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חירות ואחריות

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"Taking Responsibility for Torah"

VATIKIN AT THE VATICAN

By Rabbi Aryeh Klapper

How does Judaism conceive of its relationship to other religions?

Orthodox answers to this question generally start from the numbers 7 and 613, as in: Gentiles are commanded to observe the Seven Noachide Commandments, while Jews are commanded to observe the 613 commandments of the Torah.

The numerical gap creates a bias toward conceiving of Gentile religiosity as a subset of Judaism.

This bias can be mitigated by citing Ramban's obvious point that the Seven include at least several hundred of the 613. For example, where Noachides have the single obligation not to steal, Jewish halakhah separates prohibitions against robbery, thieving, embezzlement, wage-withholding, coercive purchasing, kidnapping, and more. All of these are prohibited equally to Gentiles and Jews: the difference is in the generality at which the categories are numbered, not in the specificity of the obligation.

On the other side, one can reduce 613 by noting that many mitzvot apply only to kohanim, or only on one sex.

But even the most thorough and painstaking use of this approach will divide the world of religious obligations into those that apply equally to Jews and Gentiles, and those that apply only to Jews. So "subset" remains a plausible overall description.

Within that framework, one can argue for seeing 613 as primary and 7 as a reduced version, or 7 as primary and 613 as an enhanced version. Each of these approaches has potentially dangerous theological implications if we map the halakhic relationships onto the relationship between the categories Jew and Human.

An alternate framework conceives of the overlap between the Seven and the 613 as somewhat coincidental. Taken as wholes, these are independent religio-legal systems designed for different human beings. This approach allows for substantive religious pluralism. It carries its own theological dangers when mapped onto Jew and human, the kind that inevitably arise from any pattern of separate-but-equal.

Much of the above comes from my incomplete and imprecise memory of a shiur I heard from my teacher Rabbi Michael Rosensweig *shlita* 40 years ago. It came into my head while walking back to my hotel in Rome during a conference about AI

at the Vatican (which I expect to write more about in the near future).

The truth is that it's not really the numbers 613 and 7 that create the bias; rather, it's the assumption that the totality of religion is the obligations it imposes.

Here another qualifier is necessary. There are "mitzvot" that are not obligations in the conventional sense of the world. This halakhic category is often labeled "*mitzvah kejyumi*"; I'm not sure that outside of halakhah one can speak intelligibly about fulfilling one's voluntary obligation.

(Note: "voluntary obligation" must not be confused with "voluntarily assumed obligation", e.g. if one takes an oath to do something. Note also that "*mitzvah kejyumi*" can be defined to include actions that become obligatory in specific cases (e.g. males wearing four-cornered garments are obligated to put tzitzit on them, but there is no obligation to wear a four-cornered garment); actions that have an obligatory minimum but can be fulfilled voluntarily to a higher standard (e.g. separating *terumah*); and actions that are simply never obligatory (e.g. eating matzah on Pesach after the first day, which is not the same as separating *terumah* above the minimum required, because eating matzah on day 3 is a mitzvah even if one has not eaten on the first day, and also does not erase one's failure to have fulfilled the obligatory mitzvah of eating on the first day.)

So one might argue that "613 mitzvot" refers to the totality of legally meaningful religious actions rather than to the totality of obligations. Once we remove "obligation" as the defining feature, we should naturally question whether "legally meaningful" is the only kind of meaningfulness that religious actions can have; and therefore, whether a religion with fewer legal categories of meaning necessarily has fewer religious categories of meaning.

The same issue of course can be raised entirely within Judaism. Part of the question was famously formulated by Rav Aharon Lichtenstein ז"ל as "Is There an Ethic Independent of Halakhah?" But we can and I think should also ask whether there is a Jewish religious aesthetic independent of halakhah, or a Jewish concept of holiness, or of purity, and similarly along every potential axis of value.

Every expansion of Judaism beyond halakhah diminishes the 613 vs. 7 bias, because in those other areas, there is no prima facie reason to believe that Gentile religions are subset of Judaism. The question of how to categorize the relationship starts almost from scratch.

It's important to acknowledge that opening up space for new conceptions of the relationship does not require applying those new conceptions to any specific present or past nonJewish religion. Quite the contrary – it opens space for a Jewish critique of nonJewish religions based on their failure to be sufficiently different. As an analogy, consider the traditionalist critique of halakhic feminists for seeking to imitate male religiosity rather than leaning into the opportunities created by time-bound exemption from commandments, and not having *talmud Torah* as an all-encompassing and deontological obligation. That analog can presumably cut either way.

We should also acknowledge that the sugya on Makkot 23b that is the primary source for the number 613 does not actually celebrate that number.

The Talmud there is glossing the mishnah in which Rabbi Chananyah ben Akashya states that “The Holy Blessed One wished to give Israel merit, therefore he multiplied for them Torah and mitzvot, as Yeshayahu 42:21 says: *Hashem desires their justification, therefore He expands Torah and strengthens it.*” Rabbi Simlai's introduction of the number 613 therefore seems to be in the spirit of the competition in the Haggadah to increase the number of Plagues G-d brought upon the Mitzrim. But Rabbi Simlai apparently continues by interpreting later prophets as reducing the number, culminating in the claim that Chavakuk 2:4 reduced it to ONE: “The righteous shall love by H/his faith”.

Rabbi Simlai presumably was not trying to obstruct or reverse Hashem's desire to justify the Jews. The simplest alternative is that he denies the notion that more is better, perhaps because complexity or just a mass of detail can obscure the underlying principle.

But if Judaism can in fact be reduced to one principle, convincingly or not, consensus or not – and I think we must acknowledge a considerable gap between “The righteous shall live etc.” and Hillel's “What is hateful to you don't do to your *chaver*” – then it seems likely that all true religions should be reflective of that same principle. We are branches of the same tree.

Judaism might be a better representation of the tree, or one more likely to generate a self-sustaining forest, and so forth, than any possible Noachide religion. Or the existence of a robust Judaism might be a necessary condition for all the others to flourish – Judaism as the anchor tenant of the religious mall, or as the lead species in a religious ecosystem.

These thoughts are of course relevant to Parashat Noach, but it happens that I spent Monday - Wednesday this week at the Vatican, attending a conference of Christians and Jews about artificial intelligence. (I'm very grateful to the American Security Foundation for inviting me. No, despite the title, we davened at a local shul; but in theory we were all there as experts/*vatikim*.) I'll *beli neder* write more about the experience and the substance of the conference in the near future.

But one immediate thing that a dear colleague pointed out to me was that we Orthodox Jews tend not to reason from first theological principles, i.e. in arguments of the form: “Since the righteous must live by His/their faith, it follows that we must . . .”; rather, we argue from halakhah, and it's hard to have 613 first principles.

There are powerful reasons to prefer the halakhic mode; even within our mode, there are good reasons to prefer arguing from halakhot that have been tested in our spiritual laboratories for centuries or millennia rather than from those that in living memory have never been more than abstractions (when possible – sometimes circumstances change so that no battle-tested precedents are available, as is the case for example with many halakhic issues related to war).

But it was good to be challenged on that. It was also good to be reminded that many vital issues in our world relate to all of humanity and can only be solved by all of humanity. Attempting a Jewish religious response to global issues like AI or climate change entirely on our own is like bailing the water coming in from directly under our seat after our ship hits an iceberg. Any kind of serious collaboration requires willingness not just to work with but to learn from each other.

That last sentence of course runs up against the Rav's argument in “Confrontation” that we should “stand shoulder to shoulder” with other faith communities when addressing human issues, but eschew theological dialogue lest truth become a handmaiden of politics, and we become theological horse-traders. Many thinkers have compellingly challenged whether that kind of separation is at all possible for a religious person and argued for a distinction between dialogue and debate. (I took a somewhat different approach in my article for a Boston College symposium.) I have seen comparatively little about the question of how one avoids becoming a theological horse-trader when the goal is not direct shared action but rather shared public expression to encourage others to act. Your thoughts are very welcome.

Shabbat shalom!

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