

Communications

TO THE EDITOR:

R. Shlomo Spiro's article, "On Rationalizing Biblical *Tum'a*" (*Tradition* 43:1, Spring 2010), analyzes a fundamental, complex, biblical concept – *tum'a*. Spiro, besides discussing his own view on *tum'a*, cites the opinions of two other modern authors, Douglas and Feldman. The article examines the pros and cons of equating *tum'a* with lack of holiness, lack of perfection, and Spiro's own view, lack of paradise.

The article could have also cited the classical approach of earlier Jewish authorities on *tum'a*. R. Hirsch's approach is both modern and surprisingly operational: *Tum'a* indicates a feeling of doubt about one's own free will. The purification procedures which remove *tum'a* symbolically instruct us on the proper way to remove one's doubts and restore one's awareness of freedom in moral matters.

R. Hirsch mentions this approach to *tum'a* in several places in his commentary. For example, when discussing the *tum'a* of childbirth, R. Hirsch argues that (Commentary to Lev. 12:2, Isaac Levy translation): "The highest and noblest occupation ... is of purely physical nature. Man originates, grows and exists like a plant... The fact must be established that in spite of this, once he is born, man is a morally free agent."

Similarly, in discussing the voluntary and involuntary sexual secretions which cause *tum'a*, Rav Hirsch writes (Commentary to Lev. 15:33): "The highest factors of life, which should really be accomplished in moral freedom, factors on which the normal future of humanity rests... rest on physiological animal procedures, which more or less belong to the physical unfree side of human beings. So that the raising of these matters into the realm of moral freedom... seems of paramount necessity. This necessity... apparent at the... physiological nature of birth is equally so for all matters in general connected with sex."

The doubts created by death are well known in both religious and non-religious circles. R. Hirsch explains (Commentary to Numbers 19:22): "If the *whole* human being has succumbed to death... if... the whole man stands in his life like all other organic beings in nature, under the spell of an irresistible overpowering force, then nowhere is there place for the moral 'thou shalt' next to the physical 'thou must.' Moral freedom of will would be an illusion... Against this the laws of *tum'a* and *tabarah* come, as given in Leviticus and place the fact, guaranteed by God, of freedom in moral matters in opposition to the demoralizing illusion of physical lack of freedom."

TRADITION

I believe R. Hirsch's approach – that *tum'a* indicates doubt about our freedom of choice – clarifies with greater specificity the three views mentioned in Spiro's article. In other words, *tum'a* indicates a lack of perfection *because* our attitude on freedom has been dampened, or *tum'a* contrasts with holiness and paradise *because* we feel bound by natural law rather than by God.

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R. SPIRO RESPONDS:

R. Hirsch's explanation, though it has, as Russel Hendel points out, a ring of modernity to it, is unconvincing. The connection between *tum'a* and an affirmation of moral choice is problematic. In the Torah and Talmud, *tuma* has very strong negative connotations. *Tum'a* contaminates, isolates man from his fellow, and distances him from His Maker by prohibiting him from entering His temple to commune. *Tum'a* is a withdrawal, not an affirmation.

Though one can argue that the purification ritual does bring man to renewal, any direct connection between that ritual and the *tum'a* laws is not clear. One would expect that after an encounter with the inevitability of physicality there would be an immediate emphasis on some positive act to affirm moral choice – some special sacrifice brought to the Temple, enjoining a festive meal, as on the holy days, or a ritual and declaration similar to that which is done for *bikkurim* – a reverse of the *tum'a* which Hirsch suggests is so positive.

Hirsch's comment on childbirth, that "once he is born, man is a morally free agent," does not relate to the *tum'a* of the parents, who have certainly exercised moral choice in having a baby, creating life, as Eve remarked after the birth of Cain – "*kaniti ish et Hashem,*" we are co-partners with God. (Gen. 4:1, as interpreted by Rashi)

Furthermore, Hirsch does not relate to the different degrees of *tum'a*; those requiring a sacrifice, those that do not, seven days, one day, etc. He also does not explain why gentiles are not *tamei* – they too are bidden to exercise moral choice.

My own explanation addresses all of these issues. Therefore, I must modestly and with great respect disagree with R. Hirsch's explanation of *tum'a*.

TO THE EDITOR:

An error appears to have crept into R. Bleich's "Sacrificing the Few to Save the Many," in *Tradition* 42:2 (Spring 2010).

The author quotes the *Hazon Ish* (*Nezikin, Likkutim* #20, *Bava Metsia* 62a) as arguing that even according to R. Akiva, when two people are dying of thirst in a desert, and a third party has only enough water to save one of them, “he must divide the water equally between the two persons at risk. The principle that emerges is that a person dare not ignore the *hayyei sha’ah* [i.e., brief period of longevity anticipation] of one putative victim even to carry out the complete rescue of another victim or even of many such victims.”

However, the *Hazon Ish* there writes the opposite: that the third party is permitted to give the water to one of them. He then adds that it seems that the third party is *obligated* to do so.

This does not contradict the conclusion that “it is forbidden to cause the loss of even *hayyei sha’ah* ... of a particular individual in order to preserve the normal longevity anticipation of a multitude of individuals” (as the author proves from the *Yerushalmi*). Overtly causing someone’s death in order to save the lives of others is indeed forbidden, even if the person whose life is being ended had but a short time left to live. However, allowing someone to die through inaction, e.g. by not giving him water, in order to save the life of another (when both would otherwise perish) is not only permitted but is the right thing to do.

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RABBI BLEICH REPLIES:

Rabbi Spirn is correct in assuming that an error crept into my citation of *Hazon Ish*. The correct citation is *Hazon Ish, Gilyonot le-Hiddushei Rabbenu Hayyim ha-Levi, Hilkhot Yesodei ha-Torah* 5:1. The precise source is *ibid.*, s.v. *u-mikol makom*. My comments accurately reflect *Hazon Ish*’s position as recorded in that source.

There is indeed an apparent contradiction between the position espoused by *Hazon Ish* in that work and the position announced in *Hazon Ish*’s *Likkutim*. The discrepancy between the two sources is the subject of a contribution by R. Shalom Spira and Dr. Mark Wainberg to be published in the forthcoming issue of the *Jewish Law Annual*.

