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Center for Modern Torah Leadership



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"Taking Responsibility for Torah"

IF A FROG JUMPED INTO A FIERY FURNACE, WOULD YOU JUMP TOO?

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If Fred jumped off the Empire State Building, would you jump too? For those of us who grew up with this argument against conformity ringing in our ears, it is disconcerting to find a *beraita* cited on *Pesachim* 53b endorsing a version of this decision algorithm, so long as Fred is a frog. Todos of Rome teaches that the prophets Chananiah, Mishael, and Azaryah allowed Nevuchadnezzar to (publicly) throw them into a burning furnace rather than agreeing to worship an idol because they took as binding halakhic precedent the willingness of (at least some of) the plague frogs to enter hot Egyptian ovens.

We are not privy to how the frogs arrived at their decision, but Rashi tells us that Chananiah et al were not simply following their understanding of natural law but rather engaged in Scriptural exegesis. They were considering whether the verse “and you shall live by them,” with the rabbinic corollary “and not die by them,” applied to their situation and the evidence of the frogs convinced them that it did not.

Rabbeinu Yitzchak the Tosafist, however, notes that they should have known this without the frogs; after all, the normative halakhah is that one must die rather than transgress any commandment in public! Rather, he concludes, Chananiah et al learned from the frogs that one need not seek to avoid confrontations that will force one to sanctify the Name at the risk of death.

Rabbeinu Tam rejects this understanding as well. He argues (and the version of the story in *Midrash Tehillim* agrees) instead that the lesson of the frogs lies not in their decision

but rather in its consequences. The three prophets, remembering that the frogs had survived in the ovens (a *midrash* says that they were the only frogs to survive the end of the plague), concluded that G-d protects those who are willing to enter fires for the sake of His Name, and thus had the confidence to challenge Nevuchadnezzar. In Rabbeinu Tam’s reading, Chananiah, Mishael and Azarayah are praiseworthy for their faith that G-d will save them rather than for their willingness to die for Him.

There are clear and serious halakhic repercussions to these different readings. For example, Rabbeinu Yitzchak’s frogs may serve as precedent for the Tosafist position, opposed by Rambam, which permits one to give up one’s life for *mitzvoth* even when doing so is not halakhically required. But Rabbeinu Tam’s reading provides no support for that position. How seriously are we to take the frogs as halakhic authorities?

On one level the answer to me is clear: not at all. Frogs do not have free will, or moral responsibility, and one who thinks this *midrash* believes otherwise—whether or not they are willing to believe along with the *midrash*—would, as Rambam says, defame Chazal. Froggish willingness to accept martyrdom can no more teach us proper human behavior than a froggish diet can teach us that insects are kosher. In other words, this *beraita* requires us to engage in a willing suspension of practical disbelief: assuming that frogs were as free and responsible as humans, what can we learn from their behavior?

But on another level, the question is not whether frogs have halakhic authority, but whether texts about responsible

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frogs have halakhic authority. This is a part of the general issue of the authority of *aggadah*, but that larger issue tends to be about authority *per se*. Here I want to ask not whether *aggadah* correctly interpreted has halakhic authority, but rather whether fantastical *aggadot* can deliberately and legitimately stretch halakhic as well as physical reality.

Let us now look at our core *beraita* in Talmudic context. A *beraita* reports that Todos of Rome once instituted a local custom of eating a faux Paschal sacrifice on the night of Passover. Halakhic authorities of his time felt he had crossed, or at the least come dangerously close to crossing, the thin but critical line separating desirable “commemoration of the Temple (*zekeher laMikdash*), which emphasizes the necessity and loss of the Temple, from substitution for the Temple. They accordingly send Todos a stern message saying that they would have ostracized him were it not for who he was.

But who was Todos, such that he was apparently beyond normal halakhic authority? On *Berakot* 19a, the Talmud cites the Todos episode alongside the story of Choni HaMeagel, who was sent an identical message by Shim'on ben Shetach. Choni is explicitly spared because of his spiritual greatness. It seems reasonable to suppose that Todos was a spiritual giant as well.

The Talmud, however, frames two alternatives:

a) he was a great man, whom the rabbis did not wish to ostracize.

b) he was a powerful man, and the rabbis feared retaliation. Our *beraita* of the frogs is then cited as evidence.

What is our *beraita* evidence for? The Talmud does not say. Perhaps it shows enough ingenuity to demonstrate that Todos was a great man, but then again perhaps it is implausible and stretched enough to demonstrate that he wasn't. Interestingly, the Talmud then cites the *Amora* Rabi Yose bar Avin as splitting the difference, asserting that Todos was neither great nor wicked, but rather an assistant to the great. Netziv in *Meishiv Davar* seemingly understands this position as deriving from our *beraita* – the fact that Todos is quoted demonstrates that he wasn't evil, but the weakness of the *derashah*, his only cited statement, demonstrates that he wasn't a scholar.

Netziv's approach, however, seems entirely original, as we noted above that Rashi, Tosafot, and Rabbeinu Tam addressed this *sugya* with every expectation of rigor. The

conversation becomes even more baroque among the *Acharonim*, with luminaries such as Maharsha and Chatam Sofer offering brilliant and highly involved defenses of Todos' *derashah*.

How are we to take these interpreters? Surely every participant in the discourse was aware that frogs have no moral personality in *halakhab*, and therefore no one thinks that Chananiah Mishael and Azaryah actually derived norms from the behavior of the frogs. But they seem to be assuming that this is the only fiction that can be countenanced, that the imaginary frogs must act out an actual *halakhab*. After all, Chananiah Mishael and Azaryah really did go into the furnace!

I wonder if this assumption is necessary, for two reasons:

1) Aggadic heroes do the right thing rather than the halakhic thing; they go *lifnim mishurat hadin*, (further in - toward G-d? - than the line of the law), and sometimes they act on the basis of *bora'at sha'ab* (the teleological suspension of the halakhic). For example: If Rabbeinu Tam's reading is correct, Chananiah Mishael and Azaryah defied Nevuchadnezzar only because they were sure they would miraculously survive, and surely no halakhic precedent should be derived from their reliance on a miracle.

2) If aggadists can take liberties with physical reality for the sake of the story, or of the moral, perhaps they can take liberties with halakhic reality as well. This is not a function of carelessness, but rather legitimate poetic license. For example, *aggadot* may rest on the assumption that a vow to kill one's daughter can be binding, or that disobedience of a royal whim is a capital crime (*mored b'malkhut*), but perhaps the aggadic authors would have been shocked to discover that anyone took that assumption more seriously than the conceit of philosopher frogs.

So perhaps Todos found a clever precedent for the action of Chananiah Mishael and Azaryah—that is, going into a furnace to fulfill a Divine command—and was willing to pretend that halakhically one may voluntarily enter situations where such risks will be necessary. Or perhaps Todos assumed that the prophets knew *halakhab* forbade voluntary martyrdom, and so provided them with a precedent for their *bora'at sha'ab*. Either way, both frogs and prophets can inspire us to self-sacrifice in the service of G-d, but without requiring us to act exactly as they did in parallel situations.

Shabbat Shalom!

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