

David Caro's "Techumat harabbanim" ("The Character of the Rabbis"):
Text and Context

By

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FOR LOREN AND FOR MY PARENTS AND GRANDPARENTS

SYNOPSIS

In 1820 the book Berit emet (True Covenant) was published in Dessau. Its author, David Caro, was a maskil and pedagogue living in Posen. Berit emet is generally considered by Haskalah scholars to be the last in a series of polemics written in response to the liturgical reforms of the New Israelite Temple Association of Hamburg, Germany. Berit emet is divided into two sections. The first section "Berit Elohim" ("Covenant of God") is written directly in support of the reforms in Hamburg and against the New Israelite Temple's detractors and their anti-reform work, Eleh divre haberit (Altona, 1819). The second section of Caro's book, "Berit hakehunah" ("Covenant of the Priesthood") also known as "Techumat harabbanim" ("The Character of the Rabbis"), which is the focus of this rabbinic thesis, maintains the polemical tone of the book but departs from the specific context of the issue of liturgical reform.

In the 57 pages that comprise "Techumat harabbanim" Caro traces the development of the rabbinate throughout history, assesses it in its current state, and outlines a program for what he believes the rabbinate can and should be. Caro articulates his view of the rabbi's role through the enumeration of specific duties. In explicating these duties Caro tells the reader much about how he envisions past ages of Jewish history, his grievances with the rabbis of his age, and his vision for the future. He constructs his case on the basis of numerous traditional Jewish sources and also external sources that were part of the maskilic body of knowledge.

The object of this thesis is to shed light on both the text and context of "Techumat harabbanim." The first chapter is explanatory, surveying how scholars discuss Caro and "Techumat harabbanim." The first chapter also outlines Berit emet and "Techumat harabbanim" in particular. The second chapter is an annotated translation of "Techumat harabbanim." A preface introduces the thesis and the epilogue explores Caro's influence on Jewish religious life and suggests areas for further research.

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PREFACE

There are a number of features that drew me to David Caro and “Techumat harabbanim” as the subject for my rabbinic thesis. In the process of “getting to know Caro” I came to like him and identify with much of the critique and future vision of the rabbinate that he articulates in the treatise. A few words about my decision to investigate this man and his work should frame the pages that follow.

As an *erev rav*, soon to be ordained by the Hebrew Union College-Jewish Institute of Religion, I feel obligated to continually reflect on questions of Reform Jewish identity, ideology, and practice considering where I fit into to the movement and Judaism generally. Forward movement and new insights, *not* stagnant answers, regarding these and other questions, help me achieve a measure of integrity and commitment that will allow me to be an authentic rabbi.

Caro reminds us that each generation of rabbis and Jews must surely have its unique challenges, based on the peculiar circumstances of the age. For my generation of Reform rabbis there are several: congregations are changing in their composition—on the one hand congregants are more Jewishly informed and curious than they have been in some time, on the other hand many congregants are new to Judaism, either converts or not. For many years Reform Judaism was practically synonymous with *tikkun olam* both in the minds of its adherents and the Jewish community generally. A resurgence of interest in ritual and halakhah has led to a diversity of religious practice among Reform Jews, however access to halakhic literature remains largely elusive. Various models exist among Jewish communal agencies, one of which is a business model that speaks not of a

discourse of faith and values but of cost-benefit analysis and bottom lines. In more general terms the challenge facing today's Reform rabbis is how to articulate their role and lead given this variety of disparate tendencies. The challenge facing Reform Judaism is how to articulate what we are moving towards and from what we are moving away. While diversity and flux are the preconditions for growth and synthesis the present state of affairs feels too amorphous, fragmented, and at times myopic to generate a new and compelling voice for Reform Judaism.

Given these considerations, I was both curious and grateful to have the chance to study the history of the Reform Movement in Judaism with Dr. Michael Meyer as part of HUC's core-curriculum. I came to the course hoping that a historical perspective on Reform Judaism would help me assess the Judaism that I had inherited. In this context I made three observations: 1) early Reform Judaism, particularly in Europe, emerged in response to the challenges facing that generation of Jews. It defined itself in opposition to what it considered to be the fossilized ideology and worldview of traditional Judaism but it also articulated a vision of how Judaism might meet the challenges of the modern era. 2) The reformulation of Judaism from a Medieval religious community into a faith suitable for the modern world was driven by the thought and vision of a relatively small group of people. These people met in cafes, formed societies, read one another's articles, and believed, as Margaret Mead so simply stated, "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." 3) The number of scholars and Reform Jewish leaders who are interested in studying these thinkers and this era is also relatively small. The result is that, while some excellent study has been done, there is much that remains to discover and bring to light

with the ultimate goals of better understanding the history of Reform Judaism and also achieving greater self-knowledge as modern day Reform rabbi.

I view the present study as a kind of textual archaeology. Physically getting to Caro's Be'rit emet (True Covenant) involved getting my hands a bit dirty. The "east wing" of the Klau Library in Cincinnati is a dark and mysterious place. Students are not actually allowed to go digging around in there. However due to the infectious love that several of the library staff have for sharing these cryptically shelved materials I was allowed, with a guide, to physically excavate the tiny volume from its place amidst thousands of other brittle, largely unknown volumes. A few minutes in the Klau library, particularly the east wing, and I was confirmed in my admittedly postmodern sensibility that the question of "What is Judaism?" is deceptive. We can only speak of "Judaisms" and, even then, with so many brittle "facts" still to be studied. So many books, so many inaccessible moments in Jewish history.... How much longer would David Caro sit on a shelf?

I came to David Caro at Dr. Meyer's suggestion. My fundamental commitment was to study and prepare a translation of a previously untranslated Hebrew text from the Haskalah. That "Techumat harabbanim" also related to the question of the role of the rabbi was a wonderful bonus. Whenever I wearied of reading about the Haskalah or thumbing through dictionaries chasing after arcane usages of Hebrew words I could step back and think about the rabbinate and my link in the chain of tradition. I can honestly say that I never experienced this project as a burden. As a weighty responsibility yes, but never oppressively so.

It seems to me that the institution of the “rabbinic thesis” is less about altering the course of scholarship than it is about preparing the *erev rav* to be an autodidact. The amount of time and level of knowledge and competency that true scholarship demands was, I must admit, largely unknown to me. While the present work falls pathetically short of constituting a classic, or even a comprehensive study of a relatively circumscribed topic, it still took an effort unparalleled by any scholarly project I have ever undertaken. I have been both humbled and inspired even as I have acquired a number of critical tools, the least of which is knowing (intimately) my own limitations. While I set out with lofty goals (translate all of Berit emet and Mieses’ reconstruction of “Techumat harabbanim”; uncover a hidden treasury of Caro’s unpublished manuscripts in an attic in the Jewish section of Posen!) the achievement is appropriately modest. Having thoroughly deprecated my efforts I should at least articulate the kinds of questions that I did end up seeking to “resolve” (to use Caro’s word).

Who was David Caro? To what extent can this question be answered? How heavily do I rely upon a biographical text when it is unique and its details cannot be verified? How do I trace Caro’s influences? How widely do I need to read other Haskalah texts in order to properly understand “Techumat harabbanim”? What is my responsibility to previously written Haskalah scholarship? Can the Haskalah even be critically approached if I can’t read German? How do I evoke the language and tone of “Techumat harabbanim”? What can I do if I am unable to verify Caro’s citation of rabbinic or medieval material? What if I simply cannot unpack a phrase or passage? What is involved in the act of translation? Have I done violence to Caro and his writing? Have I misunderstood or misrepresented him? How will studying Caro contribute to my

understanding of the Haskalah? Why do I feel a sense of responsibility to this man, his writing, and this project?

In addition to these questions, all of which I addressed either in private reflection, conversations with Dr. Meyer, or in the pages that follow, there was one other question that I returned to a number of times: “What would I do without Dr. Meyer?” While the work that I’ve done (and not done) obviously does not reflect on Dr. Meyer, whatever success I’ve achieved has much to do with his gracious support of my efforts. From suggesting the topic, to providing a rigorous schedule of deadlines, to rendering German texts accessible and providing extensive and extremely prompt feedback on submissions, I have benefited in these very concrete ways from Dr. Meyer. On a more profound level I have experienced the joys of truly having a mentor. The experience is one that, for me, will continue to yield fruit far beyond my interest in David Caro and even my interest in the Haskalah. One day I’m sure I’ll learn “most of all from my students” but for now I’ve learned most of all from my professors.

Micah Lapidus

Cincinnati, Ohio, February 2008

CHAPTER 1

DAVID CARO AND “TECHUNAT HARABBANIM” IN CONTEXT

I. HISTORY OF SCHOLARSHIP ON DAVID CARO

The following will be a survey of scholarship on David Caro since his death approximately 170 years ago. While Caro, as will be demonstrated, is a figure of interest to scholars of Modern Hebrew and the Haskalah, he has not yet been the subject of extensive scholarly analysis.

“THE LIFE AND WORK OF DAVID CARO”: LEBEN UND WIRKEN DES DAVID CARO BY DR. N. LIPPMANN

The details of David Caro’s life might have been totally lost were it not for the work of Dr. N. Lippmann. In 1840, the year after Caro’s death, Lippmann wrote a 36-page description of Caro’s life and work.¹ While Lippmann’s work is valuable as the sole source of information about Caro much of what Lippmann writes cannot be verified or assessed for the very same reason. Lippmann writes without footnotes or documentation, his goal is to present a compelling narrative that honors and praises Caro’s life and work. It is as much eulogy as it is biography. While it contains much that appears to be fact, there is much that is obviously and necessarily interpretation. Furthermore, it is

¹ Dr. N. Lippmann, Leben und Wirken des David Caro (Glogau, 1840), 1-36. This work is written in German and I am grateful to Dr. Michael A. Meyer for making translations of significant portions of it available to me in English.

impossible to determine whether Lippmann thought about whether his writing would be the only documentary- like source of information on Caro. If so he might have included certain pieces of information that are simply absent.² Additionally, Lippmann himself is an unknown figure. There exists no information about his identity or his connection to Caro. None of this renders Lippmann's work unreliable but it would be irresponsible to rely so heavily on Lippmann as an authoritative source on Caro without acknowledging these challenges and limitations.

Early Life

According to Lippmann, Caro did not know the year of his birth. Thus when the various editions of the Encyclopedia Judaica, all of which rely on Lippmann for the bulk of their biographical information, report that Caro was born in 1782 it seems they are relying on Lippmann's estimate rather than a verifiable fact.³ Lippmann reports that Caro was born in Fordon, a small town north east of Posen,⁴ that both his grandfathers were rabbis, and that he was a talmudic *Wunderkind*. After an early marriage to a woman from Sierps near Plock (outside of Warsaw) and some kind of involvement with the hasidic community there Caro divorced his wife and severed his connection with Hasidism. Thus in 1800 Caro fled to Posen to the house of his mother who had left Caro's father when Caro was a small child and remarried.⁵ Throughout this period Lippmann gives the

²*Inter alia* Lippmann might have indicated who had inherited Caro's papers or library or who his most prominent students were, if any.

³ Lippmann, Leben und Wirken, 4.

⁴ Fordon is today known as Bydgoszcz.

⁵ *Ibid.*, 6. Lippmann does not elaborate on Caro's relationship to Hasidism or report any specific trigger that led to Caro's divorce and flight to Posen.

impression that Caro received a traditional Jewish education and also showed interest in the Hebrew language.⁶

In Posen, Encounter with German Haskalah

Between 1793 and 1807 Posen was annexed to Prussia.⁷ During this period Prussian legislation and more generally Prussian culture impacted the Jews of Posen. It was at this time that the ideas of the Haskalah were most accessible to Polish maskilim.⁸ While we have no evidence or documentation of any specific influences or contacts that Caro might have had during this period, Lippmann describes how Mendelssohn's Biur and the journal Ha-meassef as well as names and writings of figures like Solomon Dubno,⁹ Naphtali Herz Wessely, Isaac Euchel and David Friedländer, at first disregarded, gained favor among young Talmudists.¹⁰ According to Lippmann's account, the young Caro, at the time a ritually observant autodidact, was among those young Talmudists who became interested in the German Haskalah.

The strongest evidence of Caro's engagement with the Haskalah is his published works. The first of these works, published in Ha-meassef in 1810 and 1811, is entitled "Giddul banim" ("The Upbringing of Children").¹¹ The article, over sixty pages in length, was, according to Lippmann, well received by educated German Jews. Through this

⁶ Ibid., 5-7.

⁷ "Poznan" in Encyclopedia Judaica (1972), 429-30.

⁸ Ibid., 430.

⁹ Solomon Dubno (1738-1813) is known, *inter alia*, for his contribution to Mendelssohn's Biur, for which he wrote most of the commentary on the book of Genesis. See Shmuel Feiner, The Jewish Enlightenment, trans. Chaya Naor, (Philadelphia, 2004), 128-130.

¹⁰ Lippmann, Leben und Wirken, 11-12. Wessely, Euchel, and Friedländer will all be discussed later in this chapter.

¹¹ Ha-meassef, vols. 8-10, 1810-1811. This article is mentioned in Lippmann's Leben und Wirken p. 18 and "Caro, David," The Jewish Encyclopedia (1902), 582.

publication Caro came into friendly contact with similarly inclined Jewish men in Dessau including Moses Philippson,¹² Joseph Wolf,¹³ and others.¹⁴

After writing "Giddul banim" Caro attempted to establish a pedagogically reformed school in Posen based on the twofold foundation of modern *Bildung* and Jewish religious faith. The school quickly proved to be unsuccessful, accomplishing little more than further arousing opposition toward Caro from his traditionalist neighbors. Caro was equally unsuccessful as a businessman.¹⁵

The extent to which Caro was a prominent public figure in the communal affairs of Posen Jewry during his lifetime is not addressed by Lippmann and thus remains unclear. While Caro did eventually spend the majority of his working years as an educator at a small school (1816 onward), the only other evidence of his involvement in public affairs is during the controversy surrounding the appointment of Rabbi Akiva Eger as chief Rabbi of Posen in 1814-1815. Some sources assert that Caro was a prominent figure in the campaign to resist Eger's appointment, joining with other like-minded Jews in forcing concessions to be made by the Orthodox before the appointment was ultimately approved.¹⁶ Although Shmuel Feiner suggests that a group of maskilim around

¹² Moses Philippson (1775-1814) was a teacher at the Dessau Jewish school. See Michael A. Meyer, *The Origins of the Modern Jew*, (Detroit, 1967), 128.

¹³ Joseph Wolf (1762-1826) co-founded and edited the Haskalah journal, *Sulamith*, beginning in 1806. See Meyer, *The Origins of the Modern Jew*, 119-120.

¹⁴ Lippmann, *Leben und Wirken*, 18-19.

¹⁵ *Ibid.*, 19.

¹⁶ See Jacob Sinason, *The Gaon of Posen: A portrait of Rabbi Akiva Guens-Eger*, (London, 1989), 34-38. Sinason's analysis, while ideologically Orthodox, reproduces primary source material surrounding the Eger appointment. Significantly Caro is the only opposition figure mentioned by name in the entire discussion. See also "Poznan" in *Encyclopedia Judaica* (1972), 430.

this time “coalesced” under Caro it is unclear how many people were associated with this group or in what kind of activities they may have engaged.¹⁷

Caro’s Literary Productivity

Against the backdrop of Caro’s public life in the 1810’s and 1820’s stands his continued literary productivity. During this time he published poems and short pieces in Ha-meassef and later the journal Bikkurei ha-ittim.¹⁸ In addition to these shorter pieces during this period Caro wrote and saw the pseudonymous publication of his only full-length book on a Jewish subject, Berit emet, (True Covenant).¹⁹ In addition to this published book Caro also wrote a number of unpublished works. Lippmann divides Caro’s unpublished works into three categories: I) historical works, II) linguistic works, and III) encyclopedic and belletristic works. Among the unpublished historical works are Hebrew translations of Leopold Zunz’s Die gottesdienstlichen Vorträge der Juden and Zunz’s article on Rashi, a German translation of Solomon Rappaport’s biographies of Saadia Gaon and Rabbenu Natan, biographies of famous rabbis, a Hebrew bibliography, supplements to Sifte yeshenim (a bibliography of Hebrew works published in 1680 and written by Shabbetai ben Joseph Bass), a Hebrew translation of a work by the Hungarian reformer Moses Brück on rabbinic ritual law,²⁰ and an uncompleted Hebrew work on *mitzvot*—both their sources and changes to them— from the time of Moses to the time of

¹⁷ Shmuel Feiner, “Towards a Historical Definition of the Haskalah,” in Shmuel Feiner and David Sorkin, eds., New Perspectives on the Haskalah, (London, 2001), 212.

¹⁸ For a full list of his contributions to these journals see “Caro, David” in The Jewish Encyclopedia (1902), 582. For a full list of Caro’s writings in Bikkurei ha-ittim see Moshe Pelli, Bikkurei Ha’itim: The ‘First Fruits’ of Haskalah, (Jerusalem, 2005), 290-291.

¹⁹ Amittai ben Abida Ahitzedek [Caro, David], Berit emet, (Constantinople [Dessau], 1820).

²⁰ Brück’s work is described in Michael A. Meyer’s Response to Modernity (New York and Oxford, 1988), 160-162.

the Shulhan arukh. Among the unpublished linguistic works are a dictionary of rabbinic Hebrew (in German), preliminary studies for a rabbinic lexicon, a Hebrew- German dictionary, Hebrew names (in German), and the introduction to a literal translation of the Psalms. Among the encyclopedic and belletristic works are listed 110 articles intended for a Hebrew encyclopedia, nine notebooks of belletristic and scholarly content of which five have titles,²¹ a satirical polemic against the anti-reform work, Kadur katan, “Davar b-ito” (an article on the decline the Hebrew language among the Jews of Germany in his time), “Ha-torah v’ha-avodah” (“Teaching and Worship”), an essay on Judeo-German script, notes on Solomon Plessner’s twelve-part catechism “Dat Moshe v’Yahadut”, a manual for reading Hebrew, and nine notebooks of miscellanea.²² After listing Caro’s unpublished works Lippmann laments that so much of Caro’s writing will never see the light of day and predicts that when the Hebrew language is restored to its former dignity Caro will be considered an important literary figure.²³

In addition to Caro’s Jewish scholarship he also authored two textbooks on the Polish language that were used in numerous elementary schools in Posen as well a manuscript entitled “Prussian geography connected to Prussian history” for elementary and lower public schools.²⁴

The End of Caro’s Life

²¹ The five titled notebooks are: 1) “A collection of essays, poems, and sayings on wisdom and knowledge, elucidations of sacred writings, great generations, and chronicles”; 2) “Ethical proverbs, epigrams, and ideas”; 3) “Epigrams, sayings, riddles, and sarcastic poems”; 4) “Poems”; 5) “Songs of childhood”. Lippmann, Leben und Wirken, 30.

²² Ibid., 29-30.

²³ Ibid., 31-32.

²⁴ Ibid., 33.

Lippmann concludes his summary of Caro by reflecting on the general features of Caro's life and career. He writes of Caro's love for Hebrew: "Hebrew was the language in which Caro lived and German the language in which he worked."²⁵ He also points out that Caro was not a champion of Jewish emancipation and generally stayed away from political issues. Instead, Caro's main efforts were directed inward toward the regeneration of Judaism. Caro wanted to be both a critic and an advocate—criticizing outmoded and misguided practices of his coreligionists while at the same time advocating for changes within Judaism that would help refashion the faith in accordance with the general culture of his time.²⁶

In describing the final years of Caro's life Lippmann refers, without going into detail, to the fact that Caro suffered from many hostilities that ultimately took their toll on his health. He forges a direct link between the strains of Caro's professional and public life and Caro's developing a "liver malady." To the liver malady, which restricted Caro's activities, was eventually added liquid accumulation in the chest which resulted in Caro's having choking attacks. One such attack led to Caro's "giving up the ghost" at the age of 58, on 25 December (18 Tevet) 1849. Caro, writes Lippmann, "left his widow and their five grown children, one son and four daughters, little more of the fruits of his work than the honor of his name."²⁷

19TH CENTURY SCHOLARSHIP ON BERIT EMET AND "TECHUNAT HARABBANIM"

²⁵ Ibid., 33.

²⁶ Ibid., 35.

²⁷ Ibid., 35-36.

There are two 19th century sources on David Caro in addition to N. Lippmann. The first is an entry by Leopold Zunz in The Itinerary of Rabbi Benjamin of Tudela.²⁸ This source, itself relying on Lippmann, contains a few short lines about Caro and includes the dates of his life and calls him “an author of great merit.” The second source, Heinrich Graetz’s Geschichte der Juden, presents Caro as a Hebrew stylist, member of the Meassef group, and author who wrote in support of the “innovators” in the Hamburg Jewish community. Graetz describes “Techumat harabbanim” as “a shared piece of writing that treated the opposing rabbis like stupid pupils, who deserve the rod.”²⁹ Graetz mistakenly attributes the authorship of “Techumat harabbanim” to David Caro along with his contemporary Judah Leib Mieses. The reason for this is that Mieses reprinted “Techumat harabbanim” in 1823 with extensive notes and alterations to Caro’s original text resulting in widespread confusion, which Caro resolved only later in his life in an article entitled “On the Dignity of Women in Israel” printed in Allgemeine Zeitung des Judentums in 1837.³⁰ Marcus Brann, editor of the second edition of Graetz’s work, clarifies Graetz’s misunderstanding and, like Zunz, cites N. Lippmann.

20TH AND 21ST CENTURY SCHOLARSHIP ON CARO, BERIT EMET, AND “TECHUMAT HARABBANIM”

The main 20th century sources for information on Berit emet and “Techumat harabbanim” are not scholarly volumes on the Haskalah but instead the multi-volume

²⁸ Leopold Zunz in The Itinerary of Rabbi Benjamin of Tudela volume 2, translated and edited by A. Ascher. 1841, 300.

²⁹ Heinrich Graetz, Geschichte der Juden, Marcus Brann ed., 11 (Leipzig, 1897): 397-398.

³⁰ David Caro, “On the Dignity of Women in Israel” [German], Allgemeine Zeitung des Judentums, 1837, 345-372. Caro asserts his authorship of “Techumat harabbanim” on page 370-371.

survey works on Jewish literature by Israel Zinberg, Meyer Waxman, and Joseph Klausner.

LITERARY HISTORIES

Israel Zinberg's A History of Jewish Literature³¹

Writing between 1929 and 1937, Israel Zinberg devotes several pages of his volume on "The Berlin Haskalah" to David Caro. Even though Caro lives and writes in Posen, Zinberg equates David Caro with the "Reform faction" in the Hamburg Temple controversy because Berit emet is written, at least in part, as a response to the collection of traditionalist responsa Eleh divre ha-berit.³² He also cites Caro as the author "Giddul banim." Zinberg mentions Graetz's misattribution of authorship for "Techumat harabbanim" and Caro's 1837 article clarifying the matter. Zinberg also suggests that certain themes in "Giddul banim", also found in "Techumat harabbanim", corroborate Caro's claim to authorship.³³

Zinberg relates to Berit emet as a whole but calls the first part (i.e. everything except "Techumat harabbanim") of "slight interest." He passes judgment on "Techumat harabbanim", dubbing it a work of "definite cultural- historical interest" and identifies it as a text that relates to Aaron Wolfsohn's "Siḥah b-eretz ha-ḥayyim" insofar as both reflect the "*Kulturkampf*" which the maskilim undertook in neo-Hebrew literature against

³¹ Israel Zinberg, A History of Jewish Literature, 8, Bernard Martin trans. (New York, 1976): 258-261.

³² Eleh divre haberit, (Altona, 1819) is a collection of responsa from traditionalist rabbis all in opposition to the changes in liturgy and worship occurring at the Hamburg Temple at the time.

³³ Israel Zinberg, A History of Jewish Literature, 258-259.

the rabbis.”³⁴ Though his work is a literary history, Zinberg does not discuss the differences in genre (play/ dialogue vs. treatise) or tone (satire vs. critique) between Wolfssohn’s and Caro’s work.

After quoting and paraphrasing some of Caro’s major points, arguments, and suggestions, Zinberg summarizes what he considers to be Caro’s overarching vision. In Zinberg’s reading of Caro the main objective is the replacement of the rabbis with a new elite. “In a word,” writes Zinberg, “all power over the community should be given to the enlightened and educated and these, the enlightened men, shall be the ‘shepherds of Israel,’ the watchers and guardians of the people, instead of the rabbi.”³⁵ Zinberg presents Caro as a reformer, a polemicist, and a critic of all rabbinical authority.

It must be stressed that Zinberg’s depiction of Caro is precisely that: Zinberg’s depiction. In reflecting on Zinberg’s depiction the following observations are relevant: 1) he relates to the part and not the whole of Caro’s writing and makes clear what he considers valuable and what he considers unimportant; 2) he incorporates Caro into a larger narrative of reform and *Kulturkampf* wherein battle lines are drawn and individuals fight for one side or the other with little room for intermediate positions; 3) it can be argued that Zinberg mischaracterizes Caro’s stance regarding the rabbinical elite and that Caro’s relationship to the rabbinate as an institution is an open question unsatisfactorily answered by Zinberg. Far from opposing all rabbinical authority in “Techumat harabbanim”, Caro in defining the duties of the rabbi, actually presupposes a functional, albeit enlightened, rabbinate. While certain ecclesiastical powers, particularly those of a coercive nature like the ban, are attacked by Caro, the role of the rabbi is construed rather

³⁴ Ibid., 259.

³⁵ Ibid., 261.

broadly and encompasses not only preaching and education, but also political activity. Rather than a fossilized figure, Caro's rabbi is a role model and champion of both Jewish and universal values and morality.³⁶

Meyer Waxman's A History of Jewish Literature³⁷

Waxman, writing in the 1930's, in his first mention of Caro dismisses him as a "lesser light" of the Haskalah who, along with other "lesser lights" such as Marcus Strelisker, Yom Tob Spitz, Solomon Pergamenter, Joseph Flesch, and Joseph Barget, "enriched the annual [Bikkurei ha-ittim] with their productions."³⁸ There is no mention of "Giddul banim" or Caro's contributions to Ha-meassef nor is there any discussion of the nature of Caro's writing in Bikkurei ha-ittim.

Later, and again in the context of "minor writers," Waxman dedicates a few sentences to "Techumat harabbanim." While his interest is in briefly describing the contents of the work he does so while simultaneously explaining that it was Mieses who "recast and republished it with new additions in the year 1823 in Vienna."³⁹ It is unclear whether Waxman is relating to Caro's creativity or Mieses' when he writes, "These demands [the possession of Jewish learning and of secular knowledge, mastery of the language of the country, and an ability to preach to the people on the principles of the

³⁶ Several of the key differences in methodology between historians of modern Hebrew literature such as Zinberg, Waxman and Klausner are found in Kalmar, "Changing Concepts of Jewish Identity in Germany as Reflected in Hebrew and German Periodical Literature," 117-120. Kalmar rejects the tendency of literary scholars to reduce individual thinkers and writers to generic categories such as "the Meassefim" or "the Meassef group." Zinberg, Waxman, and Klausner can all be understood as misunderstanding or distorting David Caro in their attempts to fit him into the epic narrative of the rebirth of modern Hebrew.

³⁷ Meyer Waxman, A History of Jewish Literature, 8 (2nd edn., New York, 1960): 162, 195, 408, 412-13.

³⁸ *Ibid.*, 162.

³⁹ *Ibid.*, 195.

Jewish religion and on moral conduct” as well as a willingness to adjust religion “to the needs of the time”] reflect, of course, the ideal of the maskilim in their desire to change Jewish life.”⁴⁰ Whether writing about Mieses or Caro, it is clear that Waxman does not relate to the entire text of “Techumat harabbanim.”

Caro’s final appearance is in the context of a discussion of the polemical literature of the Hamburg Temple controversy wherein Waxman describes Berit emet.⁴¹ He asserts that the first part “contains a fictitious correspondence between two friends concerning the necessity of purifying Judaism from gross beliefs and harmonizing it with the spirit of the time.” The second and third part relate to the Hamburg Temple reforms—the second part being a general discussion of the issues and the third Caro’s rebuttal of the various responsa of Eleh divre haberit. In Waxman’s words, “He analyzes each letter of the collection, points out inconsistencies, and advances strictures against the tone of the writers who declared the reformers heretics and sectarians. At times, he attacks the rabbis for their rigid adherence to every custom, claiming that such an attitude rather impairs the cause of religion.” Waxman, writing under the heading of “polemical literature”, is more interested in the debate between halakhic and ideological positions of the various sides of the Hamburg Temple controversy than he is in Caro’s vision of the rabbinate generally. Therefore Waxman’s description focuses on those sections of Berit emet other than “Techumat harabbanim”, specifically the middle sections of the book. Waxman concludes with an editorial comment that mischaracterizes Caro, “It is surprising,” writes Waxman, “that this champion of Haskalah, who considered himself a Hebrew poet, saw nothing wrong in the substitution of German for Hebrew in the prayers, and he utters no word of

⁴⁰ Ibid., 195.

⁴¹ Ibid., 408, 412-13.

regret at the prevailing ignorance of that language, while the old-fashioned rabbis protested against this state of affairs vigorously.”⁴² The mischaracterization lies in Waxman’s conflation of two issues: the use of Hebrew and the nature of worship. Caro’s views concerning the Hebrew language are clear: all of his major writings are in Hebrew and his unpublished manuscripts suggest an affinity for the study of Hebrew grammar. However, the issue of Jewish prayer is broader than the question of language. Caro is concerned with his impression that the synagogue is failing in its fundamental purpose—people no longer pray there. For many the synagogue is “more like a bar or a business” than it is a house of prayer. While the rabbi prays “the crowd discusses matters of business and secular topics... or they simply leave because they do not have time.”⁴³ The synagogue is a diseased institution. Part of the cure that Caro envisions involves instituting what he considers to be halakhically acceptable measures to restore honor and dignity to the synagogue including prayer in the vernacular. Of course Caro would prefer prayer in Hebrew but the synagogue needs immediate attention lest it become incurable.

Waxman does not present a coherent or thorough analysis of Caro. Caro is simultaneously a “lesser light” and a “champion” of Haskalah. He is a minor figure contributing unremarkable texts to Bikkurei ha-ittim (and not Ha-meassef) and a polemicizing Hebraist battling against the great traditional rabbis of his day. Finally, “Techumat harabbanim” is almost entirely beyond Waxman’s scope of interest.

Joseph Klausner’s History of Modern Hebrew Literature

⁴² Ibid., 413.

⁴³ See “Techumat harabbanim” § 28.

Klausner includes Caro's name in a long list of writers whose work appears in Ha-meassef.⁴⁴ Later, in the second volume of his history, Klausner addresses the issue of the composition of "Techumat harabbanim" and rightly points out that its author was Caro and not Mises. He too references Caro's claim to authorship in Allgemeine Zeitung des Judentums. However, right authorship is not enough to earn "Techumat harabbanim" and David Caro a place of their own in Klausner's history. Because the content of "Techumat harabbanim" namely critique of the contemporary traditional rabbinate, fits so well in the context of Mises' Kinat emet, Klausner's short discussion of it is found in his discussion of Mises' life and work. Like others before him, Klausner's interest in "Techumat harabbanim" is in Caro's portrayal of the ideal rabbi. Klausner emphasizes the issues of the rabbi's fluency in the vernacular, preaching in a humanistic spirit, and Caro's vision of education.⁴⁵

RECENT HASKALAH SCHOLARSHIP

Michael Meyer's Response to Modernity⁴⁶

Michael Meyer writes that "Techumat harabbanim" is "the first extensive program for a modernized rabbinate."⁴⁷ Prior to Caro's publication the Reform movement had generally totally rejected the paradigm of the traditional rabbinate and cultivated as spiritual guides young men whom they called "preachers" rather than rabbis— the use of

⁴⁴ Joseph Klausner, History of Modern Hebrew Literature (Hebrew), 6 vols. (1930-1950; second revised edition, Jerusalem 1952-1958). 1: 156.

⁴⁵ Klausner, History of Modern Hebrew Literature, 2: 275, 279.

⁴⁶ Meyer, Response to Modernity, 101 and note there.

⁴⁷ *Ibid.*, 101.

the title “preacher” representing the extent to which the early reformers wanted to distance themselves from the traditional rabbinate. The duties of the preacher included delivering sermons in the vernacular and overseeing Jewish education but did not include the ritual obligations of the traditional rabbinate.⁴⁸

Meyer argues that the institution of the “preacher” did not represent a viable long-term solution evidenced by the fact that these “representatives of the new generation... sought recognition as rabbis even though they understood the role very differently.” Over time a new model of rabbi emerged and the institution of the rabbinate was reinvigorated. Caro’s “Techumat harabbanim” is the first literary text to envision the new rabbinate in a comprehensive way.

In the course of one large paragraph Meyer captures the essence of Caro’s critique of the rabbis of his day. They neither live up to the standards of the Talmudic sages of the past nor are they capable of ensuring for Judaism a vibrant future. Though Meyer does not quote Caro the at times scathing tone of Caro’s pen comes through. However, Meyer understands that Caro moves beyond critique and forward into a detailed program of redefining the rabbinate. “In short,” Meyer writes, “he believed that the rabbinate could be radically transformed: old- new rabbis, combining traditional functions with modern ones, could become effective spiritual, moral and practical guides.” In contrast to Zinberg, who contends that Caro sought only to undermine rabbinical authority, Meyer asserts that, “Far from wanting to limit rabbinical influence, Caro argued for its expansion.”

Meyer depicts Caro as a man who was able to grasp and think creatively about one of the major challenges facing the Jewish community of his day. Caro understood, at

⁴⁸ Ibid., 100.

a relatively early stage in the reform of Judaism, that the question of leadership was of paramount importance and that a new kind of leader was necessary to guide the Jewish people through the unprecedented historical and social changes of the modern age. Whereas Caro was not unique in his critique of the traditional rabbinate, he was unique in his programmatic agenda for the rabbinate's reconstitution.

Moshe Pelli's Understanding of David Caro

Moshe Pelli mentions David Caro a number of times in several of his major works.⁴⁹ A chronological survey of his ongoing discussion of Caro will show that, while Pelli mentions Caro frequently, his primary contribution to our understanding of Caro is to preserve his name and document his literary activity without ever going into great depth on Caro as he does with many other Haskalah figures.

Pelli's presentation of Caro in The Age of Haskalah portrays Caro as a figure whose primary interest was in challenging the traditional rabbinic authority of his day. Pelli first mentions Caro along with Eliezer Lieberman and Meir Bresselau as critics of the contemporary rabbinate and as intellectual heirs of Saul Berlin.⁵⁰ Later Pelli lists Caro along with Lieberman and Bresselau as examples of his assertion that maskilim became bolder in their calling for changes in the nature of Jewish religious practice from the time

⁴⁹ Moshe Pelli, The Age of Haskalah: Studies in Hebrew Literature of the Enlightenment in Germany, (1979, reprint edn., Maryland, 2006), Moshe Pelli, In Search of Genre: Hebrew Enlightenment and Modernity, (Maryland, 2005), and Moshe Pelli, Bikkurei Ha'itim: The 'First Fruits' of Haskalah, (Jerusalem, 2005).

⁵⁰ Pelli, The Age of Haskalah, 32. Saul Berlin (1740-1794) was a German rabbi and leading figure of the Berlin Haskalah. Berlin authored numerous satirical and polemical works including Ketav yosher (published posthumously and anonymously in 1794) and Besamim Rosh in 1793. He was a controversial figure involved in a number of interesting controversies with some of the leading traditionalist rabbis of his time.

of the Hamburg temple controversy onward.⁵¹ Later still Pelli makes two strong claims about Caro. First Pelli suggests that in Berit emet Caro asserts that the “maskil himself” should “have the authority to change the *mitzvot*, rituals and customs” of Judaism.⁵² In his chapter on Saul Berlin (p. 171-189) Pelli reiterates Berlin’s influence on Caro and makes his second strong claim. He writes, “Saul Berlin was already heralding the coming of the second phase of Hebrew Enlightenment, typified by the writings of David Caro in the beginning of the nineteenth century, which aimed at the destruction of the old- type institution of the rabbinate.”⁵³ The content of Pelli’s claim is twofold. First, that Caro’s writings are somehow paradigmatic of the second phase of “Hebrew Enlightenment” and second that Caro’s primary goal is to topple the “old- type institution of the rabbinate.” Whether Caro’s writings typify the second phase of the “Hebrew Enlightenment” depends on what constitutes the “second phase.” Implicit in Pelli’s words is also the idea that Caro’s writing was somehow paradigmatic in the eyes of his fellow maskilim. However, aside from the fact that Judah Leib Mises reprinted (and largely rewrote) “Techumat harabbanim” in 1823, it is hard to determine whether Caro’s words had any impact on the broader maskilic community. Finally, Pelli’s portrayal of Caro as a “destroyer” is one-sided. A more balanced reading of Berit emet will take into account both the destructive impulses and the constructive ones that are present in Caro’s thought.

For a reader who wishes to learn more about Caro The Age of Haskalah is disappointing. Twice Pelli alludes to Caro’s importance while simultaneously writing that Caro was intentionally omitted from the book.⁵⁴ The reader will again be dissatisfied with

⁵¹ Pelli. The Age of Haskalah, 41-42.

⁵² *Ibid.*, 47.

⁵³ *Ibid.*, 171.

⁵⁴ *Ibid.*, 92, 104.

Pelli's sparse treatment of Caro in his later work In Search of Genre, which shows even less interest in Caro.⁵⁵

Pelli also discusses Caro in his book Bikkurei Ha'itim: The 'First Fruits' of Haskalah. This work by Moshe Pelli is an annotated index of the contents of the journal Bikkurei ha-ittim to which David Caro contributed a variety of writings. In the lengthy introduction Pelli mentions Caro a handful of times but elaborates little on the nature of Caro's writings for Bikkurei ha-ittim. The primary way in which Pelli's work contributes to scholarship on David Caro is by listing his contributions to the journal. These contributions, written in the years between the publication of Berit emet and the end of Caro's life, represent the bulk of his published literary corpus.

Caro's writings in Bikkurei ha-ittim include a poem, a short story, a moral parable, an epigram, a translation of a scientific text on the history of birds, and a translation of a poem by Schiller. While it is beyond the scope of this work to offer a close reading of these texts, the breadth of topics, genres, and activities in which Caro was engaged demonstrate the limited scope of scholarship that focuses exclusively on "Techumat harabbanim" without any appreciation of Caro's other literary productivity.

Summary of Scholarship on Caro, Berit emet, and "Techumat harabbanim"

Though not exhaustive, the preceding survey of scholarship on David Caro covers the major voices of Haskalah and Hebrew scholarship that discuss Caro. The writers surveyed, combined with the other references to Caro cited elsewhere in this chapter,

⁵⁵ Moshe Pelli, In Search of Genre, 26, 86, 169, 315. The most useful comment on Caro has to do with Caro's use of the epistolary genre (85).

present a reliable picture of the extent to which David Caro is engaged and/ or neglected in Haskalah scholarship.⁵⁶ Having contextualized Caro on the basis of biographical information, categorization within the broader Haskalah movement, and Hebrew and Haskalah scholarship, we can now focus on the context and content of Berit emet generally and “Techumat harabbanim” in particular.

II. DAVID CARO, MASKILIM, AND HASKALAH

REFLECTIONS ON CARO’S BIOGRAPHY

Lippmann’s biographical sketch of Caro creates an image of him that may or may not correspond with ‘who Caro *really* was.’ While Lippmann’s writing contains a wealth of information it is far from complete. It lacks, *inter alia*, information about Caro’s interactions with Hasidism as well as a clear picture of his political activities in Posen. Lippmann’s sketch does introduce us to Caro and also frames his life in the broader context of the historical and ideological times in which Caro lived. It also reveals that Caro’s life was important enough to someone, namely Lippmann, to generate the composition and production of a commemorative brief biography.

Comparisons between Lippmann’s Depiction of Caro and Solomon Maimon’s

Autobiography

⁵⁶ One important source on David Caro is the short piece by Robert L. Katz, “David Caro’s Analysis of the Rabbi’s Role.” CCAR Journal (April, 1966): 41-46. It is discussed in the epilogue.

When presented with a biography of a lesser-known maskil such as Caro whose affinity for various elements of Haskalah thought is apparent in the details of his life and his writing, it is helpful to locate the maskil in the context of the broader (and better documented) Haskalah. In Caro's case comparisons with the autobiography of Solomon Maimon shed further light on Caro's personality.

The biographical sketch that Lippmann provides wherein Caro moves from the world of traditional Talmudic study to that of the maskil mirrors in certain respects the general pattern of Solomon Maimon's autobiography (originally published in 1792-1793, 47 years prior to Lippmann's biography of Caro). How so? In the introduction to J. Clark Murray's translation of Maimon's autobiography Michael Shapiro analyzes the geographical narrative of Maimon's life. Shapiro identifies in Maimon's movement from "East" (in Maimon's case Polish Lithuania) to "West" (Berlin) a movement from "the provincial world of backwardness, ignorance and religious orthodox" toward "a place in the urban or cosmopolitan world of enlightenment, rationality, and secular learning."⁵⁷ In Caro's case the parallel movement would be from the small town of Fordon west to the urban center of Posen. Admittedly, Posen is still "East" but, particularly between 1793-1807 and from 1815 through the end of Caro's life less so because of the political and ideological dominance of Prussia throughout the region. Additionally it remains an open question whether Caro ever spent time in Berlin. The first section of Berit emet, entitled *Berit ahim* ("Covenant of Brothers/ Equals"), contains a series of epistles written by Amittai (Caro's pseudonym). Seven of the nine epistles have the heading "Berlin" and

⁵⁷ Michael Shapiro, "Introduction," in J. Clark Murray, trans., Solomon Maimon: An Autobiography. (Chicago, 2001), x.

are written as if from Berlin.⁵⁸ Caro's enthusiastic approval of Berlin comes through in the third epistle where "Amittai" exclaims, "It is here [Berlin], my brother... that my soul is filled with joy and my spirit with light, in this city full of reasoning and righteous people."⁵⁹

There are other ways in which the Caro that we know through Lippmann is prefigured in Solomon Maimon. For just as Maimon was forced to marry early, flirted with hasidism and quickly became disenchanted with it, so too Lippmann describes Caro as marrying young, dabbling with Hasidism and ultimately breaking with it as well.⁶⁰

One way in which Lippmann's description of Caro diverges from Maimon's autobiography reflects a fundamental difference between Maimon's vision of Haskalah and Caro's. Shapiro, in analyzing what he considers to be Maimon's conscious engagement of the East- West trope notes that Maimon's journey is one that leads Maimon away from Judaism and toward secular German culture. Linguistically this is evident in the fact that Maimon writes in German and for a German as well as a German-Jewish audience. Maimon, in his thirst for secular knowledge and for "Enlightenment," was willing to walk away from Judaism and reject it. Caro, though he also wrote in German, wrote primarily in Hebrew. The linguistic proclivities of the two maskilim highlight their divergent commitments. Caro, while interested in moving from East to West, is not interested in moving beyond Judaism.

This essential difference between a maskil like Maimon and one like Caro—their intended audience as reflected in their choice of literary language— is, in the field of Haskalah scholarship, one of the ways that scholars classify trends within the Haskalah.

⁵⁸ Amittai ben Abida Aḥitzedek [Caro, David], *Beit emet*, (Dessau, 1820), 3-19.

⁵⁹ *Ibid.*, 7.

⁶⁰ J.Clark Murray trans., *Solomon Maimon: An Autobiography*, (Chicago, 2001), 65-74, 151-75.

A survey of the basic criteria for categorizing maskilim in the works of Shmuel Feiner. Moshe Pelli and other Haskalah scholars will further contextualize Caro.

CATEGORIZING MASKILIM

Thus far we've surveyed the only text that provides significant details of Caro's life. We've drawn a general comparison between David Caro and Solomon Maimon demonstrating that Caro, like Maimon before him, was understood and also understood himself as a maskil. We've seen that the details of Caro's life—particularly his geographical and ideological movement from East to West— provide a starting point for thinking about his life in the broader context of the Haskalah. Just as the differences between Caro and Maimon shed further light on Caro, so too will surveying the various categorizations of Haskalah scholars help zero in on Caro's particular affinities, tendencies, and associations.

Moshe Pelli's Binary Linguistic Classification of Maskilim

Haskalah scholar Moshe Pelli distinguishes between two different types of maskil separated by their choice of language as well as their goals and orientations. Using a classification system that he attributes to Isaac Eisenstein-Barzilay, Pelli profiles "moderate" maskilim and "extreme" maskilim. Moderate maskilim represent the dominant trend of the Haskalah. Their interest is in the rejuvenation and regeneration of the Jewish community through a process of reform, modernization, Europeanization, and

enlightenment. One of the most significant and ubiquitous features of the moderate maskilim, whom Pelli also calls “Hebrew enlighteners,” is that they write in Hebrew—the shared language of the Jewish people. Furthermore they engage in discussions of halakhah—the shared legal discourse of the Jewish people. In these respects they stay “within the scope of traditional Judaism” even as they rebuke, reject, and seek to reform aspects of that Judaism. Excluded from this group are figures like Saul Ascher, Solomon Maimon, David Friedländer and Lazarus Bendavid. These individuals, labeled “extreme”, are characterized by their willingness to transform (warp) or abandon Judaism in favor of assimilation, civil emancipation for the Jews, or a more general philosophical truth.⁶¹

In terms of Pelli’s sharp distinction between moderate and extreme maskilim there can be no question that David Caro fits into the former category. Though Caro writes in German as well as Hebrew the vast majority of Caro’s writing is in Hebrew. Pelli’s categorization pinpoints Caro. In Caro’s case the connection that Pelli posits between language (Hebrew) and agenda (rehabilitation of Judaism) stands. While Pelli does not write at any length about Caro, much of what he says about other moderate maskilim may, as we will see, also be applied to Caro.

Shmuel Feiner’s Chronological Categorization: Earlier and Later Maskilim

Feiner writes of the early Haskalah:

It was characterized by a passion for knowledge and reading, a critical approach, an aspiration to purify, improve, and reform, to nurture repressed texts,

⁶¹ Pelli, The Age of Haskalah, 34-35.

to encourage rationalist thinking, to expand the Hebrew language, to pay more attention to nature and to aesthetic values, and to print more and more books, not necessarily religious literature. All these aspirations were marked by a tendency to weaken the Ashkenazi rabbinical culture that aroused these early maskilim to engage in new forms of literary activity. They strove for rationalism, humanism, nature and science, to counteract ignorance, folly, religious enthusiasm, and the exaggerated fantasies of the Kabbalists. Out of the belief that it was possible to design a rational version of Judaism and to remedy the inferiority of the Jews in the age of Enlightenment, the early maskilim, nearly all of whom were an integral part of the religious culture, molded an alternative to the rabbinical elite in the form of the new Jewish intellectual.... This process reached its peak in the 1780's when a new generation of maskilim unified around a program of reforms, joined together to disseminate the Haskalah, and acted out of a modern self-consciousness, as Jews who consider themselves members of the "modern era."⁶²

In viewing the Haskalah in terms of an early period and a later period rather than in terms of the language of discourse Feiner attempts to account for evolution and change in the thought of individual figures.

Feiner's "Later" Maskilim

Feiner writes about the early Haskalah as if it were a unified movement. In contrast to the unity of the early Haskalah, Feiner's "late" Haskalah is characterized by a

⁶² Shmuel Feiner, The Jewish Enlightenment, 80.

double orientation. Feiner argues that changes in the character of Haskalah thought are related to the changes in the German Jewish community during the final decades of the 18th century. The fact that in the second half of the 18th century the “Prussian merchant community underwent rapid processes of acculturation and enlightenment, expressed in their adoption of the fashion of dress and manners of high society, their social ties with the non- Jewish milieu, and their growing interest in politics and culture” has ramifications for the way that the Haskalah was disseminated and consumed (or not) in Berlin and beyond.⁶³ The process of acculturation that transformed Berlin Jewry coupled with the fact that for many Jews orthodoxy/ traditionalism continued to hold sway, especially outside of Berlin, led to the bifurcation and division of German Jewry in response to which the Haskalah took on a double orientation.⁶⁴

Feiner’s description of the transition from the early to the late period of the German Haskalah can be seen in the dynamics of the relationship between Naphtali Herz Wessely and the maskilim who saw themselves as Wessely’s intellectual heirs. Wessely fits very comfortably in the mold of Feiner’s early Haskalah as described above—in fact he is a leading figure. His heirs, namely the members of *Chevrat Dorshei Leshon Ever* founded in 1782, differed from Wessely in a number of ways including their boldness and willingness to attack the rabbinical elite. The new generation of maskilim represented in the ranks of *Chevrat Dorshei Leshon Ever* were more radical, more willing to pursue

⁶³ Feiner, The Jewish Enlightenment. 191.

⁶⁴ Shmuel Feiner discusses the middle position occupied by the maskilim during this period in Shmuel Feiner, Haskalah and History: The Emergence of a Modern Jewish Historical Consciousness, trans. Chaya Naor and Sondra Silverston, (Oxford, 2002), 10-11. Feiner suggests that, especially in relation to traditional Judaism, the maskilim saw themselves as “moral physicians”, “who knew how to cure society of its ills and extricate it from its state of ignorance, prejudice, and false concepts, primarily through a new type of Jewish education.” By the end of the 18th century, “the maskilim also depicted themselves as soldiers in a rearguard action, with the aim of proposing a middle road between tradition and the abandonment of Jewish culture and society.”

the implications of their ideas and challenge rabbinical authority than Wessely. Over time what had been, during the earliest phases of the Haskalah, a relatively unified moderate movement split into two groups (that, Feiner admits, occasionally overlap).⁶⁵

The first group that Feiner describes includes those individuals who sought acceptance and status within German and German Jewish culture. These individuals, over time, became less rigorous in their commitment to Jewish religious practice, often found a spiritual home in natural religion or deism, tended to be university educated, native-born Germans, and were primarily members of the Berlin bourgeoisie. They generally wrote in German, the language of their daily lives, for a Jewish and non-Jewish audience.⁶⁶

The second group, similar in character to the moderate maskil described by Pelli, continued to envision themselves as 'moral physicians' of Judaism rehabilitating the soul of the ancient religion. These individuals, writing primarily in Hebrew, had little impact on the broader German culture of their day, even as they advocated engagement with secular thought, particularly language and science for their fellow Jews. While moderate in their approach to Judaism generally, individuals in this group were not afraid to criticize the rabbinic establishment. Such criticism was often directed specifically at Polish leadership, lambasting the parochial nature of rabbinic learning.⁶⁷

⁶⁵ Feiner, The Jewish Enlightenment, 213. Regarding Wessely's caution to the younger generation of maskilim against what he considered to be excessive critique and antagonizing of the rabbinic elite see Meyer, The Origins of the Modern Jew, 116; Joseph Klausner, History of Modern Hebrew Literature (Hebrew), 6 vols. (1930-1950; second revised edition, Jerusalem 1952-1958), 1: 156; and Chaim Kaimar, "Changing Concepts of Jewish Identity in Germany as Reflected in Hebrew and German Periodical-Literature (1785-1848)" (Ph.D. dissertation, Hebrew Union College, 1964), 122-23.

⁶⁶ Feiner, The Jewish Enlightenment, 213. Marcus Herz, Saul Ascher and Lazarus Bendavid are representatives of this trend in Haskalah thought. See David Sorkin, The Berlin Haskalah and German Religious Thought: Orphans of Knowledge, London, 2000, 120-24.

⁶⁷ Feiner, The Jewish Enlightenment, 214.

In Feiner's categorization it is only in the later phase of the Haskalah, with the publication of Ha-meassef and the controversies surrounding Wessely's Divrei shalom v'emet and Mendelssohn's Biur, that the Haskalah, in reaction to the backlash of traditional rabbis and the apathy of assimilated Jews, took on this double orientation.

Aside from the fact that Caro did not live in the late eighteenth-century Berlin that Feiner describes he fits Feiner's description of the second group of the later period of the German Haskalah just as well as he fits the mold of Pelli's moderate maskil. Caro's task is not to impact non-Jewish culture but to contribute to the rehabilitation of Judaism. To do so he looks to Jewish history, both in the land of Israel and the Diaspora, and Jewish thought, Biblical, rabbinic, and post-rabbinic, to show that the current state of Judaism in his day is not only pathetic, but sickly, in comparison with earlier eras. Criticism of the traditional rabbinate, and the Polish rabbinate in particular, is the vehicle through which Caro conveys his entire view of what Judaism should be. While some of Caro's suggestions can be viewed as radical, such as the formation of a synod to oversee rabbinic appointments ("Techumat harabbanim" chapter 5), his overall commitment to an improved Jewish future places him on the "moderate" end of the maskilic spectrum.

Pelli's categorization of "moderate" and "extreme" and Feiner's categorization of "early" and "late" are both attempts to locate maskilim on a continuum. An argument can be made that both Pelli and Feiner are overly restrictive in their classifications. Too many anomalies and exceptions to both a linguistic and a temporal classification exist to render these categories useful. Rather than providing a framework for making sense of the many different figures of the Haskalah they superimpose a lens of interpretation that gets in the way of viewing such figures without any preconceived notions about what their choice of

language or birth-date might represent. In place of these attempts to classify maskilim, the more general categories of “moderate” and “extreme” may actually allow each text and figure to be approached on their own terms and without preconceived notions.

“Towards a Historical Definition of the Haskalah”⁶⁸

In the article “Towards a Historical Definition of the Haskalah” Shmuel Feiner addresses the difficulties that scholars encounter when trying to arrive at a precise definition of “Haskalah.” Feiner asserts that the most useful definitions of Haskalah do not come from the pens of scholars but from the maskilim themselves. In reviewing a variety of definitions of Haskalah that emerge within the context of the Haskalah itself Feiner develops a second categorization system, more nuanced even than the one that he himself uses in The Jewish Enlightenment. However, even a close consideration of maskilic definitions of Haskalah will not yield one summative definition. Naturally our interest is to use these maskilic definitions of Haskalah to further situate David Caro on the map of the Haskalah.

Feiner, following the scholarship of Uzi Shavit, suggests that in the earliest phase of the Haskalah, between the 1750’s and 1770’s, the word “Haskalah” as used by Mendelssohn and Wessely meant “philosophy and almost nothing else.” Associated with this early phase of the Haskalah were efforts to renew the Jewish scientific tradition, Hebrew grammar, and also the Jewish philosophical tradition. Acknowledging ideological differences between early maskilic figures in Berlin and Poland (mostly along the lines of the acceptability of philosophical inquiry) these maskilim shared the common

⁶⁸ Feiner, “Towards a Historical Definition of the Haskalah”, 184-219.

goal of reinvigorating Jewish scholarship through an emphasis on the power of human reason.⁶⁹

Feiner describes the process whereby this early definition of Haskalah expanded from a primarily intellectual exercise into a “world-view.” Wessely’s Divre shalom v’emet (1782) and the founding of *Chevrat Dorshei Leshon Ever* in the same year, represent the moment when a maskilic community began to form around the common goal of benefiting their fellow Jews by engaging in the activities of writing, teaching, seeking educational reforms and generally supplanting the pervasive ignorance among Jews with knowledge of culture and love of reason and morality.⁷⁰ Eventually this broad social program incorporated an equally broad understanding of Haskalah, akin to the German word *Aufklärung* as understood by the Prague maskil Baruch Jeitteles to be a “word [that] teaches us to understand the difference between truth and falsehood, good and evil, knowledge and ignorance.”⁷¹ As we will see, the second two phases of the maskilic conception of Haskalah are most relevant to Caro who, as we know, was a writer and teacher, and educational reformer who, in “Techumat harabbanim” critiques the existing rabbinate and seeks to reshape it into an institution that embodies *Aufklärung*/ Haskalah and spreads it among the Jewish people.

In “Towards a Historical Definition of the Haskalah” Feiner argues that all subsequent European Haskalah movements emerge out of the German Haskalah and are anchored to it. A certain kind of ideological unity is common to all of the various Haskalah movements across Europe. David Caro, living well into the 19th century in Posen, would have considered himself an intellectual descendent of Mendelssohn and

⁶⁹ Ibid.. 186-187.

⁷⁰ Ibid.. 187-190.

⁷¹ Quoted in Feiner, “Towards a Historical Definition of the Haskalah,” 193.

Wessely. Regarding Caro, Feiner writes, "With the exception of Breslau, and the Polish districts annexed by Prussia, such as Posen, where a group of maskilim coalesced under David Caro, the Prussian phase came to an end at the turn of the eighteenth century." Whereas in relation to the Russian Haskalah, the direct connection to 18th-century Germany is more tenuous, Feiner argues for a direct connection, both temporally and geographically, between the Berlin Haskalah and Caro's life and writing. Caro is not only a disciple of Isaac Euchel and the Meassef group but also, if indirectly, the disciple of Mendelssohn and Wessely.⁷² When surveying the scope of Caro's interests in "Techumat harabbanim" the thought and writing of figures like Euchel, Mendelssohn and Wessely will be directly relevant.

III. THE CONTEXT AND CONTENT OF BERIT EMET

To most fully appreciate the content of Berit emet requires familiarity with developments in the Hamburg Jewish community of the first decades of the 19th century since the controversy surrounding liturgical reforms there elicited several volumes of polemical writing of which Berit emet is one. By the 19th century the Hamburg Jewish community was the largest in Germany and the Jews there enjoyed greater religious freedom than elsewhere in Germany at the time. It is precisely this relative freedom that

⁷² Feiner, "Towards a Historical Definition of the Haskalah," 206. Feiner's assertion that the Berlin Haskalah shifted East in the first decades of the 19th century is corroborated by Kalmar's analysis of the subscription records of Ha-meassef at the close of the 18th century and when it reemerges in the 19th century. Kalmar writes, "A comparison between the corresponding lists of 1788 and 1809 indicates a characteristic change in the subscribers' geographical distribution and is relevant to our purpose. There is now a steep increase in the number of subscribers from cities of Austria, Galicia and East Germany. Prominent among these are localities like Glogau, Posen, Prague, Riga, Warsaw, Petersburg etc." Kalmar, "Changing Concepts of Jewish Identity in Germany as Reflected in Hebrew and German Periodical-Literature," 178.

allowed for Jewish reformers to impact the nature of Jewish religious observance in Hamburg. In so doing the reformers exploited the already present chasm between Hamburg's traditional and assimilated Jews and demonstrated that the reform of Judaism was a viable and powerful enterprise.⁷³

In 1817, at the behest of Eduard Kley, sixty-five members of the Hamburg Jewish community signed the statutes of the "New Israelite Temple Association in Hamburg" whose aim was "restoring dignity and meaning to Jewish worship and thus reviving interest in the ancestral religion" through the implementation of a number of aesthetic changes to the prayer service.⁷⁴ Interest in these services grew to the point that in 1818 two men were hired to be, not rabbis, but *preachers*, for the community. Meyer notes that the title preacher represented a conscious desire to avoid the title rabbi even though one of them, Gotthold Salomon, had previously been ordained as a rabbi.⁷⁵ The preachers and their community prayed from the Hamburg temple prayerbook—a text that contained a variety of ideologically motivated emendations. The bold reforms and the perceived successes they achieved made the Hamburg temple a model for other Jewish communities around Germany and aroused strong opposition from traditionalist Jews across Europe.⁷⁶

In 1819 Eleh divre haberit (These are the Words of the Covenant) was published in Altona. The work was a collection of traditionalist responsa seeking to invalidate the activities of the Hamburg temple on the basis of halakhah. Eleh divre haberit attacked not only the specific reforms of the Hamburg temple but also the works Nogah ha-tsedek and

⁷³ Meyer, Response to Modernity, 53. Meyer describes both the history and the developments of the Hamburg Jewish community in Response to Modernity, 53-61.

⁷⁴ *Ibid.*, 54.

⁷⁵ *Ibid.*, 55.

⁷⁶ *Ibid.*, 57.

Or nogah by Eliezer Liebermann, works that provided an ideological and halakhic defense of the reform of Judaism.⁷⁷

The strong opposition of traditionalist rabbis fueled an equally strong response from the reformers. Seckel Isaac Fränkel, one of the editors of the Hamburg temple prayerbook wrote in its defense and Meyer Israel Bresselau attempted to cull rabbinic sources to show precedent for their editorship. He also published Herev nokemet nekam berit (The Sword Which Avenges the Covenant) a brief Hebrew satirical work that ridiculed the rabbinical respondents in Eleh divre haberit.⁷⁸ Eventually the three aged *dayyanim* (rabbinical judges) of Hamburg were replaced by the university educated but traditionally ordained rabbi Isaac Bernays. Appointed in 1821, Bernays is an important figure whose appointment is early evidence of the changed priorities that led to the emergence of the modern rabbinate.⁷⁹

Berit emet, published in 1820, fits chronologically and thematically into the framework of the exchange of polemical literature surrounding the Hamburg temple controversy. Caro states in his introduction that the first part of the book contains his beliefs and opinions regarding the innovations of the “new synagogue.”⁸⁰ In the last two paragraphs of the introduction Caro compares his work to Eliezer Liebermann’s Or nogah and instructs the reader on how to use both works in a complementary way. Caro also acknowledges that two additional works, one in German, in favor of the “new synagogue.” Having seen neither of them and knowing that at least one of them is written

⁷⁷ Ibid., 58.

⁷⁸ Ibid., 60.

⁷⁹ Ismar Schorsch, “Emancipation and the Crisis of Religious Authority-The Emergence of the Modern Rabbinate,” in Werner E. Mosse, Arnold Paucker and Reinhard Rürup, eds., Revolution and Evolution: 1848 in German-Jewish History (Tübingen, 1981), 205-248. Schorsch discusses Bernays on 208.

⁸⁰ Caro, Berit emet, 1. Caro calls the Hamburg Temple the “new synagogue.”

by a more famous sage than he, Caro wants to make sure that he is not accused of plagiarism.⁸¹

The Hamburg temple controversy is not Caro's only concern in Berit emet. In addition to discussing how his work is relevant to the "new synagogue" Caro refers to "Berit hakehunah" [= "Covenant of the Priesthood"] (also known as "Techumat harabbanim") as the "essence" or centerpiece of Berit emet. The second part of the book addresses the issue of how the rabbinate deteriorated to such lamentable conditions in Caro's day and what can be done to bandage the wounds and heal the affliction.⁸² The broader vision expressed in "Berit hakehunah" is anticipated by Caro's remarks at the beginning of his introduction. Before coming to focus on the "new synagogue" Caro speaks about the fractured Jewish community divided between those Jews whose pursuit of secular knowledge and culture has led them away from Judaism and from their fellow Jews who have remained traditional. Old solutions to maintaining unity within the Jewish community such as the use of the ban no longer have any meaning. In the absence of coercion the only hope is that the encounter between Jew and Jew— as brothers and as children of God— will rekindle a fire wherein Torah and wisdom burn together in the hearts of all Jews.⁸³ This will take more than a "new synagogue"; a new kind of rabbi must lead in these unprecedented times.

Previous scholarship has noted that Berit emet was written pseudonymously. Caro chose to publish the work under the name Amittai ben Abida Aḥitzedek. This fact alone is not surprising since many controversial works of the Haskalah were published under

⁸¹ Ibid., 2.

⁸² Ibid., 2.

⁸³ Ibid., 1.

pseudonyms.⁸⁴ Caro's choice of pseudonym is intentional. In each of the three names is embedded a Hebrew word: Ammitai = *emet* ("truth"); Abida = *yeda* ("knowledge"); Aḥitzedek = *tzedek* ("righteousness"). Beyond the meaning of the words themselves the choice of "Ammitai" may also be a nod to Saul Berlin who published an article he wrote in Ha-meassef (1787) under that pseudonym. In that article Berlin discussed the issue of early burial and also attacked the traditional rabbinate.⁸⁵ There is no way to support the claim that Caro chose his pseudonym to pay homage or to reference Saul Berlin.

However this "nominal" connection has generally been overlooked. It has also been noted that the place of publication is not Constantinople as indicated but actually Dessau.

The title page of the book indicates that the 146-page volume is divided into two main sections: "Berit Elohim" and "Berit hakehunah." The former is subdivided into three units:

- 1) *Berit Ahim* ("letters between two dear friends on general matters of religion and ethics"): pages 3-20.
- 2) *Berit Beit-El* ("to show the permissibility of the innovative practices already underway in the synagogues of Berlin and Hamburg"): pages 21-40.
- 3) *Nekam Berit*⁸⁶ ("a critique of the book Eleh divre haberit published by the rabbinical court of Hamburg"): pages 41-85.

The second part of the book, "Berit hakehunah", is "an investigation of the activities of the guides [i.e. the rabbis] of Israel: their virtues, deficiencies, and the

⁸⁴ Pelli. The Age of Haskalah, 174.

⁸⁵ Feiner notes this in The Jewish Enlightenment, 240-241.

⁸⁶ Title taken from Lev. 26:25, a verse describing how God will exact retribution for disobedience.

remedy for their disease.”⁸⁷ It is only on the title page within the volume, in between the two sections, that Caro calls the second section of his book by the name “Techunat harabbanim.” There Caro subtitles his work, “The Character of the Rabbis: How they were, how they are, and how they should be.”⁸⁸ Immediately apparent from Caro’s description of “Techunat harabbanim” is again the notion that Caro saw himself as a moral physician of Judaism.⁸⁹

While the connection between *Berit Beit-El* and *Nekam Berit* and the polemical literature of the Hamburg temple is obvious it is less clear that *Berit Ahim* and “Techunat harabbanim” are in direct response to the Hamburg temple controversy. In these sections, the latter of which is the focus of this thesis, Caro is less restrained in his choice of topic. The writing style of *Berit Ahim* is epistolary. It is free flowing and narrative. While passages of “Techunat harabbanim” are dense with citations from Jewish tradition and halakhah the general style of the writing is more historical-philosophical (at least by maskilic standards). The broader concerns presented in the introduction are addressed in this correspondingly broad treatise on the rabbinate.

IV. THE CONTEXT AND CONTENT OF “TECHUNAT HARABBANIM”

To suggest that “Techunat harabbanim” is not written in direct relation to the Hamburg temple controversy is not to deny that developments in Hamburg are important to understanding Caro’s writing. It simply means that the context of “Techunat harabbanim” is broader. On the broadest level “Techunat harabbanim” is a response to

⁸⁷ Caro, *Berit emet*, title page. The title “Berit hakehunah” is a reference to Neh. 13:29 where Nehemiah protests the corruption of the priesthood. The phrase also appears in Rabbi David Kimhi’s commentary to I Sam. 2:30. The context is the prophecy against Eli’s household.

⁸⁸ *Ibid.*, 89.

⁸⁹ On the image of maskil as moral physician see Feiner, *The Jewish Enlightenment*, 214.

the unprecedented historical circumstances that faced the Jewish community in Caro's life as a result of the Enlightenment which impacted the most fundamental patterns of Jewish communal and intellectual life. Narrowly, "Techumat harabbanim" is a response to changes in the institution of the rabbinate including rabbinical authority, identity, responsibility, and competency. "Techumat harabbanim" is a text that marks a transitional stage in the emergence of the modern rabbinate. The processes of change, accommodation, and redefinition that coalesced to generate the paradigm of the modern rabbinate are the specific context of "Techumat harabbanim."

An article by Ismar Schorsch entitled, "Emancipation and the Crisis of Religious Authority: The Emergence of the Modern Rabbinate", analyzes the cultural context of 18th and 19th century Germany wherein the modern rabbinate emerged. In response to the question of why the modern rabbinate arose in Germany Schorsch offers a three-part answer all three parts of which are rooted in the fact that German Jewry lived in the legal context of partial emancipation: the anti-clerical impulse within the Jewish community, political pressure, and the influence of the German university.⁹⁰

Schorsch's portrait of German Jewry in the wake of the Enlightenment and the context of partial emancipation highlights the unprecedented social milieu in which the modern rabbinate emerges. Complex and inconsistent changes in legal status and expanded opportunities for economic, educational, and social integration completely undermined the patterns of communal life of medieval Ashkenazi Jewry. The institution of the rabbinate internalized these changes and the traditional role of the rabbi was disrupted and transformed as a result.⁹¹ Though different polities moved at different

⁹⁰ Schorsch, "Emancipation and the Crisis of Religious Authority." 228.

⁹¹ Ibid., 205.

paces and related to the rabbinate in different ways, so that Breslau, Hamburg, Prussia, Wiesbaden and other political entities all have their nuances and differences, the overall effect is the collapse of the medieval Ashkenazi rabbinate and the rapid emergence of a modern rabbinate in Germany by the middle of the 19th century.⁹² Schorsch analyzes a few specific documents and scenarios that shed light on the multifaceted nature of this transformative period. The perspective that later generations of scholars have on this period is, quite naturally, more complete than that of those who lived through it. While this is arguably true in most cases, Schorsch points out that the era wherein the transformation of the rabbinate occurred is a particularly turbulent one whose implications were not fully understood by those who participated in it.⁹³

To Schorsch's mind Hirschel Levin (father of Saul Berlin), the last Chief Rabbi of Berlin, who occupied his position from 1784 until his death in 1800, represents one of the last examples of a rabbi functioning in the familiar capacity of the medieval Ashkenazi rabbinate—rendering legal decisions on civil and religious matters.⁹⁴ Because of anti-clericalism among German Jewry, typified by individuals like David Friedländer, most major rabbinical appointments between 1793 (Breslau) and 1846 (Posen) and including Berlin in 1801, Hamburg in 1812, and Königsberg in 1813, were hotly contested political issues within the Jewish community. Often the appointment of a rabbi, as in the case of Isaac Bernays in Hamburg, was delayed for a number of years. As mentioned above, in the case of Posen in 1815 David Caro was part of an oppositional minority that stymied the appointment of Rabbi Akiva Eger settling only when concessions limiting Eger's

⁹² Ibid., 213.

⁹³ Ibid., 206.

⁹⁴ Ibid., 207.

power were made.⁹⁵ The disputes surrounding rabbinic appointments correspond with the emergence of a new kind of rabbi—embraced by some and rejected by others.

The first document to articulate a vision of a new kind of rabbi was written by the Westphalian Consistory in 1809.⁹⁶ “Duties of the Rabbis” enumerates twenty-one obligations of the rabbi, many of which relate to the communal organization of Westphalia, but a few of which shed light on the new mold of the rabbi. The rabbi is above all else (including religious scrupulousness) expected to exemplify moral excellence. Like Christian pastors he is expected, for the first time, to meet a variety of pastoral needs in his community. He is an educator, teaching the young and preaching in the vernacular on a regular basis.⁹⁷ These duties are reflected in the job description of the Breslau rabbinate formulated in the 1820’s.⁹⁸ Abraham Geiger’s appointment in Wiesbaden (1832-1838) is paradigmatic of a new modern rabbinate. Geiger was expected to preach, to teach the older children of the community daily, and conduct regular worship services. In a letter from Geiger to Joseph Derenbourg Geiger reflects on the importance of university education for the modern rabbi who “must acquire a broad and solid scholarly education, practical theological training especially in preaching, and an understanding of Judaism in its historical development.”⁹⁹ Figures like Abraham Geiger and Zacharias Frankel embody the characteristics of the modern rabbi. By the 1840’s the transformation is virtually complete. Most large and middle size German communities have filled their pulpits with modern rabbis.¹⁰⁰

⁹⁵ Ibid., 229, 209 and note 12 there.

⁹⁶ Meyer, *Response to Modernity*, 34 and note 85 there. “Duties of the Rabbis” was originally published in the journal *Sulamith*, 2.2 (1809): 300-305.

⁹⁷ Meyer, *Response to Modernity*, 34.

⁹⁸ Schorsch, “Emancipation and the Crisis of Religious Authority,” 209.

⁹⁹ Ibid., 210-11.

¹⁰⁰ Ibid., 217.

THE CONTENT OF "TECHUNAT HARABBANIM"

"Techunat harabbanim" is organized around five questions which Caro answers in the essay:

- 1) "What were the titles of the rabbi before, and what are his titles now?
- 2) "Is it necessary for the Children of Israel to have a rabbi and a teacher? And how is he to be selected?
- 3) "What are the obligations that the rabbi is to fulfill?
- 4) "How did our great men fulfill their obligations in the past, and how shall they fulfill them now?
- 5) "If these men, benefactors of the people, do not do what is right, what is to be done?"¹⁰¹

The questions themselves indicate the compromised status of the rabbinate in Caro's time. The first question acknowledges that the institution of the rabbinate has been disrupted and that there have been and need to be changes in its mold. The second question, asking whether a rabbi is even necessary, reflects the aforementioned anti-clericalism of the Jewish community captured in the designation of the title "preacher" instead of "rabbi." Question three suggests that the rabbinical job description is an open question whose answer is not predetermined and which Jewish laity can also discuss. The fourth question affirms the need for continuity in the position of the rabbinate even as it

¹⁰¹ Caro, Berit emet, 91.

acknowledges change. The final question reflects the ambiguity of authority in Caro's time. With the ban no longer an effective means of communal control the question is no longer the power of the rabbis to exert control over laity, but rabbinic accountability to the laity and the institution of the rabbinate. It is in relation to the third question, answered in chapter three of "Techumat harabbanim", that Caro lists what he considers to be the seven obligations of the rabbi. Discussion surrounding these seven obligations makes up the bulk of the treatise.

Caro's list of the seven primary obligations of the rabbi is as follows:

- 1) "To follow the honest path and to adorn himself with the loftiest of virtues.
- 2) "To learn and to understand the entirety of the religion clearly in sequence and in an enlightened and knowledgeable way.
- 3) "He needs to be well-versed in the humanities, philosophy and science, with special emphasis on the language of his land.
- 4) "It is obligatory for the rabbi to preach publicly. This obligation has several branches:
 - a. "To preach and to teach the people love of God and the performance of His commandments and to train them in virtues.
 - b. "To explain the books of the Hebrew Bible before average people with intelligence and knowledge and to elucidate them well.
 - c. "To preach the code of conduct between a father and his sons and the way he is to educate them; to urge the people to teach their sons a vocation including an appreciation for working the soil.

- d. "Let him preach on proper conduct of a household, and conduct between man and his fellow man.
 - e. "Let him preach universal love of humanity.
 - f. "Let him rouse the hearts of the people to love the land in whose midst they dwell and to support it with all his soul and strength in times of trouble.
 - g. "His homily should be of a pleasing cadence and a humanistic spirit.
- 5) "Let him adorn and beautify the religion in accordance with the time and place.
 - 6) "In his teaching students he must teach them in addition to the Talmud and responsa literature, also the remaining humanities and sciences. He should teach them in a relaxed manner and with a pleasant disposition.
 - 7) "In his sitting in judgment he needs to apply his knowledge intelligently, to understand the truth of the case."¹⁰²

A helpful way of framing a discussion about the topics that are most important for Caro in "Techumat harabbanim" is to ask the question: On the basis of this text and what we know about Caro, what does being a Jew mean to him?¹⁰³ In "Techumat harabbanim" Caro tells us what he considers to be the ideal rabbi. In describing this paradigmatic figure Caro also tells us much about how he understands Judaism, what he wants Judaism to be, and what being a Jew means to him.

Critique of the Traditional Rabbinate of His Day

¹⁰² Caro, "Techumat harabbanim" § 8.

¹⁰³ Regarding the use of this specific question as a device for framing a discussion of an individual's thoughts and beliefs see Meyer, Origins of the Modern Jew, 8-9.

Caro does not hold his tongue regarding what he considers to be the inadequacies, hypocrisies, and abuses of the traditional rabbinate in his day. At his most vituperative Caro writes, “At the present time any man who knows how to chirp his way through the Talmud and responsa literature without possessing the qualities that the Sages enumerated can take a rabbinic staff in his hand and lord it over the leaders of this holy people in whatever way he pleases” and, “In Poland most any wealthy man can buy a rabbinical position for his son or son-in-law as if he were going to buy an apple for his son.”¹⁰⁴ Not only are many rabbis inept and undeserving of the title “rabbi,” but traditional rabbis, almost without exception, have narrowed the scope of their knowledge to only Jewish subjects. In Chapter 2 of “Techumat harabbanim” Caro traces the noble lineage of the rabbinate back through the Geonim, Sages, Prophets, and all the way to Moses. In previous generations the leaders of the Jewish people were learned in the humanities and especially in the sciences. Caro depends on Maimonides and Judah Halevi in particular when arguing that the leaders of yore were men of exceptional learning in no way resembling the rabbis of Caro’s generation.¹⁰⁵

The critique of authority is a nearly ubiquitous aspect of the Enlightenment and the Haskalah. The opening lines of Kant’s essay, An Answer to the Question: What is Enlightenment?, describe the need to escape the immaturity that comes with forever being under the guardianship of another person or persons:

¹⁰⁴ Caro. “Techumat harabbanim” § 7 and the note there.

¹⁰⁵ Ibid., § 4 and § 5. Caro cites The Kuzari in § 11.

Enlightenment is man's emergence from his self-imposed immaturity. Immaturity is the inability to use one's understanding without guidance from another. This immaturity is self-imposed when its cause lies not in lack of understanding, but in lack of resolve and courage to use it without guidance from another. *Sapere Aude!* [dare to know] "Have courage to use your own understanding!"--that is the motto of enlightenment.¹⁰⁶

The idea of self-reliance, of casting off self-imposed tutelage, was an idea foreign to premodern, traditionally oriented Judaism. Traditional Judaism was basically a hierarchical society wherein wealthy Jews and Talmudists were responsible for governing the community and defining its values. The emergence of new ideas, even before they infiltrate the Jewish community, heralds the social conditions wherein change, in this case radical change, what Jacob Katz calls "tears in the fabric of the old society or the emergence of a new design, new ideas, and aspirations indicating the beginning of something new" will occur.¹⁰⁷ In the case of the Haskalah, the critique of authority takes several forms including outright attacks on the rabbinate, establishing new outlets for Jewish creativity, creating new sources of authority, and undermining the static hierarchy of premodern Judaism through a variety of different projects including educational reform.

Haskalah Criticism of Authority 1782 and Before

¹⁰⁶ Immanuel Kant. What is Enlightenment?, (1784).

¹⁰⁷ Jacob Katz, Out of the Ghetto: The Social Background of Jewish Emancipation, 1770-1870, (Cambridge, 1973), 4-5, 21, 28.

An example of an early maskilic critique of the rabbinate is Isaac Wetzlar's Libes Briv.¹⁰⁸ Written in 1749 two years before his death, Wetzlar, a well-traveled merchant and business man and learned Jew authored a text that sharply criticized the religious elite and the entire culture of Ashkenazi Jewry as he saw it. In addition to its critical content the text is written in a way reminiscent of *musar* literature. By appropriating the *musar* genre to critique the Jewish community of his time Wetzlar was simultaneously challenging authority not only in the explicit content of his work but through his use very use of the *musar* genre.¹⁰⁹ One of the features of this early phase of the Haskalah is the emergence of the "secular Jewish intellectual elite" which Feiner understands to be a new type of Jew, "The author, the physician, the philosopher, the student, and the periodical editor represented a new secular type of Jewish intellectual, who did not lose their commitment to faith, the study of Torah, and the observance of the commandments. This type was no longer defined by his talmudic scholarship or his rabbinic and community role, but rather by his ideas and intellectual capacity."¹¹⁰ The process whereby this secular Jewish intellectual elite penetrated the sphere of books, ideas, and leadership—the sphere traditionally reserved for the rabbi—is itself a manifestation of the critique of authority, of a new design in the fabric of Judaism.

Naphtali Herz Wessely in his 1782 pamphlet Divre shalom v'emet writes, "He who is ignorant of human knowledge, although he knows the laws of God, will bring no

¹⁰⁸ Morris Faierstein, The Libes Briv of Isaac Wetzlar, (Atlanta, 1996) and Feiner, The Jewish Enlightenment, 23-24.

¹⁰⁹ Faierstein, The Libes Briv of Isaac Wetzlar, 10-11.

¹¹⁰ Feiner, The Jewish Enlightenment, 34-35.

joy to the sages of his own people, nor to all other men.”¹¹¹ The subject of Wessely’s remarks is the traditional rabbinate, which he criticizes for lacking knowledge outside the narrow field of Jewish law and being out of touch with the historical context of their day. Later in Divre shalom v’emet Wessely quotes the rabbinic maxim, “A *talmid hacham* who is lacking knowledge, a carcass is better than he.”¹¹² Thirty-eight years later David Caro will quote the same maxim.¹¹³

In the same year that Wessely wrote Divre shalom v’emet Moses Mendelssohn published the preface to a book by Menasseh ben Israel. In his prefatory remarks Mendelssohn presents his views on the need to abolish rabbinical social control over the Jewish community. Writing in a liberal spirit Mendelssohn expresses the idea that religion is a matter of personal beliefs and opinions wherein there is no room for coercion and intolerance. So long as the power of excommunication exists for the rabbis the Jewish religion cannot achieve the enlightened value of tolerance, the opposite of which is complete intolerance. Mendelssohn’s argument reflects an unwillingness to accept rabbinic authority as it had been exercised in the generations before and during his life. His demand for change is a demand that undermines the authority of the traditional rabbinate and arouses their contempt.¹¹⁴

Feiner argues that by 1782 a *Kulturkampf* is underway:

The modern Jewish intellectual, born in the eighteenth-century early Haskalah, entered the public sphere for the first time in 1782. He made his

¹¹¹ Quoted in Feiner, The Jewish Enlightenment, 97.

¹¹² Feiner, The Jewish Enlightenment, 98-99.

¹¹³ Caro, “Techumat harabbanim”, § 11.

¹¹⁴ Feiner, The Jewish Enlightenment, 127-127.

appearance as a writer-maskil who demanded a place in the social and cultural leadership and contended with the rabbinical elite, with the backing of a supportive group. At the very time this secular intellectual was first attempting to influence public opinion, the first enemy of the Enlightenment appeared. He was not prepared to accept a split in the spiritual elite, nor was he prepared to grant legitimacy to an intellectual who was not a rabbinical scholar or lacked proven proficiency in the Talmud and the religious rulings.¹¹⁵

Haskalah Criticism of Authority after 1782

The *Chevrat Dorshei Leshon Ever* was an association of young maskilim who, under the guidance of Isaac Euchel and the inspiration of Wessely and Mendelssohn, attempted to bring Haskalah into all aspects of Jewish life. In regard to their reformist agenda, the traditional rabbinate, brought into sharp relief by the previous attacks from Wessely, Mendelssohn, and other early maskilim, came to represent the opposite of everything they stood for. Like a roadblock, the traditional rabbinate, was a perpetual obstacle making difficult the production and consumption of Haskalah. The traditional rabbis were, in the eyes of these young maskilim, “the little foxes that spoil the vineyard.”¹¹⁶ Caro found the image of the foxes spoiling the vineyards to be an apt description of the rabbinic abuses that he saw in his day as well.¹¹⁷ In addition to publishing books, the main literary vehicle of the Haskalah in the 1780’s and 1790’s was the journal Ha-meassef. During the peak years of the German Haskalah Feiner estimates

¹¹⁵ Ibid., 161.

¹¹⁶ Feiner, The Jewish Enlightenment, 194.

¹¹⁷ Caro, “Techumat harabbanim”, § 7.

that there were approximately two-hundred activists writing and promoting Haskalah in the cultural centers of Berlin, Königsberg, and Breslau.¹¹⁸ Isaac Euchel, the de facto leader of the Haskalah movement in these years, was a man whose beliefs reflect the general themes of the Haskalah: love of reason, humanism, truth, and tolerance, belief in the importance of education, and an attitude toward the traditional rabbinate that was “charged with cynical, acrimonious criticism” all in the context of his sincere religious conviction.¹¹⁹

Haskalah Criticism of Authority in the Pages of Ha-meassef

In the second issue of Ha-meassef printed in 1784 Euchel, as chief editor of the journal, beseeched his fellow maskilim to sever their ties with the traditional rabbinical elite. In a scathing tone Euchel criticizes and ridicules the rabbinate highlighting their profound ignorance and contempt for secular culture. Euchel calls on his fellow maskilim to subvert and undermine the rabbis by acting as an alternative paradigm of leadership for the Jewish community.¹²⁰ Similar statements emerging from the pens of Euchel, Saul Berlin, Aaron Wolfsohn, David Friedländer and others made their way into subsequent volumes of Ha-meassef. By 1790 Saul Berlin’s critique of Rabbi Raphael Kohen—that he knows only Torah—is a familiar one typical of the escalating *Kulturkampf* begun in 1782.¹²¹

¹¹⁸ Feiner, The Jewish Enlightenment, 212.

¹¹⁹ *Ibid.*, 221.

¹²⁰ *Ibid.*, 230.

¹²¹ *Ibid.*, 283.

Since he was writing in 1820 Posen in the context of the Hamburg temple controversy Caro's frustrations with the traditional rabbinate would have been as pressing and persistent a feature of the Jewish community of his day as they were during the peak years of the *Kulturkampf* in Germany. That "Techumat harabbanim" uses similar idioms and makes similar criticisms of the rabbis as were made in the 1780's and 1790's in Ha-meassef and elsewhere demonstrates the extent to which Caro was a student of the German Haskalah. Contempt for the traditional rabbinate is not the only view that Caro shares with the earlier generation of maskilim.

Education

That educational reform was a critical issue at every stage of the Haskalah need hardly be demonstrated. Wessely's Divre shalom v'emet sparked a dynamic conversation about the nature of Jewish education, the need to revise and expand curriculum, and provide educational instruction to Jewish youth in an enlightened and modern way. Schools, as much as synagogues, were the battlegrounds where the *Kulturkampf* was fought. Like other maskilim Caro was a pedagogue and wrote extensively about educational reform.

Haskalah and *Philanthropin*

The *Philanthropin* view of education stressing naturalism, human happiness, and physical labor, emerging out of Dessau in the mid eighteenth-century, had a profound

influence on maskilic views of education. Typified by Joachim Heinrich Campe, a close friend of Moses Mendelssohn, the ideas of the *Philanthropin* were embraced by maskilim. Zohar Shavit describes the influence of the *Philanthropin* on maskilim:

Under the influence of the *Philanthropin* they started to preach in favor of returning to nature, to proclaim human happiness as an educational ideal and to emphasize the concepts of beauty, love and physical labor. Special attention was given to the natural sciences, justifying it by religious, moral and aesthetic claims. The influence of the *Philanthropin* system was so strong, that Eliav goes even so far as to claim that the Jews were the first to apply the ideas of the *Philanthropin* to the letter in their schools, even before they were applied in the German schools.¹²²

The discussion of Jewish educational reform was sparked by Wessely's Divre shalom v'emet, which was fundamentally the articulation of a vision of educational change.¹²³

Wessely's category of *torat ha-adam* highlighted the importance of secular education including the sciences while simultaneously grounding such study in a religious imperative.¹²⁴ Wessely also took for granted that "all parents would wish to provide their children with every *chokhmah* and science, every craft and occupation."¹²⁵ In many respects Caro can be understood as an advocate of Wessely's educational vision.

¹²² Zohar Shavit, "From Friedlander's Lesebuch to the Jewish Campe: The Beginning of Hebrew Children's Literature in Germany," in Leo Baeck Institute Yearbook 33 (London, 1988), 393.

¹²³ Feiner, The Jewish Enlightenment, 87-104.

¹²⁴ Pelli, The Age of Haskalah, 128.

¹²⁵ Quoted in Feiner, The Jewish Enlightenment, 91.

Caro was certainly aware of developments in Jewish education before and during his lifetime. It is reasonable to assume that he was cognizant of the activities of Friedländer and Daniel Itzig in establishing the *Freischule* in Berlin in and after 1778 and the activities of Israel Jacobson and others in establishing reformed schools in Westphalia. It is against the backdrop of these ideas and institutions that we approach Caro's thoughts on education.

In his enumeration of the seven rabbinic duties Caro writes about the obligation to preach on the "code of conduct between a father and his sons and the way he is to educate them, to urge the people to teach their sons a vocation including an appreciation for working the soil."¹²⁶

In elaborating on the rabbi's obligation to preach about education Caro makes several important points. First, he argues that it is the father's obligation to ensure that both boys and girls receive proper education in their youths. Proper education means appropriate education. Caro stresses that not all children are well-suited for intellectual vocations and thus need to be taught a craft or other kind of physical labor. Failure to do so will likely make the child a burden to his community later in life.¹²⁷ Caro's embrace of craftsmanship and physical labor as socially constructive activities is an example of the far-reaching influence of the *Philanthropin*. In his view of education Caro seems to be saying that a Jew must also be a *mentsch* and should be able to do what most other people do—work for a living. Caro views education and educational reform as central to the rehabilitation of Judaism. Providing Jewish youth with appropriate education that provides them not only with Torah knowledge but life skills, as well, is essential for the

¹²⁶ The fourth duty that Caro enumerates, subcategory "c".

¹²⁷ Caro, "Techumat harabbanim", § 16.

Jewish future. Caro's modern rabbi is at the center of the educational system: he is responsible for ensuring that fathers know how to instruct their sons and is himself to be directly involved in the all aspects of pedagogy. Such a rabbi must be a dynamic leader, enlightened and well educated in Jewish and secular subjects.

Knowledge of the Vernacular and Patriotism

One of the duties of the rabbi is to promote patriotism within his community. He does so by preaching in support of the monarch during times of war but more generally he demonstrates his commitment to being at home in the land in which he lives.

Knowledge of the vernacular is a prerequisite in this respect. The rabbi must be prepared to model for his congregants that there will be times when they may be called upon to "subjugate their will to the will of the monarch, which concerns itself with everything that is necessary for the general good."¹²⁸

In Jacob Katz's idea of the "semi-neutral society" of eighteenth and nineteenth-century Germany old forms and patterns of identity in the Jewish community started eroding under the influence of new and influential ideas and changing social conditions.¹²⁹ Whereas in previous centuries Jewish communities understood the balance between their communal autonomy and the broader Gentile society these questions of identity, loyalty, and authority were reopened in new and unprecedented ways. Christian Wilhelm von Dohm's essay "On the Civil Improvement of the Jews", written in 1779, is a useful text for framing the complexity of the changing political status of German Jewry

¹²⁸ Caro, "Techumat harabbanim", § 19.

¹²⁹ Katz, Out of the Ghetto, 54-55.

in the eighteenth and nineteenth centuries. On the one hand Dohm seeks to include the Jews in the political life of Germany by granting them citizenship. However Dohm's motivation is to "better" the character of the Jews by encouraging not only citizenship but a subtle process of assimilation. Mendelssohn responds to Dohm with tentative embrace, offering a more neutral understanding of citizenship than Dohm's "betterment." Even so, the prospect of citizenship and emancipation was taken seriously by Mendelssohn and became the life work of David Friedländer.¹³⁰ Even though naturalization and emancipation were largely desired goals for many maskilim including Mendelssohn, the specifics of the meeting of religious and civic obligation—the duties of Jew and citizen—remained a dynamic issue. Katz describes Mendelssohn's vague stance on the relationship between these two conflicting identities calling Mendelssohn's comments on the topic, "cryptic advice." Katz cites a passage from Jerusalem, wherein Mendelssohn writes, "Bear both burdens as well as you can."¹³¹ In "Techumat harabbanim" David Caro is attempting to do precisely that.

The Rabbi as Maskil

In addition to Caro's ideas about the problems of the traditional rabbinate, Jewish education, and civil identity, Caro devotes a great deal of energy to describing the ideal rabbi. This rabbi—moral exemplar, expert pedagogue, rhetorician, scholar, and patriot—is himself a maskil. He is a product of the Haskalah and a progenitor of it. Through all of

¹³⁰ The exchange between Dohm and Mendelssohn is presented in The Jew in the Modern World: A Documentary History, Paul Mendes-Flohr and Jehuda Reinharz, eds., (New York, 1980). 27-33, 38-42.

¹³¹ Katz, Out of the Ghetto, 62 and note 20 there.

his activities Haskalah values are transmitted to the people so that over time they become the normative values of Judaism.

V. “TECHUNAT HARABBANIM” IN TRANSLATION

The primary goal of the following translation of “Techunat harabbanim” is to render Caro’s treatise accessible to the English reader. Translation is a craft, not a science. More than converting words from one language to another a good translation evokes the tone and character of the work being translated. More still a thorough translation investigates the assumptions and proclivities of the author. Furthermore, “Techunat harabbanim” is a composite text. While Caro is its author he not only expresses his own thoughts but incorporates a significant amount of material from traditional Jewish sources and non-Jewish sources. A good translation should indicate as much and as faithfully as possible how Caro understood these materials and also how his understanding compares with other understandings both among Caro’s contemporaries and earlier generations. This involves placing “Techunat harabbanim” in a broad context of literature.

A candid assessment is required: the following translation is, on the basis of these criteria, partial. As will be seen, though the Hebrew has been rendered in English, there are lacunae, not in the text itself, but in the more profound work of translation. There are, for example, sources that Caro incorporates which remain unknown. There are citations that have not been verified. There are times when it remains unclear whether Caro is quoting or paraphrasing. All this in spite of the fact that Mises edited and reproduced

“Techumat harabbanim.” Though I had a copy of Mises’ text with me as I translated it was of limited help. Often he would simply replicate Caro’s mistaken citations. Furthermore Mises’ additions and omissions ultimately make his version of “Techumat harabbanim” a separate though obviously related text.

These challenges of translation have much to do with Caro’s writing style and also the genre in which he is writing. Caro is as likely to rely on memory as he is to verify his own citations; he is as likely to cite a lengthy responsa without any indication as to what that responsa contributes to his argument as he is to provide multiple citations to make a single point, again without delving into the sources himself. These features, while frustrating to a translator not thoroughly versed in halakhic literature, reveal the extent to which Caro embraced the genre expectations of the literature.

In spite of the aforementioned challenges, a portrait of Caro as a maskil does emerge, and “Techumat harabbanim” is now more accessible to English readers than ever before. In light of the trickle of scholarship that exists on David Caro this translation is, for the present moment, a useful resource.

CHAPTER 2

THE TEXT OF “TECHUNAT HARABBANIM” IN TRANSLATION

Part II

Called

“Covenant of the Priesthood”

or

“The Character of the Rabbis”

How they were, how they currently are, and how they should be.

*Listen, you who are deaf; you blind ones, look up and see! Who is so blind as My servant,
so deaf as the messenger I send? Who is so blind as the chosen one, so blind as the
servant of the Lord? (Isaiah 42:11,19)¹*

At the outset we will go over the field of investigation of "Traits of the Rabbis." We will dedicate ourselves to exploring five principal questions, and they are:

- 1) What were the titles of the rabbi before, and what are his titles now?
- 2) Whether it is necessary for the children of Israel to have a rabbi and teacher?
And how is he to be selected?
- 3) What should be the obligations that fall on the rabbi to do and to fulfill?
- 4) How did our great men fulfill their obligations in the past, and how shall they fulfill them now?
- 5) If these men, benefactors of the people, do not do what is right, what is to be done?

To clarify answers to these questions is my goal in this article, in accordance with the short time given to me, with God's help.

CHAPTER 1- RESOLVING THE QUESTION: WHAT ARE THE TITLES OF THE RABBI?²

¹ Actually Is. 42:18-19. All passages from Tanakh are quoted from the Jewish Publication Society Tanakh (Philadelphia, 1985) unless otherwise indicated.

² In this chapter Caro's primary task is to clarify the different titles of Jewish communal leaders throughout history.

§ 1. “Rabbi” or “teacher” is what one calls a man who excels among his people in Torah and wisdom, morals and manners, who out of his understanding informs the people regarding that which they do not know and teaches them the righteous and honest way in all matters and to follow after them. In earlier times in Jewish history the titles of these great men were: priest, Levite, prophet, elder, judge or seer as is found in our Torah and in our Prophets.*³ These great men were called solely by their names [without any title].** Only from the time of Rabban Simeon ben Hillel (circa 3768) [=8 C.E.]⁴ did the heads of the Sanhedrin start to be called by the name “Rabban.” This name connoting status continued until Rabban Yohanan ben Zakkai (3833) [=73 C.E.]. The sages under them were called by the name “Rabbi”*** or “Rav”.**** After this in the year 4349 [=589 C.E.] (according to the reckoning of Rabbi Sherira Gaon)⁵ the name “Gaon” was revived***** for the heads of the assembly and the exilarch, but this name ceased to be used after Rab Hai Gaon (4797) [=1036 C.E.].⁶

* Deut. 18:15, 31:9; Num. 11:16, 27:16; Deut. 16:18; Jud. 19:30; I Sam.

9:9 and many other verses in addition to these.

³ Translations of Caro’s footnotes appear in the body of this translation and at the end of the paragraph for which they are relevant.

⁴ Mieses’ text reads “Simeon ben Gamaliel”. See Judah Mieses, “Techumat harabbanim” (Lemberg, 1879) § 1. On the basis of the Hebrew date, 3768 (=8 C.E.), it seems that Caro is referring to Rabban Gamaliel I however Caro’s system of dating the various figures in this chapter is approximate at best.

⁵ Sherira Gaon was the gaon of Pumbedita from 968-1006. Caro is correctly referencing his famous epistle, Iggeret Rav Sherira Gaon which dates the title of Gaon to 589 C.E. See “Sherira ben Hanina Gaon” in Encyclopedia Judaica (1972), 1381.

⁶ This date is also approximately correct. Hai Gaon died in 1038 C.E. See “Hai Gaon” in Encyclopedia Judaica online.

** “According to the height of their high level in that it is impossible to find a title for them” (Rambam in his introduction to Seder Zeraim),⁷ such as Ezra the scribe, Samuel the seer, Hanani the seer⁸ and Gad the seer.⁹ And why do they call the sages from the time of Simeon the Righteous (3448) [=312 B.C.E.] by the name “Tannaim”, and from the time of Rava bar Joseph (4099) [=339 C.E.]¹⁰ until Rav Ashi and Rav Avina (4126, 4237) [=366 C.E., =477 C.E.]¹¹ by the name “Amoraim”? This was not the title by which they referred to themselves in their lifetimes. Only those who came after them called the former by the name “Tannaim” from the word for “ones who teach” (*Lehrer*). For the Aramaic translation of *v'shinantam* (Deut. 6:7) is *v'tatnimun*.¹² Or [the name “Tannaim” comes] from the word for “telling” (Erzählen, Sagen) similar to the Targum of Scripture: ...*and told his two brothers outside* (Gen. 9:22): *v'tani*.¹³ And the reason is because they were teachers and expositors of the Oral Torah engaged in the transmission from person to person until our Holy Rabbi¹⁴ wrote the Mishnah. As for the name “Amoraim” it is from the word “speech” because they spoke and interpreted the Mishnah.

⁷ I cannot verify this citation.

⁸ See II Chron. 16:7.

⁹ See I Chron. 21:9.

¹⁰ According to Encyclopedia Judaica Rava bar Joseph died in 352 C.E. The text mistakenly dates the life of this “Amora” a millennium too early. This translation corrects that mistake. See “Rava” in Encyclopedia Judaica online.

¹¹ Rav Ashi and Rav Avina (Ravina) were contemporaries. The dates that Caro includes are incorrect. Rav Ashi (c. 366 C.E. - 427/8 C.E.) and Ravina (d. 422) are certainly considered the last of the “Amoraim”. See “Ashi” in Encyclopedia Judaica online and also “Ravina.”

¹² Caro is explaining the etymology of the word *Tannaim* on the basis of a comparison between the Hebrew and Aramaic versions of the Torah.

¹³ The Targum translates: *and he told* (*v'yaged*) as: *and he taught* (*vatani*). Genesis 9:22 in its entirety reads, “Ham, the father of Canaan, saw his father's nakedness and he told his two brothers outside.”

¹⁴ “Our Holy Rabbi” is Rabbi Judah HaNasi.

*** *Father, father* (II Kings 2:12) is translated: “rabbi.” The *resh* has a *patach* and the *yod* a suffix which speaks for itself. It is not “rebbe” with a *segol* under the *resh* as is commonly mistaken.¹⁵

**** They called everyone from Babylon “rav” and “mar” and everyone from the land of Israel “rabbi”. The plural of “rav” is “ravim” and because of this it is not right to call the teachers of the people in our days by the name “rabbanim” which is the plural of “rabban”, an honorific title which is no longer in use.

***** This is the language of Ha-Tishbi.¹⁶ “There is a sense of “gaon” that is positive. For example: *dignity and majesty* (Isaiah 4)¹⁷ and there is a negative [sense] as in: *pride goes before ruin...* (Prov. 17).¹⁸ “Gaon” also has the negative sense of the meaning of pride...”—And so it is in our days that the rabbis are named: ‘the rabbi, the luminary, the majestic, the great, light unto Israel’ and so on and so on and so on.—and they do not know that they thereby profess their own pride and conceit—which is not rightfully theirs. This is the language of the true rabbi and scholar, the humble Moses our teacher son of Maimon in his letter: “Men of intelligence know that most of these titles that are applied to men are without significance and mere words and knowledgeable people minimize the use of them and hate them, but those who love greatness,

¹⁵ The words “rabbi” and “rebbe” appear in a larger font in the text indicating emphasis.

¹⁶ Ha-Tishbi is a lexicon written by Elijah Levita a 15th- 16th -century Hebrew philologist, grammarian, and lexicographer. See “Levita, Elijah” in Encyclopedia Judaica (1972), 132.

¹⁷ Is. 4:2

¹⁸ Actually Prov. 16:18.

those who chase after authority, they multiply them and love them, because they are their greatness and their stature.”¹⁹

§ 2. The name “Rabbi” in our time applies to three types:

1) The “rabbi of a city” is one who occupies a rabbinic seat in a particular city.

Any man who has a dispute or a question comes before him, whether regarding a matter of prohibition or permission or a case that requires a monetary ruling. He is above all the learned students and judges in his city and also the common folk. His sustenance is the responsibility of the community. In some cities he is called by the name “Head of the Court” or “Righteous Teacher.”

2) The rabbi who teaches Talmud and Jewish law to his students. He is called “Head of the Academy.”

3) The rabbi who preaches ethics and the way of God to the people. He is called “Preacher” or “Remonstrator.” However in most communities the rabbi performs all of these duties by himself: judging, instructing, teaching, and preaching.

CHAPTER 2—RESOLVING THE QUESTIONS: IS IT NECESSARY FOR THE ISRAELITES TO HAVE A RABBI? HOW IS HE TO BE SELECTED?

¹⁹ While I cannot verify that these are the words of the Rambam I can verify that they do appear in a responsum of Rambam’s son, Abraham ben Harambam. See “Bar Ilan Responsa Project”:

שו"ת רבי אברהם בן הרמב"ם סימן ד"ה שאלה ראשונה

§ 3. From the time that men came into alliance with one another to live in society they saw that it was not good to dwell alone and that human life is not designed so that man's actions can be carried out in solitude. Even if his days were like the days of Methuselah and his strength like Samson his hand would still be unable to do his work fully or grasp a single science, nor can his soul know joy in the fullest sense. Ever since, the most thoughtful men among the people also saw that there was still something lacking among the average people that would contribute to their overall wellbeing, that would join them together and set their minds to a single goal, that would enable them to live pleasantly and to reach a state of perpetual happiness; which is to come together into a covenant of service to *Elohim* (Religion) and to believe that a transcendent Entity made everything, that He gives a good reward to those who do his will, and He punishes those who act out of wickedness, and that there is an end of days and hope for the soul after man dies. And on the basis of these fundamentals of faith the social contract was greatly strengthened, and men could achieve a level of perfection. Then these same men came and legislated laws and rules for the people, and set over them priests, functionaries, and religious officials to instruct the people in the path that they should follow, for the average person does not have any knowledge of concepts, since he labors in the business of his sustenance. If only he knew what was appropriate for him to do and to refrain from doing, so that he live out the measure of his days comfortably (see The Guide of the Perplexed, II:40).²⁰ There is also a different reason why it is vital for a people to have one

²⁰ There are two ways in which The Guide of the Perplexed, II:40 is relevant to Caro's discussion here. In general it may be suggested that Caro's thoughts concerning the importance of "society" and the need for "leaders" in this paragraph are both based on Rambam's discussion in II:40. For example, at the beginning of II:40 Rambam states:

man who leads them: lest each man proceed arbitrarily according to his own thoughts so that disputes will multiply and each person will simply do what is right in his own eyes. For this reason they place one man over themselves whom everyone turns to and whom they follow. In this way the goal of society will be reached. And it is: harmony [or: unity].

§ 4. Upon Israel his treasured people, the Eternal One bestowed a gift hidden from all other peoples, and he gave us his pure Torah via the man that He selected, a man unique among men. This man, Moses, received the Torah at Sinai and set it before Israel. And he assembled seventy elders to bear together with them the burden of the people in accordance with God's instruction (Num. 11:16). And so he wrote this Torah and gave it to the priests—and to all the elders of Israel. And he commanded through a prophet (Ex. 18:15) to whom they would listen. And before his death he implored God saying: *Let the Lord appoint someone over the community so that the Lord's community may not be like sheep that have no shepherd* (Num. 27:16).²¹ In every matter, every dispute and every plague that occurred among the people, the matter came to the priest or the judge who instructed the person correctly, and the Levites roamed among the people to observe their

It has been explained with utmost clarity that man is political by nature and that it is his nature to live in society. He is not like the other animals for which society is not a necessity

And later in II:40:

Now as the nature of the human species requires that there be those differences among the individuals belonging to it and as in addition society is a necessity for this nature, it is by no means possible that his society should be perfected except—and this is necessarily so—through a ruler who gauges the actions of the individuals, perfecting that which is deficient and reducing that which is excessive, and who prescribes actions and moral habits that all of them must always practice in the same way, so that the natural diversity is hidden through the multiple point of conventional accord and so that the community becomes well ordered; The Guide of the Perplexed, trans. Shlomo Pines, (Chicago, 1963), 381 [ff. The Guide of the Perplexed, Pines ed.].

²¹ Num. 27:16-17

deeds and to teach them honesty. And so it was in fact with the prophets after them who were the people's teachers. At all times that our forbears listened to their rebukes they were successful and prospered.

§ 5. When the prophets ceased they established groups of wise and reputable men in accordance with the words of the Torah (Num. 11:16): *Gather for Me seventy men....* And this is the language of our great rabbi Rambam, may his memory be for a blessing, on the basis of the words of our Sages: "It is a positive commandment of the Torah to appoint judges and officials in each and every state..."; (Mishneh Torah, "Laws of the Sanhedrin" 1:1).²² "They established in the beginning, the great court in the Temple which is called the Great Sanhedrin..."; (Ibid. 1:2).²³ "Any city wherein there are one-hundred and twenty inhabitants nominates three judges..."; (Ibid. 1:4). "They do not nominate individuals for the Sanhedrin unless they are wise and discerning, experts in the wisdom of Torah and possess great knowledge, knowledgeable in the rudiments of other branches of knowledge such as medicine, arithmetic, [the calculation of] cycles and constellations and so on so that they may be knowledgeable enough to judge with regard to them..."; (Ibid. 2:6). "Since the [members of the] court must be without blemish in regard to righteousness so too they must be free of any bodily blemishes. And one needs to endeavor to check and to look to ensure that all of them are of sufficient age, great physical stature and appearance, articulate, and able to understand most languages"; (Ibid. 2:6). "In spite of the fact that a court of three may not fit all these criteria precisely each one of them needs to embody these seven things: wisdom, humility, reverence,

²² Translation based on Abraham Herschman, The Code of Maimonides, Book XIV: The Book of Judges, (New Haven, 1949, 1963), 7.

²³ Actually 1:3.

contempt for monetary gain, love of truth and humanity, and a good reputation. All these matters are made explicit in the Torah... And how will they come to be beloved by their fellow man? When they look upon one another favorably and are humble, when their fellowship is cordial and when they are gentle in their speech and business with others. Furthermore the Torah states *capable men*²⁴ meaning that they are great in their adherence to the commandments and rigorous with themselves; ever seeking to tame their passions to the point that they be without disrepute or bad reputation and unblemished in their character"; (Ibid. 2:7). "The Sages said that the Great Court would dispatch messengers throughout the land of Israel to examine (potential judges). Anyone that they found to be wise, sin-fearing, modest and of sound mind, of unblemished character and towards whom his fellow man has a favorable disposition: they appoint him as a judge in his city. And from there they elevate him to (the court situated at) the entrance to the Temple Mount. And from there they elevate him to (the court situated at the) entrance to the Temple Court, and from there they elevate him to the Great Court"; (Ibid. 2:8). Happy is the eye that witnessed these prosperous times when Israel was well established and when all these matters were in their proper order befitting the will of Him who Dwells in Wisdom.

§ 6. After the Sanhedrin ceased to exist they appointed learned men as leaders of the Diaspora. They called these men "princes." The prince was the exilarch; at his command they would go and at his command they would come—in all matters. However the office

²⁴ Ex. 18:21

of the prince also ceased among Israel (4796) (= 1036 C.E.)²⁵ as a result of the well-known disputes and quarrels between Rabban Gamaliel II and Rabbi Joshua ben Hananiah²⁶ and because of the issue of “carrying” in particular. In our exile and our scattering to the four corners of the earth and our subjugation to different kingdoms we could not remain under the authority of one religious authority. Because of this each community of Israelites agreed to appoint over themselves a man who would instruct them in their ways. He was called by the title “rabbi.”

§ 7. Verily the prophets, the judges and the Sanhedrin were chosen through the process of ordination by the greatest among the people who laid his hands upon his student and dedicated him to Divine service as is mentioned (Deut. 34:9, Num. 27:18) and also in the words of the Rambam cited above (§ 5).²⁷ However, as is known, all legal rulings concerning ordination have already been annulled so that now anyone who wants to take the rabbinical office and the staff of the gaonate can do so without the approval of men

²⁵ This date cannot be correct. Caro most likely meant 3796 (=36 C.E.). Though there is no definitive date for the conflict between Rabban Gamliel II and Rabbi Joshua ben Hananiah, 3796 is at least within the span of their lives.

²⁶ This dispute between Rabban Gamaliel, the *nasi* of the Sanhedrin, and Rabbi Joshua is described in the Encyclopedia Judaica:

Of greatest consequence was Gamaliel's dispute with Joshua ben Hananiah on the fixing of the new moon. Gamaliel regarded the affair as a test of the authority of his *bet din* and ordered Rabbi Joshua to demonstrate publicly that he accepted the discipline the *nasi*: “I charge you to appear before me with your staff and your money on the day which according to your reckoning should be the Day of Atonement.” On the advice of his colleagues... Rabbi Joshua bowed to the command. When he came before Rabban Gamaliel, the *nasi* rose, kissed him on his head and said to him: “come in peace my teacher and pupil—my teacher in wisdom and my pupil because you have accepted my decision” (Mishnah “Rosh Hashanah” 2:8-9). The clashes between Gamaliel and Joshua, however, did not cease with this affair. The firmness of Gamaliel was regarded by most of the scholars as an insult to the dignity of Rabbi Joshua and led to a revolt against his authority which ended with his removal from the office of *nasi*...; “Gamaliel, Rabban” in Encyclopedia Judaica (1972), 296.

²⁷ Rambam does write about ordination of judges in Mishneh Torah, “Hilkhot Sanhedrin” 1:8 but Caro does not actually cite this passage.

greater in wisdom than he. Alas so it is presently in Israel: several families in a city come together to appoint over themselves a rabbi —multitudes upon multitudes in the valley of *dissension*—²⁸ without heeding the council of the sages and truth- fearers among them. Each and every person in the community has his own special reason and ulterior motive for their choice: this one so that he or his son-in-law will be called a learned man and be respected by the multitudes as if “our rabbi” had spoken; another in order to be appointed as a lay leader; yet another does so to cover the nakedness of his stupidity and foolishness; another for the sake of his conceit and to acquire property. And to these we add all the other ulterior motives that other members of the community have.*) Thus everyone else faithfully depends upon a man or group of men who have given out the title of “rabbi” with honor and glory. This is because they themselves have not tested the “rabbi” and he is a stranger to them. Sometimes he is called by the title for irrelevant reasons known only to those who confer it, or simply as a matter of chance. In most instances where there is a selection like this iniquity opens its mouth and spreads its seeds while honesty stands afar and is silent. Hereto, at the present time, any man who knows how to chirp his way through the Talmud and responsa literature without possessing the qualities that the Sages enumerated (in accordance with Rambam’s words cited earlier) can take a rabbinic staff in his hand and lord it over the leaders of this holy people in whatever way he pleases. The words of Rambam (Mishneh Torah, “Laws of Torah Study” 5:4) apply to such individuals, “These are the younger students who have not developed sufficiently in Torah on account of whom disputes multiply. They destroy the world, extinguish the light of Torah and ruin the vineyard of the Lord of Hosts.

²⁸ Caro is clearly making a play on words with Joel 4:14: *Multitudes upon multitudes In the Valley of Decision! For the day of the Lord is at hand In the Valley of Decision.*

Concerning them Solomon said, 'Catch us the foxes.'"²⁹ And these are the words of Rabbi Solomon ben Jehiel Luria in Yam shel Shelomo³⁰ on the chapter "One who injures"³¹ section 58, "Small- minded men are multiplying. Not one of them knows his place, and as soon as one has been ordained (by himself) he starts to act as though he has authority and to gather young men, enticing them with a lot of money like noblemen hiring servants to run before them. Verily these are the ones called 'foxes'... And there are elders who do not even fully understand matters of practical law and are unable to descend at all to the depths of the halakhah. In spite of having not acquired wisdom they assume authority over the public and over the scholars; they excommunicate and declare permissible and lend their imprimatur [to publications] etc.... Shall the House of Israel conduct itself in accordance with the words of such "rabbanim"? On the basis of men completely without wisdom and right conduct?

*) And in Poland most any wealthy man can buy a rabbinical position for his son or son-in-law as if he were going to buy an apple for his son. And he can do so even if his son is tender and young, and impoverished of spirit. Is this what is meant by "fear of God" or "to expand the Torah through studying it,"³² to magnify rabbis and the rabbinate, "and their students and the students of their students and all those who busy themselves with the Torah"?³³ And our Sages

²⁹ Song of Songs 2:15: *Catch us the foxes, The little foxes That ruin the vineyards -- For our vineyard is in blossom.*

³⁰ According to The Encyclopedia Judaica Solomon Luria was a 16th century *posek* and talmudic commentator most likely born in Posen. See "Luria, Solomon ben Jehiel" in The Encyclopedia Judaica (1972), 580. Regarding Luria's work, Yam shel Shelomo, see Elon, Jewish Law, III, 1386-1394.

³¹ B.T. Baba Qama, chapter 8.

³² Caro may have had in mind the quotation attributed to Hillel in Mishnah Avot 2:7: "Who expands Torah expands life".

³³ Here Caro is quoting the prayer *Kaddish D'rabbanan*.

said in the Palestinian Talmud at the end of Bikkurim.³⁴ “Rabbi Ammi would say about those who were appointed for money: *gods of silver you shall not make for yourself*.³⁵ A god created through silver [i.e. through money]. Rabbi Ashyan said: This refers to one who is appointed for money. We do not stand before him and we do not call him ‘rabbi.’ And the *talit* that he wears is like the blanket under the saddle of an ass.

CHAPTER 3— RESOLVING THE QUESTION: WHAT SHOULD BE THE OBLIGATIONS OF THE RABBI?

§ 8. The obligations of the Israelite rabbi are divisible into seven primary obligations*) which are:

1. To follow the honest path and to adorn himself with the loftiest of virtues,
2. To learn and to understand the entirety of the religion clearly in sequence and with intelligence and knowledge,
3. He needs to be well-versed in the branches of the humanities, philosophy and science, with special emphasis on the language of his land,
4. It is obligatory for the rabbi to preach publicly. This obligation has several branches:
 - a. To preach and to teach the people love of God and the performance of His commandments and to train them in virtues.

³⁴ P.T. Bikkurim 3:3

³⁵ Ex. 20:20

- b. To explain the books of the Hebrew Bible before average people with intelligence and knowledge, and to elucidate them well.
 - c. To preach the code of conduct between a father and his sons and the way he is to educate them, to urge the people to teach their sons a vocation including an appreciation for working the soil.
 - d. Let him preach on proper conduct of a household, and conduct between man and his fellow man.
 - e. Let him preach universal love of humanity.
 - f. Let him rouse the hearts of the people to love the land in whose midst they dwell and to support it with all his soul and strength in times of trouble.
 - g. His homily should be of a pleasing cadence and a humanistic spirit.**)
5. He should adorn and beautify the religion in accordance with the time and place.
 6. In his learning with students he must teach them in addition to the Talmud and responsa literature, also the remaining humanities and sciences. He should teach them in a relaxed manner and with a pleasant disposition.
 7. In his sitting in judgment he needs to apply his knowledge intelligently, to understand the truth of the case. Now I will explain my words.

*) I know that there are many more duties than I have written here that apply to the qualified rabbi. And there are duties that I have mentioned that are not primary obligations of the Israelite rabbi, and some which are not obligations during certain time periods. However the times are not suitable "to repair the

world under the Kingdom.”³⁶ Therefore, as my words will clarify, all of these [duties] fall on the rabbi.

**) This is a foreign word found in Yalkut, chapter “Pinchas”³⁷ and Lamentations Rabbati in the passage that begins: *I am like a lone bird*.³⁸ And the explanation of this word is a spirit of pleasantness and kindness, a spirit of love and compassion, of grace and benevolence and of justice and righteousness which encompasses one and all. In German this is called (menschlichkeit/menschentümlich).

THE FIRST OBLIGATION

§ 9. The rabbi needs to follow the honest path and adorn himself first out of his desire to adorn others because one example makes a greater impact on the crowd than one thousand sermons. Regarding this God said to Ezekiel: *For I make you a portent to the*

³⁶ In other words: the messianic age is not at hand.

³⁷ Yalkut Shimoni chapter “Pinchas”. This word does not appear in the chapter on “Pinchas” nor do any of its cognates. It seems that Caro meant Yalkut Shimoni chapter “Yitro” rather than “Pinchas.” In Yalkut Shimoni chapter “Yitro” section 273 we read:

Her ways are pleasant ways, and all her paths, peaceful (Prov. 3:17). The Holy One Blessed be He sought to give the Torah to Israel at the moment that they left Egypt but they [the Israelites] were divided one against another and they were constantly saying: ‘*Let us head back for Egypt*’ (Num. 14:4). The meaning of the Scripture: *They set out from Succoth, and encamped at Etham* (Ex. 13:20) is that they were quarrelling while traveling and quarrelling while camping. When they came to Sinai they were likened to a single association. *Israel encamped there* (Ex. 19:2). The verse does not say “here” rather *Israel encamped there*, they were transformed into one people [= *humania*]. The Holy One Blessed be He said, “The whole Torah is peace. So who should I give it to? To the nation that loves peace, for ‘all her paths are peaceful’”; translated on the basis of Yalkut Shimoni, (Mossad Harav Kook, Jerusalem, 1973) 415.

Given the fact that this passage from Yalkut Shimoni treats the same subject, the Revelation at Sinai, as the passage from Lamentations Rabbah it is most likely this passage that Caro had in mind. See Yalkut Shimoni (Mossad Harav Kook), 415, note 40 (which cites the Lamentations Rabbah passage).

³⁸ Actually Lamentations Rabbah, chapter 20. The proem begins by citing Psalm 102:8: *I lie awake; I am like a lone bird upon a roof*. See Midrash Rabbah, “Lamentations” ed. H. Freedman and M. Simon, trans. A. Cohen, (London, 1939), 24-25.

House of Israel.³⁹ And the Sages said: "It is not the interpretation but the deed that is most important."⁴⁰ And Jethro said (Ex. 19:21):⁴¹ *You shall also seek out from among all the people capable men* (biedere Männer)... You have already seen Rambam's words above (§ 5). He acquires a good name and honor among the people on account of his righteous deeds; his ways and his deeds are honest so that he distances himself from ugliness and the like. And this is the language of the Rambam (Mishneh Torah, "Laws of Ethics" chapter 5):⁴² "Even as a sage is recognized by his wisdom and moral principles which distinguish him from the rest of the people, so ought he to be recognized in all his activities, in his food and drink,... in attention to his excretory functions, in his talk, walk, dress, management of his affairs and business transactions. All these activities should bear the mark of exceeding refinement and orderliness." See the text itself.⁴³

And in "Fundamental Principles of the Torah" (5:1)⁴⁴ this is the language: "If he who does them is great in his Torah learning and in things that humanity praises him for then they are considered a profanation of the Divine Name even though they are not transgressions...." Moreover in "Laws of Ethics":⁴⁵ "A scholar, when speaking, will not shout or scream, like domestic cattle or wild beasts. He will not raise his voice unduly. His speech with all men will be gentle. But while speaking gently, he will be careful to avoid exaggeration which would make his speech sound affected, like the speech of the

³⁹ Ezek. 12:6

⁴⁰ Mishnah Avot 1:17

⁴¹ Both Caro's and Mieses' text have the wrong citation for this verse. It is Ex. 18:21.

⁴² Mishneh Torah, "Laws of Ethics" 5:1. Translation from Mishneh Torah: The Book of Knowledge by Maimonides, Moses Hyamson ed., (Jerusalem, 1981), 52b.

⁴³ Perhaps out of a sense of modest Caro omits the phrase "in the fulfillment of his marital obligations" from this passage of the Mishneh Torah.

⁴⁴ Actually Mishneh Torah, "Fundamental Principles of the Torah" 5:11. Both Caro and Mieses have the wrong citation.

⁴⁵ Mishneh Torah, "Laws of Ethics" 5:7-8. At first this citation follows the text closely. By the end it is quite elliptical. Translation from Mishneh Torah: The Book of Knowledge by Maimonides, Hyamson ed., 53b.

haughty.... He will judge every one favorably. He will dwell on the merits of others and never speak disparagingly of anybody. He loves peace and pursues it.... Nor will he stoop, bent double like a hunchback....” They said in Sifre on the passage: *Single out Joshua son of Nun, an inspired man...*⁴⁶ — “Who is attentive to the needs of everyone.”⁴⁷ By which they meant ‘who knows well the characteristics of men and can speak with and approach each one in accordance with his character.’ It is this that is the great wisdom referred to by the expression ‘intercourse with people’ (Umgang mit Menschen) that preceded the Torah as our Sages said in Tractate Derech erez. And they also said: “If there is no *derech erez* there is no Torah.”⁴⁸ And this is the language of Shney luchot haberit⁴⁹ from the chapter “Ki Tissa”: *See, I have singled out by name Bezalel...*⁵⁰ “Open your eyes and see who merits to be a leader in Israel, how he needs to be full of wisdom, understanding and knowledge, and also needs to be fit in the eyes of God and man.” Up to here his golden language. In sum, the rabbi needs to be the wise, understanding, and righteous man among his people, and then his work will prosper.

⁴⁶ Num. 27:18

⁴⁷ Sifre to Numbers, Section 140.

⁴⁸ Mishnah Avot 3:17. Here is the passage in full:

Rabbi Elazar ben Azariah says, “If there is no Torah, there is no *derech erez*; if there is no *derech erez* there is no Torah. If there is no wisdom, there is no reverence; if there is no reverence, there is no wisdom. If there is no understanding, there is no knowledge; if there is no knowledge there is no understanding. If there is no flour [sustenance] there is no Torah; if there is no Torah there is no sustenance.

When viewed as a whole it is clear that Caro is citing only part of the passage. Whereas Caro makes it sound as if the passage asserts that *derech erez* must precede Torah this is not exactly correct. Rather the passage suggests a symbiotic relationship between Torah and *derech erez*.

⁴⁹ A 17th century work by Rabbi Isaiah Horowitz. See Eliyahu Monk, Shney luchot haberit I, (Jerusalem, 1992), introduction. See also “Horowitz, Isaiah ben Abraham Ha-Levi” in Encyclopedia Judaica (1972), 990-994. Caro’s citation of Horowitz is significant because, having spent at least part of his rabbinic career in Poland, Horowitz is part of the Polish rabbinical tradition that would have been known to Caro. The same is true (even more so) of Solomon Luria whom Caro cited in paragraph 7.

⁵⁰ Ex. 31:2

THE SECOND OBLIGATION

§ 10. The rabbi should know clearly the inner workings of the Torah, without mistaking the ancillary for the essential or the essential for ancillary. Lo, our Torah is based on two pillars: 'the welfare of the body' and 'the welfare of the soul' (The Guide of the Perplexed, III:27).⁵¹ 'Welfare of the body' refers to the strengthening of the body and preserving it in health, all matters relating to commerce and acquisition, and all labor that sustains the species and perfects the system of governance. 'Welfare of the soul' is man's perfection in faith and knowledge and the perfection of his soul in the relationship between man and God and between man and his fellow. Behold, 'welfare of the body' is prior, both in nature and in sequence to 'welfare of the soul' because "if there is no sustenance there is no Torah,"⁵² if there is no health and tranquility there is no justice. Therefore the Torah is at pains to be precise in this matter and multiplies the commandments necessary for its fulfillment, *For our lasting good and for our survival, as is now the case.*⁵³ (See the text itself.) The sage Rabbi Shem Tov⁵⁴ wrote there, "Therefore you will see that most of today's established governments— even if they completely lack 'welfare of the soul'— they fulfill what they consider to be 'welfare of the body.' But what about the holy city of Jerusalem? There was true faith there so why did she lose the 'welfare of the body' and quickly perish?"—The prophets regularly spoke and cried out about this: *To be sure, they seek Me* ('welfare of the soul') *daily, eager to learn My ways* ('welfare of the body'). *Like a nation that does what is right, that*

⁵¹ See The Guide of the Perplexed, Pines ed., II, 510. Caro is paraphrasing this passage.

⁵² Another reference to Mishnah Avot 3:17.

⁵³ Deut. 6:24 cited by Rambam in that passage.

⁵⁴ Caro cites Rabbi Shem Tov ben Joseph Falaquera who in 1280 wrote his Moreh ha-moreh (Guide of the Guide). I cannot verify this citation. See "Falaquera, Shem Tov ben Joseph" in Encyclopedia Judaica (1972), 1140.

*has not abandoned the laws of its God, they ask Me for the right way, they are eager for the nearness of God: 'Why, when we fasted...'*⁵⁵ (They thought that 'welfare of the soul' alone would allow them to fulfill their obligation to man.) *To unlock fetters of wickedness...;* (Isaiah 58). Surely 'welfare of the body' is the point. And likewise Ezekiel described the righteous person with regard to 'welfare of the body' (Chapter 18). Also King David answered the question (24):⁵⁶ *Who may ascend the mountain of the Lord? He who has clean hands* ('welfare of the body') *and a pure heart* (and afterwards 'welfare of the soul'). Explicitly the prophet said (Micah 6:8): *He has told you, O man, what is good, and what the Lord requires of you: Only to do justice and to love goodness, and to walk modestly with your God.* Thus the multiplication of commandments and customs is not the point, particularly if they are for the sake of making extra fences around 'welfare of the soul.' The Sages explained this in a commentary on the verse: *What does the Lord your God demand of you? Only this: to revere the Lord your God...*⁵⁷ "Is the fear of heaven such a little thing?" They explained that it is not, but that this was referring to Moses."⁵⁸ This alludes to the fact that because his [Moses'] pure intention was that the children of Israel be pure-hearted servants of God meaning without multiplying external customs. Because of [Moses'] intention this truly was a "little thing." Therefore the wise rabbi knows how to infuse his [adherence to] commandments with wisdom.

THE THIRD OBLIGATION

⁵⁵ Is. 58:2 and the beginning of 58:3.

⁵⁶ Ps. 24:3-4

⁵⁷ Deut. 10:12

⁵⁸ See B.T. Berakhot 33b.

§ 11. The rabbi needs to be well-versed in the humanities and sciences and in the language of the land because in order to understand the Torah one must understand secular disciplines; this is because our Torah includes many such disciplines and is built upon sciences as is known to those who understand. Thus it is written: *Pick from each of your tribes men who are wise ...*; (Deut. 1:13) *...for that will be proof of your wisdom and discernment to other peoples...* (Deut. 4:6). That is why the Sanhedrin needed to be well-versed in the majority of the branches of knowledge, as we said before in the name of the Rambam (§ 5). And this is the language of the The Kuzari from the second section:⁵⁹

“The Sanhedrin was commanded not to be deficient in even one of the branches of knowledge... How would they regularly find seventy wise elders among the nation if the branches of knowledge were not pervasive among the nation so that at the very moment that one elder would die another just like him would be appointed in his stead...?” See the text itself because he went to great lengths to prove that there were wise men in all of the branches of knowledge. And you already saw earlier (§ 9) the words of Shney luchot haberit. And the Sages said explicitly: “Anyone who engages in Torah alone is like a person who has no God.”⁶⁰ And they said further, “Any scholar who has no knowledge—a carcass is better than he is.”⁶¹ And this is the language of the Rambam (I:15),⁶² “For the one who wants to lead his fellow man it is proper that he know how the Master of the Universe leads His creatures. As it is said: *Pray let me know Your ways...*”⁶³ And after

⁵⁹ Judah HaLevi, The Kuzari, Article 2, section 64. Caro quotes the beginning of the section.

⁶⁰ B.T. Avodah Zarah 17b

⁶¹ Leviticus Rabbah 1:15

⁶² The Guide of the Perplexed, I:15. However, this citation is incorrect. Miseses’ text has the correct citation which is The Guide of the Perplexed, I:54.

⁶³ Ex. 33:13

that: *Consider, too, that this nation is Your people,*⁶⁴ that is, a people for the government of which I need to perform actions that I must seek to make similar to Thy actions in governing them.”⁶⁵

He needs to have knowledge of the language of his land if [he is] to articulate his thoughts to his people, in his instructing them in the ways of justice, and if he is to speak before the ministers and leaders of the state of our Diaspora to improve things for us, and if he is to answer the heretics and opponents, for they are many.

THE FOURTH OBLIGATION

§ 12. The rabbi is obligated to preach publicly to the people regarding that which they should do. This is because all of the people work for their sustenance during the six days of the work week and have no free time to pursue knowledge of the ways of righteousness. When the Sabbath day and holiday come, the rabbi should teach them what they should do during the times of labor and what will find favor in the eyes of God and man. Thus it says: *Gather the people... that they may hear and so learn to revere the Lord your God...* (Deut. 31:12). And from where would the people know the way of God and proper behavior if those who attest to it do not inform them of the laws and rules that God commanded by the hand of Moses!—This obligation branches out into eight particular obligations that I will clarify one by one.

⁶⁴ Ibid.

⁶⁵ Though Caro uses quotation marks it is evident that here, as in paragraph 10, he is paraphrasing the Rambam rather than quoting him. The last portion of this translation beginning with “that is, a people” is taken from *The Guide of the Perplexed*, Pines ed., I, 125.

§ 13. a) To teach the people love of God and the performance of His commandments and to walk on the path of honesty for the sake of their life in the land, for this is the aim of all the commandments, to live in tranquility the measure of his days in the land, the time of his earthly existence. For without these, man will go astray, led by his heart to an unrestrained morality and every evil measure will be reinforced so that man will swallow up his neighbor alive. Were it not for man's fear and love of God, why would he not steal, oppress, commit adultery and engage in every wickedness? However the great deeds of God, who created everything in His wisdom and out of His understanding set everything into order for the good of all so that as a result no wickedness will be found, only goodness and favor. Justice and equity will have their effect on him and press him to do what is honest. And when something bad comes along, man will know that according to the nature of creation and human life it is necessary, but that above there are no changes and no weariness. Because of this he can trust in the name of his God and hope for the world of eternity where his soul will be bound up in the bundle of life and it will enjoy eternal bliss.

§ 14. b) To explain the books of the Bible by portion in an enlightened and knowledgeable way and to elucidate them well so that Israel will know their religion and walk in its paths because the words of Torah are more influential than much secular morality. Thus the Torah commands: [Moses] *wrote down this teaching* (Deut. 31:9)—and commanded them to read it, *in the presence of all Israel*.⁶⁶ And in Nehemiah: *He*

⁶⁶ Caro is paraphrasing Deut. 31:9-11.

read from it—to the men... (Neh. 8:1-3). This is repeated in Sifre⁶⁷ and in Tractate Soferim (chapter 18): “It is appropriate to translate each and every portion of the Torah for small children, for women, and for babes”⁶⁸— and elucidate them well before the people every Shabbat, portion by Torah portion in a clear and easy language that average people can understand. He should explain it and derive from it an enlightened morality to teach them that *the paths of the Lord are smooth*,⁶⁹ and it is not too baffling for us, nor are they beyond our reach, rather they are close to us, in our mouths and in our hearts that we might observe them.⁷⁰ Therefore Ezra prepared the Targum so that the people would understand, and it is proper in our days to read it [Torah] in a translation in the language that the people understand.⁷¹

§ 15. c) The rabbi is obligated to preach on the way of educating children, how they are to be reared and how they are to be taught, because man must teach his son the knowledge that his spirit is prepared for because the sons are the offshoot of the generations⁷² and if they are corrupted from their youth, even when they reach old age their foolishness will not depart from them. Therefore the Torah commands numerous times: *And teach them to your children*,⁷³ and also, *teach your children*.⁷⁴ And the Sage [Solomon] said: *Train a lad in the way he ought to go*.⁷⁵ And for this one needs great understanding. From where will the multitude which engages in the mundane and in

⁶⁷ I cannot locate this passage in Sifre.

⁶⁸ Tractate Soferim 18:6

⁶⁹ Hosea 14:10

⁷⁰ Caro is paraphrasing Deut. 30:11-14.

⁷¹ While there are numerous rabbinic sources that discuss various enactments of Ezra I cannot find one that attributes the Targum to him.

⁷² An idiom based on Is. 11:1.

⁷³ Deut. 11:9

⁷⁴ Caro is paraphrasing Deut. 4:10.

⁷⁵ Prov. 22:6

business be informed and the young man set out on a meritorious path if his rabbi does not inform him what to do? And it does not need to be stated that the education of children is divided into 1) education of male children 2) and education of girls, for they engage in daily affairs. And in particular upon them [women] falls the education of the youths in their childhood and from them comes forth every virtuous quality for their children, their husbands, and all men.

§ 16. d) The rabbi should preach that each Israelite man is obligated to teach his son who is not qualified for an intellectual vocation (these are the majority) some kind of craft or physical labor. The Sages stated an important rule in Avot: “Love a trade and hate office.”⁷⁶ And Rabbi Judah said (BT Kiddushin): “Anyone who does not teach his son a vocation it is as if he teaches him banditry.”⁷⁷ And they said further in Avot: “Any [study of] Torah that is not accompanied by a vocation will ultimately result in idleness.”⁷⁸ Until Rabbi Tarfon said (Avot de-Rabbi Natan, chapter 11): “Even the Holy One Blessed be He did not cause his *Shekhinah* to dwell over Israel until they undertook a vocation as it is said: *Let them make Me a sanctuary* (and afterward) *that I may dwell among them*.”⁷⁹ Working the land is also included in the general category of vocations, and it has precedence as will be addressed later. Thus if a man does not teach him a vocation then he will not know how to sustain himself, in the end he will steal from his fellow man.

⁷⁶ Mishnah Avot 1:10

⁷⁷ B.T. Kiddushin 29a

⁷⁸ Mishnah Avot 2:2

⁷⁹ Ex. 25:8

§ 17. e) The rabbi should preach on the substance of behavior in the home and behavior between man and man so that the multitude know how to behave with his wife, his sons, and the members of his household, with his servants and maid servants, with his fellow, his friend, and his neighbor, with his master and his king, how he will behave during times of trouble so as not to despair, and how he should behave in times of joy, so as not to scatter his wealth and not to hoard it. Similarly the proper behavior with regard to daily affairs of which the multitude is not aware. And the Sages said in BT Yoma: “What constitutes a profanation of the Name? Anyone whose speech and ways with his fellow man are not pleasant.”⁸⁰

§ 18. f) It is an obligation of the rabbi to preach love of all mankind which is that every man will love all men, regardless of what nation or what religion he will be, because they are all works of the hands of the Creator, and upon all of them the sun of His righteousness shines, and His benevolent hand upon all is open, as it is said: *You open your hand, satisfying the desire of every living thing.*⁸¹ And the Torah commanded explicitly (Lev. 19): *Love your fellow as yourself...*⁸² meaning ‘every man.’* And therefore Hushai the Archite, a gentile idolater, is called, as the Sages noted, *David’s friend...* (II Sam. 7)⁸³ and in a commentary the Torah commanded pity and mercy for the Canaanite slave to the point that if an Israelite killed him his death would be upon him as if he were his brother because we, the children of Israel, on the basis of our Torah, are to

⁸⁰ BT Yoma 86a

⁸¹ Psalm 145: 16. This translation is from the New Revised Standard Version (1989) rather than the JPS because the JPS translation does not include the word “hand” and therefore fails to capture the anthropomorphism that Caro (and the Tanakh) are using.

⁸² Lev. 19:18

⁸³ Actually II Sam. 16:16.

look only at the deeds of a man, not at his faith, as it is said: *Though [For] all the peoples walk each in the names of its gods...*⁸⁴ ** Therefore the Torah commanded to annihilate the Canaanites on account of their degenerate deeds,⁸⁵ not on the basis of their faith as it is clearly explained.⁸⁶ However the Torah did not command hatred towards other nations even if they had false faiths. Later on I will expand on this matter.

* The author of the Book of the Covenant⁸⁷ in fine article dedicated to “Love of Fellow Men” stated: “that if the meaning [of “fellow”] was that these were specifically Israelites it would have been written: *love your brother* like it is written in the context of usury: *You shall not charge interest on loans to another Israelite.*⁸⁸ Or [it would have been written] “love the children of your countrymen” like it is written: *You shall not take vengeance or bear a grudge against your countrymen.*⁸⁹ However the intended meaning of “your fellow man” is “a human being like you”, engaged in daily life...”

** The seventy elders have already solved the Scriptural verse: *You shall not revile God...*⁹⁰ according to its plain- sense meaning of “the gods of the

⁸⁴ Micah 4:5

⁸⁵ See Deut. 7 for the commandment to annihilate the Canaanites.

⁸⁶ See Rashi's commentary to Lev. 18:3: *You shall not copy the practices of the land of Egypt where you dwelt, or of the land of Canaan to which I am taking you; nor shall you follow their laws.* Rashi writes, “[This verse] states that the deeds of the Egyptians and the Canaanites are more degenerate than all of the nations....” [“מקולקלים מכל האומות”]. Caro's use of the root “קלקל” suggests that it is this comment of Rashi's that he has in mind.

⁸⁷ I think that Caro is referring to a work by Rabbi Isaiah Horowitz, author of Shney luchot haberit though I cannot confirm this citation.

⁸⁸ Deut. 23:19. This translation is from the NSRV because the JPS translation translates “לאחיק” as “countrymen” and thereby fails to capture the essence of the point being made in this footnote between “לאחיק” and “לרעך”.

⁸⁹ Lev. 19:18

⁹⁰ Ex. 22:27

peoples.”⁹¹ So too Philo the Jew agreed, and he wrote the reason, “in your vexing those who bow to another god he will become angry and cry out to the heavens.”⁹² But the reason given in the Josippon is more correct, where it is written, “Verily we need not concern ourselves with the teachings of the rest of the peoples, because the observance of our Torah is the thing that we are obligated to, but not to degrade the teaching of others. On the contrary we are warned against cursing the religious teaching of others because it too is connected to God.”⁹³ With this many other sages agree.

§ 19. g) It is an obligation for the rabbi to preach on love of the land in which his people dwell because man is obligated from the time that he enters into a social contract to help his fellow in any way he can, for through this his welfare is attained, for: *it is not good for man to be alone*.⁹⁴ Therefore every man needs to improve the situation of his fellow man. This is achieved by subjugating his will to the will of the monarchy which concerns itself with everything that is necessary for the general good. When war breaks out and the king calls his people to go out to battle, to risk their lives for their land, to stand united as compatriots he will say to the king, ‘We are your servants,’ and say to his fellow, ‘Be strong, let us strengthen one another for the sake of our people, our women, our children, and our homeland, so that we not be ransacked and plundered.’ And if each man turns his back to the command of the king, and does not lend his hand to him but rather sought to

⁹¹ I cannot find a rabbinic source for this tradition.

⁹² I cannot verify this citation.

⁹³ Regarding the Josippon see Michael Meyer, Ideas of Jewish History, (New York, 1974), 15-16, 20 and Yosef Hayim Yerushalmi, Zakhor: Jewish History and Jewish Memory, 1996 edition (Seattle, 1982), 34-35. I cannot verify this citation from the Jossipon.

⁹⁴ Gen. 2:18

protect only himself in times of trouble, then solidarity will dissolve and the whole people will be exiled.

Verily we too, the children of Israel, are required to seek the welfare of the land in which we dwell, for we too are a part of the social body, we too eat from the fruit of the land and are satiated from her goodness; upon us too stirs the eye of the monarchy without which we would be plundered, which saves us from all exploitation and violence. Therefore at the time that the king will call for his people to go out as an army to wage war we too are obligated to act for the general welfare and to save it and to defeat those who hate the land, as the prophet said: *And seek the welfare of the city to which I have exiled you* (Jeremiah 29).⁹⁵ The meaning of “seek” is “set your eye upon the matter” of what is best for her [the city] and to be concerned for her in every possible way (Sorge tragen). As in: *It is a land which the Lord your God looks after* (Deut. 11:12).

20. § h) Who preaches on righteousness needs to order his words in a trustworthy language. From his lesson, flowing like dew, the soul of the listener should be amazed and receive the pleasantness of beauty and truth. He should know how to order his words in as easy a fashion as possible and to paint a picture of that which he is trying to say in glory and beauty in accordance with the time and the place. He needs to know how to bend the heart of his listeners and their ways, so that he can arouse their hearts for the good and their thoughts according to his will. To village dwellers he should not talk about scientific knowledge, and in the ears of lovers of knowledge he should not speak jest. And his words should allude to distant matters to arouse the hearts of his listeners, who

⁹⁵ Jer. 29:7

will deliberate upon his words in their homes for themselves, for man improves his deeds more quickly in discovering his errors for himself than from one thousand sermons given by another. He should know to be cautious in his soul and his honor regarding the traits that are fitting for him, he should not swell up with excessive pride or haughtiness, striding over the heads of the common folk and think of them as beasts, for everyone with a breath inside of him is a man and should not be made to crawl and be afraid because of the great men among the people. He should not suppress the truth under his palate from unwarranted fear of falsehood and he should not conceal wickedness out of respect for those who acts wickedly. Sometimes he will raise himself up upon mountains of righteousness and speak of great things; reprimanding his people with a brave and ready heart in a spirit of justice and a spirit of clarity for the sake of causing them to return from their wickedness. And he should be ready in humility and righteousness to accept the return of the sinner, and avoid using a loud and angry voice thereby making the earth quiver. His mouth should not send out arrows of vengeance, only in gentleness should he speak to the heart of the sinner, if he accepts he accepts, and if he does not he has saved his own soul.

THE FIFTH OBLIGATION

§ 21. It is incumbent upon the rabbi to adorn and beautify the religion in whatever way possible according to the time and place without adding or diminishing, God forbid, from the essence of the Torah. He should open his eyes to the behavior of the state in which he dwells, and seek to adjust the deeds and behaviors of his people to the mores and etiquette of the state, so that he may purify through his wisdom the musty air that lingers over the heads of his people and remove the spider webs that the women have spun for

the queen of the heavens or for those outside the land, or for the princes of foolishness (as will be expounded later), and his God will be with him.⁹⁶

THE SIXTH OBLIGATION

§ 22. In his studying with students he needs to teach them not only Talmud and responsa literature, but also the other fields of knowledge and *derech erez*. But he should be careful in his words not to present an excuse for them to leave the Jewish faith. He should not act foolishly in their presence so that they respect him and his words are accepted. He should not become angry at them and he should review and repeat several times until they understand (BT Eruvin folio 54)⁹⁷ and if the students become negligent he needs to cast bile on them (BT Ketubot folio 103)⁹⁸ but he should not be overly severe with them and not unfurl the sheet of fear and pressure over their heads lest they learn to be hypocrites and flatterers or become low- spirited and of an abject disposition.

THE SEVENTH OBLIGATION

⁹⁶ Caro is referencing a number of magical/ superstitious practices that must have existed among the Jews of his time. He views these as negative and suggests that it is the rabbi's responsibility to rid the people of these practices. Mieses' text does not include any description of these practices. It seems that he held these practices in such great contempt as to expunge any mention of them from his text. See Mieses, "Techumat harabbanim" (1879), § 21.

⁹⁷ B.T. Eruvin 54b. Caro is paraphrasing a *baraita* whose topic is rabbinic pedagogy:

Our Rabbis learned: What was the procedure of the instruction in the oral law?... Rabbi Eliezer inferred: It is a man's duty to teach his pupil [his lesson] four times For this is arrived at *a minori ad majus* [*kal va'omer*]: Aaron who learned from Moses who had it from the Omnipotent had to learn his lesson four times how much more so an ordinary pupil who learns from an ordinary teacher, Epstein et al., The Babylonian Talmud: Seder Mo'ed, 2 (London, 1938): 381-382.

⁹⁸ B.T. Ketubot 103b. See Epstein et al., The Babylonian Talmud: Seder Nashim, 4 (London, 1938): 662. The context is an aggadic passage that deals with the death of "Rabbi." "Rabbi" instructs his son Rabban Gamaliel: "My son, conduct your patriarchate with men of high standing, and cast bile among the students."

§ 23. In his sitting to judge he needs to judge with intelligence and solid knowledge of the matter, after thorough investigation. And if he does not understand the content of the matter he should not judge, because to judge he needs wisdom and prudence. And it should not need to be said that the judge should be God-fearing, show no favor and take no bribe, whether it be a monetary bribe or another form of bribe, as it is said: *You shall also seek out from among all the people capable men who fear God, trustworthy men who spurn ill-gotten gain* (Ex. 28:21). And also Jehoshaphat said to the judges: *Consider what you are doing, for you judge not on behalf of man, but on behalf of the Lord, and He is with you when you pass judgment. Now let the dread of the Lord be upon you; act with care, for there is no injustice or favoritism or bribe-taking with the Lord our God* (II Chron. 19:6-7). (And see BT Sanhedrin folio 6),⁹⁹ and the obligations of the judge are already written in Hoshen mishpat, the laws of judges.

CHAPTER 4—RESOLVING THE QUESTION: HOW DID OUR LEADERS FULFILL THESE DUTIES IN THE PAST AND HOW DO THEY FULFILL THEM AT PRESENT?

§ 24. As was stated, the first duty is that the one who instructs the people needs to be a moral exemplar. Our Sages of blessed memory completely fulfilled this duty as is demonstrated in a variety of passages of the Talmud and need not be elaborated. However, in our day foolishness and power are so widespread that rabbis are appointed

⁹⁹ B.T. Sanhedrin 6b cites II Chron. 19:6. The broader context relates to Caro's discussion in § 23 insofar as it deals with the role of the judge in resolving disputes between parties of unequal social standing.

without first considering whether they possess secular knowledge or are moral exemplars, honest and moderate in all that they do. For if the rabbi's actions are confused and hasty, if he does not greet people with a pleasant disposition but rather with an angry and disgruntled face such that men will follow the right path because they are fearful of his gaze, this is actually a profanation of God because the average person thinks (that because the rabbis follow His word and observe the Torah as they see it) that he is purely a God of vengeance who does not desire a happy heart but rather a depressed soul. Or if the rabbi screams and shouts and does the opposite of what the previously cited passage from the Rambam suggests,¹⁰⁰ if he alienates his fellow when he speaks with him because he is rude, or raises his voice even a fraction, or sits inclined there like a hunchback, without any love of truth and only a love of dominating others and overcoming their views with his fantasies. By virtue of all this he encourages the scoffers to speak boastfully against our Sages. In their thinking that such behavior is commanded people will move from righteousness to perversion.

§ 25. It is obvious to everyone who reads the Talmud and Midrash with open eyes that the majority of the Sages in their days fulfilled the second duty and grasped the essence of the Torah as it is stated in BT Makkot: "Rabbi Simlai taught that six-hundred and thirteen commandments were spoken to Moses at Sinai, David came along and reduced the number to eleven, *a psalm of David, Lord, who may sojourn in Your tent...* Isaiah came along (chapter 33) and reduced them to six, Micah came along (chapter 8)¹⁰¹ and reduced them to three. Isaiah then elsewhere reduced them to two... Amos came along

¹⁰⁰ Cf. § 9.

¹⁰¹ Actually Micah 6:8.

and reduced them to one.”¹⁰² Rashi commented: “In the beginning they were righteous and they could accept the yoke of many commandments. But subsequent generations were not as righteous so that if they attempted to observe all the commandments there would not be a single meritorious man. David came etc... so that they would be meritorious if they fulfilled those particular commandments. From then on each later generation reduced the number of commandments.” Thus we find that our Sages established new rulings according to their times and occasionally annulled what was written in the Torah. We find this in BT Sotah (folio 16): “R. Johanan said in the name of R. Ishmael: In three places the halakhah uproots the Scriptural text.”¹⁰³ – This is to say that in these three instances, the matters being equivalent, the specific result is removed. In addition to these three instances many more can be found— “the Torah states “dust”, whereas the halakhah allows [the blood to be covered] with anything.”¹⁰⁴ Thus Hillel annulled the positive commandment of the remission of debt and established the *prosbol* (BT Gittin folio 36) when he saw that it was necessary to do so because of the times. “Rabbi Johanan in winter would wear both *tefillin* (on his hand and his head) but during the summer he would only wear *tefillin* on his arm” (PT Berachot folio 82). And occasionally they also annulled the rulings of past generations of Sages. For example Rabbi Johanan ben Zakkai annulled the adorning of the streets of Jerusalem with fruits (BT Betzah 5a). Similarly the Sages who came after the Talmud also lightened our burden regarding specific stringencies and prohibitions contained in the Talmud such as the dispensation regarding business [allowing loans to fellow Jews], and the matter of the

¹⁰² BT Makkot 24a and b and Rashi there. Caro is distilling the essence of a lengthier passage.

¹⁰³ Translation based on B.T. Sotah 16a in Isidore Epstein et al., The Babylonian Talmud: Sotah, online edition: http://www.come-and-hear.com/sotah/sotah_16.html.

¹⁰⁴ *Ibid.*

writ allowing the sale of leaven [at Passover]. And this is what our Sages said: “Rabbi Haninah ben Akshai said: ‘The Holy One Blessed be He wanted to favor Israel. Therefore He increased the amount of Torah and commandments that he gave to them.’”¹⁰⁵ They explained that Israel was given many commandments so that everyone could be righteous and meritorious for if everyone necessarily achieved perfection they would not be able to gain merit but rather [the perfection] would be determined. And this is what Rabbi Yohanan said: “It was not pleasing to their Master that you spoke about them thusly as if they had not fulfilled a single law.”¹⁰⁶ Thus Rambam wrote in his commentary to the Mishnah cited earlier:¹⁰⁷ “Now we will explain what we asked before that if one commandment alone may be enough to grant human perfection why are there many commandments found in the Torah? This would not be the case were it not a benefit ensuring that no Israelite would abandon his duty completely and no longer merit life in the world-to-come. Thus: by virtue of one of them, any of them... There is a rule concerning these matters stating that any action done for the sake of heaven merits a man life in the world-to-come even if the actor thinks that he is not worthy... Understand this principle and its implications, because it is essential to the Torah of Moses. For were it not so all of Israel would not merit life in the world-to-come because of the Torah rather only one person in an entire city.” See the text itself. And this is what Rabbi Samuel Eliezer Edels has to say in his commentary to the Talmud, chapter 3, folio 21 of Eruvin: “Only on account of the imagination does the written Torah have six hundred and thirteen commandments, but it is not so, for the written Torah was not given except to be received

¹⁰⁵ Elivahu Zuta chapter 17

¹⁰⁶ BT Sanhedrin 111a

¹⁰⁷ This citation is a paraphrase approximating Joseph Albo’s Sepher ha-ikkarim article 3, chapter 29 and not Rambam’s commentary to the Mishnah.

according to the hour... and this is the language of what is written there—only because of the intention of our Sages of blessed memory with every enactment to rectify a specific need, and moreover because they had the special general intention to establish a political collective wherein all Israelites would be loving brothers and neighbors... because the enactments of our Sages were done for the need of their time, occasionally they saw that it was good to annul one of them in the spirit of ‘just as one receives a reward for the addition so too should he receive a reward for the retraction.’ The aim of our Sages, whether in a political enactment or its annulment, is to establish political peace and order.”¹⁰⁸ And in Rashi’s commentary to Tractate Shabbat chapter “If darkness falls”¹⁰⁹: “Rabbi Joshua said on the day they made the measure deficient that too many decrees had been issued and the people could not fulfill them and therefore transgressed words of Torah. It would have been better that the measure be precise so that the basket not overflow, but in spite of this the abundance of decrees caused the people to transgress words of Torah.”¹¹⁰ These are Rashi’s words—thus it is demonstrated that all the holy ones agree that the multiplication of commandments is not of the essence. Rather everything depends on the heart; the inwardness is the essence, not the externalities.¹¹¹

§ 26. However, in our time the rabbis do the opposite. They care only for the welfare of the soul and have no concern for the welfare of the body at all. Therefore many in our

¹⁰⁸ I cannot verify this citation.

¹⁰⁹ BT Shabbat 153b

¹¹⁰ The issue Rashi is discussing is a conflict between two legal viewpoints: 1) through the issuance of additional decrees a specific legal problem can be solved; 2) even if a specific problem can be solved the issuance of additional decrees is ultimately detrimental to the Jewish legal system. The latter position is the one that ultimately wins out in this passage of Talmud. Rashi is explaining this theoretical discussion which emerges in the context of a specific discussion concerning accurate measuring implements.

¹¹¹ In other words, the multiplication of commandments is not what really matters, rather that the essence of the faith be preserved, transmitted, and lived. Here Caro is in agreement with most maskilim: moderate and extreme.

days are among the masses of the pious ones who wrap themselves in the cloak of the welfare of the soul even as they are quick to steal and act wickedly. They cover themselves in a fringed prayer shawl and in two sets of *tefillin* and they bow and bend all the way to the dust but their foolishness reaches to the heavens because they present themselves as righteous and perfect men and they speak among righteous men of integrity more awe-filled and perfect than they are not only in welfare of the body but with regard to true perfection. And this insolence has grown so much among us that it has reached the point where even men from among the common folk whose beards have grown, sway in the synagogue like a reed moving side to side in the water as they pray prayers they do not understand and then prattle in the foyer about the God-fearing and perfect sages.

Yet in the days of the Talmud not even the president had the permission to make decrees on his own without the agreement of the Sanhedrin (see the responsa of *Ribash* number 271) but one sage could not make binding decrees for Israel—and they said in chapter “One should not place” folio 35: ¹¹² “When an ordinance is made in Palestine, its reason is not revealed before a full year passes, lest there be some who might not agree with the reason and would treat the ordinance lightly.” And the *Kesef Mishneh* used this talmudic passage as a proof-text in the “Laws of Rebels” 20:6: “The courts cannot force the dissemination of a decree for even if they could what would stop others from making light of the court’s attempt to coerce them.” ¹¹³ And thus they said: “Daniel decreed but

¹¹² Isidore Epstein et al., *The Babylonian Talmud: ‘Abodah Zarah*, online edition: http://www.come-and-hear.com/zarah/zarah_35.html.

¹¹³ *Kesef Mishnah* commentary to the *Mishneh Torah*, “Laws of Rebels” 2:6. Not chapter 20:6 as printed in “Techumat harabbanim.”

they did not accept.”¹¹⁴ And they said: “I did not force them to recite the Shema with uncovered head.”¹¹⁵ And they said further: “Where do we learn that an elder need not be burdened as it is said, *And fear your God*.”¹¹⁶ And if it was the case that one should be able to fulfill the Torah without it becoming excessively burdensome, how much more so in the case of harsh and detrimental decrees. They already ruled: “It is not up to us to make decrees after the completion of the Talmud” (*Hamaggid* commentary to “Laws of Leaven and Matzah” 5:5; *Orach hayyim* chapter 8 section 461; *Rosh* on BT *Shabbat* 2:15).¹¹⁷ And now? See what is written in the book *Metzoref hadat*:¹¹⁸ “There is no nation or people so burdened with customs and laws as we are today. From the moment a man wakes up in the morning until the moment he closes his eyes at night he has heaps upon heaps of customs and laws. There is no feeling from among our feelings or movement of our bodies that does not have a prohibition or permission associated with it. And if it is not a Toraitic commandment then it is a rabbinic stringency or a Geonic enactment, or a fence or a boundary, or a custom of hasidim or men of punctilious observance, or a decree lest there be any doubt or even a doubt of a doubt and everyone adheres to the statement: blessings flow upon the most stringent...” Therefore a great scandal has occurred in Israel. There are those who grasp only the ancillary and the external commandments while thinking them to be the essence. Meanwhile they are losing the essence the essence. And there are others who, when they realize that no one can fulfill the entirety, they become irreligious and break the yoke [of the

¹¹⁴ BT *Avodah Zarah* 36a

¹¹⁵ *Leviticus Rabbah* chapter 27

¹¹⁶ BT *Kiddushin* 32b

¹¹⁷ None of these citations contain the statement that Caro appears to believe they do.

¹¹⁸ Caro cites *Metzoref hadat* multiple times. Unfortunately I cannot identify the author or date of this work.

commandments] and abandon it all. They said in a Midrash on the Scripture:¹¹⁹ *Do not add to His words, lest He indict you and you be proved a liar.*¹²⁰ “A teaching of Rabbi Hiyya: do not make the fence greater than the essence, lest you overthrow and uproot that which is planted.”— I submit to you that certain alien customs that have sprung up among us and been treated as if they were commandments to Moses at Sinai, it is within the power of the rabbis to annul them without destroying God forbid even one little stone from the foundations of the faith.

§ 27. a) Every elementary student knows that according to the rules of grammar our reading is very different and full of errors as I have already written above (*Berit Beit-El* § 9). And in spite of this the rabbis have still not undertaken to restore the correct reading of old, even though our reading is at times vile and blasphemous, and most incorrect, the opposite of the correct reading.

§ 28. b) How do we conduct ourselves in the sanctuary?— Israelites go there and pray prayers without understanding what emanates from their lips (about which I have already said enough)—screaming in the synagogues like crazy men. And in Song of Songs Rabbah: *Companions are listening for your voice.*¹²¹ “Said Rabbi Asher: When Israelites enter their synagogue and recite the Shema with purpose and beauty the Holy One Blessed be He listens to their voices, but when Israelites recite the Shema madly and wildly this one faster than that without any purpose or beauty, the Holy Spirit screams

¹¹⁹ Genesis Rabbah chapter 19

¹²⁰ Prov. 30:6

¹²¹ Song of Songs 8:13

out: *'My beloved has fled.'*"¹²² And they scream and raise their voice as they recite the word *ehad* as if they want to arouse—if one could even say such a thing—Him from his slumber, God forbid! And they bring shame upon us whenever someone hears them. This is the language of Eliyahu Rabbah section 101: "I deeply regret the custom in certain lands wherein they excessively raise their voices in their recitation of liturgical poems (and the more so with regard to other prayers) to the point that Gentiles scoff at this..." See the text itself.

They sway back and forth in their prayers like a reed in water, and this is the language of Rabbi Isaiah Horowitz in the "Laws of Prayer"¹²³: "Whosoever sways in his prayer undermines his focus; whosoever stands without swaying at all strengthens his focus. *All my bones shall say, 'Lord, who is like You...'*"¹²⁴ but not in prayer. And if someone says that it should also be this way in prayer one should not pay heed to his words, for experience demonstrates that standing during prayer without swaying causes the heart to focus, and see for yourself: Does one make a request of a king of flesh and blood while swaying back and forth like the branches of a tree in the wind? And the person who greatly lowers his voice in prayer produces concentration of the heart while the one who raises his voice has no focus..." These are the words of this sage.—

They select a prayer leader and call him "cantor" if he can stand up and sing with other singers. One and the other—they wail and the prayer itself is not most important to them and he may not even know the prayers or be a sin-fearing man just so long as his

¹²² Song of Songs Rabbah chapter 8

¹²³ Both Caro and Mises attribute this citation to Rabbi Isaiah Horowitz but it more likely from the Kitzur shnei luchot haberit written by Rabbi Yechiel Michal Epstein Ashkenazi (d. 1706). This work, while based on Shnei luchot haberit contains additional glosses and laws that its author derives from his reading of the earlier work. See "Epstein, Jehiel Michal ben Abraham Halevi" in Encyclopedia Judaica online edition.

¹²⁴ Ps. 35:10

voice is pleasing to them. As opposed to what our Sages of blessed memory preached regarding the verse: *She raised her voice against Me—therefore I have rejected her.*¹²⁵

“Rabbi Zutra bar Tuvyah said: ‘this is the prayer leader who is not fit to descend before the Ark. Who is considered fit? One who is free of sin and who is pleasant... and reads Scripture regularly...’”¹²⁶ And thus the *Tur* wrote passionately about this in Orach hayyim section 53. See the text itself—And this is the language of the *Rashba* in his responsum¹²⁷—“The question of a prayer leader whose voice is pleasant and who lengthens his prayer so that his pleasant voice may be heard and take pride in that—is it appropriate to appoint him or not?—and the response: They are following their hearts... and in any case if the prayer leader lengthens his prayer he has not done well, and in several places they said to shorten it because of the burden on the public.” These are the words of the *Rashba*. And now not only do the rabbis not take notice of this, or to the words of Rabbi Akiva who would shorten his prayer in public, but they elongate to the point of absurdity their recitation of the Shema and the Eighteen Benedictions without ever considering the burden they place on the public. Meanwhile the crowd discusses matters of business and secular topics, while the rabbi continues to stand there praying, or they simply leave because they do not have time on account of the need to make a living and they do not even stay for the *Kedusha*.—And if the holy Rambam, and these are his words, annulled the silent recitation of the Eighteen Benedictions for this very reason as I stated (*Berit Beit-El* § 9.), how much the more so indeed is it appropriate for us to annul the cumbersome prayer of the rabbis.

¹²⁵ Jer. 12:8

¹²⁶ BT Ta'anit 16

¹²⁷ Responsa of the Rashba part I, #215

As they discuss matters of loss, theft, and the like in the sanctuary, the house of God becomes more like a bar or a business— with regard to the recitation of the Kaddish there are disputes. On account of the disorder they stretch out the Shema and say the *Kaddish D'Rabanan* multiple times—and they call up certain people to the reading of the Torah using the honorific title of *haver* or *morenu*, thereby causing disputes and resentments.— In Poland they whisper the passages of the rebukes, calling up for those passages only the poor common folk as if they themselves are afraid of the fear of God.— They make a hundred *mi-she-berachs*—they close the ark and open it countless times during the Days of Awe—on Hoshana Rabbah they thrash their willows, and on Purim they beat with sticks (beating Haman), and the house of God becomes a gathering for riffraff, and the rest of these baseless customs.

§ 29.¹²⁸ Prayer may be spoken in any language so long as there is a clear understanding of what is being said. This is according to what I wrote above citing the *Kesef Mishneh*.¹²⁹ It is for this reason that Ezra established that prayer be in Hebrew as we have stated. And thus the author of *Maaseh Rokeah*¹³⁰ said: “Though prayer can be in any language at no time is it an honor to God to pray before Him in a mixture of languages. In spite of this it is customary among us to have liturgical poems whose composers abandoned the source of living waters, the way of holy Hebrew, who hewed broken cisterns, iambs and rhymes that distract from concentration. Thereby they demolish the beauty of the rhetoric; this is because not every person is suited to compose liturgical poetry. They mixed in Chaldaic,

¹²⁸ Mistakenly labeled § 26 in the text.

¹²⁹ Perhaps in an earlier section of *Berit emet*.

¹³⁰ *Maaseh Rokeah* is a commentary on the Torah and portions of the Talmud by Rabbi Eleazar Rokeah (1665-1742).

Aramaic, Babylonian, Greek and Hebrew words which the crowd does not understand at all, and even the scholars struggle to understand since it requires considerable effort. They insert their names at the start of the lines of the poems and sometimes the language contains blasphemy since they do not know the holy language.”*) And they inappropriately use too many adjectives, about which the Rambam complained (and these are his words): (The Guide of the Perplexed I:59) “As for him who apprehends the deficiency of those speeches and yet uses those speeches, he belongs in my opinion to the category of people of whom it is said, *And the children of Israel did impute things that were not right unto the Lord their God*”¹³¹ – See my brothers what an important point our great and influential sage made here. So too the sage Rabbi Abraham ibn Ezra cried out against them in his commentary to Ecclesiastes 5:1. See the text itself carefully.¹³² And in opposition to this consider what the *Bayyit Hadash* said:¹³³ “Two great men of the generation were punished because they stopped reciting liturgical poems in their congregation, and therefore every person should make sure that he continues to say them in public.”—Now choose which of these you want to follow!—And yet all the rabbis cling to these liturgical poems as if they were from Sinai, and they teach that they contain awesome secrets. But even if it was said that they were part of the prayer service of the most refined individuals, enlightened poets who made their words smooth and pure, full of wisdom and ethics, and congregations took upon themselves to recite them for some purpose, would they, even for this reason, become holy?—Do they not remain merely the

¹³¹ The Guide of the Perplexed, Pines ed., I, 142

¹³² In his commentary to Ecclesiastes 5:1 Ibn Ezra writes: “A person may not introduce a liturgical poem into his prayers if he does understand either the meaning of the poem or its authorial intent lest he himself sin or repeat the sin of the author.” It seems that Caro did not cite this text because of its length even though the entire comment is relevant to Caro’s discussion of liturgy and liturgical poetry.

¹³³ The *Bayyit Hadash* is by Rabbi Joel Sirkes (1561-1640). See “Sirkes, Joel” in Encyclopedia Judaica online. I cannot verify this citation.

work of a poet's hand? And moreover in our time do we not have better, more esteemed and pure poets of Hebrew and German than they "telling... the praises of the Lord and His might"?¹³⁴ But such is the way of fools to sanctify only that which is written in the language that they deem holy even though it itself is composed of different languages and even though it is written with disputed, diluted and impossible words. This all leads to the multiplication of prayers, liturgical poems, compositions, creations,¹³⁵ petitions, "Master of the Universe", "May it be Your will"; this is too much. It is in contradiction to the words of our Sages of blessed memory who said: "For what reason did they not include the portion of "Balak" in the recitation of the Shema? Because of the burden on the public."¹³⁶ For prayer is truly the vehicle for arriving at the inner essence of worship. It kindles within us a flame to do God's will, to pursue justice and righteousness. And if we pray in a language that we do not understand how can we fulfill the obligation of the Eighteen Benedictions, and if we pray so much of the time when will we do what we are supposed to do, and as a result many will now absent themselves from the house of God. Also resulting from the multiplication of prayers is that they pray their prayers quickly and rush so that they may go to their homes to eat, and the prayer of the crowd is like the sound of rushing and flowing waters, like rivers whose waves crash into one another without any order. The prayer passes over their lips like scorching fire without creating religious enthusiasm from their words. Our Sages have already said: "If one prays long and looks for the fulfillment of his prayer, in the end he will have vexation of heart."¹³⁷

¹³⁴ A paraphrase from Ps. 78:4.

¹³⁵ Here Caro is referring to different kinds of liturgical poems specifically *m'arvot* and *yotzrot*.

¹³⁶ BT Berachot 12b

¹³⁷ BT Berachot 32b. Isidore Epstein et al., The Babylonian Talmud: Tractate Berakoth, online edition: http://www.come-and-hear.com/berakoth/berakoth_32.html. Caro's citation here is decontextualized in a way that undercuts the talmudic discussion. Whereas in the talmudic passage there are two different opinions as to the efficacy of lengthened prayer, each with a biblical proof text, Caro cites only the opinion

So why do we lengthen our prayers on account of liturgical poems and prayers that were written by certain people unknown to us with regard to their Hebrew writings? Rambam already wrote in his commentary to Avot: “Know that regarding the poems that were composed in any language one needs to determine their content and whether they are sincere... For a matter is not beloved or despised based on its language but on its meaning; if its meaning is wonderful one is obligated to say it in any language that he will; but if the intention of the poem is contemptible it may not be spoken in any language. Moreover, if the matter is base, how much worse for it to be in Hebrew than in a foreign language.”¹³⁸ These are his words. This is obvious to anyone whose eyes are open.

* For example “Come to entreat You with an embittered soul”: which can be interpreted as “Come to make You *sick and angry* with an embittered soul” (dich zu kränken); and the word “desire/ lust” which is spoken by our prophets surely refers to whoredom as Rabbi Isaac Satanow explained at length in his commentary to the Kuzari 2:38.¹³⁹ See the text itself.

§ 30. On the topic of prayers there is another strange matter which is: requests for rain—in the rainy season! If it is because we once were in an eastern land and needed to ask for rain in the winter season, because there was no rain in that season, must we who live in

that supports his claim that lengthened prayer has no value. The final opinion expressed in the talmudic passage is that if one offers extended prayers that go unfulfilled, he should pray again. This opinion obviously does not correspond with Caro’s opinion.

¹³⁸ Caro is paraphrasing Rambam’s commentary on the Mishnah Avot 1:16.

¹³⁹ Regarding Satanow’s literary activity, including his annotated edition of the Kuzari see Feiner, The Jewish Enlightenment, 325 and note 14 there.

Europe also request rain in our wintertime which is full of rain! Do we ask for straw to come forth from the earth? Does God desire such prayer?—The Rambam has already addressed this in his commentary on the Mishnah.¹⁴⁰ “All the times that we count for rain are not relevant except in the land of Israel. In all other lands the request needs to be at times that they are petitioning for rain in their land...”

§ 31. On the issue of deferring burial of the dead greater and more learned sages than I have already spoken and brought strong arguments to show that there is no prohibition at all in this matter from a legal perspective. *) Not long ago the expert, widely practicing physician, the great sage, God-fearing and beloved by all, the outstanding physician, Naphtali Herz [Schlessinger] from Frankfurt-on-Oder, published a small pamphlet of great quality called A Wise Question.¹⁴¹ There he articulates his claims for the permissibility of late burial in the first part on the basis of legal precedent and talmudic and later discussions. In the second part he brings his medical knowledge and experience and demonstrates with sound reason that the only decisive sign of death is the actual decomposition of the flesh. He sent his pamphlet for free to the rabbis who sit on courts, presenting them with a convincing argument permitting late burial on the basis of Torah and science, but not only did they not respond to him, but the rabbis did not even read his book or consider its ideas, as its author learned.

¹⁴⁰ Rambam's commentary on the Mishnah Ta'anit 1:3.

¹⁴¹ See Ch. Friedberg, Bet Eked Sepharim: Bibliographical Lexicon, III, (Jerusalem, 1954), 956. A Wise Question (Heb.) by Naftali Herz Schlessinger, a doctor in Frankfurt-on-Oder, was written in 1797 on the issue of burial of the dead. I have no indication of how Caro came to know this work or its author.

* And what of those who say that anyone who delays burial of his dead has transgressed a negative commandment? Perhaps it could be that he has only committed an infraction, as it is said: “Whoever accepts hospitality from an Egyptian”¹⁴² and “Whoever goes up from Babylon to the land of Israel transgresses a negative precept.”¹⁴³ And Rambam already stated this (root eight of the fourteen roots of the categories of commandments).¹⁴⁴ If there is any legitimate cause for delay, even a financial cause, burial may be delayed (as is the case in the talmudic commentaries of Rabbenu Tam and Rabbenu Simḥa and in the *Tur*, Hoshen mishpat: 106 and 62)¹⁴⁵. And if all this is the case, how much the more so a delay out of fear for the person’s life.—

See, my brother, for I have set before you an example—one of many—of the stringencies and decrees that each and every day have been and will be innovated, without their having any foundation in the Torah. All these make it possible for sinners to sin as in the case of beating Haman in the synagogue, the thrashing of willows, the prohibition against eating legumes and sugar on Passover, and the waving of a chicken as atonement, *) the chanting of the Torah accents in our customary manner and there are thousands of other examples.

¹⁴² BT Sotah 38b

¹⁴³ BT Berachot 24b. Caro is suggesting that there is precedent, particularly in the context of burial, for transgressing negative precepts.

¹⁴⁴ See The Book of Divine Commandments (The Sefer Ha-Mitzvot of Moses Maimonides), trans. Charles B. Chavel, 1 (London, 1940): 4. It is unclear what connection Caro sees between the Rambam and the issue of Jewish burial.

¹⁴⁵ I cannot verify the citation from Rambam or the talmudic commentaries referenced.

* This is the language of the *Rashba* in his responsum #395—"I have heard from very respectable men of Germany that all the rabbis in their land do this on the day before Yom Kippur: they slaughter geese and chickens as atonements (and the pregnant woman will slaughter two and the scrupulous person will slaughter a white chicken). With regard to this matter, I have blocked this custom from our city."

§ 32. Let understanding raise its voice: Open your eyes human being, gaze upon the host of heaven and those who dwell beneath, seek to know everything *from the cedar in Lebanon to the hyssop that grows out of the wall*,¹⁴⁶ understand the course of water from dew to the Great Sea, understand animals from the Leviathan, the "elusive serpent"¹⁴⁷ to the smallest mosquito or moth, from wisdom on the lips of the elderly to the logic of the young, for in them all you will perceive acts of the Wise Creator. You will tremble and exclaim: *Great is the Lord and much acclaimed; His greatness cannot be fathomed*.¹⁴⁸ The Torah commands us: *Hear, O Israel! The Lord is our God, the Lord alone*.¹⁴⁹ And He said: *And you will see my back*¹⁵⁰ (See The Guide of the Perplexed I:18, 54). And pious David said: *And you, know the God of your father, and serve Him* (I Chron. 28:9).¹⁵¹ And Isaiah cried out (40:26): *Lift high your eyes and see: Who created these?* And the sage said: *But ask the beasts, and they will teach you* (Job 37:2).¹⁵² And the king

¹⁴⁶ Caro uses 1 Kings 5:13 which describes the breadth of King Solomon's wisdom to show that there is precedent within Jewish history for the pursuit of secular knowledge.

¹⁴⁷ The phrase is taken from Job 26:13.

¹⁴⁸ Ps. 145:3

¹⁴⁹ Deut. 6:4

¹⁵⁰ Ex. 33:23

¹⁵¹ In the verse David is speaking directly to Solomon. Caro omits the reference to Solomon making David's words as if spoken to the entire community.

¹⁵² Actually Job 12:7.

[David] said (Ps. 118:17): *I shall not die but live and proclaim the works of the Lord;*
And: How many are the things You have made, O Lord; You have made them all with
*wisdom!;*¹⁵³ *How great are Your works, O Lord, how very subtle Your designs!;*¹⁵⁴ *How*
*majestic is Your name throughout the earth!*¹⁵⁵

On the basis of these proof texts we find that our Sages of blessed memory were experts in all the sciences, each man in accordance with his intellect and capacity; and they valued the sciences wherever they found them even among the Gentiles as they said: "Whoever speaks words of wisdom, even among the Gentiles, is called a sage."¹⁵⁶ And they said: "Who is wise? The one who learns from all men."¹⁵⁷ As is abundantly clear to anyone who reads Talmud, *aggadot* and midrashim.

§ 33. Our Sages said regarding Hillel the Prince (Sopherim Chapter 16:9):¹⁵⁸ "That he had not ceased to study any of the words of the Sages, even all languages, even the speech of palm trees, mountains, hills and valleys (this is the science of the treasures of the earth: physics), the speech of trees and herbs (this is the science of plants: botany), the speech of wild beasts and cattle (this is the science of natural creatures: zoology), the speech of demons... (this is the science of inquiring into spirits: philosophy). Why [did he study] all these? Because it is stated: *The Lord was pleased, for His righteousness' sake, to make the teaching great and glorious.*"¹⁵⁹ Such was the Prince of Israel in the

¹⁵³ Ps. 104:24

¹⁵⁴ Ps. 92:6

¹⁵⁵ Ps. 8:2

¹⁵⁶ BT Megillah 16a

¹⁵⁷ M. Avot 4:1

¹⁵⁸ Actually Sopherim 16:7

¹⁵⁹ Translation from The Minor Tractates of the Talmud, I, trans. A. Cohen, (London, 1965), 291-292. The parenthetical statements are Caro's explanation.

past; and now, alas, we have only those who distance themselves from science, and scorn understanding. We found in the Rambam, “Laws of the Sanhedrin” (4:8) that the Sanhedrin authorized particular sages to rule with regard to laws of prohibition and permissibility and authorized other sages to decide in civil cases...¹⁶⁰ This kind of specialization remains the case among the Gentiles to this day: there is one judge for cases involving fines (kriminalisches Fach), one in cases of property (Justizius), and one who was appointed as a guard. In each branch there should be specific men who have studied that subject well and clearly but who may, in other matters be uninformed; for not every man is able to master and apprehend all matters. But in our time, when there is no ordination, the rabbi exercises his judicial authority and he rules in ritual matters *and* civil matters, *and* delivers sermons of rebuke, *and* he rules in cases of fines (if he is given the authority), *and* he seeks to fix the customs of the city; and he thinks himself capable of all of this on account of his capacity for talmudic casuistry.

§ 34. I said further that it is a rabbinic duty to communicate in the language of his land i.e. the land in which he dwells and he should be able to speak that language with correct grammar and syntax. Thus we find that our Great Ones knew the language of the nation that ruled over them. For example, Josippon Ben Gurion who was a priest and a military leader knew Latin well, as is clear from the books he composed in it. Further the members of the Sanhedrin were obligated to know most of the languages (Rambam, Mishneh Torah, “Laws of the Sanhedrin” 2:7) and so too the talmudic sages were experts in the vernacular of their lands, as is clear from the Greek and Latin words that are found

¹⁶⁰ Caro is paraphrasing this passage.

in the Talmud and Midrash even though they could have substituted Hebrew words in their place. This is because they were fluent in their languages. *) In every land those who were true sages were fluent in the vernacular. Such was the case with our rabbis Rambam, Saadiah Gaon, and Bahya¹⁶¹ who wrote their books in a foreign language. Additionally the later prophets like Ezra, Nehemiah, and Daniel recorded their prophecies in the vernacular, Aramaic.

* We already have a number of useful books that explain these words used by Sages, and in spite of this it is only one rabbi in a thousand or more (whose father-in-law buys him every book that comes to his hand or who received a gift or inheritance of books) who possesses the wonderful volume Tzemah David (the full version)¹⁶² or Shiltei giborim (From the great sage Abraham the Doctor)¹⁶³ and books like them. Therefore we should not be surprised if these important books have not been reprinted and they are very expensive in contrast, for example, to the works of Maharam Schiff and others like them that are in the hands of every scholar.¹⁶⁴

Many of the rabbis in our time—not only do they not understand the vernacular at all, but they discourage its study, and they preach against it, and they declare unfit for reading all books written in any language other than Hebrew; even if the book is God-

¹⁶¹ Bahya ben Joseph ibn Pakuda author of Duties of the Heart [Arabic].

¹⁶² A significant and unique work of Jewish historiography by David Gans (1541-1613). See Michael A. Meyer, Ideas of Jewish History, (New York, 1974), 19-21.

¹⁶³ Shiltei giborim is actually by Joshua Boaz ben Simon Baruch a 16th-century Italian scholar. See "Joshua Boaz ben Simon Baruch" in Encyclopedia Judaica online.

¹⁶⁴ German rabbi and scholar, born at Frankfort-on-the-Main 1608; died about 1644 at Prague. See "Schiff, Meir ben Jacob Ha-Kohen" in Encyclopedia Judaica online.

fearing and full of wisdom the one who reads it is called, among these rabbis, an *apikoros*. They will not even permit these books to be brought into their homes. Meanwhile their own language is a bastard language without a definitive father or mother; a conglomeration of the languages of the nations among which our ancestors wandered. It is a frenetic, diluted, and corrupted language. Have they not already set enough stumbling blocks before Israel through the rabbis' inability to speak the vernacular as is needed when appearing before government officials and important people, or to comprehend the works of the actual *apikorsim* and respond to them? Meanwhile the true sages have saved us from many decrees by virtue of their expertise in the vernacular. For example the great rabbi, our teacher and sage, Menasseh ben Israel, whose wisdom and mastery of various languages lifted the decrees of the exile of the Israelites from England, as is known. Also the theologian and philosopher, the rabbi, our teacher and sage, Moses ben Menachem [=Mendelssohn] who annulled the Passover blood libel in the state of Poland.

§ 35. The preaching of the chief of the people should be as I have written (§ 12.) full of morals and manners “to instruct the people of God in the way in which they should go, the deeds they should perform, to observe His commandments every day, to make God their strength and their shield, love righteousness and hate evil, to teach them well the love of their fellow and of humanity in general, to comfort the unfortunate, and speak compassionately to those in despair.” *)—Thus did our prophets and sages of old. Look among the holy writings at the chastisements of our prophets, and see the spirit of wisdom, how they combined the moral with the literary, with pure words on their lips

spoken wisely; in a clear and pure language they delivered their message, they dressed their chastisements in allegory and aphorism appropriate for the time and place. At times they would complain bitterly, how “their souls were melting in evil”¹⁶⁵ and their spirit turned away from the nation of God as they became crooked. They would wail over the guilt of the nation and the sin of her priests; they would weep over the tribe of God who had afflicted them. Embittered and strong they went to all regions of the land in order to shake out the wicked. And they would clothe themselves in strength and gladness and dance on account of the goodness of God *whose steadfast love is eternal* lifting up the hearts of their people to trust in the help of God whose ways are just; they would lift their eyes and see the blessing in the One who is beneficent to all. In speaking to the heart of the common people, vintners and farmers, they would choose as metaphors productive fields, *delightful vineyards*,¹⁶⁶ ploughs and spades, bulls and sheep. In their rebuking the leaders of the people and the chiefs of the generation on account of their guilt, they selected images of royal palaces and fortresses. And in speaking to the servants of God they presented laws relating to their tasks: the meal offering and the libation, sacrifice and burnt offering. Thus for each set of circumstances they crafted a relevant image that was appropriate for the matter being discussed, to rouse the listeners to repentance and love of God without ever dancing among mourners or crying during the rejoicing of the crowd. They never presented an image of royalty at the door of the common folk nor did they present an image of a cattle tool before the nobles. From their mouths flowed knowledge and a pleasing message fell from their lips, whether like the showers on the grass or the dew that falls gently on the land, or like rain that washes over the land,

¹⁶⁵ From Ps. 127:26.

¹⁶⁶ From Amos 5:11.

leading everyone out from the midst of their transgressions. Who would not weep with them or rejoice in their joy! This is how the sons of God spoke in the past. How blessed we were. Happy was the eye that witnessed all this!—

* These are the words of the author of Divre iggeret from the pen of the brilliant rabbi and scholar, our teacher and sage, Mendel Steinhardt, the author of the work of responsa, Divre Menachem. Would that all the rabbis of Israel were like him, how we would find favor in the eyes of God and man.¹⁶⁷

Likewise, our Sages of blessed memory, the authors of the Talmud and Midrash, who were already in exile and oppressed in foreign lands, did not forget the words of their prophets, and their morals remained pure. The words of the Sages in Laws of Avot¹⁶⁸ testify to this—in truth Avot is entirely dedicated to morals and manners—manners especially, and in the Talmud and Midrash generally the discerning eye will find evidence of such concerns scattered throughout. And even after the talmudic sages there arose among the sons of God true sages, men of integrity who were God-fearing, like our rabbis Saadiah Gaon, Rambam, Bahya and those like them. This is the language of the pious sage, our rabbi Bahya, from the introduction to his book, The Duties of the Heart: “After you have looked into the rulings concerning divorce and marriage, matters that bring little delight in their being considered, inquire into the duties of the heart.”¹⁶⁹

¹⁶⁷ Menachem Mendel Steinhardt (1768-1825). Regarding Steinhardt and the importance of Divre iggeret see, Michael A. Meyer, Response to Modernity, (Oxford, 1988), 33, 37-38.

¹⁶⁸ Caro is referring to Mishnah Avot.

¹⁶⁹ I could not verify this citation.

But now—alas, our souls are parched, none of it remains! The rabbi of our day, in his preaching, confusedly explains the casuistic argumentation of laws before the crowd. He speaks about things that they truly have no desire to hear, like the laws concerning divorce, or the ox that is unfit for Temple service and so on. The crowd endures such preaching but has no understanding of what it means to them. And the Zohar¹⁷⁰ already ruled on this matter. These are its words: “*You shall not make for yourself a sculpted image.*”¹⁷¹ An interpretation of Rabbi Isaac: *Don't let your mouth bring you into disfavor*¹⁷² This is a warning to men not to error and derive from Torah something that is not in it. Rabbi Aba said: Scripture states, ‘You shall not make for yourself a sculpted image.....’ and ‘Carve two tablets...’¹⁷³ to teach you not to make for yourself another Torah that you did not know and that your rabbi did not teach you....” And this is the language of the pious author of The Six Pillars:¹⁷⁴ “Verily an evil sickness I have seen and heard that many of the preachers demonstrate their talmudic expertise in public, and impose the law in places where there has previously not been law... Certainly this is the ‘revealing of faces’ in the Torah that is not according to law, and the Torah wears sackcloth on account of this kind of learning” (the text, 25).¹⁷⁵

Such preachers, when they do occasionally come to preach on the duties of the heart, they consider it to be non-essential and they do so tersely. They draw upon unreliable sources and do not produce their words from the crucible of truth and rhetoric, rather they swallow up and skip over, jumping from topic to topic, with midrash upon

¹⁷⁰ Book II of the Zohar chapter “Yitro.” Page 87 column ‘a.’

¹⁷¹ Exodus 20:4

¹⁷² Eccl. 5:5

¹⁷³ Exodus 34:1

¹⁷⁴ A work by Isaiah ben Shabbetai Sheftel Horowitz (1632-1689). See “Horowitz, Isaiah ben Shabbetai Sheftel” in Encyclopedia Judaica online edition.

¹⁷⁵ I could not verify this citation.

midrash, in ways that our Sages of blessed memory never would have considered preaching. They think that the laws of preaching are the same as the laws of making acceptable legal rulings—they further conceal that which is already hidden; they lack any right spirit. These are the words of the author of Midrash Shmuel on the statement: “It is not the sermon that is essential, rather the act.”—“And afterwards they use all their time in their sermons showing off the greatness and praiseworthiness of their wisdom (that is to say, their talmudic casuistry)... and they make that the essence, and the moral correction, which was the intention, is not realized....”¹⁷⁶

§ 36.¹⁷⁷ I stated (§ 14.) that it is a duty of the rabbi to order the translation of the Torah into the vernacular so that the crowd may know God’s Torah and do the good in accordance with its commandments. Thus we find that in the days of the talmudic sages that they appointed an Aramaic translator for the unlearned who would provide immediate translation every Sabbath (BT Megillah folio 23 as well as in the tractate mentioned earlier) so that they could fulfill the Torah given them. And we find later (in the responsa of Maharam of Padua section 78) that the Jews who lived in Crete *) on the fast day of Yom Kippur would recite the haftarah in Greek since the institution of the interpreter had been annulled.¹⁷⁸ **) The sages of Israel translated the Torah into the spoken language of whatever land they settled in, like our rabbi Saadiah Gaon did with Arabic, the sage Rabbi Jacob ben Rabbi Joseph Tavus with Farsi;¹⁷⁹ it was translated into Spanish a number of times by the rabbi Menasseh ben Israel and Rabbi Eliyahu Beḥor

¹⁷⁶ Parenthetical is Caro’s interpretative gloss.

¹⁷⁷ Caro does not number this paragraph. His change of topics indicates that this is a typographical error.

¹⁷⁸ I cannot verify this citation.

¹⁷⁹ 16th–century. See “Tavus, Jacob ben Joseph” in Encyclopedia Judaica online.

translated the Torah into German and other languages. The rabbis and sages in those days gave their approbations to these translations. Therefore the great sage, philosopher, and theologian, a man strong in wisdom and the fear of God, our rabbi, Moses ben Menachem, translated, in our time, the Torah anew into German in accordance with the rules of pure language in our time. However witless rabbis slandered and spoke haughtily against Moses and his translation, because they remained ignorant and did not desire what was truly good. Rather they chirped about 'Twice Scripture, once translation'¹⁸⁰ and kept that which was familiar to them: a right and correct reading from an earlier time when the people of Israel only understood Aramaic. But what does the multitude at present understand of the Torah? Why is it that French Jews do not translate the Torah into French so they can understand? And the Italians into Italian? The Germans into German, the Poles into Polish, and the rest of our Israelite brothers each into the language of the nation in which he dwells?—And why should the Gentiles say: 'They are a witless nation knowing not their own Torah.' Those who consider themselves the sages of our nation, they too pursue evil culture without understanding their Torah, and chase after vanities, after lustful and foolish stories (novels), mockery and apostasy, (satires, freethinking) and think that with Voltaire and Mirabeau***)¹⁸¹ all wisdom and sagacity will die, and scoff at God and his Torah without proper understanding.

* Candia is a metropolis on an island sometimes called Creto on the Mediterranean Sea.

¹⁸⁰ A rabbinic idiom. See BT Berachot 8a-b.

¹⁸¹ Caro is referring to the French Comte de Mirabeau. See Michael A. Meyer, Origins of the Modern Jew, (Detroit, 1967), 64 and note 25 there.

**** For reasons unknown to us. But perhaps on account of their wanderings and the wandering of our ancestors from state to state for so many consecutive years they did not know what language to select.¹⁸²**

***** Two well known French scholars expert in the sciences. However the first one spoke derisively about all revealed religions and his mouth was filled with scornful words against our Torah. And the second 'set his mouth against the heavens.'¹⁸³ Their language enters the open mind of the young person who is inexperienced in wisdom just like oil and he is never able to uproot this source of bitter poison that their words leave in his soul. Any man who is responsible for himself and his sons will stay away from these books of theirs, but their books written on other subjects are good and useful.**

§ 37. I stated (§ 15.) that it is a duty of the rabbi to awaken attention to the education of children, as we find among the talmudic sages (BT Baba Batra folio 21) that they would toil over the matter of educating the youth. These are their words: "In earlier times one who did not have a father was not educated, but they established an ordinance requiring children to be sent to schools at age six (if healthy) or age seven (if weak). Rav said to Rabbi Samuel ben Shilath: 'Before the age of six do not accept pupils; from that age you can accept them and stuff them with Torah like an ox ('satisfactorily' according to Samuel Eliezer Edels). Rab also said to R. Samuel b. Shilath: 'When you punish a pupil, only hit him with a shoe latchet not with a stick or a rod. The attentive one will read [of

¹⁸² Caro seems to be embracing the impact of exile in terms of Jews having to learn the vernacular.

¹⁸³ See Ps. 73:9.

himself]...”¹⁸⁴ This is the proper course of study according to our Sages (M. Avot): “At the age of five—Scripture, at the age of ten—Mishnah...” And this is how it is stated explicitly in Tractate Sopherim: “One who skips over Scripture and Mishnah cannot come to Talmud, only on account of one’s study of Scripture and Mishnah can one come to Talmud.”¹⁸⁵ There are many sources that deal with the improvement of education.

But what do the rabbis in our time do? The ones who say that all matters of sanctification fall upon them and see themselves as the guardians of everything good in Israel? What do they do for the sake of educating the saplings of Israel, the tender ones of the House of Jacob?—Hear this: the father brings his son when he reaches the age of three, before his body is appropriately formed, *) to the study house, there they seat him upon a bench or log before the teacher, who holds a rod of fear and whose face darkens and tenses. There the boys sit crowded together while the teacher instructs one in the reading of Scripture, another in a weekly portion of the Torah and without any grammatical instruction—while instructing another in Talmud, Rashi, and the *Tosafot*. And everyone is confused. The teacher stands there with a stretched out rope beating the child and hurting him for not understanding what he cannot understand. There the children hear words of Torah from the mouth of their instructor who speaks a corrupted language and does not himself understand the reading of Scripture. And if the youth does not learn how to chirp along, the teacher delivers harsh blows to him at his pleasure. All this so that he can recite the weekly lesson before his father or a scholar and demonstrate his ability to read Talmud, Rashi, and the *Tosafot* and so on. Because of this the youth

¹⁸⁴ At first Caro paraphrases the talmudic passage but Rav’s comment is a quotation. The translation of Rav’s quotation is from Isidore Epstein et al., The Babylonian Talmud: Baba Bathra, online edition: http://www.come-and-hear.com/bababathra/bababathra_21.html.

¹⁸⁵ Sopherim 15:6

despises his teacher and his Torah, and he becomes dispirited and lacking in energy. And when he leaves the study house in the evening he skips like a ram or a crazy person in the streets and squares because in his liberation his heart soars without limit. And when there is one youth among the children whose soul is ready for inquiry and investigation and there is a chance for him to ask a question and he asks his teacher, his teacher changes the subject or strikes him and says "this one has chosen to become a deviant", and he is warned not to ask further questions of that kind, because it is forbidden to ask. This is because the teacher himself was not accustomed in his youth to inquiring on the basis of his intellect into the root of any matter, he too is like the [parrot that was] taught to chirp out words that were uttered before him without understanding. On account of this Israel does not know the history of its doctrines or its ancestors, and even the rabbis and leaders of the people do not have the capacity to understand the beauty and splendor (das Schöne und Erhabene) nor understand the spirit of the poetry, nor to wonder even at the most sublime literature, because their spirits are muddled and they choose delusion, contrivance, and crooked reasoning until all the parables, riddles, and hyperboles of the Talmud and Midrash that are encased in husks while their inner essences are subtle, are adopted literally.

* Our generation is particularly feeble. And if our Sages of blessed memory said: "In earlier times they ploughed and sowed... but we hardly even have mouths to eat."¹⁸⁶ What shall we say? We will truly be called an impotent and frail generation in comparison to them.

¹⁸⁶ PT Shekalim folio 48

After all this they teach the youth not only Talmud, Rashi, and the *Tosafot*, but also the commentaries of Samuel Eliezer Edels, Maharam Schiff, the *Sifte Cohen*, and later commentators, all without first teaching him Scripture in accordance with Jewish law and the words of our Sages (mentioned earlier). Thus the student does not even know how to read Scripture properly because his teachers think it is a commandment to skip over Scripture and to rush to Talmud, Rashi, and the *Tosafot*. How is the student to understand the depths of talmudic teaching? It is especially problematic in that he studies matters that are not appropriate to teach to a youth anyway, such as the open door,¹⁸⁷ the woman ‘injured as with a piece of wood’,¹⁸⁸ ‘after you betrothed me I was forced’,¹⁸⁹ the delivery of a writ of divorce, the signs of puberty for young girls, and cases of afflictions and the like. It happens only by the rod and the strap upon his back that the student is forced to learn what he is unable to attain by the sweat of his brow, and which he is required to read word by word (without understanding the content of the matter) whatever the rabbi says. And then when the youth reaches the age of thirteen or fourteen and he has not succeeded in mastering Talmud, Rashi, and the *Tosafot*, he leaves the study house for good, with nothing to show for it. And many youths leave Judaism when they see the ways of the world and the course of history, and they understand what they did not previously, and as they forsake everything they have been taught they simultaneously forsake the good, and think it all meaningless, and they become increasingly distanced— as we see happening every day.

¹⁸⁷ See BT *Shabbat* 6a. Refers to the uterus.

¹⁸⁸ See M. *Ketuboth* 1:3.

¹⁸⁹ See BT *Ketuboth* 11b.

These are the words of the Metzaref hadat.¹⁹⁰ “There is no portion of the obligations incumbent upon man that is as uprooted, weakened, and concealed from the eyes of the Hebrews more than that of the education of children and of raising them with culture, sciences, and morality. No one walks before the nation and sets them on the right path in this matter. But what has been done to fulfill the obligation: *Teach them to your children?* They made the study of Talmud and casuistic literature obligatory for their children but they did not observe the following four things: 1) to first prepare the heart and mind of the youth, making him fit and ready, in accordance with his nature, to study the depths of such a pointed matter as the study of Talmud; 2) when a youth is found fit for the study of Talmud, to set up his curriculum and requirements so that he can persist in them, and not bother him with worldly affairs to turn him away from his study of Torah; 3) in addition to these two conditions they must be mindful of the proper order of study, advancing him in accordance with what is appropriate in their view and also what is necessary for the study of the Talmud; 4) to give him time and space for the mastery of the additional disciplines to which a man is obligated to set in his mind. Had they done this, I would have remained silent and justified them. Yet so many childhoods are wasted studying one narrow matter, without first determining whether the mind of the child is fit for it or not, without considering what the child will do in the future, when he becomes a man among men. Rather all the fathers envision their sons all becoming scholars, rabbis, and judges...” Who will become an artisan? And who will work the land and perform other kinds of labor?—But this is the way that children are educated in Israel—like a lamb astray. They have established an institution by the name: “Society for the study of Torah.” The purpose of the founders is to give a free education to every poor child at the

¹⁹⁰ Again, I cannot verify this citation.

hands of the type of teacher and in the mode of instruction mentioned above. And when they complete the days of their primary schooling, as they come to adolescence, without being suited for the rabbinate or to be a judge, they depart from their teacher's house to be yet another man who is deficient in Torah and science, lacking faith and good manners, and completely incompetent in every form of labor that could sustain him. He will be embittered and will leave Judaism seeking satisfaction in some lowly work or as a peddler, and he will become dependent on his fellows. And this is what you call concern for the welfare of the poor among Israel!!

§ 38. Women too are obligated to know the commandments that they must observe as it is said, "Gather" (Deut. 30:12)¹⁹¹ and also Joshua recited the words of the Torah in the presence of the women (Josh. 8:34-35).¹⁹² And also the women came to the House of God during the times of public assembly (Deut. 12:12, 16:11). Therefore we find women who were important, adept and famous for their wisdom like Miriam, Deborah, Huldah, Hannah and others like them. They were widely known, great and successful. And thus we are taught in Tractate Sopherim (chapter 18)¹⁹³ that it is appropriate to translate the Torah for women.

But what is the way of educating the daughters of Israel in our time?—The father brings his daughter at the age of three or four to the house of study mentioned above, where she is taught to read Scripture in Hebrew and also the butchered German,¹⁹⁴ and when she knows how to read Scripture, then her days of study are over, and she goes and

¹⁹¹ Actually Deut. 31:12. Caro is citing this verse because it specifically delineates women as a distinct category of person.

¹⁹² In Josh. 8:35 women are again specifically mentioned.

¹⁹³ Tractate Sopherim 18:3, page 42b.

¹⁹⁴ i.e. Yiddish.

returns to her father's house, to the oven and the saucepan. She knows nothing of the matters of her faith, nothing of pure Jewish thought or the importance of deeds, and she hears nothing of her obligations to her parents: to human beings, to her husband, when she is married *) to her children. Neither is she permitted to go to the house of God and pour out the meditations of her soul in the assembly of women, before she is married. So she wanders about her father's house in her youth, until the time arrives that she is desirable for marriage to a man; therefore she is a woman that knows hardly anything and has no official learning or instruction in women's obligations. When she enters into the assembly of women in the house of God to pour out her thoughts in a language that she does not understand, even though now we have prayer books in German translation and she is permitted to pray that way as well, and thus know what comes out of her mouth, she prays nonetheless in a language foreign to her.

* Evil is the act that persists among us to this day of reading the *ketubah*—The document that contains the obligations of the couple and the objectives of their matrimony. Prior to their hearing the *ketubah* read the couple knows nothing of their duties to one another. Yet it is read in a language foreign to us, the language of Aramaic. Thus the couple stands under the wedding canopy without knowing what their mutual obligations are and they depart from it still without knowing. The Aramaic reading most certainly became customary in the days when we understood that language but should we now read it in Aramaic, when we live in northern lands, Germany?—It is appropriate to read the *ketubah* in the vernacular. And already well-known rabbis, sages, and men of understanding have started to

sweep away this cobweb and perform the wedding ceremony in the synagogue, and preach to the couple regarding their mutual obligations via a German sermon so that they will know what is incumbent upon them. Many have said: "The reason for the custom of holding the wedding ceremony under an open sky is so that the couple will be fruitful and multiply like the stars of the sky." And this might be the case, since the earliest generations believed in symbolism (Symbohlen [=symbols]). But to me it seems that there is a different reason: because it is a law for Israelites to be present to greet the bride, even if it negates their study of Torah to go out and greet her, all the inhabitants of the city, old and young come out when a bride is present. The synagogue presents certain stumbling blocks to this because it is a difficult place to assemble all the happy people who are curious (Neugierige [=the curious]) and among whom there may also be bandits. For this reason they decided that the wedding canopy should be in the courtyard in front of the synagogue.

What are the books that are set out for the virgin or the woman to read in terms of wisdom, morals, or to know wherein dwells the way of light and truth?—For if the preaching of the rabbi overflowing with casuistry and fantasies is unintelligible to men, all the more so to women!—The rabbi does not condescend to compose a book of women's morality, he is too busy engaging in the depths of casuistry that reach up to the Throne of Glory. And they roast anyone who questions them about the significance of their teaching. Only men from among the students who never ascended to the heights of casuistry because they were not adept enough to grasp them, who did not have the minds

to sustain such activity, would occasionally write a book of women's morality, written usually in their muddled language, full of strange notions of morality, mysterious matters, and secrets abhorrent to the intelligent soul, like the books Tzena u'rena,¹⁹⁵ Kav v'yosher¹⁹⁶ and the like. Therefore one finds that the women of Israel in our time who possess some understanding will not find enjoyment in such books, and therefore read romantic works (novels) wasting their time and doing whatever they will do. Thus in our time we find that a girl rises up against her mother, because their views are different, and who is responsible for this if not the rabbis? They do not care at all about the education of women. And as a result the girls in our day go out to meet their gentile counterparts, who are more educated and practically skilled, and they learn wicked behaviors from them, but they never learn the good, because they have no teachers or educators like them.

§ 39. I stated (§ 16.) that it is a duty of the rabbi to preach that every father needs to ensure that his son is educated in some kind of labor, because not every man is fit to be a leader of the people, and only one out a thousand can ascend the mountain of God and even for the sage himself labor is still good as they said (Avot chapter 2): "All Torah that is not accompanied by labor will come to naught and lead to iniquity." Therefore we find that most of the talmudic sages were adept at some form of labor. Hillel, before becoming our chief, was a woodcutter, Rabbi Huna was a drawer of water, Rabbi Joshua was a blacksmith, Rabbi Sheshet was a carpenter, Rabbi Yohanan was a sandal-maker, Rabbi Jose ben Halaphta worked with leather and hides, Rabbi Yosa would transport wood and

¹⁹⁵ Tzena u'rena is "an exegetical rendering in Yiddish of the Pentateuch, *haftarot*, and the Five Scrolls composed at the end of the 16th century by Jacob ben Isaac Ashkenazi." The book continues to be popular to this day. See "Ze'enah U're-enah" in Encyclopedia Judaica online.

¹⁹⁶ Most likely Melitz yosher also by Jacob ben Isaac Ashkenazi.

would say 'labor is most important because it warms up those who engage in it while the rabbinate buries its practitioners, as our eyes witness every day. Labor keeps us alive as our Sages of blessed memory said (PT Rosh Hashanah): "Though a famine last seven years it does not pass the artisan's gate."¹⁹⁷

In all these matters the way of rabbis in our time is the opposite. They have accustomed the people of Israel so that every father that has a male child wishes him to be an expert in Talmud, Rashi, and the *Tosafot* and completely despise every form of labor. Only in casuistry, Talmud, and legal decisions should he study day and night with other children and youth. And this even if their spirits are not fit for such study. *) A particular child may be especially fit for knowledge of physics, another for art, each according to his talents. It is in this way that the children of Israel grow up lacking proper education and knowledge of the "duties of the heart" and all labor is most despicable in their eyes. But it is precisely this that leads so many people into laziness and boredom, and many live empty-handed without being able to support themselves and their household. Such behavior is a feature of our time, for many almost second-nature. This is why so many adolescents emerge from the rabbi's house and take a wife and have children without knowing how they will support themselves and then become dependent on the community or die of hunger, guiltless except for the transgression of their foolish fathers whose transgressions are responsible.

* "Nihil decet invita Minerva" [= "Nothing is becoming to us which is against the will of Minerva, as the saying is: that is to say, contrary to, or repugnant to,

¹⁹⁷ See BT Sanhedrin 29a. Epstein et al., The Babylonian Talmud: Tractate Sanhedrin online edition: http://www.come-and-hear.com/sanhedrin/sanhedrin_29.html#29a_28.

nature.”] The sage Cicero speaks about the duties of the heart in his book [De Officiis I., 31, 110.].¹⁹⁸ Man will not do a thing for the purpose of doing the good if his spirit is opposed to it, a deed will not appear fitting to him if his nature is not predisposed to it. Thus said our Sages of blessed memory: “A man cannot learn unless his heart desires it”—our Sages said, in Genesis Rabbah chapter 72, ‘Instruct the child according to his ability, this is Reuben: *Once, at the time of the wheat harvest, Reuben came upon some mandrakes in the field...* (Genesis 30:14). This is to say that he knew that the character of his soul was fit for working in the field and not in the study house of Shem and Eber.”¹⁹⁹

The Rambam wrote (in the Mishneh Torah, “Laws of Gifts for the Poor” 10:18): “One should always restrain himself and submit to privation rather than be dependent upon other people or cast himself upon public charity, for thus have the Sages commanded us, saying ‘Make the Sabbath a weekday rather than be dependent upon other people.’... Among the great Sages there were hewers of wood... They did not ask for public assistance, nor did they accept it when offered to them.”²⁰⁰ And in “Laws of Ethics” chapter 1 he wrote: “The sensible course is for a man first to choose an occupation that will give him a livelihood, then buy himself a home... and after that, take a wife; as it is said: *And what man is there that hath planted a vineyard and not redeemed it?*... (Deut. 20:6). But the foolish first marry; then if this sort can afford it, he purchases a house; and, last of all, towards the end of his life, he sets about seeking a trade or lives on

¹⁹⁸ Thomas Benfield Harbottle. Dictionary of Quotations (Classical), (Cambridge, 1897), 158. Online at: <http://books.google.com/books?id=TPENAAAAYAAJ>

¹⁹⁹ Genesis Rabbah chapter 72.

²⁰⁰ The Code of Maimonides Book Seven: The Book of Agriculture, trans. Isaac Klein, ed. Leon Nemoy (New Haven, 1979), 92-93.

charity. Thus it is said *the Imprecations: A wife shalt thou betroth... a house shalt thou build... a vineyard shalt thou plant* (Deut. 28:30); that is, all your activities shall be in the reverse order of what they should be, so that you will not prosper in your ways.”²⁰¹ And so it is that this curse falls upon many Israelites without their actually having transgressed. And what do they end up doing?—Alas the rabbis of *yeshurun*, remember this and wake up!

§ 40. Among the various labors whose performance sustains a person, the labor of working the land is at the top. The objective of our Torah is that the nation of Israel be workers of the land, and distance themselves from all types of work which bring luxuries and accountings which then result in all types of evils and laziness. And even more so should we distance ourselves from all kinds of commerce. That kind of work is connected with slyness and deception. Regarding anyone who either oppresses others or is content to do so, either in public or in private, either unintentionally or with intent, each man according to the deed as is known—our Sages said (BT *Yebamot* chapter 6): “*The Lord has delivered me into their hands against whom I am not able to stand...* This refers to one whose maintenance depends on his money.”²⁰² For it is truly the greatest evil for one’s sustenance to depend on money what increases and decreases in worth on the basis of the rising and falling of merchandise. Pertaining to this kind of activity our Sages said: “Man’s sustenance is as difficult as splitting the Sea of Reeds,”²⁰³ which was a supernatural occurrence. Thus a man whose work depends on money will not succeed

²⁰¹ Actually “Laws of Ethics” 5:11. *Mishneh Torah: The Book of Knowledge by Maimonides*, trans. Moses Hymanson, 54a.

²⁰² BT *Yebamot*, 63b. Translation from Isidore Epstein et al., *The Babylonian Talmud: Yebamoth*, online edition: http://www.come-and-hear.com/yebamoth/yebamoth_63.html.

²⁰³ BT *Pesachim* 118a.

according to the basic laws of nature; only by working the land can he be in accordance with their words. And in Leviticus Rabbah chapter 22 they say: "*A king that maketh himself servant to the field*" (Eccl. 5:8). Even though he is a king and holds sway from one end of the world to the other, he is a '*Servant to the field*'; if the earth yields produce he can accomplish something, if the earth does not yield he is of no use whatever.

Accordingly: *He that loveth silver shall not be satisfied with silver* (Eccl. 5:9), that is to say, he who loves money will not be satisfied with money: *Nor he that loveth abundance (hamon) with increase; this also is vanity (ib.)*, for he who is covetous (*homeh*) and greedy (*mehammeh*) for money but has no land, what benefits has he? R. Ishmael son of R. Tanhum and R. Hanin son of Rabbi said in the name of R. Jeremiah: It is written: *And all that handle the oar, the mariners... shall come down from their ships, they shall stand upon the land* (Ezek. 27:29). Now do we not know that they would stand upon the land? Yes, but it implies that if a person's ship sinks in the sea and he possesses a plot of ground on land he will endure, but if he does not possess a plot of ground on land—well, you can have no vanity greater than this."²⁰⁴—When our eyes witness day by day how great and honored merchants collapse while the farm-laborer subsists though the wars in our time make merchants rich but impoverish farm-laborers. Even so times will quickly change and the sun of peace will shine, and the many rich will be humbled and the farm-laborers will rise ever higher.

And in Midrash Yalkut chapter "Lech L'cha".²⁰⁵ "Rabbi Yirmiah states: When Abraham our father was walking in Aramaea and he saw the people eating, drinking and

²⁰⁴ Midrash Rabbah: Leviticus 3rd edition. trans. Judah J. Slotki eds. H. Freedman and Maurice Simon. (London, 1983), 276.

²⁰⁵ While a version of this Midrash does appear in Yalkut Shimoni the version that Caro is citing is actually from Genesis Rabbah chapter 39.

behaving recklessly he said: 'Let my portion not be with this land' because they were eating, drinking, and behaving recklessly. When he reached the Ladder of Tyre and saw people engaging in weeding at the time of weeding and hoeing at the time of hoeing, he said, 'Oh that my portion might be in this land.' God said to him: *To your seed I shall give this land.*" "This land"— the majority of commandments in the Torah were given in connection to working the land. For example the laws of remission, jubilee, offering the first fruits, the gathering of fallen produce, the corner of the field, and the like. Blessing descends in the fulfillment of these commandments and the reward was stated: *I will grant you rains in their season*²⁰⁶ so that our lives will be peaceful and secure, and that we may serve God while sated, without worrying day to day about our corporeal existence which would divert our eyes from the necessity of fulfilling all the other commandments. Verily the wellbeing of man depends on the earth, and he trusts in God to bring down from the heavens sustenance for his satisfaction, and he beseeches his land all year round. For this reason our Torah warned us against taking profit on a loan to our fellow Jew. Such a practice will come to naught, because the farm-laborer cannot pay exorbitant interest and on account of having to pay such interest he will become dispirited and the interest will consume his fields and his land will be waste and these are old matters. *). And thus in the time of the Talmud many of our ancestors, including many of the talmudic sages, worked the land; we find that in the days of sowing and reaping the scholars left their teachers and returned to their homes to do their work.

²⁰⁶ Lev. 26:4

* (See Michaelis on Mosaic Law, §38-44)²⁰⁷

And now, on account of the changing times, the idea of working the land is considered by many Israelites to be a terrible form of labor, even more terrible than tannery and completely inappropriate for an urban man. Only savages learn such things—to the point that they view such a person as a kind of deviant. And our Sages of blessed memory said: “Our rabbis teach: *You shall gather in your new grain*²⁰⁸ what does Scripture say? Because it is written: *Let not this Book of the Teaching cease from your lips.*²⁰⁹ You might think the words must be understood literally. Rather the meaning of *You shall gather in your new grain* is: treat people in a proper manner.

§ 41. A further obligation of a preacher is to preach on the topic of the proper conduct of the household, and on proper behavior between men. Our Torah demands through the fulfillment of commandments seeking the welfare of others, such as making a parapet for your roof,²¹⁰ and raising the ass of our enemy,²¹¹ and many others beyond count. And therefore our Sages stated, regarding the many obligations enumerated in the Talmud and Midrash, a great principle: “Right conduct comes before Torah.”²¹²

The rabbis in our time preach the opposite, that Torah (that is to say *their* Torah which is casuistic study of Talmud—hot air and vain utterances) comes before right

²⁰⁷ Regarding Johann David Michaelis see Meyer, The Origins of the Modern Jew, 17-18, 26, 39. See also, The Jew in the Modern World: A Documentary History, Paul Mendes-Flohr and Jehuda Reinharz eds., (New York/ Oxford, 1980), 36-38.

²⁰⁸ Deut. 11:14

²⁰⁹ Josh. 1:8

²¹⁰ Deut. 22:8

²¹¹ Ex. 23:5

²¹² A possible source for this statement is Yalkut Shimoni chapter “Bereshit”.

conduct. If only there arose one of these days God-fearing men of true integrity who would write enlightened moral literature in German and in the Holy Tongue like Shevet musar,²¹³ and Reshit hochmah,²¹⁴ Menorat hamaor²¹⁵ and others. But average people simply do not know any of the laws of morality or right conduct.

§ 42. Now I will come to the greatest obligation that I wrote about above (§ 18.) and this is the obligation for the rabbi to preach on the universal love of humanity (Toleranz, Menschenliebe [= tolerance, love of humanity]) because man, from the day he issues forth from his mother's womb until the day he is buried, he is expected to be a member of society and he requires assistance for someone, regardless of whom, regardless of to which nation or religion he may belong. Therefore reason obligates him to love all people. Furthermore human nature—when it has not been corrupted by foolishness—obligates him to have compassion for all humanity, which is the measure, dare it be said, of godliness. And as God is compassionate, you are required to be compassionate to everyone, as it is stated: *You give openhandedly, feeding every creature to its heart's content*.²¹⁶

Thus our Torah demands love and mercy for all humanity, as stated especially in the commandment with regard to the resident stranger. Our Torah shows no trace of hatred to other nations, with the exception of the seven nations, who were not acting in ways fit for society. And in Sifrei chapter “Ki Tetze”: “*Do not abhor the Egyptians. Why not? Because you were a stranger in their land.*” Rabbi Elazar ben Azariah said: ‘The

²¹³ By Elijah ben Benjamin Ha-levi, a 16th-century Turkish rabbi.

²¹⁴ Either by Elijah de Vidas or Shem Tov ibn Falaquera, probably the latter.

²¹⁵ By Isaac Aboab (14th-century). See “Aboab, Isaac I” in Encyclopedia Judaica online.

²¹⁶ Psalm 145:16

Egyptians did not accept Israel except out of self-interest and even they received a reward. How much the more so is the reward for those who have the right intention in these matters!”²¹⁷ Our Torah states a great principle: *The same ritual [Torah] and the same rule [mishpat] shall apply to you and to the stranger who resides among you.* (Num. 15:16) And if our Torah made this a high value and the Holy One Blessed be He made the non-Israelite and the Israelite equivalent, how much the more so when they live in the same country.

Our Sages stated further in Avot:²¹⁸ “Which is the straight way that a man should choose? That which is an honor to him and gets him honor from men.” And thus they stated: “He in whom the spirit of mankind finds pleasure, in him the spirit of God finds pleasure.” Thus any man who follows the commandments of the Torah, which hold between humanity and God, but does not act appropriately with other people—including Gentiles for they too are fit creatures in the eyes of God—“in him the spirit of God finds no pleasure.”²¹⁹ (This is similar to the parable in § 10.) And in the chapter “He would read”.²²⁰ “A favorite teaching of Abaye was: ‘Man should always seek to increase peace among all men, *even the Gentile*’²²¹ in the marketplace...” And they said further:²²² “Despise no man.” And the author of Sefer haredim²²³ added in a commentary: “neither old or young, Gentile or Israelite.”

²¹⁷ Sifrei Deuteronomy section 252.

²¹⁸ M. Avot 2:1. Translation from The Mishnah, trans. Herbert Danby, (Oxford, 1933), 447.

²¹⁹ Caro is interpreting M. Avot 3:11. Translation from Danby, The Mishnah, 451.

²²⁰ BT Berachot 17a

²²¹ These words appear in a larger font in the text for emphasis.

²²² M. Avot 4:3. Translation from Danby, The Mishnah, 453.

²²³ By Rabbi Eleazar ben Moses Azikri. “Sefer Haredim (Venice, 1601), a spiritual and ascetic manual arranged according to the *mitzvot* in usage at the time and their division according to the limbs of the body and according to time. This book had a wide circulation and was printed in over 27 editions. It was also abridged, and a commentary was added to it.” See “Azikri, Eleazar ben Moses” in Encyclopedia Judaica online.

Therefore all the commandments between man and his fellow were equivalent in the eyes of our Sages as they said: “Anyone who works in good faith with his fellow man it is as if he fulfilled the entire Torah.”²²⁴ Therefore see, my brothers, the great matter that our ancient Sages spoke, for happy are those who hear them. Shmuel said (BT Hullin 98)²²⁵ explicitly: “It is forbidden to deceive another person, even a Gentile.” And he was angry there with a butcher who sold a Gentile an unfit chicken even though the Gentile does not observe the dietary laws. How much the more so and how much the more so is it forbidden to deceive the Gentiles with malicious intent! And thus they ruled (Hoshen mishpat paragraph 228) “It is forbidden to deceive a person in business...” (also paragraph 231 there). And this is the language of the Rambam (“Laws of Theft” 7:8): “If one measures or weighs incorrectly in dealing with an Israelite or a heathen, he transgresses a negative commandment and must repay. It is similarly forbidden to deceive a heathen about an account, and one must be scrupulous with him. For since Scripture, even in a case where a heathen is subject to our rule, says: *And he shall reckon with his purchaser* (Lev. 25:50), how much more does this apply to a heathen not subject to our rule. (How much the more so a fellow citizen and even more so those Gentiles who rule over us).²²⁶ This offense is included in the statement: *For an abomination unto the Lord thy God are all that do such things, even all that do unrighteously* (Deut. 25:16)—that is, in any manner.”²²⁷ And in Yalkut chapter “Tzav” at the end of paragraph 504: “A teaching of the House of Eliezer: It happened that a man told him that he did an injustice to a Gentile in measuring out dates that he sold him, and afterward used all the money to

²²⁴ Caro is paraphrasing Yalkut Shimoni chapter “Beshallach” section 257.

²²⁵ Actually BT Hullin 94a.

²²⁶ This parenthetical statement added by Caro reflects the political conditions of Jews at the time.

²²⁷ The Code of Maimonides: Book Eleven, The Book of Torts; trans. Hyman Klein, (New Haven, 1954). 81.

purchase oil and the jug cracked and the oil was spilled, he said, 'Blessed is God who shows no favor...'" And thus they said (in chapter "What is *neshekh*"): "*If thou lend money to any of my people that is poor by thee*: [this teaches, if the choice lies between] my people and a heathen... "my people" has preference."²²⁸ This implies that it is a commandment to loan also to the Gentile. And everything else written in this portion and in countless other places in the Talmud and Midrash that demand the universal love of humanity applies also to him.²²⁹

This is how our Sages discussed the matter, and their rulings reflect this. But the rabbis, they seek only their own well being and that of "their students, and the students of their students, and all who busy themselves with the study of their Torah."²³⁰ These are the ones in their eyes who qualify as human beings for whom it is important to follow the commandments and expound their meanings. And they strive to make their attire and their customs distinct from the customs of the people among whom they live because of the principle: "Do not walk in their ways."²³¹ Verily any person of reason, whose brain has not rotted in the smoke of ornamental casuistry and its decrepit and shaky foundations, can see that this commandment was intended only to apply in times when the Gentiles were idol worshippers who engaged in all kinds of abominations including sacrifices to Moloch, human sacrifices, stealing of souls and every kind of evil that corrupts society. Our Torah warns us against these kinds of statutes encouraging us to

²²⁸ BT *Baba Metzia* 71a. Isidore Epstein et al., *The Babylonian Talmud: Tractate Baba Mezi'a*, online edition: http://www.come-and-hear.com/babamezia/babamezia_71.html.

²²⁹ Caro is deriving a principle that is implicit in this passage but not its contextual meaning. The contextual meaning is that in matters of usury a Jew should prioritize his fellow Jew over a Gentile. Thus while the passage assumes that a Jew loans to Gentiles as well as Jews the talmudic passage is not focusing on the commandment to loan to Gentiles rather the prioritization of Jew over Gentile. Caro reads the passage as he does because of his desire to demonstrate the humanistic impulse in Judaism.

²³⁰ Caro paraphrases "Kaddish D'rabbanan" in a pejorative way to show the narrow self-interest of the rabbis.

²³¹ See BT *Avodah Zarah* 11a.

unite our cause with all people who worship One God and who walk in righteousness and pursue every virtue.

§ 43. I have already clarified above (§ 19.) the rabbi's duty to preach that Israelites too are required to serve in the nation's army against enemies common to those who live side by side. And thus we find in chronicles that our ancestors who lived in exile in foreign lands and among Greek and Roman soldiers, served under Alexander the Macedonian, and after him under the Ptolemaic kings . *) Not only did the rabbis of the Talmud not forbid us from this, but we find the opposite, that they thought it honorable and praiseworthy, as they state in Numbers Rabbah (chapter 7).²³² "Another incident is related of a man who experienced regret at not having read the Scripture nor studied the Mishnah. He was once standing in the Synagogue and when the reader reached the sanctification of the Divine Name he raised his voice and cried: '*Holy, holy, holy, is the Lord of Hosts.*' They asked him: 'What impelled you to raise your voice?'"**) He said to them: 'I was never privileged either to read the Scripture or to study the Mishnah, and now that I have the opportunity shall I not raise my voice so that my mind may be at rest?' In the course of that year and the second and the third [good fortune came to him]. The man went up from Babylon to Eretz Israel, was made chief of the emperor's army, and appointed head of all the castles in Eretz Israel. They also assigned him to a place where he built a city and he settled there and was called *coloni*,***) [note: i.e. he was accorded Roman citizenship, and freed from taxation.] he and his children and

²³² Actually Numbers Rabbah 4:20. Midrash Rabbah: Numbers I, trans. Judah J. Slotki and H. Freedman and Maurice Simon eds., (London, 1951), 120-121.

grandchildren for all time... and so it says: *For them that honor Me I will honor...* (I Sam. 2:30).”

*) Maccabees 10: 36-37, 13:20 and Josephus, Antiquities 12, 13, 14.

**) The simple meaning of this is that in their days they did not raise their voices to the point of shouting in the sanctuary as we do in our time.

***) The rabbi who authored Matanot kehunah²³³ did not understand this title [*coloni*] and so was forced to explain it in different ways.... see the text itself. Its plain-sense meaning, which is both true and known to every reader of history, is that the Romans built cities in the lands that they conquered and settled inhabitants of the land there and also Romans, and exempted the people from taxes, and they called a city so established a colony (Colonia)—See BT Avodah Zarah 10a. In Hebrew our Sages referred to such a city as *Motsa* (BT Sukkah 45a) and in German (Populanstadt). Furthermore this word proves that the pronunciation of the Sephardim is more correct than ours.

Thus Israelites have always placed great value on enlisting in the army alongside Gentiles to fight wars of the land until the Emperor Honorius came along (395 CE) and decreed that Jews could no longer enlist in the fighting army *)—and we find in all other lands that even after this there were truth-loving and God-fearing people among the

²³³ Issachar Berman ben Naphtali Ha-Kohen, 16th century commentary on the Midrash. See, “Issachar Berman ben Naphtali Ha-Kohen” in Encyclopedia Judaica online.

soldiers like Don Shlomo ibn Yiḥya who was the general of the king of Portugal (1190 CE)**) and many others like him. And also in our time many Israelites join the army, and the great rabbis who were gathered for the Sanhedrin in Paris and the consistory in Westpahlia expounded this obligation. ***)²³⁴

* Codex Theodosianus L. 32.

** Basnage, Histoire des Juifs 3.B Chapter 8 § 21.

*** Sulamith 1, (vol. 1:2:1, p.11), also in Ha-Meassef of the year 5569 [1808] and in the responsa collection, Divre iggeret mentioned earlier.

But the average rabbis, how they act! It is not enough that they refrain from preaching on this obligation which is incumbent upon every Israelite, each man in relation to the state in which he lives, but they also do everything they can to undermine the state's intention in this matter—because they consider it in opposition to their religion. Their thinking on this matter is a result of their impoverished minds. They argue from the perspective that Israel does not possess its own land on account of the forced expulsions and dispersions that they have endured, and on account of the hatred in their hearts against those who have oppressed them by not giving them a place to breathe freely. And also because kingdoms that ruled over us in earlier times out of hatred did not

²³⁴ Question six of the twelve questions posed by Napoleon to Parisian Sanhedrin asked: "Do Jews born in France, and treated by the laws as French citizens, consider France their country? Are they bound to defend it? Are they bound to obey the laws and to conform to the dispositions of the civil code?" In this passage of "Techumat harabbanim" Caro is most likely thinking of the portion of the Sanhedrin's response that states, "they [The Jews of France] consider as equally sacred and honourable [*sic*] the bounden duty of defending their country." See Mendes-Flohr and Reinharz, The Jew in the Modern World, 116-121.

want to list our names among those who defended the land (as will be discussed later) for in reality, in the moment that the nations accept the Jews as soldiers in their armies, these soldiers performed heroic deeds. All these facts are unknown to the rabbi, and he does not want to know them, he prefers to fantasize and say that there is a prohibition in the matter. And as a result Israel is scorned and disgraced because the Gentiles contend:

‘This people consumes the best of this land and dwells among us without helping to keep out our enemies, surely fear must rule their hearts.’ It is well known how many decrees against the whole community have come forth on this account.

§ 44. The rabbi’s preaching should be full of love, compassion, and grace to reach the heart of the sinner; his words should extend compassion to the wicked. Just as Beruriyah said:²³⁵ “*Let sin be removed from the earth*. That is to say: sin” [not sinners]. And they stated: “The sinners of Israel are received in repentance because God’s chamber is open to all who transgress.” It is proper to receive the sinner with a kind disposition and sincere words and help bring him back to righteousness. The preacher can act like a physician healing an illness that fends him off with all its strength, but he will desist from his treatment because he has afflicted the person, who is as one struck by blindness in his diseased body. And these are the words of the Alsheich in his chapter on “Kedoshim”²³⁶: “*You shall not hate your kinsman in your heart* (Lev. 19:17) if he is your kinsman but if he does not behave like your kinsman, *rebuke your fellow* (Ibid.) because he remains your fellow [Israelite].”

²³⁵ BT Berachot 10a. Beruriyah reads Psalm 104:35 not in the customary way: “Let sinners be removed from the earth” but rather “Let sin...”

²³⁶ Rabbi Moshe ben Chayim Alsheich, Torat Moshe, 16th century. I cannot verify this citation.

But the teachers in our time froth and foam and embitter every man who is evil in their eyes, even though he may be good in the eyes of heaven. They do not pay heed to what our Sages of blessed memory say (Chapter “Portion”) regarding the passage: *Shall it be according to thy mind?* (Job 34:33)²³⁷ Their words are built on a foundation of truth because words contained in the heart are judged by God, and man has no part in it, except to speak tenderly to the sinner. It is as our sage the Moses Mendelssohn²³⁸ elaborated tastefully and sensibly on this issue in his book entitled Jerusalem. His reasoning is that God has granted reason to every person, and no two people are fully identical in their characteristics, place of residence, or temperament. For the sake of further clarifying these ideas, which comprise a great human truth, I will translate for you, my dear reader, words of a scholar who seeks truth and the benefit of mankind *). These are his words:

* Campe in his book Theophron.²³⁹

“Man sees with his eyes—that is to say he judges based on his thoughts, and he acts based on his judgments, but his thoughts and his judgments and all his actions are not contingent upon his will expressed in freedom of choice, rather upon his circumstances and his social status that have been with him from the time of his birth until the present moment. In the treasury of his soul are found these ideas and not others. Where do I get these from?— Have I not gathered them from the day of my birth on the basis of my unique circumstances and social conditions, because I have not ever seen different

²³⁷ See BT Sanhedrin 104b.

²³⁸ Cited as Harambeman [Moses ben Menachem].

²³⁹ Joachim Heinrich Campe, an important Prussian pedagogue, was, for a time, director of the *Philanthropin* school in Dessau. He had influential contact with Moses Mendelssohn and other Haskalah figures read his works. Theophron appeared in 1783. See Meyer, The Origins of the Modern Jew, 42, 128.

images, and I have not thought different thoughts aside from these all the days of my life. And had the land of my birth been either Tahiti or Greenland, then certainly my thoughts would be different than what they are now, and if I had been born blind or deaf then the thoughts and conceptions that I have today would be different than what they currently are. On the basis of this there are three necessary conditions for human behavior:

- 1) If there is truth in this idea, that our thoughts depend on our social conditions and circumstances which have been with us from the day of our birth—then the scholarly mind will take this idea further—in all eternity there never was and never can be two people who are identical in their social conditions in every respect *) then the following is also clear: there have never been or can ever be two people who are identical in their thoughts. Thus it is a great foolishness to seek equivalence among the thoughts of children born of women, regardless of the topic—foolishness! How could one require this, to place in your mind what is foreign to you and beyond your own capacity for thought, as if to say: think like me! Imagine foreigners who have never seen flowing water, having only thought of snow and ice, and therefore think that rain is a solid, or inhabitants of a dark land—what can they say?—Have you not seen another image, which from a variety of different perspectives looks like different images?—Go out to a field at the time that the shadows descend, look from afar at the trees of the forest, or from an ivory tower—look and learn from them that all our visual conceptions conform to these images; and only from the place that we stand and observe (Gesichtspunkt [=angle of vision]) and our abundance or lack of strength to establish the necessity of what we see, whether it is a high and steep mountain or a little hill, if it is the light of the sun or of the moon—and since it is impossible for

another to stand with you together upon the place that your stand, and see through your eyes, and be in your social conditions, thus too it is impossible for another to see that one reality, or feel like you do. It is foolishness and the first lesson is learning the ways of the soul before you judge and require from human society that which is impossible.

* See The Guide of the Perplexed, II:40.

- 2) If conceptions depend only on time, place, and situation of the one who conceives them, and also feelings and sensations that dominate us, then it is great foolishness to require that all people come to the same conclusion on the basis of one conception—for who would believe in what they hear from us (if daily experience and reality did not testify to this). There have been people (and there are!) who sought (and will seek!) in even greater foolishness, from others that they say “amen” to all of their words, and declare everything that they say to be truth, and declare false everything that they declare false. Hah, what excessive stupidity! Indeed these people expect that their words will achieve this perversion. They say: “See through our eyes, think with our thoughts, hear with our ears in this matter, just as we see, think, and hear it.” Deceive yourselves, destroy your individuality, remove your feelings and thoughts from your hearts and souls. Better to accept in their place, one time, the feelings and thoughts that I was given from the day of my birth until now by my circumstances

and my social condition. One more time I declare: It is great foolishness (and mostly evil) for a person to know the stupidity of this request and request it regardless!!!—²⁴⁰

- 3) If man, even though he is able to determine his actions (sometimes or generally?—) in opposition to his judgment and his knowledge, or the special qualities of his soul, and no external powers can compel him to act against it, then this is an eternal truth: since most of our actions depend on our social conditions and circumstances that have been present from the beginning, and our circumstances in the present moment. If so, then it appears that our actions, even those that are born out of choice, do not depend entirely on man to punish him or reward him for his every deed, as many think. If people could change or transform their unique mental characteristics, their bodies, their status and their personal histories, then they could switch along with them also their thoughts, their virtues, and their actions. David could be Ahab and Ahab David; Socrates could be Nero and Nero Socrates.—But this notion does not hold or prevent the judges from imposing their judgments on a person or setting limits on a person's actions by virtue of their decrees and laws, and to punish those who transgress because such rules are fitting and necessary for the human condition and there are reasons that underlie all human action; but for us, who do not have the power of legal judgment put in our hands, are meant to maintain our ways, without becoming haughty over our brethren on account of our alleged greater righteousness, only to gird ourselves with a just humility, without condemning the evils of our neighbor excessively; we, I say, who do not make rules or render judgment can only speak softly words of morality and intelligence to listening ears, proper and fitting for our

²⁴⁰ Caro envisions Campe as rebuking the rabbis that Caro rebukes for imposing their thoughts on other people.

souls, when we see sinners. Were we in their place, or they in ours, then perhaps our deeds would be like theirs and their deeds like ours.” These are the words of this sage.

§ 45. On the topic of the rabbis obligation to his students I wrote above that he is obligated to study with them not only Torah but the other sciences just as we find in the example of our Sages who taught all the sciences to their students, as they said: “Hillel the Elder had eighty students...”²⁴¹ And likewise we find (BT Shabbat 82a) that: “Rav Hisda studied external matters with his students.” There are many other examples—but the rabbis in our time, they do not teach any science to their students because they themselves lack the capability and are far from understanding. And I am already sick of repeating that which I have elaborated upon above.

§ 46. The judge needs to understand the content of a matter that comes before him. The most wicked thing about our rabbis is that most of them do not know and cannot understand the content of a matter that they are supposed to judge, whether in matters of commerce or arithmetic, or any of the other disciplines that he requires, and in spite of this not only do they still sit in judgment but they can coerce the litigants to accept a ruling against the precedent of the laws pertaining to the Sanhedrin. In “Laws of Judges” (4:14, the Rambam) these are his words: “But outside Palestine the authorization”—granted to the judge from a court within Palestine—“does not confer upon him the right

²⁴¹ Avot d’rabbi Natan Chapter 14. Hillel’s students are subdivided into categories based on their potential to be Torah scholars. Some are not fit for scholarship.

to compel litigants (to submit their cases to him).”²⁴² It need not even be said that this applies to our rabbis who are not ordained, since ordination has long been obsolete, and had the government not abolished the ban, they would still try to coerce the acceptance of corporal punishment out of sheer whim. They fantasize about all kinds of things for which they do not have the authority, as our Sages said (BT Ketubot).²⁴³ “The Tannaim bring destruction upon the world. How can it occur to you to say that they bring destruction upon the world! Ravina said:²⁴⁴ Because they decide points of law from their teachings...” These are the words of the Rambam (“Laws of Judges” 2:7).²⁴⁵ “A judge who is arrogant in decision, who hastens to give judgment before weighing it carefully in his mind... is foolish, wicked, and haughty.”²⁴⁶ And especially now that the laws of ordination no longer apply (“Laws of Judges” 4:4) and we are not obligated outside of the land of Israel to appoint judges at all (Rambam “Laws of Judges” chapter 1 and Ramban in his commentary to *parashat Shoftim*).²⁴⁷

§ 47. Should a person ask upon seeing all that I have written: how did we Israelites reach the present moment, to have sunk to such depths of ignorance? How did we fall so far? I will answer him with this explanation.

The reason for all this contempt, muddling, confusion, and quarrel among us is all the expulsions, persecutions, decrees, and massacres that befell us in earlier times,

²⁴² The Code of Maimonides: Book Fourteen, The Book of Judges; trans. Abraham Hershman, (New Haven, 1949), 16.

²⁴³ Actually BT Sotah 22a. Isidore Epstein et al., The Babylonian Talmud: Tractate Sotah online edition: http://www.come-and-hear.com/sotah/sotah_22.html.

²⁴⁴ Caro cites not Ravina but Rava.

²⁴⁵ Actually Mishneh Torah, “Laws of Sanhedrin” 20:7

²⁴⁶ The Code of Maimonides: Book Eleven, The Book of Torts; trans. Hyman Klein, (New Haven, 1954),

62.

²⁴⁷ Ramban’s commentary to Deuteronomy 16:18.

specifically the Dark Ages in various lands, aside from Rome during its tranquil period wherein there sat civil judges and we too were treated as inhabitants of the Empire. Then from the time of the birth of the Christian sect, and its ubiquitous rule, there arose foolish priests who did not know their left hand from their right nor the ways of their vocation, and did not follow in the footsteps of their own legislator [Jesus] to apply his teaching, but rather loved bribes and strove for glory and to gain the wealth of all those who did not belong to their own sect. And in particular they rose up against us, a bedraggled and decrepit people because of the hatred in their hearts, which they described as religious vengeance—even though their religion, according to its own progenitor, commands only love and not hatred, because it was built on the foundations of our Torah, whose first rule is love—but nonetheless these fools arose and made our lives exceedingly bitter, for there are people whose temperament is wicked, whose Zodiac sign is Mars²⁴⁸ and crave only evil, and only blood and enmity can satisfy them. There are others who were after the Jews' money since the Jews knew through various stratagems and the many expulsions, the ways of business better than they did, and that they would not sit lazily at home with empty hands and seek only pleasures. Rather they toiled in commerce, and traveled far, and amassed property, and therefore the nations became envious and sought their wealth. There were also some who envied them on account of their intelligence and knowledge, for it is the nature of the fool to hate the sage, for when Europe was populated primarily by boors, until eventually only the circumcised ones (the Jews and the Muslims) possessed a store of knowledge. For this they raised charges against them and sought their annihilation. Who can call to mind all the stupid attacks and accusations that our

²⁴⁸ See BT Shabbat 154a: "He who is born under Mars will be a shedder of blood. R. Ashi observed: Either a surgeon, a thief, a slaughterer, or a circumciser." Isidore Epstein et al., The Babylonian Talmud: Tractate Shabbath, online edition: http://www.come-and-hear.com/shabbath/shabbath_156.html.

ancestors endured without losing their balance? Who can know them without his hair standing on edge! Any trouble or evil that occurred in the world as a result of the course of events, whether to the king or to the nation: the Jews were considered the cause. When there would be a plague in the land, *) a drought, plant disease, every plague and affliction—the Jews, in their opinion, had a hand in it. They said that the Jews had put a toxic drug in the wells and similar libels—and Jews were slaughtered. If soldiers fled from their enemies out of fear, they said it was because Jewish soldiers had acted as spies. So they accused and then fell upon them and killed many of them. At a moment of need because there was no more money with which to run the state in the king's treasury or to carry on a war, they forced the Jews to give them their money that they had toiled for and accumulated by the sweat of their brows. And then when the king could not pay back his debt to the Jews or did not want to repay it, or the interest on it—expulsion!—

* Best known is the great plague that affected virtually every state in Europe in 1348 and the Christians claimed that the Jews were the cause, and many fell upon them on account of the words of their priests who thought it was a good occasion for revenge, in Germany, France and Italy and the rest of the states, and they killed them, burned them and expelled them.

In addition to all this they imposed many cruel decrees, such as the decrees against observing the Sabbath, against circumcising the flesh of the foreskin, and against studying Torah; anyone who transgressed an edict would be burned and killed—the worst of all was the collective culpability (Solidarium) so that through this association, in their

eyes all Israel was like a single judicial person. They enacted many decrees specifying that if one Jew sinned (whether in truth or by accident) their fury was unleashed against the whole community—the civil courts were not allowed to judge Jews, if a Christian priest did not sit on the court—after this under the reign of the German Kaisers, the Jews were called servants of the government (Kammerknechte [=serfs of the chamber]) and the Kaiser had the power to make things worse or better for them, and to do with them as he willed. For example, King Wenceslas IV issued an edict stating that all his non-Jewish subjects were exempt from paying off their debts to the Jews, not principal and not interest. Henry III, King of England, sold the Jews in his state to his brother Richard for 5000 marks in the year 1255, and so on. After that the wicked priests raised a new charge against us in stating that all Jews absolutely require the blood of Christian children for Passover, as a remembrance of the Passover sacrifice. I do not know which is greater—the stupidity or the wickedness of these people! And the faithful crowd believed every word that came out of these priests' mouths. And they waited for the day of vengeance and then fell upon the Jews, and murdered them time and again, as is known from chronicles. I simply cannot record all the catastrophes and troubles that have befallen us, it would be impossible to include everything. Finally we find that they accused the Jews of France that they were the cause of the insanity of their king, Charles IV, and a decree was issued to expel them from the land.

In light of this how would it have been possible for the Jew to love his enemies deeply, the enemies of his soul who thought of every contrivance day after day to annihilate him from the earth!—The Jew feared every day the deadly anger of his oppressor, and at night in his bed he sighed and said, 'who knows whether the morning

will bring a new decree set out to cause us harm'; in a place of fear it is impossible for the flower of love to blossom—therefore, in truth, it is no surprise that so many Israelites hate those who hate them, even though we children of Israel by our nature and our Torah are merciful persons, the descendants of merciful persons with regard to all human beings. *). We are grateful to Him who is compassionate to all people, that the constant troubles have passed completely, and in their place have come days of tranquility, and the Gentile too has opened his eyes, and purified his heart, to see and to understand that the Israelite too is a human being like him and that it is incumbent upon him to love him and consider him like a brother; and also the Israelite who walks among the Gentiles and sees that they seek our well-being, then will love the Gentile without stressing the difference in their beliefs, and he will draw near to him in every possible way.

* In these difficult days words were repeatedly spoken that are alien to us today but which are contained in the Talmud and other books. For example we alone are called human, “wronging a Gentile is permitted...” or “it is forbidden to walk with a Gentile...”—and at the time they were justified. But, now that the Dark Ages have passed, it is appropriate to expunge such views from the heart of *yeshurun*.

Also for this reason it was not possible for an Israelite to hold certain jobs, study certain subjects, or perform certain deeds, because the Gentiles did not permit the Jews to enter certain professions that they held. And those occupations that the Gentile permitted to the Jews, many Jews feared going to Gentiles homes to learn from them, out of a fear of punishment and danger. Also they were put off by the measure of the Gentiles' sins.

And regarding the occupations that the Jews were skilled at, they sometimes would not have the ability to carry them out on account of the expulsions and persecutions. For today in one state a certain profession is permitted for the Jews but it is not permitted in another. Because of such conditions many professions perished among the Jews.—

Another reason for the abandonment of various professions among us is the excess of taxes placed upon us day by day. On account of these and on account of the expulsions, our ancestors were forced to engage only in trade, which was contemptible in the eyes of the Gentiles *) but through which a man could have all his wealth at hand to flee or run away in a time of trouble, or to bribe his enemies, or to pay the heavy taxes—also for this reason they permitted them to occasionally charge a Gentle interest, which was forbidden by law, because they considered it akin to sucking their blood, and it warranted the whip.

* Montesquieu, L'esprit des lois, Book 21. Cap. 20.²⁴⁹

As a result of all this our honor was diminished and our wisdom perished (see The Guide of the Perplexed, I:31, 33, and especially 38) since for what purpose should they learn the various humanities and sciences if all the different forms of civil service were forbidden to them.—And how can an oppressed person study the sciences which can only

²⁴⁹French writer and political philosopher (1689-1755) who argued for the value of tolerance.

"Montesquieu, Charles Louis De Secondat, Baron De La Brede Et De" in Encyclopedia Judaica online. Caro refers his reader to a passage from chapter 21, section 20 of the book which contains *inter alia* the following passages which relate directly to Caro's discussion:

"Commerce was transferred to a nation covered with infamy, and soon ranked with the most shameful usury... and with all the dishonest means of acquiring wealth.

"The Jews, enriched by their exactions, were pillaged by the tyranny of princes...

"The Jews invented letters of exchange; commerce, by this method, became capable of eluding violence, and of maintaining everywhere its ground; the richest merchant having none but invisible effects, which he could convey imperceptibly wherever he pleased." See, Baron De Montesquieu, The Spirit of the Laws, trans. Thomas Nugent, (New York, 1949), 364-365.

be studied by a person with a happy spirit! It reached the point that in matters that were permitted to our ancestors to partake in, like the study of medicine, there were found among us physicians of great renown and fame **). Thus the Israelites restricted themselves to those corners of the cities where they were allowed a bit of tranquility and they focused their energies inward and added commandment upon commandment, division upon division, to distinguish themselves from the people of the land, for the oppressed soul finds strength in its citadel; and like one who falls into the water grasps on to something to save himself, the oppressed person holds onto vanities all day saying: 'This will save me!' —

** Among the famous are the rabbi, truly of all the exile, Rambam, physician to the King of Egypt, Saladin; Rabbi Judah Alpakar, The Ramban (responsa of the *Rashba* #120); Don Meir who translated the Book of Ethics of Aristotle and was the physician to the King of Castille; David Hatapuhi,²⁵⁰ the author of Tzemah David (mentioned earlier); Orobio de Castro; and in addition to them many others, and in more recent time the physician and sage Rabbi Jonah Jeitteles, Marcus Herz, Marcus Eliezer Bloch, and others like them who became very famous not only for the study of medicine but other sciences as well.

But now we joyously lift up our eyes to God who frees the captives, our souls sail on a tranquil sea, and our spirits fly to the heights of humanity; now we too enjoy the good of man and rejoice in the fellowship of humanity. And while it is true that even in these

²⁵⁰ Apparently another name for David Gans.

times of enlightenment there are still many Gentiles who hope to see us suffer and would be happy to see us die out; and while there are still many contemptuous people who abase us and write books that degrade the glory of Israel!—In spite of all this my brother, do not despair, there are more people today than in the past who are with us, who recognize that we too are human beings like them, and there are many people who have true love for Israel. For throughout most of Europe the times of great oppression have passed, righteous kings in every state have lifted the old yoke of subordination and have given us respite. These kings will set their eyes on our wellbeing and protect us from any evil that arises to destroy us. Therefore it behooves us too to improve ourselves in whatever ways possible and to draw nearer to them through all forms of attachment so that we may live out the rest of our days peacefully on the land, aware of the goodness of God, and fulfilling His commandments. And if the rabbis of our time would only be willing to consider all this, then virtually all envy and hatred between Jews and Gentiles would cease, and we would become a wise and discerning people of whom the Gentiles say: “O House of Jacob! Come, let us walk By the light of the Lord!”²⁵¹—

CHAPTER 5—RESOLVING THE QUESTION: WHAT SHOULD WE DO?

§ 47. Behold God is *peering through the lattice*²⁵² of the Torah and wisdom. Let us go forth against those who denigrate knowledge. Let us say to our souls: ‘be strong, do not fear.’ This is what we should do first: in every state an assembly of sages and learned men should join together as one and come before their king and beseech him saying: ‘We

²⁵¹ Is. 2:5

²⁵² Song of Songs 2:9

are your servants, like all the other peoples of your land, we too contribute to society through the blessings of our hands, and from our labors and our granaries we shall contribute to the storehouses of the monarchy; we are honest and loyal. Let us be, regarding this matter, like all the other inhabitants of your land, namely:

To establish for ourselves a council of sages and learned men, men who are known as masters of the religion of Moses and Israel and who also love righteousness, who would oversee all religious matters and who would be in charge of fixing and abolishing in Israel. They would also have the power to appoint wise rabbis for every community and ensure that the community of Israel not be like a flock without a shepherd wherein every man pursues the cravings of his heart. This would expedite the removal of certain imbecilic prohibitions and allow us, the people of Israel, to be like all the other nations in your land—beneficial to society and the monarchy through our talents and knowledge.”

And if this were granted to us, an association of sages to supervise the affairs of the community, this would enable to rabbi to become what he is supposed to be in accordance with the words of the prophet: *Proper rulings were in his mouth, and nothing perverse was on his lips; he served Me with complete loyalty and held the many back from iniquity. For the lips of a priest guard knowledge, and men seek rulings from his mouth; for he is a messenger of the Lord of Hosts* (Malachi 2:6-7).—

§ 48. This is what should happen next, since in almost all lands we have the freedom to choose any kind of labor or course of study, each man according to his characteristics and talents, like every citizen of the land. Why do we hurt ourselves and not show concern for

the wellbeing of our children. Why do we do nothing to make them good and productive people for their own sake and society! Why do all of us become either rabbis or merchants! (On account of our many sins, a middle ground is hardly ever found at present between these two extremes.) Why do we rest indolently and not worry for the wellbeing of our sons, and remain despised among the nations (as if the Jews had horns on their heads and the hearts of rabbits). If the diseased eye of the rabbis cannot see what should be done, why do we not act for the benefit of our children? They are *our* sons, my Israelite brothers! They are our sons, not the sons of the rabbis who do not care for them at all. It is our duty to improve their education, lest our sons curse their fathers who brought them into an embittered life full of suffering. Afterward their grievances will be against us, not the rabbis. So why therefore, my brothers are you waiting for the rabbis? Go, each of you, and demand of the mass of the House of Israel (God protect them) to listen to the wise men in their town. Go my brothers! We must rally for the sake of our people, and for the sake of God's people, this weakened flock which has no leader besides us to do this thing.

§ 49. And in each and every city where the sages gain a stronghold, they should establish two connected sister societies which will generally be referred to as:

“The Society for the Education of Youths”

Which will be divided into two sections, the first will be called:

“The House for the Service of God”

And the second:

“The House for the Service of Humanity”

The first will oversee the instruction of the youth fit for Torah and science and will teach him a variety of disciplines; the qualified youth will be prepared for any kind of study he desires: one can be a Torah scholar, another an engineer, another an astronomer, and another still a doctor.—And the second oversees the youths who are not capable of studying science (the majority) and they shall instruct them in the skills of a labor fit for their temperament, physical stature, and character traits.

§ 50. And should you ask, my brother, from where will we take the necessary funds to establish schools like these?—I will answer you saying:

- a) Every father in Israel, even if he is poor, is currently paying the fees of the Talmud Torah instructor. These fees will go for the establishment of this new school.
- b) In every city the assembly will take moneys found in the treasury of the Talmud Torah and other study houses for this education *).

* I have already explained above (§ 37.) the failure of the institution of the Talmud Torah as it is conducted among us. If it was appropriate in earlier times it has now become an obstacle. And the failure of traditional study houses is also well-known. The expenses are great and the usefulness minimal, being of value only to those who have no room to study in their

homes or for the man who says, “Better to sit in the study house than to be with a ‘contentious wife’ and ‘a house full of feasting with strife.’”²⁵³

- c) They will abolish assistance to pilgrims and transients who travel from one city to another and each city will be responsible for supporting only its own poor. Thus the surplus that remains in the fund of the charity collectors will be taken for the purpose of this great charity **).

** Many people come and go from city to city either because of the poor quality of their education or because of an expulsion that has fallen upon them catching many unprepared. So one person goes and becomes a primary teacher, another becomes a rabbi or a cantor and scribe, another becomes a ‘rebbe’, and another a kosher slaughterer. The result is an abundance of people who become lazy and unproductive. See how many healthy and capable people, who have the strength to be workers, to cut trees and draw water, have become indolent and dependent on public welfare because they know that Israelites are compassionate. Well this is truly vain compassion!—

- d) Each community of Israel will decrease the number of civil servants attending to various institutions, synagogues, and study houses. Who is not astounded to see that in every city there are so many people involved in this: one knocks on doors ***), another brings water to the washstand, another calls out the purchasing of

²⁵³ Caro is referencing Prov. 21:9 and 17:1. 21:9: *Dwelling in the corner of a roof is better than a contentious wife in a spacious house*; 17:1: *Better a dry crust with peace than a house full of feasting with strife*. Clearly he is ridiculing the institution of the study house.

honors, another prays on the intermediate days of a festival, yet another on Shabbat, and another on the festival itself, another reads Torah from the pulpit, another announces who is called up to the Torah, and lots more like them—Could not all these small tasks be performed by a single person? These little reductions would still allow for their sustenance without depleting the resources of the community quite so much. Also in this category belong the reductions in the number of young men who serve the rabbi or the judge in the city. I know that there are cities whose inhabitants are poor, but nonetheless, either on account of shame or to gain honor, or out of fear of the rabbi, they will use what remains in the treasury to feed the belly of a youth who in only a few short days will be like the rest of the mass of Israel—a merchant!

*** And on Shabbat he yells in the streets. This, as is known, is a custom from earlier times, and it should be discontinued everywhere that it is still practiced just as it has, in fact, been discontinued in the big cities because Jews now live on the same streets as Gentiles. Furthermore prayer times are now set at certain hours.

- e) Every Israelite, even if he does not have children, will give with a willing heart to the establishment of this school.
- f) It seems desirable to decrease taxes that place a heavy yoke upon the necks of Israelites, which are there because of the lay leaders of each city, whether they have a love of dishonest profit, or are simply ignorant of the right form of leadership and organization for the community, and place a heavy burden on the people. They simply do what they please.

g) When all this comes to be, the Israelites will go before their king and beseech him saying: 'We are your servants like all the other peoples of your land, so why do we face discrimination with regard to the wellbeing of our children, *your* children?— In our hands are our best, our blessing from God. Now, won't you too show kindness to us! And the king in his seeing that this is just, will certainly not withhold his compassion from us, and it will go well with us and our children, and through us the words of the prophet (Is. 29:22-24, 54:13) will be fulfilled: *No more shall Jacob be shamed, no longer his face grow pale. For when he – that is, his children – behold what My hands have wrought in his midst, they will hallow My name.— And the confused shall acquire insight and grumblers accept instruction. And all your children shall be disciples of the Lord, and great shall be the happiness of your children.*

EPILOGUE

Given that a large part of this rabbinic thesis involved translating from Hebrew I decided to spend the summer in Jerusalem so that I would be immersed in the language. While there I experienced a coincidence that I am pretty sure went unnoticed by the rest of the country. On July 3rd I turned to the back-page of the newspaper Sha'ar to read the commentary on the weekly Torah portion, which happened to be *parashat* Pinchas.¹ After a brief overview of the *parasha* the author stated his topic: "The appointment of Joshua Bin-Nun to lead (Num. 27:15-23)" and then: "We will learn how the Torah views the role of the leader and also what characteristics [= "techunot"] the Torah requires of him." According to the column there are three such "techunot": 1) the ability to listen; 2) the leader must be consistent and command authority; 3) the leader must serve as a personal example to others." I, and (I am pretty sure) only I, immediately thought of David Caro. As I reflected on the connection between this contemporary discussion of "techunot" and Caro's "Techunat harabbanim" I realized that the commonality is based not only on the shared vocabulary and the common feature of the enumeration of the leader's duties, but also on a shared textual tradition regarding the figure of Joshua.

As I sat reading the Sha'ar column I was struck by the fact that a 19th-century Polish maskil and a 21st century Israeli journalist were both discussing the same midrash about Joshua. In addition to the scriptural basis for the discussion of Joshua both Caro and Sha'ar cite a midrashic tradition that Joshua was an attentive and thoughtful leader

¹ Sha'ar, July 3, 2007, p. 15.

capable of meeting the needs of all his fellow Israelites.² Two voices, separate in every way, answer a common question based on a shared textual tradition but with different answers. Caro is concerned exclusively with the rabbi as leader, in Sha'ar the discussion is of leadership in a primarily secular context—political, social, and military.³

This coincidence, clearly orchestrated for my benefit, made me pause and consider the question of David Caro's influence. What, if anything, is his legacy? I took as my starting point the fact that, while Caro was becoming an increasingly significant figure in my life (we *were* spending quite a bit of time together), all my research suggests that in the 188 years since the publication of Berit emet, "Techumat harabbanim" has had little or no direct influence on anything or anybody. Unlike Sifre to Numbers and Rashi, "Techumat harabbanim" has not been incorporated into the shared textual tradition of Jews everywhere. The author of Sha'ar clearly does not know Caro.

None of the early figures who came to typify the modern rabbinate, such as Abraham Geiger, who we might think would have derived some inspiration or sense of legitimacy from a work like "Techumat harabbanim" ever mention Caro. A candid assessment of Caro's influence is that Caro is in no direct way responsible for any of the changes that the rabbinate underwent in modern Europe. What we can say about Caro is that, while he wrote in a context of upheaval and unprecedented change for European Jewry and saw himself as engaged in the reform and rehabilitation of Judaism, he is more a reflection of change than he is an agent. Poised between the end of the German

² In § 9 under the heading of "The First Obligation" [to serve as a model for the people] Caro cites Sifre to Numbers section 140. The Sha'ar column cites the same tradition in the name of Rashi on Num. 27:18. For Caro, Joshua is proof that "derech eretz" is on equal footing with Torah. The Sha'ar column states that "The leader needs to be attentive and sensitive to every person in his community: the new immigrant and the long-time citizen, young and elderly, rich and poor."

³ Around the same time that the Sha'ar column appeared Shimon Peres was elected President of Israel in an overwhelming victory.

Haskalah and the beginning of the Haskalah in Galicia and Russia, he is the student of many but the teacher of few. He is a liminal figure both chronologically and geographically, whose writing reflects the processes at play in his lifetime. To a student of Jewish history Caro is a voice that evokes a particular historical moment. He is of interest not only because of his diagnosis and prescription for the rabbinate, but because of the fact that Caro too is engaged in historiography: tracing the roots of Jewish communal leadership to the earliest period of Jewish history and also conveying something of the history of the Jews in Europe. Even as Caro looks forward to a new paradigm of rabbi he looks backward to a past which he venerates and idealizes. The result is an *alt-neu* rabbi.

I would be remiss to not devote some attention to the people who did read David Caro and take him seriously. The first such figure is Judah Leib Mises. Mises' relation to "Techumat harabbanim" is a complex one. He reprints the text but also rewrites it. Mises' version of "Techumat harabbanim" is at least 1/3rd longer than Caro's and has extensive footnotes. There are times when Mises, certainly a better stylist than Caro, clarifies Caro's thoughts, but also times when he deletes without leaving any trace of the original text. The relationship between Caro and Mises is an area for further research. In the context of this rabbinic thesis Mises' text functioned primarily as a translation tool. Significantly it is Mises' version and not Caro's that is reprinted in Lemberg in 1879. This later publication date also implies at least some ongoing interest in "Techumat harabbanim". More could be done to research the production of this later edition.

Part of what drew me to "Techumat harabbanim" is the content. As an *erev rav* I have had a number of occasions to reflect on my developing rabbinic identity in the

broader context of the current moment in American liberal Jewry and also the institution of the rabbinate as I experienced it as a child and young adult. Given the challenge of achieving a bird's eye view of the present moment, whatever it may be, a document like "Techumat harabbanim" is a useful tool for assessment and reflection. While a historical document, it is more than an artifact. If we read Caro in an interested way, allowing for the possibility that he can help us better understand the present moment, then Caro is a resource for our own critical self-reflection. This kind of reading is what Robert L. Katz did in his short article, "David Caro's Analysis of the Rabbi's Role", published in the CCAR Journal, in April, 1966.⁴ In Katz's view "Techumat harabbanim" makes suggestions that might be of interest to the modern American rabbi. Katz calls "Techumat harabbanim" a "constructive analysis... of the potentialities of the rabbinate for ethical and communal leadership," and states that, "The issues raised by Caro respecting the function, authority and accreditation of the rabbi anticipate current questions in the sociology of the rabbinical profession."⁵

Katz's attraction to Caro is understandable. Caro's rabbi is a man of integrity, a powerful and clear communicator, and a dynamic pedagogue with a broad base of knowledge. He is a leader capable of inspiring the Jewish people, committed to the growth and wellbeing of individuals and the community. He is fully modern and fully Jewish, and does not need to apologize either for his modern or his Jewish spirit. Furthermore he is a social critic, a preacher of truth, and a person capable of honoring

⁴ Robert L. Katz. "David Caro's Analysis of the Rabbi's Role". CCAR Journal, offprint (April, 1966), 41-46.

⁵ *Ibid.*, 41.

both universal and particularistic considerations. No wonder Katz calls Caro's vision "Utopian."⁶

Now that I too am a reader of Caro it is appropriate for me to state briefly some of the ways that Caro has influenced my conception of the rabbinate:

- *Knowledge of Jewish tradition.* Caro's rabbi, like Caro himself, is fluent in the Jewish textual tradition. His authority is based on his knowledge of halakhah and his ability to make halakhically based decisions. Far from reducing the rabbi to a *posek* this traditional kind of knowledge enables him to be an agent of change. Jewish literacy is the key to an authentic rabbinate. Rabbis cannot act on behalf of a tradition that they are unable to study and teach.
- *Symbolic exemplar.* Caro understood that the rabbi had to serve as a model not solely as a remonstrator. "The crowd" expects their rabbi to be an example of a humble, spiritual, well-balanced, thoughtful, honest individual and Jew. The concept of the rabbi as *symbolic exemplar*, very much in vogue today, is not a new concept.
- *Education.* Education is not a narrow activity, circumscribed by the walls of a school-house. Teaching and learning are the primary ways that we transmit values across generations. Learning is one of the fundamental activities present at every stage of the life of a rational human being. Caro's rabbi is a teacher, but not in the narrow sense. He teaches at school, from the pulpit, and in all that he does. He advocates on behalf of not only Jewish education, but secular education. He teaches *derech eretz* and Torah and ensures that

⁶ Ibid., 41.

both boys and girls are educated appropriately. Rabbis may be judged on the basis of their approach to pedagogy: content and process. The importance of teaching and creating a culture of learning among the rabbi's community cannot be understated.

- *Public figure.* Caro's rabbi is not only aware of the socio-political context of his community; he is expected to advise the community and speak on their behalf as well. Caro saw this duty primarily in terms of reminding the people that they too should feel a sense of patriotism for their homeland (i.e. whatever land they live in). In modern times the role of clergy vis-à-vis government is not so easy. However what endures is the notion that the rabbis should be informed about current events and social trends and use their influence to guide the community.
- *Universalism and particularism.* Caro is most passionate when sounding the bell of universal love among all humanity. Caro's rabbi must not only make the Jew respectable in the eyes of his Gentile neighbors, but also teach the Jew how to respect. All human beings are endowed with reason, a precious and ennobling gift from their Creator. The rabbi is duty-bound to help his community see that all human beings, Jew and Gentile, are so endowed and therefore deserving of respect. Caro articulated this value in the "Age of Reason". How much the more so in the present moment, which some feel is ever more an age of unreason.

Overall it is the rabbi's duty to advance the rehabilitation of Judaism. At the end of the day the rabbi's ability to shape world events is miniscule. The rabbis' power lies in

their ability to impact the body and soul of Judaism. From Caro and other maskilim we have inherited the notion that in every age Judaism is, in some way, diseased. The rabbi's duty is to diagnose the illness and seek to implement the cure. The metaphor of disease and cure is a way of describing the importance of reforms within Judaism.

Though his direct influence is negligible and his writing generally overlooked, there is value in studying David Caro and "Techumat harabbanim." The specific challenges that the Enlightenment raised for traditional Judaism and the various responses of Jews to these challenges, when understood and researched, shed light on a critical era in the development of modern Judaism. For all the research that has been done on the Haskalah there is still much left to be discovered. Hence the value in studying a work like "Techumat harabbanim" which seeks to integrate modern values into the traditional role of the rabbi. More than the specific solutions and suggestions that Caro advocates, his process of reflection, confrontation, and accommodation of new values and ideas, resonates across the generations. Caro offers us an example of how an individual committed to the wellbeing of the Jewish people rises to the challenge of articulating a clear future vision even as the status of Judaism was undergoing unprecedented and profound changes during Caro's life. Given the complexity of Caro's world the fact that his vision is of enduring relevance for many Jews today is an accomplishment worth acknowledging and studying.

APPENDIX I:

DAVID CARO, "TECHUNAT HARABBANIM", 1820.

APPENDIX I:

DAVID CARO, “TECHUNAT HARABBANIM”, 1820.

ברית אמת

והיא

מחברת כוללת דברים בעניני הדת והמנהגים: ותתפרד
לשתי מחלקות, האחת תקרא בשם

ברית אלהים

והסתעף לשלשה כריחות: (1) ברית ארום, בה יבואו מכתבים
בין רעים אהובים בעניני הדת והמוסר בכלל. (2) ברית בית
אל, בה יבואר היחס מנהגים חדשים בבית חפלות אשר הקימו
זה לא כביר בגרלין ובהאמבורג. (3) נקם ברית, על שם ביקורה
ספר אלה דברי הברית שהוציאו לאור ב"ד והאמבורג.

והמחלקה השניה תקרא

ברית הכונה

בה יבואר ויבוקר מעשי מאשרי בני ישראל, מעלתם
וחסרונם, וחזופה למחלתם.

מאח

אמתי בן אבירע אחיצרק.

אמת וצדק עת יהדיו ירבו
סכל ועול פיהם יקפצו —

קונסטאנטינה. ח"ק"פ, לפ"ק.

Printed

ח ל ק ש נ י

הנקרא

ברית הכהונה

א

תכונת הרבנים

כאשר היו, כאשר הנהגו וכאשר ראוים להיות.

פר

אשר לא תאבו לשמעם. ותכלי זאת הדבר חוכה להם, ואי אפשר בלתי כך. איני אני משביע בחי העולם! כי לא כן הוא כאשר תחשבו, אלהים לא יבקש שנתפלג לו דווקא בלשון אחר כמו שלא יבקש שנתפלג דווקא בלשון אחר. ואם בעת הצלחתו, היה אך בית מקדשנו ותפארתו הבית המיוחד. לעבודתו וקדש לה, בכל זאת בגלותו התפלה בארץ נכריה בכל מקום כשרה, כן אם התה התפלה בארץ ישראל חוכה אך בל"ק, מטעם כי היא היחיד לשון מושכר. עתה בארץ נכריה מותרת ויא בלע"ז, ומדוע רבנים מתלוננו על עדר קדושה המתפללים לאל כל הארץ בלב שלם! מדוע תצטקו וי! על המחדשים האלה (אשר באמרת אינם מחדשים דבר, אך משיכים מעליותם) ולא חשבו לב לחדשים אחרים אשר אין שם בית אשר אין שם חדש! ראו הנה מתלוננו על עדה קדושה המבקשים לחלות פני אלהיהם פה אחד, ולא משימו לב לאנשים היושבים שעה או שתיים בבית כנסיה שלכם בלי לפצות פה לחפלה אך לדברים בטלים ולשחוק! — מדוע לא תוכיחו גיבנים וקצינים שבעירכם שאינם באים לבית הכנסת? — הרי משא פנים יש בדבר?

רב חכם תן אחרת יד לח בריך שבישראל, הרי אחד ראשון ופוח פיר להתאסף אסופה גדולה מאת רבנים חכמים שבישראל, ונבנו מדע לדאור כחקון הודת כפי הזמן, כאשר נאריך בזה בח"ש, למען לא יצא משפט מעוקל מאת כל כנסיה וכנסיה, ונפל מן הדת רב, אך לא במריבה ונגישה תצא האמרת לאור, כי ישרים דרכי ה', ונתעביר תורתו צדק.

דרכיה דרכי נועם וכל נתיבותיה שלום.

החרשים שמעו והעורים הביטו לראות! מי עור
 כי אם עברי וחרש כמלאכי אשלח! מי עור
 כמשלם ועור כעבר ה'! — (ישעיה מ"ב י"א ט.)

בראשית לכתינו על שדה החקירה נחכונת הרבנים.

נפשו השוטט על חמשה שאלות ראשיות, והמרה:

- (1) מה היה כינוי רב לפניו, ומה כינויו עתה?
 - (2) האם הכרחי הוא לבני ישראל, להיות להם רב ומורה? ואיזה יבחר?
 - (3) מה תהייה חובות הרב המושלות עליו לעשות ולקיים?
 - (4) איזה השליטו גדולינו חובותם לפניו, ואיזה ישליטום עתה?
 - (5) ואם מאשר העם אלו אינם עושים הנכונה, מה לעשות?
- לברר וללכנ תשובות אלו השאלות מטרתי פה בטאמר הזה, כפי הזמן הקצר אשר לי, בעזרה.

פרק א' בהתרת השאלה מה המה כינוי הרב?

x. רב או מורה יקרא איש הגדול בעמו בתורה ובחכמה, במדור ובדרך ארץ, ובחכונתו ילמד את העם את אשר לא ידעו, ויורם הנכונה בכל דבר, ללכת אחריהם. לפניו בישראל היו שמות הגדולים האלו בשם: כהן, לוי, נביא, זקן, שופט, דואר, כמו שנמצא בתורתנו ובדברי נביאנו* (והגדולים האלו נקראים בשטם**)

(*) דברים י"ח ט"ו, ל"א ט, כמדר י"א ט"ו, כ"ז י"ו. דברים י"ז ח. שופטים י"ט ל, ש"א ט, ודמיהם רכות.

(**) — "לגדל מעלהם שאי אפשר למצוא להם כינוי" (המכ"ם בהקדמתו לסדר זרעים) כמו עירי הסופר, שמואל הרואה, חנני הרואה, גר החזה — ומה שנקראים החכמים טאח שבעון הצדיק (חמ"ח לאלף הרכיעי) בשם חכמים, והחכמים טאח רבא בר יוסף (צ"ט לאלף הרכיעי) עד ר' אשרי נר' אבינא (קכ"ז, רל"ו) בשם

רק מער רבן שמעון בן הלל (תשס"ח לאלף הרביעי) החלו הנשיאים להקרא בשם רבן, ונמשך שם היחס הזה עד רבן יוחנן בן זכאי (תחל"ג) והחכמים שלמטה מהם נקראים בשם רבי (* או רב **). אח"כ בשנת שט"ט לאלף ההמישי (לפי חשבון ר' שרירא גאון) נחדש שם גאון (***) לנשיאי מעדה וריש גלוחא, ובטל השם הזה עם רב האי גאון (תשצ"ו).

אמוראים, לא היה זמנא שם יחוסם, רק הבאים אחריהם קראו את הראשונים בשם הנאים מלשון שונים (לעזרעל) כי כן חרגום ושנכחם (דברים וי"ו) וחכמי כון, או מלשון הגרה (ערצעהלן, זאנען) כהרגום המקרא על ויגר לשני אחיו בחוץ (ברא' ט' כ"ב) וחכמי. והטעם על שהיו שונים ומפרשים החורה שבע"פ בקבלה איש לאיש עד שכא רבינו הקדוש, וכחכב המשנה, ושם אמוראים הוא מלשון אמירה על שאמרו ודרשו במשנה.

(*) אבי אבי (מלכים ב' כ"ב) מתורגם רב"י הריש פחוה והו"ר לכינוי מר"ב, ולא רב"י בסגול הרי"ש כטענה ההמון.

(**) אמרו כל רב וסר מבבל, וכל רבי מא"י, וריכוזי מן רב רבי'ם, ולפ"ז לא בצדק יקרא שם רבנים למורי העם כימינו, שהוא הרבוי מן רבן, שם יחוס שבפסק כבר בט"ש בפנים, אם לא מרוח יתירא. —

(***) ז"ל החשבי: יש גאון שהוא למדנה כמו לגאון ולחפארת (ישע"ר) ויש לרעה כמו לפני שבר גאון (משלי י"ז) גאון. ודרך רעה והם לשון גאון וכו'. — וכן הוא כימינו יכנו שמוה הרבנים בשם: הרב המאור הנאון הגדול, כר ישראל וכו' וכו' — ולא ידעו כי המה בעצמם ע"י יורד גאונם ונאוחם אשר לא כן וצדק היא — ז"ל הרב החכם האמיתי הענו משרד רבינו בן מיימון באגרותיו: וידוע הוא אצל בעלי השכל שרוב אלף חכמים שמכנים לאדם, המה לשון הבאי ופסומי פילי בעלמא, ובקיא הדעת ממעמין בהם ושונאין אותן, אבל אוהבי הגדולה, הרורפים אחר חשרה, מקבים בהם ואוהבים אותם, שהם גדולתם ופעלתם: —

2. § שם רב כימינו יפרד במוכנו, לשלשה נושאים: (א) לרב העיר, היושב על כס רבנות בעיר מיוחדת, אשר לפניו יבא כל איש אשר לו ריב או שאלה, אם בענין איסור והיתר, ואם בעניני דיני ממונות, והוא עולה על התלמידי חכמים והדיינים שבעירו, ועל כל עם הארץ, ופרנסתו מושלת על הצבור. ובערים מיוחדות יקרא אך בשם: ראש בית דין או מורה צדק.

(2) רב הלמוד עם תלמידים ש"ס ופוסקים ויקרא בשם ראש ישיבה.

(3) רב הדורש לעם מוסר ודרך אלהים ויקרא בשם דרשן או מוכיח.

וברוב הקהלות יעשרה הרב כל העבודות אלו לבדו, וידון, ויורה, ילמד וידרוש.

פרק ב'. בהתרת השאלה: האם הכרחי הוא לבני ישראל רב ואיכה יבחר?

3. § מאת כאו בני אדם כבירת יחידיו לחיות בחברה, בראותם כי לא טוב לשבת לבדו ולא יכונן האדם פעולותיו בהיותו ערירי, ולו יהיו ימיו נמי מחושלת ונבונתו כנבונת שמשק לא חשיג ידו לבא עד חכלירת מלאכה או חכמה אחת, ולא חמצא נפשו ענג שלם בשליטות האפשרי, מאז ראו"כ חקרי לב בעם, אשר עוד תחסר אחת לההמון, לשלימות אושרם הכללי, אשר תקשרם יחד ואשר תאחד מחשבת כולם למשרה אחת, אשר בה יחיו בנעימים, וישיגו בה נעימת נצח, והוא לבא יחד כבירת עבודת אלהים (רעליגיון) להאמין כי עצם נשגב מחומר ברא כל, נוחן שכר טוב לעושי רצונו, ומעניש את פועלי און, וכי יש אחרית ותקוה לנפש אחרי מות האדם כי ע"א אמונות ראשיות אלו תתחזק ברית החברה מאוד, והאדם יהיה בחור הטעלה. וילכו האנשים האלו ויצוו חקים ומשפטים לעם, וישימו עליהם. כהנים ועבדים משרתי הדת להורות לעם הדרך אשר ילכו בה, כי ההמון אין לו דעת כלל

במושכלות, והוא טרוד בעסקי פרנסתו, ללא ידע מה נהג ונהג יכשר לפניו לעשות ולהמנע מעשות, למען יחיד מדה ימיו במנוחה אפשרית (ראה מ"ב בארבעים לשון) וגם משמש אחר הכרחי לעם איש אחד אשר ילך לפניהם, לכלי ילך סל איש בשרירות לבו, ואחרי מחשבותיו, ויתרבה החלוקה, ואיש הישר בעיניו יעשה, לזאת ישימו עליהם איש אחד אשר כולם פונים אליו, ואשר אחריהם ילכו, ויתקיים ע"י חלילת התורה והיא — האחרונה.

§ 4. את ישראל עם סגולתו, חנו הנצחי במחנה גנוה סכל עוב, ונתנו לנו תורתו הנקרה ע"י האיש אשר בחר בו, אשר לא קם כסוהו, זה משה האיש, אשר קבל התורה בסיני ושמו לפני בני ישראל. וילך ויאסוף שבטים וקנים לשאר אחם במשאל עם עפ"י ה' (במדבר י"א ט"ז) ויכתוב את התורה הזאת ויתנה אל הכהנים — ואל כל קנני ישראל ויצו בכי"א (שם י"ח ט"ז) אשר אליו נשמע. ולפי מותו החתן אל' ה' לאמר: יפקד ה' איש על העדה, ואלה הדעות עורר ה' כצאן אשר אין להם רועה (במדבר כ"ז י"ז) וכל דבר וכל ריב וכל נגע אשר היה לכם, ובא אל הכהן או אל השופט והורם הישרה, והלויים שמו בשם לראות במעשיהם, ולהורותם הנכוחה, וכן היו באמת הנביאים אח"כ מורי העם, וכל עת אשר שמעו אבותינו תוכחתם הצליחו ועשו פרי.

§ 5. כאשר פסג הנביאים, הקימו חבורות אנשים חכמים ויועצים לפי דברי החורר (במ"ד י"א י"ז) אספה לי שבטים איש וכו'. ח"ל רכינו הגדול הרמב"ם ו"ל עפ"י דברי חז"ל "מצות עשה של הורר למנוח שופטים ושופרים בכל מדינה ומדינה וכו'" (פ"א מה"ל סנהדרין ה"א) "קובעין בחלה ב' ד הגדול במקדש והוא הקרא סגדרי גדול דין וכו'" (שם הלכה ב') "עיר שיש בה ק"כ מעמדין בה שלשה דיינים וכו'" (שם הלכה ד') "אין מעמדין במנהגין אלא אנשים חכמים ונכונים מופלגין בחכמה החורה בעלי דעת מרובה, ויועצים קצת משאר חכמה כגון רפואות וחשבון

וחקפוד וכו' כדי שיהיו יודעין לדון אותם וכו'" (פ"ב ה"א) "כשם שב"ד מוקין בצדק כך צריכין להיות מוקין מכל מומי הגוף, וצריך להשתדל ולבדוק ולחפש, שיהיו כולו בעלי שיבה, בעלי קומה בעלי מראה נכחי, לחש ושידעו ברוך הלשונות" (שם ה"ז). "ב"ד של ג' אעפ"י שאין מוקדקין בהן בכל אל הדברים צריך שיהיה בכל אחד מהם שבעה דברים ואילו הן, חכמה, ענוה, ויראה, ושאת מנחם, ואהבת האמת, ואהבת הבריות להן, ובעלי ש"ט, וכל אלו הדברים מפורשים בחורר וכו', וכמה יהיו אהובים לבריות? בזמן שיהיו בעלי עין טובה ונפש שפלה וחברתן טובה ודברתן ומשאן בנות עם הבריות, ולהלן הוא אומר אנשי חיל, אלו שהן גבורים כמצות ומוקדקין על עצמם וכו' בשין אח יצרם, עד שלא יהיה לחן שום גנאי ולא שם רע ויהיה פרקן נאה וכו'". (שם ה"ז) "אמרו חכמים ששב"ד הגדול היו שולחים בכל ארץ ישראל, ובדקין כל מי שימצאו חכם וירא חטא, ועניו, ושפוי, ופרק נאה, ורוח הבריות נוחה הימנו עושין אותו דין בעיניו, ומשם מעלין אותו לפתח דת הכית, ומשם מעלין אותו לפתח חמורה, ומשם מעלין אותו לכ"ד הגדול" (שם ה"ח) אשרי עין ראחיה כל אלה, בהיות הצלה ישראל על מעמדו, והיתה גם זאת על סדר נכון כראוי בראון שוכן בחכמה.

§ 6. אחרי אשר פסקו הסנהדרין הקימו לראש בני הגלות אנשים חכמים הנקראים בשם נשיאים והיה הנשיא ראש הגולה, על פיו יצאו ועל פיו יבואו לכל דבר, אך גם הנשיאות פסקה מישראל (ה"ש צו לאף המשיח) מפאת המריבות והקטנות שהיו בין ג' וי"ו כידוע, ומפאת השלטון שלף וכלו בגלותו ובפאורו בארבע כפות הארץ, וחתך ממלכות שונות, להיות תחת יד נשיא אחד — לזאת הסכימו כל עדה ועדה בישראל להקים עליהם איש אשר יהיה מורה דרכם, הנקרא בשם רב.

7. והנה הנביאים השופטים והסנהדרין נבחרו ע"י סמיכה. כי סמך הגדול בעם יור על תלמידו והקרישו לעבודת הקודש כנמצא (דברים ל"ד ט', כמדבר כ"ז י"ח) ובדברי הרמבם הנ"ל (5. 5) אך כבר בשלו כל דיני סמיכות כידוע. ועתה כל הרוצה ליטול את שם הרבנות ומקל גאונות. יקחו. כבלי לכת אל הגדולים ממנו בחכמה. הן כן הוא עתה בישראל. נשפחות משפחות יתאספו בעיר למנות עליהם רבי המונים הטונים בעסק הנצוח. בלי לשמוע לעצת החכמים וחידאים שבהם באמת. לכל אחד ואחד בעדרה ששם טיחוד וכמוס נבחרה כזאת; וזה — למען יקרא הוא או חותנו תלמיד חכם. ויכבד בעיני ההמון על דברת הרבן, וזה — למען המנות פרנס על הצבור. זה בעבור כקות מערומי אולחן בסכלות זולתו. וזה למען יתגאה וירכוש רכוש. ושאר סבות חיצוניות אשר לאנשי העדה * וכלם שעונים בהסתחח איש או אנשים אחדים אשר קראו הרב ההוא בשם לכבוד ולתפארתה כי לא כתנו את הרב ההוא. ונכרי הוא להם. ולפעמים קריאת שם הוא על ידי איזה סבות חיצוניות ידועות לבעליהן. או במזל חליא מלחא: ולרוב נבחרה כזאת העולתה חפתה פיה וחושע לה זרועה. והנכוחה מרחוק מעבוד ותגום. לזאת עתה כל איש היודע לצפצף בש"ס ופוסקים בלי היותו כן מעלות אשר סנו חז"ל (בדברי הרמב"ם לעיל) יקח מקל רבנות בידו. ויפסע על ראשי עם קודש כרצונו. ועליהם נאמר דברי הרמב"ם (הלכות ח"ת פ"ה ה"ד) וז"ל. „אלו התלמידים קטנים שלא הרבו בהורה כראוי. הם המרכים המתלוקת והם המחייבין את העולם. והמכבים נדה של תורה והמתכלים כרם ה' צבאות ועליהם אמר שלמה. אחוזו לנו שועלים

(*) ובפולין יקנה לרוב איש הון לבנו או לחתנו כס רבנות, כאשר יקנה איש חפזה לבנו ואף כי יהיה דך וצעיר, ורל רוח, אך הן זאת יראה השם להרבות תורה בלימודיה ולהרבות רבנים ורבנות, ותלמידיהן ותלמידותיהן וכל מאן דעסקין במו"ק יורה. והז"ל אמר בירושלמי סוף כיכורים: ר' אמי קרא לאלין דמחמני בכסף: אלהי כסף לא תעשה לך, אלוהי הבא בשביל כסף, א"ר אשיון זר שהיה מחמני בכסף אין עומדין מפניו ואין קורין אותו רבי, והשלית שעליו כמרדעת של המור.

ח"ל מה' ישראל ביש"ש פ' התובל ס"ג ח. „ונמזח דעת מתרבים שאין אחד סכיר מקומו. ומיד כשהוא נסמך (מעצמו) מתחיל להשתחרר ולקנץ בחורים בהן עחק כדרך השרים ששוכרים עבדים לרוץ לפניהם והנה אותם נקראים שועלים וכו'. וכן יש זקנים שאפילו סוגיא דשמעתא אתם מבינים לחכיות ואינם יורדים לעומקה של הלכה כלל, ובלא קניית חכמה הם משתוררים על הצבור ועל הלומדים ומחרימים ומתיריים ומסכימים וכו'. ועל פי דברים כאלו ילכו בית ישראל? על פי אנשים אשר אין להם יד ושם בחכמה ודרך ארץ כלל? —

פרק ג': בהתרת השאלה מה תהיינה חובות הרב?

8. חובות הרב הישראלי תחפשט לשבעה חובות ראשיות * ואלו הן:
- א) ללכת בדרך הישר, ולקשט עצמו בטלות טוהות מאוד.
 - ב) ללמוד ולהבין הדת כולה על בריה בהשכל ודעת.
 - ג) צריך להיות בקי בחכמות ומדעות. וכפרט בלשון עם ארצו.
 - ד) חובה על הרב לדרוש ברכים. חוב הורה יסחעף:
- א) לדרוש ללמד את העם אהבת ה' ועשות מצותיו, ולהיירשם למדות טובות.
 - ב) לפרש ספרי חנ"ך סדרים בהשכל ודעת לפני ההמון, ולגאורם באר היטיב.
 - ג) לדרוש דיני הנהגות האב לבניו ודרך חינוכם, להזהיר את העם ללמד בניהם מלאכה מרה, ונחולם ילגבם לעבודת האדמה.
 - ד) לדרוש הנהגת הכית כראוי, והנהגת אדם לאדם.
 - ה) לדרוש אהבת האדם הכללית.

(*) ידעתי כי חובות רבות מאשר כתבתי פה הן חובות הרב הכשר, ויש חובות שכחתי שאינן חובות הרב הישראלי. בעצם וראשונה, ויש שאינם כוסנים מיוחדים חובות, אבל אין הער מכשרת להקן העולם במלכות הראוי, לזאת כולם מוטלות על הרב, כאשר אמר דברי.

- (f) יעורר. לכך העם לאהוב את הארץ אשר בתוכה הם יושבים ולעמוד לימינה בכל נפשו ומאודו לשחוד בצרה.
 (g) ורשחו חזירה בשפחה נעימה וברוח הומנית (*).
 (ה) יעדה ויפדה הדת כפי הזמן והמקום.
 (ו) בלמודו עם תלמידים צריך ללמוד מלכד הש"ס והפוסקים.
 גם שאר החכמות ומדעות, וילמד עמם בנחת ובסבר פנים יפות.
 (ז) בשכתו לדין צריך להשכיל בדעת להכין הדין לאמתו ועתה אפשר דברי.

חוב א

9. הרב צריך ללכת בדרך הישר, יקשט עצמו ראשונה ברצונו לקשט אחרים, כי מופת אחד יעשה רושם לההטות יותר מדרשות אלה, אשר לזה אמר השם ליחזקאל, "מן פת נחתיך לבית ישראל, ואמרו חו"ל: לא המדרש עיקר אלא הטעשה, ואמר יתרו (שמור י"ט כ"א) ואחרי תחזה טכל העם אנשי חיל (בידוע מענגער) וכלי וכבר ראית דברי הרמב"ם לעיל (5. 5.) ויקנה לו שם טוב וכבוד בעמו על ידי מעשיו הישירים, דרכיו ומעשיו יישירום ויחרק מן הכיעור והדומה לו, וז"ל הרמב"ם (ה"ל דעות פ"ה), "כשם שהחכם ניכר (ומכ"ש הרב) בחכמתו ובדעותיו, והוא מוכרז בהם מיתר העם, כן צריך שיהיה ניכר במעשיו, במאכלו, במשקלו, בעשית צרכיו, בדיבורו, בהלכותו, במלבושיו, ובמו"ט, ויהיו כל המעשים האלה, נאים ביותר כיצד וכל"ע"ש.

ובהלכות יסורי התורה (פ"ה ה"א) ז"ל, "— והוא שיעשה אותן אדם גדול בתורה ודברים שהבריות מרגיזין אחריו בשבילים ואעפ"י שאין עבירות הרי זה חילול השם וכו'". עוד בהלכות דעות, "לא יאיר צועק וצוות בשעת

(*) מלה לועזית זה, נמצאה בילקוט פ' פנחס, ובאיכה רבתי בפתיחה ואהיה כצפור ופירושה רוח נחת ואנושית, רוח אחבה וחפלה, רוח חן וחסד, רוח דין וצדק, והכל ככלל בה, וכל"א חקרא (מעגשלינקייט מעגשענמהיליך).

דבורו בכהמות ותחלת, ולא יגביר קולו ביוהר אלא ידבר בנחת עם הבריות, וכשידבר בנחת זוהר שלא יחרק עוד שיראה כנסי רוח, ידין את כל אדם לכף זכות, ומספר בשבח חבריו לא בגנותו כלל אוהב שלום וכל לא יכפוף קומתו כבעלי חטושרות וכו'. אמרו בספרי על המקרא קח את יהושע בן נון, איש אשר רוח אלהים בו, שיכול להלך כנגד רוחו של כל אחד ואחד, ו"ל היודע כשיב חכונת כל אדם לדבר וללכת עמו כפי חכונתו, שזה חכמה גדולה הנקראת בשם הלכות דרך ארץ (אומגאנג מיט מענשען) שקדמה לתורה, כאו"ל במס' ד"א, ועל זה אמרו: אם אין דרך ארץ אין תורה. וז"ל השל"ה פ' כי חשא, ראה קראתי בשם בצלאל, וכל, "פקח עיניך וראה מי שזוכר להיות מנהיג בישראל, איך צריך להיות מלא בחכמה ובחבונות ודעת, וגם צריך להיות הגון בעיני אלהים ואדם." עכ"ל הוחב. סוף דבר הרב צריך להיות החכם הנכון והצדיק בעמו ואז פעולתו בידיו תצליח.

חוב ב

10. הרב ידע פנימית התורה על ברירה, לכלי יקח השפל לעיקר, והעיקר לשפל. והנה תורתנו מיוסדת על שתי עמודים והטרה תיקון הגוף ותיקון הנפש (מ"נ בכ"ז ל"ג) תיקון הגוף והוא להחזיק הגוף ולקיימו כבריאות, וכל מה שצריך אליו במסחר וקנין וכל עבודה להשאיר המין, ותיקון סדר המדינה, תיקון הנפש הוא שלימות האדם באמונות ודעות להשלים נפשו ביחוס שבין אדם למקום ושכין אדם לחבירו. והנה תיקון הגוף הוא קודם בטבע וכזמן לתיקון הנפש, כי אם אין קמח אין תורה, אם אין בריאות ושלום אין צדק ומשפט, לזאת הפליג התורה לזקק בו, ולהרבות מצוות לקיומו, לשוננו לנו לחיותיו כיום הזה (עין שם) וכתב החכם ר"ש שם, "לכן תראה שרוב המדינות הנמצאות היום, עם שאין להם תיקון הנפש כלל — קיימים למדה שימצא להם תיקון הגוף, וירושלים עיר הקודש אף שהיה לה אמונה אמיתית, למדה שנאבד טמנה שלימות

וילחצוהו לעשות הישרה, וכי תבא רעה, ידע כי כפי מדרגת הכריאה וסולם הילודים הכרחי הוא, ואין למעלה לא שינוי ולא עייפות, וכזאת יבטח בשם אלהיו ויקורה לעולם הנצחי, אשר שם נשמתו צרורה בצרור החיים, ותתענג בנעימות נצח.

14. § (b) לפרש ספרי חנ"ך סדרים בהשכל ודעת ולכאדם נאר היטיב, למען ידע ישראל דתם וילכו בדרךיה, כי דברי החוריה יפעלו יותר ממסר רב חיצוני, וכן צותה התורה (דברים ל"א ט): ויכתוב את התורה הזאת, ויצו אותם לקרוא אותה נגד כל ישראל, ובנחמיה (ח' א' ג'): ויקרא בו — נגד האנשים וכו' ונשנה בספרי ובמס' סופרים (פי"ח): ומן הדין לתרגם התורה לטף ונשים ולתינוקות כל סדר וסדר — ויבארה באר היטיב לפני העם מדי שבת בשבתו פרשה מפרשת התורה כלשון צח וקל כהבנת ההמון, ויפרש אותה ויוציא ממנו טוסר השכל, להורותם כי ישרים דרכי ה', ולא נפלאו ממנו, ולא רחוקים הם מאתנו, אכן קרובים המרה לנו בפינו וכלבבנו לעשותם. ולואר תיקן עזרא התרגום למען יבין העם, וראוי בישינו לקרוא אותה בתרגום הלשון שמכין העם.

15. § (c) הובה על הרב לדרוש דרך חינוך הבנים, איכה יהיה דרך הגידול ודרך הלימוד, כי ילמד איש את בנו החכמה אשר נפשו מוכנת לרה, כי הבנים הטרה חושר הדורות ואם יושחתו מנעוריהם, גם כי יזקינו לא חסור ממנם אולחם. לואר צותה התורה פעמים רבות: ולמדתם את בניכם, וגם את בניכם ילמדון. ואמר החכם: חנוך לנער על פי דרכו. ולואר צריך הכנה גדולה. ומאין ידע ההמון העוסק בישובו של עולם וכמו"מ, כמה יזכה הנער את ארחו, אם לא יודיעהו רבו מרה לעשות. ואין צריך לאמר כי חינוך הבנים יתפרד 1 לחינוך בנים זכרים 2 ולחינוך הנקבות, כי גם הגר עוסקות בישובו של עולם, ובפרש עליהן מושל חינוך חנערים בילדותם, ומהן תצא כל מדה נכונה לבניהן ולבעליהן ולכל אדם.

16. § (d) הרב יורוש כי איש איש מישאל מחויב ללמוד את בנו שאינו מסוגל לחכמה, (והמה הרוכ) איזה מלאכה או עבודה האדם. אמרו חז"ל כלל גדול באבות אהוב

את המלאכה ושנא את הרבנות, ואמר"י (קידושין) כל מי שאינו מלמד את בנו-מלאכה כאלו מלמדו לסטות. ואמרו עוד באבות: כל תורה שאין עמה מלאכה סופה בטלה, עד שאמר ר' טרפון (אבות דר"נ פי"א) אף הקב"ה לא השרה שכינתו על ישראל עד שעשו מלאכה, שנאמר ועשו לי מקדש (ואח"כ) ושכנתי בתוכם. ועבודת האדמה גם היא מכלל המלאכות, לרה משפט הבכורה, כאשר נאמר להלן. ואם לא ילמד האדם מלאכה מרה, ולא ידע במרה לפרנס, סופו שהיה מלסטם את חבריו.

17. § (e) ידרוש הרב מהות הנהגת הבית והנהגת האדם לאדם למען ידע ההמון איך יתנהג עם אשתו ובני ביתו, עם עבדיו ושפחותיו, עם רעהו אוהבו ושכנו, עם אדונו ומלכו, איך יתנהג לעתות בצרה ולא יפון, ואיך בעתות שטחה, שלא לפור ולא לקמץ, וכהנהגת התנהגות הכרחיות להנהגת סדר הישוב הקלמות מן ההמון. ואמרו חז"ל ביומא: היכידמי חילול השם? כל שאין דיבורו ומעשיו בנתת עם חבריו.

18. § (f) חובת הרב לדרוש אהבת האדם הכללית, והוא שכל אדם יאהב את כל ילדי אשה, יהיה מאיזה אומה ומאיזה דת שיהיה, כי כלם מעשי ידי יוצר בראשית, ועל כלם שמש צדקתו וזרחת, וידו השוכה על כל פתוחה כאמר, פותח את ידיך ומשביע לכל חי רצון, וצותה התורה בפירוש (ויקרא י"ט) ואהבת לרעך כמוך כל אדם במשפטו (וכן נקרא חושי הארכי, גוי מעכו"ם לדחול, רעה דוד (שמואל ב' ז') ובפירוש צותה התורה חמלה וחנינה על עבד כנעני, עד שאם המיתו ישראל יומרת עליו כעל אחיו, כי אין לנו בני ישראל מצד תורתנו

(*) ומקרק בעל ספר הברית במאמר הנכבד אהבת רעים לאמר: שאלו היה דוקא ישראל במשפט הרב כחוב ואהבת לאחיו כמו שכחב אצל רביה לא חליב לאחיו, או ואהבת לבני עמך כמו שכחב לא חקוב ולא חסור אח בני עמך, אבל הכוונה לרעך שהוא אדם כמוך, עוסק בישובו של עולם וכו'.

לראות רק על מעשה האדם, לא על אמונתו כאמור כל העמים ילכו איש בשם אלהיו וכו' (ז) לזאת צוהר התורה להכרית הכנענים על דבר מעשיהם המקולקלים, לא מצד אמונתם כמפורש שם. אבל לא צוהר בשנאת אומות אחרות אף כי היו להם אמונות כחכמות ולקטן ארחיב עוד הדיבור בזה.

§ 19. (g) הוכה על הרב לדרוש אהבת הארץ אשר בחוכה עמו יושבים כי מחונת האדם טעם באו בכרית יחידיו. לעזור איש את רעהו ככל מה דאפשר, כי כזה חושלם טובתו, אשר לא טוב היות האדם לבדו — לזאת צריך כל אדם להשיב מעמד וולח, וזאת תחכונן על ידי הכנעת רצונו לרצון המלכה, הדואגת לכל ההכרחי לטובת הכללי. ויהי כעת חקראנה מלחמה, ויקרא המלך את עמו לצאת לצבא, לעמוד על נפשם וארצם, ויעמדו כולם כאיש אחד חברים, לאמר למלך עבדיך אנחנו, ואיש אל רעהו יאמר, חזק ונתחזק בעד עמינו נשינו שפינו וארץ מולדתינו, לכלי נהיר לבו ולמשיסה, ואם כל אחד יפנה עורף למצות המלך, ולא יתן ידיו לו אך יבקש לעמוד על נפשו בנבוא הצר, אז תחבשל האחדות, ויצא כל העם בגולה.

והנה גם אני בני ישראל מחויבים לדרוש בטובת הארץ אשר אנחנו יושבים בה, כי גם אני אבר מגוף הכללי, גם אני אוכלים מפרי הארץ ונשבע מטובה, גם עלינו תעיר עין המלוכה לכלי נהיר למשיסה, ותצילנו מכל עושק וחטס, לזאת כעת יקרא המלך אנשינו לצאת בצבא למלחמה, הוכה גם עלינו להושיט ידנו לטובת הכללי, וחושע לו ורוענו

(*) וכבר פחרו השכנים וקנים המקרא אל היום לא הקלל כפשוטו על אלהי העמים, וכן מסכים פילון היהודי, וכחב הטעם, בהקניטך את המטחמה לאל אחר גם הוא יבא לירי רגז וישיח בשמים פיו. אבל טעם היוסיפון יוחר נכון שכחב, הנר אין לנו לתת לב על חורח שאר העמים, כי שמירת חורחינו היא דבר שנתחייבנו בה, אך לא לבנות חורח וולחינו, אדרבה הוחרנו מלקללה בהיותה מחוארת לאלוה, וכן מסכימים חכמים אחרים רבים.

להפיל שונאיו ארצה, כמאמר הוניה: ודרשו את שלום העיר אשר הגלתי אתכם שמה (ירמיה כ"ט) ולשון דרישה זו היא שימרת עין על דבר מה להיטיב ולדאוג בשבילה ככל מה דאפשר (זארגע שראגען), כמ"ש (דברים י"א י"ב) ארץ אשר ה' אלהיך דורש אותה וכו'.

§ 20. (h) דורש צדק צריך לכלכל דבריו בשפה נאמנה, מלחיהיו כרוזים, מלקחו הנוול כטל תחפ על נפש השומע, ותקבל נעימת היופי והאמת. ידע לכלכל דבריו כפי סדר הראוי על צד קל שבקלות, ולצייר חסונות מבוקסו בהוד יופי כפי הזמן והמקום. צריך לדעת השית לב שומעיו ולרכיהם, למען יוכל לעורר בטוב לבכם ומחשבותם לרצונו. למדור כפרים לא יחור דברי מדעור, ולאנני אלהי דעת לא ידבר עלגים. ובדבריו ירמון גם לענינים רחוקים, להעיר לבב שומעיו, שישכילו בכיהם על דבריו מעצמם, כי האדם ישיב מעשיו מהר יותר בכואו מעצמו על שגיונותיו, מדרשות אלף מוולח, ידע להוחר בנפשו וכבודו על מחכונתו הראויה לו, לא יתנשא בנארה ונאון לכסוע על ראשי עם הארץ, ולחשכם כנהמות, כי כל אשר נשמה באפו, אדם הוא ולא יוחיל וירא מפני הגדולים בעם, לא ימנע האמת תחת חכו מיראת שוא, ולא יסתיר הרשעה לכבד עושיה. לפעמים יתנשא על הררי צדקה וידבר גזולות, ויזכיר בלב אמיץ ונכון את עמו, ברוח משפט וקרנות באר למען השיכם מרשעתם, ויהיה מוכן בענות צדק לקבל בתשובה את הפושע, לא ירעש בקול עוז בכעס ורגז לא יגמא ארץ, פיו לא ישליך חצי נקמה, רק כנחת ידכו על לב הפושע, אם יקבל יקבל, ואם לא הוא את נפשו הציל.

ח'כ ה'

§ 21. על הרב מוטל לעורר וליפות הדת בכל מה דאפשר כפי הזמן והמקום בלי לחוסף או לנרוע ח'ו מעיקר התורה. יפקח עיניו על הנהגת המדינה אשר בתוכה הוא יושב, ויראה להשוות מעשי ונהגתו עמו לדרכי נטוטי המדינה, ויטהר כחכמתו את האויר המעושש השוכן על ראשי עמו.

פרק ד' בהתרת השאלה איכה השלימו נדוניהו
חובות אלו לפנים ואיכה ישלימום עתה?

§. 24. חוב הראשון הוא כמס' שמונה העם צריך להיות בעלי מורה שוכרת, חוב הזה השלימו ח"ל מאד. כדמצינו בש"ס בכמה דוכתו ואין צריך ביאור. אבל בימינו פשטה הסכירות תגרה כל כך שיושיבו רכנים מבלי חקור תחלה אם המרה נקייאם בשיב העולל ובעל מדות טובות וישרות ומהוננים בכל דרכיהם, כי אם הרע מעשו מבוהלים וחאופים, ולא יקבל אדם כסר פנים יפוצה ב"א בפנים חופפים, וחשך חסדי על פניהם פרושה עד שנפש איש הולך משרים אשר עינו לנכח יביטו ורעו ממכשם, קום שטים מתחלה כי ההמון יחשוב, שאלהינו (כי) המרה נוישי דבריו ושטרי החורה לדעתם) הוא רק אל נקמורה, אשר לא יחפץ בלב שטח אך בנפש נכארה — או אם הרע צועק וצווח בדבריו היפך דברי הרמבם הנ"ל, וירחק עצמו מניש המרה אסם, בנסוגה רוח, העולה ליותר משמנה שמינית, וישב בכפופם קומה כבעלי חסודרת, ואין בן אהבה האמת, אך אהבת הנצח לנבור בהיות על דעת חלוא, על ידי זאת יתן י' ללצים לדבר עתק בח"ל, בהשכב כי כן צונו, ויצא כשפט מעוקל.

§. 25. יודע לכל קורא בשן פקחיה: בלסוף וסדרשים שרוב חכמינו כינייהם השלימו חוב כ', וידעו הישיב פנימית החורה, כאסרם במ"ס מבור: דרש י' שמלאי חרי"ג מצות נאסרו למשרה כסתי, בלא דוד והעמיתו על י"א, כמור לדוד סי יגור באוהליך וכו', בא ישיעה (ל"ג) והעמיתו על שש, בלא מכה (ו) והעמיתו על י', פירש"י, שבתחלה יתן צדיקים והיו עמוס והעמיתו על א', פירש"י, שבתחלה יתן צדיקים והיו יכולים לקבל עול קצות רבות, אבל דוחה אחרונים ללא חיו צדיקים כל כך, ואם באו לשמור פלגם אין לך אדם שיזכה ונא דוד וכו' כדי שיזכו אים יקיימו קצותה הללו, וכן כל שעה הדורות שלמשרה חולקין ומחמטטין: הלאן מצונו שחכמינו התקינו חקנות חדשות לפי הזמן ומטלי לפעמים מה שכתוב בתורה, כדמצינו בסופה (ד' ש"ט): א"י יחתן משום

קו
יעבור קורי עכביש אשר ארנו תשיבם למלכת השמים אני
ליוצאי הארץ, או לנשיא האולת (כמו שנאריך לקמן בזה)
ויהי ה' אלהי פמו.

ח ו ב י

§. 22. בלכמד עם חלודים צריך ללמוד עמהם לא לכד ש"ס ופוסקים, אבל גם שאר חכמות ודרך ארץ. אבל יורה בדבריו שלא יתן פתחון פה להם לצאת חוץ, לא יקבל ראשו נגדם כדי שהיה אימתו עליהם ויקבלו דבריו, לא יכעס עליהם ויחזור וישנה כמרה פעמים עד שיבינו (שיוכין ל"ד) ואם התלמידים טחודשלים צריך לזרזם בהם מרה (כחובותק"ג) אבל לא ירדה בהם בפרך, ולא יפרוש סרין אימרה ולחץ על ראשיהם לכלי ילסוד היות צבועים וחנפים, או לחורר בעלי רוח נמוכה ונפש שפלה.

ח ו ב ז

§. 23. בשכרתו לזין צריך לזין כחשכל דערת הדבר לאמיתו, אחרי חקירה רבה, ואם לא יכין חוכן הענין ללא יזין, כי לזה צריך חכמה וערמה. ואין צריך לאמר פי חליון היה ירא ה' ולא ישא פנים ולא יקח שוחד, יהיה שוחד סמוך או שוחד דברים, כאמור (שמות י"ח כ"א) ואתה תחזה סכל העם אנשי חיל, יראי אלהים, אנשי אמת, שנאי בצע, וכן אמר יהושפט אל השופטים (ד"ה ב' י"ט, ל"ז) ראו מרה אהם עושים כי לא לאדם משפוטו כי לה' ועמכם בדבר המשפט, ועתה יהי פחד ה' עליכם שסרו ועשו כי אין עם ה' אלהינו עולה ונשא פנים וסקח שחד. (ועיין סנהדרין ק"ו) וכבר כתובים חובת הדין בח"מ לזכור דיעים.

ר' ישמעאל: בשלשה מקומות נצינו הלכה עוקרת ארץ הסקרא — ר"ל בשלשה מקומות קללו הדברים שונים, שנכטלו ארץ הפרט, כי זולת אלו שלשה מקומות נמצאים הרבה טהם — התורה אמרה כעפר והלכה בכל דבר וכו'. וכן ביטל הל"ל עשה דשמוט ותקן פרוזבול (גטין דל"ו) שראה שנכון לעשות כן לפי הזמן — ר' יוחנן בסתורה והורה חזק ברישיה לביש תרויהון (ר"ל תפילין של יד ושל ראש) כלם בקייטא: לא הוה לביש אלא אדרעי (ירושלמי ברכות פ"ב) — ובטלו לפעמים גם תקנות החכמים שלפניהם, כמו שביטל ריב"ז עטרת שוקי ירושלים בגירור (ביצה ד"ה) וכן הקלו עלינו החכמים שהיו אחרי התלמוד, איזה חומרות ואיסורים הערוכים בתלמוד, כמו היתר עיסקא, וענין שטר סכיה בחמין, וזהו טרז שאחז"ל: ר' חנינא בן עקשיא אומר רציה הקב"ה לזכות את ישראל לפיכך הרבה להם תורה ומצות, הנה בארו שלכך נצטוו לישראל מצות רבות כדי לאדקם ולזכותם, שאם היו כולם הכרחים לקנות שלימות לא היה זה זכות אלא חובה, וזה הוא שאמר ר' יוחנן: לא ניהא למרייהו מאמרת עליהו חבי, אלא למי שלא קיים אלא אפילו חק א' — וכן כ' הרמב"ם ד"ל בפ' הטענה הגדולה וכו' ונחבאר לפי מר' שאמרנו כי מצורה אחת בלבד תספיק לתת שלימות האנושי, ואולם מר' שנמצאו בתורה מצות רבות, לא היה זה אלא על צד היותר טוב כדי שלא ימלט א' מישראל שלא יזכה לחיי עוה"ב על ידי אחת מהן א' וזו מחן שתהיה וכו'. וכלל הדברים הוא כי בכל פעולה שיעשה העושה אחרי לש"ש וזוהי ברה לחיי עוה"ב, ואף אם הפעל ההוא יחשב בו שהוה רע וכו'. וזכרן זה העיקר ודעהו, כי ההוא חכמה לתורה משה, שאל"כ לא יהיו ישראל כלל זוכים לחיי עוה"ב על ידי התורה אלא א' מעיר וכו'. ש"ש וכו' וזהו ש"ש פ"ג ה"ב ב' בעירובין, התורה שנכתב לפי הדמיון יש ל' קצורה תי"ג ואינו כן, שלא נתנה נכתב רק לפי המקנה ולפי שעה וכו'. וזהו הכוח שם — ששם כל הכונה ל' כל חקנה לצורך חקון דבר פרטי, עוד יש להם טוהר ניהול כללם להעמיד חקון מדיני שיחיה כל ישראל אחים ורעים אלהים זה לזה וכו'. כי חקנות חז"ל העשויות לצורך שעה לפעמים יראו כי טוב לבטל אחת מהנה וכשם

שנקבל שכר על הורישתו כך נקבל שכר על הפרישה, כי תכלית חז"ל בין בחיקון המדינה בין בכישולו הוא להחמיד השלום ולקיים סידור מדיני וכו' — וברש"י שבת פרק מי שהחשיך: ר"י אומר בו ביום מחקו סאה כלומר במדה מחוקה מדלו בו ביום, שהרבו לגזור יותר מדאי, ואין העם יכולים לעמוד בס, ומתוך כך עוברים על ד"ר. נמצא מדה מחוקה וטוב היה להם להיות מדתם שפופה ולא חכא ליד מחק מרוב גדושה, אף אלו ע"י גזרח גרמו לעם לעבור על ד"ת עכ"ל — הראית כולם קדושים מסכימים שלא ריבוי המצות עיקר אך אחר הלב הכל הולך, ופנימיות העיקר לא החיצוניות.

26. §. אבל דרך רבני זמנינו הוא להפך, רק על חיקון הנפש ידאגו, ועל חיקון הגוף לא יראו כלל, לזאת רבים עתה בימינו המון המחסדים המהשטפים כאורת חיקון הנפש למען כחש גול ועשות און, והמה מתכסים עצמם בטלית נוצצת, ובחפלין שניים, משחחיים מדיים עד לעפר ונבלותם הגיע שחקים, ולמען החראות כאנשים צדיקים ושלמים, ידברו באנשים צדיקים ההולכים בתומם, יראים ושלמים ממנם לא לבר בחיקון הגוף אבל גם בחיקון השלימות האמיתי, והעוזר גברה כל כך בנו עד כי גם אנשים מדלה עם הארץ אשר זקנם טגורל, והמרה נעים ככה"כ כאשר ינוד הקנה בנים להחפול תפלה לא יבינו, ידברו בשער על חכמים יראים ושלמים.

והנה בימי הגמרא לא היה רשות אף להנשיא לגזור גזירות לבדו מבלי הסכמת הסנהדרין (עיין ריב"ש בחשו" סימן רע"א) אבל חכם א' לא היה גזור גזירות על ישראל — ואמרו פ' אין מעמידין ד"ל כי גזירה כמערכא, לא מגלי טעמא עד ד' ירחי שחא דלמא איכא אינש דלא ס"ל ואחי לזולא ביה, ומוכח מזה הכ"ט הל' טמרים פ"כ ה"ו, שכ"ד אינם יכולים לכופף שחתפשט הגזירה שאל"כ מאי איכפרת לן דמאן דסולל ביה, יכפוהו ב"ד. וכן אמרו דניאל גזר ולא קבלו, ואמרו, לא השרחתי עליכם לקרות ק"ש בגילוי ראש, ואמרו עוד מנין לזקן שלא יטריח ש"א ויראח טאליהך. ואם לקימה שאין בה כי אם טורח מעט חסחה התורה לכלי השריח, מכל שכן בגזירות קשורות ורעות, וכבר פסקין,, אין לנו לגזור

גזירות אחר החיטות הש"ס (המגיד הל' חסן ומצה פ"ה ה"ה, פ"ח א"ח ס"ה, חס"א, הרא"ש שבת פ"ב ס"ל ט"ו). ותמה? — ראיה מה שכ' בס' ספר הדת ו"ל: "ואין אומרה ולשון מעומסת במנהגים נתינים ומשפטים כמנוני היום, כי בקום האיש בבקר עד סגור עפעפיו בלילה יש לו חלי חלים מהגזים ודנים, ואין חוש מחשניו ולא חנופה אבר מאבריו אשר אין בו אזהרת איסור והיתר, אם איננה מצוה דאורייתא היא חומרה דרבנן, או חקנה הגאונים, או סיג או גדר, או מנהג חסידים ואנשי מעשה, או גדרה. וזושר וחשש דחששא, וכלם נמסכים על הסאת: ה"ה מ"ד ח"ב א' ע"ל ב' ר"ה, וכו'. לוא"ה שערורי גדרה נהיית בישראל, אלה יחידן בשפ"ל וכמסות חיצונית ויתשוב כעיקר, ואת העיקר יעזבו. ואלה, בראותם כי מי יוכל לקיים כל, יפקרו ויפרקו על יעזבו העיקר עם השפ"ל. ואמרו במדרש על המקרא: אל חספ על דבריו פן יכביח בך ויכזבת, חני ר' חייא שלא חששה את הגדר יתר על העיקר, שלא יפול ויקצץ את הגשמה. — ואצננה נא לפניך אך איות מנהגים ודים שנחמדשו בנו גזריו כמסות משרה מסידי, וכדי הרבנים לבטלים, בלי להרוס ח"ו אגן אחר קשריה משפחות הדת.

27. §. a) ידוע לכל בר דם דחכמת הדקדוק כי קריאתו שונה מאוד בשעור כמו שכתבנו לעיל (ברית בירא §. 9.) ובכל זאת לא יתנו הרבנים יד להחזיר הקריאה הנכונה ליושנה, אף כי לפעמים קריאתו היא חידוץ גזיוף, ולרוב בשעור והיפוך הנכונה.

28. §. b) איכ"ה התנהגותו בבית החפלה? — שמה יכנון בני ישראל ויתפללו חפלה לא יכינו מוצא שפתיהם (כמש"ל מוצ"ד) — צועקים בנתי הכנסיות כחסי לב. ובמדרש ש"ה: הכירים מקשיבים לקולך, אר"א כשישראל נכנסין לבתי כנסיות ומקוין ק"ש בשעם ובניעוטר הקב"ה מקשיב קולם, אבל כשישראל מקוין ק"ש בשירוף הדעת נה מקדיבין וורר מאוד בלי שעם ובלי נעים, וזה ק' צווחת ברח דודי. והמה צווחים ומרימים קולם בקריאת אחד כאילו יבקשו להשיב, בביכול מתודטת ח"ו, והיה לנו להורר

טכ"ל השומע ח"ל אל ה' ה' חב"א, ס"א ק"א ו' בעשרות מאד על המנהג בארץ הארצות. ששגוריון קולן עד למאה בקושים (טכ"ש בחפלות) עד שהנכרים מלעגים על זה וכו'. ע"ש. וינעו בחפלותם כאשר יגור הקנה במים, ו"ל השל"ה כה"ל חפלה, המתנועע בחפלות גורם ביטול קיומו, והעקרה בלי התנועעות כלל עורר על חפלות, וכו'. כל עצמותי חוקרה וכו' אבל לא בחפלה, ואם יש מי שאומר כן גם בחפלה אין לחוש לדבריו, כי הנסיון מוכיח שחפלה בלי נענוע בחפלה גורם לכונן הלב, וראה בעיניך הישאל אדם שאלה ממלך ב"ו וגופו מחנוע כנות עצי היער מפני הרוח? — המגיד קולו בחפלותו מאוד גורם לכונן הלב, והמנהג קולו אינו מכונן וכו' דפ"ח. —

לדקדוק ש"ן הקראים חזן ועמוד וישר עם משוררים זה ככה וזה ככה והחפלה מרחוק חסוד, ואף אם לא יהיה הש"ן ידוע חפלה, וכו' דחיל חשאין, אך אם קולו ערב טוב הוא להם, נד דח"ל שדרשו על פסוק נחנו עלי בקול על כן שואמיה, א"ר זוטרי בר טוביה, זה ש"ן שאינו הגון שער לפני התיבה ויאות הגון? זה שהוא ריקן מעבירות ופרקו נאה וכו' ודע"ל לקורא בתנ"ך וכו'. וכו' הורעם על זאת המור בא"ה ס"ג ע"ש — ו"ל הרשב"א בחשן — שאלת ש"ן שקולו ערב ומאריך בחפלותו כדי שישמע קולו ערב ומתנא בכך אם ראוי להחמיר או לא? — השוכר, אחרי כוננה הלב הם אמורים וכו' ומ"ם אם מאריך בחפלותו לא טוב עשה, ובכמה מקומות אמרו לקצר מפני שורח הצבור עכ"ל ועמד לא לכד שהרבנים לא ישימו עין לוא"ה, ולדבריו י"ע שהיה מקצר ועולה בהתפללו בצבור אבל הם יאריכו בק"ש ובחפלה י"ה מאוד מאוד בלי לפנות לשראה דציבור. וההמן יכשאו, בעוד יעמוד הרב בחפלה, בעניני מ"ט ומנהגות העולם, או ילכו להם, כי אין להם פנאי כ"כ קתרת פריסתם המושלית עליהם ולא ישמעו קדושה! — ואם הקדוש הרב"ב ז"ל ביטל חפלה י"ה בלחש מתברר ביטול זה כמש"ל (ברית בית אל §. 9.) מכ"ש ומכ"ש שראוי לבטל חפלה ארוכה של הרבנים.

וכיון בבית החפלה אכזריות וגזירות ושאר דברים ותהי בית ה' כבית נאיו ונקח ומסמר — בעיני קדושי יתהוה

מחלוקת ע"י הערובות — יפרסו שם ואמרו ק"ש ודבר
פעמים רבות — יקראו לחוליה זה בשם חבר, וזה בשם
מורה, ויהיה ע"י מחלוקת ושאלה — החוליה יקראו
בפולין בקל נסר, ויקראו לפני איש מדלת ע"ד, כאילו
נפשו חומר שיראים הם מיראת ה', — וישו מאד מי
שכח יסגרו האוזן ויפתחוהו לאר מספר בימים נוראים —
בה"ר יחשבו ערבות, ובפרטים יכו בעצים (הכאן אמר)
ויהיה בית דין, באסיפת אספסוף, ושאר מנהגים כלתי
נכונים כאלו.

§ 26. אף דחפלה בכל לשון, מ"מ צריכה להיות
בלשון ההיא כאר הישיב בחדר מן הצחור כמ"ל בשם
הכ"מ, ועל זאת חזק עזריא החפלה בלח"ק כמ"ל, וכל
בעל מעשה רוקח ו"ל: אף דחפלה בכל לשון, מ"מ אין זה
כבודו של מעלה להחפלה לפניו בחבורתו לשונות, וכל
זאת נחוצים בינינו פושטים, אשר מחבריהם עוז לקר מ"מ
חיים, דרך שפה עבריה הקדושה, ומשתמשים נחם המליצה,
יחידים וחידים מכללי הכונה, ומשתמשים נחם המליצה,
כ"ל כל יד יד מוכשרת לחבר פושטים, וכלו בנשיהם
מלות כשירות ארמית בבית יונת ועברית אשר המון
לא יבינם כלל וכלל, וגם ח"מ מהם אך מעט, כי
צריך להבנות חקירה יתירה, ושחן עור שמותם בראשית
דלחור הפיט, ולפעמים בלשונם חירוף וגיוף כי לא ידעו
דרך לק"ק, ומרבים בחארים שלא כהוגן, אשר על זאת צוח
הרמב"ם ז"ל (בג"ש לראשון) ו"ל — מי שידע חסונם
ומחפלה בהם, הוא אצלי מכלל מי שנאמר עליהם:
ויחפאו בני ישראל אשר לא כלל כן על ד',
אלה הם — ראה אחי דבר גורל דבר גורל אחכם הנשר
לגורל רביו זה, וכן צעק עליהם ויחכם הר"א ב"ע
בפירוש לקהלת ה' א', ע"ש הישיב, וכנגד זאת כל החל
זו: שני גורלי הדור נשנו על שכלול וזמר פושטים במקל

*) כמו כאילו חלחך בפשט מרה, שפירשו חולי וכעס
(דבר צו קרענקען) ומלה ע"ב שהוא נאמר כפי נביאנו
אך לענין זכות, כמו שהאריך בזה החכם רא"ס בל"ח
לשני מכורי ע"ש.

שלהם, ולכן כל יחיד יחיד ויחיד לעצמו שלש יפרש מלואם
בצבור "ויתה אף מן המ"מ גפנה" — וכן הרבנים כולם
ידבוקו אהבה, כאילו היו הפושטים מסני, ואמרו שיש
בהם קוונות גוראות, ולך היו מסורי החפלה בעלי צחור,
פשוטריהם משכילים, אשר שקלן דבריהם בפלג הלשון
הצח והחכמה והמוסר וקבלו עליהם איזה קהלת לאומים,
הקדש? — הלא הם אף פושט אצבעות משוררים, וזאת
קלף אונתו קומני משוררים שוקים נכבדים ואדם מהם
בלשון קציר, בל"א, הספריים חלוח ה' ועוזו, אבל זה
דרך הפלילים להקדיש רק אף הקחוב בלשון הנקרא אצלם
לח"ק, אף כי הוא בלול קלשונות שונות, ואף אם הוא
מערבב ומסוכסכת ומדולדלת, וכוללת דברים לא יחבנו,
יוספג ויכרז בחפלות ופושטים, מערכות, ויצרות, סליחות,
דבש"ע, יהי דצון, עד למרבר, היפר דבר ח"ל שאמר
ספני פה לא קבעו פ' בל' בן"ש? ספני שורח הציבור, כי
החפלה חיה אף הדר' לכא אל עבודת פנימית הזאת,
היא חלוינו לעשות רצון אלהים, לעשות צדקה ומשפט,
ואם נחפלה בלשון שאין אנו מבינים איכר אף יצאנו י"ח
ואם נחפלה הרבה סתה נעשה את אשר ראוי לעשות, וע"ז
יסגור רבים עתה רגליהם סבוא כיר' ה', גם על ידי ריבוי
תפלות, יחפלו חפלה מחרה בששף, למען יבואו ביחס
ולמחית לאכול, ויהיה חפלה ההטון מקול מים רבים
שופטים, כנהרות דכים יכו את אחד בלי סדרים, התפלה
חשבר על שפחם כאש צרבה לבלי יכוו ברכיהם, וכבר
אחז"ל הסאריך בחפלו מעינינו כי, ומדוע נאריך בחפלות
על דבר פושטים וחפלות שכתבו איזו אנשים בלתי נודעו על
דבר שכתבו בלשון הקודש, כבר כתב הרמב"ם ז"ל
בפירוש לאונות ז"ל: "ידע שהשירים המסובכים מאריך
לשון שהיה צריך שיבחנו עניניהם אם הולכים בינש וכו'
שהדבר לא יאהב ולא ימאס מצד הלשון אבל מצד
עניניה, שם הוא ענין מעוליה ויחייב לאמר באיזה לשון
שיהיה: ואם כוננת השיר גרוע באיזה לשון שיהיה אסור
לאמרו: עוד אם יהיה הדבר גרוע, אזי הוא גרוע יותר בעבר
מכלל ע"כ"ל. וזי בזה לם שעיניו בראשו.

נ"ט (e, § 30) מענין והתפללה נ"כ דבר ארץ והיא:
 שאל ראשונים — כי יצא הנשים! האם
 פשילי שהיו לפנים בארץ חסולה והוצרכו לשאול על
 הנשים בימות החורף, ששם לא היה בעל החורף
 לשאל גם אנחנו יושבי איראפא על הגשמי בימות החורף
 שלנו ימות הגשמים! האם חבן אנחנו מבקשים להכניס
 לעפריים! הפלד' כואד' התלצה לפני ה' — וכבר כי
 הרמ' כפ' המשנה: כל הזמנים שנמנו לגשמים אינם אלא
 בא"י. אבל בשאר הארצות צריכה להיות השאלה בזמן שהם
 צריכים לגשמים באותה הארץ וכו'.

e, § 31. מענין הל' נח' המתי' ס' כבר דברו חכמים
 גדולים ושוכים ממנו והביאו ראיות עצומות שאין איסור בדבר
 כלל מצד הדין (*). וזה לא ככיר רופא מוסמך לרבים
 נח"ח גדול, ירא אלהי ואהוב לכל, ה"ס הרופא סת' הירץ
 בטור' כ"ץ רופא דפ' פלד' הוציא לאור ממכרת
 קטנה חכמה ורבת האיות בשם שאל' ר' ח' כ"ס, שם
 העריך שגנותיו וצדדי היתר בחלק הא' מצד הדין וסוגיה
 הש"ס והפוסקים, ובחלק השני מצד חכמת הרפואה והנסיון,
 והראה בטוב טעם ודעת, שאין סימן מוחלט למיתה אלא
 נמיקת הבשר. מחברתו זאת שלח חס' אל הרבנים היושבים
 על מדין להשיבהו חשונה נצחת עפ"י התורה והחכמה, אבל
 לא לבד שלא השיבו לו, אבל גם רבים לא קראו ספרו או לא
 עיינו בו, כאשר הסתבר ידע זאת בנסיון.

ראה אחי הצנתי לפניך לדוגמא אך דברים אחרים
 שרבות החומרות והגזירות שנחדשו ויחדשו יום יום, בלי
 היות להם עיקר ט' התורה, והמה נוחים יד לפושעים לפשוע,
 כמו למשל הכאח המן כנה"כ, חיבוש ערבה, איסור אכילת

(*) ומה שאמר כל המלין את מה עובר בל"ה? ויכול
 להיות שהוא רק ע"צ העברה, כמ"ש: הכנה מצרי עין
 והעולה מבבל לא"י עובר פל"ח. וכבר כ' הרמב"ם (בשרש
 ה' מ"ד שרשי' במנין המצוה) דאם יש מעכב אפי' עיכוב
 ממון מעכבין הקבוצה (כמ"ש בהנה בשם ר"ח ור"ש, ה"ס
 ס' ק"ז ס"ב) וא"כ כ"ש כשביל עיכוב סכנה נפשות —

קטניות וצוקער במסח' ס' ב"ב בפרות (*). נגילת השעמים באופן
 שאלו נהגים ודומיהם לאליהם.

§ 32. והלכותה תתן קולה: פחה עיניך אנוש, הכס
 צבאי שמים וירי מטר, רדוש מארץ אשר כלכונן עד אנוכ
 בלתי, הבין מאגלי של עדי' הגדול, מלחמן נחש לריח עדי
 יחוש ועש קטן, משפת נאמנים עדי' הדין עוללים, ככולם
 מעשי יוצא חכם נצחי השכיל, תחול ותקרא: גדול ה' ולגדולתו
 אין חקר. גם התורה צוהנו ש' מע ישראל ה' אלהינו ה' אחד
 ואמרו: וראית את אחריו (ט"ז כ"ח ונ"ד לראשון) וזה
 חסיד אמר דע את אלהי אביך ועבדתו (ד"ה א' כ"ח ט')
 וישעיהו קרא (ט' כ') שאו מרומ עיניכם וראו מי ברא אלה
 וכו'. ואמר החכם, שא"ל נא בהמור ותורך (איוב ל"ו ב')
 ואמר קטלך (ההלים ק"ח י"ו) לא אמרת כי אחיר ואספר
 מעשי ידך — ואמר: מזה רבו מעשיך ה' כלם כחכמה
 עשית! מה גדול מעשיך ה' מאוד עמקו מחשבתך! מה אדיר
 שםך בכל הארץ!

לראות נמצא שחז"ל היו נקיים בכל החכמות, איש
 איש לפי שכלו ומדרגתו, ואהבו החכמות לכל מקום שמצאו,
 אפי' בא"ה, כמו שאמרו: האומר דבר חכמה אפי' בא"ח
 נקרא חכם ואמרו: איזהו חכם? הלומד מכל אדם,
 למבואר כל זאת לכל המשמש בש"ס, ובאגדות ובמדרשים
 למותר.

§ 33. אמרו חז"ל על הלל הנשיא (ס' סופרים
 פט"ז ה"ט) שלא עזב דברי חכמה שלא למד אפילו כל
 הלשונות, אפי' שיחת דקלים הרים גבעות ונקעות (היא חכמת
 סגולות הארץ פיזיק) שיחת עצים ועשבים (היא חכמת הפרחים
 בוטניק) שיחת חיות ובהמות (חכמת טבעי הנכראים
 צואולוגי) שיחת שדים וכו' (היא חכמת המחקר ברוחניות
 פילוסופיא) כל כך למה? — משום שנאמר: ה' חפץ למען
 צדקו יגדיל תורה ויאדיר. לכה הירד לפניך הנשיא

(*) ו' הרשבא כחשו ס' שצ"ה — „שמעתי מפי אנשים הנונים
 מאוד מאשכנז שכל רבני ארצם עושים כן בערבית ויה"כ,
 ושוחטין לכפרה אוזנין והרנגולים (והמעוברת שהיא,
 והמדרקין הרנגול לבן) עכ"ז מנעתי התנהג זה מעירנו.”

בישראל; ועתה, הנה, אין לנו צליל קרחתו התכבדו, ונא, החבונות. מצניו ברמב"ם ה"ל סנהדרין (פ"ד הלכה ט"ז) שהמנהגין סמכו חכמים מוחלים למנהג בלוי אצלם ויחיד, ומסכן חכמים אחרים לפסוק דנין ממונה וכו', כמו שנקרא עוד שם דין האומות, שאלו דנין דנין, קטנות (קרימון) ששם (פאר) זה בדין ממונה (יומטיוס) זה ממונה לשוטה, לכל, מערכה אנשים מיוחדים אשר לכל, על המנהג וידע אותה אל בריה, ובענין אחר לא ידע, כי לא כל איש יוכל לקרוא ולהשיג כל הענינים, ועתה כופו חזק ללכת מסיבות ישוב וקרב לחקק חכמה המורה, הכל כאשר לכל יחשוב, לדעת קול דבר פלפול.

§ 34. אמרת עני שחבת הרב תהיה לכלל דבריו כלשון ארצו, אשר בה הוא יושב, וידבר לשון ההיא כדקדוקה כהלכתה, וכן מצניו שגזלנו ידעו לשון העם אשר משלו עליהם. וכן ינסיון בן גוריון שה' כחן ומשוח טלחמה ידע לשון דומי על בריה, כנראה מספריו שחבר בה, והסנהדרין היו מחזיקים לדעת רוב הלשונות (הרמב"ם ה"ל סנהדרין פ"ד ה"ז) וכן בעלי הש"ס היו בקיאים בלשון ארצם, כנראה מסלות ויגלר ורומיות שנמצאים בחלוצי ובסדרשם למרבה, אף כי היו יכולים להכניא חתחתן מלות עבריות, כי היו שגורים בלשונות ארצם כנראה מרבינו רמב"ם האמתיים בקיאים בלשון ארצם כנראה מרבינו רמב"ם רבינו סעדיה גאון, ה' כ"י, שכתבו ספריהם ב"ע, מלכ' שגם הכניאים האחרונים כעורא נחמיה ודניאל שכתבו גם כנאותם בלשון עם הארץ, ארמית.

(*) כבר יש אהבו ספרים נחמיה, הספרים, קלור, אלו בח"ל, ובכל זאת אף בבית רב אחר מני אף ויחיד (אשר חזינו קנה לו כל ספר הכנא לידו או אשר כמחנה ויחידה ספר לו ספרים) ימצא ספר היקר שערך, צמח דור (הנדל) של גברי' (ספר) ואברהם הרומא (דיוסית), לואר לא נחפזים אם הספרים היקרים חסם לא נדפסו במהדורה שניה, והמהיקרים עד למאור, חסם אשר למשל ספר מ"ה ש"ף ודומיהו ביר כל הנקרא ה"ה.

ק"ו ויחזיקו מרבינו זמנינו — לא לבר שלם יבנו לשון ארצם כלל, אלא גם ירחיקו למחנה, ויחזיקו בהחלוקה, וכל הספרים הכתובים בלשון כלתי עברית, יקראו ספרים פסולים ואם הם הספר הזה נלא חכמה וידע, והקורא נהגם הוא אצלם בכלל אפס קורא, ואף יבנו בביתם ספרים אלו כלל, ולשונם אך ספרים מסודות אין לה ואם בסוחלים, כי אם לעוררם מלשונות עמיתם אשר שוללו גם אבותינו, לשון מלצרפרי מולללל ועלשכשת, וכבר יצאו מכלולים רבים לישראל, על דבר אשר לא ידעו חכמים לדבר שפיר ארצם כנא, לפני שרים ונכבדי ארץ, להבין סקרי האפיקרסים ולהשיג עליהם, וכבר בשל חכמים אמתיים מסנו נזירות רבות ע"י בקיאותם בלשונות כוחכם הנדול הרב מרדכי מנשר בן ישראל, אשר ע"י חכמתו ובקיאותו בלשונות, העביר נזירות גלות בני ישראל מארץ אנגלשירד בירת, והחכם הפילוסוף האלוקי הרב מרדכי מנשר בן מנחם שביטל עלילת צורך דם נצרי לישראל בפסח, במדינת פולין.

§ 35. דרשת הושיע בעצם הושיע כמו שכתבתי (סע"ה) מלוא מוסר ודרך ארץ, "להורות לעם ה' הדרך אשר ילכו בה, ואת המעשה אשר יעשו, לשמוח מצויות כל היום, לבטוח בה' עולם ועדנים, אהבה הצדק ושנאת רשע, ללמדם והשיב אהבה רעים ואהבה אדם בכלל, לנחם אמללים ולדבר על כל נכבאים" (*) — וכן עשו נביאנו וחכמינו לפנינו, שור בכתבי קרב חוכמה נביאנו, ונראה כירוח החכמה, המוסר והשרה יד ביד הלכו, ומלות שהורו על לשונם דבר דבור על אפניו, בשפה נקייה וצחצח דברו מוסרם, הלכינו חוכמתם במשלי וסליצור נכונה כפי הערת והמקום, פעם יהנו מר, גפוש ברעה חתמוג, ורוחם סרה על עם ה' ההולכים עקלקלות, וילילו על אשמת העם וחשאת כהניה, וכו' על שבט אלוה' אשר נגזרה בה, ויתמרטו בעוז לחזיק בכפונות הארץ, למען

(*) הם המה דברי בעל דברי אברהם מאה הרב הנאון החכם מר"ה מענדל שווינצ'הארש בעה"מ ש"ה דברי מנחם, אשר מרדכי שיהיה כל דברי ישראל כמנהג, או נמצא הן בעיני ה' ואדם.

ינערו רשעים ממנה. ופעם לבשו עוונתם וקראו על טוב ה' כי לעולם חסדו. הרימו לבב עמם לבשנה ב'ה' בי בשרו מעשנו וקראו עינם לראות בברכת המשיב לב. בדברם על לב אנשו הארץ כרמים ויגבים, בחרו משלים משנה חנוכה וקרמי חמו. כל יטחישל ואחית, פרים וצאן, ובהנכחם את לב ראשי עם הארץ ונשיא הדוד על אשמתם, בחרו חמונות היכלי סלך ושירות נגידים, ובדברם על לב משרתי אלהים, הציגו לפניו משפטי עבודת משאם, מנחה ונסך, עולה וכליל, וכן לכל מצב ומצב בחרו חמונה מיוחדת הנאמנה לענין הנאמר, לעורר לבב השומע להשוכר ואהבת ה', לכלי קיור מרקדים בין האבנים, וכוכים בהטון חוגג. לא הציגו חמונה כס מלוכה לפני דלת עם הארץ, ולא צלם כלי בקר לעין נדיבים. פיהם נבע דעה, ולקח נעים משפחתם נול, אם כשעירים עלי דשא וכטל נופל ארצה בנחת, או כגשם שוטף ארצה ביד, המוליק כל בעברתו. מי לא נכה בכלים, ומי לא שמח ברנתם! ככה בני אל דוכרים סלפנים, הן, טה היר לננו, אשרי עון ראחה כל אלה!

גם ח'זל בעלי התלמוד ומדרשים, שהיו כבר בגלות וראגות על ארמה נכריה, לא שכחו דברי נביאיהם, ומוסרם לקח טהור היר, כנו שחמצא דכריהם החכמים במלכות אבות — שהנה באמת אכזה כל מוסר ודרך ארץ — דרך ארץ כפרש, ובתלמוד ובמדרשים בכלל מפורשים לעין בוחנת. וגם אחרי כן אשר באו בני אלהים חכמים אפחים, יראים ושלמים כרכינו סעדיה גאון, הרמב"ם, הב"ח, ודומיהם. וז"ל החכם החסיד רבינו בחי בספרו הנכנה חובת הלבבות בהקדמתו: „עד שאתה דורש בדיני גיטין וקידושין, דברים שאין בהם חפץ לשומעם, דרוש בחובת הלכות“.

אכל עתה — הח נפשינו יכשה, אין כל! הרב בימינו ידרוש ויפלפל ויכלכל בהלכות לפני ההטון, דברים שאין באמת בהם חפץ לשומעם, כגון בדיני גירושין, שור פסולי המקדשין, ודומיהם. וההטון יעמוד נצב בדרשרה כזאת ולא ידעו מה להם, וכבר צוה על זאת הזהר וז"ל „לא תעשה לך פסל, ר יצחק פתח אל חתן את פיך לחשא את בשך, כטה אית לירד

לכר נש לאזהרה לא זמנבהו ולא יפיקסאוהמא מח דלא ידע, ולא קבל עליהו וכו' א"ר אבא כתיב לא תעשה לך פסל, וכ' פסל לך, כלומח לא תעבוד לך אוריחא אחרא דלא ידעת ולא אמר לך דבך וכו'. וז"ל החסיד בעל ווי ח ע מ ד י ס: „אמנם חולדה רעה ראיתנו שמעתי שרבים מחדרשנים מראים בקיאתם ברגים, ומעמידים הדין על המקום שלית נידה לא דין וכו' כוודאי הוא במגלה פנים בתורה שלא כהלכה, וחחורה חוגרת שק על לימוד הזה“ (שם כ"ה).

דורשים כאלה בכואם לפעמים לדרוש על אדוות חובת הלכות, כטפל לעיקר יחשכום ויקצרו בהם, ויסמכו על לא נסמך, ולא יכלכלו דכריהם בכור האמרת והמליצה, אך בהבלעה ודילוג, יקפצו מענין לענין, ודילתו עליו אהבה ישיחו טיה טפל מדרשים במדרשים, אשר מעולם לא היתא כזאת מחשבת הדרש בדח"ל, ויחשכו שמשפט הדרשות כמשפט חזקין המקובלים — יסתירו הנסחר בנסתרים וכל דוח נכונה אין בהם. וז"ל בעל סדר ש ש מ ו א ל על המאמר לא הדרש הוא עיקר אלא המעשה — „ואח"כ מוציאין כל הומו בדרשות בהראותם גדולה תחלת חכמתם (ר"ל בפלפול) וכו' ועושין מזה עיקר, וההיקון אשר היתה הכוונה לא יצא לפועל“ וכו'.

אמרתי (§. 14.) שחוב הרב הוא לצוות לתרגם התורה בלשון עם הארץ, כדי שידע ההטון חורת ה' ויעשו הטוב כפי מצותיה. והנה בימי חכמי הגמרא מצינו שהעמידו מתורגמן בלשון ארמית להטון, אשר הרגם התורה ככה"כ מדי שנה בשנה (מגילה כ"ג) וכן במס' הנ"ל) כדי שחתקיים חורתם בידם. וכן מצינו אח"כ (תשנכת מהר"ם מפאדוכה ט"ז ע"ח) שהיהודים יושבי קנדיא* קראו ביום צום הכפורים ההפסדה בלשון יוני, לזאת כאשר בשל המתורגמן*.

* קנדיא היא מסרפולין באי הנריה הנקראת לפנים קרטו Creto על ים החיכוך.

* לסכה בלחי ידועה לנו, ואולי ע"י הטלשולים שטולטלו אבותינו ממדינת למדינת כשנים רצופים ולא ידעו באיור לשון יבחרו.

עדי שיהיה לא תקבל ואל תאמר קבל ואמצי ליה
 סיחא מאן (בנחת לפי המהרש"א) וא"ל ר"ב, כדמציח
 לי כי קא לא חסתי ליה אלא כעיר קתא דמסאני
 (כרצונות המנהל בנחת לא במקל ושבת) דקבל קבל
 וכו' — וכן היה סדרי המוסר בהדרגה נכונה כמ"ל (אמרי)
 בן חמשה שנים לסקרא, בן עשר למשנה וכו' וכן
 אמר בפירושו במס' סופרים: ולא שיהיה דלג במקרא
 ובמשנה ויבא ליד גמרא, אלא על סנת שילמד מקרא ומשנה
 ויבא ליד תלמודו, ונמצאו במקומות רבות דואים להשגת
 החינוך.

וכן יעשו רבני זמננו, האמורים שעליהם מוטל כל
 דבר שבקדושה, והם שומרי כל טוב בישראל? מה יעשו המה
 לצורך חינוך נשתישראל הרכוס הבאים בית יעקב? — לכה
 שבעה: האב מביא הברכה: בן שלש שנים טרם חתום
 גופו כראוי (לכית הספר, שם יושבו המורה, אשר שבת
 הפחה והתקדש על פניו מחוץ, על ספסל או בקיט עץ, שם
 ישבו הכנים צופים והמורה לימוד עם זר קריאת המקרא,
 וילד פרשת מפרשת המורה כלשון בלתי לשון ולודי דק גפ"ת
 ויכליל אלה את אלה: והמלמד עומד בחבל סמות הכר
 ופצוה אב המלמד לא יבין את אשר לא יוכל להבין, שם
 ישמעו הבנים דברי המורה מפי מלמד מדבר כלשון עליונים,
 אשר לא יבין קראו מקרא, ואם הכר לא ידע לצפצף צפצף
 המורה כרצונו יכנה סכות אכזריות, למען יוכל לקרוא שיעור
 לימוד השבוע לפני אביו או ח"ח מר שכתב בשבת דק גפ"ת
 ומפרשים, והמוסף יוסף, לואר חתול, נפש הנער בסור
 ובחורו, ויהיה סר רוח וחמר אוטן, וכי יצא מבית הספר
 בערב ילד כאיל בשוקים וברחובות כמשוע, כי חפשונו
 חרחיב לבנו מבלי גבול, וכי יהיה נער בין הכנים אשר נפשו
 מוכנה לחקירה ודרישה, ויש לו מקום לשאול ושאל את פי
 מלמדו, יעבירו מרד לדבר אחר, או יכנה וימסר הן תבחר
 עקלקלות, הוזה לבלי תשאול עוד שאלות כאלה, כי אמר

(*) בפרט בימינו יור הלש, ואם ח"ל, הראשונה חרש
 וחרש וכו' ואמר אין לנו פה לאכול, מר נאמר אנו
 נקראנו: באחד דוד ואבם כח ותלשנו גוף נכרם.

הגמור התכמים שבשארל, חמורד ללשון עם, חמורד אשר
 ישבו בה, כרכנו סעודה גאון ללשון ערבי, התכב י' יעקב
 ב"ר יוסף סאוס ללשון פרסי, חמורד ללשון ספרדית טעמים
 רבנר ע"ה הרב ר' מנשה בן ישראל, ר' אליהו בחור הרב
 החורד ללשון אשכנזית ושאר העתקות, והתכמים הרבים
 שבימים ההם נחמו הסכמות, על העתקות ההם, לואר
 התמודד התכב הפילוסוף האלה, גבר הכב בעה וירא
 רבניו משרה בן מנחם וחרגם כימינו, אך רבנים סכלים
 מחדש כפי משפט הלשון הצחד כימינו, אך רבנים סכלים
 רגז אחרי וזכרו עתק במשה ובחנניו, כי לא ידעו ויבקשו
 השגה האמת, רק צפצפו שנים מקרא ואחר תרגום ישראלי
 בידי, קריאה נכונה נחמה מלפנים לבני ישראל אשר הבינו
 אך שפרט ארמית, ומה יבין המון מהה סגור, ומרד לא
 יקרא חושב הצרפתי המורה כלשון עמו צרפתי שמכין,
 האשפאלי כלשון איטאלי, האשכנזי אשכנזי, והפולין פולאניא,
 וכן שאר אחינו בני ישראל איש איש כלשון עמו אשר הוא
 יושב בהם? — ולמה יאמרו בגימ' אך עם סכל הם, לא
 ידעו תורחם, והמתחכמים בעימינו, גם המה יצאו לתורכות
 רעה מכלת הכין תורחם, ויפנו אל החכמים, לספרי ענבים
 וליצנור (ראמאני) מהתלות ואפיקורסות (מאשירן פריא,
 גייסטריוא) ויחשבו שם וואל קר, וביד אבוא"ה) תמות
 כל חפמור וחורשיו, וישחקו על ה' וחורדו בלי חנין והכחה.

§. 37. אמרתי (§. 25.) שחוב הרב להעיר על חינוך
 הבנים, כמו שמצינו שחכמי החלמוד (כ"ב כ"א) היו עמלים
 על דבר חינוך הערים לחכמה, וז"ל: בראשונה מי שאין
 לו אב לא היה ליטד, התקינו שיהיו מושיבין
 כבן שש (ברא) וכן שבע (חלש) א"ל ר' לר"ש ב"ש.

(*) שני חכמים ידועים צרחים בגילם במדעו, אבל הראשון
 ידבר עתק מכל דח חיובי, ומלא מיד במהתלה על חורחיו,
 והשני שר בשמים מיד, לשונם חלך בקרב נער לא נכר
 כמושכלות כשמן והמה פחיתות, וכל ימור לא יוכל לשרש
 שורש מורה ממים מרים אשר ישראלי דבריהם בו מנפשו,
 כל שומר נפשו ונפש בני ירחיק מספריהם אל, אבל
 פה שכחו בשאר התכמות מורה ומדעלה.

לשאול כיצד חסודה לא מורכב בנפשו לדרוש במתנה חסדה
שרשדבר, אך החיגם הוא כהפאמאניא מלנדה לצפוף שלוח
נאמרי לפני מכלי הבין, לכן לא ידע ישראל קורות גורלו
ואבותיו, וגם הרבנים והגדלים בשם אין להם לב מבין לחבין
היופי והחפארת (דאס שעהנע אונט ערואכנע) ולא רצו רח
השיר, ולא הפעלו אף במלצר צחר מן הצחור, כי אך
בערובא נפשים נבוכה, ובהיותם והפצאות לחצות נאמרו
נפשים בחבר, עד שגם חסידים אלה חסדות והנאמרות שסופו
בש"ס ופירשנים, אשר קלפוטיתם עבה ונפשו חסידה וקרה
יקבלום כחכבן.

גלמוד אח"כ עם הנער גפ"מ מהר"א ש"ס ש"ר
נפוסקים, מבלי למיז את האשגורית המקראי כהלפיד גב"ע
חז"ל (המומאים לע"ל) והנער אשר לא יבין קרוא מקרא
כחלכחו, כי פצוה בעינים לדלג על המקרא ולמחר גלפ"ר
אין יבין סוגיות הש"ס העמוקות, ובפרט וברבים אין לו שחר;
ורובם בלתי נכונים למצות והנהגות הנער, בקלכות פחת
פחת, מוכרז עץ, משאנתי נאמתי, חסיד גש"ס יסמיני
נערות, וימי צרות וכמה, אך ע"י מקרא ורצוה שעל גביו
יזכר להשיג מה שאין דרפולחשיג בעזרת אפוס, ולאמר
הדברים מלה במלה (מבלי הבין הכן הענין) כאשר יצאו ספי
הרב, והי כבוא הנער ל"א או ל"ד שנה ולא הצליח לבעל
גפ"מ, ויצא מבית הספר, ונהגות אין כיון, ורבים אשר
בצאחם החצות ויראו מהלכות תחל ודרך הזמן, ויבנו את
אשר לא הבינו, ויהפכו להרס הנבוכה בהרסם כל אשר
שמעו, בחשבם כי הכל תהו, ויתפקרו, כאשר עינינו רואות
זאת ימים.

וה"ל בעל מצרף הדרי: אין חלק מכל חלק חובת
האדם נטוב ונפרד ונעלים משני ערף הערכים יותר מחובת
חינוך הבנים, לגל בנים בחבבות חכמה ומוסר, אין הולך
לפני העם להנחותם בדרך הישרה בענין ההוא, אך מר היו
עושים לצאת ידי חובת: ולמצותם את בניכם? היו
קובעים את בניהם כמסמרות נשועים על לימוד התלמוד
וספרי פלפול, ולו עשו כן, והיו שומרים ארבעה משמרות
הללו (א) לבחון ראשונה לב הנער, היכשר בהנהגה שבעית
אל לימוד עסק העין פחיתו כלומר החלמוד, (ב) הנער

המסא שכתב ללימוד החלמוד, ולכן כל אעוררו וכל מעשה
זמנשפאנטיאכל, להתמיר צד, ולא ישריחו עסקי העולם
לסור מסק, חורו, (ג) צד, צד, הנאמב האלף לשבור סוף
קוטר, ונאמור לחקוק כל לימודי אשר יאמר לעולם גב
לצדק לימוד התלמוד (ד) אחר חלק מקום וזמן לימודו, ונאמר
אנשים אשר חוב לאיש מוסר לעולם, אוליפה עשו חורו
עשר, הצדקתיים, אך לבליה כל ימי הילדות והבחרות
בלימוד ענין אחד, מבלי בחון לפנים לם העלם הכשר לו
ואם אין, מבלי השקוף מה יתמוד הנער בהיותו לאיש בלי
באגשים, אך כל האבות מעמידים ארץ בניהם לאיש בלי
חכמים וכו', כולם רבנים דיונים וכו', "ומה יהיה בעל
מלאכה: משהשבת? מיתעבד ארמון ושרי מלאכה? — וכן
זה דרך חינוך ילי עניים בבית ישראל והולכים כשה פורוה.
הקיסו חברה נקראה בשם: חברה של מוד הדריה, אשר
תכליתם לחת כל בני ענין אין פסל למלמד כלל למלד אמו
כל, והיה כללות ימי מצור, כבוא לימי בחירות, ולא
גשכר להיות רב או ריין, ויצא מבית מדרשו לאיש אחר לא
תואר לו בחורה ובחברה, ולא הדר לו באמורה, ויהי רע לב
ולא יד לו לעסוק בשום מלאכה להחיות נפשו, ויהי רע לב
ויצא לתכרות רעה, להפוש אחרי שרף נפשו בכל אשר
ימצא בעסק נכור, ומסחר חוצות, ויהי מוטל על אחיו,
לזאת חקרא, דאנה לשונם עניי ישראל! —

38. גם הנשים מחובות לדעת מצות אלהים אשר
מעשניה כנאמר קהל וכל (דברים ל"ב) וכן קרא
יהושע דברי חוריה כנגד הנשים (יהושע ה' ל"ד ל"ה) וכן
באו הנשים בבית ה' כימי אספת העם (דברים י"ב, י"ב, שם
י"א). לאור נמצאו נשים יקרות בקראות ומפורסמות
בחכמה כמרים, דברה, תולדה, חנה ודומיהן,
אשר היתה בינתן רחבה, גדלו והצליחו, וכן שנינו במ"ס
סופרים (פ"ח) שראוי לחרגם חוריה לגשים.

אבל איכר דרך החינוך לבנות ישראל כימינו? —
האב מביא כח הילדה כח שלש או ארבע לכית הספר כלל,
שמה תלמד קרוא מקרא עברית ואשכנזית משוחת, וכי
חזק קרוא מקרא זה, אי חמוסי לימודיה, ותלך וחשוב

לנשים, והקלחו אף ללכת במעטקי חלפוליים, שראשם מויעים עד כסא כבוד, ושורפים בבשר פיהם כל הנוגע בהם, לבשר כל הקלפוליה. וכן אנשים מחמון הלומדים אשר לא עלו מרוב חריר הפלפוליים כי שללם קצרה מנחם לנשים הלפית אלו. אשר אין להם מחיה לכלל צפוש וחברו לעשפים שטר מוסר לנשים, מחבר כלשון עליהם כדברים, ומלאים כוסר ור דברי סודות ורמזים אשר תחלתם נפסל ונשכחת, כספר צאנה וראינה, קב"ו שר ודמיהם. לואז המצא, שכונה ישראל בימינו, אשר להם חזק מלון, לא מצאנו נועם בספרים כאלו, וילכו ויקראו ספרי ענבר (דומאני) ויהבילו וילכו כאשר הלכרה. לואז נמצא בימינו כח קסה באטה, כי דעתם שוגרה, ומיד מילנו כל זאת אם לא מיד הרבנים? המה לא ידאגו על דבר חינוך הילדו כלל, ומצאנו לראות בכנות הארץ בימינו, כי תנה מנחמה בהלכה וכבשרו מעשה, ותקבלנה הרעור מהן, והשוב לא תלמדנה, כי אין להן דרשנים ואומנים כמוהם.

§ 39. אמרת (§ 16). שחובת הרב לרדוש, שכל אב צריך לטכוד את בנו איזה מלאכה, כי לא כל אדם מוכשר להיות גדול בעם, ורק אחד מני אלף יעלה הר אליהם וגם לחכם בעצמו שונה המלאכה כאמרו (אבות פ"ב) כל הורה שאין עמה מלאכה סופה בשלה וגוררת עון, לואז מצנו שרוב חכמי התלמוד היו נקראים במלאכה מה מן המלאכות, הילל היה לפני נשיאותו חושב עצים, ר' הונא שואב מים, ר' יהושע פחמי, ר' שרשק גושא קורות, ר' יוחנן סנדלר, ר' יוסי בן חלפתא מעבר שורות, ר' יוסף היה מוליך עצים ממקום למקום ואמר גדולה טלא כרה שחמט בלירה, והרבנות מקברות בעלירה, כאשר עיניו רואות יום יום, והמלאכה חזרה בעלירה כאח"ל (ירושלמי ג"ר) שב שני מני כפנא ואבבא דאומבא לא חליף.

ובכל אלה דרך רבני זמנינו להיפר, הרגילו הסון ביד ישראל, שכל אב שיש לו בן זכר יבקש אך שהיה בעל גפ"ת וישנאו כל מלאכה תכלית שנאה. רק בפלפול ש"ס נפסקים יהגיומם ולילה עם הילדים והנערים, ואף אם אין

לכתי אבותיה אל החמור והפארו, לא תדע דבר מענין אמונתה לא משהיה המהשכר וכשרון המעשים, ולא תשמע דבר מחובתה לאבותה: לאם, לבעלת, כי תגשא (*): ולמחיה: גם לא הירשה לה לנא פגית אליהם ולשמוך שם שיהיה נפשה בקהל הנשים, שרם הנשא לאיש, וככה תתע כבירה אבירה כנעוריה, עדי כנאו ימי החפץ ונשאר לאיש, אז הוא צריכה יודעת באחת בלי ליסוד והוראה כל חובת האשה, וגם אז תבא בקהל הנשים בנים אליהם לשמוך שיה כלשון שאינה פנינה ואף כי לנו עתיד החפלות סועתקורת, ללשון אשכנזי אשר תוכלנה להתפלל תוכן, ולדעת מוצא שפיהה, התפלל בכל זאת אך כלשון גבריה לה.

זכרה המה הספרים אשר מוזכרת הקרא הכחולה או האשה זכרי חכמה, ומוסר, לדעת איזה דרך ישכון אור הישרה? — כי מדרשת הרב המלאה פלפולים והזיות לא ידע האיש דבר, אף כי האשר! — הריב לא ירד מגדולתו לחבר ספר מוסר

(*) רע המנעש אשר נהגים עד היום לקרא הכחובה — אמר ב"ר הירח כחוב חובת הונא איש לאיש ומסלח במעמד האישיות, כי קודם זה לא ישמעו דבר מחובתם — כלשון נהירח לנו, המה לשון אומיר, וכאשר הוא בראת הונא חת החופה בכלי דעא מה חובתם זה לזה, כן יציאותם. קריאור כלשון אומיר זו נחנה בוראם בימים ההם שהבינו הלשון ההוא ואנחנו בקראה עתה בארמז צפון תהנין אשכנזי? — ומתאוי להקרא הכחובה מכל מדינה ומדינה כלשונה, וכבר החלו רבנים ידועים חכמים וגבונים לסרוך מסך קורי עכביש זה, ועושים החופה בבית הכנסת, וירדשים אל הונא חובתם בורשה אשכנזי, לפמן ידעו את אשר מוסר עליהם, רבים אמרו: כי מעם חמנה שעושים החופה חת כפה הרקע הוא, לפמן יפרו וירבו כמכבי השמים, ואלו כן הוא, כי מעשר דורות הראשונים אך חסונות (ויסבאיעו), אך לי כראה, סבה אחת לה, כי חק בני ישראל לצאת וכל הסון העיר איפוא מברל וער קסן באו גברה, ויצא מזה כמר מכשולים בווראי בבית הכנסת, מקום צר להכיל כל הסון השמחים הפצי חרשור (נייאנידינע) וביניהם גם בני ברינאי, לואז החקינו החופה לחצר רחבת ידים שלפני כהל"ג.

נפשם: מוכנת ללמוד הזה" כי זה מסוגל לתפסת הפיוק.
זה למלאכת הציון, איש איש כפי הכוונה נפשו, וכן זה גלילי
בני ישראל, קל חינוך הוא בלי לשון דבר מחוננותו לקנות
וכל מלאכה בזוה בעצמם עז מאו, ומכריו יתנו אנשים
רבים בני המלה המביאה ליד ששמו, ורבים יתנו בחוץ
כל ובכפן כלי היות לאל ידם למלאכה נפשם וגפם בזה
והנהגה זו היא עתה בעינו להוב כמאן לשבע שניה, לאות הוב
החורית, יצאו מכית הרבנים ויקחו אשה וילדיו בניו ולא ידעו
במה לפדגם ויהיו מושלים על הצבור, או יסווחו ברעב מבלי
אשמתם רק בעת אכוחם הסכלים ושונם ימקו.
כתב הרב"ם (כיד החזקה הלכות מחנות עמים פ"ח
הל"ח): לעולם ידחק אדם עצמו, ויתגלגל בצער, ואל
יצטרך לברוא, ואל ישליך עצמו על הצבור, וכן צו חכמים
עשה שבח חור, ואל הצטרך לברוא, גדולי החכמים היו
מזהב חושני עצמם וכו' ולא שאלו מן הצבור ולא קבלו מהם.
ובהכרח דעת פ"א כתב: דרך כעלי דערי שיקבע לו אדם
מלאכה המכרנסת אותו תולד ואח"כ יקנה לו בית דירה,
ואח"כ ישא אשה שנאמר מי האיש נטע כרם וכו', אבל
השפ"ן מתחילין לישא אשה ואח"כ אדם חסד יד יקנו
בירה, ואח"כ בסוף ימיו יחזיר לקנש אומנות או יתפרנס מן
הצדקה, וכן הוא אומר בקלות אשה חארש בית חבתי, כרם
חשע, כלומר יהיו מעשיר הפוכין, כדי שלא תצליח דרכיך
כן על רבים מבני ישראל חל הקללה הוצא מבלי אשמתם,
ומה יעשו אח"כ? — זה, רבני ישראל וברו זאת והחזישו.
§. 40. בין המלאכות העשויות להחיות בעליהן חמנו
בראש מלאכה עבודת האדמה. והנה חכמים חוריתנו
היתה, ששם בני ישראל יהיו עובדי אדמה, ולהחיות סכל

Minerva (Nihil decet aivita) אמר החכם ציצעני כספיו
מחבת הכבית. האדם לא יעשה דבר על צד הטוב,
אם רוחו מחבדת לה, וגם כשרון מעשה לא יאוח בירי
אם שכנו איננו מוכשר לה: וכו' אין אדם לומר
אלא ספקים של כר חפץ — אמר ח"ל ב"ר פ"ב
חנך לנער על פי דרכו, זה ראובן, וילך ראובן כימי
קציר חטים. ד"ל שורע חבנה נפשו לעבודת הארץ
ולא לבית מדרשו של שם ועבר.

סני עבודת המציאות ליד מוחות וחשבונות רבות, ועל
יד לכל יעדר ועצלות, וכוונת להרחיקו מכל מיני מסחר,
אשר עבודתו נקשר בעימה ומרמה, ועל העניק והמרוצת
לעשרת בגליו ובסחר, בשונג וכמו כפי מעשה איש ואיש
כידע — אח"ל (נבחר פ"ו) נתנני ה' ביד ל
אוכל קום, זה שמונחיו הלנין בכספו.
כי באמת רעה גדולה טבל הוא שחיה המחה חליוה בכסף
העולה ויורד כפי רבות ודחת העובדות, ועל עסק זה אח"ל.
קשר מונות של אדם בקרית ים סוף, שהיה דבר יוצא
טהשבע, כן העסק החלי בכספים לא יצא דבר יוצא
הפשוט כהלכתו, אך על עבודת האדמה אינם שייכים
דבריהם. ובמרש ויקרא רבה פ"ב ז"ל: "מלך לשד
נעבד, אפי' הוא מלך והוא שליט מסוף
העולם ועד סופו לשד נעבד, עבד ערע
עבד, לא עבדת ארעה ולא כלום, לפיכך
אוהב כסף לא ישבע כסף, אוהב סמון לא
ישבע סמון, ואוהב כהמון לא חבואה שכל
מי שהוטרה וטהמה אחר המון וקרקע אין
לו, מה הנאה יש לו. ר"ש טעל ב"ר חנני
וי' חנין בריה דרבי בשם ר' ירמיה כתיב
וירדו טאניתיים על הארץ יעמדו. (יחזקאל
כ"ו) וכי אין אנו יודעים על הארץ הארץ אין
עומדין, אלא הארץ ששקעה טפינתו של אחד
בוס ויש לו קרקע, על הארץ יעמוד, אם אין
לו קרקע אין לו הכל טורד — כאשר עינו
דוארת זאת יום יום שטחיהם גדולים ונכדים ידו משר
והאכר לעולם עומד, המלחמות ביטנו העשירי סחור
רבים והעו, אכרים, אך עתה יגו חלפו מהר ושמש
השלים וחה, והנה עשרים רבים בשל ידו והאכרים
עמדו ועלו כעלה מעלה.

ובכודרש ילקוט פ' לך לך, ר' אומר, בשעת
שאברהם אבינו היה מהלך בארם נהרים ובארם
נחור, וראה בני אדם אוכלים ושותים ופוחזים,
אמר: הלאי לא יהיה חלקי בארץ הזאת, כיון
שהגיע לסולמה של צור, וראה בני אדם עוסקים

בניכוש בשעת ניכוש, ובעידור בשעת עידור, אמר: הלואי יהא חלקי בארץ הזאת, אל הקב"ה לזרעך אחן את הארץ הזאת. "הוא רוב מצות התורה נחייים ביחוס עבודה הארץ כדיני שמיטה, יובל, ערלה, גיבורים, לקט שכחה פאה ודומיהם, ומטרת הברכה בקיום המצות לשכר היתרה: ונח חיי גשמיכם בעתם וכו' למען היוחיו עמך שוקט וכומח, העובד את אלהיו בשוכע, בלי דאגה יום יום למצוא טרף נפשו, שעי' גסיר עיניו בהכרח ממצות רכות: אמנם האדם אשר שוכחו תלויה באדמה, יכשח באל הממשיר משמים לחם לשבעו, והדורש ארצו מראשית השנה עד אחרית השנה. גם לזאת הוהינו תורתנו מקחת רבית מאחיהו היהודי, על כי מטרה היקרה הזאת תחבטל עי'ג, כי האכר לא יוכל לתת נשך ותרכיח כירוע, ועל ידי נתינת נשך יתעצל, והנשך אוכל ארצו והאדמה חשם והזכרים עתיקים *) וכן כימי התלמוד היו עוד אבותינו, וביניהם רבים מבעלי התלמוד עובדי אדמה, כמו שנמצא שבימי זריזת וקצירה נפטרו התלמידים מרכם, והלכו לבתיהם לעשות עבודתם.

ועתה ע"י שינוי הזמן, נהייתה עבודה הארץ בלב המון בית ישראל למלאכה גרועה, גרועה עוד מאד מבורסקית, בלתי ראויה לאדם העירי, רק לפרא למוד מדבר, עד שהסתחיק בה בעיניהם כאיש יוצא בדרך הישרה. וחז"ל אמרו: ת"ר ואספת דגן, מה ת"ל? לפי שנא' לא ימוש ס"ת זרה מפך, יכול דברים ככתבן, ת"ל ואספת דגן, הנהג בהן מנהג דרך ארץ. —

§. 41. חובת הרב הדורש עוד, לדורש על דבר הנהגת הבית, והנהגת האדם לאדם. וכן דרשה תורתנו בטובת האדם במצותיה, כעשית מעקה, לעונכ חמור שונאינו, והרכה משיסופר, וכן דברו חז"ל מחוכות אלו רב בתלמוד ובמדרשים וכלל גדול אמרו: דרך ארץ קדמה לתורה.

ורבני זמנינו דורשים להפך, התורה (ר"ל תורתם) שהיא עלפולם בש"ס הפורחים באויר ובהכל פה) קדמה

*) S. Michälis über das Mosaische Gesetz. S. 38 — 44.

לדרך ארץ. ולולי עמדו לימים איוה אנשים ידאים ושלמים באמת, אשר כחנו מוסר השכל כל אכולה"ק בספר שכת מוסר, ראשית חכמה, מכונת המאור ודומיהם, או לא ידעו וההמון כלל מדיני מוסר ודרך ארץ.

§. 42. עתה אנא לחוב גדול שכחתי לעיל (§. 18). והוא שחובת הרב תהיה לדורש אהבת האדם הכלליה (שעלראנין, מענשענליכע) כי האדם מיום צאתו ממטן אסל עדי יובל לקבר הוא מעומד לחיות חבר לחברה, ומצטרף עור ככל דבר, מאיוה אדם יחיה מי שיהיה, מאיוה אומה אודת שיהיה, וא"כ השכל מחייב לאחוב את כולם, וגם טבע האדם — אשר לא הסכיל ושנה חפץ לכנו — הוא לרחם על כל אדם, וזאת היא מדת בביכול ב"ה, מה הוא רחום, אף אחרי חיה רחום על כל, כאמור, פותח את ידיו, ומשביע לכל חי רצון.

וכן דרשה תורתנו אהבה וחמלה על כל אדם כנאמר בה ביהול ממצות גר חושב ולא נמצא בה שום שנאה לעמים זולתינו, רק לשבעה עממים, שלא היו עוסקים בישועת של עולם כראוי. וכספרי פ' כי תצא: לא תתעב מצרי, טפני מה? כי גרהיית בארצו. אראכ"ע, המצרים לא קבלו את ישראל אלא לצורך עצמן, וקבע להם הטקום שכר זהרי דברים ק"ו, ומה אם שלא נתכוון כך, מי שנתכוון עאכ"ו וכלל גדול אמרה לחורח, תורה אחת ומשפט אחד יהיה לכם ולגר הגר אחכם (במדבר ט"ו ט"ז) ואם במתנה שוכה הוא שאין למעלה ממנה, בתורתנו, השוה הקב"ה הגר לישראל עאכ"ו בדברים ארציים!

אמרו עוד חז"ל באבות: איוהו דרך ישרה שיבור לו האדם? כל שהיא תפארת לעושיה, ותפארת לו-מן האדם וכן אמרו: כל שרוח הבריות נוחה הימנו רוח המקום נוחה הימנו, וככה איש העושה מצות התורה שכן אדם למקום, ואין מעשיו טובים עם הבריות — שגם האומות כנשטע שגם המה בריות כרואי אלהים — אין רוח המקום נוחה הימנו (דומה למשל §. 10.) וכפרק חיה קורא: מרגלא בפומיה דאבי, לעולם יהא

אדם טרבה שלום עם כל אדם אפילו לעכו"ם בשוק וכו' ואמרו עוד: אל תהי בן לכל אדם, ומוסיף בעל ספר החרדים לפרש: לא גדול ולא קטן לא נוי ולא ישראל.

לואת היו כל הטעות שבין אדם לאדם שוים בעיני חז"ל כמו שאמרו כל מי שעושה מלאכתו באמונה עם הבריות כאלו קיים כל התורה כולה. אכן ראוי אחי, דבר גדול דבר חכמינו וקנינו, אשרי השוטע להם. ואמר שמואל (חולין צח) בפירוש: אסור לגנוב דעת הבריות אפילו דעתו של עכו"ם. וכעס שם על החז"ל שמכר לעכו"ם חרגולח טריפה בשחוטתה, אף שאין העכו"ם מקפיד בזה, ק"ו בנו של ק"ו שאסור לרמות הנכדים במידה, וכן פסקין (ח"ט סי' רכ"ח סי' וי"ז) אסור לרמות בני אדם במסכר וכו', וכן שם רל"א שט"ח י"ב) ו"ל הרמב"ם (הל' גניבה פ"ו הל"ח) „אחד הנשוא ונותן עם ישראל אין עם עבוס, אם טרד או שקל בהסר עובר על לא תעשה ונחייב להחזיר, וכן אסור להטעות את הגוים בחשבון אלא ידקדק עמו שנא' וחשב את קונהו, אעפ"י שהוא כבוש תחת ירך, ק"ו לגוי שאינו כבוש תחת ירך (ק"ו בן בנו של ק"ו בגוים שאנו כבושים תחת ידיהם) והרי הוא בכלל כי חזעבת ה' אלהיך כל עושה אלה כל עושה עול טכיל מקום" ונילקוט פ' צו סוף סי' תק"ד בשם תנא דבי אליהו, מאשר בא' שסיפר לו שעשה עולה לעכו"ם במדינת החמרים שמכר לו ואח"כ קנה בכל המעות שטן, ונקרע הכר וגשף השמן, ואמרתי ברוך המקום שאין לפניו משא פנים, וכו' — וכן אמרו (פ' איזהו נשך) אם כסף תלוה את עמי עמי זכרי עמי קודם, א"כ גם לזכרי מצוה להלוות, ונהוג בו כל הכתוב בפרשה וכן מקומות אין מספר בש"ס ומרששים שדרשו באהבת האדם הכללית.

בכה דרשו חז"ל, וכר טשפתם כל הימים. אבל הרבנים, המה דורשים רק בשלום עצמם וחלמדיהן, וחלמרי חלמדיהן, וכל מאן דעסקין באורייתיו והמה בעניהם. אך אדם ויש מהם החושבים לעשות מצוה מצורת ה'

בשנותם שעתם, מלבושם ומנהגם ממנהגי חושבי הארץ אשר אנו יושבים בה, והוא לפי דבריהם בכלל ובחוקיהם לא תלכו. אמנם כל בר דעת באמת, אשר מוחו אינו מעופש בעשן הפלפולים בניים לחלפיות ויסודם רעוע, יראה כי המצוה הזאת נאמרה רק בימים ההם כיחוס. ה' קי הגוים עובדי כוכבים ומזלות, אשר עשו כל תועבות העבירות בניקם למולך, וזבהי אדם, גזולי נפש וכל מדה רעה משחתת החברה היו בהם, מחוקים האלה הוהירחנו תורתנו אשר כוונתה היתה לעשותנו עם אחד עובדי אל אחד, הולכים במדות ישרות ובנתיבים בכל טוב.

§ 43. כבר בארתי לעיל (§ 19.) שחובת הרב לדרוש, שגם בני ישראל מחויבים לצאת בצבא אנשי הארץ נגד שונאי הארץ ההיא אשר איש איש שוכן בה. וכן מצונו ברברי הימים, שהיו אבותינו גם בארצות נכריות בגלותם ובין אנשי הצבא ליונים ורומיים, החרת אלכסנדרוס המוקדוני ואחריו החרת מלכי פפולטאוס^(*) ולא לכד שרכוחינו חכמי התלמוד לא אסרוהו לנו, אבל מצונו להפך שחשבונו לכבוד ולחפצארת, כמו שפירושו במדבר רבה (פרשה ד') ח"ל:

„שוב מעשה באדם אחד שהיה מתחרט שלא קרא „ולא שנה, פעם א' היה עומד בבית הכנסת, „וכיון שהגיע העובר לפני התיבה לקדושת ה' „הגבירה ארת קולו ואמר קדוש וכו' אמרו לו „מה ראית שהגבתה קולך? * אמר להם, לא „זכיתי לא למקרא ולא למשנה, ועכשיו „שנתנו לי רשות, לא אגביה קולי ולא יצאה „אותה השנה, עד שעלדה אותו האיש מבבל „לארץ ישראל ועשאוהו שר החיל של הקיסר, „ומינוהו ראש על כל בירגיו שבה, ונתנו „לו מקום ובגד עיר וישב שם, וקראו לו

^(*) Maccab. X. 36. 37. XIII. 20. Joseph. Ant. XII, XIII, XIV.

^(*) מורה משמע שאו כימיהם לא היוו קולם כל כך צעקות בכה"כ, בביטוינו.

(כמ"ש לקטן) כי באמת בעת שקבלו האומות את היהודים בין אנשי הצבא, עשו גם המה גרולות. זאת וכאלה לא ידע הרב, ולא יצא לדעת, אך יחלם ויאמר כי יש איסור בזכר וישראל יהיה ע"ז לבז ולקלמיה. כי יאמרו בגוים: אך עם אובל כשוכן ארץ זה, יושב בינינו מבלי חתיר לגרש שונאיו, אך עם מורכב בלבם וכהנה. וכמה גזירות כליות יצאו מזה כידוע —

§. 44. דרשת הרב חיה מלאה אהבה חסדה וחנינה.

לדבר על לב הפושע באמרים רכוס ויחוס גם על הרשע, כמו שאמרה בריריה: יתמו תמאם כחכ ר"ל הפשע, ואמרו: פושעי ישראל מקבלין במשובה וכמ"ל, כי היכל ה' פתוח לכל עובר, וכוון לקבל את הפושע ולהשיבו אל הכוונה בסבר פנים יפות, וכשפה נאמנה, ויהיה הדורש כרופא המרפא את החולי הדוחה אותו מסנו בכוחו, והוא לא יסור ידו מרפאותיו, כי ירחם על הנדבא, המוכה בעורו בחלואי גופו. ו"ל האלשיך פ' קדושים לא חשנא את אחין בלבבך, אם הוא אחיך, ואם אינו עושה מעשרה אחיך הוכח חוכיך אותו, כי אעפ"כ הוא עמיך.

אך מווי זמנינו בשצף קצף ימררו וירכוזו את כל איש הע בעיניהם, ואף כי טוב הוא לשמים, ול"א ישנו אל דברי ח"ל (פ' חלק) על המקרא המעמך ישל מנה שדריהם כנויים על יסוד האמת, כי דברים המסורים ללך, אליהם ישפוט ואין לאדם חלק בהם, רק לדבר במנהג רבה על לב הפושע, וכמו שהארץ כזה החכם הרב ב"ן בספר הוכנר ירושלים בשוש ששע ודעתו והשם כזה, כי אליהם נתן רוח דעת לכל איש ואיש, ואין שני אנשים דומים מכל צד במחשבותיהם מושגות ומזוניהם. ולמנו הסיף באר דברים אלו שהטה כלל גדול באנושיות, אעתיק לך קריא חביבי, פרי דברי חכם אחד מבקש אמר, ודורש טוב לאדם (פ' ח"ל)

האדם יראה לעינים — ר"ל ישפוט כפי מתשבותיו, ויפעול כפי טשטשו, אבל מחשבותיו, משפשו וכל פעולותיו אינן תלוי ברצונו

*) Campe im Theophrast.

"קולוני" לו ולבניו עד סוף כל הדורות וכו', "וכן הוא אומר כי סכנדי אכבדו."

וכן התכבדו המיד בני ישראל לעלות בצבא עם הכהנים, ללחום מלחמת הארץ עד שבא הקיסר הונוריוס (כשנת 395 לעצרים) ונתן דת לכל יבא עור יהודי בקהל צבא המלחמה (*). — ומצינו בכל ארצות אחרות שגם אח"כ היו אנשים יראים ושלמים בין אנשי הצבא, כמו שטענו שהיה דון שלמה ו' יחייא היה שר הצבא למלך פורטוגלי (1490 למספרם **). ודומיה וכו'. וגם כימינו רבים מבני ישראל עולים בצבא, ורבים החכמים שהיו באספיר סנהדרי גדולה ששפאריז צבאספיר קונסטנטינון שבונסטפאלן נרשו בחיובם ***).

אכל המון הרבים מה עושים! לא ידי שלא יודישו בלחץ הזה שמוטל על כל בני ישראל, איש איש במדינתו אשר הוא יושב בה, אבל גם יעשו כל מה שיתלחם לבטל עצם המלכה בזה — כחשכם שהוא נגד הדת. כי מפאת חסרון ידיעתם סבת הדבר, שדוחר מצד כי לא היה ארץ אחוזה לישראל, מפאת הגורמים והמלולים ששבו עליהם, ומפאת שלמות לב נגד מעיקם שלא נהנו להם מקום לשוק רוח נכון, וגם מפאת שטלכות המושגות עלינו בימים הראשונים לא הצנו, בשנאת נפש, שתקרא גם שמינו כמספר מקיימי הארץ

(*) הרב בעל מחברת כהנדה לא ידע מה יעשה בשם הזה, ודחק עצמו לפתור בענינים שונים ע"י ש. ופשוטו והר"א האמת כידוע לכל קוראי ב"ה, שהדומים לנו ערים בארצות אשר כבשו והשיבו שם בני הארץ ובני רומי, ופשוטו אח הגם למסים, וקראו שם העיר מושב כוחה בשם קלובי (Colonia) — וראה ע"ז דף י"ד — ובלה"ק קראה ח"ל מוצא (מכה רמ"ה) ובל"א חקרא (פפלאנצשטאד) וגם ממלה זאת ראה שקראת הספרים צדקה מקריאחיו.

**) Cod. Theodosia L. XXII.

****) Denage Histoire des Juifs 3. B. Kap. 8. §. 21.

*****) Eulamius 1. Jahrg. 2. Bandes 1. Teil. Seite 11. גם במאסף לשנה חק"ם ובחברת דברי אגדה הנ"ל.

בְּלִי

בבחינה תפשית, רק כמצבו ובמעמדו אשר היה לו מיום הולדו עד עתה, כיושב באוצרי נפשי רעיונים אלו לא אחרים, מאין ואת לי? — אם לא, כי קצתים יחד מיום הראי לפי מעמדי ומצבי, כי לא ראיתי תמונה אחרת, ולא חשכתי מחשבות אחרות וולתן כל ימי. ולו היתה ארץ מולדתי או פטריאטי או קרינלנד או היי בוודזי מחשבותיו שונות מחשבותינו עתה, ואלו נולדתי עור או חרש אוי היו מחשבותי כמחשבותי אשר אנכי משיג היום, שונות ממחשבותי מהם עתה. מזה יסתעפו שלשה כללים הכרחיים להנהגה אנושית:

(I) אם אמת נכון הדבר, כי מחשבותינו תלויות במעמדנו ומצבינו שהיינו בהם מיום לרתינו ואם אמת הוא — כאשר לא יסתפק גם בזה לב משכיל — אשר טימות עולם ועד עולם, לא היו ולא יהיו שני אנשים אשר היו ויהיו במעמד ומצב אחד (מכל צד) או ברור הוא ג"כ: כי כל ימורת עולם לא היה ולא יהיו שני אנשים דוטים מכל צד במחשבותם. וככן סכלות גדולה היא לבקש שיווי המחשבות בין ילדי אשה, יהיה, באיזה דבר שיהיה — סכל! איכה חבקש זאת, השיטה על לבך מאין לך לבדך מחשבותיך, כי האמר לכל: השבו במחשבותי! השטח על לבך, כי יושבי מזרים אשר לא ראו טימיהם טים נוזלים, רק שלג זקרח יחשבו, כי המים הוא גשם מוצק, ושוכני ארץ קדר לא כן יאמרו? — האם לא ראינו עוד תמונה, אשר מצדדים שונים מתאראת כחמנונה שונות? — צא השוה בער אשר יגשו הצללים. הביטו מרחוק אליו היער, או מגדל השן, השקיפה — ולמוד נמנים כי כל טושגי השתכלותינו ידנו לחמנונה כזאת; ורק מקום נצב צפיינו (נעזיכטספונקט) ורוב או טיעוט כח הכרתנו יישירו ראותינו, אם להר גבוה ותלול, או לתל החנשטות, אם לאור השמש או לנד ליל — וכאשר אי אפשר שזולתך יימוד ענך יחדיו על המקום ההוא אשר אחת עומד עליו, שיראה בעיניך, שיהיה במעמדך ובמצבך, כן אי אפשר שזולתך יארא מוחש אחד, והרגשתו נמני תהיה כהרגשתך בו. לכה סכל, ולמוד ראשונה ראשית

(*) ראה מ"ג בארבעים לשני ;

קלה

למאמר: דרכי הנפש טרם: חזין וזכקש במתנהגים האדם
הנבחרים: ויחזקוהו בלבוש ויחזקוהו בלבוש ויחזקוהו בלבוש
(א) אם הדברים אשר נשין חולים רק בזמן מקום
ומצב נשיגם ובהרגשות החושים ודרכי נפשינו השולטים
בנו, אזי סכלות גדולה היא לנקש: שכל ילד אשה
יגור משפט אחד סמוך אחד—ומיאמין לשמועתינו
(אם לא תהאק היום ומעשינו בכל יום יעידו על זה) אשר
היו אנשים (ההיום!) אשר בקשו (ויבקשו!) סכלות ויחיהו
מולחם שיאמרו אמ: על כל דבריהם, שיאמרו כל מר
שהם נזורים לאמור, וישחקו מר שהם נשקרים. הה
סכלות רבה: הן אנשים האלה יבקשו בדבריהם העקלקלות
אלו לאמר: ראו בעינינו, חשכו בחושינו, ושמעו באזנינו
הדבר הזה: כאשר אנו רואים חושבים ושומעים אותנו, שיקרו
בעצמותיהם, השמינו יסוהיהם, כשלו כל ההגשותיהם
ומחשבותיהם טלכבכם ומנפשיכם. וקבלו תחיהם בפעם
אחד: ההרגשות והמחשבות אשר קניתי לי ביום הולדי
ועד עתה על ידי טכני ומעמדי. עוד הפעם אקרא: ההסכלות
(ולרוב רשעה) מי זרה האיש היודע סכלות בקשתו זאת
ויבקשה עוד!!! —

(3) אם האדם, אף כי אפשר לו לפעול פעולותיו (לפעמים אולי רק?) נגד משפטו ודעתו, אם לא סגולת פשוט, ולא הכחות החיצונים יכריחוהו לעשות פעולה מתנגדת, אזי אטות נצח: כי רוב פעולותיו תלויות במעמד ומצב אשר היינו בהם מקדם ומצבינו אשר אנחנו עתה בהם. וא"כ הוא, נראה לי פעולותינו אף אותן אשר תהילדנה בבחיבה, אינן כל כך תלויות באדם להענישו ולחת לו שכר על מעשיו תמיד, כאשר יחשבו רבים. לו יכלו ילדי אשה להטיר ולהחליף סגולת נפשותם, גיחס, מעטדם, והקורות שעברו עליהם, אזי היו מחליפים עמם גם מחשבותם מדותיהם ופעולתם. דוד הירז אחאב, ואחאב דוד, סוקרטס צירון, ונירון סוקרטס — אבל משפט הזה לא יחליט ויכניע את השופטים מלבצע משפטם על האדם, ויהגביל מעשי האדם ע"י משפטיהם וחקם, ולהעניש את העוברים, כי דברים אלו שייכים והכרחיים

למעמד סאחם וסכות חורקרת עליו לעשות מעשהו יעלה
 לנו, שאין שם המשפט בידיו נהגה, ראוי ע"ז לשפוט
 על דרכיו, לכלי נהגה על אחריו, על קי צדיקים
 אחריו, רק לחנו, עזר צדק, גם לכלי המעשה פשע
 כענין מאור: לבג אסרתי, אשר לא לו נהגה קו המעשה
 ואך הפללה, רק לדבר דבר, רבות במסור השכל עליו, און
 שמוערת, ראוי וכוון לאמר לפשעו, כראותו פשעו, לא
 נפשינו חתח היתה, ונפשו חתח, אי אולי היתה מן שנינו
 כמעשהיהם, ומעשיו כמעשיו, ע"ל נפח"ת

§ 45. בענין חובת הרב להלמידיו כתבתי לעיל
 שחובתו ללמוד עמהם גם שאר חכמות כמו שמצינו שח"ל
 למדו כל החכמות להלמידיהם, כאמרו, שמונים הלמידים
 היו להלל הוקו וכו' וכן נמצא (שם דפ"ב) שרב חסדא עסק
 עם תלמידיו במילי דברייתא, ודומיהם רבים, ודומיהם
 זמיני, מרד לא ילמדו שום חכמה עם תלמידיהם, כי לא
 המה בעצמם חסרי דעה ומרחיקי חבונג, וכבר נפשי בחלה
 לשנות דבריהם שכבר הארכתי בהם לעיל.

§ 46. רע"ע מצינו שרובם לא ידעו ולא יכינו המצות
 הענין שעליו הם דנין, לא בעניני מסור ומלאכה החשובה,
 ושאר ידיעות הנצרכות לו, ובכל זאת לא לבד שלא ירכו
 לדון, אבל גם יכופו אח בעלי הדין למשפט נגד דין ערוך בהלי
 סנהדרין (פ"ד הל' י"ד, הרמב"ם) ו"ל — אבל בח"ל אין
 רשותו — שנמצא נב"ד של א"י — מועיל לחן לכופ אות
 בעלי דינים: ואצ"ל רבנינו שאין נסמכין, שכבר נשלח
 כמבואר, וכללי בטלה המסלכת יד החרם, היו כופין אותנו
 עד למלקות באור נפשם, על כל דבר חלום, ולא להם
 המשפט, ובאח"ל (כחובת) הנגאים מכלי עולם, סלקם
 דעתך, אמר רבא שמוין הלכה מחוץ משנתו, וכי
 הרמב"ם (הל' סנהדרין פ"ב הל' ז) ו"ל: הגם לבד בהוראת
 וקופץ נחונך אח הדין קודם שיחקירו וכו' הרי זה שופט רשע
 וגם רוח: בפרט עשה שבטלה כל דני סמכיה (שם פ"ד ה"ד)
 ואין אנו מחייבים בח"ל כמיני שופטים כלל (הרמב"ם שם
 § 47. ואחרת כפ"ש שופטים.)

§ 47. כ"י שאר איש, איכר נתיחה כזאת בשרא
 עזר, לשקוט ככה בין מצלות הבערות כאשר ראוי
 מה"ל? ואיכה דנו ככה? אחתו סכת הדבר.
 סכת כל שנאמר ערכו כלכל וסמך בינינו, חז"ל
 דוב הנזירות, הירופים, הנזירות והשדות שעברו עלינו
 בימים הראשונים ימי החשך הכללי, בארצות וזרע ארץ
 רומי בימי שלהיה, ששם ישבו כסאות למשפט, ושם
 היינו גם אננו אנשים כחשכיה, אך מער הזחדרה כר
 הנזירים, ומשלה בכל הארץ, וקמו אח"כ כהנים סכלים
 אשר לא ידעו בין ימינו לשמאלם לא ממשש אמונתם,
 ולא דרכו בעקבי מחקקם לכצע אחרותיו אך אהת הצע,
 ושאו לרמי והון כל אנשים בעלי כר וזלזל, וקמו כפרט
 עלינו עם מסור ומסורט, מצד שנאת לבנם, אשר הארו
 בשם נק מר הדת — אף כי דתם, כפי רצון מחוקקם
 חצור אך אחרי לא שנארה, לפי שהיא כנייה על יסודות
 חרתינו, שכלל הראשי הוא אהבה — וקמו הסכלים ההם
 ומרו וזרזו אותנו, כי יש אנשים שמוניהם רע, הנלצים

בסול מאדים ורצים רק רעה, ורק דם ואיכר יצאו להם;
 ויש אשר שאפו לכסף חיהוים, על כי ידעו ע"י חתולות
 שונות ורוב הנזישים, ורבי המסחר שוב מוס, וגם לא היו
 עצלים לשבח בשפלות ידם כביח ולבקש אך אחר התענוגים,
 אך עמלו במקנה וקנין, חלכו למרחקים, ורכשו רכוש, לזאת
 קנאו לאומים, ושאו לכספים. ויש אשר קנאו בהם על דבר
 חכמתם ומדעם, כשבע הסכל לשנוא חללים, כי אז היתה
 ארץ איירופי במעמד הבערות מאוד, עד אשר יקניטוליס
 (היהודים והמחמדים) היו אצרי המדע, לזאת העילוי
 עליה, ורמו לאברם. זה, מי יקרא כל הבלוליס הסכלים
 והמשישים שעברו על אבותינו ולא יתנוד? מי ידעם וסערת
 ראשו לא יסמרו? כל צדק ורעה שעברו בעולש לפי
 השתלשלות הסכות, למלך או לעם, היו היהודים הגרמא בדבר.
 זכר"י כי יצירה בארץ שופון ורקון, כל נע נחלה, והיתר

(*) ידוע כיחור סכר הגזל שהיה כמעט לכל מדינות
 איירופי בשנת 1348 העלילי הנצירים אז על היהודים
 שהם הסכה בדבר, ובפלו המסון עליהם, על דברת הכחיהם,

יד היהודים כחם לדבריהם. אמרו כי היהודים נתנו סם המום בבארות ובהנה עלילות שקרות והרגום. אם אנשי הצבא נסו מפני אויביהם במורד לבבם, אמרו כי היהודים רגלו בהם והלשינום ונפלו עליהם. וחרגו בהם מכה רבד — בשעת הרוח, כי לא היה. כסף באוצר המלך להנהיג חמדינה או לעתידת המלחמה, אנסו את היהודים לתת להם כסף אשר עמלו ורכשו בזעת אפיהם, ויהי כי לא יוכל המלך לפרוע הלואה ליהודים, או כי לא רצה לשלם, ושלם גמולו — גירוש.

ג. מלכך אל המצואו גזירות ודעות רבות נכריים, כמו שגורו לכלי לשכורת את יום השבת, לכלי חסול בשם ערלה, לכלי למד תורה כידוע, והיה העובר פי הודת ישראל ויומת — והרעה מכל היא החברות (!אלי אריות) שעל ידי קישור זה, שהיה בעיניהם כל ישראל חברים כאיש אחד נהגו גזירות רבות, כי אם יהודי א' חטא (אם באמת, או ע"י בלבול) ועל כל העדה יצא קצפם — לא הורשה לדיני הממלכה לשפוט את היהודי, אם לא ישב גם כהן נוצרי על כס המשפט — אח"כ תחת ממשרת קסרי אשכנזי, נקראו היהודים בשם עבדי המלך (קאממקנעכטע) והיה ביד הקיסר להרשיעם או לזכותם, בנפשם ובמאורם ולעשות בהם כרצונו, כמו שנמצא שהקיסר ווענצ'עלוס נתן דת שכל עמו הבלתי יהודים פטורים מלשלם חובתם שנחתו להיהודים, לא קרן ולא רוחים. המלך היהודי השלישי מלך אנגלשירה מכר את היהודים שנמדינו לאחיז רייכארד בעד 5000 מארק בשנת 1255, ודומיהו. אח"כ המציאו כהנים רשעים עלילה חדשה עלינו, כאמרם שכל יהודי יצורך בהכרח דם בן מצרי בפסח, לזכר קרבן פסח. הה לא אדע אם סבלת או רשעת האנשים האלה גדלה וההטון הטאמין לכל דבר היוצא מפי כהניהם, ואשר חמתינו ליום נקמה, נפלו על היהודים, ועשו בהם הרג רב פעמים רבות כידוע מר"ה. ולו הואלתי לכתוב כל חבלבולים והצרות שעברו עלינו, אוי חכלה היריעה מהכיל כל, עד שנמצא

שמצאו הוסן מוכשר לכקמה, באשכנזי, צרפת איטאליא ושאר מדינות והרגום, ושרפום וגרשום.

ושחא שמו את היהודים יושבי ארפת, שהם הסוכה משעון מלכם קארל הרביעי, ונתן להם לגרשם מן הארץ.

וככה איך היה באפשרי שחיהודי יאהב את אויביו אהבה נפש, אויב נפשו החושב כהחבולות שונות מימים ימימה לכלותו מארץ — היהודי פחד כל היום מחמת המציק, ומערכ על מטחיגע כאנחתו ואמר, מי ידע הבוקר אור, וגזירה חדשה תצא עלינו לרעה, ובמקום שיש יראה לא חוכל לפרוח ציץ האהבה — לוארת באמת אין לתחפלא כי רבים מבני ישראל שנאו את שונאיהם, אף כי אנחנו בני ישראל מצד שכנינו וחורתינו רחמנים בני רחמנים על כל בשר (*). תודה עלינו למרחם על כל בני הלב, יסי צרות המסירות עברו בכלל, וחתתם באויבי רוחה, הנכרי גם הוא פקח עיניו וט"ר לבנה לראות ולהבין כי גם הישראלי אדם כמוהו, ומושל עליו לאהבו ולחשבו כאחד, וגם הישראלי ההולך בין הנכרים, ורואה כי המרד ורשעים בשלומינא, ואהוב גם הוא את הנכרי בלי ראות על שינוי הדמות, ויתקרב אליו בכל סרה ואפשר.

ג. מטעם הזה לא היה באפשרי שבן ישראל יאחז באיזה מלאכה או תבונה וכשרון מעשה, כי הנכרים לא נתנו את היהודים לאחוז במלאכה מה, אשר המרד אחוז בה ואת המלאכות אשר הרשו הנכרים להיהודים, פחדו רבים מהיהודים לבא ביהם ללמנו מהם, מיראת עונש וסכנה, וגם נפשם קצה בשבט עונם. והמלאכות אשר ידעו היהודים, לצ היה לפעמים ביכלתם להוציא מכח אלה הפועל טחמת הנירושים והרדופים, כי היום היה במדינה זו שבר מלאכה זו והונקה ולשנה באחרת, וכזאת אברה מלאכת המלאכות מהיהודים — עוד סבה אחרת היתה לעזיבת טיני מלאכה בנו, ריבוי המסים שהוטלו עלינו יום יום וע"י אלה וע"י הנירושים הוצרכו אבותינו

(*) כימי צרה אלה באמרו ונשנו המאמרים הנכריים לנו, והקשים שבש"ס ושאר ספרים, כגון אנחנו קרונים ארם, מעות נכרי מותר וכו', אסור ללכת עם בני וכו' — ואז היו בצדק, אך עתה כבר עברו ימי אופל, וראוי לבער דעות כאלה מלבב ישראל.

היודעים כי גם אני אנשם כמותם, ובימים חמור האזהרים
אחרי השראלי באמרי, וברוב ארצות אריותי עבדו ימי לחץ
הכללי, סלכי חסד שבכל מדינה ומדינה פרקו מעלינו עול
שעבוד הישן ונתנו לנו הרחבה, המרה, יפקחו עין לשבתנו
ויסוככו עלינו מכל רעה העומדת לכלותנו. לזאת מושל גם
עלינו להשיב דרכנו על צד האפשרות היותר טובה, ולקרבנו
אלהם. בכל מיני התחברות, למען נחיה בשלום מרת ימינו
על הארץ על שג' ועשורת מצותיו. ולו הואילו רכני ומנינו
לפנות על כל זאת, אזי כבר חסדי כל קנאזר ושנאה כמעט
בין היהודים והנכרים, והיינו כבר עם נכון וחכם ואמרו בגוים:
מירד יעקב, לכו ונלכדה באור ה'! —

לחת רג אל המסחר עניהם, אשר היה לכוו בעיני הנכרים^(*)
אשר על ידו היה כל כסף איש כיוו לנו ולמלש בעת צרה,
לשחור את שונאיו, ולשלם המסים הקשים — גם לזאת החירו
להם לעמלים רכית נכרי, האמור מצד הדין, בחשבנם כי
גור מוצצי דמם, הותרת הרצונה.

גם לזאת חורד כבודנו ואבדנו חכמתנו (ראי' ס"ז
ל"ג וביחוד כל"ח לראשון) כי להכלית מירד היה להם
ללמוד חכמה ומדעות, אם כל מיני עבודת הממלכה ופקודותיה
נאמרה עליהם — ואיכה ילמוד המעונה חכמה ודעה, אשר
רק בגפש שמה, וכל רוח יקנה! — עד שנמצא שבעיניו
שהורשר לאבותינו לקחת חלק מהם, כמו בחכמה הרפואה
גמצאו בנו רופאים מובהקים ספורסטים מאד^(**) ולזאת הכלוא
בני ישראל עצמם בקרנות הערים, אשר הותר להם שמוצי
מקום מנוח מעט ועסקו בגפשותם והוסיפו צו לצו, שחיצות
ומחיצה, להבדילם מעם הארץ, כי גפש המלחין עופלה בו,
וכמו שהנופל למים יתפוש בקש להציל נפשו, כן המעונה
אוחז בהכלים כל היום, לאמור: זה יוששני! —

אבל עתה בשמחה נרום עין אל המחר אסורים, נפשינו
חשוט בים הרוחה, ורוחנו תעוף על גפי מרומי האנושיות,
עדה גם אני נחשג על טוב האדם ונתחלס באהבים, ואם אמנם
יש עוד בימינו ימי בינה רבים בגוים החפצים ברעמונו,
והשמחים על גיל במצאינו קבר, עוד רבים המה המכונים
בשואש בגפש ובספרים קרן ישראל! — אך בכל זאת אחי, אל
תשחע, עוד רבים מנימים הקדמונים אתנו הכלתי יהודים

^(*) Esprit de la loi liv. 21. Cap. 20.

^(**) מן המפורסמים המיר, רכן של כל בני הנולד באמת
רמב"ם רופא למלך מצרים סאלאדין, ר' יהודה
אלפכר, הרמב"ן (הש"ר הרשב"א מ"ק"כ) רון מאיר,
סמתיקס המרוח לארי סט, היה רופא למלך קאסטיל, רוד
הצרתי בעל מחבר צמח דוד הגדול חכ"ל, אורובית
וולחם רבים מאד, ובימים קרובים לנו הרופא החכם
ר' יונה ייטלש, מרקיט העיר, בלאף וירמיהם
שנחמסמו מאד ל"ג לבן בחכמה ארפואה, אבל גם
בשאר המדעות.

פרק ה' בהתרת השאלה: ומה נעשה?

§. 47. הנה אלהים מציון מחריב החורג והחכמה

קחלץ נגד משפטי הדעת, נאמר לפנינו: חוקי אל תירא
וזאת נעשה ראשונה: עדר החכמים והנכונים שכלל
מדינה ומדינה יתאספו יחד כאיש אחד חברים, ויבואו אל
פלכם ויתחננו אליו לאמר:

עבדך אנחנו ככל גוי ארצך, גם אנחנו משבועים
לחברה מברכת ידינו, ואת אשר בכחינו ובאסמינו נביא לאוצר
הממלכה, וגם נפשינו חטים עמך. נהיה גם אננו גם בדבר
הזר ככל חושבי ארצך, והוא:

להקים לנו חבורה אנשים חכמים ונכונים, הירועים לכללי
דת משה וישראל ואוהבי צדק, הטוב יעורו עלינו לכל
דבר שבקדושה שיתוקן ושיבוטל בישראל, וגם להם
תהיה משפט הבחירה למנות רב חכם לכל עדה ועדה,
ולא תהיה עדת ישראל כצאן בלי רועה, אשר כל איש
ואיש ישלים חפץ לבבו, ואזי מהר יתקנו טמנו אסורי
הבערות ונהיה גם אננו עמך ישראל ככל הנוים אשר
כאוצר מועילים לחברה ולממלכה ביתרון הכשר דעת.

ואם ככה תהיה לנו, חבורה אנשים חכמים היושבים
על מדין העדה, אזי יהיה הרב כאשר ראוי להיות כמ"ש
הנביא (מלאכי ב' ו'). תורת אמת היתה בפיהו
ועולה לא נמצא בשפתיו, בשלום ובמישור
הלך אחי וריבים השיב מעון, כי שפתי כהן
ישטרו דעת, ותורה יבקשו נפיהו, כי מלאך
ה' צבאות הוא. —

§. 48. וזאת שנית נעשה, הן עתה במעט בכל הארצות

לנו חירות לבחור בכל מלאכה או חכמה מר, איש איש כפי
חכונתו וטובת נפשו, ככל אורחי הארץ. מרוע נגרע אהנו
ולא נדאג לטובת בנינו לעשותם אנשים טובים מועילים
לעצמם ולחברה! וכי כלנו רבנים או כלנו סוחרים נהיה!
(כי אמצעי בין שני הפכים אלו לא נמצא בינו עתה כמעט
בעו"ה). מרוע נשכ אנו בשפלורת ידים ולא נראה לראונו
לטובת בנינו, ונהיה לבנו בעיני העמים (כאלו היהודי
בריה בעלת קרנים ולב שפן) ואם בעין הרבנים תכלול
לכלי ראות הנכונה, מרוע נהיה אנו נרפים לטובת בנינו?
בנינו הם, אחי בית ישראל! בנינו, לא בני הרבנים,
אשר אינם דואגים להם, עלינו חוב הזהר מוטל, להשיב
חינוכם, לכלי יקללו בנינו הורים אשר הולידום לכלכל
חיים טרים, ולשכנע תלמוד. ועלינו תהיה אחרי כן
תלונותיהם, לא על הרבנים, מה לכם איפוא אחי, ולהרבנים,
לכו דרשו איש איש מהמון ביר ישראל (ישמרכם השם) פי
הנכונים שבעיניכם. הבה אחי! נתחזקו בעד עמינו, ובעד
עם ה' אלה, צאן הרכים אשר עינם רק עלינו, וככה נעשה.

§. 49. בכל עיר ועיר יתחזקו החכמים שבה, להקים

שתי חבורות אשר תהיינה חבורות אשה אל אחותה, והקרא
הכנסיה הזאת בכלל:

חבורת חינוך נערים

ותתחלק לשתי בתים, האחת תקרא:

בית מלאכת אדני,

והשניה:

בית מלאכת אדם.

(d) יתעשטו בכל קהל וקהל בישראל העמים המשרתים בתבניות ונבתי כנסיות ובתי מדרשים. מי לא יחפלא לראות בכל עיר ועיר אנשים רבים כאלה, זה דופק על הדלתות^(*) זה יביא מים אל הכיור, וזה יקרא מכירת המצות, זה יחפלא בימות החול, זה בימי לשבת, וזה בימי החג, זה יקרא בספר על הכיסה, וזה יודיע העולים להוריה מעלהם וכהנה רבות — האם לא נוכל לחת עבודות קטנות כאלה ביד איש אחד? על ידי זאת תהיה לארץ הסועשים פרינסתם המספקת להם וקופת הקהל לא תחמשת ככה. גם ככלל הוה שיך התמטטות הבחורים של רב או דיין שבעיר. ידעתי כי יש עירות שאנשיה דלים וכל זאת זה ספאת בשורת פנים, וזה ספאת השג כבוד, וזה ספאת יראת הרב יסכרו הנזר לאכיל כפן כחור א' אשר בקרב ימים אחרים יהיה גם הוא ככל שאר אנשים מהמון בית ישראל — סוחר!

(e) איש איש מבני ישראל, אף אם אין לו כנים, יתן כעבת לבו נדברה להקמת הכירז וז.

וילך וזה יהיה מלמד הינוקה, זה רב זה חזן וסופר, זה ס"ק, וזה שו"ב, ועי"ז באו רבים בחיק העצלות, עד אשר נראה כעינינו רבים בריאים ושלמים, אשר כה כהם לשורת או לחשוב עצים ולשאוב טיב, ויתעצלו ויהיו מוטלים על הצבור, בידעם כי עם בני ישראל רחמנים ובאמת זאת רחמי שואן —

(*) וכשבה צועק ברחובות, סנהג בני קדם כיריע, וראוי לבטל בכל מקום שהוא נהוג עור כמו שנכתב באמת בעירדת התרלות, אשר עם בני ישראל יודר ברחובות הכבדים. ומבי הפלה מיוחדים לפי השעה.

הראשונה העיר על לימוד הער המסוגל לחורג ולחכמה, וללמוד כל מיני מדע, והיה חגער אשר ייחיה מסוגל לאיזה חכמה ויחור בו, זה בעל גפ"ח, זה מהנדס, זה חוכן, וזה רופא. — והאחרת העיר על הנערים אשר אינם מסוגלים ללמד איזר מדע (והמה חרוג) ויורו ללמוד איזר מלאכה המסוגלת לבנין ומנו גופם, וחכונת נפושם. \$50. ובי השאל אחי, מאין נקח הוצאות הרבות?

(a) הן כל ואב בישראל, ואף אם דל הוה ישלם עד עתה שכר לימוד למלמד, אלה ישלמו חקם עתה להקמת בית ספר חדש כזה.

(b) בכל עיר ועיר תקח העיר הכסף הנמצא באוצר שבורח מלימוד חורג, ובהי מדרשים לחינוך זה^(c).

(c) ישלמו עולי רגל ועובדי אורח הנסעים מעיר לעיר, רק כל עיר ועיר תואג לשוכת מחית אנשיה העניים, והירד הכסף הנותר הנמצא באוצר נכאי צדקה, חוקה לצדקה גדולה האור^(*).

(*) כבר ברחמי לעיל (§. 32.) חסרון תפורת ח"ה באשר היא נהוגה בינינו, ואם הייתה נכונה כימים הראשונים, עתה נחפזת לרועץ — וחסרון בתי מדרשים יודעה, שההוצאה מרובה, והתועלת מעוטה, ואך לאנשים שאין להם בניהם מנוח ללמוד, או האיש האומר: טוב שבה בבתי^(*) מאשה מדינים ובהי פלג זכתי רב.

(*) רב העם הבאים והעובדים מעיר לעיר, עקב חינוך רע והגלות שחל עלינו שלג ידעו רבים מה לעשות,

הלכו

והוא למעש המסוכס חוזקו בן ומוטלם לעול
אל שר שר צוואר כוח ישראל ופרנס עיר ועיר אם מזהבם
והבצע אל שר קרני הנמרד וסר שר למעלה התמורת
והחוזות ועמסו שר כנר שר העם והם בארץ עשם

ועשו יחד
אח"כ יבואו בני ישראל אל מלכם ויחזקו אליו
(8) עבדו אנהו כלל העום אשר בארץ ונקודת נרע
לכלי נאוי למועד פניו פניו חזקו שוקיו אשר
ברכנו וקאלי גם אחר משוב אלינו ויהיה כללם
כי כווא בולא לאסור חסר ממו היה טר לנו ולפני
ויקום כנר דמי הנביא (שליח) שן כ"ג פ"ג כ"ג ר"ל פ"ג
לא עתה יבוא יעקב ולא עתה פניו יחזקו בו
במאותו קדש מעשר יהי קדוש שמי וידעו מע
יהי כנר למר ולקל לקל וכל כנר למר

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