

RABBI NORMAN LAMM - DISCUSSES HALACHA, ISRAEL, AND SCIENCE

Int: I will ask you questions in three phases of Jewish history-questions referring to the past, the present, and the future. The question vis-a-vis the past is the following: Exactly what do we mean when we say Torah She'be'al Peh, and how much of it really comes from Mount Sinai?

Rabbi Lamm: ~~I think that~~ Our usual answer, which I believe is completely valid, is that "Torah She'be'al Peh" includes the entire body of Jewish traditions, excluding Scripture, Customs, and "Gezerot" and "Takkanot"; which means - all essential law that we attribute as "Halakhah le'Mosheh Mi-Sinai", plus the authoritative interpretation of the Written Torah. How far back does it go? Well, Once upon a time - say thirty, forty, fifty years ago, or even less than that -- we who maintained that the Oral Law can be traced back to Sinai sounded dogmatic and doctrinaire, and ^{very} much out of touch with the world. However, now we have come to understand that in any community with a long history, oral law always precedes ~~the~~ written law. A written constitution is never created de novo by people sitting down and writing a social contract. A constitution -- a written law -- always issues from a context -- a cultural context -- in which certain procedures and guidelines for social behavior are understood as part of the conventional mores and accepted ideals of the community before

they are put down in writing; the constitution comes only afterward. So, if anything, the "Torah She'be'al Peh" is older than the "Torah She'bi'ktav."

Int. Would that mean, therefore, that the Mishnah and the Gemara originate directly from Mount Sinai?

Rabbi Lamm: Yes, ^{but} not word for word by any means...

Int. As part of a tradition that was transmitted at Sinai to the people?

Rabbi Lamm: Yes, by all means. In other words, when the Gemara says that something is "'Halakhah le'Moshesh Mi'Sinai," when it means it literally - and I'm making this exception, ^{and} in a moment I'll explain why - then as far as I'm concerned it goes back to Mosheh Rabbenu and possibly even earlier. It is just that Moses, at Sinai, was given the authority of Revelation, but it may have been a custom of the people or a law from even earlier times. When I make exceptions as to "Halakhah Le'Mosheh Mi'Sinai", I mean that sometimes when the Gemara says "Halakhah," it merely means an old law, as the Rash indicates in "Mikvaot." Sometimes, "Halakhah" means an accepted, ancient custom -- "minhag medinah" -- as is pointed out in Kiddushin 38^b, and in Tosafot, Kiddushin 9a. However, where we know that it doesn't mean these, then I feel certain that "Torah She'be'al Peh" is at least as old as "Torah She'bi'ktav."

Int. It appears, then, that we have historically caught the Tanaim and Amoraim in a period when they edited this body of laws, i.e., Torah She'be'al Peh, and that this is really their only accomplishment since they were fortunate enough to live in this period of Jewish history. Now, what is their exact accomplishment, and would we say that they are truly divinely inspired -- more so than, say, the Rishonim and Acharonim -- because if so, it seems that we have an infinite regression as we move further away from Sinai in terms of spirituality and authority. Where is this all to end?

R. Lamm: Well, it appears to me, and I'm speaking only tentatively and provisionally, that we have to answer this question by differentiating between 1) Halachic authority; and 2) spiritual competence as separate and distinct from Halachic authority. When it comes to Halachic authority, the whole structure of Talmudic Judaism is based upon the fact that those who are closest to the time of Revelation, those who are closest to the origin of the chain of tradition of the Oral law, are accepted as more authoritative. If the Genara decides a question then it cannot be reopened by one of the Rishonim. If all the Rishonim decide a question, it cannot be reopened by one of the Acharonim. In other words, insofar as authority is concerned, once a decision was made and accepted

by all of the House of Israel, then that in itself becomes Halacha. Unless we do that, there is no such thing as Halacha because all questions are perpetually open. In fact, one of the great achievements in the times of Hillel and Sham^mai was that they decided Halacha, otherwise, Israel would have been split into Shammaites and Hillelites and God knows how many other "ites." There never would have been any uniform practice. So that as you go down you find that Halachic authority became more restrictive and, therefore, since the days of the Rishonim, a different kind of Halachic authority has begun to assert itself, one which respects all unanimous decisions of the past but allows considerable freedom in applying Halacha to new problems as they arise, and even questioning prior authority, provided that it is not unanimous and provided that it doesn't upset the authority of the Genara. What I mean, for instance, is that the Gaon of Vilna will occasionally question a decision of the Shulchan Aruch. The whole school of Gaon did not accept the Shulchan Aruch as finally and irrevocably authoritative, although it did accord it a great deal of authority in Halacha.

Int. Because of their proximity - I'm speaking now of the Tanaim and Amoraim - to Sinai, do we really say that they are more spiritually endowed?

R. Lamm: Well, that's the second part. So we're finished with Halachic authority. I think this structure is necessary for the validity of our whole legal system as Halacha. Now comes the question of spiritual competence. Here, there are two "shitot" - two attitudes - that developed in our ranks. One of them, which is more or less accepted even though not explicated or articulated, is one that was expressed by R. Hayyim of Vulozhin, who, as a student of the Gaon, no doubt expressed what we would call today Classical Rabbinism or ~~maybe~~ the whole Mitnagdic school which influences our modern Yeshivot. What R. Hayyim said was that following Halachic authority, similarly, there was a spiritual restriction. In his "Nefesh ~~La~~ Hayyim," R. Hayyim shows how Revelation before Moses was such that individual people such as Abraham, Isaac, and Jacob had a great latitude in their spiritual lives which spilled over into their Halachic dimensions. Jacob, for instance, was allowed to marry two sisters even though the Patriarchs were bound by the Halacha which was later to be given concerning incestuous relationships and other halachot. Then, in Moses' case, it was restricted, of course, only to the Torah. As you go down, the Prophets were not permitted to innovate any laws, and so on in ~~in progression~~, until you come to the end of the period of the Rishonim in which case the ~~diminution~~ of Halachic authority is reflected in a ~~diminution~~.

of spiritual competence. However, at the same time you find another attitude, namely, that personal revelation, specifically not in the legal Halachic sense, but in an experiential sense, is not necessarily completely diminished. It is true that the Talmud (in Shabbat 112) maintains that if the earlier generations were like angels, we are like humans, but that if they were only human, then we are like donkeys; that is, that there has been a steady spiritual ^{shrinking} ~~diminution~~. I think there's no question that this is true, that to the largest extent individual spiritual personalities are much rarer to come by today; witness the whole ^{"absence of God"} ~~God is Dead~~ Theology which reflects our contemporary inability to have a deep religious experience. It's a rare thing today, and I think ^{that} to question it on the basis of taking up the cudgels on behalf of contemporary man is to posture and to make ~~a~~ vain gestures. The fact is that in our modern, scientific, technological age spiritual personalities are smaller and ^{fewer} ~~rarer~~. Nevertheless, there is an entire literature which shows a continuation of spirituality and individual mystical revelations. You will find this especially in some medieval writings, such as, "Teshuvot min Hashamayim" (see the introduction by R. Reuben Margolies), and even more so in the Kabbala which sees not a diminution but a growth, reaching its apex in Lurianic Kabbala. More so will you find this ⁱⁿ Chassidism where individual revelations and spiritual

adventures increase suddenly in the beginning of the Chassidic ^{later on too, even into this century, you find people endowed with rich mystical graces.} period. Moreover, you even find a man who is the highest representative of Mignagdic and Classical Rabbinic Judaism who also maintains that "Ruach ha-Kudesh" is possible today - the "Chazon Ish" who says that it is possible, ^{that it} and issues only from a person immersed in Talmudic life, and that as a result of "Talmud Torah", man today can achieve "Ruach ha-Kudesh."

Int. Well, essentially then, on an individual, experiential basis we can be on par, at least, with the sages of former times, but as far as Halacha goes they were 'the' Rabbis as a result of their closer proximity to Revelation at Sinai.

R. Lamm: With two modifications. One, it is not purely a chronological matter, a matter of the validity of the tradition because of the proximity to Sinai but simply as a matter of deciding law, for law must be uniform. For a community to continue in any pattern, in this case a sacred pattern, there have to be decisions. Hence, whoever comes earlier makes ^{the major} decisions; you cannot reopen all questions. It's not a search for abstract truth where all questions remain open, but rather, it is a matter of practice and, therefore, once they set it, it's set; to wit, the famous Gemara ^{concerning} of a Tanna who was in the minority and called upon a "bat kol" to testify in his behalf; the "bat kol" did so, yet the Rabbis disregarded it. What they

meant to tell us is that there are certain procedural matters that have to be taken into account when you are dealing with law for the community; and Halacha is law for the community - sacred law. Therefore, it's not a matter only of proximity to the moment of revelation that makes it more valid or a more accurate rendition of the tradition, but also that whoever comes earlier has the power to determine certain questions. Now, the second part, to say that we can reach the level of Tanaim and Amoraim, theoretically-yes; practically, I would doubt it very much. And again I'm back to what I said. In principle, I don't think that we ought to say that it's impossible to reach the spiritual level of the past. Practically, we have seen that in our age it becomes more and more difficult and this in fact is the real crisis of our age - the crisis of spirituality.

Int. Allow me to shift ^{a compelling} to an ~~impelling~~, present issue, that is, the State of Israel. As a Rabbi, perhaps not even as a rabbi but as just a Jew, a person who prays daily for God's return to Jerusalem and Zion, how can you rationalize the fact that you are now consciously staying in Galut rather than going on Aliyah to Israel?

R. Lamm: Well, I'm not going to rationalize it, but point out several things. First, despite the fact that Israel is a state

today, an independent country, nevertheless, the theoretical problem that confronts me, and you, existed a long time ago too. After all, you and I are not the first ones to pray for the redemption of Zion and the rebuilding of Jerusalem; there were others who could have gone in the past as well, but who didn't. Apparently, the mitzvah of "Yishuv Eretz Yisrael" is a very great, very great mitzvah, but not something that you violate every moment that you don't go, such as other mitzvot, where if you don't do it, it is a "bittulaseh". Here it is a "bittulaseh", but I don't think you'd say that every minute is. Again, without trying to excuse our own behavior, I would say that "ein hachi nami," to a large extent the question is a right one; it is a challenge. I live in a dilemma and I will not try to solve the dilemma by denying it, but then again, we live in many levels of dilemma and paradox. If we just let it go at that, then it's inexcusable, because it means we've accepted a hypocritical stance. I don't let it go at that; frankly I've thought of going to Israel. I think practically *that* it's as difficult for me as it once was for our medieval ancestors to go to Eretz Israel because of economic reasons and because of professional reasons. Unfortunately, there is little place for a rabbi in Israel today, and I'm not trained to do much else except give interviews. The answer would be that while I am here, until I do go - I hope someday "b'ezrat Hashem"

to go, sooner or later - is to make every effort to strengthen my own bonds with Israel and to try to get my own children to go. My feeling is that we who are committed Jews - if we can't go ourselves - then we should make an effort that at least one child in every family ought to be an "Oleh" to the Holy Land.

Int. Passing on to the final phase of our questioning pertaining to the future, I would like to ask this. I believe you made statements in reference to the following: if we were to find in future times life in outer space, or if we were to create life in test tubes, our sense of awe and amazement at God's world would just be heightened. But if we assert this, are we not, in a sense, daring science to lay claim to anything feeling that in retrospect we can answer anything?

R. Lamm: Well, you're simplifying a position I took in a rather lengthy article in Tradition in which I went into this matter in considerable detail. I would say ^{to be brief:} on the one hand - yes, that the discoveries of science are an unending source of wonder; this is the attitude of King David too - "How great are Thy works, O Lord." When we behold the wonders of science we should be as grateful and as worshipful of the Creator of the world as we are when we react primitively in an aesthetic sense to a beautiful landscape or any ^{awe-inspiring} beautiful, natural scene. The intellectual as well as the aesthetic is a source of won-

derment and therefore worship and gratitude. But ^{now} when you say that this position can be challenged because it means that we say to science "whatever position you come up with, in retrospect, we accept," well, ^{that is} to an extent it's true, but don't forget that by "science" I don't mean what every half-baked scientist who has a good public relations man with contacts in the New York Times is going to say today and withdraw tomorrow. What is really permanently part of the scientific knowledge of man, insofar as any scientific dictum is permanent, certainly is something for us to consider even in retrospect. For instance, today we are inclined to believe that the Seven Days of Creation were not days, but very lengthy periods. Why not? Who says that the interpretation of Genesis has to be as strictly ^a literal one as ^{is that of} the child in the first grade? ^{learned} it? Rav Kook points out that the Rabbis of the Talmudic tradition, in the Mishnah, considered the whole first part of Genesis as "sod" or "sitrei Torah," as esoteric or mystic doctrine; there is something mysterious about it. Now, if we're going to maintain that the literal "peshot" is the true meaning, then what secret is there left? My little seven year old knows it as well as I do. Apparently, the Rabbis understood that the objective claims of "Bereshit" are not to be taken in their full literal signification. ^{While, therefore, I do not deny that there are some}

^{objective claims in our "sod" which, I would endeavor, in formulating this "sod", to keep such claims to an absolute minimum.}

Int. What prompted this question really is more the issue of

man-created life in a test tube. Life in outer space, on the surface of it, doesn't seem to cast too strong a doubt on religion but I know I've been taught that only God can create life. Consequently, if man were to do so, could this not be a theological question?

R. Lamm: No, God created the world; He also made mountains, Nevertheless, man has ^{created} man-made mountains today. Don't you have the same problem? The answer is that God created man, as our tradition maintains, as a partner in "Moaseh Bereshit." Therefore this partnership implies the full potentiality of man's technological genius including the creation of living material. The scientists who will produce, if it has not already been done, the first complete organic chemical which will have the capacity to reproduce itself and interact with its environment, which is what we mean by a living cell, usually, ^{will not have} a person of this sort ^{done} does not do it casually, thoughtlessly, or absent-mindedly. He has to marshal a tremendous amount of intellectual resources. Doesn't this indicate to you that for the first molecule to have been formed at the very beginning of creation, there was required an infinitely great intellect - to wit, God?