

Why Talmud is the Bedrock of My Faith: A Theology of Inquiry and Attentiveness

R. Aviva Richman-richman@hadar.org

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I. Life Doesn't Make Sense - That Demands More of Us

Eruvin 13a

For two and a half years, Beit Shammai and Beit H

These said: It would be better for humanity had we not been created...

And those said: It is better for humanity that we have been created.

They voted and concluded: It would be better for humanity had we not been created.

Now that we have been created, we should **examine** our deeds.
And some say: We should **scrutinize** our deeds.

תָּנוּ רַבָּנַן: שְׁמֵּי שָׁנִים וּמֶחֱצָה נָחְלְקוּ בֵּית שַׁמֵּאי וּבֵית הָלֵל.

> הַלָּלוּ אוֹמְרִים: נוֹחַ לוֹ לְאָדָם שֶׁלֹּא נִבְרָא יוֹתֵר מִשֶׁנִּבְרָא, וְהַלָּלוּ אוֹמְרִים: נוֹחַ לוֹ לְאָדָם שֶׁנָבָרָא יוֹתֵר מִשֶּׁלֹא נִבְרָא.

נְמְנוּ וְגָמְרוּ: נוֹחַ לוֹ לְאָדָם שֶׁלֹא נִבְרַא יוֹתֵר מִשֶּׁנְבַרָא,

עַכְשָׁיו שֶׁנִּבְרָא — **יְפַשְׁפֵש**ׁ בְּמַעֲשָׂיו. וָאָמְרִי לַה: **יִמַשִּמִשׁ** בִּמַעֲשָׂיו.



II. God is in the Details: Extent and Limits of Attentiveness

A. You Have to Be Attentive!

Mishnah Makkot 2:2

If one throws a stone into the public domain and killed - the stone-thrower goes into exile.

R. Eliezer b. Yaakov says: If only from the moment the stone left his hand did the other person stick out their head and receive the blow - the stone-thrower is exempt.

ָהַזּוֹרֵק אֶבֶן לֹרְשׁוּת הָרַבִּּים וְהָרֵג – הַרֵי זָה גּוֹלֶה.

רַבִּי אֱלִיעֶזֶר בֶּן יַעֲלָב אוֹמֵר: אָם מִכְּשֶׁיָצֶאתָה הָאֶבֶן מִיָּדוֹ הוֹצִיא הַלָּה אֶת ראֹשׁוֹ וְקְבְּלָה – הָרֵי זֶה פָּטוּר.

Makkot 7a

Throwing a stone into the public domain - that is intentional murder!

R. Shmuel bar Yitzhak said: A case of knocking down his wall.

But he should have looked!

A case of knocking down his wall at night. At night also, **he should have looked!**

A case of knocking down a wall into a trash heap.

What kind of trash heap is it?
If the public spend time there - he is negligent!
If the public are never there - he is under duress!

R. Pappa said, it is only necessary for a trash heap generally used for people's needs at night, but not used in the day, but there are those who happen to sit there.

He isn't negligent - since it is not generally used in the day.

He isn't under duress - since there are those who happen to sit there.

לַרְשׁוּת הַרַבִּים, מֻזִיד הוּא!

אָמַר רַב שְׁמוּאֵל בַּר יִצְחָק: בְּסוֹתֵר אֶת כּוֹתְלוֹ. איבעי ליה לעיוֹני!

> בְּסוֹתֵר אֶת כּוֹתְלוֹ בַּלַיְלָה. בַּלִיְלָה נַמֵי **אִיבִּעִי לֵיה לְעֵיּוֹנֵי!**

> > בָּסוֹתֵר אֶת כּוֹתְלוֹ לְאַשְׁפָּה.

הַאי אַשְׁפָּה הֵיכִי דָמֵי? אִי שְׁכִיחִי בַּה רַבִּים – פּוֹשֵׁעַ הוּא, אִי לָא שָׁכִיחִי בַּה רַבִּים – אַנוּס הוּא!

אָמַר רַב פָּפָּא: לָא צְרִיכָא אֶלָּא לְאַשְׁפָּה הָעֲשׂוּיָה לִיפָנוֹת בָּה בַּלַּיְלָה, וְאֵין עֲשׂוּיָה לִיפָנוֹת בָּה בִּיּוֹם, וְאִיכָּא דְּמִקְרֵי וְיָתֵיב.

פּוֹשֵׁעַ לָא הָוֵי – דְּהָא אֵינָה עֲשׂוּיָה לִיפָּנוֹת בָּה בּיוֹם,

אוֹנֶס נַמֵי לָא הָוֵי, דְהָא אִיכָּא דְּמִקְרֵי וְיָתֵיב.



B. People Are Generally Not Attentive

Mishnah Bava Kamma 3:1

One who left their jug in the public domain, And someone else came, tripped on it and broke it they are exempt.

If they were injured by it the jug-owner is liable for their injury. **המַנִּיח** אֶת הַכַּד בִּרְשׁוּת הָרַבִּים, וּבַא אַחַר וְנִתְקל בַּה וּשְׁבַרָה – פַּטוּר.

> וְאָם הוּזַּק כָּה – בַּעַל הַחַבִּית חַיַּיב בִּנִזְקוֹ.

Bava Kamma 27b

Why are they exempt?

They should examine [the road] while walking!

The school of Rav said in the name of Rav:

A case where the entire public domain was filled with barrels. Shmuel says: It is taught about the dark.

Rabbi Yoḥanan says: It is taught about a corner...

Rabbi Abba said to Rav Ashi:this is what they say in Israel, in the name of Rabbi Ulla-

They are exempt because the typical manner of people is not to pay attention to roads.

?אַמַאי פָּטוּר

אָיבָעִי לֵיה לְעַיּוֹנֵי וּמֵיזַל!

אָמְרִי דְּבֵי רַב מִשְׁמֵיה דְּרַב: בַּמְמַלָּא רְשׁוּת הָרַבִּים כּוּלָּה חָבִיוֹת.

שָׁמוּאֵל אָמַר: בַּאֲפֵילָה שָׁנוּ.

ַרַבִּי יוֹחָנָן אָמַר: בְּקֶרֶן זָוִית....

אָמַר לִיה רַבִּי אַבָּא לְרַב אָשֵׁי, הָכִי אָמְרִי בְּמַעְרָבָא מִשְׁמֵיה דְּרַבִּי עוּלָא: לְפִי שָׁאֵין דַּרְבָּן שֶׁל בְּנֵי אָדָם לְהָתִבּוֹנֵן בַּדְרָכִים.



III. Attentiveness as Sensitivity and Pathos

Ketubbot 62b

Like that story of Rav Reḥumi, who was always studying with Rava in Meḥoza. He would come home every eve of Yom Kippur.

One Yom Kippur eve, his studies drew him in.

His wife was expecting him: "Now he is coming, now he is coming!"

He did not come.

She was distresseda tear fell from her eye.

He was sitting on the roofthe roof collapsed under him and he died. כי הא דרב רחומי

הוה שכיח קמיה דרבא במחוזא,

הוה רגיל דהוה אתי לביתיה כל מעלי יומא

דכיפורי.

יומא חד משכתיה שמעתא.

הוה מסכיא דביתהו:

השתא אתי, השתא אתי.

לא אתא.

חלש דעתה-

אחית דמעתא מעינה.

-הוה יתיב באיגרא

אפחית איגרא מתותיה ונח נפשיה