



*Reprinted from Living the Halachic Process by
Rabbi Daniel Mann - Eretz Hemdah, with their
permission [www.erezhemdah.org]*

Torah Knowledge for the Non-Observant

Question: I was raised as a secular Jew. One branch of my family is Charedi, and I enjoy spending time and learning with them. I do my best to observe mitzvot when I am with them, but at home I act the way my family does. One of my cousins voiced a concern that if I continue studying, I will lose my “protected” status as a TINOK SHENISHBA¹ and become a RASHA,² as I will then be failing to fulfill obligations that I know about. Another cousin said that studying Talmud cannot make you a RASHA. I am not sure that the answer to this disagreement will affect my behavior, but it means a lot to people I care about, so I would appreciate your insight.

Answer: Your question is very thoughtful, and the open communication with your cousins is fascinating.

We must distinguish between issues. The broad use of the term TINOK SHENISHBA is perhaps most famously used by the Rambam,³ who distinguishes between people who themselves left traditional Judaism and their children, who were brought up with their parents' viewpoints, even if they are aware of the traditional system. The Rambam posits that sanctions against those who undermine the accepted religious system do not apply to the second generation. In addition to not being penalized, he writes that the children should be engaged peacefully to enable their possible return to traditional Judaism. Although the Rambam does not assume that a successful outreach is ensured, he does not raise qualms that the outreach process, which must include elements of learning and Jewish inspiration, suspends the TINOK SHENISHBA status. This is the standard approach in our times as well.

The more important question, which your cousins probably have in mind, is how HaShem views the individual who was largely not to blame for his religious shortcomings, due to lack of knowledge, and then begins to learn. However, employing the concept of TINOK SHENISHBA in framing their

¹. Literally, one who was kidnapped as a child. In context, the term refers to one who is primarily not responsible for his religious shortcomings because of the lack of education and home background.

2. An evil person.

3. *Mamrim* 3:3.

dilemma is mistaken on at least two counts.

On the one hand, to a significant degree, the question is coming too late. You already know that there is what to learn and what to observe, and you have a good idea how you could go about learning much more. Just because you do not know all the details does not make you immune from responsibility for your actions, from a Jewish perspective. There is a famous non-Jewish legal principle that ignorance of the law is not an excuse (*ignorantia juris non excusat*), and a major part of the rationale is that one has the ability to find out. To decide not to learn the specifics and use it as an excuse to HaShem is like telling a policeman, “I did not know the speed limit because when I approached the signs, I looked away.”

On the other hand, we must not minimize the extent to which HaShem factors in the difficulty for one who is from a “secular” background to embrace observance. Sometimes, he is not philosophically convinced of the need to observe Judaism the way Orthodox Jews do. In addition, it is challenging, on various planes, to be significantly more observant than one’s family and surroundings, and the change rarely happens overnight. These problems exist even if he learns Torah.

Realize that the idea that more education will increase divine expectations is not just for a TINOK SHENISHBA. “Observant Jews” always have room to improve, and further education and inspiration can help. If it were true that it pays to reduce Torah knowledge and inspiration in order to minimize culpability, Orthodox Jews should not provide their children with a top-notch education! Rather, we are expected to be realistically optimistic and give everyone the best chance at improving, no matter his starting point.

If one is aware that an individual is sinning unknowingly and will not take steps in the right direction if corrected, it is better that he not to tell him.⁴ However, this is only in regard to limited details of observance and when it can be assumed that the knowledge will not help him. Not to give a person the opportunity to increase his connection to HaShem through Torah unfairly deprives one who lacked a fair chance to accomplish this goal. (Only someone who uses his studies to mock or fight against the Torah should be excluded.⁵)

Choosing the “Torah curriculum” should be done logically. For example, it makes sense to put more emphasis on philosophical ideas and practical laws that do not conflict with

⁴ *Beitza* 30a.

⁵ *Ta’anit* 7a and *Tosafot* ad loc.

practice at home or can be implemented at least partially in the short term. Note that the Torah is very broad and includes not just highly ritual matters, but issues of basic law and ethics.

We wish you many opportunities to study HaShem's Torah and maximize its wide variety of benefits. May your cousins be wise teachers, and may you enjoy being an active participant.

