

Text Immersion: The Rambam's Mishneh Torah

Rabbi Lisa Vinikoor

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Advisor: Dr. Alyssa Gray

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**In Loving Memory of Sheila E. Vinikoor**

**שרה לאה בת מאיר ופיגל ז"ל**

## **Text Immersion Overview**

### Introduction

Paper One: An Examination of Rambam's Talmud Torah 5:1

Paper Two: Reflecting on Rambam's Conception of the Afterlife

Paper Three: Hilchot De'ot Chapter 7: Speech Ethics

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## Introduction

For my text immersion, I studied selections from Maimonides' (the Rambam's) *Mishneh Torah*. I read the text in its original Hebrew with an eye towards increasing my understanding of halachic concepts, honing my text skills, and learning material that I can teach others. Along with my study partner, soon-to-be Rabbi Danny Moss, I studied from the books of *Mada* (Knowledge), *Z'manim* (Seasons), and *Shoftim* (Judges) covering a ranges of topics including the laws of repentance, fasting, Shabbat violations, shofar blowing, Torah study, respect for parents and laws concerning people who challenge the norms of the rabbinic system.

The following three papers represent my in-depth study of three areas of interest, all from *Sefer Mada*. The first paper examines the sanctity of the student-teacher relationship from the Laws of Torah Study. As a former public school teacher and current teacher of Torah, this concept is close to my heart. The second paper looks at the Rambam's ideas about the afterlife in the Laws of Repentance 8:2 and in particular those understandings of his that became controversial. The third paper looks at the whole of Chapter 7 in The Laws of Character Development. In this paper I examine the laws of speech ethics, an important topic for building and maintaining communal life.

Since I was a teenager, I have pursued my passion for reading Hebrew texts in various settings from university study, chevruta learning to Ulpan in Israel. This project has been a capstone experience of my rabbinical school studies and an important milestone along my journey of Jewish learning. Studying the complex and beautiful breadth of Jewish texts has both grounded me in our rich Jewish heritage and inspired me to expand my thinking, and I look forward to more.

## Introduction to Rambam's *Mishneh Torah*

*"Know that I did not write this treatise in order to become glorified in Israel or to acquire a name for myself...Rather, I wrote it -as God Himself knows- first for myself, to make it easier to find what I might need; and in my old age, for the sake of God, may He be exalted."*<sup>1</sup>

*~Excerpt from a letter to his student Joseph Ibn Jabir*<sup>2</sup>

Under attack for his groundbreaking work, *The Mishneh Torah*, here the Rambam cites his personal and spiritual reasons for writing his legal code.<sup>3</sup> This statement exemplifies the Rambam's complexity-on the one hand, a scholar keenly aware of the humility and compassion necessary to lead, and on the other hand, a person who fancied himself a redemptive figure with a unique connection to God.<sup>4</sup>

Rambam's complexity was born in part out of his life story, one of turmoil and change from an early age. The Rambam, Moshe ben Maimon, was born in Cordoba, Spain in the year 1138, where he was immersed in Andalusian philosophic ideas and culture. In his teens, he witnessed the unravelling of this culture by the Islamic Almohad

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<sup>1</sup> Text from *Iggerot pp.300-301* as quoted in Halbertal's "Maimonides" p. 89.

<sup>2</sup> Moshe Halbertal in his book *Maimonides: Life and Thought*, points out that Joseph Ibn Jabir was not a formal student of Maimonides, rather he was an admirer of the great sage. Halbertal points out that Ibn Jabir could not read Hebrew and therefore was unable to read the *Mishneh Torah*. Nonetheless, the Rambam and Ibn Jabir engaged in an amiable correspondence. Much of the correspondences appear to about Ibn Jabir's visit to Baghdad where he learns of the critique of the *Mishneh Torah* by Samuel ben Eli and wishes to defend the Rambam. Of these letters, today only the Rambam's (not Ibn Jabir's) have been preserved (Halbertal, p. 80).

<sup>3</sup> Towards the end of Rambam's life, he engaged in a bitter debate over ideas of the afterlife with the Gaon of Baghdad, Samuel ben Eli. The quote above is in part his defense of the work.

<sup>4</sup> Moshe Halbertal, *Maimonides: Life and Thought*, (Princeton, NJ: Princeton University Press) 2014, p.12

dynasty which conquered Andalusia. His family fled south to Morocco and then to the Maghreb.<sup>5</sup> Despite the fact that he lived in Andalusia until only his late teens, throughout his life, Rambam remained loyal to Andalusian culture and greatly lamented its demise.<sup>6</sup> After enduring persecution under the Almohad dynasty he lived briefly in Israel, and finally settled in Fustat (Cairo). There he rose to prominence in the Jewish and Islamic communities.<sup>7</sup>

His leadership extended far beyond Egypt as he corresponded with communities around the world, providing halakhic decisions and counsel to Jewish communities in western Europe, the Middle East, India and Yemen. During his lifetime, he composed many works including A Guide for the Perplexed, A Commentary of the Mishnah, The Book of Commandments, as well as ten medical treatises. One of the Rambam's most important works was the Mishneh Torah.

The literal meaning of Mishneh Torah is "Repetition of the Law." The Rambam intended the work to serve as an all-encompassing legal compilation. He wrote, "A person who first reads the Written Law (Torah) and then this compilation, will know from it the whole of Oral Law (Rabbinic Law), without having occasion to consult any other book between them."<sup>8</sup> In order to accomplish the goal of a comprehensive halachic work, he included all of the halakhic material from the Talmudic tradition, even the laws of Temple sacrifices not practiced. Yet he did not follow the Talmud's organizational

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<sup>5</sup> Halbertal, p. 15

<sup>6</sup> Halbertal categorizes the loss of his "glorious homeland" as one of two great losses of the Rambam's life. The other being the death of his beloved younger brother David (Halbertal, p. 90).

<sup>7</sup> Halbertal, p. 33, 90

<sup>8</sup> Translation from Halbertal, p. 11

structure. Instead, he reorganized and composed his fourteen book work in an original format. The work-which is divided into books, treatises, sections and subsections called halachot-is written in clear Mishnaic Hebrew. Many of his halachot are written using the technique of numeration<sup>9</sup> which serve as a memory aid.<sup>10</sup>

The Mishneh Torah is also called the Yad Ha-Hazakah (literally “the strong hand.”)<sup>11</sup> a reference to God’s redemption of the Israelites in slavery. Building on this idea of God’s redemptive power, the Rambam believed that his Mishneh Torah would redeem Jewish tradition from a downfall of Torah learning in his time. He writes in his introduction to the Mishneh Torah:

“After the Court of Rav Ashi, who compiled the Gemara which was finally completed in the days of his son, an extraordinarily great dispersion of Israel throughout the world took place. The people emigrated to remote parts and distant isles. The prevalence of wars and the march of armies made travel insecure. The study of the Torah declined. The Jewish people did not flock to the colleges in their thousands and tens of thousands as heretofore; but in each city and country, individuals who felt the divine call gathered together and occupied themselves with the Torah; studied all the works of the sages; and from these learned the methods of legal interpretations.”<sup>12</sup>

In light of this bleak picture, the Rambam, through writing the Mishneh Torah aimed, as Moshe Halbertal writes in his book on Maimonides, to “provide a clear, comprehensive, unambiguous, concise, and approachable picture of the entire halakhic system at the very moment this tradition stood on the brink of collapse.”<sup>13</sup> For his admirers, of which there were many, Rambam was “The Great Eagle,”<sup>14</sup> whose legal and

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<sup>9</sup> For example, see Teshuva 3:7,8 and 9.

<sup>10</sup> Kraemer, p. 318

<sup>11</sup> In Hebrew the number 14 is written ט"ד which has the numerical value of 14 and also means “hand.” The “strong hand” refers to the Exodus story in which God redeemed the slaves from Egypt with a “strong hand and an outstretched arm.” (see Psalm 136:12).

<sup>12</sup> Translation from Halbertal, p. 9

<sup>13</sup> Halbertal, p. 10

<sup>14</sup> Stroumsa, p. 1

philosophical works contributed to healing the “deep wound” of the decline of Torah learning left as a result of the decline of the Geonic<sup>15</sup> academies in the East.<sup>16</sup>

Yet the Mishneh Torah also stirred great controversy, most notably by two prominent figures of the time: Samuel ben Eli of Baghdad and Abraham ben David of Posquierres. Samuel ben Eli, the head of the yeshiva in Baghdad disagreed with many of the Rambam’s rulings in the Mishneh Torah and held that they contradicted the Geonic tradition.<sup>17</sup> Samuel ben Eli and the Rambam exchanged adversarial letters around points of law, philosophy and belief between 1189 and 1191.<sup>18</sup>

The Mishneh Torah had a mixed reception in the west. Scholars who had corresponded with the Rambam over matters related to the Mishneh Torah lauded the work. In addition, the work was well received by Andalusian families who had immigrated to Provence and were familiar with the Rambam’s native culture. That said,

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<sup>15</sup> The Geonic academies were the center of scholarship and learning in the east. The Geonim were the heads of these Rabbinic Academies from the 8<sup>th</sup>- 11<sup>th</sup> century. They came directly after the close of the Talmud and directly preceded the Rishonim of which the Rambam is one. The Geonim were highly respected and held a huge amount of power. The dispersion of Jews from the Middle East, led in part to the downfall of the Geonic hegemony.

<sup>16</sup> Halbertal p. 13

<sup>17</sup> Interestingly Sara Stroumsa notes that while they disagreed on the content and form of the Mishneh Torah, the subtext of their disagreement was neither theological nor legal, but instead was political. Samuel ben Eli, the Gaon of Baghdad at the time, was head of an academy long in decline and so his reaction to the Rambam was therefore in part borne of Baghdad’s waning power as the center of Halakhic authority. The Rambam’s writings, his ambitions as well as his powerful persona brought the power shift out of Baghdad, into sharp focus. For more on this see Sara Stroumsa, *Maimonides in His Word: Portrait of a Mediterranean Thinker*, (Princeton, NJ, Princeton University Press), p. 18.

<sup>18</sup> Halbertal, p. 19

prominent scholars, most notably Abraham ben David of Posquierres, critiqued the work, both in its authoritativeness and its religious perspectives.<sup>19</sup>

Despite these detractors, Rambam's boldness in both his scholarly and philosophical pursuits, has no parallel, either before or after him, in Jewish philosophical history.<sup>20</sup> This scholar, teacher, author, philosopher, physician and communal leader, through his life circumstances, intellectual abilities, leadership capacities and ambitions was truly a "Moses of his generation."<sup>21</sup>

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<sup>19</sup> Halbertal, p. 68

<sup>20</sup> Halbertal, p. 8

<sup>21</sup> Halbertal, p. 13

## An Examination of Rambam's Talmud Torah 5:1

In synagogues across the United States, after the Torah is read on Shabbat morning, a Torah lifter raises the scroll to reveal the words written on the parchment while the community joyously recites וזאת התורה אשר שם משה לפני בני ישראל על פי יהוה ויד משה *This is the Torah which Moses placed before the people of Israel, God's word through the hand of Moses!*<sup>22</sup> In song, the congregation affirms the sacred nature of Torah and the important role played by Moses in teaching God's Torah to the people. Transmission of Torah, modeled first by Moses, is a sacred obligation. In fact, in Jewish tradition, every adult<sup>23</sup> is obligated to pass down Torah teachings to the next generation.<sup>24</sup>

In the 21<sup>st</sup> century, we liberal Jews engage in conversations about how best to teach Torah to our young people. But this challenge is not unique to our era. In fact, Maimonides addresses the challenge in his seven chapters of Hilchot Talmud Torah, the *Laws of Torah Study*, wherein he details the commandments to study and to teach Torah. Hilchot Talmud Torah covers topics such as the importance of study, when to study, who is obligated to study and teach, practical implications for studying and teaching, and behavioral norms for both students and teachers.

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<sup>22</sup> Translation from Mishkan T'filah, p. 108

<sup>23</sup> See Talmud Torah 1:1. According to the halacha Jewish males are obligated and females are not obligated.

<sup>24</sup> Talmud Torah 1:2

In particular, Chapter 5 of Hilchot Talmud Torah portrays the boundaries of thought, action and intention that undergird the relationship between pupil and master.<sup>25</sup> There we learn about showing respect for one's teacher (Halachot 5, 6, 7,10), the consequences for a rebellious student (Halacha 2) and the limitations on students stepping into the role of teacher when their teacher is away (Halacha 3). While the first 11 halachot in Chapter 5 focus on creating and maintaining a hierarchy between students and teachers, the final two halachot obligate the teacher to respect and love his students.

Maimonides opens Chapter 5 with Halacha 1 which sets the norms for how a student should relate to his teacher.<sup>26</sup> He defines these parameters by comparing the student-teacher relationship to two different ones: the child-parent, and the human-God relationship. Maimonides artfully draws from four earlier rabbinic sources and constructs a portrait of the crucial learning relationship between student and teacher.<sup>27</sup> By refining, altering and stitching together these four rabbinic passages, Maimonides composes a seamless whole, thus creating a framework for how a student should relate to his teacher. In this paper, I will examine the earlier sources of Halacha 1 and how Maimonides weaves them together.

Before I begin, I want to note the use of gendered language in Halacha 1. Every noun in Hebrew appears in either a male or female form; there are no “neutral” nouns. Thus, when an author writes, he must choose one of two forms to employ. When

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<sup>25</sup> See Talmud Torah 1:1, 12 and 13 for the obligation to study and learn Torah, who must fulfill it and how. See Talmud Torah Chapter 2 for the law describing the duties of a teacher. In particular, see 2:2, 2:3, 2:4, 2:7.

<sup>26</sup> My translation of Talmud Torah 5:1 can be found in Appendix A.

<sup>27</sup> See also Talmud Torah 2:1 שאין העולם מתקיים אלא בהבל פיהם של תינוקות של בית רבן

Rambam wrote in 12th century Fustat (Cairo), I assume that he wrote for a *male* audience about *male* teachers and *male* students. Given this cultural context, it follows that in Halacha 1 the Rambam employs male pronouns when referring to the student (תלמיד), teacher (רב), child (בן-son) and parent (אב-father). Despite this assumption, there is evidence that the Rambam knew of women Torah teachers. In fact, the Rambam wrote two responsa,<sup>28</sup> one to a woman who was a teacher of Torah in Cairo and the other to her husband who wanted a divorce in part because of her Torah teaching. In her article examining these responsa, Renee Melamed cites an article by Jacques Hassoun which describes 12<sup>th</sup> century Fustat and the “Synagogue for Women Teachers of Torah” where “reading and writing were taught to children ages 4-13.” Women there were called *mu'allimat*, the feminine plural form of the Arabic word for teacher.”<sup>29</sup> After examining the Rambam’s favorable ruling on behalf of this woman Torah teacher, Melamed concludes that:

“In the long run, Maimonides enabled the woman in this case to maintain her identity, her source of income (teaching), and her independence.....one of the most eminent scholars in Jewish history adjudicated her case and enabled her to prevail.”<sup>30</sup>

While the Rambam displays an openness to the woman Torah teacher in this case, certainly in other instances his stance is much less supportive of women’s teaching and

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<sup>28</sup> A responsa (responsum in the singular) is a traditional way for Jewish legal scholars to give legal rulings to communities that ask them a question about Jewish law. The community members or a leading local scholar present a situation called the “sh’eilah” or question. The sh’eilah contains the area of law that is not clear to community leaders and for which they need a Halachic ruling. The legal scholar responds in a “responsum.” Responsa literature began in the early Middle Ages, during the Geonic period, and writings of this genre continue to be produced today in all streams of contemporary Judaism.

<sup>29</sup> Melamed, Renee, AJS Review, Vol. 22 p. 29

<sup>30</sup> Melamed, Renee, AJS Review, Vol. 22 p. 35

learning. For example, in Hilchot Talmud Torah 5:13, the Rambam codifies laws around women teaching that claim women's inferiority.<sup>31</sup>

Throughout Halacha 5:1 the Rambam employs male gendered language for the child and parent as well as for the human being. Interestingly, the term used for God appears in the female form שכינה, a name for God which he employs by way of his Talmudic source.<sup>32</sup> As we shall discover through examining Halacha 5:1, the Rambam is deliberate about his choice of language. Yet he is a product of a certain cultural milieu in which the majority of women did not ordinarily have access to Torah study and teaching.

Despite the barriers that gendered language presents, there is much wisdom to be gleaned from this Halacha that is applicable to my work as a student and a teacher. In order to address both the universal applicability of this Halacha and the original Hebrew language in which it was composed, throughout this paper, for the most part, I will use the Hebrew words mentioned above instead of translating into English.

I divide Talmud Torah 5:1 into three sections. Section 1 opens with the importance of showing respect (כבוד) and awe (ירא) for one's teacher. Section 2 details three scenarios that require the תלמיד to prioritize the רב over the אב along with exceptions to this rule. Finally, section 3 presents four actions a person should not take towards his teacher.

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<sup>31</sup> For example, see Hilchot Talmud Torah 5:13. In addition, the Rambam follows traditional rabbinic ideas about women's intellectual capacity. For example, see his disparaging comments about women's intellect in his writings in the Guide to the Perplexed and Essay on Resurrection (both mentioned in Paper 2 p. 11).

<sup>32</sup> The Rambam draws on text from Sanhedrin 110a which employs the term שכינה.

Rambam bases Halacha 5:1 on four texts: Talmud Bavli Keritot 28b, Mishnah Baba Metzia 2:11, Pirke Avot Chapter 4:12 and Talmud Bavli Sanhedrin 110a. He unites these four diverse and disparate sources together to create a unified whole. Let's take a look at these texts and at how the Rambam alters and employs each of them.

The first foundational text is from B. Keritot 28a. Keritot, located within Seder Kodashim, details the punishment of karet<sup>33</sup>, being cut off from the community. In Keritot 28a Rambam extracts a teaching comparing a person's father to their teacher which appears at the end of a series of comparisons between various sacrificial objects. Keritot 28b reads:

ת"ל (ויקרא יט, ג) איש אמו ואביו תירא מלמד ששניהם שקולין אבל אמרו חכמים האב קודם לאם בכל מקום מפני שהוא ואמו חייבין בכבוד אביו: כן בתלמוד תורה אם זכה הבן לפני הרב הרב קודם את האב בכל מקום מפני שהוא ואביו חייבין בכבוד רבו

*Scripture says (in Leviticus 19:3) "A man should fear his mother and father." Learn from this that the two of them are equal. But the sages say that you put the father before the mother in all instances because he and his mother are obligated to respect his father. And the same principle applies regarding the obligation to honor a teacher under whom one is studying Torah. For if the son merits to acquire most of his Torah knowledge while studying before a particular teacher, honoring the teacher takes precedence over honoring the father in every area because both he and his father are obligated to honor his teacher.*<sup>34</sup>

This Talmudic passage establishes a hierarchy of teacher over parent, because both the בן and the אב are obligated to show respect for the רב. While the Rambam does not quote

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<sup>33</sup> According to Israel Moses Ta-Shma, in his article in the Encyclopedia Judaica, "The word "karet" is explained as "premature death." He cites Makkot 28a and Yerushalmi Bikkurim 2:1 as sources for this idea. The punishment of Karet does not require witnesses nor advanced warning (see Makkot 13a-b). The rabbis dispute whether or not karet exempts someone from the punishment of flogging (see Makkot 23a-b). Repentance (Teshuva) annuls karet. The Rambam address karet and doing repentance in Teshuva 1:4 (EJ, Vol. 11, p. 806-807). Interestingly though, in Teshuva, 8:1 he states that a person who is karet in this world is also karet in the afterlife.

<sup>34</sup> Translation from Talmud Schottenstein Edition

this text directly, the hierarchy of רב over אב originates in this Keritot passage and forms the basis for Halacha 5:1.

A second rabbinic text, Mishnah Baba Metzia 2:11, builds upon this hierarchy of רב over אב by providing a list of situations in which one shows respect towards his רב before his אב. The text of Mishnah Baba Metzia 2:11 is as follows:

#### מתני'

אבדת אביו ואבדת רבו של רבו קודמת שאביו הביאו לעולם הזה ורבו שלמדו חכמה מביאו לחיי העולם הבא  
ואם אביו חכם של אביו קודמת היה אביו ורבו נושאין משאוי מניה את של רבו ואחר כך מניה את של אבי  
היה אביו ורבו בבית השבי פודה את רבו ואחר כך פודה את אביו ואם אביו חכם פודה את אביו ואח"כ פודה  
את רבו

*Mishnah: In the situation where one's father has a lost object and one's teacher has a lost object- get the teacher's lost object first, for one's father brings him into this world, but one's teacher who teaches him wisdom brings him into the world to come. But if the father is a sage, get the object of his father's first. In the situation where one's father and one's teacher are both carrying heavy objects, relieve one's teacher first, and after relieve one's father of the burden. In the situation where one's father and one's teacher are taken captive, he ransoms the teacher first and then the father. But if the father is wise, in this situation, he ransoms his father first and then ransoms his teacher.*

We learn from this Mishnah that the lost object of one's רב takes precedence over that of one's אב. The Mishnah text reasons that the object of the רב should be found before that of the אב because "the אב brings a person into this world, but a רב teaches wisdom which brings the person into the world to come." The Mishnah text then describes two additional situations both of which require the student to prioritize the רב over the אב. These are: if the רב and the אב are carrying a heavy load and if the רב and the אב are each taken captive. The Mishnah legislates that the student should act on behalf of both his אב and his רב, but he should take action on behalf of the רב first. Interestingly the Mishnah adds that if his אב is a sage, then the אב takes precedence. Here knowledge and wisdom

are prioritized over the strictly biological relationship. The following chart compares the text of Mishnah Baba Metzia 2:11 and the text of the Rambam's Halacha 5:1.

Topic	Baba Metzia 2:11	Who gets priority	Topic	Rambam's Talmud Torah 5:1	Who gets priority
			Respect	כשם שאדם מצווה בכבוד אביו, וביראתו- כך הוא חייב בכבוד רבו, ויראתו; ורבו, יתר מאביו: שאביו, הביאו לחיי העולם הזה; ורבו שלימדו חכמה, הביאו לחיי העולם הבא	רב
Lost Object	אבדת אביו ואבדת רבו של רבו קודמת שאביו הביאו לעולם הזה ורבו שלמדו חכמה מביאו לחיי העולם הבא	רב	Lost Object	ראה אבידת אביו ואבידת רבו, של רבו קודמת לשל אביו	רב
Lost object if father is sage	ואם אביו חכם של אביו קודמת	אבא	Carrying a heavy load	אביו ורבו נשואים במשא, מניח את של רבו ואחר כך את של אביו	רב
Carrying a heavy load	היה אביו ורבו נושאין משאוי מניח את של רבו ואחר כך מניח את של אבי	רב	Being Held Captive	אביו ורבו שבויים בשביה, פודה את רבו ואחר כך פודה את אביו	רב
Father and teacher are both held captive	היה אביו ורבו בבית השבי פודה את רבו ואחר כך פודה את	רב	Father and teacher are both held captive and father is a sage	ואם היה אביו תלמיד חכמים, פודה את אביו תחילה	אבא
Father and teacher are both held captive and	אביו ואם אביו חכם פודה את אביו ואח"כ פודה את רבו	אבא	Lost object when father is a sage	וכן אם היה אביו חכם, אף על פי שאינו שקול כנגד רבו--משיב אבדתו ואחר כך משיב אבידת רבו	אבא

father is a sage					
			Respect	ואין לך כבוד, גדול מכבוד הרב; ולא מורא, יתר ממורא הרב. אמרו חכמים, מורא רבך כמורא שמיים	מורא רבך כמורא שמיים

The chart shows how the Rambam builds upon Baba Metzia and changes it in several ways. Close readers will note that the Rambam cites the dictum from the Mishnah text *“for one’s father brings him into this world, but one’s teacher who teaches him wisdom brings him into the world to come”* but divorces it from the scenario of the lost object and instead moves it to the beginning of the Halacha, citing it as a reason for showing respect כבוד for the רב over the אב. In Rambam’s version, this teaching serves as its title and thematic frame. In fact, the idea of showing respect כבוד appears at the beginning and end of this section of the Halacha. In both the Mishnah and the Rambam versions, the list of ways to show respect for the רב and the אב appear in an interesting formation. A lost object is connected to a person because they own it, but as an object it is outside of the person and because it is lost, it is physically far away. The heavy burden, still an object, is physically closer because it is held by the individual. And finally, being held captive, relates to the person himself. In this case the person *is* the object. This order moves the reader from perhaps less urgent acts one can do to show respect, to the most urgent-that of saving a physical body by freeing a captive.<sup>35</sup> Finally, the Rambam alters

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<sup>35</sup> Freeing captives was of great concern to the Rambam. He was considered by community members to be an outspoken leader on the issue. He writes about the duty of ransoming captives in The Laws of Gifts to the Poor 8:10. During the 9<sup>th</sup>-12<sup>th</sup> centuries in Muslim countries, Jews were often seized by soldiers and taken captive, especially when traveling at sea. The community of Alexandria imposed a special tax on its wealthy

the order in which the situations appear. The Mishnah presents the order as lost object, exception to the lost object situation if the אב is wise, heavy burden, captive situation, exception to the captive situation if the אב is wise. In the Rambam's rewriting of the Mishnah text he simplifies the order into 2 categories: 1. All situations where the teacher takes priority: respect, lost object, heavy burden, captives and 2. All exceptions to that rule if the father is wise: captive situation, lost object and respect.

The third foundational text serves as a transition from the אב-בן relationship to that of the relationship between a human being and God. Rambam's makes this transition by way of quoting a text from Pirke Avot 4:15:

רבי אלעזר בן שמואל אומר, יהי כבוד מלמדיך כקבלת כבודך, ויהי כבוד חביריך כקבלת כבודי, ויהי כבוד רבך כקבלת כבודי.<sup>36</sup>

*Rabbi Elazar son of Shammua said "Let your student's honor be as precious to you as your own, let your colleague's honor be like the reverence due to your teacher; and let the reverence you have for your teacher be like the reverence due to Heaven."*<sup>36</sup>

Rambam quotes solely from the end of this passage, employing the quote to bolster his statement: ואין לך כבוד, גדול מכבוד הרב; ולא מורא, יתר ממורא הרב. אמרו חכמים, מורא רבך כמורא שמייים. This section of text serves as a link between the first and third parts of the Halacha, as Rambam moves the reader from the child-parent relationship to the human-being-God relationship.

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members to fund ransom monies (Natan Efrati, Encyclopedia Judaica, Vol. 4, p. 457). One of Rambam's letter regarding freeing captives appeared in the MET's recent Jerusalem exhibit.

<sup>36</sup> Translation from Koren Siddur, p. 662

The fourth foundational text is that of Sanhedrin 110a, which the Rambam quotes directly. The Bavli text reads as follows:

אמר רב חסדא כל החולק על רבו כחולק על השכינה שנאמר (במדבר כו, ט) בהצותם על ה' א"ר חמא ברבי חנינא  
כל העושה מריבה עם רבו כעושה עם שכינה שנאמר (במדבר כ, יג) המה מי מריבה אשר רבו בני ישראל  
(על) [את] ה'  
א"ר חנינא בר פפא כל המתרעם על רבו כאילו מתרעם על השכינה שנאמר (שמות טז, ח) לא עלינו  
תלונותיכם כי אם  
על ה' א"ר אבהו כל המהרהר אחר רבו כאילו מהרהר אחר שכינה שנאמר (במדבר כא, ה) וידבר העם  
באלהים ובמשה

*Rav Hisda said, all who divide from their teacher, it as if they divide from the Shechinah, as it is said in Scripture (Numbers 26:9) "they stood up/agitated against the Lord". Rav Hama said in the name of Rabi Hanina, All who argue with their teacher, it is like they argue with the Shechinah as it is written in Scripture (Numbers 20:13) "Those are the Waters of Meribah-meaning that the Israelites quarreled with the Lord." Rabbi Hanina bar Pappa said all who put forth anger at their teacher, put forth anger to the Shechinah as it says in Scripture (Exodus 16:8) "Your grumbling is not against us but against the Lord". Rabi Abahu said that all who think impure thoughts about their teacher, are as if they think impure thoughts about the Shechinah as it is written in Scripture (Numbers 21:5) "And the people spoke against God and against Moses."*

Sanhedrin here lists four rabbinic teachings and the sages who taught each one.

The sayings follow the following formula: *x sage taught that a student who does y is as if they did y to God, as it says in scripture z.*

In Halacha 5:1, the Rambam quotes the teaching of each sage, with the accompanying Torah citations in the same order that they appear in the Bavli.<sup>37</sup> The Torah citations all feature examples from the books of Exodus and Numbers in which the Israelites act out against Moses and God.<sup>38</sup> In each text, Moses represents the teacher and

<sup>37</sup> Note that he omits the name of the sage who made the statement. This is consistent with Rambam's use of sources in the Mishneh Torah.

<sup>38</sup> The first text, Numbers 26:9 reads: אָשַׁר הָיוּ עַל-מֹשֶׁה וְעַל-אַהֲרֹן בְּעֵדַת-קָרַח, בְּהִצָּתָם, עַל-יְהוָה. The repetition of the preposition עַל forms the key to understanding the use of this text.

the people represent the students. Moses, the giver of Torah, is the ultimate teacher. As exemplified in these texts, though the people act out against Moses, when they do so they also act out against God. These text bolster the rabbinic idea seen here, and continued by the Rambam, that one's actions towards one's teacher are also aimed at God.

Talmud Torah 5:1 describes 8 actions (4 positive and 4 negative) that a student should take care to follow when relating to his teacher. They are as follows: showing respect, finding a lost object, carrying a heavy burden, freeing a captive, not dividing from, not arguing, not becoming angry at, not thinking inappropriate thoughts about. In both its structure and content this Halacha exemplifies Rambam's creativity and ingenuity. As I have shown in this paper, the ideas in this Halacha appear in a diverse group of sources from earlier rabbinic writing. But it is only here, in the Mishneh Torah

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Those who agitated against or divided against Moses and Aaron also agitated/divided against God.

The second text from Numbers 20:13 says:

הָמָּה מִי מְרִיבָהּ, אֲשֶׁר-רָיָו בְּנֵי-יִשְׂרָאֵל אֶת-יְהוָה; וַיִּקְדָּשׁ, בָּם

*"Those are the Waters of Meribah-meaning that the Israelites quarreled with the Lord."*

This texts recalls the grumbling of the Israelites against Moses and in the desert.

The third text, from Exodus 16:8 reads:

וַיֹּאמֶר מֹשֶׁה, בְּמַת יְהוָה לָכֶם בָּעֶרְבִי בָשָׂר לֶאֱכֹל וְלֶחֶם בַּבֹּקֶר לִשְׂבַע, בְּשִׁמְעַי יְהוָה אֶת-תְּלִנְתִּיכֶם, אֲשֶׁר-אַתֶּם לֹא-עֹלִי וְתִלְנְתִּיכֶם כִּי עַל-יְהוָה, מְלִינֶם עָלַי; וְנָחִיו מָה

Here Moses and Aaron speak to the people and exclaim that the people's grumbling is not against them (Moses and Aaron) but is against God. Finally, the final text is from Numbers 21:5

וַיִּדְבֹּר הָעָם, בְּאֵלֵהי וּבַמֶּשֶׁה, לֵמָּה הָעֲלִיתָנוּ מִמִּצְרַיִם, לָאוֹת בַּמִּדְבָּר: כִּי אֵין לָהֶם, וְאֵין מַיִם, וְנַפְשֵׁנוּ קָצָה, בְּלִחָם הַקָּלָקֵל.

Here the phrase *וַיִּדְבֹּר בּ* is used. This use of the verb *דבר* with the preposition *ב* means to gossip or speaking badly about. This phrase is also used to describe Miriam speaking badly about Moses, an action for which she becomes afflicted with leprosy and forced to be outside of the camp for seven days (See Numbers 12).

that they are combined in this unique form. The Rambam combines various sources from the Talmud into one coherent Halacha. He rearranges and tightens the language of the text in order to make the teaching clearer and more understandable. He removes attributions and citations, in order to create the law in a simple and readable manner.

Two key concepts undergird this Halacha. The concept of showing respect כבוד and awe ירא through one's actions presents a key concept for the Rambam. He begins by comparing the respect and awe that one shows for one's parent to that of one's teacher. He returns to the theme of awe ירא as a transition to the comparison between treatment of one's teacher and the treatment of God. A second key concept is that of the importance of knowledge and of passing on knowledge. The Rambam highlights this in the exceptions to acts normally carried out first for one's teacher. The exceptions occur *only* if one's father is a sage. From this we understand that knowledge and the ability to transmit knowledge is of higher value than biological relations. Certainly, one's biological relationships are important, but being a wise person and having the ability and desire to transmit that wisdom to others, is of the utmost importance.

The arc of Halacha 1 centers around the issue of setting the boundaries of how the תלמיד must relate to his רב. As such, the Halacha begins with a person's first relationship when they are born, the relationship with their parents. At the beginning of Halacha 1, Rambam writes שאביו הביאו לחיי העולם הזה (*For his father brings him into this world*). The Halacha begins with אב and בן, an innate connection, grounded in this world. While not everyone knows of or has a relationship with his or her parents, every person comes into existence by way of other people. The relationship of biological parents and child is not a relationship of choice. Rather it is preset, a result of one's conception and birth. Yet if

we read Rambam's statement more metaphorically, we can understand "brings him into this world" as more expansive than conception and birth. Read this way, this phrase can include the work that parents do to model for and teach their children about human relationships thus "bringing them into this world." A parent fosters a child's understanding of the world, teaches practical skills, as well as behavioral and cultural norms. By reading the statement in this way, we can include non-biological parents as those who "bring the child into this world."

While he began with an earthly comparison, the Rambam ends the halacha with a heavenly one: the relationship of שכינה-אדם, person and God. As opposed to the relationship of אב and בן characterized by direct, hands on learning, the relationship between אדם-שכינה is the relationship that transcends earth and heaven. God, the celestial parent, chose human beings. God chose the Jewish people and this act of choice obligates a Jew to fulfill the terms of the relationship with God. According to this Halacha, the תלמיד should treat their רב with even more respect than he would show his אב and with the same kind of respect that he would show to God. Rambam presents high expectations for the relationship between רב and תלמיד.

While the details of this Halacha may not map precisely onto student-teacher relationships in the 21<sup>st</sup> century, there is much we can glean from a close examination of this text. Because we live in a culture where for the most part teachers are paid to teach, sadly, we often view the relationship between students and teachers as one of the many transactional interactions that pervade our culture.<sup>39</sup> Yet good teaching and learning,

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<sup>39</sup> Rambam writes about teacher's taking a salary in Talmud Torah 1:7.

built upon the respect that Rambam highlights, has the possibility to transform lives. In her essay in the Jewish Forward, author Laura Diamond describes her misconceptions about Torah study, as a place with “no room for modern, female progressive me.”<sup>40</sup> What she discovered with the help of her רב was that Torah study was in fact a place where she belongs. She reflects on her discovery:

“The biggest revelation was that ancient people struggled with the same human concerns as I do, and that they had relevant wisdom to share. The big secret about Torah study is this: It is not “studying.” It is a dynamic conversation about what it means to live with meaning, purpose and compassion. It is a book club with an expert leader and curious readers. Every week, I feel a key turning, unlocking some emotional truth I didn’t know I was missing. A word. Click. A phrase. Click. With my rabbi and community, I arrive at deep “aha” moments. This is spiritual boot camp.”

Here Diamond describes a collaborative approach to teaching that builds community, relationship and connection. While not using the language of the Rambam, her story hints at the power of a student-teacher relationship built on respect for each other and love of knowledge. This relationship hovers, as Rambam describes, between the closeness of familial bonds and the awe of divine authority.

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<sup>40</sup> <http://forward.com/culture/318158/how-torah-study-changed-our-lives/>

## Appendix 1

Talmud Torah 5:1, translated by Lisa Vinikoor

כשם שאדם מצווה בכבוד אביו, וביראתו--כך הוא חייב בכבוד רבו, ויראתו; ורבו, יתר מאביו: שאביו, הביאו לחיי העולם הזה; ורבו שלימדו חכמה, הביאו לחיי העולם הבא.

ראה אבדת אביו ואבדת רבו, של רבו קודמת לשל אביו. אביו ורבו נשואים במשא, מניח את של רבו ואחר כך את של אביו. אביו ורבו שבויים בשביה, פודה את רבו ואחר כך פודה את אביו; ואם היה אביו תלמיד חכמים, פודה את אביו תחילה. וכן אם היה אביו חכם, אף על פי שאינו שקול כנגד רבו--משיב אבדתו ואחר כך משיב אבדת רבו. ואין לך כבוד, גדול מכבוד הרב; ולא מורא, יתר ממורא הרב. אמרו חכמים, מורא רבך כמורא שמייים.

וכל העושה. (במדבר כו, ט) "לפיכך אמרו, כל החולק על רבו--כחולק על השכינה, שנאמר "בהצותם, על ה וכל המתרעם על. (במדבר כ, יג) "מריבה עם רבו--כעושה עם השכינה, שנאמר "אשר רבו בני ישראל את ה וכל המהרהר אחר רבו-- (שמות טז, ח) "רבו--כמתרעם על השכינה, שנאמר "לא עלינו תלונותיכם, כי על ה (במדבר כא, ה) "כמהרהר אחר השכינה, שנאמר "וידבר העם, באלוהים ובמשה

*Just as a person is commanded to respect and fear his father, so too is he obligated to respect and fear his teacher. And he should fear his teacher more than his father, because his father brings him into this world and his teacher, who teaches him wisdom, brings him to life in the world to come. In the situation where one's father has a lost object and one's teacher has a lost object- get the teacher's lost object first, In the situation where one's father and one's teacher are both carrying heavy objects, relieve one's teacher first, and after relieve one's father of the burden. In the situation where one's father and one's teacher are taken captive, ransoms the teacher first and then the father. But if the father is wise, in this situation, he ransoms his father first and then ransoms his teacher. And if his father is wise, even if he is not at the same measure of wisdom of the teacher, find his lost object first, and then that of his teacher.*

*And you don't have respect greater than respect for one's teacher. For there is not greater awe than awe of one's teacher. As the sages said: Awe of your teacher is like awe of God.*

*All who divide from their teacher, it as if they divide from the Shechinah, as it is said in Scripture (Numbers 26:9) "they stood up/agitated against the Lord". All who argue with their teacher, it is like they argue with the Shechinah as it is written in Scripture (Numbers 20:13) "Those are the Waters of Meribah-meaning that the Israelites quarreled with the Lord." All who put forth anger at their teacher, put forth anger to the Shechinah as it says in Scripture (Exodus 16:8) "Your grumbling is not against us but against the Lord". All who think impure thoughts about their teacher, are as if they think impure thoughts about the Shechinah as it is written in Scripture (Numbers 21:5) "And the people spoke against God and against Moses."*

## Reflecting on Rambam's Conception of the Afterlife

אלוהי נשמה שנתת בי טהורה היא. אתה בראתה אתה יצרתה אתה נפחתה בי ואתה משמרה בקרבי  
ואתה עתיד לטיל ממני ולהחזירה בי לעתיד לבוא כל זמן שהנשמה בקרבי מודה אני לפניך יהוה אליהי ואלוהי  
אבותי אבון כל המעשים אדון כל הנשמות. ברוך אתה יהוה המחזיר נשמת לפגרים מיתם  
*The soul which you, my God, have given me is pure. You created it,  
You formed it, You breathed it into me; You keep body and soul together.  
One day you will take my soul from me, to restore it to me in the life eternal. So long as  
this soul is within me I acknowledge You, Lord my God, my ancestors' God,  
Master of all creation, sovereign of all souls.  
Praised are You, Lord who restores the soul to the lifeless, exhausted body.*<sup>41</sup>  
-Text from daily morning blessings

This blessing from our daily morning liturgy praises God who “*restores the soul to the lifeless, exhausted body.*” Today, we consider this prayer as one that acknowledges a God who revives us after a night of sleep by restoring our souls to our bodies.

Certainly, the translation of the final two words מיתם פגרים as “*lifeless, exhausted body*” confirms our understanding that this prayer is about the miracle of waking up alive each day. Yet the words מיתם לפגרים can be translated more literally as “*dead corpses.*”<sup>42</sup> Read with this more accurate translation, we see that this blessing thanks God for resurrecting the dead to eternal life or what is known in rabbinic literature as עולם הבא, literally the world to come, or the afterlife. For Reform Jews, these ideas may seem foreign and strange. In fact, most Reform prayer books have removed mention of תחיית המתים (*the resurrection of the dead.*)<sup>43</sup> Despite Reform hesitancy around belief in eternal life and

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<sup>41</sup> Translation from Siddur Sim Shalom p. 9

<sup>42</sup> Jastrow, p. 1136

<sup>43</sup> For example, mentioned of תחיית המתים in the second paragraph of the Amidah was removed in Reform siddurim until the most recent version, that of Mishkan T'filah, which offers a traditional תחיית המתים as one of two options. For the traditional text of the see the Koren Siddur, p. 110. Also note there the footnote to the prayer which mentions the controversy between the Sadducees and the Pharisees over the idea of the resurrection of the dead. Koren also mentions the biblical image of Ezekiel and the dry bones (Ezekiel

resurrection of the dead, these concepts are key theological principles for the rabbis of the Mishnah and Talmud. Centuries after this prayer was composed, and after the Mishnah and Talmud were closed, Rambam added his understanding of the afterlife. His ideas build upon rabbinic tradition and bring innovation to the Jewish canon. In this paper, I will focus on Rambam's understanding of the afterlife through a close examination of Hilchot Teshuva 8:2. I will uncover the sources from rabbinic literature from which he constructs this halacha and offer my understanding of the Rambam's views of the afterlife. Finally, I will present the critique of Rambam's ideas on this topic mounted by his contemporary, Abraham ben David of Posquières.

Before embarking on the examination of Rambam's text in Teshuva 8:2, I will provide an overview of the early rabbinic understandings of the afterlife (עולם הבא) and the idea of resurrection from the dead. Early rabbinic texts present a range of ideas and viewpoints about these concepts. As to the idea of resurrection, some rabbinic sources see it as the final goal after death, while others view resurrection as a step on the path to עולם הבא. Other sources view עולם הבא as a stage that precedes resurrection.<sup>44</sup> Talmud scholar Louis Finkelstein identifies two schools of thought in rabbinic tradition that led to the construction of rabbinic ideas about resurrection. The first school of thought believes that the soul upon dying goes down to *sheol*, the pit or grave, and there awaits resurrection. In this formulation, when a person is resurrected, they go to עולם הבא. According to the

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37). For the latest Reform Siddur that gives two options for language in the second paragraph of the Amidah see Mishkan T'filah, p. 78.

<sup>44</sup> Daniel Boyarin, EJ article on Resurrection, vol. 17, p. 242.

other school of thought, when a person dies their soul goes immediately up to God for judgement. In this case, עולם הבא occurs in between death and resurrection.<sup>45</sup>

The rabbis refer to עולם הבא throughout the Talmud largely with a focus on the purpose of עולם הבא, who gains access to it and why.<sup>46</sup> Yet there are scant sources in the Talmud that describe what עולם הבא might be like.<sup>47</sup> In his book *Life After Death*, Alan Segal attributes the reticence of the rabbis to portray the world to come, and in particular the pleasures that await a person after death, as a reaction to the depictions of heaven and hell found in Christianity, Zoroastrianism and later in Islam.<sup>48</sup> Segal quotes the 3<sup>rd</sup> century Palestinian sage Yohanan bar Nappaha to demonstrate the rabbis' reluctance to describe עולם הבא: "All the prophets prophesied only about the days of the Messiah; but of the world to come, 'no eye has seen it.' (Isaiah 64:4)<sup>49</sup> Instead, the realm of Midrashic literature<sup>50</sup> serves as the primary arena for texts about the afterlife. Segal quotes the following from Midrash Tanhuma Vayikra 8:

"The world to come is the one waiting for man after this world. But there is no basis for the assumption that the world to come will only begin after the destruction of this world. What it does imply is that when the righteous leave this world, they ascend on high, as it is said 'How great is the goodness, O Lord, which you have in store for those who fear you, and which, toward those who take refuge in you, you show in the sight of men (Psalm 31:20)'"<sup>51</sup>

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<sup>45</sup> Daniel Boyarin, EJ article on Resurrection, vol. 17, p. 242.

<sup>46</sup> For example, see Baba Metzia 59a אין לו חלק לעולם הבא - אבל המלבין את פני חבירו ברבים and Sanhedrin 43b היה רחוק מבית הסקילה כעשר אמות אומרים לו התודה שכן דרך המומתין מתודין שכל המתודה יש לו חלק לעולם הבא

<sup>47</sup> Segal, p. 623

<sup>48</sup> Alan Segal, *Life After Death*, (New York: Doubleday, 2004).

<sup>49</sup> According to Segal, this Talmud text can be found in Bavli Sanhedrin 99a, and Berakhot 34b.

<sup>50</sup> Midrashic literature spans the 3<sup>rd</sup>-11<sup>th</sup> century in Eretz Yisrael.

<sup>51</sup> Segal p. 627

The midrash explains that after a person dies they “ascend” to עולם הבא, here understood as heaven.<sup>52</sup> According to the rabbis, in heaven the righteous sit and study in the ישיבה של מעלה, the Rabbinic Academy on High, an idealized place which allows for unencumbered contemplation of God. In the Rabbinic Academy on High, even those who didn’t have the opportunity to study Torah in this world are afforded the opportunity in עולם הבא. This concept of the afterlife reflects what the rabbis hold as important values in this world, and therefore in the world to come.<sup>53</sup>

One of the few sources from the Mishnah and Talmud that describes עולם הבא is that of Mishnah Sanhedrin Chapter 10 (known as “Perek Heleq”) which discusses both what will happen to individuals after death and what will happen to all of Israel at the end time. Segal’s translation<sup>54</sup> of Mishnah Sanhedrin 10 is as follows:

כל ישראל יש להם חלק לעולם הבא שנאמר (ישעיה ס, כא) ועמך כולם צדיקים לעולם יירשו ארץ נצר מטעי מעשי ידי להתפאר. ואלו שאין להם חלק לעולם הבא. האומר אין תחיית המתים מן התורה. ואין תורה מן השמים. ואפיקורס. רבי עקיבא אומר אף הקורא בספרים החיצונים. והלוחש על המכה ואומר (שמות טו, כו) כל המחלה אשר שמתי במצרים לא אשים עליך כי אני ה' רפאך. אבא שאול אומר אף ההוגה את השם באותיותיו

*All Israelites have a share in the world to come (עולם הבא), for it is written “Thy people also shall be all righteous, they shall inherit the land for ever; the branch of my planting the work of my hands that I may be glorified” (Isaiah 60:21). And these are they that have no share in the world to come: he that says that there is no resurrection of the dead prescribed in the Torah, and he that says that the Torah is not from Heaven, and an Epicurean. R. Akiba says “Also he that reads the books of the “outsiders” or that utters charms over a wound and says “I will put none of the diseases upon thee which I have put upon the Egyptians; for I am the Lord that heals you (Exodus 15:28). Abba Saul says: also he that pronounces the Name with its proper letters.”<sup>55</sup>*

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<sup>52</sup> Segal, p. 626

<sup>53</sup> Segal, p. 625

<sup>54</sup> Translation from Segal, p. 604,

<sup>55</sup> See Hilchot Teshuva, 3:6-14 where the Rambam lists the people who have no place in the world to come.

Segal points out that this statement by the Tannaim<sup>56</sup> departs in significant ways from the predecessors of the Mishnah, the Pharisees. According to Segal, the Pharisees believed that the world to come was awarded only to members of a specific sect, martyrs or elected ones. In contrast, here “all of Israel” are eligible to merit עולם הבא.<sup>57</sup> Yet in contrast to this apparently egalitarian access to the afterlife, the text describes a list of individuals who because of their beliefs or actions do not have a place in עולם הבא. Segal also points out the important focus on the Land of Israel in this Mishnah. The rabbis’ vision of עולם הבא not only focuses on individuals, but portrays a time when all Israel, both living and dead will dwell in the Land forever. In this formulation, Israel will be the master of its own territory.<sup>58</sup>

The above concepts and texts serve as the foundation for the Rambam’s conceptions of the afterlife. In addition, the Rambam was influenced by living under the rule of the Islamic Almohad dynasty from the years 1148-1165. The Almohad dynasty held a strict belief that anthropomorphism (the idea that God has a body and form) was incompatible with monotheism. This idea may have influenced the Rambam to include the negation of anthropomorphism as a tenet of belief in *The Guide of the Perplexed*.<sup>59</sup> In addition, scholars of the Rambam disagree as to whether the Rambam was forced to convert to Islam during this time.<sup>60</sup> Regardless of whether he converted temporarily or pretended to be a Muslim, it is clear that he studied the Koran and Islamic law in depth.

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<sup>56</sup> The Tannaim are rabbis whose teachings are recording in the Mishna which was closed in 220C.E.

<sup>57</sup> Segal, p. 604

<sup>58</sup> Segal, p. 606

<sup>59</sup> Stroumsa, p. 9, 70

<sup>60</sup> See Halbertal, p. 25-26

The Rambam writes about why an individual does or does not gain entry into עולם הבא in various places in the Mishneh Torah. In Hilchot Teshuva (the Laws of Repentance), he discusses the afterlife in depth.<sup>61</sup> Hilchot Teshuva, encompassing ten chapters, outlines in detail the laws of who, when, how and why a person should repent. This tremendous compilation of the laws of repentance include, among other ideas: a categorization of the various levels of repentance, numerous lists of sins for which one cannot repent, the role of confession in repentance, and a description of the results of repenting on one's death bed vs. repenting during Yom Kippur. For example, amongst the people who do not gain access to עולם הבא is the person who receives the punishment of karet, being cut off from the community.<sup>62</sup> In Teshuva 8:1 the Rambam states: שאותו הנפש שפרישה מין הגוף בעולם הזה אינו זוכה לחיי העולם הבא אלא גם מן העולם הבא נכרת

*For the same person who separates from his body in this world, he does not merit life in the world to come rather he is also cut off from the world to come.*

Ultimately these halachot speak about the human capacity to do good or evil and of the possibility for change. Rambam here illustrates a vision of a God who both judges and is compassionate towards those who have made mistakes.

In this paper, I will focus on one Halacha in particular, that of Teshuva 8:2.

In the early chapters of Hilchot Teshuva, the Rambam clarifies that a person who has sinned can do *teshuva*, repentance, and gain access to עולם הבא.<sup>63</sup> In Teshuva 8:2 he offers

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<sup>61</sup> For an example of additional references to עולם הבא in other books of the Mishneh Torah see Mamrim 6:5, Melachim 5:11, and Melachim 7:15.

<sup>62</sup> For background on “being cut off from the community” known as “karet”, see footnote in Paper 1, p. 4.

<sup>63</sup> For example, see Teshuva 4:6.

his vision of the afterlife. I will begin by presenting my translation of Teshuva Chapter 8

Halacha 2:

העולם הבא--אין בו גוף וגוייה, אלא נפשות הצדיקים בלבד, בלא גוף כמלאכי השרת. הואיל ואין בו גוייות, אין בו לא אכילה ולא שתייה ולא דבר מכל הדברים שגופות בני האדם צריכין להן בעולם הזה. ולא יארע בו דבר מן הדברים שמאורעין לגופות בעולם הזה, כגון ישיבה ועמידה ושינה ומיתה ועצב ושחוק וכיוצא בהן. כך אמרו חכמים הראשונים, העולם הבא--אין בו לא אכילה ולא שתייה ולא תשמיש, אלא צדיקים יושבין ועטרותיהם בראשיהם ונהנין מזיו השכינה

הרי נתברר לך שאין שם גוף, לפי שאין שם אכילה ושתייה. וזה שאמרו צדיקים יושבין, על דרך החידה-- כלומר נפשות הצדיקים מצויין שם, בלא עמל ולא יגע. וכן זה שאמרו עטרותיהם בראשיהם--כלומר דעה שידעו שבגללה זכו לחיי העולם הבא, מצויה עימהן, והיא העטרה שלהן, כעניין שאמר שלמה "בעטרה, ישעיהו; ישעיהו לה,") "והרי הוא אומר "ושמחת עולם, על ראשם. (שיר השירים ג,יא) "שעטרה לו אימו ואין השמחה גוף כדי שתנוח על הראש; כך עטרה שאמרו חכמים כאן, היא הדעה, (נא,יא)

ומה הוא זה שאמרו, ונהנין מזיו השכינה--שיודעין ומשיגין מאמיתת הקדוש ברוך הוא, מה שאינן יודעין והן בגוף האפל השפל.

*In the afterlife there are no bodies nor corpses, rather there are only the souls of the righteous, and no bodies, like the angels on high. Since there are no corpses there is not eating, nor drinking and not the doing the things that the bodies of human beings need in this world. And the things that occur with the bodies of human beings don't occur there.*

*For example sitting, standing, sleeping, having sex, sadness, joking, and other things related to these. Therefore the early sages said that in the afterlife there is no eating, no drinking, no having sex, rather the righteous sit and their heads are crowned with the exuberance of the Divine Presence. Thus you will clearly understand that there are no bodies there, just as there is no eating or drinking. And this is what the sages meant when they said that the righteous sit: they said this by way of a riddle, that is to say that the souls of the righteous are found there, not laboring nor exerting effort. Therefore this is what it means when they said that their heads are crowned- that is to say that it is because of the knowledge they know that they merit the world to come. This knowledge is their crown like the matter that Solomon said "with the crown, the crown that his mother gave him" (Song of Songs 3:11). Thus, he said "Crowned with joy everlasting" (Isaiah 51:11)<sup>64</sup> This is not joy of the body in order to make comfortable the head, rather the crown that the sages speak of is knowledge.*

Rambam opens Teshuva 8:2 with his core belief about the afterlife: In עולם הבא there are no bodies or corpses; rather only the souls of the righteous dwell there. He

<sup>64</sup> The Tanach translations here are from the JPS Tanach.

compares these bodiless souls to celestial beings. To advance the idea that in עולם הבא there are no physical bodies, he explains the bodily functions and habits that do not occur in עולם הבא, drawing from Berachot 17b. He annotates Berachot 17b line by line, adding commentary to prove his key point that in עולם הבא there are no bodies or corpses. He concludes this Halacha quotes from Song of Songs 3:11 and Isaiah 51:11.

Let's examine Berachot 17b and then uncover how the Rambam reads the passage.

מרגלא בפומיה דרב לא כעולם הזה העולם הבא אין בו לא אכילה ולא שתיה ולא פריה ורביה ולא משא ומתן ולא קנאה ולא שנאה ולא תחרות אלא צדיקים יושבין ועטרותיהם בראשיהם ונהנים מזיו (שמות כד, יא) ויחזו את האלהים ויאכלו וישתו השכינה שנאמר

*A familiar teaching of Rav's is as follows (literally: commonly from Rav's mouth came the following) This world is not like the world to come. In the world to come there is no eating, nor drinking nor procreation, nor business dealings, no jealousy, nor hatred, nor rivalry, rather the righteous sit, their heads crowned with the radiance of the divine presence as it is written in Exodus 24:11 "they beheld God and they ate and drank."*

In this passage, the rabbis describe עולם הבא as different from "this world." In their vision of עולם הבא as presented here, there is no need for food, drink, sex, competition or hatred. It is an idealized place where the righteous dwell in the glory of God. Segal points out that this description reiterates the rabbinic idea of the celestial yeshiva, a place where the righteous sit and study Torah all day, having no need for any other bodily functions.<sup>65</sup> For the rabbis eating, drinking, and sex were inconveniences necessitated by the human body. In their idealized vision, in עולם הבא, human beings are like angels, freed from the bounds of bodily needs and thus living a life fully encompassed in the study of Torah.<sup>66</sup> While the rabbis envisioned human beings in עולם

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<sup>65</sup> Segal, p. 625

<sup>66</sup> Segal, p. 624-625

הבא as angels, there is no indication here as to whether or not these celestial beings have bodies.

The Rambam adapts this Talmud text by altering the language used to describe actions absent from עולם הבא. For example, he writes “using the bed” where the Talmud says “procreation.” In addition, he excludes the terms “business dealings, jealousy, hatred, and rivalry” and instead replaces them with “sadness and laughter.” He then quotes an abridged version of Berachot 17a attributing it only to the “early sages.” This quotation is followed by the strong language of “thus it will become clear to you that in עולם הבא there are no bodies.” Here the Rambam’s second person direct address serves as a literary strategy to emphasize his idea that there are no bodies in עולם הבא.

At first glance we might assume that the Berachot 17b text would be an unlikely text to prove the Rambam’s central tenet that in עולם הבא there are no bodies. For in Berachot 17b’s vision of the afterlife there are human bodies and these bodies sit with their heads aglow from the light of the Shechinah. But instead of presenting a problem, the Rambam, uses the text, unpacking and explaining it on his own terms.<sup>67</sup>

Rambam analyzes the Bavli passage line by line relating each section to prove his core principle that there are no bodies in עולם הבא. First he points to the idea that according to the rabbis there is no eating or drinking in Olam Haba. In “this world” our bodies need to eat and drink in order to survive, as the Rambam writes: שגופות בני האדם צריכין להן בעולם הזה. If follows then, that if there is no eating or drinking there must not be physical bodies. Next Rambam addresses the fact that the Bavli states that the tzaddikim “sit.” He explains that the text does not mean literally “sit” but instead is an allegory. In

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<sup>67</sup> Samuel Rosenblatt, EJ entry on Olam Haba, vol. 15 p. 400.

fact, Rambam often explains passages from his rabbinic predecessors as being in the form of an allegory. He writes in his commentary on Mishnah Sanhedrin 10: “Thus whenever the sages spoke of things that seem impossible, they were employing the style of riddle and parable, which is the method of truly great thinkers.”<sup>68</sup> Rambam understand the use of the term “sit” to mean that the *nefashot* (the souls) of the tzaddikim are found there not doing hard labor or effort. He interprets “sit” not as a physical position but instead as the idea that the soul is at rest and not exerting effort. Next the Rambam addresses the phrase “their crowns on their heads.” For the Rambam, because there are no bodies in עולם הבא there also can be no heads. He reads “crowns” not as literal crowns but instead as a symbol of wisdom. He provides an example of the crown of wisdom referenced in Song of Songs 3:1 attributed to King Solomon. For Rambam, Solomon is a paragon of wisdom. Rambam also quotes Isaiah 51:11; וְפִי־יְהוָה יְשׁוּׁוּן יוֹרְכֵי צֶדֶק וְזֶן בְּרִנָּה, וְשִׂמְחַת וְלֵם, עַל־רֹאשָׁם; וְזֶן וְאֶנְחָה (Let the ransomed of the Lord return, And come with shouting to Zion. Crowned with joy everlasting, Let them attain joy and gladness, While sorrow and sighing flee). For Rambam this everlasting joy is not the joy of the body, but instead that of the settled head or mind which is attained through the acquisition of knowledge. Therefore, to be “crowned” and “sit” in the radiance of the Shechinah means to have achieved a high level of intellect. In fact, according to the Rambam, all that one has in עולם הבא is the intellect. In עולם הזה there is no need for the body.

Teshuva 8:2 exemplifies the way in which Rambam draws on earlier texts to craft his own codifications. Here he quotes the Bavli without citation or attributions, alters the

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<sup>68</sup> Rambam’s Commentary on Perek Helek, from the Maimonides Reader, Isadore Twersky

language, and ultimately employs the text to clarify his own particular theology of the afterlife. In the Rambam's view, what remains of a person in the afterlife is their *neshama*, or soul, which Rambam understands in Aristotelian fashion, as the disembodied intellect. Apropos, this idea is consistent with Rambam's understanding of God. In Teshuva 3:7 the Rambam writes that a person who says that God has a body is considered a heretic.

The mission to educate Jews about the idea that God does not have a body nor a form lay at the heart of Rambam's religious polemic.<sup>69</sup> He states in the Guide of the Perplexed:

“The negation of the doctrine of the corporeality of God and the denial of His having a likeness to created things and of His being subject to affections are matters that out to be made clear and explained to everyone according to his capacity, and ought to be inculcated in virtue of traditional authority upon children, women, stupid ones, and those of defective natural disposition, just as they adopt the notion that God is one.”<sup>70</sup>

Sara Stroumsa argues that this conviction, was in part influenced by the surrounding Almohad religious system in which the Rambam was immersed for nearly twenty years as a young adult.<sup>71</sup> In addition, in his *Essay on Resurrection*, the Rambam writes the following about the Jewish sages who maintain a belief in God's corporeality:

“These exceedingly deficient folk...who although they consider themselves sages in Israel, are in fact the most ignorant, and more seriously astray than beasts, their minds filled with the senseless prattle of old women.”<sup>72</sup>

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<sup>69</sup> Halbertal, p. 75

<sup>70</sup> Translation from Stroumsa, p. 71

<sup>71</sup> The Rambam lived under Almohad rule from 1148-1165. While the Almohad's were not unique in their rejection of the anthropomorphism of God, they made the idea a hallmark of their religious belief system and declared it as an article of faith that separates the heretic from the believer (Stroumsa, p. 70).

<sup>72</sup> Halbertal, p. 75

The Rambam's sharp tone mirrored that of his contemporaries who engaged with him in a bitter debate over these ideas. One of his strongest critics was Abraham of Posquieres, the Ra'avad, a 12<sup>th</sup> century Provencale scholar. In commenting on Teshuva 3:7 the Ra'avad directly attacks the Rambam writing: "There were many (scholars) greater than the him (the Rambam) that believed in the idea that God has a body and form, and this idea (that God has a body and form) came about from what can be found in scripture and from what can be found in rabbinic stories and sermons."<sup>73</sup>

In addition to this critique of the Rambam's ideas about God, the Ra'avad wrote the following comment on the Rambam's Teshuva 8:2<sup>74</sup>:

דברי האיש הזה בעיני קרובים למי שאומר אין תחית המתים לגופות אלא לנשמות בלבד וחיי ראשי לא היה דעת חכמי התלמוד על זה שהרי אמרו (כתובות ק"א): (עתידי צדיקים שיעמדו בלבושיהם ק"ו מחטה וכן היו מצוים לבניהם) שבת קיד. (על תקברוני בכלים לבנים ולא בשחורים שמה אזכה והצדיק אמר) (סנהדרין לב): (שלא ישובו הצדיקים לעפר אלא עומדים בגוייתם וכן אמרו במומן) (שם לא): (עמדים ומתרפא וכל אלא מוכיחים כי בגוייתם הם עומדים חיים אלא אפשר שהבורא ישים גוייתם חזקות ובריות כגוית המלכים וכגוית אליהו ז"ל ויהיו העתרות כמשמען ולא יהיה משל ע"כל.

*The words of this man, in the eyes of those who are close, the one who says that there is no bodily resurrection of the dead, only resurrection of the souls, and who lives without the authority of the knowledge of the sages of the Talmud, about that which they say in (Kettubot 111b) that in the future in the righteous will stand, dressed, all the more so from sin, therefore they instruct their children 'don't bury me in white shrouds nor black shrouds lest I merit (olam haba), And the righteous one said (Sanhedrin 32b) that the righteous do not return to dust rather they stand in their corpses. And therefore they say that they stand by their money (Sanhedrin 31b) and are healed. And all of this proves that they stand living in their corpses. Rather it is possible that God puts their corpses strongly to their healthy bodies like the angels and like Elijah. And the crowns that we learn about, will not be a fable.*

Here the Ra'avad argues clearly against the Rambam's content and methodology. He claims that the Rambam lacks knowledge of the teachings of the Talmudic sages. He then brings three Talmudic texts which bolster the idea of bodies existing in עולם הבא:

<sup>73</sup> This is my translation. See the Ra'avad's comment on Teshuva 3:7

<sup>74</sup> This is my translation.

Kettubot 111b<sup>75</sup>, Shabbat 114a<sup>76</sup> and Sanhedrin 92b. Finally, he argues with the Rambam's principle that Talmudic imagery can be understood as allegory.

Interestingly, the Kesef Mishnah<sup>77</sup> tries to reconcile the ideas of Rambam and the Ra'avad. In his commentary, he states that *ולי נרא שאין חילוק בין רבינו והראב"ד אלא בשמות בלבד* *It seems to me that there is not a disagreement between Rabbeinu (Maimonides) and the Ra'avad, only one in name.* The Kesef Mishneh explains that the Rambam understands *הבא* as what happens to a person after death: their soul remains, but their body does not. In contrast, for the Ra'avad, the Kesef Mishneh points out, *הבא* is resurrection from the dead.<sup>78</sup> The Kesef Mishneh concludes by saying “*ובכך עלו דברי שניהם כהוגן ואלו "ואלו דברי אלוהים חיים" And therefore these words from the two of them are logical, and the words of the Rambam and the words of the Ra'avad are words of the living God.*

While the Kesef Mishnah tries to reconcile the opinions of the Rambam and the Ra'avad, it seems that in fact the Ra'avad's pointed criticism of the Rambam has merit. The Rambam reads the Talmudic text through his own lens, that is, that rational thought

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<sup>75</sup> וא"ר חייא בר יוסף Kettubot 111b

עתידיים צדיקים שיעמדו במלבושיהן ק"ו מחטה

מה חטה שנקברה ערומה יוצאה בכמה לבושין צדיקים שנקברו בלבושיהן על אחת כמה וכמה

<sup>76</sup> The text of Shabbat 114a

למימרא דחירי ניהו

והאמר להו רבי ינאי לבניו

בני אל תקברוני לא בכלים לבנים ולא בכלים שחורים

לבנים שמא לא אזכה ואהיה כחתן בין אבלים שחורים שמא אזכה ואהיה כאבל בין חתנים אלא בכלים האולירין הבאין ממדינת הים אלמא סומקי ניהו

לא קשיא הא בגלימי הא בלבושי

<sup>77</sup> The Kesef Mishneh is a commentary of the Mishneh Torah by Yosef Caro, 16<sup>th</sup> century scholar and author of the Shulchan Aruch.

<sup>78</sup> והראב"ד ז"ל קורא לעולם התחייה עולם הבא.

is of the highest import. This is why he explains that the unbelievable or irrational aspects of rabbinic teaching are riddles and are to be interpreted allegorically.

## Rambam's Hilchot De'ot Chapter 7: Speech Ethics

The biblical command לא תטור את בני עמך (*Do not bear a grudge against your countrymen*)<sup>79</sup> serves as the final law in Chapter 7 of the Laws of Character

Development, *Hilchot De'ot*, a chapter detailing the ethics of speech. Rambam ends the chapter with the following sentence:

וזה היא הדעה הנכונה שאפשר שיתקיים בה יישוב הארץ, ומשאן ומתנן של בני אדם זה עם זה  
*And this (not holding a grudge) is the proper characteristic which permits a stable environment, trade, and commerce to be established among people.*<sup>80</sup>

Here the Rambam emphasizes the importance of this law by explaining that *not holding a grudge* is the הדעה הנכונה (*the proper characteristic*).<sup>81</sup> Why, would the Rambam choose to end a chapter centered around the proper and improper use of speech, with the law to not bear a grudge against one's countrymen? In order to answer this question, I will examine the content and sources of the eight *Halachot* that comprise *Hilchot De'ot* Chapter 7.<sup>82</sup> I will illuminate the chapter's themes and show why this final sentence, about the importance of not bearing a grudge against one's countrymen, creates a fitting closure both to Chapter 7 and to *Hilchot De'ot* as a whole.

I begin with an overview of the content of *Hilchot De'ot*. *Hilchot De'ot*, composed of seven chapters, is the second of the five sets of law in *Sefer Mada* (The

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<sup>79</sup> Leviticus 19:18, translation from JPS Tanach 1999

<sup>80</sup> Translation from Touger Edition, 1990

<sup>81</sup> This phrase, הדעה הנכונה (*the proper characteristic*) as appears in the description of the need to train oneself in “extra holiness and pure thoughts” and to exercise “proper characteristics” so as to avoid the transgressions of theft, immoral sexual relations and *lashon hara* (talking about someone in a negative and degrading manner by way of information that is true). For an example see *Hilchot Issurei Biah*, 23:19, 20.

<sup>82</sup> My translations of each of the *Halachot* in Chapter 7 can be found in Appendix A.

Book of Knowledge). *Hilchot De'ot* comes directly after the Laws of *Yesodei Ha Torah* (The Foundations of Torah) and directly before the *Laws of Talmud Torah* (The Study and Teaching of Torah). *Hilchot De'ot* encompasses a broad range of behaviors and character traits. These include both positive commandments such as- emulating God's ways, loving other Jews, loving the convert, offering rebuke- as well as negative commandments: not hating other Jews, not causing embarrassment and not oppressing people in unfortunate situations.<sup>83</sup> *Hilchot De'ot* includes regulations about eating and how to care for one's body.<sup>84</sup> As is his way, Rambam collects these laws from various sources in the Torah and Talmud, where they appear without any apparent organization or order, and reworks the texts into an organized legal code. In *Hilchot De'ot* these laws appear together for the first time as one unit.

Chapter 7, the final chapter in *Hilchot De'ot*, focuses on three negative commandments all found in *Parashat Kedoshim*, the Holiness Code: Do not be a talebearer (Leviticus 19:16), Do not seek vengeance, and Do not bear a grudge (Leviticus 19:18). Rambam focuses on the commandment to “do not be a talebearer” for most of Chapter 7. As to this commandment he defines three ways that one may violate it: 1. רכילות: talking about someone in either a negative or positive way, whether true or false, 2. לשון הרע: talking about someone in a degrading manner with information that is true and 3. מוציא שם רע: telling lies about someone else. At the end of the chapter, the Rambam raises two additional concepts that relate at least tangentially to speech: 1. הנוקם

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<sup>83</sup> The full list of 5 positive and 6 negative commandments can be found at the beginning of *Hilchot De'ot*.

<sup>84</sup> *De'ot* Chapter 4

את חבירו: the one who seeks vengeance against his friend, and 2. הנוטר לאחד מישראל: the one who holds a grudge against any person in Israel.

I divide Chapter 7 into three main sections. Section one serves as an introduction to the chapter by stating the biblical commandment from Lev. 19:16 לא תלך רכיל and referring to the biblical story of Doeg (1 Samuel 21-22). In this section, we learn of the three types of speech that violate the commandment “do not go about as a talebearer.”<sup>85</sup> The second section includes four Halachot all of which define and deepen the reader’s understanding of לשון הרע. The final section of Chapter 7, composed of two Halachot, introduces two additional negative commandments: לא תקום ולא תטור את בני עמך (do not take vengeance nor bear a grudge against your countrymen.)<sup>86</sup>

In Halacha 1 Maimonides introduces the מרגל. The term מרגל, translated as “talebearer”, comes from the root רגל with a wide semantic range including foot, pace, and festival.<sup>87</sup> In its verb form the root means: to make familiar, to lead, or to get used to.<sup>88</sup> The root רגל, in its plural form, appears in the biblical story as the “scouts” who are sent to scout out the Land of Israel.<sup>89</sup> The Rambam teaches that the מרגל is the one who violates the biblical command לא-תלך רכיל בעמך, לא תעמד על-דם רעך: אני, יהנה (Do not go about as a talebearer amongst your countrymen and do not profit by the blood of your fellow (Israelite)). Interestingly the root רגל does not appear in this Torah verse. Perhaps

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<sup>85</sup> The Kesef Mishnah explains the three different types of speech.

<sup>86</sup> Lev. 19:18

<sup>87</sup> Marcus Jastrow, p. 1449

<sup>88</sup> Jastrow, p. 1448

<sup>89</sup> For the story of the scouts see Numbers Chapter 13-14 and Deuteronomy 1:22-24. In the Numbers version of the story the root רגל is not used. Instead the root תור is used meaning to “scout out.” In the Deuteronomic version of the story the root רגל appears.

the Rambam connects the idea of going out on foot (רגל) with the word in the Torah's phrase תֵּלֵךְ which means "to go out" (on foot).<sup>90</sup>

Rambam offers his interpretation of Lev. 19:16 by focusing on the two commandments in the verse: לֹא-תֵלֵךְ רֵכִיל בְּעַמְּךָ (*Do not go about as a talebearer amongst your countrymen*)<sup>91</sup> and לֹא תַעֲמֹד עַל-דַּם רֵעֶךָ (*Do not profit by the blood of your fellow (Israelite)*).<sup>92</sup> According to the Rambam, these two laws appear side by side because the first, telling tales, leads to the second, the spilling of Israelite blood. Rambam's explication of this verse emphasizes the power of speech by connecting the misuse of speech to murder.

At the end of Halacha 1 Rambam implores his readers to "go and learn" the story of Doeg, an Edomite man who was loyal to King Saul.<sup>93</sup> The Biblical text identifies Doeg as אִישׁ מֵעַבְדֵי שָׂאוֹל (*one of Saul's officials*) and as אֲבִיר הָרַעִים הָאֲדוֹמִי אֲשֶׁר לְשָׂאוֹל (*the*

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<sup>90</sup> Rashi comments on Lev. 19:16: אֲנִי אוֹמֵר עַל שֵׁם שְׂכַל מִשְׁלַחֵי מְדִינִים וּמִסְפְּרֵי לִשְׁוֹן הָרַע הַחֹלְכִים בְּבֵתֵי רַעִיָּהֶם לְרַגֵּל מָה יֵרָאוּ רַע אוֹ מָה יִשְׁמְעוּ רַע לְסַפֵּר בְּשׁוּק, נִקְרָאִים הַחֹלְכֵי רֵכִיל, הַחֹלְכֵי רֵגִילָה אֲשֶׁפִּימָנ"ט בְּלֵע"ז, Rashi here describes the תֵּלֵךְ רֵכִיל as one who leaves their friend's house on foot and spreads bad news about him at the market. Rashi equates the one who goes out as a talebearer to the one who goes out on foot, thus connecting the roots רֵכִיל with רַגֵּל. Rashi goes further in stating that perhaps the כ and the ג are interchangeable. Moshe Halbertal notes there is no mention in any of the Rambam's writings of Rashi, despite the fact that he (Rashi) wrote a commentary on the entire Talmud in the 11<sup>th</sup> century. It seems that the Rambam was unfamiliar with Rashi and his work (Halbertal, p. 11-12).

<sup>91</sup> JPS alternative translation. Another translation of this is as follows: "Do not deal basely with your countrymen" The Torah Women's Commentary confirms that the Hebrew word רֵכִיל is associated with gossip and the misuse of speech.

<sup>92</sup> Translation from the Torah Women's Commentary. Other translations of this phrase include "do not stand idly by the blood of your fellow" and "do not conspire against your fellow." (Torah Women's Commentary, p. 706)

<sup>93</sup> Doeg is also recalled in Psalm 52. בָּבוֹא דּוֹאֵג הָאֲדוֹמִי וַיִּגַּד לְשָׂאוֹל. Clearly Doeg is associated with going and telling.

Edomite, Saul's chief herdsman<sup>94</sup>, although the precise translation of the Hebrew phrase *איבר הרעים* is unknown.<sup>95</sup> As noted, this story is found in 1 Samuel 21-22. There we learn that David, fleeing from Saul, finds refuge with the priest Ahimelech in Nob.<sup>96</sup> In 1 Samuel 21:7 we read:

וַיֹּאמֶר הַכֹּהֵן, חֲרֹב גִּלְיָת הַפְּלִשְׁתִּי. And in verse 10: וַיֹּאמֶר הַכֹּהֵן, קֹדֶשׁ: כִּי לֹא-הָיָה שָׁם לֶחֶם; אֲשֶׁר-הִכִּיתָ בְּעֶמְקָהּ הָאֵלֶּה הַנֶּה-הִיא לֹוֹטָהּ בְּשַׁמְלָהּ אַחֲרַי הִיא וְדָם-אֶתָּה תִּקַּח-לָהּ קָח, כִּי אֵין אַחֲרֶיהָ זֹלָתָהּ בְּזֹה; וַיֹּאמֶר דָּוִד אֵין כִּי וְהִיא, תִּנָּנָה לִי

*He (the priest Ahimelech) gave him (David) consecrated bread for there was not any ordinary bread there. The priest said "There is the sword of Goliath, the Philistine whom you slew in the valley of Elah; it is over there, wrapped in a cloth, behind the Ephod. If you want to take that one, take it for there is none here but that one."*<sup>97</sup>

Doeg, detained in Ahimelech's Temple potentially because of ritual impurity, overhears the dialogue between Ahimelech and David. Later, when Saul learns that David has been discovered, he angrily calls his men to account. In that moment, Doeg says:

רֹאשִׁיתִי, אֶת-בֶּן-יִשִׁי, בָּא נִבְהָ, אֶל-אַחִימֶלֶךְ בֶּן-אֲחִיטֹב וַיִּשְׁאַל-וְיָ, בִּיהִנָּה, וַאֲצִידָהּ, נָתַן לוֹ; וְאֶת, חֲרֹב גִּלְיָת הַפְּלִשְׁתִּי--נָתַן לוֹ.

*I saw the son of Jesse (David) come to Ahimelech son of Ahitub at Nob. He (Ahimelech) inquired of the Lord on his (David's) behalf and gave him provisions; he also gave him the sword of Goliath the Philistine.*<sup>98</sup>

With this statement, Doeg reports what he claims to have witnessed in Ahimelech's Temple. He states that he saw Ahimelech, the priest, וַיִּשְׁאַל-וְיָ, בִּיהִנָּה (*inquire of the Lord on his (David's) behalf*), give David provisions and Goliath's sword. Close readers will note that Doeg's report differs from the earlier text of 1 Samuel 21:7 and 10.

<sup>94</sup> Translation from JPS Tanach

<sup>95</sup> JSP, p. 602

<sup>96</sup> Ahimelech is the great-grandson of the priest Eli (JSP, p. 604).

<sup>97</sup> JPS translation

<sup>98</sup> 1 Samuel 22:9-10



*“My soul is among lions”- This refers to Abner and Amasa, who were lions in Torah. “I lied with men who are aflame”-This refers to Doeg and Achitophel who were aflame in their pursuit of lashon hara.<sup>103</sup>*

This text explains David’s lament in Psalm 57, which speaks of his fleeing from Saul and hiding in a cave.<sup>104</sup> Verse 5 of the Psalm reads as follows:

נִפְשִׁי, בְּ יָד לְבָאִים-- אֲשַׁכְּבָה לַהֲטִים:

בְּנִי-אָדָם--שְׁנִיָּהֶם, חֲנִית וְחֻצִּים; וְלִי וָנֶם, חֶרֶב חֲדָה

*As for me- I lie down with man-eating lions, whose teeth are spears and arrows, whose tongue is sharp sword.*

Here the Jerusalem Talmud understands אֲשַׁכְּבָה לַהֲטִים (*I lie down with man-eating lions*) as an allusion to Doeg. Doeg’s murder weapon was a חֶרֶב (sword) which appears twice in the verse describing Doeg’s act of murder. The first appearance of the word represents the murder weapon itself and the second appearance represents the violence of Doeg’s words.

Halacha 2 begins by defining the רכיל as the one who makes a claim about another person and then “goes from place to place saying such and such” about that person. The Rambam explains that even though the רכיל may speak the truth, nonetheless he destroys the world. As mentioned in my introduction to the paper, two additional types of speech fall under the category of the רכיל: the person who speaks לשון הרע and the מוציא שם רע. To further explain לשון הרע the Rambam brings a quote from Psalms 12:4 - כָּל- יִכְרֹת יְהוָה, שִׁפְתֵי חָל וְלִי וְנָ, מְדַבֵּרֶת גֹּד וְחַל (May the Lord cut off all flattering lips, every tongue that

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<sup>103</sup> Translation from Schottenstein

<sup>104</sup> Psalm 57:1

*speaks arrogance.*)<sup>105</sup> The figurative translation from the JPS Tanach of שִׁפְתֵי הָלַל as “flattering lips” distorts the verses’ applicability to the concept of לשון הרע. The verb חלק means “to divide” or “dispute.”<sup>106</sup> This more literal translation makes clear the use of Psalms text in context of לשון הרע. As explained above, לשון הרע is not an act of flattery but in fact it’s opposite. By telling ugly truths, those who speak לשון הרע divide themselves and the people they speak about from the community. The harmful effect of לשון הרע is its power to divide.

Halacha 3 centers around two rabbinic teachings drawn from B. Arakhin 15b. This section of the Talmud includes a series of teachings that define the speaker of לשון הרע by comparing him to other violators of Torah law. The texts are as follows:

אמר ר' יוחנן משום ר' יוסי בן זימרא כל המספר כאילו כפר בעיקר שנאמר (תהילים יב, ה) אשר לשוננו נגביר שפתינו אתנו מי אדון לנו

*Rabi Yochanan said in the name of Rabi Yosi ben Zimra: All who speak lashon hara are like those who deny basic religious beliefs as it is written in Scripture (Psalm 12:5) “They say, “By our tongues we shall prevail; with lips such as ours, who can be our master?”*

תנא דבי רבי ישמעאל כל המספר מגדיל עונות כנגד שלש עבירות עבודת כוכבים וגילוי עריות שפיכות דמים  
*A teaching of Rabi Yishmael: All who speak lashon hara increase sin, over and against the following three sins: idol worship, inappropriate sexual behavior, and murder.*

These teachings, attributed to several different rabbis, appear in page 15b of Arakhin but are not located directly next to each other on the page. The Rambam changes the order of the texts and makes several important additions. First he writes that the person who

<sup>105</sup> This quote is also referenced in a discussion of לשון הרע in Bavli Arakhin 15b. The Text of Arakhin 15b reads: רבי אחא ברבי חנינא אומר.

סיפר אין לו תקנה שכבר כרתו דוד ברוח הקדש שנאמר (תהילים יב, ד) יכרת ה' כל שפתי חלקות לשון מדברת גדולות אלא מה תקנתו שלא יבא לידו

<sup>106</sup> Jastrow, p. 471-472

speaks lashon hara is “punished in this world and has no place in the world to come.” In the final statement he qualifies that the person who receives the greatest damage from לשון הרע is the person that hears הרע. In this halacha, the Rambam highlights the effects of לשון הרע on the individual speaker, the community of the Israel, and the specific people involved in לשון הרע. He reorganizes the Talmudic text to move logically from the person violating לשון הרע and the consequences of that act on the larger community. Finally, Rambam quotes the text of Psalm 12:5 here directly as it is employed in Arakhin 15b.

Halacha 4 focuses on אבק לשון הרע (outgrowths of לשון הרע) which literally means “the dust” of לשון הרע. The Rambam lists the following 5 different situations that fall within this category:

1. A person who says “who will tell so and so to continue acting as he does now?”<sup>107</sup>
2. The person who knows about a situation but denies that they know anything and keeps quiet, refusing to tell.
3. The person who tells good things about a person to his enemy, which only provokes the enemy to speak badly about the person and commit לשון הרע.
4. The person who speaks לשון הרע even in jest, or joking.
5. The person who denies knowing that something is לשון הרע - and who blames his speaking לשון הרע on his naiveté.

Following this list, the Rambam quotes from Proverbs 27:14 and 26:18-19<sup>108</sup> to further explicate the concept of the outgrowths of לשון הרע. Proverbs 27:14 reads: מְבַרֵךְ

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<sup>107</sup> Translation from Abramson and Touger

<sup>108</sup> The first quote from Proverbs can also be found in Arakhin 16b.

לֹא יִהְיֶה בְּיָדוֹ בִּקְלָהּ (He who greets his fellow loudly early in the morning shall have it reckoned to him as a curse.)<sup>109</sup> Well-intentioned positive speech can turn into לשון הרע, if spoken to a person who thinks negatively about the person being spoken about. The second quote from Proverbs is from 26:18-19 reads כְּמַתְלֵהֶלֶה, הִירָה זָקִים חֲצִים וּמָוֶת (Like a madman scattering deadly firebrands, arrows, Is one who cheats his fellow and says, “I was only joking”)<sup>110</sup> This quote teaches that one should not downplay the potential harm caused by playing or joking. Certainly degrading speech, even if said in jest, is still לשון הרע, damaging all involved.

Halacha 5 appears to bring together several principles related to לשון הרע. The first tenet states that a person can violate לשון הרע either when speaking about a person in front of her or behind her back. Secondly, the Rambam explains that לשון הרע happens when it causes bodily or monetary damages, and even if it causes pain or fear. Finally, the text explains a particular situation that we might think of as לשון הרע but in fact is not a misuse of speech. The Rambam explains the situation as follows: a conversation ensues between three people about a known matter that concerns another who is not in the room. If one person from that group of three goes and tells yet a fourth person, if the matter is already known, the person who told another, did not violate לשון הרע.<sup>111</sup> This Halacha focuses less on the nature of לשון הרע and instead more on the conditions that

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<sup>109</sup> Translation from JPS Tanach.

<sup>110</sup> Translation from JPS Tanach.

<sup>111</sup> This situation is drawn from the text of Arakhin 16a.

enable לשון הרע to occur. We also learn here about the effects of לשון הרע on relationships.

Halacha 6 implores readers not to live near, sit near or listen to those who speak לשון הרע. The Rambam explains that the Israelites were punished in the wilderness because of לשון הרע, although he offers no further explanation of this statement. According to Midrash, in the book of Numbers, when the scouts bring back a negative report about the Land they commit a great sin.<sup>112</sup> While they began their report with positive words, ultimately they spoke negatively about the Land and its inhabitants.<sup>113</sup>

The story of the scouts serves as an inclusio<sup>114</sup> to Rambam's structure of Chapter 7. Halacha 1 indirectly references the מרגלים (the scouts) by the Rambam's mention of the מרגל. In addition, just as the scouts return from scouting the land with a "negative" report, so too does Doeg (also referenced in Halacha 1) return to Saul with a negative report. Thus, in Halacha 1 the Rambam begins the chapter with an individual who misuses speech and causes the death of many. As the chapter continues, the Rambam moves readers from a concern for individual action, to the problem of לשון הרע for the whole community. The chapter opens with an individual מרגל (Doeg) and closes, in Halacha 6, with many מרגלים (the scouts). The scouts, a group of people responsible for

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<sup>112</sup> For the story of the scouts see Numbers Chapter 13-14 and Deuteronomy 1:22-24. God's punishment of the scouts can be found in Num. 14:11-24 and Deut. 1:34-36.

<sup>113</sup> Sifrei Numbers 86, found in the reference in the Plaut Chumash, p. 1543.

<sup>114</sup> An "inclusio" structure is a literary device that connects similar content, words or themes from the beginning of a section of text to the end of that section of text thus forming a thematic frame or bracket.

leading the Israelites into the Promised Land, fail at their task because of their misuse of speech. Here we see the consequences of לשון הרע on an entire community.

The final section of Chapter 7, composed of Halachot 7 and 8, shifts from a focus solely on speech to that of the combination of thought, speech and action. Here the Rambam quotes, nearly verbatim, two scenarios described in B. Yoma 23a. The first scenario describes person x who refuses to lend an axe to person y. The following day, when person x needs to borrow an axe, person y refuses. The text explains that person y refuses to lend to person x out of vengeance. The second scenario begins the same way but ends differently. In this scenario, person y begrudgingly states that he is not like person x, one who doesn't lend, and then lends him his axe.

While the Rambam quotes Yoma 23a directly he adds several key phrases that interpret and explain the stories. First the Rambam opens with the Torah prohibition against vengeance found in Leviticus 19:18. He then explains that a person who violates this law does not receive lashes, but:

אלא ראוי לאדם להיות מעביר על כל דברי העולם--שהכול אצל המבינים; דעה רעה היא עד מאוד דברי הבל והבאי, ואינן כדאי לנקום עליהם.

*Nonetheless this is a bad character trait. Instead a person should train himself to rise above his feelings about all worldly things, for men of understanding consider all these things as vanity and emptiness which are not worthy seeking revenge for.*<sup>115</sup>

This warning about the severity of violating this commandment, despite the laxity of the official punishment, is reminiscent of a similar description of לשון הרע found in Halacha 1.<sup>116</sup> In both cases the Rambam notes that the violator of the law does not

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<sup>115</sup> Translation from Touger and Abramson

<sup>116</sup> In De'ot 7:1 we read about lashon hara: ואף על פי שאין לוקין על לאו זה, עוון גדול הוא וגורם להרוג נפשות רבות מישראל;

receive the punishment of lashes, but nonetheless he violates a grave sin. results in the murder of others. Here vengeance results in both an inner state of harm for the person carrying out the vengeance and a break down in communal functioning. While not actual death, this kind of personal and communal breakdown is a type of social death.

After quoting Yoma 23a, the Rambam adds an alternative solution:

וכן אמר דויד בדעותיו. אלא כשיבוא לשאול, ייתן בלב שלם ולא יגמול לו כאשר גמלו; וכן כל כיוצא באלו (תהילים ז,ה) "אם גמלתי, שולמי רע", הטובות

*Rather (then seek vengeance) when he comes to borrow the axe, he should give it to him with a complete/whole heart/mind, and not bestow on him what he bestowed to him (the day before). And all that comes out of that situation. And thus said David in his good thinking (Psalm 7:5) "If I have requited him that did evil unto me, or spoiled mine adversary unto emptiness"*

Here Rambam suggests that the person with an opportunity to lend should do so with a complete and whole heart, regardless of what happened in the past. The Rambam concludes with Psalm 7:5 attributed to King David. The addition of this Psalm is the Rambam's innovation, not found in Yoma 23a.

In Halacha 8 the Rambam introduces the Torah prohibition, <sup>117</sup> ולא תיטור את בני עמך

(to not bear a grudge against your countrymen) and then quotes Yoma 23a. Again, he offers a suggestion for how to ameliorate this situation:

אלא ימחה הדבר מליבו ולא ייטרנו, שכל זמן שהוא נוטר את הדבר וזוכרו, שמא יבוא לנקום לפיכך הקפידה תורה על הנטירה, עד שימחה העוון מליבו כלל ולא יזכרנו; וזו היא הדעה הנכונה שאפשר שיתקיים בה יישוב הארץ, ומשאן ומתנן של בני אדם זה עם זה

*Rather he should erase the incident from his mind and not bear a grudge against him (that didn't lend to him before). For all of the time that he bears the grudge and remembers it, lest he go and seek vengeance. For that reason, the Torah is very cautious about bearing a grudge, until he erases the sin from his mind and doesn't remember it.*

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<sup>117</sup> Lev. 19:18

*And this (not holding a grudge) is the proper characteristic which permits a stable environment, trade, and commerce to be established among people.<sup>118</sup>*

In these final sentences, Rambam suggests that holding a grudge will lead a person to seek vengeance. Here Rambam teaches that our thoughts and feelings relate to our speech and action. Rambam's alternative solution to holding a grudge requires a person to forget something that hurt him in the past, thus enabling him to act from a neutral stance in the present.

Rambam concludes Chapter 7 with the law of not holding a grudge against a fellow Israelite. Here in Halacha 8, Rambam describes a situation where a person feels resentment towards another who mistreated them. This resentment is expressed in hurtful speech. Feelings of resentment and hurt are often at the root of speech ethics violations. At the beginning of the chapter, we learn that לשון הרע is the same as murder. At the end of the chapter, we learn that holding a grudge, similarly causes an end to relationships and a dissolution of communal activity. This is itself is a kind of death.

Beginning with לשון הרע and ending with not holding a grudge, Rambam emphasizes the effects of an individual's behavior on the whole community. This is a poignant idea because in the realm of speech, the "harm" that occurs is not necessarily as obvious as compared to an act that causes physical or financial harm. The hurt caused by abuse of speech cannot be seen from the outside. Yet, according to the Rambam's

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<sup>118</sup> Translation from Touger Edition, 1990

teachings, לשון הרע causes devastating harm to individuals and the community.<sup>119</sup> לשון הרע has repercussions from the personal level to the communal and to the cosmic level. The commands to not seek vengeance and to not hold a grudge, are instructions for the individual, but ultimately serve as laws that build and preserve community.

In fact, the building and preservation of community is central to living a Jewish life. Therefore, it is no coincidence that the Rambam placed The Laws of Character Development in between the Laws of the Foundations of Torah and the Laws of Studying and Teaching Torah. Torah learning, our sacred obligation, cannot take place without fostering healthy interpersonal relationships and functioning communities. Here, in the final phrase of the Laws of Character development, Rambam implores readers to overlook minor flaws in others in order to maintain harmony. Rambam calls on each of us to take responsibility for creating healthy interpersonal relationships that our communities can flourish.

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<sup>119</sup>As he explicates in Chapter 7, the effects of לשון הרע are as follows: the death of many souls in Israel (Halacha 2), exclusion of the speaker from a place in the world to come (Halacha 3), “death” of the speaker, the spoken to and the spoken about (Halacha 3). The speakers of לשון הרע are so dangerous that one should not live amongst them (Halacha 6). Finally, לשון הרע caused a generation of Israelites to be barred from the Promised Land (Halacha 6).

## Appendix A

### Translations of De'ot Chapter 7, by Lisa Vinikoor

#### Note: Scriptural translations from JPS Tanach

##### Halacha 1

The *המרגל בחברו* violates a negative commandment, as it is written in scripture (Lev. 19:16) “Don’t go as a talebearer amongst your people.” And even though they don’t give him (the tale-bearer) the punishment of lashes, it is a grave sin and it causes the murder of many souls of Israel. Therefore, the commandment is written next to “Don’t stand by the blood of your friend” (Lev. 19:16). Go and learn what happened to Doeg the Edomite.

##### Halacha 2

What is *רכיל*? This is the one who claims words and goes from here to there and says “Ploni said such and such” and “I heard this and that about Ploni” Even though he tells the truth (about Ploni). This person destroys the world.

But there is a sin much greater than this one, and that is *lashon hara*. This is the one who speaks in a degrading manner about his fellow, even though he tells the truth. But the one who tells a lie (about his fellow) that person is called a *מוציא שם רע*. But the one who commits *lashon hara* and sits and says “Ploni did this and that” and “Ploni’s ancestors were like this and that” and “I heard this and that about Ploni” and who says despicable lowly words about Ploni, about this person scripture says “May the Lord cut off all flattering lips, the tongue that speaks proud things! (Psalm 12:4)

##### Halacha 3

The sages say, for three sins is a person punished in this world and does he not have a place in the world to come. These are: idol worship, sexual sins and murder (spilling blood), and *lashon hara* is equal to them all. Also the sages say all who speak *lashon hara*, that they are as if they deny basic religious principles and beliefs, as it is written in Psalm 12:5 “Who have said: ‘Our tongue will we make mighty; our lips are with us: who is lord over us?’

And also the sages say that *lashon hara* murders three people: the one who speaks *lashon hara*, the one who hears the *lashon hara* and the one for whom the *lashon hara* is said about. But the one who hears *lashon hara* is harmed more than the one for whom *lashon hara* is said about.

##### Halacha 4

There are things that are an outgrowth of *lashon hara*. How does this happen? A person who says “who will tell so and so to continue acting as he does now? Or one who keeps quiet and refuses to tell what happened in a specific situation- or other things like this. Or one who talks about good things about another in front of that person’s enemy- that is an outgrowth of *lashon hara* because it will cause them to speak about this third party in a degrading way. And about this Solomon said (in Proverbs 27:14) “He that blesses his friend with a loud voice, rising early in the morning, it shall be counted a curse to him.” For inside of his supposed good words, actually comes evil or ill intentions.

And therefore the person who engages in *lashon hara* by way of joking or carelessly, as if to say, he does not speak out of hatred. About this person Solomon said (in Proverbs 26:18-

19) “As a madman who casts firebrands, arrows, and death; So is the man that deceives his neighbor, and says: 'Am not I in sport?' And this also includes the person who speaks deceitfully. And he speaks with naiveté as if he doesn't realize that his speech is *lashon hara*. Rather, when they reprimand him, he responds that he didn't realize the actions of ploni or that he did *lashon hara*.

### **Halacha 5**

Both the person who speaks in front of his friend and not in front of his friend- violates *lashon hara*. Also included are words, that if heard, cause one person to damage another either physically or financially, or even if the words cause pain or fear, all of this falls under the category of *lashon hara*. If the words are spoken before three people, and the words are about something that has been heard already and is known, if one of the three people goes and says the words another time- there is no *lashon hara* present there. This is a situation in which a person did not intend to cause further circulating of the words.

### **Halacha 6**

All of these people are those who transgress, and one is forbidden to live in their neighborhood, and certainly not to sit with them, and listen to their words. For the decree of our ancestors was sealed in the wilderness only because of the sin of *lashon hara*.

### **Halacha 7**

The one who נוקם את חברו (seeks vengeance against his fellow) transgresses a negative commandment, as it is written in scripture (Lev. 19:18) “Do not take vengeance.” And even though the person who transgresses this commandment does not get the punishment of lashes, this is an extremely evil character trait. Instead a person should train himself to rise above his feelings about all worldly things, for men of understanding consider all these things as vanity and emptiness which are not worthy seeking revenge for.

What is “vengeance”? He says to his friend- lend me your axe. The friend responds- no, I will not lend it to you. The next day the friend, needs to borrow from him and he says to him, please lend me your axe. The other says to him, no I won't lend it to you - in the same manner that you would not lend to me- This is an example of a person who has vengeance. Rather when he comes to borrow the axe, he should give it to him with a complete/whole heart/mind, and not bestow on him what he bestowed to him (the day before). And all that comes out of that situation. And thus said David in his good thinking (Psalm 7:5) “If I have requited him that did evil unto me, or spoiled mine adversary unto emptiness.”

### **Halacha 8**

Therefore, anyone who bears a grudge against one of Israel, violates a negative commandment as it is written in Lev. 19:18 “Don't bear a grudge against your countrymen” How? Reuven says to Shimon: “rent me this house, or lend me this donkey”, and Shimon doesn't want to. In two days, Shimon needs to borrow from Reuven or rent from him, and he asks him and Reuven says to him: “To you- I'll rent to you! I am not like you and I don't do deeds like yours!” (meaning- I *do* lend, not like you!) The person who behaves like this transgresses a negative commandment of not bearing a grudge. Rather he should erase the incident from his mind and not bear a grudge against him (that didn't lend to him before). For all of the time that he bears the

grudge and remembers it, lest he go and seek vengeance. For that reason, the Torah is very cautious about bearing a grudge, until he erases the sin from his mind and doesn't remember it. And this (not holding a grudge) is the proper characteristic which permits a stable environment, trade, and commerce to be established among people.

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