."<sup>2)</sup> In other words, Nieto attempts to demonstrate the Existence of God through Logic, so that even he who has no religious

background whatsoever will be compelled to grant the Jewish claims.

The arguments will therefore differ from those which the "Haber" in Halevi's Kuzari presented to the King of the Khazars. For the latter believed in the Existence of God, in Revelation, and in the fact that there were deeds acceptable to God. He merely was in doubt as to the kind of acceptable deed. The "Indian", on the other hand, does not admit anything because he does not know anything. It is, therefore, necessary to argue with him on the basis of Logic alone that there is a Creator. Only after he has been convinced through Logic can one use the arguments of Halevi's "Haber".<sup>3)</sup>

To meet these requirements, Nieto avails himself of some of the traditional proofs for the Existence of God, which he reproduces together with a number of concrete illustrations.

(a) The Teleological Proof

Nieto gives two variations of the teleological, or "physico-theological", proof for the Existence of God. It is the argument from design which Nieto calls the argument from "the order of the world and its government".<sup>4)</sup>

The argument<sup>5)</sup> begins with a consideration of the sun. The sun is of great use to man. It shines by day to give light to the world. Its proximity to the earth in summer time gives the necessary heat for the fruits to ripen, and its distance in winter time enables the rain to fall, so that the earth may yield its produce, and the tree of the field give forth its fruit.

From the consideration of the sun the discussion turns to the earth, to the trees, from the cedar to the hyssop, and from man to the fishes, and to everything which the human mind can comprehend.

This consideration will lead to the following a fortiori con-

clusion: If the sun which is merely a created thing, is so many times bigger than the earth, giving light to the world, etc., how much greater must be the greatness of its Creator, and His Power, and His Might. For, since the greatness of the sun does not come from itself but from its Creator, greatness and glory is fittingly ascribed to God Himself.

A more elaborate variation on the same theme can be found in Nieto's attempt to show that "there is not a single creature, even among the least of them, which does not show in some form of its constitution the impress of God."<sup>6)</sup>

There are two kinds of created things in the world, says Nieto. One kind exists as a species, such as the animals, whether human or dumb. Individual members of the species are born and pass away. But the species as such continues to exist. We can see an illustration of this with our own eyes, when we watch flowers, of which a new one grows whenever an old one fades away.

The second kind of created things are those which preserve their own identity, such as the heavens, the sun and the moon, the stars, the sea and the dry land, and, similarly, the soul of man and the angels. All these were created according to their nature, and they continue to exist in their identity. For there is nothing that could wear them out or destroy them, except the Will of God. They are not like the creatures which merely exist as a species, and who have any number of enemies who pursue them and seek their life.

If it be objected that we can indeed see the evidence of God's purpose in those created things which preserve their identity, but not in those which merely exist as a species, those, that is, who not only live but also die, - then, says Nieto, this objection can be refuted by the wonderful phenomenon of human fertility, which clearly expresses

God's purpose.

Think, for example, of our ancestors of whom Scripture relates that there were seventy souls who went down to Egypt. From that time to the time of the Exodus it was a matter of 215, or, according to some, 260 years. Yet within that comparatively short time the original seventy had become three millions!

We arrive at that number by bearing in mind that the 600,000 mentioned in the Bible are merely the foot-soldiers. But it is customary to reckon five members to every family. Multiplying the 600,000 by five, we get three millions. But, admittedly, this figure is only approximate. Perhaps there were a few more, or a few less. At any rate, this increase is a wonderful thing.

But, just in case this argument be rejected - in view of the fact that the increase of our ancestors in Egypt was a miracle and can, therefore, not be used as a proof - Nieto can match this account with the report of happenings in his own days.

Mullai Sherif, King of Tapility, and father of Ishmael, the reigning monarch of Fez and Morocco, had, when he died, 84 sons and 124 daughters, - in addition to those who had died during his lifetime. His son Ishmael, "who is reigning to-day", had, thirty years ago, 118 sons and 200 daughters, - in addition to those who had died, and in addition to those who have been born since.

Moreover, Nieto can remember that, when he was a young lad, a report had reached him that sailors had found an island with 12,000 inhabitants who spoke one of the languages of Europe. These inhabitants had told the sailors that 96 years ago, a ship was sailing from Europe to America. But the ship came to grief in a storm at sea, and all passengers and hands were drowned except one man and four women who

saved themselves on that island. That man then married the four women, and, in the course of 96 years, there was a population of 12,000.

But this "seal" of God on His creatures can not only be found in the case of man, of whom, as the possessor of a soul which is part of God, it may be expected. We find the same thing in the animal kingdom.

When the Spaniards discovered America, they did not find there any bulls or cows. They therefore decided to import these animals, which they did. In the course of two hundred years they multiplied without number. Male and female of the same species can beget ever so many offspring. Were it not, Nieto concludes, for epidemics, warfare and sorrow, which break the body of man, and for overindulgence in eating, drinking and cohabitation, and several other adverse factors, human beings, too, would multiply in such a way that the earth could hardly bear them.

And what we witness in the animal kingdom, we can also see to be the case with vegetables and minerals.

One grain of wheat or of barley sprouts into an ear which contains 30 or 40 grains, and, if these are sown again, they will increase in the same ratio. There is, indeed, not a single herb which will not leave at the end of the summer, before it withers, 30 or 40 seeds.

And as for minerals, we merely have to look at the mines, and bear in mind that ever since the Creation people have been mining silver and gold and precious stones from the bowels of the earth, and from the sea; but they keep on being replenished. Is this not, Nieto asks in conclusion, the finger of God, which shows that all creatures have been created by the En Sof?:

But Nieto is at his most lyrical when he bases the teleological proof on a description of the human mind.

Look at the soul of man, he says <sup>7)</sup>, and pay attention to its

operations, and you will see great and wonderful things. Take the most stupid of fools, and marvel at the fact that this man, whom we call a fool, is able to speak the language of his people. He carries in his memory the name of everything he knows so that, when he is speaking to his fellow, he does not have to look for the word he needs. Instead, he speaks his speech trippingly on the tongue, just as the thoughts occur to him, for an hour or two without interruption.

Moreover, this fool knows a number of men, women and children, and, if he wants to think of them, they stand up bodily before him in his imagination. He also knows all the streets of the city, and its pathways, several houses, and the number of rooms in every house, and the number of objects there are in every room. All this is fixed in his memory. And this is the story of the fool!

It is as nothing when compared with the sage who knows several languages, and several sciences, and events, which he has read, or seen, or heard about. He deals with the highest regions, and studies Theology according to his capacity. From there he descends to the angels and the souls, and he remembers about them what he has learned. And from there he proceeds to the spheres and all their hosts, and he reflects upon the essence and the quality of the sun, and the moon, and the stars. He studies the composition of the air, the thunders, lightnings and winds, the dew, the rain, the hail and the snow. And in the sea he ponders the work of the Lord. And from there, to the earth and everything that is in it.

And after this, he will understand who created the world and Adam and Noah from whom ever so many nations are descended. And he will bear in mind that from among all of these nations, God chose Israel alone, and wrought for them miracles and wonders, and to this day, in spite of

persecution, He has not forsaken them.

All these matters, and many like them, are engraved upon the mind of the sage. And all of them appear before him, at the wink of an eye, as if they can be surveyed in one glance.

If he has gone to the end of the earth, and has seen there great and beautiful cities, he can see them again, if he so desires, standing before him in their place and in their colors.

Yet all this is contained in the circumference of the tiny human head; and we do not even know the location of these perceptions and forms, let alone those things which do not depend upon sense perception.

Behold, God hath wrought all these to show His creatures the glory of His greatness, and of His Wisdom, and of His Omnipotence. All of them bear the seal of the En Sof.

(b) The Cosmological Proof.

8)

Nieto argues for the existence of a First Cause from the premiss that "no creature can create itself". Thus, Reuben was begotten by Jacob and Leah, and, in this way, we ascend from children to parents until we get to Adam. But, since Adam had no father and mother, we are compelled to say that God created him.

The objection that God created Adam from the earth - so that the earth is to be regarded as the material cause of Adam - merely pushes our inquiry one step further. For we can then raise the question, "Who created the earth?", and the reply will have to be "God". In this way we have reached the First Cause, which is the cause of all causes, namely: the Lord, our God.

But, if it be argued that an effect may cause itself, we can refute such an argument by the following concrete example:

Reuben was born on the first of Kislev 5475, after he had been in

his mother's womb for nine months. This being so, the beginning of his existence could not have been before the first of Adar 5474. It follows that on the 30th of Shevat 5474 he did not yet exist. This means that Reuben would have had to beget himself before he began to exist. But this is impossible, because one cannot attribute any activity to that which does not exist. It would be tantamount to saying that Reuben existed and did not exist at one and the same time. But this would violate the logical Principle of Contradiction, and is, therefore, impossible.

It follows, then, that there is no effect in the world, which was not caused and preceded by a cause. And, since it is impossible to multiply ~~the~~ chain of causes ad infinitum, we must perforce admit that there is a First Cause which had no beginning.

But, while Logic compels us to admit the existence of a First Cause, Nieto is well aware of the difficulty involved in imagining something that has no beginning. "There is not a prophet or an angel who can understand this."<sup>9)</sup> Yet one's inability to comprehend infinity is not sufficient reason to reject the concept of a First Cause. There are, actually, only two classes of people who reject the idea of a Creator God.

One class consists of boorish and untutored minds, "like many of the inhabitants of America"<sup>10)</sup>. The other class consists of those who have indeed studied, and who have read in books that there is an eternal God, the Creator of heaven and earth, Who exercises His providence and His rule. But, because they cannot know how it is possible for Him to have had no beginning, they deny the very proposition which they would otherwise accept.<sup>11)</sup>

Nieto tells us how he had to deal with a representative of that

12)

second class:

"A man came and said to me: 'I know, Sir, that you are a Jew and that you believe that there is a Creator God, Who exists from eternity. But I cannot believe this.'

"I said to him: 'Why?' And he said to me: 'Because I cannot imagine how it is possible that something which has no beginning, should exist.'

"Then I asked him: 'If so, who, in your opinion, created the world?' He said to me: 'I do not know.'

"So I said to him: 'You cannot escape the following alternatives: either the world is eternal and has no beginning; or there is another cause which created it, - in which case the latter cause would be eternal.' He said to me: 'I think that the world is eternal.'

"Then I said to him: 'You are contradicting yourself. First you say that you do not believe in a Creator God, because you cannot imagine that anything can exist without a beginning. And now you believe that the world has had no beginning!'

"After a while he said to me: 'I am confused by your argument, and I do not know how to refute it.'

"I said to him: 'You see yourself that you admit the existence of something eternal, but you make a mistake in that you attribute this eternity to a created thing, while you should have attributed it to the Creator. Now, then, say and believe that there is an 'eternal', but that this 'eternal' is the Creator, and that the world, which is a created thing, was created.'

"Thereupon he fell at my feet and wept tears of joy, he embraced and kissed me, and he said: 'You have restored me to life; for now I know that there is a God, the Creator of Heaven and Earth, Who is wise, and Who exercises His rule and His providence over His creatures. May He bless you.....'"

Nieto concludes from this personal experience that even the men of the "second class" believe on "rational grounds" that something eternal can exist. If they can believe in the eternity of the world, there can really be no objection to the eternity of the Creator, just because He has no beginning.

A side-issue raised by the cosmological argument is the apparent difficulty of conceiving of an infinite Creator, Who creates a finite world. But Nieto is quick to point out that there is really no difficulty at all. <sup>13)</sup> Were we to believe that the Creator is finite, and that He created an infinite world, the question as to how such a thing was possible would be justified. But since, in actual fact, it is the Creator who is infinite and the world which is finite, there is no sense in such a question.

If we see a very strong man lifting a weight of 1000 pounds, and, afterwards, lifting a weight of only 10 pounds, we do not ask how he, who can lift 1000 pounds, can also lift 10. Only if we see a man who is not strong enough to lift a weight of 10 pounds lifting a weight of 1000 pounds, would such a question be in order!

(c) The Argument "De Consensu Gentium".

A third proof, if we may call it such, for the Existence of God, used by Nieto, is the argument known to the scholastics as "de consensu gentium". His formulation of it is short enough for us to reproduce it here in full: <sup>14)</sup>

"Behold, even the men of the East Indies who are pagans, agree and say that there is a God, the Creator of heaven and earth, Who has no beginning, and that it was He Who created the minor deities who are appointed over mankind, and who are His servants

and under His sovereignty. The inhabitants of the Kingdom of China say the same thing. But there is no one in the world, laying claim to human intelligence, who does not believe that there is a God, the Creator of heaven and earth, Who is One and infinite in His omnipotence."

It should be pointed out that this argument is not listed by Nieto together with his formulations of the teleological and cosmological arguments. Instead, it occurs in that part of the Esh Dath where he polemizes against Hayyun's distinction between the En Sof and the Creator. Nevertheless, Nieto seems to regard the universal spread of the God idea as decisive evidence for the existence of the God posited by Judaism. In its context, the argument is introduced by the formula, "I call heaven and earth to witness"<sup>15)</sup>; and we find the use of the same formula, together with the same type of reasoning, in Nieto's brief reference to<sup>16)</sup> the universal acceptance of the dogma of Retribution.

Nieto's use of the argument de consensu gentium marks a departure from the general trend of the Jewish philosophical tradition. Though favored by the Stoics, adopted by the Church Fathers, and used by the Mohammedans, the medieval Jewish thinkers, as a rule, though with some notable exceptions,<sup>17)</sup> did not avail themselves of this argument. For, if the great variety of mankind's religious expressions be taken into consideration, the argument could just as easily be used in support of a plurality of gods.

On the contrary, as far as the majority of the Jewish thinkers were concerned, mankind denied the existence of God; and it was only by a special act of grace that a single chosen people had come to know Him by means of a direct revelation. It might, therefore, be said that the

"argument from tradition" is the Jewish equivalent of the classical  
 "argument from universal consent."<sup>18)</sup>

But Nieto's use of this argument is easily accounted for in terms  
 of the "natural religion", preached by the contemporary Deists.<sup>19)</sup>  
Nieto's reference to the "Kingdom of China" is decisive in this context,  
 for, in contrasting their "natural religion" with Christianity, the  
 Deists were in the habit of using the Chinese as their particular "pets"<sup>20)</sup>.  
 Moreover, since the Deists quite decidedly used this argument to prove  
 the existence of the One God, and not of a plurality of gods, Nieto  
 need have felt no embarrassment in availing himself of this particular  
 aspect of Deism. This was quite in accordance with his acceptance of  
 the principle implied in the Talmudic statement: "Rabbi Meir found a  
 pomegranate; eating the inside, he threw away the peel."<sup>21)</sup>

(d) The Sources of the Proofs

It is, of course, impossible to pinpoint with any degree of cer-  
 tainty the precise source, or sources, from which Nieto derived his  
 knowledge of the classical "proofs for the Existence of God." The  
 teleological argument appears in rudimentary form already in rabbinic  
 literature<sup>22)</sup>, and the cosmological argument, as used by Nieto, can be  
 found in Saadya Gaon<sup>23)</sup>. It was used, in one form or another, by the  
 Jewish Aristotelians throughout the Middle Ages.

What is surprising, however, is the fact that the "proofs" given  
 by Nieto do not correspond to any of the "proofs" given by Maimonides<sup>24)</sup>  
 and Albo<sup>25)</sup>. Nieto makes no mention of arguments based on motion  
 leading to the Prime Mover, or on potentiality and actuality. It is  
 evident, then, that Nieto did not rely on Albo for his "proofs", though  
Albo is used by him as a source for many a subject.

On the other hand, Nieto's handling of the "cosmological proof"

bears a very strong resemblance to the proof "from the formality of efficient causation", given by Thomas Aquinas<sup>26)</sup>. The latter's statement that "there is no case known (neither is it, indeed, possible) in which a thing is found to be the efficient cause of itself; for so it would be prior to itself, which is impossible", is quoted almost verbatim in Nieto's analogy from the conception and birth of "Reuben".

It is also significant that the teleological argument, called by Thomas Aquinas "from the governance of the world"<sup>27)</sup>, is called by Nieto " מעסר העולם והנהגתו"<sup>28)</sup>

In the light of all this, it is, therefore, not impossible that Nieto relied on Thomas Aquinas for the formulation of the classic scholastic "proofs for the Existence of God", although, in view of the universal use of these "proofs" right up to the time of Kant, this cannot be determined with absolute certainty. We do know, however, that in Italy, and that is where Nieto received his training, there has always been a stronger connexion between Jewish and Christian philosophy than in Spain. The Italian Hillel ben Samuel<sup>29)</sup> had utilized the views of Thomas Aquinas to a very large extent. Nieto, moreover, claims a knowledge of Aquinas, - if only from a secondary source.<sup>30)</sup> The striking illustrations, however, which Nieto offers as part of the "proofs" seem to be original with him. They are in his typical style and of the kind used by him in the elucidation of all theological as well as halakhic problems. Behind the theologian and Talmudist in Nieto there was always Nieto, the preacher.

Nieto seems to have been under the influence of Locke's "Essay Concerning Human Understanding" (1690), when he wrote his panegyric upon the human mind, which is part of his "teleological proof". When

Nieto speaks about "perceptions and forms, let alone those things which do not depend upon sense perception", we seem to hear an echo of Locke's differentiation between "sensation" and "reflection"<sup>31)</sup>. Or when he speaks of the wonders of memory, and points out that we do not even know its location, we think of Locke's statement that "the other way of retention is the power to revive again in our minds those ideas which, after imprinting, have disappeared, or have been as it were laid aside out of sight... And in this sense it is that our ideas are said to be in our memories, when indeed they are actually nowhere; - but only there is an ability in the mind when it will to revive them again..."<sup>32)</sup>

For Locke, too, the mind leads to a knowledge of God. "How short soever their knowledge may come of an universal or perfect comprehension of whatsoever is, it yet secures their great concernments, that they have light enough to lead them to the knowledge of their Maker, and the sight of their own duties."<sup>33)</sup>

It would be inconceivable that Nieto should not have read the works of this great contemporary of his. Even though he complains, at the beginning of his residence in England, that he does not know English<sup>34)</sup>, he must surely have learned the language by 1715.

Remarkable is also the very minor part which the historical experience of Israel plays in Nieto's proofs for the Existence of God. He brings it in, as it were, through the back-door, when speaking about the mind of the sage. The cosmological and teleological proofs seem to be regarded by him as being of far greater convincing power. In that he differs from the approach of Judah Halevi. This difference is all the more remarkable in that, as far as Revelation is concerned<sup>35)</sup>, he makes Halevi's approach completely his own. It may well be, of course, that

Nieto was rationalist enough to believe that the Existence of God can be demonstrated through Logic, but that, for reasons which we have discussed in Chapter Five, Halevi's irrational approach suited his purposes as far as Revelation was concerned.

## II. The Argument Against Hayyun.

The Esh Dath, on which we have been relying so far as a source for Nieto's theological views, was published primarily as a polemic against Nehemiah Hiyah Hayyun. A few words about the latter may therefore be in order here.

Hayyun<sup>36)</sup> was born ca. 1650, apparently at Sarajewo, but he pretended to be of Palestinian birth. He received his rabbinical training in Hebron where he was also introduced to Sabbatian mysticism. After a short ministry as rabbi in Uskup, near the Sabbatian center of Salonica, he led an adventurous existence in Turkey, Italy, Egypt and Palestine.

Reports of his activities in Smyrna, in 1708, were sent to Jerusalem where the Chief Rabbi, Abraham Isaaki, excommunicated him. Undaunted, Hayyun proceeded to Italy where, in Venice, he managed to obtain the support of the rabbinate, and where he succeeded in printing an extract from his cabbalistic work.

From there he went on to Prague (1711 - 1712), where he was made very welcome in cabbalistic circles. It was there that he occasionally preached the doctrine that sin must be conquered by an excess of sinfulness and the sanctification of grossest desires. By showing forged approbations from Italian rabbis, Hayyun convinced Rabbi Naphtali Cohen who, apparently, had not read the work himself, to authorize his cabbalistic tract. Armed with such recommendations, Hayyun appeared in Vienna, Nikolsburg, Prosnitz, Breslau, Glogau, and Berlin.

In the latter city he managed to have his work printed. It is entitled Sefer 'Oz LElohim, and dated 1713. Reproducing the tract Mehemanutah de Kulla of an anonymous Sabbatian author, Hayyun provides this text with two commentaries, one of them being entitled 'Oz LElohim and the other Beth Kodesh haKodashim. Of their content we shall speak later.

With this book Hayyun appeared in Amsterdam, seeking a market for his publication. He had no difficulty in obtaining the approbation of Haham Ayllon and, thereby, of the Sephardi community as a whole. But Haham Zevi Ashkenazi who had become chief rabbi of the Ashkenazi community in 1710, easily detected the heretical ideas of the book. The result was a split in the Amsterdam Jewish community. But, in the end, even the Ashkenazim sided with the Sephardim and their beth din, so that Haham Zevi was forced to resign his position.

When, however, the happenings in Amsterdam reached the ears of other Jewish communities, letters came pouring into Amsterdam from Germany, Poland, Italy and Africa, bearing tidings of excommunications proclaimed against Hayyun. His Amsterdam friends urged him to journey to Constantinople in order to have his excommunication annulled. He actually succeeded in accomplishing this, - though not before the Turkish authorities had referred him to the Jerusalem beth din, where the herem against him was first proclaimed. In return, Hayyun had to bind himself by oath never to teach, preach, or publish cabbalistic doctrines again.

Thus cleared, Hayyun returned to Europe. But he broke his oath, and, in 1726, he was excommunicated again. He died an exile in North Africa. His son, making good a threat repeatedly uttered by Hayyun himself, became a convert to Christianity.

The 'Oz LElohim begins with the remarkable statement <sup>37)</sup> that, on the basis of I Chronicles 28:9 and Deuteronomy 4:39, we have the obligation to know and to comprehend God. In view of this Scriptural command it follows that we must have the ability of comprehending God with our human intellect.

This, of course, is further than the most radical rationalist among the medieval Jewish thinkers would have ventured to go. In reality, however, this supposed Scriptural command is used by Hayyun as a mere foil to highlight a paradox which, in turn, helps him to propound his Trinitarian doctrine.

The paradox is this: that God, when described as En Sof, is by definition, unknowable. The En Sof is, in Aristotelian terms, Thought thinking itself. One cannot predicate of Him either will or intention or word or thought or deed. <sup>38)</sup> It is obvious that all ordinary notions of a personal God are transcended by this En Sof <sup>39)</sup>. It is furthermore obvious, if we follow Hayyun's reasoning, that the commandment to know God cannot refer to our knowledge and comprehension of the En Sof. To what, then, does it refer?

Hayyun's use of the Scripture verses in question may be artificial, and, from the point of view of correct exegesis, we may ignore it. The fact remains, however, that Hayyun is pointing up a real difficulty inherent in the whole system of Cabbalah. For the Cabbalist has to account for the bond of connexion between the abyss of the Godhead (the En Sof) and the visible universe. He has the further problem, too, of establishing another bond of connexion between the absolute transcendency of the En Sof and the God of Israel, Who is described in such anthropomorphic terms that His "stature and measurements were not beyond the ingenuity of rabbinical calculations." <sup>40)</sup>

The Cabbalists overcame this difficulty by introducing the concept of the Primal Will. This is the product of the First Cause (i.e. the En Sof), emanating immediately from Wisdom, which is identical with God, being His thought. Hence, like Wisdom, the Primal Will is eternal, being inferior to Wisdom only in degree but not in time. <sup>41)</sup> It is from this Primal Will that the whole chain of emanations takes its start, that chain of emanations at the extreme end of which we get to the visible world. This process of emanation takes place by means of the ten sefiroth; the first sefirah being that of kether, which is identical with the Primal Will, and which is differentiated from the En Sof only as being the First Effect, whereas the En Sof is the First Cause.

We have to bear in mind, however, as Scholem reminds us <sup>42)</sup>, that the s ephiroth are not secondary or intermediary spheres which interpose between God and the Universe. They are not comparable to the "middle stages" of the Neo-Platonists, which have their place between the Absolute One and the world of the senses. The emanation of the sephiroth is conceived as a process which takes place in God, and which, at the same time, enables man to perceive God.

Hayyun makes much of this First Effect. This, and not the inactive and unknowable En Sof, is the God of Whom the Scriptures speak. He is the One described as creating, and He is the One Whom we are commanded to know. In disparaging the En Sof, Hayyun is furthermore helped by the concept of zimzum which we encounter in Lurianic Cabbalah. <sup>43)</sup> For Luria this zimzum, or "contraction", meant the withdrawal of God into Himself. God had to do this in order to make room for the world which is not God, since, to begin with, everything was God. For Hayyun this implied that, if God can "contract", He must have a definite measure-

ment, - even though we may be ignorant of its size. But if God has a measurement, then He cannot be called En Sof, which term permits of no limitations whatsoever. En Sof, therefore, is not the God of Whom the Bible speaks, or to Whom we pray. En Sof is merely the description of the limitless expansion of the radiance of the God Who went into zimzum, but not of that God Himself.

Another element of Cabbalah which was utilized by Hayyun is the Cabbalah's predilection for the number Three. Thus we hear that the first three sephiroth, viz.: kether, hokhmah and binah, form a unity among themselves. <sup>44)</sup> And throughout cabbalistic literature we come across any number of references to triads and trinities which are said to make up unities. It is this element of the Cabbalah which has exercised such a tremendous fascination on Christian mystics from Pico della Mirandola in the fifteenth century down to the French translation of the Zohar by Jean de Pauly <sup>45)</sup>. They were convinced that the Cabbalah contained the fundamental principles of Christianity.

That the Cabbalah need not be understood in this way is evidenced by the countless Jewish mystics who, throughout the centuries, managed to combine their mysticism with strict adherence to Rabbinic Judaism. On the other hand, as the popularity of the Cabbalah among Christian mystics would indicate, there are statements in the cabbalistic writings which lend themselves very easily to a Trinitarian interpretation, - or, as Nieto would say, misinterpretation. Hayyun utilized these elements in their very literal sense, and combined them with his peculiar notions about the First Cause and the First Effect, which we have discussed above.

The result of all this is that Hayyun could make the following claims which are quoted and refuted by Nieto: <sup>46)</sup>

- (a) That the En Sof is not the "God of Israel".
- (b) That the Godhead consists of these three persons (parzuphim): the Ancient of Days ('attika kadisha), the Holy King, and the Shekhina.
- (c) That the Trinity is already hinted at in the Bible and in certain rabbinic observances (e.g. the three meals on the Sabbath).
- (d) That the Zohar teaches a Trinitarian doctrine.
- (e) That, on account of the troubles of the Exile, the original (Trinitarian) concept of God has been lost by the Jews.
- (f) That sin must be conquered by an excess of sinfulness (i.e. the antinomian tendency which we discussed in Chapter One).

It would fall outside the scope of our present inquiry to reproduce the full battery of arguments which Nieto brings into the field against Hayyun. They add nothing to our knowledge of Nieto's own theologocal conceptions, though they testify to his wide reading in cabbalistic literature. Besides, the absurdity of Hayyun's arguments is very often self-evident; and it is a sad commentary on the Jewish scene of that day that Nieto had to refute them in detail.

We shall content ourselves with singling out three of the more typical of Nieto's arguments. We quote the first one verbatim, because it gives us an idea of the mood and the atmosphere in which that argumentation took place.

"I have heard it said that Hayyun is boasting among Christians that he is preaching the Trinity among the Jews.

"By my life! There is mischief and iniquity under his tongue. For the Christian view is closer to ours than his view is. Because they believe, like us, that God is the En Sof, and that He is the First Cause; but they differ from us by saying that He is One in essence,

but divided into three persons, - whereas we say that He is a complete and simple Unity.

"But, according to Hayyun, God is a Secondary Cause, and it is in this manner that he arrives at a Trinitarian position.

"If the Christians but knew that this is his view, they would undoubtedly burn him at the stake; for it is, in every respect, against the fundamental principles of their religion."<sup>47)</sup>

Hayyun gives a Trinitarian meaning to the statement of the Zohar<sup>48)</sup> : תלת נשבותין אינון . In refuting him, Nieto<sup>49)</sup> touches upon the whole problem of Zohar interpretation.

He argues that, if already in the case of Prophetic utterances, which seem to contradict the words of Moses, we have to interpret them in such a manner that the contradiction disappears, even though it involves a departure from their literal meaning, - how much more so does this apply to the words of R. Simeon bar Yohai!

Moreover, we cannot escape the following alternatives:

- (a) Either we have to understand the whole Zohar in a literal sense;
- (b) or we have to take all of it as allegory;
- (c) or parts of it are to be taken in their literal sense, and parts as allegory.

If (a), it would follow that whoever is able to read will be able to understand the Zohar just as he understands the Mishnah and the Gemara. And, since everybody can thus understand it, there is no room left for "hidden meanings".

If (b), then why should just the words under discussion form an exception to the rest of the Zohar, and be taken literally?

If (c), then we have a right to ask Hayyun, who told him that this

particular passage happens to be one of those which have to be understood in their literal sense?

Can we consider him to be an authoritative interpreter, who has been convicted of lying?! But even if we were to regard him as an authority, could he be a greater authority than Moses, the Teacher of all the Prophets, who taught us: "Hear, o Israel, the Lord our God, the Lord in ONE"?!:

As for the charge that the "true" belief in God has been lost by the Jews, on account of the troubles of the Exile, Nieto is able to refute that very easily by quoting unequivocal monotheistic statements by II Maccabees, Philo and Josephus, who all lived before the Exile started.  
50)

### III. The Identification of God and Nature.

Reference has already been made to the sermon preached by Nieto on Sabbath Vayeshebh, 1703, and to the storm which it provoked. In that sermon, Nieto had claimed that God and Nature were one and the same thing. This gave rise to the misunderstanding that Nieto had Spinozistic leanings, a misunderstanding which Haham Zevi Ashkenazi, as well as Nieto himself in his "De la Divina Providencia" tried their best to clear up.

If, as will be shown, this misunderstanding arose out of a question of semantics, the affair becomes all the more ironical when it is realized that the sermon itself was preached with the object of settling a question of semantics. This was its sole purpose. There is not even the faintest suggestion of Spinozistic leanings on the part of Nieto.

The fateful sermon was preached because Nieto was afraid lest the loose usage of the word "Nature" on the part of his congregants should

should play into the hands of the Deists. While the Talmud describes God Himself as the cause of winds, and rain, and vegetation, it had become customary in modern times to ascribe these phenomena to the workings of Nature. This might have been innocent enough had it not been for the place which "Nature" occupied in the metaphysical system of the Deists. For they regarded Nature as being an intermediary between the world and the One God Who created, but does not govern, the world, - a view which Nieto could only regard as an "enormously heretical and detestable blasphemy".<sup>53)</sup>

There was, therefore, a danger that people using the term "Nature", might ascribe to "Nature" what, in reality, should be ascribed to God Himself. That is why Nieto said that the term "Universal Nature" does not "sound right".<sup>54)</sup> In fact, the use of that term could be compared to the Baal cult of ancient Israel. The great sin of that cult consisted of the people's ascribing to the idol the benefits which they received from God. So, too, ascribing things to Universal Nature means transferring the attributes of God to something which is not God. Only that this latter case is even worse than Baal worship. For, in those days, there was an Elijah who, on the strength of an undeniable and wonderful miracle, disabused the people of their mistake, made them prostrate themselves on the ground, and acknowledge that 'The LORD He is God, the LORD He is God!'

"But now, that for our great sins, we have neither prophets nor miracles, who will extirpate this new and more pernicious Baal? Who will overthrow this idol?"<sup>55)</sup>

All, therefore, that Nieto meant to accomplish was to demonstrate the identity of, what was loosely or intentionally called, "Nature" with the Jewish conception of God as the Ruler of the Universe.

The objections raised against this identification were of a twofold nature. The first, based on a failure to distinguish between natura naturans and natura naturata, was an accusation that Nieto is guilty of such "scandalous consequences" as implying that "all creatures are gods".<sup>56)</sup>

The second arose from an interpretation of certain rabbinic passages to the effect that "Universal Nature" was one of the created things brought into existence by divine fiat in the course of the Six Days of Creation. Thus, for example, in Genesis Rabbah, ch.5, R. Johanan and R. Jeremiah b. Eliezer are quoted to the effect that God "made stipulations" with the sea, with heaven and earth, etc., etc to act in a certain way for a specific miracle to occur at an appointed time. It would follow from this, it was urged, that, in the normal course of events, God lets Nature run by itself, - except on the occasions here specified. Ergo:  
<sup>57)</sup>  
There is such a thing as Nature!

Again, in b. Aboda Zara 54b the Rabbis explain why stolen wheat grows just the same when it is sown, etc., by saying: עולם כמנהגו  
לנו . This was taken to be a clear indication that there is  
<sup>58)</sup>  
a Nature apart from God.

Of course, if Nature is taken to be a "creature", such an identification of God with Nature must have a very heretical ring.

It was, therefore, essential for Nieto to clarify the difference between natura naturans and natura naturata. He does so by subjecting the relevant words of Psalm 147, which was one of the texts of his sermon, to a grammatical analysis.  
<sup>59)</sup>

The relevant words of the psalm are these:

v.7: Sing unto the LORD with thanksgiving,

Sing praises upon the harp unto our God (זמרו לאלהינו בכנור);

v.8: Who covereth (המכסה) the heaven with clouds,

Who preparereth ( הַמַּכֵּי ) rain for the earth,

Who maketh the mountains to spring with grass ( הַמַּצְמִיחַ הַרִים חֲצִיר ).

Now, הַמַּכֵּי, הַמַּצְמִיחַ and הַמַּצְמִיחַ are transitive verbs, here used adjectivally, as qualifying the noun אֱלֹהֵינוּ of the preceding verse.

That is to say, since it is God Who is הַמַּכֵּי etc., God is the subject ( אֱלֹהֵינוּ ). Consequently, "the heaven", "The rain", and "the mountains" are the objects ( פְּעוּלֵי ).

In verse 8, therefore, we have the following three different parts of speech:

1. Subject - "Who covereth";
2. Object - "the heaven";
3. Instrument - "the clouds".

The same division can be applied to the other things in this psalm.

Now, argues Nieto, it is impossible to confuse the subject ( אֱלֹהֵינוּ ) with the object ( פְּעוּלֵי ), - which confusion would be tantamount to saying: "God is a cloud". But this would be absurd!

It follows, therefore, that when Nieto identified Nature with God, he could only have referred to so-called "Universal Nature" (natura naturans). He does not deny that there is a particular nature of the fire, the rain, etc.  
60)

At this point we may note the differences in meaning given to the terms natura naturans and natura naturata by Spinoza and Nieto respectively. For Spinoza, natura naturans is "that which is in itself and is conceived through itself, or those attributes of substance which express eternal and infinite essence, that is to say, God in so far as He is considered as a free cause."  
61) Natura naturata is "everything which follows from the necessity of the nature of God, or of any of God's attributes, that is to

say, all the modes of God's attributes in so far as they are considered as things which are in God, and which without God can neither be nor can be conceived.<sup>62)</sup>

For Nieto, on the other hand, natura naturata is the "creature" (ה'ר'r' ), and "passive" (ל'ת'פ'ע' ), while, by the same token, natura naturans is the "Creator" (ה'ר'ר'ר'ר'r' ), "Who works through His Wisdom and infinite Power"<sup>63)</sup>, a terminology which would be senseless in Spinoza's universe of discourse. Conversely, Nieto could have no use for a definition which speaks of natura naturata as being "everything which follows from the necessity of the nature of God"!

It is clear, then, that Nieto's identification of Nature with God (where, N.B.!, "Nature" is natura naturans but not natura naturata) had nothing to do with Spinoza's "Deus sive natura", since, for Spinoza, both are merely names for one and the same substance.<sup>64)</sup> And, since "God" thus becomes a mere name for which another might be substituted, a serious student of Spinoza could come to the conclusion - with what justification we need not discuss here - that Spinoza's philosophy is "Atheistic Monism"<sup>65)</sup>.

Whatever else may be said about Nieto's Theology, there cannot be the most remote possibility of describing it in such terms.<sup>66)</sup> The difference between the two can already be seen in methodology. The "Proofs for the Existence of God", used by Nieto, are those which deduce the existence of a First Cause from the existence of the world itself. This was the heritage of the Aristotelian system, the empirical disposition of which also determined its Metaphysics, so that inferences were made from the given existence about its antecedents.

Spinoza, as Guttman has pointed out<sup>67)</sup>, went in the opposite direction. He deduced existence, by analogy, from its presuppositions.

Like Descartes before him, but with a completely different intention, Spinoza relies on the "Ontological Proof" for the existence of God, in order to find the way from concept to existence. The concept of God includes His existence.

We do not find this kind of reasoning in Nieto's writings at all; and the Creator God we get through the cosmological and teleological proofs does not lend Himself to identification with natura naturata.

It is clear, therefore, that, when Nieto identifies God with Nature, he is thinking of natura naturans or Universal Nature.

To the objection that Universal Nature, too, is a created thing, brought into existence by divine fiat during the six days of Creation, Nieto replies that such a conception of Universal Nature would imply its existence apart from God. As such a separate existence, it would govern Particular Nature. But this is manifestly impossible. For, if we were to accept this view, then Universal Nature would be running like a clock-work, and, since God could not have any direct contact with the Particular, miracles would become an impossibility. <sup>68)</sup>

To justify his identification of God with Universal Nature, Nieto appeals to earlier authorities. Thus, in his comments on Kuzari I, 69, Judah Moscato (Kol Yehudah) says that God is "the real Nature, stamping with His seal the shapes of all created things." <sup>69)</sup>

The same doctrine, though in different terminology, Nieto claims, was taught by Isaiah Horowitz in the name of Isaac Arama and Rabbenu Nissim. <sup>70)</sup> He also quotes with approval Jacob Abendana's comment on the same passage of Halevi's Kuzari, where Abendana says that "the marvellous wisdom, which can be discerned in the formation of the creatures, must be attributed solely to God, and not to Nature." <sup>71)</sup>

It would indeed appear that Haham Zevi who may not have been too

familiar with the intricacies of philosophical speculation<sup>72)</sup>, was induced to give his favorable decision very largely by these appeals to authority. His responsum<sup>73)</sup> consists primarily of a repetition of the quotations adduced by Nieto.

In the form of a simple syllogism Nieto sums up the burden of his discussion:

The Wisdom of God is God,  
The Providence of God is His Wisdom;

Ergo: The Providence of God is God.

This syllogism, he says, authenticates the proposition of the sermon that "Universal Nature is God"; because Universal Nature is defined as being "the wisdom and skill<sup>74)</sup> with which God rules and governs everything."

An interesting sidelight to Nieto's much misunderstood sermon is provided by a very similar statement made by George Berkeley, to which attention has been drawn by Leon Roth.<sup>75)</sup>

In his Principles of Human Knowledge, published in 1710, Berkeley complains about the current use of the word "Nature", a word, he says, which was "introduced by those heathens who had not just notions of the omnipresence and infinite perfection of God." He finds it particularly "unaccountable that it should be received among Christians professing belief in the Holy Scriptures which constantly ascribe those effects to the immediate hand of God that heathen philosophers are wont to impute to nature."<sup>76)</sup>

That all this has nothing whatever to do with the philosophy of Spinoza should now be fairly evident, - unless, of course, like Leon Roth, one interprets Spinoza in terms of Nieto<sup>77)</sup>, and not, as Nieto's

opponents attempted to do, Nieto in terms of Spinoza.

#### IV. Miracles.

In identifying God with Nature, and thereby denying the separate existence of a Universal Nature, Nieto was careful to point out that he did not deny the separate existence of Particular Nature. We must have Particular Nature in order to allow for the possibility of miracles. Miracle, by definition, is an alteration of Nature. If there be no Nature, there would be no miracle. <sup>78)</sup>

We see from this that Nieto experienced no difficulty in accepting the biblical miracles as such. We have already pointed out <sup>79)</sup> that Nieto rejected the Copernican System, of the rationality of which he was convinced, merely because it conflicted with the miracle related in Joshua 10:12f.

Yet, when all is said and done, the importance which Nieto ascribes to miracles is not at all commensurate with the intellectual sacrifices he is willing to bring in order to maintain the possibility of their occurrence.

80)

There are, he says, two different purposes in miracles:

- 1) To show God as the Master of the World.
- 2) To favor individuals, groups or nations.

It is the second type of miracle which he considers to be the more frequent one.

81)

The following examples will illustrate what has just been said:

When Isaac was born to Abraham in his old age, the primary object was to reward Abraham, and not to show God as the Master of the World.

When Jacob was able to overcome the angel, it was a sign of God's protection of Jacob, and not to show God as the Master of the World. For

the struggle took place in a deserted spot, and there were no onlookers to benefit from it.

The Miracle of the Burning Bush was not primarily wrought to show God as the Master of the World. Nor did God say so. But He did say: "I am the God of thy father....."

Nieto lists a number of other miracles which were wrought e.g. for Gideon, Elijah and Elisha. In all of these cases, the proof of God's being the Master of the World, if present at all, was merely a by-product; because the Jews would not need miracles for that, seeing that they a l- r e a d y believe, and the Gentiles would not pay any attention to these miracles, anyhow.

Different was the case in Egypt. There miracles were necessary to prove that God is the Master of the World, in view of Pharaoh's challenge: "Who is the LORD, that I should hearken to His voice?...I know not the LORD...."<sup>82)</sup>

God, therefore, wrought the miracles in Egypt, "to show thee My power, and that My name may be declared throughout all the earth."<sup>83)</sup>

The purpose of these miracles was duly accomplished when Pharaoh was forced to admit: "The LORD is righteous!"<sup>84)</sup>

But Jews would believe in God as the Creator even without such visible signs as the drying of the sea.

In regarding the majority of miracles merely as tokens of God's favor, Nieto seems to follow Gersonides' treatment of the subject rather than that of Isaac Abravanel. Gersonides says<sup>85)</sup> that he has investigated all the miracles, and has found that they were all wrought as a providential bestowal of benefit and favor, whether it took the form of the bestowal of good belief, or physical good, or the rescue from spiritual or physical evil.

Abravanel, on the other hand, is mainly interested in miracles as proofs for the creatio ex nihilo.<sup>86)</sup> As Dr. Mihaly has concluded<sup>87)</sup>, Abravanel believes that each miracle has a primary purpose and a final cause. The former is to establish justice and righteousness on earth. Thus miracles, at times, reward the righteous or punish the wicked. But the ultimate goal of miracles is to inspire mankind with true faith in God and to teach them the truth of His deeds.

It may well be that Nieto's reluctance to regard miracles as "proofs" was due to his acceptance of Albo's evaluation that "a miracle is no proof that the messenger is genuine."<sup>88)</sup> This evaluation must have been reinforced when the study of comparative religion, which was so assiduously pursued in Nieto's day, brought to light ever more miraculous tales associated with the various religions of mankind.

Besides, Nieto's appreciation of true greatness makes it impossible for him to attach too much importance to a temporary breach of the Laws of Nature. Thus he says<sup>89)</sup> that there was no need for God to reveal Himself to Moses as the Creator of the Universe, since there was the direct experience of God by the whole people in the historical situation of the Liberation from Egypt.<sup>90)</sup>

Again, he asks,<sup>91)</sup> which testimony to the greatness of God is more eloquent: that He created the whole world ex nihilo; or that He divided the Red Sea and, after He had made Israel pass through it, returned it to its former state? Surely, the greatness of God is manifest much more in Creation than in all the miracles and wonders!

And the proof of this is that we only have three festivals in the year, which commemorate the Exodus from Egypt, but fifty Sabbath days, outweighing in holiness the festivals and the Day of Atonement, to commemorate the work of the Creation.

## V. Free Will and Divine Omniscience.

It has been argued that such verses as Deuteronomy 5:26 and 10:12 create the impression that God is pleading with Israel to do the right thing, because He, the Infinite God, seems to be unable to accomplish His purposes if Israel were to be disobedient.

In rejecting such a limitation of God's Power, Nieto says <sup>92)</sup> that the verses in question must be understood in terms of the doctrine of Free Will, as it is stated in Deuteronomy 11:26ff and 30:15ff.

He tells the following parable by way of illustration:

A king had a very beloved servant. He gave him silver and gold, and sent him out into the world, saying: "You will find in the world sages and ordinary men, righteous men and wicked men. Be careful not to associate with the wicked, but only with the righteous. And be careful with the money which has been given to you. While you may do with it whatever you like, I shall greatly honor you if you spend it in the company of wise and moral men and learn from their deeds. But if you try to compete with the wicked, you shall see me no more."

Now, the servant rebelled against the advice of the king. It would surely have been in the king's power to remove him from his wicked company by force. But the king had already promised him that the choice would be entirely his own, to do whatsoever he desired. When, therefore, the king saw what the servant was doing, he did not use force, but, in the form of requests, he kept on sending him warnings and good advice, saying: "Would that he were to listen to my advice!"

Similarly, God creates man, and breathes into him the breath of life, and sends him from Paradise into this world. But, since man has been given Free Will, God does not want to compel him to do either good or evil. For, were He to do so, the dogma of Retribution would become

meaningless.

God, therefore, warns man, and urges him on, and reminds him of what is good and becoming. But He does not compel him. In this light, then, we can understand why God, though He is infinite, can address a request to man.

This assertion of man's Free Will leads Nieto to a consideration of the perennial problem of how to reconcile this Free Will with God's  
93)  
omniscience.

Many writers, he says, have dealt with the apparent contradiction which is involved in accepting both the dogma of divine Omniscience and the dogma of man's Free Will. But, in view of the fact that both of them are dogmas, and the attempted harmonizations are only human ratiocinations, the element of doubt has not yet been removed by these attempts.

But the attempt made by Maimonides is different, for he tries to resolve the contradiction not by rationalization, but by bringing into  
94)  
play another dogma. And, if it is a question of reconciling two dogmas, this procedure is preferable to any other.

The "dogma", to which Nieto is referring, is Maimonides' assertion that God's knowledge is incomprehensible to man. It amounts to saying that the word "knowledge", when used to describe God's knowledge, is used as a pure homonym. It is not the human kind of knowledge at all. For, whereas man and his knowledge are two separate things, God and His knowledge are One. But since man is unable to comprehend the essence of God, he is unable to comprehend the "knowledge" of God, - and that means, of course, the kind of "knowledge" which can be reconciled with man's Free Will.

Yet, while we cannot comprehend how God knows, we do know for sure

that man has Free Will. We know this not only from our religious tradition, but also on the basis of rational proofs. Man's responsibility for his own actions is the principle involved in all of prophecy.

#### VI. God's Continuous Goodness.

If man is responsible for his actions, and if, as a consequence, his wicked deeds are requited with punishment, it follows that the relationship which obtains between man and God is subject to change. It is characteristic of Nieto's idea of God that he views such change, when it does take place, entirely from the human angle of the God - man relationship. It is man who cuts himself off from God, but God's goodness continues to flow.

Nieto illustrates this idea with a parable which must surely have been used by him in the pulpit. We translate it here in full: <sup>95)</sup>

Imagine a great pool full of sweet and pure water which never ceases. From it several channels conduct the water for the irrigation of surrounding fields.

One day the water stopped coming to some of the fields. The farmers thereupon complained to the owner of the pool, saying that he had stopped the water supply for their fields in order to harm them, and to let them die of starvation and thirst.

But the owner of the pool answered and said: "I am supplying water for all the fields, as usual. If there is no water for your fields this can only be due to the state of disrepair in which the channels and conduits are. Your complaints are therefore not against me but against your own laziness which has caused this damage. Go, then, and clear the way of the water, and remove the stones from it, and the water will return to you

as at first. Understand, moreover, that I am not holding back for my own use the water which is meant for you. But, as is its nature, it continues to flow through such openings as it can find.

Similarly, the Holy One, blessed be He, causes His abundance to flow regularly, as it is written (Ps. 136:25): "He giveth food to all flesh." And whoever is worthy to receive, receives. But if there is in men's hands evil and sin, which arrest the flow and stop it, then the flow of God's abundance is diverted to the right or to the left; - so that the sinner will be like a juniper in the wilderness, who does not see when good cometh.

This is the meaning of Isaiah's saying (Isa. 59:1f), "Behold, the LORD's hand is not shortened, that it cannot save.... But your iniquities have separated between you and your God."

#### VII. Summary.

We may summarize the conclusions reached in this chapter as follows:

- 1) Nieto holds the Existence of God to be demonstrable by means of rational arguments. In order to prove the Existence of God he uses the teleological and the cosmological proofs as well as the argument de consensu gentium, the latter being undoubtedly due to the influence of Deism.
- 2) Against the Trinitarian doctrine of Hayyun, Nieto maintains the absolute Unity of God. In doing so, Nieto gives evidence of his own extensive reading in cabbalistic literature. By quoting from pre-Talmudic Hellenistic-Jewish literature, Nieto proves that the Jews never held a Trinitarian view of God, as was claimed by Hayyun. Incidentally, Nieto points out that Hayyun's Trinity would lend itself as little to reconciliation with Christianity as it does with Judaism, for

both Judaism and Christianity agree that it is the First Cause. Who must be worshipped as God.

3) Just as Nieto is opposed to Hayyun's Trinitarianism so does he find himself in disagreement with the implied Dualism of the Deists' concept of God. While the Deists believed in a Creator, they regarded the actual government of the world order to be the function of "Nature". Nieto has no use for such a "Nature". Indeed, what the Deists call "Nature" is actually nothing but the Providence of God. But the Providence of God is His Wisdom, and God and His Wisdom are one and the same. It follows therefore that God and "Nature" are one. The "Nature" Nieto had in mind was natura naturans. His opponents understood him to mean natura naturata, and, therefore, accused him of Spinozistic leanings. The accusation was completely unjustified. The very use which Nieto makes of the "proofs" furnished by the Aristotelian scholastics to demonstrate the existence of a First Cause shows him to have nothing in common with Spinoza's concept of "Deus sive Natura".

4) One of Nieto's reasons for attacking the Deists' concept of "Nature" was the desire to safeguard the possibility of direct divine interference with natura naturata, i.e. the possibility of miracles. Actually, Nieto seems more concerned with the logical possibility of miracles, thus upholding the literal truth of the Scriptures, than with the importance of the recorded miracles themselves. Miracles were primarily wrought by God as a favor to individuals, groups or nations. Their primary function is not to serve as a proof for the Existence or omnipotence of God. In fact, compared with the original miracle of the Creation all other miracles pale into insignificance.

5) Nieto deals with the paradox of man's Free Will and God's omniscience.

He has no original solution of his own to offer as far as this perennial problem of Theology is concerned. But of all the attempted solutions, he favors that of Maimonides who had insisted upon the difference between human knowledge and God's "knowledge". Since God's "knowledge" is so completely different from human knowledge, the paradox of human Free Will and God's omniscience which, in terms of purely human knowledge, would be a contradiction, need be no irreconcilable contradiction at all.

6) Man's Free Will implies man's responsibility for his own actions. This, in turn, makes man liable to punishment, should he prove to be disobedient. But if such a change does take place in the God-man relationship, it is man who has cut himself off from the divine channels of grace by means of his sins. God continues to be good. He does not change.

## CHAPTER NINE

Nieto's Significance in the History of Judaism

To the historian of the philosophy of Judaism the creative period of that discipline comes to an end with the death of Crescas.<sup>1)</sup> The eclectic thinkers of the 15th and 16th centuries are not famed for any great original contributions. The one highly original Jewish thinker of the 17th century, Baruch Spinoza, had, in theory and in practice, placed himself outside the sphere of Judaism even before the official excommunication was proclaimed against him. Only with Moses Mendelssohn, in the second half of the 18th century, do we see the beginning of a new era in the history of Jewish thought.

Of course, it would be wrong to regard the 17th century as being altogether a period of tranquility, - of a tranquility leading to stagnation, in the realm of Jewish thought. It was, after all, the 17th century in which the rationalistic agitators, the "Wuehler" of whom Graetz is speaking, were making their appearance. It was, moreover, the 17th century which witnessed the wildfire-like spread of Cabbalism, and especially of its aberrations. But both of these trends, - we only have to think of Uriel da Costa on the one hand, and of Sabbatai Zevi on the other, - both of these trends led away from Judaism, and, at the time, did nothing to strengthen it.

As far as the bulk of Jewry was concerned, those, that is to say, who felt themselves bound by the creed and the law of "normative" Judaism, and who yet were not averse to philosophical speculation, it seems an adequate description of them to say that "they continued to live in the world of the problems of the Jewish Middle Ages. At best, they were satisfied to adorn the old ideas with the crown of some<sup>2)</sup> Humanistic learning."

David Nieto who died one year before the birth of Moses Mendelssohn, would seem to be covered quite adequately by the above description. Perhaps this accounts for the absence - until now - of any definite study of his theological thinking. We are now in a position to determine to what extent such a view of Nieto would be justified.

The fact that Nieto's Theology comes to us via his apologetic and polemic writings may be the starting-point of such an evaluation. In the last resort, the classics of Jewish Theology, from Saadia's Emunoth weDe'oth down through Albo's 'Ikkarim, are apologetic and polemic writings to the extent to which their authors felt the need to determine the position of Judaism vis a vis the current thought of the times. This latter may be the Kalam, Aristotelianism, Neo-Platonism, or merely orthodox Christianity. But in every case it provides the "topical" setting for Jewish philosophical and theological writings.

If we were to find Nieto, then, completely unaffected by the philosophical trends of his own time, we would be justified in describing him as a mere survivor of the Jewish Middle Ages, who, admittedly, managed to "adorn the old ideas with the crown of some Humanistic learning."

Yet, manifestly, such a view of Nieto is impossible. We merely have to remember the one event in Nieto's life, which the standard works on Jewish History see fit to record, his sermon identifying God and Nature, and the subsequent publication of the De La Divina Providencia, to realize that Nieto was fully awake to the dominant philosophy of the contemporary English scene, to wit, Deism. If, in addition to this, the Haham appears to be not only opposed to Deism, but also influenced by it, - as is evidenced by his use of the argument de consensu gentium to establish both the belief in the Existence of God and in Retribution -, then there can be no doubt that, at least to that extent, he had stepped

out of the medieval universe of discourse.

Moreover, Nieto, as is easily seen, was an eclectic. The source utilized by him most is the 'Ikkarim of that eclectic par excellence, Joseph Albo. But if a thinker picks and chooses from among the thoughts of his predecessors, he does so in order to meet the particular problems which confront him in his own day and place, knowing very well that this particular constellation could not have been encountered by any one of the earlier writers. The very fact of his picking and choosing is sufficient evidence to show that the thinker is aware of changes which have taken place in the world of thought.

Let us see how this applies to Nieto. Nieto's was essentially a conservative nature. Amidst the changes and innovations of the times, it was his endeavor to maintain the totality of traditional Judaism. The thinker with whom he found himself in greatest sympathy was Judah Halevi. From him he adopted the emphasis on the historical aspect of Revelation. From him, too, he took over the quasi-sacramental approach towards the commandments of the Torah. It was as a supplement to Halevi's Kuzari that he regarded his own magnum opus, to which he therefore gave the subtitle Kuzari Sheni.

But Halevi was emphatic in his distinction between the "God of Aristotle" and the "God of Abraham". There can be no doubt that, in his heart of hearts, Nieto accepted this distinction. But the intellectual climate of his day called for "rational proofs", and it is "rational proofs" which Nieto furnishes for the Existence of God and for the Truth of the Oral Law. For the former Nieto relies on the Jewish and Christian scholastics, as well as on the contemporary Deists. As for the latter, he has no problem in constructing them himself, - provided the basic dogma of the Sinaitic Revelation be granted. But this is the one aspect

of his system on which Nieto is silent.

Here, however, there is a real problem. For the God Who appears at the end of the chain of the "rational proofs" is the First Cause, the "God of Aristotle". The transition from this philosophical First Cause to the God of Israel Who reveals His Law on Mount Sinai is lacking. At this point the "rational proofs" give way to the accepted tradition of historical fact, the fact which is the corner-stone of Halevi's system: ~~some~~ three million Israelites actually witnessed the Sinaitic Revelation. No further proof is necessary.

But even this acceptance of Halevi's view may have had its cause in the contemporary Deist controversy. To the Deists' empirical evidence for "natural religion" the upholders of "revealed religion" opposed the empirical facts of historical Revelation. Charles Leslie, in his "A Short and Easy Method with the Deists" (1697), as we have seen <sup>3)</sup>, had proposed a four-fold test to try the truth of Christianity's claims vis a vis the Deists' attacks:

(i) that the alleged matter of fact be such, as that men's outward senses, their eyes and ears, may be judges of it; (ii) that it be done publicly, in face of the world; (iii) that not only public monuments be kept in honor of it, but ~~some~~ outward actions be performed; (iv) that such monuments and such actions and observances be instituted and do commence from the time the matter of fact was done. Clearly, in the eyes of Nieto, Judaism must have satisfied all four parts of this test. And the classic Jewish treatment of the Sinaitic Revelation from this point of view was naturally Halevi's. Such an appeal to historical fact could even be reconciled with the rationalist temperament. The fact that Nieto has recourse to Halevi's quasi-sacramental interpretation of the commandments may also be due to his inability to defend

every single commandment, especially the hukkoth, according to the acceptable criteria of his rationalistic age.

Thus we find Nieto siding with the rationalists when it comes to prove the Existence of God; relying on Halevi for the dogma of Revelation and the purpose of the commandments; and, with this dogma as a basis, justifying the Oral Law on the grounds of Logic.

All these elements are indeed part of the heritage of medieval Jewish Philosophy. But the particular combination in which we find these elements was produced by Nieto in order to come to terms with the problems of the 18th century.

But we must not go to the other extreme, and regard Nieto as a "modern" thinker. Spinoza was influenced by Descartes in basic issues. Nieto shows interest only in Descartes' Physics. Spinoza paved the way for modern Biblical Criticism. Nieto, on the other hand, has some unresolved conflicts of "Religion and Science", because he insists on the literal meaning of Scripture. Nieto's relation to the secular sciences shows him, in fact, as still belonging to the world of the Middle Ages. He does indeed side with the rationalists among the medieval Jewish thinkers in maintaining the compatibility of Judaism with philosophical speculation and scientific discoveries. He insists, with the Jewish writers of the Hellenistic period, that the sciences have had their origin in Israel. But he regards the literal meaning of the Scriptures as the touchstone by which scientific findings are to be judged. He denies himself the right, which Maimonides had claimed, of interpreting the Bible allegorically in all instances where the literal sense is in conflict with Reason. Thus, while he regards the Copernican system as completely reasonable, he feels compelled to reject it because Joshua 10:12f militates against a heliocentric view of the universe.

Similarly, his views on Astrology represent no advance over those of Ibn Ezra.

Nieto is "modern" enough not to attach too much importance to miracles. They were not meant to prove anything. They are merely instances of God's lovingkindness to such individuals as were deserving of these favors. But they are miracles just the same. They are an interference on the part of Divine Providence with the normal course of events. Scripture says so, and Nieto cannot deny it.

But it is not only the literal meaning of the Bible which Nieto accepts without any misgivings. He is not even inclined to give up without a struggle the literal meaning of rabbinic aggadoth. He knows that he is not obliged to accept ~~this~~ literal meaning. When the literal meaning of midrash and aggadah is made the butt of attacks against traditional Judaism, Nieto permits himself to allegorize the passages under discussion. He even ventures into comparative literature, and cites the Greek authors in support of such allegorizing. But such things are done as a last resort. It is precisely the strange tales brought from beyond the seas by travellers and sailors in the 17th and 18th centuries, which encourage Nieto in the belief that there is a hard core of fact even in the most extravagant aggadoth. For there are the most remarkable phenomena in foreign lands which even the intellectual elite of Europe cannot imagine; for Europe is limited in the phenomena it can exhibit to the enquiring mind. It is, therefore, characteristic of Nieto that he utilizes his scientific attainments and knowledge of worldly affairs not to call into question the accuracy of traditional notions, but, on the contrary, to strengthen and defend them.

Above all, the corner-stone of Nieto's whole system is the belief in the absolute certainty of Divine Revelation. The Torah, which for

him means both the Written and the Oral Law, partakes of that certainty. On the other hand, all the arguments which can be adduced against Judaism are of a hypothetical nature. When it is a question of deciding between a certainty and a hypothetical claim, Nieto can see no difficulty in casting his vote. Certainly, this does not make Nieto a "modern" thinker. But, when we call to mind that even Mendelssohn would not have disagreed with Nieto about the fact and the certainty of that Sinaitic Revelation, our classification of the one as "modern" and of the other as "medieval" may have something of an arbitrary nature about it.

Basically there is probably very little difference in religious outlook between Haham David Nieto and Samson Raphael Hirsch, who was confronted by similar problems, and who offered similar solutions, a century later. Nieto may even have surpassed Hirsch both in rabbinic and in secular learning. The latter tried to maintain the totality of traditional Judaism within the framework of German Jewry which was then involved in the process of Emancipation. The former tried to present the same Judaism, already a century before, to English Jewry, which, indeed, was not yet legally emancipated, but which numbered within its ranks, already at that time, men who were keeping abreast of the cultural advance, Fellows of the Royal Society. The influence of Hirsch did not extend to more than a segment of German Jewry. But Nieto set the tone for the totality of Anglo-Jewry, this curious combination of full participation in the life of the environment with conservatism in Jewish belief and practice, which has remained characteristic of the Anglo-Jewish community as a whole to this day.

NOTES

The pagination referred to in connexion with each work is that of the edition listed in the Bibliography.

Nieto's Matteh Dan and Esh Dath are also quoted by "Dialogue" and paragraph, to facilitate reference to editions subsequent to the editio princeps which, in both cases, has been the basis of the present investigation.

NOTESINTRODUCTION

- 1) Cf. David Philipson: The Reform Movement in Judaism, Chapter V - "Reform in England."
- 2) Altogether the work consists of five Dialogues.
- 3) Cf. J.E., Vol. VIII, p. 637.
- 4) Israel Solomons: "David Nieto and Some of his Contemporaries", p. 55f. (in Transactions of the Jewish Historical Society of England, Vol. XII, 1931, pp. 1-101.) Hereafter referred to as Solomons.
- 5) The Inquisition and Judaism, London, 1845, Introduction, p. x f.
- 6) Cf. Maurice Ashley: England in the Seventeenth Century, pp. 152ff.
- 7) Solomons, op. cit.
- 8) Moses Bensabat Amzalak: David Nieto, Notícia Biobibliográfica, Lisbon, 1923.
- 9) Solomons, pp. 64-77.
- 10) Heinrich Graetz: Geschichte der Juden, 2nd ed., Vol. X, Leipzig, 1882, p. 321f. Hereafter referred to as Graetz.

## NOTES

## CHAPTER ONE

- 1) Hyamson: The Sephardim of England, pp. 74 ff.
- 2) Roth: History of the Great Synagogue, pp. 11ff.
- 3) Cf. Hyamson, op. cit., Chapter Seven, pp. 98 ff.
- 4) Hyamson, op. cit., p. 98.
- 5) Margoliouth: The History of the Jews in Great Britain, Vol. II, p. 53f.
- 6) Graetz, Vol. X, p. 337 and pp. 341 ff.
- 7) Roth: History of the Jews in England, p. 282.
- 8) Graetz, Vol. X, p. 228f.
- 9) Roth: History of the Jews in England, p. 282.
- 10) Scholem: Major Trends in Jewish Mysticism, p. 305f.
- 11) Scholem, *ibid.* Cf. also Roth: A History of the Marranos, p. 170 and pp. 186 ff.
- 12) For his life and intrigues, cf. Graetz, Vol. X, pp. 342 ff and the lengthy Note 6 (op. cit. pp. 514-544). But see Scholem, Major Trends, p. 414: "Graetz' interpretation of Hayun's teachings is incorrect insofar as he ascribes to him the theory of incarnation accepted by the most radical wing of the Sabbatian movement, but rejected by many Sabbatians."
- 13) Scholem, op. cit., p. 320.
- 14) Scholem, op. cit., p. 319f.
- 15) Gaster: History of the Ancient Synagogue, pp. 108 ff.
- 16) . גזולה ענינה לשמה סמיוח שלא לנסח
- 17) Cf. David Nieto: Esh Dath: Dialogue I, 96-102 (p. 16a), where Hayyun's views on this subject are both quoted and refuted.
- 18) Roth: A Life of Menasseh ben Israel, p. 237.
- 19) quoted in Meinsma: Spinoza und sein Kreis, p. 113.
- 20) Graetz, Vol. X, Note 5, pp. 511-514.
- 21) Solomons, p. 54, says that the Villa Franca of the title-page "is obviously London".

- 22) The Inquisition and Judaism, p.89.
- 23) The State of the Printed Hebrew Text of the Old Testament Considered. Dissertation the Second. Oxford, 1759, p. 447.
- 24) quasi SCRIPTURARII, quia solis Scripturis credere se profitebantur; caeteres, eo quod Rabbīnorum traditionibus mordicus adhaerent, RABBANISTARUM nomen inditum: Karitae circa ann. 740 exorti sunt.
- 25) Ellis Rivkin: Leon da Modena and the Kol Sakhal, p. 61. I am indebted to Dr. Rivkin who placed at my disposal a photostat of the MS of da Modena's collection of responsa entitled Zikm' Yehudah. The MS is at the British Museum. The relevant words of Responsum No. 77 read as follows:
- אך כִּי לַקְהָה אֲנִי שְׂמֵךְ מִכּוֹנֵה הַשּׁוֹאֵל שְׁחִיא לְקַרְוֵא  
בְּשֵׁם קְרֵא בְּלִי שִׁי פְרוֹשׁ מִדְּרָשׁ וְאִדְוֵה חַז"ל  
זֹלָה מִשְׁמַעַן, אִוּן נִיחָם בְּקֶרֶן זֹוִיחַ כְּרִי לְפְרוֹשׁ  
הַכְּתוּבִי בְּדִרְגָּה פֶּשֶׁם . . . .
- (This particular responsum, as Rivkin notes - op. cit., p.61n -, was published by David Fraenkel in Alim, II, - 1936 -, p.42.)
- 26) Rivkin, op. cit., p. 66f.
- 27) Matteh Dan, IV, 274 (p. 159 a,b)
- 28) Matteh Dan, Introduction (no pagination).
- 29) "Yahadutho" shel Spinoza, in HADOAR Vol. XIII (1933/34), No. 4, p. 60.
- 30) Matteh Dan, I, 1 (p. 3b)
- 31) I. Markon in Juedisches Lexikon, Vol. I, s.v. BASCHJAZI.
- 32) History of the Ancient Synagogue, p. 128f.
- 33) "que el Ablar que dize la escriptura, es a modo de un letargo en que Mosseh contemplaua y le parecia que Dios Ablaua."
- 34) Ethic, Part I, Proposition 18 (Oxford University Press ed. p. 22f.)
- 35) Ethic, Part I, Proposition 28, Scholium (Oxford University Press ed. p.29)
- 36) Leslie Stephen: History of English Thought in the Eighteenth Century, Vol. I, p. 33. Hereafter referred to as Stephen.
- 37) quoted in Meinsma: Spinoza und sein Kreis, p. 187.
- 38) Cf. Winniger: Grosse Juedische National-Biographie, Vol. II, Czernowitz 1927, p. 553f. Gumpel wrote his Yesod haTorah to prove

## NOTES to CHAPTER ONE (continued)

that the Maimonidean Creed can be logically deduced from the God concept. He sides, in part, with Mendelssohn, and is opposed to Spinoza.

Mordecai Gumpel is identical with the GEORGE LEVISOHN whose biography appears in J.E., Vol. VIII, p. 46, where, however, the Yesod haTorah is not listed.

- 39) cited in Sokolow: Baruch Spinoza and his Time (Hebrew), p. 391f. I have thus been able to verify Sokolow's quotation. It is from the second chapter, p. 19a, b.
- 40) Stephen, Vol. II, p. 332f.
- 41) Stephen, Vol. I, p. 33
- 42) G.C. Joyce: "Deism" in H.E.R.E., Vol. IV, pp. 533-543.
- 43) Stephen, Vol. I, p. 84.
- 44) Joyce, op. cit.
- 45) Stephen, Vol. I, pp. 95 ff.
- 46) Stephen, Vol. I, pp. 101 ff.
- 47) Matteh Dan, Introduction (no pagination)
- 48) זוכי'ה ויורה במענוה שכלי'ה בראי'ה הזקוה ובמסופח'ה גדולי'ם אמתה חורה שבעל פה .
- 49) Stephen, Vol. I, pp. 194 ff.
- 50) Julius Guttman in Juedisches Lexikon, Vol. II, p. 63, s.v. DEISMUS.
- 51) This paragraph is a condensation of the presentation given by Joyce, op. cit.
- 52) De la Divina Providencia, p.9.
- 53) ibid.: "enorme heregia y detestable blasphemia".

NOTES to CHAPTER TWO

- 1) David Nieto and some of his Contemporaries, in Transactions of the Jewish Historical Society of England, Vol. XII (1931), pp. 1-101.  
All biographical data in this chapter, unless otherwise indicated, are taken from Solomons' work. - Moses Gaster's "Presidential Address" (dealing with Nieto), in Transaction of the J.H.S.E., Vol. VII (1915), is homiletical rather than scientifically accurate, and can only be used with discretion. Thus, he gives the date of Nieto's birth as 1658 instead of 1654 (p. 299); the Sabbath on which the fateful sermon was preached as Vayetze instead of Vayeshbh (p.299); the year of publication of the Pascalogia as 1704 instead of 1702 (p. 301f); and he makes Nieto speak of the word "Teba" as used by "our sages", when the whole point of the argument is missed unless Nieto is made to discuss the word "Teba" as used by modern authors! (p. 300) - Goodman Lipkind's brief biography of Nieto in the J.E., Vol. IX, p. 302f is accurate as far as it goes, - except that the year of Nieto's arrival in London should be 1701 and not 1702, as is stated there. Note Lipkind's verdict: "Nieto was one of the most accomplished Jews of his time."
- 2) Cf. Matteh Dan, IV, 44 (p. 113b-114a)
- 3) See the facsimile of the title-page in Amzalak: David Nieto - Noticia Biobibliografica, p. 16. Amzalak reproduces the table of contents in the original Italian in op. cit., p. 17.
- 4) Solomons, p. 3f.
- 5) quoted in Solomons, p. 99f.
- 6) Solomons, p. 78.
- 7) Cf. Hyamson: The Sephardim of England, p. 86.
- 8) Solomons, p.6.
- 9) Cf. Hyamson: The Sephardim of England, p. 75.

## NOTES to CHAPTER TWO (continued)

- 10) Cf. Nieto: De la Divina Providencia, p. 9.
- 11) The summary of the Haham's discourse is here given on the basis of scattered references in De la Divina Providencia and the Responsum No. 18 of Haham Zevi Ashkenazi. Cf. also below, Chapter Eight, pp. 206-213.
- 12) This translation of the full title of "De la Divina Providencia" is taken from E.H. Lindo's English translation of the whole work, 1853. This translation in MS, described in Solomons, p. 66, is now at the Hebrew Union College Library in Cincinnati.
- 13) Cf. his History of the Ancient Synagogue of the Spanish and Portuguese Jews, p. 108f, and his "Presidential Address" in Transactions J.H.S.E., Vol. VII, p. 300.
- 14) On Haham Zevi cf. David Kaufmann: "Rabbi Zevi Ashkenazi and his Family in London" in Transactions J.H.S.E., Vol. III, pp. 102 ff.
- 15) Haham Zevi's decision has been printed several times both in Hebrew and in Spanish. See the bibliographical entries in Solomons, pp. 66-68. The edition used by us is the one described in Solomons, p. 16n as "unknown to bibliographers". It is bound together with the Hebrew Union College Library copy of "De la Divina Providencia", which volume comes from the late Israel Solomons' own collection. - Haham Zevi's decision is also incorporated as No. 18 of his collected Responsa, Amsterdam 1712. - An English translation of it by Leon Roth appears under the title of "David Nieto and the Orthodoxy of Spinozism" in Chronicon Spinozanum, Vol. I, The Hague, 1921, pp. 278-282. - The more important parts of the responsum are reprinted in Sokolow: Baruch Spinoza and His Time (Hebrew), pp. 223 ff.
- 16) Sokolow, loc. cit.
- 17) Matteh Dan, Introduction (no pagination).
- 18) Cf. J. Vredenburg: "Ashkenazi, Zevi Hirsch" in J.E., Vol. II, pp. 201-203.
- 19) Sokolow, loc. cit.
- 20) Cf. David Kaufmann, op. cit.

## NOTES to CHAPTER TWO (continued)

- 21) Cf. Alexander Altmann: "William Wollaston (1659-1724) English Deist and Rabbinic Scholar" (in Transactions J.H.S.E., Vol. XVI), p. 191 n.
- 22) Cf. Israel Abrahams: "A Note on the Bodleian Bowl" (in Transactions J.H.S.E., Vol. V), p. 184.
- 23) quoted in translation in Solomons, pp. 21 ff.
- 24) cf. Solomons, p. 38f.
- 25) op. cit., p. 44.
- 26) Esh Dath, II, 174 (p. 33b). For a full translation of Nieto's report, see below, Chapter Eight, p. 193.
- 27) The Inquisition and Judaism, p. 150.
- 28) op. cit., p. 105f., quoting City of God, Bk. XV, ch. 13.
- 29) op. cit., p. 104.
- 30) op. cit., p. 97.
- 31) op. cit., p. 101.
- 32) op. cit., p. 145.
- 33) op. cit., p. 147f. and cf. p. 154.
- 34) op. cit., p. 112f.
- 35) op. cit., p. 190f.
- 36) Solomons, pp. 64-77.
- 37) Cf. Solomons, p. 52.
- 38) Cf. the Annual Register for the Year 1758, p. 113, quoted in Solomons, p. 86.
- 39) Solomons, p. 61; the Spanish original can be found in op. cit., p. 99.
- 40) Dr. Isaiah Sonne, of the Hebrew Union College, has very kindly placed at my disposal and deciphered for me a MS from his own collection. It is a notebook, kept by David Meldola, in which he jotted down the texts and ideas of his sermons. The following is taken from the hitherto unpublished sermon entitled:  
 דְּרֹשׁוֹתָא עַל הַח' דְּדִי נִסּוּ בְּנֵה"כ פְּרַשְׁתָּ חֲרוּמָה

## NOTES to CHAPTER TWO (continued)

41) חורף, פְּבוּדָה דְּחַיִּינָו דְּחַיִּינָו דְּחַיִּינָו, וּגְמִילוּת חֲסִדִים דְּחַיִּינָו דְּחַיִּינָו דְּחַיִּינָו.

42) זֶה שָׂרָף קִמּוֹת פְּלִשְׁתִּים וְזֶה עִם חוּרְחוֹ שָׂרָף לַחַיִּשׁוֹת אֵשׁ דָּת.

The reference is, of course, to Nieto's Esh Dath.

43) זֶה בְּלִחָה הַחֲסוּר הַכֹּהֵן וְזֶה בַּחֲכָמָה שֶׁשָׂכַר חֲסוּר יוֹדֵעַ בִּיְנֵה וְכוּ'.

The allusion is to Genesis 49:14 and I Chronicles 12:33. In the first passage Issachar is likened to an ass; in the second, the "children of Issachar" are described as "men that had understanding of the times".

44) Cf. Judges 15:18 ff.

45) The comparison is not altogether clear.

46) He could not even be referring to a later edition of the Pascalogia; for the second edition was not published until 1765. Cf. Solomons, p. 4.

47) Cf. P.O. Kristeller: "Renaissance Philosophies" in History of Philosophical Systems, ed. Vergilius Ferm, New York, Philosophical Library, 1950, p. 230.

48) Kristeller, op. cit., p. 229.

49) *ibid.*

50) Matteh Dan, IV, 48 (p. 114b)

51) Matteh Dan, IV, 146 (p. 131b)

52) Matteh Dan, IV, 176 (p. 137a)

53) Matteh Dan, IV, 208 (p. 142b)

54) Matteh Dan, IV, 178 (p. 137b)

55) Matteh Dan, IV, 214 (p. 144a, b)

56) Matteh Dan, IV, 208 (p. 142b ff)

57) Kristeller, op. cit., p. 231.

58) Roth: The History of the Jews of Italy, p. 209.

59) Cf. Matteh Dan, III, 130 (p. 81b) and *passim*.

## NOTES to CHAPTER TWO (continued)

- 60) Matteh Dan, IV, 316 (p. 175b)
- 61) Esh Dath, I, 94 (p. 15b)
- 62) Matteh Dan, II, 122 (p. 38b). The quotation is from the "City of God", Book XV, chapter 13. The same passage is quoted again in "The Inquisition and Judaism", p. 105.
- 63) Matteh Dan, III, 32 (p. 61b). The full title of this work by Bartolomeo Platina (1421-1481) is VITAE PONTIFICUM PLATINAE HISTORICI LIBER DE VITA CHRISTI AC OMNIUM PONTIFICUM QUI HACTENUS DUCENTI FUERE ET XX.
- It was printed in Venice in 1479. Cf. J. Stein in The Catholic Encyclopedia, New York, 1911, Vol. XIII, s.v. Platina.
- 64) Esh Dath, I, 94 (p. 15b)
- והגני מעיר עלי שמים וארץ שהקרה ודרשת בכל דתות ונמוס  
 העולם ומצאה שלא בלבד הנוצרים והחורוסים שסאמינים בו  
 עיקרים שלנו מצאוח הי ותורה מן השמים ושכר ועונש (אע"פ  
 שחולקים עלינו בפירושים) אלא אפילו רוב יושבי הודו המזרחית  
 ורוב יושבי הודו המערבית וכן רוב יושבי אפריקה שהם שחורים  
 וברברים שקובדים לשמש ולירח ולכל צנא השמים ולבהמות וחיות  
 השרה ולנחשים ולחננינים ולשקצים ורמשים ולכל מעשה ידי אדם  
 עץ ואבן סאמינים ומכריזים שאחר המוח היה טוב לצדיקים  
 ושארשעים יוסרו ויענשו במסורים קשים ורעים לדור דורות  
 אין מספר :
- 65) Joseph Albo: Sefer Ha'Ikkarim, Book I, passim. See especially chapters 25 and 26. (ed. Husik, pp. 195-203)
- 66) See above, Chapter One, p. 18.
- 67) A.C. Bouquet: Comparative Religion, Harmondsworth, Penguin Books, 1941, p. 19. - Cf. also the view expressed by Tindal, in his Christianity as Old as the Creation (1730), that God must have dealt equally with all men; and that, therefore, doctrines not revealed to all cannot be doctrines imposed upon all by God. (quoted by Stephen, Vol. I, p. 138.)
- 68) Bouquet, op. cit., p. 18.
- 69) Cf. Maurice Ashley: England in the Seventeenth Century, pp. 216-224.
- 70) Bouquet, loc. cit.
- 71) Esh Dath, II, 49-135 (pp. 26b-31b)
- 72) De la Divina Providencia, p. 54: "Los Cabalistas explican estos dos nombres ~~Marerecimiento~~ (sic!) y Astro, por otro estilo muy

## NOTES to CHAPTER TWO (continued)

diferente, con que concilian las oposiciones, pero yo omito de alegar su conciliacion, por que hablo como Teologo Literalista, no como Cabalista." - 'Teologo Literalista' is Nieto's Spanish equivalent to the Hebrew word pashtan, which he uses throughout to describe those Jewish writers who are not Cabbalists.

73) Esh Dath, II, 126 (p. 30b) Cf. also Matteh Dan, III, 58 (p.65b).

74) De la Divina Providencia, p. 10.

75) למה לא יתקן העולם "The nature of the world does not change". Zohar, Parashath Toledoth Yitzhak, ed. Lublin, p. 82, quoted by Nieto, loc. cit.

76) De la Divina Providencia, p. 10.

77) ibid.

78) Cf. the "Hithmatzluth" of Nieto reproduced in the third part of Haham Zevi's responsum, which is described in Note 15 above.

... אשר צריך לידע (הוא אנונימי "הווי"א ספני שהוא העיקר  
הראשון שהונחן) שזו ספני הוא מסמכת האחרונים בוסן ה'  
או ח"ק שזה סמוך לזמנינו מאחר שאינו ספני בדברי חכמים  
הקדמונים ל"ל אלא שהקדמה ספני היום והוא "ל" ספני היום ...

79) Cf. however, De la Divina Providencia, p. 88: "El divino R. Simhon Ben Yohay narra, enel Zoar, que la Gente del Diluvio etc." Nieto may just be using the language of his time, and the customary formula in which quotations from the Zohar were introduced.

80) quoted in Matteh Dan, Introduction (no pagination).

81) quoted in Matteh Dan, II, 124 (p. 39b), and op. cit., III, 10 (p. 53b).

82) Matteh Dan, IV, 142 (p. 130b)

83) De la Divina Providencia, p. 24. On Asheknazi's commentary YEFEH TO-AR cf. Strack: Introduction to the Talmud and Midrash, p. 340.

84) De la Divina Providencia, p. 24, and Matteh Dan, I, 16 (p. 10a).

85) De la Divina Providencia, p. 14, and Matteh Dan, IV, 308 (p. 171a).

86) De la Divina Providencia, p. 24. On Solomon Levi cf. J.E., Vol. VIII, p. 36.

87) Matteh Dan, IV, 306 (p. 170a)

88) Matteh Dan, IV, 306 (p. 170a). On Pinto cf. J.E., Vol. X, p. 54.

## NOTES to CHAPTER TWO (continued)

- 89) Matteh Dan, IV, 1 (p. 98b) and op. cit., IV, 306 (p. 170a).
- 90) De la Divina Providencia, p. 14.
- 91) *ibid.*
- 92) Esh Dath, I, 50 (p. 6a)
- 93) Esh Dath, I, 50 (p. 6b)
- 94) *ibid.*
- 95) *ibid.*
- 96) Esh Dath, I, 56 (p. 8a)
- 97) Esh Dath, I, 56 (p. 8b). In the J.E., Vol. IX, p. 600, he is listed as R. Peretz ben Isaac Cohen (Gerondi).
- 98) Esh Dath, I, 56 (p. 8b)
- 99) Matteh Dan, I, 1 (p. 3b)
- 100) Matteh Dan, I, 1 (p. 2b)
- 101) Matteh Dan, IV, 304 (p. 169b), and The Inquisition and Judaism, p. 182.
- 102) The Inquisition and Judaism, p. 182.
- 103) op. cit., p. 181
- 104) *ibid.*
- 105) op. cit., p. 182
- 106) Matteh Dan, IV, 304 (p. 169b)
- 107) Matteh Dan, IV, 254 (pp. 152b-153a). He quotes Historia Naturalis, Book VIII, chapters 26 and 27.
- 108) The Inquisition and Judaism, p. 181.
- 109) Avicenna; Averrhoes; Ammonius Saccas; Aristotle; Dionysius the Areopagite; Thomas Aquinas; Iamblichus; Magino; Marsilio Ficino; Syrianus; Scaliger; Patrizzi; Porphyry; Pico della Mirandola; Plotinus; Plato; Proclus; Cardano; Clavio. The order is according to that of the Hebrew alphabet.
- 110) Matteh Dan, IV, 2 (p. 100b)
- 111) Esh Dath, I, 126 (p. 20a,b)
- 112) *loc. cit.*



## NOTES to CHAPTER TWO (continued)

- 131) Gaster: "Presidential Address", in Transactions of J.H.S.E., Vol. VII, p. 299.
- 132) Matteh Dan, IV, 304 (pp. 168b-169b)
- 133) Cf. the accusation of [REDACTED] levelled against the Rabbis by the author of the Kol Sakhal (ed. Reggio, p. 49)

ADDITIONAL NOTE TO CHAPTER TWO

After this thesis was already completed in its final form, the author received a letter from Dr. Raphael Loewe of the Department of Semitics, University of Leeds, in which Dr. Loewe makes a suggestion which should be mentioned here. He points out that Isaac Newton (1642 - 1727) was not only a contemporary of Nieto's, but he was also greatly interested in calendar matters. He goes on to suggest the possibility of Nieto's being influenced by Newton, perhaps through the personal link of Isaac Abendana.

The latter was indeed associated with Newton's university, Cambridge, and he too was Nieto's contemporary. Cf. Israel Abrahams in Transactions J.H.S.E. Vol. VIII, pp. 98 - 121, & Vol. X, pp. 221 - 224. Prima facie the dates look possible.

As against this, the following facts must be borne in mind:

- (a) Nieto's Pascalogia was completed in MS already in 1693, that is before Nieto came to England.
- (b) In his letter to Unger (cf. Solomons, pp. 39 - 44) Nieto gives the impression that he has had no personal contact with Abendana.
- (c) From a document quoted by Abrahams (Transactions J.H.S.E. Vol. VIII, p. 101) it appears that Abendana had terminated his relations with Cambridge in 1676, --- long before he could have come in contact with Nieto.

If any relation between Nieto and Newton does exist, it would have to be established on the basis of a comparison between their astronomical works. But this is beyond the scope of the present inquiry. This attractive suggestion, however, should be followed up by those competent to do so.

## NOTES

## CHAPTER THREE

- 1) Cf. his "The Sadducees and Pharisees" (in Rabbinic Essays, pp. 23-48), and "The Pharisees and their Teachings" (in Rabbinic Essays, pp. 87-159).
- 2) b. Niddah 19b. ~~שאלה ודבר אחרים~~
- 3) Roth: History of the Marranos, p. 176.
- 4) Cf. Exemplar Humanae Vitae, in Gebhardt: Die Schriften des Uriel da Costa, pp. 106+126.
- 5) For biographical details of. Roth: History of the Marranos, p. 229f and 337f. as well as Gebhardt, op. cit., p. 242.
- 6) Repuesta a un Filosofo Hebreo, also known under the name Epistola Invectiva contra Prado un Philosopho Medico. Extracts are quoted in Gebhardt, op. cit., p. 242f (original) and p. xx f (German translation).
- 7) "'Yahadutho' shel Spinoza" in HADOAR, Vol. XIII (1933/34), No. 4, p. 56.
- 8) Exemplar Humanae Vitae, in Gebhardt, op. cit., p. 107.
- 9) *ibid.*
- 10) Sobre a Mortalidade da Alma, in Gebhardt, op. cit., p. 85, lines 25 ff. (German translation)
- 11) Tractatus Theologico-Politicus, chapter VII, (ed. Elwes, p. 106f)
- 12) Da Costa's "theses against Tradition" were first published in Geiger's edition of Leon da Modena's Ma-amar magen vetzinnah. Geiger assumed that not only the answers, but the "questions", too, were from da Modena's pen, the latter representing his "real" views. But N. Porges (in "Leon Modena ueber Uriel da Costa", Zeitschrift fuer Hebraeische Bibliographie, Vol. XV, Frankfurt a.M., 1911, pp. 80-82) later proved that the questions of the magen vetzinnah coincide exactly with the views of Uriel da Costa found elsewhere. This was confirmed when Gebhardt found the identical "theses" in an extract of a Portuguese original, written by

## NOTES to CHAPTER THREE (continued)

- Rephael Moses d'Aguiar against da Costa. Both Hebrew and Portuguese versions, with German translations, are now printed in Gebhardt, op. cit. The Hebrew text is that of Geiger with the emendations suggested by Porges. Hebrew text, pp. 3-10; German tr. pp. 10-22; Portuguese text, pp. 22-26; German tr., pp. 27-32.
- 13) It is interesting to note that Nieto uses the absence of any detailed description of the material and form of the tzitzith as an argument for the necessity of an Oral Law. See his Matteh Dan, Introduction (no pagination).
- 14) But cf. Maimonides: Hilkhoth Tephillin 4:26,  
 ..... וְהָיָה כִּלְבִּישׁוֹן וְהָיָה כִּלְבִּישׁוֹן
- 15) op. cit., p. 252.
- 16) Cf. Crescas: Or Hashem, maamar IV. (ed. Vienna, 1860, pp. 85a-92a)
- 17) Mishnah Makkoth 1:6
- 18) printed in Reggio's Behinath haKabbalah, p. 52. All references to the Kol Sakhal will be given according to the pagination in Reggio's edition. For a more detailed discussion of the Kol Sakhal see below, in this chapter, pp. 70-79.
- 19) Responsum No. 17 of Sasportas' Responsa; quoted by Sonne, loc. cit.
- 20) *ibid.*
- 21) quoted by Sonne, loc. cit.
- 22) Sonne, op. cit., *passim*.
- 23) Sonne, op. cit., p. 56.
- 24) Sonne, op. cit., p. 60.
- 25) Reggio, who edited the MS, insisted that it was the work of Leon da Modena. See his Introduction to Behinath haKabbalah as well as his comments in Part II. Geiger, in the (German) biographical part of his edition of Ma-amar magen vetzinnah (Breslau, 1856), accepts Reggio's view. Rivkin, in "Leon da Modena and the Kol Sakhal" (Cincinnati 1952) endeavors to show that da Modena was a sincere champion

## NOTES to CHAPTER THREE (continued)

of Tradition against the heretics, and that his introduction to the Kol Sakhal, as well as his Sha-agath Aryeh, are to be taken in good faith at their face value. Sonne, in "Leon Modena and the da Costa Circle in Amsterdam" (HUCA, Vol. XXI, 1948, pp. 1-28), regards Uriel da Costa as the author of the work. For a critical evaluation of the theories differing from his own, cf. the chapter "Scholarship and the Kol Sakhal" in Rivkin, op. cit., pp. 96-117.

- 26) Kol Sakhal, p. 36.
- 27) op. cit., p. 58.
- 28) *ibid.*
- 29) op. cit., p. 60.
- 30) op. cit., p. 61.
- 31) op. cit., p. 62.
- 32) op. cit., p. 56.
- 33) Matteh Dan, III, 135-154 (pp. 82a-86b).
- 34) Kol Sakhal, pp. 57-58.
- 35) op. cit., p. 60.
- 36) op. cit., p. 62.
- 37) op. cit., p. 36.
- 38) op. cit., pp. 36-38.
- 39) op. cit., pp. 38-39.
- 40) op. cit., p. 59.
- 41) op. cit., pp. 63-64.
- 42) op. cit., p. 64.
- 43) cf. Kohler: "Karaism" in J.E. Vol. VII, p. 446f.
- 44) Kol Sakhal, p. 46.
- 45) op. cit., p. 48.

## NOTES to CHAPTER THREE (continued)

- 46) op. cit., pp. 46-47.
- 47) op. cit., p. 48.
- 48) op. cit., p. 49.
- 49) op. cit., p. 50.
- 50) op. cit., p. 49.
- 51) op. cit., pp. 51-52.
- 52) op. cit., p. 63.
- 53) op. cit., pp. 39-42.
- 54) op. cit., p. 42.
- 55) *ibid.*
- 56) op. cit., p. 43.
- 57) op. cit., pp. 44-46.
- 58) op. cit., p. 47.
- 59) op. cit., p. 50.
- 60) op. cit., p. 47.
- 61) op. cit., pp. 48-49.
- 62) op. cit., pp. 47-48.
- 63) op. cit., pp. 50-51.
- 64) op. cit., p. 51.
- 65) op. cit., pp. 52-54.
- 66) op. cit., p. 57.
- 67) op. cit., pp. 58-59.
- 68) op. cit., p. 63.
- 69) op. cit., pp. 60-61.
- 70) op. cit., pp. 62-63.
- 71) op. cit., pp. 59-60.
- 72) op. cit., p. 60.

- 73) *ibid.*
- 74) *op. cit.*, p. 57.
- 75) *op. cit.*, pp. 52-55. למאמץ את ריחניו העיני העטים לבלותנו כהיום הזה
- 76) *op. cit.*, pp. 55-56.
- 77) *op. cit.*, p. 59.
- 77a) *ibid.*
- 78) *op. cit.*, p. 64:  
ויבטחו האנשים לחקן חורחניו כפי הזמן כדעה הנוצרים .
- 79) *op. cit.*, pp. 23 ff.
- 80) *op. cit.*, p. 27.
- 81) *op. cit.*, pp. 28 ff.
- 82) *op. cit.*, p. 6f.
- 83) Stephen, Vol. I, p. 77.
- 84) Exemplar Humanae Vitae in Gebhardt: Die Schriften des Uriel da Costa, p. 109f (Latin), p.129f (German).
- 85) Leon da Modena and the Kol Sakhal, p. 5f.
- 86) cf. Sokolow: Baruch Spinoza and his Time, p. 105f.
- 87) הפילוסופיא היא המינוח בעצמה ואשה הזרה שהזהיר עליה שלמה  
 Responsum No. 5 in the collected responsa of Joel Sirkes, Bayith Hadash, ed. Frankfurt a.M., 1697; - quoted by Sokolow, *loc. cit.*
- 88) Cf. Sonne: Leon Modena and the Da Costa Circle, pp. 14 ff.
- 89) Sokolow, *loc. cit.*
- 90) Cf. Matteh Dan, Dialogue IV, *passim*. See below, Chapter Four.
- 91) Sonne: "'Yahadutho' shel Spinoza", HADOAR, Vol. XIII, No.4, p. 60.
- 92) Tractatus Theologico-Politicus, chapter IV (Elwes' translation, p. 61f)
- 93) Gebhardt: Spinoza, Leipzig, Reclam, 1932, p. 30.
- 94) Tractatus Theologico-Politicus, chapter XII (Elwes' translation, p.170)
- 95) *op. cit.*, chapter VII (Elwes' translation, p. 103)

## NOTES to CHAPTER THREE (continued)

- 96) Cf. op. cit., chapter VII (Elwes' translation, pp. 115 ff.)
- 97) "'Yahadutho' shel Spinoza", passim.
- 98) Hyamson: The Sephardim of England, p. 27f.
- 99) Hyamson, op. cit., p. 34.
- 100) Hyamson, op. cit., p. 41.
- 101) Solomons, p. 24f.
- 102) Sokolow, op. cit., pp. 255 ff.
- 103) Tractatus Theologico-Politicus, chapter III (Elwes' translation, p. 56)

## NOTES

## CHAPTER FOUR

- 1) Cf. Chapter One and Three above.
- 2) . . . . הפילוסופים היא המינוח בעצמה Bayith Hadash, ed. Frankfurt a.M., 1697, Responsum No. 5. Quoted by Sokolow, in Baruch Spinoza and His Time, p. 150f.
- 3) Sokolow, loc. cit.
- 4) Matteh Dan, IV, 1 (p. 98a,b). Cf. the statement there:  
 וזאת אומרת שלא באלה חלק יקטב כי הנל הם מחשבות אדם  
 וחבולותיו. ולפי דעת זאת היא הסברא הנבחרת .
- 5) Cf. Ismar Elbogen: A Century of Jewish Life, Philadelphia, JPS, 1946, p. 96f.
- 6) Matteh Dan, IV, 12 (pp. 104b-105a)
- 7) Matteh Dan, IV, 18-32 (pp. 106a-109b)
- 8) Matteh Dan, IV, 12 (p. 104a)
- 9) Matteh Dan, IV, 12 (p. 104b)
- 10) Matteh Dan, IV, 12 (p. 105a) and IV, 60-103 (pp. 116a-127a)
- 11) Matteh Dan, IV, 36-41 (pp. 110b-112b) and IV, 44-45 (pp. 112b-114a),
- 12) Matteh Dan, IV, 248-252 (p. 152a,b).
- 13) Matteh Dan, IV, 46-59 (pp. 114a-116a).
- 14) Matteh Dan, IV, 8 (pp. 102b-104a).
- 15) Matteh Dan, IV, 104-135 (pp. 127a-129b).
- 16) Matteh Dan, IV, 1 (pp. 98a-99a).
- 17) Matteh Dan, IV, 2 (p. 99a, b).
- 18) ibid. . החכמה מצור ישראל נוקרו ומסי יהודה יצאו

A similar claim had been made by the Italian preacher Judah Moscato in the 16th century. Moscato was even more directly influenced by the Renaissance than Nieto, and his sermons are full of references to the classics. He, too, felt the need to justify his frequent use of foreign sources and secular material: "Let it not vex you because I draw so much upon extraneous sources. For to me, these foreign streams flow from our own Jewish wells. The nations of the earth derived their wisdom from our own sages. If I often make use of infor-

## NOTES to CHAPTER FOUR (continued)

mation gathered from secular books, it is only because I know the true origin of that information. Besides, I know what to reject as well as what to accept." (Nephuszoth Yehudah, Sermon 5, ed. Warsaw 1871, p. 18a; - quoted in translation by Israel Bettan, in Studies in Jewish Preaching, p. 201f.)

Nieto frequently refers to Moscato's commentary on Halevi's Kuzari; and it is very likely, especially in view of his own Italian upbringing, that he was also familiar with other aspects of Moscato's work.

- 19) Cf. Norman Bentwich: Hellenism, Philadelphia, J.P.S., 1920, p. 213f.
- 20) Matteh Dan, IV, 3-5 (pp. 101a-102b)
- 21) Matteh Dan, IV, 2 (p. 100a)
- 22) *ibid.*
- 23) *ibid.*
- 24) For their names cf. NOTE 109) to Chapter Two, above.
- 25) Matteh Dan, IV, 2 (pp. 100b-101a)
- 26) *ibid.*
- 27) *ibid.*
- 28) Aboth 2:14
- 29) Matteh Dan, IV, 8 (pp. 102b-104a)
- 30) Matteh Dan, IV, 12 (p. 104a)
- 31) Matteh Dan, IV, 12 (p. 104b)
- 32) Matteh Dan, IV, 12 (pp. 104b-105a)
- 33) Matteh Dan, IV, 12 (p. 105a)
- 34) Matteh Dan, IV, 248-252 (p. 152a, b)
- 35) Cf. J.D. Eisenstein in J.E., Vol. IX, pp. 432-433, s.v. Organ, and the literature cited there.
- 36) Matteh Dan, IV, 18-32 (pp. 106a-109b)

- 37) Matteh Dan, IV, 36-41 (pp. 110b-112b)
- 38) לגל היכולת
- 39) Matteh Dan, IV, 60-103 (pp. 116a-127a)
- 40) *ibid.*, paragraph 62.  
 עם ושלום החשוב שאנשים אשר רוח בם ירוו צמח שכלם  
 בכללים בלי סופת כדרך ספסים ובעלי מלאכה .
- 41) *ibid.*, paragraph 96. שהיו יודעים סמנה לאהבת וחשק הידיעה
- 42) אי ריחא מילחא היא או לא
- 43) Matteh Dan, IV, 46-59 (pp. 114a-116a)
- 44) Actually, Nieto has done little more than illustrate by concrete examples the view which had already been stated quite emphatically by Maimonides (Moreh Nebukhim, Part II, chapter 11, end) that "having been brought up among persons untrained in philosophy, we are inclined to consider these philosophical opinions as foreign to our religion, just as uneducated persons find them foreign to their own notions. But, in fact, it is not so."
- 45) ב. Niddah 16b. מלאך הממונה על ההריון
- 46) De la Divina Providencia, p. 53f.
- 47) Cf. Mishneh Torah, Hilkhoth 'Akum 11:8-9.
- 48) Cf. his commentary on Exodus 6:3; Exodus 33:21, etc.
- 49) 'Ikkarim, Bk. IV, ch. 4, par. 9. (ed. Husik, Vol. IV, p. 32f.)
- 50) Cf. Matteh Dan, II, 124 (p. 39b), and III, 10 (p. 53b).
- 51) Cf. K. Kohler: "Astrology", in J.E., Vol. II, p. 245.
- 52) Matteh Dan, IV, 104-135 (pp. 127a-129b)
- 53) Matteh Dan, IV, 110 (p. 127f.)
- 54) Matteh Dan, IV, 132 (p. 129a): וראי שמחנבלוח אל הסבורא
- 55) Matteh Dan, IV, 106 (p. 127a)
- 56) Matteh Dan, IV, 132 ff. (p. 129a, b)
- 57) paragraph 135: אין ממש בחישובה זו

- 58) *ibid.*: וְיָדַעְתָּ לֹא לֵאמֹר
- 59) Matteh Dan, IV, 256-261 (pp. 153b-154a)
- 60) Matteh Dan, IV, 132 (p. 129a)
- 61) The underlining is our own.
- 62) quoted by G.F. Moore, in History of Religions, Vol. II, p. 373.
- 63) Cf. Isaac Husik: A History of Mediaeval Jewish Philosophy (6th impression), Philadelphia, J.P.S., 1948, p. 328.
- 64) Moreh Nebukhim, Part II, chapter 25, beginning.  
 וְלֹא שֶׁעָרַי הַפִּירוֹשׁ סְחוּמִים בְּפִנְיֵנוּ וְלֹא נִפְתְּעִים לֵנוּ בְּעֵינֵי  
 חֲדוֹשׁ הָעוֹלָם .  
 (Friedlaender's translation, p. 199)
- 65) *ibid.*  
 וְיִתְחַיֵּב בְּהִכָּרָה שִׁיפּוֹרֵשׁ כָּל מָה שֶׁיִּחְלֹק עַל פְּשׁוּטוֹ הַמּוֹפֵת  
 וְיִדְרֹעַ שִׁישׁ לוֹ פִּירוֹשׁ בְּהִכָּרָה .
- 66) Sefer Milhamoth Hashem, Book VI, part II, chapter 12. (ed. Riva di Trento 1560, p. 74d). Gersonides, of course, does not deny the movement of the sun. In fact, his whole argument is based on the assumption that it does move, and that not even Joshua was able to interfere with the arrangements of the heavenly world.  
 וְנִאֲמַר עוֹד שְׂאִי אֶפְסֵר שֶׁיִּתְחַדֵּשׁ מִוֶּפֶת בּוֹרְמִים הַשְּׁמַיִתִים וְזֶה כִּי  
 כִּבְרַת הַחֲבָאֵר שֶׁהִשְׁכִּיל הַפּוֹעֵל הוּא הַפּוֹעֵל כֹּאֲלוֹ הַנִּפְלְאוֹת כִּמְנוּ שְׂעִיר  
 וְלֹא יִתְכַנֵּן שֶׁיִּהְיֶה הַשְּׁכִיל הַפּוֹעֵל פּוֹעֵל בּוֹרְמִים הַשְּׁמַיִתִים כִּי הוּא  
 עֵלִיּוֹל מֵהֶם .
- Nevertheless, Gersonides departs from the literal meaning of Joshua 10 by insisting that the meaning of that passage is simply that the Israelites conquered the enemy in the short time that the sun occupied the zenith, while its motion was not noticeable for about an hour, as is usually the case with the moon. Cf. Husik, *op. cit.*, p. 360.
- 67) Meyer Waxman: A History of Jewish Literature, Vol. II, 2nd ed., New York, Bloch, 1943, p. 324f.
- 68) Cf. Waxman, *op. cit.*, Vol. II, p. 331.
- 69) Cf. Waxman, *op. cit.*, Vol. II, p. 329.
- 70) History of English Thought in the 18th Century, Vol. I, p. 74.
- 71) Matteh Dan, IV, 136-148 (pp. 129b-133a)
- 72) Nieto quotes no source for this statement. He is probably referring

## NOTES to CHAPTER FOUR (continued)

to b. Hagigah 15b. But there the word is רִיבֹן (pomegranate), and not טֵימָן (nut). The sense remains the same. The saying is applied to R. Meir's learning from Elishah ben Abuyah, who had turned apostate.

- 73) Mishnah 'Ukzin 3:12.
- 74) Cf. also the anti-anthropocentric view of Maimonides, in Moreh Nebukhim III, 12.
- 75) Note Nieto's incisive way of formulating the overthrow of Aristotle's supreme authority. Matteh Dan, IV, 144:  
 מה נשחנה הפילוסוף הזה מכל הפילוסופים ?
- 76) Nieto must be referring to Bacon, Descartes, etc.
- 77) Cf., however, our discussion of the curriculum of the University of Padua, where Nieto obtained his secular education, in Chapter Two, above, p. 42.

## NOTES

## CHAPTER FIVE

- 1) Cf. Matteh Dan, Introduction (no pagination):

... שהרב ר' יהודה הלוי יצו"ק כל מוסתו במספר הכוזרי שלו להוכיח אמתת תורה שבכתב בפני ועל תורה שבפ"ה לא דיבר אלא דרך מלל. ובכך סיני'ה זכרי' התברר אמתת שהי'תן.

- 2) Matteh Dan, IV, 300 (pp. 166b-168a). The text actually speaks of four millions who witnessed the Revelation on Sinai. This is probably a printer's error, for in Esh Dath, II, 211, Nieto gives the figure of those who participated in the Exodus from Egypt as three millions. This, indeed, is the figure we would get when multiplying 600,000 by 5. On the other hand, Nieto, in this instance, may be adding three millions to the original 600,000 in which case the result might be described as approximately four millions.
- 3) *ibid.*
- 4) 'Ikkarim, III, 20. (ed. Husik, vol. III, p. 189f.) The reference in the editio princeps is to 'Ikkarim III, 2. The substitution of the beth for the kaph is evidently a printer's error. But, as late as the Warsaw ed. of 1914, this error has not yet been corrected.
- 5) Even Moses Mendelssohn, in his Jerusalem (1783), still adhered to this line of reasoning. "Es ist uns erlaubt, .... hier und da, wo der Gesetzgeber keinen Grund angegeben, einen Grund zu vermuthen, der v i e l l e i c h t an Zeit und Ort und Umstaende gebunden gewesen, v i e l l e i c h t mit Zeit und Ort und Umstaenden ver-aendert werden kann -- wenn es dem allerhoechsten Gesetzgeber gefallen wird, uns seinen Willen darueber zu erkennen zu geben, so laut, so oeffentlich, so ueber alle Zweifel und Bedenklichkeit hinweg zu erkennen zu geben, als er das Gesetz selbst gegeben hat." (Moses Mendelssohn: Phaedon; Jerusalem, ed. Arnold Bodek, Leipzig, Brockhaus, 1869, p. 203).
- 6) Mishnah Makkoth, 3:16.
- 7) Esh Dath, II, 1-32 (pp. 24a-25b).
- 8) Cf. Esh Dath, II, 34-47 (pp. 25b-26b), of which the following is a summary.
- 9) Cf. Kuzari, II, 48.
- 10) Leviticus, 23:40.
- 11) Psalms 19.
- 12) Cf. Pesikta de Rab Kahana, Parashath Parah, ed. Buber, New York, Om, 1949, p. 36a.

- 13) Matteh Dan, II, 93-94 (pp. 32a-33a)
- 14) Cf. the definition of sacrament given by Hugh of St. Victor (1096-1141): sacramentum est corporale vel materiale elementum foris sensibiliter propositum, ex similitudine repraesentans, et ex institutione significans, et ex sanctificatione continens, aliquam invisibilem et spiritualem gratiam. (quoted by W.N. Pittenger, in Encyclopedia of Religion, ed. Vergilius Ferm, New York, Philosophical Library, 1945, p. 677, s.v. SACRAMENTS.)
- 15) Cf. Max Dienemann, in Juedisches Lexikon, Berlin, Juedischer Verlag, 1930, Vol. V, p. 45f., s.v. SAKRAMENT.
- 16) Stephen, Vol. I, pp. 134 ff.

NOTESCHAPTER SIX

- 1) Cf. Chapters One and Three, above.
- 2) Cf. Lauterbach: The Sadducees and Pharisees (in Rabbinic Essays), p. 33 ff.
- 3) b. Shabbath 23a.
- 4) Pesikta Rabbati, perek III. (ed. Friedmann, p. 7b)
- 5) b. Berakhoth 19b: כל סילי דרבנן אסמכיהו על לאו ולא חסורא
- 6) Kuzari, III, 39.
- 7) Minyan haMitzvoth 'al Seder haRambam, printed after the Introduction to Mishneh Torah. (ed. Fuerth 1765, p. 4a)
- 8) Matteh Dan, III, 90-111 (pp. 69a-75a).
- 9) Nieto, loc. cit., enumerates תנן מיצווח ד'רבנן, all but two of which require the saying of a berakhah: (i) Megillah; (ii) Hanukkah; (iii) Sabbath and Festival Light; (iv) Hallel; (v) 'Erubhin; (vi) Washing of Hands; (vii) Second Day of the Festivals; (viii) Seven Days of the Wedding Banquet; (ix) Seven Days of Mourning (this has no berakhah like the others, since כריוך דייני האסה is a ברבחה החוראה); (x) The Four Fasts (here, too, there is no berakhah, since תפלה is a tephillah).
- 10) Cf. the eleventh of da Costa's "Theses against Tradition", supra Chapter Three, p. 68.
- 11) b. Megillah 14a: קריאתה היינו הלילה
- 12) b. 'Erubhin 21b.
- 13) Matteh Dan, II, 2-3 (p. 18a)
- 14) Matteh Dan, II, 51-92 (pp. 25b-32a)
- 15) Cf. Sifre ad loc.
- 16) Matteh Dan, III, 62-86 (pp. 65b-68b)

## NOTES to CHAPTER SIX (continued)

- 17) לחוסר לחוסר לחוסר
- 18) Matteh Dan, IV, 277-290 (pp. 160b-162a)
- 19) לחוסר לחוסר לחוסר
- 20) e.g. the discrepancies between Exodus 13:6 and Deut. 16:8; between Genesis 15:13 and Exodus 12:40; between Exodus 16:29 and Numbers 15:32, where the fact that the people could go out to "find" the man gathering sticks indicates that Exodus 16:29 was not meant to be taken literally, etc.
- 21) Kuzari, III, 25-33.
- 22) Tractatus Theologico-Politicus, ch. VII (Elwes' translation, p. 106f.)
- 23) Kuzari, III, 65 ff.
- 24) Preface to the Sefer haKabbalah, quoted verbatim by Nieto in Matteh Dan, Introduction (no pagination).
- 25) הקדמה להרמב"ם מסדר זרעים , printed in the Vilna edition of the Babylonian Talmud.
- 26) Ibn Daud, loc. cit.
- 27) Maimonides, loc. cit.
- 28) (i) The Lex Talionis as monetary compensation. Maimonides brushes aside the opposite view mentioned in b. Baba Kamma 83b as merely "hypothetical"; (ii) the "fruit of the goodly tree" in Lev. 23:40 as referring to the ethrog. This, indeed, is a favorite argument of all defenders of the Oral Law. Nieto uses it repeatedly. (iii) the non-literal interpretation of Deut. 25:12. (iv) The application of the law in Lev. 21:9 after betrothal or marriage only. (v) ditto with regard to Deut. 22:13 ff.
- 29) Matteh Dan, Introduction (no pagination).

## NOTES to CHAPTER SIX (continued)

- 30) Kuzari, III, 35.
- 31) Matteh Dan, Introduction (no pagination):  
 כל עובדו במסד הכוזרי שלו הוא להוכיח אמתה חזקה שמתחילתו וכל  
 ועל חזקת ספק"פ לא דיבר אלא בדרך כלל .
- 32) Leon da Modena and the Kol Sakhal, p. 106f.
- 33) Cf. Sha-agath Aryeh, ch. I (ed. Reggio, p. 68):  
 ולא אאריך לפרש שהאמת כך הוא וכמה פבלו : ונסתלקו הקראים  
 לבחור זה , כי די' ומספיק באשר הוכיח החבר על הלוזה בסאמר ג' .
- 34) Cf. Cecil Roth: "Immanuel Abcrah's Proselytization of the Marranos",  
 in J.Q.R., n.s., Vol. XXIII, (1932/33), pp. 121-162.
- 35) Matteh Dan, I, 1 (p. 2b)
- 36) *ibid.* (p. 3a)
- 37) *ibid.* (p. 4a). Cf. the brief biography of Basvatchi and the English translation of excerpts from his works in Leon Nemoy: Karaite Anthology, New Haven, Yale University Press, 1952, pp. 236-270.
- 38) Matteh Dan, I, 1 (p. 4b)
- 39) Matteh Dan, I, 2 (pp. 5b-6b)
- 40) *ibid.* (p. 7a)
- 41) Matteh Dan, I, 4-11 (pp. 7a-8b)
- 42) כמעט שמפורש בחזרה
- 43) Matteh Dan, I, 12-13 (pp. 8b-9b)
- 44) Matteh Dan, I, 14-17 (pp. 9b-10b)
- 45) Nieto does not want to trace this particular tradition through Amos 8:5, since, according to the commentators, this passage refers to the Sabbatical Year rather than the weekly Sabbath.
- 46) Kol Sakhal, chapter II, beginning (ed. Reggio, p. 23). The point here, however, is that whatever explanations Moses may have given were all too soon forgotten, - so that the "Oral Law" of Rabbinic Judaism is not identical with the original, genuine Oral Law.
- 47) Matteh Dan, I, 18-27 (pp. 10b-13a)

- 48) Nieto evidently identifies the Zidonians with the "Canaanite" of Deut. 7.
- 49) Matteh Dan, I, 28-43 (pp. 13b-16a)
- 50) Cf. Exodus 21:4.
- 51) Kuzari, III, 67-72.
- 52) Cf. *supra*, Chapter One, p. 21.
- 53) Matteh Dan, II, 112-118 (pp. 36a-37a)
- 54) Matteh Dan, II, 120 (pp. 37a-38b)
- 55) Mishnah Sukkah 3:4
- 56) Matteh Dan, II, 122 (pp. 38b-39a)
- 57) City of God, Bk. 15, ch. 13.
- 58) Matteh Dan, III, 42-58 (pp. 63a-65b)
- 59) Yad, Hilkhoth Mamrim, ch. 5, beginning.
- 60) Keceph Mishneh, ad loc.
- 61) Mishnah 'Eduyoth 1:5.
- 62) Yad, Hilkhoth Mamrim 2:2.
- 63) b. Berakhoth 20a.
- 64) b. 'Erubhin 53a.
- 65) הלכה כבוחרא
- 66) Matteh Dan, II, 4-10 (pp. 18b-21b)
- 67) Cf. Exodus 23:19; 34:26; Deut. 14:21.
- 68) It is interesting to see how Nieto is wandering from the subject matter here. He seems to be speaking from personal experience when he mentions the וּסְבִי אֶרְצוֹת וְאֶקְלִימִים הַקְּרִים . No doubt it was easier to procure an ethrog in time for the festival, while he was living in Leghorn or Venice!
- 69) Matteh Dan, II, 14-26 (pp. 21b-23a)

## NOTES to CHAPTER SIX (continued)

- 70) Cf. especially Kol Sakhal, chapter III, pp. 27-28.
- 71) Matteh Dan, III, 1-4 (pp. 51a-52b)
- 72) Matteh Dan, IV, 274-276 (pp. 158b-160b)
- 73) Shabbath 7:4.
- 74) Matteh Dan, III, 21-32 (pp. 56b-62b)
- 75) Hagigah 2:2.
- 76) b. Sanhedrin 88b.
- 77) Matteh Dan, III, 5-14 (pp. 52b-55a)
- 78) The particular passage Nieto is commenting on might possibly be given this interpretation. But a few paragraphs later, in the same Introduction, Maimonides refers to the hermeneutic rules again, and has this to say on the subject:
- וכן משפטים ודינים מפלאים שלא קבלום משה, ודינו בהם  
בחדרין של אותו הדור במרות שהחורה נדרשה בהן, ופסקו  
אותם הזקנים וגמרו שהדין כך הוא ...
- In his apologetic zeal, Nieto seems to read more into the wording of Maimonides than is legitimate.
- 79) Matteh Dan, III, 15-20 (pp. 55a-56b)
- 80) Cf. supra, Chapter Three.
- 81) Cf. da Costa's "Theses against Tradition," No. VI.
- 82) Kuzari, III, 44-47.
- 83) Matteh Dan, II, 101-109 (pp. 34a-36a)
- 84) b. Baba Kamma 84a. אמר קרא נפש חחה נפש; ולא נפש חחה ע"ן.
- 85) Matteh Dan, III, 135-154 (pp. 82a-86b)
- 86) אשכנחא דנב"חא and אשכנחא דנב"חא, etc.
- 87) Note the attack against Rabbinism for exactly the opposite reason by the author of the Kol Sakhal (p. 56), who accuses the Rabbis of having made too many unnecessary restrictions, and who insists that the Torah permits the taking of interest, if the rate is reasonable.
- 88) Nieto's salary was £100 per annum with a house and an additional £10 every Purim. Cf. Hyamson: The Sephardim of England, p. 79.
- 89) Judges, chapter 21.

## NOTES to CHAPTER SIX (continued)

- 90) b. Sotah 16a: מלכות הלכות יוקרה קצרה Rashi, ad loc.,  
 interprets: מקטנת את עקבו מעטרו וקוצרה , ב' קטנות הל"ס באה ,  
וקוצרה את הפסוק .
- 91) Matteh Dan, II, 27-50 (pp. 23a-25b)
- 92) Kol Sakhal, p. 50.
- 93) Responsum No. 49. Reprinted with German translation in Gebhardt:  
Die Schriften des Uriel da Costa, pp. 185-187. It finds its place  
 in that volume because J. Perles who first drew attention to this  
 document, has endeavored to prove that the reference is to the mother  
 of Uriel da Costa. Cf. "Eine neuerschlossene Quelle ueber Uriel Acosta"  
 in MCWJ, Vol. XXVI (1877), pp. 193 ff. J. Guedemann, ibid, pp. 327 ff.,  
 casts doubts on that identification. For our purposes it is sufficient  
 to know that in those particular circles (we do not have to identify  
 the individuals) the Rabbinic Calendar was assailed, and that people  
 actually followed their own calendar calculations.
- 94) בספר בתלמוד הנהגה שבעל פה ומלעייב על דברי חכמים
- 95) אוכלת ביום הכפורים האמת והיא סתונה ביום הכפורים  
אשר יעלה בחשבון בנה ובן לענין חמץ בפסח ומלאכה י"ט .
- 96) Matteh Dan, III, 113-126 (pp. 75a-80b)
- 97) Rosh Hashanah 4:3
- 98) Leviticus 18:5. וה' ב' ה' ו'
- 99) Nieto himself does not seem to have been altogether satisfied with  
 this anticlimax. In fact, the next two paragraphs would seem to  
 imply that he could not help agreeing with the claims of the opposition  
 in this particular instance. We quote them here in full. (paragraphs  
 127-128, p. 80b)

KUZARI: I agree wholeheartedly that it is a shameful thing for later  
 generations to censure the ancients in a matter that they found  
 necessary to institute for the guidance of their own contemporaries.  
 But do not deny that, when the condition of the people changes, the  
 guidance must also change. And especially in a matter like this the  
 ordinances of the ancients are no longer suitable for their successors.  
HABER: All the words of thy mouth are right! בצדק כל אשר יס' ד'

It has to be borne in mind that, throughout the Dialogue, the "Haber"

## NOTES to CHAPTER SIX (continued)

is voicing Nieto's own opinions. We would thus have an admission on the part of Nieto that there is need for change in Jewish Law. This admission occurs only in this particular instance, and it is not further developed.

100) Cf. da Costa's "Theses against Tradition", No. III.

101) Matteh Dan, III, 129-130 (pp. 80b-81b)

102) b. Betzah 4b: עֲבָדֵינוּ אֵינָם יְהוּדִים

103) An interesting sidelight to Nieto's mention of our lack of contact with the Jews of these countries is provided by a Hebrew letter which Haham Issac Nieto (David Nieto's son) wrote in 1760 to the "princes and noblemen, knights, leaders, chieftains and marshals, our brethren, children of Abraham, Isaac and Jacob, disciples of Moses, the man of God, who dwell in the land of China in the Far East". A copy of this letter is preserved in the MSS collection of the British Museum (ADD. 29868); and Dr. Jacob R. Marcus, Director of the American Jewish Archives in Cincinnati, has kindly placed a photostat of it at my disposal. In this letter the Jews of China are asked nine questions, of which numbers 2, 4 and 5 are of particular interest in the present context.

2) "Do you know whether there are Jewish communities in Tartary or in other lands near or far from your country.....?"

4) "Do you celebrate the New Moon when you actually see the moon, or do you have a formula to know when the new moon appears, and you call that day New Moon, even though you do not see it?"

5) "Do you observe one day of the New Moon or two, and similarly Passover, Pentecost, Tabernacles and New Year?"

104) Matteh Dan, IV, 149-165 (pp. 133a-136b)

## NOTES to CHAPTER SIX (continued)

- 105) Proverbs 30:8.
- 106) Cf. Leviticus 26:20.
- 107) Matteh Dan, IV, 167-238 (pp. 136b-150a)
- 108) Job 38:4.
- 109) Matteh Dan, IV, 239-256 (pp. 150a-153a)
- 110) b. 'Erubhin 100b.
- 111) Historia Naturalis, Book VIII, chapters 26, 27.
- 112) Matteh Dan, IV, 262-268 (pp. 154a-157b)
- 113) Matteh Dan, IV, 274-276 (pp. 158b-160b)
- 114) For an explanation of these terms, see above in this Chapter, pp. 153-154.

## NOTES

## CHAPTER SEVEN

- 1) Kol Sakhal, p. 31.
- 2) printed as an appendix to Vol. I of the Vilna edition of the Babylonian Talmud.
- 3) p. 45b: והגדה היא כל פירוש שיבא בחלמוד על שום ענין שלא יהיה סמוך לו היא הגדה.
- 4) *ibid.*: ולפי מה שיעלה על הדעת מן הפירושים האלו לומרם אותם והסאר אין טומכין עליהן
- 5) Cf. A. Lukyn Williams: Adversus Judaeos, Cambridge 1935, pp. 233-240.
- 6) Williams, *op. cit.*, p. 237.
- 7) Kuzari, III, 73.
- 8) Maimonides: Moreh Nebukhim, Introduction, Om ed., p. 6b, Friedlaender's translation, p. 4f.
- 9) *ibid.*
- 10) Yad, Hilkhoth Teshubhah, 3:7.
- 11) Hasagah ad loc.: גדולים וטובים סמנו הלכו בזה המחשבה לפי מה שראו במקראות ויותר ממה שראו בדברי האגדות המבטחות את הדעות  
The use of the word הצב שור would seem to imply that Rabad himself did not share this anthropomorphic conception or understand the aggadic passages literally. He was merely speaking on behalf of the great Talmudists who did. Cf. Louis Ginzberg in J.E., Vol. I, p. 104.
- 12) Cf. Williams, *op. cit.*, p. 247.
- 13) "'Yahadutho' shel Spinoza", in HADOAR, Vol. XIII, No. 4, p. 60.
- 14) Cf. Sokolow: Baruch Spinoza and his Time (Hebrew), pp. 223 ff.
- 15) Cf. Stephen, Vol. I, p. 141.
- 16) Matteh Dan, IV, 308 (p. 171a,b)
- 17) b. Shabbath 63a: וְאֵין אֶתְּרָא קְרָא אִידִי פְּתוּחִי Nieto himself attaches great importance to this particular statement. It serves as a general answer to the charge that the midrashim contain confusing and astounding

## NOTES to CHAPTER SEVEN (continued)

statements, which are far removed from both Logic and the literal meaning of Scripture. (Cf. Matteh Dan, IV, 291-292, pp. 162b-163a). And it is used in defense of such passages as b. Ta'anith 5b, where the Patriarch Jacob is said not to have died at all, and b. Gittin 7a, where a homiletical interpretation is given to the names of the locations mentioned in Joshua 15:22. (Cf. Matteh Dan, IV, 306, pp. 169b-170b)

18) Matteh Dan, IV, 304 (pp. 168b-169b)

19) b. Baba Metzi'a 59b.

20) Matteh Dan, IV, 293-300 (pp. 163a-168a)

21) *ibid.*, par. 294.

22) *ibid.*, par. 295.

23) *ibid.*, par. 296.

24) *ibid.*, pars. 297 ff.

25) *ibid.*, par. 300.

26) Psalm 19:10.

27) Malachi 3:22.

28) cf. b. Yoma 9b: מסכתו נביאים האחרונים חגי זכריה ומלאכי גמולתם  
רוח הקודש מישראל וערי"ן היו מסתמטין בבת חוב.

29) Kuzari, III, 73.

30) Matteh Dan, IV, 314 (p. 173b)

31) b. Baba Bathra 73a.

32) *ibid.* 73b.

33) Matteh Dan, IV, 312-317 (pp. 172a-176b)

34) Matteh Dan, IV, 316 (p. 176a)

35) Matteh Dan, IV, 317 (p. 176a,b)

36) When it comes to meeting Christian arguments based on Talmudic

## NOTES to CHAPTER SEVEN (continued)

aggadah, Nieto is quite in the tradition of Nachmanides, by contrasting the absolute validity of Talmudic law with the "allegories in reference to every part of the Bible, which frequently give rise to questions that are agitated and investigated like the rest, but are never absolutely determined nor decided upon, and only serve to elicit some moral conclusions for the people, which, if well selected and well applied in sermons, are likely to produce useful effects on the congregation." (Cf. The Inquisition and Judaism, p. 147f. and cf. op. cit., p. 154.)

## NOTES

## CHAPTER EIGHT

- 1) Esh Dath, I, 144-147 (p. 21b)
- 2) Esh Dath, II, 78 (p. 28<sup>b</sup>), and cf. II, 96-98 (p. 29b) and II, 172 (p. 33b)
- 3) Esh Dath, II, 85-88 (p. 29b)
- 4) Esh Dath, II, 89 (p. 29a): מדרש העולם והנהגתו
- 5) Esh Dath, II, 89-95 (p. 29a,b)
- 6) Esh Dath, II, 206-218 (pp. 36b-37b)
- 7) Esh Dath, II, 220 (pp. 37b-38a)
- 8) Esh Dath, II, 104-110 (pp. 29b-30a)
- 9) Esh Dath, II, 168 (p. 33a)
- 10) Esh Dath, II, 172 (p. 33b)
- 11) *ibid.*
- 12) Esh Dath, II, 174 (p. 33b)
- 13) Esh Dath, II, 112 (p. 30a)
- 14) Esh Dath, I, 62 (p. 9a):

... שחר אפילו אנשי חורו המזרחית אשר כולם עובדי ע"פ  
 מודים ואומרים שיש אלוה בורא שמים וארץ שאין האדם  
 לראשיתו ושחוא ברא אלהים קטנים הסמונים על בני אדם  
 שהם עבדיו והחח מסלחו וכן אומרים יושבי מלכות ג"לנא  
 אבל לא יש בעולם מי שבינה אדם לו שלא יאמין שיש אלוה בורא  
 שמים וארץ ח"ד בב"ח בכהו וביכלחו .....

- 15) *ibid.* מעיד אני עלי שמים וארץ
- 16) Esh Dath, I, 94 (p. 15b). For a discussion of this, cf. *supra*, Chapter Two, pp. 43-45. For the text, see NOTE 64 to Chapter Two.
- 17) Cf. Kohler: Jewish Theology, p. 69, and Wolfson: "Notes on Proofs of the Existence of God in Jewish Philosophy" (H.U.C.A., Vol. I), p. 576. Both Kohler and Wolfson state categorically that the Jewish thinkers did not use this argument at all. But Dr. Samuel S. Cohon

## NOTES to CHAPTER EIGHT (continued)

has kindly drawn my attention to evidence which compels us to modify this categorical assertion. Not only is there a rudimentary form of this argument in Malachi 1:11, and in certain midrashic statements, but it is also used, together with other arguments, as a proof for the Existence of God in the Sefer ha-Mizwoth of Hefez ben Yazliah (10th cent.). Cf. B. Halper: A Volume of the Book of Precepts by Hefez b. Yazliah, pp. 32 and 36. Echoes of it are heard also in later Jewish philosophical writings. Cf. Gabirol's Kether Malkhuth, stanza VIII (J.P.S. edition, p. 86f.). But it is true that, for reasons adduced by Kohler and Wolfson, the Jewish philosophers were unable to attach too much weight to this particular argument; and they never used it without additional proofs for the Unity of God.

18) Wolfson, loc. cit.

19) Cf., supra, Chapter Two, pp. 43-45.

20) Cf. A.C. Bouquet: Comparative Religion, p. 19.

21) b. Hagigah 15b, and cf. Matteh Dan, IV, 136 (p. 129b)

22) Cf. Midrash Temurah, end (Jellinek, Beth Hamidrash, I, pp. 113-114):

כֵּסֶף שֶׁחֶבֶץ מוֹדֵעַ עַל הַנְּנֵאִי וְהַנּוֹד מוֹדֵעַ עַל הָאֵוִן  
וְהַדְּלָה עַל הַנּוֹד כִּן הָעוֹלָם מוֹדֵעַ עַל הַקְּבִ"ח שֶׁהוּא בְּרֵאשִׁי

quoted by Samuel S. Cohon, in HaElchuth beThorath Rabbothenu, Cincinnati, H.U.C., 1950 (mimeographed), p. 7.

23) Cf. Emunoth weDe'oth, ed. Fischel, New York, Om, 1947, maamar rishon, p. 24f.

24) Cf. Moreh Nebhukhim, Part II, chapter I.

25) Cf. 'Ikkarim, Bk. II, chapters 4 and 5 (ed. Husik, vol. II, pp. 26-35).

26) Summa Theologica, I, qu. 2, art. 3, quoted by E.A. Burt, in Types of Religious Philosophy, rev. ed., New York, Harper, 1951, pp. 99-101.

27) *ibid.*

28) Esh Dath, II, 89 (p. 29a)

## NOTES to CHAPTER EIGHT (continued)

- 29) Cf. Yitzhak Julius Guttman: HaPilosofiyah shel haYahaduth, Jerusalem, Mosad Bialik, 1952, p. 233.
- 30) Cf. Matteh Dan, IV, 2 (p. 100b)
- 31) John Locke: An Essay Concerning Human Understanding, ed. Julius Ruska, Heidelberg, Carl Winter, 1904, Book Two, chapter I, p. 45f.
- 32) *ibid.*, Book Two, chapter X, p. 77.
- 33) *ibid.*, Introduction, p. 25f.
- 34) Cf. Nieto's letter to Dr. John Covel, printed in Solomons, p. 22.
- 35) See above, Chapter Five.
- 36) Cf. Graetz, Vol. X, pp. 342 ff., and, for a brief summary, Margolis and Marx: A History of the Jewish People, pp. 571-574.
- 37) 'Oz LElohim, p. 1a.
- 38) Louis Ginzberg: "Cabala - History and System" (in J.E., Vol. III), p. 472.
- 39) A.E. Waite: The Holy Kabbalah, p. 139.
- 40) Waite, *op. cit.*, p. 191. Cf. the discussion of shi'ur komah in Scholem: Major Trends in Jewish Mysticism, pp. 62-66.
- 41) Ginzberg, *loc. cit.*
- 42) Scholem, *op. cit.*, p. 205f., and cf. the statement quoted by Waite, *op. cit.*, p. 206: "God and the ten crowns are one".
- 43) Cf. Scholem, *op. cit.*, pp. 256-261.
- 44) Ginzberg, *op. cit.*, p. 474.
- 45) Cf. Waite, *op. cit.*, pp. 574-588.
- 46) Esh Dath, Part I, *passim*.
- 47) Esh Dath, I, 106 (p. 17a)
- 48) to ם ן ן ן
- 49) Esh Dath, I, 158 (p. 22b)
- 50) Esh Dath, I, 126 (p. 20a)
- 51) See above, Chapter Two, pp. 26-30.

## NOTES to CHAPTER EIGHT (continued)

52) b. Kiddushin 32b

מקב"ה משיב רוחות ומעלה נשיאם ומוריד מטר ומצמיח  
אדם ועורך שולחן לפני כל אחד ואחד .

53) De la Divina Providencia, p. 9; and cf. the discussion of Deism  
in Chapter One, above.

54) De la Divina Providencia, p. 28f.

55) op. cit., p. 87f.

56) op. cit., p.3.

57) op. cit., p. 4f.

58) op. cit., p. 5.

59) op. cit., p. 11f.

60) op. cit., p. 10.

61) Ethic, Part I, Scholium to Prop. XXIX (Oxford Univ. Press ed., p. 30).

62) *ibid.*

63) Matteh Dan, IV, 4 (p. 101b)

64) Cf. Gebhardt: Spinoza, p. 102f.

65) E.E. Powell: Spinoza and Religion, Boston, Chapman and Grimes,  
1941, p. 340.

66) It should be noted how very careful Nieto is in not identifying God  
with anything that can be regarded as a "creature". In speaking of  
Ezekiel's vision of the "Chariot", he makes a point of distinguishing  
the "charioteer" from the "Chariot" itself.

גד"ך לחלק בין הרכבה והרוכב שהרוכב הוא המלכודת  
ואינו הרכבה . ( Esh Dath, I, 42, p. 4b )

67) HaPhilosophiyah shel haYahaduth, p. 243.

68) De la Divina Providencia, p. 28f.

69) הסבך האמתי הטובע כל המטבועות בנחונם

70) De la Divina Providencia, p. 14.

71) *ibid.*

72) Cf. Sokolow: Baruch Spinoza and His Time, pp. 223 ff.

73) Cf. NOTE 15) to Chapter Two, above.

74) De la Divina Providencia, p. 72.

## NOTES to CHAPTER EIGHT (continued)

- 74) De la Divina Providencia, p. 72.
- 75) "Jewish Thought in the Modern World", in The Legacy of Israel, p. 455n.
- 76) The Principles of Human Knowledge, ed. Collyns Simon, Routledge, London, n.d., paragraph 150, p. 178f.
- 77) Cf. his treatment of Spinoza in "Jewish Thought in the Modern World", pp. 449-457, where Haham Zevi's approval of Nieto is made to extend, by implication, to the philosophy of Spinoza himself. Cf. also the title Roth has chosen for his translation of Haham Zevi's responsum (in Chronicon Spinozanum, Vol. I, pp. 278-282), viz.: "David Nieto and the Orthodoxy of Spinozism."!
- 78) De la Divina Providencia, pp. 35 ff.
- 79) See above, Chapter Four, pp. 104-109.
- 80) De la Divina Providencia, p. 33.
- 81) *ibid.*, pp. 33 ff.
- 82) Exodus 5:2.
- 83) Exodus 9:16f.
- 84) Exodus 9:27.
- 85) Sefer Milhamoth Hashem, ed. Riva di Trento, 1560, Book VI, Part II, chapter 9 (p. 72c,d):
- וְלֹא בֵּן כְּאִשֶּׁר חִפְּטָנוּ בְּכָל הַנִּפְלְאוֹת מֵאַנּוֹ כֵּלֵם עַל אֲדַר הַהֶסֶם  
וְהַיְיָ נִהַ וְחִטְּוֹתָהּ זֶה אִם לְהַקְנוֹת אִינוֹת מִוֹבֵה יֵם לְהַקְנוֹת  
סוֹב וּפִיִּי אִם לְהַצִּיל מִהַרֵּע אִם מִרַע נִפְטֵי אִם מִפִּי הַוִּיבִי.
- 86) Cf. Sefer Mif'aloth Elohim, Venice 1592, Book X, *passim*.
- 87) Eugene Mihaly: The Theology and Philosophy of Isaac Abravanel, Doctoral Dissertation 1952, available at the Library of the Hebrew Union College-Jewish Institute of Religion in Cincinnati.
- 88) 'Ikkarim 3:19 (ed. Husik, vol. 3, p. 173), and cf. 'Ikkarim 1:18, the whole chapter (vol. 1, pp. 153-165).
- 89) De la Divina Providencia, p. 37.

## NOTES to CHAPTER EIGHT (continued)

- 90) The thought is Halevi's but Nieto refers to no source.
- 91) Esh Dath, II, 190-194 (pp. 34b-35a)
- 92) Esh Dath, II, 139-140 (pp. 31b-32a)
- 93) Esh Dath, II, 141-162 (pp. 32a-33a)
- 94) Nieto is referring to Yad, Hilkhoth Teshubhah 5:5, and its elaboration by Albo, in 'Ikkarim 4:3 (ed. Husik, pp. 23 ff.)
- 95) Esh Dath, II, 204 (p. 36b)

NOTESCHAPTER NINE

- 1) Cf. Guttmann: Hapilosophiyah shel haYahaduth, p. 221.
- 2) op. cit., p. 235.
- 3) Cf. supra, Chapter One, p. 21.

## B I B L I O G R A P H Y

(Works Consulted and/or Quoted)

Abbreviations:

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|--------------------|--|
| H.U.C.A.           | - Hebrew Union College Annual  |
| J.E.               | - The Jewish Encyclopedia, 12 vols. New York & London, Funk & Wagnalls, 1901-1906. |
| J.H.S.E.           | - The Jewish Historical Society of England.  |
| J.P.S.             | - The Jewish Publication Society of America.                                       |
| J.Q.R., n.s.       | - The Jewish Quarterly Review, New Series.   |
| Juedisches Lexikon | - Juedisches Lexikon. 5 vols. Berlin, Juedischer Verlag, 1927-1930.                |
| MGWJ               | - Monatschrift fuer Geschichte und Wissenschaft des Judentums.                     |

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