

Soloveitchik Hakirah Seminar

The Rav's closing statement of *Halachic Mind* "out of the sources of the halacha, a new world view awaits formulation" can be made meaningful only if we understand the book itself and its background. Since the work is both very difficult and densely written, I will start with its background and then attempt to outline its basic thesis.

In the period following the first world war, German philosophy underwent a radical change in paradigm. The philosophy of Kant, which dominated philosophy for more than a century, underwent several schools of interpretation, the last of which was the Neo-Kantian school of Hermann Cohen. Kant's philosophy was an attempt to save the methodology of science which had become subject to a critique of scepticism, most notably by the Scottish philosopher David Hume. Hume argued that we have no assurance that the physical world acts in accordance with the laws of science. Kant replied by asserting that scientific law is not implicit in what he called the world-in-itself but was part of the structure of the human mind which, a priori, imposes its laws and concepts on the external world. Kant called this structure the "transcendental" and his philosophy was to be labeled transcendental idealism. In addition, Kant extended his ideas to ethics and morality. In so doing, Kant sought a firm philosophical basis for all of human knowledge.

As mentioned above, Kant's philosophy itself became subject to differing interpretations. The central issue was understanding what Kant meant by the thing-in-itself. Hermann Cohen, in a book entitled *Kant's Theory of Experience*, argued that Kant's philosophy was not intended to be a new metaphysics but to provide the philosophical foundation of the methodology of science in its ever-continuing process of providing increasingly accurate scientific explanations of the data discovered in the world. While offering a new interpretation of Kant, Cohen's philosophy nonetheless fell within the Kantian of locating man's knowledge in his a priori transcendental and not in the world around him. This was sufficient for assuring the certainty of scientific knowledge.

The philosophical revolt against Kant and neo-Kantianism was spearheaded by a new philosophy known as phenomenology whose founding father, Edmund Husserl, described its goal in what was to become his famous motto "to the things themselves". In contradiction to Kant, Husserl claimed that man can discover the truth by peering into the world itself. However, this truth was to be found in the objects of man's consciousness. In addition, Husserl sought to create a rigorous and logical theory of the working of the underlying structure of thought which would not resort to psychological and sociological explanations. In doing this he created a methodology which sought to identify the essences of objects in the world which lie behind ephemeral qualities which they might incidentally have in changing circumstances. This process of arriving at the true objects of consciousness was called phenomenological reduction. By bracketing the qualities which are not intrinsic to the essence of any object, this method would bring forth the object as it immediately presents itself to consciousness.

In his philosophy of phenomenology, Husserl sought to break down the traditional philosophical distinction, since Descartes, between subject and object which had become compounded with the philosophy of Kant. In doing this, Husserl drew upon the theory of intentionality of his teacher Franz Brentano. According to Brentano, consciousness is not something internal within the mind but is always consciousness of something. There is therefore no such thing as a subject without an object. Rather there are only the intentional objects of consciousness which are not necessarily physical such as God. What Husserl did was to create a methodology by which one can look behind the objects of the physical

world and arrive at the true objects of consciousness which are the true logical structure of the world around us. We can therefore summarize Husserl's doctrine as a method of objectifying the subjective.

It is during this period of change that the Rav studied philosophy in Berlin and this turn in German philosophy is the background of his work *The Halachic Mind*. The shift in paradigm from Kant's transcendental idealism to Husserl's phenomenology which objectifies the subjective was the philosophical model which he saw as providing a basis for halachic thinking. The halachic process of his grandfather R' Chaim Soloveitchik, viewed the halacha as a type of a priori transcendental through which the halacha relates to the world. In the *Halachic Mind* the Rav uses what he calls a retrospective analysis which is phenomenological reduction applied to the halacha. By peering into the consciousness of the performance of a mitzvah, one can arrive at its very essence. He utilizes this methodology in the final section of the book in three cases. This is what he is referring to when he calls for a new world formulation from the foundations of the halacha. The halacha is not viewed exclusively as the a priori halachic ordering of the world but is a religious phenomenology of the commandments themselves.

In a eulogy which he delivered for his uncle, R' Yitzchok Zeev Soloveitchik, known as the Brisker Rav, the Rav says

Kant, in his time, asserted the independence of the mind in mathematical and scientific truth. R' Chaim also fought for the intellectual independence of the halacha and demanded its total autonomy. Psychology and sociology undermine the halacha just as experience undermines mathematics. If the halacha rests on psychology it loses its objectivity and degenerates into an empty subjectivism.

The halacha is detached from the daily sensual world and is planted in a world of idealism where the intellect rules completely...it becomes a methodology which takes sensory data and incorporates them into abstract theories with the axioms which are transmitted as a tradition from Sinai.

The same idea Neo-Kantian formulation of the halacha and the halachic process appears in *Halachic Man*

When halachic man approaches reality, he comes with his Torah, given to him from Sinai, in hand. He orients himself to the world by means of fixed statutes and firm principles. An entire corpus of precepts and laws guides him along the path leading to existence. Halachic man, well furnished with rules, judgements, and fundamental principles, draws near the world with an a priori relation.

This is in contradiction to homo religious who "is intrigued by the mystery of existence-the mysterium tremendum-and wants to emphasize that mystery". He "sees the entire ordered world, the entire creation which is delineated and bound by the laws a cryptic text whose content cannot be deciphered, as a conundrum that the most resourceful of men cannot resolve. The riddle of riddles is the very nature of law itself. In a word, the cognitive act of homo religious is one of concealment and hiding". (*Halachic Man* 7).

Note: In my opinion, the homo religious the Rav is referring to is the famous Catholic theologian Karl Rahner whose academic background and philosophic doctrine parallel that of the Rav.

However, shortly after the passage above, the Rav writes

However, at precisely this point, there appears the central antimony that disturbs the consciousness of halachic man. On the one hand, as we explained above, his image resembles that of cognitive man, who

occupies himself within intellectual constructions-experiencing all the while the joy of discovery and the thrill of creation-and then coordinating his ideal intelligibles with the real world, as does the mathematician. And yet, on the other hand, halachic man is not a secular, cognitive type, unconcerned with transcendence and totally under the sway of temporal life. God's Torah has implanted in halachic man's consciousness both the idea of everlasting life and the desire for eternity...Halachic man is also a homo religious in all his loftiness and splendor. His soul, too, thirsts for the living God, and these streams of yearning surge and flow to the sea of transcendence to "God who conceals Himself in His dazzling hiddenness". (halachic Man 39,40).

The invocation of consciousness and a spiritual reality hidden behind the physical world are clear references to a religious version of Husserl's philosophy of cognitively perceiving the intentional forms which lie behind the physical world. I would like to call this the Rav's phenomenological turn which parallels the turn in German philosophy from Kant's transcendental idealism to Husserl's phenomenology of perceiving the objects of consciousness. This "turn" is a fundamental theme of other works of the Rav.

I would like to turn now to Halachic Mind and first present an outline of the book.

The Rav opens his essay

It would be difficult to distinguish any epoch in the history of philosophy more amenable to the meditating homo religious than that of today. The reason for this is the discrepancy that exists at present between the mathematical-scientific and philosophical methodologies. A schism of enormous magnitude has developed between the scientist and the philosopher, between the regional viewpoint of the empiricist and the universal vision of the metaphysician. The scientific method, which exalts the microscopic idea and integrates reality out of the simplest elements, has collided with the metaphysical world-view which strives towards boundless ontological totality. As a result of this conflict, new vistas now beckon to the homo religious. (3)

The Rav goes on to explain

Modern philosophy neither pretends omniscience nor countenances the audacity to doubt in the least the validity of scientific statements...Philosophy is well aware of the fact that it is impossible to derive scientific data from any a priori process of cognition...The problem is, rather, whether the scientist's interpretation is to be exclusive, thus eliminating any other cognitive approach to reality. (5)

What the Rav is saying is that there are two methodologies. The scientific one which understands the world in terms of a priori constructs, and a phenomenological one which is also cognitive but views a world "comprising the sum total of our consciousness, the world of the senses". This "emergence of 'pluralistic trends'" is a world in which both Kant and Husserl can coexist.

In part two the Rav discusses modern metaphysics which emphasizes "intuition, eidetic apprehension, and emotional apriorism" (29,30) which he ascribes later in the work to Husserl who "strived to keep on the level of mathematical intuition". (53) Its methodology is "not interested in the genetic problem of the why or how but in the functional problem of what...the infinite distance separating the comprehending subject from the comprehended object is bridged. Object and subject fuse and become one...The guiding star is no longer causality but the eidetic content and meaningful whole". (34)

In part three he formulates a philosophy of religion based on Brentano and Husserl's theory of intentionality

The modern philosophy of religion has found an affirmative answer to the *quid facti* question in the theory in the theory of intentionality. The theory of intentionality states that every psychical act is intentional in its character...The conclusions which were derived from this theory caused a complete reversal of the traditional towards the affective and volitional experiences...Thus the noetic background of the complex mental life has been recognized. (41)

In a footnote he writes 'in its modern form the concept of intentionality was formulated by Brentano, Husserl, Scheler and Hartmann'.(48)

As we saw in the passages above from his eulogy and *Halachic Man* the Rav saw philosophy as a template for what he would call "a philosophy of the halacha". In the same way that German philosophy in his time transitioned from Kant and neo-Kantianism to a metaphysics of phenomenology, the halacha would, be in his view, subject to a similar overhaul. In particular, the Kantian a priori philosophy of halacha championed by his grandfather R' Chaim would give way to a new philosophy of halacha and world view. This constitutes the discussion in part 4. It is in this part that the Rav engages in a phenomenological description of several commandments thereby launching his new world view based on the sources of the halacha.

In the first example of retrospective analysis, the Rav discusses the commandment of shofar. He quotes a passage from Maimonides' *Mishnah Torah*

Although the blowing of the shofar on Rosh Hashanah is a decree of the Holy Writ, nevertheless there is a hint to it, as if saying Ye that sleep, bestir yourselves from your sleep, and ye that slumber, emerge from your slumber. Examine your conduct, return in repentance and remember your Creator.

The Rav writes that "the message of repentance, which for Maimonides is implied in the sounding of the shofar, cannot serve as the cause of the commandment that would assure it a status of necessity, but it must be apprehended rather as an allusion to a correlated subjective aspect. Kol shofar, the sound of the shofar, only betokens self-examination and conversion. The reconstruction method does not operate with the principle of necessity. It neither claims that the subjective counterpart would only be crystallized in one particular way, nor does it explain how it was finally reflected in its objectified form. It merely points at the stationary trail left behind the religious "logos" and indicates parallel tendencies in both subjective and objective orders".

The Rav is engaging in arriving at the essence of the mitzvah as the performance of the mitzvah comes to consciousness. This retrospective analysis and reconstruction is a variation of the type of phenomenological reduction used by Husserl in arriving at the essences of objects and ideas as they appear to consciousness. While the Rav is attributing this to Maimonides, he, nonetheless, views it as a new philosophy of the halacha which can be applied to the other commandments.

