



## Rabbinical Courage and the Frozen Text

The Talmud discusses the identity of a *Gavra Rabba*, an exceptionally great person or Torah sage. It quotes a most remarkable observation made by the well-known sage Rava, who states: “How foolish are some people who stand up [out of respect] for a Sefer Torah, but do not stand up for a *Gavra Rabba*.”<sup>1</sup>

When asked what is so exceptionally great about these men, Rava ignores their astonishingly vast knowledge of Torah, and even their outstanding ethical and religious qualities. Instead, he notes their power and courage to *change* the obvious and literal meaning of a commandment as mentioned in the Torah. This, to say the least, is most remarkable!

The example that Rava gives is very telling:

While the Torah commands the *bet din* to administer 40 lashes for certain offenses,<sup>2</sup> the sages reduced them to 39. The courage, says Rava, to change the literal meaning of the text is what made them into extraordinarily great people. They recognized the power and authority vested in them to interpret the biblical text in accordance with the spirit of the Oral Torah. This authority gave them the right, even the obligation, to change the literal meaning of certain biblical texts if it became clear that a deeper reading of these texts called for such a move. In our case, they concluded that the number 40 could not be taken literally and should therefore be reduced to 39 – or even less, in case of need.<sup>3</sup>

1. *Makkot* 22b.

2. *Devarim* 25: 2–3.

3. In earlier days, Jewish Law would sometimes demand physical lashes under very specific circumstances, but only if offenders would be able to endure them without risk to their lives. It therefore could have happened that the court would administer only a few lashes, since more

For this reason, Rava maintains that these sages should be respected even more than the actual Sefer Torah, the biblical text. After all, the text is only the frozen aspect or outer garment of the living organism, the essential Torah. It is only in the Oral Torah as explained by the sages that the real meaning of the text becomes apparent.

Still, this cannot be the full meaning of Rava's statement. If the power of the sages is revealed in their willingness to change the meaning of a text (such as in the case of the number 39 instead of 40), one should ask the following: Why didn't Rava quote the *first* case ever mentioned in the Torah where the sages changed the specific biblical number to a lesser number, and use *that* to prove that they are great people?

It is well known that on an earlier occasion the sages changed the number 50 to 49. This was in the case of the Omer counting, when the Torah requires counting a full 50 days between the first day of Pesach and the festival of Shavuot, which would then fall on the 51st day.<sup>4</sup>

After carefully studying the text, the sages reduced the number of these days to 49 and stated that the 50th day, not the 51st, should be Shavuot. It is remarkable that in this case Rava does *not* state that their willingness and courage to reduce the number of days made them exceptionally great men. This is especially surprising since it is the Talmud's custom to always bring proof for a specific teaching from the *earliest* biblical source possible, never a later one.

In our case, the proof of the sages' courage is learned from a verse mentioned in *Devarim*, at the very end of the Torah! This is perplexing. Why didn't Rava use the earlier verse in *Vayikra*?

The answer is crystal clear. Changing the meaning of the biblical text, or reducing a number, is not enough for a sage to warrant the title of *Gavra Rabba*.

*One is a Gavra Rabba when one reduces the pain of fellow human beings!*

When a sage finds ways, through biblical interpretation, to mitigate the legal punishment of another human being, only then can we speak of a *Gavra Rabba*, an extraordinarily great person.

In our case of 40 lashes prescribed by the Torah when certain offenses have been committed, it is an act of mercy to find ways to reduce the offender's sentence and administer only 39, or even less. Such initiative and courage shows absolute moral greatness.

would have created life-threatening conditions. See *Shulchan Aruch*, *Choshen Mishpat* 420:1 and *Shulchan Aruch ha-Rav*, "Hilchot Nizkei Guf ve-Nefesh ve-Dinehem."

4. *Vayikra* 23:15-16; *Torat Kobanim*, ad loc.

But in the case of reducing 50 days to 49 so as to make Shavuot fall one day earlier, there is no evident alleviation of human pain, so Rava does not characterize the sage in question as a *Gavra Rabba*, however brilliant he may be.<sup>5</sup>

This insight is crucial. The virtue and stature of the sages are not measured by their great learning *but by their courage*. Especially when dealing with human pain. Throughout Jewish history the great sages were prepared to look for ways to change the meaning of the divine text because they believed that this is what God expected of them when dealing with human suffering. *Apparently, they believed that the text was deliberately testing them to see how they would respond and find a good argument or loophole to reduce the devastating effect of a commandment.*

Sometimes they nullified a commandment, as in the case of the *ben sorer u-moreh*, the rebellious son.<sup>6</sup> They also abolished the death penalty, although the text required it.<sup>7</sup> This approach explains many extraordinary cases where the sages even used far-fetched arguments to avoid the sometimes harsh pronouncements of the divine text, as when they were able to free a woman from the status of *aguna*,<sup>8</sup> or a child from the status of *mamzer*.<sup>9</sup>

No one understood better than the sages the danger of an inflexible, immovable text – even one that is divine. They saw it as their task to unfreeze the frozen text of God, because that is what brings the text to life and makes it humanly livable.

Today, few things are as relevant as this principle. When dealing with so many new halachic problems that touch people's lives, we are in great need of talmudic scholars who will once again apply this remarkable approach of our sages. Those sages were proud when they found solutions to human suffering because they were convinced that this was God's will.

Rabbinical courage – nothing less.

5. This idea is based on an oral teaching that was transmitted to me in the name of one of the pre-Holocaust Chassidic leaders whom I was unable to identify.

6. *Devarim* 21:18-21; *Mishna Sanhedrin* 8:4; *Sanhedrin* 71a. See chap. 27.

7. *Mishna Makkot* 1:10.

8. *Gittin* 3a; *Yevamot* 122b.

9. *Kiddushin* 71a, 72b. See also the remarkable observation in *Kobelet Rabba*, Vilna ed., 4:1. See chap. 27.