

Taking Responsibility for Torah

Why Study Talmud?

A. Introduction

THERE ARE ANY NUMBER of sufficient rationales for observant Jews to intensively study the legal sections of Talmud in the 21st century. At the least, Talmud is a primary source of our practical Halakhah and the repository of a vast quantity of our moral literature. For those whose Talmudic orientation is provided by the “Brisker” tradition, especially those who understand that tradition through the lens of Rabbi Joseph B. Soloveitchik’s *Halakhic Man*, the legal discussions in the Talmud are also the raw material for our ongoing study of the abstractions that are our closest approach to the mind of God.

Each of these rationales focuses on the content rather than the process of Talmud. Talmudic sugyot are too often left unresolved for halakhic conclusions to be their purpose, and they rarely if ever employ conceptual analysis with all deliberate rigor.

This last point may not be self-evident, so I will cite one example to flesh it out. The Talmud often resolves apparent contradictions between texts by assigning them to different cases. But when doing so, the Talmud does not, as would be indicated by an interest in precise conceptualization, pick the cases that clearly illustrate principles. Rather, it picks cases that can clearly be distinguished, leaving an enormous gray area between them which can be explained equally well by a wide variety of abstract formulations.

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It seems reasonable to suggest that we should also find religious meaning in the process of Talmudic legal thinking, for two reasons: First, this enables us to enter the minds of our revered forebears, to think as they thought. This constitutes an act of *dveikut b'talmidei chakhamim*, which the Masoret sees as tantamount to *unio mystica*. Second, thinking as they thought may enable us to grasp the foundational principles of their worldview and approach to Torah. We can then use those principles to shape our character and our scholarship by their light.

What I wish to do in this article is to suggest two such foundational principles, which I shall term “the humility of reason” and “the vulnerability of authority”.

B. The Humility of Reason

Any Jewish epistemology must begin by explaining the necessity of Revelation. After all, our minds were created by God, so why should He not have made them capable of apprehending truth independently? The compelling Kantian argument that ethical obligations, since they are universally binding, must also be universally accessible and discoverable, makes the idea of a private Revelation to a particular ethnic group downright scandalous.

Should we come to terms with Revelation, a uniquely Jewish conundrum arises. Halakhic tradition declares that “The Torah is not in Heaven”, meaning that claims of direct Divine Revelation are inadmissible in Jewish legal discourse. This means that Revelation can only affect Jewish law through the medium of interpretation, i.e., through the use of human reason. But what ground do we have for supposing that reason is more capable of reliably deriving truth from God’s Word than from God’s World?

To avoid this problem, we might suggest that God provided us with the Oral Torah, a readymade guide to interpretation. But this suggestion can only remind us of the elderly woman who suggested to Bertrand Russell that the world was held up by an elephant. Challenged as to what held up the elephant, she responded that it stood on a tortoise. Challenged as to what held up the tortoise, she wagged her finger and said: “You can’t catch me out, Lord Russell! It’s tortoises all the way down”. In other words, no matter how many layers of interpretation God provides us with, the last will itself require interpretation, and the layers, however exquisitely detailed, are in the end only so many tortoises.

So reason must be insufficient, else revelation is unnecessary. But Judaism makes the content of revelation accessible only through reason. So we ask again, why is reason sufficient to interpret God's Word when it is insufficient to interpret His world?

My suggestion is that the Divine provision of a Revelation accessible only through Reason is designed to teach us that while we are, in the end, responsible for all our decisions, the recognition that all our conclusions are tentative is a key component in properly assuming that responsibility. The mere fact that God thought Revelation necessary teaches us the insufficiency of Reason. But Revelation embodied in text cannot absolve us of responsibility, as texts are incapable of defending themselves against the human capacity for projection.

So Talmudic thought involves the application of reason to the Revelation that demonstrates reason's insufficiency. It therefore ensures that reason remains humble, while at the same time ensuring that the claim of Revelation can never be a source of personal power.

When I introduced this idea to a class of non-Orthodox high school seniors recently, they protested that Orthodox rabbis often present their conclusions as absolutes. I responded by talking about how my kollel havruta and I often used to "warm up" for a full-scale *milhamtah shel Torah* (intellectual Torah battle) by making the strongest statements we could invent of our own correctness and the other's incorrectness, seeking to inspire ourselves to do battle for *emet* (truth), but learned in fine concord the moment our argument ceased being intellectually productive. The Talmud teaches us that *milhamtah shel Torah*, engaged in properly, leads to deepest friendship. I submit that this is because all our battles take place in the constant consciousness of "*eilu v'eilu divrei Elokim hayyim*" (these and those are the living words of God), that we must fight for our own perception of truth but never see triumph as proof. I hope that our *batei midrash* (houses of Torah study) live up to this principle, and encourage students to be suspicious of any Torah source that does not.

C. The Vulnerability of Authority

My Advanced Talmud for Beginners class begins by introducing participants to the four layers of Talmudic text—Biblical, Tannaitic, Amoraic, and Stam. I carefully explain that Tannaim cannot argue with the Bible, and that Amoraim cannot argue with Tannaim. Then I ask: If a Tannaitic statement apparently conflicts with a Biblical verse, what happens? The

participants invariably reply confidently that the Tannaitic statement must be rejected, and are stunned when I tell them this is wrong.

Yeshiva students know better, of course. We assume (although their colleagues did not always assume) that every Tanna knew all of Tanakh by heart, and would never consciously argue with Tanakh, and therefore any contradiction is evidence not that the Tanna is incorrect, but that we are failing to understand how he understood the verse in question. Similarly, a contradiction between an Amora and a Tannaitic text leads most often to a reinterpretation of the latter.

The result of this process is that Amoraic statements in the Talmud often have only one meaning, which often seems to be pretty much what the words say. Tannaitic texts, by contrast, are often limited to esoteric cases, emended radically, or otherwise creatively interpreted, and Biblical texts generate so many interpretations that six-digit metaphors (e.g., 600,000 facets) are needed to describe the phenomenon of Rabbinic reading.

The broad principle illustrated here is that the more power and authority a text gains, the more likely its meaning is to change or fracture over time. This principle seems to me intuitive, as the following example demonstrates. Imagine two rules made in a school: The first, promulgated by a random secretary with delusions of grandeur, declares that all albino students under four feet tall must henceforth wear green sneakers each February 29th. The second, promulgated by the principal, requires all students to wear green sneakers each day. It seems to me that the first rule would likely be left intact intellectually, as it would apply almost never and to no one and could be safely ignored in the rare cases that it applied. The second rule, however, would rapidly generate very broad and/or creative definitions of “green” and “sneaker”, and, conversely, creative narrow interpretations of “student”.

Properly understood, Talmudic reasoning thus leads to a deep awareness that attaining and maintaining the power to constrain the choices of others leads inexorably to profound constraint on one’s own choices. It also leads to the recognition that Jewish practice is never and can never be determined entirely by text, but rather by the ongoing negotiation between texts and the practical needs and moral convictions of the community that genuinely accepts their authority.¹

Recognizing the vulnerability of authority to reinterpretation also helps us steer clear of the mirages of charisma-based leadership and personality cults. If heteronomous commands are always mediated by the commanded’s parameters of practicality and plausibility, then the content of charismatic

authority is always granted by the commanded, and Nuremberg defenses are as illegitimate in religion as in politics.

D. Conclusion

The two principles we have distilled out of the Talmudic thought process, the humility of reason, and the vulnerability of authority, converge on the idea that each Jew and each Jewish community must take individual responsibility for Torah, that Torah is what Jews make of it in this world.

Why intensively study the legal sections of Talmud? Not because doing so is a guarantee of achieving Truth, or even of achieving good character; the Talmud itself records often that Torah study can lead to both personal salvation and personal destruction. But true internalization of Talmudic method can lead to scholarship simultaneously anchored in the past and alive to the present, and to leadership capable of “courage in the right, as God gives us to see the right”² without suppressing dissent. May we be blessed with such leaders.

NOTES

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1. It is necessary to stress that this negotiation does not take the form of a conscious effort to balance conflicting interests. Rather, dedicated talmidei chakhamim (rabbinic scholars) enter into the task of interpretation with an almost total commitment to both the text and the community, and thus with a sincere belief that the two are almost always reconcilable. They therefore legitimately and with integrity see readings that reconcile the two as compelling even when they might out of context seem forced.
2. From Abraham Lincoln's Second Inaugural Address.