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Incorporating Witzenschaft des Judentums

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Anti-Semitic Maimonideans (Fragments of a previously unknown text by Martin Heidegger) by Shaul Magid

It has become a dominant theory in much of modern Jewish scholarship that the whole of the Western philosophic tradition is essentially divided into two categories. The first category is comprised of thinkers whom we will refer to as "Conscious Maimonideans." These are generally scholars who were openly influenced by and indebted to the illustrious Jewish philosopher and jurist, Moses ben Maimon. The other category (which includes everybody else) we will refer to as "Unconscious Maimonideans." Although the latter were not explicitly influenced by Maimonides, sometimes never even having known that he existed, a popular thesis seeks to find strains of Maimonidean thought running through the works of these philosophers, theologians and jurists. An important new discovery now strengthens this theory. Here a personal note is in order.

While bottles poured beer and spirits and German folksongs filled the brisk Berlin night air, I took the initiative of embarking on my own personal celebration of the crumbling of the Berlin Wall. A student of German philosophy, I often envisioned visiting the glorious universities where such thinkers as Hegel, Schelling, Heidegger and von Hartmann expounded the complex systems that have caused me frequent sleepless nights and more than an occasional caffeine overdose.

One week after that memorable night in Berlin, I found myself sitting in a small beer hall in Marburg, the city that was home to Edmund Husserl, Hermann Cohen and Martin Heidegger. A precise record of the events that took place that evening is of no importance to the scholarly record and, on the advice of counsel, I shall not recount them here. Suffice it to say that, late that night, I found myself in Heidegger's personal library. There I discovered such gems as a ten-volume set of the Greek commentaries of Aristotle; a set of Thomas Aquinas' *Summa Theologia* with Martin Luther's signature; an autographed copy of Hegel's *Phenomenology of Spirit*; and the most remarkable discovery of all: a commentary on Maimonides' *Hilchot Yesodei HaTorah* written by Martin Heidegger.

Heidegger, it appears, had been introduced to Maimonides by a colleague at Marburg (presumably Hermann Cohen). He took a secret interest in Maimonides and read through most of his philosophic works in German translation. To my knowledge, however, no German translation of Maimonides' Code exists. Could it be that Heidegger, the same Heidegger who supported the Nazi Party, had a working knowledge of Hebrew? More striking, could Heidegger have seen his philosophy of Being in the medieval framework of Maimonides' Code of Jewish Law? All these thoughts rushed through my head in an eternally present stream of consciousness so reminiscent of Heidegger's thinking. Before you lies the finished translation.

A NOTE OR TWO ON THE TEXT

Before presenting the text in translation, a few words are in order regarding certain things I discovered in the original. The commentary is written in modern German, similar in style to many of Heidegger's earlier works (*Being and Time*, *Introduction to Metaphysics*, etc.) A close reading of the original reveals that Heidegger had at least a cursory knowledge of Yiddish. I was astonished to see certain comments concluding with the words *davka* and *mamash*, both Yiddish expressions of Hebrew origin. Asking some of those who had known Heidegger I learned that he had been impressed by the autobiography of Solomon Maimon and felt that a knowledge of Yiddish would help him in understanding the background of Maimon's thought. No doubt he

Continued on p. 3

A New Midrash Fragment From the Genizah in Brandeis by Aryeh Cohen

As is well known by now, the discovery of the genizah in Brandeis, on the Mezzanine floor of the library building, in a cardboard carton, four feet high and two feet across and two feet deep, marked only by that still unsolved puzzle of a sign--"Recycle"¹--has yielded a treasury of information and documentation about Ancient Judaism. The aspersions cast on the authenticity of the genizah have since been shown to be due to inadequate research and faulty methodology. The appearance of certain modern Hebrew terms among the various fragments, including some that seem to refer to objects that were not part of the *Sitz im Leben, Weltanschauung*, etc. of the ancients (i.e. computers, automated transportation vehicles, etc.) should not lead us astray as to the real worth of this collection.

Taxonomy

The fragment presented herein was found in a crumpled state, in what has been called the third tier of the genizah.² (For the sake of clarity it has been labelled IIIFr. 12-2785.30a.) It was written on a smooth piece of white paper, perforated, and separated at top, bottom, and both sides. The writing is square and almost seems to be composed of little dots grouped together to form individual letters. The scribe is unknown, but his script is very familiar to those who have worked with the genizah documents in the past. This script has come to be known as the Northeastern script, and is believed to be the work of a very trustworthy scribe.

Contents

The fragment consists of a four line proem on Gen. 32:3, whose proemial verse is taken from Prov. 13. The pericopaetic superstructure which informs the proemial theologoumenon is actually subverted by the homological status inherent in the chalepotic reality --essentially transmuting the akarpic verse and motivating the fructic rereading.³

וישלך יעקב מלאכים לפניו אל עשו אחיו וגו' (בראשית לב ג). ר' חייא פתח מלאך
רשע יפל ברע וגו' (משלי יג יז), לנשיאת אקדמיה בשר ודם אשר בקשה להשמיד ולאבד
זכרונה של תורה במקומה.⁴ מה עשתה, שלחה איפרופוסטוס⁵ שלה לקצץ בתלמידי תורה
ולומדיה. הלך איפרופוסטוס שלה והיא ישבה במקומה ועשתה את עצמה אוהבת הבריות
ויראת שמים. הה"ד וישלח יעקב מלאכים.

¹ There is still a lot to be done, research-wise, in this area. An exact archaeological description of the genizah site, and a comparative study of all such signs that have been found in similar sites, are major desiderata. A series of monographs on this vital topic are in preparation at Scholars' Press, but many doctorates are still left to be had.

² For a full description of the contents of the genizah see: J. Neusner, *The Brandeis Genizah: an annotated bibliography*. The discovery of the genizah materials was originally scheduled for publication by this author and his daring team of discoverers in the Brown Judaica Series, but the Brandeis Genizah Fragments has now been promoted to the Purple Group.

³ Cf. J. Neusner, *"Contents": an American Translation*.

⁴ The Fishbane manuscript has: בטופוס דלה.

⁵ Latin *propositus* "provost," one who is placed in front, a front man.

Scholars in the News

The Assyriological world was stunned in January with the news that the Sumerian tablet discovered by Ludwig Schmeckeln in 1983 was a forgery, produced by him using ordinary modelling clay and a package of Stim-u-Dent toothpicks. This, of course, puts paid to the scholarly argument over the true meaning of the fragment, translated by Samuel Noah Kramer (*Journal for the Study of Obscure Texts* 12 [1987]: 14-50) as "Arise, O goddess, and become] manifest at the suitable hour," and by Thorkild Jacobsen (*More "Harps That Once"*, Chicago, 1989, 34-38) as

continued on p- 5

continued from p. 1

also suspected it would help him clear up a small confusion that had arisen with his tailor. Another oddity: I noticed that on occasion Heidegger referred to Maimonides as "Rabbenu HaGadol". This particular title is used by late medieval Spanish *rishonim*, particularly Nachmanides. As I questioned my German friend, I learned that Heidegger had been familiar with various medieval Gnostic texts and through them learned of a Spanish philosopher named Ibn Nachmunu. I presume this to be our Nachmanides.

One final note. In reading Heidegger's translation of the text, I wondered how Heidegger could have become so acquainted with the structure and method of Maimonides' halachic thinking. (Remember, this was still the pre-Twersky era.) In a reinspection of the Heidegger library, I came across a text by a Professor Dr. A. Schwartz entitled *Der Mishna Torah*, published in Vienna in 1905. This work is a thorough and often enlightening explanation of the method and structure of Maimonides' Code of Law. It seemed the final key had finally been found. Introduced to Maimonides by some Jewish philosopher (Hermann Cohen), Heidegger found this text by Professor Schwartz, read it, and began a commentary on the Mishna Torah in order to read his philosophy of Being into the halachic code of Maimonides.

THE TEXT

Halacha 1. The Foundation of Foundations and the point of Wisdom (Logos) is to know in being that there exists Being. All beings, both in heaven and on earth and all that is in between them, do not exist except to acknowledge Being.

Maimonides has already broken through a barrier that had plagued the Greeks, that is, the question of "Thatness." The metaphysical logic of Aristotle, which sought to know an object by tracing it back in their origins to another being, is useless when discussing Being. To put it simply, Being can be determined in their Beings without the explicit concept of the meaning of Being having been already available. Maimonides here does not mean "to know" in an intellectual sense. Knowledge of Being is to know its ontic-ness as ontically ontological. The "Foundation of Foundations" for Maimonides is the ontic-ness of the ontological Being-as-such.

Halacha 2. And if one would think that the ontic-ness of Being is not ontologically necessary, nothing else could exist (ontologically, of course).

Maimonides brilliantly alludes to an issue I often argued with Edmund; does the "not" exist outside of negation? Maimonides claims that nothing-ness is the consequence of negating the ontic-ness of Being-as-such. In my article "What is Metaphysics?", I claimed that the "not" does not originate in negation. Rather, negation is grounded in the true "not" that springs from the nihilation of the nothing. According to Rabbenu HaGadol, "nothing" or not-ness emerges as the human mind negates. Not-ness becomes an ontological necessity when the ontic status of Being is negated. Here Maimonides has jumped centuries ahead of his time ... *mamash*.

Halacha 3. And if one would come to think that all beings do not exist except Being, then Being will necessarily remain (as a necessary self-contained Being whose ontic-ness is ontologically necessary). Being will not be "Notified" in the not-ness which emerges from the negation of Being by beings. All of existence needs Being, yet Being needs nothing outside of Itself. Hence, the ontic-ness of beings in nature is not the same as the ontic-ness of the ontically necessary Being-as-such.

Maimonides again hurdles the Greek barrier of trying to categorize Being into the genus of beings and, being frustrated, argues for the inaccessibility of Being at all! Aristotle could not comprehend this simple deduction. Even Kant's epistemology in his third critique did not break through the "noema" (using Edmund's terminology, even if he did give me a "D" on that paper) the way Maimonides does here. Maimonides does not stop by stating the "whatness" of Being, he attempts here a definition of the "thatness." At this crucial point in Maimonides' thought, Being-as-such becomes Dasein-that-is through the independent status of Being coupled with the necessary contingency of Beings-as-such. Dasein, which is accessible to man, is always

Continued on p. 4

Continued from p.3

involved in the understanding of its own Being. This "involvement" is being's dependency on Being and is, for the Jews, the act of learning Torah (see my comments on The Laws of Learning Torah). Maimunus alludes to my claim that thematic objects of investigation, space, language, history are already partially accomplished by pre-scientific experience and interpretation of the domain of Being to which the area of knowledge is itself self-contained,

Halacha 4. That is what the prophet said, "Being who is Dasein is true," only that which is necessary is true. Yet contingent beings, even as beings which live in Dasein, are not true as the truth of Being which has an understanding of its own is-as-is!

What more can I say?!

Halacha 5. This Being-as-such is the ontic foundation of the heavens and earth and the ontologically necessary director of all the heavens in an eternally present "thatness" of creation. The eternally present "thatness" of creation is ontically necessary through the Dasein of its contingent Being. (This Dasein relates to beings other than itself, i.e., planets, stars, etc.) but not by physical means.

This statement is a fundamental principal of existentialism. Maimunus alludes once again to a claim of mine that existential understanding is the coming to terms with existence solely through existence. A young Jewish historian by the name of Rosenzweig, who was introduced to me by Professor Meineke, once pointed out this statement by Maimunus to stress a point of mine in my lecture "An Introduction to Metaphysics." Being's direction of other beings (expressed here so mediavally by Maimunus) is Dasein, i.e., Being's involvement with other beings. As well, this is the basic premise of existentialism. God's intimate concern with Himself spills out into creation, thus effecting being-in-nature. The power behind this direction is Dasein. I found this notion in a 12th century Gnostic text by Ibn Nachmunu. Professor Buber informed me that this Ibn Nachmunu was actually a Jewish philosopher familiar with the teachings of Maimunus. What a small world after all!!!

END OF TEXT

This essay is the first part of a three-part series. The second essay, "Nietzsche's Ubermensch as Moses in the Guide of the Perplexed," will appear in the 1991 *Journal of Jocular Studies*. The final essay, "Don Issac Abarbanel's Erotic Poetry to Queen Isabella," is presently in the process of translation.

REVIEWS

"P": The Artscroll Version, translated with a commentary and overview by Rabbi Nosson Sherman. Haskomos from Reb Moishe Breutler shlit"a and Reb Michoel Fishbane shlit"a. xxvi, 75pp.

In the wake of the *hisgalus* of the blatant *apikdorsis* of E-J, and the apparent influence of Reform *maskilim* on D, the Torah community has waited with bated breath for the publication of a version of P--the true *yesod* of *Toras Emes*--that is both accessible to the *tzibbur* of *baale batim* and *muscam* on the *Gedolei Torah*.

The history of "P": *The Artscroll Version* is a lesson in *mesiras nefesh* and true dedication. The *talmidei hachomim* and *lomdei Torah* who stepped into the breach, to stem the tide of *apikorsus* and assimilation, exhibited the same courage as Moshe Rabbeynu did when he confronted Pharaoh. The Pharaohs of our time--the secular-assimilationist *maskilim* and *apikorsim* of the universities--seemingly have set as their aim the destruction of all remnants of Torah-true Yiddishkeit. We, however, are lucky to have scholars like the author/translator of "P": *The Artscroll Version*, who have been *mevarrer* the true Torah and have opened its doors to the community.

Rabbi Sherman has crafted an elegant translation, knowing when, in truth, the Midrash of a given verse, is more "literal" than the "literal" translation. The result is a literal, allegorical, metaphorical translation beautifully rendered, which is true to the inner truth of the *yesod* of Torah that has been at the heart of Am Yisrael's eternal search for the higher truth of the revealed word of God, since *maamad har Sinai*. The commentary which Reb Nosson provides is, as it should be, merely a gleaning from the words of our Masters the *Rishonim* and *Aharonim* from whose waters we drink. These comments have of course been carefully edited to ensure that they are consonant with *daas Torah*.

A hearty *yasher koach* is due to Rabbi Sherman and the fine members of the Artscroll Press for once again providing for the needs of the Torah community. May we be *zocheh*, through the learning of this *sefer*, to see *moshiach*, *bimherah beyamenu*. Amen.

--Aryeh Cohen

(An English translation of Prof. Cohen's review will appear in the next issue of the Journal of Jocular Studies.)

Halakha and the Shopping Center Minyan by Donna Leclerc

The halakhic issues surrounding the practices of the Shopping Center Minyans (the hottest Jewish fad of the '90s) have recently captured rabbinical attention. Because of the proliferation of these minyonim and the lack of uniform standards to guide their practice, conflict over proper observance and ritual has disrupted some of the gatherings.

The questions placed before the rabbis range from the broad, long-range goals of these minyonim to the everyday implementation of practice. Some of the questions being considered are:

- In the future, out of consideration for *kevod hatzibbur*, should all synagogues be required to build within walking distance of a shopping mall?
- If the full complement of ten is lacking, may a minyan consist of nine Jews over the age of 13 and a Bloomingdale's charge card?
- If the minyan gathers for shachrit shopping, must *tallesim* and head coverings be worn, or is carrying these objects in the shopping cart sufficient?
- If no Torah is present, can one member of the minyan attend the nearest synagogue and *motzi* the community?
- If the minyan gathers with the intention of having a Torah, although no facility for obtaining a Torah is available, does the intention count for the fulfillment? Does it count if the original intention was to acquire the Torah on "lay-away"?
- Must all members of the minyan shop as a group, or is the minyan constituted if the members are in separate stores but under the same roof?
- If the shopping center chosen for Shabbat services has its stores connected by a parking lot rather than a single roof, does carrying ritual purchases across the parking lot violate the prohibition of carrying, or can the parking lot serve as a common boundary? Does a string of those little triangular plastic flags count as an *eruv*?
- If the men's department is separated from the women's department by a clothing rack, is this sufficient for a *mechitzah*?

As this columnist was writing about these thorny issues, she consulted the notorious authority on creative halakha, the *She'alos U-Teshuvos Pi Ho-Oson*. Reviewing the commentary, she came to the conclusion that these issues would be better addressed by David Letterman.

Continued from p. 2

"W[hy don't you] come up and see me some time?" Schmeckeln's work has already been severely questioned in the past, most notably his controversial proposal to join K.14323 and K.365; scholars will recall Sinnlos's brilliant article in AfO, which conclusively demonstrated that the proposed join would actually have connected a fragment of the code of Lipit-Ishtar with the last 12 bars of Mozart's "Symphonia Concertante."

From Cambridge, England, and the pen of the prolific George F. Moorecross, comes a new theory which solves at last the problem of the dagesh dirimens, which has been nagging irritably at biblical scholarship for centuries. These seemingly superfluous diacritical marks are now explained by Professor Moorecross as the accidental results of one of the Masorettes of the Ben Asher family breakfasting on a poppy seed bagel while he worked. The "poppy seed theory" gains additional credence by an examination of the heretofore puzzling Leningrad Public Library MS 121b. In this text, associated with the Ben Naphtali family, the dagesh dirimens does not appear in the usual places. Furthermore, there are a number of superfluous patachs (which Professor Moorecross now identifies as the textual reflection of some caraway seeds) and a large stain which chemical analysis has shown to be cream soda. Interestingly, the "poppy seed theory" seems to have been anticipated by the 16th century commentator Rabbi Mordecai Peretz Luzzato. The Rampal, in his comments ad Deut 32:32, pinpoints scribal snacking as the cause of the dagesh dirimens, which he denotes as the "dagesh l'tiferet ha-achila."

--Michael Carasik

The Journal of Jocular Studies is a publication of the Not Exactly Judaic Studies Department of Brandeis University. A Happy Purim to all, and may we all live up to the motto of our department,

משנה מהום משנה מזל