

Response and Closure

The purpose of this article is to respond to two critiques of my presentation on the topic of “Freedom of Inquiry,” published in the first issue of *The Torah u-Madda Journal*.¹ First, I will respond to the critique of Drs. Berger and Kaplan published in the second issue of that journal.² Then, I will respond to the critique of Rabbi Carmy published in the present issue. I follow this order of response because Drs. Berger and Kaplan have raised the strongest analytical objections to my position whereas Rabbi Carmy’s objections are much more muted. Rabbi Carmy, however, does raise the issue of *ma’aseh rav* with which I will contend towards the end of my response.

In order to enable the reader to appreciate both their critiques and my response, I would like to begin by quoting the relevant passage in the *Mishneh Torah* and by briefly formulating my previously stated analysis of that passage. This prefatory approach, I believe, will be helpful not only to the reader who is being introduced to this discussion for the first time but also to the reader who has followed it through the previously cited articles. In addition to citing the Rambam in *Hilkhot ‘Avodah Zarah* II:2–3, it is important to quote his remarks in *Hilkhot Yesodei ha-Torah* IV:13. This second citation, though not discussed in my original article, was introduced by Drs. Berger and Kaplan in an effort to support their thesis regarding the *Hilkhot ‘Avodah Zarah* passage. I will attempt to show that the Rambam’s remarks in *Hilkhot Yesodei ha-Torah* are not relevant to a critical evaluation of his primary passage in *Hilkhot ‘Avodah Zarah*.

The Rambam states in *Hilkhot ‘Avodah Zarah* (II:2–3):

ספרים רבים חברו עובדי כוכבים בעבודתה היאך עיקר עבודתה ומה מעשיה ומשפטיה. צונו הקב"ה שלא לקרות באותן הספרים כלל ולא נהרהר בה ולא בדבר מדבריה. ואפילו להסתכל בדמות הצורה אסור שנאמר "אל תפנו אל האלילים". ובענין הזה נאמר "ופן תדרוש לאלהיהם לאמר איכה יעבדו" שלא תשאל על דרך עבודתה היאך היא אע"פ שאין אתה עובדה שרבר זה גורם להפנות אחריה ולעשות כמה שהן עושין שנאמר "ואעשה כן גם אני"; וכל הלאוין האלו בענין אחד הן והוא שלא יפנה אחר עבודת כוכבים וכל הנפנה אחריה בדרך שהוא עושה בו מעשה הרי זה לוקה. ולא עבודת כוכבים בלבד הוא שאסור להפנות אחריה במחשבה אלא כל מחשבה שהוא גורם לו לאדם לעקור עיקר מעיקרי התורה מוזהרין אנו שלא להעלותה על לבנו ולא נסיה דעתנו לכך ונחשוב ונמשך אחר הרהורי הלב. מפני שדעתו של אדם קצרה ולא כל הדעות יכולין להשיג האמת על בוריו. ואם ימשך כל אדם אחר מחשבות לבו נמצא מחריב את העולם לפי קוצר דעתו. כיצד פעמים יתור אחר עבודת כוכבים ופעמים יחשוב ביחוד הבורא שמא הוא שמא אינו. מה למעלה ומה למטה מה לפניו ומה לאחור. ופעמים כנבואה שמא היא אמת שמא היא אינה. ופעמים בתורה שמא היא מן השמים שמא אינה. ואינו יודע המדות שידין בהן עד שידע האמת על בוריו ונמצא יוצא לידי מינות. ועל ענין זה הוזהרה תורה ונאמר בה "ולא תתורו אחרי לבבכם ואחרי עיניכם אשר אתם זונים". **כלומר לא ימשך כל אחר מכם אחר דעתו הקצרה וידמה שמחשבתו משנת האמת.** כך אמרו חכמים "אחרי לבבכם" זו מינות "ואחרי עיניכם" זו זנות. ולא זו אע"פ שהוא גורם לאדם לטרדו מן העולם אין בה מלקות.

Many volumes have been composed by idolaters on idolatry, dealing with its essential principle, rites and rules. The Holy One, blessed be He, has enjoined us not to read these books, nor to meditate upon idol-worship, nor upon anything appertaining to it. It is even forbidden to gaze upon the picture of an idolatrous figure, as it is said, "Turn ye not unto the idols" (Leviticus 19:4). In this connection it is further said, "And that thou inquirest not after their gods, saying 'How do these nations serve'" (Deuteronomy 12:30). That means that you shall not inquire in regard to an idol, as to the mode of its worship, even if you are not worshipping it. For this would cause you to turn after it and do as the idolaters do, as the text continues, "Even so will I do likewise" (Deuteronomy 12:30).

All these prohibitions come under one category—not to turn to idolatry. Whoever turns towards it, by an overt act, is punished with stripes. It is not only idolatry to which we must not turn in thought. We are likewise warned not to permit any thought to enter our minds, that might cause one to reject a fundamental principle of the Torah. We must not turn our minds to such a thought and thus be drawn after the imaginations of our hearts. For the mind is limited; not every mind is capable of attaining knowledge of the truth in its purity. If every man were to follow after the vagaries of his heart, the result would be universal ruin, ensuing from the limitations of the human intellect. How so? Sometimes one will be drawn to idolatry. Sometimes he will waver in his mind concerning the Unity of God, as to whether He is One or He is not One. He will speculate on what is above (the visible universe), what below it, what existed before the Creation, what will exist after the world comes to an end. Sometimes he will harbour similar doubts concerning the Torah as to whether it is of divine origin, or not. And such a person, being ignorant of the logical principles which need

to be applied in order to attain positive truth, will lapse into heresy. In this regard, the Torah exhorted us, “And that ye go not about after your heart nor after your eyes, after which ye used to go astray” (Numbers 15:39). *This means that you shall not allow yourselves to be drawn, each one after his own limited intelligence, and imagine that his mind is attaining truth.* The Sages thus explained the text quoted above: “After your heart” refers to heresy; “after your eyes” refers to lechery. Although the violation of this prohibition may result in forfeiture of life hereafter, it is not punished with stripes. This is in accordance with the principle that an infraction which does not involve a physical act does not render one liable to that penalty.

In *Hilkhot Yesodei ha-Torah* (IV:13) he states:

ועניני ארבעה פרקים אלו שבחמש מצות האלו הם שחכמים הראשונים קוראין אותו פרדס כמו שאמרו ארבעה נכנסו לפרדס. ואע”פ שגדולי ישראל היו וחכמים גדולים היו לא כולם היה בהן כח לידע ולהשיג כל הדברים על כוריהן. ואני אומר שאין ראוי לטייל בפרדס אלא מי שנתמלא כריסו לחם ובשר. ולחם ובשר הוא לידע האסור והמוותר וכיוצא בהם משאר המצות. ואע”פ שדברים אלו דבר קטן קראו אותן חכמים שהרי אמרו חכמים דבר גדול מעשה מרכבה ודבר קטן הוויות דאביי ורבא, אעפ”כ ראיין הן להקדימן שהן מיישבין שעתו של אדם תחלה. ועוד שהם הטובה הגדולה שהשפיע הקב”ה ליישוב העולם הזה כדי לנהול חיי העולם הבא. ואפשר שידעם הכל קטן וגדול איש ואשה בעל לב רחב ובעל לב קצר.

The topics connected with these five precepts, treated in the above four chapters, are what our wise men called *Pardes* (Paradise), as in the passage, “Four went into *Pardes*” (*Hagigah* 14b). And although those four were great men of Israel and great sages, they did not all possess the capacity to know and grasp these subjects clearly. Therefore, I say that it is not proper to dally in *Pardes* till one has first filled oneself with bread and meat; by which I mean knowledge of what is permitted and what forbidden, and similar distinctions in other classes of precepts. Although these last subjects were called by the sages “a small thing,” as when they say, “A great thing, *ma’aseh merkavah*; a small thing, the discussion of Abaye and Rava,” still they should have precedence. For the knowledge of these things gives primarily composure to the mind. They are the precious boon bestowed by God to promote social well-being on earth, and enable men to obtain bliss in the life hereafter. Moreover, the knowledge of them is within the reach of all, young and old, men and women; those gifted with great intellectual capacity as well as those whose intelligence is limited.

In *Hilkhot ‘Avodah Zarah*, the Rambam has clearly prohibited a free intellectual pursuit of idolatry and heresy. (There may be formulative differences between the study of idolatry and heresy, as has been pointed out by Rabbi Aharon Lichtenstein in a forthcoming essay,³ but substantively the intellectual involvement in either is interdicted by the Torah.) In my original article, I emphasized that the prohibition was directed at those who pursue these topics as a pure intellectual experience. Also, because this *issur* essentially impinges seriously on freedom of inquiry,

the Rambam found it necessary to provide a rationale for the prohibition. The Rambam maintains that although unrestricted inquiry is crucial to an intellectual experience, in these specific areas the possible disastrous theological fallout necessitated the Torah's forceful banning of such activity.

The unfortunately perceived inconsistency between his formulation of this prohibition and his own personal conduct was also addressed in the original article. The Rambam's study of works devoted to idolatry and heresy was based on the principle of *le-havin u-le-horot*. This principle maintains that if the inquiry and analysis is viewed through the prism of Torah principles, then it is permissible; although purely personal inquiry is off limits in these domains, inquiry with the guidance system of Torah has no limits. Clearly, this distinction represents a crucial conceptual subtlety. But, it is important to remember that subtle halakhic insights do not reflect casuistry but rather the very heart and pulse of the theoretics on which the halakhic system is based.

I now turn to the critique of Drs. Berger and Kaplan. I understand them to be saying that the Rambam only prohibits the study of *'avodah zarah* and *kefirah* for those who are not qualified to engage in such study. Just as the Rambam, in discussing the study of *ma'aseh bereshit* and *ma'aseh merkavah*, limits it to those who are specially endowed, so also the study of *'avodah zarah* and *kefirah* is only prohibited to those who are inadequate to the task, however that may be defined. Their rationale for this interpretation is based on the fact that the Rambam speaks of the great difficulties that exist in resolving all these issues with genuine intellectual and religious clarity. They, therefore, posit that just as the truly endowed can effectively deal with the issues of *ma'aseh bereshit* and *ma'aseh merkavah*, so also the truly endowed can handle the complexities inherent in the study of *'avodah zarah* and *kefirah*.⁴

Literary, logical and halakhic analysis will show that this evaluation of the Rambam in *Hilkhot 'Avodah Zarah* is utterly untenable. The Rambam states categorically that pure intellectual involvement in issues of *'avodah zarah* and *kefirah* is prohibited by biblical decree, and he does not make any distinction between those qualified and those unqualified. He simply and forthrightly says that it is prohibited, period! The fact that the Rambam presents a rationale of intellectual insufficiency in no way indicates that he restricts the proscription to the unsophisticated. If that were the case, he would have formulated the *issur* in a contingent fashion, as he did with respect to the study of *ma'aseh bereshit* and *ma'aseh merkavah*. The fact that the language of the *issur* is unqualified indicates clearly that the prohibition is unqualified. Indeed, the Rambam's rationale, in fact, supports my contention. He does not say that certain people will not be able to manage the complexities of these issues.

He does say, *כל אחד מכם אחד דעתו קצרה*, i.e., that all human beings by nature are finite and inherently susceptible to error.

The approach of Drs. Kaplan and Berger leads one to the conclusion that the objection to *'avodah zarah* study is equivalent conceptually to the objection to the study of *ma'aseh bereshit* and *ma'aseh merkavah* discussed by the Rambam in *Hilkhhot Yesodei ha-Torah*. For this reason they insist that there are personnel stipulations to the *issur* in *Hilkhhot 'Avodah Zarah* just as there are personnel stipulations with respect to *ma'aseh bereshit*. This is evidently not so, for in *Hilkhhot Yesodei ha-Torah* the Rambam clearly stipulates the need for special endowments, but in *Hilkhhot 'Avodah Zarah* he is utterly categorical, as has already been emphasized. Drs. Berger and Kaplan fail to distinguish between *'avodah zarah* on one hand and *ma'aseh bereshit* on the other hand. I believe that the distinction is clear though somewhat subtle. In *ma'aseh bereshit* and *ma'aseh merkavah* the Jew is studying highly crucial parts of Torah. In essence, its study is not only permissible but even appropriate because it is the study of Torah. But, because the subject matter is esoteric, the Rambam, based on the *gemara* in *Hagigah*, cautions the general public from engaging in its study. The study of the esoteric aspects of Torah can be dangerous and, therefore, it is advisable only for great *hakhamim*. Only with respect to *'avodah zarah* and *kefirah* does the Rambam frame his objections as an unmitigated *issur de-orayta*. He does so because their subject matter is theologically reprehensible and intellectually seductive, so that focusing on its study is perforce a flirtation with disaster, even for the greatest religious personality.

According to Drs. Kaplan and Berger's implication that an equation exists between the study of *'avodah zarah* and the study of *ma'aseh bereshit*, the *issur de-orayta* that applies to the unqualified person's study of *'avodah zarah* should apply to the unqualified person's study of *ma'aseh bereshit*. Such a conclusion would clearly run counter to the Rambam in *Hilkhhot Yesodei ha-Torah* where he cautions but does not prohibit. Perhaps they would retreat and distinguish between the objections in both areas. If they do that, they may as well come full circle and conclude also that the *issur* in *Hilkhhot 'Avodah Zarah* is categorical and the objection in *Hilkhhot Yesodei ha-Torah* is stipulative.

Might I also add that to further follow the logic of their thesis, the permissibility of the study of *sifrei 'avodah zarah* would become a moot issue. The Rambam states in *Hilkhhot Yesodei ha-Torah* that the study of *ma'aseh bereshit* and *ma'aseh merkavah* requires the talents of *hakhamim* saturated with the knowledge of Torah. This would then mean that the study of *sifrei 'avodah zarah* and *sifrei kefirah* would certainly require such talents and any lesser personality engaged in their study would be in violation of an *issur de-orayta*.

With respect to the principle of *le-havin u-le-horot*, I am accused of giving an interpretation that is “narrow and limited and in danger of becoming static and mechanical.” It should be understood that the *le-havin u-le-horot* of which I speak is meant only to relate to those areas that may affect one’s commitment to the tenets of Torah. It clearly follows that the study of fields of human knowledge that do not bear on issues of faith should be studied without any intellectual constraints. The study of medicine, mathematics, physics and law are cases in point. The study of biology is also in this category unless its study is devoted to the principles of evolution. If evolution is espoused in any form or manner, the microscope of Torah must be introduced, without which slipping into a mode of *kefirah* is a distinct possibility. The study of psychology predicated on free inquiry is also appropriate unless the principles of determinism become the focus of one’s investigation. If determinism is to be evaluated, the criteria of Torah must serve as guide and mentor.

It is in the above spirit that the Rambam studied the works of the ancients. Whenever issues of faith appeared on the horizon, the light of tradition (*mesorah*) guided his wide-ranging intellect. Where issues of *emunah* arose, his native intellect was never divorced from his religious intellect. This, I believe, is the concept of *le-havin u-le-horot* and any unhinging of the religious consciousness from intellectual endeavor in the spheres of *kefirah* and *avodah zarah* is the focus of the Rambam’s proscription in *Hilkhos Avodah Zarah*. Might I also add that I did not find in Drs. Kaplan and Berger’s paper a defined alternative to my definition of *le-havin u-le-horot*.

Now I will deal briefly with Rabbi Carmy’s evaluation of my article. It appears that the thrust of his criticism concerns a lack of precision on my part. He objects to my failure to define the parameters of “freedom of inquiry.” He goes on to show that for moral and historical reasons there may be limits on free inquiry. This criticism is semantic and does not really bear on the substance of my presentation. Also, he questions my use of the expression “objective freedom of inquiry,” and proceeds to demonstrate that the term “objective” has a long semantic history. Once again, I find it difficult to respond to this kind of probe. Therefore, I am compelled to conclude that except for his concurrence with Drs. Berger and Kaplan on most issues, his own objections are, as mentioned at the outset, essentially muted.

However, Rabbi Carmy does raise a particular objection that is perhaps more potent than the critique of Drs. Berger and Kaplan. It is the *ma’aseh Rav* that he cites in support of their rejection of my position. He maintains (and I do not deny) that Rav Soloveitchik never objected or placed any limits on his students’ reading of questionable material. When

the Rav was asked, he is cited as having told them to make up their own minds. Rabbi Carmy further claims that the Rav indicated that such matters are not subject to normative halakhic rulings.

Assuming the correctness of Rabbi Carmy's report, I am obviously in no position to respond confrontationally. What I can say is that these references to the Rav's attitude are not relevant to our give-and-take. We are discussing the *hora'ah* of the Rambam as spelled out in *Hilkhot 'Avodah Zarah*. One cannot argue that my interpretation of the Rambam is wrong because of what the Rav said. First, perhaps the Rav was expressing his opinion based on other sources and authorities to which we are not privy. Second, as long as the Rav's opinion does not contain an analysis of the Rambam's decision, there can be no constraints on my efforts to understand the Rambam.

If Rabbi Carmy claims the right to freely study *divrei kefirah* based on his experience with the Rav, he is certainly conducting himself within halakhic bounds. But, at the same time, I can vigorously maintain that such conduct is inconsistent with the *hora'ah* of the Rambam in *Hilkhot 'Avodah Zarah*. Furthermore, it is eminently clear that the Rambam treats this matter in the same way that he treats all other *mizvot ha-Torah*. His formulation of the two *issurim* has the same categorical format as other *issurei Torah*. The fact that these *issurim* involve a thought experience in no way removes them from the categorical reach of the *halakhah*.

I have been told by the editor of *The Torah u-Madda Journal*, Rabbi Jacob J. Schacter, that this response of mine will conclude this journal's discussion of this topic. Therefore, I would like to take this opportunity to make some concluding comments. In my two presentations, I have attempted to formulate the Rambam's position in a coherent and cogent fashion. Yet, what is perhaps more important is that I have raised a halakhic issue essentially no different than a *she'elah* in *kashrut*. In fact, this is a *she'elah* of *kashrut* in the sphere of intellectual activity. Consequently, this mandates a response by great *posekim* and *morei hora'ah* as is wont in other areas of *halakhah le-ma'aseh*. Of course, there has been previous mention of the possibility that freedom of inquiry is not an halakhic issue. If this is so, then it should be spelled out in the classical format of a *she'elah u-teshuvah*. Either way, the matter cannot be swept under the carpet as a concession to practicability and twentieth-century living!

I am not suggesting that this *she'elah* be presented to any particular *gadol*. Rather, it should be presented to some great luminary who enjoys the trust of those seeking his *hora'ah*. To merely aver that this issue has been decided by the conduct of previous generations begs the question.

This is a genuine recurring, unresolved issue that needs a genuine and explicit resolution. Nothing less than a classically documented and formulated *teshuvah* by a recognized Torah authority, either in America or in *Erez Yisrael*, can resolve this festering issue. The loyalty and commitment of thousands of products of Torah u-Madda are ultimately at stake. If the matter is not dealt with in the classical manner of *hora'ah*, Torah u-Madda adherents may be left adrift in a sea of ambiguity and self-doubt.

I have raised this critical issue to coax the advocates of Torah u-Madda to define it clearly to all of Jewry, and especially to its constituents. It is my fervent prayer that a serious effort will be made to resolve this crucial matter in a manner that will bestow honor on Torah u-Madda and its mission.

NOTES

1. "Torah u-Madda and Freedom of Inquiry," *The Torah u-Madda Journal* 1 (1989): 68–71.
2. "On Freedom of Inquiry in the Rambam—and Today," *The Torah u-Madda Journal* 2 (1990): 37–50.
3. This will appear shortly in a book tracing the interaction between Torah and extra-talmudic disciplines throughout Jewish history edited by Rabbi Jacob J. Schacter.
4. See above, n. 2, esp. pp. 40–43.
[See also the "Letters to the Editor" section at the end of this volume.]