



THE DAVID CARDOZO ACADEMY

Machon Ohr Aaron  
Rabbi Nathan Lopes Cardozo, Ph.D., Dean

Manchester  
25.5.2014

### ***I am taking off My Kippah***

Is There Still A Future To Halacha?

Is It Still Possible To Be religious?

*Rabbi Dr. Nathan Lopes Cardozo*

---

#### תלמוד בבלי, מסכת עירובין, דף י"ג עמוד

א"ר אבא אמר שמואל שלש שנים נחלקו ב"ש וב"ה הללו אומרים הלכה כמותנו והללו אומרים הלכה כמותנו יצאה בת קול ואמרה אלו ואלו דברי אלהים חיים הן והלכה כב"ה וכי מאחר שאלו ואלו דברי אלהים חיים מפני מה זכו ב"ה לקבוע הלכה כמותן מפני שנחין ועלובין היו ושונין דבריהן ודברי ב"ש ולא עוד אלא שמקדימין דברי ב"ש לדבריהן.

#### Alasdair MacIntyre, *After Virtue*, 1981

When a tradition is in good order, it is always partially constituted by an argument about the goods the pursuit of which gives to that tradition its particular point and purpose.

So when an institution- a university, say, or a farm or a hospital- is the bearer of a tradition of practice or practices, its common life will be partly, but in a centrally important way, constituted by a continuous argument as to what a university is and ought to be or what good farming is or what good medicine is. Traditions, when vital, embody continuities of conflict...

A living tradition then is a historically extended, socially embodied argument, and an argument precisely in part about the goods which constitute the tradition.



## THE DAVID CARDOZO ACADEMY

Machon Ohr Aaron  
Rabbi Nathan Lopes Cardozo, Ph.D., Dean

### **Judaism A Portrait, Prof. Leon Roth: The Viking Press, NY, pp. 125**

It is all very rational and very helpful and indeed very sound, but it entailed one unfortunate human consequence. If, as Maimonides thought, he had truth, every other view was false; and people who, with the truth before them, adhere to false belief, are clearly Minim, heretics, and have no portion in the 'world to come'. Thus Maimonides with his systematic mind, though with the best will in the world, thrust men out of Judaism instead of keeping them in; and thrust them out by virtue of a definition, which, by laying down a boundary (and a boundary not of religious practice but of intellectual belief), put many plain people on the wrong side.

For there were (as there still are) many plain people who believe that somewhere 'up there' there is a Heaven, and in Heaven there is an 'ancient of days' seated on a throne and stretching out a saving hand in order to help a good man out of his difficulties. They might not have thought their position out. They might have had no position to think out. Metaphysically they might be in error. But are they in error *religiously*; and are they, because of a metaphysical error, cut off from eternal bliss? Is the Last Judgment an examination of our knowledge of philosophy or (as the Talmud affirmed unequivocally) a weighing of our good and evil deeds?

Thus the fixing of Judaism within a determinate creed led to a revolt against the very idea of a creed; and the outcry of the plain man in the thirteenth century, taken up again and again in the history of Judaism, led to what has been neatly called the 'dogma of the dogma-less-ness' of Judaism. For this last paradox there is much to be said; and the weakness of Maimonides's own position could not be made more manifest than by the story told by a sixteenth-century chronicler that, when Maimonides's opponents gained ground, they effaced his name and honorific appellations from his tomb stone, substituting the curt inscription: 'Here lies a Heretic (Min)'!

For this Hebrew of Hebrews had in many ways a Greek mind and through his sense of logic and passion for precision, he brought Judaism in a doctrinal crises, the echoes of which are with us yet. P 122



## THE DAVID CARDOZO ACADEMY

Machon Ohr Aaron  
Rabbi Nathan Lopes Cardozo, Ph.D., Dean

.Doubt: The quest for certainty paralyzes the search for meaning

It is better to be a spiritually tormented infidel than an apathetic passionless believe .2

:Rabbi Nachman MeBrazlav

It is entirely proper that objections can be found against the existence God. It is right and suitable that it should be so, because of God's greatness and exaltedness. Since in His exaltedness He is so far above our minds, there are bound to be objections to Him

.Likutei Maharar 2<sup>nd</sup> series

Faith is the continuous tension between itself and the doubt within itself. Paul Tillich

Out of the agony of faith in which with we constantly wrestle with doubt, may emerge an emunah of far greater vision, scope and attainment

.They have forsaken Me and have not kept My Torah. Yirmiyahu 16:11  
.Would that they had forsaken Me, and kept My Torah. Eicha Rabbah 2

### **Yam Shel Shlomo, Introduction to Talmud Tractate Baba Kama**

One should never be astonished by the range of debate and argumentation in matters of halakha. ... All these views are in the category of "these and those are the words of the living God" as if each one of them was directly received by Moshe at Sinai... The Kabbalists explained that the basis for this is that each individual soul was present at Sinai and received the Torah by means of forty-nine tzinoroth, spiritual channels. Each one perceived the Torah from his own perspective in accordance with his intellectual capacity as well as the nature and uniqueness of his particular soul. This accounts for the discrepancy in perception inasmuch as one concluded that an object was tamei in the extreme, another perceived it be absolutely tahor, and yet a third individual argues the ambivalent status of the object in question. All these are true and authentic views. Thus the sages declared that in a debate among the scholars, all positions articulated are different forms of the same truth.



## THE DAVID CARDOZO ACADEMY

Machon Ohr Aaron  
Rabbi Nathan Lopes Cardozo, Ph.D., Dean

### Rabbi Mordechai Yoseph from Ishitza, Mei Hashiloach, Commentary on Genesis 22:12

And although not every Jew is in need of every prohibition in the Torah, he is still obligated to heed and suffer this prohibition for the sake of his fellow Jew.

### Babylonian Talmud, Tractate Shabbat, 130a

Our Rabbis taught: In Rabbi Eliezer's locality they used to cut timber to make charcoal for making iron on the Sabbath. In the locality of R. Jose the Galilean they used to eat flesh of fowl with milk. Levi visited the home of Joseph the fowler [and] was offered the head of a peacock in milk, [which] he did not eat. When he came before the Rabbi he asked him, why did you not place them under the ban? It was the locality of R. Judah b. Bathyra, replied he, and I thought, Perhaps he has lectured to them in accordance with R. Jose the Galilean.

#### 1. ר' צדוק מלובלין, שיחת מלאכי השרת

והיינו כי בכל הוראת משפט יש ספיקות וצדדים שווים לכאן ולכאן וכבר אמרו בעירובין [י"ג ב'] וחגיגה [ג' ב'] שאעפ"י שהללו אוסרין והללו מתירין אלו ואלו דברי אלקים חיים וכולם מרועה אחד ניתנו. וביאור זה כי הדבר ידוע שיש חלוקים בנפשות וכמו שאיתא [ברכות נ"ח א'] ברוך חכם הרזים שאין דעתם דומה זה לזה ואין פרצופיהם דומין כו'... ולפיכך רובה של תורה בעל פה כמו שאיתא [גיטין ס' ב'] כי מה שבכתב הוא כולל כל ישראל וכל הנפשות שוות בה. וזהו הכללים אבל בפרטים מתחלקים כמו פרטי הנפשות. וכמו שיש ברפואת הגוף חלוקים בין טבעי גופים ובין השתנות הדורות שלא מה שיועיל לגוף זה ודור זה יועיל לאחר כן ברפואות הנפש. ומזה נצמחו כל המחלוקת בתורה שבעל פה שכל אחד אמר כפי מדרגת נפשו מה שראו לתיקונה ולרפואתה. ולפיכך אלו ואלו דברי אלקים חיים ששניהם ניתנו מרועה אחד כפי חלוקת הנפשות כך הם חלוקת המשפטים ובמקומו של ר' אליעזר היו כורתין עצים לעשות פחמין בשבת במקומו של ר' יוסי הגלילי היו אוכלין בשר עוף בחלב [שבת ק"ל א']. ולא היו חוטאים ח"ו וכדמסיים שם במעשה דעיר אחת שאדרבה כפי מדריגת אותם הנפשות דבר גדול עשו בזה וקבלו שכרן משלם על חיבוב המצוה כ"כ. ואעפ"י שאחרים אלו עשו כן היו נענשים ומחוייבים מיתה למקום על חילול שבת:

#### 2. תלמוד בבלי, מסכת שבת, דף ק"ל עמוד א

א"ר יצחק עיר אחת היתה בא"י שהיו עושין כר"א והיו מתים בזמן ולא עוד אלא שפעם אחת גזרה מלכות הרשעה גזרה על ישראל על המילה ועל אותה העיר לא גזרה

#### תלמוד ירושלמי, מסכת סנהדרין, פרק ד הלכה ב

א"ר ינאי אילו ניתנה התורה חתוכה לא היתה לרגל עמידה. מה טעם וידבר ה' אל משה אמר לפניו רבונו של עולם הודיעני היאך היא ההלכה אמר לו אחרי רבים להטות רבו המזכין זכו רבו המחייבין חייבו כדי שתהא התורה נדרשת מ"ט פנים טמא ומ"ט פנים טהור מיניין ודגל"ו.



## THE DAVID CARDOZO ACADEMY

Machon Ohr Aaron  
Rabbi Nathan Lopes Cardozo, Ph.D., Dean

### Yam Shel Shlomo, Baba Kama

As if he received it (the Mishne Torah) directly from Moshe at Sinai, who received it directly from Heaven, offering no proof...

### Yam Shel Shlomo, Introduction to Tractate Chulin

If a living person would stand in front of them and exclaim that the Halacha is different citing excellent arguments or even authoritative received tradition, they will pay no heed to his words.

### .Temurah 14b, Gittin 60b

Those who write down Halachoth are like people who have burned the Torah

### (.Pachad Yitschak. Chanuka, maamar 1 and 3. (Rav Yitzchak Hutner z.l

.The advantage of forgetting the Oral Torah

### Eruvin 54a

Had the first set of the Tablets not been shattered, the Torah would never have been forgotten by .Israel

### .Terumath Hadeshen: No 1, page 5 on too early evening prayers

Tosafoth Beza, 30a. "Tenan"

?Shabbath 96b-98b, Eruvin 22b. 600.000 men

.The Shakla VeTarya, bargaining with God Avraham and God at Sedom

### Berachoth 40b

Whoever deviates from the formula proscribed by the Sages for the blessings has not fulfilled his obligations

.How pleasing in this bread, blessed is the Almighty who created it, has fulfilled his duty

### Defensive Halacha- Prophetic Halacha

7 Cassuto Street, Jerusalem, 96433 Israel

T: +972.2.642.7272 \* F: +972.2.642.6076 \* E: [office@cardozacademy.org](mailto:office@cardozacademy.org) [www.cardozoacademy.org](http://www.cardozoacademy.org)



# THE DAVID CARDOZO ACADEMY

Machon Ohr Aaron

Rabbi Nathan Lopes Cardozo, Ph.D., Dean