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חרות ואחריות

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### TANGENTS AND MAIN POINTS

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Students in my Talmud classes are often asked to recall ‘how we got here from there’, meaning how we meandered from the alleged base text or main topic of a session to the fascinating but apparently wholly disconnected conversation we are in. My class thereby models the text, as the Talmud is constructed associatively; and the tangents are often the true main point of the class, and of Talmudic sugyot).

For this to work, the students must not notice when their train leaves the rails and begins to roam the intellectual countryside, or to mix metaphors: like Wile E. Coyote, if they look down too soon and notice that they’ve gone off a cliff, they never make it to the other side.

This is a difficult trick to pull off in writing, where language is the only tool that can keep the reader from awareness. One strategy is to do a reverse Hansel and Gretel, sprinkling candy crumbs on the ground behind you in hopes that the reader will follow and keep picking them up until their original trail is lost. But it is a trick often necessary when writing a dvar Torah on the early parshiyot of Vayikra, which are rarely directly meaningful to contemporary readers. Here is one attempt.

Vayikra 7:24 states:

*But the organ-fat of a neveilah (an animal that has died of a cause other than kosher shechitah)*

*Or the organ-fat of a tereifah (an animal that was halakhically dying before its shechitah)*

*May be used for every task, but you surely must not eat it.*

Rashi comments:

*“may be used for every task” – This came and taught about organ-fat that it does not acquire the tum’ah of the neveilah from which it is taken.*

But what does the acquisition of *tum’at neveilah* have to do with suitability for **all** tasks? Rashi here is silent, but “the words of Torah are often poor in one place

but rich in another”. Rashi’s source is a dispute between Rabbi Akiva and Rabbi Yose the Gallilean on Talmud Pesachim 23a:

*“may be used for every task” –*

*What does Scripture teach by writing “for every task”?*

*You might have thought that it would be permitted for tasks of the Above, but prohibited for mundane tasks – so Scripture writes “for every task”.*

*This is the opinion of Rabbi Yose the Gallilean.*

*But Rabbi Akiva says:*

*You might have thought that it would be permitted for mundane tasks, but prohibited for tasks of the Above – so Scripture writes “for every task”.*

What “tasks of the Above” is organ-fat suitable for?

Rashi comments (on the position of Rabbi Yose the Gallilean) that it is useful to prepare hides for Temple maintenance.

Rabbi Pinchas HaLevi (Poland/Germany, d. 1805) in his Panim Yafot argues that Rabbi Akiva reads the word **every** as permitting one to bring hides that have been prepared with such fats into the Courtyard of the Temple. This presumes that one may *not* bring other parts of a *neveilah* into the Courtyard owing to their *tum’ah*, and that, happily, turns out to be the position of Rabbi Akiva in Mishnah Eruvin Chapter 10.

*If a dead sheretz (rodent? reptile? which carries the same degree of tum’ah as a neveilah)*

*was found in the Temple (on Shabbat, when the muktzah prohibition prevents direct manual removal) – a priest removes it with his belt (even though the belt acquires tum’ah thereby), so as not to linger the tum’ah,*

*according to Rabbi Yochanan ben Beroka;*

*Rabbi Yehudah says:*

*With a wooden stick (that does not acquire tum’ah), so as not to increase the tum’ah.*

*From what places in the Temple must it be removed (even on Shabbat)?*

*From the Sanctuary and the Hall and between the Hall and the Altar,*

*according to Rabbi Shimon Dwarfson;*

*But Rabbi Akiva said:*

*From the places where one would be liable for karet if one brought a dead sheretz there deliberately, or a chatat sacrifice if one brought a dead sheretz there accidentally –*

*from those places one must remove it;*

*but all remaining places – we cover it with a container.*

Now why would Rabbi Akiva hold that one should not remove a dead *sheretz* from all parts of the Temple, when there is a Biblical violation against bringing *tum'ah* into the Temple? Eruvin 104a suggests that Rabbi Akiva agrees with a seemingly paradoxical position later stated explicitly by Rabbi Tovi bar Kisna in the name of Shmuel:

*Said Rabbi Tovi bar Kisna in the name of Shmuel:*

*One who brings in (to the Temple) something that has the same tum'ah as a dead sheretz - is liable, but (one who brings in) a dead sheretz - is exempt.*

Rabbi Tovi bar Kisna's position is derived from Numbers 5:3, which explicitly requires sending certain human beings who have acquired *tum'ah* in certain ways out of the desert camp, and is understood as applying to the Temple afterward.

*Scripture writes: "Whether male or female, you must send away" -*

*This applies to all those who can become tahor via immersion*

*But excludes a dead sheretz which cannot become tahor via immersion*

Thus Rabbi Akiva can hold that there is no prohibition against bringing a dead *sheretz* in, and therefore no obligation to bring it out, and therefore one should not violate the *muktzah* prohibition to remove it.

But this actually proves too much – even Rabbi Akiva holds that one must remove a dead *sheretz* from the Sanctuary and the Hall on Shabbat. If there is no prohibition against bringing one in, why should one violate *muktzah* to remove it?

Rashi explains:

*he holds that one who brings a dead sheretz into the Temple is exempt -*

*Meaning there is no Biblical obligation to 'send it out',*

*And therefore the Rabbinic muktzah prohibition is not pushed aside to remove it.*

*But from the Sanctuary and the Hall we do remove it, as the Sages did not make their words stand in the way of the Honor of the Divine Presence*

The last line of Rashi is fascinating. On Berakhot 19, the Talmud has a long discussion as to whether, or under what circumstances, human dignity overrides what would otherwise be the Halakhah. This question is initially presented as dependent on the relative value of human and Divine dignity. In the course of the discussion, we learn that human dignity presumptively overrides all Rabbinic legislation. Rashi here extends that principle to Divine dignity as well. On what basis does he do this?

I suggest the following. On reflection, it should be clear that the Talmud actually presented a false choice. The real question is not whether human dignity overrides Divine law, but rather the place of human dignity within Divine law – and if G-d mandates concern for human dignity, doing so cannot violate His dignity. The conclusion that human dignity sometimes trumps even Biblical-level law in no way contradicts this. Therefore, Rashi reasons, the premise that Divine dignity trumps human dignity stands, and therefore, if human dignity trumps Rabbinic law, so must Divine dignity.

But Rashi makes a further leap. In Berakhot, Divine dignity is manifested in human obedience. Here, Divine dignity is implicated in human aesthetics – no human being of consequence would tolerate dead animals in their home, so it violates His dignity for one to be left where His presence dwells. By bringing His presence down to human beings – by investing the Mishkan – G-d therefore makes His dignity vulnerable in new ways – not only to human free will, but to the chances of mortality, human and animal. Perhaps it makes sense, then, that the Temple is so hedged about with commandments – in recognition of G-d's willingness to risk His dignity so as to dwell among us, we assign ourselves the task of magnifying His dignity to the extent possible through our obedience.

Shabbat Shalom

*This Dvar Torah is a rewrite of a Dvar Torah from 2014.*

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