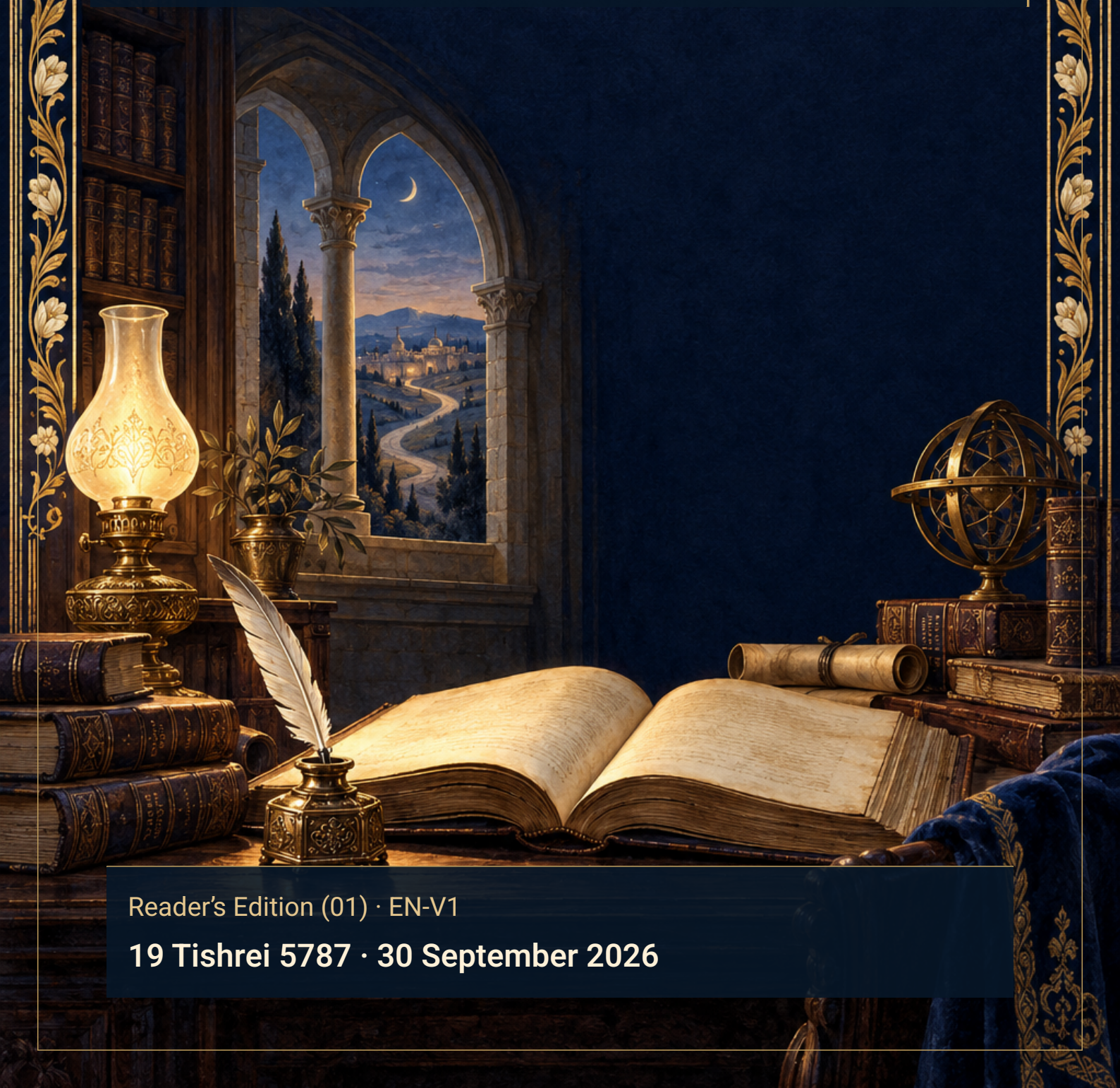


Beit Midrash YeshivahAI

# The Torah Debate

Maharil and Rambam

The question, the sources, and the answer



Reader's Edition (01) · EN-V1

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## One word that raises a question

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Two brothers set out to visit a great teacher. One continues and arrives; the other turns back. If that were the whole account, we would ask what happened along the way. But Hayom Yom also gives a reason: ‘Maharil went without his wife’s permission, and therefore returned from his journey.’

The word ‘therefore’ connects the two facts. Lack of permission was not an incidental detail: it is the reason given for his return. Precisely because the account is so clear, a difficulty arises. Rambam permits Torah scholars to leave to study Torah without their wives’ permission, for two or three years. Why, then, did lack of permission lead to a return?

This Reader’s Edition accompanies the expanded Research Edition. It follows the question into the sources, distinguishing an explanation that is possible from one that has actually been proved. We will find that genuine permission can coexist with genuine consideration. We will also find an instruction of the Rebbe that makes consent a condition of travelling to him and connects that requirement to the journey to Mezritch, without explaining its relationship to the permission. We will not pretend that every question has thereby become simple.

| Further study: units 01 (p. 20), 03 (p. 21), 56 (p. 53).

## Who were the brothers, and what does the entry tell us?

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The Alter Rebbe, Rabbi Shneur Zalman of Liadi, authored Tanya and Shulchan Aruch HaRav. Maharil was his brother,

Rabbi Yehudah Leib, author of the responsa She'erit Yehudah. They set out for Mezritch to visit the Maggid, Rabbi Dov Ber, in 5524 (1763–1764).

Hayom Yom is a calendar of teachings and instructions compiled and edited by the Rebbe, Rabbi Menachem Mendel Schneerson, from the teachings of his father-in-law, the Rebbe Rayatz, Rabbi Yosef Yitzchak Schneersohn. Later in this booklet we will encounter the Rebbe's instructions to those wishing to visit him. The Alter Rebbe is the traveller in the account; these are different figures from different periods. The entry for 11 Menachem Av relates that Maharil returned, whereas the Alter Rebbe reached Mezritch and remained there on his first visit until after Pesach 5525. The rest of the entry discusses his hesitation about staying and his bond with the Maggid.

In this passage, 'his household' means his wife. We need not invent a house that refused permission, or a financial issue, to understand the sentence. Yet it does not tell us whether Maharil never asked for consent or asked and did not receive it. Nor does it specify how long he planned to be away, or describe a particular halakhic discussion on the road.

That distinction will accompany us throughout: we know the reason given for his return—lack of his wife's permission. We do not yet know why that reason was decisive in this particular event, despite the permission to leave for study.

Further study: units 33 (p. 39), 34 (p. 40), 44 (p. 46) (an expanded tradition not yet verified), 50 (p. 49), 67 (p. 63).

## The permission we must not explain away

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To feel the force of the question, we must read the law without softening it. Rambam is discussing a husband's obligations toward his wife, including onah, the obligation of marital intimacy. A prolonged absence affects the fulfilment of that obligation.

Within the same law, he distinguishes different kinds of departure. A man leaving for business is told not to go without her permission. Rambam then writes: 'Torah scholars may leave for Torah study without their wives' permission for two or three years.' Shulchan Aruch, Even HaEzer 76:5, also rules this way.

This does not merely mean that a court will not punish the traveller. 'May leave' permits the act within its defined conditions. Nor does it mean that departure is allowed only after the wife has quietly agreed: the text expressly says 'without permission'.

On the other hand, it is not a licence for anyone to travel anywhere and call the trip 'Torah'. We still need to establish who is travelling, for what purpose, and which rules apply to that case. The permission is real, and so are its limits. We have not yet answered the question; we have only ensured that we will not answer it by erasing one of the sources.

| Further study: units 01 (p. 20), 17 (p. 29), 25 (p. 34), 35 (p. 41), 62 (p. 60).

## Permitted to leave—but required to continue?

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A person may rightly say, 'I am permitted,' yet choose otherwise. There is no contradiction. But explaining a Torah account requires more than a general appeal to

consideration: we must see whether the authorities who accepted the permission also speak this way.

Indeed, alongside the ruling permitting departure, the early authorities warn against prolonging the separation so much. Piskei HaRosh explicitly compares the warning to ‘good advice’. The students of Rabbeinu Yonah write that, even when departure is permitted, one should return earlier ‘out of compassion’, so that she does not suffer excessively. They then stress particular caution when the husband knows that his wife objects especially strongly.

This combination matters. Those sources neither erase the permission nor treat it as a complete account of everything one should do. They leave room for shortening the absence and considering the needs of home. Returning from the road can therefore be understood without proving that departure was forbidden.

We now have a supported answer to ‘How can the account fit Rambam’s ruling?’ We do not yet have proof that this was Maharil’s precise reasoning. The sources offer a way to understand such an act; they do not report what the brothers said to one another on the road.

The content of the guidance matters too: it concerns the length of separation and an earlier return. Without evidence, we must not replace it with a new rule requiring every Torah scholar to obtain consent before every departure.

| Further study: units 03 (p. 21), 04 (p. 22), 05 (p. 22), 38 (p. 42), 61 (p. 59), 63 (p. 61).

# The tear of Rav Rechumi's wife

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The Gemara does not discuss the permission apart from life. Rav Rechumi would ordinarily return home on the eve of Yom Kippur. Once he became absorbed in his studies and did not come. His wife waited, suffered, and shed a tear. The account then tells of his death.

One might read this and conclude that the permission has been cancelled. But Maggid Mishneh, commenting on Rambam, explains the punishment by Rav Rechumi's failure to return at his customary time. He does not conclude that every departure permitted by Rambam is forbidden. Other early authorities do restrict the length of departure without permission. The Research Edition presents that disagreement rather than combining all the commentators into a single position.

What does this teach us here? Permission does not make a wife's expectations irrelevant. Yet Rav Rechumi's story does not entitle us to add facts to Maharil's account. We are not told that Maharil missed an agreed return date, and his return from the road is not described as a punishment. The accounts are related in theme, but their circumstances are not identical.

| Further study: units 09 (p. 25), 10 (p. 26), 11 (p. 26), 12 (p. 27), 13 (p. 27), 15 (p. 28).

## What if she strongly objects?

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Another possible answer now suggests itself: perhaps 'without permission' means without asking, but explicit opposition removes the permission?

Chatam Sofer reads Rambam's position as applying even in a case of strong protest. In his reading, protest alone does

not confer a legal power to prevent a departure covered by the permission. Within the same discussion he also considers attending upon scholars—learning by being with a scholar, not only from a book—in the context of going to the study hall.

This does not turn protest into a recommendation to disregard one's wife. It defines her power to prevent departure within that legal framework. Compassion remains relevant, and further obligations may apply if their conditions are established. To show that a particular permission does not apply, one must supply the relevant source and fact; adding a stronger adjective to 'protest' is not enough.

Here too, we have no information about how strongly Maharil's wife objected. We cannot build the account on an exceptional protest that was never reported. The distinction teaches careful reading: 'She has no legal power to prevent it' is not practical advice to leave in every situation. But neither can it turn, by itself, into 'He may not leave without her consent' in precisely the same case.

| Further study: units 06 (p. 23), 07 (p. 24), 08 (p. 24), 27 (p. 35), 65 (p. 62).

## **Visiting a tzaddik: one label does not cover every case**

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Perhaps travelling to the Maggid was not Torah study at all? That answer sounds easy, but it is too sweeping. Learning from a scholar includes more than reading a book: one may learn approaches to Divine service, understanding of Torah, and a way of life. Chatam Sofer includes attending upon scholars in his discussion. Even so, this does not prove that

every visit to a tzaddik automatically falls under the same permission.

An unusual source brings the question into lived experience. The author of Ezer MiKodesh describes a journey to the author of Kedushat Levi in Berditchev, on which he intended to stay for about a quarter of a year. He regarded its purpose as Torah study and attendance upon a great scholar. He says that at the time he had no doubt concerning these laws; in the analysis he gives afterward, he also considers whether he might not have qualified as one ‘whose occupation is Torah’—someone whose principal activity is Torah study. The precise legal definition is discussed in the Research Edition.

Within that inquiry, he notes that his wife sent him belongings for the journey and assesses that she would not have objected had he asked her. In an adjacent passage he discusses an act by a wife that expresses willing consent. He combines this with other considerations; his entire permission must not be attributed to the sending of belongings alone.

What role does consent play here? It helps establish permission when the applicability of the exemption is uncertain. This is not a declaration that every Torah scholar must obtain consent even where the permission certainly applies. Nor is it general advice to guess a spouse’s wishes: it is a halakhic discussion of particular evidence in particular circumstances.

The source teaches two things at once. A visit to a tzaddik can constitute Torah study and attending upon scholars; that label still does not dispense with examining the case.

The author does not mention Maharil, and the Rebbe does not refer to this source in the texts found. We therefore preserve the model it provides without presenting it as a proved solution either to the journey to Mezritch or to the Rebbe's instruction discussed below.

This account follows the digital transcription examined in the Research Edition. Portions were also read by the editor. A scan of the book was not checked, so this is not a quotation verified against a printed page.

| Further study: units 25 (p. 34), 26 (p. 35), 27 (p. 35), 35 (p. 41), 60 (p. 57).

## **What did the Rebbe instruct those wishing to visit him?**

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So far, we have seen sources advising a shorter separation or a compassionate return without cancelling the permission. They answer how a person may return even though departure is permitted. We now encounter a practical instruction about travelling to the Rebbe that makes consent a condition. This is a second question, and that guidance alone cannot answer it.

A letter of 4 Tammuz 5717, signed by a secretary on the Rebbe's behalf, lists conditions for a Tishrei visit. It opens by saying that the Rebbe's view is already known, and the edition's note records that a similar text was sent to several people. The requirement is therefore not presented as advice unique to this recipient. First comes the wife's full consent. Alongside it are the household's needs, coordination with communal work, and benefit to the public. The letter concludes that only when all the conditions are

met should the journey be pursued. Consent is one of several cumulative conditions, not an added courtesy.

In the talk of 13 Elul 5742, recorded in an unedited transcript—a record of the talk not reviewed by the Rebbe—he says of married people: ‘Departure on the journey must be with the wife’s permission.’ A wife’s journey requires her husband’s permission all the more so. Consent appears alongside further conditions: a rabbi’s permission for those leaving the Land of Israel, avoiding debt, and protecting communal activity. The Rebbe presents the instructions as remaining in force in accordance with Shulchan Aruch, without identifying a particular section there, and adds that they had already been stated and explained at length in previous years.

The requirement cannot therefore be described as mere advice. On the other hand, it must not be extended to every departure from home: the context is the journey the Rebbe was discussing—in this talk, a visit for Tishrei. The talk does not explicitly discuss the permission for Torah scholars.

We now have two questions: why might someone choose to return even though he may leave? And what is the basis for making consent a binding condition of this journey? The guidance we have seen provides a well-supported answer to the first possibility. It cannot, by itself, establish the answer to the second.

Further study: units 57 (p. 54), 58 (p. 55), 59 (p. 55), 65 (p. 62); The Rebbe’s instructions, §A (p. 11); Sources A (p. 87), B (p. 88), and E (p. 86).

# The Rebbe himself mentions the Mezritch account

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The talk of 15 Av 5740 adds an important link. For those coming toward Elul and Tishrei, especially the beginning of a Hakhel year, the Rebbe presents a general instruction founded on halakhic rulings. First among the conditions is safeguarding the traveller's work in his own community. Married men require their wives' consent, and women travelling require their husbands' consent too. Within that instruction, the Rebbe mentions the Alter Rebbe's journey to Mezritch: the difference between him and the person the passage calls 'the other' was that he travelled with the Rebbetzin's consent, and the journey therefore had a continuation. The discussion invokes the account of 'the leader of our generation'—the Rebbe Rayatz. 'The other' is a designation, and the passage does not say that his journey was forbidden.

This changes the evidence. Connecting the story with the instruction about consent is not merely an idea proposed by our research: the Rebbe himself uses the account within the instruction. The two scanned pages were read by the reviewer and then by the editor. This is a private, unedited transcript of the talk, and that status is preserved.

Three qualifications remain necessary. Maharil's name does not appear in the passage; identifying him as 'the other' follows from the parallel with the known account. The title Hayom Yom is not mentioned either. Finally, the permission for Torah scholars and Rambam's ruling are not discussed in this talk.

The Rebbe refers to the halakhic authorities before introducing the story, using it as reinforcement and as an interpretation of the journey's outcome. This is not an exact legal reference resolving the difficulty. Nor does it prove what he intended to imply when editing the entry years earlier.

The 5740 talk fits as one of the earlier instructions to which the Rebbe referred in 5742, but we cannot be certain that he meant this particular talk. We have recurring requirements in sources from different periods, not a complete record of every intervening year.

A later source can transmit a tradition and teach how it was understood. Its value does not disappear because it is not contemporary with the event. But neither does it become a record from 5524 of the brothers' conversation. Precisely because the discovery matters, its contribution must be stated accurately.

Further study: units 53 (p. 51), 59 (p. 55), 67 (p. 63); The Rebbe's instructions, §§A1 (p. 12) and E (p. 16); Source H (p. 87).

## **Three approaches—and two answers that did not stand**

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Three approaches can be examined when considering the relationship between the permission and the instruction. First, a particular person or journey may fall outside the permission. Second, a further obligation may apply even when the permission applies. Third, there may be guidance to act compassionately within a valid permission.

Each approach requires different evidence. The first needs a fact about the person or the purpose of his journey. The

second needs an identified obligation and a source establishing where it applies. For the third we have explicit sources, but it does not by itself explain why obtaining consent becomes an indispensable condition. We cannot choose a different approach in each paragraph and then present the combination as a single proved answer.

Two easy answers were rejected during the inquiry. One says that Rambam spoke about years, whereas Tishrei is a short visit. But permission for a long absence does not, by itself, prohibit a short one. The Mishnah too permits students to leave for thirty days of study. If there is a difference, it must be found in the purpose of the journey or the scope of the permission, not merely the number of weeks.

The second answer says that the wife cannot prevent departure, but the husband must obtain her consent. That changes the names of the questions without resolving the difficulty. If consent is indispensable in the very case in which the law permits departure without it, we must explain why. Replacing ‘obtain’ with ‘ask for’ does not help either: a person can ask and not receive permission.

Ezer MiKodesh’s model of uncertain applicability suggests an avenue of investigation, but does not establish the basis of the Rebbe’s instruction. A useful proposal begins an inquiry; sounding appropriate does not make it the inquiry’s conclusion.

Further study: units 08 (p. 24), 59 (p. 55), 60 (p. 57), 62 (p. 60), 65 (p. 62), 66 (p. 63); The Rebbe’s instructions, §C (p. 14).

## So what is the answer?

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Hayom Yom says that lack of permission led Maharil to return. Rambam and Shulchan Aruch grant real permission,

within its limits, to leave for Torah study without consent. There is no necessary contradiction: permission does not have to be exercised, and the authorities themselves advise consideration and a shorter separation. This is a supported reconciliation of the possibility of returning; we do not have proof that it was the particular halakhic decision made in this event.

In addition, the Rebbe's instructions make a spouse's consent a condition of travelling to him in the contexts discussed. In the 5740 talk, he himself brings the Mezritch account into the instruction. The condition must not be reduced to mere advice. But neither should we claim to have found an explicit explanation in the talks of how it relates to the permission for Torah scholars. The connection to the story has been found; the precise halakhic explanation has not.

We can thus move forward without surrendering any of the sources. Torah makes real room for study, and the halakhic discussion itself gives weight to the home and the expectations of the wife who remains there. The account invites us to ask how both are lived together. The research does not invent Maharil's thoughts to give that question an overly tidy answer.

Further study: units 03 (p. 21), 04 (p. 22), 54 (p. 52), 56 (p. 53), 59 (p. 55), 67 (p. 63), 68 (p. 64);  
Current conclusion and closing formulation (p. 79–79).

## Opening the sources

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Mishnah Ketubot 5:6—the thirty-day permission for students. Ketubot 62b—the Talmudic account and discussion of leaving to study. Rambam, Laws of Marriage 14:2—the permission standing opposite Maharil's account. The students of

Rabbeinu Yonah, cited in Shitah Mekubetzet, and Piskei HaRosh, Ketubot 5:29—guidance within permission. Shulchan Aruch, Even HaEzer 76:5—the ruling permitting departure.

Chatam Sofer, Yoreh De'ah 149—protest and attending upon scholars. Ezer MiKodesh, Even HaEzer 76, passages [6]–[7] in the transcription discussed in the research—the chassidic case and inferred consent. Hayom Yom, 11 Menachem Av—the account underlying our question.

The Rebbe's instructions, in chronological order: Igrot Kodesh XV, letter 5575 (4 Tammuz 5717); the talk of 15 Av 5740, Sichos Kodesh 5740 III, §5, pp. 841–842; the talk of 13 Elul 5742, §27, Hisvaaduyos 5742 IV, pp. 2172–2173. The last was checked by the editor in the Dvar Malchus edition, PDF p. 37. The pagination of the two editions must not be confused.

Every cross-reference here points to the English Research Edition EN-V1, translated from Hebrew R2-V6. Printed page numbers match PDF page numbers. Stable unit numbers make it possible to find the discussion even if the layout changes. For the complete verification record, textual variants, and rejected alternatives, see the chronological source list and the register of all 68 arguments in the Research Edition.

Companion Research Edition: Open source

The references invite further study; this booklet does not use them to conceal a missing step in its argument. The Hebrew text was revised after K1 review, and its references were checked against the research. This English translation follows that revised text, with cross-references recalculated for the English Research Edition. Open questions remain identified in the text.