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Kevod Harav: Honoring an Individual or an Ideal?
A Study of the Professionalization of the Rabbinate

Sheila Beth Goloboy

Thesis submitted in partial fulfillment of the requirements for Ordination
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Referee: Professor Mark Washofsky

*It is our parents who bring us into this world, and our rabbis
who teach us the wisdom that assures us a place in the world-to-come.
-from Bava Metzia 33a*

To my parents, who brought me into this world...

Jason and Jackie Goloboy, who instilled in me a love for Jewish learning, for truth, and for laughter. You have supported me as I have grown-- physically, emotionally, and spiritually--into the happy and confident person I am. And I, too, have watched you grow, a privilege I am only now beginning to appreciate.

And to my teachers, who have helped me find a path to my world-to-come...

Dr. Mark Washofsky, my *rav muvhak*, whose patience, guidance, and love for *talmud Torah* inspired me to complete this work. From you I have developed a greater understanding and respect for rabbinic texts, the ethics of the rabbinate, and, perhaps most importantly, my own abilities as a student and rabbi. It was always a privilege to learn from you during my studies at the Hebrew Union College, through this particular work, as well as in the many classes you offered.

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Thank You.

Digest

The rabbinate as a profession is a relatively new phenomenon. The idea of a "career rabbi" is not conceived of in the Talmud; one learns only of a *talmid hacham*, a learned scholar. Nevertheless, as early as the Talmudic period, a collection of expected rules of behavior toward one's teacher or a distinguished scholar in the community began to develop. These defined the parameters of *kevod harav*, the honor due a rabbi.

The intention of this thesis is to examine the traditional understanding of *kevod harav* as it developed from the Talmudic period, through the major codifications of Jewish law in the Middle Ages, and within the later responsa and writings of the Aharonim. In addition, this thesis will also provide a comparison of this halakhic understanding of *kevod harav* to the rabbinic texts of the modern Reform movement, namely, the Central Conference of American Rabbis (CCAR) Code of Ethics and Reform responsa that consider issues related to *kevod harav*.

The Introduction provides an overview of the history of the rabbinate from Biblical times to present; an explanation of the development of halakhic codes, in general, and the Shulhan Arukh, specifically; and a brief introduction to the concept of *kevod harav*.

Section I consists of a translation of three chapters of the *Shulhan Arukh* Yoreh Deah with Isserles' glosses, accompanied by a detailed commentary on Talmudic and post-Talmudic sources and relevant discussions in the literature. Chapter 242 discusses the honor due a rabbi or a scholar, specifically addressing the relationship between the student and his

primary teacher. Chapter 243 reviews practical issues, such as rabbinic exemptions from taxes and preference in the marketplace, as well as the rabbinic prerogative to excommunicate for the sake of his own honor. Chapter 244 discusses the honor due any sage, regardless of an individual's specific relationship with him.

Section II is a discussion of *kevod harav* as it exists in the modern Reform movement. For the purposes of this study, both Reform responsa and various generations of the CCAR Code of Ethics, as well as their evolution, are considered.

The Conclusion asks whether there is a Reform *kevod harav*, and how it compares to the traditional understanding of the value.

An Appendix of halakhic sources cited is included at the end of this work for the reader's reference.

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Introduction
An Overview of the History of the Rabbinate and its Sources

Chapter 242 of the *Shulhan Arukh, Yoreh Deah*, is titled *Hilkhot Kevod Rabo v'Talmid Hacham*, "The Laws of Honoring One's Rabbi and Scholar." The concept of *kevod harav*, however, is not an innovation of the Middle Ages; it has precedent dating back to Biblical times. From the beginning of the rabbinate, attributed by the Talmudic rabbis to the time of Moses, there has been a demand and necessity for *kevod*. Before exploring the honor due a rabbi, however, it is fitting to trace the development of the rabbinate, as well as that of the *halakhic* codes, specifically, the *Shulhan Arukh* that developed alongside it.

An Overview of the Development of the Rabbinate

Although the title "rabbi" does not appear in the Torah, the Talmudic rabbis often referred to Moses as *Moshe Rabbenu*, "Moses, our Rabbi."¹ Mishnah Avot begins with Moses in tracing a chain of tradition from teacher to student:

Moses received the Torah at Sinai and transmitted it to Joshua, and Joshua to the Elders, the Elders to the Prophets, the Prophets to the men of the Great Keneset...²

This tradition was conferred by *semikhah*, the literal laying of the teacher's hands upon the student's. The first example of this is found in relation to Moses and Joshua: *And the Lord answered Moses, "Single out Joshua ben Nun, an inspired man, and lay your hand*

¹ Berakhot 3b, 12b, 33b, etc. All Talmudic references refer to the *Talmud Bavli*, the Babylonian Talmud, unless noted differently.

² Mishnah Avot 1:1.

upon him."³ Just a few verses later it is reported that Moses ...*laid his hands upon him [Joshua ben Nun] and commissioned him--as the Lord had spoken through Moses.*⁴ This laying on of hands entitled Joshua, upon Moses' death, to succeed him as leader of the people: *Now Joshua ben Nun was filled with the spirit of wisdom because Moses had laid his hands upon him; and the Israelites heeded him, doing as the Lord had commanded Moses.*⁵

In later Biblical times, responsibilities of leadership were divided along the lines of secular and religious heads. Relationships between the two varied in any given generation, but they can be seen as maintaining a balance of power. For instance, God sent the prophet Nathan to chastise King David for arranging for Uriah's death and taking Bathsheva as his wife, forewarning him of the punishment that was to come to him.⁶ Later, though, it is Nathan who protects David's intention of being succeeded by his son Solomon, arranging that David should confirm this on his deathbed.⁷

The relationship between King Ahab and Elijah the prophet was not as amicable. Ahab, a worshipper of Ba'al, followed false prophets and sought to kill Elijah. When a long drought and famine covered the land, Elijah returned from hiding to prove the situation was due to the idol worshipping of Ahab and his followers. With God's aid he provides such a proof, and rains begin to fall once again. Instead of being welcomed or revered by

³ Numbers 27:18.

⁴ Numbers 27:23.

⁵ Deuteronomy 34:9.

⁶ II Samuel 12:1-12.

⁷ I Kings 1:1-40.

the king, or inspiring the king and his court to change their ways, Elijah was once again forced to flee from the wrath of the king's powerful wife Jezebel.⁸ Nevertheless, this is another example of the dual influence of monarch and prophet. And once again the moral voice, the voice of ethics and conscience, is the one spoken by the prophet, who proclaims the teaching of God.

After the first exile, two centers of Jewish learning developed. The first, in Eretz Israel, was a continuation of the *semikhah* that was traditionally traced back to the time of Moses. A hierarchy was established, in that one could only ordain others if he was the head in that city; a person could not ordain one in the presence or within a set distance of his own teacher.⁹ These men, once ordained, earned the title "rabbi." They were certified to issue *halakhic* rulings (*yoreh*), to judge monetary claims (*yadin*), and to declare animals fit for sacrifice (*yatir*). In certain cases, a person could be certified for only one or two of the rabbinic functions.¹⁰

With the rise of the Nasi in Eretz Israel, this "secular" head attempted to influence the structure of the rabbinic leadership. As in the Biblical period, an attempt was made to find a balance between the interests of the Nasi and the rabbis, especially in light of the fact that the Nasi was connected to the Roman leaders. After a few controversial moves, "It was finally agreed upon that in Palestine no court could appoint, that is ordain, without the

⁸ I Kings 17-19.

⁹ Sanhedrin 5a ff. See also translation and comments to *Shulhan Arukh* chapter 242, in the following chapter.

¹⁰ Sanhedrin 5b.

Nasi's consent, and that no Nasi could appoint (ordain) without the court's consent."¹¹
This balance lasted until the end of *semikhah* in Israel, which some authorities date as approximately 425 CE, the end of the line of N'si'im.¹²

This first type of *semikhah*, that which was directly linked through history, was only granted in Eretz Israel, and could only be bestowed upon a person who resided there.¹³
When the community was oppressed and the practice of *semikhah* discontinued, it was not established in the Diaspora.

In Babylonia, a second center of Jewish learning developed parallel to that of Eretz Israel. Here, the scholars earned the title "rav." This reflected not an unbroken line of tradition, but rather a recognition of a person's learning and reputation, and permission (*hatarat hora'ah*) to make *halakhic* rulings. Like in the Palestinian center, there was a tension with the representative of the secular government. The Resh Galuta, in an attempt to maximize his own power, "used his considerable influence and the support of the Persian authorities....[to] establish the *reshut*, the license to judge, which was given to scholars deemed fit to serve as judges."¹⁴ This influence held strong until the rise of the Geonate.

As the Jewish community dispersed throughout Europe, Asia, and North Africa, the nature and role of religious authority changed according to each community's needs and

¹¹ Simon Schwarzfuchs, *A Concise History of the Rabbinate* (Oxford: Blackwell, 1993), 3, citing Talmud Yerushalmi Sanhedrin 1:19a)

¹² Schwarzfuchs, *A Concise History of the Rabbinate*, 3.

¹³ Ibid., 5., citing Sanhedrin 16b.

¹⁴ Ibid., 4.

means. At first, the communities would look toward the Geonic centers in Babylonia for authoritative answers to religious questions. Later, more local centers grew, and larger communities attracted scholars who, in addition to their primary occupations, could act as both judge and teacher. In addition to ruling in matters of Jewish ritual, these communally appointed judges would hear civil and criminal cases between two Jews. With very few exceptions, it was agreed that Jews would only receive fair consideration if heard within their own communities and legal structures.

The judges in these communities were of varying levels of legal expertise and moral standing. For the most part, they were appointed by the community. The Jewish communities of Europe declined greatly during the Black Death (1348-1349) and the anti-Jewish persecutions and massacres that accompanied the tragedy.¹⁵ Accompanying this was an overall decline in the quality of religious leadership. To rectify the situation, Meir ben Baruch Halevi of Vienna enacted an ordinance that required a rabbi to once again be authorized by another rabbi.¹⁶ This would ensure a minimum standard of Jewish religious and communal leadership.

This period also marked the transition into a fully professional rabbinate. As early as the Mishnaic period, the rabbis had instructed that one should not derive monetary benefit from Torah.¹⁷ Their model for this rule was God, who had freely and willingly instructed

¹⁵ Robert M. Seltzer, *Jewish People, Jewish Thought* (New York: Macmillan, 1980), 362.

¹⁶ Harold I. Saperstein, "The Origin and Authority of the Rabbi," in *Rabbinic Authority: Papers presented before the ninety-first annual convention of the Central Conference of American Rabbis* (New York: Central Conference of American Rabbis, 1992), 19.

¹⁷ Mishnah Avot 4:5.

Moses. Scholars up until this present time had been opposed to a professional rabbinate, most notably the Rambam, as will be discussed later. Nevertheless, *halakhic* justification was found: One was not actually paid for his *halakhic* judgments; rather, he was paid *sachar battalah* and *sachar tircha*, compensation for the time taken and trouble that prevented him from attending to his main occupation.

Even with an established rabbinate, led by the *mara d'atra*, or *rosh yeshivah*, within each community, there remained a tension between lay and rabbinic leadership. It was, in fact, the Jewish secular authorities and community members who paid the salary of the rabbi. This tension would often play itself out in struggles for power and authority. One example of this was Rabbi Leon de Modena, who, in 1630, objected to a ban on gambling, not on religious principle, but rather because it was issued by the secular leadership without having consulted him.¹⁸

In the Early Modern period, two historical factors combined to create possibly the most significant change in the history of Jewish leadership. In Eastern and Central Europe, following the upheaval and displacement caused by the Chmielnicki Massacres (mid-17th century), entire Jewish communities were displaced and were not able to regain their independent status. In the West in the next century, the process of Emancipation began. In France in 1806, Napoleon called together an "Assembly of Notables," a prelude to his modern-day Sanhedrin, to gain a better "understanding" of the Jewish community. He asked questions about the method of appointing rabbis, rabbinic jurisdiction, and Jewish

¹⁸Saperstein, "Origin and Authority of the Rabbi," 20.

law. According to one authority, "The phrasing of these...questions was intended to extract an answer which would so define the powers of the rabbinate as to allow its integration into the French state.¹⁹ Judaism had gone from being a nation to being a religion, one to be considered parallel, although not equal, to the Catholic majority of Napoleon's citizens.

With the beginning of this new phase of Jewish "religion," changes were effected both from within and without the communities. The nature of the rabbinate changed. No longer was the rabbi recognized as the final civil or criminal judge, either by the state authorities or his community. It should be noted, however, that some did choose to go to the rabbi with minor civil claims, knowing they would be treated more fairly than in the state courts.

Rabbis, like the communities they served, seemed to move to one extreme or another: Some disdained contact with the secular world, trying to maintain their insular practices and way of life. Others, influenced by Emancipation and greater opportunities in education and business, became more assimilated. They combined traditional Jewish learning with secular studies. Modern seminaries were established during this time in Europe, and this movement soon moved to America. No longer was there necessarily one leader or synagogue in a community; Reform had taken hold, and it was not to be stopped. Encouraged by their integration into secular life and influenced by the decorum, music,

¹⁹ Schwarzfuchs, *A Concise History of the Rabbinate*, 79.

and vernacular preaching of the Protestant movement, many Jews chose this form of practice as the more "civilized" approach to their ancient tradition.

The *Shulhan Arukh*: Rabbinic Authority in the form of a *Halakhic* Code

As the Diaspora spread from the Geonic period onward, its scholars began to create a new genre of literature: *halakhic* codes. With this change, the center of authority moved from a geographical one, specifically Sura and Pumbedita in Babylonia, to a literary one, namely the codes upon which local rabbinic authorities could rely. This did not detract from the local religious autonomy of each rabbi or congregation; rather, it was a source of continuity and Jewish unity.

In the development of rabbinic literature, one historian cites a pattern of "the appearance of a major code of rabbinic law every century or two throughout Jewish history."²⁰ In this sense, Caro and his works appeared on the rabbinic scene at a favorable time, following the Rambam's *Mishneh Torah*, written in the late twelfth century, and Jacob ben Asher's *Tur*, written in the early fourteenth century.²¹ In addition, Caro followed a period of decline due to the Black Death and related persecutions, which, according to one source, deprived "the Jewish intellect of the clearness and briskness required for talmudic studies and especially for the work of codification."²² A positive contributor to Caro's success

²⁰ Howard E. Adelman, "From Zion Shall Go Forth the Law: On the 500th Anniversary of the Birth of Joseph Caro," *Jewish Book Annual* 45 (1987-1988), 155.

²¹ Menahem Elon, *Jewish Law: History, Sources, Principles* (Philadelphia: Jewish Publication Society, 1994) 1188 and 1278, respectively.

²² Louis Ginzberg, "The Codification of Jewish Law," *On Jewish Law and Lore* (Philadelphia: Jewish Publication Society, 1955) 179-180.

and wide audience was the invention of the printing press and the rising popularity of printing religious materials.

Caro's original work was the *Beit Yosef*, which he wrote from approximately 1522 to 1542. While respected as a great work unto itself, its form is that of a commentary on the *Tur*, the work of Jacob ben Asher. Caro himself considered basing the work on the *Mishneh Torah* of Maimonides, whom he greatly admired, but it did not suit his purposes as well. It gives only one opinion on each issue; there would have been too much work involved in compiling other views. Caro did write a commentary to parts of the *Mishneh Torah*, called the *Kesef Mishnah*. Unlike the *Mishneh Torah*, which attempts to codify all Talmudic law, the *Tur* addresses only issues relevant to Diaspora living, not considering issues of Temple ceremony or the like. Both works introduced new systems of organization to the realm of rabbinic codes, but they varied greatly in intention: "Maimonides sought to create a topical-conceptual arrangement that would provide a new interpretive mold for study and would also be educationally sound, while R. Jacob b. Asher was guided only by functionality...."²³ A final reason for basing his commentary on the *Tur* is that the latter was widely respected by both Ashkenazim and Sephardim: Its author was born in Germany to the Ashkenazic scholar, Rabbi Asher ben Yehiel, the Rosh, but father and son had fled from there and established themselves in Spain, the Sephardic center of learning. Coming from this background, R. Jacob b. Asher produced a work that reflected laws and customs of both worlds of Jewish learning.

²³ Isadore Twersky, "The Shulhan 'Aruk: Enduring Code of Jewish Law." *Judaism* 16 (1967) 152.

Caro's greatest concern in his method codifications is two-fold: First, he wants to compile a comprehensive work; this is the accomplishment of his *Beit Yosef*. He despairs in his introduction to the *Beit Yosef* that Jews no longer have two *Torot*, Written and Oral, but an immeasurable number of them. He sees a need for consistency and definitive authority. He sets about a system to achieve this: He will rely upon a consensus, or at least the majority rule, of the men he considers the three greatest medieval codifiers: the Rif, the Rambam, and the Rosh. In the case of a majority of authors following the opinion of only one of the above three, Caro would let this later majority decide.²⁴

The *Beit Yosef* did not escape criticism. One common complaint is that *minhag*, local customs and traditions, were not reflected in the work. Also, Caro's "majority rule" system ignored the current Ashkenazic practice of that day to base the law upon the rulings of the latest authorities, *hilketa k'vatra'ei*. Finally, the *Beit Yosef* paid little regard to Ashkenazic law and practice. This situation, however, was rectified when R. Moses Isserles (the Rema), a great admirer of Caro's, added his own commentary, the *Darchei Mosheh*, to Caro's work on the *Tur*.

Isserles had begun his work, which paralleled that of Caro, before he knew of the latter's own undertaking. When he discovered that they were both in the midst of projects with similar intentions, he struggled with how to proceed. He decided that his work could still have value *in combination* with that of Caro. In the introduction to the *Darchei Mosheh*, Isserles cites three goals for his work: "(1) to state concisely, rather than at length like

²⁴ Ginzberg, "The Codification of Jewish Law," 181.

Beit Yosef, the different *halakhic* opinions; (2) to present the views omitted from *Beit Yosef* because Caro either did not value them or was not aware of them; and (3) to foster his teachers' principles of decision making, namely, that the law is in accordance with the views of the later authorities, and that each judge should make his own determination of the law by the exercise of his own judgment of the case before him."²⁵ The fact that Ashkenazic and Sephardic *halakhah* came together in one work was an incredible milestone in itself; however, each community continued to follow its own representative: The Sephardim took to heart the verse *Go to Joseph; whatever he tells you you shall do*, referring to Caro; while the Ashkenazim followed the verse *For the children of Israel go out with upraised hands (beyad ramah)*, playing on Isserles' acronym of Rema.²⁶

Caro's second concern in his codificatory process was that of making an efficient *halakhic* code that could be used by those who were not necessarily scholars; this became the *Shulhan Arukh*, the "set table," which clearly laid out all necessary laws and practice without bogging one down in original source material or dissenting opinion. Twersky classified this transition from *Beit Yosef* to *Shulhan Arukh* as "radical opposition to codes giving way to radical codification, almost with a vengeance; for the *Shulhan Arukh* is the leanest of all codes in Jewish history--from the *Bet Yosef* to the *Shulhan Arukh*, from the baroque to the bare."²⁷ Based again on the organizational system of the *Tur* and the *Beit Yosef*, it was divided into thirty sections, and published in small, pocket-sized editions, so

²⁵ Elon, *Jewish Law*, 1356.

²⁶ Genesis 41:55 and Exodus 14.8, cited in Twersky, "The *Shulhan 'Aruk*," 150-151.

²⁷ Twersky, "The *Shulhan 'Aruk*," 149.

that it could be studied daily and read in its entirety each month. Its popularity and wide dissemination were aided by a period of growth in the field of Hebrew book publishing.²⁸

As Caro moved from his *Beit Yosef* to the *Shulhan Arukh*, so did Isserles make the transition from *Darchei Mosheh* to the *Mapah*. If Caro had “set the table,” Isserles would be the one to add the “tablecloth,” containing Ashkenazic minhag and more recent rulings. This added validation to Caro’s work, making it, too, acceptable to both hemispheres of the Jewish world.

Even with Isserles’ glosses, the *Shulhan Arukh* did attract a fair amount of criticism. One contemporary found fault with its extreme brevity and astringency. He compared this “prepared table” to “a table well prepared with all kinds of refreshments, but the dishes are tasteless, lacking the salt of reasoning which makes the broth boil and warms the individual”—i.e., lacking a minimum of explanatory and exhortatory material to embellish and spiritualize the bald *halakhic* directives.²⁹ Others argued that Caro was aiding in discouraging the study of original halakhic sources. This was likely as much, if not more, a reflection of the times than it was one of Caro’s work.

By far the greatest testimony to the importance of the *Shulhan Arukh* is its enduring centrality in the field of Jewish law. In printed editions, the commentaries surrounding the words of Caro and Isserles combine to reflect practically the entire spectrum of the Jewish

²⁸ Adelman, “From Zion Shall Go Forth the Law,” 153.

²⁹ R. Jaffe, cited in Twersky, “The Shulhan ‘Aruk’,” 155.

legal tradition: Discussions of relevant sources include texts from Bible, Talmud, Rishonim, and Aharonim. Commentators, themselves, represent communities in Ashkenaz and Sepharad, and range from those in the generations following Caro through the 19th century.

III. The Concept of *Kevod Harav*

The Talmud teaches that the honor due to a teacher is greater than the honor due to one's own parents. Why? Because both parent and child must show respect for Torah, and by extension, God. The chain of tradition of Avot 1:1 did not begin with Moses, but with God, the first rav. It was God who was the first and greatest teacher, God who gave Moses the Torah at Sinai and ordained him with the instruction to teach it to Israel. And it was none other than God's student Moses who was the first to neglect the duty of *kevod harav*, honoring his own rav, by striking a rock instead of speaking to it. In transgressing God's specific instruction, Moses was severely punished; he was not to be allowed into the Promised Land.³⁰

The Talmud provides a wealth of examples of those who honor their rabbi, as well as those who are punished for neglecting this responsibility. Perhaps the most striking example of the latter is that of R. Eliezer, who predicted to his wife that his own student, Yehudah ben Goriah, would die (*bidei shamayim*, by the hand of heaven) within the year. The student died not long after this exchange. R. Eliezer then explained to his wife that

³⁰ Numbers 20:1-13, cited by Bernard M. Zlotowitz, "K'vod Harav: Honor Due a Rabbi," in *Rabbinic-Lay Relations in Jewish Law* (Pittsburgh: Rodef Shalom Press, 1993) 14.

the reason the student had been punished by death because he had issued a halakhic ruling in the presence of his teacher, which was strictly prohibited in the code of rabbinic honor.³¹

As the rabbinate grew and dispersed, and as rabbinic literature increased, there was more of a need to state the actual practices of *kevod harav*. No longer could one infer the intricacies of these roles from Talmudic discussions which sometimes only mentioned rabbinic honor peripherally. For instance, Sanhedrin 5a contains a discussion between R. Hiyya and Rabbi as to the ordination of the former's two nephews. What follows is the well-known *yoreh, yadin, yatir* passage cited earlier, which is in turn followed by a discussion as to why one nephew, Rav, was not authorized to *yatir*, to declare an animal fit for slaughter. What may not be clearly understood, however, is that R. Hiyya would not have been permitted to be the rabbi to ordain his nephews; he, himself, had been ordained by Rabbi, and it would have been insulting for him to ordain anyone else, even his own students, in Rabbi's city.

With the beginning of the codificatory literature, the topic of *kevod harav* was addressed. The earliest comprehensive example of this occurs in the *Mishneh Torah*, within its section of *Hilkhot Talmud Torah*, chapters five through seven, specifically. These rules are repeated, sometimes verbatim, in the *Tur* and the *Shulhan Arukh*. Caro, himself, addresses them in three places: In his *Kesef Mishnah* to the *Mishneh Torah*, his *Beit Yosef* to the *Tur*, and within the primary text of the *Shulhan Arukh*. In addition, a range

³¹ Eruvin 63a. Discussed in section 242:4 of *Shulhan Arukh*, following.

of scholars from various periods and lands also add their voices to the abovementioned texts. These will be explored and discussed in Section I, using the text of the *Shulhan Arukh* as the foundation for a broader survey of rabbinic literature.

As Jewish practice and the structure of the Jewish community has changed, it is fitting to ask if the concept of *kevod harav* has changed alongside it. The *Shulhan Arukh*'s commentators reflect an understanding of the issue up until modern times, but what is our modern conception of *kevod harav*? Specifically, in the Reform movement, is there a sense or rabbinic honor? Does it exist among rabbinic colleagues, or within individual congregations? If there is a modern *kevod harav*, does it bear any likeness to that which developed through our tradition? To answer these questions Section II examines literature of the Reform movement as it reflects the attitude of the rabbinate, both within its ranks and outside it.

This study, as many in the field of Jewish tradition, could in no way be considered exhaustive. Nevertheless, it should be seen as the beginning of a dialogue on one aspect of continuity between traditional Jewish custom and its modern practice. The Reform movement has at times swayed between disdaining "outmoded" customs and embracing them as a link with Judaism as a whole. The unique concept of *kevod harav* is one that, for the sake of the continuity of the Jewish community and its leadership, should perhaps be examined a bit more closely in our day and age.

Shulhan Arukh Yoreh Deah Chapter 242
Laws of Honoring One's Rabbi and Talmid Hacham

One should not issue *halakhic* decisions in the presence of his rabbi; and the law concerning the rabbi who renounces his honor. *This chapter consists of 36 sections:*

1. One is obligated to honor and revere his rabbi more than his own father.

Hagah: If his father is also his primary rabbi [teacher], he calls him "Rabbi" when speaking to him, but if he is not his primary rabbi, he calls him "father." (Isserles learns this from the logic of the Tur's text and from the Talmud¹, the beginning of chapter 4 of Bava Metzia.)

Comments: The Talmud relates two stories that are cited as precedent for this rule. In Bava Metzia 33a, the Mishnah explains this priority: If both a person's father and his rabbi have lost something, the person should seek out that of his rabbi first. Why? His father brought him into this world, but his rabbi, who teaches him wisdom, will bring him into the world to come. If his father is also a sage, however, his lost article would take precedent. The same order of assistance holds true if a person's father and his rabbi are carrying heavy loads or in captivity and in need of being ransomed.

Keritot 28a brings another dimension to the understanding of this ruling: For one who is studying Torah, the honor due his rabbi takes precedent over the honor due his father, because both of them are obligated to honor the rabbi.

¹ All references to the Talmud refer to the *Talmud Bavli*, the Babylonian Talmud, unless otherwise stated.

Isserles explains in the *Darkhei Mosheh*, an earlier work² of his, that in the case where a person's father is a rabbi, he calls him by the latter title. He uses as a proof-text for this Bava Metzia 44a, in which the Gemara quotes R. Shimon, who calls his father [Rabbi Yehudah Hanasi], "Rabbi." However, the *Siftei Cohen* states that this is not the usual in his day.

Shulhan Arukh, Orach Hayim 472:5 states: "A son in the house of his father should recline [on Pesah], even if his father is his primary rabbi. A student before his rabbi should not recline, even if he is not his primary rabbi. Even if his rabbi gives him permission [in the latter case] and the student is himself a prominent scholar, and even if the student has not learned anything from this particular rabbi, he should not recline." The Tosafot to Pesahim 108a, where this discussion originates, points out an apparent contradiction: If a student should not recline in the presence of his teacher, how much more so should a son, whose father is also his primary rabbi, not recline. The resolution is that the senior is his father first, and then his rabbi.

These last two passages are seemingly at odds with each other. The *Darkhei Mosheh* states that when one is both father and rabbi, his rabbinic status takes priority, yet the *Shulhan Arukh* states the opposite. The *Siftei Cohen*, commenting on the former, says that this practice requires further study because the *minhag* determines the correct interpretation of an abstract *halakhah*. One could say that even though a student is obligated to honor his

² Details of post-Talmudic sources are provided in the appendix.

rabbi more than his father, in the case when they are one and the same, it is more proper to call him by the name he has been calling him since his childhood. In other words, the father forgoes the honor that would otherwise be due to him as a rabbi. Also, the example of Rabbi Yehudah Hanasi is an exceptional one, for it is said that "From the days of Moses until those of Rabbi, we have never found Torah and greatness [of scholarship] in one place."

2. One who publicly disputes with his rabbi, it is as if he has publicly disputed with the Shekhinah; one who argues with his rabbi, it is as if he has done so with the Shekhinah; one who protests against him, it is as if he has protested against the Shekhinah; one who doubts his rabbi, it is as if he doubted the Shekhinah.

Comments: The *Tur* introduces this ruling with the words, "The sages said that one should fear [hold in awe] his rabbi as one fears heaven" (Avot 4:12). The original source for the above passage is Sanhedrin 110a. In its entirety, it reads: "R. Hisda said, 'One who disagrees with his rabbi, it is as if he has disagreed with the Shekhinah, as it is written, *when they agitated against the Lord*' (Num. 26:9); R. Hama ben R. Hanina said, 'One who argues with his rabbi, it is as if he has done so with the Shekhinah, as it is written: *These are the Waters of Meribah--meaning that the Israelites argued with the Lord*' (Num. 20:13); R. Hanina bar Papa said, 'One who protests against his rabbi, it is as if he has protested against the Shekhinah, as it is said, *Your grumbling is not against us, but against the Lord*' (Ex. 16:8); R. Abahu said, 'One who doubts his

rabbi, it is as if he doubted the Shekhinah, as it is said, *and the people spoke against God and against Moses*" (Num. 21:5).

3. What does it mean to "publicly dispute with one's rabbi?" This refers to a person who fixes for himself a place of study and sits, expounds, and teaches without the permission of his rabbi while his rabbi is still living, even if he is in another community.

Hagah: But it is permissible to oppose him in any judgment or ruling if he has evidence and proof for his words that the law is in accord with him [the student] (Pesakim of Rabbi Israel Isserlein, Chapter 238).

Comments: The source for this ruling is Sanhedrin 5b. The discussion here is teaching without the permission of one's rabbi, and the results of faulty teaching. The first example given is a visiting scholar giving unclear information: His teaching led the people to disregard a Toraitic law of cleanliness. Rabbi [Yehudah Hanasi] declared after this incident that a student should not offer *halakhic* rulings without the permission of his rabbi. The second example is that of Tanhum ben R. Ami, who was in Hatar and declared it permissible to soak grain for Pesah. Even though his teaching was correct, the people challenged him that R. Mani resided in Hatar. They invoked the rule that a student should not offer *halakhic* rulings in a place where his rabbi resides, but rather that there needed to be a distance of three parsaoth³ between them. R. Tanhum's response was that he had not previously known prohibition, indicating his willingness to acceptance it once explained.

³ Parsaot are Persian miles, approximately 2.5 modern miles. Three parsaoth were said to be the width of the camp of Israel; cited in this Baraita.

The *Sifte Cohen*, commenting on the phrase "who fixes for himself a place of study," cites the *Kesef Mishnah* and the *Bah* for opposing views: The *Kesef Mishnah* says that this rule applies only to the one who establishes himself on a decision, holding down rulings for others to follow. The *Bah* cites this, but disagrees, arguing that this ruling refers to any behavior of the student which might challenge the rabbi's authority. The *Bah* continues by saying that "even examining a knife for slaughter, which can in no way become a general ruling, is forbidden because of the honor due his rabbi."

The *Sifte Cohen* states that responsum 170 of R. Yosef Kolon (the Maharik) does not seem to be in accordance with what is written here. In the Maharik's opinion, even if one is a student of a rabbi, he may oppose him and make legal rulings before him, even in the fixing of the law. In support, he cites the case of Resh Lakish, who was R. Yohanan's student, but who frequently opposed him. Furthermore, one cannot say that Resh Lakish opposed R. Yohanan only on matters of logic as opposed to the interpretation of the *halakhic* texts themselves.

As for Isserlein himself, he cites as proof the practice of students in all generations--Tannaitic, Amoraic, and Gaonic--to disagree with their teachers. But, says the *Sifte Cohen*, perhaps this only occurred with their teachers' permission.

4. A person is forbidden to ever make a ruling before his rabbi, and anyone who does instruct before him is deserving of death.

Hagah: Even if he is given permission, this is not sufficient within three porsaot of his primary rabbi. (This is cited in the Beit Yosef in the name of the Tosafot, Sanhedrin chapter one, the responsa of the Maharik 170ff, Sefer Mitzvot Katan, and chapter 5 of Mishnah Ketubot.)

Comments: Eruvin 61b relates that Mar Yehudah offered a ruling in the presence of his teacher, Raba, and basing on the argument of R. Akiva. Raba scolded him, saying that in matters of *eruv*, R. Akiva is not usually followed. The underlying tone in Raba's response, as well as his addressing Mar Yehudah as a "disputer," informs the reader that Yehudah's action of instructing before his teacher was unacceptable.

The *Siftei Cohen* states that, according to the Ravad, the Rashba in responsum 111, and the Rivash in responsum 271, receiving permission of the rabbi is sufficient, even within three *parsaot*.

If a student is at least twelve mils⁴ from his rabbi and is asked a matter of the law by chance, he may respond, but he is always forbidden to formally instruct the law in a fixed, permanent manner until his rabbi dies or until he is given permission.

Hagah: All of this refers to his primary rabbi, but in the case of an talmid haver⁵ even within three porsaot it is permissible (Rif, Rambam, as in the Beit Yosef). Some say that,

⁴ A mil is one-quarter of a parsah; the measurements of three porsaot and twelve mils, therefore, are equivalent.

in any case, if he is actually in his rabbi's presence, he is forbidden (Rivash, chapter 271). Even if he is not before him, and if he begins by honoring the rabbi, saying that he will answer for the rabbi or that the rabbi is a special expert in wisdom or in sagacity, he may not instruct in the rabbi's city (Beit Yosef, from Eruvin chapter 6).

Comments: The *Mishneh Torah* teaches of one exception to the rule that one may not instruct before his teacher without permission: "To warn a person from a forbidden act, it is permissible to instruct, even before one's rabbi. In what case? If a person is doing that which is forbidden either because he does not know it is forbidden, or because he is wicked, it is the student's responsibility to warn him that his action is forbidden, even if the student is before his rabbi and he has not given him permission. In any place where there is a profaning of God's name, one must not observe the honor due a rabbi. When is this said? In a case that simply happens by chance [as above]" (Hilkhos Talmud Torah 5:3)

The *Mishneh Torah* also teaches that one may only instruct after his rabbi's death if he has reached an appropriate level of competence.

The Siftei Cohen also addresses the usage of the term *talmid haver*, first mentioned in the Talmud: Eruvin 63b relates that R. Hamnuna did not instruct during the lifetime of R. Huna, who was his primary teacher, but *did* instruct during the lifetime of R. Hisda, who was his *talmid haver*. Ravina used this as justification for instructing during the lifetime of R. Ashi, even within 3 parsaoth.

⁵ A *talmid haver* is a former student of a rabbi who has since become a respected rabbi; he is considered both a disciple and a colleague. He is afforded more liberties in relationship to his teachers, although he still shows them deference (as in the case of Ben Azzai, *talmid haver* to R. Akiva, Bava Batra 158b).

The above rules of the *talmid haver* follow the logic of the Rambam, according to the *Siftei Cohen*. He counters this by saying that others teach that even a *talmid haver* is forbidden [to instruct] within three parsaoth, as stated below.

In discussing Isserles' gloss, *in any case, if he is before his rabbi*, the *Siftei Cohen* asserts that emphasis should be placed on the word *before*. Whether he is a student or a *talmid haver*, he is forbidden to instruct immediately in his rabbi's presence.

Some say that a student [but not a *talmid haver*] within twelve miles is worthy of death if he instructs in the law. Outside of twelve miles he is exempt [from punishment by death], but he is still forbidden.

Hagah: Some say that this is only if the teacher regularly comes to the city of the student, but if he only occasionally visits the city by chance, he [the student] is permitted, provided he is beyond three parsaoth (Mordekhai in the name of R. Yitzhak b. Asher)

Comments: The origin of this rule is also Eruvin 63a. Here, R. Eliezer taught that the reason the sons of Aaron died was that they gave legal instruction before Moses, their rabbi. He also offered an example of his own student, Yehudah ben Goriah, who instructed before him. R. Eliezer predicted to his wife, Ima Shalom, that the man would not live another year, and he did not. After the man's death, R. Eliezer explained to his wife that the student had given a legal instruction in his presence, and was therefore be punished by death *bidei shamayim*, "at the hand of heaven."

The *Sifte Cohen* quotes the *Tur* and the *Rosh* who make no distinction in this rule between a student who rules informally or by chance and one who does so on a formal and regular basis.

In response to Isserles' gloss, the *Sifte Cohen* comments on the definition of *regularly comes to the city of the student*: Regularly would refer to a rabbi who comes on market days or on Mondays and Thursdays [court days]. Yearly market days, such as an annual fair, are not considered regular visits. This holds true even if the rabbi is the student's primary rabbi.

A *talmid haver* within twelve mils is exempt [from punishment by death] but forbidden. Outside twelve mils he is permitted. Even if he was given permission from one rabbi, it is not sufficient until he has obtained permission of all of his primary rabbis.

Hagah: This word "muvhakim," meaning primary, does not refer to the same thing as every other case of "rabo muvhak" [translated here as primary rabbi], that is, the teacher from whom one has learned most of his wisdom, since it would not be possible for him, mathematically, to have more than one such teacher. Rather, this distinguishes an ordinary student [*talmid gamor*] from a *talmid haver*. The latter has been raised up in Torah and has become a *haver* [colleague] to his rabbi; he is close to being as great as his own rabbi. However, some object and argue that if he [the *talmid gamor*] receives permission from one of his rabbis to make halakhic decisions, this allows him to instruct outside of three porsaot (responsa of the Rashba #111, and the Rivash #281), but within

three parsao, it does not allow him to do so. Some say [in contrast to this] that anyone that is not his primary teacher, i.e. that the majority of his wisdom does not come from him, considers him a talmid haver (Beit Yosef, in the name of Rambam).

Comments: Here, there are two relevant examples from the Talmud. The first is related of R. Hamnuna, who did not give *halakhic* instruction during the lifetime of R. Huna, his primary rabbi (Sanhedrin 5b). We are also told in Eruvin (63a) that he did not instruct during the lifetime of R. Huna, but he did instruct during the lifetime of R. Hisda, because his relationship to him was that of a *talmid haver*.

The second example makes the reasoning behind this rule clear: Ketubot 60b recounts that Abaye once gave a *halakhic* ruling to a tenant farmer. When he related it to R. Joseph, his teacher, he found that he was, in fact, too lenient in his ruling. At that point, he tried to chase after the man, to correct the wrong, but he was not able to. He later derived from this episode that one should not instruct in a place where his rabbi is, not because it is disrespectful, but because he should defer to his teacher, who is more likely to be correct in offering a *halakhic* ruling.

The *Siftei Cohen* clarifies the distinction regarding this rule between a student and a *talmid haver*. A student needs permission of all distinguished rabbis. Citing the Maharik, however, he says that the *talmid haver* should obtain permission from his own primary rabbi. The permission of a different rabbi would not suffice.

The *Siftei Cohen* tries to clarify Isserles' contradictory gloss. The beginning of the gloss implies that even if a student has not learned the majority of his wisdom from a certain rabbi and does not consider him his primary rabbi, if he has not grown approximate to him in level of Torah knowledge, he is still considered a student, and not a *talmid haver*, to him.

The second part of Isserles' gloss is more lenient, saying that if a rabbi is not a student's primary teacher, he considers the student a *talmid haver*, with no qualifications. The *Siftei Cohen* cites a responsum of the Maharik, who in turn cites Rambam, the *Tur*, and many others, saying that this refers only to the primary teacher. In the case of a rabbi who is not the student's primary teacher, however, he does not need to conduct himself in the same manner.

The *Siftei Cohen* disagrees with Isserles' interpretation of the Maharik's position. The Maharik, in his responsum 163, understands the student as only the one who has learned most of his wisdom from the rabbi; had he not learned most of his wisdom from him, he would simply be a *talmid haver*. Moreover, says the Maharik, even a *talmid gamor* who subsequently rises to the same level of wisdom as his *rav* becomes a *talmid haver* to him, as Resh Lakish became to R. Yohanan. The *Siftei Cohen* says the Rambam agrees with this interpretation.

This ruling is contrasted by Rambam's *Hilkhot Talmud Torah* (5:3), where it clearly states that "one may not set himself with the intention of issuing halakhic

decisions, responding and instructing all who ask, even if he is at one end of the world and his rabbi is at the other end of the world. He is forbidden to issue *halakhic* decisions until such a time as his rabbi dies, or until he is given permission by his rabbi. Not all whose rabbis die are permitted to respond and instruct in Torah, rather, only one who has arrived at the status of being able to issue *halakhic* instruction." This teaching can also be found in responsum 160 of the Maharik.

5. A student may not ordain⁶ others in the place of his rabbi.

Comments: Sanhedrin 5a relates the story of R. Hiyya and his two nephews who went to Bavel. When the first, Rabbah bar Hana, was preparing to leave, R. Hiyya approached Rabbi (Yehudah Hanasi) and asked permission for his *brother's son* to a) give *halakhic* instruction, b) render judgments in monetary disputes, and c) decide the fitness of firstborn animals for sacrifice. Rabbi gave Rabbah bar Hana permission to do all three. Next, R. Hiyya approached Rabbah on behalf of his other nephew, Rav, described as his sister's son. He again asked Rabbi for permission for Rav to serve all three functions. Rabbi allowed him the first two, but not the third.

The granting of judicial authority in Palestine during the rabbinic period is the closest equivalent we have to rabbinic ordination. Here, at issue is who in fact is the one granting the permission. R. Hiyya was himself "ordained," and possessed the ability to ordain others. Why did he not grant the permission his

⁶ The details of ordination are discussed in the introductory chapter. See also "Semikhah," in *Encyclopedia Judaica*.

nephews needed? The Tosefta explains the conflict most clearly: "Although R. Hiyya was permitted to grant judicial authority ("ordain") from Rabbi, Rabbah bar Hana and Rav were in the same city as Rabbi, and the only person who could grant permission in his city was Rabbi himself."

6. If one is not directly ordained by a rabbi whose name is on his *semikhah*, but rather from other rabbis, and he [later] is made an associate of them, this same rabbi cannot lord his position over the person if he is not his rabbi.

Hagah: But if he was ordained by that rabbi alone, it is customary that the ordinee is subject to some extent to the ordainer. (Maharik, responsa 117 and 115) Thus, one who studies in a yeshivah for a period of time is accustomed to saying that he is the student of the head of the yeshivah, although it is possible that the yeshivah head has heard many hidushim from him, and these customs have some support in the halakhah (Piskei Maharai).

Comments: The *Be'er HaGolah* cites the Maharik, responsa 173, who says that Rabbah, the son of R. Huna, argued with the Resh Galuta⁷. Rabbah was ordained in Palestine by Rabbi Yehudah Hanasi. According to this rule, he would be a *talmid haver* to the Rosh Galuta, but would not be in a position raise an argument with him.

7. A "halakhic ruling" only refers to an actual case that comes before a student. However, if one asks him a theoretical question, such as "according to whom [in the

⁷ The Resh Galuta was the Babylonian Exilarch.

Gemara] is the *halakhah*?" he may answer, since this is not a *halakhic* instruction on an actual case.

Comments: Eruvin 62b shows that students were very cautious not to overstep their privileges with regard to respecting their teachers. It is related that R. Joseph repeatedly asked his teacher, R. Hisda, a seemingly simple question regarding the Kashrut of eating an egg found in a chicken after slaughter with dairy. His teacher did not answer him during the lifetime of his own teacher, R. Huna. However, we are told that R. Hisda did make *halakhic* rulings in Kafri, which was outside of R. Huna's jurisdiction. The Tosafot tells us this was acceptable because R. Hisda was actually a talmid haver to R. Huna, and not just an ordinary student. Otherwise, the Tosafot continues, a student is only permitted to answer a question that is asked of him only in regard to the custom of the matter, such as giving a reason for ta'am lifgam [below], etc. This is not at all the same as giving a ruling on a new matter. The Tosafot concludes the matter by citing Hullin 17b, where it is stated that the instruction to present a knife to a sage (for inspection) is only given to respect the honor due a sage.

The *Siftei Cohen* states that if he does give an actual *halakhic* ruling on a matter that comes before him, even if he simply declares according to whose teaching a ruling follows, he is forbidden to state such. This was stated by the Tosafot, the Poskim, and the *Tur*.

8. A "*halakhic* ruling" only refers to a ruling which has something novel for the questioner. However, in the case of a well-known detail of the law which is simple to all--

such as notein ta'am lifgam, l'vatei issur bashishim⁸, etc.--in these cases it is permissible [to offer a *halakhic* ruling].

Comments: This discussion occurs in the Tosafot to Eruvin 62b, as above. Here, a distinction is drawn between repeating a well-known ruling (such as ta'am lifgam) and stating something new.

Sifte Cohen, citing the Ran, states that the *halakhic* discussion is not a simple one in a case like this one, being prohibited from eating the unlaidd egg, mentioned above. Rather, if he does not want to instruct in this matter while his rabbi is still alive, he travels because he has been asked to issue a *halakhic* ruling in the place of his rabbi...." The Tosafot and the Poskim write that, in this matter, they needed to say of the egg that it involves something new to ask. See above.

9. Some say that anything written in the *halakhic* compendia of the geonim is exempt from the definition of "*halakhic* instruction," since there is no hiddush or new authority-claim involved in repeating their ruling.

Comments: *Be'er HaGolah* cites the *Hagahot Maimoniot* to Hilkhhot Talmud Torah 5:3 as saying that the student should not issue his own ruling or rely upon his powers of argumentation to draw analogies of his own.

⁸ Notein ta'am lifgam is the commonly accepted ruling that if a piece of forbidden food falls into a permitted food and gives it a bad taste, the food is still permitted. L'vatei issur bashishim is the commonly accepted rule that if a forbidden food is accidentally mixed with a permitted food, if the amount of the permitted food is at least sixty times the amount of the forbidden food, the permitted food is unaffected.

Eruvin 62b relates that this same question about Megillat Ta'anit, which Rashi explains was the only written collection of *halakhah* at that time. R. Ya'akov b. Abba asked Abaye if one could give a ruling in his rabbi's locale if it is as clear-cut as being written down in the Megillat Ta'anit. As above, this was explained by saying even the rules regarding an unlaid egg [which are considered to be simple and well-accepted] may not be espoused by a student in the presence of his rabbi.

The *Siftei Cohen* says that we can learn in the Eruvin passage that we are forbidden to instruct before our teachers, even regarding things we learn from books. This is true even for a *talmid haver*, if he is in the presence of his teacher, as was explained in the relevant Tosafot.

In contrast to Caro's teaching, the reason that one could not instruct from Megillat Ta'anit was that it could seem as if this was a *davar hiddush*, a new matter. However, the Maharam states that if there does not seem to be a *davar hiddush* to anyone, either the questioner or to others who are listening, one may only offer a *halakhic* ruling if it is clearly written in the books. It is here that he draws a distinction between the examples drawn from Eruvin, Megillat Ta'anit and the unlaid egg, which both could be considered new matters, and something as clear as *notein lifgam*, of which the questioner is at least familiar with the usual practice, if not the law.

10. There are those who wrote that a sage is forbidden to permit a matter that is difficult to justify, for it appears to the majority that he has permitted something that is forbidden.

Comments: The *Siftei Cohen* says this prohibition applies only if permission is offered without any accompanying justification. But if the sage can offer sound reasoning, it is acceptable to permit that which is difficult to justify.

11. In order to separate people from forbidden practices, such as when they see a person who transgresses, either because of ignorance or wickedness, a student is permitted to explain to him and tell him that he is forbidden even before his rabbi. In all cases where there is a profaning of God's name, one must not observe the honor due his rabbi.

Comments: Eruvin 63a relates a relevant story: Ravina was sitting before R. Asi [his teacher] when he saw a man chaining his donkey to a tree, which is forbidden on Shabbat. When the man did not immediately respond to him, he excommunicated him. Realizing what he had done, he asked his teacher if his action had been disrespectful to the Law and his teacher. R. Asi responded by citing the verse, *No wisdom, no prudence, and no counsel can prevail against the Lord (Prov. 21:30)*, and stating that "in all cases where there is a profaning of God's name, one must not observe the honor due his rabbi." This is also discussed in the *Mishneh Torah*. See section 4, above.

12. If the members of a student's household are in need of a legal ruling and ask him, he may not instruct them in the place of his rabbi.

(Not everyone whose rabbi has died is permitted to sit and instruct, unless he has reached an appropriate level. This is mentioned in the Rambam's Hilkhos Talmud Torah, above.)

Comments: The Rosh refers to another discussion on Eruvin 63a, where a student presents a knife to his friends for examination before slaughter. When one of them did examine the knife, he was punished for disrespect. The lesson here is that, even in so simple a matter as examining a knife for slaughter, which we are told elsewhere may be done by oneself, the students should have deferred to the age and wisdom of the city's rabbi, R. Aha b. Jacob.

13. A student who has not reached the level to instruct, but does instruct, is a wicked fool, presumptuous and haughty. It is said of him, *For she has cast down many wounded* (Prov. 7:26a).

Hagah: Lesser students who leap into instruction and who preside over the yeshivah in order to make themselves great before the common people multiply disputes, destroy the world, and extinguish the light of Torah. (Tur from the Rambam) A person should be careful that he does not instruct when he is drunk with wine or other intoxicating substances, even on a simple matter, unless it is obvious and non-controversial among the poskim, and it is a matter so simple that even beginning students know the answer by reading the text. (Terumat Ha'deshen, Chapter 42; Maharik, responsum 170, and others)
See Hoshen Mishpat Section 7.

Comments: Caro's teaching here seems to come directly from Avodah Zarah 19b: "R. Abba said in the name of R. Huna, who had said in the name of Rav,

'Why is it written *For she has cast down many wounded?*' This refers to a student who has not reached a level to instruct, but still does."

Keritot 19b discusses the rules concerning drinking. A differentiation is made between drinking a small quantity or diluted cup of wine and drinking enough to become intoxicated. An example is given of Rav, who would not hear any cases during a festive celebration for fear of ruling while intoxicated.

The phrase *zil krei bei rav hu* [lit. this ~~was~~ said in the house of his teacher], used in Isserles, above, implies that such a lesson is so simple that it is surely taught to a youngster in school. For example, in Shavuot 14b, during a discussion on cleanliness, R. Papa finds it impossible that one could not know that a reptile or a frog is unclean, using the phrase above. Other references to this idiom occur in Sanhedrin 33b and Horayot 4a.

14. A sage who has reached proficiency to render *halakhic* instruction, but does not, this is a case of impeding Torah and placing an obstacle before the multitude. Of him it is said, *indeed, many strong men have been slain by her (Prov. 7:26b).*

Hagah: The meaning of the "ordination" practiced today is that all the people would know that a person had arrived at a level of proficiency to instruct and that he would instruct with the permission of the rabbi who ordained him. Therefore, if his rabbi had already died, there is no need for ordination. The same is true of a talmid haver, as explained above: In a place where he does not need permission, he does not need ordination (Rivash 271, who disagrees with the Nahalat Avot, chapter Shanu

Hachamim). Some say that one who is not ordained with the title "moreinu" [symbolizing a particularly high level of rabbinic competence] and grants divorces and releases from levirate marriages, that these are not legally valid. There is some sense to [this ruling on] divorces and releases from levirate marriage; we should be wary of the gittin and halitzot he oversees, unless we know that he is qualified to do this and that, on account of his humility, he has not seen fit to receive ordination (Maharad Cohen chapter 20 and Mahariv chapters 85 and 122). Others disagree and are lenient (Responsa of Rivash, mentioned above). In the case of a wife unable to receive a divorce, one may be more lenient if he has already granted the divorce or releases, but not in another situation because, it seems to me that the custom of Israel is Torah. It also seems to me that one is permitted to grant this title to one who will arrange divorces, even though the law was originally not like this [that one would be ordained to perform only one rabbinic function]. In any case, today, semikhah is nothing other than receiving of permission to perform a function and not the full grant of rabbinic power that it was in classical times.

Comments: The continuation of the Avodah Zarah passage cited in section 13 is as follows: "Indeed, many strong men have been slain by her. This refers to a student who has reached the level to instruct in the *halakhah* but does not. This is age forty." The juxtaposition of the two halves of this Proverbs verse in the Talmudic passage show the responsibility and importance placed upon those who would issue *halakhic* rulings.

The Vilna Gaon refers the reader back to section 4 of this chapter, which discusses the rules concerning when a person may issue *halakhic* rulings before his rabbi. If one's teacher is dead, permission is no longer necessary (see above). This does not speak at all to the issue of proficiency. It was the responsibility of the community to decide upon who was proficient; the issue here is only that of honoring one's rabbi.

The *Siftei Cohen*, discussing Isserles' gloss, helps clarify the distinction between "ordination" in Talmudic times and in his present time. Citing the Rambam [Hilkhot Sanhedrin], whose rulings represent the Talmudic period, if one is an exceptional sage in all of Torah, the bet din might have ordained him with permission to judge monetary issues but not instruct in forbidden and permitted practices, or they might have ordained him with permission to instruct, but not to judge monetary matters. In the "present time," one simply receives permission in everything, and that which he is fit to do [to rule upon], he does. He cites the *Darkhei Mosheh*, Responsa of R. Levi ibn Habib, and others in support of this. This discussion is timely, considering the Semikhah controversy of the mid-16th century in Safed. Here, Jacob Berab, following a ruling of the Rambam in the *Mishneh Torah*, attempted to reinstitute formal ordination. One of Berab's four ordinees was Joseph Caro, although the latter never formally claimed ordained authority. Even with the Rambam's ruling, Berab's attempt was faulty, as he did not obtain approval of all authorities in Eretz Yisrael, a major condition upon which the reinstitution of ordination rested. This was again attempted by R. Judah Leib Maimon with the establishment of the modern State of Israel in

1948. Here, it was rejected, both by the non-Orthodox and the right wing Orthodox.⁹

15. A student is forbidden to call his teacher by his given name, either while he is alive or after his death. Even calling others who share the same name as his teacher by their proper names is forbidden if it is an unusual name that people are not accustomed to saying.

Hagah: However, he is permitted to call a person by a name by which others usually call him, as long as he is not before his rabbi (Beit Yosef in the name of the Rambam). This all refers only to mentioning the name alone, but he is permitted to say "My Rav, my teacher, Ploni" (This is implied from the Rashi to Sanhedrin, chapter 11 [below]).

Comments: Sanhedrin 100a cites R. Nahman, who defined as an *apikoros* [one irreverent of authority or religion] one who calls his rabbi by his [proper] name. He quotes R. Yohanan as saying that this is the reason that Gehazi was punished: He referred to his master by name, "*My Lord king,*" said Gehazi, "*this is the woman and this is her son whom Elisha revived*" (II Kings 8:5). Here, the *Siftei Cohen* teaches, Gehazi was punished for calling Elisha by his proper name, even though he was not in Elisha's presence. He goes on to show that when one is in the presence of his rabbi, there is no need at all to address him by his proper name; calling him rabbi suffices, and is the custom.

The *Mishneh Torah* [Hilkhot Talmud Torah] discusses this same issue, likening it to the respect due a father. In his Hilkhot Mamrim, the Rambam elaborates on

⁹ "Semikhah," *Encyclopedia Judaica*, 1143-1144.

the problem of a rabbi or father having the same name as others: "If the name of a student's father or rabbi is the same as that of others, he should change their [the others'] names. It seems to me this would only apply in the case of an unusual name that not a lot of people have. But the names that are very common, such as these [names:] Abraham, Isaac, Jacob, Moses, and others like them, one may call them at any time, without an issue, provided he is not in the presence of his teacher.

16. One should not greet his rabbi, nor return a greeting, in the same manner he does everyone else; rather, he should bow before him and say to him, with reverence and honor, "Peace be upon you, rabbi." And if his rabbi greets him [first], he should say, "Peace be upon you, my teacher, my rabbi."

(This is, in fact, the custom. Some say that a student should not ask at all as to the welfare of his rabbi [should never greet him], as it is said: Young men saw me and hid, [elders arose and stood] (Job, 29:8). (Talmud Yerushalmi, quoted by Hagahot Maimoniot chapter 5, likewise in Toldot Adam V'Havah chapter 2, and Beit Yosef in the name of Rabbenu Yonah.)

Comments: This ruling is derived from Brachot 27b and Rashi's explanation of it: R. Eliezer instructs that one who greets his rabbi or returns a greeting to his rabbi in the same manner he would others (not using the formal "rabbi" in addressing him) causes the Shekhinah to depart from Israel.

One should not remove his tefillin before his rabbi, nor should he sit reclining at a table with him; rather, he should sit upright before him as he would sit before a king.

(If his rabbi sat down to a meal with others, he must first receive permission from his rabbi [to join them] and then from the others.) (Sefer HaRokeach, section 335)

Comments: Sanhedrin 101b describes the removing of one's tefillin as a sign of disrespect. Here, it is related that Jeroboam *raised up his hand before the king* (*I Kings 11:27*), namely King Solomon. The rabbis do not take issue with his action, but rather with the fact that he did it in public. Rashi, in his commentary on this passage, explains that Jeroboam should have turned aside on account of the majesty of the king, taking his tefillin off while not in the king's presence. Another explanation is that Jeroboam's removal of his tefillin was a sign that he wanted to debate forcefully against the king. In either case, the lifting of one's arm in a manner appropriate to removing tefillin may also be seen as a confrontational gesture. Jeroboam's lifting his arm in such a manner before King Solomon, the only man who outranked him in the kingdom, can be likened to that of a student lifting his arm before his teacher; in both cases, it is disrespectful.

This teaching is reinforced in the *Tur*, Orach Hayim, chapter 38. In addition, both the *Bah* and the *Beit Yosef* point out that it is an insult to uncover one's head before the king, which would be necessary in removing tefillin shel rosh.

In response to the gloss that one must first receive permission from one's rabbi to join in a communal meal, the *Siftei Cohen* teaches that if a student's primary

teacher and his father are sitting at a meal, he must first receive permission from his teacher, then from his father to join them. See section 34 (below).

He should not pray [the Tefillah] in front of him, nor behind him, nor next to him. There is no need to say that he is forbidden to walk next to him, but rather that he should follow close behind his rabbi. He should not place himself directly behind [the rabbi]; rather, he should turn himself to one side when he prays with him or when he walks with him.

Outside of four *amot*,¹⁰ all is permitted (See *Orach Hayim*, section 94). He should not enter a bathhouse with him, unless the rav has need of him.

Hagah: If the student was in the bathhouse before his rabbi, and [only then] his rabbi entered, he does not need to leave (a ruling of the Mahariv). All this is only concerned with a place in which they walk about naked in the bathhouse. In a place where they walk about in clothing, he [the student] is permitted [to enter with his rabbi] (Pesahim, chapter 4). Therefore, the widespread custom is that he may enter the bathhouse with his rabbi, his father, his father-in-law, his mother's husband, or his sister's husband, even though in the Gemara this is forbidden in all of these instances. The reason for all of this is because we now walk around the bathhouse clothed.

Comments: Brachot 27a-b tells us that R. Jeremiah b. Abba prayed behind his teacher, Rav. When this practice was questioned, it was taught in the name of R. Eleazar that one who prays behind his rabbi (as well as one who gives or responds with an informal greeting to him, as above) causes the Shekhinah to depart from Israel. This same passage also discusses the fact that one should

¹⁰ One *amah* is an arm's length, approximately 21 inches.

not pass next to one who is praying. R. Yehudah b. Levi related that he saw R. Ami and R. Asi doing just that. It was explained that they did so only outside the four-amah boundary, which rendered their action permissible.

Pesahim 51a contains a discussion of why one may not bathe with certain others, as listed in Isserles' gloss above. It discusses the need to avoid the temptation of incestuous relationships, but this prohibition only held in places where such practices were a reality, such as the town of Kabul mentioned in the Talmudic discussion. The passage in Pesahim goes on to say that it was also taught that a student should not bathe with his rabbi, but if a rabbi needs his assistance, it is permitted. Rashi explains that the student does not usually bathe with his rabbi because he may be embarrassed by his honor and reverence of him.

The *Siftei Cohen*, commenting on the ruling that a student does not have to leave a bathhouse if his rabbi enters after him, likens it to another example: If an Israelite was in the bath first and non-Jew entered, the Israelite would not have to leave. It is the same here--the reason the Sefer Mordekhai gave is the he [the rabbi] enters within his [the student's] boundaries (on his territory) and this is not related to kevod harav.

He should not sit in his rabbi's presence until he tells him to sit, and he should not stand until he tells him to stand, or until he gives him permission to stand. When he is dismissed

from his presence he should not turn from before him, rather he should retreat while still facing his rabbi.

Hagah: In the case of a student who retreats from his rabbi and has obtained permission from him, but remains in the city, he must return and obtain permission from him (Shas, first chapter of Moed Katan, and Rabbenu Yeruham). This refers only to the case when he did not tell him from the beginning that he wanted to remain in the city. If he told him at the time he gave him permission [to retreat], he does not need to return to obtain permission from him (Ran, as before).

Midrash Rabbah Ruth VII:8 cites the verse *and he took ten men of the elders of the city and said, sit down here (Ruth 4:2)*. R. Alexandri said that from this we learn that a subordinate does not have permission to be seated until he has been given permission by a superior.

Yoma 53a describes the practice of departing from one's teacher: A student departing from his rabbi should not turn his face and go, rather he should turn to the side in leaving. The example given is that of R. Eleazar, who followed this practice in departing from the presence of R. Yohanan, his teacher. It is told of Rabbah that he departed his teacher, R. Yosef's house, walking backwards, so that the threshold of R. Yosef's house was stained with blood from Ravah's feet. This was seen as even more praiseworthy than turning sideways.

The *Siftei Cohen* cites Moed Katan 9b as the precedent for Isserles' gloss. It cites two prooftexts. In I Kings 8:66 it tells of King Solomon, *On the eighth day he sent the people away; and they blessed the king, and went to their tents*

joyful and glad of heart.... II Chron. 7:10 relates, *And on the twenty third day of the seventh month he sent the people away to their tents....* Rashi explains that the first passage refers to the eighth day of the festival of dedication of the Temple, which was actually the twenty-second day of the month. The second passage, then, would show that Solomon was giving the people permission to leave again, on the very next day.

He should not sit in his rabbi's accustomed place; he should not affirm his rabbi's words [A rabbi does not need support from his student.]; he should not contradict his words. He is obligated to stand before him from the time he sees him from afar, as far as he can see his rabbi, until he is concealed from him, that he can no longer see his stature, and only after this may he sit. Even if he was astride a donkey, he should stand before him, for this is considered as if he was walking.

Hagah: Some say that a person is obligated to stand before his rabbi only in the morning and in the evening (Tur in the name of the Rambam), and only in the house of the rabbi. Before others, however, who may not know that he stands before him, he is obligated to stand (Beit Yosef in the name of the Tosafot and Mordekhai in the name of Rabbi Yitzhak and other Poskim).

Comments: The ruling of not contradicting one's rabbi comes from Kiddushin 32a. Here, R. Judah b. Simeon is scolded by R. Shmuel for correcting his [R. Judah's] own father. R. Shmuel instructs him that, if his father does transgress, he may not say to him, "Father, you have transgressed against the words of Torah," nor may he say, "Father, this is what is written in the Torah." Rather, he

should say, "Father, this verse is written in the Torah." Rashi explains that, with this approach, the son simply tells his father the verse; the father, himself will realize that he erred.

This section, including the Kiddushin passage directly above, contains rulings similar to those in chapter 240, which discuss the honor due a father and mother. One can apply the logic of *kal v'homer*, that if the laws apply to one's father, and we are instructed that the honor due the rabbi is greater than the honor due one's own father (as above), these rules should surely hold true for the rabbi.

Regarding Isserles' comments on a student being obligated to stand before his rabbi in the presence of others, the *Siftei Cohen* explains: Because the awe of one's rabbi is likened to the awe of heaven, one is obligated to stand in front of his rabbi, even a hundred times per day. This holds true for standing in the presence of God. He tells us that if, while studying, a student encounters the presence of the Shekhinah multiple times each day, he is not obligated to stand each time. This he cites in the name of the Turei Zahav, the Rosh, and the *Tur*.

17. In the case of three who are walking [rabbi and two students], the rabbi should be in the middle, the greater one to the right, and the lesser one to the left.

Hagah: As for the rule that "we do not show ritual honor on the road, except before a doorway fit for a mezuzah," this applies only when each person is walking individually. If they are in a single group, however, they do show honor. (*Hagahot Maimoniot*,

chapter 6 of Hilkhot Talmud Torah, and the Tosafot to Shabbat, chapter 5). In a case of danger, one should not defer to the honor of anyone (Darkhei Mosheh in the name of R. Eliezer b. Yoel Halevi, commenting on Berakhot chapter 7.

Comments: Baraita Yoma 37a sets the precedent for Caro's order, above. In it we are told that with the High Priest stands his deputy on his right and the head of his family on his left. R. Yehudah stated that this proves that one who walks to the right of his rabbi is an ignoramus. In the case of three who walk together, the rabbi should be in the middle, the greater [of his students] to the right, and the lesser to his left. This is what we found with the ~~three~~ angels who visited Abraham: Michael was in the middle, Gavriel on his right, and Rafael on his left. R. Shmuel bar Papa explained that one is only considered an ignoramus if he walks in front of his rabbi [blocking him from view] or if he walks beside him [without turning to the side]. Here, he turns sideways.

The *Siftei Cohen* explains the order: The greater of the two students walks after and to the left side of the rabbi, whereas the lesser student walks to the right of his colleague. Outside of four amot, all is permitted; one need not follow this formality.

Shabbat 51b relates a story of R. Levi b. Huna b. Hiyya and Rabbah b. Huna who were both riding donkeys. R. Levi's donkey stubbornly took the lead, and Rabbah was insulted. Rashi explains that Rabbah was upset because he was the greater scholar, and had believed R. Levi had intentionally moved ahead of him. This shows that the above rules for walking hold true for all forms of travel.

18. If his rabbi is called to read from the Torah in the congregation, he [the student] is not required to stand the whole time that his rabbi stands.

Hagah: And thus when the rabbi stands on an elevated place in the house and the student stands on the floor, he does not need to stand before him. Even when the Sefer Torah is on the Bimah, the congregation in the sanctuary is not required to stand, because the Torah is in a different space. (Beit Yosef in the name of a responsum of the Rashba).

Comments: The *Siftei Cohen* cites the *Beit Yosef* and the responsa of the Rashba that one should stand at the time that the *shaliach tzibur* raises and shows the Scripture to the people. This is for the purpose of *kevod Sefer haTorah*, which was customary in many places, and described by the Ramban in his commentary on Deuteronomy 27:26, and by Caro in *Shulhan Arukh* Hoshen Mishpat 146.

19. Any work that a slave does for his master, a student should do for his rabbi. If he is in a place where he is not known, and he does not have tefillin on his head, and he is fearful lest he be considered a slave, he should not put on a sandal or remove it [from his rabbi's foot].

Comments: The original teaching is cited in the name of R. Yehoshua b. Levi and others in Ketubot 96a: All work that a slave does for his master, a student does for his rabbi, except for removing his shoe. Rabbah added that this [the matter of the shoe] only applies in a place where he [the student] is not known,

but in a place where he is known, it does not matter. R. Assi said that the reference to a place where he is not known is only pertinent when the student has not put on tefillin; where he has, this does not matter.

Here, Caro seems to have made clear what is implied in the Talmud: that a student is fully obligated to his rabbi, but should not be taken by others to be an ordinary slave. The two precautions against this are either being known to be a disciple of the rabbi, or being identified as a scholar, himself, by the tefillin he wears.

20. One who denies his student from serving him, it is as if he has denied him kindness and removed from him the fear of heaven. Any student who is neglectful in honoring his rabbi causes the Shekhinah to depart from Israel.

Comments: R. Hiyya b. Abba said in the name of R. Yohanan that one who prevents his student from serving him, it is as if he has denied him kindness. He cites the verse *One who deprives his friend of kindness (Job 6:14a)*. R. Nahman b. Yitzhak said he also deprives him of the fear of heaven, as it is said, *Though he forsakes the fear of the almighty (Job 6:14b)*. (Ketubot 96a)

It is also cited in taught in Brachot 27b, in the name of R. Eliezer, that one who disputes the teaching of his rabbi's yeshivah causes the Shekhinah to depart from Israel.

21. One may not observe the honor due a student before his rabbi, unless his rabbi also observes this honor.

Hagah: Even a student of a student or the son of a student should not stand before a rabbi who is with his own rabbi, or his father, unless the rabbi also observes his honor, provided that the rabbi is also the rabbi of the one seated before him (Beit Yosef in the name of Shibbolei Leket).

Comments: This section aids in setting up a hierarchy of kevod, the honor due each rabbi. Bava Batra 119b describes a dispute on the issue. One rabbi argued that one should give honor to a student while in the presence of his rabbi, and another said that one should not. The Talmud states that the law is according to both. How is this possible? The former refers to a case when the student's rabbi himself shows him honor; the other is where he does not.

The *Siftei Cohen* explains that even if a rabbi does not observe the honor due his student, he is himself honored by the deference others show toward him, even directly in front of the rabbi. In other words, the rabbi derives a measure of honor from the honor that others bestow upon his student. This is the view put forth by the *Derishah* and the *Bah* in the name of R. Simha, as well as others. In addition, they added that a rabbi does not need to stand before his student even if he is a great sage. This will be discussed in further detail in Chapter 244, section 8.

The Maharai Cohen of Krakow, responsum 19, instructs that the honor due the rabbi of one's rabbi, even if one has not learned anything from him directly, is greater than the honor due one's own rabbi.

22. [A student] who sees his rabbi transgress a matter of Torah says to him, "Rabbi, you have taught me such and such."

Hagah: If he [the rabbi] should transgress only against something that is forbidden rabbinically, nevertheless he should protest against it in his presence (Terumat Hadeshen, chapter 43). One who sees his rabbi making a ruling in a case and has a problem with his rabbi's action [he is not sure if it is, in fact, a transgression], if it might be forbidden Toraitically, he may dispute him before he does the act, and if it is forbidden rabbinically, he should allow him to complete the act and afterwards he may dispute him, since he does not know for sure that he has transgressed, rather that he has a dispute over it.

Comments: The Kiddushin passage, cited in section 16 (above) is directly relevant here. It holds that one should not correct one's father when he gives a *halakhic* ruling. Once again, the logic here is that any instruction of a son's obligation to honor his father will also hold true as an obligation of a student toward his teacher. Furthermore, the instruction to indirectly point out the rabbi's error is a way of observing the scholarly hierarchy while still assuring the integrity of the *halakhah*.

Eruvin 67b relates that R. Abaye wanted to bring forth an objection against an instruction of Rabbah, but he was prevented from doing so by R. Yosef. The latter explained in the name of R. Kahana that when they were in the house of R. Yehudah, he instructed them that in disputing a matter of Toraitic law, an objection should be raised immediately, but in a matter of rabbinic law, one must first carry out the instruction and only afterwards raise the objection.

Once again, the student is taught to err on the side of respecting his rabbi. In the case of a Toraitic law, he should discretely attempt to point out the possibility of his rabbi's error. In the case of a rabbinic law, he should forego questioning his rabbi at that moment and only later find an appropriate time to approach his mentor. At issue in the mind of the student is respect for the truth of the issue; however, the rabbi is presumed to be better informed on this truth. *Kevod harav*, on the other hand, is concrete and observable. It is for this reason that the student is taught to err on the side of honoring his rabbi; *kevod rabo* remains the guiding principle.

23. Any time that he [the student] recounts something that he has heard before him [his rabbi], he should say, "This is what my rabbi taught me."

Comments: Sanhedrin 99b instructs that one is considered an *apikoros* (ignorant) if he is seated before his teacher and begins his words with, "This is what we learned:" instead of "This is what my master said:" R. Akiva in addressing R. Eliezer on his deathbed, spoke similar words, "You have taught us, our rabbi..."

24. He may not say anything that he did not hear from his teacher until he mentions the name of the person who said it.

Comments: R. Eliezer said that one who states a teaching that he did not hear from his own rabbi causes the Shekhinah to depart from Israel (Brachot 27b). The *Siftei Cohen* and *Be'er HaGolah* both explain that if the student does not cite another rabbi, those who hear his teaching will reason that it came directly from his rabbi. Also, if he states a teaching without citing its author, he may be taking credit when it is not due him. The *Siftei Cohen* likens this to one who wraps himself in a tallit that is not his own.

25. When his rabbi dies, he [the student] rends all his garments until his heart is revealed. Some say that he only rends a *tefah*¹¹. He should never mend them together, and he should mourn for him with shoes off and all the laws of mourning for a portion of the day of death or a portion of the day he heard of it.

Comments: Moed Katan 22b explains the origins of the rule of rending a tefah's length: It instructs that for all of the dead one rends a tefah, but for his father or mother he rends until his heart is revealed. How do we know this? R. Abahu cites Scripture, *David took hold of his clothes and rent them...* (II Samuel 1:11), and explains that one can not take hold of his clothes by less than a tefah. By David's example, grasping his clothes and tearing them, presumably the length of his grasp, one learns that a tefah is an appropriate length to rend a garment when mourning, including mourning for one's rabbi.

¹¹ A *tefah* is a hands' breadth, approximately 3.5 inches.

Moed Katan 25b-26a states that the rabbis taught that rent garments for certain people should not be resewn. These include mother and father, a rabbi who has taught a student Torah, the Nasi, and the Av Beit Din, the head of the Beit Din. The *Siftei Cohen* makes it clear that it is the opinion of all that, in this case, one should never mend his clothes after rending them.

Moed Katan 25b relates that one need only mourn one day for his rabbi. It relates that when R. Yohanan died, R. Ami, his student, observed both Shiva and Sheloshim for him. R. Abba, the son of R. Hiyya b. Abba said that what R. Ami did he chose to take upon himself. R. Hiyya b. Abba said in the name of R. Yohanan [the deceased teacher], that even in the case of a rabbi who taught him wisdom, he [the student] only sits [in mourning] for him one day. In other words, a student is only required to observe one day of mourning for his own rabbi; if he chooses to observe more, it is his personal decision, but should not be considered a precedent or general rule.

26. Even if he hears [of his rabbi's death] much later [after 30 days], he should rend his garments as he would for his own father (*See below*).

Comments: This is cited from Rambam in *Torat Ha'adam*.

27. A student whose rabbi is dead and lies before him [requiring burial] does not eat meat or drink wine, as is appropriate for one whose dead lies before him [who is an onen].

Comments: The Talmud Yerushalmi discusses this issue. It cites multiple cases of students' mourning for their teachers: When R. Yosa died, his student, R. Hiyya bar Abba took it upon himself to mourn, but he did eat meat and drink wine. When R. Hiyya died, his student, R. Shmuel bar R. Yitzhak, did the same. When R. Shmuel died, his student, R. Zeira, took it upon himself to mourn, and he only ate lentils. [He did not eat meat or drink wine.] This shows that these practices were according to *minhag*, custom, and not law.

Later in the same discussion, the question is presented as to whether a Cohen can become unclean [by participating in his teacher's funeral] for the sake of *kevod rabo*, the honor due his rabbi. In actual cases, R. Yosi ruled that one could not, but R. Aha said that one could. Next, it was stated that when R. Yosi died, his students allowed themselves to become unclean, but they did not refrain from eating meat or drinking wine. R. Mana reprimanded them, saying that they could not choose one of the two: If they were in mourning, why did they eat meat and drink wine? If they were not in mourning, why did they allow themselves to become unclean? (Yerushalmi Brachot 3:1)

It seems that what is important in the discussion in the Yerushalmi is not the level of observance, but consistency of practice for each individual.

Caro, himself, explains his understanding of the laws of mourning more fully later on in Yoreh Deah. In chapter 341:1, the parenthetical gloss draws the connection between the laws of mourning and the requirement that a student

follow them for his teacher. Chapter 374:10 states that for one's rabbi one should follow the customs of mourning, with the exception that he observe obligations for blessings and time bound commandments, while a true onen does not. A student should mourn his rabbi by removing his shoes and following all the laws of mourning for one day.

28. When he mentions his rabbi within twelve months [after his death], he should say, "Behold, may I be an atonement for his grave."

Comments: The source for this is Kiddushin 31b, in a discussion of honoring one's father, both in life and in death. It teaches that, when a person is quoting his deceased father, he should not say, "Thus said my father....," but rather he should say, "Thus said my father, my master, may I be an atonement for his grave...." This applies only within twelve months of his fathers death. After that, he says, "May his memory be for a blessing for life in the world to come." By extension, this would all apply to a student whose rabbi has died, because the honor due one's rabbi is equivalent to the honor due one's parents.

Siftei Cohen cites the Rashbatz who noticed that the sages, in acknowledging their rabbis in their own books, would refer to them as "My teacher, rabbi ploni, behold, may I be an atonement for his grave." Caro explained in the *Beit Yosef* that a student's acknowledging his rabbi in his writing is necessary even after twelve months, as would be appropriate for a son to do for his father, above.

29. One who spits before his rabbi is included in the phrase "all that hate me love death."

Hagah: This refers to one who coughs up phlegm, as this is something that exits his body in a secretion. One who spits is always permitted, because he is compelled to spit (Torat Adam v'Havah, chapter 2).

Comments: It is related in Eruvin 99a that Resh Lakish said that one who coughs up phlegm before his rabbi is punishable by death, as it is said, *All that hate me love death (Proverbs 8:36b)*. Rashi clarifies this as being death by "the hand of Heaven." Perhaps the meaning is that all who show a lack of respect toward their teacher hate and despise God, and therefore will have their own lives cut short by the hand of Heaven.

The Talmudic passage continues with a play on the words within the quotation. It instructs that one should not read "that hate me," but rather, "that make me hated." The rabbis apply this to one who coughs up phlegm and spits it out. Rashi comments further that the person being discussed here is one who spits out his phlegm before his rabbi, when he could have swallowed it or removed himself from his rabbi's presence before his impolite action.

Nedarim 49b offers a related lesson. In this discussion, Rav said to his son R. Hiyya, and R. Huna said to his son Rabbah, that one should not spit out anything in the presence of his teacher, except for a gourd or grits, which burn in the stomach like a molten bar of lead, and even before the King of Shapur one would need to spit [after eating them].

In the *Beit Yosef*, Caro says that it is always inappropriate to spit.

30. All these things that we have said that are necessary to honor one's rabbi with them only apply to a primary rabbi, that the majority of one's wisdom comes from him, whether it is Scripture, Mishnah, or Gemara.

Hagah: In these days the essence of rabbinics is not dependent on one who has taught him rabbinic argumentation for its own sake (pilpul v'hilukim), because we are accustomed to this, but rather [it relies upon] the person who has taught him how to discern halakhah (p'sak halakhah) [issue halakhic rulings binding upon the community], which sets him [the student] on a path of truth and uprightness.

But if he has not learned the majority of his wisdom from him, he is not obligated to honor him in all these ways. He should, however, stand in his presence within four amot, and rend garments as he would rend a garment for all those over whose deaths he mourns. Even if he has only learned from him one thing, small or large, he stands before him and rends his garment. (*See below, chapter 340:8*)

Comments: The *Be'er HaGolah* refers back to the discussion in Bava Metzia (33a), wherein the term "primary rabbi" is defined. Later in the same passage, however, it is made clear that scholars rend garments for those from whom they might have learned only one piece of knowledge, as well as all their colleagues.

Caro repeats this law further on in chapter 340, section 8 of *Yoreh Deah*, within the laws for the rending of garments.

31. Any sage that has manners and moral training should not speak in front of one who is greater than himself in wisdom, even if he has not learned anything directly from him.

Hagah: A person should not issue halakhic rulings until he is forty years old if there is someone greater than him in the city, even if this person is not his own rabbi (Beit Yosef in the name of the Ran; the Seder Mitzvot Katan and Rashi to Mishnah Sanhedrin 11). If a sage rules that something is forbidden, his colleague is not permitted to allow the matter by a discretionary judgment; however, if he has it on traditional authority that the rabbi has erred (R. Yeruham in the name of others), or if the ruling involved a misunderstanding of a clear and universally accepted point of law, he may permit it (The Ran, beginning of Tractate Avodah Zarah in the name of the Ravad, the Rashba, and the Ramban. See the Tosafot, the Rosh, and R. Yeruham, end of chapter 2). Even if he has erred in a matter of a discretionary judgment [one which is not clear and simple but which requires some degree of interpretation and analysis], one may still try to argue the instructor out of his point of view on such an issue [but he may not simply reverse him since the ruling is not clearly wrong and lies within his discretion to make] (This is according to the logic of the Ran). Therefore, it is not forbidden to ask a second opinion (Mordekhai and Agudah and Tosefot and Rosh and R Yeruham), provided he informs him[the second] that the first has already issued a ruling that it is forbidden (R. Yeruham, chapter 2). Even if the first permits and the ruling has already taken force, the second may not forbid it from his own reasoning (This is implied by the Rosh, the first chapter of Avodat Kokhavim). All this refers to the same case, itself, but in another

matter, [even one identical to the first], it is obvious that he may rule on what it seems to him (Maharik, responsum 172 and Hiddushei of the Rashba).

Comments: The *Be'er HaGolah* cites the source for Caro's statement as Avot 5:7. The passage describes the seven characteristics of a wise person (as well as the seven characteristics of an uneducated person). The seven characteristics of a wise person are: he does not speak before someone who is greater than him in wisdom and in number [age]; he does not interrupt the words of another; he is not hasty to answer; he asks according to the subject matter and answers according to the *halakhah*;^{*} he speaks in an orderly fashion [literally, the first thing first and the last thing last]; and on matters that he has not heard he admits he has not heard them; and he is thankful for the truth.

The *Siftei Cohen* gives an extensive commentary on many aspects of Isserles' gloss. Regarding the qualification of forty years of age, he says that this is the teaching of Rashi and the Ran. However, he cites the Tosafot to Sotah 22b as explaining that forty years is counted from the time that one begins to study.

Next, the *Siftei Cohen* discusses the meaning of "greater than him." First, he discusses the possibility of two equally great authorities being in the same city. If the person is as great an authority, he need not have reached the age of forty in order to issue *halakhic* rulings. "Greater than him" could also mean "older than him." In this case, Rashi explains in Sotah that the phrase *for she has cast down many wounded (Proverbs 7:26)* refers to a scholar who has not reached

the age of forty yet issues *halakhic* rulings, despite the fact that there is an elder in the community.

"If a sage rules that something is forbidden, his colleague is not permitted to allow the matter..." This is in the case that he has already done the matter. If the two [scholars] are both in the house of study, he may permit it, as discussed later on in Kiddushin. It also does not matter if a colleague is greater than him, either in wisdom or in years; however, if the latter is not considered a colleague, and is greater than him, he may permit what the first has forbidden.

In commenting upon Isserles' statement that a sage may permit what a colleague has forbidden, the *Siftei Cohen* cites the Isserles' *Darkhei Mosheh*, who in turn cites R. Yeruham and Rashi, in support of this. However, the *Siftei Cohen* also points to those who disagree, namely the Tosafot to Sotah 44b, Alfasi, and the Maharih. The *Siftei Cohen* supports this more stringent view.

The *Siftei Cohen* notes that there are two kinds of *Halakhic* error: *Ta'ah bid'var misnah* refers to a case when a sage make an egregious misapplication of the law. In this case, it is as clear to all that the *halakhah* is otherwise as it would be if it were plainly stated in the Mishnah. Such an error is not considered a valid ruling at all, and can be reversed by any person.

Ta'ah bishkul hada'at is an error in interpreting the accepted *halakhah*. In the case of a dispute, a sage might rule on one side, while most others would rule

on the others. Isserles says that a sage may argue with another sage who seems to have made such an error. Implied here is the notion that the sage may *publicly* announce his disagreement. The *Siftei Cohen* limits this right to cases where it can be clearly demonstrated that an error of interpretation was made; however, if the case is simply one of disagreement, with no possibility of proving the other sage incorrect, the sage who disagrees may not overrule the former.

32: The primary rabbi who forgoes his honor in all these things, or in only one of them, either for all his students or for just one of them, his honor is forgone; but even if he foregoes the honor, it is a mitzvah for the student to show him respect.

(He [the student] is forbidden to scorn him.) (Piskei Maharai, chapter 127)

Comments: The rabbis discuss this phenomenon in Kiddushin 32a-b. R. Hisda was quoted as saying that in the case of a father who foregoes his honor, his honor is foregone, but in the case of a rabbi who foregoes his honor, his honor is not foregone. R. Yosef disagreed, saying that even in the case of a rabbi who foregoes his honor, his honor is foregone. He cites the verse *And God went before them by day (Exodus 13:21)*. Traditionally, a king would be preceded by the army. By leading the people Israel, God surrendered this honor, providing a proof-text for the above.

A story related during this discussion clarifies the point: Rabbah was serving drinks at his son's wedding house. He offered drinks to R. Papa and R. Huna b. R. Yehoshua, and they stood before him. He offered drinks to R. Mari and to R.

Pinhas b. R. Hisda and they did not stand before him. He was insulted and asked if these [the former] were rabbis and the others [the latter] not rabbis. This shows that even when a rabbi is serving others, quite literally, and could be assumed to have foregone his honor, his students should always show him respect.

33. The honor of your student shall be as dear to you as your own honor.

Comments: This passage is directly quoted from M. Avot 4:12, stated in the name of R. Elazar ben Shamo'a. It continues: ...and the honor of your colleague as your reverence for your rabbi; and your reverence for your rabbi as your reverence for heaven.

34. If both a student's father and his rabbi (*primary*) (*Beit Yosef and Talmudic Poskim*) have lost an article, he should return his rabbi's first. If his father is equal [in learning] to his rabbi, he should return his father's first. If his father and his rabbi are carrying heavy loads, he should place down that of his rabbi and afterwards place down that of his father. If his father and his rabbi are both held captive, he should redeem his rabbi and afterwards redeem his father. If his father is a sage, he should redeem his father and afterwards redeem his rabbi.

Hagah: Thus he unloads the burden of his father first, even if he is not equal in wisdom to his rabbi; but he does not return the lost article of his father first unless he is equal [in wisdom] to his rabbi (Tur in the name of the Rosh, Hagahot Maimoniot, and Beit Yosef). Some say that his rabbi takes precedent over his father only if he [the student] studies

with him for free, but if his father pays the rabbi to teach him, the father takes precedence in all matters (Sefer Hasidim). This seems, to me, to be the correct interpretation.

Comments: This passage comes from Bava Metzia 33a, as was discussed in section 1, above. The *Siftei Cohen* states that the student's difficulty arises in the first case when he has the two articles to return, but does not know which to return first. This is discussed further in Hoshen Mishpat, chapter 240-244.

Citing the *Beit Yosef*, the *Siftei Cohen* clarifies that this ruling only holds for a student's primary rabbi. In any other case, the father would take precedence.

35. One's own loss takes precedence over that of his father or that of his rabbi.

Comments: It is written in the beginning of chapter 264 of Hoshen Mishpat that despite this, he should go beyond the letter of the law and not be strict on insisting that his own loss takes precedence. In doing this, he will receive upon himself the yoke of *gemilut hasadim*.

36. One who says to his colleague that he would not accept any teaching from him if he was [as great as] Moses, he should be flogged because of contempt.

Hagah: A student who says a theoretical statement of law in an issue in which he is personally involved (Tosafot in the name of R. Tam), if he states it before an actual ruling is made they accept his words but if not [if he does not state it before the ruling is made], they do not accept them. (Talmud, Yevamot, top of page 77 and the Tosafot, the

Darkhei Mosheh 245) Provided that he says, "I have received this teaching [from my teacher(s)]." But if he offers an opinion and justifies it with good arguments, if these are persuasive his words are accepted (Ritba). We do not accept them in a case in which he is involved, however, since he may have drawn improper analogies to benefit his own interest. If the rightness of his position is obvious, however, we do accept it (R. Yeruham, end of chapter 2, and the Rosh).

Comments: The source for Isserles' gloss is Yevamot 77a. R. Abba said in the name of Rav that if a student gives a theoretical statement of law before a ruling is issued, it is accepted. If he makes it afterward, it is not accepted. The Tosafot, commenting on this passage, cite Rabbenu Tam who said that this is precisely if he, himself, is an interested party.

The *Siftei Cohen* clarifies that an "obvious position," as cited in Isserles' gloss, would be one directly from the Talmud or one of its poskim.

Shulhan Arukh Yoreh Deah Chapter 243
Laws of Honoring a Talmid Hacham

A scholar was exempt from taxes and sells his wares first. *This chapter consists of nine sections:*

1. Scholars did not go out themselves with the remainder of the people to do building or digging in the city, and other things of the like. They should not humiliate themselves before the common people, and since they are exempt, they should not even pay others to work in their place.

Comments: R. Yehudah, in Bava Batra 7a, commented upon the Scriptural verse, *It is not permissible to impose tribute, poll tax, or land tax on any priest, Levite, singer, gatekeeper, temple servant, or other servant of this house of God (Ezra 7:24)*. He asserted that this ruling currently held for the rabbis and clarified the three types of taxes listed as being a king's tax, a poll tax, and a produce tax, respectively. It is clear that the rabbis understood themselves as being servants of God, parallel to the status of priest, Levite, or the abovementioned positions in the time of Ezra. A similar discussion also occurs in Nedarim 62b, in the name of Rabbah.

2. When is this said? When each man goes out himself. But [it does not apply] if he does not go out himself, but rather he pays another in his place or collects money from residents of the city to do it. If it is a matter vital to human life, such as [digging] wells of water, or the like, he is obligated to contribute his share. *(And if from the beginning he goes by*

himself and afterwards [the community] decides to pay others, a scholar is obligated to contribute his share.) (Responsa of the Maharam, the Mordekhai, chapter Hashutafin)

Comments: The *Siftei Cohen* cites the responsa of the Maharam, saying that if the rabbi is excused from the work by the congregation he still is part of the contractual agreement among the community to pay others.

But in a matter needed for security of the city, such as walls or towers of the city, or the wages of the guards, he is not obligated to give the city keepers anything. They [scholars] do not need security because their Torah protects them. Therefore, they are exempt from all types of taxes, whether they are taxes levied upon residents of the city or taxes that are levied upon each person himself; whether they are permanent or temporary. The residents of the city are obligated to defray for them [the scholars] even those [taxes] that are fixed on each individual person.

Hagah: Even if the local ruler says that scholars, themselves, should give money, the community is still obligated to give on their behalf. Even if the community took a vow which obligates the scholars among them to pay taxes, their vow is null and void. The scholars themselves are empowered to impose a vow upon the community to require that the latter pay the scholar's taxes. (Beit Yosef in the name of responsum of R. Nehemiah Belsker #19). One may not make a distinction between a rich scholar and a poor one (Beit Yosef in the name of the Rambam, Abulafia, and ibn Migash).

Comments: The Talmud tells that Rabbi Yehudah HaNasi imposed the tax for the wall upon the rabbis. Resh Lakish objected, saying that rabbis do not require protection. R. Yehudah, himself, holds to this teaching later on in the

discussion, and states, "All must contribute towards keeping the city gates in repair, including orphans, but rabbis do not need guarding [and therefore need not contribute]" (Bava Batra 7b-8a). The rationale seems to be that rabbis, by the nature of their work and righteousness, are themselves a type of protection for the residents of a city. This exemption from duty, however, does not hold for activities of sustenance, such as digging a well. Here, rabbis are expected to contribute, although not to participate in the physical labor themselves.

In the *Mishneh Torah*, Hilkhot Talmud Torah 6:10, the Rambam states these same rules. Of note, however, he cites as a prooftext for this Hosea 8:10, also cited in Bava Batra, above: *Although they will flee among the nations, now I will gather them; in a little while, they will be released from the burden of the king and his officers.*

These rules can be found in greater detail in Hoshen Mishpat, chapter 163 (the laws of compelling one another [to pay taxes]), sections 4-5.

The Rambam, commenting on Avot 4:5, gives a long discussion as to the necessity of rabbis to support themselves financially. Within his discussion, he cites the legitimate financial benefits of being a scholar, specifically the release from taxes, discussed here. He also criticizes the emerging institution of the professional rabbinate.

This holds for scholars whose occupation is Torah. If Torah is not their occupation, they are obligated [to pay taxes and financially support the community]. But if a scholar only has a small occupation or a small business [low paying] by which to keep himself alive, and not to become rich, and at every free moment he returns to the words of Torah and studies regularly, Torah is considered his occupation.

Hagah: One does not make a distinction whether he heads a yeshivah or not, only that he is considered [by his colleagues] to be a true scholar in his generation, that he knows how to discuss Torah [is at home in the dialectic of Torah] and understands for himself many passages in the Talmud and their explanations, and the teachings of the post-Talmudic sages, and he makes Torah his occupation, as has been explained (Terumat Hadeshen, chapter 342). Even though there is not now in our time a sage concerning whom they would give to him a litra¹ of gold if he were shamed [see below], in any case concerning exempting him from taxes one does not have to be as strict with this, provided he cleaves to talmud Torah as has been explained (Terumat Hadeshen, chapter 341) In any case, there are places where the custom is to exempt a scholar from taxes, and there are places where the custom is not to exempt them (Terumat Hadeshen, chapter 342).

Comments: According to the Maharam Alashkar and R. Nehemiah, a business may refer simply even to one who makes loans with interest.

The *Siftei Cohen* asserts that a scholar may sustain himself at a comfortable level, yet still be exempt from taxes. One need not take an oath of poverty; rather the important criterion here is that he study Torah according to a fixed

¹ A litra is a measurement of weight, equivalent to approximately one pound.

routine. He also cites the *Teshuvot Binyamin Z'ev*, chapter 252, that even if one is not considered highly important among other scholars, that are not in his town, nevertheless, since he is a talmid hacham among their number, he is released from taxation.

The punishment of paying a litra of gold for shaming a scholar can be found in Bava Kama 6:7 of the Talmud Yerushalmi, cited later in *Mishneh Torah*, Hilkhot Talmud Torah 6:12. Isserles states in his gloss that there is not in his time a sage of such standing that he would warrant such a payment. Nevertheless, standard compensation, such as exemption from taxes, would still hold.

3. A scholar who disregards the mitzvot and does not revere heaven is considered the most worthless member of the community.

Comments: The sources for this are the responsa of the Rosh and R. Nehemiah.

4. A scholar who has wares to sell, they did not allow another person to sell the same type of wares until the scholar has first sold all of his. This is true only if there were no gentiles who were in the same business. If there were [gentiles in the same business], since we can not prevent them from selling, we can not guarantee a profit to the scholar. [And if we can not guarantee a profit to the scholar,] there is no sense in denying a livelihood to other Jewish merchants.

Comments: A story is cited in Bava Batra 22a tells of R. Dimi of Nehardea, who brought a boatload of figs to Bavel. The Resh Galuta (Exilarch) put Rabbah in

charge of determining if he was a scholar; if so, the marketplace would be reserved for him. Rabbah's student, R. Adda b. Abba, went and questioned R. Dimi, and he determined that he was not a true scholar. This story illustrates that the above rule was in use as early as the Talmudic period, as well as assuring the reader that there was a certain minimum standard of learning expected for one to be considered a scholar.

The ruling that a sage may sell his wares first is included in Hilkhot Talmud Torah (6:10), although the Rambam makes no mention there* of the case of a gentile also selling his wares. Caro, himself, did not mention the case of a gentile selling his wares in the *Kesef Mishnah*. This later discussion was first brought forth in the *Tur*, Hoshen Mishpat 157, in the name of the Ramban.

5. A scholar who has a case against another and stands before the judge, and there are other litigants that preceded him, they give precedent to the case of the scholar and allow him to sit before the judges.

Comments: This passage raises two issues: First, the case of a scholar should go take precedent over others', and, second, the scholar should be honored by being seated before the judges.

Regarding a scholar's case being heard first, Raba said that a scholar may say [before a judge] that he is a scholar and that he may be heard first, as it is written: *and the sons of David were priests (II Samuel 8:18)*. Just as a kohen takes first, also a scholar should take first. How do we know this of a Kohen? It

is written, *You will sanctify him, because he offers the bread of Adonai your God* (Lev 21:8). The house of Rabbi Ishmael taught that *You will sanctify him* refers to all things that are holy: to be the first [in reading Torah], the first to make a blessing, and the first to receive a good portion (Nedarim 62a-b).

A specific case is cited in Shavuot 30a: R. Ulla the son of R. Ilai, was to be judged before R. Nahman. R. Yosef sent word to him [R. Nahman], saying that Ulla was a colleague in Torah and Mitzvot. R. Nahman asked why R. Yosef would send such a message, perhaps that he should favor him? He said, that he should settle his case first.

Hoshen Mishpat 15:1, the laws of judges, states clearly: The judges should begin to judge the case which comes before them first, but they should make first the case of a scholar, even if he has come last. This is a mitzvah for them to change the order. Isserles makes a distinction in his gloss, however: If the scholar is before the judges, even if they have begun to hear a different case, the scholar takes precedent, so as not to cause his learning to be neglected. If the judges are close to deciding a case, however, the scholar should be asked to wait.

Chapter 15:2 states that the case of an orphan, and then that of a widow, take precedent over that of a scholar.

A scholar should be seated before the judges. The *Siftei Cohen* relates that although the litigants are required to stand, they seat a scholar on account of the positive commandment to honor Torah. Hoshen Mishpat 17:2 states that if a scholar and a common person have brought a case against each other, the judge should seat the scholar and then tell the common person to sit. If he does not sit, they need not be strict over this. Isserles' gloss states that when a scholar comes for judgment, it is permissible to stand before him ; we do not worry that this show of deference will confute the words of the other litigant.

6. It is a great sin to embarrass scholars or cause them to be hated. One who humiliates a scholar does not receive a portion in the world to come, and he is in the category of *he has scorned the word of God*.

Hagah: It is forbidden to make use [as a servant] of one who recites [memorizes] halakhot, and all the more for one who recites the Talmud, which is the Gemara. One should begin [if one must choose] by using one who can recite halakhot before he should use one who recites the Gemara (Rabbenu. Yeruham, section 2)

Comments: Sanhedrin 99a defines *one who has scorned the word of God* (Num. 15:31) in many ways. Relevant to this discussion, this could refer to an apikoros, defined on the next page as one who insults a scholar, or, perhaps, one who insults his neighbor in the presence of a scholar.

This is discussed further below, in section 9. A distinction is made between one who embarrasses or scorns a scholar in public, and one who does so in private.

If he acts out in public, the scholar has no choice but to ban him, because it is as if he has insulted the Torah, itself.

Megilah 28b takes up the issue of using one who is capable of reciting halakhot as a servant. It tells a story of Resh Lakish, who was being carried across a pool of water by a common man. When he discovered [while on the man's shoulders] that the man was capable of reciting all four orders of the Mishnah, Resh Lakish insisted on being put down in the pool of water. The man refused, and instead asked that he teach him something. Whereupon, Resh Lakish instructed him in an obscure halakhic teaching. Here, the issue is that Resh Lakish could not simply rely upon another learned man, even one "learned" on an elementary level, to be his servant, but it was permissible as long as Resh Lakish was teaching him at that time. It seems as if, for that short period, Resh Lakish could be considered rabbi to the man who was carrying him. In that case, the rules of the teacher/student relationship, described fully in chapter 242, would apply here.

7. One who, according to witnesses, humiliates a scholar, even in words (*even not before him*), the Beit Din should banish him and may not lift the ban [permit him to return] until he mollifies the sage on whose account he was banished. If he humiliates a sage after his death, the Beit Din banishes him and they may lift the ban when he has done his repentance.

Hagah: But in these days there is no scholar who is worthy enough to have the law of a Litra of gold enforced upon those who shame him [see above] (Maharik, responsum

#163; Mahariv chapter 163). Still, the Beit Din will levy a fine according to the status of the shamer and the shamee (Rivash), provided that the sage did not begin the argument to humiliate a person who did not deserve this, and he causes him to be humiliated and debated (Rivash). In any case, if the sage has any part in beginning the argument, a person still does not have permission to argue against him and to answer him in an insult (Hagahot Mordekhai in Kiddushin). And all is according to the views of the judges [to decide who is at fault.].

Comments: Moed Katan 15a explains that one who has been banished is forbidden to cut his hair or wash his clothes. If he dies while banished, the Beit Din stones his coffin. R. Yehudah says that this does not mean that they make a pile of stones atop it like the pile of Akhan [Joshua 7:25]; rather, the Beit Din sends [a representative] who places a large stone on his coffin to teach that all who are banished and die during their banishment, the Beit Din stones their coffin. This teaching also appears in Mishnah Eduyyot 5:6 and Berakhot 19a.

The *Sifte Cohen*, commenting on the manner of banishment, asserts that they did so in public, citing as references the *Tur*, the Rambam, and the *Beit Yosef*, as well as Caro's discussion in the *Shulhan Arukh*, section 334 (of Yoreh Deah) and the responsa of Maharam Galante, number 8.

It is possible, according to the above scenario, that the person was banished while not actually before the judges himself. Of this, *Hilkhot Talmud Torah* (7:13) says that he would not necessarily need to be present to have the ban

lifted. In contrast, had he been present when placed under the ban, he would need to be present again to have it lifted.

The Kesef Mishnah states that a distinction can be drawn between a scholar lifting the ban that he has placed upon a person and actually forgiving that person. The last chapter of Yoma teaches that, if one has insulted his rabbi, he must seek his pardon even one thousand times. Still, if a person has fulfilled the requirements of the ban, it must be lifted, even if the rabbi has not granted a pardon. This is discussed in the *Beit Yosef* and repeated in the glosses to *Shulhan Arukh Yoreh Deah* 334:47.

Berakhot 19a contains divergent teachings regarding one who humiliates a scholar after his death. R. Yitzhak first states that all who talk about the dead, it is as if they are talking about a rock. In contrast, R. Papa was quoted as saying that a man made comments about Mar Shmuel and a branch fell from a shelter and split his head open.

Yerushalmi Moed Katan, chapter 3, is a source for the ruling that one who insults a sage, even after his death, should be banished.

Shulhan Arukh Hoshen Mishpat, chapter 420:24, clarifies how the Beit Din should fine "according to the status of the shamer and the shamee." Caro begins: "How should one calculate the extent of shame? It is done according to the shamer and the shamee; being shamed by a young [insignificant?] person is

not the same as being shamed by a greater, honored person, for the former is considered a lesser insult and the latter a greater one." Isserles adds that, for example, that the shame created by a Cohen is greater than that of any other.

Isserles closes his gloss to the above passage by saying that "all is according to the views of the judges." For further clarification, the *Siftei Cohen* refers the reader to the responsa of the Mabiz, who has many responsa on the judgment of one who shames a scholar.

8. A sage himself, for the sake of his own honor, may banish a person who behaves improperly towards him. He does not need witnesses or a warning. He is not permitted to return until the sage wills it. If the sage dies, three [others] may come and permit him. If the sage wishes to forgive him and not to banish him, he is allowed to do so.

Hagah: In these times, a sage may not banish a person for the sake of his own honor, nor may he enforce his own rights (Maharik and Mahariv; Piskei Maharai, chapter 295). Some dispute this, provided the scholar is presumed to be worthy of exercising such a right (Rivash and Maharad Cohen). (See below, the end of chapter 334.)

Comments: Regarding when it is preferable for a scholar to ban a person on account of his honor, and when it may be more appropriate for him to forgive the person immediately, see discussion of *Mishneh Torah* Hilkhos Talmud Torah 7:13, in section 9, below.

Moed Katan 16a discusses the situation of a student who banishes someone for the sake of his honor. Rashi comments that a student may only banish

someone for the sake of his honor; only a scholar may banish someone for the sake of heaven. A similar statement is made again on 17a.

The *Be'er HaGolah* cites as an example of this a case presented on Moed Katan 17a: This is a case of a person who is not forgiven after the sage dies. Three others may permit a person to return, but it is not guaranteed that they will.

9. Although a sage is permitted to banish a person for the sake of his own honor, one who conducts himself in such a manner is not to be praised. This is said in the case of one who insults him in private. But if the insult is in public, he is forbidden to forsake his honor; rather, the sage should seek vengeance and hold a grudge like a snake, until the one who insulted him asks for pardon and the sage forgives him.

Comments: Rambam discusses this in Hilkhhot Talmud Torah 7:13: "Although a scholar has permission to banish for the sake of his honor, it is not praiseworthy for a scholar to conduct himself in such a way; rather, he should raise his ears from the words of the common man and not pay heed to them, as Solomon said in his wisdom, *Finally, do not pay attention to everything that is said...* (ECU. 7:21).

"This was the way of the pious ones of old, who heard their blasphemy and did not respond. Furthermore, they would forgive their blasphemy and pardon it. The great sages were praiseworthy for their kind deeds; and it was said of them that they never banished a person, nor did they excommunicate a person, for

the sake of their own honor. This is the way of those scholars who are worthy of being followed.

"When is this said? When one shames a scholar in private; but a scholar who is shamed or reviled by a person in public is forbidden to forego his honor. If he does forego [his honor], he is punished, because this is insulting Torah; rather, he should seek vengeance and hold a grudge like a snake, until the one who insulted him asks for pardon and the sage forgives him."

In Megalith 28a, R. Nehunia ben Hakanah states, "[The thought of] a neighbor's curse never went to bed with me." This [is said of] Mar Zutra, who would go up to bed and said, "The Lord forgive all those who may have insulted me."

Yoma 22b-23a quotes R. Yohanan, in the name of R. Shimon ben Yehotzedek, who said that a scholar who does not seek vengeance and hold a grudge like a snake is not truly a scholar. This is presented in contrast to the example of Saul, who was punished for foregoing his honor, when, after expounding the rules of the monarchy, some questioned his authority, *so they scorned him and brought him no gift, but he was as one who holds his peace (I Samuel 10:25-27)*. Although one might consider Saul's patience virtuous, the context of the situation clearly places him in a public setting. In this case, even the Rambam would assert that Saul's foregoing of his honor was, in fact, an insult to Torah.

Shulhan Arukh Yoreh Deah Chapter 244
Laws of Honoring a Talmid Hacham (Continued)

Rising as a sign of respect before a sage, even if he is not one's own rabbi. *This chapter consists of 18 sections:*

[Note: The origin for many of these teachings is Kiddushin 32a-33b, which is a commentary based upon the text of Leviticus 19:32: *You shall rise before the aged and show deference to the old; you shall fear your God: I am Adonai.*]

1. It is a positive commandment to rise before any sage, even if he is not old, but young and wise, and even if he is not one's own rabbi. (*This is only if he is greater than the person and it would be appropriate to learn from him.*) (*Tur and the Ran, the beginning of chapter Kiddushin*) It is also a mitzvah to rise before the aged, that is, one who is seventy years old. (*Even if he is unlearned, provided he is not wicked.*) (*Beit Yosef in the name of the Tosafot; Hagahot Maimoniot chapter 6; Mordekhai, beginning of first chapter of Kiddushin; R. Yeruham, the Ran, and Rabbenu Tam*)

Comments: The *Tur* begins his earlier discussion of this teaching with Leviticus 19:32: *You shall rise before the aged [seivah] and show deference to the old [zaken]....* The origin for this discussion is Kiddushin 32b. Here, the rabbis open their discussion by asking if it is possible that one should rise before one who is aged, yet uncultured. They go on to explain that, by pairing the word for aged, *seivah*, with the word for old, *zaken*, this could not hold true. *Zaken* is

used to describe the members of the great Sanhedrin, who could only be considered wise.

The rabbis go on to show that, according to Rabbi Yosi Hagalili, one should also rise before one who is a sage, but young. The prooftext for this is Proverbs 8:22: *God created me at the beginning of God's course, as the first of God's works of old.* Here, wisdom personified is young, not old. Caro states in the *Beit Yosef* that it is a positive commandment to rise before all scholars [regardless of age], including ones that, in the words of the *Shibbolei Leket*, have not yet reached the age of maturity (age 13, when they are expected to accept the yoke of Mitzvot) (Mishnah Sanhedrin 8:1). R. Isi says that the verse should be read literally, and that one should stand before an aged person. The final ruling set forth is that one should rise before all sages regardless of age.

The *Sifte Cohen* teaches that a scholar is considered "distinguished in wisdom" if he is greater than most of the scholars of his generation. If this distinction were not made, then an unlearned person would be obliged to rise before almost everyone of even a slight level of learning. The intent of the law, however, is that one should only be required to rise before someone who is recognized as a true scholar. The Tosafot and the Rosh said that this is only written to settle the difference between one who is aged and old and one who is young and a scholar.

2. When is one obligated to rise before them? From the time that they come within four amot of him until they pass by him. Riding [upon a donkey] is considered as if he is walking.

Comments: Kiddushin 33a states the ruling clearly. The distance of four amot refers to scholars who are not one's primary teacher. One should rise before his primary teacher for as long as he is within view (see chapter 242:16).

Kiddushin 33a also states that "Abaye would rise as soon as he saw the ear of Rabbi Yosef's donkey approaching." This shows that the same consideration should be shown for a scholar who is riding upon a donkey as for one who is traveling by foot.

3. It is forbidden to avert [lit: close] one's eyes before he [the sage] comes within four amot so that he will not need to rise for him when he arrives within four amot.

Comments: The precedent here also appears in Kiddushin 33a, which states that "it is possible to shut one's eyes like one who has not seen him." The rabbis considered this to be a wicked [and therefore impossible] thought. They suggested, rather, that it is possible that one may have averted his eyes before the obligation arose. Nevertheless, the passage states he is required to stand; in the words of Leviticus 19:32: *You should rise [before the aged]...; you shall fear [your God]...*

4. One should not stand before him either in a lavatory or in a bathhouse, as it is written, *you shall rise and honor*, i.e. you should rise when it is a sign of honor. (*This refers precisely to the bath or bathroom, itself, but in an outer chamber or ante-room they*

*stand.) (Beit Yosef in the name of the Gemara; Rif, Rosh, Rabbenu Yeruham and others;
the Sefer Mitzvot Gadol chapter 32)*

Comments: The language for this is taken directly from Kiddushin 33a. Here, it is related that R. Shimon bar Rabbi passed by several of his students in the bathhouse, and they did not rise for him. His father, Rabbi Yehudah HaNasi, explained that one draws a distinction between the inner and outer chambers of the bath. Rashi, clarifying the passage on 33a, explains that one is naked in the inner chambers, but dressed in the outer chambers. While dressed, one is expected to honor his teacher, but is exempt when such a gesture could be interpreted as inappropriate.

5. Craftspeople are not obligated to stand before a scholar when they are occupied with their work. If he is occupied with the [commissioned] work of others and wants to be strict with himself and stand before him [the scholar], he is not entitled to do so.

Comments: Kiddushin 33a begins with a Baraita: One might think that it would be appropriate to honor a scholar with money. It is explained, however, that just as rising up entails no loss of money, honoring should not entail a loss of money. In a case where rising up would cause one to lose his own money or his employer's money, such as that of an artisan who interrupts his work to do so, it is not required. For this reason, the general rule is stated that craftspeople should not stand before scholars at the time when they are engaged in their work.

6. It is not appropriate for a sage to trouble the public by passing by them so that they will have to stand before him. Rather, he should walk in the most direct manner possible in order that they will not have to stand often, and if it is possible to take a roundabout way in order that he will not pass before them, this is a merit to him.

Comments: Again, this is taught in Kiddushin 33a: R. Shimon ben Elazar cited as the origin of the teaching that an elder should not trouble [others] as in Leviticus 19:32, where the word "elder," or "old" is immediately followed by "you shall fear," despite the fact that this pairing is taken out of context. Abbaye explained that one who takes a roundabout way will live longer. The Talmud goes on to state that both Abbaye and R. Zera took roundabout ways, implying that this was the reason for their longevity.

The *Siftei Cohen* says that this teaching applies to the Talmudic period or to places where, even today, people sit on the ground. (See also section 15, below.) This only refers to any place where it truly is a trouble [to stand], but in a place where people sit upon benches and it is not a trouble in this matter [to stand], it is not objectionable [that the sage pass by]. In any case, he should not plan to pass before them only in order that they should stand [in respect] before him.

7. Even a sage who is a child stands before an aged person who is quite old. He is not obligated to stand fully upright before him, but rather so as to honor him. Even in the case of an older person who is a gentile, one should honor him with words and offer him a hand to lean upon.

Comments: Again, Kiddushin 33a relates that R. Yohanan would stand before old Arameans, saying, "How many troubles have passed over this one!"

Rabbah would not rise up, but he showed respect. Abbaye would give his hand to an elder.

The *Mishneh Torah*, in presenting the same precept, explains that the commandment to *rise before the aged* includes all aged, and not only Jews.

The *Siftei Cohen* explains that a young sage who is wiser than an elder is not obligated to rise fully, but if he is not wiser, even if he is equal to the elder in wisdom, he is obligated to stand upright (Tosafot to Kiddushin 32b).

8. In the case of two sages or two elders, one need not rise before his peer, but instead should pay him honor. (*Even a rabbi should pay his student a bit of honor.*) (*Hagahot Maimoniot, chapter 5 of Mishneh Torah Hilkhos Talmud Torah, in the name of Ramach*)

Comments: The *Tur* reasons from the Rambam (Hilkhos Talmud Torah 6:4) that because each scholar would need to rise, they should not do such, and neither should "degrade" himself by rising.

9. One who sees a sage passing should not stand until he arrives within four amot, and when he passes before him he sits. If he is his primary teacher he stands from the time he sees him and does not sit until he is no longer able to see him, or until he [his rabbi] is seated in his place.

Comments: This section is stating the difference in obligation between rising out of respect for a sage and rising out of respect for one's own primary teacher. See the discussion in section 2, above, as well as chapter 242 section 16.

The *Bah* states that the Rosh and Rashi both understand this passage to mean that a student does not seat himself until the sage has passed him by a distance of four amot. Without this clarification, one might think that he may be seated as soon as the sage has passed before him.

The Sefer Mitzvot Katan, section 52, calculates that the distance from which one should rise for his primary teacher, when he literally "fills his eyes," is 266 amot.

Yoma 53a relates that when R. Yohanan would leave the presence of R. Elazar, his student, R. Elazar would stand in his place until R. Yohanan was out of his range of sight.

10. If he is distinguished in wisdom, even if he is not his [own] rabbi, he should judge him as if he is his primary rabbi. (*One who is the greatest scholar of his generation is called "distinguished in wisdom."*) (*Terumat Hadeshen, section 138; Tosefta*)

Comments: The Tosafot to Berakhot 31b states that, even if one has not learned a thing before a certain rabbi, if that rabbi is considered the greatest scholar of his generation, it is as if he is one's own rabbi. Relating to the

discussion on that page, it would not be fitting, therefore, for a student to give a halakhic ruling before this leading scholar.

For further discussion on one who is "distinguished in wisdom," see section 2, above.

11. Even at the time that he [the student] occupies himself with Torah he should stand before him [the sage].

Comments: Kiddushin 33b says that R. Elazar taught that a scholar is not required to stand for his teacher when he is occupying himself with Torah, but it is reported that Abaye cursed this teaching.

12. A sage, even if he is distinguished in wisdom, is permitted to stand before one who is a righteous person. (*Ran in the name of the Rambam*)

Comments: Shabbat 31b relates a story of R. Shimon and R. Elazar, who were sitting when R. Jacob ben Aha was passing by. One said to the other, "Let us rise before him because he is a man who shuns sin." The other said to the first, "Let us rise before him because he is a man of Torah." He said to him, "In truth, to you I say that he is a man who shuns sin and you say to me that he is a man of Torah!" The inference here is that it is better to be sin fearing, or righteous, than to simply be learned.

Kiddushin 33b relates that R. Yechezkel was different than other scholars because he was a righteous person. Even Mar Shmuel, a distinguished

colleague, would stand before him. The reason for this is that a person, even a sage, must stand before a *ba'al ma'asim*, a righteous and *tzedakah*-doing person.

The *Siftei Cohen* teaches that the wording above, that a sage is "permitted to stand," is not written because he is an elder, nor is it according to his honor. He quotes the *Tur* and the *Ran*, as well as the *Bah*, as saying that one is obligated to stand before a righteous person.

13. When one sees the head of the Beit Din, he stands before him from the time he sees him from afar until he passes by him four amot.

Comments: This ruling appears on Kiddushin 33b, in the name of R. Abahu.

The *Siftei Cohen* cites the *Sefer Mitzvot Katan* in stating that the laws regarding the head of the Beit Din and the Nasi are no longer needed. About this, the implication is that in our own time there is no Beit Din or Nasi, and although we have heads of yeshivot in our communities and heads of B'tei Din, only the laws regarding a sage apply to them. What is the reason for this? We should not conduct ourselves now to make lines to receive the head of the Beit Din (see section 15, below), and now we are accustomed only to rise for the head of a yeshivah and the head of a Beit Din. It is possible that we do not distinguish between one sage and another that are equal in measurement, for all who establish a yeshivah or head a Beit Din are considered to be sages worthy of standing before, and therefore one still needs to stand.

14. One who sees the Nasi stands before him from the time he sees him and does not sit until he sits in his place or until he is gone from his view. And all who forego their honor, their honor is foregone. Despite this, it is a mitzvah to honor them and to rise before them a bit.

Comments: The teaching of the *Siftei Cohen*, above, also applies here.

Kiddushin 33b cites the prooftext for the law of rising before a Nasi as Exodus 33:8: *Whenever Moses went out to the Tent [of Meeting], all the people would rise and stand, each at the entrance of his tent, and gaze after Moses until he had entered the Tent.* Regarding foregoing honor, there is a disagreement upon this on Kiddushin 32b. Rav Asi asserts that, although in the case of a rabbi who foregoes his honor, his honor is foregone, in the case of a Nasi who foregoes his honor, his honor is not foregone. The rabbis then bring forth the story of Rabbi Gamliel, the Nasi, standing and serving drinks at his son's wedding feast, while three of his disciples were seated before him. They discuss whether it is proper to be served by him, and it is stated that it is, for even Abraham, who was considered the greatest of his generation, served the three ministering angels of God. Another argument was set forth that one should not debate the merits of honoring mere people, but instead should focus upon honoring God and God's creation. In the end, Rabbi Asi concluded that, in the case of a Nasi who forewent his honor, his honor was, in fact, renounced.

Interestingly, in this hierarchy of scholar, head of Beit Din, and Nasi, all may forego their honor. In the political realm, Rav Asi states that a king may not forego his honor. He cites Deuteronomy 17:15: *You shall be free to set a king over yourself...*, that his fear would be upon him.

Ketubot 17a relates a story of King Herod Aggripas who, when he allowed a bride to pass before him, was praised by the sages. It follows that, because they praised him, he had acted appropriately. In this case, though, the scholars were in error. The words of Kiddushin are repeated: R. Asi said that, although a Nasi may forego his honor and his honor is foregone, in the case of a king who foregoes his honor, his honor is not foregone.

15. When the Nasi enters the house of study, they stand and do not sit until he tells them to sit. When the head of the Beit Din enters, they make lines for him, standing from here to there until he sits in his place. When the sage enters, all who are within four amot of him stand and sit individually until he enters his place.

The origin for these words is Horayot 13b. They are also discussed within the Tosafot of the Rosh to Kiddushin 33b, and from there enter the *Hilkhot HaRosh*, Kiddushin 1:59.

16. Children of sages and scholars at the time that the multitude has need of them may step over the heads of the people to come into their place. It is not praiseworthy for a scholar to enter last. He leaves the house of study to attend to his needs, then returns to his place.

Comments: The precedent for this passage, again, is Horayot 13b. Yevamot 105b, in discussing an instance of halitzah, provides an example for this.

17. Children of sages whose fathers have been appointed as leaders of the community, when they have intellectual capacity to listen [to the teachings of their fathers], they may enter [the house of study] and sit before their fathers and turn their faces toward their fathers. If they do not have knowledge to listen, they turn their heads toward the people.

Comments: This passage, too, is repeated from Horayot 13b.

18. If there were a sage distinguished in wisdom, but young, and an elder who was distinguished by his age, but only a minor sage, in a study session over a matter of law or Torah they grant precedence to wisdom, seat the young sage at the head, and let him speak first. At a banquet or wedding, they grant precedence to age and seat the elder at the head. If the sage is distinguished in wisdom and the elder is not distinguished in age, in every case they should follow after wisdom. If the elder is distinguished in age and the sage is not distinguished in wisdom, in every case they should follow after the elder since he is a minor sage. If neither of them are distinguished, neither in wisdom nor age, the elder is first in every instance.

Comments: This precedent is set and clarified by Rashi, in Bava Batra 120a. What appears here is a concise summary of the discussion.

The *Siftei Cohen* introduces the *Bah's* commentary into this discussion. If this young sage has brothers or sisters one should arrange marriages for them,

even though they are not as great as their sibling in wisdom. One should not prioritize arranging a marriage for someone who is young in age simply because he is great in wisdom, but they should first arrange a marriage for someone who is greater in years.

The Rambam and the Rosh teach that, when in doubt as to which to honor more, the elder or the young sage, one should defer to the elder. The reason for this is that if a young sage is just a bit wiser than the elder, one would not want to embarrass the elder. In this case, ~~the young sage~~ would not be embarrassed, either, because one would think that the elder receives the higher level of honor simply on account of his age. The Ran disagrees with Caro's last point and asserts that if neither of them are distinguished, it is as if they were both equally distinguished. In this case, he states, the young sage is followed in the Yeshivah, and the elder at a banquet.

A Survey of Issues of Kevod Harav in the Reform Movement

Having considered the form and shape of the rabbinate and *kevod harav* in the Middle Ages, it is fitting to examine its influence on the modern rabbinate, with emphasis on the present Reform rabbinic role.

It goes without saying that the modern-day Reform rabbinate has been influenced by the environment in which it has developed; in the United States, democracy is considered the norm. This creates a new model for the Jewish community. In his essay, "Rabbinic Authority--Power Sharing," Walter Jacob asserts that the American synagogue as a democratic institution is "at variance with the traditional view of rabbinic authority."¹ Rabbis can no longer banish a person from a community; in fact, they are not seen as having any hold over a whole community, but rather only maintaining a limited influence over those who elect to affiliate with the congregations they serve. Adding to this democracy is the influential role of the lay leadership, both in financial concerns and, more relevant to this discussion, religious issues. One way this plays itself out in congregational life is in the tension between the rabbi and the ritual committee; the rabbi can be seen as being the voice of *halakhah*, while the ritual committee brings in the force of *minhag*.² While this "partnership" is fully the creation of post-Emancipation liberal Judaism, the tension it creates can be likened to that between Joseph Caro's emphasis on *halakhah* in

¹ Walter Jacob, "Rabbinic Authority - Power Sharing," in *Rabbinic-Lay Relations in Jewish Law* (Pittsburgh: Rodef Shalom Press, 1993) 83.

² Mark Washofsky, "Minhag and Halakhah: Toward a Model of Shared Authority on Matters of Ritual," in *Rabbinic-Lay Relations in Jewish Law* (Pittsburgh: Rodef Shalom Press, 1993) 118.

the *Shulhan Arukh* and Isserles' glosses of Ashkenazic practice, including local *minhag* (see *Sifte Cohen* to Isserles' gloss of chapter 242:1, above).

Connected to the discussion of democracy in Reform congregations is that of *kevod harav*, the honor, and, perhaps, the authority, due a rabbi. It has been shown that, through the Middle Ages, there was a clear understanding of both a rabbi's distinguished status, as well as his limitations with regard to his peers and the community. Caro cites the Talmudic story of Tanhum ben R. Ami, who issued *halakhic rulings* in the place of another scholar³ and the fact that it was the *common people* who corrected him as to his ethical error of doing so. Today, it is unlikely that many lay people, or even the majority of Reform rabbis, have a sense of the full range of issues involved in the traditional ethics of rabbinic honor.

Despite this, the Reform movement has, especially in recent years, made great strides in returning to the traditional concept and texts of *kevod harav*. In some cases, it seems to have used them from necessity; in others, as a way to bring a higher meaning to the rabbinic profession and lifestyle. This can be seen most clearly through the development of two genres of literature of the Reform movement: the collected works of Reform Responsa over the past hundred years, and the Rabbinic Code of Ethics of the Central Conference of American Rabbis (CCAR).

³ Sanhedrin 5b, cited in commentary to *Shulhan Arukh* 242:3, above.

Reform Responsa

The existence of responsa literature in Judaism dates back to the Talmudic period.

Instances can be found within their writings in which the rabbis are responding to an actual question. One such example of this occurs in Gittin 34b, when it is recorded that a group from overseas made an inquiry of Rabban Gamliel, who then responded.⁴ These responsa were incorporated within the text of the Talmud, and only later became their own genre of literature.

Responsa are best known as a major post-Talmudic source of Jewish law. Their use flourished during the time of the Geonim (750-1050). During this period, the center of the Jewish Diaspora was in Babylonia, but there were settlements throughout Europe, Asia, the Middle East, and Northern Africa. These distant communities would look to the Babylonian center for answers to questions of all aspects of life, including legal, ritual, ideological and theological matters, both to clarify their own practices, as well as to educatedly refute those who challenged them, such as Karaites and Moslems. In general, the questions were decided in biennial conferences, or *kallot*, in which they were discussed by the whole yeshivah, then formally dictated by the Gaon to a scribe. When necessary for the sake of time, a Gaon would respond to a question on his own. The most prolific Geonim were father and son, Sherira Gaon and Hai Gaon, who lived at the end of this period.

⁴ cited in Menahem Elon, *Jewish Law: History, Sources, Principles* (Philadelphia: Jewish Publication Society, 1994) 1454.

With the onset of the period of the Rishonim (1050-1500), regional centers began to flourish in places like Germany, North Africa, and Spain. The topics and nature of the responsa changed, as well. Questions were predominantly related to issues of *halakhah*. The discussions of the respondents were longer, citing the rulings of the Geonim, as well as those of earlier Rishonim. There was a need to persuade the *shoel*, the person asking the question, that the answer was, in fact, the correct one. The respondent did not speak with the same authority which the Geonim presumed to have. The tone of the responsa were more humble, perhaps because they usually reflected an individual voice, instead of that of an entire yeshivah. In addition, it was more common for the questioner to write to more than one rabbi, and compare responsa. For this reason the rabbis in different centers tended to correspond with each other, as well. Some of the more famous responding rabbis were the Rivash, Rabbenu Tam, and the Rashbetz, all of whom are cited within the commentaries of the *Shulhan Arukh*.

The late 1500's and early 1600's, with the expulsion of Sephardic Jews from the Iberian Peninsula and the political upheaval in Ashkenaz, marked the beginning of the period of the Aharonim. In terms of development of *halakhah*, this period also marked the publication and extensive distribution and acceptance of the *Shulhan Arukh* with Isserles' glosses. This began new debate and questioning as to the accuracy of Caro's codification, as well as speculation around those issues that were not included within his great work. With both hemispheres of the Jewish Diaspora on the move, the Spanish center being redeveloped in North Africa and the Ottoman Empire, and the German center moving East

towards Poland and Lithuania, new issues arose. There were practical questions of Jewish law, as well as novel questions of how two communities, one long-standing and one newly relocated, could interact and accept each other's customs. The responsa, themselves, grew longer, with respondents considering and citing the continuously growing compendium of previous works, accepting any rulings of those who preceded them as binding.

With Emancipation in European countries during the 1800's, the general topics of questions and responsa once again shifted. Without autonomous Jewish communities, issues of legal and financial matters decreased. At the same time, however, people brought forth issues that had not needed to be considered earlier: those of civil marriage, medical treatments, and the rise of religious reform. There was not as much change in the nature or questions of responsa in places where traditional Jewish communities continued to exist, such as the Ottoman Empire and North Africa. The issues they dealt with within their well-established communities, however, were of great help when the modern State of Israel was being developed. They offered religious precedent for many of the community structures and laws that was invaluable to the modern Jewish homeland. Menahem Elon explains that "in the great migration of the Jews of North Africa and the Arab countries to the State of Israel, the immigrants brought with them their local customs and *halakhic* approaches, all of which became an integral part of the pattern of Jewish law and life in the Land of Israel."⁵

⁵ Elon, *Jewish Law*, 1496.

One unfortunate development in the genre of responsa literature, according to Elon, is the reluctance of authorities in the past century or two to set their rulings down in writing, effectively destroying the possibility of an active responsa resource for that time period. He acknowledges that humility can only go so far; one also has a responsibility to his or her position and community. Citing Avodah Zarah 19b (discussed in *Shulhan Arukh* 242:13-14, and commentary), Elon clearly points out that a person who is competent to instruct but elects not to do so is considered just as detrimental to a community as one who instructs even without a level of competency.⁶

More recently, however, this does not seem to have been the case. In Israel, halakhists are issuing responsa that struggle with the tension between the lifestyle of a modern state and that of traditional Judaism. In the United States, the second-largest center of Jewish learning, a wide range of responsa has been developed, ranging from strictly Orthodox to more liberal approaches. Why this spectrum? Some suggest it is a reaction to the Enlightenment period: Many communities resisted any form of change, becoming Orthodox in practice and self-identification. Others saw Enlightenment as an opportunity to reorder their lives, to integrate the secular and the religious into a modern whole. These people began to see rabbinic law, to quote Reform *halakhist* Samuel B. Freehof, as "our guidance, but not our governance."⁷ It is this more liberal approach, the responsa of the Reform movement, that will now be considered, specifically considering how the issues of *kevod harav* have been handled through the literature.

⁶ Ibid., 1493.

⁷ Solomon B. Freehof, *Reform Responsa* (New York: Ktav Publishing House, 1973) 22.

The CCAR Responsa Committee was formed in 1906, although there are examples of earlier responsa by American rabbis, such as Dr. Max Schlesinger in 1891 and Isaac M. Wise in 1893.⁸ Solomon Freehof, the committee chairman from 1955 to 1976, explained in the introduction to his volume *Reform Responsa* that Reform Judaism began as a Biblically-oriented religion; its emphasis was on the values of the Prophets, ethical monotheism. He wrote that this early direction "saved thousands of deserters by giving them an acceptable ideal and proclaiming it Jewish."⁹ The result, however, was a Reform Judaism "strong in ethical idealism but weak in legal discipline."¹⁰ In truth, though, Reform could never have been a solely Biblical religion; its history, ritual and holiday observance, and liturgy are all bound up in the writings of the Talmudic rabbis and later authorities. Although no one can deny the Biblical basis for all forms of Judaism, the religion as it is practiced today, and has been practiced for the past centuries, is one that is clearly part of an ongoing, natural evolution.

The first chairman of the Responsa Committee, Rabbi Kaufman Kohler, expressed that the purpose of the committee was "to bring about some order within the Reform Jewish practices and to provide ready access for those who sought answers in rabbinic matters."¹¹ Despite this, there was not much interest in the field of Reform Responsa, by lay people or

⁸ Walter Jacob, *Questions and Reform Jewish Answers* (New York: Central Conference of American Rabbis, 1992) xx.

⁹ Freehof, *Reform Responsa*, 3.

¹⁰ Ibid.

¹¹ cited in Walter Jacob, *Contemporary American Reform Responsa* (New York: Central Conference of American Rabbis, 1987) xviii.

by fellow rabbis, until the post-World War II, post-establishment of the State of Israel period of the 1950's. Playing on the words of Rabbi Solomon Freehof, Rabbi Walter Jacob, chairman from 1976-1990, stated that in this modern era "we are no longer satisfied with guidance but need governance."¹² Five years later, he made an even stronger statement: "In the struggle between guidance and governance the latter must be our path. Guidance no longer fits our mood."¹³ Current Committee Chair Mark Washofsky brings forth an even greater concern. Citing a responsibility to "interpret our past in light of temporary concerns," he states:

If we, out of a mistaken assumption that *halakhah* has nothing to say to us, cede to others an undeserved monopoly over its interpretation, then we guarantee that the voice of Jewish law and tradition will be a voice that is scornful of the values to which we are so deeply committed.... If, however, we accept the challenge of *halakhic* study, then we shall do our part to insure the development of a Jewish law that is much more in keeping with the liberal and progressive ideals for which we stand.¹⁴

The issue at hand is two-fold: First, it is interesting to note that, in the development of Reform Judaism, people have become more likely to approach their Rabbis, and, by extension, the formal Responsa Committee, for guidance and instruction in religious practice. As stated above, this need is definitely rooted in our desire to understand the

¹² Jacob, *Contemporary American Reform Responsa*, xxi.

¹³ Jacob, *Questions and Reform Jewish Answers*, xxiv.

¹⁴ Mark Washofsky, *Reform Responsa for the 90's*, Forthcoming. (New York: Central Conference of American Rabbis) xiv.

origins of our traditions before deciding upon their relevance to our own situations. One could argue, though, that this supports an increase in respect and honor for rabbis and their *halakhic* knowledge. Perhaps *kevod harav* is not a concept of the past, outmoded and forgotten. The second issue is the treatment of rabbinic honor within specific responsa of the Reform movement, representative of different eras and different rabbis' interpretation. It is to this that we now turn.

The first responsum that relates to the rabbinic role is one that addresses the issue of whether one must accept the first rabbinical opinion he receives, written in 1932. In his discussion, Rabbi Jacob Lauterbach, Chair of the Committee from 1923 to 1933, cites the first chapter of tractate Avodah Zarah, as well as other Talmudic sources, as discussing relevant issues. Although Lauterbach, himself, notes that the original question "would require a lengthy and elaborate discussion into which I cannot enter now...",¹⁵ it is interesting to note that he cites no post-Talmudic sources. Most notably, for this discussion, his same sources, as well as many later ones, are cited in Isserles' gloss to the *Shulhan Arukh* Yoreh Deah, 242:31 (translated and discussed earlier). That he chose not to use them cannot be considered a mere oversight; one can only conclude that he purposely relied only upon Talmudic justification. Although Walter Jacob later stated Lauterbach's personal leanings as utilizing a "historical approach [which] emphasized the underlying principle which could be discovered in the developing tradition,"¹⁶ such a method is not evident in this case.

¹⁵ Walter Jacob, *American Reform Responsa* (New York: Central Conference of American Rabbis, 1983) 522.

¹⁶ Jacob, *American Reform Responsa*, xvii. (emphasis added)

It should be noted, however, that Lauterbach offers his own teaching on *kevod harav* within this responsum. He moves the discussion from one of accepting the first rabbinical opinion to one of rabbis offering differing opinions. He states that in some cases it is justifiable, but he also advises that one should consider "the standpoint of professional ethics among the rabbis in questions that are matters of legal opinion."¹⁷ It does not seem here that he establishes a hierarchy of rabbinic honor, as was the case in earlier times; rather, colleagues should consider each other's positions as valid whenever possible. In the end, however, Lauterbach acknowledges that the first rabbinical opinion is not necessarily binding at all.

In a 1963 responsum (*Recent Reform Responsa* #46), Chair Solomon B. Freehof addresses the question as to whether a rabbi is responsible for contributing to a congregational building fund. He cites a range of sources to teach that a rabbi is not, in fact, responsible: His sources range from Bible to Talmud to the discussion in *Shulhan Arukh* Yoreh Deah 243:2.¹⁸ In drawing his conclusions, he cites an "unbroken tradition,"¹⁹ although he acknowledges that the rabbi would be free to make a contribution of his own free will.

A 1966 responsum, also written by Freehof (*Current Reform Responsa* #50), addresses the question as to whether a rabbi may keep fees for life-cycle events from congregants, or

¹⁷ Ibid., 523.

¹⁸ Discussed in previous section; see also discussion of 243:1.

¹⁹ Solomon B. Freehof, *Recent Reform Responsa* (New York: Ktav Publishing House, Inc., 1973) 216.

if it would be more proper to turn them over to the congregation in turn for a larger salary. Freehof uses this question to move into a long discussion of the professional evolution of the rabbinate, from the Biblical period, with Moses as the example of rabbi extraordinaire, through the Middle Ages. He shows that rabbinic fees, followed by salaries, were later innovations, but neither is considered objectionable now. Practically, he states that neither is preferable to the other, and the specific issue should be considered contractual in nature. More importantly, in presenting a brief history of the professionalization of the rabbinate, Freehof states his case in such a way as to educate both rabbis and their congregational leadership as to the moral and financial considerations involved in serving the community as a religious leader.

Responsum #58 in *Contemporary Reform Responsa* discusses the issue of rabbinic tenure and whether a congregation is obligated to support a rabbi for the rest of his life. Here, Freehof again considers this question in light of the historical development of the rabbinate. He makes a distinction between the period before the professionalization of the rabbinate, when it was not considered a tenured position, to the time following the professionalization of the rabbinate, when tenure was practically assured. Although a job was generally guaranteed to a rabbi as long as he desired it, Freehof concedes that there are no sources in the literature discussing lifelong support for the rabbi. Nevertheless, he concludes that "the presumption is that if he is not to be deposed, he cannot be allowed to

starve.”²⁰ This issue relates to the consideration due a rabbi emeritus in modern times; see discussion below.

In 1977, Freehof responded to a question as to the possibility of annulling ordination.²¹ He makes a distinction between the direct lineage of *semikhah* of old and the more modern *hatarat hora'ah*, which is the permission to make *halakhic* rulings, what he calls a “teacher’s certificate, a statement by one or a number of scholars that this person has studied and now has permission to serve as teacher, or rabbi.”²² By differentiating between the two, he establishes that there is no “mystical” reason why our modern day ordination, a form of *hatarat hora'ah*, could not be annulled. In spite of this, Freehof asserts that such action should be undertaken cautiously and quietly out of respect for both the rabbi and the community. He cites the passage in Moed Katan (see *Shulhan Arukh* Yoreh Deah chapter 243, above), as well a range of sources throughout the Middle Ages, in support of this. In summation, he states that although in our times one could remove ordination, “...the rabbi’s status is involved in the honor of the whole community, and therefore public disgrace is to be avoided.”²³ Here, *kevod harav* has become bound up with *kevod hakahal*, honor for the community. Freehof has raised a worthy moral question of whether one tolerates substandard rabbinic services if they are what the congregation has come to accept.

²⁰ Solomon B. Freehof, *Contemporary Reform Responsa* (Cincinnati: Hebrew Union College Press, 1974) 266-267.

²¹ Solomon B. Freehof, *Reform Responsa for Our Time* (Cincinnati: Hebrew Union College Press, 1977) #50).

²² *Ibid.*

²³ *Ibid.*, 237.

In 1986, Responsa Committee Chair Walter Jacob addresses the issue of rabbinic jurisdiction. The question specifically asked is whether a rabbi may exclude others from officiating within his community in cases to which he is opposed (*Contemporary American Reform Responsa* #1). Rabbi Jacob traces a Talmudic and post-Talmudic progression of literature on the topic. As in Freehof's 1974 responsum, there is a contrast between the period of a professional rabbinate and earlier times. He states that "matters changed entirely when the modern rabbinate became a profession and the rabbis' livelihood depended upon services rendered to the congregation. Under these circumstances, it was forbidden to trespass on another rabbi's territory...."²⁴ Nevertheless, Jacob cites that there is no overriding authority or recognized jurisdiction in America; one is bound only by ethics. He quotes the 1976 CCAR Code of Ethics (discussed below) as stating that it is the responsibility of a visiting rabbi to inform the local rabbi of his presence; however, the visiting rabbi is in no way required to obtain permission for his officiating. Significantly, this is the first case of a responsum relating to *kevod harav* citing the CCAR Code of Ethics as a modern-day source.

The most recent responsum relating to *kevod harav* was written by Dr. Mark Washofsky. In it, he addresses the issue of participation in private ordination, by an HUC ordinee.²⁵ His discussion, which includes the *Shulhan Arukh* Yoreh Deah chapter 242 and many of the sources cited within it, states that, in theory, private ordination, in the sense of *hatarat*

²⁴ Jacob, *Contemporary American Reform Responsa*, 2.

²⁵ Mark Washofsky, *Reform Responsa for the 90's*, Responsum #5753.4.

hora'ah, is acceptable because "...the authority of a rabbi's rulings, in this day and age, is based solely upon the willingness of the community to abide by them"²⁶ Nevertheless, he addresses two issues: First, what is to be the standard of rabbinic qualification or knowledge? The American Reform community has determined that the best assurance of an elevated and consistent standard, although not infallible, is that of ordination being granted by our established rabbinical seminary, the Hebrew Union College-Jewish Institute of Religion (HUC-JIR). The second issue is that of *kevod harav*: What respect and honor does an ordinee of HUC-JIR owe to his or her school?

Endeavoring to maintain the high standard of the rabbinate, Washofsky maintains, our modern tradition is fully justified in relying upon HUC-JIR to decide upon who has reached the level of *hatarat hora'ah*. Private ordination, however, "grants the title 'rabbi' to students who have not met this test. It is therefore destructive to our goal of a rabbinate that measures up to the highest attainable standards."²⁷

What could be considered the most compelling argument of this responsum, however, is that from the concept of *kevod harav*. Washofsky goes through a detailed discussion of the issues involved, mostly derived from the early sections of *Shulhan Arukh Yoreh Deah* chapter 242 (see previous section). He considers two questions: If one is not ordained, may he teach in the presence of his teacher? The tradition teaches that he may not. Secondly, are ordinees of HUC-JIR obligated to their own teachers? Here, he strongly

²⁶ *Ibid.*, 3.

²⁷ *Ibid.*, 4.

states that they are. One who participates in a private ordination, "...offering a shortcut to *semikhah* which bypasses the rigors and requirements of a seminary curriculum, is to exceed even the most lenient interpretation of *kevod harav*. It is, quite simply, an act of *zilzul harav*, a scorn and disrespect to the teachers and the school which gave us the opportunity to become rabbis."²⁸ He concludes with the statement, "For these reasons, we urge our colleagues in the strongest possible terms to refrain from awarding private ordination."²⁹

The questions of *kevod harav* addressed by the CCAR Responsa Committee all show an effort to maintain a sense of connection to the rabbinic past. By tracing the history of the rabbinate and utilizing both Talmudic and post-Talmudic texts, the responding rabbis of the Reform movement rightfully add themselves to the long chain of rabbinic tradition. Perhaps even more importantly, they present to the movement as a whole an ideal of how it should honor, as well as what it can rightfully expect from, its own rabbis.

It would seem that, in studying the texts of the relevant responsa, one could easily derive an understanding of *kevod harav* and be able to act in accordance with it. There are, however, a few obstacles to this approach: First, the Reform Responsa, for the most part, have not been widely read by lay members of individual congregations. Second, perhaps more to the heart of the issue, these responsa are not binding upon members of the CCAR.

²⁸ Ibid., 6.

²⁹ Ibid.

Perhaps for this reason, many of the issues of *kevod harav* have been integrated into the CCAR Code of Ethics as it has developed over the past one hundred years.

The Central Conference of American Rabbis Code of Ethics

Tracing the development of the CCAR Code of Ethics gives insight into the issues and resolutions involved in rabbinical relationships, some of which bear great similarity to issues discussed as early as the Talmudic period. What remains to be seen, however, is whether the guidelines represent an evolution of the Medieval codes of rabbinic honor, if they developed completely separate from the earlier works, or if the truth falls somewhere in between.

The earlier CCAR Codes were built on two types of concerns, those of collegial relationships between rabbis, and those of relationships between rabbis and the congregations they served. Later on, the division was made into two separate sets of rules: the Code of Ethics as it is presently constructed, and Guidelines for Rabbinical-Congregation Relations (see discussion of 1940 code, below). It is the former which is most pertinent to the present discussion, for it reflects the rules that share the same concerns as the traditional texts studied in the previous chapters.

The Central Conference of American Rabbis (CCAR) was founded in 1889, fourteen years after the formation of the Hebrew Union College (HUC). By this time, there had been an American rabbinate, though not formally organized, for about half a century. The

establishment of a rabbinical union, the majority of whose members were ordinees of HUC, offered a framework within which members could be held responsible for, as well as accountable to, their colleagues.

This is most clearly seen in the first Code of Ethics, presented and unanimously adopted at the third CCAR convention in New York in 1892. Introduced by Dr. Maurice H. Harris, his resolution addressed five issues, all related to a rabbi's (or minister, as they were called at the time) relationship to another. They were:

- 1) That no minister could accept a position from a congregation who had fired another without due cause.
- 2) That no minister could apply for a position that was at present still filled.
- 3) That when two ministers were competing for the same position, they should show consideration and courtesy "in order to maintain the fraternal feelings that should always exist among colleagues."
- 4) That a minister may officiate when asked at funerals or weddings of members of other congregations.
- 5) That no member of the CCAR could accept an offer to preach at another's congregation without his express permission.³⁰

In 1900 these were reaffirmed with two additional considerations: That congregational-rabbi relations be linked by "the highest confidence, mutual love, and reciprocal esteem," and that a rabbi's contract is "inviolable," and may only be dissolved by mutual consent.

³⁰ *Central Conference of American Rabbis, Annual Convention Yearbook*. vol. III (1893): 45.

In addition, the committee asked the CCAR to assert "all its influence that congregations seeking the services of a rabbi do away with the competitive trial sermon system now in vogue," and instead send committees to the rabbis, presumably to meet them and assess their abilities in their (the rabbis') own environments.³¹ These were presented in the form of a committee report, and do not seem to be voted upon or formally accepted.

The publication of an amended Code of Ethics in 1926 included a transcript of the debate leading up to its passage. In many ways, the debate, itself, sheds more light on the mood of the rabbinate than the text of the approved code. The tone of the debate was set by Rabbi Samuel S. Mayerberg, who asserted that, as a matter of principle, there should be no need for a code of ethics in a body such as the CCAR. In his own words, "To me it is unthinkable that men in the American pulpit who have consecrated their lives to the ministry of God should find it necessary at this time in American Jewish History to postulate a code by which they shall live and act."³²

Although it seems many agreed with Mayerberg's views as an ideal, they were perhaps more realistic or practical in their understanding of the situation. Rabbi Alexander D. Segal spoke to the necessity for a code, saying that its principles "have been born from experience--from bitter experiences of rabbis and congregations...."³³ Rabbi Samuel S. Cohon also acknowledged the present day reality: "We speak of great ideals for the rabbinate; we ought to labor for them, but not all people are actuated by the high

³¹ *CCAR Yearbook*, vol. X (1900): 57-58.

³² *CCAR Yearbook*, vol. XXXVI (1926): 73.

³³ *Ibid.*, 75.

motives.”³⁴ Another issue was whether it was necessary to have a written code, or if an assumed code would suffice. Again, here, it was asserted that the Conference, as a whole, should go on record.

The final issue discussed, which continued to be a controversial one, was that of the propriety of rabbis preaching “trial sermons” for prospective congregations. Although this later would fall under the category of the guidelines for congregational-rabbinical relations, it is interesting to note one of the strongest arguments against this practice. Rabbi Mayerberg expressed, “I think it is time for us to tell the Jewish public in America that the functions of a rabbi are far more important than the mere speaking from a pulpit....The man who goes to a congregation to lead the people must have personality, character and spirituality and must have possibilities of leadership and those cannot be manifested by oratory....”³⁵

The 1926 Code did include many significant changes from the earlier ones. It contained more detail regarding the issue of rabbinic competition for pulpits and added the rule that a rabbi could not criticize a colleague by name from a pulpit, but stopped short of banning a rabbi from seeking a pulpit that was presently occupied, only requesting that he communicate with the incumbent. The biggest change in the area of collegial relationships was the prohibition of a rabbi officiating at a life-cycle event in a family of another’s

³⁴ Ibid.

³⁵ Ibid., 78-79).

congregation, without the other's express permission. This was a reversal from the original Code of Ethics in 1893, and would see changes again.

The next evolution of the CCAR Code of Ethics was introduced in 1940. A major change, mentioned earlier, was the establishment of a Union of American Hebrew Congregations (UAHC) Committee on Relations between Rabbis and Congregations, with the (later fulfilled) hope that a parallel one would be formed within the CCAR. The goal of this joint effort was establishing a fair and organized method of placing rabbis in congregations, eliminating unduly competitive application and hiring practices. From the point of view of the discussion at hand, this structure would aid in resolving many of the issues of competition between colleagues, while protecting their opportunities and interests.

The 1940 Code of Ethics carries over many of the same issues of relations between rabbis from earlier years. In addition, three new issues are brought into the Code for the first time. The first is that of repercussions for those who violate the Code. Although this was discussed at the 1926 convention, no formal motion or addition to the code was made. Here, it is set forth that a violation of the Code will be dealt with by the Arbitration Committee (presently known as the Ethics Committee). Should the committee find just cause for discipline, it would refer the case to the CCAR Executive Board with recommendations.

The second new issue is that of solicitation of members from other congregations. It is clearly stated that a rabbi himself should not be involved in such a practice; further, he should discourage the lay people of his congregation from the same.

The final novelty of the 1940 Code is a discussion of the relationship between Senior and Junior rabbis within the same pulpit. It is worthy to note the exact words of the document:

The relationship between Senior and Junior Rabbis in the same pulpit is of utmost delicacy. It is imperative that in their dealings with each other and with their congregation they show consideration for each other and for the dignity of the rabbinate. The Senior Rabbi should consider himself as teacher, guide, and friend to his younger colleague, while the latter, in turn, should be loyal in all things to his elder colleague. Each has definite rights and obligations, but both men must ever bear in mind that basic is their cooperative service to their congregation and to Judaism.³⁶

1964 marked the first Code that was specifically and fully intended to describe the relationship between rabbis and other rabbis. It was basically a modified version of "Section I, Rabbi and Rabbi" of the 1940 Code. The rabbi is still admonished not to criticize a colleague personally, although he may state a disagreement in terms of principles involved. Issues of competition for pulpits are still discussed, but responsibility

³⁶ *CCAR Yearbook*, vol. L (1940): 166-167.

has been delegated to the newly formed Rabbinical Placement Commission and its established standards and guidelines.³⁷

The 1964 Code also recognized the growing complexity of rabbinical relationships *within* a congregation. It states these should “reflect due regard for the dignity and the status which are appropriate to all rabbis.” It specifically instructs older rabbis to “be mindful of their obligation to share the fruits of their experience with younger colleagues....,” and reminds the younger colleagues that “ultimate responsibility and authority reside in their senior colleagues....”³⁸ In addition, the [current] rabbi is reminded to respect the rabbi emeritus, and the rabbi emeritus is instructed to “arrange his relationship to his congregation as to help establish his successor effectively in his sacred office.”³⁹ These changes and elaborations are surely a reflection of the times, with more congregations employing the services of two or more rabbis, and the increase in the number of retired rabbis who remain in the community.

In 1965, a resolution was proposed and referred to committee dealing with one significant omission of the newly passed Code, that of a rabbi visiting another's community. Two issues were brought forth at this time: that a rabbi should notify a colleague if he intends to visit his community in an official capacity; and that a rabbi should consult with his colleague if he is asked to officiate within his community, specifically “about the probable

³⁷ CCAR Yearbook, vol. LXXIV (1964): 89.

³⁸ Ibid.

³⁹ Ibid.

effect of such service upon his spiritual leadership."⁴⁰ Unlike the 1926 Code, however, he was not prohibited from officiating within another's congregation.

With the beginning of the 1970's, the issue of rabbinic officiation at interfaith marriages, discussed in relation to many aspects of the CCAR, plays itself out in the formulation of an updated Code of Ethics. The 1973 Yearbook includes a telling committee report from the Committee of Mediation and Ethics.⁴¹ In it, Jacob K. Shankman, Chairman of the committee, addresses a firm admonishment to the Conference at large. He cites not only the respect anticipated in specific relationships between colleagues within a synagogue that is clearly outlined in the existing Code, but also the respect due colleagues in different communities. He cites the "tradition of *hassagat gvul*, with its Deuteronomic, Talmudic, and Maimonides roots," and reminds the Conference of the rules forbidding rabbis to officiate for, or offer pastoral "attentions" to the family of members of another congregation. Specifically, he recognizes that there exists "a growing concern on our [members' of the committee] part that relates to the increase of mixed marriages in the Jewish community and to the growing incidence of our colleagues who officiate at such marriages in the communities and congregations of other Rabbis, sometimes with and at other times without their request and/or consent."⁴² He brings forth two questions related to the issue of interfaith marriage:

⁴⁰ *CCAR Yearbook*, vol. LXXV (1965): 120.

⁴¹ *CCAR Yearbook*, vol. LXXXIII (1973): 56-58.

⁴² *Ibid.*, 57.

1) If the Conference position is one of discouragement, is it not anomalous and perhaps even unethical for colleagues to compile a list of Rabbis who officiate at mixed marriages and make that list available to anyone who requests it?, and

2) Can this Conference remain silent in the face of public advertisements in the press or in telephone directories that such mixed-marriage services are available upon demand? Most of our colleagues are sincere, but can we permit a crass or commercial exploitation of our permissiveness to continue?⁴³

In the conclusion of his address, Shankman, himself, puts the whole issue within its contemporary context:

At a time when the entire subject of mixed marriage is being reviewed by our Conference and when the issue is not only irritating but explosive, your committee is diffident about raising these questions. It does so, however, not with any desire of adding to the debate or exacerbating prevailing sentiments, but because the emphasis in our faith has always been on ethics and we cannot side-step Judaism's distinctive attribute and still speak of ethical monotheism.⁴⁴

This 1973 admonition finds itself within the text of the 1976 revised Code of Ethics for Rabbis. By way of introducing this first revision in twelve years, then Chairman Jack Stern, Jr. states that "the motivation for a revision of this code was the number of cases

⁴³ Ibid., 58

⁴⁴ Ibid.

that came before [the committee]...and it was the substance of these cases and the beginning emergence of some patterns that led us to the realization that perhaps a revision was in order" (Yearbook v. 86, 1976, p.34).

The 1976 revision itself is striking in its language and priorities. It begins directly with a section on "Avoidance of Commercialism." It defines the role of a congregational rabbi as "a full-time spiritual leader of the congregation which in turn assumes responsibility for support of the physical and financial needs of the rabbi and the rabbi's family." For this reason, the Code states, congregants are entitled to rabbinic services for life-cycle and pastoral needs, "provided that performance of such services shall not be contrary to the convictions of that rabbi." There should be no charge for these services to congregational members. A rabbi may charge non-members for the same services, with the caveats that the fee not be excessive, nor that it be demanded in advance. In the case of conversion, the Code makes it clear that it "is essential that the relationship of the rabbi with prospective converts should avoid any semblance of commercialism."⁴⁵

The second issue of commercialism addressed in the 1976 Code is that of advertising. Again, it is likely that this was brought forth in response to what was becoming a more relevant practice. The ruling is given in unambiguous terms:

In publicizing rabbinic services, whether in telephone directory, press or other media, it is acceptable for a rabbi to list the name of his/her⁴⁶ congregation and/or

⁴⁵ CCAR Yearbook, vol. LXXXIV (1976): 247.

⁴⁶ Note change in language. The first female rabbi in the Reform movement was ordained in 1972.

his/her own name, but the use of bold type and/or the listing of specific rabbinic services available (marriage, conversion, etc.) is unacceptable.⁴⁷

The only other significant change is a redefinition of congregations. For the purposes of the Code and its section on "Relationships between Rabbis of Different Congregations," the Code defines non-traditional congregations, such as Hillel or chaplaincy positions, to be considered the equivalent of a traditional congregation. In addition, the Code urges Conference members to uphold the Code in all collegial relationships:

...while we can regulate this Code of Ethics only among our own membership, in whatever congregations they serve, we would urge that the principles herein contained be applied in our relationships with rabbis who are not members of the CCAR.⁴⁸

With the beginning of the 1980's, and, perhaps, a Conference resolved to the status-quo of the interfaith marriage division within its ranks, concern turned again to better defining the relationship between rabbis working within the same congregation. This was first discussed in the report of the Committee on Ethics in 1980.⁴⁹ Again, in its 1985 annual report, the Committee mentioned specifically that, among the issues with which it commonly dealt, were tensions between rabbis, especially with rabbis emeriti, and conflicts between rabbis in the same congregation or community. In this same report the

⁴⁷ *CCAR Yearbook*, vol. LXXXIV (1976): 247.

⁴⁸ *Ibid.*, 248.

⁴⁹ *CCAR Yearbook*, vol. XC (1980): 40.

Committee informed the Conference that it believed the Code of Ethics was, once again, in need of review and revision.⁵⁰

This revision, which reflected a major change in the Code of Ethics, was first published in 1988. For the most part, its first two sections, those of "Avoidance of Commercialism" and "Relationships between Rabbis of Different Congregations," remained the same. The greatest difference was in the third section, "Relationship between Rabbis Within the Same Congregation." Here, the Code specifically details a framework of respect and responsibility in the relationship between Rabbi and Assistant or Associate Rabbi and that of Rabbi and Rabbi Emeritus. In addition, a distinction is drawn between an Assistant and an Associate Rabbi.

The most telling of these clearly defined rules are that Senior Rabbis should "treat their Assistants/Associates as colleagues, addressing them in public by their title....," should share rabbinic duties with them in order to enhance professional growth, and should recognize that the promotion from Assistant to Associate Rabbi "involves a greater sharing of responsibility." In return, the Assistant or Associate should "abide by the policy of the Senior Rabbi in matters of ritual and life-cycle events," should consult with the Senior Rabbi before agreeing to officiate at a life-cycle event, as well as informing the Senior Rabbi of other rabbinic services he or she may provide to congregants.⁵¹

⁵⁰ *CCAR Yearbook*, vol. XCV (1985) 197-198.

⁵¹ *CCAR Yearbook*, vol. XCVIII (1988): 231-232.

With regard to the relationship between Rabbi and Rabbi Emeritus in a congregation, the 1988 Code also details specific rules. The tone is set in the first paragraph of this section:

The emotional ties between a rabbi and congregation become strong with time and tend to continue; therefore, it is important for a retiring rabbi to recognize the status of a succeeding rabbi. Only one rabbi can carry the responsibility for the administration of rabbinic functions. The Rabbi Emeritus should help establish the successor in the position and guide laypeople to understand that when a new rabbi is elected, responsibility is automatically transferred. The Rabbi Emeritus should guide laypeople to show all courtesy to the successor and should refuse to be drawn into questions of congregational policy. The succeeding rabbi has an obligation to accord the Rabbi Emeritus honor and courtesy.⁵²

Specifically, the Rabbi Emeritus holds an honored position; he or she retains the right to sit on the pulpit or at the head of any congregational occasion and is recognized as an esteemed member of the community. In other areas congregational life, though, he or she is expected to remain neutral or defer to the Senior Rabbi. The Rabbi Emeritus should only lead services, preach, or officiate at life-cycle events of congregants upon the specific invitation of the Senior Rabbi, and then, only while upholding the policy or ritual guidelines of the Senior Rabbi. The position of "seniority" attributed to the Rabbi Emeritus here is quite different than that found in the traditional texts, and will be discussed at greater detail later.

⁵² Ibid., 232.

The most recent Code of Ethics was adopted in 1991, with minor revisions accepted by the Conference in 1993. Although it contains much of the same wording as the 1988 Code, it takes on a different tone, both in language and structure. This begins with the title of the first section, "A Personal Responsibility." It also includes a new approach to terminology, incorporating Hebrew terminology. This is the first CCAR Code of Ethics that mentions, among other concepts, the rabbinic principle of *kevod harav*.

The section on personal responsibility begins with an overview. It reminds rabbis that they are exemplars and models for moral behavior. Specifically, three areas are mentioned: family, social, and financial. Rabbis are encouraged to recognize their primary duty to their families, although, it is conceded, "On occasion, the needs of congregants demand our primary attention." The issues of substance abuse and sexual misconduct are not avoided, but rather explicitly addressed. Rabbis are instructed to be forthright in all financial affairs, to uphold all commitments made to colleagues or lay people, and to maintain intellectual honesty. This last concept, known in Hebrew (and cited within the Code) as *b'shem omro*, is a principle dating back to the Talmudic period, and mentioned specifically in the texts relating to *kevod harav*.⁵³

The second section of the 1991 Code is that of rabbinic relationships. In setting the tone for relationships between rabbis within the same congregations, the Code instructs that they "should reflect the highest regard for *kevod harav*." This is the first time the rabbinic concept is mentioned by name. Just as importantly, the expectations placed upon each

⁵³ CCAR Yearbook, vol. CIII (1993): 233-234.

rabbi are broadened and personalized: The Code instructs that the "incumbent rabbi has a responsibility to see to the well-being of the rabbi emeritus and his/her spouse." The assistant/associate is expected to "respect the historic ties of the rabbi emeritus to the congregation," and the latter is told to welcome his or her "younger colleagues, sustaining them in their rabbinate and nurturing them in their work."⁵⁴

Other changes within this Code are the recognition of professional regard expected of a rabbi for congregational staff or student rabbis, as well as that of rabbinic peers who are not members of the CCAR. The section on avoidance of commercialism remains, but has been moved closer to the end of the document, perhaps reflecting the CCAR focus on the relationships between rabbis as of primary interest, or a waning in the issues of rabbinical advertising and charging of inflated fees. The final section of the Code deals with policy of investigation and discipline for those who may have breached the Code. This marks the first time a detailed policy is contained within the body of the Code of Ethics.

Overall, these Codes show an evolution of standards of accountability within the modern Reform rabbinate, in addition to reflecting the times and issues within which each one was established. The conference moved from primary issues of job competition and unfair hiring practices in an embryonic movement to those of relationships between peers once congregations grew large enough to support more than one rabbi; from issues of commercialism derived from rabbis' principled professional choices, to those of

⁵⁴ Ibid., 236.

encouraging rabbis to make their families and personal lifestyles their most weighty considerations.

During this time the Codes grew, from a document of just a few paragraphs to one of more than eight pages, from the general to the specific. They moved from a basis in abstract ethics to one that attempted to plant itself within the framework of traditional rabbinic teaching. Perhaps the introduction to the 1991 Code expresses it best:

As rabbis, we are expected to abide by the highest moral value of our Jewish tradition: personal conscience and professional integrity, honorable social relationships, and the virtues of family life. As teachers and role models, we are called upon to exemplify the ideals we proclaim. Should we fail, we need to do *teshuvah*, ask forgiveness, avoid repetition, and make restitution whenever possible.⁵⁵

It is interesting to consider which major themes of *kevod harav* are clearly stated, and which may only be read between the lines of the Codes of Ethics. For the purpose of this study, it is most helpful to focus upon the topics of chapters 243 and 244 of the *Shulhan Arukh* and the commentaries upon them. Each relates more fully to the relationships discussed within the Code, those of rabbi and the community, and rabbi and colleague, respectively. Chapter 242, while greatly enlightening as to rabbinic status, focuses mainly upon the relationship of student and teacher, and mostly upon the behavior of the student with regard to his teacher. For this reason, it is not as directly applicable here.

⁵⁵ Ibid., 233.

Chapter 243, and section nine, particularly, speaks to the essence of the Code of Ethics: The rabbi should endeavor to conduct him- or herself in a praiseworthy manner at all times. Rabbis are instructed not only to maintain, but to "elevate" the moral standards of general society. At the same time, the Code recognizes that rabbis are tempted by *yetzer hara*, the evil inclination that exists within all humans. To this end, the Code encourages those who may have a problem with substance abuse, among other issues to which it alludes, seek out the help they need.

A rabbi should make an effort to raise himself above petty gossip and judge others and their actions, even against the rabbi, personally, with patience and mercy. However, when the rabbi's reputation is compromised, whether the rabbi hears this directly or learns about it from others, it is his or her responsibility to address the situation. This is mentioned specifically in section nine of chapter 244. When one publicly insults a sage, it is not considered an affront to the person, but an insult to Torah. By extension, when the modern rabbi is personally criticized by his or her congregants, it reflects badly upon the entire congregation, and perhaps the greater Jewish community. The rabbi has no choice but to publicly defend his or her honor, as it is bound up with a greater purpose and honor.

Related to this are the discussions in chapter 244. Here, the material relates to respect for scholars, in general. A scholar's distinguished learning entitles him to a certain level of honor. Within the Code, this plays itself out in the descriptions of relationships between

rabbis within the same congregation: emeritus, senior, associate, and assistant rabbis.

Although the Code imposes particular obligations upon each, the underlying theme is that all are to be respected in their own positions, and all are obligated in some way to the others. Having said that, it is important to note that special deference should be given to an elder, in this case, the emeritus: Section 244:18 says that when in doubt as to which, the younger or older of the rabbis, is a greater scholar, one should always defer to the older. This ruling is derived from the additional obligation to honor the aged (see comments to section 244:1).

The Code also addresses the issues of relations between rabbis of different congregations. Chapter 242 outlines many territorial guidelines, not only for teacher and student, but also for colleagues. Chapter 243:6 addresses the issue of embarrassing or destroying the reputation of the scholar. This would seem to be directly applicable to the modern rulings of rabbis not criticizing each other personally, but rather respectfully debating issues. By extension, one could argue that a colleague who enters a community in order to officiate at a life-cycle even his resident colleague opposes would also be causing dissension within his colleague's congregation and damaging his reputation.

It is possible to find more parallels between the selected chapters of the *Shulhan Arukh* and the CCAR Code of Ethics. The reality, however, is that the former does not seem at all to have inspired the latter. The connections between the two are found in the general

ethics of honor and respect for a professional: The CCAR Code of Ethics is a modern document that holds little resemblance to the teachings of Jewish tradition.

In comparing the CCAR Code of Ethics to the Reform Responsa discussed earlier, one can find a much greater reliance on the texts of *kevod harav* in the former. Ironically, it is the latter that is considered binding upon the membership of the CCAR, that is used as a reference in disciplinary considerations within the conference, and that is published regularly in CCAR yearbooks. One is compelled to ask if the Code of Ethics would be more compelling or forceful if it were more evidently rooted within Jewish textual tradition.

Conclusion: Is There a Modern *Kevod Harav*?

Today's Reform rabbinate is both a calling and a profession. Each rabbi has, presumably, decided to serve the Jewish community out of some combination of religious faith, desire to teach and to lead, empathy for those who may need pastoral counseling, and an undying commitment to preserve and continue Judaism as a religion and faith. Each rabbi has also entered the rabbinate with the expectation of some form of personal recognition, a means to support himself or herself and family, a tolerable lifestyle, and the respect of those in his or her community. While the rabbi's congregants may consider the first list a non-negotiable one, the rabbi may have the same understanding for the latter. Unfortunately, at times these are only the ideals for both, and not the reality.

One modern expert on the evolution of the rabbinate states that, "...the prestige of the rabbi...has never been as high as it is today. His functions have changed and he is less a judge and more a teacher and a guide; on the other hand he has become the representative of his community, even when he has difficulties with its lay leadership."¹ Perhaps the estimation of the rabbinate, as its own profession, stands in high regard; the consideration given each rabbi, however, does not always reflect it. The other side of this argument, of course, is that a rabbi cannot expect respect simply for his or her title or *hatarat hora'ah*; he or she must earn it, through learning, leadership, and ethical conduct.

¹ Simon Schwarzfuchs, *A Concise History of the Rabbinate* (Oxford: Blackwell, 1993), 142.

Through the texts examined in Section I, it is clear that there was an accepted code of behavior that regulated the relationships between rabbis and their students, colleagues, teachers, and leaders. These rules were quite technical in nature, relying upon distances, distinction in title, nature of instruction, and consideration of exceptional circumstances. There was an expectation that all--the scholars, themselves, as well as non-learned members of their communities--should know and follow these laws. There were also standard, at times severe, repercussions for those who did not observe them.

These laws were venerated and upheld from the Talmudic period through the Middle Ages. They began to fade into the background, however, when rabbis were no longer the heads of whole communities, and their congregants' lives were not centered exclusively within the Jewish world. Emancipation, assimilation, civil marriage, and secular education all contributed to creating a form of Jewish people that no longer had one exclusive allegiance. These Jews saw themselves as able to make informed choices as to their practice and lifestyles; indeed, many evolved into members of the Reform movement. With religious reform, however, the expectations and role of the rabbi changed: In the past, the rabbi or scholar had been ascribed a high level of *kevod* simply for holding *semikhah* or *hatarat hora'ah*. He was, first and foremost, judge and Jewish scholar. Today, with so many congregants learned in Judaism, or others who hold no high esteem of such a quality, this, in itself, does not elicit *kevod harav*.

The rabbinate has often sent out mixed messages to its congregants. Rabbis will assert that the rabbinate is not simply a profession to be measured against other modern professions; nevertheless, the nature of the rabbinate dictates that rabbis negotiate salaries, benefits, and vacation time, often with the same people they serve as counselor and teacher. Rabbis have been accused of ethics violations in the realms of business dealings and commercialism, relationships with their colleagues and fellow congregational professionals, as well as matters of "personal indiscretion," including issues of sexual misconduct and substance abuse. ~~It is~~ not the purpose of this study to ~~speak~~ to how prevalent these situations are in the rabbinate; rather, the fact that there has been a need to establish and regularly update the CCAR Code of Ethics, as well as to maintain an active Ethics Committee and formal grievance procedures, speaks to the fact that these issues remain. When lay leaders hear time and again that rabbis--not necessarily their own--have possibly broken the law, acted immorally, or taken advantage of their sacred post, it is understandable, although unfortunate, that the ascribed authority of *kevod harav* cannot be expected or demanded.

Today's rabbis, even the most ethical and just, have inherited a sad tradition. As discussed in our texts earlier, when a rabbi foregoes his or her honor, that honor is foregone. When members of the rabbinate, as a whole, choose to forego this honor, it will reflect upon those who have not made such a choice. The only solution is for rabbis to work toward actively change this perception. Rabbis can set forth a new model, a new, modern type of *kevod harav*: "So long as we truly represent the tradition in whose name we speak by the

breadth of our knowledge and the integrity of our persons, we will exert a pervasive influence which no one will be able to diminish."²

Can one teach *kevod harav*? It could surely be seen as self-serving if a rabbi were to teach a course or deliver a sermon on the topic. Perhaps it is possible, though, for the rabbi to teach by example: Addressing this question, one modern Reform rabbi observed that "...rabbinical influence and authority depend on the quality and impact of the individual personality." He went on to state, "By personality I do not mean the possession of charisma and charm. What I mean is the sincerity and commitment, the caring ministry, which earn respect and admiration, yes, and affection and loyalty from the congregation."³

When it is deserved and appropriate, the rabbi should be afforded *kevod harav*, honor and respect for his or her learning and position. In the modern situation of the Reform movement, though, it is worthwhile to consider a different approach to *kevod harav*: Perhaps *kevod harav* may also be seen as the honor a rabbi holds and may bestow upon others. It is the rabbi's honor to teach, to lead, and to counsel: a sacred privilege that is not without its own reward.

² Jerome R. Malino, "Vineyards of the Lord," in *Rabbinic Authority: Papers presented before the ninety-first annual convention of the Central Conference of American Rabbis* (New York: Central Conference of American Rabbis, 1992), 7.

³ Harold I. Saperstein, "The Origin and Authority of the Rabbi," in *Rabbinic Authority: Papers presented before the ninety-first annual convention of the Central Conference of American Rabbis* (New York: Central Conference of American Rabbis, 1992), 25.

The *Shulhan Arukh* Yoreh Deah, section 244:12, discussed earlier, teaches that even the most distinguished of sages should rise before a *ba'al ma'asim*, a righteous person. As important as the traditional literature considers the value of *kevod harav*, *kevod ba'alei ma'asim* will always exceed it. Rabbis have the ability and responsibility to nurture this quality in themselves, as well as in all those whose lives they touch. The *ba'al ma'asim*, whether it is the rabbi or a congregant, will find reward multiplied, a source of strength for the individual, the congregation, the Jewish community, and for the God in whose name we endeavor to acquire righteousness.

Appendix: Halakhic Works Cited

Agudah: The work of Alexander Suslin HaKohen (early 14th century). This is the only work that dealt with those topics covered in the Hoshen Mishpat section of the *Tur*. It contains rulings on all sections of the Talmud, and was organized in the same manner.

(*Encyclopedia Judaica*)

Bah: The *Bayit Hadash*, written by Joel Sirkes (1561-1640). Sirkes was a leader and scholar of Polish Jewry, becoming av beit din and head of the yeshivah in Krakow in 1619. He believed in in-depth study of the law, but not in pilpulistic discourse for its own sake. He believed that one could not rely solely upon the laws in the *Shulhan Arukh* because their sources were not cited.

The *Bayit Hadash* was Sirkes' commentary on the *Tur*, which grew out of his teaching in Krakow. In his own words: "I have decided to write an explanatory commentary on the *Turim* that will also explain the statements of other authors cited in the *Turim* when they need further explanation. All [my comments] will be based on the Talmudic discussions and the commentaries of Rashi, the Tosafists, and the other commentators and authorities. [I will] also resolve difficulties in its [the *Turim*'s] rulings and explain it with clear proof, as much as God will help me do this." (*Bah on Tur*, Hoshen Mishpat Introduction, cited in Elon, 1416) It was Sirkes' intention to also write a commentary on the *Shulhan Arukh*, although he never completed this endeavor. (Elon 1415-1417; *EJ*)

Be'er HaGolah: Written by Moses b. Naphtali Hertz Rivkes. Rivkes was a native of Vilna, but was either expelled or fled from there during the war between Poland and Russia, sometime between 1648 and 1655. He settled in Amsterdam, where he wrote the *Be'er HaGolah*. He is also credited with writing additions to the *Shulhan Arukh* and a Mishnah commentary, although neither were published. He died in Vilna, in either 1671 or 1672. Rivkes was an ancestor of the Vilna Gaon, who "was supported by a legacy established by him." (EJ)

The *Be'er HaGolah* cites the sources of laws contained in the *Shulhan Arukh*. It refers the reader to the Talmud, Tosafists, Rashi, and codificatory literature. Specifically, with regard to the laws of kevod Harav, the *Be'er HaGolah* aids in drawing a direct correspondence between Caro's work and that of the Rambam in Hilkhos Talmud Torah of his *Mishneh Torah*. "*Be'er HaGolah* helped to establish a direct link between the *Shulhan Arukh*, on the one hand, and the Talmud and the codificatory literature, on the other." (Elon Jewish Law, 1426; EJ)

Beit Yosef: The major work of Rabbi Joseph Caro (ca. 1488-1575). Caro was born in Spain, but left with his family either before or during the 1492 expulsion. He lived in various cities in Turkey and Greece before settling in Safed by 1537. He was a community leader, yeshivah head, mystic, and *halakhic* writer.

It took Caro twenty years to write the *Beit Yosef*. It was structured as a commentary upon the *Tur*, which itself used a new method of organization. Caro decides the law by establishing a majority of those who he considers the three greatest *halakhic* codifiers: The Rif, the Rambam, and the Rosh. When he is not able to establish a majority, he will accept the ruling of only one of his three "pillars" of *halakhah*, along with a majority of lesser-known authorities.

The *Beit Yosef* was complemented by the *Darchei Mosheh*, the work* of Rabbi Moses Isserles. Its greatest contributions were offering variations in practice related to *minhag* and adding an Ashkenazic voice to Caro's Sephardic-oriented work. See also *Darchei Mosheh, Shulhan Arukh*.

Caro, Joseph: See *Beit Yosef*.

Darchei Mosheh: A work of Rabbi Moses Isserles, also known as the Rema (1525 or 1530-1572). Isserles lived in Krakow, where he was considered a great rabbi, teacher, and halakhist. His commentary offered Ashkenazic validity to the *Beit Yosef* and the *Tur*, opening a wider circle of readership and setting precedent for other Ashkenazic authorities to comment on Caro's works.

Isserles, a contemporary of Joseph Caro, originally set out to write a commentary on the *Tur*. When he found that he was duplicating the work of the great Caro in his *Beit Yosef*,

he decided instead to focus his efforts upon a commentary on Caro's work. He set out three new objectives, which he felt were not met by Caro's work, impressive as it was. They were: to state *halakhic* opinions in a more concise fashion; to present views not mentioned in the *Beit Yosef*, either through Caro's omission or lack of knowledge of them; and to use a different method of decision making, stating that the *halakhah* is according to the latest authorities, not necessarily the most famed (Elon 1350-1355; *EJ*).

Derishah: The work of Joshua ben Alexander Hakohen Falk (1555-1614), a Polish halakhist and yeshivah head, as well as a student of Moses Isserles and Solomon Luria. He is best known for his work Sefer Me'irat Einayim, a commentary on the Hoshen Mishpat section of the *Shulhan Arukh*, and is often referred to as the S'ma, the acronym for this work.

The *Derishah*, a commentary on the *Tur*, discusses the opinions of the Rishonim and other authorities prior to the *Tur*. It complements his earlier work, the *Perishah*, which comments on the *Tur* and names sources for its laws. *Haggahot*, completed later, are glosses on the *Darchei Mosheh*. His final major work was *Sefer Me'irat Einayim*, completing his collection known as the *Beit Yisrael* (Elon, 1303; *EJ*)

Hagahot Maimoniot: The work of R. Meir ben Barukh HaKohen of Rothenburg (late 13th-early 14th century), a disciple of the Maharam of Rothenburg. Literally translated as

"Maimonidean Glosses," this work supplemented the mainly Spanish-influenced *Mishneh Torah* with French and German *halakhic* decisions and responses (Elon, 1234-1235; *EJ*).

Isserles, Rabbi Moses: Known also as the Rema, (1525 or 1530-1572). Isserles lived in Krakow, where he was considered a great rabbi, teacher, and halakhist. He wrote commentaries to both great works of Joseph Caro, the *Beit Yosef* and the *Shulhan Arukh*, namely, the *Darchei Mosheh* and the *Mapah*. These works offered Ashkenazic validity to the *Beit Yosef*, the *Tur*, and the *Shulhan Arukh*, opening a wider circle of readership and setting precedent for other Ashkenazic authorities to comment on Caro's works (*EJ*). See also: *Darchei Mosheh*, *Mapah*.

Kesef Mishnah: Caro's commentary on the Rambam's *Mishneh Torah*. The *Kesef Mishnah* stands alone as a commentary to eight of the fourteen books of the *Mishneh Torah*; it acts as a supercommentary to the *Maggid Mishneh* of Vidal of Tolosa for the other six. In contrast to the *pesakim* of the Rambam, Caro provides source material and dissenting opinions for the topics at hand. (*EJ*)

Maharal (of Prague): R. Judah Loew ben Bezalel (1525-1609) was first and foremost a pedagogue. His theories of methodology and teachings urge an orderly and age-appropriate approach to studying text, beginning with Bible, then *Mishnah*, then Talmud. He was strongly opposed to collections of *pesakim*, where the rules were set out and did not require the student to examine original sources or reasoning. He also spoke out

against *pilpul*, Talmudic rhetorical argumentation, which he saw not as a tool to reach a logical understanding of a passage, but rather as a futile activity of debate.

Maharam (of Rothenburg): Rabbi Meir Ben Baruch of Rothenburg (1215-1293) was a great scholar, Tosafist, teacher, and yeshivah head in Germany. He studied under distinguished relatives and teachers in Germany, and later France, then returned to Germany and settled in Rothenburg as a young adult. He was highly respected throughout Ashkenaz as a scholar and arbiter, writing responsa settling both individual and communal issues. Among his students were the authors of the *Tashbetz*, the *Agudah*, *Hagahot Maimoniot*, and the *Mordekhai*, as well as the Rosh.

The Maharam wrote tosafot to 18 tractates of the Talmud, collections of laws, and, perhaps most significantly, almost 1,000 responsa. His influence, through his own work, as well as through the works of those whom he trained, cannot be underestimated (*EJ*).

Maharik: Joseph ben Solomon Kolon (1420-1480) was born in France but spent most of his life between Italian cities. His responsa are characterized by his broad sense of *halakhah*, ethic, and justice. They often decide not only the case at hand, but also provide enough background information to allow local judges to decide related cases. His responsa greatly influenced local *halakhah* to the point that "there is scarcely an Italian rabbi of the 16th and 17th century who does not quote him" (*EJ* 748).

Mahariv: Rabbi Jacob ben Judah Weil (late 14th to early 15th century) was a German halakhist. He is most famous for his responsa, some of which were addressed to him by the likes of Israel Isserlein. Specifically, Weil is best known for his work *Hilkhot Shehitah U'Vedikah*, the laws of slaughtering and examination. He also addressed the issues of the emerging professional rabbinates. He is highly critical of his colleagues' behavior and discusses rabbis "who declare their own importance and administer their office in a high-handed manner...." (EJ)

Mapah: These are Isserles' glosses, or *hagahot*, to the *Shulhan Arukh* of Joseph Caro. As the *Shulhan Arukh* was to be considered a "set table," the *Mapah* was the "tablecloth" that completed the picture. In many ways, the *Mapah* did complete Caro's work: It contributed the opinions of Ashkenazic authorities, relied upon the latest rulings (*hilkhet kevatra'ei*), and supplied examples of *minhag* that complemented the strictly *halakhic* rulings of Caro's main text. With Isserles' *Mapah*, the *Shulhan Arukh* became well-accepted in both the Ashkenazic and Sephardic centers. (EJ)

Mishneh Torah: Literally "Repetition of the Torah," this is the major *halakhic* work of the Rambam. Understanding that in his time the average person was not a Talmudic scholar, nor were scholars always available, he set out to write a code for the masses. He set as a goal for himself making "all the laws--the rules of each and every commandment, and of all the enactments promulgated by the Sages and prophets--clear and manifest to

young and old" (Introduction to *Mishneh Torah*, cited in Elon 1185). Due its vast scope, it took the Rambam 10 years to complete this project.

In his effort to create a clear and understandable code, the Rambam devised a new organizational system for his work. It was divided into 14 topics, each one called a book, then sections, then chapters, and then halakhot, which were each a paragraph. This system set the precedent for the next major systematization, that of the *Tur* two centuries later. In addition, the Rambam wrote in a clear Hebrew style, again making the accessible to a greater range of people.

The *Mishneh Torah* was well-respected by most, but it did attract its own share of criticism. Some believed that by creating such an accessible code, students would be turned away from Talmudic study. Others opposed the Rambam's lack of source citations, not knowing who stated halakhot, or accusing him of being selective in deciding *halakhah*. Finally, in presenting a clear *halakhic* ruling for each case, the Rambam's method did not present differing opinions (Elon 1181-1210; *EJ*).

Piskei Maharai: The *Pesakhim Ukhetavim* (Legal Rulings and Writings) of R. Yisrael ben Pethahiah Isserlein (1390-1460). See *Terumat HaDeshen*.

Rabbenu Tam: Rabbenu Jacob ben Meir Tam (1100-1171) was a leading Tosafist and scholar of northern France, as well as the grandson of Rashi. His greatest work was the

Sefer HaYashar, which consisted of two parts: The first consists primarily of Tosafot, new interpretations of Talmud and his modern-day understanding of its implications; the second is mainly a collection of responsa. Much of the Tosafot to the Talmud were written by Rabbenu Tam, excerpted from the *Sefer HaYashar*. As it exists now, though, the *Sefer HaYashar* is incomplete; it is missing known work of Rabbenu Tam, and also contains writings of other authors, including Tam's brother, the Rashbam (R. Solomon ben Meir).

Rabbenu Tam was considered to be the greatest scholar of his generation, but was also known as one who tested the extent of his influence and sometimes encroached upon others' territory or jurisdiction. (*EJ; Jewish Encyclopedia*) See also: Tosafot.

Rabbenu Yeruham: Rabbenu Yeruham ben Meshullam (early 14th century), halakhist who moved from France to Italy after the 1306 expulsion and became a student of the Rosh. His style is characterized by a strong emphasis on organization and classification of legal rulings for better accessibility. His works reflect this consideration: each main section is divided into a *n'tiv*, or path, then further into sections and paragraphs. He also cross-references topics when relevant to more than one discussion.

Rabbenu Yeruham is known best for two *halakhic* works, which together discuss all relevant (post-Temple destruction) laws: *Sefer Meisharim* takes up issues of civil law, and *Toledot Adam v'Havah* consists of family and religious laws, organized from birth to

death. These were both superseded by the *Tur*; nevertheless, they continued to be cited in and influential upon later works, including the *Shulhan Arukh* (Elon, 1269-1272).

Ramah: Rabbi Meir ben Todros Halevi Abulafia (ca. 1170-1244) was an influential Talmudic commentator poet, and yeshivah head, "the most renowned Spanish rabbi of the first half of the 13th century" (*EJ* 188). His major work was *Peratei Peratin*, a commentary on the Talmud which focused upon minute details of the Talmudic discussion at hand (Elon 1124; *EJ*).

Rambam: Rabbi Moses b. Maimon; Maimonides (1135-1204) was born to a long line of scholars in Cordoba. He was forced to flee Cordoba with his family as a child, eventually settling in Fez in 1160, then again fleeing Fez in 1165, finally settling in Cairo. For years, supported by his brother, he devoted his full time to scholarly work. Upon his brother's tragic death, the Rambam was forced to support himself. Having vowed to follow the Talmudic prohibition against profiting from Torah, he instead practiced as a physician.

The Rambam is probably best known for two very different works: The Guide of the Perplexed attempts to reconcile philosophy with religious faith; his *Mishneh Torah* is an attempt to make *halakhah* understandable to the Jewish layman. In addition, he wrote additional *halakhic* commentaries, responsa, and philosophical works (*EJ*). See also: *Mishneh Torah*, *Kesef Mishnah*.

Ramban: Rabbi Moses ben Nahman; Moses Gerondi; Nahmanides (1194-1270) was a Spanish rabbi, scholar, halakhist, poet, and physician. He emigrated to Eretz Israel in 1267, aiding, through both his work and his influence on Spanish Jewry, in strengthening communities there.

More than 50 of the Ramban's works are still extant today, ranging from Biblical commentary to poetry and sermons. He is best known for his *halakhic* works, including *Torat Ha'adam*, which discusses issues relevant to the physician: how to care for the ill, treatment, vidui, and laws of burial and mourning. He discusses each fully before stating his interpretation of the relevant law. Not only did *Torat Ha'adam* set a precedent for later codes, but it also "created a new subject heading in the codification of the *halakhah*, namely, the laws of physicians" (Elon 1242-1243; *EJ*).

Ran: Rabbenu Nissim ben Reuven Gerondi (ca. 1310-1375) was a Spanish *halakhic* authority and head of the Barcelona yeshivah, as well as a physician. He is best known for his responsa, of which only 77 remain, and his commentary to Alfasi's work. He was the teacher of the Rivash, who uses the Ran's teachings throughout his works, although he often cites them anonymously (Elon 1175-1176; *EJ*).

Rashba: R. Solomon ben Abraham Adret (ca. 1235-1320) was a great Spanish halakhist and rabbi. He also served as head of the Barcelona yeshivah for over 40 years. He is well-known for his responsa to communities throughout the Jewish world, of which over

1000 exist to this day. Elon considers him "probably the leading respondent in the history of Jewish law" (Elon 1478).

Rashba's primary work was *Torat HaBayit*, which discusses matters of religious law. The work is actually divided into two separate texts, *Torat HaBayit Ha'Arokh*, and *Torat HaBayit HaKatzet*. The former includes a discussion of all relevant texts and sources, while the latter gives only the pesakim, the final legal decisions. Perhaps even more important than the content of this work, the Rashba's methodology presented a new approach toward *halakhic* codification. *Torat HaBayit Ha'Arokh* was intended for those who had the ability and time to follow all the sources through to a logical conclusion, whereas *Torat HaBayit HaKatzet* was a brief reference for those who lacked the time or the skill for an in-depth analysis. This dual model became the precedent for parallel works such as the *Beit Yosef* and the *Shulhan Arukh* (Elon 1269-1272; *EJ*).

Rashbetz: R. Simeon b. Tzemah Duran (1361-1444) was born in Majorca and trained there and in Aragon, both as a rabbi and physician. He fled after the massacre of 1391 to Algiers in Northern Africa, where he became a respected rabbi and judge. Eventually, he succeeded the Rivash as rabbi of Algiers, and, in turn, was succeeded by his own son, R. Solomon b. Simeon Duran, the Rashbash. During his lifetime, the Rashbetz wrote responsa on both Jewish civil and criminal law. His responsa are known for their clarity and thorough analysis of earlier rulings (Elon 1478, 1538; *EJ*).

Rashi: R. Solomon ben Isaac (1040-1105) perhaps the best-known Biblical and Talmudic commentator and the “foremost explicator of Judaism in general” (Elon 1116). Rashi was born in Troyes and studied in Mainz and Worms before returning to Troyes and establishing a yeshivah. Among his disciples were his own family members, most notably grandsons Rabbenu Tam (Rabbi Jacob ben Meir) and the Rashbam (Rabbi Samuel ben Meir), who were of the first generation of Tosafists.

Rashi is equally known for his Biblical and Talmudic commentaries. In the case of the latter, it was included in the first published edition of the Talmud and virtually every one since. He explains single words, logical reasoning for Talmudic arguments, and offers psychological and historical background to specific discussions. Within his commentary, he provides *halakhic* rulings, although this was not the main emphasis of his work.

In addition, Rashi was well respected in Germany and France as a legal authority. He issued many responsa, which, along with his students' works, were collected into a body of literature known as the “School of Rashi” (Elon 1116-1119; *EJ*).

Ravad: R. Abraham ben David of Posquieres (ca. 1125-1196), French halakhist and yeshivah head at Posquieres, was known and respected in both the Ashkenazic and Sephardic worlds. His works cover a wide range of genres, from talmudic commentary to responsa, critical annotations, and glosses to others' works, including the *Mishneh Torah* of the Rambam. Of the last he was very critical: He feared that this work would eliminate

the need for *halakhic* study. He also felt that the conclusive tone of the laws presented removed the autonomy of a judge hearing a case; were the judge to know there were other opinions in a matter, he might rule differently (Elon 1123-1124, 1223-1225; *EJ*).

Rif: Rabbi Isaac ben Jacob HaKohen Alfasi (1013-1103) was the first of the Rishonim, following the Geonim by only one generation. He lived for most of his life in North Africa, but was forced to flee to Spain when he was 75. There, he became head of the Lucerne yeshivah. His most famous students were Yehudah HaLevi and Ri Migash, the latter of whom he chose to succeed him as *rosh yeshivah*.

Alfasi wrote hundreds of responsa to centers throughout Sepharad. He is best known, however, for his major work of codification, *Sefer HaHalakhot*. Alfasi organized it in the same system as the Talmud, but only dealt with those issues that were relevant to post-Temple Diaspora living. He would cite Talmudic passages, discuss, and summarize them before offering his own conclusion to a ruling. Alfasi's work was so well respected and enduring that Joseph Caro chose it, along with the Rambam's *Mishneh Torah* and the Rosh's *Piskei HaRosh* to be one of the three pillars of his *Beit Yosef*. (Elon 1167-1172; *EJ*)

Ri Migash: Joseph ben Meir Halevi ibn Migash (1077-1141) was a student of the Rif, who chose him instead of his own son to succeed him as head of his yeshivah at Lucena. Although few of his works have survived, excerpts of others were preserved in later

writings. He was the teacher of the father of the Rambam, and his works were greatly admired and quoted by the Rambam, himself. Ibn Migash believed that books of halakhot "should be the main source for determining the law and that they were preferable to the complicated discussions of the Talmud for that purpose because it is in researching the Talmud that error is most likely to occur" (Elon 1230). (Elon 1123, 1168, 1181, 1230; *EJ*)

Ritba: R. Yom Tov ben Avraham Ishbili (ca. 1250-1330) was a Spanish talmudist and student of the Rashba. His outstanding leadership and scholarship is best recognized by the fact that he wrote his own responsa even during the lifetime of his rabbis, including the Rashba. The Ritba is best known for his commentaries most of the Talmud, which are "outstanding for clarity and detail and...analyze in great depth all topics dealt with in the Talmudic discussion" (Elon 1125). This work is known collectively as *Hiddushei HaRitba*, and is distinguished by the amount of earlier source material it contains (Elon 1125; *EJ*).

Rivash: Rabbi Isaac Ben Sheshet Perfet, 1326-1408. Spanish rabbi and halakhist, originally from Barcelona, where he studied under the Ran and others. After a short, controversial period in Saragossa, he settled in Valencia and served as rabbi there from 1385. In 1391, he fled the anti-Jewish riots to North Africa, where he later became the rabbi of Algiers. He is remembered for his *halakhic* rulings, as well as his strong objections to philosophy and kabbalism, which were rising in influence in his time.

Perfet is best known for his responsa, first published in Constantinople in 1546. They were a great *halakhic* influence, including upon the *Shulhan Arukh*. They provide earlier *halakhah*, some of which is no longer available, as well as insight into the customs of the areas in which he lived. (Elon, 1478; *EJ*)

Rosh: R. Asher ben Yehiel (ca. 1250-1327) was one of the foremost *halakhic* authorities of both Ashkenazic and Sephardic Jewry. He was born in France and schooled in both France and Germany, most notably studying in the school of the Maharam of Rothenburg, and succeeding his teacher as the head of German Jewry after his imprisonment. In 1303, he fled Germany with his son Jacob ben Asher (the *Tur*) for Spain.

The Rosh was immediately respected in the Sephardic world and was appointed the Rabbi of Toledo in 1305, establishing his own yeshivah there, as well. He modeled his great work, the *Piskei HaRosh*, after that of Alfasi. It was unique in that it was accepted as an authoritative *halakhic* work among both Sephardic and Ashkenazic Jewry. In this work, the Rosh presents a wealth of material, but shows a willingness to follow his own logic and legal reasoning, even when it means disputing those who preceded him, including his own teachers (Elon 1251-1255; *EJ*).

Sefer HaRokeah: Eliezer ben Judah of Worms (ca. 1165-1230), also known as Ba'al HaRokeah, after his best-known work, was a halakhist as well as a theologian and

exegete. He is considered the last major scholar of the Hasidei Ashkenaz movement.

Born in Mainz to the prestigious Kalonymus family and schooled throughout Germany, he eventually settled in Worms.

Sefer HaRokeah is geared toward the common reader, providing sources for the law followed by a definite ruling. It stands apart from other works of its time in that Eliezer ben Judah also provided relevant *minhagim* (Elon 1239; *EJ*).

Sefer Hasidim: A work of the ethical teachings of the Hasidei Ashkenaz movement in the 12th and 13th centuries. This book is attributed to Judah the Hasid of Regensburg, a member of the Kalonymus family and teacher, as well as relation, to R. Eliezer ben Judah of Worms.

The emphasis of *Sefer Hasidim* is one of ethics in everyday life. It emphasizes respect for individual cases, psychology, and relationship between those involved. "No other Hebrew work in ethics covers so much ground and devotes such close attention to realistic detail (*EJ* 1389). Specifically, this work devotes a section to the appropriate relationship between rabbi and student. *Sefer Hasidim* became a basis for later Ashkenazic ethical works, as well as a *halakhic* precedent of Jewish living (*EJ*).

Sefer Mitzvot Gadol: The work of Moses ben Jacob of Coucy (early 13th century), a Tosafist and scholar. He was "the first example among French Jews of an itinerant

preacher, wandering from town to town and from country to country to rouse the masses to draw near to God by the active observance of [God's] precepts" (EJ 418).

Sefer Mitzvot Gadol, known also as the S'mag, was written Moses of Coucy because he saw a need for a book of halakhot organized according to the Biblical mitzvot. The book is separated into two sections: It discusses the 365 negative commandments first, and then moves on to the 248 positive commandments. This work is very much influenced by Rambam's *Mishneh Torah*, but it also cites sources including the Bible, Talmud, geonim, the Rif, Rashi, and previous Tosafists. In addition, Moses of Coucy, himself, sets down his own conclusions.

Sefer Mitzvot Gadol gained even greater popularity after the confiscation and burning of the Talmud by Pope Gregory, 1240-1242. The S'mag, as a summary of Talmudic and post-Talmudic sources, was able to fill the void the Talmudic ban had created. (Elon 1261-1263, 1279; EJ)

Sefer Mitzvot Katan: Work of Isaac b. Joseph of Corbeil (died 1280). Written soon after and relies heavily upon *Sefer Mitzvot Gadol*, by Moses of Coucy. The *Sefer Mitzvot Katan* is a collection of contemporary *halakhah*, combined with ethical homilies, parables, and aggadot, arranged by Biblical commandment. It is organized in seven pillars, corresponding to the days of the week, possibly with the intention that the work would be read through each week. Unfortunately, this system of organization seems somewhat

arbitrary and makes specific topics difficult to find. The *Sefer Mitzvot Katan* was not intended by its author to be a *halakhic* work, although it became one to later authorities (Elon 1263-1265; *EJ*).

Sefer Mordekhai: The work of Mordecai ben Hillel HaKohen (ca. 1240-1298), German author and rabbinic authority, student of the Maharam of Rothenburg. The *Sefer Mordekhai* is based on the structure of Alfasi's commentary, its goal being to add an Ashkenazic voice to the Sephardic work. It contains references to over 300 authors and works, and, for this reason, is considered a wealth of historical and *halakhic* information of French and German Jewish life. Its style varies from other *halakhic* works; although HaKohen reports varying opinions, he does not discuss them or render his own decision of which is more valid (Elon 1249-1250; *EJ*).

Sefer Shibbolei Haleket: Work of Zedekiah ben Avraham HaRofo Anav (13th century). This was possibly the earliest attempt in Italy to create a code of Jewish law. It focused on the liturgy, including discussions of individual prayers, the Pesah Haggadah, and Sabbath, Holy Days, and fasts. Anav discusses with detail Talmudic sources and geonic opinions, as well as German, French, and Italian *halakhic* authorities; however, his own opinion is rarely stated (Elon 1247-1248; *EJ*).

Shulhan Arukh: The best-known work of Joseph Caro. A concise summary of the laws he presents in the *Beit Yosef*, the *Shulhan Arukh* was designed to be used by "young

students" or those who did not have time to study the full legal discussions of an issue before rendering a decision. It was divided into thirty sections so that it could be studied in full each month, and was even printed in pocket-size editions.

In its present form, it is printed with the glosses of Moses Isserles, called the *Mapah*, as well as a variety of commentaries representing the 17th through 19th centuries and various centers of Judaism, both Ashkenazic and Sephardic. (EJ)

Siftei Cohen: The work of Shabbetai ben Meir Hakohen (1621-1662), Lithuanian Rabbi and halakhist. The *Siftei Cohen* is one of the most important commentaries on Yoreh Deah and Hoshen Mishpat of the *Shulhan Arukh*. It cites sources from responsa and other *halakhic* sources, often explaining them as well. He would at times decide upon differences between Caro's text and Isserles glosses of the *Mapah*, basing these decisions on both *halakhah* and logic.

Terumat HaDeshen: The work of R. Israel ben Pethahiah Isserlein (1390-1460). Isserlein was known as perhaps the greatest German rabbi of the fifteenth century. His major work, *Terumat HaDeshen*, consists mostly of hypothetical questions, set out for the purpose of investigating, clarifying, and giving *halakhic* rulings on them. Later scholars add that many of these were inspired by actual cases set out in his work of responsa, *Pesakim Ukhteavim*. Later, the two works were published together (Elon 1516-1517; EJ)

Tosafot: A commentary on Rashi's commentary, as well as the Talmud, itself, which originated from France and Germany in the 12th to 14th centuries. The Tosafot originated among Rashi's disciples, who endeavored to further expand and develop his commentary to the Talmud. Some of the more famous Tosafists are Rashi's grandsons Rabbenu Tam, Rashbam, and Isaac ben Meir, who were of the first generation, as well as the Maharam of Rothenburg, who was of a later period in Germany. The Tosafot is arranged in the same order as the Talmud, and is published in nearly all editions, opposite the comments of Rashi (Elon 118-1123; EJ).

Tur (also known as the *Arbaim Turim* or *Sefer HaTurim*): The great codificatory work of R. Jacob ben Asher (ca. 1270-1340), son of R. Asher ben Yehiel (the Rosh). He was raised in Germany, then moved to Toledo with his father, a great halakhist, in 1303. Perhaps it was because he was a bridge between the two schools of Diaspora Jewry--the son of a highly respected Ashkenazic legal scholar and a current Sephardic dayyan--that his work was so well received.

Jacob ben Asher set out two goals for his work. The first was to express the law clearly and unequivocally. With all the books of halakhot and opinions that had been formed since the time of the Talmud, it was difficult at best to find definitive answers. It was his goal that the *Tur* would do just that, relying on the principle of *hilkheta kevatrei*, the law follows the latest (most current) authorities. For him, the latest authority was his father,

the Rosh. A common phrase in the *Tur* is "*Amar avi harosh...*," "Said my father, the Rosh...."

The second goal of Jacob ben Asher was to find an appropriate and logical methodology for codifying his work. The *Tur* is divided into four columns (turim), an innovative structure for its time. The four turim are: Orach Hayim, which sets out rules of daily conduct; Yoreh Deah, which sets out ritual laws; Even Haezer, which sets out laws relating to the family; and Hoshen Mishpat, which sets out most civil and criminal law. This organization was adopted later by Caro in the *Shulhan Arukh*, and has become the definitive system of organizing Jewish law (Elon, 1277-1302; *EJ*).

Turei Zahav: The work of David ben Samuel Halevi (1586-1677), also known as the *Taz*, the acronym for the *Turei Zahav*. Halevi was born in the Ukraine, then studied with his father in law Joel Sirkes (the *Bah*) in Krakow, where he also headed a yeshivah. He later served as rabbi in Posen and Ostrog until he escaped during the Chmielnicki uprising. Returning to Poland, he became rabbi of Lemberg and a member of the Council of Four Lands.

The *Turei Zahav* is a commentary on all four sections of the *Shulhan Arukh*; however, those on Hoshen Mishpat and Yoreh Deah are the most highly respected and the most exhaustive. It consists mainly of remarks on the Talmud and its commentators, as well as the work of the *Tur*. Halevi was known to be critical of both the *Sefer Me'irat Einayim*,

as well as the *Siftei Cohen*, two other leading commentaries on the *Shulhan Arukh* (Elon 1425; *EJ*)

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