

# CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חרות ואחריות

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"Taking Responsibility for Torah"

## THE PARAH-DOX

Revised from 2018

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The Talmud on Yoma 14a records a dispute between Rabbi Akiva and the Sages about the meaning of the opening phrase of Bamidbar Chapter 19, verse 19:

והזה הטהור על הטמא

And the pure will sprinkle on the impure

According to Rabbi Akiva, it means that sprinkling Red Heifer Ash-water on a *tamei* person makes them *tabor*, but sprinkling them on a *tabor* person makes them *tamei*.

According to the Sages, this means that Red Heifer Ash-water loses its spiritual and halakhic potency when sprinkled on something which is incapable of becoming *tamei*.

The Sages object to Rabbi Akiva's argument – isn't this *needlessly* paradoxical, they ask? Even if your reading makes sense in the text, shouldn't we prefer an interpretation that fits with reason?

Rabbi Akiva's response is: ABSOLUTELY NOT. This detail of the law, he says, is what drove King Solomon to confess in Kohelet 7:23:

אמרתי אחכמה והיא רחוקה ממני

I said: "I will become wise", but this goal remains distant for me.

This is what Rabbi Soloveitchik ז"ל described as a "gesture of surrender", a humble and noble willingness to acknowledge that "Because your thoughts are not My thoughts, and your ways are not My ways, declared Hashem. As the heavens rise above the earth, so too My ways rise above your ways, and My thoughts above your thoughts". Ultimately, Divine wisdom cannot be fully comprehended by human intellect.

Does that mean we shouldn't try?

For some people, Rabbi Akiva's embrace of irrationality is the paradigm for our relationship to mitzvot. We are best off not asking "why" questions about mitzvot; ours not to make reply, but simply to follow G-d's orders.

For other people, Rabbi Akiva's understanding of this verse is 'the exception that proves the rule' (as that phrase is popularly misunderstood). One law is immune to reason, to remind us of the limits of human intellect. With that reminder in hand, we must try our best to understand everything else using the intellectual capacities that Hashem gave us.

For yet others, Rabbi Akiva is simply wrong. After all, the Halakhah follows the Sages against Rabbi Akiva. Why interpret a verse as generating an irrational law when an alternate explanation is possible?

I remember my excitement upon first realizing that this third position was possible within our tradition, that great rabbis had believed that all mitzvot were comprehensible. This realization came not from Rambam – my high school strongly discouraged me from reading the Guide for the Perplexed – but from the introduction of the great medieval *parshan* Rabbi David Kimchi, known as RADAK, to his commentary on Nakh:

אין צריך לומר התורה והמצוה שהם בנויות על דרך השכל  
כי גם החוקים אשר נאמר עליהם כי אין להם טעם  
כן הוא שאין להם טעם נראה לרוב בני אדם  
אבל החכם המתבונן בהם ימצא טעמים ברור ומבואר

It goes without saying regarding Torah and mitzvot that they are built on the ways of the intellect as even the *chukim*, about which it is said that they have no rationale

It is true that they have no rationale which is apparent to most people

But the sage who meditates on them will find their rationales clear and explained

Even the *chukim*, Radak says – even the Red Heifer, which is described as THE *chok* of the Torah – makes sense to philosophers. NOTHING about Torah law is in principle beyond human comprehension.

This was extremely attractive to me as a teenager. The problems with this position, as my high school teachers knew, are that

a) The belief that nothing about Torah is utterly incomprehensible slides easily into the belief that we already comprehend everything in Torah.

b) The belief that we comprehend everything leads us to identify Torah with our own understanding of Torah.

The identification of Torah with our understanding of Torah means that we attribute our own errors to G-d. When times change, so that our rationales for mitzvot no longer seem reasonable, we take that as evidence against the Torah, rather than as evidence that we have misunderstood Torah.

But the first position, the extreme version of Rabbi Akiva, can send us sliding down its own slippery slope:

a) The belief that nothing about Torah is ultimately comprehensible easily slides into the belief that we should not use ethics to evaluate our interpretations of Torah.

b) The belief that Torah interpretations need not be ethical leads us to accept interpretations that make Halakhah irrelevant, immoral or even cruel.

For example: years ago, the Summer Beit Midrash studied the laws regarding the halakhic status of people who can neither hear nor speak. The Talmud categorizes them as ‘not bnei/bnot mitzvah’, as incapable of halakhic responsibility.

In the late 19<sup>th</sup> century – think Helen Keller – it became clear that deaf children could be fully educated, and that deaf adults could be fully competent even if they spoke Sign rather than verbalizing.

For some rabbis, this made it obvious that the halakhic status of deaf-mutes had changed. We know, they argued, **why** the Talmud exempted them from mitzvot – it was because their minds had not properly developed. Reality has changed, and it would distort Torah if halakhah did not take this new reality into account.

For other rabbis, our capacity to educate the deaf proved that their halakhic exclusion never had a humanly comprehensible rationale. It should always have been recognized as a *gezeirat hakatun*, an incomprehensible (and therefore unchangeable) Divine decree.

I suspect, however, that the root of their position is this: There must always have been some competent deaf-mutes – halakhic literature itself contains such stories – and changing the law now will constitute an admission that past halakhah was unjust to them. Moreover, Torah societies were unjust to them by making no real effort to educate them. That admission might undermine the capacity of halakhah to give its adherents

ethical peace of mind, which for many people is a central purpose of religion.

But at what cost? Rav Aharon Lichtenstein z”l argued (*Values in Halakha: Six Case Studies*, p. 148-9) that all serious halakhic processes necessarily involve a search for rationales, because a fully human response to mitzvot cannot be limited to obedience:

An automaton can respond to commands without seeking meaning in them or order among them. A fully human response relates a command to a total existential reality; and the moment such a relation is postulated, the quest for purpose becomes inevitable.

I therefore prefer the middle position, parallel to the moderate understanding of Rabbi Akiva. We should not be afraid to admit that some mitzvot are beyond our comprehension; but we should also not be afraid to admit that some mitzvot are within our comprehension. And we should also be willing to admit – perhaps with some trepidation – that we are often bad at telling which is which.

Jews should not glory in incomprehensibility and obey the absurd with greater joy than the reasonable. We should instead strive to rationalize whenever we can do so with sincerity and integrity. At the same time, we must recognize that in every generation there will be some mitzvot – often different than those considered *chukim* in earlier generations - that we cannot rationalize with sincerity and integrity, and which we must nonetheless obey.

*Shabbat shalom!*