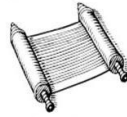


CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חרות ואחריות

www.TorahLeadership.org

"Taking Responsibility for Torah"

A SOUL INHABITING A BODY OR A BODY INHABITED BY A SOUL?

Rabbi Aryeh Klapper, Dean

Are you a soul inhabiting a body, or a body inhabited by a soul? Most of us, I suspect, identify instinctively as the soul. But we begin each day with a prayer that presumes the opposite:

מודה אני לפניך

מלך חי וקים

שהחזרת בי נשמותי

I acknowledge before You,

Living and Enduring King,

that you have returned my neshomah to within me

We can quibble about whether a neshomah is a soul, but there is no question that the "I" of this prayer is the body.

There are good positive reasons for identifying our selves with the soul rather than the body. It leaves hope for personal immortality, enables repentance to completely undo the past, and enables us to state plausibly that all human beings are created equal.

But I suspect that the most powerful Jewish reason for doing so is a negative—to avoid anthropomorphizing G-d. We are nearly all Maimonideans these days (although Michael Wyschogrod is highly worthwhile reading) with regard to anthropomorphism, but we are also deeply committed to an understanding of Torah according to which human beings are created in the image of G-d. Identifying the human self with the human body makes it harder to reject the idea that G-d has a body of which ours is in some way an image.

We are less Maimonidean when it comes to anthropatheticism, which humanizes G-d by attributing to

Him our emotions rather than our bodies. This becomes clear when we consider Rabbinic phrases such as כביכול or לולא —"as if such a thing were possible," and "were it not written in Scripture it would be impossible to say"—which are used to permit or excuse apparently necessary but otherwise out-of-bounds theological statements. No one uses these phrases about physical attributes, because we don't find it necessary to discuss G-d as if He were physical, but they are often used when attributing emotions to G-d.

The risk in losing physicality as even a metaphor for Divinity is that the human body becomes devalued. Thinking of ourselves as accidentally embodied souls is very useful, for instance, in extending equal rights to the physically disabled, but can be problematic when it comes to recognizing the value of the mentally or emotionally disabled, whether congenitally or as the result of trauma and aging.

Rabbi Meir Shapiro (1887-1933, founder of Yeshivat Chachmei Lublin and Daf Yomi), dealt with the case of a convicted thief who died in prison, and who had no relative interested in burying him. The question was whether in that specific case the Orthodox community could relax its general opposition to autopsying bodies for the sake of general medical research, and incidentally permit some aspiring Jewish medical students to continue their studies.

Rabbi Shapiro's response has three prongs:

1) The body and the soul are judged and punished independently after death, but the body's punishment ends

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.

when it decomposes. Therefore it is even more of an imperative to bury the wicked than the righteous, as the bodies of the wicked will otherwise endure more suffering (This argument is based on Zohar Shemot p.151).

2) The halakhic obligation to bury someone devolves on the entire community when no relative is available. This is the case termed *meit mitzneh*, whom the High Priest must bury even at the cost of becoming *tamei* and be sidelined for a week from serving in the Temple. It is therefore harder rather than easier to allow autopsy for a man without immediate relatives.

3) The metaphor of the two twins in Sanhedrin 46a demonstrates that the prohibition against leaving someone unburied applies to bandits.

אומר ר"מ

משלו משל למה הדבר דומה

לשני אחים תאומים בעיר אחת

אחד מינוהו מלך ואחד יצא לליסטיות

צוה המלך ותלאוהו

"!כל הרואה אותו אומר "המלך תלוי

צוה המלך והורידוהו

Said Rabbi Meir:

They made a parable: To what is this similar?

To twin brothers in one city

One was appointed king and the other became a bandit

The king ordered the (executed) bandit's (corpse) hung up

Everyone who saw it said: "The king is hung up!"

The king ordered him taken down.

The obligation to bury, and the prohibition to leave unburied, are in fact originally commanded (Deuteronomy 21:23) in the context of executed criminals.

וכי יהיה באיש חטא משפט מות

והומת

ותלית אתו על עץ

לא תלין נבלתו על העץ

כי קבור תקברנו ביום ההוא

כי קללת א-להים תלוי

ולא תטמא את אדמתך אשר ה' א-להיך נתן לך

If a man is convicted of a crime whose punishment is death and is put to death

You must hang him on the post

You must not leave his corpse overnight on the post

rather you must surely bury him that very day

because the curse of G-d is the hung

and you must not make tamei

the ground which Hashem your G-d is giving you.

I can only speculate that R. Shapiro quoted the parable of the twins because he wanted not only to make a technical halakhic point, but also to force his audience to grapple with Rabbi Meir's metaphor, in which the human body is so literal a representation of the Divine that it can be mistaken for Him.

Rabbi Meir's is not the only possible meaning of the verse. The Mishnah sees the issue with the display as that it reminds people that the criminal dared to rebel, and especially if one takes the halakhic position that only the bodies of blasphemers or idolaters are displayed, this is a plausible reading of "because the curse of the G-d is the hung."

However, Rabbi Meir's metaphor picks up on one otherwise deeply puzzling detail of this law. Why does G-d first command the display of the executed corpse, and then forbid continuing that display overnight? His answer seems to be that G-d changes His mind when he realizes what reaction the display will engender. But this is certainly not plausible, as the law remains in place as-is—does G-d need to learn this lesson anew after each execution?

Perhaps the best explanation of Rabbi Meir is that the law encodes a permanent ambivalence about the human body. On the one hand, the purpose of displaying the executed body is to demonstrate that human bodies are subject to the law. On the other hand, every death is an outrage to His image. A king diminishes his own authority when he orders the destruction of his own statues, even if they have been previously defaced.

The halakhic analysis of autopsies has been properly and dramatically affected by the medical advances that forensic pathology has enabled in the past century. Our treatment of even the dead human body as the image of G-d should not supersede our valuation of human life. But something is lost when we no longer understand why that is a question.

Shabbat Shalom!

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.