

# **CMTL Shavuot Reader 2019 Edition**

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חרות ואחריות

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**"Taking Responsibility for Torah"**

*Unless otherwise noted, all pieces are by Rabbi Klapper and published on the CMTL website or blog.*

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## Stairway to Sinai: Smoke and Synthesia

January 17, 2014

For those who treat Led Zeppelin as sacred scripture, the following lines from “Stairway to Heaven” have presumably been the subject of great inquiry:

*In my thoughts I have seen  
rings of smoke through the trees  
and the voices of those who stand looking*

How can one see voices, even in one’s thoughts?

Ibn Ezra notes that sensation is fundamentally a cognitive phenomenon, and the wires from the various sense organs can be crossed. Synaesthesia can have many causes, including heredity, and is often prized by those who experience it. It is also a common side effect of hallucinogens, which may well exclaim the presence of rings of smoke in the lyrics.

Now the title of “Stairway to Heaven” is obviously a reference to Yaakov’s dream, and it seems reasonable therefore to look for Biblical allusions in the lyrics as well. The line “and the voices of those who stand looking” seems to me a clear play on Shemot 20:14

וכל העם ראים את הקולות  
ואת הלפידים  
ואת קול השפר  
ואת ההר עשן  
וירא העם  
וינעו  
ויעמדו מרחק:

*All the nation were looking at the voices and the lightning bolts  
and the voice of the shofar  
and the mountain smoking;  
The nation looked  
and they trembled  
and they stood at a distance*

Many, many beautiful interpretations - pace Ibn Ezra - have been offered for the phenomenon, experience, and/or metaphor here of visible voices. Targum Yonatan captures some of the opportunities as follows:

וכל עמא חמיין ית קלייא  
היך הוו מתהפכין בשמעהון דכל חד וחד  
והיך הוו נפקין מן גו בעוריא  
וית קל שופרא היך הוה מחי מיתיא  
וית טורא תנין

*And all the nation saw the voices  
how they were altering in the hearing of each individual  
and how they were emerging from the flames  
and how the voice of the shofar was resurrecting the dead  
and the mountain smoking*

For Targum Yonatan, the voices are made visible so that each Jew can hear the voice particular to him or herself, and at the same time see that their subjective experience does not capture the objective reality of Torah. Perhaps the collective transgenerational experience of Klal Yisroel can capture that reality, and that is why it was necessary to resurrect the dead at Sinai. (Perhaps the song really means “the voices

experienced by those who stand looking”; what would it have been like to stand at Sinai, see everyone else’s experience, and yet hear no Voice of one’s own?)

What becomes clear by contrast, however, is that Targum Yonatan offers no explanation of what the smoke signals.

The standard midrashic interpretation reads the smoke as an allusion to the Covenant between the Pieces in Genesis 15:17, and in both places as a stand-in for Gehennom (from which one can be saved by the fire of Torah). I find this deeply unsatisfying; fire causes smoke, rather than saving from it, albeit an image of Torah as gasmask might not be effectively inspirational. And why must a negative image, even threat, be part of Ultimate Revelation?

Meshekh Chokhmah offers the best alternative I have thus far found, although even he cannot avoid a negative association. I suspect (although he says none of this explicitly) that he began with the conviction that the fire of the Burning Bush did not smoke; smoke is a side effect of fuel consumption. He then moved to the claim in Yoma that manna is angel food = לחם אבירים, and therefore produces no bodily waste to eliminate. Combining these tropes yields the realization that smoke is the product of an imperfectly efficient flame, which is neither self-sustaining nor non-polluting. Why would the flame of Sinai be imperfect?

Here is his daring answer in part:

הביאור, דאמרו דבכל המסעות כתיב "ויסעו ויחנו" בלשון רבים -  
שנסעו במחלוקת,  
עד שבאו לסיני ונעשו הגמוניה אחת שלא היו במחלוקת.  
אמר: הרי השעה שאתן תורה לבני!

אמנם, כי אם לא היה להם מחלוקת, בכל זאת היה בהם ניצוץ קנאה אחד בחבירו, שלא הגיעו עוד לאהוב חבירו כנפשו ולשמוח במעלת חבירו. ועל זה אמרו במכילתא (יתרו פרשה יט, כ) אף כשעמדו בסיני נאמר עליהם (תהלים עח, לו) "ויפתוהו בפיהם ולבם לא נכון עמו", שהיה הלב לא מטוהר מקנאה.  
והנה אמרו כי משה שקול ככל ישראל, אבל כן היו כל ישראל שקולים כמשה (מכילתא בשלח טו, א). ואם כן, אם היה בלא שום קנאה ושום פירוד לבבות זה מזה, רק כל העדה כולם קשורים בלב ונפש אחד, הלא היו כולם איש אחד, והיו ראויים לקבל כל התורה כמשה.

אבל כיון שלא היו קשורים בלבב אחד, אם כן כל אחד בפרט לא הגיע לשלימות כזה לקבל התורה. ומה שראו ושמעו בדברות היה כדי לאמת האמונה בלבם, וכמו הוראת שעה.

*The explanation is that in all their travels Scripture writes "And they travelled and they camped", because they travelled in מחלוקת=controversy,*

*until they came to Sinai and became one bloc with no controversy.*

*G-d said: Behold the time that I will give Torah to My sons!*

*However, even though they had no controversy, there was yet among them a spark of interpersonal jealousy, as they had not yet reached the level of loving their friend as themselves and celebrating the greater achievement of a friend.*

*About this Mekhilta (the halakhic midrash on Exodus) writes that "Even while they stood at Sinai Scripture (Psalms 68:36) says of them "They seduced Him with their lips, but their hearts were not prepared to be with Him", because their hearts were not purified of jealousy.*

*Now the Rabbis said that Mosheh was equivalent to all Israel, but likewise all Israel are equal to Mosheh, and if so, had their been no jealousy or division of hearts among them, rather all the congregation bound together as one heart and spirit, they would all have been one person, and they would have been fit to receive the whole Torah, just like Mosheh.*

*But since they were not bound together as one heart, each individual did not reach the level of perfection necessary for receiving the Torah, so that what they saw and heard at the Statement was only to verify faith in their hearts, and it was like a הוראת שעה=temporary suspension of the Law . . .*

Among the beauties of Meshekh Chokhmah’s reading is that he notes the irony of having smoke obscure the astounding visual experience of voices. Perhaps he believes that in a perfect world each of us, like Mosheh Rabbeinu, would have heard all voices simultaneously – “*zakhor and shamor* in one Statement”

– and Hashem resorted to synesthesia only because of our limitations. It is quite astonishing to claim that the Law was given in the equivalent of a (justified and necessary) breach of the Law!

Meshekh Chokhmah also beautifully captures the Rabbinic idea that all future interpretations of Torah were already revealed to Mosheh. But this Rabbinic notion has an underappreciated consequence – it means that Mosheh Rabbeinu, uniquely among all Jews, was never able to experience himself as contributing creatively to Torah. Perhaps G-d gave us the Torah just before we reached perfect concord to ensure that we would have the capacity to be partners in the creation of Torah just as we are in the creation of the physical world. Perhaps this is why the Sages often praise the mutual jealousy of scholars when it is harnessed to productive Torah ends.

## Sinai and Orthodox Authority

January 28, 2016

The Jewish people are a political community bound by religious law. I contend that this proposition emerges from the *Aseret HaDibrot* and indeed all of Torah and is a fundamental necessary assumption of any halakhic Judaism.

By ‘political’, I mean that we take collective responsibility for the distribution and exercise of power in our community.

By ‘religious’, I mean that we see Jewish law as deriving its authority from G-d’s will.

A community can be bound by religious law, but not be political, if it sees obedience to that law by its members as solely a matter of personal choice. The easiest reasonable way to accomplish this is to restrict religious law to ritual while allowing a parallel, nonreligious system to take responsibility for issues such as the distribution of material goods (economic policy, *Choshen Mishpat*), the regulation of information (libel and slander laws, *lashon hora*), criminal justice (*dinei nefashot*), and even of membership in the community (immigration policy, *gerus*).

I contend that an authentically halakhic Judaism has a principled opposition to such restriction.

Nonetheless, an authentic halakhic Judaism may accept or even advocate for such restriction in particular circumstances, on practical or moral grounds. For example, when the Jewish community is practically unable to use physical force against its members, criminal law must be handled by other agencies. When many segments of the Jewish community fundamentally reject the authority of *halakhah*, coercing obedience is practically counterproductive and morally offensive.

A community is political, but not bound by religious law, if it grounds the legitimacy of power on a basis other than Divine Will.

But a community bound by religious law does not have to ground the legitimacy of power *exclusively* on the basis of Divine Will, nor on the basis of *direct* Divine Will.

In fact, halakhic Judaism rejects both exclusive and direct Divine Will, and holds that power must be grounded in both heteronomy and autonomy in order to be legitimate. The Torah became binding when we accepted it, not when G-d gave it.

Furthermore, many features of *halakhah* are specifically and explicitly intended to distance direct Divine Will from power. The clearest illustration of this is Rabbi Yehoshua’s use of the Biblical clause *לא בשמים היא*, “It is not in Heaven”, in the Oven of Akhnai story. The point of this story is not to celebrate autonomy but rather to legitimate the use of coercive authority by some human beings against others, specifically against others who claim the right to act on the basis of their direct experience of Divine Will.

Halakhic Judaism is an intricate dance that revolves around the dynamic interaction of autonomy and authority. That dance must be enacted differently in different contexts. Contemporary Orthodox versions incorporate the reality that formal halakhic authority is greatly diminished, in three interconnected ways:

First, the halakhic community has little-to-no access to any means of power other than social suasion. (This is mostly true even in the State of Israel.)

Second, there is almost no formal framework for granting halakhic authority within the community, especially outside Israel. Even those who believe that titles matter should recognize that having met the minimal standards for *semikhah* properly confers only minimal authority.

Third, many of the *halakhah*’s internal tools for granting authority have been sidelined. *Midrash Halakhah* is not used to generate law; legislation is binding at most on narrow local communities;

mechanisms for seizing property or annulling marriages are used only in directly precedented cases; there is no framework for taking a binding vote on issues of controversy.

In a dance, the weakening of one partner does not properly lead to the other asserting more and more dominance. Rather, as in all relationships, one proper response to weakness is to make greater efforts at self-restraint, to ensure that one's partner is still given the fullest possible capacity for self-expression and influence in your shared being.

So too, the proper response to the weakening of formal halakhic authority may not be exuberant celebration, but rather the voluntary restriction of halakhic autonomy, especially in areas where the stakes are lower. (Note that both halakhic autonomy and its restriction may play out differently for those who formally make decisions only about their own actions, and those who formally make decisions with the intent to set halakhic precedents.)

A strong-form statement of this argument would be that in the absence of formal authority, the preservation of *halakhah* as law requires us to seek to constitute informal authority whenever and wherever possible.

But I think this is false. *Halakhah's* rationale for restricting the authority of direct Divine Will is not that it mistrusts G-d; it restricts that authority because it mistrusts the humans who would be the conduits of that Will, or would claim to be the conduits. Therefore, *halakhah* has no brief for giving similar authority to human beings on any other basis. An authentic halakhic system must always allow for authority to be religiously challenged, rebuked, or even disobeyed.

But there must be an authority to challenge, rebuke, or even disobey. A paradox of modernity is that one may be obligated to establish authority in order to disobey it.

So the issue of non-Orthodox halakhic-ness cannot be about, or at least not only about, whether Orthodoxy is generally and/or fundamentally right or wrong about gender roles, or about sexuality. The question is not even whether Orthodoxy generally and/or fundamentally excludes the objectively correct positions on such issues.

The question is whether it is possible to reject the informal Orthodox authority exercised on such issues and still authentically maintain a conception of the Jewish people as a political community bound by religious law, and sustain the dance of autonomy and authority in one's individual and communal life.

In the context of that question, I want to make a descriptive sociological claim that may have significant normative implications. Orthodox identity exists prior to and independent of practice, whereas non-Orthodox halakhic identity is constituted by practice. With rare exceptions, Jews today who identify as both halakhic and non-Orthodox are an epiphenomenon of Orthodoxy. They have rationales for their rejection of specific Orthodox rulings, but they have no independent rationale for accepting the rest of the system.

This reflects the failure of American Conservative Judaism to develop a successful non-Orthodox ground of halakhic obligation. No one has yet successfully developed a Jewish theology that both accepts Higher Biblical Criticism and convinces Jews that they are obligated to subordinate their immediate perception of the Divine Will to the perception of others more grounded in Jewish tradition; and no one has successfully developed a non-Orthodox *halakhah* that Jews see as authoritative whether or not they experience its observance as immediately religiously meaningful.

I confess that the successful development of such a theology for *halakhah* would not necessarily lead me to accept it as religiously legitimate. The tradition I see as authoritative has often utterly excluded positions that were genuinely halakhic, meaning that they held with integrity that the Jewish people are a political community bound by religious law. Take for example the Sadducees, or *lehavdil elef alfei havdalot*, Beit Shammai.

But I also want to be clear that Orthodoxy is not a magic word, in three ways:

First, the Orthodoxy of today includes positions that are halakhically legitimate but evil, not because they offer intellectually implausible readings of traditional texts, but because they offend against an objective moral order. If I had my choice, I would exclude them. Because I do not have the social power to accomplish this, my Orthodox identification requires me to take responsibility for them. Yigal Amir is Orthodox; at least some of the “price-tag” terrorists are Orthodox; there are virulent racists in American Orthodoxy; and so on. It is *davka* Orthodox Jews who need to denounce them and work toward making such positions unacceptable in our community to the point that they are no longer Orthodox.

Second, the Orthodoxy of tomorrow may be halakhically illegitimate. If tomorrow all the Orthodox synagogues in the world introduce idol worship, with the approval of their rabbis, DON'T LISTEN!

Third, Orthodoxy today or tomorrow may choose to exclude halakhic people or communities for illegitimate reasons. If it chooses to exclude a sustainably halakhic community, that community would be entitled to see Orthodoxy rather than itself as violating *lo titgodedu*, the prohibition against factionalism.

I suggest overall that the interests of Torah are better served in our day if:

(1) People who have moral problems with specific areas of *halakhah*, but recognize the religious necessity of authority, make their critiques within the Orthodox system rather than excluding themselves.

(2) People who have authority within the halakhic system recognize the religious value and necessity of internal moral and intellectual critique, and see those who engage in such critique—even when they go to the extent of civil disobedience—as vital positive members of their community. (Note that civil disobedience, which involves acceptance of the legitimacy of penalties, must be sharply distinguished from secession or rebellion.)

(3) People who have authority within the halakhic system recognize that authority is constituted not by agreement, but rather by eagerness to engage and willingness to obey in the face of disagreement.

I believe that these recognitions would lead to different and better handling of current and future controversies within and on the borders of Modern Orthodoxy.

I also suggest cautiously that Modern and Centrist Orthodox leaders should recognize the extent to which their own community's continued presence in the Orthodox coalition is not inevitable. I say cautiously because the recognition of insecurity can lead to the persecution of alleged heretics to prove one's own loyalty. But it can also lead to a mature recognition of the dangers posed by zealots, and concerted effort to prevent them from unnecessarily burning bridges, or grain silos.



## Brit Ha'Aganot: The Story of the Super Bowls

By Ezra Newman

February 1, 2019

Parshat Mishpatim ends with a peculiar 11-verse story colloquially referred to as “Brit HaAganot.” In this story, Moshe is commanded to go up to God, while Aharon, Nadav, Avihu and the Elders bow from a distance. Moshe ascends, returns, and tells Bnei Yisrael “kol divrei Hashem,” to which they respond “Naaseh.” Moshe then writes down “kol divrei Hashem.” He makes an altar and 12 “Matzeivot,” one for each tribe, and has sacrifices brought on the altars. He throws half the blood from these sacrifices on the altar. He then reads Bnei Yisrael the “Sefer HaBrit,” to which they respond “Naaseh viNishmah.” He takes the rest of the blood and throws it on Bnei Yisrael, exclaiming that “this is the blood of the covenant between them and God over these *devarim*.” Then Moshe, Aharon, Nadan, Avihu and the Elders go up to God, where they see God, and God does not harm them. They eat and drink.

This is an unusual story, presented without context or explanation. The commentators ask: Did this story happen before or after Matan Torah? Why can the non-Moshe leaders go up to God at the end but not at the beginning? Why do Bnei Yisrael respond to being told “kol divrei Hashem” by saying “Nishma,” but to Moshe reading them the “Sefer HaBrit” by saying “Naaseh viNishmah?”

The best way to answer these specific questions involves focusing on a broader question: what is the purpose or message of this narrative?

Most commentators explain that this is the narrative of God establishing a covenant between God-self and Bnei Yisrael. Rabbi Chanoch Waxman of Yeshivat Har Etzion notes that the narrative ends with two classic tropes of covenant stories, the appearance of God to people and the sharing of a meal. But what is the content of this covenant? We are not given any details from “kol divrei Hashem!” Abarbanel writes that this is a covenant built around the Torah, which is established through the dual actions of Moshe reading the “Sefer HaBrit” for Bnei Yisrael and the throwing of the blood partly on the Mizbeach, representing God, and partly on the Matzeivot, representing the nation. Chizkuni adds that the splitting of the blood evokes the Brit Bein-HaBetarim, a covenant between God and Avraham. Rashi explains that this is a sort of conversion ritual for Bnei Yisrael, as the Talmud derives from here that conversion requires Hartzat Damim, a sacrificial blood ritual (when the Temple is standing).

According to Rashi, this narrative actually happened before Matan Torah, and is out of place in the Torah. The standard covenant answer similarly supposes that this narrative is placed out of order in the Torah, as it actually describes a part of Matan Torah itself or an event that occurred directly after Matan Torah.

Ramban, however, *kidarko bakodesh*, explains that this narrative is appropriately chronologically placed in the Torah, and happened well after Matan Torah. I believe that Ramban’s reading is compelling, and that this narrative is not about God establishing a covenant with Bnei Yisrael or of them engaging in some sort of conversion ritual.

The purpose of this narrative is to illustrate the transition and dispersion of power within Bnei Yisrael after Matan Torah. Before Matan Torah, Moshe was the sole leader, but after this narrative, his leadership is dispersed among other members of Bnei Yisrael, namely Aharon, Nadav, Avihu and the Elders.

It is clear at first glance that this narrative revolves around the actions of Moshe. The word Moshe is the *milah manchah* (leitmotif) of this 11-verse narrative, appearing 7 times. Yet it is not immediately clear why Moshe is central here.

The message is gleaned through investigating the structure of this narrative. The unit has almost a perfect chiasmic structure, but with each section containing a twist to demonstrate the shifting of power from Moshe to the other leaders.

1. At the outset, Moshe is told to go up to God alone, while Aharon, Nadav, Avihu and the Elders bow from a distance. At the end of, , they all go up to God and see God.
2. Moshe is described by name as teaching the people the law and writing the Sefer HaBrit, but when he subsequently reads the Sefer HaBrit, his name is conspicuously absent.
3. Moshe is in charge of bringing the sacrifices, but at the end of the narrative, all the leaders eat and drink together.
4. In the first part of the narrative, Moshe alone throws the blood on the altar, signifying his special relationship with God, while in the second part of the narrative Moshe throws the blood on the nation, and in fact not necessarily on all of them; Ibn Ezra writes that Moshe only threw the blood on the Elders, as they represented the entire nation.

(א) ואל משה אמר עלה אל יקוק אתה ואהרן נדב ואביהוא ושבעים מזקני ישראל והשתחויתם מרחק:	(י) ויראו את אלהי ישראל ותחת רגליו כמעשה לבנת הספיר וכעצם השמים לטהר:  (יא) ואל אצילי בני ישראל לא שלח ידו ויחזו את האלהים...
(ב) ונגש משה לבדו אל יקוק והם לא יגשו והעם לא יעלו עמו:	(ט) ויעל משה ואהרן נדב ואביהוא ושבעים מזקני ישראל:
(ג) ויבא משה ויספר לעם את כל דברי יקוק ואת כל המשפטים ויען כל העם קול אחד ויאמרו כל הדברים אשר דבר יקוק נעשה: (ד) ויכתב משה את כל דברי יקוק...	(ז) ויקח ספר הברית ויקרא באזני העם ויאמרו כל אשר דבר יקוק נעשה ונשמע:
...ויבן מזבח תחת ההר ושתיים עשרה מצבה לשנים עשר שבטי ישראל:  (ה) וישלח את נערי בני ישראל ויעלו עלת ויזבחו זבחים שלמים ליקוק פרים:	...ויאכלו וישתו:
(ו) ויקח משה חצי הדם וישם באגנת וחצי הדם זרק על המזבח:	(ח) ויקח משה את הדם ויזרק על העם ויאמר הנה דם הברית אשר כרת יקוק עמכם על כל הדברים האלה:

There is still one unanswered question from among those raised at the beginning of this dvar torah: how do we explain the change in Bnei Yisrael's response from "Naaseh" when they were told of "Kol Divrei Hashem," to "Naaseh ViNishma" when they are read the "Sefer HaBrit?"

I think that our understanding of the purpose of the narrative can shed new light unto this question. Traditionally, the word "ViNishma" is interpreted here to refer to the word of God, "we will heed the word of God." But I think that it's more appropriately interpreted to refer here to the other leaders of Bnei Yisrael. The people have not changed their attitude to the word of God – they said "Naaseh" to that before, and they say "Naaseh" to that again. But now, they are recognizing that they must also heed not only Moshe relaying the word of God, but also the teachings and leadership of Aharon, Nadav, Avihu and the Elders, and to this they are saying "ViNishma."

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## Can G-d Command Us to Believe in Him?

February 11, 2009

The late Thomas Kuhn incisively argued that philosophers (and Briskers) tend to overread texts with a form of excessive intellectual generosity. Because their interest is in ideas rather than in history, they assume that authors are aware of all logical challenges to their ideas, and therefore interpret texts in ways that takes those challenges into account, even if those challenges are not explicitly recorded until centuries later.

Ramban's defense of Halakhot Gedolot's failure to count the opening sentence of the Aseret haDibrot among the 613 commandments is likely familiar, but I return to it regularly because of my uncertainty as to whether I overread it. Ramban suggests, as do contemporary scholars of ancient Hittite vassal treaties, that "I am Hashem your G-d" is a preamble rather than a command, a statement of sovereignty that grounds and whose acceptance is a necessary precondition for all subsequent commands.

To a contemporary philosopher, ever sensitive to reflexive loops and a passionate partisan of autonomy, the position Ramban articulates (not his own position) is tantamount to a conscious recognition that belief cannot be commanded, and accordingly that there can be no justification for religious coercion against agnostics, and no blame for those whose failure to uphold halakhic commitments stems from denial of the premise that G-d commands us, or even of the premise that G-d commands us to observe Halakhah.

However, these conclusions seem a difficult fit for Ramban in historical context, and a close reading of his words yields no clear indication that his argument goes beyond the technical claim that metamitzvot can be excluded from the number 613. One can evade the historical issue by suggesting that he merely attributes this position to Halakhot Gedolot, and thereby legitimates it, but himself does not believe it – but I find that approach unconvincing. One can also argue that Ramban legitimates the position, and we are then free to draw our own implications from that position, but that only begs the question of whether the implications are necessarily legitimate.

But perhaps it is disrespectful to Ramban to read him as missing what seems to me such a clear implication of his argument? I would be hard-pressed to accept such a contention in any other area of Rabbinic discourse.

## 2019 Annual Essay on Commandedness in memory of Matt Eisenfeld

February 15, 2019

**A human action that fulfills a Divine command/צו is religiously different from the same action undertaken in response to Divine will/רצון.** This proposition is central to contemporary Orthodox ideology.

The ideological centrality of commandedness manifests itself in three separate contexts, which may pull in opposing directions.

1) Commandedness separates Orthodoxy from non-Orthodoxy. (This is Orthodoxy's perspective – I am not evaluating here the efforts made in other communities to reclaim the language or substance of commandedness.)

2) Commandedness enables an understanding of chosenness that is rooted in responsibility rather than ontology. “Here is contained the response to those who claim that the Jewish religion is a racist religion, Heaven forbid . . . we believe that our chosenness stems solely from our being subject to additional commandments, and anyone who accepts upon himself or herself the Yoke of Heaven is absolutely able to join our nation and is called by the name of Israel.” (Rabbi Yaakov Kaminetsky, Emet l'Yaakov to Avot 1:11)

3) Commandedness justifies gender non-egalitarianism.

The first two contexts are conducive to framing commanded actions as qualitatively superior. In the third context, however, such claims generate accusations of misogyny and the like. Women are אינן מצוות (not commanded) in a set of mitzvot that are experientially central to male Orthodox life, and as a result are excluded from serving as communal religious representatives for those mitzvot.

The primary textual hook for the claim of superiority is Rabbi Chanina's statement that “Greater is the one who is commanded and does than one who is not commanded and does.” On Talmud Kiddushin 31a and Bava Kamma 87a, Rav Yosef initially assumes that non-commanded actions are greater than commanded actions, but is convinced by Rabbi Chanina's authority or arguments to reverse his position. (This may also be disputed between R. Abun and R. Levi in Yerushalmi Peah 1:1.)

Any number of acharonim further nuance the issue and explain that the *metzuveh* is superior in some ways and cases but inferior in others. Think for example of whether the *mitzvah* to love G-d is best fulfilled purely out of a sense of obligation. (Note that the Talmud seems to define R. Chanina's “greater” as “receives greater reward.” See also Rabbi Francis Nataf, “Commandment, Coercion, and Modernity,” in The Tent of Abraham.)

Rav Yosef presumably remained within Orthodoxy even when he thought that acting without being commanded was superior, and I have not seen specific belief in Rabbi Chanina's statement on anyone's list of entrance requirement for the World to Come. What **is** consensus, and I contend definitional to Orthodoxy, is that G-d commands human beings, and that His commands are binding. It might or might not be best to be motivated by the fact of being commanded rather than by love or fear or awe of G-d and/or an independent sense of His will. But anything He commands must be done.

Moreover, some commanded actions may be forbidden and sinful if done for any motive other than fulfilling a command. The paradigmatic halakhic example is *yibbum* (levirate marriage), which may become incest if engaged in for other motives (at least according to the position of Abba Shaul on Yebamot 109a). See also the position held by Rav Aharon Lichtenstein zt”l and the Chofetz Chaim that the erasure of Amalek is murder if done with any admixture of any motive other than the fulfillment of a command. Consider also the deaths of Nadav and Avihu for bringing “a *zarah* fire that He had not commanded them.”

Some Orthodox theologians have difficulty finding religious meaning in non-commanded actions. Their banner is *כל הפטור מדבר ועושהו נקרא הדיוט* (Yerushalmi Shabbat 1:2: “He who is exempt in a matter and does it regardless is called an idiot”).

This default setting seems to run aground on such concepts as *לפנים משורת הדין* (going further in than the letter of the Law). But the apparent conflict may be an artifact of a false equation between “actions that halakhah requires” and “actions that G-d commands,” or may be resolvable by developing looser definitions of halakhah that include broad directives such as “You must do the straight and the good.”

A more difficult challenge emanates from the position that women are rewarded for performing most or all of the mitzvot from which they are exempt. Many of the controversies around those issues are probably not about gender, but rather about our theological issue. Nonetheless, for understandable reasons, almost all halakhic or hashkafic conversation about them becomes entangled in, and not infrequently warped by, polemics one way or the other about gender.

What seems to me a notable exception is the treatment of these issues in Rav Yisroel Zev Gustman z”l’s [Kuntres Shiurim – Kiddushin](#), Shiurim 19-20. Rav Gustman’s analysis therefore seems an excellent point of departure for what I want to do here, which is to make a preliminary effort at analyzing the halakhic issues around women performing such commandments with an eye to the general philosophy of commandedness.

Rav Gustman himself opens with a philosophic question, as follows: Tosafot and others provide psychological explanations for why a commanded person deserves a greater reward than an uncommanded person. Rav Gustman asks: Why do we need such explanations? Let us simply say that a commanded action is **intrinsically** greater than an non-commanded action!

Now it is well-known that Talmud Eiruvim 96b records a Tannaitic dispute as to whether *nashim somkhot reshut*, meaning whether women can perform the ritual owner’s-leaning-of-hands on sacrifices. R. Yose and Rabbi Shim’on say they can, and R. Yehudah says they can’t. The Talmud records the rationale for permitting as *כדי לעשות נחת רוח לנשים*, which probably means something like “to assuage women’s feelings of exclusion.”

Why does Rabbi Yehudah forbid? Rashi explains that R. Yehudah holds that women performing this ritual violate *bal tosif*, the Biblical prohibition against adding to the Torah. Tosafot by contrast contend that the concern is lest women support their weight on the animal and, because they are not commanded, thereby violate the prohibition against *me’ilah* (deriving benefit from animals dedicated as sacrifices).

Tosafot’s assumption is that even R. Yose does not permit women to do *semikhah* on the sacrifice in the same way as men, who are commanded. Rav Gustman contends, with the explicit support of Raavad’s commentary on Sifra 2, that Rashi disagrees and understands R. Yose as permitting women to put weight on the animal when performing the ritual.

Why isn’t this a violation of *me’ilah*? Rav Gustman responds by developing a category he terms *רשות דמצוה*, meaning “an optional act that nonetheless is commanded”. (Rav Gustman is following Baal haMaor Rosh HaShanah 9b. Note that this sense of the phrase must be distinguished from its sense on Talmud Bava Metzia 118b of “an action authorized by a mitzvah.”. See also Rav Tzadok haKohen miLublin in Meishiv Tzedek 54 and on, who may deliberately conflate the two senses.)

In what sense can an “optional” act be “commanded?” Rav Gustman argues that commandedness is a property of actions, independent of who is performing them. Leaning hands on a sacrifice is a commanded act whether performed by women or by men, even though only men are commanded to perform it. (In Brisker terms: *Tzivui* is a *din* in the *maaseh*, not in the *oseh*, and does not depend on the participation of a *metzuveh*.)

Rav Gustman can now explain why Tosafot need to provide psychological reasons for the greater reward given to the *metzuveh*. Commanded actions are not intrinsically better than non-commanded actions. However, G-d does not keep score based on the objective quality of actions, but rather based on the subjective merit of performers. In Grantland Rice's formulation, "When the One Great Scorer comes, to mark against your name, He marks not that you won or lost, but how you played the game."

Rav Gustman also draws a far-reaching set of halakhic implications. For example: Remember that full *semikhah* must be either a mitzvah or else a sin of *me'ilah* – there is no in-between. It follows that a *reshut d'mitzvah*, the optional performance of a commandment, is sufficient to override what would otherwise be the sinfulness of an action. Rav Gustman notes that Raavad to Hilkhhot Tzitzit 3:9 records a medieval dispute as to whether women who wear linen garments with tzitzit that include t'khelet (blue wool) violate the prohibition against wearing shaatnez. He argues that the two sides reflect the original dispute regarding *semikhah*. If one thinks that women are permitted to perform *semikhah*, then one thinks that an optional mitzvah they perform is sufficient to activate the principle עשה דוחה לא תעשה (roughly: "when the performance of a DO definitionally requires the violation of a DON'T, the DO overrides the DON'T").

Perhaps more radically, Rav Gustman draws an analogy between women's relationship to mitzvot they are exempt from and men's relationship to *ma'ariv*, the Evening Service. Talmud Berakhot 27b records a dispute between Rabbi Yehoshua and Rabban Gamliel as to whether *ma'ariv* is mandatory (*chovah*) or optional (*reshut*). The halakhah follows Rabbi Yehoshua. But on Shabbat 10a, Abayay contends that if *ma'ariv* is optional, then once a man has "loosened his belt," i.e. gotten ready for bed, we do not bother him to say it. Rav Gustman deduces from here that a *reshut d'mitzvah* is not fully optional – one should always do it unless one has a good excuse or reason for not doing it. Therefore, he concludes, the Torah is not neutral about whether woman should perform commandments from which they are exempt. Women should not pass up opportunities to fulfill them unless they either have a strong excuse, or else face a strong halakhic counterpressure.

But we are not yet at the end of his deductive chain. Rav Gustman sees no reason to differentiate between Jews and non-Jews, either – a mitzvah action is a mitzvah action regardless of the actor. It seems to follow – although he does not draw this consequence explicitly – that non-Jews should seek to do all mitzvot which they are not explicitly forbidden.

Rav Gustman's analysis does not fully convince me, nor do I find all his halakhic conclusions congenial. His conception of "commandedness" as a property of actorless actions seems deeply odd to me. Nonetheless, or if you prefer: as a result, he compels me to acknowledge that my presuppositions about the halakhic and hashkafic implications of commandedness are challengeable.

Understanding and explicating the concept of commandedness, and the associated concept of heteronomy, should be a core task of contemporary Orthodox thought. Yet my sense is that we have made little progress. Probably this is because of the opposing polemical tugs I outlined above.

Polemical fears around gender have also led some of Modern Orthodox communal leaders into the trap of demanding conformity in theoretical halakhic discussions, and an expanding array of practical questions. Each side frames its narrowing circle of legitimate influencers as a necessary response to the perceived threat of the other's monolithicism, in a vicious cycle. The price of imposed intellectual conformity is always integrity. Moreover, a discourse based on fear in one direction often leads to alliances that leave one even more vulnerable to pressures from the other direction.

My hope and prayer is that bringing Rav Gustman's analysis into public view helps stimulate a conversation that models what Orthodox halakhic discourse should be; open-minded and evidence-based with a wide range of legitimate, openly acknowledged, and often conflicting rooting interests.

## The Boundaries of Torah Study

by Morah Deborah Klapper

May 25, 2012

Shavuot is all about “Torah”. The Kadosh baruch Hu gave us the Torah today, to tell us who He is and what He wants. But what do we mean by “Torah”? “Torah” has a wide range of definitions. At its most narrow, it refers specifically to the 5 books of the Torah (Braishit, Shmot, Vayikra, Bamidbar and Devarim) and at its most broad it can refer to almost any endeavor designed to understand God, what he wants from us, and how best to carry out His will. In the gemara, for example, Rabbi Yehuda haNasi asks Rabbi Yehoshua ben Karcha, “How did you live so long?” When Rabbi Yehoshua ben Karcha responds with “Why, are you tired of me being alive?” Rabbi answers “תורה היא ולמוד אני צריך”. There are three other instances of this phrase, all of which involve inappropriate invasion of privacy in order to learn how great people conduct their private lives, but the specifics do not really belong in a “family dvar Torah”.

Somewhere in the middle is the meaning we most often intend when we speak of “learning Torah”. We mean to include all of Rabbinic tradition, and any new thoughts we might be inspired with while reading Rabbinic or Tanachic books, but not science, history or philosophy books, however much they may affect our understanding of how best to live. This middle position is a convenient way of distinguishing “our” learning from the learning we share with the rest of the world, which is very important – our relationship with God is built on yetzi’at mitzrayim and matan Torah, which are particularistic events. We are special precisely because we have experiences and information the rest of the world does not have. That is what happens in this morning’s laining – we become God’s people because we receive God’s message.

But does this distinction between “Torah” and shared or secular knowledge actually work? Six years ago, in daf yomi, I learned through several pages of astronomy in masechet Pesachim. I remember complaining to my husband that my time would be better spent reading a “real” physics or astronomy textbook. Why, I asked, should learning ancient Greek astronomy count as Talmud Torah? Could it be, as someone suggested to me, that it is because it is printed in Hebrew letters in an official-looking book?!

Perhaps the distinction I made a moment ago doesn’t work; maybe we should be prepared to include learning about God from other sources in our definition of learning Torah. If learning these pages of gemara is Talmud Torah because it is meant to teach us about the universe that God created, then shouldn’t modern astronomy, which we think is true, be Talmud Torah by kal vachomer? The same could be said for the many times that math, medicine, physics, and other information or misinformation about the physical world is included in the Talmud and other rabbinic texts.

Let’s look further at the value Torah and Judaism place on learning about the world around us. The Torah commands us, as we recite every day in kriyat shma, to “love” Hashem. In the second chapter of hilchot Yesodei Hatorah, the Rambam tell us that the proper path to love of God is knowledge of his creations. The theory is that knowing what God has created fills one with awe and love of the Creator. The Rambam even goes so far as to include a fair amount of physics and metaphysics, as they were known in his time, to facilitate this knowledge.

Rav Yitzchak Twersky, zichron tzadik l’vrachah used to say that for the Rambam, there were 2 sources of truth: The Torah and Aristotle. We would have to substitute modern science for Aristotle, but I suspect that given that substitution most of our community would feel the same. If reality is a coherent whole, and we are to be whole people, we must, as Rav Twersky said the Rambam did, integrate these sources of truth into one coherent understanding of ourselves and the world around us.

Claiming that Aristotle and the Torah are on par with each other as sources of truth seems, at first glance, religiously problematic. However, I think if we look at it from the right perspective, it works perfectly. The Kadosh baruch Hu gave us the Torah, and that tells us a lot about who He is and what He wants, but it also gives us clues as to other places in which that information might be located. The Torah tells us the He created the world. Presumably, insofar as a human can understand God or his motives and behavior, God

expressed his personality and values (keveyachol) in His creations. Kal vachomer in his creation of people, who are supposed to resemble God in some ineffable fashion. That is why so many ancient and medieval rabbis studied physics and metaphysics – they were seen as windows into the mind of God Himself. I see no reason that modernity should change the basic truth that reality is a source for information about God.

Perhaps my argument only applies to the sciences, and not to the humanities? I think not. Since the Torah tells us that people are created in the image of God, it follows that the study of human nature can also tell us about God. There are countless places in midrash and Talmud where some action of God is explained by telling a story about a flesh and blood person, usually a king, who found himself in a similar situation. That process should be reversible – that is, the study of what real people have actually done and wanted and thought should tell us something about their Creator.

For much of Jewish history, higher-level study of any topic was restricted to the privileged few. And so the mitzvot of Talmud Torah and Ahavat Hashem were fulfilled by most people only in a limited way. In our time and place, though, things have changed. For the first time ever, we have a religious school system that is teaching almost all of our children science, math, history, and other subjects at a sophisticated level. Our children are some of the best educated laypeople in the history of the Jewish people, and they are being educated in a Jewish environment that we can control. This seems like a perfect opportunity to imbue all of our children's learning with religious meaning by putting all of this information into religious context. We have the best opportunity ever seen by the Jewish people to engage in true ahavat Hashem as a community.

In our classrooms full of Modern Orthodox children, we could ask students to contemplate the religious meaning of each thing they learn. This would, of course, have to be done according to the age and sophistication of the students and the specific content being taught. We could train our students in a habit of mind – to treat each event in life and each learned fact as an opportunity to connect to Judaism and God. That is, the purpose of asking a student to consider the religious meaning of what they learn is for them to understand their education as one coherent and religious whole and for them to develop a relationship with God. The specific meanings they derive are secondary.

Let me offer a couple of examples that I find personally meaningful. My examples are the meaning I find, obviously, not an authoritative treatise on theology. First, in honor of the Rambam, an example from astronomy. We see that moons revolve around planets, planets around stars, solar systems around the centers of galaxies, etc. It seems to me that God might be demonstrating through this that whatever appears to be at the “center” of a particular system is still just a small detail in yet another system. I take this as a great lesson in humility – I may be the center of authority in my classroom or my home (at least I wish I were), but in the grand scheme of things I am a relative nobody. Likewise with the people who hold authority over me. The only exception to this rule is God Himself.

Whenever he hears an evolutionary biology theory of why a species has a particular feature, my husband likes to say that maybe that species has that feature because Hashem finds it cute, nothing more or less. He may intend this comment as a joke, but I think there is actually a great insight here – what survives in this universe is what Hashem likes and approves of, and we should be able to learn from that. This sort of understanding would stand in contrast to the reactionary response to evolution sometimes found in the Orthodox Jewish community. Just last week, someone told me of a school (not a Modern Orthodox one) that tears out the evolution chapter from the biology textbook before distributing it to students. It seems to me that this is kfira – they deny students scientific knowledge because they think Torah isn't compatible with it, and if Torah isn't compatible with reality, then Torah is false. That aside, the study of how species come to be should be able to tell us a great deal about what God likes and does not like. For example, it seems that God has an esthetic sensibility -- acts that are pointless except as a sort of decoration are common in many species. Yes, I know the theory about demonstrating fitness by using energy for something pointless, but the two are not incompatible.

A midrash in Sanhedrin 38b tells us that before creating people, God asked the angels their advice. They advised against creating people, predicting that people would not behave well. God has to destroy two sets



of angels before the third set finally sees that what God really wants is to be told that He's in charge and can do as He pleases. It may be that this midrash indicates that God himself engages in artistic but inefficient endeavors. Which is to say that we can learn from the species God created, including ourselves, that there is purpose and beauty even (or maybe especially) in that which is not useful.

In addition to reflecting on our theology, knowledge of the world can also directly impact our understanding of the written Torah. The Torah tells us what Hashem thinks about events, but it doesn't actually tell us what happened. I like to think of it as the op-ed page or blog. The problem with such things is that they only have their complete meanings when the history is also known. To some extent, we have preserved this information in Torah She'be'al Peh. To the extent that we have lost this information, though, archeology is vital. Of course, since archeology is very much a work in progress, it is wise to refrain from making any hasty conclusions, but nonetheless one can look for information and meaning.

When we study literature, we can also find new meaning that reflects back on our study of Torah. I did not really understand why we needed 40 years in the desert until I read *Beloved*, by Toni Morrison. It was very clear to me that her characters were not ready for independent existence, and they could really have used a generation or two of specialized care in the isolation of the desert before they tried to cope on their own. When I tried to explain this to my very secular public school English teacher, I was met with blank stares, but I hope that in a Modern Orthodox day school the response would be different.

Likewise, I find I can no longer read or teach the story of Moshe Rabbeinu's infancy without using what I have learned reading the Harry Potter series. It is, in many ways, a meditation on what it means to grow up with other people knowing that you are the savior, even though you do not. Rashi indicates both at Moshe's birth and at the moment when he is pulled from the Nile that his appearance is unusual and miraculous. Is this to indicate that Yocheved and Bat Paro know what he is and what he will do while he is still a baby? How did this impact on his upbringing? For me, anyway, I really only understood these questions after seeing J K Rowling's fictional treatment of a savior character being manipulated by his adults, so that he will be in exactly the right places, with exactly the right tools, feelings, and beliefs, at exactly the right moment. In that light, I now wonder, when Moshe went out to his brothers, who made sure that he went out at that moment, in that place, and saw those people? What preparation had he received for that moment? Was it divine providence? Human interference? Chance?

I hope that we have designed our Modern Orthodox day schools to facilitate this sort of thinking and learning. I am concerned, though, that our schools teach children that some subjects are "secular" and others are "holy". Also, at some schools many "secular studies" teachers do not share our religious beliefs and values, and many Torah teachers are unsure of the value of learning secular subjects. I fear that sometimes we may give our students the impression that it is best to leave their souls at the door when they enter a science classroom and to leave their scientific minds at the door when they enter the beit midrash.

I have been asked, doesn't the school system you're asking for require all of our teachers to be modern Orthodox? Wouldn't that be impractical? Are there enough modern Orthodox teachers? I answer with some questions of my own: if we have to ask if it is a good idea for the people raising our children to share our values, in what sense are they our values? If we do not educate our children to be the best Jews they can be, then who are we? The Kadosh baruch Hu gave us the Torah. Now it is our role to find out who He is and what He wants.

## How to Teach Halakhah: “Whether” and “Why” Classes

December 1, 2017

We need to think about halakhah curricularly. I don't mean that questions of the pedagogy of halakhah should be confined, or even largely contained, within a halakhah curriculum. Rather, we need to think about how we as a school or community teach halakhah holistically – what is our students' overall experience of the practice and study of halakhah?

Let's start by distinguishing between “whether” and “why” classes.

In a “whether” class, the default goal is to be comprehensive, to present every interpretive option, and to present each option in its best possible light. “Whether” classes validate multiple practice options, and empower students to make choices.

In a “why” class, there may be less need to present positions that we won't end up following leHalakhah, at least so long as the students would not think of or encounter those options on their own. “Why” classes convince students to exclude options, and to make only choices which the teacher would approve.

Both types have a place in our schools and shuls. But they require very different pedagogies.

In every pedagogic context, teachers must decide whether their primary goal is empowerment or persuasion, validation or standardization. They must decide whether setting themselves up as a source of authority is a desideratum; and whether they seek to position the class as deepening the students' appreciation of their community, or rather as critiquing it. Sometimes these decisions can be made ad hoc; sometimes they require a sustained and consistent pedagogic approach.

These choices often reflect the instructor's goals for his and her students throughout their lives. Should students learn to see halakhah as a menu from which they can choose (not that they can refuse to eat, or skip a course – but they have options for each course) or as a blueprint they must follow? Should their study of halakhah be an experience of autonomy, or rather of submission? Should their default be to ask a sh'eilah whenever they experience uncertainty, or only when they have a conflict of interest, or when the stakes are communal rather than individual?

On a deep level these are false either/ors. The experience of studying halakhah should be one of both submission and autonomy; students should see halakhah as both blueprint and menu; and there are many different kinds and degrees of uncertainty. We must also distinguish among “asking a sh'eilah”, “looking it up yourself”, “doing the research yourself”, and “making your own decision”. But pedagogically it is often important and necessary to choose which side of these dichotomies to emphasize.

Let's concretize these issues with a tale of two teachers, Ayelet and Brokhoh. Ayelet falls on the authority/standardization/blueprint side of the spectrum, while Brokhoh falls on the autonomy/validation/menu side. Let's make the issue the kashrut of a school sukkah under windy conditions, where the skhah has been blown away from the walls toward the middle of the roof. Ayelet and Brokhoh are each scheduled to teach their classes in the sukkah, with school-provided cookies so students can fulfill the mitzvah.

Each teacher will think of the issue of *dofen akumah*, the concept that a sukkah is valid even if kosher skhakh begins up to 4 amot away from a required wall because we treat those 4 amot as an extended wall, which goes up to where the kosher skhakh, or “roof”, begins.

Each teacher will discover after minimal research that there may be a machloket rishonim, a disagreement among medieval authorities, as to whether this principle can be applied if there is in fact just open space in the 4 amot, rather than invalid skhakh. According to the Encyclopedia Talmudit, the issue depends on whether we view the wall as literally “bent over”, in which case the wall must continue physically, or rather as if it is “moved over” so that its vertical component reaches the kosher skhakh. In that case the

horizontal space can be ignored, so it makes no difference whether it is empty or filled. Most rishonim hold that it is considered “bent over”; therefore most rishonim hold that it must be solid; therefore a sukkah whose skhakh is blown more than three tefachim away from a necessary wall becomes invalid. QED. So, Ayelet concludes as she emphatically takes the cookies off the table, our class will not be eating in the Sukkah today.

What questions was Ayelet asking herself as she read the Encyclopedia? It seems to me that she focused on clarity and authority. How can the dispute be most clearly and neatly explained? What are the “nafka minas”, the practical differences, that flow **inevitably** from the clearly identified and explained conceptual positions? Which position has more **authority** attached to it? How must we act?

Brokhoh also read the Encyclopedia Talmudit. But her conclusion from its citations is that the issue has not really been addressed directly by the poskim, which means that this is an opportunity for the students to think for themselves. She has a different set of questions than Ayelet : Which interpretation of *dofen akumah* fits better with the nominal phrase itself? Which interpretation seems a better explanation of the Talmudic passages in which the term appears? If walls need not reach vertically up to the skhakh, so that we treat empty vertical spaces as extensions of the walls, why can't we treat empty horizontal spaces as extensions of an L-shaped wall? What about spaces that still have a framework, just not enough skhakh to be kosher? What if the framework is tight-knit enough to meet the standards for a valid wall, even though it would not be enough for skhakh? Even if she can explain some or all of these issues to the students, will they understand them well enough, and have the breadth and maturity necessary, to evaluate them sufficiently to make their own decisions by the end of a single period? If she puts away the cookies because they can't make a decision, will they learn about the seriousness of the process, or rather about its futility? If she encourages them to eat the cookies, will they come to see halakhic discourse as a mere language game divorced from the realities of life?

There is a deeper issue hidden in the artificial limitation of the Ayelet and Berokhoh's research to the Encyclopedia Talmudit. Which is: What sort of competencies are needed to teach halakhah, in what ways?

It might be useful to think about a science classroom as an analogy. Science can be taught as an assemblage of existing knowledge, or as a process of discovery. A teacher may be excellent at digesting presentations of scientific consensus and of conveying that digest to students, but have no capacity to convey how that consensus was arrived at, or the limits of that consensus. For example, he or she may have no genuine understanding of research protocols, or of the extent to which “scientific method” is a poor description of the methods used by scientists (especially those engaged in highly creative science). I was deeply affected by Thomas Kuhn's biting critique of most high school labs, in which an experiment is judged a success or failure based on whether it achieved the predicted result, and the reaction to “failure” is to repeat the experiment until it “succeeds”. The teacher may also wish to encourage, or rather to discourage students to consider whether they agree with the consensus based on their intuition and the evidence available to them.

Encouraging students to think independently, no matter how carefully you try to circumscribe the methods they use, will always lead to some students thinking things the teacher passionately disagrees with. In that kind of science classroom, some students will conclude that global warming is not caused by human activity; the same will happen in a halakhah classroom. Teachers and schools need to decide whether and how they can handle this. (Note: Ayelet's students are much less likely to **voice** their disagreements with her presumptions in class and in assignments than Berokhoh's are, but this does not demonstrate that she is more effective than Berokhoh in shaping the broad parameters of her students' longterm thinking. But Ayelet does not have to deal directly with students whom she knows reject her assumptions, or with student work that upsets her. )

Moreover, Berokhoh is unlikely to be able to effectively teach the way Ayelet does, and vice versa, because each of them likely is teaching halakhah the way they themselves experience it. So a school or community needs to decide whether that diversity is a strength or a weakness – or my preference, to consider how to

make that diversity a strength. Part of that involves deciding whether education happens best when teachers are in their intellectual and spiritual comfort zones, or whether there is value in pushing teachers to model dealing with discomfort.

## Teaching Hashkofoh

February 2, 2018

What should Modern Orthodox high schools teach their students to believe, and about belief? These questions are brought into sharp relief by the data from Rabbi Dr. Zvi Grumet's recent survey of graduates. Among his key findings are large gaps between what graduates think they were taught to believe, and what they believe now; and a correlation between such gaps and declines in halakhic observance.

Rabbi Dr. Grumet deserves enormous credit for raising critical issues in a substantive and nonpolemical fashion. Now we need to have real conversations about how to teach hashkofoh.

Let us take this week's parshah as a starting point. One of my beit din colleagues often asks conversion candidates: "What happened at Sinai?" Educators should ask each other, and themselves: How would you answer this question? How would you want your children or students to answer this question? Should they all give the same answer, or even the same kind of answer? Do you want them to give the same answer at 25, or 55, as they did when they were 15 years old?

Conversion candidates who were raised Catholic often talk about being turned off by a sense that key theological questions were out of bounds (they experience Orthodoxy in all its manifestations as much more open, in ways that can astonish those of us who have always lived within Orthodoxy), and they often cite their inability to believe critical dogmas as a key impetus for leaving Catholicism. What can their experience teach us about our own pedagogy (bearing in mind that dealing with conversion in the US naturally gives one disproportionate exposure to the failure of other religious educational systems)?

One mode of theological education can be termed "catechistic". Students are taught to memorize verbal formulas, and to affirm belief in those formulas. Understanding the formulas is a secondary goal. Sometimes, especially where the formulas are consciously designed to bridge mutually exclusive positions, or to contain paradoxes, deep understanding is *davka* not a goal for many teachers and institutions.

A very different mode can be termed "inductionist". In this mode, students are not taught beliefs *qua* beliefs, or that belief *per se* is a goal. Rather, they are immersed in a way of life, and encouraged to discover what beliefs are necessary to make that way of life meaningful.

These modes can be reframed in a specifically Jewish context as "Maimonidean" or "Alboistic" approaches to the concept of *ikkarei emunah*, or root principles of faith. Maimonideans see the willingness to affirm specific propositions as a necessary (and perhaps sufficient) condition for preserving a Jew's automatic share in *Olam Haba*. Alboists think it necessary to understand which propositions must be affirmed for the structure of Torah and mitzvot to stand in this world.

Alboists can concede that some non-*ikkar* propositions are nonetheless *sine qua nons* for a share in *Olam Haba*, and Maimonideans can concede that some *ikkar* propositions have no reverberations whatsoever. The difference between them is not necessarily about which propositions one ought to believe. It can be about whether the purpose of education is getting students to *Olam Haba*, or rather about enabling them to live with meaning in this world. Maimonideans may also believe that the only meaning this world has is as a vestibule in which to earn *Olam Haba*, while Alboists may find it difficult to fathom how a meaningless life can deserve an infinite sequel.

While Maimonideans and Alboists can be in complete substantive agreement about what Jews should ideally believe, their differing priorities will generate substantive differences in terms of what sorts of mistakes they will tolerate educationally, and what sort of theological latitude they give students.

Let us go back to Sinai. A Maimonidean might focus on having students affirm that every letter of the Torah today is exactly the same as the text that Mosheh wrote in a scroll at G-d's dictation after descending from Sinai. Furthermore, while Mosheh was on top of the mountain, G-d taught him every

possible true interpretation of Chumash. Mosheh then taught all these interpretations to the Jewish people, creating a live and comprehensive oral tradition that continues to this day. There is nothing new in Torah, although things can be forgotten and then rediscovered.

An Alboist might focus on the goal of having students relate to the Torah as a text worth studying so intensely and rigorously that even changes in orthography deserve attention. Students should find that the study of Torah through the lens of Rabbinic literature yields interpretations that consistently resonate with their souls in ways that no other interpretations can. Students should find it necessary and rewarding to bring all aspects of their being to bear on the study of Torah, including their creativity.

I emphasize again that we are discussing strategies, not ends. It may be that only students who believe in literal Divine dictation will relate to the text with ultimate intensity and rigor; that only students who believe that all of Rabbinic tradition was included in the original Revelation will find it a uniquely meaningful mode of study; and that only students who believe that all true interpretations were already given can use their creativity to uncover G-d's intent rather than their own desires in the text.

I also need to make clear that these strategies are not opposed and incompatible. Students are unlikely to arrive at these kinds of meaningfulness purely by induction, without having their models and mentors expressly state their own beliefs. Different approaches are likely to work better with different students. It may be possible and advisable to use different modes for conveying different beliefs. Furthermore, propositions may move into and out of the Alboistic *ikkar* framework, depending on external pressures and internal plausibility structures.

And – students' plausibility structures and sensitivity to external pressures change over time, as do their intellectual and spiritual capacities – hopefully for the better, at least for a very long time. These inevitable changes have implications for both Alboistic and Maimonidean educational contexts.

In my humble opinion – a fundamental error made by many Modern Orthodox schools is that they educate their students *ba'asher hem sham* – as they are now, without sufficient thought for whether and how what they teach will age as their students grow.

For example – imagine a high school which teaches its students that the truth of Orthodox Judaism is logically demonstrable. Every teacher affirms this, and experts are brought in occasionally to demonstrate or refute specific arguments, say in the fields of geology or cosmology or cryptography. If the school is at all competent at what it does, a strong majority of its students will graduate believing what it wants them to believe, with confidence and intensity.

Some of these graduates will go on to academically strong secular colleges. In those colleges they will meet very smart people who do not find the truths of Orthodox Judaism logically demonstrable; who are unimpressed by the arguments and evidence of the high school experts; and some of whom seem to be really good people. A high percentage of these graduates will have crises of faith, and many of them will go OTD. Is that their fault for choosing secular college, or the fault of their school or developing in them only a weak and cloistered virtue?

Secular college is a bugaboo. What about high schools which teach students that the text of chumash is unquestionably and perfectly what Mosheh gave us – “kol haTorah shemetzuyah atah b'yadeinu hanetunah leMosheh Rabbeinu”, only to be devastated in yeshiva by the one-letter difference between Ashkenazic and Sefardic scrolls, or the Rav Akiva Eiger on Shabbat 5b that lists all the places where the Talmud seems to have a different text than we do? There are academic and theological explanations for each of these that are compatible with the formulation in the *ani ma'amins*, but will students be able to accept them if they feel betrayed?

Issues of historical fact are rarely the key questions. What about schools that teach their students that there is a clear answer to why bad things happen to good people, or that great Torah scholars always show

excellent character and judgment? These beliefs are likely to be falsified by experience later in life, and what will happen to their graduates then?

Most of our students will experience doubt and uncertainty at points in their lives. The *ani ma'amins* are generally aspirational rather than descriptive, or we would live in a very different world. Many or most of them will also have long or short periods in which the practice of yahadut does not consistently provide them with meaning. We need to educate in a way which will enable them to get through these periods without despair. They need beliefs that can sustain their commitment when experience doesn't, and experiences that can motivate them when belief wavers.

Bottom line: We do not necessarily want Orthodox adults to believe religiously exactly what they believed when they graduated high school. (We should not want this in any other field either.) Recognizing this should have a significant impact on the way we teach hashkofoh.

## Did King David Hand In First Drafts as Final Papers?

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I have always found it much easier to connect with David the character in Sefer Shmuel than with David the lyricist of Sefer Tehillim. One David is at least capable of brutal honesty when looking in the spiritual mirror, although he sometimes has to be dragged to the mirror. The other seems so often (but certainly not always) to be possessed of perfect confidence in his current righteousness, in his being deserving of Divine assistance. So it is an opportunity to be seized when those personae intersect, as they do in the haftarah of Parashat Haazinu, where the David of II Shmuel 22 recites a poem that also finds its place as Psalm 18.

Let us begin before the beginning. In both Shmuel and Tehillim, our poem is introduced as having been spoken by David to G-d “on the day that G-d saved him from the palm of all his enemies, and from the palm (Shmuel) or hand (Tehillim) of Saul”. One problem is that David was not saved from “all his enemies” on a single day. A second problem, which the reader may or may not find important, is that the introductions are slightly different. Tehillim speaks of the “hand of Shaul,” whereas Shmuel speaks of the “palm of Shaul.” Thus Tehillim has a sharper distinction between Shaul and the enemies than Shmuel does. This is just the first of many differences. For example, after the introduction, Tehillim opens with a verse that is simply not present in Shmuel. A third question – not necessarily problem – is on what basis the author of Shmuel chooses which poems to include, as Tehillim includes several poems whose introductions link them to events in Shmuel, which the latter nonetheless does not include.

Abравanel seeks to resolve all these difficulties in one brilliant swoop. He begins by recording the dominant view in his day:

חשבו המפרשים  
ששדוד המלך עליו השלום בסוף ימיו  
אחרי שהצילו הקדוש ברוך הוא מכל אויביו  
חבר השירה הזאת  
להודות להשם הודאה כוללת על כל תשועותיו,  
ולכן הושמה במקום הזה  
באחרית המלחמות ותכליתם.  
*The commentators thought  
that King David – peace upon him! – at the end of his days  
after The Holy Blessed One had saved him from all his enemies  
composed this poem  
to offer Hashem a comprehensive acknowledgement for all His salvations.  
Therefore the poem was placed here [in II Samuel]  
in the aftermath of all the wars and at their conclusion.*

The commentators took this position in response to “**all** his enemies”. אבравanel takes a different approach.

ודעתי נוטה  
שהשירה הזאת דוד חברה בבחרותו  
בהיותו בתוך צרותיו  
ועשאה כוללת לכל הצרות,  
כדי שבכל פעם ופעם שהיה הקדוש ברוך הוא מצילו מכל צרה  
היה משורר השירה הזאת,  
והיתה אם כן שגורה בפיו  
כדי להודות להשם על כל תשועה שעשה עמו להפליא.  
*But my mind inclines to the opinion  
That David composed this song in his youth  
when he was in the midst of his troubles*



*and made it comprehensive for all troubles  
so that each and every time The Holy Blessed One saved him from any trouble  
he would recite this poem  
so that it was fluent in his mouth  
in order to acknowledge Hashem for each amazing salvation that He did for him*

ספר תהלים  
חברו דוד המלך עליו השלום בסוף ימיו  
להנהגת המתבודד  
ולסדר לפניו התפלות והתחנונים  
אשר יאמר ויתפלל האדם בעת צרותיו  
*By contrast, Sefer Tehillim  
King David – peace upon him! composed it at the end of his life  
as a guide for the meditator  
and to arrange for him the prayers and pleadings  
that a person should say and pray in his time of troubles*

Tehillim reflects the mature David's reworking of his personal works into a universally usable psalter. Abravanel then seeks to explain all 74(!) differences between the two versions on this basis. Some of these are substantive; some of them just reflect greater sensitivity to aesthetics. For example, the "palm" of Shaul is changed to his "hand" because that avoided using the same word twice in a row. Note that Abravanel in his introduction to Yirmiyah similarly explains the numerous *qeri/qetiv*'s in that book as the product of editing later in life, when Yirimyah's knowledge of grammar had deepened.

Why are only some of David's relevant poems included in the narrative of Shmuel? Abravanel here in my humble opinion takes his theory a step too far:

כבר אמרתי בהקדמה הכוללת אשר הקדמתי לפירוש הספרים האלה  
בהתחלת ספר יהושע,  
שהיתה הסבה בו להיות השירה הזאת כוללת לכל התשועות  
ומפאת כללותה נזכרה בספר הזה,  
ולא נזכרו שאר המזמורים להיותם פרטיים  
שנאמרו על ענינים מיוחדים.  
*I wrote previously in my general introduction to the interpretation of these books,  
at the beginning of Sefer Yehoshua,  
that the reason was because this poem is comprehensive of all salvations  
and on account of its comprehensives it was cited in this book  
whereas the other songs were not included because they were personal,  
about specific matters.*

This seems backward. Shouldn't a narrative about specific characters *davka* be interested in what makes those characters specific, rather than in what makes them generic? Perhaps this is imposing a modern consideration – pre-20th-century literary theorists thought that Dickens had succeeded because he captured types so well, whereas moderns tend to argue that his characters transcend the stereotypes they nonetheless effectively convey.

I generally argue that poems are included in Biblical narratives because they convey a subjective viewpoint that supplements the perspective of the omniscient narrator. The poem is included here because we want to know not only what happened, but how David felt about what happened.

If Abravanel is correct that this is David's generic poem acknowledging that G-d had saved him from enemies, then I think we can offer a different reason for the change in caption between Shmuel and Tehillim. Shmuel includes the poem to show that David at the time perceived Saul as just another enemy;

“from the palm of all his enemies and from the palm of Saul.” Tehillim, however, offers the mature later perspective that Saul was different, and so “from the **hand** of Saul”.

But truth be told, I am not so convinced that this as a generic poem said as-is about episodes with many enemies before it was associated with Saul. My ground is the language of verses 3(4)-6(7):

מִהֲלַל אֶקְרָא יְקוּק וּמִן אֲבִי אֲנִישֶׁע:  
אֶפְפוּי חֲבִלֵי־מָוֶת וְנִחְלִי בְלִיעַל יְבַעֲתוּנִי:  
חֲבִלֵי שָׁאוּל סִבְבוּנִי קִדְמִי וְנִי מוֹקְשֵׁי מָוֶת:

Is it coincidence that the words for enemy and the consonants for Saul appear so early, so close together, and in this order? Or is this rather a literarily signal that this is not a generic poem, but rather one written specifically to convey David’s feelings at the point when Shaul had – perhaps to his surprise and dismay – become a real enemy?

Where Abravanel’s theory nonetheless helps me, perhaps ironically, is in suggesting a different approach to Tehillim. If we accept that Tehillim is intended as a series of setpieces to read in appropriate moods – a sort of early Rabbi’s Guide – we do not need to see them as capturing the whole complexity of the great religious personality, except perhaps taken as a whole. All poetry loses a certain amount of complexity when it becomes liturgical, and there can be great liturgy that is stultifyingly unreadable as poetry in any other context. The capacity to write poetry that can function spectacularly as liturgy, but is nonetheless not limited to its liturgical meaning, is rare, and perhaps a key to developing a portrait that compellingly integrates the David of Shmuel with the David of Tehillim.