

CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חרות ואחריות

www.TorahLeadership.org

"Taking Responsibility for Torah"

WHY "WHY" QUESTIONS BELONG IN THE BEIT MIDRASH

Rabbi Aryeh Klapper, Dean

Does the study of halakhah lead to philosophic depth? Or are the disciplines of halakhah and hashkafah utterly separate and distinct?

These questions present a false choice, and the failure to recognize the falseness of the choice is part of what ails Modern Orthodoxy. Let me explain briefly.

Rabbi Joseph Dov Soloveitchik argued that in the modern era [1] halakhah – by which he meant a descriptive conceptualization of Jewish law, not an array of prescriptive details – should be the source of hashkafah. He was less successful in conveying the need for serious philosophic training, or at the least for a developed philosophic sensibility, to make the leap from one to the other. The result too often was a culture with an impoverished hashkafah, and worse, an inability to recognize its own lacks. And even worse, an incapacity to appreciate the contributions and integrity of those who saw the relationship between halakhah and hashkafah differently.

For example: The Rav brilliantly argued that a halakhah-generated hashkafah looks for imperatives rather than for explanations when confronted by tragedy. But to make a normative response to tragedy meaningful, one has to genuinely understand why the question matters, why tragedy can change the nature of faith. Someone who genuinely understands the available theological alternatives will likely also understand why the normative response doesn't satisfy everyone, and appreciate the value of profound classical and contemporary theodicies even as they choose a different path.

Intense and conceptually rigorous study of halakhah **can, but does not necessarily**, lead to hashkafic depth. A key pedagogic challenge for Modern Orthodoxy is to teach Talmud and Halakhah in a way that nurtures philosophic sensibility **as organic to** the development of passionately committed Jews who care deeply about the depth, breadth, and rigor of their learning.

I think it can be done. Here's an example of how, via a discussion beginning from Devarim 5:16.

כַּבֵּד אֶת־אָבִיךָ וְאֶת־אִמְךָ כַּאֲשֶׁר צִוְּךָ יְיָ אֱלֹהֶיךָ לְמַעַן יִצְלַח לְךָ וְיִרְבֶּה לְךָ עַל הָאָדָמָה אֲשֶׁר־יְיָ אֱלֹהֶיךָ נָתַן לְךָ:

Honor your father and your mother as Hashem your G-d commanded you so that your days will be extended and so that it will be good for you on the ground which Hashem your G-d is giving you.

What is the meaning of “on the ground which Hashem your G-d is giving you? Perhaps it implies that honoring parents outside Israel does not generate extended life. This topic is addressed in an essay (#245) by Rabbi Yaakov Chaim Sofer in the journal *Mevakshei Torah*. Among the sources he cites is the Midrash Tannaim to our verse:

כשאתם על האדמה – יש אריכות ימים ויש טובה מצויה; הא אין מצוין לא בגולה ולא בתושבות.

When you are on the ground - there is extension of days and good is to be found; But these are not to be found neither in the golah/exile nor in the toshavot/settlements

What are these *toshavot*/settlements, which seem to be neither in Israel nor in exile? Rabbi Dovid Tzvi Hoffman (as cited by Rabbi Sofer) defined them as follows:

תושבות הם מקומות שהיהודים נתיישבו שם בחוץ לארץ כמו אלכסנדריה של תושבים והעיר של רומי

Toshavot are places where the Jews settled there in “outside the Land” such as Alexandria of Egypt and the City of Rome

Here we appear to have an early recognition of – and perhaps resistance to – the idea that a thriving Jewish community outside the Land of Israel is not fully in exile. This is our first philosophic opportunity.

Regardless, this midrash clearly held that honoring parents outside Israel does *not* generate extended life. Rabbi Sofer himself, however, believes that a story on Chullin 110 furnishes conclusive evidence that the Babylonian Talmud held otherwise.

רמי בר תמרי, דהוא רמי בר דיקולי מפומבדיתא, איקלע לסורא במעלי יומא דכפורי... אייתוהו לקמיה דרב חסדא... חזייה דלא הוה קא רמי חוטי. אמר ליה: מאי טעמא לית לך חוטי? אמר ליה: טלית שאולה היא, ואמר רב יהודה: טלית שאולה, כל שלשים יום – פטורה מן הציצית. אדחכי, אייתוהו להווא גברא דלא הוה מוקר אבוה ואמיה. כפתוהו. אמר להו: שבקוהו, דתניא: כל מצות עשה שמתן שכרה בצדה – אין בית דין שלמטה מזהרין עליה. אמר ליה: חזינא לך דחריפת טובא! אמר ליה: אי הוית באתריה דרב יהודה, אחוינא לך חורפאי!

Rami the son of Tamri/Datepalms, who is the same as Rami the son of Dikkulei/Datepalms from Pumbedita arrived in Sura on the eve of Yom Kippur . . . They brought him before Rav Chisda . . . [Rav Chisda] saw that he was not wearing tzitzit. He asked him: Why don't you have tzitzit? He replied: My tallit is borrowed, and Rav Yehudah said: A borrowed tallit is exempt from tzitzit for the first thirty days. Meanwhile, they brought in a man who would not honor his father and mother, They prepared him for flogging. [Rami] said: Leave him be! for we learned in a beraita: "Every mitzvah that has its reward (written) next to it – the courts Below are not commanded regarding it. [Rav Chisda] said to him: I see that you are very sharp! [Rami] replied: If you were in the territory of Rav Yehudah, I would show you my sharpness!

Why are such mitzvot exempt from humanly administered punishment? Rashi (following Mekhilta d'Rabbi Yishmael) explains that the Torah can be interpreted via implication: If the reward for such mitzvot is X, it follows that the (only mandated) punishment for them is NOT X. By this logic, the exemption is derived from the reward, and therefore, the exemption applies only where the reward does, and therefore, as the story takes place in Babylonia, the reward must apply even outside Israel.

But there are at least two ways to reject this proof.

A)

Devarim 25:15 reads

אָבֹן שְׁלֵמָה וְצֶדֶק יִהְיֶה-לָּךְ אִפְּהָ שְׁלֵמָה וְצֶדֶק יִהְיֶה-לָּךְ לְמַעַן יֵאָרְכּוּ יָמֶיךָ עַל הָאָדָמָה אֲשֶׁר-יִקְנֶה אֶל-יָדְךָ בְּיַד ה' :

A complete and accurate weight-measure there must be for you A complete and accurate weight-measure there must be for you so that your days will be extended on the ground which Hashem your G-d is giving you

Yerushalmi Bava Batra 5:5 derives from "there must be for you" an obligation to appoint inspectors. Since the commands in this verse also "have their rewards written next to them", this obligation seems to contradict the *beraita* cited by Rami, which he claimed meant that such obligations were unenforceable. The Yerushalmi, after citing that *beraita*, therefore reinterprets it to mean that a Rabbinic court is not punished for failure to enforce such laws, but it is nonetheless obligated to try to enforce them. This reinterpretation undermines Rabbi Sofer's proof. He can still argue, however, that the Bavli stands by Rami's reading.

B)

On Chullin 142a and elsewhere, the Talmud seems to accept the position of Rabbi Yaakov that "extended days"

refers to the Word to Come, or to Resurrection, rather than to an extended life in the here-and-now. Indeed, Masekhet Chullin closes with the declaration that the apostasy of Elisha ben Avuyah (known as *Acher*) could have been prevented had he known of this interpretation.

It seems to me that this interpretation of the verse is also incompatible with Rami's argument. If the reward referred to in the verse is metaphysical, or eschatological, it seems likely that the excluded punishments are as well, and the verse poses no bar to here-and-now physical punishments.

Given these weaknesses in Rami's argument, it may be that we have mistaken the entire episode. Maybe Rami is showing off his cleverness, rather than consistently making arguments that he actually believes. There is no indication in the story that Rav Chisda actually releases the man he intended to flog.

Rabbi Yaakov's interpretation is part of his broader position that שְׂכָר מִצְוָה בְּהַאי עֲלֵמָא לִיכָא (there is no reward for mitzvot in this world). This position enables him to sideline the otherwise pressing issue of theodicy, of why bad things happen, especially to good people.

WRAPUP

Our apparently small opening questions led us to at least two major hashkafic issues – the status of Jewish life outside Israel, and the connection between virtue and success in this world.

At this point, it is the teacher's choice whether these questions are seen as irrelevant or rather as essential, and if the latter, to convince the students that properly approaching them requires learning the halakhic topic and texts that triggered them more deeply – and yet to recognize that this is not all that is required.

This, I submit, is what the Modern Orthodox classroom should be like, and I believe that our community will be much healthier to the extent that it absorbs and models this sensibility.

Notes:

[1] On some other occasion I hope to flesh out why the Rav's statements were intended only for the 'modern' era, and to discuss whether their claims apply in the intellectual environment of today's West.