

## Four Cubits of the Law

Rabbi Alexander Davis  
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December 13, 2016 13 Kislev 5777

### **Berakhot 8a**

והיינו דאמר רבי חייה בר אמי משמיה דעולא: מיום שחרב בית המקדש אין לו להקדוש  
ברוך הוא בעולמו אלא ארבע אמות של הלכה בלבד.

Rabbi Chiyya bar Ami said in the name of Ulla: Since the day the Temple was destroyed, the Holy One of Blessing has only one place in the world where God reveals God's presence: only the four cubits of halakha.

### **"Authority and Dissent: A Discussion of Boundaries," Rabbi Marc Angel, 1994**

Within the boundaries of normative Judaism, dissent is respected and even encouraged. But beyond those boundaries, dissent is not tolerated.

It is clear, then, that there is room for dissent in criticism within the aggadic and halakhic systems. This dissent and criticism must be based on great reverence for our sages; on properly substantiated and argued positions; and commitment to the Divine origin of Torah. Dissent may not go beyond the universally excepted principles of our faith. But within this boundary, freedom of inquiry analysis and criticism must be respected and encouraged.

### **Deuteronomy 4:1**

Rashi

*You shall not add anything* for example- For example, adding a fifth text to your tefillin, a fifth species to your lulav and etrog, a fifth fringe to your tizit.

Ramban

*You shall not add anything*- See Rashi... But in my view, it extends beyond increasing or decreasing numbers to include making up a brand-new commandment... For prophets are no longer authorized to innovate. When the Sages "add" to the commandments by creating a "fence" around the Torah, this in itself is the fulfillment of a Torah commandment- though it is very important to distinguish between such rulings and the actual Torah declared by the mouth of the Almighty.

Gersonides

An addition that preserves the intent of the Torah, like the "fences" added by our Sages, is perfectly fine.

### Pirkei Avot 1:1

משה קבל תורה מסיני, ומסרה ליהושע, ויהושע לזקנים, וזקנים לגביאים, וגביאים מקרוב לאנשי כנסת הגדולה. הם אמרו שלשה דברים, הוו מתונים בדין, והעמידו תלמידים הרבה, ועשו סניג לתורה.

Moses received the Torah at Sinai and transmitted it to Joshua, and Joshua to the elders and the elders to the prophets and the prophets transmitted it to the Men of the Great Assembly. And the Men of the Great Assembly said three maxims: Be measured in the legal process, raise up many students and make a fence for the Torah.

#### *Rabbi Irving Greenberg ad loc.*

To protect against violations of the Torah's boundaries, one should cordon off a wider area so people will be stopped before they enter into the forbidden zone.

The tactic of preemptive or preventive fences recommended here worked better in some situations or generations than in others. In some cases, fences prevented people from straying from the straight and narrow. In other cases, people felt constraint and inhibited, and some broke away. So the extent of fence-building versus teaching the individual how to walk a fine line and the test boundaries is an educational judgment to be made in every generation and culture and in almost every situation. The Men of the Great Assembly felt that in their time, the way of fences work better.

#### *Avot d'Rebbe Natan ad loc.*

A vineyard surrounded by a fence is not like a vineyard without a fence. But no man ought to make the fence more important than the thing fenced in. For then if the fence falls, he will tear down everything.

### 1 Macabees 2

<sup>32</sup> A large force of soldiers pursued them, caught up with them, set up camp opposite them, and prepared to attack them on the Sabbath. <sup>33</sup> "There is still time," they shouted out to the Jews. "Come out and obey the king's command, and we will spare your lives."

<sup>34</sup> "We will not come out," they answered. "We will not obey the king's command, and we will not profane the Sabbath."

<sup>35</sup> The soldiers attacked them immediately, <sup>36</sup> but the Jews did nothing to resist; they did not even throw stones or block the entrances to the caves where they were hiding. <sup>37</sup> They said, "We will all die with a clear conscience. Let heaven and earth bear witness that you are slaughtering us unjustly."

<sup>38</sup> So the enemy attacked them on the Sabbath and killed the men, their wives, their children, and their livestock. A thousand people died.

<sup>39</sup> When Mattathias and his friends heard the news about this, they were greatly saddened <sup>40</sup> and said to one another, "If all of us do as these other Jews have done and refuse to fight to defend

our lives and our religion, we will soon be wiped off the face of the earth. "On that day they decided that if anyone attacked them on the Sabbath, they would defend themselves, so that they would not all die as other Jews had died in the caves.

***The Jewish Way, Rabbi Irving Greenberg, p. 264***

Unlike the Chasidim, who left everything to God, the Maccabees drew upon the covenantal model in which humans were called upon to action and to make judgments about the appropriateness of that action.

***A Living Covenant, Rabbi David Hartman, pp. 5-8, 34-36***

*Halakhic* scholars who devote their life to the study of the tradition show the Judaic community how it is to understand what God requires of Israel... Revelation finds its continuation in the rabbinic application of human wisdom...

Torah, therefore, should not be understood as a complete, finished system. Belief in the giving of the Torah at Sinai does not necessarily imply that the full truth has already been given and that our task is only to unfold what was already present in the fullness of the founding moment of revelation. Sinai gave the community a direction, an arrow pointing toward a future filled with many surprises. *Halakhah*, which literally means "walking," is like a road that has not been fully paved and completed. The Sinai moment of revelation, as mediated by the ongoing discussion in the tradition, invites one and all to acquire the competence to explore the terrain and extend the road. It does not require passive obedience and submission to the wisdom of the past.

The prophet- the paradigmatic mediator between God and human beings- appeals to direct revelation; he addresses the community in the name of God, and his legitimacy is conditional on his ability to produce proof of his direct contact with God (signs and miracles being the signature and seal of God). The scribes and scholars who produce the Talmudic tradition gain authority by virtue of the "law which they teach," that is, intellectual competence to reason and argue cogently about the law.

According to rabbinic Judaism, revelation was composed of layers upon layers of meaning. Talmud and Midrash are expositions of the divine covenantal word from within the limits of its literal confinement. The rabbis and their descendants ignited such explosions of meaning by subjecting the text to creative analysis and interpretation. With the development of the oral tradition, Israel became a partner in the development of revelation; revelation ceased being the divine Word completely given at Sinai and became an open-ended Word creatively elaborated by countless generations of students.

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### Opening Activity

- Where/when (if ever) do you encounter God?

### Small Group Discussion

#### *Adding/Subtracting*

1. Does the prohibition of adding/subtracting have any relevance for your work as an artist?

#### *Fences*

2. What is your experience with fences around laws?
3. What fences have you established in your art work?
4. Do the fences in your art work constrain or protect?