

Jewish Contemporary Ethics Part 14: The Written and Oral Torah VI

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The previous article noted that one of the key functions of the Oral Law is that it allows the rabbinic authorities in each generation to apply God's tenets to new circumstances, emerging

technologies and evolving societal conditions. Nevertheless, one might point out that human involvement seemingly risks undermining the objectivity of Divine law. The simple answer to this is that there are many inbuilt checks and balances within the Oral Law that are designed to prevent such bias. Yet there is also a deeper purpose to God wanting to partner with mankind in deciding Jewish Law.

The Russian child psychologist Lev Vygotsky (d. 1934) identified the importance of social interaction and imaginative play as key elements in a child's cognitive development. Later the Swiss psychologist Jean Piaget (d. 1980) emphasised the importance of play as a process of experimentation which is critical for a child's cerebral growth. Counterintuitively, he stressed that the role of the teacher must be limited, so as to allow children to discover the world for themselves.

He writes: "Children should be able to do their own experimenting and their own research. Teachers, of course, can guide them by providing appropriate materials, but the essential thing is that in order for a child to understand something, he must construct it himself, he must re-invent it. Every time we teach a child something, we keep him from inventing it himself. On the other hand, that which we allow him to discover by himself will remain with him..." (*Play and Development: A Symposium*, Maria W. Piers p. 27). In other words, if a parent or teacher reveals to a child something they could have worked out for themselves, they have robbed that child of an educational opportunity.

King David refers to Torah as a *sha'ashua*, a "delight" or "toy" (Psalms/Tehillim 119:92) – learning Torah was never intended to be a process of merely assimilating information; it was meant to foster relationships between teachers and students, parents and children. The pithy, terse language of the Oral Torah, such as the Talmud and Midrashim, necessitates these relationships.

Moreover, the cryptic style of the Oral Torah forces its students to use their intellectual faculties in the pursuit of understanding and knowledge. This experience of personal effort means students of Torah take ownership of the knowledge they acquire. Had the answers they sought been spoon-fed, they would not have forged their own personal connection to Torah.

Piaget's theory is also reflected by Rabbi Shlomo Kluger (d. 1869) who explained that using our imagination, hard work and grit to understand Torah ourselves means that it penetrates into our hearts. Therefore, while the Written Torah is God's absolute word, the Oral Torah is ours to delve into for "there is no study hall without a novel teaching" (Talmud Chagigah 3a).

The next article will explore whether innovation in Torah is genuine, or whether it is an exercise in uncovering God's established laws.

