Halakhic Praxis and the Word of God: A study of two models

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A. Introduction

The interpretation of Scripture has played a major role in the development of hermeneutics. Several basic questions emerge in the course of the interpretation process: What is the relation between the word of God, as formulated in canonized texts, and human interpretive activity? Does interpretation disclose the original meaning of the text, the divine intention, or is interpretation a process through which man determines and shapes the significance of the text? If interpretation is humanly determined, how are we to understand the act through which man decides on the meaning of revelation?

In this paper, I will focus on the ways in which Jewish tradition has grappled with these questions. It must be stressed that the relation between revelation and human interpretation creates a particularly acute problem in Jewish tradition which, as it has crystallized in Halakha, is mainly grounded in human interpretation. Most halakhic norms are not explicitly stated in Scripture and are a reflection of rabbinical interpretation, or even rabbinical legislation.

Jewish believers thus face an acute conflict when confronting the relation between halakhic norms and revelation. This relation could be formulated as the dialectic tension between two seemingly contradictory principles — “Torah from Heaven” and “Torah is not made in Heaven.” In other words: What is the meaning of halakhic truth? In what way is an halakhic ruling true?
M. Elon solves this tension by claiming: “... the halakhic sages failed to see any contradiction between ‘Torah from Heaven’ and ‘Torah is not made in Heaven,’ since they faithfully believed that the halakhic sage, through his exegeses, rulings, insights and creativity, is only realizing the potential of yet another part of the Sinaitic revelation which had been intended, in the first place, for his generation and his needs – ‘Not only did all the prophets receive their prophecy from Sinai, but also each of the sages that arose in every generation received his [wisdom] from Sinai.’”

However, as I shall show, this approach seems overly simplified and fails to consider all aspects of the problem.

In this paper, I shall examine two theoretical models dealing with this tension which, for reasons to be explained below, shall respectively be named the discovery model and the creative model. I shall argue that these models reflect the main approaches to this tension while they also sum up the prevalent historical traditions. In the course of analyzing these models and their links with traditional approaches I shall refer to many sources, though it is to be borne in mind that the models represent ideal types; sources are therefore only intended to illustrate and clarify. Let us then turn to the models themselves.

The discovery model claims that halakhic activity discloses the actual word of God. God’s word is potentially present in the original giving of the Torah and, in this sense, halakhic truth is not the antithesis to God’s word but rather discloses it. Thus, halakhic truth might be defined as a truth of correspondence, namely, a truth corresponding to the divine word. More exactly, halakhic truth will be defined as a truth of disclosure, namely, the halakhic sages disclose the word of God. Correspondence is assured by the very fact that halakhic truth is not seen as adding any independent human dimension to Halakha. As we shall see, this type of model could be considered the embodiment of unqualified rationalism, but this does not necessarily imply that only rationalists adhere to

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2 Exodus Rabbah, Yitro, 28:4; Tanhuma, printed edition, Yitro, 11.
4 According to Heidegger’s analysis this is the basic and original meaning of the concept of truth. See *Sein und Zeit* (Halle a.s.d.: M. Niemeyer Verlag, 1957), pp. 212–219.