

CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חרות ואחריות

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"Taking Responsibility for Torah"

THE PARAH-DOX AND ORTHODOX ETHICS

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The Talmud on Yoma 14a records a dispute between Rabbi Akiva and the Sages about the meaning of the opening phrase of Bamidbar Chapter 19, verse 19:

והזה הטהור על הטמא

"And the pure will sprinkle on the impure"

According to the Sages, this means that Red Heifer Ash-water loses its spiritual and halakhic potency on something which is incapable of becoming impure.

According to Rabbi Akiva, it means that sprinkling Red Heifer Ash-water on a tamei person makes them tahor, but the person sprinkling becomes tamei.

The Rabbis object to Rabbi Akiva's argument – isn't this *needlessly* paradoxical, they ask? Even if your reading makes sense in the text, shouldn't we prefer an interpretation that fits with reason?

Rabbi Akiva's response is: ABSOLUTELY NOT. This detail of the law, he says, is what drove King Solomon to confess in Kohelet 7:23

אמרתי אחכמה והיא רחוקה ממני

"I said: 'I will become wise', but this goal remains distant for me."

This is what Rabbi Soloveitchik zt"l described as a "gesture of surrender", a humble and noble willingness to acknowledge that "Because your thoughts are not My thoughts, and your ways are not My ways, declared Hashem. As the heavens rise above the earth, so too My ways rise above your ways, and My thoughts above your thoughts". Ultimately Divine wisdom cannot be fully comprehended by human intellect.

BUT: Does that mean we shouldn't try?

Put differently: **Is it better to have thought and lost, or never to have thought at all?**

For some people, Rabbi Akiva's embrace of irrationality is the paradigm for our relationship to mitzvot. We are best off not asking "why" questions about mitzvot; ours not to make reply, but simply to follow G-d's orders.

But for others, Rabbi Akiva's understanding of this verse is an exception. One law is immune to reason, to remind us of the limits of human intellect. But with that reminder in hand, we must try our best to understand everything else using the minds that Hashem gave us.

Or maybe Rabbi Akiva is simply wrong. The Halakhah follows the Sages against Rabbi Akiva; there is no reason to interpret this verse as generating an irrational law when an alternate explanation can be found.

I remember my excitement when I first realized that this third position was possible within the tradition, that there were great rabbis who believed that we should believe that all mitzvot were comprehensible. It came not from Rambam – my high school strongly discouraged me from reading the Guide for the Perplexed – but from the introduction of the great medieval parshan Rabbi David Kimchi, known as RADAK, to his commentary on Nakh.

אין צריך לומר התורה והמצוה שהם בנויות על דרך השכל

כי גם החוקים אשר נאמר עליהם כי אין להם טעם

כן הוא שאין להם טעם נראה לרוב בני אדם

אבל החכם המתבונן בהם ימצא טעמם ברור ומבואר

It goes without saying regarding Torah and mitzvot that they are built on the ways of the intellect

as even the chukim, about which it is said that they have no rationale

It is true that they have no rationale which is apparent to most people

But the sage who meditates on them will find their rationales clear and explained

Even the chukim, Radak says – even the Red Heifer, which is described as THE chok of the Torah – makes sense to philosophers. NOTHING about Torah law is in principle beyond human comprehension.

This was extremely attractive to me as a teenager. But the problem with this position, as my high school teachers knew, is that:

The belief that nothing about Torah is utterly incomprehensible easily slides into the belief that we already comprehend everything in Torah.

The belief that we comprehend everything leads us to identify Torah with our own understanding of Torah.

The identification of Torah with our understanding of Torah means that we attribute our own errors to G-d. When times change, so that our rationales for mitzvot no longer seem reasonable, we take that as evidence against the Torah, rather than as evidence that we have misunderstood Torah.

But the first position, the extreme version of Rabbi Akiva, can send us sliding down its own slippery slope:

The belief that nothing about Torah is ultimately comprehensible easily slides into the belief that we should not use ethics to evaluate our interpretations of Torah.

The belief that Torah interpretations need not be ethical leads us to accept interpretations that make Halakhah irrelevant, immoral or even cruel.

For example: some years ago, the Summer Beit Midrash studied the laws regarding the halakhic status of the deaf who also cannot speak audibly. The Talmud categorizes deaf-mutes as not bnei adam and not mitzvah, as incapable of halakhic responsibility. In the late 19th century – think Helen Keller – it became clear that deaf children could be fully educated, and that deaf adults could be fully competent even if they spoke Sign rather than verbalizing.

For some rabbis, this made it obvious that their halakhic status had changed. We know, they argued, **why** the Talmud declared deaf-mutes to be exempt from mitzvot – it was because their minds had not properly developed. Reality has changed, and it would distort Torah if halakhah did not take this new reality into account.

For other rabbis, our capacity to educate the deaf instead proves that their halakhic exclusion was not based on their mental incompetence, but rather is simply a gezeirat hakatuv, an incomprehensible (and therefore unchangeable) Divine decree.

I much prefer the middle position, the moderate understanding of Rabbi Akiva. We should not be afraid to admit that some mitzvot are beyond our comprehension; but we should also not be afraid to admit that some halakhot are perfectly within our comprehension.

Jews should not glory in incomprehensibility, and obey the absurd with greater joy than the reasonable. We should instead strive to rationalize when we can do so with sincerity and integrity. At the same time, we need to recognize that in every generation there will be some mitzvot – often different than those considered chukim in earlier generations - that we cannot rationalize with sincerity and integrity, and which we must nonetheless obey.

I wrote the following rationalization as an in-shul introduction to the leining of Parshat Chukkat 2015.

“Why is the ritual of the Red Heifer in Sefer Bamidbar, rather than together with other priestly rituals in Sefer Vayikra? The simplest answer is that our parshah is suffused with death. Miriam dies; Aharon dies; Mosheh is sentenced to die in exile; the people ask repeatedly “Why have you taken us out of Egypt to die in the desert?”; and many of them in fact die at the hands of fiery snakes. The Rabbis like to say that G-d often sends the refuah before the Makkah, the cure before the disease. So here He gave Bnei Yisroel the laws of the Parah Adumah just before we had to deal with many crushing deaths.

“How does this ritual help us deal with death? My dear friend Rabbi Elisha Anselovits points out that the ashes were sprinkled on the third and seventh days of shiva. In the midst of mourning, G-d reminds us that we have responsibilities; that while our grief is justified, it cannot define us permanently or absolutely. But the ashes cannot be self-sprinkled; to emerge whole, we need the help of others.

“This is the deepest meaning of the paradox of the parah adumah, in which the sprinkler becomes tamei while the sprinkler becomes tahor – one person willingly becomes tamei so that others can become tahor. The ritual reminds us that there are so many powerful areas of life where we are not self-sufficient, where we cannot bootstrap ourselves out of our ruts – we need our family, our friends, our community, and sometimes the human community. Once we recognize our own needs, we will then try to be the helpers our family, friends, community and fellow humans need.

“In the past week, the human religious community of the United States was frayed by the shocking racist murders in Charleston. In response, a wide spectrum of Jewish organizations has called for this Shabbat to be a "Shabbat of Unity" as a statement of sympathy for the African-American community and as a protest against racism and discrimination. The RCA and the Orthodox Union have joined this call in the spirit of the Rav zikhrono livrakhah's call for human cooperation across religious boundaries on social and political issues.

“May this be the beginning of a much deeper commitment by the Orthodox community to that spirit and that call.”

Let's make it so.

The mission of the Center for Modern Torah Leadership is to foster a vision of fully committed halakhic Judaism that embraces the intellectual and moral challenges of modernity as spiritual opportunities to create authentic leaders. The Center carries out its mission through the Summer Beit Midrash program, the Rabbis and Educators Professional Development Institute, the Campus and Community Education Institutes, weekly Divrei Torah and our website, www.torahleadership.org, which houses hundreds of articles and audio lectures.