**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**STUDENT SUMMARIES OF SICHOT OF THE ROSHEI YESHIVA**

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## PARASHAT CHUKAT

## SICHA OF HARAV YEHUDA AMITAL *ZT”L*

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This week's shiurim are dedicated by Matt Tambor
in memory of Abraham Tambor z"l
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**"The Torah Was Given to Man"**

Translated by Kaeren Fish

"When Moshe ascended to the heavens [from Mount Sinai], he heard the voice of the Holy One, blessed be He, discussing the subject of the red heifer, and saying: 'Eliezer, My son, says [i.e., Rabbi Eliezer, in the first mishna in *Massekhet* *Para*]: 'To qualify as a *para* [*aduma*] it can be no more than two years old; as an *egla* [for an *egla* *arufa*] – no more than one year'.

Moshe said to God: 'Master of the universe, the upper and lower worlds all belong to You, and yet You declare a halakha in the name of a mortal?!'

God replied, 'Moshe, a certain *tzaddik* is destined to arise in the world, and he is destined to begin [his teachings] with the matter of the red heifer: Rabbi Eliezer says, *Para* means two years old … etc.'

Moshe said, 'Master of the world, may it be Your will that he be one of my descendants.'

God replied, 'By your life, he will be of your progeny.' This is as it is written, 'And the name of the one was Eliezer' (*Shemot* 18:4) – the name of that special individual was Eliezer.'" (*Yalkut* *Shimoni*, *Yitro*, 268)

It seems that what surprises Moshe is not only that God utters a halakha in the name of a human authority, but rather that He does so specifically in the matter of the red heifer: this is a commandment that is defined as a *chok*, a Divine decree that makes no sense to human understanding. How, then, does God declare a halakha – specifically in this realm – in the name of Rabbi Eliezer? God's reply is that the Torah is given to man, and man is entrusted with the development of Halakha in all areas – including those whose very essence we do not understand.

This idea is expanded upon in the introduction to *Ketzot ha-Choshen*:

"The Torah was not given to the ministering angels. It was given to man, with his human intellect, and the Holy One, blessed be He, gave us the Torah, in His great mercy and kindness, in accordance with the ruling of the human intellect, even though it is not Truth in terms of the superior intelligence…"

The *Ketzot ha-Choshen* explains that man must make rulings and arrive at practical laws of the Torah in accordance with his human intellect, even if what his intellect arrives at does not conform with the absolute, objective Truth.

The *Ketzot ha-Choshen* goes on to quote the *Derashot ha-Ran* on this subject. The Gemara (*Bava Metzi'a* 86a) recounts that God and His "heavenly academy" were divided concerning one of the laws of *tzara'at*, and decided to ask Rava bar Nachmani, who was an expert in the different types of lesions and the laws relevant in each case. The Ran (*Derasha* 7) raises the obvious question: if God declares a certain lesion pure (i.e., it does not render the person a *metzora*), then how could anyone disagree? The Ran then explains that God sees the absolute objective Truth, but what establishes Halakha is human intellect, and therefore Rava was consulted for his opinion.

This explains how Rabbi Eliezer was able to arrive at a ruling with regard to the red heifer even though the mitzva makes no sense in terms of our human understanding. Rabbi Eliezer, with his immense intellectual power, was able to rule in these matters – and those rulings are binding, with no need for us to delve into the question of whether or not his rulings represent the objective Truth.

This principle is of great importance in the realm of halakhic decision-making, as reflected in the well-known story of the oven of Akhnai:

"It was taught there in a mishna: If one dismantles [an oven] into pieces, and then cements the pieces with sand – Rabbi Eliezer declares [the oven] pure, while the Sages declare it impure; this is called the oven of Akhnai. What is [the meaning of] 'Akhnai'? Rav Yehuda said in the name of Shemuel, 'The Sages encircled it with their arguments as a snake (*akhna*) [winds itself around its prey], and declared it impure.'

It was taught: On that day Rabbi Eliezer brought every conceivable argument, but the Sages did not accept his reasoning. He said to them: 'If the halakha is as I maintain, let this carob tree prove it!' At this, the carob tree was uprooted 100 cubits from its place; others say – 400 cubits. They told him: 'One cannot bring proof from a carob tree!'

He replied: 'If the halakha is as I maintain – let the aqueduct prove it!' At this, the aqueduct began flowing backwards. They told him: 'One cannot bring proof from an aqueduct.'

He replied to them: 'If the halakha is as I maintain – let the walls of the beit midrash prove it!' The walls bent as though about to collapse, whereupon Rabbi Yehoshua scolded them. He said: 'The Sages are engaged in a halakhic dispute; what business is it of yours?!' And so the walls did not collapse – out of respect for Rabbi Yehoshua, but they did not straighten themselves, out of respect for Rabbi Eliezer; they remained thus inclined.

Rabbi Eliezer tried once more: 'If the halakha is as I maintain, let the Heavens prove it!' At this, a heavenly voice emerged and said: 'Why do you argue with Rabbi Eliezer, since the Halakha follows his opinion in all matters!' Rabbi Yehoshua stood up and said: 'It is not in Heaven' (*Devarim* 30:12).

What is the meaning of the statement, 'It is not in Heaven'? Rabbi Yirmiyah said: 'The Torah has already been given at Sinai, and therefore we do not pay attention to a Heavenly voice, because You have already written in the Torah at Mount Sinai: "Incline after the majority" (*Shemot* 23:2).'

Rabbi Natan once met Eliyahu [the prophet] and asked him: 'What did the Holy One, blessed be He, do at that moment?' He replied: 'He laughed and said: My children have defeated Me; My children have defeated Me!" (*Bava* *Metzi'a* 59a-b)

It is somewhat symbolic that the subject of the disagreement between Rabbi Eliezer and the other Sages is specifically an oven whose pieces are cemented together with sand. This oven looks, to human eyes, like a complete, whole vessel, and therefore the Sages rule that if impure food is placed inside it, the oven is rendered impure. Rabbi Eliezer, on the other hand, with his understanding of the upper worlds as well as our reality, maintains that in God's eyes such a vessel is not considered whole; the criterion for wholeness is a higher principle or ideal, and only something that is originally and essentially whole is judged as such, and thus as able to contract ritual impurity. The story therefore comes to teach us that halakhic rulings are to be made on the basis of our human sight, not in accordance with the way in which they are viewed in God's eyes. When Rabbi Eliezer's uniquely profound and all-encompassing view contradicts the evidence of human eyes, it is not to be followed.

The principle of "It is not in the heavens" applies not only to our attitude towards heavenly voices, but to halakhic decision-making in general. And it speaks not only to the intellectual process, but also to the psychological approach towards it. The Chazon Ish writes in one of his letters that when a weeping *agunah* – a "chained woman" unable to obtain a divorce from her husband – appears before the *dayanim*, they must not remove her from the court in order that their judgment will not be influenced by her weeping; on the contrary, they should weep along with her, and address her problem in light of that pain. There is no need for a *dayan* to sever himself from reality and seek the objective Truth. His ruling must be influenced by reality and by his subjective attitude towards it.

This is relevant to us as Torah scholars. Rabbi Yechezkel Sarna *zt"l*, the Rosh Yeshiva of Yeshivat Hevron, once told me: "The *tzaddikim* are destroying my yeshiva!" He explained that he was referring to those students who, out of a sense of humility in the face of the *Acharonim* – the great rabbis of previous generations – were afraid to disagree with their interpretations and to explain the Gemara in a different way. The tremendous intellect and knowledge of the sages of all generations, and their unquestioned authority in halakhic decision-making, must not deter us from questioning and even disagreeing with them. The fact that a certain conclusion makes sense to one person – as great as he may be – does not permit us to accept it unthinkingly. Every person has an obligation to study Torah using his own intellect, and to argue and question until it makes sense to him.

Another ramification of this principle is the understanding that the Torah is rational and intelligible to the human mind, not something mystical and far removed from our understanding. The Rambam (*Moreh Nevukhim* III:31) is sharply critical of those who "have trouble with [the idea of] explaining the reason for any particular mitzva, and prefer the view that one must not try to understand a command or a prohibition at all." He argues that this approach arises from a perception which he calls "a disease of their minds," according to which if we are able to understand the benefit of a certain mitzva, then it becomes something human in our eyes; we will find it difficult to relate to it as a command from God. This view leads to an interesting proposition:

"Only something which cannot be understood at all, and has no apparent benefit, can without question be viewed as emanating from God, since human understanding would not produce such an idea."

The Rambam believes that this view expresses scorn for the *mitzvot* and for God, because of its implied conclusion:

"[That] it is man who says and does things for a certain purpose, while God does not – He commands us to do things that have no benefit, and prohibits us from doing things that do no harm."

The Rambam goes on to address the verse, "… When they hear all these statutes (*chukim*) they shall say, 'Surely this great nation is a wise and undestanding people'" (*Devarim* 4:6):

"For it has already been stated that these statutes all indicate to the nations that they are wise and insightful. If there was a command whose reason could not be known, and which brought no benefit nor did it avoid harm, why would someone who propounded it or acted accordingly be said to be wise and insightful and of great statute, and why would this be held in wonder by the nations?"

The Rambam notes that the verse here refers specifically to the statutes (*chukim*), and hence we deduce that even the *chukim* have a logic and a reason which we must endeavor to find, until they too become laws that inpsire admiration. The Torah was given to us as mortals, and we must view it with mortal eyes and find the benefit in it that is understandable to us as human beings.