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KOL HAMEVASER

THE JEWISH THOUGHT MAGAZINE OF THE YESHIVA UNIVERSITY STUDENT BODY

THE WORLD OF THE BEIT MIDRASH

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If Men Were Angels

An examination of King David's role as an "angel" and judge.

Alex Maged

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Kol Hamevaser, the Jewish Thought magazine of the Yeshiva University student body, is dedicated to sparking discussion of Jewish issues on the Yeshiva University campus and beyond. The magazine hopes to facilitate the religious and intellectual growth of its readership and serves as a forum for students to express their views on a variety of issues that face the Jewish community. It also provides opportunities for young thinkers to engage Judaism intellectually and creatively, and to mature into confident leaders.

Kol Hamevaser is published monthly and its primary contributors are undergraduates, although it includes input from RIETS Roshei Yeshivah, YU professors, and outside figures. In addition to its print magazine, *Kol Hamevaser* also sponsors special events, speakers, discussion groups, conferences, and shabbatonim.

We encourage anyone interested in writing about or discussing Jewish issues to get involved in our community, and to participate in the magazine, the conversation, and our club's events. Find us online at kolhamevaser.com, or on Facebook or Twitter.

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Editor's Thoughts: "The Dark Corner of the *Beit Midrash*"

BY: DOVI NADEL

We express gratitude before you, God, our God and the God of our fathers, that you have established our portion with those who dwell in the beit midrash, and have not established our portion with those who sit in corners (Prayer of Rav Nehuniah Ben Ha-Kaneh, Berakhot 28a)¹

In the Yeshivah is a holy silence Which he the Talmud-student is first to break; For there, in the dark corner, wait for him His faithful companions since the day he first arrived – There are his friends: his stand, his candle, and his Talmud. (Hayyim Nahman Bialik, *Ha-matmid*)²

Who are the people who "sit in corners" in Rav Nehuniah Ben Ha-Kaneh's prayer? When we recite this prayer upon the completion of a day of learning, or the completion of a tractate of Talmud, who are the *yoshevei beit midrash* that we praise and who are the *yoshevei keranot* that we disparage? Classically, the words *yoshevei keranot* have been translated as referring to idlers, those who do not spend their time fully committed to learning within the hallowed walls of the *beit midrash*. However, reading Bialik's poem *Ha-matmid* has taught me that sometimes it is possible to dwell in a "dark corner" even within the sacred space of the *beit midrash*.

In *Ha-matmid*, Bialik describes the disciplined and lonely study of a particular Talmudic student. He praises the single-minded devotion of the student, whom he labels the

matmid. The *matmid* toils sleeplessly over the endless folios of the Talmud. Each day he wakes before the sun rises, and each night he allows sleep to reach his eyes long after the stars appear in the night sky. Daily, the *matmid's* quest to master the world of Torah begins in the same dark corner where he greets his stand, candle, and his Talmud. "*Ha-poh beit ha-yotzer le-nishmat ha-umah*,"³ Bialik questions aloud. Could this place- the *beit midrash* - be the

very place where the eternal soul of the Jewish nation has been forged. Could it be that the unyielding devotion of the *matmid* in the "*beit yotzer*" otherwise known as the *beit midrash* holds the key to the eternality of the Jewish people?

Perhaps. And yet, Bialik's admiration of the *matmid's* discipline is overshadowed by his disdain of the *matmid's* life of total separation within the "dark corner of the inner walls"⁴ of the *beit midrash*. While the *beit midrash* has sculpted the Jewish soul, Bialik bemoans the fact that it has also become the "prison house"⁵ of the Jewish soul. The *matmid*, in his unremitting study of Torah, is actually a prisoner – shackled and held back from interacting with the world. He is a prisoner policed by himself, "self-guarded, self-condemned to the study of the law..."⁶

How could the *matmid* sit alone in his dark corner, swaying back and forth, melodically reciting the words "*Oi, oi, amar Raba, Oi, amar Abbaye*"⁷ when there is so much happening in the world directly outside the *beit midrash's*

windows. Bialik castigates the *matmid*: Can it be that while life around you with a thousand voices Calls in a thunder chorus, can it be That not a murmur to your heart has passed, That in self-conquest you remain blind and deaf?⁸

To which type of beit midrash do we belong? Do we dwell in a beit midrash of windows or do we dwell in a beit midrash of dark corners?

Bialik yearns for the day when the Torah scholar will glance outside the *beit midrash's* windows and finally realize that the world eagerly waits to hear his/her scholarly voice.

The poem *Ha-matmid* truly frames the existential conundrum that should bother every denizen of the *beit midrash*. To which type of *beit midrash* do we belong? Do we dwell in a *beit midrash* of windows or do we dwell in a *beit midrash* of dark corners? In my mind, this is the very question that R. Nehuniah Ben Ha-Kaneh's exit prayer poses to us every time we complete our daily Torah studies. Is our Torah engaged with the world?

The choice of this year's first theme as "the world of the *beit midrash*" was deliberate. Unquestionably, a focal point of the Yeshiva University experience - both on the Wilf and Beren Campuses – is (or at least should be) the *beit midrash*. The students, rabbis and teachers of Yeshiva University stand for a unique mission and are poised to add their (varied) voices to the world. Our "*kol torah* – the sound of our Torah" can, should, and must extend beyond the walls of *beit midrash*. The Jewish community yearns for us to peer outside our *beit midrash's* windows and contribute our voices – both reactively and proactively - to creating

and participating in conversations happening at our doorstep. Through Kol Hamevaser, we hope to promote a reflective, relevant, insightful (and of course well-researched) conversation amongst the Yeshiva University student body, staff, and beyond.

In the final stanza of his poem, Bialik expresses his final pleas and dream to the *matmid*. He dreams that just "...once the wind of life should pass through you [the *matmid*], and blow clear through the *Yeshivah* doors..."⁹ He dreams of a day when the "voice of Torah" and the "voice of the world" will no longer be separated by the doors of the *beit midrash*.

Indeed, the windy season of fall has arrived in full gusto, bringing our world storms both metaphorical and real. Perhaps, next time you exit through the doors of the *beit midrash* and feel the "wind of life" brushing across your attentive heart, recite Rav Nehunia Ben HaKaneh's prayer under your breath. Pause, contemplate the words, and then honestly ask yourself "to which type of *beit midrash* do I belong?"

I hope the answer is as follows: I'm a proud student of Yeshiva University, and in our *batei midrash* there are no dark corners.

Dovi Nadel is the Editor-in-Chief of Kol Hamevaser on the Wilf Campus. He is a senior in YC majoring in Torah U-Hokhmah and sits on the right side of the Glueck beit midrash. He occasionally glances toward the beit midrash's windows, even though the shades are generally closed.

Endnotes for this article can be found on page 14

Bein Adam le-Havrutato? Arguments and insults in halakhic literature

BY: SAM DRATCH

Over the course of *Elul* the yeshiva put a strong emphasis on *Hilkhot bein adam le-haveiro*. There were various *shiurim* quoting numerous sources from *gemara*, *Rishonim*, and others, about the importance of mutual respect and common decency. But strikingly, when we look at the texts

from which these sources are taken, we see language that is less than decent and respectful. In fact, the language is often out right offensive.

There are several cases in the Talmud itself which display this unexpected behavior. Rav Nahman bar Yitzhak used to call other *Amoraim* "black pot" when they said or did

something he disagreed with.¹ On several occasions, Rebbi said of his student Levi that it seems that he has "no brains in his skull."² Rabbi Yishmael accused R. Eliezer of telling the Torah to give him "silence while I expound," to which Rabbi Eliezer replied, "Yishmael, you are a mountain date palm."³ Rabbi Dosa bar Harkinas

even refers to his brother as a "first-born of Satan" for following the opinion of the School of Shammai.⁴

Although regarding most interactions this is not the case, the sheer existence of insults in *halakhic* literature raises questions. We struggle to comprehend how two colleagues, let alone two *talmidei hakhamim*,

could insult each other in such a way. Specifically, people who insult each other or call each other names are transgressing up to three prohibitions; namely, *ona'at devarim*, *leshon hara*⁵, and embarrassing someone in public. This final prohibition should apply here as well due to the public nature of these interactions. In light of these prohibitions, the difficult conclusion arises that the *Tannaim and Amoraim* were violating *halakha* as they were deciding it.

However, such a conclusion is unacceptable to us students of these great transmitters of *halakha* and *mesorah*. It is almost senseless to claim that the sages cared so little about *halakha* that they would blatantly and publicly violate it. Moreover, these insults are mostly found in debates over deciding *halakha*; if one's goal is to have his own *halakhic* logic or theory followed, then breaking *halakha* to accomplish this goal is both hypocritical and counterproductive. Thus, the question of "how can the sages speak like this" transforms from a rhetorical and critical question to a literal *halakhic* question that cannot be simply dismissed.

The answer of the insulting language as being "*le-sheim shamayim*" is, at first, a tempting and plausible answer. In fact, there is a clear distinction given between disputes for the sake of heaven and those not for the sake of heaven in the fourth chapter of Avot, and in this distinction the disputes between the sages is the prime example of acceptable conflict. Furthermore, if someone's intentions are godly, should not there actions be considered godly as well?

Yet, this answer is only relevant to teach us about starting and maintaining argument, but it in no way insists that one would be able to speak harshly to the point of sin. To illustrate this point further, Rav Chaim Shmulevitz zt"l quotes⁶ the famous story in *Sefer Shmuel* regarding Hannah and Peninah: Hannah was barren and depressed and Peninah was taunted and tease her to no end, resulting in the death of Peninah's ten children. The Sages in *Baba Batra 16a* point out that Peninah's motive was purely for the sake of heaven. They explain that Peninah only teased Hannah so that she would turn to God in prayer and merit having baby; but despite her motives, she was still punished. Rav Shmulevitz deduces from this source that even if you have the best and holiest intentions, hurting someone with your words is unacceptable.

In a similar strain, one may point to establishing truth as adequate reason for aggressive speech. The argument posed here stresses that one should not give up values and opinions in the name of friendlier debate and conduct. It seems logical to say that if someone is spreading falsehoods there is no reason to respect his opinion, and that it could even end up being detrimental if he is given proper ear. This attitude places fact over feelings in the Jewish conscience.

However, the *gemara* in *Yebamot 65b* states in no uncertain terms that peace is a much stronger and important force than truth. The *gemara* lists several cases throughout the Torah where peace was put before truth. The most striking point brought

in this *gemara* is that Hashem himself forsook truth to create peace with Abraham and Sarah! In *perek 18* in *Bereishit*, angels come and tell Sarah that she will conceive a son. Sarah then laughs to herself and questions Abraham's ability to father children at his old age. When Hashem relates this to Abraham he says that Sarah questioned her own ability to mother a child due to her old age. If Hashem gave up truth to foster peace, would the sages not also be expected to do the same?

In truth, this response is flawed because the concept of truth in both cases has different ramifications. The cases brought in *Yebamot* were all cases of interpersonal peace prevailing over a historical truth, whereas the common theme in *halakhic* debates is the community following the true rule of the law. Perhaps knowing the truth and following the truth are given very different statuses. It just may be that when it comes to creating a social and *halakhic* norm, the knowing of the true *halakha* outweighs the responsibility for respectful language.

Nevertheless, even though the true following of *halakha* can be considered more important than peace, the insulting and embarrassing of others is still unnecessary for its attainment. One could just as easily state his opinion and sources before exclaiming that the other "has no brain in his head"⁷ or that he "must have been sleeping"⁸ when he gave his opinion. In fact, respect and tolerance in debate is considered a virtue and even a necessity⁹. The *mishnah* in *Eduyot*¹⁰ asks why it is that the opinions of both Beit Hillel and Beit Shamai must be mentioned, when we only follow one. The answer given is that we should learn that just as the "fathers of the world" were not persistent in their views, so too we should not be persistent in our views. Rabbi Dr. Norman Lamm explains this *mishnah* in a manner very relevant to this topic:

What the Mishnah means is that



Hillel and Shammai, the fathers of the Oral Torah, the chief channels for the transmission of the sacred Jewish tradition, were people who were constantly engaged in disputes and debates and polemics, but never without mutual respect between them. They were valiant advocates of differing opinions, but they were always intellectually honest, and when one saw that his opinion was weak and that of his opponent was more substantial, he did not hesitate to admit the truth and to yield. Hillel and Shammai teach us that we must be vigorous in the pursuit of our ideas, but never stubborn; resolute, but never relentless; incorruptible, but never immovable.¹¹

The *mishnah*, according to Rabbi Lamm, is telling us that not only is it not necessary to put your colleague down, but also that, no matter what, there should always be that element of mutual respect.

The *gemara* gives a rather meaningful allegory regarding this idea. The *gemara* in Hulin¹² states that the moon came to complain to Hashem that he should be bigger than the sun. Hashem was upset with the moon and decided to punish him by making him much smaller. The *gemara* goes on to say that every *Rosh Hodesh* the Jewish people would bring a *korban hatat* on behalf of Hashem, because instead of making the moon smaller, He could have made the sun bigger. The point

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made here is quite poignant: in the search for precedence it is worthier to build one's self up rather than to put others down.

U n t i l *We struggle to comprehend how two colleagues, let alone two talmidei hakhamim, could insult each other in such a way... the difficult conclusion arises that the Tannaim and Amoraim were violating halakha as they were deciding it.*

"dancing and screaming and picking on each other."¹³ However, this may not be entirely true. While it is true they were speaking to each other in ways we view as improper, it all depends on how they themselves viewed it. Insults are relative to the setting and people involved. The Ben Ish Hai writes¹⁴ that in order for a nickname or put-down to be considered as violating a prohibition, either the intention of the speaker or the sensitivity of the recipient must be negative. Similarly, the Shulhan Arukh holds¹⁵ that if the intention of the statement was to embarrass the subject, it is considered a violation.

This explains why the insults are predominantly found in the Babylonian Talmud. It was not that the Babylonians sinned while the Jerusalemites did not; it is that to the Babylonians this was not a sin. They had a mutual understanding that insult was an accepted and expected part of the discourse, and that it was not to be taken personally or with offense. This is why putting one's friend down is mentioned in the Jerusalem Talmud¹⁶ as a sin from which the transgressor

forfeits his portion in the world to come, while in the Babylonian Talmud¹⁷ it did not make the cut.

An interesting example of the liberal use of insults in this culture is the debate between R. Tarfon and R. Akiba¹⁸. R. Akiba ruled that the levi'im who blew the shofar had to be unblemished. R. Tarfon, in extreme disagreement, said "How long will Akiba keep piling upon us (groundless teachings): I cannot tolerate it any longer!" but after the point was proven to him, R. Tarfon praised his adversary and said "be happy o Abraham our father, that Akiba went forth from your loins!" The insult here was merely a product of disagreement, not of personal malice. An accepted part of the conflict was that of emotional intensity. It was their own way of "sitting down as enemies"¹⁹ in learning.

Additionally, the subjective nature of each sage's banter is highlighted by the fact that it was up to the sages themselves to determine when something has gone too far. The *gemara* in Bava Metzia²⁰ relates that Rav Hisda and Rav Huna each spent 40 days fasting as an atonement for accidentally insulting each other. This was not a requirement, and cases like this are extremely unique, but it is truly important to point out that what caused the regret and subsequent repentance was purely the perception of the parties involved, and not an objective rule. Therefore, as long as the system

of dispute, whether by societal or cultural norms, was set up that both parties understood and acted under the awareness that there was no real personal attack, but just the intensity of a passionate debate of theory and fact, no prohibition would apply. Some may even be flattered by forceful opposition.

The Maggid of Mezeritch expresses this possible flattery through a parable. He relates that "a highway robber attacks the man who bears jewels, he never bothers with a man who drives a wagon of straw or refuse."²¹

Regardless of the reason a sage chose to incorporate heavy language, as long as no embarrassment or intently personal attacks are found, it can be used. This rule is not limited to ancient Babylonia, but it is true to any society where dispute carries with it, in a healthy manner, the element of verbal jabs and attacks. If you and your *Havruta* are in agreement, and realize that this element will positively add excitement and intensity to your learning, there is no prohibition in implementing it. But do so with caution, because even Rav Huna and Rav Hisda let the debate become personal, and even Hashem regrets, as it were, knocking someone else down.

Sam Dratch is a sophomore in YC from West Hempstead, New York and attended Yeshivat Netiv Aryeh.



¹Pesachim 88a, Megillah 14b
²Yebamot 9a
³The Sifra based on Vayikra 13:47. For an interesting explanation of this insult see Website staff, June 1, 2011
⁴"Tazria 2" at www.torahleadership.org
⁵Yebamot 16a
⁶The point of hurtful speech being connected to lashon hara is stated clearly in Rambam, Hilkhotei'ot 7:5.
⁷Sichot Mussar quoted by Rabbi Baruch Simon, this teaching also appears in article form by Eliahu Meir Klugman, entitled "Rabbi Chaim Leib Shmulevitz: Rosh Yeshivah in Mir-Poland, Mir-Shanghai, and Mir-Jerusalem" and can be found at tzemachdavid.org
⁸Yebamot 9a
⁹Yebamot 24b
¹⁰See the Rama and the Sma on Hoshen Mishpat 228:1, as well as Responsa Shevet Halevi, for more detailed examples of when proper speech is necessary.
¹¹Chapter 1
¹²Rabbi Norman Lamm, The Ethics of Controversy, June 21, 1969
¹³Hulin 60a
¹⁴Responsa Havot Yair 152
¹⁵Responsa Torah Lishma, 421
¹⁶Hoshen Mishpat, 228:5
¹⁷Cited by the Rambam Hilkhotei'ot Deot 6:3
¹⁸Sanhedrin 90a
¹⁹Sifre Num. 10:8
²⁰Tehilim 127, for explanation relevant to this topic see Kiddushin 30b
²¹Baba Metzia 33a
²²Rabbi Norman Lamm, The Ethics of Controversy, June 21, 1969

Kedushat Beit Midrash and Beit Keneset: An Enlightening Comparison

BY: ROBBIE SCHRIER

When asked to picture a Jewish study hall in your mind's eye, what mental images arise? Do you imagine a soaring edifice of majestic beauty? Is its interior a breathtaking and brilliant room with gilded walls of silver and gold? Or perhaps you are perceiving a more humble structure composed of

wood and stone that is anything but imposing. The physical construction of a religious structure reveals much about its intended purpose in a broader spiritual context. It is not surprising then that Halakha has what to say on the topic of religious architecture. In order to properly assess the *beit midrash's* unique and central role in Judaism,

a halakhic analysis of its construct design is necessary. Ironically, I believe that the best place to begin this analysis is with a *gemara* that deals (perhaps exclusively) with the *beit midrash's* most commonly referenced counterpart, the *beit keneset*.

In the *Gemara Shabat* (11a), *Rava bar Mehasya* declares that any

city whose roofs rise higher than the *beit keneset* is destined for destruction. His proof text is taken from the book of *Ezra* (9:9), where *Ezra* praises the Almighty for allowing Jews to raise up the house of the Hashem as well as rebuild the ruins of *Yerushalayim*. *Rava* explains that the implications of this verse provide us with a dire warning: if

you refuse to establish the *beit Hashem* as the tallest building in your city, your houses will fall to ruin. While the *gemara* informs us of the consequences of a city failing to upraise their *beit keneset*, it does not explicitly reveal why it is so important for the synagogue to be elevated beyond the houses of the city.

One common approach of the *Rishonim* emphasizes the inappropriateness of engaging in mundane matters above the local *beit keneset*. This becomes clear from the analysis of *Tosfot HaRosh* (ad loc. s.v. *aval kashkushei*). He explains that the roof of a house standing taller than a *beit keneset* is not inherently problematic. It is only when the roofs are used for household purposes that the destruction of the city becomes imminent. *Ritva* (ad loc. s.v. *kol ir*) also cites what he deems to be a parallel application of this ruling; one may not build a residential apartment over a *beit keneset*.¹ For these *Rishonim*, the physical height of buildings in the city is irrelevant. Lowering the roofs of houses is only to prevent potentially inappropriate behavior from occurring above the *beit keneset*.

They seem to be drawing their approach from the *gemara* itself. *Rava* adds that it is not problematic to have towers and turrets standing taller than the *beit keneset*. Presumably, this is because towers are not utilized for living purposes, but rather for defense of the city.

However, a different perspective on the statement of *Rava bar Mehasya* is offered by other *Rishonim*. This law is not to protect the *beit keneset*'s sanctity; rather, it is to establish its chief prominence as the spiritual center of the city. *Sefer HaBatim* (*Sha'arei HaMikdash-Sha'ar Shmini* s.v. *ein bonin*)² and *Rambam* (*Mishneh Torah, Hilkhot Tefilah* 11:2) draw a fascinating comparison between our *Gemara* in *Shabat* and another law mentioned in

the *Tosefta*. The *Tosefta* (*Megilah* 3:23) declares that the *beit keneset* should be built *begevoah shel ir*, the highest point of the city. The source for this ruling is the verse in *Mishlei* (1:21), where “wisdom” cries out to the inhabitants of the city and encourages them to embrace *hakhma* and enlightenment. This certainly has nothing to do with the preservation of synagogue sanctity. This is about projecting a message. After quoting the *Tosefta*, *Sefer HaBatim* in the same breath delineates the ruling of our *gemara* in *Shabbat*. He then proceeds to explicitly argue on the aforementioned exemption of *Tosfot HaRosh*. He adamantly states that the reasoning for the ruling of *Rava bar Mehasya* is to make the *beit keneset* recognizable and known to all the inhabitants of the city, so that they may stream towards it, “*veyenaharu eilav*.”

The *beit midrash* however is not intended to be a beautified, towering structure. It is not meant to cry out a religious message to itinerants catching a distant glimpse of its significant splendor. To somewhat borrow from Éamon de Valera, the *beit keneset* is a place of frugal comfort.

deserves.

In truth, whichever of the two positions one takes, a serious question begs itself. There is one Jewish structure that seems to be left out of this discussion entirely. I'm sure the reader can venture a guess as to which structure this is. What happened to the *beit midrash*?! The *Gemara Megilah* (27a) states explicitly that the *kedushah* of the *beit midrash* exceeds that of the *beit keneset*. It would therefore seem illogical to make a distinction between *beit keneset* and *beit midrash*. For *Tosfot HaRosh*, why should the community be more concerned about preserving the sanctity of the *beit keneset* but not accord the same respect for the holier *beit midrash*?! Even for *Sefer HaBatim*, it would also be quite logical to argue that the *beit midrash* should hold equal,

or even greater distinction than the *beit keneset*.³ It is astounding to find that in this context, the *Rishonim* seem to be entirely unconcerned with the status and stature of the *beit midrash*.

I believe that another halakhic discussion of *beit keneset* and *beit midrash* may reveal a new facet in the nature of *kedushat beit midrash* which can offer a solution to this problem. The *Gemara Menahot* (33a) explains that the passageways through which various Talmudic sages walked to enter the *beit midrash* had *mezuzot* on the doorposts. This leads the *Rishonim* into a major debate: is one obligated to place a *mezuzah* on the doorpost of the *beit midrash*? Utilizing various *gemaras* throughout the Talmud, the *Ba'alei HaTosafot* (ad loc. s.v. *veha hahu*) prove that normally a *beit midrash* is not obligated in *mezuzah*. It is only in the particular instance of the *Gemara Menahot* (where the passageway into the study hall was directly connected to a house) that one would require to place a *mezuzah* on the doorpost. They quote the *Gemara Yoma* (11a) as support for their assertion. The *gemara* there explains that the word “*beitekha*” in the verse that describes the obligation of

mezuzah indicates that the house must be *meyuhad*, set aside for a particular individual's usage, in order to be obligated in *mezuzah*. Presumably, this comes to exclude both *beit keneset* and *beit midrash* from *mezuzah*.

However, *Mordekhai* (*Hilkhot Ketanot-Perek Teheilet* 761) famously argues. He insists that the *beit midrash* is obligated in *mezuzah*, in contrast to the *beit keneset* which will be exempt unless someone (such as the *hazzan*) has actually taken up residence in the building. He seems to be drawing this

approach from his Rebbe, *Maharam Merutenberg* (a prominent 13th century German Tosafist and prime instructor of both *Rosh* and *Mordekhai*). *Rosh* (*Hilkhot Ketanot-Hilkhot Mezuzah* 10) tells over a fascinating story. He notes that *Maharam Merutenberg* was accustomed to taking afternoon naps in his study hall. His sleep was consistently disturbed by a *ruah ra'ah*, an evil spirit, until he emplaced a *mezuzah* at the opening of the *beit midrash*. This story is essential for several reasons. For one, it offers a desperately required source for what is conventionally referred to amongst *benei yeshivah* as the “beis nap.” It also may indicate that the protection the *mezuzah* offers is a valid obligating consideration in halakhic discussions of *mezuzah*. But most importantly for our purposes, it makes clear that *Maharam* became convinced that *beit midrash* is obligated in *mezuzah*. In fact, it seems that it is due in part to *Maharam* that the *Mekhaber* (*Shulhan Arukh, Yoreh De'ah* 286:10) rules that one should place a *mezuzah* on the doors of the *beit midrash*, albeit without making a *berakhah*.

While *Maharam* establishes a clear distinction between *beit midrash* and *beit keneset*, his reasoning remains unclear. *Shakh* (the famed 17th century commentator to the *Shulhan Arukh*) offers a deceptively simple explanation: given the fact that students reside in the *beit midrash* from morning

to night, the study hall is considered to have the status of a *dirah*, a residence. *Shakh* is touching upon a singular and unique definitional aspect of the *beit midrash*. The *beit midrash* is not a

temple or shrine; it is a home.

Beit keneset is exempt from the obligation of *mezuzah* because it is not *meyuhad*, designated for an individual. A *minyán* must always be available in the *beit keneset* of a city (*Megilah* 3b, 21b). It is the place of the *tsibbur*, the congregation. It is the epicenter of the public sphere, not a home. But the *beit midrash* is exactly that. The study hall is the place where Jews come to study, grow, and reside in the shadow of the divine presence. Every individual finds a personal place in the confines of the study hall's walls. The experience of the *beit midrash* is one that is warm and intimate. *Talmidim* study in paired *havrutot* with the Almighty himself silently paying an attentive ear to their discourse.⁴

This understanding of the *beit midrash* can perhaps elucidate the first distinction between *beit midrash* and *beit keneset* that we discussed. We noted that Halakha demands that the *beit keneset* be placed at the highest point of the city, towering over all other buildings in its vicinity. It is the citadel, a structure that proclaims a message to the street wanderers below, *be-rosh homiyot tikra* (in the language of *Mishlei* 1:21).⁵ It glorifies the name of the *Rebono Shel Olam* to all who witness its majestic beauty, *leromem et beit elokeinu* (to borrow from *Ezra* 9:9). For some authorities, the *beit keneset* should be constructed from the most precious materials that a community is capable of acquiring, to the point of covering the building with gold, silver, and marble (*Sha'arei HaMikdash-Sha'ar Rishon* s.v. *umitsvah, Sefer*

HaMaspek l'ovdei Hashem 25). Their opinions are drawn from the standards of construction for the *beit hamikdash*. The *beit keneset* is the public expression of God's sole divinity. The *beit hamikdash* stood as the ultimate example of the *Boreh Olam*'s continued presence and influence in this universe to all the nations of the world; the *beit keneset* serves as a humble replacement. This is why the *beit keneset* has played (and continues to play) such an essential role in the spiritual life of Jews in a long and bitter exile. It is the rallying point and pride of every Jewish community. It is therefore not a surprise that it is considered demeaning when one performs mediocre tasks above the roof of the synagogue. These actions are antithetical to what a shul stands for, an inherent contradiction to *kedushat beit keneset*.

The *beit midrash* however is not intended to be a beautified, towering structure. It is not meant to cry out a religious message to itinerants catching a distant glimpse of its significant splendor. To somewhat borrow from Éamon de Valera, the *beit keneset* is a place of frugal comfort. The study hall exists in the more private universe of the home. To be sure, a home is not closed off from visitors who seek shelter. The ultimate paradigm for the

Jewish home comes from none other than *Avraham Avinu* himself, whose tent was open on all four sides to any weary travelers seeking sustenance and divine guidance. The home of the study hall remains the pulsating heart of the Jewish community, the humble base from which all religious inspiration and wisdom must be drawn. The *beit midrash* possesses greater *kedushah* than the *beit keneset*, but this holiness possesses a distinctive quality. Ironically, the intimate qualities of this *kedushah* contribute to both its greatness and flexibility. This is why it is not nearly as problematic to perform household tasks over the roof of the *beit midrash*. This intimacy is even more palpable for the *yoshvei beit hamidrash*, the

talmidei hakhamim. This may be why Torah scholars are permitted to eat, drink, and (of course) sleep in a place with such an intense presence of *shekhinah*.⁶ *Talmidei hakhamim* establish the *beit midrash* as their own place of residence, thereby obligating the *beit midrash* in the *mitsvah* of *mezuzah*. It is the Torah scholar who more than all others recognizes the intimate relationship with God that is engendered through Torah study.

May we all be *zokhe* to perceive the warm embrace of the *Ribono Shel Olam* as we study his Torah in the holiest of places, the *beit midrash*.⁷

The study hall is the place where Jews come to study, grow, and reside in the shadow of the divine presence. Every individual finds a personal place in the confines of the study hall's walls. The experience of the *beit midrash* is one that is warm and intimate. Talmidim study in paired havrutot with the Almighty himself silently paying an attentive ear to their discourse.

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1 With regard to halachik practice, *Mekhaber* (*Shulhan Arukh, Oreh Hayim* 150:2) rules like *Tosfot Rosh*. A roof that is not usable due to its incline may rise higher than the roof of the *beit keneset*.

2 *Sefer HaBatim* was written by a 13th century Provencal *rosh yeshivah* by the name of *David ben Shmuel HaKokhavi*. The comments of *Sefer HaBatim* can be found in the *Koveitz Shitat Kamai to Masekhet Shabat* 11a.

3 The reader is encouraged to view *Arukh HaShulhan's* (*Oreh Hayim* 150:6) beautiful and concise explanation of this question.

4 See *Avot* 3:2 and the statement of *Rabi Hanina ben Tradyon* there.

5 It should be noted that there are several possible messages that the prominent synagogue is intended to send. It may be that the *Beit Keneset's* conspicuous construction insures that all Jews in the city will see it and constantly be reminded of its importance. As *Sefer HaBatim* (*Sha'arei HaMikdash-Sha'ar Shmini* s.v. *ein bonin*) explains, they will stream towards it, seeking guidance and prayer. However, other positions quoted by *Sefer HaBatim* indicate that the purpose is to send a message of religious dominance; the Jewish temple stands tallest of all other buildings in the city as a testament to the greatness of Judaism. Anyone familiar with the history of the recently reconstructed *Hurvah* Shul in Jerusalem will know that the matter of height is a sensitive area of symbolism between conflicting religions. This may be why some (quoted by *Sefer HaBatim*) believe that as long as the Jews are under the control of some other nation, preventing them from constructing taller synagogues, they are even permitted to build their houses taller than the *beit keneset*. Once the shul will not stand taller than the temples of the surrounding culture, there is no purpose to raise the roof of the *beit keneset* at all. This could also explain the leniency mentioned by *Sefat Emet* (*Shabat* 11a s.v. *kol ir*). He claims that as long as one *beit keneset* stands taller than the roofs of the city, there is no concern for raising Jewish homes above the other smaller shuls. Presumably, he believes that one enormous synagogue sufficiently expresses the greatness of Judaism.

6 *Shulkhan Arokh, Oreh Hayim* 151:1. See *Rama* there who *pasakens* that *talmidei hakhamim* are permitted to eat even when it is not currently difficult for them to proceed with their learning without sustenance.

7 I would like to extend thanks (and credit) to the *chavrutot* with whom I studied these *sugyot*: Yonatan Melhman and my brother Elliot.

Reflections on *Havruta* Learning¹

BY: ARI SCHWARTZ

When one walks into a *beit midrash*, s/he is greeted by the thunderous and discordant sound of countless pairs of people fiercely arguing with one another, each offering up their own idea for how to best decode the perplexing, and often-times daunting, ancient text that sits opened before them. I am speaking, of course,

of the Jewish phenomenon known as *havruta* learning. *Havruta* learning has been the dominant mode of study in Torah Judaism since at least 18th century Eastern Europe, and arguably since the time of the composition of the Talmud itself. But why have we married ourselves to this form of study? Is it specifically applicable to the study of Talmud, or is *havruta* learning

simply a better way to engage with texts than other attempted pedagogical models? In this essay, I am going to attempt to illustrate some advantages, and some potential pitfalls, of *havruta* learning, both with respect to Talmud study in particular, and text study in general, as well as compare the *havruta* model with other modes of learning. It should be noted, obviously, that this

particular medium does not lend itself to a complete and detailed analysis of an institution with such a storied history, and that manifests itself in such variegated forms, like the *havruta* mode of study. The following remarks should be regarded as a generalized, broad-strokes, approach to this topic, and in no way represent the final word on this complicated phenomenon.

In order to understand, conceptually, why *havruta* learning is the dominant approach for studying the Talmud, it is first necessary to gain an understanding of the nature of the writing of the Talmud itself. The Talmud was born out of an oral culture.

As many a Rabbi will delight in telling, the Talmud is not merely a compendium of laws—it is a rich, variegated text that incorporates a multiplicity of opinions and arguments, generally in saying form. It is very much, if such a thing is possible, an oral text. But

this text that we study meticulously day and night was never meant to exist. The Gemara in Gittin 60b says “You are not permitted to transmit the Oral Torah in writing.”² The Oral Law constitutes a set of knowledge that was intended to be transmitted orally ad infinitum. Due to political upheaval³, as well as concerns over memory retention, a decision was made to transcribe this oral culture into text form—to “act for Hashem since [His] Torah is being uprooted”⁴. So what we have is an oral tradition that has been unnaturally reproduced in text form. A natural, and I would argue, effective, approach to successfully reconstruct the oral nature of the text, to completely immerse one’s self in the heart and soul of this great Tradition, is to engage the text itself orally. And this is done most effectively through *havruta* learning.

No matter how strange of a text the Talmud is, it still is in fact a text. As a result, attempting to learn Talmud still contains certain fundamental issues endemic to all textual encounters—the reality that the text is dead, static. This is formulated by Socrates in one of the Platonic Dialogues, *Phaedrus*. Socrates notes, “[text] knows not to

whom to speak or not to speak; when ill-treated or unjustly reviled it always needs its father to help it; for it has no power to protect or help itself.” A text cannot speak for itself, it is trapped in its eternal *textness*. As a result, an ostensibly unbreachable barrier

is erected between text and student. This is where one of the advantages of *havruta* learning comes into play. *Havruta* learning is a model through which one is able to combat the dead encounter. In *havruta* learning, no longer is one person trying to engage something that cannot reciprocate new ideas in response to the students’ queries, but rather the entire encounter is transformed so that two people’s interpretations of a text are interacting with one another. Through dialogue, the barrier between person and text is rendered obsolete, because, at its very core, the encounter is now between person and person, not text and person. Furthermore, as mentioned previously, this dialogic activity is uniquely suited for this type of study—both members of the *havruta* resuscitate the oral nature of the text by engaging it through dialogue; an encounter that mirrors the content. A second advantage of *havruta* learning is that it takes difference and makes it productive—creating a whole that is greater than the mere sum of its



parts. This view of partnership learning is attested to in influential German philosopher Friedrich Nietzsche’s work, *Gay Science*. Nietzsche writes “One is always wrong, but with two, truth begins.” In *havruta* learning, ideas collide through the intellectual intimacy of the spoken word, producing thoughts, concepts, and constructs, that neither individual would have been able to produce on their own. As the verse in Proverbs 27:17 says, “Iron sharpens iron, and one person sharpens the wits of another.” A final, and related, advantage of *havruta* learning, is that it provides a testing ground for new ideas. This is, in a way, a synthesis of the two previously mentioned advantages. The *havruta* partnership sidesteps the problematic dead encounter between person and text, an encounter in which ideas cannot be tested, and through the other member of the *havruta* allows for initial thoughts on a text to be analyzed, and dissected—allowing for a determination of what is and what is not a good idea. With all of this being said, there are, to be sure, certain pitfalls that accompany engaging a text through the *havruta* framework.

One potential drawback of *havruta* learning is that, by its very nature, it does not allow for solitary contemplation of the text. As a result, in *havruta* learning there is no such thing as individual thinking—all thinking is collaborative thinking, stripping all ideas of any semblance of pure originality. This is the double-edged sword of the *havruta* idea: while it can take difference and use it in a productive way, it simultaneously, and necessarily if it wishes to be effective, blurs the line of that difference, robbing each participant of original ideation,

and personal knowledge production. With this confusion as to the source of an idea, evidence of certain biases, prejudices, and disparate fundamental understandings of particular concepts at play, is effaced, preventing the *havruta* participants from truly, and intimately, gaining an authentic understanding of the nature of the ideas that they are propounding.

The second potential drawback of *havruta* learning I suggest tentatively—it is a product of my personal experiences in the *beit midrash*, but enough friends of mine have attested to the reality of this issue, that I feel confident enough to include it in this article. We are all familiar with the concept of *milchemet Hashem*—that the act of learning, discussing, and vehemently arguing over Torah is an act of war in defense of God and His Torah. This produces the image I attempted to conjure up at the beginning of this article—fierce argumentation, thumb gesticulation, the whole nine yards. This environment of heightened passion is highly effective—it produces students who care deeply about the subject matter, and who view themselves as a part of a centuries long battle in deciphering God’s word. But there is an inherent flaw to this almost militaristic environment. The concept of *milchemet Hashem*, turns Torah learning into an intellectual competition of sorts, where the quickest answer is valued over the best answer, in order to defend one’s vulnerable idea. There is no room for retreat—there is only constant engagement. This is problematic if the purported goal of the *havruta* partnership is to effectively seek out truth. An environment that naturally produces loud argument, that makes ideas extremely vulnerable to the attack of the other participant, can very well hinder an attempt to seek out truth. That being said, it is important to be aware of the alternate modes of Talmud study available to us, before making any sort of *carte blanche* rejection of *havruta* learning as a result of these perceived shortcomings.

The two most common methods used in the Academy to grapple with texts, and knowledge in general, are that of independent study, and the lecture. I will first take up the model of independent study. Perhaps the greatest advantage of independent study, is that it allows for totally original, insofar as that is possible, idea production. The student is aware that s/he is generating her/his own personal response to the text in front of her/him, and therefore need not worry that the stances s/he adopts vis a vis the text, are being influenced or adulterated in any way by another actor. Yet, this is also independent study’s great *hamartia*—it resurrects the barrier between person and text. The student will have great trouble getting at the text, when there is no one, and no thing, that can respond to her/his queries.

The second mode of study is that of the lecture, wherein a certain authority figure (whether that be a professor or Rabbi), imparts knowledge to a large group of students assembled before her/him. While it may, in certain instances, be advantageous to be in direct contact with a presumed expert when delving into any topic of study, the potential negative results are far more drastic than the benefits. The lecture epitomizes one of the biggest issues in learning today: the great danger of power relations in intellectual pursuits. When a group of students is sat before a figure who is said to be an expert on the topic at hand, a general sense of passivity and acceptance kicks in. “Why should I seriously question my teacher’s opinion? S/he has a p.h.d or semikha, and presumably knows what s/he’s talking about.” What’s more, if a student were to reject that attitude and question the teacher, the student is put in an extremely vulnerable position,

with the teacher able to utilize her/his recognized power in the classroom at the slightest whim. This is catastrophic for genuine learning. Critical analysis recedes to the background, and little, if anything, is contributed to the body of knowledge at all. In *havruta* learning, the exact opposite occurs. Both members of the *havruta* become teachers themselves, each trying to communicate their own ideas to the other, and neither idea is viewed as a priori being more valid simply because of who said it. The *havruta* partnership strips ideas of any inherent authority, forces them to prove themselves on the battleground of the *beit midrash*, and knowledge production, textual analysis, and general understanding, are the better because of it.

After viewing the two main competitors of the *havruta* model, I believe that, at the very least in re Talmud study, *havruta* learning is the best option. The intimacy with a purported expert that the lecture model provides is outweighed by the many dangers that the mode of study produces. As a result, it is not a more effective mode of study than *havruta* learning. As for independent study, the issue is more murky. I believe, however, that while it is difficult to determine which types of texts require original idea production, and which texts’ barrier erected between student and text are too insurmountable, Talmud study falls into the latter category. Silently contemplating the spoken opinions of

Abbaye and Rava does not grant you as clear and intimate an understanding of the text as that of *havruta* learning—a mode of study that draws out the spirit of this oral text by virtue of the very way the text is being encountered: through dialogue.

To beg the question, however, how does *havruta* learning compare with independent study when we are not dealing with a special case of an oral text such as the Talmud (and perhaps Plato)? What if the text under consideration is Chaucer, or Freud, or even Soloveitchik? When is the barrier more formidable? When is original ideation most crucial? I would like to, hesitantly, propose a possible distinction that can be made; a distinction between literature, and philosophic/scientific works. Perhaps, when one engages with literature (novels, poetry, plays, etc.) the model of independent study is most effective, because this is an instance where original ideation is so essential. Works of fiction, while they certainly do contain complex ideas and claims, are often in the business of feelings—that is, they are trying to illicit some type of emotional response from the reader. This is not to belittle fiction in any way; to the contrary, our emotions are often times far more complex than our most elaborate cognitive suppositions. But in this emotional encounter, it is of the utmost importance for the reader to have a deeply personal, isolated, and unadulterated union with the text. Furthermore, the text allows for a multiplicity of interpretations, with no individual reaction being the correct one, causing the barrier between person and text, while still very much present, to not be as detrimental to the encounter. However, when it comes to works of philosophy, politics, science,

etc. the barrier looms larger. This is because there is a specific, concrete idea that the author is trying to convey to her/his audience, making the need for a correct interpretation, arrived at through collaborative thinking, idea sharing, etc., far more pressing than concerns over original ideation. In short, the distinction can be summed up as follows. When one is making her/his own interpretation of a text (as in fiction), independent study is the most optimal form of study. However when one is trying to get at a specific, intended interpretation, the *havruta* model is the far more efficacious vehicle for achieving one’s goals.

This distinction, of course, is merely my own subjective opinion, and although I have found it to be an effective one both theoretically, and, in my personal experience, practically, it is not one that people must feel compelled to adopt. What I hope this article has done, is to spur students and educators alike, to revisit, and analyze, the modes of study they have inherited, and to be undaunted to make changes, where change is appropriate.

Ari Schwartz is a Sophomore in YC majoring in something that is not a physical science. He does not study in YP, so honestly, what could he possibly know about Gemara anyway?

¹ Much thanks is given to University of Michigan Comparative Literature p.h.d candidate, and all-around swanky gal, Shira Schwartz for her vitally important discussions on Chavrutah study over FaceTime.

² Gittin 60b. Interestingly, the Ritva (Ritva on Gittin 60b) says that this is because Torah transmitted verbally is understood more accurately, whereas a text can be misunderstood.

³ Because he [Rebbi] saw that the numbers of Torah students were decreasing, the difficulties facing the Jewish people were increasing, the Roman Empire was becoming stronger, and the Jews were becoming increasingly scattered. He therefore authored one work that would be in the hands of all the students to make it easier to study and remember the Oral Torah” (Maimonides, Introduction to the Mishna Torah).

⁴ Tehillim 119:126



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Havruta or Death

BY: ELISHA PEARL

I. *Talmud Torah* and its practice in the Beit Midrash may count as the ultimate mitsvah,¹ but as a means of *avodat Hashem* it focuses on rigorous intellectual activity. The traditional Jewish method for pursuing *talmud Torah* stands in stark contrast to standard academic methods. The western academic ethic conjures up images of a scholar in a library, hunched over a book or notepad, with a pile of books by his side, immersed in awesome silence. At its core, this picture speaks to a solitary endeavor. Conversely, traditional Jewish study is conducted *be-havruta*, in a pair of study partners. A pair of students, or even advanced scholars grapple with and ultimately find meaning in a text. So the library of Jewish tradition, the *Beit Midrash*, filled with tens, or perhaps hundreds of havruta pairs, most often finds itself characterized by cacophony instead of silence.

The classical Jewish sources take the notion of havruta very seriously². The Gemara in *Masekhet Makkot* records the teaching:

R' Yose bar Hanina said: What is the meaning of the verse 'a sword upon the necks and they shall become fools?' A sword rests on the necks of Torah scholars who study Torah alone [that is solitary study should incur the death penalty]. Furthermore, they become foolish [by studying alone]... and yet further they sin [as a result of this solitary study].³

More famously, *Masekhet Taanit* records the teaching "O Havruta, o mituta"⁴ "Either havruta or death!" which has been understood to mean "studying without a havruta is tantamount to academic suicide."⁵ The extremity of these sources imply that this contrast is rooted in something

deeper than simple preference of learning style—but what precisely is the underlying theory behind havruta learning? What makes it so unique?

While we see real life⁶ examples of havruta study acted out on the Gemara's pages through the discussions of famous pairs such as Abaye and Rava, or Resh Lakish and Rabbi Yohanan, the Gemara gives us only a glimpse into the underlying theory of havruta through an occasional *aggadic* story or comment. An unexpected source offers a more fully developed philosophy of havruta, capturing its unique nature, and illustrating its dynamics.



II.

In a celebrated passage from his *Phenomenology of Spirit*, titled "Lordship and Bondage"⁷ G. W. F.

Hegel offers an account of "self-consciousness." Self-consciousness in the philosophical sense⁸ means that an individual becomes aware of himself at a deeper level. Earlier thinkers in the philosophical tradition⁹ saw self-consciousness as something one could achieve on one's own.¹⁰ While others might play a role in helping one become self-conscious, their role is purely secondary. Hegel's innovative account suggests that self-consciousness is a fundamentally partnered endeavor. For Hegel, one can achieve self-consciousness *only* through another human being. In this article, I will argue that Hegel's claim constitutes a striking parallel to the institution of havruta, where one can only "know" a particular *sugya*¹¹ through havruta study. In havruta study, knowledge is a partnered endeavor. One cannot simply decide he has mastered the *sugya* until he has proven it to the satisfaction of his havruta. As we continue our analysis, I

will explain and develop Hegel's model and integrate the relevant parallels to the havruta framework.

For Hegel, one only concretizes their innate potential and achieves self-consciousness when *another person* recognizes that he has concretized his potential in the world. One cannot be sure that he has a quality until he tests it in the real world and proves successful in his execution or demonstration of that quality – in the eyes of another person. Similarly, in the *havruta* model, one cannot claim to know a *sugya* until he has shared it, and ideally allowed others to challenge his interpretation. Or as Rav Chaim Brisker put it, "if one cannot explain an idea [to another person] he does not fully understand it."¹²

Hegel claims that all human relationships are at some level an effort by the one party to achieve self-consciousness through the other. This claim is acutely true in the case of havruta study, where both parties try to grasp difficult concepts through the havruta relationship. To better demonstrate how a havruta involves both partners becoming conscious of what they have learned, we need to examine Hegel's general model for the mechanics of human relationships.

III.

The following sketch forms the core of Hegel's account. At each step, we will note how the model finds expression in the instance of a havruta relationship:¹³

1. "Self-consciousness exists... only when being acknowledged"¹⁴. Meaning, a person (whom we will designate S_1) only can only achieve self-consciousness when another person (whom we will designate S_2) recognizes him as conscious.

Havruta: One member of the *havruta* (H_1) only understands a given *sugya* when his partner (H_2) recognizes his understanding (as discussed above).

2. When S_1 interacts with S_2 , S_1 becomes self-conscious. This

means that we only become real to ourselves when interacting with another person.

At first glance, this claim appears a bit overdone. For after all, we are apparently real to ourselves just by thinking. Yet, on further reflection, we are only convinced of a thing's existence when that thing is a feature of our external reality. Something is no longer "just in our mind," but exists "out in the real world," when other people can confirm it, when we can see it outside of ourselves, and when we, or others, can manipulate it. Only then is it real to us in a robust sense. In sum, something is only real to us when it takes on concrete form in the world that lies outside of our minds.

If we accept the notion that we only consider things real when they have taken concrete form in the external world, then we have to wonder, what makes us real to ourselves? Hegel's account claims that when we interact with another person, we can see ourselves as external objects in the "real world." S_1 becomes real to himself when he sees S_2 , a person who is an object in S_1 's external world, being affected by S_1 's actions. In this way S_1 's actions become part of the external world. While it is true that S_1 can make himself part of the objective external world by engaging with an inanimate object – say writing his thoughts on paper or collecting them in a voice recorder, – interacting with another person grants S_1 the feeling of reality at a much deeper level. This is true because S_2 doesn't only make a raw recording of S_1 's human expression. S_2 responds to S_1 intellectually, physically, or emotionally, and grapples with S_1 's in a uniquely human way, which thereby gives S_1 's reality in the external world a new layer of depth.

Havruta: When H_1 studies a *sugya*, and comes to conclusions regarding

it, he becomes most fully conscious of those conclusions when sharing them with another person. True, H_1 can independently commit his thoughts to a notebook, but his thoughts come alive most fully when H_2 engages with him, critiques him and forces H_1 to better articulate them. And ultimately, H_1 's thoughts become concretely "real" when H_2 accepts them.

3. In any interaction or relationship, both individuals will struggle to assert their own self-consciousness. The struggle emerges because S_1 is not the only person involved in the relationship. S_2 is also an individual with his own needs, and own quest for self-consciousness (recognition by the other person). S_2 will resist simply acting as the object for S_1 's arrival at recognition. Furthermore, S_2 will push back and attempt to use S_1 to achieve S_2 's recognition.

Havruta: A successful havruta is rarely one-sided. In practice however, the havruta relationship can begin in a frustrating struggle where H_1 tries to use the havruta relationship strictly as a forum to refine and clarify his own ideas.¹⁵

4. Hegel refers to this struggle (see step 3) as a "life-and-death struggle." The struggle is to the death because ultimately S_1 may overwhelmingly overpower S_2 such that S_2 literally dies (for example, if S_1 and S_2 are soldiers in mortal combat.) Notably, however, Hegel does not necessarily understand the "death" in question as physical death. In broader application, it is a struggle to the death because S_2 feels so overpowered by S_1 that he withdraws from the relationship. This constitutes death for both parties, since now, neither party can properly achieve self-consciousness within the relationship, and in that case, they cannot live fully.

Havruta: If H_1 overwhelms H_2 by studying the *sugya* too quickly or sharply such that H_2 cannot follow, H_2 will gain nothing from the havruta and will just act as a human sounding board for H_1 to express his superior insights. H_2 is effectively "dead" as a havruta. H_1 will also be frustrated as he has no one to engage with and thereby reach a higher level of understanding.

In havruta study, knowledge is a partnered endeavor. One cannot simply decide he has mastered the sugya until he has proven it to the satisfaction of his havruta.

Hegel's usage of the term death appears hyperbolic in this context, he appears to concur with Hazal here. Firstly, this account may make sense of the statement "either Havruta or death." But moreover, it may shed light on the story of Resh Lakish and Rabbi Yohanan's demise:

In *Masekhet Bava Metzia*, the Talmud relates the following story:

[A scholarly disputation between R. Yohanan and Resh Lakish, two of the most prominent *Amoraim* in Israel who were known for their havruta relationship, devolved into a personal argument.] R. Yohanan therefore felt himself deeply hurt, [as a result of which] Resh Lakish fell ill.... Resh Lakish died, and R. Yohanan fell into deep depression. The Rabbis said, "Who shall go to ease his mind? Let R. Eleazar b. Pedath go [and study with him] because he can argue very sharply." So he went and sat before him; and when R. Yohanan recite a teaching, he [R. Eleazar] observed: "There is a Baraita that supports you." "Are you as the son of Lakisha¹⁶?" he [R. Yohanan] complained: "when I stated a law, the son of Lakisha used to raise twenty-four objections, to which I gave twenty-four answers, which consequently led to a fuller comprehension of the law; while you say, 'A Baraita has been taught which supports you:' Do I not know myself that my teachings are

right?" Thus he went on rending his garments and weeping, "Where are you, O son of Lakisha, where are you, O son of Lakisha;" and he cried like this until he went insane. When that happened, the Rabbis prayed for him, and he died.¹⁷

This tragic story illustrates the life-and-death struggle inherent in the havruta relationship, and how the absence of a havruta can lead to literal death for Torah scholars who cannot bear to live without the heights of study that a proper havruta affords.

5. The two subjects thus must be in a relationship if they are to become self-conscious. However, if the relationship persists, the struggle most often resolves itself into an unequal relationship, with S_1 achieving full self-consciousness (recognition). S_2 will play the role of recognizing S_1 without achieving any recognition himself. S_1 is thus the superior partner in the relationship, the "lord" in Hegel's terminology, and S_2 is the inferior partner, whom Hegel terms "bondsmen."

Havruta:

The Gemara in *Masekhet Taanit*¹⁸ teaches:

Just as a small piece of wood can ignite a large one, a minor scholar sharpens an advanced scholar. This explains Rabbi Hanina's statement "I have learnt much from my teachers (*Rabbotai*), even more from my colleagues (*haverei*) and most of all from my students (*talmidai*)."¹⁹

Hegel's analysis here elucidates all the elements of this statement. First, we can translate Hegel's terms of lord and bondsman into the Jewish categories of *rav* and *talmid*.²⁰ A *rav* and *talmid* relationship can play out both in the context of a traditional lecture, and in the case of an unbalanced havruta. In either case, the relationship serves to highlight the unique nature of a balanced havruta. With this background, we

can return to the Gemara's teaching. One learns most from his students, because when one occupies the position of *Rav* (teacher, master, lord) he is given the fullest opportunity for the expression and refinement of his own learning. In a sense, the *shiur* (lecture) is all about the *Rav* articulating his knowledge of the *sugya* and thereby becoming self-conscious of his knowledge. The student role is simply to absorb and react to the *Rav*'s lecture. Notably, the *Gemara* frames its discussion strictly in terms of the advantage offered to the *Rav*. The minor scholars play the role of enhancing the advanced scholars, and students enable the teacher to learn the most. The statement's implication, that all of the possible scholarly relationships, the student gains the least seems counterintuitive, yet in light of the Hegelian analysis, it rings true. The student passively absorbs what the teacher has to offer, and rarely if ever has the opportunity to concretize their grasp of the material, thus they never become fully conscious of their grasp of the material or lack thereof. Their understanding never enters the "real world."

6. While the lord has seemingly achieved self-consciousness by turning the bondsman into an object for the recognition of his self-consciousness, in fact, the lord can never achieve full self-consciousness through the bondsman. As the inferior partner, the bondsman is unable to fully reflect the lord and grant him recognition. Only an equal can recognize the lord, or as the popular saying goes, "it takes one to know one."

Havruta:

While occupying the position of *Rav* apparently allows one to fully concretize their understanding of the subject matter, this concretization is incomplete. It takes minimal struggle; the *Rav* presents the material, but given his mastery,

his students essentially accept what he has to say. They may offer occasional challenges, but on the whole, they are dwarfed by the *Rav*'s brilliance. Furthermore, the student cannot fully appreciate the magnitude of the *Rav*'s brilliance as he has not yet reached the level of the *Rav*'s comprehension. So the *Rav* cannot concretize his deepest levels of understanding, and the students cannot grasp it, nor can they elicit it. If he has no one to discourse with on his level, one who occupies the position of *Rav* will find himself a lonely man of learning. In a *havruta* relationship, a similar dynamic can take place, although usually on a more minor scale. For example a case where H_1 is vastly more capable than H_2 , but H_2 is still able to grasp H_1 's thoughts and respond to them.

7. Therefore, the two parties can only achieve self-consciousness when they arrive at an equilibrium in the relationship. Both S_1 and S_2 must play the role of subject who achieves self-consciousness, and the object who allows the other to become self-conscious.²¹ In Hegel's words: "they recognize themselves as mutually recognizing the other."²² Hegel sees this stage as the ultimate goal of any human relationship, he describes it as "the pure Notion of recognition."²³ Hegel doesn't elucidate exactly how this relationship works, but most likely it entails a dynamic equilibrium, meaning S_1 and S_2 do not constantly occupy both the role of subject and object²⁴, but rather they equitably share the roles between one another.

Havruta: H_1 would offer his opinion on the *sugya*, and while H_1 is doing so, H_2 would act completely receptively, recognizing H_1 's opinion and thereby achieving self-consciousness. Then H_2 pushes back with equal force and expressing his opinion, or critically engaging with H_1 's opinion. Now H_1 plays the role of patient receiver, recognizing H_2 .

In this sort of relationship, H_1 and H_2 have never left the struggle, but the struggle nonetheless stabilizes and becomes mutually beneficial for both parties. This differs from previous archetypes where the struggle absolutely ends to the detriment of either parties, or where it resolves into an unequal relationship.

This relationship represents the ideal sort of *havruta*, the one that R' Yohanan could not bear to live without. R' Yohanan and Resh Lakish began as teacher and student, but they evolved into an equal *havruta* pair. R' Yohanan thrived on the dynamic nature of his relationship with Resh Lakish who would constantly challenge him (and occasionally overpower him).²⁵ Resh Lakish proved himself R. Yohanan's equal, and thus was able to grant him full self-consciousness. His challenges revealed the depths of R. Yohanan's statements and that allowed both of them to achieve a "fuller comprehension of the law." Resh Lakish's replacement could not provide that dynamic relationship, and having experienced the ideal havruta, R. Yohanan could accept nothing less.

Hegel's analysis is intriguing, yet philosophically, it is impossible to evaluate its validity using Aristotelian logic or modern logical systems. This is because Hegel's argument is a phenomenology, a description of the way things appear. Therefore the only way to test the validity of Hegel's account is to apply it to concrete paradigms provided by human experience, and see if it matches. Here we have seen Hegel's analysis of human

relationships neatly mapping onto the relationship of havruta study, an academic relationship that can become a deeply intimate, spiritual relationship. And in supporting Hegel's claims, we have gained insight into the abstract framework behind the havruta relationship that articulates its rich dynamics.

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A final quote from *Masekhet*

*Kiddushin*²⁶ encapsulates the process that a healthy *havruta* goes through, from life and death struggle to an egalitarian relationship:

Who are the "enemies at the gate" (Psalms 127:5)? Rabbi Hiyya Bar Abba said, even when a son and father, or a master (*Rav*) and student (*talmid*) study a Torah topic together, they become enemies. But they do not budge from there [the topic of shared study] until they come to love one another.²⁷

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- 1 *V-Talmud Torah K-Neged Kulam (Pe'ah 1:1)*
- 2 The precise nature of havruta in the times of Hazal is subject to controversy. The sources have very much to say about group study, and it is abundantly clear that Hazal placed a very serious emphasis on group study, even if the contemporary model of the havruta pair is of more recent vintage. (See Aliza Segal, *Havruta Study: History, Benefits, and Enhancements* (Jerusalem, Israel: ATID, 2004), 7-9). See also *Mishneh Halakhot* 13:174 where he suggests that havruta study may be halakhically obligatory.
- 3 *Makkot* 10a: Translation mine. In his responsa *Teshuvot V'Hanhagot* 1:542, Rav Moshe Sternbuch (b. 1926), a contemporary scholar, entertains the question of the obligation to study b-havruta and cites this Gemara as a source for the obligation.
- 4 *Taanit* 23a: Translation mine. See *Magen Avot* by the Rashbetz where he applies this statement to havruta study.
- 5 This formulation is a paraphrase of Rav Ezra Bick's discussion of the Gemara in a talk at Yeshivat Har Etzion, summer 2012
- 6 Scholarly opinion holds that the give and

take (*shakla ve-tarya*) represented in sugyot accurately depicts the discussion in the Beit Midrash, and is not simply a later reconstruction. L. H. Schiffman, *From Text to Tradition: A History of Second Temple and Rabbinic Judaism*, (Hoboken, NJ: KTAV Publishing House, 1991) p. 224

7 G.W.F. Hegel *Phenomenology of Spirit* (Oxford, England: Oxford University Press, 1977), tr. A.V. Miller. Sections 178-196

8 See <http://en.wikipedia.org/wiki/Self-consciousness> which provides a good discussion of self-consciousness of the non-philosophical variety.

9 See section 4.1 in <http://plato.stanford.edu/entries/kant/> See also <http://plato.stanford.edu/entries/consciousness/> for a broader discussion of philosophical self-consciousness.

10 Or a capacity that one had innately.

11 A *sugya* is a conceptual unit, usually of Talmud. For example, the *sugya* of carrying on Shabbat.

12 This saying is a popular proverb in the yeshiva world.

13 Note to the reader: In order to get a clearer picture of Hegel's account, it may be helpful to read through the parts of each step that discuss Hegel's abstract model first, and then re-read it with the sections that discuss the applications to Havruta study.

14 *Phenomenology of Spirit*, Section 178.

15 While one might object that not all havrutas begin with this struggle, there are two points to keep in mind. First, Hegel's account is mapping an abstract account of the normal evolution of a human relationship. One can disagree with Hegel's account, but hopefully, the full account will strike the reader as intuitively plausible. Secondly, Hegel would claim that *all* relationships have this aggressive subtext, only that it is covert in some cases. On a sociological note, havrutas in the world of the yeshiva often tend to have a more aggressive overtone, given that a good havruta provides the key to success in yeshiva. In some cases yeshiva students even rank their fellow students by academic ability, and challenge their peers to prove their prowess in learning before being considered as a havruta candidate. (The reader is invited to research this phenomenon by visiting their local competitive yeshiva and inquiring about "shotzing up" – a yeshivish term of art.) Furthermore, even in the most amicable havruta relationships, the beginning of the havruta will involve an adjustment period (struggle) where both parties try to assess their partner's skillset and thereby set a tone for the havruta.

16 An affectionate term for Resh Lakish

17 *Bava Metzia* 84a: translation based on the Soncino Talmud, with alterations.

18 9a: See also *Makkot* 10a for the more famous attribution of the statement to *Rebbi* (Rabbi Judah ha-Nasi)

19 Translation mine.

20 The transition from discussing a havruta pair to a "Rav and Talmid" might be confusing. Really, no transition has taken place. We are still discussing the same havruta pair.

Just, that as a result of the struggle, one member of the pair has taken on a superior position, and the other an inferior one. Given the shift in the relationship, we can call the havrutot "Rav and Talmid." And now, given these new categories in an unbalanced havruta, we can examine a classic Rav Talmid relationship to illuminate the havruta relationship. This discussion

Cont. on page 14

The First *Beit Midrash*: The *Yeshivah* of Shem and Eber

BY: MIRIAM PEARL KLAR

The first historically known *beit midrash* probably began during the era of the Second Temple. The Pharisees, unlike the Sadducees, emphasized that Torah learning, and not only temple service, was a vital aspect of Jewish life. Thus, physical centers of Jewish learning slowly became the heart of Jewish living.¹ But there is another first *beit midrash*—the *beit midrash* of Rabbinic literature, the *Yeshivah* of Shem and Eber.

The Torah lists Noah's three sons as Shem, Ham, and Japheth. *Genesis Rabbah* questions this order, knowing that Shem was not Noah's eldest son from later verses². The Midrash then answers this question, explaining that Shem was honored and mentioned first because of his own personal righteousness and the greatness of his descendent, Abraham (*Gen. Rabbah* 26:3). The Midrash

knows that Abraham was the descendent of Shem from family trees listed later in the Torah. The belief that Shem was righteous probably stems from the story of Noah's drunkenness (*Gen. 9:20-27*). Walking backwards, Shem and Japheth covered their father's body during his drunken state in order to not look upon his nakedness. When Noah awoke he said, "Blessed be the Lord, the God of Shem. Let Him [God] dwell in the tents of Shem" (*Gen. 9:25-26*)³. The Midrash interprets this blessing to mean that the *shekhinah* (God's presence) will only dwell in the tents of Shem (*Gen. Rabbah* 36:8). Though

the blessing itself may be referring to future generations and the tents within the verse are not necessarily connected to Torah study, this verse probably serves as the Midrash's inspiration for the *Yeshivah* of Shem and Eber (Shem's son).

The Midrash refers to the influence of Shem and Eber on

numerous occasions. Each time, Shem and Eber appear as the spiritual guides of the forefathers and mothers. Malki-Tsedek, the priest who blesses Abraham, is in fact identified as Shem (*Gen. Rabbah* 44:7). Genesis 25:22 describes Rebecca's pregnancy, explaining that "the children struggled in her womb." To understand this abnormal occurrence, she "went to inquire of the Lord and the Lord answered her" (*Gen. 25:23*). The Midrash here explains that she went to the *beit midrash* of Shem and Eber. The Midrash similarly claims that conversations that Sarah and Hagar had with God took place through the mediation of Shem (*Gen. Rabbah* 45:10, 48:20). However, Shem

presented as teachers. After the *akeidah*, Abraham sent Isaac to learn Torah from Shem (*Gen. Rabbah* 56:11). Rashi, quoting the Talmud, says that Jacob also studied at the *Yeshivah* of Shem and Eber for fourteen years before he came to the house of Laban (*Megilla* 17a). The Midrash teaches that Jacob taught everything he had learned from Shem and Eber to his son, Joseph (*Gen. Rabbah* 84:8). In addition to the sources in *Genesis Rabbah*, *Shir ha-Shirim Rabbah* states that one who studies Torah in this world will be brought to the *beit midrash* of Shem, Eber, Abraham, Isaac, Moses, and Aaron in the world to come (*Shir ha-Shirim Rabbah* 6:2). The various references of the sages to the *beit midrash* of Shem and



and Eber are not merely intermediaries between man and God; the Midrash explains that they were figures of justice as well. In the Midrashic read of the story, Esau feared killing Jacob because he knew Shem and Eber would judge him for this sin (*Gen. Rabbah* 67:8).

Finally, Shem and Eber are

presented as teachers. After the *akeidah*, Abraham sent Isaac to learn Torah from Shem (*Gen. Rabbah* 56:11). Rashi, quoting the Talmud, says that Jacob also studied at the *Yeshivah* of Shem and Eber for fourteen years before he came to the house of Laban (*Megilla* 17a). The Midrash teaches that Jacob taught everything he had learned from Shem and Eber to his son, Joseph (*Gen. Rabbah* 84:8). In addition to the sources in *Genesis Rabbah*, *Shir ha-Shirim Rabbah* states that one who studies Torah in this world will be brought to the *beit midrash* of Shem, Eber, Abraham, Isaac, Moses, and Aaron in the world to come (*Shir ha-Shirim Rabbah* 6:2).

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Understanding the purpose of the *beit midrash* of Shem and Eber is puzzling. What prompts the sages to reference the *beit midrash* at these specific moments of the Torah? Furthermore, what is the purpose of these references? Are they merely providing background to the text of the Torah, or do they also enhance one's understanding of the text itself?

Understanding the purpose

and the development of Midrash may help answer these questions regarding the *Yeshivah* of Shem and Eber. Rabbi Dr. Isadore Epstein outlines the development of Midrash in his foreword to the Soncino translation of *Midrash Rabbah*⁴: When the Jews returned to Israel after the first exile, Ezra gathered them together with the mission of inspiring them to follow the ways of the Torah. "They read from the scroll of the teaching of God, translating it and giving it sense; so they understood the reading" (*Nehemiah* 8:8). Ezra created a reading of the Torah that explained textual difficulties and was in touch with the current thought and mindset of the time. This was the oral beginning of Midrash. It was based on the belief that each generation could reveal different latent aspects of the infinitely meaningful Torah. Epstein writes, "The Midrash thus created and brought into shape by the Soferim for the purpose of expounding the Torah fulfilled a vital necessity. For centuries after Ezra, it represented the most important medium for the expression of Jewish thought and teaching."

An examination of the Midrash concerning Rebecca's pregnancy brings to light how the *beit midrash* of Shem and Eber serves as a medium for expressing Jewish thought and connecting Jews to the text. This particular Midrash addresses a textual difficulty, but it also provides a theological insight. The verse states that "she went to inquire of the Lord, and the Lord answered her" (*Gen. 25:22-23*). "She went" (*va-telech*) implies physical movement—unnecessary if Rebecca was turning directly to God. Additionally, this verse contains a further difficulty for the reader: What does it mean to inquire of God? To read of Rebecca engaged in direct dialogue with God, seemingly awaiting an immediate response—and in fact receiving one—is a foreign and perhaps even unimaginable notion. The Midrash therefore assumes that the way in which Rebecca

inquires of God is the method familiar to those living in Rabbinic times—going to a *beit midrash* and inquiring of the sages. Since the only extant *beit midrash* of the time was that of Shem and Eber's, according to the Midrash, it must be that she went to inquire there. If that is indeed the case, the words "she went to inquire of the Lord" refer to her visiting the sages. From this the Midrash learns that visiting the sages is the equivalent of visiting the divine presence. Through this deduction, the Midrash is connecting its readers to the text by encouraging each Jew of its time to believe that just like Rebecca, they too can personally visit the divine presence.

Upon studying all the Midrashim concerning Shem and Eber, it is evident that they too respond to textual difficulties. For example, the Midrash that says Jacob went to study in the *beit midrash* of Shem and Eber for fourteen years is addressing fourteen years of Jacob's life that are left unaccounted for in the text. When the Midrash comments after the *akeidah* that Isaac went to study with Shem and Eber, it is addressing the verse that says Abraham returned to his servants, making no mention of Isaac returning (*Genesis* 22:19). And when the Midrash explains that Joseph's father taught him the Torah he learned with Shem and Eber, it is explaining the unusual term, "*ben zekunim*." (It comes from the root word elder (*zaken*) to teach that Joseph was the "son of elders" for he had learned the Torah of these elders.)

But like the Midrash about Rebecca, these Midrashim are also addressing deep theological questions: How did Jacob and Joseph have the strength to live in the homes of Laban and Pharaoh—in exile—and not assimilate? From where did Isaac derive the inspiration to remain a committed Jew after he was almost killed for the sake of God? What was the foundation of the forefathers' commitment to God?

Hazal's use of the *Yeshivah* of Shem and Eber made the struggles of the *Avot* relevant to Jews of later generations. Jews of Hazal's time went to *batei midrash* and Jewish sages to find faith, build relationships with God, and discover inspiration for combating assimilation and hardship⁵. Hazal therefore say that the forefathers went to the righteous elders of their times, Shem and Eber, and learned Torah from them. This Torah learning served as a foundation for the forefathers' survival of exile. Thus, the stories of the forefathers become relatable archetypes of Torah dedication. A struggling Jew in exile can understand the story of Jacob and Joseph and look to them as a relevant role models.

The importance of the *Yeshivah* of Shem and Eber lies not in its historical accuracy, but rather in its representation of a culture in which one can maintain a relationship with God despite its difficulty. According to the read of the Midrash, God did not simply appear to the Bible's heroes. They were not born with deep strength and conviction; rather, the forefathers worked hard to develop their faith. They went to seek advice from those who knew more than they. They spent time contemplating God and life's meaning. A Jew reading the Torah without Midrashim often finds stories foreign to his or her own life. The Torah speaks of leaders hearing God's voice, erecting alters, and witnessing miracles—living a life that sounds vastly different from the practice of Judaism in the days of Hazal. By stating that one who studies Torah in this world will be brought to the *beit midrash* of Shem, Eber, Abraham, Isaac, Moses, and Aaron in the world to come, *Shir ha-Shirim Rabbah* establishes a connection between every Jew and the Bible's leaders. Learning Torah in a *beit midrash* is actually as valid a way of encountering God as

witnessing miracles. A Jew learning Torah joins the rank of Israel's greatest leaders in the next world. The midrashim of the *beit midrash* of Shem and Eber allow Jews to view the forefathers as applicable paradigms of the effort and dedication required for cultivating a Jewish life of faith. They allow each Jew who learns Torah to feel like they are following in the footsteps of Tanakh's greatest figures.

Miriam Pearl Klar is a sophomore at Stern College and is a staff writer for Kol Hamevaser

1 "Pharisees," *Jewish Encyclopedia*, available at www.jewishencyclopedia.com/articles/12087-pharisees

2 Noah started having children at the age of five hundred (*Genesis* 7:6). Noah was six hundred years old at the time of the flood (*Genesis* 5:32). Shem was one hundred years old two years after the flood (*Genesis* 11:10). Therefore Noah must have been five hundred and two years old when Shem was born, and Shem was not Noah's eldest son.

3 All translations are from the JPS Tanakh.

4 Rabbi Dr. Isadore Epstein, *Foreword in Midrash Rabbah Translated into English*, ed. Rabbi Dr. H. Freeman (London, The Soncino Press, 1961), 4-23

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3 Pg. 43

4 Pg. 36

5 Ibid

6 Ibid.

7 Pg. 43

8 Pg. 48

9 Pg. 56

Cont. from Pearl, Hevruta or Death will ultimately lead us to understand the unique quality of a balanced havruta.

21 One might object that the entire struggle was unnecessary in the first place. Why couldn't the relationship have reached a point of egalitarian harmony from the outset? Three responses seem appropriate here. First, Hegel sees things from an evolutionary standpoint, meaning, things don't begin perfectly, they only reach perfection and refinement through a lot of struggle. Furthermore, people are naturally selfish, so it takes time for them to morally evolve to the extent that their willing that gives both parties maximal benefit. Finally, the dialectic explores the expanded progression a theoretical relationship, from setting up what a relationship is supposed to achieve, to showing how the relationship can become dysfunctional, to how it can ultimately resolve itself the best way.

Hegel is exploring the theory – not saying that every relationship will necessarily conform to this outline.

22 *Phenomenology of Spirit*, Section 184

23 *ibid.* 185

24 In this context, "subject" refers to the person who acting – say the havruta who is talking, and the object is the person who facilitates the subject's self-consciousness – for example the listening havruta.

25 See the Jewish Encyclopedia's article on Simeon b. Lakish for a fuller exploration of R. Yohanan and R. Lakish's complex relationship and its evolution. Available at <http://www.jewishencyclopedia.com/articles/13706-simeon-b-lakish>

26 30b

27 Translation mine.

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3 Pg. 43

4 Pg. 36

5 Ibid

6 Ibid.

7 Pg. 43

8 Pg. 48

9 Pg. 56

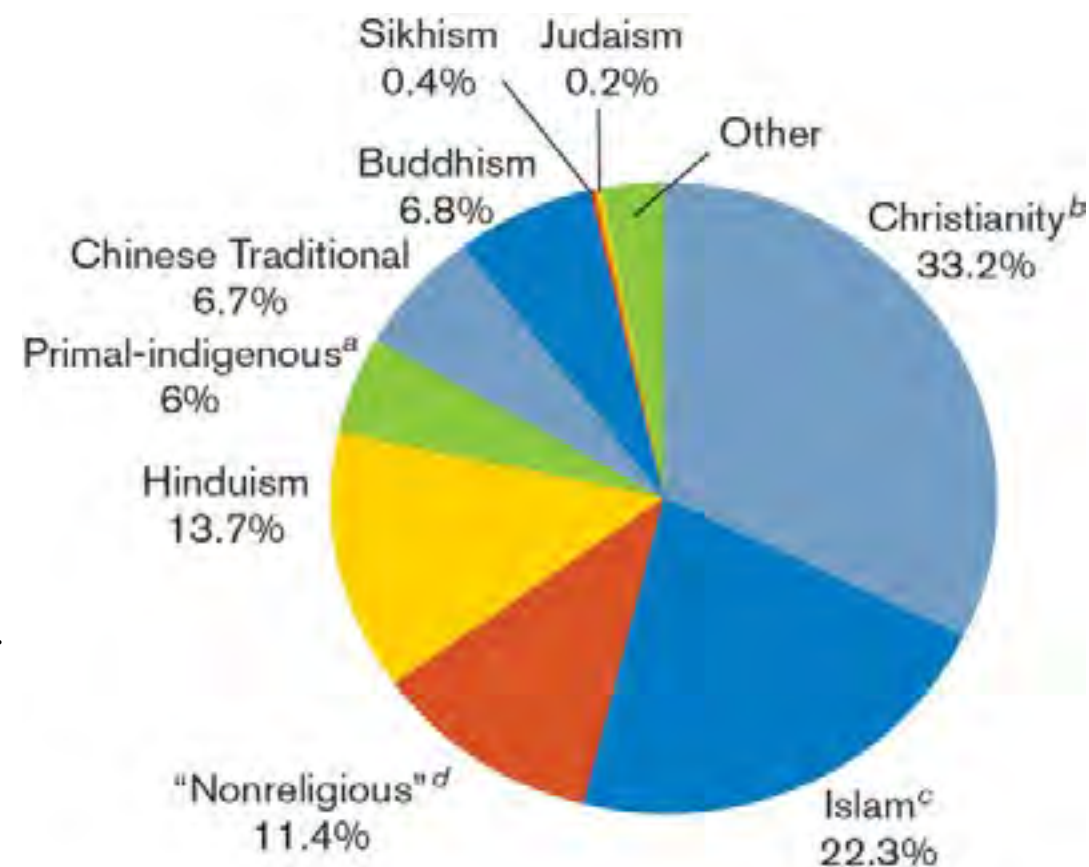
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- How much do you know about Christian and Islamic Theology? Similarities and differences between the “Big 3” religions?
- Another Look at the Rav’s seminal piece “Confrontation”
- Interfaith at YU?! Should we go out of our way to interact with member of other faiths?
- Does studying other religions help one appreciate and understand one’s own religion?
- Stories of censorship in the Talmud and on
- May one walk into the Cloisters? Entering other places of religious worship?
- Analyzing the Bible as it’s used by various faiths. How do other faiths read akedat Yitshak, Yeshayahu chapter 53 etc.
- She-lo asani goy? Is this meant to be read as a disparaging statement?
- Inviting non-Jews for Shabbat/Hagim?
- Hatzolah ambulance, saving the lives of non-Jews on Shabbat?
- Mishum eivah/Mi-penei darkhei shalom?
- Kiruv on non-Jews? Should we be promoting the Shevah Mitzvot Benei Noah?

Article Submissions Are Due: November 23

Of course, these are only suggested topics. Feel free to suggest any other article ideas. As always, please contact us at kolhamevaser@gmail.com with any questions. The editors will be glad to help you out throughout the research and writing process.



If Men Were Angels

BY: ALEX MAGED

1. “The Torah was not given to the ministering angels”

On February 6, 1788, James Madison, the “father of the American constitution,” published *Federalist No. 51*, in which he outlined his plan for limiting the power of the federal government. “If men were angels, no government would be necessary,” Madison observed; and “if angels were to govern men, neither external nor internal controls on government would be necessary.” But Madison understood that men are *not* angels—he regarded men as creatures of self-interest and

weaknesses—is given dramatic expression in a fascinating Midrash: R. Joshua ben Levi said: “When Moses ascended to heaven, the ministering angels protested before the Holy One, Blessed be He: “Master of the universe! What is this child of woman doing among us?” Said He: “He has come to receive the Torah.” Said they: “Do you mean to give this treasure that was kept stored away for nine hundred and seventy years, and for four generations before the creation of the universe, to a creature of flesh and blood?” ... Said He to Moses: “Provide them with a rebuttal.” Said Moses: “Master of the Universe, this Torah that You give me—what is written in it...? ‘Do not make for



yourself other gods.’ Well, do you angels dwell among foreign nations that worship idols [so that this commandment would be relevant to you]? What else is written in it? ‘Remember the Sabbath day to keep it holy.’ Do you angels perform labor, that you require rest? What else is written in it? ‘Do not take My name in vain.’ Do you angels engage in business [that you would be required to take an oath?]. What else is written in it? ‘Honor your mother and father.’ Do you angels have parents? What else is written in it? ‘Do not murder, do not commit adultery, do not kidnap.’ Do

you angels grow envious or possess an evil inclination?” Immediately, the Holy One, Blessed Be He, agreed with Moses...⁶

In this Midrash, Hazal highlight humanity’s base nature by contrasting men with angels, just as Madison does in *Federalist No. 51*. This distinction recurs throughout rabbinic literature. “The Torah was not given to the ministering angels,” our sages remind us in at least five Talmudic passages.⁷ We must not blur the fundamental boundaries of ontology, these sources seem to insinuate; men are men, and angels are angels, and never the twain shall meet.

2. “My lord the king is an angel of God” Yet the angels vs. humans dichotomy may not be as pronounced as the sources that we have consulted until now appear to suggest. When we return to Tanakh, in fact, we discover that the categories are consciously conflated, at least in one character: David. David is lauded by his contemporaries as an “angel of God” on three separate occasions during his lifetime. He is the only Biblical figure to earn this designation.⁸ That is ironic, of course, because as we have already seen, David considers

himself to have been “formed in iniquity” and “conceived in sin;” he is aware that he is composed of flesh and blood and is even ashamed of it, to some degree. Why, then, do his colleagues thrust celestial titles upon him? Are they simply hoping to ingratiate themselves with their monarch? Do they genuinely think of David as some sort of demigod? Or, is there another way to interpret their lofty honorifics? To answer these questions, let us carefully consider the contexts in which David is referred to as an “angel of God.” The first person to address King David

as an “angel” is Ahish, the King of the Philistine city Gath. David arrives in Gath seeking refuge from Saul, who wants to execute him for treason. Ahish protects David by granting him political asylum. After several years, however, the Philistines prepare to wage war against the Israelites, and Ahish expects David to fight on his side. But Ahish’s advisors disapprove of this plan, for they fear that David may not have abandoned his loyalties to his own people (as, indeed, he has not). Thus, Ahish is left with no choice. He dismisses David reluctantly, explaining: “I know that you are good in my eyes like an angel of God. Alas, the officers of the Philistines have said, ‘Let him not go up with us into the battle.’”⁹

The second person to address King David as an “angel” is a woman whom the text identifies as the “Tekoaite.” After David’s son, Amnon, rapes his sister Tamar, another of David’s sons, Absalom, exacts revenge by murdering Amnon. Absalom then flees to Geshur, and David refuses to reconcile with him. That is when Yoav, David’s general, intervenes. Yoav wants to make peace between David and Absalom, but he assumes that David will not heed

These characters demand that David “discern good from bad” and “do what is good in his eyes,” yet they acknowledge that by making this demand, they effectively force David to “play God.”

his advice. Therefore, he solicits the help of the Tekoaite, whom he instructs to deliver a cleverly crafted metaphor aimed at stirring the king’s mercy. This Tekoaite concludes her speech with an impassioned request: “Let, I pray, the word of my lord the king be for comfort, for my lord the king is as an angel of God, to discern the good and the bad...”¹⁰

The third person to address King David as an “angel” is a man named Mephibosheth. Shortly after Absalom returns to Judea, he launches a revolt against his father, David, and attempts to claim the throne for himself. David abandons the palace along with his

courtiers, but Mephibosheth—the lame son of David’s best friend, Jonathan—does not accompany the king into exile. Ziba, Mephibosheth’s caretaker, finds David in hiding and accuses Mephibosheth of sympathizing with the usurpers. David takes Ziba at his word and grants him ownership over all of Mephibosheth’s property as a result. But once the rebellion is put down, Mephibosheth approaches David himself, claiming that he has been framed, and that he had remained loyal to David all along. “Ziba has slandered your servant to my lord the king,” Mephibosheth insists. “But my lord the king is as an angel of God: do therefore what is good in your eyes.”¹¹ The three passages we have cited are strewn across the books of I-II Samuel. They are separated from each other by considerable periods of time and they do not share any of the same protagonists, except for King David. There is, however, one critical feature that unites these three narratives: in each of them, David faces a daunting decision.

How can David battle against Ahish, given the hospitality Ahish showed David at a time when David’s own brothers drove him out of his homeland? How, on the other hand, can David neglect his people in their moment of need, especially

When we sit in the Beit Midrash and struggle over a Tosafot, we too participate in the process of discerning and distilling Torah truth; when we frequent halls of study and pore over devar Hashem day and night, we, too, play a part in bringing Torah down from the heights.

now that Ahish has granted him leave? How can David forgive the murder of his son, Amnon? How, on the other hand, can he remain estranged from Absalom his whole life, thereby losing not only one son, but two? How can David trust Ziba? Maybe Ziba spread rumors about his wealthy, handicapped master because he anticipated that he would benefit if Mephibosheth fell out of favor with David. How, on the other hand, can David trust Mephibosheth? At the end of the day, Mephibosheth is a descendant of Saul—David’s historic

rival—who curiously chose to wait until after Absalom had been defeated before clearing up whose side he was on.

No human can adjudicate between these competing claims with certainty, or even with confidence; to weigh the relative vices and virtues of each position or to determine how the implications of a particular verdict will ultimately unfold is nearly impossible. None of this is lost on Ahish, the Tekoaite or Mephibosheth. These characters demand that David “discern good from bad” and “do what is good in his eyes,” yet they acknowledge that by making this demand, they effectively force David to “play God.” It is for this reason that they refer to him as a *malakh elohim*—a

phrase that most translators render as “angel of God,” but which can also denote “messenger (*malakh*) of the judiciary (*elohim*).”¹² Indeed, both meanings are accurate here. To dispense justice, imply these Biblical characters, is to act angelic; it is to serve as God’s messenger, in a

sense. If this is true of the cases in the book of Samuel—which, at least in their plain sense, require no explicit Halakhic reasoning to settle—then it surely applies with regard to religious rulings, when Torah values are at stake!

3. “You have made man slightly less than angels”
Perhaps it is this idea that we find reflected in the eighth chapter of Psalms:

To the conductor, upon the Gittith, a song of David. O Lord, our Master, how mighty



is Your name in all the earth, for which You should bestow Your majesty upon the heavens... When I see Your heavens, the work of Your fingers, the moon and stars that You have established, [I wonder]: what is man that You should remember him, and the son of man that You should be mindful of him? Yet You have made him slightly less than the angels [Hebrew: *elohim*], and You have crowned him with glory and majesty.¹³

By no coincidence is David the author of this psalm. The king stares out into space and feels dwarfed by its glory and grandeur. Yet he knows from experience that his role in the cosmic scheme is critical. David is charged with interpreting Hashem’s law for mankind. “One thing has God spoken, yet two have I heard,” David exclaims;¹⁴ scripture can be read in many ways—and I, a finite human being, have been asked to select the approach that I find most compelling, and to declare it normatively binding.¹⁵ What a grave responsibility!

To accept this responsibility is to perform God’s work on earth. “The Torah is not in heaven,”¹⁶ claimed Moses near the end of his career; but neither is it on *terra firma*. The Torah occupies the liminal space between these two dimensions, and *Klal Yisrael* bridges the gap by drawing legal applications from its sublime principles. Primarily, this work belongs to the judges who preside over *Battei Din* and the *rabbanim* who issue *pesak*. Yet all of us own a share in this holy endeavor. When we sit in the Beit Midrash

and struggle over a *Tosafot*, we too participate in the process of discerning and distilling Torah truth; when we frequent halls of study and pore over *devar Hashem* day and night, we, too, play a part in bringing Torah down from the heights. Magistrates and litigants, rabbis and congregants, teachers and students, *Talmidot Chachamot* and *Talmidei Chachamim*—surely David had all in mind when he asserted that *Homo sapiens* is “crowned in glory and majesty.” Even those who do not directly administer or execute Torah law are *me’at me-elohim*. They, too, are “almost-angels.”

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1 At the same time, of course, the Torah describes man as being created “in God’s likeness.” See Genesis 1:26-27. Translations of Biblical verses adapted from the Judaica Press, available at: www.chabad.org.

2 Genesis 8:21

3 Jeremiah 17:9.

4 Psalms 51:7

5 Psalms 19:8

6 Shabbat 88b-89a. Translation my own.

7 See Berakhot 25b, Yoma 30a, Kiddushin 54a (two instances of the phrase), and Meilah 14b.

8 The text’s narrative voice refers to Haggai as a *malach Hashem* in Haggai 1:13, but these words clearly mean “messenger of the Lord,” in context, and are rendered thus by most Biblical translators. The verse is emphasizing Haggai’s role as a messenger, i.e. a prophet, of God; it is *not* identifying him as an “angel” of God.

9 I Samuel 29:9

10 II Samuel 14:17

11 II Samuel 19:28

12 Significantly, the very first occurrence of the term *elohim* in the book of Samuel is used in this vein, i.e. as “judge” and *not* as “God:”

“If man will sin to man, then the judge (*elohim*) will judge him. If, however, he will sin against God, who will intercede in the judgment in his behalf...?” (I Samuel 2:25). It is also instructive that in all of *nevi’im rishonim*, the phrase *malach Hashem* appears twenty times, whereas the phrase *malach elohim* appears but seven times. David is referred to an “angel” four times—once by Ahish, once by Mephibosheth, and twice by the Tekoaite. That each of these characters addresses David using the phrase “*malach elohim*” as opposed to with the far more common “*malach Hashem*” is apparently deliberate.

13 Psalms 8:1-6.

14 Psalms 62:12. See also Sanhedrin 34a, where this verse is adduced as proof for the notion that scripture lends itself to more than one valid interpretation.

15 See Berakhot 4a, where Hazal present David as ruling on matters of ritual purity.

16 Deuteronomy 30:12

The Ancient *Beit Midrash* and the Modern Academy: An Exploration of Origins and Methodology

BY: SAM BERKOVITZ

If you were to visit a Geonic yeshiva during the months of Elul and Adar you would find a situation not too dissimilar from a modern *beit midrash*. There would be students hearing a lecture from a teacher, all of them having a set place to sit. Everyone would be studying the designated *masekhta* of that *yarhei kallah*, the set two months of the year when people from all over the world would travel to the great Babylonian *yeshivot* to learn. There were even financial aspects of the yeshiva. Some students received stipends and some of the faculty had a salary. Throughout the Geonic era these gatherings happened semiannually and the *yeshivot* functioned with their set curriculums and structure. The *yeshivot* even functioned throughout the year, albeit at a smaller capacity.¹ Clearly, the yeshiva was an institution, independent of its own members. Teachers died, students left, *yeshivot* even moved, but nonetheless, there was a continuous existence of the same yeshiva. But how far back does the concept of the yeshiva as an institution really go? The answer is not a simple one. Scholars attempting to discuss the origins of the Geonic academy look towards the Talmudic material for sources on the early *beit midrash*. These texts, however, are not without ambiguity.²

A starting point for this discussion can be found in the comprehensive study on this issue by David Goodblatt. Focusing solely on Talmud Bavli, Goodblatt suggests that the *beit midrash* as an institution did not exist at all in Amoraic times.³ The core of Goodblatt’s argument is that the term used most frequently with respect to the place of study for Babylonian sages is either “*bei rav*- the house of a Rav (the Amora)” or “*bei R. X*,- The house of Rabbi ‘X’.” Goodblatt points out that these terms seem to connote a kind of teacher-student teaching circle located in the teacher’s house, which is very different than the institutionalized

yeshivot of the Geonic times which were both larger in scale and not dependent on a specific rabbi in order to function.⁴ Furthermore, mentions of *beit midrash* and *bei midresha*, which undoubtedly mean some sort of school, are typically associated with non-Babylonian sages, and therefore they do not indicate what was happening in Babylonia.⁵ Regarding Talmudic usage of the terms *yeshiva* and *metivta*, Goodblatt suggests that

these words do not refer to the *yeshivot* and *metivata* found in Geonic times, but rather are related to their literal meaning of sitting. He claims that these phrases actually refer to either courts since the places in which they are found largely deal with practical-legal issues as opposed to theoretical debates, or alternatively, that they could sometimes mean study sessions.⁶ However, he concedes that, in a small minority of cases, these terms actually refer to real schools. Nevertheless, after reducing the amount of references to both of these terms with textual evidence from manuscripts or parallel *sugyot* in the Bavli, he ultimately tallies the number of total number of references of *yeshiva* and *metivta* to 6 and 11 respectively. Contrasting this to the 159 mentions of *beit midrash*, 98 of *be midrasha*, 69 of *bei rav*, and 157 of *bei R. X*, Goodblatt grants only minor significance to the small number of problematic passages.⁷ Essentially, Goodblatt’s claims are statistical. Since most mentions of a place of learning in the Talmud Bavli do not describe an institution like the later Geonic *yeshivot*, they must have

not existed.

In an article entitled “Yeshiva and Metivta,” Yeshayahu Gafni argues with Goodblatt’s position, claiming that the Geonic-style yeshiva did exist during the Amoraic period.⁸ Regarding the terms *yeshiva* and *metivata*, Gafni agrees that in Tannaitic sources it meant courthouse, but regarding the Bavli he challenges Goodblatt on many of his readings, as they are sometimes forced. For example, Gafni cites the following Bavli:

“Both [Rav and Samuel] agree that the *Get* requires confirmation. Rav, however, is of opinion that since there are Talmudical Colleges (*metivata*) in Babylonia, witnesses can always be found while Samuel is of opinion that the Colleges (*metivata*) are busy with their studies.”⁹

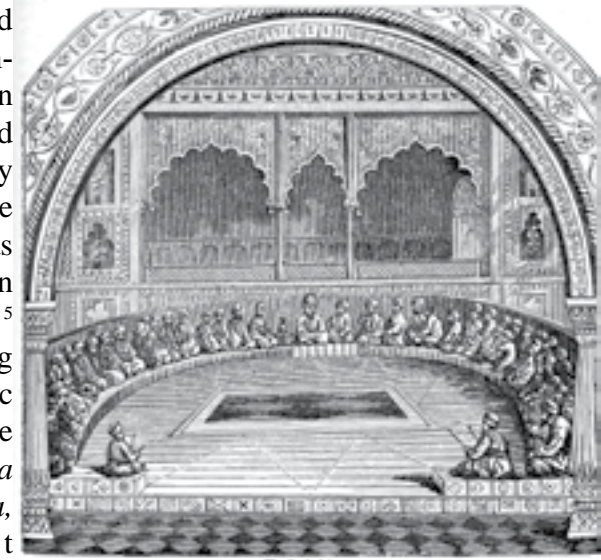
It is hard to imagine that the term *metivata* is talking about study groups in this context. Study groups imply something informal, and *metivata* clearly implies a set and formal institution where “witnesses can always be found.” Furthermore, it is difficult to suggest that *metivata* in the above passage is merely referring to courts. Otherwise, how could they ever be too “busy with their studies” to help out in a judicial case if that was their primary role? Gafni’s approach also addresses the statistical component of Goodblatt’s argument. Indeed, even according to Gafni if every mention

Teachers died, students left, yeshivot even moved, but nonetheless, there was a continuous existence of the same yeshiva. But how far back does the concept of the yeshiva as an institution really go?

of yeshiva and *metivata* does mean a real institutionalized yeshiva, there are still many more mentions of informal learning sessions in “the house of rabbi X.” However, fewer mentions of institutionalized *yeshivot* does not mean that they did not exist whatsoever and instead might suggest that they were just not that popular as of yet. Furthermore, placing the origins of the institutionalized yeshiva in the Amoraic period allows for a more realistic period of development for this institution, which is important since significant cultural changes rarely happen overnight. Therefore, according to Gafni, the yeshiva surely existed in the Amoraic period.

In an article reexamining this topic, Jeffrey Rubenstein—applying a new methodology of Talmudic study—argues that essentially both Goodblatt and Gafni were correct.¹⁰ Gafni was right that many mentions of the *yeshiva* and *metivta* were actual schools, but Goodblatt was right that these mentions were post-Amoraic *since they actually belong to a later stratum of the Talmud*.

Rubenstein builds from the method of Talmudic analysis known as redaction-criticism, made popular by both David Weiss-Halivni and Shamma Friedman.¹¹ Both of these scholars essentially argue that unlike the traditional view of the Talmud containing two chronological literary layers, Tannaitic and Amoraic materials, there is in fact a third and later layer of the Talmud: a layer known as the stammaim, or the stam-layer (meaning anonymous). They argued that this layer of the Talmud was different than earlier strata in various ways: it lacks any authorial attributions, consists of a highly dialectical give-and-take, and heavily uses Aramaic. Due to these stylistic differences and seemingly forced answers given by this



stratum of the Talmud, they conclude that the stam-layer of the Talmud is later than the Amoraic layer. Standing in contrast to the traditional view that the Bavli was finished by Ravina and Rav Ashi, Halivni argues that that the phrase “Ravina and Rav Ashi were the end of instruction (hora’ah)”¹² really means that they were the end of the official apodictic—non-justified legal—teachings, but in no way are the end to editing or the dialectic arguments so commonly found in the Bavli.¹³ To mention just one example demonstrating the existence of a stam-layer, Halvini notes that the Gemara in Yevamot 11a is unaware of whether to attribute an opinion to Rav Aha or Ravina II, both of whom are students (and grand-students) of Ravina and Rav Ashi. This is a question that could easily have been solved if the editors of the Talmud were their teachers, since they would just have to ask their students who said what.¹⁴

Following this newer methodology, Rubenstein argues that all of the mentions of institutionalized schools in the Bavli are really found in this later stratum. For example, in Makkot 11b (and also Sot. 7b and BQ 92a) there is an Amoraic Midrash that says:

Throughout the forty years that Israel remained in the wilderness, Yehuda’s bones shook in his coffin until [in the end] Moses stood up and supplicated for mercy on his behalf: Lord of the Universe! [said he.] Who influenced Reuven to make free confession [of his guilt]? Was it not Yehuda? ‘and this [was due] to Judah!’ And he [Moses] said, Lord, hear the voice [appeal] of Yehuda’.”

Right after this Midrash is an Aramaic gloss: Thereupon, joint slipped into socket. Yehuda, not having yet been ushered in to the Celestial College (*metivta deraki’a*). [Moses again prayed] — ‘and bring him unto his people’! Yehuda,

being unable to parry in debate [through prolonged absence, Moses prayed] — ‘let his hands [capacity] be sufficient for him’; being unable to disentangle [analyze or explain] intricate points raised in discussion, Moses prayed — ‘and be the Lord and help unto him from his adversaries’.”

In his analysis of this story, Goodblatt suggests that one can read this source as saying that Yehuda was not allowed into a heavenly learning session, while Gafni disagrees.¹⁵ However, Rubenstein points out that this later back-and-forth to let Yehuda into the heavenly school and the further debate to let him participate in the studying there are all in Aramaic, demonstrating that it was not connected chronologically with the previous hebrew Midrash and is actually part of the later stammaitic layer. He further points out how this addition is quite typical of the stam-layer of the Bavli, specifically the portrayal of Moshe having a debate with God as well as Yehuda trying to join into the heavenly academy’s give-and-take. Therefore, this *gemara* serves as another example of the *stam*’s predilection towards dialectic and ultimately reflects the nature of the *beit midrash* present in the times of the *stam* layer’s writing, and not the existence of a *beit midrash* from the time of earlier Amoraim.¹⁶ Rubenstein further applies this methodology to other examples where the word *metivta* or yeshiva appear, such as the aforementioned case of witness confirmation on a *Get*, reading the reasoning that the Bavli gives for Rav and Shmuel really belong to a later generation.

A second methodological development which Rubenstein utilizes is the question of how we treat *Aggadah*

in the Bavli. Until now, we have only dealt with places where a school-like word was the focus of the discussion. Taking a broader look throughout the Bavli, there are many stories that never mention the words *beit midrash* or *metivta* but clearly describe such institutions. However, Rubenstein argues that these stories can also be dated to post-Amoraic times, stating that: “it has increasingly become the scholarly consensus that Talmudic stories are didactic fictions, not accurate historical reports. Consequently the stories inform us of the ideas, values and cultural situation of the storytellers, not the characters.”¹⁷ In the editing of the Bavli, its creators were not aiming to preserve old stories, rather to update and change them in order to convey more compelling lessons to their contemporary audience.

A great analysis of such an *aggadah* is Daniel Sperber’s article about the story of Rav Kahana’s flight



to Israel in Bava Kama 117a-b.¹⁸ In this *gemara*, a person wants to inform on a fellow Jew to the tax collector. Even after Rav’s protest, the would-be-informer still wants to betray his friend, and subsequently Rav Kahana kills him. Following the advice of Rav, Rav Kahana flees to Israel, but on the condition that he will not ask R. Yochanan any questions for seven years. After meeting Resh Lakish, Rav Kahana demonstrates his intellectual prowess. Resh Lakish subsequently warns R. Yochanan that a great Torah scholar had come from Babylonia and that he should prepare for next days

lecture. At the start of lessons the next day, Rav Kahana is put in the front row, the place reserved for the brightest students. However, after R. Yochanan continues in the lesson and Rav Kahana does not respond, he is subsequently moved back, ultimately put back seven rows. Not able to remain silent anymore, Rav Kahana declares that these seven rows should be in the place of the seven years of silence he promised Rav. Asking R. Yochanan to go back to the beginning, Rav Kahana starts to refute R. Yochanan’s lesson and returns to the front row. He further questions R. Yochanan’s lesson, and with each additional question the students remove one of the seven mats that R. Yochanan is sitting on, until they take all seven away. After he is left on the floor, R. Yochanan asks a student to open his eyelids, because he is too old himself to do so, and a student did so with a silver stick.

There is a lot more to the story such as the subsequent death and resurrection of Rav Kahana, but for the purposes of showing how this story is not historical but rather didactic, this segment is sufficient. It is clear from this story that the *beit midrash* as a proper school existed, but the question is what *beit midrash* could

it be describing? It is hard to take this story at face value, as chronologically the facts do not of the narrative do not add up. Firstly, Rav was much older than R. Yochanan, as Rav died circa 248 while R. Yochanan died 279. Therefore it does not make sense that Rav would have been able to send Rav Kahana to an elderly R. Yochanan as the former should have been dead. Furthermore, another part of the *aggadah* mentions a change of political power, which was most likely referring to the change from Parthian control to Sasanian in 226, almost 50 years before R. Yochanan died.¹⁹ From all of this evidence, it

seems that already this story is not necessarily historically accurate.

Furthermore, not only do we have negative evidence that this story does not reflect early Amoraic times, but there are also certain elements of the story itself that point to a much later dating. For example, the motif of sitting on mats does not really make sense from a Palestinian perspective, as they would have sat on cushions.²⁰ Furthermore, the theme of the aristocracy sitting on mats is found in sixth-seventh century Sasanian art, not only pinning down the geographical location of the story, but most likely its time period as well. Once we realize that this story was told in a Sasanian context, even more motifs can be discerned, such as the old man not being able to lift up his eyes and the value of silver.²¹ These motifs would only have appeared in a world where Sasanian culture was the surrounding force, and following other themes in the story particularly a sixth- to seventh-century Sasanian culture. Following this method of analysis, Rubenstein, both in his article and in other works, reads most *aggadah* as not reflecting a historical endeavor of the *stammaim*, but rather a literary creation meant to put a modern message in the mouths of older heroes.

Mikdash to Midrash

BY: DANIEL ABOUDI

“This Sefer Torah should not leave your mouth, and you should delve into it day and night, in order that you will observe all that is written in it, so that you will be prosperous in your path and be successful (Yehoshua 1:8).” Hashem issued this charge to Yehoshua during the first moments of his career as the leader of the Bnei Yisrael. Bnei Yisrael were about to embark on a massive conquest of the Land of Canaan and their success in the ensuing battles was to be contingent upon their Torah observance and not on prayers, sacrifices, or communication with Hashem through prophecy. It would appear that the Torah, which was just recently compiled by Moshe, was about to take a central role within the Bnei Yisrael. However, never again

Almost indispensable to modern understanding of *limmud Torah* is its primary location: the *beit midrash*. But as our historical analysis demonstrates, the connection between the two is not as inherent as we might think. Starting with Goodblatt’s study, we saw that the institutionalized yeshiva may not have started until the times of Geonim. Gafni’s analysis of the sources, on the other hand, moved the inception of the Babylonian yeshiva institution back into the Amoraic period. Rubenstein’s new methodologies toward approaching the redaction and ahistorical nation of the *gemara* offered a fascinating middle ground approach to the institutionalized *beit midrash*’s origins. Indeed, Talmudic texts referring to *batei midrash* were discussing *institutionalized* yeshivas. However, these references belong to later stratum of the Bavli, a stratum that was not afraid to insert its own voice into the chain of the tradition.

Sam Berkovitz is a Junior in Yeshiva College and enjoins his readers to peruse the endnotes.

1 Brody, Robert. “The Geonic Academies: Continuity and Change.” In *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture*. (New Haven: Yale University Press,

1998). 35-65.

2 For the purpose of the essay we will mainly focus on Babylonian Jewry, as the previous description of the yeshiva is from that region and since scholars have pointed out many differences between the two culture centers of Babylon and Israel we have to be cognizant of comparing evidence from within more or less the same culture.

3 Goodblatt, David M.. *Rabbinic instruction in Sasanian Babylonia*. (Leiden: Brill, 1975). 7

4 Ibid. 108

5 Ibid. 96

6 Ibid. 63

7 Ibid. 74,90

8 Yeshayahu Gafni, “‘Yeshiva’ and ‘Metivta,’” *Zion* 43 (1978), 12-37 (Hebrew).

9 Gittin 6a, all translations are from Soncino Press, with minor revisions

10 Rubenstein, Jeffrey L. “The Rise of the Babylonian Rabbinic Academy: A Reexamination of the Talmudic Evidence.” *JSIJ* 1 (2002): 55-68

11 Halivni, David. *The formation of the Babylonian Talmud*, Transl. by Jeffrey Rubenstein. New York, NY: Oxford University Press, 2013.. And Friedman, Shamma, “‘Al derekh heqer hasugya” (“On the Method of Critical Research of the Sugya”) in his “Pereq

Jews were allowed to return to Judea by Cyrus, Ezra and Nehemiah arose as prominent leaders of religious rebirth. A major component of these books deals with the initial rebuilding of the Second Temple, the re-instituting of the service of the Kohanim and the Levi’im, and

the revitalizing of the Jewish nation. The text makes a point of saying that the Kohanim knew their service in accordance with how it is written in the Torah of Moshe.² Due to the crippled state of the Jewish nation, the decline of prophecy, and the general downtrend in Temple lifestyle, religious service to Hashem would not

ha’isha rabba babavli,” Mehqarim umeqorot, ed. H. Dimitrovsky (New York: Jewish Theological Seminary, 1977), 283-321.

12 Baba Metsia 86a

13 Halivni, David. *The formation of the Babylonian Talmud*, Transl. by Jeffrey Rubenstein. 85

14 Ibid. 92. The opinions of Halivni and Friedman were simplified and conflated for the purpose of this article, for a detailed and clear analysis of the different approaches see [Vidas, Moulie. “Introduction.” In Tradition and the formation of the Talmud. Princeton: Princeton University Press, 2014. 1-19.](#)

15 Gafni, Yeshiva 31 and Goodblatt, Rabbinic Instruction 85

16 Rubenstein, Jeffrey L. “The Rise of the Babylonian Rabbinic Academy: A Reexamination of the Talmudic Evidence.” 60-61

17 Ibid. 58

18 Sperber, Daniel “On the Unfortunate Adventures of Rav Kahana: A Passage of Saboraic Polemic from Sasanian Persia,” *Irano-Judaica*, ed. S. Shaked (Jerusalem, 1982), 83-100.

19 Ibid. 88

20 Ibid. 91

21 Ibid. 90

have been possible if not for the Torah. In order for the services to continue, the Kohanim either needed to learn for themselves or be taught the laws of the sacrifices from the Torah; therefore, the sacred text was seen as an instruction manual for the sacrificial service in the Beit Ha-Mikdash. As such, the natural leader for this synthesis between the Mikdash and an apparent emphasis on Torah study would be a Kohen who was proficient in the Torah in its entirety and could teach others how to serve in the Beit Ha-Mikdash correctly.

From the lineage of Aharon Ha-Kohen and a scribe of the Torah of Moshe, Ezra embodied the best of both the world of Mikdash and the world of Torah in order to lead the Jewish people within both realms.³ In accordance with the mission of the Kohanim to

“teach [Hashem’s] laws to Yaakov, and [Hashem’s] Torah to Yisrael.”⁴ Ezra prepared to expound upon the Torah, to observe the commandments, and to teach the Jews all of the laws.⁵ Famously, Ezra read the whole Torah

before the Jews in Jerusalem in order that the whole nation should understand the text.⁶ The pesukim tell us explicitly that the Jewish people did

not know about the holiday of Sukkot, which they immediately took action to keep by mobilizing the construction of Sukkot.⁷ During the time of Ezra, many, if not all, mitsvot seemed to be completely forgotten and the Torah was the only remnant of commandments long lost. The early years of the Second Temple not only marked a time when the Torah became central to the service in the Mikdash, but a time when the Torah became central to the continuation of all mitsvot; thus the law-book needed to be studied.

As history moves toward the Hellenistic period, the Kohanim appear to be more knowledgeable in their service of the Mikdash. After the Hasmonean Revolt against the Seleucids around the year 134 BCE, the Jews split into two main sects, the Pharisees and the Sadducees who were led by the Sages and the Kohanim

respectively.⁸ For our purposes, there are two main distinctions to be made between these two sects: First, the Pharisees took part in the synagogue and Beit Midrash movement,⁹ whereas the Sadducees remained attached to the

Mikdash model of religious life.¹⁰ And second, the Pharisees were concerned with interpreting the Torah based on Oral Tradition,

while the Sadducees were devoted to a surface reading of the text.¹¹ This divide between the two sects is prominently seen through examples of *Halakha le-Moshe mi-Sinai* – laws given to Moshe from Sinai, which the Pharisees held authoritative and the Sadducees did not.¹² The Sadducees viewed the Torah as a tool to be utilized for enhancing the service of Hashem through the Mikdash. The Pharisees, on the other hand, championed a new emphasis on delving into the text and expounding the laws in the Beit Midrash. Each side only followed one aspect of Ezra’s legacy – the Kohen or the Scribe, but neither side was interested in unifying and utilizing the strengths of both approaches to Judaism.¹³

It is easy to understand the opinion of the Sadducees since the Mikdash had always been the prominent center of Jewish life, but why did the

Pharisees affiliate with the Beit Midrash movement and the centrality of the Torah, a feeling without true precedent in Jewish history?¹⁴ During their time, the high priesthood was bought from the ruling foreign power of the time (i.e. the Greeks or the Romans), which inevitably lead to corruption, abuse of power, and a pollution of the Mikdash. Therefore, the Pharisees looked to be a part of a countermovement, that of the Beit Midrash, to replace the Mikdash until its restoration back to its full glory¹⁵. While the Mikdash was a place of sacrifices and rituals, the Beit Midrash was a place of prayer and Torah study.¹⁶ Midrash replaces Mikdash and Tefilla replaces Korbanot. When the rituals were contaminated by the corrupt Kohanim and the destruction of the Temple loomed in the air, the Pharisees sought to push forward the Beit Midrash as the institution for the preservation of Judaism. And when the Temple was destroyed in the year 70 CE, it was Yavneh – the first official Beit Midrash – where the Sages kept Judaism flourishing,¹⁷ and this was accomplished in part by modeling the Beit Midrash after the Mikdash itself.

The Pharisees and the Tannaim that followed them developed two main methods of legitimizing the Beit Midrash.¹⁸ The first method claimed that the Beit Midrash is really a Mikdash Me’at – a smaller version of the Temple.¹⁹ The second method claimed that

the physical Beit Midrash is parallel to a spiritual Beit Midrash in heaven.²⁰ These two methods were meant to make the Beit Midrash more accepted, but they went about doing so in different ways. The first method established the authority of the Beit Midrash upon the grounds of a Mikdash; since the Mikdash was always the center of Jewish life, the Beit Midrash was meant to be the natural off-shoot following the destruction of the Mikdash. On the other hand, the second method established the authority of the Beit Midrash upon the grounds of heaven; the Mikdash was the original resting

place for Hashem’s presence, but, now that the Mikdash was destroyed, the Beit Midrash became the new resting place for the *shekhinah*.

In fact, components of the Beit Midrash came to replace the services of the Mikdash. Berakhot 26b debates whether prayers were instituted based on the precedent of our forefathers or based on the sacrifices in the Temple; while the Talmud concludes that there is a duality involving both in the prayer services, it is clear that prayers were seen as the new service in place of the sacrifices in the Mikdash. Furthermore, Reish Lakish says that if someone learns Torah, then it is as if he brought a grain-offering, sin-offering, and a guilt-offering.²¹ Again, we see another example of how the Beit Midrash fulfilled the services of the Mikdash that were lost after the destruction.

As time moved farther away from the Mikdash, the Sages sought to demonstrate the true force of the Torah’s power. In opposition to Reish Lakish, Rava explains that whoever learns Torah does not need a grain-offering, sin-offering, and a guilt-offering.²² Rava felt that the role of Torah study was inherently different from that of the

“When the rituals were contaminated by the corrupt Kohanim and the destruction of the Temple loomed in the air, the Pharisees sought to push forward the Beit Midrash as the institution for the preservation of Judaism”

Korbanot; while the Korbanot served to clear a person from sin after they acted wrongfully, Torah study prevented a person from sinning in the first place. According to Rava, it would appear that Torah study was a better system than Korbanot. In fact, as the Tannaim and the Amoraim became accustomed to the centrality of the Torah, *Talmud Torah* itself became fundamental and not just one component of many that comprised service of Hashem at that time.²³ While Shimon HaTzadik, during the early period of the Second Temple, equated the pillars of Torah, *Avodah*, and *Gemilut Hassadim*,²⁴ the Tannaim

and Amoraim started the shift to Torah as the most important pillar of Judaism. Rabbi Halafta explains that, whether there are ten people or just one person studying Torah, the *shekhinah* is present “in all places that [Hashem’s] name is mentioned” (Shemot 20:20).²⁵ The Sages tell us that it is up to every Jew to bring Torah study into their everyday lives in order that Hashem’s presence can dwell amongst them; this should be accomplished in the Beit Midrash, a place set aside for Torah study, but it can be done anywhere possible, even at our dinner tables.²⁶

Following the slow step towards making Torah study central to Judaism, we can see how important the role of the Beit Midrash was in facilitating that growth. It is clear that there are two important roles that the Beit Midrash and Torah study are meant to take: On the one hand, the Beit Midrash functions as a Mikdash Me’at and Torah study functions as a replacement of the Korbanot that we can no longer bring; the Beit Midrash, in this role, links us to our sacred past, to the commands of the Torah that are estranged from us, and to the customs of our ancestors that we fulfill in a different capacity. On the other hand, the Beit Midrash and Torah study are new innovations where one can ask, “What new idea was learned in the Beit Midrash today?” and always expect an answer, for as a place of innovation, “it is impossible to leave the Beit Midrash without a new idea.”²⁷

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1 Shaye J.D. Cohen, *From the Maccabees to the Mishnah* (3rd ed. Louisville, Kentucky: Westminster John Knox Press, 2006), 15. All dates are taken from the timeline in this book.

2 Ezra 3:2; 6:18.

3 Ezra 7:1-6.

4 Devarim 33:10.

5 Ezra 7:10.

6 Nechemiah 8:8.

7 Nechemiah 8:14-15.

8 Cohen, 154-157.

9 Cohen, 109.

10 Binyamin Lau, *The Sages: Character, Context, and Creativity* (trans. Michael Praver, vol. 1, Jerusalem, Israel: Koren Publishers, 2010), 107.

11 Megillat Taanit says that on the 4th of Tammuz we do not fast because the book of decrees was destroyed; the Scholion – the explanation on the Megillah – explains that this refers to the decrees of the Sadducees. Further, the Scholion records a discussion between a Sadducee and a Pharisee where the former claims that “an eye for an eye” should be taken literally, whereas the latter claims that it should be interpreted figuratively on the basis that the Oral Law tells us so.

12 For example: In Mishnah Sukkah 4:9, R. Yehuda explains that there is a Mitsvah of Nisukh ha-Mayim – a water libation – on the altar in the Mikdash during the eight days of Sukkot. The Sages present were wary of the Kohen who performed this water libation because, as Rambam explains, sometimes the Kohen was a Sadducee and would not perform the water libation since it was a Halacha le-Moshe mi-Sinai. Here we can see a clear example of the clash between the learning of the Midrash and the service of Mikdash.

13 During the times of these two sects, it was common to see acts of aggression and violence against one another, as opposed to open lines of communication. Both were looking to keep Judaism strong, but they refused to work with one another. John Hyrcanus is a prime example of this aggression; originally a Pharisee supporter, John Hyrcanus ultimately becomes a follower of the Sadducee sect and is convinced by them to massacre many Pharisee leaders. On the other hand, Salome Alexandra bolsters the Pharisee sect and allows for their leaders to put many Sadducees to death.

14 While Ezra seems to have emphasized exegesis of the Torah,

he did so from the Mikdash. The Pharisees were advocating for something radical – moving out of the Mikdash and into a different institution of non-Jewish roots (*synagogue* is a Greek word meaning “House of Assembly,” or *Beit Knesset* in Hebrew).

15 Cohen, 127.

16 Cohen, 106.

17 Binyamin Lau, *The Sages: Character, Context, and Creativity* (trans. Ilana Kurshan, vol 2, Jerusalem, Israel: Koren Publishers, 2011), 21.

18 We are going to assume, for our purposes, that the Beit Knesset and the Beit Midrash accomplished the same goal of replacing the Mikdash for the sake of preserving Judaism. In Yerushalmi Megillah3:1, the Talmud says that there were 480 Batei Knesset in Jerusalem before the Mikdash was destroyed and each one had a Beit Talmud and a Beit Sefer. From here we can assume that the Beit Midrash (a place of learning) was inherently part of the early Beit Knesset. We are not going to delve into the reasons why these two institutions were split up.

19 Megillah 29a.

20 Midrash Tehillim Psalm 84.

21 Menahot 110a.

22 Menahot 110a.

23 This might explain why the Beit Knesset and the Beit Midrash split off. The Beit Knesset is an institution for service to Hashem, whereas the Beit Midrash is specifically singled out for Torah study.

24 Avot 1:2.

25 Avot 3:6.

26 Avot 3:4.

27 Hagigah 3a.



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