

Does Halakhah place any limits on intellectual or spiritual, inquiry? In the opening issue of YU's Torah UMada Journal, Rabbi Yehuda Parnes cited Mishneh Torah Laws of Avodah Zarah 2:2-3 as dispositive evidence that it does. Rambam states there that

The idolaters composed many books about their worship - - the essence of its worship, and its acts and rules – but The Holy Blessed One commanded us not to read those books at all, not to think about this or anything relating to it . . . and it is not only idolatry that one is forbidden to turn-to-follow in thought, but rather any thought that causes a person to uproot one of the roots of the Torah, we are prohibited to even consider it, and we may not distract our thoughts toward such and think and thereby be drawn after the considerations of the heart, because the human mind is constricted and not all minds can understand the truth as it really is, and if every person would follow the thoughts of his heart, he would destroy the world in accordance with his constricted intellect.¹

In their response, Professors David Berger and Lawrence Kaplan noted that Rambam himself read many such books, to which Rav Parnes responded by claiming that Rambam's personal practice was halakhically irrelevant since he did so "lehavin ulehorot".

"Lehavin ulehorot" is derived from Devarim 18:9:

When you come to the land which Hashem your G-d is giving you, you must not learn to do in accordance with the abominations of those nations.²

¹רמב"ם הלכות עבודת כוכבים פרק ב

הלכה ב

ספרים רבים חברו עובדי כוכבים בעבודתה היאך עיקר עבודתה ומה מעשיה ומשפטיה, צונו הקדוש ברוך הוא שלא לקרות באותן הספרים כלל ולא נהרהר בה ולא בדבר מדבריה, ואפילו להסתכל בדמות הצורה אסור שנאמר אל תפנו אל האלילים, ובענין הזה נאמר ופן תדרוש לאלהיהם לאמר איכה יעבדו שלא תשאל על דרך עבודתה היאך היא אף על פי שאין אתה עובדה שדבר זה גורם להפנות אחריה ולעשות כמה שהן עושין שנאמר ואעשה כן גם אני .

הלכה ג

וכל הלאוין האלו בענין אחד הן והוא שלא יפנה אחר עבודת כוכבים וכל הנפנה אחריה בדרך שהוא עושה בו מעשה הרי זה לוקה, ולא עבודת כוכבים בלבד הוא שאסור להפנות אחריה במחשבה אלא כל מחשבה שהוא גורם לו לאדם לעקור עיקר מעיקרי התורה מוזהרין אנו שלא להעלותה על לבנו ולא נסיה דעתנו לכך ונחשוב ונמשך אחר הרהורי הלב, מפני שדעתו של אדם קצרה ולא כל הדעות יכולין להשיג האמת על בוריו, ואם ימשך כל אדם אחר מחשבות לבו נמצא מחריב את העולם לפי קוצר דעתו, כיצד פעמים יתור אחר עבודת כוכבים ופעמים יחשוב ביחוד הבורא שמא הוא שמא אינו, מה למעלה ומה למטה מה לפניו ומה לאחור, ופעמים בנבואה שמא היא אמת

²דברים פרק יח:ט-יג

כי אתה בא אל הארץ אשר יקוק אלהיך נתן לך

לא תלמד לעשות כתועבת הגוים ההם:

לא ימצא בך

מעביר בנו ובתו באש

קסם קסמים

מעונן

ומנחש

ומכשף:

וחבר חבר

ושאל אוב וידעני

ודרש אל המתים:

כי תועבת יקוק כל עשה אלה

ובגלל התועבת האלה יקוק אלהיך מוריש אותם מפניך:

תמים תהיה עם יקוק אלהיך:

The Midrash Halakhah and Talmud Bavli each read “must not learn to do” as implying that one may learn “lehavin ulehorot”, literally “to understand and direct”. (Note that Sanhedrin 68 apparently permits even doing acts that would otherwise be proscribed as witchcraft, so long as one does so in order to educate a student. Commentators dispute as to the content of that education, with at least some believing that this refers to a course in Defense Against the Dark Arts. As the SBM Fellows pointed out this summer, there must surely be some limits to this, and yet those limits are not discussed in the literature.)

As it happens, Rambam in Mishneh Torah does not mention this exemption, although he does refer to it in his Commentary on the Mishnah, and I hope to return to his position in much greater depth in the future. Here, though, I want only to point out that Rav Parnes’ defense may concede too much for his position to be practically viable. The purpose of free inquiry is, of course, to better understand the world, and so to better direct oneself and others.

One can argue – and this fits well with Rambam’s explanation of the formal prohibition above – that not everyone can use this exemption. Rav Moshe Feinstein, for example, thought it applied only to gedolei hador, and one can read lehavin ulehorot as referring to specifically the requirement that members of the Sanhedrin know enough about capital crimes to be able to vote in capital criminal cases. But these restrictions are not grounded in the text, and others use it much more broadly – Tzitz Eliezer, for example, uses it to justify the carving of a sun on Yehoshua bin Nun’s gravestone, which was publicly visible.

I suspect therefore, that the underlying intuition is that only gedolei hador, or some other term for the great, should be able to decide when other people can use this exemption – that there is no objective prohibition against pursuing any knowledge with positive intentions, but nonetheless ordinary people should defer their judgment to the great as to when they should utilize the subjective permission. My intuition is that this may well be a good idea, but not one that is or should be enforceable. In other words, it is often wise for people to ask their mentors whether a certain book, or field of study, is likely to enhance their faith or practice, but less often wise for teachers and rabbis to offer that advice unsolicited, and rarely if ever wise to seek to compel following that advice. Here and in many other areas of halakhah and hashkafah, the goal of Torah scholars should be to gain the trust of others rather than to gain power over them.

Shabbat Shalom