

Parashat Mishpatim

Avodah she-ba-Lev: Torah of the Heart

The Jewish people's proclamation at Sinai, *na'aseh ve-nishma*, "we shall do and we shall listen," was a crowning moment in our history. Quite literally—the Talmud depicts heavenly crowns wreathing the head of every Jew:

Rabbi Simai expounded: When Israel preceded *nishma* ("we shall listen") with *na'aseh* ("we shall do"), 600,000 ministering angels came and tied two crowns upon each Israelite, one corresponding to *na'aseh* and one corresponding to *nishma*.¹

Rabbi Yosef Dov ha-Levi Soloveitchik remarked that the Jewish people received crowns specifically because they put *na'aseh* first. Based on the *Zohar*, *na'aseh* refers to mitzvah performance and *nishma* refers to Torah study. Torah study has two distinct aspects to it: study in order to perform the mitzvot, which is a means to an end, and study as an end in and of itself. By putting *na'aseh* before *nishma*, the practice before the learning, the Jewish people were accepting upon themselves Torah study for its own sake. Thus, one crown was for observance through study, and the other was for Torah study per se, or *Torah lishmah*.²

Rabbi Soloveitchik's illustrious forebear, Rabbi Chaim of Volozhin, famously had argued in his theological tome *Nefesh ha-Chayim* that Torah learning is the *summum bonum*.³ *Torah lishmah*, the lifelong pursuit of Torah study as the most noble and ennobling Jewish practice, remains the hallmark of Brisk to this day. How did Rabbi Joseph B. Soloveitchik, heir to this legacy, consummate Torah scholar, and educator extraordinaire, conceptualize the Jew's devotion to Torah study?

Life's Purpose

God wills man to be creator – his first job is to create himself as a complete being. [...] He is created in the image of God, but the image is a challenge to be met, not a gratuitous gift. It is up to man to objectify himself, to impress form upon a latent personality.... The highest norm in our moral code is: *to be*, in a total sense... and to move toward... real, true being....⁴

Man's primary pursuit in life, said the Rav, is to realize his true purpose. How does one achieve this clarity and live a life of meaning and achievement? The Rav asserted that Torah study is the key: "By learning Torah man returns to his own self; man finds himself, and advances toward a charted, illuminated and speaking I-existence."⁵

¹ *Shabbat* 88a.

² *Beit ha-Levi, Mishpatim*, s.v. ויקח ספר הברית.

³ *Nefesh ha-Chayim*, pt. 4.

⁴ Soloveitchik, "Redemption, Prayer, Talmud Torah," 64.

⁵ *Ibid.*, 69.

The Talmud tells us that the child *in utero* is taught the entire Torah. Upon birth, an angel slaps them and causes them to forget everything they have learned.⁶ The Rav explained that this conveys the idea that “when a Jew studies Torah he is confronted by something which is not foreign and extraneous, but rather intimate and already familiar.”⁷ A Jew engaged in Torah study discovers his or her essence, thereby bringing to the fore their aspirations and goals.

In sum, Torah study is indispensable because it teaches us the most basic thing: how to be, how to live in this world. It is the means by which we can uncover (or perhaps recover) our values and priorities. The Torah molds us into who we are meant to be.

Human Creativity

The Rav coined the term “halakhic man,” a personality “who longs to create, to bring into being something new, something original.” For this individual, “the study of Torah, by definition, means gleaned new, creative insights from the Torah (*chidushei Torah*).”⁸ This is not only the Rav’s written legacy, but his oral one as well. The following was shared by Rabbi Azarya Berzon, one of the Rav’s eminent students:

The Rav could not tolerate anything that was old or stale, even if he himself had said it. When a brilliant student once commented while the Rav was trying to work out *peshat*, “*Rebbe*, this is what you said when we learned the *sugya* five years ago...,” the Rav didn’t allow the *talmid* (student) to conclude his sentence. Instead, he slammed his hand on the desk and exclaimed, “Forget about what I said five years ago! Pay attention to what I am saying now!”

The Rav always taught us that just as God is unique as the Creator, man too must be unique. He must be original. In his writings and essays the Rav went to great lengths to emphasize the centrality and significance of being original, especially in Torah learning.⁹

Human creativity is a manifestation of *imitatio Dei*, emulation of the Creator. Discovering a *chidush*, a novel idea or insight in Torah, is ultimately a realization of the divine image in which man was made.¹⁰

As it turns out, the Rav imbibed this with his mother’s milk. When he was a child, the Rav would sit up in bed at night listening to his father, Rabbi Moshe Soloveichik, teach the halachic code of the Rambam, together with the challenges raised by the glosses of the Ravad. Whenever little Yosef Dov would hear his father finally and joyfully resolve the difficulties, he would jump out of bed with glee and run to share the good news with his mother: “Mother, Mother, the Rambam is right. He defeated the Ravad. Father came to his aid. How wonderful Father is!”¹¹ Other times, Rabbi Moshe despaired of satisfactorily

⁶ See *Niddah* 30b.

⁷ Soloveitchik, “Redemption, Prayer, Talmud Torah,” 69.

⁸ *Halakhic Man*, 99.

⁹ Eleff, *Mentor of Generations*, 230.

¹⁰ See further Wurzbarger, “Centrality of Creativity.”

¹¹ Soloveitchik, *And From There You Shall Seek*, 144.

justifying the Rambam's position, and his young son would tearfully and slowly make his way to his mother. According to the Rav, the exchange went as follows:

“Mother, Father can't resolve the Rambam – what should we do?”

“Don't be sad,” Mother would answer, “Father will find a solution for the Rambam. And if he doesn't find one, then maybe when you grow up you'll resolve his words. The main thing is to learn Torah with joy and excitement.”¹²

To find a solution to a difficult ruling of the Rambam is to defend our time-honored tradition, which is a fundamentally conservative gesture. Nevertheless, the Rav's mother consoled her son with the promise of his own ingenuity. Individual creativity need not be in tension with fealty to our tradition, and in fact proves a boon to it.

Torah of the Heart

In *Halakhic Man*, the Rav set out to articulate the essence of a Jewish life defined by Halachah. In so doing, the Rav addressed the unique obligation of Torah study and quotes the foundational Chassidic text *Tanya* by Rebbe Shneur Zalman of Liady, the Alter Rebbe:

When a person knows and comprehends with his intellect this ruling in accordance with the Halachah set forth in the Mishnah, Talmud, or halachic codes, he comprehends, grasps, and encompasses with his intellect the will and wisdom of the Holy One, whom no mind can grasp, neither His will nor His wisdom.¹³

Torah study surely produces greater breadth and depth in Torah, but it is much more than that. It opens a window, however tiny, on the otherwise unfathomable mind of God.¹⁴

The Rambam writes in the *Mishneh Torah* that Torah study is ideally suited for night:

Even though it is a mitzvah to study Torah during the day and at night, it is only at night that a person acquires most of his wisdom. Therefore, whoever wishes to merit the crown of Torah should be careful with all his nights, not losing even one to sleep, dining, conversation, or the like. Rather, [they should be devoted solely to] Torah study and words of wisdom. Our Sages declared, “There is no song of Torah except at night, as it says, ‘rise and sing at night...’ (Lamentations 2:19).”¹⁵

The Rav wondered why the Rambam gives precedence to the night, when none other than God said to Yehoshua, “you shall contemplate it day and night” (Joshua 1:8). He urged us to pay careful attention to the placement of this law. It appears at the very end of the third chapter of the laws of Torah study, after the Rambam has finished setting out the technical requirement of Torah study. Here he is describing the song of Torah, meaning, Torah study as *avodah she-ba-lev*, service of the heart, a yearning for and attachment to the Torah and God. Night affords us the perfect conditions for this encounter with the Torah and, by

¹² Ibid., 145.

¹³ *Tanya*, ch. 5.

¹⁴ Soloveitchik, *Halakhic Man*, 26.

¹⁵ *Mishneh Torah, Hilchot Talmud Torah*, 3:13.

extension, God. According to the Rav, this is what David ha-Melech had in mind when he wrote the verse: “A song of ascents. Now bless God, all you servants of God, who stand in God’s house at night” (Psalms 134:1).

On April 1, 1973, the Rav made impromptu remarks at a *siyum*, a celebration of the completion of a tractate, in which he expressed how deep is the Jew’s love for the study of Torah. Every morning, Jews recite a blessing over Torah study: “Blessed are You... who has commanded us to be preoccupied with (*la’asok*) words of Torah.” *Tosafot* asks why it suffices to say this in the morning, why do we not need to recite it each time we study Torah, as is the case with other mitzvot? The verse cited above provides the answer: the fact that one is supposed to contemplate it day and night meant that Torah study has no real breaks.¹⁶ With his characteristic brilliance, the Rav distinguished between “acute” awareness and “latent” awareness. When a mother plays with her child, she experiences acute awareness; when she is distracted, she still has a natural, latent awareness of her child. In a mother’s relationship with her child, there is no such thing as “out of sight, out of mind.” The same is true of the Torah. That explains why when we complete a tractate of the Talmud we make a commitment: *hadran alach*, “we shall return to you.” The Torah is ever present in our hearts and minds.¹⁷

On another occasion, delivering one of his famous *yahrzeit* lectures for his father in Yiddish, the Rav revisited the Jew’s unique relationship with the Torah. The Talmud tells us that a pupil who reviews his lesson 100 times cannot compare to one who reviews it 101 times.¹⁸ Again, the Rav quoted the Alter Rebbe’s *Tanya*, which says that 100 was *de rigueur* in an oral culture to ensure the formulation was remembered perfectly. Evidently, the Sages recognized that after a certain point—100 times—anything further yielded diminishing returns. So why would any student keep going, and why does the Talmud say that such a student has no equal? Clearly, the one extra time contains no special qualitative magic that sears the lesson into one’s memory, so what is this teaching getting at?

The Rav is renowned for his towering intellect, but his heart was just as important. The Rav recalled the indelible impression it made on him as a child when his eyes beheld his grandfather, Rabbi Chaim Brisker, and his father fervently singing the words of the Talmud late into the night. Experiences such as these explained the statement made by the Talmud better than any formulated by *logos* or logic.

The Torah became like a magnet. Even if they knew the passages totally by heart, they still could not depart from the text. They could not leave the Gemara. It was as if they were tied to the Gemara.

This was exactly the same sensation that was experienced by the student who refused to depart even after he had repeated his chapter one hundred times. [...] They felt that studying the Torah was a rendezvous with the *Shechinah*, the Divine Presence. Therefore, they constantly sought to prolong the experience. They just could not bring themselves to close the text.¹⁹

¹⁶ *Tosafot to Berachot* 11b, s.v. שכבר נפטר באהבה רבה.

¹⁷ Soloveitchik, *Shiurei HaRav*, 102–104, and see *Koren Mesorat HaRav Siddur*, 8.

¹⁸ *Chagigah* 9b.

¹⁹ Rakeffet-Rothkoff, *The Rav*, 2:210, and see 2:208–211.

Exploring the Rav's Insight

It is fitting to relate an episode from the life of the eldest grandson of the Rav, Rabbi Mosheh Twersky, may his blood be avenged, who was murdered by a terrorist on the 25th of Cheshvan 5775, as he prayed the *Amidah* in shul. A scion of Brisk, he embodied *Torah lishmah* to the very end. His son, Rabbi Avrohom, recounted the following interaction that took place when he returned from the study hall at 1:40 a.m. on the Friday night before his father was taken from this world:

Although it was late when I came home, I obviously assumed that my father would still be in the dining room, and of course he was there learning. I got myself something to eat from the kitchen. Then, around 2:00 a.m., when I was finished, I started making my way out of the kitchen. As the dining room table came into view, I noticed that my father had apparently fallen asleep over his Gemara. I knew well how hard he always pushed himself to the maximum, and I therefore made sure to walk as quietly as possible so as not to awaken him.

It didn't work.

My father lifted his head. "Please wake me up!" he implored. "Do you think you are doing me a *chesed* (kindness)? Its not a *chesed*! The time on Shabbos is way too precious to use for sleep!"²⁰

His biographer writes: "This was more than an intellectual imperative: Rav Twersky felt that learning on Shabbos was qualitatively different from learning during the week – and it exerted a *magnetic* pull on him."²¹ There is little time for sleep in a life truly lived for *Torah lishmah*.

²⁰ Berman, *Malach in Our Midst*, 57.

²¹ *Ibid.* (emphasis mine).