Freedom to Interpret

Rabbi Aryeh Carmell

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If you are unable to arrive at a clear decision in any legal matter between blood and blood between civil case and civil case or one affliction and another leading to controversy in your gates; then you shall rise and go up to the place to be chosen by G-d. And you shall approach the Levitical priests or the judge who will preside in those days, and you shall enquire and they will declare to you the decision on that legal matter. You shall then act in accordance with the instruction that they issue from that place chosen by G-d... you shall not deviate [from this] neither to the right nor to the left.

(Devarim 7: 8-11)

Through Their Mind

Here the Torah establishes a Supreme Court, later known as the Great Sanhedrin, whose decisions on all Torah matters are to be legally binding on all Israel. Say a great Sage comes to a conclusion opposed to that of the Sanhedrin, but the Sanhedrin rejects his reasoning. The Sage is entitled to keep his opinion; there is no "thought control" in the Torah. But in practice he must follow, and tell everyone else to follow, the decision of the Sanhedrin — right or wrong.¹ On the other hand, if the Sage challenges the Sanhedrin and actively tries to influence people to act against their decision, he may find himself facing the death penalty.²

¹ Sanhedrin 88a.

² Devarim 17:12.

How can one be so sure that the Sanhedrin is right? Ramban poses this question. He answers that whatever the Sanhedrin by majority, decides, is *ipso facto* "right," because the Torah was given to us according to the understanding of their [i.e. the Sanhedrin's] mind.³

Hence, it is not the "absolute truth" which is required here, but the truth as seen by those qualified to pass judgment at any given time. Coincidentally, this ensures that a certain degree of flexibility is built into the Oral Law.

Not in Heaven

To illustrate this principle the Gemara records the well-known episode of Rabbi Eliezer's challenge to a decision of the Sages led by Rabbi Yehoshua (first century C.E.). Rabbi Eliezer calls up a series of miraculous events to prove his point, all of which are rejected as irrelevant by Rabbi Yehoshua. Finally a heavenly voice declares: "What have you to say to my son Eliezer? The halacha is always as he says." Upon hearing this apparently irrefutable declaration, Rabbi Yehoshua stands up and asserts, "The Torah is not in Heaven." This means: the Torah has already been given and it states that all halachic decisions must be rendered by majority vote. We take no notice of a "heavenly voice." The Gemara continues that the *tanna* Rabbi Nathan once met the prophet Elijah and asked him what had been G-d's reaction to this. He replied: "He laughed and said, 'My sons have defeated Me, My sons have defeated Me!" "6

There are various interpretations of this final episode. To me it clearly implies that the "heavenly voice" was nothing but a test. Rabbi Yehoshua had to realize that there can be no change in the Torah's principles and therefore the "heavenly voice" was meant to be rejected. They passed the test.

Halachah Only

The obligation to follow the assertion of the Sages applies only to halachic matters, as the passage cited at the head of this article emphasizes. Twice it notes that the decision we are searching for refers to a decision in *mishpat* — "legal matters," i.e. halacha. he Talmud delineates three basic areas of halacha, according to the answers

³ Rambam, Commentary, Devarim 17:11.

⁴ Devarim 30:12.

⁵ Bava Metzia 59b.

⁶ Ibid.

given to these three questions: Prohibited or permitted? Liable or exempt? Pure or impure? The three examples given in the passage cited could well refer to these three areas: "between blood and blood" could refer to types of blood permitted or prohibited for consumption; "civil case and civil case" refers to cases to which the verdict is "liable or exempt"; "one affliction and another" seems most likely to refer to different cases of leprosy, either "pure" or "impure" (tamé or tahor).7

Non-Halachic Subjects

So far we have been discussing halachic issues. But the Talmudic and Midrashic literature contains much more than this. It is true that the bulk of the Talmud consists of halachic discussions, but a substantial portion is devoted to non-halachic subjects.

We can divide these into three main kinds:

- 1. Ethical lessons derived from verses in *Tanakh*. These can refer to relationship with G-d and man; character building; proper behavior, etc.
- 2. Parables and allegories which, when properly elucidated, yield important lessons.
- 3. Information mainly regarding various cures and treatments; also regarding some facts of biography, history, geology, astronomy etc.

All these three kinds of information are called *aggadah*, to distinguish them from halacha, which we discussed above.

Degrees of Authority

None of these carry an authority comparable to halachic decisions. The actual degree of authority varies in each case, as will now be shown.

1. Ethical lessons derived from Tanakh. The aggadot and midrashim which our Sages have bequeathed to us are incomparably rich in wisdom and moral content. Their pure and noble minds drew from the wellsprings from Torah exceedingly profound insights. If "the casual conversation of a Sage requires careful study",8 how much more what they said by way of instruction or homily. Yet they themselves laid down the rule "we derive no halacha... from aggada." They are recommendations and suggestions rather than laws.

⁹ Jerusalem Talmud, *Peah* 2:4.

⁷ See *Vayikra* ch. 13-14; *Devarim* 24:8-9.

⁸ Sukka 21b.

- 2. Parables, etc. To take these literally would be to completely misunderstand their import, as Rambam emphasizes. ¹⁰ Considerable research is required if one is to understand the message that is being conveyed. Once this has been grasped, their authoritative status is equal to that of (1).
 - Rabbi Shmuel ha-Nagid's *Introduction to the Talmud* (printed in the first volume of our Talmud editions) includes this note: "*Aggada* comprises any comment occurring in the Talmud on any topic which is not a commandment (i.e. which is not halachic) and one should derive from it only that which is reasonable." We are told to use our commonsense to decide whether an *aggada* is to be taken literally or not.
- 3. Factual Information. This is certainly the most problematic of the three kinds of non-halachic material found in the Talmud. Not long after the close of the Talmudic era (ca. 500 C.E.) the Geonim (ca. 700-1000 C.E.) advised people not to practice the cures mentioned in the Talmud. One if the best known of the Geonim, Rav Sherira Gaon (ca. 1000 C.E.) writes as follows:

We must inform you that our Sages were not physicians. They may mention medical matters which they noticed here and there in their time, but these are not meant to be a mitzvah. Therefore you should not rely on these cures and you should not practice them at all unless each item has been carefully investigated by medical experts who are certain that this procedure will do no harm and will cause no danger [to the patient]. This is what our ancestors have taught us, that none of these cures should be practiced, unless it is a known remedy and the one who uses it knows that it can cause no harm.¹¹

Rambam and His Son

About two hundred years later, Rambam makes a similar comment on the Sages' knowledge of astronomy. It reads as follows:

Don't ask me to reconcile all that they [the Sages] have said on astronomy with the facts as they are. The sciences at that time were deficient, and their statements on these matters are not based on prophetic tradition but on what was available to them at that time.¹²

¹⁰ Mishna Commentary, Introduction to Sanhedrin chap. 10.

¹¹ Otzar Hageonim, Gittin 68, #376.

¹² Moreh Nevukhim II, 14 (end).

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While discussing the availability to our Sages of the later developments of the sciences, one must never forget their supreme greatness in one area, which is the all-important one. I mean their G-d-given ability to interpret the Torah as it is to be practiced in our everyday lives. As we saw above, it is through their minds that the Torah is channeled to all generations. Later on we shall suggest a reason why their minds were not enabled also to encompass scientific developments.

* * *

Rabbi Avraham, son of Rambam, although living in the shadow of his illustrious father, was considered, after his father's death, one of the greatest of his generation (13th century). Elaborating on his father's views, he also emphasized the great competence of our Sages in one all-important area:

The great excellence of the Sages of the Talmud in the interpretation of the Torah and the investigation of all its rules and details does not oblige us to accept all their statements in the spheres of medicine, natural science or astronomy. Nor need we believe them [in these matters] as we believe them in the interpretation of the Torah, since its deepest wisdom is theirs and it is their task to teach it to all.¹³

Where Does the Sun Go in the Night-Time?

Rabbi Avraham proceeds to bring a proof for this conclusion from the Gemara:

Where does the sun go in the night-time? The Sages of Israel say: In the daytime the sun goes under the firmament and in the night-time above the firmament. The sages of the nations say: In the day the sun goes below the firmament and in the night, under the earth. Rabbi [Yehuda Ha-Nassi] said, Their words are preferable to ours, because in the daytime springs are cold while in the night springs are hot.¹⁴

This teaches us a very important lesson, writes Rabbi Avraham. Rabbi did not decide in accordance with the sages of the nations as one decides a halachic question, but from facts of observation. And with good reason Rabbi was known as "Rabbenu ha-Kodesh" ("our holy master"), says Rabbi Avraham. When a person rejects the false and

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¹³ Maamar al ha-Derashot, Ein Yaakov, p. XIV.

¹⁴ Pesachim 94b.

accepts the truth, and is prepared to retract his previous opinion when he understands that the converse is true, he is rightly called "holy." We also see that the Sages did not judge an opinion by its author, however great he may be, but by the proofs that are adduced for it.

FreedomofInterpretation

The difference between halachic and non-halachic matters comes to the fore also in questions of interpretation. In halachah of course all the interpretation has long been done. Or perhaps nearly all. There may still be a question whether a verse is halachic or non-halachic. For example, take the verse: "And it shall be as a sign on your hand and a memorial between your eyes, so that the law of G-d shall be in your mouth..." We all know what this means; in fact we put it into practice every day [when we don *tefillin*]. But is it the *simple* meaning?

Rashbam, Rashi's grandson, conceived of a new commentary on *Chumash*, which would leave more room for the simple meaning — what he called "the depth of the *pshat*" — and he obtained Rashi's approval for this enterprise. And this is how he explained our verse:

AS A SIGN ON YOUR HAND. According to the depth of its *pshat* (simple meaning), it shall be a constant memorial to you, as if it were written on your hand, like "make me as a seal on your heart" (*Shir ha-Shirim* 8:6). BETWEEN YOUR EYES. Like an ornament or golden chain which it is customary to put on the forehead as an ornament.

So Rashbam declares that this verse is metaphorical. His knowledge of linguistics and Biblical poetry compels him to this conclusion. But Rashbam, who was also a great halachist, would certainly not for a moment deny that it also comprises a mitzvah which has to be practiced daily, as detailed by the Oral Law. There is no contradiction. The Oral Law simply tells us that the metaphor had to be converted into a series of actions — "suiting the action to the words." It remains true that halacha can never be re-interpreted.

Some Non-Halachic Interpretations

On the question of Bil'am's ass, the majority of commentators accept the narrative in its literal sense, and so do the Sages of the Mishna and Talmud. But Rav Saadya

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¹⁵ Shemot 13:9.

Gaon (10th century C.E.), compelled by his own ideas on miracles, asserts that the ass never spoke. It merely appeared to speak, while an angel did the speaking.¹⁶ Although this contradicts many authorities, it is not ruled out, since the context is non-halachic.

* * *

Again on the subject of miracles, Maharal of Prague, well known for his non-literal interpretations of many sources, discusses the halting of the sun by Joshua.¹⁷ In a long dissertation, Maharal concludes that the sun was stopped only for the Israelites, who needed the extra daylight, but for the Canaanites the sun and moon pursued their usual paths. It does not worry him that this implies that the sun and moon were standing and not standing at the same time.¹⁸ This is not the place to discuss what this actually implies regarding Maharal's concept of miracles in general, but it is certainly not in accord with the generally accepted view, or with the literal sense of the verse. But we must remember that this is a non-halachic text.

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There is a well-known and longstanding dispute in Torah sources regarding the status of necromancy and the "black arts" in general. Many hold that they are, or once were, effective, but were prohibited by the Torah. It seems clear that the Sages of the Talmud adopted this view. Others — notably Rambam and his followers — hold that all this is mere superstition. It was prohibited because of its connection with idolatry.

There is one passage in *Tanakh*, concerning Saul and the witch of Ein Dor¹⁹, which seems to lend credence to the first view. The narrative describes how the woman succeeds in "bringing up" the spirit of the dead Samuel, who then holds a conversation with Saul.

One of the great Biblical commentators, Rabbi Levi ben Gershon (Ralbag — 14th century), was a strong follower of Rambam. Compelled by his convictions on this matter, Ralbag explains the whole passage in a non-literal sense. He writes:

In reality, no one was raised from the dead nor did any information reach Saul in reality. All this was the work of the imagination.

¹⁶ See Ibn Ezra on Bereishit 3:1 and Bemidbar 22:28.

¹⁷ Yehoshua 10:13.

¹⁸ Maharal, Gevurat Hashem, 2nd preface.

¹⁹ I Shmuel, 28:8-19.

He goes on to explain that the words Saul "heard" were in fact almost all words he had heard from Samuel in his lifetime, which were now being repeated to him by his own memory.²⁰ We have here another example of unusual explanations being accepted when the writer's convictions compel him — with good reason — to accept them.

Torah and Geology

We come to the question of the age of the world.

Only in the 12th century C.E., when alien cultures began to be better known, was it possible to formulate a direct question on this matter. Rabbi Yehuda ha-Levi mentions in his Kuzari that people had discovered that ancient Hindu manuscripts measured prehistoric time by millions of years. How can this be reconciled, they asked, with the very limited time-scale of the Torah? Rabbi ha-Levi's answer is simple. Hindu records are not known for their accuracy or credibility.²¹

It was not until the 19th century that the question of the age of the earth again came to the fore. The cultured Jewish congregation of Danzig had been discussing how the Torah time-scale could be reconciled with recent discoveries on geology and paleontology. The chief rabbi of Danzig at that time (around 1840) was Rabbi Yisrael Lipschutz, author of the highly valued commentary on the whole Mishna entitled *Tiferet* Yisrael. Rabbi Lipschutz was also well informed on scientific matters. After setting out in some detail the recent discoveries in paleontology, he explains that Kabbalists had long known of the existence of a series of worlds prior to this one. The remains of prehistoric animals including pre-Adamite man, which geologists are finding, are debris from those worlds.22

The simple meaning of the first verses of *Bereishit* hardly holds any hint of all this. However, scientific observation compels us to look further and arrive at a new interpretation, thus following the precedents previously provided.

It is important to note that these ideas of Rabbi Lipschutz are quoted with approval by no less an authority than Rabbi S.M. Schwadron (the Maharsham), Rav of Brezan,

²⁰ See also Redak *ad loc* who cites R. Shmuel ben Hofni as putting forward similar views.

²² Derush Or HaHayim, translated (partly) in Carmell and Domb, Challenge: Torah Views on Science and its Problems (Feldheim), p. 132.

Poland, who is universally recognized as one of the outstanding halachic authorities of the early 20th century. He writes:

This is a refutation of the heretics who have found a basis to challenge [the Torah] from the discovery of huge creatures in the depths of the earth...²³

Age of the World

The 20th century provided many shocks for scientists. One of the most outstanding was the discovery that the world had a beginning.

Up to 1929, if anyone had asked, "How old is the world?" he would have been looked on with scorn by scientists. "What do you mean, 'How old is the world?' The world has existed from all eternity, hasn't it?" And so would the reply have been from Aristotle onwards — except for people with faith in the first verse of *Bereishit*.

In 1929, everything changed. In that year Edwin Hubble, using the giant 100-inch telescope on Mount Wilson, was able to record the spectra of distant nebulae. He found that, without exception, they were receding at very high velocities, and the greater the distance, the higher the velocity. It seemed as if we were in the midst of an enormous explosion. To the dismay of many astronomers, this implied that we live in an expanding universe. Once we determine the rate of recession we can calculate when the expansion began. We can, in fact, arrive (mentally of course) at the beginning of the universe — the moment of creation! The 20th century was the century in which scientists discovered *Bereishit*!

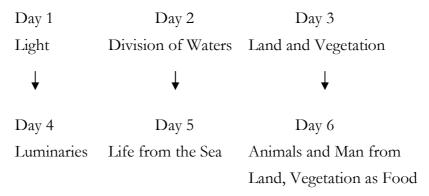
This victory comes with a price. The time that has elapsed from the beginning (once called jocularly by Fred Hoyle "the big bang" — but the name stuck) until the present time has been calculated as around 15 billion years. This, compared with eternity, is indeed very small. But compared with six days it is pretty large.

Are we bound to the literal meaning of the verse, or is there room for interpretation? No halachah is involved here so in principle the road to reinterpretation should be open. One more element is required: compulsion. As we have seen many times above, we reinterpret only if we see a compelling need to do so. Those who have studied the matter and are convinced that a good case may be made for the conclusions reached, may certainly feel that reinterpretation is needed.

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²³ Techelet Mordechai, Bereishit #2.

There is no lack of hints that the "days" of *Bereishit* are not to be taken in a literal sense. *Sefer ha-Bahir* calls them "powers"; Ramban calls them "sefirot." For Maharal, the six days form a geometric pattern. If we examine them carefully we see that they present not a sequence 1,2,3,4,5,6 but two parallel sequences: 1,2,3/4,5,6. Thus days 1 and 4 are associated and so are days 2 and 5 and so days 3 and 6:



We discern here a logical, not a chronological sequence. It therefore imposes no limits to the time to be allocated to the age of the world.

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Rabbi Dessler and Creation

Rabbi Eliyahu Eliezer Dessler, the great *baal mussar* and Torah philosopher of the 20th century, whose ideas have influenced a whole generation, writes that creation could not occur in time, because time itself is part of what is being created. He then adds:

Since creation does not take place in time we must ask why the Torah describes it as taking six days. The answer is that the Torah wishes to teach us a lesson in *relative values*. Everything has value only in relation to its spiritual content. Vast physical masses and vast expanses of space and time are of little significance if their spiritual content is small. The whole physical universe exists as an environment for the spiritual life of the human being: this is its spiritual content. When interpreting non-temporal creation in temporal terms the Torah deliberately contracts the time-scale compared with the one which presents itself to the scientist, in order to convey to us

²⁴ See Challenge, p. 125 et seq. (See note 23.)

the relative insignificance of the material creation compared with the spiritual stature of man.²⁵

Rabbi Dessler tells us that the "six days" of the Torah are not meant to *contradict* the "fifteen billion years" of science. Neither is "right" because they try to express non-temporal facts in temporal terms. The Torah preferred to give us the contracted time-scale for the reason given, but the scientific conclusion remains uncontradicted for us to study if we so wish. We must however make an effort not to distort the value-system of the Torah and not to give undue importance to mere size.

A Word on Kefira (Heresy)

It is unfortunately a common practice for a *talmid hakham* (learned person) to accuse a colleague of heresy if he puts forward a view which the first gentleman considers unacceptable for Orthodox Jews. Although he thinks he is defending the purity of the faith, it is much more likely that the first gentleman is transgressing the Biblical prohibition of publishing libels against his neighbor.

Rav Yosef Albo (ca.1400) wrote a famous book on the principles of Judaism. He warns people to be sparing with the epithet "heretic." A heretic, he says, is one who knows the truth but deliberately sets out to deny it and denigrate it. On the other hand,

One who has no intention of rebelling against the Torah or of turning away from the true path or of attacking our tradition, but his purpose is to explain the verses according to his own ideas — even if his ideas may be wrong — he is neither a sectarian nor a heretic, G-d forbid. ...I have seen people, of insignificant learning but wise in their own eyes, who speak unduly against truly great people!... It is therefore permitted to any wise person to investigate the principles of our religion and to explain the verses in accord with the truth as he sees it.²⁶

We have spoken a good deal above about "compulsion." We refer of course not to compulsion from outside factors, but *inner* compulsion. One should be compelled only by the truth as one sees it. This does not mean that *carte blanche* is given to anyone to formulate his own ideas on these important and sensitive issues. When Rav Albo made this statement he was careful to add one word. "It is permitted to any *wise* person..." "Wise" in this context means knowledgeable in all aspects of the problem. In science

²⁵Michtav Me-Eliyahu IV, 113; trans. Challenge, p. 140.

²⁶ Sefer ha-Ikkarim, 1:2.

issues for example, the only person qualified to judge is one who, besides being fully conversant with the Torah aspects of the matter, is also fully informed concerning the scientific aspects. It is only he who can judge whether the facts are "compelling" or not.

Science and our Sages

In the early part of this article we were at pains to distinguish between halachic and non-halachic subject matter. In questions of halachah we have a tradition that the members of the Sanhedrin had heavenly aid to ensure that their decisions would coincide with the truth of the Torah. In some non-halachic matters, however, such as medicine and other scientific areas, as we learnt from Rambam and his son Rabbi Avraham and other distinguished *Rishonim*, on the whole the science of our Sages was what was generally known in their time.

As the centuries progress we discover a curious fact. As modern science becomes more and more soundly established and more discrepancies appear between the words of our Sages and modern science, one would have thought more and more recourse would be had to Rambam's principle — that the words of our Sages in *aggada*, are not always expected to be in accord with the facts.

But in fact the contrary is true. Rambam's principle is ignored, for the most part it is not even known. A good deal of Orthodox education at the present time teaches that whatever the Talmudical Sages assert, in halacha and in *aggada*, is literally and factually true, and that it is part of our duty as Jews to believe this. There is no doubt that this viewpoint is attractive. It is simpler, and if discrepancies do appear, they can usually be dealt with by assuming that "nature has changed."²⁷

The difficulty is that maintaining this viewpoint depends on the ability of the educators to isolate their students from all contact with modern science. In the world in which we live, it seems less and less likely that this will be successful.

Rav S.R. Hirsch, who opened the secular world to the Orthodox Jew, dealt with this very question in 1876. He came down strongly on the side of Rambam and Rav Avraham his son. He rejected the other, seemingly more "religious" viewpoint, because of the disaster he foresaw when the student eventually realizes that he has been misled.²⁸

See *Hazon Ish*, *Yorea Dea* 155:4, *Even Haezer*, 115.

28 J. Munk, "Two letters of S.R. Hirsch, a translation", *L'Eylah*, 27, London.

²⁷ See Hazon Ish, Yorea Dea 155:4, Even Haezer, 115.

We may be standing before this problem today, when whoever has a cell phone has immediate access to modern science.

Tiberias in Jerusal em

One very outstanding example of the accuracy of our Sages in astronomy concerns the average length of the lunar month. Month to month variations make it very difficult to obtain an exact figure for this. The Talmud reports:

Rabban Gamliel told them: I have a tradition from my grandfather's house stating that the renewal of the moon is not less than a minimum of twentynine and one-half days plus two-thirds of an hour and seventy-three parts [a "part" being 1/1080 parts of an hour].²⁹

If we take this figure to refer to the average lunar month (and not to the "minimum" stated), we get, in modern terminology, 29 days, 12 hours, 44 minutes, 3 1/3 seconds. This is in fact correct to within *one half-second* on the basis of modern astronomical observations — which is precise to one part in five million!

Traditionally, this information was made available to our Sages at the time of Mattan Torah.³⁰ Rambam tells us that the mathematical basis for these calculations was later developed by the Greeks.³¹

A fundamental mitzvah of the Torah requires the Sanhedrin to establish a solar-lunar calendar so that Pesach shall always fall in the Spring.³² Providentially, a solid basis was provided for this by the accurate determination of the lunar month described above.

It turns out, however, that when we consider the length of the *solar* year we do not find that the Sages possessed such accuracy. The rough-and-ready estimate of 365 ½ days was known to be inaccurate but was retained for relatively minor matters such as the prayer for rain. This was known as *tekufat Shemuel* (3rd century C.E.), coinciding with the Julian calendar. When the Sages Rav Adda and Hillel II (4th century) established the fixed calendar which we still use to the present day, a correction was made to the estimate of the solar year. It was now taken as 365 days, 5 hours, and

²⁹ Rosh Ha-Shana 25a.

³⁰ Rambam, Mishneh Torah, Hil. Kiddush Ha-Chodesh, 5:2.

³¹ Ibid. 17:24.

³² Shemot, 12:2.

55,007 minutes. This was still 6 2/3 minutes in excess of the value established in modern times, but accurate enough to fulfill the purpose of the fixed calendar — to ensure that Pesach never falls earlier than the vernal equinox.

It certainly seems that in the majority of cases; the Sages were left to their own devices, as Rambam and his son assure us. The question remains: Why? Would it not give tremendous prestige to the Torah Sages if they could also solve all scientific problems by prophetic tradition?

We could perhaps give an answer to this question by using an analogy. It is well-known that fruit that grew in Ginossar, near Kinneret, was extremely luscious. The Gemara raises a question:

Why did Ginossar fruits not grow in Jerusalem? — So that pilgrims should not say, "If we had come only to eat Ginossar fruit in Jerusalem it would have been enough!" — Their pilgrimage would have been for selfish motives.

Why are the hot springs of Tiberias not in Jerusalem? — So that the pilgrims should not say, "If we had only come to bathe in the hot springs it would have been enough!" — Their pilgrimage would have been for selfish motives.³³

We can use similar reasoning to answer our question. If greatness in Torah also implied greatness in science, our Torah learning would no longer be for its own sake but for the science it provided!

Let us pray for the time when we shall have the merit to find all the answers to all problems — both halachic and non-halachic!

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³³ Pesachim 8b.