



18 Adar 5778

5.III.2018

*Kahal Kadosh,*

*Although I normally give a brief introduction about the rabbi that we will be studying, here I am offering a more elaborate piece. This month we will be studying an excerpt from the writings of Hakham David Nieto, the first Hakham at Bevis Marks. It is very much a period piece and can be seen to address religious issues in ways that were more popular and accepted in that time. In our discussions we will discuss his approaches and how we would see the the argument today. I present you with a link to the PDF of the original Hebrew print (quite difficult to read) and the English translation is included below.*

*Warmest Blessings,*

*Rabbi Joseph Dweck*

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### **Hakham David Nieto 1654-1728**

David Nieto was born in Venice on the 29th Tebet 5414 (January 18, 1654). He died on the same Hebrew date in the year 5488 (1728), 74 years old. He studied theology and medicine at the University of Padua and in Leghorn, was appointed by the congregation in the double capacity of preacher and doctor. At the time, there was an active relationship between the Spanish and Portuguese Jewish community in London and the congregation in Leghorn. The London congregation invited Nieto to take the position of *Hakham*, or Chief Rabbi to the community in a letter addressed to him on 4th Sivan, 5461 (1701). Nieto accepted the position and moved to London in the end of the month of Elul of 5461 (3 months after receiving the letter). The Mahamad, or Board, did everything in their power to make sure that the new rabbi of the congregation was comfortable. However, they stipulated that in his new capacity he was not permitted to practice medicine.

Nieto, however, found himself at the helm of a Jewish community in London that lacked tradition and clear knowledge of classical, normative Jewish law and practice. These were Spanish and Portuguese Jews who were forced to practice their Judaism in clandestine conditions under the mortal threat of the Spanish and Portuguese inquisitions. Nieto was faced with a formidable challenge. His congregation was essentially one generation away from outward practicing Catholics.

In order for his role to be successful and to ensure the viable future of his community, he would need to address the misconceptions in Judaism held by his congregation and guide the people towards the normative Jewish practices and beliefs which held not only the Bible, but also the Rabbinic works of the Mishna and Talmud, along with the legal and philosophical works of the likes of Maimonides and R. Joseph Karo as canon.

Jakob J. Petuchowski (p. 33) presents the issue in the following terms:

*Those Marranos...who were willing to forsake all their possessions and risk life itself, because they felt compelled to obey the Law of Moses which was given by God Himself, expected Jewish life in Holland or Italy to conform to the pattern of that Law of Moses which, in its strictly literal sense, had meant so much to them. Imagine, then, their surprise when, in place of the 'Mosaism' they had expected to find, they were confronted by a Rabbinism...But sooner or later this surprise had to give way to a definite course of action. Would they, or would they not, adjust themselves to the pattern of Rabbinic Judaism?*

Not only had the Marranos been bereft of Jewish tradition for over one hundred years, in that time they had espoused a Christian one. Relinquishing it would be no easy task and would present its own problems. Once one tradition is unraveled all tradition is vulnerable to the same.

Nieto may have been the perfect man for the job. By at least one historian's standards, Nieto was the only scholar in the Jewish world at the time that held a robust and deep enough knowledge to do it.

The Jews were at no time in so pitiful a plight as at the end of the seventeenth and beginning of the eighteenth century...The former teachers of Europe...had become childish, or worse, dotards...There was...hardly a person commanding respect who could worthily represent Judaism...Few rabbis occupied themselves with any branch of beyond the Talmud, or entered on a new path in this study. The exceptions can be counted. *Rabbi David Nieto, of London was a man of culture. He was a physician, understood mathematics, was sufficiently able to defend Judaism against calumnies...and wrote much that was reasonable.* (Graetz, pp. 199-200)

Hyamson writes that he 'stood out above the heads of all his predecessors' (p.82). 'In Nieto they had a man who earned respect in Jewish and non-Jewish circles, one who shone as a scholar in religious and secular spheres, who had behind him a brilliant record, and in front of him the promise of an even more brilliant one' (p.90).

Nieto did not just suffice with trying to convince people with an occasional lecture or sermon. He had committed himself to presenting a comprehensive and convincing framework on the subject. He intended to reconstruct the breakdown in knowledge and understanding in his community and the actual and future potential casualties that it could cause by educating the public.



The issue was doubly challenging because he was not only addressing a passive and ignorant public, but an opinionated and scholarly elite as well. This, as with Maimonides and Luzzatto, required that Nieto have, in addition to impeccable scholarship, a personal resolve and conviction to stand up to the opposition. Being that these were often people who were ready to risk their lives for their beliefs, the feud was particularly passionate.

Such opposing viewpoints were fuelled by writings from the likes of Uriel da Costa who, born in Portugal, as a New Christian, moved to Amsterdam in 1617 in order to reconnect to his Jewish heritage. When he arrived, however, he found the rabbinic Judaism that he encountered to be contemptuous and veering from what he believed to be the pure Mosaic law of the Bible. He is quoted as saying that the 'manners and ordinances of the Jews do not correspond at all to those which Moses had prescribed', and that 'The present-day sages of the Jews have still retained their manners as well as their malignant character; stiff-neckedly they fight for the sect and institutions of the detestable Pharises'. (Pet. p.34-35)

Da Costa preceded Nieto. He overlapped with Barukh Spinoza who was a son of the same Jewish community in Amsterdam. Amsterdam was the mother community of the one in London and the ties were tight. Nieto had come into more than just the passive effects of persecution, he was fighting against a considerable corpus of, what was to Rabbinic Judaism, heretical thought that was uniquely stemming from the Sephardi community. Da Costa had published 'Examination of Pharisaic Traditions' in which he detailed several disagreements with the traditions and law of Rabbinic Judaism. The Marranos, as explained, were particularly susceptible to these arguments.

Thus, Nieto had to defend the Oral Law against individuals of considerable intellectual accomplishments as well as the popular audience. His tactic for doing so was to write a book rich in substance for the scholars but cast in four parts in the format of a dialogue between a non-believer and a scholar of the Oral Law for the average reader. He modelled it after Rabbi Yehuda haLevi's *Kuzari* — Actually calling its subtitle 'The Second Kuzari' in which the Scholar or *Haber* revisited the King of the Kuzars. He called it *Mateh Dan* - 'The Staff of Judgment', 'DaN' in Hebrew (דן) being the acronym of his Initials David Nieto.

Nieto used many of the arguments that had been used by previous rabbis against the Karaite Jews because they shared in common with the Marranos the questioning of the validity of the Oral Law. Yehuda HaLevi was an obvious source to draw from as was Maimonides.

But throughout he aims to establish the principle of Rabbinic authority and the validity of the Oral Law. He does not simply try to prove this law or that, but through using the various laws as examples, builds the case for the rabbinic framework.

With this presentation Nieto was not simply refuting particular arguments, he was offering a coherent presentation and explanation of the Oral Torah and Rabbinic Judaism to the people. In doing so he not only proved its validity but also empowered the people with a conceptual system with which they could understand all aspects of the Oral Torah.

Although Hakham Nieto enjoyed the support and respect of the majority of his community and those outside of it, there were those whose criticism was a source of great challenge and difficulty for him. This came out strongly after a now famous discourse that Nieto gave on 20 November 1703. It was the Sabbath and he was delivering the discourse in the *Yeshiba* (House of Study). He sought to address the elements of Deism that were budding in society that believed that God did not intervene in the world and nature. Nieto insisted that nature was in fact God working through His providence. In other words, 'God' and 'Nature' were one and the same. He asserted that all elements of nature were ascribed to God by the Biblical and rabbinic authors.

Unfortunately, the idea that God and Nature were one and the same was highly sensitive because it sounded terribly similar to the philosophy of Spinoza's Pantheism. This was particularly incendiary because Barukh Spinoza was bitterly excommunicated by the 'mother' community of Amsterdam in 1656. The ban had never been lifted. Thus, Nieto's comments were seen by some as congruous with Spinoza's and, therefore, heretical.

Dissension arose in the congregation. Joshua Zarfatti a member of the congregation refused to enter a wedding at which Nieto was present so as not be in the same room as the heretic. This was reported to the Mahamad who had required a £5 penalty for insulting or speaking badly about the Hakham (Hyamson, p.90-91). In this case, because it was a sensitive issue and the affront was quite public and serious the fine was £100 which was quite a sum in 1703. Zarafatti challenged this penalty which was declined by the Mahamad and it was announced from the Teba (central prayer podium) in synagogue that Zarfatti was not permitted to enter the synagogue. Nieto had written a defence of his position which he called *De la Divina Providencia* and submitted it to the Mahamad. The treatise was published, but failed to appease the congregants who were on side with Zarfatti.

Nieto found himself embroiled in an attack on his very orthodoxy of thought and was challenged as being himself a heretic. Notably, however, because Nieto was Chief Rabbi and had the backing of his lay leadership they came to his defense and acted to quell the opposition.

Because of this, and the subtleties but considerable and important differences between Spinoza and Nieto's views, including the differences between pantheism and panentheism and *natura naturata* and *natura naturans*, Nieto needed external affirmation and accreditation of his views as being in line with traditional Rabbinic Judaism from someone who was a trusted scholar of such standing. Therefore, the question was sent by the

Mahamad to Rabbi Zevi Ashkenazi of Altona (later to become the Chief Ashkenazi Rabbi of Amsterdam). The community in London received a response from R Zevi on Friday, 7 August 1705. The Hakham Zevi, as he was known, asserts in his response that not only is Hakham Nieto not heretical in his views, but he is to be commended.

*'His statement that nature and God and God and nature are all one, is what I say as well! And I endorse it and support it based on what King David wrote in Psalms 147:*

*'Who covers the heavens with clouds, Who prepares dew for the earth...This idea is straight and holy and those who do not believe in it are the ones who are considered heretics...'* (Ashkenazi, 1995 p.53-54).

Nieto stood strong through the waves of controversy and maintained his ground on the basis of his robust knowledge and the conviction of his heart. He was not one to shy away from bold statements or teachings and spoke his truth courageously. One such instance was a response that he wrote against a sermon delivered by the Archbishop of Cranganor on the occasion of Auto-da-Fe at Lisbon in 1705. Nieto was concerned still about the fate of the victims of the Inquisition which was still manifest in the Iberian Peninsula at the time.

Nieto also wrote *Esh Dat* (Fiery Religion) which was a diatribe against Nehemia Hayyun, an old adherent of Shabbtai Zevi, the false Messiah. It was written in Hebrew and issued at publication in 1715 with a Spanish translation. This was done for the Marranos in his congregation who did not understand Hebrew. He believed that by teaching the public and presenting well-sourced and founded principles in a readable and easy-to-digest manner he could change the dangerous misconceptions of his community.

This was not done without great care and devotion to the people. A beautiful passage at the end of his *Mateh Dan* he expresses the commitment and dedication that he had to his community in London when the King asks him to remain in the country of the Kuzars (Nieto, 2008, 361-362, p.315).

*Kuzar: Should you consent to stay with us here, I will give you a million golden dinars, for your departure hence would weigh heavily upon me.*

*Haver: Were you to offer me all the gold and silver in the world, I could not delay here longer; I must get my way back to the great city of London, to minister to the holy congregation of Sepharadim, may God maintain soundly their establishment, as I have done since the beginning of 5462/1701.*

**For this month's Morasha reading, we will look at a selection from Hacham Nieto's *Esh Dat* on the nature of the Torah's commandments. It is presented as a dialogue between 'Dan' and 'Naftali'.**

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### ESH DAT

1 NAFTALI - ...I have heard many saying that 'Moses has commanded us the Torah' - Scripture, the Mishna, and the Talmud are God given gifts from the heavens and anyone who devotes their days and nights to its study shall find all that he needs and all that he could want. However, another group has risen whose endeavour has reached the heavens, and they expound on every nuance to reveal mountains upon mountains of 'secrets' and obscurities from the discipline of 'Truth' (Kabbalah).

2 DAN - On this very day God shall relieve you of your confusion and anguish and you shall become another man, because I will take you from sorrow to bliss and from darkness to great light, by telling you what is written in true words and I will enlighten and guide you, and which of the two opinions hits the mark and does not falter.

3 NAFTALI - As a deer pines for water my soul pines for your words.

4 DAN - We have learned at the end of the Tractate of Makkot 'R" Hanania, son of Aqashya says: God wished for Yisrael to merit so he made Torah and Mitzvot abundant' tell me my son Nafatali, how many positive commandments are there?

5 NAFATLI - 248, like the number of limbs in a person's body.

6 DAN - And how many negative commandments?

7 NAFTALI - 365, like the number of days in a year.

8 DAN - The negative commandments outnumber the positive by 117!

9 NAFATLI - Indeed, it seems so.

10 DAN - What are their punishments?

11 NAFTALI - Death, lashes, or being spiritually expelled.

12 DAN - If that is the case, then R' Hanania should have said that God wished to punish Israel! For there are only 248 ways to achieve merit and there are 365 ways to sin!

13 NAFTALI - Alas, I cannot answer as I am young, however, you can answer to justify R" Hanania.

14 DAN - And why did God command to punish harshly those who transgress the more severe commandments?

15 NAFTALI - To incinerate evil from Yisrael and to startle the people as it is written *'And you shall incinerate the evil from Israel and the entire nation shall hear and be rattled...'*

16 DAN - And after punishment, the soul is elevated to gaze in the pleasantness of God or is it cast into oblivion and the abyss?

17 NAFTALI - If there is remorse over what was done and an acknowledgement of having done something wrong, that soul is righteous and redeemed as the Mishna states *'When he reaches ten cubits from the place of Seqila They tell him: Acknowledge your fault as is the practice of those put to death to acknowledge their faults for all who acknowledge their faults have a place in the World to Come...'*

18 DAN - If so, his demise is his rehabilitation/reconstruction/correction, and his death is his atonement, because if he was not punished in this world woe to him and woe to what will be done to him in the World to Come for he will be cut off from the Land of Life and he will not see the splendor of God.

19 NAFTALI - True, sturdy, qualified and substantial.

20 DAN - We find that the punishment of those souls who have transgressed is merciful and gracious of God, and acts to heal their wounds.

21 NAFTALI - To this you have opened my eyes, but why has God made more ways to sin than to merit? Wouldn't it be better for us not to have the negative commandments nor their reward, or to have more positive commandments?

22 DAN - It is written regarding crawling creatures *'Do not eat them because they are abhorrent'* and it is written *'I am God your Lord and you shall make yourself holy and be holy, for I am holy'* and concerning the sexual prohibitions it is written *'Do not defile yourselves with all of these for with all of these did the [other] nations defile themselves who I am sending away from before you and the Land was made impure'* (Lev., 18:27). Here you see that these things are inherently impure.

23 NAFTALI - And what does one have to do with the other?

24 DAN - Just as you don't ask the physician, who warns you not to eat certain foods, why they are poisonous, so to we do not ask why God prohibited certain foods and certain people etc. Because just as polluted air, contaminated water and poisons are harmful and destroy the body, the prohibitions are harmful to the soul and they are poisonous to it, as is written *'Do not eat them, they are abhorrent'* and if there are 365 types of poison is there any room to ask why He gave us 365 negative commandments? rightly so did R'Hanania say that God wished for Israel to merit, even with the negative commandments.





25 NAFTALI - That is fine for the quantity of the commandments, why there are 365, not more or less, however, I still request that you answer why He exacted four types of capital punishment, 'Karet' and spiritual expulsion for some transgressions.

26 DAN - And why does the physician draw blood to the point of exhaustion from a patient with fever? And why from others does he not draw blood at all? And why for some does he prescribe certain bitter herbs? And why for some does he singe a limb and others he will amputate?

27 NAFTALI - To the extent of the illness or the wound, the doctor will provide an equally serious treatment.

28 DAN - Let your ears hear what your mouth speaks, for the severity of the punishment will be in correspondence to the severity of the transgression to heal the ailments of the soul.

29 NAFTALI - I am drawn to your answers, but if transgression is the poison of the soul we still find that poison should kill or harm those who ingest it whether it was ingested purposely or not, why then is this not so with transgression? Why do we find that one who purposely drinks blood gets 'Karet' while one who drinks it unintentionally merely brings a sacrifice? And why is one who murders intentionally put to death while if it was done unintentionally he is only exiled?

30 DAN - My son you have asked a great question. Know, that even though two people have eaten the same amount or drank the same amount of a poison, it is possible for one to die and the other to suffer a bit and be easily cured. This is the case if one person ingests poison on an empty stomach and the other on a full stomach where the poison gets diluted by the food and does not have its full effect. But the first person who ingested the poison on an empty stomach will die a sure death because the poison can be full saturated into the stomach wall and from there circulates throughout the entire body in the bloodstream. Such is a person who transgresses purposefully, his soul is empty as he diverts his mind and action to transgression, but during an inadvertent transgression a person's soul is full since his intentions were not to transgress, and therefore when the poison of the transgression enters it does not have the potency to kill rather to damage him slightly, and in that a person who transgresses inadvertently brings a only sacrifice while the person who transgresses intentionally gets 'Karet'.

31 NAFTALI - Quite logical.

32 DAN - From here is proof that just as there is spiritual holiness there is spiritual desecration, as your eyes can see that the Torah prohibited all animals that do not chew their cud and have split hooves, and also prohibited 24 species of preying birds and warned at the end of Parashat 'Qedoshim' *'And you shall not contaminate your souls with the animals and birds, and all that creeps on the ground that I have set aside from you to be impure'*. And He further commanded us about the impurities of the dead, *Nida, Tzara'* etc.



33 NAFTALI - Anyone with eyes to see would acknowledge your words.

34 DAN - We can learn from this that even if the physical things have spiritual purity/impurity, all the more would the Torah, that is spiritual and holy, have great and powerful spirituality, and the Mitzvot that are action bound and are for all intents and purposes physical, have an inner spirituality that imbues us with holiness as is written '*And you shall make yourself holy and be holy*', meaning to say: when you prepare and reserve yourselves for holiness by withholding from all things that spiritually contaminate and keeping the Mitzvot and Huqim you will surely be holy and when you are such, you are connecting to to God your Lord and you shall be for a Him treasured nation.

35 NAFTALI - This too must be acknowledged, however, it is possible that God calls them pure and impure for our own purposes, and prohibited us from certain actions so we may receive reward, like a king who wishes to make his servant wealthy and commands him to do such and such even though the king has no 'incentive' rather the servant gets gold silver and other possessions.

36 DAN - If so why did He command that purification from the impurity of death be done with a '*flawless red heifer that has no blemish and that did not have a yoke on its shoulders*' and if it is missing any of these conditions it is invalidated, like if the heifer has even two hairs that are not red among many other details necessary that are outlined in the laws of *Parah*, is it not enough to just command us to use a regular cow? Rather we must say that all details of the red heifer are absolutely necessary for if not why would God wish that Israel spend so much money and why trouble the nation for no reason?

37 NAFTALI - Your words have entered my ears.



בר

## אש דת

ויכוח שני

**נפתלי**

הן שגבתי אמש את חני לראות אם זרחה השמש  
שמש נדקס ומרפא למכאובי ב. רב הוא • כי שמעתי  
דבת רבים אומרים תורה צוה לנו משה מקרא-משנה וש"ס מנחם  
היא שלוחה מאת ס' מן השמים וכל איש אשר בזה יהגס יומם ולילה ומנחם  
בדי גאולתו ככל אות נפשו והנה קמה משפחה אחרת אשר הביע עה  
קשמים משפטם לדרוש על כל קון וקון תליס של סודות ותעלומות  
חכמת האמת • ועתה הנני מפיל תחנתי לפניך מקורות לבי שתונית  
לאור משפטך ותודיעני איזה יכשר הוא או זה ?  
ד. רן. בעלם. היום הזה יביא ס' לך מענך ומדגוך ונהפכת לאיש אחר  
כי אוליך מידון לשמחה ומאפלה לאור גדול יען אגיד לך את  
הרשום בכתב אמת ואשכילך ואורך בדרך זו תלך ומי משניהם קולע אל  
השערה ולא יתביא :

ג. נפ. כאלו תערוג על אפיקי מים כן נפשי תערוג לדריך :  
ד. רן. תנין בסוף מסכת מכות ר' חנניא בן. יעקשיא אומר רצה  
הק"ב להכות את ישראל לפיכך הרבה להם תורה ומצות  
אמר נא לי בני נפתלי במה הן מוטת עשה ?

ס. גפ. רמ"ס כמנין אבריו של אדם :

ו. רן. וכמה הן מלות לא תעשה ?

ז. גפ. שס"ה כמנין ימות המשיח :

ח. רן. אם כן מל'ת יתדות על מ"ע ק"ז ?

ט. גפ. והו דבר הנראה לעינים :

י. רן. ועם הן ענשן ?

יא. גפ. סקילה שרפה הרג ומנא מלקות כיפה כרת ומיתה ביד  
שמים :

יב. רן. אם כן היה לו לר' חנניא לומר רצה הק"ב להעניש את ישראל  
מהרי לא יש אלא רמ"ס דרכים לכות ויש שס"ה למחוא :

יג. גפ.



## אש דת

י"ג נפ סנה לא ידעתי דבר כי נער אנכי דבר אתם למען תלמד דברך  
לרבי חנניא :

י"ד דן ולמה טעם הק"כ להעניש בשפטים גדולים לעוברים עבירות  
גדולות וחמורות ?

ט"ו נפ לבשר את הרע מישראל ולהפחיד את העם שנאמר ובערת  
רע מישראל וכל העם ישמעו ויראו וגו' :

י"ז דן ונפש האדם הנענש עולה היא למעלה לחיות בנעם ס' או  
יורדת היא למטה לאכזרן ולשאל תמתי ?

י"ח נפ אם נתחרט על עונו וסתודס לדיק ונושע הוא \* דמנן צפ' גומר  
הדין (משנה ב') היה דהוק סבית הסקילה עשר אמות

אומרים לו התורה שבן דרך המומתין מתורין שכל המאזרח י"ט  
לו הלק לע"הב שבן מציו בעבך וכו' :

י"א דן אם כן קלקלמו תוקנתו ומיתתו כפרתו שאם לא היה נענש  
בע"הו אוי לו וא"י לנפשו בע"הב כי נגור מארץ מ"ס וכל יראה

גאות ס' :

י"ט נפ אמת ויניב ונכון וקיים :

כ' דן הרי טעונס התעלים בנפשותם הוא חמלה וחנינה מלפני שוכן  
מעונה ורפואות תעלם למכתם :

כ"א נפ על זה פקחת עיני אבל למה סדצה הק"כ מל"ח על מ"ע הלא  
טוב שלא נתן לנו לא סן ולא שכרן או יעדיף מספר מ"ע על

מנות לא תעשה ?

כ"ב דן כתוב גבי סרטים לא תאכלום כי שקץ הם וכת"ב כי אני ה'  
אלהיכם והתקדשתם והייתם קדושים כי קדוש אני וגבי

עניות כתיב אל תטמאו בכל אלה כי בכל אלה נטמאו הגוים אשר  
אני משלה מפניכם ונטמא הארץ \* הרי שהדברים האלה נמא'ם

בעינאם :

כ"ג נפ ומה ענין זה לזה ?

כ"ד דן כשם שלא תשאל לרועא שמוהיר אותך שלא תאכל מאכל  
פלוגי ופלוגי מפני שהם סם המות כך אין לך לשאול למה אסור

הק"כ מיני מאכלות ולמה אשה זו אסורה וכו' מפני שכשם שהאור  
המפוספס והמים הרעים והסם המות מויקים והורגים את הגוף כך כל

הדברים האסורים מויקים לנפש והם סם המות לה שאל לא תאכלום  
כי שקץ הם ואם הם סס"ה מיני סם המות לא יש מקום לשאול למה

נתן לנו שס"ה מל"ח ? הרי שפדין אחר רח"צ רצח ה' ב"ה לזכות את  
ישראל אפילו במנות לא תעשה :

כ"ה נפ





בה

אשר ראה

ק"ק גם הנהגה לענין המנין למה היו שם לא קמות ולא יותר אבל  
מדין אשאלך והודיעני למה עש' בד' מיתות ב"ד ובכרת  
ובמיתה בירי שמים בקלף עבירות ?  
כ"ו דן ולמה הרעא בקדחת השורפת מקו' דם עד שיתעלף החולה ?  
ולמה בקלף מלאים לא יקיו כלל ? ולמה בקלף יתן סדקות  
ועסקים וסמנים מרים בלענה ? ולמה בקלף יסרוף אבר ובקלף יחתוך  
היד או הרגל ?

כ"ז גם לפי גודל החולי או המכה כך גודל ההקאה או התרופה ?  
כ"ח דן השמע לאורך מה שאתה מושיא מפך' כי לפי גודל העבירה כך  
גודל העונש לרפאת מלאי הנפש :

כ"ט גם פיתוחי נאפת \* אבל אם שגן קוץ ארס הנפש הרי מנאנו  
ראינו ששנים שאכלו סם המות נאדו אכלו במויד ואחד אכלו  
בשוגג יחדיו יהיו תמים בזק או צמית \* למה אם כן אינו כן בעון  
שהרי האוכל חלב במויד ענוש כרת והאוכל בשוגג נפטור בקרבן  
מטאת ? וכן ההורג נפש במויד חייב מיתה ובשוגג נפטור בגלות  
גרודא ?

ל' דן בני גאלס גדולש שאלת \* דע שא"עני ששנים אכלו או שתו  
שיעור טוה מסס המות אפשר שהאחד ימות והאחר יחוק מעט  
ויתרפא בקל גל ידי אפיקטוזין וכגון שהראשון לקח סם המות אליבא  
הקנא והשני בכרם מלאה שאו הארס נק' על פני האוכל המתעכל או  
המטובל ואינו נוגע באסטומכא ממש ולא בעזבותיו אלא אחר שנטמן  
ונידק ואזר סברו וצטל סכויו ולכן אינו יכול להזיק נזק שלם אלא חצי  
נזק אבל השני שלקח אותו אליבא ריקנא ימות בלי תקומה לפי שהארס  
מתלקף ונאסו בעור הברם ממש ומשם הולך סביבות כל קנוף ומטיל  
ארסו בכל הדם כן המטא במויד נשמתו ריקנית משום שפנה מחשבתו  
ומעשהו לעבירה והשוגג כשמתו מלאה לפי שלא היתה מחשבתו לעבירה  
ולכן כשנכנס דם ארס העין אין בו כח להמיתו אלא להזיק מעט וככן  
השוגג חייב מטאת בלבד וקמויד חייב ברת :

ג"א גם כך השכל נותן :

ג"ב דן מכאן ראינו שכשם שיש קדושה רוחנית כך יש טומאה רוחנית  
כאשר עיניך תקויגה בסורס שארס כל נהמה מאינס מעל  
גמה ומפרסת קרסס וכ"ד מצינו שפוח' מדורס' וסוהיר בסוף ק' קדושים  
ולא תשקצו את גפשותיכם בברמח ובעוף ובכל אשר תרמש  
הארמה



**אש דת**

הארמיה אשר הברלתי לכם לשאא ועוד לזנו על טומאת המת וטומאת  
נדה וזבה זרעת וכו' :

ל'ג גפ מי שים לו עינים לראות יודה לדברך :

ל'ד דן נפקא לן מינה שאם בדברים הגופנים יש קדושה רוחנית וטוביא  
רוחנית כ'ם שבתורה שהיא קדושה ורוחנית יונא רוחניות גדולה  
ונוראה וטמאות התלויות במעשה שכן גופניות לכאורה יש להן רוחניות  
פנימי אשר משפיע בנו הקדושה בדכתיב והתקדשתם והייתם קדושים  
שכ"ל כשתכינו ותזמנו עמכם לקדושה בהבדל מכל דבר המטביל  
ונשמור מצותי וחקי ודאי שתהיו קדושים וכשתהיו כך אזי אתם הדברים  
זה' אלהיכם והייתם לו לעם סגולה :

ל'ה גפ גם כזה נריך לסודות אבל אפשר שהק"ב קראו קדושים וטמאי  
לגבי דין מפני שאסר דבר פלוני ופלוני עלינו לזכותנו כמלך  
סרוצה להעשיר לעבדו שיגור לו שיעסב כך וכך אע"פ שאין למלך תועלת  
בזה כדי שעי' כך יקנה כסף וזהב ורכוש :

ל'ו דן אי הכי למה לזה בטרת טומאת מת שיקחו פרח אדומה  
תמימה אשר אין בה מום אשר לא עלה עליה עול ואם  
מיכר אחת מכל אלה פסולה כגון שהיו בה שתי שערות שלא היו אדומות  
ובמה ומה דקדוקים ודקדוקי דקדוקים השנויים בהלכות פסח והלא די  
ש"ס שיקחו פסח כמות שהיא ? אלא ודאי נריך לומר בעל כרחין שזה  
זה גורם ר"ל שהיה הפסח אדומה תמימה וכו' ואם לאו לא תועיל  
דאל"ת למה ירנא הש"ת פיזור מעון ישראל ולמה יסריח את העם ללא  
כלום ?

ל'ז גפ נכנסו דברך באזני :

ל'ח דן אילו הש"ת למה לנו מצוה זו שמים או שלש בלבד בכל פרטיה  
ודקדוקים' כזה אמינא שפירש במנות הללו בלבד כדי שלא נזלזל  
בזמן וסתם בשאר משום דלא איכפת ליה אם נשמור אותן באופן זה או  
באופן זה אבל אנן סהדי דאין מצוה בלי פרטים ודקדוקים הלא תראה  
שקדשי קדשים שהיטתן בצפון וקדשים קלים שחיטתן בכל מקום  
בעזרה ויש שדמן טעון הוזה על בין הברדים ועל הפרוכת ועל מזבח  
הזהב ויש שאינו טעון אלא על הפרוכת ועל מזבח הזהב בלבד ויש  
מי שטעון ד' מתנות על ארבע קרנות ויש שטעון שתי מתנות שהן  
ארבע ויש שטעון מתנה א' כנגד היסוד וכן העולה כולה כליל \*  
ההשאת ואשם כהנים אוכלין ובעלים מחבפרין וכן שלמי צבור  
אין