YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**TORAH STUDY**

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**Shiur #23: Studying and Ruling on Theoretical Scenarios**

What value does the study of theoretical subjects hold? This classic question gets to the root of *talmud Torah*. If its purposeis to derive practical halakhic guidance, we would eschew purely theoretical study; on the other hand, the more that we emphasize the inherent significance of *talmud Torah*, the more likely we are to be receptive to the value of non-practical inquiries. Moreover, we may distinguish between studying and ruling: whereas the former might be valuable no matter the subject matter, *pesak halakha* might be reserved for pragmatic matters.

A number of Talmudic passages touch on this issue. First, let us consider the *mishna* and *gemara* on *Bava Batra* 23b.

Mishna: A young pigeon which is found on the ground within fifty cubits from a cote belongs to the owner of the cote; if it is found beyond fifty cubits from the cote, it belongs to the finder.

Gemara: …Rabbi Yirmeya raised the question: If one foot is within fifty cubits and the other beyond. how do we decide?

It was for this that they turned Rabbi Yirmeya out of the study hall.

At least according to Rashi, the rabbis expel Rabbi Yirmeya from the *beit midrash* for posing a question regarding a highly improbable halakhic scenario. This implies that theoretical study is to be eschewed.

On the other hand, elsewhere the Talmud seems to find inherent value in studying abstruse areas of study that are not applicable in the modern day. Two parallel *sugyot* in *Zevachim* and *Sanhedrin* indicate that there is value in studying theoretical matters, even though there is no room for issuing halakhic rulings regarding such impractical matters.

The former appears in *Zevachim* 44b-45a, after a discussion of the laws of improper thoughts by a priest as he brings an offering.

Rav Nachman cited Rabba bar Avuha in Rav's name: The ruling follows Rabbi Elazar's ruling in the name of Rabbi Yosei.

Rava objected: A ruling for the Messiah?

Abbayei retorted: If so, we should not study the whole of Tractate *Zevachim*! Yet we say, study and receive reward; so in this case too, study and receive reward.

[He replied:] This is what I mean: Why a ruling?

The latter appears in *Sanhedrin* 51b, after discussing the laws of capital punishment for adultery.

Rav Nachman cited Rabba bar Avuha in Rav's name: The ruling follows the message sent by Ravin in the name of Rabbi Yosei son of Rabbi Chanina.

Rav Yosef objected: A ruling for the Messiah?

Abbayei retorted: If so, we should not study the whole of Tractate *Zevachim*! Yet we say, study and receive reward; so in this case too, study and receive reward.

[He replied:] This is what I mean: Why a ruling?

Both of these sources indicate that we have no need for “a ruling for the Messiah,” i.e. a final decision on laws which will not be applicable again until the Messianic Era, such as those of the Temple or the Sanhedrin. Still, the debate itself is worthwhile: “study and receive reward.”

Nevertheless, Tosafot point to a number of instances in which the Gemara does seem to issue halakhic rulings for the Messianic Era. For instance, in *Yoma* (12b-13a), Rabba bar Bar Chana cites Rabbi Yochanan’s ruling, in accordance with the position of Rabbi Yosei, that a substitute High Priest who is appointed to perform the Yom Kippur service must never be restored to this position. Similarly, in *Kiddushin* (72b), Rav Yehuda cites Shemuel’s ruling, in accordance with the position of Rabbi Yosei, that *mamzerim* will ultimately be purified (i.e., permitted to reintegrate with the Jewish community). How are we to square these rulings with the conclusion of the Gemara in *Sanhedrin* and *Zevachim*?

Tosafot offer three resolutions, the first two of which appear in their commentaries to *Sanhedrin* and *Zevachim* (s.v. *Hilkheta*), and the final of which appears in *Yoma* (s.v. *Halakha*). Tosafot’s first suggestion is that each seemingly theoretical ruling in the Gemara is in fact a practical one. For example, as an extension of Rabbi Yosei’s ruling regarding the High Priest, we do not reappoint a temporary community leader to the same post on a permanent basis. Similarly, since those whose *mamzer* status is in doubt will eventually be reintegrated into the Jewish community, we do not distance such individuals even in today’s pre-Messianic times. According to this interpretation, the Gemara remains committed to its principle that *pesak halakha* is limited to practical matters.

Tosafot’s second solution, cited in the name of Rabbeinu Chayim, limits the scope of the Gemara, explaining that we avoid issuing halakhic rulings for the Messianic Era only concerning prohibitions(as opposed to positive obligations). What is the logic for this position? Tosafot in *Yoma* offer a technical explanation for this distinction, arguing that such a scenario is entirely uncommon, and therefore does not merit a practical ruling. Tosafot Yeshanim (*Yoma,* ibid*.*), however, account differently for this limitation: because humanity will be perfected at the end of days, there is no need to issue halakhic rulings regarding prohibitions.

Tosafot’s third explanation — adopted by Ritva (*Yoma*, ibid.) and *Chafetz Chayim* (Introduction to *Likutei Halakhot*) — is a radically different resolution. According to this interpretation, we must distinguish between the anonymous editorial voice of the Gemara (often termed the “*Stam*”) and the views of such specific sages as Rav Yosef who raise the objection of “A ruling for the Messiah?” In other words, there is a dispute regarding our question, and the decisive view maintains that we **do** issue such rulings.

Rambam follows the position that we do not issue halakhicrulings in regard to theoretical matters. He reiterates this position on numerous occasions over the course of his writings (for instance, *Commentary to the Mishna* to *Sota* 3:5, *Sanhedrin* 10:3, *Shavuot* 1:4).[[1]](#footnote-1) Similar sentiments are formulated by Rav Chayim David Azulai (*Responsa Chayim Sha’al* 98), Rashash (to *Shabbat* 63a) and Rav Shelomo Algazi (*Gufei Halakhot*, *Alef* 35).[[2]](#footnote-2)

This dispute concerns the very nature of *pesak halakha*. In Rambam’s view, the purpose of *pesak* is merely to determine the best course of action; it is not intended to determine the “halakhic truth.” The final view of Tosafot, by contrast, appears to maintain that halakhic rulings not only provide practical guidance but are also part of the search for the halakhic truth. In the spirit of “study and receive reward,” forming not just the tapestry of opinions but also the decisive one is an inherent part of the learning process. Thus, there is value in determining the *halakha* concerning even matters that are purely theoretical in nature.

A classic passage in *Sanhedrin* (71a) also bears on our subject.

It has been taught: There never has been a stubborn and rebellious son, and never will be. Why then was the law written? That you may study it and receive reward… Rabbi Yonatan said: 'I saw him and sat on his grave…

It has been taught: There never was a condemned city, and never will be. Why then was the law written? That you may study it and receive reward… Rabbi Yonatan said: I saw it and sat upon its ruins.

It has been taught: There never was a leprous house, and never will be. Then why was its law written? That you may study it and receive reward… It has been taught: Rabbi Eliezer son of Rabbi Tzadok said: There was a place within a Sabbath's walk of Gaza, which was called the leprous ruins. Rabbi Shimon of Kefar Ako said: I once went to Galilee and saw a place which was marked off, and I was told that leprous stones were thrown there!

The Gemara cites two views concerning the practical feasibility of an apostate city, a house afflicted with *tzara’at* and *ben sorer u-moreh* (the rebellious child). Although the Gemara cites alternative views in each case that these extreme situations came to pass, the dominant view is that these are purely theoretical categories, written for the purpose of studying them and receiving reward. Here, as in *Sanhedrin* and *Zevachim*, the Gemara seems to make it clear that setting aside the question of *pesak*, there is value in study that is purely theoretical in nature. Still, the precise meaning of this theoretical study is open to question. In the words of R. Avraham Chayim Schor (*Torat Chayim, Sanhedrin*, s.v. *Ve-lama*), “It is bewildering. Since the purpose of study is that which leads to action, what purpose is there in studying a subject that involves no action?”

Numerous solutions have been advanced. *Sefer Chasidim* (cited in *Margaliyot Ha-yam*, 71a, 12) explains that it is implausible that this individual will not derive some practical knowledge from this study. *Ben Yehoyada* (ibid.) explains that the student will take the lessons of the *ben sorer u-moreh* to heart and will avoid sins such as gluttony. Rav Avraham Chayim Schor (ibid.) appears to follow the *deveikut* model of *talmud Torah*, explaining that while there may be no practical application of this law, one gains greater insight into the nature of God and thereby clings to Him.

Rav Soloveitchik, in his masterpiece *Halakhic Man* (pp. 23-24), connects this *gemara* to his larger theory of Halakha:

And when many halakhic concepts do not correspond with the phenomena of the real world, halakhic man is not at all distressed. His deepest desire is not the realization of the Halakhah but rather the ideal construction which was given to him from Sinai, and this ideal construction exists forever. “There never was an idolatrous city and never will be. For what purpose, then, was its law written? Expound it and receive a reward…” The foundation of foundations and the pillar of halakhic thought is not the practical ruling but the determination of the theoretical Halakhah.

In sum, while the commentaries debate the reasoning, the evidence strongly supports the contention that theoretical study is of value. The value of *pesak* in theoretical matters, however, is far more ambiguous, and it may hinge on the nature of the process of issuing halakhic rulings.

1. See R. Natan Slifkin, “‘They Could Say It, We Cannot’: Defining the Charge of Heresy,” *Hakirah* 9, pp. 119-137, esp. pp. 128-129; available at <http://www.hakirah.org/Vol%209%20Slifkin.pdf>. [↑](#footnote-ref-1)
2. We are not dealing here with the question of halakhic rulings in regard to matters of *aggada*, which is a separate subject. [↑](#footnote-ref-2)