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"RELIGION AND MORALITY"

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The term "synthesis," which forms the major theme of this Tenth Anniversary series of lectures, is most characteristic of all that Yeshiva stands for: its ideology and its outlook upon the world. The term itself is perhaps not the most felicitous or propitious. I remember the endless debates during my years at Yeshiva as to whether or not "synthesis" is a "good" word. After we finished many of these discussions concerning nomenclature, we began to ponder the content of the concept. Many of us never succeeded in obtaining an accurate Socratic definition of the term; but I think that all of us at least were able to intuit its true significance. Hence the term, whatever our semantic scruples, ultimately will do.

"Synthesis" is more than a mere educational device by which we combine or juggle two sets of curriculum -- one religious and one secular. The term also comprehends a metaphysic, a vision of the fate and the function of



the Jew in the modern world. This vision seeks to describe how the Jew can fit into the world without being absorbed by it; how he can retain his identity, his full religious and spiritual individuality, and at the same time contribute greatness and holiness to enhance and advance the general community of mankind.

Furthermore, "synthesis" is not a self-contained fact, a desideratum which may be pursued and successfully accomplished. It does not mean that if you have gone through four years of Yeshiva or Stern that you have achieved "synthesis." "Synthesis," in the sense we shall be using the term, is a method, the manner in which you approach problems, how you orient yourself towards your Jewishness. "Synthesis" is a way, not an accomplished and isolated fact; a process, not an event.



This evening I propose to discuss not "synthesis" as it affects natural science and religion, nor Judaism and Western culture, but rather: religion and morality, or, in their more specific Jewish context, the relations of Halakhah and Musar.

First, however, permit me a brief word on the relations of law and ethics (Halakhah and Musar) in the general non-Jewish world. In the Western philosophic and especially Christian tradition, there exist two diametrically opposite views of these relations. One theory looks with great favor upon ethics and with great disfavor upon law. Tolstoy, for instance, maintains that ethics is God-given, representing the divine element in the world, whereas law is the invention of human beings. As such, law strives but to enhance the power of those who are "in" and to disadvantage those who are "out." He thus sees law as the source of injustice; it is a diabolical instrument, an evil tool used to subvert



ethical ends. There is an ancient antagonism and an irreconcilable conflict between them.

The other point of view maintains that law and ethics must necessarily live together; there is a cooperative relation between them. The question is: which came first, and what are their relative functions? Mill, Bentham, Spencer, and others, maintain that ethics is a posteriori, it comes later. First there is the law that regulates the lives of people, of communities, and of nations. Then there arises ethics, the feeling human beings develop in order to give them a will to live by that law. Hence law is primary, while ethics merely supports and reenforces law. Others take the opposite point of view, and hold that ethics is a priori. The fundamental category with which man comes to the world is an ethical outlook. Law crystalizes and concretizes that ethic and makes it something that is sensible and practical. Kropotkin came to this conclusion by means of animal experiments, in which he discovered that animals have



a kind of rudimentary or primitive altruism. It is a very primitive moral sense, but from this Kropotkin concludes that man is endowed by nature with an ethical sense, and it is from this that law develops.

What is the Jewish view on these problems? We never doubted that ethics and law are related, and even if sometimes they are disparate -- Musar and Halakhah, or Hessed and Din, are not identical -- we do not see any fundamental conflicts between them.

Some brief examples come to mind. Proof that man is naturally ethical, even without law legislated from above, may be found at the very beginning of the Bible. Cain killed Abel. He was held responsible by God for this crime and he was punished. But did God ever forbid him to kill? Not to our knowledge. That formal command first came later, in the days of Noah.



Another example: the "generation of the flood" sinned; people of this era committed what the Torah calls hamas, violence. Were they ever commanded not to commit this hamas? Again, not to our knowledge; nevertheless, they were held accountable. Why, in both cases, was punishment meted out although no explicit prohibition was ever uttered? Obviously because man, without any kind of prior revelation or legislation, must know by himself that there are certain things he may not do.\* Ethics is part of his natural constitution and, therefore, law holds him responsible.

Another example on the relationship of law and ethics may be found in the <sup>Talmud (Sotah 14a)</sup> ~~Midrash~~ which says that אדם הראשון

אדם הראשון אדם הראשון -- "the Torah begins by relating an act of charity (Hessed) and ends by relating an act of charity."

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(in his Responsa, No-168)  
\*Compare the halakhic opinion of R. Joseph Kolon<sup>minor</sup> that an <sup>minor</sup> adultress is not liable to punishment by the courts, ~~if she was not warned~~ but by witness before committing her transgression; nevertheless she is forbidden to live with her husband because it is presumed that every <sup>even a minor</sup> woman possesses the a priori moral sense that recognizes the disloyalty to her husband implicit in the act of adultery.  
(cf. Responsa Sho'el U'meshiv, III, 139; and Responsa EmeK Halakhah (by my sainted grandfather, Rabbi Yehoshua Bauml) I, 21.



It begins with the story of God providing clothing for Adam and Even (malbish arumim), and it ends with the tale of God performing the mitzvah of burying an abandoned body (met mitzvah), namely, Moses. The whole Torah -- which is our Halakhah, our Law -- begins with Hessed and ends with Hessed.

Further, the <sup>Midrash</sup> ~~Talmud~~ teaches us -- and here we clearly see that all of law has an ethical motif -- "the commandments were given only in order to purify men's characters," <sup>(Ber. R., 44)</sup> ^

The same idea is enunciated, in different form, by Saadia Gaon. Saadia divided all the mitzvot of the Torah into two categories: <sup>the</sup> ^ first of these is the class of mitzvot shiniyot, those laws which are known only through revelation, for without the Torah's express command we would never observe them. This includes laws such as Shabbat, Tefillin, Tzitzit, Taharat ha-mishpahah. The second group he calls mitzvot sikhliot, the rational laws, including especially what we might call the ethical laws; namely, laws that man



would know even without the Torah. We would not, perhaps, perceive them completely, in all their details, but their general principles are rationally attainable. Thus, we find societies that, even without the Torah, know that it is wrong to kill or to steal or to lie. In the sikhiliot, law confirms and formalizes ethical principles man already knows a priori.

Our last example is provided by Yehudah Halevi, who, in his Kuzari, maintains that even a gang of robbers has to live by a certain code. Man cannot live without some kind of legal system; even in a den of thieves there must be rules and regulations by which individuals can guide themselves and be held accountable. According to Halevi, law is a fundamental human-social necessity.

All the above examples are illustrations of the coexistence of the two categories. Judaism by all means sees a positive relationship between law and ethics.



¶ At the outset we must remember, of course, that Judaism completely and unequivocally rejects a non-theistic ethic, a system of ethics which does not stem from or include the sanction of God. When divorced from its religious moorings, ethics ultimately becomes vacu<sup>u</sup>ous; it reverts to the nature of a code that guides or controls the den of robbers of which Yehudah Halevi spoke. The secular ethic is utilitarian, it is accepted because under the circumstances it works best. But it has no relation to a Creator, and hence is not compelling or meaningful. Those who want to read more on this problem will find a good presentation of the argument for theistic or religious ethics, <sup>as</sup> ~~and~~ against non-theistic ethics, in the late Isidore Epstein's Faith of Judaism, which offers a cogent and a remarkably fine and readable analysis of the issue. Epstein points out, for instance, that if ethics is not based on God, then man can fail much



more easily; there is nothing to bolster and support him.

And once he fails, if he is not a religious man and his ethics do not come from God, then he cannot pull himself back quickly; his fall is usually irrevocable, whereas a religious person possesses the principle of Teshuvah.

Further, a non-theistic ethic does not contain the element

of Kedushah (saintliness). A religious ethic <sup>can</sup> produce

saints, people who conduct themselves on the highest

ethical levels and thus become holy. But a non-theist, an

irreligious person, while he may be very fine and decent,

never becomes a saint. For instance, Plato in his Symposium

sings the praises of Socrates, and the highest encomium he

can bestow upon his master is that Socrates, unlike so many

of his contemporaries, was not a homosexual! Were a Jew

to speak of the Sages in such a fashion, we would quite

rightly consider it an insult, because for the Sages of Israel



the ideal of the ethical life is the attainment of saintliness or Kedushah, not merely the negative attainment of not being a degenerate.

Judaism, therefore, maintains that both law and ethics, Halakhah and Musar, have a religious or theistic origin. A beautiful expression of Judaism's view is given by one of the great Hasidic teachers of two or three generations ago, a very challenging and stimulating thinker who is largely and unfortunately unknown to most people, R. Zadok, the "Kohen of Lublin" -- among Hasidim he is called simply "The Kohen." He maintains that there are three kinds of love: the love of God, the love of Torah, and the love of Israel. This is based upon the famous Zohar statement that *אלה אחד (אברהם יצחק ויאקוב) --* God, Torah, and Israel are one. Man's relation to these three is expressed in terms of love -- love of God, love of Torah,



and love of Israel. Now, love of God, ~~"The Kohen" maintains,~~  
is the source of all else; it is the root, the shoresh. If  
one possesses Ahavat Yisrael alone, it is entirely inadequate.

"Love of Israel" without "Love of God" becomes merely a love  
of company, a seeking out of social contacts. You happened  
to be born a Jew, and therefore you <sup>have an affinity for</sup> ~~like~~ other Jews. This  
love lacks anything transcendent, it is mere patriotism,

just an ethnic-social quest for friendship. ~~The dor ha-haflarah,~~

so notorious in the Biblical history of Noah's days, ~~The genera-~~  
tion that built the great tower, knew the worth of friendship.

According to the Sages, they practiced true comradeship,  
genuine social love. But they knew nothing of the love of  
God, and so they were punished with destruction. Ahavat

Yisrael alone -- the love of Israel, the love of man, morality,  
the ethical impulse -- when cut off from <sup>its</sup> ~~the~~ religious source, <sup>(love of G-d)</sup>  
has no significance; it can, on the contrary, become dangerous.



Similarly, Ahavat Ha-Torah, the love of Torah, without love of God, degenerates into mere intellectual curiosity. It becomes merely the search for the satisfaction of one's cognitive yearnings; but that is not "Torah." The "generation of the flood," according to the Zohar, was intellectually so advanced that it was considered competent to receive the Torah; <sup>it was</sup> intellectually as worthy as or more worthy than "the generation of the desert" which did in fact receive the Torah. Why, then, were they denied this historic opportunity? -- because they lacked the religious source for their intellectual aspirations. Ahavat Ha-Torah alone -- law, halakhic research, an abstract "system," even a "way of life" -- without the Kedushah that it derives from and that should inform it, without faith and spiritual commitment, can become dry and dessicated. It becomes a meaningless pastime -- and even worse, for who does not know of the perils of an overgrown intellect coupled with a diminutive character? Halakhah and Musar, Law and Ethics, must issue from and be founded



upon the Love of God; they must have a religious source.\*

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The question we must deal with is, how do these two -- Law and Ethics, Halakhah and Musar -- relate to each other? This is indeed a highly complex problem. Josiah Royce maintained that finding the relationship between religion and morality is even harder than overcoming the highly publicized opposition between science and religion. The same holds true, in more specific Jewish terms, for the interactions between, on the one hand, Hesed, Gemilat Hasadim, Musar, or any name we choose for the ethical moment, and, on the other hand, Torah in the sense of Halakhah. We begin with the thesis that both morality and law are religious categories. But how does the ethical impulse, morality, the goodness that is within man and which is therefore a universal phenomenon, relate to Halakhah, which is specifically Jewish?

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\* R. Zadok Hakohen, Tzikkat Ha-Tzaddik, p. 196



I should like to explore with you the answers that have been offered in the last 100 or 150 years. (For some reason, authentic Jewish thinkers of the last 150 years *are* rarely studied in our schools -- an unfortunate feature of our academic programs, based upon the illusion that the history of <sup>creative</sup> Jewish religious thought stops with Maimonides.) During this period there emerged three schools of thought on our problem. The first maintains that morality -- Hessed or Musar -- is the most fundamental category in Judaism, even more so than Halakhah. The second maintains the opposite: the most distinguishing characteristic of the Jew, and the most fundamental value in his Weltanschauung, is Jewish Law, Halakhah; everything else derives from this. The ~~third~~ view refuses to see any conflicts between them and considers the two co-equal.

A word of caution: These opinions, including those which affirm a religious ethos or morality independent of Halakhah,



should not be taken to mean the approval of any act that goes against Halakhah. If we say that morality is axiologically more basic than Halakhah, it does not mean that you can be a moral person while violating the Halakhah. It is inconceivable for any authentic Jewish view to hold that one can go against the Halakhah and still be considered moral. Similarly, if we assert the ultimacy of Halakhah, that certainly does not preclude independent moral sentiments. What we are concerned with is not a conflict between Torah and ethics, but rather their juxtaposition, their relations, and their relative position in the Jewish hierarchy of values.

The first opinion, that morality is most fundamental, was generally advocated by the Hasidim and, at the same time, by the Lithuanian scholars of the Musar persuasion. This approach may be illustrated by a comment by R. Yaakov Yosef of Polnoye (author of "סודי אפר" *Sodi Aפר*), the colleague-disciple of R. Israel Baal Shem Tov, founder of



Hasidism. In Genesis <sup>18:2</sup> (~~Ha-yera~~), we read that A<sup>u</sup>raham beheld

three people who suddenly appeared before him; they were,

as we know, three angels. ~~We read~~ <sup>וַיֵּרָא אֵלָיו</sup>

<sup>לִבְרֵי אֲנָשִׁים</sup>, "Behold, three people were standing by him."

The Hebrew word for "by him" is alay. Literally, this

means: standing on him. <sup>the Zohar maintains</sup> Now, ~~R. Yaakov Yosef explains~~ that

<sup>se</sup> the <sup>three</sup> people or angels represent the three Patriarchs,

<sup>(Midrash Ha-ne'elem, 98a). R. Yaakov Yosef adds that</sup>  
Abraham, Isaac, and Jacob. These three Patriarchs are, in

turn, symbols of various qualities or concepts. Abraham

stands for Hessed; he was, above all, a man of love and

kindness (thus: <sup>אברהם אבינו</sup>) Isaac is a symbol of

Avodah, sacrifice. It was he ~~who~~ was sacrificed on the

Akedah. Jacob represents Torah, because he is a man of

"the voice" (i.e. his power resides in prayer and study and

the articulation of great ideas and ideals). <sup>אברהם יצחק ויעקב</sup>

-- the Kol Torah was sustained by Jacob. These three angels

therefore represented the three patriarchal principles of Torah,



Avodah, and Gemilat Hassadim. Now Abraham's vision was (reading the verse literally) that "behold, three people were standing on him" -- on himself, on Abraham. But Abraham stands for Hessed. It is this, Hessed therefore, that underlies the whole structure of Judaism. In Pirke Avot we read

that  
העולם נשען על שלשה דברים על התורה על המצוות על הגמילות חסדים

העולם נשען על שלשה דברים -- the world rests upon three foundations: Torah,

Avodah, Gemilat Hassadim, or law, prayer, and morality. All of these rest on Gemilat Hassadim. In other words, the fundamental category is Hessed -- ethics or morality. It is even more fundamental than Torah or Halakhah, which stems from it.\*

The same Hasidic doctrine is expounded, in different form, by R. Shneour Zalman of Ladi, the founder of HaBaD, the intellectual branch of Hasidism. R. Shneour Zalman maintains that, in general, nowadays the performance of mitzvot outweighs the Study of Torah. Normally we say

\* R. Yaakov Yosef of Polnoye. Toledot Yaakov Yosef, to Vayera



מלפניו כל דבר (Peah 1:1) -- the study

of Torah above all else. This held true for past generations;

today, however, the mitzvot <sup>Y</sup>maasiot are considered more

important. Which is the greatest of all these practical

observances? The answer: Tzedakah, charity. R. Shneour

Zalman offers a marvelous reason for this opinion. All

other mitzvot require a specific organ of the body; for

instance, for the Tefillin I must use my hands and my head,

the Tzitzit are on my body, I sound the Shofar with my mouth,

I go to visit the sick with my feet, I bury the dead by digging

with my arms and my shoulders. To perform Tzedakah, however,

I give a coin. When I give money, what does that money

represent? -- not an externalized, impersonal, spiritually

impoverished act, but, on the contrary, it symbolizes every-

thing I am. To earn my living, I have to work with my hands,

I have to walk, I have to think, I have to plead with a customer,



I have to answer to an employer; I must run, listen, write, talk, My money, my living, is earned with every organ of my body. My whole being goes into getting what I have.

When I give away that money, therefore, I give away a part of the sum total of all my <sup>עצמי</sup> ~~self~~, all the forces of my soul. So that Tzedakah -- the act of charity, philanthropy, the love of your fellow man, the moral moment -- is the worthiest deed in all of Torah. Tzedakah, which represents Hessed, is the most important mitzvah in all of Torah. \* ~~8~~

For a final example of the Hasidic view let us again refer to R. Zadok Ha-Kohen of Lublin. The Talmud (Ber. 35b) asks the following question. There are two verses which apparently contradict each other. One verse says that in the days of the redemption, when Jews will return to Zion, the Children of Israel will not be required to work for others will labor for them. themselves;

\* R. Shneur Zalman, Likkutei Amarim, chap. 37



"Strangers will come and they will take care of your sheep."

(Isaiah 61:5). <sup>They</sup> Others will do your work, while you will

be free to serve as <sup>ה' יי' and</sup> <sup>לשון חן</sup> ,

devoting your time to the service of God, to studying Torah,

to performing the mitzvot. The highest blessing, therefore,

consists of someone else doing my manual labor for me. However,

opposed to this are the verses we recite in the Shema: <sup>א' כ' ו' י' ו'</sup>

<sup>א' כ' ו' י' ו'</sup> <sup>א' כ' ו' י' ו'</sup> <sup>א' כ' ו' י' ו'</sup> -- if

you will obey the Lord, then you will harvest your grain.

Who will do the work? You will do the work! Of what, then,

does the blessing consist? -- of the Jew working, not some-

one else working for him.

How can we explain the contradiction? The Gemara

answers:

<sup>א' כ' ו' י' ו'</sup> <sup>א' כ' ו' י' ו'</sup> <sup>א' כ' ו' י' ו'</sup> , when

Jews do the will of God, others will do their work for them so



that they might devote themselves entirely to Torah. But,

אין לה ליהנות מן המצוות, when Jews

do not perform the Will of God, they will have to work

by themselves:

תבואה תאכל.

However, the Talmud's reconciliation presents difficulties.

According to this text, תבואה תאכל, "you will harvest

your grain (by yourself)," occurs at a time when Israel

does not abide by retzono shel Makom, the Will of God. But

that is obviously not so. The very Biblical passage begins

with the words, ואלה הן מצוותי, "when

you will observe all My commandments." How, then, can the

Gemara say that this applies only to the case when Israel

fails to perform retzono shel Makom?

The answer of R. Zadok consists of a fine, yet simple,

analysis. There are two categories which must not be confused

with each other. There is

אין לה ליהנות, "the will



of God," the term employed by the Talmud; and there is

*וְצִוָּנוּ לַעֲשׂוֹת*, "the commandment of God."

The two are not identical. God sometimes commands one thing, but He wills more than that. God commands me, for instance, to study Torah at least one hour during the day and one hour at night. He wants me to study much more. He commands me to give a coin for the poor man. He wants me to give him more than a coin; in fact He wants me to see to it that he does not become poor in the first place. So there is a difference between mitzvato shel Makom and retzono shel Makom. Now the result that *פירא נאוקי*, you will have to do your own work, occurs when you do not perform the Will of God, but all you do is obey the commandment of God.\*

Let us now define this answer in our terms. What is mitzvato shel Makom and what is retzono shel Makom? Mitzvato shel Makom, the commandment of God, is -- Halakhah, Law.

\* R. Zadok Hakohen, Peri Tzaddik, to Lekh-Lekha.



The Law tells you: this is the minimum, this is all I demand of you. Retzono shel Makom, the Will of God, however, is -- morals, ethics, Gemilat Hassadim, our maximal, ideal aspirations. Hence we see that Ethics is more significant, it is a higher category than Law. Halakhah places us under a tremendous, divine obligation; but Halakhah is not maximal Judaism, it is minimal Judaism! Halakhah (the commandment of God) defines the minimum that is required of us. The maximum (the Will of God) is Musar or Hessed, the ethical and moral moment.

I might add, in passing, that the Musar movement proposed a similar emphasis on Ethics in relation to Law. The terminology used is, for our present purposes, irrelevant. Whether we call it Hessed or Musar, the point is that the ethical dimension is served by Halakhah, which, for all its unimpeachable worthiness, remains penultimate to it.

The second school of thought maintains that Law is



more basic than Ethics. Halakhah is the fundamental category in Judaism. We may call this the Theory of Absolute Halakhic Sufficiency. This doctrine teaches that Halakhah is by itself sufficient; it needs nothing else in order for man to fulfill his divinely ordained purposes. Judaism requires nothing other than Halakhah. This theory can be traced to the Gaon of Vilna, the great controversialist against Hasidism; to his student, Rabbi Hayyim of Volozhin, the father of all Lithuanian Yeshivot; and to a contemporary scholar and saint, <sup>who</sup> died about 10 or 12 years ago, one of the outstanding Gedolim of our days, who stood in direct ideological descent from the Gaon of Vilna and from R. Hayyim of Volozhin -- Rabbi Abraham Isaiah Karelitz, <sup>the</sup> ~~is~~, more popularly known as the Hazon Ish. <sup>91</sup> This theory holds that Halakhah is autonomous; it ~~has to have~~ <sup>needs recourse</sup> nothing else, it is a law unto itself. Halakhah is the self-sufficient source of all Jewish values, including



Hessed or ethics. Ethics, by itself, can be quite meaningless. There is no autonomous ethics; it is necessarily heteronomous, utterly dependent upon Halakhah and the study of Halakhah. Whereas Hasidism taught that the function of Halakhah is to express the Hessed that lies within man, that Halakhah merely categorizes, crystalizes, and congeals Hessed for our guidance, this Mitnagdic theory of Absolute Halakhic Sufficiency asserts that the whole function of ethics and Musar is to urge man to do what he otherwise knows is right, the source of this knowledge being the Halakhah. Which, then, is more fundamental: ethics or law? The answer is obvious: Law, Halakhah. The moral intuition, the ethical impulse, merely directs and motivates me towards doing what the Halakhah explicitly requires of me.

We earlier referred to the Mishnah in Avot which teaches that the world rests upon three pillars: Torah, Avodah, and Gemilat Hassadim. The Hasidim pronounced the third as the



most basic of all three. Now compare to this the opinion of R. Hayyim of Volozhin. He too holds that they are not all equal. Once, all three were indeed of like value; but that was before the Torah was given at Sinai. In those pre-Sinaitic times, Avodah (sacrifices) and Torah (which, although it was not yet revealed in its totality, meant either mystically anticipating its contents, or living according to the revelation God gave to Abraham, such as circumcision) and Hessed were all of equal worth. Since the Revelation at Sinai, however, there is only one pillar, only one foundation for all the world. That single foundation is -- Torah, Halakhah. The other two are contingent upon and conditioned by Torah. Thus, before the Torah was given, a man could bring a sacrifice wherever he wished. His Avodah would be considered acceptable and virtuous in the eyes of God, no matter what the site or locale of his offering. After



the <sup>r</sup> Revelation of Torah, however, one may no longer do so. A sacrifice offered with the holiest of intentions, but not in a place authorized by Torah (i.e. Jerusalem, on the Temple Mount), is considered a transgression.

Clearly, then, Avodah is illegitimate unless it issues from a halakhic context. <sup>4</sup> The same holds true for Hessed.

R. Hayyim cites the example of lending money on interest.

We know that the Torah is strict in forbidding the giving or taking of interest. The Rabbis excluded one who lends on interest from the bliss of the world-to-come, and even

from the <sup>r</sup> Resurrection at the End of Days. Yet the author of

Turei Zahav, the famous commentary on the Shulhan Arukh, asserts

that before the Sinai Revelation it was considered an act

of Hessed to lend money on interest! Any businessman, whose commercial existence depends upon credit, and any needy person who requires a loan for his next meal, can testify to the

benevolence of the lender, even if he charges interest. What



is considered objectively an intrinsically moral act before Sinai, turns into a solemn sin, an act of treachery, after the Torah was given.

What do we see from this? That Hessed and Avodah issue exclusively from Torah. When Torah says something is forbidden, the proscribed act is no longer Hessed, but an affront to God and man; it is no longer Avodah, but an act of blasphemy. For Torah or Halakhah is the fundamental category of Judaism. \* 6

The Hazon Ish who, as mentioned earlier, stands in the ~~direct~~ tradition of the Gaon of Vilna and R. Hayyim of Volozhiner, expresses this view even more strongly. During the course of about 150 years all three -- the Gaon, R. Hayyim, and the Hazon Ish -- had occasion to object to preemting time from the study of Torah in order to spend it on Avodah, the study of Musar; in this they directly opposed the schools of Hasidism and Musar. They held that all available time must

\* R. Hayyim of Volozhin, Ruah Hayyim, chap. I.



be devoted to the study of Torah, i.e. Halakhah, and should not be spent on reading Mesillat Yesharim or other such devotional works. Only if one feels overwhelmed by temptation or experiences some special weakness, should he consult such works for the particular guidance he needs. Otherwise, it is a waste of time that could better be used for the study of Torah. The Hazon Ish, continuing this line of thought, maintains that the study of Torah is infinitely superior to the study of Musar. The highest function of man is to investigate the Law, to descend into the depths of Halakhah-- what he calls תורה בפרט ,

the juridical aspects of Torah. He adds:

... תורה היא ענין אחר ממשפט  
... משפט הוא ענין אחר ממשפט  
... משפט הוא ענין אחר ממשפט

"Those who concentrate their scholarship in the study of ethics (Musal) .... fail in their belief that this is the function of man in his world .... and indeed it cannot be



denied that this is an absolute lie." Harsh words indeed!

The function of man is not to study ethics. The Jew was brought into the world exclusively in order to study Torah, namely, Law, Halakhah.

Furthermore -- and here he rephrases a favorite theme of R. Hayyim that goes back to the Gaon -- he maintains that the study of Halakhah is itself the best study of ethics (Musal). When you study Halakhah -- when you dwell in it, delve into it, assimilate it -- it becomes a part of your personality, and that in itself has ethical consequences that are far more beneficial than the disembodied study of Musar. Musar can give you a complete exhortative description of how wonderful it is to give Tzedakah. But when you study the Laws of Tzedakah in the Shulhan Aruk, you suddenly realize how little you have done, and how much more you should do, and you thus are moved to do much more.

אין אדם יכול ללמוד תורה בלבד  
אלא שיש לו חובות רבות  
-- "it is not



unreasonable to state that living strictly according to

Halakhah is the exclusive way to developing an ethical

character." For this reason the Hazon Ish regards the title

ish zaddik (scholar) as even more honorable and

honorific than pi zaddik (saint), because Tzaddik represents

mere piety while Talmid Hakham represents halakhic competence;

and of the two, Halakhah is greater, more fundamental, and

more embracing.

Perhaps the most revealing part of his analysis comes

when he gives an interesting specific example of the in-

sufficiency of the ethical impulse unless it issues from

Halakhah and is defined in halakhic terms. The case involves

private tutors who enter a town and seek employment. (Those

were the days before each synagogue had its own congregational

school and before Yeshivot Ketanot were established.) But

there already are teachers in the community, and these resident

teachers claim priority and object to the outsiders' competition.



Who is right? How must the Beth Din decide? The decision of the Talmud (B.B. 21b) is that, normally, unfair competition -

יחלוק נפשו, \*\* "you have interfered with my livelihood" -

is a legitimate argument; but it is unacceptable in the case of teachers. The resident teachers have no grounds for excluding the newcomers.

Now the Hazon Ish describes the grief and the justifiable grievances of the resident teachers, as well as the means they use to arouse the local population against the usurpers who have come to take their livelihood away. Assuredly, were the Halakhah in favor of the resident teachers, their tactics in defense of their positions would be considered completely legitimate. They might tell the parents that the other teachers are thieves and scoundrels, and such invectives would not be regarded as lashon hara. They might create a climate of suspicion towards the new teachers and not be guilty of sinat hinam. They might inspire a public controversy and yet



be absolved of fomenting a mahloket. They might appeal to civil (non-Jewish) authorities, and such informing would not be regarded as mesirah or halshanah. On the contrary, such activity would be commendable, a kind of milhemet mitzvah, for if the Halakhah has decided in their favor, the resident teachers may justifiably use such means to obtain their legal rights.

Now, when we turn to abstract conscience and appeal to ethical intuition alone, to morality without Halakhah, can we come to a clear decision? The answer is: No. We have just as much reason for favoring the invaders as we have for championing the cause of resident teachers, and vice versa. Conscience may be easily twisted in either direction. The moral argument can as easily be pressed, and with as much cogency, on behalf of one party of the dispute as on behalf of the other. Yet, the Halakhah declares that the resident teachers are in the wrong and the new teachers are in the



right. The reason is the simple principle that

אנחנו רוצים שכל אחד יתחנך, jealousy between

scholars increases wisdom. The more competition between

schools, the more will each school have to improve the

quality of its instruction, the performance of its teachers,

and the achievements of its students. Therefore, the new-

comers, according to Halakhah, are declared just, and the

resident teachers are considered culpable, disgraceful,

ignominious. They are guilty of sinat hinam, of lashon

hara, of mahloket, of lo tikom ve'lo titor, of mesirah,

and of every other crime in the catalogue of unjustified means

used to protect an economic position. (The Hazon Ish indicates

that this example is an actual case, not merely hypothetical. Local

teachers wanted to enlist the aid of a gentile mayor to eject

the competitors. The litigation was brought before a

distinguished halakhic respondent, the renowned scholar R.

Yosef Shaul Nathanson, Rabbi of Lwow. His decision was, of

course, clearly in favor of the newcomers.)



Hence, abstract morality or ethics, unconditioned by the Halakhah, simply does not have the resources to decide in this case, a typical one, who is the rodef (pursuer) and who is the nirdaf (aggrieved), who is right and who is wrong. Ethics demands of us that we show love and compassion for the injured and the oppressed. But of what good is this unless we know who is injuring whom, who is the aggressor and who is the wronged? This we cannot know unless and until we consult the Halakhah, for the Halakhah is the exclusive source from the determination of right and wrong. <sup>not to offer an objective and substantive decision, but</sup> The function of ethics and morality is, to encourage man, to inspire his inward assent, to the practice of Halakhah. \*

By citing an actual, real case, the Hazon Ish demonstrates that Torah is superior to Gemilat Hasadim, that Halakhah transcends ethics or Musar. Hessed is insufficient and inadequate without Din, without the severity and exactness of

\* R. Abraham Isaac Karelitz, Hazon Ish al Inyanei Emunah, Bitahon, ve'ode, chap. III.



the Law. According to this school, therefore, it is futile to speak of an ethos, even a religious ethos, which is not at the same time a halakhic norm. The ethical instinct is just that -- an undifferentiated, undiscerning, vague intuition, which may be beneficial or dangerous, depending on how and in what circumstances and on which side it is applied. But such a determination is beyond the competence of ethics; it rests solely within the realm of <sup>revealed</sup> law or Halakhah.

The third view, which occupies an intermediate position between the first two, is based upon a monistic outlook. This <sup>(R. Abraham Isaac Ha-Kohen)</sup> is the view of the late Chief Rabbi of the Holy Land, <sup>Rav</sup> Kook <sup>85.\*</sup> Interestingly, Rav Kook was subject to the influences of both schools: His mother came from a HaBaD family and his father was a meshulah for the Yeshivah of Volozhin. He himself, in

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\* See my article on "The Unity Theme" <sup>(and its Implications for Moderns)</sup> in Tradition (Fall, 1961).



his youth, studied ~~at~~ Volozhin. The stronger of the two influences was that of his mother -- the Hasidic tradition.

He was a profound and original Kabbalist (he has been called the last great Jewish mystic in Jewish history), whose outlook was fundamentally monistic rather than pluralistic. (Hasidism, especially HaBaD, was monistic, whereas the Mitnagdim, whose outlook is developed in the "חזונו" of R. Hayyim

Volozhiner, were pluralistic.) He always looked for and discovered underlying oneness. He saw the world striving to realize itself as what the Zohar called *olam ha'echad*, the World of Unity, as opposed to *olam ha'ratzot*, the World of Disunity, of fragmentization and atomization and disintegration.

All divisions and conflicts, said Rav Kook, are only apparent, not real. His mystical intuition enabled him to behold the world in all its rich variety and differentness, and yet to discern its essential oneness. The source of this oneness is none other than the One God Himself; for Rav Kook, monotheism



implies monism. Thus, he refused to see any unbridgeable chasm or gap between Kodesh and Hol, the sacred and the profane. The difference between them is not absolute, nor is there such a category as the absolutely profane. The sacred and the profane are functionally related to each other; the profane is merely the not-yet-holy. The principle applies as well to the problem of secular education; for Rav Kook, such education is not all "secular." It is merely not-yet-sanctified.\*\* In order to develop greater Kedushah, one need not neglect his college studies. On the contrary, "the stronger the profane, the stronger the holy." In order to ennoble the soul, <sup>one</sup> ~~you~~ need not disregard the demands of the body; the two inextricably linked with each other. Rav Kook even went so far as to declare that fundamentally "the holy of holies" ( <sup>א'ל ב'ל ג'ל ד'ל ה'ל ו'ל ז'ל ח'ל ט'ל י'ל</sup> ) is comprised of both Kodesh and Hol!

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Jubilee \*\* I have elaborated on this in my article on "Two Versions of Synthesis" in The Leo Jung Testimonial Volume, (1962).



Here, then, is a vision which proclaims both the underlying oneness of Origin and the ultimate unity of all phenomena which, in the here-and-now, appear separate, isolated, discreet, unrelated, and mutually antagonistic.

It is this very vision which embraces as well the polarities of Law and Ethics, and Halakhah and Musar. Rav Kook maintains that there is no ethics that is not religious in origin. As R. Zadok put it, the love of Israel must necessarily issue from the love of God. Or, to put it more clearly, there is a legitimate ethic even without a conscious religious motivation because we know that ultimately it must be religious, even if unconsciously so.

By denying the possibility of a secularist morality or ethic, Rav Kook includes any valid and authentic ethical expression within the domain of religion, or Judaism. In a noteworthy and memorable letter he writes:



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By denying the possibility of a secularist morality or ethic, Rav Kook includes any valid and authentic ethical expression within the domain of religion, or Judaism. In a noteworthy and memorable letter he writes:



"We are not saddened if we find any quality of social justice structured without any mention of the divine. For we know that the very yearning of justice, in any form it may take, is itself the most luminous example of divine influence." \*

He is writing, of course, of young Zionist pioneers who were ~~d~~ draining the swamps of the Hula and braving malaria; today we would say the same about apparently non-observant, non-committed Jews who go down to Selma, Alabama, to fight for

civil rights. Every act of decency, every phenomenon of goodness, of justice, of charity, of righteousness, issues from the ultimate religious source -- the Creator. The objective act of morality, even without the awareness of its religious dimensions, is ipso facto a religious performance. Therefore, since morality is of divine origin, and so is Halakhah, both are the Will of God, and hence constitute a unity. It is

irrelevant to speak of one as more fundamental than or prior to the other. The Zohar teaches that God and Israel and

Torah constitute one fundamental Unity; hence the unity of

Ignorant Ha-Le'iyah +, H



all three may be approached through any one of them. It may be compared to a wheel with three spokes protruding from it. Together they form one single, indivisible wheel. Yet by grasping away one of these spokes, you have grasped the entire wheel. Similarly, when you approach the unity of God, Torah, and Israel, no matter which one you start with you are automatically involved with all of them. You may come to this unity through "Israel" (e.g. secular Zionism, which was Rav Kook's special concern), uninterested in aught else, but in fact you are approaching the unity of all three. Similarly, you may come to it solely through a religious motivation -- theologically, through a <sup>e</sup>sense of God-intoxication -- unconscious of or unconcerned with Israel as a people or with Torah; or through the study of Torah alone without being necessarily "religious" or conscious of Jewish peoplehood. It does not matter how you approach it; you are involved in all, because all of them are one. Therefore, the ethical moment



not only need not be explicitly halakhic, it need not even be expressly religious, because fundamentally and essentially it is both. It is this view of the ethical drive as completely religious in origin that underlies Rav Kook's whole Weltanschauung.

Now, it is worth considering that all three views are forms of "synthesis." In no case is there any kind of restrictive or reductionist exclusiveness which regards either of the two elements we have been considering as alien to the Jew. Hasidism stressed Hessed, yet not only was it not antinomian -- opposed to Halakhah -- but it maintained that Halakhah derives from Hessed. Furthermore, Hasidism maintains that Halakhah embodies Hessed. In a beautiful homily, R. Yaakov Yosef maintains that the word Halakhah, ( הלכה ) can be rearranged to form the word כלה, "the bride." When one admires a bride he may be attracted by her clothing, but clothes alone do not make the bride. The bride herself transcends, in importance, the clothing. So with Halakhah: the law -- permitted and



forbidden, pure and impure, guilty and innocent, all the categories of Halakhah -- is the "clothing" of the "Bride." The "bride" itself -- i.e., the very essence of Halakhah -- is Hessed, the love of God and, therefore, the love of man. The ethical moment is at the heart of Jewish law. Law and ethics, are, therefore, according to Hasidism, interrelated in a form of "synthesis."

The school of the Gaon of Vilna also envisions a synthesis - relationship. If it insists that Halakhah is absolutely sufficient, it is not because it ~~dis~~regards Musar, but because it considers that Musar issues from Halakhah, the Halakhah creating better character because the study of Halakhah has not only intellectual and spiritual but also ethical and moral consequences; indeed, it holds that only through Law can one discover the basis for true Ethics and apply it correctly.

Finally Rav Kook, who is so agreeable in general to the philosophy of synthesis, does not even see a problem, because for him Halakhah and Hessed constitute a unity.



Both the moral and the juridical are of divine origin and, hence are essentially one.

Our conclusion, therefore, is that all the points of view we have analyzed advocate a synthesis of Law and Ethics, differing only in which is the source of the other, or whether they are equal aspects of one fundamental Unity.

Our real problem is not philosophical but practical: the translation of these noble concepts into a real, existentially meaningful, program of action and conduct. The greatest spiritual challenge that confronts contemporary Jewish life is the controlled schizophrenia which afflicts us. There are Jews who lay claim to the encomium of "good Jews" because they are ethical or philanthropic or moral, but who have no relation to Yiddishkeit in the sense of Halakhah. More tragically and agonizingly we know of Jews who pretend to be good Jews because they observe every minute detail prescribed by the Shulhan Arukh, yet they are dismal failures morally and ethically.



According to any authentic Jewish view, either one is at best a cruel distortion, at worst a vile blasphemy.

The Orthodox Jew must be committed both to Halakhah and to Hessed, in any of the three ways we mentioned. Hasidism teaches that without Hessed, Halakhah is grotesque, an empty shell, a well-dressed manequin. Lithuanian Rabbinism tell us that without Halakhah, Hessed is meaningless and aimless.

And Rav Kook, in his grand vision of Unity, inspires us with his optimism never to despair of any Jew who retains some identification with any aspect of Jewishness or idealism, for thereby he will arrive at the sublime fullness of Judaism's sacred vision which comprehends both elements.

This synthesis of morality and Halakhah must become the paragon, the model, for the synthesis of Kodesh and Hol, for science and religion, for secular studies and religious studies, for Judaism and all that is worthy and enduring in human culture.



If Yeshiva University -- and, of course that includes  
College for Women  
Stern -- has any special guiding philosophy, it is that  
of synthesis, a holy vision that is our special contribution  
to the Jew of the 20th Century.