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A QUARTERLY JOURNAL

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# *The Shulhan 'Aruk:* *Enduring Code of Jewish Law*

ISADORE TWERSKY

*Shulhan 'Aruk*, A TERM TAKEN OVER FROM early rabbinic exegesis in the Midrash<sup>1</sup> and applied to one of the most influential, truly epochal literary creations of Jewish history, has a double or even triple meaning, and its use therefore necessitates precise definition or description. *Shulhan 'Aruk* is the title given by R. Joseph Karo (1488-1575) to a brief, four-part code of Jewish law which was published in 1565-66, just over four hundred years ago. *Shulhan 'Aruk* also designates a composite, collaborative work, combining this original text of R. Joseph Karo, a Spanish emigré from Toledo (1492) who lived and studied in Turkey and finally settled in Palestine in a period of turbulence and instability and apocalyptic stirrings, with the detailed glosses—both strictures and supplements—of R. Moses Isserles (c. 1525-1572), a well-to-do Polish scholar, proud of his Germanic background, who studied in Lublin and became de facto chief rabbi of Cracow in a period of relative stability and tranquillity. This unpremeditated literary symbiosis then generated a spate of commentaries and supercommentaries, brief or expansive, defensive or dissenting, from the *Sefer Me'irat 'Enayim* of R. Joshua Falk and the *Sefer Sifteï Kohen* of R. Shabbetai ha-Kohen to the *Mishnah Berurah* of R. Israel Meir ha-Kohen; and the term *Shulhan 'Aruk* continued to be applied to this multi-dimensional, multi-generational, ever-expanding folio volume—a fact which attests the resiliency and buoyancy of the Halachic tradition in Judaism. A person must, therefore, define his frame of reference when he purports to glorify or vilify, to acclaim or condemn—or, if he is able to avoid value judgments,

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1. *Mekilta* on *Exodus* 21:1, ed. J. Z. Lauterbach (Philadelphia, 1935), v. III, p. 1: "And these are the ordinances which thou shalt set before them." Arrange them in proper order before them like a set table (*shulhan 'aruk*)." See Rashi on this verse, who adds, "like a table set before a person with everything ready for eating." Attention should be paid to the identical use of this phrase in the thirteenth century by R. Menahem ha-Me'iri to describe his Talmudic opus; see introduction to *Bet ha-Be'irah* on *Berakot* (Jerusalem, 1960), p. 31. Also, R. Solomon ibn Adret uses this metaphor in verbal form in the introduction to his *Torat ha-BaByit*.

Leo Baeck, *This People Israel* (Philadelphia, 1965), p. 301, suggests another association: "When Joseph Karo chose his title, he almost certainly had in mind that psalm which begins, 'He Who is my shepherd; I shall not want' and continues, 'Thou preparest a table before me in the presence of mine enemies' (Ps. 23)."

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to describe historically.<sup>2</sup> The genuinely modest purpose of the following remarks is, first, to chronicle the emergence of the *Shulhan 'Aruk*, especially in its first and second meanings, and then to describe a few of its salient literary and substantive characteristics. "The rest is commentary," which we should go and study.

## I

IN THE YEAR 1522,<sup>3</sup> R. JOSEPH KARO, a young, struggling, volatile and ascetic scholar, having settled temporarily and discontentedly in Adrianople, Turkey, launched a massive literary project that would preoccupy him, sometimes at a frenetic pace, for over thirty years—twenty years in the composition and about twelve years in editorial revision and refinement.<sup>4</sup> The stimulus was provided by the worrisome decline in scholarship—"and the wisdom of their wise men shall perish"—<sup>5</sup> coming in the wake of the rigors and vicissitudes of exile, the endless turbulence of history, and the increasing human imperfection.<sup>6</sup> The need was great for a comprehensive as well as authoritative guide, which would stem the

2. Contemporaries would sometimes criticize the *Shulhan 'Aruk*, even stridently, but it was left for modern, post-Enlightenment writers to vilify it. See, for example, the references in L. Greenwald, *R. Joseph Karo u-Zemano* (New York, 1954), pp. 174–176; B. Cohen, *Law and Tradition in Judaism* (New York, 1959), pp. 66–68; R. J. Z. Werblowsky, *Joseph Karo* (Oxford, 1962), p. 7; *Jewish Encyclopedia*, III, p. 588.

Actually, there is no need even for devotees of the *Shulhan 'Aruk* to indulge in meta-historical panegyrics, for supernatural phenomena carry no weight in Halachic matters. The *Shulhan 'Aruk* is not a revealed canon, nor is it a hypostasis of the Law. In the long, creative history of the Oral Law, it is one major link connecting R. Hai Gaon, Maimonides, Nahmanides and R. Solomon ibn Adret with R. Elijah Gaon of Vilna, R. Akiba Eiger, and R. Yosef Rosen. It is a significant work which, for a variety of reasons, became a repository and stimulus, a treasure and inspiration for Halachah, both practice and study.

3. What follows is based essentially on the authors' own, often autobiographical narratives: R. Joseph Karo's introductions to the *Bet Yosef* and R. Moses Isserles' introduction to the *Darke Mosheh*, which can conveniently be found in the Jerusalem, 1958 reprint of the *Turim*. I have interpolated historical or other explanatory comments, but have not seen fit to burden the reader with cumbersome references. I wanted simply to recount their tale.

4. He came to Palestine and settled in Safed in the year 1536. See Professor Z. Dimittovsky in *Sefunot*, VII, p. 62, n. 137.

5. The verse is *Isaiah* 29:14 and is quoted in similar context by Maimonides, introduction to the *Mishneh Torah*. The correlation of political adversity and intellectual decline becomes a constant theme and appears almost as a stereotype justification for Halachic abridgements or codifications. Difficult times necessitate the composition of books which would facilitate the study and perpetuate the practice of Halachah. Note, for example, the introduction to the *Turim*. See my *Rabad of Posquière's* (Cambridge, 1962), pp. 133–134, n. 9.

6. This reflects the widespread attitude of humility, even self-effacement, expressed in the Talmudic dictum: "If those before us were sons of angels, we are sons of men, and if those before us were sons of men, we are like asses" (*Shabbat*, 122b; *Yoma*, 9b). It is typical of the deep-rooted veneration traditionally displayed by later scholars to early masters. However, it did not, as we shall see, restrict independence of mind or stifle creative innovation. Fidelity and freedom were felicitously combined.

undesirable and almost uncontrollable proliferation of texts and provide a measure of religious uniformity in this period of great turmoil and dislocation. This would be accomplished, however, not by producing another compact, sinewy manual—a small volume such as the *Agur*, which R. Karo treats perjoratively<sup>7</sup>—but by reviewing the practical Halachah in its totality. The oracular type of code, containing curt, staccato directives and pronouncements, was neither adequate nor reliable. It did not provide for intellectual stimulus and expansion of the mind, nor did it offer correct guidance in religious practice.

R. Joseph Karo's ambitious undertaking in the field of rabbinic literature, entitled the *Bet Yosef* (*House of Joseph*),<sup>8</sup> was thus motivated by the need to review "all the practical laws of Judaism, explaining their roots and origins in the Talmud" and all the conflicting interpretations concerning them. No extant work answered to this need. In order to avoid duplication or reduce it to a bare minimum, he decided to build his own work around an existing code that was popular and authoritative. He selected the *Turim* of R. Jacob b. Asher (c. 1280–1340) rather than the more famous and widespread *Mishneh Torah* of R. Moses b. Maimon, because the latter was too concise and monolithic, presenting, on the whole, unilateral, undocumented decisions, while the former was expansive and more interpretive, citing alternate views and divergent explanations. At this stage, then, the text of the *Turim* was only a pretext for his own work.<sup>9</sup> His method was to explain every single law in the text, note its original source, and indicate whether the formulation found in the *Turim* was the result of consensus or was subject to dispute. He would, furthermore, explain the alternate interpretations and formulations which the *Turim* referred to but rejected. In addition, he would introduce and elucidate those views which the *Turim* had totally omitted from consideration. As a purely theoretical increment, he promised to examine and explain those views of predecessors—especially Maimonides—which were problematic or remained obscure despite the availability

7. Why this small work, written by R. Jacob Landau at the end of the fifteenth century, is singled out for special criticism is not clear. The reason may be that it was simply one of the most recent representatives of this genre. Or was R. Joseph Karo provoked by the author's declaration that he produced this compendium in order to satisfy the minimal needs of Halachic study in the most economical way so as to provide ample time for philosophic study?

8. He thus incorporated his first name into the title—again, pretty much standard literary procedure. There is, however, an added homiletical explanation: just as the house of Joseph in Egypt supplied bodily nourishment, so this book will supply spiritual nourishment.

9. Actually, the *Mishneh Torah*, with its theoretical approach, which included all laws and concepts, even those temporarily devoid of practical value, would not have been consonant with R. Joseph Karo's practical orientation, while the *Turim*, with its limited scope, did coincide with the latter goal. Another reason for selecting the *Turim* could have been the fact that the *Turim* was the most popular textbook at the time.



of such commentaries as the *Maggid Mishneh*.<sup>10</sup> He would, incidentally, correct the text of the *Turim*, which suffered many scribal corruptions. That he intended his encyclopedic review of Halachah to be used as a study-guide is indicated by his promise always to give exact bibliographical references in order to enable his readers to consult original texts or check quotations in their original contexts. However, having completed this panoramic presentation and almost detached, academic analysis of a law, he would regularly indicate the normative conclusion, for the "goal is that we should have one Torah and one law." The function of this massive work is thus twofold: to flesh out the bare-bones codifications which are too brief and uninformative, but preserve their sinewiness and pragmatic advantage by unequivocally stating the *pesak*, the binding regulation, in each case.<sup>11</sup> Certitude and finality are among the top-priority items that will be guaranteed.<sup>12</sup>

In connection with this, the author lays bare his juridical methodology, a methodology that was to be vigorously contested, as we shall see. The judicial process was complex. A Talmudist could arrive at the normative conclusion by critically reviewing and appraising all arguments and demonstrations marshalled by his predecessors and then selecting the most cogent, persuasive view. His guide would be examination of underlying texts, relying, in the final analysis, upon his autonomous judgment and not on appeal to authority.<sup>13</sup> This independent, assertive

10. This foreshadows his later work, the *Kesef Mishneh*, in which he reveals himself as an astute, sympathetic and resourceful student of the *Mishneh Torah*.

11. Later commentators—e.g., the authors of the *Sefer Me'irat 'Enayim* and the *Bayit Hadash*—felt that R. Joseph Karo's ultimate codificatory aim vitiated his commentatorial one and that the former prevailed at the expense of the latter. Their own works, which were intended exclusively as faithful text commentaries, were thus urgent desiderata. Contemporaries such as R. Solomon Luria (*Yam shel Shelomoh*, *Hullin*, introduction) note the extraordinarily wide bibliographic coverage and unusual erudition of the *Bet Yosef*.

12. His striving for a powerful, central authority is unmistakable (and, incidentally, something he shared with his Sephardic teachers and colleagues—e.g., the great R. Jacob Berab). This aspiration is quite prominent also in the *Maggid Mesharim*, a revealing and intriguing diary of instructions and messages received from his angelic mentor. Analysis of this work is the main concern of Professor Werblowsky's study. Professor Dimitrovsky's article in *Sefunot*, VII provides much background information; it is important and suggestive.

13. The following passage from Benjamin Cardozo, *The Nature of the Judicial Process* (New Haven, 1921), p. 10, comes to mind:

What is it that I do when I decide a case? To what sources of information do I appeal for guidance? In what proportions do I permit them to contribute to the result? . . . If a precedent is applicable, when do I refuse to follow it? If no precedent is applicable, how do I reach the rule that will make a precedent for the future? If I am seeking logical consistency, the symmetry of the legal structure, how far shall I seek it? At what point shall the quest be halted by some discrepant custom, by some consideration of the social welfare, by my own or the common standards of justice and morals?

The most forceful contemporary exponent of this approach was R. Solomon

approach is unqualifiedly repudiated by R. Joseph Karo for two reasons: 1) it would be presumptuous to scrutinize the judgment of such giants as R. Moses b. Nahman, R. Solomon b. Adret, R. Nissim, and the Tosafists and then pass judgment on them—we are not qualified or competent; 2) even if the task were not beyond our powers and capacities, the process would be too long and arduous. Forcefully underscoring his subservience and *apparently* forfeiting his judicial prerogatives, he chose to arrive at the normative conclusion in each case by following the consensus or at least the majority rule of the greatest medieval codifiers—R. Isaac Alfasi (d. 1103), Maimonides (d. 1204), and R. Asher ben Yehiel (d. 1328).<sup>14</sup> Contemporary legislation, innovation, and native usage are given no role whatsoever—almost as if the law were all logic and no experience. In other words, in the realm of commentary R. Joseph Karo was bold and resourceful, while in the realm of adjudication he was laconic, almost self-effacing.

At about the same time, in entirely different circumstances and with a totally different motivation, R. Moses Isserles, born into comfort and affluence,<sup>15</sup> son of a prominent communal leader who was also a gentleman scholar and (for a while) son-in-law of the greatest Talmudic teacher in Poland (R. Shalom Shakna), also began to compile an exhaustive commentary on the *Turim*. He reveals the immediate stimulus which led to his project: having been persuaded by friends to assume rabbinic duties in Cracow—his youth, immaturity, and unripe scholarship notwithstanding—he found himself deciding many Halachic problems and issuing numerous judicial opinions. It was his practice to turn directly to the Talmud and consult its authoritative expositors, among whom he mentions R. Isaac Alfasi, R. Moses b. Nahman, and R. Asher b. Yehiel. He found, however, that he was repeatedly subjected to criticism for having ignored the rulings of the most recent scholars (e.g., R. Jacob Weil, R. Israel Isserlein, R. Israel Bruna) who were really the progenitors of contemporary Polish Jewry and gave it its creative and directive vital force. They introduced, *inter alia*, many preventive

Luria, as exemplified in his *Yam shel Shelomoh*. He was preceded in this by R. Isaiah of Trani. See, generally, my *Rabad of Posquière*, pp. 216–219.

14. This distinguished triumvirate was already recognized as authoritative before the time of R. Joseph Karo, as he himself implies. Explicit confirmation is found in the *Responsa* of R. David b. Zimra (Radbaz), v. IV, n. 626. R. Moses Isserles (introduction to *Shulhan 'Arukh*) and R. Joshua Falk (introduction to *Sefer Me'irat 'Enayim*) suggest that the Sephardic view would automatically prevail inasmuch as Alfasi and Maimonides would always coalesce to determine the majority view. The truth is that R. Asher b. Yehiel was not fully representative of the Tosafistic school of France and Germany and was at a very early date accepted in Spain, to the exclusion of other Tosafists. This was noted in the introduction to the commentary *Ma'adane Yom Tob* and also in an anonymous responsum in R. Joseph Karo's *Abkat Rokel*, n. 18, which refers to R. Asher as a "Spanish rabbi." See the literary study by José Faur in the *Proceedings of the American Academy for Jewish Research*, XXIII (1965).

15. See his *Responsa*, nn. 45, 95, 109, and others.

ordinances and stringent practices which tended to nullify earlier decisions, and as a result no picture of Halachah could be true to life which did not reflect these resources, motifs and developments. This put R. Moses Isserles in a bad light, and he and his colleagues were, therefore, subjected to much severe criticism, the validity of which he fully appreciated and accepted, as we shall see.

Impromptu, *ad hoc* review—and judicious, instantaneous application—of all this material, this panoply of interpretations and traditions, would be cumbersome, if not impossible. It therefore occurred to R. Moses Isserles that the way out was to prepare a digest and anthology of all opinions and record them alongside of a standard code. The best book was the *Turim*, for its arrangement was very attractive and useful, and it was easily intelligible to all. He set out, with great determination and commensurate perseverance, to implement this literary plan (he vividly describes his frenetic, indefatigable activity, without ease and without quiet). At a rather advanced stage of his work, he was electrified by the news that “the light of Israel, head of the exile” R. Joseph Karo had composed a comparable commentary on the *Turim*, the *Bet Yosef*, the excellence of which was immediately evident. R. Moses Isserles’ anxiety was indescribable; just as he neared the hour of consummation, it appeared that his efforts and privations would turn out to be a wearying exercise in futility. He acknowledges—with what seems to be a blend of modesty and realism—that he could not hold a candle to R. Joseph Karo. However, shock did not lead to paralysis. His peace of mind and momentum were restored when, reassessing the situation, he realized that the field had not been completely preempted and that he was still in a position to make a substantive contribution.

There were three areas in which he could realign his material and operate creatively and meaningfully:

1) He would compress the material, almost encyclopedic in its present proportions, and present a more precise formulation of the law. Length, as Maimonides notes, is one of the deterrents of study.<sup>16</sup> Nevertheless, R. Moses Isserles is somewhat apologetic at this point, because he was fully aware of the pitfalls of excessive brevity; indeed, it had been the codificatory syndrome—the rigidities and inadequacies of delphic manuals—that initially impelled him to disavow the methodology of existing codes. As a compromise, he determined to cite—not to reproduce or summarize—all sources, so that the inquisitive or dissatisfied but learned reader will be able to pursue matters further, while the less sophisticated and less talented reader will still benefit and not be able to argue that the material is too lengthy and complicated.

16. The reference is probably to the *Guide for the Perplexed*, I, 34 (tr. S. Pines [Chicago, 1963], p. 73): “For man has in his nature a desire to seek the ends; and he often finds preliminaries tedious and refuses to engage in them.”

2) The *Bet Yosef* was too “classical,” somewhat remote, for Germanic-Polish Jewry: it failed to represent equally the more recent codifiers and commentators. His work, the *Darke Mosheh*, would do justice to them by incorporating their positions. It would reflect the historical consciousness of R. Moses Isserles and his colleagues who looked upon themselves as heirs and continuators of the Ashkenazi tradition. On one hand, therefore, the *Darke Mosheh* would be an abridgement of the *Bet Yosef*, and, on the other, it would expand its scope. Clearly, R. Moses Isserles had taken the words of his earlier critics to heart.

3) Perhaps the most radical divergence between the two works appeared in the methodology of *pesak*, formulating the normative conclusion and obligatory pattern of behavior. Unlike R. Joseph Karo, who cautiously claimed to follow the *communis opinio*, or majority rule, of early codifiers, and unlike those who would freely exercise independent judgment in arriving at practical conclusions, R. Moses Isserles adopted a third stance: to follow most recent authorities—*halakah ke-batra'e*.<sup>17</sup> This method would preserve established precedent and respect local custom. It is reflected stylistically in R. Moses Isserles’ habit of underwriting the most valid view by adding “and this is customary” and then identifying the source or by noting candidly “and so it appears to me.”<sup>18</sup> He is thus more independent and resourceful than R. Joseph Karo, though less so than R. Solomon Luria.<sup>19</sup> In short, as R. Moses Isserles puts it in a rhetorical flourish, “And Moses took the bones of Joseph”<sup>20</sup>—he adapted and transformed the essence of the *Bet Yosef* and abandoned the rest.

This ends the first chapter of our story in which R. Joseph Karo made it to the press before R. Moses Isserles and forced the latter to revise his initial prospectus in light of a changed literary reality. What is,

17. In formulating this principle, R. Moses Isserles relies—with good effect—upon the authority of R. Isaac Alfasi. See *Darke Mosheh*, introduction, and *Yoreh De'ah*, 35:13. An anonymous contemporary, writing against R. Joseph Karo, advances the same position; *Abkat Rokel*, n. 18. Note R. Joseph Karo’s important discussion in *Kesef Mishneh*, *Hilkot Mamrim*, II:1.

18. It is noteworthy that R. Hayyim b. Bezalel, a former classmate and colleague of R. Moses Isserles, took him to task for not going far enough in his vindication of local custom. The *Wikkuah Mayyim Hayyim* is built on this premise. This work is significant also in that it opts for still another possibility of juridical methodology. The author’s contention is that a code should simply review all the different opinions and arrange them systematically but leave the final determination to the specific rabbinic authority that is responsible for a given decision. He protests forcefully against “levelling” books which tend to obliterate the distinctions between scholar and layman and implicitly undermine the authority of the scholar. A code should be an auxiliary manual for the judge and scholar, not an explicit, monolithic work.

19. See n. 13. R. Solomon Luria also displays an anti-Spanish, especially anti-Maimonidean, animus or polemicism, which is not found in R. Moses Isserles.

20. *Exodus* 13:19, with a play on the word “bones” (*azmot*), which may be interpreted as essence (*azmut*).

of course, striking is the remarkable parallelism and similarity of attitudes between these two Talmudists, both seeking to push back the frontiers of Halachic literature, both convinced of the need to review individual laws in their totality and not rely upon delphic manuals, and both selecting the same code (*Turim*) as their springboard.

## II

TEN YEARS LATER, IN THE COURSE OF WHICH the *Bet Yosef* spread far and wide and his authority was increasingly respected, R. Joseph Karo came full cycle in his own attitude towards the oracular-type code. Having previously and persuasively argued against the utility and wisdom of the apodictic compendium, he now conceded its need and efficacy. He himself abridged the voluminous *Bet Yosef*—"gathered the lilies, the sapphires"—and called his new work the *Shulhan 'Aruk*, "because in it the reader will find all kinds of delicacies" fastidiously arranged and systematized and clarified. He was persuaded that the *Shulhan 'Aruk* would serve the needs of a diffuse and heterogeneous audience. Scholars will use it as a handy reference book, so that every matter of law will be perfectly clear and the answer to questions concerning Halachic practice will be immediate and decisive. Young, untutored students will also benefit by committing the *Shulhan 'Aruk* to memory, for even rote knowledge is not to be underestimated.<sup>21</sup>

When the *Shulhan 'Aruk* appeared, it elicited praise and provoked criticism; the former could be exuberant, and the latter, abrasive. Some contemporaries needed only to resuscitate R. Joseph Karo's initial stance and refurbish his arguments against such works as the *Agur*. R. Moses Isserles' reaction moved along the same lines which had determined his reaction to the *Bet Yosef*.<sup>22</sup> He could not—like R. Solomon Luria or R. Yom Tob Lipman Heller—take unqualified exception to the codificatory aim and form,<sup>23</sup> for he had already, in his revised *Darke Mosheh*, aligned himself in principle with this tendency and had eloquently defended it. He could, however, press his substantive and methodological attack on Karo: the latter had neglected Ashkenazic tradition and had failed to abide by the most recent rulings, thereby ignoring custom which was such an important ingredient of the normative law.<sup>24</sup> Moreover, just as R. Joseph Karo drew upon his *Bet Yosef*, so R. Moses Isserles

drew upon his *Darke Mosheh*;<sup>25</sup> both, coming full cycle, moved from lively judicial symposium to soulless legislative soliloquy. If R. Joseph Karo produced a "set table," R. Moses Isserles spread a "tablecloth" over it.<sup>26</sup> It is certain that the "table" would never have been universally accepted if it had not been covered and adorned with the "tablecloth." R. Moses Isserles' glosses, both strictures and annotations, were the ultimate validation of the *Shulhan 'Aruk*. The full dialectic has here played itself out, radical opposition to codes giving way to radical codification, almost with a vengeance; for the *Shulhan 'Aruk* is the leanest of all codes in Jewish history—from the *Bet Yosef* to the *Shulhan 'Aruk*, from the baroque to the bare.

It is not this dialectical movement *per se* which is novel or noteworthy, for this characterizes much of the history of post-Talmudic rabbinic literature. Attempts to compress the Halachah by formal codification alternate with counter-attempts to preserve the fulness and richness of both the method and substance of the Halachah by engaging in interpretation, analogy, logical inference, and only then formulating the resultant normative conclusion. Any student who follows the course of rabbinic literature from the Geonic works of the eighth century through the *Mishneh Torah* and *Turim* and on down to the *Shulhan 'Aruk* cannot ignore this see-saw tendency. The tension is ever present and usually catalytic. No sooner is the need for codification met than a wave of non-codificatory work rises. A code could provide guidance and certitude for a while but not finality.<sup>27</sup> *'Arvak 'arva zarik*—"your bondsman requires a bondsman." A code, even in the eyes of its admirers, required vigilant explanation and judicious application. The heartbeat had constantly to be checked and the pulse had to be counted. It became part of a life organism that was never complete or static. What is striking, therefore, in the case of the *Shulhan 'Aruk* is that the dialectical movement plays itself out in the attitudes and achievements of the same person—"surfing" on the "sea of the Talmud," rising and falling on the crests of analysis and thoughts of argumentation, and then trying to "gather the water into one area," to construct a dike that would produce a slow, smooth flow of its waters. The *Shulhan 'Aruk* thus offers an instructive example of the dialectical movement in rabbinic literature as a whole.

This whole story is important, I believe, because it expands the historical background against which the *Shulhan 'Aruk* is to be seen and cautions against excessive preoccupation with purely sociological

21. See *Berakot*, 38b. It is interesting that Maimonides also intended his *Mishneh Torah* to be used by "great and small," learned and simple.

22. See *Rabad of Posquières*, p. 113, and pp. 96-97.

23. A helpful review of these attitudes can be found in H. Tchernovitz, *Toledot ha-Poskim*, v. III. The rationale of this position is eloquently stated by the Maharal of Prague in *Netivot 'Olam, Netiv ha-Torah*, ch. 15. I say "unqualified exception" because the fact is that R. Moses Isserles' contribution to the *Shulhan 'Aruk* is significantly more expansive than that of R. Joseph Karo.

24. See, e.g., *Orah Hayyim*, 619; *Yoreh De'ah*, 381, 386.

25. See his *Responsa*, nn. 35, 131.

26. The imagery is provided by R. Moses Isserles himself. The "table" was bare and uninviting without his "tablecloth."

27. See B. Cardozo, *The Nature of the Judicial Process*, p. 18: "Justinian's prohibition of any commentary on the product of his codifiers is remembered only for its futility."



data, with contemporary stimuli and contingencies. It makes the *Shulḥan 'Aruk* understandable in terms of the general history of Halachic literature and its major trends. It provides an obvious vertical perspective—i.e. literary categories seen as part of an ongoing Halachic enterprise—to be used alongside of an, at best, implicit horizontal perspective—i.e. historical pressures and eschatological hopes—for an explanation of the emergence of the *Shulḥan 'Aruk*.<sup>28</sup> This is strengthened by the striking parallelism between the literary careers of R. Moses Isserles and R. Joseph Karo; their historical situations, environmental influences, social contexts (in a phrase of contemporary jargon, their *sitz-im-leben*) are so different, but their aspirations and attainments are so similar.

### III

WHEN WE COME TO GAUGE AND APPRAISE the impact of the *Shulḥan 'Aruk*, it is idle to speculate whether R. Joseph Karo intended the *Shulḥan 'Aruk* to circulate and be used independently, as a literary unit sufficient to itself, or to be used only as a companion volume together with the *Bet Yosef*. His intention has been disputed and variously construed. Some condemned those who studied the *Shulḥan 'Aruk in vacuo*, thereby acquiring superficial acquaintance with Halachah, claiming that this contravened the author's intention. Others treated the *Shulḥan 'Aruk* in a manner reminiscent of R. Joseph Karo's original attitude as found in the preface to the *Bet Yosef*. In this case, however, the original intention of the author is eclipsed by the historical fact, abetted or perhaps made possible by R. Moses Isserles' glosses,<sup>29</sup> that the *Shulḥan 'Aruk* and

28. This important vertical perspective is usually left out of the picture. See e.g., R. Werblowsky, *Joseph Karo*, pp. 7, 95, 167. There can be little doubt that R. Joseph Karo was preoccupied with eschatological hopes and that he saw the catastrophic nature of his period as having messianic significance. This is attested, *inter alia*, in the introduction to *Sefer Haredim*.

It would indeed be strange if the mood of that generation—physically uprooted, emotionally shattered, but spiritually exuberant—did not leave an imprint on the *Shulḥan 'Aruk*. Note in this connection the author's novel emphasis upon the desirability of unflagging awareness of the state of exile, dispersion and destruction. After reproducing (*Orah Hayyim* 1:2) the statement of the *Turim* concerning nocturnal prayer dealing with the destruction and the dispersion, R. Joseph Karo adds in a separate entry that "it is proper for every God-fearing person to grieve and worry about the destruction of the Holy Temple." This is a cardinal principle, part of one's consciousness—over and beyond any concrete expression.

29. The fact is that R. Moses Isserles' strictures are very radical, but low-keyed and disarmingly calm. They are free of the stridency and impetuosity which punctuate the glosses of R. Abraham b. David on the *Mishneh Torah*, but are nevertheless uncompromising in their criticism. While they contain explanations, amplifications and supplements, most were designed simply to supersede R. Joseph Karo's conclusions. It is only the harmonious literary form that avoided an overt struggle for Halachic hegemony such as occurred in other periods—for example, in the 13th century when Spanish students of the great Nahmanides attempted to impose their customs and interpretations on Provence. There was no dilution of diversity in this case, either, but there was at least a formal fusion of Ashkenazi and Sephardi Halachah in one work. Sephardim continued to rely on R. Joseph Karo, pointing to the verse, "Go unto

not the *Bet Yosef* became R. Joseph Karo's main claim to fame, and its existence was completely separate from and independent of the *Bet Yosef*. Commentators such as R. Abraham Gumbiner in the *Magen Abraham* effectively and irreparably cut the umbilical cord which may have linked the *Shulḥan 'Aruk* with the *Bet Yosef*. What some literary critics have said about poetry may then be applied here: "The design of intention of the author is neither available nor desirable as a standard for judging the success of a work of literary art."<sup>30</sup> In our case, consequently, we should simply see what are some of the characteristics of the *Shulḥan 'Aruk* and some of the repercussions of its great historical success.

Perhaps the single most important feature of the *Shulḥan 'Aruk* is its unswerving concentration on prescribed patterns of behavior to the exclusion of any significant amount of theoretical data. The *Shulḥan 'Aruk* is a manual for practical guidance, not academic study. This practical orientation is discernible in many areas and on different levels.

First of all, by initially adopting the classification of the *Turim*, R. Joseph Karo capitulated unconditionally to the practical orientation. The import of this becomes more vivid when we contrast the two major codes on this point. The *Mishneh Torah* is all-inclusive in scope, obliterating all distinctions between practice and theory, and devoting sustained attention to those laws and concepts momentarily devoid of practical value or temporarily in abeyance because of historical and geographical contingencies. Laws of prayer and of the Temple ceremonial are given equal treatment. Laws concerning the *sotah*, the unfaithful wife (abrogated by R. Johanan b. Zakkai in the first century), are codified in the same detail as the ever practical marriage laws. The present time during which part of the law was in abeyance was, in Maimonides' opinion, an historical anomaly, a fleeting moment in the pattern of eternity. The real historical dimensions were those in which the Torah and its precepts were fully realized, that is, the time after the restoration of the Davidic dynasty, when "all the ancient laws will be reinstituted . . . sacrifices will again be offered, the Sabbatical and Jubilee years will again be observed in accordance with the commandments set forth in the Law."<sup>31</sup> The Oral Law was, therefore, to be codified and studied exhaustively. The *Turim*, on the other hand, addresses itself only to those laws that are relevant, to those concrete problems and issues whose validity and applicability are not confined either temporally or geographically. For while both Maimonides and R. Jacob b. Asher were of

Joseph; what he saith to you, do" (*Genesis* 41:55); Ashkenazim continued to rely on R. Moses Isserles, adapting the verse, "For the children of Israel go out with upraised hands" (*beyad ramah*—and "Ramah" was the acrostic for R. Moses Isserles).

30. W. K. Wimsatt and M. C. Beardsley, "The Intentional Fallacy," *Sewanee Review*, LIV (1946), 468.

31. *Hilhot Melakim*, XI:1. See Rabbi J. B. Soloveitchik, "Ish ha-Halakah," *Talpiyot*, 1944, pp. 668 ff.

one mind in abandoning the sequence of the Talmudic treatises and seeking an independent classification of Halachah, they differed in their goals: Maimonides sought to create a topical-conceptual arrangement that would provide a new interpretive mold for study and would also be educationally sound, while R. Jacob b. Asher was guided only by functionality and as a result was less rigorous conceptually. It involved a lesser degree of logical analysis and abstraction, and did not hesitate to group disparate items together. A code, according to this conception should facilitate the understanding of the operative laws and guide people in translating concepts into rules of conduct.

The *Shulḥan 'Aruk* adds a further rigorism to the practicality of the *Turim*. The *Turim*'s practicality expresses itself in the rigid selection of material, in the circumscribed scope, but not in the method of presentation, which is rich, varied, and suggestive, containing as it does much textual interpretation and brief discussion of divergent views, while the functionality of the *Shulḥan 'Aruk* is so radical that it brooks no expansiveness whatsoever. The judicial process is of no concern to the codifier; exegesis, interpretation, derivation, awareness of controversy—all these matters are totally dispensable, even undesirable, for the codifier.<sup>32</sup> In this respect, the *Shulḥan 'Aruk* has greater affinities with

32. This is, of course, a codificatory utopia, never achieved. First, all the author's protestations notwithstanding, the *Shulḥan 'Aruk* is not a mechanical, scissors-and-paste compilation. For all his veneration and authority and his *a priori* declaration of subservience to the three great medieval codifiers, the author writes selectively and discriminately. Already his contemporary, R. Hayyim b. Bezalel, observed (in the *Wikkuah Mayyim Hayyim*) that Karo did not really follow the standards he outlined theoretically. Similarly, R. Moses Isserles in the introduction to the *Darke Mosheh* called attention to inconsistencies and discrepancies between the statement of intention and actual performance. There are many examples which show how subtly but steadily the author of the *Shulḥan 'Aruk* modified positions and expressed his own judgment. This is often indicated by the deletion of a phrase or addition of a word in what is otherwise a verbatim reproduction of a source. Note *Yoreh De'ah* 246:4, which is almost an exact quotation of Maimonides, *Hilkot Talmud Torah*, I:11, 12. The author has, however, expunged the sentence which makes philosophy (*pardes*) an integral, even paramount component of the Oral Tradition, for this statement obviously caused him more than a twinge of discomfort. R. Moses Isserles reinserts this reference less conspicuously and more restrainedly toward the end of his gloss. The author's censure of the writings of Immanuel of Rome (*Orah Hayyim*, 307:16) is an example of a novel, emphatic addition.

Second, all the author's statements about certitude, finality, and unilateral formulations notwithstanding, there are many paragraphs which cite multiple views. Sometimes reference is even made to the authorship of these divergent views. See, e.g., *Orah Hayyim*, 18:1; 32:9; 422:2 and many others. This area of indecision is one of the major concerns of the 19th-century work, *'Aruk ha-Shulḥan* by Rabbi Y. M. Epstein, and such earlier works as *Halacha Aḥaronah we-Kuntros ha-Re'ayot*.

Third, there is a sparse amount of interpretive and exegetical material. See, e.g., *Orah Hayyim*, 6:1, which contains the explanation of a liturgical text. Note also 11:15, 14:1, 14:3, 15:4, 17:1 and many others where reasons are briefly adduced or the Halachic process is traced. What is more, even the self-sufficiency of the work is weakened when, for example, the author says (*Orah Hayyim*, 597), "this is explained well in the *Tur* in this section."

the *Mishneh Torah*, which also purports to eliminate conflicting interpretations and rambling discussions and to present *ex cathedra* legislative, unilateral views, without sources and without explanations. The fact is that the *Shulḥan 'Aruk* is much closer to this codificatory ideal than the *Mishneh Torah*, which, after all, is as much commentary as it is code. One has only to compare, at random, parallel sections of the *Turim* and *Shulḥan 'Aruk* to realize fully and directly, almost palpably, the extent to which the *Shulḥan 'Aruk* pruned the *Turim*, relentlessly excising midrashic embellishments, ethical perceptions, and theoretical amplifications. It promised to give the "fixed, final law, without speech and without words." It left little to discretion or imagination.

There is yet another area in which this austere functionality comes to the surface—in the virtually complete elimination of ideology, theology, and teleology. The *Shulḥan 'Aruk*, unlike the *Mishneh Torah* or the *Sefer ha-Rokeah*, has no philosophical or Kabbalistic prolegomenon or peroration. The *Shulḥan 'Aruk*, unlike the *Mishneh Torah* or the *Turim*, does not abound in extra-Halachic comments, guiding tenets and ideological directives.<sup>33</sup> While, as I have tried to prove elsewhere, the *Mishneh Torah* does reveal the full intellectualistic posture of Maimonides,<sup>34</sup> the *Shulḥan 'Aruk* does not even afford an oblique glimpse of the Kabbalistic posture of R. Joseph Karo, who appears here in the guise of the civil lawyer for whom "nothing was more pointless, nothing more inept than a law with a preamble."<sup>35</sup> He was concerned exclusively with what Max Weber called the "methodology of sanctification" which produces a "continuous personality pattern," not with its charismatic goals or stimuli, the ethical underpinning or theological vision which suffuse

33. One striking illustration is provided by the prologue of the *Turim* to the *Hoshen Mishpat*, where the instrumental role of positive law is expounded. The point of departure is the apparent contradiction between two statements in the first chapter of *Pirke Abot*. One reads: "Upon three things the world stands, upon Torah, upon divine service, and upon acts of lovingkindness." The other reads: "By three things is the world sustained, by justice, truth, and peace." These are means; the others are ends. The author of the *Shulḥan 'Aruk* omits all preambles and plunges directly into the legal-institutional details. Compare the two also at *Orah Hayyim*, 61, 125, 242 (introduction to the laws of Sabbath) and others. At *Yoreh De'ah*, 335 (visitation of the sick), the *Turim* starts unhurriedly with a midrashic motif used by Nahmanides at the beginning of his code *Torat ha-Adam*, while the *Shulḥan 'Aruk* plunges *medias in res*. It has no time—or need—for adornment.

34. In my article "Some Non-Halakhic Aspects of the *Mishneh Torah*," which is scheduled to appear soon in *Medieval and Renaissance Studies*, ed. A. Altman (Cambridge, 1967).

35. J. W. Jones, *The Law and Legal Theory of the Greeks*, p. 8. R. Moses Isserles fleshed out a good number of the lean formulations in the *Shulḥan 'Aruk*, introducing many Kabbalistic motifs and explanations. See, for example, *Orah Hayyim*, 426 (on New Moon), 583 (on Hoshanah Rabbah), 664 (on *kapparot*), and others. See also 290, in comparison with the *Turim*. He is thus much less reserved and less reticent than his Sephardic counterpart.



the Halachah with significance, guarantee its radical, ineradicable spirituality and thereby nurture the religious consciousness. The *Shulhan 'Aruk* gives the concrete idea, but omits what Dilthey called *Erlebniss*, the experiential component. In the *Shulhan 'Aruk* the Halachah manifests itself as the *regula iuris*, a rule of life characterized by stability, regularity, and fixedness, making known to people "the way they are to go and the practices they are to follow" (*Exodus* 18:20). These specific, visible practices are not coordinated with invisible meaning or unspecified experience. One can say, in general, that there are two major means by which apparently trans-Halachic material has been organically linked with the Halachah proper: 1) construction of an ideational framework which indicates the ultimate concerns and gives coherence, direction and vitality to the concrete actions; 2) elaboration of either a rationale of the law or a mystique of the law which suggests explanations and motives for the detailed commandments. The *Shulhan 'Aruk*, for reasons of its own, about which we may only conjecture, attempts neither.

#### IV

THIS RESTRICTIVE, ALMOST STYPTIC TRAIT of the *Shulhan 'Aruk* was noticed—and criticized—by contemporaries, foremost among whom was R. Mordecai Jaffe (1530-1612), disciple of R. Moses Isserles and R. Solomon Luria and successor of R. Judah Loewe, the famous Maharal, of Prague. It is worth re-telling the story of the composition of his major, multi-volume work, known as the *Lebush*, inasmuch as it zeroes in on the radical functionality of the *Shulhan 'Aruk* and also briefly reviews the tense dialectic surrounding codification which we discussed above.

R. Mordecai Jaffe, a very articulate, sophisticated writer who was well acquainted with the contemporary scene, describes the enthusiastic reception accorded to the *Bet Yosef* because people imagined it would serve as a concise, spirited compendium, obviating the need for constant, wearisome recourse to dozens of rabbinic volumes in order to determine the proper Halachic course. He shared this feeling and heightened anticipation, but enthusiasm gave way to disillusionment as he realized that the *Bet Yosef* was anything but concise. Inasmuch as a comprehensive and compact compendium remained an urgent desideratum, he began a condensation of the *Bet Yosef* that would serve this purpose. External factors—an edict of expulsion by the Austrian emperor, which compelled him to flee Bohemia and settle in Italy—interrupted his work. In Italy, where so much Hebrew printing was being done, he heard that R. Joseph Karo himself had made arrangements to print an abridgement. Again he desisted, for he could not presume to improve upon the original author who would unquestionably produce the most balanced, incisive

abridgement of his own work. R. Jaffe adds parenthetically—but with remarkable candor—that there was a pragmatic consideration as well: even if he persisted and completed his work, he could not hope to compete publicly with such a prestigious master as R. Joseph Karo—and to do it just for personal consumption, to satisfy his own needs, would be extravagant.

However, upon preliminary examination of the *Shulhan 'Aruk*—in Venice—he noted two serious deficiencies. First, it was too short and astringent, having no reasons or explanations—"like a sealed book, a dream which had no interpretation or meaning." He describes it as "a table well prepared with all kinds of refreshments, but the dishes are tasteless, lacking the salt of reasoning which makes the broth boil and warms the individual"—i.e., lacking a minimum of explanatory and exhortatory material to embellish and spiritualize the bald Halachic directives. Second, it was almost exclusively Maimonidean, or Sephardic, and Ashkenazic communities could not, therefore, be guided by it—an argument that had been tellingly and uncompromisingly put forward by both his teachers (Isserles and Luria). Again he started work on a new composition which would fill the gap, and again he abandoned his plans in deference to R. Moses Isserles who was reported to have undertaken this task. When the full *Shulhan 'Aruk* appeared—the text of R. Joseph Karo and the glosses of R. Moses Isserles—he quickly realized that only the second deficiency had been remedied, that Ashkenazic Halachah had found a worthy and zealous spokesman, but the first deficiency remained—and this was glaring. Some measure of explanation was as indispensable for law as salt was for food. So, for the third time, he turned to producing a code which would a) strive for a golden mean between inordinate length (the *Bet Yosef*) and excessive brevity (the *Shulhan 'Aruk*); and b) would explain, motivate, and spiritualize the law, often with the help of new Kabbalistic doctrines.

In effect, R. Mordecai Jaffe—whose code was a potential but short-lived rival to the *Shulhan 'Aruk*—addressed himself to the problem which great Halachists, ethicists, philosophers and mystics have constantly confronted: how to maintain a rigid, punctilious observance of the law and concomitantly avoid externalization and routinization. On one hand, we hear the echoes of Maimonides, R. Eleazar ha-Rokeah of Worms, and R. Menahem b. Zerah (author of the *Zedah la-Derek*), who attempt to combine laws with their reasons and rationale, as well as R. Bahya ibn Pakuda, R. Jonah Gerondi, and R. Isaac Abuhav, to mention just a few of his predecessors. On the other hand, this tone continues to reverberate in the *Shulhan 'Aruk* of R. Shneur Zalman of Ladi, as well as in the writings of R. Isaiah Hurwitz and R. Moses Hayyim Luzzato, to mention just a few of his successors. The common denomi-

nator here is the concern that the Halachic enterprise always be rooted in and related to spirituality, to knowledge of God obtained through study and experience. All difficulties notwithstanding, it was generally felt that even when dealing with the corpus of practical, clearly definable law, an attempt should be made to express the—perhaps incommunicable—values and aspirations of religious experience and spiritual existence.

## V

HOWEVER, WHEN ALL IS SAID, it would be incorrect and insensitive to assert unqualifiedly that the *Shulhan 'Aruk*, that embodiment of Halachah which Jewish history has proclaimed supreme, is a spiritless, formalistic, even timid work. Its opening sentence, especially as elaborated by R. Moses Isserles, acts as the nerve center of the entire Halachic system and the fountain of its strength.

A man should make himself strong and brave as a lion<sup>36</sup> to rise in the morning for the service of his Creator, so that he should "awake the dawn" (*Psalms* 57:9)<sup>37</sup> . . .

"I have set the Lord always before me" (*Psalms* 16:8). This is a cardinal principle in the Torah and in the perfect (noble) ways of the righteous who walk before God. For<sup>38</sup> man does not sit, move, and occupy himself when he is alone in his house, as he sits, moves, and occupies himself when he is in the presence of a great king; nor does he speak and rejoice while he is with his family and relatives as he speaks in the king's council. How much more so when man takes to heart that the Great King, the Holy One, blessed be He, whose "glory fills the whole earth" (*Isaiah* 6:3), is always standing by him and observing all his doings, as it is said in Scripture: "Can a man hide himself in secret places that I shall not see him?" (*Jeremiah* 23:24). Cognizant of this, he will immediately achieve reverence and humility, fear and shame before the Lord, blessed be He, at all times.

Law is dry and its details are burdensome only if its observance lacks vital commitment, but if all actions of a person are infused with the radical awareness that he is acting in the presence of God, then every detail becomes meaningful and relevant. Such an awareness rules out routine, mechanical actions; everything must be conscious and purposive in a God-oriented universe, where every step of man is directed towards God. Halachah, like nature, abhors a vacuum; it recognizes no twilight zone of neutrality or futility.<sup>39</sup> It is all-inclusive. Consequently, every

36. See *Pirke Abot*, V: 23.

37. This verse, meaning that man "awakens the dawn and not that the dawn awakens man," is elaborated in the Palestinian Talmud, *Berakot*, ch. 1 and is cited by the *Turim*.

38. What follows is part quotation, part paraphrase from the *Guide for the Perplexed*, III, 52. Maimonides refers in this context to the Talmudic saying in *Kiddushin*, 31a forbidding a person to "walk about proudly, with erect stature," because of the verse, "the whole earth is full of His glory." He concludes: "This purpose to which I have drawn your attention is the purpose of all the actions prescribed by the Law."

39. See Maimonides' definition of futile action in *Guide for the Perplexed* III, 25:

action—even tying one's shoes<sup>40</sup>—can be and is invested with symbolic meaning. Nothing is accidental, behavioral, purely biological. Even unavoidable routine is made less perfunctory. The opening paragraph of the *Shulhan 'Aruk* is thus a clear and resounding declaration concerning the workings and the searchings of the spirit. Its tone should reverberate throughout all the subsequent laws and regulations. It provides—as does also paragraph 231, which urges man to see to it that all his deeds be "for the sake of heaven"—an implicit rationale for the entire Halachah, but it is a rationale that must be kept alive by the individual. It cannot be passively taken for granted; it must be passionately pursued.

What I am saying, in other words, is that to a certain extent the *Shulhan 'Aruk* and Halachah are coterminous and that the "problem" of the *Shulhan 'Aruk* is precisely the "problem" of Halachah as a whole. Halachah itself is a tense, vibrant, dialectical system which regularly insists upon normativeness in action and inwardness in feeling and thought.<sup>41</sup> It undertook to give concrete and continuous expression to theological ideals, ethical norms, ecstatic moods, and historical concepts but never superseded or eliminated these ideals and concepts. Halachah itself is, therefore, a coincidence of opposites: prophecy and law, charisma and institution, mood and medium, image and reality, the thought of eternity and the life of temporality. Halachah itself, therefore, in its own behalf, demands the coordination of inner meaning and external observance—and it is most difficult to comply with such a demand and sustain such a delicate, highly sensitized synthesis.<sup>42</sup>

There can be no doubt that R. Joseph Karo, the arch mystic passionately yearning for ever greater spiritual heights, could not have intended to create a new concept of orthopraxis, of punctilious observance of the law divorced, as it were, from all spiritual tension. While this may indeed have been one of the unintended repercussions of the *Shulhan 'Aruk*—while it may unknowingly have contributed to the notion, maintained by a strange assortment of people, that Judaism is all deed and no creed, all letter and no spirit—its author would certainly discountenance such an interpretation and dissociate himself from it. If the

"A futile action is that action by which no end is aimed at at all, as when some people play with their hands while thinking and like the actions of the negligent and the inattentive."

40. *Orah Hayyim*, 2:4.

41. See the brief discussion of this in my article in *Tradition*, V (1963), pp. 144-45. For a clear, almost unnoticed example of this correlation, see *Yoreh De'ah*, 335:4 where it is stated that the external action of visiting a sick person without the concomitant feeling of compassion and inward action of prayer for his recovery does not constitute the fulfillment of a *mizvah*.

42. See in this connection G. Van der Lecuw, *Religion in Essence and Manifestation* (Harper, 1963), II, p. 459 ff; Joachim Wach, *Sociology of Religion* (Chicago, 1944), p. 17 ff.

*Shulḥan 'Aruk* only charts a specific way of life but does not impart a specific version or vision of meta-Halachah, it is because the latter is to be supplied and experienced independently.<sup>43</sup> The valiant attempt of so many scholars to compress the incompressible, imponderable values of religious experience into cold words and neat formulae, alongside of generally lucid Halachic prescriptions, did not elicit the support of R. Joseph Karo. Halachah could be integrated with and invigorated by disparate, mutually exclusive systems, operating with different motives and aspirations, as long as these agreed on the means and directives. I would suggest that R. Mordecai Jaffe's parenthetical apology for his expansive-interpretive approach to Halachah—that every person spices his food differently, that every wise person will find a different reason or taste in the law, and this reason should not be codified or legislated—may well be what prompted R. Joseph Karo, generally reticent about spiritual matters, to limit his attention to the concrete particularization of Halachah. This could be presented with a good measure of certitude and finality, but its spiritual coordinates required special and separate, if complementary, treatment.<sup>44</sup>

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As a personal postscript, or "concluding unscientific postscript," I would like to suggest that, if the Psalmist's awareness of "I have set God before me continually" (*Psalm* 16:8)—the motto of the *Shulḥan 'Aruk*—is one of the standards of saintliness,<sup>45</sup> then all "*Shulḥan 'Aruk* Jews," all who abide by its regulations while penetrating to its essence and its real motive powers, should be men who strive for saintliness. But strive they must, zealously, imaginatively, and with unrelenting commitment.<sup>46</sup>

43. The introduction to the *Shulḥan 'Aruk* should perhaps be re-examined at this point. After stating that this compendium will serve the needs of the veteran scholar and the uninitiated student, the author refers to the pleasures which the *maskilim*, the wise men, will derive from his work. *Maskilim* is a common epithet for Kabbalists, for mystics proficient in esoteric lore. "The wise will shine like the brightness of heaven when they shall have rest from their travail and the labor of their hands." Does this suggest that the *Shulḥan 'Aruk* will provide a compass with the help of which the *maskilim* will be able to chart their own course in the lofty spiritual realms?

It should also be noted that R. Joseph Karo is for the most part uncommunicative about his inner world, his spiritual *Anschauung*, and even about such contemporary issues in which he was deeply involved, as the attempted re-institution of ordination in Safed. I would add that even in the *Kesef Mishnah* he remains remarkably reticent (see, e.g., *Hilhot Talmud Torah*, I:11, 12), and only occasionally is a subdued comment forthcoming (e.g., *Yesode ha-Torah*, I:10; *Teshubah* III:7; X:6).

The introduction to the *Bet Yosef* has a single laconic reference to the *Zohar*. R. Moses Isserles is more expressive in this respect; see n. 33.

44. See the balanced remarks of Werblowsky, pp. 290-92; also pp. 146-47.

45. S. Schechter, *Studies in Judaism* (New York, 1958), p. 147.

46. See R. Moses Hayyim Luzzatto, *Mesillat Yesarim* (Philadelphia, 1948), pp. 3-4.