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Ḥasdai Crescas on the Philosophic Foundation of Codification

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Abstract: *Ḥasdai Crescas briefly adumbrated his halakhic methodology in the introduction to his philosophic work, 'Or ha-Shem. He followed Maimonides by arguing for the importance of a comprehensive and succinct legal code and opposed himself to those who ascribe independent value to Torah study. However, Crescas disputed Maimonides on the proper goals and character of a legal code. Unlike Maimonides, he designated his code for Torah scholars and focused on the bedrock principles that are the bases for particular laws. According to Crescas, these principles allow the codifier to capture the infinite and boundless halakhah in a finite and accessible form. They also serve as exegetical rules that allow the Torah scholar to create new laws. In this regard, the halakhic enterprise resembles the process of creation and the scholar resembles God.*

In the introduction to his philosophic magnum opus, *'Or ha-Shem* (*The Light of the Lord*), Ḥasdai Crescas ambitiously announced his intention to compose an alternative code to Maimonides's work, *Mishneh Torah*.[1] He explained that his desire to replace Maimonides's code was grounded in his opposition to several features of Maimonides's monumental legal compendium. Although Crescas was fairly laconic in his criticism of Maimonides, as well as his approach to codification, and never completed the intended work, a better understanding of his legal theory, and the philosophical and theological foundation of his conception of codification, can be obtained by comparing Crescas's comments in the introduction to *'Or ha-Shem* to his philosophic views espoused elsewhere.

Crescas's Approach to Codification

Crescas's new halakhic code announced in the first part of the introduction to *'Or ha-Shem* was to be *Ner 'Elohim* (*The Candle of God*).[2] His legal work was to be complementary to his theological work: each volume was to provide

1. Ḥasdai Crescas, *'Or ha-shem*, ed. Shlomo Fisher (Jerusalem: privately published, 1990), 1–9; Yoel Marciano, "Me-Aragon le-Kastiliyah—le-toldot shitat limmudam shel ḥakhmei Sefarad ba-me'ah ha-ḥamesh 'esreh," *Tarbiẓ* 77 (2008): 587–588; Ari Ackerman, "Zeraḥia Halevi Saladin and Thomas Aquinas on Vows," *Journal of Jewish Thought and Philosophy* 19 (2011): 49–51. This source has been briefly but incisively analyzed in Aviezer Ravitzky, *Derashat ha-pesaḥ le-Rav Ḥasdai Crescas* (Jerusalem: Israel Academy of Sciences and Humanities, 1988), 159–160. See also Yochanan Silman, *Kol gadol ve-lo yaseif* (Jerusalem: Magnes Press, 1999), 112–115.

2. The introduction is composed of two sections: his criticism of Maimonides's methodology of codification (*'Or ha-Shem*, 1–7) and his criticism of Maimonides's philosophy (*'Or ha-Shem*, 7–9).

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enlightenment regarding one of the two pillars necessary for "loving and communing with God, which is the *telos* of human flourishing."[3] The legal compendium was intended to guide Jews in their actions, while the philosophic work was to direct them in their beliefs; for action and belief are the two requisite elements for human perfection and immortality.

It is not clear when Crescas abandoned the project, or even if he ever actually began working on it. What is known, however, is that when writing this part of the introduction to *'Or ha-Shem*—composed originally as a preface to *Ner 'Elohim* or to both works—he intended to complete it, and offered his rationale for the need to engage in the composition of a halakhic code (a disputed activity in the Jewish legal tradition).[4] He also set out his singular approach to codification, arguing for a particular type of legal code.

Crescas began by arguing for the need of presenting Jewish law in an all-encompassing yet readily comprehensible form:

> Therefore, it was of necessity, when His loving kindness decreed to make us be perfect men—we the congregation of the community of Israel—that He multiply for us acts, as the dictum of Rabbi ḥanania ben Akashia: "The Holy One, blessed is He, was minded to grant merit to Israel; therefore He multiplied for them the Law and the commandments."[5]

> Now, inasmuch as the performance of the commandments brings about this perfection [of man], and inasmuch as their performance is impossible without knowledge of them, the following dictum of the Mishnah should be taken in its literal sense: "The study of the Law is equal to them all"[6] [i.e. to all the other commandments]. And it was for this reason that they voted and concluded that "study is greater [than deed] in that study brings one to deed."[7] Now

3. Crescas, *'Or ha-Shem*, 2.

4. On approaches to codification in the Jewish legal tradition see Menachem Elon, *Jewish Law: History, Sources, Principles*, trans. Bernard Auerbach and Melvin Sykes, vol. 3 (Philadelphia: The Jewish Publication Society, 1994), 1138–1452; Menachem Elon, "Mini'im ve-'ekkronot be-kodifikaẓiah shel ha-halakhah," in *Hagut ve-halakhah* (Jerusalem: Ministry of Education, 1968), 75–119; Isaac Kahana, *Meḥkarim be-sifrut ha-teshuvot* (Jerusalem: Mossad ha-Rav Kook, 1973), 8–88; Isadore Twersky, "The Mishneh Torah of Maimonides," *Proceedings of the Israel Academy of Sciences and Humanities* 5 (1976): 265–296; Isadore Twersky, "The Beginning of Mishneh Torah Criticism," in *Biblical and Other Studies*, ed. Alexander Altmann (Cambridge, MA: Harvard University Press, 1963), 161–182; Isadore Twersky, "Rav Yosef 'Ashkenazi ve-sefer Mishneh Torah la-Rambam," in *Salo Wittmayer Baron Jubilee Volume*, ed. Saul Lieberman (Jerusalem: American Academy for Jewish Research, 1974), 183–194; Isadore Twersky, "Shulhan Arukh: Enduring Code of Jewish Law," in *Studies in Jewish Law and Philosophy* (New York: KTAV Publishing House, 1982), 130–147; Ephraim Urbach, "Me-darkhei ha-kodifikaẓiah: 'al sefer ha-turim le-Rav Ya'akov ben Rabi Asher," *Proceedings of the American Academy of Jewish Research* 56–57 (1979–1980): 1–14; Judah Galinsky, "Ashkenazim in Sefarad: The Rosh and the Tur on the Codification of Jewish Law," *The Jewish Law Annual* 16 (2006): 3–23.

5. M. Makot 3:17; M. Avot 6:11.

6. M. Pe'ah 1:1.

7. *Shir Ha-Shirim Rabbah*, section 2 in *Midrash Rabbah*, vol. 2, (Vilna: Ahim Rom, 1885), 18b. See also B. Kiddushin 40b and Y. Pesaḥim 3:7 (30b).

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> inasmuch as the knowledge of the commandments of the Law is the straight path leading to this perfection [of man], and, consequently, the Law should be in such a state that knowledge of it is attained in the most perfect manner possible; and inasmuch as perfect and encompassing knowledge of things consists in three things—[1] the precision with regard to them, [2] their easy apprehension, and [3] their preservation and remembrance; the divine Wisdom decreed that [the Law] be in such a manner that these three things attain to it in the most perfect way.[8]

Crescas grounded his argument for the importance of codes in his understanding of human perfection and *talmud torah*. According to Crescas, God, through the infinite outpouring of divine beneficence, provided the Jews with a path toward human perfection that was to result in communion with God and the obtainment of immortality. The path is composed of multiple commandments that God transmitted to the Jewish people through revelation to Moses and the subsequent interpretive and legislative efforts of the sages. Thus, since immortality and perfection are to be achieved through the practice of commandments, the study of Torah must possess a practical orientation.

By subordinating *talmud torah* to praxis, Crescas implicitly rejected the view that ascribed inherent value to study. Instead, he argued that Torah study should assist in the proper observance of the commandments; it should distill the discursive, scattered and indeterminate halakhic traditions into clear and concise legal directives, which could be widely accessed. The requisite product of *talmud torah* is, thus, a legal compendium that presents the halakhah in a comprehensible and comprehensive manner.

Crescas valorized legal writing that presented the final conclusions of halakhic argumentation and provided Jews with lucid and all-inclusive legal instructions. In this regard Crescas differed from the rabbinic tradition that valued the creative dialectic of Torah study over the adjudication of halakhah. This approach was generally adopted by Ashkenazi rabbis and achieved particular prominence among the Northern French Tosafists of the twelfth century. Their method of talmudic interpretation and halakhic decision-making was depicted by Ephraim Urbach in the following manner: "Their intention and purpose was not to establish the halakhah or to organize it in an intelligent manner in the form of large and small divisions; rather, it was to continue its creation and organic development."[9]

8. Crescas, *'Or ha-Shem*, 2–3: "ולזה היה מן ההכרח, כאשר גזר חסדו יתברך ויתעלה לשומנו אנחנו קהל עדת ישראל שלמים, להרבות לנו הפעולות. כמאמר רבי חנינה בן עקשיא: 'רצה הקב"ה לזכות את ישראל, לפיכך הרבה להם תורה ומצוות'. ולהיות המעשה במצוות מביא השלמות הזה, והמעשה בהם נמנע מזולת הידיעה בהם, היה דבר המשנה כפשוטו, אמרו:"ותלמוד תורה כנגד כולם". ולזה מה שנמנו וגמרו, שהתלמוד עקר, שמביא לידי מעשה. ולהיות הידיעה במצוות התורה היא הדרך הישר המביא אל השלמות הזה, והיה ראוי אם כן, שתהיה התורה בענין שתושג הידיעה בה באופן היותר שלם שאפשר; והיתה שלמות הידיעה בדברים, וההקפה בהם בשלשה ענינים: אם הדקדוק בהם, ואם השגתם על נקלה ואם השמירה והזכירה בהם. The translation is taken from Warren Z. Harvey, "Hasdai Crescas' Critique of the Theory of the Acquired Intellect" (PhD diss., Columbia University, 1973), 347–348.

9. Ephraim Urbach, *Ba'alei ha-tosafot* (Jerusalem: Bialik Institute, 1954), 743. On the method of the Tosafists see also Israel Ta-Shma, *Ha-sifrut ha-parshanit la-talmud*, vol. 1 (Jerusalem, Magnes Press, 1999), 93–117.

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Some aspects of the approach of the Tosafists penetrated into Northern Spain when it was embraced by Naḥmanides, the founder of a rabbinic tradition among Catalonian and Aragonian scholars that persisted through the beginning of the fifteenth century.[10] These Iberian talmudic scholars—who in addition to Naḥmanides included R. Shlomo ben Aderet (Rashba), R. Yom Tov ben Avraham (Ritva), R. Nissim of Gerondi and R. Joseph Ḥaviva (a student of Crescas)—did not adopt the Tosafists's disdain of *pesak* indiscriminately. They addressed practical halakhic situations in their responsa and even composed halakhic monographs.[11] Influenced by the method developed by the Tosafists, they viewed the highest form of *talmud torah* as *ḥiddush*. They composed primarily talmudic commentaries and novella (*ḥiddushim*), which allowed them to articulate their theoretical and dialectical interpretations of the talmudic text.[12] Notably, even when they composed halakhic works, they eschewed the Maimonidean model of comprehensive codes and composed monographs on specific legal topics.

Crescas, a student of R. Nissim of Gerondi, viewed himself as an additional link in the rabbinic chain that emerged from Naḥmanides and his students. In theological matters, Crescas drew extensively from Naḥmanides and R. Nissim.[13]

10. On Naḥmanides's talmudic commentaries and halakhic works see Israel Ta-Shma, *Ha-sifrut ha-parshanit la-talmud*, vol. 2 (Jerusalem: Magnes Press, 2000), 29–55; Moshe Halbertal, *'Al derekh ha-'emet* (Jerusalem: Shalom Hartman Institute, 2006), 21–116; Ezra Schvat, "Makom ha-minhag be-torat ha-Ramban—bet midrasho ha-Kataloni," *The Jewish Law Annual* 18–19 (1992–1994): 439–453; Shalem Yahalom, "Kabbalah ve-ḥiddush be-kitvei ha-Ramban ve-ha-meḥkar,'" *Kabbalah* 17 (2008): 201–231. On the importance of *ḥiddush* for Naḥmanides and his school see Israel Ta-Shma, *Ha-niglah she-bi-nistar* (Tel Aviv: Ha-kibbutz Hame'uḥad, 1995), 38–39.

11. Naḥmanides's codificatory works include *Torat ha-'adam* (*The Torah of Man*) in *Kol kitvei ha-Ramban*, vol. 2, ed. Charles Chavel (Jerusalem: Mossad Ha-Rav Kook, 1964, 9–311). Likewise, R. Shlomo ben Aderet, Naḥmanides's chief disciple, composed a highly influential legal code on the laws of forbidden foods (*kashrut*), *Torat ha-bayit* (*The Torah of the House*; *Torat ha-bayit*, ed. Moshe Baron, Jerusalem: Mossad Ha-Rav Kook, 1995), as well as other works of *pesak*. On the codificatory works of Naḥmanides and R. Shlomo ben Aderet see Elon, *Jewish Law*, 1242–1243, 1273–1277. On the halakhic works composed by the students of R. Shlomo ben Aderet in the fourteenth century see Judah Galinsky, "'Arba 'ah turim ve-sifrut ha-hilkhatit ba-me'ah ha-'arba'a 'esreh," (PhD diss., Bar Ilan University, 1999), 83–100.

12. On the *ḥiddushim* of the students of Naḥmanides and their students see Avraham Grossman, "Legislation and Responsa Literature," in *Moreshet Sepharad: The Sephardi Legacy*, ed. Haim Beinart (Jerusalem: Magnes Press, 1992), 188–219; Ta-Shma, *Ha-sifrut ha-parshanit la-talmud*, vol. 2, 29–74, 85–91. Ta-Shma notes that the commentaries of Naḥmanides and his students differ from those of the Tosafists in their willingness to incorporate halakhic conclusions in their talmudic commentaries and not only in their responsa and codes.

13. Jose M. Millas Vallicrosa, "Hasday Crescas, o el canto del cisne de la filosofia, en Barcelona," *Miscellanea Barcinonensia* 17 (1967): 33–40; Zev Harvey, *Rabbi Hasdai Crescas* (Jerusalem: The Zalman Shazar Center, 2010), 17, 73, 95, 107–110, 129–130, 147, 158; Zev Harvey, "R. Ḥasdai Crescas 'al yihudah shel 'ereẓ yisra'el," in *'Ereẓ Yisra'el be-hagut ha-yihudit be-yemei ha-beinayim*, ed. Moshe Hallamish and Aviezer Ravitzky (Jerusalem: Yad Izhak Ben-Zvi, 1991), 151–165; Sarah Klein-Breslavy, "Terumato shel R. Nisim Gerondi le-'iẓuvan shel torot ha-'ikkarim shel Ḥasdai Crescas ve-shel Yosef Albo," *'Eshel Be'er-Sheva* 2 (1981): 177–197; Sarah Klein-Breslavy, "Gan Eden et Gehinnom dans le Syste'me de Hasdai Crescas" in *Hommage a' Georges*

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Nevertheless, he differed with the orientation of the Catalonian and Aragonian rabbinic tradition from the time of Naḥmanides in regard to the question of the nature of *talmud torah*. Crescas adopted a more utilitarian understanding of the value of the study of Torah: one studies Torah in order to adjudicate law. He never attributed independent value to the study of Torah. Consequently, in contrast to Naḥmanides and his students, Crescas valued comprehensive halakhic codes, which allowed a Jew to navigate the deep and rough waters of the halakhic sea.[14] And although Crescas did view the halakhic process as dynamic and creative, for him *ḥiddush* related to the creation of new laws and not the dialectic study of Talmud, he therefore never entertained the composition of *ḥiddushim*.[15] In this regard, Crescas came closer to the Geonic-Sephardic rabbinic tradition that favored codificatory literature and placed less stock in dialectical and innovative talmudic interpretations.[16]

While disputing the underlying methodology of *Mishneh Torah*, Crescas supported Maimonides's preference of codes over *ḥiddushim* and his choice to compose an all-embracing code. Yet, he provided a unique justification for his choice of legal genre that ran counter to Maimonides's philosophic orientation. Crescas linked his argument for the importance of codificatory literature to his criticism of philosophy, critiquing Maimonides's and his students' rationalistic approach to the question of the means to obtain human perfection. Crescas argued extensively against their theory of the acquired intellect, which led them to view the ultimate purpose of the commandments as intellectual perfection.[17] He vociferously opposed this understanding of the reason for the commandments and maintained that the performance of commandments contributed directly to the achievement of eternal reward.

Vajda, ed. Gerard Nahon and Charles Touati (Louvain: Peeters, 1980), 263–278; Eliezer Schweid, *Ta'am ve-hakkashah*, (Ramat Gan: Masada Publishing House, 1970), 13–15.

14. It should be noted that Crescas's understanding of *talmud torah* with its practical orientation also differs from the view that an understanding of halakhah directly contributes to immortality, since it helps actualize the intellect of the Talmud scholar. As Marciano's analysis of Profiat Duran's *Ma'aseh 'efod* attests, this view was articulated by contemporaries of Crescas among the Sephardic rabbinic elite (Dov Rappel, "Hakdamat sefer ma'aseh 'efod le-Profiat Duran," *Sinai* 100 (1987): 766–770; Marciano, "*Me-Aragon le-Kastiliyah*," 20–23).

15. On this see below.

16. Ta-Shma, *Ha-sifrut ha-parshanit la-talmud*, vol. 1, 118–191; Ta-Shma, "Shikkulim filosofim be-hakhra'at ha-halakhah," *Sefunot* 3 [18] (1985): 99–110; Neil Danzig, *Mavo le-sefer hilkhot pesukot* (New York: The Jewish Theological Seminary, 1993), 1–18. See, in particular, the responsum of R. Joseph ibn Migash, *Shut Ri Migash* no.114, (Jerusalem: Lev Simḥah, 1991), 102–103. It should be noted that this tradition is not monolithic and contrary approaches also appear among Geonic and Sephardic scholars, such as Paltoy Gaon's famous responsum against codification (*Teshuvot ha-ge'onim*, ed. Simhah Assaf, [Jerusalem: Mikize Nirdamim, 1942], 81).

17. Crescas, *'Or ha-Shem*, 2:6:1, 232–241; Harvey, "Hasdai Crescas' Critique of the Theory of the Acquired Intellect"; Harvey, "Crescas versus Maimonides on Knowledge and Pleasure," in *A Straight Path*, ed. Ruth Link-Salinger (Washington, DC: Catholic University of American Press, 1988), 113–123.

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Still, Crescas did not dismiss the view that certain commandments can contribute to intellectual advancement.[18] Nor did he disagree with the opinion that intellectual perfection could assist in obtaining *summum bonum*.[19] But he rejected the philosophic view that intellectual perfection was necessary for obtaining '*olam ha-bah* and that ultimately all commandments were directed toward it. For Crescas, human perfection was achieved primarily through the performance of the commandments. What is more, the commandments acted as receptacles for the reception of divine overflow and could only be activated through precise adherence to the legal dictates concerning their performance.[20] Thus, due to their direct contribution to the attainment of eternal reward and the activation of divine overflow, clear and concise instructions regarding practical halakhah were required.

It has been suggested that Maimonides's involvement in codes was a product of his philosophic commitments. According to this interpretation, Maimonides wanted to liberate students of philosophy from the need to delve into legal minutia.[21] In a letter to a student, he stated: "If one spends time studying commentaries [of the Talmud] and the disputes in the Talmud … then one is wasting one's time."[22] If so, Maimonides and Crescas arrived at the same conclusion from antithetical premises. Maimonides embraced comprehensive codes because he wanted to allow the scholar to devote himself to *theoria*. Crescas embraced comprehensive codes because he believed that human perfection is primarily connected to *praxis*.

Proper Characteristics of a Legal Code

In the quotation from Crescas's introduction to *'Or ha-Shem* cited above, Crescas alluded to his understanding of the proper characteristics of a legal code: "inasmuch as perfect and encompassing knowledge of things consists in three things—[1] the precision with regard to them, [2] their easy apprehension, and [3] their preservation and remembrance; the divine Wisdom decreed that [the Law] be in such a manner that these three things attain to it in the most perfect way."[23] Thus, according to Crescas, a code can lead to a full and proper understanding of the commandments only if it possesses three characteristics: exactness, universal comprehensibility, and facility of memory. At this juncture, though, he did not yet elaborate on the means for achieving these characteristics within the confines of a code. In particular, he did not address the tension between achieving comprehensiveness and accuracy, on the one hand, and ease of understanding and memorization, on the other.

18. Crescas, *'Or ha-Shem*, 2:6:1, 230–231.

19. Crescas, *'Or ha-Shem*, 2:6:1, 228.

20. Crescas, *'Or ha-Shem*, 3:2:1:2, 376.

21. Moshe Halbertal marshals evidence for this interpretation, although he also entertains other possible interpretations *Ha-Rambam* (Jerusalem: The Zalman Shazar Center, 2009), 166–170. See also Moshe Halbertal, *Ben torah le-ḥokhmah* (Jerusalem: Magnes Press, 2000), 51–62.

22. Maimonides, *'Igrot ha-Rambam,* ed. Isaac Shilat (Ma'aleh 'Adumim: Ma'alot Publishers, 1967), vol. 1, 312.

23. Crescas, *'Or ha-Shem*, introduction, 3.

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Crescas's understanding of the possibility of composing a code that met the necessary criteria emerged from his critique of Maimonides's monumental halakhic work, *Mishneh Torah*.[24] He focused on three aspects of Maimonides's method of codification. First, Crescas objected to Maimonides's failure to document his sources. Second, he opposed the presentation of norms without citing differing views. Third, he critiqued what he perceived as Maimonides's omission of broad principles and definitions and his exclusive focus on particular and concrete legal conclusions.

For Crescas, Maimonides's apodictic and undocumented legal statements did not allow for resolution in a case of disagreements between him and other leading scholars. "We are not rescued from perplexity and doubt," wrote Crescas, "when we find in books of other great authors the contrary of his approved position and opinions." But he did not elaborate further on the basis of his objections to Maimonides's failure to cite his sources and differing views.[25] Unlike other critics of Maimonides's methodology, such as R. Abraham ben David and R. Asher ben Yeḥiel, Crescas devoted little attention to these innovative features of Maimonides's code.[26] Indeed, he focused his criticism primarily on what he perceived as the lack of attention to the conceptual underpinning of particular legal decisions:

> Besides this, [Maimonides] did not cite the reasons for things, nor their general principles, in full, but made mention only of the particulars that 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

24. Crescas, *'Or ha-Shem*, introduction, 5–8.

25. *'Or ha-Shem*, 5–6; translation taken from Harvey, "Hasdai Crescas' Critique of the Theory of the Acquired Intellect," 358. It should also be noted that in objecting to Maimonides' failure to cite opposing views, Crescas only mentioned his omission of "the divisions of opinion and the names of the Geonim" (*'Or ha-Shem*, 5; translation taken from Harvey, "Hasdai Crescas' Critique of the Theory of the Acquired Intellect," 357). Perhaps Crescas was alluding to Maimonides' putative cavalier attitude to the Geonim and his questioning of their authority. On Maimonides' attitude to the Geonim see Shlomo Havlin, "'Al ha-ḥatimah ha-sifrutit ke-yesod ha-ḥalukkah le-tekufot be-halakhah," in *Meḥkarim be-sifrut ha-talmudit* (Jerusalem: Israel Academy of Sciences and Humanities, 1983), 148–192; Robert Brody, "Maimonides' Attitude towards the Halakhic Innovations of the Geonim," in *The Thought of Moses Maimonides*, eds. Ira. Robinson et al. (New York: Edwin Mellon Press, 1990), 183–208; Moshe Halbertal, *ha-Rambam*, 154–159. In the legal section of his *Derashat ha-pesaḥ*, which is generally recognized as a remnant of Crescas's unfinished work, Crescas did not record disputes concerning the laws of Passover that he discussed, although he did cite legal sources (Ravitzky, *Derashat ha-pesaḥ*, 118).

26. R. Abraham ben David, *Hassagot* (Glosses) to Maimonides's introduction to the *Mishneh Torah*; Responsa Rosh 31:9, 43:12 (*She'elot ve-teshuvot le-Rabenu Asher ben Yeḥi'el*, ed. Isaac Yudlov (Jerusalem: 'Ezer Mishpat, 1994), vol. 1, 137, 184–185); Twersky, "The Beginning of Mishneh Torah Criticism," 170–173; Galinsky, "Ashkenazim in Sefarad," 9–12; Elon, *Jewish Law*, vol.3, 1223–1229.

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> number, it follows necessarily that there is no ratio between what is apprehended of the finite [number of] particulars which are mentioned there and between what is not apprehended of the infinite [number of] particulars which are not mentioned there.[27]

Here Crescas underscored the infinite nature of the law, whose particulars were so abundant that they precluded the grasp of the finite human intellect. Thus, according to Crescas, Maimonides's chief failure was his inability to distinguish between finite general principles and infinite particular laws. As a result, Maimonides's code is unsuccessful on all three counts: exactness, universal comprehensibility, and facility of memory. Its failure to uncover the bedrock guidelines and rules leads to imprecision, because true knowledge necessitates an understanding of the root "causes" (*sibbot*).[28] Likewise, by presenting only abundant particular laws, accessibility and facility of memory are precluded.[29] A myriad of particulars, even if organized topically, are beyond the grasp of the human memory.

Crescas's Critique of Maimonides's Work

Crescas's assessment of the failures of Maimonides's *Mishneh Torah* clashed with the Rambam's self-perception of the achievements of his work. While Crescas faulted Maimonides's legal magnum opus for lacking the three attributes of a perfect code: comprehensiveness, precision, facility of memory and understanding, and conceptual rigor, Maimonides saw in his work these very qualities. Indeed, in his programmatic statements concerning the composition of *Mishneh Torah*, Maimonides asserted that he had achieved unparalleled comprehensiveness and precision, brevity and accessibility that allowed for comprehension and retention, and a new conceptual mode of classification.[30]

Maimonides' most extensive account of his motivation and reasoning in choosing the underlying methodology for his code of law appears in the introduction to his *Sefer ha-miẓvot* (Book of the Commandments):

27. Crescas, *'Or ha-Shem*, 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 הבעלי-תכלית, ובין מה שלא יושג מהפרטים בלתי-בעלי-תכלית שלא הוזכרו שם." translation is taken from Harvey, "Hasdai Crescas' Critique of the Theory of the Acquired Intellect," 358.

28. Crescas, *'Or ha-Shem*, 6: "And it is evident that in perfect knowledge of things, we know them in their causes according to the nature of their subject."

29. Crescas, *'Or ha-Shem*, 6.

30. See Maimonides's introduction to *Mishneh Torah*: Maimonides, *Sefer ha-madda'a*, ed. Mordechia Rabinovitz, (Jerusalem: Mossad Ha-Rav Kook, 1957), 5–16; English translation in Isadore Twersky, *A Maimonides Reader*, (New York: Behrman House, 1972), 35–41; his introduction to *Sefer ha-miẓvot*: Maimonides, *Sefer ha-miẓvot*, ed. Charles Chavel (Jerusalem: Mossad ha-Rav Kook, 1981), 20–24; English translation in Twersky, *A Maimonides Reader*, 425–430; and his letter to the judge, Pinḥas ben Meshullam in *'Igrot ha-Rambam*, ed. Isaac Shilat (Ma'aleh 'Adumim: Ma'alot Publishers, 1988), 438–445.

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> I deemed it advisable to compile a compendium which would include all the laws of the Torah and its regulations, nothing missing in it. In this compendium I will try, as I am accustomed to do, to avoid mentioning differences of opinion and rejected teachings, and include in it only the established law, so that this compendium would embrace all the laws of the Torah of Moses, our teacher, whether they have bearing in the time of the exile or not. It also appeared to me to be advisable to omit the *'asmakhtot* and the proofs brought (for the various laws), by mentioning the bearers of the tradition; … All this (I would do) out of a desire for brevity. Similarly, I also found it advisable not to compose (this work) in the language of the Holy Scriptures, since that sacred language is too limited for us today to write the whole complex of the law in it. Nor would I compose it in the language of the Talmud (namely, Aramaic), since only a few individuals among us understand it today, and even the erudite in the Talmud find many of its words foreign and remote. Instead, I would compose it in the language of the Mishnah, so that it should be easily understood by most of the people. And I would include in it everything of the Torah that has been established and confirmed, omitting no question which might arise, or at least I would mention the principle by means of which that question can be easily resolved without too deep reflection. Such was my goal to be in this work: brevity with completeness—so that the reader thereof might encompass all that is found in the Mishnah and the Talmud, Sifra, Sifre, and Tosefta, and more than that, all decrees and ordinances of the later Geonim, of blessed memory, as well as all that they have explained and commented upon concerning the prohibited and permissible, unclean and clean, invalid and valid, liable and free, pay and not pay, swear and free from swearing. In short, outside of this work there was no need for another book to learn anything whatsoever that is required in the whole Torah, whether it be a law of the Scriptures or of the Rabbis.[31]

In this bold and audacious pronouncement, Maimonides highlighted the comprehensive nature of *Mishneh Torah* and its ability to incorporate within it the wide-ranging corpus of rabbinic literature so as to make the study of other works otiose.[32] He added that his work could be easily comprehended and memorized. Thus, Maimonides justified various features of his code—including his omission of divergent opinions and legal sources, the inclusion of laws currently non-binding, and the use of mishnaic Hebrew rather than Aramaic or Biblical Hebrew—by the need to achieve comprehensiveness, lucidity, and brevity that would allow for universal comprehension and retention. Indeed, Maimonides composed his code for all Jews, believing that even the untutored Jew could arrive at and retain a comprehensive understanding of the law.

31. Maimonides, *Sefer ha-miẓvot*, 20–21. The translation is taken from Twersky, *A Maimonides Reader*, 425–427.

32. On the scope of the work see Isadore Twersky, *Introduction to the Code of Maimonides* (New Haven: Yale University Press, 1980), 188–237; on its brevity see Twersky, *A Maimonides Reader*, 337–346.

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Maimonides also stressed the meticulous care he devoted to crafting the structure of the work in a systematic fashion.[33] He related that he eschewed previous codificatory classifications, such as an enumeration of the 613 commandments or the mishnaic approach, and opted for a conceptual classification for his legal compendium.[34] He argued that the new topical approach provided a contribution to mnemonics: "[it] should render it easy for one who wishes to learn something from it by memory."[35] He also viewed it as providing a significant contribution to the conceptualization of halakhah. Indeed, scholars of the *Mishneh Torah* have concluded that this work represents a great advancement in the systematization of the law within the confines of a legal code. By bringing together disparate laws under the rubrics of various legal topics, Maimonides created new halakhic spheres and provided a new conceptual basis for existing ones.[36]

Maimonides's immense pride in the exhaustive scope and architectonic structure of his work, which he viewed as unprecedented, was not without justification. Commenting on the *Mishneh Torah*, even Crescas declared that Maimonides "worked wonders" (*hifli la'asot*).[37] Still, Crescas clearly rejected Maimonides's self-understanding of the stylistic features and methodology of his code. For Crescas, the axial problems of Maimonides's code of law stemmed from his ignoring of the two elemental principles of halakhah.

First, Crescas asserted that Jewish law was comprised of infinite particulars. Law was a boundless entity that continued to expand dynamically and infinitely, and whose particulars could not be confined or encompassed.[38] Second, the Jewish law's expansion and growth were enabled by the existence of finite and concise foundational guidelines, definitions, and principles. These principles in turn served as exegetical tools for the derivation of new laws from existing halakhic material.[39]

For Crescas, the relationship between the finite and concise foundation of the law and its infinite details could be seen in the relationship between the Written Law, the divinely revealed hermeneutic principles, and the additional halakhic laws that flew from them:

33. On Maimonides's innovative system of classification see Twersky, *Introduction to the Code of Maimonides*, 238–323; Halbertal, *ha-Rambam*, 199–219.

34. Maimonides, *Sefer ha-miẓvot*, 21–22.

35. Maimonides, *Sefer ha-miẓvot*, 21.

36. Halbertal, *ha-Rambam*, 200. See also the works of Jacob Blidstein on the conceptual underpinning and structure of various sections of *Mishneh Torah*.

37. Crescas, *'Or ha-Shem*, 5.

38. Crescas only explicitly mentioned the infinity of the Torah. Nevertheless, the conception of the perpetually expanding Torah is implicit in his conception of codification. The need for locating underlying principles is mandated by the fact that the particulars of the law are generated endlessly from the foundational rules. In addition, it is evident from the statements of his students, Joseph Albo, Matityahu ha-Yiẓhari and Zeraḥia Halevi. See the sources cited in Ravitzky, *Derashat ha-pesaḥ*, 125; and Ari Ackerman, "Sheloshah hesppedim shel R. Zeraḥia Halevi Saladin," *Kovez̄ 'al yad* 19 (2006): 216. I have expanded on this aspect of the approach of Crescas and his students in a recently published article: "Ḥasdai Crescas and His Circle on the Infinite and Expanding Torah," *Jewish Studies Internet Journal* 11(2012): 1–17.

39. Ravitzky, *Derashat ha-pesaḥ*, 114–117.

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> Moreover, inasmuch as the entirety of the commandments and their branches of their branches—with all their exceeding multiplicity, such as was brought about by the necessity of making us perfect men, as preceded—is contained in wonderful conciseness, that is, in the Written Law together with the signs and the hermeneutic rules which were transmitted orally.[40]

According to Crescas, the "foundation" (*yesod*) of each law was concisely, explicitly, and precisely stated in the Written Law. But the myriad of its detailed minutiae, implicit in the Biblical text, must be derived through the thirteen hermeneutic principles of R. Ishmael, which allowed for the generation of new post-biblical laws.[41] R. Ishmael's principles, however, were only effective for generating laws from the Written Torah. Crescas implied that new principles had to be introduced to derive new laws from post-biblical legal texts.[42]

Crescas viewed these two principles as the lynchpin of any attempt at codification. On the one hand, the first principle dictated that Jewish law was open-ended and any attempt to close off continuous halakhic creativity was wrongheaded. On the other hand, the second principle provided a means of composing an encompassing code despite the infinite nature of the law. Crescas here diverged from the traditional understanding of the infinite and expanding Torah that was generally associated with opposition to codification.[43] Instead, he argued that an encyclopedic code that embraced the totality of Jewish law (including the norms that were continuously added to the corpus of law) could be accomplished through focusing on the theoretical grounding of the law. These bedrock principles of the law allowed for the derivation of new laws from the existing laws. By grasping the principles, one encompassed the law in its entirety.

Crescas critiqued Maimonides's approach to codification and developed his own methodology accordingly. Although Maimonides's legal approach was more conceptual than previous attempts at codification, Crescas judged it as not adequately rigorous and overly occupied with concrete cases. According to Crescas, by focusing on the particulars of the law, Maimonides mistakenly conceived of the law as a static system and failed to provide guidance in adjudicating new cases that resulted from the infinite nature of the Torah. Consequently, in depicting his own code, Crescas asserted that he would compose a "compilation, which contains the commandments of the Law with their causes according to the subject matter, with conception of their definitions and their general principles" (*ha-gedarim ve-ha-klalim*)."[44] This feature—and not topical classification—would allow for universal understanding

40. Crescas, *'Or ha-Shem*, 3: "ואולם להיות כלל המצוות, וענפיהם, ועניני ענפיהם, עם הפלגת רבוים—כאשר הביא לזה הכרח שומנו שלמים, כמו שקדם—נכלל בקצור נפלא, והוא התורה שבכתב עם הסימנים והמדות שנמסרו על פה"; translation is taken from Harvey, "Hasdai Crescas' Critique of the Theory of the Acquired Intellect," 349.

41. Harvey, "Hasdai Crescas' Critique of the Theory of the Acquired Intellect," 349.

42. Cf. Marciano, "Me-Aragon le-Kastiliyah," 582–586.

43. Silman, *Kol gadol*, 139–149.

44. Crescas, *'Or ha-Shem*, 6–7: "חבור כולל מצות התורה בסבותיהן, לפי חומר נושאן, ובציור גדריהן וכלליהן"; translation taken from Harvey, "Hasdai Crescas' Theory of the Acquired Intellect," 360.

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and memorization. One could grasp and memorize the entire law through its substratum. This would allow for the adjudication of future laws.

To use his intended compendium properly, Crescas urged his reader to come to his code with a deep understanding of Talmud. Here too, Crescas differed from Maimonides in attempting to write a code for talmudic scholars rather than less educated Jews. Crescas's choice of crafting his work for a scholarly audience followed from his decision to focus on the conceptual underpinnings of the law. He implied that the Talmud scholar would use his composition to address any question by employing the principles of his code, which served as hermeneutic rules. Thus, it seems that Crescas wanted to provide new exegetical tools that would play a similar role as R. Ishmael's hermeneutic principles. Just as R. Ishmael provided rules for deriving law from the Bible, Crescas was to proffer new hermeneutic rules that would allow for generating new laws from the rabbinic tradition.

Crescas and Gersonides's View of the Roots of the Law

Crescas's approach to codification was fashioned in dialogue with and in contrast to Maimonides's (as is the case with his approach to various other philosophical and theological issues). But Crescas's deliberation on the principles of law was also in conversation with his other primary philosophical interlocutor, Gersonides.[45]

Throughout his commentary on the legal sections of the Pentateuch, Gersonides was concerned with surfacing the roots of the law.[46] Indeed, in the introduction to his commentary on the Torah, he averred: "We will enumerate the roots (*shorshei*) of the laws of [each] commandment, according to what is apparent from what is written regarding them and will cite the places in the Talmud where these roots and the branches and the branches sprouting from the branches are explained, in the most succinct form possible."[47] He added that he intended to write a book of commandments that would detail the roots of each commandment, thereby "covering all that which is written about it in talmudic wisdom."[48] Thus, like Crescas, Gersonides intended to compose a comprehensive code structured as a work on the conceptual underpinning of each of the commandments.

45. On other instances of the pervasive influence of Gersonides on Crescas see Charles Touati, "La providence divine chez Hasday Crescas," *Da'at* 10 (1983): 15–31; Michael Nehorai, "Darkhei ha-pulmus shel Rav Ḥasdai Crescas va-yaḥaso le-Rav Levi ben Gershon," *Bar Ilan Annual* 22–23 (1987): 239–259 and note 63 below.

46. See, for example, the introduction to Gersonides's Commentary on the Torah: *Ḥamishei ḥumshei Torah 'im perush Rashi ve-be'ur ha-Ralbag, Sefer bereshit*, ed. Baruch Brenner and Eli Freiman (Ma'aleh 'Adumim: Ma'alot Publishers, 1993), 4–14.

47. Gersonides, *Ḥamishei ḥumshei Torah, Sefer bereshit*, 13: "נמנה שורשי דיני המצוה לפי מה שיתבאר מהדברים שנאמרו בה, ונזכור המקומות מהתלמוד שנתבארו שם אלו השורשים וענפיהם וענפי ענפיהם ביותר קצר שאפשר לנו."

48. Gersonides, *Ḥamishei ḥumshei Torah, Sefer bereshit*, 14. By "talmudic wisdom," Gersonides was referring to the Babylonian Talmud, Jerusalem Talmud, and the various works of midrash halakhah, as is apparent from the continuation of the passage.

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In uncovering the roots of the commandments, Gersonides's intention was twofold. Firstly, he attempted to identify the derivation of each commandment and its legal details from the Written Torah.[49] In this regard, Gersonides developed alternative hermeneutical principles—what he designated as *topoi* (*mekomot*)[50] — to the thirteen hermeneutical principles of R. Ishmael. Secondly, he attempted to identify conceptual rules governing each commandment. For example, at the end of the pericope *Va-yikra*, Gersonides examined the commandment of the '*olah* sacrifice and suggested twenty-two legal principles (*shorashim*).[51]

Crescas's notion of legal conceptualization clearly drew more from Gersonides's second approach to understanding the roots of the law. But despite the similarities, a number of differences between the two scholars' approaches to conceiving the theoretical underpinning of the law can be noted, although Crescas's failure to develop his approach precludes a detailed comparison between their views. Firstly, Crescas viewed his project as continuous with and complementary to R. Ishmael's hermeneutical principles, while Gersonides conceived of his approach as an alternative to that of the talmudic sages in general and R. Ishmael in particular.[52] Secondly, Crescas spoke of providing definitions of each commandment and in *Derashat ha-pesaḥ*, he implemented this approach regarding the commandment of destroying leavened bread.[53] This aspect of Crescas's approach had no place in Gersonides's system. Thirdly, Crescas's emphasis on the infinity of the law is absent from Gersonides's philosophy of law, and from his philosophy in general.

The Infinity and the Law

Infinity looms large in Crescas's innovative philosophic, scientific, and theological approaches. It is particularly prominent in his discussions of physical theory, which form the cornerstone of his critique of Maimonides's proofs of God's existence, unity, and incorporeality.[54] Crescas analyzed and rejected

49. Gersonides, *Ḥamishei ḥumshei Torah, Sefer bereshit*, 6–13; Carmiel Cohen, "Parshanut hilkhatit 'al derekh ha-peshat ba-bi'ur ha-Ralbag la-torah," (PhD diss., Hebrew University, 2008).

50. Carmiel Cohen, "'Ki baze tityashev ha-nefesh yoter': 'al ḥalufah la-middot she-ha-torah nidreshet ba-hen ba-bi'ur Ralbag la-torah," *Shnaton la-ḥeker ha-mikra ve-ha-mizraḥ ha-kadum* 21 (2012): 5.

51. Gersonides, *Ḥamishei ḥumshei torah 'im perush Rashi ve-bi'ur ha-Ralbag, Sefer Vayikra*, vol. 1, ed. Baruch Brenner and Carmiel Cohen (Ma'aleh 'Adumim: Ma'alot Publishers, 2003), 81–94.

52. Gersonides, *Ḥamishei ḥumshei torah*, *Sefer bereshit*, 5; Carmiel Cohen, "Madu'a yaẓar ha-Ralbag derekh ḥadashah la-kshor torah she-ba'al peh le-Torah she-be-khtav" *Pa'amim* 130 (2012): 9–28.

53. Ravitzky, *Derashat ha-pesaḥ*, 160–164; Ackerman, "Zerahia Halevi Saladin and Thomas Aquinas on Vows," 52–53.

54. On Crescas's conception of infinity in his scientific theories see Harry Wolfson, *Crescas' Critique of Aristotle* (Cambridge, MA: Harvard University Press, 1929), 38–69; Shlomo Pines, "Scholasticism after Thomas Aquinas and the Teachings of Hasdai Crescas and His Predecessors," in *Studies in the History of Jewish Thought*, ed. Moshe Idel and Warren Z. Harvey (Jerusalem: Magnes Press, 1997), 503–509; Warren Z. Harvey, *Physics and Metaphysics in Hasdai Crescas* (Amsterdam: J.C. Grieben Publisher, 1998), 4–8; Warren Z. Harvey, "The Term *Hitdabbekut* in Crescas' Definition of

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some Aristotelian scientific propositions that function as premises for these proofs. Infinity was also central to his theory of divine attributes, power, and creation and the notion of the infinite Torah served the lynchpin of his halakhic philosophy,[55]

The conception of the infinite Torah does not appear explicitly in biblical or midrashic sources. And although Crescas's notion of the *expanding* Torah and his view that only principles were revealed at Mount Sinai possess rabbinic roots,[56] the notion of the infinite Torah was introduced only by the kabbalistic tradition.[57] Thus, it seems that Crescas's conception of the infinite Torah is an example of the impact of kabbalistic sources on his philosophy. Although Crescas's dependence on the kabbalistic notion of the infinite Torah is clear, due to the ubiquity of the notion in kabbalistic texts, it is doubtful that he relied on any specific source.

The kabbalistic notion of the infinite Torah concerned the possibility of unlimited interpretations of the Written Torah.[58] Thus, kabbalistic sources conceived of the infinite nature of the Torah as a hermeneutic principle that governs the exegetical possibilities of the text. According to Crescas, the infinite nature of the Torah determined the infinitude of the law; halakhah was boundless and the particulars of Jewish law could not be confined within a finite work. Secondly, the kabbalistic notion of the infinite Torah is connected to kabbalistic theosophy, according to which the infinity of the Torah derived from the infinity of the *sefirot*. In contrast, Crescas anchored his conception of the infinity of halakhah in a more philosophic conception of God.[59]

Time," *Jewish Quarterly Review* 71 (1981): 44–47; Tamar Rudavsky, *Time Matters: Time, Creation, and Cosmology in Medieval Jewish Philosophy* (New York: SUNY Press, 2000); Hyam Maccoby, "Crescas' Concept of Time," in *Time and Eternity*, ed. Gerhard Jaritz and Gerson Moreno-Riano (Turnhout: Brepols, 2003), 163–170.

55. On infinity in Crescas's conception of creation see below; on infinity in Crescas's conception of divine power see Crescas, *'Or ha-Shem* 2:3:1; on infinity in Crescas's view of divine attributes see Crescas, *'Or ha-Shem*, 1:3:3, 105–106; Pines, *Studies in Jewish Thought*, 31, 37–40; Harvey, *Physics and Metaphysics in Hasdai Crescas*, 137.

56. See, for example, *Shemot Rabbah* par. 41:6 in *Midrash Rabbah* (Vilna: Ahim Rom, 1885), vol. 1, 69a–b; and other sources cited in Silman, *Kol gadol ve-lo yasef*, 94–95.

57. See Gershom Scholem, *On the Kabbalah and Its Symbolism* (New York: Schoken Books, 1980), 32–87; Moshe Idel, "Infinities of Torah in Kabbalah," in *Midrash and Literature*, ed. Geoffrey Hartman and Sanford Budick (New Haven: Yale University Press, 1986), 141–157; Moshe Idel, "Tfisat ha-torah ba-sifrut ha-heikhalot va-gilgulehah ba-kabbalah," *Meḥkarei Yerushalayim ba-maḥshevet Yisra'el* 1 (1981): 23–84; Idel, *Absorbing Perfections: Kabbalah and Interpretation* (New Haven: Yale University Press, 2002), 80–110. On the fact that the concept does not appear in midrashic literature see Idel, *Absorbing Perfections*, 108.

58. The terminological distinction should also be noted. Crescas uses the term: בלתי בעל תכלית (the term for infinity, which also appears in his scientific and philosophic discussions of infinity), while most kabbalistic sources employ the term אין סוף.

59. The acceptance of the theological view of kabbalists (particularly Naḥmanides) without the kabbalistic theosophic underpinning is apparent in Crescas's approach to other issues. See Schweid, *Ta'am ve-hakkashah*, 14; Esti Eisenmann, "Ha-shedim ve-torat ha-ra'a be-haguto shel R. Ḥasdai Crescas*"* (MA Thesis, Hebrew University, 1995). On Crescas's approach in general to Kabbalah see Zev Harvey, "Yesodot kabbaliyim be-sefer 'Or ha-Shem le-Rabbi Ḥasdai Crescas," *Meḥkarei*

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To understand the theological foundation for Crescas's understanding of the infinity of halakhah, we must turn to the *prooemium* to the introduction of *'Or ha-Shem*. Crescas began it with an encomium to God's creative power, kindness, and beneficence: "Blessed be the name of the Lord and exalted above all blessing and praise, Who has shown His marvelous loving-kindness with His creatures to bring them into existence, to create them after the absolute nothingness."[60] He also exalted God's providence, highlighting divine loving-kindness and goodness: "And He, in the greatness of His loving-kindness and the abundance of His goodness, from the place of His habitation looked forth and did choose the House of Jacob that His glory might dwell amongst them, that they might love and fear Him, and serve Him and adhere unto Him, for this is the ultimate human happiness."[61]

This proem resembles standard encomia to God that appear in the prefaces of other medieval Jewish philosophic works.[62] However, in addition to the standard praise, Crescas alluded to the function that God's beneficence, as manifest in creation and providence, played in his legal philosophy, set out in the introduction.

Crescas's view of God's loving-kindness emerges most clearly in the section on creation in *'Or ha-Shem*.[63] There he elaborated on the theory of continuous

Yerushalayim ba-maḥshevet Yisra'el 2 (1983): 75–109; Natan Ophir, "Sod ha-kaddish," *Meḥkarei Yerushalayim ba-maḥshevet Yisra'el* 46 (2001): 13–28. It should be noted, however, that the ascription of the kabbalistic text "Sod ha-kaddish" to Ḥasdai Crescas is questionable. See Ari Ackerman, "The Ascription of *Sod ha-Kaddish* to Hasdai Crescas," *Kabbalah* 30 (2013), 65–74.

60. Crescas, *'Or ha-Shem*, 1: "יהי שם ה' משברך ומרומם על כל ברכה ותהלה, אשר הפליא חסדו עם בריותיו להמציאם ולחדשם אחר האפס המחלט"; translation is taken from Harvey, "Hasdai Crescas' Critique of the Theory of the Acquired Intellect," 342–343.

61. Crescas, *'Or ha-Shem*, 2: "והוא בגדל חסדו ורב טובו ממכון שבתו השגיח ויבחר בבית יעקב, כבוד בתוכם, לאהבה ולירא אותו, לעבדו ולדבקה בו, אשר הוא תכלית ההצלחה האנושית."; translation is taken from Harvey, "Hasdai Crescas' Critique of the Theory of the Acquired Intellect," 344–345.

62. See, for example, the introductory paragraphs of Sa'adia Gaon, *'Emunot ve-de'ot* (*The Book of Beliefs and Opinions*), trans. Samuel Rosenblatt, (New Haven: Yale University Press, 1948), 3, and Bahya ibn Pakuda, *Ḥovot ha-levovot (Duties of the Heart)*, trans. Moshe Hyamson, (New York: Feldheim Press, 1970), 15. In particular, the opening sentences of Crescas's *'Or ha-Shem*, are similar to those of Gersonides's *Commentary on the Torah* (*Ḥamishei ḥumshei torah Sefer Bereshit*), 1: "Levi ben Gershom stated: The exalted God, the Rock who brings into existence through His wisdom, understanding, and knowledge all the existents whose existence [displays] complete wisdom and beneficence, which cannot be achieved by anyone else. God, the Creator, through the desire to bestow goodness to the existents and to bring them from deficient to perfect existence, acts providentially toward these lowly existents and elevates their existence one degree after another until arriving at the existence of the human being. … God's providence of the human being extends to the guidance toward the true perfection. … This comes from God by the giving of this divine Torah, which is the law that brings about completely true perfection to those who observe it."

"אמר לוי בן גרשום: יתברך ויתעלה הצור הממציא בתבונתו ובחכמתו ודעתו הנמצאות בכללם, אשר במציאותם מהחכמה והחנינה מה שאי אפשר שישיגהו זולתו בשלמות. ישתבח היוצר, אשר מחשקו להיטיב לנמצאות ולהגיע אותם מהמציאות החסר אל המציאות השלם, השגיח באלו הנמצאות השפלות, והעלה מציאותם מדרגה אחר מדרגה, עד שהגיע אל מציאות האדם.... לא נמנע מהשגיח בו במה שידריכהו אל השלימות האמיתי.... וזה אמנם היה ממנו בנתינת זאת התורה האלהית, אשר היא נימוס יגיע המתנהגים בו בשלימות אל ההצלחה האמיתית."

63. Crescas, *'Or ha-Shem*, 3:1:1, 273–318. On Crescas's view of creation see Seymour Feldman, "The Theory of Eternal Creation in Hasdai Crescas and Some of His Predecessors," *Viator*

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creation. Arguing against Aristotle's theory of the eternal universe and Gersonides's theory of eternal matter, both of which denied that matter and form were creations of God, Crescas claimed that the world in its entirety was created *ex nihilo* by God. Crescas, however, did not equate creation *ex nihilio* and a temporal beginning for the universe through a single divine act of creation. Instead, he argued for the compatibility between creation and the perpetual existence of the universe. Towards this end, he posited an eternal divine will that continuously ordained the existence of the universe and a perpetual overflow of existence from God, which was an expression of the unbounded divine goodness.[64] Thus, according to Crescas, God's volitional creation was not confined to an instant of time, because God's infinite beneficence dictated that the procession of existence continue for infinite duration.

Toward the end of his treatment of creation, Crescas seems to have backtracked from his rejection of an absolute beginning of time: "The complete truth as brought in the tradition is that God created it [i.e. the universe] and brought it into existence at a particular instant, as it states 'God created (Genesis 1:1).'"[65] Crescas, however, immediately declares:

> We are able to accept that which appears in certain statements of the sages, which Maimonides cited and we have not seen anyone dispute them. They stated: "Hence [one learns] that [God] created many worlds and destroyed them."[66] And others stated: "Hence [one learns] that previously there existed an order of time."[67] It seems that the intention of these [sages] is continuous creation. But [each world] would come into existence at a particular instance and cease to exist at a particular instance.[68]

Thus, even according to Crescas's revised view, God's creative power did not cease after the first act of creation. It continuously manifests itself through further acts of bringing new worlds into existence. These unceasing acts of creation are conduits of divine beneficence that dictate the infinite overflowing of God's goodness in the form of multiple worlds.[69]

11 (1980): 289–320; Warren Z. Harvey, "Nicole Oresme and Hasdai Crescas on Many Worlds," in *Studies in the History of Science and Culture*, eds. Resianne Fontaine et al. (Leiden: Brill, 2011), 347–359; Daniel Davies, "Creation and the Context of Theology in Maimonides and Crescas," in *Creation and the God of Abraham*, eds. David Burrell et al. (New York: Cambridge University Press, 2010), 65–76.

64. Crescas, *'Or ha-Shem*, 3:1:1:4, 308.

65. Crescas, *'Or ha-Shem*, 3:1:1:5, 316 Should it be three or four sections?: "אלא שהאמת הגמור כפי מה שבא בקבלה. והוא, שהם יתברך חדשו והמציאו בעת ידוע, כאמרו 'בראשית ברא' וגו'".

66. *Bereshit Rabbah*, *Bereshit* par. 3:5, to Genesis 1:5 (ed. Theodor Albeck, 1:123).

67. *Bereshit Rabbah*, *Bereshit* par. 3:5, to Genesis 1:5 (ed. Theodor Albeck, 1:123).

68. Crescas, *'Or ha-Shem*, 3:1:1:5, 316: "ואם שנתיר לעצמנו מה שנמצא בקצת מאמרים לחכמינו ז"ל, הביאם הרב המורה, ולא ראינו חולק עליהם. אמרם 'מלמד שהיה סדר זמנים קדם לכן'. והכונה מהם לפי מה שיראה— החדוש תמידי; אלא שהיו הוים בעת ידוע ונפסדים בעת ידוע."

69. Crescas, *'Or ha-Shem*, 4:2, 388.

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Upon examination of Crescas's theory of creation, the relationship between creation and codification becomes apparent. His theory of creation is grounded in the view that God's beneficence brings about an infinite overflowing of goodness through the eternal creation of this world or the unceasing creation of many successive worlds. Likewise, Crescas's theory of codification is grounded in the view that God's beneficence brings about a continuous overflowing of goodness as a result of the perpetually expanding Torah that supplies added opportunities for Jews to achieve *summum bonum*. It is true that in the case of creation God's goodness is directed toward all humanity, while in the case of the expansion of the Torah, God's goodness is directed toward the Jewish people and represents divine providence toward them. Both instances, however, are brought about through a series of volitional acts, which are expressions of divine loving-kindness. Thus, Crescas's conception of creation and providence, which depicts God as continuously emanating goodness, provides the theological grounding for his understanding of the unfolding of Jewish law. By linking the notion of God's infinity to God's overflowing of existence, Crescas abandoned the theosophic foundation for divine infinitude provided by kabbalists. In its place, Crescas utilized a theme that is far closer to the philosophic tradition, particularly the Neoplatonic branch (although his version is more voluntaristic than the Neoplatonic theory of emanation).

Ḥasdai Crescas briefly adumbrated his halakhic methodology in the introduction to his philosophic work, *'Or ha-Shem*. Due to his commitment to praxis as the primary path to human perfection, he followed Maimonides by arguing for the importance of a comprehensive and succinct legal code and opposed those who ascribed independent value to Torah study. However, despite their similar pragmatic orientation to *talmud torah*, Crescas disputed Maimonides on the proper goals and character of a legal code. Unlike Maimonides, he designated his code for Torah scholars and focused on the bedrock principles that are the bases for particular laws. According to Crescas, these principles allow the codifier to capture the infinite and boundless halakhah in a finite and accessible form. They also serve as exegetical rules that allow the Torah scholar to create new laws. In this regard, the halakhic enterprise resembles the process of creation and the scholar resembles God. Just as God is continuously engaged in creating this world and new worlds, so too Torah scholars are continuously engaged in creating new laws.

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