



### Forming Communities: Decentralization, and an Ancient Split

#### 1. Rabbi Avraham ibn Daud, Sefer haKabbalah, Cohen ed., pg. 47

The one who was appointed over mighty ships went to capture other boats and coastal cities. They went to the shore of the sea of Israel, and they turned to the Ionian Sea and the islands there. And they found a boat, in which were four great sages who were going from the province of Bari to the land called Sapistin. And these sages were going to raise funds for a woman to get married. And Ben Demachin captured the boat and imprisoned the sages. One was Rabbi Chushiel, father of Rabbeinu Chananel. And one was Rabbeinu Moshe, father of Rav Chanoch; they imprisoned him with his wife and with his son Rav Chanoch, and his son Rav Chanoch was still a youth. And the third was Rabbi Shemaryah son of Rabbi Elchanan. And the fourth, his name is not known...

And the agent sold Rav Shemaryah to Alexandria in Egypt, and from there he ascended to Egypt and became the leader. And he sold Rabbi Chushiel in Africa along the shore of the sea, and from there he ascended to Kairouan, which was stronger than all of the Ishmaelite lands in the west in those days, and there Rabbi Chushiel became the leader, and there he produced his son Rabbeinu Chananel. And the agent came to Cordoba and there he sold Rabbi Moshe and his son Rabbi Chanoch, and the people of Cordoba redeemed him, thinking he was ignorant.

#### 2. Rabbi Avraham ibn Daud, Sefer haKabbalah, Cohen ed., pg. 48

And the agent wished to recant his sale [of the Rabbi], and the king would not let him, for the king rejoiced greatly when he heard that the Jews in his empire would no longer need the Babylonians.

#### 3. Rabbi Dr. Hirsch Zimmels, Ashkenazim and Sephardim, pp. 3-5 (Ktav 1996 ed.)

As is well known, there already existed in ancient times great differences between the Jews in Palestine and those in Babylonia in various matters...

Political circumstances prevailing in the Middle Ages were responsible for the fact that the Franco-German Jews came under the influence of Palestine through Italy as an intermediary, while Spanish Jewry was linked mainly through North Africa with Babylonia. Those connexions resulted in the fact that many of the differences which had existed between the two Oriental Jewries were transplanted to Europe. Many of the differences between the Ashkenazim and the Sephardim can be clearly recognized as a reflection of those between Palestine and Babylonia in ancient times; others have to be traced still farther back to find their Oriental sources. Thus the difference between the Ashkenazi and the Sephardi rites is mainly based upon that which had existed between the Palestinian and the Babylonian rituals.

#### 4. Rabbi Avraham ibn Daud, Sefer haKabbalah, Cohen ed., pg. 48

And the agent wished to recant his sale [ransoming the Rabbi], and the king would not let him, for the king rejoiced greatly when he heard that the Jews in his empire would no longer need the Babylonians.

### Sephardi Leaders

#### 5. Rabbi Yitzchak Alfasi, Halachot, Eruvin, 35b

Since the passage in our Talmud permits, we are not concerned that the Western Talmud prohibits. We rely on our Talmud, which was later; its sages were more expert in the Western Talmud than we are, and if they didn't know that this passage in the Western Talmud was not authoritative, they would not have permitted.

#### 6. Zeev Yaavetz, The Era of Rabbi Yitzchak Alfasi and Rabbi Shlomo Yitzchaki

When he came to Lucena, the hearts of Ibn Albalya and Ibn Ghayyat turned from him. This was bad in the eyes of Rav Alfasi, to the point where he expressed his harsh spirit verbally and in writing.

#### 7. Rambam (Maimonides, 12<sup>th</sup> c. Spain/Morocco/Egypt), Introduction to his Commentary to the Mishnah, Chapter 9

The Gaonim composed many commentaries, but to the best of our knowledge none completed a commentary to the entire Talmud. Some were prevented by brevity of life, some by the needs of people with their litigation. Some composed

legal works, in Arabic or Hebrew, like *Halachot Gedolot*, *Halachot Ketuot*, *Halachot Pesukot*, *Hilchot Rabbi Acha miShabcha*, and others. The *Halachot* composed by our great master Rabbeinu Yitzchak, of blessed memory, sufficed in place of all of those, including all of the benefits of rulings and laws needed for our day, meaning this time of exile, and he already sifted from there all of the errors which had fallen into the rulings of his predecessors. We only have difficulty with a few of his rulings, not even ten by any measure.

8. Rabbi Chaim Yosef David Azulai (17<sup>th</sup> century Italy, Israel), *Shem haGedolim* ירפז

And the R"i, author of *Tosafot*, would say that the Rif certainly experienced *ruach hakodesh* when he composed his *Halachot*. And I have seen notes from Rabbeinu Yaakov of Marvege, who would ask questions of Heaven regarding laws of which he was uncertain, and they would answer him. Once he asked about a law, as to whether it followed the Rif or those who disagreed with him, and they replied from Heaven that the law definitely follows the Rif, for he is greater. They said of him the verse, "And Yitzchak planted... And the man became great, and he grew increasingly until he was very great."

9. Rabbi Yosef Karo (16<sup>th</sup> century Turkey, Israel), Introduction to *Beit Yosef*

I decided regarding the three pillars of halachic rulings on which the House of Israel depends for halachic rulings - the Rif, Rambam and Rosh – that where two of them agree, I would follow them, other than in certain cases where all of the Sages of Israel, or most, disagree with that view and so a different practice was spread.

10. Rambam (Maimonides, 12<sup>th</sup> c. Spain/Morocco/Egypt), Introduction to his Commentary to the Mishnah

I collected what came to me from my father's notes and others in the name of Rabbeinu Yosef haLevi. By Gd, that man's comprehension of Talmud amazes anyone who examines his words and the depth of his analysis, such that I can say of him that before him there was no king like him, in his approach.

11. Rambam (Maimonides, 12<sup>th</sup> 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.

12. Rambam (Maimonides, 12<sup>th</sup> 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.

13. Rambam (Maimonides, 12<sup>th</sup> 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).

14. Rambam (Maimonides, 12<sup>th</sup> c. Spain/Morocco/Egypt), Mishneh Torah, Hilchot Meilah 8:8

It would be appropriate to examine the sacred Torah's laws and know their end, 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.

15. 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.

16. Professor Marvin Fox, *Law and Morality*

To begin with, we must recognize that the distinction between the legal and the moral does not accurately reflect the issues as they emerge internal to the Jewish legal tradition. If we are to understand a medieval Jewish thinker such as Maimonides, we must not make the mistake of imposing on him categories and distinctions which he did not recognize. As a major halakhic authority, Maimonides was fully attuned to the nuances of the Jewish legal system, and he held that the category "morality" is not an independent element in that system. This is not to say that there are no moral elements or moral concerns in the *Halakhah*. Quite the contrary. All students of Jewish law know how frequently such moral concerns make themselves felt. The key question is whether these concerns are an independent force in the law, a force which rests on independent sources and sanctions, or whether they are simply part of the internal structure and methodology of the halakhic system itself. This paper starts from the premise that for Maimonides there is no independent moral dimension in the *Halakhah*.