

***Mi-p'nei Tikkun Ha-olam* (In Order to Preserve the Social Good): Chinks in the System, Humility, and Mimesis**

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If my life was hooked up to a GPS, you'd constantly hear "recalculating."

Every wisdom tradition I know urges us to cultivate active awareness of our mortality—because keeping that simple reality before our eyes enhances our appreciation of life, even when things get tough. It also increases the odds that we will come to some new resolve about how we want to live.

—Parker Palmer¹

Humans are so fallible, so far from perfected beings. And yet, for many reasons—including our own fears and insecurities—we are often scared to notice ourselves and show each other exactly how imperfect we are. As mortal beings our impending physical death is a stark reminder of our very real limits. This essay explores how the concept of *mi-p'nei tikkun ha-olam* (which I propose to translate as “in order to preserve the social good”) serves as a model of how we as humans can be more forthright about our own vulnerabilities and chinks. It functions as an open acknowledgment of chinks in the traditional Jewish legal system and it articulates efforts to repair those chinks. By experiencing the process of acknowledgment and repair in relation to the halakhic system, we can also internalize the possibility of what such acknowledgment and repair may mean for us as individuals. However, perhaps more importantly than that, we

may find an opportunity to claim the sense of vulnerability, humility, and not knowing that being human and being fallible implies. This means dropping the pressure of having to be something we are not. It is important to emphasize that the idea of having imperfections is not simply a fall from an ideal version of the human being; rather, it is an important part of what is actually means to be human, enabling us to unfold ourselves in a process of growth and transformation. It is only through this process that one can truly embody that aspect of infinity that being created in the image of the Divine connotes. It is because humans are in relationship with the infinite Divine that we can continue to grow and change and learn. The Ishbitzer *rebbe*, Rabbi Mordechai Yosef Leiner (1801–1854), frames human experience and understanding as an ongoing process. In the section on the Torah portion *Yitro* in the *Mei Ha-shilo'ah*, his book of hasidic teachings arranged according to the weekly Torah portions, he says that there is great importance in the fact that the text of the Ten Commandments presents God using an unusual first-person pronoun, *anokhi*, instead of the more common form *ani*. This, the author suggests, is not accidental: the word *anokhi*, he teaches, is comprised of the word *ani* (“I”) and a *kaf ha-dimayon* (the letter of the Hebrew alphabet that means “like,” thereby creating a simile) added to it:

And if God’s name were only written as “I” [as *ani*] it would be as if God had, so to speak, revealed all divine light in its entirety without the opportunity for further deepening...the *kaf* [the letter present in *anokhi* that is lacking in *ani*] shows that it is not whole but only a likeness, an estimation of the great light that the Divine will reveal in the future...As a person more deeply comprehends Torah wisdom, one sees how until this moment one had been in darkness.²

The nature of the spiritual pursuit is that it keeps unfolding. What we think we know at one point, we come to see in a new light, at a later

point. That is what it means to be human, to be in time, and to be in relationship. This is also mirrored in scientific and social knowledge, as well as in our knowledge of Torah. When we learn Torah and understand it, it seems like light to us. In time, we come to see that what was light becomes dark and something else has become light. It is the same with our lives.

Knowing and remembering this limitation and possibility, we cannot but approach our lives with a degree of humility. We are constantly in process, beings unfolding in learning and understanding.

We carry out our lives and relationships with the limited yet great awareness and attention available to us at the moment. Living in time as humans, we do not know the end of things; in a sense we have intention, we carry out actions, and we hope for the best. The ultimate end, our inevitable death, is also not known to us and in a sense that is the mystery that dominates our life, consciously or not.

Those of us defining ourselves as adherents of—or as living our lives in relation to—the halakhic system often look to it to provide us with guidance, to aid us in putting one foot after the other, of having some knowns, some structure and boundaries, in a world of so many unknowns and of potential chaos and falling apart. At least, let us fall apart when there is something holding us! It is the chinks in the halakhic system, drawn out explicitly by the sages, that I want to call attention to in this essay. These chinks in the system are the laws that were modified *mi-p'nei tikkun ha-olam* (“in order to preserve the social good”), so that exercising a certain halakhic stipulation or practice would not result in undesirable consequences for society.

In the cases we are examining, we shall see that there is one halakhic position expressed by the *halakbah* itself, and then a counter-position expressed in the rabbinic enactment to the *halakbah*. The rabbis are modeling, through the use of *mi-p'nei tikkun ha-olam*, how we can become that walking Torah, human beings who embody the bringing together of different opinions. This is the true meaning of the rabbinic remark that Torah scholars by their very existence increase

peace in the world³—which includes creating space inside the self for holding conflicting opinions and multiple possibilities, and for staying away from either/or paradigms that increase polarization and may even lead to enmity.

We will now examine more closely how the rabbis used this instrument of enactments made *mi-p'nei tikkun ha-olam*—which may be considered as a model of being able to rework something when it doesn't have the consequences that we intend. Interestingly, the phrase appears ten times in the Mishnah and many of those times in relationship to laws of divorce. Only a man can give a Jewish divorce to his wife, not the other way around. If the husband refuses to grant a divorce, then the wife is ostensibly bound to him until he releases her. She is called an *agunah* (literally, “a chained woman”) or a *msurevet get*, someone to whom a Jewish divorce has been refused. In a sense, the rabbis of the Mishnah may have been pre-empting the problems and heartache that these laws have caused women throughout history, of which awareness and activism around the issue has strengthened in the last few decades.

As mentioned above, the power to grant a divorce is solely in the hands of the husband. There were many ways in which men could exercise their right concerning the *get* that could be problematic for women. For example, the Mishnah relates:

At first, a man [who had already sent his wife a *get* by means of a messenger] would set up a *beit din* (court) in a different place [from where the wife lived] and cancel the *get*. Rabban Gamliel the Elder established (*hitkin*) that this should not be done, for the sake of *tikkun ha-olam*.⁴

In this case, a man sent his wife a *get* through a messenger but then changed his mind about the divorce; he could annul the *get* after it had already been dispatched, with no guarantee that the woman would know that it had been annulled. The woman who received

the *get* could later *get* remarried, relying on its strength—without realizing that the original *get* had been cancelled. This remarriage would then in fact be forbidden (since the woman is still technically married to her first husband), resulting in problematic ramifications for any children born out of the new union: they would be considered *mamzeirim*, who can only marry other *mamzeirim*. Therefore, a decree was established by Rabban Gamliel that a husband may not cancel a *get* by means of a *beit din*—specifically to avoid confusion over the status of the divorce, and in order to avoid unintentional adultery and to assuage fears of illicit remarriage.

In this case, the practice that was banned *mi-p'nei tikkun ha-olam*—namely, annulling a *get* through a court—was, technically, permitted. However, since it could lead to problems for the system as a whole, it was changed. This process, whereby an original law is altered by enacting a decree, evinces a rabbinic self-awareness of humility and fallibility, as well as the need for human rabbinic agency to act in order to change things, when they are not working out the way they should.

Finding the internal place where we can bring together aspects of ourselves that are in tension, resonates with what the rabbis sought to do through enactments made *mi-p'nei tikkun ha-olam*. These can be seen as “self-correcting,” offering imminent critique to the halakhic system, in a transparent way. By observing their method, we may come to learn to take joy in the transformative process of our own personal growth.

Maintaining that relationship between things in tension with each other—between the original version and the new improved one—is not always an easy dance. Rabbi Abraham Isaac Kook (1865–1935) was a great teacher in the area of embracing paradox.⁵ In fact, he maintains that in order to reach our potential of service to the Divine, we *must* somehow touch that place of paradox. He writes, in *Eight Notebooks*:

Sometimes from an excess of fear/awe more than one's soul can sustain, a person comes to hate Torah. And each person needs to measure his or her soul, and whenever the flow of moralistic thoughts are overpowering, and all the good inside feels as if it has disappeared, one will find in oneself all the dross and all the lack in the world; one shouldn't hold up one's hands and be shocked, and one should know that within all of this is hidden much goodness. And one should also know that within all the many reprimands in the texts—even though through them one can despair greatly—inside them is hidden the light of life and of salvation, a great kindness and bravery of heart. And it is precisely from the depth of the falling that one comes to the depth of rising...and from the emptiness of Torah that is inside one will come to love of Torah, and one will be empowered by its greatness and its beauty. And the disconnection of desire can bring everything to goodness. And one will be wise and will understand that the situation of the broken world is also for good and for blessing, and to give life the Divine made it, and the end of everything will be a complete fixing.⁶

In this teaching, Rav Kook is warning against polarization to any particular side. Yet, at the same time he acknowledges that the extreme movement in one direction will give rise to its opposite movement—that is, from an extreme falling down, the opposite uplifting will emerge. At once, he is acknowledging both that we can have a “depth of falling” where a person “comes to hate Torah,” and yet also that from this very place, from “the emptiness of Torah,” one can come to a love of Torah and be “empowered by its greatness and beauty.” This offers us a transformative paradigm: instead of judging the fall, the mistake, the darkness in negativity and disdain, we may come to regard the fall, the mistake, the darkness as a most vital process in

the coming to fruition of human goodness and revelation, where the hidden becomes revealed through the process of growth.

The fact that a mechanism such as *mi-p'nei tikkun ha-olam* exists, which allows for self-correction, actually enables much light and goodness beyond itself. The more models we have of “chinks” in the system—and “chinks” in the self—the more we can create a space of safety, where people can feel okay about showing their vulnerability. Ultimately, we will all be transformed and enriched in this process. When faced with another person showing his or her vulnerability, we cannot help but relate to them with compassion and deep understanding, acknowledging the “other” and evincing an awareness of the power of what it means to be a human being.

It is not only through rabbinic enactments *mi-p'nei tikkun ha-olam* that the sages demonstrate their capacity to be upfront about problems in the system and to work toward their solutions. We can see another example of this in the following excerpt from the Babylonian Talmud, where the wealthy Rav Ashi (an amoraic sage and himself an editor of the Talmud) realizes that he has made a mistake and corrects himself:

Ravina asked Rav Ashi: “What does one do about the knives on Passover?” He replied, “I provide [make] new ones for myself.”

“That is well for you, who can [afford] this,” said [Ravina] to him, “[but] what about one who cannot [afford] this?” [Ravina] replied, “I mean like new ones: [I thrust] their handles in loam, and their blades in fire, and then I place their handles in boiling water. But the law is: both the one and the other [need only be put] into boiling water, and in a ‘first’ vessel.”⁷

In this case, Ravina asked Rav Ashi what he does with knives during Passover, when one cannot use the same dishes and utensils as the rest of the year. At first, Rav Ashi answers that he has new knives for Passover. Ravina responds that this is fine for Rav Ashi, because he can afford to do so; but what about the people who cannot afford new knives? Rav Ashi's response to this challenge is remarkable: he goes back on what he has just said and, rephrasing his answer, totally changes its meaning. It's not that he *actually* gets new knives, he now explains, but it is as *if* his knives are new. And this feat he accomplishes by sticking the blades in the earth and immersing the handles in boiling water. (The Talmud rules that both the handle and the blade can be made new—and hence fit for Passover—through placing them in a “first” vessel, which is the technical term for a vessel that is directly on the fire and assumed to have a certain degree of heat and capability to purify.) The point here has less to do with the halakhic status of knives, and more with Rav Ashi's willingness to adjust his practice, in order to place the law within the grasp of ordinary people who do not share his wealth—thus providing some ancient analogue to Kant's categorical imperative. I understand this to mean that Rav Ashi is depicted not just as someone who thinks about what he himself is doing, but as a leader, who is obliged to consider whether he is setting a reasonable example for others, which can be easily emulated.

Rav Ashi demonstrates his own capacity to learn in the moment. Up until Ravina challenged his response, he had one answer. After Ravina challenged his response, he adjusted it so that his teaching was more resonant with his values, and so that his teaching could be more universally applicable to his community, and to future communities. This anecdote, relating an interchange between Rav Ashi and Ravina, takes place within the context of discussions about how ritual requirements may, at times, be at odds with social values—and how the ritual requirements can be adjusted so that they don't breach social values. At the same time, due care is given to respect,

and not to shame, other rabbis—even if one may not agree with their judgment in a certain case.

The rabbinic category of *mi-p'nei tikkun ha-olam* applies to enactments that were made by the rabbis as they tinkered with the halakhic system in order to preserve the social good; it is an important reminder of the importance of transparency and openness. In the case of their legal enactments, the rabbis expose the flaws of the system and correct them. And outside of the halakhic system, we can use this model in our lives as human beings, as well—if we see that being alive means that we humans are in a constant process of learning and growing. This is a good thing. We were, and are, meant to be this way. When faced with the necessity to change, we can also adopt the flexibility to know that we are not going to be getting it right all the time, and for good reason. Without shame or denial, we must always feel called upon continually to recalibrate, concomitantly attending to the chinks in our own spiritual lives as well as to those in the legal system.

NOTES

¹ Parker Palmer, “How Then Shall I Live?” (May 21, 2014), at www.onbeing.org/blog/how-then-shall-i-live/632.

² Mordechai Yosef Leiner, *Sefer Mei Ha-shilo·ah* (ed. Brooklyn, 1984), p. 25a, s.v. *anokhi*.

³ B. Berakhot 64a.

⁴ M. Gittin 4:2.

⁵ Rav Kook was the first Ashkenazic chief rabbi of the British mandatory Palestine and one of the foremost Jewish thinkers of the twentieth century.

⁶ Abraham Isaac Kook, *Sh'monah K'vatzim* (ed. Jerusalem, 5759 [=1998–1999]), 6:88, p. 216.

⁷ B. Pesahim 30b.