Mishpatim

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CONTENTS: Gardner (Page 1); Muskat (Page 7); Taubes (Page 14)

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Ha-Inyan Ha-Eloki: Restoring Yehuda Ha-Levy and The Kuzari to Their Andalusian Context

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The Kuzari by R. Yehuda Ha-Levy remains one of the most well-known products of Al-Andalus, a Spanish community with direct ties to the prestigious Babylonian Ge'onate.[1] However, Ha-Levy is often not viewed in the same way as figures such as Avraham ibn Ezra[2] and Maimonides. It has become popular to view figures such as Maimonides and ibn Ezra as rational thinkers[3], contrasting them with Ha-Levy, who becomes labeled as more a precursor for anti-rationalist

[1] During the ge'onic era, Rav Natruna'e Ga'on settled in Spain after his time as Ga'on, while later communal leaders such as R. Moshe ben Hanokh and R. Hananel also held close ties to ge'onic academies. See Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture*. (Yale University Press, 2013) 132.

[2] Ibn Ezra and Yehuda Ha-Levy maintained a very close relationship, possibly traveling together and becoming related through marriage. *The Kuzari*'s famous discussion of the personal nature of God's revelation, describing his bringing out the Israelites from Egypt, is based on Ha-Levy's questions to ibn Ezra. See ibn Ezra on Shemot 20:2.

[3] Such a picture has been painted by notable authors such as Menachem Kellner. See his work *Maimonides' Confrontation with Mysticism* (Oxford: Littman Library of Jewish Civilization, 2006). This view has also been adopted by Moshe Halbertal. See, in particular,

thought.[4] However, strict adherence to this dichotomy has led to problematic conclusions, such as some rejecting that Maimonides could ever have believed in a literal resurrection.[5] This thesis has created an additional problem regarding Maimonides' son, Avraham, whose mystical tendencies seem at odds with his father's attributed rationalism.[6] Meanwhile, viewing Ha-Levy as more of an antirationalist ignores the fact that he was staunchly against amulets and superstitious practices,[7] and viewed works such as *Pirkei De-Rabbi Eliezer* and *Sefer Yetzirah* as scientific treatises.[8]

While disagreements can be found between Maimonides and Ha-Levy, placing them in opposing schools does harm to their respective views.[9] To truly understand either, one must appreciate the greater Andalusian milieu which both inherited.[10] This milieu prized rational inquiry and study, and encouraged a non-literal examination of Hazal's statements.[11] Yet, all of

Maimonides: Life and Thought (Princeton University Press, 2014), 347. For a subtler approach to this same contrast, see Harry Wolfson, "Maimonides and Halevi: A Study in Typical Jewish Attitudes Towards Greek Philosophy in the Middle Ages," *The Jewish Quarterly Review* 2, no.. 3 (Jan. 1912): 297-337.

[4] See, for example, Gershom Scholem, *Major Trends in Jewish Mysticism* (New York: Schocken Books, 1995) 24.

[5] This theory was held by figures such as R. Shem Tov Gaguine *(Keter Shem Tov,* 651-652), and R. Joseph H. Hertz (Hertz, *Prayer Book,* 255). Such ideas, however, have been rejected by figures such as R. Yosef Qafih, who upholds the authenticity of Maimonides' *Essay on the Resurrection*. See R. Qafih's introduction to this essay in *Iggerot HaRambam* (Mossad HaRav Kook) third ed., 66.

[6] To resolve this "contradiction," Rabbi Gavin Michal unconvincingly claimed that Avraham ben Rambam must have never absorbed his father's rational views due to only being with him until the age of 19. Instead, Avraham must have been influenced by the nearby Sufi communities. See his post, Kotzk Blog:152) RAMBAM'S ONLY SON – ANOTHER SUFI CONNECTION?. In contrast, Diana Lobel presents a far more nuanced distinction between father and son, which highlights their strong connection, despite using different mediums and techniques. See Diana Lobel, *Moses and Abraham Maimonides: Encountering the Divine* (Boston: Academic Studies Press, 2021).

[7] *Kuzari* 3:53.

[8] Ibid. 4:42 and 4:45. Ha-Levy's explanation of *Sefer Yetzirah* is very closely connected with the interpretations provided by Rabbeinu Se'adyah Ga'on in his commentary on the work.

[9] Scholarship in recent decades has attempted to restore a more nuanced approach to *The Kuzari*, balancing rational and mystical content. However, despite incorporating some ge'onic sources, these works often attribute any rational ideas to the surrounding Arabic culture rather than to a specifically Jewish milieu, and do not provide links from *The Kuzari* to more "comfortably rational" figures such as Maimonides. See, for example, Elliot Wolfson, *Through a Speculum that Shines* (Princeton University Press, 1994), 160-187.

[10] For an example of the Andalusian milieu via *halakhah*: Yehuda Ha-Levy defines the prohibition of *bal tosif* as referring to an individual, whereas a *beit din* may always legislate additional laws as they see fit (*Kuzari* 3:39-41). This agrees with the explanation of ibn Ezra (ibn Ezra's commentary to *Devarim* 4:2). However, this does not fully accord with the view of Maimonides. See *Mishneh Torah*, *Hilkhot Mamrim* 2:9. All of them are following the *ge*'onic *masoret* of labeling the *beit din's* legislative authority as a biblical commandment. See *Sefer Ha-Mitzvot* Principle 1; *Mishneh Torah Hilkhot Mamrim* 1:1-2; see also *Siddur Rav Se'adyah Ga'on* (Davidson, Assaf, and Yissakhar, ed. 1963), 180, 199.

[11] See *The Kuzari's* classical ge'onic/Andalusian method of reading *midrashim* figuratively, and of acknowledging Hazal's mastery of the sciences. See *Kuzari* 3:73. This

these figures also carried a deep-seated desire to mystically connect to God as part of their rational inquiry.[12] This Andalusian system of mysticism, which manifests as a reflective, inner meditative love of God,[13] built on rational and intellectual foundations, is unlike today's most popular systems of mysticism,[14] perhaps contributing to why many have rejected mystical tendencies in figures such as Maimonides.[15] However, this Andalusian system must be used in examining its figures in order to accurately read their writings, avoiding mistakes and pitfalls in how they are to be understood.

To illustrate the necessity of breaking false dichotomies, and instead reading these figures alongside one another, I will examine one point in which Maimonides and Ha-Levy are often, in my view, mistakenly contrasted: the human race.[16] One of the more uncomfortable teachings in *The Kuzari* is that the Jew contains something which sets him apart from the other nations: *ha-inyan ha-Eloki* (the divine "concept").[17] While other humans have a rational soul, only the Jew has this additional "soul,"[18] which allows for prophecy and direct connection to God, thus elevating the Jew above the rest of humanity.[19] *The Kuzari* notes

parallels Maimonides' and his son Avraham's discussions on the subject. See Maimonides' introduction to *Perek Heilek*, and his son Avraham's work "*Ma'amar al Ha-Derashot ve-al Ha-Aggadot*."

[12] See poems such as *I Look for You* by Shelomo ibn Gavirol for examples of Andalusian literature on the mystical connection to God. Such "lovesick" feelings towards God are strongly echoed by Maimonides: "It is a well-known, clear concept that the love of God is not connected within a person's heart until he becomes obsessed with it at all times, as is befitting, and forsakes all else in the world besides it" (*Mishneh Torah*, *Hilkhot Teshuvot* 10:6).

[13] For an excellent presentation of this system, see Yamin Levy, *The Mysticism of Andalusia: Exploring HaRambam's Mystical Tradition* (Maimonides Heritage Center Press, 2023).

[14] "The differences between the esoteric views of Maimonides and the Kabbalah…are not, however, merely a matter of content…they pertain to different stages of human development, expressing different spiritual and intellectual syntaxes and morphologies. For Maimonides the esoterics of the Torah…concerns [the] postrational human, involving a progressive process of deanthropomorphization. Kabbalah is essentially ethnographic and anthropocentric," José Faur, *Homo Mysticus* (Syracuse University Press, 1999), 3.

[15] Notably, many kabbalistic-oriented movements, such as Habad, have correctly identified that there are mystical tendencies within Maimonides' writings, although they have erroneously labeled them as being reflective of their own kabbalistic system, rather than an Andalusian one.

[16] See Halbertal, *Maimonides* (Princeton University Press, 2014), 214.

[17] This reflects the translation choice of Yehudah ibn Tibbon, who translated the Arabic "*alamr Elalahi"* as *ha-inyan ha-Eloki*.

[18] This idea of an additional soul eventually morphed in kabbalistic thought to an idea that non-Jews possess only an evil, animal soul, and are incapable of anything else. See*Tanya Likkutei Amarim* 1:1-2. While some thinkers have retroactively read this concept back into *The Kuzari*, this produces a dishonest reading of his point, as will be explained. It also ignores the medieval philosophical context of the term "soul," which often just represented an ability, such as movement or plant-growth, rather than a "spiritual makeup." It is only in a kabbalistic environment which divorces itself from philosophical understandings that the different souls can become something inherently spiritual.

[19] *Kuzari* 1:103.

that this soul was first obtained in Adam but only passed on through the line of Seth until Noaḥ, then only via his son Shem until the patriarch Avraham, leaving other humans below them in spirit.[20] This additional soul is so inherent to the Jewish nation who hail from Avraham, that a non-Jew, even upon converting, will never achieve prophecy.[21] At face value, this is a direct challenge to Maimonides' universalist conception of humanity, as best demonstrated by his letter to the convert Ovadiah,[22] whom he reassures is identical to any other natural-born Jew, as well as his legal conclusion that a convert may recite the *bikkurim* (first-fruits) text in which the patriarchs are mentioned as their ancestors.[23] Indeed, this clash is how many have understood the positions of Ha-Levy and Maimonides.[24]

However, Ha-Levy's intent with this concept of *ha-inyan ha-Eloki* has been misunderstood, due to not examining it within the shared Andalusian traditions of all of these figures; doing so will demonstrate Ha-Levy's similarity to Maimonides, while negating a more disturbing alternative.

The key lies in understanding several *midrashim* that Maimonides brings in *The Guide to the Perplexed*.[25] The first regards the definition of what it means to be human: "Such were Adam's progeny before Seth…'in his 130 years under reproof (before Seth), Adam begot spirits'[26] – meaning demons."[27] Maimonides, in discussing this *midrash,* points out that Seth, unlike Adam's prior children, was imbued by Adam with proper values such as intellectual thinking and morality. This is what brands Seth as an *adam*. These qualities are of the utmost importance to Maimonides, who repeatedly emphasizes that prophecy cannot be achieved until a person has perfected their intellect and character.[28] This exact same point is stressed by Ha-Levy, who argues for rationality and proper character as important

[20] *Kuzari* 1:95.

[21] *Kuzari* 1:115.

[22] "[S]ince you have come under the wings of the Divine Presence…no difference exists between you and us…" (Maimonides' letter to Ovadia the convert, translation Dr. Laurie Fisher, Rambam's Letter to Ovadiah the Convert).

[23] *Mishneh Torah*, *Hilkhot Bikkurim u-She'ar Matenot Kehunah she-Bigvulin* 4:3.

[24] For examples of these thinkers, see Strickman, "Misinterpreting Rabbi Judah Ha-Levi," *Hakira* 20 (Winter 2015). While this article nicely defends Ha-Levy against these thinkers' assumptions, it does not do so via an Andalusian framework, and does not examine Ha-Levy in light of his peers.

[25] All English translations of *The Guide to the Perplexed* are taken from Goodman and Lieberman, *The Guide to the Perplexed: A New Translation* (Stanford University Press, 2024).

[26] *Mekhilta* to Shemot 12.

[27] *Guide* 1:7. Ha-Levy, in the footsteps of his fellow Andalusians, explains demons as a metaphor for the inner psyche rather than a genuine spiritual presence. See *Kuzari* 2:62.

[28] *Guide* 2:32.

prerequisites for receiving *ha-inyan ha-Eloki*.[29] The *Kuzari's* point about Adam only passing on this quality to Seth echoes the *midrash* cited by Maimonides, that far from being a physical quality, it is a moral and intellectual one that must be acquired; this is also demonstrated by *The Kuzari* mentioning that Abel was killed before he could receive it.[30]

Now, however, we must ask why only the Israelites have today received *ha-inyan ha-Eloki*. A second *midrash* brought by Maimonides provides us with our answer. The *midrash* states, "When the serpent came to Eve, he infested her with poison. When Israel stood before Mount Sinai, the poison was purged. But the nations, who did not stand before Mount Sinai, remain uncleansed."[31]

Earlier in the *Guide*, Maimonides attributed the sin in the Garden to the dominance of imagination over intellect.[32] When this teaching is added to the above *midrash*, it emerges that this poison represents imagination's hold on humanity. This world of mythical thinking is filled with imaginary demons, unchecked human desires, and limitless fictions, yet it is ironically constrained by its reliance on the human mind and what it can generate. *Avodah zarah* emerges, as Maimonides writes, due to humanity's imaginations leading to them worshipping the world of their senses, eventually forgetting that God exists outside the perception of the human mind.[33]

Ha-Levy's critique of Greek philosophy in *The Kuzari* is that in its supreme valuing of the human mind,[34] it too is subject to the world of mythical thinking.[35] *The Kuzari* analogizes the post-Sinai Jewish nation to the heart, while the other nations

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[29] *Kuzari* 3:5. See also R. Qafih's commentary on this section in *Sefer Ha-Kuzari*, translated into Hebrew by R. Yosef Qafih, (Kiryat Ono: Makhon Mishnat HaRambam*,* 2012), fifth edition, 93 n. 18.

[30] Ibid 2:14. See also *Kuzari* 1:96, which notes that *Terah* did not receive it although his son, *Avraham*, did.

[31] *Shabbat* 146a;*Yevamot* 103b, as cited in *Guide* 2:30. Maimonides notes how wise this *midrash* is.

[32] *Guide* 1:2. Similarly, ibn Ezra notes in both of his commentaries to Bereishit that the story of *Gan Eden* represents the different parts of the human mind, with the sin involving an improper domination of only parts of the mind. Ibn Ezra notes that he was inspired to construct these views based on the similar proposals of fellow Andalusian, Shelomo ibn Gavirol. See ibn Ezra's longer commentary to Bereishit 3:21.

[33] *Mishneh Torah*, *Hilkhot Avodah Zarah* 1. The insistence that God cannot be described at all by the human mind (negative theology) was a hallmark of the Andalusian system also found in the works of Bahya ibn Pekuda (*Hovot Ha-Levavot*, *Sha'ar Ha-Yiḥud* 10:13) and Yehuda Ha-Levy (*Kuzari* 2:2).

[34] *The Kuzari's* skepticism regarding the objectivity of Greek philosophy, which ignores the subconscious traditions that influenced it, is echoed by Maimonides during his own deconstruction of Aristotelian metaphysics in the second part of the Guide. See, for example, *Guide* 2:14.

[35] See *Kuzari* 5:15. Note that while Ha-Levy critiques Greek philosophy and metaphysics, he does not view their scholars as without merit, nor does he reject the more tangible sciences and mathematics of his time (*Kuzari* 5:14).

are the limbs.[36] This bodily analogy reflects the *midrash* that the Jewish people serve as a group who broke with mythical thinking, removing the poison of the imagination from their hearts, as they have now prophetically connected with a God that transcends all human conception. This quality is not a physical one; it is an educational and spiritual quality which all nations will eventually achieve, perhaps starting even now – just as the heart's blood will quickly circulate to the limbs and organs. The beginning of *The Kuzari* hints at this broader human potential with the inciting incident of the Khazar king – it is his special divine communication which makes him seek out various religious systems, and which influences his eventual choice of Judaism.

Only one question remains: why does *The Kuzari* say that the convert cannot achieve prophecy? The answer lies in a theme found throughout the *Guide*: humanity cannot break old habits. Even after standing at Sinai, the Jewish people crafted a golden calf; Maimonides argues that the Israelite failure to remove old habits of *avodah zarah* required sacrificial institutions, among other things.[37] People need symbols and physicality because most are incapable of truly connecting to the incorporeal. So too, a convert who has now broken away from mythical thinking is just as the Israelites once were; they are starting out on a difficult journey of the mind – thus, Ha-Levy felt it was simply unrealistic to expect that they could progress to such a high mental level of connection. However, their offspring[38] will be born into a Jewish mental environment, thus making it easier to initially develop what is needed for divine communication. Thus, Ha-Levy's point, like Maimonides', is deeply rooted in the same core teachings of Al-Andalus, despite being presented in different fashions.[39]

If one were to mistakenly label Maimonides a pure rationalist, and Ha-Levy a pure mystic, they would risk losing the meaning of this entire teaching when reading either work – just as they will fail to appreciate and notice the many other important but nuanced teachings which both record. Instead, one must learn to recognize the fusion between rationality and mysticism which both figures utilized. Only then can either work be properly studied by the reader. These pillars of Al-Andalus would not have recognized the extreme rationality of Enlightenment Europe, nor the transformation of mysticism into antirationalist superstitions. Instead, they promoted a healthy synthesis of the two, which should serve as a model for future Jewish thought, rather than remain a relic of the past.

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[36] *Kuzari* 2:36. In medieval works, the actions of the brain were ascribed to the heart, thus Israel becomes the "brain" or "intellectual center" for the rest of the world.

[37] *Guide* 3:32.

[38] There is no indication that a convert's child would be considered a convert in these matters.

[39] The tendency for different Andalusian thinkers to echo one another via different formats evokes the wise teaching, "[L]ike golden apples in silver filigree, is a word fitly spoken" (Mishlei 25:11).

When Prayer Meets Principle: Rabbi Soloveitchik and the Limits of Accommodation

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As a child, I remember hearing Rabbi Joseph B. Soloveitchik's famous ruling that it is preferable to stay home on Rosh Hashanah and forgo the mitzvah of hearing the shofar rather than attend a mixed-seating congregation. When I later found this ruling in writing, I expected to discover a rigorous halakhic analysis explaining his reasoning. Instead, I found something very different. Over time, I came to realize that this difference was not accidental and that recognizing it is essential both for understanding the text itself and for appreciating its lasting significance.

Rabbi Soloveitchik published his ruling in a Yiddish column in the *Tog Morgen Journal*, a Yiddish daily newspaper in New York City, on November 22, 1954.[1] In that column, he posed two questions—one broad and one specific. The broader question was:

> Lately there has been a great increase in the number of synagogues where men and women sit together. Many of them are attended by Jews who designate themselves as Orthodox. Shall Orthodox Judaism then consider such synagogues as an inevitable development and become reconciled to them? Or must it assume a militant stand against them?

In other words: How should the Orthodox community respond to synagogues with mixed seating? Already at this opening moment, it is clear that R. Soloveitchik is not merely adjudicating an individual case but addressing a communal crossroads. The language of inevitability, reconciliation, and militancy signals that what is at stake is the future direction of Orthodoxy in America. It is unclear whether R. Soloveitchik was responding to a particular query or raising the issue himself in order to confront what he perceived as a growing and dangerous challenge. He then relates an incident involving a young man from a Boston suburb, where the only synagogue had mixed seating.

The young man asked whether he could pray there on Rosh Hashanah and Yom Kippur, explaining that he was "very reluctant to remain at home." This young man was searching for a leniency that would allow him to participate in communal worship despite the synagogue's seating arrangement. R. Soloveitchik answered that the

[1] Joseph Soloveitchik, "On Prayer in a Synagogue with Mixed Pews (c)," originally published in the *Tog Morgen Journal*, November 22, 1954; reprinted in *Community, Covenant and Commitment: Selected Letters and Communications*, ed. Nathaniel Helfgot (Ktav, 2005), 133–42.

individual must pray at home. The man then asked R. Soloveitchik if he might come to the synagogue just to hear the shofar, because if he did not go to the synagogue, he would not be able to hear the shofar at all. R. Soloveitchik writes, "The young man practically implored me that I grant him permission to enter the edifice, at least for a half hour, that he might hear the *shofar* blasts."

One might have expected Rabbi Soloveitchik to respond with a detailed halakhic argument permitting or forbidding attendance. After all, hearing the shofar is a biblical commandment that does not require a *minyan* or a synagogue, and the tension between competing halakhic values would seem to demand careful analysis. Instead, he wrote, "I hesitated not for a moment, but directed him to remain at home. It would be better not to hear the *shofar* than to enter a synagogue whose sanctity had been profaned." His ruling was clear and uncompromising: one may not enter a mixed-seating synagogue, even to hear the shofar.

At first glance, his reasoning appears to lack rigorous halakhic analysis. He makes three assertions. First, he writes:

> Such mingling is forbidden according to the Halakhah. In certain instances Biblical law prohibits praying in a synagogue where men and women are seated together. Such a locale has none of the sanctity of a synagogue; any prayers offered there are worthless in the eyes of the Jewish Law.

This argument raises several questions. He does not specify in which cases mixed seating constitutes a biblical prohibition. Perhaps this case is an exception? He also assumes that if a mixed-seating synagogue lacks sanctity, then all prayers offered there are worthless—without explaining why. If one prays privately at home, that location also lacks synagogue sanctity, yet the prayers are fully valid. Why, then, are prayers in a mixed-seating synagogue deemed worthless? Furthermore, even if prayers there are invalid, why should that apply to hearing the shofar—a mitzvah that does not require a synagogue, a quorum, or even a prayer service?

Elsewhere, R. Soloveitchik has addressed this issue more directly. In an earlier letter, he wrote that mixed pews violate the biblical injunction *ve-lo yir'eh ve-kha ervat davar* ("Let [God] not find anything unseemly among you"[2]), though he classified the requirement of a *mehitzah* as rabbinic—"a safety measure in order to prevent mingling of the sexes."[3] Presumably, he would

[2] Deut. 23:15, *Tanakh: The Holy Scriptures* (New JPS Translation), rev. ed. (2023).

[3] Joseph Soloveitchik, "On Prayer in a Synagogue with Mixed Pews (b)," letter to Rabbi Benjamin Lapidus, June 10, 1954, first published in *Conservative Judaism* 11, no. 1 (1956); reprinted in *Community, Covenant and Commitment: Selected Letters and Communications*, ed. Nathaniel Helfgot (Ktav, 2005), 130.

argue that the biblical prohibition applies even when performing *mitzvot* (e.g., hearing the shofar) that do not require a *minyan* or a synagogue. In addition, Rabbi Hershel Schachter reported that Rabbi Soloveitchik explained this prohibition through the verse *eikhah ya'avdu … ve-e'eseh ken gam ani; lo ta'aseh khen la-[Hashem Elokekha]* ("How did [they serve other gods]… I too will follow those practices. You shall not act thus toward the ETERNAL your God"[4]), forbidding imitation of non-Jewish worship practices.[5]

What is striking, however, is that in the *Tog Morgen Journal* column itself, R. Soloveitchik did not cite any of these biblical sources. Instead, he simply stated that any prayers offered there are "worthless in the eyes of the Jewish Law" and then turned to a historical and cultural argument. He asserted that the Jewish people had maintained gender separation in synagogue worship for a thousand years. One of the early innovations of Christianity, by contrast, was mixed seating.[6] To imitate this practice, he warned, would be to emulate "primitive Christianity." One might have expected him at this point to translate his historical observation into formal halakhic language by invoking the biblical sources he discussed elsewhere—but he did not. The absence of such analysis appears deliberate rather than accidental.

His final argument against mixed-seating synagogues is that the practice contradicts the Jewish spirit of prayer. Prayer, he argued, requires that a person feel existentially alone with God, and the presence of women among men introduces a frivolity incompatible with the proper religious atmosphere. Once again, the language here is not that of legal technicalities but of values, sensibilities, and religious ethos.

He concluded that "Orthodoxy must mobilize all its forces and wage an indefatigable battle against the 'Christianization' of the synagogue." He encouraged Orthodox Jews to fight those who wanted to normalize mixed-seating congregations, convinced that American Jews could be persuaded that separate seating was consistent with modern values. He offered a three-part strategy for this battle: education, support for rabbis and lay leaders who fought this battle, and the construction of new separate-seating synagogues in emerging suburban communities. "We have not yet lost the battle,"

[4] Deut. 12:30–31 (NJPS 2023).

[5] Hershel Schachter, *Nefesh Ha-Rav* (Reishit Yerushalayim, 1994), 232.

[6] R. Soloveitchik's claim that mixed seating was an innovation of primitive Christianity is historically questionable. R. Norman Lamm later argued—on the basis of Christian scholarship—that early Christianity prohibited mixed worship and maintained gender separation, viewing this as part of its Jewish legacy. On this account, mixed seating emerged later under pagan influence and was initially resisted by Christian authorities. See Norman Lamm, "Separate Pews in the Synagogue," *Tradition* 1, no. 2 (1959): 162.

Rabbi Soloveitchik wrote, "for we have not yet begun to fight."

From the column, it becomes clear that Rabbi Soloveitchik used the halakhic question he received not as an occasion for a detailed responsum but as a springboard to inspire communal action against the mixed-seating movement. The text functions less as a technical legal analysis and more as a manifesto, designed to mobilize Orthodox Jewry, shape communal instincts, and draw a firm line against accommodation. His intent was not to parse the finer points of the laws of *mehitzah* but to rally a community to resist what he viewed as a dangerous and symbolically charged innovation.

Historically, separate seating characterized Jewish synagogue worship until the nineteenth century. In 1845, the Reform Congregation of Berlin eliminated the traditional *mehitzah*, though men and women still sat separately. In 1850, Rabbi Isaac Mayer Wise introduced mixed seating in Albany's Anshe Emeth, housed in a former church with family pews. The congregation decided not to spend money to alter the seating arrangement into a more traditional Jewish form. Reform leaders soon defended the change as part of the "religious equalization of women," and by 1890 Wise could write that "today no synagogue is built in this country without family pews." While this was true of Reform temples, most Orthodox congregations continued to maintain separate seating.[7]

The Conservative movement, founded at the end of the nineteenth century, initially maintained traditional synagogue arrangements. The Jewish Theological Seminary (JTS), established in 1887, enjoyed support from many Orthodox figures, including Rabbi Jacob Joseph, New York's chief rabbi. In 1926, a serious effort was made to merge JTS and Yeshiva College, an Orthodox institution that would later become Yeshiva University. Even though the effort failed, the attempt reflected the perceived common ground between the Conservative and Orthodox movements.[8]

Even as late as the 1920s, JTS leadership advocated separate seating. But most Conservative synagogues gradually adopted mixed seating, and by 1947 it had become nearly universal. This development posed a significant challenge for Orthodoxy. Many rabbis trained at Orthodox seminaries, such as RIETS in New York and the Hebrew Theological College in Chicago, accepted pulpits in mixed-seating congregations, particularly in the new suburban communities of the 1950s. Though Orthodox leaders opposed the change, they faced growing pressure to

[7] Jonathan D. Sarna, "The American Synagogue," in *The American Synagogue: A Sanctuary Transformed*, ed. Jack Wertheimer (Cambridge University Press, 1987), 365–379.

[8] Jonathan D. Sarna, *American Judaism: A History* (Yale University Press, 2004), 184–242.

accommodate the preferences of American Jews who viewed separate seating as outdated.[9]

Indeed, many self-identified Orthodox Jews in the first half of the twentieth century were not fully observant. As Rabbi David de Sola Pool, vice president of the Orthodox Union, observed in 1942:

> Today it is growing increasingly difficult to define what is the essential organic difference between Orthodoxy and Conservatism. The main differentiae seem to be that conservative synagogues permit men and women to sit together, and make more use of English in the services than do most orthodox synagogues… No logical or clear line can be drawn today between American Orthodoxy and Conservatism.[10]

Rabbis and lay leaders in the Orthodox Union often tried to encourage Jews to observe as much Halakhah as possible, even if full observance seemed unattainable.[11] Some rabbis experimented with accommodations to increase synagogue attendance, such as late Friday night services for those working late.[12] Against this backdrop, a crucial question loomed: would mixed seating eventually become acceptable within Orthodoxy as well?

It was in this context that R. Soloveitchik issued his firm prohibition. Born in Pruzhana, Poland, in 1903, he emigrated to the United States in 1932 and soon became rabbi of Boston's Vaad Ha'ir. Although a painful *kashrut* controversy in 1941 made him wary of public disputes,[13] his later role as Rosh Yeshiva of Yeshiva University and as chairman of the Rabbinical Council of America's Halakhah Commission (appointed in 1953) positioned him as the leading spiritual authority of American Modern Orthodoxy.[14] In that capacity, he confronted not merely an isolated halakhic question but what he perceived as a decisive moment for the future contours of Orthodox Jewish life in America.

This broader context helps explain both the content and the form of his *Tog Morgen Journal* column. The piece does not read like a conventional responsum because it was not intended to function as one. R. Soloveitchik was

[9] Ibid.

[10] David De Sola Pool, "Judaism and the Synagogue," in *The American Jew: A Composite Portrait*, ed. Oscar I. Janowsky (Harper & Brothers, 1942), 50–54.

[11] Jeffrey S. Gurock, *Orthodox Jews in America* (Indiana University Press, 2009), 148–158.

[12] Jeffrey S. Gurock, "The Americanization of the Orthodox: Orthodox Jews in America, 1880–1945," *Jewish Social Studies,* n.s. 12, no. 3 (Spring–Summer 2006): 137–156.

[13] Aaron Rakeffet-Rothkoff, *The Rav: The World of Rabbi Joseph B. Soloveitchik, vol. 1* (Ktav, 1986), 21–32.

[14] Ibid., 40–47.

not primarily engaged in resolving a narrow legal dilemma for a private individual. Rather, he was addressing a community that stood at a crossroads, uncertain whether to resist or normalize a practice that symbolized accommodation to American religious culture. The halakhic ruling thus served as a vehicle for something larger: a declaration of limits, a warning against drift, and a rallying cry for communal resolve.

Seen this way, the absence of detailed halakhic analysis in the column is not a deficiency but a feature. R. Soloveitchik was fully capable of grounding his position in biblical verses and halakhic categories, as he did elsewhere. Yet here he chose a different register—one that blended halakhic assertion, historical memory, and religious ethos. The force of the ruling lay not in its footnotes but in its clarity and symbolic power. By insisting that even the mitzvah of shofar could not justify entry into a mixed-seating synagogue, he communicated that no religious gain could compensate for what he viewed as a fundamental breach in the sanctity of Jewish prayer.

American Orthodoxy was at a moment of decision. The Conservative movement was expanding rapidly, offering a vision of tradition adapted to modern sensibilities. Many Orthodox leaders struggled with the question of how much accommodation was possible without eroding Orthodoxy's integrity. R. Soloveitchik's answer was unequivocal. Mixed seating was not a matter for compromise, even under circumstances that might otherwise invite leniency. The *Tog Morgen Journal* column thus functioned as a call to arms—an effort to stiffen communal resistance and to provide ideological clarity at a time of uncertainty.

R. Soloveitchik's firm stance on this issue was likely a major force in ultimately keeping mixed seating out of Orthodox synagogues. Those Orthodox leaders who supported mixed seating came to realize that they were "clinging to a view that no institutionalized brand of Orthodoxy would agree to legitimate."[15] Over time, the implications of the ruling extended far beyond the immediate question of synagogue seating. By the third quarter of the twentieth century, mixed seating had come to symbolize that which differentiated Orthodoxy from the other branches of American Jewry. "The symbol that had first signified family togetherness and later came to represent women's equality and religious modernity, had finally evolved into a denominational boundary."[16]

In other words, refusing to pray in a particular synagogue space does more than express disapproval of a practice; it draws a line. If I cannot enter your synagogue even briefly to fulfill a mitzvah, then we are no longer merely members

[15] Jonathan D. Sarna, "The Debate over Mixed Seating in the American Synagogue," in *The American Synagogue: A Sanctuary Transformed*, ed. Jack Wertheimer (Cambridge University Press, 1987), 381.

[16] Ibid., 386.

of the same faith with different customs. Our differences are so fundamental that we cannot share sacred space. A boundary has been created—not through formal declarations but through lived religious practice.

Was Rabbi Soloveitchik intentionally seeking to create or solidify such a denominational boundary between the Orthodox and non-Orthodox worlds? It is difficult to know. Notably, nowhere in his ruling does he frame mixed seating as a "Conservative" innovation, nor does he speak explicitly in denominational terms. In fact, in the mid-1950s, after issuing this ruling, R. Soloveitchik entered into negotiations with the Rabbinical Assembly regarding the establishment of a joint Orthodox–Conservative *beth din*. The initiative ultimately failed,[17] but its very pursuit suggests that he did not view the relationship between Orthodoxy and Conservatism as irreparably ruptured.

If Rabbi Soloveitchik believed that mixed seating itself constituted a definitive denominational boundary, it is difficult to imagine that he would have entertained such cooperation. His primary concern appears to have been not movements but practice—not the shaping of denominational boundaries but the sanctity of Jewish prayer as he understood it. That his ruling nevertheless contributed powerfully to the crystallization of denominational boundaries seems, at least in part, to have been an unintended consequence.

This perspective helps clarify the contemporary relevance of R. Soloveitchik's *Tog Morgen Journal* column. Its significance does not lie primarily in whether its specific conclusions should be revisited or revised under present-day circumstances. Indeed, based on Rabbi Soloveitchik's statements—such as his assertion, recorded in *Nefesh Ha-Rav*, that performing *mitzvot* in a "Christian" mode of worship constitutes a Torah prohibition—it is plausible that he would have been no more lenient today. But that question is secondary to the larger point.

The enduring importance of this text lies in what it reveals about how halakhic discourse can function at moments of communal crisis. Sometimes a "response" is more than an answer to a question. It is a call to action, a declaration of values, and a blueprint for shaping the boundaries of religious life. Read in this light, R. Soloveitchik's ruling offers insight not only into the debate over mixed seating in mid-twentieth-century America but into the broader dynamics by which Orthodoxy has negotiated—and continues to negotiate—the limits of accommodation in the modern world.

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[17] Rakeffet-Rothkoff, *The Rav*, 48.

The Tunneling Burglar and the False Prophet: Opening New Chapters of Biblical Interpretation

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In his recent study on the history and origins of chapter divisions, Nicholas Dames writes, "It [the chapter] is so ubiquitous as to be almost invisible, the essence of conventionality."[1] Indeed, chapters can be found everywhere in the world of books and are typically taken for granted, with most readers rarely considering their impact on how texts are read and understood.

Division into chapters is perhaps most influential and seemingly universal when it comes to the Bible. To appreciate the impact of the standard chapter system as used to divide the Hebrew Bible among Jews, one need only consider the Orthodox Union's Nach Yomi program (which recently completed the cycle), whereby people around the world learn the same chapter of *Nakh* (*Nevi'im* and *Ketuvim*) every day, or the 929 *Tanakh B'yachad* project in Israel, named for the total of chapters in Tanakh, originally sponsored by the Israeli Education Ministry – both of which had wide appeal. Thousands of schoolchildren still mark the completion of a chapter from *Humash* with a *siyyum* or celebratory party. Even for those removed from these worlds, the standard reference and citation system for *Tanakh* remains: Book, Chapter, Verse. Many Jews are surprised, therefore, when they learn that the chapter division system is actually of Christian origin, appearing first in Latin Bibles and only later adopted in Hebrew Bibles. At first blush, it seems almost sacrilegious to use so foreign a system to divide and cite the most holy of our books. This is especially true when considering that the chapter divisions are often not aligned to the traditional rabbinic understanding of the text, such as when a weekly *parashah* starts in the middle of a chapter, or when a chapter division separates content that should be linked.[2] In this paper, I will investigate a particular chapter opening, focusing on its exegetical implications and reception.

About a third of the way through *Parashat Mishpatim* in the Book of Exodus, the following verse is recorded: "If the thief is seized while tunneling and beaten to death, there is no bloodguilt in his case." This law, commonly known as that of *Ba Be-Machteret*, or the tunneling burglar, allows for the killing of a thief who breaks into a person's house on the assumption that the thief is prepared, and perhaps even intends, to kill the owner if he is not killed first.[3] In standard Hebrew Bibles/*Humashim*, this verse opens the

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[1] Nicholas Dames, *The Chapter: A Segmented History from Antiquity to the Twenty-First Century* (Princeton: Princeton University Press, 2023), 20.

[2] An oft-cited example is the opening chapters of Genesis, where the verses about the seventh day of creation and Shabbat are set apart from those describing the other days of Creation.

[3] See discussion on Sanhedrin 72a.

22nd chapter of Exodus. In the ArtScroll Stone Chumash, we find the following note in the commentary:

> The fact that all editions of the Chumash list this as a new chapter illustrates the problem that came into being many centuries ago. In the Torah, there are no chapters. The division of the Torah into the commonly used chapters is a Christian device introduced by non-Jewish Italian printers. The Bible scholars responsible for the divisions did not take into account the interpretation of the Torah as it was transmitted from Sinai. Consequently, one often finds new chapters that should have been a continuation of the previous ones and long chapters that should have been divided into two.
>
> This "chapter" is actually a continuation of the previous one. It continues the laws of thieves and their penalties. This is obvious not only from the general subject matter, but from verse 1, which speaks of **the** *thief*. Clearly, the reference is to the same thief who has been discussed in the earlier verses.[4] [bold in the original]

Let us break this down. While various systems for dividing the Vulgate, or Latin Bible, into sections were devised in the centuries following its creation, what would become the standard chapter division system emerged in the early thirteenth century and spread rapidly, eventually surpassing the other earlier systems.[5] In short order, Latin Bibles copied in Paris and elsewhere in Europe began to include numbered chapter divisions, while other works based on the Bible, such as commentaries and reference guides, adopted them for citations. The earliest known Jewish author to make use of the Christian chapter system was R. Isaac Nathan of Arles (Provence) in his *Meir Nativ*, the first Hebrew Biblical concordance, created between 1437-1447.[6] Biblical verbal concordances, then as now, list the words of the Hebrew Bible in alphabetical order (usually according to root or base word), and then identify where they can be found in the Bible. In

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[4] *The Stone Edition: The Chumash* ed. Nosshon Scherman et. al (Brooklyn, New York, 1993), 426. I cite from here both because it remains among the most popular shul *Chumashim* and because I have heard people cite this chapter division as an example of a Christian "error." An abridged version of this comment appears in the Stone Edition of the Artscroll Tanach.

[5] Although the creator of this system was long assumed to be Stephen Langton, Archbishop of Canterbury from 1207-1228, most contemporary scholars reject this. See Paul Saenger, "The British Isles and the Origin of the Modern Mode of Biblical Citation," *Syntagma* 1 (2005), 77-123.

[6] While a few earlier-copied Hebrew Bibles include the chapter divisions, this typically reflects the work of a later scribe who subsequently added the Christian system's delineations to an existing manuscript.

explaining his reasoning for creating a concordance, Isaac Nathan writes that he would regularly dispute with Franciscan friars over the correct interpretation of Scripture and learned that they had a tool known as a Biblical Concordance with which they could easily find relevant verses to use as proofs in their polemics. Consider, for example, one debating the correct translation of the word "*almah*," "maiden," as used in Isaiah 7:14, and whether it meant a virgin, implying that a virgin would have a child, thus prefiguring the Christian belief in the Virgin Birth, or whether it refers simply to a young woman. One way of strengthening or developing an argument would involve investigating the use of the word *almah* elsewhere throughout the Hebrew Bible, an investigation that would be greatly eased by use of a concordance. Isaac Nathan highly valued this work and proceeded to describe his decision to create a Hebrew version.

In order for a concordance to function, it requires locators; indeed, the Latin concordances, created over two centuries earlier, utilized the chapter divisions as well as letters or other graphic systems to identify the position within the chapter. While both verse divisions, and paragraph breaks known as *setumot* ("closed" sections, where there is a gap of a few words before the next section begins) and *petuchot* ("open" sections, where the next section begins on a new line), are already marked in Hebrew Masoretic Bibles, such as the Aleppo Codex and Codex Sassoon, created in the tenth century, these divisions were not generally numbered or otherwise denoted in a way such that they could be used as locators in the way that the chapter divisions were utilized in Latin concordances. As Isaac Nathan explains:

> For I have found in the Christian version the same division into chapters, by their numbers according to their ordinance, with no alteration or major change in all their books, which all agree without exception. I therefore decided to adopt this principle in the present tool [i.e., the concordance], and to set aside our own division into sections, due to the differing opinions regarding the *petuchot* and *setumot*, and the difference between some copies [of the Bible] and others, and especially to facilitate finding the verses in their places when a Christian challenges and queries us in his ways. And I have written this number [of the Christian chapters] for my entire book, so that I might easily find that which I choose and desire from it at any time.[7]

The reason, therefore, that Isaac Nathan adopted the Christian chapter system of locators was due to a lack of a suitable alternate system among the

[7] Translation adapted from Ram Ben-Shalom, "Me'ir Nativ: The First Hebrew Concordance of the Bible and Jewish Bible Study in the Fifteenth Century, in the Context of Jewish-Christian Polemics" *Aleph*, Vol. 11, No. 2 (2011), 289-364.

Jews that could be used in its stead. Since Hebrew Bibles did not yet include these divisions, Isaac Nathan included a chart at the beginning of the concordance which laid out the chapter breakdown for each Biblical book, noting each chapter's opening words and a tally of the verses. This chart allowed the concordance to function with reference to existing Hebrew Bibles.

The *Meir Nativ* was first published in 1523. As described in depth by the late Professor Jordan Penkower, the *Meir Nativ's* system was adopted, with some modification, for the chapter divisions included in the second rabbinic Bible, the precursor of what is now known as the *Mikraot Gedolot*, which included the full text of the Hebrew Bible along with several commentaries and Masoretic notes.[8] This edition, published by the non-Jewish Daniel Bomberg in Venice in 1525, would prove extremely popular and was the basis of many future Hebrew Bibles which likewise adopted its chapter divisions and eventually added verse enumeration.[9] These are the "non-Jewish Italian printers" identified by the *Stone Chumash* in the above-cited comment, but this arrangement was technically based upon that of Isaac Nathan, a Jew, who in turn based it on the earlier Christian system.

While there has been the occasional voicing of opposition against the Jewish adoption of the Christian divisions over the centuries, as well as proposals for alternate systems to replace them, such a possibility seems unlikely and remote.[10] For one thing, it would mean that Jews would be using a different reference system for the Bible than the rest of the world. Second, it is difficult to build consensus around an organizational plan as grand as this. Finally, and perhaps most problematic, it would also render obsolete all printed Biblical citations and references from the past 500 years.

To return to the Stone Chumash, the comment about the verse of the tunnelling burglar having an "obvious" connection to the verses from the previous chapter would seem correct; opening a new chapter does indeed seem to interrupt the flow of the discussion about thieves presented in the previous verses. However, as Amos Hakham in his commentary on Exodus (part of the *Da'at Mikra* series) notes, the law of the animal thief just prior in 21:37 is far more similar to the case of the goring ox in 21:36 in that both focus on restitution for an animal. The case of the tunneling burglar in

[8] Jordan Penkower, "The Chapter Divisions in the 1525 Rabbinic Bible," *Vetus Testamentum* 48:3 (1998). Although I never studied directly with him, I was privileged to hear Professor Penkower z"l lecture and I communicated with him on several occasions. Our final correspondence this past summer before his passing was related to some of the ideas discussed here; I plan to publish a fuller study based on this in the near future. May Professor Penkower's memory be a blessing.

[9] The first rabbinic Bible, printed in 1517, also marked the chapters, but was not based on the *Meir Nativ*. The second edition, however, was far more popular and influential

[10] See Pesach Feinfer, *Mesores haTorah veHaNaviim* (Vilna, 1906).

22:1 is a totally different law from the prior verse aside from the general concept of theft. It is thus not necessarily incorrect to introduce a chapter division at this point.[11]

Whether the logic is obvious or not, however, the bigger problem with the chapter break here, as the *Stone Chumash* comment notes, is that the *parashah setumah* break follows 21:36, which indicates that the verse is the end of a section, while verse 21:37 opens a new unit running until 22:4. The formalization of the *setumot* and *petuchot parashah* breaks was one of the primary creations of the Masoretes, the ninth-century scholars who carefully preserved and recorded the divisions of the Hebrew Bible units (among other crucial elements of the text). Jews have traditionally divided the Bible in accordance with this system, thereby making the adoption of misaligned Christian chapter breaks seem especially problematic.[12] In the present case, the standard chapter break is off by one verse from the *parashah* break, and we can thus readily understand the noted flaw that the chapter division does not conform to the rabbinic one.

There is just one slight problem. If one looks inside a Christian Bible, the King James Version (KJV) for example (perhaps the hotel room copy provided by the Gideons), and opens to Exodus 22, one will find that the opening verse there is "If a man shall steal an ox, or a sheep, and kill it, or sell it; he shall restore five oxen for an ox, and four sheep for a sheep" – which is what appears as 21:37 in our *Humashim*. In other words, the chapter division in the KJV perfectly matches the *parashah* break! This is not a mistake or a quirk of this specific version; the Stuttgart Vulgate, Wycliffe, Polyglot Bibles and other printed Christian Bibles all begin a new chapter at this same place, unlike what appears in standard *Humashim*! If we turn to the New Revised Standard Version of the Bible (NRSV), we find that its chapter break here likewise conforms to the *parashah* break, like the aforementioned Christian Bibles. In a note there, the editors inform the reader that Hebrew Bibles start the chapter a verse later. The NRSV comment thus asserts that the Jews break the chapters up differently, while the ArtScroll comment (*lehavdil*) asserts that the Christians break them up differently!

What is the origin of this discrepancy? In the first Rabbinic Bible, printed in 1517, also by Bomberg, Chapter 21 only has 36 verses and the chapter break matches the *parashah* division, like in the Christian Bibles, but unlike in our modern *Humashim*. The change in question, i.e., the

[11] It should be noted that the standard printings of the *Mekhilta of Rabbi Yishmael* begins a new section at 22:1, although this is a later-introduced division and may simply reflect the chapter divide.

[12] Koren Publishers and R. Aryeh Kaplan (Moznaim Publishers) created similar division systems in their respective Tanakhs, while also including the chapter divisions. Notably, such a system of numbered divisions based on the *parashiyot* was also utilized in the Hebrew Bible produced by R. Shem Tov. B. Abraham ibn Gaon (known as the Shem Tov Bible) in 1312.

adding of another verse (37) to Chapter 21 and starting Chapter 22 with the tunneling burglar, was introduced into the second rabbinic Bible, printed in 1525, which was based, as noted above, on the *Meir Nativ's* list of the chapters. Indeed, if we turn to Isaac Nathan's list, which opens his concordance, we readily see his listing of Exodus 21 containing 37 verses, and chapter 22 opening with the tunneling burglar.[13] This, then, is the source of the conflict; the incongruence was introduced not by non-Jewish Italian printers or Christians, but by a Jew in a Hebrew concordance which was adopted in an early Hebrew Bible (which was technically printed by a non-Jew in Italy, but had many Jewish editors) and was subsequently adopted in other *Humashim*.

A similar phenomenon is present in Deuteronomy in *Parashat Re'eh*. In a comment on 13:1, the prohibition of adding or subtracting *mitzvot* (*bal tosif* and *bal tigra,* respectively), the Stone Chumash notes that the beginning of a new chapter here is based on the non-Jewish printers. As indicated by the *parashah* break following 13:1, this verse is really part of the previous section admonishing the people to not follow the ways of the other nations who perform abhorrent acts against God. One can challenge the logic here, as the next section discusses the prohibition against following a false prophet who tries to mislead people into worshipping a false god; the prohibition against adding or subtracting commandments is certainly relevant to that discussion.[14] Still, the Stone Chumash comment is correct regarding the *parashah* break and the apparent chapter misalignment.

And yet here as well, a look at printed Christian Bibles will show a new chapter beginning at 13:2, perfectly in line with the *parashah* break. The NRSV editors note that Hebrew Bibles mark things differently and the origin of the discrepancy can once again be traced to the *Meir Nativ*.

Were these changes intentional? It is certainly tempting to suggest polemical motivations. The

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[13] This is not a typo or misprint of his list. If we look in the concordance's entries themselves, there are indeed entries which cite Ex. 21:37, a verse that exists according to this system but is not so numbered in standard printed Christian Bibles.

[14] As a related aside, in his codification of the laws of *bal tosif* in his *Mishneh Torah*, *Maimonides* specifically notes that if a prophet arises, from either the Jews or the nations of the world, and performs miracles and signs, but claims that God sent him to add or subtract a commandment, he should be considered a false prophet. See *Hilkhot Yesodei ha-Torah* 9:1. Similarly, when Maimonides codifies the laws of the one who prophesied in the name of a false god (the subject of the opening verses of Deut. 13), he also mentions that a false prophet is killed even if his prophecy called for neither the adding or subtracting of commandments. See *Hilkhot Avodah Zarah* 5:6. Maimonides, who lived a world and time apart from the introduction of the Biblical chapter divisions, may have noted the *semihut ha-parashiot,* the juxtaposition between the verses which prohibit adding and subtracting commandments, with those describing the punishment of the false prophet, and then drawn the relevant inferences. My thanks to Dr. Baruch Sterman for pointing this out to me. On the larger question as to whether a prophet is indeed prohibited from adding or subtracting commandments, see Eliyahu Krakowski, "Is a Prophet Authorized to Institute a Rabbinic Commandment? A Halakhic Clarification and Its Implications for Maimonidean Thought" [Hebrew], *Hakirah: The Flatbush Journal of Jewish Law and Thought*, vol. 12 (Fall 2011): 23-36.

argument for this in the case in Deuteronomy is fairly straightforward. By connecting the verse about the prohibition to add or subtract from the commandments with the verses about false prophets, there is an implicit message that one sign of a false prophet is his changing of the Torah by adding or subtracting from it, a polemical assault on Jesus and Christianity. The case in Exodus is less clear, but a polemical argument can be made there as well. In various places in the New Testament, the second coming of Jesus is described as being comparable to a burglar in the night, which is to say, arriving out of nowhere. For example, I Thessalonians 5:2 states, "For you yourselves know perfectly that the day of the Lord so cometh as a thief in the night." Other verses urge people to wait alertly for his return like one who waits for a thief to attempt intrusion at any time.[15] By highlighting the verse of the tunneling burglar at the start of a chapter, the Torah now calls special attention to the idea that the tunneling burglar has "no bloodguilt", implying that he can be killed and by extension, that there is "no blood" for the killing of Jesus, somewhat of a polemic against Christian teaching which placed significance on his blood (as well as on the Jews' culpability in his death.)

On the surface, these interpretations may seem attractive; Isaac Nathan was, after all, an active polemicist, who regularly debated with Christians over the true meaning of Scripture. It is unlikely, however, that he would intentionally alter the chapter divisions to make such a subtle argument, especially if his reason for adopting the Christian system in the first place was for the sake of standardization, as noted above. It is more likely that Isaac Nathan happened to have copied his chapter list from a Christian Bible that indeed marked the chapter breaks in those particular locations, even though it was not the standard division as reflected in the majority of Bibles.[16]

It is important to note that the chapter and *setumah/petuchah* systems are actually perfectly aligned in the majority of cases, leading at least one scholar to conclude that these earlier Jewish divisions actually influenced the later Christian ones.[17] Studying with the chapters as divisions is thus often not far off from studying with the

[15] See, e.g., Matthew 24:43 and II Peter 3:10.

[16] Indeed, there are several other places where the standard Hebrew Biblical chapter divisions do not conform to the Christian ones. Some of these can be traced back to the second Rabbinic Bible and the *Meir Nativ* upon which its chapter divisions were based, while others likely reflect alternate chapter divisions that were once extant in medieval Latin Bibles. For a full list of chapter differences, see *The Jewish Annotated New Testament*, eds. Amy-Jill Levine & Marc Zvi Brettler (Oxford University Press, 2011), 598-599.

[17] See Paul Saenger, "Jewish Liturgical Divisions of the Torah and the English Chapter Division of the Vulgate Attributed to Stephen Langton," in *Pesher Naḥum: Texts and studies in Jewish history and literature from antiquity through the middle ages presented to Norman (Naḥum) Golb*, ed. Koel I. Kraemer and Michael G. Weschler (Chicago: Oriental Institute of the University of Chicago, 2012), 187-202. Also see David Marcus, "Alternate Chapter Divisions in the Light of the Masoretic Sections," *Hebrew Studies* 44 (2003), 119-28, who discusses some of the issues raised here.

parashah system, and even when they are misaligned, it remains convenient. Still, as I was doing this research, I was struck by how few commentators seemed to note, or take issue with, the fact that some of the chapter divisions are against the *Mesorah*, the Stone Chumash serving as an important exception. Apparently, the chapter divisions were not generally perceived as significant for modes of interpretation, but rather as a system for citations alone. In the Torah, the divisions of the *Parshiyot ha-Shavua* are far more influential in terms of how the text is studied and expounded, and while attention is occasionally drawn to cases where there is a misalignment, such as in *Parashat Va'era*, which famously starts with verse 2, the chapter divisions do not really impact the study of the Torah.[18]

There are, however, some limited cases where Jewish commentators did indeed note the chapter divisions. Rabbi Menachem Mendel Schneerson (the Lubavitcher Rebbe), for example, occasionally extracted significance from the chapter and/or verse numbering for a particular verse. For instance, in *Sihot Kodesh* he notes the opposing interpretations offered by Rashi in his commentary to Exodus 19:20 versus his commentary to 20:19, and drew implications from the reversing of the chapter and verse numbering.[19] While the Rebbe was certainly aware that the chapter numbers were of non-Jewish origin, he apparently felt that the omnisignificance of the Torah and the historical adoption of this system gave these numberings importance and were thus worthy of explication. Likewise, while I could find no explicit written source for this, some have noted that the famous words "*naaseh ve-nishma*," proclaimed by the Bnei Yisrael as they were receiving the Torah, and widely understood as the ultimate statement of fealty towards God, appear in Exodus 24:7, a reminder that we must manifest these words 24 hours a day and 7 days a week! But such an interpretive method, even when done seriously, is not mainstream.

A useful comparison to the Biblical chapter divisions' importance, or lack thereof, is the division of the Talmud by page or *daf*. This division was first included in an edition printed by the same Daniel Bomberg in the sixteenth century in Italy, and remains the standard pagination with which all Talmud editions are printed and cited today. Even with the increased popularity of *Daf Yomi*, it is difficult to claim that studying Talmud according to what appears on a given page is logical from a pure pedagogical perspective; the *daf* division has no regard for topics and most often interrupts passages in the middle of a sentence. It was not designed to be anything else but a standardized pagination system which could be used for citation and referencing, crucial

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[18] See, for example, David Marcus, "Differences between Chapter Divisions and the Parashiyyot: The Case of Va' era (Exodus 6:2)," in *Essays in Education and Judaism in Honor of Joseph S. Lukinsky*, eds. Burton I. Cohen & Adina A. Ofek, (Jewish Theological Seminary 2002), 382-393.

[19] *Sihot Kodesh* 5737 vol. 1. *Yitro* 481. This idea also appears in *Likkutei Sichot* 16:229.

elements for the success of Talmud study which should not be minimized. Still, most students of the Talmud would not assign cosmic significance to the appearance of specific Talmudic passages on specific pages.[20]

Even here, however, there are exceptions. For example, there is a tradition to study *Masekhet Shevuot* during the 49 days of *Sefirat ha-Omer* because there are 49 pages in the tractate according to the standard pagination (based on the original Bomberg edition). Those who cite this practice are likely aware that the title of *Masekhet Shevuot* refers to "oaths" and is unrelated to the (similar sounding) name of the holiday of *Shavuot* which means "weeks," and that there are really only 48 pages in this tractate since the standard texts of the Babylonian Talmud begin only with Page 2.[21] Nonetheless, explanations of the significance of this practice are sought; some, for example, draw a connection between the fact that this holiday celebrates the giving of the Torah, our acceptance of which is likened by *Chazal* to the acceptance of a binding oath (as expressed, for example, in the Talmudic statement *"mushba' ve-omed me-Har Sinai*).[22]

In a similar vein, others have noted that the story of R. Shimon b. Yochai and his son emerging from the cave appears in *Masekhet Shabbat* on Page 33, a significant number since the 33rd day of the Omer is celebrated as R. Shimon b. Yochai's *yahrtzeit/hillula*. But such explanations, even when seriously suggested, are not common, and most assign little significance to the page number. The same is true for the Biblical chapters, despite

[20] That being said, there is a fierce protectiveness over maintaining the now traditional "*tzurat ha-daf*" or standard pagination and layout. Rabbi Adin Steinsaltz, for example, received strong backlash for his original Hebrew translation of Talmud because it disregarded these precedents.

[21] Although spending a day studying "Page 1" – known as the *shaar blatt*, or title page - which lists all the names of the commentaries on the Talmud included in that edition could certainly be worthwhile.

[22] The popular work *Taamei ha-Minhagim* cites R. Shlomo Zucker, the Av Beit Din of Halas, who quotes a report from the *Sefer Bnei Shileishim* that the Chatam Sofer approved of the practice of studying *Masekhet Shevuot* during the 49 days of *Sefirat ha-Omer*, and adds that one doing so will reach page 34 on Lag Ba'Omer, (since there is no *daf aleph*/1); he proceeds to explain the significance and fittingness of that page for that day. I was unable to find the citation in the writings of Zucker, but I did find the source in *Bnei Shileishim*, authored by R. Yehosef Rottenberg, Hasidic Rebbe of Koson, in the early twentieth century. The work is divided into multiple sections and in the part entitled *Vayelaket Yosef* (p. 276), he cites the Chatam Sofer regarding the parallel of the number 49 and the significance of *daf* 33, but he does not say that there was actually a practice to study the tractate during *sefirat ha-Omer*, although one could suggest it is implied. Another book recording the customs of the Chatam Sofer mentions that this was in fact his practice, but no source is cited. Some have pointed to the Chatam Sofer's responsa (*Even HaEzer* 1:100) where he questions the Rema's citation/omission of a particular law in the *Shulchan Arukh* and notes that he wonders about this every year when he learns *Shevuot* with his students. But this source too does not say anything about when during the year it was learned, and the comment "every year" can mean in each year that he indeed learned it, but not that he necessarily learned it every year. For citations of other explanations and rabbis who had this practice, such as the *Maharam Eish* (cited in *Responsa Imrei Eish* 41), see Shlomo Friedman, *Sedeih Tzufim 'al Masekhet Shevuot*, (Brooklyn, 2023) 2-3.

the fact that they were arranged with far more attention paid to the content than with the pagination of the Talmud. Ultimately, both are useful tools for citation and segmentation, but not generally for exegesis.

At the same time, books, both sacred and secular, have long relied on segmentation to help the reader avoid being overwhelmed. Dividing information into smaller, more manageable units remains a fundamental method of organizing knowledge, a practice that persists from centuries past through the present. This concept extends beyond literature into everyday life, exemplified by the metaphor of life stages as chapters, symbolizing transitions and new beginnings. Such divisions significantly shape human perception and experience, and often influence our understanding and interpretation of texts. For students of the Torah, it is crucial to acknowledge the somewhat arbitrary and complex history of these chapter divisions within the Sacred Text. Furthermore, recognizing the implicit and explicit implications of these divisions allows for a deeper appreciation of the Hebrew Bible's structure and meaning, and of how it has been interpreted throughout the ages.

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