Review Essay

Between The Genius and the Gaon: Lost in Translation

The Genius: Elijah of Vilna and the Making of Modern Judaism.
By Eliyahu Stern. Yale University Press, 2013.

By: ELIYAHU KRAKOWSKI

In his new book, *The Genius: Elijah of Vilna and the Making of Modern Judaism*, Professor Eliyahu Stern seeks to redress an imbalance in the literature on the Gaon of Vilna. Although there have been a number of volumes about the Gaon, the two most recent volumes in English ignore his Talmudic and halakhic works, and focus instead on historical questions, his "image" or his purported messianism.[1] The importance of these issues notwithstanding, Stern rightly emphasizes the centrality of the Gaon's works, which for the most part consist of biblical and rabbinic commentaries, in the study of the Gaon as a historical figure.[2] Professor Stern, in his admirably readable and at times lively volume, attempts to provide a picture of the Gaon that incorporates the latter's literary output.

Stern also seeks to overturn the firmly established dichotomy in Jewish history between the labels "traditional" and "modern." According to Stern, figures such as the Gaon should be understood not as traditional or anti-modern but as representative of a distinct stream of modernity rooted in the culture of Eastern European Jewry. In the best sections of the book, Stern presents a compelling portrait of Vilna, and makes the case that Vilna, as a thriving Jewish metropolis, presented its inhabitants with a very different set of intellectual concerns than those faced by the minority culture of Western European Jewry. Stern argues that Moses

* Many individuals provided me with helpful advice. In particular, I would like to thank Rabbi Benzion Buchman, Craig Berkowitz, Binyamin Goldstein, Avi Harari, Yaakov Hoffman, and Dr. Haym Soloveitchik for their generosity.

1 I. Etkes, *The Gaon of Vilna: The Man and His Image* (University of California Press, 2002); A. Morgenstern, *The Gaon of Vilna and His Messianic Vision* (Gefen Publishing House, 2012).

2 See Eliyahu Stern, "Modern Rabbinic Historiography and the Legacy of the Gaon of Vilna: A Review Essay," *Modern Judaism*, 24:1 (2004), pp. 88–90.

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Mendelssohn, as a defender of Judaism in a hostile environment, was more conservative in certain respects than the Gra, who did not share Mendelssohn's need to defend Judaism from the outside world. Whereas Mendelssohn consistently attempts to explain how the simple meaning of a verse does not contradict the halakhah, the Gaon is not afraid to offer *peshat* explanations that go against halakhic interpretation because he did not need to justify Jewish practice to his Christian neighbors. As an example, Stern contrasts Mendelssohn's stated ambivalence (in the introduction to his *Biur*) towards Rashbam's commentary with the Gra's adoption of certain of Rashbam's radical interpretations.[3]

Openness to innovative *peshat* commentary, however, does not make the Gra any more modern than Rashbam himself,[4] so Stern must turn

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[3] Stern occasionally overstates his case for the Gaon's radicalism. As an example of his claim that the Gaon "invokes a historical method to explain discrepancies between the plain sense of scripture and rabbinic law," Stern presents the Gra as saying that "the *sensus literalis* of the biblical text allows a priest to enter the Temple's *sanctum sanctorum* whenever he pleases," and that "access to the *sanctum sanctorum* was restricted only later in history, when the law changed" (pp. 80-81). Stern, who does not provide an accurate source for this statement, misrepresents the Gra's view, which is that the Torah itself distinguishes between later high priests and Aaron regarding this prohibition—the rabbinic law does not contradict the *peshat*. See *Peninim mi-Shulḥan ha-Gra*, ed. D. Eliach (Jerusalem, 2008), Leviticus 16:2-3.

Stern likewise misrepresents the Gra in his claim that "according to the Gaon, even the Bible contradicts itself," because "the precept in Exodus 21:6 that an indentured slave must serve his master forever…opposes the injunction in Leviticus 25:40 that the indentured slave must work only until the Jubilee year" (p. 80). According to the Gra, there is no contradiction between the verses because both are true: the slave indeed bound himself to work forever, but the Jubilee year frees slaves who sold themselves permanently. See *Aderet Eliyahu* (Exodus 21:6): "לעלם – משמע לעולם ממש. רק שבפ' היובל אמרה תורה שהיא מוציאה כל הנמכר לעולם". See also *Meshekh Ḥokhmah*, Exodus 21:6 and the sources cited in *Yad la-Ḥokhmah* ibid.

[4] Stern's contrast between the Gaon and Mendelssohn parallels a similar contrast between Rashbam himself and Ibn Ezra. Although one would expect Rashbam the Talmudist to follow the halakhic interpretation more closely than the philosopher and grammarian Ibn Ezra, in fact the opposite is the case. In part, the reason for this is Ibn Ezra's need to respond to the Karaite threat to rabbinic interpretation. See, e.g., M. Lockshin, "Tradition or Context: Two Exegetes Struggle with *Peshat*," in *From Ancient Judaism to Modern Israel*, ed. J. Neusner and E. Frierichs (Atlanta: Scholars Press, 1989), vol. 3, pp. 182–186. [See also the comparison between the Gaon's and Mendelssohn's circles in E. Breuer, "The Haskalah in Vilna: R. Yeḥezkel Feivel's *Toldot Adam*," *Torah u-Madda Journal*, vol. 7 (1997), pp. 15-40, esp. p. 21.]

elsewhere for evidence of the Gra's modernity. Stern finds his evidence in unexpected places—in the implicit worldview he finds in the Gra's emendations to rabbinic literature, and in the Gra's commentary on the *Shulḥan Arukh*. Here, however, the book falls short because of a mishandling of the relevant sources. Looking up some of the primary and secondary sources cited in the book, one finds frequent misrepresentations, and theories constructed on the basis of these misrepresentations.

This shortcoming is significant not only for our understanding of the Gra, but also for what it tells us about the nature and problems of contemporary academic Jewish studies. Prof. Haym Soloveitchik has recently called attention to a problem in academic oversight of certain fields of Jewish studies. According to Prof. Soloveitchik, this problem is limited to fields with no counterpart in the Western canon, such as Talmud and rabbinics, in which an outsider has no means to evaluate the quality of a work.[5] This book, whose shortcomings relate not only to rabbinic interpretation but also to historical and philosophical subjects, leads one to suspect that the problem may be a broader one.

The Leibnizian Gaon?

In his chapter on "Elijah's worldview," Stern does not attempt to describe the Gra's views on their own terms, as they emerge from his writings. Instead, Stern looks to find parallels between various positions of the Gaon and of Leibniz, and thus to portray the Gra as "the product of an idealist philosophic tradition." According to Stern,

> Elijah was certainly influenced by at least one of Leibniz's students, Raphael Levi of Hannover (1685-1779), a rabbinic scholar whom Leibniz considered to be one of his foremost pupils. Levi's work, *Tekhunot ha-Shamayim*… provided a conduit for post-Copernican theories to enter into rabbinic thinking. Levi offered new understandings of the lunar calendar and emphasized the philosophical implications of the discovery that the earth was in constant motion… Before the age of thirteen, Elijah was purportedly already "studying books on engineering for half an hour a day, and during that time he would study *Tekhunot ha-Shamayim*" (Stern pp. 37-38).

The source for this claim is the introduction of the Gra's sons to *Aderet Eliyahu*, but Stern's presentation is incomplete. In their introduction, the Gra's sons say that as an (eight year old) child, their father spent

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5 See his "Reply to Professor Fishman" on his website, haymsoloveitchik.org.

about ten days studying astronomy (not engineering) for half an hour a day.[6] But more problematic is Stern's description of the work *Tekhunat ha-Shamayim*. Instead of being "a conduit for post-Copernican theories," which emphasized the philosophical implications of the Copernican revolution, as Stern claims, the work (until its penultimate paragraph) actually follows the geocentric model of the universe, and explains Maimonides' *Hilkhot Kiddush ha-Ḥodesh* accordingly. To put it bluntly, there is not a word in the book about philosophical implications of the discovery that the earth was in constant motion.[7] In fact, it seems that the Gaon did not know about

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6 This introduction was first printed in the Dubrowna, 1804 edition of *Mikra'ot Gedolot* with the commentary *Aderet Eliyahu*, and again in *Aderet Eliyahu*, New York, 1950, p. 6: הוא היה כבן שמונה שנה...חייבהו כח חכמתו מפאת עצם מעלתה היותר גבוה גבוה לבלי תכלית, שיוכל לעשות כדור השמים בשכלו בעצת עצמו הטובה ונכונה, במעוט עסק בספרי התכונה, כימים עשור, כשיעור חצי שעה בכל יום, ובשעות אלו היה מעיין בספר תכונת השמים...

7 See *Tekhunat ha-Shamayim* (Amsterdam, 1756), e.g., Ch. 16, 19, 22, 23, 24. As summarized by A. Neher, "Copernicus in the Hebraic Literature from the Sixteenth to the Eighteenth Century," *Journal of the History of Ideas*, Vol. 38, No. 2, p. 222: "[*Tekhunat ha-Shamayim*] expounds in 95 small chapters…the indispensable astronomical topics for the establishment of the Jewish calendar. These topics are based upon the Code of Maimonides…and as a logical consequence, upon the Ptolemaic system, without deviation or reservation. But here we see, in the form of a conclusion, a final chapter (the 96th one) breaking abruptly the logical line followed by the author until this point. This final chapter, in fact, expounds in twenty lines the Copernican system, supported by a diagram." In the story told by the Gra's sons in their introduction, the eight-year-old Gaon was able to solve a problem of a group of rabbis who were studying Maimonides' text—which required knowledge of the Ptolemaic, not the Copernican, system. See now the discussion of *Tekhunat ha-Shamayim* in Jeremy Brown, *New Heavens and a New Earth: The Jewish Reception of Copernican Thought* (Oxford University Press, 2013), pp. 151-152: "The entire text of this work is based on the Ptolemaic system. This is not surprising because the stated purpose of the text is to understand Maimonides' *Laws of the Sanctification of the New Month*, and as we have seen, Maimonides' pre-Copernican theory is Ptolemaic…"
[As an aside, Brown, p. 149, doubts the existence of any historical relationship between Raphael Levi and Leibniz, and sees the stories of their relationship as legends. This doubt was already raised in the 1785 *Versuch eines magazins für die arithmetik*, p. 124, which noted that Levi was not mentioned in any of the Leibniz biographies. However, according to the 1793 *Biographia Britannica*, in its entry for the mathematician Humphrey Ditton (Vol. 5, p. 264), the German editor of Ditton's *Discourse on the Resurrection* was informed by "Raphael Levi, a learned Jew who had studied under Leibnitz…that he well knew that Ditton and Leibnitz had corresponded…and that Ditton had sent to Leibnitz a delineation of a machine he had invented…" If this is true, it would provide evidence of Levi's

or did not accept the Copernican view of the universe at all.[8]

One parallel Stern finds between the Gra and Leibniz has to do with their understanding of creation. According to Stern,

> Leibniz and Elijah also relied heavily on similar strands of Aristotelian and neo-Platonic thought in order to explain the process of creation. Elijah's knowledge of Aristotle is attested to by a letter that he and his brother, Yissachar Ber, sent in 1776 to Shaul ben Aryeh Leib Lowenstam that he deliver to them manuscripts of "Moses Cordevero's commentary to the *Zohar* and other wondrous works as well as Aristotle's *Ethics*" (p. 44).

Using this letter[9] as proof of the Gaon's knowledge of Aristotle is problematic for a number of reasons. First of all, the letter in question was written by the Gra's brother R. Yissachar Ber, not the Gra. (The Gra wrote a separate greeting appended to the end of the letter.) R. Yissachar Ber's request of the work tells us he was interested in seeing it, but it does not tell us whether he ever saw it or whether he remained interested in it once he did. Finally, even if this letter would tell us that R. Yissachar Ber and his brother the Gra became experts in Aristotelian ethics, it still gives

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relationship with Leibniz. Cf. note in A. Chalmers, *General Biographical Dictionary*, Vol. XII (London, 1813), p. 140.]

8 Etkes, *The Gaon of Vilna*, p. 249, n. 33, cites Tzvi Mazeh who found on the basis of the Gra's commentary to *Sefer Yetzirah* that with regards to astronomy, "the Gaon's views were innovative and original in comparison to those prevalent in the Middle Ages. However, he was entirely unaware of the revolutionary developments that took place in that field during the seventeenth century." (See פירוש הגר"א, ספר יצירה פ"ו מ"א, ד"ה תלי, and the sources collected by Eliezer Brodt in his article in *Hakirah* vol. 13, esp. p. 37. See also *Magen ve-Tzinah*, n. 35 below: ואמר שנשתבשו כל הפלוסופים **וחכמי התכונה**.) For a contemporary of the Gra who may have also used *Tekhunat ha-Shamayim* as a guide to Ptolemaic astronomy, see R. Foxbrunner, *Ḥabad: The Ḥasidism of R. Shneur Zalman of Lyady* (Jason Aronson, 1993), p. 83. Interestingly, the Gra's "enlightened" acquaintance, R. Barukh Schick, also ignored the Copernican view—see D. Fishman, "A Polish Rabbi Meets the Berlin Haskalah: The Case of R. Barukh Schick," *AJS Review* 12:1, p. 101.

[In fact, according to R. David Luria, had we merited the Gaon's writings on astronomy, we would have been able to clarify his "well-known view" that the Earth is flat—see *Aliyot Eliyahu* (Vilna, 1892), p. 26 n. 82. However, it seems unlikely that this was actually the Gra's view. Cf. R. Aryeh Leib Lipkin, *Beraita de-Shmuel ha-Katan* (Piotrkow, 1901), p. 63; R. Reuven Margaliyot, *Nitzotzei Zohar*, vol. 3, p. 19 n. 10; R. Yaakov Ades, *Divrei Ya'akov*, *Kabbalat ha-Gra*, vol. 1, pp. 190-191; R. Yehoshua Hartman, *Derekh Ḥayyim*, vol. 2, p. 584 n. 560.]

9 Printed in *Kitvei ha-Geonim* (Piotrkow, 1928), pp. 7–10.

us no information about their knowledge or interest in Aristotle's metaphysics, which is what Stern is discussing.[10]

Haggahot ha-Gra

But Stern's boldest claim in his discussion of the Gra and Leibniz is his connection of the Gaon's "emendation project," the Gra's extensive *haggahot* (emendations) on the entire corpus of *sifrut Ḥazal* (rabbinic literature), to the Gra's alleged Leibnizian idealism. After providing one example of an emendation of the Gaon, Stern makes a remarkable claim about the nature of these emendations:

> A typical emendation of Elijah's can be found in one of his glosses to *Sifra* (Parshata 7, Perek 9, Halakha 1–3)… The rulings in Halakha 2 and 3 are repeated in slightly different form in Halakha 8, and because of their similarity, Elijah took the liberty of deleting Halakha 8. **Elijah's emendation is obviously historically inaccurate; the Midrash contains both sections. But his purpose in emending the Midrash has nothing to do with the historicity of the Midrash, or with the conceptual harmonization of this text with other recorded opinions, or even with making the text conform to the Babylonian Talmud. Rather, he refines the text according to what he believes the text ideally ought to look like** (*The Genius*, 55).

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[10] The substance of Stern's comments about creation is also problematic. Referring to Maimonides' (*Guide* 2:26) rejection of an apparently Platonic statement in *Pirkei de-Rabbi Eliezer*, Stern claims that, "following kabbalists like Isaac the Blind (1160–1235), Elijah adopts the simple interpretation of *Pirkei de-Rabbi Eliezer* that in fact matter existed eternally. Unlike Isaac, however, Elijah justifies his position with the Aristotelian philosophical language of creation ex nihilo (*yesh me-ayin*)" (p. 45). In claiming that for kabbalists matter existed eternally, Stern seems to have conflated the Platonic view of creation (creation from pre-existing matter) and the Neoplatonic view (emanation), and I am not sure what Stern means by referring to "creation ex nihilo" as Aristotelian language. Stern also seems to be unaware that the Neoplatonic interpretation of *yesh me-ayin* is a feature of kabbalistic literature from its inception—see G. Scholem, *Origins of the Kabbalah* (Princeton University Press, 1987), pp. 422–426. See also *Likkutei ha-Gra* in *Sifra de-Tzeniuta* (Vilna, 1882), p. 38a ("*Sod ha-Tzimtzum*"). R. Ezra of Gerona already pointed to Maimonides' rejection of this passage in *Pirkei de-Rabbi Eliezer* as the point of difference between Maimonides and the Kabbalah. See Scholem, *Studies in Kabbalah* I, ed. Y. Ben Shlomo (Tel Aviv, 1998), p. 28: השאלה הרביעית באיזה דבר בא רבי' משה [הרמב"ם] כנגד הקבלה? ידוע תדע כי דברי ר' אליעזר הגדול נכונים וברורים באמרו השמים מהיכן נבראו והארץ מהיכן נבראת, והוא על דעת אפלטון...

In other words, according to Stern, the Gra knew that he was not restoring the text to its original, error-free condition. The original rabbinic text itself "contains wasted words and imprecise language that the interpreter is tasked with correcting" (58). Stern does not offer much evidence to substantiate this claim. He appears to be basing his theory on the fact that the Gra often uses the word "*meyutar*," meaning "extra," in his emendations.[11] Stern points to one text to demonstrate that, according to the Gra, all human texts are flawed—the Gra's commentary to Proverbs 8:8. In Stern's rendering, the Gra contrasts Scripture, which is perfect, with human texts which are flawed. However, the Gaon says nothing of the sort. In fact, instead of supporting Stern's case, the Gra's comments disprove it. Here I will present Stern's translation, side by side with the original and my translation:

[11] This is the text of the *Sifra* that Stern refers to as the Gra's "obviously" non-historical emendation:

(ג)...בעשותה התולה בעצמו חייב התולה בבית דין פטור כיצד הורו בית דין וידע אחד מהם שטעו או שהיה תלמיד ותיק יושב לפניהם וראוי להוראה כשמעון בן עזאי והלך ועשה על פיהם יכול יהיה פטור תלמוד לומר בעשותה התולה בעצמו חייב...

(ח) בעשותה התולה בעצמו חייב והתולה בבית דין פטור כיצד הורו בית דין וידע א' מהן שטעו או תלמיד שהוא יושב לפניהן וראוי להורייה כשמעון בן עזאי והלך ועשה על פיהן יכול יהא פטור, תלמוד לומר בעשותה, התולה בעצמו חייב והתולה בבית דין פטור. (ט) בעשותה אחת העושה כולה לא העושה מקצתה כיצד...

The Gra deletes the second passage (אות ח) because it is repetitive, or *meyutar*. In his notes, Stern criticizes Gil Perl for failing to recognize "the unique elements of Elijah's emendations":

> Perl explains certain emendations made by Elijah by noting "deleted entire line" or "deleted entire passage." Perl's translation of the word *meyutar* as "deletion" misses the philosophic underpinnings behind the emendation…

Of course, Perl did not "translate" *meyutar* as deletion, but merely noted that the Gra deleted the text. Stern has done nothing to prove that there are any "philosophic underpinnings" to the word *meyutar*, which after all is a way of noting that the text is extra and therefore should be removed.

Stern: […]	משלי ח:ח: בְּצֶדֶק כָּל אִמְרֵי-פִי: אֵין בָּהֶם נִפְתָּל וְעִקֵּשׁ.	Proverbs 8:8: All the words of my mouth are in righteousness; nothing in them is twisted or crooked.
	ביאור הגר"א: "בצדק כל אמרי פי" – **הוא נגד הגמרא** שפעמים אומר חסורי מחסרא ופעמים אומר תני כך, **ולא תאמר ח"ו שהוא דבר זר אלא הכל בצדק**.	"All the words of my mouth are in righteousness"—**this corresponds to the Talmud**, which sometimes says "there are words missing" and sometimes says "teach it so" [modifying the text], **and do not say, God forbid, that this is something strange, rather it is all straight**.
Regarding humanly authored texts, many times we should not accept what they say for two reasons: 1) Because what is expressed lacks clarity or is unintelligible; 2) Even if it does make sense, because it is superfluous or it incorrectly connects ideas that never should have been brought together. In contrast to such [writings], **Scripture** does not contain anything that is confused or unintelligible (p. 59).	"אין בהם עקש ונפתל" – כי פעמים אינו מתקבל דבר מחמת ב' טעמים: א' שהוא דבר עקום ועקש, והב' הוא אע"פ שהוא ישר מחמת שהוא מרבה דברים ומערבב כמה דברים זרים יחד בפלפולו ומעייל פילא בקופא דמחטא, **וע"ז אמר שבתורה אינו כן**, אף שהוא שקיל וטרי אין בהם נפתל, שהוא ערבוב דברים זרים יחד, וגם אין בהם עקש.	"Nothing in them is twisted or crooked" – at times something is rejected for one of two reasons: 1) because it is something twisted and crooked, or 2) even though it is straight, because it has too many words and mixes in strange things together with its argument and puts an elephant through the eye of a needle, **and about this [the verse] says that in Torah it is not that way**, rather even though there is back and forth, there is no convolutedness…and there is also no twistedness.

In his translation, Stern omits the first half of the Gaon's comments on the verse, in which the Gra states explicitly that he is discussing the Talmud, *not* Scripture. In the portion that Stern translates, he adds the words "regarding humanly authored texts," which are not present in the text. Stern then translates "Torah" in the Gaon's comment as Scripture, when the Gra is in fact discussing Talmud.[12]

[12] See the Gra's comment to Proverbs 8:6 in which he explains that the following six verses correspond to the six parts of Torah: Scripture, Mishnah, Talmud, *Midrash*, *Mussar* and *Sod*. Stern also overlooks the Gaon's comments to Proverbs

Not only does the Gaon not distinguish between human and divine texts—the Gra's point is exactly the opposite of the one attributed to him by Stern. The Gaon's purpose in this passage is to defend rabbinic literature from charges of imprecision and other faults. Instead of contrasting the perfection of Scripture with the imperfection of the Oral Law, the Gra is explaining these verses to mean that the Oral Law—the Talmud and Midrashim—is free of crookedness and is clear to the discerning. Thus the very passage Stern quotes as evidence for the Gra's belief in the imperfection of rabbinic texts is proof for the opposite view.[13]

In both his discussion of emendations and his chapter on the *Biur ha-Gra*, Stern contrasts the approach of the Gaon of Vilna with the "*pilpul* school" of R. Yitzḥak Canpanton (1360–1463), known as the "Gaon of Castile." For Stern, Canpanton stands as an advocate of Talmud's perfection, whereas the Gra believes in Talmud's imperfection. As an example of Canpanton's insistence on Talmudic perfection, Stern (p. 125) refers to the following passage in his *Darkhei ha-Talmud*, for which I will provide an excerpt of the Hebrew original:

8:9 which convey the Gra's attitude toward the *midrashei halakhah* Stern is discussing:

כֻּלָּם נְכֹחִים לַמֵּבִין; וְיְשָׁרִים לְמֹצְאֵי דָעַת. כלם נכוחים כו' – **הוא נגד מדרש כגון ספרא וספרי וכדומיהן** שהן תמוהים מחמת שני דברים, א' שדורש את הדין מה שבתורה מפורש שאין הדין כן, כמו עין תחת עין וכדומה, והב' שדורש את הפסוק כגון "ואם לרבות התמורה" וכדומה מה שאין מוכח כלל מן הפסוק הזה, וע"ז אמר כולם נכוחים למבין, **על מה שאין מוכח אמר שכולם נכוחים רק למבין, למי שמבין דבר מתוך דבר**. וישרים כו' – כלומר **ומה שדומה בעיניו שאין הדין ישר אמר שישרים אך למוצאי דעת, למי שיש לו דעת בתורה.**

[For a translation of this comment and a perceptive discussion of the Gaon's approach to *midrashei halakhah*, see Jay Harris, *How Do We Know This? Midrash and the Fragmentation of Modern Judaism* (SUNY Press, 1995), pp. 234-239.] See also *Haggahot ha-Gra* to *Eruvin* 76b, who objects to the suggestion of Tosafot that the Talmud contains an error on a mathematical point: תוס' ד"ה ור"י כו' דהכא טעו. נ"ב: וח"ו שטעו...

13 Stern finds in the Gra's emendations nothing less than a new philosophy of evil. According to Stern, "The Gaon's textual emendation can be understood as part of his larger project of eradicating evil and error in society," and "Elijah embroidered the theological concept of evil around the idea of textual error" (60). In his notes (p. 210, n. 25), Stern backs up these claims with the following:

> See Allan Arkush's discussion of Leibniz's notion of evil in his *Moses Mendelssohn and the Enlightenment*, 12–14. See also Wellbery, *Lessing's Laocoon*, which notes how for eighteenth-century thinkers, "errors and disputes follow from our inattention to the ideas signified by words."

This is all the proof that Stern provides for the Gaon's new understanding of the theological concept of evil found in corrupt texts.

> בתחילת עיונך, תשים במונח במחשבתך כי כל אחד מהמדברים, אחד השואל ואחד המשיב, שהם בעלי שכל, ושכל דבריהם בחכמה ובתבונה ובדעת, **אין בהם נפתל ועקש**...[14]

In describing the Talmud, the Gaon of Castile and the Gaon of Vilna both selected the same phrase in Proverbs 8:8, "it contains nothing twisted or crooked." Stern has chosen this passage to point to what he considers to be the distinction between these two sages in their attitudes toward the Talmud. Instead, it highlights their shared view, that the Talmud is free of error.[15]

Biur ha-Gra and the Rise of the Yeshiva

Another element in the Gra's modernity, according to Stern, is the role played by the Gra's commentary on *Shulḥan Arukh*. Describing a shift in authority from the "*kehillah* structure" to the yeshiva, Stern argues that, "This shift was encouraged by Elijah's commentary to the *Shulḥan Arukh*...Indeed this pathbreaking commentary, Elijah's magnum opus, contributed to the transformation of eastern European Jewish intellectual life away from a code-based culture that reflected the governing institution of the *kehillah* toward a modern religious one revolving around the model of persuasive education adopted by the Volozhin yeshiva" (115).

Before evaluating this claim, we should look at one example of the *Biur ha-Gra* provided by Stern. According to Stern,

> A typical comment made by the Gaon in the *Biur* assumes a familiarity with Talmudic texts from three or four very different tractates. The reader would be expected to know the positions of each Tanna…and Amora…as well as the medieval commentaries of Rashi, Tosafot, Asher ben Yechiel, and Maimonides…The Gaon explains these source documents sometimes with only a ten-word statement that might cite three or four different authorities (123).

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14 *Darkhei ha-Talmud*, ed. Y.S. Langeh (Jerusalem, 1981), p. 22.

15 In point of fact, as Daniel Boyarin has noted, the sensitivity to each word displayed by R. Yitzḥak Canpanton's school goes hand in hand with a critical approach to texts and textual emendation (Boyarin, "Darkam ba-Kodesh: al Shitat Limmud ha-Talmud be-Kerev Megorashei Sefarad," *Pe'amim* 3, p. 76 and n. 14). Appreciating the fact that the Gaon of Castile and the Gaon of Vilna shared an approach to rabbinic texts, we can understand why the Ḥazon Ish, perhaps the twentieth-century's leading proponent of the Vilna Gaon, was also a leading proponent of R. Yitzḥak Canpanton's *Darkhei ha-Talmud*—see *Darkhei ha-Talmud*, ed. Y.S. Langeh, p. 10.

Stern gives the following example of the Gra's concision, which I will provide together with the text of the *Shulḥan Arukh* and my translation:

Stern: For example, when Karo interprets the biblical injunction against sacrificing an animal with its child as referring to specific animals,	שלחן ערוך, יורה דעה סי' ט"ז סעיף ז': אין איסור אותו ואת בנו אלא בבהמה טהורה בלבד, שנאמר: "ושור או שה אותו ואת בנו לא תשחטו ביום אחד".	*Shulḥan Arukh*: The prohibition of "it and its offspring" applies only to a kosher domesticated animal, as it says (Lev. 22:28): "And an ox or a sheep, you shall not slaughter it and its offspring on one day."
Elijah comments: 'See there [Chullin] 79b and in the Midrashic work *Torat Kohanim* [Emor, section 8, chapter 7]. But Rabbi Isaac Alfasi [Chullin 27b] and Rabbi Asher ben Yechiel [Chullin chapter 4, topic 3] say it also refers to a bull, and **not a non-domesticated animal, a sheep nor chickens**' (p. 123).	ביאור הגר"א: אין איסור כו'. שם ע"ט ב' ובת"כ, והביאו הרי"ף והרא"ש: שור ולא חיה שה ולא עופות.	*Biur ha-Gra*: Ibid. [Chullin] 79b and in *Torat Kohanim*, cited by R. Alfasi and R. Asher: "'An ox' – and not a non-domesticated animal; 'a sheep' – and not fowl."

Whereas Stern sees the Gra as pointing to a dispute about the parameters of the prohibition, the Gra is in fact just referencing the source for the *Shulḥan Arukh*'s uncontroversial ruling. According to Stern's reading of the *Biur ha-Gra*, both R. Isaac Alfasi and R. Asher hold a view at odds with the explicit verse cited by the *Shulḥan Arukh*. This example does not demonstrate the Gra's extreme concision, because he is after all just quoting a source, but it does prove the importance of familiarity with rabbinic modes of writing. To accurately convey the nature of the *Biur ha-Gra* one must be able to recognize the Gra's intentions. In this case, as in many or most of his comments, the Gra is simply referring to the earliest source for the *Shulḥan Arukh*'s ruling.

According to Stern, the primary focus of students prior to the Gaon was the *Shulḥan Arukh*, and not the Talmud. This changed in the eighteenth century, and "at the heart of this shift from code to commentary was the larger sociopolitical transformation of late eighteenth-century eastern European Jewish life and **specifically the Gaon's commentary to Karo's great code**" (121). To prove this ambitious thesis, one would need to demonstrate at least three things: First, that prior to the *Biur ha-Gra*, the focus of study was on codes and not on Talmud. Second, that the *Biur ha-Gra* made an impact on the way people studied. And third, that the Gra was in fact opposed to codes. However, not only do these things

remain unproven, but based on the sources Stern himself provides, one can demonstrate or make a better case for their opposite.

First, with regards to study prior to the Gra, as noted by Prof. Elchanan Reiner (in an article quoted by Stern), the eighteenth century saw a revolution in the printing of Talmudic commentaries. Reiner sees the publication of the *Pnei Yehoshua* as the turning point, noting that in the 125 years starting from the 1616 printing of the first volume of the *Yam shel Shlomo* until the printing of the *Pnei Yehoshua* began in 1740, there were only about fifteen exegetical books on the Talmud printed, "none of them amounting to even a quarter of the size of the *Pnei Yehoshua*." By contrast, in the seventy years following the *Pnei Yehoshua*, 1740–1810, "about one hundred such books were composed, some of them as voluminous as the *Pnei Yehoshua*." This renewed interest in Talmudic commentaries led to the eighteenth-century publication of the unprinted portions of Maharshal's *Yam shel Shlomo*, which had come to a halt in 1636, as well as the republication of the Talmud commentaries of the Spanish *rishonim*—Ramban, Rashba and Ritva—which had not been printed for two hundred years. According to Reiner, this shift is undoubtedly based on "the new trend initiated, and best represented by R. Jacob Joshua Falk" and his *Pnei Yehoshua*.[16] But whether or not the *Pnei Yehoshua* was responsible for the shift toward Talmudic commentary, this trend was already well underway by the time the first volume of the *Biur ha-Gra* was printed in 1803. The shift toward Talmudic commentary preceded the publication of the *Biur ha-Gra*, and it is therefore difficult to hold the Gra responsible.[17]

Second, with regards to the influence of the *Biur ha-Gra* on the emerging Yeshiva: In assigning significant influence to the Gra's work, Stern relies on Gil Perl's conclusion that, "contrary to the suggestions made by Etkes and Stampfer, it seems that the GRA might well have exerted sub-

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16 Elchanan Reiner, "Beyond the Realm of the Haskalah—Changing Learning Patterns in Jewish Traditional Society," *Simon Dubnow Institute Yearbook* 6 (2007), pp. 128-129. See also Yisrael Ta-Shma in *Sidra* 15 (1999), pp. 182-183.

17 In this context, it is worth noting the assessment recorded by R. Betzalel Landau ("*Ha-Shulḥan Arukh ve-ha-Gra*," *Machanayim* 97, pp. 40–46, http://www.daat.ac.il/daat/kitveyet/mahanaim/shulhan/landoy.htm), that the *Biur ha-Gra* marks the *end* of the period of the *Shulḥan Arukh* and its classic commentaries: מציינים רושמי רשומות, כי באור הגר"א הוא כעין חתימה כוללת של הפוסקים ונושאי כליהם, המרוכזים בד' חלקי שולחן ערוך, **והגר"א הוא חותם תקופה זו**.
[See also the expanded version of this essay in Landau, *Ha-Gaon he-Ḥasid mi-Vilna* (Jerusalem, 1978), pp. 70–85, 313–317.]

stantial influence in the world of early nineteenth-century rabbinic scholarship."[18] But Stern has misapplied Perl's thesis—Perl finds the Gra's influence specifically among those scholars who, "unconstrained by the distinctive mold of the modern yeshivah," followed the Gra in their study of texts neglected by the Yeshiva curriculum.[19] By contrast, as Prof. S.Z. Havlin notes, the dominant method of the Yeshiva and the Talmudic compositions it utilized was not that of the Gaon. The style of the Yeshiva was that of the "new *pilpul*" characteristic of the works "*Mishneh la-Melekh*, *Peri Ḥadash*, *Maḥaneh Ephraim*, *Ketzot ha-Ḥoshen*, *Netivot ha-Mishpat*, *Urim ve-Tumim*, *Noda bi-Yehuda*, *Sha'agat Aryeh*, *Mirkevet ha-Mishneh*, *Ḥiddushei R. Akiva Eiger*, *Ḥiddushei ha-Rim*, *Avnei Nezer*, *Minḥat Ḥinnukh*, and others like them."[20] For Yeshiva students, the Gra's often cryptic comments were not a ready source for these kinds of *ḥiddushim*.[21]

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18 Gil Perl, *The Pillar of Volozhin: Rabbi Naftali Zvi Yehuda Berlin and the World of Nineteenth-Century Lithuanian Torah Scholarship* (Academic Studies Press, 2012), p. 137. See Stern, p. 248, n. 71.

19 See Perl, pp. 9-10, 42–60, 127–142. For another such example, see B. Brown, *The Hazon Ish: Halakhist, Believer and Leader of the Haredi Revolution* (Magnes Press, 2011), pp. 461-462.

20 S.Z. Havlin, in *Yeshurun* vol. 5 (1999), pp. 697–707:
לאמתו של דבר לא היו לגר"א תלמידים מובהקים ממש, רוצה לומר כאלו שלמדו לפניו בקוטנם או בגודלם, או שקבלו את תורתם או רובי תורתם, ממנו דווקא, ושהוא עיצב את דמותם ואת דרכם... ממילא גם אין רואים המשך ברור ומובהק אצל המסתופפים בצלו, לדרכיו המיוחדים, ולא הליכה בדרכים שפילס. **כמעט שאין אתה מוצא חכמים שדרך לימודם דומה לשלו, ושחיברו חיבורים בדרכו**. יתר על כן אי אתה מוצא שיעסקו בתורתו יפרשוה ויפסקו על פי הכרעותיו... דרך הלימוד הרווחת בתקופות אלו, היתה של למדנות מעמיקה, של יצירות מקוריות, בפרשנות ובחידושי תורה שיש בהם חשיבה יוצרת. חריפות וניתוחים מחשבתיים, של פלפול הגיוני חדש... כמות טיב החידושים בספרים משנה למלך, פרי חדש, מחנה אפרים, קצות החושן, נתיבות המשפט, אורים ותומים, נודע ביהודה, שאגת אריה, מרכבת המשנה, חידושי ר' עקיבא איגר, חידושי הרי"ם, אבני נזר, מנחת חינוך ותולדותיהם כיוצא בהם. אין פלא שלטעם הלמדנים בדורות אלו לא התאים חיבור כמו ביאורי הגר"א, חיבור שנראה יבש, קצר ומתומצת מאד, שכולו ציונים קצרים, רמיזות והערות קצרות וסתומות, שלמדנים לא יכלו למצוא בהם סיפוק לשאיפות העיון שלהם.

21 See R. Aharon Kotler's approbation to R. E.M. Bloch, *Ruaḥ Eliyahu* (Lakewood, NJ, 1954):
ומבואר בספרי גדולי הדורות שאחריו, שבענינים שעמלו עליהם עידן ועדנים וזכו לרדת לעומקם של דברים בחדושי תורה אמיתיים, ראו אח"כ כי מפורש זה בדברי רבנו הגר"א בתיבות אחדות, ולפעמים בתיבה אחת או שתים וביתר שאת. ואלולי שעמדו בעצמם על הדבר, אי אפשר היה לראות את זה בדבריו, וב"ה שנוכחתי זה בעצמי כמה פעמים.
In this portrayal, only after "reaching the depths" of a *sugya* can the scholar appreciate what the Gaon intended, but beforehand one cannot appreciate the Gra's word(s).

The Gra and the *Shulḥan Arukh*

Finally, Stern's theory is based on the assumption that the Gra opposed the *Shulḥan Arukh* because he was opposed to codification of halakhah. According to Stern, the Gra was opposed to codes because they present only one opinion, whereas "Elijah's writings highlight the method of Talmudic commentary that accounts for 'both correct statements and other statements that contradict them'" (130-131). But this description is contradicted by the testimony of the Gaon's sons in their introduction to the *Biur ha-Gra* that the Gaon intended to write a code that would have provided only his own conclusions:

> שתיים זו שמעתי מפיו הקדוש והטהור שלא הסכימה עִמו דעת קונו, ולא עשה. לעת זקנתו שאלתיו פעמים רבות מדוע לא נסע לארץ הקדושה ולא ענני, **וכן הבטיח לי שיעשה פסקי הלכות מארבעה טורים בדעה מכרעת לכתוב רק דעה אחת הישרה בעיני חכמתו בראיות חזקות ועצומות שאין להשיב עליהן.** בקשתיו כמה שנים לפני פטירתו והשיב לי פעם אחת: 'אין לי רשות מן השמים'.

In studying the reception of the *Biur ha-Gra*, it is worth noting the evidence provided by its supercommentaries. In the introduction to his *Taklin Ḥadatin* (Minsk, 1812), R. Yisrael of Shklov already noted the necessity for a commentary on the *Biur ha-Gra*: "לזה צריך חיבור בפני עצמו יותר ויותר מחיבור הפרי מגדים על המגינים". But this need has gone largely unfulfilled until the last few decades and still remains incomplete. In the first such commentary, R. Eliezer Landau's *Damesek Eliezer* (Vilna, 1868) on the *Biur ha-Gra* on *Oraḥ Ḥayyim*, the author explains that the purpose of his work is to increase the study of the *Biur ha-Gra*, which "until now is like a sealed book, which almost no one seeks": אך חפצי כי יתרבו הלומדים ביאורי הגר"א אשר עד כה הוא כספר החתום, כמעט אין דורש אותו. In the introduction to his *Piskei ha-Gra* (Vilna, 1902-1904), R. Tzvi Hirsch Lempert expresses his astonishment that so few study the Gra's commentary: והאור הזה הוא ביאורי מרן הגר"א ז"ל כגנוז וחתום...אשר לא רבים ישתו ממי תלמודו ואין רבים משתמשים מאורו, לא נדע דבריו וחדושיו בלתי אחד מני אלף שוחר טוב יקח לו פנאי לעיין ולהעמיק בדברי מרן הגר"א זצוק"ל. R. Abraham Isaac Kook, who saw the Gra as a model for his project of unifying the halakhah with its sources, also recognized that the *Biur ha-Gra* was hardly used because of its terseness: "כבר אמרתי שהשימוש בביאורי הגר"א בחוג הלומדים הוא כ"כ ממועט מפני קיצורו הגדול" (*Hartza'at ha-Rav*, Jerusalem, 1920, p. 14). His own commentary, *Be'er Eliyahu* (first published in *Sefer ha-Gra*, Jerusalem 1954), covers only the *Biur ha-Gra* on the first section of *Ḥoshen Mishpat*. The commentary *Birkat Eliyahu*, which R. Barukh Rakover began publishing in 1968 under R. Kook's inspiration, now contains twenty-seven volumes, but is still missing the entire *Yoreh De'ah* section of *Shulḥan Arukh*.

אמרתי ראוי היה וכו' אלא שאין הדור נראה יפה.[22]

According to this testimony, the Gra's intended work would not have presented multiple views; it would have presented only one view—the Gaon's.[23] If the Gra opposed the *Shulḥan Arukh,* it was not because it was a "monolithic code," but because it was not *his* code. Instead of explaining the *Biur ha-Gra* as an attack on codes, a better explanation would be that it attempts to unify the *Shulḥan Arukh* with its sources, while also providing the Gra's conclusions where they differ from those of the *Shulḥan Arukh.* In this view, the *Biur ha-Gra* thus serves as a completion of the *Shulḥan Arukh.* And in fact, this is how the Gra's student R. Yisrael of Shklov described the *Biur ha-Gra* and its relationship to the *Shulḥan Arukh*, as we will see.

According to Stern, "Elijah's main point of contention with Karo had to do with the misreading of classical rabbinic sources, most notably the Talmud. Yisrael of Shklov noted that the Gaon often criticizes the *Shulḥan Arukh* for failing to list—and sometimes even to follow—opinions expressed in Talmudic sources." Stern provides no reference for this claim, and I have not found it in R. Yisrael's discussions of the Gra in the introductions to his various works.[24] Instead, one finds a very different picture of the *Shulḥan Arukh* and the Gra's relationship to it. In R. Yisrael's introduction to his *Pe'at ha-Shulḥan*, he presents a history of halakhah until his day, consisting of a paean to the codes that preceded his,[25] the *Mishneh Torah* and the *Shulḥan Arukh*, and to the *Biur ha-Gra*:

> וקבעו בעלי אסופות כמסמרות נטועים הלכות פסוקות על כל סדרי התורה שבע"פ. **וראשון בקודש הי' האדם הגדול הגאון משה איש אלקים רבינו הרמב"ם ז"ל בחיבורו ספר משנה תורה**, הלכות קבועות וסדורות, תורה חתומה נתנה. **ואחריו קמו רבותינו בעלי הש"ע** הגאונים מרן ב"י ז"ל ומור"מ ז"ל, והעריכו ארבע שולחנות בכל הדברים הנוהגים בזמן הזה ע"פ לשונו של הרמב"ם ז"ל והוסיפו חידוש דינים שנתחדשו ונתוספו מגאונים אחרים... והמה האירו את

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22 Introduction to *Biur ha-Gra*, *Oraḥ Ḥayyim*. The introduction is written in the first person singular although it is signed by both sons of the Gra.

23 Stern himself quotes this introduction (p. 131), but he does not note that it contradicts his thesis.

24 In addition to his introduction to *Pe'at ha-Shulḥan*, see also his introductions to his *Taklin Ḥadatin*, and to the *Biur ha-Gra* on *Shulḥan Arukh*, *Oraḥ Ḥayyim*:
הן עתה עלינו לבא ברוב ההודאות לשמו הגדול יתברך שזכינו לאור הגדול של ביאורי הגאון ז"ל, המאיר על כל תיבה ותיבה של הש"ע ורמ"א מקורות מן הש"ס וכל התורה כולה, אשר עתה כל המעיין בש"ע עם ביאורי הגאון ז"ל הוא ממש מדקדק בכל סוגיות ושיטות הש"ס, ומלאה הארץ דעה כמים לים כו'.

25 R. Yisrael of Shklov named his code *Pe'at ha-Shulḥan* to be "an ending and completion" to the four volumes of *Shulḥan Arukh* (title page, *Pe'at ha-Shulḥan*, 1836).

> עיני כל ישראל להורות הלכה למעשה ואחריהם כל גדולי גאוני האחרונים ז"ל, ובפרט אחרון הגאונים בזמן, רשכבה"ג גאון הגאונים **רבינו אליהו החסיד נ"ע מווילנא אשר פירש טליתו על ארבע שולחנות וחיברם להתלמודים וספרי התנאים ורבותינו הראשונים** והאיר עיני כל החכמים בהכרעותיו בעומק דעתו הקדושה. **מה טוב ויפה אף נעים מעשה השולחן הטהור** בו מלכים ימלוכו בו שרים ישורו בו נגידים ידברו, כולם נכוחים למבין וישרים למוצאי דעת.

R. Yisrael views the *Biur ha-Gra* as a work that completes the *Shulḥan Arukh* by "attaching" it to its sources in the Talmud, Tannaitic literature and the *Rishonim*. There is no hint of the view attributed to him by Stern, in which there is a sharp division between the *Shulḥan Arukh* and the Talmud, with the Gra on the side of the Talmud against the *Shulḥan Arukh*. Stern does not provide a source for his claim, but even if such a source would exist, it would conflict with R. Yisrael's portrayal of the Gra in his other works, a fact that Stern ignores.

As an example of "Elijah's emphasis on the Talmud" that "lies at the heart of his critique against Karo," Stern provides the following:

> For example, in *Yoreh De'ah* 46:1 Karo presents a list of various blessings one recites upon awakening, ranging from praising God for the ability to hear when one is awakened by the rooster's crow to thanking God for strength when putting on one's belt. Karo's list is roughly 110 words. Elijah's comments to Karo's list comprise no more than fifteen words, "and this list was arranged by Rabbi Asher ben Yechiel and Jacob ben Asher, but Alfasi and Maimonides compiled another list, and our version is different [than both lists] and is based on the Gemara [Berachot 60b]" (126-127).

In fact, the Gra's comment (which is in *Oraḥ Ḥayyim*, not *Yoreh De'ah*) has nothing to do with a critique of Karo for "misreading" the Talmud, nor is it a critique at all. The Gra is merely pointing out different versions of the Talmud—Maimonides' and R. Alfasi's version differs from R. Asher's, and both of these differ from our printed version. The Gra is not accusing R. Alfasi, Maimonides, R. Asher and the *Tur* of misreading the Talmud—there is only one misreading here.[26]

Another example Stern gives of the nature of the *Biur ha-Gra* concerns the contrast between the Gra's commentary and his allegedly pilpulistic predecessors. "Unlike the pilpulists, who sought to smooth over contradictions, Elijah considered it 'well known that the author of the *Shulḥan Arukh* contradicts himself, and there is nothing unique about this' [*eyn ha-*

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[26] *Biur ha-Gra*, *Oraḥ Ḥayyim* 46:1: כשיעור כו'. כ"ז סידור הרא"ש וטור, אבל רי"ף ורמב"ם סידור אחר, וגירסא שלנו בגמ' ג"כ סידור אחר.

zeh klum]" (126). In this case, the Gra does say what he is quoted as saying;[27] however, it does not mean what Stern thinks. As R. Eliezer Landau already explained in his supercommentary *Damesek Eliezer* (Vilna, 1868), the Gra means simply that because of the composite nature of the *Shulḥan Arukh*, it quotes responsa with which the author does not agree on every point.[28] This point is discussed at length, with examples, by R. M.A. Petrover. Stern himself quotes this article elsewhere but makes no mention of it here.[29]

The Gaon and Maimonides

Having demonstrated to his satisfaction the Gra's opposition to codification, Stern goes on to explain that the Gaon's real target is Maimonides' code:

> Elijah criticized not only Karo but also the originator of the medieval halakhic code, the great sage Maimonides… He repeatedly points to places where Maimonides's interpretations are *dachuk* (forced) and *tamuha* (implausible). Elijah's harsh words did not go unnoticed. Some have argued that the *Biur ha-Gra* on the *Shulchan Arukh* may be more accurately thought of as a *Biur* on Maimonides: "At times, even when the *Shulchan Arukh* did not adopt Maimonides's position and does not even make mention of it, Gra ignores the *Shulchan Arukh*'s comments and attempts to explain the opinion of Maimonides." So pervasive was this sentiment that the editors of the most recent and authoritative edition of Maimonides's code (published by the Frankel publishing house in 1982) lifted the *Biur* from the *Shulchan Arukh* and placed it beneath Maimonides's text (127-128).

In his note (p. 245 n. 51), Stern cites "Petrover, 'Le-Darkho shel ha-Gra bi-Biuro le-Shulḥan Arukh,' 743–745, and the examples he cites to support his claim." In fact Petrover's article (actually on pp. 745-746) makes the opposite point. According to Petrover, the editors of the

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27 *Biur ha-Gra*, *Oraḥ Ḥayyim* 498:4: ואף שהש"ע סותר למ"ש בסי' תקט"ו, אין בזה כלום כידוע.

28 *Damesek Eliezer*, 498:15.

29 Petrover, *Yeshurun* vol. 4 (1997), pp. 747-748:
והנה כידוע יש סתירות בפסקי השו"ע, ודרך מפרשים רבים היתה לעשות אוקימתות כדי להתאים פסקי השו"ע אלו לאלו. אמנם דרכו של הגר"א הינה, שמאחר והשו"ע מעתיק לשונות של ראשונים, אין לדקדק בפרטי הדין, ולעתים השו"ע מעתיק לשון הראשון רק משום שפסק כמותו בעיקר הדין, אף שאינו פוסק כמותו בפרטים הנוספים שהובאו באותו ראשון. ועי' בשו"ע (או"ח תרמו:א) שפסק "הדס שנקטם ראשו כשר", ולהלן בסעיף י' כתב השו"ע "נקטם ראשו כשר וכו' ויש פוסלין בנקטם ראשו". וכתב שם בביאור הגר"א על סעיף א'...וז"ל, "הדס שנקטם וכו' ולקמן ס"י מביא מחלוקת, לפי ששני סעיפים הראשונים אלו הם לשון הרמב"ם, ומסעיף ג' הוא לשון הטור, נמשך כאן אחר לשון הרמב"ם אגב שאר הדינים".

Frankel *Mishneh Torah* erred in collecting the *Biur ha-Gra* and placing it underneath the words of the Rambam, because sometimes even where the *Shulḥan Arukh* is citing the Rambam word for word, the Gra's comments are explaining only the *Shulḥan Arukh* and *not* the Rambam. The examples that Petrover cites are examples of this phenomenon, where although the Gra is ostensibly commenting on the language of the Rambam, in fact his comments relate only to the *Shulḥan Arukh*.

According to Stern, the Gra's criticism of Maimonides' rulings "reflect his more general criticisms of the medieval philosopher's inability—in his philosophical and legal writings alike—to take seriously the totality of the Jewish canon." In other words, Maimonides presents not the conflicting views found in the sources, but only the view that he accepts. Stern argues that the Gra rejected Maimonides' halakhah and philosophy because of Maimonides' "philosophical essentialism," by which he means Maimonides' failure to reckon with divergent opinions in rabbinic literature. If the Gaon was opposed to "philosophical essentialism," as Stern claims, he would share this critique with postmodern thought.[30] But there is no evidence that the Gra actually held this view.

Stern bases his claim on a single text, the Gra's well-known condemnation of Maimonides' rationalistic philosophy (*Yoreh De'ah*, 179:6). Although Stern is aware that "scholars from the past century have interpreted this passage as a denunciation of philosophy," he argues that the Gra's comments "are directed not at studying philosophy, but rather at the way a philosophical approach may ignore linguistic nuance" (129).

The passage in *Shulḥan Arukh* upon which the Gra is commenting discusses the permissibility of reciting an incantation on a scorpion wound:

> שולחן ערוך, יורה דעה סי' קע"ט סעיף ו: מי שנשכו עקרב מותר ללחוש עליו, ואפילו בשבת, **ואף על פי שאין הדבר מועיל כלום** הואיל ומסוכן הוא התירו, כדי שלא תטרף דעתו עליו.
>
> One who was stung by a scorpion, it is permitted to recite an incantation for him, even on the Sabbath, and **even though it does not help at all**—since he is in danger they permitted it, so that he will not lose his senses.

The Gra objects to the *Shulḥan Arukh* (who is quoting Maimonides) saying that incantations do not work. Here is Stern's translation of the Gra's comments, together with the original and my translation:

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30 T. Eagleton, *The Illusions of Postmodernism* (Blackwell, 1996), p. 97: Essentialism is "one of the most heinous crimes in the postmodernist book, a well-nigh capital offence."

Stern: All those who came after Maimonides differed [**because they did not use his rational allegorical interpretive technique**]. For many times we find magical incantations mentioned in the Talmud. Maimonides and philosophers claimed that such magical writings and incantations, and devils, are all false. However, he [Maimonides] was already reprimanded **for such an interpretation**. For we have found many accounts in the Talmud about magical incantations and writings....	ביאור הגר"א, יורה דעה סי' קע"ט, ס"ק י"ג: ואע"פ כו'. הרמב"ם...אבל כל הבאים אחריו חלקו עליו שהרי הרבה לחשים נאמרו בגמרא, והוא נמשך אחר הפלוסופיא הארורה ולכן כ' שכשפים ושמות ולחשים ושדים וקמיעות הכל הוא שקר, אבל כבר הכו אותו על קדקדו שהרי מצינו הרבה מעשיות בגמ' ע"פ שמות וכשפים... והתורה העידה ויהיו תנינים וע' זוהר שם, וכן קמיעין בהרבה מקומות ולחשים רבו מלספר.	Maimonides (*Hilkhot Avodah Zarah* 11:11) …But all who came after argued with him, because many incantations are given in the Talmud, and he followed the accursed philosophy and therefore he wrote that magic, [magical] names, incantations, demons and amulets are all false, but they have already struck him on his head, for we find many stories in the Talmud based on names and magic… and the Torah testified "they became serpents," and see the Zohar ad loc.,[31] and so too amulets in many places and incantations too many to count.
Philosophy is mistaken in a majority of cases when it interprets the Talmud in a superficial manner and destroys the *sensus literalis* of the text. But one should not think that I in any way, Heaven forbid, actually believe in them or in what they stand for. Rather, [what I mean] is that everything written follows according to its *sensus literalis* but all of these things have within them a hidden essence [that must be interpreted]. Not the meaning of the	והפלסופיא הטתו ברוב לקחה לפרש הגמרא הכל בדרך הלציי ולעקור אותם מפשטן. וח"ו איני מאמין בהם, ולא מהם ולא מהמונם, אלא כל הדברים הם כפשטן אלא שיש בהם פנימיות, לא פנימיות של בעלי הפלוסופיא שזורקין אותו לאשפה שהם חצוניות, אלא של בעלי האמת.	**But philosophy seduced him with her many persuasions,[32] to explain the Talmud all in an allegorical manner** and to uproot it from its simple meaning, but God forbid, I do not believe in them [the philosophers], neither of them nor of their masses,[33] rather everything is like its simple meaning but also has an inner meaning, **not the inner meaning of the philosophers which**

31 Exodus 7:12: וַיַּשְׁלִיכוּ אִישׁ מַטֵּהוּ, וַיִּהְיוּ לְתַנִּינִם. Zohar, *Parashat Va'era*: אמר רבי יוסי אי תימא חרשיא כל מה דעבדין לאו איהו אלא בחיזו דעינא, דהכי אתחזי ולא יתיר, קא משמע לן "ויהיו" דייקא, דכתיב ויהיו לתנינים.

32 Proverbs 7:21: הִטַּתּוּ בְּרֹב לִקְחָהּ, בְּחֶלֶק שְׂפָתֶיהָ תַּדִּיחֶנּוּ—"With her enticing speech she caused him to yield, with her flattering lips she seduced him."

33 Ezekiel 7:11: הָחָמָס קָם לְמַטֵּה רֶשַׁע לֹא מֵהֶם וְלֹא מֵהֲמוֹנָם וְלֹא מֵהֵמָּה וְלֹא נֹהַ בָּהֶם—"Violence is risen up into a rod of wickedness: none of them shall remain, nor of their multitude, nor of any of theirs: neither shall there be wailing for them."

philosophers **who toss [the *sensus literalis* of the text] into the refuse**, but the [inner sense] of the masters of truth (128).		**should be thrown into the refuse**, [and] which is external, but of the masters of truth [Kabbalah].

To paraphrase the Gra's comment: Citing the many incantations in the Talmud, the Gra explains that Maimonides, under the influence of "the accursed philosophy," did not believe in "magic, holy names, incantations, demons, and amulets," but all who followed Maimonides argued with him based on the many Talmudic passages discussing these things. According to the Gra, Maimonides explained these passages allegorically, but the Gra says of himself that he does not, God forbid, believe such things, rather all these passages are literal although they contain an inner [kabbalistic] meaning.

For Stern, however, the Gra accepts Maimonides' rationalism, and objects only to his allegorical interpretation. In this view, the Gra like Maimonides rejects the Talmud's accounts of magic, but whereas Maimonides allegorically reinterprets the Talmud to his liking, the Gra does not. According to Stern, "In Elijah's view, references to demons, magic, charms, and other irrational objects and ideas cannot be ignored—though not per se because he thinks they actually exist."[34] Stern refers to "Elijah's admirer Menashe Illya" according to whom the Gra "criticized those who interpreted Midrash according its literal sense when the Midrash went against reason" (129). This does not tell us what the Gra defined as "against reason." Besides the evidence in this *Biur ha-Gra*, other sources

[34] Elsewhere Stern appears to take a different view:

> Scholars point to the Gaon's rejection of mystical intermediaries as indicative of his rationalist leanings. Elijah, they claim, did not believe in ghosts or otherworldly beings. This is not so: the Gaon affirmed that one could theoretically receive knowledge through divine intermediaries, but he was adamant that none of *his* knowledge came from such sources (153).

As a reference to the scholars who viewed the Gaon's rejection of *maggidim* as indicative of his rationalism, Stern refers to Haim Hillel Ben-Sasson, "Ishiyuto shel ha-Gra ve-Hashpa'ato ha-Historit," *Zion* 31, nos. 1-2 (1966): 44–53; and Immanuel Etkes, *The Gaon of Vilna: The Man and His Image*, 26–29. In fact, neither of these two scholars makes any such claim. As support for his own view, that the Gra accepted the possibility of *maggidim*, Stern refers to "Elijah's commentary on Proverbs 19:32 in *Mishlei im Biur ha-Gra*." No such verse exists; Ben-Sasson (n. 29), however, provides the correct reference to Proverbs 19:23, where the Gra discusses sleep as a time for heavenly study.

corroborate the Gra's differences with the modern rationalist's worldview. [35]

In his notes, Stern tells us that earlier interpreters of this *Biur ha-Gra* "base their interpretation on the passage in the Gaon's writing where he is said to have called philosophy *arurah*" (p. 245 n. 52). In fact, this single word was not the basis of "their interpretation"; the entire passage attests to the Gaon's view.[36] Stern then refers us to "Shmuel Joseph Fuenn,

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[35] For some relevant sources on the Gra's attitude toward interpretation of Ḥazal, philosophy and supernatural phenomena unmentioned by Stern, see: R. Yitzḥak Isaac Ḥaver, *Magen ve-Tzinah* (Amsterdam, 1855) p. 49, regarding the Gra: ועם כל זה החזיק במעוזו וחיזק בכל מקום בכתבים שלו כל דברי חז"ל, ואמר שנשתבשו כל הפלוסופים וחכמי התכונה, והאמין בכל דברי חז"ל כפשטם.

R. Menaḥem Mendel of Shklov, introduction to the Gra's commentary on *Avot* (Shklov, 1804):

אספרה אל חוק דבר אחד אשר שמעתי מפיו הקדוש, כאשר ישבתי לפניו ונתגלגל לפניו הענין של החכם אריסט"ו. ואמר רבינו הגאון שודאי הוא שהיה אריסט"ו כופר מהתחלה ועד סוף... ובאמת נרתעתי לאחורי בשמעי הדברים האלו יצאו מפורשים מפיו הקדוש והטהור, אף הוא השיב אמריו לי, מה התמהון הזה, ע"י שֵׁם אחד הייתי עושה כל זה, והגאונים שאחר זמן הגמרא ידעוהו ג"כ.

According to R. Menaḥem Mendel, the Gra said that he would have demonstrated to Aristotle the possibility of miracles by performing one himself. See also R. Ḥayyim Volozhiner, introduction to *Sifra de-Tzeniuta* (Vilna and Horodna, 1820):

ובס' יצירה היתה משנתו סדורה לו מימי ילדותו בגירסא ברורה ועמקות נורא... אמרתי לו מעתה הלא אינו דבר גדול ופלא כ"כ לברוא גולם, השיב לי כי באמת פעם אחת התחלתי לברוא גולם, ובעודי באמצע עשייתי חלף ועבר תמונה א' על ראשי והפסקתי מלעשותו עוד, כי אמרתי מסתמא מן השמים מנעוני לפי רכות שני אז, ושאלתיו בן כמה היה אז, והשיב שהיה קדם י"ג שנה.

See also *Biur ha-Gra la-Nakh*, Isaiah 2:6, ed. M.Y. Katzenellenbogen (Jerusalem, 2002), p. 80 and n. 49. The Gra's attitude toward philosophy has been discussed extensively in the journal *BDD*—see, e.g., R. Shuchat, *BDD* vol. 2, pp. 93–95.

[36] To explain the Gra as he did, Stern had to overlook or reinterpret much of what the Gra says. According to the Gra, the Torah itself tells us that Pharaoh's sorcerers successfully turned their staffs into serpents—thus the existence of magic does not depend on the proper method of interpretation of rabbinic texts—but Stern omitted this section from his translation. Stern also incorrectly adds to his translation that others rejected Maimonides "because they did not use his rational allegorical interpretive technique." However, those who argued with Maimonides argued not about an interpretive technique, but about the existence of these supernatural phenomena. Stern also misconstrues key sections of the comment. He translates "והפלסופיא הטתו ברוב לקחה לפרש הגמרא הכל בדרך הלציי ולעקור אותם מפשטן" to mean that "Philosophy is mistaken in a majority of cases when it interprets the Talmud in a superficial manner." In fact the Gra says nothing about "a majority of cases" or "superficial" interpretation. Instead, the Gaon is employing a verse from Proverbs (7:21) to say that the allure of rationalist philosophy led Maimonides astray; as a result, Maimonides interprets the Talmud's

Matisyahu Strashun, and Hillel-Noah Maggid Steinschneider, *Kiryah Ne'emanah: Korot Adat Yisrael be-Ir Vilna* (Vilna: Yitzchak Funk, 1915), 169, where the authors claim that this phrase was put in by later editors." The passage Stern is referring to (which is not by the authors he mentions and is not on the page he mentions) does not claim that this phrase was added. On p. 160 of *Kiryah Ne'emanah*, there is a letter by R. Tzvi Hirsch Katzenellenbogen in which he says that the entire passage is an interpolation.[37] However, Stern does not mention any of the numerous sources attesting to the authenticity of this *Biur ha-Gra*.[38] Finally, in the above note, Stern refers us to an article by Prof. Alan Brill "on the way in which this term was supposedly inserted by later editors." In this article, Brill does not discuss this term or how it was supposedly inserted at all.[39]

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accounts of magic allegorically and rejects their literal meaning. Stern interprets "שזורקין אותו לאשפה" to mean that philosophers discard the literal meaning, when it means that the supposed "inner meaning" that philosophers find in the Talmud should be discarded.

37 *Kiryah Ne'emanah*, p. 160:
שמעתי מפי הרב הגאון מוהר"ר מנשה איליער זלה"ה שמה שכתב הגר"א בהלכות כישוף (שו"ע יו"ד סימן קע"ט ס"ק י"ג) על הרמב"ם ז"ל שנמשך אחרי הפלוספיא הארורה וכו' וכו' – אבל כבר הכו אותו על קדקדו וכו' וכו', וכמו כן מש"כ בהלכות כבוד רבו (שו"ע יו"ד סי' רמ"ו ס"ק י"ח) על דברי הרמ"א, "אבל לא ראו את הפרדס לא הוא ולא הרמב"ם" וכו' יעוי"ש, שאינם דברי הגר"א ומעולם לא יצא מעטו ומפיו הקדוש דברים כאלה, ואיש אחר הציג כל זה בביאור הגר"א בשעת הדפסה, והוא היה מכיר את האיש ואת שיחו.

38 See e.g., *Yabia Omer* (*Yoreh De'ah* 1:9) where, after citing the above passage in *Kiryah Ne'emanah*, R. Ovadiah Yosef continues:
אולם בס' עליות אליהו (דף יג ע"א) הובא מכתב ממהר"ש לוריא, (שהוציא לאור הדפוס ספרי הגר"א ובכל כתבי יד קדשו נאמן הוא, לפי עדות הרב המחבר הנ"ל), שדברי הגר"א בביאוריו ליו"ד (סי' קעט וסי' רמו) נמצאים בכתב יד קדשו, ולכן מ"ש רצ"ה ק"ב בקריה נאמנה הנ"ל לדבר תועה על מסדרי הדברים הנ"ל, אינה קריאה נאמנה, ושקר ענה, ע"ש. וכ"כ ר' אהרן מרכוס בספר החסידות (עמוד עט) לדחות דברי רצ"ה ק"ב הנ"ל, ע"פ עדות הגאון רד"ל שקבע אמיתות הדברים ע"פ כתב היד של הגר"א. וכ"כ ר' יצחק מלצאן באבן שלמה (פרק יא אות ג), שכן נמצא בכי"ק של הגר"א, ושלא כיש אומרים שאין זה מדברי הגר"א.
Y.Y. Dienstag notes the Haskalah motivations behind the doubters' claims (Dienstag, *Talpiyot* vol. 4, pp. 255-256). See also R. Mordechai Halperin, *Assia* 75-76 (2005), n. 27, http://98.131.138.124/articles/ASSIA/ASSIA75-76/ASSIA75-76.02.asp, and the response of R. Aharon Linderfeld, *Assia* 83-84 (2008), pp. 220–231, http://98.131.138.124/articles/ASSIA/ASSIA83-84/ASSIA83-84.18.asp, esp. the quote at n. 39. On how the word "*ha-arurah*" was *omitted* in later printings of *Shulḥan Arukh*, see Dienstag, p. 257. [The text has been restored to its original form in the recent *Mekhon Yerushalayim* edition of *Shulḥan Arukh*.]

39 Alan Brill, "Auxiliary to 'Hokhma': The Writings of the Vilna Gaon and Philosophical Terminology," in Moshe Hallamish, Yosef Rivlin, and Raphael Shuchat, eds., *Ha-Gra u-Veit Midrasho* (Ramat Gan: Bar-Ilan University Press,

According to Stern, the Gra says that no human production is free of error, and even if the Gra did not say this, we can. However, the errors in this work are of a different quality from those that we should reasonably expect.[40] Anyone who has studied the *Biur ha-Gra* knows that it is almost impossible to understand what the Gaon means without looking up the sources he cites. Although different explanations have been given for the Gra's extreme concision, perhaps the Gra wanted his readers to see the sources firsthand, and not to rely on mediators. The Gra is rightly seen as advocating a return to the primary sources, and not relying blindly on the authority of later interpreters of these sources. In some contemporary Jewish circles, the allegedly objective authority of academia has become the final arbiter that cannot be questioned. But if the example of the Gaon has not convinced us this is a mistake, the example of *The Genius* should.

2003), 9–11. In this article, Brill discusses how different compilers of the Gra's writings use philosophical terminology, and how these compilers "developed or deleted these terms based on their own approaches." Stern apparently assumes that the editor of the Gra's commentary on *Yoreh De'ah* added in the word "*ha-arurah*" because of his anti-philosophic agenda (although the *Biur ha-Gra* was written by the Gra himself, and is therefore not pertinent to Brill's discussion). The editor of the commentary on *Yoreh De'ah* was R. Menaḥem Mendel of Shklov. Brill's conclusion is that in contrast to other compilers of the Gaon's works, "in the writings of R. Menaḥem Mendel of Shklov, the philosophic terms are ever present."

40 This review does not discuss Stern's chapter on the Gaon's opposition to Hasidism, which unlike other sections of the book does not contain a significant new thesis. It does however contain some interesting errors. On p. 93, Stern quotes the Gra (commentary to *Sefer Yetzirah*, 1:9) as saying, "And all the philosophers and rabbinic exegetes who followed in these philosophers' footsteps were mistaken. For He is beyond comprehension." What Stern translates as "He" should be "it"—the Gra was referring not to God as beyond comprehension, but to the rainbow as a supernatural phenomenon: "וכן הוא הקשת שהוא דבר מאצלו יתברך, ונשתבשו בו כל הפילוסופים והמפרשים הנמשכים אחריהם לפי שהוא דבר למעלה מן השכל". (See also *Aderet Eliyahu*, Gen. 4:20.)
In discussing the charge of Sabbatianism brought against the early Hasidim, Stern refers to the accusation that the Hasidim screamed chants such as "Ba-Ba." According to Stern, this was "a refrain invoked by the followers of Sabbatai Tzvi that switched the sequence of the letters *aleph* and *bet* as a way of symbolizing the randomness and antinomian nature of language" (p. 101). Despite this highly creative interpretation, if one looks at the source of this accusation, the eighteenth-century editor explains that the chant must have been בה בה, which using the system of א"ת ב"ש is equivalent to ש"צ=שבתי צבי (M. Vilensky, *Hasidim u-Mitnaggedim*, vol. 1, pp. 66-67).