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Moving Beyond the Scope: Translating Rambam/Maimonides

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Review of Yehuda Meir Keilson, *Kisvei HaRambam Volume 2: Conduct and Character The Writings of Rabbi Moshe ben Maimon - The Rambam - Translated, Annotated and Elucidated* (ArtScroll, 2024)

In late 2019, the hosts of *Unorthodox,* a popular (now defunct) podcast produced by Tablet Magazine, released *The Newish Jewish Encyclopedia: From Abraham to Zabar's and Everything in Between*, an entertaining and somewhat whimsical introduction to various facets of modern Jewish life and culture, written in the form of alphabetically organized entries. Under "ArtScroll," we find the following:

> One of the largest and most prominent Jewish publishers of traditional books in the United States, founded by two Orthodox rabbis in Brooklyn in 1976. Known especially for the ArtScroll Siddur, a traditional, Orthodox Jewish prayer book used by many congregations over the past forty years, the staff has produced the entire Babylonian and Jerusalem Talmuds in English translation, as well as translations of the medieval biblical commentary of Rashi and Maimonides, plus other canonical texts of Jewish literature, including

Susie Fishbein's *Kosher by Design* Cookbook series.[1]

This is a perfectly reasonable and in-style description of the impact of the publishing house, with a note about their major accomplishments.[2] There is, however, an error: Maimonides did not write a biblical commentary, at least in the classic sense, and certainly not one that would be categorized with that of Rashi.[3] Even if we extend the parameters of the definition of "commentary" to mean the work of any medieval writer, the fact remains that when this entry appeared in print, ArtScroll had yet to translate any of the writings of Maimonides in a systematic fashion.

It is possible that this is a typo, and should rather read Nahmanides, i.e., R. Moses b. Nahman/Ramban, a translation of whose incredibly popular and influential Torah commentary ArtScroll indeed published in 2004.[4] But it is also possible that it was written under a logical, if false, assumption. After all, Maimonides is arguably the most well-known post-biblical Jewish figure – surely his wide corpus of writing must have been touched by ArtScroll![5]

As recently documented and displayed at a special exhibit at the Yeshiva University Museum dedicated to his writings, Maimonides' name and ideas have long been in the public mind, associated with schools, hospitals, and more.[6] Moreover, his philosophy was referenced by non-Jewish philosophers already in the medieval period, when some of his work was translated into Latin, among other languages, and even today, his teachings are cited far outside the confines of the Jewish world. Now, ArtScroll of course publishes primarily for religious Jews, but Rambam's stature is even greater there. The standard page of the Talmud includes citations to where the Rambam codified each given passage in his *Mishneh Torah*,

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[1] *The Newish Jewish Encyclopedia: From Abraham to Zabar's and Everything in Between*, ed. Stephanie Butnick et al., (Artisan, 2019), 20.

[2] Although one could certainly debate if the publication of Susie Fishbein's cookbooks constitutes one of their major accomplishments.

[3] Various works have collected statements from Maimonides' corpus that explain and comment on biblical verses. There has also been extensive scholarship studying Maimonides' hermeneutics and exegesis. See, for example, Mordechai Cohen, *Opening the Gates of Interpretation: Maimonides' Biblical Hermeneutics in Light of His Geonic-Andalusian Heritage and Muslim Milieu* (Leiden, 2011).

[4] It would not be the first time these two were confused. See the series of sketches by the Israeli comedy group *Yehudim Baim* (The Jews are Coming) for a hilarious and fairly irreverent depiction of this.

[5] It should be noted that ArtScroll has been translating more and more works over the years, and it simply takes time before some get their due. When I was younger, I don't think most would have imagined that *Tosafot* would ever be translated, and yet ArtScroll has in fact completed a translation of *Tosafot* on several tractates. A friend of mine recalled to me that his high school rebbe remarked that he will quit education when ArtScroll translated Nahmanides' novella on the Talmud, thereby rendering his position unnecessary.

[6] See Maya Balakirsky Katz, "Maimonides in Popular Culture," in *The Golden Path Maimonides Across Eight Centuries*, ed. David Sclar (Liverpool, 2003), 173-199.

one of the most important codifications of *halakhah*, and his commentary on the Mishnah is printed in the back of many editions of the Talmud and continues to be widely studied. His *Sefer Ha-Mitzvot* transformed the genre of *mitzvah* enumeration, while his *Moreh Nevukhim* is the most influential Jewish philosophical work of all time.

Indeed, one can find references to the Rambam throughout ArtScroll's annotation of the Talmud, as well as in others works. Additionally, in late 2019, ArtScroll published an *Introduction to the Talmud* volume, which included a translation of both Maimonides' introduction to *Mishneh Torah* and the introduction to his *Commentary on the Mishnah*. While this was certainly significant, there had yet to be a work devoted to Maimonides alone.

This all changed with ArtScroll's publication of two volumes of *Kisvei HaRambam*, (in 2023 and 2024 respectively). The first volume is entitled *Fundamentals of Faith*, and includes translations of Maimonides' introduction to the tenth chapter of Tractate *Sanhedrin*, known as *Perek Heilek,* from his commentary on the Mishnah, and some related matters. The newly released second volume, and the subject of the present review, is titled *Conduct and Character*. Both volumes are impressive looking and bear ArtScroll's signature style of professionalism and craftsmanship that readers have come to expect.

Translation has been part of the history and reception of Maimonides' writings since the very beginning. Most of his works were initially written in Judeo-Arabic, presumably because that made them easier to comprehend for the masses, something he explicitly acknowledges in the introductory prose passages to his *Epistle to Yemen* (somewhat ironically in Hebrew). But the decision to do so also limited his audience to the Arabic speaking world. Maimonides himself recognized this and expressed regret over not having composed the *Sefer Ha-Mitzvot* in Hebrew.[7] It would, of course, eventually receive several medieval translations (most notably by R. Moses ibn Tibbon, son of R. Shmuel, mentioned below), as well as various modern translations; the differences between them continue to generate discussion and debate.

A major drive for translating Maimonides' works came from the Jewish communities in Luneil (and elsewhere in Provence), which had long been enamored with Maimonides' *Mishneh Torah* and sought greater access to his other works. Most notably, *Dalalat al-Ha'irin* was translated into Hebrew by Shmuel ibn Tibbon, scion of a prestigious family of translators, as *Moreh Nevukhim*, or *The Guide of the Perplexed*. The translation of *The Guide* was something that Maimonides very much approved of and

[7] *Iggerot Ha-Rambam*, ed. Yitzchak Sheilat (Jerusalem, 1985), I:223.

encouraged.[8]

While this translation would later become the standard and primary means through which Maimonides' philosophy was known, many found its exacting translation unwieldy and difficult to use. To rectify this, and at the behest of sages in Luneil, R. Judah al-Harizi, a poet with one of the greatest commands of Hebrew in the medieval period, composed his own translation that would become very popular; it was utilized by Nahmanides, among others. But ibn Tibbon and others viciously critiqued his style and accused him of lacking real knowledge of philosophy. The debate over the proper translation of *The Guide* continued into modern times with R. Yosef Kafih's 20th century translation, relying heavily on Yemenite traditions, and Michael Schwartz's more modern edition. Translations of *The Guide* into English have also generated disagreement, for example, regarding Michael Friedlander's elegant late 19th century translation that suffered from some inaccuracies, Shlomo Pines' academic translation with its problematic Straussian undertones, and Len Goodman's recent translation.

Even *Mishneh Torah*, written in mishnaic Hebrew and not Arabic, would be subjected to translation efforts. Although Maimonides strongly rejected a request to translate the work into Judeo-Arabic (in a letter to Ibn Jabar, included in ArtScroll's *Kisvei HaRambam* Vol. 1, 309-324), there would be various efforts by others to make the works more accessible to those who struggled with the Hebrew. R. Tanchum Yerushalmi (1220-1291), for example, composed a dictionary of difficult words in the Mishnah and *Mishneh Torah*, translating them into Judeo-Arabic. Other dictionaries and commentaries, as well as partial translations of *Mishneh Torah* into Arabic, were also created throughout the medieval period.[9]

In more recent times, virtually all of Maimonides' Judeo-Arabic writings have been translated into Hebrew, and many of them have been translated into English in either academic or popular editions. This brings us to the new ArtScroll volume. What makes their editions unique is what has become their popular, identifiable style of including the full text (vowelized and punctuated) on the top of the page, a line by line translation and elucidation in the middle, with font changes indicating which words are being translated and which are being added for clarity, and extensive footnotes and annotations on the bottom, including cross references to other writings, citations of other medieval and modern commentaries who have discussed similar points or argued with them, and more detailed

[8] Although it is worth noting that Maimonides had misgivings about Ibn Tibbon's method of translation. See James T. Robinson, "Moreh ha-nevukhim: The First Hebrew Translation of the Guide of the Perplexed," in *Maimonides' "Guide of the Perplexed" in Translation: A History from the Thirteenth Century to the Twentieth*, eds. Josef Stern et al., (Chicago: University of Chicago Press, 2019), 35-54.

[9] See Simon Hopkins, "The Languages of Maimonides," in *The Trias of Maimonides / Die Trias des Maimonides Jewish, Arabic, and Ancient Culture of Knowledge / Jüdische, arabische und antike Wissenskultur*, ed. Georges Tamer, (De Gruyter, 2005).

discussions of different topics. As has become common in their recent works, the volumes include a section called "Insights," with further in-depth discourses on various issues related to the text.

Throughout ArtScroll's long and successful publishing history, there have been many critiques and challenges. The more serious criticisms relate to censorship of phrases or entire passages that were deemed unfit to share with the public, often with no indication that something is missing.[10] More generally, there has been disapproval as to whom ArtScroll is not willing to cite in their works, particularly those not considered part of the mainstream "yeshivish/Litvish/Hareidi" world, an approach that certainly excludes modern academic scholars, but also thinkers like R. Menachem Mendel Schneerson (the Lubavitcher Rebbe), R. Joseph B. Soloveitchik (the Rav), and R. Avraham Yitzchak Kook, to name some prominent ones. There is also the old claim that ArtScroll "dumbs down" works, thus making it easier to study without putting in the amount of work praised by traditional scholars (although it seems that one hears this objection less often nowadays).

The first ArtScroll volume of *Kisvei HaRambam* was met in some circles with disapproval. In *Tradition: A Journal of Orthodox Jewish Thought*, for example, Menachem Kellner, a scholar who has published dozens of books and articles on Maimonides, critiqued ArtScroll's editorial decision to use a poorer edition of *Mishneh Torah* for their translation.[11] As Kellner notes, this is especially strange, as the editors go out of their way to explain the careful use of better editions for the other works.[12] More significantly, he charges, ArtScroll seems to craft Rambam into their own image, one that fits with their contemporary yeshivish values. After citing an idea from Michael Schwartz that Maimonides often functions as a mirror to those who look at him, Kellner writes that "even in an amusement park funhouse mirror, some connection is still discernible between the person facing the mirror and the visage reflected in it. From the perspective of most academics, the image of Maimonides found in *Kisvei HaRambam* is a pale reflection of

[10] See, for example, https://seforimblog.com/2016/02/the-agunah-problem-part-2-wearing/ and https://seforimblog.com/2015/06/more-about-rashbam-on-genesis-chapter-1/, Marc Shapiro, "Did ArtScroll Censor Rashi?" Response to R. Yisrael Isser Zvi Herczerg, in *Hakirah: The Flatbush Journal of Jewish Law and Thought,* Vol. 27, (Fall 2019), 15-25.

[11] Menachem Kellner, "Book Review: Kisvei HaRambam: Writings of Rabbi Moshe ben Maimon – The Rambam," in *Tradition: A Journal of Orthodox Jewish Thought,* 56:3 (2024), Summer 2024, Issue 56.3, 85-94. In the second part of Kellner's piece (95), he reviews another work based on Maimonides, and notes how both that and the ArtScroll work list the traditional year of Maimonides' birth as 1135, even though modern scholarship had demonstrated rather conclusively that the correct year is actually 1138. It is worth noting that in Volume 2 the birth year is stated correctly as 1138 (xiv).

[12] The editors do not indicate which edition of *Mishneh Torah* they are using; the reader is presumably to understand that it is the "standard edition."

the man himself." While Kellner also has some positive things to say about the work overall, and considers it an important project (a point he reiterates in a podcast interview), his review is fairly negative.[13]

With this in mind, we can consider the content of *Kisvei HaRambam: Volume 2*. While the subtitle is *Conduct and Character*, the work can be most accurately described as a translation, elucidation, and expansion on Maimonides' commentary on *Masekhet Avot*, with special focus on his introduction, known as *Shemonah Perakim*, or "Eight Chapters." The text, which constitutes the bulk of the volume, is very heavily annotated and includes lengthy "Insights" at the end of each section.

The other texts included in the volume are all connected in one way or another to *Shemonah Perakim* or the commentary on *Avot*. This includes, for example, "A Letter to Ovadiah the Convert," a selection of responsa written by Maimonides to questions (from Ovadiah the Convert himself) about the apparent contradiction between Divine foreknowledge or predetermination and free will, an issue that Maimonides discusses at length in *Shemonah Perakim* (and to which Maimonides refers to directly in the letter (493). Likewise, the "Letter Regarding Man's Lifespan," written to his prized student, R. Yosef b. Yehudah of Ceuta, about whether a man's lifespan is fixed or dependent on his actions, is included, because it overlaps with Maimonides' discussion of this same point in *Shemonah Perakim*.

Somewhat more loosely connected is the "Management of Health of Souls," a portion of a medical work written for Al-Afdal, son of Sultan Saladin of Egypt, which is included in the work because of some (very general) overlapping of themes found in *Shemonah Perakim*. Even more out of place is the "Letter Regarding the Music of Yishmaelim."[14] Maimonides mentions music in his commentary to *Avot* 1:16[15] as part of a longer discussion about the value of speech, and includes a lengthy digression critiquing those who assess

[13] This polite review (and the exchange of letters that followed) is far tamer than one featured in a 1981 *Tradition* article (and subsequent letters to the editor) regarding ArtScroll, then still in its infancy. The opening salvo there featured an eviscerating review of ArtScroll's *Tanakh* series. To give the reader a sense, the reviewer begins by citing the rabbinic statement about the pig's deception, as it shows off its split hooves, giving the false appearance that it is kosher. It then reads "[the ArtScroll Biblical commentary,] though far from piglike, is no less deceptive." After critiquing the great lengths to which ArtScroll goes to proclaim its authority and accuracy, the essay ends by stating, "Not every Hebrew sign in a butcher's window means that the meat sold is kosher." Unsurprisingly, this review met with a strong response, some challenging the metaphors, while others disagreeing with the entire approach. Much of the exchange and review parallel the recent ones (they both bemoan, for example, ArtScroll's selective use of commentaries and failure to cite modern scholarship).

[14] The chapter consists of two separate letters which are typically printed as such in various collections of Maimonides' responsa, but ArtScroll, following R. Yitzchak Sheilat, whose edition ArtScroll uses (see below), considers it a single letter.

[15] *Kitvei* II (504) references 1:17, but it is 1:16 in ArtScroll's edition.

the appropriateness of a song based on its language (i.e., Hebrew, Arabic,or Persian), rather than its content. Apropos to these comments, the aforementioned letter is translated and elucidated, wherein Maimonides explains how all music is problematic. To present a full understanding of Maimonides' views on the role and value of music, further citations from his responsa regarding *piyyutim*, and his comments about music inspiring prophecy, would have been required.[16] Ultimately however, the letter is only included as an expansion on the commentary to *Avot,* and the general topic is thus left unexplored.[17]

The final section of the work, titled "Appendices," includes translations of select portions of *Mishneh Torah* from *Hilchot Dei'ot* and *Hilchot Teshuvah* that deal with free will and character traits discussed in *Shemonah Perakim*. While these are relevant additions and are also annotated, there is something somewhat disjointing about pulling sections of *Mishneh Torah* out of context from the larger work and leaving out parts of chapters.[18]

A chapter from R. Avraham ben Ha-Rambam's *Hamaspik Le-Ovdei Hashem* in translation (it was originally written in Judeo-Arabic) is also included as an appendix to this work, due to its content relevance and its citations of *Shemonah Perakim*, as is the introduction of the original translator of *Shemonah Perakim*, R. Shmuel Ibn Tibbon. [19] These appendices are less heavily annotated, and print only the translation of the text in the middle section of the page without the accompanying Hebrew words (the Hebrew text is included on the top of the page).

Finally, the volume includes a passage from Nahmanides' commentary on the Torah, which cites and challenges Maimonides' views in *Shemonah Perakim*, as well as a defense of Maimonides from *Sefer Ha-Zikkaron* of R. Yom Tov ben Abraham of Seville, better known as Ritva. Similarly, relevant passages from these two works were likewise included in Vol. 1. This inclusion of Nahmanides' commentary strikes the reader as somewhat strange, considering that the passage already exists in the ArtScroll Ramban on the

[16] See Edwin Seroussi, "More on Maimonides on Music," *Zutot: Perspectives on Jewish Culture* Vol 2, (2002), 126-135.

[17] One of the "Insights" has a somewhat more detailed investigation into the halakhic permissibility of music, but it does not quite engage with the letter or other sources in Maimonides' writings.

[18] Vol.1 also includes relevant selections from *Mishneh Torah*. It seems pertinent to note that while there are several translations of *Mishneh Torah* (most of them freely available through Sefaria), a modern academic translation of *Sefer Ha-Madda* that includes the sections referenced here is still lacking. The Yale *Mishneh Torah* translation, though mostly completed by 1949, remains unfinished. The volume, including *Sefer Ha-Madda* and Maimonides' introduction, has been declared as "forthcoming" for several decades now, somewhat stretching the reasonable definition of the term.

[19] One might have thought that this introduction belongs at the beginning of the work as it indeed appears in the original, but ArtScroll is not basing itself on ibn Tibbon's translation, and they thus include it at the end.

Torah, from which the present work borrows. By contrast, the *Sefer Ha-Zikkaron*, to the best of my knowledge, has never been translated, and deserves to be better known; it was thus a welcome addition. Unfortunately, no introduction or context is provided for an understanding of what this work is about, which makes it difficult to contextualize.[20]

As noted, the volume is primarily built around a translation of *Shemonah Perakim*. This is not the first time that it has been rendered into English; over a century ago, Joseph I. Gorfinkle published *The Eight Chapters of Maimonides on Ethics (Shemonah Perakim) - A Psychological and Ethical Treatise*, edited, annotated, and translated with an introduction.[21] This academic edition from 1912 includes a scholarly introduction with a discussion of manuscripts and editions, as well as a discussion of Maimonides' thought more broadly, with many citations from earlier philosophers and scholarship. It also includes a Hebrew translation from Judeo-Arabic in the back. In 1975, a newer accurate academic translation was included in a collection of Maimonides' ethical writings, albeit with limited annotation (and without the original text).[22]

In 1994, Yeshivath Beth Moshe of Scranton published a summary translation into English by R. Avraham Yaakov Finkel. In 1999, Leonard S. Kravitz and Kerry M. Olitzky wrote *Shemonah Perakim - A Treatise on the Soul* with a Hebrew and English text, including their own created divisions of the text and citations to other contemporary thinkers. Targum Press issued a translation in 2008 by Yaakov Feldman with extensive supplementary notes and explanations, and it features the Hebrew and English texts side by side. Though not an English translation, also noteworthy is Michael Schwartz's translation into Hebrew in 2011, translated from Judeo-Arabic to Modern Hebrew with a lengthy introduction by Sarah Klein-Braslavy.

Not surprisingly, however, ArtScroll brings its own style and approach to the work, which differs substantially from the previous translations. The first issue that must be recognized when considering *Shemonah Perakim* is how much the work (particularly the earlier chapters) is indebted to, and built on, the writings of secular philosophers and their views about the nature and unity of the soul. The most significant ones are Aristotle, in his *Nicomachean Ethics* and his

[20] While the parallel section in Vol. 1 provides some biographical information, Vol. 2 does not even provide the full name of Ritva!

[21] *The Eight Chapters of Maimonides on Ethics (Shemonah Perakim) - A Psychological and Ethical Treatise,* ed. Joseph I Gofrinkle, (Columbia University Press: New York, 1912). Gorfinkle's preface ends with the following: "It is with a feeling of trepidation that I send into the world this, my first work, fully realizing its many shortcomings. I can only hope that the kind reader will be so engrossed in these interesting Chapters of the master, Maimonides, and will find their teachings so captivating, that he will overlook the failings of the novice who presents them to him (!)."

[22] Raymond Weiss and Charles Butterworth, "Eight Chapter" in *Ethical Writings of Maimonides*, (New York: New York University Press, 1975), 59-104.

"Treatise on the Soul," and al-Farabi (Al Abu Nasr Muhammad) in his *Aphorisms* (and less frequently, Ibn Sina, known as Avicenna). Maimonides is clearly engaging with their works and responding to them.

There are certain "more traditional" commentaries on *Shemonah Perakim* that omit these connections, either out of ignorance or an unwillingness to engage with the source material due to their secular nature. By contrast, the more academic editions of *Shemonah Perakim* cite these philosophers on almost every page, noting the parallels and disagreements, demonstrating their interdependence.

ArtScroll*'s Kisvei HaRambam* takes somewhat of a middle path. While the footnotes are not littered with citations to the secular writers, they note in various places where Maimonides borrows an aphorism directly from Al-Farabi, among others. In Maimonides' commentary to *Avot* 1:16, where he quotes Aristotle (and praises him), the authors even write that the citation is from *Nicomachean Ethics* (although, regrettably, a more precise location is not provided). Elsewhere, they note the difficulty in translating some of the terms, due to Arabic having adopted certain Greek terms, and therefore words had to be invented anew to approximate them (41). They point out that Aristotle himself struggled in Greek with the appropriate language at times, again acknowledging the connection. At the end of Chapter 4, when Maimonides cites an idea in the name of "the philosophers," they explain (68, n. 122) that this is a reference to Alfarabi (the inconsistent spelling is in the original) in *Aphorisms* and Aristotle in *Nicomachean Ethics*. The willingness to cite such sources may be considered surprising, considering ArtScroll*'s* ideology as typically understood.

More generally, one cannot help but be struck by the large variety of citations of, and references to, medieval Jewish philosophical works, many of which are far from standard. These include, for example, *Olam Katan* by Joseph ibn Tzaddik (originally composed in Arabic), *Sefer Ha-Emunah Ramah* (*The Exalted Faith*) of Abraham ibn Daud, various works written by or attributed to R. Shlomo ibn Gabirol, and R. Shmuel ibn Tibbon's philosophical glossary (appended to his revised translation of *The Guide*). This is in addition to references to the more well-known R. Sa'adia Gaon, R. Yehuda Ha-Levi, R. Bahya ibn Pakuda, R. Hasdai Crescas, and many more Jewish writers throughout history who engaged directly or indirectly with Maimonides' writings.

The work also contains extensive cross-references to Maimonides' other works, including his *halakhic* writings, but more substantially to *The Guide*, letters, medical works, including his commentary to Hippocrates, as well as his work of logic (although there remains some question as to whether Maimonides actually wrote it). One seeking further study is provided with many different paths to follow.

The volume also displays an intense desire to demonstrate how it is translating the text and which edition is being used. As noted above,

Shemonah Perakim, and the commentary on *Avot*, was written in Judeo-Arabic, and ArtScroll relies on a recent edition by R. Ezra Korach (2009) for the Hebrew text. The footnotes, however, cite the editions/translations of both R. Yitzchak Sheilat and R. Yosef Kafih on almost every single page, while differences between their translations are noted and sometimes explained.[23] The *Rambam Le-Am*, an edition of the commentary published by Mossad HaRav Kook with notes from R. Mordechai Dov Rabinowitz, is also cited frequently as well. The footnotes regularly reproduce the original Judeo-Arabic word, with a citation of where the same term is used elsewhere in Maimonides' writings, to justify the chosen translation.

Even more noteworthy is that R. Sheilat's commentary and ideas are cited extensively. R. Sheilat is the current Rosh Yeshiva of *Yeshivat Birkhat Moshe*, a *yeshivat hesder*, and he is also an expert on the writings of Rav Kook, not someone who most would expect ArtScroll to cite. (In the Publisher's preface, he is identified as an eminent "Rosh Yeshiva and scholar" without further biographical details). The willingness to cite a wider array of sources does not necessarily indicate a larger ideological shift in either the publisher or the intended market, but the significance of this should not be overlooked.

In Kellner's review of the first volume, he bemoans its failure to utilize the *Yad Peshutah*, a commentary on *Mishneh Torah* by R. Nahum Rabinowitz, who served as Rosh Yeshiva at *Birkhat Moshe* until his passing. In Vol. 2, the *Yad Peshutah* is in fact referenced several times throughout the work, also not something that one would necessarily expect. It is worth pointing out that, unlike in the previous volume, where (as pointed out by Kellner, cited above) ArtScroll failed to use better editions for *Mishneh Torah*, Vol. 2 uses the better accepted Frankel text, while explaining the differences between it and the older, standard edition.

The willingness to engage with Maimonides' viewpoints, noting difficulties and questions, and even rejecting certain attempts at explaining Maimonides (even when they were proposed by *Gedolim*), is also significant. The thorough analysis displays a serious desire to understand the text in the context of Maimonides' other writings and those of traditional commentaries and thinkers. Many of the "Insights," as well, display vast erudition, and attempt to tackle some of the thornier issues in Maimonidean thinking, including the role of asceticism in Jewish thought, as well as Maimonides' controversial view on the prohibition of earning money from teaching and learning Torah.[24]

To be sure, there is certainly what to quibble with in this work. Besides some of the issues mentioned above regarding which texts were

[23] R. Sheilat's text of Maimonides' letters also serve as the basis for those included in the volume.

[24] Regrettably, there is no index or table of contents for the "Insights," (although a cumulative one may appear in a future volume).

included, some of the "Insights" are weaker than others. The one on the Maimonidean controversies, for example, lacks any historical context, and does not really provide any sense of what they were about. And there are clearly places here and there where one could question or challenge the translation decisions. Some might also point out that the edition does not properly engage with secular philosophical sources, and definitely does not cite from any of the vast academic literature written on Maimonidean thought.

These are undoubtedly valid points, but do not diminish the importance of the work. Academic editions tend to have a far more limited audience, and a translation or commentary written in such a fashion would likely be far less appealing to most readers. In his introduction to *Shemonah Perakim*, Maimonides himself notes that he will not necessary cite all of his sources by name, even when quoting them verbatim, because the reader may dismiss an idea from someone he does not find fitting, perhaps concerned that a harmful notion is contained therein (8-9). R. Shem Tov ibn Falaquera, a medieval philosopher and student of *The Guide* (cited by ArtScroll in n. 24), explains that this refers to non-Jewish philosophers whose important ideas would be dismissed and ignored if they were to be cited by name.[25] To counter many objections that some people may have of the present volume, one could reasonably argue that the authors were following Maimonides himself in their approach.

In the final analysis, ArtScroll has created an excellent edition that explains and engages with Maimonides' work in a serious way, while still presenting it in a fashion that will be appealing to a larger audience.

Are Jews Part of the Global Village? Updating the Paradigms of Tzedakah

Francis Nataf is a Jerusalem based writer, thinker and educator.

Dedicated to the memory of my mentor, Rav Aharon Lichtenstein, whose 10th yahrzeit is today. Although I cannot be sure he would agree with everything I have written here, the article is largely inspired by the palpable love of humanity that he radiated and with which he inspired me.

The highly developed ethic of mutual aid within the Jewish community deservedly serves as a source of pride. In an often hostile world, Jews have historically shown a great deal of discipline and self-sacrifice to help other Jews in need. For most of history, whatever additional aid Jews gave outside of their community was largely unexpected and, from that perspective, *lifnim mi-*

[25] It has been convincingly suggested that Maimonides is specifically referring to the "Chapter of the Statesman," a work on ethics by Al-Farabi. See Lawrence Kaplan "Philosophy and the divine law in Maimonides and Al-Farabi in light of Maimonides' "Eight Chapters" and Al-Farabi's "Chapters of the Statesman" in *Jewish-Muslim Encounters. History, Philosophy and Culture* (Paragon House: Saint Paul, MN, 2001) 1-34. Also see Lawrence Kaplan, "An Introduction To Maimonides' "Eight Chapters"" in the *Edah Journal*.

shurat ha-din. With the increasing malleability of communal boundaries, however, the continued focus of the Jewish community overwhelmingly upon itself[1] needs reexamination.

This article will seek such a reexamination from the perspective of *halakhah* and its underlying ethics. I will argue that the *halakhot* of charity to non-Jews represent a case in which today's circumstances are radically different from when Jewish law was formulated, such that it requires major review and revision.[2] Moreover, though it only provides a backdrop to this discussion, it seems to me that we cannot ethically proceed without also keeping in mind that absolute poverty[3] today exists almost exclusively outside of the Jewish community.

Given our ambitious agenda, we will content ourselves with presenting an introduction to this topic and leaving room for others to further explore some of the general directions to which this article points.

Changes in the Rabbinic Approach to Non-Jews

How is the Jew supposed to relate to non-Jews? I am not interested here in challenging a Jewish particularism that asserts that one's first responsibility is to those that are closest, but this should not mean that one only has to take care of his relatives and no one else. The question that needs to be addressed is how far one's responsibility extends beyond family. In the current of this article, that question becomes whether – for either practical or ideological reasons – a Jew's responsibility only truly extends to the Jewish nation and no further.[4]

The thoughtful reader will certainly ask whether one can ask such a broad question. In particular,

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[1] There are obvious and notable exceptions to this, such as, but not limited to, the American Jewish World Service and Israeli governmental aid to developing countries and disaster relief. It should perhaps, however, also be added that these exceptions are even more rare in the Orthodox sector.

[2] I write this as someone completely loyal to the traditional halakhic system. The notion that the rigidity of *halakhah* is dependent upon the circumstances to which they apply and that actual laws may, accordingly, no longer apply when circumstance radically shifts, is part and parcel of normative *halakhah*. See below at the end of Section IV, and also see Francis Nataf, "Criteria and Parameters of Halachic Change," Parts II and III (2009) .

[3] The United Nations' definition is that "absolute poverty is a condition characterized by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education, and information." The World Bank quantifies extreme poverty as applying to those living on less than $1.90 a day.

[4] Lest it sound outrageous that Jews should only help their own, all nation states of which I am aware implicitly base their welfare policies on a similar distinction (something we will discuss in the final section of this article). While charity and limited aid travel beyond national borders to the citizens of other countries, welfare payments generally do not. In fact, even residents of a country are often not given these payments if they are not viewed as part of the nation, based upon citizenship (and of course, the reverse is admittedly also true, that citizens receive such payments even when not residing in the home country).

should there not be a distinction between idolaters and non-idolaters? Though the distinction was historically often only theoretical, there is no question that our evaluation of how Jews must treat gentiles depends greatly upon this distinction.[5] That is to say that even if *halakhah* demands that Jews extend some level of kindness to all people, including idolaters, Judaism's highly negative evaluation of such people complicates our evaluation of how Jews are meant to treat non-Jews more generally.

Part of the challenge in decoupling Jewish law towards idolaters and gentiles more generally comes from the fact that the default has historically been that almost all of the world's inhabitants were, in fact, idolaters, such that gentiles and idolaters were conflated into one class. This is so much the case that the word *akum*, an abbreviation for a worshiper of stars and constellations, is often used interchangeably with the word *nokhri* (foreigner), the more correct term for a gentile. While traditional Jewish law also discussed the clearly defined category of *geir toshav* – the non-idolatrous resident alien who is treated much better than idolaters – this too cannot serve as a paradigm for non-idolatrous peoples in general. That is because the positive treatment may come from reasons specific to gentiles living in a Jewish state, such as the responsibility of a host community towards minorities living within it. As a result, teasing out the distinction between idolatrous and non-idolatrous gentiles in classical sources is nearly impossible. But that does not mean that such a distinction does not exist.

Once the distinction was no longer only theoretical, both Jewish practice and thought had to be updated. Indeed, much of this work was already done by R. Menachem Meiri (1249-1315) and the various authorities who subsequently followed his lead. Though he was not the first to recognize that the Jews' Christian and especially Muslim neighbors were different from the Jews' idolatrous neighbors of the past, he was the first to categorically posit that the Talmud's negative treatment of gentiles was specifically aimed at those idolaters and should be dispensed with when it came to almost all the nations among whom Jews were then living.[6]

The popularization of Meiri's position, however,

[5] While I would make the case that the the rules of how Jews should treat atheists should be even stricter than the rules for how to treat idolaters (since they may present a greater threat to the Jewish mission of 'repairing the world as the kingdom of God,' presumably because it is harder to adopt a religious belief system for the first time than it is to go from one system to another), classical *halakhah* does not reflect such a position. It may be that atheism was not much of an issue in earlier times, such that there was no reason to legislate about it. Alternatively, it could be that to get monotheism onto the stage of history, the fight with idolatry was simply unavoidable, whereas atheism's later rise means that it was not in a position to block monotheism, but only to challenge it – something which Rav Kook interestingly argued would ultimately only serve to cleanse monotheism from accumulated dross. See, for example, "Pangs of Cleansing," in *Orot* (Jerusalem: Mossad HaRav Kook, 2005), 124-129.

[6] See, for example, *Beit Ha-Behirah* on *Avodah Zarah* 26a and on *Bava Kamma* 37b. This is not the place for a full exposition of his thesis. Suffice it to say, however, that since

was greatly slowed down by the Jews' suffering many more centuries of often inhuman treatment from their gentile neighbors, whether idolatrous or not. That would only change with the beginning of the Modern period, at which time more rabbis would be inspired to engage more robustly with Meiri's project. As emancipation of the Jews spread throughout Europe in the 19th and 20th centuries, one sees important rabbis in just about all major communities responding to emancipation in this fashion.[7] Even so, the liberalization of most countries moved by fits and starts, and hence provided mixed signals to both Jews and gentiles alike as to what they could expect the legal and social position of the Jews to be in the future. While this slowed down the adoption of Meiri's approach, it was not until the cataclysmic events that led to – and obviously included – the Holocaust, that this shift in rabbinic thinking was essentially stopped in its tracks. Indeed, even the memory of the Holocaust discouraged many rabbis from advancing a more positive status for non-Jews in the years that followed. It is therefore only more recently that mainstream Orthodox rabbis have returned to this project in any robust fashion.[8]

That means that in order to fully endorse Meiri's approach in our own time, it is necessary to recognize the Holocaust for the historical aberration that it was. One can argue about the continuation – and sometimes growth – of antisemitism and antisemitic violence throughout much of the world today. Yet this argument must be put into perspective, such that the eventuality of what could seriously be described as pogroms or expulsions in just about any corner of the world is almost non-existent.[9] Instead, the trend of tolerance towards Jews that began long before the Holocaust would return to most of the world almost immediately after it.[10] As such, rabbis and other thought leaders who are engaged with the Jewish tradition can now be expected to return in ever larger numbers to the project begun by Meiri

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the Talmud makes no such explicit distinction, the default among other authorities was simply to apply discriminatory Talmudic laws towards all gentiles.

[7] See, for example, R. Zvi Hirsch Chajes, *Tiferet Le-Yisrael*, in *Kol Kitvei Maharitz Chajes*, 489-490; R. Moshe Kalfon HaKohen (Tunisia 1874-1950) *Sho'eil Ve-Nish'al*, part 2, *Hoshen Mishpat*, paragraph 13; R. Kook, *Igrot Ha-Ra'ayah*, no. 89, v. 1; R. Baruch Ha-Levi Epstein, *Torah Temimah* on *Exodus* 21:35, *Deuteronomy* 22:3. This is not to suggest that these rabbis were unopposed in their more positive views about non-Jews. Such opposition is to be expected and unexceptional. Rather, it is the return to the Meiri and similar earlier voices by leading rabbis that is the novelty of note here.

[8] Though not explicit, this can certainly be seen as the subtext of "Between Jerusalem and Rome: Reflections on 50 Years of *Nostra Aetatem*," a statement of reconciliation towards the Catholic church, issued by the Rabbinical Council of America, the Chief Rabbinate of Israel, and the Conference of European Rabbis on Aug. 31, 2017.

[9] It is a sad note that the only pogroms in recent history have occurred in Israel, with the events of October 7, 2023, standing out as a shocking reminder of the pockets of virulent anti-semitism that still exist in the world today.

[10] While this is a simplification, it is one that a bird's eye view would certainly confirm.

and continued by many of the most prominent rabbis of the 19th and early 20th centuries.

While the natural trajectory brought about by the continuation of generally improving relations between the Jewish people and other religious groups gives us good reason to expect Jewish leaders to move more forthrightly in this direction, there are several factors that should make us urge its prioritization, even above and beyond what is likely to continue developing. Among the most important are the following:

1) Though Jewish exceptionalism and self-prioritization (and the concept of a chosen people) have long been a source of friction with other nations, the resentment such a perspective engendered in the past was often rather hypocritical in the sense that all nations and religions prioritized their group to the exclusion of others. However, once the modern concept of citizenship was established, and multicultural states became the norm rather than the exception, this self-prioritization was to become less and less the case among the nations. For Jews to reap the benefits of equal rights in such a context, but for they themselves not to treat others equally, creates ill will, to say the least.
2) Instant global communication (via both traditional and new media) mitigates against the possibility of a merely local incident. Jews discriminating against gentiles in an obvious and visible way can, and often will, be widely disseminated.

   Our concern here is not so much about the practical negative impact engendered by the response to such scenes. Rather, it is the bad name that it gives to Judaism as a whole. Granted, not serving another nation's idols was once seen as offensive and uncivilized, and Jews could not be expected to do so just to get a good name among the nations. But here, we are not dealing with absolute and essential prohibitions of this nature at all. Hence, gentile response is a variable that must be (and quite often has been) taken into account as we formulate Jewish policy (both legal and extra-legal) and its theoretical underpinnings.
3) With the constantly increasing internationalization of trade and social interaction, there will be increasing interaction between Jews and non-Jews. Except for the most isolated and sheltered communities, most Jewish (including a large sector of Israeli) adults will regularly interact with non-Jews. Given the regularity of these interactions, more attention has to be paid to how Jews can properly express Godly Jewish values in such circumstances.
4) Especially (but not only) with the rise of the State of Israel and its growing success and power, the Jewish people have perhaps never had such prominence. And, like it or not, this prominence showcases

> Jews and Judaism. This should presumably be a welcome opportunity to display the light of the Torah. But it can easily turn into a liability if it is not used in a careful and thought-out manner.

The Ethics of *Tzedakah*

The relationship of the above to the Jewish imperative of *tzedakah* is not automatic and clearly depends on the latter's own structure and telos, something we will now address.

The ethics of *tzedakah* have two driving forces. The first is the improvement of the self. By actively seeking to help those who could benefit from such help, I improve my character by becoming more generous, sensitive, and kind. The second force is the responsibility that people have towards one another as members of a community,[11] such that they should try to make sure that all members of their community have their basic needs provided.[12] While it should not automatically be assumed that *tzedakah*'s primary reason is communal responsibility, such that its ethics only revolve around maximizing its utility to others,[13] character development does not seem to be the central variable the Rabbis considered when deciding what causes should be *prioritized*.

Before we discuss what their decisions were, in fact, based upon, it should be noted that the ethics of prioritization are grounded upon real-world scarcities. The driving assumption of just about any theory of general philanthropy is that the community as a whole does not have the disposable resources to take care of all possible needs.[14] In the case of the Rabbis, *halakhah* famously defines those needs very broadly, such that anytime someone truly feels a lack, it is considered a need that the community has a

[11] Although there are many different ways to define a community – and almost all people belong to several communities at once – for our purposes, we will define its outer limit as those people one is, in a very general sense, aware of, and to whom the available technology makes it feasible to help. To take just one very concrete example, how far I can ship potatoes would depend upon transportation, communication, finance, and preservation. I would have no responsibility to ship potatoes to a group of people if I have no way to do so, or at least no way to do so without the potatoes becoming rancid by the time they reach their destination. For more on how to define modern communities, see the section "Contemporary Communities" below.

[12] From a religious perspective, this can be rooted in the value given to man as being in the image of God. But many other reasons, both religious and secular, can be given for such a responsibility.

[13] See, for example, *Bava Batra* 10a. There, both Rabbi Meir and Rabbi Akiva answer interlocutors that the reason God tolerates poverty in the world is "so that through the [poor and the charity we give them] we will be saved from the judgment of Gehenna."

[14] This would be true even in a completely socialist society, where all resources would be allocated centrally. All the more so is it the case when – as has historically almost always been the case – the community (or state) must respect the rights of individuals to amass wealth and dispose of the lion's share as they desire.

responsibility to ensure in an idealized world of unlimited wealth.[15] As in other realms, however, since our capabilities are not infinite, we have to make priorities. Once this need for the triage of available resources is recognized as a reality, a community must decide upon a hierarchy of needs to actually be filled.

There are three main factors in the prioritization of *tzedakah* expenditures.[16] They are (in no particular order): interpersonal relationships (usually familial ties), geographic proximity, and relative need (how dire the result would be if that person would not be helped).

The reason for the third factor is obvious. In the most extreme case, it would be hard to justify buying a horse (or a limousine) for a wealthy person whose circumstances have forced him to sell his own horse, as opposed to buying medicine for someone else whose life is at stake.

But the above is in a vacuum. What happens when the wealthy man is your son? While one could hope that no father would be so callous as to say that their son having a horse is more important than the life of another human being whom they don't know, human experience shows that many fathers would nevertheless prioritize the son's horse.[17] The justification that could be offered for such behavior would be that the responsibility of helping the poor man buy his medicine only rests upon this father in the same general way as it rests on everyone else, whereas he has an unsurpassed personal responsibility towards his son. It may still be that he should buy the medicine, but a relationship nevertheless creates an obligation that cannot be summarily dismissed.

The above is not simply a question of emotion – that one loves and is more concerned about the happiness of one's relatives.[18] Proximity of kin creates an expectation, both from the one in need as well as from others, that his family will help. Not only are others naturally less inclined to help, but that disinclination is further reinforced by the very

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[15] S*hulhan Arukh, Yoreh Dei'ah* 250:1, based on *Ketuvot* 67b.

[16] See, however, R. Aharon Lichtenstein's "Jewish Philanthropy – Wither," *Tradition*, Winter 2009 (42:4), 23-4, who identifies five criteria: personal identity of the recipient, such as that of a Torah scholar; relationship; utility and worth of the need involved; other interposing values such as honoring parents; and temporal circumstances (which he somewhat equates with "first come, first served"). R. Lichtenstein also points out the implicit flexibility of prioritization (29-30). It should accordingly be noted that the individual is allowed a large degree of personal discretion in the actual implementation of priorities. Finally, one should not lose sight of the mandate to diversify *tzedakah* expenditures, such that, even when more rigidly enacted, prioritization is rarely meant to be absolute. Also see *Eiruvin* 63a and *Shulhan Arukh, Yoreh Dei'ah* 257:9.

[17] See, in this regard, some relevant considerations raised by Bernard Williams' "Persons, Character and Morality," in *Moral Luck* (Cambridge: Cambridge University Press, 1981), 1-19.

[18] See *Isaiah* 58:7 and the commentaries of Rashi and Ibn Ezra there.

expectation that the family will indeed step up and thereby alleviate the more general responsibility of the community at large.[19]

Geographic proximity works in a similar fashion. As is the case with families, responsibility and expectation go hand in hand. Those from other towns will assume that they would only be addressed by the poor of a different community when resources of those poor's own communities have already been exhausted. For them to be told otherwise would likely lead to their feeling less, if any, obligation.

When geographic proximity conflicts with relational proximity, it is disputed which has priority.[20] Obviously, this question has important ramifications regarding whether to prioritize giving to needy gentiles in one's town before Jews in another town, for the obligation Jews have towards one another is ultimately relational. As with brothers who have never met, Jews' common identity creates responsibility. (That said, this is not to say that the relationship between two Jews always trumps other considerations, any more than we would say that about two brothers.)[21]

Returning to the place of relative need in comparison with the other two variables just discussed, Hatam Sofer (Moshe Sofer 1762-1839) wrote what may, to many, sound quite obvious: The requirement to give to the poor of one's city before one gives to the poor of another city is only in effect when we are dealing with the same level of poverty. However, when the poor in one's city are only dealing with relative deprivation while the poor in another city lack minimal food and shelter to stay alive, the latter is the first priority.[22]

Utilitarian philosopher Peter Singer says much the same thing. The main point of both his book, *The Life You Can Save*, as well as the movement based upon it, is that giving to save lives trumps any other giving. In Singer's words, "If family and friends really need the money, in anything remotely like the way those living in extreme poverty need it, it would be going too much against the grain of human nature to object to giving to them before giving to strangers. Fortunately, most middle-class people in rich nations don't have to make this choice."[23]

Yet, while Singer would see the principle as

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[19] See *Shulhan Arukh, Yoreh Dei'ah* 251:4 and *Arukh Ha-Shulhan, Yoreh Dei'ah* 251:9.

[20] *Yoreh Dei'ah* 251:3 (see also *Responsa Givat Pinhas* 64) prioritizes family, whereas Meiri on *Ketuvot* 85b prioritizes geographical relationship. Yet, as we will soon see, this is likely only an issue in the rare instance when we are dealing with equivalent needs.

[21] This should be intuitive. Otherwise, why would the *halakhah* speak about anything besides the top priorities, which would normally exhaust all available funds? See also note 16 above.

[22] See, however, *Responsa Avnei Yoshpeh* IV, 100, who claims that even in such circumstances, family still has precedence.

[23] *The Life You Can Save* (London: Picador, 2009), 40.

universal, Hatam Sofer may well not have (though since he does not say as much, it is only my supposition)[24]. There are many reasons he may have limited the principle of absolute need only to Jews. Among the most important is how to understand the concept of *darkhei shalom* (literally, the ways of peace), the driving principle behind the obligation of Jews to concern themselves with the needs of non-Jews. It is this principle that ultimately creates a shared community of Jews and gentiles from a Jewish legal perspective. Hence, any doctrine of Jewish responsibility towards non-Jews has to begin from a proper understanding of this subtle concept.

Fortunately, this concept has already been discussed by Mikey Lebrett, who reasonably concludes that there are essentially two major positions staked out. The first, spearheaded by Rashi,[25] sees *darkhei shalom* as a pragmatic and limited principle, whereas the second, following Rambam,[26] views it as a fundamental and intrinsic component of imitatio Dei.[27]

Theoretically, how we understand *darkhei shalom* could largely be based on the important distinction we mentioned at the beginning of Section I between idolaters specifically and gentiles more broadly. If we say that the principle of *darkhei shalom* is only referring to gentiles who are not idolaters, it becomes easier to understand it as an intrinsic value, such that *shalom* would be a state of harmony that God desires above and beyond whatever practical benefits accrue specifically to the Jews. However, if we say that the principle relates [even] to idolaters, it is certainly easy to conceive of this teaching as a functional, self-interested tool to protect ourselves from the animosity which refusing to help gentiles might create. It would then be hard to define *darkhei shalom* as a fundamental principle, since it is quite clear that the Jewish tradition views idolaters with great suspicion, verging on outright hatred. It would accordingly make more sense to see *darkhei shalom* as a pragmatic concession which is not in line with the general approach towards idolaters.

In light of this logic, it is somewhat surprising that the intuitive linkage just suggested is not what we actually see. Rambam – like most authorities[28] – makes no such distinction, but rather understands

[24] It is true that in his commentary on *Gittin* 61a, Hatam Sofer puts limits on altruistic charity to gentiles, since it will result in less charity being available for fellow Jews. Nevertheless, since he is not addressing relative need there, we cannot be completely certain that he would maintain this principle even when the concern is gentile starvation as opposed to less urgent Jewish needs.

[25] Rashi on *Gittin* 61a, s.v. *im metei Yisrael*.

[26] *Mishneh Torah*, *Hilkhot Melakhim* 10:12.

[27] Lebrett, "Extra-Communal Philanthropy – Forbidden, Permitted or Mandated," *Lehrhaus*, Dec. 2, 2024.

[28] See, for example, Tosafot, *Avodah Zarah* 26b, s.v. *ve-eilu moridin*.

the concept as applying to all gentiles.[29]

As to why God (and, by extension, God's followers) should care for idolaters, R. Naftali Tzvi Yehudah Berlin (Netziv) addresses this in speaking about how the forefathers treated idolaters with love on the one hand, but simultaneously viewed their beliefs and practices with hatred on the other:

> Our forefathers nevertheless *extended love* [to the local idolaters] and concern for their welfare, as this fortifies [God's] creation. [To illustrate,] we see how our forefather Avraham exerted himself greatly in prayer for the welfare of Sodom. He desired their survival, *even though he totally detested them and their king due to their evil ways* (emphasis added).[30]

He explains how this is possible by – like Rambam – implicitly comparing the forefathers' correct attitude to that of God, writing further:

> [Avraham] literally was like the *father of a multitude of nations*. For even when one's son is not walking in righteousness, [the father still] seeks out his well-being and benefit.

Regardless of how the two approaches to *darkhei shalom* do or do not map out onto different types of gentiles, Lebrett is correct to state that Rashi's approach "remains the mainstream approach in much of the Orthodox world."[31] However, in light of the ethical preferability of Rambam's approach, perhaps we should advocate for more to adopt it. To be clear, there is no obvious way of showing that this is a more correct reading of the Sages' doctrine. However, once it has been shown that this second approach is a viable reading, strongly rooted in the mainstream Jewish tradition, that should be sufficient grounds upon which to appeal to the moral intuition of the community to adopt it.

Contemporary Communities

Even if we are convinced that Jews have an absolute and intrinsic responsibility to help with the needs of gentiles, this responsibility may only be relevant if the gentiles live in the same community. As with *tzedakah*, where preference is given to closer neighbors, the practical application of the global ethic has always been local. At first glance, this caveat could mean that, while *darkhei shalom* expands our theoretical *tzedakah* horizons and actually has important practical ramifications for the many Jews living in mixed communities, there is a large and growing number of Jews,

[29] See *Tzafnat Panei'ah, Hilkhot Matenot Aniyim* 7:7, who reasonably shows that this is Rambam's position as well.

[30] *Ha'ameik Davar*, Introduction to *Bereishit*.

[31] Lebrett, "Extra-Communal Philanthropy."

especially – but not only – in Israel, to whom the principle will largely not apply. However, this exclusion depends on a static understanding of what constitutes community, an understanding that is far from obvious. The most important question that needs to be raised here is whether today's communities are still primarily defined by geographic proximity.

Many residents of large cities will certainly attest that living side by side with other people does not automatically create a community. The question that flows from there is what happens when technology allows us to communicate – in almost every sense of the word[32] – far more with people with common interests halfway across the world than neighbors across the street. It is no accident that such groupings of people are known as virtual communities.

Moreover, since membership in a community has never been an exclusivist commitment, but rather a concentric one (i.e., I belong to several communities that encompass one another, such as family, town, country, etc.), do my ties to others far away connect me to their geographic communities as well? In other words, is the proverbial global village only just proverbial, or does it actually bring about some level of associational proximity that could be understood as a community in which its members carry a certain responsibility for one another?

There are other important factors that militate towards a more expansive understanding of community. As alluded to earlier, a community can be defined by its effectiveness in meeting all of the urgent needs within it. On some level, that ability – when actualized – is also the most constitutive variable in the formation of a community. Since such a community is the aggregate of people who can and do help me and vice versa, a strong bond is established between those bound in such a way. While a municipality may be the most obvious form of community, it is not at all clear that municipalities continue to be the most effective locus for the collecting and distributing of mutual aid that is so constitutive of community.

Two major and interrelated changes have radically altered the way we constitute community in regard to how we disburse charity.

The first is political. With the expansion of the role of the modern nation-state, most charity is actually collected and distributed by national governments rather than local ones. The tremendous reach and effectiveness of the modern state gives it the ability to not only gather much greater resources, but also to locate the most urgent needs and effectively transfer the needed funds, services, and goods. Indeed, R.

[32] Though it is true that living in the same place requires a minimal level of cooperation to ensure the smooth functioning of local infrastructure and services required by those who live there, we are at least as likely to concern ourselves (certainly with greater enthusiasm) with projects meant to benefit those who share our interests, be they political causes, commercial interests, scholarship, hobbies, or anything else.

Shlomo Levi [33] – among other contemporary decisors – discusses the possibility of considering some of one's taxes to the state as a fulfillment of the obligation to give charity. Though most religious Jews are not even aware of this possibility, it seems clear to me that R. Levi is absolutely correct in his conclusion that some of our tax payments should count as formal *tzedakah*.

The second change is technological, involving communication, transportation, and finance. We often forget how recently such innovations came into the world. A game changer like the telephone, for example, was only invented in 1876, and only

became a household item after World War II. Likewise, the internet was only invented in 1983 and popularized in the next decade. Along with parallel – if not quite so radical and transformative – innovations in transportation, these changes have profoundly restructured how we live our lives. They have also made it much easier to manage charitable organizations on a national, or even international, level.

Besides the economies of scale facilitated by national collection and distribution of funds (something that is obviously generally true of the move from community councils to national governments as well), the ability to move funds easily on a national scale impacts strongly on Hatam Sofer's (and Peter Singer's) observation that resources should ideally be forwarded to the communities with the greatest need and not hoarded locally. In the past, such an ethical imperative was highly limited by the ability to effectively transfer resources beyond a rather small geographic area. Today, that is simply not the case.[34]

While the ease of transferring funds is not fully replicated when it comes to moving goods and services, there is no question that these, too, are far more mobile than in the past. Indeed, most major disasters today bring about an outpouring of effective charitable physical – and human – resources from all over the world.

Even though one may counter that it is still more cost-effective to disburse aid funds to those who need it locally before sending it halfway across the world, we should note that Hatam Sofer's principle of absolute need may well override such a claim. On the other hand, the notion of global responsibility also complicates this principle as well: What happens, for example, when there is an emergency (a war, a large earthquake, or some other disaster) in which many communities are faced with dire poverty? An outside community in a position to help will usually have no way of supplying the needs of all who need it urgently. In that case, such help could be seen as largely symbolic, in which case it becomes less clear that

[33] "Taxes as Tzekekah and Ma'aser Kesafim," *Tehumin* 32 (2012), 90-102. The idea is actually much older, and can be traced to Meiri in *Beit Ha-Behirah* on *Bava Batra* 9a.

[34] Granted, the concept of a global village is still not fully realized. There are still places that remain very difficult to access due to topographical, political, or technical impediments.

dire need always trumps local causes, especially if there are others in the global community likely to respond to the urgent needs, as is often the case with disaster relief.

Regardless, it should now be clear that the contours of community have shifted, necessarily impacting on how and to whom charity is to be given. It should accordingly be pointed out that Jewish charity has already moved in this direction, and many Jewish charity organizations are no longer local in scope. A corollary of this globalization is that the principle of *darkhei shalom* – which is applied to non-Jews with whom the Jewish community interacts – should also largely be globalized.

There is, however, one very important possible obstacle towards redefining community with regard to the laws of *tzedakah*. In order to legitimate the adjustment of these laws to contemporary circumstances, one must first address whether the Rabbis' rulings on prioritizing citizens of one's city were meant to maintain their form even when the conditions in which they were determined no longer held sway. That is to say, critical to the success of our project and its broader application is the determination of whether the Rabbis' focus on local association is something that was meant to be fixed for all times, or whether it was simply based on contemporary realia – realia that, in this regard, would not change considerably until recently.

Anyone familiar with the history and contours of *halakhah* knows that there are many broadly accepted instances in which great decisors understood various laws of the Talmud as independent of their circumstances, and other instances where the laws were considered circumstance-dependent. In the case at hand – in which the central idea of the law is so closely connected to its impact – I find it difficult to imagine that the Rabbis would have wanted the law's contours to remain firm even at the cost of its effectiveness. Accordingly, when and if the ethics these laws were meant to express would no longer be maximized by them, there is very good reason to think that the relevant laws would have to be accordingly adjusted.

It seems very likely that the organization and disbursement of *tzedakah* funds have traditionally been organized around a specific village or town only because it reflected the political and technological realia of the times.[35] That this has been the case for so many centuries should not be understood as an indication that it is a permanent

[35] This section follows our earlier premise that giving was focused on the community because of its practical efficiency. As mentioned there, it is not the only way to think about the Rabbis' prioritization of the community. I am aware that tangible presence – along the lines of one understanding of Levinas' contention that the face of the person across from me is what obligates me – can also be seen as the critical factor prioritizing people living around one. While that would weaken our position, it would not necessarily defeat it. In this regard, is not seeing someone else's face on Zoom essentially the same as seeing them live? Whether Levinas would agree or not, the essence of responsibility created by the face of another would seemingly have everything to do with awareness of that other and interaction with them, and very little to do with their physical presence.

feature of the Jewish tradition. Rather, it is merely an indication that the conditions that made it appropriate held sway for so many years.

National or International Giving?

There is one more issue that I think is important to raise in our discussion of how modern realia has changed the way welfare and other *tzedakah* funding is distributed, and that is the adverse effects of national borders on *tzedakah*. On the one hand, we have emphasized the role played by the modern nation-state, and have even pointed out how it can do a much better job of getting proper funding to the people who need it the most. From that perspective, the state provides a very useful function in improving the execution of mutual assistance. On the other hand, substituting the nation-state for the community does not completely alleviate the problem of getting resources to the people who need them the most. While it allows for broader distribution, that distribution mostly ends – seemingly artificially from an ethical perspective – at national borders. If our responsibility is no longer primarily based on proximity (and an American living on the Mexican border would, in any event, live closer to objectively poor Mexicans than to the relatively poor in faraway New York City), individual nations' insistence on taking care of their own citizens first – almost completely regardless of relative need – can be as much of an impediment to the proper disbursement of *tzedakah* as it can be a helpful conduit beyond our local communities (as well as within them).

What this means is that despite the greater facility with which charity can be distributed on a national level, we must ask ourselves whether it is actually most effectively in line with the Jewish ethic, as understood by Hatam Sofer. Facing this question honestly, it seems abundantly clear that the answer is no. That is to say, national governments routinely, and as a matter of principle, prioritize their own communities, almost completely regardless of the dire needs that may exist in other countries, simply because those needs are located elsewhere.

Perhaps this is a weakness inherent in the nation-state system, and something which we cannot realistically expect to change. In that case, we must resign ourselves to working within the parameters set up by this reality. Accordingly, relative need would primarily be a realistic determinant in the prioritization of funds within a given country.

Yet, even if that is so, surely more can be done to address the overwhelming inequity created by this system. Indeed, perhaps this remains an important role for non-governmental *tzedakah* to play: in a system in which national governments provide a much more effective framework for the giving of charity within a nation, private giving can retain tremendous relevance simply by being in a better place to help those over the nation's borders, in nations that lack the resources to take care of their own.

But none of this takes away from the need for

awareness of what is still not ideal and the desire to do better. For while it is emotionally healthy to learn to work with what is realistic in the conditions within which we live, we should not prematurely conclude that it is impossible to arrive at an international or even global consciousness of giving. Hence, I see no reason that we cannot demand of the nation-state what Hatam Sofer demanded of the community. Granted, no state, unfortunately not even Israel, is bound by the Jewish ethic. Yet, given that Jews understand this not only to be a question of law, but also of ethics, should Jews not do more to nevertheless try to advance it at least partially?[36]

Conclusion

We have argued that the Jewish ethics of mutual aid force us to re-examine our obligations to non-Jews within and, perhaps even more importantly, outside of, our communities. Giving to non-Jews is normative *halakhah*; the only question is how expansive this giving should be and whether, and how, it is impacted by the marker of absolute need.

Without even noting the potential for *hillul Hashem* involved in minimizing our obligations outside of the Jewish community,[37] we have taken the position that the imperative to share our resources with non-Jews in need is intrinsic to the Jewish ethic of mutual aid. At that point, two questions come into play.

The first is whether communities that set up a natural and halakhic priority in terms of giving should still be defined by geographic proximity. All we have to do to see that this is not the case is to examine both our own interactions with others and whom we see as our community. While in some cases, it still revolves around a village or neighborhood, more and more people associate with others via long-distance communication, creating communities at least as solid as those based on proximity. It seems, then, that there is a need to redefine what creates a community. We have accordingly noted the possibility that the proverbial global village constitutes the truest – and therefore the most relevant – community today. At that point, the notion that 'the people of one's town come first' would lose all relevance, and *darkhei shalom* would apply to everyone on the globe.

Yet, even if we do not make this move, the principle of absolute need should at least open up the possibility that even when *darkhei shalom* does not technically apply, there may still be a need to put limits on how much we can prioritize Jews over others when the needs of the latter are so much more pressing.

[36] Granted, this question relates to the larger question of to what extent Jews should try to influence non-Jewish states in which they reside, in order to improve their ethical conduct in line with the Torah's teachings. I am aware that much has been written about this in both directions. Yet, in spite of the arguments to the contrary, I am convinced that there is almost nothing more central to the Jewish mission than to do just that.

[37] See R. Lichtenstein, "Jewish Philanthropy – Wither," 30.

In terms of policy, this would certainly mean prioritizing the poorest, whether or not they are Jewish, wherever they may live. The fact that national borders make it more difficult only reinforces that need, thereby creating a need for a commensurate workaround. In fact, so long as the nation-state system functions as it does – prioritizing those within the borders – there is an additional reason that private *tzedakah* needs to focus on the absolute poor, who are almost exclusively located beyond the borders of the countries in which the vast majority of Jews live.

Finally, in line with the need to most effectively disburse mutual aid, Jews have a responsibility to work to push states to think more globally about mutual aid, so that the principle of absolute need can be fully incorporated.

All of This Is Yours

David Karpel teaches high school English in New York City, where he lives with his wife and dog.

Where Yaakov dreams on the ground,
Rashi says all of the Land of Israel
folds under him, I imagine like
an origami promise. All of this is yours:

Folds in which Aramaic scripts of old
detail measures of wool, wheat, and wisdom;
drawings depict towns, cities, and the roads
connecting them; everything coated in desert
dust, smears of sweat from the Writer's knit brow,
the earthy odor of olive groves, citrus, sweet dates,
and the salt spray of the sea; while wine,
milk, and honey thoroughly stain the creases.

Sages argue whether this is a miracle
or if Rashi is merely using figurative language
to solve the problem of God's assurance:
"What's all mine," Yaakov could ask,
"these four cubits, or this fold of land?"
According to the Talmud, this question
is moot as the miraculous ease by which
the eart swivels and crimps sets into effect
another promise: the conquering
of this land will be effortless.

*

When the classroom fills with my
10th graders talking, joking, texting, I too
wish I could make a vow as certain,
a distillation so concise I would fold it
to fit in their pockets next to their phones,
written clearly and simply on each page
the wisdom they need to thrive
without ladders for angels
or the voice of God.

But to what end?
Who could imagine
promising them
that anything worthy
comes without struggle?

Like anyone on the run,
this even Yaakov learns.

Is it too Premature to Sing? The Song at the Sea and the Modern-Day Miracle of Medinat Yisrael

Shimshon HaKohen Nadel lives and teaches in Jerusalem, where he serves as rabbi of Har Nof's Kehilat Zichron Yosef and Rosh Kollel of the Sinai Kollel.

The birth of the State of Israel is perhaps the most important event in modern Jewish history – perhaps the most important event in the last two thousand years of Jewish history – but it is also the most divisive. Divisive, in that the religious community is divided on how it views the very establishment of the State and if its birth should be celebrated.

Can we celebrate this modern State, by singing Hallel *on Yom Ha'atzmaut? Or, is it too premature? Should we instead wait for the Moshiah to arrive before we can sing Shirah? Must we wait for the Final Redemption before we can truly celebrate?*

In a lengthy responsum, Rav Ovadiah Yosef examines the recitation of *Hallel* on Yom Ha'atzmaut. Among his considerations, Rav Ovadiah considers the spiritual state of the State of Israel, as well as the political and security situation, and concludes that one should recite *Hallel* without a blessing (*Yabia Omer, Orah Haim* 6:41).

In his responsum, he draws on a passage from the Talmud Yerushalmi, which relates how the Jewish people waited until they reached *Yam Suf* to sing, as it would have been too premature to sing while still leaving Egypt, before the redemption was complete (*Pesahim* 10:6 and *Korban ha-Edah*, ad Loc.).

For Rav Ovadiah, today, too, it is premature to sing out to Hashem and recite Hallel with a blessing, as the miracle of the State of Israel is not yet complete; the Final Redemption has not yet arrived.

And in the years since he penned his *teshuvah*, one may argue that the spiritual, political, and security situation has not improved dramatically, especially in light of the current war and the rifts today in Israel between the right and left and religious and secular.

While Rav Yosef Dov HaLevi Soloveitchik, like Rav Ovadiah, famously ruled that Hallel on Yom Ha'atzmaut should be recited without a blessing, he offered a different reason as to why the Jewish People waited until they reached *Yam Suf* to sing out to Hashem. In an address before Yom Ha'atzmaut 1958, Rav Soloveitchik noted, "Strangely, at the time that the Jews left Egypt, neither Moses nor the people sang hymns of praise for the amazing miracle that they had experienced. Only seven days later, after the splitting of the Red Sea, did Moses and the people sing *Az Yashir*." He asked, "Why did Israel wait a

week to give thanks?"

The Rav explained: "The reason lies in a fundamental difference between the Exodus from Egypt and the splitting of the Red Sea. The Exodus was pure *yeshuah* [salvation]. God did not have, nor did He seek, man's assistance... .
In contrast, at the splitting of the Red Sea, the Creator offered the Israelites a role in their own redemption. He required a leap of faith: a jump into the water prior to the parting of the sea (*Sotah* 36b-37a). The shock of cold water, the fear of drowning thus became Israel's minute 'contribution' to the miracle. At that moment they became partners with God, and as a result Moses and the people full-throatedly sang the majestic *Az Yashir* in gratitude" (Arnold Lustiger, *Derashot Harav*, p. 171).

He continued, and asked, “Why is the suffering that has accompanied the entire history of the State of Israel necessary? Because the State of Israel involves holiness, and holiness only exists if man, through sacrifice, becomes a partner with God” (Ibid., p. 177).

For Rav Soloveitchik, both the splitting of the Sea and the modern State of Israel represent man in partnership with God. The miracles which led to the creation of the State, and sustained it in the years since, were brought about through our sacrifice; our struggle. In the language of the Rav, today we are playing a 'role in our own redemption,' taking a 'leap of faith,' and 'contributing to the miracle.'

The very timing of the Song at the Sea also requires closer examination. *When did the nascent Jewish nation sing out to Hashem?*

According to Rashi and Ibn Ezra, the Jewish people had already crossed *Yam Suf*. They were standing on the far bank, and the proverbial coast was clear. They were singing from a place of safety and security. Rashi and Ibn Ezra understand the verse, “When the horses of Pharaoh, with his chariots and horsemen, went into the sea; Hashem turned back on them the waters of the sea, but the Israelites marched on dry ground in the midst of the sea” (Shemot 15:19), as part of the song itself. The verse describes how Pharoah and his chariots had *already* drowned. It summarizes in song the events which had already taken place.

But for Ramban and Seforno (ad Loc.), verse 19 is not part of *Shirat ha-Yam*. It interrupts the song and describes in ‘real-time’ how Pharoah and his chariots and horsemen entered the sea. In their reading of the text, the Jewish people had begun singing out to Hashem while crossing the sea, when suddenly, they witnessed – in the midst of their revelry – the waves crashing down upon Pharoah and his chariots.

According to this reading, the Jewish people were still very much in danger when they began to sing, and yet they lifted their voice in harmony to sing

out to Hashem and thank Him. Before the coast was clear, before the salvation was complete, and before the redemption was final.

Perhaps this reading of the text should inform our approach to the modern state of Israel. Today, too, we can sing out and give thanks to Hashem for the state of Israel, even before the salvation is complete and before the Redemption is final. Even when things are far from perfect.

The modern miracle that is the state of Israel was not handed to us on a silver platter. It is a miracle that came at great cost. We paid a heavy price. We made tremendous sacrifices and continue to sacrifice, as we have seen over the months since October 7th.

We are living through difficult times. Challenging times. Confusing times. But we are also fortunate to be living during miraculous times. We live at a unique moment in history. One that requires us to sing out and give thanks for the great gift – the modern miracle – of the state of Israel.

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