

Digitales Brandenburg

hosted by **Universitätsbibliothek Potsdam**

Aging and the aged in Jewish law

Jacob, Walter

Pittsburgh, 1998

STANDING FOR THE ELDER OR THE ELDERLY?

urn:nbn:de:kobv:517-vlib-10115

STANDING FOR THE ELDER OR THE ELDERLY?

Michael Rosen

The paradigm in the Torah for respecting the elderly is found in Leviticus 19:32. "You shall rise before the aged (*seivah*), and show deference to the old (*zaken*); you shall fear your God, I am the Lord." The simple meaning of the verse is obvious. This is a positive commandment to revere the elderly. The development of the *Halakhah* regarding the elderly here, as in other places, however, goes beyond the simple meaning of the verse.

In this paper I will comment on one aspect of this development and examine the implications the rabbinic understanding of the verse has for an appreciation of the position of the rabbi as well as of the aged in contemporary society.

RABBINIC SOURCES

The *Midrash Halakhah* restates and delimits the meaning of the verse in Leviticus:

"You shall rise before the aged"—possibly [one would think] even a sinner (*ashmai*)—therefore we learn [the verse continues] *zaken*. A *zaken* is only a scholar, as it is said "Gather unto me seventy men from the Elders (*miziknei*) of Israel" [Num. 11:16]. Yosi HaGalili says: An elder (*zaken*) is only one that acquired wisdom, as it states [Prov. 8:22]: "The Lord created me at the beginning of His course as the first of His works of old."¹

STANDING FOR THE ELDER OR THE ELDERLY?

This passage from the *Sifra* goes out of its way to restate the meaning of verse so that the plain meaning of *seivah* is ignored and replaced with the rabbinic meaning of *zaken*. Here the rabbis do not even bother to reinterpret the meaning of *seivah*; they simply ignore it by concentrating on the latter half of the couplet. Since it is apparent to the rabbis that a *zaken* can only mean a scholar, *seivah* can be understood to mean *zaken*.

There is a further development of this tendency to favor this rabbinic interpretation of the meaning of the verse in the *Tosefta*.²

What is rising that the Torah mentioned [when it stated] "You shall rise before the aged"?³ One stands in front [of the sage] within his four cubits. What is the deference that the Torah mentioned [when it stated] [Lev. 19:32] "and show deference to the old"?⁴ One does not stand in his spot and one does not speak in his place and one does not contradict his words.

In this pericope, the rabbis have assimilated the tendenz of the *Sifra*. They have ignored the plain meaning of *seivah* and have asserted that it can only mean a rabbinic scholar. In so doing, these rabbinic sources delimit the biblical moral law of respect for the elderly and reinterpret it to command respect for the rabbinic class!

The Babylonian Talmud⁵ has a discussion that revolves around this point.

Our Rabbis taught: "You shall rise before the aged"—possibly [one would think] even an elderly sinner (*ashmai*), therefore we learn [e.g., the verse continues] *zaken*. A *zaken* is only a scholar as it is said "Gather unto me seventy men from the Elders (*miziknei*) of Israel."

Yosi HaGalili says: An elder (*zaken*) is only one that acquired wisdom, as it states (Prov. 8:22): "The Lord created me at the beginning of His course as the first of His works of old...."

Issi b. Yehudah says: "You shall rise before the aged," even in front of any aged person [i.e., even if not a scholar].

[It seems then] that the first authority (*tanna kama*) cited at the outset of the *sugya* and R. Yosi HaGalili hold the same opinion! The differentiating case between them is a young scholar. The *tanna kama* is of the opinion that a young scholar is not deserving of respect, R. Yosi HaGalili holds that even if he is young he receives respect....

R. Yohanan stated that the *Halakhah* is according to Issi b. Yehudah.

The Babylonian Talmud, after several excursuses and a few sentences encapsulating the excursuses and the anonymous opinion (*stamma*) creating a difference of opinion between the *tanna kama*

STANDING FOR THE ELDER OR THE ELDERLY?

and R. Yosi HaGalili, ends up deciding the *Halakhah* according to Issi b. Yehudah.

If this were the end of the halakhic tale we would simply state that this is one more shining example of the rabbinic tendency to morality outweighing the theological need to make the rabbi paramount to any other possible authority figure.⁶ We would leave this verse feeling very satisfied, but we would be missing half the story.

MEDIEVAL COMMENTARIES AND CODES

The medieval commentaries are not satisfied with this solution, and each tries to come to grips with these divergent opinions.

In his commentary Nahmanides cites the divergent opinions of the *Sifre* and the Talmud:

"You shall rise before the aged" possibly [one would think] even an elderly sinner (*ashmai*), therefore we learn [the verse continues] *zaken*. A *zaken* is only a scholar. This is the language of Rashi and the *Sifra*. And this is stated in the Talmud in tractate *Kedushin*: A *zaken* is only a scholar as it is said "Gather unto me seventy men from the Elders (*miziknei*) of Israel." R. Yosi HaGalili says: An elder (*zaken*) is only one that acquired wisdom, as it states [Prov. 8:22]: "The Lord created me at the beginning of His course as the first of His works of old." We can see

that according to both [e.g., Rashi and the Talmud] the commandment is only in regard to a scholar. Onkelos understands the verse in Leviticus to mean: "In front of one who is learned in Torah you rise and you shall revere the face of an elder." It therefore appears that he also is of this opinion.

In spite of all these rulings, it is apparent from the Talmud that this ruling is not the *Halakhah*. The Talmudic sages quote Issi b. Yehudah, who said that the verse in Leviticus encompasses *all* elderly [and not just scholars]. And R. Yohanan stated that the *Halakhah* is according to the opinion of Issi b. Yehudah: "And therefore it is commanded that all elderly [people be given respect], even the *ashmai*, e.g., one who is a boor." The verse then goes on to repeat itself and commands that [respect be shown] to the elder, e.g., one who acquired wisdom, even if he is young and a scholar.

And it seems plausible that this is the opinion of Onkelos, but he translates the concept of young and a scholar in the word *seivah* and elder in the word *zaken*. For the [concept of wisdom is] revealed in the word *seivah*, which encompasses all the wisdoms, whether it be wisdom in Torah or wisdom of the days [e.g., wisdom acquired by living many years].⁷

Nahmanides clearly makes the case that the *Halakhah* as stated in the Talmud follows the view of Issi. In characteristic rabbinic fashion he tries to reconcile the opinion of Onkelos with the *Halakhah* so as not to have Onkelos and the *Halakhah* at odds with one another.

STANDING FOR THE ELDER OR THE ELDERLY?

Nahmanides and Rashi disagree on the meaning of the word *ashmai*. Nahmanides states that it means a boor. In this he agrees with the *Tosafot* in *Kedushin* ad loc. Rashi explains the word to mean an evil-doer, not a boor. This difference in the meaning of *ashmai* carries important connotations for the interpretation of the *Halakhah* as codified in the legal codes, as we shall see below.

Maimonides states in the *Mishneh Torah*:

It is a *mitzvah* to honor a scholar, even if he is not his rabbi. As it is stated: "You shall rise before the aged, and show deference to the old." A *zaken* is one that acquired wisdom.⁸

He does not cite the laws regarding respect for the elderly until later in the same chapter:

One stands for one who is an elder by virtue of old age, even though he is not a scholar. Even a scholar, that is, a child, stands before one who is an elder by virtue of old age, but he [the scholar] is not required to stand up to his full height, only to rise enough to acknowledge him. We even revere an elderly Kutite (non-Jew) with words and give him a helping hand to support him as the verse states: "You shall rise before the aged, and show deference to the old."⁹

The first thing that stands out in Maimonides' codification is the placement of the laws: they are found in Talmud Torah. No

section deals with the respect shown to the elderly. It is subsumed under the "more important" laws of respect for the scholar.

The second thing that stands out is the language Maimonides uses in dealing with the elderly. Rather than using the halakhic terms used in the *sugya*, Maimonides calls an old person *zaken hamuflag b'zikhato*. That is to say, he is an elder by virtue of his old age. It would seem that Maimonides totally subsumes the first half of the biblical verse under the rabbinic understanding of *zaken* as a scholar/elder.¹⁰ Only by making the case that his old age gives him the title of *zaken* can Maimonides justify giving him respect! He is inclusive, as is the verse.

Caro codifies these laws as follows:

It is a positive commandment to stand before every scholar even if he is not old but rather young and wise, even if he is not his personal teacher. Similarly, it is a *mitzvah* to stand before *seivah*, that is, one seventy years and older. [Isserles adds: and even if he is an ignoramus so long as he is not an evil-doer].¹¹

Caro codifies the laws together. He does not segregate the two laws regarding sages and the elderly. Isserles' gloss follows the Nahmanides in interpreting *ashmai* as an ignoramus rather than an evil-doer.

STANDING FOR THE ELDER OR THE ELDERLY?

IMPLICATIONS OF THE *HALAKHAH*

We see in this cursory review of the legal codifications that the rabbinic strategy of separating the biblical verse from its original meaning is successful. The question we are left with is, Why did the rabbis choose to do this?

The answer is in the larger rabbinic agenda of placing the rabbis in a special position in society that raises their standing above that of the perceived natural order of things. It would be apparent for one to place one's parents in a special position. Similarly, society places a value on the elderly. The rabbis turn these concepts on their head. One puts one's rabbi before one's parents, and one treats the rabbinic elder with more respect than the elderly.

This bias to honor scholarship even finds its way back into the laws of respect for the elderly. We see this explicitly in Nahmanides' elucidation of the reason he ascribes to Onkelos in interpreting *seivah*. An old person is respected by virtue of the wisdom he has achieved through life experience. The effect of this is to leave the moral imperative of respecting the elderly intact while subtly changing the reasoning behind it, allowing the rabbis to affirm their privileged status.

Notes

1. *Sifra Kedushin* 7:12.
2. *Tosefta, Megilah* 3:15.
3. *Leviticus* 19:32.
4. *Ibid.*

MICHAEL ROSEN

5. *Kedushin* 32b-33a.

6. This tendency is evident when one examines the redactional setting of the *sugya*. It is part of the larger discussion on the proper respect shown to the rabbis. This is set up as a logical outgrowth of the laws of obligation between father and child. The implication drawn both from the redactional setting and explicitly within the *sugya* is that the honor shown to the rabbis is more than that shown to parents.

7. H.D. Chavel, ed., *Commentary on the Torah*, Vol. 2, Lev. 19:32.

8. *Hilkhot Talmud Torah* 6:1.

9. *Ibid.*, 6.9.

10. We see this tendency to subsume the first half of the verse in the *Tosefta* (*Megilah* 3:15), "What is considered the rising that the Torah speaks of in the verse, 'You shall rise before the aged'?" He stands up when the sage is within four cubits. What is considered deference as stated in the verse, "[A]nd show deference to the old"? He does not stand in his place.

11. *Shulhan Arukh* (*Yoreh Deah* 244:1).

IMPLICATIONS OF THE HALAKHAH

The halakha is evident when one examines the rabbinic tradition of the sages. It is part of the halakha to honor one's parents, and this is the basis for the honor of the elderly. The halakha is not only a legal system but also a moral system. The halakha is a system of laws that governs the behavior of the Jewish people. The halakha is a system of laws that is based on the Torah and the teachings of the sages. The halakha is a system of laws that is designed to guide the Jewish people in their daily lives. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is pleasing to God. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is just and fair. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is honorable and dignified. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is respectful and courteous. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is kind and compassionate. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is loving and caring. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is peaceful and harmonious. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is healthy and happy. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is successful and prosperous. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is meaningful and purposeful. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is fulfilling and rewarding. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is joyful and happy. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is peaceful and harmonious. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is healthy and happy. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is successful and prosperous. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is meaningful and purposeful. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is fulfilling and rewarding. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is joyful and happy.

H. O. Givoni, ed., Commentary on the Torah, Vol. 1, par. 19:22.

The answer is in the larger rabbinic agenda of giving a special status to the elderly in society. This is a central theme in the halakha. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is respectful and courteous. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is kind and compassionate. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is loving and caring. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is peaceful and harmonious. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is healthy and happy. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is successful and prosperous. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is meaningful and purposeful. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is fulfilling and rewarding. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is joyful and happy. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is peaceful and harmonious. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is healthy and happy. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is successful and prosperous. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is meaningful and purposeful. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is fulfilling and rewarding. The halakha is a system of laws that is designed to help the Jewish people to live in a way that is joyful and happy.

(1985) (1985) (1985)

This sense of honor scholarship even finds its way into the laws of respect for the elderly. We see this explicitly in the Mishnah's discussion of the reason he ascribes to Rabbi Akiva in interpreting *shvav*. An old person is respected by virtue of the wisdom he has achieved through life experience. The effect is to leave the moral imperative of respecting the elderly as a value which is not subject to change, allowing the law to affirm their privileged status.

Notes

- 1. *Shema* 2:2.
- 2. *Shema* 2:2.
- 3. *Leviticus* 19:32.
- 4. *Deuteronomy* 5:16.