

Torah Talk – מאמרי תורה



The Parasha Post of Milton Gottesman Jewish Day School of the Nation's Capital

Parashat Emor
May 5, 2018

פרשת אמור
כ' באייר תשע"ח

Torah Reading: *Vayikra* (Leviticus) 21:1-24:23

In this *parasha*, Hashem gives Moshe a series of laws specific to the *cohanim* (priests); Hashem then instructs Moshe to tell the people about the festivals, in addition to the laws of blasphemy and murder.

Maimonides (12th Century Spain/Egypt), in his introduction to his *Mishneh Torah*, a code of Jewish law, writes about different kinds of laws that one finds in the Talmud. One of the categories he identifies is laws whose meaning is not clear from the text, but which have generated no *machloket* (debate). Two of these laws appear in this *parasha*.

The first appears in chapter 23, verse 40: “ וּלְקַחְתֶּם לָכֶם בַּיּוֹם הָרִאשׁוֹן, פְּרִי עֵץ הָדָר, פְּרִי עֵץ הָדָר – כַּפֹּת תִּמְרִים, וְעֵנַף עֵץ-עֵבֶת, וְעֵרְבֵי-נָחַל; וּשְׂמַחְתֶּם, לִפְנֵי ה' אֱלֹהֵיכֶם--שִׁבְעַת יָמִים. – You shall take for yourselves on the first day [of Sukkot] a fruit of a beautiful tree, branches of palm trees, boughs of thick trees, and willows of the brook, and you shall rejoice before Hashem your God seven days.” This verse refers to the four species – *etrog* (citron), *lulav* (palm), *hadasim* (myrtles), and *aravot* (willow branches) – that we use as part of our celebration of Sukkot. Identifying these actual species from the descriptions of the plants in the verse represents a leap, yet there is not one dissenting opinion throughout Jewish legal history on identifying the items we should “take for [our]selves.”

The second example appears in chapter 24, verse 20: “ שֹׁבֵר, תַּחַת שֹׁבֵר, עֵין תַּחַת עֵין, – שֹׁבֵר תַּחַת שֹׁבֵר--בְּאֵשׁ יִתֵּן מוֹם בְּאָדָם, כִּן יִתֵּן בּוֹ. – A break for a break, an eye for an eye, a tooth for a tooth, as he has injured the person, so it shall be given to him.” Although this principle of jurisprudence seems quite clear, the rabbis universally

agree that the verse actually intends monetary compensation and not “equal revenge” justice.

Given how many disagreements appear in the Talmud (roughly 80% of the legal sections include debates), the absence of dissent in these cases is fascinating. One of these laws is vague at best, and the other seems clear on its face, yet the rabbis interpret it to mean something different.

Maimonides uses these examples as proof that the Oral Tradition began with Moshe on Sinai. He believes that Hashem said to Moshe, “This is what is written; this is what I mean by it.” Moshe passed this information on to Yehoshua and the elders, who passed it on to subsequent generations. According to Maimonides, this is the reason for the absence of any discussion on the meaning of these laws.

There is debate among all segments of Jewish society on exactly how much of the Oral Law is Divine and how much is humanly created. Even according to Maimonides, God remains purposely vague in some cases so that we, the people, can figure out what the text means and how we should practice the religion.

A discussion on how the Talmud fits into our vision of Jewish tradition is some good fodder for thought and discussion over Shabbat.

Shabbat Shalom.

For Discussion:

- Where do you think the Talmud comes from?
- How do you explain the lack of debate on the laws cited above?