

Jewish Philosophers of Medieval Spain, Week 3:
Rabbeinu Nisim of Girona (Ran), Rabbi Yosef Albo

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Rabbi Nisim of Girona: Political Philosopher (continued)

1. Rabbeinu Nisim, Derashot haRan #11

And because the king has great power, he is not bound to the laws of the Torah [in his judicial activity] as a judge is, and if he is not complete in his awe of Gd then he will come to exceed his bounds beyond that which is necessary for the good of society. Therefore, Gd commanded him to have a Torah scroll with him at all times, as per Deuteronomy 17:18-19.... The idea being [for him to read] the commands of the Torah as a whole. If he will cancel any mitzvah due to the needs of his time, his intent shall not be to transgress the Torah's commands in general, and not to remove from himself the yoke of awe of Heaven in any way, but his intent shall be exclusively to guard all of the words of this Torah.

2. Rabbeinu Nisim, Derashot haRan #11

And because he rules with great control, and he is destined to become arrogant, therefore Gd commanded him to be careful of this, as 17:20 says, "lest his heart become elevated above his brothers." And this [non-arrogance] is a collective mitzvah for the king and for the general population, but it is directed specifically at the king for two reasons: 1) He is destined to stumble in arrogance and an elevated heart, and 2) So that we may deduce logically that this should apply for the general population.

3. Prof. Warren Zev Harvey, *Rabbi Nissim of Girona on the Constitutional Power of the Sovereign*, fn 12

The entire passage (beginning with "lefi da'ati" and ending with "lo' tiqquno") is lacking in early printed editions of Derashot ha-Ran (Venice 1596 and others), but found in the manuscripts. According to Feldman (ibid., 202 n. 114), it was deleted "apparently by the censor." If he is right, this would be a striking case in which a Hebrew book was censored in Europe not for religious reasons (i.e., for a perceived anti-Christian sentiment) but for political ones (i.e., for a bold democratic idea). However, it is possible that the passage was omitted by a copyist's error. The first word after the omitted passage is "u-lefikhakh," which is similar to the beginning of the omitted passage, a fact that suggests omission due to homoioteleuton.

4. Prof. Warren Zev Harvey, *Rabbi Nissim of Girona on the Constitutional Power of the Sovereign*

The division of powers between the executive branch and the judicial branch is thus a fundamental principle for Ran. In this connection, he stresses the checks and balances in the political system. These checks and balances limit the power of the king, as they also limit the power of the judges and other political functionaries. The king has the power to cancel the ruling of the judges – but only on the grounds of "political welfare." He can execute an uncommonly dangerous serial murderer whom the courts were unable to execute because of the rules of "righteous judgment"; for example, two witnesses were not present or no warning (hatra'ah) was given. However, if the king limits the province of the judges, the prophet limits that of the king. The king is commanded in Deuteronomy "that he not go aside from the commandment right or left" (Deut 17:20), and Ran endorses Rashi's explanation: "even a minor command given by a prophet" (afilu 'al misvah qalah shel navi'). The king can override the judge, but the prophet overrides the king. However, if the prophets limit the king, the judges limit the prophets. The judges determine the legal framework in which the prophets work, and rule who is a true prophet and who a false one.

Moreover, "the judges are not subjugated to the prophets regarding the judgment of the Law" (eyn ha-shofetim meshu'badim la-nevi'im be-mishpat ha-torah). The prophets can command the king, but cannot command the judges. The king is required to obey the prophets, but the judges are not. Thus, there are checks on the prophets, as there are on the king and the judges. Each branch checks and is checked: the king checks the judges and is checked by the prophets; the judges check the prophets and are checked by the king; and the prophets check the king and are checked by the judges.

5. Rabbeinu Nisim, Derashot haRan #11

In my opinion it is this: They wanted basic justice between parties to come from the throne, as in Samuel I 8:4-5, which I take to mean that they thought that national order would function best when it flowed from the throne, as opposed to

from the *shofeit*. Therefore they said, "You have aged and you can no longer judge," and your children are not suited to cause Divine benefit to be manifest upon us for they do not follow your ways. Therefore, it would be appropriate for us to have a king, and for our judgment to happen through him. Thus they said, "Place a king upon us to judge us, like all of the nations"...

Had they asked for a king in general, saying, "Place a king upon us," or had they asked for the sake of battle, there would have been neither guilt nor sin in this, but a mitzvah. Their sin was only in saying, "Place a king upon us to judge us, like all of the nations," wanting their judgment to flow from the throne, not from judges of Torah. We see this in 8:6, in which it did not say, "As they said: Place a king upon us" alone... And therefore Gd said to Samuel, "They did not reject you, but they rejected Me from reigning over them," for they chose natural running of their affairs, as opposed to Divine control.

6. Rabbeinu Nisim, Commentary to Talmud, Nedarim 28a

And Tosafot wrote that it is specifically regarding non-Jewish kings that we recognize the law of the empire, because the land belongs to him, and he can say, "If you do not follow my laws, I will evict you from the land." But Jewish kings cannot do this, for all Israel are partners in the Land of Israel.

7. Rabbi Shaul Yisraeli (20th century Israel), Amud haYemini 7:7

Maimonides' entire law for [appointing a king] applies only when he is appointed without the nation's opinion and without their selection. Then he requires a prophet and a Sanhedrin of 71, without which the selection is ineffective...

Rabbi Joseph Albo

8. Rabbi Joseph Albo in Tortosa, per Yitzhak Baer, *A History of the Jews in Christian Spain* Vol. 2 pg. 178, 479

Assume that it will be proven to me that the Messiah has already appeared, I would not therefore think myself a bad Jew.

9. Rabbi Joseph Albo, Introduction to the Book of Principles

Even though it is not the way of the bee, according to the nature of its material, for it to possess comprehension to build such houses of wax with honey stored in it in hexagonal forms, its creator, the greatest Creator, placed in it comprehension to build them in that form. It resembles the circular form which is the natural form, but it has an added benefit. In hexagonal forms, the entire area and open space is filled with forms that are beside each other, without any open space between them. As opposed to a circle; if they would make circular structures... beside each other, a great space would remain between them, from which they could not benefit...

10. https://religion.wikia.org/wiki/History_of_the_Jews_in_Spain

In the hope of mass-conversions, Benedict issued, on May 11, 1415, a bull consisting of twelve articles, which, in the main, corresponded with the decree ("Pragmatica") issued by Catalina, and which had been placed on the statutes of Aragon by Fernando. By this bull Jews and neophytes were forbidden to study the Talmud, to read anti-Christian writings, in particular the work "Macellum" ("Mar Jesu"), to pronounce the names of Jesus, Maria, or the saints, to manufacture communion-cups or other church vessels or accept such as pledges, or to build new synagogues or ornament old ones. Each community might have only one synagogue. Jews were denied all rights of self-jurisdiction, nor might they proceed against "malsines" (accusers). They might hold no public offices, nor might they follow any handicrafts, or act as brokers, matrimonial agents, physicians, apothecaries, or druggists. They were forbidden to bake or sell matzot, or to give them away; neither might they dispose of meat which they were prohibited from eating. They might have no intercourse with Christians, nor might they disinherit their baptized children. They should wear the badge at all times, and thrice a year all Jews over twelve, of both sexes, were required to listen to a Christian sermon on the Messiah (the bull is reprinted, from a manuscript in the archives of the cathedral in Toledo, by Rios ["Hist." ii. 627-653]).

11. Rabbi Joseph Albo, Book of Principles, Introduction to Part 1

The difficulty [of knowing the Principles of Judaism] is because we have not found, among the many sages who spoke of principles of religions, one who spoke in a way that sufficed, or that they would agree regarding the principles or

their number. Instead, there is great variation among them, and especially regarding the essentials of the Torah of Moses. Even though all agree that it is Divine, they vary regarding the number of its principles in no small way. Some say 13 principles, some say 26 principles, and some say just 6 principles...

12. Rabbi Joseph Albo, Book of Principles 1:18

Verification of Torah as Divine is in two ways – of the religion itself, and of the agent. Regarding the religion itself, the three principles we have recorded must be tested with the roots that emerge from them, as we wrote above. And if it does not contradict any of the principles or roots which emerge from them or depend on them, then it is Divine. Otherwise, it is a forgery, emulating the Divine. Regarding the agent, it is when the prophetic experience of the prophet is verified, for him to be the agent through which the Torah is given, with intrinsic proof [as opposed to extrinsic proof]...

13. Principles and Roots (Book of Principles 1:15)

Gd exists

- Root 1: Gd is One
- Root 2: Gd has no body
- Root 3: Gd is outside of Time
- Root 4: Gd lacks nothing

Torah is from Gd

- Root 1: Gd knows everything
- Root 2: Gd communicates via prophecy
- Root 3: Gd's agent is legitimate

That Gd rewards and punishes - Root: Divine providence

14. Branches (Book of Principles 1:23)

- Creation from nothing
- Moshe is the greatest prophet
- Torah is eternal and unchanging
- Mitzvot bring a person to perfection
- The ultimate resurrection of the dead
- The Messiah

15. Rabbi Joseph Albo, Book of Principles, Introduction to Part 2

What should not be overlooked by one who reads this book is this: many things are stated in one place according to the view of the speaker and not according to actual truth, and they are stated as the opposite in another place, according to truth. Or they will be stated in one place with one intention, and in another place with another intention, as Maimonides did in many places in the Guide... This is the approach of many polemics...

16. Rabbi Joseph Albo, Book of Principles 1:2

It is appropriate to say that...every Jew must believe that everything stated in the Torah is wholly true. Someone who denies a statement which is from the Torah, knowing that it is the Torah's statement, is called a "Denier"...

But someone who holds to Moshe's Torah and believes its fundamentals, and then is fooled in his examination when he approaches the Torah by examining the verses and using his own mental faculties, such that he says one of the fundamental principles is different...he is not a "Denier." He is included among the pious sages of the Jews, even though he errs in his examination. He sins accidentally, and he must atone for it.