

# Restoring Spanish Torah Study to Its Former Glory: On the Goals and Intended Audiences of *Sefer ha-Hinnukh* and Its Exposition of *Ta'amei ha-Mitsvot*

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Neither the audience nor the goals of *Sefer ha-Hinnukh*, the unattributed yet oft-cited late-thirteenth century compendium of the six hundred and thirteen commandments, their reasons and halakhic parameters, are easily identified. *Sefer ha-Hinnukh* appears to be directed at least in part toward what might best be characterized as a mid-level readership that consisted of educated laymen. It is arranged according to the portions of the Torah, a format for conveying halakhic material to the larger community that was also being used with increasing frequency in northern Europe at the same time.<sup>1</sup>

The author of *Sefer ha-Hinnukh* indicates in his introductory epistle that this work is best reviewed on the Sabbath and festivals, by readers young and old. He asserts at the end of his longer introduction that the work was intended

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1 See, e.g., *Perushim u-Pesaqim* by R. Avigdor Katz of Vienna, ed. E. F. Hershkowitz (Brooklyn: Machon Harerei Kedem, 1996); the no longer extant *Kol Bo* by R. Shemaryah, the son of R. Simḥah of Speyer, described by Simcha Emanuel, *Fragments of the Tablets* [Jerusalem: Magnes, 2007], 166–73 (Hebrew); *Halakhic Rulings and Sermons of R. Ḥayyim b. Isaac Or Zaru'a* [Hebrew], ed. I. S. Lange (Jerusalem, 1972); and my “The Popularization of Jewish Legal and Customary Literature in Germanic Lands during the Thirteenth Century,” in *Jüdische Kultur in den SchUM-Städten: Literatur, Musik, Theater*, ed. K. E. Grözinger (Wiesbaden: Harrassowitz, 2014), 233–45. E. E. Urbach, *The Tosafists* (Jerusalem: Bialik, 1980), 1:476, n. 53 (Hebrew), points to manuscripts of Moses of Coucy’s *Sefer Mitsvot Gadol* (composed c. 1240) that were arrayed according to the order of the weekly Torah portions, along with Targum Onqelos and Rashi’s Torah commentary. See also below, n. 31.

to inspire his son (and his son's friends) each week after they had reviewed the Torah portion, to acclimate themselves to the number and nature of the precepts that were to be found in each portion and to ponder their meaning, a practice that would hold them in good stead throughout their lives.<sup>2</sup>

Upon completing his discussion of the precepts found in the book of Leviticus, the author offers a kind of mid-course assessment, in which he reiterates (in almost apologetic terms) that he formulated the many reasons for the commandments to the extent that he did in order to “educate the young men (*le-ḥannekh ha-ne'arim*)” in terms that they could well understand, even though others may already be aware of at least some of these reasons and purposes. “And I therefore entitled this work *Sefer ha-Hinnukh*, to provide the wisdom and great purpose [behind each of the commandments] so that if they are meritorious, they will fully grasp them during their mature years as well (*yassigu gam bi-mei ziqnatam*).”<sup>3</sup> All of this suggests that the format of *Sefer ha-Hinnukh* was designed in no small measure to appeal to and to reach some of the less scholarly strata within Spanish Jewish society. The *She'iltot de-R. Aḥai Gaon* represents a similar kind of approach and structure that was undertaken during the geonic period.<sup>4</sup>

The rationalistic yet non-philosophical approach to *ta'amei ha-mitsvot*, typically designated in *Sefer ha-Hinnukh* as *shorashim* (roots or principles) and presented throughout the work toward the beginning of each *mitsvah*, as well as the overarching principles of religious thought and performance that are developed such as the notion of *כי אחרי הפעולות נמשכים הלבבות* (the heart is drawn after one's actions) and its variants,<sup>5</sup> would also seem to be directed to this same level or type of reader. As such, the argument advanced

- 2 See the epistle in *Sefer ha-Hinnukh 'im Be'ur Minhag Hinnukh* (Jerusalem: Machon Yerushalayim, 1988), vol. 1, p. 21; and the end of the introduction, *ibid.*, 28: לעזור לב הנער בני, והילדים חביירי בכל שבוע ושבוע אחר שילמדו אותו הסדר ... גם כי יזקינו לא יסורו ממנו. The final clause here is a paraphrase of Proverbs 22:6, just as the first formulation by the author of *Sefer ha-Hinnukh* recorded in the next paragraph of the text paraphrases the beginning of this verse.
- 3 See *Sefer ha-Hinnukh 'im Be'ur Minhag Hinnukh*, 2:578. Cf. Judah Galinsky, “On Popular Halakhic Literature and the Jewish Reading Audience in Fourteenth-Century Spain,” *JQR* 98 (2008): 318–26.
- 4 See Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven: Yale University Press, 1998), 202–15; and Isadore Twersky, *Introduction to the Code of Maimonides* (New Haven: Yale University Press, 1980), 246.
- 5 See *Sefer ha-Hinnukh*, *mitsvot* 16, 40, 95, 124, 286, 459.

by Elyakim Krumbein, that *Sefer ha-Hinnukh* is primarily a work of pedagogy which sought to bring the didactic value of Maimonides' *Mishneh Torah*, along with the author's additional teachings and observations, to a wider audience, and to provide and promote a robust range of Torah study for that audience, has obvious merit.<sup>6</sup>

At the same time, however, many detailed, high-level and sometimes even arcane halakhic discussions are found throughout *Sefer ha-Hinnukh*.<sup>7</sup> A perusal of the way that *Sefer ha-Hinnukh* is cited (following its printing in 1523) by R. Yosef Caro in his *Beit Yosef* and in a parallel responsum, and in the responsa of other sixteenth-century rabbinic authorities including Radvaz, Moses b. Joseph of Trani, Benjamin Zeev of Venice and Arta, and Samuel de Modena, speaks volumes about the esteem in which *Sefer ha-Hinnukh* was held as a rich work of Jewish law of the first rank, and reveals the distinguished company in which its views are presented.<sup>8</sup> Moreover, Mayer Twersky, in another of the handful

- 6 See E. Krumbein, "The Form of Maimonides in *Sefer ha-Hinnukh*," *Netu'im* 16 (2010): 127–30 (Hebrew). Krumbein correctly notes that *Mishneh Torah* was much more central to *Sefer ha-Hinnukh*'s mission than was *Moreh Nevukhim*, which is also cited on occasion, since the goal was to promote Torah study itself, without any necessary connection to philosophical study. Similarly, kabbalistic teachings (that were widespread in Spain during the period in which *Sefer ha-Hinnukh* was composed) are mentioned only infrequently. See, e.g., *mitsvot* 95, 104, 126, 285, 554; and cf. Israel Ta-Shma, *Studies in Medieval Rabbinic Literature*, vol. 2 (Jerusalem: Bialik, 2004), 288–92 (Hebrew), who notes that the kabbalistic references typically appear in the realm of *ta'amei ha-mitsvot*. See also below, n. 33.
- 7 See, e.g., *mitsvah* 30 (the prohibition against testifying falsely); 73 (the prohibition against eating a *terefah*); 111 (the prohibition against eating or drinking an idolatrous offering); 258 (the prohibition against skewing measures); 294 (the prohibition against slaughtering an animal and its offspring on the same day); 350 (the laws of *'arakhin*); 395 (the *mitsvah* of *ma'aser rishon*); 397 (the *mitsvah* of *parah 'adummah*); 496 (the prohibition against defying the *beit din ha-gadol*); 507 (the *mitsvah* to separate *terumah gedolah*). See also, e.g., *mitsvah* 4, 7, 49, 62, 122, 123, 148, 169, 283, 336, 339, 364, 368, 523. To be sure, as a further reflection of the different aims or intended audiences, there are also more than a few *mitsvot* for which the discussion remains relatively contained and unencumbered.
- 8 See *Beit Yosef* to *Hoshen Mishpat*, sec. 207, s. v. *katav ha-Rashba...ha-kelal she-katav ba'al Nimmuqei Yosef*, which cites *Sefer ha-Hinnukh* alongside Rashba, Semag, Rabbenu Tam, and Rosh regarding a complex discussion of when a *qinyan* that is characterized as an *asmakhta* can nonetheless be binding. The parallel responsum is found in Karo's *Avqat Rokhel*, #150 (Jerusalem: Siah Yisra'el, 2012), 523. For the additional citations of *Sefer ha-Hinnukh* in sixteenth-century responsa, see D. Metzger, "Sefer ha-Hinnukh u-Mehabbero," in *Sefer ha-Hinnukh 'im Be'ur*

of recent studies devoted to *Sefer ha-Ḥinnukh*, suggests that this work also had a significant interest in expanding the halakhic system, by introducing new dimensions of the various *mitsvot* that it treats, thereby exposing additional mandates. These analyses, which are usually presented toward the end of the discussion of each *mitsvah* and are often introduced by leading phrases such as *lefi ha-domeh, ve-yesh lanu lilmod, ve-gam hu ḥeleq mi-mitsvah zo*, would have been somewhat lost on an average reader, further suggesting that this work had a distinct scholarly component or aim as well.<sup>9</sup> Finally, it would appear that the author's *apologia* at the end of his treatment of the precepts in the book of Leviticus noted above, about providing multiple reasons for the commandments even though these are already well-known to some, was directed to a more learned group of readers. *Sefer ha-Ḥinnukh* emerges, in a word, as a multi-faceted work that was intended for different audiences.

The author of *Sefer ha-Ḥinnukh* often refers to an anonymous teacher (*morenu*) but never identifies himself, other than noting at the end of his introduction that he (and his son) were Levites and that he hailed from Barcelona, characterizing himself as *איש יהודי מבית לוי ברצלוני*. The earliest manuscript of the work, copied in 1313, suggests that it was composed in the last quarter of the thirteenth century or perhaps in the early years of the fourteenth century. Whether the author of *Sefer ha-Ḥinnukh* was a student of the leading talmudic sages in Barcelona, R. Solomon b. Abraham ibn Adret (Rashba, d. c. 1310) or R. Aaron b. Joseph *ha-Levi* (Ra'ah) as several contemporary rabbinic scholars have suggested,<sup>10</sup> or whether he was the older brother of Ra'ah (R. Pinḥas *ha-Levi*) as Israel Ta-Shma has argued,<sup>11</sup> his teacher—or

*Minḥat Ḥinnukh*, 1:16. *Sefer ha-Ḥinnukh* is cited frequently in *Eliyyahu Rabbah*, a commentary to R. Mordekhai Jaffe's *Levush* (on *Orah Ḥayyim*) by R. Elijah Shapira of Prague (d. 1712), and especially in the *Birkei Yosef* commentary (to all volumes of the *Shulḥan 'Arukh*) by R. Ḥayyim Yosef David Azulai (Ḥida, d. 1806).

- 9 See M. Twersky, "Halakhic Axiology within the *Sefer ha-Ḥinnukh*," *Tradition* 37 (2003): 49–56.
- 10 See A. Y. Weintraub, "Ma'amar Odot *Sefer ha-Ḥinnukh*," *Moriah* 25:3–5 (2003): 124–35; Weintraub's suggestion that Rashba himself was the author of *Sefer ha-Ḥinnukh* is completely untenable. See also Metzger, "*Sefer ha-Ḥinnukh u-Meḥabbero*," 1:16–19; and Y. S. Spiegel, "R. Pinḥas *ha-Levi* ve-Azharotav la-Shabbat she-Lifnei Rosh ha-Shanah," *Sefer Zikkaron leha-Rav Yitshak Nissim*, ed. M. Benayahu, vol. 5 (Jerusalem: Yad ha-Rav Nissim, 1985), 72–73.
- 11 See Ta-Shma, *Studies in Medieval Rabbinic Literature*, 2:196–201, 288. See also Yosef Abramson, "Al Odot Zehuto shel Meḥabber *Sefer ha-Ḥinnukh*," *Ha-Ma'ayan* 45/4 (2005): 67–71; and Y. S. Spiegel's rejoinder, *ibid.*, 71–72.

teachers—were without doubt associated with the circle of Nahmanides (d. 1270) and his students, even as the author of *Sefer ha-Hinnukh* displays an especially strong affinity for the writings of Maimonides (d. 1204).

As but one example of his allegiance to the teachings of Maimonides above all others, the author of *Sefer ha-Hinnukh* follows Rambam's enumeration of the *mitsvot* (and the verses in the Torah which anchor that list), with virtually no exception. Indeed, the author of *Sefer ha-Hinnukh* supports the Maimonidean approach over that of Ramban even when it seems to go against his own better judgment.<sup>12</sup>

The difficulty in identifying the author of *Sefer ha-Hinnukh* is exacerbated by the fact that he does not cite a large number of predecessors by name. In his introductory epistle, the author asserts that his work is based in a significant way on the work of R. Isaac *Alfasi*, and Rif is cited by name within *Sefer ha-Hinnukh* on at least seven occasions.<sup>13</sup> Rashi is also cited seven times by name, with the citations coming mainly from his talmudic commentary.<sup>14</sup> There are several instances, however, in which the author makes note of the proper interpretation (*ha-perush ha-yafeh*) to a talmudic *sugya*, but the explanation that he reproduces does not comport with what is found in Rashi's talmudic commentary.<sup>15</sup>

The largest number of named citations (by far) in *Sefer ha-Hinnukh* comes from the works of Maimonides, especially *Mishneh Torah* (but including also *Sefer ha-Mitsvot* and *Moreh Nevukhim* as well, as a distant third); and *Sefer*

12 See *mitsvah* 154, ואכן לא נסור מדרך, ועם כל זה לא יתחשב יפה עם הלב שנחשוב ענין זה מצוה. ורבינו בחשבונינו ימין ושמאל כאשר יעדנו בתהלה מדרך חשבון; and similarly in *mitsvah* 138: הרמב"ם ז"ל אשר תפשונו במצוות לא נטה והדבר אשר יקשה נתלה הקושי בנו ולא בו, כי הוא באמת לו ומירו זכינו לו סיבתנו בעסק זה ומירו זכינו לו. See also 168, 368, 545; below, n. 34; and E. Krumbein, "Form of Maimonides" (above, n. 6), 111–13. Krumbein notes that Rambam's position is almost always cited before that of Ramban (and other medieval authorities), and the author often apologizes when he makes a critical point about any of Rambam's views.

13 The author of *Sefer ha-Hinnukh* characterizes Rif's work as "among the pillars of the land, well known for their high level and wisdom (מספרי עמודי הארץ המפורסמים) (במעלה ובחכמה)," a phrase that also includes the works of Rambam, as well as Ramban's glosses to Rambam's *Sefer ha-Mitsvot*. The explicit citations of Rif are found in *mitsvah* 46, 244, 337, 350, 405, 506, 599. See also *mitsvah* 24, where the commentary to the talmudic *sugya* that he cites follows Rif (and is not a reference to Rashi's commentary).

14 See *mitsvah* 62 (end), 208, 283, 329, 330, 350. 421. See also 92, 109.

15 See, e.g., *mitsvah* 86, 132 (end), 506; and above, n. 13.

*ha-Ḥinnukh's* view accords with positions or rulings of Maimonides in quite a number of unspecified instances in addition. Second to Maimonides in the hierarchy of *Sefer ha-Ḥinnukh* is Nahmanides, although it should be noted that while *Sefer ha-Ḥinnukh* refers to Ramban's glosses to Maimonides' *Sefer ha-Mitsvot* and to Nahmanides' Torah commentary with some frequency, there is only a single reference to his talmudic *ḥiddushim*, and another to his *Hilkhot Bekhorot*, which was intended in any case to serve as a substitute for Alfasi's *Halakhot*.<sup>16</sup> Beyond that, *Sefer ha-Ḥinnukh* cites and follows the glosses of R. Abraham b. David of Posquieres (Rabad) to *Mishneh Torah*.<sup>17</sup>

Quite strikingly, however, there is nary a reference in *Sefer ha-Ḥinnukh* to the literature of the *Tosafot*, which was produced in northern Europe during the twelfth and thirteenth centuries. Given that in-depth halakhic analysis and expansion of norms are among the scholarly goals of *Sefer ha-Ḥinnukh*, this absence borders on the startling, especially in light of the centrality of these dimensions within the Tosafist *oeuvre*,<sup>18</sup> and is rendered even more

- 16 For Nahmanides' glosses to the *Sefer ha-Mitsvot* and his Torah commentary, see, e.g., *mitsvah* 14, 62 (end), 111, 366, 376, 414 (in the preamble). The only explicit reference to *Ḥiddushei ha-Ramban* is in *mitsvah* 339. The (unmentioned) *Ḥiddushim* were perhaps a point of reference in *mitsvah* 323 (end; although the essential position is found in Ramban's Torah commentary as well), and in *mitsvah* 325 (end; although Nahmanides makes the same point in his *Milḥemet ha-Shem to Hilkhot ha-Rif*). For *Hilkhot Bekhorot*, see the beginning of *mitsvah* 18. Thanks to my student Yaakov Taubes for bringing these references to my attention.
- 17 See *mitsvah* 236, 264, 507; and see also 233, 454. On a number of occasions, *Minḥat Ḥinnukh* remarks that *Sefer ha-Ḥinnukh* appears to be following a position of Rabad; see, e.g., *mitsvah* 95:2.
- 18 This situation is somewhat analogous to Haym Soloveitchik's determination (in his "Three Themes in the *Sefer Hasidim*," *AJS Review* 1 [1976]: 348) that "from a reading of the [*Sefer*] *Roqeah* [by R. Eleazar of Worms, d. c. 1230], one would never suspect that an intellectual revolution was sweeping through the schools of Ashkenaz. It is a work in the tradition of the *sifrut be-bei Rashi* and has little to do with the world of the Tosafists." To be sure, this formulation may require some modification in light of the various manuscripts of *Sefer Roqeah* that include a number of (additional) references to the writings of the French Tosafists, not to mention Eleazar's own no longer extant *Tosafot to Bava Qamma* that build on the work of Ri *ha-zaqen* of Dampierre; it also does not so easily fit Eleazar's in-depth treatises on *issur ve-heter* and *hilkhot terefot*. See my *The Intellectual History and Culture of Medieval Ashkenaz* (Detroit: Wayne State University Press, 2013), 416, and the literature cited in n. 179. On halakhic expansionism in the literature of the Tosafists, see also Soloveitchik, *Collected Studies*, vol. 1 (Oxford: Littman, 2013), 250–51.

perplexing by the fact that Ramban and his student Rashba cite the Tosafists (as *rabbotenu ha-Tsarfatim*, *Ḥakhmei Tsarfat* and so on) with great regularity and frequency throughout their talmudic *ḥiddushim*.<sup>19</sup> As I have demonstrated in a separate study, this pattern of citation actually increases within the *ḥiddushim* of R. Yom Tov b. Abraham Ishvilli (Ritva, d. c. 1325), and it also holds true, albeit to a lesser extent, for Ritva's major teacher, Ra'ah.<sup>20</sup>

*Sefer ha-Ḥinnukh*, on the other hand, assiduously avoids this pattern of Tosafist citation, despite the unmistakable prominence of Tosafist literature within the works of all of the leading talmudists and halakhists in northern Spain during the late thirteenth century. There is one reference in *Sefer ha-Ḥinnukh* to "the northern French rabbi (*ha-Rav ha-Tsarfati*)," but this refers to a passage in Moses of Coucy's *Sefer Mitsvot Gadol* (*Semag*), whose own use of Rambam's *Mishneh Torah* is commonplace.<sup>21</sup> There is also a lone reference to *Tosafot* (*ve-khen da'at rabbotenu ba'alei ha-Tosafot*), but this reference is not found in most manuscripts of *Sefer ha-Ḥinnukh* and appears to have been added later.<sup>22</sup>

A position of Rabbenu Tam is taken up by one passage. Against virtually all other medieval rabbinic authorities, Rabbenu Tam held that *ein mesadderin le-ba'al ḥov*, there is no requirement to formally provide a basic mode of sustenance or support for an individual whose debts have effectively taken all of his assets from him. The author of *Sefer ha-Ḥinnukh* goes on at some length about the need to provide appropriate sustenance for such a person. He cites the talmudic passage in *Bava Metsi'a* (114a), in which an episode involving Elijah the Prophet is adduced to support the requirement that some

19 See, e.g., Israel Ta-Shma, *Talmudic Commentary in Europe and North Africa*, vol. 2 (Jerusalem: Magnes, 2000), 43–45, 64–65 (Hebrew).

20 See my "Between Ashkenaz and Sefarad: Tosafist Teachings in the Talmudic Commentaries of Ritva," in *Between Rashi and Rambam: Themes in Medieval Jewish Thought, Literature and Exegesis*, ed. E. Kanarfogel and M. Sokolow (New York: Ktav, 2010), 249–73.

21 See *mitsvah* 228. On *Sefer Mitsvot Gadol's* extensive usage of *Mishneh Torah*, see, e.g., Urbach, *Tosafists*, 1:467–69. As R. Moses of Coucy did (in *Semag*, *mitsvat 'aseh* 3), the author of *Sefer ha-Ḥinnukh* (*mitsvah* 501) stresses that all men should observe the precept of phylacteries, and not only those especially pious and punctilious individuals who could achieve the higher level of cleanliness and purity favored by one talmudic opinion, although there is no literary or any other kind of discernable link between their formulations.

22 See *Sefer ha-Ḥinnukh 'im Be'ur Minhag Ḥinnukh* (*mitsvah* 148), 2:101 (n. 11).

source of support should in fact be allowed and provided, and the talmudic commentary of Rashi is also cited to this effect. Moreover, *Sefer ha-Hinnukh* notes that (all) the Geonim and that Rif held this way as well. Although a minority of Amoraim appears to support the notion that *ein mesaddeirin le-ba'al hov*, *Sefer ha-Hinnukh* concludes that we should not quibble with the words of Elijah, and “although we have found that Rabbenu Tam ruled in accordance with the position of *ein mesaddeirin* and produced proofs in his book to this effect, the majority [view] must be followed.”<sup>23</sup> The leading Tosafist Rabbenu Tam is cited only in this single instance in *Sefer ha-Hinnukh*, for an unusual view that is then overruled.

This glaring lacuna in *Sefer ha-Hinnukh*, the almost total absence of the literature of the Tosafists, taken together with the particular array and pattern of the medieval rabbinic scholars who are most frequently cited, suggests that alongside its pedagogic considerations and its desire to analyze and to expand the halakhic system in a meaningful way, the author of *Sefer ha-Hinnukh* had an additional aim or agenda that has gone unnoticed. His intention was to present and represent the Spanish or Sefardic approach to talmudic and halakhic studies had Maimonides remained the leading voice in Sefardic *halakhah* that he intended to be;<sup>24</sup> and had the corpus of the Tosafists never arrived on the scene, making such a great impact on the talmudic *hiddushim* of the leading Spanish rabbinic figures in northern Spain and on their very method of study. In a word, *Sefer ha-Hinnukh* sought to restore the teachings of *Hakhmei Sefarad* to their full place of prominence (we might say, *le-hahazir et torat gedolei Sefarad le-yoshnah*), led by the teachings of Maimonides.

Among other things, this suggestion accounts quite well for why *Sefer ha-Hinnukh* almost completely ignores Ramban's talmudic *hiddushim*, despite its deep veneration of Naḥmanides' work generally. Ramban's *hiddushim* are suffused with Tosafist materials, while his glosses to Rambam's *Sefer*

23 See *mitsvah* 350: ואף על פי שמצאנו לרבינו תם שכתב כמאן דאמר אין מסדרין וראיתו בספרו, אחרי רבים להטות. Rabbenu Tam's view is cited in *Tosafot Bava Metsi'a* 114a, s.v. *mahu*, and the *Tosafot* passage also specifically notes that Rabbenu Tam's view is also found in his *Sefer ha-Yashar*. See *Sefer ha-Yashar le-Rabbenu Tam (heleq ha-hiddushim)*, ed. S. Schlesinger (Jerusalem: Daf Hen, 1974), 354–56 (sec. 602).

24 See, e.g., Isadore Twersky, “The Mishneh Torah of Maimonides,” *Proceedings of the Israel Academy of Sciences and Humanities* 10 (1976): 265–96; and S. Z. Havlin, “Al ha-Hatimah ha-Sifrutit ki-Yesod ha-Haluqah li-Tequfot ba-Halakhah,” *Mehqarim be-Sifrut ha-Talmudit* (Jerusalem: Israel Academy of Sciences, 1983), 183–92.



*ha-Mitsvot* (among his other works) are clearly not, since they represent a different aspect, method and orientation of Ramban's rabbinic creativity.<sup>25</sup>

This additional aim or strategy on the part of *Sefer ha-Hinnukh* also provides further perspective on the role and centrality of *ta'amei ha-mitsvot* in this work. Part of the core curriculum of talmudic and halakhic study in the Sefardic orbit was to integrate a discussion of *ta'amei ha-mitsvot* within these disciplines. Maimonides begins his *Mishneh Torah* with a healthy dose of *ta'amei ha-mitsvot*, and continues this effort throughout the work, offering rich discussions of *ta'amei ha-mitsvot* even at the end of many sections of thoroughly technical law. Indeed, as is well known, some of the most abstruse halakhic topics in *Mishneh Torah* generate the most interesting and extensive discussions of *ta'amei ha-mitsvot* within this work, identifying the particular reason behind the halakhic or *mitsvah* area under discussion in a novel way, or even establishing how the complex topic under discussion itself impacts or defines the study of *ta'amei mitsvot*.<sup>26</sup>

Although discussions of *ta'amei ha-mitsvot* are not absent from the literature of the Tosafists and can certainly be found within their Torah commentaries if not so much in their talmudic glosses,<sup>27</sup> the Tosafists'

25 See my "On the Assessment of R. Moses b. Naḥman (Naḥmanides) and His Literary Oeuvre," *Jewish Book Annual* 54 (1996–97): 75–78.

26 See, e.g., the ends of *hilkhot nazir*, *tum'at tsara'at*, *temurah*, *me'ilah*, *'avadim*, to name but a few; and cf. Twersky, *Introduction to the Code of Maimonides*, 373–74 (and esp. n. 49). On *ta'amei mitsvot* in the writings of Naḥmanides, see C. J. Henoch, *Ramban: Philosopher and Kabbalist* (Northvale, N.J.: Jason Aronson, 1998).

27 The most significant example is the Torah commentary of R. Joseph b. Isaac *Bekhor Shor* of Orleans, a Tosafist student of Rabbenu Tam. See S. A. Poznanski, *Mavo 'al Hakhmei Tsarfat Mefarshei ha-Miqra* (Warsaw: Mekitze Nirdamim, 1913), LXVIII; and my "Anthropomorphism and Rationalist Modes of Thought in Medieval Ashkenaz: The Case of R. Yosef Bekhor Shor," *Simon Dubnow Institute Yearbook* 8 (2009): 122–23. Cf. Avraham Grossman, *The Early Sages of France* (Jerusalem: Magnes, 1995), 302–5 (Hebrew), for *ta'amei ha-mitsvot* in the biblical commentaries of Yosef Qara, a northern French predecessor of Yosef *Bekhor Shor*. Among the reasons for *mitsvot* that he provides, *Bekhor Shor* anticipates the broader Maimonidean approach to sacrifices (as an elevation of the offerings by idolaters, thereby improving the religious behavior of the Jewish people), and the goal or purpose of the *'eglah 'arufah* ceremony (as a possible means for solving the murder in question); as well as the (hygienic) reasons for the requirements of *kashrut*. Cf. *Perushei ha-Torah le-R. Yosef Bekhor Shor*, ed. Y. Nevo (Jerusalem: Mosad ha-Rav Kook, 1993), 199 (Lev 13:45), on the medical contagion posed by the *metsora* (in addition to the impurity that he engendered); *Sefer Rabbiah*, ed. D. Deblitzky, vol.

treatment of *ta'amei ha-mitsvot* is far from systematic.<sup>28</sup> Indeed, the extent to which *ta'amei ha-mitsvot* should be pursued at all was a matter of some contention in Tosafist thought.<sup>29</sup>

There were no such hesitations in Christian Spain, however, neither during the period in which *Sefer ha-Hinnukh* was produced nor in any prior periods within the Sefardic orbit. To the contrary, this aspect of Sefardic learning was seen by the author of *Sefer ha-Hinnukh* as vital, and he sought to present an approach that would take into account the teachings of Maimonides in these matters as well as those of Naḥmanides. As described above, the author of *Sefer ha-Hinnukh* placed *ta'amei ha-mitsvot* in a very prominent position in his work, toward the beginning of his treatment of each *mitsvah*, and he often provides his own formulations that would be accessible and of interest to laymen and scholars alike.

An illustrative example is *Sefer ha-Hinnukh's* explanation for the *mitsvah* that requires the giving of a small amount from each animal that is slaughtered for consumption by an individual to a *kohen* (*mitsvah* 506). Pieces of meat for this purpose are to be taken from the animal's forearm or foreleg, cheek and stomach (זרוע לחיים וקיבה), as per Deut 18:3. The explanation offered by *Sefer ha-Hinnukh* is an expansion of a talmudic passage (*Hullin* 134b, in the name

2 (Jerusalem, 2005), fol. 351b (*Mo'ed Qatan*, sec. 840, end); and *Sefer ha-Hinnukh*, *mitsvah* 546, s.v. *ve-harbeh devarim*: "Similarly, the Sages proscribed putting coins into one's mouth because the dried spittle of a *mukkeh sheḥin* or of a *metsora*, or another's sweat is upon them. For human sweat, excepting sweat of the face, is the elixir of death." On these sources, see further Ephraim Steiner-Shoham, *On the Margins of a Minority* (Detroit: Wayne State University Press, 2014), 31–32, and 199 (n. 57).

28 Note that in Isaac Heinemann's classic *Ta'amei ha-Mitsvot be-Sifrut Yisra'el* (Jerusalem: Ha-Mador ha-Dati, 1953), the section on the medieval period surveys only the writings of Sefardic rabbinic authorities; not a single Ashkenazic figure is included.

29 See, e.g., the passage by R. Ḥayyim b. Ḥanan'el *Kohen*, *Bekhor Shor's* contemporary and a fellow student of Rabbenu Tam, recorded in ms. Florence Lauerenziana, Plut. II.20 (IMHM #20365), fol. 251v: ר' חיים בהן אומר ... דינו של בן סורר ומורה בסקילה ואין לפקפק במצות השם כי אין טעם למצות כדאמ' גבי מסית איש לע"ז בסקילה ומדיח כל העיר אינו אלא בסייף שהיא קלה ומי יודע אם לתת טעם בדבר. גם זה בן סורר ומורה באכילת טרטימר בשר ושתית חצי לוג יין נסקל וגזירת המקום הוא. Cf. *Sefer Yosef ha-Meqanne*, ed. J. Rosenthal (Jerusalem: Mekitze Nirdamim, 1970), 60; and David Berger, *Nizzahon Vetus: The Jewish-Christian Debate in the High Middle Ages* (Philadelphia: Jewish Publication Society, 1979), 52–53, 253–54, 356–58.

of *doreshai reshumot*). This gift was extended to the priestly class in the merit of the actions taken by Phinehas, in which he put himself in grave danger to kill the prince of the tribe of Shim'on, Zimri ben Salu, during an act of fornication, in accordance with the mandate of "the zealous ones should stab him (*qanna'im poge'im bo*)."

The forearm of the animal represents the spear that Phinehas took in his hand to kill Zimri (Num 25:7); its cheeks represent the prayer offered by Phinehas at this time (as per Ps 106:1, "and Phinehas stood and prayed"); and its stomach represents the place where Phinehas also stabbed Zimri's consort (Num 25:8). In this instance, the reason advanced by *Sefer ha-Hinnukh* is far more ramified (and interesting) than the explanation offered by Nahmanides in his Torah commentary, which simply recognizes in broader terms the outstanding service of Phinehas as a representative of his fellow *kohanim*, or the existential approach of Maimonides (*Guide*, 3:39), which suggests that these parts of the animal are meant to represent the central limbs of the human being that are meant to be mobilized in the service of the Almighty.

Once an aspect of *ta'amei ha-mitsvot* was assigned, the author of *Sefer ha-Hinnukh* allows himself to deal with the halakhic background and ramifications of the *mitsvah* under discussion in greater depth. The interested layman might turn away from *Sefer ha-Hinnukh* at some point in this part of the presentation, having already absorbed the core of each *mitsvah* and its purpose. The more scholarly reader, however, was free to continue on and to be enriched by the halakhic details and expansions proposed by the author on the basis of--and in consonance with--the best Sefardic rabbinic literature and thought available.

We should take note here of a similar or parallel aim of *Sefer Mitsvot Qatan (Semaq)* by R. Isaac b. Joseph of Corbeil (d. 1280), composed during the same period in northern France. For the most part, his work reflects earlier Tosafist teachings and formulations, and contains only a small number of references to Maimonides. However, Isaac of Corbeil intended for *Semaq* to be accessible to all, men, women, and children--the goal for the less learned was to read through or to recite (for those who were unable to read) during the seven days of each week the entirety of this brief work, which lists the *mitsvot* and their basic parameters; at the very least, the *mitsvot* themselves should be recalled. The primary title of this work is *'Ammudei Golah* (the pillars of the exile, which are the *mitsvot*), and the *mitsvot* are divided in *Semaq* according to several active limbs of the body, a format that would

further enable a non-scholar to remember and to understand the various precepts that can be observed at this time. While Isaac of Corbeil focused mainly on these more universal goals and on reaching a wider audience, Isaac's colleague, the Tosafist Rabbenu Perets b. Elijah of Corbeil (d. 1297), saw fit to annotate the work, fleshing out many of the deeply learned ideas that Isaac had embedded within the brief and user-friendly format of his work.<sup>30</sup> Both Rabbenu Perets and Isaac of Corbeil were students of the Tosafist study hall at Evreux.<sup>31</sup>

Israel Ta-Shma has compared *Sefer ha-Hinnukh* to Ritva's contemporary *Sefer ha-Zikkaron*, suggesting that both works were written with the intent to strike a balance between the "twin towers" of Sefardic scholarship in the earlier periods, Maimonides and Nahmanides.<sup>32</sup> Ritva's *Sefer ha-Zikkaron*, however, seeks to mediate between the approaches of philosophy and kabbalah as well, neither of which was of particular interest to the author of the *Sefer ha-Hinnukh* in his work. Indeed, despite his great veneration of Maimonides, the *ta'amei ha-mitsvot* in *Sefer ha-Hinnukh* are largely de-philosophized, ostensibly in order to make them more easily accessible and acceptable to both laymen and Torah scholars of various stripes, and, as noted above, kabbalistic teachings are mentioned only infrequently in *Sefer ha-Hinnukh*.<sup>33</sup>

- 30 The duality within *Semaq* itself, as well as the different goals pursued by Isaac and Perets of Corbeil, was suggested by Dr. Judah Galinsky in an unpublished seminar paper delivered in November, 2012, at the Center for Advanced Judaic Studies of the University of Pennsylvania.
- 31 See Urbach, *Tosafists*, 2:571–78; Ta-Shma, *Studies in Medieval Rabbinic Literature*, 2:114 (n. 9); Emanuel, *Fragments of the Tablets*, 198–211. The second part (entitled *Toledot Yitsḥaq*) of the fourteenth-century Provençal scholar Isaac b. Jacob de Lattes' larger work, *Qiryat Sefer*, contains popularized halakhic and philosophical materials for each weekly Torah portion, with the halakhic material taken largely from *Semaq*. See Yechiel Zeitkin, "Rabbi Yitzchak de Lattes—A Maimonidean Provençal Author and his Manuscript Torah Commentary," *Shenaton le-Heqer ha-Miqra veba-Mizrah ha-Qadum* 22 (2013): 229–30 (Hebrew).
- 32 See Ta-Shma, *Studies in Medieval Rabbinic Literature*, 2:287–88.
- 33 See Krumbein (above, n. 6), 130 (n. 57); and see also Mordechai Cohen, "Interpreting the 'Resting of the Shekhinah' in Maimonides, Nahmanides and *Sefer ha-Hinnukh*," in *The Temple of Jerusalem: from Moses to the Messiah*, ed. S. Fine (Leiden: Brill, 2011), 265–73. Ta-Shma (above, n. 6) notes that *ta'amei ha-mitsvot* is the one area in *Sefer ha-Hinnukh* in which Ramban's approach could overtake the Maimonidean view with some frequency, precisely because the aim of *Sefer ha-Hinnukh* was to de-philosophize the *mitsvot* so that understanding and appreciating them would be made less complex. See also Moshe Halbertal, *By*

Ultimately, however, *Sefer ha-Ḥinnukh* was more disposed to Maimonidean learning and *halakhah* than to any other rabbinic approach in Sefarad. In one of the few places where he supports a scriptural derivation by Naḥmanides against that of Maimonides, the author of *Sefer ha-Ḥinnukh* remarks that he does so here despite the fact that this was not his practice throughout the work, in which he wrote in accordance with the approach of Maimonides “in all such instances.”<sup>34</sup> *Sefer ha-Ḥinnukh* is not mediating between the approaches of Maimonides and Naḥmanides as much as he is trying to present an organic Sefardic whole, in which Naḥmanides was allowed to play a leading role on a number of occasions as well, especially with regard to the reasons for the commandments.

Another significant difference between the author of *Sefer ha-Ḥinnukh* and Ritva is that when Ritva takes up direct talmudic interpretation and the ramifications for *halakhah* in his extensive *ḥiddushim* on the Talmud, the voices of Ashkenaz (and Provence) are nearly as prominent as those of Spain and the Sefardic world. Indeed, as has been noted, the presence of the Tosafists in *Ḥiddushei ha-Ritva* is ubiquitous, and more extensive in terms of the collections of *Tosafot* that were used than even the *ḥiddushim* of Ramban and Rashba.<sup>35</sup> The author of *Sefer ha-Ḥinnukh*, on the other hand, never reaches for rabbinic sources and teachings from the Ashkenazic world (which were circulating throughout Barcelona in his day, and readily available), even when he was finished with the *ta’amei ha-mitsvot* component and had moved on to present

*Way of Truth* (Jerusalem: Hartman Institute, 2006), 68–69 (Hebrew). Ritva refers to kabbalistic interpretations and conceptions some twenty times in his talmudic *ḥiddushim*. See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:72–73.

34 See *mitsvah* 111: הרמב"ם יוציא איסור יין נסך מן המקרא שכתוב בפרשת האזינו... והרמב"ן כתב כי מפסוק זה דהשמר לך וגו' (בפרשת כי תשא) נלמד איסור של תקרובת ע"ז ויין נסך בכלל. ואני כתבתי זה המקרא כדעתו שלא כמנהגי בכל הספר כי כולם כתבתי כדעת הרמב"ם See also above, n. 12.

35 See above, at n. 20.

his deeper halakhic analyses and expansions. As I have argued, this omission was completely intentional on this part.<sup>36</sup>

In addition to its pedagogic goals which included the further education of somewhat knowledgeable non-elites, *Sefer ha-Hinnukh* represents a proud and sustained effort to return to the way that substantive talmudic and rabbinic studies in the Sefardic world were once presented to more elite students and readers, at least in the mind of its author. Maimonides stands firmly at the center, surrounded by other Sefardic greats, and the discussion always includes and even begins with *ta'amei ha-mitsvot*. Citation of Rabad of Posquieres is the only exception to the absolute primacy of Sefardic rabbinic endeavors in the *Sefer ha-Hinnukh*, although this exception is hardly a glaring one in any case, since Rabad's works were highly venerated and extensively cited by leading Spanish rabbinic authorities throughout the thirteenth century.<sup>37</sup> The exclusive Sefardic scholarly array presented by the author of *Sefer ha-Hinnukh*, and the near complete absence of even a single reference to the writings of the Tosafists, was intended to underscore what might have

- 36 The largely anonymous *Hiddushei talmidei ha-Rashba* to several tractates of the Talmud provide additional examples of Spanish rabbinic scholars at this time who sought to minimize the presence of Tosafist literature in their talmudic commentaries; cf. Ta-Shma, *Talmudic Commentary in Europe and North Africa* 2:74–78. At the same time, however, other Spanish rabbinic works of the early fourteenth century, such as R. Asher b. Ḥayyim of Montsant's *Sefer ha-Pardes*, ed. M. L. Katzenellenbogen (Jerusalem: Shalem, 1985), were much closer to the inclusive approach favored by Ritva. *Sefer ha-Pardes* cites Tosafist and other Ashkenazic materials, as well as Provençal rabbinic scholarship, alongside Spanish teachings and rulings; see the index of rabbinic figures cited, *ibid.*, 21–22. This pattern is also evident later in the fourteenth century in the talmudic commentaries and responsa of R. Nissim b. Reuben (Ran). On the discomfort of some Spanish readers with aspects of Tosafist ideology (and their concomitant veneration of the thought of Maimonides), see Bernard Septimus, *Hispano-Jewish Culture in Transition* (Cambridge, MA: Harvard University Press, 1982), 89–95.
- 37 See I. Twersky, *Rabad of Posquieres* (Philadelphia: Jewish Publication Society 1980), 53–54; Ta-Shma, *Talmudic Commentary in Europe and North Africa*, 2:65, 73; and Shalem Yahalom, *Between Gerona and Narbonne* (Jerusalem: Yad Ben-Zvi, 2013), 86–100 (Hebrew).

transpired in the realm of Torah study and analysis had the so-called Tosafist revolution never impacted rabbinic scholarship in Spain.<sup>38</sup>

38 Not surprisingly perhaps, it is possible to identify by comparison instances in which the author of *Sefer ha-Ḥinnukh* took positions against those held by Ashkenazic rabbinic scholarship (see, e.g., *mitsvah* 33, 35, 68, 157, 203, 297, 377, 612), and others in which he appears to agree with their views (see, e.g., *mitsvah* 58, 163, 258, 294, 306, 400, 449, 454, 457, 473, 578, 599). However, nothing is ever heard about any of this from the author of *Sefer ha-Ḥinnukh* himself. Similarly, there are at least ten instances in which positions taken by *Sefer Yerei'im* of R. Eliezer b. Samuel of Metz (d. 1198) appear to be in consonance with or against the views expressed by *Sefer ha-Ḥinnukh*. See *Sefer ha-Ḥinnukh*, *mitsvah* 4 (*Sefer Yerei'im ha-Shalem*, sec. 259), 8 (*Yerei'im*, 297), 37 (*Yerei'im*, 178), 40 (*Yerei'im*, 397), 149 (*Yerei'im*, 321), 206 (*Yerei'im*, 23), 227 (*Yerei'im*, 235), 329 (*Yerei'im*, 158), 427 (*Yerei'im*, 27), 517 (*Yerei'im*, 241), 562 (*Yerei'im*, 250). However, while Ramban and Rashba cite *Sefer Yerei'im* explicitly on a number of occasions in their talmudic *ḥiddushim* (see my “Between Ashkenaz and Sefarad: Tosafist Teachings in the Talmudic Commentaries of Ritva,” above, n. 19, 247–48 [n. 34], and 250–51 [n. 39]), there is not a single reference to Eliezer of Metz (who was a direct student of Rabbenu Tam) or his work in *Sefer ha-Ḥinnukh*. Coincidentally, both *Sefer Yerei'im* and *Sefer Or Zarua'* anticipate a number of the analyses found in R. Yosef Babad's nineteenth-century *Minḥat Ḥinnukh* commentary to *Sefer ha-Ḥinnukh*. However, neither of these works was available to R. Yosef Babad, except as cited by others. This matter requires further study.

