



Sephardic Founders (continued)

1. Rambam (Maimonides, 12th c. Spain/Morocco/Egypt), Introduction to his Mishneh Torah, Mechon Mamre tr. In our time, severe troubles come one after another, and all are in distress; the wisdom of our sages has disappeared, and the understanding of our discerning men is hidden. Thus, the commentaries, the responses to questions, and the settled laws that the Geonim wrote, which had once seemed clear, have in our times become hard to understand, so that only a few properly understand them. And one hardly needs to mention the Talmud itself—the Babylonian Talmud, the Jerusalem Talmud, the Sifra, the Sifre, and the Toseftot—which all require a broad mind, a wise soul, and considerable time, before one can correctly know from them what is forbidden or permitted and the other rules of the Torah.

For this reason, I, Moshe son of Ribbi Maimon the Sephardi, found that the current situation is unbearable; and so, relying on the help of the Rock blessed be He, I intently studied all these books, for I saw fit to write what can be determined from all of these works in regard to what is forbidden and permitted, and unclean and clean, and the other rules of the Torah: Everything in clear language and terse style, so that the whole Oral Law would become thoroughly known to all, without bringing problems and solutions or differences of view, but rather clear, convincing, and correct statements in accordance with the law drawn from all of these works and commentaries that have appeared from the time of Our Holy Teacher to the present.

This is so that all the rules should be accessible to the small and to the great in the rules of each and every commandment and in the rules of the legislations of the sages and prophets: in short, so that a person should need no other work in the World in the rules of any of the laws of Israel; but that this work would collect the entire Oral Law, including the positive legislations, the customs, and the negative legislations enacted from the time of Moshe Our Teacher until the writing of the Talmud, as the Geonim interpreted it for us in all of the works of commentary they wrote after the Talmud. Thus, I have called this work the [Complete] Restatement of the [Oral] Law (Mishneh Torah), for a person reads the Written Law first and then reads this work, and knows from it the entire Oral Law, without needing to read any other book between them.

I have seen fit to divide this work into groups of laws according to topics, and I divide the groups into chapters dealing with the same topic; and I divide each chapter into paragraphs, so that they may be learned by heart.

2. Rambam (Maimonides, 12th c. Spain/Morocco/Egypt), Introduction to Pirkei Avot, Chapter 7

Know that no prophet can prophesy until all levels of the intellect are acquired by him, as well as the greater portion and strongest of the levels of character.

3. Rambam (Maimonides, 12th c. Spain/Morocco/Egypt), Moreh Nevuchim 3:46, Friedlander tr.

Although blood was very unclean in the eyes of the Sabeans, they nevertheless partook of it, because they thought it was the food of the spirits; by eating it man has something in common with the spirits, which join him and tell him future events, according to the notion which people generally have of spirits... The Law, which is perfect in the eyes of those who know it, and seeks to cure mankind of these lasting diseases, forbade the eating of blood, and emphasized the prohibition exactly in the same terms as it emphasizes idolatry: "I will set my face against that soul that eateth blood" (Lev. xvii. 10).

4. Rambam (Maimonides, 12th c. Spain/Morocco/Egypt), Mishneh Torah, Hilchot Meilah 8:8

It would be appropriate to examine the sacred Torah's laws and know their purpose, to the extent of one's ability. If one should not find a reason or benefit, it should not be light in his eyes, and he should not be hasty to ascend upon Gd, lest Gd strike him. His thoughts on it should not be like his thoughts on mundane matters.

5. Professor Nahum Rakover, *Maimonides as Codifier of Jewish Law*

A codifier might be expected to be content with stating the law, but Maimonides combines *Halakhah* and *Aggadah*, law and morals. By supplementing the practical world with matters of spirit, by suggesting that there is a link between

the legal approach and the philosophical, he demonstrated why the author of *Mishneh Torah* was also the author of *The Guide for the Perplexed*.

In giving the law a moral foundation, Maimonides arrived at what the law strives to attain. The modern concept of the Rule of Law affirms or implies, not the mechanical and formalistic application of the law but its substantive impact. It is insufficient for the law to be prescribed; it must itself be examined in the light of the scale of values that stands outside the technical law. The law must be moral, nondiscriminatory and free of moral defect. In this sense, Maimonides anticipated the legal approach of modern times.

Ashkenazi Founders

6. Responsum of Rashi 21 (11th century France), Teshuvot Chachmei Tzorfat v'Lothir

And certainly Rabbeinu Gershom, may the memory of the tzaddik and kadosh be a blessing, who illuminates the eyes of the Diaspora, and all of us live from his mouth, and all of the residents of the Diaspora of Germany and Italy are the students of his students.

7. Prof. Avraham Grossman, **הכמי אשכנז הראשונים** pg. 108

[Rashi's] three mentors learned from Rabbeinu Gershom, and it would be logical to assume that they implanted this esteem in him. Its source is in seeing Rabbeinu Gershom's dominant role in spreading the verbal and written Torah, in Germany and beyond, and in the great impact of his enactments on communal structure and the lives of individuals.

8. Prof. Avraham Grossman, **הכמי אשכנז הראשונים** pg. 168

Because every student, sitting before his Rebbe, wrote such commentaries for himself, adding to them over time from whatever new idea he developed from another source or from his own examination, these journals became, by their very nature, a multi-layered composition. How much more so did this happen when various sages used their mentors' journals as a basis for their own commentaries.

9. Prof. Avraham Grossman, **הכמי אשכנז הראשונים** pg. 106

Another clear taste of that flourishing [of the German Diaspora] was the feeling of recognition of their own independence, which accompanied the activities of their sages in those days: Rabbeinu Gershom, and to an extent Rabbi Shimon ben Yitzchak... in their literary production... and in the organization of their communities....

10. Enactments credited to Rabbeinu Gershom (from Be'er haGolah Yoreh Deah 334:12 and Grossman pg. 134)

- Limitation of the right to delay prayer with a personal complaint
- Prohibition against the owner of a shul, who had lent it to the community, excluding his foe
- The right of someone who had lost an object, to compel the community to announce it
- The obligation of the minority to follow rules created by the majority of the town council
- The right of villagers to light candles in the city shul when they came to the city for Yom Kippur
- The obligation to pay pledges made during davening, in the community where the pledges were made
- The obligation of travellers to contribute to *matanot la'evyonim* in local communities
- Prohibition against leaving shul after davening begins, if only a minyan is present
- Prohibition against marrying two women
- Prohibition against divorcing a woman against her will
- Prohibition against reading a letter sent to someone else
- Prohibition against reminding *anusim* of their past

11. Rabbi Avraham ben Natan (Raavan, 12th century France), Responsum 107

The words of the responsum of the Gaon [Rashi] are before the one who understands and straight for those who have knowledge, and his lips guard wisdom, and Torah is sought and renewed and taught from his mouth, "the Torah of truth was in his mouth," "in peace and righteousness he walked," and he established for the world a third leg and he elevated Torah and made it great.

12. Rabbi Shlomo ibn Adret (Rashba, 13th-14th century Spain), Responsum 3:371

When you say that I missed that which was written in Sanhedrin, also from your master, our master and the master of all Israel, Rashi z"l, it was missed...

13. רש"י Rashi = רש"י, Rabbi Shlomo Yitzchaki

14. The family

Yocheved

Rabbeinu Meir

Rashbam, Rabbeinu Tam

Miriam

Rabbeinu Natan

Rivan

15. "Rashi's Daughters"

<http://rechovot.blogspot.com/2008/05/rashis-daughters-yocheved-myths-and.html>

16. Rashi, Commentary to Genesis 3:8

There are many midreshei aggada, and our masters already ordered them on their foundation in Genesis Rabbah (19:6) and other bodies of midrash. I have come only to explain the simple meaning of the text, and the Aggadah which resolves the text, each statement in its place.

17. Rabbi Chaim Yosef David Azulai (Chida, 17th century Italy, Israel), Shem haGedolim ז #35

His stature is only recognizable to unique individuals, for with one word he sometimes includes answers to bundles of questions.

18. Dr. Haym Soloveitchik, *The Tosafist Movement*, Collected Essays, pp. 6-7

<https://books.google.ca/books?id=HFvEAAAQBAI&pg=PA6&pg=PA6>

The greatness of Rabbenu Tam did not lie in his discovery of dialectic - that is systematically employed in most discussions of the Talmud - but rather in the scope and depth of his use of it. Rabbenu Tam's influence extended over the entire talmudic corpus; he scarcely treated a topic that he did not revolutionize by dialectic. He was able to offer many hundreds, probably thousands, of legal distinctions that subsequent thinkers found, and to this day still find, essential for any understanding of talmudic law. So fecund were his ideas and so productive was his mode of thinking that this type of analysis has continued to the present day. In brief, Rabbenu Tam rewrote halachic thought by his revival and use of dialectic and made this method an indispensable tool of talmudic study.

19. Rabbi Moshe Sofer (18th-19th century Pressburg), Chatam Sofer, Responsum Choshen Mishpat 116

The practice in all of our exiles is that we follow the majority for all such matters. If we were to wait for all to agree then no affair would be concluded, and the community would be damaged. For the same reason, even Rabbeinu Tam, who rules that the community cannot take punitive action to protect a community standard unless there was unanimous agreement to the standard at the outset, rules that way only as far as the letter of the law. He would agree that as a matter of common practice the majority may force an individual to do as they say...

20. Rabbeinu Tam, Responsa of Baalei haTosafot 11

You also wrote that one should not change the custom, because of concern for slander [regarding earlier practices]. מנהג (minhag) is גהנום (Gehennom) in reverse! For fools may have done thus, but sages did not do thus.

21. Rabbeinu Tam, Sefer haYashar 48:6

Our customs are Torah, and our customs in "Babylon" are in accord with the sages of the Land of Israel, who are the essence regarding ruling in law. Therefore one should rely on our "Gaonim" and the "Rabbanan Savorai".

22. Rabbi Moshe Isserles (16th century Cracow), Shulchan Aruch Even haEzer 154:21 citing Rabbeinu Tam Still, they may decree upon all Israel not to help him in any way, or to interact with him [commercially?].

Interactions

23. Rabbi Yitzchak Alfasi (11th century Morocco/Spain), Responsum 223

Reuven lived in Eastern France with his children, far from Spain, for many days. He left his wife and children where they were and was sought after in Spain to travel among the communities. He passed through one land and he taught publicly, and when five of the leading community members saw him, they persuaded him to bring his wife and children to that land, and to dwell among them...

24. Students of Rashi, Machzor Vitry 1

The practice of all Israel in Sepharad, which is Spain, is thus, [for the leader] to fulfill the obligation for those who are not expert. The leader begins and recites the blessing on hand-washing, and all of the order of blessings...

25. Rabbi Shemuel ben Meir (Rashbam, 12th century France), Commentary to Deuteronomy 7:14

כמו מן "חכם" יאמר "אשה חכמה", מן "שפל" "שפלה איננה", כמו כן מן עקר עקרה. וכן מצאתיהו בכל ספרי ספרד:

Explaining the word *akar* [a male who cannot produce children]: Like from *chacham* we say *chachamah*, and from *shafal* we say *shefalah*, so from *akar* we say *akarah*. And so I have found it in all of the texts in Spain.