

CHAPTER 1: MISHNA 16

by Rabbi Shaya Karlinsky

Rabban Gamliel says: Make for yourself a Rav (an authority); remove yourself from doubtful situations; and don't use estimates too often in determining tithes.

What is the connection between the various elements of this Mishna? Furthermore, Yehoshua ben Prachia already taught us "Make for yourself a Rav" (Mishna 6)! Why is it being repeated again?

Rabban Gamliel is teaching mussar, proper behavior for a disciplined person, that one should act in all matters with clarity. This is dictated by the fact that man is constituted of "sechel" (the intellectual/spiritual component), for it is the nature of the sechel to be clear and definitive. It is written about the fool "And the stupid person goes in darkness" (Koheleth 2:14). One who wants to be a person of "sechel" must have clarity and act with precision. A person who is in a state of confusion is not a person of "sechel."

Doubt ("I don't know") and lack of clarity can arise for a person in three areas.

First, he can lack clarity due to conflicting intellectual arguments, where the correct logical conclusion may be unclear.

(When someone asks you a question that requires a judgment call or a logical decision, you might respond with "I don't know" for one of two reasons. You may not know because you haven't got the slightest idea what's going on. I call this an IGNORANT "I don't know." Or you may have equally compelling arguments and reasons for two conflicting conclusions. This is an EDUCATED "I don't know," and is the kind of "I don't know" we are talking about here. You are not able to reach a logically compelling conclusion due to seemingly equally viable arguments on each side.)

Then there is an area of doubt because a person lacks information or knowledge about a situation or outcome. This is not a deficiency in one's logic, but in the information available or in the predictive ability of a given situation.

Finally, there can be a lack of clarity in how to behave, where a Mitzvah act is not performed accurately and precisely, but carelessly or in a sloppy fashion.

It is to redress these three areas of doubt and confusion that Rabban Gamliel teaches his lessons.

Firstly, "Make for yourself a Rav" instructs a person to have a teacher from who he can acquire clarity through wisdom. (This means learning Torah in a way that teaches one how to think, how to weigh arguments, how to reach conclusions by delving deeply in to the system, knowing the subtleties that make one side of an argument more compelling than the other according to the wisdom of the Torah.)

Secondly, a person is instructed to distance himself from situations of doubt. This is not teaching us that a person must distance himself from a situation where a prohibition might be violated, for that is obvious and not necessary for the Tana to teach us in this context. We are taught in many places "In a situation of doubt, we must behave strictly." (Gittin 63b, Nedarim 53a, Chulin 134a and other places. A modern adage would be "When in doubt, do without.") Rather, the Tana is teaching us that even in general matters, it is preferable for a person to distance himself from situations where the available information is not sufficient to reach knowledgeable conclusions, and that have doubtful outcomes. (Don't take chances.) The reason is that doubtful, nebulous situations are not fitting for a person of "sechel." . "Sechel," the intellectual/spiritual component of the human being strives for clarity and certainty. (Obviously, this is an ideal, and nothing in life is CERTAIN. The point being made is that clarity and certainty are values in situations where they are attainable. In practice this means to avoid, whenever possible, situations that have a strong element of doubt and chance. The applicable Talmudic adage would be "A doubtful situation should not move one from a situation of certainty." See Pesachim 9a and Yevamoth 19b.)

Finally, a person should not rely on approximations in performing Mitzvoth but should strive to have his actions done with precision. In fact the Torah does permit tithing by estimation, as learned (B'choroth 58b) from the comparison of Terumah Gedolah to Ma'aser (the tithe of ten percent; Bamidbar 18:27). The quantity to be given for Terumah Gedolah can certainly can be estimated, since the necessary quantity is undefined. While Ma'aser is assigned a fixed quantity (ten percent), the juxtaposition of it to Terumah teaches that its quantity, too, may be estimated. However, this is only in cases of necessity, and in fact is not the preferable way to give Ma'aser, even with very close estimations. The reason, which is the foundation of this third lesson of the Mishna, is that a person's actions are supposed to be accurate, removed from doubt. As a human being with a component of "sechel," he should not walk in darkness, but have clarity.

(In answer to the seeming redundancy of Rabban Gamliel's first lesson and Mishna 6, the Maharal answers as follows.) Rav Yehoshua ben Prachia's lesson "Make for yourself a Rav" was in order that a person should avoid mistakes that would lead to violations of Halacha. Rabban Gamliel's lesson includes another dimension. For even if a person will not rely on his own understanding in determining what the Halacha is, but have an authority that will avoid Halachic violations, there will still be a deficiency in the person's ability to UNDERSTAND the Torah that he is studying. For this he needs a Rav to guide him, to teach him, to increase his UNDERSTANDING. Without a Rav who himself is a link in the chain of the authentic transmission of the Torah, a person's Torah STUDY will

lack clarity, something which is not befitting of the Torah.

A generation has been skipped here, for following Hillel came his son Rabban Shimon, who was the father of Rabban Gamliel, the author of this Mishna. This seems to be because during Rabban Shimon's time lived Rabban Yochanan be Zakkai, who was also a student of Hillel, and also a leader of the generation of equal stature. Since the author of Avoth did not want to quote both of them at this time, which would have implied that they were an additional pair in the transmission of the Torah, on par with Hillel and Shammai (which was not true, due to the deterioration in the quality of the students of Hillel and Shammai) neither of them were mentioned. Gamliel, the father of Rabban Shimon ben Gamliel who authored the last Mishna of this chapter, is also skipped for a similar reason. In his generation, Rebbi Elazar ben Azariah was also one of the leaders, so neither of them were mentioned at this point. In the next chapter (Mishna 8, where teachings of these Tanaim are brought) this will be elaborated upon.

The class is taught by Rabbi Shaya Karlinsky, Dean of Darche Noam Institutions, Yeshivat Darche Noam/Shapell's and Midreshet Rachel for Women.
