

# CENTER FOR MODERN TORAH LEADERSHIP



## HALAKHAH AT HOGWARTS

By Rabbi Aryeh Klapper

Dear Friends,

*Science/fantasy fiction can be a serious vehicle and a safer space for exploring contentious real-world issues. They are also at high risk of crossing the line into unserious Purim Torah. I hope to have kept this essay on the right side of the line, and ask your indulgence if I failed.*

Dear Rabbi Klapper,

*My mother often talks about how much she enjoyed learning at CMTL's Summer Beit Midrash. She wants me to attend after I graduate Hogwarts. I hope I can! Jewish learning is almost nonexistent here. Meanwhile, I have a halakhic question that she said was the kind you enjoy. Can I use my wand as a chanukiah and light it by saying "Lumos? I think that would be cool.*

*With all best wishes,  
Anthony Goldstein*

Dear Anthony:

It's wonderful to hear from you. I look forward to reading your [SBM application](#) as well!

Now to the substance of your question. I'm afraid there's a prior question that we need to address – I'm sure your mum expected me to raise it, and maybe that's why she encouraged you to write to me. Is it permitted to use verbal magic for any purpose? Because if illuminating a wand by saying "Lumos" is forbidden, then using your wand as a chanukah light may be a *mitzvah baba'ab baaveirah* (= mitzvah-committed-via-transgression) and invalid as such.

This is surely a hard question for you to face. It raises the possibility that attendance at Hogwarts is essentially impossible for an observant Jew, and worse, that there is a contradiction between identifying as a wizard and identifying as Orthodox. What would it mean to be a wizard if you can't use magic?

As a Modern Orthodox halakhist, I have a strong rooting interest in finding a way out of this thicket. I want Torah to be relevant to the Jews who live within the magical community. I believe generally, basing myself on Rabbi Yosef Dov Soloveitchik's thought, that human beings are encouraged and even mandated to discover and use all the forces that exist in Creation for good.

And yet, I must acknowledge that the Torah adopts a term for magic user – *mekhasheifab* – to characterize someone liable for capital punishment. I also recognize that various terms for wizard, such as *amgushi*, have a very negative valence in Chazal. We need to be open to the possibility that our halakhic investigation may yield answers that profoundly challenge us.

Now that I've scared you – I hasten to say that I would not have answered your letter had I thought there were no way you could ever use magic. It is forbidden to shout fire in a crowded theater (let alone "Incendio!") before the ushers are ready to organize the evacuation, even if there really is a fire. And: "Just as a person is commanded to say things that will be heeded, so too a person is commanded to not say things that will not be heeded."

There is however all the difference in the world between seeing the use of magic as a halakhic minefield, to be entered only when absolutely necessary; seeing it as an ordinary human capacity with ordinary potential to be channeled for both good and evil; and seeing it as an extraordinary human capacity that requires an extraordinary halakhic response.

For example: I have heard of rabbis who permit only the use of defensive magic. They argue that banning magic entirely would be unilaterally disarming before the enemy, like refusing to fight on Shabbat. If magical skill requires training, and specifically training while young, these rabbis are fine with sending magical Jewish boys to Hogwarts, at least until there's a hesder-like alternative.

I don't think the difference between "defensive" and "offensive" magic is sustainable in practice. A successful "Expelliarmus!" can leave even the most powerful opponent at one's mercy. Consider the halakhic literature about whether Israel's preemptive First Lebanon War could be classified as defensive and therefore permitted. So this approach would not significantly restrict your studies.

Still, it makes me deeply uncomfortable. I have trouble defining any human capacity as useful purely reactively, as necessary only because "the *sitra achra* (=other side) can do magic, too".

I've also heard of rabbis who justify attending Hogwarts solely on the ground that you would otherwise become a danger to yourself and/or others. That seems to me

insufficient, terrifying, and profoundly wrong. Insufficient, because what if it turns out halakhically that the use of magic is absolutely forbidden to the point of being *yehareg v'al yaavor* (= die rather than transgress) as penumbral (= *abizraibu*) to *avodah zarah* (= worship that is alien to Judaism)? Terrifying, because it suggests that the world is full of human time bombs, especially in cultures intolerant of magic. Profoundly wrong, because it creates a class of people who are told to view a central aspect of their being as *bediavad*, and the way they live their lives as justifiable only because the alternative is worse.

Here I need to insert a caveat. Popular treatments suggest that while some magical people are more magical than others, that there is a bright and unpassable line between magical and not. But I have not seen a sufficiently rigorous investigation of this claim.

What if a significant percentage of apparent muggles have latent magicality, perhaps a capacity that develops only after puberty is complete? What if some magical children must be trained lest they become dangerous, but others can live ordinary muggle lives, and there were a reliable way to tell them apart? What if magicality can be acquired, transmitted, or “cured”? The popular belief in immutability is convenient for those who support our status quo in which muggles deny the existence of magics, and magics believe that they cannot live as muggles. That isn't evidence against its truth. But we should be hesitant to impose radical burdens on either people or on halakhah without exhaustive diligence.

My own position solves all these difficulties almost magically. I simply don't believe that what you do is the sort of thing that halakhah forbids as *kishuf* etc. Rather, I believe that it is a technology that muggle science happens not to understand yet. Forbidding it as magic would be silly, like forbidding the use of electricity would have been several centuries ago. To clarify: I follow Rambam in holding that **all effective technologies are inherently permissible**, because none of them draw their effectiveness from powers other than G-d.

That leaves the question of what the Torah forbids as magic. I think that according to Rambam, there is a Biblical prohibition against using a technology while believing that it draws its power from a source other than G-d, and a Rabbinic prohibition against pretending that an action of yours drew its power from such a source, especially if the purpose of your pretense is to convince other people that such powers exist.

If you agree with my reading of Rambam, then you can accept your own magicality as a halakhically normal human variation. You may legitimately feel a religious imperative to learn and understand Hogwarts magic as well as you can. But I don't want to pretend that there are no costs involved.

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First, you really have to believe that there is no supraphysical source of power other than G-d. For example, if you've previously been convinced that demons are real, you'll have to unconvince yourself. This may feel like cheating. It is fair and legitimate to worry whether beliefs should be adopted because the alternative is a religious or psychological quagmire, or whether a position affirmed on that basis really counts as a belief.

Second, you know that Rambam's position has been vociferously rejected by many Orthodox rabbis in good standing, and those rabbis plausibly claim that the Talmud supports them. Indeed, some traditional commentaries refuse to accept that Rambam held his position across the board. So you'll have to make a claim of certainty about an issue that is highly controversial within our tradition and the Orthodox community. That can feel (and be!) arrogant. Expressing your certainty in public may generate harsh responses.

Third, and almost as hard, you may find yourself thinking much less of people you were otherwise inclined to deeply respect and care about. Their positions on these issues may now engender pity or revulsion instead of being dismissible as quaint and unimportant.

In other words, I am certainly not paskening you a rose garden. At the same time, I don't want to create the misimpression that all really hard moral challenges to halakhah can be resolved this straightforwardly, or that honest resolutions will always be discovered by the people in your time, place, and community. Sometimes there may be no resolutions available, or the only available resolutions may feel (and may be!) dishonest.

But if you accept my position above, there is no issue of *mitzvah haba'ah ba'aveirah* in using a wand as a Chanukah light.

Many other issues need to be addressed, such as whether magical speech counts as halakhic action, or whether magical fire is sufficiently parallel to ordinary fire (although on Chanukah perhaps a parallel to miraculous fire is sufficient). Those questions seem to me of public interest, so I'll post answers on my [Facebook page](#) – please have a look! In the meantime, I'll take that easy way out of suggesting that you make a berakhah over an ordinary oil chanukiah, and use the wand only as a supplemental means of publicizing the miracle.

With all best wishes, and hoping to learn together soon.

Aryeh Klapper