

CENTER FOR MODERN TORAH LEADERSHIP



CAN TORAH TAKE SIDES WITHOUT BEING PARTISAN?

by Rabbi Aryeh Klapper

Like op-eds or Substack posts, many successful divrei Torah reinforce what we already strongly believe. They “play to the base”. This can be a necessary and valuable social role. As RamCHaL wrote in the introduction to Mesilat Yescharim, we need constant reminders of even the most obvious truths to prevent us from ignoring them in the face of temptation, or to overcome laziness or fear.

But when those same divrei Torah are read by people who disagree with them rather than merely failing to live up to them, they risk increasing polarization and decreasing respect for Torah.

I say “risk” because it doesn’t have to be that way. A serious dvar Torah can make people rethink their own positions, or at least compel respect for an alternative.

When that doesn’t happen, the fault may belong to author or reader or both. An author might be so committed to his conclusions that he misses obvious counterarguments or misreads key texts. A reader might be too certain of the contrary to genuinely consider the author’s arguments and readings.

A succession of such failures undermines the legitimacy of Torah discourse. Halakhah and hashkafah are perceived as partisan political tools rather than as fair and honest mediums for conversation about G-d’s will. The dynamic is similar to that regarding the contemporary US Supreme Court.

Here is an example of what I perceive as an author’s failure. Rav Dov Lior recently made the claim “that the nation of Israel has never abandoned its claim to the Land of Israel” in the context of arguing that it is halakhically permitted for Jews to harvest and keep the olives of Palestinian landowners who have been prevented, for whatever reason, from harvesting them. I think his conclusion is abhorrent. But I also think that the claim I cited is so obviously irrelevant to private land ownership (as opposed to sovereignty, where its irrelevance is less obvious) that his use of it is a debasement of halakhic language and forms. It advertises not accountability but license.

The two kinds of failures are also mutually reinforcing. Every hack partisan argument I read makes me less inclined to take even solid arguments from the same side seriously;

every time a solid argument for my positions is rejected carelessly, I grow more cynical about the seriousness and integrity of the other side.

Yet we need to continue making arguments, trying to convince each other via Torah, in order to remain a community. I like to accept the Talmud’s suggestion, as I understand it, that the halakhah follows Beit Hillel against Beit Shammai because they went on trying long after productive discourse had ended.

On the other hand, it feels dangerous to concede the legitimacy and plausibility of the other side’s arguments when they don’t reciprocate. That can be unilateral disarmament, or suggest that your own faith is weak. People with no predisposition either way might apply the halakhic principle *bari vashema - bari adif* = when a financial claim made with certainty (“You owe me 100 dollars!”) clashes with one made uncertainly (“I might have paid you back”), the certain claim wins.

To help us navigate this thicket, in full awareness that I am surely blind to many of my own biases, I offer two divrei Torah that reinforce positions I believe, with metacommentary.

Consider first this thought. We read in Bereishit 14:14:

Avram heard that his brother had been taken captive.
Vayarek et chanikhav, born of his house, eighteen and three hundred,
 and he pursued until Dan

Who were Avraham’s *chanikhim*, and what does the verb *lehorik* mean in this context? Rabbi Samson Raphael Hirsch explains that the verb *lehorik* means “to empty”, and in other military contexts it refers to the unsheathing of a weapon. Here, however, the object of the verb is not the weapon, but the wielder. So the meaning here is that Avram unsheathed his *chanikhim*, meaning that he removed the people he was training religiously from their prior social isolation.

Avraham had 318 *chanikhim*, whom he had educated toward their ultimate goal in the midst of absolute corruption, and it was his obligation to shield them so as to preserve them . . . with all the world on one side and him on the other. Until now Avraham had distanced himself from all contact with the outside

world out of concern for the wellbeing of his *chanikhim*. They were still included in the enclosure of his home. But now a time of saving life arose – and Avraham paid no heed to spiritual danger. He unsheathed his students, so to speak poured them out of his house, and the family of Avraham, which Lot and the Men of Sodom had heretofore laughed at for their isolation – hastened to their rescue.

The plain moral is that charedi kollel students must volunteer for IDF service, and certainly must not resist the draft, regardless of concerns about the effect this service will have on their spiritual commitments.

Yet I understand that if I were a *charedi* believer/apologist, my first thought at reading the above might be astonishment at the *chutzpah* of a Zionist quoting Rav Hirsch. Then I would note that Rav Hirsch himself rejects the isolationist approach that he attributes here to Avraham, (and in fact argues that Avraham abandons it), on the argument among others that it leaves people too vulnerable to spiritual infection when they inevitably meet the outside world. My use of Rav Hirsch to argue that isolationist charedim must join the IDF is disingenuous, as he actually opposed isolationism and would have opposed any Zionist army.

Moreover, let us imagine someone citing this reading to me as an argument in favor of isolationism everywhere but in the army, specifically in chutz la'aretz (“in chutz la'aretz” is an evocative oxymoron). I would likely respond that the portrait of Avram as isolationist is deeply unconvincing as a literary matter, because he has a covenant with Aner, Eshkol and Mamrei that apparently extends to mutual self-defense.

The upshot is that that while I'm glad that Rav Hirsch holds that isolationism even in principle cannot disclaim all political and social responsibility, and I doubt whether his antiZionism would have survived the establishment of the State of Israel unaltered, it would be disingenuous for me to cite his position in this matter as evidence for or against almost any Torah position. It has a place in my personal tapestry of Torah interpretation, but not in my advocacy, if my goal is to narrow a breach rather than widen it.

By contrast: consider Bereishit Rabbah 41:5, also cited by Rashi.

R. Berakhyah in the name of R. Yehudah son of R. Simon said:

The grazing animals of Avraham went out muzzled, but those of Lot did not go out muzzled.

The shepherds of Avraham would say (to those of Lot): “Has robbery been permitted?”

The shepherd of Lot would reply: “So said the Holy Blessed One to Avraham: *to your descendants I will give this land*, and Avraham is a sterile mule who does not sire. Tomorrow he will die and Lot his nephew will inherit him, so that if our animals are eating, they are eating from our own.

The Holy Blessed One said to them: “Indeed I said to him *to your descendants I have given* – but when? Once the Seven Nations are uprooted from within it. But *the Canaanites and Perizites were then in the land* – as of now they still have right to the land.

This midrash identifies the underlying cause of tension between Avraham and Lot as wholly conventional psychologically – it's about inheritance, and the impatience of youth. But because we don't conceive of Avraham as jealously guarding his money, or of Lot as initiating direct confrontations, the quarrel is displaced onto the shepherds, and Avraham is moved to intervene only when the issue is framed morally. But the moral issue is a displacement of the emotional issue! Lot's shepherds can't act as if he's already inherited Avraham, so instead they act as if Avraham has already inherited the land.

This strikes me as a broadly plausible understanding of the family dynamic. It also beautifully presents Lot's error as the mirror image of his failure to see that a land presently “*like the garden of Hashem*” will shortly become a wasteland. Lot first mistakes the future for the present, and then mistakes the present for the future.

Even if one sees this as an implausible reading of the Biblical text, the midrash has moral significance for traditional Jews in and of itself.

This midrash, so far as I can see, stands for the proposition that our Divine deed to the Land of Israel does not suspend the ordinary property or human rights of other current inhabitants.

Citing and elucidating this midrash, I hope, is the kind of *dvar Torah* that spurs Torah conversation and moral accountability rather than accentuating divides. I believe it to be a clear reading of a canonical text that must be addressed in some way by Jews of all political opinions. I encourage every reader of this essay to refer to or even teach the midrash in public this Shabbat.

Please also listen genuinely when people with sympathy for Rav Lior's position explain the midrash differently, or explain why they feel justified in disregarding it. But please do not pretend that ridiculous arguments are plausible, or that arguments made in bad faith are sincere. Please also do not be afraid to say that positions are morally unacceptable even if a specific textual challenge to them fails. By the same token, please don't hesitate to tell me if you think my own biases have led me to misevaluations in anything above.

Shabbat shalom!

The mission of the Center for Modern Torah Leadership is to foster a vision of fully committed halakhic Judaism that embraces the intellectual and moral challenges of modernity as spiritual opportunities to create authentic leaders. The Center carries out its mission through the Summer Beit Midrash program, the Rabbis and Educators Professional Development Institute, the Campus and Community Education Institutes, weekly Divrei Torah and our website, www.torahleadership.org, which houses hundreds of articles and audio lectures.