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A World Worth Knowing: Jewish Education's Crisis of Curiosity

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Curiosity is insubordination in its purest form.

~ Vladimir Nabokov[1]

In 2020, the Pew Research Center asked American Jews about the qualities they consider essential to their Judaism.[2] Many of the results were unsurprising. Eighty-three percent of Orthodox Jews considered observing Jewish law to be essential, while just five percent of Reform and unaffiliated Jews agreed. "Eating traditional Jewish foods" ranked relatively low among all groups. But a more interesting result concerned the quality of "being intellectually curious." Here, Orthodox Jews came in at just thirty-six percent, while Conservative and Reform Jews polled at sixty-three and fifty-nine percent, respectively.

These numbers become more nuanced when we compare this poll with a similar one conducted in 2013.[3] Although intellectually curious Orthodox Jews significantly trailed other denominations that year as well, the 2013 poll qualified this trend by subdividing the Orthodox population into various branches:

> The Pew researchers broke down the Orthodox Jewish community into three camps: Modern Orthodox, Yeshivish and Hasidic. The Modern Orthodox enclave outpaced Conservative and

[1] From *Reading Lolita in Tehran*, by Azar Nafisi.

[2] "Jewish Americans in 2020," Pew Research Center, last modified May 11, 2021, https://www.pewresearch.org/religion/2021/05/11/jewish-americans-in-2020/.

[3] "A Portrait of Jewish Americans," Pew Research Center, last modified October 1, 2013, https://www.pewresearch.org/religion/2013/10/01/jewish-american-beliefs-attitudes-culture-survey/.

> Reform Jews on the curiosity meter. On the other hand, just 17% of Hasidic Jews answered that intellectual curiosity was essential. Most interesting, Yeshivish men scored similarly to Hasidic Jews while Yeshivish women resembled the Modern Orthodox tabulation.[4]

An article from the Wexner Foundation attempts to explain these statistics, and I will return to its conclusions later on. But before I consider the modern ambiguities, it is valuable to explore their ancient precedents. A healthy curiosity demands it.

The Curious History of Jewish Curiosity

At first glance, there would seem to be important sources that champion curiosity as a Jewish value. In the Midrash, cited by Maimonides as a sort of preamble to his *Laws of Idolatry*, Abraham arrives at an awareness of God due to his curiosity about the order and management of the cosmos. Similarly, Moses' divine mission begins with his decision to inspect the burning bush. In his commentary to Exodus 3:3, Gersonides explains that this episode reveals the essential quality that produced Moses' spiritual greatness—he was passionately curious about the fundamental nature of things. The Jewish story seems to be grounded in the value of curiosity.

But a certain ambivalence about curiosity can already be detected in the Talmud. In *Hulin* 57b, R. Shimon ben Halafta is crowned with an unusual title: he was an "investigator of things," an "experimenter," whose curiosity drove him to explore the Torah's teachings through direct observation. When he learned from a verse in Proverbs that the ants have no ruler yet maintain an orderly society, he devised an experiment in order to witness this reality for himself. Received, abstract knowledge was simply insufficient.

But R. Aha bar Abba challenged the soundness of R. Shimon's experiment, arguing that it would have been preferable to rely on the teachings of Proverbs. The Talmud's conclusion remains unclear. Is R. Aha merely challenging this particular experiment, or is he rejecting the entire approach? From the commentary of R. Shmuel Eidels (Maharsha), it seems that R. Shimon's method was fully embraced by later authorities. In his view, it is simply a precursor to what would eventually be codified by R. Bahya ibn Paquda in his *Duties of the Heart*.[5] We are all required to search for the Divine wisdom in the natural world.

The Mishnah (*Hagigah* 2:1) seems to impose an even more explicit restraint on our natural curiosity, cautioning that one who delves into certain metaphysical subjects would have been better off never coming into the world. Yet the

[4] "The Curious Case of Jewish Intellectual Curiosity: What the Data Tells about Making an Impact in American Jewish Life," The Wexner Foundation, last modified July 1, 2019, https://www.wexnerfoundation.org/the-curious-case-of-jewish-intellectual-curiosity-what-the-data-tells-about-making-an-impact-in-american-jewish-life/.

[5] See *Sha'ar Ha-Bekhinah*, chapter 2. While the first chapter of this work, which deals with metaphysics and rational arguments for Divine unity, is often ignored in the "*yeshiva* world," this second chapter is still widely studied.

commentators seem to differ in their explanations of this *mishnah*. According to R. Yisrael Lipschitz, the *mishnah* instructs us to avoid certain subjects absolutely, since they are intrinsically beyond our knowledge and likely to lead us astray.[6] But Maimonides disagrees and explains this *mishnah* simply as a warning against exceeding one's personal intellectual abilities.[7] For certain individuals, however, it may indeed be appropriate to probe such subjects. According to either explanation, we can acknowledge that most objects of inquiry do not exceed these bounds.

A third source might be considered a denigration of curiosity, specifically when it impinges on Torah study. In *Avot* 3:7, we are taught that one who is studying while traveling and stops to appreciate the beauty of nature is "as if liable for his soul." R. Ovadiah Bartenura explains that even though the traveler will pronounce a blessing on this scene, it does not justify his interruption of Torah study.

Others explain this *mishnah* differently, however. R. Hanoch Zundel Luria, who wrote extensively on Judaism's relationship with the natural world, explains in the introduction to his *Kenaf Renanim* that the *mishnah* only addresses those who do not approach nature through the lens of *Perek Shirah*, an ancient work presenting the moral lessons of nature. R. Avigdor Miller similarly explains that the *mishnah* only prohibits abandoning one's learning for the sake of *personal* enjoyment:

> But if he's enjoying it in order to see the *chochmas* Hashem and *chesed* Hashem, and to express his gratitude to Hakodosh Boruch Hu, that's not stopping. Suppose a person is learning *Bava Kama*, and he stops *Bava Kama* to learn *Bava Metziah* in the middle, is it a sin? What of it? It's stopping Torah to learn Torah.[8]

To review, none of the sources we have seen unambiguously or categorically disparage our curiosity about the world in which we live. On the contrary, they may even sanction and encourage

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[6] *Tiferet Yisra'el* to *Hagigah* 2:1. R. Yom Tov Lipmann Heller, in his *Tosafot Yom Tov* to *Avot* 3:15, seems to understand our *mishnah* like R. Lipschitz, but adds an interesting observation. If Hazal's goal had been to prevent our engagement with insoluble philosophical problems, wouldn't it have been more expedient to avoid their mention altogether? Citing our *mishnah* among other sources, R. Heller demonstrates that Hazal were actually quite happy to broach such subjects, even while acknowledging their insolubility. There is a value in openly acknowledging our inherent curiosity about these difficult questions.

[7] "And he said *in order to frighten* the one who theorizes about the beginnings [of the universe] *without proper prefaces*, as we explained… And he said *in order to humble* the one who theorizes about Divine matters with his simple imagination, *without an introduction in the sciences*…" Commentary on *Hagigah* 2:1 (emphasis added). All translations from Hebrew are my own. It seems clear that Maimonides reads the *mishnah* not as a prohibition but as a warning, directed specifically at those who have not prepared themselves intellectually.

[8] "Rav Avigdor Miller on The Torah of the Trees," Toras Avigdor, accessed January 31, 2023, https://torasavigdor.org/rav-avigdor-miller-on-the-torah-of-the-trees/.

it. What is disparaged is poor experimentation, speculation without intellectual preparation, and self-serving distraction. By cautioning against these pitfalls, these sources actually clear the way for a healthy engagement with the moral beauty and philosophical profundity of our world.

But if this is the case, how do we explain the Orthodox community's relative distaste for intellectual curiosity? We might propose that today's Orthodoxy has adopted the more anti-curious reading of the above sources. As we saw, there is indeed some ambiguity among the commentators. But if this is so, it becomes difficult to explain the wide gap we discovered between Yeshivish men and women. In this demographic, the rejection of curiosity seems to be a more complex phenomenon, and demands a more nuanced explanation.

Towards a Traditional Curiosity

It is worth noting that curiosity has long been an endangered species among many of America's children. Professor Susan Engel has detailed the negative effects of a typical classroom education on childhood curiosity.[9] It is by no means a given that Jewish children, whether in public school or *yeshiva*, are spared from these effects. Nevertheless, what we should consider first is not the actual attainment of curiosity but our perception of its importance. Why do most Orthodox Jews seem to reject curiosity as a Jewish value? Zev Eleff and Ethan Fabes propose the following:

> Here, the correlation probably does speak to causation. Starting at the bottom, Hasidic Jews are more cautious about ideas that might threaten their religious status quo. Similarly, there is a prevailing attitude in the so-called Yeshiva World to unequivocally abide by the directions of rabbinic elites – in other words, *Daas Torah* – and reduce interaction to other intellectual forces. But Yeshivish women, despite the moniker, do not enroll in *yeshivot* and are not as directly impacted by this ecclesiastical culture as their husbands and brothers. Finally, the Modern Orthodox are more often encouraged to push their intellectual limits and synergize these encounters with their

[9] "But while curiosity, the engine of intellectual development, is possibly the most valuable asset a child brings to her education, is there a place for curiosity in school? A systematic look at children's opportunities to express curiosity in school suggests that rather than waxing once formal education begins, curiosity wanes." See Susan Engel, "Children's Need to Know: Curiosity in Schools," *Harvard Educational Review* 81:4 (2011), 625-645; citation at 632-633. A more recent 2018 study similarly claims that "there are ample reasons to be concerned that our current education system suppresses rather than promotes students' natural curiosity" and that "promoting curiosity may be inconsistent with current educational priorities." See Jamie J. Jirout, Virginia E. Vitiello, Sharon K. Zumbrunn, "Curiosity in Schools," *The New Science of Curiosity*, Goren Gordon, ed. (Nova Science Publishers, 2018).

> religious experiences. Hence, intellectual curiosity is essential to this subgroup.[10]

This explanation sees a combination of cultural and ideological factors at work. Most central is the question of fidelity to authority. Curiosity can be seen as a rejection of traditional sources of knowledge and a conviction that the individual has a more substantial role to play. Such a conception seems to underlie the quotation with which I began. Nabokov, whose literary work bears the imprint of the totalitarianism he witnessed in Europe, recognized that in curiosity laid the seeds of rebellion. The question we should ponder is whether or not this is a particularly Jewish view.

The question of *Da'as Torah*—its meaning, sources, and parameters—continues to be a subject of interest and heated debate. It is not my intention to rehash it here. Elsewhere, I have argued on logical and textual grounds that Judaism cannot command belief and is best understood as a system of intellectual and experiential exploration.[11] Here, I would like to proceed by actually assuming the validity of *Da'as Torah*, at least as a cultural reality, and asking whether curiosity is truly antithetical to such an ideology. My sense is that it is not.

The case of R. Shimon ben Halafta above provides a valuable demonstration. Tosafot (ad loc., s.v. "*Eizil ve-ihzei*") compares R. Shimon's experiment with a similar story regarding a student of R. Yohanan who refused to accept a traditional teaching until he verified its truth empirically. Why was R. Shimon lauded while this student was severely punished? Tosafot's answer is straightforward and illuminating. R. Shimon ben Halafta never doubted the truth of Proverbs; he merely sought to deepen his understanding and appreciation of that truth. While his experiment may have lacked rigor, Tosafot's comment indicates that it was not ideologically problematic. On the contrary, it allows us to appreciate curiosity in an entirely new light.

Curiosity can be a declaration of faith. It may even be *the* declaration of faith. Through it, we express a conviction that there is something worth knowing in this world; that beneath life's strangeness and superficiality lies a deeper meaning that calls to us. It is not a distrust of the Torah's wisdom that compels such curiosity. Rather, it is a hope that, despite our own lack of wisdom, we might yet discover living expressions of the Torah's eternal values.

Can it still be called curiosity if we set out with an end already in sight? Certainly, but it requires us

[10] "The Curious Case of Jewish Intellectual Curiosity: What the Data Tells about Making an Impact in American Jewish Life," The Wexner Foundation, last modified July 1, 2019, https://www.wexnerfoundation.org/the-curious-case-of-jewish-intellectual-curiosity-what-the-data-tells-about-making-an-impact-in-american-jewish-life/.

[11] See my "Endless Exploration: Judaism's Only 'Principle of Faith'," *The Lehrhaus*, last modified August 9, 2023, https://thelehrhaus.com/jewish-thought-history/endless-exploration-judaisms-only-principle-of-faith/.

to acknowledge that there is more to be discovered in the world than bare facts. Not every explorer sets out in order to know *if* the world is filled with wonder. Some leave home already certain of it, and their sole desire is to know what it feels like to stand in its presence.

This was the desire that animated R. Shimon ben Halafta, and it remains central to the thought of recent luminaries as well. R. Naftali Tzvi Yehudah Berlin (Netziv) explains that in the narrative of Genesis, God specifically dubs his creations "good" only *after* creating them, in order to implant a fundamental reality: seeing is always greater than believing.[12] No matter how fully or faithfully we know something intellectually, there remains a greater level of knowing that is reserved for experience. But we must be curious enough to search for it.

Perhaps we have lost this conception of curiosity. Perhaps the conflicts of the Haskalah monopolized the conversation, rebranding curiosity as a path to dangerous freethinking. But it seems clear that even as the Haskalah continued to smolder and the Reform movement began to gain traction, Orthodox visionaries urged us not to abandon our curiosity. R. Samson Raphael Hirsch, sensing the onset of an agoraphobic religiosity, cautioned strongly against it:

> I almost believe that all you homebodies will one day have to atone for having stayed indoors, and when you seek entrance to see the marvels of Heaven they will ask you, 'Did you see the marvels of God on earth?' Then, ashamed, you will mumble, 'We missed that opportunity.' How different were our rabbis in this respect. How they breathed, felt, thought and lived in God's marvelous nature. How they wanted to awaken our senses for all that is sublime and beautiful in Creation. How they wanted to teach us to fashion a wreath of adoration for God out of the morning's rays and the evening blush, out of the daylight and the night shadows, out of the star's glimmer and the flower's scent, out of the roar of the sea and the rumble of the thunder, the flash of the lightning. How they wanted to demonstrate to us that every creature was a preacher of His power, a monitor of our duties; what a Divine revelation they made of the book of nature.[13]

R. Hirsch emphasizes that a departure from the

[12] *Ha'ameik Davar* to Genesis 1:4. Netziv substantiates his interpretation with a *midrash* from *Shemot Rabbah* 46:1. See also R. Eliyahu HaKohen of Izmir's *Shevet Mussar*, chapter 22; R. Tzadok HaKohen of Lublin, *Tzidkat Ha-Tzaddik* §216.

[13] See R. Hirsch, *Collected Writings*, vol. 8 (Feldheim, 1995), 259.

world is a departure from rabbinic precedent. Like our rabbis, we should recognize that the natural world is not merely beautiful, but a "book," filled with transformative lessons. How could one leave such a book unopened? Indeed, no less of an authority than R. Moshe Isserles, the illustrious Rema, argued strongly for the value of an education in the sciences.[14] In his *Torat Ha-Olah* 3:7, after affirming that the Torah brings a Jew to the most profound philosophical truths, Rema adds that "nevertheless, it is better to investigate things and to know them through demonstrations and rational principles, by way of investigation; this is the purpose of man." In his view, intellectual curiosity and thoughtful investigation are not simply admirable; they are the very essence of our lives. For those truly concerned for *Da'as Torah*, this is a worthwhile consideration.

A Divine Game

I would like to conclude by highlighting an additional virtue closely associated with intellectual curiosity. Extensive research has established the fascinating connection between curiosity and play. A 2015 study argued that "children structure their play in a way that reduces uncertainty and allows them to discover causal structures in the world," a position aligned with earlier theories "that asserted that the purpose of curiosity and play was to 'construct knowledge' through interactions with the world."[15] Playfulness is an expression of our curiosity, but it is also a skill that provides the ideal disposition for satisfying it.

My intuition is that "being playful" would have ranked even lower than curiosity had it been included in Pew's study. But there is abundant reason to consider play an essential aspect of a Jewish worldview.[16] The opening *midrash* in *Bereishit Rabbah* refers to the Torah not only as the blueprint of creation but also as God's "plaything." Similarly, *Avodah Zarah* 3b teaches that God spends a quarter of each day playing with the *leviathan*. On a literal level, the *leviathan* is said to be a menacing sea monster of

[14] See *Teshuvot Ha-Rema* §7. Regarding the Vilna Gaon's position on the study of the sciences and philosophy, see B. Raphael Shuchat, "The Debate Over Secular Studies Among the Disciples of the Vilna Gaon," *The Torah U-Madda Journal*, 8 (1998-1999), 283-294. Shuchat presents abundant evidence for the value of scientific study in the Gaon's view and demonstrates that those students of the Gaon who undermined this view were motivated by concerns for the Haskalah and philosophical rationalism. Other students, such as R. Yaakov Moshe of Slonim, were unwilling to oppose the study of the sciences, even as they acknowledged the dangers of the Haskalah. Regarding the study of philosophy, we find strong opposition to certain aspects of Maimonides' and R. Isserles' rationalism in the Gaon's halakhic writings (see *Biur Ha-Gra* to *Y.D.* 179:13; 246:18), but recent research has suggested that he greatly valued the *Moreh Nevukhim* and was opposed to prohibiting its public study. See Mordecai Plaut, "The Attitude of the Vilna Gaon Towards Moreh Nevuchim," Torah Musings, published August 16, 2019, https://www.torahmusings.com/2019/08/the-attitude-of-the-vilna-gaon-towards-moreh-nevuchim/. Shuchat calls the Gaon's attitude toward philosophy "ambivalent" (284).

[15] Celeste Kidd and Benjamin Y. Hayden, "The Psychology and Neuroscience of Curiosity," *Neuron*, 88 (2015), 449-460; citation at 455.

[16] I hope to elaborate on this idea in a future publication.

apocalyptic proportions, but some kabbalists interpret it as a symbol of God's relationship with His creation as a whole.[17] God's orientation to the world is essentially playful, and reality becomes a Divine game.

Philo of Alexandria, a first-century Jewish philosopher, conveys this powerful idea as well:

> Not every game is blameworthy… it is said that even the Father and Creator of the universe continually rejoices in His life and plays and is joyful, finding pleasure in play which is in keeping with the divine and in joyfulness. And He has no need of anything nor does He lack anything, but with joy He delights in Himself and in His powers and in the worlds made by Him… Rightly, therefore, and properly does the wise man, believing (his) end (to consist in) likeness to God, strive, so far as possible, to unite the created with the uncreated and the mortal with the immortal, and not to be deficient or wanting in gladness and joyfulness in His likeness.[18]

For Philo, embracing the fundamental playfulness of reality is essential to our human happiness. Far from being an expression of silliness or immaturity, play represents the basic character of the universe—a dynamic unfolding of creative potential. Cultivating this trait is therefore a way of emulating our Creator.[19] And, as the research suggests, it is the orientation that leaves us most attuned to an understanding of God's world.

The ramifications for Jewish education would seem to be profound. As Martin Buber once observed, "Play is the exultation of the possible." In play, we allow ourselves to imagine new possibilities and attempt new modes of expression. A playful Judaism would see students exploring novel ways of conveying the Torah's timeless values, drawing on the examples of some of our greatest teachers. For example, T. Carmi comments on "the art of scriptural insertions" in the poetic tradition of Andalusian Jewry:

> At times, an entire poem is chequered with quotations from a specific and relevant biblical passage. In such cases, the strands of quotations and allusions cease to be an ornamental device and become the very fabric of the

[17] See R. Yehuda Leib Ashlag's *Petikhah Le-Hokhmat Ha-Kabbalah* (Birkat Shalom, 2008), 2. I thank my dear friend, Michael Huskey, for sharing this source with me.

[18] Philo, *Questions and Answers on Genesis*, 4,188. Translation from the Loeb Classical Library edition, F.H. Colson, G.H. Whitaker, and Ralph Marcus, eds., *Philo* (Harvard University Press, 1929-1962). For more on Philo's enduring relevance for today's Judaism, see my "Philo of Alexandria and the Soul of the Torah," *The Lehrhaus*, last modified February 7, 2024, https://thelehrhaus.com/jewish-thought-history/philo-of-alexandria-and-the-soul-of-the-torah/.

[19] See also Philo, *On Planting*, 167-168.

poem, a sustained metaphorical texture.[20]

Carmi goes on to show how R. Yehudah Alharizi, one of the foremost scholars and poets of the period, playfully uses this device to describe "the exploits of a flea."[21] In a similar spirit, R. Avraham ibn Ezra uses poetry to humorously explore mundane concerns, such as his torn cloak and the marauding flies that have plundered his home, but pivots to heartfelt devotional sentiments in the poems' final lines, thanking God or praying for His assistance.[22] The effect of these works, at once playful and profound, owes much to their authors' willingness to experiment with the interface between Torah and artistic expression.[23]

In the sciences as well, we find great rabbis actively observing and experimenting to discover Divine wisdom in physical reality. The Hasidei Ashkenaz, a medieval pietistic sect that included such luminaries as R. Yehudah He-Hasid and R. Elazar of Worms, developed a theory of "*zeikher asah le-nifle'otav*" (Psalms 111:4): both marvelous and mundane workings of the natural world serve as "remembrances" for theological truths.[24] From the way that light passes through a pane of glass to the tendency of a liquid to distribute itself evenly throughout a block of cheese, the Hasidei Ashkenaz observed natural phenomena and used them as perceptible metaphors for God's pervasiveness in the universe, even recommending that their students perform certain experiments for themselves.[25] Personally, I cannot imagine a better example of intellectual playfulness than searching for theological insights in a block of cheese.

For all of these sages, art and science were explored not as *supplements* to their Torah wisdom but as *embodiments* of it.[26] To separate the Andalusian rabbis from their poetry, or the Ashkenazi pietists from their theological naturalism, is therefore not innocuous. On the contrary, Torah wisdom that cannot be expressed poetically or experienced in the natural world

[20] T. Carmi, ed., *The Penguin Book of Hebrew Verse* (Penguin Books, 2006), 27-28.

[21] Ibid.

[22] Peter Cole, ed., *The Dream of the Poem: Hebrew Poetry From Muslim and Christian Spain 950-1492* (Princeton University Press, 2007), 175-176.

[23] Professor Menachem Kellner has shown that one may convincingly argue for the value of artistic creativity even from within Maimonides' strictly intellectualist framework. See Menachem Kellner, "Judaism and Artistic Creativity: Despite Maimonides and Thanks to Him," *Milin Havivin - Beloved Words*, 7 (2014), 1-7.

[24] See David I. Shyovitz, *A Remembrance of His Wonders* (University of Pennsylvania Press, 2017); Yaakov Yisrael Stahl's introduction to his edition of R. Yehudah He-Hasid's *Imrot Tehorot Hitzoniyot U-Penimiyot* (Jerusalem, 2006).

[25] Shyovitz, *A Remembrance of His Wonders*, 27-28, 36.

[26] *Avot* 3:18, which describes such scientific subjects as *parparot le-hokhmah* (garnishes for wisdom), could be interpreted as downplaying or subordinating their importance. However, some of our earliest commentators do not interpret the *mishnah* in this way. R. Menahem Meiri explains that Talmud study *culminates* in the study of science and philosophy, of which these *parparot* are the most introductory. Abarbanel cites Meiri's comment and adds that one of the values of obscure halakhic subjects, such as those mentioned by this *mishnah*, is that they incorporate knowledge of the "roots of the sciences," such as astronomy and geometry.

would have struck these rabbis as tragically shallow and impoverished. To the extent that we have manifested this tragedy, it is only because we have failed to truly study the worldviews of our great *Rishonim*.

A renewed emphasis on intellectual curiosity and playful creativity grants us an opportunity to reintroduce Torah to the world. It offers us a path back to the Torah of our sages, those who "wanted to awaken our senses for all that is sublime and beautiful in Creation." At the same time, we need not become Andalusian poets or medieval scientists to follow their example.[27] What is needed is a willingness to carry forward the curious and deeply playful spirit that allowed them to entertain novel possibilities in their pursuit of the Divine. Today, with unprecedented access to knowledge and unparalleled opportunity for creativity, we have our own poetry to write and our own world to explore.

SAVING NON-JEWS ON SHABBAT: TWO PERSPECTIVES ON THE DEVELOPMENT OF A SENSITIVE HALAKHAH

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"Jewish law obligates Jews to save the lives of all humans, Jews and gentiles alike, even if it entails violating Shabbat. This is the universal conclusion of all contemporary decisors, despite confusing media reports of a recent public lecture by a senior Israeli scholar."

This is the summary of the very sensitive halakhic issue of violating Shabbat to save non-Jews posted by Rabbi Shlomo Brody in the popular "Ask the Rabbi" section of *The Jerusalem Post*.[1] This conclusion is often presented as deriving from one of two kinds of arguments, one "pragmatic" (ibid.), the other ethical. In this article, I would like to illustrate that both kinds of arguments are radical, though for different reasons. This presentation is not meant to be an exhaustive treatment of this delicate topic but a case study in how seemingly technical arguments can be radical, depending on the perspective of the analysis. For this reason, I draw heavily on recent summaries of the topic to show how a common

[27] Professor Shyovitz highlights the pitfall of constraining a thinker's broad intellectual vision to our anachronistic understanding of their subject matter: "When medieval Jews' writings are analyzed inductively, rather than squashed by the retrojection of anachronistic terminology, it emerges that Ashkenazic interest in werewolves, adjurations, divination, and so on should be seen as markers of intellectual sophistication, and of integration into a broader European culture that was investing unprecedented energy into investigating the scientific workings and spiritual meaning of its natural surroundings." See Shyovitz, *A Remembrance of His Wonders*, 3.

[1] https://www.jpost.com/jewish-world/judaism/ask-the-rabbi-may-jews-save-all-lives-on-shabbat.

perception of this topic misses how both paths are groundbreaking in their own way.

The Mishnah (*Yoma* 8:6) rules unequivocally that saving a life overrides Shabbat, and even when there is a doubt as to whether a life is in danger, Shabbat is overridden. The Talmud (*Yoma* 85a-b) raises many sources for this law. The final source brought by Shmuel is the verse that says about the commandments "*ve-hai ba-hem*," that one should live through them (Leviticus 18:5), from which the Talmud derives that one should live and not die for the commandments (with the exception of the cardinal sins). The penultimate source is also accepted by many authorities: "Rabbi Shimon ben Menasya said: 'It is stated: "And the children of Israel shall keep Shabbat, to observe Shabbat" (Exodus 31:16). The Torah said: "Desecrate one Shabbat on his behalf so he will observe many *Shabbatot*'" (*Yoma* 85b, Koren translation). A simple understanding of this principle is that, from the perspective of Shabbat itself, it is best to violate a single Shabbat to create a net result of more Shabbat observance.

From the Talmudic passage to that *mishnah* (*Yoma* 84b), it becomes clear that this law only applies to Jews, as the cases of doubt that the Talmud raises are ones in which it is unclear whether the person in danger is a Jew, in which case Shabbat would be overridden, or a non-Jew, in which case it would not. In another passage dealing with aiding non-Jewish women in giving birth on Shabbat, the Talmud articulates this point as well:

> Abaye said to him: "The concern of enmity does not apply here, because she can say to the gentile: 'With regard to our own women, who keep Shabbat, we desecrate Shabbat for them; with regard to your women, who do not keep Shabbat, we do not desecrate Shabbat for them.'" *(Avodah Zarah* 26a, Koren translation)

Several points can be derived from this passage:

1. Shabbat can only be violated to save Jews.
2. The logic for this law is something that can be accepted by both Jews and non-Jews.
3. Seemingly, the law is based on the logic that Shabbat is only violated for those who keep Shabbat.

This final point seems to be a derivative of the penultimate source for violating Shabbat noted above, that net Shabbat observance will be increased by violating Shabbat to save a Jew.

Rav Aharon Lichtenstein, in distinguishing between the final two sources for overriding Shabbat to save a life, notes this:

> The first [*ve-hai bahem*] affirms the primacy of one value over another—of preserving human life over observing ritual laws. Hence, it reflects, to however limited an extent, a humanistic

concern. The second [desecrate one Shabbat] merely calculates that, even in the interest of ritual observance proper, its temporary abrogation is in order…

[T]he dual source may be salient in another significant context, with respect to the thorny issue of the inclusion of Gentiles in the category of *pikkuaḥ nefesh*. As regards the first source, the response to a question of *pikkuaḥ nefesh* may very well be positive.[2] With respect to the second, however—i.e. the possible suspension of Sabbath observance at one point in order to facilitate and engender much fuller observance subsequently—this factor obviously only obtains with respect to the community which has been covenantally charged with *shemirat Shabbat*. ("*Mah Enosh*": Reflections on the Relation between Judaism and Humanism, *Torah u-Madda Journal* 14 [2006-2007]: 28-29)

This analysis would suggest that this argument is not merely that which would be presented to non-Jews, but it reflects at least part of the theory of the law itself. Rabbi Isser Yehudah Unterman (*Shevet Mi-Yehudah* 3:70) makes a similar argument, noting that were it not for the sources offered in *Yoma*, one would assume that violating Shabbat would be a cardinal sin. In fact, he notes that in the Book of Maccabees 1 (chapter 2), a group of rebel Jewish fighters allowed themselves to be killed by the Greeks rather than violate Shabbat, showing that they indeed treated it as a cardinal sin. Matityahu then rejects this and insists that they fight and not die. However, this shows that Shabbat, were it not for its internal calculus of net Shabbat observance, should override life.

The limitation of breaking Shabbat to save a life as only applying to Jews is accepted as standard law, as noted in *Shulhan Arukh* (*Yoreh De'ah* 154:2). However, overwhelmingly, this is not the contemporary law, as noted in the quote from

[2] Rabbi David Fried notes that as the Mishnah had already established the exclusion of non-Jews from the category of *pikuah nefesh*, it is difficult to explain how this could only be justified according to some rationales in the Gemara. It may be that this kind of logic drives even the *ve-hai bahem* argument, at least for Shabbat. As we note from Rabbi Unterman in the next paragraph, there was reason to believe that Shabbat would be excepted from the dispensation of *pikuah nefesh* entirely. R. Lichtenstein himself notes (ibid., n. 136) that his comments were not meant to be exhaustive and require elaboration: "I have limited these remarks to one aspect of the topic. Fuller discussion would of course include far more evidence, textual and historical, as well as the analysis of relevant halakhic and hashkafic variables." While not focusing on the ethical argument, R. Lichtenstein's son, Rabbi Mosheh Lichtenstein, argues that in fact this argument must work together with the other sources that allow and obligate violating Shabbat to save a life. See https://asif.co.il/wp-content/uploads/2021/04/146pikuach.html.

Rabbi Brody that I opened with.

Two kinds of reasons are offered for this difference. One is presented as pragmatic, stemming from a concern of hatred that will be caused. Take, for example, this summary by Rabbi Dov Karoll:

> Many contemporary authorities have ruled that this principle is not applicable today, and I believe their views can be differentiated into two basic approaches. The mainstream approach responds to the claim of the Gemara that gentiles will understand if Jews are unable to treat them on Shabbat, recognizing that Shabbat violation is only justified for the sake of those who are themselves Shabbat observers. Many authorities over the last few hundred years ruled that the understanding which the Gemara takes for granted cannot be assumed in modern society. Rather, they claim, if Jews refuse to treat gentiles on Shabbat, this refusal could have disastrous ramifications, either for the doctor himself or for the Jewish community as a whole. As such, they rule that one should take whatever actions are necessary to save the life of a gentile, even if it requires violation of Shabbat laws. Within this approach, one should try to minimize the Shabbat violation required, and should only take those Shabbat-violating actions that are truly necessary. Nonetheless, advocates of this approach generally assume that any violation is justified on the grounds that the deleterious consequences of nontreatment could themselves endanger the lives of Jews, and are thus to be understood as *piku'ach nefesh* for Jews, which, as above, is permitted unconditionally.[3]

Within this approach, there were those who limited this dispensation to the violation of rabbinic law. This, for example, is the position of Rabbi Yitzchok Weiss (*Minhat Yitzhak* 1:53), the *Mishnah Berurah* (330:8), and others.[4] However, others contend that the hatred that would be caused by not saving non-Jews on Shabbat allows violating even biblical law. I will return to this below.

The second approach is the "principled" or "ethical" approach (Karoll and Brody respectively). This approach assumes the following: in certain contexts, the Talmud's laws applying to non-Jews only apply to idolaters. They do not apply to other non-Jews, such as a *ger toshav,* a non-Jew who has committed to keep the seven Noahide laws. As a general rule, one is obligated to save the latter, and this may extend

[3] http://www.yutorah.org/lectures/lecture.cfm/756185/_Dov_Karoll/Laws_of_Medical_Treatment_on_Shabbat.

[4] Many authorities debate the position of Hatam Sofer on this issue. See his responsa, 2:131 and 5:194.

to Shabbat. (See, for example, Ramban's *Hasagot to Sefer Ha-Mitzvot*, *Mitzvat Aseh* 16.) Meiri argues in general that the harsh approach of the Talmud toward non-Jews was only with regard to those who were not *gedurim be-gidrei ha-datot,* civilized by religion. He argues that one may violate Shabbat to save non-Jews that fall in this category (see his comments to *Yoma* 84b). Based on this, many contemporary authorities have ruled against those authorities, including *Shulhan Arukh*, who cited the Talmud's laws without limiting them to ancient pagans, even though the non-Jews they knew were more similar to those Meiri was familiar with. In doing so, they embrace the view that saving a contemporary non-Jew is fundamentally valuable, just as saving a Jew. Take this summary from R. Karoll, including his conversation with R. Lichtenstein on the topic:

> Alternatively, some authorities take a more principled approach to making this allowance in contemporary society, regardless of concern for the deleterious results of not saving gentile life. The mechanism for this approach is to limit the Gemara's ruling to gentiles of the type that were common in the society of Talmudic times, i.e. idolaters, claiming that it is not applicable to the gentiles in our society. One source cited as a basis for this view is the Ramban, who counts helping and saving a *ger toshav*, a gentile who has accepted the seven Noahide laws, including violating Shabbat to save his life, as a mitzvah. If one takes the position of the Ramban (and Rav Ahron Soloveichik points out that there are others who take this view as well), the question then remains whether contemporary gentiles are defined as *gerei toshav*. Rav Nachum Rabinovitch, rosh yeshiva of the Hesder Yeshiva in Maaleh Adumim and author of *Melumedei Milchama*,[5] a book of responsa related to army service and security matters, applies the aforementioned principle of the Ramban, and cites authorities who rule that the gentiles of today are generally defined as *gerei toshav*. As such, he rules that saving the life of a gentile is warranted on Shabbat. My teacher and rosh yeshiva Rav Aharon Lichtenstein of Yeshivat Har Etzion explained to me that while the views that take the first approach address the practical issue, justifying saving the life of a gentile under certain conditions, they sidestep the fundamental issue. Rav Lichtenstein said that were he to be confronted with a case of violating Shabbat to save the life of a gentile, he would act to save the life of the gentile on principle,

[5] This appears in *Melumdei Milhamah,* 43.

> relying on those views that allow for it in principle, not based on societal concerns alone. Rav Lichtenstein also mentioned that his rebbe and father-in-law, Rav Yosef Dov Soloveitchik, ruled that this was permissible even in cases where there would be no problem of negative results, independent of such issues. Along similar lines, Rav Ahron Soloveichik cites numerous sources regarding the status of *ben noach* and *ger toshav*, leading to the conclusion that saving the life of a gentile is warranted based on the notion that saving the life of a gentile mandates Shabbat violation on substantive grounds.[6]

From an ethical perspective, this latter approach seems more radical—and thus for some, more attractive. Rabbi Brody summarizes those who are hesitant to be lenient for the former rationale:

> While this argumentation practically results in treating all lives equally, some scholars, including Rabbi Yehiel Y. Weinberg, have expressed reservations that the logic stems from overly particularistic and pragmatic considerations.

Many people seem to prefer the "ethical" rather than "pragmatic" argument because they are not comfortable with the notion that saving non-Jews hangs on a technicality. However, it is often missed that despite its technical nature, the pragmatic argument is still indeed radical. Rabbi Moshe Feinstein grounds his permission in the following argument. In a globalized world, if one does not save a non-Jew, that will cause enmity toward the Jews. Somewhere in the world, this is likely to lead to actual bloodshed, making saving the non-Jew a case of saving Jewish life.

> Regarding non-Jews on Shabbat… it is clear that if he (the doctor) is in the hospital and refuses to aid a non-Jew for religious reasons, not only will this reason not be accepted, but if there is no other doctor they will consider him negligent and a murderer… So if he is required to be in the hospital on Shabbat, or if he has a practice, and although his office is closed on Shabbat his patients come specifically to him, and a non-Jew comes to him with a matter of risk to life, he is forced to take care of him even if it entails biblical desecration of the Shabbat … because otherwise it would be a true danger to his own life from

[6] Rabbi Dr. David Berger expertly frames the ethical concerns at play in his article, "Jews, Gentiles, and the Modern Egalitarian Ethos: Some Tentative Thoughts," which appears in *Formulating Responses in an Egalitarian Age*, ed. Marc D. Stern (Lanham: Rowman & Littlefield Publishers, 2005), 83-108. The interested reader should read his fuller treatment.

the relatives of this sick person. And even if he is unconcerned that there will be any danger to him personally, we must be concerned that there will be tremendous hatred from the people of the country and from the government itself, for we must definitely be concerned for the dangers that could result from this. And although Tosafot wonders how it is possible to allow Shabbat desecration because of concern for hatred, given the circumstances in our country nowadays, there exists from a concern of hatred great danger [beyond what Tosafot considered]. Even in democratic countries where every Jew has the right to observe his own religion, however, this is not recognized to extend to a refusal to save a life…

However, in our times, it seems to me that one must be worried about danger everywhere, because of the immediate publicizing of the news through newspapers immediately about what is happening in the entire world. [Due to this], there will be an impediment as it will be learned of in every place and it will provoke an increase of hatred to the point of great murder because of this. Thus, it is obvious in our times that one must treat this as actual danger and one can permit when it occurs. (*Iggerot Moshe OC* 4:79; part of translation taken from Rabbi Dov Linzer)

Versions of this argument are cited by many major modern authorities, such as Rabbi Eliezer Waldenberg (*Tzitz Eliezer* 8:15:6) and Rabbi Ovadia Yosef (*Yabia Omer* 8:38), and in the summary work *Piskei Teshuvot* (*OC* 329:3).

At some level, it is true that this argument is merely "pragmatic" and thus less radical than a view that invokes ethical values to direct legal interpretation. However, from another perspective, it is quite groundbreaking. A perennial interest of mine, and the topic of my recently published *Torah in a Connected World: A Halakhic Perspective on Communication Technology and Social Media* (Maggid 2024), is the extreme impact that communication technologies can have on Halakhah. For Rabbi Feinstein and others, the change in how fast information can travel affects who we can save and who we cannot, who will live and who will die. Rabbi Dr. Harel Gordon highlights this passage as an example of the ways in which Rabbi Moshe Feinstein dealt with the challenges of Judaism in modernity (*Hanhagah Hilkhatit Bi-Olam Mishataneh* [Alon Shvut: Tevunot, 5777], 113-123). If one's focus is our approach to non-Jews, it is true that this argument does not reframe how Jews relate to the other. However, from the perspective of the impact of technology on changing the application of Halakhah, this

approach is impressive in its boldness and sweeping in its potential impact.

R. Unterman captures this. Despite that in many other "discriminatory" laws that distinguish between Jews and non-Jews he negates them on "ethical ground," he does not do this for Shabbat. In many areas, he is willing to say that the Talmudic dictum to act kindly with non-Jews because of *darkhei shalom*, the ways of peace, reflects fundamental Torah values of *imitatio dei*. However, he denies the application to Shabbat, for reasons noted above.[7] He accepts, on the other hand, the "pragmatic" argument. However, he anticipates a deep religious opposition to precisely this argument.

> It is difficult, however, for those who are meticulous in the commandments to accustom themselves to the idea that despite that which is written by great authorities—that it is forbidden—we find a side to permit. However, this reminds me of what I heard in my youth—that there were God-fearing Jews, careful about the commandments, who criticized a well-known genius who was very lenient about public fast days and easily permitted all who said that they did not feel so well [to eat]. Even on the stringent *Yom Ha-Kippurim* he tended to be much more lenient than the great halakhic authorities before him. A great scholar said to them: the difference is not between this rabbi in the present and the rabbis in the past but between the current sick people and the sick people in the past. Due to the occasion of great tensions with regard to life, nervousness has increased and the heart has become weak. Therefore, the concern that the fast, with that weakness, could shorten life (God forbid) is very likely and we are obligated to be careful because of this, as it says, "And you shall live through them."[8]

He assumes that a religious person would be shaken by the changing application of *ve-hai bahem* and feels compelled to explain that the change in application is not a change in the principle but the application. However, this also highlights how significant a change this is. If one's starting point is the impact of technology on halakhic decision-making, this example is striking in how weighty the consequences are to seemingly so simple a reality. This case study should encourage students of Halakhah to realize that how radical an argument is depends on the

[7] See also Rabbi Aryeh Klapper's analysis of Rabbi Unterman: https://moderntoraleadership.wordpress.com/2023/06/16/is-risk-of-enmity-an-ethical-band-aid-to-the-organism-of-torah/.

[8] *Shevet Mi-Yehudah* 3:70. Translation is my own.

axis upon which one focuses. In this case, focusing on the technological side highlights how central the impact of communication technologies has been on life—and therefore, Halakhah—sensitizing us to see similar phenomena in other areas of Halakhah.

Why does it matter to highlight which aspect of a ruling is novel?

Understanding which element of a halakhic ruling will be surprising is important. A *posek* must understand his audience and be careful not to weaken their commitment to Halakhah, even by issuing legally correct rulings. Hence, the Talmud warns that one cannot permit something that others treat as forbidden in front of them (*Pesahim* 50b-51a). Similarly, the Talmud warns against becoming known as a "permitting *Beit Din*" and on the same page discusses the problem of one who became known as "Rabbi Yossi the Permitter" (*Avodah Zarah* 37a). Thus, analysis like that of R. Unterman is important as it models how a *posek* must get into the mind of those hearing his ruling and identify which parts of the *pesak* will be surprising to them or might challenge their commitments, and address those concerns.

Any ruling that diverges from people's current practice can undermine their general commitment. For example, Maharatz Chajes (*Darkei Hora'ah* 6) explains that customs are critical because people express commitment through the actions that they do. Challenging a custom, even a meaningless one, can thus shake people out of commitment. As such, besides for cases where customs are forbidden or problematic, he suggests neither fighting for nor against customs. He acknowledges that if customs fall out of practice naturally, one need not fight to preserve them. His analysis points to how important it is to realize the power of things staying the same. Change is challenging to tradition. Of course, life changes, technologies develop, and law must adapt to reflect the new situation. However, one must be attuned to the challenges that change will bring as people's lived experience becomes different from what they are used to. R. Unterman's presentation is aimed at taking that reality seriously.

Furthermore, a *posek* who identifies trends with potentially broad impact, such as the impact of rapid communication, will be primed to question how other laws may be affected. Such cognizance is critical to accurately apply Halakhah. As I note in my recent book, these technological changes can affect everything from the laws of blessings to the nature of rabbinic authority, not to mention those laws focused on speech and communication, such as those of *lashon ha-ra.*

Such sensitivities will also open the *posek* up to grappling with similarly far-reaching changes. As technologies continue to develop, they will radically alter our experience of the world. With that will come new halakhic questions. A.I. is but one glaring example of those technologies that can turn our world upside down. Even when the principles behind the laws emerge authentically from tradition, the applications can feel radically different. Responsible *poskim* must both be ready to provide guidance as our world changes, while also being pastorally responsible for those whose lived experience of Judaism will change. They

need to be ready to show how new applications, as radical as they may seem, are legitimate and in fact an expression of the Torah's ability to be ever relevant.