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Center for Modern Torah Leadership



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"Taking Responsibility for Torah"

Additions, Subtractions, and Victims

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(A version of this essay was published in 2017. But even if you remember it verbatim, please see my reassessment at the end of this version.)

*Everything that I am commanding you –
that is what you must observe, to do.*

*You must not add to it; and
you must not subtract from it.*

Devarim 13:1 can be read as a free-standing and self-sufficient sentence, which is why Archbishop Langron has it starting a new chapter. However, the traditional Jewish punctuation reads it as the true conclusion of the preceding chapter, which ends:

*Do not do the same for Hashem your G-d,
because it was all the things Hashem abominates, that He
bates, that they did for their gods;
yes, they would even burn their sons and daughters in fire
for their gods.*

Seforno uses this connection to make the startling claim that the prohibition against “adding to” is needed to prevent Jews from voluntarily instituting child sacrifice for the sake of Heaven.

*“You must not add to it” –
because perhaps you will add something that is revolting to Him
May He be Blessed,
as would happen if you wanted to add forms of service to the
Divinity May He be Blessed,
that on occasion the added service would be revolting to Him May
He be Blessed,
like the burning of sons.*

Seforno’s shocking suspicion also implies an important if theoretical liberalism: G-d does not reject humanly conceived and initiated worship out of hand. If we could be trusted to choose actions which pleased Him, perhaps He would even prefer such freely-chosen worship above purely obedient service.

By contrast, Rabbi Samson Raphael Hirsch reads our verse as rejecting human religious autonomy in principle.

*“Everything” –
the parshiyot-division of the Masorah shows that this verse is the
conclusion of what is said before it,
and this is its meaning:
For this reason,*

*you must not produce for yourself new ways of Divine service,
you must not seek to ingratiate yourself before your Divinity
in ways different from those that were established by Him.*

*Only if you faithfully perform that which he commanded
will you express the submission which He is expecting from you.
He imposed mitzvos on you and taught you how to fulfill them.*

*and these mitzvos and these ways of fulfilling them express His
will.*

Rav Hirsch seems to believe that worship in a freely-chosen form is oxymoronic.

This profound philosophical dispute between Seforno and Rav Hirsch may reflect an even deeper disagreement about the nature of the Oral Law. Why doesn’t the rabbinic corpus constitute an illegitimate addition?

For Rav Hirsch, the Written Law is famously the “lecture notes” for the Oral Law. This means that the Oral Law actually came first – the Written Law is just a way of encoding it. There is nothing creatively human about the Oral Law; even the most brilliant rabbis merely decode complex crossword clues correctly. This tracks with his absolute prohibition against adding.

By contrast, Seforno may acknowledge that while the Oral Law is under the authority of the Written Law, it is the product of an unscripted human encounter with the Divine Will, and may reflect genuine creativity. For Seforno, the prohibition may be against **undisciplined** adding.

This theme is elaborated by Rabbi Pinchas Halevi Horowitz (1730-1805) in his Panim Yafot. Rabbi Horowitz reads the opening of the verse as a reference to the Oral Law – “Everything that I am commanding you” includes matters that are not explicit intentions of the text. He embraces the paradoxical formulation on Megillah 19b that G-d showed Mosheh everything that the Soferim would eventually originate. The Talmud says that this refers specifically to the rabbinic mandate to read the Megillah on Purim, but Rabbi Horowitz reads it more broadly. He then adds an important excursus on the nature of Torah study.

*... the study of Torah in every generation has two aspects
The first is to learn the Torah that has already been given,
in writing or orally,
in all the previous generations.*

*This learning is called mikra and Mishnah.
The second type of learning is analysis and excellent
comprehension
which is a person’s ‘portion’ given out by Hashem in the
Torah*

*as is written “and give our shares in Your Torah”.
... These two aspects reverse during a person’s years.*

*In his youth –
he does not need so much diligence and good memorization,
as per Talmud Shabbat 21b that the learning of youth
arises in memory more than that of old age,*

*but the investigation of the intellect is the reverse,
because their mind becomes settled . . .*

According to Rabbi Horowitz, the human “share” in G-d’s Torah is not what we take out of the text, but rather what we put into it. It is our creative contribution. But such contributions must be built on a solid basis of knowledge of the written Torah and all its previous interpretations, including those once regarded as creative. In turn, our successors will be required to memorize our creative contributions by rote before being allowed to attempt such contributions themselves.

Rabbi Horowitz thus sets out a model for the discipline that Seforno may see as the difference between legitimate creativity and illegitimate adding. Creativity must go hand in hand with genuine commitment to and respect for the past. Moreover, creativity is not an end in itself; rather, its value is predicated on being filtered via sound and mature judgment.

Let us be frank – this model may not be useful for diagnosing in real time which creative contributions by others are legitimate. There is no formula for determining the genuineness of commitment to the past. Emphasizing memorization simply privileges those with superior memories. Good and mature judgment are often misidentified, especially by those whose judgment lacks those qualities.

What may help us be honest about the legitimacy of our own creative contributions is acknowledging and keeping-in-mind the Torah’s caution that creativity can lead to human sacrifice.

The Kotzker Rebbe reportedly asked: Why did the angel call out to Avraham two commands-to-stop at the Binding of Isaac? Wouldn’t Avraham have stopped once G-d said “DO NOT send your hand forth against the child”? Why did He need to add “and do nothing at all to him”?

More astonishingly yet, Rashi claims that Avraham did not stop in response to “DO NOT send your hand forth”; rather, he asked for permission to at least wound Yitzchak, which is why G-d continued “do no *neumah* (a pun on *mum* = physical blemish that invalidates a sacrificial animal) to him”. Why would an apparent sadistic streak emerge in response to the reprieve, rather than a joyous celebration?

The Kotzker replied: The most difficult temptations to resist are those that suggest to a person that letting his or her worst evil inclinations flourish would fulfill the Divine Will. For example, we may convince ourselves that the very absurdity of an action is what proves its religious origin: who but G-d would think of such a command? Or we may convince ourselves that genuine religious devotion can only be demonstrated by engaging in the most ethically counterintuitive actions. Only by doing things that would otherwise horrify us can we prove that we are utterly engaged in the fulfillment of His will rather than

our own. Thus the true test of the Akeidah was not whether Avraham would sacrifice Yitzchak, but rather whether he would be able to abort the sacrifice when told to stop, when he became intellectually aware that it was not actually G-d’s Will that he kill Yitzchak. This test was so challenging that even Avraham was unable to stop immediately, even when presented with an angel telling him to stop. The angel had to tell him a second time to prevent him from drawing blood. (Note that in some Crusade-era texts Avraham in fact kills Yitzchak, but G-d resurrects him, and the angel speaks the second time to prevent Avraham from killing him again).

Five years ago, I ended this dvar Torah as follows:
A reasonable argument can be made that the popularity of creative stringencies in contemporary Orthodoxy stems precisely from this impulse, especially in the areas of conversion and agunot.

There is real and culpable inconsistency in celebrating creative leniencies while denigrating creative stringencies. At the same time, we should be hyper-suspicious of any creativity that seems to draw strength from the number of victims it claims.

In retrospect, several elements of the essay should be challenged, interrogated, and perhaps altered or even discarded.

1. I’m no longer convinced that Seforno is deliberately opening space for disciplined adding. I’m generally not sure that it’s productive to describe new legal applications as “adding”, rather than just referring to one or another of the deliberately paradoxical formulations Chazal use to cover reformulations that were at the least not explicitly intended by the previous human formulation. I think Rav Hirsch is the outlier in trying to limit the range that paradox can cover.

A better argument for the necessity of new legal applications, as per Panim Yafot, is that without such applications, law almost inevitably becomes at best obsolete and often counterproductive. Law is about the application of principles to facts, and therefore legal formulations over time absorb facts. When those facts change, creative interpretation is needed. This can take the form either of redefining past “fact terms” to include present realities, or of re-abstracting principles from the formulations and then applying them to present realities.

2. Leniencies as well as stringencies can claim victims; allowing child sacrifice would be a halakhic leniency. Moreover, in many situations there is no clear “baseline position”, and therefore it is not clear whether the primary options are baseline and leniency, baseline and stringency, or leniency and stringency. Perhaps the most victims are claimed when people rely on a position that one side presents as baseline and the other as leniency, so that the backlash is viewed by the first side as a creative stringency and the other as simply maintaining the baseline. I suspect the Kotzker’s yetzer hora is also present when creative leniencies seem to draw strength from the number of people they put at risk
Shabbat shalom!

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