

Jewish Philosophers of Medieval Spain, Week 2:
Rabbi Solomon ibn Aderet (Rashba), Rabbeinu Nisim of Girona (Ran)

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Fighting External Battles (continued)

1. Rabbi Solomon ibn Aderet, Responsum 4:187

To teach the people of Judah to answer statements with true statements and to write justly, it appeared just in my eyes to write before you regarding that which someone told me... that one of the Ishmaelite scholars spoke in the community on the day of gathering, and he filled ears with his words. And you asked me to give you answers for his words. Therefore, I have seen fit to record in text the dispute one of their scholars had with me regarding those matters... He tried a different tack: Still, Jacob said, "[The sceptre] will not leave [the tribe of Judah] until [Messiah] comes," and it has left!

I said: If the prophet Jacob was truly promising that the sceptre would not leave Judah until Messiah arrives, it left during the Babylonian Exile, which was long before the Messiah you claim has arrived!

He replied that [the sceptre] did not leave in that exile, for there still was a Sanhedrin that judged capital cases.

I replied that this is not so, for two reasons. First, they did not handle capital cases in Babylon... Further, Jacob spoke to [the tribe of] Judah, and the Sanhedrin is not from Judah, but rather it is collected from all Israel, whoever is wise and worthy!...

He replied: If so, then according to your words what will we do with Jacob's prophecy?

I said: The true meaning of the text is thus: The sceptre will not leave Judah forever, for in the end...

2. Harvey J. Hames, *It Takes Three to Tango*, Medieval Encounters 15 (2009)

https://www.academia.edu/277263/It_Takes_Three_to_Tango_Ramon_Llull_Solomon_Ibn_Aderet_and_Alfonso_of_Valadolid_Debate_the_Trinity

Fighting Internal Battles

3. Rabbi Solomon ibn Aderet, Responsum 4:314

Reuven brought Dina, daughter of Joshua, into his home, with her consent and the consent of her parents, to serve him. And this Reuven, ten years passed without his wife becoming pregnant, and she had no child. And when Dina was in his house, he seduced her, lay with her and impregnated her. When Reuven realized it, he betrothed her and wrote her a *ketubah*. Then Dina's parents agreed to it. You ask if the child's lineage is kosher.

Before anything else, I must say that this is prohibited and ugly. It is prohibited for he violates the prohibition of "You shall not have a *kedeishah*," and "You shall not desecrate your daughter to turn her to promiscuity," and this is a biblical prohibition. And it is ugly because before the Torah was given, a man and woman would meet in the market, and if they both wanted then he would lie with her and keep her as a wife, or pay her and leave. Once the Torah was given, new law was created. One who wishes to marry a woman must...

4. Rabbi Solomon ibn Aderet, Responsum 1:98

And if you will reply: What can we do – we have seen a *yeteret* of the foot survive twelve months, with our own eyes! This is what Rabbi Yehoshua ben Levi told Rabbi Yosi ben Nehorai, "You depend on that?" Meaning: This is not possible. It is as though you testify that you have seen the impossible. Or, there is another cause. So, too, here we ask the witness how he knows that this animal had, in fact, survived that period. Perhaps you forgot or erred, or perhaps you were confused regarding the time, or perhaps you confused this animal for another, for it is not possible for him to testify that this animal was in his sights for the entire twelve months. And if he will strengthen himself in his error and say, "No, for I love these foreign words, this is what I saw and this is what I will follow," then we will tell him that it is impossible to slander the words of the sages. The witness, and one thousand like him, should be cancelled, rather than cancel one point of the positions agreed upon by the holy Jewish sages, the prophets and students of prophets, and statements given to Moses at Sinai...

5. 1305 Ban on Philosophy (tr. Yitzhak Baer, *A History of the Jews in Christian Spain*, pg. 301)

From this day on and for the next fifty years, no member of our community shall study the "Greek" works on science and metaphysics, either in the original (i.e., in Arabic) or in translation, before he will have reached the age of twenty-five; nor may any member of our community teach the aforesaid disciplines to anyone under the age of twenty-five, lest these studies draw the student away from the Torah of Israel which is superior to this other learning... We have exempted from our decree the study of medicine, although it is a natural science, for the Torah has given the physician permission to practice the art of healing.

6. Rabbi Solomon ibn Aderet, Responsum 1:94

Even mitzvot which seem to have simple reasons that the Torah presented, and that those reasons are the purpose [of the mitzvah], that reason is not the purpose. The reason is true, but it is one point among [the mitzvah's] benefits and intentions. The hidden matters that are hinted within it to those whom Gd has graced have no end. As King David said (Psalms 119:96), "For every perfection I have seen a limit [but] Your mitzvot are very broad."... The mitzvah of Shabbat has its reason explained in Exodus 31, "For Gd created the world in six days, etc." And it appears that the entire intent in the mitzvah is this, and nothing else, as in Deuteronomy 5, "Therefore Hashem your Gd commanded you to make the day of Shabbat." But with all of that, Shabbat includes a very lofty secret. And even that reason which is revealed to all, itself includes matters which [entire] books could not contain.

7. Professor David Sorotzkin, **מה שלא ישיגו העמים בשכלם**, pg. 179

It appears that the Rashba took the route of hiding the revealed reasons for mitzvot because reasons for mitzvot are established by human theories, and therefore opposing human theories could contradict them. There is no special status for the ethical reasons brought by Maimonides or Nachmanides, over the reasons brought by the Christians... And if educating people toward good deeds and good lessons is the point, then the goal of the commandment is not in the commandment itself, but in progress that is achieved via that commandment – and from there, the road to the Christian position is short.

8. Rabbi Solomon ibn Aderet, Responsum 1:548

In truth, for me to believe that there would be a prophet or that a *malach* of Gd would speak to him and teach him and write a book for him – this seems impossible in my eyes. For several reasons I don't believe it and don't imagine it possible. First, our sages, scholars of truth, have already taught us that prophecy is manifest only in one who is wise, wealthy and mighty. For this person, who lies down without any wisdom and then rises at the light of day as a prophet in our midst, it seems remote... I don't decree that no message or command can ever come to anyone without having those three traits; we have found that Lavan, Avimelech, Gidon and Manoach and his wife had it, and our sages have said that Manoach was ignorant. But that was momentary, for a need... Further, the generation is not worthy of this... Further, even in the time of the prophets and in our holy land, the land of prophecy, we never heard and such a thing never happened that a *malach* should write a great book, filled with wisdom, for anyone... Further, all of this is the opposite of our tradition from the scholars of truth, that there is no prophecy outside Israel...

9. Rabbi Shlomo ibn Aderet (13th century Spain), Responsum 5:238

This is what I replied to the sage Rabbi Yaakov ben Hakashaf, leader of the yeshiva in Toledo, regarding leading the community and rebuking the sinners.

Know that a soft tongue breaks bones... Know further that one cannot treat all people the same way. And please remember how David, our master and king, ignored what Yoav and Shimi did, even though they were liable for death... for everything has an appointed time, and ignoring the sinner may be a mitzvah at times, all according to the needs of the moment. The sage ignores easily, at times.

Rabbi Nisim of Girona: Political Philosopher

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

Of all medieval Jewish philosophers after Maimonides, the one whose legal thinking is most constitutional was Rabbi Nissim ben Reuben of Girona, known by the acronym Ran (Rabbenu Nissim)... Ran was the leading authority of his day in rabbinic law and the most original Jewish political philosopher between Maimonides and Abrabanel.

11. Genesis 35:11

And Gd said to [Jacob] I am Gd, Shakkai. Bear fruit and multiply; a nation, and a community of nations, will emerge from you, and kings will emerge from your loins.

12. Deuteronomy 17:14-20 (adapted from JPS 1985 ed. c/o sefaria.org)

When, after you have entered the land that the Lord your Gd has assigned to you, and taken possession of it and settled in it, you decide, "I will set a king over me, as do all the nations about me," you shall be free to set a king over yourself, one chosen by the Lord your Gd. Be sure to set as king over yourself one of your own people; you must not set a foreigner over you, one who is not your kinsman. Moreover, he shall not keep many horses or send people back to Egypt to add to his horses, since the Lord has warned you, "You must not go back that way again." And he shall not have many wives, lest his heart go astray; nor shall he amass silver and gold to excess.

When he is seated on his royal throne, he shall have a copy of this Teaching written for him on a scroll by the levitical priests. Let it remain with him and let him read in it all his life, so that he may learn to revere the Lord his Gd, to observe faithfully every word of this Teaching as well as these laws. Thus he will not act haughtily toward his fellows or deviate from the Instruction to the right or to the left, to the end that he and his descendants may reign long in the midst of Israel.

13. Samuel I 8:4-7 (JPS 1985 ed. c/o sefaria.org)

All the elders of Israel assembled and came to Samuel at Ramah, and they said to him, "You have grown old, and your sons have not followed your ways. Therefore appoint a king for us, to govern us like all other nations."

Samuel was displeased that they said "Give us a king to govern us." Samuel prayed to the Lord. And the Lord replied to Samuel: Heed the demand of the people in everything they say to you. For it is not you that they have rejected; it is Me they have rejected as their king...

14. 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.

15. Rabbeinu Nisim, Derashot haRan #11

And because he rules with great control, and he is set up 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 set up to stumble in arrogance and an elevated heart, and 2) So that we may deduce logically that this should apply for the general population.

16. 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.

17. 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 mišvah 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-shofe'im meshu`badim la-nevi'im be-mishpaṭ 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.

18. Rabbeinu Nisim, Derashot haRan #11

In my opinion it is this: They wanted basic justice between parties to come from the throne, as in Shemuel 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 Shemuel, "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.

19. 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.

20. 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...