

# CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חרות ואחריות

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"Taking Responsibility for Torah"

## PLEDGES AND ALLEGIANCES

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The Nazirite is an ersatz High Priest. Taking a vow of nezirut forbids one to cut one's hair or become tamei even for relatives, and just like a High Priest, and to drink wine (parallel to a priest who is actually performing Temple Service). Through the institution of nezirut, the Torah provides an outlet for those who cannot be satisfied by merely fulfilling what is required of them, or who cannot handle having G-d require more from someone else.

Is providing this outlet an ideal, or rather a concession? Is the nazir a laudably ambitious spiritual striver, or an obsessively hypercompetitive soulthlete?

Talmud Nedarim 9a-10a offers a wonderfully nuanced meditation on this question. We'll start at the end and meander our way to the beginning.

The last unit of the sugya centers on a beraita:

ר' אלעזר הקפר ברבי אומר:  
 וכפר עליו מאשר חטא על הנפש –  
 וכי באיזו נפש חטא זה?  
 אלא שציער עצמו מן היין.  
 והלא דברים ק"ו!  
 ומה זה שלא ציער עצמו אלא מן היין - נקרא חוטא,  
 המצער עצמו מכל דבר - על אחת כמה וכמה!

מכאן:

כל היושב בתענית נקרא חוטא

*The great Rabbi El'azar HaKappar said:*

*"and this will atone for him from his sin against a nefesh" –*

*What nefesh did the nazir sin against?*

*It must be that he afflicted himself by denying himself wine.*

*This generates a kal vachomer:*

*If the nazir, who only denied himself wine, is called a sinner,  
 one who denies himself everything – all the more so!*

*From here (we derive):*

*Anyone who fasts is called a sinner.*

Rabbi El'azar HaKappar presumably was in favor of fasting on Yom Kippur. But he nonetheless calls voluntary asceticism a sin. Perhaps it smacks of ingratitude for G-d's Creation.

The Talmudic narrator, however, calls foul. The verse "and this will atone for him from his sin against a nefesh" refers to a nazir who accidentally violated his vow by becoming tamei. Isn't that violation the sin, rather than the original oath?

There are too many scribal variants in the line that follows to know whether the challenge is answered here. However, the question plainly resonated with someone. Here's how I know.

Yerushalmi Nazir 1:5 reports the following story:

אמר שמעון הצדיק:  
 מימי לא אכלתי אשם נזיר אלא פעם אחד  
 שעלה אחד אלי מדרום  
 וראיתיהו  
 דמות יפה עינים וטוב רואי קווצותיו תלתלים  
 ואמרתי לו:  
 בני, מה ראית להשחית השער הנאה הזה?  
 נומא לי:

ר', רועה הייתי בעירי, והלכתי למלאות את השאוב מים,  
 וראיתי את הבוביא שלי בתוך המים,  
 ופחז יצרי עלי ובקש לאבדני מן העולם.

אמרתי לו:

רשע, מה אתה מפחז בדבר שאינו שלך? עלי להקדישך לשמים?  
 וחבקתיו ונשקתיו על ראשו  
 ואמרתי לו:

בני, כמותך ירבו עושי רצון המקום בישראל  
 עליך הכתוב אומר איש או אשה כי יפליא לנדור נדר להזיר לה'  
*Said Shimon the Righteous (and High Priest):*

*In all my days, I never ate the asham-sacrifice of a nazir except once  
 when someone came to me from the south*

*I saw him –*

*beautiful eyes, good-looking, with curly locks -*

*and I said to him:*

*"My son,*

*What inspired you to shave this beautiful hair (as required at the end of the  
 nezirut term)?"*

*He replied:*

*"Rebbe,*

*I was shepherding in my city, and I went to fill the trough with water,  
 and I saw my reflection in the water,*

*and my (evil) inclination seized me and sought to wipe me out of the world,  
 so I said to it:*

*Wicked one,*

*you are seizing via something that is not yours? It is my obligation to sanctify  
 you to Heaven!"*

*I hugged him and kissed him on the head*

*and I said to him:*

*"My son,*

*May those who do the Will of the Omnipresent like you multiply in Israel!  
 Regarding you Scripture said: If a man or woman swears an oath of  
 nezirut to G-d."*

Essentially the same story appears in the Bavli, except that this is the only *asham*-sacrifice of a *nazir* who became *tamei* that Shimon ha'Tzaddik ever ate from. The addition of “who became *tamei*” lets the story match the context of the verse. But it seems now that Shimon HaTzaddik regarded only those *nezirim* who became *tamei* as sinners. And why would the handsome southerner’s origin story be relevant to the issue of *tum’ah*?

The Talmudic narrator responds via a sharp observation about human nature. People mean it when they take a vow of *nezirut*, and they accept the required privations without regret – until something goes wrong, and they have to start over. Shimon HaTzaddik thought that every other *nazir* who had become *tamei* had regretted their original oath.

Understand that the *nezirim* who made it through without becoming *tamei* were just lucky – they too would have regretted their oaths had they become *tamei*. They had a cost-benefit calculation in mind when making their oath. Their motive for becoming *nezirim* was at least partly ego-gratification rather than truly “for G-d.” Yet Shimon HaTzaddik did not consider them sinners. Maybe we see the oath as channeling and sanctifying their evil inclinations rather than as indulging them.

That is a fine line indeed. A third beraita presents the issue squarely:

חסידיים הראשונים היו מתאווין להביא קרבן חטאת,  
לפי שאין הקדוש ברוך הוא מביא תקלה על ידיהם,  
מה היו עושין?

עומדין ומתנדבין נזירות למקום, כדי שיתחייב קרבן חטאת למקום;  
ר' שמעון אומר:  
לא נדרו בנזיר

. . . כדי שלא יקראו חוטאין,

שנאמר: וכפר עליו מאשר חטא על הנפש.

*The Early Pietists were desirous of bringing a chatat-sacrifice (which atones for accidental sins),*

*because the Holy Blessed One never causes missteps through them (so they never sinned accidentally).*

*What would they do (to satisfy their desire)?*

*They would arise and voluntarily vow nezirut to the Omnipresent, so as to become liable for a chatat-sacrifice to the Omnipresent.*

*Rabbi Shimon said:*

*They did not take a nazir oath*

*. . . so as not to be called sinners,*

*as Scripture says: “and this will atone for him from his sin against a nefesh”*

The Early Pietists were frustrated by their lack of access to a category of religious experience. Moreover, G-d deliberately sets out to deny them this experience (as a reward!). But they found a loophole in His defenses. The *nazir* brings a sin-offering even though taking the oath is not prohibited. So they took the oath, according to the anonymous first position in the beraita.

Rabbi Shimon denies this. What sort of Pietist sees satiating their own spiritual appetite as justifying actions for which the Torah requires atonement?

This brings us back to the sugya’s opening *beraita*, which records a dispute between Rabbi Meir and Rabbi Yehudah. Rabbi Meir believes that oaths are best never taken; what justifies taking the risk of nonfulfillment, which is a *deoraita* violation. But Rabbi Yehudah says that the opportunity to fulfill a vow justifies the risk of non-fulfillment.

I suggest that Rabbi Yehudah affirms the religious value of autonomy. He understands why the experience of serving G-d through a self-imposed obligation can add something to the experience of serving G-d by obeying His entirely heteronomous commands. Rabbi Meir may have rejected autonomy altogether. More likely, he read Halakhic Man and believed that all of Halakhah reflects human autonomy, because the law is formulated by human thought.

In the long-term, this sugya may be a useful “safe space” for thinking about whether and how we consider motives when people express a desire for religious experiences that are within halakhah but beyond their personal halakhic obligations. In the short-term, it can be a spur to thinking about whether and how to make public pledges about anti-racism in response to the horrifying killing of George Floyd.

I am leery of pledges – I like to be free to do the objectively right thing rather than being constrained by subjective commitments. There will always be costs that I had not sufficiently considered, and there’s often some element of grandstanding. Often we don’t really mean to make an unqualified and absolute commitment, and our exceptions eventually generate cynicism rather than inspiration. Fairly generic public pledges may be stalking horses for more extensive campaigns or ideologies I disagree with.

Most of all, I don’t want to create the misimpression that opposition to racism is imposed on Torah and Halakhah rather than deeply expressive of them.

On the other hand, pledges create human connections. People from radically different walks of life often trust each others’ pledges more than they trust each other’s overall moral systems.

Public pledges also create accountability. Putting commitments in nonHalakhic form makes it much harder to hide behind the wonderful complexities of our tradition.

Finally, pledges create pressure on others to do the same, and change the default settings of people without strong opinions.

Connections, accountability, and pressure are emphatically needed with regard to racism in the Orthodox community.

Balancing all these considerations, and with full credit to Uri l’Tzedek for creating an admirable [anti-racism pledge](#), I wish to state the following:

There is a halakhic obligation to object and reprove when Orthodox Jews make racist statements in one’s presence.

There is a halakhic obligation to object and reprove when Orthodox community policies discriminate on the basis of race, whether implicitly or explicitly.

If you catch me failing to live up to these obligations, please hold me accountable.