

A Philosophy of Judaism out of the Sources of the Halacha

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Lecture 1

Moses Mendelssohn, in his book *Jerusalem*, explores the problem of state and religion. In it, there is a chapter that discusses if Judaism is a dogmatic religion¹ like Christianity with its dogmatic Apostle's creed². He concluded that it was not a dogmatic religion³. He was opposed by many other Jewish German Liberals who claimed that Judaism is dogmatic.

The earliest assertion of dogma in Judaism was made by Rambam⁴, although Rav Saadiah Gaon in *Emunot ve-Deot* alludes to general principles in Judaism⁵, including serving God, Mashiach and resurrection of the dead. However, he did not understand them as fundamental foundations of Judaism but rather as important principles. That is to say, these are not assumptions that are the basis of religious beliefs, without which one cannot be termed 'a believer'.

Rabbi Yehuda HaLevi, in his work *Kuzari*, also discusses the concept of principles. He, however, concerned himself chiefly with beliefs that are consistent with reason. His purpose was to show that Judaism is not inconsistent with rational philosophy. However, he denied that religion is concomitant with philosophy, but rather held that they exist in two separate spheres⁶.

1 "dogma": a doctrine that must be accepted

2 The Apostles' Creed is an early statement of [Christian](#) belief originally formulated as a refutation of [Gnosticism](#), an early [heresy](#).

3 In *Jerusalem*, Mendelssohn writes:

To say it briefly: I believe that Judaism knows of no revealed religion in the sense in which Christians understand this term. The Israelites possess a divine legislation – laws, commandments, ordinances, rules of life, instruction in the will of God as to how they should conduct themselves in order to attain temporal and eternal felicity. Propositions and prescriptions of this kind were revealed to them by Moses in a miraculous and supernatural manner, but with no doctrinal opinions, no saving truths, no universal propositions of reason. These the Eternal reveals to us and to other men, at all times, through nature and things, but never through word and script. (Mendelssohn, *Jerusalem*, translated by Allan Arkush, pp 89-90 Brandeis University Press, Hanover and London, 1983).

4 Rambam (Moses Maimonides 1135-1204) was the first Jewish thinker systematically and self-consciously to designate certain beliefs of the Torah as qualitatively distinct from other beliefs and to designate them as a special class, the class of principles (See Menachem Kellner *Dogma in Medieval Jewish Thought* Littman Library Oxford University Press 1986 p. 200). These principles appear in Rambam's Commentary on the Mishna, Introduction to Perek Chelek. At the time the Rav delivered these lectures, it was widely held that Rambam was the first to establish such principles. Subsequently, scholarly research has revealed that the concept of principles goes back some two hundred years earlier, to Rav Saadiah Gaon (see 'The Ten Principles of Faith of Rav Saadiah Gaon' by Chagai ben Shamua in *Daat: A Journal of Jewish Philosophy and Kabbalah* Bar Ilan University Press vol. 37 (summer) pp. 11-26).

5 See *Emunot ve-Deot* at the end of maamar sheni.

6 In Maamar Rishon, chapter 67, HaLevi writes: God forbid that anything in the Torah contradict something that is directly witnessed or can be logically proven. In addition, in the beginning of the second maamar, the *chaver* explains to the king of the Khazars why attributes used in the Scripture do not contradict God's incorporeality.

Rambam discusses both the rational and irrational foundations of Judaism⁷. In his introduction to *Perek Chelek*, he formulates the thirteen principles. Though many Jews have not accepted most of the philosophical ideas that he wrote in *Moreh Nevuchim*, the thirteen principles have been accepted and are part and parcel of the Jewish living consciousness.

The authority of any concept or truth in Judaism is based upon its popular acceptance, even though its philosophical merits may be debated by philosophers. Rambam's thirteen principles have been universally embraced by the entire spectrum of the Jewish people⁸.

Nevertheless, the number thirteen appears only in his *Commentary on the Mishna*. In Rambam's Halachic work *Mishneh Torah*, though he retains the concept of principles, he never explicitly states a list of all these principles. In other words, although he retains the concept of principles in his other works, he never mentions the thirteen principles of his *Commentary* anywhere else. Nonetheless, the concept of principles of Jewish faith serves a halachic role.

The Rambam was foremost a halachicist rather than a philosopher. When he introduced the thirteen principles in *Introduction to Perek Chelek*, he intended it to be part of halacha. While in this commentary we see nuclei of his later philosophy, the principles were nonetheless intended to be halachic.

Let us examine the role of dogmatic principles in halacha itself. We find principles used throughout the entire corpus of Rambam's halacha.

A basic concept in halacha is that of a *mumar* (wilful transgressor). A *mumar* is a heretic who rejects the very foundations of halacha. In Rambam this concept applies both to someone who breaks all of the mitzvot in the Torah (*mumar le-kol hatorah*)⁹, and to someone who negates the principles of Jewish law. It is clear that the basic concept of *mumar* is the denial of these fundamental principles, thus making him a heretic¹⁰. There also is a concept of a *mumar* who rejects even a single law¹¹. The Talmud applies this term to both an

7 The term "rational" refers to those principles that, according to Rambam, can be philosophically proven, such as the existence of God, His unity, incorporeality and His ontic priority. These constitute the first four principles. Rambam presents logical proofs in the beginning of section II of the *Guide* (chapter 1). In addition, in Section II, chapter 33, he writes that the first two commandments of the Decalogue – the existence of God, and His incorporeality, can be apprehended through reason and therefore did not have to be revealed prophetically through Moshe. The other commandments, however, were revealed through Moshe's prophecy.

8 The Rav's assertion here is that the authority of the thirteen principles is in fact halachic, i.e. Legal, and not philosophic. "Acceptance by the Jewish people" is a halachic principle that not only defines the authority of the Torah given at Sinai, but also, according to Rambam, the authority of the Talmud (See Introduction to the Mishne Torah). This position is consistent with what the Rav says later on "when he introduced the principles, he was prompted by halachic consideration rather than philosophical inference." This runs contrary to the common view (See Isador Twersky *Intro To Guide* (New House 1980). pp. 360, 361, 362n).

9 This term is used by the Talmud in Chullin 5a.

10 This is clear from the Rambam in several places in Mishne Torah: Hilchot Shechita 4:14; Hilchot Rotzeach u-Shmirat haNefesh 4:10. The Rav's claim is that in Jewish law, a transgressor is sometimes assumed to take on a theologically heretical position. This means that he rejects a halachic dogma. See Hilchot Teshuva chapter 3; halacha 6 and halacha 9, where Rambam lists these types of *mumarim* among those who, for theological reasons, have no place in the World to Come.

11 This appears to refer to a *mumar le-bachis* that is stated explicitly in Avoda Zara 26b. In hilchot Teshuva chapter 3 halacha 9, Rambam writes that one who intentionally rejects [even] one commandment is also listed as a heretic and has no place in the World to Come.

idolator and a *mumar le-hachis*¹². The Talmud itself in these passages only speaks of heretics who perform concrete acts¹³. However, Rambam in his Mishne Torah, expanded the concept to include those who reject fundamental principles. Let us cite several examples.

In *Hilchot Rotzeach u-Shmirat HaNefesh 4:10*, Rambam cites the passage in the Talmud *Avoda Zara 26b*¹⁴, which allows one to kill a *min* (heretic). In *Hilchot Shechita 4:14*, he adds to the category of *mumarim* one who publicly desecrates the Shabbat and an *apikoros* who denies the Torah and the prophecy of Moshe Rabbeinu. We see from this that the halachic notion of a *mumar* is equivalent to one who rejects the principles of faith¹⁵.

Another example of Rambam's halachic use of dogma is from the Talmud in *Chulin (4b-5a)*, which disputes whether the *kutim* (Samaritans) converted for ulterior motives (*gerei ariyot*) or whether they are sincere converts (*gerei emet*). This relates directly to whether their slaughtering of animals is valid. We see here that qualification to slaughter is contingent upon belief in Jewish dogma. Rambam was the first to expand the definition of an *apikoros* to someone who does not necessarily commit a concrete, prohibited, act but has a mental attitude that conflicts with fundamental Jewish beliefs¹⁶.

His source is the mishna in *chelek* – “The following people do not have a portion in the World to Come: someone who says that the resurrection of the

12 This is evident from the two Talmudic passages quoted above, from Chullin 5a and Avodah Zara 26a-b. The Rav's point is that the basis of Rambam's ruling that a *mumar* is considered a heretic is the Talmud itself, which equates a *mumar* with an idol-worshiper.

13 This is evident from the passages in Chullin and Avodah Zarah quoted above.

14 There, the two types of *min* – 1. idol worshiper in Israel and 2. someone who transgresses in order to anger God – are taken directly from the sugya in *Avoda Zara 26b* quoted above. The second category, *apikoros*, however, is not taken from there.

15 The Rav's point is that the halachic concept of *mumar* as understood by Rambam is not only one who in practice transgresses the laws of the Torah, but also includes someone who rejects Jewish dogma. The Rav proves this in the following way. In *Hilchot Rotzeach u-Shmirat HaNefesh 4:10*, Rambam writes that a heretic may be put to death. Rambam lists, in the class of heretics, an idol worshiper, someone who intentionally transgresses a prohibition of the Torah in order to incite others, or someone who denies the authenticity of Torah and prophecy. The first two categories come clearly from a section in the Talmud *Avoda Zara 26b*, which says that there are two types of *min* who should be put to death: an idolator, and someone who intentionally transgresses the Torah in order to anger God. The third category listed in *Hilchot Rotzeach* is not taken from that passage, however, which explicitly permits the killing of a heretic. Rather it is from the mishna in Sanhedrin 90a, which lists among heretics someone who denies Torah from Heaven, which the Rambam refers to when he says “Torah and prophecy”. The discussion in Sanhedrin does not suggest that this type of heretic should be put to death. Rambam clearly equates the theological *apikoros* listed in Sanhedrin with the two types of *min* listed in *Avoda Zara*. From this, the Rav concludes that someone who denies dogma is in the same category as an idol worshiper or someone who intentionally transgresses the Torah in order to anger God. This proves the Rav's contention that halacha recognizes a concept of dogma.

Similarly in *Hilchot Shechita 4:14*, Rambam lists in the same category an idol worshiper and a public Shabbat transgressor with someone who denies the prophecy of Moshe Rabbeinu. Here too, Rambam combines two separate Talmudic passages. In Chullin 5a, the Talmud deals with those who are not halachically qualified to slaughter an animal due to habitual transgressions. The passage in Sanhedrin lists those who deny Jewish dogma and are therefore labeled as heretics. By combining transgressor with the theological heretic, Rambam asserts the halachic importance of dogma.

¹⁶ The source of the Rav's statement is in Mishne Torah *Hilchot Teshuva* chapter 3 halachot 6-9. There, Rambam presents a list of categories of heretic based upon their views. About each category, Rambam writes, “He who says...”. He is considered a heretic for expressing a theological view contrary to that of the Torah. Thus, Rambam pronounces them heretics because of what the Rav calls ‘mental attitudes’.

dead is not mentioned in the Torah; Someone who says that the Torah is not from Heaven”¹⁷. In this mishna, we have *apikoros* not in terms of concrete acts but rather a mental attitude.

What is the difference between a *rasha* and a *mumar*? A *Rasha* is one who commits crimes once. A *mumar* is one who does so habitually. Nonetheless, both are still considered to be Jewish. A *mumar le-kol ha-torah* is deprived of the name *Yisrael* and therefore is not halachically fit to slaughter a kosher animal. He is similar to an idol worshipper who is also outside the category of *Yisrael*. This is because idolatry displays a certain mental attitude that is invalid¹⁸.

The Mishna in Sanhedrin says that “all of Yisrael have a portion in the world to come.”¹⁹ If a person is outside of *Yisrael*, he has none.

In addition to Rambam’s definition of *mumar*, which, as we have seen, appears in several places, in *Mishne Torah*, we find various lists of dogma in different areas of halacha.

Regarding conversion, Rambam writes that a convert must be informed of the principles of the existence of God and His incorporeality²⁰. In *Hilchot Keriat Shema*, he writes that the paragraphs of the Shema contain the fundamental principles of God’s unity, the love of God, and the study of the Torah. While the love of God is not a principle and neither is study of Torah, Rambam nonetheless writes that “this is a great principle.”²¹ This is the same phrase that he uses with respect to those concepts that are fundamental principles.

In *Hilchot Yisodei HaTorah 1:5*, in the discussion of the laws for which a person must be prepared to die rather than transgress, Rambam brings three principles. However, all mitzvot may become fundamental principles depending upon circumstances²². There have been principles that have

¹⁷ Sanhedrin 90a. This Mishna considers an *apikoros* not in terms of concrete acts, but rather in terms of someone having a mental attitude.

¹⁸ See Kiddushin 39b, where the Talmud states that even a thought of idolatry is considered as an act. The Talmud basis itself on the verse in Ezkiel 14:5 “that I may take the house of Israel in their own heart, because they are all turned away from Me through their idols.” See also the commentary of Tosefot ibid *machshava raa*. From here we see that the sin of idolatry can be committed through thought alone, even without action. The Rav’s point here is that this constitutes the basis for the halachic definition of an *apikoros* by virtue of a theological view alone. This further proves the Rav’s contention that Judaism recognizes dogma in halacha.

¹⁹ Sanhedrin 90a

²⁰ In *Hilchot Isurei Biah* chapter 14 halacha 2-4, Rambam discusses the procedure for the acceptance of converts. There he writes that “we inform the [prospect convert] of the fundamentals of the Jewish religion, which are the incorporeality of God and the prohibition of idolatry.” In addition, Rambam writes that we tell him that the World to Come bears reward only for the righteous, and they are *Yisrael*. It appears that in addition to the principles mentioned by the Rav of the incorporeality of God and idolatry, the convert is also informed of the principle of the World to Come.

²¹ In *Hilchot Keriat Shema* chapter 1 halacha 2, Rambam writes that we recite the three paragraphs recited of the Shema because “they contain the commandment of [belief in] God’s incorporeality, [the commandment to] love [God] and the study of [Torah], which is the fundamental principle upon which everything rests.”

²² In *Hilchot Yisodei HaTorah*, chapter 5 halacha 2, Rambam writes that a person is required to give up his life rather than violate the three prohibitions of idolatry, murder and illicit sexual relationships. However, Rambam writes that this is only when the non-Jew is threatening the Jew for the non-Jew’s own benefit or pleasure. However, in halacha 3, Rambam writes that if the non-Jew is threatening because of religious inquisition, a Jew must give up his life rather than transgress any commandment. The Rav understands Rambam to be affirming that in such situations, that all the commandments become de facto principles.

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emerged in different historical circumstances when a specific mitzvah is challenged by a group.

In *Hilchot Teshuva* 3:7-13, Rambam lists 24 categories of people who have no portion in the World to Come. This is another list of dogma. It is important to learn all of these principles and to understand the difference between dogma and what Rambam calls *deot* (virtues).

Lecture 2

Isaac Abarbanel, in his book *Rosh Amana*²³, treats and describes the thirteen principles in more of a didactic and pedagogical nature²⁴. In contrast Radbaz states in a responsa that there are no fundamental principles²⁵. He claims that all of the mitzvot are fundamental. Nachmanides, on the other hand, accepted the concept of principles but opposed Maimonides's rationalistic approach²⁶. In the previous lecture, we discussed the fact that in addition to principles in theology, there also are certain principles that occupy a central basis in

²³ Kellner (ibid. p. 201) writes:

"Isaac Abravanel agreed with Maimonides that the Torah had principles of faith. He was unwilling, however, to admit that these principles could be reduced to the number thirteen, and insisted that every teaching of the Torah was a principle, the questioning of which constituted heresy:

"There is no need to lay down principle for the Torah of God ought to be believed by every Israelite in order to merit life in the world to come, as Maimonides and those who follow after him wrote, for the entire Torah, and every single verse, word and letter in it is a principle and root which ought to be believed" *Rosh Amana* xxiv p. 205.

²⁴ The Rav is referring to the Abarbanel's statement that:

"His [Maimonides'] intention was to guide those people who have not delved deeply into the Torah nor have they learnt or been exposed to it sufficiently. Since they are unable to apprehend the beliefs and concepts of the Divine Torah, the Rav [Maimonides] chose out of the beliefs of the Torah the thirteen most fundamental ones. This was in order to teach them, in a brief manner, those concepts which I have mentioned in the fifth introduction, in the manner that everyone, even the most uneducated, would understand these faiths." (*Rosh Amana* chapter 23 p. 29 translation from Hebrew Koenigsberg edition 1500, reprinted Jerusalem 1988.)

²⁵ Responsa 344.

²⁶ Nachmanides, in his commentary to Exodus 20:7 explains why the first two commandments of the Decalogue revealed by God at Sinai to the Jewish people, were heard explicitly as opposed to the other eight. He writes that the first two commandments are fundamental principles of the entire Jewish faith, and therefore must be communicated through prophecy. "I will explain to you the tradition of our Rabbis [that we heard the first two commandments from the Almighty Himself]. Surely all Israel heard the entire Ten Commandments from the mouth of God as the literal meaning of scripture indicates. But in the first two commandments they heard the utterance of speech and understood the words even as Moses understood them... The reason was so that they should all be prophets in the belief of God and in the prohibition of idolatry as I have explained. These are the root of the whole Torah and the commandments..." (Chavel translation p. 305).

Maimonides, however, in the *Guide* II:33 takes the very opposite position. He writes that the first two commandments of the Decalogue can be discovered through philosophical inquiry. "They [the Sages] also have a dictum formulated in several passages of the midrashim and also figuring in the Talmud. This is their dictum "they heard 'I' and 'Thou shalt have no other' for the mouth of the Force" (Makkot 24a). They mean that these words reached them just as they reached Moses our Master and that it was not Moses our Master who communicated them to them. For these two principles, I mean the existence of the deity and His being one are knowable by human speculation alone. Now, with regard to everything that can be known by demonstration, the status of the prophet and that of everyone else who knows it are equal: There is no superiority of one over the other."

halacha. A principle is a basic tenet or methodology. It is more of a scientific concept than a religious one²⁷.

There are three kinds of methodologies in science:

1. Classification - conceptual and descriptive classification that leads from the particular to the universal²⁸.
2. Causality - systems that describe processes. This methodology is used in physics, which is concerned primarily with the cause of phenomena²⁹. Each phenomenon *B* is linked to a certain cause *A*. Physics is the search for causes. As such, it is not interested in the essence or inner core of phenomena. For example, though mass has properties of inertia and gravitation, physics is not interested in why inertia or gravitation should exist at all. It notes and records the existence of phenomena and then goes about discovering causal factors. The physicist is only satisfied when the cause of a phenomenon is determined. These systems of classification and causality, according to Kant, are a function of the human mind³⁰.

²⁷ This statement of the Rav leads to the following discussion in which he surveys the concept of principles and laws in the sciences.

²⁸ In p. 32 of *The Halachic Mind*, the Rav writes:

A scientific law is universal and refers to the genus as a whole. The mathematical sciences operate with universals and not with particulars. Physics is intrinsically an abstract conceptual discipline. Modern science is the legal heir of Platonic, Aristotelian and medieval scholastic conceptual realism. Nominal trends have always led to scepticism and agnosticism.

²⁹ In p. 31 of *The Halachic Mind* (Free Press/Seth, London 1986), the Rav writes:

Knowledge, for science, is not concerned with content but form, not with the "what" but with the "why" and "how". It does not investigate A and B, but attempts to determine the interdependencies of these points. A and B, as such, are nothing more than ideal points that serve the scientist as a means to the examination of inter-relations, just as the single terms in a series serve the mathematician in determining the character of that series.

(It seems that there is a mistake in this text, and the word "what" should be replaced with "why" and vice versa).

³⁰ The German philosopher Emanuel Kant (1724-1804) established the philosophical basis for scientific investigation and description of the natural world. According to Kant, scientific laws which describe nature are not inherent in the world itself, but are the ways by which the human mind orders the outside world. Through this understanding of the scientific project, Kant was able to hurdle the scepticism of philosophers before him, most notable the Scottish philosopher David Hume and to lay the ground for philosophical certainty in the scientific project.

In p. 25-6 of *The Halachic Mind*, the Rav quotes Einstein, whom he claims takes the position of Kant with respect to what the Rav calls the "spontaneous role of the 'logos' in 'creating' the conceptual instruments that are necessary for the scientific interpretation of reality."

"The following, however, appears to me to be correct in Kant's statement of the problem: in thinking we use, with a certain 'right', concepts to which there is no access from the material of sensory experience, if the situation is viewed from the logical point of view. As a matter of fact, I am convinced that even much more is to be asserted: the concepts which arise in our thought and our linguistic expressions are all - when viewed logically - the free creations of thought which cannot inductively be gained from sense experiences. This is not so easily noticed only because we have the habit of combining certain concepts and conceptual relations (propositions) so definitely with certain sense experiences that we do not become conscious of the gulf, logically unbridgeable, which separates the world of sensory experiences from the world of concepts and propositions."

Science is not interested in ultimate causes. These are relegated to the field of ethics. The methodology of modern science, which began with Galileo, diverged sharply from the Aristotelian notion of causality. An example of the Aristotelian notion of causality can be found in the work of Maimonides, who views the cosmos as a totality that expresses ethical performance³¹.

3. Teleology - In the social sciences, causality takes the form of behaviourism and other methods of human teleology. However, these types of sciences have not been entirely successful in constructing rigorous scientific theories of human behaviour. There must be something about human existence that does not allow for ethical neutrality. Only religion can discover teleology in human history because of its ethical understanding of man and the world. The quest of man to describe the world in terms of natural science comes either from hedonistic impulses or a metaphysical, mystic, natural impulse and drive to see meaning in reality.

For Aristotle, all of the above methodologies were one and the same. This was true also of the Jewish medieval thinkers. Every phenomenon had i) classification, ii) causality, and iii) teleology. As far as Aristotle was concerned, the classification of a phenomenon was at one with its purpose and its cause³². In addition, Aristotle understood the teleology of the natural world in terms of man³³.

³¹ The Rav's point here is that the traditional Aristotelian notion of causality (see footnote 10 below) is more in line with an ethical perspective on the natural world as opposed to the modern scientific notion of causality. As a result, belief in God's ethical role in creation came more naturally to medieval thinkers than it does to contemporary ones. The discussion of whether the world bears inherent ethical content or not is denoted by philosophers as a relationship between ontology and ethics.

See the Rav's essay '*u-bikashtem misham*' p. 205, in which he asserts that Judaism rejects the Kantian distinction between ontology and ethics. His source is Maimonides, who saw in the natural world Divine ethical content. The Rav's point here is that the philosophical distinction between ontology and ethics reflects the modern scientific agenda in contradistinction to medieval science and theology.

³² The Rav is explaining how the concept of "cause" has changed in history. Aristotle's concept of cause was divided into four aspects, which he called material, efficient, formal and final (or, roughly, stuff, action, plan and purpose - that is, the bricks, the mason, the blueprint and the function, in the standard 'parable of the house' used for more than two millennia to explain Aristotle's concept). As many historians have noted, modern science may virtually be defined as a revision of this broad view and a restriction of "cause" as a concept and definition, to the aspect that Aristotle called "efficient". The Cartesian or Newtonian world view, the basis of modern science, banned final cause for physical objects. As for Aristotle's material and formal causes, these notions retained their relevance, but lost their status as "causes" under a mechanical world view that restructured causal status to active agents. The material and formal causes of a house continue to matter: brick or sticks fashion different kinds of buildings, while the bricks just remain a pile, absent a plan for construction. But we no longer refer to these aspects of building as "causes". Material and formal attributes have become background conditions or operational constructs in the logic and terminology of modern science. (See Stephen Jay Gould *The Structure of Evolutionary Theory* p. 626, Belknap Press of Harvard University Press, Cambridge, London 2002). As a result, the final cause of morphology can specify the efficient causes that built the structure. From the

4. There is a fourth type of scientific approach and methodology that transcends the natural, physical world. Examples of this are the deductive sciences of math and geometry. They are based upon postulates rather than on facts that can be validated in the physical world. Their validity has been debated³⁴.

Kant distinguished between synthetic and analytic propositions. Analytic propositions are true by definition. Synthetic propositions add to my knowledge of the world. In mathematics, there is no need for propositions to relate to experience. It is irrelevant that the angles of a triangle never equal exactly 180°. Nor is it important if parallel lines exist in my experience. In his *Commentary on the Mishna on Eruvin*, Maimonides notes the difference between theory and practice³⁵. Physics, while based upon physical facts, nonetheless depends a great deal upon mathematical and logical deduction. Chemistry, while less deductive, is becoming increasingly so. For Kant, scientific knowledge proceeds both from empirical knowledge and from deduction.³⁶

Aristotelian viewpoint, the three categories of descriptive classification, causal systems and teleology enumerated by the Rav are inseparable.

Maimonides adopted the teleological aspect of nature, equating it with God's wisdom or will. See Guide section III: chapter 25 (Schwartz p. 509) and chapter 32 (Schwartz p. 532). Also see Nachmanides's commentary on the Torah Bereishit 1:10.

³³ Aristotle was convinced that in order to understand the general plan of nature (the origins of life), the lower forms must be interpreted in the light of the higher forms. In his *Metaphysics*, in his definition of the soul as "the first actualization of a natural body potentially having life," organic life is conceived and interpreted in terms of human life. The teleological character of human life is projected upon the whole realm of natural phenomena (Ernst Casolier, *An Essay on Man* p. 36, Yale University Press 1944).

³⁴ In this section, the Rav discusses epistemology - how do we know things? Even mathematics, which appears to most to be the most certain knowledge, basing itself upon rigorous proofs derived from accepted and objective postulates, is subject to epistemological scrutiny. The question which the Rav raises is what is the source for mathematical certainty? The bedrock of empirical knowledge consists of sense perceptions through which I am directly given to know - or at least to think - of the external world through my senses of sight, hearing, touch, taste and smell. Sense perception allows us to make contact with what is out there in physical reality. What, however, is the bedrock of mathematical knowledge?

The Rav's opinion is that the a priori, the "given" even in mathematics, and certainly in the deductive sciences such as physics, begins with perceptive knowledge and acquired intuition. See footnote below.

³⁵ Maimonides *Commentary on the Mishna Eruvin* chapter 1 mishna 5. He writes: It is important for you to know that the relationship between the circumference and diameter is not known and one can never speak about it with exactitude. This is not a lack of knowledge on our part as the foolish think but rather is its nature and can therefore never be known.

³⁶ The Rav claims that even if we accept Kant's philosophy that it is the human mind which orders and structures the natural world around us, this takes place only after man has perceived and gathered the phenomena of the world with his own sense perceptions and developed an "intuitive" understanding of it.

In *The Halachic Mind* (p. 64) the Rav writes:

This duality of aspects presents a philosophical problem, which was the crucial issue between Kantianism and Neo-Kantianism. The controversy revolved around the emergence of knowledge, or the "movement of the logos." How does knowledge proceed? Do the

Though man thinks with his own intuitive concepts of space, time and causality, he nonetheless encounters empirical reality and then uses his abstract intuition to organize and explain it. All modern physicists, most notably Einstein, accepted the postulate system in physics³⁷. On the other

“logos” move from sense experience to a postulate world or conversely? In other words, is subjectivity to be construed in terms of objectivity or vice versa?

Kant assumed that human knowledge is based upon the duality of receptivity and spontaneity. When we encounter the Unknown, two things occur. First, we are struck by something “transcendent” that affects us with its aboriginal force; and second, our reason, utilizing the categorical apparatus, moulds this distorted hyle into definite concepts and ideas. Kant considered the receptive act to be anterior to the spontaneous. Sensible awareness delivers the sensuous raw material, and reason, as a formative principle, forms it. Experience, seen not only against its genetic psychological background but even against a methodological one, progresses, according to Kant, from qualitative sensation to scientific thinking.

At this point, Neo-Kantians, guided by panlogistic Hegelian tendencies, departed from their master and reversed the entire procedure. Experience, according to the Neo-Kantians (Marburg School), instead of passing onward from subjectivity to objectivity, gravitates in the opposite direction, from postulated “ideal” magnitudes to its emergence in the form of “concrete reality” (Wirklichkeit). The main philosophical feat of the Neo-Kantians consisted of the elimination of the receptive components of experience. They contended that even the so-called qualitative data are nothing but the product of a spontaneous mental act. Pure experience, stripped of all spontaneous additions and reduced to given primordial elements is, despite positivistic contentions, non-existent. There is no given sensation, just as there is no given thinking. Hence, the Neo-Kantian school further maintained that it is absolutely fallacious to state that experience proceeds from the qualitative to the quantitative, from the subjective to the objective. On the contrary, it is the objective sphere that makes it possible for subjective “data” to spring into being. The sensation of color always appears on the canvas of space and time. The space and time coordinates do not present the frame of receptivity, as Kant thought, but are spontaneous creations of pure thinking. Any sensational apprehension is conditioned by its antecedent, the act of creative objectification. Whatever the argument, the Neo-Kantian school reversed the procedure and envisaged experience as moving from the objective to the subjective order. Only by reversing the objective order may the subjective background be apprehended.

It is to be emphasized that the whole controversy concerning the priority of the subjective and objective spheres is of theoretical value only. It is an epistemological problem regarding the method to which the philosopher needs recourse in his attempt to reconstruct the process of noetical experience. In practice, however, subjective data can never be used as a starting point, for, just as there is no ideal objectivity, there is also no pure subjectivity. If positivistic philosophy speaks of isolating given elements from additional spontaneous constructs within the complexity of experience, the thesis has meaning only in the sense of reconstruction. We do not find two different components, the subjectively given and the objectively constructed, but one unified phenomenon. And the isolation of its components can be affected only by the method of construction.

³⁷ In *The Halachic Mind* (footnote 29, p. 111) the Rav writes:

See Einstein’s “Remarks on Bertrand Russell’s Theory of Knowledge,” and Russell’s “Reply to Criticism,” pp. 696-697, in *Library of Living Philosophers*, vol. V; also A. Einstein, *The World as I see It*. Einstein was careful to make the reservation that he speaks exclusively from a logical aspect. He did this so as not to confuse the logical theses concerning the incommensurability of the scientific and sensible worlds with the standpoint of the psychologist who may perhaps find some genetic link between both. This is in complete harmony with the Kantian a priori and transcendental method. Had Russell paid attention to this remark, he would not have raised his positivistic objections against Einstein’s epistemological theory. In general, it is amusing to note how Einstein, the physicist, admits

hand, Bertrand Russell fought and denied it³⁸. However, philosophers do not deny the importance of postulates. The debate is only about the relationship between abstract postulates and empirical reality.

The real question is: “where does science begin?” Does it begin with empirical reality or with abstract ideas? In addition, what is the relationship between these two realms? Do we say that the abstract postulates are inherent in the empirical world, or are they ontologically unrelated?

Let us now investigate the notion of fundamental principles in religion itself³⁹. The specific number of principles means nothing. In fact, the number of principles can change in accordance with historical circumstances. For example, during times of religious persecution, the number of principles sometimes has to be expanded⁴⁰.

In religion, there are two methodologies of constructing principles⁴¹:

1. Descriptive systematization. While religion deals with the transcendental, it is also concerned with concrete and mundane matters. The halacha is concerned very much with psychology⁴². However, to use psychology as a means of classification is a

the symbolic nature of physical knowledge, while Russell, the philosopher, attempts to derive it from sensory experience.

“Science is not just a collection of laws, a catalogue of unrelated facts. It is a creation of the human mind with its freely invented ideas and concepts.... The background of all events was... the four-dimensional space-time continuum, another free invention with new transformation properties. The quantum theory created new essential features of our reality... Without the belief that it is possible to grasp reality with out theoretical constructions... there could be no science. This belief is... the fundamental motive for all scientific creation.” Einstein in Infeld, *The Evolution of physics*, p. 310-313. Einstein's reliance on belief is reminiscent of Hume.

³⁸ By “postulate system” the Rav means that physicists will draw conclusions about physical reality based upon abstract mathematical postulates. While these postulates are usually formulated on the basis of empirical observation and evidence, the conclusions drawn, very often, run counter to our intuitions of how the world works.

In *The Halachic Mind* (footnote 23 p. 110) the Rav quotes Bertrand Russel as saying:

“Geometry throws no more light on the nature of space than arithmetic throws upon the population of the United States.”

³⁹ Up until now, the Rav has discussed the various means of “objectification” used by scientists and philosophers to discover and study the underlying principles governing the physical world. Now, the Rav turns to Judaism and explores the historical techniques of “objectification” which have been used to understand the Torah, as it was revealed at Sinai and transmitted through the generations.

⁴⁰ While a Jew is required to give up his life for the three fundamental prohibitions of idolatry, illicit relationships and murder, the Talmud says that in times of religious persecution a Jew is obligated to give up his life even for the “lightest” of the commandments (Sanhedrin 74a). See Maimonides Yesodei HaTorah 5:1-3.

⁴¹ The Rav intends to speak about how “principles” are derived from the specific commandments. Therefore dogma in Judaism comes from Jewish law and practice. This is in contradistinction to Christianity which begins with dogma. It should be added, however, that the Rav is going to focus initially on halachic principles and not theological, which he will turn to later in chapter 3.

⁴² For a discussion of the role of psychology in Judaism see the essay of Rabbi Yechiel Weinberg in *L'Perakim* p. 142. There he discusses several approaches towards understanding the phenomenon of religion in general and Judaism in particular.

paradoxical absurdity. It attempts to bridge a gap, which is impossible⁴³.

2. Classification. This method is similar to that of Aristotle in his scientific methodology of studying the natural world. The most fundamental expression of this principle was the classification of the commandments into the number 613⁴⁴. In addition to enumerating the number of commandments, the Sages also constructed two major classes of mitzvot, which they called positive and negative commandments⁴⁵.

The medieval authorities constructed other forms of classification. The first to do so was Rav Saadiah Gaon, who distinguished between rational commandments, which he called *sichliyot* and revealed commandments, which he called *shimiyot*⁴⁶.

Another important classification is the distinction between commandments governing relationships between man and man, and those governing relationships between man and God⁴⁷.

The *Yiraim*⁴⁸ constructed a physiological classification of the mitzvot. In all these cases the key is not “why” or “how” but “what”⁴⁹.

⁴³ In this paragraph, the Rav rejects a classification procedure by which the halacha is reduced to states of mind. It is interesting to note that this was an idea that he considers in *The Halachic Mind* (p. 37). Here, in contrast, the Rav rejects a system of commensurability between Jewish law and psychology and sociology and discusses the various techniques used by both the Talmud and medieval authorities to classify the commandments.

⁴⁴ The classification of the legal part of the Bible into 613 commandments has its source in a statement made by Rabbi Simlai in Makkot 23b-24a. The numerical figure of 613 mitzvot, as quoted by Rabbi Simlai and derived from scripture by Rabbi Hamnuna, was universally accepted by all later Talmudic commentators in their respective attempts to arrive at explicit enumeration of the commandments. This leads at times, to share disagreements and, in turn, discussion of the underlying principles to be used in such enumerations.

⁴⁵ The distinction between what is usually called “positive” commandments, i.e. affirmative actions, and “negative” commandments, i.e. prohibitions, is fundamental in many passages of the Talmud. Many laws and legal concepts are developed by an analysis and discussion of their relative properties and powers. For a discussion of the underlying ideas, see Nachmanides’s commentary to the Chumash on Exodus 20:8.

⁴⁶ Rav Saadiah Gaon, in chapters 2 and 3 of Treatise III of his philosophical work *Emunot ve-Deot*, writes that the commandments may be divided up into two general categories: the rational and the revealed (see pp. 151, *The Book of Beliefs and Opinions*, Saadiah Gaon, Samuel Rosenblatt (trans) Yale University Press, New Haven, Conn. 1948).

⁴⁷ The distinction between commandments between man and God and commandments between man and man will be discussed below.

⁴⁸ Rabbi Eliezer of Metz (1175-1238)

⁴⁹ He divides up all of the commandments into seven categories:

1. Illicit sexual relationships
2. Forbidden foods
3. Items from which it is forbidden to derive any physical benefit
4. Items which are forbidden monetarily
5. Acts forbidden because they cause harm both to heaven and to people
6. Acts perpetrated which render the perpetrator evil in the eyes of Heaven but not by his fellow human beings
7. Acts done that do “damage” to Heaven but not to other people.

In addition, there have been several attempts to construct philosophical classifications⁵⁰. *Chok* and *mishpat*. A *mishpat* is when the religious norm complies with a social or ethical norm. A *chok* is a commandment that does not comply with any known norm⁵¹. This distinction does not pose a problem for modern philosophy but was a central issue in the Middle Ages because medieval philosophy strove for rational perfection and connections.

Rav Saadiah Gaon constructed a conceptual hierarchy of all mitzvos based upon the Ten Commandments⁵².

The Ten Commandments themselves can be divided into two groups of rational and prophetically revealed. The first two commandments "I am the Lord your God" and "you shall have no other gods before Me..." are considered rational, according to Maimonides⁵³.

It is interesting to note that the Nachmanides viewed the Talmudic classification of 613 mitzvot as a Rabbinic construction (*asmachta ba-alma*)⁵⁴.

The distinction between domains of rational and irrational is not only a phenomenon that we see in the commandments, but also has been discovered by modern science in the natural world. For example, in modern physics, quantum mechanics understands that the microscopic world behaves chaotically, in contrast to the macroscopic world, which appears to behave according to laws of causality.

The Rav refers to the Yeraim's classification as "physiological" for it uses physical-sociological criteria of classification.

⁵⁰ The above classifications are primarily legal in nature. The Rav now discusses more philosophically-oriented classification.

⁵¹ The distinction between *chok* and *mishpat* made by the Rav is not synonymous with the distinction made by Rav Saadiah Gaon between *shimi* and *sichli*. A commandment may be *shimi* - known through revelation - yet still comply with an ethical or social norm. The distinction between *shimi* and *sichli* is fundamentally epistemological. It distinguishes based on the source of our knowledge of the commandment. However, the distinction between *chok* and *mishpat* is more related to the intelligibility of the commandment. A *mishpat* can be understood by man. A *chok* cannot.

⁵² In a commentary to Sefer Yetzirah Rav Saadiah Gaon philosophically delineates the Ten Commandments and establishes them as ten categories within which one may classify all of the 613 commandments (See Menachem Kasher, *Torah Shleima* vol. 16).

⁵³ The division of the Ten Commandments into rational and prophetically revealed is based upon Maimonides's discussion in the Guide to the Perplexed, in chapter 33 of section II (Schwartz p. 380). There, he writes that the first two commandments can be discovered rationally and therefore were not revealed prophetically. The remaining eight commandments, which cannot be derived rationally, were revealed prophetically to Moshe and then commanded to the Jewish people. This is Maimonides's interpretation of the Talmudic statement in Makkot 24a "Anochi and Lo Yihiye Lecha (the first two commandments) were heard from God." See footnote 4 above.

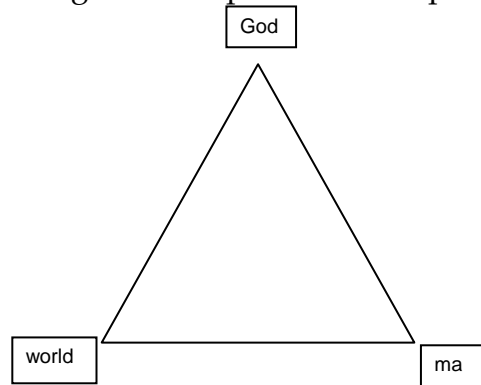
⁵⁴ In the beginning of his commentary and critique of the first shresh (principle of classification) of Maimonides's Sefer HaMitzvot, Nachmanides writes:

"I nonetheless, very humbly am very much in doubt if this 'gematirah' (numerical reading of letters) is really universally agreed to, or is disputed. I am also in doubt whether it constitutes an oral tradition from Moshe which was revealed at Sinai (Halacha Le-Moshe Mi-Sinai), i.e. God said to him that 'I am going to command to the Jewish people, through you, a specific number of commandments,' or if it is an 'asmachta', meaning that Rabbi Simlai independently came up with the number, and Bar Hamnuna post facto came up with a justification based upon an originally derived gematria."

The search for principles by Jewish authorities throughout the generations is part of our tendency to search for reasons behind events in the world. When investigating a problem, one divides it up into smaller parts and tackles them in spite of frustrations⁵⁵.

Let us discuss the fundamental dichotomy between 'man and man' commandments and 'man and God' commandments. It is philosophically important because these two types of mitzvot reflect upon Judaism's understanding of these two different kinds of relationships.

In contrast to Judaism, Christianity refuses to recognize the autonomous status of man to man⁵⁶. Man only relates to God. His relationship to man is only a means to his relationship to God. Judaism, on the other hand, recognizes a triple relationship of God - world - man, which is triangular.

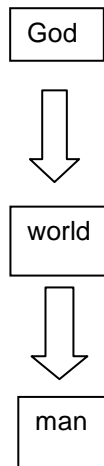


The three relationships of man - world, man - God, and God - world are independent but connected. In Christianity, these three elements are located in a linear hierarchy:

⁵⁵ The Rav is saying here that the construction of principles in Judaism is a consequence of man's attempt to understand the Divine imperative.

⁵⁶ The following remarks concerning the Christian theologies and bishop Augustine of Hippo (354-430) will be useful to understand the Rav's comments on Christianity, especially as viewed through the thought of Augustine.

In his famous work *De Civitate Dei - The City of God*, Augustine reflects upon the virtues. He insists that the seeming virtues of the pagans cannot be truly called virtues because they are not informed by knowledge and love of God, who is the only source of virtue. In this, he follows the philosophy of Plato and the Stoics, who claimed that the virtues are all expressions of one fundamental quality, which is the Christian love of God (see *De Moribus Ecclesiae Catholicae I* 1525). This love places all human affections in their proper order with God above all. As a consequence, the love of one's neighbor is merely a derivation of one's love of God. In fact, only through love of God can one come to naturally love one's fellow man. In the Rav's terminology, Christianity from Augustine's viewpoint does not regard interpersonal relationships as separate from relationships with God. On the contrary, man's relationship with others is wholly included within his relationship with God (see *Cambridge Companion to Christian Ethics*: Robin Kill (ed.) Cambridge University Press, Cambridge England 2001 p.100)



The relationship of man to God is only via the world. There is no relationship outside of one's relationship to God. In order for man to relate to the world or to his fellow man, he must ultimately also relate to God⁵⁷.

In *Guide for the Perplexed*, Maimonides appears to adopt a Christian-like view⁵⁸. However, the halacha does not sanction this approach.

Christianity only understands the God - man relationship as sacrosanct. Even the prohibition of murder is not a crime against my neighbor but a crime against God.

When Christianity does speak about ethics, it is either natural or ceremonial⁵⁹. But in its most basic form, ethics does not exist as an autonomous domain. Christianity, therefore, does not recognize one of the most fundamental concepts in Judaism, which is that man-to-man ethics constitute an autonomous legal realm.

There are several consequences of this Jewish idea. For example, although Yom HaKippurim with repentance atones for sins committed against God, it does not atone for sins between man and his fellow man⁶⁰. Though the

⁵⁷ See Franz Rosenzweig *The Star of Redemption*.

⁵⁸ In a passage in the *Guide* section III chapter 27 (Schwartz p. 516-7) Maimonides writes that interpersonal ethics, fostered by the state, is a means to an end, which is man's spiritual and intellectual perfection. According to the Rav this indicates that Maimonides viewed interpersonal ethics as not wholly autonomous, Therefore tending to the Christian view. Nonetheless, the connection in Maimonides between interpersonal ethics and man's relationship to God is only indirect. The immediate purpose of this state is to foster man-to-man ethics independent of the man-to-God relationship. After establishing a peaceful and just society will be conducive towards man's spiritual development. This is in contradistinction to Christianity, where the relationship between man-to-man and man-to-God is direct.

⁵⁹ Christianity, insofar as it "has propounded moral beliefs and elaborated moral concepts for ordinary human life, has been content to accept conceptual frameworks from elsewhere... For example, Aquinas propounded a theory of ethics based upon natural law." (Alasdair MacIntyre (1998) *A Short History of Ethics* Notre Dame Press, Indiana p. 116-7)

⁶⁰ The Mishna in Yoma 85b says: sins between man and God are atoned for by Yom Kippur. Sins between man and man are not atoned for by Yom Kippur until he first placates his fellow man.

halacha says⁶¹ that a man who sins against his fellow man must also repent for sinning against God, this is only because in addition to a sin against his fellow man there also is an independent sin against God. Nonetheless, the two are completely autonomous. Maimonides writes that one who has sinned against his fellow man and wishes to repent after the death of that person must say "I have sinned against the God of Israel and against this specific person."⁶²

In Christianity, such an understanding of man's relationship to his fellow man would be considered heresy because man and God are viewed as equals. Because Judaism and Christianity understand man to man relationships very differently, their respective understandings of the political state also contrast. For Judaism, the purpose of the state is to perfect human relationships⁶³. For Christianity, the state is dominated by God. This conception of the state is expressed in Augustine's famous work *Civitas Dei* - City of God⁶⁴.

⁶¹ The Maimonides writes in Mishne Torah (Hilchot Teshuva 2:9-10) "Repentance alone does not atone... Yom Kippur alone does not atone..." This means that man must also repent to God for sinning to Him even if the sin was directed against his fellow man.

⁶² In chapter 2 halacha 11 he continues, "Someone who sins against his fellow man..."

The Rav's point is that from the language of Maimonides, "To the Eternal the God of Israel and to this person," implies that repentance must be done independently to man and to God.

⁶³ The Rav has established his thesis that Judaism, in contradistinction to Christianity, views man-to-man relationships and man-to-God relationship as two autonomous areas. Now he extends this idea to the realm of political philosophy, i.e. the philosophy of the state. Here we see, likewise, a sharp contrast between the Jewish and Christian concepts of a state. According to Judaism, the purpose of the state is to foster relationships between people. As was expressed above in the passage from the *Guide* (III:27 see footnote 34 above). There, as well as in other places in that same work, Maimonides looks to the state as the mechanism through which man can achieve ethical perfection in his relationship to others and to society in general. See Hilchot Teshuva 9:2. According to Christianity, the purpose of the state is to directly bring about man's love of God.

⁶⁴ For Christianity's concept of state, the Rav looks to the Catholic bishop and theologian Augustine of Hippo. In his famous work, *The City of God*, Augustine contrasts the "city of man" with "the city of God". In the earthly city of man, people live according to their corporeal nature and love themselves even to the contempt of God. Because of this, an external power, namely the state must regulate man's unbridled passions, so that conflict and violence can be arrested and law and order achieved. In 5:17 of that work he writes:

"In so far as concerns the life of mortal man, which is conducted and brought to conclusion within a few days, what does it matter under which rule lives a man who is destined to die - as long as those who rule do not force him to commit impious and iniquitous deeds?"

In contrast, the heavenly "city of God" comprising those who love God to the contempt of self, is an order based upon the love of God, and therefore only ruled by God. It is characterized by justice, peace, harmony and wisdom. The order, however, will only materialize with the Resurrection. Until then, the city of God comprises only the invisible body of the elect - only some of whom may be found among God's representatives on earth, the visible church.

In addition, in Christianity as expressed by Augustine, human existence is sinful⁶⁵. This is the basis of Augustine's philosophy of Original Sin. The full realization of this political concept was introduced in history by Rome⁶⁶.

The ideal Christian state is a theocracy, which does not allow for any autonomous human relationships. Since human existence is essentially corrupt, there is no reason to perfect human relationships independently of God. The state is the means through which human beings are directed toward the worship of God.

Judaism, on the contrary, understands that human interrelationships have to be perfected independently of man's relationship with God. Therefore, the state is called upon to create laws that govern human behavior without any direct theological consequences. However, through the perfection of human society, man will be better equipped to serve God⁶⁷.

One apparent objection to these ideas is the prophet's Samuel's criticism of the Jewish people's desire to establish a monarchy⁶⁸. Biblical critics tried to interpret this as meaning that the Jews by demanding a monarchy against the wishes of Samuel tried to introduce alien concepts. But in truth, Samuel was not against the concept of a monarchy altogether, but rather an anti-Dei monarchy⁶⁹.

⁶⁵ In *The City of God* XIV: chapter 3 Augustine writes that "those who imagine that all the ills of the soul derive from the body are mistaken." However, "our belief is somewhat different. For the corruption of the body, which weighs down the soul, is not the cause of the first sin, but its punishment. And it was not the corruptible flesh that made the soul sinful: it was the sinful soul that made the flesh corruptible." In chapter 4, however, Augustine goes on to say that "people are evil, because their souls choose to live by human (rather than Divine) standards."

The Rav understands Augustine as saying that man cannot achieve any type of ethical or spiritual perfection through a human, natural lifestyle. This is in contrast to Judaism, which views the physical world and man's natural dispensation as conducive to ethical and spiritual growth if he so desires.

⁶⁶ The Rav is referring to the evolution of the state from Greece and Rome at the time it was taken over by Christianity, which established the basis for the European state system.

When the Bible replaced Homer, the lives of the martyrs supplemented the nobility of the Greek concept of state. Under the new dispensation, spiritual and temporal authority were both thought to descend from God: and so, properly speaking, men everywhere were subjects, not citizens. In fact, just as the church was committed to its tutor, the Pope, so the kingdom was entrusted to its lawful ruler and the city to its magistrate - all of whom ruled their charges by the grace of God. Governments were justified not with an eye to man's nature as a political animal and to the glorious role assigned to the political community and perfecting what nature had already offered man - but in terms of the far more prosaic principle concerning the Roman law of private corporation. (See *Republics Ancient and Modern*, Paul Rahe, University of North Carolina Press, Chapel Hill and London 1992).

⁶⁷ Maimonides *Guide* III:27; In *Hilchot Teshuva* chapter 9 halacha 2, Maimonides views the messianic age as one that will both liberate man from political oppression and also foster positive human relationships. This will bring about a peaceful and ethical society that will be conducive to man's spiritual pursuits.

⁶⁸ I Samuel 8

⁶⁹ The Rav is contending here that Samuel's words to the Jewish people regarding the establishment of the monarch are not to be interpreted as a fundamental negative view of Judaism towards any type of state other than a complete "theocracy". Rather, his warning is that the power of the monarchy and the state should not be used to usurp the authority of

Another consequence of the autonomy of man to man relationships in Judaism is that of marriage. In halacha, marriage is an act of acquisition⁷⁰. In Christianity, however, marriage is a sacrament where the main participant is God.

Are causal explanations valid in religion? The method of causal explanation is similar to the approach that physicists take to nature. However, most causal explanations of religion view it negatively. There are psychological explanations that view religion as a sort of psychological imbalance or partial insanity⁷¹. Psychologists have created many different types of complexes and use them to interpret religion⁷². It is all nonsense.

However, a causal approach is sometimes justified. Feuerbach saw the source of religiosity as a fear of the jungle but felt that modern man was not in need of it⁷³. However, in the case of Avraham, the concept of fear is expressed in a positive sense. In fact, it prevails more in modern man than in the jungle. This is also supported by modern psychology. If we twist Feuerbach, it can be legitimate for homeo-religiosis. Schleirmacher, in contrast, saw the source of religion in man's dependence⁷⁴.

A causal approach of this sort can be a valid means to understand religion. However, this is only true if it does not seek to destroy its foundations, but instead tries to understand its roots in the human mind so that it can deepen religious feeling. This approach, however, in Judaism can only be valid if it is based upon the viewpoint of the halacha.

God and the Torah. Otherwise, Judaism recognizes the two autonomous domains of the monarchy and purely religious authority. See *Derashot HaRan* number 11 (p. 190-2 in *Derashot HaRan*, Machon Shalem publishers, Jerusalem 1977). See also *Responsa of Rashba* (III:109), which is brought by the Beit Yosef in Choshen Mishpat 26.

⁷⁰ Kiddushin 2a and Maimonides Hilchot Ishut chapter 1 halacha 1.

⁷¹ See The Eulogy of The Seridei Aish on Rabbi Finkel in his book *Leperakim*. He discusses approaches to religion and takes a similar view to that of the Rav regarding the psychological approach to Judaism.

⁷² The Rav here is referring to Freud's *Moses and Monotheism*, in which he views the Jewish religion as a type of psychological pathology.

⁷³ The German philosopher Ludwig Andreas Feuerbach (1804-1872) reduced the belief in God, and consequently of all religion, to a phenomenon of human psychology. By positing in his mind a being of ultimate perfection, man created a very lowly conception of himself that undermined his very own humanity. As such, it would be psychologically healthy for man to rid himself of this mental creation which has historically crippled him.

⁷⁴ In his famous work *The Christian Faith*, Friedrich Schleirmacher (1768-1834), a German philosopher and theologian, asserted that Christian dogma was not historically true, but "accounts of the Christian religious affections set forth in speech." As such, faith was not based in reason, but in "feeling" by which he meant a type of intuition that was not necessarily opposed to reason, but went beyond it. For a similar viewpoint, see the book *Le-Perakim* of Rabbi Y. Y. Weinberg and the essay 'Religious Resurgence' p. 142.

Lecture 3

Resurrection of the Dead

I have chosen this principle for a few reasons. Even though it is the last principle⁷⁵ my point is to show that the resurrection of the dead is a typical Jewish concept and reflects a mainstream Jewish consciousness to problems that are not metaphysical, such as life, death, and the religious personality⁷⁶. Resurrection of the dead represents a type of continuation and transition from Mashiach⁷⁷. In order to understand Mashiach, one must have resurrection of the dead. The difference between Mashiach and resurrection is that Mashiach is a historical hope⁷⁸. It represents the historical climax of the Jewish people as expressed in Rambam at the end of Hilchot Melachim. Regarding this historical process, the Talmud says "There is no difference between this world

⁷⁵ Resurrection of the Dead is the thirteenth and last of Rambam's principles of faith. In his *Commentary on the Mishna* in the introduction to chapter *Chelek* he writes, "The thirteenth principle - resurrection of the dead, we have already explained this" (Shilat edition p. 145) When Rambam writes "we have already explained this" he was referring to what he writes in the beginning of his introduction. There he says, "The resurrection of the dead is one of the principles of Torat Moshe. Someone who does not believe this cannot be considered a believing Jew. The resurrection of the dead is a reward for the righteous as is stated in the Midrash in Genesis Rabba, "Rainfall is for both the righteous and the wicked, but resurrection of the dead is only for the righteous." For how can the wicked be resurrected when they are considered as if they are dead even in their lifetime? The Sages, peace be upon them, have declared "the wicked, even during their lifetimes, are called dead, and the righteous, even after their deaths, are called alive" (Brachot 18b). For you should know that man inevitably dies and his composition will disintegrate (ibid Shilat 138).

⁷⁶ The Rav means to say here that from the Jewish understanding of the resurrection of the dead, one can glean the overall Weltanschauung of the Torah which does not view man as an exclusively metaphysical being, unlike Christianity, but also as an immanently, natural being. Based upon this concept of man the Rav constructs his philosophy of Judaism from halachic sources.

⁷⁷ Rambam writes (Hilchot Teshuva chapter 9; halacha 2) that the Messianic era is a preparation for the World to Come. For by removing political oppression in the Messianic era man will be free to pursue "wisdom and truth" for which he will be rewarded in the World to Come. Similarly, in his *Commentary on the Mishna* Rambam refers to the World to Come as the "ultimate of all other rewards including the coming of the Messiah" (Shilat 139).

The Rav, in this passage, is identifying the resurrection as the World to Come (see the commentaries of the Raavad and the Kesef Mishna in Hilchot Teshuva chapter 8; halacha 2). The Rav, in accordance with Rambam, is drawing a distinction between the completely historical nature of the Messiah, and the eschatological nature of the resurrection and the World to Come.

⁷⁸ In both Hilchot Melachim (chapter 11; halacha 1) and Hilchot Teshuva (chapter 9; halacha 2) Rambam writes that the Messianic era will not bring about any fundamental change in the nature of man and the world, but only freedom from political oppression. The Rav's use of the world "historical" is in contradistinction to the metaphysical nature of the World to Come. This is certainly in accordance with Rambam who understands that the World to Come is the world of souls. However, this could be applied to the Rambam's (Gate of Reward) concept of the World to Come as one in which the nature of the world will fundamentally change.

and the Messianic era except enslavement to the non-Jewish nations.”⁷⁹ Political freedom and redemption for Rambam was a means to love God⁸⁰. The same forces that determine history are involved in creating the messianic era. The resurrection of the dead, on the other hand, is eschatological. That is it is beyond history. Its essence is not miraculous. The main characteristic of it is that it is not historical. It has nothing to do with Jewish history. It is a conclusion of history and therefore external to it. Liberal Judaism attacked the concept of the resurrection of the dead⁸¹. In addition, in the middle of the nineteenth century, the Reform movement in both Germany and the United States viewed Judaism as essentially theological. The halacha, however, is not theological. Halacha does not reduce to dogmatic structures. The only thing that was real for Liberal Judaism was dogmatic theology. Our scholars, on the other hand, only occasionally dabbled in theology. For example, the Radbaz⁸² rejected the principles, as did the Chatam Sofer⁸³. There were those that accepted it, but neither side had it in mind continuously. Halacha is not desirous of dogma for the concept of novella is the basis for halacha⁸⁴. Unchangeable principles were not attractive to the masters of halacha. Dogma is largely independent of interpretation. The medieval authorities demanded academic freedom. In theology, there can be no criticism. When the liberal movement eliminated halacha, it became philosophical and theological. Philosophy was reduced to theology. Halacha will have a philosophy, but it is different than theology. The liberal philosophers preached attractive humanism etc.

Mendelssohn, as the father of liberalism, was nonetheless a child of the traditional world, a child of a halachic home. In his book *Jerusalem*, he cast doubt upon the importance of dogmatic principles. For him, Judaism was more concerned with law than with beliefs. All of those who associated themselves with liberalism tried to refute Mendelssohn because they looked

⁷⁹ In Brachot 34b “Shmuel says that there will be no difference between our era and the Messianic era except for the fact that the Jews will not suffer political oppression.”

⁸⁰ Rambam writes in Hilchot Teshuva chapter 9; halacha 2 “The entire Jewish people, including their prophets and sages, have always longed for the Messianic era in order to find respite from political oppression of evil governments which prevent them from learning Torah and observing the commandments, in order to devote themselves to the pursuit of wisdom and truth through which they will merit the World to Come.

⁸¹ The Rav in this section makes a two point critique of non-Orthodox Judaism. 1. It rejects the traditional Jewish belief in the resurrection, and 2. it rejects the halacha and views Judaism as a religious dogma. In these lectures the Rav develops the Jewish belief in the resurrection as underpinning the philosophy of the halacha. This leads to a philosophy that is fundamentally ethical and natural. As such the rejection of both resurrection and halacha, by what the Rav calls “Liberal Judaism” undermines the very identity of Judaism.

⁸² Responsa 344.

⁸³ Yoreh Deah 356

⁸⁴ In his work *Halachic Man* the Rav writes, “Halachic Man is a man who longs to create, to bring into being something new, something original. The study of Torah, by definition means gleaning new creative insights from the Torah (*chidushei Torah*)” (translation Lawrence Kaplan 1983 Jewish Publication Society, Philadelphia). The phrase used by the Rav here, “novella” is a translation of *chidushei Torah* in the passage quoted above.

to him as a father. As far as they were concerned, the only theoretical foundations of Judaism can be dogma⁸⁵.

The resurrection of the dead was regarded by liberal Judaism as a non-Jewish concept and therefore eliminated from their Jewish beliefs because Tanach does not speak about it. Prophecy devoted itself to reward and punishment and to Mashiach. With respect to the resurrection of the dead, there are only a few passages⁸⁶. The scholars and Bible critics saw it as just an appendage to the prophets. They viewed the whole dogma as an addition to Judaism that was introduced during the time of the Hasmoneans⁸⁷. The idea was developed in the transition from the era of the Hasmoneans to the time of the destruction of the Second Temple. They attribute this addition to zealots who were fighting and risking their lives and had to be assured of the resurrection. This hope was brought about for the purposes of the struggle of the Hasmonean. For historians and Jewish philosophers, the dogma of the resurrection was used as a political instrument in order to cultivate national passions. The passages in Tanach that refer to it were viewed as later additions. The idea in and of itself was alien to the prophets of the first Jewish commonwealth.

In modern Judaism, therefore, the claim was that since there was no need for non-Jewish sources, the resurrection of the dead must be eliminated. Since it is rationally unacceptable, it is now useless. During the Middle Ages, the principles were viewed as something that ran against the beliefs of Greek philosophy. As a result of this, medieval Jewish thinkers who tried to harmonize Greek with Jewish thought, interpreted and explicated Jewish concepts to the point where one does not know what is Greek and what is Jewish. So, for example, Rav Saadiah, whose last chapter deals with it, does not subject it to philosophical analysis⁸⁸. The chapters are filled with passages from Chazal without any philosophical analysis. The Rambam discusses it in

⁸⁵ The Rav is here making a point that even Mendelssohn who is regarded as “the father of liberalism” was nonetheless a halachic Jew and therefore rejected the view of Judaism as a religion of dogma. See lecture 1 footnote 3.

⁸⁶ The Rav is not claiming that the resurrection of the dead is not to be found in Tanach. The Gemara in Sanhedrin 90a-91b is replete with proof texts for the resurrection from all of Scripture. The Rav’s point here is only that these verses are not explicit. This is in contrast to the notions of reward and punishment and Mashiach which are explicit in the Scriptures.

⁸⁷ Scholars and Biblical critics attribute the emergence of Jewish eschatological and apocalyptic ideas to the Hasmonean era during the Second Commonwealth. See, for example, Ephraim E. Urbach *The Sages: Their Concepts and Beliefs* pp. 651-690 (translation from the Hebrew, Magnus Press, Jerusalem). In addition, Yechezkel Kaufman in his *History of the Religion of Israel* volume 4 (English translation Ktav Publishing House, NY and Hebrew University, Jerusalem, the Institute for Jewish Studies, Dallas 1977) p. 461 writes “the end of prophecy implied cessation and reversal: with the destruction it might be said that prophecy became an eschatological event.” In addition, on page 469 he writes, “Scholarship viewed the chapters of Isaiah 40-46 as being later additions.”

⁸⁸ In Treatise VII of *The Book of Beliefs and Opinions* (pp 409-435 Samuel Rosenblatt translation, Yale University Press, New Haven, London 1948) Rav Saadiah Gaon writes that the belief in the resurrection of the dead is not any more contradictory to nation than creation ex nihilo. It therefore must be taken literally.

*Hilchot Teshuva*⁸⁹. Greek philosophy understood resurrection as completely absurd. The Greeks don't even mention it. Christians were at the forefront of bringing it to the occidental world. They took the concept of resurrection from the Jews and used it as part of the story of salvation, crucifixion and resurrection⁹⁰. Nonetheless, the concept was completely Jewish. There are good proofs for this⁹¹.

3. The second blessing in the Eighteen blessings is for resurrection. The order of prayer is very ancient⁹². In addition, resurrection is part of descriptions of God's omnipotence with the conclusion of the blessing being "Who resurrects the dead"⁹³.
4. One of the central disputes between the Pharisees and the Sadducees in the last chapter of Sanhedrin was the resurrection. It aroused very heated debates. The Sadducees had a problem with the resurrection. This, however, was part of the dispute between them and the Pharisees, which for the most part was a dispute with respect to

⁸⁹ In *Hilchot Teshuva* chapter 8; halacha 2 Rambam writes that the World to Come is a non-physical world composed of the intellects of the righteous. In his *Treatise on the Resurrection* Rambam writes that the belief in a literal, physical resurrection is contingent on belief in creation ex-nihilo. Those who reject creation ex-nihilo and assume the Aristotelian position that the world is eternal cannot possibly believe in a physical resurrection. Rambam himself writes there that the resurrection will be physical but will be a one time miracle and those resurrected will eventually die again. Eternal life is non-physical and is in the World to Come. See the commentary of the Yad Rama on Sanhedrin at the beginning of chapter *Chelek* where he discusses the Rambam's concept of the resurrection and the World to Come.

⁹⁰ The Greeks believed only in the eternity of the soul whereas the Christian view of resurrection stemmed from Jewish sources. (*Immortality of the Soul or Resurrection of the Dead* Oscar Collman).

⁹¹ The Rav now goes back to rebut the contention of the scholars cited above that resurrection of the dead was introduced at a later stage of Jewish history and therefore does not constitute an original and fundamental concept of Jewish belief.

⁹² The Gemara in Megilla 17b says, "120 elders, among them several prophets, composed the eighteen benedictions in their proper order." Rambam in *Hilchot Tefilla* chapter 1; halacha 4 writes that this refers to the Beit Din of Ezra which places its date of composition at the beginning of the Second Commonwealth (around 400 BCE). The second benediction which is concerned with the resurrection of the dead, attests to the fact that it constituted an important belief in Judaism long before the time claimed by the scholars.

⁹³ In his commentary to Leviticus (p. 160 *Mossad HaRav Kook* Jerusalem 1976), Rabbi David Tzvi Hoffman discusses the connection between the holiday of Shavuot and the revelation of the Torah at Sinai. There, he concludes that the tradition that claims that Shavuot is the day that the Torah was given must be understood as an ancient tradition, even though it is not explicitly mentioned in the Bible. It first appears in Philo and Josephus. One of his arguments is the fact that the liturgy of prayer describes the holiday as "the time of the giving of our Torah". Since this liturgy was penned by the Men of the Great Assembly (Brachot 33a), Hoffman argues that it must be an ancient tradition dating back to at least the beginning of the Second Commonwealth. The hypothesis advanced by some that it was originally called "the day of the harvest" as described by the Pentateuch itself, which was later replaced by its current liturgical name, because of changing Jewish social conditions after the destruction of the Second Temple is unacceptable. Hoffman writes that "there is no allusion in all the Talmudic literature to any such change." Since the Talmud and later sources give detailed description of all different types of changes that were inaugurated in response to the destruction of the Temple and later historical catastrophes, we must conclude that the identification of Shavuot as the day of the giving of the Torah was an ancient tradition.

halacha⁹⁴.

5. In the Beit HaMikdash, they changed the blessing to “from this world to the next world.”⁹⁵ Changing the coinage of a blessing was very uncommon.
6. The Mishna, in the beginning of the last chapter of Sanhedrin, only mentions two principles: that the Torah is from Heaven and the resurrection of the dead. In addition, the Talmud says that anyone who claims that this belief of resurrection is not from the Torah is a heretic⁹⁶.

Prophecies served as the basis for blessings and prayer. The liturgy of Chazal would use the phraseology of the prophets. The prophecies served as the structure for Jewish prayer⁹⁷. Resurrection of the dead is associated with God’s kindness and benevolence in Channah’s prayer⁹⁸. It is therefore part of

⁹⁴ Josephus in his book *The Wars of the Jews* II;8;14 writes, “that every soul is imperishable, but that only those of the righteous pass into another body, while those of the wicked are, on the contrary, punished with eternal torment.” The Rav’s point is that if resurrection was debated with the Sadducees it must be that it was understood to be an essential part of halacha and not an ad hoc dogma which was introduced later.

⁹⁵ Mishna Brachot 54a. The Rav’s point is that the uncommon change in the text of a blessing is further proof of the importance of resurrection as a traditional Jewish belief. See Brachot 40b “Rabbi Yossi says that he who changes the wording of a blessing does not fulfil his obligation.” We see from here that the Sages were very careful to maintain the traditional liturgy of each blessing.

⁹⁶ Sanhedrin 90a.

⁹⁷ See footnote 5 above. In addition Rambam in *Moreh Nevuchim* section 1 chapter 59 writes, “Consider, first, how repulsive and annoying the accumulation of all these positive attributes was to him; next, how he showed that, if we had only to follow our reason, we should never have composed these prayers, and we should not have uttered any of them. It has, however, become necessary to address men in words that should leave some idea in their minds, and, in accordance with the saying of our Sages, “The Torah speaks in the language of men,” the Creator has been described to us in terms of our own perfections; but we should not on that account have uttered any other than the three above-mentioned attributes, and we should not have used them as names of God except when meeting with them in reading the Law. Subsequently, the men of the Great Synagogue, who were prophets, introduced these expressions also into the prayer, but we should not on that account use [in our prayers] any other attributes of God.” (Freidlander translation 1904)

⁹⁸ The prayer of Channah is recorded in the second chapter of the Samuel I. There Channah offers a prayer of thanksgiving after being blessed with a child, Samuel, after years of barrenness. The verse “God puts to death and resurrects” was understood by the Sages in Sanhedrin (92b) to refer to the resurrection of the dead. For the Rav this is additional proof that the belief in resurrection is very early, in this case even preceding the First Commonwealth. In addition Channah’s prayer, according to the Rav, serves as a Scriptural basis for the second benediction of the eighteen benedictions. Further proof of this point is that Channah’s declaration that “God puts to death and resurrects” is part of her prayer which emphasizes other ethical acts of God such as “feeding the poor” and “remembering barren women”. This is reflected in the second benediction in which, in addition to the resurrection of the dead, which constitutes its central theme; it also lists other ethical attributes of God such as sustaining the living, supporting the fallen, healing the sick and freeing those who are imprisoned. From all of this the Rav derives his central conclusion that the Jewish concept of the resurrection of the dead is essentially an ethical concept and not a mere expression of a fear of death (Christianity) or of encouraging martyrdom (scholarly viewpoint).

the motif of the ethical order of the world. In the prayer of Channah, there are three themes:

1. God associates Himself with the outcasts of the world⁹⁹.
2. Serenity and peace based on wealth does not mean anything. Anything can change from one extreme to the next¹⁰⁰.
3. Suddenly, the theme of resurrection enters. Channah declares that God puts to death and resurrects. The phrase "God puts to death and brings to life, takes down to the grave and brings up" (I Samuel 2:6) is understood by Chazal¹⁰¹ as a metaphor for resurrection.

The prayer of Channah is a very old prayer – even as far as the Bible critics are concerned. While the critics would interpret it metaphorically, Chazal understood it literally, and on the basis of it composed the blessing of 'God's strength.' The second blessing in the Eighteen blessings speaks of God's strength and in the middle mentions faith in the resurrection. We see that resurrection is not being described as a miracle, but rather as an ethical act of God. It is different from the rising and setting of the sun, the stars, the wind, the storm. There is no reference to the cosmic forces. It only deals with ethical deeds. The idea is not that God acts within cosmic forces, but rather that God is ethical. This means that God decrees and acts upon His decrees. That is, He is faithful to carry out His promises and sanctions. The resurrection of the dead is essentially not a belief in metaphysics but rather a belief in the ethical acts of God.

What is the ethical basis and background of the resurrection of the dead? It is not a miracle in and of itself, but a means to justify our faith in God's ethical order¹⁰². This faith is often shaken, and we feel bad about it. What prompted Chazal was not metaphysics, but a passionate belief in an ethical God. If God has promised something, He will not disappoint us. This means that the dead must live. In other words, it is not supernatural or eschatological, but rather ethical fulfillment. It has nothing to do with metaphysics, nor the fear of death or nihilism. The fear of death is the most acute fear in modern man¹⁰³. All of science is harnessed to combat this fear. In Christianity, the fear of death was

⁹⁹ "Those who stumble are given strength. Those who are hungry are no longer so. A barren woman bears seven children.... Those who are in need are raised from the dust. The poor are raised from the garbage heap." (I Samuel 2:4-5, 8)

¹⁰⁰ "God makes people poor and makes them rich. He brings them down and raises them up." (ibid. 7)

¹⁰¹ Sanhedrin 92b

¹⁰² The resurrection of the dead represents the final reward for the righteous. The Sages say "there is no reward in this world" (Kiddushin 39b). This means that man's ultimate reward is in the World to Come. The resurrection of the dead represents the faith of the Jewish people that God will reward the righteous, even though they may suffer in this world.

¹⁰³ "If I take death into my life, acknowledge it, and face it squarely, I will free myself from the anxiety of death and the pettiness of life - and only then will I be free to become myself." Martin Heidegger *Being and Time*. Heidegger's critique of modern man is echoed by the Rav in a footnote to *Halachic Man* p. 164 footnote 147 where he writes that Man's ascent as a spiritual being "and his development from "inauthentic existence" to "authentic existence" in the philosophy of Heidegger (as expressed in *Being and Time*) symbolize[s] that norm which aspires to the complete realization of man in the ongoing course of his ontic transformations.

what brought about their belief in the resurrection. It has nothing to do with political struggles. The belief in the resurrection was an ancient belief for the Jews, but for the Christians it was used as a political tool. Christians who went to the lions in Antioch did so with happiness because of this belief.

We must free ourselves of modern Biblical criticism because it is based on absurd premises. The discovery of the Isaiah text, which corresponds almost completely with the masoretic text from the early Hasmonean text, disproves criticism. The idea of resurrection is expressed, however, from an earlier period, from the time of Daniel¹⁰⁴ and the son of the Shunamite¹⁰⁵.

What is the ethical background to the resurrection of the dead? From the verse "You will be gathered to your fathers" (Deuteronomy 31:16) the Sages learned that the righteous will be resurrected¹⁰⁶. In addition we see that from verses such as "You will come to your fathers in peace" (Genesis 15:15) that there was no horror or excitement about death. It was considered a natural phenomenon¹⁰⁷. The basis of ethics in Judaism is a consequence of the fact that God's creation is inherently good. "And God saw everything that He had created and behold it was very good" (Genesis 1:31). Creation is perfect without any evil. Any deterioration is the product of man. "God saw that man was wicked... and that the thoughts of his heart all the day are only evil" (Genesis 6:6). In experience we find evil, absurdity and negative forces in reality. In Kohellet, it states "God made man just but they desired to complicate things" (Ecclesiastes 7:29). The primary creation is perfect but deteriorated. In the resurrection of the dead, nature will once again be perfect. All the prophecies of Yishaya treat the era of the resurrection of the dead as involving changes in cosmic occurrences. "The light of the moon will be like

¹⁰⁴ Sanhedrin 92b "Ravina brings proof of the resurrection of the dead from the following text: Many of those who sleep in the dust will wake up, some to eternal life and some to purgatory" (Daniel 12:2). This verse proves that resurrection was an accepted dogma before the Second Commonwealth.

¹⁰⁵ II Kings 4. In this chapter the prophet describes Elisha's awakening of the apparently dead son of the Shunamite woman. While the Talmud does not bring this story as evidence to the resurrection of the dead, this is only an issue for dogma. The Talmud (Sanhedrin 92b) is merely stating that the verse in Daniel is espousing a belief in God's resurrection of the righteous. However, from the story of Elisha and the Shunamite woman we see clearly that the concept of resurrection is identified with God's fulfillment of His promise to man. In this case He had promised that the Shunamite woman would bear a son. This is brought by the Rav as proof of his contention that the concept of resurrection has always existed in Judaism, in this case, well before the Second Commonwealth, and that this concept is essentially an ethical one. From this and the preceding verse we see clearly that the contention of Biblical critics that resurrection is a later foreign import into Judaism is not valid.

¹⁰⁶ In Sanhedrin 90b the Talmud says, "The heretics (*minim*) asked Rabban Gamliel, 'From where do you know that the Holy One, blessed is He, resurrects the dead?' He answered them, 'It is in the Torah. "God said to Moshe, 'You will lie with forefathers, and rise up'." (Devarim 31:16)." The Rav is showing that the ethical concept of resurrection is based in Judaism's natural understanding of death.

¹⁰⁷ In *The Emergence of Ethical Man* (p. 12) the Rav writes "Jewish scholars are inclined to accept death as a natural phenomenon that is a part of the biological process (Maimonides *Guide to the Perplexed* III:10; Ibn Ezra Genesis 3:6; Nachmanides Genesis 2:17 and many statements of Chazal)."

the light of the sun.”¹⁰⁸ His prophecy expresses a real restoration and rehabilitation of nature and man. This is the vision of the end of days. In this era, evil will not be an integral part of reality. Historically, evil appeared after creation. It is not an ontological necessity but an appendage. Resurrection of the dead is therefore freedom from the forces of nature.

The Greeks did not understand this – it appeared to them to be absurd. Eternity for Socrates and Plato was the immortality of the soul. Resurrection is Jewish and not Greek. The immortality of the soul is Greek and not so much Jewish.

The Christians speak of resurrection and not of the immortality of the soul. This is our idea.

For the Greeks, evil is part of nature¹⁰⁹. They divided nature into two parts, Form and Matter.

¹⁰⁸ Sanhedrin 91b “Rav Chisda contrasted two verses, “And the light of the moon will be like the light of the sun” (Isaiah 30:26)... This refers to the World to Come.”

¹⁰⁹ In this section, the Rav discusses Greek ontology and its relationship to the Greek concept of ethics, and then contrasts it to that of Judaism. It is the opinion of the Rav that the distinction between Greek and Jewish ontologies expresses a sharp distinction between their respective ethical philosophies. The chief theme of the Rav in this regard is the distinction between the Greek concept of immortality and the Jewish belief in resurrection.

Aristotle viewed the universe as a hierarchy of forms and of different qualities that characterize different regions of the universe. Aristotle’s nature is a hierarchy of natures. While mathematical considerations were seen at best as useful for describing perfectly regular motions, or equilibriums in astronomy or statistics, the heart of physics, chemistry and biology could only be mathematized at the price of equivocation and inexactitude. Mathematical considerations applied much better to the overall structure of the world than to its dynamic and natural processes. The Aristotelian tradition viewed a mathematical science of change not only as imprecise and equivocal, but as a downright category-mistake. The phenomena of nature are governed by different kinds of causes or principles which are different for each segment of nature. Hence, science cannot be more uniform than its subject matter (see discussion in Funkenstein *Theology and the Scientific Imagination* Princeton University Press, Princeton, 1986).

The Rav understands that as a consequence of his view of nature, Aristotle could not have any concept of cosmic or biological evolution (see lecture 1 of the Lectures on Genesis). For Aristotle, all natural genera and classes are eternal and not subject to change. How much more so, therefore, is the concept of physical resurrection an absurdity in Aristotelian philosophy. Rambam himself, in his *Letter on Resurrection*, equates the belief in resurrection with the rejection of the Aristotelian concept of the eternity of the universe. The relationship to ethics is clear. The basis of ethics is the potential for change and rectification. The fundamental Jewish idea of creation ex-nihilo and consequently resurrection constitute the ontological basis for ultimate reward and punishment and therefore for Divine ethics. Aristotle ethics cannot be connected to the ontology of the world. This is clearly born out in Aristotle’s *Ethics*. There, Aristotle understands ethics as the science of human happiness and the study of ethic is the study of what form and style of life is necessary to achieve the goal of human happiness.

So much for Aristotle. The other competing Greek philosophy, that is of Plato, understood the concept of the Good as an idea that dwells beyond the existence of even the human conception of the human Forms. While we can grasp intellectually and contemplate the eternal Forms, the ultimate Form of Good is beyond human comprehension. This is in direct contradiction, according to the Rav, to the Jewish notion of ethics, which is immanent in the natural world. For Plato, matter is primordially chaotic in its eternity and therefore

1. Form is perfect, causal and is a natural finality.
2. Matter is chaos and bad¹¹⁰.

The world is eternal. There is no cosmic or biological evolution. Genera are closed up and perfect. They are eternal. There is no belief in change or metamorphosis¹¹¹. Neither is there any change for the better. The Greeks didn't understand, in a metaphysical sense, that matter is part of reality¹¹². Plato duplicated the world, but Aristotle had a hard job doing that because matter and form are the same¹¹³. For Plato, the chaotic element is non-existent. It is good and always has been good. There are parallel worlds – there are theoretical and eternal reasons.

The Greeks could not understand evil. Since, for them, it was rooted in chaotic elements they could neither analyze it nor classify it. Judaism was able to solve the problem of evil. According to Jewish belief the World to Come is a continuum of the Present World. This is evident in the opening of the blessing, "From the world to the world" which they coined during the Second Commonwealth as a response to heretics who claimed that there was only one world¹¹⁴. In addition the Sages say "this world is the corridor leading to the world to come" (Ethics of the Fathers 4:21). We see from this that the two worlds are not separate, but rather one is part of the other. In the next world, all destructive forces will be eliminated. One world flows to the other. In this manner one can deal with evil in this world because it will ultimately be rectified in the next. Rambam in the *Guide* appears to deny evil.¹¹⁵ However this is a minority opinion.

According to the Sages all suffering, affliction and death is caused by human acts of evil¹¹⁶. Acts of evil cause suffering and tears. However the Sages understood that ultimately the ethical God will bring justice to the world and reward the suffering of the righteous. Death did not shock or amaze either the prophets or the Sages. It was the Greeks who were bothered by it. The Greek concept of the immortality of the soul was a denial of death. For the prophets and the Sages death was part of the reality of life and challenged man to

cannot have any inherent ethical content. This is in accordance with the Platonic theory of eternity, which asserts the existence of an eternal hyle.

110 The Rav is describing the Platonic theory of the universe, as described in the footnote above. The Forms are perfect, especially the Form of the Good. Matter is eternal and chaotic. This is the source of evil.

111 The Rav is now referring to the Aristotelian concept of nature discussed above.

112 The Rav is saying that for Plato, true reality is the Forms, which are distinct from matter, while for Aristotle there isn't any metaphysical content to matter. Even Forms for Aristotle are merely an intrinsic part of matter.

113 See Rambam Mishne Torah Yesodei HaTorah 4:7

114 Brachot 54a

115 See *Guide* section III: chapter 10. Rambam there writes that evil is not a reality unto itself, but merely a lack of perfection and good. This is in contrast to later Jewish thinkers, such as the Ramchal (*Daat Tevunot*), who understand evil to be a creation of God.

116 Shabbat 55a "Rav Ami says that there isn't any death without sin, nor is there any suffering without iniquity." The Rav is returning to his central point that while death is a natural event, it is nonetheless a consequence of man's evil deeds.

rectify the world through ethical action. Ultimately he would receive his reward in the World to Come.

In the World to Come there will be a return to the primal state in which human evil will be eliminated. As a consequence, both death and suffering will be no more.

Channah's prayer speaks of the suffering of a barren mother who is lonely for a child. She saw something that strengthened her hope in the elimination of evil because she was helped. If she was helped, man will be helped when he is poor and sick. It was on the basis of this prayer that the Sages formulated the second benediction of the Eighteen Benedictions whose central theme is the resurrection of the dead. In the end death will not prevail, because God helps all. The Jewish view of life was ethical.

For the Greeks, there was a longing for a golden age which in itself has no purpose. We do not have a golden age, but we have eschatology which means that history has a purpose. There is a guarantee for full realization of an ethical normative system. This, however, will only be realized in the Next World. In this world, ethics do not find their final realization. The days of the messianic era are part of the resurrection of the dead insofar as it brings the world closer to its full realization of an ethical existence.

By investigating the ideas of the resurrection of the dead, we have reached the following conclusions:

1. Judaism views God as an ethical personality.
2. There is no dichotomy between death and life. Death is not metaphysical but rather a natural part of life.
3. Death has an ethical content. It is a natural, biological event, but is brought about through man's sin. Through resurrection man will ultimately be the recipient of God's goodness and the fulfillment of God's ethical personality.

An understanding of the resurrection of the dead will give us insight into the other principles. Let us take, for example, the concept of God. For the Greeks, God could be understood only from a cosmological approach. They understood God from an architectural and teleological vantage. As a result, they were interested in cosmology. Jewish medieval philosophy was based on Greek thought and therefore based itself upon cosmological dynamics. God was identified with cosmological dynamics. Approaching God from a cosmic or biological viewpoint allows us to gain primary principles that are the underlying factor and law of all cosmic occurrences and phenomenon. This law is also beyond the cosmos. It is the common principle for universal occurrence¹¹⁷. The Greeks longed for nirvana - nothingness. Many Jewish

117 In the *Guide* section II chapter 5, Rambam brings proofs to God's existence from cosmological arguments. In chapter 30, he interprets the first verse of the Torah as indicating that God created the world with Wisdom (this is *Shem Tov's* interpretation of the expression used by Rambam describing the Biblical term *bereshit*). In section II chapter 12, Rambam describes creation as beginning in the thoughts of God and proceeding through emanations of thoughts. This description is Platonic in nature, and the Rav understands it as having influenced Jewish mystical philosophy such as kabbalah.

thinkers also had Platonic influences. The homeo-religiosis arrived at God in a mystical way. He had a principle of being which is not-being.

Hermann Cohen says that the Jews never had a cosmic approach to God. According to Cohen, such an approach is pagan. There is some truth to this view. Crude pagan ideas are placed within the world. Seeing God as a continuation of the cosmos is paganism. Therefore, Cohen viewed Spinoza as a pagan philosopher. What difference does it make if we believe in animism or not? For Spinoza, God exists in substance with infinite attributes.

For Cohen¹¹⁸, the Jewish approach is ethics. God is not to be discovered through the cosmos but through ethics. He gives to man a norm, authority and pressure that dictate acts and resist other acts. The norm is independent of man's will. The source of ethics is God. This is our approach.

Hermann Cohen¹¹⁹, however, was too radical because he denied the historical reality of Jewish history and tradition. This was because he was essentially a

118 In his book *Religion of Reason* in the chapter entitled 'Immortality and Resurrection' section 31, Hermann Cohen writes:

"The moral individual is the *individual of totality*, and therefore not only does he not vanish, but he achieves completion only in historical development, as prescribed by Messianism. The moral concept of the individual could not be realized apart from this development. *The idea of the historical development of the individual represents the total value, the high point of the concept of the moral person.*

The concept of immortality is thereby tied, on the one hand, to the sum total of moral ascents and, on the other, to physiological life and its infinitely ramified *heredity*. A harmony between material conditions and moral demands is thus made possible, while the myth remains based upon the egotistical empirical I with all its respectable yet ambiguous, affective and emotional claims. The hope for a reunion in the afterlife is the symptom of all those complications the notion of the empirical individual brings about.

Religion, on the contrary, makes use of the ethical concept of the "I" of totality, which Messianism demands. And this connection of the messianic future of the human race with its providential origin in the patriarchs of monotheism makes the Jewish teaching of immortality of unambiguous value. The patriarchs are the historical representatives of messianic mankind, and at the same time, as progenitors, they represent the biological background of propagation and heredity.

From these considerations it becomes more understandable how the Jewish tradition connects the concept of immortality, as the immortality of the future world (*olam habo*), with that of the Messianic Age, as the future times (*Athid habo*). At this point we are again reminded of Ezekiel's understanding and interpretation of the magic teaching of resurrection. For him this means the resurrection of the people (Ezekiel 37:11)."

Religion of Reason - Out of the Sources of Judaism Hermann Cohen, translation by Simon Kaplan. Frederick Ungar publishing company, New York, 1972 p. 308-9.

119 Hermann Cohen (1842-1918) a professor at the University of Marburg was the head of the neo-Kantian movement. In his most famous book *The Religion of Reason* he presents a philosophical understanding of Judaism based upon Kantian ideas of ethics and theology. For Cohen, God is essentially an epistemological idea which represents the unity of the ethical world. The purpose of man is to unite the ethical and natural world through an unending process which is based in God. Just as in science man goes through a never ending process of scientific discovery, which brings him closer to the goal of a scientific understanding of nature, so too man conducts a process of ethical discovery the essence and goal of which is the ethical concept which he calls God. Cohen posits that "the essence of the Jewish faith in God is the Messianic futurism of the prophets, which he interpreted in the spirit of modern liberalism as a continual progress towards the Messianic kingdom of ethics. He injects this Messianic concept into his ideal of the eternity of ethics and binds the two together. But the

Kantian (although Kant himself was influenced by the Jewish viewpoint¹²⁰). He denied a cosmic God and looked only for an ethical one. However, his concept of God and Judaism was purely abstract. He tried to synthesize Judaism with German philosophy¹²¹. This type of approach was typical of medieval Christian thinkers such as Aquinas¹²², who accepted an Aristotelian cosmic approach to God. Protestantism was a reaction to abstract theological reasoning and searched for truth inside of man as an ethical being. Its most important figure was Martin Luther¹²³ who also brought about the renaissance of the study of the Bible. This was similar to the approach of the prophets. Let us now turn to a new look at the Bible and an understanding of Judaism within a completely natural context¹²⁴.

Messianic era, which was to end all moral development, now becomes an unending work of ethical perfecting. Ethical structures do not end in a Messianic kingdom of peace. The prophetic picture of the Messianic end-time is only an aesthetic symbol. Ethics conceives of it as an infinitely distant goal which directs all ethical action, but which is never reached and because of this is continually present to us." For Cohen the God of ethics is the God of monotheism. (*Philosophy of Judaism* Guttman pp. 352-357).

120 "An echo of the longing for creativity, the ultimate desire of Judaism, makes itself heard in the philosophy of Kant, which is based upon the principle of the spontaneity of the spirit in general, and in the neo-Kantian school of Hermann Cohen, in the concept of the creative pure thought in particular" (*Halakhic Man* p. 163 footnote 147). In addition, in a eulogy for his uncle Rav Yitzchak Zeev HaLevi Soloveitchik (commonly known as the 'Brisker Rav') the Rav draws a direct analogy between Kant's revolution in Western philosophy and that of the Rav's grandfather, Rav Chaim HaLevi Soloveitchik's revolutionary approach to Talmudic thought and methodology. As the Rav explains: "Kant, in his day, declared the independence of pure reason of scientific-mathematical cognition. Rav Chaim waged a war of independence for halachic reason and demanded its absolute autonomy. Psychological or sociological interpretations of the halacha are dangerous for its very essence, just as empirical evidence undermines mathematical concepts. If the halacha is based on worldly agendas, it loses its objectivity and degenerates into subjectivity..."

121 "Since the time of the great medieval philosophers, Jewish philosophical thought has expressed itself only sporadically, and then in a fragmentary manner, and this largely upon premises which were more non-Jewish than Jewish. The most characteristic example is to be found in Hermann Cohen's *Philosophy of Religion*, which, for him, was identical with the philosophy of the Jewish religion. There are many truths in his interpretation, but the main trends are idealistic Kantian and not Jewish." (*The Halachic Mind* p. 101)

122 Thomas Aquinas (1225-1274) created a synthesis of Augustine and Greek philosophy. In his *Summa Theologica* he integrated Aristotelian philosophy with the Western Christian tradition. There he produced proofs for God's existence based upon Aristotelian arguments for a Prime Mover.

123 Martin Luther (1483-1546) rejected Aquinas's use of Greek philosophy in Christian theology. Logical arguments proving the existence of God, such as those used by Aquinas, were insufficient for proper faith. Instead of discussing God in rationalistic terms a Christian should look towards the revealed truths of Scripture and make them his own.

124 The Rav in the above passage has discussed the philosophical and rational approach to religion, both in Judaism and in Christianity. His reference to Luther is an attempt to show that in Christian theology rationalism was rejected for it does not supply the needs of faith for a religious life. In the next chapters the Rav himself will take a similar turn against the rational conception of Judaism, personified in his opinion by Hermann Cohen and Emanuel Kant, and turn to a direct reading of Scripture to formulate a new philosophy of Judaism which is in line with the halacha.

Lecture 4

If were you to ask an Orthodox Christian about his view of man and if he is acquainted with philosophical anthropology and also with modern science then he will present three distinct points of view.

1. The Judaic Christian (Biblical) viewpoint¹²⁵
2. the Classical Greek viewpoint
3. the modern scientific viewpoint

Should we press him for those three irreconcilable interpretations he would explain and reference anthropological formula in distinct contradiction to the naturalistic view of modern science. In the Greek and Biblical points of view man is separated by a great unbridgeable gap from both plants and animals. All that man, plants and animals have in common is that they are all organic matter. Beyond this common denominator there is a great distinction not only in degree but also in kind. The Classical and Biblical viewpoints are incommensurable. The Bible explains that the ontic metaphysical autonomy of man is based on his uniqueness as a creature endowed with a Divine Image whose essence is determined by the polarity of obedience and revolt against the Creator¹²⁶. He is endowed by Divine alternatives pulled by either the Satan or a positive transcendental spirit¹²⁷. There is no terse explanation. The Greeks instead of Divinity and polarity of sin and existence in God saw the freedom and autonomy of man as a cognitive innovative being equipped with grasping ideas and terms and able to raise himself from chaos of a semi-sensual being to the abstract clarity and stability of eternal conceptual order¹²⁸. For those whose belief system lay in the Bible there was the mystic of

125 By Judaic or Biblical viewpoint the Rav is referring either to medieval Jewish interpretation of the Bible or to later kabbalistic interpretations. This is in contradiction to the Rav's own interpretation which he will develop later on in these lectures. His view is based upon his own understanding of the Biblical text, the prophets and the Talmudic sages.

126 See Rambam's *Guide* section I: chapter 1 where he interprets the Bible's description of man being created in the image of God as referring to man's intellect. In section III: chapter 17 he uses this idea to explicate the distinct difference between man and the rest of nature. This distinction is that man is subject to Divine Providence whereas animals and plants are not. As a consequence man is punished or rewarded as a sole function of his ethical behavior towards God.

127 In *The Emergence of Ethical Man* the Rav writes:

The New Testament, drawing on the idea of individual *het* ("sin") which found its full formulation in Ezekiel, shifted man to a different plane and portrayed him in a different light. Man is not any longer the pendulum that swings between birth and decay but the being who is torn by satanic revolt, sin and obedience, between living and falling from his God-Father. Both sin and submission are traits related to man as a spiritual-transcendental being. Man-animal can never sin nor humble himself. It is the spirit that revolts, the spirit that submits itself. Man as a biological being is incapable of either. The spirit is in an eternal quest of self-transcendence, to exceed its own relativity and conditionality, and reaches out beyond itself toward regions of absoluteness and indeterminacy. (p. 8)

128 In *The Emergence of Ethical Man* the Rav writes:

The world of man, these two anthropologies [the classical and Biblical] maintain, is incongruous with that of the animal and plant, notwithstanding the fact that all three

the transcendental *tzelem* (image)¹²⁹. For the Greek belief system shibboleth is cognitive. It is that which gives man his autonomy.

Modern science says that the Christian idea of metaphysical autonomy of man is a myth. There is no ontic discrepancy. The unity of all life is a postulate of science. Man, plant and animal are all placed in the same structure of organized matter. The difference between them is only with respect to the degree of diversity, complexity and organization of living matter. But it does not affect the kind. There is psycho-spiritual life but this is mere complexity. Life as such shares itself with all three. Man came late and differs little as to the inner core of biological existence. The contrast between the mechanists and the vitalists is merely functional. If life is the end result of a physical or chemical process of the non-biological world, the difference between mechanism and vitalism if life is based on the principle of a life substance or a philosophical vitalism which determines evolutionary unfolding. However all agree with the mechanist that the same substance operates with man and the simplest cell. The gap is only between inorganic and organic matter, not between man and animal. Unity and the continuity of living matter is the password of biology¹³⁰.

One of the most annoying scientific facts to rationalize away is the daily jargon of creation and evolution. It doesn't reflect the real conflict. Neither evolution nor creation is contradictory. It is easy to put creation into evolution. With only slight modifications one can adjust Genesis to evolution.

groups of organic life are governed alike by kindred rigid natural processes and structural developmental patterns. Man is finite and corporeal, yet different; he is not a particular kind of animal. He is rather a singular being. The Biblical and Greek views, of course, disagree as to the distinctive element in man. For the Bible, the mystical image of the transcendental God (*tzelem E-lokim*), as well as the metaphysics of the nous and the logos for Greek antiquity, serve as the ground of man's essential autonomy and his "incommensurability" with other living beings in the ontic realm. (pp.3-4)

129 The kabbalists understood man's Divine Image as referring to a metaphysical dimension. See for example *Nefesh HaChaim* (Rabbi Chaim Volzhiner - a direct ancestor of the Rav) who writes (shaar 1: chapters 3-4) that the Biblical description "image of God" refers to man's ability to metaphysically affect the spiritual worlds by virtue of the fact that the essence of man is itself located in the highest of the worlds.

130 In *The Emergence of Ethical Man* the Rav writes:

In contradistinction, the modern scientific viewpoint spurns the idea of human autonomy as mythical and unfounded and denies the ontic discrepancy between man and animal-plant. The unity and continuity of organic life is looked upon as an indispensable postulate of all chemical sciences. Man, animal and plant are all placed in the realm of matter, organized in living structures and patterns. The differences between the vegetative-animal and human life concern just the degree of diversity, complexity and organization of life-processes. Life as such is a common grant from nature to all three forms of organic matter, and they share it alike.

As a matter of fact, the contemporary scientific view insists that man emerged very late in the process of organic evolution and thus differs very little from his non-human ancestors as far as his biological existence is concerned. He is an integral part of nature. Even his so-called spiritual activities cannot lay claim to autonomy and singularity. There is no unique grant of spirituality in man. The alleged spirit is nothing but a mere illusion, and appearance, the sum total of transformed natural drives and sense experiences. Spirit, or soul, is reduced to psyche, and the latter - to a function of the biological occurrence. (p. 4).

The problem is not that of Genesis, for in reality it is not so complicated and annoying as that of the autonomy and heteronomy of man¹³¹.

Both the Biblical and Greek viewpoints are opposed to science which claims that spiritual life is determined by the same laws as that of a plant or animal. We claim that man has metaphysical autonomy. This is the clash of antiquity with modernity. Our problem is that of autonomy. Is there biological unity in the Bible for us Jews? We speak about the Bible in our own way as if it is our Bible. But there are ways to discuss it. Perhaps metaphysical unity is a Christian idea and we assimilated it in the Middle Ages through the influence of Greek philosophy and by raising it man became separated from the rest of being. Pragmatically¹³² it is not good. Let us look not through the religio-politic but let us weigh ideas on objective "scientific" merits.

The verses from Genesis must be read, unbiased, without Rashi and Ramban. If so, the story bespeaks the unity of the universe. The emergence of the world through the Word of God is based on the principle of order and logical dynamic sequence. Heaven and earth are the framework. Light, globe, vegetation, animal and man are in a pattern of unity. The Torah presents a meaningful pattern of homogeneous succession and not heterogeneity. Let us go to the organic world and the description of the creation of life.

"Let the earth put forth grass... The earth brought forth grass" (Genesis 1:11-12).

"And God created the great crocodiles and every living creature that moves... and God blessed them saying, "Be fruitful and multiply"" (ibid. 1:20-22)

"And God said, "Let us make mankind in our image... And God blessed them, and God said to them, "Be fruitful and multiply", replenish the earth"." (ibid. 1:26-28)

"And God said, "Behold, I have given you every herb bearing seed which is upon the face of all the earth.... To you it shall be for food." (ibid. 1:29)

"And the Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life, and man became a living soul." (ibid. 2:7)

All the reports of creation of both animal and man take account of the common origin of life - dirt. All three forms of living matter - vegetable, animal, and human - emerged from mother earth. This phrase is due to the

131 In *The Emergence of Ethical Man* the Rav writes:

Indeed, one of the most annoying scientific facts which the modern *homo religious* encounters and tries vainly to harmonize with his belief is the so-called theory of evolution. In our daily jargon we call this antinomy "evolution versus creation". The phrase does not exactly reflect the crux of the controversy, for the question does not revolve around divine creation and mechanistic evolution as such. We could find a solution of some kind to this controversy. What in fact is theoretically irreconcilable is the concept of man as the bearer of the divine image with the equaling of man and animal-plant existences. In other words, the ontic autonomy or heteronomy of man is the problem. The Bible and Greek philosophical thought separated man from the flora and the fauna; science brought him back to his organic co-beings. (pp. 4-5)

132 The Rav's use of the word "pragmatically" means that since modern philosophy and science have long rejected the view of Greek philosophy especially as applied to theology in the Middle Ages, it is more useful and pragmatic to take a view of the Bible from a more modern, "scientific" viewpoint.

living matter of all objects. The word for man – *Adam* – comes from the word *adama* – earth. When the curse of death is imposed by God He says to man, “You are earth and you will return to the earth” (Genesis 3:19). That is to say you will return to your source. If man were a Divine Being with a transcendental image, then the word *adam* cannot describe it. A transcendental being cannot return to the earth. In the background is an organic, earthly being, at one with plant and animal. This viewpoint reaches back to Tanach. The naturalistic formula of man was common knowledge of Chazal and the prophets. They didn't resent or reject it.

From Paul¹³³, Augustine¹³⁴ and Aquinas until present Christian theologians all resent the naturalistic formula. They accept the duality of man's transcendence in the natural world¹³⁵. To them, it is the same difference as that between God and a brute. They resent the view of man as naturalistic. The reason for this lies in the discrepancy between the Old and New Testaments. In Tanach man is a natural being on the same plane as the rest of the biological world. The naturalistic idea in Tanach is expressed by man's instability, helplessness and vulnerability. These are traits which the prophets¹³⁶ used to describe man in contrast to the Creator¹³⁷.

133 “The paradox of Christian ethics is precisely that it has always tried to devise a code for society as a whole from pronouncements which were addressed to individuals or small communities to separate themselves off from the rest of society. This is true both of the ethics of Jesus and of the ethics of St. Paul.... St. Paul's ... ethics [should be understood] in terms of the pointlessness of satisfying desires and creating relationships now which will hinder one from obtaining the rewards of eternal glory in the very near future.” (MacIntyre (1998) *A Short History of Ethics* Notre Dame University Press, Indianapolis p. 117).

134 “The Platonic dichotomy between the world of sense perception and the realm of Forms is Christianized by St. Augustine into a dichotomy between the world of natural desires and the realms of divine order. The world of the natural desires is that of his love for his mistress before his conversion and that of the *Realpolitik* of the earthly as against the heavenly city (“What are empires but great robberies?”). By an ascetic discipline, one ascends in the face of reason, receiving illumination not from that Platonic anticipation, the Form of the Good, but from God. The illuminated mind is enabled to choose rightly between the various objects of desire which confront it. *Cupiditas*, the desire for earthly things, is gradually defeated by *caritas*, the desire for heavenly, in what is essentially a Christianized version of Diotima's message in the *Symposium*. (MacIntyre (1998) *A Short History of Ethics* Notre Dame University Press, Indianapolis p. 117).

135 In *The Emergence of Ethical Man* the Rav writes:

Man's haughtiness becomes for Christianity the metaphysical pride of an allegedly unconditioned existence. Jewish Biblical pride signifies only overemphasis upon man's abilities and power. In view of all that, the New Testament stresses man's alien status in the world of nature and his radical uniqueness.... The Christian theologians never tried to reconstruct the story of the creation of man out of the wholeness of creation. Whenever they read the story, they instinctually clung to the verse “Let us make mankind in our image” (Gen. 1:26), and by doing so, they established his supernatural character, his interaction with a transcendental world. They did not dare to tell the story of man in the aboriginal terms of Genesis. (p. 9)

136 The prophets express astonishment that God takes an interest in human beings, for man is too insignificant.

137 In *The Emergence of Ethical Man* the Rav writes:

“To whom can You compare Me?” (Isaiah 40:18)¹³⁸

“Who is man that you should consider him?” (Tehillim 8:45)¹³⁹

All of these traits suggest the naturalness and immanence of man in the world.

“Man's origin is from dust, and his end is dust. At the risk of his life he earns his bread. He is likened to a broken shard, a fading flower a passing shade...”¹⁴⁰

Man is enmeshed in the world¹⁴¹. The confluence of man in the world is like that of the grass. It is short lived, weak, helpless, vulnerable. If he were transcendental and not at one with the world then the comparison to grass, animals and shadow would be nonsensical. Never in the prophets are the transcendental qualities of man indicated. Rather his unity with nature is emphasized. The cycle of birth and death conceived by Tanach is the same as the cycle of growth and decay in a plant¹⁴². Death to the biologist is part of the biochemical process of life. It is a closing of the organic cycle of birth, growth and death. Death is not something beyond life; it is rather part of life. Life cannot exist without death. Without death there is no life. One can only prevent premature decay. This is the way of the Bible; flesh and soul are in the same causality. This is expressed in the verse “Those who live in houses of physicality” (Job 4:19).

The expression “Son of death” (Tehillim 102:21) indicates that man is life within which death has been implanted. He is also called “*ben adam*” - son of the earth”. He is the son of the earth, he is worth nothing. The phrase “Now you, son of earth”¹⁴³ has a shade of sarcasm. This is when God uses *ben adam* to refer to man.

The verb 'death' is applied equally to both man and animal. For example “Should an animal die” (Exodus 22:9); “And Sarah died” (Genesis 23:2); “May Your dead come to life, may my corpses arise” (Isaiah 26:19).

The Hebrew Bible is cognizant of man as a natural being found on the same plane as the animal and the plant. Indeed, such an idea is a motivating force in Jewish ethics and metaphysics. The nihility, instability, helplessness and vulnerability of man - human life and death - are populate themes of prophets who contrast him with the eternity, unchangeability, everlasting lie and omnipotence of the Creator. All those negative traits suggest the naturalness and immanence of man rather than his spirituality and transcendence. (p. 7)

138 see *Guide* section I: chapter 51 (Schwartz 136)

139 See *Guide* section III: chapter 17 (Schwartz 472)

140 Yom Kippur Mussaf - *unetaneh tokef*

141 In *The Emergence of Ethical Man* the Rav writes:

Man in the story of creation does not occupy a unique ontic position. He is, rather, a drop of the cosmos that fits into the schemata of naturalness and concreteness. The Torah presents to us a successive order of life-emergence and divides it into three phases; the last of those living structures is man. The viewpoint is very much akin to modern science.

142 In *The Emergence of Ethical Man* the Rav writes that the verses in Tanach “denote the common fate of man, animal and plant, the cycle of birth, growth deterioration and death.” (p. 7-8).

143 In Ezekiel the prophet is constantly referred to as *ben adam* - son of man/earth.

With regard to man - "Speak: Thus says the Lord - And the carcasses of men fall as dung upon the open field, and as the handful after the harvestman, which none gathers." (Jeremiah 9:21) - and similarly with regard to animal - "or if any one touch any unclean thing, whether it be the carcass of an unclean beast, or the carcass of unclean cattle, or the carcass of unclean swarming things, and be guilty, it being hidden from him that he is unclean" (Leviticus 5:22).

The prophet never speaks of man as a transcendental being. Man is spoken of in terms of weakness and disgust who wants to be glorified as omnipotent. There is no metaphysical aspect by which man is described in the prophets. The immediacy of man and nature was elementary in Tanach. Christianity, however, only accepted mortality after original sin. When God said to Adam "You will surely die" (Genesis 2:17) he meant that man will now become mortal. However, many of the Jewish medieval Rabbis did not accept the literal meaning of the verse¹⁴⁴. Rambam did not accept it¹⁴⁵. The Raavad didn't¹⁴⁶. The Ramban quoted it and weighed both¹⁴⁷. He does not necessarily accept man's naturalness but doesn't resent it. Because for Jews death is the conclusion of a process. For Christians, death and sin are the same. "the wages of sin is death"¹⁴⁸. He doesn't die like a plant or animal. Man does not

144 In *The Emergence of Ethical Man* the Rav writes:

The relationship of Jewish scholars and Christian theologians to death will serve as a very conspicuous illustration. Jewish scholars are inclined to accept death as a natural phenomenon that is a part of the biological process (Maimonides, *Guide to the Perplexed* III: 10); Ibn Ezra on Genesis 3:6; Nahmanides, Genesis 2:17 and many statements of *Hazal*, while Christian theologians consider death a punishment for what they term the original sin. (p. 13).

145 It appears that the Rav is referring to what Rambam writes in chapter 8; halacha 1 of *Hilchot Teshuva*:

"In the world to come there is no physical body but only the souls of the righteous without their bodies, just like the angels." The Rav understands Rambam's position to be that since the body is physical it cannot exist in the spiritual world to come.

146 The Rav is referring to Raavad's critique of Rambam on the halacha cited above. There he takes issue with Rambam's position that in the world to come there will be no physical bodies. He writes, "However it is possible that the Creator will place them into strong and healthy bodies like those of the angels." The Rav interprets this to mean that man's physical body which he possessed on earth cannot accompany him in the world to come, but has to be replaced by another sort of body.

147 See his commentary on Genesis 2:17 where he presents the opinion of natural philosophers who claim that "man was destined to die from the onset of creation because of his physical composition. Now God decreed that if he sins he will die as a consequence of his sin, just as those who are guilty of capital crimes are put to death by the hand of God." He then brings the opinion of the sages who say, "Had man not sinned he would never have died, for the supernal soul gives him eternal life" (paraphrasing Talmud Shabbat 55b). The Rav takes note of the fact that Ramban does not reject the first opinion of the natural philosophers, but merely contrasts it with the opinion of the sages. The truth is that in his interpretation of the opinion of the sages he draws it closer to the opinion of the natural philosophers.

148 See *Emergence of Ethical Man* p. 13: "Christians speak of death as the wages of sin. Whoever lives in Christ can never die. Moses died to demonstrate that man is mortal

die within the structure of organized matter, but is inflicted with death as a penalty. Metaphysical death is not biological death; rather biological death is a consequence of metaphysical death. When Jesus came his job was to heal, not as a miracle, but his task was to heal both. When he sends out his apostles "Go out to heal the sick", healing is a treatment to combat death. Death is metaphysical. When a person comes back to the Creator he is alive. By purifying man of his sins he is cured of illness. This is Christian science. This can only be if death is metaphysical. The mind is psychosomatic. Biological death is a fall from the Creator. There is no distinct biological death.

In Scripture we find the concept of death sometimes viewed as a punishment. This idea is also Jewish. We find it in Ezekiel. "I do not desire the death of the wicked... Why should the house of Israel die - they should repent and live!" (33:11). This however, doesn't contradict the naturalistic role. The secondary idea of death as a punishment is not as important as the naturalistic idea. Maybe due to Sadducees and Essenes this secondary idea was isolated from the totality, the whole complex was ignored and the transcendental component was translated by the Christians as a powerful philosophy.

In Chazal we see that with the death of Moshe Rabbeinu he wanted to become immortal. There is a flamboyant description and a tenacity of the decree of death. God says to Moshe, "But the Lord was angry with me for your sakes, and did not listen to me; and the Lord said to me: 'Let it suffice for you; speak no more to Me of this matter'" (Deuteronomy 3:26). Christians would make him immortal¹⁴⁹.

We see that the patriarchs died natural deaths, which is the meaning of the verse "Avraham grew old to ripe old age, old and satisfied." (Genesis 25:8).

This indicated that death came when biological life came to its conclusion. They knew that they would die and gave wills and messages. There was no tragedy. Only in the New Testament do we see that death is a tragedy. This is also the view of modern man. The Christian tries to solve death. Jesus symbolizes the overcoming of death. Every man by living through him attains immortality because Jesus was God. Only Chazal were naturalistic and viewed death in the same way as the science of biology. However, the Jewish belief in resurrection becomes more complicated. If death is accepted as the natural end of life, why is there a need for the resurrection?

Since Augustine and even Paul, man as a natural being became corrupt because nature is corrupt. A being worthy of being must deliver himself out of the bonds of nature and rise to the plane of transcendental existence away from nature. Mysticism and asceticism allowed man to live through this theory. They would leave family and pleasure to demonstrate that they are not tied by natural bonds, as opposed to ecstasy which came later. They would burn all means and let their wives and children starve to allow for freedom from family bonds which are corrupt natural bonds. Livelihood was a blessing from God to Jews. This way of life was encouraged by Lurianic

(Romans 6:23). Also John 11:26 "And whosoever lives and believeth in me shall never die. Do you believe this?"

149 In *Emergence of Ethical Man* p. 13 "Moses died to demonstrate that man is mortal".

philosophy¹⁵⁰ but was always confined to a small group. It never affected the masses or halachic scholars, as we see from the Sages' discussion of the Nazir¹⁵¹. The Halacha develops ambivalence of man. Man is beautified painting on the canvas of nature. Christianity makes man alien, death is metaphysical. There is a discrepancy. There is the tragedy of man on the one hand, and the natural complexity of the organized structure of life, and on the other hand transcendence. For us natural is dominating, not transcendence. Even the soul of man is identical to spirit. *Nishmat ruach chaim* (Genesis 7:22) refers to breathing - *neshima*¹⁵². Part of the soul is identical with natural phenomena.

וַיִּבְרָא and וַיַּעַשׂ refer equally to the atmosphere, animals and man. Only *tzelem* changes man.¹⁵³

Christians use the word *tzelem* too much. The same terms of creation are used in connection with man as with the rest of creation. The words וַיַּעַשׂ and וַיִּבְרָא are a different problem. Man sprang out of the earth just as any other form of life. The Bible portrays him in finite, scientific terms.

Let us analyze the immanence of man. Let us free ourselves from Christian ideas that developed afterwards. With confluence with mother earth as a compass, let us use Judaic and Greek division of mineral, plant, animal and man. Medieval philosophers used *medaber* to show the difference, even though animals 'speak'. The word *medaber*, for them, meant *logos* - thought, word etc.¹⁵⁴ the only difference between modern science and medieval classification is that while medieval philosophers isolated the classes of species from each other, science thinks it knows of the transition and continuity of the last three - plant, animal and man - and hopes to find the transition from the first to the second - from mineral to organic. Religion is not interested in the failure of science, but is more interested in logical sequence. Let us start with plant rather than mineral.

150 In Lurianic kabbalah

151 Nazir 23a where Chazal discuss the Nazir as being a sinner.

152 The Rav here is referring to a passage in Talmud Yoma 85a. Based on the verse "Everything which has the soul of a living breath in its nostrils, from everything that is on the dry land, died" the Talmud says that the determining factor of whether a person is alive or not is breath in his nostrils.

153 Genesis 2:7. See the commentaries of Ramban and Sforno who understand that man was first created as a living creature without a *tzelem* and only afterwards did God imbue him with the *tzelem*.

154 See Rambam *Guide* Section I: chapter 65 (Schwartz p. 167)

Lecture 5

Let us divide up organic nature. Does Judaism identify man with plant life? Does Torah or halacha identify ontically and metaphysically the plant with man? Is man simply a continuum and transition from plant life, or does he contain within himself plant life? Halacha not only sees man as a continuity of plant life, but identifies and places him within plant life. The medieval commentaries divide up man's soul into three categories – the *nefesh tzomeach* (plant soul), *nefesh behamit* (animal soul) and *nefesh Elokit* (G-dly soul)¹⁵⁵. In both the microcosm and the macrocosm man participates in the cosmic drama. Man is the central participant in the first scene of the cosmic organic drama¹⁵⁶. Man is not only a spectator. A plant has a living structure displaying propensities of change, growth, regeneration and multiplication in distinction to other mere organic matter. This is whether we take the view of the mechanists or the vitalists¹⁵⁷. Life already displays behavior – behavior bespeaks division, both within and without. Even mechanists, who try to explain life anatomistically as a summation of bio-physical changes, whose tendency is to preserve internal structures, draw a parallel between structure and outside life. Most moderate mechanists relate functional movement of living structure to attainment. Leaves turn to face the sun and roots reach out to water – the behaviour regulates structure within and without. Phenomenologically behaviour is flexibility to environment and bespeaks parallelism to within and without¹⁵⁸. Although the structure of the plant within may appear to have nothing to do with its environment, this is not the case.

¹⁵⁵ Ramban Genesis 2:7 “And man was a living soul”. Ramban writes that the philosophers of nature divided up man into three categories of soul: ‘the soul which grows like a plant’; ‘the soul which moves like fish and animals’ and ‘the soul which possesses intellect’.

¹⁵⁶ See *Guide* section I: chapter 72 where Rambam describes man as an *olam katan* – a microcosm of the world.

¹⁵⁷ In *Emergence of Ethical Man* page 4 footnote 1 the Rav writes:

The controversy between mechanists and vitalists is impertinent to our problem. Whether life be considered as an accidental end-result of physical and chemical processes similar to those appearing elsewhere, or is a unique endowment of matter whose unfolding is determined by finality, not by accident, does not alter the implications of the controversy between the scientific and Biblical-classical formulae. Even the staunchest vitalist would accept the scientific thesis concerning the unity and continuity of organic matter. The simplest organism and man are determined by a specific bio-causality.

¹⁵⁸ See page 14 in *The Emergence of Ethical Man* where he writes:

The plant as an organism is a living structure displaying the propensities of change, growth, reclamation, regeneration, and so on. This living structure already displays behavior which bespeaks a within and without, as could only a highly organized system of chemical reactions found elsewhere, or one endowed with a unique functionalism. In the mineral world, it is impossible to speak of an object and its environment or outside; the object is a part of its environment. You cannot say “the table is in contact with its environment”; this would presuppose a within which behaves toward its outside in a certain manner. But we do speak of a structured organism – environment field, and although there is interaction between a living structure and its outside world, we still consider the organism to be a bounded entity, rooted in inner existence. There is reciprocity but also a polarity of within and without.

The inner structure of the plant runs parallel to that which is outside it¹⁵⁹. The world within and without is not possible in inanimate matter.

Before the modern theory of electro magnetism, physics understood the world as consisting of independent objects in an abstract space. Maxwell formulated the concept of a field which viewed the nature of reality as a continuum, each point of which possesses a different value for a force. This eliminates the notion of independent objects. Therefore there is no object such as a table, but only a description of points in space according to the strength of electro-magnetic forces. This would appear to bring physical theory in closer proximity to plant biology and the notion of an object within an environment. However, field theory of physics cannot be applied to biology. This is because the concept of a field is a mathematical abstraction. In biology there is a real organism and an interaction with its environment. As far as physics is concerned, the real world does really exist – it is a mere creation of the mathematical mind. Eddington viewed the world as a creation of raw mathematics. Newton and DesCartes viewed the world as the work of an engineer which can be described in mathematical language.

The interaction with the environment is a confluence of interaction and functional intimacy. As long as an organism is naturalized and not a machine there is something which the environment doesn't foresee. With a flexible design the confluence of organism and environment is a give and take. But metaphysically you must speak at first of a bounded entity. Not the worlds of Leibniz with no door. There is a door but it is bounded with interaction. There is reciprocity but also polarity of within and without. Substantive vitalism was not accepted but functional vitalism was.

The within-without relationship of a plant with its environment is based upon two principles.

1. Inwardness – an inward drive which is not psychological.
2. An outward drive which seeks to complement its environment.

The confluence between a plant and its environment is similar to that of man and his environment. This is not only true of man's social relationships, but also of his physiology which requires the intake of oxygen and light. All

¹⁵⁹ In *Emergence of Ethical Man* page 15 the Rav writes:

The plant displays two important characteristics that are pertinent to our problem.

- (1) A *within-without parallelism*. "The organism exists because outer changes and inner adjustments are nicely attuned" (Murphy, p. 4). In other words, there is an inner-essence existence which behaves toward the outside in a certain fashion. The structured entity must maintain contact with its environment, otherwise it will die. The crystal has absolutely no relationship with the world outside. It is either completely encapsulated or, on the contrary, forms part of the environment. The plant is on the one hand, bounded as an internal structure; on the other hand, it cannot be isolated from the environment. It has an inner existence, which depends upon an outer world.
- (2) Notwithstanding the first characteristic of existence within, the plant functionally and phenomenologically flows together with its environment; the world and the inner structure form one self-nonself.

behaviourism is a consequence of an organism's relationship with its environment¹⁶⁰.

There is a major distinction between the confluence of both man and animal with their environments in contrast to that of the plant with its environment. The plant has a fixed immediate environment. As such a plant can be understood as part of a greater landscape which is still life. On the other hand, man and animal are not part of their environment but rather actively make use of it.

This phenomenon is described by the Bible in the verse "Let the earth put forth grass (Genesis 1:11). Rashi in his comment there says "let it be filled and covered with a garment of grass." We see from the words of Rashi that grass constitutes a type of clothing for the earth. Without it the earth would be naked.

Plants assimilate minerals and CO₂ and this is sufficient for their sustenance. Man, however, cannot be bound by a fixed environment because he requires other sources of sustenance. He cannot subsist solely on inorganic matter. This is the biological difference between plant and animal/man.

The outer changes and inner order of the plant are related. The inner existence behaves mechanistically towards the outside in an additive fashion. This is in addition to its inner existence. But phenomenologically it functions with the outside. Its self and non-self are not conscious but is nonetheless completely confluent with and integrated into its environment.

Halachically man is identified with a plant¹⁶¹. This is expressed in biological terms such as breathing and circulation. Concerning these functions man is similar to a plant because they occur without his knowledge and without his determining them and without his participation. The physiology of man has an aspect which is the same as that of a plant. It just lives. The same automatic function operates in man and regulates his response. We are conscious of these functions through our observation of others. In such a case man is an object. Man as a subject is not cognizant of blood circulation or respiration. They are automatic functions.

Let us now speak about man in relation to his environment. Man is isolated from his environment. Primitive man was more integrated. The more they

¹⁶⁰ In *The Emergence of Ethical Man* p. 16 the Rav writes:

Let us return to man. The old macrocosm-microcosm idea describing man as a participant in the entire cosmic process may prove useful in regard to our problem. The background of life structure within the structured whole is common to all forms of life, including man.

Concerning his entire physiologico-biological functional system – breathing, assimilation of organic matter, circulation of the blood, glandular secretion, and so on – man does not differ from the plant. The same automatic non-telokeneic (non-self-conscious) functionalism, which operates within man and regulates his response to the outside, prevails in plant. In this regard, man is not to be found one degree above the physiological operation of the plant. We are not cognizant of the functions of our body (what we know we attain by observing others or ourselves as objects) and there is no possibility that man will ever become directly conscious of that physiological performance. There is no act on the part of man concerting those inner-outer functions, which are inherent in the plant.

¹⁶¹ This refers to the halachic definition of life which involves a description of man's state either in terms of respiration or circulation. See lecture 7 below.

were primitive the more they were integrated. A peasant is part of the ground. A Rabbi is not part of mother earth.

In philosophy there are two tendencies. One is by getting further and further from the field environment. This is the period of enlightenment. Man becomes completely independent of nature. Technology makes him independent of natural science. In politics thought attached to fatherland is derogatory. The more European the more man he was. Certain philosophies held of a return to nature. The corporate state is to integrate man with his environment. Fascism intimately binds man with the earth. The blood of the earth is in man. Much is distorted¹⁶².

¹⁶² In *The Emergence of Ethical Man* the Rav writes:

Certain philosophies are bent on freeing man from his confinement to a fixed environment. European intellectualism and rationalism and scientific technologism pursue it as a prime objective. Primitive man was more tied in with natural surroundings than the modern *homo sapiens*. Imagining man-brute, we see him enmeshed within a certain environment, be it the jungle, be it the cave. Some philosophies proclaim the ideal of return to nature. Such a controversy finds its echo in political philosophy. The idea of fatherland bespeaks the bond between man and a fixed environment (political and also natural; fatherland is described not only by political attributes but by natural topography). In the last century, European intellectuals thought that one becomes more man in proportion as one dissociates himself from his fatherland. The ideal of cosmopolitanism implies detachment from fixed surroundings. On the contrary, the corporate state-ideal places man within a certain segment of Mother Nature and appraises this as the highest virtue. The method of abstraction, *prima facie* a logico-epistemological method, is also, at times, a way of living. Man abstracts his own existence from the concreteness of the environment; thus, all those philosophies which saw in intellectual abstractionism the model of cognition display cosmopolitan tendencies. With the return of certain philosophers to the aboriginal sensuous apprehension of reality and with the rehabilitation of the primitive immediacy of naive knowledge, the contact between man and the world outside becomes more intimate. Such a romantic upsurge of man toward primordality and oneness with the world outside has its effect upon political philosophy (Bergson's *elan vital*, intuition) (p. 17).

Lecture 6

The Talmud is a compendium of scientific knowledge¹⁶³. This knowledge, however, is not contained within the aggada, but rather the halacha. Primitive man believed in the 'Golden Bough'¹⁶⁴. They saw in each tree that grew an abode of *animus* – spirit. Man had not yet redeemed himself from the myth of animism or panpsychism which is how ancient oriental mysteries viewed the concept of god. Even Aristotle, whose works on botany are a treasure of explanations based upon universal classes, thought that there is an idea, similar to the human soul, which is inherent in the tree and makes it grow¹⁶⁵. There is an aggada which says "there is no blade of grass below which doesn't have an angel above hitting it and telling it to grow"¹⁶⁶. This idea was never explored or debated. It was just accepted. Hence aggada is ideology¹⁶⁷. Halacha, on the other hand, explored, explained and was debated. Halacha was concerned with realia. The halacha was aware of the Aristotelian method of systematization and classification. It accepted concepts of species, genera, groups and families¹⁶⁸. Such classifications are important for areas of halacha such *kilayim*, *maaserot* and *terumot*. In fact, the whole concept of *kilayim* is classification for the prohibition is to combine two plants or animals from different groups. In order to speak of a prohibition of *kilayim* one must necessarily have these types of classifications. A major part of the Mishnaic tractates of *kilayim* and *terumot* are devoted to this¹⁶⁹.

¹⁶³ In *The Emergence of Ethical Man* the Rav writes:

"As to the interpretation of the realia, the Halakhah is extremely objective and scientific. It is concerned with the morphological problem of species and genera. General botanic systematization is a part of the halakhic interpretation. Such a classification is of utmost importance. The concepts of 'kind' and 'species' carry full halakhic validity. The method of systematic description, of abstraction, is similar to that of our general botany and zoology. The Halakhah displays an amazing power of observation of structural details.

¹⁶⁴ This is a concept taken from the book *The Golden Bough: A Study in Magic and Religion* by Sir James George Frazer, first published in 1890 which describes the paganistic concept of nature.

¹⁶⁵ In his book *On the Soul* Aristotle writes "But plants and many animals when divided continue to live and each segment is thought to retain the same kind of soul". (Translated J.A. Smith). The Rav is claiming that even Greek science had not freed itself from the influence of paganism and ancient myth. This is in contradistinction to the Talmudic sages who used objective, rational ways of understanding nature in order to formulate halachic concepts and categories (p. 18).

¹⁶⁶ Bereishit Rabba 10:6

¹⁶⁷ The Rav's point is that unlike the halacha, aggada is not debated and therefore does not necessarily make use of objective, scientific concepts. For this reason we see that it was treated differently than halacha. See, for example, Yerushalmi Shabbat 16:1; Yerushalmi Nazir 7:2. See also 'Disputation of Ramban' in *Kitvei Ramban* vol. 1. p. 308 ed. Chavel 1963 Mossad HaRav Kook.

¹⁶⁸ In *Halachic Man* p. 21 the Rav writes, "When (halachic man) sees trees, plants and animals, he classifies them according to their species and genera. Many laws are dependent on the classification of the species. When a fruit is growing, halachic man measures the fruit with the standards of growth and ripening that he possesses: budding stage, early stage of ripening, formation of fruits or leaves, and reaching one third of complete ripeness."

¹⁶⁹ Chazon Ish *Kilayim siman 3 seif 1*

In addition to classification the halacha was also concerned with causalistic dynamics¹⁷⁰. An example of this is that of a tree whose root and trunk is the land of Israel, but its foliage extend outside Israel. Do we classify the tree according to the location of the roots and trunk, or the foliage¹⁷¹? The halachic problem is whether the organic growth is to be attributed to the trunk or the foliage. They knew that both play an important role. There is no deficiency if they didn't know of carbon dioxide. They knew that air provides the nourishment¹⁷². They saw both components of air and earth as important in bringing about organic life. Whenever there was an air factor and an earth factor this was debated. There were no myths – no animus. There is no invisible spirit that makes it grow. They were only interested in simple, mechanistic terms. Is it CO₂ or minerals that are the deciding factor? In the discussion of a flowerpot which is closed on the bottom¹⁷³ they were interested in the mechanics of soil and the dynamics and causalistic interpretation of organic growth. This mechanistic approach, when compared to the mythical 'golden bough' approach is amazing. In this sugya they tried to understand the parameters of organic nourishment. They were interested in the distance from the ground which still allows for nourishment. They were also interested in the nature of soil and agronomy¹⁷⁴. Their methods were geometric, quantitative and mathematical. Even modern law is not concerned with realia¹⁷⁵. Rather it is based upon principles which are concerned with groups and social structures. Chazal's approach was a more efficient and direct method¹⁷⁶.

What were the criteria for the Sages' method of quantification? Did they use Aristotelian or other means? Regarding the mixture of forbidden and permitted foods, Chazal were concerned with two types of mixtures – mixtures of the same type, one permitted and one forbidden, and mixtures of different types. There is a dispute between Rava and Abaye whether the

¹⁷⁰ i.e. a scientific description of natural processes over time.

¹⁷¹ Bava Metziah 118b

¹⁷² Brachot 40b. The debate is whether the nourishment is provided by the air or by the ground.

¹⁷³ Gittin 7b; Shabbat 95a-b; Shabbat 81b.

¹⁷⁴ Gittin 7b

¹⁷⁵ see for example Ronald Dworkin's book *Law's Empire*, (Harvard University Press 1986) where he claims that modern law is guided principally by social agendas and not objective truth.

¹⁷⁶ In *The Emergence of Ethical Man* the Rav writes:

the Halakhah was preoccupied not merely with descriptive morphology but also with explanatory physiology of plants. Growth, food-assimilation, and so on, were central halakhic problems.... Incidentally, all this was written and formulated in antiquity when the Orient still worshipped the "golden bough" and maintained the myth of the divinity of the tree. Halakhah's approach to the world outside is an objective, mechanistic one: no mythical qualities, no supernatural traits, no animistic dreams. Dead and living matter surrounds us, and this matter must be interpreted in unison with a set of logical principles that will order the given mass of data along lines of continuity and uniformity. Chaos and whim, including transcendental caprice, are inadmissible. The Halakhah looks for stability and lawfulness in this world. Capricious changeability can never be comprehended by the halakhic noesis (p. 19).

method of classification to be used is determined by the name or the taste of the food¹⁷⁷. Taste is not a scientific criteria – it is subjective and relative¹⁷⁸. Name is more of a scientific concept. The halacha knew that one could classify objects in the organic world as being forbidden by their very nature. In the inorganic world only man can render something forbidden – for example by using it for idolatrous purposes¹⁷⁹. Taboo in nature was only located in the organic world. Nothing was inherently forbidden in the inorganic world¹⁸⁰. The position that one goes according to ‘taste’ is a layman’s classification¹⁸¹. In the area of *kilayim* we certainly go according to name. The only dispute is with regard to forbidden foods. This is because there is no organism involved. Therefore we are not interested in an intrinsic classification of nature. In fact, even regarding forbidden foods we rule that we go according to the name¹⁸². Only the Shach claims that we still go according to taste¹⁸³.

What is the concept of an organism which emerges from halacha? It is similar to the concept of an organism in Greek science. It is not a metaphysical concept but an empirical one. You must look at the concrete, mundane world. In addition one must view an organism as a wholeness unto itself, with an internal structure. There is a boundary line that separates it from the world. The concept of wholeness is a type of *Gestalt*. The notion of wholeness of an organism is dealt with in halacha by the concept of a *beriah* (organism). A *beriah* is a fundamental concept from the Torah itself. The fact that Chazal made a decree that it is not nullified even in mixtures of 1000 permitted pieces is only a law that pertains to forbidden mixtures. However the law of *beriah* has important consequences in other parts of the Torah. In a Mishna in *Makkot*¹⁸⁴ there is a dispute between Rabbi Shimon and the Sages as to what items can be termed a *beriah*.

¹⁷⁷ Avoda Zara 66a

¹⁷⁸ See Chullin 97a where a mixture is ruled to be permitted or not on the basis of a non-Jew tasting it.

¹⁷⁹ Sanhedrin 60a; Avoda Zara 50a

¹⁸⁰ Rambam Moreh Nevuchim III:45 Taamei HaMitzvot. The Rav’s statement that “inorganic matter is only worshipped after man has fashioned it” is based on the mishna in Avoda Zara 45a which says that the worship of mountains and other physical terrain does not render it forbidden. However the worship of trees and vegetation can make them forbidden.

¹⁸¹ The Rav is claiming that the opinion that we go after ‘taste’ does not in any way contradict the general position of Chazal to understand nature and the halacha in rigorous scientific terms and categories but only that in certain matters such as accidental mixing of forbidden and permitted foods the layman is often called upon to render a judgment and for this reason it is more practical for him to go after ‘taste’. For a different understanding of halachic classification see *Chazon Ish* Kilayim cited above.

¹⁸² Shulchan Aruch Yoreh Deah 98:2 in the glosses of the Rema.

¹⁸³ Shach *ibid.* 6

¹⁸⁴ Makkot 13a: “How much untithed produce must one eat to become culpable? R. Shimon says: the slightest amount. But the Sages say: An olive's bulk. R. Shimon said to them: Do you not agree with me that he is liable if he eats an ant, however small? They said to him: Because it is as it was created. He said to them: Even a single grain of wheat is as it was created.” (Kehati English). The Gemara (17a) elaborates on the mishna. “Partook of mixture, first tithe,” etc. Rav Bibi in the name of Resh Lakish said: They differ only in case he take a grain of it, but as regards flour all agree that the size of an olive is needed., Rav Yermiya in the name

of same authority, however, said: As they differ in respect of wheat so they do in that of flour too. An objection was raised from our Mishna. Rabbi Shimon said to them: Do you not agree if he ate an ant, etc., and to the answer of the rabbis "because it is a creature" he rejoined, A wheat grain is also complete in its creation, hence we see that they only differ in respect of the grain, but not in that of flour? Rabbi Shimon meant to say thus: According to my opinion it is the same with flour, but to your theory, admit that if he ate a grain of it he shall be culpable, because of its completeness. The rabbis, however, maintain: We cannot compare a grain to a living creature. There is a Baraitha in accordance with Rav Yeremiya: Rabbi Shimon said concerning lashes: Size does not count; it counts only concerning sacrifices."

Lecture 7

The last time we discussed the topic of organisms in halacha. Now we will discuss the analogy that is made between man and plants. We will have to introduce certain philosophical concepts.

In the Tanach several of the favorite metaphors involve trees, grass, plants, vines, figs, apples. All of these are in relationship to man. The organic life of plants was used regularly by the prophets in order to present their picture of man.

The Torah itself (Pentateuch) directly compares man to a tree. "For man is the tree of the field" (Deuteronomy 20:19). This is interpreted in both a negative and positive sense. Both interpretations are correct. And both draw a similar analogy between man and tree. According to the first interpretation, which we will refer to as the positive one, the tree is like a man and hence one must respect its rights and refrain from destroying it. This is similar to man whose rights must be respected so long as he is not at war. One is permitted only to fight the enemy. Just as innocent human victims may not be destroyed, so too a tree, which by definition is not at war with anyone, may not be destroyed. It therefore cannot come under siege. If we adopt the negative interpretation it runs as follows: Man is like a tree and therefore should not be besieged. Just as organic life is innocent, and should not be destroyed, so too human beings who are not at war should not be hurt. Only human beings who are at war can be fought against.

Why would one want to destroy trees? The answer is that by destroying trees and preventing the enemy from its source of food, the siege becomes more effective, and this will force the enemy to surrender. In times of war victory cannot be achieved at the cost of human values. The Torah does not allow man to sacrifice the life of a tree for the purpose of surrender. Just as innocent human life cannot be destroyed, so too may a plant not be destroyed. We see here that the Torah is making a direct relationship between man and plant life. The innocence of both must be respected even at the cost of prolonging conflict.

Rambam in Hilchot Melachim¹⁸⁵ extends the prohibition of destroying a tree even in times of peace. We see from here that peace time values are not compromised in times of war. The question remains why should the prolongation of war be maintained because of the sparing of the life of a tree? The prohibition of cutting down a tree both in times of war and times of peace, only applies to a fruit bearing tree¹⁸⁶. The fruit bearing quality is a new phase of organic life. A central trait of organic life is multiplication and regeneration. It is clear that the Torah saw a fruit bearing tree as a higher degree of life¹⁸⁷.

185 Chapter 6; halachot 8-9

186 See Rambam *ibid*.

187 In *The Emergence of Ethical Man* the Rav writes:

The comparison of man to a plant is very strong. Scripture makes a much stronger analogy of man to plant than to that of man to animal. The man-plant analogy describes man's sojourn in this world in terms of weakness, instability and helplessness. There is no hiding from elemental forces. Animals are created with motion and can find refuge. A plant is helpless and exposed to rain, snow and hurricane. Whenever Scripture wants to express the helplessness of man, the metaphor of man is most conspicuous. In addition to this man's relatively short life span is inevitably compared to the flowering and withering of a plant.

On the other hand, the reproduction and regeneration of plants is used as a metaphor for that of the Jewish nation. "[the people] will blossom from the city like the grass of the earth" (Tehillim 72:16)¹⁸⁸. This verse in Tehillim is brought by the Sages to express and describe the resurrection of the dead. Not only do plants serve as metaphors for national renewal, but individual renewal is also described by verses such as "like a tree deeply rooted alongside the brooks of water" (Tehillim 1:3)¹⁸⁹. The man-plant analogy is one of the central themes in all of Tanach. This is not because of the orient which had long stretches of arid land before you suddenly see a green oasis. The metaphors of Tanach express the fact that man and plant life together and fade and die together.

Plants belong to various species and genera. Socrates and Plato discovered universal laws of classification which in addition carried metaphysical ideas. Being is well ordered and classified. Universal means causality and epistemology. They extended the universal to all of existence. It is the universal principles which promoted the growth of trees as well as the existence of inanimate objects, such as tables. Science is not universal in the mechanistic sense, but vitalists come close to identifying trees as having inner factors that prompt growth. In the Torah there is no description of groups within inorganic matter. Only in organic matter does the verse describe creation as being "according to its species." (Genesis 1:11-12) The first emergence of organic life is described by the Torah as consisting of species. The verse of the Torah describing the emergence of plant life on the third day describes:

1. the reproductive function of plants - "making a seed" (Ibid. 11)
2. growth - "make grass" (Ibid)
3. producing fruit - "making a fruit in its kind" (Ibid)

In addition the rest of animal life is also described as being created according to species.¹⁹⁰

The creation of life according to species extends only through animal life. In man, while multiplication and regeneration are essential, the trait of species is

When the prophets spoke of man, one of their most favored metaphors was the tree. The Torah already associated man with the tree: "for is he tree of the field a man, that is should be besieged by you?" (Deuteronomy 20:19) (p. 24).

188 In Sanhedrin 90b the Talmud brings this verse as proof to the resurrection of the dead.

189 In Ketuvot 62b the Sages use this verse as an instruction for the scholar to periodically renew his relationship with his wife.

190 See *ibid.* 21

absent. According to the Torah, man is not divided into species. All of mankind was created equal. Ramban in his commentary noted this¹⁹¹. Man's singularity and oneness does not lend itself into division in groups. What divides man is only ideology, as expressed in the havdalah prayer "He who divides between Yisrael and the [non-Jewish] nations." The punishment of the generation of dispersion was the differentiation and inequality of man. This was viewed as a curse. Man was evil only because he used his unity for evil designs.

While reproduction is common to man and plant, the halacha made it into a normative aspect. This is the commandment of "be fruitful and multiply" - "G-d created the world not to be barren, but to be inhabited" (Isaiah 45:18)¹⁹². The comparison between man and plant does not mean that man is the same as a plant. It attests to human communion and affiliation with the whole region of organic life. Only man's Divine image places him on a different level. On the organic level all is the same. The command to multiply is not an exclusive privilege of man, but also of plants and animals.

In halacha classification takes on significance. This is the prohibition of "mixtures" as discussed by Ramban in *Kedoshim* (Leviticus 19:19)¹⁹³. This is the way in which the Torah viewed organic life. Ramban interpreted the halacha as a theory of nature, which is accompanied by a Platonic theory of ideas which classifies it. The group identity is intrinsic to the quality of organic life, and the Torah did not want any artificial, morphological changes in groups of plants as well as animals. According to the Sages, even a Ben Noach (non-Jew) is commanded in "mixtures."¹⁹⁴ Man is placed in Gan Eden to guard it and protect it against interference or distortion or abuse or morphological trait. Only trees are retained for the Ben Noach. The Ben Noach is giving semi-natural laws. These can be derived through reasoning¹⁹⁵. The seven commandments are not acts which are apocalyptic but are rather natural. They are forbidden in certain illicit relationships, on the spilling of seed and tearing limbs of animals while they are alive, and civil laws¹⁹⁶. They are not informed of the Divine Will but are expected to see the Divine Will embedded in nature.

191 See also Sanhedrin 38a

192 In Bava Batra 13a the Talmud views this verse as the halachic source for the commandment of reproduction, not only for Jews, but for all of humanity. Consequently, someone who is half free and half a slave must be set free by his master despite the prohibition against freeing slaves, in order that he can fulfil this commandment of reproduction (for in his half free and half slave state he can marry neither a free woman nor a slave woman).

193 Ramban views the prohibition of mixtures as a violation of the Divinely created biological species of nature.

194 See Sanhedrin 60a and Rambam Mishne Torah Hilchot Melachim 10:6

195 In Mishne Torah Hilchot Melachim 9:1 Rambam writes that "even though all of these [Noachide] commandments are a tradition from Moshe, they are also rationally appealing."

196 See Sanhedrin 57-60 and Rambam Hilchot Melachim 9:1

The Torah speaks of hybrid relationship between species as destructive and degenerate¹⁹⁷. The attempt to bring about unnecessary changes through cross breeding is a violation of natural laws.

There is no prohibition of “mixtures” with human beings because all of mankind is considered one species. Marriage between a white person and black person is not called a mixture. A black man can even marry into Beit HaRav as long as he has a conversion. Diversity is ideological and not racial. Intercourse with an animal (bestiality) has nothing to do with mixtures. However, we may gain through studying it, an insight, as in mixtures. Sexual intercourse is of halachic significance only if it involves the merger of two bodies. This is based upon the verse “they will become one flesh.” (Genesis 2:24) If man copulates with an animal there is no merger of two bodies but only a crime against group identity. There is no homogeneity, but different groups. The penalty is not only to man, but to the animal as well¹⁹⁸. Even though this is not a prohibition of “mixtures” it is still a violation of the laws of nature¹⁹⁹.

Similarly we find with the prohibition against homosexuality. Cohabitation is between male and female. A relationship between two males is not a crime against human dignity, but a crime against human law. The Torah wanted man to act within natural bounds²⁰⁰.

Man must live within the bounds set by nature and Divine Law. As long as he lives as a flower of the field and an animal of the forest he is alright. Cross-pollination as a natural phenomenon is part of the will of God. Artificial or synthetic cross-breeding by man is forbidden. This is the philosophical basis of Ramban in *Kilayim* (Leviticus 19:19). The halacha in formulating its concept of man as an organism views the unconscious and elemental involuntary functions as necessary and important parts of man’s existence. According to the Greeks man’s identity is connected with his self-consciousness. According to Christianity man’s Divine image is his entire identity. Imagine man stripped of consciousness – according to the Greeks and the Christians he is not a man. He therefore loses all rights and privileges. Since according to the Catholic Church our love of man is part of our relationship with God they were able to make crusades which sacrifices human life to their God of love. This hypocrisy is based upon a distorted notion of man, which they attributed to the Tanach. This idea is still operative in places such as Spain and South Africa.

The identification of man with the Divine image is a misrepresentation of that concept. If one has not been baptised as a Christian he is not a man. If he is metaphysical, birth doesn’t make him. Therefore Jesus could not have a natural birth, but only a supernatural birth. Immortality is granted only to

197 Genesis 6:12 and see Rashi there.

198 Sanhedrin 54a

199 In Sanhedrin 55a the Talmud describes cohabitation with an animal as something unnatural.

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those who are baptised. If you take away the Divine image, he is worse than an animal. They didn't define metaphysicality too well but there was a transcendental, metaphysical, supernatural relationship to Jesus. Baptism was treated as the quality of rebirth. It was an act in order to recreate him metaphysically²⁰¹.

Brit Milah does not represent the same metaphysical idea as baptism. *Pidyon Haben* can certainly be before Milah²⁰². It is a mitzvah like all others. One's status as a Jew is not affected by being uncircumcised. Not performing a positive commandment does not give on the status of a *rasha*. This is despite the fact that there were thirteen covenants associated with Milah²⁰³. In conversion there is a prerequisite to immerse in a mikveh. But this has to do with conversion. If one is born a Jew one remains a Jew. The Talmudic prescription - "immersed but didn't circumcise himself" only applies to a convert²⁰⁴. Mikveh has nothing to do with baptism. There is no holiness in the water; it is just a physical act.

The Catholics had a simple formula to justify persecution. Since the heretic has a lower status as a human being, therefore there is no prohibition of murder. In Judaism the permission to kill another person - "*moridin*"²⁰⁵ is not because he loses his qualities as a man, but because of treason. The ideological vice when organised undermines moral principles and become ruthless, as in the case of *Ir HaNidachat*. When crime becomes an ethical norm it is bad. The destructive form of Nazism was due to ideology.

Is man metaphysical or natural? The embryo in the womb of the mother is considered as a human being. This is the meaning of the verse, "One who

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spills the blood of man in man" (Genesis 9:6). A Noachide who kills an embryo receives capital punishment²⁰⁶. We see from here that even though its existence is no more than that of a plant, nevertheless it is considered murder. The Greek concept of man as defined by self-consciousness could not possibly tolerate this. The Catholic Church prohibits abortion, but also prohibits birth control. This is because an embryo is a potential member of the Catholic Church. In Christianity one is denied immortality before baptism.

In Judaism the embryo was given rights, but they are not very consistent²⁰⁷. These rights are not because he is like a man, but because he will be one.

Saving a life (*Pikuach Nefesh*) allows us to desecrate Shabbat, even if an embryo is in danger²⁰⁸. The Sages say that if a woman is about to die you must bring a knife and perform surgery on Shabbat to save the foetus²⁰⁹. Ramban, however, rules that this case is an exception. Otherwise a person may not desecrate Shabbat in order to save an embryo²¹⁰. Rambam learns that an embryo, when threatening the life of a mother, may be killed because he is a pursuer²¹¹. He therefore is considered to be a living human being.

Can an embryo own property? In Jewish law one can credit an embryo with material property²¹². One may also cause an embryo to inherit²¹³. The State Supreme Court has ruled that an embryo can not own property. According to secular law, a potential being is not a person. In order to transfer ownership of something to another human being we require *data*. In order to possess something we require the full status of a personality. Halacha saw in an embryo not only a man but also a personality.

A man who is in a coma is called a *goses*. Our Sages have ruled that a *goses* is considered alive in every sense²¹⁴. Even though such a person has no animalistic instincts or sensation he is nonetheless like a plant. As long as he lives as a plant he personally cannot transfer to others, but he has full control

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²⁰⁸ Arechin 7b

209 Mishna Ohalot 7:6 and Mishne Torah Hilchot Rotzeach 1:9

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211 Mishne Torah Hilchot Rotzeach 1:9 It is based upon the Talmud Sanhedrin 72b. Rambam's statement that the foetus inside the mother is a pursuer is not directly stated in the Talmud. The Rav is definitively following the interpretation of his grandfather, Rav Chaim HaLevi Soloveitchik *Chidushei Rabbeinu Chaim HaLevi al HaRambam* Hilchot Rotzeach 1:9 who interprets the Rambam's ruling as implying that the embryo is a fully living organism with human rights. See Rabbi Yechiel Yaakov Weinberg in his *Sheilot u-Teshuva Seridei Aish* vol. 1 responsa 162 for a different opinion.

²¹² As stated above in footnote ... this is only true in a case where the embryo is his own son.

²¹³ See Tosefot Nidah 44a cited above.

214 Avel Rabati 1

of his property. We see from here that the plant aspect of man still maintains him as a human being.

In surveying the realm of prohibitions, we find other unique phenomena. The prohibitions of eating and benefit from forbidden foods all apply to organic life. In organic life there is a status of prohibition such as kosher animals, non-kosher animals, *orlah*, *tevel*, *chadash*. Inorganic matter only becomes forbidden if it is fashioned into idolatry through human efforts. Let us examine this idea. It appears that prohibitions on organic food were the Torah's way of regulating man's interaction with the organic world. The Torah did not want to limit man's relationship with the inorganic world. The Torah commands man to "be fruitful and multiply on the earth and conquer it" (Genesis 1:28). The Torah did not feel it necessary to regulate man's relationship with the inorganic world. Man was commanded to exploit nature²¹⁵. However, God wanted to limit man's exploitation of the organic world. For example, there is an extreme reluctance and dislike on the part of the Torah, to grant man permission to eat meat. Man's eating meat is tolerated. When he was created he only ate vegetarian food. Primordial man could not use animals for his carnal desires. "All vegetation of the fields is given to you as food." (Genesis 1:28) No being was permitted to eat other animals, so neither was man²¹⁶.

Ethical norms were given to man. Man was created in such a way that his vegetative world would satisfy him completely. When the Torah says "And it was" this means that God's ethical command became intrinsic to the physiological and biological quality of the world. The ethical norm given to man established his biological nature. The ethical norm became an ontic law. Hence man had no drive to kill. This imperative is not an expression of a cosmic, ethical will, but a cosmic, ethical order embedded in creation. Somehow nature deteriorated. Christianity attributed this to original sin. While the Jews did not pay attention to this, it nevertheless says in the Torah, "God saw that all flesh had become corrupt, and man's inclination is evil all the day" (Genesis 6:5).

"God was sorry that He had made them all" (Genesis 6:6). The verse does not say "that I made", but "I made them." In the flood both animals and insects sinned and became corrupt. What kind of corruption was there? The term

215 In *The Lonely Man of Faith* the Rav writes:

There is no doubt that the term "image of God" in the first account refers to man's inner charismatic endowment as a creative being. Man's likeness to God expresses itself in man's striving and ability to become a creator. Adam the first who was fashioned in the image of God was blessed with great drive for creative activity and immeasurable resources for the realization of this goal, the most outstanding of which is the intelligence, the human mind, capable of confronting the outside world and inquiring into its complex workings. In spite of the boundless divine generosity providing man with many intellectual capacities and interpretive perspectives in his approach to reality, God, in imparting the blessing to Adam the first and giving him the mandate to subdue nature, directed Adam's attention to the functional and practical aspects of his intellect through which man is able to gain control of nature. Other intellectual inquiries, such as the metaphysical or axiologico-qualitative, no matter how incisive and penetrating, have never granted man dominion over his environment. (p. 12-13).

216 Sanhedrin 59b

used by the chumash "*hishchit*" is not only ethical. The earth had to be dug up to the depth of three tefachim. Even Mother Earth had become corrupt. This is not due to an ethical imperative, but due to certain processes which had changed. New drives and new demands were established above the original nature. It was the crime of *chamas* - robbery. This term is not meant in a criminal sense. It means reaching out for someone else's goods, and stripping others of their righteous possessions. *Chamas* is a universal act of interfering with goods and possessions that don't belong to me. While *gezelah* is limited to economic goods, *chamas* includes all interference. "The sons of God saw the daughters of man."

Lecture 8

The last time we discussed the topic of organisms in halacha. Now we will discuss the analogy that is made between man and plants. We will have to introduce certain philosophical concepts.

In the Tanach several of the favorite metaphors involve trees, grass, plants, vines, figs, apples. All of these are in relationship to man. The organic life of plants was used regularly by the prophets in order to present their picture of man.

The Torah itself (Pentateuch) directly compares man to a tree. "For man is the tree of the field" (Deuteronomy 20:19). This is interpreted in both a negative and positive sense. Both interpretations are correct. And both draw a similar analogy between man and tree. According to the first interpretation, which we will refer to as the positive one, the tree is like a man and hence one must respect its rights and refrain from destroying it. This is similar to man whose rights must be respected so long as he is not at war. One is permitted only to fight the enemy. Just as innocent human victims may not be destroyed, so too a tree, which by definition is not at war with anyone, may not be destroyed. It therefore cannot come under siege. If we adopt the negative interpretation it runs as follows: Man is like a tree and therefore should not be besieged. Just as organic life is innocent, and should not be destroyed, so too human beings who are not at war should not be hurt. Only human beings who are at war can be fought against.

Why would one want to destroy trees? The answer is that by destroying trees and preventing the enemy from its source of food, the siege becomes more effective, and this will force the enemy to surrender. In times of war victory cannot be achieved at the cost of human values. The Torah does not allow man to sacrifice the life of a tree for the purpose of surrender. Just as innocent human life cannot be destroyed, so too may a plant not be destroyed. We see here that the Torah is making a direct relationship between man and plant life. The innocence of both must be respected even at the cost of prolonging conflict.

Rambam in Hilchot Melachim²¹⁷ extends the prohibition of destroying a tree even in times of peace. We see from here that peace time values are not compromised in times of war. The question remains why should the prolongation of war be maintained because of the sparing of the life of a tree? The prohibition of cutting down a tree both in times of war and times of peace, only applies to a fruit bearing tree²¹⁸. The fruit bearing quality is a new phase of organic life. A central trait of organic life is multiplication and regeneration. It is clear that the Torah saw a fruit bearing tree as a higher degree of life²¹⁹.

217 Chapter 6; halachot 8-9

218 See Rambam *ibid*.

219 In *The Emergence of Ethical Man* the Rav writes:

The comparison of man to a plant is very strong. Scripture makes a much stronger analogy of man to plant than to that of man to animal. The man-plant analogy describes man's sojourn in this world in terms of weakness, instability and helplessness. There is no hiding from elemental forces. Animals are created with motion and can find refuge. A plant is helpless and exposed to rain, snow and hurricane. Whenever Scripture wants to express the helplessness of man, the metaphor of man is most conspicuous. In addition to this man's relatively short life span is inevitably compared to the flowering and withering of a plant.

On the other hand, the reproduction and regeneration of plants is used as a metaphor for that of the Jewish nation. "[the people] will blossom from the city like the grass of the earth" (Tehillim 72:16)²²⁰. This verse in Tehillim is brought by the Sages to express and describe the resurrection of the dead. Not only do plants serve as metaphors for national renewal, but individual renewal is also described by verses such as "like a tree deeply rooted alongside the brooks of water" (Tehillim 1:3)²²¹. The man-plant analogy is one of the central themes in all of Tanach. This is not because of the orient which had long stretches of arid land before you suddenly see a green oasis. The metaphors of Tanach express the fact that man and plant life together and fade and die together.

Plants belong to various species and genera. Socrates and Plato discovered universal laws of classification which in addition carried metaphysical ideas. Being is well ordered and classified. Universal means causality and epistemology. They extended the universal to all of existence. It is the universal principles which promoted the growth of trees as well as the existence of inanimate objects, such as tables. Science is not universal in the mechanistic sense, but vitalists come close to identifying trees as having inner factors that prompt growth. In the Torah there is no description of groups within inorganic matter. Only in organic matter does the verse describe creation as being "according to its species." (Genesis 1:11-12) The first emergence of organic life is described by the Torah as consisting of species. The verse of the Torah describing the emergence of plant life on the third day describes:

1. the reproductive function of plants - "making a seed" (Ibid. 11)
2. growth - "make grass" (Ibid)
3. producing fruit - "making a fruit in its kind" (Ibid)

In addition the rest of animal life is also described as being created according to species.²²²

The creation of life according to species extends only through animal life. In man, while multiplication and regeneration are essential, the trait of species is

When the prophets spoke of man, one of their most favored metaphors was the tree. The Torah already associated man with the tree: "for is he tree of the field a man, that is should be besieged by you?" (Deuteronomy 20:19) (p. 24).

220 In Sanhedrin 90b the Talmud brings this verse as proof to the resurrection of the dead.

221 In Ketuvot 62b the Sages use this verse as an instruction for the scholar to periodically renew his relationship with his wife.

222 See *ibid.* 21

absent. According to the Torah, man is not divided into species. All of mankind was created equal. Ramban in his commentary noted this²²³. Man's singularity and oneness does not lend itself into division in groups. What divides man is only ideology, as expressed in the havdalah prayer "He who divides between Yisrael and the [non-Jewish] nations." The punishment of the generation of dispersion was the differentiation and inequality of man. This was viewed as a curse. Man was evil only because he used his unity for evil designs.

While reproduction is common to man and plant, the halacha made it into a normative aspect. This is the commandment of "be fruitful and multiply" - "G-d created the world not to be barren, but to be inhabited" (Isaiah 45:18)²²⁴. The comparison between man and plant does not mean that man is the same as a plant. It attests to human communion and affiliation with the whole region of organic life. Only man's Divine image places him on a different level. On the organic level all is the same. The command to multiply is not an exclusive privilege of man, but also of plants and animals.

In halacha classification takes on significance. This is the prohibition of "mixtures" as discussed by Ramban in *Kedoshim* (Leviticus 19:19)²²⁵. This is the way in which the Torah viewed organic life. Ramban interpreted the halacha as a theory of nature, which is accompanied by a Platonic theory of ideas which classifies it. The group identity is intrinsic to the quality of organic life, and the Torah did not want any artificial, morphological changes in groups of plants as well as animals. According to the Sages, even a Ben Noach (non-Jew) is commanded in "mixtures."²²⁶ Man is placed in Gan Eden to guard it and protect it against interference or distortion or abuse or morphological trait. Only trees are retained for the Ben Noach. The Ben Noach is giving semi-natural laws. These can be derived through reasoning²²⁷. The seven commandments are not acts which are apocalyptic but are rather natural. They are forbidden in certain illicit relationships, on the spilling of seed and tearing limbs of animals while they are alive, and civil laws²²⁸. They are not informed of the Divine Will but are expected to see the Divine Will embedded in nature.

223 See also Sanhedrin 38a

224 In Bava Batra 13a the Talmud views this verse as the halachic source for the commandment of reproduction, not only for Jews, but for all of humanity. Consequently, someone who is half free and half a slave must be set free by his master despite the prohibition against freeing slaves, in order that he can fulfil this commandment of reproduction (for in his half free and half slave state he can marry neither a free woman nor a slave woman).

225 Ramban views the prohibition of mixtures as a violation of the Divinely created biological species of nature.

226 See Sanhedrin 60a and Rambam Mishne Torah Hilchot Melachim 10:6

227 In Mishne Torah Hilchot Melachim 9:1 Rambam writes that "even though all of these [Noachide] commandments are a tradition from Moshe, they are also rationally appealing."

228 See Sanhedrin 57-60 and Rambam Hilchot Melachim 9:1

The Torah speaks of hybrid relationship between species as destructive and degenerate²²⁹. The attempt to bring about unnecessary changes through cross breeding is a violation of natural laws.

There is no prohibition of “mixtures” with human beings because all of mankind is considered one species. Marriage between a white person and black person is not called a mixture. A black man can even marry into Beit HaRav as long as he has a conversion. Diversity is ideological and not racial. Intercourse with an animal (bestiality) has nothing to do with mixtures. However, we may gain through studying it, an insight, as in mixtures. Sexual intercourse is of halachic significance only if it involves the merger of two bodies. This is based upon the verse “they will become one flesh.” (Genesis 2:24) If man copulates with an animal there is no merger of two bodies but only a crime against group identity. There is no homogeneity, but different groups. The penalty is not only to man, but to the animal as well²³⁰. Even though this is not a prohibition of “mixtures” it is still a violation of the laws of nature²³¹.

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241 Mishna Ohalot 7:6 and Mishne Torah Hilchot Rotzeach 1:9

²⁴² see Rosh Yoma chapter 8 halacha 13 who cites the Ramban. The opinion of Hilchot Gedolot is that one may desecrate Shabbat to save the life of any embryo.

243 Mishne Torah Hilchot Rotzeach 1:9 It is based upon the Talmud Sanhedrin 72b. Rambam's statement that the foetus inside the mother is a pursuer is not directly stated in the Talmud. The Rav is definitively following the interpretation of his grandfather, Rav Chaim HaLevi Soloveitchik *Chidushei Rabbeinu Chaim HaLevi al HaRambam* Hilchot Rotzeach 1:9 who interprets the Rambam's ruling as implying that the embryo is a fully living organism with human rights. See Rabbi Yechiel Yaakov Weinberg in his *Sheilot u-Teshuva Seridei Aish* vol. 1 responsa 162 for a different opinion.

²⁴⁴ As stated above in footnote ... this is only true in a case where the embryo is his own son.

²⁴⁵ See Tosefot Nidah 44a cited above.

246 Avel Rabati 1

of his property. We see from here that the plant aspect of man still maintains him as a human being.

In surveying the realm of prohibitions, we find other unique phenomena. The prohibitions of eating and benefit from forbidden foods all apply to organic life. In organic life there is a status of prohibition such as kosher animals, non-kosher animals, *orlah*, *tevel*, *chadash*. Inorganic matter only becomes forbidden if it is fashioned into idolatry through human efforts. Let us examine this idea. It appears that prohibitions on organic food were the Torah's way of regulating man's interaction with the organic world. The Torah did not want to limit man's relationship with the inorganic world. The Torah commands man to "be fruitful and multiply on the earth and conquer it" (Genesis 1:28). The Torah did not feel it necessary to regulate man's relationship with the inorganic world. Man was commanded to exploit nature²⁴⁷. However, God wanted to limit man's exploitation of the organic world. For example, there is an extreme reluctance and dislike on the part of the Torah, to grant man permission to eat meat. Man's eating meat is tolerated. When he was created he only ate vegetarian food. Primordial man could not use animals for his carnal desires. "All vegetation of the fields is given to you as food." (Genesis 1:28) No being was permitted to eat other animals, so neither was man²⁴⁸.

Ethical norms were given to man. Man was created in such a way that his vegetative world would satisfy him completely. When the Torah says "And it was" this means that God's ethical command became intrinsic to the physiological and biological quality of the world. The ethical norm given to man established his biological nature. The ethical norm became an ontic law. Hence man had no drive to kill. This imperative is not an expression of a cosmic, ethical will, but a cosmic, ethical order embedded in creation. Somehow nature deteriorated. Christianity attributed this to original sin. While the Jews did not pay attention to this, it nevertheless says in the Torah, "God saw that all flesh had become corrupt, and man's inclination is evil all the day" (Genesis 6:5).

"God was sorry that He had made them all" (Genesis 6:6). The verse does not say "that I made", but "I made them." In the flood both animals and insects sinned and became corrupt. What kind of corruption was there? The term

247 In *The Lonely Man of Faith* the Rav writes:

There is no doubt that the term "image of God" in the first account refers to man's inner charismatic endowment as a creative being. Man's likeness to God expresses itself in man's striving and ability to become a creator. Adam the first who was fashioned in the image of God was blessed with great drive for creative activity and immeasurable resources for the realization of this goal, the most outstanding of which is the intelligence, the human mind, capable of confronting the outside world and inquiring into its complex workings. In spite of the boundless divine generosity providing man with many intellectual capacities and interpretive perspectives in his approach to reality, God, in imparting the blessing to Adam the first and giving him the mandate to subdue nature, directed Adam's attention to the functional and practical aspects of his intellect through which man is able to gain control of nature. Other intellectual inquiries, such as the metaphysical or axiologico-qualitative, no matter how incisive and penetrating, have never granted man dominion over his environment. (p. 12-13).

248 Sanhedrin 59b

used by the chumash "*hishchit*" is not only ethical. The earth had to be dug up to the depth of three tefachim. Even Mother Earth had become corrupt. This is not due to an ethical imperative, but due to certain processes which had changed. New drives and new demands were established above the original nature. It was the crime of *chamas* - robbery. This term is not meant in a criminal sense. It means reaching out for someone else's goods, and stripping others of their righteous possessions. *Chamas* is a universal act of interfering with goods and possessions that don't belong to me. While *gezelah* is limited to economic goods, *chamas* includes all interference. "The sons of God saw the daughters of man."

Lecture 9

Lecture 9²⁴⁹

The concept that God owns life which we spoke about last time is expressed by the idea of the sacrifice (*korban*). All offerings are substitutes.²⁵⁰ The highest form of substitute is *Avodah she-be-lev*.²⁵¹ It represents absolute spiritual surrender. The story of the binding of Isaac deals with the idea of human sacrifice. When the angel appeared to Abraham and told him to stay his hand he was not saying that human sacrifice is unnecessary, but that in fact in that case it was already done. His words “you did not spare your son” (Gen. 22:16)²⁵² mean that the spiritual act of sacrifice was completed. In the liturgy it says “remember the binding of Isaac”²⁵³ and the ram “instead of his son”²⁵⁴ which indicates that we entreat God for a sacrifice which took place.²⁵⁵ The ram was only the object of physical sacrifice, but the spiritual sacrifice was Isaac. That is why the binding of Isaac is emphasized in the prayer. I surrender myself to God. God doesn't have to justify His demands. God can arbitrarily take back that which is His own. In the halakhah of “*yehareg ve-al yaavor*” (one should be killed rather than transgress)²⁵⁶ human sacrifice is reclaimed. In modern law the state demands supreme sacrifice. Man must give the supreme sacrifice for the State. The absolute sovereignty of the state is reminiscent of God. The idea of the state is a metaphor for the relationship of God and the world. However, according to the Torah, man is only licensed to offer his life if it is a sacrifice to God. Nobody is allowed to destroy organic life except for God. Murder is an act of *hamas*. It is an act of intrusion into another sphere. God gave man life but it remains in

249 See *The Emergence of Ethical Man* chapters 2-3

250 Nachmanides writes (Leviticus 1:9) “All these [sacrificial] acts are performed in order that when they are done, a person should realize that he has sinned against his God with his body and his soul, and that his blood should really be spilled and his body burned – were it not for the lovingkindness of the Creator who took from him a substitute and a ransom, namely this offering, so that its blood should be in place of its blood, its life in place of his life, and that the chief limbs of the offering should be in place of the chief parts of his body.” (Chavel translation p. 21).

251 In Taanit 2a the Talmud cites the verse “To love God and to serve Him with all of your heart” (Deut. 11:13). Which service does a person perform with his heart? It must be [referring to] prayer.

In Berachot 35b the sages derive the requirements for the three daily prayers from the daily sacrifices. The Rav, by combining these two sections of Talmud claims that prayer is a similar service to that of sacrifice – only higher, because man surrenders, with it, his heart.

252 The angel said to Abraham that he will be rewarded by God because “you have not withheld your only son.”

253 “Remember for us, God, the covenant, the kindness, and the oath that You swore to Abraham, our father, on Mount Moriah. Let there appear before You, the *akeida*, when Abraham, our father, bound Isaac his son on top of the altar, thus suppressing his will to do Your will wholeheartedly” (Rosh Hashanah Mussaf service).

254 This refers to the blowing of the ram's horn on Rosh Hashanah. The Rav's source is the passage in Rosh Hashana 16a, “Rav Avahu says: Why do we blow [on Rosh Hashanah] with the horn of a ram? The Holy One, blessed be He, said to blow before Me with the horn of a ram so that I will remember for your sake the binding of Isaac, the son of Abraham, and will consider it as if you bound yourselves before me.”

255 The Rav's point is that the liturgy of the Jewish prayers in several places indicates that Isaac was actually sacrificed in a spiritual sense. An explicit source can be found in the Jerusalem Talmud Taanit chapter 2 mishna 1 which states that the ashes of Isaac are on the altar.

256 Sanhedrin 74a. Rabbi Yochanan says in the name of Rabbi Shimon ben Yehotzedek: It was agreed upon in the attic of the house of Natze in Lod that for all prohibitions of the Torah if they say to a person ‘either transgress the prohibition or else be killed’ then one should transgress rather than be killed. The only exceptions are the prohibitions of idolatry, illicit relations and murder.” The Rav understands this law as an expression of human self-sacrifice to God.

His possession. When man commits murder he is taking something which is not his. “He who spills the blood of man by man his blood will be spilled because God made man in His image” (Gen. 9:6). This verse does not mean that by killing man one is killing God, as the biblical critics claim (Robertson and Wellhausen). It is rather a judicial idea. Life is divine and it culminates in man. Anyone who kills man takes away divine property. Maimonides expresses this idea by writing that “the life of the murdered victim is not an acquired possession, even of the blood avenger, but rather is owned by God”(Hilkhot Rotzeach chapter 1 halakhah 4)²⁵⁷. He writes further that murder is the most evil sin because it is “a transgression against man” (ibid. chapter 4 halakhah 9). Since God is the only one who gives life, He is the only one who can take it. “He puts to death and gives life; He sends down to damnation and brings up” (1 Samuel 2:6). This verse applies to man who occupies the most privileged position in the ontic-biological pyramid. Man was chosen as God’s most precious possession. However, all life is divine. God is the sole Master and exercises sole dominion. Each life, whether human or animal, can only be taken by God.

In the desert the slaughter of animal life was only permitted for sacrifices. Giving back to God is the natural closing of the life cycle. The halakhah looks at death as a sacrifice even if it results from deterioration and disease. “Rav Matiya asked Rabbi Elazar ben Azariah in Rome, “Have you heard of the four classes of atonement which Rabbi Yishmael expounds?” He replied, “There are three classes and each is accompanied by repentance” (Yoma 86a)²⁵⁸.

Repentance is sacrifice, surrender, a justification of judgement. Yom Kippur is a ceremonial sacrifice. Suffering, being exposed to pain can be understood as a sacrifice. Death atones for all sins as the ultimate sacrifice. However, suffering will cleanse a person of his sin only if he willingly accepts it.²⁵⁹ This faith becomes destiny. It becomes a voluntary sacrifice. It atones only if it is preceded by repentance.

Even if the animal was not eaten, it was probably not permitted to kill a kosher species of animal before Noah. The Torah judges life in classes: kosher and not kosher. Noah brought two of each non-kosher species and seven of each kosher species. Meat killed for food was not only forbidden to be eaten, but the slaughtering of the animal itself was forbidden.²⁶⁰

257 Maimonides writes (*Hilkhot Rotzeach* 1:4): The court is warned [by the Torah] not to accept a monetary atonement from the murderer, even if he were to offer them all the money in the world. Even if the blood avenger agrees to exempt him with this payment, for the life of the murdered victim is not an acquired possession, even of the blood avenger, but rather is owned by God.

(*Hilkhot Rotzeach* 4:9): Even though there are transgressions which are more serious than murder, they do not cause damage to human society as murder does. Even idolatry, and needless to say illicit relationships and desecration of the Sabbath are not like murder. For these prohibitions are transgressions against God, whereas murder is a transgression against man. Whoever is guilty of this sin is a completely evil person and all of the commandments that he has fulfilled all of his life are not equal to this sin and will not save him from judgment, as it says, “A man guilty of murder will flee into the grave – for they will not help him” (Proverbs 28:17). The Rav means to say by this that murder is the gravest of all prohibitions for it takes away that which belongs to God.

258 The passage above continues: Someone who transgresses a positive commandment and then repents, he is forgiven before he even moves from the spot... Someone who transgresses a negative commandment and then repents the repentance is contingent and Yom Kippur atones... Someone who transgresses a prohibition punishable by excision or capital punishment by the court, and then repents, both repentance and Yom Kippur are contingent and suffering will cleanse him... But someone who is guilty of desecrating God’s name, neither repentance, nor Yom Kippur, nor suffering has the power to atone but rather all of the above are contingent and only death cleanses him.

259 See Berachot 5b. There the Talmud indicates that suffering serves as an atonement only if the person willingly accepts it. It is called “suffering of love.”

260 Sanhedrin 59b: Rav Yehuda says that Adam, the first man, was not permitted to eat meat, as it says, “They [the plants] will be given to you to eat, and to all of the animal life in the land” (Gen. 1:29-30).

Human sacrifice was retained only in the spiritual sense. Animal sacrifice was retained in the physical. Killing for the sake of satisfying carnal desire is bloodshed. Only after the conquest of Israel was a concession made to man to permit slaughtering animals for his own desires. This was tolerated even if the animal was not also brought as a sacrifice. "It is better that Jews eat meat that is properly slaughtered and not eat meat which is improperly slaughtered" (Kidushin 21b-22a).

Many conditions were attached to the consumption of animals as food and the process by which meat is permitted is complicated. Through the slightest error one would forfeit the privilege of eating animals. The act of slaughter was retained as a form of sacrifice. This is indicated in the verse, "You may slaughter your cattle and sheep that God has given you as I have commanded you" (Deut. 12:21)²⁶¹ Nachmanides understands this verse as a reference to the slaughter of consecrated animals.²⁶² It tells us that just as originally a person would slaughter an animal for the purpose of sacrifice, so too after entering Israel a person was permitted to slaughter it for the purpose of desire.

"Only be strong and do not eat the blood, for the blood is [the animal's] life" (Deut. 12:23). "Therefore I have commanded you not to eat the blood" (Leviticus 17:12).

Although God has tolerated us to eat animals, we may only eat the meat and not the blood. Why was the blood forbidden to be eaten? This is because the blood is the life of the animal and as such can never become an object of man's desire and lust. God retained full possession over the blood. The prohibition of eating blood means that life was not given to man but is owned solely by God. "For the life of the meat [of the animal] is in the blood. Therefore I have given it to you [only] to sprinkle it on the altar, to atone for your souls" (Lev. 17:11).

The altar claims the blood. Blood must only be brought as a sacrifice. He who eats it usurps life. He receives the same penalty as he would for slaughtering an animal in the desert for non-sacrificial purposes. Even after God's compromise with man to allow him to eat meat, the prohibition of eating blood remains as it did before. The Torah understood that the blood of an animal is its life. We see in the Torah two manifestations of life; (1) respiration and (2) circulation of blood from the heart.²⁶³ Animals and man are on the same level and plane. Both have the same source of life.

Is this property discernable also in terms of plant life? The answer to this is yes, but only as a sacrifice to God. In the case of animals, only the sacrifice made the consumption of animals permitted. The very killing of an animal before the Jews entered the land of Israel was considered bloodshed if done solely for the purpose of eating the meat. With

The *Kli Chemda* on Gen.3 writes that the prohibition was only to take benefit, but it was permitted to slaughter an animal for God. That is why it was permitted for Noah to offer a sacrifice. However, *Aruch Le-Ner* writes that it was forbidden to slaughter for food, but it was permitted to slaughter for other reasons. The Rav appears to disagree with both of these opinions.

261 In Chullin 28a it states, "It was taught: Rebbi says, "You shall slaughter as I have commanded you" - this teaches us that Moshe was commanded [to slaughter] the oesophagus and the trachea: the majority of one of these in a bird, and the majority of both of them in an animal." The Sages learn from this verse that the laws of slaughtering were commanded to Moses as an oral tradition.

262 Nachmanides in his commentary on the verse understands this to refer specifically to sacrificial slaughter. In his commentary on the verse in Deuteronomy writes: Now, at first [in the wilderness] He commanded that whatever [meat] they eat be of peace-offerings, that they be slaughtered according to the laws of the offerings... Meaning that He permits unconsecrated animals to be eaten everywhere, provided they are slaughtered as He had commanded originally, when they were all [permitted only as] offerings. This is the correct meaning of the verse in line with the sense of scripture.

263 Yoma 85a, "The Rabbis taught: Until where [in the body] must one check whether someone who is buried is alive? To the nostrils. Some say until the heart." The conclusion of the Talmud is that one only has to check until the nostrils. This is based upon the verse, "in all whose nostrils have the breath of life" (Gen. 7:22). The Rav is basing himself on the two opinions in the Gemara that life is contained either in breathing or in the blood, which is circulated by the heart. According to the medieval commentaries, the two constitute a single system – see commentary of Rashi ad loc.

offering an animal to God came the recognition that it was only God who is the source of life. However, in addition to animals, plant life is also offered on the altar. We see explicitly in the verses Numbers 15:1-10 and on the basis of our tradition water is also offered on the altar.²⁶⁴ In addition we see this in Jewish history, in the cases of King David and Elijah.

Man is atoned by offering animal blood in place of his own. This takes the place of human sacrifice. Nothing dead can be brought as a substitute for life, but only plants and animals. Plants are organic living matter. The Torah did not apply the same standards to all forms of life. There was a biological pyramid with plant life in the base and man at the apex. The difference was only of degree but not of kind. Everything is within the bounds of organic life. An example of this is the 'ascending and descending sacrifice'.²⁶⁵ If a person cannot afford an animal he can bring instead a bird or a wheat offering. This expresses the intimate kinship between all forms of life. Even plant life, brought as a wheat offering, may substitute for human life.

God always claims the first born. The first budding of life is consecrated to Him. This is a consequence of previous events in history. God rules over all life absolutely in His creation. Every creature owes life to Him and must surrender it rightfully to its Creator. Sacrifice bespeaks this absolute juridic power of God over life. The first manifestation of life, therefore, naturally belongs to God. Even man is given a lease on his own life, and privileges over other forms for his own needs. But the first manifestation of life belongs to God. "Sanctify unto Me every first born. The opener of every womb in the Jewish people in man, and in animals, for it will be mine" (Ex. 13:9). The firstborn of every kosher animal is sacrificed. The firstborn of a non-kosher animal or that of a human being is redeemed. The act of redemption is a symbolic performance of purchasing the child from God. "And she [Eve] said, 'I have acquired a man with God'" (Gen. 4:1). The meaning of this verse is explained by Rashi, "I have acquired a man from God." "Hannah conceived and gave birth to a son. She called his name Samuel for [she said] I have borrowed him from God" (1 Sam. 1:20). "God has given me that which I asked from Him" (ibid. verse 28).²⁶⁶

pidyon (redemption) is identical to a monetary acquisition. Our sages even derived the law of monetary acquisition from the act of sanctification (*bekodesh*).²⁶⁷ They approved of transactions between man and God. Redemption of the firstborn (*pidyon bechor*), however, is not an act of acquisition. It is more similar to repayment of debt. The priest (*cohen*) is

264 In addition to animal offerings the Torah explicitly commands the offerings of wheat, olive oil and wine. This is commanded in Numbers 15:1-10. the offering of water is not explicitly stated in Scripture but is a halacha le-Moshe me-Sinai – and oral tradition from Moses at Sinai. The Sages find an allusion to this in Numbers 29:19,31,33 (See Taanit 2b). In addition we see water libations in Scripture, such as that of Elijah who poured water around the altar in 1 Kings 18:34-35.

265 In Leviticus chapter 5 verses 1-13 the Torah commands three different types of offerings to be brought. In each of these, if a person is not wealthy enough to bring an animal he may bring a bird instead. If he is too poor to bring a bird he may bring a wheat offering. These sacrifices are called 'ascending and descending' because the contents, and therefore their monetary value, ascends or descends in accordance with the resources of the one who brings it. The Rav uses these types of offerings to prove his point that the laws of sacrifice extend to all forms of life, including that of plants. This in turn, illustrates that the Torah recognizes God as the owner of all life, from plant to animal to human.

266 The verb *sha'al* can mean both to ask and to borrow. The Rav is emphasizing that giving birth to a child is equivalent to borrowing the child from God. This further illustrates God's ownership of all human life especially the firstborn.

267 The Rav's source is from a statement in Bava Metzia 46b and Rashi's commentary there. The Talmud cites the opinion of Rabbi Yochanan that purchasing an object with money is a legal acquisition which has its source in the Torah. Rashi says "as we find in the case of sanctifying an object, about which the Torah states, "If the one who sanctified the field redeems it, he must add one fifth of the value and it shall be his" (Lev. 27:19)." We note that Rabbi Yochanan himself does not bring a scriptural basis for his statement. Rashi's source appears to be from Kidushin 5a.

merely collecting something which he is owed. It is the price a father owes for having a son. The Geonim formulated a liturgy in which the priest asks the father, “which do you prefer – five shekels or your son?” The Rosh notes that the priest certainly cannot take the child. He only makes this statement to express the concept that this act of redemption is a type of acquisition, despite the fact that the father has no choice but to pay for the child.²⁶⁸

The notion of a firstborn – *bechor* – not only applies to people and animals, but also to plant life. An example of this is the commandment of *bikkurim* – the first fruits. One is commanded to take the first ripening fruits and bring them to the Temple. Whereas the firstborn of an animal is consecrated not by an act of man but rather automatically, *bikkurim* require an act of consecration on the part of man.²⁶⁹ Similarly the mitzvah of *terumah* (tithe for the priests) must be separated from the crop before the food can be eaten. It has many laws in common with *bikkurim* and *pidyon bechor*.

Another commandment in this category is *challah* (separating part of the dough as a tithe for the priest, before completing the process of baking bread). This also has many laws in common with the above.

It is important to note that in several places in the Pentateuch these laws appear in the same section. For example in *Parshat Korach*, in the same section there appear the laws of *bikkurim*, *terumah* and redemption of both firstborn man and animal.

“The first of your oil, wine and wheat, which you will bring to God, will be yours. The first fruits of everything in your land, which you bring to God, shall be yours; Everyone in your house is permitted to eat it... Everything which comes out first from the womb which you will bring to God, both of man and of animal, will be yours” (Num. 18:12-13, 15). These verses which all appear in the same section of Torah are speaking to the priest. The first is speaking about *terumah*. The second about *bikkurim* and the third about redemption of firstborn man and animal. The verses speak about the gifts which are given to the priests.²⁷⁰

In *Parshat Shelach* we find the same type of pattern where several of these commandments appear together in the Pentateuch. “When you eat from the bread of the land you must separate a gift for God. The first of your dough, *challah*, you will separate. It is like the *terumah* of the wheat and you must separate it” (Num. 15:19-20). The first verse is the commandment of *terumah* and the second verse speaks of the commandment of *challah*.²⁷¹ There are, however, differences between these kinds of gift. While the priest is the recipient of *terumah* and also *bikkurim*, halakhically speaking *bikkurim* are considered to be a gift for the altar, while *terumah* is exclusively a gift to the priest. For this reason the

268 In his *Laws of pidyon bechor* in Tractate Bekhorot, and in Kidushin 1:41 the Rosh (Rabbeinu Asher [[dates]]) cites the text of the ceremony of the redemption of the first born which was formulated during the time of the Geonim. In this ceremony the priest asks the father, “Which do you prefer – the five shekels that you owe me, due to your obligation to redeem your son, or your firstborn son?” This ceremony, however, does not reflect the legal mechanism of redemption completely. See *Responsa of Terumat Ha-Deshen* 235.

269 In *Mishne Torah* in the beginning of the ‘Laws of *Bikkurim*’ Maimonides introduces the mitzvah by writing that we are commanded “to consecrate *bikkurim* and bring them to the Temple.” He uses a similar phrase in *Sefer Ha-Mitzvot*. In the case of the firstborn of an animal in *Hilbot Bekhorot* 1:4 he writes, “there is a mitzvah to sanctify the firstborn of a kosher species of animal... but if it was not sanctified it becomes sanctified automatically from the time it leaves the mother’s womb.” See also ‘Laws of *pidyon haben*’ of the Rosh.

270 The Rav’s point in emphasizing the proximity of the above three verses is to express the fact that the concept of offering the first produce is a property and concept in both plant, animal and human domains.

271 Once again, the Rav is illustrating the proximity of these two types of commandment which shows their ontological affinity.

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mitzvah of *bikkurim* only applied when the Temple was standing²⁷², whereas *terumah* and *challah* apply even today.²⁷³ However, from the juxtaposition of *terumah* and *bikkurim* see that *terumah* (and *challah* which is compared to *terumah*), though not considered offerings, nonetheless express the idea of a sacrifice.

The Torah understands plant life in a similar way as it understood animal life in Leviticus. A plant is considered to be a creation of God endowed with life. Man has no primal right to destroy it, even if it is to sustain his own life. He is rather granted a privilege. This right of tenancy is contingent upon bringing the first fruit to God. Man, by doing so, exhibits the privilege by giving the first fruit to God. The rest of the crop is then lawfully his, and may be eaten, after he brings this symbolic offering.

This concept of offering the first produce as a symbol of man's acquisition of privilege in God's creation is also expressed in the prohibition of the first fruit of the tree – *orlah*.

“When you come to the land and plant a fruit tree its fruit will be forbidden. They will be forbidden to you for three years (*orlah*) and may not be eaten. In the fourth year all of its fruit will be sanctified as a praise to God. In the fifth year you may eat the fruit and add it to your crop. I am the Lord your God” (Lev. 19:23-25). The fruit of the first three years of the tree are forbidden to be eaten. The fruit of the fourth year must be brought to Jerusalem and eaten there just like *maaser sheni*. We see from here that man is commanded not to partake of the first fruits of a tree and in the fourth year must consecrate them to God. In addition there is a prohibition of *chadash* – the first harvest of the season. This too is forbidden until the *omer* sacrifice is brought. “You shall not eat any bread or roasted oats until this very day – until you bring the sacrifice to your God. It is a decree for all the generations, everywhere you live” (Lev. 23:14).

The fundamental concept is that the first produce always belongs to God. In the case of *chadash* this is extended to the act of harvesting itself. It is forbidden to eat the wheat of the harvest before the first sheaves of wheat are harvested and brought as the *omer* sacrifice.

One is forbidden from taking any life - even plant life, before making a symbolic offering. A harvest is a type of sacrifice.²⁷⁴ In addition, the first harvest of the *omer* can be performed on Shabbat.²⁷⁵ This is similar to the law pertaining to a mandatory communal sacrifice which may be offered on Shabbat.²⁷⁶ In the Middle Ages there was a civil law of the first fruit *jus prima noctis*²⁷⁷ which was used in a barbaric way. A similar practice is recorded in the Talmud “a bride must first be with the ruler.”²⁷⁸ This expressed the fact that the feudal lord had unlimited powers over everything and everyone in his dominion. Today the modern state claims these rights. This governs such laws as inheritance taxes. The state demands the first and the best. Even democratic states express sovereignty and supremacy. All citizens, even of a democracy, are subordinate and enslaved to the government. This idea expressed in *lex naturalis* becomes the concept of *jus primi fructus* – the first fruit.

272 Mishna Shekalim 8:4. In the Jerusalem Talmud there it states “The commandments of *shekalim* and *bikkurim* only apply during the time of the Temple.”

273 Mishna Bikkurim 2:3 “The commandments of *terumah* and *maaser* apply both during the time of the Temple and after the time of the Temple.” The source that *challah* applies today is *Sifrei* end of *Parshat Korach*.

274 In Avoda Zara 51a Rashi writes that wheat and grapes which were harvested for idolatrous purposes are similar to “slaughtering.”

275 See Menachot 72b

276 See Pesachim 66a

277 *Jus prima noctis* is a term now popularly used to describe the alleged legal right allowing the lord of an estate to take the virginity of the estates women.

278 Ketubot 3b

God has the same relationship with man – even in devotional religion. Even though the relationship of God to man is religiously subjective and therefore a mental attitude, God nonetheless claims from man the best and the finest. It is not a primitive idea but basic. Once supremacy and ownership is established, man owes the best to God. The concept of the social contract is a fable. It was a reaction to Copernicus. The idea of a state is imposition. When the state comes in, rights must voluntarily be forfeited. Someone who refuses is forced to give up everything he owns.²⁷⁹

The term *orlah* is used in the Pentateuch with respect to both man and plant, but not to an animal. Etymologically the word denotes something superfluous and alien. It is something which is appendaged to an organ but does not inherently belong to it. On the verse, “Its fruit will be considered *orlah*” (Lev. 19:23) Rashi writes, “you shall block its blockage: it will be blocked and closed off from deriving benefit from it.” Nachmanides quotes Rashi and notes that “this explains it well.” This is similar to the expression “blocked heart” which denotes someone whose heart is blocked up and impenetrable.²⁸⁰ *Onkelos* interprets the verse “its fruit will be considered *orlah*” as “you will distance yourself from it”. Nachmanides writes “the reason for this commandment is to honor God with the first of all our produce of the fruits of the tree and of the produce of the vineyard and that we are not to take from them until we bring all the fruit of one year to give praise to God” (to Lev. 19:24). We see from here that Nachmanides understood the law of bringing the fruit of the fourth year to Jerusalem to be similar to a sacrifice. No fruit of the garden may be eaten until that time. This is an expression of the fact that man has no a priori rights to the fruits of his tree.

Why should we wait until the fourth year? The answer is that the fruit of the fourth year is better quality fruit. The fruit of the first three years cannot be brought as a sacrifice because it is of such poor quality. Only the fruit of the fourth year is fit to be brought to God.²⁸¹

We do not find that this relationship between God and man in the case of inorganic matter. It only applies to plants and animals. An example of this is that in the Torah we are commanded of the law of *shemita*. “Six years you may sow your field and six years may you prune your vineyard and you may gather its crop. In the seventh year it shall be a Sabbath for the Lord, a Sabbath unto God. You will not sow your field, and neither will you prune your vineyard” (Lev. 25:3-4). These verses express man’s obligation to the earth and its produce. Man is prohibited during the seventh year from interfering with organic life. He must let nature take its course. It can either flourish and grow, or fade and wither away. The main thing, however, is that man may not interfere with sowing, planting and harvesting. Man must abstain from interfering with organic life. It is as if he cannot trespass on alien property. man’s relative privilege to organic life is cancelled for the seventh year. It is called “a Sabbath unto God.”

279 The Rav’s understanding of a state is similar to that of the medieval interpretation of the concept of *dina de-malchuta dina* – the law of the state is the law (Nedarim 28a). The opinion of the Rosh and the Rashba is that one is forced to obey the laws of the state because of the fact that the land is owned by the king and he can consequently remove the inhabitants at will. It should be noted, however, that the opinion of Rashbam in Bava Batra 54b is closer to Rousseau’s concept of the social contract. See *Responsa of Chatam Sofer* Choshen Mishpat 44.

280 “I will bring them into the land of their enemies. Perhaps then their blocked up heart will be humbled...” (Lev. 26:41) “All strangers, of a blocked up heart and blocked up flesh shall not enter My temple” (Ezekiel 44:7). The Talmud Zevachim 18b interprets this latter verse as referring to someone whose acts have estranged him from God because of the blocking up of his heart.

281 Nachmanides writes in his commentary “now the fruit of the first three years is not fit to be brought before God because it is too small. Neither does a tree in its first three years impart good taste or flavor into its fruit. Besides, most trees do not bring forth fruit at all until the fourth year.”

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Philo interpreted the phrase “A Sabbath unto God” to mean that man must dedicate himself to God. However, we do not find that the Torah refers explicitly to any spiritual elevation. What is the purpose of rest? On a holiday our Sages use the expression “half for yourselves and half for God.”²⁸² However, the word *Shabbat* does not mean “rest” in the Hebrew language. Rather it means “to stop.” On the seventh year there is a stoppage of the earth to show man that it belongs to God. With regard to the seventh day it says, “It is an eternal sign between Me and the children of Israel that in six days God made the heavens and the earth and on the seventh day He rested and was refreshed” (Ex. 31:17). What does this verse show? The Sabbath is a sign that I believe in God’s sovereignty and supremacy. By resting from active forms of work.²⁸³ The 39 forms of work that are forbidden on the Sabbath represent man’s capacity for creation. This is the meaning of the term “*melechet machashevet*”. When man ceases to be creative he shows that only God is the owner of the world. Also in the seventh year we stop working, for the sake of God. This shows that we have no inherent rights to the land, but they are given to us. If man works the land without license from God he is a trespasser. The *shemittah* reminds us that we are not the real owners. This is also the idea that one may only sell property until the Jubilee year, as the verse says, “The land shall not be sold forever for the land belongs to Me. You are strangers and temporary inhabitants with me” (Lev. 25:23).

On the basis of the absolute ownership rights of God the Torah regulated the relationship of man to animals, and man to plants. Man’s rights in both of these areas are that of a license which can be withdrawn. The only exception to this is that of water.²⁸⁴ Why was water included by the sages in Temple ritual? Because the Torah water is identified with life in the phrase “living waters”²⁸⁵. Robertson and Smith are correct when they write that the Bible considers life to be identical with water. While water is dead it is still a symbol of life and that is why it is offered as a sacrifice. Water represents the dynamic basis of life. There is no such thing as dead matter in the Temple. Just as a plant is alive, so is water. There is another form of inorganic matter which is offered in the Temple – salt. “You shall salt every meal offering and shall not cease the salt of God’s eternal covenant from the meal offering. On all of your offerings you shall bring salt” (Lev. 2:13). The importance of salt is discussed by the medieval commentators. Nachmanides writes that salt symbolizes endurance.²⁸⁶ It expresses the fact that the contractual relationship between God and the Jewish people is eternal. Maimonides disagreed. His understanding of the use of salt on sacrifices was pedagogical. It is only

282 Beitzah 15b “Rabbi Yehoshua says that on a festival one must divide up the day – half for God and half for yourselves.”

283 The phrase, “*melechet machashevet*” is based upon the verse (Exodus 35:33) “To perform every craft of design” which describes the artistic labor involved in fashioning the vessels of the Tabernacle. The Talmud derives from this that “on Shabbat the Torah forbade *melechet machashevet* (designed work)” (Bava Kamma 60a). This is understood by the commentaries to include only creative acts as opposed to acts of destruction. See Shabbat 75a and Tosefot’s commentary there.

284 The Rav means that water is the only inorganic matter to which the Torah gave ritual importance.

285 Gen. 26:19 and many other places.

286 Nachmanides writes, “because salt is derived from water, and it is through the power of the sun that shines upon it that it become salt. Now the nature of water is that it soaks into the earth and makes it bring forth and bud; but after it becomes salt it destroys every place and burns it. “That it is not sewn beareth” (Deut. 29:22). Since a covenant is inclusive of all attributes, water and fire come into it, “And unto her shall come the former dominion” (Micah 4:8) The kingdom of God, just like salt, which seasons all food and helps to preserve them, and destroys them when they are oversaturated with it. Thus salt is like a covenant. It is for this reason that scripture states, “Ought you not to know, the God of Israel, gave the kingdom over Israel to David forever, even to him and to his sons by a covenant of salt forever” (2 Chr. 13:5). For this is the attribute of David. Therefore He says in connection with the offerings, “it is an everlasting covenant of salt” for the covenant is “the salt of the world” and by virtue of it [the world] with either continue to exist or will be destroyed.” (commentary to Lev. 2:13 p. 36 in Chavel.)

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because salt was not a popular form of pagan worship that it came to be used in the Temple.²⁸⁷

Sacrifice, *korban*, expresses man's longing for unity and merger. The term 'worship', *avoda*, is identical with that of sacrifice. Prayer is referred to by the Sages as "worship of the heart" based upon a verse which commands worship of God "with all of their hearts."²⁸⁸ A sacrifice is not a gift to God. It is not a commercial relationship, nor an exchange of presents. If this were true one could have thought of something more valuable, such as gold, silver or precious metal. Rather sacrifice is a payment of debt. Man, by offering a sacrifice, is giving to God what He already owns. The idea is to express what I owe to Him and that which He owns.

This idea of ownership manifests itself in different ways, corresponding to different facts of sacrifices. Therefore, a *korban torah* (sacrifice of thanksgiving) is an expression of what I owe Him. A *korban nedava* (voluntary sacrifice) is an expression of what He owns as well.²⁸⁹

We have seen until now the analogies made by the Torah between man and plant. We have also discussed the confluence of a plant with its environment. What about the confluence of man with his environment? Did the Torah compare man to a plant not only as an isolated organism but in regard to the environment? Naturally man is different from a plant because of his property of locomotion. Did the Torah want man to be cosmopolitan, whereby his movement is an expression of his human dignity, or is man's dignity rather dependent upon his confinement of movement? In addition, man's capability for locomotion is not only a physical property, but also mental. Consequently, we can ask an analogous question regarding man's capacity for mental locomotion. Did the Torah command an attachment or feeling of belonging or did it desire that man should be cosmopolitan, just like astronauts from the moon? One could rephrase this question specifically as follows: Did the Torah want man to remain attached to the soil? In Christianity man has nothing to do with the soil. Man is inherently a metaphysical being. Christianity is not a religion that views man as rooted to the soil, but rather as one who must be freed from his natural balance and rise to transcendental heights. Did the Torah look at man as a creature creeping on the earth and having roots? This question is not poetical, but rather a philosophical and halakhic problem. Let us speak now of God before man. Does the Torah want to free man from the curse of vegetative existence and therefore for this reason man was given the capacity for locomotion, or is man to take root in the soil and be confined to a state of confluence with his environment? Putting it in other words, is man destined to be earthly, or transcendental?

Locomotion is a major trait of life. This was well known to both Greek and Hebrew thinkers. Plato located the automotive principle in the soul. The soul is that which gives something its locomotion. In scripture, with respect to God, life is also identified with locomotion. God Himself is identified in Tanach with ceaseless movement. "Then the earth quaked and roared the foundation of the heavens shook: they quaked when His wrath flared" (2 Samuel 22:8). Movement is used with respect to God in two ways. (1)

287 *Guide3*: 46 "Inasmuch as the idolaters offered only leavened bread and made many offerings of sweet things, and seasoned their sacrifices with honey, as is generally recognized in the books that I have mentioned to you, and thus no salt was to be found with any of their offerings, He, may He be exalted, forbade offering up any leaven or any honey and commanded that salt should always be offered."

288 The term "worship of the heart" serves as the basis for daily Jewish prayer. See Taanit 2a. In addition, the Sages learn the three daily prayers from the daily sacrifices in the Temple. See Berachot 35b. The Rav's point is that a sacrifice is indicative of worship in general, of which prayer is one aspect.

289 A person is commanded to bring a *korban todah* as an expression of thanksgiving to God. It is therefore an expression of what a person feels he owes to Him. For a *korban nedava* a person consecrates something that he owns and brings it as a sacrifice to God. It is not done as an expression of thanksgiving, necessarily, but rather expresses the idea that God is the ultimate owner of all of man's possessions.

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movement is a metaphor for God's continuous activity. His ceaseless creativity and vigilance over the world is understood as movement. (2) God comes and goes. He can be present in any place at any time, but also make Himself absent.

In the second verse of Genesis God's movement is first described. "And the spirit of God hovered over the waters" (Gen. 1:2). Our first notion of God in the Bible bespeaks kinetic movement. The term *ruach* can be translated as either 'spirit' or 'wind'. Wind is motion which is active and with great speed. God manifests Himself as dynamic and active kinetic creativity which expresses itself as locomotion.

The notion of an omnipresent God is Greek. This idea appears in medieval Jewish philosophy. God has a vigilance of knowledge which is timeless.²⁹⁰ However, the Tanach did not speak about this. On the contrary, a scriptural picture of God is filled with movement. "And God descended to see the city and the tower that was built by man" (Gen. 10:5). "I will descend and see..." (ibid. 18:21). "And when He had finished speaking with him, God ascended from upon Abraham" (ibid. 17:22). In addition the themes of *gilui Shekhina* - revelation of God's Presence – and *siluk Shekhina* – the removal of God's Presence – are ubiquitous in Rabbinic literature. The Greeks and mystics developed a concept of God associated with quietude and rest. He was seen as an all-embracing and permeating substance. This culminated in the philosophy of Spinoza who viewed God as substance itself.

We, however, view God as a great personality. While He is hard to understand nonetheless He is described by movement and not omnipresence. Two metaphors which are used to describe God in Biblical literature are wind and fire. Fire is a metaphor expressing mostly a double idea – (1) The inaccessibility of God. Just as people shudder and escape fire, so too is God remote. (2) Fire is a metaphor for constant movement. This is *mobilitas Dei*. He is dynamic and kinetic. His existence is one of pure activity. Freedom of movement is a Divine attribute. He can be in any place or in many places. But did Divinity confine itself? The Torah does attempt to speak about His confinement. After the Sinaitic apocalypse His movement is restrained. "They shall make a sanctuary for Me so that I may dwell among them" (Ex. 25:8). "Holy, holy, holy is God of hosts. The whole world is filled with His glory" (Isaiah 6:3). On one hand God can be everywhere, but on the other hand He confines Himself to specific places. How did Judaism arrive at such a paradoxical concept? "You shall not contaminate the land in which you dwell, in whose midst I dwell, for I am God who dwells among the Children of Israel" (Num. 35:34). The term "*Shekhina*" indicates God's confinement.²⁹¹ In addition the Rabbis developed a concept of God going into exile which they called *Shekhinta be-Galuta*.²⁹² God will sometimes impose upon Himself a voluntary exile. He is not driven out against His will, but will voluntarily exile Himself together with His chosen people.²⁹³

290 The Rav is referring here to the Maimonidean conception of God Whose knowledge is eternal and never changing. See *Guide* 3:20.

291 See *Nefesh HaChaim* shaar 2 chapter 17 where he writes, "The plain meaning of *Shekhina* mentioned everywhere is the "fixing of a place of God's dwelling" as the Sages say (Gen. Rabba 4, Tanchuma Bechukotai) "From the day that God created His world, he longed that He shall have a place of dwelling among the terrestrials; His main place of dwelling was in Jerusalem, where His Holiness was revealed with garments."

292 See *Tanya Igeret HaKodesh* 4 (p. 210).

293 See Megillah 29a. "It is taught: Rabbi Shimon bar Yochai says, "Come and see how dear the Children of Israel are to God, for everywhere they are exiled, God's Presence is with them. They were exiled to Egypt, God's Presence accompanied them... They were exiled to Babylon, God's Presence accompanied them.... Even in the future when they will be redeemed, God's Presence will accompany them... as it says (Deut. 30:3) "And God will return...". See also Rashi's commentary on the Torah there.

The first of the Ten Commandments, “I am the Lord, your God, Who took you out of the land of Egypt” is interpreted to mean “Who was taken out with you from Egypt”²⁹⁴ For the kabbalists this was the motif for the suffering of God through His self-confinement. Man was given the task of redeeming Him.²⁹⁵

Sanctity – *kedusha* – was confined to certain areas. Why is this so? Why is God in voluntary exile? The Hebrews of old understood very well the universality of God expressed through His absolute freedom, but also His ability to restrict Himself. We have two conflicting emotions. There is a movement toward God which comes from fascination. Conversely there is a movement of repelling which comes from fear. Man strives to merge with God but then escapes from Him. This is the meaning of the expression “ran forth and back” in the verse, “the *Chayot* ran forth of back like the appearance of a flash” (Ezekiel 1:14).²⁹⁶

Man often sees God as being remote. However, He comes to him from time to time. God, when interacting with man, can be destructive. We see this clearly in the revelation at Sinai. “Anyone who will touch the mountain will surely die” (Ex. 19:12). “God said ‘You cannot see My face, for no one can see My face and live’” (ibid. 33:20). Man is fascinated with God. He seeks to merge with Him. However, he is unable to raise himself to transcendence. God therefore has to come down. “God descended upon Mount Sinai at the top of the mountain” (ibid. 19:20). In order to make contact with man, God’s Presence must confine itself in a way which is approachable for us. This is why one of the names of God is “*Makom*” which literally means ‘place’. This is true only in Hebrew. God can confine Himself, which is a unique accomplishment, given His transcendence. It does not mean, however, that God is in the world, but rather that there is one aspect of God which confines itself to the cosmos. The Temple is symbolic of this confinement.

The first, and greatest, confinement of God was in the first act of creation. The kabbalah calls this *tzimtzum*.²⁹⁷ In the act of creation God confined Himself. This is a cosmic event in which the Divine Will was contracted and embedded itself in a natural occurrence.²⁹⁸ The halakhah is a consequence of the *tzimtzum* of God. Through this halakhah seeks to make God nearer. “Seek God when He is to be found; call out to Him when He is close” (Isaiah 55:6). Philosophy, however, only makes God further away. “Then Solomon said, ‘God said that He will dwell in the cloud (*arafel*). I have built a house for You to dwell in, the foundation for Your eternal dwelling’” (1 Kings 8:12).

294 Jerusalem Talmud Succah 4:3 “It is taught: Chananiah the nephew of Rabbi Yehoshua says, “I am the Lord your God Who took you out of the land of Egypt” - Who was taken out of Egypt.” The Sages read the word *hotzeiti* (“I took you out”) as *butzati* (“I was taken out”).

295 Rabbi Chaim Volozhiner in several places writes that the purpose of prayer is to alleviate the “suffering” of God who is in exile (*Derasha* p. 410 and *Nefesh Ha-Chaim* shaar 2 chapter 11).

296 Rabbi Chaim Volozhiner in his book *Nefesh ha-Chaim* shaar 3 uses this verse to explicate the dual aspects of God’s transcendence and immanence. The Rav’s point here is that this kabbalistic concept was the natural scriptural understanding of God in relationship to man.

297 The Rav’s understanding of *tzimtzum* is based upon the *Tanya* in *Shaar HaYichud ve-ha-Emunah* chapter 7, pp. 162-169. There the process of *tzimtzum* is described as the ability of God to confine Himself within the physical dimensions.

298 In *Halakhic Man* (p. 48) the Rav writes: Infinity contracts itself; eternity concentrates itself in the fleeting and transient, the Divine Presence in dimensions and the glory of God in measurements. It is Judaism that has given the world the secret of *tzimtzum*, of “contraction,” contraction of the infinite within the finite, the transcendent within the concrete, the supernal within the empirical, and the divine within the realm of reality. When the Holy One, blessed be He, descended on Mount Sinai, He set an eternally binding precedent that it is God who descends to man, not man who ascends to God. When He said to Moses, “And let them make Me a sanctuary, that I may dwell among them” (Exod. 25:8), He thereby revealed the awesome mystery that God contracts His divine presence in this world.

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“Can God actually dwell on the land? For the heavens and above cannot contain You, and certainly not the house which I have built” (ibid. 8:22). This language of King Solomon is most modern. It expresses antimony. The entire cosmos cannot contain God, for God is infinite. Nonetheless, I have still built a house. King Solomon was expressing a paradoxical absurdity which was nevertheless true. To the philosophers and mystics God is away. Man must be led to the seat of God through an almost endless ascending flow. Instead of asking man to ascend, the halakhah invites God down. While the mystical philosophers and Christians viewed man as a metaphysical being, who can take this trip up because he metaphysically lives in both worlds, and his soul can just go and join God. The Jews, however, who value the naturalness of man, and do not recognize His metaphysical sovereignty, saw this as impossible.

“When God said to Moses: ‘And let them make Me a sanctuary’ (Exod. 25:8), Moses began to wonder, and he said: ‘The glory of the Holy One, blessed be He, fills the upper worlds and the lower worlds and yet He says: And let them make Me a sanctuary.’ And moreover he gazed [into the future] and saw Solomon upon the completion of the building of the Temple, which was larger than the sanctuary, saying to the Holy One, blessed be He: ‘But will God in very truth dwell on the earth? Behold, heaven and the heaven of heavens cannot contain Thee; how much less this house that I have builded’ (1 Kings 8:27). Therefore, Moses began to compose the psalm ‘The Most High dwelleth in concealment; the Almighty abideth in deep darkness’ (Ps. 91). God replied: ‘I am not of the same opinion as you. But twenty boards in the north and twenty boards in the south and eight in the west [will suffice]. And more than that, I will contract My Divine Presence [so that it may dwell] in one square cubit’” (Exod. Rabbah 34:1).

This Midrash is the first expression of the concept of *tzimtzum*. The Baal HaTanya quotes it in *Likutei Torah*. To confine God appears to ruin His transcendence. “The Most High dwelleth in concealment; the Almighty abideth in deep darkness” (Ps. 91:1). Moses thought that because of the full inaccessibility of God He cannot possibly be confined. God explained to him that there was no contradiction. It is necessary to understand God both in confinement and in infinity. Otherwise practical religion is impossible.

Maimonides did not catch the importance of *tzimtzum*. He rationalized all anthropomorphic terms, such as “God’s ascension” and “God’s descent.”

The immediate analogy of God is man. If God is self confined, the same must necessarily be true of man. This must have been the first consideration in his creation. Where did the Torah confine man in a parallel fashion to the self-confinement of God? The idea of the state is an expression of this. The state is a voluntary confinement and imprisonment. All movements of the nineteenth century that wanted to free man from his confinement failed. This is because man must morally live within the state. This is man’s compliance with his environment. Hermann Cohen couldn’t understand this. Even though he understood Judaism very well, he understood it as one whose intention was to remove man from his moorings. So did Lazarus. The state is less interested in philosophy professors than in peasants. It only deteriorates when philosophers take over. The state looks at man as a natural being. It views man in terms of the herd instinct.

[[We must free ourselves of Biblical criticism where confinement is considered primitive. As far as Welhausen is concerned, Moses spoke to the animus of the bush or the rock. But ‘I shall be as I shall be’ is not made of stone. Buber, in his book *Moses*, disapproves of this. It is wrong to say that God is primitive or barbaric. Kierkegaard reads the Bible text

The confinement of God is under certain conditions and certain places and times. God is approachable at certain times, but at other times He is not. It is clear that it is easier to approach God through prayer on Yom Kippur than in a nightclub. We all agree to this.

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We therefore all agree that God confines His Presence to certain times and certain places.

We also have another idea of God as an intruder. This is a big problem. God comes to Moses and to Jacob without warning. Even if we hide from God He will come to us. But this is usually in a time of need. When there is a question of our entire existence, God imposes Himself on us. This is usually at a time of great crisis. When God appeared at the burning bush, the existence of the entire Jewish people was at stake. When God appeared to Jacob his own personal existence was a stake. God chooses to confine Himself, even without my choice.]]

Lecture 10

Lecture 10

Negative theology is impossible from the standpoint of practical religion.²⁹⁹ God, as we have seen, possesses the dual aspects of infinitude and finitude. In addition God is “conditioned.” This means that He is responsive to initiatives that are taken by man. The rationalist concept of God as infinite only allows initiatives to be taken by God. This is a consequence of the philosophy of negative theology. However, as we have seen, the kabbalah speaks about God’s “confinement” and “imprisonment” within the cosmos. As a consequence He is responsive and acts and responds to man’s will and with regard to man’s undertakings.³⁰⁰

King Solomon declared “Behold, heaven and the heaven of heavens cannot contain Thee” (1 Kings 8:27).

Why was there a need for God to go into voluntary exile? Why did He choose this path? The answer to this is that only in this way could He make Himself intelligible to man’s wisdom. The only way that man can meet God is through finitude.

Human life is not necessarily one of free, unlimited movement. It requires integration within a stable frame of reference. One cannot remove man from his natural moorings. Not only is man, in this sense, rooted like a plant, he is more similar to plant life than animal. This is because he takes root. Just as a plant forms part of the natural landscape, so is man embedded within his natural environment. Where do we find the expression of these concepts?

Both man and plant are rooted in the soil. Both belong to mother earth and are part of her. In Scripture, we find a unique relationship between man and the earth. Man belongs to the earth, he is created from it and returns to it. “For earth you are, and to earth you will return” (Gen. 3:19). The commandment to bury the dead is a consequence of the earth’s claims over man. By burying a person we sanction the validity of earth’s demand upon man. The earth exercises ownership and dominion in a relative sense. It has a lease on man’s separateness. If man dies, the earth claims the return of its deposit. Just as the owner demands the return of property rights, so does the earth demand her son. “If a person shall have committed a sin whose judgment is death, he shall be put to death, and you shall hang him on the gallows. His body shall not remain overnight on the gallows but rather you shall bury him on that day for a person who is hanging is a curse to God and you shall not contaminate the land which God has given you as an inheritance” (Deut. 21:22-23). The Sages understood this command to refer not only to burial of hanged criminals, but to all deceased. There is a prohibition against not burying any dead person.³⁰¹ Every corpse belongs to mother earth. She claims that her sons return to her.

299 The term “negative theology” refers to the Maimonidean concept of God as expounded in *Guide* section 1 chapters 50-69. There Maimonides asserts that one cannot make any positive statement about God or attribute to Him any positive attribute. Only negative statements are permitted. Hence, the term “negative theology.”

300 According to Maimonides theory of “negative theology” one may describe God’s acts in the world. This is what the Rav refers to as God’s “conditioned initiative.” However, the post-Maimonidean kabbalah, which posits a separate God-man realm, in distinction to a divine realm in and of itself, allows for God to respond to man’s initiatives. In this sense man’s acts have an impact on the divine. In these lectures the Rav has located this theology in Biblical verses as the traditional Jewish belief.

301 Sanhedrin 46b: Rabbi Yochanan says in the name of Rabbi Shimon bar Yochai, “From where do we know that one who procrastinates the burial of a corpse transgresses a negative prohibition? Our sages learn from the verse “You shall surely bury him on that day” (Deut. 21:23).”

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“When his spirit departs he returns to His earth” (Ps. 146:3). The verse does not refer to the earth that belongs to man, but rather to the earth that belongs to God. The verse tells us that man belongs to the earth. His return to the earth is a return to himself. An inanimate body, once the soul has departed, goes back. God placed primordial man, Adam, in Paradise, in order that he till guard it. “And God took man and placed him in the Garden of Eden, to till it and to guard it” (Gen. 2:15). God had created vegetative life already on the third day. However it had not yet sprouted. We see this from the following verse, “Now any tree of the field was not yet on the earth, and no herb of the earth had yet sprouted, for God had not sent rain upon the earth for there was no man to till the soil” (Gen. 2:5). Rashi (ibid.) explains, “And on the third day it is written, “And the earth brought forth vegetation.” The plants did not emerge from the earth on that day, but waited at the entrance to the ground until the sixth day.” The earth serves man. As long as there was no man, no vegetative life grew. It has been created on the third day, but was still in a state of potential. The actual flourishing, budding and thriving came only with man. The earth was responsive to man in all that it produced. Rashi comments on the verse “there was no man to till the soil” that “when Adam came and realized that it [rain] is a necessity for the world he prayed for it and all types of trees and vegetation sprouted.” (Gen. 2:5).

The Torah says that man was placed in the Garden of Eden to till and guard it. Literally these words mean to work and to watch. However, the verb “*leshomru*” in this context does not mean to “watch” but to “cultivate.” There was no point in protecting it, for there were no intruders. The term “*la-ovdah*”, which literally means “to work” is better interpreted as “to serve.” The noun *eved* refers to a slave. The verse in Ecclesiastes states, “the advantage of land is supreme, even a king is indebted to the soil” (5:8). In the case of Divine service the same term is used, “because you did not serve the Lord your God with happiness and gladness of heart” (Deut. 28:47). Man is destined to serve Mother Earth. This is a paradoxical phenomenon. On one hand man is commanded to “be fruitful and multiply, fill the earth and subdue it”, (Gen. 1:28) - to exploit it. On the other hand, man is commanded to serve the earth. It is important for us to understand the answer to this paradox. How can we combine these two concepts of subordination and exploitation-dominion? How can one be both a master and servant? The answer to this is that the earth and man need each other. Their relationship is one of cooperation and accord. Let us trace this in the Bible.

Man must cooperate with the earth because he was created from it. On the other hand, the earth yields fruit to man. There is mutual response and cooperation. Service is rewarded. Man’s dominion is only effective when it is subordinated to the earth. His service is amply rewarded through exploitation. The biblical term *ve-kivshuba* - “and subdue it” - is not an involuntary conquest as in the case of war. It is rather a repayment and availing oneself of benefits. The reward is not because of man, but for a certain work. The service to earth is rewarded by earth with her subordination. Man first subdues the earth and in return the earth cooperates and is responsive to man’s demands. The man-earth relationship is not involuntary servitude, but rather voluntarily service of both sides. This is the meaning of the paradox of “subdue it and serve it.” There are mutual duties and obligations.

Man’s first relationship with the earth was one of harmony and cooperation. This cooperation was expressed in the responsiveness of both sides. However, this peace and harmony did not last for long. Paradisiacal man enjoyed the good will of the earth for only a short period of time. The first sin disturbed this harmony. Apparently this was a betrayal of nature. (The concept of rebellion against nature can be found in the Christian philosopher Augustine and Clementine). Rambam [[maybe Ramban]] understood the consequence of sin in terms of ignorance. Harmony was converted into tension and the

co-existence of man and nature became divided existence. “Cursed is the ground because of you. Through suffering shall you eat of it all the days of your life. Thorns and thistles shall it sprout for you and you shall eat the herbs of the field” (Gen. 3:17-18).

We must understand that this is not just a punishment. The Bible looks at punishment in terms of natural retribution. It is the natural consequences of sin which penalize man. It is not imposed by Divine wisdom, but by Divine decree. The Bible speaks of reward as a natural consequence. All punishment is naturally ipso facto. (This concept is an important theme in Rousseau. You do not punish the child, but let him suffer the consequences of his actions.) The beatitude of the Eternal is not mentioned. God does not have to interfere. Even excision (*karet*) is a natural death. The entire Bible is the story of either uniform patterns of harmonies, or of tensions.

The earth post-sin seems to be less responsive to man's needs. The relationship between the two is not cooperative and mutual but is filled with conflict, struggle and mutual dislike. Man must eat bread in sorrow and by the sweat of his brow. What the earth yields becomes compulsory. The earth became not only unresponsive, but malicious. The expression “thorns and thistles” is an expression of malice. Nature no longer trusts man and hates to comply with his desires. Man attempts many times to steal nature's secrets and use them to conquer it. He also tries to hear the intimate conversation of nature. However, nature is treacherous. Man spies upon it. Nature remains very unco-operative. To detect one formula takes the great sweat of the brow. Spying on nature is not a form of cooperation. Humanists and atheists say that there is no divinity in nature. They see it only in terms of cruelty, division and non-cooperation. It disregards man's wishes and interferes with his plans. It is malicious and even sometimes vicious. This is the curse on man. It is also a curse for nature as well. “Cursed is the ground because of you” (Gen. 3:17). Man is cursed because he sinned. But why should the earth be blamed for man? “Tuvia sins and Zigud is punished?”³⁰² While one could have understood the verse as meaning that the earth was cursed in relation to man, the term used in the Bible – *ba'avurecha* – means “because of you.” This is the way that both Onkelos and Rashi interpret it.³⁰³ From Rashi's commentary we see that the mother is cursed for her son's criminal behavior. However, the Spanish scholars and commentators understood the verse to be saying that the ground was cursed in relation to man.³⁰⁴

This curse is characteristic of the Jewish attitude to man, sin and the earth. In the case of Cain God says, “you are cursed more than the ground, which opened wide its mouth to receive your brother's blood from your hand” (Gen. 4:10). Rashi explains “more than the ground” - more than it has already been cursed for its sin. According to the Sages, the earth did not comply with the Divine will. This is pointed out by Rashi in his commentary to the emergence of trees and vegetation on the third day.³⁰⁵

302 Makkot 11a. Based on an incident in Pesachim where Zigud witnessed a crime committed by Tuvia. He testified against him before Rav Papa's court, but because a single witness is invalid, Rav Papa punished Zigud for his testimony, rather than Tuvia for his crime. This became a popular saying referring to someone being punished for a sin committed by another.

303 Onkelos uses the word *be-dilach* (“because of you”). Rashi writes “this can be explained by a parable. It may be compared to someone who does evil actions, and the people curse the breasts from which he nursed.

304 Nachmanides [[source?]] said that he would be cursed through the ground. The explanation of the curse is that the earth shall not continue to give him strength and that he be a fugitive and wanderer in it... and Ibn Ezra explained it similarly.”

305 Rashi (Gen. 1:11) writes on the verse “trees of fruit”. “That the flavor of the wood should be as the flavor of the fruit. But the earth did not do so. Rather the verse states “and the earth brought out trees yielding fruit”, that the tree itself was not fruit. Therefore when Adam was cursed for his sin, the sin of the earth too was taken into account when it was cursed.”

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Why should the earth be cursed for man's sin? This even bothered the Sages. If man sins why should the earth be burdened with his curse? Nachmanides asks that if the curse of the earth as a result of Adam's sin was thorns and thistles, what was added to the curse as a result of Cain's sin? He writes that as a result of Adam's sin man will get results through the sweat of his brow. As a result of Cain's sin the earth may yield no produce at all. There will be a complete negation. In addition man will wander the earth. He will be a vagabond. This is a new curse. It is completely different than the curse of Adam. It is not just an increase in severity but a new type of curse. Adam was condemned to exile from paradise to some other place whereas Cain had no place where he could dwell, there was not a single place that would grant him rest.³⁰⁶

In the first decree we are told by the Bible "and God banished him from the Garden of Eden to work the soil from which he was taken" (Gen. 3:23). We see from here that man was given a different type of service – that of toil and servitude. Man became a slave of the earth as it says in the verse, "the king is enslaved by the earth."

Apparently man was created from soil that was not from the Garden of Eden, but from the soil of some outside area. Man was created initially from uncooperative soil that would have to be forced to yield produce. This typically foreseen punishment is the fate of the Jewish people. It is composed of two parts.

1. Resistance on the part of nature and the environment. This results in a struggle with nature.
2. Wandering and exile. This comes from the verse, "You will become a wanderer and an exile on earth" (Gen. 4:12).

Mother Earth is somehow very sensitive to sin. She reacts promptly to any sin or error on the part of man and condemns the sinner ruthlessly. We see this not only in Genesis but also in other parts of the Bible.

"You should not lie with a man in the way you sleep with a women... and the earth will spill out its inhabitants" (Leviticus 18:22-25).³⁰⁷ In addition the earth suffers because of man. "You shall not accept ransom for the life of a murderer who is worthy of death, for he shall surely be put to death" (Numbers 35:31-33).³⁰⁸

God reprimands the earth for absorbing the blood of a victim. Covering up the blood is a crime perpetuated by the earth. "The earth will not be atoned for the blood that was spilt, but only through the blood of he who spilled it" (Numbers). The earth is responsible for sin. The earth has been defiled and because of that it needs atonement.

In Christianity atonement is metaphysical but we see here that it refers to the earth. The Spanish medieval commentators understood "the earth" to be "the inhabitants of the earth". This, however, was a rationalization. It is the earth itself that the verse is referring to. The verse does not refer to conflict and non-cooperation in produce, but ultimately to the penalty of exile. Man forces the earth to serve him, but in the end the final result is exile.

The notion of impurity is also attached to the soil. This is also a metaphysical quality of the earth. We see, therefore, that both sin and atonement have to be achieved by both man and the earth. This is because man is part of the earth. Man is nothing but nature expressed through self-conscious ethical existence. Man's essence is not metaphysical or transcendental and separate from nature. It is contained within the boundaries of nature

306 Nachmanides writes: It is possible that He also cursed him through the earth that it should no longer yield its strength to him of its own accord... Then He added "even when you work the earth by ploughing and sowing it will not continue to give you its strength as before." Then there are two curses relating to his occupation, and a third one that he be a fugitive and a wanderer in the world (Chavel p. 90).

307 See *Emergence of Ethical Man* p. 55

308 See *Emergence of Ethical Man* p. 59

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but has the extra dimension of self-consciousness which is the source of its spiritual essence.

Man is that part of nature whose existence is expressed in self-consciousness. Therefore man and the earth flow into each other. They are completely identical. The complete, pristine conditions that make a human being possible are what we refer to by the earth. It is the oneness that makes man corresponsive to everything in nature, in all senses. “Beware lest your heart be seduced and you turn away and serve other gods and bow to them. Then God will get angry with you and will restrain the heavens and there will not be any rain and the land will not bring forth its produce. And you will be quickly banished from the good land which God has given you” (Deuteronomy 11:16-18). “If you will follow My decrees and follow My commandments and perform them, then I will provide your rains in their times and the land will bring forth its produce... I will make your heavens like iron and your land like copper... your strength will be spent in vain” (Leviticus 26:3-4; 19-20). These verses are parallel to those in Genesis which speak about the consequences of the sin of Adam, namely “by the sweat of your brow you shall eat bread” (Genesis 3:19). Man is a slave who toils in servitude to nature. If he tries to defy the word of God he is banished from the land. This is the punishment of exile. “I will make your land desolate and your foes who dwell upon it will be desolate. And you I will scatter among the nations” (Leviticus 22:32-33).

Here again we see the same theme of exile. A similar passage in Deuteronomy states, “God will make the rain of your land dust and dirt” (28:24). The Chumash concludes with the threat of exile “God will lead you and your king who you will set up over yourself to a nation you never knew” (Deut 28:36). In addition in *Parshat Netzavim* the Torah states, “They will see the plagues of that land and its illnesses with which God afflicted it. Sulphur and salt, a conflagration of the entire Land, it cannot be sown and cannot sprout and no grass will grow upon it” (Deut. 29:21-22). Once again here the final curse and prophecy is prophecy. “And God removed from upon their soil with anger, with wrath and with great fury, and He cast them to another land as this very day” (Deut 29:27). All the covenants made between God and Israel have the same pattern. Non-cooperation and exile. While commandments strengthen man’s connection to the land, sin detaches him from it. Reward and punishment are expressed in terms of the relationship between man and nature. Punishment comes about through the tension between man and nature, and its non-cooperation with him. There is an underlying process. In the beginning the earth becomes rebellious. The schism created as a result widens with sin. The final result is that nature begins to resent the presence of man. Non-cooperation becomes expulsion. Man’s attempts to subjugate nature ultimately end in his own defeat. “I will speak these words into their ears and will call Heaven and earth to bear witness against them (Deut. 31:28). Rashi explains, “therefore [God] will summon the Heaven and earth to bring testimony against the Jewish people if they deny the covenant for “they are witnesses who live forever”.” The Sages viewed the Heaven and the earth as witnesses because they are eternal. God therefore calls upon them as His partners. As partners they are concerned with the entire drama. Man, God and the environment are involved in the fate of history. As soon as man begins to rebel, Heaven and earth will act against him. This is similar to the idea of witnesses who are commanded to commence the punishment of a sinner. “The hand of the witnesses shall be upon him first to put him to death, and the hand of the entire people afterward, and you shall destroy the evil from your midst” (Deut. 17:7). There is a partnership between man and the environment and nature is very involved in man’s acts. All of these above passages conclude with the eternal curse of exile. Exile is a national curse. It is a typical punishment for man if he becomes disobedient. Not only is there a severance of cooperation with the earth, not only does man become a wanderer, but the state of man and earth is physically changed.

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Let us summarize our conclusions.

There is a close kinship between man and nature. Man is a child whose drives should guide him. Nature is confined within itself without reaching out so long as man lives within its boundaries. Even though his distinctness is exaggerated.

These ideas are not apocalyptic but universal. The seven Noachide laws can be derived from reason, based upon the very nature of man.³⁰⁹ The seven Noachide laws are what Groteus termed "*Lex Naturalis*". They are both ethical and natural laws. In addition, even man's relationship with God is a natural ethic. The term *chamas* used in the Torah indicates that man's rebellion against God was an overstepping of his natural bounds. While the curses and blessings in the Torah are termed "statues", nonetheless the central theme is idolatry.

Nature cooperates with man because of their affinity and similarity. It showers man with its generosity and kindness because man is part of it. Metaphysically they are one entity. They are of the same bones and flesh. Man is closely attached to nature as a finite being. If he lives in unison with *lex naturalis* he is safe. Sin occurs when he becomes unnatural. Compliance with God's law is natural. Sin is a going out of the usual boundaries, of his ontic existence. This is when man tries to enhance his position by reaching out to things which are beyond his being.

Characteristic of man's earthly being are his finite determinants. If he tries to raise himself out of his finitude and determinant conditioning of his environment he becomes a sinner. This is the essence of sin; it is man's rebellion against his natural environment. We see this from the Torah by its usage of the term *chamas* for sin, which means "leaving natural boundaries. In addition the concept of *tumah* – impurity is identified with death and disease as we see in the chapters of *metzarah*, *zav*, *yoledet*. Nothing that lives causes impurity. Only death can bring about impurity. This is because death is the cessation of life. *Tumah* is something analogous to life. Pathology, disharmony are anomalous to life. Another term used to describe sin is *avon*. *Avon* comes from the word "to twist". It is similar to a line which begins to zigzag and become a curve. When man sins he is deviating from the natural path.

In Christianity we have the very opposite philosophy. Sin in Christian philosophy is compliance with nature, and therefore a rebellion against God. This is the very opposite to the philosophy of Judaism that we have discussed. Augustine describes sin as "man turning away from God and seeing the counsel of the devil... because the corruption which is death comes from nature which is corruptible. If man would have participated in The Word he would have avoided nature. Man turned away from The Word of God (JC) and turned to nature because he is corrupt."³¹⁰ Man was cursed by God - as a result of that curse came corruption. "Cursed are you more than the earth from which you were taken." At the same time not only was man cursed, but so too was nature by association. In order for man to redeem himself he must turn away from the earth to the eternal, which JC realizes. The mistake that Christianity made was not that nature was cursed with man, but rather disassociated itself from him. Man stretched out for something not belonging to him. Sin for Judaism, therefore, is not turning to things which are natural, but turning away from it.³¹¹ For Christianity the book of Genesis carried much more weight. They did away with the law and they no longer paid attention to the penology of Leviticus and Deuteronomy. Judaism, however, drew the opposite conclusions. Through

309 Maimonides, Hilchot Melachim chapter 9 halacha 1. "Even though they [the seven Noachide laws] are a tradition from Moshe our teacher, they are intellectually understandable".

310 *A Synthesis of St. Augustine: a collection of the most salient thoughts and writings* Spellman, Eric Priswarrer

311 Clemens of Alexandria.

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the law man comes closer to nature. “With the word of God the Heavens were created” (Isaiah). For Christianity man was given a second opportunity to listen to the word by the descending of JC. The first word of God is embedded in nature. This is called “the first will”. Even Christianity knows this. But this was desecrated because man interfered with God’s word. Man therefore needed a second revelation of God’s word. This came through Jesus. However, it was not in the form of a causal, cosmic law or entity, but rather a metaphysical and spiritual being. This second word saved the world.

Sin is man’s attachment to first word and detachment to second word. Sin – deeds material. Ethical life – monochrome.

Neo-scholastic maintain – to make Christianity acceptable they say world is good. “That it was good” (Genesis 1:). They are consciously distorting Catholicism. Original “That it was good” distorted by man. Other “that it was good” is metaphysical.

Augustine knew Bible but lacked totality. As community he is good. Translated word by word. Set שרד.

Both views based on same passage.

(“There will be no rest for your feet” (source) even in exile). Palestine’s important role)

Nature co-operates as long as he asserts affinity. If he raises himself above her she changes.

Community of ends, uniformity of patterns – if man rejects she stops his interests.

Sin is unnatural act. Unnatural way of life according to Maimonides. Same divine will embedded in nature, embedded in law. No discipline in Will test determine.

Acceleration of object to will in law

To dichotomize is schism in divine form.

Cosmic will and motivation will in apocalyptic law. Contrary to true ideology.

Is compliance of man to nature postulate in Judaism? Express self in natural responsibility. Ethical co responsibility. Earth affected by man’s sin. Man defiles earth and atones for nature. Man must do it for her. Justice should be done “through blood he will spill it” (source). Nature atoned by human art. Man can make nature deteriorate and can raise it to higher existence If unnatural act defiles nature and nature bears brunt, so ideal acts raises nature to higher existence. (could be pan-psychologism – universal life – in prophets – Maimonides – universe as a whole) co-responsibility of Divinity of means and ends. Some co-responsibility. Owner of ox is responsible for crime. If “Also the owner shall be put to death.” His atonement is through the hands of Heaven – Maimonides and Nachmanides.

If you own it you are responsible. “Like the death of the owner, so will be the death of the ox” (source).

Education – children are responsible for forefathers. Metaphysical community of fathers and sons. Jewish history – co responsibility of father and son. Metaphysical co-existence – also nature – results in ethical co-responsibility. Man is her son. Corrupt human act is corrupt on part of nature.

“The land which opened its mouth” (Genesis...)

Participated in crime. Accessory. Not in acceptance of blood would have been murder without it. But nature must absolve self from man. Must act in containing – as mother.

Sodom.

Also Korach – went out of bounds. Earth opened up to accept him.

Lecture 11

The confluence of man and nature is a postulate in Judaism. Co-existence of man and nature results in a mutual ethical. As a consequence of this the earth is made responsible for the sins of man. In addition, man is considered part of the earth “And God formed man from the dust of the earth” (Genesis 2:7). A consequence of this metaphysical and ontical co-existence is ethical co-responsibility. Both man and earth become mutually responsible for each other’s deeds. A corrupt act of man constitutes a corrupt act of nature, for nature acts through man. Consequently, each can atone for the other’s sin.

What is the earth’s immediate reaction to man’s corrupt acts? She renounces her association with him – even to the point of casting him out. Man’s ability to corrupt nature is expressed in the following verse, “Do not profane your daughter to make her a prostitute – so that the land will not prostitute, and the land will be filled with prostitution” (Leviticus 19:29). What is mother earth’s immediate reaction to this act of corruption? She either renounces her association with man or casts him out. “And I will remember its sin upon it, and the land will spit out its inhabitants” (Leviticus 18:25). Another example of this relationship can be found in the verses in which the Torah deals with murder. After Cain murders Abel, God says, “Cursed is the ground because of you” (Genesis 3:17). This idea is reiterated later in the book of Numbers. “And you shall not defile the land which you will inherit, in which I dwell, for I, God, dwell among the Children of Israel” (Numbers 35:33-34).

This process of disassociation between man and earth culminates in the state of exile which represents a total severance of ties and bonds between the two. “And among these nations you shall not feel respite: there will be no rest for the sake of your fat” (Deut. 28:65).

The co-responsibility of man and earth is also expressed a positive sense. Man, by living in accordance with Divine precepts elevates not only himself, but also nature. “If you follow My statutes and observe My commandments and perform them then I will give rains at their time; and the land will give its produce and the trees of the field will give you fruit” (Leviticus 26:3-4). Maimonides, in the Laws of Repentance (chapter 9; halachot 1-2) writes that man’s adherence to the commandments will cause nature to take its natural course in serving man’s needs. The Biblical verses which describe natural reward and punishment which come about as a consequence of virtue and sin demonstrate the harmonious relationship between man and nature.³¹²

The Torah did not explicitly promise man reward and punishment because he should not be guided by a pragmatic hedonistic motive of future bliss whether it be material or spiritual. (Hedonism is an ancient Epicurian philosophy which regards corporeal pleasure as being the purpose of life. This was opposed to Stoicism which viewed the purpose of

312 The Rav bases himself upon what Maimonides writes in Laws of Repentance 9:1. There Maimonides writes that the promises and curses which appear in Scripture as a consequence of the Jewish people’s observance or abrogation of the commandments does not represent ultimate reward or punishment. The ultimate reward is in the World to Come, which is alluded to in Scripture, but not explicitly stated. Rather the natural abundance and bounty promised by God is a means to foster the further observance of the commandments. Material plenty is the means by which man’s spiritual development is encouraged and fostered. Conversely, disobedience brings about physical conditions which impede man’s spirituality. The Rav’s contention in this lecture is that this is an expression of the natural relationship between man and earth. Earthly produce comes not as a reward but as a natural consequence of man’s observance. It is to this that the Rav refers to the promises of the Torah as a “fact” and not as a reward.

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man's life to be philosophical enlightenment. Both philosophies are guided by a form of hedonism.³¹³

The Biblical promise that "the land will give its produce and the trees of the field will give their fruit" (Leviticus 26:) is an expression of fact.³¹⁴ According to Maimonides when man lives a life which is accordance with the Divine will, nature will encourage him to continue. If not, it will create circumstances that will make it impossible to engage in an ethical life. Hence, the blessings and curses promised by the Bible are not exceptions to the natural norm.

An important conclusion from the above is that man is not completely free because he can never sever his bonds with nature. He is not a transcendental being because he is ultimately rooted in the earth. Even modern science, while it cannot objectively speak of transcendence, because of the material confines of the cosmos, tries to free man of this bond to nature. An objective of the scientific enterprise is to make of man a cosmic being independent of his immediate, natural confines. It seeks to achieve this through synthetic chemicals and food up to the point where it attempts to artificially create life. Through technology, science seeks to free man of his attachment to the soil, and to endow him with the powers of the creation of life itself.

In addition, this trend expresses itself in world politics. Most people today look upon patriotism and similar provincial emotions as absolute. They view the goal of mankind to strive toward a cosmopolitan unity, divorced from indigenous origins and cultures. Religion itself is viewed as an anachronism and an impediment to the social advancement of mankind. It should be noted, however, that many modern political movements, such as communism and fascism, make use of provincial sentiments such as patriotism in order to achieve their political ends. This was true in Russia, where even the communists made political use of the sacred soil of mother Russia. This contradictory usage of universalism on one hand and provincialism on the other is part of the confusion of our modern world.

Having said this, we must ask the question, "wherein lies man's freedom?" The Torah prescribes man's role in the verse, "Fill the earth and subdue it" (Genesis 1:28). Man was granted, by God, the privileged task to dominate nature. However, given that man is born of mother earth and exists within the confines of nature, how is it possible for him to achieve domination? The answer to this is that the relationship of man and mother earth is analogous to that of a father and his beloved son. The son respects the father, and makes himself subordinate to his control and rule. In return, the father surrenders himself voluntarily to the son's wishes and desires. In this way the relationship between the two is more of a confederation and alliance, rather than domination. In a similar fashion, by subordinating himself to nature man creates a partnership of mutual responsibility. Nature allows man to dominate her, as long as this is done within the Divine imperative. This idea of mutual subordination and responsibility defines man's freedom. Man is free to either accept a mutual partnership with nature, or to reject it. He can never, however, free himself of the relationship.

The Bible tells us that man was created in the "Image of God" (Genesis 1:27). What the Bible means by this is not that God gave man a transcendental addendum, making him

313 The Rav's contention is that both Greek philosophies of Epicurianism and Stoicism posit that the ultimate reward is in this world, whether it be physical or spiritual. The Jewish notion of reward is in the World to Come, which according to Maimonides is a purely spiritual existence bearing no resemblance to our physical world. So long as man is embedded within a physical body and a physical environment he can never attain the ultimate truth, which according to Maimonides is the purpose of Torah and commandments. See "Introduction to Chapter *Chelek*" in Sanhedrin in Maimonides' Introduction to the Mishna.

314 See footnote 1 above.

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metaphysical, but rather describes man's privileged position within the natural realm. The "image of God" was given to man so that he could meet God within the confines of nature. This is in contrast to the Christian concept of man as a transcendental being.

God, on the other hand, has two aspects:

1. Transcendental.
2. Confinement

While God, in and of Himself, transcends all of natural reality, He also has the ability to confine Himself within the natural world. It is through this second mode of "confinement" by which He created the world and rules it. Man's "image of God" refers to his relationship with this second aspect of the Deity. In order to relate to man, God must confine Himself. Conversely, were God to abandon creation through His transcendence, man could never possess an "image of God". It is only because of God's paradoxical ability to enter into creation that man is able to attain his Divinely ordained privileged position.³¹⁵

If the "image of God" conferred upon man expresses itself within the natural realm, why then was it not given to other forms of life, such as plants and animals? The answer is that man is the only living creature who is conscious of his association with God and thereby has the choice either to accept it or reject it.³¹⁶

Up until now we have discussed the "confinement of God". Let us now analyze the confinement of man. What environment is man actually confined to? Upon examination it is clear that man's confinement is not only limited to his natural environment. Man associates himself with historical events and groups which define him, both ontically and metaphysically. This means that man locates himself not only within a physical environment, but also within a community which shares a common history. The Torah expresses this in Deuteronomy. "Not with you alone, do I establish this covenant, but with whoever is here, standing with us today before God, and with whoever is not here with us today" (Deut. 29:14). The covenant established by Moses between God and Israel was a legal contract, as we see from the laws of *tanai kaful* - (doubled condition).³¹⁷ This, however, is a binding agreement between two living parties. By what right did God impose the covenant on those descendants who were not present? The answer to this is that there is a metaphysical community of existence between a father and all of his future

315 The two concepts of God discussed by the Rav correspond to the kabbalistic distinction to be found in the Zohar between God "who fills the worlds" and God "who surrounds the worlds". Another version of this distinction is what the Zohar refers to as the "higher Unity" and the "lower Unity". The Rav's contention that man interacts with God within the realm of confinement and natural immanence is in accordance with the philosophy of Rabbi Shneur Zalman of Lyadi in his "Likutei Amarim – Tanya". There he takes the position that man meets God within the immanent realm. This is a consequence of the mystical act of *tzimtzum* whereby God "contracts" Himself into the physical world in order to relate to man. God's transcendental aspect remains beyond man's intellectual reach. All of this is in contrast to the Rav's scion, Rav Chaim of Volozhin, who in his book *Nefesh HaChaim* interchanges the role of these two concepts. See *Tanya "Shaar HaYichud ve-haEmunah"* chapter 7 pp 162-69 and *Nefesh HaChaim "Shaar 3"* chapter 4.

316 The Rav's identification of free will with the intellect is based upon Maimonides in the *Guide* section III; chapter 17. There he writes that man is the only being possessed of free will because he is unique among all of God's creation by virtue of his intellect.

317 The expression *tanai kaful* is literally translated as "doubled condition". The Talmud in Kiddushin 61a stipulates that in order for an agreement to be binding its conditions must be "doubled". This means that both the condition and its converse must be explicitly asserted. The Rav's usage of this legal concept in relation to the covenantal agreement between God and the Jewish people refers to a discussion of the Talmud (ibid side b) of a covenant which appears in Leviticus 26 within the framework of a "doubled condition."

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generations.³¹⁸ This idea is expressed in the verse “Perserver of Kindness for thousands of generations, Forgiver of iniquity, willful sin, and error, and Who cleanses – but does not cleanse completely, recalling the iniquity of parents upon children and grandchildren to the third and fourth generations” (Exodus 34:7).

historical events which took place within the proximity of social associations within which I maintain an ontic relationship define the metaphysical environment of which I am today a part. This environment, for the Bible, defines the segment of cosmos which man, either purposely or accidentally, meets God. In addition we see in the Bible that God first reveals His confinement and only after that reveals His message to man. This process appears repeatedly in the Bible, such as in the “covenant between the pieces”, the burning bush, and God’s covenant with Jacob at Beit El.³¹⁹

In addition, our Sages tell us that prophecy does not come outside of Israel.³²⁰ Just as the concept of a state is a fundamental aspect of humanity, which expresses man’s natural political and social confinement,³²¹ so too does the meeting of God and man take place within specific areas, as discussed by the Kuzari.³²² Liberal Judaism in its attempt to detach divinity from localism therefore rejects the notion of a theocracy, which is a fundamental halachic theme in Judaism.

Man as animal – psychological and biological (contrast theme of revelation in man’s attachment and confinement to a certain area – “when you come to the land” etc.

And halacha realized this. The concept of *tereifah* applies to both people and animals. In Maimonides’ *Hilchot Shechita* (10:9) he writes regarding animals, “anything about which the doctors say...” [[finish the quote]]. He also uses the same phrase and definition regarding people in the category of *tereifah* he writes (*Hilchot Rotzeach* 2:8). Man depends on medical prognosis. “He is like the beasts that perish” (Psalms 49:13). Among prophets parallel of man and animal not as other sa to plant now – not problem. “Man and animal will be saved by God” (Psalms 36:7). Of tissues etc.

318 The Rav’s halachic source for the concept that an agreement upon a community is binding on future generations can be found in Shulchan Aruch, Yoreh Deah 214:2. The source quoted there is a responsa of the Rivash 70. See also the commentary of the Vilna Gaon there who provides a Talmudic source from Pesachim 50b. The issue discussed is whether customs adopted by a community are legally binding on their descendants.

319 The Rav offers three examples illustrating how a biblical covenant as part of a revelation of God is preceded by an act of Divine confinement. In the covenant between the pieces, Abraham is ordered by God to take several animals and divide them (Genesis 15:9). Afterwards a smoking oven and torch appear which pass between the halves (ibid. 17). The Rav implies that the space between the halves defines the area of Divine confinement. When Moses encounters God on Mount Horeb at the scene of the burning bush Moses witnesses Divine confinement within a bush, as well as a confinement of the fire which does not consume the plant (Exodus 3:4). The Rav understands this as a covenantal act because of God’s subsequent invocation of the covenant He established with the forefathers, Abraham, Isaac and Jacob. In Bet El God makes a covenant with Jacob and tells him that the place upon which he slept is sacred ground. (Genesis 31:13). He subsequently makes a covenant between Himself and Jacob’s descendants. The Divine confinement here is expressed by the holiness of the place where Jacob slept, and is represented by the foot of the ladder in Jacob’s dream.

320 Yalkut Shimoni, Ezekiel 1:1 p. 36.

321 See Maimonides *Guide* section II: chapter 40. “It has been made as clear as can be that man is political by his very nature, and that he naturally locates himself within society.”

322 Rabbi Yehuda HaLevi, in his book *Kuzari*, *maamar* 1: section 95, contrasts the land of Canaan, whose mild climate was conducive to the prophecy of the descendants of Shem, with either the cold, or very hot, parts of the world, whose climates produced environments for the descendants of Yafet and Cham which were incapable of prophetic revelation.

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not associated with any conscious acts by man, for man's big chemical life is not conscious – metabolism – blood circulation – digestion etc. Beyond scope of investigation.

Let us see the Halachic view as concerns bio-psychological motives and drives. Does the halacha know of instinct and does it define it?

Psychological processes do not involve psychological process – breathing etc. However inner propagation of bio-tension with outside world is not only automatic but calls on man for help (two elements in epistemological sense is not an activity merely a behavior) each organ behaves in a certain manner according to its structure. Bio-chemical function are performed by a single organ which was assigned a certain activity – a change that takes place under certain circumstances without committing the whole body to it (properties of systems and properties of tissues). Work is divided and assigned into the body. It is strictly regionalized in contrast to this bio-psychological (instant) which finds distinct action to outside (direct expression to outside) is motivated by bio-logical factors compelled by psychological organism cannot act exclusively through bio-chemical had to call upon man- drive for hunger, drive for sexual organ – within discharge of organic tension cannot be without the whole animal – organism maintenance of animal makes animal as whole act in a certain way (look for food). (Acts in a sense that living creature determined by certain drive submits itself to insistence of certain organism).

Postulative behaviors – three basic tenets:

3. Systemic – conditioning of certain activity not intelligent awareness. Systemic automatic not literate or free direct it is automatic directedness or skill the creature involved is not aware. (Fly versus fight – fight is object of its flight).
4. Demonstrative directedness is basic trait of biological drive there is an inseparable unity of instinctive vegetation of certain situations or objectives. Certain types of “foresight” which differs from logically determined knowledge. I act automatic impulse invoked by prohibitory of inhibiting of outside world. (As birds who know they must fly south when cold comes) 1. Directedness (purpose). 2. “fore-knowledge” of destination and 3. know technique how to execute its intention.

Element of expectation. (2) blind animal expects a new situation and gets ready for emergency that does not yet exist. Behavior of animal attests to an initiative push for things which will happen later in contrast with logical human anticipation.

Human deed does not absorb anticipation. He wants and anticipates more than he can execute whereas in bird there is determining for knowledge. It is not a forerunner – but it is concomitant with the instructive drive. Expectancy and act are simultaneous or perhaps it precedes but is completely absorbed by instinct and there is no excess knowledge that is not absorbed in its behaviour directedness upon “expectation of” certain occurrences.

“And I have established My covenant with them to give them the land of Canaan, the last of the sojourning, in which they sojourn” (Exodus 6:4).

Lecture 12

Lecture 12 (revised version)

A plant lives in complete confluence with its environment. It does not have to act in an active fashion in order to maintain its existence, but rather responds to its environment. Its behavior is within the framework of passivity. This is maintained through biochemical processes. The parallel in the human being is in his involuntary and unconscious activities such as breathing, blood circulation and digestion. Even the act of reproduction in vegetative life does not require an active sexual initiative, but is accomplished passively through the natural function of the organism.

In animal life there is an added dimension to the biochemical level and that is the dimension of psychology. It is this element of psychology which not only distinguishes the animal from the plant, but also lies at the base of much of its behavior. The Talmud describes an example of the psychological life of animals in the following passage:

Rabbi Yochanan says: One who wishes to castrate a rooster should remove its comb (crest). It then becomes castrated as a result. Rav Ashi says: one [who removes its comb] removes the rooster's pride. (Shabbat 110b).

Rashi, in his commentary, explains that by taking away the rooster's comb he causes it to grieve and thereby to refrain from sexual activity.

It was not until Freud that psychologists discovered that impotence can be a result of psychological factors. This expresses itself in a lack of self-confidence or an inferiority complex. In any case we see from the Talmud the importance of psychology in the lives of animals. This has been verified in Koehler's experiments with higher animals.

Nonetheless we must eliminate any elements of intelligence, although apes may have some.³²³

There are several traits which characterize the behavior of animals. Let us examine them in detail and compare them to man.

7. Directed Action – animals exhibit “directed behavior”. They are instinctively conditioned to act automatically without intelligent awareness. There is an inseparable unity of act and objective. Even when they demonstrate “foresight” it differs from logically determined knowledge.³²⁴ The three elements involved in directed acts of animals are:
 1. Directedness (and purpose)
 2. Foreknowledge of destination
 3. Knowledge of technique of how to execute its intention.

323 In the case of chimpanzees Wolfgang Koehler states that they achieve a considerable degree of expression by means of gesture. Rage, terror, despair, grief, desire, playfulness and pleasure are readily expressed in this manner. However, one should not mistake this with human language. “It may be taken as positively proved.” says Koehler, “that their gamut of phoenetics is entirely ‘subjective’ and can only express emotions but never designate or describe objects. But they have so many phoenetic elements which are also common to human languages, that their lack of articulate speech cannot be ascribed to secondary ‘glasso-labial’ limitations. Their gestures too, of face and body, like thier expression in sound, never designate or describe objects.” (Wolfgang Koehler *Zur Psychologie des Chimpansen*, *Psychologische Forschung* I (1921). This passage is taken from E. Cassirer *An Essay on Man* Doubleday and co. Garden City, NY 1953.

324 The Rav's usage of the term “directed action” indicates that when an animal acts it focusses totally on a specific object, and will never contemplate the possibility of activity independent of the object. The instinctual thinking of an animal before it acts is always in relationship to a specific object. And never about the act in and of itself. Hence an animal will never plan an activity in the way an engineer or architect would but rather performs an action which it psychologically understands to be about that object.

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Each of these components, however, differs considerably from its human analogous behavior. Take, for example, the element of expectation. A blind animal expects a new situation and gets ready for an emergency that does not already exist. Behavior of the animal attests to an instinctive push for things which will happen later in contrast to logical human anticipation. Human acts do not absorb anticipation. One anticipates more than he can execute. In the case of animals anticipation is not a forerunner but is rather a concomitant with the instinctive drive. Expectancy and act are simultaneous and are completely absorbed by instinct. There is no excess knowledge that is not absorbed in the directedness of the animal in its expectation of future occurrences. When a bird looks for warmth or for migration is only directing its action upon the place down south where it will go. Ants and bees have foreknowledge but this is only a directing of their activities on organic substances. Man's foreknowledge is different. While Koehler wants to say that it is only a difference of degree and behaviorists such as Shaller make the claim that a bird preparing for migration is the same as Edison inventing the lightbulb, even they will insist that there is a major difference, at least in degree. There are two important natural distinctions between man and animal.

4. For man there is a considerable time between planning and execution. Man first always makes plans. He then develops the techniques to carry them out. There is a distinct period between the stage of planning and execution.
5. Man's plans always exhibit an excess of theoretical schemes over execution. In this way man dreams of things which usually bring about his disappointment. Plans are romantic, while reality is cold, dreary and sad.

The above two properties are non-existent in animals. A bird who migrates south does not get excited over the prospects of a warmer climate. It instinctively begins to neglect its nest but does not really have any plans. It is an instinct which is part of the act of migration. Foreknowledge in an animal is simultaneous with the initial biological push. The same drive which leads a bird to anticipate a situation carries it out.

In addition there is no excess of knowledge over execution. All of the planning is absorbed in the performance. There is never any deficiency in its foreknowledge. The planning and execution of an act are one. All cognition is immediately turned into action.³²⁵

2. Survival of Species

Instinct is the means by which an animal participates in the survival and preservation of his species. It is a weapon which nature gave to the animal in order to protect itself. However instinct is not only for the protection of the individual itself, but for the species as a whole. This is expressed by the fact that animals will often endanger themselves when it is beneficial in the long run for the species. Self-sacrifice is a biological drive which is used often for special preservation. An individual member of a species may be

325 The Rav here is describing the most basic biological distinction between man and animal. He is not even considering the issue of intelligence. This is because in the Rav's opinion the planning – execution gap which distinguishes man from animal describes man at the very outset of his creation. Only afterwards will this gap develop into a far greater distinction in which man will express the Divine image (*tzelem Elokim*) on its highest level. The Rav in this analysis is following closely the Bible's description of what he considers to be the process of man's creation and his development into a creature with a Divine image. See below.

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likened to a point on a segment of a line. It, in and of itself, is nothing but it divides the line into two segments. It is an intermediate stage which one passes on the line. So too, is an individual animal an intermediate stage through which the species passes. This idea was known to the Greeks whose conceptual universalism regarded individuals as just shadows of the species.³²⁶

The mechanism of instinct which serves as a type of built in program in the animal differs from another type of behavior called "trial and error." The French psychologist Farbre writes that intuition is species directed, whereas trial and error serves the individual.³²⁷

3. Instinctive motivation directed towards a multitude of objectives.

When faced with a multitude of objectives the primitive instinct of repetition will lead to hedonistic tendencies. This is very clearly exhibited by man. Take, for example, hunger. In man the primitive instinct of hunger drives him to all sorts of food at first without discrimination. This is because the primordial drive is directed to a mass of needs and satisfactions. It is very inclusive and does not single out objects, nor does it give specific needs any role. This drives man to a multitude of satisfactions and a democracy of needs. It is only after repetition that selectivity emerges. Man is the most selective animal. How fussy we are when it comes to food, and how far are we from normal choices?

Hedonism, however, can also be witnessed in animal life. Dogs and cats, for example, practice onanism. Why is true? It is because the primitive sexual drive is expressed independently of specific objects and is therefore granted an elevated position. We see also that undeveloped animals are more devoted to species whereas the more developed animals in the zoological realm seek more to protect individual interests. This leads to hedonism. Creatures become pleasure seeking and intoxicated.

The learning process in animals is linked with the seeking of pleasure. An animal can be trained by bringing it to seek pleasure after performance. Through trial and error an animal discovers which act will give maximal satisfaction and which will give power. Thus a cat will come to you if you treat it well. All of this is based on Pavlov's law of conditional reflexes. In addition, an animal can learn and acquire traits which are not primordial. This is expressed through 1. tendency for pleasure, and 2. technical ability.

326 Maimonides writes in *Guide* III:17: "But just as the existence of other things – whose individuals have not, but whose species have, an enduring existence – derives necessarily from theirs, there is likewise an overflow from the providence in question, which overflow necessitates the durability and permanence of the species, though the durability of the latter's individuals be impossible. However, the individuals of every species are also not neglected in every respect. For in all portions of his matter that have been purified to the point of receiving the form of growth, there are placed faculties that preserve them for a certain time through attracting toward them that which agrees with them and through repelling that which is not useful for them. Again in those portions of the matter in question that have been purified to a greater extent so that they received the form of sensation, there are placed other faculties, which preserve and safeguard them, as well as another capacity: namely, that of moving so as to direct themselves toward that which agrees with them and so as to flee from that which disagrees. Furthermore every individual has been given that which the species he belongs to needs. Finally such portions of the matter in question that have been purified to the point of receiving the form of the intellect have been given another faculty through which every one of them, according to the perfection of the individual in question, governs, thinks, and reflects on what may render possible the durability of himself as an individual and the preservation of his species. (Pines translation 465)

327 See *The Emergence of Ethical Man* p. 68:

Jean-Henri Fabre, in his stupendous work *Souvenirs Entomologiques* on the lives and manners of insects, proved beyond any reasonable doubt that primordial instinctive behavior differs from that acquired by self-training (guided by the principle of trial and error) insofar as the former displays servility to the species as a whole, while the latter occupies itself with the individual.

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One can train a dog because after repeated performance he learns what will bring him pleasure and what will not. It is through repetition that the animal learns new technical abilities based upon his capacity to distinguish which acts will bring him the most pleasure.

Let us now approach Jewish philosophy and Scripture with a scientific basis. In Genesis there are three verses dealing with reproduction.

On the third day God says to the earth to bring forth vegetation, “Let the earth bring forth grass, herb yielding seed and fruit tree yielding fruit after its kind whose seed is in itself” (Gen. 1:11). On the sixth day God blesses the animals with the ability to reproduce. “And God blessed them, saying, “Be fruitful and multiply and fill the waters in the seas, and let birds multiply in the earth” (Gen. 1:22).

In addition, on the sixth day, this blessing is given to man.

And God said, “Let us make mankind in our image, after our likeness: and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over the earth, and over every creeping thing that creeps on the earth.” So God created mankind in his own image, in the image of God He created him; male and female He created them. And God blessed them, and God said to them, “Be fruitful and multiply, replenish the earth and subdue it: and have dominion over the fish of the sea, and over the birds of the air, and over every living thing that moves on the earth.” And God said, “Behold, I have given you every herb bearing seed, which is upon the face of all the earth... to you it shall be for food. And to every beast of the earth, and to every bird of the air, and to everything that creeps on the earth, wherein there is life. I have given every green herb for food”: and it was so (Gen. 1:26-30).

The verse dealing with vegetation does not speak about reproduction per se, but rather of the ability of organic matter to regenerate. The Scriptural phrases “Let the earth bring forth grass” and “herb yielding seed” are natural organic properties of plant life. When the bible speaks about animals, however, it is the first time that there is an expression of morphological dynamical acts of reproduction. The contrast between these two verses expresses the natural distinction between animal life and plant life that we have discussed above. A plant has neither directedness, foreknowledge or performance. Organic matter is endowed with a capability for reproduction but there is no biological motivation. In contrast the blessing given to animals on the sixth day “Be fruitful and multiply” is not an organic trait of reproduction but rather a sexual drive towards fulfillment of biological existence. Reproduction in animals becomes a physiological act and is expressed in external behavior.³²⁸

The blessing to man, when compared to that of the animals, creates a third level which distinguishes man from both animal and plant life. It has multiple expressions of dominion and conquest. “Let them have dominion”, “fill up the land”, “replenish the earth and subdue it.” Man is given the power and task of conquest and dominion. This is clearly a unique trait in man. The question is – is it unique by virtue of a difference only in degree, or is it a completely autonomous status?

328 The Rav is taking note of the fact that the blessing to animals consists of two verbs “Be fruitful” and “multiply.” This is borne out by the use of the conjugate “and” which is used to distinguish clearly two separate acts. The term “fruitful” appears also in the verses dealing with plants, such as “fruit tree bearing fruit.” The verb “multiply”, however, first appears in the blessing to animals. The term “fruitful” is understood by the Rav as denoting the organic plant-like property which is inherent in all animals. “Multiply”, however, is a physical act which expresses a distinctive level of animal life above that of plants. The verb “to multiply” suggests a dynamic behavior.

The Darwinian theory of the survival of the fittest can be understood as a kind of primitive conquest. Survival of the animal depends upon its fitness. Instinct does not give an animal foreknowledge of success and failure. Nonetheless an animal can acquire it through technical knowhow. This leads to a type of dominion. The stick as a primitive machine is very far from the atom bomb, but nonetheless, both are forms of technical development. From the ape who uses a banana to a bridge built by human engineering, there is a gradual development. Primitive tools are an expression of conquest. This expresses a difference in degree. The expression of conquest used with respect to man only reflects the fact that conquest is more pronounced in our case.³²⁹

To summarize our discussion we have arrived at two fundamental principles.

5. Human beings are motivated by natural biological drives. These are combined with technical skills which can be used to subjugate and rule. "Yet You have made him a little lower than the angels, and You dost crown him with glory and honor. You make him to have dominion over the work of your hands; you have put all things under his feet" (Psalms 8:6).
6. This primordial natural drive was created and sanctioned by God. It is both God's blessing and command to man. It is here that Judaism departs from Christianity. While Christian theologians such as Augustine said "very good" to the "image of God", they did not regard the blessing and command of "be fruitful and multiply" as "very good." It is irrelevant that they regard this as a consequence of Adam's sin. All of natural life, with its biological instincts and drives were regarded by them as basically evil.

To summarize we have identified three aspects inherent in man.

3. The biochemical and organismal aspect which man has in common with plants. This aspect governs man's involuntary functions.
4. The dynamical drive which constitutes man's biological elan. This aspect is what man has in common with animal life.
4. Man's specific propensity for power and dominion. While this aspect has its primordial origins in animal life, it is expressed most notably in man.

Up until this point in the Bible plants, animals and man are basically alike. They are each blessed and commended with their separate biological functions. The differences are primarily biological expressing increasing levels of complexity but nonetheless all functioning within the framework of the natural world. The monumental parting comes about in the very next verse which follows the blessing of reproduction to man. After that blessing, which inherently acknowledges man's kinship with plant and animal, God speaks directly to man. "And God blessed them, and God said to them, "Be fruitful and multiply" (Gen. 1:28). In the command to plant life the verse says "And God said" (ibid. 1:11). In the blessing to animals it says "And God blessed them" (ibid. 1:22). In both these verses God is not speaking directly to them. In the case of man, however, the Bible makes explicit the object of the verb "bless" by stating explicitly that God "said to them" (ibid. 1:28). While God speaks throughout the entire account of creation, it is not direct speech, but rather an expression of Will, as in the verse "And Haman said in his heart"

329 The Rav's important point here is that conquest which appears explicitly in the Divine blessing to man is also an inherent trait in animals. The Rav sees this as part of Darwin's theory of the survival of the fittest. The Rav's source in Scripture is that the expression "to fill" appears both in the blessing for man and for animals. In the blessing to animals it says explicitly "be fruitful and multiply and fill up the waters in the seas" (Gen. 1:22). In the case of man it is also written "be fruitful and multiply and fill up the land" (ibid. 1:28). The Rav views the development of primitive tools and other technological skills used by animals as an expression of conquest and dominion even in the animal kingdom.

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(Esther 6:6). However, now the expression “and God said to them” creates an I-thou relationship upon which Buber and Rosenzweig built entire philosophies.³³⁰

330 In his commentary to the Bible Nachmanides writes on the verse “and God said to them” (ibid. 1:28) :

This is an actual blessing [unlike verse 22 where the blessing of the fish and fowl consisted of bestowing upon them the power of procreation. Therefore, it is written here, “And God blessed them, and God said unto them.” But above in verse 22 it is written, “And God blessed them, saying” [the word “saying” indicating] that the blessing is the command of procreation, that He gave them the power of bringing forth offspring, and no other command with which they are to be blessed. [But in the case of man, in addition to the power of being fruitful, he was also blessed that he have dominion over the earth, hence Scripture continues, “And God said unto them”].

Lecture 13

“God blessed them and God said to them, ‘be fruitful and multiply, fill the earth and subdue it, and rule over the fish of the sea, the bird of the sky and every living thing that moves on the earth’” (Genesis 1:28).

In the previous lecture we noted that the usage of the pronoun “them” forged the beginning of an ‘I-Thou’ relationship which would form the basis of man’s ethical existence. However, existence as ethical norm was not yet entirely formulated. No unique ethos had yet been revealed. Man still exists within nature, in the immediate interactive, organically uniform form. God who blessed him with procreation is still the “Elokim” of cosmos in all of its regularity and continuity. Man still regarded himself as part of nature. God simply informed him of his biological drive which would be subject to physical motivation and biological forces. Man, however, did not yet comprehend the ethical norm with all of its depth and uniqueness.³³¹

Did man yet understand this ethical norm? If so, it was the first dawning of man as a self-aware biological being. Or, given his natural restrictions, was it still impossible for him to understand it?

We are not so much concerned with the Jewishness of this thought or of other philosophies.³³² The distinction between the names of God, “Elokim” and YHVH was accepted by both our Talmudic sages³³³ and medieval philosophers, such as Maimonides³³⁴ and Nachmanides.³³⁵

Beginning with the verse 2:4 the bible uses the name of God “YHVH Elokim”. This is a complete name which indicates that the world has now become a complete world only

³³¹ While the blessing given to man is stated directly to him, “And God said to them”, thereby creating what the Rav calls an ‘I-Thou’ relationship, man has not yet emerged as an ethical entity independent of nature. The Rav brings proof to this assertion by noting that the verse in which God blesses man with procreation uses the noun *Elokim* “And Elokim blessed them, and Elokim said to them be fruitful and multiply...” (Gen. I:28). The name *Elokim* is used when God is referred to as the creator of the natural world and man’s relationship with Him is within the natural order. The blessing itself appears in the first chapter of Genesis which, as the Rav has noted several times, views man as embedded in the physical world. It is not until the second chapter that the Tetragrammaton, YHVH, is used. This signifies the fact that man has acquired a unique transcendental ethical dimension.

³³² The Rav is referring to the distinction between the names *Elokim* and YHVH. The Rav’s contention is based upon the Kuzari who says that the name *Elokim* is of non-Jewish origin.

³³³ In Genesis Rabba 12:15 the Sages say that the term *Elokim* is used to teach us that the world was first created with the attribute of strict justice. When God saw that the world would not be able to endure in that way He added the attribute of mercy, which is indicated by the adding of the name YHVH in the second chapter. See also Sanhedrin 56a and Shavuot 36a where the name YHVH is called ‘The Name of Uniqueness’. In addition in Menachot 110a the Talmud notes that the Name YHVH is always used in the context of sacrifices, in contradistinction to *Elokim* in order that people should not confuse sacrificial rites with paganism.

³³⁴ See Maimonides’ *Guide* I:61. There he writes “All the Names of God, may He be exalted, that are to be found in the books derive from actions. There is nothing secret in this matter. The only exception is one name: namely YHVH. This is the name of God, may He be exalted, that has been originated without any derivation, and for this reason is called the articulated name. This means that this name is a clear, unequivocal, indication of His essence, may He be exalted. On the other hand, all the other great names give their indication in an equivocal way, being derived from terms signifying actions, the like of which, as we have made clear, exists as our own actions... In the case of all the others, such as the Judge, the Just, the Gracious, the Merciful, and *Elokim*, it is manifest that they are used in a general way as well as that they are derived. (Pines translation).

³³⁵ Nachmanides in his commentary to Genesis 2:4 writes: “And in the word *b’hibaram* (when they were created) – [which could be read as if it were two words: *b’hei baram*] Scripture alludes to what the Rabbis have said; “He created them with the letter *bet*” [which is the last of the four letters of the Tetragrammaton]. It is for this reason that Scripture until this point mentioned only the word *Elokim*.

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after man.³³⁶ Rabbi Yehuda HaLevi really introduced this philosophical distinction.³³⁷ Bible critics asked why the first chapter contains only the name “Elokim” and the second chapter contains also the name YHVH. They answered by saying that the Bible was composed of different texts using different names of God.³³⁸ Cassuto proved that these are not different texts, but different world viewpoints.³³⁹ The bible changed the description of God’s relationship with the world.

The Name Elokim refers to God as the ruler of cosmos. He is the Prime Mover and the cause of all cosmic occurrence. However, Elokim does not denote any type of Divine personality. Personality is expressed by YHVH. This is expressed by the fact that the Name Elokim is conjugated in the plural, whereas YHVH is singular.³⁴⁰ The Name Elokim refers to all the forces which dominate nature. God in this name, is the First Cause and Supreme Power who rules and dominates over all cosmic forces and occurrences. The root of the word Elokim is “El” which means a power or force.³⁴¹ The Name YHVH, the Tetragrammaton, refers to God as a personality. For this reason it is used as a proper name of God.³⁴²

Perhaps the origin of the name Elokim is non-Jewish.³⁴³ Halachically the unique name is the YHVH.

Maimonides explains why the explicit name of God is read differently than it is written.³⁴⁴

³³⁶ The Rav here notes that the double name YHVH-Elokim is coming to express completion which is marked by the completion of the creation, which takes place when man is created. Later on the Rav will identify the name of God YHVH both with “God’s creation of the world as a whole living entity” and with “God’s special relationship with man.”

³³⁷ Maamer 3:1: The Rabbi said, “this name ‘Elokim’ describes a ruler and a judge. Sometimes this name is used in the generic sense to describe the Ruler of the universe, and sometimes it is used in the specific sense to describe the ruler of a component [of the universe]. Rulers of this type include the spiritual forces within the constellations, the forces of nature, or a human judge.... the only name which is precise and descriptive of God’s exalted state, however, is the honoured and blessed name YHVH. This is His definitive name, by which He can be known only through a [prophetic] recognition of His ways; He cannot be known by this name in a place where His ways have not been recognized. Thus the name Elokim is God’s generic name [descriptive of God’s manifestations in this world], and YHVH is His specific name which describes the source [of all these manifestation]. (translation by Korobkin, D).

³³⁸ Biblical scholars, noted that God is referred to as Elokim in chapter 1, but beginning in 2:4 is referred to as YHVH-Elokim, until the end of chapter 3. This fact alone indicated to them that there were two different authors at work.

³³⁹ Moshe David Cassuto (1883–1951) was a biblical scholar who devoted himself to refuting the claims of biblical criticism, such as the ‘documentary hypothesis’. This states that the bible is a conglomerate of different ancient texts. One of the pieces of evidence for this hypothesis is the usage of different names of God in different sections of the bible. In his book *The Documentary Hypothesis and the Composition of the Pentateuch* he proposed that the Pentateuch was written down as a single, entirely coherent and unified text. He argued that YHVH and Elokim are each consistently employed within a particular context and for a specific purpose, YHVH signifies the personal God of revelation and Israel whereas "Elokim" represents the more impersonal God of nature and the world.

³⁴⁰ Kuzari *ibid*.

³⁴¹ Kuzari *ibid*.

³⁴² Kuzari *ibid*.

³⁴³ Rabbi Yehuda HaLevi writes in Kuzari 4:1: This name Elokim is in the plural form because it reflects what used to occur among the idolatrous nations. They fashioned idols, and believed that each idol would receive spiritual energy emanating from the constellations and other spiritual forces. Each spiritual force was known as an *elo’ab*, and they called the entire group of forces *elohim* [the plural of *elo’ab*]. They took oaths in the names of these forces and believed that these forces ruled over them. The number of these forces was commensurate to the amount of the various forces that control the human body and the rest of the universe. ‘force is therefore just a term to describe the cause of any action within nature, and each action emanates from a unique force. (translation Daniel Korobkin, Feldheim publishers).

³⁴⁴ In the *Guide* I:61 Maimonides writes: As for the name that, if pronounced, is composed of *yod, he, vav, and he*, no commonly accepted derivation of it is known and none other than He has a part in it. There can be no doubt about the fact that this great name, which as you know is not pronounced except in the Sanctuary by the sanctified Priests of the Lord and only in the benediction of the Priests and by the High

The name “Elokim” applies to others as well as to God. For example, it applies to a Jewish court, as well as to the judges. The verse states, “You shall not curse “elokim”, (judges)” (Exodus 22:27).³⁴⁵ However, the bible would never use the Name YHVH to mean anything other than God. In the case of blasphemy halachah requires the explicit name.³⁴⁶

As mentioned above, the Tetragrammaton YHVH first appears in the Bible when the world was completed with the creation of man. This is noted by the medieval commentators, Nachmanides and Ibn Ezra. When the world is complete the bible uses the complete Name of God for the complete world.³⁴⁷

The kabbalists looked at the Tetragrammaton as representing all of the *sephirot*. Even *Keter* is represented by the crown on top of the *yud*.³⁴⁸ The Divine personality must nevertheless have another personality to comprehend it and to relate to it. This establishes an I-Thou relationship between man and God. Before man was created, there was only a relationship between God and the world, a God-it relationship. After the creation of man, a God-Thou relationship is established. According to Maimonides the entire world is a personality, which is anthropomorphic.³⁴⁹ With the appearance of man, God reveals Himself as a personality. The ethical norm presupposes the revelation of personality. Before God revealed His personality man could not become a personality. The concept of God as a personality is absent from ancient Greek philosophy. Both Aristotle and Plotinus viewed God as an abstraction and a principle rather than as a personality. Their notion of God corresponded more to the name Elokim.³⁵⁰ The Divine

Priest upon the day of fasting, is indicative of a notion with reference to which there is no association between God, may He be exalted, and what is other than He. Perhaps it indicates the notion of a necessary existence, according to the [Hebrew] language, of which we today know only a very scant portion and also with regard to its pronunciation. Generally speaking, the greatness of this name and the prohibition against pronouncing it are due to its being indicative of the essence of Him, may He be exalted, in such a way that none of the created things is associated with Him in this indication. As the Sages, may their memory be blessed have said of it: My name that is peculiar to Me. (translation Pines p. 148).

³⁴⁵ This verse is referring to cursing a judge (Sanhedrin 56a).

³⁴⁶ Maimonides writes in Laws of Idolatry 2:7 “the blasphemer is not liable to the capital punishment of stoning unless he enunciates the explicit Name, the unique name of God of four letters, which is Adonai.” The Rav is using the halacha of blasphemy as a proof to his contention that the name YHVH refers to the unique name of God as opposed to other names which are only descriptions of His acts. A curse must be addressed directly to the person or object being cursed, and not to any other description. Therefore only the four letter name of God refers to Him directly.

³⁴⁷ Commentary on Genesis 1:26 Ibn Ezra writes that man is considered a ‘small world’. In which case, the completion of man and the completion of the world are concurrent. See also Maimonides *Guide* 2:7 where man is also understood to be a microcosm of the entire universe. The Rav’s contention is that the Divine personality is expressed for the first time through God’s relationship with man, and the completion of the entire universe which, as the Rav will note later, expresses a Divine personality.

³⁴⁸ The four letters YHVH represent the ten elementary spiritual emanations. They are *yud* – *chochma* (wisdom); *heh* – *binah* (understanding); *vav* – the six attributes of *chesed*, *gevurah*, *tiferet*, *netzach*, *hod*, *yesod* (kindness, strength, harmony, eternity, glory and foundation); *heh* – *malchut* (God’s dominion over the physical world). *Keter* (crown) is represented by the crown on top of the *yud*. For a fuller discussion see *Tanya Iggeret haTeshuva* p. 188.

³⁴⁹ In *Guide* section I:Chapter 72 Maimonides writes: Know that it was no because of all that we have mentioned in comparing the world as a whole a a human individual that it has been said about man that he is a small world. For this whole comparison can be consistency applied to every individual animal that has perfect limbs; but you never hear that one of the ancients has said that an ass or a horse is a small world. This has been said only about man. This is because of that which is a proprium of man only, namely, the rational faculty – I mean the intellect which is the hylic intent; something that is not to be found in any of the species of living beings other than man. (Pines translation p. 190)

³⁵⁰ The Aristotelian conception of God was that of an unmoved Mover who creates the world in a passive way through a series of emanations. See Maimonides *Guide* 2:12. God is pure being and only engages in self contemplation. Similarly man’s relationship with God comes about only through contemplation of His Being. Plotinus conceives of God as a Primal Unity which he calls ‘The One’. There is nothing that one

personality is hidden in transcendental mystery. We cannot speak of God as long as He does not reveal Himself to us. Consequently, God is only comprehended by man. However, this revelation of God requires the 'thou' of man. Hence each is a function of the other. Man becomes God revealed. Before God revealed Himself it was impossible to refer to man as personality. This is evident in the first chapter of Genesis. All we can speak about the God as revealed in chapter one are natural laws, measurements and mathematical regularity.

At the end of chapter one the human personality is still mystery. His moral agency is still not expressed. What did man look like before the bible tells us "The Heaven and the earth were finished and all of their hosts"? (Genesis 2:1).

Until that point in time man consisted only of a hierarchy of natural life.

1. Plant living according to bio-chemical laws
2. Animal driven by physical drives and instinct.
3. Technical intelligence, while not uniquely human, nonetheless was more developed than that of an animal.
4. Informed about his own life after being spoken to by God. However, there was not yet a unique, personal contact between man and God.

The basis of all religion, however, is not to be found until God appears as YHVH. Even when God says, "Let us make man in Our image" (Gen. 1:26), man is not altogether unique, but represents only a slight addition over animal life. The phrases which appear in the first chapter "male and female" (ibid. 1:27), "And He said be fruitful and multiply" (ibid. 28) "It shall be yours for food" (ibid. 29) do not represent anything special about man, compared to an animal. There is still no gap. This is evident by the usage of the Name Elokim.³⁵¹ The first chapter of Genesis presents us with a scientific viewpoint of man along with all of the rest of creation.

A threshold is reached when the Bible tells us "And Elokim saw everything that He had made and it was very good" (ibid. 1:31). After this point the name of God appears as YHVH-Elokim and man becomes central in creation. However this is not meant to be understood chronologically. It is the viewpoint of the second chapter which views the world as anthropocentric. This is in contrast to the first chapter where man is not central nor the main objective of the drama of creation.³⁵²

In the second chapter the whole of creation appears useless without man to order and to complete it. "All the trees of the field and all the bushes of the field did not yet appear on the earth and all the grass of the field had not yet sprouted from the earth for YHVH-Elokim had not caused it to rain on the earth, and there was no man to work the ground" (ibid. 2:5). "A cloud rose from the ground and watered the land" (ibid. 6).

The next several verses discuss man in detail. "And YHVH-Elokim formed man from the dust of the ground, and blew into his nostrils the breath of life, and man become a living creature. YHVH-Elokim planted a garden in Eden in the east and He placed man there whom He had formed" (ibid. 7-8).³⁵³

can say about it. Consequently it is nameless. In his *Enneads* chapter 5 section 6 he writes "If we are to think positively of the One there would be more truth in Silence. This One is beyond all human categories including that of personality.

³⁵¹ The Rav is arguing that we do not find any phrases in the first chapter's account of the creation of man which are unique to man as opposed to animals. The command "Be fruitful and multiply" is also given to the animals (ibid. 1:22). In addition the ability to eat and distinction of gender are also traits that man shares with animal.

³⁵² See Maimonides *Guide* 3:13.

³⁵³ The Rav's discussion of the two accounts of the creation of man is parallel to his distinction between 'Adam the first' and 'Adam the second' in *The Lonely Man of Faith*.

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The sages of the medieval period understood the Bible as emphasizing the centrality of man in creation.³⁵⁴

1. Some things dormant came to expression.³⁵⁵

2. Man as unique creature.³⁵⁶

Let us proceed with our interpretation of the second chapter. The bible reveals to us man's unique technical intelligence which is capable of exploiting nature. "And YHVH-Elokim took Adam and placed him in the Garden of Eden to work it and to guard it" (ibid. 2:15). This is the first time that man's technical ability is referred to. The Bible specifically refers to man's role of tilling and cultivating the soil. The uniqueness of man is associated with his technical intelligence. This is true according to modern anthropology.³⁵⁷ The unique position of man is first expressed by his ability to work and to guard the land.³⁵⁸ Here in animal to who man still. In man different forms. Unique position of man comes first to expression in "to work it and to guard it" and "to work the land".

Technical intelligence should not be confused with a developed sense of morality. In fact, man can possess a highly technical intelligence without having any ethical norms. This is because technical intelligence is commensurate with external experience and not introspection. In our generation the Germans showed this. Technology must be directed by imagination. Man must ask himself the question, 'what are the consequences of this invention?' 'what results can I anticipate?' Engineering does not only exist on the technical level, but also on the social level. Most technology today seeks the maximum amount of pleasure and happiness. These goals are pragmatic but not necessarily ethically edifying.

Let us now discuss the ethical dimension of man. There is a big difference between ethical experience and experience of biological world. Hunger is an experience of the biological world. It causes man to look for food and to eat. Ethics comes about by seeing another man who is hungry and looking after him to help him. The difference between the two is that a biological instinct comes about through an instinctive animal drive which leads to a certain feeling and impulse. It is one of compulsion which man cannot escape or suppress. He has not alternative but to comply with the insistent and persistent demands of his biological organism. The ethical drive is completely different. Kant describes it as a "push from beyond by some mysterious power." It is the 'Categorical Imperative' which provokes man to act in accordance with ethical norms.³⁵⁹ Even though

³⁵⁴ It is clear in most of the medieval Jewish biblical commentators (Rashni, Nachmanides, Ibn Ezra, etc) that man is the highest form of creation and the purpose of creation. Cf. Maimonides *Guide* 3:13. The anthropocentricity of man, while assumed, is expressed more in later works. See for example *Nefesh HaChaim* (Shaar 1: chapter 1). This was the view of all medieval philosophy until the Copernican revolution. See Cassira *Essay on Man* p. 32.

³⁵⁵ Nachmanides writes (Genesis 2:5): And every shrub of the field. In the opinion of our Rabbis in Bereishit Rabbah (12:4) [every herb of the field created [on the third day [did not come forth above the ground but] they remained just below the surface of the earth, and on the sixth day they grew after He caused rain to fall on them.

³⁵⁶ See Nachmanides commentary on Genesis 1:26.

³⁵⁷ Write footnote about the change from hunter-gatherer to farmer and cultivator.

³⁵⁸ The Rav's understanding of the biblical phrase "to work it and to guard it" contrasts with its interpretation in *Lone Man of Faith*. There the phrase "to work it and to guard it" is attributed to 'Adam the second' whose purpose is to serve God. Man's mastery of the world is expressed in the verse "Fill the earth and subdue it" (p. 35).

³⁵⁹ Kant, in his many works which deal with ethics, emphasizes that just as man, by his very nature, orders all external experience in terms of a priori laws, so too does he order his acts in terms of a priori moral concepts. There are principles of reason which he called the 'Categorical Imperative' which are binding upon man. Kant saw in God the source of ethical reasoning. In order to live a moral life man needs a Divine Being who will reward virtue with happiness. By rejecting the traditional proofs of God, Kant

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Kant called ethics an imperative, it is not a compulsion, and can therefore be evaded. I am always free to be non-ethical. Even if I feel an avalanche of pity for someone else which seems unavoidable, I always have the option to refuse. There is nothing in the world to compel me. I always have the alternative to live in compliance or disobedience. This is the central difference between ethics and biology.³⁶⁰

Jewish philosophers speak of freedom. Maimonides spoke of freedom as necessity in reward and punishment.³⁶¹ Reward and punishment though is not ethical. It is religious

looked to Him as primarily the source of all morality, as opposed to the medieval conception of God as the source of all being.

³⁶⁰ The Rav's important and crucial point here is that the starting point for human ethics is human freedom. Our conception of ourselves as moral agents and beings makes sense only on the assumption that we have freewill. Kant was the first to posit two domains of human existence, natural causality and freewill. They therefore do not contradict each other because each operates in a separate sphere. Kant was driven to a dual view of man. We are both phenomenal (natural, causally determined) beings, and noumenal (non-natural, self-determining) beings. The Rav's next point here is that human freedom precedes human ethics and is therefore independent of it. It is human freedom which represents the first emergence of ethical experience. See 'Kantian Ethics' by Onora O'Neill in chapter 14 of part 4 of *A Companion to Ethics*, ed. Singer, (1991) Blackwell, Oxford. See also chapter 14 of *A Short History of Ethics* ManIntyre (1998) Notre Dame, Indiana.

³⁶¹ *Guide* III;17:

The fifth opinion is our opinion, I mean the opinion of our Law. I shall let you know about it what has been literally stated in the books of our prophets and is believed by the multitude of our scholars; I shall also inform you of what is believed by some. Of our latter-day scholars; and I shall also let you know what I myself believe about this. I say then: It is a fundamental principle of the Law of Moses our Master, peace be upon him, and of all those who follow it that man has absolute ability to act; I mean to say that in virtue of his nature, his choice and his will, he may do everything that is within the capacity of man to do, and this without there being created for his benefit in any way any newly produced thing. Similarly all the species of animals move in virtue of their own will. And He has wiled it so; I mean to say that I comes from His eternal volition in the eternity a parte ante that all animals should move in virtue of their will and that man should have the ability to do whatever he wills or chooses among the things concerning which he has the ability to act. This is a fundamental principle about which – praise be to God! – no disagreement has even been heard within our religious community. It is likewise one of the fundamental principle within our religious community. It is likewise one of the fundamental principles of the Law of Moses our Master that it is in no way possible that He, may he be exalted, should be unjust, and that all the calamities that befall men and the good things that come to men, be it a single individual or a group, are all of them determined according to the desserts of the men concerned through equitable judgment in which there is no injustice whatever. Thus if some individual were wounded in the hand by a thorn, which he would take out immediately, this would be a punishment for him, and if he received the slightest pleasure, this would be a reward for him – all this being according to his desserts. Thus He, may he be exalted, says: "for all His ways are judgment...." But we are ignorant of the various modes of desserts. (Pines translation).

Maimonides also writes in Hilchot Teshuva (5:3-5):

Halacha 3

This principle is a fundamental concept and a pillar [on which rests the totality] of the Torah and mitzvot as [Deuteronomy 30:15] states: "Behold, I have set before you today life [and good, death and evil]." Similarly, [Deuteronomy 11:26] states, "Behold, I have set before you today [the blessing and the curse]," implying that the choice is in your hands.

Any one of the deeds of men which a person desires to do, he may, whether good or evil. Therefore, [Deuteronomy 5:26] states:

"If only their hearts would always remain this way." From this, we can infer that the Creator does not compel or decree that people should do either good or bad. Rather, everything is left to their [own choice].

Halacha 4

Were God to decree that an individual would be righteous or wicked or that there would be a quality which draws a person by his essential nature to any particular path [of behavior], way of thinking, attributes, or deeds, as imagined by many of the fools [who believe] in astrology - how could He command us through [the words of] the prophets: "Do this," "Do not do this," "Improve your behavior," or "Do not follow after your wickedness?"

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[According to their mistaken conception,] from the beginning of man's creation, it would be decreed upon him, or his nature would draw him, to a particular quality and he could not depart from it.

What place would there be for the entire Torah? According to which judgement or sense of justice would retribution be administered to the wicked or reward to the righteous? Shall the whole world's Judge not act justly!

A person should not wonder: How is it possible for one to do whatever he wants and be responsible for his own deeds? - Is it possible for anything to happen in this world without the permission and desire of its Creator as [Psalms 135:6] states: "Whatever God wishes, He has done in the heavens and in the earth?"

One must know that everything is done in accord with His will and, nevertheless, we are responsible for our deeds.

How is this [apparent contradiction] resolved? Just as the Creator desired that [the elements of] fire and wind rise upward and [those of] water and earth descend downward, that the heavenly spheres revolve in a circular orbit, and all the other creations of the world follow the nature which He desired for them, so too, He desired that man have free choice and be responsible for his deeds, without being pulled or forced. Rather, he, on his own initiative, with the knowledge which God has granted him, will do anything that man is able to do.

Therefore, he is judged according to his deeds. If he does good, he is treated with beneficence. If he does bad, he is treated harshly. This is implied by the prophets' statements: "This has been the doing of your hands" [Malachi 1:9]; "They also have chosen their own paths" [Isaiah 66:3].

This concept was also implied by Solomon in his statement [Ecclesiastes 11:9]: "Young man, rejoice in your youth... but, know that for all these things God will bring you to judgment," i.e., know that you have the potential to do, but in the future, you will have to account for your deeds.

Halacha 5

One might ask: Since The Holy One, blessed be He, knows everything that will occur before it comes to pass, does He or does He not know whether a person will be righteous or wicked?

If He knows that he will be righteous, [it appears] impossible for him not to be righteous. However, if one would say that despite His knowledge that he would be righteous, it is possible for him to be wicked, then His knowledge would be incomplete.

Know that the resolution to this question [can be described as]: "Its measure is longer than the earth and broader than the sea." Many great and fundamental principles and lofty concepts are dependent upon it. However, the statements that I will make must be known and understood [as a basis for the comprehension of this matter].

As explained in the second chapter of Hilchot Yesodei HaTorah, The Holy One, blessed be He, does not know with a knowledge that is external from Him as do men, whose knowledge and selves are two [different entities]. Rather, He, may His name be praised, and His knowledge are one.

Human knowledge cannot comprehend this concept in its entirety for just as it is beyond the potential of man to comprehend and conceive the essential nature of the Creator, as [Exodus 33:20] states: "No man will perceive, Me and live," so, too, it is beyond man's potential to comprehend and conceive the Creator's knowledge. This was the intent of the prophet's [Isaiah 55:8] statements: "For My thoughts are not your thoughts, nor your ways, My ways."

Accordingly, we do not have the potential to conceive how The Holy One, blessed be He, knows all the creations and their deeds. However, this is known without any doubt: That man's actions are in his [own] hands and The Holy One, blessed be He, does not lead him [in a particular direction] or decree that he do anything.

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norm. “It will be if you hearken to the voice of YHVH-Elokim to guard and to perform all of the commandments...” (Deuteronomy 28:1) is religious norm. Ethical consciousness doesn’t tell me of reward or punishment. Reward and punishment are a religious addendum to ethical man.³⁶²

In religion it is the legal norm which implies reward and punishment. This, however, is independent of, and goes beyond ethics. Ethics is neutral. It does not reward or punish. A religious personality demands freedom but this was understood differently by Kant who did not require punishment for ethical freedom. The importance, for him, was that ethics provided an alternative to biological determinism. The distinct pathos of ethics is the consciousness of an alternative to nature. The possibility of sin only makes ethical law more direct and specific. Sin is only the possibility of going against the norm itself.³⁶³ Maimonides concept of freedom is the most radical of all Jewish philosophers. For Maimonides, freedom was not only necessary to guarantee reward, but was identical with the ethical experience itself.³⁶⁴

Ethical experience is redeeming and elevating. It gives meaning to life. By sacrificing himself man is elevated. Psychological experiences do not give the same feeling of achievement.

This redemption is proportional to ethical depth. Through the feeling of redemption man discovers new meaning.³⁶⁵

This matter is known, not only as a tradition of faith, but also, through clear proofs from the words of wisdom. Consequently, the prophets taught that a person is judged for his deeds, according to his deeds - whether good or bad. This is a fundamental principle on which is dependent all the words of prophecy.

³⁶² The Rav here is distinguishing between ethics, which is based upon freewill, and reward and punishment. With this idea he is taking issue with Maimonides’ identification of the two. Freewill creates, according to the Rav, a consciousness which provides for man redemption and elevation. (see below). It is not contingent on Divine reward and punishment. This idea is based upon Kant’s theory of ethics who views human freedom as the basis of ethical knowledge and provides for man the ability to act autonomously and independently from the natural world.

³⁶³ Having done away with proofs of God in his *Critique of Pure Reason*, Kant makes use of God only as a practical tool to use in his ethical theory. In contrast to Maimonides, God for Kant is an operating principle which allows us to give credence to the Categorical Imperative. The Rav, while admitting this distinction, is not agreeing with Kant, but rather to distinguish the ethical norm from the religious one.

³⁶⁴ The Rav’s source for this statement is *Guide for the Perplexed* III:32 where Maimonides writes:

I know that on thinking about this at first your soul will necessarily have a feeling of repugnance toward this notion and will feel aggrieved because of it; and you will ask me in your heart and say to me: How is it possible that none of the commandments, prohibitions, and great actions – which are very precisely set forth and prescribed for fixed seasons – should be intended for its own sake, but for the sake of something else, as if this were a ruse, invented for our benefit by god in order to achieve His first intention? What was there to prevent Him, may He be exalted, from giving us a Law in accordance with His first intention and from procuring us the capacity to accept this? In this way there would have been no need for the things that you consider to be due to a second intention. Hear then the reply to your question that will put an end to this sickness in your heart and reveal to you the true reality of that to which I have drawn your attention. It is to the effect that the text of the Torah tells a quite similar story, namely in its dictum: “God led them not by the way of the land of the Philistines, although it was near... but God led the people about, by the way of the wilderness of the Red Sea.” Just as God perplexed them in anticipation of what their bodies were naturally incapable of bearing – turning them away from the high road toward which they had been going, toward another road so that the first intention should be achieved – so did He in anticipation of what the soul is naturally incapable of receiving, prescribe the laws that we have mentioned so that the first intention should be achieved, namely, the apprehension of Him, may He be exalted, and the rejection of idolatry. (Pines translation).

In this passage Maimonides asserts that the commandments of God are subject to man’s nature and freewill which Himself will not tamper with. On the basis of this, the Rav claims that for Maimonides freewill, reward and punishment, and ethics are intertwined.

³⁶⁵ In his lectures *On Repentance* the Rav distinguishes between two types of repentance. Repentance which atones, and repentance which redeems. Repentance which redeems is a consequence of man’s radical freedom, in contradistinction to repentance which atones, which does not necessarily come about through freewill. The source of this distinction is in the structure of the Laws of Repentance of Maimonides, which

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An ethical act is always accompanied by the possibility of contrary action. Sin and ethics go together. The polarity of good and evil are necessary for man to act ethically. St. Paul did not understand this. His reading of the Bible demonstrates a great misunderstanding of sin.³⁶⁶

When is it possible to speak of man as free? The Biblical command “Be fruitful and multiply” could not be considered as an ethical norm because it is merely a biological drive. Primitive man knew only of the biological drive. He could not conceive of any ethical alternatives. However, he developed the capacity to become hedonistic.

Hedonism is a way of changing one’s own nature. Hedonism in the sexual drive leads one to onanism or contraception. Although man was created with technical intelligence he did not yet have the capability of hedonism. That capability only came about as a result of eating from the tree of knowledge. Before that he didn’t know how to falsify biological drives, for example by practicing onanism. Hedonism is the beginning of the path to an ethical consciousness and freedom.

Freedom possible only when man is conscious of himself as separate from the rest of nature. As a result, man encounters nature as an independent being. Natural existence does not grant man an independent being. That can only come about through man’s consciousness.

When man looks at himself he sees his a dual aspect, as both part of nature and separate from it. This truism can be found in all philosophical anthropologies. If I am one with nature I don’t encounter it because I am part of it. If I am other than nature I deny my natural being. When I look at myself as other than nature I become the subject and nature becomes the object. It is not I, but rather something beyond “I”. There is a gap between myself and the objective world. This schism of subject and object led to a deep philosophical problem, which was first investigated by Descartes. The Cartesian problem is: how is knowledge possible. This is the problem of epistemology. The great chasm between myself and the world causes me to doubt my ability to know it.

Other biological creatures, while aware of their existence, do not have an awareness of themselves as individuals. An animal serves his group. This is the medium through which biological process asserts themselves. The uniqueness of individual begins when it becomes selfish. Ego-centric tendencies are the point at which the separation from nature takes place. This assertion of one’s self is a removal from the group, of which I was formerly a part. The group also becomes an ‘it’. I am important because I am. I am not because of the existence of the group but rather I am because I am.

The Sages say that the whole world was only created to serve me.³⁶⁷ This means that the whole world is about me. The anthropomorphic idea may be wrong but it is here.³⁶⁸

is divided into two sections, each discussing the nature of repentance in a different way. In Maimonides, the second section begins with chapter 5, where he discusses the concept of freedom, and goes on to propound a theory of repentance which is different than that which appears in the first four chapters. (Peli, P. *Al HaTeshuva* pp. 194, 211, 229-238.

³⁶⁶ See footnote 1 on p. 87 in *The Emergence of Ethical Man* where the Rav shows that for St. Paul and the Gnostics, it is law which is the springwell of sin. A man would not be tempted by any object or performance if it were not forbidden to him. The Rav explains that this argument prima facie does appear to make sense. Adam only ate from the fruit of the tree because it had been forbidden to him. This sin was not driven by any biological need or drive. However, claims the Rav, this is only half of the picture. The ethical norm must leave the avenue of sin open. But without freedom it is meaningless. The law is the source of sin, but it is only the possibility of evading the norm which gives any act the individual quality of ethics.

³⁶⁷ The Talmud in Berachot 6b states: What is the meaning of the verse, “For this is all of man (Ecclesiastes 12)? Rabbi Elazar says, “The Holy One, blessed is He, says that the entire world was created for this person”.... Rabbi Shimon ben Zoma says, “the entire world was only created to serve this person.”

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Technical intelligence informs nature of the distinction and relationship between the I and the it. The human “I” now becomes object of nature. The fruit of the cosmic drama is man himself.³⁶⁹ The world is not composed of two independent parts, man and nature. There is no part of humanity of which nature is ignorant. The scientist with his telescope appears to be a mere observer. However he discovers that nature is observing man and performing for him. While man observes nature performing, he himself is onstage.³⁷⁰ Man for thousands of years didn’t ask “who am I?” Historically this question emerged as doubt.³⁷¹ As long as man doesn’t ask the question “who am I” he remains part of the natural world. Knowledge of an independent ‘self’ brings about distinction between subject and object. It is man who is responsible for the split between himself and nature. This split is mainly epistemological. However, it can also elevate man above nature.³⁷² Maimonides formulated a concept of self which is connected with the unity of God. He asserted that “God is the knower, the object of the knowledge and the act of knowing.”³⁷³

However, this singularity exists only in God Himself. Man undermines the unity of God by splitting himself into subject and object.

The distinction between subject and object is the basis of man’s personality. The personal “I” contrasts with the neutral “it”. This distinction is fundamental. It is the relationship between man and others which raises the I-it relationship to an I-thou relationship.³⁷⁴ Personality can only be delineate through an I-thou relationship with another. The difference between I-thou and I-it was not expressed in the history of philosophy.³⁷⁵

³⁶⁸ The Rav is saying that even though the idea of a world which intentionally serves man smacks of anthropomorphism, which according to Maimonides is heresy (see ‘Laws of Repentance chapter 3), nonetheless the idea of the Sages quoted above is an anthropomorphic concept.

³⁶⁹ The idea propounded by the Talmud, according to the Rav, is commonly referred to in modern physics as ‘The Anthropic Principle’ (though that term was not coined until 1973 in Carter, B. (1974). “Large Number Coincidences and the Anthropic Principle in Cosmology”. IAU Symposium 63: Confrontation of Cosmological Theories with Observational Data. Dordrecht: Reidel. pp. 291-298). This principle has been used often by physicists to explain why the universe is as we find it. It takes as its starting point that the universe that we perceive must be of such a nature that will produce and accommodate beings who can perceive it.

³⁷⁰ The Rav’s idea of the interaction between observer and nature itself is a fundamental axiom of quantum mechanics. Feynman, Richard P. (1965). *The Feynman Lectures on Physics*, Vol. 3. USA: Addison-Wesley. pp. p.1–8 and his discussion of the ‘two slit experiment’. This paradox is most famously expressed by Austrian physicist Erwin Schrödinger in 1935 in his thought experiment known as Schrödinger’s cat.

³⁷¹ The Rav’s comment is clearly a reference to the French philosopher Renee Descartes who was the first to raise the paradox and dichotomy of what is known as the Cartesian mind/body distinction. A consequence of this dichotomy was that it led man to doubt his ability to know the world, and is often thought of as the beginning of modern philosophy. Before that time there was not a clear distinction and consciousness of the dualism between matter and mind. In fact, it has been claimed that the ancient Greeks did not have a concept of mind. See Richard Rorty, *Philosophy and the Mirror of Nature*. Princeton: Princeton University Press, 1979, chapter 2.

³⁷² The Rav’s remarks here mirror those of the 19th century Kabbalist Rav Shelomo Elyashiv in his work *Leshem Sh’vo ve-Achlama Sefer ha-De’ab* in his treatise on the sin of Adam (beginning p. 289). There (p. 291) he asserts that the sin of Adam came about because of Adam’s conceptualization of the world around him which is both the source of his potential greatness, and the cause of his downfall.

³⁷³ See Maimonides *Guide for the Perplexed* section I chapter 68, ‘Laws of Repentance’ chapter 5 halacha 5 and *Shemoneh Perakim* chapter 8.

³⁷⁴ The Bible expresses this concept when it first speaks about the creation of man. “And God created man in His own image, in the image of God created He him; male and female created He them” (Genesis 1:27).

³⁷⁵ The Rav here is referring to the emergence of what is usually called ‘Existential philosophy’ which emphasizes relationships between human beings in contradistinction to man’s relationship with the objective world. Proponents of this type of thinking include the Jewish philosophers Martin Buber and Franz Rosenzweig, who the Rav refers to several times in these lectures.

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The I-thou relationship creates a duality between man and man. Does this still leave us with a concept of the unity of all men? The answer is 'yes', based on the principle of Kineset Yisrael. This is the highest concept, of Israel as one individual. This is Nachmanides' idea.³⁷⁶ This however, co-exists with individuality. What is medium which binds man with man? It is the act of love. The act of love is also undermines God's oneness and therefore can only be expressed as relationship between people. This is the meaning that the Sages gave to the Biblical command "to cling to Him" (Deuteronomy 1:20).³⁷⁷

³⁷⁶ See Nachmanides commentary to Deuteronomy 11:22 and 13:5. The idea is explicitly stated in Rav Chaim Volozhiner's *Nefesh HaChaim* shaar 1 chapter 17 where he writes that the source of man's soul (*shoresh ha-neshama*) is the mystical concept of Kineset Yisrael which is "the source of the union of all the souls of the Jewish nation together."

³⁷⁷ See *Sifri* on Deuteronomy 1:20. There it states that man cannot cling to God for He is a consuming fire, and therefore he must replace this with relationship to Torah scholars. See Maimonides *Mishne Torah* 'Hilchot De'ot chapter 6 halacha 2

Lecture 14

Above we distinguished between the natural existential norm and the ethical norm.³⁷⁸

The specific traits of man's ethical norm are:

1. The endowment of man's ability to escape and transcend natural law. As a solely biological being man can never escape his natural norm. Only an added ethical dimension allows him to transcend.
2. The ethical norm is an overarching and encircling consciousness. Through this man discovers new meaning and redemption. This leads to a feeling of happiness which is associated with the performance of his moral duty. He feels spiritually elevated. His natural being is only capable of sustaining pleasure. Ethics, however, are spiritually elevating. This is not just a psychological phenomenon, which exists only in the mind, but a new awareness.

Included within man's ethical consciousness is the development of his personality. This begins to emerge when man severs himself from the all-embracing cosmic process. When he faces nature and analyzes his biosphere he observes a subject-object dualism. He then emerges as a personality. Additionally, he frees himself from his generic status which does not recognize his individuality, and acquires a new ontic autonomous existence. Not only is he defined as a member of his natural species, but his own personal existence is justified. Man as a natural member of a group emerges as man with a unique existence. He is no longer an "it" but a "thou". The Divine command "Be fruitful and multiply" was a purely necessary biological drive. Even hedonism was not an alternative.³⁷⁹ Man arrived only at threshold but doesn't step over till later. Now it is informative not normative. Later this information will become norm. Doesn't attain personal status as yet.

The second chapter of Genesis differs from first as far as man's unique anthropology position is concerned. The state of the world before man's creation is described by the verse as "There was no man to work the earth" (Genesis 2:5). The creation of the world from this perspective was to create a background for man, who in this second chapter is the centre of the cosmos. In the first chapter the theme is the cosmos. In the second chapter the theme is man.

Not, in the second chapter, is described naturally only in one verse – "And YHVH-Elokim formed man from the dust of the earth and He blew into his nostrils the breath of life and he became a living creature" (ibid. 2:7).

Maimonides had difficulty reconciling the "breath of life" with the "image of God".³⁸⁰ However, the verse really means man that as a natural being to man is similar to animal.

³⁷⁸ 'Natural existential law' refers to man's biological and instinctive nature, which is in accordance with the Divine imperatives which appear in the Bible, by which he was created. 'Ethical norm' refers to man's ability to transcend his biological nature and act in accordance with his freedom.

³⁷⁹ The Rav's important point here is the significance of the uniqueness of the individual. The Rav has already referred to the passage in Berachot 6b which views the entire world as being created for the sake of man. This idea underlies the irreducible uniqueness of every individual. This concept is found explicitly in the Mishna in Sanhedrin (37a): The King of kings created each man individually "and no two are the same. For this reason, everyone is required to say "the world was created for me". This philosophy of man's individualism appears in Hermann Cohen's *Der Begriff der Religion im System der Philosophie* (1915). There Cohen asserts that a philosophy of ethics can never distinguish an individual but is only relevant to society as a whole. It is because of this that the concept of God is needed in any philosophy of ethics which is concerned with the individual. See discussion in Bergman, S. H. *Contemporary Thinkers (Hebrew)* Magnus Press, Jerusalem (1935) pp. 228-228.

³⁸⁰ Maimonides does not explicitly discuss this problem anywhere. But his discussion of the "Image of God" in section I chapter 1 omits this verse. See, however, the commentary of

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The “image of God” refers to man’s ultimate destination. However his journey began with his body and the “breath of life”.

In the first chapter God appears as the Creator and the source of cosmic dynamism. In the second chapter we witness an account of God’s post-creative activity. This represents a new aspect of His personality. Creation itself is ex-nihilo. However, it was left to man to develop the world’s potential in accordance with the Divine command “conquer it, and rule over the fish of the sea...” (ibid. 1:26). This actualization of potential is discussed by Nachmanides.³⁸¹

“YHVH-Elokim planted a garden in Eden in the east and placed there the man whom He had formed” (Genesis 2:8). Man now becomes his own self and creature. From now on work is not exclusively Divine. In the first chapter God cannot be imitated. This is because man is not capable of creation ex-nihilo. The act of planting, however, is not unique to God. Man is also qualified to do that task. Man can plant, till the soil and exploit nature. From the outset of his creation he was already endowed with this capability.

If so, why did God Himself have to plant a garden, when man could have done it himself? Clearly it served as a pedagogical act. God’s act of planting was not intended to be a Divine creation but rather an education.³⁸²

The purpose of creation is now clearly man. He was target by God to develop natural resources. The Divine performance serves as an illustration and example.

Why is it important that God performs first? Because God’s acts communicate to us what is important. God’s acts are the definition of ethical performance. While all of creation is an ethical performance according to Maimonides, the first chapter is dynamic without any ethical motif.³⁸³ In the second chapter, however, ethical purpose is revealed. God’s planting of the garden is not merely an act of cause and effect, but Divine ethical behavior of importance to man. It reveals to man the ethics of the cultivation and development of nature. For this reason the name of God is YHVH which is the name by which God appears in prophecy and is therefore associated with Divine ethics. The name *Elokim* which is used exclusively in the first chapter is the storefront for chemistry and physics.

“And YHVH-Elokim took man and placed him in the Garden of Eden to work it and to guard it” (Genesis 2:15). Man is hereby charged with the task of continuing the Divine performance in developing the natural world. First he was endowed with technical intelligence and a propensity for anticipatory planning and execution. This is a Divine endowment. Yet man still looked at himself as a natural being. He had not yet isolated himself from the natural collective reality about him. He was still an animal. Then, suddenly, “YHVH-Elokim commanded him man and said ‘you may eat from all the trees of the Garden. But from the tree of knowledge of good and evil you may not eat. For on the day you eat from it you will die’” (Genesis 2:16-17).

This is the first ethical norm to appear in the Bible. Its ethical quality is expressed by the etymological difference employed by Torah. Instead of writing “God said” it is “God commanded”. What is difference? Where it states “God says” such as in the instruction to “be fruitful and multiply” God is informing man of that which is part of him. It is a

Nachmanides on this verse, who distinguishes different levels of man, which matches the Rav’s explanation here.

³⁸¹ In his commentary to I:28 Nachmanides writes: “He [God] gave them the potential and hegemony in the world to do whatever they wills. To build and uproot that which is planted.”

³⁸² The Rav here is referring to the important concept of man’s imitation of Divine acts (imitatio Dei) which is discussed at the end of Maimonides’ *Guide for the Perplexed* III:54 and in *Nefesh HaChaim* shaar 1. The Talmudic source for this idea is in Sotah 14a.

³⁸³ *Guide for the Perplexed* I:53, III:54 and see also II:7. In addition see the Rav’s essay *Ubikashtem mi-sham*.

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biological imperative for primitive man who did not yet experience a unique ethical law. The new ethics has nothing to do with man's natural state. It is a new emotion and impulse.

The command not to eat from the tree of knowledge was not biologically motivated. For the hunger drive, natural to man, does not distinguish between different types of tree. Rather this created a completely new experience which is unique to ethical man. It is something that can be evaded and eliminated and even revolted against. Man experienced for the first time an ethical imperative which gave rise to an alternative force which had been alien to him.

Paul saw the ethical norm as the source of all sin. If God had not commanded man not to eat from the tree of knowledge, the serpent would not have made him revolt. Sin is only made possible, according to Paul, through impulses given by God.³⁸⁴ The Gnostics adopted this idea, and did away with the law of the Pharisees. They held that it was law that makes man sin.³⁸⁵ The very act of sin is only possible by introducing law. Crime becomes an offence by legislation. As a result they said, "Let us forget natural law."³⁸⁶

The only answer to Paul and the Gnostics is that until God commanded, man is only a natural, biological creature. After the Divine command, man now possesses an ethical imperative which allows him to become an ethical being. The possibility of non-compliance is vital for man to transcend his biological existence and lead an ethical life.³⁸⁷

The problem facing the Gnostics was that the God of the Old Testament is different from the God of the New Testament. Whereas the God of the Old Testament commands, and thereby leads man to sin, the God of the New Testament is the God of Mercy.

The Talmud states (Berachot 33b) that "someone who says 'He who had mercy on the nest of a bird...' must be silenced." The reason that we silence him is because the laws of the Torah are decrees and should not be looked upon as expressions of God's mercy.

This statement of the Sages was made as a response to the Christian *minim*.³⁸⁸

Christianity is a religion which bases the entire God-man relationship on mercy. There is no need for decrees or laws.³⁸⁹ Our Sages, on the other hand, emphasized the fact that the law is a necessity – without it man cannot be an ethical personality. This is main clash between Christianity and the Jewish sages. Early Christianity wanted to make religion a religion of love and subjective emotions. Actual performance of commands was

³⁸⁴ See *Epistle to the Romans* 5:12-13 where Paul writes: Wherefore, as by one man sin entered into the world, and death by sin; and so death passed upon all men, for that all have sinned: For until the law sin was in the world: but sin is not imputed when there is no law.

³⁸⁵ See Pagels, Elaine 1979 **The Gnostic Gospels**, Random House, N.Y. pp30-31 where she quotes a Gnostic gospel which views commands as leading to sin.

³⁸⁶ While Paul was the first to present the Christian idea of celibacy (Corinthians 1:7), he did not explicitly say that sex is inherently evil. With the rise of the Gnostic movement, virginity became an important virtue, and marriage an allowance for the spiritually weak. This was eventually given expression by Augustine in his works *Of Holy Virginity* and *On Marriage and Concupiscence*. His philosophy was that with the sin of Adam man transmitted sin itself through the sexual act. The Rav's point is that the Christian misunderstanding of the sin of Adam gave rise to their rejection of Jewish law.

³⁸⁷ See Talmud Shabbat 145b-146a. There the Talmudic sages say that the effect of the sin of the serpent was removed when the Jews received the Torah. Their view was that commandments are the only way of liberating man the potential evil inherent in nature.

³⁸⁸ The Rav is making a novel point which is that Mishnaic law is addressing the Christian concept of Divine mercy. The Talmud only that someone who makes such a statement is making God's attributes into mercy. Nowhere does it explicitly attribute this approach to Christianity.

³⁸⁹ In the Gospel of Matthew (22:34ff) it states that the Old Testament can be summarized in two commandments – love of God and love of one's neighbor.

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unnecessary. There are certain strands of Liberal Judaism who wanted to transform Judaism into a subjective religion with no imperatives norms. Christianity emphasizes the centrality of aesthetic experience. This was something that our Sages fought against.

Lecture 15

We will now analyze the following sequence of verses:

1. “And YHVH-Elokim said, ‘It is not good that man should be alone, I will make him a helper-against him.’” (Genesis 2:18)
2. “And out of the ground YHVH-Elokim every beast of the field and every bird of the air; and brought them to man to see what he would call them; and whatever man called every living creature that was its name. And man gave names to all of the animals and to the birds of the air and to every beast of the field; but for man there was not a helper-against him.” (ibid. 19-20)
3. “And YHVH-Elokim caused a sleep to fall upon man and he slept and He took from one of his ribs and closed the flesh beneath it, and YHVH-Elokim built the rib which he took from the man, into a woman, and he brought her to man.” (ibid. 21-22)

This three part sequence of verses describes the emergence of man as a full ethical being and the establishment of the I-Thou relationship which will characterize both his relationship with God and with his fellow man.

The first verse (2:18) describes man’s loneliness. What is this loneliness that the Bible is referring to? This loneliness does not refer to any type of biological or social loneliness. For these types of loneliness assume man to be a social animal.

Loneliness is often a psychological experience. Man feels forlorn, forsaken and forgotten. This is part of a typically biological experience of loneliness. In this sense the word ‘alone’ denotes feeling outside of something. It is a feeling of being apart, eliminated and expelled. It is a psychological feeling of being expelled by the group to which i belong. However, it presupposes a sense of belonging. This means that man is social and sociable. He is a personality capable of sharing with others and he feels expelled from man if he cannot share. Loneliness is a bi-polar experience. A lonely person who is suffering from solitude is most often sociable and friendly. This is because a sociable person doesn’t suffer so much. Loneliness implies the admission that I failed to partake with others of a sympathetic co-existence. The love of others is most profound in the feeling of loneliness. The self experiences a feeling of being excommunicated from feelings of solidity and sympathy. It signifies a desire for communion.

What type of loneliness is the Bible speaking about here? When the Bible speaks of loneliness it is usually referring to God Himself. It uses the expression *badad* “So the Lord alone (*badad*) did lead them, and there was no strange god with Him”

(Deuteronomy 32:12). “God has shown you to know that YHVH is Elokim, there is no one other (*levado*) than Himself” (ibid. 4:35).³⁹⁰ “He that dwells in the secret place of the most High shall abide under the shadow of the Almighty” (Psalms 91:1).³⁹¹ We see from here that the quintessential state of loneliness applies to God. God is lonely because of His unity and uniqueness. His unity is the ultimate exclusion of multiplicity and His uniqueness expresses the fact that no one exists as He does.

Why did God create the world? It is taught that it was His desire to escape His loneliness and seek an ethical relationship.³⁹²

³⁹⁰ The Rav is noting the fact that the term used in this verse, *levad*, is the same term used in Genesis 2:18 to describe man’s loneliness.

³⁹¹ The Rav understands this verse as referring to the hidden dwelling of God which is also an expression of his loneliness.

³⁹² The source of the Rav’s idea is the introduction to the *Etz Chaim* written by Rav Chaim Vital from the lectures of the Arizal. There the Arizal asks, ‘why did God create the world?’ He answers that in order for God to reach completion and perfection in His attributes such as mercy and justice, He had to create a world with creatures to whom He could express these ethical actions and attributes. The Rav is presenting

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Man shares with God the quality of uniqueness. This is the source of loneliness of which the Bible speaks. It is the loneliness of man's personality. Loneliness is a full consciousness of being unique. When God says, "It is not good for man to be alone" God is expressing what He and man have in common. Just as God created a world in order to relieve Himself of His loneliness, so too God needed to create a partner for man to relieve man of his loneliness.³⁹³

The first step in ridding man of his loneliness was man's confrontation with nature. This is described in the verses Genesis 2:19-20. The I-thou relationship between man and his wife can only emerge after an I-it relationship with the natural world. By calling the animals names (ibid. 2:19) man becomes a judge of nature. The moment that he turns towards animals he has severed his bond with nature. This is the first dawn of personality. What did he do? He turned his face to the animals. This represents a cognitive performance. He classified them in terms of genera and species. This abstraction of individual traits was his way of orienting the world around him. Names represent a desire for cognitive orientation knowledge. This cognitive orientation frees man from his bond with his natural environment. He now becomes the subject regarding the world around him as an object to be studied and classified.³⁹⁴

We now come to the third stage of scripture which describes the creation of Eve. The Torah describes this as a "helper-against him". Man's relationship with others can come in two ways; he can face the other directly – this is called in Hebrew *nochach*. He can refer to him as a hidden entity – this is called *nistar*. Man's relationship with another can either be face-to-face, in which case there is co-operation and friendship. Or it can be back-to-back. This involves conflict and opposition. The phrase "helper-against him" is a paradox of these two relationships that man has with his fellow.

We therefore see the I-thou is one of continuity and cooperation on one hand and opposition on the other. It is a paradoxical relationship.

Let us now analyze the story of the creation of Eve. The Torah makes two points about the relationship between a man and a woman.

8. The biological act of propagation and reproduction is not mentioned in this narrative of chapter 2. It is only mentioned in the first chapter when God commands man to "be fruitful and multiply". In chapter 1 there is not mention of morality. However, in opposition to chapter 2 God does not stress "male and female" but rather "helper opposite him". In chapter 1 we have physiology. Here, in chapter 2 the motif is not bio-physics but ethical personality. Man is not searching for his physiological completion, but rather an ethical oneness with a woman. The focus of his loneliness is not the impossibility of life propagation but solitude which is mental. In addition to physiological completion we now have a spiritual oneness which comes about through the personalistic thou.
9. Eve is not formed from the dust of the earth like all the rest of creation. But from Adam's side. This symbolizes oneness.

This oneness is not causalistic and physiological. There is no emphasis on physiology but rather on personalistic oneness. This is expressed by the solidarity of comradeship which is a new type of union that exceeds the physical. Through this man realized his exclusiveness. We know this from the verse, "Therefore man should leave his father and his mother and be attached to his wife, and they will be as one flesh" (ibid. 24).

What does the Bible mean by leaving his father. Before Eve was created he also left. If we are only speaking of biological union then the verse is not saying anything. It

an existential interpretation of this idea. God's creation of the world is a desire to break out of His loneliness and share an ethical relationship with others.

³⁹³ See *The Emergence of Ethical Man* pp. 88-91.

³⁹⁴ See *The Emergence of Ethical Man* pp. 89-90.

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therefore must refer to common destiny of family. In addition the phrase and be attached to his wife” is not referring to a specific act of sexual union but rather to a permanent state. It emphasizes a sociological fact and not a physical moment. A parent and child form one unit yet there no physical unity.

The Biblical term for a womb is *rechem*. This word means ‘love’ as it is used in the verse “I will surely have mercy (*rachem*)” (Jeremiah 31:19). Though the verse is popularly translated to mean mercy, clearly the intention of the prophet is ‘love’. The word “*chemla*” is mercy. In Yiddish “*rachmanus*” is pity

The verse “You shall love the Lord, your God” (Deuteronomy 6:5) is translated by Onkelos using the Aramic term *ve-rischamat* meaning “you shall love God.”

Love is an expression of the oneness of two personalities. The bond of attachment with woman mentioned in the verse is one of love. The Bible is telling us that in order to achieve a bond of love between husband and wife one has to separate from the bond of love and devotion which is felt between a child and his father and mother.

Rashi on this verse interprets it to mean that a child is born from both of them. The Ibn Ezra claims that this explanation is far-fetched and interprets the verse, along with Nachmanides, to refer to the physical unity of man and woman. However, if the verse is referring to the birth of a child from his parents, there is nothing particularly human about it. Even in the vegetable world the union of the parents produces offspring. The human aspect is not biological but rather a unity of interests which comes from the co-existence of two personalities.³⁹⁵

The Bible tells us that “all the beasts of the field came and he called names... but he didn’t find a helper to oppose him” (ibid. 21). What could he not find in the animals? It cannot refer to something purely physical. Though Rashi on the verse explains that he mated with all the animals this does not account for Adam’s discontent. He sought a spiritual relationship which he could not find with any other animal.

Let us now discuss the central chapter of the human personality, which is expressed in man’s sin of eating from the tree of knowledge.

What was the nature of man’s sin? Christian commentators and theologians emphasized that when he ate from the tree of knowledge desire and lust were introduced into man. The snake who enticed man was a pleasure seeking creature, creeping on his belly and thus epitomized carnal pleasure.

The Pauline – Augustinian school identified sin with pride. Desire is a result of self-deification. This is expressed in the snake’s enticement to Eve, “and you will be like God”.

In his Epistle to Romans, Paul writes that man served his bestial nature instead of the Creator. A consequence of this is man’s surrender to his flesh.

Pride leads to rebellion. Revolt against God is a basic sin of man. We see this in the Sages who say “Adam was a heretic” (Sanhedrin 38b)³⁹⁶. Many times we ignore the homelitics (*derush*) of take our sages. However, even in halacha sin expresses itself as revolt.³⁹⁷ The Sages distinguish between sin which is motivated by pleasure, *mumar lete’avon*, and sin

³⁹⁵ The Rav is taking issue with both Rashi’s and Nachmanides/Ibn Ezra’s interpretation of the verse. This is because neither interpretation express the uniqueness of a human relationship between man and woman. The Rav’s contention is that the verses express a relationship of love and co-operation which is characterized only by the human relationship.

³⁹⁶ Rav Yehuda says in the name of Rav that Adam was a *min*, as it says, “And YHVH-Elokim called out to Adam and said to him, ‘Where are you?’ which means ‘to where is your heart directed?’ The Rav understands this Talmudic passage to indicate that man fundamentally revolts against God.

³⁹⁷ The Rav’s point here is that halachic concepts such as sin, which stems from revolt and which is referred to as *mumar le-bachis*, originate very often in the Bible and is expressed through the homelitics of the Sages.

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which is motivated by revolt, *mumar lebachis*. There is also a third form of sin which stems from ignorance.³⁹⁸

We will now examine the viewpoints of the two schools, sin as pride and sin as revolt. The Bible states, “And YHVH-Elokim planted a garden in Eden, and placed there the man whom He had formed. And YHVH-Elokim grew from the ground every tree which was pleasant to see and good as food, and the tree of life in the middle of the garden, and the tree of knowledge of good and evil” (Genesis 2:8-9). The verse indicates that both trees were located in the middle of the garden.³⁹⁹ This indicates the importance of the tree of life and the tree of knowledge. Both were central in garden. This was because the eating of their fruit would revolutionize man and world.

The prohibition against eating the fruit of the tree of knowledge was not given to Eve. This is because she did not yet exist. Nevertheless the serpent said to her, “Did God say that you shall not eat of any tree of the garden?” (ibid. 3:1). The serpent used the plural form of the verb (*tochlu*) to include her also in the prohibition. When God originally issued the prohibition to Adam the singular form was used (ibid. 2:17). Yet it was understood by both the serpent and Eve to including her as well. This is clear later on when God directly addresses Eve and says, “What is this that you have done?” (ibid. 3:13).

We see from here that the ethical norm of adam included her too. This is because the Divine command that man attach himself to his wife (ibid. 2:24) indicates that he must have a moral sense which comes from his ethical sense of responsibility within a community.⁴⁰⁰

Responsibility is not only a legal concept but also a religious one. With this man is responsible to God. In secular ethics man himself creates the norm, and then executes it. He is only responsible to himself and as a result the notion of punishment is absurd. With a collective body ethics becomes law and thus there is a need to enforce those ethics. When Eve was created there was a solidarity established between her and man. This constitutes the first community and therefore law and penalty to both of them. The I - thou relationship is both religious and ethical. Both constitute an ethical and spiritual community. While an individual is granted ethical autonomy and uniqueness there is nonetheless the responsibility that comes as a result of community. The monologue becomes an ontic dialogue between the moral I and moral thou.

The figure of the prophet is important in ethical philosophy and history. While Maimonides viewed the prophet as the paradigm of intellect, playing the role of both scientist and philosopher, the most glamorous worn by the prophet are his ethical personality. The purpose of the prophet is to rebuke society and in so doing to express his ethical solidarity with the group.⁴⁰¹

“You shall surely rebuke and not bear his sin...” (Leviticus 19:17). The term “not bear his sin” in this verse means that you should not carry the burden of his sin. Burden implies a sense of ethical solidarity. The most important aspect of this is ethical coresponsibility. In

³⁹⁸ The Talmud in Chullin 3a and 5a distinguishes between sin motivated by pleasure (*mumar lete'avon*) and sin which is motivated by rebellion. The three forms of sin, ignorance, pleasure and revolt, are expressed in the Mishna in Yoma 41b in the confession of the High Priest on Yom Kippur. According to Rashi they are called respectively *chet*, *avon* and *pesha*.

³⁹⁹ See commentary of Nachmanides who explains like this.

⁴⁰⁰ The Rav's point here is that ethical commands are addressed to members of an entire community, even though not all members are alive or present at the time of issuing the injunction. On the basis of this the Rav develops a notion of ethical responsibility in the halacha which is derived from a common past, which defines that ethical community.

⁴⁰¹ Maimonides in the *Guide* II:37 writes that intellect is a central condition for prophetic ability. However, in chapter 39 he writes that the purpose of the prophet is not to establish the law but rather to rebuke those who violate it.

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halacha all Jews are responsible for one another.⁴⁰² A consequence of this is that someone who has already discharged his obligation in a certain mitzvah may still recite the blessing on behalf of someone else who has not yet fulfilled it.⁴⁰³

This idea appears in the Bible regarding the law of a murder victim whose assailant is unknown. The elders of the nearest city gather at the site where the body was found and make the following declaration: “Atone for Your people, Israel, whom You have redeemed, and do not spill innocent blood among the Jewish nation.” (Deuteronomy 21:7). The murder of an innocent victim is the responsibility of the entire nation. This is rooted in the basic notion of ethical solidarity.

We find similarly that when God established a covenant with the Jewish people Moses said “Not with you alone am I forming this covenant and oath, but with those who are standing with us today, before God, and also with those who are not with us today” (ibid. 29:13-14). In this passage the concept of ethical co-responsibility is extended across generations. Not only is there a contemporary I-thou, but also a historical one. All Jewish souls throughout history form an assembly, which is called “the Assembly of Israel.”⁴⁰⁴ Sin in Judaism is not a Mendelian inheritance, as it is in Christianity, but rather a consequence of being part of a spiritual community. The Talmud in Sanhedrin (90b) says:

It was taught: What is the source for the resurrection of the dead from the Torah? The verse states, “And I will also establish My covenant with them (the patriarchs), to give them the land of Canaan” (Exodus 6:4). It does not say “to you”, but rather “to them”. From here we see that the resurrection of the dead is from the Torah.

This passage from the Talmud expresses the ethical oneness of a spiritual community across time. It is the connection between the historical ‘father’ and the historical ‘son’. The deeds of an individual are significant with respect to a historical background.

⁴⁰² The Talmud in Shavuot 39a says: “And they will stumble, each man over his brother” (Leviticus 26:37). This means to say that each person will stumble over the sin of his fellow Jew. This comes to teach us that all Jews are responsible for each other.

⁴⁰³ The Talmud in Rosh Hashanah 29a says: Ahava, the son of Rav Zeira taught even though one has already discharged his obligation, he may recite the blessing for someone else. Rashi explains that the reason for this is because all Jews are responsible for one another regarding the mitzvot. Ritva, in his commentary on Avodah Zara 6b explains this as part of the Torah prohibition of placing a stumbling block in front of a blind person, which the Rabbis interpret to mean that one may not aid another Jew in performing a sin. This translates into co-responsibility for the performance of mitzvot.

⁴⁰⁴ See Tanya 1:37

Lecture 16

Let us now discuss⁴⁰⁵ the primordial serpent.⁴⁰⁶ Bible critics were aware of the discrepancy between the passages which speak about the serpent and the other verses in the Eden narrative of Genesis. The rest of chapters 2 and 3 refer to God as *HAVAYAH-Elokim*, whereas the passages dealing with the serpent refer to God only as Elokim. On the basis of this Bible critics claim that the two stories have two different origins.

We, however, find meaning in the different usages of God's Names. Onkelos translates the term 'Elokim' as '*rivrivin*' which means 'powerful people.' The serpent said to Eve "for Elokim knows that on the day you eat from it your eyes will become opened and you will become like Elokim, knowing good and evil" (Genesis 3:5). Rashi interprets this to mean "you will be like Elokim, creators of worlds." The term Elokim denotes strength rather than Godliness. If the term *HAVAYAH-Elokim* were used the serpent would not be making a valid argument.⁴⁰⁷

⁴⁰⁵ In lecture 15 the Rav began his discussion of the sin of Adam and Eve, of eating from the fruit of the tree of knowledge. In lecture 16 he continues with this theme and discusses the nature of the sexual act and two levels of sexuality – the physical, which he calls Pandemos, and the spiritual, which he terms Ourania. It is readily apparent, neither here, nor in his book *The Emergence of Ethical Man*, how the Rav connects his discussion of sexuality with the sin of the Garden of Eden. For this reason it is important to understand how kabbalistic thinkers understand the primal sin. The Arizal (see for example *Shaar HaKavanot* derush Rosh Hashana 1) and later commentaries such as Leshem (*Sefer Deah* derush etz hadaat 3:1p. 290) understand the sin of Adam on three levels.

1. The act of eating from fruit which was forbidden.
2. The sexual act which was still forbidden until the beginning of Sabbath. This was because Eve had not yet reached a level of purity and was therefore not fit for the carnal act until nightfall, when they would both rise to a higher spiritual level and consummate a true physical and spiritual union. This understanding is based upon the Torah's use of the word '*daat*' in describing the tree of knowledge, which is also used to describe the physical union of Adam and Eve. This connection is expressed by the sages themselves in Bereishit Rabba at the end of chapter 6.
3. The revelation of forbidden knowledge and awareness. This understanding is rooted semantically in the Hebrew word 'eating' which is used by the prophets to denote knowledge and understanding. For example in Ezekiel 3 and Isaiah 55.

The Rav's two types of sexuality, physical Pandemos and spiritual Ourania represent the sexual act performed on the sixth day as opposed to its performance on the Sabbath. Adam and Eve should have waited for Sabbath when the spiritual elevation of the worlds would have enabled them to conduct a physical relationship on the spiritual Ouranic level. Instead their haste led to the consummation of their relationship, which resulted in the purely physical sexual act of Pandemos. As a consequence of this sin man would not naturally be able to consummate a physical-spiritual relationship with his wife, but would always be prone to the danger of a purely biological co-existence which would be devoid of ethical and spiritual content. The Rav views this as especially true in the modern world. The third aspect of the sin, forbidden knowledge, becomes the basis of the next lecture (17) where the Rav discusses the emergence of aesthetics.

⁴⁰⁶ See *The Emergence of Ethical Man* chapter 6 (pp. 95-128) where these ideas are also discussed at length

⁴⁰⁷ The Rav's point here is that the serpent's argument to convince Eve to eat from the tree of knowledge must necessarily refer to God as Elokim, denoting strength and power. This is because the serpent was trying to convince her that God would become envious of any competing power. The term *HAVAYAH-Elokim* denotes not only power, but the ethical I-thou relationship between man and God. An ethical, Divine being, cannot possibly be jealous of another. Therefore the term *HAVAYAH-Elokim*, used elsewhere in the Eden narrative, would contradict the entire thrust of the serpent's argument.

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The advice of the serpent was evil and vicious. It reflected the serpent's concept of God. Though God said to man that on the day he will eat of the tree of knowledge he would die, the serpent contradicted it. This was either a denial of God's omnipotence – that He would be unable to execute His promise, or a denial of Divine ethics, which is His sincerity. Hence the serpent cast aspersions both on God's omnipotence and His sincerity. The spiritual experience of ethics which enriches life was denied. The serpent describes God as jealously guarding His prerogatives to prevent man from taking His job. God thus becomes egocentric and paranoid. He was afraid that man might attain some degree of excellence and perfection on his own. Rashi expresses this in his commentary when he puts the following words into the mouth of the serpent, "From this tree He ate and created the world" (ibid).

The serpent painted God as a demonic personality, and not as an ethical Being, whose will is to do good. That's why the name *HAVAYAH* is not used, for *HAVAYAH* is incompatible with the demonic concept. *HAVAYAH* denotes ethical personality.

The difference between the serpent's concept of God, Elokim, and the concept of God used in the rest of the Eden narrative, *HAVAYAH*-Elokim, expresses itself in two aspects of man's personality. If God is demonic, man cannot possibly be ethical. Only if God is ethical is it possible for man to also be ethical. This is because ethics is based upon the verse, "You shall walk in His ways" (Deuteronomy 28:9). This is the concept of *imitatio Dei*. Man can only be ethical if he imitates God.⁴⁰⁸

The Bible says that the serpent was "the most *arum* of all the beasts of the field" (Genesis 3:1). The term *arum* is usually translated as 'subtle'. However, in most cases the term is used in a negative sense. In contrast to *chochma*, which is wisdom in a positive sense, *arum* refers to intelligence which seeks to attain a practical end through cunning and scheming.⁴⁰⁹ *Chochma* is knowledge used for an intellectual end. *Arum* is applied knowledge, used for a personal agenda.

The serpent considered itself insulated from nature. The Bible's description that "it was more *arum* than any of the beasts of the field" means that it freed itself from the bounds of nature. While Adam transcended the natural realm, this was in order to reach his goal as an ethical being. The serpent, however, only recognized a dynamic cosmic God, who was power-hungry and jealous of man. God appeared to the serpent as a powerful tyrant, whose interest was only in preserving His privileges. He did not recognize the ethical norm which is the true basis of Divine power.

The relationship between the infinite Divine existence and human finitude was translated by the serpent into an antagonistic relationship. The serpent attempted to forge a new identity for man which would now be to fight with God. This competition with the Divine would manifest itself in a spectrum of colors - Don Juan, robber baron, industrialist. Man's life would be one of competition with God. When man casts his covetous glance at the monopoly of Divine power he seeks to wrest that dominion from God. Modern science is the latest historical expression of this idea. In consequence, modern man is adopting the serpent's personality.

The pendulum which swings from the demonic to the ethical personality creates a polarity of good and evil which is a recurring theme in Jewish history.

- After crossing the sea and singing the song of the sea (Exodus 15) the Jewish people reached a very high spiritual level – only to revolt against God at Marah (ibid. 22-26).

⁴⁰⁸ See Sotah 14a and Maimonides *Guide* III:54

⁴⁰⁹ The Rav's statement is based upon the Talmud Sotah 21b:

Rabbi Avahu says, what is the reason of Rabbi Eliezer (who says that whoever teaches his daughter Torah is teaching her frivolousness)? "I am wisdom and I dwell in *orma* [the state of being *arum*]" (Mishlei 8). When wisdom enters into a person *orma* also enters.

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- After the Sinaitic revelation and the giving of the Torah (ibid. 20) the Jewish people made the Golden Calf (ibid. Chapter 32).
- After they inaugurated the Tabernacle the spies brought their evil report⁴¹⁰ which also led to Korach's rebellion.⁴¹¹

In addition to these historical events, this polarity also expresses itself in Jewish history as explicit conflict between two personalities expressing the two opposing views.

Adam versus the serpent; Cain versus Abel; Noah versus his generation; Avraham versus Terach; Yitzchak versus Ishmael; Jacob versus Esav; Josef versus his brothers.

This historical struggle reaches its climax with Jacob's struggle against Esau's angel. "And Jacob remained alone and he struggled with a man until the break of dawn. He [the man] saw that he could not overcome him and he struck his thigh, and dislocated his hip in his struggle with him" (Genesis 32:25-26). "And he asked him, 'What is your name' and he replied 'Jacob'. He said to him 'your name will no longer be Jacob, but Israel, for you have wrestled with Elokim and man and have prevailed'" (ibid 28-29).

Who was this man with whom Jacob wrestled? Was it Satan⁴¹² or Gabriel⁴¹³. The Bible is not explicit.

These two conflicting personalities are locked in an eternal struggle. When will it end? In the Messianic era.⁴¹⁴

"The woman saw that it was good for food and that it was pleasant to the eyes and a tree to be desired to make one wise" (Genesis 3:6).⁴¹⁵

How did she know all this before she ate it? How could she know the taste of the fruit and results of eating it? God had only described the tree to Adam as the knowledge of good and evil. Eve attributed to the tree things that the serpent didn't mention. The verse which says, "she saw that it was good for food" is merely describing her experience. How could she know that the fruit was good to eat before she ate it? She merely expected it and anticipated the end results. She was enchanted and her mind imagined and anticipated it. The Torah here describes here experience in the most natural colors. The fruit exerted no Eve an irresistible force but everything was imaginary

⁴¹⁰ The Rav's assertion of the proximity and relationship of the consecration of the Tabernacle and the sending of the spies is based upon the Talmud (Taanit 29a) which says: Mar said: the first year Moses constructed the Tabernacle. In the second year Moses consecrated the Tabernacle and sent the spies.

⁴¹¹ According to the Midrash (Rabba Korach 18:4) the reason that Korach rebelled against Moses and Aharon was that he was humiliated by the consecration process for the Tabernacle. All the Leviyim were shaved as part of that process. While Aharon was dressed in the fine raiment of the High Priest, Korach was not even recognized by his friends and family. From this time he bore a grudge and plotted his rebellion, though he waited until after the report of the spies, when the people had lost faith in Moses' leadership, before publicly attacking him.

⁴¹² In Genesis Rabba 77:3 and Midrash Tanchuma Vayishlach 8 the 'man' is described as *Samael*, the guardian angel of Esau, who is also known as Satan.

⁴¹³ In Genesis Rabba 78:1 the 'man' is described as Michael and Gabriel, the guardian angels of Israel. In Pirkei de-Rebbi Eliezer 37 it claims that the 'man' was sent by God to save Yaakov from Esau. See also the commentary of Rashbam on Genesis 32:25 who says that the 'man' was sent to protect Jacob from Esau.

⁴¹⁴ See commentary of Ramban 32:27 where he writes that the struggle of Jacob and the angel continued throughout all the generations of Jewish history. The Rav's contention that this struggle will climax in the Messianic era is based on the Talmudic passages which speak of the two Messiahs, one the son of Josef, the other the son of David (Sukkah 54a). Rabbi A. I. Kook's, in his eulogy for Theodor Hertzl entitled, 'A eulogy in Jerusalem', discusses these concepts. In addition see the Rav '*Chamesh Derashot*' where he also discusses the historical struggle between Josef and his brothers, which reaches culmination in the Messianic era.

⁴¹⁵ The main ideas in the remainder of this chapter can also be found in the Rav's *The Emergence of Ethical Man* pp. 101-108.

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because she had never experienced it – all was illusion and vision. This telos brought about in Eve the potential for crime.

“They were both naked, the man and his wife, and were not ashamed” (2:25).

“And the eyes of them both were opened and they knew that they were naked, and they sewed fig leaves together and made themselves aprons” (3:7).

The sin of eating from the fruit of the tree of knowledge is mysterious. We do not understand its nature. Let us, for the meanwhile, ignore all the sources, even midrashic, and try to understand the text in and of itself.

What is ‘knowledge’ and what is ‘good and evil’? Eve imagined something and this experience of imagination made her sin. Her dreaming and anticipating was the beginning of sin. The act of eating was only its consummation. Through her imagination emerged the tension and attractive power of the tree of knowledge. There was a fascination between her and the object which was later brought to a climax. The mental act began with the emergence of sinful tension between the woman and the fruit.

Let us now discuss the theme of sexual shame which the bible attributes to Adam and Eve after the sin. What does sexual shame consist of? What does it have to do with the tree of knowledge? Shame is a change in man’s attitude to himself. A child who doesn’t have any sexual desire is not ashamed of disobedience. Only someone with a sexual impulse can experience shame. As soon as a child discovers his own sexuality he will close door.

Shame itself is a powerful negative experience. It acts as a preventative from curiosity. The first expression of shame is a mild embarrassment. There is a sense of averting the ego, which causes a person to turn his head and seek to block his face from the gaze of others. It is man’s uniqueness of proximity and indifference asserts self. A person doesn’t want others to invade his ‘self’. Children at the age of 8 or 10 months display the same trait. Man’s response to the curiosity of his fellow man is expressed in embarrassment. Man seeks to guard the most intimate secrets of life and to prevent intruders. Shame is a feature of personalistic existence, singularity and loneliness. On one hand a person suffers from loneliness and desires to relieve the stress this causes, but on the other hand he looks to preserve his autonomous existence by preventing others from trespassing.

There are two types of shame:

1. shame on the level of aspiration, and
2. shame on the level of reality.

1. Shame on the level of aspiration: Very often a person sees himself in an imaginary plane. He identifies himself with an ideal which is carried in the mind. He places himself in an aspirational level. Shame on this aspirational level is common. If a person sees himself on a high level and views himself as an ideal personality he hates anyone who discovers his dreams.

A visionary is someone who allows others to spy on his intimate heights. The more alluring vision of self is, the more a person tries to entrench himself against any intrusion. He shuts himself off and isolates himself in presence of others. I am always conscious of the schism that exists. This dualism between the real self and the ideal one is practically unbearable. Therefore I will try to deny this discrepancy. However, the perception of this always remains. When someone demonstrates his alter-ego and sees a contradiction he will suffer humiliation. Embarrassment comes about when the real self shines through and the confusion with the visionary self comes to light.⁴¹⁶

⁴¹⁶ The Rav’s point here is that shame is a consequence of the discrepancy between man’s illusory perception of himself and reality. The connection with the sin of the tree of knowledge is that Eve developed a powerful illusion of the fruit of the tree and consequently of herself. When this illusion was shattered by sin she and Adam suffered shame.

2. Shame on the level of reality: Shame expresses itself in many cases as a consequence of moral culpability. Disapproval of a sinful act is accompanied by feelings of guilt. The concept of repentance in Judaism is interwoven with shame. Maimonides identifies regret with embarrassment.⁴¹⁷ Shame that comes from guilt can be shattering. The shift from approval to disapproval is sharp and sudden. The only stabilizing factor in modern man's life is the fear of disapproval by society. Shame and embarrassment can shatter an entire personality structure. When people discover that someone is not honest, sincere and reliable, he collapses. Dr. Jekyll is always ashamed of Mr Hyde.

The dualistic personality always wants to avert the gaze of others from himself. He creates a self defence in order to block others from spying on his real self. In the aspirational shame he disapproves of his real self in its relationship to the ideal self. In the reality shame he realizes his true self but disapproves of it absolutely.

We see therefore that shame originates in two ways:

1. The possibility of a better reality.
2. The reality of a corrupt self.⁴¹⁸

Shame has traditionally arisen not from society, but from the disapproval of God. This is the voice of common morality that is traditionally inherent in man. Modern society has lost contact with God. As a result shame is solely related to society. Modern shame can come either as an emotional reaction to the disapproval of friends on whom I am psychologically dependent, or from professional colleagues with whom I associate. People are very anxious to gain approval. They will even commit suicide out of despair because of an emotional disturbance when they lack that approval. A shadowy, disguised personality always accompanies the real one. There is no longer any ontic tension. The feeling of shame is based solely on the human qualities sharing and love. Society lowers my moral existence and threatens that if I do not comply I will lose communion with others. I am afraid of loneliness, of being shut off in the solitary cell of individual existence. On the one hand I enjoy exclusiveness and aloneness. And on the other hand I crave sharing.

Shame is most pronounced in sexual life. Christians were morbid when speaking about sex. Augustine associated shame with moral culpability. This is because anything that a person wants to hide must necessarily be evil. The sexual act leads to shame, and it must therefore be evil.

Man has a specific type of shame with regard to woman. A man who desires a woman fears to display his passion because of his fear that she will disapprove of him.

Let us return to the tree of knowledge. We don't see in the text any manifestation of a new ethical knowledge or new code after the sin. We are only told that "their eyes were opened... and they saw that they were naked" (3:7).

Although the sex impulse is characterized as purely biological, it nevertheless developed social and religious features. All societies and religions have codes that regulate sex.

While there is no morality to eating there is one with respect to sex. There is no shame that results from the fact that a person is hungry, whereas the drive for sex is a fundamental cause of shame. This is because sex is not a purely biological act, but is interwoven with love. As a result a burden of guilt piles up and expresses itself as sin. Sex psychology turns into pathology. A pathologically inclined person will explore his feelings of culpability. The biological and pathological aspects of sex are otherwise

⁴¹⁷ See Hilchot Teshuva 1:1 where Maimonides writes: How does a person confess? He says, "O Lord, I have sinned before You by doing such and such and I now regret and am embarrassed by my deeds."

⁴¹⁸ The Rav's point is that shame originates either from an ideal perception of self or facing the reality of one's own corrupt self.

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known as “eros”⁴¹⁹ and sex. What is the different between these two? It is essentially the difference between sex and love.

The drive for food because of hunger is a purely biological and glandular drive, but there is no love inherent in the act of eating. In sex, however, there is love. A person cannot love salami but he can love girl. Only in English do we say “I love that food” but in the Torah it says “Jacob loved Rachel” (29:18).⁴²⁰ Love for food is not really a love, but a preference for one food over another.

Sexual love contains both a biological and a spiritual element. When the physical act becomes the emotion of love it becomes ‘eros.’ The Greeks viewed the goddess Aphrodite as revealing herself in two different ways - Pandemos and Ourania⁴²¹. Aphrodite Pandemos is biological. It is not limited to the human level because it is an instincts of biological organisms. It is dependent upon physical excretions of glands which are released through sexual union. It is fully enclosed within biological relationship between two organisms. There is neither an I nor a thou. The sexual partner is only looked upon as an ‘it’. There is no personalistic alliance, but only a vacuum of existence. It is not more than the relationship of an ape to his banana. It has no greater moral element than prostitution. It does not raise the level of man one iota above that of an animal. In short there is no eros.

How does Ourania contrast to Pandemos? It is an erotic love that flares new desire. There is an urge for the sympathetic co-existence with the other through the carnal act. Unlike the idealism of the romantics of the 18th century, the Ouranian concept of love cannot be separated from love. The urge for union is not only organic but personalistic insistence as well. It is the desire to flee solitude and to share existence with another human being which finds expression in carnal satisfaction.

This concept of sex brings about a sense of oneness between two separate persona. This symbolism is used both in scripture and by the kabbalists. Even prophets used “As a young man is intimate with a virgin, so shall Your sons take You to themselves. And as the bridegroom rejoices over his bride, so shall the Lord rejoice over you” (Isaiah 62:5). This last expression was adopted by the kabbalists in the Friday night prayer service which welcomes the Sabbath.

The erotic relationship has traditionally symbolized the existential community as well as metaphysical I and it. The barrier which imprisons the self and separates it from others is broken and the thou is allowed to enter. The carnal act frees man from his loneliness. Metaphysics is expressed through flesh. This is the Greek concept of love – ‘eros’. It is indeed a paradox that the most metaphysical need finds expression in the most vulgar act.

⁴¹⁹ The Rav is using the term ‘eros’ to refer to sex in its most general character, which includes both the physical aspect as well as an emotional and ethical one. See *The Emergence of Ethical Man* p. 105 and footnote 5 there.

⁴²⁰ Even though in 27:4 Isaac says to Esau “Prepare for me the tasty foods which I love and bring them to me that I may eat them, in order that my soul bless you before I die”, the use of the verb ‘love’ here directed towards Esau. The medieval commentaries explain (e.g. Nachmanides) that Isaac was giving Esau the opportunity to fulfil the commandment of respecting his father, and in this way would be inspired to give him a greater and more powerful blessing. In fact the commentaries compare this to eating a sacrifice which leads to a greater love between man and God.

⁴²¹ Greek legend speak of two goddesses of love - Aphrodite Pandemos and Aphrodite Ourania. Aphrodite Pandemos was the common Aphrodite born from Zeus and Dione, whereas Aphrodite Ourania was born from the sea foam after Cronus castrated Ouranos. This myth emerged in neo-Platonic philosophy and Christian theology as two forms of love. Aphrodite Ourania symbolizes celestial love, which combines both body and soul, while Aphrodite Pandemos symbolizes pure physical love. See *The Emergence of Ethical Man* p. 105 footnote 5.

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When sexual desire is sublimated by erotic love the two partners find delight not only in the physical but also in conversation. Solidarity exists at the metaphysical level. The bible describes this with the beautiful term for that “he knew.”

While the Greeks developed the concept of eros, they really despised it. The physical sense of touch was considered by them to be the lowest of the senses.

However, the true concept of ‘eros’ is what the Bible means when it refers to the carnal act as ‘knowledge.’ As Nachmanides explains, knowing is recognition and cognition.⁴²²

We see this interpretation in the verses “For now I know that you fear God” (Genesis 22:12), and “he who understands, and knows Me” (Jeremiah 9:23).

The metaphysical oneness is expressed most strongly in the halacha. The sages declare that “his wife is like himself” (Yevamot 62b).⁴²³ – reflects personalistic oneness. The Raavad distinguishes between the identity of a man with his wife, in contrast to the relationship with a father or a brother.⁴²⁴ The whole institution of marriage is based on ethical solidarity. Marriage is the ethical co-existence between two individuals at the highest level. It is a craving for common existence. Its expression is sensual.

Modern law ethically far inferior to the Jewish concept of “a helper against him”. Even legal merger between husband and wife does not bring about equality. It is important to persuade people to learn the Jewish laws of marital relations so that they come to realize that the woman is not mere satisfier but a personality equal to her husband. We need a new type of handbook which teaches us not about the pleasure element in sex but how to raise it to a new experience. The modern world is only dedicated to giving man maximum physical pleasure. This, however, has nothing to do with love.

A person’s relationship with a spouse should be based upon the apprehension of approval and disapproval. Disapproval means that I do not appraise my partner as to whether he is morally worthy or not. I decide that I cannot give him friendship and therefore relate to him in a purely business-like fashion. Approval, however, means that I wish to share my own existence and include him within my private sphere. There must be a sympathetic coexistence and an act of identification which recognizes the other as a thou. Modern man has descended to the level of disapproval and is not ashamed of it. There is no expression of fear that he may refuse to share his existence with another. When he refuses to look for friendship, love and comradeship he is not ashamed, nor insulted.

⁴²² See Nachmanides’ commentary to 3:7.

⁴²³ See Maimonides *Mishneh Torah* Nashim 25:19

⁴²⁴ See Rabbeinu Asher (Rosh) in Makkot 1:13-14 for a discussion of the Raavad.

Lecture 17

How did the original plan of creation anticipate this coalescence and how was ethical knowledge given to man who had no previous ethical conception⁴²⁵? In the first chapter of Genesis there is no mention of any ethical norm, because creation was not yet ready. There was no moral aspect which was separate from. The phrase “He commanded” was a purely biological “must.” However, when God creates Adam and Eve the verse states, “and Elokim blessed them, and Elokim said to them, “Be fruitful and multiply”.” This now becomes an ethical command. The biological law worked itself into a moral law. There was a transition from *de factum* into an ideal. Existence “to be” now becomes “shall be”. In the second chapter the only existence which appears is ethical. All creative and dynamic activity is ethical. The biological drama transforms into an ethical drama. It is not at all factual but ethical.

From there on the impulse to reproduce becomes ethical. It is an impulse and not a sensation. The experience of sex is one of need to continue and propagate. There is a longing for fatherhood, and a caring for maternity. The primeval “He said” (1:28) of Genesis is an expression of the fact that God acts ethically. As a result, nature becomes ethical. When man act within the cosmic “He said to them” he is not only physical but at same time is metaphysical. This raises him to new spiritual level. If man had understood the affinity of “And Elokim said to them” (1:28) and “And Elokim blessed them and said” (1:22) he could have used the carnal act as a means for a higher ethical act⁴²⁶. The sexual union was destined to become higher act. It would emerge from the factual to the ideal. Erotic love would have been ethical and articulated in an ethical dynamism. Sympathetic existence would find expression in the common conscience of desires. There would be a single purpose, solidarity and selflessness expressed in the act of love. The medium through which the organic sexual tension would become a common ideal would be the primeval phase through which man would ultimately fulfil his ethical purpose.

There is a second aspect to the sin of eating from the tree of knowledge.⁴²⁷ The aesthetic experience is born out of search for pleasure. This new experience drives out man’s need for contact with another, but stimulates his own metaphysical desires.⁴²⁸

⁴²⁵ In the previous lecture the Rav described two forms of sexuality. Aphrodite Pandemos represents a purely biological and physical act, while the Aphrodite Ourania is an expression of love between the two partners. These two types of relationships appear at two different stages in the account of creation. When God commands the animals to be fruitful and multiply this is a purely biological act. However, when He commands Adam and Eve and said to them directly “be fruitful and multiply” the sexual act emerges as an ethical norm. The Rav now raises the question of how the first type of sexual relationships developed into the second type with all of its ethical content.

⁴²⁶ The phrase “Elokim said to them” (Genesis 1:28) is a direct command to man which the Rav understands to be an ethical act. The phrase “Elokim blessed them and said” (1:22) was a command to animal life which the Rav understands to be a purely biological act. The Rav is basing himself on the kabbalists (see lecture 16 p. 1 footnote 1) who understood that the sin of the tree of knowledge was that man did not wait for the Sabbath in which he would consummate the physical sexual union into a spiritual one, but rather undertook the act on the sixth day on which it remained a physical biological one.

⁴²⁷ Above (lecture 16 p. 1, footnote 1) we discussed a third aspect to Adam’s sin. This was that Adam engaged himself in forbidden thought. This aspect is discussed by the kabbalists and has its origin in scripture, where the term for eating “*achila*” is also used by the prophets to denote understanding. What is this understanding which constitutes primal sin? In *Guide for the Perplexed* 1:2 Maimonides writes that as a consequence of eating from the tree of knowledge, Adam, who previously possessed rational intellect, which distinguishes between truth and falsehood now came to know “fine and bad”, which “belong to the things generally accepted as known, not to those cognized by the intellect. For one does not say: it is fine that heaven is spherical, and it is bad that the earth is flat; rather one says true and false with regard to these assertions. Similarly one expresses in our language the notions of truth and falsehood by means of the terms *emet* and *sheker*, and those of fine and bad by means of the terms *tov* and *ra*. Now man in virtue of

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Santayana⁴²⁹ says that “beauty is the objectification of pleasure”⁴³⁰.

Let us see what pleasure means. It is not a phenomenon which appears in the animal world. This is because the relief of biological energy or tension is not done for pleasure but relaxation or relief. Desire in organic terms is nothing more than relief. Eating is satisfying the desire of the body by returning it to normalcy. Eating as a pleasure can only be found in homo sapiens. It is not primordial. One can hardly speak of hedonism with regard to urination. In such acts, man, after feeling uncomfortable, returns the body to its normal state. All pain disappears after relief. This is because normalcy has returned. Relief, however, is not pleasure. It is only a release of energies.

In the first chapter of Genesis there is no such phenomenon as pleasure. Animals on a natural level are not seeking it. Pleasure only appears in the second chapter.⁴³¹ The first chapter only deals with nature.

Pleasure is such is aesthetic – distinguished by three things:⁴³²

1. self-sufficiency
2. orgiastic, lascivious and

his intellect knows *truth* from *falsehood* and this holds good for all intelligible things. Accordingly when man was in his most perfect and excellent state, in accordance with his inborn disposition and possessed of his intellectual cognitions – because of which it is said of him: “*Thou hast made him but little lower than Elokim*” (Psalms 8:6) – he had no faculty that was engaged in any way in the consideration of generally accepted things, and he did not apprehend them. So among these generally accepted things even that which is most manifestly bad, namely, uncovering the genitals, was not bad according to him, and he did not apprehend that it was bad. However, when he disobeyed and inclined toward his desires of the imagination and the pleasures of his corporeal senses – inasmuch as it is said: “that the tree was good for food and that it was a delight to the eyes” – he was punished by being deprived of that intellectual apprehension. (Pines translation pp.24-25).

Most commentators on Maimonides understand his position to be similar to that of Aristotle in his *Nicomachean Ethics* by drawing a sharp distinction between ontology and ethics. See Marvin Fox (1990) *Interpreting Maimonides*, University of Chicago Press pp. 180-181. The Rav’s interpretation of Maimonides is different. In one essay on this topic, he writes:

The philosophy of ethics, from ancient times until Kant, and from his time until today, has pondered the relationship between ethical law and natural law. In other words, it seeks the path from natural reality to the ethical spirit.... Judaism declares: the distinction between revelation and ontology is only a difference in perspective. Ontological law, expressed through the reality of creation, reveals itself to man through ethical obligation.” (u’bikashtem me-sham Hebrew, p. 225).

In our lectures the Rav has established the ethical nature of man from the onset of the creation of Adam and Eve and His commandment to them to be fruitful and multiply. All of this is of course before Adam’s sin. The Rav’s understanding of Maimonides as expressed elsewhere is identical to that of the Jewish neo-Kantian philosopher Hermann Cohen (see the discussion of this topic in A. Ravitzky’s article in ‘Modern Judaism’ 6 1986) which interprets Maimonides intent that as a result of eating from the tree of knowledge man acquired sensual and aesthetic opinions and knowledge. Ethical knowledge, however, was already possessed before the sin. The Rav identifies this newly acquired knowledge with aesthetics which is a consequence of hedonism and pleasure. The rest of this lecture is a discursion into the nature of aesthetics.

⁴²⁸ The Rav’s point here is that in contradistinction to ethics, which brings man into an I-thou relationship with another human being, aesthetics is achieved without any interpersonal relationship, and is in fact impeded by it.

⁴²⁹ George Santayana (December 16, 1863, Madrid, Spain – September 26, 1952, Rome, Italy), was a philosopher, essayist, poet, and novelist.

⁴³⁰ “In contemporary thought the theory of aesthetic hedonism has found its clearest expression in the philosophy of Santayana. According to Santayana beauty is pleasure regarded as a quality of things; it is “pleasure objectified.” But this is begging the question. For how can pleasure – the most subjective state of our mind – ever be objectified? Science, says Santayana, “is the response to the demand for information, and in it we ask for the whole truth and nothing by the truth. Art is the response to the demand for entertainment... and truth enters into it only as it subserves these ends.” (*The Sense of Beauty* New York, Charles Scribner’s Sons 1896 p. 22 cited in *An Essay on Man: An Introduction to a Philosophy of Human Culture*, Ernst Cassirer Doubleday Anchor books, New York 1953 p. 203).

⁴³¹ “And the woman saw that the tree was good to eat and it was a pleasure to the eyes” (3:6).

⁴³² See *The Emergence of Ethical Man* pp. 108-112

3. hypnotic

1. Self sufficiency means that pleasure is no longer a means to an end but becomes an end in itself. From a biological perspective pleasure was never meant to be an end, but rather a biological acceleration.⁴³³ When man turns pleasure into aesthetics he becomes pleasure seeking. He usurps the signal influence of the end. Pleasure becomes the ideal. This is the central theme of modern man. His purpose in life is to have a good time. This philosophy does away with the concept of a purposeful act. When man does not seek truth because it is redeeming, but because he finds pleasure in such he is ascribing to the school of the sophists. We refer to this as pilpul. It is a manifestation when the cognitive type turns into the aesthetic personality. He views all things in terms of aesthetic experience. Even cognitive acts are now guided by the aesthetic. Even more so, the ethical deed can also become aestheticized. At this point man performs moral acts not out of a sense of ethical conscience but because it gives him fun. When he places himself at the disposal of the aesthetic and not the ethical, pleasure now becomes the wife rather than the handmaid of all human purposeful action.⁴³⁴

The notion of making pleasure the ideal is related to the artistic act for the sake of art itself. Instead of art serving a purpose it becomes an end unto itself. This leads to idolatry and the worship of semi-gods. This is the Christian motif. If you look at the purpose of art as being purely aesthetic then one has the right to idealize a person in whose name millions were slaughtered. The artist has the freedom to make anything aesthetic, even the most obscene. We see this in the writings of Shalom Asch.⁴³⁵ However, even a great writer bears ethical responsibility and certainly has the responsibility to the millions who were killed and not to idolize a myth. No responsible Jewish thinker thinks in these terms. This is the ruthlessness, wildness, lewdness and lasciviousness of ethics. When hedonism becomes an ideal unto itself, pleasure made into aesthetics and any type of human activity can be justified. Aristotle was aware of this danger and tried to limit it.⁴³⁶

2. Orgiastic quality of pleasure. The aesthetic experience can be intoxicating and ecstatic. Man forgets himself in the experience of pleasure. This is the Dionysian theory of Nietzsche.⁴³⁷ The yearning for pleasure is a dynamic force which denies opposition. Pleasure, according to the orgiastic principle of aesthetics is the opposite of passivity. Pleasure will drive man to defy danger. He will intoxicate himself with all hedonistic possibilities. His ideals will be unlimited. His intellect gazes at itself and enjoys things on the hedonic level. It is an activity devoid of ethics. This comes when one only sees the beauty in creation.

3. hypnotic

The hypnotic aspect of aesthetics is described by Henri Bergson. In pleasure I am hypnotized by beauty, by Eros, by Aphrodite. Through pleasure a person becomes addicted to the hedonistic way of life. He acts insolently and by sheer force of habit. This aesthetic hypnosis puts to sleep all resistive powers and man sympathizes with feelings

⁴³³ The Rav means by this that pleasure will induce a biological organism to accomplish biological tasks more quickly and efficiently.

⁴³⁴ See *Chazon Ish* in his essay *Eemunah u-Beitachon* where he discusses the performance of ethical acts motivated by pleasure and not by the halacha.

⁴³⁵ Need biographical footnote

⁴³⁶ Aristotle writes in the *Nicomachean Ethics* (1776b 33) that “to exert oneself and to work for the sake of amusement seems silly and utterly childish.”

⁴³⁷ In *The Birth of Tragedy from the Spirit of Music* Nietzsche propounds a psychological theory of aesthetics. In contrast to the classicists of the 18th century, Nietzsche was of the opinion that Greek tragedy consists of the depth and extreme tension of violent emotions. It was therefore an offspring of a Dionysiac cult – its power was an orgiastic power. It is similar to a state of intoxication which gives us the power of grand attitudes, of passion, of song and dance. (Nietzsche *The Will to Power* English translation by A. M. Ludovici (London 1910) p. 240. See the discussion in Cassirer

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which are expressed to him. This is the very opposite of ethics. Man does not behave ethically because ethics was suggested to him but because rather because he himself suggested it. One must experience an ethical need. In the Bergson theory of aesthetics the element of freedom is completely lacking. When man acts aesthetically he is not conscious of good and evil but there is only the fear of freedom.⁴³⁸

In his *Critique of Practical Reason* Kant makes the same critique of a society with hedonistic ethics. He calls it 'agreeableness'. When agreeableness becomes the only criterion for activity then man is no longer capable of acting ethically.⁴³⁹

When hedonism is declared to be an ethical goal then ethical life itself is reduced to aesthetics. This brings about a distortion of ethics and morality. This distortion is guided by an aesthetical motive, the greatest of which is the will to power. Power becomes just like art, and surpasses it. The enjoyment of beauty is weak compared with the enjoyment of power and controlling destiny. The aesthetic experience doesn't end with beauty. History has witnessed individuals who do not enjoy a symphony as much as they enjoy killing people. This will to power becomes compelling hypnotic and spiritualized. This is the modern concept of beauty.

Aesthetics when brought to a lower level takes pleasure and idolizes and deifies it – we can call this beautiful pleasure on a God level. Modern man is guilty of this. While medieval lived for eternity, modern man lives for now. When modern man lives it is only for pleasure and comfort in this world. He makes money, is active socially, but finds no goals except for life itself. Even the urge for propagation and the sacrificial urge for the sake of children is diminishing. Modern literature, in addition, provides fewer and fewer answers.

As a result of this, modern man constantly seeks new stimuli. This is because the constraint of pleasure is repetition. Though repetition itself is the basis of ethical action, in acts of pleasure it brings about boredom and despair. It is no wonder that actors have so many wives. A man who acts ethically is never bored. Boredom is the chief malaise of a pleasure-directed life.

Perhaps some type of profound intelligence and knowledge will redeem man from his aesthetic drive. This however, will not come from Freud, whose philosophy is only the aesthetic drive. He is not concerned at all with ethical drives. One cannot solve the world's problems using Oedipus and libido.

The emergence of Nazism in Germany must be examined and understood. At the time of the rise of the Third Reich, Germany was no less democratic than the USA. There was even more freedom at German universities than in American ones. The problem was

⁴³⁸ Bergson describes aesthetic intuition as a passive capability and not as an act of form. "the object of art is to put to sleep the active or rather resistant powers of our personality, and thus to bring us into a state of perfect responsiveness, in which we realize the idea that is suggested to us and sympathize with the feeling that is expressed. In the processes of art we shall find, in a weakened form, a refined and in some measure spiritualized version of the processes commonly used to induce the state of hypnosis... The feeling of the beautiful is no specific feeling... every feeling experienced by us will assume an aesthetic character, provided that it has been *suggested* and not *caused*... There are thus distinct phases in the progress of an aesthetic feeling, as in the state of hypnosis." Bergson *Essai sur les données immédiates de la conscience*. English translation by R. L. Pogson, *Time and Free Will* (London, Macmillan 1912) pp. 14ff. Cited in Cassirer.

⁴³⁹ Kant writes in *Critique of Practical Reason* that if the determination of our well rests upon the feeling of agreeableness or disagreeableness which we expect from any cause, then it is all the same to us by what sort of ideas we are to be affected. The only thing that concerns us in making our choice is how great, how long continued, who easily obtained, and how often repeated this agreeableness is. "Just as to the man who wants money to spend, it is all the same whether the gold was dug out of the mountains or washed out of the sea, provided it is everywhere accepted at the same value; so the man who cares only for the enjoyment of life does not ask whether the ideas are of the understanding or of the senses, but only *how much* and *how great* pleasure they will give us for the longest time." Translated by T. K. Abbott (6th edition, New York, Longmans, Green & Co., 1927), p. 110. Cited in Cassirer.

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that Germany had become completely aestheticized. This was a consequence of the philosophy of Martin Heidegger who created a philosophy of pleasure. This formed the basis of bloodshed. The whole occidental culture led to an abyss. Modern man continues to be an aesthetic type. It could happen again.⁴⁴⁰

⁴⁴⁰ The Rav's concluding remarks ending with the philosophy of Heidegger bring about many of the important themes which he has addressed in these lectures. The German philosopher Martin Heidegger (26 September 1889 – 26 May 1976) created a new thinking in an attempt to bypass traditional Western logic, thereby uncovering the true nature of Being. Heidegger's critique of Western philosophy rejects the reality of absolute values and views the world as a random collection of facts which have no meaning independent of human fancy. The world has no value or ethical content other than what man creates. This is because facts only have meaning in time, but do not have intrinsic immutable value. As a result, as Nietzsche said, "everything is permitted."

The Rav's understanding of the sin of the tree of knowledge is that man departed from the ethical life and immersed himself in a world of pure aesthetic values. Facticity and historicism replace the fundamental I-thou relationship which forms the basis of man's ethical relationship both with God and with his fellow man. In addition the Rav's reading and interpretation of the verses of Genesis which emphasize the intrinsic ethical content of nature and creation stand in stark contrast to the philosophies of nihilism which culminates with Heidegger. The Rav's remarks clearly do not only stem from philosophical speculation, but probably also from his own experiences as a student in the Berlin in the pre-Nazi era. These lectures were delivered originally in 1948, soon after the end of WWII, and present us with a vivid insight into the essence of Jewish thought and humanity, in contrast to those who seek to destroy it.