Who is the Person Whom Rambam Says Can be ‘Consecrated as the Holy of Holies’?

Menachem Kellner

Menachem Kellner is Professor of Jewish Thought at the University of Haifa. Author of several dozen articles on Jewish philosophy, Kellner has written/edited fourteen books, including, most recently, *Maimonides’ Confrontation With Mysticism* (London: Littman Library of Jewish Civilization, 2006).

This is his first contribution to the Seforim blog.

Rabbi Aryeh Leibowitz’s learned and interesting article in the most recent issue of *Tradition* (“The Pursuit of Scholarship and Economic Self-Sufficiency: Revisiting Maimonides’ Commentary to Pirkei Avot,” *Tradition* 40.3 (Fall 2007): 31-41) contained a passage which really surprised me, even though, perhaps, it should not have. (A PDF of this article is only available to online/print subscribers of *Tradition*.) In his article, Leibowitz discusses Maimonides’ position vis-à-vis the appropriateness of scholars receiving communal funds. In doing so, Leibowitz surveys the Maimonidean sources, including the well-known statement of Maimonides in his *Mishneh Torah* in *hilkhot Shemittah ve-Yovel*. Leibowitz in his discussion of this particular source, however, appears to have made a common mistake. As this mistake has broad implications, it is necessary to set the record straight on Maimonides’ true meaning.

Leibowitz weakens his own argument by apparently not realizing
that Rambam in *Hilkhot Shemittah* (13:13) is not talking about Jews in particular, let alone *talmidei hakhamim*. The passage in question is one of the clearest examples of universalism to be found in the Mishneh Torah. It may be that because that universalism goes against the grain of so much of what passes for Torah Judaism today that it is so easily missed.

Before turning to what Rambam says, let it be noted that he divided his *Mishneh Torah* into fourteen books. The seventh book of the fourteen is itself divided into seven sections (and is the only book divided into precisely that number of sections). This seventh section is itself divided into thirteen chapters. The thirteenth of these chapters is itself divided into thirteen paragraphs (*halakhot*) in the printed editions.[1] Thus, the thirteenth *halakhah* of the thirteenth chapter of the seventh section of the seventh book of the *Mishneh Torah* marks the precise mid-point of that work.

The number thirteen is, of course, significant in Judaism generally, but has special significance for Rambam. Not only did he promulgate thirteen principles of Judaism, but in “Laws of Circumcision,” 3.9 he emphasizes the fact that the word “covenant” (brit) is found precisely thirteen times in the account of Abraham’s circumcision (Gen. 17).[2]

The number seven is significant in many human societies, and not just in Judaism (Judah Halevi to the contrary – see *Kuzari* 2.20); according to Leo Strauss (1899-1973) it is of particular significance to Rambam.[3] I am in general no enthusiast for Straussian numerology, but this case seems too contrived not to have some significance.

Let it be further noted that for Rambam the *halakhot* of *shemittah* and *yovel* have messianic significance (*Hilkhot Melakhim* 11.1). I have proven (to my complete satisfaction at least) that according to Rambam the distinction between Jew and Gentile will lose all significance by the time the messianic era reaches fruition.[4]
So, what precisely does Rambam write in this special place in the Mishneh Torah? Here are his words:

Not only the Tribe of Levi, but each and every individual human being, whose spirit moves him and whose knowledge gives him understanding to set himself apart in order to stand before the Lord, to serve Him, to worship Him, and to know Him, who walks upright as God created him to do,[5] and releases himself from the yoke of the many foolish considerations which trouble people – such an individual is as consecrated as the Holy of Holies, and his portion and inheritance shall be in the Lord forever and ever. The Lord will grant him adequate sustenance in this world, the same as He had granted to the priests and to the Levites. Thus indeed did David, peace upon him, say, O Lord, the portion of mine inheritance and of my cup, Thou maintainest my lot (Ps. 16:5).[6]

Leibowitz translates the beginning of this passage as follows: “Not only the Tribe of Levi, but every single individual from among the world’s inhabitants whose spirit moves him…” (p. 32) and the penultimate sentence as follows: “Behold this person has been totally consecrated…” He then goes on to say:

Maimonides is not stating that this individual, who has dedicated his life to God, can rely on financial support from the community; rather Maimonides is stating that that such an individual can also sustain himself on less and will reap the benefits of heightened spirituality and increased divine assistance. (p. 33)

In an erudite footnote to this sentence Leibowitz makes it abundantly clear that he has missed a crucial point here: Rambam is not talking about Jews, be they talmidei hakhamim supported by the community or not.[7] He is talking about (unconverted) Gentiles who, through their devotion to God, become “as consecrated as the Holy of Holies.” Rambam here is
talking about God’s support of all human beings who consecrate themselves; he could hardly imagine that this sentence would be turned into an argument in support of kollelim!

Why do I say this? The operative term in our passage is *kol ba’ei olam*. In every other place in the *Mishneh Torah* where Rambam uses this expression the context makes it clear that he means human beings as such, in contradistinction to Jews specifically.[8] In none of these places could the term mean proselytes or Noachides. There is no reason in the world to think that davka here Rambam had a more restrictive meaning in mind.

The expression “each and every individual human being” translates the Hebrew, *kol ba’ei olam*. This expression finds its classic use in a debate between the school of Rabbi Akiva, who maintained that the Torah was revealed to the Jews alone, and the school of Rabbi Ishmael, who insisted that the Torah was ultimately meant to reach *kol ba’ei olam*, “each and every individual human being.”[9] Here there can be no doubt but that the expression literally means all human beings (as opposed to Jews, native or converted).[10]

The expression is best-known to most contemporary Jews from a text which Rambam himself may or may not have known the liturgical poem (piyyut) *unetaneh tokef*. [11] The poem is based on *Mishnah Rosh Ha-Shanah* 1.2, which in turn is based on Ps. 38:15. It is a safe bet that most Jews who recite this passage on the *yamim nora’im* do not realize that the clear intent of these texts is all human beings, not Jews. Rambam, on the other hand, certainly knew it.[12]

The entire debate — ably analyzed by Rabbi Leibowitz — over whether Rambam’s statement at the end of *Shemittah ve-Yovel* represents a retreat from his strictures against compensation for Torah study is thus based upon a demonstrable misunderstanding of Rambam.[13]
Notes:
[1] Rambam did not number the specific halakhot in the Mishneh Torah; unfortunately for the elegance of the point I am making here, the best mss. count our halakhah as the 12th, not 13th. My thanks to Rabbi Shalomi Eldar for pointing this out to me.
[2] Isaac Abravanel discusses various other reasons for Maimonides’ use of precisely thirteen principles in Rosh Amanah chapter ten.
[7] In that footnote (no. 11), Leibowitz cites medieval authorities who take Maimonides to be talking about Jews and also an essay by a Rabbi Steven Weisberg who understood
Maimonides to making a point about “an elevated state of utopian existence for a God-fearing Jew, rather than an operative point of law” (emphasis added).

[8] Actually, my Bar-Ilan “responsa project” database found them; I just pushed the buttons. In any event, the places are: “Repentance,” 3.3 and 6.3,”Tefillin,” X.11, “Sanhedrin,” 12.3, and “Kings,” 8.10. See further Ya’akov Blidstein, “The Promulgation of Religion as an Aim of War in Maimonides’ Teachings,” in Avriel Bar-Levav (ed.), Shalom Vi-Milhamah Bi-Tarbut Ha-Yehudit (Jerusalem: Merkaz Zalman Shazar, 2006): 85-97 (Hebrew). On p. 86, note 7 Professor Blidstein points out that the expression is “beloved of Rambam, and he uses it to denote humanity, generally in a spiritual or cultural context.”


[10] A scan of the one hundred ninety one citations of this expression in the Bar-Ilan Responsa Project database of rabbinic literature shows that in the vast majority of cases it means human beings simply, and in many places it is used in explicit contradistinction to Jews.

[11] For a useful discussion of what is actually known about the poem (as opposed to what we have all been taught about Rabbi Amnon), see Ivan G. Marcus, “Kiddush HaShem in Ashkenaz and the Story of Rabbi Amnon of Mainz,” in Isaiah M. Gafni and Aviezer Ravitzky (eds.), Sanctity in Life and Martyrdom: Studies in Memory of Amir Yekutiel (Jerusalem; Zalman Shazar Center for Jewish History, 1992), 131-147 (Hebrew); Menahem Shmelzer, “Sefer Or Zarua and the Legend of Rabbi Amnon,” in Adri K. Offenberg (ed.), Bibliotheca Rosenthaliana: Treasures
of Jewish Booklore: Treasures of Jewish Booklore Marking the 200th Anniversary of the Birth of Leeser Rosenthal, 1794-1994 (Amsterdam University Press, 2003), available online; David Golinkin’s discussion online; as well as Jacob J. Schacter’s lecture, “U-Netaneh Tokef Kedushat Ha-Yom: Medieval Story and Modern Significance” (sources [PDF]).
