About these translations and transcriptions

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English translation by Claude of Ludwig Stern, Director of the Israelite School in Würzburg: Amude ha-Golah, or The Precepts of the Torah Which Israel Is to Observe in the Dispersion: A Textbook of Religion for School and Family, second, enlarged and improved edition (Frankfurt a. M.: J. Kauffmann, 1886). This is an Orthodox, halakhic textbook with recommendations by Samson Raphael Hirsch and Israel Hildesheimer. It is arranged in four Parts and 130 numbered sections, followed by an index of the commandments and a table of contents. Stern's many Hebrew source citations are given in Hebrew, with the work they refer to expanded in brackets: Sefer ha-Chinukh, Shulchan Aruch (Orach Chayyim, Yoreh De'ah, Even ha-Ezer, Choshen Mishpat), Chayyei Adam, Chokhmat Adam, and others. A few abbreviations are uncertain and are flagged in notes. Where Stern's printed references are evidently wrong, they are kept and corrected in a note. Bold numbers in parentheses are Stern's cross-references to his own sections. Unnumbered pages are marked [p. —]. Notes beginning "Translator:" are the translator's; the others are Stern's.

[p. —] The
Precepts of the Torah
Which
Israel in the Dispersion
Is to Observe.

[p. —] עמודי הגולה [*Amude ha-Golah*, Pillars of the Exile]

or

The Precepts of the Torah

Which
Israel in the Dispersion
Is to Observe.

A Textbook of Religion
for
School and Family
by

Ludwig Stern,
Director of the Israelite School in Würzburg.

Second, enlarged and improved edition.
Frankfurt a. M.
Published by J. Kauffmann.
1886.

[p. —] All thy commandments are truth; but they persecute me with falsehood; help me! They had almost consumed me upon earth; but I forsook not thy precepts. Quicken me after thy lovingkindness, that I may keep the testimony of thy mouth. (Ps. 119:86–88)

The right of translation into other languages is reserved.

[p. —] To his unforgettable friend,
the venerable

Rabbi Baruch Ehrenreich ,זצ"ל[1]

Rabbi of the community and head of the Teachers' Preparatory Institute at Höchberg,
the widely read, the profound thinker, the one unceasingly devoted to the Torah,
the zealous and dutiful teacher of the same,
the pious, conscientious observer of its precepts,
the inspired champion of the glorification of God through Israel,
the noble friend of humanity, whose heart, hand and house
were ever open to the suffering and the needy,
dedicated as a memorial
by
the Author.

[p. —] Recommendations

of the venerable gentlemen, His Reverence Rabbi **Samson Raphael Hirsch** , Rabbi in נ"י[2] Frankfurt a. M., and His Reverence **Dr. Israel Hildesheimer** נ"י, Rabbi and Seminary Director in Berlin.

ב"ה [*be-ezrat ha-Shem*, with God's help]

Frankfurt a. M., 12 April 1881. To Mr. Director Ludwig Stern, Würzburg. You were so kind as to send me your *Textbook of Religion for School and Family* (עמודי הגולה) in manuscript for inspection, and to ask me for my opinion of it. What I have read of your book can only move me to the sincere wish that it may find entry into a great many schools and families. It appears entirely suited to awaken genuine Jewish knowledge and sentiment, and to guide toward a dutiful fulfillment of the Law. May the good that you aim at be achieved in the desired measure, and may the best blessing accompany your work. Respectfully yours,

Rabbi Hirsch.

ב"ה

Mr. Director Ludwig Stern in Würzburg asked me some time ago to look over a manuscript he had prepared on the precepts of the תורה [Torah], intended for publication. I replied to him that, in my conviction, in the case of a man who, like him, is one of whom אתמחי גברא ואתמחי קמיע ["the man is proven and the amulet is proven"][3] holds true, who has for years been counted among the law-

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[1]Translator: זצ"ל = *zekher tzaddik li-verakhah*, "may the memory of the righteous be for a blessing," the honorific for a deceased scholar. Baruch Ehrenreich headed the Jewish teachers' preparatory school (*Präparandenschule*) at Höchberg near Würzburg.

[2]Translator: נ"י = *nero yair*, "may his light shine," the honorific for a living scholar. Samson Raphael Hirsch (1808–1888), rabbi of the Israelitische Religionsgesellschaft in Frankfurt am Main; Israel Hildesheimer (1820–1899), rabbi of the Adass Jisroel congregation and founder (1873) of the Rabbinical Seminary in Berlin.

[3]Translator: BT Shabbat 61a–b: of an amulet whose writer and whose formula have both been proven effective. Here: a man of proven reliability.

abiding and right-minded יהודים [Jews], and who [p. VIII] represents this standpoint in all his journalistic and literary works, such a revision of the manuscript was not necessary, since his fidelity to the Law offers a guarantee against knowing improprieties, and the Talmudic principle חבר אינו מוציא מתחת ידו דבר שאינו מתוקן ["a *chaver* does not let anything leave his hand that is not in proper order"][4] against unknowing ones; that on the other hand I lacked the leisure for a corresponding review, but that I could refer the author to an authority whom I named, whose judgment was as authoritative to me as my own. Now that this authority has carried out the review and praised the excellence of the work to me with true enthusiasm—of which I have convinced myself by reading a number of pieces—I recommend the book most urgently, since with suitable circulation it will contribute a great deal toward re-establishing the genuine spirit of the Torah and law-abiding religious practice.

Berlin, 30 Nissan 5641.
29 April 1881.
Dr. Israel Hildesheimer,
Rabbi and Seminary Director.

[p. —] Preface to the First Edition.

(Slightly abridged.)

The lack of knowledge of the Torah prevailing among us, painfully felt by every sincere Israelite, which leads to the neglect of the Torah's precepts even in circles where there is no opposition to the Torah in principle, occasioned the composition of the present book.

If things are to become better in Israel, a beginning must be made with and in the school; and things would soon be better if we could and would arrange our schools so that they again imparted deeper and more extensive knowledge of the Torah. Individual, fairly generally known examples prove the correctness of this assertion. But in the organization of our schools factors often play a part that lie outside the influence of those who recognize and strive for what is right; and even where obstacles such as existing laws or resistant elements in the community are not present, a thorough improvement of the school is often not to be thought of because the necessary means and forces are lacking. That is likely to be the case in most small and middle-sized communities. Therefore the first task, where a transformation of the school in the sense indicated is impracticable, is at least to improve *within the existing institutions* what can be improved.

May it not be counted against the author as immodesty if he regards this book as a means toward such a limited improvement. It contains, in a clear, systematic arrangement, the *commandments* and *prohibitions* of the *written and oral Torah* which we in the dispersion can fulfill and must

[4]Translator: cf. BT Pesachim 9a: a *chaver* (a scrupulous observer of the laws of tithing and purity) does not let anything leave his hand that has not been properly prepared.

fulfill—yet not merely the *basic precepts* alone, but also the *detailed precepts* (פרטי דינים [*peratei dinim*]), so far as they can be presented without casuistry, according to the codes א"ח, י"ד, ח"מ ואה"ע [*Orach Chayyim*, *Yoreh De'ah*, *Choshen Mishpat* and *Even ha-Ezer*][5], their glossators and other פוסקים [*poskim*, decisors]. All the duties which the Israelite—man and woman—has to [p. X] fulfill, from rising up to lying down, from the beginning to the end of the year, in the home, in the synagogue, in dealings with others, in all circumstances of life, are compiled in the book; only a very few, for which understanding cannot be presupposed in the young, are merely briefly indicated, with reference to the necessity of later instruction, so that one to whom the good fortune of acquiring sufficient knowledge of the Torah has been denied *can at least learn from this book what is indispensable for a life according to the precepts of the Torah*.

Now since the statement adopted as *halakhah* (Kid. 40b), that study of the Torah takes precedence among all its commandments (לימוד גדול ["study is greater"]), is grounded on the fact that study leads to fulfillment (שהלימוד מביא לידי מעשה ["for study leads to action"]), a book such as the present one, which seeks to guide toward the fulfillment of the commandments and the observance of the prohibitions, should surely, in a time such as ours, have the right to strive for a place in our school.

On its title the book is called "*a textbook of religion*." By this designation the author by no means wished to endorse the disastrous error that "Torah" and "religion" are congruent concepts. This designation, which to many today is almost more intelligible than the word Torah, was chosen in order to define more closely the place that the author believes he may claim for his book within our schools, *as they are constituted in Germany today*.

In most of these schools there is a threefold body of instruction; let us designate it by the customary names: Hebrew instruction, biblical history, and religious instruction. Biblical history does not come further into consideration here.

The so-called Hebrew instruction, which actually represents Torah instruction, is limited in most schools to the translation of the Pentateuch (חומש [*Chumash*]) and the prayer book (סדר תפלה [*Seder Tefillah*]). As matters stand, schools in which both are learned through completely are already good schools, and those in which some רש"י [Rashi], a few sections of the חיי אדם [*Chayyei Adam*][6], and at best a few משנות [*mishnayot*] are taught are already to be counted among the best. The few brilliant exceptions may be disregarded here. For the great mass of schools, however, there arises the question of conscience, to be answered without self-deception: Does this Hebrew instruction (Torah instruction) impart knowledge of *what the Israelite must do, and what he must not do*, sufficiently for a time in which the home accomplishes almost nothing in this respect?

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[5]Translator: the four divisions of the *Arba'ah Turim* and the *Shulchan Arukh* (see Introduction, §4 below).

[6]Translator: the popular halakhic compendium on *Orach Chayyim* by Abraham Danzig (1748–1820).

[p. XI] In theory, of course, one can maintain that the חומש contains all the מצות [*mitzvot*, commandments], and that one need only discuss them thoroughly on the occasion of translating. Experience teaches, however, that in practice this happens almost nowhere, because didactic difficulties that are hard to overcome make it impossible. The technical and linguistic difficulties leave only little room for such a discussion of content; the *mitzvot* are distributed too unevenly in space throughout the Torah to allow their discussion to proceed in instruction side by side with the translation. The merely oral communication of דינים [*dinim*, laws], for which a very precise formulation is required, can be expected only from excellent teachers, and even then has a very questionable side; with pupils who are not exceptionally gifted, almost no lasting success could be expected from such communication. So we stand before the sad fact that this instruction, whether one calls it Hebrew instruction or Torah instruction, must be regarded as having only little effect on the fulfillment of the commandments and observance of the prohibitions, and as procuring for the pupils only little knowledge of what they must know in order to be able to live as law-abiding Israelites.

Perhaps the "religious instruction" achieves this? For it there are hundreds of textbooks, one or another of which is to be found in each of the schools here under discussion. But a mere glance at their tables of contents suffices to convince oneself that they do not fill the gap which, as has just been shown, our Torah instruction leaves. Even the better ones, standing on the ground of strict fidelity to the Law, want too much to be merely textbooks of religion, catechisms, and therefore contain too much of what is dispensable and lack too much of what is indispensable. Most, however, do not stand on the ground of fidelity to the Law at all, and graciously grant a few pages as well to the "ceremonial law," as they call it, trimmed to be fit for the drawing room. What can be expected for the fulfillment of the Law from these products of a shallow rationalism?

Since we have, after all, religious instruction and religious textbooks, why should we not press them into the service of Torah instruction? This consideration, and the need recognized in many years of teaching, brought the author to the resolution to give the material described above the form of this book, and to call it too a "textbook of religion," believing that nothing is lacking in it of all that our religious textbooks offer under the designation "religion," so popular today; for even the so-called "doctrine of faith," of which more will be said shortly, [p. XII] is contained in it; and with this the place which the book seeks in our school has been found.

The author would have to wish he had not written the book if it were to displace even a single verse, a single line, of the Hebrew curriculum; this has unfortunately already been screwed down to the minimum, and we must strive with all energy for its expansion, for in order to be fully and wholly an Israelite one must understand the Torah in the original language. Therefore let us instruct our youth, as far as is at all possible, in the precepts of the Torah from the customary Hebrew books. But where this cannot happen in sufficient measure, it is all the more necessary that it happen in the mother tongue intelligible to all, so that we do not—to use the Talmudic image (B.

K. 60b)—become bald on both sides.[7] Hence it is the author's most ardent wish that this book of his may find entry into a great many schools in place of the customary textbooks of religion.

In form, too, the book departs essentially from most textbooks of religion, and the author believes he ought to explain himself on this point. The almost universally adopted twofold division into doctrine of faith and doctrine of duties, and the threefold division of the latter into duties toward God, toward ourselves and toward our fellow men, has been abandoned here. This division has led to certain sections being underestimated in relation to others. But all the words of the Torah are of equal value for us; they demand of us the same acknowledgment, the same obedience. The teachings and prophecies of the Torah and the Prophets which the Israelite is obliged to acknowledge—this is precisely the so-called doctrine of faith—have indeed been treated in special writings by individual very eminent men. But this was unmistakably done for apologetic reasons, and not because this part of the Torah constituted a specially demarcated domain of it. Where, however, it is a matter of presenting the entire content of the Torah, in his great code יד החזקה [*Yad ha-Chazakah*], our great teacher R. Moshe b. Maimon, of blessed memory, set out these teachings and prophecies among the *halakhot*, and indeed in various divisions of the work. Following this authoritative example, the author has presented these teachings and prophecies with the precepts of which they are to be regarded as the exemplification (2–9). All commandments and prohibitions, however, were understood as what they truly are, as duties toward God, and the various relations into which we enter with God through their [p. XIII] fulfillment were adopted as the principle of division, which yielded the four main sections of the book. Thus a complete unity has been achieved, and the equal value of all the constituent parts of the book's content has been made outwardly recognizable as well.

The catechetical method of teaching has already been excluded by others too. But habit always has its faithful adherents; for them let the following serve. The Torah has been *given* to us; it did not spring from the human mind and therefore cannot be developed out of the child. Even the mere opinion that this would be possible is highly detrimental. Through *receiving and handing on* (קבלה ומסירה [*kabbalah u-mesirah*]) the Torah has come down to us; through *handing on and receiving* we must bequeath it to future generations. The Torah teaches, commands, forbids—these are the only motives for the Israelite's acknowledging, doing and refraining; but these exclude not only all catechizing, insofar as it does not aim at explaining material previously given acroamatically,[8] but also those *philosophizing demonstrations* to which so much space is given in many religious textbooks.

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[7]Translator: BT Bava Kamma 60b, the parable of the man with two wives, one young and one old, who each plucked out the hairs of the other's color until he was bald on both sides.

[8]Translator: “acroamatic” = imparted by the teacher's lecture or exposition, as opposed to the “erotematic” (question-and-answer) method of catechizing.

The book could have been made shorter had the author been able to bring himself to choose the compendium style designed for reciting by rote and for examination parades; but it seemed advisable to him to cultivate a manner of presentation suited to appeal to the mind and the heart.

The choice of this manner of presentation was influenced especially by the author's hope that the book might also find entry into families and restore the interaction between school and home, which has for the most part been lost. Formerly parents and children read on the Sabbath in the Judeo-German books then available, and the father "examined" his children. Those books are outdated in form and language, without others having replaced them, and only a few fathers are capable of examining. This book anyone who reads German can understand. It certainly does not contain attractive reading matter for people who wish for once to be pleasantly entertained about Judaism; but it offers hearty home fare, of which a great many are in need today. Would it not be salutary if fathers unversed in the Torah satisfied the duty of learning and teaching Torah on the Sabbath by reading and discussing a few sections of this book with their children!

So much for the material, form and purpose of the book; now a few more words on how the author envisages its treatment in the school. With regard to the method of teaching, the author believes he may propose a treatment similar [p. XIV] to that applied, say, to a reader in the factual subjects (*Realien*). The teacher has the contents of the book read aloud paragraph by paragraph, explains what is necessary with as few detours as possible, assigns a moderate portion for study at home, and examines on it in the next lesson. Since the book is not designed for memorizing, the children each answer in their own way, according to the measure of their mental and linguistic development. Only proof-texts should be assigned for memorization. With such treatment the book will also not seem too extensive. With two lessons a week it should be possible to work through it in the last three school years. In one-class schools—and most are of this kind—it will be advisable, if only for the sake of saving time, to teach the three oldest year-groups of pupils together from the book, and to dispense entirely with instruction in several courses.

In general the author takes the liberty of proposing the following concerning the selection of material. Keeping to the sequence is not absolutely necessary; the teacher may well depart from it if he considers it expedient. With the precepts relating to particular times this should be done regularly; they should be taught every year shortly before the time that requires their application. Precepts that lie closer to the practice of life require more thorough treatment and more frequent repetition than those that are to be observed more rarely; in this sense, too, the rule תדיר קודם ["the more frequent takes precedence"] applies. But if the book is to achieve its purpose completely, the teacher should work chiefly toward *the pupils' becoming familiar with the book and able to look up the individual precepts in it, and, in case of need, to obtain instruction from it.* For to those children who receive no further Torah instruction—and unfortunately there are very many of them—the book should become not a book for school but a book for life.

Moreover, the book should be of manifold use even to those teachers who are not in a position to introduce it into their school. They can use it to fill the gaps in the religious textbooks introduced in their schools; it can also be put to good use in Pentateuch instruction in explaining those passages in which מצות are stated; the accompanying index facilitates such use. May the author's still young colleagues not take it amiss if he expresses the supposition that many a one will be able to complete his own knowledge through the book, especially one who will take the trouble to look up [p. XV] the sources indicated. Certain subjects have been treated more fully than the needs of the school would require, particularly with a view to younger teachers and students in teacher-preparatory schools, as for example Section 67 on the calendar, Section 124 on the marriage ritual, because teachers often serve as witnesses at weddings, and so on.

Let the author be permitted one more word about the Hebrew title which the book bears, עמודי הגולה, that is, "*The Pillars of the Dispersed*." This title is borrowed from the famous book, better known under the name ספר מצות קטן [*Sefer Mitzvot Katan*] or סמ"ק [*Semak*], composed by the very learned Tosafist R. Isaac of Corbeil, of blessed memory;[9] first, because the author of the present book would like to bring about by it on a small scale what the blessed author of that important work strove for and achieved on a large scale: knowledge of the precepts of the Torah and faithful fulfillment of them. Beyond this, in view of the sad events that we are witnessing today, the author of the present book wished by this name to say to his contemporaries, as a warning and as a comfort: The true pillars for dispersed Israel, which have borne it until now and will continue to bear it, are diligent learning and faithful fulfillment of the Torah and its precepts. I would therefore very gladly have placed a large exclamation mark after this Hebrew title.

And so I hand over the book to the schools and the houses of Israel, modestly asking the venerable rabbis and my esteemed colleagues in office, the teachers, to exert themselves for the circulation of the book in schools and families. May they not disdain the gift because an insignificant person offers it to them; may they look not at the jug but at its contents;[10] and these are old and genuine and well suited to quench the thirst of many, until we once again draw the refreshing drink of the word of God from the spring and can do without such broken cisterns.[11] May that time not be far off!

Würzburg, on the Fast of Gedaliah 5642.
26 September 1881.
Ludwig Stern.

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[9] Translator: R. Isaac ben Joseph of Corbeil (d. 1280); his *Sefer Mitzvot Katan* (completed 1277) is also called *Amudei Golah*, "Pillars of the Exile."

[10] Translator: cf. Mishnah Avot 4:20: "Look not at the jug but at what is in it."

[11] Translator: cf. Jer. 2:13.

[p. —] Preface to the Second Edition.

Those faithful to the Law in Israel will surely greet with joy the fact that a second edition of this book has so quickly become necessary, since this furnishes proof that parents and teachers have recognized instruction in the precepts of the Torah, and guidance in their practice, as the right religious instruction for that large part of our youth which is not in a position to receive sufficiently thorough and extensive instruction in the source-writings composed in Hebrew. I, however, believed I might also see in it proof that practice has decided in favor of the selection of material and the form, and found no reason for substantial changes. Hence, to my regret, I could not accommodate the many wishes expressed to me to enlarge the material. Authors of schoolbooks must always also take care that the school doors are wide enough for their products. This concern did not, however, prevent me from filling some gaps, partly at the suggestion of the venerable District Rabbi M. L. Bamberger נ"י in Kissingen,[12] to whom I here express my best thanks for this, and partly on my own initiative, so that the second edition may be called an enlarged one. Apart from very many smaller insertions which the attentive reader will encounter, the following are entirely new: p. 67 the note, p. 144 letter 1, and p. 157 no. 8. The following have been expanded: p. 109 the next-to-last paragraph, p. 128 no. 5, p. 129 no. 6, and p. 168 no. 3. I should like to draw particular attention to this last expansion, since it concerns a matter in which errors are often made. I have also endeavored to correct errors that were overlooked in printing the first edition, so that I may hope the book will be recognized as improved as well, and on its second journey will find its old friends again and win new patrons.

Würzburg, 9 Tammuz 5646.
12 July 1886.
Ludwig Stern.

[p. —] Introduction.

(The sources from which we draw our knowledge of the precepts of the Torah.)

1. The only *infallible* and *sufficient* source of what is commonly called Judaism or the Jewish religion is, for the Israelite, *the revelation of God*, that is, the totality of the communications which *God himself* has made to us in a supernatural manner incomprehensible to us.

2. These communications, written down in books, have been handed down to us by our fathers, and in this tradition, never interrupted in time, there lies all the more a guarantee for the truth and authenticity of these books, since alongside it a living teaching and learning has continually taken place; for to this day God's promise (Deut. 31:21) that *the revealed word of God would never be forgotten by Israel* has always been fulfilled.

[12] Translator: Moses Löb Bamberger (1838–1899), district rabbi of Bad Kissingen.

3. We call the totality of the books handed down to us, after the name of their foundational book, to which they all refer in perfect agreement, תורה *Torah*, that is, *teaching*, or better: *instruction*; for this is its chief purpose, that it instruct us in the way we have to go in order to reach the goal of our existence.

4. The most important written works of the Torah, with which everything must agree that would rightly bear the name Judaism or Jewish religion, fall into the following three divisions:

I. Originally Given in Writing.

This collection comprises twenty-four books, כ"ד ספרי קודש [*the twenty-four holy books*], and is designated by the initial letters of the words with which [p. 2] the three divisions into which it falls are designated, namely תורה נביאים כתובים [Torah, Prophets, Writings], commonly called תנך (*Tanakh*).

A. The Torah תורה,

also called חומש, the Five Books of Moses or Pentateuch, is *the Torah in the proper sense*, the foundational book of all the other written works of the Torah, and comprises five books, which are named after a word in their first verse: 1. בראשית [*Bereshit*], 2. שמות [*Shemot*], 3. ויקרא [*Vayikra*], 4. במדבר [*Bemidbar*], 5. הדברים [*Ha-Devarim*]. The 3rd book is also called תורת כהנים [*Torat Kohanim*], *the teaching of the priests*, because it speaks predominantly of the priesthood and the sacrificial service. The 4th book also bears the name חומש הפקודים [*Chumash ha-Pekudim*], *the book of the mustered*, because it begins with the mustering and numbering of the tribes. In the 5th book much is repeated that is already contained in the preceding books; therefore it is also called משנה תורה [*Mishneh Torah*], *repetition of the teaching*.

B. The Prophets נביאים.

This part of the תנך comprises *eight* books and falls into two divisions:

a. *The Former Prophets*, נביאים ראשונים [*Nevi'im Rishonim*], contain the history of Israel from the entry into the Holy Land to the destruction of the First Temple in the following books: 6. Joshua יהושע, 7. Judges שופטים, 8. the two books of Samuel שמואל א' וב', 9. the two books of Kings מלכים א' וב'.

b. *The Latter Prophets*, נביאים אחרונים [*Nevi'im Acharonim*], contain, besides some historical matter, chiefly the prophecies and admonitions of the prophets whose names they bear: 10. Isaiah ישעיה, 11. Jeremiah ירמיה, 12. Ezekiel יחזקאל, 13. the Twelve Minor Prophets תרי עשר [*Trei Asar*], namely: Hosea הושע, Joel יואל, Amos עמוס, Obadiah עובדיה, Jonah יונה, Micah מיכה, Nahum נחום, Habakkuk חבקוק, Zephaniah צפניה, Haggai חגי, Zechariah זכריה, Malachi מלאכי.

C. The Writings כתובים.

By this name are designated *eleven* books of varied content, which were written down by their authors under special [p. 3] influence of the divine spirit, על פי רוח הקודש [*al pi ru'ach ha-kodesh*]: 14. Psalms תהלים, 15. the Proverbs of Solomon משלי, 16. Job איוב, 17. the Song of Songs שיר השירים, 18. Ruth רות, 19. the Lamentations of Jeremiah איכה, 20. Ecclesiastes (the Preacher of Solomon) קהלת, 21. Esther אסתר; the five last named are also called חמש מגלות [the Five Scrolls]; 22. Daniel דניאל, 23. Ezra with Nehemiah עזרא ונחמיה, 24. the two books of Chronicles דברי הימים א' וב'.

II. Handed Down Orally and Later Written Down.

Further details about these written works are set out in Section 7 of this book; to them belong:

A. The Mishnah משנה,

which falls into six divisions or orders, סדרים [*sedarim*], namely: 1. סדר זרעים [*Seder Zera'im*], on prayer and then on all precepts concerning the cultivation and the yield of the field; 2. סדר מועד [*Seder Mo'ed*], on the Sabbath, the festivals and fast days; 3. סדר נשים [*Seder Nashim*], on the marriage laws; 4. סדר נזיקין [*Seder Nezikin*], on the administration of justice (also containing the Sayings of the Fathers, אבות [*Avot*]); 5. סדר קדשים [*Seder Kodashim*], on the laws of sacrifice and on slaughtering in general; 6. סדר טהרות [*Seder Toharot*], on the laws of purity. Yet scattered among the individual orders there are also some precepts which do not quite fit the name and principal content of the order, so as not to produce too many and too small orders. The orders are divided into tractates, מסכתות [*massekhtot*], these into chapters, פרקים [*perakim*], which are divided into paragraphs, משניות [*mishnayot*].

B. The Gemara, גמרא, the Talmud, תלמוד,

contains chiefly the explanation of the Mishnah; yet the explanatory Gemara does not exist independently for all the tractates of the Mishnah; this is the case in the Talmud Yerushalmi only for the first four orders and one tractate of the sixth order, and in the Talmud Bavli only for thirty-six tractates from all the orders. Yet what is missing is found scattered in the tractates provided with Gemara. *The Mishnah together with the Gemara bears the name Talmud.*

[p. 4] III. The Decisory Writings פוסקים.

The Talmud is a wide and deep field of knowledge; many years of zealous study are required to become so at home in it that one is able *to decide from it* how we are to fulfill the precepts of the Torah. When, therefore, the grievous sufferings of Israel gave cause to fear that men capable of this might not be found at all times and in all places, pious and highly learned men composed *Talmud digests* and *law codes* to facilitate decision; these men are called פוסקים [*poskim*], *decisors*.

a. *Talmud digests*, retaining the order and mode of expression of the Talmud but excluding almost everything that is not necessary for decision, were composed by, among others:

aa. R. *Isaac Alfasi* רי"ף [*Rif*], who emigrated from Fez to Cordova, died in the year of the world 4863 (1103).

bb. R. *Asher b. Jechiel* רא"ש [*Rosh*] (Asheri), who emigrated from Germany to Toledo, died in the year of the world 5088 (1327).

b. *Law codes* in independent formulation, arranged according to the connection of the subjects, were composed by:

aa. R. *Moses b. Maimon* רמב"ם [*Rambam*] (Maimonides) of Cordova, personal physician to the Sultan *Saladin* at Cairo, died in the year of the world 4964 (1204). His work, which bears the title משנה תורה [*Mishneh Torah*], also יד החזקה [*Yad ha-Chazakah*], comprises the entire content of the Torah, including those commandments which cannot be followed by Israel in the dispersion; it is masterfully clear in its arrangement and forms the basis for the subsequent law codes.

bb. R. *Jacob b. Asher*, son of the רא"ש. His work, consisting of four orders and completed in the year of the world 5100 (1340), ארבעה טורים [*Arba'ah Turim*], contains only those precepts of the Torah which can be followed in the dispersion. The individual orders bear the titles: 1. אורח חיים [*Orach Chayyim*], on domestic and public worship of God, the Sabbath and the festival seasons; 2. יורה דעה [*Yoreh De'ah*], on the dietary laws and all precepts that do not fall under the [p. 5] headings of 1, 3 and 4; 3. אבן העזר [*Even ha-Ezer*], on the marriage laws; 4. חושן משפט [*Choshen Mishpat*], on the administration of justice.

cc. R. *Joseph b. Ephraim Karo*, one of those expelled from Spain, settled at Safed צפת in Palestine, died in the year of the world 5335 (1575). His work is a reworking of the one by R. Jacob b. Asher mentioned above, falls into the four divisions of the same names, and bears the main title שלחן ערוך [*Shulchan Arukh*].

5. It is chiefly according to these famous men and their works named here that questions concerning the precepts of the Torah are decided; there are, moreover, many other decisory writings which are also taken into consideration. To these belong in particular the תשובות [*teshuvot*], that is, answers of famous rabbis to questions, שאלות [*she'elot*], addressed to them concerning especially difficult matters. *In the first rank, however, the* שלחן ערוך *of R. Joseph Karo, with the notes of R. Moses Isserlin* רמ"א [*Rema*][13] *and the glosses printed in the editions, is regarded throughout Israel as the law code according to which we have to order our life.*

[13]Translator: R. Moses Isserles (c. 1530–1572) of Kraków, whose glosses (*Mappah*) adapt the *Shulchan Arukh* to Ashkenazi practice; the author's "Isserlin" is a variant form of his name.

6. The entire content of the Torah falls into four principal components: *history, teachings, prophecies of the future,* and *precepts concerning doing and refraining.*

According to the tradition of our sages, of blessed memory, God gave the people of Israel through Moses 613 such precepts (תרי"ג מצות [*taryag mitzvot*]), namely 248 commandments (רמ"ח מצות עשה [248 positive commandments]) and 365 prohibitions (שס"ה מצות לא תעשה [365 negative commandments]). All of these are of eternal validity; only those of them *which relate to the life of the state and to agriculture in Palestine and to the Temple service in Jerusalem* cannot be carried out by the Israelites living in the dispersion (for the most part not in Palestine either). For us 369 precepts, 126 commandments and 243 prohibitions, are still capable of fulfillment, to which are added the 7 rabbinic commandments (7, 5). Among the precepts that can be carried out, however, there are very many that apply only on special occasions which never arise in the lives of very many people. (הקדמה לסה"ח [Introduction to *Sefer ha-Chinukh*])

7. In this book are presented those precepts of the Torah which can be fulfilled by us in the dispersion, and [p. 6] which we, as Israelites faithful to the law of God, must therefore also fulfil. They can be arranged in *four Parts*.

The *First Part* contains precepts by whose observance we acknowledge God as *our* God, as our Lord and Lawgiver.

The *Second Part* contains precepts by whose observance we give expression to this acknowledgment toward God in certain actions designed for His worship.

The *Third Part* contains precepts whose purpose is to order our dealings with our fellow men after the *example of God*, that is, according to the laws of justice, truth and love.

The *Fourth Part* contains those precepts by whose observance we are to be sanctified, that is, made vigorous and fit for the worship of God and for a life according to His will.

8. The purpose of this presentation is to set before the young, *as early as possible and in a brief survey*, the range of duties that we as Israelites have to fulfil. But may everyone take to heart and follow what is said in Section 30 about the commandment of Torah study. Then God will enlighten our eyes through His Torah and place love and reverence for Him in our hearts, so that we may always willingly carry out His will and serve Him with an upright heart.

[p. —]

וייראו העם את ה׳ ויאמינו בה׳ ובמשה עבדו

And the people feared the Eternal, and they believed in the Eternal and in Moses His servant.
Exod. 14:31.

First Part. On the Recognition of God and His Torah.

I. In Our Conceptions and Thoughts.

1. The Fundamental Commandments of the Torah.

1. The flower of all knowledge, the fruit of all wisdom, the foundation of the whole Torah is the first Word from Sinai, which commands us *to acknowledge* that *there is a God* who created, sustains and governs the world, who redeemed the people of Israel from slavery in Egypt in order to bind it to His service, and who gave it the Torah at Mount Sinai. The demand that this commandment makes on us is designated by our Sages, of blessed memory, with the words קבלת עול מלכות שמים [*kabbalat ol malkhut shamayim*, accepting the yoke of the kingdom of Heaven]: the acknowledgment of God's sovereignty over us. (רמב"ם יסה"ת א א, ס"החי כה [Maimonides, *Hilkhot Yesodei ha-Torah* 1:1; *Sefer ha-Chinukh* 25]; Hirsch, Pent. II. 20, 2).[14]

2. In the most intimate connection with this commandment stands a further one, which commands us *to acknowledge* that *there is only One, Unique God*. However great the contrasts we perceive in the world and in ourselves—"day and night, coming to be and passing away, blossoming and withering, living and dying, possessing and losing, enjoying and wanting, rising and falling, loving and hating, joy and sorrow, spirit and sensuality, the heavenly and the earthly"—One Unique Being, *God the One and Only*, created, sustains and directs all these contrasts. This truth, which we profess twice daily, on lying down and on rising up (**38**), which it is the most ardent wish of every true Israelite to profess even while dying, has from time immemorial formed the chief point of contrast between Israel and a great part of [p. 8] mankind, and myriads of our fathers died the most agonizing death for this truth; but—so we are promised—one day all mankind will recognize and acknowledge this truth (9, 6). (סה"ח תיז [*Sefer ha-Chinukh* 417]; Hirsch, Pent. V. 6, 4.)

3. In view of the sublime significance of this doctrine, the Torah has *forbidden* us to give room in our inner being to any notion, to any thought, that it might be otherwise—that apart from or beside God, who revealed Himself at Sinai, there might be another god, or another being that has a share in the creation, preservation and government of the world (שיתוף [*shittuf*, association]). Whoever assents to such a thought, even if he at the same time acknowledges the true God, is, according to the tradition of our Sages, of blessed memory, to be regarded as equal to one who denies the entire Torah. (רמב"ן; סה"ח כו [Nachmanides; *Sefer ha-Chinukh* 26] and Hirsch, Pent. II. 20, 3.)

To grasp the full content of the commandments enumerated here first as the fundamental commandments of the Torah, we must acquaint ourselves with the teachings that the Torah has

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[14] Translator: "Hirsch, Pent." is Samson Raphael Hirsch's German translation and commentary on the Pentateuch (*Der Pentateuch, übersetzt und erläutert*, 1867–1878), cited by volume (I = Genesis … V = Deuteronomy), chapter and verse. The Hebrew sigla in this and the following references are typed as printed; "ס"החי" is the *Sefer ha-Chinukh*, cited by commandment number (the final numeral on this line is hard to distinguish in the print between כה [25] and כח [28]; 25, the commandment to believe in God, fits the context).

given us about *God*, His *relation to the world and to man*, and about *Israel and the Torah*. These teachings form the content of the immediately following Sections (**2–9**).

> I, ה׳, shall be your God, who brought you out of the land of Egypt, out of the house of bondage. (Exod. 20:2)
>
> Hear, Israel: God, our God, is the One and Only. (Deut. 6:4)
>
> You shall have no other gods before My face. (Exod. 20:3)
>
> Know it, then, this day, and take it again and again to heart, that *God alone* is God in heaven above and on earth below, *nothing else*. (Deut. 4:39)
>
> That they may know from the rising of the sun and to its setting that nothing is without Me; I am God, and *none besides Me*; who forms the *light* and creates *darkness*, who makes *peace* while bringing forth (seeming) *evil*: I, God, *accomplish all this*. (Isa. 45:6, 7)

A. God, the World and Man.

1. The Teachings of the Torah about God.[15]

No man can comprehend God; He is unsearchable. But so that we may form no erroneous notions of Him,

[p. 9] so that we may recognize and acknowledge in Him the *Lord and Master* of our life, whose laws we owe obedience; the *Judge* of our deeds, who demands an account from us; the *Director* of our destiny, in whom we may trust and hope in all circumstances of life and in death; so that, finally, He may shine before us as the sublime *Exemplar* whom we are to strive to imitate—the Torah has communicated to us the following teachings about Him:

1. *God is not a body, nor has He any bodily attribute*; He is a purely spiritual being; therefore He is neither visible to our eye nor perceptible to any other sense; we therefore cannot and may not picture Him in an image, even in our thoughts. Expressions in the holy books that speak of parts of God's body are to be understood as figurative expressions, because the Torah speaks to human beings in human language. Thus, for example, "God's eye" means: He sees everything, knows everything; "God's arm": He has might and power over all things, and so forth.

> God said: You cannot see My face, for no man sees Me and lives. (Exod. 33:20)
>
> Take good heed, then, for your souls, for you saw no form of any kind on the day that God spoke to you at Horeb out of the midst of the fire. (Deut. 4:15)

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[15] Translator: The section is numbered "1." in the print; since the preceding section is already 1 and the next is 3 (and the text above refers to "Sections 2–9"), this should read "2."

2. *God is eternal and unchangeable*; He was at *every time*, is *now* and *will be at all times*, and indeed *always remaining the same*. Therefore expressions in the holy books that seem to express changes in God's will are likewise to be understood as figurative.

> Before the mountains were born and the earth and the world were created, from eternity to eternity You are, God. (Ps. 90:2)

3. *God is omnipresent*; He is and acts everywhere: He is everywhere with us and around us; therefore we should do nothing even in secret that we would be ashamed to do openly.

> Whither shall I go from Your spirit, whither flee from Your presence? If I ascend to heaven, You are there; if I make my bed in the netherworld, You are there; if I take the wings of the dawn, if I dwell at the uttermost end of the sea: even there Your hand leads me, Your right hand holds me. (Ps. 139:7–11)[16]

> [p. 10] Am I a God near at hand, says God, and not a God far off? Can anyone hide himself so secretly that I should not see him? says God; is it not I who fill heaven and earth? says God. (Jer. 23:23–25)[17]

4. *God is omniscient*; the past, the present and the future, the manifest and the hidden, thoughts, words and deeds—everything, everything He knows. Therefore we should do nothing displeasing to God even when unseen by men; indeed, we should suppress every impure feeling, every sinful thought; we should not perform, merely for show, good deeds that we would omit when unseen, for God knows our inner being. The hypocrite denies God's omniscience.

> God, You search me and know; You know my sitting down and my rising up, You understand my thoughts from afar; my going and my lying down You have measured by the span, and You are acquainted with all my ways. A word is not yet on my tongue, behold, God, You know it altogether. (Ps. 139:1–4)

> For His (God's) eyes are directed upon the ways of man, and He sees all his steps. There is no darkness, no deathly gloom, where the evildoers could hide themselves. (Job 34:21, 22)

5. *God is all-wise*; He arranges everything in the best and most purposeful way, has the best intentions in everything and attains them through the best means. Therefore we may never find fault with God's works and dispensations; we cannot grasp His wisdom.

> With God are wisdom and might; His are counsel and understanding. (Job 12:13)

> How great are Your deeds, God; Your thoughts are very deep. The foolish man does not know this, the simpleton does not understand it. (Ps. 92:6, 7)

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[16] Translator: The quoted words correspond to Ps. 139:7–10.

[17] Translator: Thus printed; the passage is Jer. 23:23–24.

6. *God is almighty*; His power is unlimited; He can do all that He wills. Where the human eye sees no way out, no more help, even there He can still rescue and help.

> According to His will God does with the host of heaven and with the inhabitants of the earth, and there is none who can stay His hand or say to Him: What are You doing? (Dan. 4:32)
>
> Whatever God wills, that He does, in heaven and on earth, in the seas and in all the depths. (Ps. 135:6)
>
> Job answered the Lord and said: I know that You can do all things; no purpose is impossible for You. (Job 42:1, 2)

[p. 11] **7.** *God is all-good*; He wills only and always the best for His creatures and shows each of them as much good as seems salutary to Him in His wisdom. Toward the sinner His goodness shows itself as *long-suffering*, which grants time for amendment, and as *grace and mercy*, which receives the penitent once more *in love*.

> Gracious and merciful is God, long-suffering and of great love. God is good to all, and His mercy extends over all His works. (Ps. 145:8, 9)
>
> God, Your goodness reaches to the heavens, Your faithfulness to the clouds. How precious is Your grace, Lord, and the children of men find shelter in the shadow of Your wings; they refresh themselves at the bountiful meal of Your house, and You give them to drink from the stream of Your delights. (Ps. 36:6, 8, 9)

8. *God is truthful and faithful*; He proclaims only truth and fulfils what He has promised. Therefore we should open our hearts in faith to His word as the highest truth, and look forward with certainty to the fulfilment of His promises, even if it is long in coming.

> God is not a man, that He should deceive, nor a son of Adam, that He should repent. Should He promise and not perform, pledge and not keep it!? (Num. 23:19)
>
> Know, then, that God, your God, is God, the faithful God, who keeps the covenant and the love to those who love Him and keep His commandments, to the thousandth generation. (Deut. 7:9)
>
> He is God, our God—He remembers His covenant forever, the word that He promised, to the thousandth generation; what He established with Abraham, His oath to Isaac, He confirmed to Jacob as a statute, to Israel as an everlasting covenant. (Ps. 105:5–10)[18]

9. *God is holy*; He is exalted far above all evil and abhors it; He is only good and loves only the good. Therefore we can please Him only through a pure conduct of life ordered according to *His laws*.

> Holy, holy, holy is God *Tzevaot*; the whole earth is full of His glory. (Isa. 6:3)

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[18] Translator: Thus printed; the quoted words correspond to Ps. 105:7–10.

Your eyes are too pure to behold evil, You cannot look upon wrong; why should You look upon the wicked and be silent when the evildoer swallows up one who is more righteous than he? (Hab. 1:13)

[p. 12] **10.** *God is all-just*; He requites each according to his deserts, rewards those who do good and keep His commandments, and punishes the wicked who act against His will. This requital often takes place already in this life; but the full requital we have to expect only after death. (Cf. **4**, 4, d.)

The Rock, perfect is His work, for all His ways are justice. A God of faithfulness and not of violence, just and upright is He. (Deut. 32:4)

Far be it from God to do wrong, from the Almighty to do violence; rather, the work of a man He requites to him, and as a man's conduct is, so He lets it go with him; yes, truly, God does not act unjustly, and the Almighty does not pervert justice. (Job 34:10–12)

Say of the righteous that it shall be well with them, for they shall enjoy the fruit of their deeds. But woe to the wicked, it shall go ill with him, for according to the work of his hands shall it be done to him. (Isa. 3:10, 12)[19]

11. Uniting all these sublime attributes in Himself at once and eternally, God is an absolutely *perfect, independent, unconditionally free and all-exalted* being, whom we cannot grasp or comprehend, who *alone is worthy of our veneration and adoration*, *nothing besides Him*. To designate this fullness of exaltedness, the holy Scriptures frequently use such expressions as: God's *honor, glory, majesty, Name*.

Yours, God, is the greatness and the *might* and the *glory* and the *victory* and the *majesty*, indeed all that is in heaven and on earth; Yours, God, is the kingdom, and You are exalted over all as head.—So we thank You, then, our God, and praise the Name of Your glory. (1 Chron. 29:11, 13)

3. The Teachings of the Torah about God's Relation to the World.

1. *God is the Creator of the world*; He called into existence everything that exists apart from Him, out of nothing, without material or means, through His free will (His word), so that this His work might become a dwelling place for countless millions of beings who should rejoice in their existence and feel themselves blessed in the enjoyment of the goods created for them; so that, in particular, [p. 13] the beings endowed with reason (human beings) might attain the highest happiness in acknowledging their Creator and by following His will.

In the beginning God created the heaven and the earth. (Gen. 1:1)

[19] Translator: Thus printed; the passage is Isa. 3:10–11.

> Let all the earth fear God, let all the inhabitants of the world stand in awe of Him; *for He spoke, and it came to be; He commanded, and it stood firm*. (Ps. 33:8, 9)
>
> You *alone* are God; You have made the heavens, the heaven of heavens and all their host, the earth and all that is on it, the seas and all that is in them. (Neh. 9:6)
>
> Thus says God, who created the heavens—He is God—who formed the earth and made it; *He established it well, not as a waste did He create it, for habitation He formed it*: I am God, there is none else. (Isa. 45:18)

2. *God is the Lawgiver of the world*. He has placed in all created beings the laws of their coming to be, their existence, their activity and their passing away; the grain of sand and the heavenly body rolling through the spaces of the universe, the dewdrop and the ocean—in rest and in motion, in attraction and repulsion, they follow only God's laws; the lichen on the bare rock and the giant tree, the worm and the elephant develop only according to the laws given by God; the instinct that the animal follows blindly without ever erring is no less God's law than the voice of conscience, which man is to follow consciously and with free will. God's lawgiving call divided animals and plants "according to their kinds and species" (למינהם [*le-minehem*, after their kinds]), and not a single being, *left to itself*, abandons the host to which God has assigned it. Everywhere we look in the realm of creation, law reigns—*God's law*.

> Praise Him, sun and moon, praise Him, all you stars of light! Praise Him, heaven of heavens, and the waters in the sky! Let all praise God's Name, for He commanded and they were created; He established them for ever and ever; *a law He gave*, not to be transgressed. (Ps. 148:3–6)
>
> I gave it (the sea) *My law*, set bars and doors for it, and said: Thus far you may come and no further; here shall your proud waves break. (Job 38:10–11)
>
> [p. 14] Thus says God: Does not My covenant with day and night stand? Have I not appointed the *laws of heaven and earth*? (Jer. 33:25)

3. *God is the Preserver of the world*; not only the *coming into being* but also the *continued existence* of the world is God's work; only through His will does it endure; only through His will do the forces and laws of nature operate; He can alter and suspend them (miracles), and everything that exists must pass away if He no longer wills to preserve it. He provides each of His creatures with what it needs for life and continued existence.

> God, forever Your word stands firm in heaven; Your faithfulness endures from generation to generation—You have founded the earth, and it stands. *By Your ordinances they stand to this day*, for all are Your servants. (Ps. 119:89–91)
>
> He counts the number of the stars, calls them all by name. He covers the heavens with clouds, prepares rain for the earth, makes grass grow upon the mountains. He gives the beasts their food, to the young ravens that cry. (Ps. 147:4, 8, 9)

The eyes of all wait upon You, and You give them their food in due season; You open Your hand and satisfy every living thing with favor. (Ps. 145:15, 16)

Life and grace You grant *me*, and Your providence preserves *my breath*. (Job 10:12)

4. *God is the Ruler of the world*; He is the cause of all that befalls created beings, the smallest as well as the greatest, but especially man, the individual as well as the community (destiny); from Him come life and death, wealth and poverty, health and sickness, lowliness and loftiness, war and peace. Without God's permission we can begin nothing, without His help complete nothing; but the consequences of what *we* have accomplished also lie in *His hand*; whatever the intention, the purpose of our deeds may have been, there always follows from them only that which furthers God's wise plan of salvation, often quite contrary to our intention. God alone foresees the outcome of all undertakings; therefore His government of the world is often also called *divine providence* (השגחה [*hashgachah*]). We cannot comprehend providence. Just as in [p. 15] nature much appears harmful to us that is very useful, so in life much appears to us as evil that leads to salvation.

God will reign for ever and ever. (Exod. 15:18)

God has established His throne in heaven; His kingdom rules over all. (Ps. 103:19)

God makes poor and makes rich, He brings low and lifts up. He raises the needy from the dust, from the dunghill He lifts up the poor, to set them among princes, and He lets them inherit the throne of honor. (1 Sam. 2:6–8)

You devised evil against me, but God meant it for good, in bringing about what is so this day, to keep a numerous people alive. (Gen. 50:20)

For My thoughts are not your thoughts, and your ways are not My ways, says God. For as high as the heavens are exalted above the earth, so are My ways more exalted than your ways and My thoughts than your thoughts. (Isa. 55:8, 9)

A man's heart devises his ways, but God directs his steps. (Prov. 16:9)

5. *Creation is a revelation* of the might, wisdom and love of God; therefore the holy books call upon us to contemplate the works of God. But such contemplation is salutary only with the guidance of the Torah; without the Torah it can become very ruinous. The ancient peoples arrived, through the contemplation of nature, at the most foolish deification of created beings; in more recent times, the investigation of nature without regard for the Torah has led to the deification of the forces of nature and of natural matter, to the denial of God. The contemplation of the works of God ought, however, to lead us to a humble recognition of our weakness and nothingness and to the acknowledgment of the might of God.

Lift up your eyes on high and see who created these (heavenly bodies). (Isa. 40:26)

The heavens tell the glory of God, and the firmament proclaims the work of His hands. *But God's teaching is perfect, satisfying the soul*. (Ps. 19:2, 8)

Lest you lift up your eyes to heaven and see the sun, the moon and the stars, the whole host of heaven, and you let yourself be led astray, bow down to them and serve them. (Deut. 4:19)

When I behold Your heavens, the work of Your fingers, the moon and the stars that You have established, what is mortal man that You remember him, the son of Adam that You regard him? God, our Lord, how mighty is Your *Name* in all the earth. (Ps. 8:4, 5, 10)

[p. 16] **4. The Teachings of the Torah about God's Relation to Man.**

1. *Man is the most excellent creature of God on earth*. The animals, which on the ladder of God's creatures stand next below man and were created last *before him*, God caused to come forth from the earth as living beings—body and life are *one* in them—they belong wholly to the earth. But the body of man God *Himself* formed from earth: this body, however, had no life; it received life only when God breathed the breath of life into its face. Man is thus a *twofold being*: a body taken from the earth and a spirit stemming from God, *the soul*. The two are joined with one another but not fused into one; *the body lives through the soul, the soul acts through the body*.

2. Of this manner of man's creation the Torah says: *Man is created in the image of God, in likeness to God*; that is to say: the soul, stemming from God, has attributes that are similar in limited measure to the attributes of God and that can become ever more similar through cultivation; the body, however, was created by God as a worthy covering, as a fitting instrument for the soul. Man's advantage over the animal thus consists by no means in the soul alone, but also in the body. That is why so many precepts of the Torah relate to the keeping clean of the body, its nourishment and its functions. Man should always take care that his body be and remain a holy dwelling, a fitting instrument of the God-like spirit within him; every defilement of the body degrades and defiles the soul as well. (**112. 113.**)

3. In particular, the following advantages of the human body are especially to be noted:

a. The upright posture, the countenance that mirrors every stirring of the soul, and the gaze that can be directed toward heaven, through which it is possible for man to contemplate the greatest wonders [p. 17] of the Creator, the heavenly bodies, the most eloquent witnesses to His immeasurable might;

b. The structure of the limbs, especially of the hand and the fingers, which, steered and guided by the spirit, are able to produce magnificent works of art, works of art that bear witness to the wondrous might God has revealed in the creation of man;

c. The capacity, lacking in the animal, to live under every climate, through which it becomes possible for man to admire the might, wisdom and love of God everywhere, and to consecrate every spot on earth as a temple to God's glory.

d. The highest distinction of the human body is the faculty of speech. Only a speaking being can be a clearly thinking being. Through language the processes within the spirit first become clear to

it; through language it can communicate to others the truths it has recognized and receive those recognized by others, and thus the totality of all human knowledge can become the common property of all. Only man, once endowed with speech, was capable of being found worthy of divine revelation and of entering into communion with his Creator in prayer.

4. The God-like attributes of the human soul are the following:

a. The *faculty of cognition*, whose highest level is *reason*; through it man is able to trace the laws and forces of nature, to measure the courses of the stars, and to divine an invisible Creator from the visible creatures. The many truths discovered in the course of time through human research in the fields of the various sciences have won for man, too, a part of the divine *omniscience*; the Torah alone does not stem from human reason; but as the human spirit immerses itself in the depths of the word of God, it itself becomes the possessor of a part of *God's all-wisdom*. So precious is God's gift of reason that thanks for it and the petition for it occupy the first place in our prayer (אתה חונן [*Attah chonen*, "You graciously grant"]).[20]

[p. 18] b. The *faculty of feeling*; to this faculty belongs in particular the joy that we feel in all that is noble, good and beautiful, especially in the beauty of God's works (Ps. 92:5); through this joy we are partakers in the *bliss of God*, who (Ps. 104:31) rejoices in His works. The feeling that lets us take part in the sorrow and joy of our fellow creatures, which can rise to a love for our fellow men capable of self-sacrifice, is nothing other than a spark of *God's goodness and love* glowing within us.

c. *Conscience*, which counsels us to the good, makes evil appear reprehensible to us, rewards us with joy when we have done good, punishes us with grief and sorrow when we have committed evil—it is a ray of *God's holiness and justice*, which He breathed into us together with the soul.

d. The soul also has a share in *God's eternity*, for it is *immortal*; death indeed separates it from the body, but it does not descend into the grave with the body, as the animal's life does with it; rather it lives on and appears before its Creator to receive the reward for its good deeds and the punishment for its sins, insofar as this has not already happened during its earthly life (**2**, 10).

Clearly expressed in the holy Scriptures, and according to the tradition of our Sages, of blessed memory (Sanh. 90b), alluded to several times in the Torah as well, is the doctrine that the soul, separated from the body in death, will one day, at a time known only to God, be reunited with the body. (The resurrection of the dead, תחית המתים [*techiyyat ha-metim*].)

e. The Creator conferred the highest dignity upon man by giving him a part of His *freedom*, the *freedom of the will*. The animal follows its natural instinct under compulsion; its act therefore has no (moral) value. The gentleness of the sheep and the cruelty of the tiger are entirely alike; the

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[20]Translator: *Attah chonen* ("You graciously grant man knowledge") is the fourth blessing of the *Shemoneh Esreh*, the first of its petitions.

latter is no vice, the former no virtue. The act of man, however, is a matter of his own free choice. Therefore [p. 19] the deeds of man have a (moral) value. The good deed brings man closer to God, makes him more like God and is worthy of reward; the evil deed, on the other hand, removes man from God, the Holy One, and deserves the punishment of the All-Just.

Through the freedom of the will, then, man—the individual as well as the community—is given the possibility of becoming ever more perfect and more like God through his own strength, through his own striving, whereas in the animal neither the individual nor an entire species is capable of any essential perfecting.

5. One thing was still lacking to man thus equipped with these gifts, one thing that could not be inborn in him at creation if his highest dignity, the freedom of the will, was to be preserved: he did not yet know God and His will; he did not yet know what is *good or evil according to God's will*. This knowledge had to come to him from outside; had it been created into him, it would, like instinct in the animal, have abolished the freedom of the will. This lack, which constitutes man's highest perfection, the all-good and all-wise Creator supplied through *revelation*, that is, through the *supernatural, direct communication which God made to man concerning His being and His will*. Revelation is therefore a necessary completion of man, the conclusion of the work of creation, the beginning of the divine government of the world. That is why our Sages, of blessed memory, attach to the first verse of the Torah, the most perfect revelation, the profound remark: The world was created only for the sake of the Torah. *The destiny of man* is therefore none other than *the free-willed fulfilment of the divine will revealed to him*.

6. Man thus equipped lived in a state of the highest earthly happiness and heavenly bliss; for he lived in nearness to God and was restricted in the enjoyment of the fruits of the earth by only *one* prohibition. From Eden his race was to spread over the whole earth, transform it into a paradise, [p. 20] and make all earthly creatures serve his purposes according to God's will. Without sin the whole earth would have become an Eden. But man, free in his will, obeyed not God but the serpent, which flattered his *unbelief*: You will not die! his *conceit of reason*: You will become like God! his *sensual desire*: How fair to look upon, how good to eat! Then the gate of paradise closed behind man, and a curse struck the earth—yet for man's salvation. In suffering and hard struggle for his bread he was to master his drives and learn to feel his dependence on God. Yet God has the way of return to paradise guarded for mankind (Gen. 3:24); it shall, it will struggle its way back. *Its leader was to be Israel, its guide the Torah*.

> God the Lord *formed* man, dust from the earth, and breathed into his face the breath of life, and so man became a living being. (Gen. 2:7)
>
> God said: Let us make a man in a covering worthy of us, as befits our image. (Gen. 1:26)
>
> He (God) made us more discerning than the beasts of the earth, wiser than the birds of the heavens. (Job 35:11)

You have made him (man) but little lower than the angels and crowned him with glory and honor. You made him ruler over the works of Your hands; You have put all things under his feet. (Ps. 8:6, 7)

See, I have set before you this day life and good, death and evil. . . . Choose life, that you may live, you and your descendants. (Deut. 30:15–20)

The dust returns to the earth as it was, but the spirit returns to God who gave it. (Eccl. 12:7)

Therefore my heart rejoices and my glory (soul) exults; even my body shall rest securely, for You will not abandon my soul to the grave, nor give up Your pious ones to see corruption. You make known to me the path of life; fullness of joys is before Your face, bliss at Your right hand forevermore. (Ps. 16:9–11)

Many of those who sleep in the dust of the earth shall awake, these to everlasting life, those to everlasting shame and disgrace. Those who strove for wisdom shall shine like the brightness of the heavens, but those who led many to piety, like the stars for ever and ever. (Dan. 12:2, 3)

[p. 21]

B. Israel and the Torah.

5. The Training of Israel as Bearer of Revelation.

1. God is the God of Abraham, Isaac and Jacob; God is the God of Israel. We often find these expressions in the holy books, and we use them in our most solemn prayers. We must not misunderstand these words, and we must seek to bring their profound content to our awareness; for in them lies a most sublime expression of the acknowledgment of God.

These words do not mean that God does not love all human beings as His creatures, as a father loves his children, and does not direct their destiny and further their welfare through His wise providence. No, these words do not have this meaning. Rather, they tell us the following:

a. God, the Creator of the universe and its Ruler, is the God whom our patriarchs acknowledged, whom Israel acknowledges and worships. Since not all human beings acknowledge Him even to this day, we say in these words: Our fathers acknowledged Him, He is *their* God; we acknowledge Him, He is *our* God, and no other.

b. God, the Creator of the universe and its Ruler, made a covenant with our patriarchs and with Israel at Sinai, in which Israel vowed to devote itself wholly and forever to God's will revealed to it, the Torah, while God promised to take us under His special protection for the sake of the Torah and never to forsake us. Therefore we declare in these words: Our fathers were God's servants, we are God's servants; God was therefore *to them* and is *to us* a special Protector. He was *their* God and is *our* God.

Why and how this relationship between God and Israel came about is told at length in the Torah, and is briefly indicated in what follows.

2. Human beings strayed ever further from God, so that the *tenth* generation after Adam was destroyed by the Flood, [p. 22] except for the one pious man, *Noah*, with his family. To him God revealed Himself anew, gave him the laws already commanded to Adam (**81**, 2, i), and made a covenant with him for all future mankind. But Noah's descendants, too, fell away from God. The building of the Tower was, according to the tradition of our Sages, of blessed memory, a rebellion against God. The more men spread over the earth in the wake of the Tower's building, the further they removed themselves from God and fell into idolatry and the depravity bound up with it.

3. Then God had compassion on mankind and resolved, in His infinite love and wisdom, to make an arrangement through which mankind was gradually to be educated to the acknowledgment and worship of God and to a life according to His will. For this God chose Abraham, Noah's descendant in the *tenth generation*, from the line of Shem; for Abraham had preserved the ancient revelation and had strengthened faith in God within himself through his own reflection. Therefore God recognized in him the suitable man with whom the enlightenment of mankind was to begin, through whom all the families of the earth were to attain the blessing of the acknowledgment of God. God revealed Himself to him repeatedly, made with him a covenant for his descendants for all time, commanded him circumcision as the sign of belonging to the covenant, and in return promised him special protection for his descendants and an excellent land, where his descendants were to hold up before mankind the image of the lost Eden, the model of a people happy on earth and blessed through nearness to God. This *calling of Abraham* is a supremely important event in the history of mankind and the beginning of the history of Israel.

4. To Abraham's son and grandson, Isaac and Jacob, too, God revealed Himself and renewed with them the covenant made with Abraham and the promises given to him. Then, when Abraham's descendants had grown into a small tribe, God led them to Egypt, into the midst of the people that was at that time the mightiest, but sunk deep in idolatry and coarse [p. 23] moral corruption, so that there they might grow strong and prove themselves. The family of Jacob, grown in Egypt into a great people, preserved under the harshest oppression the *consciousness* of its higher destiny and the hope of the redemption foretold to Abraham.

5. When, therefore, God revealed Himself to Moses as the God of Abraham, Isaac and Jacob and appointed him the liberator of Israel, the people received him *in faith*, and thereby showed itself worthy of redemption and capable of taking up its mission in the midst of mankind. The wonders and judgments by which the Egyptians were compelled to submit to the will of God were to be, for contemporaries and for Israel, a new revelation of God's creative power and government of the world, since they showed clearly that God is able to alter the seemingly unalterable laws of nature, and that even the mightiest cannot withstand His will. The wonder of the redemption from Egypt is so great and so momentous that the Torah bases Israel's obligation to observe God's commandments not on the creation of the world but on the liberation from Egypt, as the event through which Israel was, in the truest sense, created as the bearer of revelation.

Everything abhorrent to God, which He hates, they (the heathens) have done in honor of their gods; for even their sons and daughters they burned in the fire to their gods. (Deut. 12:31)

Thus says God, the God of Israel: Beyond the River your fathers dwelt of old, Terah, the father of Abraham and of Nahor, and served other gods; then I took your forefather, namely Abraham, from the other side . . . and made his posterity great. (Josh. 24:2, 3)

Abraham shall become a great and mighty nation, and through him all the nations of the earth shall be blessed; for I have directed My special regard to him only so that he may bind his children and his household after him to keep *the way of God*, to practice kindness and justice. (Gen. 18:18, 19)

Only in your forefathers did God delight, to love them, and He chose their descendants after them, namely you, out of all the peoples, as it is this day. (Deut. 10:15)

[p. 24] You God has taken to Himself, in bringing you out of the *iron furnace*, out of Egypt, that you remain belonging to Him as a *people of His inheritance*, as it is this day. (Deut. 4:20)

For unto Me the children of Israel are servants; *My servants* are they, because I brought them out of the land of Egypt. (Lev. 25:55)

6. The Revelation of the Torah and the Making of the Covenant at Sinai.

1. The greatest work of God's care for Israel and for the human race, the most salutary event in the history of mankind, is the revelation at Sinai. God revealed Himself to Israel directly. It did not please God's all-wisdom to send to Israel one man who would say: This God has revealed to me—so that doubts about the truth of his mission might remain. No; *six hundred thousand mature men in full possession of their senses, Moses their leader not on the mountain but in their midst, heard the Torah from God*. Therein lies the inviolable guarantee of its truth.

2. Nor did Israel receive the Torah *unwillingly or unprepared*. God had the full scope of the obligation announced to them beforehand, which they would take upon themselves if they now renewed the covenant of the fathers by accepting the Torah: they would have to belong to Him wholly, to become for Him a kingdom of priests, a holy people. When the whole people had thereupon vowed with one accord to do all that God had spoken, God gave them another three days for preparation; only then did God proclaim to them, amid awesome phenomena, the following Ten Words (the Ten Commandments):

I. I, ה׳, shall be your God, who brought you out of the land of Egypt, out of the house of bondage. (For explanation see **1**, 1.)

II. You shall *acknowledge* no other gods besides Me. You shall not *make* for yourself any image or any likeness of what is in heaven above, or on the earth beneath, or in the water under the earth; you shall not [p. 25] bow down to them and you shall not *serve* them; for I, ה׳, your God, am a God who demands His exclusive right; I remember the sin of the fathers upon the children to the third

and to the fourth generation of those who hate Me; but I show love to the thousandth generation of those who love Me and keep My commandments. (For explanation see **1**, 3; **19** and **20**.)

III. You shall not utter the Name of God, your God, in vain, for God will not leave unpunished one who utters His Name in vain. (For explanation see **26–29**.)

IV. Remember the Sabbath day, to sanctify it. Six days shall you labor and do all your work; but the seventh day is a Sabbath to God, your God; on it you shall do no manner of work, neither you yourself nor your son and your daughter, your manservant and your maidservant, your cattle and your stranger who is within your gates. For in six days God made heaven and earth, the sea and all that is in them, and He rested on the seventh day; therefore God blessed the Sabbath day and sanctified it. (For explanation see **54–56**.)

V. Honor your father and your mother, that your days may be long upon the land that God, your God, is giving you. (For explanation see **74–76**.)

VI. You shall not murder. (For explanation see **88** and **89**.)

VII. You shall not commit adultery. (For explanation see **122–126**.)

VIII. You shall not steal. (For explanation see **92–96**.)

IX. You shall not bear witness against your neighbor as a false witness. (For explanation see **98**.)

X. You shall not covet your neighbor's house. You shall not covet your neighbor's wife, nor his manservant, his maidservant, his ox, his ass, nor anything that is your neighbor's. (For explanation see **128**.)

3. Through the awesome phenomena that accompanied the revelation of the *Ten Words*, and because Israel had perceived that God revealed Himself to Moses, the people [p. 26] had come to the firm conviction that Moses was called to communicate the Torah to them. They therefore vowed of their own free will to obey everything that God would communicate to them through Moses just as they obeyed what they had heard from God directly. Thereupon God made a covenant with Israel at Sinai which, like the covenant with Abraham, also embraces all future generations. The content of this covenant is: *Israel will hold fast to the Torah; God will grant Israel His special protection and assistance; both for all time*—thus the eternity of Israel and of the Torah.

4. It belongs to the content of the commandment to acknowledge the Torah (**1**, 1), and also follows from this covenant relationship, to acknowledge that the Torah is eternally unchangeable, that neither its wording nor its content will ever be altered, nor will another Torah ever be given by God. *We may therefore acknowledge as revelation no teaching that contradicts the Torah in even the slightest degree*.

5. Since the covenant at Sinai was concluded with all coming generations as well, the Israelite is already an Israelite by his birth from an *Israelite mother*, and is obligated to fulfil the Torah without any declaration of entry or admission. Therefore there is also no leaving the community of Israel. Hence we may not give occasion to, or lend assistance in, any act forbidden in the Torah to such Israelites as have gone over to another faith. (תוספות, ע״ז ו ב [Tosafot, Avodah Zarah 6b].)

> Not in secret have I spoken, in a place of a land of darkness; I did not say to the descendants of Jacob: Seek Me *in obscurity*; I, God, speak righteousness, declare uprightness. (Isa. 45:19)
>
> And now, if you will earnestly hearken to My voice and keep My covenant, then you must belong to Me exclusively, more than all the peoples, for all the earth is Mine. But you shall be to Me a kingdom of priests and a holy nation! . . . Moses came, called the elders of the people and set before them all these words that God had commanded him. The whole people answered with one accord and said: All that God has spoken we will do. (Exod. 19:5–8)
>
> [p. 27] You have been *brought by seeing to the knowledge that God alone is God, there is nothing else besides Him*. From heaven He let you hear His voice, to take you into the bond of His discipline, and on earth He let you see His great fire, and His words you heard out of the midst of the fire. (Deut. 4:35, 36)
>
> The whole people perceived the voices, the flames, the sound of the *Shofar* and the smoking mountain; the people saw and trembled, and stood afar off—and they said to Moses: You speak with us, and we will hear, but let not God speak with us, lest we die. (Exod. 20:15, 16)
>
> Moses came and told the people all the words of God and all the ordinances. Then the whole people answered with one voice and said: All the words that God has spoken we will carry out. Then Moses wrote down all the words of God . . . and took *the Book of the Covenant* and read it to the people. Then they said: All that God has spoken we will carry out and hear. (Exod. 24:3, 4, 7)
>
> God, our God, made a covenant with us at Horeb. Not with our fathers did God make this covenant, but with us, all of us who are here alive this day. (Deut. 5:2, 3)
>
> You have this day caused God to give the assurance *that He will be your God*, in that you will walk in His ways, keep His statutes, commandments and ordinances, and obey His voice. And God has this day caused you to give the assurance *that you will be a people belonging exclusively to Him*, as He has promised you, and that you will keep all His commandments, and that He will set you high above all the nations that He has made, for praise, for renown and for glory, and that you will be a holy people to God, your God, as He has spoken. (Deut. 26:17–19)
>
> From of old I know of Your testimonies, that You have established them forever. (Ps. 119:152)

7. The Written and the Oral Torah.

1. Since after the revelation of the Ten Words the people, out of fear of the overwhelming phenomena, had asked that Moses communicate to them, at God's command, the part of the Torah

not yet revealed, God called Moses up onto the mountain and during the forty days of his stay there communicated to him the [p. 28] whole Torah: the written wording, תורה שבכתב [*Torah she-bi-khtav*, the Written Torah], and its oral explanation, תורה שבעל פה [*Torah she-be-al peh*, the Oral Torah].

2. Moses communicated the Torah revealed to him to the people gradually during the forty years' wandering in the wilderness, some of it on fitting occasions, at first orally, explaining everything down to the smallest detail. Only at the end of his life did he complete the written Torah, *the Five Books of Moses*, חמשה חומשי תורה [*chamishah chumshei Torah*], and hand it over to Israel; and we are obligated to regard every letter, every word of the written Torah as revealed by God, and may not allow to arise within us the thought that Moses added or omitted anything at his own discretion. The oral explanation, however, without which the written Torah is entirely unintelligible, was not permitted to be written down. (כוזרי ג, לג–עד [*Kuzari* III, 33–74]; Hirsch, Pent. II, 21, 1 and V, 31, 22.)[21]

3. The reasons for the original prohibition against writing down the revealed oral explanation of the Torah are manifold; the following two are especially to be noted:

a. Since the eternally unchangeable Torah was given for all times and lands and relates to all circumstances of life, it would, had everything required for this been written down, have become very voluminous and would have contained much that, for the time and the conditions of land and life of that day, would not only have been dispensable but would also have been unintelligible in some times and in some lands. The oral teaching, however, makes it possible to apply the written word of the Torah to all these circumstances, so that Israel, on its long wandering through all times and lands, can order its life according to the Torah without anything in it becoming outdated or anything needing to be added to it. (Plessner, *Religionsunterricht* § 150.)[22]

b. Israel was not merely to receive the Torah; it is to labor for it, acquire it anew every day; it is to be the most exalted occupation of its spirit, its breath of life. This purpose could not have been achieved by a book whose entire content lies in its plain wording. Through the wise arrangement of God, who delivered to us the one, *inseparably unified* Torah [p. 29] partly in writing and partly orally, Israel was prompted not only continually to impress the oral Torah upon its memory, but also to seek out the oral interpretation in the written wording of the Torah. If we do this with the guidance of the thirteen rules handed down to us for this purpose (יג מדות דר׳ ישמעאל [*the thirteen rules of Rabbi Ishmael*]), we first truly recognize the deep, truly divine wisdom of the Torah, in which every little dot, every letter, every word, every arrangement of sentence and word has an important meaning, and we acknowledge willingly, as we are commanded: that the Oral and the

[21]Translator: The *Kuzari* of Judah ha-Levi (12th century), Book III, §§ 33–74, which defend the oral tradition against the Karaites.

[22]Translator: Salomon Plessner (1797–1883), Orthodox preacher and author of a German-language textbook of Jewish religious instruction.

Written Torah form from eternity an inseparable unity, of divine origin, and together are that Torah which was revealed to Moses at Sinai.

4. The Oral Torah was accordingly handed down orally from generation to generation (tradition). But when, after the destruction of the Second Temple, the sufferings of Israel multiplied and Israel was driven more and more from the holy soil of its ancestral land and out into the dispersion, it was feared that the oral teaching might be forgotten, especially by those who were scattered. Then the Patriarch of that time, ר׳ יהודה הנשיא [*Rabbi Yehudah ha-Nasi*] (also called רבנו הקדוש [*Rabbenu ha-Kadosh*], the Holy, or simply רבי [*Rabbi*], the Teacher), resolved of necessity to compile the oral teaching in a law book and to write it down about 120 years after the destruction of the Temple. This work bears the name *Mishnah* משנה.

5. Since the Mishnah is composed very profoundly and *tersely*, and in particular still leaves its reasoning to oral transmission, later, as the sufferings and dispersion of Israel increased further, a writing down of the explanation and reasoning of the Mishnah also became necessary. This reasoning is called *Gemara* גמרא, and we possess two written versions of it. The one was composed in Palestine and is called גמרא ירושלמית [*Gemara Yerushalmit*] or *Talmud Yerushalmi* תלמוד ירושלמי; the other, however, was begun by the head of the academy at *Sura* on the Euphrates in Babylonia, *Rav Ashi* רב אשי, after he had worked on it for *sixty* years, by his disciples and successors in office, among whom especially his son *Mar* מר is to [p. 30] named, over a further *seventy-three* years, and finally completed by the *last* Amora, *Rabina* רבינא רב אבינא [Ravina, Rav Avina], somewhat more than 300 years after the close of the Mishnah. This work bears the name גמרא בבלית [*Gemara Bavlit*] or *Talmud Babli* תלמוד בבלי [the Babylonian Talmud]. These two works, together with the Mishnah and some other collections of the oral teaching that underlie them (ספרי, ספרא, מכילתא, תוספתא, ברייתא [*Baraita, Tosefta, Mekhilta, Sifra, Sifrei*]), are commonly called the *Talmud* תלמוד, and they contain the only correct interpretation of the Torah, the one revealed at Sinai. We are obliged to acknowledge them as such and to fulfill the precepts of the Torah only in the manner in which we are taught therein. (**11, 1 c.**)

6. The Talmud, moreover, contains not only the oral interpretation of the written Torah, which stands entirely on a par with it (דאוריתא [*de-oraita*, of the Torah]), but also other very important components. The bearers of the tradition, the heads of the Jewish nation, who formed the supreme court בית דין הגדול [*Beit Din ha-Gadol*, the Great Court], had, namely, the right and the duty to issue commandments and ordinances (מנהגים תקנות ומצות דרבנן [customs, enactments and rabbinic commandments]) as well as prohibitions (גזירות, גדרים וסיגים [decrees, fences and hedges]) to fence in the Torah, that is, to take care that commandments of the written Torah should not easily be transgressed. These commandments and prohibitions too are contained in the Talmud, but they are not given out as divine commandments (מן התורה [*min ha-Torah*, from the Torah]), but as what they are (דרבנן [*de-rabbanan*, of the rabbis]), rabbinic precepts. The content of the Talmud

mentioned so far bears the name הלכה *Halakhah* (הילכתא, שמעתתא [*hilkheta, shema'teta*]) and relates exclusively to the precepts of the Torah.

7. But the Talmud also contains the אגדה *Aggadah* (אגדתא [*aggadeta*]), that is, profound interpretations of the Holy Scriptures that do not relate to the laws, as well as pithy maxims of wisdom, historical reports, thoughtful parables and the like. Material of this kind is found, besides the Talmud, also in special collections, which bear the name מדרשים *Midrashim*.

8. The transmitters of the law after the prophets until the composition of the Mishnah are called *Tanna* תנא, plural *Tannaim* תנאים; from then until the close of the Talmud, *Amora* אמורא, plural *Amoraim* אמוראים; in general also "*our teachers*" רבנן [*Rabbanan*] or [p. 31] "*our sages of blessed memory*" חכמינו זכרונם לברכה = חז"ל [*Chazal*].

> God said to Moses: Come up to me on the mountain and remain there; I will give you there the tablets of stone and the teachings and the law which I have written, in order to teach them (thereafter orally). (Exod. 24:12)
>
> Moses received the Torah at Sinai and handed it down to Joshua, Joshua to the elders, the elders to the prophets, the prophets to the *men of the Great Assembly*. (Avot 1:1)

8. Revelation through the Prophets.

1. Moses is the greatest of all the human beings to whom God has revealed Himself and will yet reveal Himself, *the greatest of all the prophets*. His preeminence lies especially in the following:

a. His revelation was the clearest, the most distinct; God's communion with him was the most intimate of which a mortal can become capable and worthy.

b. To him alone was the whole Torah revealed; no prophet after him was permitted to reveal a new commandment in the name of God, nor to abolish *permanently* one revealed by Moses. No later revelation, even if it were accompanied by miracles and signs, may be acknowledged by us as true or divine if it deviates in the slightest from the Torah revealed through Moses.

2. Although the revelation of the Torah was entirely concluded with Moses, God nevertheless promised not to leave Israel without the support of a continued revelation, but rather to raise up prophets in Israel, and He commanded us to *acknowledge* and obey as divine revelation and truth the words, not contradicting the Torah, of the men proven to be prophets (סה"ח תקטז [*Sefer ha-Chinukh* 516]).[23]

3. This promise was fulfilled, and God caused many prophets to arise in Israel, whose task consisted chiefly in the following: [p. 32] a. They brought to the people, its leaders, judges and

[23]Translator: *Sefer ha-Chinukh*, the anonymous thirteenth-century enumeration of the 613 commandments; no. 516 is the commandment to hearken to every prophet in his time (Deut. 18:15).

kings, in especially difficult situations important for Israel, God's instruction as to how they should conduct themselves.

b. They frankly held up their sins to the people, the priests and the judges, called on them to repent, and exhorted them to faithful and sincere observance of the Torah.

c. They proclaimed to the people of Israel God's eternal support and the final victory of the Torah, certain redemption from the sufferings that lay before it, its restoration as a people, and the acknowledgment and worship of God by all human beings. These prophecies have also been handed down to us in writing (Introduction **4**, B and C), and we are obliged to acknowledge them as true.

4. The last prophet who has so far received revelations from God is the prophet Malachi (מלאכי), who prophesied at the time of the rebuilding of the Second Temple. *After him no further revelation of God has taken place*; but God has promised one day to raise up prophets from our midst once again.

> And there has never again arisen a prophet in Israel like Moses, to whom God turned His knowledge face to face, in view of all the signs and convincing deeds which God sent him to perform in the land of Egypt upon Pharaoh, upon all his servants and upon all his land, and in view of all the mighty hand and all the great awesome things that Moses performed before the eyes of all Israel. (Deut. 34:10–12)
>
> A prophet will I raise up for them from among their brethren, like you, and I will put My words in his mouth, that he may proclaim to them all that I shall command him. And it shall be that the man who will not hearken to My words which he speaks in My name, of him will I require it. (Deut. 18:18, 19; see also 18:15)
>
> I sent you My servants the prophets, early and often I sent them, saying: Return now, every one of you, from his evil way, amend your doings, do not go after idols to serve them, and you shall remain dwelling on the land which I have given to you and to your fathers. (Jer. 25:4)[24]
>
> And it shall come to pass afterward that I will pour out My spirit upon all flesh, and your sons and your daughters shall prophesy. (Joel 3:1)

[p. 33] **9. The Future of Israel and of Mankind.**

1. Even for the sole reason that the Torah teaches us that God is truthful and faithful (**2, 8**), we would have to be convinced that God's covenant with Israel, and the Torah for whose sake this covenant was concluded, are of eternal duration, even if we had no promise concerning Israel's future.

[24]Translator: The wording quoted corresponds most closely to Jer. 35:15 (cf. Jer. 25:4–6).

2. But God has not left us in uncertainty about Israel's future; rather, He already proclaimed through Moses that Israel, if it did not conscientiously observe the Torah, would be driven out of the land of its fathers, as Adam was once driven out of the Garden of Eden, and scattered over the whole earth (גלות [*Galut*, exile]), where it would then have to endure unspeakable sufferings.

3. In the choice of this punishment we clearly recognize God's wisdom and goodness. Israel was often persecuted even unto death; had it lived together in *one* land, the sufferings would always have struck the whole nation. Through the dispersion, however, one part always remained spared, with which the persecuted could find refuge and help. As a result, there arose among the scattered of Israel a far stronger consciousness of their belonging together than would probably have arisen had they remained together. This has contributed much to the preservation of Israel.

The Torah, too, and its study were often persecuted and forbidden and its writings destroyed. Had all Israel been subject to a single nation, this would have become very dangerous to the study of the Torah. As it was, however, the light of the Torah always flared up again in *one* place when people sought to extinguish it in another; while in one land the writings of the Torah were being burned, in another they were sought out as precious treasures.

But one chief purpose of the dispersion, as the prophets and the sages of blessed memory teach us, is the active fulfillment of our calling as bearers of the Torah in the midst of all mankind. Like the miracle of the creation of the world, Israel is to stand as a miracle of the government of the world, and in every corner of the habitable earth to *bear witness* to God, *the One and Only*, and to His revealed [p. 34] will, until all mankind has acknowledged the former and obeys the latter.

4. Yet this dispersion and abasement of Israel will not last forever. As God had it proclaimed to us through Moses, He will never wholly forsake Israel, never forget the covenant which He concluded with Israel and with the patriarchs. He will always be with us in the night of our sufferings, and when the punishment has achieved its purpose, Israel will return to God and God will once more have mercy on His covenant people. Then He will gather the scattered of Israel again from all the ends of the earth and lead them in wondrous fashion, as once out of Egypt, back into the land of their fathers, where He will set them in a happier condition than that of their fathers (קיבוץ גליות [*Kibbutz Galuyot*, the ingathering of the exiles]).

5. This restoration of Israel as a state will, according to the revelation through the prophets, be brought about by a *descendant of David*, to whom the eternal rule of his descendants in Israel has been promised. The holy books call him משיח [*Mashiach*], *the Anointed*, or מלך המשיח [*Melekh ha-Mashiach*], *the anointed King* (Messiah). In his time Jerusalem and the Temple will be rebuilt in a glory never seen before, and the Torah, as the law and constitution in Israel, will attain unrestricted dominion. For upon him will rest the spirit of divine wisdom, through which he will clarify all the obscurities of the Torah and turn all hearts toward it.

6. Through the wisdom of the Messiah and the reawakened gift of prophecy, however, not only will Israel be led back to the Torah, but *all mankind* too will be brought to the acknowledgment and worship *of the One God revealed in Israel* and to a life according to the spirit of the Torah, so that only wisdom, justice and love will reign on earth. Differences of opinion about God and His will will no longer divide human beings in enmity as they do today; rather, a shared knowledge will unite them, make every war impossible and bring about a universal, eternal peace. This condition we call מלכות שדי [*Malkhut Shaddai*], *the Kingdom of God* on earth (compare the prayer על כן נקוה [*Al ken nekavveh*, "Therefore we hope"]). [p. 35] **7.** In that time, in particular, the hatred of the nations against Israel will vanish. Mankind, having attained the knowledge of God, will realize that it was only for its sake that Israel bore such sufferings, disgrace and scorn for so long, and will therefore love and highly esteem Israel.

8. The more mankind returns to God, the more will the curse of sin weighing upon the earth (**4, 6**) disappear; the blessed condition will return to it which prevailed upon it when it came forth "very good" from the hand of the Creator, a condition which the first human beings enjoyed in Eden; for human beings will then have been led back to it, according to God's eternal, gracious and wise counsel, through Israel and the Torah.

9. The judgments of punishment which God foretold have been literally fulfilled upon Israel. Israel was scattered; it endured and endures grievous sufferings, disgrace and scorn. But God has also fulfilled His promise and preserved Israel to this very day. Therein lies for us the sure guarantee that He will also bring upon Israel all the good that He has promised.

We also recognize in the history of mankind a progressive approach toward the goal promised by God. When Israel received the Torah, the whole earth was still covered by the night of heathen darkness. Today a large part of mankind acknowledges the God proclaimed by Israel as Creator and Ruler of the world, and many parts of the Torah have passed into the customs and legislation of the various nations. (כוזרי, ד, כג [*Kuzari* 4:23]; רמב"ם מלכים יא, ד [Maimonides, *Hilkhot Melakhim* 11:4], ed. Amsterdam A.M. 5462; *Hirsch*, *Neunzehn Briefe*, p. 42.)[25]

10. The time of this blessed condition for Israel and for all mankind God in His wisdom has not revealed to us. Therefore our sages of blessed memory censure those who seek to calculate it by subtle interpretation of the words of the prophets. Moreover, every act of violence against the nations in whose midst we dwell is forbidden us, even if we have to bear heavy oppression. We are obliged to bear the sufferings imposed upon us by God for our own [p. 36] and mankind's salvation with resignation to His will. The hope for the speedy coming of our redemption (גאולה [*Ge'ulah*]), which we are to *revive within ourselves daily*, must also not keep us from performing

[25]Translator: Judah Halevi, *Kuzari* 4:23, and Maimonides, *Mishneh Torah*, Laws of Kings 11:4, in the Amsterdam edition of 1702 (A.M. 5462), which preserved the passage, removed by censorship in other editions, on Christianity and Islam as preparing the way for the Messianic age. Samson Raphael Hirsch, *Neunzehn Briefe über Judentum* (Nineteen Letters on Judaism, 1836).

with diligence and zeal the duties of our earthly calling and thereby establishing the welfare of the nations whose residents or citizens we are.

Yet we can contribute to bringing about that time: through repentance, sincere prayer and a conscientious life according to the precepts of the Torah. Of this Israel should think whenever sufferings are inflicted upon members of Israel at any point on earth.

> If you will not take care to carry out all the words of this teaching that are written in this book, . . . then you shall be plucked off the land which you are now entering to take possession of it. *And God will scatter you among all the peoples from one end of the earth to the other end of the earth.* . . . And among these nations you shall find no resting place for the sole of your foot . . . your life shall always hang in doubt before you; you shall fear night and day and have no assurance of your life. In the morning you shall say: Would that it were evening! and in the evening you shall say: Would that it were morning! for the dread of your heart which fills you, and for the sight of your eyes which you see. (Deut. 28:58–67)
>
> And yet for all this: even when they are in the land of their enemies, I have not despised them nor rejected them, to destroy them, to annul My covenant with them; for I remain *God*, their God, and remember for them the covenant with the former generations, whom I brought forth out of the land of Egypt before the eyes of the nations, to be their God, I, God. (Lev. 26:44, 45)
>
> You are My witnesses and My servant whom I have chosen, that you may know, believe Me and understand that it is I; before Me there was no god, and after Me there shall be none. (Isa. 43:10)
>
> And it shall come to pass, when all these words have come upon you, the blessing and the curse which I have set before you, that you shall take it to heart among all the nations whither God your God has banished you, and shall return unto God your God and hearken to His voice according to all that I command you this day, you and your children, with all your heart and with all your soul. Then God your God will also turn again and seek out your banished ones and have mercy upon you, and will gather you from all the [p. 37] peoples whither God your God has scattered you. If any of your banished ones be at the end of the heavens, from there will God your God gather you and from there will He take you to Himself; and God your God will bring you home to the land which your fathers once possessed, and will make you happier and more numerous than your fathers. (Deut. 30:1–5)
>
> My servant David shall be king over them, and they shall all have one shepherd; they shall walk in My ordinances and keep My statutes and do them . . . I will set My sanctuary in their midst, and by this the nations shall know that I, God, have sanctified Israel, when My sanctuary is in their midst forever. (Ezek. 37:24–28)
>
> And it shall come to pass in the latter days that the mountain with the Temple of God shall stand at the top of the mountains, exalted above the hills, and peoples shall stream unto it. And many nations shall go and say: Come, let us go up to the mountain of God and to the Temple of the God of Jacob, that He may teach us His ways and that we may walk in His paths; for

from Zion goes forth teaching, and the word of God from Jerusalem. And it (the word of God) shall be accepted as a judgment among many peoples and as a decision for mighty nations; they shall beat their swords into ploughshares and their spears into pruning hooks; nation shall no more lift up sword against nation, nor shall they learn war any more. They shall dwell every man under his vine and under his fig tree, with none to disturb them. So let all the peoples walk, each in the name of its gods; *we* will walk in the name of God, our God, for ever and ever. (Micah 4:1–5)

For then I will give to the peoples a purified speech, that they may all call upon the name of God (ה') and serve Him *with one accord*. (Zeph. 3:9)

They shall not hurt nor destroy in all My holy mountain, for the earth shall be full of the knowledge of God as the waters that cover the basin of the sea. (Isa. 11:9; Hab. 2:14)

Thus says God: Keep justice and practice faithfulness to duty, for My salvation is near to come and My faithfulness to My word to be revealed. Happy is the man who does this, the son of Adam who holds fast to it, who keeps the Sabbath from profaning it, and keeps his hand from doing any evil. (Isa. 56:1, 2)

For the vision is yet for an appointed time; though it speaks of a distant goal, it does not deceive; though it tarry, wait for it, for it will surely come, it will not delay. (Hab. 2:3; Sanh. 97b)

[p. 38] **10. The Prohibition of Denying God and the Torah.**

1. Everything set forth so far (**2–9**) forms the content of the fundamental commandments concerning the acknowledgment of the *One* God and of His Torah (**1**). But it is also *forbidden* us to doubt or deny anything of what has been said, or to allow any thought to arise within us that contradicts the written or the oral Torah. Whoever does this commits the grave sin of denying God or the Torah (מינות [*minut*, heresy]). Although, accordingly, all the words of the Torah are equal to one another, and we may not refuse to any single word the acknowledgment that it is truth revealed by God, it is nevertheless good to impress upon ourselves especially, alongside the *commandments and prohibitions* of the Torah, those of its teachings which are suited to establish within us a view of the world corresponding to the Torah. (סה"ח שפז [*Sefer ha-Chinukh* 387])

2. Such teachings are those set forth so far; they correspond to the *13 principal tenets* עקרים [*ikkarim*] which the pious and wise Rabbi Moses ben Maimon (Maimonides, רמב"ם [*Rambam*]) designated as those which no Israelite may deny; they have also been included in our prayer book in short sentences and read as follows (רמב"ם סנהדרין פ"יא; יסה"ת פרק ח׳ ט׳ [Maimonides on Mishnah Sanhedrin ch. 11; *Hilkhot Yesodei ha-Torah* chs. 8, 9]):[26]

[26]Translator: The Thirteen Principles appear in Maimonides' introduction to Perek Chelek in his Commentary on the Mishnah (Sanhedrin ch. 10, ch. 11 in some editions); the short credal formulas beginning "Ani ma'amin" are printed in the daily prayer book. "b. b. H. n." renders the author's abbreviation "g. s. s. N." (gelobt sei sein Name), "blessed be His name".

I. I acknowledge (believe) with perfect sincerity that God, blessed be His name, is the Creator and Guide of all created beings, and that He alone is the author of all that has happened, happens and will happen. (Cf. **3**.)

II. I acknowledge with perfect sincerity that God, b. b. H. n., is the One and Only, that no unity resembles Him in any respect, and that He *alone is our God*, who was, is and will be. (Cf. **1**, 2.)

III. I acknowledge with perfect sincerity that God, b. b. H. n., is not a body and has no bodily attributes whatsoever, and that there is nothing that resembles Him. (Cf. **2**, 1.)

IV. I acknowledge with perfect sincerity that God, b. b. H. n., is the First and the Last. (Cf. **2**, 2.)

V. I acknowledge with perfect sincerity that God, b. b. H. n., is the Only One to whom worship is due, and [p. 39] that it is impermissible to worship any being besides Him. (Cf. **1**, 3; **2**, 11.)

VI. I acknowledge with perfect sincerity that all the words of the prophets are truth. (Cf. **6**, 2 and 3.)

VII. I acknowledge with perfect sincerity that the revelation through our teacher Moses, peace be upon him, is the true one, and that he was the foremost of all the prophets, both of those who were before him and of those who followed him. (Cf. **8**, 1.)

VIII. I acknowledge with perfect sincerity that *the whole Torah, as it is now found in our hands*, is the same that was given to our teacher Moses. (Cf. **7**.)

IX. I acknowledge with perfect sincerity that this Torah will never be exchanged, and that no other Torah will ever go forth from God, b. b. H. n. (Cf. **6**, 4.)

X. I acknowledge with perfect sincerity that God, b. b. H. n., knows all the deeds of human beings and all their thoughts, as it is said (Ps. 33:15): He who fashioned the hearts of them all pays heed to all their deeds. (Cf. **2**, 4.)

XI. I acknowledge with perfect sincerity that God, b. b. H. n., bestows good upon those who keep His laws and punishes those who transgress His commandments. (Cf. **2**, 10.)

XII. I acknowledge with perfect sincerity the certainty of the coming, still to be awaited, of the *Mashiach*; and though he tarry long, I nevertheless wait daily for his coming. (Cf. **9**.)

XIII. I acknowledge with perfect sincerity that there will one day be a resurrection of the dead, at a time pleasing to God, blessed be His name and praised His remembrance always and for all eternity. (**4**, 4, d.)

3. It is good and salutary for us to impress these teachings upon ourselves in such a way that they are always present to our mind. Yet with this, let alone with a mere confession of the lips, we by no means satisfy the commandments of the acknowledgment of God and of the [p. 40] Torah. The sincerity of our acknowledgment is shown only when not merely our understanding but also our

heart, our whole feeling and striving, is filled with God and His Torah. The קבלת עול מלכות שמים [*kabbalat ol malkhut shamayim*, acceptance of the yoke of the Kingdom of Heaven] finds its most powerful expression in the קבלת עול מצות [*kabbalat ol mitzvot*], the taking upon oneself of the yoke of the divine commandments, that is, in the firm resolve to render obedience to the commandments of the Torah proclaimed by God always and under all circumstances.

> When the Torah (Num. 15:39) says: You shall not go spying after your hearts, the denial of God and the Torah, מינות [*minut*], is thereby forbidden. (Berakhot 12b)
>
> The wicked man in his haughty defiance cares for nothing; "There is no God" is all his scheming. (Ps. 10:4)
>
> Believe in God your God, and your faith shall be confirmed; believe His prophets, and you shall prosper. (2 Chron. 20:20)
>
> *Know* therefore this day *and take it to heart* that God alone is God, in heaven above and on the earth below, there is none else; and *keep well His statutes and commandments* which I command you this day. (Deut. 4:39, 40)

II. In Our Feeling and Willing.

11. The Commandments concerning Obedience to God.

1. True obedience to God makes the following demands upon us:

a. that we fulfill, or are ready to fulfill, *all* the commandments and prohibitions of God, without neglecting even *a single one*;

b. that we add nothing to and omit nothing from *any* commandment; (סה"ח תנד תנה [*Sefer ha-Chinukh* 454, 455])

c. that we fulfill God's commandments not according to our own discretion, according to our own interpretation of the Torah, but according to the traditional explanation of our sages of blessed memory, in the manner in which the divine commandments have been fulfilled throughout Israel for thousands of years; (סה"ח תצה [*Sefer ha-Chinukh* 495])

[p. 41] d. that we also fulfill, or are ready to fulfill, the commandments, prohibitions and ordinances of our sages of blessed memory, from which it is *forbidden* us to deviate, מצות וגזירות ותקנות דרבנן [rabbinic commandments, decrees and enactments]. (סה"ח תצו [*Sefer ha-Chinukh* 496])

2. In order to discharge these duties conscientiously, we must, in all cases in which we are in doubt about the correct fulfillment of a commandment, inquire of a person learned in the Torah[27] and follow his decision.

> And it shall be righteousness for us if we take care to carry out *this whole commandment* before God our God, *as He has commanded us*. (Deut. 6:25)
>
> Every word that I command you, that you shall observe to do; you shall not add to it nor take away from it. (Deut. 13:1)
>
> According to the teaching which they shall teach you, and according to the judgment which they shall tell you, you shall do; you shall not turn aside from the word which they shall declare to you, either to the right or to the left. (Deut. 17:11)

12. The Commandment of Reverence for God.

1. In many places the Torah commands us to fear God; in the other books of revelation, too, and in those of our sages of blessed memory, the *fear of God* is commended to us as the foundation of all obedience. The fear of God, or *reverence for God*, is not servile fear that trembles before punishment; it is rather the childlike awe of displeasing God, which springs from the recognition of God's sublimity and of our own nothingness. (סה"ח תלב [*Sefer ha-Chinukh* 432])

2. As a means of awakening reverence for God within us, we are *commanded* to contemplate attentively the greatness and sublimity of God, which is revealed most especially in His works. The power, wisdom and goodness that come before our eyes in such [p. 42] contemplation will cause God to appear to us as the most exalted Lord, who has conferred upon us mortals the highest dignity by calling us to His service; this will impel us to carry out His will without regard to reward and punishment, even in secret, and to be ashamed of every sinful thought. (מ"ע לס"ח [positive commandment according to the *Sefer Chareidim*])[28]

> The Lord your God you shall *revere*, Him you shall serve, to Him you shall cleave, and by His name you shall swear. He is your praise, He is your God, who has done for you all these great and awesome deeds which your eyes have seen. (Deut. 10:20, 21)
>
> The conclusion of the matter, which contains everything, is: Fear God and keep His commandments! for this is man's destiny. (Eccl. 12:13)
>
> When I behold Your heavens, the work of Your hands, the moon and the stars which You have established, what is mortal man that You are mindful of him, and the son of Adam that You take heed of him? (Ps. 8:4, 5)

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[27] This book will often refer to inquiring of a *person learned in the Torah*; it is therefore declared here once and for all that by a person learned in the Torah is to be understood a man who has the qualities that are stated more precisely in the last section of this book (**130**, 3. bb.).

[28] Translator: Reading ס"ח as *Sefer Chareidim* by Eleazar Azikri (16th century), which lists the contemplation of God's works under the commandment of fearing God; the abbreviation could also be read *Sefer ha-Chinukh*.

13. The Commandment of Love for God.

1. Love for God is commanded us (Deut. 6:5) immediately after the commandment to acknowledge God as the One and Only, in order to indicate that love for God is the disposition in which the acknowledgment of God is most strongly expressed.

2. Love for God consists in our recognizing in God and in His good pleasure in us the *highest good*, in whose possession we possess everything and without which we are nothing and have nothing. Love for God must express itself in us by our directing all the powers of our mind toward attaining an ever deeper knowledge of Him and His Torah, by our governing the inclinations of our heart according to His will, and doing what He has commanded, however much our natural inclination resists it, and avoiding what He has forbidden, however desirable it might be; by our willingly giving up our earthly possessions, indeed our life, if His will should demand it.

3. Whoever loves anything so much that, in order to possess it, he transgresses or neglects a divine commandment, *does not love God*. But whoever, after a long life consecrated to God, is ready to die innocently a cruel death and while doing so still [p. 43] to cry joyfully שמע ישראל וגו׳ [*Shema Yisrael*, "Hear, O Israel," etc.], *loves God* (R. Akiva). (סה"ח תיח [*Sefer ha-Chinukh* 418])

> You shall love God your God with all your heart, with all your soul and with all your might. (Deut. 6:5)
>
> Whom have I in heaven? and beside You I desire nothing on earth! Though my flesh and my heart fail, God remains the rock of my heart and my portion forever. (Ps. 73:25)[29]

14. The Commandment of Glorifying God and the Prohibition of Degrading God.

1. The Israelite is obliged, through his whole life, through word and deed, and if it must be, through enduring disgrace and insult, loss of honor and property, torture and death, to work toward this end: that God and His Torah, as well as Israel as the confessor of God and bearer of the Torah, be acknowledged first in Israel's own midst, then in the midst of mankind; and to avoid everything that could hinder and disturb this acknowledgment. Two precepts have been given us concerning this (מ"ע דקידוש השם ול"ת דחילול השם [the positive commandment of *Kiddush ha-Shem*, sanctifying the Name, and the prohibition of *Chillul ha-Shem*, profaning the Name]), which in detail comprise the following:

2. If someone sought to compel an Israelite under threat of death

a. to adopt any other religion, or even, without acknowledging another religion, to deny God and the Torah;

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[29] Translator: The quotation covers Ps. 73:25–26.

b. to commit the crime of idolatry (עבודה זרה [*avodah zarah*]), of unchastity (גלוי עריות [*gilluy arayot*]) or of murder (שפיכת דמים [*shefikhat damim*]);

c. *with ten Israelites knowing of it*, to transgress any *prohibition* of the Torah, without the one who seeks to compel us to such a transgression having any advantage from it; or

d. in times of a persecution, as under Antiochus or in the Middle Ages, when the aim was the annihilation of the Jewish religion, to violate any prohibition, indeed even a Jewish custom, even if only *in secret*: then the Israelite would be obliged in each single one of these cases, if escape is impossible, rather to suffer death than to transgress.

[p. 44] **3.** But if, under conditions c and d, we are to be compelled merely to leave a *commandment* unfulfilled, or, without condition c and d, even to transgress a *prohibition*, *other than those named under a and b*, then we should preserve our life for the further fulfillment of our duties.

4. Whoever lies to a non-Israelite, steals from him, cheats him, denies him something owed, curtails his earned wages, or takes *usurious interest* from him, transgresses not only the prohibitions of lying, theft, fraud and so forth, but in addition commits the grave sin of degrading God (חילול השם [*Chillul ha-Shem*]), because thereby God, the Torah and Israel, as the confessor of God and bearer of the Torah, are exposed to contempt. This sin is so great that *neither repentance nor the Day of Atonement*, but only death, can atone for it. (רמב"ם פירוש המ׳ כלים יב ז [Maimonides, Commentary on the Mishnah, Kelim 12:7])

5. The sin of dishonoring God is also committed by one who, through the wanton transgression of any prohibition of the Torah, makes known his contempt for God's law. (רמב"ם יסודי התורה ה, י [Maimonides, *Hilkhot Yesodei ha-Torah* 5:10])

6. The higher one stands in Israel, the more easily does he fall into this grave sin. For teachers and disciples of the Torah, for persons otherwise distinguished by strict Jewish faithfulness to duty, the mere appearance of a sin, anything low and vulgar in their conduct of life, indeed even anything slovenly and offensive in their outward bearing, is already a sin of degrading God. (סה"ח רצה רצו [*Sefer ha-Chinukh* 295, 296])

> And you shall not profane My holy name, that I may be hallowed in the midst of the children of Israel; I am God who sanctifies you, who brought you forth out of the land of Egypt to be your God, I, God. (Lev. 22:32, 33)
>
> You made us a byword among the nations, peoples shook their heads over us. Daily my disgrace was before me, and shame covered my face. Only for Your sake were we slain all the day and regarded as sheep destined for the slaughter. All this has come upon us, yet we have not forgotten You, nor been false to Your covenant. (Ps. 44:15, 16, 23, 18)

[p. 45] **15. The Commandment of Trust in God and the Prohibition of Testing God.**

1. A special expression of the acknowledgment of God is trust in God. Trust in God consists in the firm conviction that God never forsakes us and can help us even in the greatest distress, and will also help us if it serves our welfare.

2. We can strengthen ourselves in trust in God if we contemplate His love and wisdom, which He displays in His government of the world, in the fate of whole nations and of individual human beings, and especially also in the course of our own lives. In trusting in God we must observe the following:

a. We should not count idly on God's help, but are rather obliged to employ all permitted means of self-help, in particular to seek medical help in cases of illness; for this too, after all, God's assistance is needed. (יו"ד שלו [*Shulchan Arukh, Yoreh De'ah* 336])

b. We may not test God and say: "I will just once follow the will of God and see whether He helps me; then I will continue to serve Him." It is, however, permitted, indeed recommended, to give alms and to do good works in times of distress, but not as a condition of divine help. Even vows for the future are permitted us when we are in distress, but they must be conscientiously fulfilled when the help we desired comes. (סה"ח, תנד; יו"ד רג, ג [*Sefer ha-Chinukh* 454; *Yoreh De'ah* 203:3])[30]

c. We may not count so strongly on human help that we thereby forget that all true help comes from God alone.

> Trust in God with all your heart and do not lean on your own understanding. In all your undertakings pay heed to Him, and He will make your paths smooth. (Prov. 3:5, 6)
>
> Cursed be the man who trusts in man and makes flesh his support, but turns his heart away from God. But blessed be the man who trusts in God; God will also be his support. (Jer. 17:5, 7)

[p. 46] **16. The Commandment of Resignation to God's Will.**

1. An even stronger expression of the acknowledgment of God than trust is resignation to the will of God. Resignation to the will of God consists in the firm conviction that everything God sends us has only our salvation and well-being as its purpose, and that therefore the sufferings that have befallen us, too, are only benefits not recognized by us, which we can and must accept joyfully.

2. When we are visited by sufferings, we should above all examine our conduct, whether we have not brought the sufferings upon ourselves through our own follies, or whether they are not God's

[30] Translator: The prohibition of testing God (Deut. 6:16) is no. 424 (תכד) in *Sefer ha-Chinukh*; the printed תנד (454) is probably a misprint.

just punishment for our sins. In any case we should improve our way of life and attach ourselves all the more firmly to God and the Torah.

3. Whoever has been struck by a heavy blow of fate is obliged (להצדיק דינו של הקב"ה [to acknowledge the justice of the Holy One, blessed be He]) to express his resignation through the well-known prayer (ברוך דין אמת [*Barukh Dayyan ha-Emet*, "Blessed be the true Judge"]). (,ס"מג עשין יז [*Sefer Mitzvot Gadol*, positive commandment 17])

> You shall acknowledge in your heart that, as a man chastens his son, God your God chastens you. (Deut. 8:5)
>
> My son, do not reject the chastening of God, and let not His reproof be hateful to you. For whom God loves He reproves, and, as a father his son, He appeases him again. (Prov. 3:11, 12)
>
> Shall we accept good from God and not accept evil? God has given, God has taken; blessed be the name of God. (Job 2:10; 1:21)

17. The Commandments concerning Gratitude toward God.

1. Gratitude toward God is the acknowledgment of God as our greatest benefactor. It consists in our remaining ever mindful of His benefits and regarding them as unmerited gifts of His infinite goodness. (מ"ע לס"ח [positive commandment according to the *Sefer Chareidim*])

2. Gratitude toward God must express itself in our using God's gifts only according to His will, gladdening others with them as well, and praising and extolling Him for them in words. [p. 47] **3.** As Israelites we owe God still other special benefits, and we are commanded in particular never to let the following facts vanish from our memory:

a. We should remember daily the Exodus from Egypt, through which we were redeemed from earthly tyranny in order to become free servants and worshipers of God. (סמ"ק קי [*Sefer Mitzvot Katan* 110])

b. We should never forget the day on which we stood at Sinai to receive the Torah, through which we were freed forever from the night of heathenism and led to the knowledge and right worship of God. (מל"ת לרמב"ן עיין דברים ד׳ ט׳ [prohibition according to Nachmanides; see Deut. 4:9])

c. We should remember, and may never forget, what Amalek did to us, who fell upon our fathers on the way after the Exodus from Egypt and was thus the first who sought to annihilate us for God's sake; this, however, served our welfare inasmuch as we thereby received early the guarantee that our persecutors can never prevail against us. (סה"ח תרג, תרה [*Sefer ha-Chinukh* 603, 605])

d. Compare **91**, 6 on Miriam.

4. The thanks that we are to render to God in words for His benefits is contained in our prayers, partly in the general prayers, partly as blessings (ברכות [*berakhot*]) for individual occasions. Upon

deliverance from great dangers we should in particular say a prayer of thanksgiving at public worship (ברכת הגומל [*Birkat ha-Gomel*]; see the prayer book). (א"ח ריט א, וט [*Shulchan Arukh, Orach Chayim* 219:1, 9])

> Beware lest you forget God your God; lest, when you have eaten and are full, and have built fine houses and dwelt in them, and your herds and flocks multiply, and silver and gold multiply for you, and all that you have is multiplied, you say in your heart: *My* strength and the might of *my* hand has gotten me this wealth; but you shall remember God your God, for it is He who gives you strength to get wealth. (Deut. 8:11–18)
>
> I will praise the loving-kindnesses of God, the praises of God, for all the good that God has bestowed on us, and the great goodness which He has bestowed on Israel according to His mercy and the abundance of His loving-kindness. Whoever persecuted them was His enemy, and an angel sent from His presence helped them; in His love and His mercy He Himself redeemed them, and He lifted them up and carried them all the days of old. (Isa. 63:7, 9)
>
> [p. 48] Give thanks to God, for He is good, His loving-kindness endures forever. So let the redeemed of God say, whom He has redeemed from the hand of the oppressor, who cried to God in their distress, and He delivered them out of their troubles. Let them thank God for His loving-kindness, for His wondrous works *in the presence of the children of men*. (Ps. 107:1, 6, 7)[31]

III. By Avoiding Everything That Contradicts the Acknowledgment of God.

A. Idolatry and the Worship of Images.

18. The Concept and the Prohibition of Idolatry.

1. The most serious violation of the acknowledgment and worship of God commanded us is idolatry: עבודה זרה [*avodah zarah*]. By idolatry is understood the acknowledgment and worship as God that is paid to any *created being*, that is, to any being *besides God*, the Creator of the world, or to an *image* of such a being, or finally to an image which, in the delusion of its worshiper, is meant to represent God, the Creator of the world.

2. Every act that is meant to express an acknowledgment or worship of these beings or images as if they were God is most strictly forbidden us as idolatry, in particular *adoring, bowing or prostrating oneself, offering sacrifice, burning incense* and *pouring out wine*, indeed even indifferent or contemptuous acts, if among the worshipers of a being or image they count as an expression of acknowledgment and worship.

3. Marks of honor by which we express our veneration and love toward human beings, such as removing the hat, bowing, kissing and embracing, we may not show to images, and we must refrain

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[31] Translator: The verses quoted correspond to Ps. 107:1, 2, 6, 8 (verse 8 being the refrain "Let them thank God for His loving-kindness...").

from them even toward human beings in circumstances that allow the appearance that they are meant for images.

4. For the *Israelite*, the severity of the prohibition against acknowledging or worshiping any created being or image as God is not mitigated by his also worshiping the true God without images (שיתוף [*shittuf*, association]) and regarding the beings worshiped alongside Him merely as co-gods, secondary gods or subordinate gods under whatever names. (סה"ח כח כט; י"ד, קלט [*Sefer ha-Chinukh* 28, 29; *Yoreh De'ah* 139])[32]

> [p. 49] I, God, ה', am your God, who brought you out of the land of Egypt, out of the house of slavery. You shall have no other gods before My face. (Exod. 20:2, 3)
>
> Beware lest your heart be beguiled and you turn aside and serve other gods and bow down to them. (Deut. 11:17)[33]

19. The Prohibitions of Making and Possessing Idols.

1. The making of images and figures of any kind for the purpose of religious worship, or the possession of such images and figures made by others, is forbidden us. (סה"ח, כז, ריד [*Sefer ha-Chinukh* 27, 214])

2. Likewise (even without the intention of worship, for example in order to serve as ornament) the representation of a human figure or a human face in full or half relief, as well as depictions of the sun, moon and stars, even merely in colors, are forbidden us. (סה"ח לט; י"ד קמא ד [*Sefer ha-Chinukh* 39; *Yoreh De'ah* 141:4])

3. On the other hand, every kind of depiction of animals, plants and the like, as well as the pictorial representation of heavenly bodies for the purpose of scientific illustration, is permitted. (מצות השם לט; י"ד קמא ו [*Mitzvot ha-Shem* 39; *Yoreh De'ah* 141:6])

4. In rooms intended for prayer there may be no pictorial representations that allow the appearance that they are worshiped. (י"ד קמא בט"ז ס"ק יד [*Yoreh De'ah* 141, *Turei Zahav*, subsection 14])

5. Even the erection of *imageless* pillars for the purpose of worshiping the *true* God (מצבה [*matzevah*]) is forbidden us, although this was permitted in the times of the patriarchs, because it passed into the cult of non-Jewish peoples. (סה"ח תצג [*Sefer ha-Chinukh* 493])

6. Prostrating oneself with outstretched limbs upon a stone laid flat in the ground (אבן משכית [*even maskit*, a figured stone]), as the heathens were wont to do, is forbidden us. In the Temple at Jerusalem such prostration upon the stone pavement was permitted; but to us every prostration

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[32]Translator: The emphasis on "the Israelite" reflects the halakhic position that *shittuf* (associating other powers with the worship of God) is forbidden to Jews, while many authorities did not regard it as forbidden to non-Jews.

[33]Translator: The verse is Deut. 11:16.

upon a stone surface with intent of worship is forbidden. Therefore, when we prostrate ourselves in synagogues so that the face touches the floor, as happens on the New Year and on the Day of Atonement, we must always cover the floor with something, so that we [p. 50] do not touch it directly with the face. This is required even if the floor is laid with tiles or boards, because stones might lie beneath them. (סה"ח שמט; א"ח קלא מ"א ס"ק כב [*Sefer ha-Chinukh* 349; *Orach Chayim* 131, *Magen Avraham*, subsection 22])

> You shall not make for yourself an image or any likeness of what is in heaven above, what is on the earth beneath, or what is in the water beneath the earth. (Exod. 20:4)
>
> To whom will you liken the Almighty? In what form will you represent Him? This image the craftsman has cast, the goldsmith overlaid with gold leaf, the silversmith fastened with silver chains. To whom will you liken Me, that I should be equal? says the Holy One. (Isa. 40:18, 19, 25)

20. The Prohibition of Deriving Benefit from Images and Image-Worship.

1. Not only may we not acquire images intended for worship, but it is also forbidden us, even if they have come into our possession lawfully without any action on our part, to make use of them or to have any enjoyment or benefit (הנאה [*hana'ah*]) from them; rather, we are obliged to remove them from our sphere of control, without returning them to their purpose forbidden to us. The same precepts apply also to everything that has served such images as ornament or has been used in their worship. (סה"ח תכח תכט תלו [*Sefer ha-Chinukh* 428, 429, 436])

2. It is *forbidden* us to occupy ourselves with the rules of idolatry, and to look with our eyes upon idols or upon the festivals and ceremonies held for their worship, or to picture them in our thoughts. (סה"ח ריג [*Sefer ha-Chinukh* 213]; חורב [Hirsch, *Horeb*] 405)

3. By the names of created beings worshiped as divine we may neither swear ourselves nor cause an oath to be sworn by these names; nor may we pronounce the names of such beings, insofar as they are not mentioned in the 24 books of Holy Scripture. (סה"ח פו [*Sefer ha-Chinukh* 86])

> Do not turn to the no-gods, and make yourselves no molten gods. I, God, am your God. (Lev. 19:4)
>
> In all that I have said to you, take heed, and do not mention the name of other gods; it shall not be named at your instigation. (Exod. 23:13)

[p. 51] B. Enticement to Apostasy; Blasphemy.

21. The Prohibitions against Obeying Enticers and False Prophets.

It is most strictly *forbidden* us to entice Israelites to fall away from God and to adopt another form of worship. This sin becomes still graver when it is committed in the name of higher inspiration (prophecy). We may give no hearing to such an enticer or false prophet, show him friendship or

favor in no way, but must flee from him as from a serpent. (סה"ח פז, תנו, תנז, תנח, תנט, תס, תסא תסב, תקיז, תקיח [*Sefer ha-Chinukh* 87, 456, 457, 458, 459, 460, 461, 462, 517, 518])

> If there arise in your midst a prophet or a dreamer of dreams, and he promises you a sign or a wonder, and the sign or the wonder comes to pass of which he spoke to you, saying: Let us go and serve other gods, whom you have not known, nor your fathers: then you shall not hearken to the words of that prophet or that dreamer; for the Lord your God is testing you, to know whether you love the Lord your God with all your heart and with all your soul. (Deut. 13:2, 3, 4)
>
> If your brother, your mother's son, or your son or your daughter or the wife of your bosom or your friend who is as your own soul, would entice you in secret, saying: Let us go and serve other gods: you shall not consent to him nor hearken to him; your eye shall not look on him with pity, you shall not have compassion on him nor conceal it. (Deut. 13:7, 9)

22. The Crime of Blasphemy.

A crime against the acknowledgment of God so heinous that, God be praised, its commission is to be expected of no one, is blasphemy, namely the uttering of curses or revilings against God. Whoever should be so unfortunate that such a crime were committed in his presence might not repeat what he heard, and would have to rend his garment as though a close relative had died. (סה"ח ע [*Sefer ha-Chinukh* 70])

> To the children of Israel you shall speak as follows: Whoever curses God shall bear his sin; but whoever in doing so expressly pronounces the name "*God*" shall be put to death; the whole congregation shall stone him; the stranger as well as the native, when he expressly pronounces the divine name in doing so, shall be put to death. (Lev. 24:15, 16)

[p. 52]

C. Superstition.

23. The Precepts against Superstitious Thinking and Acting.

1. The acknowledgment of God as the guide of our destiny must include the conviction that there exists in the world no being, no power, no force that can influence our fate and the success of our doings, except God. Therefore we are commanded: *To be wholehearted with God.* (מ"ע לרמב"ן: דברים יח יג [positive commandment according to Nachmanides: Deut. 18:13])

2. This commandment is frequently sinned against through delusions which have their origin in heathenism, are closely related to idolatry, and are usually called *superstition*. Four kinds of such delusions may be distinguished:

a. That there reigns in the world a blind, unalterable fate which we cannot escape, do what we will. (Fatalism.) This delusion, which denies the divine government of the world, probably underlies the ancient worship of Molech, so strictly *forbidden* us. (סה"ח רח [*Sefer ha-Chinukh* 208]; *Hirsch*, *Pentateuch*, Lev. 18:21.)

b. That the fate of a human being depends on the stars; the position of the stars at the moment of his birth decides his whole life; whoever can interpret the position of the stars is able to foretell a person's future and to advise him what he must do or refrain from doing for his welfare. (Astrology.)

c. That there are secret, supernatural beings and forces which one can likewise make serviceable to oneself by such means and ways, and that whoever has succeeded in this is able to produce effects not influenced by God and contrary to the laws of nature and reason, to have intercourse with the dead, to search out the hidden things of the future and the present, even the thoughts of others, to heal the sick without natural means, and the like. (Soothsaying, sorcery, miracle cures, discovery of stolen things without searching, fortune-telling with cards, the divining rod, treasure-digging, exorcists of spirits or ghosts, necromancers, etc.) [p. 53] d. That entirely chance or indifferent things — the flight of birds, the running of certain other animals, the dropping of one's stick or bread, stumbling on the threshold, certain days, hours or numbers — indicate the success or failure of our undertakings, for which reason we ought to pay heed to these things.

3. The Israelite must keep himself far from all these and similar opinions and practices; he may neither do anything of the kind himself, nor have it done for him, nor pay any heed to it at all, for they are *forbidden* us *repeatedly and strictly*. (סה"ח, רמט רן, רנה רנו; תקי, תקיא, תקיב, תקיג, תקיד, תקטו [*Sefer ha-Chinukh* 249, 250, 255, 256; 510, 511, 512, 513, 514, 515])

> Do not turn to the conjurers and diviners; do not seek to be defiled by them; I, God, am your God. (Lev. 19:31)
>
> There shall not be found among you anyone who makes his son or his daughter pass through the fire, or who practices secret arts: an observer of times, an interpreter of chance, a sorcerer, a charmer of animals, a searcher into the future, a soothsayer or a consulter of the dead; for whoever does such things is an abomination to God. (Deut. 18:10, 11, 12)
>
> Lust, wine and new wine take away the understanding; therefore My people consults a block of wood, and its staff is to give it answer. (Hos. 4:11, 12)

D. Imitation of Non-Jewish Customs.

24. The Prohibition of Imitating Non-Jewish Religious Customs.

Religious customs and practices peculiar to non-Israelite confessions, as well as manners and habits in private life that have their basis in the religious teachings and views of those confessions, we may not imitate in our worship and in our private life; but all that is good and salutary and not grounded in religion we may and should learn from all nations and imitate. (**20**, 4.) (סה"ח, רסב; יו"ד קעח בהגה [*Sefer ha-Chinukh* 262; *Yoreh De'ah* 178, in the gloss of R. Moses Isserles])[34]

[34]Translator: The cross-reference "20, 4" does not match §20 as printed, which has only three paragraphs; §19, 4 (images in places of prayer) may be meant.

> Keep all My statutes and ordinances and do them . . . and do not walk in the customs of the nation which I am sending away before you. (Lev. 20:22 and 23)
>
> [p. 54] That which you have in mind shall not come to pass, namely that you say: We will be like the nations, like the tribes of the lands, to worship wood and stone. As I live, says God, with a strong hand, with an outstretched arm and with fury poured out will I rule over you . . . I will bring you back into the bond of the covenant, and I will purge out from among you those who rebel against Me and fall away from Me. (Ezek. 20:32–38)

E. Misuse of the Name of God, Especially in the Oath.

25. The Concept of the Vow or Oath.

1. The duty of acknowledging and worshipping God and of reverence before Him must be present to us quite especially when we swear.

2. *To swear* means to lend our words the highest degree of credibility by invoking God, expressly or by tacit presupposition, as witness of truth and right and as punisher of untruth and wrong. If the oath refers to the past, it has the meaning that what we assert is true; if it refers to the future, it has the meaning that we will faithfully fulfil what we swear to.

3. The simplest, yet fully binding form of oath (שבועה [*shevu'ah*]) is the following: If anyone, even without mentioning a name of God, says: "*I swear!*" or answers "*Amen!*" when someone has pronounced before him: "I adjure you!", or repeats twice in succession the affirmation or denial of a matter with the intention of swearing to it thereby, he has in all these cases sworn an oath. It makes no difference in what language this takes place, or whether the one to whom the oath is given is an Israelite or a non-Israelite, an adult or a child. (י"ד רלז, א׳ ב׳ ה [*Yoreh De'ah* 237:1, 2, 5])

26. The Prohibition of Unnecessary and Vain Swearing.

With regard to their purpose we can distinguish four kinds of oaths: *vain*, *unnecessary*, *permitted* and *necessary*.

a. An oath is *vain* (שבועת שוא [*shevu'at shav*]) when something is sworn to that is so clear that it cannot be disputed at all, [p. 55] or so obviously untrue that the oath cannot possibly be meant seriously, or something whose fulfilment is either impossible by the laws of nature or which the one swearing may not fulfil because of another obligation. Such oaths are the gravest violation of reverence before God, *an impudent game with the All-Holy*, and therefore a grave sin. (סה"ח ל [*Sefer ha-Chinukh* 30])

b. An oath is *unnecessary* when the one swearing cannot be compelled to take it. These oaths, which are frequently sworn above all in business dealings for the sake of transient advantage, are likewise forbidden to us, and our Sages of blessed memory say that wherever such oaths are sworn,

even truthfully, the blessing of God flees and want and misery move in. (א"ח, קנו; שערי היראה לר"י ז"ל; ראש, נדרים ז׳ עא [*Orach Chayyim* 156; *Sha'arei ha-Yir'ah* of Rabbenu Yonah of blessed memory; Rosh, *Nedarim* 7, 71])

c. An oath is *permitted* that one swears to oneself in order thereby to strengthen oneself in the struggle against one's desires or to overcome more easily one's sluggishness in the fulfilment of the divine commandments. (י"ד. רג ו [*Yoreh De'ah* 203:6])

d. *Necessary* is only the oath imposed by the judge, the oath of office and the oath of allegiance to the colours. In legal disputes, however, one should rather put up with a loss of money than secure one's right by means of an oath.

27. The Commandment to Swear before the Judge Only in the Name of God.

1. God has permitted the judge, as the representative of divine justice on earth, and in certain cases commanded him, to require persons whose statements are important for his decision to give their words the highest degree of credibility by an oath. So significant in the eyes of God are truth and right that for their establishment on earth He has given His holy name as a means and has *commanded* us to swear before a court only by His name. Therefore the oath before a court is for the Israelite a most sacred, indeed properly a religious act (מצוה [*mitzvah*]), which he may perform only when thrilled through with the deepest reverence before God. (סה"ח תלה [*Sefer ha-Chinukh* 435])

2. It is especially to be observed here that everyone swears only in the sense intended by the judge. The one swearing may not make his own interpretation of the wording [p. 56] of the oath put to him by the judge, still less refer the oath in his thoughts to something entirely different from what the judge wishes to have sworn. (רמב"ם שבועות ב טו [Maimonides, *Hilkhot Shevu'ot* 2:15])

28. The Prohibition of Perjury.

1. Perjury is a *grave crime*, which consists in intentionally swearing an untruth to be true or deliberately leaving a sworn promise unfulfilled.

2. The perjurer denies by his deed the omnipresence and omniscience of God; he publicly profanes the holy name of God before judge and witnesses and impudently challenges God's judgment. For since God spoke at Sinai: "I will not leave unpunished him who swears falsely by My name," every oath, even if this has not been expressly stated, contains the declaration of the one swearing that he takes this punishment upon himself. Therefore the divine punishment for perjury cannot be cancelled even by repentance.

Moreover, perjury, as a grave crime against human society, is also severely punished by the earthly judge. (סה"ח, רכו, רכז [*Sefer ha-Chinukh* 226, 227])

You shall not utter the name of the Lord your God *in vain*; for God will not leave unpunished him who utters His name in vain. (Exod. 20:7)

The Lord your God shall you revere, Him shall you serve, to Him shall you cleave, and *by His name shall you swear*. (Deut. 10:20)

You shall not swear by My name *to untruth*; for thereby you would degrade the name of your God; I am God. (Lev. 19:12)

I send it (My curse) forth, says the God of Hosts, and it shall enter into the house of the thief and into the house of him who swears falsely by My name, and it shall lodge in the midst of his house and consume it with its timbers and its stones. (Zech. 5:4)

Who may ascend the mountain of God, who may stand in His holy place? He who is of clean hands and a pure heart, who has not uttered My being in vain and has not sworn deceitfully. He shall receive blessing from the Lord and recompense from the God of his salvation. (Ps. 24:3–5)

[p. 57] **29. The Precepts Concerning the Sanctity of the Names of God in Their Spoken and Written Expression.**

1. Reverence before the being of God must also show itself in us in that we hold His names holy in their spoken and written expression. Concerning this we have the following precepts:

2. We may never pronounce God's proper name, שם המפורש [*Shem ha-Meforash*, the Ineffable Name], as it would sound according to its consonants and vowels; this was permitted only in the Temple at Jerusalem, daily at the Priestly Blessing, and on the Day of Atonement at the confessions of sins of the High Priest. In reading Holy Scripture and in prayer we say instead אדני [*Adonai*], otherwise השם [*ha-Shem*, "the Name"]. (סוטה לח, א; רמב"ם תפלה יד, י׳; רש"י שמות ג ט; ד׳ כא [*Sotah* 38a; Maimonides, *Hilkhot Tefillah* 14:10; Rashi on Exod. 3:9(?); ...])[35]

3. We may not pronounce any name of God unnecessarily, and even in prayer never without the deepest reverence; hence we may also not pronounce any of the prescribed benedictions (ברכות [*berakhot*]) without obligation (לבטלה [*le-vattalah*, in vain]). If a name of God has escaped us unnecessarily, we should at once add: ברוך שם כבוד מלכותו לעולם ועד ["Blessed be the name of the glory of His kingdom for ever and ever"]. (מצות השם ל; רמב"ם שבועות יב יא; א"ח רטו ד [*Mitzvot ha-Shem* 30; Maimonides, *Hilkhot Shevu'ot* 12:11; *Orach Chayyim* 215:4])[36]

4. In the vicinity of unclean and foul-smelling places or objects, when such substances are on our body or our clothing, in bathrooms, with uncovered head or body, or facing the uncovered body

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[35]Translator: The reference to Rashi is printed שמות ג ט (Exod. 3:9), but the relevant comment is evidently Rashi on Exod. 3:15 ("This is My name for ever"). The final reference, printed ד׳ כא, is unclear; the passage on the Name being read differently from the way it is written is in *Pesachim* 50a and *Kiddushin* 71a.

[36]Translator: מצות השם is apparently a work cited by commandment number (no. 30); the reference could not be identified with certainty.

of others, we may neither pronounce a name of God nor speak or meditate about holy things. (סמ"ק פג; א"ח עד [*Sefer Mitzvot Katan* 83; *Orach Chayyim* 74])

5. It is forbidden to us to erase or destroy any of the names of God, and therefore also to write one where erasure or destruction is to be feared, such as on walls, school slates, pupils' exercise books, utensils, letters or other writings that one is not accustomed to keep carefully. Therefore in such writings, instead of the four-letter name of God, we put a ה׳ or ד׳, do not write the other names of God there in full either, and in printed prayer books, instead of that name of God which we may not pronounce, use: י"י. Even in printed works we may not erase the name of God or treat it unworthily; therefore books which belong to the biblical [p. 58] and rabbinic literature—prayer books, Bible translations and the like, or even only single leaves of them, whether they are written in Hebrew or in another language—we may not throw away or destroy, but when they are no longer used we should hide them in a clean place, so that they may be protected from misuse or destruction. (סה"ח, תלז; רמב"ם יסה"ת, ו [*Sefer ha-Chinukh* 437; Maimonides, *Hilkhot Yesodei ha-Torah* 6])

> In every place where I permit My name to be remembered, I will come to you and bless you. (Exod. 20:21)
>
> When I call upon the name of God, ascribe greatness to our God. (Deut. 32:3)
>
> The priests and the people who stood in the Temple court, whenever they heard the name of God come forth *distinctly* pronounced from the mouth of the High Priest, sank to their knees, bowed down and fell on their faces, saying: *Blessed be the name of the glory of His kingdom for ever and ever!* (Yoma 6:2)
>
> You shall utterly destroy all the places where the nations whom you are dispossessing served their gods, upon the high mountains and upon the hills and under every green tree. You shall break down their altars and shatter their pillars, and their sacred trees you shall burn with fire, and you shall hew down the images of their gods; *you shall destroy their name out of that place. You shall not do so to God your God.* (Deut. 12:2–4)

[p. —]

ואת מצותיו תשמרו ובקלו תשמעו ואתו תעבדו.

> "And His commandments shall you keep, and to His voice shall you hearken, and Him shall you serve." (Deut. 13:5)

Second Division.

On the Worship of God.

I. Through the Study of Torah, Its Promotion and the Esteem in Which It Is Held.

A. One's Own Study.

30. The Commandment to Learn Torah.

1. Since we can come to know clearly and sufficiently what we have to do and to refrain from doing, according to God's will, as human beings and Israelites only from the Torah (Introduction 1), we are *commanded* to study the Torah, and our Sages of blessed memory describe this commandment, because it is the precondition of the fulfilment of every duty, as the most important among all the commandments. (סה"ח תיט [*Sefer ha-Chinukh* 419])

2. Every Israelite, whether he be young or old, rich or poor, healthy and fortunate or afflicted with sufferings and illnesses, even if he must support his family with heavy toil, yes, even if he must beg at people's doors, is obliged to devote a part of every day, but especially of every night, to occupation with the Torah to the end of his life. (י"ד רטו א [*Yoreh De'ah* 215:1])[37]

3. Whoever ceases from the study of Torah, even were he the greatest of Torah scholars, not only neglects this commandment but also transgresses a prohibition. (Deut. 4:9.) (סמ"ג לאוין יג [*Sefer Mitzvot Gadol*, Prohibitions 13])

4. We should occupy ourselves with all parts of the Torah (Introduction 4): the twenty-four holy books, the Talmud and the codes of decisions. Ethical works such as מנורת המאור [*Menorat ha-Ma'or*], חובות הלבבות [*Chovot ha-Levavot*] and similar ones are also to be recommended. Whoever is [p. 60] ignorant of the Hebrew language should, so long as he has not acquired an understanding of it, seek to meet the duty of learning Torah through translations of the Holy Scriptures and through works that treat the traditional Jewish religious law in a language he understands. The choice of such books, however, requires caution, and one must hear the advice of reliable and knowledgeable men about it. (י"ד, רמו, ד [*Yoreh De'ah* 246:4])

5. We may not, however, regard the study of Torah like that of an ordinary science and pursue it merely out of a thirst for knowledge, but as the fulfilment of a most holy divine commandment. Therefore we are obliged every day, when we begin to occupy ourselves with the Torah, to say a prayer of thanksgiving, ברכת התורה [*Birkat ha-Torah*, the blessing over the Torah] (44, 2). (מ"ע

[37] Translator: Printed רטו (215); the laws of the duty of Torah study stand in *Yoreh De'ah* 246:1 (רמו), which is presumably meant.

לרמב"ן; א"ח מ"ז [Positive Commandments according to Nachmanides; *Orach Chayyim* 47]; Hirsch, *Pentateuch* [commentary], Deut. 32:2 and p. 131, end.)[38]

> And Moses called all Israel to him and said to them: Hear, O Israel, the statutes and ordinances which I speak in your ears this day, *that you may learn them* and take care to fulfil them. (Deut. 5:1)
>
> This book of the Teaching shall not depart from your mouth, and you shall meditate on it by day and by night, that you may take care to act according to all that is written in it; for then you shall be fortunate in your ways, and then you shall act wisely. (Josh. 1:8)

B. Torah Instruction and the Education of Children.

31. The Commandment to Instruct One's Own Children in the Torah.

1. In the same passage of Scripture that prescribes to us our own study of the Torah, and in many other places besides, every Israelite father is *commanded* to instruct his children in the Torah. (סה"ח שם [*Sefer ha-Chinukh*, ibid.])

2. As soon as the child has command of speech, the father should therefore recite to him verses of Scripture such as שמע ישראל וגו׳ ["Hear, O Israel," etc.] (Deut. 6:4) or תורה צוה לנו משה וגו׳ ["Moses commanded us a Torah," etc.] (Deut. 33:4). When he has become capable of learning, he should be instructed first in the תנ"ך [*Tanakh*, the Bible], then in *Rashi*'s commentary on the Torah, and then, if possible, in משנה [*Mishnah*] and גמרא [*Gemara*]; where instruction in Talmud is not possible, instruction should be given instead in the שלחן ערוך [*Shulchan Arukh*] or in the abridgements of it that have appeared under the titles חיי אדם [*Chayyei Adam*] and [p. 61] חכמת אדם [*Chokhmat Adam*]. (י"ד רמה ד [*Yoreh De'ah* 245:4])

3. If the father cannot himself see to the instruction of his children, he is obliged to maintain a teacher for them or to entrust them to a school. (י"ד רמה ה [*Yoreh De'ah* 245:5])

4. If a father is unable to pay the costs of instruction, the community has the duty to have the instruction given. Therefore every Israelite community must maintain a school that offers all fathers the opportunity of having their children instructed in the Torah. (י"ד רמה ז [*Yoreh De'ah* 245:7])

5. For girls, it is true, so extensive an instruction in Torah as for boys is not required. Yet a truly Jewish disposition should be awakened and fostered in them through the reading of the Holy Scriptures, and they must receive so much instruction in the precepts of the Torah that they know all their obligations exactly and learn to fulfil them with devoted faithfulness. In order to be able

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[38]Translator: Nachmanides, in his glosses on Maimonides' *Sefer ha-Mitzvot*, counts the blessing over the Torah as a positive commandment of the Torah.

to pray with devotion, they should also be practised in translating the prayers. (יו"ד, רמו ו [*Yoreh De'ah* 246:6])

> Let the words which I command you this day be upon your heart, *and you shall impress them upon your children*. (Deut. [6:]6 and 7)[39]
>
> The Teaching which Moses commanded us is the *inheritance of the congregation of Jacob*. (Deut. 33:4)

32. The Duty to Accustom Children to the Observance of the Torah.

1. In all study and teaching of the Torah the principle of our Sages of blessed memory holds: Not learning is the main thing, but doing. Therefore every Israelite father is *obliged* to accustom his children early to a life according to the precepts of the Torah. (מ"ע מדברי קבלה ח"א כלל סו א [a positive commandment from the words of tradition; *Chayyei Adam* I, *kelal* 66:1])

2. Parents may not tolerate their child's transgressing *any prohibition*, e.g. profaning the Sabbath, eating what is forbidden, lying, swearing, cursing, appropriating another's property, and so forth. (א"ח שמג; ח"מ שמט [*Orach Chayyim* 343; *Choshen Mishpat* 349])

[p. 62] **3.** The duty to accustom the child to the *fulfilment of the commandments* begins later; yet one should train the child as early as possible to put on the *Tzitzit*, to read the *Shema*, to pray, especially the benedictions (ברכות), in particular grace after meals and the like; it should, however, learn to understand what it prays, and should not be accustomed to pray thoughtlessly. Gradually, according to the measure of its physical and mental development, it should be held to the fulfilment of all the commandments. (ח"א סו ב [*Chayyei Adam* 66:2])

4. In this training strictness should be paired with gentleness; when it is necessary, punishment is the duty of the parents. (שם א; י"ד רמ יט ך [ibid. 1; *Yoreh De'ah* 240:19 ...])

5. According to the oral tradition the boy at *thirteen*, the girl at *twelve* years becomes responsible to God for their actions (בר עונשין [*bar onshin*, liable to punishment]), and from this time on they are independently obliged to fulfil all the commandments and prohibitions of the Torah (בר מצוה [*bar mitzvah*]); nevertheless parents should not neglect to influence their children even after this age, for it is precisely at this stage of life that the dangers and temptations for the young are strongest. From the sixteenth to at least the twenty-second year our Sages of blessed memory find educative influence most necessary. (חורב § 555; קידושין לא עיין ר"שי; טור י"ד שלד ב"י [*Horeb* § 555; *Kiddushin* 31, see Rashi; *Tur Yoreh De'ah* 334, *Beit Yosef*])[40]

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[39] Translator: The chapter number is missing in the print; the verses are Deut. 6:6–7.

[40] Translator: ר"שי is evidently a misprint for רש"י (Rashi). The ages sixteen to twenty-two are named in *Kiddushin* 30a; the *Tur* reference (שלד, 334) is printed thus, though the subject is treated in *Tur Yoreh De'ah* 240.

> Set your hearts earnestly upon all these words which I testify to you this day, *that you charge your children with them*, to fulfil conscientiously all the words of this Teaching. (Deut. 32:46)
>
> Train the boy at the beginning of his way of life; then even when he grows old he will not depart from it. (Prov. 22:6)
>
> He who spares the rod hates his son; he who loves him chastises him early. (Prov. 13:24)

33. The Duty of the Physical and Vocational Education of Children.

1. When instruction in the Torah has been adequately provided for, the Israelite father is also obliged to have his child given instruction in the general subjects of school instruction. This is necessary already for the sake of the Torah; for it reaches into all fields of knowledge, and one learns much in it more easily [p. 63] when one also possesses general knowledge. Moreover, the Torah scholar who lacks all general knowledge is easily despised, which must be prevented. (,אבות ב, ב [*Avot* 2:2])

2. But instruction in this knowledge is a duty also because it forms the precondition of every pursuit of business and trade, and the Israelite father is obliged to have his son trained in some calling by which he can one day support himself independently; agriculture, handicraft, commerce, science and art—every calling is good if it is not one that makes the observance of God's law impossible or endangers it. (קידושין, ל, ב; ופב,א [*Kiddushin* 30b; and 82a])

3. Both the study of Torah and the pursuit of a calling require a healthy, strong body; therefore Israelite parents must pay special attention to their children's health in their upbringing. They must give them healthy food, clothing and housing, and also exercise their bodily strength, and must not coddle them. (ב, ל ,קידושין; עא, א"הע [*Even ha-Ezer* 71; *Kiddushin* 30b])

> Beautiful is the study of Torah combined with a worldly occupation, for the exertion of both drives sin out of the mind; but all Torah learning without a worldly calling comes to ruin in the end and draws sin after it. (Avot 2:2)
>
> Whoever does not have his son learn a trade acts as if he were leading him to steal. (Kiddushin 30b)

34. The Commandment to Teach Torah to Everyone.

1. Everyone who is capable of teaching Torah is obliged to give instruction in Torah to everyone, besides his own children, without demanding payment for it. Only he who is not in a position to sustain his life without such payment is permitted to accept it. Yet no Torah scholar should degrade the Torah through greed. (רמב"ם ת"ת, ב, ב; י"ד, רמה ג; רמו ה וכא בהגה [Maimonides, *Hilkhot Talmud Torah* 2:2; *Yoreh De'ah* 245:3; 246:5 and 21 in the gloss])

2. Whoever has undertaken the obligation of teaching Torah must always be mindful of the holiness of his calling and attend to his office with diligence and faithfulness. In any case he may

not withhold [p. 64] from instruction the time for which he has committed himself. To the teacher who does such a thing our Sages of blessed memory apply the prophet's word (Jer. 48:10): Cursed be he who does the work of God negligently. (י"ד רמו יז [*Yoreh De'ah* 246:17])

> Those who have led to wisdom shall shine like the brightness of the firmament, and those who have strengthened many in piety like the stars, for ever and ever. (Dan. 12:3)

C. Esteem for Those Learned in the Torah.

35. The Commandment to Honour Torah Scholars and the Aged.

1. To the teacher of Torah to whom we owe the greatest part of our knowledge of Torah we owe more esteem, reverence and readiness to serve than even to our parents; for from these we have only earthly existence, but he paved for us the way to eternal bliss. (י"ד רמב א וד בהגה [*Yoreh De'ah* 242:1 and 4 in the gloss])

2. But we are also *commanded* to show respect and veneration to every *Torah scholar* who leads a pious life. The commandment of the Torah (Lev. 19:32): "Before a grey head you shall rise up and honour the presence of an old man," is, according to the oral tradition, to be referred not only to actual *venerable* old men but to all Torah scholars, even if they are still young. Before the latter as before the former we must rise from our seat when they come near us, until they have passed us. (סה"ח רנז [*Sefer ha-Chinukh* 257])

3. Since this veneration is directed not to the man but to the Torah (in the case of the aged man, to rich experience), and is thus quite properly an expression of the worship of God, we may not evade the duty of rising by getting out of the way of the approaching Torah scholar or old man. (י"ד רמד ג [*Yoreh De'ah* 244:3])

4. We are furthermore commanded to cultivate association with Torah scholars and to form ties of friendship and kinship with them, so that we may learn from them on occasion and, through their example, accustom ourselves to a pious way of life. (סה"ח, תלד; רמב"ם דעות. ו, ב [*Sefer ha-Chinukh* 434; Maimonides, *Hilkhot De'ot* 6:2])

[p. 65] **5.** For those whom God has blessed with earthly goods, especially if they themselves are not able to occupy themselves with the Torah, it is considered a particularly beneficent work to support in an honourable manner those devoted to the Torah, scholars and disciples, so that these may give themselves to the study of Torah without worries about their livelihood. (י"ד רנג יא [*Yoreh De'ah* 253:11])

> Before a grey head you shall rise up and honour the presence of *one ripened in wisdom*, and you shall fear your God; I am God. (Lev. 19:32)
>
> He who walks with the wise will himself become wise; he who keeps company with fools will himself become a fool. (Prov. 13:20)

A tree of life is she (the Torah) to those who support her, and to those who uphold her bliss is granted. (Prov. 3:18)

D. Copies of the Torah.

36. The Commandment to Prepare Copies of the Torah.

1. A chief condition of the study of Torah is the possession of copies of the Torah. Therefore the last (613th) commandment of the Torah is that everyone should write a copy of the Torah, ספר תורה [*Sefer Torah*], or have one written, even if he already possesses one through inheritance or gift. Thereby the greatest possible dissemination of the Torah is to be achieved. (סה"ח, תרי"ג [*Sefer ha-Chinukh* 613])

2. So that errors may not creep into the copies, exact precepts about copying have been given through the oral teaching. (י"ד רעא – רפ [*Yoreh De'ah* 271–280])

3. This commandment originally applied to the written Torah; but since the oral Torah has also been written down, we can satisfy the commandment also through preparing and purchasing copies or printed editions of the Talmud or the codes. (י"ד רע, ש"ך ס"ק ה באר הגולה ס"ק ח [*Yoreh De'ah* 270, *Shakh* subsection 5, *Be'er ha-Golah* subsection 8])

4. Every Israelite who does not wish to have wholly neglected this commandment is therefore obliged at least to acquire as many books of Torah as he needs for his own study and the instruction of his children.

[p. 66] 37. The Esteem Due to Copies of the Torah.

1. We are obliged to show respect to the copy of the Torah (ספר תורה); we must rise before it when it is carried past us, may not touch it with bare hands, and may do nothing in its vicinity that we would not permit ourselves in the vicinity of a person to whom we owe very great respect.

2. The mantles for wrapping, the arks for keeping and the desks for laying out the Torah also acquire a degree of holiness and may not be used for common purposes.

3. Concerning the sale of a Torah scroll, its treatment when it has become unfit for use, and any other use of the said mantles, arks and desks, a person learned in the Torah is to be consulted. (י"ד רפב [*Yoreh De'ah* 282])

4. Moreover, we are obliged to treat with reverence all other books as well that contain Torah. When we lay such books one upon another, we must always put the Torah (חומש [*Chumash*, the Pentateuch]) on top. (י"ד רפב יט [*Yoreh De'ah* 282:19])

II. Through Words of Acknowledgment and Worship.

A. The Reading of the Shema.

38. The Commandment to Read the Shema.

1. By the word *Shema* we designate the following three sections (פרשיות [*parshiyyot*]) of the Torah: 1. Deut. 6:4–9, שמע–ובשעריך [*Shema … u-vish'arekha*]; 2. Deut. 11:13–21, והיה–הארץ [*Ve-hayah … ha-aretz*]; 3. Num. 15:37–41 (ויאמר - אלקיכם [*Va-yomer … Eloheikhem*]).

2. The fundamental duties of the Israelite—to acknowledge God, the One, as *our* God, to love Him above all things, to learn and to teach His Torah (שמע קבלת עול מלכות שמים [*Shema*: acceptance of the yoke of the kingdom of Heaven]), and to render obedience to all its commandments (והיה=קבלת עול מצות [*Ve-hayah*: acceptance of the yoke of the commandments])—are surely expressed more forcefully in no passage of the Torah than in these three sections. In addition, the third section mentions [p. 67] the Exodus from Egypt (ויאמר=זכרון יציאת מצרים [*Va-yomer*: remembrance of the Exodus from Egypt]), which we are to remember all the days and nights of our life (17, 3a), because the liberation from Egypt is the ground that obliges us as Israelites to all of this.

3. Therefore we are commanded to read these three sections of the Torah twice daily, morning and evening, exactly and distinctly according to their wording, with devotion, and to take their content to heart. That is the commandment of reading the Shema (קריאת שמע [*Keri'at Shema*]). (סה"ח, תך [*Sefer ha-Chinukh* 420])

4. The time for reading is, in the *evening*, from the appearance of three medium-sized stars visible at a single glance until midnight. Whoever has not met the duty by then can still fulfil it later, until shortly before dawn. In the *morning* the time for reading is from the time at which one can recognize, at a distance of four cubits (paces), someone whom one is accustomed to meet occasionally, until a quarter of the length of the day in question has elapsed.[41]

5. The wise arrangers of our prayers composed introductory and concluding prayers for the Shema and suitably attached it to the morning and evening prayers (43, 2).

6. We are furthermore obliged to read the first of the above sections once more with the prayer before going to sleep (44, 5 and 6a). (א"ח רלט [*Orach Chayyim* 239])

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[41] Where in Jewish ritual matters there is mention of particular *hours of the day*, e.g. in the times of prayer or the prohibition of leaven on the 14th of Nisan, this is to be understood in the following way. The time from the first dawn (עמוד השחר [*amud ha-shachar*]) until the appearance of the stars described above (צאת הכוכבים [*tzet ha-kokhavim*]), expressed in hours of our clock, is called in this book the *length of the day*; a twelfth of the length of the day is called *an hour of the day*. These hours become *longer* or *shorter* as the length of the day increases and decreases. If, for example, a length of the day amounts by our clock to 15 hours and 36 minutes, then an hour on this day lasts 1 hour and 18 minutes by our clock, and a religious duty which we would have to fulfil on this day after three hours of the day, or after the first quarter of the length of the day, would have to be performed 3 hours and 54 minutes after the first dawn.

[p. 68] **B. Prayer.**

39. The Prohibition of Sacrificial Worship and the Commandment of the Worship of the Heart.

1. The true Israelite is a servant of God, and every one of his actions is divine service, עבודה [*avodah*]. Nevertheless the Torah also commands us a special divine service, namely an *outward* one, the worship of deeds, and an *inward* one, the worship of the heart.

2. The worship of deeds consisted, in the time of the Temple, in the offering of sacrifices. The sacrifices are symbolic actions which on the one hand express acknowledgment and worship of God and on the other are meant to have an ennobling effect on the one who offers. This kind of divine service, עבודת הקרבנות [*avodat ha-korbanot*, the service of sacrifices], we are not able to perform now, because *the offering of sacrifices outside the Temple on Zion is forbidden to us*. (סה"ח, קפו, תלט [*Sefer ha-Chinukh* 186, 439])

3. Thus, until God again looks down graciously upon us and causes His glory to be enthroned on Zion, only the performance of the inward divine service *commanded* to us is possible. *This kind of divine service*, עבודה שבלב [*avodah she-ba-lev*, service of the heart], is prayer, תפלה [*tefillah*]. (סח"ה, תלג [*Sefer ha-Chinukh* 433])[42]

> Take heed that you do not offer your sacrifices in every place that you see, but only in the place which God will choose in one of your tribes; there you shall offer your sacrifices, and there you shall do all that I command you. (Deut. 12:13, 14)
>
> May my prayer count before You as incense, the lifting up of my hands as the evening offering. (Ps. 141:2)
>
> Take only *words* with you and return to God. Say to Him: Forgive all sins and accept amendment; *let us replace bulls of sacrifice with our lips*. (Hos. 14:3)

40. The Concept and General Content of Prayer.

1. To pray means to utter before God the *feelings*, *dispositions*, *wishes* and *resolutions* which the thought of God's greatness, goodness and holiness, as well as the contemplation of our own weakness, awaken in us. Accordingly, prayer will in general have the following content:

[p. 69] **2.** The feelings which the power, wisdom and goodness of God, revealed in nature and in the guidance of Israel and of mankind, awaken in us, we express in the *prayer of praise*, שבח, תהלה, הלל [*shevach*, *tehillah*, *hallel*].

3. The remembrance of the many benefits which God's fatherly goodness showed to our fathers and shows to us daily moves us to the *prayer of thanksgiving*, הודיה, תודה [*hoda'ah*, *todah*].

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[42] Translator: סח"ה is a misprint for סה"ח (*Sefer ha-Chinukh*).

4. The awareness of our own and Israel's distress, from which only God can redeem us, and the longing for God's good pleasure, lost to us through our sins and the sins of our fathers, move us to the *prayer of petition*, תחנה ובקשה [*techinnah u-vakkashah*], to which, especially on fast days and days of repentance, the *confession of sins*, ודוי [*viddui*], is joined.

5. The resolution, through obedience to God, to further His gracious purposes, so that the salvation may come to mankind as soon as possible which God so gladly grants it when it shows itself worthy of it, we express through the *blessing of God*, ברכה [*berakhah*].[43]

6. Since the realization of these His purposes would result in the universal acknowledgment and worship of God, and thus in His greatest glorification on earth, the *berakhah* is the most sublime component of our prayer, which is why most of our prayers either begin *or* end with it, and some of them even begin *and* end with it.

7. We should not selfishly pray merely for ourselves, but also for suffering fellow human beings, even if they are our enemies. In particular we should include in our prayer Israel—misjudged, unjustly mocked and often persecuted—and all mankind. (בבא קמא צב א; ס' חסידים תקנג [*Bava Kamma* 92a; *Sefer Chasidim* 553])

> Lord, open my lips, that my mouth may declare Your praise (תהלה [*tehillah*]). (Ps. 51:17)
>
> [p. 70] Sing to God a song of thanksgiving (תודה [*todah*]), play in honour of our Lord upon the harp. (Ps. 147:7)
>
> Every prayer, every supplication (תחנה [*techinnah*]) that any man may have among all Your people Israel, when he feels the grief of his heart and lifts up his hands in this house—may You hear it in heaven, Your dwelling place. (1 Kings 8:30, 39)[44]
>
> I prayed to God, my God, and made confession (ודוי [*viddui*]), saying: O Lord, great and awesome God, who keeps covenant and mercy with those who love Him and keep His commandments, we have erred, sinned, acted wickedly, rebelled and turned aside from Your commandments and Your ordinances. (Dan. 9:4, 5)
>
> Bless (ברכה [*berakhah*]) God, you His angels, mighty in strength, who perform His work, that one may hearken to the voice of His word. Bless God, all you His hosts, His servants who do His word. (Ps. 103:20, 21)
>
> But also when a foreigner who is not of Your people Israel comes from a distant land for Your name's sake . . . . and prays in this house, may You hear it in heaven, Your dwelling place, and

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[43]According to this understanding, the root ברך is to be translated "to *bless*" also in reference to God. Compare R. Jacob ibn Chabib in the עין יעקב [*Ein Ya'akov*] on the remarkable passage: ישמעאל בני ברכני ["Ishmael, my son, bless Me"], after which there (ברכות, ז [*Berakhot* 7a]) follows not praise but a blessing; also Hirsch, חורב [*Horeb*], p. 638, and *Pentateuch Commentary* on Deut. 8:10, pp. 130–31.

[44]Translator: The words quoted correspond to 1 Kings 8:38–39.

grant all that the foreigner has called upon You for, that all the peoples of the earth may know Your name and revere You, as does Your people Israel. (1 Kings 8:41–43)

Far be it from me that I should sin against God by ceasing to pray for you. (1 Sam. 12:16)[45]

41. The Significance of Prayer.

1. God has promised that sincere, pious prayer will be answered. If we nevertheless see that the prayer even of pious men remains unanswered, this must not lead us astray. God, who alone knows what serves our welfare, denies us our wishes when their fulfilment would not be for our good. Therefore we must not grow weary in prayer, for prayer in itself exercises the most wholesome influence upon us. God has commanded it to us for this reason, even though He knows our thoughts before we put them into words. For:

2. It purifies our heart of all that is sinful, low and base, and directs our mind to what is higher, holy and divine. Thereby we become capable and worthy of entering into ever closer union with God, the Holy One.

[p. 71] **3.** Prayer makes us content with our lot, gives us strength to bear the hardships and sufferings of life courageously and to look toward the future without worry and anxiety.

4. It grants us perseverance and cheerfulness in the exercise of our earthly calling, moderates the striving after earthly goods, and so brings the demands of the body into the right relation to the higher task of life. (כוזרי, ג׳ ה׳; מורה נבוכים ג נ"א [*Kuzari* 3:5; *Guide of the Perplexed* 3:51])

Create in me a pure heart, O God, and renew a steadfast spirit within me. Cast me not away from Your presence, and take not the spirit of Your holiness from me. (Ps. 51:12, 13)

Out of distress I called upon God; He answered me with deliverance, God. *God is with me, I will not fear*; what can man do to me? (Ps. 118:5, 6)

Two things I ask of You, do not deny them to me as long as I live: Keep falsehood and lies far from me; give me neither *poverty nor riches*; provide me with my sufficient bread, lest, being sated, I deny and say: Who is God? or, being in want, I steal and profane the name of my God. (Prov. 30:7–9)

42. The Precepts to Be Observed before and during Prayer.

1. The Hebrew word התפלל [*hitpallel*] (to pray), from which תפלה [*tefillah*] (prayer) is derived, originally means: *to hold judgment over oneself*. With this the first preparations for prayer are sufficiently defined. (Plessner, אבן טובה [*Even Tovah*], p. 25; Hirsch, חורב [*Horeb*] § 618, and *Pentateuch Commentary* on Deut. 11:13.)[46]

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[45] Translator: The verse is 1 Sam. 12:23.

[46] Translator: Salomon Plessner (1797–1883), German rabbi and preacher, author of the catechism *Even Tovah* (Hebrew title of his *Religionsunterricht für die israelitische Jugend*); Samson Raphael Hirsch, *Horeb* (1837).

2. Before we step forward to pray, we must examine ourselves closely and banish from our hearts every wrongful thought, all hatred and envy, but also all pride, all reliance on our own merit. (א"ח צח א בהגה וה; מנורת המאור קא [*Orach Chayyim* 98:1 in the gloss, and 5; *Menorat ha-Ma'or* 101])

3. If in this self-judgment we actually find that wrong clings to our hands, that one of our fellow men has cause to complain of us, then we must make good the wrong and conciliate the one we have offended. (מנה"מ שם [*Menorat ha-Ma'or*, ibid.])

4. If we wish to implore God for His help, we must ourselves extend a rescuing hand to suffering humanity. [p. 72] Therefore it is recommended to give a gift for a charitable purpose before every prayer. For this the alms box is placed in the synagogue. (א"ח צב י; מנה"מ שם [*Orach Chayyim* 92:10; *Menorat ha-Ma'or*, ibid.])

5. Thus inwardly purified, we must also see to outward cleanliness, wash our hands, and remove everything unclean from our body, our clothing and our surroundings, as is required in general when the divine name is uttered (29, 4). (א"ח, עד–פז; צב, ד; צח, ד [*Orach Chayyim* 74–87; 92:4; 98:4])

6. In prayer our thoughts must be directed exclusively to God, the Omnipresent, and to the meaning of the words that we utter before Him; that is what it means to pray *with devotion*; and it is better to perform only the prescribed prayers with devotion than to heap up many voluntary prayers and then recite everything without devotion. (א"ח צג, ב; צח, א; מורה נבוכים שם [*Orach Chayyim* 93:2; 98:1; *Guide of the Perplexed*, ibid.])

> God keeps far from the wicked, but the prayer of the righteous He hears. (Prov. 15:29)
>
> When you spread out your hands, I turn My eyes away from you; even though you pray much, I do not hear it: your hands are stained with guilt. (Isa. 1:15)
>
> He who stops his ear to the cry of the poor will himself cry and not be heard. (Prov. 21:13)
>
> Hannah prayed in her heart; only her lips moved, but her voice was not heard. (1 Sam. 1:13)
>
> Because this people draws near with its mouth and honours Me with its lips, but keeps its heart far from Me, so that their fear of Me becomes a precept of men learned by rote, therefore I will further deal wondrously with this people, wondrously and marvellously. (Isa. 29:13, 14)

43. The Prayers Determined by Time.

1. God is near to us whenever we call upon Him (Deut. 4:7). Therefore we may pray at any time. But very few people, in the zeal and toil of their calling or in the whirl of their pleasures, would think of praying. They would forget prayer, and with prayer, God. Therefore our Sages of blessed memory prescribed the times of prayer and, corresponding to the sacrificial rites in the Temple, fixed *three times of prayer for each day*. (רמב"ם תפלה א, ו [Maimonides, *Hilkhot Tefillah* 1:6])

[p. 73] **2.** The *morning prayer*, שחרית [*Shacharit*], is brought in our order of prayers into close connection with the Shema; its main component (שמנה עשרה [*Shemoneh Esreh*]) is to follow immediately upon the concluding prayer of the Shema (גאל ישראל [*Ga'al Yisra'el*, "who redeemed Israel"]); therefore the morning prayer is to be begun so early *that the Shema is read at the proper time* (38, 4). (א"ח, קיא [*Orach Chayyim* 111])

On the Sabbath, שבת [*Shabbat*], the festivals, ימים טובים [*Yamim Tovim*], and the days of the New Moon, ראשי חדשים [*Rashei Chodashim*], a special offering was brought in the Temple. Corresponding to this, a special prayer is ordained for these days, מוסף [*Musaf*] (addition); its time begins immediately after *Shacharit*, and it may not *deliberately* be postponed until an hour after midday; if, however, this time has been missed, it may still be prayed later. (א"ח, רפו [*Orach Chayyim* 286])

Weak and sick persons excepted, everyone is forbidden after daybreak, before the morning prayer, to take anything but water or to undertake business. Whoever is urgently compelled to undertake such things should first pray at least as far as ברוך שאמר [*Barukh she-Amar*]. Furthermore it is forbidden to visit someone in order to greet him before one has prayed. If a visit is urgently necessary, or if one meets someone, one may indeed greet him, but not with a *name of God*, to which the word שלום [*shalom*] also belongs. (א"ח. פט [*Orach Chayyim* 89])

3. The *afternoon prayer*, מנחה [*Minchah*]. The time of this prayer begins after 19/24 of the length of the day have elapsed and lasts until shortly before nightfall. Where in congregational worship, as is often customary, the evening prayer (מעריב [*Ma'ariv*]) is also prayed, still by daylight, immediately after the afternoon prayer (*Minchah*), one should if possible perform the afternoon prayer before 43/48 of the length of the day have elapsed. Whoever performs the afternoon prayer from half past twelve onward has fulfilled the duty; whoever might foreseeably be prevented at the proper time stated above should fulfil the duty at this earlier time (from half past twelve on). (א"ח רלג בהגה [*Orach Chayyim* 233 in the gloss])

4. The *evening prayer*, ערבית [*Arvit*], is likewise closely connected in the order of prayers with the Shema, and therefore coincides in time with it. [p. 74] In congregational worship, however, one may, after 43/48 of the length of the day have elapsed, join the evening prayer with the Shema to the *Minchah* prayer; whoever has taken part in this should read the three sections of the Shema once more at the beginning of the night. (א"ח רלה, א [*Orach Chayyim* 235:1])

Half an hour before the time appointed for the afternoon and evening prayers one should begin neither a meal nor an occupation that might take up so much time that missing the proper time of prayer would be feared. (א"ח רלב, מ"א ס"ק ד; רלה, ב [*Orach Chayyim* 232, *Magen Avraham* subsection 4; 235:2])

I call to God, and God helps me. *Evening and morning and noon* I pray and plead, and He hears my voice. (Ps. 55:17, 18)

But Daniel, when he learned that the writing had been signed, went to his house; in his upper chamber he had windows open *toward Jerusalem*; there he knelt *three times a day*, prayed before God and gave thanks to Him, as he had always been accustomed to do. (Dan. 6:11)

44. The Prayers Not Determined by Time.

1. The commandment to pray is not limited merely to these times: every occasion that brings God's greatness and goodness, His bestowal of blessing and salvation, freshly to our awareness obliges us to prayer, namely to the blessing of God, the *berakhah*.

2. For two such occasions prayer is prescribed in the written Torah (דאורייתא [*de-oraita*]): *before* the study of the Law, for the greatest spiritual benefit God has shown us (30, 5), and *after* partaking of the most indispensable food, *bread*, for the greatest bodily benefit for which we have to thank God (ברכת המזון [*Birkat ha-Mazon*, grace after meals]). (סה"ח, תל [*Sefer ha-Chinukh* 430])

3. Whoever has eaten bread the size of an olive (כזית [*ke-zayit*] = half a hen's egg), made of wheat, spelt, rye, barley or oats, kneaded with water and simply baked, is obliged to say this prayer. In order to be able to comply with this commandment, we eat such bread before our meals, after first washing our hands as prescribed and saying the benediction [p. 75] המוציא [*ha-Motzi*]. On the precept of washing the hands before eating bread see 113, 5. (רמב"ם ברכות ג א וב [Maimonides, *Hilkhot Berakhot* 3:1 and 2])

4. If three male persons at least 13 years old have eaten together, they are *obliged* to say grace in common (זימון [*zimmun*]); the formula for *three*, as well as the altered one for *ten* companions at table, is found in the prayer book. (א"ח, קצב [*Orach Chayyim* 192])

5. According to the ordinances of our Sages of blessed memory, however, we have to say prayers, *berakhot*, on many other occasions as well. These prayers are all short and require no expenditure of time, but they give us occasion many times a day (מאה ברכות [*me'ah berakhot*, a hundred blessings]), from our awakening at the first cockcrow until we close our eyes in sleep, to proclaim in blessing the praise and glory of God as God and King of the universe (שם ומלכות [*Shem u-Malkhut*, the Name and the Kingship]). (רמ"בם, ברכות, א-ב וג [Maimonides, *Hilkhot Berakhot* 1–2 and 3])

6. Such *berakhot*, whose wording together with the particular precepts applying to them are found in the prayer book, we have to say in general on the following occasions:

a. At those bodily processes and functions which remind us chiefly of the finitude of our physical nature and cause every moment of our life and our health to appear to us as a gracious gift of God, namely on *falling asleep*, on *awakening* and at the perceptions, sensations and activities connected

with it, and at the bodily functions on which life and health depend. (א"ח ו. מו רלט [*Orach Chayyim* 6; 46; 239]) (המפיל, ברכות השחר, אשר יצר [*ha-Mappil*, the Morning Blessings, *Asher Yatzar*])

b. *Before* and *after* partaking of food and drink, as well as before enjoying fragrances (ברכות הנהנין [*birkhot ha-nehenin*, blessings of enjoyment]); concerning this the following is particularly to be observed: (א"ח קסז, רב–ריז [*Orach Chayyim* 167, 202–217])

It is *forbidden* to enjoy anything without a preceding *berakhah*. Now since the *berakhot*, both before and after partaking, differ for different things, every Israelite is obliged to impress upon himself exactly the *berakhot* and the precepts applying to them, and to avoid eating or smelling things whose *berakhah* he does not know. (ברכות, לה ע"א; א"ח רב, במ"א סק. לו [*Berakhot* 35a; *Orach Chayyim* 202, in *Magen Avraham* subsection 36])

[p. 76] *Before* partaking of food and drink, the smallest quantity of what is to be enjoyed obliges one to the *berakhah*; *after* partaking, however, in the case of food the size of an olive, and in the case of drink the volume of three olive-sizes. (א"ח רי, א [*Orach Chayyim* 210:1])

c. On perceiving awe-inspiring events, extraordinary phenomena, remarkable and striking objects and formations of nature; at the sight of eminent persons; on visiting places at which God's help was shown in an especially wondrous way to us or to our parents and ancestors. All such *berakhot*, however, except for weather phenomena that force themselves involuntarily upon our perception, are to be said only once in every thirty days. (ברכות הראיה והשמיעה; ברכת הלבנה: אשר יצר אתכם בדין!! א"ח, ריח רכד; רכו - רכט. תכו [the blessings over sights and sounds; the blessing of the moon; *Asher yatzar etkhem ba-din* (!!); *Orach Chayyim* 218, 224; 226–229, 426])

d. At sad and joyful events in our life, at pleasant phenomena that recur yearly or still more rarely, at the acquisition or purchase of objects that give us pleasure, and the like. (א"ח רכב רכג, רכה, ריט [*Orach Chayyim* 222, 223, 225, 219]) (הטוב והמטיב, דין אמת, שהחינו, ברוך שפטרני, ברכת הגומל [*ha-Tov ve-ha-Metiv*, *Dayyan ha-Emet*, *She-heḥeyanu*, *Barukh she-Petarani*, *Birkat ha-Gomel*])

e. Immediately before performing those commandments of the Torah or of the Sages of blessed memory (מצות דרבנן [*mitzvot de-rabbanan*]) for which the latter have ordained a *berakhah* (ברכות המצות [*birkhot ha-mitzvot*]). (א"ח כה ח [*Orach Chayyim* 25:8]; Hirsch, חורב [*Horeb*] § 678, *Pentateuch Commentary*, Deut., p. 132.)

7. For particular dangerous situations prayers are likewise ordained, e.g. on a journey, תפלת הדרך [*Tefillat ha-Derekh*], and at medical treatments and operations. We *should*, however, whenever worries and grief oppress us, lament our distress to God and implore His help. This we may do in our own words when no suitable prayers are to be found. In the Psalms (תהלים [*Tehillim*]), too, we find words of prayer that fit almost every situation in life; whoever makes himself familiar with

the Psalms will never lack words of prayer. (דעת הרמב"ן בסה"ח תלג [the view of Nachmanides in *Sefer ha-Chinukh* 433])

> I will bless God *at all times*; His praise shall be continually in my mouth. (Ps. 34:2)
>
> When you have eaten and are satisfied, then bless God your God for the good land which He has given you. (Deut. 8:10)
>
> Call upon Me in the day of distress; I will deliver you, and you shall honour Me. (Ps. 50:15)

[p. 77] **45. The Prayer Formulas and the Prayer Book.**

1. Most people would find it difficult to find the right and fitting words for their prayers; therefore our Sages of blessed memory also fixed the wording of the prayers. (רמ"בם, תפלה, א, ד [Maimonides, *Hilkhot Tefillah* 1:4])

2. All the prayers prescribed for the appointed times and special occasions are found in our prayer book (סידור [*Siddur*] or סדר תפלה [*Seder Tefillah*]). Whoever therefore wishes to pray according to the precept of the Torah must make himself thoroughly acquainted with the contents of this prayer book, and it must form a chief subject of instruction in every Israelite school. (א"ח, ק במ"ז [*Orach Chayyim* 100, in the *Magen Zahav*])[47]

3. These prayers were composed by the greatest men in Israel, the members of the Great Assembly (אנשי כנסת הגדולה [*Anshei Keneset ha-Gedolah*]), to which belonged the last prophets Haggai, Zechariah and Malachi, as well as Ezra and Nehemiah. (מגילה יז ע"ב; רמב"ם, שם [*Megillah* 17b; Maimonides, ibid.])

4. The high significance and holiness of these prayers rests, however, not merely on the names of their authors but on their own content. A large part of these prayers are Psalms or compilations of verses from the Psalms and other Scriptures. The prayers that do not consist of verses of Scripture express in simple, sublime words everything that a human being and Israelite should utter before God in prayer. The prayers are written in the plural; whoever prays them prays also for his fellow men, for Israel, for mankind. (עלינו, ובכן תן [*Aleinu*, *U-ve-khen Ten*]) (רמ"בם שם [Maimonides, ibid.])

5. The antiquity of these prayers unites us in prayer with our forefathers of hoary antiquity; we pray with Moses, David, Daniel. The spread of these prayers throughout all Israel makes them a spiritual bond that encircles all Israelite brethren in faith over the whole globe; wherever we may come, we can pray with our brethren in faith as at home. This is possible especially because these prayers are composed in the holy language.

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[47] Translator: במ"ז is read here as the commentary *Magen Zahav*; it may also be a misprint for במ"א (*Magen Avraham*).

6. *Therefore it is forbidden to us to change anything in these prayers, or, in fulfilment of the duty of prayer, to choose or compose other prayers.* (ר"אש פ"ה דברכות ס' טז; רמ"בם ק"ש, א, ז; א"ח נט במ"א ס"ק א [Rosh on *Berakhot* ch. 5, § 16; Maimonides, *Hilkhot Keri'at Shema* 1:7; *Orach Chayyim* 59, *Magen Avraham* subsection 1])

[p. 78] **46. The Daily Order of Prayer.**

I. The Morning Prayer.

1. The morning prayer is divided into the following five sections:

The *first* section begins with the hymn אדון עולם [*Adon Olam*, "Lord of the World"] and contains all the benedictions to be said on awakening, ברכות השחר [*Birkhot ha-Shachar*, the morning benedictions] (44, 6a), as well as the ברכת התורה [*Birkat ha-Torah*, the blessing over the Torah] (30, 5) with some passages of the Torah, so that one will at once have fulfilled the commandment of daily occupation with the Torah, should one later be prevented from it. (יברכך, אלו דברים, וידבר, איזהו מקומן ר' ישמעאל [*Yevarekhekha*; *Elu Devarim*; *Va-yedabber*; *Ezehu Mekoman*; *Rabbi Yishmael*].) The Torah passages וידבר, וביום השבת, ובראשי חדשיכם [*Va-yedabber*; *U-ve-yom ha-Shabbat*; *U-ve-rashei Chodsheikhem*] are said as a substitute for the sacrifices commanded in them, for whose restoration we pray in the יהי רצון [*Yehi Ratzon*, "May it be Thy will"] that forms the close of this section.

2. The *second* section consists of hymns of praise and bears the name פסוקי דזמרא [*Pesukei de-Zimra*, verses of song]. Besides psalms and other scriptural passages singing God's praise, it also contains the song of praise sung by Moses and Israel at the Sea of Reeds, אז ישיר [*Az Yashir*, "Then sang"]. On Sabbaths, festival days, the intermediate days of the Pesach festival, the days of preparation for Pesach, and the Day of Atonement, the 100th Psalm, מזמור לתודה [*Mizmor le-Todah*, "A Psalm of thanksgiving"], is omitted. Of this section ברוך שאמר [*Barukh she-Amar*] forms the opening benediction and ישתבח [*Yishtabach*] the closing benediction.

3. On all Sabbaths and festival days the number of these psalms is increased, and the closing benediction is expanded by נשמת [*Nishmat*, "The breath of every living being"].

4. The *third* section contains the Shema, קריאת שמע [*Keri'at Shema*, the reading of the Shema], with יוצר אור [*Yotzer Or*, "Who formest light"] and אהבה רבה [*Ahavah Rabbah*, "With great love"] as opening benedictions and אמת [*Emet*, "True"] up to גאל ישראל [*Ga'al Yisra'el*, "Who hast redeemed Israel"] as closing benediction. The content of this opening benediction differs on the Sabbath from that for the six weekdays. (המאיר לארץ; הכל יודוך [*Ha-me'ir la-aretz*; *Ha-kol yodukha*].)

5. The *fourth* section is called תפלה [*Tefillah*, prayer] in the narrower sense, and after the ק״ש [*Keri'at Shema*] forms the most important component of our order of prayer. Since this prayer, which now consists of *nineteen* benedictions (ברכות [*berakhot*]) and the appendix אלהי נצר [*Elohai Netzor*, "My God, guard"], originally contained only *eighteen* benedictions, it is usually (not quite correctly) called שמנה עשרה [*Shemoneh Esreh*, "eighteen"]. This prayer contains all the components of prayer (40): *praise*, *thanks*, *petition* and [p. 79] in every sentence *blessing* (ברכה [*berakhah*]). The petitions in this prayer contain everything that we, as human beings and as Israelites, can deem worth imploring. We must say this prayer quietly, with the greatest devotion, standing, the face turned toward Jerusalem, in a reverent and most humble posture, and must pay careful attention to the changes and insertions for certain times that are noted in the prayer book.

6. For the Sabbaths and festival days special תפלות [*tefillot*, prayers] have been composed (quite incorrectly called שמנה עשרה [*Shemoneh Esreh*]). They consist of the *three* first and *three* last benedictions of the weekday שמנה עשרה, between which a benediction relating to the particular celebration of the day is inserted. Because of this number seven of the benedictions, the Sabbath and festival prayers are called תפלת שבע [*Tefillat Sheva*, the prayer of seven]. On the New Year and the Day of Atonement the third weekday benediction is expanded by the sublime prayer ובכן תן [*U-ve-khen Ten*, "And so, grant"], and in all the prayers for the Day of Atonement the confession of sins (וידוי [*Viddui*]) is added after the last benediction, before אלהי נצר; this is also done on the afternoon of the day of preparation for the Day of Atonement (מנחה לעי״כ [*Minchah* on the eve of Yom Kippur]). — For all the prayer times of the Sabbath there are separate formulas for the middle benediction.

7. To this fourth section of the morning prayer there further belong, according to the character of the day: תחנון, הלל, אבינו מלכנו [*Tachanun*, *Hallel*, *Avinu Malkenu*].

The תחנון [*Tachanun*, supplication] consists of the sixth Psalm and some other verses of Scripture. The former is to be said in a humble posture, sitting, (if a Torah scroll is in the place of prayer) with the face bowed down upon the right arm at the morning prayer and upon the left arm at the afternoon prayer (נפילת אפים [*nefilat appayim*, "falling on the face"]). On Monday and Thursday at the morning prayer there are further added to the *Tachanun* the והוא רחום, ה׳ אלהי ישראל [*Ve-hu Rachum*; *Adonai Elohei Yisra'el*] and אל ארך אפים [*El Erekh Appayim*]; on fast days, and in many communities daily, morning and afternoon, also the שומר ישראל [*Shomer Yisra'el*, "Guardian of Israel"].

8. The *Tachanun* is not said: on Friday at the *Minchah* prayer; on the Sabbath; on New Moon days and at the *Minchah* prayer preceding them; during the whole month of *Nisan*; on the 18th of *Iyar*, ל״ג בעומר [*Lag ba-Omer*]; from the 1st up to and including the 8th of *Sivan*; on the 9th of *Av*, תשעה באב [*Tish'ah be-Av*], and at the preceding *Minchah* prayer; [p. 80] on the 15th of *Av*, חמשה עשר באב

[*Chamishah Asar be-Av*]; on the New Year and on its day of preparation, already at the morning prayer; from the day of preparation for the Day of Atonement, in the morning, up to and including the day after the Feast of Tabernacles, אסרו חג [*Isru Chag*], in some communities until the end of the month of *Tishri*; on *Chanukah*, from the preceding *Minchah* prayer on; on the 15th of the month of *Shevat*, חמשה עשר בשבט [*Chamishah Asar bi-Shvat*]; on *both Purim days* and at the preceding *Minchah* prayer, and likewise in a leap year on the 14th and 15th of the month of *Adar I*, פורים קטן [*Purim Katan*]; in a house of mourning; in the presence of the bridegroom on his wedding day; on the day of a circumcision, in the morning, if the father of the child, the godfather or the circumciser is present at the prayer. א״ח קל״א [*Orach Chayyim* 131].[48]

9. The prayer of petition אבינו מלכנו [*Avinu Malkenu*, "Our Father, our King"] is said only during the Ten Days of Repentance, namely on weekdays before the *Tachanun* and on festival days after the תפלת שבע; it is omitted, however, on any Sabbath falling within the Days of Repentance, as also at the *Minchah* prayer preceding it on Friday; but when the Day of Atonement falls on a Sabbath, א״מ [*Avinu Malkenu*] is said at the concluding prayer, נעילה [*Ne'ilah*]. This prayer is also omitted on the day of preparation for the Day of Atonement, except when the latter falls on a Sabbath; in that case it is said on the day of preparation in the morning.

10. The reading of the psalms of praise, הלל [*Hallel*], is one of the seven rabbinic commandments; therefore a benediction, ברכה, is placed before it. The *Hallel* consists of the six Psalms 113–118, with יהללוך [*Yehallelukha*, "They shall praise Thee"] as closing benediction. This prayer is said: on the festivals סכות ,שבועות ,פסח [*Pesach*, *Shavu'ot*, *Sukkot*] together with the intermediate days; on חנכה [*Chanukah*]; and on the New Moon days, ראש חדש [*Rosh Chodesh*]. On the latter, as well as on the last six days of Pesach, the first eleven verses of each of Psalms 115 and 116, the passages לא לנו [*Lo Lanu*, "Not unto us"] and אהבתי [*Ahavti*, "I love"], are omitted.

11. The *fifth* section consists (except on Sabbaths and festival days) of Psalm 145, אשרי [*Ashrei*], Psalm 20, למנצח [*La-menatze'ach*], and the prayer ובא לציון [*U-va le-Tziyyon*], upon which follow the sublime prayer עלינו [*Aleinu*] and the psalm of the day, מזמור של יום [*Mizmor shel Yom*], once sung by the Levites in the Temple. The 20th Psalm is omitted everywhere: on New Moon days, on intermediate festival days, on Chanukah, on the two Purim days of *Adar II* as well as of *Adar I*, on the [p. 81] days of preparation before Pesach and the Day of Atonement, and on the 9th of *Av*. On the days of preparation before the other festivals, as well as on the days after the festivals (אסרו חג), this psalm is said in some communities and not in others. If one of the days on which this psalm is omitted falls on a Monday or Thursday, then אל ארך אפים is omitted as well. This psalm

[48]Translator: The Shulchan Arukh, *Orach Chayyim*, §131, on the occasions when *Tachanun* is omitted.

is also omitted at prayer in a house of mourning. (א״ח קלא, מ״א ס״ק י׳ [*Orach Chayyim* 131, *Magen Avraham*, sub-paragraph 10].)[49]

12. On Sabbaths and festival days Psalm 145 is said, and that before the returning of the Torah scroll; upon it (on New Moon and intermediate festival days, upon the אשרי ובא לציון [*Ashrei*; *U-va le-Tziyyon*] inserted as usual) there then follows the additional prayer, מוסף [*Musaf*], which is followed (on Sabbaths and festival days, by אין כאלהינו [*Ein ke-Elohenu*]) and by עלינו [*Aleinu*].

13. The *Musaf* likewise consists of the three first and the three last benedictions of the שמנה עשרה and a seventh benediction inserted between them, relating to the special sacrifice of the day. Only on the New Year's day are three benedictions inserted into the *Musaf* (תפלת תשע [*Tefillat Tesha*, the prayer of nine]).

II. The Afternoon Prayer.

14. The afternoon prayer consists of the sacrificial passage וידבר [*Va-yedabber*], Psalm 145, the שמנה עשרה with תחנון [*Tachanun*], and עלינו [*Aleinu*].

15. On Sabbath and festival days, the ובא לציון omitted in the morning is added to Psalm 145, and then the תפלת שבע is said; upon this there follows immediately, on festival days, עלינו; only on the New Year is אבינו מלכנו inserted before it.

16. On the Sabbath, however, the verses צדקתך [*Tzidkatekha*, "Thy righteousness"] take the place of the *Tachanun*; and in most communities during the winter the Psalms 104 and 120–134, ברכי נפשי, שיר המעלות [*Barkhi Nafshi*; *Shir ha-Ma'alot*], are said, and during the summer *one* or two chapters of the "Sayings of the Fathers," פרקי אבות [*Pirkei Avot*]; then follows עלינו.

III. The Evening Prayer.

17. The evening prayer is introduced with the verses שיר המעלות [*Shir ha-Ma'alot*, "A Song of Ascents"] and והוא רחום [*Ve-hu Rachum*, "And He, being merciful"]; then follows the Shema, for which המעריב ערבים [*Ha-ma'ariv Aravim*, "Who bringest on the evenings"] and אוהב עמו ישראל [*Ohev Ammo Yisra'el*, "Who lovest Thy people Israel"] form the opening benedictions and אמת— [p. 82] גאל ישראל as well as השכיבנו [*Hashkivenu*, "Cause us to lie down"] form the closing benedictions. Then follows the prayer of praise ברוך ה׳ לעולם [*Barukh Adonai le-Olam*, "Blessed be the Lord for evermore"], then the שמנה עשרה and עלינו.

18. On Friday evening the prayers for receiving the Sabbath, קבלת שבת [*Kabbalat Shabbat*], precede the evening prayer. They consist of Psalms 95–99 and 29, לכו נרננה [*Lekhu Neranenah*,

[49]Translator: *Magen Avraham*, the commentary of Abraham Abele Gombiner (c. 1635–1682) on the Shulchan Arukh, *Orach Chayyim*.

"O come, let us sing"], and the song לכה דודי [*Lekhah Dodi*, "Come, my beloved"], which is followed by Psalms 92 and 93, מזמור שיר ליום השבת [*Mizmor Shir le-Yom ha-Shabbat*, "A Psalm, a Song for the Sabbath day"].

19. The evening prayer for Sabbath and festival days differs from that of the weekdays in the following. The introductory verses are left out; the benediction השכיבנו receives a different close (הפורס [*ha-pores*, "Who spreadest"]); and in place of the ברוך ה׳ לעולם there comes, before the תפלת שבע, a verse relating to the celebration of the day: ושמרו, וידבר משה, תקעו, כי ביום הזה [*Ve-shameru*; *Va-yedabber Moshe*; *Tik'u*; *Ki va-yom ha-zeh*]. Then follows, on festival days, עלינו; on the Sabbath, however, first the verses ויכלו [*Va-yekhullu*, "And they were finished"], to which (except on the first evening of Pesach) at congregational worship מגן אבות [*Magen Avot*, "Shield of the fathers"] is joined, then the Mishnah chapter במה מדליקין [*Ba-meh Madlikin*, "With what may one light"], which, however, is not said when the Sabbath coincides with a festival or intermediate festival day.

20. At the going out of the Sabbath, careful attention is to be paid to the insertion of the formula אתה חוננתנו [*Attah Chonantanu*, "Thou hast favored us"] (when it coincides with a festival: ותודיענו [*Va-todi'enu*, "And Thou hast made known to us"]); after the שמנה עשרה, Psalm 91, ויהי נעם [*Vi-hi No'am*, "And let the graciousness"], then ואתה קדוש [*Ve-Attah Kadosh*, "But Thou art holy"], then the verses ויתן לך [*Ve-yitten lekha*, "And may God give thee"] and Psalm 128, שיר המעלות, are inserted before עלינו. The prayers ויהי נעם and ואתה קדוש are omitted when there is a festival day in the week just begun, the former also on the evening of the 9th of *Av*.

47. Common Public Worship.

1. Since the Omnipresent is near to us everywhere, we may pray in any (clean) place and in solitude; nevertheless our prayer receives its full power, and our worship of God its true consecration, only when we pray in a public assembly for prayer in a house of God set apart for that purpose. For such an assembly for prayer the presence of at least ten male persons, each at least *thirteen years old*, is required (מנין [*minyan*]); (130, 4). (ברכות ח׳ ע״א [*Berakhot* 8a].)

The reasons that lend prayer a higher significance here are the following:

[p. 83] **2.** The rooms consecrated to God, in which nothing reminds us of the everyday character of our earthly doings, where in particular the presence of the Torah points us to the Most High, uplift our spirit and awaken devotion.

3. The consciousness that awakens in common prayer — of not standing there in isolation, of being a member of the congregation of God, Israel, which stands here united in order to praise God and to implore His help — strengthens our trust in the power of prayer, makes it more heartfelt, more devout, and *therefore* more effective.

4. In the deliberate coming together of many for the purpose of worshipping God there already lies in itself a glorification of God, for in the multitude of the people the glory of a king is shown (Prov. 14:28). (א״ח צ׳, במ״א ס״ק ט״ו [*Orach Chayyim* 90, in the *Magen Avraham*, sub-paragraph 15].)

5. For this reason precisely the most sublime prayers of praise, קדיש, קדושה, ברכו [*Kaddish*, *Kedushah*, *Barekhu*], may be said only in such assemblies for prayer, never in solitary prayer. For in these prayers the reader calls upon the assembly to proclaim God's greatness and holiness, and the assembly follows this call with one voice with קדוש, קדוש ה׳ וג׳, יהא שמה רבא מברך וג׳, ברוך ה׳ המברך וג׳ [*Kadosh, kadosh Adonai*, etc. ("Holy, holy is the Lord," etc.); *Yehe shemeh rabba mevarakh*, etc. ("May His great name be blessed," etc.); *Barukh Adonai ha-mevorakh*, etc. ("Blessed be the Lord who is blessed," etc.)]. The שמע ישראל [*Shema Yisra'el*, "Hear, O Israel"] too is called out by the assembly with one voice. (א״ח נה, נו, נז, קכה, בכולן ס׳ א׳ [*Orach Chayyim* 55, 56, 57, 125, in each of them §1].)

6. At public worship all the benedictions (ברכות) are said aloud by the reader and accompanied by the assembly with אמן [*Amen*]; for whoever hears a ברכה [*berakhah*] from someone, even *outside the house of God*, is obliged to say *Amen*. This word means, when it follows a prayer of petition: *may it be true!*; when it follows a prayer of praise: *it is true!* Whoever, therefore, listens with devotion to the reader and joins in the benedictions with *Amen* prays, as it were, a second time. (א״ח קכד ו׳ מ״א ס״ק י׳, ט״ז ס״ק ג׳ [*Orach Chayyim* 124:6; *Magen Avraham*, sub-paragraph 10; *Turei Zahav*, sub-paragraph 3].)[50]

7. Besides the *priestly blessing* (דוכן וברכת כהנים [*dukhan* and *Birkat Kohanim*]), which likewise may be pronounced only at public worship (77, 5), there takes place at the latter yet another act of the highest importance, the *reading of the Torah* (קריאת התורה [*Keri'at ha-Torah*]) (48). Through it the house of prayer becomes a house of study, a *school*, and [p. 84] offers us the opportunity of continually preserving and renewing the written Torah in our memory.

8. For these reasons we are *obliged*, whenever it is at all possible, to perform our prayer with the congregation in the house of God of our place of residence, and it is a sin to stay away without urgent cause where such divine service is held. (130, 4.) (א״ח צ׳ ט׳, י״א [*Orach Chayyim* 90:9, 11].)

> How lovely are Thy dwellings, God of Hosts. Happy are they that *dwell* in Thy house, praising Thee evermore. For better is *one* day in Thy courts than a thousand elsewhere; I would rather *stand at the threshold* in the house of my God than *dwell* in the tents of wickedness. (Ps. 84:2, 5, 11)
>
> *In assemblies bless* God, the Lord, ye who are from the fountain of Israel. (Ps. 68:27)

[50]Translator: *Turei Zahav* (*Taz*), the commentary of David ha-Levi Segal (c. 1586–1667) on the Shulchan Arukh.

He (God) delivered my soul in peace, so that none came near me, for *many prayed with me*; God heard it and answered them. (Ps. 55:19, 20)

My holiness shall be proclaimed in the midst of the children of Israel. (Lev. 22:32)

All the people gathered themselves together as one man, ... Ezra the priest had the Torah brought before the assembly of men and women . . . . . and stood upon the platform of wood which they had made for this purpose. . . . Then Ezra opened the book . . . . . and when he opened it, the people stood up. Then *Ezra blessed* God, the Almighty, the Great, and *all the people responded: Amen! Amen!* Then *they read out from the book of the Torah of God distinctly.* (Neh. 8:1–8)

48. The Reading of the Torah.

1. The institution of reading from the Torah at the assemblies for prayer of Israel is as old as the Torah itself; for Moses, our great teacher, according to tradition, ordained this reading for the mornings of the Sabbaths, festivals and New Moons and of every second and fifth weekday. By *Ezra* this ordinance was extended to the afternoons of the Sabbath and arranged in the way in which it is carried out nowadays. (רמב״ם תפלה יב, א; א״ח קלה במ״א [Maimonides, *Hilkhot Tefillah* 12:1; *Orach Chayyim* 135, in the *Magen Avraham*].)

2. On the following days the Torah is read: on all Sabbaths, festival days, intermediate festival days, New Moon days and fast days, [p. 85] on Chanukah and Purim, on Monday and Thursday at the morning service in each case, and on Sabbaths and fast days also at the afternoon service.

3. The portion to be read at each reading is arranged in divisions (פרשיות [*parashiyyot*]), and for each division someone present is then called up to step before the Torah. Having arrived there, he first says ברכו [*Barekhu*] and the ברכה [*berakhah*]; then the reader reads his division aloud to him, while he reads every word after him *quietly* out of the Torah; then, after the reader has finished, he again says a ברכה at the close.

4. On the Sabbath morning *seven* persons are called up, on the morning of the Day of Atonement *six*, on the festival days *five*, on the intermediate festival days and New Moon days *four*, and at every other reading *three*.

5. On Sabbath and festival mornings *one* more is called up in addition, who then, after the Torah has been read to him, reads a portion from the Prophets suited to the Sabbath portion or to the festival day (מפטיר, הפטרה [*Maftir*, *Haftarah*]). Such a portion from the Prophets is also read on the morning of the ninth of *Av*, as well as at the afternoon service on all fast days, by the *third person called up*. Before the portion from the Prophets an opening benediction is said, and after it several closing benedictions.

6. In the readings on Sabbath mornings *the whole Torah is read* in the course of the year. For this purpose the Torah is divided into 54 *portions* (סדרות [*sedarot*]), of which on most Sabbaths *one*,

but on some Sabbaths two, are read; depending on the form of the Jewish year (67, 5f.) it can come about that the Torah is read in 47, 48, 49, 50, 51, 52, 53 or 54 portions. On the Sabbath after the Feast of Tabernacles, שבת בראשית [*Shabbat Bereshit*], one always begins again from the beginning, and on the last day of this festival the last portion, וזאת הברכה [*Ve-Zot ha-Berakhah*], is read. In the synagogues and in families one celebrates it as a joyful event that one has lived to read through the Torah once again; therefore this day is called שמחת תורה [*Simchat Torah*], *Rejoicing of the Torah*. On Sabbath afternoon, and on Monday and Thursday at the morning prayer, [p. 86] the first פרשה [*parashah*, division] of the סדרה [*sidrah*, weekly portion] of the following Sabbath is read; at all other readings of the Torah, Torah portions suited to the day and fixed by our sages of blessed memory are read.

7. For the reading in a public assembly for prayer only a copy of the Torah written according to the regulations on a parchment scroll may be used. When the Torah scroll is taken out of the holy Ark, everyone must rise, in order to praise God's greatness at the summons of the reader (גדלו [*Gadlu*, "Magnify"]) with לך ה׳ הגדלה [*Lekha Adonai ha-gedullah*, "Thine, O Lord, is the greatness"], and remain standing until the Torah has been laid down. During the reading of the Torah and of the portion from the Prophets everyone must listen attentively, and one may say nothing, not even about matters of Torah. It is also forbidden to leave the synagogue while the Torah is open; only in case of necessity is it permitted, between one person called up and the next. After the reading the open Torah is lifted up high and shown to the assembly (הגבהה וגלילה [*hagbahah* and *gelilah*, lifting and rolling]) — Israel's banner of victory, the standard of salvation for mankind; at this everyone must rise and, at the sight of the written column, say the וזאת התורה [*Ve-zot ha-Torah*, "And this is the Torah"]. When it is brought back, the congregation, standing, responds to the reader's יהללו [*Yehallelu*, "Let them praise"] with הודו על ארץ [*Hodo al eretz*, "His glory is above the earth"], and remains standing until the Torah has again been put away in the holy Ark. (א״ח, קלד; קמו; קמט [*Orach Chayyim* 134; 146; 149].)

8. In order to make the Sabbath reading of the Torah really fruitful for knowledge of the Torah, our sages of blessed memory *ordained* that everyone should read the weekly portion, סדרה, at home *twice in the original text*, together with an explanation intelligible to him and in accordance with the oral tradition (שנים מקרא ואחד תרגום [*shenayim mikra ve-echad targum*, "twice the Scripture and once the translation"]). This should be done on the afternoon of the preceding Friday or on the morning of the Sabbath, but one may also do it in the course of the preceding week. (,א״ח רפה, ט״ז ס״ק ב׳ [*Orach Chayyim* 285, *Turei Zahav*, sub-paragraph 2]; Dr. B. H. Auerbach, תורת אמת [*Torat Emet*], p. 63.)[51]

[51] Translator: Benjamin Hirsch Auerbach (1808–1872), rabbi in Darmstadt and later Halberstadt, author of *Torat Emet*.

He that turneth away his ear from hearing the Torah, even his prayer is an abomination. (Prov. 28:9)

[p. 87] III. Through Signs of Acknowledgment and Reverence.

49. Meaning and Influence of These Signs.

1. The Torah has commanded us to place certain signs upon our body, our garments and our dwellings, namely *circumcision*, מילה [*milah*], the *fringes*, ציצית [*Tzitzit*], the memorial signs on hand and head, תפילין [*Tefillin*], and the doorpost inscription, מזוזה [*Mezuzah*]. These signs are, on the one hand, to express toward God that we acknowledge *Him as our God* and regard ourselves as obliged *to love and to revere* Him, *to obey and to serve* Him; on the other hand, they are to be *for us* signs of recognition that constantly remind us of these obligations.

2. Moreover, it is promised to those who, with the intention of fulfilling God's commandment, wear these signs upon themselves or place them on their dwellings, that these will have a *perfecting and sanctifying* effect upon them, will weaken in them the power of sensuality, but will strengthen and support the power of the good and the holy, as our sages of blessed memory teach: (מנחות מג ב; מורה נבוכים ג מט [*Menachot* 43b; *Guide of the Perplexed* III, 49].)

> Whoever has the *Tefillin* on head and arm, *Tzitzit* on his garment and the *doorpost inscription* on his door is fortified on all sides against sin; they encamp like angels of God around him and protect him from sin.

50. The Covenant Sign of Circumcision.

1. The commandment given by God to the patriarch Abraham, that among his descendants all male persons should be circumcised, so that they may bear on their body a sign that they belong to the covenant which God established with Abraham for his descendants for all time, is also repeated in the Sinaitic legislation. (סה"ח ב [*Sefer ha-Chinnukh* 2].)

2. Circumcision is to be performed on the 8th day from birth. If the child is still too weak or ill on this day, the circumcision must be postponed until an experienced physician confirms its recovery or strengthening; then one learned in the Torah is to determine the day of circumcision. Without [p. 88] this reason, however, the circumcision may not be postponed, and it must be performed even on the Sabbath if this is *without doubt* the eighth day.

3. The duty of seeing to the circumcision lies first with the father; if he has not performed it or had it performed, then the religious representatives of the community (בית דין [*bet din*, court]) must have the child circumcised; if it has not been carried out by these either, then the boy himself, as soon as he is thirteen years old (32, 5), is obliged to have the circumcision performed on himself. The neglect of circumcision is called destruction of the covenant, that is, renunciation of the community of Israel, and is threatened with the greatest heavenly punishment. "*Therefore this*

commandment is to be regarded as the most important among all the commandments of the Torah." (רסד — רם י״ד [*Yoreh De'ah* 260–264].)[52]

> Abraham was ninety-nine years old, when God appeared to Abraham and said to him: Walk before me and *be perfect*. I will establish my covenant between me and thee and thy descendants after thee throughout their generations for an *everlasting covenant*, *to be God unto thee and to thy descendants after thee*. And I will give unto thee and to thy descendants after thee the land of thy sojourning, all the land of Canaan, for an *everlasting possession*, and I will be their God . . . . . But thou too shalt keep my covenant, thou and thy descendants after thee throughout their generations. This is my covenant, which ye shall keep, between me and you and thy descendants after thee: Every male among you shall be circumcised . . . . *It shall be a sign of the covenant between me and you.* (Gen. 17:1, 7–11)

51. The Commandment of Wearing Tzitzit.

1. It is a *commandment* of the Torah to attach to every corner of four-cornered garments that are put on by *male* persons threads to be knotted according to the precept of the oral teaching (ציצית, fringes). (סה״ח שפו [*Sefer ha-Chinnukh* 386].)

2. Where, by the custom of the country, as with us, garments requiring *Tzitzit* are not worn, every Israelite is obliged to put on, *by day under his clothes*, a four-cornered garment made especially for this purpose, טלית קטן, ארבע כנפות [*tallit katan*, *arba kanfot*, "small tallit," "four corners"], and [p. 89] in addition, at the morning prayer, to put on *over* his clothes a larger one provided with *Tzitzit*, טלית גדול [*tallit gadol*, large tallit]. (ג׳ — א״ח ח׳ א׳ [*Orach Chayyim* 8:1–3].)

3. The threads are drawn through a hemmed opening made in the corner of the garment and knotted in, in the traditional manner, which is to be learned by being shown. This opening is to be made no more than *three* thumb-breadths and no less than *one* length of the front joint of the thumb — by our measure about *forty-six millimeters*[53] — away from the two edges of the garment forming the corner, after the fringes usually found on these garments have first been removed from the corner, at least to the stated extent. *Tzitzit* already braided and finished may in no way be sewn on or sewn in. (א״ח יא ט ו׳ [*Orach Chayyim* 11:9, 6].)

4. The precept of the Torah is best met by woolen cloth and woolen threads. These must be *spun* and *twisted* by Israelites (women also) with the intention that they are destined for *Tzitzit*; the knotting in, however, should be done by men, likewise with this intention. (א״ח, ט יא, יד [*Orach Chayyim* 9; 11, 14].)

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[52]Translator: *Yoreh De'ah*, the second part of the Shulchan Arukh; §§260–264 treat the laws of circumcision.

[53]Note: I take this determination of measure from a figure in the little work חינוך לנערים [*Chinnukh li-Ne'arim*], highly to be recommended for the instruction of the young, by Rabbi *Simon Bamberger*. Frankfurt a. M., J. *Kauffmann*.

5. Before putting on the garment one must examine the *Tzitzit*, for if anything about them is not according to the regulations, one has not only failed to fulfill the commandment, but would also say a ברכה in vain (24, 3). While reading the first two sections of the Shema one holds the *Tzitzit* in the left hand, at the third section in the right hand; at the verse וראיתם אותו [*u-re'item oto*, "that ye may look upon it"] one looks at them. (א״ח כד; סמ״ק כח [*Orach Chayyim* 24; *Sefer Mitzvot Katan* 28].)[54]

6. The sublime meaning of the *Tzitzit* is expressed in the second of the following passages of Scripture:

> Thou shalt make thee cords upon the four corners of thy garment, wherewith thou coverest thyself. (Deut. 22:12)
>
> These shall be fringes for you, that ye may look upon them and remember all the commandments of God and do them, and not go about after your own heart and after your own eyes, after which ye go astray, so that ye remain mindful of all my commandments and do them and become *holy* unto your God. (Num. 15:39, 40)

[p. 90] **52. The Commandment of Putting On Tefillin.**

1. The *Tefillin* consist of two leather capsules provided with leather straps; in these are found, written on strips of parchment, the following four passages (פרשיות [*parashiyyot*]) of the Torah: קדש [*Kadesh*], Exod. 13:1–10; והיה כי יביאך [*Ve-hayah ki yevi'akha*], Exod. 13:11–16; שמע [*Shema*], Deut. 6:4–9; והיה אם שמע [*Ve-hayah im shamo'a*], Deut. 11:13–21. The two last-named passages also form the first two sections of the Shema. The straps serve to fasten the capsules on arm and head. By putting on the *Tefillin* we fulfill *two commandments* of the Torah. (סה״ח, תכא, תכב [*Sefer ha-Chinnukh* 421, 422].)

2. If in the making of the *Tefillin* the precepts of the oral tradition have not been exactly followed — which can be recognized only imperfectly from the outside — they are unfit (פסול [*pasul*]); whoever puts on such has not fulfilled God's commandment and moreover commits a grave sin by saying a ברכה in vain. Therefore one may buy *Tefillin* only from a trustworthy maker (סופר [*sofer*, scribe]) declared suitable by a reliable person learned in the Torah. By such a one one must also have them inspected externally and repaired from time to time, and have them opened every *three to four* years in order to examine whether the writing is still well preserved. (א״ח לט [*Orach Chayyim* 39].)

3. The verse וקשרתם אותם [*u-keshartam otam*, "and thou shalt bind them"] (Deut. 6:8) has, according to the tradition of our sages of blessed memory, the meaning that the capsule of the

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[54] Translator: *Sefer Mitzvot Katan* (*SeMaK*), the code of the commandments by Isaac of Corbeil (13th century). The printed abbreviation is ס״מק.

Tefillin intended for the hand (יד של [*shel yad*]) should lie on the thickest part of the muscle of the left upper arm above the elbow, so that when the arm is lowered it is opposite the heart; the capsule intended for the head (ראש של [*shel rosh*]), however, should lie on the middle of the hair-covered forehead in such a way that the front edge of the capsule, opposite the passage for the strap, is where the growth of hair begins, so that no part of the lower surface of the capsule touches the hairless surface of the forehead. By these locations we express that we make our *thinking* (brain), *feeling* (heart) and *acting* (arm) subject to God. The knot (קשר [*kesher*]) of the head-*Tefillin* must lie in the *middle* of the lower back of the head, opposite the capsule; the knot of the hand-*Tefillin* may never be shifted away from the capsule. The blackened side of the [p. 91] straps of both *Tefillin* must be turned outward; the straps may not be twisted and, like the capsules, must lie directly on the hair of the head or the skin of the arm, without any other object being in between. Beginners must learn the manner of putting them on by being shown, when they are about 12¾ years old. (א״ח כז [*Orach Chayyim* 27].)

4. The *Tefillin* are put on *after* the *Tzitzit*, and like them *standing*: *first* on the arm, then, without saying anything or delaying in between, on the head. They are taken off likewise standing, after the straps on the hand have been unwound, those of the head first, and are put away in their bag in such a way that at the next putting on one must find the hand-*Tefillin* first. (א״ח, כה; כח [*Orach Chayyim* 25; 28].)

5. As long as we have the *Tefillin* on us, we must think of them, and, so as not to forget them, touch them from time to time, especially when one says the passages in the Shema relating to them; we must also keep our body *entirely clean* while we have *Tefillin* on us, and may not sleep or go to unclean places, exactly as is prescribed for uttering a name of God (44). Even when they have been taken off, we must handle them reverently, as something most holy, must take care that they do not fall to the ground, and must keep them in a decent manner in a clean place. (א״ח; לז ב; מ [*Orach Chayyim* 37:2; 40].)

6. Only *male* persons are obliged to put on *Tefillin*, and they must put them on daily, except on Sabbath and festival days, at the morning prayer (ק״ש ותפלה [*Keri'at Shema* and *Tefillah*]) and keep them on until after ובא לציון. *Tefillin* (likewise *Tzitzit*) may not be put on before daybreak. Whoever, however, must fear that he will not be able to put them on after daybreak (e.g., on journeys) may do so before daybreak without saying the ברכה, but must keep them on until after daybreak, then, grasping the capsules, say the ברכות [*berakhot*] and afterwards pray. Whoever is not in possession of *Tefillin* at the time of prayer prays without them, but must put them on in the course of the day as soon as he obtains them, and should say in them either the afternoon prayer or some psalms. (א״ח, ל [*Orach Chayyim* 30].)

[p. 92] **7.** The *Tefillin* are a *sign* (אות [*ot*]) which is to remind us first of Israel's liberation from Egypt and of the omnipotence shown by God therein, but then also of the obligation that arose for us

through this liberation: to love God, the One, above all things, to learn and to teach His Torah, to serve Him and to fulfill all His commandments. When we read the Shema we take this obligation upon ourselves (קבלת עול מלכות שמים [*kabbalat ol malkhut shamayim*, acceptance of the yoke of the kingdom of Heaven]) in words, but in putting on the *Tefillin*, by deed. Therefore whoever does not fulfill the commandment of *Tefillin* is called a פושע ישראל [*poshe'a Yisra'el*], a renegade, a rebel against God's covenant with Israel; to him, however, who fulfills it conscientiously, temporal and eternal salvation is promised. (מנחות מד [*Menachot* 44].)

> It shall be for a sign upon thy hand and for a memorial between thine eyes — that the teaching of God may be in thy mouth — that God brought thee out of Egypt with a strong hand. (Exod. 13:9)
>
> Bind them (the words of the Shema) for a sign upon thy hand, and let them be for an ornament of the head between thine eyes. (Deut. 6:8)

53. The Commandment of the Doorpost Inscription.

1. The Torah commands us to copy the two passages of the Torah שמע [*Shema*] and והיה אם שמע [*Ve-hayah im shamo'a*] (52, 1) on parchment and, kept in capsules, to fasten them to the doorposts of all our doors and gates. (סה״ח, תכג [*Sefer ha-Chinnukh* 423].)

2. Exempt from the duty of the doorpost inscription are synagogues, small rooms not measuring 24 handbreadths square, doorposts without a lintel, privies and bathrooms. (י״ד, רפו, רפז [*Yoreh De'ah* 286, 287].)

3. The capsule with the doorpost inscription is to be fastened with nails, with the door hung, in the hollow of the door frame, on the side that is to the *right* of one entering, a little above two-thirds of the height of the doorpost, not more than one handbreadth from the outer edge of the doorpost, with the upper part of the writing lying obliquely inward toward the door. (י״ד רפט [*Yoreh De'ah* 289].)

4. The doorpost scrolls (מזוזות [*mezuzot*]), like *Tefillin*, may be bought only from a trustworthy copyist and should likewise [p. 93] be examined by such a one every 3–4 years. (י״ד, רפח ז; רצא מ [*Yoreh De'ah* 288:7; 291].)[55]

5. We must pay close attention to the conscientious fulfillment of the commandment of the doorpost inscription; it is one of the duties incumbent on everyone at all times. As often as we go in and out, the doorpost inscription proclaims to us the unity of God and reminds us of the love and reverence we owe Him. This is to rouse us from our drowsy unconcern for the salvation of our souls and to hold us back from our chase after what is transient, in that it brings us to the awareness

[55] Translator: The final letter of the second reference is printed as מ; the rule on periodic inspection of *mezuzot* stands in *Yoreh De'ah* 291:1, so א was probably intended.

that apart from the acknowledgment of God there is nothing lasting for us; this awareness will lead us to an upright, pious conduct of life. (רמ״בם, ס״ה מזוזה [Maimonides, end of *Hilkhot Mezuzah*].)

IV. Through the Celebration of the Times Sanctified to God.

A. The Sabbath.

54. Meaning and Purpose of the Sabbath.

1. The seventh day of the week, known to us through tradition, the Sabbath (שבת [*Shabbat*]), was instituted by God so that through it human beings might constantly be reminded that the world did not come into being of itself through an unconsciously working force of nature, but is the work of an almighty and all-wise Creator, who created it out of nothing by His free will.

2. A force of nature could not have worked for a definite time only, could not have rested, but would have to work eternally; God, however, completed His work in six days and then rested. Since He has rested, no new creatures come into being any more; only the forces placed by the Creator in His works continue to operate; since then creation itself keeps its Sabbath; this resting of creation is the strongest testimony to the existence of the Creator. (כוזרי ב׳ נ׳ [*Kuzari* 2:50]; Hirsch, *Pentateuch*, Gen. 2, 50.)[56]

3. But when mankind forgot God and worshipped creatures instead of the Creator (5, 3), God called Israel to acknowledge and worship Him, and at the *miraculous* [p. 94] liberation from Egypt demonstrated anew not only His *creative power* but also *His rule over the destinies of men*, and commanded Israel the celebration of the Sabbath as a *testimony* (עדות [*edut*]) to the creation of the world by God (זכרון למעשה בראשית [*zikkaron le-ma'aseh bereshit*, a memorial of the work of creation]) and to the liberation from Egypt (זכר ליציאת מצרים [*zekher li-tzi'at Mitzrayim*, a remembrance of the going out from Egypt]), as a *sign* (אות) of the covenant relationship between God and Israel, as an everlasting covenant (ברית עולם [*berit olam*]). (מנורת המאור פ׳ קנט; כוזרי שם [*Menorat ha-Ma'or* §159; *Kuzari*, ibid.].)[57]

4. But the Sabbath is also to be an institution of salvation for all who keep it; it is to redeem them every week for one day from earthly servitude, so that they may enjoy themselves in rest and pleasure without work and devote themselves to the salvation of their souls. Therefore God has *blessed* it: whoever ceases work on it suffers no loss thereby (the manna in the wilderness); whoever uses it for higher, holy contemplation is equipped on this day with greater receptivity for

[56]Translator: *Kuzari*, the philosophical dialogue of Judah ha-Levi (c. 1075–1141); Samson Raphael Hirsch's translation and commentary on the Pentateuch (vol. I, Genesis, 1867). "2, 50" after Gen. probably refers to a page of Hirsch's Genesis volume.
[57]Translator: *Menorat ha-Ma'or*, the ethical-homiletic compendium of Isaac Aboab (14th century).

it (נשמה יתרה [*neshamah yeterah*, the additional soul]). (הרמב"ן והרא"בע בראשית ב' ג'; כוזרי, שם ג ה [Nachmanides and Ibn Ezra on Gen. 2:3; *Kuzari*, ibid. 3:5].)

5. The Sabbath, which today forms a strong dividing wall between Israel and other peoples, will one day, according to God's promise, become a bond of union for all human beings. Thus the prophet Isaiah prophesies: "Let not the stranger who would join himself to God say any more: God has separated me from His people. For the strangers who join themselves to God, to serve Him, to love the name of God, to be His servants: *all who keep the Sabbath, not to profane it*, and hold fast to my covenant, I will bring to my holy mountain and make joyful in my house of prayer; their offerings shall be acceptable upon my altar; for my house shall be called *a house of prayer for all peoples*."[58]

> The heavens and the earth were finished, and all their host. Then God finished with the seventh day His work which He had made, and ceased on the seventh day from all His work which He had made. And God *blessed* the seventh day and *hallowed* it; for with it He had ceased from all His work which He, God, had created, that it might continue to work on. (Gen. 2:1–3)
>
> The descendants of Israel shall keep the Sabbath, to observe the Sabbath throughout their generations for an everlasting *covenant*. Between me and the descendants of Israel it is a *sign* for ever, that in six [p. 95] days God made heaven and earth, but with the seventh day ceased and withdrew into His own being. (Exod. 31:16, 17)
>
> Remember that thou wast a slave in the land of Egypt, and God, thy God, brought thee out from there *with a strong hand and an outstretched arm*; therefore God, thy God, has commanded thee to keep the Sabbath. (Deut. 5:15)
>
> At every returning New Moon, at every returning Sabbath, all human beings shall come to worship before me, says God. (Isa. 66:23)

55. The Precepts of Sabbath Observance in General.

1. *Cessation of work*, שביתה [*shevitah*]. The Torah *commands* us on the Sabbath neither to perform any work *ourselves* (אתה [*attah*, "thou"], i.e., those of religious majority) nor to allow our *children* who are religiously minors (בנך ובתך [*binkha u-vittekha*, "thy son and thy daughter"]) or our *animals* (בהמתך [*behemtekha*, "thy cattle"]) to perform such. (סה"ח, כד לב פה [*Sefer ha-Chinnukh* 24, 32, 85].)

What is understood by work (מלאכה [*melakhah*]) is determined by the oral tradition, and every Israelite is obliged to inform himself exactly about it; for not only heavy, strenuous labors, but also very many easily performed actions are forbidden. Even talking about trade and business is

[58] Translator: Isa. 56:3, 6–7 (no reference printed).

prohibited; we should not even think about it, and on the Sabbath should regard all our affairs *as finished and settled*. (א״ח, שו, א וח [*Orach Chayyim* 306:1 and 8].)

In case of actual or possible danger to a human life, every action is not only permitted to us but commanded. (א״ח, שכח שכט של [*Orach Chayyim* 328, 329, 330].)

2. *Proclamation of holiness*, קידוש והבדלה [*Kiddush* and *Havdalah*]. We are further *commanded* to give expression in words to the holiness of the day. This commandment is met first of all by the middle benediction of the Friday evening prayer (אתה קדשת [*Attah Kiddashta*, "Thou hast sanctified"]). In addition we are obliged, *immediately before the evening and the morning meal*, to say the benediction over a *full* cup of wine, the image of the joy-giving abundance of divine blessing. In the evening the verses (ויכלו [*Va-yekhullu*]) are said before, and a special benediction expressing the fundamental idea of the Sabbath after, the benediction over the wine. In the morning only the verses ושמרו [*Ve-shameru*] and זכור את יום [*Zakhor et yom*] are said before the latter. [p. 96] (See the prayer book.) In the absence of wine, *bread* takes its place in the evening, and some other spirituous drink in the morning; if no other drink is to be had, bread is used in the morning as well. Before this act (קידוש [*Kiddush*]) one may partake of nothing, either in the evening or in the morning. (סה״ח לא; א״ח, רעא רפט [*Sefer ha-Chinnukh* 31; *Orach Chayyim* 271, 289].)

At the going out of the Sabbath, too, we must express its holiness, in contrast to the weekdays, in words of prayer. This is done first by inserting the formula אתה חוננתנו into the fourth benediction of the evening prayer, but in addition by the following act. After the verses הנה אל ישועתי [*Hinneh El yeshu'ati*, "Behold, God is my salvation"] four benedictions are said: over a full cup of *wine*; over various *spices*, מיני בשמים [*minei vesamim*]; over a *torch or double-candle light* kindled artificially after the going out of the Sabbath, not from a fire that was already burning before, מאורי האש [*me'orei ha-esh*, "the lights of the fire"]; and a benediction in which we thank God for having established the distinction between holy and profane, between Sabbath and weekday, and for having enabled us to recognize it, המבדיל [*ha-mavdil*, "Who makest a distinction"]. We thank God for *fire*, man's mightiest helper in all forming and making, at the beginning of the weekly time of work, while we take over with us into the weekdays the spirit of the Sabbath, symbolically represented in the spices.

At the going out of the Day of Atonement a light is taken that has burned throughout the whole festival since the eve, and no spices. At the going out of another festival, when it is not at the same time the going out of the Sabbath, the benediction over spices is not said either.

Where no wine is to be had, another spirituous drink may be used. Without having satisfied this precept (הבדלה [*Havdalah*]) either in prayer or over wine, we may neither partake of anything nor do any work. (א״ח, רצד-רצט [*Orach Chayyim* 294–299].)

If the first day of the week is a festival day, *Havdalah* is likewise necessary, in order to give verbal expression to the higher holiness of the Sabbath. This is done in the prayer ותודיענו [*Va-todi'enu*], which is inserted into the festival evening prayer, and by a benediction of similar content, המבדיל בין קודש לקודש [*ha-mavdil bein kodesh le-kodesh*, "Who makest a distinction between holy and holy"], which is combined with the *Kiddush* [p. 97] for the festival evening, after the benediction מאורי האש has first been said over the festival light. (יקנה״ז [*YaKNeHaZ*]) (א״ח, תצא, ב [*Orach Chayyim* 491:2].)[59]

3. *Honor*, כבוד השבת [*kevod ha-Shabbat*, honoring the Sabbath]. We are obliged to honor the Sabbath, as the day sanctified to God, by cleansing ourselves especially on the day of preparation, putting on festive clothes, adorning our dwelling and our table festively, and in general putting our outward appearance and our surroundings into a state befitting the dignity of the holy day. (א״ח רמב; רס רסב [*Orach Chayyim* 242; 260, 262].)

In particular everyone (unmarried persons too) is obliged to kindle lights in honor of the Sabbath before it begins (נר של שבת [*ner shel Shabbat*, the Sabbath light]), and in doing so to take great care that the condition of the lamps or candles, of the oil and of the wicks gives no reason to fear premature darkening or going out, annoyance from offensive fumes, or any disturbance of comfort at all. This duty is laid first of all upon the *housewife*, but the father of the house should remind her of it, just as in general he must ask whether everything has been properly prepared for the Sabbath, in particular whether the *challah* (78, 4) has been separated from the Sabbath loaves. (א״ח, רס רסא רסב רסג [*Orach Chayyim* 260, 261, 262, 263].)

4. *Peace of mind, comfort, enjoyment*, עונג [*oneg*, delight]. The Sabbath is to be for us not only a day of bodily rest, but also of spiritual refreshment, of comfort, peace of mind and pure pleasure. Therefore we are *forbidden* on it to give ourselves over to worry and grief, to wear outward signs of mourning, or to offer prayers of petition.

On the other hand everyone is *obliged*, according to the measure of his means, to procure for himself an increased or more refined enjoyment. The poor man can satisfy this precept with something small. *Three meals* are prescribed for us on the Sabbath, in the evening, in the forenoon and in the afternoon (שלש סעודות [*shalosh se'udot*]); at these the benediction המוציא [*ha-motzi*] should be said over two loaves that are still whole (לחם משנה [*lechem mishneh*, double bread]), recalling the double portion of manna. (א״ח, רעד רפט רצא [*Orach Chayyim* 274, 289, 291].)

5. *Divine service and instruction through the Torah*, קביעת מדרש [*kevi'at midrash*, fixed study]. In the series of days on which God calls us to turn in to Him in His sanctuary (מועדי ה׳ [*mo'adei Adonai*, the appointed times of the Lord]), the Sabbath takes [p. 98] the first place (תחלה למקראי

[59]Translator: יקנה״ז, the mnemonic for the order of blessings when a festival begins on Saturday night: *Yayin* (wine), *Kiddush*, *Ner* (light), *Havdalah*, *Zeman* (*She-hecheyanu*).

קודש [*techillah le-mikra'ei kodesh*, "the first of the holy convocations"]) (Lev. 23:2 and 3). Therefore we should not devote it exclusively to enjoyment and pleasure, but should also consecrate part of this holy day to the Torah, which gladdens the heart more than anything. In particular, those who on weekdays live *only* for earthly gain should take part in public worship on the Sabbath and seek either to instruct and edify themselves with lighter Torah writings that demand no great effort, or to listen to discourses on the Torah by others. This has been the custom in Israel since the most ancient times (2 Kings 4:23). Everyone should contribute toward his community's offering the opportunity to hear a Torah discourse on Sabbath and festival days. (ילקוט ריש פ׳ ויקהל; א״ח, רצ, ב [*Yalkut*, beginning of *parashat Va-yakhel*; *Orach Chayyim* 290:2].)[60]

6. *Remembering in advance*, זכירה [*zekhirah*]. The Sabbath reaches very deeply into our domestic and business life; therefore the Torah *commands* us to remember it in the course of the whole preceding week and to arrange matters so that, when it comes, we can celebrate it worthily without having to think of business and without lacking anything its celebration requires. The Hebrew language has no names for the days of the week; we are to count them toward the coming Sabbath — the first [day] toward the Sabbath, etc. — so that we may be reminded daily of the approach of the holy day. (הרמב״ן ור״ע ספורנו שמות, ך ח [Nachmanides and R. Obadiah Sforno on Exod. 20:8].)[61]

On the day of preparation, ערב שבת [*Erev Shabbat*], in particular, we should undertake no business and no journeys that could occupy us into the Sabbath, and hold no meals that could rob us of our appetite for the enjoyment of the Sabbath. The housewives should prepare the loaves and the meals early, but the man too should not be ashamed to contribute to this himself. (א״ח רמט-רנא [*Orach Chayyim* 249–251].)

If the day of preparation for the Sabbath falls on a festival day (יום טוב [*Yom Tov*]), the preparation for a worthy celebration of the Sabbath could easily be neglected or forgotten because of the festival. Therefore our sages of blessed memory ordained an act of remembrance (ערוב תבשילין [*eruv tavshilin*, "mixing of cooked dishes"]), which consists in this: that already on the day before the festival a small meal, bread with a side dish, is *for the Sabbath* [p. 99] set aside. The benediction and formula to be said on this occasion are found in the *Machzor*. (For a further reason for this act see 59, 4.) (ביצה טו ב; א״ח תקכז מ״א ס״ק יג ט״ז ס״ק יב [*Betzah* 15b; *Orach Chayyim* 527, *Magen Avraham*, sub-paragraph 13, *Turei Zahav*, sub-paragraph 12].)

7. *Strict guarding against profanation*, שמירה [*shemirah*]. No *prohibition* of the Torah is impressed upon us so emphatically as that of work on the Sabbath. It is repeated *twelve times*, and in doing

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[60] Translator: *Yalkut Shim'oni*, the medieval midrashic anthology on the Bible.

[61] Translator: The chapter numeral is printed as ך (final kaf); כ (20) is meant.

so the warning expression of *guarding* (שמירה) is used *six times*. With this the Torah demands of us the strictest guard over the Sabbath, that neither we ourselves nor any of our own profane it.

This duty of guarding we must exercise especially at its beginning and close. During the twilight on the eve, 13½ minutes before the appearance of *three* medium-sized stars standing together, all work is forbidden because of the doubt whether it is day or night. But we must begin the Sabbath earlier, about 1¼ hours, at least half an hour, before nightfall. In communities with congregational worship the Sabbath begins for each individual too as soon as ברכו [*Barekhu*] has been said at the service (תוספת שבת [*tosefet Shabbat*, the addition to the Sabbath]). (אורח חיים רסא רצג [*Orach Chayyim* 261, 293].)

In view of this duty of guarding, our sages of blessed memory forbade many actions which in themselves are not work but could possibly lead to it (שבות [*shevut*, rabbinic rest]); these too we must strictly refrain from. (מכילתא ילקוט כי תשא ס׳ שצ [*Mekhilta*; *Yalkut*, *Ki Tissa*, §390].)

> Six days thou mayest work, but on the seventh day cease thy work; be it plowing time or harvest, thou shalt cease thy work. (Exod. 34:21)
>
> *Remember* the Sabbath day, to hallow it. Remember it over wine at its coming in. (Exod. 20:8; *Pesachim* 106)
>
> If thou turn back thy foot from the Sabbath, so as not to pursue thy business on my holy day, and call the Sabbath *a delight*, *the holy of God, honored*, and honor it, so that thou dost not follow thy ways, nor pursue thy business, *not even by speaking a word*: then shalt thou find delight in God; I will make thee ride upon the heights of the earth, and let thee enjoy the heritage of Jacob thy father; for the mouth of God has spoken. (Isa. 58:13, 14)
>
> [p. 100] Ye shall *keep* the Sabbath, for it is a sanctuary unto you; those who profane it shall be put to death; for whoever does any work on it — that soul shall be cut off from the midst of its people. (Exod. 31:14)

56. The Prohibition of Work in Particular.

The manifold activities and actions, each one of which is forbidden to us to carry out on the Sabbath as work, מלאכה, are summarized by the oral tradition of our sages of blessed memory under 39 *principal activities* (אבות מלאכות [*avot melakhot*, "fathers of work"]). The principal activities are at the same time general designations for other actions similar or related to them, which are called *derived activities* (תולדות [*toladot*, "offspring"]). To these are added the actions *forbidden as a precaution* by our sages of blessed memory (שבותים [*shevutim*]). The following list contains the principal activities and their definitions, with the most frequently occurring derived activities belonging to them and the actions prohibited by our sages of blessed memory, arranged according to the areas of work in which they occur. It is forbidden:

A. Agriculture.

1. *Plowing*: every kind of loosening, and every leveling of the smallest piece of ground, removing raised spots and filling in hollows in a place where sowing can be done. (Cf. F. 30.)[62] (ח"א י' [*Chayyei Adam* 10].)[63]

2. *Sowing*: everything that can result in the development of the seed and the growth of plants. — To water plants or to wash one's hands over them; to soak seeds or to throw them onto damp places (unless for immediate consumption by animals); to put flowers still capable of opening and branches with buds into water, or to give them fresh water; to put a flowerpot from a dry place onto the ground. (ח"א י"א [*Chayyei Adam* 11].)

3. *Reaping grain*: every cutting off or tearing out of plants from the soil or the flowerpot in which they have grown, as well as every separating of parts of plants from the plant still rooted in the ground, and of mushrooms and lichens from [p. 101] the damp wooden utensils on which they have grown, whether all this be done with hand, tool or mouth; to put a flowerpot from the ground onto a dry place; to shake a tree, to climb it, or, if it is still weak, to lean against it; to pick up fruit that has fallen of itself, let alone to eat it; to cut out honeycombs still attached to the beehive. We may let our animals graze herbs from the ground, but may not ride on them or let them draw us, not even on and by those of a non-Israelite. (ח"א יב, נט ח [*Chayyei Adam* 12; 59:8].)

4. *Gathering sheaves*: every gathering up and carrying together into heaps of plants and parts of plants (thus also of tree fruits) on the ground where they have grown. — Threading fruits together; making flowers into a bouquet by winding thread or bast around them, even without a knot. Minerals too, such as salt and sand, may not be gathered at the place where they are dug. (ח"א יג [*Chayyei Adam* 13].)

B. Separation of Produce.

5. *Threshing*: every action that has the purpose or the result of freeing fruits from their husks, ears, pods or shells, not only with a tool but also with the bare hand (except when, as e.g. with tender peas, the husk is also to be eaten). Squeezing fruits whose juice is ordinarily used as a drink or is to be drunk now; drinking juice that has flowed out of itself on the Sabbath; milking is permitted, by non-Israelites, out of consideration for the animal's pain, but the use of the milk is forbidden for that same day; one may not crush snow or break ice into small pieces so that water may come from them; but one may put snow and ice into a liquid, whereby they melt of themselves, and may also break a covering of ice in order to take the water beneath it. — Wet cloths, sponges and the

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[62] Translator: So printed ("Vergl. F. 30."); probably a cross-reference to no. 30 of this list ("F." perhaps for "Folge"/"Fortsetzung", or a misprint for "N.").

[63] Translator: *Chayyei Adam*, the popular halakhic code of Abraham Danzig (1748–1820), whose laws of the Sabbath treat the 39 principal labors in successive sections (*kelalim*); the references in this list are to these sections.

like may not be wrung out; a sponge may be used for drying only if it has a handle that prevents the squeezing out of liquid. (ח"א יד [*Chayyei Adam* 14].)

[p. 102] **6. 7. 8.** *Winnowing, sorting, sifting*, and, with liquids, *straining*; all operations whose result is the separation of the unusable (e.g. dust, chaff, rotten or worm-eaten matter, yeast, sediment) from the usable are forbidden in every manner; it is permitted only to pick out the usable by hand for immediate consumption. Drinks may be poured off from their sediment only as long as they flow without interruption, never when they drip. Clear drinks (other than water) that would be drinkable even with the foreign matter in them may be strained through a cloth laid flat over a vessel; water, however, even if it is clear and of such a kind that most people would drink it unstrained, may be strained only through a straining cloth intended for that purpose. Water as well as other drinks that are so turbid that they cannot be considered drinkable unstrained may not be strained at all; a fly or the like that has fallen into a liquid should not be lifted out alone, but only together with part of the liquid. Cream may be skimmed from milk only for immediate consumption and in such a way that the lowest layer of cream remains with the milk. Fruits may be peeled only for immediate consumption. With other objects too (food, clothes) it is forbidden to separate what one intends to use only later from what one wishes to use at once. (ח"א, טו טז יח; א"ח תקי מ"א ס"ק יג)[64]

C. Preparation of Food.

9. *Grinding*, every crushing, pounding or grating of any substance, e.g. spices, salt, clods of earth, into powder or small particles by mortar, spice mill, grater and the like, is forbidden. Only crushing between the fingers, or with the handle of a knife on the table or on a plate, is permitted, but all only for immediate consumption. Cutting into small pieces things that one does not intend to eat at once is also forbidden. On account of the pounding of spices that might be needed for it, every medical treatment is forbidden in cases of indisposition that is not dangerous, and for the purpose of healing only such foods and drinks are permitted [p. 103] as are also frequently consumed by the healthy. (But compare **55, 1** end.) (ח"א יז וסט)

10. *Kneading*, every mixing of a floury, powdery or fine-grained substance, e.g. mustard, grated bread or horseradish, poppy seed, bran, with a liquid into a dough-like mass. Even if the substances (the dry and the liquid) were put into one vessel before the Sabbath, it is forbidden to stir them with the implement customary for it and in the usual way, as on a weekday. If the substances were not put into one vessel before the Sabbath, only the making of a very thin mixture is permitted; in this, however, the liquid should be poured in first, and likewise not stirred as on a weekday; with the last-mentioned restriction it is also permitted to thin what has already been mixed. In all these

[64]Translator: ח"א = *Chayyei Adam* (by Rabbi Abraham Danzig, 1748–1820), cited by *klal*; א"ח = Shulchan Arukh, *Orach Chayyim*, cited by section; מ"א ס"ק = the commentary *Magen Avraham*, subsection. Below, סה"ח = *Sefer ha-Chinukh*, cited by commandment number; י"ד = Shulchan Arukh, *Yoreh De'ah*.

cases, however, no more may be prepared than is required for immediate consumption by people or domestic animals. (ח"א יט)

11. *Baking and cooking*, every arrangement for making hard things soft, solid things liquid, soft things hard, or wholly or half-cooked things fully done, even if they are edible raw, like fruit and milk, whether by fire, by objects heated at the fire or in the sun, or by chemically produced or volcanic heat, be they foods, drinks or other objects (melting wax and metal). Into foods or drinks that are in the still-hot vessel in which they were cooked (the first vessel), even if it has now been removed from the fire, one may not put slices of bread, still less half-raw or wholly raw things, e.g. spices, except sugar; nor may one pour the contents of this (first) vessel over the things named and similar ones, or over utensils to be rinsed; they may be put into the food or drink only after it has been emptied into another (second) vessel. Slices of bread and the like should not be put even into a second vessel as long as its contents are still very hot. Fully cooked foods or drinks may, only during the season of the year that makes heating necessary, be placed for keeping warm or warming in the warming compartment, closed off from the fire, of the [p. 104] stove. In this the following is to be observed. Only objects that are still hot may be placed by an Israelite in the already heated warming compartment, and not on the plate washed by the fire, but only on an underlay. Objects already cold may be put in only by non-Israelites. After the heating, however, this is permitted only for objects intended for the sick and for small children. If the warmed objects are to be eaten by healthy people and adults, they must be put in before the heating. Pouring cold and warm liquids together is permitted only if the cold liquid is much more than the warm. Moreover, care must be taken that where cold is poured into warm, this be done quickly, all at once. One may well wash individual limbs or parts of the body in warm water, but not the whole body. *Pickling and preserving*, like every making edible by marinating and soaking, is likewise forbidden. Therefore one may not put several pieces of radish and the like into salt, but must dip each single piece in order to eat it at once. (ח"א ך)

D. Preparation of Clothing.

12. *Shearing* the wool from the sheep; every detaching of hair, feathers and other bodily growths from the living or dead body, from hides, furs and the like; cutting off or removing in any manner even a single nail, pulling out a single hair; therefore combing the hair, since in doing so the pulling out of hairs is unavoidable, is forbidden, but smoothing with the hand or with a soft brush intended for the purpose is permitted. (ח"א, כא; א"ח ס"ס שג במ"א)

13. *Carding*, combing, teasing fibrous materials in order to prepare them for spinning. (ח"א כג)

14. *Spinning*, every transformation of fibrous materials into thicker or thinner threads by twisting; *twining*, i.e. twisting two or more threads together into one. (ח"א כה)

15. 16. 17. The main operations of weaving: *stretching the warp* (warping), *drawing the warp threads* [p. 105] through the meshes or rings of the heddles, and *throwing the weft* or shoot; every

operation for producing a woven-like material from threads: knitting, crocheting, bobbin-lace making, plaiting, making sieves, nets and baskets of wood, metal wire and the like. (ח"א כה)

18. *Pulling out* the warp or weft threads of a fabric, as in making lint; every unravelling of a plaited or woven fabric. (ח"א כה)

19. 20. *Tying or untying a knot*: a. such as is customarily made by certain craftsmen in their trade, or b. which is to remain tied longer than the same day, or c. which consists of two loops, or d. which is made at the end of a cord or thread: permitted are only knots not of the craftsman's kind that are intended to last only for the day; bows too that have a knot beneath them may be made only if they are intended for the same day. Knots that cause pain may be untied. (ח"א כו כז)

21. *Sewing*, every joining of materials by thread; pulling tight a sewing thread already drawn through in order to fasten the seam. Joining materials by paste, glue and the like. (ח"א כח)

22. *Tearing* any object, unpicking a seam. (ח"א כט)

23. *Washing*, every operation for removing dirt or color from articles of clothing or fabrics; soaking them, lifting the soaked items out of the water, wringing out wet ones or spreading them out to dry, pulling, mangling, smoothing or folding those dried after washing; linen or similar fabrics may not be used to strain water; vessels that have held liquids may not be wiped out or dried with a cloth; clothes may not be cleaned of dry dirt by beating, rubbing or brushing; but one may remove damp dirt by rubbing the garment on the inner side with the fingernail or a knife. (ח"א כב)

[p. 106] **24.** *Dyeing*; preparing dyes or applying them, or coloring fruit juices, to any material that is customarily dyed, or to foodstuffs with the intention of coloring them. One should not touch a cloth or garment with fruit juice that stains. (ח"א כ"ד)

E. Obtaining Meat; Preparation of Leather.

25. *Trapping*, every arrangement by which a free animal is brought into human power or into an enclosed space. One may not catch even domestic animals; rather, if they want to run away or there is fear that they would be lost, one may only push them, without lifting them up, into their accustomed quarters. Domestic animals not yet accustomed to a particular place, however, one may not push there. (ח"א ל)

26. *Slaughtering* or killing an animal in any way; wounding people or animals, drawing blood from them or from oneself: killing animals dangerous to life is permitted. (ח"א לא)

27. *Flaying*, stripping off even the smallest part of the hide of a dead animal; splitting a hide, or the smallest part of one, into its skin side and flesh side. (ח"א לב לג)

28. *Tanning*, every operation that has the result of turning the raw hide into leather or making it usable for working in place of leather; laying hides in salt, lime, tanbark or any steeping liquor;

making hides hard by treading, soft by rubbing, pliable by stretching; rubbing them, or even finished leather goods (shoes), with grease (blacking). Preparing a pickling liquor or brine beyond what is needed for immediate consumption is forbidden. (See under 10, end.) (ח"א שם)

29. *Scraping*, primarily of the tanned hide, but in general the smoothing, waxing or polishing of any object; spreading a plaster; softening wax. (ח"א לד לה)

F. Preparation of Dwellings.

30. *Building*, not only every operation occurring in the building of houses or streets, but also the putting up of a roof (a handbreadth wide) or of a partition, even [p. 107] if only of cloths; taking out or hanging windows and doors; fitting together, nailing together or gluing wood, paper, cardboard and the like with glue, paste and the like; levelling unevenness of the ground, hence sweeping an unfloored ground, and sweeping and washing a floored one; propping up breaking beams; refitting parts that have fallen out of utensils not meant to be taken apart, e.g. the legs of tables or chairs and the like; making a hollow in the ground, pulling out something stuck in the earth; pulling out a knife stuck in the wall that had not been taken out of the place where it is stuck at least once before the beginning of the Sabbath. Braiding and unbraiding the hair of the head; parting the hair is permitted only with the hand. (ח"א לט–מד)

31. *Demolishing*, i.e. destroying anything that has been produced by an operation falling under the concept of building. (ח"א מג מד)

G. Representation by Signs.

32. *Ruling lines*, whether with coloring substances (lead, graphite) or with a pointed object, a fingernail, whether for the sake of subsequent writing or merely to mark a direction. (ח"א ל"ד)

33. *Writing*, not only with letters, but also every kind of marking of objects and every representation of thoughts by drawing, painting and the like, even if not permanent, e.g. on a misted windowpane or in sand; typesetting, printing (even blind printing), distributing type; undertaking any business that can lead to writing or is usually connected with writing, thus all commercial transactions, measuring, weighing, reading in account books, calculating, casting lots, marriages. (ח"א לז)

34. *Erasing* what is represented by lines, writing, print and drawing. (ח"א לה)

H. General Operations of Work.

35. *Cutting* (tearing, breaking), every detaching of a part from a solid material, whether to give it a particular [p. 108] shape or size, or to obtain the detached part (except foodstuffs while eating); sawing, planing, filing, hewing, splitting and the like. (ח"א לו)

36. 37. *Kindling or extinguishing fire*; furthering burning or going out, even if only indirectly by admitting air, withdrawing air, or causing a draught. Reading by lamplight is permitted only in the presence of a person who watches that the reader does not touch the light. (ח"א מה מו)

38. *The hammer stroke*; under this designation is comprised every operation by which an object receives its completion, its fitness for its purpose, even if this operation is not an actual hammer stroke, e.g. threading the shoelace into a new shoe (into old shoes only if it takes effort); pulling the basting threads out of a finished garment, bending a needle straight, folding a cloth along its former creases and the like. Among the countless operations to be derived from this primary activity, and the שבותים [*shevutim*, rabbinic prohibitions of rest] belonging to it, there are still to be emphasized the boring or widening of an opening in a vessel and the producing of sounds by an instrument intended for the purpose. (ח"א מד)

39. a) *Transferring* (carrying out or carrying in) an object, even of the smallest size or least value, except what one wears on oneself as clothing or ornament, from a private domain into a public domain or vice versa; b) carrying such an object onward a distance of four cubits, by carrying, throwing, etc., within a public domain.

A *private domain* (רשות היחיד [*reshut ha-yachid*]) is any space enclosed by walls or fences 10 handbreadths high or by ditches 10 handbreadths deep and 4 handbreadths wide. As a *public domain* (רשות הרבים [*reshut ha-rabbim*]) we have to regard every open place not enclosed on all sides in the manner stated. One may therefore neither inside nor outside a place of residence that is not completely enclosed in this way carry or throw anything four cubits, nor bring or hand anything from the street into a house or from a house into the street. [p. 109] Nor may one bring or hand anything from a planted garden with an area of 70 square cubits into an adjoining house, or vice versa. (ח"א מז נג)

Open towns and villages can, however, be turned into a private domain by an enclosing arrangement made according to the directions of someone learned in the Torah, so that one may then carry and convey objects from the houses of these places into the streets and vice versa, as well as within these places, but only after the following act has preceded.

A loaf of bread procured at the common expense of all the inhabitants of the place is deposited before the Sabbath at a place accessible to all; by this act the place of deposit is declared a dwelling place common to all, and all the private domains of the town and its streets a single private domain. This is customarily done on the eve of Pesach, which is why the benediction and formula to be spoken with it are found in the *Machzor* [festival prayer book]. (שתופי מבואות, עירובי חצרות [*shittufei mevo'ot*, partnership in alleys; *eruvei chatzerot*, merging of courtyards]). (ח"א עב)

Even without carrying anything, it is forbidden on the Sabbath to walk a distance of more than 2000 cubits (paces) from the edge of our place of residence. The 2000 cubits are reckoned in the following manner.

Let us imagine a rectangle drawn around our place of residence, within which all its habitable buildings come to lie that do not stand isolated at a distance of 70 cubits, and let us draw around it a second rectangle parallel to it, 2070 cubits distant from its sides; then we may move freely to and fro from all points of the inner rectangle to all points of the outer, but not further. (תחום שבת [*techum Shabbat*, the Sabbath boundary])

In order to perform a work pleasing to God (דבר מצוה [*devar mitzvah*]), e.g. to pray with a מנין [*minyan*, quorum of ten], one may, by means of an עירוב [*eruv*] (food for two meals) deposited within the limit of the 2000 cubits before the beginning of the Sabbath or festival, go a further 2000 cubits and return again to one's place of residence, but then from there, in a direction other than that of the *eruv*, not [p. 110] any further elsewhere; but one should not do any of this without consulting someone learned in the Torah. (ח"א עו)

*

Besides the precautionary prohibitions of our sages of blessed memory relating to the individual 39 primary labors, they have also issued the following general prohibitions.

It is forbidden on the Sabbath to commission a non-Israelite with tasks whose performance is forbidden to the Israelite. Only heating by a non-Israelite is permitted, for reasons of health, when the cold makes it necessary. On the day of preparation such commissions are permitted only if the work is to be done on movable objects, outside our house, for piece-wages (not day-wages), and the Sabbath is not necessary as working time for its completion (אמירה לנכרי [*amirah le-nokhri*, instructing a non-Jew]). (ח"א ג סב)

Objects that cannot or may not be used for their proper purpose on the Sabbath, e.g. inedible foodstuffs, tools for forbidden tasks, wares intended for sale, or such objects as have only come into existence on the Sabbath or have been taken from the soil in which they grew, such as freshly picked flowers or fruits, we may not move from their place on the Sabbath. With the tools mentioned, however, if they are not of special delicacy, this is permitted when the place where they lie, or they themselves, are to be used for a task permitted on the Sabbath (מוקצה [*muktzeh*, set-aside objects]). (ח"א סה סו)

B. The Festivals.

A. General.

57. The Days Prescribed as Festivals.

1. Besides the Sabbath, we are further commanded to celebrate the following days:

I. *The Feast of Passing Over*, פסח [*Pesach*], the eight days from the 15th to the 21st of the month of Nisan. (סה"ח רצז, רצח, ש, שא)

[p. 111] II. *The Feast of Weeks*, שבועות [*Shavuot*], on the 6th and 7th of the month of Sivan. (סה"ח שח שט)

III. *The Day of Remembrance* or *the New Year*, ראש השנה [*Rosh ha-Shanah*], יום הזכרון [*Yom ha-Zikkaron*, the Day of Remembrance], on the 1st and 2nd of the month of Tishri. (סה"ח שי שיא)

IV. *The Day of Atonement*, יום הכפורים [*Yom ha-Kippurim*], on the 10th of the month of Tishri. (סה"ח שטו שיז)

V. *The Feast of Tabernacles*, סוכות [*Sukkot*], the seven days from the 15th to the 21st of the month of Tishri, and connected with it (סה"ח שיח שיט)

VI. *The Concluding Feast*, שמיני עצרת [*Shemini Atzeret*], on the 22nd and 23rd of the month of Tishri. (סה"ח שכא שכב)

2. Of *Pesach* only the first two and the last two days, of *Sukkot* only the first two days, are full holy days (שבתון [*shabbaton*, day of solemn rest]); the four middle days of *Pesach*, as well as the five days between *Sukkot* and *Shemini Atzeret*, are half-festivals, חול המועד [*Chol ha-Mo'ed*, the intermediate days].

3. Only for the first day of all the festivals and for the seventh day of *Pesach* is the strict celebration commanded in the written law. The second festival day following each of these days (יום טוב שני [*Yom Tov Sheni*, the second festival day]) was originally, as long as the calendar (**67, 2**) was not fixed, strictly celebrated by the Israelites living in the dispersion because the news of the day on which the Sanhedrin had determined the beginning of the festival month could not reach them in time. When the calendar was later fixed, the sages of blessed memory ordained that the celebration of the second day must be retained, and all Israel willingly submitted to this ordinance. Therefore the strict celebration of this second day is for us just as holy a duty as that of the first. (**11, 1 d.**) (ביצה ד' ע"ב)

4. Only the labors necessary for the burial of a corpse that cannot be performed by non-Israelites without causing a delay may be performed by Israelites on these days. On the first day, by contrast, shrouds, coffin and grave may be made only by non-Israelites; if that is not possible, the burial must be postponed; the washing, dressing and laying in the grave may be carried out by Israelites even on the first day; but [p. 112] the washing must be done in such a way that the wringing of garment fabrics, which is forbidden (**56, 23**), cannot occur. (ביצה ו' ע"א; א"ח תקכו)

58. The General Precepts Concerning the Celebration of the Festivals.

1. On the festivals, too, the activities forbidden on the Sabbath are prohibited, with the exception already mentioned and one still to be discussed. Cessation from work, שביתה [*shevitah*]; proclamation of holiness, קידוש והבדלה [*Kiddush* and *Havdalah*]; honor, כבוד [*kavod*]; lighting of lights, נר של יום טוב [the festival light]; serenity of mind, עונג [*oneg*, delight]; instruction through the Torah, קביעת מדרש [*kevi'at midrash*, set study]; preparing in advance, זכירה [*zekhirah*, remembering]; and guarding against profanation, שמירה [*shemirah*], especially through timely beginning, תוספה [*tosefet*, adding to the holy day], and observance of the precautionary ordinances of the sages of blessed memory, are prescribed for the festival as well; for the Torah also calls the festival שבת [*Shabbat*] or מקרא קודש, מועד ה', שבתון [*mikra kodesh*, a holy convocation; *mo'ed Adonai*, an appointed season of the Lord; *shabbaton*].

2. For the festivals, however, especially the שלוש רגלים [*Shalosh Regalim*, the three pilgrimage festivals], *a further precept is given us, namely that of festive joy*, שמחת יום טוב [*simchat Yom Tov*]. (סה"ח תפח)

Festive joy consists in this: that on the festivals we give ourselves over to a pure joy in God, His Torah and His benefactions; that we give joy to our own through fine clothes and other gifts that delight them; but above all that we grant the needy, poor widows and orphans the means to forget their want on the festival and to take part in the general joy. (א"ח תקכט)

3. No mourning may cloud the festive joy; therefore the onset of every festival cancels mourning (אבילות [*aveilut*]) that has already begun, and mourning that begins during the festival is postponed until after its close. Nor should the joy of the individual mingle with the general festive joy; therefore marriages should not take place during the festival. (י"ד שצט; א"ח תקמו)

> You shall rejoice in your festival, you, your son, your daughter, your manservant, your maidservant, the Levite, the stranger, the orphan, the widow, who are within your gates. (Deut. 16:4)[65]
>
> This is the day that God has made; let us exult and rejoice in it. (Ps. 117:24.[66] Cf. Midrash on the Song of Songs 1:4.)
>
> [p. 113] Your contrition on fast days is not more pleasing to God than your joy on Sabbaths and festivals, if this joy comes from a devout, sincere heart. (Kuzari II, 50)

[65] Translator: The verse quoted is Deut. 16:14.

[66] Translator: The verse is Ps. 118:24.

59. The Prohibition of Work on the Festivals and Half-Festivals.

1. The only difference between the Sabbath and the festivals concerns the prohibition of work. *From this difference, however, the Day of Atonement is excluded; with respect to work* (מלאכה [*melakhah*]) *it is completely on a par with the Sabbath.* On all other festivals the preparation of food (אוכל נפש [*okhel nefesh*, food for the soul's sustenance]) is permitted, but within the following limits. (מגילה ז ע"ב)

2. It is permitted: *to slaughter* an animal that was already within the town boundary (תחום [*techum*]) before the beginning of the festival. The slaughtering knife, however, may not be sharpened on the festival; it should also be examined before the festival and kept in such a way that on the festival one has only to examine it after slaughtering; further, *to remove the skin or the feathers* from the slaughtered animal; *to knead*, but not to sift the flour; *to bake, to cook, to roast*; *to pound spices* that would lose their fragrance if pounded the day before, but this in a manner differing from the usual procedure; *to sort out the unfit by hand* (e.g. pulses); *to kindle fire*, but not to produce it in the first place by rubbing, striking, etc., and *not to extinguish* it; *to carry out from one domain into another*. (א"ח, תצה, תקב, תקד, תקו, תקז תקיד)

3. The two activities last named, *kindling fire* and *carrying out*, are permitted not only for the preparation of food but also where they serve comfort and the increase of festive joy *in a manner agreeable to every person*; the remaining tasks named, however, are permitted only for the purpose of preparing food. All tasks forbidden on the Sabbath that are not named here are forbidden on the festival as well, even if their purpose is the preparation of food, e.g. grinding, picking fruit, pulling up or cutting off plants from the soil in which they grow. (א"ח, תצה תקיא תקיח)

[p. 114] **4.** The preparation of food is permitted only for the same day, but not for the following night or the following day, even if this too is a festival. It is indeed permitted to cook more in the same pot than one presumably needs for that day, but only dishes for which the additional preparation does not also cause additional effort. Even entirely permitted tasks, such as fetching wine from the cellar or clothes from the wardrobe, or preparing lights for the next day or the next night, are forbidden. If the following day is a Sabbath, the preparation of food for it is permitted by means of עירוב תבשילין [*eruv tavshilin*, the "mixing of dishes"] (**25, 6** end); the food set aside before the festival as an *eruv* counts as the Sabbath meal, which is merely supplemented by the food prepared on the festival; thus the honor of the festival is preserved with respect to the Sabbath. (א"ח תקג תקכז)

5. The *half-festival days* (חול המועד) too are called מקראי קודש [*mikra'ei kodesh*], convocations to the sanctuary (Chag. 18); as they are therefore distinguished in divine service by מוסף, הלל, יעלה ויבא [*Musaf*, the additional prayer; *Hallel*; *Ya'aleh ve-Yavo*] and the reading of the Torah, so we should honor them by better clothing and meals and devote them to festive joy and to occupation with the Torah. The prohibition of work, however, is less extensive for them than for the festivals;

on them it is permitted to do everything that is necessary for the preparation of food for the following festival, e.g. *cutting off or pulling up plants, grinding, catching* and the like, likewise buying and selling *festival necessities*; further, business is permitted through whose omission *property already acquired or an advantage only rarely to be obtained* would be lost; work for wages is permitted only to those who need the wages for their immediate livelihood. Washing clothes and shaving the beard are, by ordinance of our sages, permitted only to those who *could not possibly* carry out these tasks before the festival, but forbidden to everyone else. (א"ח תקל–תקמה)

6. Even those tasks that are permitted on the festivals or half-festivals one should not deliberately postpone to the festival period if they can be attended to beforehand without detriment to their purpose; moreover, these tasks should be carried out during the [p. 115] festival period in a manner that causes only slight effort and little stir and deviates from the procedure customary on a working day; for even in permitted work we should remain mindful of the holiness of the day. (רמב"ם יום טוב ז)

> On the first day there shall be a convocation to the sanctuary, and on the seventh day there shall also be a convocation to the sanctuary; on them no work may be done; *only what can serve all people for enjoyment, that alone may be done for you.* (Exod. 12:16)

60. The Purpose and Fundamental Meaning of the Festivals.

1. Like the Sabbath, the festivals too are institutions of salvation aimed at our bodily and spiritual welfare. Yet they differ from the Sabbath in their fundamental meaning, just as they are not entirely equal to it with respect to the prohibition of work. The Sabbath is a memorial of the creation of the world; on it Israel celebrates *a world festival for all mankind*. The festivals are instituted only in remembrance of benefactions that Israel alone has received from God, especially the deliverance from Egypt (זכר ליציאת מצרים [*zekher li-tzi'at Mitzrayim*, a remembrance of the Exodus from Egypt]); therefore the festivals are *national festivals of Israel*, which are meant to bring especially to our consciousness our covenant relationship with God and our obligation to serve Him.

2. According to the way in which the festivals are to awaken this consciousness in us, they fall into two classes: *joyful*, חגים [*chaggim*], and *solemn*, ימים נוראים [*Yamim Nora'im*, Days of Awe]; the *first* class comprises *Pesach*, *Shavuot* and *Sukkot* with *Shemini Atzeret*; they are of a joyful kind because they remind us of the benefactions that God has shown us in consequence of this covenant relationship. This class also bears the common name שלש רגלים [*Shalosh Regalim*] (the three Temple pilgrimage festivals), because at each of these festivals all males, and at *Sukkot* of every seventh (שמיטה [*shemittah*, sabbatical]) year all females too, had to appear in the Temple. At that time these festivals were real national and popular festivals, of which (מפני חטאינו [*mipnei chata'einu*, because of our sins]) only remembrance and hope have remained to us. To the *second* class belong *Rosh ha-Shanah* and יום כפור [*Yom Kippur*]; they are of a solemn kind; for they are

meant to [p. 116] remind us that we have not always remained faithful to God's covenant, and therefore to admonish us to sincere return to God, תשובה [*teshuvah*].

3. All the festivals have their basis in certain events in the history of Israel, the three Temple pilgrimage festivals also in the season fixed for their celebration. The historical meanings of the individual festivals are connected with one another, so that all the festivals together form a unity. They are meant, namely, to bring back to our remembrance in the course of every year the bodily and spiritual history of the origin of the Israelite people, which was to serve as a pattern for the entire course of Israelite national history, so that from the way in which we became God's people we may recognize how we can remain God's people. In order that the historical events which the festivals are to call to our memory may be impressed very deeply on our minds, the Torah has commanded us special precepts for individual festivals as means of remembrance.

Accordingly, in considering the festivals individually we have to attend to *three things*: the historical and the seasonal meaning, and the special festival precepts.

B. In Particular.

61. The Feast of Passing Over, or Feast of Unleavened Bread.

(פסח, חג המצות [*Pesach, Chag ha-Matzot*])

1. *Historical meaning.* The Feast of Passing Over is instituted as a memorial that is to remind us of the deliverance of Israel from Egypt; therefore in prayer we call this festival זמן חרותנו [*zeman cheruteinu*], the season of our freedom. With the moment of this deliverance Israel entered the ranks of independent nations; with it begins our history of far more than three thousand years. *Therefore this festival is the birthday festival of Israel as a people.* The name *Pesach*, Feast of Passing Over, reminds us that Israel was spared the punishments that God inflicted on the Egyptians because they would not let Israel go, and especially that death *passed over* the houses of Israel (פסח = to pass over) when the firstborn of the Egyptians died. [p. 117] The designation חג המצות [*Chag ha-Matzot*], Feast of Unleavened Bread, has its basis in the fact that the eating of leavened bread is forbidden us at this festival, while the eating of unleavened bread is commanded on the first two evenings (see below, 3). These precepts are meant to remind us that the deliverance came so swiftly that it was not possible for our fathers to let the bread intended as provision for the journey rise, for which reason they had to bake it unleavened. This bread is also meant to bring before our eyes the meager and poor bread of slaves that was given to our fathers in Egypt. According to tradition, it was on the seventh day after the Exodus that Israel passed through the sea with dry feet; the seventh day of the festival therefore reminds us of this greatest of all miracles. In divine service this remembrance finds expression through the Torah reading (Exod. 13:17 to 15:26) and festive hymns.

2. *Seasonal meaning.* The Torah *commands* that the Pesach festival be celebrated at the beginning of spring, אביב [*aviv*]. The spring festival of the Israelite people is to coincide with the spring of nature. For as nature awakens anew after winter, so Israel awoke in Egypt, and so it will one day awaken again from oppression and suffering. In the Temple this seasonal meaning found expression in the offering of the first sheaf of barley of the year (עומר [*Omer*]). In our present-day divine service the spring celebration consists in this: that from the *Musaf* prayer of the first festival day onward we omit the petition for favorable winter weather (משיב הרוח [*mashiv ha-ru'ach*, "who causes the wind to blow"]) and pray for favorable summer weather, especially for dew (טל [*tal*]).

3. *Special festival precepts* that we have to observe on Pesach are the following.

I.

a. We are *forbidden* to eat leavened food (חמץ [*chametz*]) or what is mixed with leaven (תערובת חמץ [*ta'arovet chametz*]) on Pesach, *to possess* it, or to put it to *any use* whatever, and so not even to give it away. The prohibition of eating leaven begins on the 14th of Nisan (ערב פסח [*Erev Pesach*, the eve of Passover]) after the first third of the length of the day has passed, the prohibition of possession and use [p. 118] 1/12 of the length of the day later. Even *after* the Pesach festival, leaven that remained in the possession of an Israelite during the festival, even if the owner knew nothing of it, is forbidden for any use, both to him and to others. (סה"ה, יא יב יט ך תפה; רמב"ם חו"מ, א ד)[67]

b. To be regarded as leaven are: *the grains of all kinds of wheat, spelt, rye, barley and oats that have become wet through water after the cutting of the stalks, before or after threshing*; thus everything prepared from raw, crushed, hulled or ground grains of these kinds of cereal by soaking or *cooking*, as well as everything baked from flour, groats or bran of these kinds of cereal in whose production every leavening was not prevented with the greatest care.

c. In the preparation of these five kinds of cereal into *unleavened bread* (מצה [*matzah*]) for the Pesach festival, the following precepts are to be observed.

aa. *The flour* is to be produced under strict guard against any admixture, in thoroughly cleaned milling equipment and utensils.

bb. *The water* must be drawn before the onset of twilight on an evening preceding the day of use and kept in a cool place.

cc. Flour, water and dough may be exposed neither to the heat of the *sun* nor to that of *fire*.

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[67] Translator: סה"ה is evidently a misprint for סה"ח, *Sefer ha-Chinukh* (commandments 11, 12, 19, 20, 485); רמב"ם חו"מ = Maimonides, *Mishneh Torah*, Laws of Leaven and Unleavened Bread (*Chametz u-Matzah*) 1:4.

dd. The production is to be carried out *as quickly as possible*. If the dough has lain unworked for more than at most 18 minutes from the pouring in of the water until it is put into the oven, it is to be regarded as *leaven*; in this, the individual interruptions of the work are added together.

ee. *The oven* must be heated as strongly as possible, so that the dough is baked through as quickly and thoroughly as possible. If leavened bread was previously baked in it, it must, according to the instruction of someone learned in the Torah, be thoroughly heated to glowing or coated with new clay.

[p. 119] ff. The loaves (flat cakes) must be pierced many times to prevent *air bubbles*. All air bubbles that nevertheless arise whose cavity is the size of a hazelnut, as well as *folds and spots not completely baked*, are to be carefully broken out and removed before the festival.

gg. *The instruments and utensils* must be continually cleaned of the dough that has stuck to them.

d. On account of possible confusion, by a custom hallowed through centuries we may also not eat on Pesach pulses such as beans, peas, lentils, nor rice, millet, maize, buckwheat and mustard that water has touched, though we may possess them; likewise, for the same reason, we may not eat what is prepared from a mixture of cereal flour with fruit juices, milk or eggs. (חיי אדם קכז א; א"ח תסב)[68]

e. Of everything we wish to eat at the Pesach festival we must be certain that it has never come into any contact whatever with leaven or with substances capable of leavening; we may therefore buy foodstuffs for this festival only from persons who deserve full confidence in religious matters.

f. For the preparation of foodstuffs, or as tableware, at the Pesach festival we must either keep special vessels and utensils or have those already used otherwise cleaned according to the instruction of someone learned in the Torah. This also applies to ovens, stoves, dining and serving tables and the like. (א"ח, תנא, תנב)

II.

a. We are *commanded* to search out thoroughly *before the festival* all leaven, or what is mixed with it, that we possess, and either to remove it from the world or to give it or sell it to a non-Israelite in a *legally valid* manner. The buyer must pay part of the purchase price *in cash* and bring the leaven he has bought into his house. If it is impossible for the buyer to remove it, one must, before or at the same time as [p. 120] the purchase, rent him the premises in which the leaven is located and hand him the keys. (א"ח תמח ד'; ח"א, קכד)

b. *The search* (בדיקת חמץ [*bedikat chametz*]) is to be carried out on the evening of the 13th of Nisan, at the beginning of the night, with a light, in all the premises into which leaven may have

[68] Translator: חיי אדם, *Chayyei Adam*, the halakhic compendium of Rabbi Abraham Danzig (1748–1820), here klal 127:1 (the print's abbreviation א"ח elsewhere refers to the same work); א"ח = Shulchan Arukh, *Orach Chayyim*.

come. What is found must be carefully kept safe from being carried off, and on the 14th of Nisan in the forenoon (about 10 o'clock) removed from the world; this is usually done by burning it in a fire kindled especially for the purpose. Before the search one speaks the benediction על ביעור חמץ [*al bi'ur chametz*, "concerning the removal of leaven"]. After the search, as well as after the burning, one makes the declaration that one regards any leaven not removed as null and worthless (ביטול [*bittul*, annulment]); this is done by the formulas כל חמירא [*kol chamira*, "all leaven"]. (See the Haggadah.) (סה"ח ט'; א"ח תלא–תלה; תמה)

c. Concerning the 14th of Nisan, the day of preparation for the Pesach festival, the following is further to be noted. The male firstborn, and, as long as they are not 13 years old, their father or mother in their stead, fast on this day. From noon on, that is, at the time when the Passover offering was brought in the Temple, the performance of professional or heavy work is forbidden, somewhat as on the half-festivals. The eating of unleavened bread (מצה) too, except if necessary in a crumbled and afterwards cooked state, is strictly forbidden on this day, so that one may keep one's appetite for the eating of such bread prescribed for the evening and fulfill God's commandment with pleasure. (א"ח, תסח, תע, תעא)

III.

a. We are not obliged to make use of unleavened bread as food during the Pesach festival, but may rather nourish ourselves with anything else that is permitted. For the first two evenings, however, the eating of unleavened bread, *matzah*, is *commanded* us. (סה"ח י')

b. The unleavened bread intended for this commanded eating (מצה של מצוה [*matzah shel mitzvah*], but incorrectly called מצוה [*mitzvah*]) is to be prepared with special [p. 121] guard and care for this purpose, and before eating it the benediction על אכילת מצה [*al akhilat matzah*, "concerning the eating of matzah"] is spoken. We begin our evening meal with this bread (מוציא מצה [*Motzi Matzah*]) and conclude it with the same (אפיקומן [*afikoman*]). (א"ח, הס)[69]

c. Further, we are *commanded* to eat bitter herbs (מרור [*maror*]) on these evenings, such as lettuce, horseradish and the like, to remind us that the lives of our fathers were made bitter in Egypt. As an image of the mortar mixed with straw that our forefathers had to work with in slavery, we prepare a compote (חרוסת [*charoset*]) of pounded fruits: apples, nuts or the like, mix it with coarsely ground spices (cinnamon), dip the bitter herb into it before eating, and speak the benediction על אכילת מרור [*al akhilat maror*, "concerning the eating of bitter herbs"]. We eat the bitter herb once by itself, then once more together with unleavened bread, and each time as much as half an egg; the unleavened bread too, as often as we have to eat it on this evening, should be of this size. (רמבם חו"מ, ז יא יב יג)

[69]Translator: So printed; the reference is presumably to Shulchan Arukh, *Orach Chayyim* תעה (475), on the eating of matzah and maror and the *afikoman*.

d. Our sages of blessed memory have further ordained that every Israelite, even the poorest, drink on this evening four cups of wine, each holding at least the size of 1½ eggs, so that we may remember the fourfold benefaction, *the liberation, the rescue, the redemption and the election*, and rejoice right heartily. (Exod. 6:6, 7.) To make this enjoyment possible for the poor, we should support them especially for this festival and invite poor people without families to our table on these evenings. (שם, ח ט י [ibid. 7:8–10])

e. At all these prescribed acts of eating and drinking (with the exception of the first bitter herb) we should recline on cushions on our left side, in order to represent freedom symbolically. (שם [ibid.])

IV.

a. Finally, the Torah *commands* us that on these festival evenings every father of a family tell his children and household, and every person living alone tell himself, the story of the wonderful deliverance of our fathers from Egypt. For this narration and the hymns of praise and benedictions connected with it, we have a recitation handed down by our sages of blessed memory [p. 122] (הגדה [*Haggadah*]), between whose parts the eating of the *matzah*, of the *maror*, of the wine and of the festive meal is meaningfully inserted. (סה"ח, כא)

b. This solemnity (סדר [*Seder*]), which forms a main component of the Pesach celebration, has always made a very uplifting impression on the youth of Israel. Therefore parents should keep their children awake and try to prepare everything required for the celebration so strikingly that curiosity moves the young to ask about the meaning of the celebration. (רמב"ם חו"מ ז, ג)

c. The preparation consists in the following. One places the finest drinking vessels one owns on the table, lays three of the specially prepared unleavened breads on a plate or stand, and above them places in fine vessels, besides the bitter herbs and the compote, a bone with some meat still on it (זרוע [*zero'a*, shank bone]) and an egg, both roasted, and further a herb, usually parsley, and vinegar or salt water for dipping the herb. The bone (of which, by the way, nothing may be eaten on the two evenings) is to recall the Passover offering, the egg the festival-meal offering in the Temple. An egg is chosen for this because in Israel it is regarded as a symbol of mourning. For in the midst of the festive joy we should not forget the destroyed Temple. The herb (parsley), dipped in vinegar or salt water, is eaten immediately after the קידוש [*Kiddush*] with which the celebration begins, after one has spoken the benediction בורא פרי האדמה [*borei peri ha-adamah*, "who creates the fruit of the ground"]. This striking act of eating, which seemingly opens the evening meal, has no other purpose than to arouse the children's desire to ask. When they have asked (מה נשתנה [*Mah Nishtanah*, "Why is it different"]), the recitation begins as the answer. But this recitation must be made clear and intelligible to the children if the commandment of the Torah is to be fulfilled by it. (א"ח, תעג)

d. The order of the acts is evident from the Haggadah. After the four prescribed cups one may drink no more wine on these evenings, and after the unleavened bread to be eaten at the end of the meal (אפיקומן) one may eat nothing more. (א"ח, תעב – תפא)

> [p. 123] This day shall be a memorial for you, and you shall celebrate it as a festival consecrated to *God*; for your descendants, as an everlasting statute, you shall celebrate it. Seven days you shall eat only unleavened bread, but on that first day you shall remove the leaven from your houses; for whoever eats what is leavened, that soul shall be cut off from Israel, from the first day to the seventh day . . . . You shall guard the unleavened breads, because on this very day I brought your hosts out of the land of Egypt, and you shall guard this day for your descendants as an everlasting statute. In the first month, on the 14th day of the month in the evening, you shall eat unleavened bread, until the twenty-first of the month in the evening. (Exod. 12:14, 15, 17, 18)
>
> Moses said to the people: Remember this day on which you went out of Egypt, out of the house of slavery; for with strength of hand God brought you out from here, and nothing leavened may be eaten. *Today you go out, in the month of spring* . . . . Seven days only unleavened bread shall be eaten, and no leavened bread shall be seen with you, and no leaven shall be seen with you in all your territory. *And you shall tell your son* on that day: It is because of this that God acted for me when I went out of Egypt. (Exod. 13:3, 4, 7, 8)
>
> They shall eat the flesh (of the Passover offering) on this night, roasted with fire, and with unleavened bread together with bitter herbs they shall eat it. (Exod. 12:8)

62. The Feast of Weeks, or the Feast of First Fruits.

(חג השבועות, יום הבכורים [*Chag ha-Shavu'ot, Yom ha-Bikkurim*])

1. *Historical meaning.* For the festival of Shavuot no historical occasion is expressly stated in the written Torah; but it is evident from it, and is also handed down by our sages of blessed memory, that *the giving of the law at Sinai* took place around the time of this festival; therefore in the festival prayer we call it זמן מתן תורתנו [*zeman matan Torateinu*, the season of the giving of our Torah]. This historical occasion lends this festival a very exalted meaning. Through the deliverance from Egypt Israel became free only in body; only through the Torah did we become free in spirit; it became for the liberated body of the people the immortal soul of the people. At the Pesach festival Israel came out of slavery to men; the festival of Shavuot raised Israel to the dignity of a servant of God, of a kingdom of priests in the midst of mankind, of a holy people. The festival of Shavuot [p. 124] is therefore a memorial of the most important event in the history of the world. Hirsch, חורב [*Horeb*] §§ 165, 166; Pentateuch Commentary on Lev. 23:21 and 22.[70]

[70]Translator: Samson Raphael Hirsch, *Horeb: Versuche über Jissroels Pflichten in der Zerstreuung* (1837), and his commentary on the Pentateuch (1867–1878).

2. *Seasonal meaning.* The festival of Shavuot is a summer festival; the Torah calls it יום הבכורים [*Yom ha-Bikkurim*], *Day of the First Fruits*, because on it a meal offering of the first wheat grown in that year was brought in the Temple, and because at this festival one began to bring the first-ripened fruits of the land, which every landowner had to bring to the Temple. This offering of wheat flour too gives figurative expression to the exalted meaning of the festival; for on the second day of Pesach a meal offering was brought of the commoner barley, intended rather for animals. (בכורים א ג [Mishnah *Bikkurim* 1:3]; Hirsch, Pentateuch Commentary on Lev. 23:16.)

3. *Special festival precepts* are not given us for this festival, which is dedicated to the whole Torah; on the other hand, connected with this festival is a commandment that is meant to draw our attention every year in advance to its lofty meaning. (See *Plessner*, *Belehrungen und Erbauungen* [Instructions and Edifications], 2nd year, p. 340 ff.)[71]

We are, namely, *commanded* to count the days and weeks for forty-nine days from the second Pesach evening (the 15th to the 16th of Nisan) onward, that is, from the day on which the first sheaf of barley (עומר = sheaf) was offered, and on the fiftieth day to celebrate *Shavuot* (שבועות = Feast of Weeks) (ספירת העומר [*Sefirat ha-Omer*, the counting of the Omer]). One counts the following day standing, at the beginning of the night, after having spoken the benediction על ספירת העומר [*al sefirat ha-omer*, "concerning the counting of the Omer"]. If one has not counted in *one* night, one counts on the following day *without*, but on the following evenings *with* the benediction. But whoever has not counted *one day* at all counts on the following evenings of that year always without the benediction. (סה"ח שו; א"ח, תפט)

This counting is meant to remind us of the longing with which Israel, freed from Egypt, awaited the revelation at Sinai and, as it were, counted the days and weeks, like someone who looks forward to the arrival of a dear friend or the fulfillment of a cherished wish. Because of this connection with the Pesach festival, our sages of blessed memory call this festival [p. 125] also עצרת [*Atzeret*] = concluding festival (of the Pesach festival). (מורה נבוכים ג' מ"ג [Maimonides, *Guide of the Perplexed* III, 43]; Hirsch on Lev. 23:16.)

4. During the Omer weeks very many men learned in the Torah, all of them disciples of *Rabbi Akiva*, once died in an epidemic, because they did not show one another the respect due to someone learned in the Torah. Then the field of Torah study lay desolate until R. Akiva had recruited and taught new disciples. Later, in the year of the world 4856 (1096), the hosts of warriors marching to the East fell upon our fathers in almost all regions of Europe during the Omer weeks and murdered hundreds of thousands who would not forsake God, the One. — Therefore this time is

[71] Translator: Salomon Plessner (1797–1883), *Belehrungen und Erbauungen*, a collection of Jewish sermons and devotional addresses.

regarded as a period of mourning; one holds no weddings and does not shave the beard, except on the 33rd day of the Omer (ל"ג בעומר [*Lag ba-Omer*]). (יבמות, סב ב; א"ח תצג)

> *In the third month after the Exodus* of the children of Israel from Egypt, on that same day they had arrived in the wilderness of Sinai. They had set out, namely, from Rephidim and come into the wilderness of Sinai, and they encamped in the wilderness, and Israel camped there opposite the mountain. (Exod. 19:1, 2)
>
> You shall count from the day after the festival day (Pesach), namely from the day on which you brought the Omer as a wave offering; seven full weeks shall there be; until the day after the seventh week you shall count fifty days; then you shall bring God a *new* offering of homage. And on this very day you shall proclaim: a convocation to the sanctuary it shall be for you; no servile work may you do; an everlasting statute in all your dwellings for your descendants. (Lev. 23:15, 16, 21)
>
> Seven weeks you shall count for yourself; from the beginning of the sickle on the standing grain you shall begin to count seven weeks, and then you shall keep the Feast of Weeks to God your God with the tribute, with the freewill offering of your hand that you give, as God your God will bless you. (Deut. 16:9, 10)

63. The Day of Remembrance, the New Year Festival.

(יום הזכרון, יום תרועה, ראש השנה [*Yom ha-Zikkaron, Yom Teru'ah, Rosh ha-Shanah*])

1. *Historical occasion.* The Day of Remembrance, or the New Year festival, together with the Day of Atonement that follows it and the days lying between the two, forms a unity which, also under the common designation "the ten [p. 126] Days of Repentance (עשרת ימי תשובה [*Aseret Yemei Teshuvah*]) are taken together; therefore the historical occasion of the Day of Atonement also holds for ראש השנה [*Rosh ha-Shanah*]. This occasion is as follows:

Israel had soon forgotten the redemption from Egypt and the covenant concluded with God at Sinai, and had committed the greatest aberration in its entire history by making and worshipping the golden calf. Thereby they had become liable to destruction. Moses, however, remained twice more for forty days before God and implored forgiveness for his people for this grievous sin. Our Sages, of blessed memory, demonstrate from the Torah that the last forty days began with the first day of the month of *Elul* and ended with the tenth day of the month of *Tishri*; on this day God spoke to Moses the consoling word: סלחתי = I have forgiven. Therefore God appointed this day for all time as a Day of Atonement for Israel, and designated the nine preceding days of the month of *Tishri*, with *Rosh ha-Shanah* at their head, as a preparation for the Day of Atonement. (רש"י, שמות לג׳; דברים ט׳ יח; ח״א קלח [Rashi on Exod. 33; Deut. 9:18; *Chayyei Adam* 138].)[72]

[72] Translator: *Chayyei Adam*, the halakhic compendium of Abraham Danzig (1748–1820).

2. *The special festival precept* which we have to observe on *Rosh ha-Shanah* lets us clearly recognize this significance of the festival.

The Torah, namely, commands us on this festival to hear certain sounds, more precisely defined by the oral tradition, of an instrument made from a ram's horn (שופר [*shofar*]). When the festival falls on a Sabbath, the blowing of the *shofar* is omitted, so that no occasion may arise for the instrument to be carried, if need be, from one domain into another (56, 39). On the Sabbath the *shofar* is only mentioned in the prayers. Hearing it by chance does not suffice; both the one who blows and the one who hears must have the mutual intention that the precept of the Torah is to be fulfilled through this blowing and hearing. The one who blows must stand, and so must the hearer at the sounds that are blown during the *Musaf* prayer. We should listen to the sounds of the *shofar* taking to heart the deep meaning that lies in them. (סה״ח תה; א״ח תקפה, תקפט ח [*Sefer ha-Chinukh* 405; *Orach Chayyim* 585; 589:8].)

[p. 127] **3.** *The significance of the shofar and of this festival* emerges from various passages of Scripture and from the names of the festival; it is called:

a. *Day of Remembrance*, יום הזכרון [*Yom ha-Zikkaron*]; through the ram's horn it reminds us of the obedience of our patriarch Abraham, who was ready to sacrifice his only son to God; it further reminds us of the Torah revealed at Sinai amid the sounds of the *shofar*; finally it directs our gaze to the future and reminds us of the promise that Israel will one day, when the purpose of its dispersion has been fulfilled in itself and in mankind, be gathered and united again by the sounds of the *shofar*, according to the word of the prophet: "On that day the great *shofar* will be blown, and they shall come who are lost in the land of Assyria and who are outcast in the land of Egypt, and they shall worship God on the holy mountain in Jerusalem" (Isa. 27:13). But since we must tell ourselves that we have not always taken all this to heart, this festival is

b. *Day of Alarm* [literally "of shaking"], יום תרועה [*Yom Teru'ah*]. The purpose of the *shofar*, generally known in antiquity, was to rouse, to shake, to warn of danger, as the prophets say: "Shall the *shofar* be blown in a city, and the people not be afraid?" (Amos 3:6). "Whoever hears the sound of the *shofar* and does not take warning, and the sword comes and takes him away, his blood shall be upon himself, because he heard the sound of the *shofar* and did not take warning" (Ezek. 33:4, 5). The sounds of the *shofar* are to shake us too, at the thought of our sins, and to warn us of the danger with which they threaten us; the festival is further

c. *Day of Judgment*, יום הדין [*Yom ha-Din*]. According to the tradition of our Sages, of blessed memory, God on this day judges all mortals and on the Day of Atonement decides finally upon their fate, upon life and death, upon weal and woe, according as they amend their ways or remain obdurate. The sounds of the *shofar* call to us with the prophet (Zeph. 1:12–18): "The day of God draws near, the great day; it draws near and comes on very quickly, a day of distress and anguish, a day of darkness and gloom, [p. 128] a day of *shofar* and alarm, for those who trust in their gold

and silver and imagine that God does not reward the good nor punish the wicked." Finally this festival is

d. *Beginning of a new year*, ראש השנה. Although with regard to the order of the festivals we count *Nisan* as the first month, nevertheless for us the 1st of *Tishri* is the beginning of the civil year, by which we reckon the years since the creation of the world. This significance of the festival, too, is given expression by the sounds of the *shofar*. Among our fathers these counted as a cry of homage offered to the king, as it says (1 Kings 1:34): "Blow the *shofar* and cry: Long live the king!" We too, through the sounds of the *shofar* at the beginning of the year, pay homage anew to the Creator and Ruler of the world, who is eternal and unchanging amid all the changes of time. (מחזור בשם רס״ג; רמב״ם, תשובה ד׳ [*Machzor*, in the name of Rav Saadiah Gaon; Maimonides, *Hilkhot Teshuvah* 4].)[73]

4. This significance of the festival, expressed by the *shofar*, we also utter in the most sublime of our prayers, in the *Musaf*: *Homage*, מלכיות [*Malkhuyot*, "Kingship"], *Remembrance*, זכרונות [*Zikhronot*], *Alarm*, שופרות [*Shofarot*]. Whoever heeds this significance will surely make use of the ten Days of Repentance that begin with the festival in order to prepare himself worthily for the Day of Atonement through amendment of his conduct (תשובה [*teshuvah*]), through devout prayer (תפלה [*tefillah*]) and through beneficence and alms (צדקה [*tzedakah*]).

5. Despite the solemn significance of this festival we may not give ourselves over on it to any mourning or any gloomy mood, but must rather honour and distinguish it like every other festival (י״ט [*Yom Tov*]) by clothing and meal, and should trust in the All-Merciful, who has promised forgiveness of sins to the penitent. There is a custom, on the first day, or, if this falls on a Sabbath, on the second day, after the *Minchah* prayer, to go to a brook or river in which there are fish and there to pray with Micah 7:18–20 that God may cast our sins into the floods of the sea (תשליך [*Tashlikh*]). The water may well symbolize the fleetingness of our existence (2 Sam. 14:14), while the fish remind us of Jacob's blessing (Gen. 48:16) and bring before our eyes the image of Israel, Israel against [p. 129] which the nets of destruction have already so often been cast, without anyone having succeeded in getting at it.

6. It is the custom everywhere in Israel to announce the approach of the season of repentance by sounds of the *shofar* in the house of prayer, morning and evening, already throughout the whole month of *Elul*; and, not only during the Days of Repentance but already from a week before *Rosh ha-Shanah*, or, when this festival falls on the fifth day of the week, from the preceding first day of the week, to gather in the house of God before daybreak in order to recite penitential prayers (סליחות [*Selichot*]). Individual persons also fast on some of these days, in particular on the day of

[73]Translator: The interpretation of the *shofar* as a proclamation of God's kingship at the beginning of the year is the first of the ten reasons for the *shofar* attributed to Saadiah Gaon and printed in the festival prayer-book (*Machzor*). The passage on the *shofar* in Maimonides is *Hilkhot Teshuvah* 3:4; the printed "4" (ד׳) may refer to the chapter loosely or be an error.

preparation before the New Year festival. *On the day of preparation for the Day of Atonement, however, fasting is forbidden, and a better and more abundant meal is prescribed.* In practising the ancient custom of the כפרות [*Kapparot*], every thought that they are a kind of sacrifice, which outside Israel many have wished to find in them, must be kept far away. The offering of a sacrifice outside the Temple on Zion is most strictly forbidden to us (39, 2). The slaughtered fowl or their value in money should be given to the poor.

> In the seventh month, on the first of the month, there shall be a cessation from work for you, a remembrance by the blowing of alarm, a calling to the sanctuary. (Lev. 23:24)

64. The Day of Atonement.

(יום הכפורים [*Yom ha-Kippurim*])

1. The Day of Atonement is the most important for our salvation among all the days whose observance the Torah commands us; for according to God's promise it is to bring us atonement for all our sins; it is to cancel, through the grace and omnipotence of God, the consequences of our transgressions that are ruinous to us, and to restore the original purity of our soul.

2. This atonement, however, is promised only to those who return sincerely to God, form the firm resolve never again to commit the faults they have committed, and in particular make good again, as far as possible, every wrong they have done to their fellow man, whether to his body, his property or his honour, [p. 130] and, for whatever cannot be made good again, ask him for forgiveness. (See 129.)

3. *The special precepts* which, *besides repentance* (129, 10), we have to observe on this day are the following:

a. On this day the performance of every activity of work is forbidden to us *exactly as on the Sabbath*. To man, pure of sin in his still unweakened likeness to God, the Creator once granted dominion over His works. By abstaining from all performance of work, from every action upon the creatures outside ourselves, we make the confession that through sin we have made ourselves unworthy of this dominion, until the grace of God reinstates us in it through atonement for our guilt. (סה״ח שטו שיז [*Sefer ha-Chinukh* 315, 317]; *Hirsch* on Leviticus, p. 401.)[74]

b. On this day we are *commanded* to fast, and the enjoyment of any food and any drink is *forbidden*. The sinner deserves death (Ezek. 19:4),[75] forfeits the right to life and existence, until God, through atonement for his guilt, calls him anew to life. This we confess by fasting and denying ourselves all nourishment, the condition of life. (סה״ח שיג שיד [*Sefer ha-Chinukh* 313, 314]; *Hirsch*, ibid.)

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[74]Translator: Samson Raphael Hirsch, *Der Pentateuch, übersetzt und erläutert*, part III (Leviticus).

[75]Translator: Thus in the print; the verse meant is evidently Ezek. 18:4 ("the soul that sins, it shall die").

c. Besides these prohibitions, of the performance of work and of the taking of food, which are threatened with the punishment of extirpation and destruction (כרת [*karet*]), there is further forbidden on this day: washing and anointing any part of our body, putting on leather shoes, and all marital intercourse not absolutely necessary.

4. The fast must begin at least 13½ minutes before the appearance of three medium-sized stars on the evening of the 9th of *Tishri* and last until the full onset of night on the 10th. Children who have completed their 9th year should receive their meals at least one hour later than usual; after completing their 11th year they should fast, if they are strong enough, the whole day, and if still too weak, several hours according to their [p. 131] strength; girls after completing their 12th, boys after completing their 13th year of life are obliged, like fully grown adults, to fast the whole day. Even younger children, however, should be trained to take off their leather footwear. Every washing for pleasure, that is, which does not have the purpose of removing dirt, is forbidden. The prescribed washings of the hands, e.g. in the morning on rising, before prayer and the like, are permitted, but only up to the rear joints of the fingers. With regard to sick persons, a conscientious physician and a person learned in the Torah are to be consulted concerning all these precepts. (חיי אדם קמה [*Chayyei Adam* 145].)

5. Everywhere among dispersed Israel there exists the custom, hallowed by its age, that the public assembly for prayer lasts from the early morning of this day until night. Everyone whose health permits is obliged to take part in this assembly for prayer; whoever's health does not permit him to remain in the house of God without interruption should at least be present at the principal prayers (43) and the confessions of sin, but outside the synagogue should not for a moment lose from his mind the exalted holiness of this day.

6. Despite its great solemnity this day is to be regarded as a festival in the home too, and the house is to be festively prepared on the day of preparation; festival lights are also to be kindled, over which one says the benediction: להדליק נר של יום הכפורים ["to kindle the light of the Day of Atonement"]. It is also a general custom to light on the eve a candle that burns through the night and the day, and to use this light for the הבדלה [*Havdalah*] (p. 96). At the close of the festival we should rejoice in the grace of God that has been granted to us, and, in order to begin the new course of life at once with the fulfilment of a divine commandment, prepare something toward the building of the festival booth. (שם, מ׳ מא מב [ibid., §§ 40, 41, 42].)

> Only on the tenth of this seventh month is the Day of Atonement; a calling to the sanctuary shall it be to you, and you shall let your bodies go in want and offer a fire-offering to God. And no work may you do on this day, for it is a day of atonement, to obtain atonement for you before God, your God. For every soul that does not go in want on this very day shall be cut off from its people. And everyone who does any work on this very day, that [p. 132] soul I will let perish from the midst of its people. No work may you do, an everlasting statute for your descendants in all your dwelling places. A day of strictest cessation from work shall it be to you, and you

must let your bodies go in want; on the ninth of the month in the evening, from evening to evening, you shall keep your Sabbath. (Lev. 23:27, 32)

Let it be to you an everlasting statute: in the seventh month, on the tenth of the month, you must let your bodies go in want and may do no work at all, the native-born and the stranger who has entered into your midst. For on this day He brings atonement upon you, to purify you; from all your sins shall you become pure before God. (Lev. 16:29, 30)

Should that, then, be a fast in which I take pleasure: a day on which a man afflicts himself, bows his head like a reed and makes his bed on sackcloth and ashes? Would you call that a fast, a day of pleasure for God? Truly, this is a fast that pleases Me: open the fetters of wickedness, loosen the bands of subjugation, set the oppressed free and break every yoke! Break your bread to the hungry, bring the wandering poor into your house; if you see someone naked, clothe him, and do not withdraw from him who is of your own flesh! (Isa. 78:5–7.[76] From the *Haftarah*.)

65. The Feast of Tabernacles.

(חג הסוכות [*Chag ha-Sukkot*])

1. *Historical significance.* The Feast of Tabernacles is to remind us that God, for forty years in the wilderness, granted protection and sustenance to our fathers, who had become physically and spiritually free through the exodus from Egypt and the receiving of the Torah, there where they could not obtain either by their own strength; He led and covered them by His pillar of cloud by day, by the pillar of fire by night. This remembrance is to strengthen in us every year the conviction that God never forsakes and always protects Israel, the bearer of His Torah. In this we should rejoice gratefully at this festival, the season of our joy (זמן שמחתנו [*Zeman Simchatenu*]).

2. *Seasonal significance.* Since the historical fact on which this festival is based is not bound to any particular day (it lasted, after all, forty years), this festival could have been placed in any season of the year. The Torah placed it in this season for various reasons. It [p. 133] was to follow as soon as possible upon the Day of Atonement, which is historically fixed, so that the joy specially commanded to us on this festival might be mingled also with joy over the atonement newly obtained. Moreover, just as the beginning of all harvests and ingatherings is celebrated on Pesach, so the close was to be celebrated on this festival, and the bringing of the first fruits (62, 2) was by and large to be concluded. The Feast of Tabernacles is the autumn festival, חג האסיף [*Chag ha-Asif*, "Feast of Ingathering"]; on it Israel, as long as it dwelt on its inheritance, was to become right gratefully glad of its earthly possessions and blessing. (*Hirsch*, on Deut. 6:10.)

3. *The special precepts* which we have to observe at this festival are the following:

[76]Translator: Thus in the print; read Isa. 58:5–7.

I.

a. We are commanded *to dwell in booths seven days*. These booths are to illustrate for us, in a beautiful image, the protection that God granted our fathers when they lived without shelter in the wilderness. Concerning the practice of this commandment, note the following: (סה״ח שכה [*Sefer ha-Chinukh* 325].)

b. The *walls* of the booth may be made of any material whatever; they must be at least 10 handbreadths high and enclose an area of at least 7 handbreadths square. They may not be as much as 3 handbreadths away from the ground on which the booth stands, and if they consist of canvas or similar material, this must be stretched and fastened so that it cannot be blown back and forth by the wind. If *four* walls, which is the most preferable, cannot be erected, then *three* suffice which completely enclose two corners, indeed even *two* walls enclosing *one* corner together with part of a third wall; in the last case, however, the instruction of a person learned in the Torah is to be sought. Seeking such instruction is also to be advised for anyone who wishes to set up a booth in the house.

c. The *roof covering* forms the principal component of the booth. Only plant materials (but not fruits) may be used for the covering. The plants, however, must be separated from the soil *before they are used*, and may neither be bound in bundles [p. 134] nor worked into utensils or fabrics and the like; thus loose branches of trees, straw, foliage, grass, hay, reeds and the like. Evil-smelling materials may be used neither for the walls nor for the covering. If arbours are to be used as festival booths, the branches forming the covering must be cut off, lifted up and then laid down again; for the covering material may neither be growing from the ground, nor may one use as a festival booth a covering that has come about by nature or by chance; it must be *made*, תעשה ולא מן העשוי ["you shall make it, and not from what is already made"]; therefore the walls should be put up before the covering. The covering may not be twenty cubits (120 handbreadths) from the ground, nor, in breadth, three handbreadths away from the walls. When the covering is laid on, as well as when the booth is used, it must stand under the open sky; but after the covering is finished it may be roofed over for the time during which the booth is not in use. The covering must be so dense that it gives no more light than shade, but may not be so dense that it does not let the rain through. Covering materials which, by falling off, drying up or rotting during the festival period, could diminish so much that the required density would no longer be present may not be used for the covering.

d. *The whole booth* must, in material and construction, be so durable that it can withstand the ordinary wind for seven days. It may not be erected in a place where a disturbance of one's comfortable stay is to be feared, thus not where there is a bad smell or where one is exposed to dangers. Everything used for the booth, including the objects serving to decorate it, may not be put to any use for one's own benefit during the nine festival days, and may not be removed from their

place on the Sabbath or festival; only any wall decoration may be taken down to protect it from the rain.

e. The commandment requires that during the festival we regard the booth as our dwelling, eat in it, stay in it, occupy ourselves with the Torah in it, as otherwise in our dwelling. If it rains into the booth so much that under the same conditions we would also leave our room, we should not eat in it. [p. 135] In our climatic conditions it is also permitted to sleep outside the booth. On the first night, however, even if it is raining heavily, one is obliged to say the *Kiddush* in the booth and to eat bread of the size of an olive, but without saying the benediction לישב בסוכה [*leishev ba-sukkah*, "to dwell in the booth"]. If it rains on the second night, one says the *Kiddush* in the house as well, and after the meal eats bread of the size of an olive in the booth, of course without saying the said benediction. — Fruit, wine, eggs, as well as dishes *cooked* from the five kinds of grain, if these are not taken as a meal, may be eaten outside the booth. It is, however, praiseworthy not even to drink water outside the booth. Women are not obliged to fulfil this commandment, but they kindle the Sabbath and festival lights in the booth; boys should be trained to stay in the booth from their 6th or 7th year of life, according to their development. Whenever one returns to stay in the booth after a longer interruption, one says the benediction לישב בסוכה. (חיי אדם, קמו קמז [*Chayyei Adam* 146, 147].)

II.

a. The Torah further commands us to take *four kinds of plants* at this festival, namely: *a fruit* of a tree known to us through tradition and belonging to the orange family (*Etrog*, אתרוג), *a branch*, properly a leaf, of the date palm (*Lulav*, לולב), *three branches* of the myrtle tree (הדסים [*hadassim*]) and *two branches* of the brook willow (ערבות [*aravot*]), in order to rejoice with them before God. Our Sages, of blessed memory, give us many ingenious explanations of the significance of these kinds of plants, each one of which is fitted to make this commandment especially dear and precious to us. Yet the very awareness that God has commanded it of us must suffice to induce us to acquaint ourselves with the individual precepts, so that we may fulfil the commandment conscientiously. (סה"ח שכד [*Sefer ha-Chinukh* 324].)

b. The fitness of the four kinds of plants, especially of the first three, for the fulfilment of the commandment depends on many qualities that one can come to know only through precise instruction in the relevant precepts; therefore he [p. 136] who does not possess the necessary knowledge should buy the *Etrog*, *Lulav* and myrtles only from a man trustworthy in Jewish religious matters, or show them to a person learned in the Torah before use. The willows, which many procure for themselves, must be of the kind whose leaves are elongated and finely toothed and whose stem is red or later turns red. If the woody tips are broken off, or the leaves dried up, or for the most part fallen or torn off, the willows are unusable. These, as well as the myrtles, should have a length of 12 thumb-breadths, the *Lulav*, along the middle rib of the leaf, a length of

16; in case of need 10 and 13⅓ such breadths respectively suffice. A chief requirement is that we have come into possession of all four kinds (and also of the components of the booth) in a completely lawful manner. We may therefore not cut the willows on a plot of land not belonging to us without the permission of the owner. We may borrow the four kinds for the fulfilment of the commandment, except on the first day; on this day, if we do not own them, we must have them given to us as a gift for use, in order afterwards to give them back again as a gift. We should take pains to obtain all four kinds as beautiful as possible. All four kinds form a unity. Whoever, therefore, found it impossible to obtain all four, or to obtain them in a fit condition, may indeed take those that he has, but without the blessing (ברכה [*berakhah*]).

c. The *Lulav*, myrtles and willows are to be bound firmly together into a bunch (this is usually done with *Lulav* leaves) in the following way. One first binds the leaves of the *Lulav* in rings at three places to its (middle) main rib; then, with this rib facing the one who binds, one binds the myrtles on the right and the willows on the left together with the *Lulav* in such a way that the latter overtops everything, and the myrtles overtop the willows. It is forbidden to add any other kind. (11, 16.)

d. In performing the commandment we take the *Lulav* bunch, with the middle rib facing us, in the right hand, and the *Etrog*, stem upward, in the left, until we have said the blessing על נטילת לולב [*al netilat lulav*, "concerning the taking of the *lulav*"], and on the first day also שהחינו [*shehecheyanu*]; afterwards we turn [p. 137] the *Etrog* round, so that we hold all four kinds in our hands in their natural position of growth, hold the *Etrog* firmly against the *Lulav* bunch, and move it back and forth three times each toward east, south, west, north, upward and downward, in order to praise the omnipresent Creator and Owner of the universe; the same is done during the *Hallel* at the verses הודו [*Hodu*] and אנא ה' הושיעה נא [*Anna Adonai hoshi'ah na*], but not at הצליחה נא [*hatzlichah na*]. After the *Musaf*, throughout the whole festival, special prayers are said daily in the synagogue (הושענות [*Hosha'not*]), and in the course of them a procession with the *Lulav* is made around a Torah scroll set up in the middle. On the seventh day (הושענא רבא [*Hosha'na Rabba*]) several such prayers are said and seven processions are made. On this day everyone has to take, besides those on the *Lulav*, a little bundle of (usually five) willow branches, which one takes in hand toward the end of these prayers, after laying the *Lulav* aside, and after the close of the prayers strikes two or three times on the ground. This is to remind us of an ancient custom, introduced by the prophets, in the Temple that now lies in ruins.

e. We should fulfil the commandment of the *Lulav* early in the morning, and it is forbidden to us to eat anything before its fulfilment. Whoever, however, found it impossible in the morning may make it up the whole day; but the night is no time for the fulfilment of this commandment. On the Sabbath the *Lulav* is not taken, so that we are not led to bring it into another domain. (56, 39; 63, 2.)

f. Neither of the four kinds nor of the objects used for the booth may one make an unworthy use after the festival, since they have served for the fulfilment of divine commandments. (ח״א קמח־קנג [*Chayyei Adam* 148–153].)

> On the fifteenth day of this seventh month is the Feast of Tabernacles, seven days consecrated to God. On the first day is a calling to the sanctuary; no servile work may you do. And you shall take for yourselves on the first day a fruit of the goodly tree, palm-branch leaves and branches of the myrtle tree and brook willows, and rejoice with them before God, your God, seven days. In booths you shall dwell seven days; all who are citizens in Israel shall dwell in booths, so that your descendants may know that I made [p. 138] the sons of Israel dwell in booths when I brought them out of the land of Egypt, I, God, your God. (Lev. 23:34–43)
>
> The Feast of Tabernacles you shall make for yourself seven days, when you gather in from your threshing floor and your winepress. And you shall rejoice in your festival, you and your son and your daughter and your manservant and your maidservant and the Levite and the stranger and the orphan and the widow who are within your gates. Seven days you shall keep a festival to God, your God, at the place that God will choose. For God, your God, will bless you in all your produce and in all the work of your hands; then you shall be wholly joyful. (Deut. 16:13–15)

66. The Concluding Festival.

(שמיני עצרת [*Shemini Atzeret*])

1. Although the Concluding Festival is placed so close to the Feast of Tabernacles that it is often regarded as its *eighth* day, it is nevertheless an independent festival. The independence of this festival found expression in the Temple in manifold ways; with us this happens through a special designation in the prayers (שמיני חג העצרת [*Shemini Chag ha-Atzeret*]) and through the blessing שהחינו, which is not said on the last days of Pesach.

2. Inasmuch as the first day of this festival, when the calendar was not yet fixed, had to be counted, because of doubt, as still belonging to the Feast of Tabernacles (57, 3), the commandment of dwelling in the booth still applies to this day. One does not, however, say the blessing, and one does not sleep in the booth. The *Lulav*, however, is no longer taken. For according to the precept of the Torah it is to be taken for seven days only in the Temple, but outside Jerusalem only on the first day. That we now take it for seven days is done in remembrance of the Temple, by ordinance of our Sages, of blessed memory, who did not ordain it for this day.

3. *Historical significance.* According to the tradition of our Sages, of blessed memory, the Concluding Festival stands to the Feast of Tabernacles as the Feast of Weeks to the festival of Pesach. It should properly also have been fifty days distant from the Feast of Tabernacles, but because of the approaching winter it was moved up into the better season. Now just as on the Feast of Weeks we celebrate the spiritual redemption as the completion of the physical redemption [p. 139] granted us on Pesach (26, 1), so on the Concluding Festival we celebrate the spiritual

preservation of Israel, the preservation of the Torah as the soul of the people, while on the Feast of Tabernacles we celebrate the preservation of the body of the people. The Concluding Festival also resembles the Feast of Weeks in that we have no special precepts of any kind to follow on it.

4. *The meaning of the festival's name.* The designation "Concluding Festival" does not render correctly the Hebrew name of the festival, עצרת [*Atzeret*]. The word עצר means "to hold back," "to keep with oneself," of persons and things. According to the interpretation of our Sages, of blessed memory, God wishes through this festival to *keep us back* with Him for one more day, so that we may refresh once more in ourselves the impressions of all the festivals of the year, in order *to keep them back* within us until the cycle begins anew, but most especially the thought of the giving of the Law.

5. *Seasonal significance.* According to the tradition of our Sages, of blessed memory, this festival also counts as the beginning of winter. Just as on the first day of the festival of Pesach we pray for favourable summer weather (61, 2), so on this festival we pray for favourable winter weather (גשם [*geshem*, "rain"]), in particular for rain, which, especially in Palestine, must fall soon after the festival if a good harvest is to be expected. On this day, at the *Musaf*, we begin to insert into the prayer a praise for this gift of God (משיב הרוח [*mashiv ha-ruach*, "who causes the wind to blow"]); the actual petition for rain (טל ומטר [*tal u-matar*, "dew and rain"]) is inserted into the weekday prayer only later, on a day marked in the calendar (usually the 4th of December).

6. The stated historical significance of the festival, too, we express at public worship. On the second day of the festival (שמחת תורה [*Simchat Torah*]) the last portion of the Torah, which has been read through in the course of the year (48, 6), is read, and immediately afterwards the new reading is begun with the first portion (חתן תורה וחתן בראשית [*Chatan Torah* and *Chatan Bereshit*, "bridegroom of the Torah" and "bridegroom of the Beginning"]). This is done in a solemn, joyful manner; processions are made with the Torah scrolls, and hymns of praise are sung meanwhile. This joy every pious Israelite carries into his home as well, and so on this day Israel concludes, in the purest joy over the one, highest good that still remains to it, the Torah, the annual cycle of the divine festivals.

> [p. 140] Seven days you shall offer a fire-offering to God; on the eighth day there shall be a calling to the sanctuary for you, and you shall offer a fire-offering to God; *a day of preserving gathering-together* is it; no servile work may you do. (Lev. 23:36)
>
> Three times in the year all your males shall appear before the face of God, your God, at the place that He will choose: at the Feast of Unleavened Bread, at the Feast of Weeks and at the Feast of Tabernacles; and one shall not appear before the face of God empty-handed. Each according to the gift of his hand (מתנת יד), according to the blessing of God, your God, which He has given you. (Deut. 16:16, 17)

C. The Calendar and the Celebration of the New Moon.

67. The Precepts concerning the Calendar.

1. We have fulfilled the precepts concerning the festivals of God in accordance with the commandment of the Torah only when we celebrate them exactly according to the lawfully calculated calendar. The Torah entrusted the determination of the festival seasons to the heads of the Jewish nation who stood in authority, as Moses and Aaron did in their time. Only these, or persons authorized by them, were permitted to determine the beginnings of the months and to institute leap years. They had to be men present in the Holy Land who had been installed (ordained) as leaders of the people by the laying on of hands (סמיכה [*semikhah*]), never interrupted since Moses (Num. 27:15–23). The plenary power of these men in determining the festival seasons was so great that their determinations were valid even if they rested on error or arbitrariness. This was necessary so that the nation should not split into different parties with regard to the festivals. For determining the beginnings of the months a court of three men (בית דין [*bet din*]) sufficed; for the intercalation of a month the president of the supreme court (נשיא [*Nasi*]) had to preside, the associate judges had to have been summoned to the session in advance with a statement of its purpose, and the number of judges could in certain circumstances be raised to *seven*.

2. The beginnings of the months were fixed on the basis of strictly examined testimony, agreeing with the court's calculation and given on the thirtieth of the month, that the new moon had been seen in the night between the twenty-ninth and [p. 141] thirtieth of the month. If this testimony was at hand, the court sanctified the thirtieth as the beginning of the coming month. If no witnesses had appeared, or if, after the conclusion of the examination on the thirtieth, the sanctification could no longer be pronounced by day, the thirty-first counted as the beginning of the following month. When the beginning of the month had been fixed on the thirtieth, this was announced to the distant communities originally by *beacon fires* on the mountains, later by *messengers*. Wherever these arrived before a festival, the festival was celebrated, as in Jerusalem, on the one correct day; where they did not arrive, two days were celebrated because of the doubt, as if the month had begun on the thirtieth and on the thirty-first of the previous one (57, 3). Only the New Year, because it coincides with the beginning of a month, was mostly celebrated for two days even in Jerusalem.

3. A thirteenth month was intercalated whenever the need arose to bring the lunar year into line with the solar year, in particular to prevent the festival of Pesach from falling too far into the winter. The intercalation always had to be carried out in the twelfth month (*Adar*) and before its end; it consisted in declaring the following month to be *Adar II*. The decision to intercalate was communicated to the communities by a circular letter of the president.

4. Now, as long as there lived in the Holy Land a number of men who possessed the qualifications required by the Torah, these determined the festival seasons from year to year and, as needed, the leap years; there was no fixed calendar, even long after the destruction of the second Temple.

When, however, the enemies of Israel sought to destroy it by allowing no more leaders and teachers of the nation to arise, the laying on of hands was threatened with the death penalty and with the destruction of the city in which such a one had taken place. Therefore it was to be feared that the case might arise that there would no longer be any men entitled to determine the festival seasons. This induced the *Nasi* Hillel II and his colleagues in the supreme Jewish court (Sanhedrin), [p. 142] in the year of the world 4119, to fix in advance all the festival seasons until the days of the Messiah, and indeed according to the method of calculation that had already been applied hitherto, alongside the testimony of witnesses, in determining the beginnings of the months and the intercalation of months. Thus all our festivals are fixed with legal validity according to the precepts of the Torah.

5. But in order that the festival seasons thus fixed and sanctified should not be forgotten, Hillel II at the same time also published the rules and principles, kept secret until then, by which people had already been guided up to that time in determining the new moons and festival seasons, so that it is easy to establish by calculation the festival seasons determined at that time. *This is now done every year by our calendar.*

The most important of these rules and principles are the following:

a. *The days*, which with regard to Sabbaths and festivals last from the coming out of the stars to the coming out of the stars (צאת הכוכבים [*tzet ha-kokhavim*]), are reckoned in the calculation of the calendar from six o'clock in the evening to six o'clock, and indeed according to *Palestinian time*, so that, for example, a new moon occurring in the evening even a moment after six o'clock is regarded as having occurred on the following day.

b. *The Jewish months* are lunar months and are bounded by the moment at which the moon, *completely* darkened at the end of its course, begins again to turn its illuminated side toward the earth. This moment is called the *Molad* (מולד), the new birth of the moon. From one *Molad* to the next there elapses a period of 29 days, 12 793/1080 hours (739/1080[77] = 44 minutes 3⅓ seconds).

c. The *Molad*, however, is only the determining, not the actual, boundary of the month. But since the month can begin only with a whole day, the 12 hours of each two lunar revolutions are combined into one day, and months of 29 and 30 days are taken alternately; the former are called *defective* (חסר [*chaser*]), the latter *full* (מלא [*male*]). The alternation of defective and full months, however, cannot be kept up regularly.

[p. 143] d. The remainder of 793/1080 hours (44 min. 3⅓ sec.) still left over at each lunar revolution, which after a longer time grows into days, as well as, on the other hand, the precept that the festivals should fall only on certain days of the week (k and l), make it necessary that sometimes two defective, and sometimes also two full, months follow one another.

[77] Translator: Thus in the print; read 793/1080 (793 "parts" of an hour = 44 minutes 3⅓ seconds), as on the next page.

e. *The Jewish year* is either a *common year* (פשוטה [*peshutah*]) or a *leap year* (מעוברת [*me'uberet*]); the former comprises 12, the latter 13 months. The names of the months, which are of Chaldaean-Persian origin, are enumerated, *that of the exodus from Egypt as the first*, in the following order: ניסן (*Nisan*), אייר (*Iyar*), סיון (*Sivan*), תמוז (*Tammuz*), אב (*Av*), אלול (*Elul*), תשרי (*Tishri*), מרחשון (*Marcheshvan*), כסלו (*Kislev*), טבת (*Tevet*), שבט (*Shevat*), אדר (*Adar*), ואדר (*Ve-Adar* = "and Adar," or *Adar II*). The latter is always inserted before *Nisan* in a leap year. *Nisan*, *Sivan*, *Av*, *Tishri*, *Shevat*, and *Adar I* in a leap year are always full months; *Iyar*, *Tammuz*, *Elul*, *Tevet*, *Adar* in a common year and *Adar II* in a leap year are always defective months. *Marcheshvan* and *Kislev* are sometimes regular, the former defective and the latter full, sometimes both defective, sometimes both full.

f. Thus there arise, with regard to their length, six different kinds of year: if in a year defective and full months alternate regularly in such a way that *Marcheshvan* comprises 29 and *Kislev* 30 days, the year is called a *regular* one (כסדרה [*kesidrah*]). The regular common year counts 354, the regular leap year 384 days. If the two months *Marcheshvan* and *Kislev* each comprise 30 days, the year is called an *excessive* one (שלמה [*shelemah*]), which contains 355 days as a common year and 385 as a leap year. If *Marcheshvan* as well as *Kislev* count only 29 days, there arises the *deficient* year (חסרה [*chaserah*]), which comprises 353 days if a common year, 383 if a leap year.

g. *The intercalation of a month* forms the most important part of the Jewish calendar. For the Torah commands that the festival of Pesach be celebrated in the month of the ripening of the ears of grain (in Palestine), and the Feast of Tabernacles [p. 144] at the close of the summer as the festival of ingathering. Now since a year of 12 moons comprises 354 days, but a solar year 365, the former falls behind the latter every year by 11 days (more precisely 10 days 21 17/90 hours). In not quite three years this remainder already accumulates to a month. The consequence would be that, for example, Pesach, if in one year it fell on the 1st of April, would have to fall after three years at the end of February, and after another three years in January; and so with all the festivals, which would be contrary to the precept of the Torah.

h. To prevent this, the Torah ordained *intercalation*. Such an intercalation, though one designated by the Sages, of blessed memory, as unlawful because it was carried out too late, we find mentioned already under King Hezekiah (2 Chron. 30:2). The intercalation consists in this, that among nineteen years seven each consist of thirteen months, namely the 3rd, 6th, 8th, 11th, 14th, 17th and 19th (ג״וח אד״זט [*GUCh ADZaT*]). Such a period of nineteen years is called the *small (lunar) cycle* (מחזור קטן [*machzor katan*]); at its end the difference between lunar and solar years is evened out to an imperceptible amount, and our festivals remain bound, according to the precept of the Torah, to the natural seasons of the year.

i. In our calendar four further points of the year are marked, corresponding to the solstices and equinoxes. They lie 91 days and 7½ hours apart from one another and are called the (תקופה)

Tekufah of *Nisan*, of *Tammuz*, of *Tishri* and of *Tevet*, although they do not always fall exactly in these months. Every 28 years the *Tekufah* of *Nisan* falls on exactly the same day and the same hour (the third day of the week, at six o'clock in the evening); this twenty-eight-year period is called the *great (solar) cycle* (מחזור גדול [*machzor gadol*]). As long as the calendar was not fixed, the calculation of the *Tekufah* had an influence on the intercalation of months, which is no longer the case nowadays. On the other hand, the following precepts are connected with it. On the fourth day of the week after the beginning of the new great cycle, after the morning prayer, we say [p. 145] at the sight of the rising sun the benediction עושה מעשה בראשית [*oseh ma'aseh bereshit*, "who performs the work of creation"]. Every year, on the night from the 59th to the 60th day after the *Tekufah* of *Tishri*, at the מעריב [*Ma'ariv*] prayer, one begins to insert ותן טל ומטר [*ve-ten tal u-matar*, "and give dew and rain"] into the ninth benediction; this insertion is continued up to and including the מנחה [*Minchah*] prayer on the day of preparation for the festival of Pesach (61, 2; 66, 5). (א״ח קיד; קכב, ב [*Orach Chayyim* 114; 122:2].)[78]

k. The New Year festival (ראש השנה) should properly fall on *the same day* as the *Molad* of the seventh month, *Tishri*. But since the right is granted in the Torah to the heads of the nation to fix the beginnings of the months without binding themselves quite precisely to the change of the moon, they ordained that in certain cases the New Year festival be celebrated *after* the *Molad* of *Tishri*. This happens chiefly so that the Day of Atonement should not fall immediately before or after the Sabbath, and the seventh day of the Feast of Tabernacles (הושענא רבא) not on a Sabbath. The former would be very burdensome for the mass of the nation in general, and would in particular also have the consequence that corpses would have to remain unburied for an unseemly length of time, which is against the precept of the Torah and would also be extremely troublesome in the hot East. On the seventh day of the Feast of Tabernacles, however, the precept concerning the willows (65, 3. II d) would have to remain unfulfilled if this day fell on a Sabbath. One or other of these cases would have to occur if the New Year festival fell on the 1st, 4th or 6th day of the week (אד״ו [*ADU*]). If, therefore, the *Molad* of *Tishri* of a year, or of the year following it, falls on one of these days of the week, the festival is postponed.

l. With this the following is connected. The summer months must regularly alternate, in fixed fashion, between a length of 30 and of 29 days, and the period from the 16th of *Nisan* to the Day of Atonement inclusive must comprise 173 days, 50 days for the counting of the *Omer* and for the three times 40 days which Moses spent on Sinai, the last of which is to be regarded as the Day of Atonement. Now since, according to the rule הץ ,דק ,גר ,בש ,את [*AT, BaSh, GaR, DaK, HaTz*],[79]

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[78]Translator: Thus the print reads the second reference; the rule on beginning *ve-ten tal u-matar* sixty days after the autumn *Tekufah* is in *Orach Chayyim* 117:1.

[79]Translator: The mnemonic pairs the days of Pesach (by the first letters of the alphabet, *alef* = 1st day, etc.) with the festivals that fall on the same weekday, read from the last letters of the alphabet: the 1st day of Pesach (*alef*) with Tishah be-Av (*tav*), the 2nd (*bet*) with Shavuot (*shin*), the 3rd (*gimel*) with Rosh ha-Shanah (*resh*), the 4th (*dalet*) with Simchat Torah (*qof*, *qeri'at ha-Torah*), the 5th (*he*) with Yom Kippur (*tzadi*, *tzom*).

the New Year festival falls on the same day of the week as the preceding third day of Pesach, then, if the first day of Pesach fell on the 2nd, 4th or 6th day of the week (בד"ו [*BaDU*]), the following New Year festival would have to fall on the 1st, [p. 146] 4th or 6th day of the week, which, as has been said (k), may not be. Therefore provision is made that Pesach should fall on none of the said days of the week; this is achieved by giving the preceding months *Marcheshvan* and *Kislev*, as need requires, both 29 or both 30 days, or alternately 29 and 30 days. (e and f.)

5.[80] In this way our festivals are established above every fluctuation, and our calendar, small as it is, forms an important section of the precepts of the Torah which we have to observe in the dispersion, but also a bond of unity among the dispersed, *until the Sanhedrin orders it again according to the original precept in the halls of the Temple.*

> God spoke to Moses and Aaron in the land of Egypt thus: This new moon shall be to you the beginning of months; it shall be to you the first among the months of the year. (Exod. 12:1, 2)
>
> God spoke to Moses: Speak to the sons of Israel and say to them: The festival seasons of God, *which you shall proclaim as callings to the sanctuary*, these are My festival seasons. (Lev. 23:1, 2)

68. The Precepts concerning the Celebration of the New Moon.

1. The thirtieth day of each month is celebrated as New Moon (ראש חדש [*Rosh Chodesh*]). If, however, the month was a *full* one, the thirty-first is celebrated as well. In this case the latter counts as the first day of the new month, the former as the last of the month gone by. Only the 30th of *Elul* is always the 1st of *Tishri*. The celebration of two days of New Moon is very ancient and is mentioned already in 1 Sam. 20:27; it has its reason in the fact that in the time of the Sanhedrin the 30th was celebrated on the assumption that witnesses would come (67, 2).

2. In the time of the Temple a special sacrifice (מוסף [*musaf*]) was offered on the day of the New Moon, as on the festivals; many passages, too (Num. 10:10; 2 Kings 4:23; Isa. 1:13–14), indicate that it was celebrated festively and used for assemblies for worship and for visits to the prophets. With us the day of the New Moon is distinguished at divine service and by a somewhat better meal at home; the women refrain from work that is not urgent.

[p. 147] **3.** One inserts the prayer יעלה ויבא [*Ya'aleh ve-Yavo*], prays the (half) *Hallel* and *Musaf*, but no תחנון [*Tachanun*]. It is forbidden to fast on this day. But since a sin-offering formed part of the special sacrifice for the day of the New Moon, the day is at the same time to be regarded as a day of atonement; for which reason individual pious men fast voluntarily on the preceding day and join penitential prayers (סליחות) to the *Minchah* (יום כפור קטן [*Yom Kippur Katan*, "Minor Day of Atonement"]).

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[80] Translator: Thus numbered in the print, although a § 5 has already preceded in this chapter; read 6.

4. We are obliged every month, at the sight of the renewed moon, to say a prayer (קידוש הלבנה [*Kiddush ha-Levanah*, "Sanctification of the Moon"]); this, however, may not be done before three times 24 hours have elapsed since the *Molad*. Although it is preferable to say this prayer at the going-out of a Sabbath, one should nevertheless not postpone it, especially when cloudy weather is to be feared, and in any case not beyond seven times 24 hours after the *Molad*. Only in the months of *Av* and *Tishri* is it postponed until after the fast days. After the lapse of half the *Molad*-month, i.e. about 14 days, 18 hours and 22 minutes after the *Molad*, one may no longer say it. It may be said only at night, when the moon is bright, standing and, if practicable, under the open sky. (ח"א קיח [*Chayyei Adam* 118].)

5. In order to avoid even the appearance of worship of the heavenly bodies, all bowing is to be avoided at this prayer. It expresses praise and laud to God, whose wisdom and might the regular course of the heavenly bodies reveals to us. Moreover, through this prayer we strengthen ourselves in the hope that God will renew the youth of Israel, as the darkened moon renews itself every month.

> And it shall come to pass on every day of the New Moon and on every Sabbath, that all flesh shall come to bow down before Me, says God. (Isa. 66:23)
>
> Never more shall your sun go down, nor your moon be veiled; for God shall be to you an everlasting light, and the days of your mourning shall be ended. . . . . I, God, will hasten it in its time. (Isa. 60:21–22[81])

D. The Days of Remembrance.

(In historical order.)

A. The Sorrowful Ones.

69. The Five General Fast Days.

The following five days have been instituted, in remembrance of grievous national visitations, as *general* fast days (תעניות צבור [*ta'aniyot tzibbur*, "public fasts"]), and indeed the first four named already since the time of the prophets.

1. *The tenth of Tevet* (עשרה בטבת [*Asarah be-Tevet*]). On this day, in the time of the first Temple, God's judgment of punishment began to be carried out upon Israel, because they had forsaken His Torah and mocked and mistreated His prophets; for on this day Nebuchadnezzar, king of Babylon, began to besiege Jerusalem and to enclose it with ramparts, which finally led to the downfall of the city and of the Temple. 2 Kings 25:1.

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[81] Translator: Thus in the print; the passage quoted is Isa. 60:20, 22.

2. *The seventeenth of Tammuz* (שבעה עשר בתמוז [*Shiv'ah Asar be-Tammuz*]). In the time of the first Temple the besieging Babylonians broke into the city of Jerusalem on the 9th of *Tammuz*. Jer. 39:2; 52:6. In the time of the second Temple the same was done by the Romans on the 17th of *Tammuz*. Since the latter event lies nearer to us, we commemorate both sorrowful events on this day by a general fast day. Israel was also visited on this day by other heavy blows; it is, moreover, the day on which Moses, on his first return from Sinai, found Israel dancing around the golden calf and in holy wrath broke the tablets of the covenant.

3. *The ninth of Av* (תשעה באב [*Tish'ah be-Av*]). Both the *first* and the *second* Temple were destroyed and burned on the 9th (and 10th) of *Av*. Jer. 52:12–30. With the destruction of the first Temple the dispersion of Israel begins; for the return from Babylon was not a complete one. In consequence of the destruction of the second Temple the dispersion spread ever further, and countless sufferings broke in upon Israel. Yet it is not this alone that we mourn on this day, [p. 149] but also that all this was brought about by the sins of our fathers, and that in the dispersion we cannot fulfil a great part of the commandments of the Torah at all, and others only imperfectly and under hindrances. Therefore the *ninth of Av* is the strictest of these fast days and a day of deep mourning for Israel.

4. *The third of Tishri* (צום גדליה [*Tzom Gedalyah*, "Fast of Gedaliah"]). This day is to remind us of the sorrowful events which are narrated in 2 Kings 25:22–26 and in the prophet Jeremiah 39:6 to chapter 42. Nebuchadnezzar set a pious man, *Gedaliah*, as governor over the small remnant of the people that he had left in the land after the destruction of the Temple; Jeremiah too remained in the land, attached himself to Gedaliah and urgently exhorted those who had remained to stay in the land and to be loyal subjects of their present lawful lord, the king of Babylon. On the 3rd of *Tishri*, however, there came an infamous band of rebels, with Ishmael son of Nethaniah at their head, and treacherously murdered *Gedaliah* and all the Jews and Chaldaeans staying with him; then they dragged the remnant of the Jews still present, together with Jeremiah, to Egypt, where, despite the admonitions of the prophet, they practised idolatry. Besides, this day is the first of the Ten Days of Repentance (63, 4) on which fasting is permitted.

5. *The thirteenth of Adar* (תענית אסתר [*Ta'anit Ester*, "Fast of Esther"]). On this day, according to the decree of *Haman*, all the Jews of the Persian empire, that is, almost all the Jews then living, were once to be exterminated; but God stood by them and saved them. In remembrance of this danger and rescue we keep this day as a fast day, and the following day as a day of rejoicing (71).

> Thus says God *Tzeva'ot*: The fast day of the *fourth*, the fast day of the *fifth*, the fast day of the *seventh* and the fast day of the *tenth* month shall become to the house of Judah gladness and joy and good festivals — *if you love truth and peace*. (Zech. 8:19)

70. The Precepts concerning the Fast Days; Voluntary Fasting.

1. For the 9th of *Av*, apart from the activity of work, everything is forbidden to us that is forbidden to us for the Day of Atonement (64, 3 c).

[p. 150] The fast, to which the sick too are obligated if no danger to them is to be feared from it, must begin, as on the Day of Atonement, at least 13½ minutes before nightfall. In addition, mourning as for a close relative is prescribed for us on this day, for which reason we must observe on it the mourning precepts set out below (**76**, 2. b.). Until after midday all work should be left undone that might turn our thoughts away from the prescribed mourning.

The *three weeks* from the 17th of Tammuz until after the 9th of Av are days of half-mourning, on which one must avoid everything that gives joy, may not hold a wedding, and should not cut the hair of the head or beard. During these days, except on the Sabbaths that fall between them, one does not say the prayer שהחינו [*Shehecheyanu*, "who has kept us alive"], and therefore avoids occasions on which it would have to be said.

This half-mourning is enjoined still more strictly during the *nine days* from the beginning of the month of Av until after the fast day. Then, in addition, it is forbidden even on the Sabbath to put on new clothes, and, except on the Sabbath, to eat meat, drink wine and put on fresh linen; washing clothes and linen, or giving them out to be washed, is also forbidden.

On the eve one takes the main meal earlier than usual; for at the concluding meal (סעודה המפסקת [*se'udah ha-mafseket*]) one may eat only a single dish (sitting alone on the ground or on a low stool), for which an egg and bread are usually used.

On the evening before, prior to the evening prayer, the curtain is removed from the holy Ark and is hung up again only at the afternoon prayer of the following day. After the evening prayer the Lamentations of Jeremiah and other dirges are recited. At the morning service one reads from the Torah Deut. 4:25–40 and as Haftarah Jer. 8:13–9:14 [9:23 in English Bibles]; then dirges are recited and the service is prolonged until about midday. Tallit and Tefillin are put on only at the Minchah prayer. At this prayer one also inserts the prayer נחם [*Nachem*, "Console"] into the fourteenth benediction of the ש"ע [*Shemoneh Esreh*].

[p. 151] **2.** On the remaining four general fast days only eating and drinking are forbidden us, from the morning before daybreak until the beginning of night. No further privations are prescribed.

On these fast days, in the morning and in the afternoon,[82] one reads from the Torah Exod. 32:11–14; 34:1–11, and in the afternoon a Haftarah, Isa. 55:6 to 56:8. (This afternoon reading applies also to the 9th of Av.) The reader inserts the prayer עננו [*Anenu*, "Answer us"] morning and

[82] Translator: German *abends*, literally "in the evening"; here and below it refers to the afternoon (Minchah) service of the fast day, as the context (the individual says *Anenu* only at Minchah) shows.

afternoon as a separate (eighth) benediction; the individual inserts it only at the Minchah prayer, into the sixteenth benediction of the *Shemoneh Esreh*; at the morning prayer, moreover, penitential prayers, סליחות [*Selichot*], referring to the history of the day, are inserted into the sixth benediction.

3. A second, fifth and second day of the week in succession (שני וחמישי ושני [*Monday, Thursday and Monday*]) at the beginning of the month of Iyar and at the end of the month of Marcheshvan are *public* fast days in so far as they are announced in the synagogue on the preceding Sabbath and penitential prayers, *Selichot*, are inserted on each of them at the morning prayer as on the general fast days. On these days, however, no one is obliged to fast who does not take it upon himself voluntarily; many fast only half-days. These days were instituted as days of penitence in case we have sinned on the preceding festivals, whether through forbidden work or through having given ourselves over to sinful thoughts in the excess of enjoyment. (Compare Job 1:4, 5.)

4. The purpose of all fasting is repentance; our fasting should be an actual confession of our sins, an exercise in the struggle against sensuality, against love of pleasure and selfishness, as the sources of most sins. Therefore *voluntary* fasting undertaken with penitent intent counts as a pious work. Whoever wishes to fast voluntarily should, in order to bring the penitent intention to his consciousness, vow the fast day on the preceding afternoon at the close of the Minchah prayer by means of the well-known prayer (קבלת תענית [*kabbalat ta'anit*, acceptance of the fast]); but if this has been neglected, an unspoken resolution made before nightfall also suffices. One should not [p. 152] boast of one's fasting, but should try to keep it secret, without denying it.

For persons whose mental or bodily powers stand in the service of others, for example for teachers who are obliged to teach, or for day labourers who are obliged to work, voluntary fasting is a sin.

A chief matter in all fasting is the true, sincere amendment of our conduct; for thus it is said of the penitent inhabitants of Nineveh, not: God saw their fasting, but: God saw their deeds, that they had turned back from their evil way. Jonah 3:5–10.

B. The Joyful Days.

71. The Celebration of Purim.

1. The Babylonian empire had been absorbed into the Persian through conquest, and almost all the Jews had thereby become subjects of the Persians. Neither the Babylonian nor the Persian kings treated the Jews worse than their other subjects. Individuals such as Daniel, Nehemiah and Mordecai even rose to high offices. But this favourable situation also concealed dangers. Many believed they had to preserve this position even against the word and the spirit of the Torah. According to the tradition of our sages of blessed memory, many of our fathers had prostrated themselves before the idol of Nebuchadnezzar, not in earnest, but for appearance's sake (**14**, 2.). They wished to be Jews, but not to appear so, whereas Israel had been punished with dispersion chiefly so that *among the nations it might openly and courageously confess the One and Only God*.

Therefore God caused the events related in detail in the Book of Esther to come about, in order to remind the weak and wavering of their task.

2. Haman, descended from a family in which enmity against Israel was hereditary (Exod. 17:8 ff.), well recognized that from such apparent apostasy to real apostasy is only one step, and that apostasy from God has always brought Israel ruin; [p. 153] therefore he wanted to accustom our fathers to this apostasy. According to tradition, without which we can understand neither Mordecai nor Haman, Haman wore an idol on his person, so that those who bowed before him bowed at the same time before it (**18**, 3). But Mordecai, the very model of a pious Jew, loyal to his king (Esth. 2:21–23), loyal to the Torah, Mordecai resisted. He paid no heed to his high position at the king's court, but thought only of fulfilling the precept of the Torah wholly and fully. Thereby he showed the danger of the dispersion and the way to withstand it, and so added to the memorials already existing of the fact that God never forsakes the Israel that is faithful to Him a new one, the festival of Purim, for which the following precepts hold.

3. Everyone is *obligated* (women too), on the evening of the 13th of Adar (תענית אסתר [*Ta'anit Esther*, the Fast of Esther]) after nightfall and on the 14th of Adar (פורים [*Purim*]) in the morning, either to read the Book of Esther (מגילה [*Megillah*]) himself from a scroll written in accordance with the rules, or to listen to the reading by a knowledgeable *man*. If possible, this should take place in a large assembly, in order to proclaim the miracle of Israel's deliverance in solemn publicity. If the reading could not take place at the proper time, it may be made up during the whole night and the whole day. One inserts into the *Shemoneh Esreh* and into the Grace after Meals the prayer על הנסים [*Al ha-Nissim*, "For the miracles"], and in the morning one reads from the Torah Exod. 17:8 ff. (ח"א קנה [*Chayyei Adam* 155]).[83]

4. We are further obligated to distinguish the day by a cheerful festive meal, then also, in order to give one another joy, to send at least *one* friend two gifts that can be eaten at once, and finally to give gifts to the poor (at least two). The last is more important than meal and gifts; for there is no greater and more praiseworthy joy than to gladden the poor, the afflicted, widows and orphans. (רמב"ם מגילה ב י"ז [Maimonides, *Hilkhot Megillah* 2:17])

5. The 15th of Adar is called שושן פורים [*Shushan Purim*] for the reason given in the Book of Esther 9:18; on it the prayer תחנון [*Tachanun*, the supplication] is not said. In a leap year we keep the celebration of Purim in Adar II. The 14th and 15th of Adar I are, however, then distinguished by the omission of *Tachanun* (פורים קטן [*Purim Katan*, "Little Purim"]).

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[83] Translator: ח"א = *Chayyei Adam*, the widely used digest of the ritual law by Abraham Danzig (Vilna, 1810), cited here and below by its sections (*kelalim*); *kelal* 155 treats the laws of Purim, *kelal* 154 those of Chanukkah.

[p. 154] **72. The Four Sabbaths of Special Torah Readings.**

Connected with Purim in time, and partly also in cause, are the following four Sabbaths, on each of which a special section is read from a second Torah scroll; they are grouped together under the designation ארבע פרשיות [*Arba Parshiyyot*, the Four Portions].

1. On the Sabbath before the New Moon of Adar, or on the day of the New Moon if it falls on a Sabbath, one reads Exod. 30:11–16 (פרשת שקלים [*Parashat Shekalim*]). In the time of the Temple this served as a summons to deliver the Temple tax prescribed there before Nisan. Among us it is the general custom that, in remembrance of this, every man from the age of twenty on gives on Purim 3 coins as מחצית השקל [*machatzit ha-shekel*, the half-shekel] for a good cause.

2. On the Sabbath before Purim one reads Deut. 25:16–19 (פרשת זכור [*Parashat Zakhor*]),[84] since Haman was a descendant of Amalek, of whom this section speaks. Reading or hearing this section from the Torah scroll in a public assembly (מנין [*minyan*]) is a commandment of the written Torah (דאוריתא [*de-oraita*]; cf. **17**, 3 c and **130**, 3 cc). Therefore everyone should attend the synagogue for this reading.

3. Depending on the form of the year, on the first or second Sabbath after Purim one reads Num. 19 (פרשת פרה [*Parashat Parah*]). In the time of the Temple this was a summons for everyone to keep himself pure, or to purify himself, for the offering of the Passover sacrifice. This purification is impossible for us; but in the Haftarah we are promised that God will one day make it possible for us again and will thereby glorify His name among the nations; until then we should strive to refine and purify ourselves spiritually. Ezek. 36.

4. On the Sabbath before the New Moon of Nisan, or on that day itself if it falls on a Sabbath, one reads Exod. 12:1–20 (פרשת החדש [*Parashat ha-Chodesh*]). This reading contains a summons to inner and outward preparation for the festival of Pesach. In addition, the month of redemption, Nisan, is thereby proclaimed as the first of the year (**65**, 5 e.). The Sabbath before the festival of Pesach is called שבת הגדול [*Shabbat ha-Gadol*, the Great Sabbath].

[p. 155] **73. The Celebration of Chanukkah.**

1. After the fall of the Persian empire many long wars arose, in consequence of which the Holy Land fell into the power of various rulers, until at last it came under the sovereignty of the kings of Syria.

2. In the course of these wars our fathers had come into frequent contact with the heathen Greeks, and many heathens had also settled in Palestine. There were then many among the Jewish people who liked the heathen bad customs and who strove to make heathen usages at home in Israel.

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[84] Translator: The reading of *Zakhor* is Deut. 25:17–19; the printed "16" is probably a slip.

3. But when the pious resisted this, those of heathen mind became traitors to Israel and the Torah. They persuaded King Antiochus Epiphanes of Syria to compel Israel by force to adopt heathenism. The cruel king very willingly followed this counsel. First he sent his generals, then he came himself with great armies to Palestine, had many thousands massacred, forced his way into the Temple, defiled it and had an idol set up in it.

4. Not content with this, he issued decrees by which the practice of God's commandments was forbidden on pain of death and the worship of his idol was commanded. Then he sent executioners about the land who were to compel all the inhabitants to obey this decree. Whoever observed a commandment of the Torah was killed; whoever refused to worship idols, likewise. Many obeyed and fell away from God; others fled into the deserts and the mountains, where they fed meagrely on roots and herbs. The Holy Land, the city of Jerusalem and the Temple were desolate; only strangers dwelt therein.

5. Then the pious priestly family of the Hasmoneans (חשמנאי [*Chashmonai*]) arose: Mattathias (מתתיהו [*Mattityahu*]) with his five sons. They did not fall away, they did not flee, they offered resistance. *Judah*, with the surname *Maccabee* (מכבי), the third son of Mattathias, a lion-hearted hero, gathered a small band of like-minded fighters and took up the struggle against the enemy, a thousandfold [p. 156] superior. God was with those who fought for the Torah and for their fatherland, and they won brilliant victories.

6. After several years of hard fighting they succeeded in driving the enemy back so far that they got Jerusalem and the Temple into their power again. In the midst of the war, still threatened by enemies all around, they cleared the Temple site, which was covered with rubble and thorny undergrowth, cleansed the desecrated sanctuary, restored the altar, re-established the sacrificial service and dedicated the Temple for eight days. For the lighting of the holy candelabrum a small jar of oil was found, furnished with the seal of the High Priest, which, although measured for only one day, lasted eight days, until new, pure oil had been prepared. The dedication began on the 25th of Kislev. In remembrance of this and of all these wonderful events the sages of that time ordained that every year, beginning with the 25th of Kislev, we should celebrate the Feast of Dedication (חנוכה [*Chanukkah*]) for eight days. The following precepts apply to this celebration.

7. Everyone, even the poorest, is obliged during the eight evenings (the first time from the 24th to the 25th) to kindle special lights besides the light for the household. In families where men kindle, women usually do not kindle, but boys should be trained to do so (**32**, 3). Women living on their own, however, or women whose husbands are prevented, should kindle. The women who do not kindle should, however, be present when the men kindle; and the women should do no work as long as the lights are burning. — On the first evening one kindles *one* light, then each evening *one* more, so that on the eighth evening there are eight. — The lights of each individual member of the household who kindles should stand so separated from those of the others that it can be recognized how many persons have kindled. — One begins on the right side, then each evening kindles first

the light newly added on the left. — The lights should be set up in a straight line, within the space of 3 to 10 handbreadths' height above the floor; the lamp is to be brought into this lawful position before the lights are kindled. If practicable, the lights should be placed so that they can be seen from the street. — One may use oil or [p. 157] wax candles as fuel; the former, however, should be taken of the best and purest, and the latter must be simple and may not be braided. — One kindles the lights at the beginning of night; the fuel must be calculated to last at least half an hour. Whoever for any reason kindles so late that all the members of his household are already asleep says no ברכה [*berakhah*, blessing]. — One may not use the Chanukkah lights for any task. Travellers for whom lights are kindled at home are not obliged to kindle such lights on the journey; but they should, if possible, be present when another kindles and say אמן [*Amen*] to his *berakhah*. — On Friday one should take so much fuel that the lights last about half an hour into the night. At the going out of the Sabbath one kindles the lights before הבדלה [*Havdalah*]. — Before the kindling one says on the *first* evening the *three* ברכות [*berakhot*, blessings] included in the prayer book; on the remaining evenings *Shehecheyanu* is omitted.

Each day one reads from the Torah a part of Num. 7, says the whole Hallel, and inserts *Al ha-Nissim* in the Grace after Meals and the *Shemoneh Esreh*. (ח"א קנד [*Chayyei Adam* 154])

^ *

8. Here, at the close of the section on feast days, holidays and days of remembrance, the following are still to be mentioned: the 18th of Iyar (ל"ג בעומר [*Lag ba-Omer*]), on which the dying of the disciples of R. Akiva, of which we spoke above (**62**, 4), ceased; then the 15th of Av (חמשה עשר באב [*Chamishah Asar be-Av*]), which, on account of many joyful events in the history of Israel reported by tradition, was celebrated in the time of the Temple as a very merry popular festival (תענית ד' ח' בברטנורה [Bartenura on Mishnah *Ta'anit* 4:8]); finally the 15th of Shevat (חמשה עשר בשבט [*Chamishah Asar bi-Shevat*]). This is not really a day of remembrance but, according to the Mishnah (ר"ה א א [*Rosh ha-Shanah* 1:1]), the beginning of the year for reckoning the tithe of the fruits of trees, a celebration of plant life awakening from its winter sleep, which shows itself in the beginning development of the buds. On all these days, as already set out above (**46**, 8), the supplicatory prayer *Tachanun* is omitted. In many places a pupils' celebration is held on these days, especially on the first-named.

[p. 158] V. Through Honouring Parents.

74. On the Importance of Honouring Parents.

The precepts of the Torah concerning the honouring of parents are to be counted among those concerning the honouring of God. For:

1. If we place the *ten Words* revealed at Sinai five on *each* tablet, then "Honour your father and your mother!" comes on the first tablet, which contains only precepts concerning the acknowledgment and honouring of God.

2. In the Holy Books the honouring of parents is commanded in exactly the same expressions as the honouring of God. (Exod. 20:12; Lev. 19:3 and Prov. 3:9; Deut. 13.)[85]

3. Our parents have been set over us by God, through nature as well as through the Torah, as God's representatives. God commands them to feed us and care for us, and we would perish in the first hours of our existence if they did not obey this commandment; God commands them to instruct us in His Torah, and our spirit would run wild if they did not obey this command. As representatives, messengers and instruments of God in the preservation and government of the world our parents act upon us, and in honouring them as such we honour God, who has appointed them for us.

4. Honouring parents and obedience to them is for us the first exercise in honouring God and in obedience to Him. Therefore our sages of blessed memory say in their figurative language: When people honour their parents, God says: I account it to them as though I dwelt visibly in their midst and they honoured Me. But when they grieve their parents, He says: How well it is that I do not dwell visibly in their midst; for if I abode visibly among them, they would grieve Me. How should one who is ungrateful and disobedient to his parents, whom he has before his eyes, be grateful and obedient to God, the Invisible! (קדושין לא [BT *Kiddushin* 31a])

5. The transmission of the historical facts on which the Torah is founded, and of the Torah itself, rests solely on [p. 159] faithful handing on by parents to children and on willing acceptance by the children from the hands of the parents (Introd. 2). Thus the continuance of the great institution of salvation which God has established through Israel in the midst of mankind rests on the obedience of children to their parents, and *honouring parents is the fundamental condition of the eternity of the Jewish nation*. (Hirsch, *Pent. Comm.* on Exod. 20:12.)[86]

6. When we consider this high significance of honouring parents, we understand why the Torah (Exod. 20:12; Deut. 5:16) has attached to this commandment the promise of a happy continuance for Israel on its national soil, and why, further (Deut. 27:11–26), at Israel's entry into the Holy Land, it had a blessing pronounced over him who would observe this commandment and a curse over him who would neglect it. (Deut. 27:16.)

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[85]Translator: Exod. 20:12 ("Honour [*kabbed*] your father and your mother") is paralleled by Prov. 3:9 ("Honour [*kabbed*] the Lord with your substance"), and Lev. 19:3 ("Every man shall revere [*tira'u*] his mother and his father") by Deut. 6:13 / 10:20 ("You shall revere the Lord your God"); the printed "Deut. 13" is probably an incomplete reference to one of these verses (cf. Deut. 13:5).

[86]Translator: Samson Raphael Hirsch, *Der Pentateuch übersetzt und erläutert* (Frankfurt a. M., 1867–78), commentary on Exod. 20:12.

75. The Precepts concerning Honouring Parents.

1. The Torah expresses through two commandments what we owe our parents: 1. esteem (כבוד [*kavod*, honour]) and 2. reverence (מורא [*mora*, awe]). These commandments require us to acknowledge in our parents, after God, the highest beings on earth for us, accordingly to love and honour them above all, and constantly to give expression to this disposition by word and deed. (סה"ח לג ריב; חיי אדם סז א [*Sefer ha-Chinukh* 33, 212; *Chayyei Adam* 67:1])

2. From this it follows first of all that we must render our parents unconditional obedience and may never oppose their words with contradiction nor their actions with grumbling or reproach. Our sages of blessed memory say about this, by way of example: If the father (or the mother) throws a purse filled with gold into the sea in the child's presence, the child may make him no reproaches, may not express its pain in his presence, let alone be angry. If the son sat in robes of honour at the head of the council assembly of his community, and father or mother tore the clothes from his body and struck him in the face, the son would have to keep silent and accept such conduct on the part of his parents like a fate decreed by God. (רמב"ם ממרים, ו ז [Maimonides, *Hilkhot Mamrim* 6:7])

[p. 160] **3.** When children speak of father or mother, during their lifetime or after their death, it must be done in expressions of the highest reverence. — Without the parents' permission children may say nothing in their presence or about their affairs; children must also strive with all their might to procure respect and recognition for the words of their parents. — Children may never stand or sit in the place where their parents are accustomed to sit or stand. (יו"ד רמ ב [*Yoreh De'ah* 240:2])

4. Children are bound to make every possible sacrifice of money and personal service for their parents; they must, if the parents wish it or need it, give them food and drink, dress and undress them, lead them out and in, and the like. They are quite especially obliged to all such services when the parents have grown weak in bodily or mental powers in old age. The duty of honouring the parents by personal service goes so far that we are not released from it even if through the loss of time we would come into the position of having to beg our bread the next day. — Married daughters, however, must be guided by the will of their husband with regard to services of money and person for their parents. (שם ה יז [ibid. 240:5, 17])

5. Only in *one* case are children *obligated* to leave the will of their parents unfulfilled, namely, when these demand of them to transgress a commandment of the oral or written Torah. But even in this case, or when the parents themselves deviate from God's commandments, the children may not rebuke or correct them in harsh words, but may only say: Father, Mother! thus and thus the Torah commands. For even to sinful parents children may not refuse esteem and reverence. (שם יא טו [ibid. 240:11, 15])

6. Three offences against parents the Torah threatens with the death penalty by the court: whoever curses his parents, whether in their lifetime or after their death; whoever strikes and wounds them; and whoever (under certain circumstances) steals from them and squanders what was stolen. The death penalty cannot be carried out now; but from the threat we recognize what grave [p. 161] sins these are. Because of the danger of wounding, it is forbidden to perform surgical procedures on one's parents if these can be performed by someone else. — Whoever despises his parents, or even speaks slightingly of them, upon him the Torah (Deut. 27:12)[87] pronounces the curse: Cursed be he who holds father or mother in contempt. (סה"ח מז רסא [*Sefer ha-Chinukh* 47, 261])

7. According to the oral tradition the commandment of honouring parents also includes the honouring of *grandparents*, *parents-in-law*, *step-parents* and *the eldest brother*. — Since it surely causes parents great grief when their children do not live together in peace (Joseph), *love between brothers and sisters* is to be regarded as a demand of honouring parents.

8. The esteem or honouring of parents must outlast their grave. Even after their death we must follow the will of our parents, may mention them only in expressions of high regard and never without blessing their memory (עליו השלום [*alav ha-shalom*, "peace be upon him"]; הריני כפרת משכבו [*hareni kapparat mishkavo*, "may I be the atonement for his resting place"]; זכרונו לברכה [*zikhrono li-verakhah*, "of blessed memory"]). In particular, however, we are obliged to keep the prescribed mourning for them and to say the prayer קדיש [*Kaddish*]. (י"ד רמ, רמא [*Yoreh De'ah* 240, 241])

> Honour your father and your mother, as God, your God, has commanded you, so that your days may be long and so that it may go well with you on the soil which God, your God, gives you. (Deut. 5:16)
>
> Let every one of you revere his father and his mother, but keep My Sabbaths; I am God, your God. (Lev. 19:3)
>
> Whoever strikes father or mother shall be put to death. And whoever curses his father or his mother shall be put to death. (Exod. 21:15, 17)
>
> If a man has a son who is disobedient and rebellious, who does not listen to the voice of his father and the voice of his mother; they chastise him and still he does not obey them: then his father and his mother take hold of him and bring him out to the elders of his city and to the gate of his place, and say to the elders of his city: This our son is disobedient and rebellious, he does not listen to our voice, he is a glutton and a drunkard. And all the men of his city stone him so that he dies, and you remove the evil from your midst. And all Israel shall hear it and fear. (Deut. 21:18–21)

[87] Translator: The verse quoted is Deut. 27:16; "27, 12" is a misprint.

[p. 162] Whoever robs father or mother and says it is no crime is soon the companion of a robber. (Prov. 28:24)

Listen to your father, he begot you, and do not despise your mother when she grows old. (Prov. 23:22)

The eye that mocks the father and scorns the mother's wrinkles, the ravens of the valley shall pick it out and the young eagles devour it. (Prov. 30:17)

76. The Precepts concerning Mourning.

1. The Torah commands that children keep mourning for parents, parents for children, brothers and sisters for brothers and sisters, husband and wife for each other, at their death. The mourning consists in observing the following precepts, which our sages of blessed memory established as customary in Israel from time immemorial, on the basis of many passages of Holy Scripture. (סה"ח רסד [*Sefer ha-Chinukh* 264])

2. The mourning falls into four periods, for each of which special precepts apply.

a. From the moment of death until the closing of the grave, or, where the body is taken to a distant place, until the person obligated to mourn has turned away from the body being carried on, he is an אונן [*onen*] (one in the deepest mourning). During this time he must observe all the following precepts (see b), but he may wear shoes and go out. On the other hand, eating meat and drinking wine is forbidden him, and, except on Sabbaths and festivals, he is exempt from all the commandments of the Torah, such as reading the *Shema*, prayer, Tefillin and so forth. The putting on of Tefillin is omitted on the day of burial also *after* the interment. The first meal after the burial of the body the mourner may not eat of his own property; it is prepared for him by neighbours or friends and should consist chiefly of eggs (a symbol of mourning). This feeding of the mourners counts as a pious, charitable act (מצוה [*mitzvah*]). After the burial the person obligated to mourn is an אבל [*avel*] (mourner).

b. During the next seven (שבעה [*shiv'ah*]) days after the burial, the day of burial included, the following are forbidden him: carrying on business; bathing the whole body even in cold water, and washing individual parts of the body in warm water, unless it be necessary for [p. 163] the care of health or for cleanliness; anointing; putting on leather shoes; leaving the house; sitting on chairs, benches, sofas and the like (sitting on low stools is permitted); all marital intercourse that is not absolutely necessary; putting on new or fine clothes and fresh linen; reading writings of the Torah, except Job, the Lamentations of Jeremiah, the mournful chapters in Jeremiah, and the laws of mourning; greeting and returning a greeting, as well as any entertaining conversation at all; in addition, everything that is forbidden during the following period. These precepts, however, are to be observed on the seventh day of mourning only in the morning hour. After the morning prayer, when the visitors have gone away, this second period of the time of mourning ends.

c. The third period of the time of mourning begins with the end of the second and lasts until the thirtieth day after the burial (שלשים [*sheloshim*]). During this time the person obligated to mourn is forbidden to cut his beard and hair; to wash, or to give linen out to be washed, except for children; to scour in the house more than health and cleanliness require; to take part in joyful celebrations and to hold a wedding.

d. Children are obliged to a mourning of twelve months for their parents. Even after the thirty days (c) have passed, they may not cut their beard as often as usual and may not take part in any joyful celebration.

Every mourner must change his place in the synagogue and, where that is customary, wrap himself in a Tallit.

3. A departure from these precepts is permissible or required in the following cases: Whoever has nothing to live on may from the third day on do work for wages, but only in secret in his house; and severe blame falls on his neighbours, who did not support him so that he might be spared such need. — On the Sabbath and on festivals every outward practice of mourning must be omitted; only those precepts of mourning that relate to private acts apply on these days. — Any mourning begun before a festival is, by the onset of the festival, either entirely cancelled or changed into the next milder degree. [p. 164] On the individual cases of this a person learned in the Torah is to be consulted. — If a burial takes place on the festival itself, including the intermediate days חוה"מ [*Chol ha-Mo'ed*], the mourning begins only after the festival, but the last day of the festival is counted in the seven days of mourning. — A mourner who lives outside the house where the prayer assemblies are held during the seven days (**107**, 11) may go there and return. — During the seven days of mourning the mourner may visit the synagogue on the following days: on the Sabbath at every time of prayer; on Purim and the Ninth of Av on the evening before and in the morning; on the eves of the New Year and of the Day of Atonement in the morning for the penitential prayers (*Selichot*).

4. Every person obligated to mourn must, moreover, as an expression and sign of mourning, tear all the garments he wears on his body for parents, and his outermost garment for other relatives (קריעה [*keri'ah*]). The tear is made for *parents* on the *left*, for other relatives on the *right* side, at the top by the neck, standing, if practicable by the coffin while it is still open, by the mourner himself. It must be a handbreadth long. During the tearing the mourner says the benediction דין אמת [*Dayyan ha-Emet*, "the true Judge"] (**16**, 3). In mourning for relatives the tear may be tacked together after seven days and sewn up after thirty days; for parents, however, it may be tacked after thirty days and *never* sewn up.

5. For whoever receives the news of the death of a relative within the first thirty days, the day of the notification counts as the day of burial, and from the day of the news he must keep all the precepts of mourning of the seven days, of the thirty days and of the twelve months, the last,

however, reckoned from the day of death; in addition he must tear his clothes. If he receives the news after the thirty days have passed, then for all relatives except parents he has to do no more than take off his shoes for a short time; for parents, however, he must also keep the twelve-month mourning until the end of the year of death and tear his clothes on receiving the news. Children are obliged to tear their clothes and take off their shoes for a short time even when they receive the news of the death of father or mother after a year and a day.

[p. 165] **6.** Sons are obliged, in the year of mourning for their parents, to recite the prayer קדיש [*Kaddish*] for eleven months in public prayer assemblies. By saying this sublime prayer of praise they bear witness, for the honour and the salvation of the souls of their parents, that they were raised by them in the Jewish faith and for a life according to the precepts of the Torah. Every year too, on the anniversary of the death (*Jahrzeit*) of their parents, they are obliged to recite this prayer, and also (daughters too) to fast. It is also customary to let a light burn on the *Jahrzeit* day of one's parents.

7. These precepts of mourning are meant on the one hand to prevent the Israelite from remaining indifferent and unfeeling at the death of his own, but on the other hand to set lawful bounds to the expressions of just grief; for both are sin, hard-hearted indifference as well as excess of mourning. The latter in particular is contrary to the submission to the will of God (**16**) to which we are obliged, and appears like rebellion against the dispensations of the All-Good. Therefore we should confine ourselves to the prescribed measure of the expression of mourning and not imitate un-Jewish mourning customs. The Torah expressly forbids us to wound ourselves (שרט [*seret*, gashing]) at deaths after the manner of the heathen, or to make a bald patch on the head by tearing out the hair or in any other way. (סה"ח תסז תסח [*Sefer ha-Chinukh* 467, 468])

> You are children of God, your God; do not wound yourselves and do not make a bald patch between your eyes for a dead person; for you are a holy people to God, your God, and God has chosen you to become a people belonging exclusively to Him among the peoples which are on the earth. (Deut. 14:1, 2. See the *Biur* on the passage.)[88]

VI. Through Esteem for Everything Consecrated to God.

77. The Precepts concerning the Descendants of Aaron.

1. For the performance of the sacrificial service in the Temple God chose and sanctified Aaron of the tribe of Levi and his descendants for all time. These descendants bear the name *Kohanim* (כהנים [priests]). To the Kohanim, as well as to all [p. 166] Israelites in regard to them, the Torah has given special precepts, which they and we must still follow even now.

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[88] Translator: The *Biur*, the Hebrew commentary accompanying Moses Mendelssohn's German translation of the Pentateuch (Berlin, 1780–83).

2. The Torah forbids the Kohanim to contract a marriage with certain women more closely specified in the Torah. Therefore they are obliged, before they choose a life companion, to obtain information and instruction as to whether any commandment of the Torah stands in the way of their choice. (אה"ע ג; סה"ח רסו רסז רסח [*Sefer ha-Chinukh* 266–268; *Even ha-Ezer* 3])[89]

3. Further, the Torah forbids the Kohanim to defile themselves on a human corpse, that is, to touch a corpse directly or indirectly (מגע [*maga*, touching]), to carry it or lift it up (משא [*massa*, carrying]), to move it (היסט [*hesset*, shifting]), to remain with it under a covered space (אהל [*ohel*, tent]), or to come within four cubits (= ordinary men's paces) of it or of a grave (קבר [*kever*]). Concerning the scope of the prohibition against remaining with a corpse in a covered space, every Kohen must obtain instruction from a person learned in the Torah. (סה"ח רסג [*Sefer ha-Chinukh* 263])

4. This prohibition admits of an exception in the following cases:

a. On the corpse of his father, mother, wife, son, daughter, brother and unmarried sister on the father's side the Kohen may defile himself, and he is obliged to take part in some way in their burial. (סה"ח רסד; חכמת אדם קס ה [*Sefer ha-Chinukh* 264; *Chokhmat Adam* 160:5])[90]

b. A corpse for whose burial fellow believers are not present at all, or only in insufficient number, and cannot be summoned, is called a מת מצוה [*met mitzvah*]. On such a corpse the Kohen may, indeed must, defile himself in order to help bring it to burial. (י"ד שעד [*Yoreh De'ah* 374])

5. The Torah commands the Kohanim to pronounce over the congregation assembled for prayer the blessing prescribed in Num. 6:22 (ברכת כהנים [*Birkat Kohanim*, the priestly blessing]). In the Temple this was done daily; among us this blessing is bestowed only on the festivals that do not fall on a Sabbath. Every Kohen who is in the house of God when the Kohanim are called up to bless neglects [p. 167] several commandments of the Torah if he does not take part in the bestowal of the blessing. (א"ח קכח; סה"ח שעח; סוטה לח [BT *Sotah* 38b; *Sefer ha-Chinukh* 378; *Orach Chayyim* 128])

The assembled congregation should receive the blessing of the Kohanim with devotion and trust in God. (מ"ע לס"ה)[91]

6. All the other members of the tribe of Levi (*Levites*, לוים [*Leviyyim*]) God chose to serve the Kohanim in the Temple; they served as gatekeepers, watchmen, singers. In keeping with this task

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[89] Translator: אה"ע = *Even ha-Ezer*, the part of the *Shulchan Arukh* on marriage law; the laws of the priest's marriages are at *Even ha-Ezer* 6, so "3" may be a misprint.

[90] Translator: *Chokhmat Adam*, Abraham Danzig's companion work to *Chayyei Adam*, covering the laws of *Yoreh De'ah*; *kelal* 160 deals with the defilement of priests.

[91] Translator: The abbreviation is printed as it stands; its meaning is uncertain (perhaps a reference to a commentary on the *Shulchan Arukh*).

of theirs, they serve the Kohanim at the bestowal of the blessing by pouring water over their hands at the washing required beforehand.

7. The Torah commands us to acknowledge and honour the Kohanim as persons sanctified by God; therefore we must give them precedence everywhere, especially at assemblies and acts of divine worship. The Kohen is called to the Torah first, after him a Levite; at the customary invitations (רשות [*reshut*, permission]) to Kiddush, to the meal (המוציא [*ha-Motzi*]) and to the Grace after Meals the Kohen is mentioned first, even before the person learned in the Torah. In the distribution of gifts he is likewise entitled to preference, given equal need and worthiness. (סה"ח רסט; א"ח קלה קסז רא; י"ד רנ [*Sefer ha-Chinukh* 269; *Orach Chayyim* 135, 167, 201; *Yoreh De'ah* 250])

> God spoke to Moses: Speak to the priests, the sons of Aaron, and say to them: He shall not defile himself for a corpse among his people. Only for his wife, who is near to him, for his mother, his father, his son, his daughter and his brother; also for his virgin sister, who is near to him, who has not yet become any man's, for her he is to defile himself. — A harlot and a profaned woman they shall not marry, and a woman divorced from her husband they shall not marry; for he is holy to his God. *And you shall hold him holy*; for he offers the sacrifices of your God; holy shall he be to you, for holy am I, God, who call you to holiness. (Lev. 1–8)[92]
>
> God spoke to Moses: Speak to Aaron and his sons as follows: Thus shall you bless the children of Israel, saying to them: "May God bless you and keep you! May God make His face shine upon you and be gracious to you! May God turn His face to you and establish peace for you!" They shall place My name upon the children of Israel, and I, I will bless them. (Num. 6:22–27)

[p. 168] **78. The Precepts concerning the Firstborn; the Dough Offering.**

1. The Kohanim and Levites had received no share in the Holy Land. They depended on certain dues from the sacrifices, from the agriculture and from the cattle-breeding of the other tribes of Israel. Of the precepts concerning these dues, only the following concerning the firstborn (בכורים)[93] and a due from bread dough (חלה [*challah*]) can still be fulfilled among us.

2. In everlasting remembrance of the deliverance of the Israelite firstborn in Egypt, the Torah commands that the firstborn child of a mother, if it is a boy, be a. regarded as sanctified to God and belonging to the Kohen, and b. redeemed by a ransom of five *sela'im* of silver (= 14 marks of the imperial currency) to be given to the Kohen, in cash or in movable valuables (not paper securities). This ransom becomes the full property of the Kohen. The duty of redemption lies on the father, if neither he nor the child's mother belongs to the family of the Kohanim or Levites. — The redemption may not be carried out before the 31st day of the child's life, and should, if

[92] Translator: The passage is Lev. 21:1–8; the chapter number has dropped out of the print.

[93] Translator: The print has בכורים (*bikkurim*, "first fruits"); the term for the firstborn is בכורות (*bekhorot*).

possible, take place on that day, if it does not fall on a Sabbath or festival; in that case it is to be postponed. (סה"ח, יח שצב; י"ד שה [*Sefer ha-Chinukh* 18, 392; *Yoreh De'ah* 305])

3. Likewise the Torah commands that everyone, Kohen and Levite too, regard the firstborn male young of his cows, sheep and goats as consecrated to God and expressly declare it as such; but it is holy even without this declaration; such an animal, however, may not be redeemed. In the time of the Temple it belonged to the Kohen, who might slaughter it as a sacrifice and, after certain parts had been offered, eat it. Now the owner must tend such an animal as consecrated to God; he may neither injure it nor use it for work nor shear it, until it becomes unfit for sacrifice through a bodily blemish; then it may be slaughtered and eaten. But since the care of such an animal is very difficult and easily leads to transgressions, and proof of its unfitness is also hard to furnish, while the young that is expected no longer has the quality of holiness as soon as the mother animal passes legally into the joint [p. 169] ownership of a non-Israelite, it is the duty of every Israelite who owns an animal from which a firstborn is to be expected to do the following with it: The Israelite sells to an adult non-Israelite who is entitled to buy a part of the body of the pregnant animal on which its life depends, e.g. the lungs or liver or the like, for any price to be agreed, which the buyer must also pay at once. Thereupon the buyer at once leads the animal into his stall or other property of his. Through this the buyer of the bodily part becomes legally joint owner of the animal and may afterwards have it brought back to its former place. Should bringing the animal into the buyer's property not be practicable, this can be replaced in the following way: the Israelite rents his stall or another of his premises to the buyer for a rent to be agreed and paid at once, and when this has been done, the buyer leads the animal into this rented space. The letting need only extend over a few hours, and indeed only for as long a time as is required for the act mentioned. Only a part of the *pregnant* animal can be sold; the unborn young, however, cannot be sold according to religious law, and if this had nevertheless been done by mistake, it is of no avail, and the male young is, after its birth, as mentioned above, to be regarded and treated as holy. (סה"ח יח שצג תפג תפד; י"ד שו–שכ [*Sefer ha-Chinukh* 18, 393, 483, 484; *Yoreh De'ah* 306–320])

The firstborn male young of a she-ass too is to be redeemed from the Kohen for a lamb. If the owner does not want this, he must kill the firstborn in the prescribed manner and bury it without any use being made of it. (סה"ח כב כג [*Sefer ha-Chinukh* 22, 23])

4. Apart from the precepts concerning the firstborn, of the commandments concerning the dues to the Kohanim we still fulfil only those concerning the dough offering (חלה [*challah*]), and in a limited way. The Torah commands that from every dough prepared from flour of the five kinds of grain (**61**, 3 I, b.) and intended for bread for *human beings*, a part be separated before baking (*challah*) and given to the Kohen. In the time of the Temple 1/24 was to be separated if the baking was for [p. 170] household use, 1/48 if it was for sale. Since now hardly *one* Kohen is in the state of purity required for eating the *challah*, we separate only dough the size of an olive, better the size of an egg, and burn it in a fire that, if practicable, does not serve another purpose at the same

time. Before separating it one says the prayer להפריש חלה [*le-hafrish challah*, "to separate challah"]. — Bread baked as the property of an Israelite may not be eaten without *challah*. If the separation from the dough was omitted, *challah* is to be separated from the bread; but this may be done neither on the Sabbath nor on a festival if the bread was baked before the festival. In this case one may eat the bread except for a remnant, from which *challah* is separated at the going out of the Sabbath or festival. If one bakes on a festival day, one separates *challah* but burns it only *after* the festival. — If *challah* is to be taken from several loaves, these must first be placed in a vessel — but not heaped up above its sides — or covered with a cloth. This is to be observed especially with the *matzot for Pesach*. — From dough prepared with eggs, milk and the like *without any admixture of water*, *challah* is separated without a ברכה [*berakhah*], and likewise from dough otherwise liable to *challah* which is to be boiled or baked in fat. Liquid dough which is to be boiled or baked in this way is not liable to *challah* at all. — If the quantity of flour from which a dough is prepared did not reach the volume of 43⅕ hens' eggs (an *omer*), it is not liable to *challah*; from this quantity up to double[94] the amount, *challah* is separated without a *berakhah*; double the amount is liable to *challah* with a *berakhah*. — Several doughs of the same kind of flour, none of which by itself has the measure for *challah*, as well as loaves already shaped, are stuck together a little in order to be able to separate *challah* with a *berakhah*. *The commandment of separating challah is generally performed throughout Israel by the housewives.* But the husband or a person charged with it may also do it. (סה"ח שפה [*Sefer ha-Chinukh* 385])

> [p. 171] God spoke to Moses thus: Sanctify to Me every firstborn, the firstborn of every mother among the children of Israel, of man and of beast; it is Mine. (Exod. 13:1)[95]
>
> When Pharaoh stubbornly refused to let us go, God slew every firstborn in the land of Egypt, both the firstborn of men and the firstborn of beasts. Therefore I sacrifice to God the firstborn of every mother, and every firstborn of my sons I redeem. (Exod. 13:15)
>
> Every firstborn that is born among your cattle and your flock you shall sanctify to God, your God; you may not work with the firstling of your cattle, and may not shear the firstling of your sheep. (Deut. 15:19)
>
> As the first of your kneading troughs you shall lift off a loaf as an offering; as the offering of the threshing floor, so shall you lift it off. Of the first of your kneading troughs you shall give God an offering throughout your generations. (Num. 15:20, 21)

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[94] According to אמירה לבית יעקב [*Amirah le-Veit Ya'akov*] by Rabbi S. B. Bamberger זצ"ל [of blessed memory]. [Translator: Seligmann Baer Bamberger (1807–1878), Rabbi of Würzburg, the author's own city; his handbook of the laws specially relevant to women appeared in 1858.]

[95] Translator: The words quoted are Exod. 13:1–2.

79. The Precepts concerning the Holiness of the Temple Site and of the Houses of Study and Prayer.

1. The Torah commands us to have reverence for God's sanctuary, the Temple. This reverence we still owe today, although the Temple is destroyed, to the site on which it stood. Those who visit Jerusalem must observe precepts relating to it. But in the dispersion too we must regard the site as holy, turn towards it in prayer, and refrain from all irreverence in its direction (in the open air between east and west). (סה"ח רנד [*Sefer ha-Chinukh* 254])

2. God has promised to regard the houses of study and prayer erected by Israel in the dispersion (בתי מדרש ובתי כנסיות [*battei midrash u-vattei kenesiyyot*]) as His sanctuary, and to be near there especially to those who teach and learn His Torah and seek His nearness in prayer. Therefore the commandment of reverence for God's sanctuary also applies to these houses, and so to our houses of prayer (synagogues) and premises devoted to the study of Torah. (ח"א יז ו [*Chayyei Adam* 17:6])

3. When we enter the house of prayer, reverence must fill us before God, who has promised to dwell in it. — Before our entry we must clean our garments, as well as our footwear, of all dirt. — We should not [p. 172] enter the house of prayer for any purpose that does not correspond to its holy purpose; we may not go there for shelter from the weather, for recreation and the like; nor may we pass through it to shorten our way. If we are compelled to enter it, we should at least stay a short time and call to mind some passages of the Torah.

4. It is forbidden to speak in the house of prayer of matters of everyday life, let alone to jest in it; it is likewise forbidden to eat, drink or sleep in it. The last is permitted if it is done in the service of the house of prayer, e.g. for persons who keep watch in it by turns. (א"ח קנא [*Orach Chayyim* 151])

5. All these precepts refer to the time when no prayer is being held. From this we can conclude how gravely those sin who behave improperly in the house of prayer during the service, chatter, jest, laugh, and thereby not only disturb their neighbours in their devotion but also degrade Jewish worship in the eyes of the non-Israelites who sometimes visit the house of prayer.

The more we keep our houses of prayer holy in the dispersion, the more worthy we make ourselves of the rebuilding of that house of God promised to us, which will be called: *a house of prayer for all peoples*.

> You shall keep My Sabbaths and revere My sanctuary; I am God. (Lev. 26:2)
>
> Therefore say: Thus says the Lord, God: I have indeed removed them far off among the nations and scattered them in the lands; yet I became to them a sanctuary in small measure in the lands to which they came. (Ezek. 11:16)

[p. —] ^ושמרת את מצות ה' אלהיך ללכת בדרכיו^ You shall keep the commandments of the Lord your God, to walk in His ways. ^Deut. 8:6.

Part Three.

On Walking in the Ways of God.

I. Through Love of Mankind in Disposition and Words.

80. The Commandment to Walk in God's Ways.

1. The highest degree of honour and acknowledgment that we can show to a being consists in taking it as our model and example for our own doing and not doing, and striving to act as this being acts, to become as this being is, to represent it, as it were, once again in ourselves.

2. Therefore the Torah commands us in various passages: *We shall follow God and walk in His ways.* Our sages of blessed memory explain these passages thus: As God reveals Himself to us in His word, in His creation and in His government of the world as kind, merciful, just, faithful, truthful, etc., so we too should be kind, merciful, just, etc.; as He shows only good to all creatures, clothes the naked, feeds the hungry, so we too should show as much good as possible to all our fellow creatures, and so seek to represent in ourselves the image of God in which we were created (**4**, 2). (סה"ח תריא [*Sefer ha-Chinukh* 611])

3. This commandment therefore relates not merely to our feeling and striving, but also includes a large class of precepts of the Torah which differ from those listed so far in that we have to carry them out not directly towards God, but primarily towards our fellow men and towards other creatures of God. Therefore these precepts are set out here in a separate Part.

> [p. 174] And now, Israel, what does God, your God, require of you? Nothing but to fear God, your God, to *walk in all His ways*, to love Him and to serve God, your God, with all your heart and with all your soul. (Deut. 10:12)

81. On the Meaning of the Expression: Our Neighbour.

1. With regard to the precepts of the Torah that concern our conduct towards our fellow men, we are to understand by the expression *our neighbour* or *our fellow man* **all human beings without distinction** of race, nation, rank and faith. The humblest member of human society, the lowest criminal, the rudest savage: he is our neighbour, our fellow man.

2. Since opponents of Israel and of the Torah have at times contradicted this proposition, which forms the foundation of all the precepts of this division, it is necessary that we impress upon ourselves some of the many proofs that can be brought for this principle from the Torah itself.

a. The Torah teaches us: God is good to all, His mercy embraces all His creatures; He grants His grace even to the sinner and hears the raven crying for bread. How could He, who commands us to walk in His ways, wish us to undertake anything against any one of His creatures that He Himself would not do to that creature!

b. The Torah teaches us: Man is created in the image of God. How could the same Torah permit us to make a distinction between man and man? We would, after all, be despising God Himself, in whose image he is created, in every person whom we set back in the slightest degree.

c. The Torah teaches us that all human beings are descended from one pair of parents created by God, and are therefore *brothers* and *children of one Father*, God. Every father wants his children to love one another, and is grieved when they are unloving or unjust towards one another. Therefore we grieve God, our loving Father, when we behave unlovingly or unjustly towards any human being.

[p. 175] d. In the fundamental commandment that the Torah gives us with regard to our fellow men (Lev. 19:13),[96] and in many individual commandments of the same kind, it is expressly added: "I am God", in order to indicate to us that we must obey these commandments not merely for the sake of our fellow man but also for the sake of God, no matter what person it may be. (Lev. 19:10, 14, 16, 18, 32, 34, 36.)

e. This fundamental commandment is enjoined once again (Lev. 19:34) with regard to the stranger, with the addition: "You yourselves were strangers in the land of Egypt." From this we learn that even people who stand towards us as the Egyptians did, of another nation, of another faith, hostile oppressors and murderers of innocent children, we must treat exactly like any other human being.

f. The Torah teaches us that through Israel all the nations of the earth are to be blessed, that is, led to the acknowledgment and worship of God. The prophets foretell, as the highest goal that mankind is to attain, an undisturbed peace among all men. The Torah would accordingly contradict itself and these prophecies if it permitted us to place obstacles in the way of this sublime goal through unkindness or injustice.

g. The narratives of the Torah and the prophets, which are to serve us as warning and encouraging examples, show us in many places how the greatest men of the Jewish past acted lovingly and justly towards members of other nations, even towards heathens. Abraham, our patriarch, unselfishly rescues the king of Sodom, prays for that sinful city, and unbidden offers hospitality to unknown strangers (Gen. 14 and 18). Moses, our teacher, protects shepherdesses entirely unknown to him against the brutality of their fellow tribesmen (Exod. 2:16–21). Joshua fulfils towards his heathen enemies an oath that had been obtained from him by deceit (Josh. 9). Solomon prays at the dedication of the Temple for the heathens (2 Kings 8:41–44). As we see from one passage (2 Kings 20:31),[97] [p. 176] the love of the Israelite people towards its heathen neighbours was generally known and famous among them.

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[96] Translator: Thus in the print, here and in h. below; the commandment "Love your neighbour as yourself" is Lev. 19:18.

[97] Translator: Thus in the print ("II. Könige") in both references; the passages are 1 Kings 8:41–43 (Solomon's prayer for the foreigner) and 1 Kings 20:31 ("the kings of the house of Israel are merciful kings").

h. The Talmud also confirms that both the fundamental commandment and all the other precepts that the Torah has given us with regard to our fellow men relate to *all men without distinction*. *R. Akiba* teaches: We must love every human being, because every one is created in the image of God. The same teacher further teaches: The verse of the Torah, "Love your neighbour as yourself" (Lev. 19:13),[98] is a chief principle of the Torah; *Ben Azzai*, however, teaches: The verse of the Torah, "This is the book of the descendants of Adam", is a chief principle of the Torah. Ben Azzai wishes to teach us that the proposition "Love your neighbour as yourself" receives its true and full meaning only when we apply it to all the descendants of Adam. (אבות ג יד תוי״ט. תפארת ישראל, יין לבנון [Avot 3:14, *Tosafot Yom Tov*; *Tif'eret Yisra'el*; *Yein Levanon*].)[99]

i. It is to be noted as particularly important that the Talmud accords *eternal bliss*, that is, the state of salvation of the soul after the death of the body, hoped for by all men, *to the pious of all peoples and nations*. In order to be counted among the pious, however, it is not required that they observe all the precepts of the Torah, but only the seven (Noachide) laws given to Adam and Noah. These prohibit: 1. *idolatry*, 2. *blasphemy*, 3. *unchastity*, 4. *murder*, 5. *the unlawful appropriation of another's property*, 6. *the eating of flesh cut from the body of a living animal*; in addition they contain the commandment: 7. *the nations shall introduce and maintain an administration of justice suited to their respective circumstances*.

k. Now since all the nations among which Israel is dispersed have not only taken these laws up into their customs and legislation, but also acknowledge the whole Torah as truth revealed by God and observe its precepts concerning morality, justice and humanity, we must, according to the Talmud, hold them in high esteem as pious men called to eternal bliss. How then could anyone [p. 177] maintain that the Torah makes a distinction between man and man!

3. From these reasons, to which many more could be added, it follows that all the following precepts of the Torah concerning *love*, *truthfulness*, *justice* and *mercy* towards our fellow men relate to all men without any distinction whatever; and if the Torah (Deut. 23:8) forbids us to despise an Egyptian because we enjoyed the right of hospitality in his land, how should we be permitted to allow ourselves any unkindness or injustice towards the nations in whose lands we have lived for thousands of years and enjoy protection, indeed equal rights with the other inhabitants!

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[98]Translator: Thus in the print; read Lev. 19:18. Ben Azzai's verse is Gen. 5:1. The passage is from the Sifra on Lev. 19:18 (also Jerusalem Talmud, Nedarim 9:4), cited here through the commentaries on Avot 3:14.

[99]Translator: *Tosafot Yom Tov*, the Mishnah commentary of Yom Tov Lipmann Heller (1579–1654); *Tif'eret Yisra'el*, the Mishnah commentary of Israel Lipschitz (1782–1860); *Yein Levanon*, the commentary on Avot by Naphtali Herz Wessely (1725–1805).

82. The Commandment of Love for Mankind and Respect for Mankind.

1. The sum of all the precepts that God has given us with regard to our conduct towards our fellow men is the commandment of the Torah: Love your neighbour as yourself, I am God. ואהבת לרעך כמוך אני ה׳. (Lev. 19:18.)

2. This commandment requires of us that we rejoice in the welfare of our fellow man as in our own, and grieve over his suffering as though it had befallen us; that we contribute to his welfare with the same gladness as though it concerned our own, and ward off suffering from him as though we ourselves were threatened by it. (Hirsch, Pentateuch Commentary on Lev., p. 465.)[100]

3. By the word כמוך [*kamokha*, "as yourself"] the Torah designates *respect for mankind* as the foundation of true love for mankind. We must regard every human being, without regard to the merits or defects that he has as an individual, as a being created by God equal to us and in His image, and love him as such. (סה״ח רמג [*Sefer ha-Chinukh* 243].)

> He who despises his neighbour is a sinner; but he who is gracious to the lowly, happy is he! (Prov. 14:21)
>
> He who mocks the needy blasphemes his Maker. (Prov. 17:6)[101]

[p. 178]

83. The Prohibition of Hatred.

1. The Torah forbids us to allow the feeling of *hatred*, which is the opposite of love, entry into our heart, saying to us: You shall not hate your brother in your heart. Lev. 19:17. (סה״ח רלח [*Sefer ha-Chinukh* 238].)

2. The feeling of hatred consists in this: that the one who hates sees in the existence and welfare of the one hated a disturbance or diminution of his own welfare, and therefore wishes for the latter's impairment or destruction.

3. We may not let this pernicious feeling arise in us even when our fellow man has really done us harm. In that case we are obliged to reproach him with his wrong and to seek reconciliation with him.

4. Even if the existence and welfare of our fellow man really seems to harm us, if, for example, his position hinders ours or his business injures ours, even then we may not hate him, but must rather reflect that the position and livelihood of every human being are allotted to him by God, so that hatred from envy and jealousy (שנאה מחמת קנאה [*sin'ah mechamat kin'ah*, hatred arising from

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[100]Translator: Samson Raphael Hirsch, *Der Pentateuch, übersetzt und erläutert*, part III (Leviticus).

[101]Translator: Thus in the print; the verse is Prov. 17:5.

envy]) is a rebellion against the dispensation of God. (יומא לח; ס"מג לאוין ה' [Yoma 38; *Sefer Mitzvot Gadol*, Negative Commandments 5].)[102]

5. If hatred is already forbidden when it has a seemingly justified cause, it becomes still more sinful, and is a proof of great coarseness and baseness of mind, when it lacks any reason. According to the tradition of our sages of blessed memory, the Second Temple was destroyed on account of such hatred (שנאת חנם [*sin'at chinnam*, groundless hatred]).

> Do not hate your brother in your heart; you shall reprove, reprove again your neighbour, but do not bring sin upon yourself on that account. (Lev. 19:17)
>
> At the fall of your enemy do not rejoice; when he stumbles, let your heart not exult. (Prov. 24:17)
>
> Did I rejoice at my enemy's fall, did I exult that misfortune struck him? Never did I let my palate sin by cursing his life with an imprecation. (Job 31:20–30)[103]

[p. 179] **84. The Prohibitions of Vengeance, of Bearing a Grudge, of Cursing. Love of One's Enemy and Readiness to Be Reconciled.**

1. Even those of our fellow men who deny us their love, who have injured and offended us, our enemies, we must embrace with our love. In order to impress the duty of *love of one's enemy* upon us by vivid examples and not merely by words, the Torah has written down the commandment of love of one's neighbour twice: once for all men (Deut. 22:1–4), the other time for the enemy in particular (Exod. 23:5 and 6).[104] In this connection the oral tradition determines that if friend and enemy demand our help at the same time, we are to help the enemy first, even if for special reasons the friend would deserve preference, solely in order to curb the feeling of hostility within us. (**103, 6.**)

2. In addition, the Torah forbids *vengeance*. In this prohibition it does not even presuppose the case in which we repay evil suffered with evil; this prohibition forbids us even to refuse our fellow man a service because he formerly refused us one likewise. No one may say to his neighbour: I will not lend you my sickle, for you too did not lend me your spade when I wanted it. (סה"ח רמא [*Sefer ha-Chinukh* 241].)

3. Yet the demands of the Torah go further still; it also forbids us *to bear a grudge*. Even if the one who offended us has done nothing to reconcile us; even if our reproach has not led him to amend: even then we may not keep in our mind the memory of the wrong suffered, of the kindness refused; we may not say to him: Very well, I will lend you my sickle, for I am not like you, who refused

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[102]Translator: *Sefer Mitzvot Gadol* (SeMaG), the code of the commandments by Moses of Coucy (13th century). For "Yoma 38" the relevant teaching ("by your name shall they call you … no one can touch what is prepared for his fellow") is at Yoma 38a–b.

[103]Translator: Thus in the print; the verses are Job 31:29–30.

[104]Translator: Thus in the print; the verses on the enemy's ox and ass are Exod. 23:4–5, as correctly cited among the proof-texts on p. 180.

me your spade when I asked you for it. This complete forgetting of wrong suffered is surely the highest that can be demanded of an offended human heart; but the Torah demands it. Therefore our sages of blessed memory say: Those who are insulted and do not insult in return, who hear their abuse and do not reply, who bear it out of love and gladly accept suffering as sent by God: to them the [p. 180] verse of Scripture (Judg. 5:31) applies: those who love Him are like the sun when it shines at its brightest. (סה״ח רמב; יומא, כג [*Sefer ha-Chinukh* 242; Yoma 23].)

4. An expression of hatred that occurs at times among coarse people, *forbidden* by the Torah, is the *curse*, that is, the wish expressed in words that evil may befall someone. Cursing is forbidden whether the one cursed hears it or not; it is especially sinful, and threatened with the penalty of flogging, if this wish is uttered with the mention of a name of God, whereby the All-Good is, as it were, called upon to inflict evil on one of His creatures. Cursing oneself is also forbidden. Doubly sinful is a curse uttered against a judge. (סה״ח רלא; ס״מג ריב [*Sefer ha-Chinukh* 231; *Sefer Mitzvot Gadol* 212].)

> If your enemy is hungry, feed him with bread; if he is thirsty, give him water to drink. (Prov. 25:21)
>
> If you meet the ox of your *enemy* or his ass going astray, you shall bring it back to him again and again. If you see the ass of one who hates you lying under its burden, you may not allow yourself to leave it to him, but must rather let everything go and come to his aid. (Exod. 23:4 and 5)
>
> Do not say: As he has done to me, so will I do to him again; I will repay each according to his deed. (Prov. 24:29)
>
> Hatred stirs up strife, but love covers all transgressions. (Prov. 10:12)
>
> You shall not curse (even) a deaf man, nor lay a snare before a blind man, but you shall fear your God; I am God. (Lev. 19:14)
>
> He loved cursing, therefore it came upon him; he took no pleasure in blessing, therefore it stayed far from him. (Ps. 109:17)

85. Various Precepts for the Furtherance of Love.

1. We shall be able to fulfil the difficult precept of forgetting wrong suffered all the more easily if we follow the precept of our sages of blessed memory, founded on the word of the Torah: *Judge every person from the better side!* This requires of us that even when we have seen wrongdoing on the part of our fellow man, or have heard of it through credible witnesses, [p. 181] we still seek a reason that would excuse his deed or its intention, until we have gained full conviction that he

did the bad deed from bad motives. (מ״ע לס״ח; אבות א ו; שבועות ל ע״א [Positive Commandments according to *Sefer Charedim*; Avot 1:6; Shevu'ot 30a].)[105]

2. It is forbidden to harbour suspicion of sinful acts against a person of whom we have hitherto known nothing evil, and we are obliged to beg the pardon of the person suspected if he has heard of our false suspicion. — But everyone is also bound to arrange his actions in such a way that they give no occasion for false suspicion; we must strive to appear righteous before men as well as before God. (רמב״ם פה״מ יומא א׳ ה [Maimonides, Commentary on the Mishnah, Yoma 1:5].)

3. Peace and concord are lofty, beneficent goods for mankind, the fairest blossoms of love. Therefore we are often commanded in the Holy Scriptures and in the words of our sages of blessed memory to strive for peace and to establish it, wherever this is possible *without violating other commandments of God*. Our sages and teachers of the law, of blessed memory, teach that it is forbidden not only to stir up strife, but also to persist in it, indeed even merely to answer those who seek quarrel and strife with us. (מל״ת לרמב״ן ולס״ח [Negative Commandments according to Nachmanides and *Sefer Charedim*].)[106]

4. The prohibition of love of one's neighbour[107] binds us to all men equally, except our relatives (**75, 7**); we must love every human being as a human being, even if his peculiarity as an individual does not agree with ours. But we should strive to conclude the closer bond of *friendship* with good and noble people, so that they may frankly dissuade us from evil, encourage us to good, and carry out together with us good works that are impossible for individuals. The friendship of individuals also has a furthering effect on the general love of mankind, by showing how closely mankind could be bound together if each arranged his conduct in such a way that every good person would find a friend in him (David and Jonathan). — Close bonds of friendship with bad, sinful people are pernicious and therefore forbidden. — We should keep faith with our friends in sorrow [p. 182] and in joy, and may not betray the secrets they have entrusted to us even if the friendship should have been dissolved. (ברכות טז ע״ב; אבות ב׳ ט; א׳ ו׳ ז בתוי״ט [Berakhot 16b; Avot 2:9; 1:6–7 in *Tosafot Yom Tov*].)

5. Though not in general words, the Torah nevertheless commands us *gratitude* in one example. We are not to abhor the Egyptians, because we were strangers in their land. (Deut. 23:8.) If we are obliged to be grateful to the Egyptians, who did us so much evil, for their hospitality, how much more are we bound to show ourselves grateful to every other benefactor. — Gratitude consists in gladly acknowledging benefits received as such, always remaining mindful of them, and likewise

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[105]Translator: *Sefer Charedim*, the work on the commandments by Eleazar Azikri (1533–1600), arranged by positive and negative commandments. The rule "judge every person in the scale of merit" is Avot 1:6; the verse from which it is derived is Lev. 19:15 ("in righteousness shall you judge your neighbour"), as in Shevu'ot 30a.

[106]Translator: The reference is to the negative commandments added by Nachmanides in his glosses on Maimonides' *Sefer ha-Mitzvot*, among them the prohibition of persisting in strife (from Num. 17:5, "that he be not as Korach and his company").

[107]Translator: Thus in the print ("Das Verbot der Nächstenliebe"); "commandment" is evidently meant.

doing good to our benefactor and his descendants according to our powers. — Ingratitude is a shameful vice, often rebuked by God. Even good people lose their inclination to do good when they are repaid with ingratitude. He who is ungrateful towards men will easily forget God's benefits as well. Ingratitude contradicts the duty of walking in the ways of God, who says of Himself: I keep lovingkindness to the thousandth generation for those who love Me. (ספרי כי תצא; נדרים כד עא [*Sifrei*, Ki Tetze; Nedarim 24a].)[108]

6. We are obliged to give expression to our love and respect for mankind in our dealings with others through sincere friendliness, gentleness and courtesy. We should receive every person in a friendly manner and greet everyone we meet, without waiting for his greeting. *Rabban Yochanan ben Zakkai*, one of the greatest men of our past, prided himself that never had even the humblest person anticipated him with his greeting. Friendliness and courtesy further peace and love among men; therefore the sages of blessed memory introduced the custom of greeting with the name of God, although the mention of a name of God is otherwise strictly forbidden. (**29, 3**) (Ruth 2:4). (אבות א טו, ד ך. ברכות נד [Avot 1:15, 4:20; Berakhot 54].)[109]

[p. 183] **II. Through Truthfulness and Sincerity.**

86. The Vice of Lying. Flattery, Hypocrisy, Breach of One's Word.

1. God is truthful; He commands us to walk in His ways; this alone obliges us to the strictest truthfulness, to the abhorrence of every lie. In addition, no vice is more rebuked in the holy books and in the words of our sages of blessed memory than lying, no virtue more praised than truthfulness.

2. What we have perceived through our senses, recognised through our mental faculties, or received in communication from persons credible to us, so that we are convinced of its reality, in short everything that we know or think to be real, that is for us *truth*. He who never speaks otherwise than what he knows or thinks to be real is truthful, speaks the truth; he who speaks otherwise than he knows or thinks, lies.

According to their occasion and their purpose there are various kinds of lies, which however have this in common, that they are all sinful and forbidden.

3. The most reprehensible kind of lie is that in which the liar intends to procure an unlawful advantage for himself: to deny property entrusted to him, to give someone false notions of a piece of merchandise in business dealings, and the like. This kind of lie not only supports other sins, fraud and the unlawful appropriation of another's goods, but also easily leads to perjury; therefore

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[108]Translator: The verse quoted is Exod. 20:6 / Deut. 5:10.

[109]Translator: "ד ך" as printed, i.e. Avot 4:20 (in some editions 4:15), the saying of R. Matya ben Charash, "be first to greet every person". The cross-reference to Ruth 2:4 concerns Boaz's greeting "God be with you".

the Torah (Lev. 19:11, 12) has forbidden it together with these sins. (סה״ח, רכה רכז; רש״י ויקרא יט, יא יב [*Sefer ha-Chinukh* 225, 227; Rashi on Lev. 19:11–12].)

4. No human being can know and judge everything himself; in what he does and leaves undone he must go by what others tell him. Now if we tell someone an untruth, he believes it and arranges his actions accordingly, then great harm can arise to him from this. But it is already harm enough for him if he repeats the lie he heard from us and believed to be true, and is either laughed at as a fool or [p. 184] abhorred as a liar. Therefore even that kind of lie in which we intend neither our own advantage nor another's harm is reprehensible and sinful, for the consequences of a spoken word are incalculable and can often become very disastrous.

5. Besides, truth is holy in itself and lying is an abomination before God; therefore, quite apart from any consequences, we may not lie even in unmistakable jest, for by lying in jest we easily accustom ourselves to lying in earnest as well.

6. One can also make oneself guilty of the sin of lying without words; this happens when we support the liar by being silently present at his lie, when we know that the one deceived believes him only on our account. (מנורת המאור פ׳ לה לו לז [*Menorat ha-Ma'or*, chapters 35, 36, 37].)[110]

7. Our sages of blessed memory count as lying, under the name of "*theft of the mind*" (גניבת דעת [*genevat da'at*]), words and actions calculated to give our fellow man a better opinion of our disposition towards him than we really entertain towards him; for example, by overwhelming him with invitations, offers and attentions while we know he will not accept them, or by making arrangements that he is to believe are made in his honour, while we would have done the same without regard to him, and the like. (ח״מ, רכח ו [*Choshen Mishpat* 228:6].)[111]

8. *Flattery* too is forbidden as a kind of lie. To flatter means to express a better judgment about someone in his presence, or with the intention that he should learn of it, than we have actually formed of him. Since the one flattered may take our untrue judgment for true and arrange his conduct accordingly, persisting in evil or omitting good, the flatterer at the same time transgresses the prohibition of false counsel (**87**). (מל״ת לס׳ חרדים [Negative Commandments according to *Sefer Charedim*].)

9. It is indeed permitted to speak and practise words and actions of courtesy that are in general use and are recognised and appreciated by everyone as [p. 185] such; but since the boundary between the permitted and the forbidden is very narrow here, moderation is much to be recommended; for it is forbidden to speak with the mouth otherwise than the heart feels. (אה״ע סה; כתובות יז ע״א; ב״מ מט [*Even ha-Ezer* 65; Ketubbot 17a; Bava Metzi'a 49].)

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[110] Translator: *Menorat ha-Ma'or*, the ethical work of Isaac Aboab (14th century).

[111] Translator: *Choshen Mishpat* (and below *Yoreh De'ah*, *Even ha-Ezer*, *Orach Chayyim*) are the four parts of the *Shulchan Arukh*.

10. A lie without words that is reprehensible in the highest degree is *hypocrisy* or sanctimoniousness. It consists in this: that someone fulfils his duty before the eyes of the world, practises pious works and avoids evil, but in secret does the opposite of all this. (**2, 4**)

11. Truthfulness also requires that we faithfully fulfil, as soon as possible, every promise given to our fellow man, and he sins grievously who does not redeem a word given to his neighbour unless the latter releases him from it. (חכמת אדם קנד; רמב״ם דעות ה ה [*Chokhmat Adam* 154; Maimonides, *Hilkhot De'ot* 5:5].)[112]

> You shall not steal, and not *deny*, and not *lie* to one another, and you shall not *swear* by My name to a lie. (Lev. 19:11, 12)
>
> The lip of truth endures for ever, but the tongue of falsehood only for a moment. An abomination to God are lying lips, but those who deal honestly have His favour. (Prov. 12:20, 22)[113]
>
> A sharpened arrow is their tongue, it speaks falsehood; with his mouth one speaks peaceably to his neighbour, but in his heart he lays an ambush for him. Shall I not punish them for this, says God, shall I not take vengeance on such a people? (Jer. 9:8, 8)[114]
>
> Who is the man who desires life, who wishes for days in which to see good? Keep your tongue from evil, and your lips from speaking deceit. (Ps. 34:13, 14)
>
> God, who may sojourn in Your tent, who may dwell on Your holy mountain? He who walks blamelessly, does what is right, and *speaks truth in his heart*. (Ps. 15:1, 2)

87. The Prohibition of Giving False Counsel.

1. We owe our fellow man the full, sincere truth most especially where we know or may assume that our words will serve him as a standard for his conduct. According to the tradition of our sages of blessed memory, [p. 186] the prohibition of the Torah (Lev. 19:14), You shall not put a stumbling block before a blind man, is to be applied not merely to the *physically* blind but also to the *mentally* blind, to the ignorant, the inexperienced, those in need of advice; and it thereby forbids all words and actions that are apt to induce our fellow man to undertakings that are disadvantageous or even sinful. (סה״ח רלב [*Sefer ha-Chinukh* 232].)

2. We may not say to anyone: Sell your field and buy yourself a horse with the proceeds, if we know that possession of the field is more advantageous for him than that of the horse. According to this example, which our sages of blessed memory set before us, we must judge other cases and

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[112]Translator: *Chokhmat Adam*, the halakhic compendium on *Yoreh De'ah* by Abraham Danzig (1748–1820).

[113]Translator: Thus in the print; the verses are Prov. 12:19, 22.

[114]Translator: Thus in the print; the verses are Jer. 9:7–8.

regard as forbidden every piece of advice by following which, in our conviction, someone must come to harm.

3. If this already holds of every harm to earthly possessions, it is far more sinful still to advise someone to words or actions by which he suffers harm to his soul, *namely to a sin*.

4. But the prohibition of false counsel does not refer merely to deliberate words of advice; it forbids all actions that may be wrongly understood by the uninstructed and become for them an occasion for actually sinful actions. In addition, the prohibition forbids us any assistance to a sin, even if we know for certain that the sin would take place without our participation.

5. The actions comprised under this prohibition are to be judged according to the following examples. — We may not sell weapons to persons who are not allowed to carry them under the laws of the state or who, in our judgment, may use them to their own or others' harm, nor substances serving for adulteration (e.g. of foodstuffs) to people of whom we suspect such adulteration. — To Israelites who disregard the commandments of the Torah we may sell nothing forbidden, even if we know that they buy only forbidden things even without us. Here it is to be noted that everyone born an Israelite is to be regarded as such for ever. — [p. 187] Even to non-Israelites we may sell nothing forbidden to Israelites where there is the possibility that the forbidden item will be sold again to an Israelite, unless it is recognisable or known as forbidden. — We may not lend anything to anyone without witnesses or a written document, or without a pledge, so that no one may be induced, by intent or forgetfulness, not to repay the loan received, wholly or in part. — Most especially does he sin against this prohibition who spreads through printed writings teachings that are contrary to the Torah or to the laws of the state, or who sells or lends such writings. (י״ד קנא ד [*Yoreh De'ah* 151:4, 6; 23:6 in the gloss; 57:18 in the gloss; 159, subsection 3 in the *Shakh*; *Choshen Mishpat* 70; *Orach Chayyim* 306:9].)[115]

> The crafty man, his weapons are dangerous; with cunning he counsels to ruin the poor with lying words when the needy demands his right. But the noble man counsels noble things, and in noble things he persists. (Isa. 32:7, 8)
>
> Deceit is in the heart of those who devise evil, but those who counsel peace create joy. (Prov. 21:12)[116]

[115]Translator: "בהגה" = in the gloss (*Haggahah*) of Moses Isserles; "ש״ך" = *Siftei Kohen* of Shabbetai ha-Kohen (1621–1662). The last two references are printed without a separator.

[116]Translator: Thus in the print; the verse is Prov. 12:20.

III. Through Justice.

a. Let the Life and Health of Every Human Being Be Sacred to You.

88. The Precepts Concerning the Sparing of the Life and Health of Our Fellow Men.

1. The gravest crime against our fellow man, the highest degree of denial of the love we owe him, the strongest deviation from the ways of God, who created in man the noblest of His works, is *murder*, or the killing of a human being. Therefore this crime, which had already been forbidden to the Noachides (**81, 2, i**), is forbidden in the Torah as the first among the words from Sinai that relate to one's fellow man, and in other places of the Torah deliberate murder is threatened with the death penalty.

2. He who causes his fellow man grief, vexation, fright and the like, whereby his health is damaged and his life shortened, must regard himself before God and in his conscience as his murderer; likewise he who gives him [p. 188] food that undermines health and life. For not merely gross murder with weapon and poison is forbidden, but every shortening of a human life, however it may be brought about. (ב ס ד"י ;תך מ"ח [*Choshen Mishpat* 420; *Yoreh De'ah* 60:2].)[117]

3. Every moment of a human life is a high and holy good, which a person should and can use for the accomplishment of noble works and for preparation for eternity; therefore we may not shorten it for him by a single breath. It is therefore strictly forbidden to hasten the death of one lying in the throes of death by changing his position, pulling away pillows and the like; *every such action counts as the shedding of blood*. (שלט ד"י [*Yoreh De'ah* 339].)

4. The Torah forbids us to *mutilate*, to wound, or even merely to strike a human being. Indeed, he who merely raises his hand to threaten his fellow man with a blow is called by the Torah a wicked man (רשע [*rasha*]). Only parents and teachers are permitted to strike their children and pupils; yet they should make use of this right rarely and only with wisdom and moderation. Otherwise one may ward off blows with blows only in order to protect oneself or others. (ח"מ ;תקצה רצא ס"ה חבא ;א תך [*Sefer ha-Chinukh* 291, 595; *Choshen Mishpat* 420:1; "*ChBA*" 13].)[118]

> Whoever sheds the blood of man, by man shall his blood be shed; for in the image of God He formed man. (Gen. 9:6)
>
> He who strikes a man so that he dies shall be put to death. But if he did not aim at it, but God let it come into his hand, then I will appoint you a place to which he (the manslayer) shall flee. But if a man plots against another to kill him with deliberate intent, you shall take him from My altar to die. (Exod. 21:12–14)

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[117] Translator: "תך" (420) is printed with final kaf.

[118] Translator: Thus in the print; the abbreviation "חבא" (or "חכא") is unclear, possibly for *Chokhmat Adam* or *Chayyei Adam*.

When he (Moses) went out on the second day, he came upon two Hebrew men fighting, and said to the wicked one: Why will you strike your neighbour? (Exod. 2:13)

89. The Precepts Concerning the Removal of Everything Dangerous to Life.

1. So that the life or health of a human being may not come into danger, the Torah commands us to install railings or [p. 189] other devices by which a person's falling down is prevented at all dangerous places, stairs, pits, wells, balconies and the like, that are under our control or supervision. (סה״ח תקמו; ח״מ תכז [*Sefer ha-Chinukh* 546; *Choshen Mishpat* 427].)

2. In addition, the Torah forbids us to keep any object that could become dangerous to life or health, knives, firearms, poisons, broken glass, anywhere within the range of our control stored in such a way that those who do not know the danger, or cannot handle the dangerous objects, can get at them and do themselves harm. — Vicious dogs we may not keep at all unless they are put on a chain. Since every destructive fire, especially in inhabited rooms, also involves danger to life, we are most especially strictly obliged to guard fire and to watch over hearths. The Torah makes him who neglects these precautions responsible for the guilt of blood. Our sages of blessed memory say: He who wishes to regard himself as a pious man (חסיד [*chasid*]) should fulfil the precepts concerning the keeping away of damage and dangers. (סה״ח תקמו; ח״מ, תטו תכז תט קנה; ב״מ ל [*Sefer ha-Chinukh* 546; *Choshen Mishpat* 415, 427, 409, 155; Bava Metzi'a 30].)[119]

When you build a new house, make a railing for your roof, and *bring no blood-guilt upon your house* if anyone falls from it. (Deut. 22:8)

b. Let the Honour and Good Name of Every Human Being Be Sacred to You.

90. The Prohibitions of Hurting and Putting to Shame.

1. The love and respect that we owe our fellow man require of us the most tender consideration for his feelings. Therefore the Torah forbids us to let words pass our lips in his presence, even in private, that could arouse unpleasant or painful feelings in him; the content of this prohibition will become clear to us from the following examples. (סה״ח שלח [*Sefer ha-Chinukh* 338].)

2. If someone was a sinner in earlier years and has now amended, one may not say to him: Remember your former way of life, or with regard to his parents: Remember the deeds of your forefathers, and the like. If sufferings befall him, we may not say to him: You have deserved them. Even without [p. 190] direct reference to him we should not speak words in his presence that can hurt him, for example about a bodily defect that he has, or a stain in his family, even if the talk is about someone else. We may not put a question to him that we know he cannot answer. (ח״מ רכח ד [*Choshen Mishpat* 228:4].)

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[119] Translator: The saying "He who wishes to be pious, let him fulfil the matters of damages" is Bava Kamma 30a; the print has "ב״מ" (Bava Metzi'a).

3. It is a grave sin to give someone an abusive or mocking name, or to address him by such a name with the intention of hurting him, even if it has long been customary and is not objected to by its bearer. It is altogether forbidden to address someone with shaming appellations, even if they are not mocking names coined for him. (ח״מ רכח ה; תך לח לט [*Choshen Mishpat* 228:5; 420:38–39].)

4. All the verbal wrongs cited above are forbidden even if no one but the person hurt hears them. But the Torah forbids in particular *the putting to shame of a person in the presence of other persons* (מלבין פני חברו ברבים [*malbin penei chavero ba-rabbim*, one who shames his fellow in public]), and our sages of blessed memory describe this as so grave a sin that he who commits it loses his share in eternal bliss. (סה״ח רמ; אבות ג טו; ח״מ תך לט [*Sefer ha-Chinukh* 240; Avot 3:15; *Choshen Mishpat* 420:39].)[120]

5. Since there are many ways of severely wounding a person in his heart with stinging speeches while preserving the appearance of innocence, as though one had not intended it, the Torah adds to the prohibition of verbal wrong the significant words: You shall fear your God, God who looks into the heart and knows the intention. (ספרא ויקרא כה יז [*Sifra* on Lev. 25:17].)

> And you shall not wrong one another, and you shall fear your God; for I, God, am your God. (Lev. 25:14)[121]
>
> Some words are like stabs of a dagger; only the tongue of the wise brings healing. (Prov. 12:18)
>
> Deliver me, God, from evil men, ... who sharpen their tongue like serpents; the poison of vipers is under their lips. (Ps. 140:1–3)

91. The Precepts against Tale-Bearing and Slander.

1. The prohibition that the Torah gives us with the words (Lev. 19:16): Do not go about as a tale-bearer among your people, [p. 191] is one of the most important. Nothing is more apt to drive love and peace out of human society and to sow hatred and discord in their place than the transgression of this prohibition. Therefore no other prohibition relating to our conduct towards our fellow men is enjoined so strictly as this one. (Doeg, 1 Sam. 21 and 22.) (סה״ח רלו [*Sefer ha-Chinukh* 236].)

2. Under the concept of this prohibition belong the following cases, of which each is more reprehensible than the one before.

a. He who carries further and tells to third persons what he has seen or heard among others or learned about them, even if these are *quite indifferent matters*, without those whom it concerns having given permission or otherwise made known that the retelling is a matter of indifference to them, is a *tale-bearer*. (הולך רכיל [*holekh rakhil*].)

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[120] Translator: Avot 3:11 in the usual numbering (3:15 in some editions).

[121] Translator: Thus in the print; the verse is Lev. 25:17 (as the reference to the *Sifra* above shows).

b. He who retells to others something detrimental that he knows or has heard about others, even if it is *perfectly true*, is an *evil speaker*. (מספר לשון הרע [*mesapper leshon ha-ra*, one who speaks evil talk].)

c. He who states detrimental untruths about his fellow man is a *slanderer* and *defamer*. (מוציא שם רע [*motzi shem ra*, one who spreads an evil name].)

d. All these cases refer only to one who speaks the forbidden talk even only once and occasionally. But the highest degree of depravity is shown by one who *constantly and continually*, as it were professionally, speaks evil and detrimental things about his fellow man (בעל לשון הרע [*ba'al leshon ha-ra*, a habitual evil-speaker]). (רמב״ם דעות ז ב בכ״מ [Maimonides, *Hilkhot De'ot* 7:2, in the *Kesef Mishneh*].)[122]

3. As evil talk (אבק לשון הרע [*avak leshon ha-ra*, the "dust" of evil talk]) veiled turns of phrase are also forbidden, such as: So-and-so is honest *now*, or: Say nothing about so-and-so, I do not want to tell what I know about him, and the like. We may also *not praise* our fellow man *in the presence of his enemies*, so that they do not feel provoked to revile him. — In general, *any* speech by which *any* harm or embarrassment *could be caused* to our fellow man is forbidden. (רמב״ם שם ד וה [Maimonides, ibid. 4 and 5].)

[p. 192] **4.** But he too who lends his ear to any of the speech forbidden here acts against a special prohibition of the Torah. It is forbidden to live in the neighbourhood of evil speakers, let alone to stay in their company and listen to their sinful talk. (סה״ח עד; רמב״ם שם ו [*Sefer ha-Chinukh* 74; Maimonides, ibid. 6].)

5. Our sages of blessed memory depict the sinfulness of evil talk by, among others, the following sentences: Evil talk kills three: the one who speaks it, the one about whom it is spoken, and the one who willingly listens to it, the last even sooner than the first. Three sins await temporal and eternal punishment: idolatry, unchastity and murder; evil talk is equal to each of these. The slanderer is equal to one who denies God, as it is said: They say: Through our tongue we are strong, our lips are with us, who is lord over us? Ps. 12:5. (רמב״ם שם ג [Maimonides, ibid. 3].)

6. In Miriam, who expressed to her brother Aaron a slight criticism of her brother Moses, heard by God alone, and was punished for it with leprosy, the Torah has set up for us a warning example against evil talk and has commanded us to remain constantly mindful of this event. (**17, 3 d.**) (Num. 12; Deut. 24:9.)

> You shall not go about as a tale-bearer among your people. (Lev. 19:16)

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[122]Translator: *Kesef Mishneh*, the commentary of Joseph Karo on Maimonides' *Mishneh Torah*.

He who reveals a secret is a slanderer; and with one who beguiles with his lips have nothing to do. (Prov. 20:19)

God, who may sojourn in Your tent, who may dwell on Your holy mountain? — He who does not slander with his tongue, does no evil to his neighbour, and utters no reproach against his fellow. (Ps. 15:1, 3)

c. Let the Property of Every Human Being Be Sacred to You.

aa. Leave to Everyone What He Has.

92. The Prohibitions of Theft and Robbery; the Commandment of Restitution.

1. That which a person lawfully has in his power, or to which, even if it is not in his power, he [p. 193] has lawful claims — that we call his *property*. *Since all earthly goods are allotted to their owners by divine dispensation, property is a divine institution, and every unlawful encroachment upon it is a deviation from God's ways, a disturbance of the world order ordained by God, a rebellion against the divine government of the world.* Therefore the Torah designates every unlawful appropriation of another's goods as a breach of trust committed against God (Lev. 5:21) and forbids both the *secret* taking (theft, גניבה [*genevah*]) and the *open* seizure of another's possessions by force or cunning (robbery, גזילה [*gezelah*]). The appropriation of what another has lost (אבידה [*avedah*]) also falls under the concept of theft. (סה"ח רכד רכט; ביאור ויקרא ה כא [*Sefer ha-Chinukh* 224, 229; *Bi'ur* on Lev. 5:21].)[123]

2. With regard to the person of the owner the Torah permits no distinction: whether the one whose property we unlawfully take is our relative, brother or father, or the savage idolater most remote from us, whether adult or child, in every case we transgress the commandment of God. (ח"מ שמח א [*Choshen Mishpat* 348:1].)

3. The value of what is unlawfully appropriated is also immaterial; however small and insignificant it may be, the unlawful appropriation is forbidden. He who unlawfully appropriates a penny or a penny's worth transgresses the prohibition "You shall not steal" just as much as he who steals a million. A straw is worthless to the owner of a great heap of sheaves; yet you shall not take the straw; for if everyone allowed himself that, there would soon be no sheaf left. (שם ב; שנט א [ibid. 2; 359:1].)

4. Even in jest, in order to embarrass the owner temporarily, or with the intention of replacing what was taken amply, the appropriation of another's property is forbidden. Likewise it is forbidden to use objects belonging to another, even only temporarily, without the knowledge or permission of the owner (theft of use, שואל שלא מדעת [*sho'el shelo mi-da'at*, one who borrows without the owner's knowledge]). (שם א; שנט ה [ibid. 1; 359:5].)

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[123]Translator: *Bi'ur*, the Hebrew commentary to Moses Mendelssohn's German Pentateuch translation.

[p. 194] **5.** It is forbidden to give any assistance to the appropriation of another's goods by receiving stolen goods, buying what has been stolen, and the like. From children without the knowledge of their parents or guardians, as well as from persons who give rise to the suspicion of appropriating something unlawfully, one may not buy anything at all. (ח״מ שנו א; שנח א [*Choshen Mishpat* 356:1; 358:1].)

6. From unlawfully appropriated goods even *a third party* may draw no advantage or use whatever, e.g. may not ride on a stolen animal, may not eat stolen food, and so forth. Our sages of blessed memory describe the blessing (ברכה [*berakhah*]) over such food as blasphemy. ח״מ שנט ב [*Choshen Mishpat* 359:2].

7. The Torah commands that all unlawfully obtained goods be returned to the owner, that he be paid for any use made of them and compensated for wear and other losses that he suffered through the temporary taking. This restitution is the chief condition of reconciliation with God; without it no repentance, no prayer, no almsgiving avails. (סה״ח קכט; ח״מ שם א [*Sefer ha-Chinukh* 129; *Choshen Mishpat*, ibid. 1].)[124]

> You shall not steal, and you shall not deny, and you shall not lie to one another. (Lev. 19:11)
>
> You shall not withhold anything from your neighbour, and commit no *robbery*. (Lev. 19:13)
>
> He who shares with a thief hates his own soul; he hears the adjuration and may say nothing. (Prov. 29:24)
>
> If a person sins and *commits a breach of trust against God*: he denies to his neighbour something entrusted to him, or a loan, or something robbed, or he has withheld something from his neighbour, or has found something lost and denied it, and has sworn to the lie, with regard to anything of all that a man does to sin therein: then it shall be: when he knows himself guilty of the offence and burdened with guilt, he shall restore the thing robbed that he robbed, or that which he withheld, or the thing entrusted that was given him in keeping, or the lost thing that he found. (Lev. 5:21–23)

bb. Give to Everyone What Belongs to Him.

93. The Prohibitions of Denial and Withholding; the Commandments of Payment and Compensation.

1. Like theft and robbery, the Torah also forbids us to *deny* anything that our fellow man can lawfully claim from us, [p. 195] whether he gave it to us for safekeeping or lent it, or whether we have come to owe it to him as recompense for a service (wages), or, abusing our superior position, *to obstruct* his obtaining what he claims (הכחשה ועושק [*hakhchashah va-oshek*, denial and oppression]). (סה״ח רכה רכח [*Sefer ha-Chinukh* 225, 228].)

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[124]Translator: The commandment of restoring what was robbed is no. 130 in the usual numbering of *Sefer ha-Chinukh*.

2. The Torah commands, rather, that we pay everything that we owe our fellow man upon his demand in good time, that is, at the stipulated time or the time fixed by the law of the land, willingly and without deduction. We are forbidden to use borrowed property without the lender's permission in a way that exposes us to the danger of losing it without being able to replace it. (מ״ע לס״ח; ח״מ צז ג וד [Positive Commandments according to *Sefer Charedim*; *Choshen Mishpat* 97:3 and 4].)

3. We are forbidden to damage another's property or to expose it to the danger of damage; we must therefore most strictly guard everything under our control that could cause damage (e.g. fire, animals at pasture, pigeons at sowing time, and the like). But if anyone has been damaged through our fault or our negligence, we are obliged *before God* to make good the damage to the injured party without first forcing him to a lawsuit. For shaming and bodily injury too (**88, 4; 90**) we owe compensation, and are moreover obliged to beg the pardon of the one hurt or injured. (נזק, צער, שבת, רפוי, בושת [*nezek, tza'ar, shevet, ripui, boshet*], that is, compensation for damage, compensation for pain, loss of time, medical expenses and restoration of honour.) See Exod. 21:18; 22:14. (סה״ח מט נא נג נה נו; ח״מ שעה שפט שצב תיח תך [*Sefer ha-Chinukh* 49, 51, 53, 55, 56; *Choshen Mishpat* 375, 389, 392, 418, 420].)

> The wicked borrows and does not repay; but the righteous is generous and gives. (Ps. 37:22)[125]
>
> Do not say to your neighbour: Go, and come again another time, when you have it with you (to pay). (Prov. 3:28)

94. The Precepts Concerning Domestic Servants and Hired Labourers.

1. The Torah repeats some precepts several times in order to impress their importance upon us; for he who transgresses such a repeated precept commits as many transgressions as the precept is contained in the Torah. In this way the Torah enjoins upon us the prohibition of withholding earned wages [p. 196] (Deut. 24:14, 15; Lev. 19:13) not only in the same words, but also forbids keeping back the wages overnight and letting the sun set before payment, and commands that the wages be paid on the same day. (סה״ח רל תקפה [*Sefer ha-Chinukh* 230, 588].)[126]

2. Accordingly the teaching handed down to us determines: The day labourer must receive his wages at the latest on the following morning; the night labourer before the following sunset; the worker hired by the hour, if by day, before the sunset of the working day, if by night, before daybreak; one hired by the month or year, at the end of the day or night of his leaving; the craftsman, upon demand, before the first sunset after delivery. Our sages of blessed memory say: He who withholds earned wages from the worker is like one who injures him in his life, and

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[125]Translator: Thus in the print; the verse is Ps. 37:21.

[126]Translator: The commandment to pay wages on time is no. 588 in *Sefer ha-Chinukh*; the print's "תקפה" (585) may be a misprint.

transgresses five prohibitions and one commandment of God. The same precepts apply to hired real estate, animals and implements. (ח״מ שלט [*Choshen Mishpat* 339].)

3. The domestic servants of our time are, in the sense of the Torah, *hired labourers*, thus entirely free persons who stand in a contractual relationship to their employers. The conditions of the contract rest either on a special agreement or on local custom. No special precepts are required here: *each party is to fulfil conscientiously the duties undertaken by the contract of service, as with any other contract.* Only because of the ready occasion for misjudging this legal relationship is the following to be emphasised. (ח״מ שלא [*Choshen Mishpat* 331].)

4. *The employers* must acknowledge in their servants, as human beings, beings entirely equal to themselves before God, and must not only not despise or disparage them, not revile and insult them, but should seek to raise them all the more, since the relationship of service easily dulls the consciousness of human dignity and thereby demoralises those who serve. — They must give them sufficient food that maintains strength and health, may not assign them lodging harmful to health, nor burden them with more or heavier work than they are able to perform, and must not only leave them time and opportunity for the [p. 197] fulfilment of their religious duties, but also watch over their religious and moral conduct like parents. (רמב״ם עבדים ט ח; סמג עשין פז; ב״מ פג ע״א [Maimonides, *Hilkhot Avadim* 9:8; *Sefer Mitzvot Gadol*, Positive Commandments 87; Bava Metzi'a 83a].)

5. *The servants* should recognise in their position of service a dispensation of God, bear it willingly, and not seek to make up for their dissatisfaction with their station by disobedience and obstinacy towards their employers. — They must perform the work incumbent upon them punctually and conscientiously with all their strength, further the interests of their employers and ward off harm from them. — They may not devote the time granted them for recreation to other purposes, nor give the food provided them to other persons, and may not go without sleep and food, *so that their strength, which belongs to the employer, may not be weakened*. (ח״מ שלז יט ך [*Choshen Mishpat* 337:19–20].)

6. The right understanding of the relationship between employers and servants emerges from some special precepts of the Torah. It commands the owner of fields, vineyards and orchards to allow his labourers, when cutting, picking (grape harvest), gathering and bringing in (also when guarding) field crops that can be eaten raw, to eat of them as they please *during the work*. — On the other hand *it forbids* the labourers, apart from this occasion, when the fruits no longer require work and are to be regarded as brought in, to eat anything of them without the employer's permission. Moreover they are forbidden to take fruits home with them, or even during the work to give any to their relatives or to strangers. (סה״ח תקעו תקעז תקעח; ח״מ שלז [*Sefer ha-Chinukh* 576, 577, 578; *Choshen Mishpat* 337].)

7. In these precepts the Torah tells *the master* that he must acknowledge and respect in his servant, although the *Director of destinies* has placed him under him, a being that, like himself, has been created and appointed by the Creator and Lawgiver of the world to share in dominion over the goods of the earth (**4, 6**). But to *the servant* the Torah says through these precepts that dominion over the goods of the earth belongs to him, as to every human being, only within the limit that God, the Lawgiver, has set to it. (Hirsch, on Deut., p. 402.)[127]

> [p. 198] You shall not withhold anything from a hired laborer who is poor and needy, whether of your brothers or of the stranger who dwells in your land, within your gates. On his day you shall give him his wages and not let the sun go down upon it; for he is poor and stakes his life on it; lest he cry out to God against you, and it be sin in you. (Deut. 24:14. 14)[128]
>
> Woe to him who builds his house without right, his upper stories without justice, who makes his neighbor work for nothing and does not give him his wages. (Jer. 22:13)
>
> Did I ever despise the right of my manservant or of my maidservant when they brought complaint against me, what then should I do when God rose up, and when He inquired, what should I answer! (Job 31:13. 14)
>
> He who tends the fig tree enjoys its fruit, and he who is attentive to his master will be honored. (Prov. 27:18)
>
> When you come into your neighbor's vineyard, you may eat grapes at your desire until you are sated, but you may put nothing into your vessel. (Deut. 23:25)

c. Be honest in trade and commerce.

95. The Prohibition of Fraud.

1. The Torah forbids, in business dealings, giving the buyer or seller false impressions by words or actions, or, if such already exist, making use of them in order to sell more dearly or buy more cheaply (fraud, overreaching, אונאה [*ona'ah*]). It is impossible to enumerate all the sinful words or actions that fall under this prohibition; from the following examples one can infer the remaining cases. (סה"ח שלז [*Sefer ha-Chinukh* 337])[129]

2. In order to make a ware more saleable, one may not give it a better appearance that deceives as to its true value; one may not mix bad goods among good ones, old among new, or lay a layer of better goods on top in order then to sell the whole mass as good and new. — One may not *artificially* give animals that are to be sold the appearance of an age at which they are more valuable and more saleable. — One may not mix into drinks ingredients that the buyer does not presume to

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[127]Translator: Samson Raphael Hirsch, *Der Pentateuch, übersetzt und erläutert*, part V (Deuteronomy).

[128]Translator: Thus in the print; read Deut. 24:14–15.

[129]Translator: *Sefer ha-Chinukh*, the thirteenth-century enumeration of the 613 commandments; the author cites it by the number of the commandment.

be in them. — If goods have a hidden defect, or if the buyer considers them suitable for a purpose for which they are [p. 199] not fit, the seller must enlighten him about it. — If the buyer, out of ignorance, overestimates the value of the goods, one may nevertheless not sell them above their actual value, and so forth. (ח"מ רכז א רכח [*Choshen Mishpat* 227:1; 228])[130]

3. One may not buy or rent an object for which another is bargaining; whoever does so is called a *wicked man* (רשע [*rasha*]); likewise it is forbidden to accept a position about which another is in negotiation. Nor may one entice anyone's customers away from him. (ח"מ רלז א שם קנו [*Choshen Mishpat* 237:1; ibid. 156])

4. Whoever has concluded a deal merely with words, without observing the legal forms that give it validity before a court, is nevertheless obliged to keep his word, and is called "*faithless*" if he does not do so; likewise he who does not fulfill a promise he has given. To those who broke their word and could not be condemned because not *all* the required legal forms had been observed, it was customary in Jewish courts to say: He who punished the generation of the Flood, the builders of the Tower, the inhabitants of Sodom and the Egyptians will punish everyone who does not keep his word (מי שפרע [*Mi she-para*, "He who exacted payment"]). (ח"מ רד [*Choshen Mishpat* 204])

5. Even such actions as could lead to fraud are forbidden. False coins, or coins that have become too light, one may not only not pass on and not keep, but may not even sell at their metal value before one has made them unusable as coins, so that they can never again come into circulation. One may not keep promissory notes any longer after the sum recorded in them has been paid, so that they cannot be misused for a second demand. (ח"מ נז; רמב"ם פה"מ כלים יב ז [*Choshen Mishpat* 57; Maimonides, Commentary on the Mishnah, Kelim 12:7])

6. It is described as especially reprehensible and punishable, because it oppresses precisely the poorest, to raise artificially the price of foodstuffs that are a general necessity (cornering grain), or in general to sell such foodstuffs at more than a moderate profit. (ח"מ רלא, ך כא [*Choshen Mishpat* 231:20, 21])[131]

> When you make a sale to your neighbor, or buy something from the hand of your neighbor, you shall not overreach one another. (Lev. 25:14)
>
> [p. 200] Gathering treasures by a lying tongue is chasing a fleeting vanity into death. The robbery of the wicked destroys them, because they refuse to do justice. (Prov. 21:6. 7)
>
> The people curse him who withholds grain, but blessing comes upon him who sells grain. (Prov. 11:26)

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[130] Translator: Ch"m = *Choshen Mishpat*, the part of Joseph Karo's *Shulchan Arukh* (with the glosses of Moses Isserles) on civil law; below likewise Y"D = *Yoreh De'ah*, A"Ch = *Orach Chayyim*. Numbers are siman and se'if.

[131] Translator: The second element is printed ך (the final form of kaf, 20), presumably for כ, giving 231:20–21.

96. The Precepts concerning Measure, Weight and Number.

1. The Torah commands that everyone who sells goods by measure and weight take conscientious care that his measures, weights and scales are exactly correct. (סה"ח רנט; ח"מ רלא ב [*Sefer ha-Chinukh* 259; *Choshen Mishpat* 231:2])

2. On the other hand the Torah forbids keeping incorrect measures and weights in the house, even if they are not to be used for measuring and weighing, so that every opportunity of nevertheless using them, deliberately or by mistake, may be made impossible. ('סה"ח תרב; ח"מ שם ג [*Sefer ha-Chinukh* 602; *Choshen Mishpat* ibid. 3])

3. Finally the Torah forbids false measuring and weighing, as well as every trick in doing so that works to the disadvantage of the one for whom the measuring and weighing is done. The same conscientiousness is to be observed in counting money and goods; incorrect counting is just as forbidden as incorrect measuring and weighing. (סה"ח רנח; ח"מ רלא, רלב [*Sefer ha-Chinukh* 258; *Choshen Mishpat* 231, 232])

4. Even the slightest damage through measure, weight and number must be made good to the one who was disadvantaged. For this reason a wrong committed in this way is far graver than any other. For a merchant who has measured and weighed falsely over a long time, it is impossible to find all those whom he has harmed and to compensate them; yet without restitution of the ill-gotten goods there is no repentance. Therefore our sages of blessed memory advise him, as in general everyone who possesses ill-gotten goods and does not know to whom he should restore them, to use them for public purposes, so that the rightful owner too may have benefit from it. (;ח"מ רלב רלא יט; שסו ב [*Choshen Mishpat* 232; 231:19; 366:2])

> You shall do no wrong in judgment: in measure of length, in weight and in measure of capacity. Just balances, just weights, a just dry measure, a just liquid measure shall you have; I am God, your God, who brought you out of the land of Egypt. (Lev. 18:35, 36)[132]
>
> [p. 201] You shall not have in your bag two kinds of weights, a large and a small. You shall not have in your house two kinds of measures, a large and a small. Perfect and just weights shall you have, a perfect and just measure shall you have; that your days may be long on the soil which God, your God, gives you. *For an abomination to God, your God, is everyone who does such things, everyone who does wrong.* (Deut. 25:13–16)

d. Let the administration of justice and the institutions of the state be holy to you.

97. The Precepts concerning Judges.

1. Justice is God's; *justice, justice shall you pursue*, the Torah tells us; a God of justice is God, the prophet proclaims; on justice the world rests; every judge who by his verdict brings true justice to

[132] Translator: Thus in the print; read Lev. 19:35–36.

bear is, as it were, a partner of God in the work of creation, our sages of blessed memory teach. Therefore God already commanded the *Noachides* (**81, 2, i, 7**) to establish an administration of justice, and therefore He gave Israel in the Torah a detailed legislation of law. This is indeed for the most part impracticable for us in the dispersion; nevertheless it is good to become acquainted with it, partly because we recognize from it the spirit of justice that prevails in the Torah, partly because whatever in it agrees with the laws of the various countries binds us in conscience as well, but partly also because a number of its precepts are still applied today to exclusively Jewish matters.

2. The Torah commands that judges be appointed *everywhere* who are *at all times* ready to administer justice. It is forbidden to call to this office men who are not thoroughly instructed in the Torah and also not well versed in the other branches of knowledge. They should distinguish themselves by wisdom, humility, fear of God, unselfishness and love of truth, and possess the love of their fellow men and a good reputation. Above all an unbending firmness of will is demanded of them, and every fear of men is forbidden them. (סה"ח תצא תיד תטו; רמב"ם סנהדרין ב ז [*Sefer ha-Chinukh* 491, 414, 415; Maimonides, *Hilkhot Sanhedrin* 2:7])

[p. 202] **3.** The judge may not bend justice, that is, he may not find for the unjust nor against the just, nor, to the injury of one of the parties, even merely postpone the judgment; he may not respect persons, may not receive and greet the rich and distinguished more amiably than the poor and lowly, but must rather treat the parties entirely equally; he may not let one sit and the other stand, allow one time to speak and deny it to the other; in order not to become prejudiced, he may not hear the one in the absence of the other. He may not find for the poor man out of compassion when he is in the wrong, nor against the sinner in a case where he is in the right. The judge may not accept gifts (bribery), even if they were to be given him so that he should judge justly; nor may he let himself be bribed by words. A court composed of several judges decides by majority vote; but each individual judge is forbidden to betray his own vote or that of his colleagues, and is commanded to state his conviction even in the face of the majority. (סה"ח רלג רלד רלה עד עט פא פג עח; ח"מ יז [*Sefer ha-Chinukh* 233, 234, 235, 74, 79, 81, 83, 78; *Choshen Mishpat* 17])

> Judges and officers shall you appoint for yourself in all your gates, which God, your God, gives you for your tribes, that they may judge the people with righteous judgment. (Deut. 16:18)
>
> Choose out of *the whole people capable men, God-fearing, men of truth, who hate selfish gain* ..... they shall judge the people at all times ... (Exod. 18:21. 22)
>
> I charged your judges at that time, saying: Hear your brothers among one another and judge justly between a man and his brother and the stranger. Respect no person in judgment, hear the small as well as the great, fear no one; *for the judgment is God's.* (Deut. 1:16. 17)
>
> He who acquits the guilty and he who condemns the righteous — both are an abomination to God. The wicked man takes gifts out of the bosom to pervert the paths of justice. (Prov. 17:15, 23)

98. The Precepts concerning Witnesses.

1. In legal matters no one can be believed on his own word; the judge can only pronounce judgment when [p. 203] the facts with which the dispute is concerned are set out to him truthfully by persons not involved. These persons are called *witnesses*, their statement *testimony*. Since the judge's verdict is mostly based on the witnesses' statement, the task of the witness is just as important as that of the judge.

2. The Torah commands: Whoever can give testimony for his fellow man by which he is able to benefit him is obliged to testify for him when he is called upon to do so, and sins if he refuses the testimony. (סה"ח קכב; ח"מ כח א [*Sefer ha-Chinukh* 122; *Choshen Mishpat* 28:1])

3. The gravest crime that a witness can commit is the transgression of the prohibition proclaimed at Sinai, *to bear false witness*. This crime is committed by whoever, as a witness before a court, knowingly and intentionally states *what is untrue*. The crime becomes greater still if the witness, as happens generally in our state courts, confirms his statement by oath; in this case he is also *a perjurer*. Even the declaration that one knows nothing about the matter, when one does know something, is false testimony. (סה"ח לז [*Sefer ha-Chinukh* 37])

4. The witnesses may regard as truth only what they themselves have seen or heard, but not what others told them, however credible these may appear to them. They may indeed also report the statements of others, but in that case they must name the source from which they have drawn their information. (רמב"ם עדות יז א [Maimonides, *Hilkhot Edut* 17:1])

5. Where Jewish law applies, *as well as in all Jewish religious matters*, e.g. in religious marriages and divorces, only those witnesses are admissible who do not intentionally transgress any of the *prohibitions* of the written or oral Torah, or, if they had done so, have amended themselves through sincere repentance. Moreover, the following are excluded from testimony in Jewish religious matters: minors, the feeble-minded, deaf-mutes, the blind, women, professional gamblers, those generally despised in consequence of coarse and shameless conduct, persons involved in the giving of the testimony, and relatives, whether they are relatives of the parties or a kinship exists among [p. 204] the witnesses. Only the testimony of at least two admissible witnesses has validity.[133] If a witness knows that his fellow is not admissible on account of sinfulness, he may not appear jointly with him as a witness. (סה"ח עה תקכג תקפט; רמבם עדות ט; ח"מ לד א [*Sefer ha-Chinukh* 75, 523, 589; Maimonides, *Hilkhot Edut* 9; *Choshen Mishpat* 34:1])

> You shall not testify as a lying witness against your neighbor. (Exod. 20:13)
>
> Do not take up an untrue report. Do not put your power at the side of a wicked man, that he may be a false witness. (Exod. 23:1)

[133] There are individual cases in which the testimony of a woman, and such in which the testimony of a single witness, is admissible.

By the mouth of *two* witnesses or by the mouth of three witnesses shall a matter be established. (Deut. 19:15)

A lying witness does not go unpunished; he who speaks untruth shall not escape. (Prov. 19:5)

99. The Precepts for the Parties.

1. The prohibition of revenge (**84, 2**) refers merely to retaliating for oneself by word and deed. If one wanted to extend it so far that one would have to endure *every* wrong without seeking one's right, then the good would soon fall into the hands of the wicked; love, peace and justice would flee from mankind and give up their place to hatred, discord and violence. Therefore we may indeed seek our right before the competent judge. It is also better for the true welfare of our fellow man that he be held to what is right by the judge than that he persist in wrong and fall under God's judgment of punishment. Before the judge on earth we may therefore accuse our fellow man, and as long as this is possible for us, it is sinful to call upon God as judge against him. (מוסר דין לשמים ב"ק צג ע"א; ר"ה טז ע"ב; ח"מ תכב א בהגה [Handing over judgment to Heaven: BT Bava Kamma 93a; BT Rosh Hashanah 16b; *Choshen Mishpat* 422:1 in the gloss])

2. We should, however, call on the intervention of the judge only when we have a real right to seek, but never bring lawsuits by which we gain nothing even if we obtain our right, while our opponent [p. 205] loses. Our sages of blessed memory call this kind of right *the law of Sodom*. (אבות ה' י': ח"מ קעה [Avot 5:10; *Choshen Mishpat* 175])

3. It is forbidden, *even when one is fully in the right*, to begin lawsuits in which one cannot set out the facts of the case truthfully to the judge and in which one can obtain one's right only by tricks contrary to truth. (רמב"ם ס"ה ט"ו; סמ"ג עשין קז [Maimonides, *Sefer ha-Mitzvot*, 15; *Sefer Mitzvot Gadol*, positive commandments 107])[134]

4. The Torah commands us to prefer *equity* to strict right, not to pursue our right to its uttermost limit, where it would become very burdensome to our opponent (לפנים משורת הדין [*lifnim mi-shurat ha-din*, beyond the line of the law]), and willingly to agree to an *amicable settlement* to be proposed by the judge; for we should always do what is good and right in the eyes of God (הטוב והישר [*ha-tov veha-yashar*, the good and the right]). (רמב"ם סנהדרין כב ד וה; ח"מ יב ב; סמ"ק רכד [Maimonides, *Hilkhot Sanhedrin* 22:4–5; *Choshen Mishpat* 12:2; *Sefer Mitzvot Katan* 224])

When they have a matter, they come to me, and I judge between one and his neighbor and make known to them the statutes of God and His teachings. (Exod. 18:16)

These are the things that you shall do: Speak truth each with the other; judge according to truth and the justice of peace in your gates. (Zech. 8:16)

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[134]Translator: The printed abbreviation ס"ה ט"ו is ambiguous; the bracketed expansion is a probable reading. *Sefer Mitzvot Gadol* (SeMaG) is by Moses of Coucy (13th century); *Sefer Mitzvot Katan* (SeMaK) by Isaac of Corbeil (13th century).

100. The Precepts concerning Fatherland, Prince and Authorities.

1. It is not possible for the individual to protect himself against wrong and to procure for himself the institutions which man needs in order to attain his destiny in its full extent. In this sense too the word of the Torah holds: It is not good that man should be alone. Therefore individuals unite into families, these into communities and *states*, and together they found the beneficial institutions whose establishment is possible only through the harmonious cooperation of many. The territory on which the state to which we belong is founded we lovingly call: *our fatherland*.

2. Since the state is an institution through which the well-being of men is to be promoted, it stands *in the service of love*; since, further, the establishment of justice forms a principal task of the state, it stands *in the service of justice*; since, therefore, the state has the task of doing on a large scale [p. 206] what is commanded to each individual as walking in the ways of God, we must for these reasons alone regard the state as *an institution willed by God*. If, finally, we acknowledge that the providence of God extends to the individual and to the whole, we must recognize in the state, on whose existence the welfare of millions depends, *an instrument of the divine government of the world, an institution founded and protected by God*.

3. But the sovereignty of the state does not follow merely from these general teachings of the Torah. *According to the Torah the state is rather an institution commanded by God.* Our sages of blessed memory have handed down to us (**81, 2, i**) the legislation given to the Noachides, that is, to all mankind, in the primeval revelation, which prescribes the administration of justice and the prevention of crime. Therefore we must recognize in the state an institution that *rests on a commandment of God* and is therefore holy and inviolable for us. (Hirsch, on Gen., p. 61; רמב"ן בראשית לד יג [Nachmanides on Gen. 34:13])[135]

4. From this account of the holiness of the state we could already deduce the duties which we have to observe toward the state to which we belong, that is, toward *our fatherland*, whatever form of government it may have; but these duties are expressly prescribed to us in the Holy Scriptures and the words of the sages of blessed memory; they are the following:

a. Obedient compliance with the laws issued by the state for the welfare of the whole. Thus our sages of blessed memory teach: *The legal ordinances of the state are to be observed like the legal ordinances of the Torah* (דינא דמלכותא דינא [*dina de-malkhuta dina*, the law of the kingdom is law]). (ח"מ שסט [*Choshen Mishpat* 369])

b. Punctual and conscientious payment of taxes, customs duties and other levies. Evasion of the tax laws is described as theft. (שם ו ז [ibid. 6–7])

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[135]Translator: Samson Raphael Hirsch's German commentary on Genesis (*Der Pentateuch übersetzt und erläutert*, vol. 1).

c. Promotion of the welfare of our fatherland by the founding of families, as the foundation of the state, then by honest [p. 207] work in a useful calling: agriculture, handicraft, trade, art or science; further by participation in the founding and maintenance of all institutions beneficial to the fatherland; finally by its courageous defense when it calls us to this in war.

d. By prayer for its welfare and prosperity. (אבות פ"ג, ב [Avot 3:2])

e. According to the teachings of the Holy Scriptures and of our sages of blessed memory, the heads of state, princes, kings, emperors, are the rulers appointed by God, who stand under special divine protection, to whom we owe obedience, loyalty, love and reverence, and for whom we are obliged to pray. (ברכות נח; מנחות צח ע"א; א"ח רכד; רשי בראשית מח ב [BT Berakhot 58; BT Menachot 98a; *Orach Chayyim* 224; Rashi on Gen. 48:2])

5. The head of the state cannot possibly attend to the many and heavy affairs of government alone; for this he needs the counselors and officials whom in their totality we call *the authorities*. We owe them, as representatives of the head of state and promoters of the purpose of the state, obedience and respect, and are obliged to lighten their difficult and important task for them. — We should not be importunate toward them, should not seek a familiarity with them that would offend their dignity, should not push ourselves uninvited into their company, or even seek to outshine them by extravagant love of display. (ספרי דברים א ז; אבות א י [Sifrei Deuteronomy 1:7; Avot 1:10])

6. The assertion sometimes made, that our hope of a future redemption (**9, 4–10**) prevents us from devoting ourselves wholly to our fatherland, proves untrue and void for the following reasons.

a. Our dispersion (גלות [*galut*, exile]) is a punishment of God, already foretold by Moses (Lev. 26; Deut. 28) and aimed at our purification, which we, like every other divine dispensation, have to bear with patience and resignation until it pleases God, the All-Wise and All-Good, to end it.

b. Therefore every Torah-believing Israelite must regard the land in which he dwells as the home assigned to him by God, [p. 208] as his fatherland, and our sages of blessed memory expressly forbid undertaking anything against it, out of regard for the hope of redemption, that is contrary to love of the fatherland. The history of almost two thousand years proves that Israel, despite often heavy sufferings, has always observed this prohibition. (מדרש חזית: השבעתי; כתובות קיא; רמ"בם מלכים ה יב [Midrash Chazit (Song of Songs Rabbah) on "I adjure you"; BT Ketubbot 111; Maimonides, *Hilkhot Melakhim* 5:12])

c. Yet not only is every action contrary to love of the fatherland *forbidden* to us, but all actions are also *commanded* to us that are suited to promote the welfare of the land in which we dwell (**100, 4 c.**). This commandment the prophet Jeremiah (29:4–7) proclaimed in the name of God to the Israelites carried away to Babylon (see the verses), and he also impressed on them (**27:17**): *Be subjects of the king of Babylon!*

d. The hope of redemption, moreover, refers not to worldly but to spiritual things; Israel hopes for redemption not merely for itself, but for *all mankind*. Thus the famous teacher of the law *Maimonides* writes: The sages and prophets did not hope for the Messiah in order to be exalted over other peoples and to rule, nor for the sake of bodily pleasures, but only so that they might study the Torah unhindered and fulfill it entirely, that war, envy and strife might cease in the world and mankind strive for nothing further than the acknowledgment and worship of God. This we also implore in our prayers. (ובכן תן, על כן נקוה [*U-vekhen ten*, *Al ken nekaveh*]) (רמב"ם מלכים יב ד וה [Maimonides, *Hilkhot Melakhim* 12:4–5])[136]

> Thus says the God of Hosts, the God of Israel: To all the exiles whom I caused to be carried away from Jerusalem to Babylon! *Build houses* and settle down, *plant* gardens and enjoy their produce ..... and promote the welfare of the city to which I have caused you to be carried away, and pray to God for it; for in its welfare shall your welfare consist. (Jer. 29:4–7)
>
> Behold, God .... does not withdraw His eye from the righteous, *and is with kings on the throne*; He has set them there, therefore He has exalted them. (Job 36:7)
>
> Fear God, my son, and the king, and do not meddle with rebels. (Prov. 24:21)
>
> [p. 209] Do not put yourself forward before the king, and *do not stand in the place of the great*; for it is better that one say to you: Come up here, than that you be bidden to step down before the noble, as your eyes have already seen. (Prov. 25:6. 7)

IV. Through Benevolence, Compassion and Mercy.

A. Toward Everyone.

a. With Regard to His Soul's Welfare.

101. The Precepts concerning the Reproof of Sinners.

1. Our love for our fellow man may by no means be limited to not injuring him in his person and his rights, leaving him what he has, giving him what belongs to him; we must also, with the expenditure of all our means and powers, contribute to his not losing what he possesses and to his obtaining what he lacks. The Torah gives us a series of precepts on this, through the observance of which we attain the highest stage to which walking in the ways of God is meant to lead upward — of God, who saves all, helps all, gives all what they need. All these precepts belong under the concept of "*active brotherly love*" (גמילות חסד [*gemilut chesed*, the bestowal of lovingkindness]).

2. The greatest danger for man is that of suffering harm to his soul, of losing his eternal welfare. Therefore the Torah commands us to instruct everyone whom we see committing a sinful act, or

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[136]Translator: *U-vekhen ten pachdekha* and *Al ken nekaveh* are passages of the High Holy Day and daily liturgy praying that all mankind will come to worship God.

of whom we know for certain that he has committed one, and to make him aware of the sinfulness of his act. (סה"ח רלט [*Sefer ha-Chinukh* 239])

3. This reproof should take place only in private and with gentle words; the Torah expressly forbids us to put our fellow men to shame in the course of a reproof (**90, 4**). (סה"ח רמ [*Sefer ha-Chinukh* 240])

4. If the reproof has remained without success, we must repeat it as long as there is any hope of success at all. — The omission of reproof is so grave a sin that our sages of blessed memory count it among the causes [p. 210] of the destruction of Jerusalem. — Especially grave is the sin of him who could prevent sins by his word and does not do it. (שבת נד ע"ב: קיט ע"ב [BT Shabbat 54b; 119b])

5. Everyone, however, is obliged to receive with love the admonition to amendment directed to him, and is forbidden to revile or hate those who with well-meaning intent fulfill this by no means easy commandment of God. (סמ"ק ט לאו ועשה [*Sefer Mitzvot Katan* 9, prohibition and positive commandment])

> Reprove, reprove repeatedly your neighbor; but do not bear sin on his account. (Lev. 19:17)
>
> He who says to the wicked: You are righteous — peoples will curse him, nations will execrate him. But it goes well with those who reprove; upon them comes the blessing of the pious. (Prov. 24:24. 25)
>
> A golden ring, an ornament of gold, is a wise admonisher to an attentive ear. (Prov. 25:12)

b. With Regard to His Life.

102. The Precepts concerning Assistance in Dangers.

1. The Torah forbids us to look on with indifference when dangers, especially dangers to life, threaten our fellow man, and commands us to rescue him with all the powers and means at our disposal, e.g. in danger from water or fire, when robbers, murderers or wild animals pursue him. If we learn that wicked men are planning evil against him, we are obliged to warn him. Pursuing someone in order to force him into a grave crime against chastity is to be regarded as equal to a threat to life. (סה"ח רלז; ח"מ תכו; תכה ג [*Sefer ha-Chinukh* 237; *Choshen Mishpat* 426; 425:3])

2. In both these cases, so the Torah commands, we must oppose the pursuer without mercy. We may strike him and injure his limbs in order to render him harmless and to rescue the pursued. Yet we should, if possible, warn him beforehand, and only in the utmost case take his life. (סה"ח תר תרא; ח"מ תכה [*Sefer ha-Chinukh* 600, 601; *Choshen Mishpat* 425])

> Do not stand idly by the danger to your neighbor's life. (Lev. 19:16)

[p. 211] Rescue those seized for death; would you hold back from those who go to the slaughter, because you could say: Truly, we did not know this! Surely, He who weighs the hearts takes note, and He who guards *your* life knows and repays man according to his deserts. (Prov. 24:11, 12)

c. With Regard to His Property.

103. The Precepts concerning the Return of What Is Found and the Rescue of Strayed Animals or Animals Collapsing under Their Load.

1. We must also avert every loss of property from our fellow man. To him who finds anything at all, the Torah *forbids* saying: Since I may not appropriate the object to myself (**92, 1**), I will not concern myself about it and will leave it lying; it *commands* rather that one take charge of the lost object and return it to its rightful owner. If he is unknown, the finder must see to it by public announcement that he receives news of the recovery of his property. (סה"ח תקלח תקלט; ח"מ רנט [*Sefer ha-Chinukh* 538, 539; *Choshen Mishpat* 259])

2. These precepts refer to money and utensils as well as to strayed animals; they also apply to other losses that threaten our fellow man. Whoever, for example, sees that overflowing water threatens to damage his neighbor's field is obliged to divert the water, and so in the various similar cases. (ח"מ רנט ט [*Choshen Mishpat* 259:9])

3. Whoever meets the driver of an animal that has collapsed under its load, or sees him from afar, the Torah *forbids* to pass by with indifference, and *commands* rather that he help the owner in unloading and reloading until he can go on again, and also accompany him for a stretch. Loading, moreover, is a duty in itself, even if it has not become necessary in consequence of a collapse. It goes without saying that these precepts apply also to people carrying loads. (סה"ח פ תקמא: ח"מ רעב [*Sefer ha-Chinukh* 80, 541; *Choshen Mishpat* 272])

4. We are free of these duties (1, 2 and 3) when the owner deliberately throws away or neglects his property, or [p. 212] wishes to remain idle during its rescue. — Moreover, he who in consideration of his position (in particular as one learned in the Torah) would not undertake for *his own property* a task such as the fulfillment of these precepts imposes is exempt from it in the case of others as well; it is recommended, however, especially out of regard for the overburdened animal, not to shirk these duties even in this case. (ח"מ שם ז; רסג [*Choshen Mishpat* ibid. 7; 263])

5. No one is obliged to abandon his own property to loss in order to rescue another's; one may also have the work of one's own that was lost through the rescue, and any outlays made for it, reimbursed. For loading even an idle person may claim an appropriate reward. (ח"מ רסד רסה רסז [*Choshen Mishpat* 264, 265, 267])

6. Unloading takes precedence over loading out of regard for the suffering animal. But if the one in need of unloading is our friend and the one in need of loading our enemy, then we must —

although in this case the precedence *by law* belongs to the friend — nevertheless help the enemy first with loading, *in order to combat the feeling of enmity within us* (**84, 1**). (ח"מ רעב י [*Choshen Mishpat* 272:10])

> You shall not see your brother's ox or his sheep straying and wish to withdraw from them; you shall rather bring it back to your brother. But if your brother is not near you, or you do not know him, you shall take it into your house and it shall remain with you until your brother inquires after it; then you give it back to him. So you shall do with his ass, so you shall do with his garment, so you shall do with every lost thing of your brother's that is lost to him and you have found it; you may not withdraw. (Deut. 22:1–3)
>
> You may not see your brother's ass or his ox lying on the road and wish to withdraw from them; you shall raise them up *with him*. (Deut. 22:4)
>
> If you come upon your enemy's ox or his ass going astray, you shall bring it back to him repeatedly. If you see the ass of him who hates you lying under its load, you shall not permit yourself to leave it to him; rather, let everything go and spring to his aid. (Exod. 23:45)[137]

[p. 213] **B. Toward the Poor and Suffering.**

a. With Our Property.

104. The Precepts concerning Support and Assistance.

1. The Torah commands us to support our fellow man who is becoming impoverished for as long as possible, so that he can maintain himself honorably and not sink down to the lowest stage of poverty, which forces him to accept alms and exposes him to the dangers of unemployment and idleness. We fulfill this duty even without sacrifice when we procure work or customers for the declining craftsman or merchant, or have our work done by him and buy our necessities from him. (מ"ע לרמב"ן; י"ד רמט ו; ספרא ויקרא כה לה [Nachmanides, positive commandments (glosses on Maimonides' *Sefer ha-Mitzvot*); *Yoreh De'ah* 249:6; Sifra on Lev. 25:35])

2. A further way of rescue from complete impoverishment is the loan; therefore the Torah commands us to support the poor man in his need by loans. This kind of help is preferable to alms, because it shames the poor man less, because the trust others show him strengthens his self-confidence, and the effort to make himself worthy of this trust through repayment spurs him on to work and thrift. Moreover, we should also support the rich by loans when they occasionally need it. (סה"ח סו; ח"מ צז א [*Sefer ha-Chinukh* 66; *Choshen Mishpat* 97:1])

3. To him who has lent to a poor man or given him credit, the Torah *forbids* demanding the debt when he knows that the debtor cannot pay. The creditor is even forbidden merely to show himself to the debtor, so that the latter should not have to be ashamed of his inability to pay. It is better not

[137] Translator: Thus in the print, evidently for Exod. 23:4. 5.

to lend than to press the debtor. (סה"ח סז; ח"מ שם ב וג [*Sefer ha-Chinukh* 67; *Choshen Mishpat* ibid. 2–3])

4. At the time of handing over the loan the lender may have anything he likes given to him as a pledge; after the handing over, however, and before the time fixed for payment, the creditor may not in any way take a pledge himself against the debtor's will; even the court messenger, to whom he must leave the distraint, may not according to the precept of the Torah [p. 214] come *into the debtor's house* for the distraint, but may only distrain him outside, and may take as a pledge no *utensils serving for the preparation of food*. — The Torah forbids the creditor to keep with him distrained objects which are at times indispensable to the debtor during a time when the debtor needs them, and commands him rather to return to the latter by day what he needs by day, such as clothes and tools, and by night what he needs at night, such as beds and blankets. Yet through this return the creditor does not lose his claims to the pledge. (סה"ח תקפג תקפה תקפו תקפז; ח"מ צז [*Sefer ha-Chinukh* 583, 585, 586, 587; *Choshen Mishpat* 97])

> If your brother becomes poor and his hand falters with you, you shall support him, even the stranger who has become *only a sojourner*, so that he may live with you. (Lev. 25:35)
>
> You may not harden your heart nor shut your hand to your brother, the needy; but you shall open, open repeatedly your hand to him and lend to him, lend repeatedly, sufficient for the need that he lacks. (Deut. 17:7. 8)[138]
>
> When you have a debt to claim from your neighbor, you shall not go into his house to take his pledge. You shall stand outside, and the man against whom you have the claim shall bring the pledge out to you; and if he is a poor man, you shall not lie down with his pledge; you must always return the pledge to him at sunset, that he may rest in his garment and bless you. And for you this will stand as righteousness before God, your God. (Deut. 24:10–13)
>
> If you take your neighbor's garment in pledge, return it to him by sunset; for it alone is his covering, it is his garment for his body. In what shall he sleep? If he cries to me, I will hear, for I am gracious. (Exod. 22:25–26)
>
> One shall not take the lower or the upper millstone in pledge; for that is taking life in pledge. (Deut. 24:6)

105. The Prohibitions against Taking and Giving Interest.

1. The Torah forbids *taking* any interest whatever from an Israelite for a loan, or *giving* any interest whatever to an Israelite. The financial circumstances of the lender and the debtor are entirely irrelevant here; we may no more take interest from a rich man than from a poor man, [p. 215] and no more give interest to a poor man than to a rich man. (סה"ח שמג תקעב [*Sefer ha-Chinukh* 343, 572])

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[138] Translator: Thus in the print; read Deut. 15:7–8.

2. These prohibitions of interest are transgressed even by the smallest compensation for a loan, even if it is described as a gift, indeed even by a counter-service not consisting of money. Even the enjoyment of the produce of a profitable pledge is permitted only under certain conditions, about which, should the case arise, one must have oneself instructed by one learned in the Torah. The debtor should not greet the creditor more amiably than he did before the loan, should not thank him at repayment, and so forth. (י"ד קס [*Yoreh De'ah* 160])

3. Every participation in a loan given at interest is also forbidden; the broker, the writer of the bond, the witnesses — all transgress a prohibition of the Torah by their participation. (סה"ח סח [*Sefer ha-Chinukh* 68])

4. Interest that has been accepted is to be restored like any other property that we have unlawfully appropriated. (לרמב"ן מ"ע בפ"ע [Nachmanides, positive commandments, as a commandment in its own right])

5. In advances of money for joint business undertakings (עסקא [*iska*]) as well, a number of precepts must be observed, so as not to transgress the prohibition of interest in drawing the share of profit arising from such transactions, and also to avoid the appearance of an interest payment. We are therefore obliged, in undertakings of this kind or in the purchase of debts, as well as in general in all transactions in which we draw a benefit from payment in advance, to have ourselves instructed by one learned in the Torah, so as to keep far from a transgression of the prohibition of interest. (י"ד קסז וקעז [*Yoreh De'ah* 167 and 177])

6. The prohibitions against taking interest and giving interest apply, as already said, only between Israelites. It would be as unjust as it would be impracticable if the Israelite were to be obliged to lend to the non-Israelite without interest, while lending was not commanded to the latter nor taking interest forbidden to him. The permission to take interest from non-Israelites, however, refers only to a moderate interest, such as is either fixed by the laws of the land or, where such do not exist, is generally customary according to the usage of the land [p. 216] and the time. But usurious interest, that is, interest whose amount makes it impossible for the debtor to draw so much profit from the borrowed money that he is sufficiently rewarded for the time and strength which he spends in employing it, is not only forbidden like *theft*, *robbery* and *fraud*, but besides is also very sinful because it easily exposes the whole of Israel and the Torah itself to contempt. Thus teaches the pious author of the famous book סמ"ג [*Sefer Mitzvot Gadol*]:[139] *Those who deal dishonestly with non-Israelites belong to the class of the profaners of the divine Name* (מחללי השם [*mechalelei ha-Shem*]); *for they cause the non-Israelites to believe that Israel has no religion; but the prophet teaches us: The remnant of Israel shall do no wrong, nor speak untruth, nor have a deceitful tongue*

[139]Translator: Moses of Coucy, author of *Sefer Mitzvot Gadol*.

in their mouth. (Zeph. 3:13) (סמ"ג עשין ב; ח"מ שפח יב בהגה; תכה א בהגה [*Sefer Mitzvot Gadol*, positive commandments 2; *Choshen Mishpat* 388:12 in the gloss; 425:1 in the gloss])

> If you lend money to My people, to the poor man beside you, you shall not be to him as *a creditor pressing for payment*; you shall *lay no interest* upon him. (Exod. 21:24)[140]
>
> You may not give him your money at interest, and you may not give him your food for increase. I, God, am your God, who brought you out of the land of Egypt, to give you then the land of Canaan, to be your God. (Lev. 25:27. 28)[141]
>
> You may not give interest to your brother, be it interest on money, be it interest on food, no interest of anything *that could be understood as interest*. To the foreigner you may give interest; to your brother you may give no interest, that God, your God, may bless you in all that you set your hands to, in the land which you are coming to possess. (Deut. 23:20. 21)

106. The Precepts concerning Charity to the Poor.

1. If we could not keep a sinking man upright either by finding him work or by interest-free loans, then the Torah *forbids* us to turn our eyes away from his need, to shut our hand to him, and *commands* us rather to give him charity (alms, צדקה [*tzedakah*]). This commandment is repeated several times in the Torah, praised in many places by the prophets and in the Holy Scriptures, and by our [p. 217] sages of blessed memory urgently enjoined. Whoever does not satisfy the duty of charity to the poor, the Torah gives the name of the gravest sinners (בליעל [*beliyya'al*, worthless one]). (סה"ח תעח תעט; י"ד רמז א [*Sefer ha-Chinukh* 478, 479; *Yoreh De'ah* 247:1])

2. Every Israelite is obliged to give to the poor in proportion to his property and income; even the poor man who himself lives on the gifts of others should in turn give from what he has received. (י"ד רמח א [*Yoreh De'ah* 248:1])

3. Whoever is in a position to do so would have to give, unasked, to everyone known to him as needy as much as the latter now needs in keeping with his former, better situation. Since, however, few are able to do this, everyone should set aside for the poor the *tenth* (מעשר [*ma'aser*]) on acquiring new property, and later of its annual yield. It is permitted, however, to use this tenth also for other works pleasing to God to which one is not already obliged in any case. (י"ד רמט א: רן א [*Yoreh De'ah* 249:1; 250:1])

4. In choosing the poor to whom we give this tenth, first the *relatives* of the giver should be considered, next to them the poor *of the locality*, and after these the poor *from elsewhere*. Among the poor from elsewhere, those of *the Holy Land* are entitled to preference. Moreover, women, who are always more in need of help, are to be considered more than men. To the *bashful* poor,

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[140] Translator: Thus in the print; read Exod. 22:24.

[141] Translator: Thus in the print; read Lev. 25:37–38.

especially those learned in the Torah, one may give only gifts befitting their dignity. — To the poor who go *from door to door* we owe only small gifts, but it is forbidden *to turn away an honest poor man entirely empty-handed*. (יו"ד רנא; רן ג בש"ך; רמט ד בהגה [*Yoreh De'ah* 251; 250:3 in the *Shakh*; 249:4 in the gloss])

5. The worthiest way of giving is that in which the giver does not know to whom he gives, and the recipient does not learn from whom he received. Therefore for him who has no particular poor person to consider, it is best to put his gifts into the charity box of the synagogue or to join charitable societies, when one knows that the distributing officers go to work honestly. — The less, and from the fewer persons, the poor man experiences humiliation through accepting gifts, the better. — No one may boast of the gifts he has given. (יו"ד רמט ז יג בהגה [*Yoreh De'ah* 249:7, 13 in the gloss])

[p. 218] **6.** The various purposes too are to be considered in the distribution of our charity. If our gifts are not needed precisely for such poor as would starve without our support or suffer want in illness, we should use them to support poor boys in the study of Torah (לתלמוד תורה [*le-talmud Torah*]) and to help needy girls to marry (הכנסת כלה [*hakhnasat kallah*, bringing in the bride]). In countries where prisoners of war are sold into slavery, people are captured by robbers, or, as sometimes in the Orient, are imprisoned though innocent and are then in danger of innocently losing *life or freedom* if they are not ransomed — there the gifts are to be used chiefly and first for ransoming (פדיון שבוים [*pidyon shevuyim*, the redemption of captives]). (יו"ד רמט טו טז; רנב [*Yoreh De'ah* 249:15, 16; 252])

7. To poor people who are traveling we owe two satisfying meals, a place to sleep if they stay overnight, and on the Sabbath all their needs. Although this can be given in money where eating-houses and inns are to be found, we should nevertheless follow the example of our patriarch Abraham and the teaching of our sages of blessed memory: Let the poor be members of your household! and feed wandering poor at our table. It refreshes the spirit of one seeking bread very greatly when, especially on the Sabbath, he may feel at home in a charitable family. This is also especially suited to make the hearts of children sensitive to the misery of others (הכנסת אורחים [*hakhnasat orchim*, hospitality to guests]). (יו"ד רן ד; חכ"א קמד ז [*Yoreh De'ah* 250:4; *Chokhmat Adam* 144:7])[142]

8. The Torah *forbids* giving our gift to the poor man with an ill-willed heart, showing him an unfriendly face, or speaking to him harshly. We should rather meet him in a friendly way and seek to soothe his grief with gentle words. The prophet (Isa. 58) promises him who gives a gift to the

[142]Translator: *Chokhmat Adam*, the halakhic compendium of Abraham Danzig (1748–1820), cited by klal and paragraph.

poor man *six* blessings, but *eleven* to him who raises him up with friendly words. (;מל"ת לרמב"ן רמט י"ד [Maimonides, negative commandments; *Yoreh De'ah* 249])[143]

9. It is a grave sin to accept charity when one is not in need of it. Whoever does this deceives the givers and robs the poor. We should therefore restrict ourselves as much as possible and rather do the lowliest honest work than stretch out our hand for charity. — But he too sins [p. 219] who out of pride would rather endure privations *that harm his life and his health* than accept the support of others. (רנה י"ד [*Yoreh De'ah* 255])

10. We may be sure that what we give to the poor does not diminish our property, and that no harm or misfortune ever arises from doing good. May everyone consider that poverty and wealth often change places among men, that the richest have often already become impoverished and needed the help of others. But help from God and men can be hoped for only by him who himself granted help when it lay in his power to grant it; only he who has mercy will find mercy. (רמז י"ד [*Yoreh De'ah* 247])

> If there is a needy man among you ...., you shall give to him, give repeatedly, and your heart shall not be grieved when you give to him, for in consequence of this God, your God, will bless you in all your work and in all that is at your hand's command. (Deut. 15:10)
>
> *Bring your tithes .... and test Me now hereby*, says the God of Hosts, whether I will not open the windows of heaven for you and pour out blessing upon you to overflowing. (Mal. 3:10)
>
> Break your bread to the hungry and bring wandering poor into your house; when you see one naked, clothe him, and do not withdraw from your fellow man. (Isa. 58:6)[144]
>
> He who gives to the poor lends to God; his good deed He will repay him. (Prov. 19:17)
>
> Whoever stops his ear to the cry of the poor, he too will call but not be answered. (Prov. 21:13)

b. With Our Bodily and Mental Powers.

107. The Precepts concerning Personal Acts of Charity.

1. According to the precepts of the Torah we should show our love to our fellow man not merely with our property, but also through our personal activity. This kind of charity we call גמילות חסדים [*gemilut chasadim*, deeds of lovingkindness] in the narrower sense. Insofar as personal services are bound up with the hospitable entertainment of wandering poor, the provision for poor girls and the ransoming of captives, these too belong here; but the following are still to be singled out. (סמ"ק מו מז וח [*Sefer Mitzvot Katan* 46, 47, and 48])[145]

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[143]Translator: Thus printed, מל"ת לרמב"ן; the expansion assumes Maimonides' enumeration of the negative commandments (*Sefer ha-Mitzvot*); the abbreviation לרמב"ן is ambiguous between Maimonides and Nachmanides.

[144]Translator: The verse quoted is Isa. 58:7.

[145]Translator: The print reads מו מז וח, evidently 46, 47 and 48.

[p. 220] **A. Visiting the Sick, ביקור חולים [*bikkur cholim*].**

2. We should visit the sick; even persons of higher standing should not disdain to pay visits to the sick among the lowly. Persons with whom one has until now been at odds one should not visit without first obtaining their consent. We should arrange our visits so that, in the judgment of the physician, they cannot become either burdensome or harmful to the sick person.

3. Although the visit has value in itself, because the sympathy of his fellow men in his suffering brings joy and refreshment to the sick person, the visit to the sick receives its true significance only through the following:

a. We should take care whether everything has been done for the sick person that men can do for his healing and refreshment, and if not, we should seek to procure it by counsel and deed.

b. A long-lasting illness can become a heavy burden for the relatives of the sick person, endangering their own health, especially when night watches are bound up with it. For the sake of the sick person and his relatives we should therefore take over a part of these exertions and help in the nursing, if our own strength and health permit this.

c. God is the most faithful, most proven physician; in His hand lie illness and recovery. Therefore the chief purpose of the visit to the sick consists in our imploring God for help for him and for all other sick persons.

4. Every seriously ill person should be admonished: a. *to set his worldly affairs in order*, so that no one, should he die, may suffer harm or wrong through him; b. *to be reconciled with his enemies*; and c. to say *the confession of sins* (ודוי [*viddui*]). Since this admonition requires great caution, so as not to agitate the sick person, the custom worthy of imitation has been introduced in many Israelite communities that this is done with every sick person, even when there is as yet no danger, [p. 221] by worthy men appointed for this purpose or by the officers of the societies for the care of the sick. Through its generality the admonition loses in the individual case what is agitating about it. (חכ"א קנא יא [*Chokhmat Adam* 151:11])

5. One may not leave a sick person near death, abandoning him to himself or to his grieving relatives alone. Yet the persons present with a dying person should not entertain themselves with idle conversation, but should pray psalms or occupy themselves with the study of Torah. It is a pious work (מצוה [*mitzvah*]) to remain with the dying and, at the moment of passing, to say the verses of confession:

שמע ישראל, ה' הוא האלקים, ה' מלך

Hear, O Israel; the Lord, He is God; the Lord is King.[146]

[146]Translator: Abbreviated as printed: Deut. 6:4 (opening words), "The Lord, He is God" (1 Kings 18:39), and the opening of "The Lord is King, the Lord was King, the Lord will be King for ever and ever."

After the passing, those standing around say the benediction דין אמת [*Dayyan ha-emet*, "the true Judge"] and make a small tear at any place in one of their garments. In many places one also prays יגדל [*Yigdal*] and אדון עולם [*Adon Olam*]. (See also **88, 3**.)

> Happy is he who considers the weak (the sick); in the day of misfortune God will deliver him. . . God will also refresh him on the sickbed. (Ps. 41:2. 4)
>
> When they were sick, my garment was sackcloth; I afflicted myself with fasting; bowed into my bosom I spoke my prayer. As though it were friend and brother to me, I went about. . . (Ps. 35. 13, 4)[147]
>
> (When the prophet Isaiah said to Hezekiah): Thus says God: Set your house in order, for you shall die and not live; then Hezekiah turned his face to the wall and prayed. (Then God had it announced to him): I have heard your prayer, I have seen your tear; I will add to your lifetime fifteen years. (Isa. 38:1–5)

B. Burial of the Dead, קבורת מתים [*kevurat metim*].

6. According to the oral tradition, the precepts of the Torah (Deut. 21:22. 23) that the executed criminal may not remain unburied overnight but must be buried on the day of his death have the meaning that we owe this even to the criminal, let alone to one who has died naturally and honorably. Therefore every corpse, once the occurrence of death has been *established*, must be committed, still on the day of death and in any case as soon as possible, to the earth to which it belongs once the soul has separated from it. Contempt would be [p. 222] it, not honor, were we to let the dissolution of the body (which is, moreover, burdensome and harmful to the survivors as well) take place before our eyes. A corpse may therefore be kept from the grave only as long as the preparations for a burial worthy of it make necessary. (סה"ח תקלו תלז [*Sefer ha-Chinukh* 536, 537])[148]

7. When a corpse is in a locality, all the inhabitants are obliged to stop their work until it is buried, unless there are societies, or men appointed, who make the preparations. Accompanying the dead is a duty from which no one may withdraw without the weightiest reason. Under certain circumstances one may even be obliged to interrupt the study of Torah in order to accompany a corpse.

8. The dead person must be watched from the moment of passing; after death has been established, he must be lifted from the bed and laid on the floor of the room, washed, wrapped in the shrouds customary in the locality, laid in the coffin, accompanied to the burial place and buried in the earth.

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[147] Translator: Thus in the print; read Ps. 35:13–14.

[148] Translator: The second number is printed defectively (תלז); *Sefer ha-Chinukh* 536 (not leaving the executed overnight) and 537 (burial) are evidently meant.

Holy as is the duty of fulfilling the last will of a dead person, if someone had directed that he did not want to be buried, he is not obeyed.

9. For all these tasks there exist partly general precepts and partly local customs hallowed by their age, from which one may not depart. What is generally prescribed is that all be treated alike. Rich and poor receive the same shrouds of white linen and a simple, unadorned wooden coffin, which in most places is made by members of the congregation or by societies.

10. Near a dead person, during the funeral procession and at the burial ground, dignified and seemly conduct is a duty, and every irreverent action is forbidden. One should speak of the good deeds of the departed, but without exaggeration. Near a dead person, unless a partition screens him, it is forbidden to pray, to study or teach Torah (except in the funeral address), to wear Tefillin or Tzitzit openly, to eat, to drink, to read, to calculate and the like; likewise at the burial ground. There, and in small localities, as long as [p. 223] an unburied corpse is present, the greeting שלום עליכם [*shalom aleikhem*, peace be upon you] must be omitted.

11. The grave, once closed, is inviolable. There are indeed cases in which an exhumation may take place, but a person learned in the Torah must decide about that. In general the precept holds that everything that has once been designated for a dead person and has been put on him in consequence of that designation, as well as the graves, remain the untouchable property of the dead, usable by no one, until God awakens them on the day of resurrection. (מל"ת לס"ח)

> David sent messengers to the men of Jabesh-gilead and had them told: Be blessed of God, that you have shown this love to your lord, to Saul, and have buried him; so may God also show grace and faithfulness to you. (II Sam. 2:5, 6)

C. Comforting the Mourners, נחמת אבלים [*nichum avelim*].

12. We are commanded to comfort mourners and to speak words to them that are suited to soothe their grief and to strengthen their trust in God. But the one visiting the bereaved should wait until they address him. — During the seven days of mourning, even if there are no mourners present, ten men should assemble morning and evening in the house of the deceased for prayer; it is a general custom to teach Torah on these occasions. — Since the mourner is forbidden to conduct business (76, 2, b), neighbors and acquaintances should bring him food, so that he may not suffer want. In order not to shame the poor thereby, it is a general usage in Israel to send food to the rich as well. — On leaving the mourner's house one prays: May God comfort you, together with all who mourn for Zion and Jerusalem. (המקום ינחם וכו' [*ha-Makom yenachem* etc.])

> When the three friends of Job . . . . heard of all this misfortune that had come upon him, each set out from his home, and they arranged to go and pity him and comfort him. . . . They sat with him . . . . seven days and seven nights; but none spoke a word to him, for they saw that the pain was great. (Job 2:11–13)

(When Job had spoken first,) Eliphaz the Temanite answered: . . . . Behold! Happy is the mortal whom God corrects; [p. 224] therefore do not despise the chastening of the Almighty. For He wounds and binds up, He injures and His hands heal. (Job 5:17, 18)

Better to go to the house of mourning than to go to the house of feasting, because that is the end of all men, and the living will take it to heart. (Eccl. 7:2)

D. Gladdening Bride and Groom, לשמח חתן וכלה [*le-sameach chatan ve-khallah*].

13. We should not only weep with the sorrowful, but also strive to give joy to our fellow men, and rejoice with the joyful. In marriage a person reaches the highest goal of his legitimate earthly striving, and at the same time the most important condition of his eternal welfare. Therefore the wedding day counts as the greatest day of joy in life. It is therefore regarded as a pious deed (מצוה [*mitzvah*]) to help young people, especially poor ones, unselfishly to a suitable marriage, and to gladden bride and groom on the wedding day. Participation in other joyful family occasions (סעודת מצוה [*se'udat mitzvah*, a festive meal of religious obligation]) is also recommended as a pious deed.

Yet there shall be heard . . . . in the cities of Judah and in the streets of Jerusalem . . . the voice of gladness and the voice of joy, the song of the bridegroom and the song of the bride, the voice of those who say: Give thanks to the God of Hosts, for God is good, for His lovingkindness endures forever. (Jer. 33:11)

E. Making Peace, הבאת שלום [*hava'at shalom*].

14. Peace, concord among men, is one of the highest goods; calamity enters when peace flees, especially from the midst of those whom God has bound more closely to one another. Therefore it is one of the noblest acts of active brotherly love to restore it, to reconcile estranged spouses or relatives, indeed even strangers to one another, and to bring them together again. For God's purpose in the creation of the world and the revelation of the Torah is not fully attained until all men live in peace and concord with one another.

Depart from evil and do good, seek peace and pursue it. (Ps. 34:15)

God gives strength to His people, God blesses His people with peace. (Ps. 29:11)

[p. 225] **15.** Our sages of blessed memory teach: The charitable services enumerated here (12) stand higher than almsgiving for three reasons. For the person of means it is an easy thing to give the poor something of his abundance; but only a warm, loving heart lends the strength for the self-conquest that sacrifices its comfort in order to stay at the bedside of a sick person. With gifts we can exercise our love of mankind only toward the poor; personal help, such as cannot always be bought for money, is often needed by the rich as well. Alms can be given only to the living, and not seldom the giver expects thanks for his gift; but the dead, to whom we render the last services and show the last honor, can never thank, never repay; what we do for the honor of one who has died is a true, unselfish deed of love. As long as the Temple lies in ruins, teaches R. Joshua, charity

takes the place of the sacrifices, as the prophet proclaims: Lovingkindness I desire, not sacrifice. Hos. 6:6.

C. Toward the Unprotected.

108. The Precepts concerning Widows, Orphans and Strangers.

1. We should love and respect every person, wrong no one in his rights by word or deed, and show our compassion to all. Nevertheless the Torah repeatedly and urgently commends to us those who are most easily wronged and who feel every wrong most keenly, because they have no protector on earth: *widows, orphans and strangers* (גרים [*gerim*, proselytes]) who have joined themselves to us.

2. Doubly, therefore, does he sin who oppresses them, even if they are rich, injures them in their rights or insults them; he twice transgresses the precept of the Torah who denies the stranger the love owed to all men, or reproaches him in a wounding manner with his nationality. (סה"ח סג, סד, ח"מ רכח ב; סה תקץ תלא [*Sefer ha-Chinukh* 63, 64, 65, 590, 431; *Choshen Mishpat* 228:2])

3. Just as they have a claim to special respect for their rights, so they also have a special claim to our compassion. The Torah absolutely forbids taking a pledge from a widow. In all the precepts [p. 226] about charity, widows, orphans and strangers are especially singled out. The education of orphans, especially of the boys for the study of Torah, as well as the providing of a dowry and the provision for the girls, are works of the highest merit. Although those who bring up orphans should, when necessary, also use strict means of discipline, they must nevertheless have regard for the downcast spirit of these charges. (סה"ח תקצא; ח"מ צו יד [*Sefer ha-Chinukh* 591; *Choshen Mishpat* 96:14])

> Father of the orphans, judge of the widows is God in His holy habitation. (Ps. 68:6)
>
> For God, your God, is the God of gods and the Lord of lords, the great, mighty and awesome God, who regards no person and takes no bribe, who executes justice for the orphan and the widow, and loves the stranger, giving him bread and clothing. Love the stranger, therefore, for you were strangers in the land of Egypt. (Deut. 10:17–19)
>
> You shall not wrong a stranger nor oppress him . . . . . You shall not make any widow or orphan feel their dependence; if you make them feel their dependence, if they cry out to Me, I will surely hear their cry. (Exod. 22:20–22)
>
> You shall not pervert the justice due to an orphaned stranger, and you shall not take a widow's garment in pledge. (Deut. 24:17)
>
> At the end of three years you shall bring out the whole tithe of your produce of that year and lay it down within your gates; and the Levite shall come, because he has no portion or inheritance with you, and the stranger, the orphan and the widow who are within your gates, and they shall eat and be satisfied, so that God, your God, may bless you in all the work of your

hands which you do. (Deut. 14:28, 29. Cf. also Deut. 24:19, 20, 21; 26:12, 13 and many other passages.)

D. Toward God's Creatures without Reason and Feeling.

109. The Precepts concerning Our Conduct toward Animals and Plants.

1. God's compassion embraces all His works (Ps. 145:9); He gives the beast its food, to the young ravens that cry (Ps. 147:9). Therefore the walking in God's ways commanded us already requires that we too have compassion on animals, even if the Torah had not given us special precepts about it.

[p. 227] **2.** In the commandment to let our animals rest on the Sabbath it is expressly emphasized that this is forbidden not merely for the sake of the people who would work with the animal, but that the rest required for the animal is also an end in itself. We may allow the animal to graze on the Sabbath, because this gives it more enjoyment than feeding at home, although cutting or plucking is forbidden to us. Moreover, various tasks otherwise forbidden on the Sabbath are permitted in order to prevent or relieve an animal's pain. (56, 3 and 5.) (רש"י שמות כג יב; חיי אדם יב – קנט ח [Rashi on Exod. 23:12; *Chayyei Adam* 159:8–12])

3. The commandment to take the load off an animal (103, 3) likewise has as its reason not exclusively to preserve the person from loss, but also to free the animal from its pain. (ח"מ רעב ט בהגה [*Choshen Mishpat* 272:9, in the gloss])

4. To the saying of the Torah, Deut. 11:15, where the food of the animal is mentioned before that of man, our sages of blessed memory attach the prohibition that a person may never begin his meal before he has given all his domestic animals their fodder; it is described as a work of piety to still the hunger even of animals that we are not obliged to feed. (א"ח קסז מ"א ס"ק י"ח; שכד ס"ק ז' [*Orach Chayyim* 167, *Magen Avraham* subsection 18; 324, subsection 7])

5. In general the Torah forbids causing an animal any pain that the reasonable use of the animal permitted to us does not absolutely require, or looking on its pain without feeling, without procuring it relief. In particular it is forbidden to prevent an animal that is working on plants or fruits from eating of them, by a muzzle or by calling out to it. Likewise the Israelite is forbidden to mutilate an animal or to have it mutilated by others (סירוס [*sirus*, castration]!!). (סה"ח תקצו רצא; ב"מ לב ע"ב; שבת קכח ע"ב; ח"מ שלח; אה"ע ה [*Sefer ha-Chinukh* 596, 291; BT Bava Metzi'a 32b; BT Shabbat 128b; *Choshen Mishpat* 338; *Even ha-Ezer* 5])

6. Some precepts of the Torah concerning animals suggest to us the thought that the dominion over the animals granted to us (4, 6) is altogether limited by God's law, that even where we are entitled to exercise it we may not exercise it without feeling, and may threaten no species or kind with extinction. It is forbidden to slaughter, in the case of *cattle, sheep* [p. 228] and *goats*, *mother and*

young on one day. Here too the 24 hours that lie between one appearance of the stars and the next are regarded as one day. It makes no difference whether the mother or the young was slaughtered first; if *one* animal of the two has been slaughtered, the other may not be slaughtered on the same day, not even by another person or in another place. (סה"ח רצד; י"ד טז [*Sefer ha-Chinukh* 294; *Yoreh De'ah* 16])

7. Whoever finds in the open the *nest of birds permitted for eating*, in which the *mother* is sitting on the *still edible* eggs or the *not yet fledged* young, the Torah forbids to take the mother together with the young, and commands him to let the mother go free first and only then to take the young for himself. — Taking out or destroying the brood of harmless or even useful birds, to which most songbirds belong, does not indeed fall under this prohibition, but is forbidden as very sinful for other reasons. The Torah namely forbids destroying anything usable, or even letting it go to ruin. But what would be a more wanton destruction than the annihilation of birds (or other animals) that render so much benefit in the household of nature; what would be a greater departure from the ways of God than the annihilation of beings that He created not only for our use but also for the joy and delight of every noble human heart, beings that by their song proclaim so loudly the glory of the Creator? Therefore destroy no bird's nest, and in general no life of a harmless animal, unless for a reasonable purpose, and then in the least painful way possible. (סה"ח תקמד תקמה [*Sefer ha-Chinukh* 544, 545])

8. Our dominion over the plant kingdom too is limited by God's law; the Torah namely forbids, in the siege of a city, destroying trees bearing edible fruit in order to cause the enemy pointless damage and grief. According to the tradition of our sages of blessed memory, however, the prohibition does not refer merely to war, but forbids *the destruction of fruit-bearing trees in general*. When a tree because of age bears only few or no more fruits, [p. 229] when its value as timber is higher than its value in yield, and in other similar cases, cutting it down is not absolutely forbidden; but one may not do so *without the decision of a person learned in the Torah*. — The oral tradition, however, gives this prohibition a still wider extension: it forbids the destruction of all objects that are in any way usable, or the use of more valuable things for purposes that can be achieved with less valuable ones. You shall spoil nothing nor let anything spoil, in particular you shall not trample underfoot a crumb, a grain of human or animal food. Everything is property that God has left to His creatures; a small grain could still the hunger of a bird; you *rob* it if you spoil it. — But the destruction of a thing becomes a grave sin, a sin that our sages of blessed memory place on a level with idolatry, when it is done in anger or out of malice. (סה"ח תקכט; רמב"ם מלכים י – ו ח [*Sefer ha-Chinukh* 529; Maimonides, *Hilkhot Melakhim* 6:8–10])

9. Finally, a group of prohibitions is still to be singled out by which the Torah has set limits to our dominion over the animal and plant world. God created everything according to kinds and species (למינהו, למינו [*le-minehu, le-mino*, "after its kind"], Gen. 1). This law of creation became a law of the Torah as well: we may not mix the kinds (כלאים [*kil'ayim*]). The Torah forbids bringing animals

of *different*, *even if related, classes* into closer union (הרבעה [*harba'ah*, crossbreeding]) with one another, or using them together *for work*, or even merely *driving them bound together*. Whether the driving or leading is done by hand or only by calling out, in every case it is forbidden; likewise to sit on a wagon drawn by such different animals. (סה"ח רמד תקן; י"ד רצז [*Sefer ha-Chinukh* 244, 550; *Yoreh De'ah* 297])

10. As regards the mixing of kinds in plants, the Torah forbids sowing two different kinds of plants together on the soil of the Holy Land, and, more strictly still, sowing two such kinds together with the seed of the vine or planting them among vines. The yield of the mixture in the vineyard is forbidden even for enjoyment and any use (בהנאה [*be-hana'ah*, for benefit]). Our sages of blessed memory extend the prohibition of mixing with vines to the lands outside Palestine as well; therefore [p. 230] in regions where other plants are grown in vineyards as well, one must obtain the instruction of a person learned in the Torah as to the manner in which this is permissible. Absolutely forbidden, also outside Palestine (מדאוריתא בח"ל [*mi-de-oraita be-chutz la-aretz*, by Torah law outside the Land]), is grafting trees and shrubs of different kinds onto one another, even if outwardly similar and related, or having them grafted by non-Israelites. This is permitted only with *varieties* whose fruits differ perhaps merely in form and color but are entirely alike in their nature. We may not keep trees and shrubs grafted contrary to the law, but we may eat their fruits. Whoever wishes to graft trees must obtain exact instruction about it, both technical and according to the law of the Torah. Planting herbaceous growths (ירק [*yerek*, vegetables]) into trees or the reverse (as happens similarly in nature with parasitic plants) is also forbidden. (סה"ח רמה תקמח תקמט; י"ד רצה רצו רצז [*Sefer ha-Chinukh* 245, 548, 549; *Yoreh De'ah* 295, 296, 297])

11. The precepts set out above under 6, 7, 9 and 10 belong to the class of חקים [*chukkim*, statutes], that is, of those precepts for which the Torah gives no reason and for which a reason cannot be demonstrated with certainty either. The prohibitions of mixing are expressly designated as such. We must follow such precepts as laws of God, to whom we owe unconditional obedience, without asking for the reason. Inasmuch as they in any case have the general purpose of training our will in submission to the will of God, they lead us over to the following Division, in which many such precepts are set forth. (See especially 114, 4.)

> The righteous man regards the feelings of his beast; but the heart of the wicked is cruel. (Prov. 12:10)
>
> Six days you shall do your work, and on the seventh day you shall rest, so that your ox and your ass may enjoy rest. (Exod. 23:12)
>
> Give good heed to your sheep and be concerned for the herds. (Prov. 27:28)[149]
>
> You shall not muzzle an ox while it is threshing. (Deut. 25:4)

[149]Translator: The quoted verse is Prov. 27:23.

[p. 231] A cow or a sheep, it and its young, you shall not slaughter on one day. (Lev. 22:28)

If a bird's nest chances to be before you on the way, in any tree or on the ground, with young ones or eggs, and the mother is sitting on the young or on the eggs, you shall not take the mother with the eggs. You shall let the mother go free, but the young you may take for yourself; for this it will go well with you and you shall live long. (Deut. 22:6, 7)

When you besiege a city for many days, to bring it into your power by war, you shall not destroy its trees by wielding an axe against them; for you shall eat of them and not cut them down. . . . . Only a tree of which you know that it is not a tree yielding food, that you may destroy and cut down, and build siege works against the city. (Deut. 20:19, 20)

Do not sow your vineyard with kinds that exclude one another. . . . Do not plow with ox and ass together. (Deut. 22:9, 10)

You shall keep My statutes; you may not breed your animal in a mixture of kinds, nor sow your field with a mixture of kinds, and a garment of mixed kinds, wool and linen, shall not come upon you. (Lev. 19:19)

God commanded us to fulfill all these statutes, to fear God, our God, for our good all the days, to keep us alive, as at this day. (Deut. 6:24)

[p. —]

והתקדשתם והייתם קדשים כי קדוש אני

Sanctify yourselves and be holy, for I am holy. (Lev. 11:14)[150]

Fourth Division.

On Sanctification, or Preparation in the Service of God.

I. Through the Preservation and Keeping Clean of Our Body.

110. The Commandment of Sanctification in General.

1. From the commandment to walk in God's ways it already follows, and our sages of blessed memory so conclude, that we must strive to become holy because God is holy. This striving after holiness, however, is moreover expressly commanded us in the Torah and impressed upon us many times.

2. Holy in the sense of the Torah is the one who has acquired the facility to carry out the revealed will of God with *willingness free of struggle* and the *same joyfulness as if it were his own will*.

3. This holiness, this complete merging of one's own will in the will of God, is a sublime goal that only few have reached in its full height and ever will reach. The commandment of sanctification

[150] Translator: Misprint for Lev. 11:44.

therefore refers first of all to the *striving* after this holiness. This striving, however, is possible for everyone; it consists in continual self-watchfulness and self-cultivation, in unceasing struggle against the low and the common, the sensual and the animal, that arises in our thinking, feeling and willing. Every victory in this struggle sanctifies us, lifts us to a higher level of holiness. The fulfillment of the precepts of the Torah is the surest ladder on which we are able to raise ourselves to ever higher levels of holiness.

[p. 233] **4.** First of all it is the fulfillment of the *commandments* (מצות עשה [*mitzvot aseh*, positive commandments]) of the Torah that exerts an ennobling, sanctifying power upon us; therefore before performing these commandments we thank God in the prescribed benedictions *that He has sanctified us through His commandments* (אשר קדשנו במצותיו [*asher kiddeshanu be-mitzvotav*]) (44, 6, e). Of quite especially sanctifying influence upon us is the punctual and conscientious observance of all the *prohibitions* (מצות לא תעשה [*mitzvot lo ta'aseh*, negative commandments]) of the Torah. Through them we are led, at every thought and feeling, at every word and every action, to ask ourselves: May we, according to the will of God, think or feel thus, speak or act thus? Such sanctifying effect is exerted upon us in particular by those *precepts* of the Torah for which we know no other reason than the will of God who has given them to us (חקים [*chukkim*]). Many of these precepts, especially those of which the Torah expressly tells us that they have our sanctification as their purpose, will be set forth in this Division.

5. Yet we do not yet satisfy the commandment of sanctification if we *only* follow these precepts; the Torah rather commands that we also train ourselves to be moderate and abstinent in the sphere of what is permitted to us (קדש עצמך במותר לך [*kaddesh atzmekha be-muttar lakh*, sanctify yourself in what is permitted to you]). For only he will renounce everything forbidden without struggle and joyfully who has trained himself in doing without what is permitted. Abstinence (פרישות [*perishut*]) is described by one of our sages of blessed memory as the preliminary stage of holiness. *Hirsch*, Lev. 11:14 and 19:2.[151] (מ"ע לס"ח; רמב"ן וביאור ויקרא יט ב [Nachmanides and the *Bi'ur* on Lev. 19:2])

> So that you may remember and fulfill all My commandments and become holy to your God. (Num. 15:40)
>
> For I, God, am your God; therefore sanctify yourselves, and you shall become holy, for I am holy. (Lev. 11:44)
>
> God spoke to Moses: Speak to the whole congregation of the children of Israel and say to them: You shall be holy; for I, God, your God, am holy. (Lev. 19:2)
>
> Distinguish between the clean cattle and the unclean, and between the unclean fowl and the clean, and do not make your souls abominable through cattle and birds and anything that creeps

[151] Translator: Lev. 11:14 is evidently a misprint for Lev. 11:44 (as in the motto of this Division).

on the ground, which I have set apart for you as unclean; so you shall become holy *to Me*, for I, God, am holy. (Lev. 20:25, 26)

[p. 234] **111. The Precepts concerning the Preservation of Our Life and Our Health.**

1. The first and most necessary condition for fulfilling the divine will — the worship of God, active love toward our fellow men, the perfecting of our own being — is our life and the health of our body. Therefore the Torah forbids us every endangering or shortening of our life, every weakening of our body and our health, and commands us to preserve, care for and promote them. That is why these precepts also take the first place here among those which the Torah has given us concerning our sanctification, or preparation for the service of God.

2. The gravest crime a person can commit is the deliberate destruction of his own life, *suicide*. This is not only included in the prohibition: You shall not murder! but is also threatened with punishment in the life beyond in the laws already given to Noah. (רמב"ם רוצח ושה"נ ב ב; יין לבנון אבות ג יד [Maimonides, *Hilkhot Rotze'ach u-Shemirat ha-Nefesh* 2:2; *Yein Levanon* on Avot 3:14])

3. Suicide is rebellion against God, who has given us life and wills that we preserve it until He calls us away from it; suicide is furthermore a grave sin against our fellow men, especially against relatives and dependants, to whose loving service we must devote every span of time that we can spare for ourselves; suicide, finally, is the greatest sin a person can commit against himself, in that he violently cuts short the time that God has granted him for his sanctification and preparation for his eternal welfare. He damages this welfare all the more since in his case sin and death coincide, which makes any earthly atonement and amendment impossible. (ח"מ באר הגולה ס"ס תכו [*Choshen Mishpat*, *Be'er ha-Golah* at the end of 426])

4. The duel is murder and suicide at once, or at least the resolve to commit both. It is therefore, from the standpoint of the Torah, which alone is authoritative for the Israelite, to be regarded as a grave crime.

[p. 235] **5.** Not only the shortening of our life, but also every injury to our body, every self-wounding or *self-mutilation*, except for indispensable purposes of healing, is forbidden us. (רמב"ם חובל ומזיק ה א; אה"ע ה [Maimonides, *Hilkhot Chovel u-Mazzik* 5:1; *Even ha-Ezer* 5])

6. The Torah commands us the strictest watch over our life and our health and forbids us every endangering of them. We may not, without the most urgent need, enter dangerous places, e.g. the vicinity of dilapidated walls, bridges and the like; we may not eat any disgusting foods, even those merely repugnant to us, or foods known to be unhealthy (our sages of blessed memory designate as such any mixture of meat and fish); we may not touch our food with dirty or sweaty hands, nor take it from dirty, disgusting vessels or on unclean table linen. We should not drink water that has stood uncovered in the dark, or water directly from a well pipe; we should not put money in our

mouth, because it may have been touched by many, often sick, persons. (יו"ד קטז; ח"מ תכז [*Yoreh De'ah* 116; *Choshen Mishpat* 427])

7. *Moderation* in eating, drinking, sleeping and all sensual pleasures, *cleanliness* in clothing and dwelling, and *industriousness* are the best means for preserving and promoting health, and at the same time the first rungs on the ladder of sanctification. (רמב"ם דעות ג וד [Maimonides, *Hilkhot De'ot* 3 and 4])

> Surely your blood, which is your life, will I require; of every soul will I require it. (Gen. 9:5)
>
> When I think: My bed shall comfort me, my couch shall help me bear my grief, then You terrify me with dreams and frighten me with visions of the night, so that I would strangle myself, would receive death from my own bones. — Yet that I abhor; I do not live forever. (Job 7:13–16)
>
> Only take heed for your own sake and watch your life well. (Deut. 4:9)
>
> Life and death I have set before you, blessing and curse; choose life, then, that you may live, you and your descendants. (Deut. 30:19)
>
> The pious man takes good care of himself; the cruel man harms his own body. (Prov. 23:29, 30)[152]
>
> [p. 236] Who has woe? Who has sorrow? Who has strife? Who has wounds without cause? Who has red eyes? Those who linger late over wine, who go about to taste drink. (Prov. 23:29, 30)
>
> Sweet is the sleep of the laborer, whether he has eaten little or much; but surfeit does not let the rich man sleep. (Eccl. 5:12)

112. The Precepts concerning Modesty.

1. The struggle against the low and animal in us, to which the commandment of sanctification summons us, we shall take up and carry on with earnestness and vigor only when we become quite vividly aware how unworthy of the nobler and spiritual in us the ugliness of the animal is. This awareness will awaken in us the striving to cover the animal. This striving to cover the animal in us we call *modesty* (צניעות [*tzeni'ut*]). It is one of the strongest safeguards against the gravest sins and an excellent means of furthering the work of our sanctification. (נדרים כ ע"א [BT Nedarim 20a])

2. *Before* the sin, when the contradiction between his bodily and his spiritual nature had not yet come to man's consciousness, he was not ashamed of his nakedness. But after he had sinned in obedience to the animal, he at once recognized the ugliness of the animal, was ashamed of it, sought to cover it, and God Himself provided him with the covering. We recognize from this that God created in us the *sense of shame* as an awakener to the work of our sanctification, which

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[152] Translator: The reference is repeated in error from the next proof-text; the verse quoted is Prov. 11:17.

impels us to cover our animal side, and that it is His will that we follow this feeling, that we *be modest*. (אורחות צדיקים, שער הבושת [*Orchot Tzaddikim*, Gate of Shame])

3. The Torah, however, does not confine itself to this indirect instruction, nor does it leave the work of our sanctification to this feeling; it commands us modesty expressly, and that on an occasion where dehumanization and brutalization lie very near, in war. From the passage Deut. 23:13–15 the tradition of our sages of blessed memory derives the precepts concerning modesty.

[p. 237] **4.** Apart from the hands and face, through which man's body is most distinguished from that of the animal, our *whole* body should *always* be covered. It is a Jewish custom that the male sex also covers its head; it is commanded to do so when out of doors, at prayer and Torah study, when uttering a name of God and at every act of divine service (דבר שבקדושה [*davar she-bi-kedushah*, a matter of holiness]).

Married women are likewise commanded to cover their hair, since they are forbidden to appear before strangers with uncovered hair. (א"ח ב; אה"ע קטו ד [*Orach Chayyim* 2; *Even ha-Ezer* 115:4])

In dressing and undressing we must, even when we are alone and night surrounds us, take care that the uncovered parts of the body are covered again at once, without their becoming visible to our own eye, let alone to that of others. (א"ח ב [*Orach Chayyim* 2])

At prayer, Torah study, and at every act of divine service (דבר שבקדושה) it is required that our clothes fit firmly about the waist; otherwise we may not perform the acts mentioned. (סמ"ק פג; א"ח עד [*Sefer Mitzvot Katan* 83; *Orach Chayyim* 74])

5. Modesty is commanded us especially in those bodily functions which remind us more than all others of our animal side. — For the sake both of health and of cleanliness we may not postpone these functions, especially not beyond the time of prayer or of meals. (סמ"ק פ [*Sefer Mitzvot Katan* 80])

We must seek to prevent any person from witnessing these functions, and must therefore first withdraw as far as possible from the sight of people. Touching or looking at the parts of the body, which are to be uncovered as sparingly as possible, is forbidden us. (סמ"ק נז; א"ח ג [*Sefer Mitzvot Katan* 57; *Orach Chayyim* 3])

Be it day or night, be the place ever so hidden, let no one say: Who sees me? For God, whose glory is present everywhere, sees us.

> They were both naked, the man and his wife, and were not ashamed. — Then the eyes of both were opened, they knew that they were naked; then they sewed fig leaves together and made themselves aprons. — [p. 238] And God made for Adam and his wife coats of skins and clothed them. (Gen. 2:25; 3:7 and 21)
>
> The depraved man knows no *shame*. (Zeph. 3:5)

113. The Precepts concerning Keeping Clean.

1. The same awareness which (as was shown in the preceding section) produces modesty in us, also stirs us to strive to keep everything dirty and animal as far as possible from our body, so that it may be as worthy as possible of its destiny, to be the instrument of the soul. This striving to remove what is dirty and animal from our body we call *cleanliness* (נקיות [*nekiyut*]).

2. From the same passage (Deut. 23:13–15) from which the tradition of our sages of blessed memory derives the precepts concerning modesty, it also infers the precepts concerning *keeping our body clean*, in particular from all animal filth (צואה [*tzo'ah*, excrement]). — No trace of such filth perceptible to the sense of sight or smell may be found on our body or on our clothes. Keeping away from it is absolutely commanded us *at prayer, reading the Shema, Torah study and when uttering a name of God*. (סמ"ק נז; א"ח עו – פ [*Sefer Mitzvot Katan* 57; *Orach Chayyim* 76–80])

Since, however, the Israelite has very often to say prayers (benedictions, ברכות [*berakhot*]), should always think about God and the Torah, and should always know God to be near him, he is obliged to *constant watchfulness* over the cleanness of his body and its surroundings. The sage R. Pinchas ben Jair of blessed memory describes this watchfulness (זהירות [*zehirut*]), the eager striving arising from it (זריזות [*zerizut*]) to establish cleanness, and the cleanness itself (נקיות), as the three first rungs of the ladder that is to lead us up to holiness. (Hirsch on Deut. p. 395; שבת קן ע"א ברש"י; ע"ז ד ע"ב ברי"ף [BT Shabbat 150a, in Rashi; BT Avodah Zarah 20b, in Alfasi])

3. Our sages of blessed memory have ordained that we wash our hands on various occasions, in particular after every animal function and after every touching of the covered parts of the body, but especially in the *morning on rising from sleep* and *before a meal*. At the two washings last named one says the benediction על נטילת ידים [*al netilat yadayim*, "concerning the washing of the hands"].

[p. 239] **4.** In sleep the human body, because it is not under the conscious influence of the spirit, is in an animal state. From this it should wrest itself early and quickly, rise briskly, regard itself as newly created for the service of God, and sanctify itself for this service, like the priest before the sacrificial service, by washing the hands. This is done as soon as possible after rising, before one leaves the bedroom or touches the mouth, the sense organs, or food and drink, in the following manner. One pours water alternately, the right hand first, three times over both hands up to the wrist, and says the benediction before drying them; then one also washes the face and rinses the mouth. The water poured over the hands may not be used for any other purpose. (א"ח ד מ"א ס"ק א [*Orach Chayyim* 4, *Magen Avraham* subsection 1])

5. Taking nourishment is a demand of our animal nature; but the Israelite should consecrate the enjoyment of food into a holy act, should regard his table as an altar, the food as a sacrifice that he enjoys in order to gain new strength for the fulfillment of his duties, and, like the priest approaching

the sanctuary, should wash his hands before the meal as well, according to the ordinance of the sages of blessed memory. — The precepts for this washing are the following.

a. Before every meal at which we eat *bread of the size of a hen's egg*, we are obliged to wash the hands and to say the benediction על נטילת ידים; whoever intends to eat less than the stated measure *should* wash the hands, but not say this benediction.

b. The *water* for this washing may not yet have been used for any other task, and may not have lost its original appearance either through the place where it was collected or through objects that have fallen into it.

c. The water must be poured over the hands *from a vessel*. This vessel, standing by itself, must hold at least a quantity of water of the volume of 1½ hen's eggs, and may have no hole, no crack, through which liquid could penetrate from outside.

[p. 240] **d.** The pouring must be carried out by direct human power; it does not suffice to hold the hands under a pipe or the like flowing continuously of itself or by a mechanical device. The tap on our familiar washstand cisterns should therefore be closed after one hand has been poured over, and opened again for the other. Dipping the hands into a vessel of water is not permissible; in the absence of a vessel, however, one may immerse the hands in a brook, river, lake and the like.

e. Before the pouring, every foreign body that would prevent the water from touching the skin directly, such as rings, dough, dirt, must be removed from the hands. — In an emergency the stated quantity of water suffices. One should, however, pour water *very abundantly* over both hands up to the wrist, then rub the hands together and afterwards *dry them very carefully*. Before drying one says the benediction ע"נ [*al netilat yadayim*] and may then say nothing until one has said the benediction over bread (המוציא [*ha-motzi*], above 44, 3). In rubbing one must take care not to touch any spot left unwetted by the water in the pouring; should this have happened, one would have to wash the hand again before drying it. If the hand has been touched by someone who has not washed, one must dry it and then wash again. (א"ח קנח – קסה [*Orach Chayyim* 158–165])

6. Among the precepts concerning keeping clean, finally, one precept is to be singled out that is connected with the celebration of the Sabbath and the festivals. It is recommended to us as a pious deed (מצוה), on every day of preparation for the Sabbath and festival, if it is not possible to take a bath, at least to wash face, hands and feet in warm water, and to give the hair of the head, the beard and the nails the necessary care. — We see from all these precepts that the Israelite who follows the Torah and the precepts of the sages of blessed memory is led to manifold cleansing of his body, not out of vanity, which adorns the body often unconcerned about the dirt of the soul, but with the higher intention of sanctifying the spirit. (א"ח רס [*Orach Chayyim* 260])

> [p. 241] When you go out to the camp against your enemies, guard yourself against everything bad. . . . . You shall have a place outside the camp, and there you shall go out. And you shall

have a spade among your gear, so that when you sit down outside you dig with it and cover again what you have left behind. For God, your God, walks in the midst of your camp to save you and to give your enemies up before you; so let your camps be holy, that He see no unseemly thing in you and withdraw from you. (Deut. 23:10, 13–15)

I wash my hands in purity and go round Your altar, God. (Ps. 26:6)

114. The Precepts concerning Clothing and Care of the Body.

1. Clothing serves (as said above, 112) the sanctifying purpose of modesty; therefore at every age and in both sexes it should be designed chiefly for *full and chaste covering* of the body. Let it always be *whole and clean*, correspond to one's station and means, not provoke the contempt of one's fellow men by its slovenliness, but also never be an instrument of pride and arrogance. These are precepts of the sages of blessed memory. (רמב"ם דעות ה ט [Maimonides, *Hilkhot De'ot* 5:9])

2. For a reason unknown to us, however, the Torah forbids us to use clothes, covers, felts, cushions and the like in which *sheep's wool* is combined with *flax* (שעטנז [*sha'atnez*]), *for dressing, covering, warming, standing or sitting on*. It makes no difference in what way the combination has been made, whether by carding, felting, spinning, weaving, knitting, sewing or the like, even if only a single thread of the one kind is joined with the other. This prohibition obliges us to the strictest vigilance in acquiring clothes and furniture. (סה"ח תקנא; י"ד רצח – שד [*Sefer ha-Chinukh* 551; *Yoreh De'ah* 298–304])

3. Modesty and chastity require that the different sexes, as the Creator has separated them, should also appear separate in their outward appearance. Therefore the Torah forbids each sex to put on articles of clothing, ornaments and the like which according to the custom of the country are worn by the other sex. But not only the exchange of clothing is forbidden; in other care of the body too, no [p. 242] sex should imitate what befits only the nature and peculiarity of the other; to the male sex in particular every effeminate beautification is forbidden, e.g. painting the face, plucking out hairs that have turned white, dyeing the beard and the like. (סה"ח תקמב תקמג; י"ד קפב [*Sefer ha-Chinukh* 542, 543; *Yoreh De'ah* 182])

4. Further, the Torah forbids the male sex, when cutting the hair of the head, to shave the hair of the temple region (the corners), where the ascending part of the lower jaw is jointed beneath the temporal bone, so smooth that the temples are made level with the forehead and the hairless spot behind the ear. In this prohibition it makes no difference in what way the hairs are removed. (סה"ח רנא; י"ד קפא [*Sefer ha-Chinukh* 251; *Yoreh De'ah* 181])

5. In addition the Torah forbids removing certain places of the beard (the corners) with a *razor* (shaving them); since we are unable to determine these places exactly, shaving any place of the beard is forbidden us. According to the tradition of our sages of blessed memory there are five such places; whoever shaves the beard therefore transgresses a fivefold prohibition. Removing the

beard with scissors or depilatories is not forbidden. (סה"ח רנב; י"ד קפא [*Sefer ha-Chinukh* 252; *Yoreh De'ah* 181])

6. The Torah forbids both sexes to etch written characters with any color into any place of the body (tattooing). (סה"ח רנב; י"ד קפ [*Sefer ha-Chinukh* 252; *Yoreh De'ah* 180])[153]

7. For the precepts set out here (under 2, 4, 5, 6), as for many others, the Torah gives no reason, and we are not able to conceive one with certainty either. In any case they suggest to us the thought that our body belongs wholly to the Creator and His service, for which reason we may care for it and give it outward appearance only according to the revealed will of the Creator. In acknowledging this thought and in willingly obeying these commandments, although their reason is not discernible to us, there lies in itself a sanctifying power, quite apart from the harmful influence on our sanctification that the transgression of divine commandments would exert upon us.

> [p. 243] Do not clothe yourself in a mixed fabric, of wool and flax together. (Deut. 22:11)
>
> There shall be no man's gear on a woman, and a man shall not put on a woman's garment; for whoever does these things is an abomination to God, your God. (Deut. 22:5)
>
> You shall not round off the corner of your hair, and you shall not shave smooth the corner of your beard, and you shall not make cuts in your body for a dead person, nor put incised writing on yourselves; I am God. (Lev. 19:27, 28)

II. Through Observance of the Dietary Precepts.

115. On the Dietary Precepts in General.

1. We do not know the wonderful connection between our body and our soul; but we know not only that the body is the instrument through which the soul acts outwardly, but also that the condition of the body influences the processes in the soul as well, as for instance in certain diseases of the body the activity of the soul takes a direction that it did not have before the illness and no longer has after the cure. (רמב"ם דעות ב א [Maimonides, *Hilkhot De'ot* 2:1])

2. Since the condition of the body depends very essentially on the foods by which it is sustained and through which it continually builds itself anew, we may well say that foods also act indirectly upon the activity of the soul. With some articles of consumption, as for example intoxicating drinks, even the simplest person knows this effect; of most we do not know it, but the all-knowing Creator of all things knows it. (ראב"ע ויקרא יא מג [Abraham ibn Ezra on Lev. 11:43])

3. Therefore a large part of the precepts of the Torah relates to the consumption of food. In general gluttony and drunkenness are condemned. Our sages of blessed memory teach: A person should never eat or drink unless he is hungry or thirsty; he should not be a glutton, should eat only foods

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[153]Translator: Tattooing is *Sefer ha-Chinukh* 253; the print repeats 252 and gives *Yoreh De'ah* 180 as printed.

conducive to health, and of these not to excess; he should not seek to overfill himself, and should not keep company with those who say: Let us eat and drink, for tomorrow we may die. — The little that everyone [p. 244] needs for life, let each enjoy with his family at his own table, and let him not dine in inns without the greatest necessity. Wine he should drink only when his digestion requires it; whoever gets drunk is a sinner, makes himself contemptible and harms his mental faculties. (רמב"ם דעות ד א; ה' א – ג [Maimonides, *Hilkhot De'ot* 4:1; 5:1–3])

4. Yet the precepts of the Torah concerning the consumption of food relate chiefly to the substances that are forbidden to us for eating. These precepts belong to the class of חקים [*chukkim*]; for the ultimate reason and the manner, why and how the forbidden substances enumerated in the following sections act harmfully on the soul, is known only to God, the Creator and Lawgiver. But *that* they act harmfully, He has clearly revealed to us in the Torah.

5. The Torah namely tells us: The foods forbidden to us for eating produce in us *abominableness* (שיקוץ נפש [*shikkutz nefesh*]), that is, they strengthen sensual desire in us and draw us toward what is abominable; they further make us *unclean* (טמא [*tame*]), that is, they weaken the power of resistance of our will against the might of sensuality to such a degree that we finally fall prey to it without insight and incapable of struggle (ונטמתם [*ve-nitmetem*, "and you would be made dull"]); whereas abstention from these foods furthers our striving after sanctification and leads us to that degree of holiness (קדושה [*kedushah*]) for whose sake God led us out of the swamp of depravity, out of Egypt, that we might become to Him a kingdom of priests, a holy people. (*Hirsch* on Lev. 11:42 and 44; ראב"ע ויקרא יא מג ד"ה ונטמתם [Ibn Ezra on Lev. 11:43, s.v. *ve-nitmetem*])

> The righteous man eats to satisfy himself, but the belly of the wicked never has enough. (Prov. 13:25)
>
> Hear, my son, and be wise, and guide your heart straight on the right way. Do not be among the wine-bibbers, among those who gorge themselves to excess on meat. (Prov. 23:19, 25)[154]
>
> Woe to those who rise early in the morning to run after strong drink, who still linger late in the evening, that wine may inflame them. Zither and harp, timbrel and flute are at their banquets, but they do not look upon the working of God, and the work of His hands they do not see. (Isa. 5:11, 12)
>
> Do not make your soul an *abomination* through any creeping thing that creeps, do not make yourselves *unclean* through them, you would *utterly* [p. 245] *perish* through them. For I am God, your God; therefore sanctify yourselves, and you shall *become holy*, for I am holy; and do not make your souls unclean through any creeping thing that moves upon the earth. For I, God, am He who brought you up out of the land of Egypt, to be your God: so be holy, for holy am I. (Lev. 11:43–45)

[154]Translator: The quoted verses are Prov. 23:19, 20.

116. The Kinds of Animals Not Permitted for Eating.

a. Mammals.

1. Of the mammals only those are permitted to us for eating which 1. *chew the cud* and 2. have *completely cloven hoofs*; all others are forbidden to us. If they have only one of these marks, like the pig, which has cloven hoofs but does not chew the cud, or the camel, which chews the cud but has no completely cloven hoofs, they are forbidden. (Lev. 11:1–8; Deut. 14:3–8.) (;סה"ח קנג קנד י"ד עט פ [*Sefer ha-Chinukh* 153, 154; *Yoreh De'ah* 79, 80])

b. Birds.

2. Of the birds permitted to us for eating the Torah has given us no marks, but has only enumerated 24 kinds as forbidden; all the rest are permitted to us for eating. Since, however, we do not know the kinds designated by the names given in the Torah, we may eat only such birds of which there exists in the locality the generally known, completely reliable tradition that they may be eaten; all others are forbidden. If, however, a bird takes its food in the manner of birds of prey, it is forbidden, even if an existing tradition declares it permitted. The tradition is in this case mistaken. (Lev. 11:13–19; Deut. 14:14–18.) (סה"ח קנח תע; י"ד פב [*Sefer ha-Chinukh* 158, 470; *Yoreh De'ah* 82])

c. Fish.

3. Of the water creatures and fish only those are permitted to us for eating which have *fins and scales*; all others are forbidden to us. The scales, however, must be removable from the skin by hand or with a knife; if that is not the case, the fish is forbidden. (Lev. 11:9–12; Deut. 14:9–10.) (סה"ח קנה קנז; י"ד פג [*Sefer ha-Chinukh* 155, 157; *Yoreh De'ah* 83])

[p. 246] d. Amphibians, Insects, Worms.

4. All amphibians, insects and worms are in general forbidden. The kinds of locust permitted by the Torah, which in any case do not occur in our lands, are forbidden to us because, as with the birds, we do not know which species are designated by the names given in the Torah. Some exceptions (permitted ones) to the general scope of this prohibition, which are in part difficult to determine, may all the more be left unmentioned, since they may well be regarded in many quarters as forbidden for another reason, namely as loathsome and therefore dangerous to health. (Lev. 11:10, 20–23.)

(סה"ח קנו קנט קסג קסד קסה תעא; י"ד קטז ו; חורב 421–22) [*Sefer ha-Chinukh* 156, 159, 163, 164, 165, 471; *Yoreh De'ah* 116:6; *Horeb* 421–22][155]

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[155]Translator: *Horeb* is Samson Raphael Hirsch's *Horeb: Versuche über Jissroëls Pflichten in der Zerstreuung* (1837), cited by its numbered paragraphs; *Sefer ha-Chinukh* (סה"ח) is cited by the numbers of the commandments; י"ד is the *Yoreh De'ah* section of the *Shulchan Arukh*, cited by chapter and paragraph.

5. The prohibition of the three classes of animals last listed, which the Torah designates by the name שרץ [*sheretz*, swarming creature] or רומש על הארץ [*romes al ha-aretz*, that which creeps upon the earth], *creeping things*, is impressed upon us in the Torah by repeated mention. For this reason, and because these little creatures on account of their tininess easily escape our notice, we must be especially on our guard against eating them together with other foods. The following, therefore, is to be carefully observed. (חכמת אדם לח א [*Chokhmat Adam* 38:1])[156]

a. All fruits in which, as one knows or may suspect, worms arise before they are picked, such as cherries, plums, damsons, peas and the like, must be examined, and indeed each fruit individually; and the fruits in which worms are found are forbidden to be eaten if these cannot be removed, as they can from apples and pears.

b. Herbs too, such as lettuce, cabbage and the like, on and between whose leaves worms, caterpillars and the like are usually found, must be examined and thoroughly cleaned of the creeping things.

c. *All articles of food on which mites can occur*, such as dried fruits, rice, millet, pearl barley and the like, must be examined, and if mites are found on them they are forbidden to be eaten.

6. Everything that comes from *forbidden* animals, for example *milk, eggs, roe and milt of fish*, is likewise forbidden. We may therefore consume no milk regarding which [p. 247] an Israelite has not obtained certainty by his own eyes that it was obtained from permitted animals and that no milk of forbidden animals has been mixed into it. *Butter* which one knows with certainty to have been made only from milk is permitted without this precaution, because the milk of the forbidden animals cannot be used for it. — Likewise we may eat no eggs which we do not know to come from permitted birds. — A warning is to be given against the preparations of roe and milt of fish found in commerce. — Bees' honey is permitted. (י"ד פא פג פד [*Yoreh De'ah* 81, 83, 84])

> This is the teaching concerning the cattle and the fowl and every living creature that moves in the water, and every creature that creeps upon the earth, to distinguish between the *unclean* and the *clean*, and between the living thing that is eaten and the living thing that may not be eaten. (Lev. 11:46–47)

117. The Precepts concerning the Slaughter of the Permitted Animals.

1. The Torah commands that the permitted *mammals* and *birds* of which we wish to eat anything be first slaughtered in the manner known to us through tradition (שחיטה [*shechitah*]; *ritual slaughter*). (סה"ח תנא; רמב"ם שחיטה א א [*Sefer ha-Chinukh* 451; Maimonides, Hilkhot Shechitah 1:1])

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[156]Translator: *Chokhmat Adam*, the digest of the laws of *Yoreh De'ah* by Abraham Danzig (1748–1820), cited by chapter (*kelal*) and paragraph.

2. The precepts concerning ritual slaughter are very manifold, and it requires much practice to attain sufficient skill in it. We may therefore eat only of such animals as have been slaughtered by an Israelite who knows those precepts exactly, who has passed an examination on them, as well as on his skill in carrying them out, before a person learned in the Torah, and has received authorization to slaughter, and who in addition has earned the confidence required for it by a life in accordance with the precepts of the Torah. — No one may slaughter without having passed an examination on his knowledge of the precepts and on his skill. (י"ד א [*Yoreh De'ah* 1])

3. Through ritual slaughter these animals become permitted to us for eating only if they are not already suffering beforehand from an internal or external defect which, according to the oral tradition of our sages of blessed memory, would in its course [p. 248] bring about the death of the animal. Such animals are called טרפה [*terefah*] and remain forbidden to be eaten even when ritually slaughtered.

Since such defects frequently occur in the lungs of mammals, the lungs of every such slaughtered animal must be carefully examined by the slaughterer (בדיקה [*bedikah*, examination]), and he may declare the animal permitted for eating (כשר [*kasher*]) only when he has seen that there is no irregularity in the lungs on account of which the animal must be declared *terefah*. Moreover, the slaughterer, and anyone else who perceives unusual features in any part of a slaughtered animal, such as fractures of bones (even if knit together), ulcers, unusual perforations and the like, is obliged to inquire about them of a person learned in the Torah.

Birds are not examined by the slaughterer; it is therefore especially the duty of housewives or cooks, in the case of these, to consult a person learned in the Torah about any such striking features which they notice on slaughtered poultry. In particular, with geese and other poultry that have been fattened by *cramming*, one is obliged to examine the gullet (esophagus, ושט [*veshet*]) carefully, and if any irregularity is found on it, to make an inquiry of a person learned in the Torah.

Animals which seem to us to be sick, or such as have suffered a violent fall, kicks, blows and the like, and especially poultry into whose cage beasts of prey such as weasels, martens and the like have broken, may not be handed over for slaughter without the slaughterer being informed of it, so that he may take the further steps required. (סה"ח עג [*Sefer ha-Chinukh* 73])

4. Mammals and birds which have died in any other way than by ritual slaughter according to the precepts, or those in whose slaughter an error against the precepts has been committed, are forbidden to be eaten as נבלה [*nevelah*, carcass]. Mammals may not be slaughtered before the night preceding their eighth day of life has begun, nor birds before their flight feathers have grown, since until then their viability is considered doubtful. (סה"ח תעב; י"ד טו בש"ך ס"ק ב [*Sefer ha-Chinukh* 472; *Yoreh De'ah* 15, *Shakh* subsection 2])

[p. 249] **5.** The Torah forbids the eating of flesh or any other part of mammals and birds which has been taken from them while the body is still alive. — For this reason we do not eat a limb which was broken, even if the animal is permitted for eating and the limb has grown together again. (סה"ח תנב; י"ד, סב; נה בש"ך ס"ק י"א [*Sefer ha-Chinukh* 452; *Yoreh De'ah* 62; 55, *Shakh* subsection 11])

Fish are permitted in whatever way they have died; but it is required, on account of the prohibition against causing an animal unnecessary pain, that they be killed as soon as possible after being taken from the water, especially before scaling and cutting up.

6. Meat permitted for eating which we have let out of our sight, so that it could possibly have been exchanged for other meat, is forbidden to be eaten if, when we find it again, we do not recognize it as ours by entirely infallible marks. (י"ד סג [*Yoreh De'ah* 63])

7. Connected with ritual slaughter is the following further commandment of the Torah. Whoever slaughters a *bird* or a *wild animal* is obliged to cover the blood, in such a way that he lets some of the blood flow onto loose earth or ashes and then covers it from above as well with these or similar materials. The commandment of covering the blood is to be performed in the first place by the slaughterer; if he has neglected it, every Israelite is obliged to do it. The one who covers it pronounces the benediction על כסוי דם [*al kisui dam*, "concerning the covering of the blood"]. The meat of the slaughtered animal is, however, permitted even if the covering has been neglected. (סה"ח קפז; י"ד כח [*Sefer ha-Chinukh* 187; *Yoreh De'ah* 28])

> When God your God enlarges your territory, as He has promised you, and you say: I would eat meat, because your will desires to eat meat, then you may eat meat according to all the pleasure of your will. But because the place which God your God will choose, to give His Name its abode there, will be far from you, *you shall slaughter* of your cattle or your sheep which God has given you *in the manner which I have commanded you*, and eat in your gates according to all the pleasure of your will. (Deut. 12:20, 21)
>
> And men of a *holy calling* shall you be to Me; flesh torn in the field by beasts you shall not eat; you shall throw it to the dog. (Exod. 22:30)
>
> [p. 250] You shall not eat any carcass; to the one who has come in from abroad, who is within your gates, you may give it, that he may eat it, or sell it to a foreigner, for you are a holy nation to God your God. (Deut. 14:21)
>
> You shall also not eat the life (of the animal) with the flesh. (Deut. 12:23)
>
> And every man, every one of the descendants of Israel and of the stranger who has entered into their midst, who takes a catch of *wild animal* or *fowl* that may be eaten, shall pour out its blood and cover it with dust of earth. (Lev. 17:13)

118. The Precepts concerning Forbidden Parts of Permitted Animals.

1. Even of the animals that are permitted for eating, slaughtered according to the precepts and found free of defects, we may not eat all parts; the Torah forbids the eating of: a. the blood of mammals and birds (דם [*dam*]), b. certain fat (suet) parts of cattle, sheep and goats (חלב בהמה [*chelev behemah*]), and c. the sinew of the thigh of all mammals (גיד הנשה [*gid ha-nasheh*]). All these parts must be carefully removed from the slaughtered animals before they are prepared for eating. (סה"ח ג קמז, קמח [*Sefer ha-Chinukh* 3, 147, 148])

2. The fat parts, membranes and veins to be removed are known to us by tradition; their separation, usually called "*porging*" (ניקור [*nikkur*]), can be learned only by watching, not by description, and must be carried out by a man who is completely expert in the matter and deserves confidence. — The extraction of the sinew of the thigh is very difficult, for which reason in our regions the hindquarters of mammals are not eaten at all. — From poultry too individual parts (blood vessels) are to be removed, for which reason the persons who prepare poultry for cooking must get instruction in this. — Eggs in which drops of blood are found are forbidden to be eaten. (,י"ד סד סה, סו [*Yoreh De'ah* 64, 65, 66])

3. After all the forbidden parts have been removed from the animal, the meat that is to be cooked must, before 72 hours have elapsed since the slaughter of the animal, be laid *for half an hour* in water in a vessel specially set aside for this purpose, in such a way that it is entirely covered with water (*soaking*). — Thereupon the meat is thoroughly [p. 251] washed in this water and cleaned of the blood adhering to it, then laid on a sloping board likewise set aside for this purpose, or in a perforated vessel, so that the water may drain off properly. (*Rinsing off.*) — When this has been done, each piece is individually strewn on all sides and in all crevices so abundantly with fine-grained salt that it looks as if *covered with hoarfrost*. (*Salting.*) With the salt the meat remains lying *for one hour*, as after the rinsing, on that sloping board or in the perforated vessel, so that the blood drawn out by the salt can drip off; then each piece is so abundantly washed with water on all sides that all the salt is rinsed away. (*Washing.*) Only after this treatment may the meat be cooked. — The purpose of this treatment, however, is attained only with *completely unfrozen* meat. If the meat was frozen *before* the treatment, or if it froze *during* it, the whole treatment must be carried out again once the meat has thawed. (י"ד סט [*Yoreh De'ah* 69])

4. All the parts of the animal that are to be cooked, thus bones, fat, brain, entrails, must be treated like the meat, *with the exception of the liver, which is rich in blood*. This, after it has been cleaned of the blood adhering to it by thorough washing, must be sprinkled with a little salt and roasted directly at the fire, not lying on paper or leaves of plants, however, but on the spit, on a grill, or freely on the coals. It must remain at the fire until all the blood has been drawn out and it is completely done for immediate eating. After being taken from the fire it must be abundantly washed with water three times on all sides. (י"ד עג [*Yoreh De'ah* 73])

5. In the case of any deviation from this treatment of the meat and the liver, it is doubtful whether they may be eaten, for which reason an inquiry of a person learned in the Torah is necessary. For the heart, spleen, lungs, head, feet with the hooves, as well as for poultry, special further precepts are to be observed before they are subjected to this treatment. More extensive instruction on this is found in the excellent little book אמירה לבית יעקב [*Amirah le-Veit Ya'akov*] by Rabbi S. B. Bamberger of blessed memory.[157]

[p. 252] **6.** The prohibition of the sinew of the thigh has been listed here because it belongs to the dietary precepts. It differs from the other dietary precepts, however, in that the Torah has clearly told us the reason for it. This prohibition is meant to remind us of that event narrated in Gen. 32:25–32 through which the name "*Israel*" arose, and which was to be a *prototype* for the whole course of Israelite history. Until all night has vanished from the earth, this prohibition tells us, until the morning of knowledge has fully and brightly dawned for mankind, Jacob will be attacked and fought against, Jacob will have to wrestle and to suffer, but never succumb. Then, however, his adversaries too will acknowledge him with blessing as "*Israel*," as the victorious champion of the highest and holiest. (Hirsch, Gen. 32:55 ff.)[158]

7. Articles intended for food which *the Torah* has forbidden us to eat we may not buy in order to trade in them. If necessary we may accept them as payment for a debt; in that case, or if they have come into our possession by chance, we should sell them soon. Only suet (חלב [*chelev*], 118, 1) is excepted from this prohibition and permitted for every kind of business. — Forbidden animals whose flesh is intended for eating, for example pigs, we may not raise; but such forbidden animals whose flesh is not intended for eating, for example horses, we may raise and trade in. (י"ד קיז [*Yoreh De'ah* 117])

> God spoke to Moses thus: Speak to the descendants of Israel: You shall not eat any fat of oxen, sheep or goats. And the fat of that which has died and the fat of that which has been torn *may* be used for any work, but eat it, eat it you may not. For whoever eats any fat of an animal of which a fire-offering can be brought to God, the person who eats such shall be uprooted from the circles of his people. And you shall not eat any blood, in all your dwellings, of bird or of beast. Every person who eats any blood, that person shall be uprooted from the circles of his people. (Lev. 7:22–27)
>
> Only be steadfast not to eat the blood, for the blood is the life, and you shall not eat the life with the flesh. Do not eat it! You shall pour it out upon the earth like water. (Deut. 12:23, 24)

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[157]Translator: Seligmann Baer Bamberger (1807–1878), District Rabbi of Würzburg, the leading figure of Orthodoxy in Bavaria and the author's own teacher and colleague in Würzburg. His *Amirah le-Veit Ya'akov* is a German-language guide for women to the dietary laws and the laws of family purity.

[158]Translator: The reference is to Samson Raphael Hirsch's translation and commentary on Genesis (1867). Gen. 32 has only 33 verses; "55 ff." is evidently a misprint, perhaps for the commentary's page 55 or for verse 33.

[p. 253] Therefore the descendants of Israel shall not eat the sinew of the thigh which is on the hip socket, unto this day, because he touched the hip socket of Jacob, at the sinew of the thigh. (Gen. 32:33)

119. The Prohibition of Mixing Meat and Milk.

1. The Torah forbids us to *cook*, to *eat*, or to *use* for any purpose of benefit *meat* of cattle (בהמה [*behemah*, domestic animals]) and *milk* together (איסור בישול אכילה והנאה [the prohibition of cooking, eating and deriving benefit]). By ordinance of our sages of blessed memory, every mixing of these substances even without fire is forbidden, as is the eating of the meat of wild animals and birds (חיה ועוף [*chayah va-of*]) with milk. Every edible part of the animal's body is regarded as equal to meat; every substance prepared from milk, such as butter, cheese and the like, is likewise regarded as equal to milk. (סה"ח צב קיג; י"ד פז [*Sefer ha-Chinukh* 92, 113; *Yoreh De'ah* 87])

2. Cheese is generally prepared with an admixture of forbidden substances. Therefore only the eating of such cheese is permitted as has been prepared without such an admixture under the supervision of a trustworthy Israelite. (י"ד פז [*Yoreh De'ah* 87])

3. Dairy and meat substances, as well as the kitchen and table utensils, tablecloths and the like designated for them, must be kept strictly separate from one another in our household and, to prevent any confusion, should be easy to tell apart by their appearance. Whenever there has been a mixing or contact of the substances, a confusion of the utensils, or contact of the latter with the substances for which they are not designated, an inquiry is to be made of a person learned in the Torah.

4. It is forbidden for several persons, one eating meat and another dairy foods, to eat at *one* table, unless it is evident by an easily recognizable sign that they are not eating both substances together. — Whoever has eaten dairy foods may eat meat foods immediately after he has cleansed his hands and mouth. After eating meat, the eating of dairy foods is permitted only at the next meal, even if one has said the Grace after Meals (ברכת המזון [*Birkat ha-Mazon*]) or the benediction בורא נפשות רבות [*Borei nefashot rabbot*], and, as is urgently impressed upon us, only after *six hours*. Fish with milk is permitted in every way.

(י"ד פח פט; רמב"ם מ"א ט כח [*Yoreh De'ah* 88, 89; Maimonides, Hilkhot Ma'akhalot Asurot 9:28])

[p. 254] You shall not cook a kid in its mother's milk. (Exod. 23:19; Exod. 34:26; Deut. 14:21)

120. The Precepts concerning Kitchen and Table Utensils.

1. All vessels and utensils intended for preparing food, for table use, washing up, serving, etc., which have been used for forbidden foods, or of which one does not know how they have been used until now, likewise hearths and cooking stoves, are forbidden to us for use in preparing food

until they have undergone the cleansing prescribed by the precepts (הכשר, הגעלה [*hekhsher, hag'alah*, making fit, purging]). (Cf. **61**, 3, I. d.) (סמ"ק קצח [*Sefer Mitzvot Katan* 198])[159]

2. For earthenware and porcelain vessels there is no cleansing; once they have been used for forbidden hot substances, they are forbidden to us forever. For glass vessels simple rinsing suffices. For wooden and metal vessels the cleansing depends on the manner in which they have been used hitherto. According to how they have been used until now, the cleansing may consist in *making red-hot*, *boiling out*, *scalding* or *rinsing out*. The precepts on this are very manifold and cannot be set out in this book. Every housewife or cook must obtain instruction on this from a person learned in the Torah, either in the individual case or in general. — If such utensils have been used without cleansing, a person learned in the Torah is to be consulted about the foods prepared in them.[160]

3. The purpose of this cleansing is to remove any particles of the forbidden substances that may have penetrated into the utensils. Besides this, however, the Torah commands us yet another kind of cleansing: *the immersion of the vessels in water* (טבילת כלים [*tevilat kelim*]). (סמ"ק קצט [*Sefer Mitzvot Katan* 199])

4. *Metal and glass* cooking and table utensils which in their use come into contact with food and drink require immersion when, whether old or new, they pass into the ownership of the Israelite for the purpose of [p. 255] use (not for trade), and at it one pronounces the benediction על טבילת כלי [*al tevilat keli*, "concerning the immersion of a vessel"], and for several: כלים [*kelim*, "vessels"].

5. Earthenware vessels glazed on the inside are immersed without a benediction. Doubtful, and dependent on various conditions, is the obligation of immersion for wooden vessels with metal parts and for metal vessels that were repaired after they had become unusable; therefore these too are immersed without the benediction being pronounced. For everything that is to be immersed without a benediction, it is advisable first to immerse with a benediction an object that is subject to immersion, such as a glass or a metal spoon, and the other objects immediately afterwards; then the benediction counts for everything.

6. In the case of vessels already used, any cleansing that may be necessary (הכשר [*hekhsher*]) is carried out before immersion. If vessels not immersed have been used for preparing food, the food prepared in them may nevertheless be eaten.

7. Before immersion the vessel must be cleaned of rust and of every foreign substance adhering to it; then one dips it entirely under the water, so that inside and outside, even the handle, it is covered with water at the same time.

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[159]Translator: *Sefer Mitzvot Katan* (סמ"ק), the code of the commandments by Isaac of Corbeil (13th century), cited by the numbers of its precepts. The cross-reference "61, 3, I. d." is to an earlier section of this book.

[160]The excellent little work written in German, *Hechschar utwilas Kelim* by Rabbi Seckel Bamberger, may the memory of the righteous be for a blessing (זצ"ל) (Frankfurt a. M., J. Kauffmann), gives sufficient information on all the details of this section and is highly to be recommended to pious housewives.

8. The immersion takes place in a brook, river or lake at its natural level, not swollen by rain or snow, or better in the immersion bath (מקוה [*mikveh*]) built according to the direction of a person learned in the Torah, which must exist in every Israelite community for this and other purposes.

> This is a statute of the Torah which God commanded Moses: However, the gold and the silver and the copper and the iron, the tin and the lead, everything that has been absorbed through fire, you shall remove again through fire, then it can become clean — but it must be purified in the bath of purification — but everything that has not been absorbed through fire, you shall remove through water. (Num. 31:21–23)

121. The Prohibitions of Eating from the Vegetable Kingdom.

1. No product of the vegetable kingdom is forbidden in itself, but only individual products under certain circumstances. One [p. 256] such prohibition of eating products of the soil has already been mentioned above (**109**, 10); to it are added the following.

2. The Torah forbids us to *eat* or to *use for any purpose of benefit* the fruits which trees and shrubs planted for the yield of fruit have borne during the first three years after their planting. However often a tree is transplanted, the prohibition begins anew after every transplanting, unless as much earth from its former site has remained on the roots as is necessary to keep the tree alive. It makes no difference whose property the tree is. We need not, however, inquire whether fruits offered to us might be the yield of the first three years (ערלה [*orlah*]).

(סה"ח רמו; י"ד רצד [*Sefer ha-Chinukh* 246; *Yoreh De'ah* 294])

3. The yield of the fourth year is permitted for eating under the following condition. In the time of the Temple either the fruits themselves or their redemption value had to be brought to Jerusalem and consumed there. Since this, however, is not possible for us, we must redeem these fruits for a small sum, render the redemption money unusable and throw it into the water; then we may eat the fruits. Outside Palestine no benediction is said at this redemption; some, however, when redeeming a *vineyard*, say the benediction included in the prayer book. (נטע רבעי [*neta revai*, fourth-year planting]) (סה"ח רמז; י"ד רצד בש"ך ס"ק י"ז [*Sefer ha-Chinukh* 247; *Yoreh De'ah* 294, *Shakh* subsection 17])

4. The Torah forbids eating anything of the year's yield of grain until after the offering of the *Omer*. The day on which eating is first permitted is, for us who cannot offer the Omer, the 18th of Nisan. The prohibition, however, applies only to grain that was sown in spring and had not yet taken root by the 16th of Nisan. — The obligations which this prohibition imposes on us thus depend on the climatic peculiarities of the various countries. For this reason, and for other reasons developed by eminent teachers of the law, this prohibition is observed in our regions only by very pious persons. (חדש [*chadash*, new grain]) (For further prohibitions of eating see **123**, 7.)

(סה"ח שג שד שה; י"ד רצג בט"ז ס"ק ד [*Sefer ha-Chinukh* 303, 304, 305; *Yoreh De'ah* 293, *Taz* subsection 4])

> [p. 257] When you come into the land and plant any tree for the enjoyment of its fruit, you shall regard it as closed off, namely its fruit; for three years it shall be closed off to you, *it may not be eaten*. In the fourth year all its fruit shall be holy, a praise-offering to God. In the fifth year you may eat its fruit — in order to increase its yield for you; I am God your God. (Lev. 19:23–25)
>
> When you come into the land which I give you and reap its harvest, you shall bring the Omer, the first of your reaping, as an offering. And he shall wave the *Omer* before God for your acceptance; on the day after the festival the priest shall wave it. And bread and parched flour and fresh ears you shall not eat until that very day, until you have brought the offering of your God; an everlasting statute for your descendants in all your dwellings. (Lev. 23:11–14)[161]

III. Through Marriage and Chastity.

122. The Precepts concerning the Contracting and the Sanctity of Marriage.

1. God created the human being as man and woman. In His wisdom and goodness He has bestowed special gifts and capacities on each sex in such a way that the two together first form a complete human being and only in the most intimate fellowship with each other can fulfill the highest tasks of mankind, as is clearly set forth in the story of creation.

2. Therefore the Torah commands the man, after he has trained himself for the independent exercise of a calling and has acquired the property necessary for a livelihood, to unite himself with a woman, in order to found a family in union with her and to bring up the children whom God gives them, according to the principles of the Torah, to be capable human beings and pious Israelites, so that the kingdom of God may be preserved and increased among mankind. *This union of man and woman is called marriage.* (סה"ח א; רמב"ם דעות ה יא [*Sefer ha-Chinukh* 1; Maimonides, Hilkhot De'ot 5:11])

3. As we know from the story of creation, God Himself instituted the first marriage in Paradise, as the last work of creation. We must therefore regard marriage as a divine institution of salvation and sanctification designed for the temporal and eternal welfare of human beings. Failure to marry exposes a person to the danger of the gravest sins [p. 258] and leads to the ruin of the individual as well as of the whole of human society. Marriage exercises its full power of salvation and sanctification, however, only when the spouses live exactly according to the precepts which the Torah has given them. (אה"ע א א בהגה [*Even ha-Ezer* 1:1, in the gloss])[162]

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[161] Translator: The quotation in fact begins with Lev. 23:10.

[162] Translator: אה"ע is the *Even ha-Ezer* section of the *Shulchan Arukh*; "in the gloss" (בהגה) refers to the glosses of R. Moses Isserles.

4. The husband is bound to love his wife as his own life; her respect and honor, however, must be dearer to him than his own. He may never let her feel his superiority in strength, and must treat her all the more with gentleness, since a harsh word easily draws tears from the sensitive woman. In particular he is obliged to protect her, to work with all his strength in order to provide his wife, in days of health and of sickness, with ample livelihood and decent clothing, and, if his financial circumstances permit, to give her pleasure and joy even beyond what is necessary. Moreover he should take care that, in the event of his earlier death, she will not have to suffer want as a widow.

(רמב"ם אישות טו יט; אה"ע ע' ג בהגה; שם עג [Maimonides, Hilkhot Ishut 15:19; *Even ha-Ezer* 70:3, in the gloss; ibid. 73])

5. The wife is obliged to love and honor her husband above all and willingly to obey him as her protector. Let her always strive to win his favor by grace and modesty, and avoid everything that could arouse feelings in him that would have to diminish his love for her. Let her seek her highest pleasure in her home; there let her exercise the duties especially incumbent upon her, seek to preserve her husband's earnings and to increase them by work suited to her strength and her sex.

(רמב"ם אישות טו יח וך; אה"ע פ [Maimonides, Hilkhot Ishut 15:18 and 20; *Even ha-Ezer* 80])

6. Spouses owe each other the highest degree of *fidelity*; they may not forget for a moment that they belong exclusively to each other alone, and they may never allow even the faintest thought of another union to arise in themselves, except as the thought of the *grave sin of adultery*. (סה"ח לו [*Sefer ha-Chinukh* 36])

7. Besides these general precepts, Israelite spouses have still other holy and sanctifying precepts of the Torah to observe, which cannot all be listed in this book. [p. 259] Those entering into marriage are obliged to have themselves instructed about them by their parents, relatives or persons learned in the Torah, in order to guard themselves against sins whose commission the Torah threatens with the same punishment as the non-observance of the *Day of Atonement*, with *extirpation*. This *indispensable* instruction anyone can obtain from the already mentioned book written in German, אמירה לבית יעקב [*Amirah le-Veit Ya'akov*], by Rabbi S. B. Bamberger of blessed memory (Frankfurt a. M., J. Kauffmann).

(סה"ח קפא קפב קסו קעה רז [*Sefer ha-Chinukh* 181, 182, 166, 175, 207])

> God created the human being in His image, in the likeness of God He created him, male and female He created them. And God blessed them, and God said to them: Be fruitful and multiply and fill the earth. (Gen. 1:27, 28)
>
> God said: It is not good that the human being should be alone; I will make him a help that is fitting as his counterpart. . . . Therefore a man leaves his father and his mother and cleaves to his wife, and they become *one* flesh. (Gen. 2:18, 24)

God was witness between you and the wife of your youth, to whom you are becoming faithless; she is your companion and the wife of your covenant. . . . Therefore master your passion, so that it not become faithless to the wife of your youth. (Mal. 2:14, 16)

The wisdom of women builds her house; folly tears it down with her hands. (Prov. 14:1)

He who commits adultery with the wife of his neighbor shall be put to death, the adulterer and the adulteress. (Lev. 20:10)

You shall teach the descendants of Israel to keep themselves away from their uncleanness, that they may not die through their uncleanness by defiling My dwelling that is in their midst. (Lev. 15:31)

123. On Forbidden Marriages.

1. As upon the faithful fulfillment of duty by the spouses, so too the influence of marriage in bringing salvation and sanctification depends on those entering into marriage being suited to each other both in their outward circumstances and in the inclination of their hearts. Therefore the decision to marry is the most important in human life, and no one should make it before having sought to convince himself that his choice corresponds to the holy purpose which the Torah intends by the institution of marriage.

[p. 260] **2.** Not physical beauty, not wealth should be decisive in this decision, but true piety, noble disposition and capability. — There is indeed nothing wrong in also taking into account the means necessary for founding a family; but marriages concluded chiefly for the sake of money, without regard to worthiness, are seldom blessed. — It is a sin, however, to break off, on account of wealth, a union once pledged. (אה"ע ב [*Even ha-Ezer* 2])

3. Those entering into marriage should pay very particular attention to the good repute and piety of the families with which they wish to be joined; they should avoid connection with families that have a reputation for insolence, quarrelsomeness and abusiveness, unkindness and hard-heartedness, and should seek to be joined with those in which Torah is cultivated and charity practiced, so that the house newly to be founded may become a home for Torah, the worship of God and charity. (אה"ע ב ו [*Even ha-Ezer* 2:6])

4. Above all, however, care must be taken not to enter into any marital union which is forbidden according to the precepts of the written or the oral Torah, even if it should be permitted by civil legislation. It is impossible to enumerate all these prohibitions here; they concern almost exclusively union with relatives and belong among the strictest prohibitions of the Torah, like idolatry and murder. It is therefore the most sacred duty of every Israelite, before he even thinks of a union with relatives, to have himself instructed exactly as to whether it is permitted by the Torah. (Lev. ch. 18 and ch. 20:10–22.)

(סה"ח מס' קפט ע"ם רו, תקנט תקס; אה"ע ד, ה, טו [*Sefer ha-Chinukh* nos. 189 to 206, 559, 560; *Even ha-Ezer* 4, 5, 15])[163]

5. The following marriage prohibitions are to be especially emphasized:

a. Marriage with a woman who has not been divorced from her still living husband according to the precepts of the Torah by the bill of divorce (גט [*get*]), likewise with a woman whose husband has disappeared without his death being attestable according to the precept of the Torah, would be adultery and is strictly forbidden as such. *Divorce or declaration of death by the [p. 261] civil courts does not suffice for the remarriage of these women. (אה"ע יז /Even ha-Ezer* 17])

b. The remarriage of a widow whose deceased husband has left no descendants but a brother on the father's side is, if this widow is not related to this brother-in-law of hers in such a way that according to Jewish law a marriage between them cannot be contracted, *forbidden* until the *chalitzah* ceremony (חליצה [*chalitzah*]) has been performed according to the precept of the Torah with this brother of her deceased husband. If there are several brothers of the deceased, the eldest of them is obliged in the first place to undergo the *chalitzah* ceremony, in order thereby to make remarriage possible for his widowed sister-in-law. If the eldest of the brothers is related to the widow in the manner stated, the duty passes to the next younger brother. (סה"ח תקצז, תקצט [*Sefer ha-Chinukh* 597, 599])

6. The propagation and transmission of the Torah from parents to children forms the content of the covenant between God and Israel and is therefore Israel's chief task. Now if *both parents* are not Israelites, not only is this transmission impossible, but the fear is also justified that the children of such a union, and indeed even the Israelite parent, would become apostate from the Torah; therefore according to the Torah a marriage between Israelites and non-Israelites cannot take place so long as the non-Israelite has not converted to Israel in the prescribed manner (מילה וטבילה [*milah u-tevilah*, circumcision and immersion]). Yet no convert (גר [*ger*]) should be accepted if he intends to convert not out of full, free conviction but only for the sake of a marriage or of other earthly advantages; indeed every would-be convert should in general be dissuaded.

(סה"ח תכז; רמב"ם איסורי ביאה יב יג יד [*Sefer ha-Chinukh* 427; Maimonides, Hilkhot Issurei Bi'ah 12, 13, 14])

7. Since the whole existence of Israel and of the Torah depends on the strictest observance of the prohibition of marriage with non-Israelites, especially in the dispersion, our sages of blessed memory ordained various fences intended to keep us away from every occasion that could lead to such unions. They forbade participation in the wedding feasts of non-Israelites, even if we wished to eat our own permitted foods. [p. 262] Because nothing produces more of that familiarity which

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[163]Translator: The print has ע"ם between the numbers, evidently a misprint for עד ("to"): commandments 189–206 of *Sefer ha-Chinukh* are the prohibitions of forbidden relations in Lev. 18.

leads to marriages than drinking wine together and eating together in general, they prohibited the drinking of wine which has been freely in the hand of a non-Israelite, and the eating of foods which a non-Israelite has cooked or baked, even from permitted ingredients, without the help of an Israelite. (סתם יין, ופת ובשול של עכו"ם [*setam yeinam*, wine of non-Jews; and bread and cooking of idolaters]) Other beverages, such as fruit wine, beer, mead etc.; bread which a non-Israelite baker has baked from *his own* flour for sale; insignificant dishes which are not usually served at distinguished tables; as well as articles which can be eaten just as well raw as cooked — all this is not forbidden. But what a non-Israelite cooks or bakes from ingredients belonging to an Israelite is forbidden, unless an Israelite has in some way taken part in it, for instance by stirring up the fire, even if it be only a boiled egg. (חורב; י"ד קכג קיב קיג קיד § 500 [*Yoreh De'ah* 123, 112, 113, 114; *Horeb* § 500])

8. From these permitted exceptions it can clearly be seen that it was not the opinion that the foods are unclean which gave occasion for these prohibitions, for otherwise everything would have to be forbidden; but the wisdom underlying the prohibitions has been confirmed by history. Already at the very beginning of the dispersion, Daniel and his companions had imposed these prohibitions on themselves (Dan. 1) and recommended them to their contemporaries; these, however, did not generally follow the word and example of Daniel, and in fact on the return from Babylon many mixed marriages arose, whose offspring had even forgotten the holy language and were no longer able to read the Torah, from which great confusion arose, as we are told in Ezra 9 and 10 and Nehemiah 13. Therefore later, as the dispersion extended ever further, these prohibitions were repeatedly enacted and generally accepted. (ע"ז לו; סמ"ג לאוין קמח ריש ה' י"נ [BT Avodah Zarah 36; *Sefer Mitzvot Gadol*, negative commandments 148, beginning of the laws of libation wine])

> Keep My statutes and ordinances, which a person is to fulfill and gain life through them; I am God. No man, no man, shall approach any of his near kin to uncover nakedness. . . . For whoever does any of these abominations, the souls that commit them shall be uprooted from the midst of their people. (Lev. 18:6, 7, 29)[164]
>
> You shall not intermarry with them; you shall not give your daughter [p. 263] to his son, nor take his daughter for your son; for he would turn your son away from following Me. (Deut. 7:3, 4)
>
> If he invites you and you eat, you might also take of his daughters for your sons. (Exod. 34:15, 16)
>
> Daniel resolved in his heart not to sin through the food from the king's table and through the wine he drank, and requested of the chief of the court officials that he might not have to sin. (Dan. 1:8)

[164]Translator: The print reads "III. Mos. 18, 6, 7, 29"; the quotation actually combines Lev. 18:5, 6 and 29.

> In those days also I saw that Judeans had married women of Ashdod, Ammon and Moab, and that part of their children spoke the language of Ashdod and were not able to speak the language of the Judeans, but the language of this people and that. . . . Did not Solomon, king of Israel, sin by these things, whose like there was no king among many nations, and who was so beloved of God that God made him king over all Israel — him too the foreign women led into sin. (Neh. 13:23, 24, 26)

124. The Precepts concerning the Form of Contracting and Dissolving Marriage.

1. Where the laws of the state require that marriage be contracted before a civil authority, the Israelite is obliged to render willing obedience to the law of the state in this too, without needing to regard this form of marriage as an encroachment on his conscience; he may not, however, regard the woman as his wife so long as he has not also concluded the marriage according to the precepts of the Torah. Whoever neglects this transgresses the commandment of the Torah that every marriage is to be contracted according to certain forms prescribed by the Torah, and violates the prohibition of the Torah that no marriage may be consummated which has not been contracted according to these provisions. (סה"ח תקנב תקע [*Sefer ha-Chinukh* 552, 570])

2. The act of marriage consists in the following: In the presence of *two* witnesses who are admissible to testimony according to Jewish law (**98**, 5), who are *related* neither to those marrying nor to each other, and who *closely observe* the act, the bridegroom hands his bride a gold ring, which she *freely* lets him place on the index finger of her right hand, while he says: <he>הרי את מקודשת לי בטבעת זו [p. 264] כדת משה וישראל</he>, which means in German: Behold, by this ring you are *consecrated to me* according to the law of Moses and of Israel.

That it is such a ring that is placed on this index finger is general custom; any other object of the value of a *perutah* (שוה פרוטה [*shaveh perutah*, worth a perutah], fine silver of the weight of half a barleycorn) and any kind of voluntary acceptance suffice, if the giving and taking of the object has taken place for the purpose of marriage. The ring must be the property of the bridegroom before it is handed over and must become the property of the bride by being handed over; it should contain no stone, because by such a stone a deception about the value of the ring is possible.

This part of the act is called "betrothal" (אירוסין [*erusin*]); it was formerly performed a long time before the wedding, and has the consequence that from then on the bride is to be regarded by all the world as the wife of another. Wherever the word ארש [*aras*, betroth] occurs in the Torah, this act is to be understood by it. (אה"ע כז א וב [*Even ha-Ezer* 27:1 and 2])

3. The marriage is completed, however, also for the bridegroom, only by his stepping with the betrothed under a common canopy (חופה [*chuppah*]). In some communities a baldachin is used for this; in others those being married wrap themselves at the same time in one and the same *tallit* (טלית). This second part of the act is called, according to its meaning, "*bringing home*" (נשואין

[*nissu'in*]), and through it the betrothed first becomes the wife and housewife of her betrothed, provided that the following has also preceded it. (אה"ע סא [*Even ha-Ezer* 61])

4. It is namely required that the bridegroom issue a contract (כתובה [*ketubbah*]) in which the duties which he undertakes toward his wife are set out in general, but by which in particular he assigns to his wife a certain sum of money, prescribed as to its minimum amount, which she must receive from him or his estate should he divorce her or die before her. The promise contained in the contract he furthermore confirms by the socalled [p. 265] *mantle-grip*[165] (קנין סודר [*kinyan sudar*, acquisition by a kerchief]). The contract, written before the act and confirmed by the mantle-grip, is read aloud after the handing over of the ring. The signing by two witnesses takes place in some regions *before*, in some *after* the act; in Germany it is also signed by the bridegroom. (אה"ע סו [*Even ha-Ezer* 66])

5. Before the beginning of the act, the person learned in the Torah who conducts it first pronounces the benediction over a cup of wine, then, as before the performance of every other commandment of the Torah, a corresponding benediction (ברכת אירוסין [*birkat erusin*, the benediction of betrothal]). After the handing over of the ring and the reading of the contract, seven benedictions (שבע ברכות, ברכות נשואין [*sheva berakhot, birkhot nissu'in*, the seven benedictions, the benedictions of marriage]) are pronounced, the first likewise over a cup of wine. The seven benedictions last mentioned, which are repeated at the wedding meal, may be pronounced only in the presence of 10 adult males, the bridegroom included; the *birkat erusin* too should be pronounced only with a מנין [*minyan*].

(אה"ע לד סב [*Even ha-Ezer* 34, 62])

6. Severe censure falls upon one who, without previous arrangement, at a chance meeting performs a marriage. But if it has happened that in the presence of two witnesses an object of value was given and accepted, this has full validity to the extent that the woman is to be regarded as a married woman (אשת איש [*eshet ish*]) and cannot enter into another marriage without a prior divorce according to the precepts (גט [*get*]).

7. The necessity of dissolving a marriage by divorce is a grave misfortune; the altar sheds tears over one who separates from the chosen one of his youth, our sages of blessed memory say figuratively. Nevertheless the Torah commands divorce when the sanctity of marriage has been gravely violated, and permits it when living together has become for the spouses, instead of a source of blessing and well-being, a cup of suffering and sorrow. [p. 266] The giving of the bill of divorce (גט), however, the Torah has bound up with very elaborate precepts, for which reason a

[165]The mantle-grip is one of the various legal forms by which, according to Jewish law, transfers of possession become legally valid, similar to the handshake customary elsewhere. The bridegroom grasps the corners of their outer garments offered to him by the witnesses, with the expressed or presupposed intention of thereby giving his promises unconditional legal force. (ח"מ קצה [*Choshen Mishpat* 195])

divorce may be carried out only under the direction of a Talmud scholar who is thoroughly familiar with the relevant precepts and deserves full confidence. — Very widespread is the custom that this Talmud scholar chooses two assessors learned in the Torah and the divorce is carried out before this panel (בית דין [*beit din*, court]). (סה"ח שסה, תקעט [*Sefer ha-Chinukh* 365, 579])

8. After the divorce the divorced persons may remarry each other and other persons; only if the divorced woman had married another man and has been separated from him again by death or divorce may her first husband never marry her again. (סה"ח תקפ [*Sefer ha-Chinukh* 580])

> When a man takes a woman to himself and marries her, then, if she finds no favor in his eyes because he has found in her a nakedness that gives ground for complaint, let him write her a bill of divorce, put it in her hand and send her out of his house. She then departs from his house and may go and become another man's. If this latter man now hates her and writes her a bill of divorce, puts it in her hand and sends her out of his house, or if the latter man dies who had taken her to himself as wife, then her first husband, who sent her away, shall not be entitled to take her to himself again to be his wife, after she has been caused by him to cease to be pure for him; for that is something abhorred by God. (Deut. 24:1–4)

125. The Prohibitions of Unchastity.

1. Among the most important precepts of the Torah with regard to our sanctification are the prohibitions of unchastity. By the expression *unchastity* (lewdness, wantonness) is understood every act on one's own or another's body of which one would be ashamed if any human being knew of it. (סמ"ק רצב; אה"ע כג [*Sefer Mitzvot Katan* 292; *Even ha-Ezer* 23])

2. Such acts between persons to whom marriage is forbidden belong among the gravest crimes, threatened by the Torah with the penalty of death or extirpation (גלוי עריות [*gilui arayot*, uncovering of nakedness]), but they are also grave sins between other persons. They bring temporal and eternal misery upon a person, are the opposite of sanctification, in that they profane and [p. 267] defile us and degrade a person to the level of a beast. According to experience and history these sins have already brought about the downfall of whole nations. (Proofs as at **123**, 4; in addition: סה"ח רט רי ריא [*Sefer ha-Chinukh* 209, 210, 211])

3. Therefore the Torah commands us the strictest guard against these sins, forbids persons of different sex to be alone together (II Sam. 13), forbids every thought of such an act, forbids everything that could even awaken in us the thought of such acts.

(סה"ח קפח; אה"ע כא כב [*Sefer ha-Chinukh* 188; *Even ha-Ezer* 21, 22])

4. Against sinful thoughts, the begetters of sinful acts, we are protected by the thought of the omnipresence of the *holy* God, by work, sobriety and moderation, by avoiding the company of people who are not known to us as reliably good, by staying away from frivolous amusements, and in particular by reading the writings of the Torah and studying Torah; thus says the wise

Maimonides: *Sinful thoughts can arise only in a heart that has remained empty of the wisdom of the Torah.*

(רמב"ם איסורי ביאה כב כא; אה"ע כה א [Maimonides, Hilkhot Issurei Bi'ah 22:21; *Even ha-Ezer* 25:1])

> Let there be no woman given to lewdness among the daughters of Israel, and let there be no man given to lewdness among the sons of Israel. (Deut. 23:18)
>
> You shall not defile yourselves by any of these acts, for by all these the nations whom I am sending away before you have defiled themselves. Then the land became unclean, and I visited its sins upon it, and the land vomited out its inhabitants. (Lev. 18:24, 25)
>
> Keep your way far from her (lewdness), do not come near the door of her house. . . . Lest at the last you must lament, when flesh and body waste away from you, saying: Alas, why did I hate discipline, why did my heart scorn reproof! (Prov. 5:8, 11, 12)
>
> How should I commit so great a wickedness and sin against God? (Gen. 39:9)
>
> My son, if sinners entice you, do not follow them. (Prov. 1:10)
>
> Lewdness, wine and new wine take away the understanding. My people — because the spirit of lewdness has led them astray, therefore they fell away from their God. (Hos. 4:11, 12)
>
> Above all that is worth guarding, guard your heart, for from it life goes forth. (Prov. 4:23)

[p. 268] ## IV. Through Mastery of the Senses, of Speech, of the Desires.

126. The Precepts concerning the Guarding of the Senses.

1. From the preceding section we recognize that it is by no means sufficient for the purpose of our sanctification if we preserve, care for and nourish our body according to the precepts of the Torah and refrain from the sinful deed. The Torah also demands, and demands most particularly, the purification and sanctification of our inner being, of our thinking, feeling and willing.

2. On the borderline between body and spirit stand the senses, stand in particular the *eyes*, as the paths by which the outer world enters into our spirit. That we carefully guard these paths, so that no image that entices to sin may reach our soul — that is the beginning of our inner sanctification. The first sin began with Eve's looking at the tree with the forbidden fruits; the father's curse struck Ham because he did not master his eyes; Shem and Japheth received the blessing because they bridled their eyes; therefore the Torah says: *Do not go spying after your hearts and after your eyes.*

3. According to the tradition of our sages of blessed memory, these words forbid us to look at our own or another's uncovered body, or at anything else that could awaken base or even sinful thoughts in us. — Art is unfortunately often misused to depict, in pictures or plays, things calculated to excite the imagination and to awaken sinful desires. The sight of such representations is most dangerous to the purity of our heart; therefore it too is forbidden us. — But not only the

base, the beautiful too can become dangerous to us when its possession is forbidden us; therefore we may not awaken the desire for it in ourselves by looking at it. *Whoever guards his eyes guards his heart.* (אה"ע ס' כא וס' כג [*Even ha-Ezer* chs. 21 and 23])

4. The Torah calls (Exod. 20:15) *hearing* too a seeing, and the *ear* is a second path by which sin can enter into our soul. Therefore listening [p. 269] to the conversation of coarse people, listening to sinful words and songs or words and songs that incite to sin, is forbidden to us no less than the sight of sinful representations. (כתובות ה [BT Ketubbot 5])

5. *Reading* is a hearing by means of the eyes. It is best to read the writings of the Torah, or such as relate to them. If we wish to read something else for recreation, we should choose only such books as enrich us with useful knowledge. Among the books, however, that are written for entertainment, to pass the time that is fleeting in any case, there are a great many that are apt to call forth sinful desires in us; it is forbidden to read such, for which reason we are obliged to exercise the greatest caution in the choice of what we read. (א"ח שז טו [*Orach Chayyim* 307:15])

> Turn away my eyes from looking at vanity; in Your ways let me find life. (Ps. 119:37)
>
> I have made a covenant with my eyes; why then should I look upon a maiden? (Job 31:1)
>
> The grave and the netherworld are never satisfied, so too the eyes of man are never satisfied. (Prov. 27:20) (ע"פ רש"י ז"ל [according to Rashi of blessed memory])
>
> He who stops his ear from hearing of bloodshed, who shuts his eyes from looking upon evil, he shall dwell on the heights; rocky fortresses are his refuge. (Isa. 33:15, 16)

127. The Precepts concerning the Bridling of the Tongue.

a. Speak nothing useless, let alone anything unclean.

1. The work of our sanctification depends very essentially on the power we have over our tongue, on our practice in the art of keeping silent. A thought we can still master and suppress. The spoken word is often already half a deed, still more often a whole, full sinful deed. The more easily sins of the tongue are committed, however, the more important it is to keep our tongue firmly in check.

2. The ability to speak is the most glorious gift of God that adorns the human being. It has been granted to him for holy and useful purposes. Study of Torah, prayer, words of love and goodwill, of encouragement and consolation toward one's fellow man are its holy task; the furthering of just and truthful intercourse among [p. 270] human society is the most useful purpose it is meant to serve. All worthless talk, however, which serves neither the one nor the other of these purposes, even if its content is not sinful, is forbidden by our Sages, of blessed memory, on the basis of Scriptural passages, because it easily leads to what is sinful. (יומא יט ע"ב; אבות א יז; ג יג; רמב"ם דעות ב ד [Yoma 19b; Avot 1:17; 3:13; Maimonides, Hilkhot De'ot 2:4])

3. But even in speech that is justified and dutiful, our Sages, of blessed memory, forbid us to utter the names of ugly and base things, and command us to paraphrase them and always to use a decent manner of expression; indeed, among other reasons, the Hebrew language is called the holy language because it lacks names for ugly things (דברים מגונים [*devarim megunim*, unseemly things]). (פסחים ג ע"א; נזיר כג ע"ב [Pesachim 3a; Nazir 23b])

4. Standing especially in the way of our sanctification are all ambiguous, lewd and indecent speeches, which clothe in words and shamelessly utter things that one cannot think about, nor look upon with one's eyes, without blushing. Such speech is described by our Sages, of blessed memory, as one of the gravest sins, one that brings temporal and eternal misery upon those who commit it (נבול פה [*nivul peh*, obscene speech]). (שבת לג ע"א [Shabbat 33a])

> In the multitude of words sin is not lacking; but he who restrains his lips acts wisely. (Prov. 10:19)
>
> He who guards his mouth and his tongue keeps his soul from troubles. (Prov. 21:23)
>
> Death and life are in the power of the tongue; and he who cultivates it shall eat its fruit. (Prov. 18:21)
>
> The fool's mouth is his ruin, and his lips are a snare to his soul. (Prov. 18:7)
>
> Be not rash with your mouth, and let not your heart hasten to utter a word before God; for God is in heaven, and you are upon earth; therefore let your words be few. (Eccl. 5:1)

b. Avoid vows, but hold them sacred.

5. We must guard our tongue all the more, lest it utter words rashly, since the Torah demands of us that we hold the spoken word sacred. That we must inviolably fulfil every promise by which we have granted any of our fellow men a claim upon us has already been stated (86, 11). But the Torah demands the same sacred regard [p. 271] also for such vows as we have pronounced before God or toward ourselves, without binding ourselves to any human being.

6. The Torah distinguishes two kinds of such vows (and it is these that are under discussion here):

a. *Vows of renunciation* (נדרי איסור [*nidrei issur*]), i.e., those by which a person denies himself something that is permitted; and

b. *Vows of promise* (נדרי הקדש [*nidrei hekdesh*]), i.e., those by which a person vows to perform some good work to which he would not otherwise be obligated. Of both kinds the Torah forbids us to profane our word by leaving the vow unfulfilled, and commands us *faithfully to fulfil* everything that has passed our lips; of vows of promise it further forbids us to postpone what was

promised beyond the appointed term, or, if no such term was fixed, to postpone it at all. (סה"ח תז תקעה תקעד [*Sefer ha-Chinnukh* 407, 575, 574])[166]

7. Since the easily excitable female sex lets itself be carried away very readily into promises and renunciations that, given its dependence on the man, are often difficult for it to fulfil, the Torah permits the father to prevent the fulfilment of *all* the vows of his daughter who is not yet 12½ years old; the Torah permits the same to the husband with regard to all *vows of renunciation* of his wife (הפרה [*hafarah*, annulment]). But the father as well as the husband must exercise this right of prevention before nightfall of the day on which he received word of the vow. The formula of prevention for father and husband runs: מופר לך [*muphar lakh*], "it is annulled for you!" (י"ד רלד [*Shulchan Arukh, Yoreh De'ah* 234])

8. Since with every vow we expose ourselves to the danger of not fulfilling what was vowed, we should not vow at all, but rather do what we have recognized as good without first binding ourselves by a vow. Therefore our Sages describe the vow as a sin, and the Torah commands that we not let vows of renunciation in particular weigh upon us, but seek to be released from them in the manner the Torah prescribes for this (התרה [*hatarah*, release]). (סה"ח תו; נדרים עז ע"ב; רמב"ם נדרים יג כד; י"ד רג [*Sefer ha-Chinnukh* 406; Nedarim 77b; Maimonides, Hilkhot Nedarim 13:24; *Yoreh De'ah* 203])

[p. 272] **9.** The precepts of the Torah on release from vows are as follows. Whoever has made a *vow of renunciation* and regrets it shall, when the time for its fulfilment has come, appear before a body of three men who know the relevant precepts of the Torah, and ask them to dissolve his vow. They are to examine the vow, and if it can be dissolved at all, they are to show him that it would have been better not to have vowed at all. If he has come to this conviction and declares that he *sincerely regrets* having made the vow, they then say three times: מותר לך [*mutar lakh*], "*it is remitted to you!*" (י"ד רכח [*Yoreh De'ah* 228])

10. Not all vows can be dissolved. Besides vows that contain an obligation toward some human being, those vows also are not to be dissolved which a person has imposed upon himself in order to set limits to a passion or a sinful habit. If, for example, a passionate gambler had vowed never again to touch cards or dice, this vow (like every similar one) could not be dissolved for him. Vows of promise, e.g., to give alms to the poor, to study this or that portion of the Torah, and the like, everyone is obligated to fulfil as long as it is at all possible; therefore such vows are to be dissolved only in the most urgent necessity. (י"ד רכח טו; רמב"ם נדרים יג כה [*Yoreh De'ah* 228:15; Maimonides, Hilkhot Nedarim 13:25])

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[166]Translator: *Sefer ha-Chinnukh* (abbreviated סה"ח), the medieval enumeration and explanation of the 613 commandments; the numbers given are those of its count.

11. Whoever, in order to train himself or to set himself a limit, denied himself something permitted even *once*, and in doing so resolved always to keep it so, for him this unspoken resolution counts as a vow. Whoever has practised such a renunciation *three times*, for him this practice counts as a vow, even if beforehand he did not think of always doing it (e.g., one who has fasted one of the voluntary fast days three years in succession). Therefore everyone who does something of this kind should declare beforehand that he does not take it upon himself as a vow (בלי נדר [*beli neder*, "without a vow"]). (י"ד ריד [*Yoreh De'ah* 214])

> When a man vows a vow to God, or swears an oath to bind his will with a bond, he shall not leave his word powerless; he shall do according to all that has proceeded out of his mouth. (Num. 30:3)
>
> [p. 273] But a woman, if she vows a vow to God, or binds (herself with) a bond in her father's house in her youth . . . . and if her *father* has hindered her on the day that he heard it, then none of her vows and of her bonds with which she has bound her will shall stand; God will forgive her, because her father has hindered her. (Num. 30:4, 6)
>
> If she becomes a man's wife while vows are upon her, or an utterance of her lips by which she has bound her will . . . . or if she vowed in her husband's house, or bound her will by a bond with an oath, and her husband heard it and kept silent toward her and did not hinder her, then all her vows shall stand, and every bond by which she has bound her will shall stand. But if her husband annuls them on the day he hears them, then whatever has proceeded out of her lips concerning her vows and the binding of her will shall not stand; her husband has annulled them, and God will forgive her. Every vow and every binding oath to afflict the self, her husband may let it stand, and her husband may annul it. (Num. 30:7, 11–14)
>
> When you vow a vow to God your God, do not delay to fulfil it; for God your God will surely require it of you, and sin would cling to you. But if you refrain from vowing, there will be no sin in you. What your lips have uttered you must keep and perform, as you have vowed a dedication to God your God, what you have spoken with your mouth. (Deut. 23:22–24)

128. The Precepts concerning Mastery of Our Drives, Desires and Passions.

1. We come all the nearer to the level of holiness the more we are able to master the drives with which God has created us, so that they do not grow strong into desires and cravings, into inclinations and passions, which we could then master only with difficulty. Therefore God says in the tenth Word from Sinai: You shall not covet! You shall not desire!

2. According to the tradition of our Sages, of blessed memory, the *prohibition of coveting* is transgressed by one who, through pressing and persuasion, gets into his possession any object that another owns and would not willingly give up, even if he pays the most generous price for it. But the Torah demands something still higher through the *prohibition of desiring*; this is transgressed by [p. 274] one who in his heart gives room even to the mere wish that he might bring another's

property into his possession, even if he does nothing at all actually to obtain it. (סה"ח לח תטז [*Sefer ha-Chinnukh* 38, 416])

3. In the train of coveting and desiring follow many other sins, against which the Holy Scriptures and our Sages, of blessed memory, warn us urgently.

Not everyone can be brought to give up his property to others, not even for payment (Naboth). Some possessions, such as bodily or mental advantages, by their very nature cannot be given away at all. If the craving for such an unattainable good is not suppressed at its first stirring, it easily turns into grudging and envy (קנאה [*kin'ah*]), which, as the examples of Cain, of Joseph's brothers, and of the kings Saul and Ahab prove, lead to many sins, and rob the one who bears them in his heart of all the joys of life, and at last of health and life. Therefore the Torah wills that we let no cravings arise in us.

4. The prohibitions of coveting and desiring refer in the first place to the possessions of our fellow man; but we should also not desire other forbidden things, for desiring is easily followed by coveting, and from this it is only a narrow step to sinful enjoyment. Indeed, even entirely permitted enjoyment and possession we should not strive after beyond the measure of need, for such striving (תאוה [*ta'avah*, lust]) easily rises to *greed* and *avarice*, to *love of pleasure* and *sensuality*. But in a heart in which these passions dwell, holiness (קדושה [*kedushah*]) cannot arise, for only contentment and abstinence (פרישות [*perishut*]) lead to it.

5. One drive of our heart requires especially close watch, namely the one that urges us to strive that our fellow men should accord us special esteem, should honour us (the drive for honour, כבוד [*kavod*]). In its beginnings this drive, like every other, is good, in that it is able to spur us on to noble striving. But if it is not watched, it soon leads us to do good only for the sake of honour, and that, as the beginning of hypocrisy, is already reprehensible. [p. 275] If there even arises in us a desire, a craving for honour (ambition), we are, as history and experience show, in danger of committing many sins. Therefore our Sages, of blessed memory, warn against the three passions named: *envy*, *kin'ah*, *love of pleasure*, *ta'avah*, and *ambition*, *kavod*, saying that these three drive a man out of the world.[167]

6. In its highest, most reprehensible degeneration the drive for honour appears as *pride* and *arrogance* (גאוה, גסות הרוח [*ga'avah*, *gassut ha-ru'ach*]), which *the Torah forbids us*. "Pride" we call the way of thinking and acting of a person who esteems his own worth so highly that he not only slights and despises his fellow men, but also denies God the honour, in that he regards himself as the author of that of which he believes he may be proud. — Against this reprehensible way of thinking, which comes very near to the denial of God, we best protect ourselves by the thought that all that we are and have is God's gift and dispensation; that human diligence and human

[167] Translator: Avot 4:21: "Envy, lust and the pursuit of honour drive a man out of the world."

striving are nothing without God; that we could not possibly perform even the good that we do without the means God has lent us; and finally, that all the good we do is but small and little compared with what we are obligated to do. — The way of thinking opposed to pride we call *humility* (ענוה [*anavah*]), the virtue for which the Torah especially praises our teacher Moses, of blessed memory, and for which our Sages praise the famous Tanna Hillel, of blessed memory. Pride we must flee to the utmost limit, but humility, as the mother of all true piety, we must cultivate in ourselves. (סמ"ג לאוין סד [*Sefer Mitzvot Gadol*, negative commandment 64])

7. Humility, which endures all, bears all, is a quality that guards our inner self against that agitation in which we cease to think rationally and to feel humanely, and become capable of committing the gravest sins, *namely against anger*. Anger we must avoid to its utmost limit; it ruins body and soul. Our Sages, of blessed memory, teach: Do not be angry, and you will not sin. — Whoever lets himself be carried away by his anger to tear or break something, regard him as capable of worshipping idols. [p. 276] — Whoever does not grow angry is loved by God. Anger is one of the obstacles that make the sinner's return to God difficult.

> You shall not desire your neighbour's wife. You shall not desire your neighbour's house, nor his field, his manservant, his maidservant, his ox, his ass, nor anything that is your neighbour's. (Deut. 8:18, Lev. 20:14)[168]
>
> *Anger* kills the fool, and *envy* slays the simple. (Job 5:2)
>
> *Wrath* is cruel, and *fury* overwhelming; and who can stand before *envy*? (Prov. 27:4)
>
> He who loves money will not be satisfied with money; he who loves abundance will have no gain from it; this too is vanity. (Eccl. 5:9)
>
> You might eat and be satisfied, build fine houses and dwell in them; your herds and flocks might multiply, silver and gold be multiplied to you, and all that you have be multiplied; then your heart might become *haughty* and you might forget God your God . . . . and say in your heart: *my* strength and the might of *my* hand has gotten me this wealth. Remember, then, God your God, that it is he who gives you strength to get wealth. (Deut. 8:11–18)
>
> Before the fall — pride; before the stumbling — haughtiness. Better to be of lowly spirit with the humble than to divide the spoil with the proud. (Prov. 16:18, 19)
>
> Do not let your spirit be quick to anger, for anger rests only in the bosom of fools. (Eccl. 7:9)

129. The Commandment of Return to God (Repentance).

1. No human being succeeds in so mastering his sensual desires that he is not at times led by them to depart in some way from the precepts of the Torah. Every such departure, whether it be the omitted fulfilment of a *commandment* or the transgression of a *prohibition*, is a sin.

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[168] Translator: The printed references "V. Mos. 8, 18, III. Mos. 20, 14" are evidently misprints for Deut. 5:18 and Exod. 20:14.

2. Sin and its consequences are very baneful for us. Every sin weakens the power of resistance of our free will against sinning in general, and therefore draws other sins in its train; every sin removes us from God, to whom we ought to come ever nearer through striving after holiness; for every sin we have to expect, in this life or the next, *the punishment of God, the Holy and Just One*.

[p. 277] **3.** But God, the All-Good and All-Merciful, does not will that we bear these consequences of our sins. Rather, he has promised to blot out our sins with their consequences entirely, as though they had never occurred, to restore in us the state of perfect purity and nearness to God as though we had never lost it, to forgive us and to remit the punishment, if we return to obedience to him and to the precepts of his Torah. Therefore he commands us this *return* (תשובה [*teshuvah*]), which demands the following of us:

a. Confession of sins, וידוי [*viddui*].

4. We must closely examine and search our conduct, and every act against God's commandments that comes to our awareness in this self-examination we must *sincerely confess before God with our mouth*. Sins against God that have not so far become known to any person we may not confess aloud before people when we return. On the other hand, we should confess publicly sins by which we have wronged our fellow man, so that everyone may learn that he is in the right and that we have done him wrong.

b. Making amends, רצוי והשבה [*ritzui ve-hashavah*, appeasement and restitution].

5. For sins that we have committed against any of our fellow men we can expect forgiveness from God only when we have satisfied our fellow man. If we have appropriated property unlawfully, we must restore it to the owner or his legal successors; if we have hurt or offended someone, we must take every pains to obtain his forgiveness. Should the offended person have died in the meantime, we must declare at his grave before ten men that we have done him wrong. If we have harmed someone's good name, we must restore his honour. In short, we must do everything possible to undo the evil consequences of our sins.

c. Remorse, חרטה [*charatah*].

6. However necessary these outward works of return are, the one who returns must not confine himself to them alone. The thought that through our sin we have [p. 278] drawn upon ourselves God's displeasure and stained our pure soul must fill us with the bitterest pain and awaken in us the sincere wish never to have sinned. This wish, which is an essential condition of return, we call *remorse*.

d. Forsaking sin, עזיבת החטא [*azivat ha-chet*].

7. If our remorse is true and sincere, it must ripen in us the resolution not only to avoid our past sins in the future, but also henceforth to observe all the commandments and prohibitions of the

Torah most conscientiously. The one who returns but does not leave off his sins, or does not return to perfect obedience to *all* the precepts of the Torah, is like one who takes a bath of purification while holding in his hand the object that makes him unclean; how can he become clean?

e. Prayer, צעקה [*tze'akah*, crying out].

8. The confession of sin, the feeling of remorse and the resolution to improve we should express in prayer, and with tears earnestly implore God for his mercy and his forgiveness.

9. Of great importance is *the time* at which we begin the work of our return. It is best to begin returning immediately upon recognizing our sin. Every evening, before we go to rest, we should examine our day's conduct, confess and regret the sins discovered in it, and implore God for forgiveness. The first work of the new day should then be the satisfying of any fellow men we may have wronged. — All misfortunes, the smallest loss with which God visits us, we should regard as gracious hints from him by which he wishes to awaken us to return. — We should regard ourselves as summoned to return quite especially when we lie sick in bed, and it must be the Israelite's most earnest care not to depart this earthly life without having made good every wrong he has committed, confessed and regretted his sins, and implored God for forgiveness. For God has promised forgiveness of sins [p. 279] also to the one who returns to him in his last moment. But let no one postpone his return until then, for we do not know whether time will still remain to us.

10. As the general, annually recurring time of return for the whole of Israel, God has appointed the nine days preceding the Day of Atonement (יום כפור [*Yom Kippur*]) and especially that day itself, and has promised that *this day will bring forgiveness of sins to all who sincerely return* (64, 1. 2). Therefore no one should let this season of grace pass without sincere return. — The national days of misfortune of Israel, too, which we keep as general fast days (תעניות צבור [*ta'aniyot tzibbur*, public fasts]), are to be regarded as general days of return (70, 4).

11. Return, as it has been set forth here, is *the sole and exclusive means* by which the sinner is able to blot out his sins, to regain God's favour, and to save himself from punishment in this life or the next. — But our return is also of higher, general importance. For since the state of salvation which is promised for the future to Israel and to mankind is brought nearer by Israel's return to God, and since the whole is made up of all its individuals, the return of each individual furthers the salvation of Israel and of mankind.

> There is no man upon earth so righteous that he does only good and does not sin. (Eccl. 7:21)[169]
>
> Who can say: I have kept my heart blameless, I have remained pure from sin? (Prov. 20:9)
>
> Woe to the wicked, for evil is his; for what his hands have done shall be repaid him. (Isa. 3:11)

[169] Translator: Eccl. 7:20 in the Hebrew numbering.

The wicked are like the tossing sea, which cannot rest, whose waters cast up mire and dirt. There is no peace, says God, for the wicked. (Isa. 57:20, 21)

God will bring every deed into judgment, even everything hidden, whether it be good or evil. (Eccl. 12:14)

As I live, says the Lord God, I have no pleasure in the death of the wicked, but that the wicked turn from his way and live. Turn back, turn back from your evil ways; why will you die, O house of Israel? (Ezek. 33:11)

If the wicked turns from all his sins that he has committed, and keeps all my statutes, and does justice and righteousness, [p. 280] he shall surely live, he shall not die; none of the transgressions that he has committed shall be remembered against him. (Ezek. 18:21, 22)

Let us search and examine our ways, and return to God. (Lam. 3:40)

Speak to the children of Israel: When a man or woman commits any of the sins of men, committing a breach of faith against God, and that person incurs guilt, *they shall confess their sin which they have done, and each shall restore the object of his guilt in its value*. (Num. 5:6–7. Cf. Lev. 5:23–25.)

He who denies his transgressions shall not prosper; but whoever confesses and forsakes them shall obtain mercy. (Prov. 28:13)

My God! I am ashamed and abashed to lift up my face to you, for our sins are so many that they rise above our head, and our guilt has grown up to the heavens. (Ezra 9:6)

Remember your Creator in the days of your youth, before the evil days come and the years draw near of which you will say: I have no pleasure in them. (Eccl. 12:1)

Seek God while he may be found, call upon him while he is near. (Isa. 55:6)

And it shall come to pass, when all these words have come upon you, the blessing and the curse which I have set before you, that you will take it to heart among all the nations whither God your God has driven you, *and you will return even unto God your God*, and will hearken to his voice according to all that I command you this day, you and your children, with all your heart and with all your soul. Then God your God will also turn again and seek out your exiles, and have compassion upon you, and gather you together from all the peoples whither God your God has scattered you . . . . for you will now hearken to the voice of God your God, to keep his commandments and statutes, that which is written in this book of the Torah; *for you will return to God your God with all your heart and with all your soul*. (Deut. 30:1–10)

130. The Precepts concerning the Formation of Israelite Communities.

1. *Every Israelite is obligated to fulfil all the precepts set forth in this book*, except for the special precepts for the descendants of Aaron, and with the exception of the female sex, which is exempt from those commandments for which a particular time is fixed. Very [p. 281] many of these precepts, however, require arrangements which the Israelite living alone can only in the rarest cases make

for himself. From this arises for the Israelite who cannot provide from his own means all the institutions needed for observing the precepts of the Torah the obligation to choose his place of residence where the nearness of other Israelites gives him the possibility of living in accordance with the precepts of the Torah.

2. The Israelites living together in one place are obligated *to unite into a community*: in general, in order to support, encourage and strengthen one another in faithful adherence to the Torah and its precepts; in particular, however, in order to found jointly those institutions which are necessary for the continued transmission of the Torah and for life according to its precepts. For the Israelite has by no means fully accomplished his task when he lives in accordance with the Torah in his own person; he is also obligated to cooperate and contribute so that each and every Israelite can live by it, and does live by it.

In detail, the Israelite community has the following threefold task.

a. Furtherance of the study of Torah, תורה [*Torah*].

3. The most important task of the Israelite community is the cultivation of the study of Torah. The study of the individual does not provide full security for the continued transmission of the Torah; therefore God, in Moses' farewell words, Deut. 33:4, placed the Torah as a *heritage to be passed on* (מורשה [*morashah*]) under the care of the *community* (קהלת יעקב [*kehillat Ya'akov*, the congregation of Jacob]), for which the following task arises from this:

aa. Every Israelite community is obligated to found *a school* for instruction in Torah, which gives the youth of the community the opportunity to learn at least as much as is prescribed above (31). With more than *forty* children two teachers are to be appointed. Care is to be taken that the teacher instructs *conscientiously and thoroughly*. The children of those parents who can contribute nothing to the upkeep of the school must receive instruction free of charge.

[p. 282] bb. Every Israelite community is obligated, by itself or jointly with neighbouring communities, to appoint as *rabbi* (רב, מורה הוראה [*rav*, *moreh hora'ah*]) a man *well instructed* in the Torah, *declared competent* by trustworthy experts to decide all questions concerning the precepts of the Torah addressed to him, and *living and teaching* strictly according to the precepts of the Torah. His task is especially to instruct the older youth in Torah, to decide the inquiries addressed to him concerning the precepts of the Torah (שאלות [*she'elot*]), to supervise all the institutions of the community, and to admonish the community as a whole as well as each individual to a life according to the precepts of the Torah.

cc. Where the need exists, the community is also obligated to set up a collection of Torah writings accessible to everyone versed in the Torah. In our time, since books are more readily obtainable, communities satisfy this obligation by acquiring the Torah scrolls (ספרי תורה [*Sifrei Torah*]) needed for the public reading of the Torah, and the Book of Esther (מגלה [*Megillah*]).

b. Worship of God and fulfilment of the Torah, עבודה [*avodah*].

4. Since every Israelite is obligated, if at all possible, to perform his prayer in a public assembly (בצבור [*be-tzibbur*]); and since, moreover, the prescribed reading of the Torah is permitted only in such an assembly, the establishment of public worship is a principal obligation of the Israelite community; for this the following is required:

aa. Every Israelite community is obligated to provide, in accordance with Jewish law, a suitable place for the prayer assemblies and to furnish it with the necessary interior fittings (synagogue, בית הכנסת [*beit ha-knesset*]).

bb. Further, every Israelite community is obligated to appoint, to lead the prayers and to read from the Torah (חזן וקורא [*chazzan ve-kore*]), a man at least well read in Holy Scripture (תנ"ך [*Tanakh*]) in the original language, living strictly according to the precepts of the Torah, always of good repute, and endowed with a good voice; and, where no member of the community is competent and willing, also someone for the New Year festival to blow the Shofar (תוקע [*toke'a*]).

[p. 283] cc. Smaller communities are obligated, for the New Year, the Day of Atonement and פרשת זכור [*Parashat Zakhor*] (72, 2), if the necessary ten persons (מנין [*minyan*]) are not present in the place itself, to hire some people from outside to take part in the public prayer assembly. Where the required number of ten does not always appear in the house of prayer, the members of the community may be held to attendance at the house of prayer by penalties, where the laws of the state permit this. (א"ח נה [*Shulchan Arukh, Orach Chayyim* 55])

dd. The worship of God (עבודה) in the wider sense comprises the fulfilment of all the precepts of the Torah. From this follows for the Israelite community the obligation to provide all the institutions which are necessary for the members of the community to live according to the precepts of the Torah, but which the individual cannot possibly establish. To these belong: the appointment of a ritual slaughterer (שוחט [*shochet*]), the establishment of a bath corresponding to the traditional precepts of the Torah, if possible arrangements by which it becomes permissible on the Sabbath to carry, within the place of residence, necessities of life that can hardly be done without (page 109), and finally a burial ground, etc. (ח"מ קסג [*Shulchan Arukh, Choshen Mishpat* 163])

c. Charity, גמילות חסדים [*gemilut chasadim*].

5. A chief task of the Israelite community is care for the poor and needy. This requires the following:

aa. In every community there must be a fund from which the local poor, so far as they cannot be helped by procuring them work and earnings and are not helped by the charity of individuals, are

to be given everything necessary for life: lodging, food, clothing and heating. To poor people passing through, too, the support prescribed (106, 7) is to be given.

bb. For keeping watch with the sick, the dying and the dead, and for the preparation and burial of the latter, voluntary societies exist in almost all communities. Where such do not exist, every individual member of the community is obligated *as an Israelite* to take part in these offices (107 A and B), and in this case, particularly in smaller communities, it is an almost universal custom hallowed by tradition that the members [p. 284] of the community must undertake these offices of love in turn, in person or through paid substitutes.

6. To all the institutions incumbent upon a community *every* member of the community must contribute, even one who derives no benefit from particular institutions; and even those members of the community who on account of poverty do not share in the community's burdens can compel the community to create the indispensable institutions. — Regarding the apportionment of taxes among the members of the community, the legal principle in general is that each must contribute according to his means. Where, however, a custom exists based on threefold practice, this has legal force; therefore the arrangement of many communities of levying up to half of the tax on the heads of families is justified.

7. If different opinions arise concerning community affairs, *none of which violates the precepts of the Torah*, the assembly of all contributing members decides by majority vote. No one should stay away from such assemblies out of indifference, and everyone should express his opinion according to his sincere conviction, without ulterior motive. — For the conduct of community affairs the community elects its most pious and wisest men as officers. To these, as the representatives of the whole, everyone owes respect and, within the limits of their authority, obedience. Everyone should gladly take on such an office for the sake of its holy purpose and willingly bear its labours. The officers of the community should not hurt the members of the community through pride and harshness. Truth, namely the truth of the Torah (אמת [*emet*]), justice (משפט [*mishpat*]) and peace (שלום [*shalom*]) should be the guiding principles of every Israelite community and its representatives.

8. The Israelite community has a lofty, holy task. Formerly, when Israel dwelt on the inheritance of its fathers, the whole nation formed one great community, in whose midst stood God's sanctuary, in whose shadow sat a high council as the bearer of the Torah, as the guardian over its fulfilment. In the dispersion each community is this bearer, this guardian in miniature, and the sanctuary in its midst is that sanctuary in miniature. In miniature, each community in the dispersion has to accomplish that [p. 285] great task. Only when every individual Israelite, every individual Israelite community is fully and wholly imbued with this task and animated by the striving to accomplish it, can Israel be led to that perfect return to God from which we await the coming of the state of salvation that God has promised to Israel and to mankind for the day on which *God will be One and his name One*.

The teaching which Moses commanded us is a heritage to be passed on, *O congregation of Jacob*! (Deut. 33:4)

Thus says God, the Lord: Although I have removed them far off among the nations, and although I have scattered them among the countries, yet I will be to them a little sanctuary in the countries where they have come. Therefore say: Thus says God, the Lord: I will gather you from the peoples, and assemble you out of the countries where you have been scattered, and I will give you the land of Israel. And they shall come there, and shall remove all its detestable things and all its abominations from its midst. And I will give them one heart, and a new spirit I will put within you; I will take the heart of stone out of their body and give them a heart of flesh, that they may walk in my *statutes* and keep my *commandments* and do them; then they shall be my people, and I will be their God. (Ezek. 11:16–20)

סוף דבר הכל נשמע את האלהים ירא ואת מצותיו שמור כי זה כל האדם[170]

The end of the matter, all having been heard: fear God and keep his commandments, for this is the whole of man. (Eccl. 12:13)

[p. —] Index

of the commandments and prohibitions discussed in this book, arranged in their order in the Pentateuch, with indication of the Scriptural passage on which they are based, and of the section and page of this book where they are discussed. Those of them for which no special rabbinic source is given are taken from the ספר החינוך [*Sefer ha-Chinnukh*], which follows the count of the רמב"ם [Rambam, Maimonides], and can easily be looked up there, as also in the מצות השם [*Mitzvot ha-Shem*].[171]

C. = Commandment; P. = Prohibition. — Scriptural passage. — Section. — Page.

בראשית [***Bereshit***]

First Book of Moses.

C. To found a family. — Gen. 1:28 — 122, 1 — p. 257

לך לך [***Lekh Lekha***]

C. To circumcise the males on the 8th day. — Gen. 17:12 — 50, 1 — p. 87

וישלח [***Va-Yishlach***]

P. Not to eat the sciatic sinew. — Gen. 32:33 — 118, 1 — pp. 250/52

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[170]Translator: The print writes the divine name in the customary reverential form האלקים.

[171]Translator: The order of the Index follows the weekly Torah portions, whose Hebrew names serve as headings. *Mitzvot ha-Shem* is probably the 19th-century Hebrew compendium of the commandments by Jonathan Bondi; the identification is uncertain.

בא [*Bo*]

Second Book of Moses.

C. To keep the festivals according to the traditional calendar. — Exod. 12:2 — 67 — p. 140

C. To remove leaven on the 14th of Nisan. — Exod. 12:15 — 61, 3, II b — p. 120

C. To eat unleavened bread on the eve of Pesach. — Exod. 12:18 — 61, 3, III a — p. 120

P. Not to have anything leavened in our possession on Pesach. — Exod. 12:19 — 61, 3, I a — pp. 117 ff.

P. Not to eat any mixture containing leaven on Pesach. — Exod. 12:20 — 61, 3, I a — pp. 117 ff.

C. To declare and regard as holy the male firstborn of man and of clean cattle. — Exod. 13:2 — 78, 2 — p. 168

P. Not to eat anything leavened on Pesach. — Exod. 13:3 — 61, 3, I a — pp. 117 ff.

P. That nothing leavened be seen in our possession on Pesach. — Exod. 13:7 — 61, 3, I a — pp. 117 ff.

C. To tell of the Exodus from Egypt on the eve of Pesach. — Exod. 13:8 — 61, 3, IV a — p. 121

C. To redeem the firstborn ass (or) — Exod. 13:13 — 78, 3 — p. 168

C. To kill it in the prescribed manner. — Exod. 13:13 — 78, 3 — p. 168

בשלח [*Be-Shallach*]

P. Not to exceed the prescribed limit of distance (תחום [*techum*]) on the Sabbath. — Exod. 16:29 — 55 — p. 109

יתרו [*Yitro*]

C. To acknowledge the existence of God. — Exod. 20:2 — 1, 1 — p. 7

[p. 287] P. Not to acknowledge that there is any other God besides him who was revealed at Sinai. — Exod. 20:3 — 1, 3 — p. 8

P. Not to make, or have made, idols for worship. — Exod. 20:4 — 19, 1 — p. 49

P. Not to bow down before idols, not to sacrifice to them, etc., etc. — Exod. 20:5 — 18, 2 — p. 48

P. Not to worship idols in any manner customary for them. — Exod. 20:5 — 18, 2 — p. 48

P. Not to swear falsely, in vain or needlessly. — Exod. 20:7 — 26 — p. 54

C. To sanctify the Sabbath by verbal expression (קידוש [*Kiddush*]). — Exod. 20:8 — 55, 2 — p. 95

P. Not to perform any work on the Sabbath. — Exod. 20:10 — 56 — p. 100

C. To honour father and mother. — Exod. 20:12 — 75, 1 — p. 159

P. Not to murder. — Exod. 20:13 — 88, 1 — p. 187

P. Not to commit adultery. — Exod. 20:13 — 122, 6 — p. 258

P. Not to bear false witness. — Exod. 20:13 — 98, 3 — p. 203

P. Not to covet what is one's neighbour's. — Exod. 20:14 — 128, 2 — p. 273

P. Not to make human figures in relief. — Exod. 20:20 — 19, 2 — p. 49

משפטים [***Mishpatim***]

P. Not to strike father or mother. — Exod. 21:15 — 75, 6 — p. 160

C. To compensate one whom we have injured in his body. — Exod. 21:18, 19 — 93, 3 — p. 195

C. To make good damage caused by our animals. — Exod. 21:28, 35 — 93, 3 — p. 195

C. To make good damage caused by our uncovered pits and the like. — Exod. 21:33, 34 — 93, 3 — p. 195

C. To pay for another's field grazed by our animals. — Exod. 22:4 — 93, 3 — p. 195

C. To make good fire damage caused by us. — Exod. 22:5 — 93, 3 — p. 195

P. Not to hurt the stranger with words. — Exod. 22:20 — 108, 2 — p. 225

P. Not to wrong the stranger in his property. — Exod. 22:20 — 108, 2 — p. 225

P. Not to oppress widows and orphans. — Exod. 22:21 — 108 — p. 225

C. To lend to the needy in distress. — Exod. 22:24 — 104, 2 — p. 213

P. Not to demand the debt of a debtor without means. — Exod. 22:24 — 104, 3 — p. 213

P. Not to take any part as intermediary in transactions at interest. — Exod. 22:24 — 105, 3 — p. 215

P. Not to curse a judge. — Exod. 22:27 — 84, 4 — p. 180

P. Not to blaspheme God. — Exod. 22:27 — 22 — p. 51

P. Not to eat טרפה [*terefah*]. — Exod. 22:30 — 117, 3 — p. 247

P. Not to hear one litigant in the absence of the other. — Exod. 23:1 — 97, 3 — p. 202

P. Not to admit a transgressor of the law as a witness. — Exod. 23:1 — 98, 5 — p. 203

C. To decide according to the majority. — Exod. 23:2 — 97, 3 — p. 202

P. Not to favour the poor man in court. — Exod. 23:3 — 97, 3 — p. 202

C. To relieve an overburdened animal of its load. — Exod. 23:5 — 103, 3 — p. 211

P. Not to pervert the judgment of the sinner. — Exod. 23:6 — 97, 3 — p. 202

P. Not to accept a bribe. — Exod. 23:8 — 97, 3 — p. 202

[p. 288] C. To cease from work on the Sabbath. — Exod. 23:12 — 55, 1 — p. 95

P. Not to swear by the names of idols. — Exod. 23:13 — 20, 3 — p. 50

P. Not to entice to idolatry. — Exod. 23:13 — 21 — p. 51

P. Not to cook meat with milk. — Exod. 23:19 — 119, 1 — p. 53[172]

כי תשא [***Ki Tissa***]

C. To contribute the half shekel (now as a remembrance). — Exod. 30:13 — 72, 1 — p. 154

P. Not to eat or drink anything of idolatrous sacrifices. — Exod. 34:15 — 20, 1 — p. 50

P. Not to eat meat and milk together. — Exod. 34:26 — 119, 1 — p. 253

ויקרא [***Va-Yikra***]

Third Book of Moses.

C. To testify for our neighbour if he requests it. — Lev. 5:1 — 98, 2 — p. 203

C. To return property unlawfully obtained. — Lev. 5:23 — 92, 7 — p. 194

צו [***Tzav***]

P. Not to eat the fat portions (חלב [*chelev*]) of cattle, sheep and goats. — Lev. 7:22 — 118, 1 — p. 250

P. Not to eat the blood of mammals and birds. — Lev. 7:26 — 118, 1 — p. 250

שמיני [***Shemini***]

C. To observe the marks of the permitted mammals. — Lev. 11:3 — 116, 1 — p. 245

P. Not to eat the forbidden mammals. — Lev. 11:4 — 116, 1 — p. 245

C. To observe the marks of the permitted fish. — Lev. 11:9 — 116, 3 — p. 245

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[172]Translator: "53" is evidently a misprint for 253, the page given for the parallel entry below.

P. Not to eat any forbidden fish. — Lev. 11:11 — 116, 3 — p. 245

P. Not to eat any forbidden bird. — Lev. 11:13 — 116, 2 — p. 245

C. To observe the marks of the permitted locusts. — Lev. 11:20 — 116, 4 — p. 246

P. Not to eat any creeping thing of the land. — Lev. 11:41 — 116, 4 — p. 246

P. Not to eat the worms found in fruits. — Lev. 11:42 — 116, 5 — p. 246

P. Not to eat any creeping thing of the water. — Lev. 11:43 — 116, 4 — p. 246

P. Not to eat the worms that arise in decaying matter. — Lev. 11:44 — 116, 4 — p. 246

תזריע ומצורע **[*Tazria* and *Metzora*]**

C. Special precept for married persons (טומאת יולדת [*tum'at yoledet*, impurity of a woman after childbirth]). — Lev. 12:2 — 122, 7 — p. 258

C. The same (שיטבול כל טמא במקוה [that everyone impure immerse in a *mikveh*]). — Lev. 15:16 — 122, 7 — p. 258

C. The same (טומאת נדה [*tum'at niddah*]). — Lev. 15:19 — 122, 7 — p. 258

C. The same (טומאת זבה [*tum'at zavah*]). — Lev. 15:25 — 122, 7 — p. 258

אחרי מות **[*Acharei Mot*]**

P. Not to slaughter any sacrifice outside the Temple. — Lev. 17:8/9 — 39, 2 — p. 68

C. To cover the blood of slaughtered game and fowl. — Lev. 17:13 — 117, 7 — p. 249

P. Not to expose oneself to the temptation to unchastity. — Lev. 18:6 — 125, 3 — p. 267

P. 18 prohibitions concerning marriage and chastity. — Lev. 18:7–18 — 123, 4; 125, 2 — pp. 260; 266

P. Special precept for married persons (נדה [*niddah*]). — Lev. 18:19 — 122, 7 — p. 258

P. Not to dedicate our offspring to Molech. — Lev. 18:21 — 23, 2 a — p. 52

P. 3 prohibitions against unchastity. — Lev. 18:22/23 — 125, 3 — p. 266

[p. 289] קדושים **[*Kedoshim*]**

C. To sanctify ourselves in the sphere of the permitted (ספר חרדים [*Sefer Charedim*]). — Lev. 19:2 — 110, 5 — p. 233

C. To show reverence to father and mother. — Lev. 19:3 — 75, 1 — p. 159

P. To pay no attention whatever to idolatry. — Lev. 19:4 — 20, 2 — p. 50

P. Not to make idols (even for idolaters). — Lev. 19:4 — 19, 2 — p. 49

P. Not to steal even the least thing. — Lev. 19:11 — 92, 1 — p. 192

P. Not to deny property entrusted to us. — Lev. 19:11 — 93, 1 — p. 194

P. Not to lie, much less to swear to the lie. — Lev. 19:11 — 86, 3 — p. 183

P. Not to deny, much less to swear to the denial. — Lev. 19:11 — 86, 3 — p. 183

P. Not to withhold wages or *other sums owed*. — Lev. 19:13 — 93, 1 — p. 194

P. Not to appropriate others' property in any way. — Lev. 19:13 — 92, 1 — p. 192

P. Not to keep back the wages of our workers beyond the time. — Lev. 19:13 — 94, 1 — p. 195

P. Not to curse anyone (not even oneself). — Lev. 19:14 — 84, 4 — p. 180

P. Not to give anyone false counsel or a bad example. — Lev. 19:14 — 87, 1 — p. 185

P. Not to pervert justice. — Lev. 19:15 — 97, 3 — p. 202

P. Not to favour the great in court. — Lev. 19:15 — 97, 3 — p. 202

C. To judge according to the law (but to propose equity, סמ"ק [*Sefer Mitzvot Katan*]). — Lev. 19:15 — 97, 3 — p. 202

P. Not to slander. — Lev. 19:16 — 91, 1 — p. 190

P. Not to withhold oneself from one's neighbour in danger. — Lev. 19:16 — 102, 1 — p. 210

P. Not to hate anyone. — Lev. 19:17 — 83, 1 — p. 178

C. To rebuke the sinner. — Lev. 19:17 — 101, 2 — p. 209

P. Not to put anyone to shame. — Lev. 19:17 — 90, 4 — p. 190

P. Not to take revenge. — Lev. 19:18 — 84, 2 — p. 179

P. Not to bear a grudge for offences (not to resent). — Lev. 19:18 — 84, 3 — p. 179

C. To love one's neighbour as oneself. — Lev. 19:18 — 82, 3 — p. 177

P. Not to mate different kinds of animals. — Lev. 19:19 — 109, 9 — p. 229

P. Not to sow different kinds of plants together. — Lev. 19:19 — 109, 9 — p. 229

P. Not to eat the fruit of trees in the first three years. — Lev. 19:23 — 121, 2 — p. 256

C. To treat the fourth year's yield as holy. — Lev. 19:24 — 121, 3 — p. 256

P. 2 prohibitions against superstitious heathen practices. — Lev. 19:26 — 23 — p. 52

P. Not to shave the hair of the head round. — Lev. 19:27 — 114, 4 — p. 242

P. Not to remove the beard with a razor. — Lev. 19:27 — 114, 5 — p. 242

P. Not to tattoo marks on oneself. — Lev. 19:28 — 114, 6 — p. 242

C. To treat the site of the Temple with reverence. — Lev. 19:30 — 79, 1 — p. 171

P. 2 prohibitions against superstitious heathen practices. — Lev. 19:31 — 23 — p. 52

[p. 290] C. To honour those learned in the Torah and the aged. — Lev. 19:32 — 35, 2 — p. 64

P. Not to do wrong in measure, weight and number. — Lev. 19:35 — 96, 3 — p. 200

C. To watch over the accuracy of our measures, weights and scales. — Lev. 19:36 — 96, 1 — p. 200

P. Not to curse father and mother. — Lev. 20:9 — 75, 6 — p. 160

P. Not to imitate non-Jewish religious customs. — Lev. 20:23 — 24 — p. 53

אמור [*Emor*]

P. A Kohen may not defile himself by any dead body. — Lev. 21:1 — 77, 3 — p. 166

C. To mourn relatives; the Kohen is to defile himself for them. — Lev. 21:3 — 76, 1; 77, 4a — pp. 162; 166

P. 3 marriage prohibitions for the Kohen. — Lev. 21:7 — 77, 2 — p. 166

C. To honour the Kohen. — Lev. 21:8 — 77, 7 — p. 167

P. Not to mutilate animals or human beings (לסרס שלא [not to castrate]). — Lev. 22:24 — 88, 4; 109, 5; 111, 5 — pp. 188; 227; 235

P. Not to slaughter an animal together with its young on the same day. — Lev. 22:28 — 109, 6 — p. 227

P. Not to degrade the name of God. — Lev. 22:32 — 14 — p. 43

C. To glorify the name of God. — Lev. 22:32 — 14 — p. 43

C. To keep the first day of Pesach. — Lev. 23:7 — 57, 1, I — p. 110

P. Not to perform any work (except preparation of food) on it. — Lev. 23:7 — 57, 1, I — p. 110

C. To keep the seventh day of Pesach. — Lev. 23:8 — 57, 1, I — p. 110

P. Not to perform any work (except preparation of food) on it. — Lev. 23:8 — 57, 1, I — p. 110

P. 3 prohibitions against eating of the new grain crop. — Lev. 23:14 — 121, 4 — p. 256

C. To count the Omer. — Lev. 23:15 — 62, 3 — p. 124

C. To keep the festival of Shavuot. — Lev. 23:21 — 57, 1, II — p. 111

P. Not to perform any work (except preparation of food) on it. — Lev. 23:21 — 57, 1, II — p. 111

C. To keep the New Year festival. — Lev. 23:24 — 57, 1, III — p. 111

P. Not to perform any work (except preparation of food) on it. — Lev. 23:25 — 57, 1, III — p. 111

C. To fast on the Day of Atonement. — Lev. 23:27 — 64, 3 b — p. 130

P. To perform *no work whatsoever* on it. — Lev. 23:28 — 57, 1, IV — p. 111

P. Neither to eat nor to drink on it. — Lev. 23:29 — 64, 3 b — p. 130

C. To cease from work on it as on the Sabbath. — Lev. 23:31 — 57, 1, IV — p. 111

C. To keep the festival of Sukkot. — Lev. 23:34 — 57, 1, V — p. 111

P. Not to perform any work (except preparation of food) on it. — Lev. 23:35 — 57, 1, V — p. 111

C. To keep the Concluding Festival. — Lev. 23:36 — 57, 1, IV — p. 111

P. Not to perform any work (except preparation of food) on it. — Lev. 23:36 — 57, 1, IV — p. 111

C. To take the four species of plants on Sukkot. — Lev. 23:40 — 65, 3, II b — p. 135

C. To dwell in booths on Sukkot. — Lev. 23:42 — 65, 3, I a — p. 133

בהר סיני [***Be-Har Sinai***]

P. Not to defraud in buying and selling. — Lev. 25:14 — 95 — p. 198

[p. 291] P. Not to deceive or hurt anyone with words. — Lev. 25:17 — 86, 7 — p. 184

C. To support one's fellow man who is becoming impoverished (רמב"ן [Ramban, Nachmanides]). — Lev. 25:35 — 104, 1 — p. 213

P. To lend neither money nor food at interest. — Lev. 25:37 — 105 — p. 214

P. Not to prostrate oneself in worship upon a stone slab. — Lev. 26:1 — 19, 6 — p. 49

נשא [***Naso***]

Fifth Book of Moses.[173]

C. That the sinner confess his sins and return (repentance). — Num. 5:7 — 129 — p. 276

[173]Translator: Thus the print; it should read "Fourth Book of Moses" (Numbers). Likewise the verses cited in this block (Deut. 6:5–8) are evidently each one too high: the Shema verses are Deut. 6:4–9, and the doorpost inscription is commanded in 6:9.

C. Precept concerning divorce. — Num. 5:31 — 124, 7 — p. 265

C. The Kohanim are to bless the people. — Num. 6:23 — 77, 5 — p. 166

שלח לך [***Shelach Lekha***]

C. To separate the dough offering (חלה [*challah*]). — Num. 15:20 — 78, 4 — p. 169

C. To put Tzitzit on garments. — Num. 15:38 — 51, 1 — p. 88

C. To look upon the Tzitzit in order to remember all God's commandments (סמ"ק). — Num. 15:39 — 51, 5 — p. 89

P. Not to deny God and the Torah. — Num. 15:39 — 10, 1 — p. 38

P. Not to lift the eyes to what is sinful. — Num. 15:39 — 126, 2 — p. 268

קרח [***Korach***]

C. To redeem the firstborn sons. — Num. 18:15 — 78, 2 — p. 168

P. Not to redeem the firstborn clean animal. — Num. 18:17 — 78, 3 — p. 168

פנחס [***Pinchas***]

C. To blow the Shofar on the New Year. — Num. 29:1 — 63, 2 — p. 126

מטות [***Mattot***]

P. Not to break the spoken word. — Num. 30:3 — 127, 5 — p. 270

C. The annulment of the vows of wives and daughters. — Num. 30 — 127, 7 — p. 271

C. To cleanse vessels, before using them, of forbidden substances they have absorbed (סמ"ק). — Num. 31:23 — 120, 1 — p. 254

C. To immerse the same when they pass into the possession of an Israelite (סמ"ק). — Num. 31:23 — 120, 3 — p. 254

דברים [***Devarim***]

Fifth Book of Moses.

P. Not to appoint a judge unversed in the Torah. — Deut. 1:17 — 97, 2 — p. 201

P. That the judge fear no one. — Deut. 1:17 — 97, 2 — p. 201

ואתחנן [***Va-Etchanan***]

P. Never to forget the day of revelation at Sinai (רמב"ן). — Deut. 4:9, 10 — 17, 3 b — p. 47

P. Never to leave off the study of Torah (סמ"ג [*Sefer Mitzvot Gadol*]). — Deut. 4:9, 10 — 30, 3 — p. 59

P. Not to desire anything that is one's neighbour's. — Deut. 5:18 — 128, 2 — p. 273

C. To acknowledge the unity of God. — Deut. 6:5 — 1, 2 — p. 7

C. To love God above all. — Deut. 6:6 — 13 — p. 42

C. To learn and to teach Torah. — Deut. 6:7 — 30, 31 — pp. 59/60

C. To read the Shema evening and morning every day. — Deut. 6:7 — 38 — p. 66 [90][174]

C. To lay Tefillin on the hand. — Deut. 6:8 — 52, 1 — p. 90

C. To lay Tefillin on the head. — Deut. 6:8 — 52, 1 — [no page printed]

C. To affix the doorpost inscription to the doors. — Deut. 6:8 — 52, 1 — p. 92

[p. 292] P. Not to put God to the test. — Deut. 6:16 — 15, 2 b — p. 45

P. Not to marry non-Israelites. — Deut. 7:3 — 123, 6 — p. 261

עקב [*Ekev*]

P. To derive no benefit from idols and what belongs to them. — Deut. 7:25 — 20, 1 — p. 50

P. To make no use of idolatrous sacrifices. — Deut. 7:26 — 20, 1 — p. 50

C. To acknowledge the justice of divine visitations (סמ"ג). — Deut. 8:5 — 16, 3 — p. 46

C. To say the grace after meals. — Deut. 8:10 — 44, 2 — p. 74

P. Not to be haughty (סמ"ג). — Deut. 8:14 — 128, 6 — p. 275

C. To love reproof (סמ"ק). — Deut. 10:16 — 101, 5 — p. 210

P. Not to hate reproof and the one who reproves (סמ"ק). — Deut. 10:16 — 101, 5 — p. 210

C. To love strangers. — Deut. 10:19 — 108 — p. 225

C. To have reverence for God. — Deut. 10:20 — 12, 1 — p. 41

C. To serve God through prayer. — Deut. 10:20 — 39, 3 — p. 68

C. To cultivate friendship with those learned in the Torah. — Deut. 10:20 — 35, 4 — p. 64

C. To swear only by the name of God. — Deut. 10:20 — 27, 1 — p. 55

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[174]Translator: The page column here prints "66" and, on the entry's second line, "90", while the following entry for the head Tefillin has no page; the "90" probably belongs to one of the Tefillin entries.

ראה [*Re'eh*]

C. To remove idols from the world. — Deut. 12:2 — 20, 1 — p. 50

P. Not to destroy any name of God or anything consecrated to God. — Deut. 12:4 — 29, 5 — p. 57

P. Not to sacrifice outside the Temple. — Deut. 12:13 — 39, 2 — p. 68

P. Not to eat an unblemished firstborn animal outside Jerusalem. — Deut. 12:17 — 78, 3 — p. 168

C. To slaughter mammals and birds in the prescribed manner. — Deut. 12:21 — 117, 1 — p. 247

P. Not to eat a limb taken from a living body. — Deut. 12:23 — 117, 5 — p. 249

P. Not to take anything away from any commandment of the Torah. — Deut. 13:1 — 11, 1 b — p. 40

P. Not to add anything to any commandment of the Torah. — Deut. 13:1 — 11, 1 b — p. 40

P. 7 prohibitions against false prophecy and enticement to idolatry. — Deut. 13:2–12 — 21 — p. 51

P. Not to make cuts in oneself on account of a dead person. — Deut. 14:1 — 76, 7 — p. 165

P. Not to make a bald spot on oneself on account of a dead person. — Deut. 14:1 — 76, 7 — p. 165

C. To heed the traditional marks of permitted and forbidden birds. — Deut. 14:11 — 116, 2 — p. 245

P. Not to eat any winged creeping thing. — Deut. 14:19 — 116, 4 — p. 246

P. Not to eat נבלה [*nevelah*, carrion]. — Deut. 14:21 — 117, 4 — p. 248

P. Not to harden one's heart against the poor. — Deut. 15:7 — 106, 1 — p. 216

C. To give to the poor according to one's means. — Deut. 15:8 — 106, 2 — p. 217

P. Not to refuse a loan to the needy. — Deut. 15:9 — 104, 2 — p. 213

P. Not to give to the poor with a grudging heart (רמב"ן). — Deut. 15:10 — 106, 8 — p. 218

P. Not to work with a firstborn animal. — Deut. 15:19 — 78, 3 — p. 168

P. Not to shear it. — Deut. 15:19 — 78, 3 — p. 117[175]

[175]Translator: "117" is evidently a misprint for 168, as in the preceding entry.

P. Not to eat anything leavened on the day of preparation for Pesach. — Deut. 16:3 — 61, 3, I a — p. 47[176]

[p. 293] C. Always to remember the Exodus from Mitzrayim (סמ"ק). — Deut. 16:3 — 17, 3 a — p. 47

C. To give oneself up to joy on the festivals. — Deut. 16:14 — 58, 2 — p. 112

שופטים [*Shofetim*]

C. To appoint judges. — Deut. 16:18 — 97, 2 — p. 201

P. Not to erect a pillar. — Deut. 16:22 — 19, 5 — p. 49

C. Always to obey the words of the transmitters of the Torah tradition. — Deut. 17:10 — 11, 1 c — p. 40

P. Not to depart from their word. — Deut. 17:11 — 11, 1 d — p. 41

P. Six prohibitions against superstitious heathen practices. — Deut. 18:10, 11 — 23 — p. 52

C. To be wholly and undividedly with God alone (רמב"ן). — Deut. 18:13 — 23, 1 — p. 52

C. To obey the proven prophet. — Deut. 18:15 — 8, 2 — p. 31

P. Not to come forward as a false prophet. — Deut. 18:20 — 21 — p. 51

P. Not to prophesy in the name of an idol. — Deut. 18:20 — 21 — p. 51

P. Not to decide on the testimony of *one* witness. — Deut. 19:15 — 98, 5 — p. 203

P. Not to destroy fruit-bearing trees. — Deut. 20:19 — 109, 8 — p. 228

כי תצא [*Ki Tetze*]

P. Not to leave a corpse unburied overnight. — Deut. 21:23 — 107, 6 — p. 221

C. To bury the corpse on the day of death. — Deut. 21:23 — 107, 6 — p. 221

C. To return what is found. — Deut. 22:1 — 103, 1 — p. 211

P. Not to leave unheeded what our neighbour has lost. — Deut. 22:3 — 103, 1 — p. 211

P. Not to leave our neighbour's animal lying under its load. — Deut. 22:4 — 103, 3 — p. 211

C. To help him load up the fallen burden. — Deut. 22:4 — 103, 3 — p. 211

P. That a woman not put on men's clothing or ornaments. — Deut. 22:5 — 114, 3 — p. 241

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[176] Translator: "47" is evidently a misprint for 117 (cf. the other entries citing 61, 3, I a).

P. That a man not put on women's clothing or ornaments. — Deut. 22:5 — 114, 3 — p. 241

P. Not to take the mother bird together with the eggs or young. — Deut. 22:6 — 109, 7 — p. 228

C. To let the mother bird go. — Deut. 22:7 — 109, 7 — p. 228

C. To put parapets on roofs and the like. — Deut. 22:8 — 89, 1 — p. 188

P. Not to leave anything dangerous within our domain. — Deut. 22:8 — 89, 2 — p. 189

P. Not to sow two kinds of crops in the vineyard. — Deut. 22:9 — 109, 10 — p. 229

P. Not to eat the produce so grown. — Deut. 22:9 — 109, 10 — p. 229

P. Not to yoke two kinds of animals together. — Deut. 22:10 — 109, 9 — p. 229

P. Not to use a mixture of wool and linen as garment or covering. — Deut. 22:11 — 114, 2 — p. 241

C. To contract marriage according to the prescribed forms. — Deut. 22:13 — 124, 1 — p. 263

P. 2 prohibitions concerning marriage. — Deut. 23:2, 3 — 123, 5 — p. 260

P. That no unclean person enter the site of the Temple. — Deut. 23:11 — 79, 1 — p. 171

C. To be modest (סמ"ק). — Deut. 23:15 — 112, 4 — p. 237

P. Not to consummate a marriage that has not been contracted according to the precepts of the Torah. — Deut. 23:18 — 124, 1 — p. 263

P. Not to *give* interest. — Deut. 23:20 — 105, 1 — p. 214

[p. 294] P. Not to postpone the fulfilment of vows. — Deut. 23:22 — 127, 6 — p. 271

C. To fulfil vows faithfully. — Deut. 23:24 — 127, 6 — p. 271

C. To permit the labourer in the field to eat of the fruits. — Deut. 23:25, 26 — 94, 6 — p. 197

P. That the labourer eat only himself, and not more than for his need. — Deut. 23:25, 26 — 94, 6 — p. 197

P. That the labourer not eat during working time. — Deut. 23:25, 26 — 94, 6 — p. 197

C. To dissolve marriage only by a bill of divorce in the prescribed form. — Deut. 24:1 — 124, 7 — p. 271

P. Not to remarry the divorced wife who has married again. — Deut. 24:4 — 124, 8 — p. 271[177]

P. Not to take utensils for preparing food in pledge. — Deut. 24:6 — 104, 4 — p. 213

[177]Translator: This and the preceding entry give p. 271; the discussion in 124, 7–8 is on p. 265, which is probably meant.

C. To remember what God did to Miriam (רמב"ן). — Deut. 24:9 — 91, 6 — p. 192

P. Not to take a pledge from the debtor by force. — Deut. 24:10 — 104, 4 — p. 213

P. Not to withhold the pledge from its needy owner. — Deut. 24:12 — 104, 4 — p. 213

C. To return it to him at the time of need. — Deut. 24:13 — 104, 4 — p. 213

C. To give the labourer his wages on time. — Deut. 24:15 — 94, 1 — p. 195

P. Not to admit a relative as a witness. — Deut. 24:16 — 98, 5 — p. 203

P. Not to pervert the judgment of orphans and strangers. — Deut. 24:17 — 108 — p. 225

P. Not to take a pledge from a widow. — Deut. 24:17 — 108, 3 — p. 225

P. Not to strike anyone. — Deut. 25:3 — 88, 4 — p. 188

P. Not to prevent an animal working among fodder from eating. — Deut. 25:4 — 109, 5 — p. 227

P. Not to marry a childless widow without Chalitzah (where this is required). — Deut. 25:5 — 123, 5 b — p. 261

C. To perform the act of Chalitzah. — Deut. 25:9 — 123, 5 b — p. 261

C. To rescue the persecuted. — Deut. 25:12 — 102, 1 — p. 210

P. Not to spare the persecutor. — Deut. 25:12 — 102, 1 — p. 210

P. Not to keep false measures and weights. — Deut. 25:14 — 96, 2 — p. 200

C. To remember what Amalek did to us. — Deut. 25:17 — 17, 3 c — p. 47

P. Not to forget what he did to us. — Deut. 25:19 — 17, 3 c — p. 47

כי תבא [*Ki Tavo*]

C. To walk in God's ways. — Deut. 28:9 — 80 — p. 173

וילך [*Va-Yelekh*]

C. That everyone write a Torah for himself. — Deut. 31:19 — 36 — p. 65

האזינו [*Ha'azinu*]

P. To say a benediction before occupying oneself with the Torah (רמב"ן).[178] — Deut. 32:3 — 44, 2 — p. 74

[178]Translator: Thus the print, with "V." (prohibition); the entry is in fact a positive commandment.

שבע מצות דרבנן **[*Sheva Mitzvot de-Rabbanan*, the seven rabbinic commandments]**

1. To read the Hallel on the appointed days. — — 46, 10 — p. 80

2. To read the Book of Esther on Purim. — — 71, 3 — p. 153

3. To kindle the Chanukkah lights. — — 73, 7 — p. 156

4. To kindle the Sabbath and festival lights. — — 55, 3 — p. 97

5. To wash the hands. — — 113, 3 — p. 238

6. To say the prescribed benedictions. — — 44, 5 — pp. 75 ff.

7. To make the various עירוב [*eruv*] arrangements. — — 55, 6; 56 — pp. 97, 108

[p. —] **Contents**

Introduction. — Page

Source writings of the Torah; number of the precepts of the Torah. Their division . . . 1

First Part.

On the Acknowledgment of God and His Torah.

I. In our conceptions and thoughts.

1. The fundamental commandments of the Torah: existence and unity of God; prohibition of contrary conceptions . . . 7

A. God; the world and man.

2. The teachings of the Torah concerning God (attributes of God) . . . 8

3. The teachings of the Torah concerning God's relation to the world . . . 12

4. The teachings of the Torah concerning God's relation to man . . . 16

B. Israel and the Torah.

5. The training of Israel to be the bearer of the Torah . . . 21

6. The revelation of the Torah and the conclusion of the covenant at Sinai (Ten Commandments) . . . 24

7. The written and the oral Torah . . . 27

8. Revelation through the prophets . . . 31

9. The future of Israel and of mankind . . . 33

10. The prohibition of denying God and the Torah (13 articles of faith) . . . 38

II. In our feeling and willing.

11. The commandments concerning obedience to God . . . 40

12. The commandment of reverence for God . . . 41

13. The commandment of love for God . . . 42

14. The commandment of glorifying and the prohibition of degrading God . . . 43

15. Trust in God, and the prohibition of putting God to the test . . . 45

16. The commandment of submission to the will of God . . . 46

17. The commandments concerning gratitude toward God . . . 46

[p. 296] III. By avoiding everything that contradicts the acknowledgment of God.

A. Idolatry and image worship.

18. The concept and the prohibition of idolatry . . . 48

19. The prohibition of making and possessing idols . . . 49

20. The prohibition of deriving benefit from images and image worship . . . 50

B. Enticement to apostasy; blasphemy.

21. The prohibitions against obeying enticers and false prophets . . . 51

22. The crime of blasphemy . . . 51

C. Superstition.

23. The precepts against superstitious action and thought . . . 52

D. Imitation of non-Jewish customs.

24. The prohibition of imitating non-Jewish customs . . . 53

E. Misuse of the name of God, especially in oaths.

25. The concept of the vow or oath . . . 54

26. The prohibition of unnecessary and vain swearing . . . 54

27. The commandment to swear before the judge only by the name of God . . . 55

28. The prohibition of perjury . . . 56

29. The precepts concerning holding sacred the names of God in their spoken and written form . . . 57

Second Part.

On the Worship of God.

I. Through study of the Torah, its furtherance and esteem.

A. One's own study.

30. The commandment of learning Torah . . . 59

B. Instruction in Torah and the education of children.

31. The commandment to instruct one's own children in the Torah . . . 60

32. The duty to accustom children to the observance of the Torah . . . 61

33. The duty of the physical and vocational education of children . . . 62

34. The commandment to teach Torah to everyone . . . 63

C. Esteem for those learned in the Torah.

35. The commandment to honour those learned in the Torah and the aged . . . 64

D. Copies of the Torah.

36. The commandment to make copies of the Torah . . . 65

37. The esteem for Torah writings . . . 66

[p. 297] II. Through words of acknowledgment and worship.

A. The reading of the Shema.

38. The commandment of reading the Shema . . . 66

B. Prayer.

39. The prohibition of sacrificial worship and the commandment of the worship of the heart . . . 68

40. The concept and general content of prayer . . . 68

41. The significance of prayer . . . 70

42. The precepts to be observed before prayer . . . 71

43. The prayers dependent on time (תפלות [*tefillot*]) . . . 72

44. The prayers not dependent on time (ברכות [*berakhot*]) . . . 74

45. The prayer formulas and the prayer book . . . 77

46. The daily order of prayer . . . 78

47. Joint public worship . . . 82

48. The reading of the Torah . . . 84

III. Through signs of acknowledgment and worship.

49. Significance and influence of these signs . . . 87

50. The covenant sign of circumcision . . . 87

51. The commandment of wearing Tzitzit . . . 88

52. The commandment of laying Tefillin . . . 90

53. The commandment of the doorpost inscription . . . 92

IV. Through the celebration of the times sanctified to God.

A. The Sabbath.

54. Significance and purpose of the Sabbath . . . 93

55. The precepts concerning the celebration of the Sabbath in general . . . 95

56. The prohibition of work in particular (the forbidden activities) . . . 100

B. The festival seasons.

A. In general.

57. The days prescribed as festivals . . . 110

58. The general precepts concerning the celebration of the festivals . . . 112

59. The prohibition of work on festivals and intermediate days . . . 113

60. The purpose and fundamental significance of the festivals . . . 115

B. In particular.

61. The Feast of Passover (the precepts relating to it) . . . 116

62. The Feast of Weeks (counting of the Omer) . . . 123

63. The Day of Remembrance, or the New Year . . . 125

64. The Day of Atonement . . . 129

65. The Feast of Tabernacles (the precepts relating to it) . . . 132

66. The Concluding Festival . . . 138

[p. 298] **C. The calendar and the celebration of the New Moon.**

67. The precepts concerning the calendar . . . 140

68. The precepts concerning the celebration of the New Moon . . . 146

D. The days of remembrance

(in historical order).

A. The sorrowful.

69. The five general fast days . . . 148

70. The precepts concerning the fast days; voluntary fasting . . . 149

B. The joyful.

71. The celebration of Purim . . . 152

72. The four Sabbaths with special Torah readings . . . 154

73. The celebration of Chanukkah . . . 155

V. Through honouring parents.

74. On the importance of honouring parents . . . 158

75. The precepts concerning honouring parents . . . 159

76. The precepts concerning mourning . . . 162

VI. Through esteem for everything consecrated to God.

77. The precepts regarding the descendants of Aaron . . . 165

78. The precepts regarding the firstborn; the dough offering . . . 168

79. The precepts concerning the holiness of the Temple site and of the houses of study and prayer . . . 171

Third Part.

On Walking in the Ways of God.

I. Through love of man in disposition and words.

80. The commandment to walk in God's ways . . . 173

81. On the meaning of the expression: *our neighbour* . . . 174

82. The commandment of love and respect for man . . . 177

83. The prohibition of hatred . . . 178

84. The prohibitions of revenge, of bearing a grudge, of cursing; love of one's enemy and placability . . . 179

85. Various precepts for the furtherance of love . . . 180

II. Through truthfulness and sincerity.

86. The vice of lying. Flattery, hypocrisy, breach of promise . . . 183

87. The prohibition of giving false counsel . . . 185

III. Through justice.

a. Let the life and health of every person be sacred to you.

88. The precepts concerning the sparing of the life and health of our fellow man . . . 187

89. The precepts concerning the removal of everything dangerous to life . . . 188

[p. 299] **b. Let the honour and good name of every person be sacred to you.**

90. The prohibitions of hurting and shaming . . . 189

91. The precepts against tale-bearing and slander . . . 190

c. Let the property of every person be sacred to you.

aa. Leave to each what he has.

92. The prohibitions of theft and robbery; the commandment of restitution . . . 192

bb. Give to each what belongs to him.

93. The prohibitions of denial and withholding; the commandments of payment and compensation . . . 194

94. The precepts concerning servants and hired labourers . . . 195

cc. Be honest in trade and business.

95. The prohibition of fraud . . . 198

96. The precepts concerning measure, weight and number . . . 200

d. Let the administration of justice and the institutions of the state be sacred to you.

97. The precepts concerning judges . . . 201

98. The precepts concerning witnesses . . . 202

99. The precepts concerning the parties . . . 204

100. The precepts concerning fatherland, prince and government . . . 205

IV. Through benevolence, compassion and mercy.

A. Toward everyone.

a. With regard to the salvation of his soul.

101. The precepts concerning the rebuking of sinners . . . 209

b. With regard to his life.

102. The precepts concerning assistance in danger . . . 210

c. With regard to his property.

103. The precepts concerning the return of what has been found and the rescue of animals that have strayed or are sinking under their load . . . 211

B. Toward the poor and suffering.

a. With our means.

104. The precepts concerning assistance and loans . . . 213

105. The prohibitions of taking and giving interest . . . 214

106. The precepts concerning alms for the poor (צדקה [*tzedakah*]) . . . 216

b. With our bodily and mental powers.

107. The precepts concerning personal acts of charity (גמילות חסד [*gemilut chesed*]) . . . 219

C. Toward the unprotected.

108. The precepts regarding orphans, widows and strangers . . . 225

[p. 300] **D. Toward God's creatures that lack reason and feeling.**

109. The precepts concerning our conduct toward animals and plants . . . 226

Fourth Part.

On Sanctification, or Equipment for the Service of God.

I. Through the preservation and cleanliness of our body.

110. The commandment of sanctification in general . . . 232

111. The precepts concerning the preservation of our life and our health . . . 234

112. The precepts concerning modesty . . . 236

113. The precepts concerning cleanliness . . . 238

114. The precepts concerning clothing and care of the body . . . 241

II. Through observance of the dietary precepts.

115. On the dietary precepts in general . . . 243

116. The kinds of animals not permitted for eating . . . 245

117. The precepts concerning the slaughtering of permitted animals . . . 247

118. The precepts concerning forbidden parts of permitted animals . . . 250

119. The prohibition of mixing meat and milk . . . 253

120. The precepts concerning kitchen and table utensils . . . 254

121. The prohibitions of eating from the plant kingdom . . . 255

III. Through marriage and chastity.

122. The precepts concerning the contracting and the sanctity of marriage . . . 257

123. On the forbidden marriages . . . 259

124. The precepts concerning the form of contracting and dissolving marriage . . . 263

125. The prohibitions of unchastity . . . 266

IV. Through mastery of the senses, of speech, of the desires.

126. The precepts concerning the guarding of the senses . . . 268

127. The precepts concerning the bridling of the tongue . . . 269

128. The precepts concerning mastery of our drives, desires and passions . . . 273

129. The commandment of return to God (repentance) . . . 276

130. The precepts concerning the formation of Israelite communities . . . 280

Index of the commandments and prohibitions treated in this book . . . 286

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