

## HASDAI CRESCAS AND HIS CIRCLE ON THE INFINITE AND EXPANDING TORAH

ARI ACKERMAN\*

### I.

Several scholars have noted the existence of a philosophic circle surrounding the innovative and groundbreaking Spanish Jewish philosopher, Hasdai Crescas (ca. 1340–1410/11).<sup>1</sup> Profiat Duran, Abraham b. Judah Leon, Joseph Ḥabiba, Zeraḥia Halevi, Matityahu Ha-Yitzhari and Joseph Albo worked alongside and in dialogue with Crescas, who was their teacher and colleague. Their philosophical writings, which include philosophical sermons, theological treatises and commentaries on biblical and rabbinic texts, are important for their recording of Crescas' teachings unknown from other sources.<sup>2</sup> It is also possible that these philosophers played a role in editing Hasdai Crescas' philosophical magnum opus, *Or Hashem (Light of the Lord)*, as well as others of his works.<sup>3</sup> Although none of them accepted

\* Lecturer in Jewish Thought and Education, Schechter Institute.

<sup>1</sup> On the philosophical circle of Ḥasdai Crescas see Aviezer Ravitzky, "On the Study of Medieval Jewish Philosophy," in *History of Judaism: The Next Ten Years*, ed. Baruch M. Bokser (Providence, RI: Scholars Press, 1980), pp. 76-77; Dov Schwartz, "Toward Research into Philosophical Circles in Pre-Expulsion Spain and Provence," *Trumah* 12 (2002), pp. 15-16; Natan Ophir, *R. Hasdai Crescas as Philosophic Exegete of Rabbinic Sources* (Ph.D. Dissertation, Hebrew University, 1993), pp. 323-349 [Hebrew]; Dror Erlich, *The Thought of R. Joseph Albo* (Ramat Gan: Bar Ilan University Press, 2009), pp. 291-292 [Hebrew]; Eric Lawee, "The Path to Felicity: Teachings and Tensions in 'Even Shetiyah of Abraham ben Yehudah, Disciple of Hasdai Crescas," *Medieval Studies* 59 (1997), pp. 219-222.

<sup>2</sup> Ravitzky, "On the Study of Medieval Jewish Philosophy," pp. 76-77.

<sup>3</sup> On the editorial role of Crescas' students in the final version of *Or Hashem* see Zev Harvey, "The Authorship of the Reservations concerning Determinism in Crescas' *Or Adonai*," *Kiryat Sefer* 55 (1980), pp. 210-238 [Hebrew]. Harvey has suggested that Crescas' students are responsible for the addition of brief comments regarding determinism in which Crescas seems to backtrack from his

wholesale the revolutionary scientific, philosophic and theological conceptions of Crescas, their teacher's views were discussed and developed and to a certain degree internalized (far more than among other subsequent Jewish philosophers). Therefore, a study of Crescas' philosophical circle can assist in illuminating aspects of Crescas' thought. Likewise, it is essential for a proper understanding of the reception of his teachings among its most receptive audience.

One of Crescas' notions that is developed among his students is his conception of the infinite Torah, which is comprised of an infinite number of laws. The concept of infinity appears often in Crescas' scientific theories and theological views, including his treatment of divine creation, power and attributes and his theory of space, time and numerical infinity.<sup>4</sup> However, to the best of my knowledge, the notion of the infinite Torah is mentioned only once in Crescas' philosophic writings. Crescas referred to the infinitude of the Torah as part of his criticism of Maimonides' methodology for his monumental legal code, *Mishneh Torah*:

Besides this, he [i.e. Maimonides] did not cite the reasons for things, nor their general principles, in full, but made mention only of the particulars which appeared in the discourses of our predecessors. And since the greater part of the commandments are in the nature of the possible, which is "wider than the sea" (Job 11:9), and knowledge will not comprehend the particulars for they are infinite, when some one particular from among those mentioned here [in the *Mishneh Torah*] is changed, we will not attain to judgment of it in perfection. Now, since there is no ratio between an infinite number and a finite number, it follows necessarily that there is no ratio between what is apprehended of the finite [number of] particulars which are mentioned there and

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commitment to determinism. More expansively, Natan Ophir posits a substantial role for Crescas' students and colleagues in the composition and editing of the final version of *Or Hashem* ("R. Hasdai Crescas as Philosophic Exegete of Rabbinic Sources"). He has also argued for the possibility that Abraham b. Yehudah Leon, a student of Crescas, edited a commentary on the *Kaddish*, which has been attributed to Crescas (Ophir, "*Sod Ha-Kaddish: A Kabbalistic Text Attributed to Hasdai Crescas*," *Da'at* 46 (2001), p. 23 [Hebrew]).

<sup>4</sup> See below, notes 9-11.

between what is not apprehended of the infinite [number of] particulars which are not mentioned there.<sup>5</sup>

Crescas underscored here the infinite nature of the Torah, whose particular laws are so abundant that they preclude the grasp of the finite human intellect. Thus, according to Crescas, Maimonides' code is problematic due to its failure to incorporate the conceptual underpinnings of the law. As a result, it is imprecise inasmuch as true knowledge necessitates an understanding of the root causes. Likewise, by presenting only abundant particular laws, accessibility and facility of memory is precluded.<sup>6</sup> Crescas set out the methodology of his own code in contrast to Maimonides. Thus, he averred that he will focus on the "definitions and principles" (*ha-gedarim ve-ha-klallim*) of the halakhic system.<sup>7</sup>

Our concern, however, is neither with Crescas' critique of Maimonides' halakhic methodology nor with his approach to codification.<sup>8</sup> Instead, I want to focus on his notion of the infinity of the Torah, which is the lynchpin of his philosophy of halakhah.

## II.

The notion of infinity is seminal to Crescas' philosophical, theological and scientific enterprise. It is particularly prominent in his discussions of physical theory, which forms the cornerstone of his critique of Maimonides' proofs of God's existence, unity and incorporeality.<sup>9</sup> For

<sup>5</sup> Crescas, *Or Hashem* (Jerusalem: privately published, 1990), p. 6: לא העיר על סבות הדברים וכלליהם בשלמות, כי אם בזכרון הפרטים שבא בדברי קדמונינו. ולהיות החלק הגדול הזה מהמצוות מחמר האפשר, והוא 'רחב מני ים', והפרטים לא תקיף בהם ידיעה להיותם בלתי-בעלי-תכלית, הנה כשישתנה פרט מהפרטים שהוזכרו שם, לא נשיג המשפט בו על השלמות. וכי אין יחס בין המספר הבעל-תכלית והבלתי-בעל-תכלית, הנה יתחייב שאין יחס בין מה שיושג בפרטים שהוזכרו שם הבעל-תכלית, ובין מה שלא יושג מהפרטים בלתי-בעלי-תכלית שלא הוזכרו שם. the translation is taken from Warren Z. Harvey, *Hasdai Crescas' Critique of the Theory of the Acquired Intellect* (Ph.D. Dissertation, Columbia University, 1977), p. 358.

<sup>6</sup> Crescas, *Or Hashem*, p. 6.

<sup>7</sup> *Ibid.*, p. 7.

<sup>8</sup> I have treated these topics in Ackerman, "Hasdai Crescas on the Philosophical Foundation of Codification," (*AJS Review*, forthcoming).

<sup>9</sup> On Crescas' conception of infinity in his scientific theories see Harry Wolfson, *Crescas' Critique of Aristotle* (Cambridge, MA: Harvard University Press, 1929), pp. 38-69.

example, he argued for the existence of an infinitely extended body,<sup>10</sup> and dismissed Aristotle's opposition to the existence of a vacuum, positing the presence of infinite extension beyond the diurnal sphere.<sup>11</sup> Infinity is also central to his theological outlook (particularly his theory of divine attributes, power and creation).<sup>12</sup> It is therefore not surprising that Crescas introduced infinity as an essential element of his philosophy of halakhah and his approach to codification.

Crescas failed, however, to explicate his understanding of the infinity of the Torah. Indeed, Crescas' discussion in the introduction to *Or Hashem* lends itself to two disparate conceptions of the infinitude of the Torah. It is clear that in speaking of the infinity of the Torah, Crescas is referring to a numerical infinity. That is, according to Aristotle and his medieval followers, one can distinguish between three kinds of infinity: infinite magnitude, which entails an unlimited extension or length; an infinite essence or an infinite number.<sup>13</sup> In arguing that the Torah is comprised of infinite laws, Crescas is certainly referring to an infinite number of halakhot. However, within the category of infinite number, Aristotle famously distinguished between potential and actual infinite. Without entering into the many scholarly disputes regarding Aristotle's distinction, it can be stated generally that Aristotle maintains that an actual infinite is something which consist of infinitely many elements that exist together simultaneously, while potential infinite is a potentially endless and inexhaustible process in which an additional element can always be

<sup>10</sup> Crescas, *Or Hashem* 1:1;1, 1:2:1; Wolfson, *Crescas' Critique of Aristotle*, pp. 135-217.

<sup>11</sup> Crescas, *Or Hashem* 1:1:1, 1:2:1; Wolfson, *Crescas' Critique of Aristotle*, pp. 137-149, 155-157; Shlomo Pines, "Scholasticism after Thomas Aquinas and the Teachings of Hasdai Crescas and His Predecessors," in Shlomo Pines, *Studies in the History of Jewish Thought*, eds. Moshe Idel and Warren Z. Harvey (Jerusalem: Magnes Press, 1997), pp. 504-505; Warren Z. Harvey, *Physics and Metaphysics in Hasdai Crescas* (Amsterdam: J.C. Grieben Publisher, 1998), pp. 4-8.

<sup>12</sup> On infinity in Crescas' conception of creation see Crescas, *Or Hashem* 3:1:1:4, 308; on infinity in Crescas' conception of divine power see Crescas, *Or Hashem* 2:3:1; on infinity in Crescas' view of divine attributes see Crescas, *Or Hashem*, 1:3:3, 105-106; Pines, *Studies in Jewish Thought*, pp. 31, 37-40; Harvey, *Physics and Metaphysics in Hasdai Crescas*, p. 137.

<sup>13</sup> On these different categories of infinite see Harry Wolfson, *The Philosophy of Spinoza* (Cambridge, MA: Harvard University Press, 1934), pp. 133-141.

added to the set.<sup>14</sup> Crescas, however, does not state whether the infinite Torah should be viewed as an actual or a potential infinite.<sup>15</sup> On the one hand, the Torah can be conceived of as infinite, because it is comprised of infinite particulars from its inception. According to this approach, the Torah revealed at Sinai consists of an actual infinite number of laws. In support of this reading, one can point to the distinction between the finite number of laws that are incorporated into Maimonides' *Mishneh Torah* and the infinite number that are excluded. His atemporal language regarding this distinction suggests that he was referring to an actual infinite.<sup>16</sup> On the other hand, the Torah can be considered infinite because it undergoes an infinite process of growth (as suggested by Crescas' statement that "the commandments are in the nature of the possible").<sup>17</sup> That is, the revealed Torah is initially finite, but it continuously and unceasingly expands by adding new particular laws or legal details through rabbinic interpretation and legislation.<sup>18</sup>

As noted, Crescas' introduction to *Or Hashem* can be read as maintaining the revelation of infinite particular laws. According to this interpretation, God initially handed over both finite general principles and infinite particular laws. The need for general principles is due to their mnemonic and pedagogic significance. Infinite particulars can only be comprehended and committed to memory if the grasp of them

<sup>14</sup> On Aristotle's distinction between potential and actual infinite see Aristotle, *Physics* 206a21-29; Jaakko Hintikka, "Aristotelian Infinity," *Philosophic Review* 75 (1996), pp. 197-218; David Bostack, "Aristotle, Zeno and the Potential Infinite," *Proceedings of the Aristotelian Society* 73 (1972-1973), pp. 37-51; Jonathan Lear, "Aristotelian Infinity," *Proceedings of the Aristotelian Society* 80 (1979), pp. 187-210; William Charlton, "Aristotle's Potential Infinities," in *Aristotle's Physics: A Collection of Essays*, ed. Lindsay Judson (Oxford: Clarendon Press, 1995), pp. 129-149; John Bowin, "Aristotelian Infinity," in *Oxford Studies in Ancient Philosophy*, ed. David Sedley (Oxford: Oxford University Press, 2007), pp. 233-250.

<sup>15</sup> It should be noted that Aristotle rejects the existence of an actual numerical infinity (see the references in the previous note), while Crescas accepts its possible existence (Crescas, *Or Hashem* 1:2:2; Wolfson, *Crescas' Critique of Aristotle*, pp. 219-221, 477-479; Nachum Rabinovitch, "Rabbi Hasdai Crescas (1340-1410) on Numerical Infinities," *Isis* 61 (1970), pp. 224-230).

<sup>16</sup> I am indebted to Prof. Zev Harvey for this suggestion.

<sup>17</sup> I am indebted to Prof. Zev Harvey for this suggestion as well.

<sup>18</sup> A similar distinction is drawn by Yohanan Silman (*The Voice Heard at Sinai* (Jerusalem: Magnes Press, 1999) [Hebrew]). However, Silman relates the distinction to God's perfection and not to divine infinitude.

is conducted through the medium of readily accessible legal principles. Thus, by understanding and memorizing the legal concepts and rules, one encompasses all the particular directives that flow from them.

The introduction, however, also offers another understanding of general principles, which supports the conception of an infinitely expanding Torah. According to this reading, the “principles and definitions” possess exegetic legal significance, in addition to their pedagogic and mnemonic contributions. They are hermeneutical rules that allow for the addition of new laws. Scholars are able to enhance halakhah by employing the principles to determine new laws. In this regard, Crescas provided the example of the hermeneutic principles of R. Ishmael, which allow for the derivation of laws from the revealed Written Torah. It is also possible that his intention to formulate “principles and definitions” in his own code was for the purpose of providing tools for the derivation of new laws from post-biblical halakhic texts. That is, he understood the Torah as a continuously expanding entity and he attempted to contribute to its growth through crafting exegetical tools.<sup>19</sup>

### III.

While the introduction allows for diverse understandings of the infinity of the Torah, Crescas’ discussion of the eternity of the Torah in *Or Hashem* suggests that the Torah was initially complete, perfect and infinite.<sup>20</sup> This section of *Or Hashem* does not explicitly relate to

<sup>19</sup> On this aspect of Crescas’ approach to codification see Ackerman, “Hasdai Crescas on the Philosophical Foundation of Codification.”

<sup>20</sup> The reason that Crescas left open the question of the nature of the infinity of the Torah in his introduction while elsewhere he adopted a more specific approach is perhaps due to the fact that he had not yet developed his approach to the infinity of the Torah while writing his introduction. Indeed, it is evident that this section of *Or Hashem* is relatively early and was written before Crescas developed some of the more advanced elements of his critique of philosophy. This can be established from two pieces of evidence. First, Crescas seems to evince here a more favorable attitude to Maimonides’ *The Guide of the Perplexed* than in other places in *Or Hashem* (see *Or Hashem*, 5: “He composed a work entitled *The Guide of the Perplexed* and he acted wondrously with the composition of these works”). Second, in describing the requisite love for the commandments, he employed the terms *ahavah* and *heshek* (*Or Hashem*, 4). In contrast, in his critique of Maimonides’ approach to divine attributes, he distinguished sharply between these terms, arguing that human

the concept of the infinity of the Torah. However, Crescas' argument for the eternity of the Torah runs counter to an understanding of an infinitely expanding Torah.

Let us begin by quoting the argument in full:

It has been explained previously that the Torah is completely perfect so that it brings its adherents—those who are perfect or those lacking perfection—to human eudemonia and the desired *telos* by straightening them to the greatest extent possible toward moral perfection and [comprehension] of intelligibles and by arousing [them] to the greatest extent possible to worship and [to achieve] the subsequent communion. Consequently, it cannot be annulled, either completely or partially, except when it is replaced by another. For the proposition “it [i.e. the Torah] will be annulled and not replaced by another” is invalid, since the *telos* intended by God, which is goodness, cannot be abolished. Consequently, if this Torah is annulled, it must necessarily be replaced, wholly or partially. And it is inescapable that the later Torah is on the same level as the first or on a lower level. However, it is impossible that it is on a lower level, because then God's intended *telos* will not be achieved. Likewise, it is invalid that it is on the same level of perfection as the first Torah, because then the replacement would have been a vacuous and purposeless act. Hence, it is evident from reason and balanced judgment that this Torah is immutable.<sup>21</sup>

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love of God is depicted by the term *ahavah*, while the term *heshek* is reserved for God's infinite love of human beings (*Or Hashem* 1:3:6, 121). Scholars have identified an early layer of *Or Hashem*, which was composed before Crescas had developed his criticism of Maimonides' philosophy. (See Zev Harvey, “Bewilderments in Crescas' Theory of Attributes,” *Proceedings of the Israel Academy of Science and Humanities* 8 (1997), pp. 133-144 [Hebrew]; Natan Ophir, “R. Hasdai Crescas as Philosophic Exegete of Rabbinic Sources”; Ari Ackerman “The Composition of the Section on Divine Providence in *Or Hashem*,” *Da'at* 32-33 (1994), pp. 37-45). It seems that this section of the introduction is also part of this early layer of *Or Hashem*. However, only the first part of the introduction should be considered part of the early stratum. The second section already displays Crescas' later criticism of Maimonides' philosophy.

<sup>21</sup> Crescas, *Or Hashem* 3:1:5:1, 352-353: וזה שלמה שהתבאר ממה שקדם, היות התורה, היותה בתכלית השלמות, להביא המחזיקים בה—שלמים או חסרים—אל ההצלחה האנושית והתכלית הנכסף; למה שתישר תכלית ההישרה אל שלמות המדות ואל השכליות, ותעורר גם כן

Here Crescas began with the premise that the Torah is absolutely perfect. In *Or Hashem*, he grounded this premise in the ability of the Torah to advance human eudemonia, which includes moral and intellectual perfection, love of God and divine communion.<sup>22</sup> In a parallel discussion in his polemical work, *Bitul Ikarei Ha-Nozrim (The Refutation of the Christian Principles)*, Crescas deduced the premise concerning the perfection of the Torah from the principle, “The perfection of the activity will be according to the perfection of the agent.”<sup>23</sup> He reasoned that since God is perfect and the agent of the Torah, one must conclude that the Torah is perfect.

Having established the perfection of the Torah, his argument proceeded in the form of a *reductio ad absurdum*. He argued that any replacement of the Torah or change thereof would produce a Torah that is of equal or reduced perfection. Both alternatives are patently false, because God would either be acting vacuously (by bringing about a Torah of equal perfection) or imperfectly (by bringing about a less than perfect Torah).

Crescas did cite the opinion of the later-day authors (*ha-meḥabrim ha-'aḥronim*) who argued that although God is perfect, the Torah undergoes change due to the need to accommodate the Torah to the progressing spiritual levels of its recipients. The argument of the later-day authors is expanded upon in the discussion of the immutability of the Torah in *Bitul Ikarei Ha-Nozrim*:

Someone might think to answer us that it was perfect in proportion to those who received it, who were intellectually deficient and far from perfection. They had become like animals because of their work for the Egyptians; by being with [the Egyptians] continuously, [the Israelites] acquired their physical and terrestrial attributes, becoming insensitive to the spiritual.

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תכלית ההתעוררות, העבודה והדבקות אחר כך; אי אפשר שתהיה בטלה, בכל או בחלק, אלא כשתומר באחרת. שהמאמר שתתבטל ולא תומר באחרת הוא דבר בטל; למה שהתכלית הנרצה אצל השי"ת, ובבחינתו, שהוא הטובה, אי אפשר שתתבטל. ולזה, אם היה שתתבטל זאת התורה, היה בהכרח בשתומר כולה או מקצתה. ואין המלט מהיות התורה האחרונה, אם בשעור השלמות אשר בראשונה, ואם בשעור פחות ממנה. ואי אפשר שיהיה פחות ממנה, למה שלא ימשך התכלית הנרצה אצל השי"ת ושתהיה בשעור השלמות אשר בראשונה, גם זה בטל; שכבר תהיה ההמרה פעל הריק אין תועלת בו. ולזה הוא מבאר מצד הסברא ואזון הדעת, שזאת התורה אי אפשר שתשתנה בשום צד.

<sup>22</sup> Crescas, *Or Hashem* 2:6:1.

<sup>23</sup> Hasdai Crescas, *The Refutation of the Christian Principles*, trans. Daniel Lasker (New York: State University of New York Press, 1992), p. 67.



Hence they needed external, physical things and promises of imaginary goods. But after they were removed from these customs, acquired belief and drew near to the spiritual values, the new Torah, which is fully and thoroughly spiritual, gave perfection to [their belief] and to their Torah.<sup>24</sup>

From this version of the argument, it is apparent that Crescas is responding to a Christian polemical argument. The anonymous Christian polemicist is likely alluding to Maimonides' view that sacrifices were enjoined, despite their corporeal character, due to the lowly spiritual and intellectual state of the Jews at the time of the Sinaitic revelation.<sup>25</sup> The Christian polemicist generalized and radicalized Maimonides' view by claiming that all commandments are an accommodation to the Jews' initial materialistic orientation, and employed it as an argument for the possibility of the abrogation of the commandments of the Hebrew Bible.

Crescas rejected this view, providing different arguments in *Or Hashem* and *Bitul Ikarei Ha-Nozrim*. In *Or Hashem*, Crescas responded generally to the possibility of a change in the Torah due to the spiritual advancement of its recipients. He claimed that the Torah uniquely and supernaturally can bring about the spiritual advancement of a heterogeneous group of human beings who possess varying degrees of intellectual and moral perfection.<sup>26</sup> Therefore, even if its adherents achieve spiritual or intellectual progression, the Torah retains its value for them and there is no need to introduce changes. In *Bitul Ikarei Ha-Nozrim*, Crescas offered an additional argument, which addresses more specifically the possibility that the Jewish people were initially spiritually wanting as a result of their prolonged servitude to idolatrous Egyptians. He countered that Jews successfully

<sup>24</sup> Hasdai Crescas, *The Refutation of The Christian Principles*, trans. Lasker, 68: ובעבור שכבר יחשוב חושב להשיבנו, שהיא שלמה בערך אל המקבלים אשר היו אז חסרי שכל, נבדלי השלמות, בהמיים מצד עבודת המצריים אשר קנו מההתמדה עמהם אותם התכונות הגשמיות <והארציות>, ולא הרגישו ברוחני—ולזה מה שהוצרכו דברים חיצוניים גשמיים, והבטחות טובות מדומות—אבל אחר שנעתקו מאותם <המנהגים>, וקנו אמונה, וקרבו אל (Crescas, *Sefer Bitul Ikarei Ha-Nozrim*, ed. Daniel Lasker (Ramat Gan: Bar Ilan University Press, 1990), p. 78).

<sup>25</sup> Maimonides, *Guide for the Perplexed* 3:32.

<sup>26</sup> Crescas, *Or Hashem*, 3:1:5:1, 353.

resisted acculturation during their residence in Egypt, which was the root of the antagonism of the Egyptians toward them.<sup>27</sup>

What emerges from Crescas' two discussions of the eternity and immutability of the Torah is the conception of the Torah as a stable and unvarying entity. Consequently, its infinity seemingly cannot be conceived in dynamic terms. Rather, the infinite number of halakhot must always be present. Indeed, the discussion of the Torah's immutability implies that alteration entails imperfection. Hence, any change in respect to the Torah—including its expansion—is precluded.

#### IV.

In contrast to the section on the immutability of the Torah, various statements of Crescas' students point towards a conception of a dynamic and continuously expanding infinite Torah, which is comprised of general principles from which particular laws are generated.

Let us begin with a comment of Abraham b. Judah, a student of R. Hasdai Crescas. In 1378 he composed a work, *'Arb'ah Turim*, which contains parallels with the views espoused in *Or Hashem* (although the extent of the dependency on Crescas is a matter of scholarly dispute).<sup>28</sup> In his treatment of divine providence, he cited a rabbinic statement that connects between God's establishing of new commandments (*meḥadesh mitzvah*) and the holiness of the Jewish people.<sup>29</sup>

<sup>27</sup> Crescas, *Sefer Bitul Ikarei Ha-Nozrim*, 82-84.

<sup>28</sup> Shalom Rosenberg has published this work ("The *'Arb'ah Turim* of Rabbi Abraham bar Yehudah, Disciple of Don Hasdai Crescas," *Jerusalem Studies in Jewish Thought* 3 (1983-1984), pp. 525-621 [Hebrew]). On the question of the relationship between Crescas' *Or Hashem* and Abraham bar Yehudah's *Arba'ah Turim* see Rosenberg, "The *'Arb'ah Turim* of Abraham bar Yehudah," pp. 526-528; Zev Harvey, "Kabbalistic Elements in Crescas' *Or Hashem*," *Jerusalem Studies in Jewish Thought* 2 (1983), p. 87, n. 46 [Hebrew], and Eric Lawee, "The Path to Felicity: Teachings and Tensions in *'Even Shetiyah* of Abraham ben Yehudah, Disciple of Hasdai Crescas," pp. 211-219.

<sup>29</sup> Rosenberg, "The *'Arb'ah Turim Turim* of Abraham bar Yehudah," p. 574: וכפי יתרון המצוות שיש לו לאדם השגחתו ית' היא יותר עליו כמו שאמ' החכם ר' חנינא בן עקשיא רצה הקב"ה לזכות את ישראל לפי הרבה להם תורה ומצוות ולשון מכילתא ואנשי קדש תהיו לי איסי בן יהודה אומ' כשהקב"ה מחדש מצוה לישראל מוסיף להם קדושה ולכן ראויין ישראל להיותן יותר מושגחין.

To the extent that the number of laws for a person is greater, the divine providence toward him or her is greater. As the sage R. Ḥananyah ben Akashya states, “God wanted to grant merit to Israel. Therefore, God multiplied for them the Torah and the commandments.”<sup>30</sup> And the language of the Mekhilta [states]: “‘And you shall be holy men’ (Exodus 22:30). R. Isi ben Yehudah states: ‘When God establishes a new commandment [*meḥadesh mitzvah*], he adds holiness to Israel.’”<sup>31</sup>

However, he failed to elaborate on the nature of the divine production of new commandments and did not state explicitly that the number of laws is infinite.

Even more closely paralleling Crescas’ notion of the infinite Torah is a statement of Matityahu Ha-Yitzhari, another student of Crescas, in his commentary on Tractate Avot.<sup>32</sup> Like Abraham b. Judah, he spoke of the divine production of new commandments. But he also addressed the issue of the infinitude of the Torah in his treatment of the nature of Talmudic disputes:

Disputes recorded in the talmudic works concern themselves with issues that require the deduction from principles that God has established as categories and principles. We learn from them [i.e. the principles] the particulars of the laws, which are brought into existence and created continuously so that they cannot be encompassed in written form. The sages stated in Genesis Rabbah: “No day passes when God does not innovate a halakhah.”<sup>33</sup> ... That is, the new laws cannot be encompassed, as the passing of time. As a result, those who established the

<sup>30</sup> M. Makot 3:16.

<sup>31</sup> *Mekhilta de Rabbi Ishmael*, Mishpatim 20 (ed. Horowitz-Rabin, p. 320).

<sup>32</sup> On the relationship between Matityahu Ha-Yitzhari’s thought and Crescas’ philosophy see Aviezer Ravitzky, “‘In the Path that a Person Wants to Walk He is Taken’: The Paradoxical Conception of Free Choice in the Thought of Matityahu Ha-Yitzhari,” in *From Rome to Jerusalem: Memorial Volume for Joseph Baruch Sermoneta*, ed. Aviezer Ravitzky (Jerusalem: Magnes Press, 1998), pp. 239-256 [Hebrew], and Dov Schwartz’s introduction to Matityahu Ha-Yitzhari, *Commentary on Avot*, ed. Jacob Spiegel (Jerusalem: Yad Ben Zvi, 2006) [Hebrew].

<sup>33</sup> *Bereshit Rabbah* 49:2 (ed. Theodor-Albeck, Berlin: Veröffentlichungen der Akademie für die Wissenschaft des Judentums, 1940, p. 501).

blessings stated:<sup>34</sup> “He creates anew with His goodness each day continuously the works of creation.”<sup>35</sup>

Thus, he argued for the expansion of the Torah through the daily derivation of particular laws from previously transmitted principles. And like Crescas, he implied that the number of the laws is infinite, noting that “new laws cannot be encompassed in written form.”

Likewise, Joseph Albo, another student of Hasdai Crescas, related to the derivation of new laws:

This is because the written law cannot be perfect so as to be adequate for all times, because the ever new details of human relations, their customs and their acts, are too numerous to be embraced in a book. Therefore Moses was given orally certain general principles, only briefly alluded to in the Torah, by means of which the wise men in every generation may work out the details as they appear.<sup>36</sup>

Like Ha-Yitzhari, Albo depicted the Torah as unlimited due to the continuous process of the derivation of new laws from general principles, and noted that the laws “are too numerous to be embraced in a book,” entailing that the law is open-ended and infinite.

The notion of the expansion of the Torah is also found in a sermon of Zerahia Halevi, a fourth student of Hasdai Crescas:

Since the possible details which are in the nature of the possible are infinite and their details cannot be contained in the [Torah] scroll, God—whose actions are all perfect, as the verse attests: “The Rock, His deeds are perfect” (Deuteronomy 32:4), and who

<sup>34</sup> The quote is taken from the first blessing before the *shema* prayer (*birkhat yotzer*) as part of the morning service.

<sup>35</sup> Matityahu Ha-Yitzhari, *Commentary on Avot*, 68-69: עניני המחלוקת שבאו בחבורים תלמודיים הם בדברים נצטרך להוציאם מהכללים, הניחם הש"י כמו סוגים וכללים נלמוד מהם פרטי הדינים ההיום ומתחדשים תמיד בלי יוקפו במכתב. אז"ל בב"ר: 'אין לך יום שאין הב"ה מחדש הלכה' [...] כלומר שחידושי הדינין לא יוקפו, כמו מקרה הזמנים, ולזה אמרו מסדרי הברכות 'המחדש בטובו בכל יום תמיד מעשה בראשית'.

<sup>36</sup> Joseph Albo, *Sefer Ha-Ikkarim*, ed. I. Husik, volume three (Philadelphia: The Jewish Publication Society, 1930), 3:23, 203: ועוד לפי שאי אפשר שתהיה תורת השם יתברך שלמה באופן שתספיק בכל הזמנים, לפי שהפרטים המתחדשים תמיד בעניני האנשים, במשפטים והדברים הנפעלים הם רבים מאד משכללם ספר, על כן נתנו למשה בסניני על פה דרכים כוללים נרמזו בתורה בקצרה, כדי שעל ידם יוציאו החכמים שבכל דור ודור הפרטים המתחדשים.

wanted His Torah to be perfect, as the verse attests: “The teaching of the Lord is perfect” (Psalms 19:8)—overcame this deficiency by one single commandment without which there would not be perfection for the other commandments. It is mentioned in the Torah pericope [*Shoftim*]: “If a case is too baffling for you to decide, you shall act in accordance with the instruction given you and the ruling handed down to you; you must not deviate from the verdict that they announce to you either to the right or to the left” (Deuteronomy 17:8, 11). And the sage placed this commandment as a cornerstone and made it a principle on which everything is dependent as they stated in Tractate Sanhedrin: “Even if they tell you that right is left.”<sup>37</sup> Thus, just as the ten commandments that are written in the tablets are beginnings and premises which have the power to give birth and bring forth the other commandments, so too the Sanhedrin and every judge and rabbi in every generation is also the beginning of all the commandments and all the details and the uncertain judgments that will come about.<sup>38</sup>

Here Zerahia followed closely his teacher Crescas. He posited explicitly the existence of infinite particular laws and adopted Crescas’ formulation that the halakhot “are in the nature of the possible.” Finally, he followed the other students of Crescas by conceiving of the Torah as expanding through the unceasing appearance of legal innovations (although he does not mention the role of general principles in these halakhic innovations). And he noted the inability of the laws to be “contained in the Torah scroll.”

<sup>37</sup> The statement does not appear in Tractate *Sanhedrin*, but it is found in *Sifre*, Deuteronomy, *Shoftim*, no. 154 (ed. Louis Finkelstein, New York: Jewish Theological Seminary, p. 207).

<sup>38</sup> Ari Ackerman, “Three Eulogies of Zerahia Halevi,” *Kobez Al Yad* 19 (2006): 216: ואי [...] כל פעולותיו תמימות מזוקקות מכל חסרון, אפטר שיושמו פרטיהם במגלת ספר, השם ית', אשר כל פעולותיו תמימות מזוקקות מכל חסרון, כמאמר הפסוק 'הצור תמים פעלו' (דברים לב, ד), ורצה שתהיה תורתו שלימה, כמאמר הפסוק 'תורת השם תמימה' (תהלים יט, ח), השלים זה החסרון במצוה אחת לבד, אשר בלעדיה לא היה שלמות למצות האחרות. והיא זאת, כי נאמר בפרשה 'כי יפלא ממך דבר על פי התורה אשר יורוך ועל המשפט אשר יאמרו לך תעשה לא תסור מן הדבר אשר יגידו לך ימין ושמאל' (דברים יז, ח, יא). והנה רז"ל שמו זאת המצוה לראש פנה, ועשאוה עקר שהכל תלוי בו, עד שאמרו במסכת סנהדרין פרק אלו הנחנקין אפילו יאמרו לך על ימין שהוא שמאל. ולכן כמו שאלה עשרת הדברים הכתובים בלוחות הם התחלות והקדמות אשר כח בהן להוליד ולהשפיע שאר המצות, כן הסנהדרין וכל דין ושופט רב בכל דור ודור הוא התחלה לכל מצות התורה, גם לכל הפרטים והדינים המסופקים אשר יקרו.

Thus, Abraham b. Judah, Joseph Albo, Matityahu Ha-Yitzhari and Zerahia Halevi concurred that the laws are perpetually increasing. With the exception of Abraham b. Judah, they explicitly or implicitly viewed the continuous growth of the Torah as grounded in its infinitude. Lastly, with the exception of Zerahia, they averred that the particulars of the law are generated endlessly from rabbinic interpretations, which employ divinely-revealed broad principles.

The espousal by almost all of Crescas' students of the notion of the infinitely expanding Torah would suggest that they received it from their teacher. Although the discussion of the immutability of the Torah would imply otherwise, it is likely that his students reflect the authentic position of their teacher. Perhaps more than any other section in *Or Hashem*, the section on the eternity of the Torah is conditioned by polemical concerns. It is directly responding to the Christian claim that God's law has undergone changes as a result of the advancement of its recipients, and the New Testament comes to replace the Old Testament. Regarding this issue, Crescas was compelled to forcefully reject the possibility of the abrogation of the law. Perhaps, at a time of fierce polemical debates between Christian and Jews, Crescas was willing to conceal his true opinion regarding halakhic changes and additions, and advocate exoterically a contrary opinion due to its polemical significance.

## V.

The affinity between the approach to the infinity of the Torah of Zerahia Halevi, Mattetyahu Yizhari and Joseph Albo, on the one hand, and their teacher, Hasdai Crescas, on the other hand, has been underscored. Yet it is also important to note the way that the students develop the conception of their teacher. This dialectical engagement with the views of Hasdai Crescas is particularly evident in the discussion of the Torah's immutability in Joseph Albo's *Sefer Ha-Ikkarim*.

Albo began his discussion of the immutability of the law with the following question: "We now desire to investigate whether it is possible that a given divine law of a given people should change in time, or whether it cannot change but must be eternal."<sup>39</sup> In response to the question, he initially proffered arguments against the possibility of the change of divine law. Surprisingly, he did not mention Crescas'

<sup>39</sup> Albo, *Sefer Ha-Ikkarim*, volume three, p. 112.

argument from the perfection of the Torah. Instead, he argued that any change of the law would entail change in God's will. Additionally, it would violate the agreement surrounding the giving of the law, which did not stipulate any temporal condition. Finally, a change of the law would deviate from the purpose of the divine Torah, which is the teaching of invariable true belief.

Having offered arguments for the immutability of the law in general, like Crescas he proceeded to investigate the possibility that the law can undergo change as a result of a change on the part of the recipients. However, unlike Crescas, Albo entertained this possibility extensively and ultimately accepted it. He reasoned:

[There is] no defect in God if He did not give at the beginning a law and a regimen that would suffice for all times. For when He gave the Torah He knew that that law would suffice for the time which in His wisdom He estimated would be required to prepare the recipients and improve their condition so as to fit them to receive the second regimen, though He did not reveal this purpose of His to any one.<sup>40</sup>

On the contrary, according to Albo, the failure to update the law according to shifting circumstances would constitute a divine imperfection. He also marshaled numerous instances of changes in divine law. These changes include permission to Noah to consume meat and the commandment of circumcision to Abraham, which preceded God's revelation of the Torah to the Jewish people. Additionally, they consist of shifts in the revealed law itself such as the change in the order of the months of the Jewish calendar and the characters of the Hebrew language.<sup>41</sup>

Albo was aware of Crescas' counterargument that the divine Torah *qua* supernatural should achieve its goals irrespective of the spiritual level of its recipients. He parried Crescas' thrust, however, by citing Maimonides' insistence that the Torah works naturally. "We do not say that it would be a credit to God if all things happened by way of a miracle and not in accordance with natural law. For all theologians are agreed that nature is precious to God and He does not change it except

<sup>40</sup> Ibid., p. 115: איננו חסרון בחק השם יתברך אם לא נתן בתחלה תורה והנהגה מספקת לכל הזמנים, וזה כי הוא כשנתן התורה ידע שהנהגה ההיא תספיק עד הזמן ששערה חכמתו שיספיק להכין המקבלים ותקן טבעם אל שיקבלו ההנהגה השנית אף על פי שלא גלהו לאדם.

<sup>41</sup> Ibid., pp. 118-148.

when it is absolutely necessary.”<sup>42</sup> Hence, he concluded that theoretically divine law can undergo changes (especially regarding laws which were instituted in accommodation to the Jews’ idolatrous practices at the time of the Sinaitic revelation).<sup>43</sup>

He did raise two substantial qualifications, however. First, if the divine law was directly transmitted from God to its recipients (without the intermediary of prophet), it cannot be abrogated. He proceeded to demonstrate that the Ten Commandments were revealed directly to the Israelites and therefore cannot be changed.<sup>44</sup> Secondly, a law given through the intermediary of a prophet, which is the case with the all other commandments, can be changed only if it is transmitted by a prophet equal in stature to the first prophet or if the second prophecy is verified to a degree equal to the verification of the first prophecy.<sup>45</sup> Since Moses’ prophecy was verified through a public revelation to the entire Jewish people, any change in law would demand a similar verification through a public act of revelation. Albo concluded that no prophet can exceed the greatness of Moses. However, he was open to the possibility of a second public act of revelation that would alter the laws of the original revelation:

As to the question whether there will ever be in the future such a great publicity as the first when all Israel will hear the voice of the Lord God speaking to them out of the midst of the fire, the opinion of the Rabbis is that there will be such an event. [...] My own opinion is that since this does not necessarily flow from an interpretation of the biblical verses, it is more proper to say that this matter depends upon the will of God.<sup>46</sup>

Albo here unconventionally accepted the possibility of the mutability of the law. He did not suggest his reason for deviating from the view of his teacher (as well as that of Maimonides and all other medieval

<sup>42</sup> Ibid., p. 117.

<sup>43</sup> Ibid., pp. 147-148.

<sup>44</sup> Ibid., pp. 155-171.

<sup>45</sup> Ibid., pp. 172-173.

<sup>46</sup> Ibid., pp. 180-181: ואולם אם אפשר שימצא בעתיד פומבי גדול כראשון שכל ישראל ישמעו קול ה' אלהים מדבר אליהם מתוך האש, דעת רבותינו ז"ל הוא שעתיד שימצא [...] ולפי דעתי כי אחר שאין זה מוכרח בפירוש הפסוקים שיותר ראוי שנאמר שזה הדבר תלוי ברצון האל.



Jewish thinkers).<sup>47</sup> But it is perhaps due to his understanding of the conflict between Crescas' view on the infinitely expanding Torah and his belief in the immutability of the Torah. Albo was willing to sacrifice the belief in the immutability of the Torah on the altar of the infinitely expanding Torah.

In short, Crescas' critique of Maimonides' approach to codification and his attempt to develop a unique codificatory methodology are grounded in his understanding of the infinitude of the Torah. However, his brief comments on the Torah's infinity invite two possible interpretations: On the one hand, the Torah can be conceived of as infinite, because it is comprised of an infinite number of laws from its inception. On the other hand, the Torah can be considered infinite, because it undergoes an infinite process of growth. Evidence for the former can be culled from his discussion of the immutability of the Torah, while evidence for the latter is apparent from various statements of his students regarding the unceasing derivation of new laws. It is possible that in response to these conflicting tendencies within Crescas' thought, Joseph Albo deviated from his teacher regarding the immutability of the law and accepted the prospect of an additional public revelation, which will herald changes in the law.

<sup>47</sup> Maimonides, *Commentary on the Mishnah, Seder Nezikin*, ed. Yosef Kapach (Jerusalem: Mossad Ha-Rav Kook, 1965), 144; idem, *Mishneh Torah, Laws of the Fundamentals of the Torah* 9:1.