

Risky Business

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The Jewish Center

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Since her nomination to the Supreme Court two weeks ago, Elena Kagan has naturally become the center of the media's attention. The press has been hard at work trying to get a read on what she'll be like as a jurist. Reporters, columnists and bloggers have been busy scouring her high school yearbook, interviewing old classmates and students and reading every document she's ever authored.

After learning in the Jewish Week that Ms. Kagan had her bat mitzvah at Lincoln Square Synagogue, a member came over to me to express his disappointment that she was never a member of our shul. I told him that the position of Solicitor General may soon be vacant and he should try to toss his name into the ring – but somehow that didn't seem to satisfy him.

One theme that's emerged from the media's research is that Ms. Kagan keeps her cards close to her vest. Rarely, if ever, has she risked upsetting the apple cart by going on record. Tom Goldstein, the publisher of the influential SCOTUSblog, has described her as “extraordinarily — almost artistically — careful. I don't know anyone who has had a conversation with her in which she expressed a personal conviction on a question of constitutional law in the past decade.”

Ms. Kagan's cautiousness in both her personal and professional personae raises a question about how much value we place on risk aversion. Someone peering into this narrative from the outside might well emerge with the impression that at the end of the day, our society – or at the very least our president – rewards those who walk the cautious path over those who prefer a road studded with risks.

So this morning I thought we might explore for a moment the Torah's perspective on this question. In the broadest of terms, does the Torah expect us to be risk-takers or it would prefer that we follow the Kagan model and play it safe?

Parshas Naso introduces two individuals who have become so seminal in their halachic influence that each of them occupies his/her own tractate of the Talmud. I'm referring of course to the Sotah – the wife suspected of adultery, and the Nazir – the Nazirite who forswears wine and lets his hair grow long.

While on the surface one would seem to have little to do with the other, Chazal are convinced that their appearance next to one another in the Torah is no mere coincidence. Commenting on the juxtaposition of the two, the gemara writes:

שכל הרואה סוטה בקלקולה יזיר עצמו מן היין.

Anyone who sees the sotah disgraced should swear off wine and become a nazir.

The gemara is pointing to a kind of causal relationship: Seeing the *sotah* impels a person to choose the life of the ascetic. But what's the meaning of this interpretation? Are there not many phenomena in the world that could inspire one to take a vow of *nezirus*? What really is the connection between the two realms of *sotah* and *nazir*?

I'd like to propose a revolutionary way to understand the linkage between these two individuals. I'd like to suggest that upon close inspection, the *nazir* and the *sotah* are really opposites. In fact, the Torah goes out of its way to demonstrate just how opposite they are. Consider the following contrasts:

- After allowing his hair to grow long for a given length of time, the *nazir* arrives in the Temple and shaves every last hair off his head. The *sotah* arrives in the Temple and has her hair uncovered for all to see.
- Part of what *nezirus* requires is that a *nazir* may not defile himself – even for a close relative. He can never become טמא. The woman suspected of adultery, conversely, undergoes the *sotah* process because we suspect she *has* defiled herself – she *has* become טמאה.
- What defines the *nazir* is abstention from drinking – the decision *not to drink* wine or grape products. The *sotah* is defined by precisely the opposite – her *drinking* the special waters prepared by the כהן.
- The Torah says specifically that the *nazir* brings an offering immersed in oil.

חלות בלולות בשמן ורקיקי מצות משוחים בשמן.

When it comes to the *sotah*, the Torah goes out of its way to say:

לא יצוק עליו שמן.

It's forbidden for the *sotah*'s offering to contain oil.

- And finally: Remember what happens to the *nazir*'s newly-shorn hair? It's cast onto the altar fire. In the case of the *sotah*, the scroll containing God's name is cast into water.

These examples illustrate the extent to which the Torah is intent on throwing into relief the opposition between these two characters. And I believe it's because they represent two common – yet opposite – typologies.

Think about the *sotah*. Who is she? She's a woman who lives on the edge. She is a risk-taker. She knows full-well the consequences of violating her husband's warning against being caught alone with another man. Yet the prospect of being found out doesn't stop her. Hers is a world with a million shades of grey. Right and wrong are relative, circumstance-dependent.

The *nazir*, on the other hand, is risk-averse. He prefers to live in a world with excessively well-defined boundaries. Right and wrong are stark categories. Anything approaching a potential misstep is off limits. For the Talmud, the *nazir* represents the paradigm for halachic fence-building. It's not enough that wine is off limits; anything that might lead even to the remote possibility of wine-drinking is equally off limits.

The Talmud doesn't say that seeing a *sotah* impels one to become a *nazir*, but rather seeing a *sotah disgraced*. The humiliated *sotah* represents the failure of the risk-taker's

world. Sometimes the risk doesn't pan out; sometimes someone gets hurt. One who witnesses this failure naturally gravitates to the opposite extreme – the safe, known delimited world – the world of the *nazir*.

The Torah doesn't advocate for either extreme. It rather highlights what life might look like at one of these two poles. As heirs to a Maimonidean mesorah, part of our mission is to identify a healthy middle ground. The Torah cautions against too much risk. But extreme caution can be equally dangerous.

We seem always to be toggling back and forth between the two worlds. Spontaneity versus security; adventure versus wisdom. But both the *sotah* and the *nazir*, regardless of their respective innocence or guilt, bring sin offerings to the Temple – for each typology has a deficiency. Striking the right balance can be a deeply personal enterprise. Realizing the benefits of the opposing worldview will surely be a first step.