

Hefez Ben Yazliah

Belkin Judaic Studies Award

Sod Ha'ibur and the Interface Between Kabbalah and Maimonidean Rationalism

One of the primary points of contention between Maimonides' rationalism and Kabbalistic thought is the difference between the two systems in ascribing rationales for the Torah's commandments. While Maimonides viewed the commandments as instilling ethics and correct opinions, Kabbalists interpreted them as part of a complex theosophical system, with ramifications in spiritual realms. Maimonides' obliviousness to the more eternally significant meanings of the commandments received significant criticism in the polemics of medieval Kabbalists. Even before explicitly polemical texts, such as R. Shem Tov Ben Shem Tov's *Sefer Haemunot* and R. Meir ibn Gabbai's *Avodat Hakodesh* appeared, early Kabbalists developed a new literary genre commenting on Ta'amei Hamitzvot. Additionally, Nahmanides' commentary on the Pentateuch shows reticence toward the Maimonidean approach to Ta'amei Hamitzvot. Although he accepts certain rationales offered by Maimonides, he argues that the commandments can only be understood fully by way of the Kabbalistic tradition<sup>1</sup>.

Since the foundation of *Wissenschaft des Judentums*, historians of Kabbalah have explored the impact of Maimonidean thought on the emergence of Kabbalistic texts in the 13<sup>th</sup> century<sup>2</sup>. Moshe Idel has argued that Kabbalistic literature emerged as a response to Maimonides' implicit rejection of earlier proto-Kabbalistic streams of thought existing within Jewish tradition. Maimonides' Ta'amei Hamitzvot specifically were an outgrowth of his

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<sup>1</sup>Moshe Idel, "Maimonides and Kabbalah", in *Studies in Maimonides* ed. Isidore Twersky (Harvard University press 1990), 42-50. Notes 43-45 provide citations from Nahmanides.

<sup>2</sup> For an overview of the prevalent approaches, see *ibid* p 31-33; Joseph Dan, "Gershom Scholem's Reconstruction of Early Kabbalah", *Modern Judaism*, Vol. 5, No. 1 (Feb., 1985), 39-66

rejection of the Merkava tradition, which provides theurgical necessity for the commandments<sup>3</sup>. Investigation of the differences between Maimonides' and the Nahmanides' explanations for a particular commandment will demonstrate how Maimonides impacted the development of Kabbalistic doctrine relating to Ta'amei Hamitzvot by challenging Kabbalistic ideas and instigating new mediums of transmission of traditions.

A particularly interesting instance of departure between Maimonides' rational interpretation and the Kabbalistic tradition relates to the commandment of *Yibum*:

As for the reason for the *levirate*, it is literally stated [in scripture] that this was an ancient custom that obtained before the *giving of the Torah* and that was perpetuated by the Law. As for the ceremony of *taking off the shoe*, the reason for it is to be found in the fact that the actions of which it is composed were considered shameful, according to the customs of those times, and that on account of this the brother-in-law might perhaps wish to avoid this shame and consequently to *marry his brother's widow*. This is made manifest in the text of the Torah: *So shall it be done unto the man, and so on.*<sup>4</sup>

The formulation of this commandment is unique, even for Maimonides, in that he is satisfied by invoking the ancient practice of levirate marriage without explaining why it should be maintained. Indeed, Maimonides argues that many of the commandments were given in response to the historical context of rampant paganism in Canaan. This explains the commandments aimed at preventing idolatrous practices, included those placed in Maimonides' second grouping of commandments<sup>5</sup>. Additionally, Maimonides goes so far as explaining the *Korbanot* as a

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<sup>3</sup> Idel, 42-44

<sup>4</sup> Moses Maimonides, *Guide of the Perplexed*, Trans. Shlomo Pines (University of Chicago Press, 1963), 603 (sec. 3 chap.49)

<sup>5</sup> *ibid*, ch. 29,30, 37

subversion of pagan offerings<sup>6</sup>. This latter rationale was extreme enough to cause Ritba, who defended Maimonides in his *Sefer Hazikaron*, to claim that Maimonides only explained the sacrifices in this way in order to satisfy the weak of faith<sup>7</sup>. Nonetheless, the adoption of an existing practice without intention of subversion is unprecedented. For this reason, James Diamond has read this passage as part of an esoteric, midrashic scheme in line with the seventh category of contradictions listed in the introduction to the guide<sup>8</sup>.

Maimonides' approach is consistent with the reading of the midrash, which states that Yehuda introduced the practice of Yibum as it was later legislated by the Torah<sup>9</sup>. Indeed, Maimonides seems to take this association for granted when he digresses to discuss an ethical lesson learned from the story of Yehuda<sup>10</sup>. However, a straightforward reading of Maimonides does not indicate that Yehuda introduced the custom. Indeed, Ancient Near Eastern scholarship has confirmed Maimonides' assertion. In Hittite and Assyrian law, the father of the deceased was also obligated to marry his widow if there was no surviving brother<sup>11</sup>.

Concerning the benefit of the custom, the implication of the relevant biblical passages is that it served as a way of preserving the memory of the deceased by begetting an heir to his ancestral inheritance<sup>12</sup>. Additionally, levirate marriage likely provided financial security for the

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<sup>6</sup> Ibid, ch. 32, 46

<sup>7</sup> Yom Tov Al Sevilli, *Sefer Hazikaron*, 84, cited by Idel, 46

<sup>8</sup> James A. Diamond, The use of Midrash in Maimonides' 'Guide of the Perplexed' : decoding the duality of the text, *AJS Review*. 21,1 (1996) 39-60; Maimonides, Guide p.18

<sup>9</sup> Theodor-Albeck ed. *Bereshit Rabbah* sec. 85

<sup>10</sup> Guide, p. 603

<sup>11</sup> Y. Moshe Immanueli, *Sefer Bereshit: Hesberim VeheArot* (Tel-Aviv : ha-Ḥevrah le-ḥeḳer ha-Miḳra, Senif T.A., 'a. sh. Dr. A. Bikhovski, 1978), 510; Earl W. Davies, *Inheritance Rights and the Hebrew Levirate Marriage, Part 1*, *Vetus Testamentum* (1981). Dvora E. Weisberg, *The Widow of Our Discontent: Levirate Marriage in the Bible and Ancient Israel*, *Journal for the Study of the Old Testament*, 2004, note 1, however, surveys the relevant academic literature, arguing that there is no sufficiently parallel practice found in ancient near eastern law to provide any insight into Yibum.

<sup>12</sup> Yehuda Kil, *Daat Mikra: Bereshit, Meforash Biyedei Yehuda Kil* vol. 3 (Mosad ha-Rav Kūq 1997), 88. This is the meaning of *Vehakem Zera Leahikha* (Gen. 38,8) and also explains the practice of Ge'ula in the Book of Ruth.

widow<sup>13</sup>. Indeed, the fourteenth century philosopher R. Samuel ibn Seneh Zarza in his *Mekor Haim*, a philosophical commentary on the Torah, interprets this passage from Maimonides in a similar way. According to his understanding, Yibum provided a psychological benefit to the widow, as it allowed her to take reprieve in the familiarity of her late husband's family, especially once she bore a son who carried his name<sup>14</sup>. One can reasonably assume that Maimonides saw Yibum as playing one of these roles, in accordance with the first subcategory of Mitzvot intended to improve "the welfare of the body...by the improvement of their (the multitude's) ways of living with one another" and by "the abolition of their wrongdoing each other." This abolition of wrongdoing is "tantamount to every individual among the people not being permitted to act according to his will and up to the limits of his power, but being forced to do that which is useful to the whole."<sup>15</sup>

Maimonides certainly does not associate levirate marriage with any sort of transmigration of the soul, a concept which is foreign to his thought. Maimonides' doctrine of the soul, which appears numerous times in the *Guide* and *Mishneh Torah*, posits that the soul (*neshama*), which is comprised of five parts<sup>16</sup>, provides the form behind the matter of the body. Both are composed of matter, and therefore temporal, while the intellect, which is the form of the soul, alone is eternal. After death, the intellect merits reward in the World to Come according to the degree to which it has unified with the active intellect by attaining philosophical perfection<sup>17</sup>. This

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<sup>13</sup> Immanueli, 510; Davies, 142-4

<sup>14</sup> R. Samuel ibn Seneh Zarza, *Mekor Haim* (Mantua, 1559), 123a

<sup>15</sup> *Guide*, 510 (sec. 3, ch. 27)

<sup>16</sup> Moses Maimonides, *Mishneh im Perush HaRambam Mekor Vetargum* vol. 4, trans. Yosef Kafah (Mosad ha-Rav Kūq 1964) 376-8

<sup>17</sup> *Hilkhot Yesodei Hatorah* 4:8-9; *Hilkhot Teshuva* 3:1; *ibid*, 8:3; *Guide* 3:54; 1:70

approach to the soul is essentially Aristotelian in origin<sup>18</sup>. Not surprisingly, Maimonides' son, R. Abraham, strongly opposed the doctrine of reincarnation in his *Kitāb Kifāyah al-`Ābidīn* (*Comprehensive Guide for the Servants of God*), as quoted in Hebrew translation by ibn Seneh<sup>19</sup> and by R. Abraham ibn Megas in his *Sefer Kevod Elokim*<sup>20</sup>.

This passage is part of a long tradition of attacks on belief in reincarnation by rationalist philosophers beginning in the ninth century, notably R. Saadia al Fayumi Gaon<sup>21</sup> and R. Abraham ibn Daud<sup>22</sup>. Scholem characterizes this tradition as “the official Jewish theology which was represented in medieval Jewish philosophy”<sup>23</sup>. However, the polemical tone of these passages evidence the existence of such a belief among Jews in Islamic lands<sup>24</sup>. As such, the implicit rejection of reincarnation should not be seen as a Maimonidean innovation.

In the contrast to Maimonides, Nahmanides refers to the Kabbalistic doctrine *Sod Ha'ibur* as the true basis of Yibum:

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<sup>18</sup> Yizhak Isaac and Alexander Klein, *Haguto Shel Harambam Al Reka Hahagut Haklalit Vehayehudit: Hakdama Lesefer Hamada* (Jerusalem 2004). Gershom Scholem, *Pirkei Yesod Behavanat Hakabalah Usemaleha* (Mosad Byalik 1976), 310 noted the inconsistency of reincarnation with the Aristotelian view of the soul.

<sup>19</sup> ibn Seneh Zarza, *Mekor Haim*, 123a

<sup>20</sup> . Josef Ibn Megas, (1585 Constantine, Republished *Bet ha-sefarim ha-le'umi ve-ha-universita'i*, 1976), 108a. Both are cited by Scholem, “Leheker Torat Hagilgul Bekabalah Bemea Hashlosh Esreh”, *Tarbiz*, Tevet 5705. Ibn Megas writes that he was commissioned to translate two chapters of R. Abraham, which are the only ones he knows to have been translated. This being the case, the translation here must be original. Indeed, the work does not seem to have been translated in full prior to the twentieth century. Scholem notes that the term *Gilgul* used here was adopted to describe reincarnation in the thirteenth century, in which case ibn Seneh and ibn Megas are using anachronistic terminology. R. Abraham more likely used the Arabic equivalent of the Hebrew העתקה which was used in the Judaeo-Arabic philosophical literature.

<sup>21</sup> R. Saadia ben Yosef Fayumi, *Sefer Hanivhar Be'Emunot uve'Deot*, ed. Y. Kaffah (*Mekhkone Mishnat ha-Rambam* 1998), 214

<sup>22</sup> Abraham ben David ibn Daud, *Sefer Ha'Emuna Ha'Ramah* (*Sifriyah le-mahashevet Yisra'el* 1967 facsimile of Frankfurt am Main, 1852 ), 39

<sup>23</sup> Scholem, *Pirkei Yesod*, 308 translation my own

<sup>24</sup> Haggai Ben Shamaï, *Gilgul Neshamot Behagut Heayehudit Bemizrah Bemea Ha'asirit*, *Sefunot*, (Proceedings of the second conference of the society for Judaeo-Arabic studies, 5751), 135-136. Ben Shamaï argues that the polemical tone employed by R. Saadya indicates that belief in reincarnation was deeply entrenched in certain elements of Eastern Jewry.

However, the matter is a great secret, one of the mystical secrets of the Torah pertaining to the Genesis of a human being and it is discernible to the eyes of those who can see, to whom God has given eyes to see and ears to hear. The ancient wise men knew before the Torah that there is a great benefit in levirate marriage performed by the brother and that he is the one who is most appropriate to have precedence in [this marriage] and after him comes the next closest relative in the family. For any relative who is related to [the deceased], from his family, who is a potential heir to property brings a benefit. So [the ancients] followed the practice of a brother or relative from the family marrying the wife of the deceased. However, we do not know whether this practice was ancient that it preceded Judah. In Bereishis Rabbah (85:5) [the sages] say that Judah inaugurated the precept of levirate marriage. For when he received this secret from his ancestors he was quick to fulfil it. Then, when the Torah came and prohibited the wives of certain relatives, the Holy One, Blessed is He, wanted to release the prohibition of one's brother's wife in order to enable levirate marriage. However, He did not want that the prohibition of one's father's brother's wife, of one's son's wife, and of others besides these should be pushed aside in favor of [the substitute marriage], for the practice was most common with the brother and the benefit is most advantageous with him and not with other relatives as mentioned<sup>25</sup>.

Based on the midrash linking Yehuda to the later practice of Yibum, Nahmanides concludes that Yehuda had received this secret from his forefathers. In his commentary on Job, Nahmanides elaborates on this idea, presenting it as the central theme of the book. He also evokes a detail of

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<sup>25</sup> Moses Nahmanides, *The Torah with Ramban's commentary Bereishis*, trans. Yaakov Blinder, (Mesorah Publications 2004), 326. I have changed "mystical ideas" to "secrets" to more literally reflect the meaning of the original.

Sod Ha'ibur when explaining the reason for the Arayot<sup>26</sup>. Presumably, Nahmanides' intention is that the lever perpetuates the soul of the deceased in his offspring. Notably, there is no mention of Maimonides, even though he is often cited in the commentary. Moreover, this comment is not at all polemical in tone, in contrast to Nahmanides' criticism of Maimonides' explanation for *Korbanot* in his commentary on Lev.1:9, for instance.

Despite the gravity that Sod Ha'ibur carried in the Kabbalistic circle in Gerona, Nahmanides' mildness concerning it might be understood in light of its secretive nature which precludes the elaboration necessary for effective polemic. This would certainly be the case if the Kabbalists of Gerona kept their teachings on reincarnation secret for fear of offending the philosophers. Scholem, however, rejects this hypothesis, arguing that the way the secret is presented provokes curiosity, which would have been counterproductive to this goal. Additionally, Nahmanides carried enough authority that he should not have been concerned about the opinions of the philosophers. As such, Scholem is unable to find a sufficient explanation for the secrecy surrounding reincarnation.<sup>27</sup> In any event, it is understandable that an esoteric tradition without any grasp in canonical Jewish literature does not allow for open polemic against those who are not privy to that tradition.

The contrast between Nahmanides' interpretation of the ideas in Job and that of Maimonides in the third section of the Guide is also enlightening. Maimonides ascribes prevailing philosophical views to Job's friends, never employing transmigration of the soul. Even if this section is to be read strictly as literalist parshanut which yields philosophically relevant results, it is clear that Maimonides did not see transmigration as a belief reflected in this

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<sup>26</sup> Moses Nahmanides, *Perushe ha-Torah LeRabenu Moshe Ben Nahman*, ed. H.D. Chavel (Mosad Harav Kūk, 1962), 118 (Lev. 18:6), 118

<sup>27</sup> Scholem, *Pirkei Yesod*, 317

canonic text. This can be seen as a further instance where Maimonides implicitly but unequivocally divorced mystical doctrine from authoritative sources, in line with Idel's thesis regarding Maimonides' claim concerning the loss of the Ma'ase Bereishit and Ma'ase Merkava traditions, which offended the Kabbalists who maintained that they had preserved those very traditions. Comparison of Maimonides' treatment of providence and theodicy with those of the medieval Kabbalists requires further consideration, and might provide further insight into the doctrine of transmigration and its place in the Kabbalistic system.

To understand Nahmanides' comments on Yibum in their proper context, the origins of the Sod Ha'ibur must be considered. It first appears in writing in *Sefer Habahir*, and its transmission is associated in Kabbalistic literature with Rabbi Isaac the Blind. Thus, R. Menahem Rekanti recorded a tradition according to which Rabbi Isaac was able to detect from a person's face whether his soul was old or new<sup>28</sup>. The source of the relevant passages in *Sefer Habahir* is unknown. Although a developed doctrine of reincarnation existed among the followers of the early Karaite Anan ben David, as recorded in the writings of Abu Yussuf AlKirkisani, a tenth century Karaite who attempted to refute this doctrine<sup>29</sup>, the scriptural sources he cites differ from those employed by *Sefer Habahir*. There is also no indication of influence from Catharism, a Christian movement in southern France which incorporated Gnostic elements including reincarnation around the time of its emergence in Kabbalistic texts<sup>30</sup>. Theologically, reincarnation is important mainly for its value in theodicy, as justification of *zadik vera lo*.

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<sup>28</sup> Menachem Rekanti, *Perush Hatorah LeRabi Menahem Rekanti* (Venice 1545), 70a, cited by Scholem, *Pirkei Yesod*, 316

<sup>29</sup> Ben Shamai, 125-7; Scholem, *Pirkei Yesod*, 309

<sup>30</sup> *ibid* p.311

After the emergence of Kabbalistic texts, the doctrine which would come to be known as *Gilgul Neshamot* underwent a series of evolutions, documented by Scholem. In the generation following Nahmanides, reincarnation was subject to elaborate analysis and rationalization. A short dissertation written by the mysterious R. Sheshet of Catalonia, titled *She'elot R. Sheshet Desmarcdille Be'inyan Zadik Vera Lo*, was reconstructed by Scholem in an eclectic edition from several surviving manuscripts<sup>31</sup>. The treatise demonstrates lack of clarity in the matter, in addition to providing insight into the nature of the tradition. R. Sheshet, apparently a student of Nahmanides, asks a series of questions on the basic teachings of reincarnation, which indicates that the received tradition was not yet firmly developed. His analysis is premised on a number of statements from the Talmud and Midrashim, which serves to highlight the comparative lack of conclusive premises to be gleaned from existing written and oral Kabbalistic traditions. The end of the document includes responses and additions from students who received traditions from R. Sheshet. Thus, the doctrine of reincarnation as it appears in this document includes two elements: rational investigation and received tradition (*Kabbalah*). Scholem even notes that the passage in section five of the document records a tradition according to which *benonim* and even *zadikim* are reincarnated, a point which contradicts the conclusion arrived at by R. Sheshet through his own analysis (lines 11-50)!

This dichotomy is especially intriguing in light of Nahmanides' historiography of Sod Ha'ibur. The midrash according to which Yehuda was the first to perform Yibum was used to prove that the Sod Ha'ibur was known to the Yehuda, who had in return received it from his forefathers. The plural *Avotav* implies that it was not discovered by a known individual such as

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<sup>31</sup> Scholem, Leheker, 143

Abraham, but was rather a shared tradition among a specific family or humanity as a whole, likely hearkening back to Adam.

A similar perspective on the origins of the Kabbalistic tradition in general is found in the introduction to R. Ezra of Gerona's commentary on *Song of Songs*<sup>32</sup>. One of the earliest Kabbalistic texts, this commentary aims to explain the biblical text in accordance with the true tradition as a response to rationalists who have distorted the meaning of the verses and disrespected the sages. R. Ezra, a student of R. Isaac the Blind, opens by claiming that at creation, Adam was granted true knowledge of God, which was passed down to Abraham and his descendants. A new stage in history began with the servitude in Egypt, where knowledge of God was nearly lost to the Jewish people until it was re-instilled by Moses. Here, there is a similar aim of attributing the Kabbalah to Adam.

The dichotomy between received tradition and analysis apparent when considering R. Sheshet's treatise together with Nahmanides' narrative, can provide a broader picture of the way the tradition of Sod Ha'ibur was viewed by early Kabbalists. There was a basic, unquestionable doctrine which was received through oral tradition. However, the tradition did not convey lasting formulations of the solution it proposes to problems of theodicy. This is likely because of the secretive nature of the tradition. The writing of Kabbalistic texts was probably one of the primary factors prompting exploration of this tradition.

At this point, it is worth noting a fundamental question raised by Scholem<sup>33</sup>: why was Sod Ha'ibur kept so secret? At face value, the concept of transmigration of souls is relatively

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<sup>32</sup>Ezra be Shlomo of Gerone , Kitvei Rabenu Moshe ben Nahman, ed. R. H.D. Chavel (Mossad Harav Kook), 476. This text has been misattributed to Nahmanides.

<sup>33</sup> Scholem, Pirkei Yesod, 317

easy to grasp, even if its details and scope were later subject to differences of opinion. Moreover, it serves an important theological role. As noted earlier, reticence to express a view which was dismissed by philosophy is not a convincing explanation. In any event, the obscurity which enveloped this tradition seems to have allowed for its development in varying directions once the veil of secrecy was removed.

Regarding the function of obscure writing by Nahmanides and his contemporaries, one must recall the warning in his introduction to the Commentary against futile attempts at understand the Kabbalistic tradition through rational means alone.<sup>34</sup> In his commentary to Job, Nahmanides likewise noted that Sod Ha'ibur in particular is among the secrets that can only be understood by "one who has merited them student from teacher until Moses our teacher"<sup>35</sup>. The requirement of receiving a direct tradition before attempting any sort of understanding presumably limits the realm of exploration, in addition to restricting the breadth of the audience. If we are not to assume an extreme breach of his teacher's warning, R. Sheshet's explorations must have been justifiable within the limits of the tradition received from Nahmanides. This means that the primary Kabbalistic material must have allowed for a range of interpretations which, after receiving the tradition, did not violate the admonition against subjecting Kabbalah to reason.

Indeed, Nahmanides' commentary on Job evidences the dichotomy between received tradition and the capabilities of human reason. Nahmanides explains that the purpose of God's final response is to confirm Elihu's evocation of the "*Sod Hagadol*" (another designation for Sod

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<sup>34</sup> Chavel ed., *Perush Haramban Al Hatorah*, 7

<sup>35</sup>Chavel ed. *Kitve Ramban*, 23 translation my own. Chavel (p.13 n. 7) sharply refutes the view of Z. Frankel, based on comparison with other passages in Nahmanides, that this work is falsely ascribed to Nahmanides.

Ha'ibur) because even Elihu, the transmitter, was unable to demonstrate it through reason. It is knowable only through received tradition.<sup>36</sup>

The opening of R. Sheshet's treatise seems to indicate sensitivity toward the dynamic between Kabbalah and analysis. R. Sheshet opens by quoting the verse, "and Moses hid his face" (Ex. 3:6), perhaps implying reticence toward questioning the Kabbalah. Then, after homiletically quoting another, related verse, he presents "from the language of Sod Ha'ibur," meaning the Kabbalistic material as it was received. Only then does he commence his questioning.

With the publication of *Sefer HaZohar* in the latter part of the thirteenth century, Sod Ha'ibur, under its newly adapted name, *Gilgul Neshamot*<sup>37</sup>, reached an even wider audience than it had at the beginning of the century. The *Zohar* explores the issue at great length, most notably in a particularly lengthy passage known among Kabbalists as "Sava deMishpatim" (Mishpatim 2:94-109). In the *Zohar*, the doctrine of Gilgul underwent further modification, most notably its limitation as a consequence of several specific sins, as opposed to earlier sources which viewed it as a more general trajectory of the soul toward perfection, in line with *Sefer Habahir*<sup>38</sup>.

Thus, the case of translocation of souls is an example of how specific doctrines can develop as an organic system of thought adapts to new intellectual climates, even if the newly emerging formulations of these doctrines are not transparently responding to external challenges. In the climate of thirteenth century Spain, where Maimonidean rationalism sparred with the Kabbalistic tradition, which was perceived by its proponents as ancient and integral to the Jewish

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<sup>36</sup> Ibid, 115

<sup>37</sup> Scholem, *Leheker*, 135-139 provides extensive analysis of this change in terminology.

<sup>38</sup> Scholem, *Pirkei Yesod*, 318.

tradition, factors emerging from this conflict are likely to have influenced the way Sod Ha'ibur was understood and presented.

Maimonidean thought might have required promotion of this idea, as expressed in the form of a reason for Yibum, for several reasons. First, Maimonides' rejection of Kabbalistic theosophy inspired exposition of Kabbalistic ta'amei hamitzvot in general, this one being no exception. Additionally, Maimonides openly rejected the eternity of the soul. Finally, the formation of a body of Kabbalistic literature, which was a response to Maimonides, was itself a change in the medium of transmission of this tradition, which gradually made it more public as time progressed. This change of medium also inspired analysis and new formulations of the principal.