

**FAITH AND DOUBT
THIRD EDITION
EDITED VERSION
WITH
PENCIL CORRECTIONS**

*(Papers are loose
please handle
carefully)*

— FAITH & DOUBT REVISIONS —
3RD EDITION

To My Beloved Parents

SAMUEL AND PEARL LAMM

whose faith in me

I never doubted

✓
of blessed memory

TABLE OF CONTENTS

INTRODUCTION	VII
CHAPTER I: Faith and Doubt	1
CHAPTER II: The Unity Theme: Monism for Moderns....	42
CHAPTER III: Two Versions of Synthesis.....	69
CHAPTER IV: Man's Position in the Universe.....	83
CHAPTER V: The Religious Implications of Extraterrestrial Life	107
CHAPTER VI: Ecology in Jewish Law and Theology.....	162
CHAPTER VII: A Jewish Ethic of Leisure.....	187
CHAPTER VIII: Scholarship and Piety	212
CHAPTER IX: The Moral Revolution: A Jewish Evaluation..	247
CHAPTER X: Self-Incrimination in Law and Psychology: The Fifth Amendment and the Halakhah	
CHAPTER XI: Privacy in Law and Theology.....	290

Chapter XII: Suffering and Literature..... 310

CHAPTER I

FAITH AND DOUBT

✓

THE PROBLEM to which this chapter is addressed is of momentous importance: How can we affirm our faith in a world beset by doubt? How, in the encounter of traditional belief with modern thought, can we preserve both our integrity and our identity? How can we be academically and philosophically honest and yet religiously firm? How can we emerge from the dialogue between the two worlds which we inhabit with renewed conviction and stronger faith?

Troubling as this subject is for believers generally, it is doubly vexing for Orthodox Jews who are committed not only to an abstract faith, but to a way of life, a culture, a tradition, a people. Faith is not all a Jew needs, but without it everything else is in mortal peril. The issue of faith and doubt is thus, for the traditional Jew, fraught with awesome danger, demanding of him unmatched responsibility.

The problem itself is based on two presuppositions. First is an assessment of the realities of our times. This is not a religious age; nor is it an age of willful heresy. It is an era of confusion. But the confusion is not that of ignoramuses or of men who engage in trivialities; it is that of a generation which has suffered unprecedented agony as well as a massive intellectual displacement. ~~For many contemporary men and women,~~ God is irrelevant, and secularism triumphant; there no longer are any questions. However, for many others, the *will-to-believe* is alive, but not the commensurate *ability-to-believe*. Such people are intelligent and concerned, but they question the validity, the meaningfulness, and the relevance of organized religion to their situations.

It is to them that this essay is directed.

For some,
God is a "given," tradition is
reverenced, and questions are
irrelevant. For yet others,

Their doubts may concern specific dogmas or principles, such as the existence of a personal God, revelation, the validity of tradition, moral problems in the Bible, literary criticism, historical conditioning, relativism, etc., although the first of these is the most crucial. But their doubt is usually a more general and fundamental one: a challenge to the very meaningfulness of life itself. The individual questions are often but symptoms of a terrible meaninglessness breaking into their affirmations and cutting the ground from under them. No wonder that anxiety, existential anxiety, is the hallmark of our times. The anxiety caused by doubt and meaninglessness is, as Tillich has called it,¹ spiritual anxiety. Medieval Jewish thinkers knew this anxiety well, which is why they declared that there is no *simhah* (joy) that can equal that of the resolution of doubt. Life, as a continual quest for meaning, skirts on the very edges of the abyss of meaninglessness. Doubt is thus an integral part of the modern experience and, perhaps, may be said to characterize human life as such. A human being must think, and to think is to question, to probe, to criticize. Doubt reflects "the interrogatory, open-ended, aspiring character of our life."² We are naive if we think we can teach Judaism, especially to a young person, without encountering genuine doubt. And the doubts of our contemporaries cannot be stilled by shrill dogmatic assertions or by charming rhetoric, much less by superficial and artificial solutions which fool no one but their creators. Such problems in *emunah* (faith) exist, and we are going to have to meet them forthrightly, whether we like it or not, in our society, amongst genuinely committed and observant Jews, in our children—and in our own selves. Indeed, I am more concerned by how we approach doubt when it appears in our own community of the committed than the doubt which confronts us when we engage in a dialogue with the uncommitted. Anyone who has taught or discussed the fundamentals of Judaism with young Orthodox Jews can testify to the ubiquity of honest doubt, and to the catastrophic consequences of cowardice in dealing with it.

The following analysis of faith and doubt is not intended for those who are entirely alien to faith and religious experience,

waiting for someone to help them to doubt their doubts. Such a task had best be left to one whose own personal spiritual adventure has followed the route from agnosticism to affirmation, from without to within. What is here presented is addressed, rather, to one who locates himself within the circle of tradition and faith, and finds himself challenged, attacked, besieged by—and attracted to—the skepticism and denial that reign outside and beckon him to abandon his sanctuary and enter into the spiritual weightlessness without. He has, factually, entertained doubts, willingly or unwillingly, and he finds his world threatened. Has he, by virtue of his doubting, merely lost his innocence, or is he thereby automatically excluded from the community of believers? Can one legitimately, from the perspective of his Jewish faith, permit himself to be seized by doubts? If one has found—in the words of the Rebbe of Komarno, in the passage preceding this chapter—that the waters of Torah are bitter, bitter unto death, how long can he wait and "keep silent" in the confidence that the selfsame Torah will suffuse him with light and sweetness and life, with intellectual and spiritual serenity? It is to such individuals and in response to such questions that I speak in this chapter.

My second premise is that Judaism has a message of overarching significance to address to modern man who lives, not only in a "secular city," but in a "secular megalopolis." The insights of our tradition are straining for expression, waiting to be released, like the legendary picture of Messiah chained in Heaven and trying to break his shackles. Exactly what that message is and how it can be formulated in terms germane to the predicament of modern man—that I do not know. But I do know, to borrow the felicitous comment of Dr. Eliezer Berkovits (in a recent issue of *Tradition*), that Israel was not meant to be the *Neturei Karta* of the nations. If we have nothing to say to the world, we must stop talking. If we have something important to say, even if we only intuit it and are unsure about how to formulate it, we must keep trying. Then, even if we do a great deal of stammering, we ultimately will articulate that which will again distinguish us as the "light to the nations."

with any clarity

the journal

can

Transition between the
19th and 21st centuries?

sophistication for which he had such contempt. Simple faith is not the same as simplemindedness.

The second attitude was that of the great philosophical tradition of medieval Spanish Jewry. Highly rationalistic, it valued reason not only as a potent human instrument, but as the very sphere in which and by which man and God relate to each other. It was the saintly Bahya who reproached those who had the capacity and talent for a speculative approach to Judaism but who failed to undertake it.⁴ Doubts, according to this tradition, should not be brushed aside, but met head-on with the tools of metaphysical discourse.

Which of these traditional approaches must be ours in this ~~third quarter of the twentieth century~~? Professor Harry A. Wolfson⁵ has analyzed the relations between Scripture and philosophy—in Islam and Christianity as well as in Judaism—as conforming to one of three classes: the “Single-faith Theory of the Authoritarian type”—such as the first tradition we mentioned as exemplified by R. Nahman of Bratzlav; the “Single-faith Theory of the Rationalist type”—that which we attributed to Bahya; and the “Double-faith Theory,” according to which true faith is assent to Scripture whether with the aid of philosophy or without it.

It is this Double-faith Theory which I accept in principle—but the rationalist aspect of it (though not necessarily the rationalist philosophy *per se*) which I consider most important for our times. I would never, Heaven forbid, disturb the unquestioning faith of any Jew who is comfortable in his convictions. There is no *mitzvah* to agonize over theological problems, whereas, according to many Rishonim, it is a *mitzvah* to believe fully and totally in God.

Nevertheless, it is self-deceiving to imagine that any significant number of Jews belong in this category. In an age of instant worldwide communication, where every stray remark of casual *apikorsut* is trumpeted forth throughout the world as a sensational discovery of revolutionary import, and when so many people are graduates of colleges where their instructors delight in shaking them loose from any religious convictions and moral moorings—in an age of this sort, simple, wholesome,

with

or women

unquestioning faith has largely vanished. When faith is come by today, it must struggle relentlessly in unending tension with doubt. So many faiths, both religious and secular, have proved disappointing, that many a thoughtful man is afraid to give himself wholeheartedly to anything, lest such dedication lead to more frustration and heartache. Until ~~two~~ ^{or four} or three generations ago, for most Jews, faith might have been an *event* which, once achieved or born into, became a *state*. Now it is an elusive *goal*, and religious belief is a *process* that requires constant renewal. I do not say that this is a good thing that ought to be encouraged. But I do believe that we ought not waste our energies bemoaning the situation.

We affirm, therefore, the validity of the faith of those who are unaware of or choose to ignore the intellectual challenges of modern life. The prevalence of doubt does not invalidate the faith of those who do not experience it. But our major concern must be with those many who are aware of, and who will not ignore, the confusing, questioning, and challenging world. Most of us belong to that second category, whatever our personal inclinations.

Three Forms of Faith

In order for us to construct a methodology for dealing with doubt within the context of faith, it is necessary first to analyze what faith is or, more modestly, the major areas and types of faith. It should be unnecessary to state that when we establish specific categories of faith we do not intend them as rigid compartments which are mutually exclusive. One category flows into the other, and man can live on several levels at once. Nevertheless, for analytic purposes it is advisable to subdivide the faith commitment into its components.

Philosophers of religion have observed that the word "faith" covers a number of types or categories of religious existence. Thus Martin Buber speaks of *Two Types of Faith*—the name of one of his books. One is a state of *acknowledgment*, in which I accept, with my whole being and not only my reason, certain propositions as true. The other is a relationship of *trust*

where, again not necessarily with sufficient reason, I commit my confidence in another.

For our purposes, let us sharpen that distinction. The first, that of acknowledgment, is a *cognitive* type of faith, in which I intellectually accept certain propositions as true—such as the existence and unity of God—whether or not I can offer convincing logical proof for my conviction. This is a "belief-that" type of faith; *that* God exists, *that* He is One, *that* He is incorporeal. The content of this faith is noetic, its mode is intellectual. The second type, that of *trust*, is not "belief-that" but "belief-in." Regardless of the thoughts I entertain *about* God, regardless of my theology and the dogmas I affirm, I believe *in* Him: I trust and esteem Him. This is the area not of propositions but of relationship; it is ~~not~~ existential in the logician's sense, but existential in the existentialist's sense.⁶ Of course, as has ~~recently~~ been pointed out,⁷ some forms of "belief-in" can be reduced to "belief-that." Belief in fairies, for instance, is just another way of affirming *that* fairies exist; no relationship of trust is implied in such belief. Nevertheless, there are some forms of "belief-in" that transcend, and are irreducible to, propositional statements of the cognitive type. Belief in a friend, for instance, is more than a statement about a friend's existence and character; it is expressive of a direct and unmediated relation of trust.

Now, this second category, that of trust and "belief-in," can be subdivided into two other classes. Trust can be expressed as an emotional investment in another; it involves warmth, affect, and affection. And trust can be expressed in action, in the willingness to pursue a certain course of conduct at the behest of the one in whom I have faith-trust, even to the point of sacrificing my life if he should demand it. The first type of faith, that of acknowledgment and "belief-that," the assent to a set of metaphysical or axiological propositions, we shall refer to as *Cognitive Faith*; the second, the emotional form of trust or belief-in, as *Affective Faith*; and the third, or behavioral form of trust, as *Functional Faith*.⁸

The cognitive form of faith is the acceptance and pursuit of certain truths about God and His relation to the world

ITALICS

Faith and Doubt—addition to p. 11, ~~end of~~ line 5

Indeed, there is precedent in the Prophets for the value of questions and questioning. Thus, the prophet Jeremiah (2:5, 6, 8) rebukes Israel for its sins and explicitly mentions the failure of the Jewish people, and especially the priests, to question God:

Thus saith the Lord: what iniquities have your fathers found in Me ... Neither said they: *Where is the Lord* that brought us out of the land of Egypt?...The priests said not: *Where is the Lord?*"

Jeremiah is not upset with his people offering the wrong answers; he is furious at their failure to ask questions, even to ask "Where is the Lord."

The first, and perhaps only, Jewish philosophic thinker to discuss doubt as such was R. Saadia Gaon in the introduction to his classic work, *Emunot ve'Deot*.

Judaism? Jewish philosophers have discussed many individual doubts—the whole range of challenges to Judaism in the world in which they lived. The very need to formulate responses implied the existence of questions, no matter what their intrinsic worth. ~~But the first, and perhaps only, Jewish thinker who discussed doubt as such was R. Saadia Gaon in the introduction to his *Emunot ve'Deot*.~~ In the phenomenology of the Gaon, doubt is not considered the key to all knowledge as it was later by Descartes. But the Cartesian formulation, *de omnibus dubitandum*, is only a more radical statement of the same methodological doubting. For Saadia, doubt is the subjective correlative of objective error, even as faith is the subjective correlative of objective, scientific fact. A doubt which remains imbedded in the mind permanently is damaging. *Safek*, for Saadia Gaon, is essentially a lack of knowledge, the result of ignorance. It has no intrinsic value.

Nevertheless, Saadia does have something good to say about doubt. If it is devoid of inherent worth, at least it possesses value as a means of acquiring truth. All of learning is the successive removal of doubts. Certainty can be attained, but only by means of doubts which are conquered, and doubt therefore has instrumental significance. The *safek* is not an intrinsic good, but once it is there it can be used. In other words, Saadia approves of methodological doubt, if only as a necessary evil.²⁰

Substantive doubt is more than a technique; it is a condition of life. In methodological doubt, I possess and direct the question; in substantive doubt, the question possesses and directs me. In the former I place the doubt in "brackets," and work on it dispassionately, while my faith itself remains serene and undisturbed. In the latter, doubt has broken into my life, much against my will, has created havoc with my peace of mind, and leaves me in a state of anxiety, of spiritual hysteria. Methodological doubting is doubting by the clock: at certain times I focus my attention upon questions and challenges, at other times I dismiss them from my attention; in the college classroom or laboratory I work within my brackets, doubting and even rejecting any supernaturalistic suppositions, and

presses an I-It relation to God. (See note 8, ~~page 35~~.) Now, not only is the nature of the It different in religious faith from other forms of faith (in Saadia's sense), but the response of the I to the It is different in religion from other kinds of knowledge.

One need not accept *in toto* the existentialists' view in order to appreciate that they have made some permanent contributions which cannot be ignored. Saadia, and those who followed him, lived and thought in an intellectual milieu which identified abstract truth with reality, and his creative interpretations were achieved within this context. Today, however, existentialism has taught us to understand man by cutting below the cleavage between subject and object which has characterized Western thought and science throughout most of its history. In other words, the emphasis on man in his existential reality, and not merely as object or merely as subject, has made us aware of the enormous significance of the psychological and spiritual life of man in interaction with his surroundings, with the situation in which he finds himself.²² Doubt, even in the context of cognitive faith, cannot be considered merely as the subjective index of ignorance, as a simple absence of correct factual information. Just as faith by no means excludes man's inner life, so the doubt that is allied to this faith engages man existentially. In a word, not only methodological but also substantive doubt is active in the area of cognitive faith. Once we grant that the It, the object of religious cognition, is essentially different from other objects of cognition, we must take the next step and recognize a difference in the I of the cognizer. Hence, we may extend the limited validity given to methodological doubt by Saadia to cover, as well, substantive doubt.

Thus, what I propose is that in the cognitive areas of faith, the *emunah* of *emet*, doubt may play a positive role; not a frozen doubt, but a liquid doubt, one which melts in the encounter with *emunah* and is absorbed by it and strengthens it in return. Cognitive faith is not an abstract, static acknowledgment of truth; it is a violent struggle in the attainment of *emet*. I begin by believing despite doubt; I end by believing all the more firmly because of doubt. *Emunah* is thus a

Gemillut hasadim, acts of lovingkindness, or the enhancement of social harmony and communal welfare, is therefore a means of allowing individual citizens of the community to join it in its covenantal, faithful role. Included in this category is *dibbuk talmidei hakhamim*, the attachment of oneself to the scholar-saint, the model of faith and trust, which the Talmud considers a fulfillment of the Biblical commandment to cleave to God; for by such intimate association I appropriate the *talmid hakham's* "belief-in," tempered by the assaults of doubt which it has survived and from which encounters it has emerged strengthened, and thus "cleave" to the Object of our shared faith. To paraphrase Simon the Just, therefore, the three things on which the world of faith rests are: study of Torah, prayer, and the identification with a believing community.⁵¹

For the epistemologist and the logical empiricist (and the Jewish rationalist for religious reasons) the problem is how to reduce belief-in to belief-that. For the individual Jew struggling for faith, caught up in the existential anxiety of doubt and the meaninglessness and non-being it implies, the problem is how to elevate and retransform belief-that to belief-in. The cognitive doubts, of course, remain objectively as they were before, but we can deal with them as we should: intellectually and dispassionately, without falling into the gaping abyss over whose narrow edge we walk our winding trail.

Conclusion

We have tried, in sum, to formulate a methodology for dealing with doubt in the context of Jewish faith. We found that there is place for doubt within the confines of cognitive faith; it must not be allowed to interfere with normative halakhic practice, which is the expression of functional faith; and in affective faith we found that cognitive-type doubts can be met by creating a situation in which belief-that reverts to belief-in.

Jewish religious leadership must not fear honest questioning. In fact, we may consider ourselves fortunate when we find the signs of doubt. Usually we meet nothing but a spiritual vacuousness in our "Jewish intellectuals." Where we find questioning, even of a hostile variety, Judaism stands a chance. Doubt

91 In an article in *Tradition* (1992) entitled "Faith and Doubt Reconsidered," Prof. Joshua L. Golding subjected this essay to a critical analysis. He agreed with some of what I wrote, and disagreed with other parts or aspects of my thesis. I accept some of his critique, but I have not changed my opinion on the basic issues. The reader may want to refer to his excellent and fair-minded essay for an alternate view.

acknowledges implicitly a faith-affirmation with which it is engaged.

If we are to win the hearts and minds of educated Jews for Torah, we must turn our attention more to the campus than to the synagogue, more to the lecture than to the sermon, more to the podium than to the pulpit. And in our encounter with young intellectuals, we must understand their questions before we offer our answers.

What also requires urgent attention is the degree of questioning that goes on in the minds of young people in yeshivot and for whom ~~no~~ help is offered in dealing with their religious problems. We live in an open, pluralistic, secularist society. Modern Orthodox Judaism can no longer continue to ignore this fact of life, and act as if instruction in religious observance and education in Talmudic law will, by themselves, keep the secularist wolf from the door.⁵² Teaching the intellectual content of Judaism, *hashkafah*, in a manner relevant to the concerns of modern men, must assume a new role in Jewish education, and must begin *before* our young people have already given up the fight because their elders have failed to prepare them for it. It is cruel to expose them to the "bitter waters" without any preparations, without instilling in them the confidence that "the precious sweetness of the light of Torah" follows.

But before that, committed Jewish thinkers must face the intellectual challenges of contemporary life fearlessly, without the improvising and dissembling that have too often infected so much of modern Jewish apologetics. The intellectual problems are so many, and require such a bewildering variety of specializations, that the task cannot be undertaken by individuals working alone. We must undertake ongoing consultations amongst committed Jewish thinkers of all shades of opinion on the ethical, philosophical, and dogmatic issues that have to be met.

A final word. We have analyzed faith in an effort to learn how to contain doubt. But how can *emunah shelemah* (complete faith) be achieved—that reintegration of the total personality in the face of God? How can doubt as such be transcended?

begun to doubt man, to question His own trust in him, that the doubt implied by faith had now gained the upper hand, and that the next step was the transformation of doubt into denial, i.e., the denial of existence to man? The very words "and it grieved Him at His heart" are, in their very anthropomorphism, a classical description of the psychological manifestation of doubt anxiety.

The Lord doubted man. A new chapter had begun in the tension between God's faith and His doubt. Were doubt to emerge victorious, as denial, and faith withdrawn, the world would cease to exist: "I will blot out man whom I have created from the face of the earth . . . for it repenteth Me that I have made them" (Gen. 6:7). Only the virtue of Noah kept the divine faith sufficiently alive to prevent that cosmic cataclysm from coming into being, the doubt from winning out as denial: "But Noah found grace in the eyes of the Lord" (Gen. 6:8).

Man's trust in and doubt of *Elohim* is paralleled by God's trust in and doubt of the *tzellem Elohim*, the divine image. Wherever a relationship involves at least one free agent, there are immediately implied the possibilities of both faith and doubt in that free agent.

This, then, is how our own doubts may be transcended, if even for a fleeting moment, which may be worth all of eternity: by the realization that we may well be the objects of God's doubt. The fullness of faith can be attained when, instead of doubting God, we come to the sudden and terrible awareness that God may be doubting us; that our *human* existence has yet to be affirmed by God who may not be convinced of its worth; that God may have lost faith in us because we have betrayed Him. That must be the focus of our concern.

What a tragic fate!—to be tossed between the torment of doubting God and the terror of being doubted by Him. But it can be more than a fate; it can be a destiny: to be concerned with and be the concern of the Creator of all.

The way of the faithful Jew in this ~~last third~~ ^{transition from} of the twentieth century is not an easy one. Not for him is the facile "peace of mind" of those for whom religion is but a psychological crutch;

to the twenty-first

NOTES TO CHAPTER I

1. Paul Tillich, *The Courage To Be*, Yale University Press (New Haven & London: 1952).

2. M. Homes Hartshorne, *The Faith to Doubt*, Prentice-Hall (Englewood Cliffs, N. J.: 1963), p. 79.

3. *Avot* 2:5.

4. See *infra*, n. 39.

5. Harry A. Wolfson, *Philo*, Harvard U. (Cambridge: 1947), vol. I, p. 156.

6. Prof. H. Richard Niebuhr asserts, with appropriate qualifications, that "belief-that" conforms more to the Greek sense of the term "faith," and "belief-in" to the Hebrew sense (in his "On the Nature of Faith," in *Religious Experience and Truth*, ed. Sidney Hook [N.Y.U. Press, New York: 1961], pp. 93-103); in this he follows Buber who makes this his main thesis in his *Two Types of Faith* (London: 1951). As we shall shortly show, however, Jewish faith cannot be defined so narrowly. The two types of faith have also been declared characteristic, respectively, of the Thomistic and Augustinian traditions, and of Catholicism and Protestantism. We shall here be using the terms "belief" and "faith" interchangeably, although there are differences between them: cf. Razi'el Abelson, "The Logic of Faith and Belief," in the above volume, ed. Hook, pp. 116-129.

7. H. H. Price, "Belief-In and Belief-That," *Religious Studies*, Vol. I, No. 1 (October 1968), pp. 1-27.

8. These three categories may be characterized, using Buber's terminology, as follows: The cognitive expresses an I-It relation, the affective an I-Thou, and the functional an I-He relation. The cognitive is I-It because my faith or affirmation is focused not directly on God, but on a concept about Him. The affective form of faith is not always, nor need always be, a personal encounter; but the full range of religious emotions certainly strives for and derives from the confrontation with God as the Thou, as an ideal. It is because this form of faith aspires to this encounter that my use of the term "affective" should not be taken too literally; I intend by it an activity or state with more objective reference than emotion or affect as such. The functional is I-He in the sense that halakhic living does not require an I-Thou encounter, but is predicated upon such an encounter as a historical event; the performance of *mitzvah* is not itself a personal confrontation, but is based upon the collective We-Thou meeting of Israel with God at Sinai.

9. Jeremiah 9:2-לאמונה גברו בארץ שקר ולא לשונם קשתם. Interestingly, the next verse contrasts בטחון with betrayal, the absence of trustworthiness.

10. So R. David Kimḥi, in his *Sefer ha-Sharashim*, and Abravanel in his *Commentary on the Guide of Maimonides*.

11. See Henry Malter, *Saadia Gaon: His Life and Works*, Jewish Publication Society (Philadelphia: 1921), p. 193, n. 455; S. Ravidowicz in *Metsudah* (1943), pp. 132-143; Alexander Altmann, in the introduction to his "Saadya Gaon: Book of Doctrines and Beliefs," in *Three Jewish Philosophers*, Meridian & Jewish Publication Society (New York and Philadelphia: 1960), p. 19; R. Hayyim Heller, notes to his edition of Maimonides' *Sefer ha-Mitzvot*, Pos. Com. 1, n. 1. On the necessary metaphysical presuppositions of Halakhic Judaism, see Walter S. Wurzburger, "Meta-Halakhic Propositions," in *The Leo Jung Jubilee Volume*, eds. Kasher, Lamm, and Rosenfeld, The Jewish Center (New York: 1962).

add to p. 36, end of note 16:

For more on this in greater detail,
see my Torah Lishma: Torah for Torah's Sake
in the book of Rabbi Hayyim of
Vulghin and his contemporaries

(Habeaken N.S.: KTAV, 1989) chapter IX
and especially pp. 135-142

itellw/

See my Torch Umappa (Northvale, N.J.: Jason
Arnsperg, 1990) pp 77-81)

12. *Supra*, n. 8. In Arabic, the related root means a strong rock on which one may lean for support and behind which one may be shielded from his enemies.

13. My use of this term needs some explanation. The usual Platonic tripartite classification of the soul, or personality, accepted by Saadia amongst others, is that of knowledge, emotion, and will. Tillich (*Biblical Religion and the Search for Ultimate Reality*, Chicago University [Chicago: 1955], p. 53) makes use of the same analysis in describing faith; since faith is the concern of my entire being about my ultimate "where" and "when," all three elements enter into the act of faith. By "will" Plato means mettle or honor or courage, as well as sheer intentionality. I have used "function" instead of "will" in order to indicate the functionality of faith in Judaism as expressed in the Halakhah; my commitment to God as it reveals itself in a sacred pattern of living and acting. This pragmatic interpretation of belief has been emphasized by many philosophers, beginning with Peirce, James, and Dewey. "I believe," is referred to by Stuart Hampshire, in stressing the behavioral implications of belief, as a "declaration of intention," i.e., to do something; see his *Thought and Action*, Viking Press (New York: 1960), p. 159f. Cf. R. W. Sleeper, *Religious Studies*, vol. II, No. 1 (October 1966), pp. 75-93, who expands the terms "believe-in" and "believe-that" from a psychological and epistemological to an ontological basis. "Believe-in," according to Sleeper, includes "a willingness to act on what is believed, to govern one's actions in what is believed in" (p. 89).

14. Exodus 17:12.

15. According to Maimonides, *Hil. Talmud Torah* 1:11, 12, and *Hil. Yesodei ha-Torah* 4:13. See *ibid.*, n. 52.

below 16. Sifre, Deut. #41 (ed. L. Finkelstein); *Kiddushin* 40b. [see attached note]

17. The only traditional Jewish thinker to attempt to embrace actual denial, *kefirah*, within the world-view of Judaism—a step as bold as any we are prepared to take in these pages—is Rav Kook (in his essays *Zaronim*, *Arpelei Tohar*, and elsewhere), who considers the problem in the context of his overall philosophy. The polarity of faith-denial is, together with other polarities, included in the harmonistic interpretation of Rav Kook. Because we are here concerned with an effective analysis of doubt rather than an ontology of denial, and because aspects of his theory are treated in two chapters later in this book (see pp. 42-81), we shall not elaborate upon his ideas here. Briefly, Kook grants denial temporary *existenzberechtigung*, because he sees in it a positive spiritual impulse that has, however, come to grief because of its failure to understand that the Infinite can never be fully, even sufficiently, comprehended by the human mind. The effort to reach out, to quest, is nevertheless the expression of a genuine spiritual orientation, and "the light of the life of the supernal radiance is encompassed in it." The denial of God is thus, dialectically, a value that can be appreciated, albeit in transient manner, in the world of faith. Cf. Nathan Rotenstreich, *Jewish Philosophy in Modern Times*, Holt, Rinehart and Winston (New York: 1968), p. 226.

18. Hartshorne, *op. cit.*, p. 97; Karl Löwith, "Skepticism and Faith," *Social Research*, vol. 18 (June 1951), pp. 219-222.

19. Paul Tillich, *The Protestant Era*, Chicago University (Chicago: 1957), p. vii.

20. For a thorough treatment of Saadia's views on doubt, see Abraham J. Heschel, "The Quest for Certainty in Saadia's Philosophy," *JQR* (1942), pp. 265-313.

21. Cf. Arnold Brecht, *Political Theory: The Foundations of Twentieth-*

לא היה מאמין as well as שלא היה כופר refers back to הגבורה, i.e., "for he did not *deny* the divine origin of the Oral Torah, but did not *believe* that it came from God, and Hillel felt sure that after he would teach him, he would rely upon him concerning the divine origin of the Oral Torah." This is essentially the way I translated this passage. A perusal of the Talmudic text will show that the problem of practice had not been raised at all. Hence, Rashi's וקבל עליו means literally "to accept," implying a *belief* rather than a commitment to *practice*. This interpretation is, I submit, the simplest one available and most in accord with the words of Rashi.

27. It must be remembered that doubt, ubiquitous as it is in our times, constitutes a threat not only to religious faith, but to all affirmations, even antireligious ones. Thus, Arnold Brecht, *op. cit.*, p. 466f.: "Doubt has overcome not only many believers, but many atheists as well. It seems to have escaped notice that modern science has also produced a large class of what may be called 'doubting atheists'—people who once were atheists pure and simple, and who still today would classify themselves basically as such, but who now admit to some degree of doubt because they have come to see the limitations of science. This doubt of atheists is as much a result of modern science as is that of believers, and science should receive as much credit for the one as it has attracted blame for the other."

So, from a different point of view, Paul Tillich, in his *Rechtfertigung und Zweifel*; see *The Theology of Paul Tillich*, ed. Kegley and Bretall, Macmillan (New York: 1952), p. 203. Rav Kook writes (*loc. cit.*, p. 21): "If the denial (*Kefirah*) of our generation were truthful, it would always base its claim on doubtfulness . . . but it lies maliciously and asserts a claim to certainty, when even the most weak-minded know that it cannot go beyond doubt."

28. The same pattern holds true in ethics, when I am confronted by two or more conflicting courses of action, each in itself morally commendable. "What I have to do is study the situation as fully as I can until I form the considered opinion (it is never more) that in the circumstances one of them is more incumbent than any other; then I am bound to think that this *prima facie* duty is my duty *sans phrase* in the situation" (W. D. Ross, *The Right and the Good* [Oxford: 1930], p. 19). Halakhically, a positive commandment performed at the expense of a negative commandment, because of the principle of *aseh doheh lo taaseh*, is no less meritorious, and should not be executed with any less enthusiasm, than an ordinary positive commandment.

29. Paul Tillich, *The Protestant Era*, pp. 20, 21.

30. Jerusalem Talmud *Hagigah* 1:7; *Pesihta* to Lam. R., 2. This attitude is related, in these sources, to the allied concept that the study of Torah not for its own sake leads to the study of Torah for its own sake.

31. *Sefer ha-Hinukh*, 20: הלכות נמשכים אחרי הפעולות.

32. Kuzari, 3:58.

33. *Supra*, n. 30.

34. See *infra*, chap. VI, section beginning "The Theological Perspective"; and see my *The Study of Torah Lishmah in the Works of Rabbi Hayyim of Volozhin* (unpublished doctoral thesis, Yeshiva University [New York: 1966], scheduled for publication in 1971-72 in English by Ph. Feldheim, Inc., & in Hebrew by Mosad Harav Kook), chaps. ii, iii, and iv; and see below, Chap. II, "The Unity Theme: Monism for Moderns," pp. 52-55.

35. See *supra*, n. 8.

36. Cf. Rashi to Ex. 20:19.

37. Martin Buber, *Two Types of Faith*, p. 41.

38. "*Hovot ha-Levavot*," *Shaar ha-Bitahon*, chap. ii.

39. *Ibid.*, *Shaar ha-Yihud*, chap. iii.

[NOTE: MAKE
THIS CHANGE
ON ALL 43
NUMBERED PAGES
THROUGH P. 65]

THE WORLD OF DISUNITY

The Zohar, the source book of Kabbalah, regards our phenomenal world as the *alma de'peruda*, the World of Disunity, or Diversity. The unification of existence, the overcoming of this fragmentation, is to be sought in the establishment of the *alma de'yihuda*, the World of Unity, which is the higher unity within God Himself.⁴ The true unity, beyond all others, is that of *Kudesha Berikh Hu*, the "Holy One, Blessed be He," and His Shekhinah, His "Presence" or "Indwelling." The apparent divorce of one from the other is what accounts for all that is wrong with the world. The failure of mankind is to be found in this World of Disunity. The function of man on earth is to help overcome this tragic *perud*, or schism, and reestablish the primordial divine harmony of the Holy One and His Shekhinah, God in His transcendence and His immanence—the World of Unity.

This passion for the Unity of God, for the healing of the breach within Him, was given expression in the most powerful metaphor available. In human life it is the erotic urge which is the most intense symbol of union and oneness. Hence, erotic imagery was freely used in representing the drive for unity and the overcoming of the World of Disunity. (Parenthetically, it is in order to mention Professor Scholem's observation that rarely did the Zohar ever use this kind of symbolism to express the urge for *devekut*, for the *unio mystica*, between God and man, as did the Christian mystics. It was almost exclusively used to designate the *yihud* or unification within God Himself). The Holy One was considered the male element, and the Shekhinah almost always the female element. Shekhinah is thus known by a variety of names, all emphasizing its feminine quality. By thus assigning genders to these different aspects of the Creator, the Kabbalah was able to tap the deepest wells of human experience to express its overwhelming yearning for the *yihud* of God and the firm establishment of the World of Unity.

However, a distinguished student of Scholem, Prof. Moshe Idel, contested this view.

40. *Hil. Yesodei ha-Torah* 4:13.

41. Bahya, in his introduction to his *Hovot ha-Levavot*, bemoans the neglect of the study of the entire area of "duties of the heart," in which he includes both ethico-moral obligations and religious philosophical doctrines.

42. Erich Frank, *Philosophical Understanding and Religious Truth*, Oxford University Press (New York: 1945), p. 29.

43. R. Yaakov Mosheh Charlop, at the beginning of his "*Mei Marom*," a commentary on the "Eight Chapters" of Maimonides.

44. R. Hayyim Soloveitchik, "*Hidushei Rabbenu Hayyim Halevi*," *Laws of Prayer*, 4:1.

45. Rabbi A. I. H. Kook, Introduction to *Olat Re'iyah*, his commentary on the Prayer Book: התפלה המתמדת של הנשמה. R. Shneur Zalman of Ladi, *Likkutei Amarim*, 1:15 and Introduction to II: אהבה טבעית ומסותרת and similarly, R. Yehudah Aryeh Leib of Gur, *Sefat Emet to va'Et'hanan* (vol. V, p. 20).

46. For sources, see my *The Study of Torah Lishmah in the Works of Rabbi Hayyim of Volozhin*, chap. vi.

47. *Ibid.*, chap vii.

48. See my "God is Alive," in *Jewish Life* (March-April 1966) pp. 19-23.

49. Thus the phenomenon of "epistemological loneliness," a term coined by David Bakan. See Rollo May, "Contributions of Existential Psychotherapy," in *Existence*, p. 57. On the role of community in the experience of faith, see Buber, *op. cit.*, pp. 170-174.

50. Maimonides, *Hil. Teshuvah*, 4:2.

51. *Avot* 1:2.

52. Cf. my article on "The Voice of Torah in the Battle of Ideas," *A Program for Orthodoxy*, in *Jewish Life* (March-April 1967), pp. 23-34. Critics of the point of view here presented may point to the Halakhah, codified by Maimonides (*Hil. Avodah Zarah*, 2:3) and based upon Talmudic sources, which proscribes the study of that which may lead one to heresy and hence into doubt. However, this must be read together with the opinion of Maimonides (*Hil. Talmud Torah* 1:12, according to *Hil. Yesodei ha-Torah* 4:13), mentioned above, according to which the study of metaphysics is included in the category of *Gemara* and hence obligatory. In *Yes. ha-Torah* Maimonides offers his personal opinion (*ve'ani omer*) that the speculative pursuits should be reserved for those who had already achieved excellence in the study of Halakhah. If one reads the passage in *Avodah Zarah* carefully he will note the author's explanation of and qualifications on his prohibition: the inability of all kinds of mentality to understand philosophic truth (*ve'lo kol ha-deiot yekholin le'hassig ha-emet al buryo*); the emphasis on the fact that this is a general decision to be applied to the masses of people (and by inference not to special classes) and to casual, unsystematic study (thus: *v'im yimshokh kol adam ahar mahshevot libo*); and the fear that such speculation will be undertaken by those who do not know its fundamental principles and methods (*v'eino yodeia hamiddot she'yadin bahem*). Obviously Maimonides was dealing with two principles which had come into conflict—the duty to know God rationally, and the obligation to protect the unsophisticated from spiritual confusion—and in these two passages he laid down the guidelines for the correct choice of which principle to follow under which circumstances. Certainly we should continue to apply the same rules to the kind of situation to which they are relevant. What, however, if the state of society and culture are such that to follow these rules without deviation would result in wholesale abandonment of the faith? Would we be justified in applying these rules regardless of the effects that were to follow? Obviously not. We do not, today, live

ruption between the Tree of Knowledge and the Tree of Life—that is, the Holy One and His Shekhinah. But once the separation is effected, the Tree of Death emerges from the Tree of Knowledge which has been cut off from the Tree of Life. Man must die when he upsets the harmony of the divine unity. His life must therefore be dedicated to the reestablishment of the World of Unity.

In many other ways does the Kabbalah express the idea that the drama of *perud* and *yihud*, of separation and unification, is not a purely theocentric plot, but includes man as a major protagonist in its grand sweep. The Zohar refers to man as the *diyukna de'kalil kula*, the synthesis of all the spiritual forces that went into the work of creation. Man in his pure, pre-sin state reflected the hidden organism of God's own life. In that pure state, according to the author of *Shaarei Orah* (p. 9a), there was a free interchange between the higher and lower worlds. When Adam sinned, order turned into chaos; the Shekhinah was, so to speak, cut loose from the Holy One, and only through the act of redemption will the exiled Shekhinah be reunited with the Holy One in a return to the original divine harmony. Further, human effort, the "impulse from below," evokes a corresponding "impulse from above." The whole unification of God takes place in the soul of man, which is absorbed in the ultimate *yihud*. Hence the remarkable appellation of man as the "Lower Shekhinah" (*Shekhinah Tataah*). The union of Shekhinah and the Holy One which is regarded as taking place, as we shall later explain in greater detail, every Sabbath eve, has its corresponding effect on human life: the scholar is expected to cohabit with his wife on Sabbath eves. Every true marriage, maintains the author of *Iggeret ha-Kodesh* (Joseph Gikatila, later ascribed to Nahmanides), is a symbolic realization of the union of the Holy One and His Shekhinah. Man is thus the active partner of God in the whole process of *yihud*. An agent of the original disruption of universal harmony, he must become the agent of its redemption, restoring the unity of God's Name. The purpose of the performance of every *mitzvah* is, therefore, the act of restora-

of time is further emphasized by the Zohar's description of the Lower Point (*nekudah tataah*), a sort of counterpoint to the Higher Point (*nekudah ilaah*) and a symbol of human involvement in the Sabbath. It is this Lower Point that banishes all woe and worry on the Sabbath and replaces sadness and anger with the joy that makes it possible for the Additional Soul to arrive. The unification within God on the Sabbath is reflected in a corresponding unification within man on the Sabbath. To this day Hasidim, who follow the Sephardic version of the liturgy, recite, on Friday nights, the passage from the Zohar beginning *ke'gavna* . . . "even as they unite above in the One, so is there a unification below . . . one corresponding to one. . . ."

Not only Sabbath and weekdays, the horizontal aspect of time, but also past and present are united on the Sabbath for the Jew. The Patriarchs are participants in the Jewish Sabbath, representing all of the past and uniting with the present. The Hebrew word *Shabbat*—שבת—is divided by the Zohar into its component letters. The last two letters spell בַּת, daughter, which stands for the Holy Sabbath Point: the united essence of the whole week, or the Shekhinah with which it is identified. The first letter, ש, is interpreted orthographically, each of the three bars of the letter representing a different one of the three Patriarchs. The unity that prevails on the Sabbath, the Zohar implies, belies any abrupt discontinuity between the sacred past and the mundane present. All history is one continuum of holiness.

Even the material must be united with the spiritual in order to involve the totality of existence in the great *yihud* on the Sabbath, for disembodied spirituality is itself a fragment, a result of *perud*. Hence the importance of eating on the Sabbath, especially the three meals, called by the Zohar the Meals of Faith (*seudata di'mehemenuta*), each involving the participation of another one of the Patriarchs.

All these unifications are but aspects of the central and ultimate *yihud* of the Holy One and the Shekhinah. The erotic metaphor is, therefore, most appropriate to this transcendent union. A number of Kabbalists have even compared the Sab-

bath to a wedding ceremony. Both at a wedding and in the Sabbath *Amidah*, seven blessings are recited. In each there is a declaration of sanctity (*kiddush* in one case, *kiddushin* in the other) over wine. The opening verses of the central portions of the *Amidah*s of the Sabbath have similar significance: "Thou hast sanctified" (*ata kiddashta*) stands for the sanctification of the nuptials (*kiddushin*); "Let Moses be happy" for the happiness of the wedding; the "Additional" prayer (*Musaf*) for the additional jointure of the bride's settlement (*tosefet ketubah*); and "Thou art One" (*atta ehad*) for the coming together (*yihud*) of bride and groom following the ceremony.

Lekhah Dodi

This Unity Theme on the Sabbath is most beautifully expressed in the popular hymn chanted on Friday nights, the *Lekhah Dodi* ("Come my beloved, let us meet the bride, let us welcome the Sabbath"). The poem was composed in the sixteenth century by R. Solomon Alkabetz, the teacher and brother-in-law of R. Moses Cordovero; these, together with R. Isaac Luria (who encouraged Alkabetz to write the hymn), are the leaders of the great school of Safed Kabbalists. The hymn is vastly popular. A measure of its wide acceptance can be seen in the remarkable number of melodies composed for it. There are 540 melodies in the Jakob Michael Jewish Music Collection now with the National Library of the Hebrew University. The Birnbaum collection at the Hebrew Union College contains another 700 *Lekhah Dodi* melodies, with an estimated total of 1300 to 2000 different tunes having been composed for it, so that if a new one were chanted every Friday night, one would not exhaust his repertoire for about forty years! Felicity of style and esthetic excellence can only partially account for the hymn's universal popularity amongst all Jews. It seems that a more basic explanation is the innate and unstudied response to the hymn's major mystical themes,⁶ to the poetry of the soul rather than the poetry of the pen. The praying public may retain or reject a new prayer, especially one whose precise mystical symbolism is clear only to initiates, without being consciously aware of the nature or

* This estimate was true of the material available as of 1970. Since then there has been an explosion of such melodies, as popular Jewish liturgical music has made tremendous progress.

causes of its reaction. The worshippers unconsciously respond to the broad themes, the real essence of the prayer which, like the moon obscured behind the clouds, exerts a hidden but inexorable influence upon the ebb and tide of their religious experience in the deepest subterranean channels of their souls. So does the secret of the success of *Lekhah Dodi* lie in the magnificent sweep of its esoteric Unity Theme.⁷

The Symbols

The symbols in Alkabetz' poem are not always constant. The Sabbath may sometimes be the "bride"; the Talmud already speaks of Sabbath as bride and queen. The groom or beloved (*dodi*) may be Israel. In a famous Midrash, the Sabbath complains to God that while each of the other days has its mate she is being left an old maid—an all too human complaint—and God presents her with her groom, Israel. But no doubt these are secondary to the primary "wedding" or *yihud*: that of the Holy One and His Shekhinah, the true *dodi* and *kallah* of the hymn. On Sabbath the Shekhinah (the Zohar's Holy Point which during the weekdays is in the lower worlds, obscured from both God and man) rises to meet her divine lover, the Holy One. It should be emphasized that not only is Sabbath the time during which the unification is effected, but *Shabbat* is itself identified with Shekhinah, the bride of the Holy One.

An Interpretation of the Halakhah

The first stanza explicitly repeats the Unity Theme. Since the Holy One and His Shekhinah have already been united, God is referred to as the *El ha-meyuhad*. This union means that God's Name—the first two and last two letters of the Tetragrammaton—which represent, respectively, the Holy One and the Shekhinah, has been reunited, hence: "the Lord is One and His Name is One."

The first phrase of this same stanza is of particular importance to us. *Shamor ve'zakhor be'dibbur ehad hishmianu*: "observe" and "remember" were spoken in one word. The poet here refers to the well-known Aggadah that both commandments relating to the Sabbath, in each of the two versions of

Disunity and participate in the Sabbatical unification of the Holy One and His Shekhinah. The Halakhah, which normally presumes a pluralistic universe because it operates in the "real" World of Disunity, thus reveals in its treatment of the Sabbath its ultimate monism.

The Future

The middle and last stanzas of *Lekhhah Dodi* speak of the themes of Messiah, the redemption, and peace. The relationship of these to the idea of Unity is obvious. The Shekhinah is in exile together with Israel; the Kabbalah often refers to Shekhinah by the name *Knesset Yisrael*, the Congregation of Israel. The redemption of Israel signifies the reunion of Shekhinah with the Holy One, the beloved. The time we welcome the Sabbath as the occasion for the meeting of the Holy One and His Shekhinah is, therefore, most appropriately the occasion for waiting and hoping and praying for the national *yihud* of which the union of the Holy One and Shekhinah is hypostatic. *Shalom*, peace, is the state at which *yihud* aims, the condition of complete and utter universal harmony and unity. R. Loewe of Prague (the Maharal) declares, in a similar vein, that the present mundane world is that of diversity, whereas the world-to-come is that of oneness—thus extending the principle from Messianic to eschatological times.

THE DANGERS

Before proceeding to apply the insights of Jewish mystical monism to the contemporary world, it is in place to offer a few *caveats*. In a critique of some of the ideas here presented, Dr. Walter S. Wurzburger has pointed to a number of dangers inherent in this theory.⁸ Thus, Hegel's grandiose attempt to reduce all reality to the One Absolute has led to the emergence of modern totalitarian Marxism. However, I accept it as a truism that the more potent and valuable an idea, the more dangerous its misuse. This should not deter us from pursuing the idea even while remaining alert to its disfiguration and abuse.

Some of Wurzburger's theological criticisms are more funda-

my late colleague

logically, and axiologically uniform presence of God which leaves all of creation a mere illusion, is "from His side." But "from our side," man's vision of the world and experience, God relates to the world out of His transcendence, His non-identity with the universe, hence allowing for the "real" existence of the cosmos in their richness, variety, and value heterogeneity.¹¹

This position is the reverse of that taken by R. Shneour Zalman of Ladi, the most articulate and profound Hasidic theoretician. He regards "from our side" as differentiated immanence, and "from His side" as uniform transcendence, removed beyond all human conception.¹²

Thus, both schools hold on to both polarities. However, while the Hasidic school makes immanence pluralistic¹³ and, hence, of immediate concern, the more vigorously halakhist Mitnagdim dismissed immanence as monistic and hence a divine prerogative virtually irrelevant to man in his existential situation, and pointed to pluralistic divine transcendence as the area of meaningfulness for man.

Now this presents us with a problem. If indeed Hasidism saw divine immanence—its major emphasis—as differentiated and allowing for value pluralism, whence the critique of R. Hayyim? And whence, indeed, the tendency towards a monistic leveling of all differences and categories? The answer must be found in the quite predictable inclination towards a reverence for the world and nature, à la pantheism, by the immanentist.¹⁴ The inherence of divinity in the world tends to overwhelm the boundary lines, to reject the pluralistic mold. Holiness is hard to contain; it spreads out without taking leave. But permission was not granted. These defections noticed by R. Hayyim were thus unsanctioned by Hasidic theology, even though they were not unexpected because of Hasidism's stress on divine immanence and the primitive religious enthusiasm it brought to it.

We have seen, therefore, that even the most ardent monists in the Jewish tradition took great pains to keep it within bounds, to safeguard the pluralistic foundations of the Halakhah, and not to give way to the kind of antinomianism which often

insinuates itself into this theological framework. Both Hasidim and Mitnagdim saw a fundamentally unresolvable tension between an ultimate unknowable reality ("from His side") and the necessary cognitive universe of man which, though of a much lower ontological order, is the only one in which he can operate ("from our side"). Both referred the fullness of monism to the divine view, thus effectively sealing it off from encroaching upon halakhic practice, with the difference that while the classical halakhic theologians identified immanence with monism, thus remaining transcendentalists for all practical purposes, the Hasidim did the reverse. Hence, while the Unity Theme may legitimately give cause to certain apprehensions, these ought not be overstated as long as it is placed in the framework of normative Judaism, in which the dualism of "His side" and "our side" holds for preeschatological times.

Does this, then, mean that it is commonly agreed that monism is "kicked upstairs," that since it is referred to as the divine as opposed to the human perspective, that it really makes no difference, that it is nothing more than an ineffective metaphysical abstraction?

That this is not so is abundantly evident from the facts of the situation. Kabbalistic monism expressed itself in certain longings and aspirations discussed in this chapter which colored its whole approach to religion and existence. The same, of course, is true of Rav Kook. Monism did, indeed, reenforce the element of quietism that developed in Hasidism, and to which a ~~great~~ major work has been devoted.¹⁵ While the sense of resignation is not dominant in Halakhic Judaism, it would not be correct to declare it "completely foreign to Halakhic Judaism."¹⁶ It is present, in the dicta of the giants of the Halakhah, as a counterpoint to the opposite strand, that of human assertiveness in the presence of pain and suffering.¹⁷ Much more important, even R. Hayyim, who sought to place all monistic and immanentistic influences out of bounds, nevertheless permitted them a role in religious life. While vigorously referring practice to the human perspective—pluralistic-transcendental—he assigned the ideal of prayer to the divine perspective: prayer, as an act of spiritual elevation, must aspire to the knowledge of God "from His side," i.e., the nonreality

of all that is not God. This, says R. Hayyim, is what is meant by praying to God as *Makom* ("place").¹⁸ Clearly, R. Hayyim does not banish monistic thought completely.

It is for this reason that I maintain, contrary to Rabbi Wurzbarger, that locating a monistic moment in the Halakhah itself, relating to the Sabbath, does no violence to the Halakhah. Seeing in the halakhic proscription of fragmented labor an opportunity presented to man to unify his personality and experience, is no less offensive to Judaism's normative emphases than R. Hayyim's designating *Makom*, God as the cosmos-denying and all-effacing One, as the object of prayer, even though the act of prayer is accepted in Judaism as a legitimate subject of halakhic analysis and legislation. Indeed, the Mishnah itself, contemplating the Sabbath, characterized it as an anticipation of the *eschaton*, "the day of eternal Sabbath."¹⁹

Monism, then, must be prevented from overwhelming all else and destroying the Halakhah, without which Judaism is in shambles. But the Unity Theme, such safeguards granted, must be allowed to exert its beneficent influence on a humanity hungry for some unifying and integrating factor and looking for it where it most appropriately belongs—in religion.

THE IMPLICATIONS

It now remains for us to investigate some of the implications of this idea for modern Jews—modern in a chronological sense only, for the implications we shall draw are valid for us only as long as we locate ourselves ideologically in the context of the Jewish tradition which gave birth to the Kabbalah and especially the Unity Theme. In order to do this we shall move from the esoteric and mystical world of the Kabbalah to contemporary, exoteric modes of thought, and follow some of the consequences of the *yihud* idea in terms relevant to our own current predicament, dealing with problems which are, at most, only penultimate to the transcendent *yihud* of which the Kabbalah speaks.

Disintegration

Modern man and the complex society he has built for himself

are in a state of progressive inner disintegration. Psychologically, socially, and spiritually, he has re-formed himself on the pattern of his new industrial economy. With the obsolescence of the artisan who fashioned the whole vessel, the Whole Man has faded into obscurity. The division of labor, which is indigenous to our modern economy, has begotten many other divisions in many other fields of human endeavor. In professional life, narrow specialization has replaced general practice. Culturally, the expert dominates over men of broad knowledge and general culture. Literature, which should strive for the wholeness of man, has merely reacted to our inner atomization and put under the literary microscope man's baseness and degradation, in which only unrelated pieces of fractured experience are regarded as real, and in which wholeness and higher integrity are considered meaningless abstractions. Literary criticism has turned upon the Bible and replaced its unity with a Documentary Hypothesis which has made of Scriptures a haphazard collection of disparate fragments. Philosophically, the extreme logical positivism of some modern thinkers and their reduction of all issues to linguistic analysis is symptomatic of the same tendency. Man's spiritual and religious life has become a true World of Disunity. Long before the atom bomb struck Hiroshima, the modern world sustained a historic atomization, the fission and dis-integration of man's heart and soul and mind, and the beginning of the end of his universe.

Indeed there is a deeper relation between the splitting of the atom and the fragmentation of the Self. The tendency to view existence as divided, in pieces or dualities, in "over-against" terms, must inevitably have a deteriorating effect upon the integrity not only of man's ideological orientation, but ultimately also his social existence. It was Philo who traced war and peace to man's intellectual activity, particularly to his conception of the Deity. War, he said, stems from paganism which, in its elaborate mythology, saw gods locked in combat with each other, spying, stealing, and betraying in order to gain victory. The pagan's theology influenced his anthropology, his view of man. His social *anschauung* was thus compatible with

The extended family has been replaced by the nuclear family. Divorce has become common, and accepted moral standards have been junked - it is "every man for himself."

constant conflict and war—a true *imitatio Dei*. The monotheist, who knew of only One God Who embraces all existence in His unity and Who prefers the state of peace which is the end result of unification, naturally sought peace in his own social and political relationships. A recurrent verse in our liturgy is: "May He Who makes peace up above make peace for us and for all Israel." A divided society and fragmented polity is the natural result of a World of Disunity.

Yet we are not here addressing ourselves primarily to the obvious fact of the divisiveness of the world politically and militarily, consequential as it is to our very existence. We are emphasizing, rather, the inner peace without which there can be no outer peace, for a fragmented world is merely fragmented man writ large. It is this inner fragmentation of both experience and man's beliefs and attitudes that must be overcome as the World of Disunity if the social and political integration of mankind into one brotherhood is to be achieved.

It was Rabbi Abraham Isaac Hakohen Kook who gave the Unity Theme its greatest development in modern times. Rav Kook's concern with man's atomizing tendencies, and his deep passion for unity throughout all existence, are apparent in almost every page of his writings. Himself a Kabbalist of the first order who was very much aware of the modern world, he bridges the gap between the Kabbalah's mystical yearning for *yihud* and the need for unity in human affairs. In the following paragraphs we shall draw upon many of his works, but primarily upon the first volume of his *Orot ha-Kodesh*, published in Jerusalem in 1938.²⁰

In contradistinction to the usual interpretations of "holiness," Rav Kook sees in the concept of the sacred not the element of separation and remoteness, but unity and cosmic harmony. "Sin" is fragmentation, the introduction of dissonance or divisiveness into the harmonious whole. "Repentance," therefore, marks the reintegration of one's personality into the divine harmony and the overcoming of the fragmentariness of experience. It can readily be seen that this monism lends itself to an Augustinian-type theodicy: evil and suffering

contrast only subjectively. Spiritual insight, as opposed to intellectual comprehension, is characterized by a total view, by grasping all at once; the latter by its nature deals with specifics, with fragments. The practical progress of the world requires quantification rather than the total, unifying grasp of spiritual insight. Yet spiritual cognition and scientific knowledge are only apparently contradictory. It is a psychic gap that separates the religionist's striving for the overall from the scientist's critical eye for detail. It requires genius to be able to overcome this abyss, this division, and arrive at their underlying oneness, recognizing that objectively both forms of knowledge are one.

The *yihud* of knowledge is extended by Rav Kook to the study of Torah. Torah cannot abide artificial distinctions between the inner life of man and the world at large, between human individuality and universality. The emphasis on the Prophets and Writings, as opposed to the Pentateuch, represents an imbalance in favor of inwardness, an imbalance he regards as one of the "great pains of exile." Both the element of Prophecy (and Aggadah) and the legal element, that predominates in the Pentateuch, must be integrated with each other. (This is a somewhat oblique criticism of the Christian—and Emancipation's—usurpation of the post-Pentateuchal portions of the Bible and their spirit-against-letter and love-against-law dualisms.)

Similarly, Rav Kook is unhappy with the chasm that separates Aggadah from Halakhah. Superficially there is a difference between them. The Holy Spirit responsible for the Written Law is different in quality from the Holy Spirit of the Oral Law or Halakhah. Prophecy and Aggadah derive from what might be translated as "idealistic dignity" whereas Halakhah issues from "royal strength." But the world can be set right only when they are united in the soul of the Jew, for the strangeness of the Halakhist in Aggadah and the Aggadist in Halakhah is destructive of spiritual growth. The *yihud* we perform between them merely reveals the preexistent, original identity of Halakhah with Aggadah: they are one and the same. The attempt at harmonization must proceed by searching

ceptions." On this basis he denied the possibility of knowing the Self. Following him, John Stuart Mill treated all psychological problems as soluble by an atomistic psychology. Hobbes saw society only as an aggregate of self-contained individuals, assimilated through external instruments. One writer, Dorothy Lee,²¹ has seen in this attitude a fundamental pattern of thinking characteristic of Western man. She calls this preoccupation with proceeding from the parts to the whole a "lineal codification of reality," in contrast to the nonlinear approach of other cultures; a difference being, for example, whether we conceive of society as a plurality of independent individuals, or of the individual as a differentiated member of society.

Fortunately, the pendulum seems now to be swinging from an affirmation of the World of Disunity to a quest for the World of Unity, if we be permitted to use these terms freely. Some psychologists now believe that the differences between atomistic and holistic psychology are being resolved in favor of holistic or gestalt concepts, of "molar" as opposed to "molecular" terms. Even Freud, who with his concentration on specific biological needs and his splitting of the Self into Id, Ego, and Superego, seemed to enhance the fragmentation of personality, nevertheless contributed to a holistic or molar approach by bringing into the scope of investigation many other heretofore neglected areas of the Self and treating them all as a continuity. One renowned researcher working on the biology of nervous systems has concluded that only the sick or damaged personality can be understood by examining its parts in isolation; its relation to the world can best be described in segmented, additive terms. A fully functioning person, however, can be described only in holistic terms. The *yihud* theme, understood exoterically and anthropocentrically, is thus a striving for a higher sanity, an escape from the psychosis of the World of Disunity. The *yihud* within God requires a corresponding *yihud* within man, including, as Rav Kook writes, a "merging of intellect and emotion, and the 'integration of reason and will'—a reintegration of man's personality in

which his mental oneness will be paralleled by a spiritual unity.

Theology

In his theological thinking, too, modern Western man behaves atomistically rather than holistically. He is heir to a number of dualisms, which he usually accepts uncritically, that have come to him from the ancient Greeks via Christianity, especially the Church Fathers. Thus the distinction between the body and soul, which in Judaism is essentially a diagnostic way of explaining the ethical tensions of man, is for Christianized Western man a stark reality. When the Kabbalah unites, as it does in its interpretation of the Sabbath, the spiritual and material, it denies the bifurcation of man's Self into body and soul as two independent and antagonistic entities. The same can be said for the dichotomy of religious endeavor into faith and works, of religious experience into *eros* and *agape*, or, for that matter, into love (*ahavah*) and fear (*yirah*.) All such Gnostic distinctions are merely apparent. Underneath, they are one, even as the Holy One and the Shekhinah are one. The kabbalistic formula recited before the performance of a *mitzvah* to which we referred previously, includes the phrase *bī'dehilu u'rehimu*—in fear and love. The Kabbalah, with its deep and passionate striving for *yihud*, cannot abide a bifurcated view of life which accepts *perud* as a permanent and inherent quality of all existence.

Of even greater moment is the distinction between sacred and profane. At first glance it would seem as if the very existence of these two categories, not only sanctioned by Torah but crucial to its whole outlook, conveys a sense of *perud*, an absolute distance between the two, so that there can be no underlying unity comprehending both. Yet the truth is that in a religion which did not make of the Devil an independent personality pitted against the beneficent God, thus providing for separate sanctions for the domains of the sacred and profane, but saw Satan as only one of the created angels commissioned by God to execute His Will, there can be no *absolute* distance between holy and unholy. A distinction there certainly

is—the concept of *havdalah* with all its profound ramifications attests to this—but it is accidental rather than essential, apparent rather than real, extrinsic rather than intrinsic. This is the gist of Rav Kook's intention when he remarks that the "foundation of the holy of holies" comprehends both the "subject [or element] of the sacred and that of the profane." Even more poignant expression was given to this idea in a profound homiletic observation by R. Isaac Halevi Horowitz, author of *Shnei Luhot ha-Berit*. In the *Havdalah* service which marks the end of the Sabbath, he remarks, we proclaim the distinction between sacred and profane, light and dark, Israel and the other nations, and Sabbath and weekday. The first two and the last are appropriate to the occasion. But what is the relevancy of the *havdalah* between Israel and the other nations in this context? He answers that there is a difference not only between Jew and non-Jew, but between the Jewish and non-Jewish understanding of the whole concept of *havdalah*. The Gentile conceives of an *absolute* separation between the sacred and the profane. The Jew, contrariwise, understands that the gulf between sacred and profane is introduced not to signify a permanent and irreconcilable dualism, but to allow the sacred to be confirmed in its strength and purity so that it might return and sanctify the profane. From this point of view there is no holy and unholy; there is just the holy and the not-yet-holy. This is identical with Rav Kook's assertion that the holy of holies includes the sacred and the profane.

Basically, this insight pertains most strongly today. We modern Jews have, in our daily life and habit, adopted the *havdalah* concept of the non-Jewish world. We have conducted our affairs on the unspoken presupposition that there is an unbridgeable gap between the two categories, each isolated in its own cubicle. We go about life as if the American political doctrine of the separation of church and state were a metaphysical dogma. The modern Jew factually confines the expression of his religious convictions to several holy places and holy moments, not to the entire week and every place. The "Holy Sabbath-Point" of the American Jew's Sabbath, unlike

that of the Zohar, has no relationship to the six workdays. Despite his clearly defined occasions of holiness, which may be sincerely intended and genuinely experienced, he permits himself spiritual vulgarity, or spiritlessness, in the material endeavors of life. Emotionally he is unrelated to his spiritual dimension. We are different things to different people, different people to ourselves. Finding ourselves, when within the large area of the profane, thoroughly insulated from the influence of the holy, we are not only at an infinite distance from God, but broken and fragmentized within, our knowledge unrelated and our experiences unintegrated. Our entire world is as much in danger from mankind's internal fission as it is from the fission of the atomic nucleus. The powerful secularism of our day, which recognizes the sacred only so long as it promises not to encroach upon the privileged domain of the secular, is a reassertion of the non-Jewish concept of *havdalah*, a theology which we, in our *yihud*-obsessed world view, cannot accept lest it disarm and emasculate the very essence of holiness whose function it is to fructify the profane and secular.

This position on the basic, underlying relationship and dialectic of sacred and profane implies a critical reevaluation of the whole educational structure and philosophy of most of Orthodox Judaism today. Such an analysis is undertaken in the next chapter, where Rav Kook's views are compared to those of R. Samson Raphael Hirsch.

CONCLUSION

We have seen how the theme of the oneness of God, fundamental to every manifestation of Judaism, is expanded by the Kabbalah—especially in its treatment of the Sabbath and in the beautifully expressed *Lekhhah Dodi*—to an overwhelming, burning passion for the unification of all life and existence, in all its multifarious aspects, in the unity of God. Where the earlier Kabbalists, as in the Zohar, were satisfied to articulate this theme in purely mystical terms, as the union of the Holy One and the Shekhinah, its later exponents, and especially Rav Kook, increasingly applied this thesis to the current, real

world, the World of Disunity. Man, as an active participant in the *yihud*, must exert himself mightily in order to overcome the disintegrating tendencies of life and society. We have seen how the modern manifestations of the striving for unity, the transcending of petty dualisms and fragmentizations, are gradually making themselves felt. Philosophically, psychologically, theologically, we must begin to move from an atomistic to a holistic position.

What of the future? We must again return to Rav Kook in whose life and works are so magnificently combined substance and charm, power and elegance, the sudden insight of the kabbalist and the responsible thinking of the intellectual—the personification of the *yihud* which he preached and for which he yearned. *Bo yavo*, Rav Kook proclaims. It shall come. It must come. For the Jew, who cannot by his nature bear disunity in his soul, it will appear in his people's redemption. The Diaspora, the national realization of fragmentation and disunity, is only ephemeral and basically unreal; sooner or later, Israel shall become "one nation upon earth." And *yihud* will come for all mankind. The future unification of all knowledge, all peoples, all existence is inevitable. Redemption for Israel and peace for all men will mark the World of Unity which is surely coming, and which can be brought on even faster by our own efforts.

"And the Lord will be King over all the earth; on that day the Lord will be One and His Name will be One."

Faith & Doubt—Addendum to p. 64 after first paragraph

For R. Zvi Hirsch of Ziditchov, an eminent Hasidic Rebbe, the divine unity and the unity of the human being are reflected in the first two verses of the *Shema*. "Hear O Israel, the Lord is God the Lord is One" affirms the absolute unity of the Creator. "Blessed be the Name of His glorious kingdom for ever and ever" is a plea that we humans, denizens of the Lord's earthly kingdom, achieve our subjective, internal unification.²²

NOTES TO CHAPTER II

1. Amongst Jewish rationalists, Maimonides was the first to assert the unity of existence as flowing from the unity of the Creator: "Know that this Universe, in its entirety, is nothing else but one individual being. . . . The variety of its substances . . . is like the variety of the substances of a human being: just as, e.g., *Said* is one individual, consisting of various solid substances such as flesh, bones, sinews, of various humours, and of various spiritual elements. . . . You must, therefore, consider the entire globe as one individual being living through the motion of the sphere, which is endowed with life, motion, and a soul. This mode of considering the universe is . . . indispensable, that is to say, it is very useful for demonstrating the unity of God; it also helps to elucidate the principle that He who is One has created only *one* being. . . . There also exists in the Universe a certain force which controls the whole, which sets in motion the chief and principal parts, and gives them the motive power for controlling the rest. Without that force, the existence of this sphere . . . would be impossible. It is the source of the existence of the Universe in all its parts. That force is God, blessed be His name!" (*Guide to the Perplexed*, 1:72). Cf. Yehudah Even Shmuel's (Dr. Y. Kaufman) Introduction to his edition of the *Guide* in Hebrew, *Moreh Nevukhim*, Mosad Harav Kook, (Jerusalem: 1959) Vol. I, p. xlii-xliii. The Kabbalists, of course, greatly elaborated on this theme. See, for instance, Part III of *Netzah Yisrael* by Rabbi Loewe of Prague (the Maharal), and Part III of *Nefesh ha-Hayyim* by Rabbi Hayyim of Volozhin.

2. Monism, of course, has a respectable place in non-Jewish thought, both mystical and philosophical. All of mysticism tends towards monism, though there are important differences between its Eastern and Western varieties. The striving for the One is well-known in Neoplatonic thought. Plato himself sees an essential unity underlying all of existential diversity. His monism, however, consists not in the denial of knowledge, but in the integration of experience through *ratio*. "In Plato, both divine inspiration and mathematical science lead man upward—geometry leads to God. His world is one, unbroken in its dynamic tension" (Paul Friedlander, *Plato: An Introduction*, Pantheon [New York: 1958], p. 78). A theme similar to the one presented in this chapter has been pressed in recent years, but in a non-Jewish and nontheistic form, by a number of Western Orientalists, notably Aldous Huxley.

3. We shall dispense with individual references to the kabbalistic sources. Readers will find most of them in the Zohar to *Beshalah*, *Yitro*, and *Va-yak'hel*. Those who wish to pursue the matter further in secondary sources may refer to Gershom G. Scholem's *Major Trends in Jewish Mysticism*, Schocken (New York: 1946), especially pp. 225–235, and in Hebrew, to P. Lachover and Y. Tishbi, *Mishnat Ha-Zohar*, Hashiloah Press (Jerusalem: 1949), pp. 219–263.

4. The World of Unity is that of the ten Sefirot which in the Kabbalah are not, as are the Neoplatonists' emanations, static steps mediating between the Absolute God and the phenomenal world. They exist, rather, within God; they are the "unified universe" of God's life.

5. This holds true for the Zohar. For Luria, the "breaking of the vessels" implies a dissonance in the cosmos preceding the creation of man. See Y. Tishbi, *Torat ha-Ra ve'ha-Kelipah be'Kabbalat ha-Ari* Schocken (Jerusalem: 1963).

Faith & Doubt—Addendum to p.66, end of note 3

The reader may wish to consult my *The Shema: Spirituality and Law in Judaism* (Philadelphia: Jewish Publ. Society, 1998), pp. 47–58 for a concise review of the Kabbalistic views on the unity of God.

of his works, many of which are now being published, and others which are still in manuscript. For the English reader interested in the biography of Kook, and a general discussion of his mystical monism, Jacob B. Agus' *Banner of Jerusalem*, Bloch (New York: 1946) may be recommended. The best source for Kook's harmonism is the English translation of Professor Nathan Rotenstreich's *Jewish Philosophy in Modern Times: From Mendelssohn to Rosenzweig*, Holt, Rinehart and Winston (New York: 1968), Chap 7.

21. Cited in Helen Merrell Lynd, *On Shame and the Search for Identity*, Harcourt, Brace and Co. (New York: 1958), pp. 73 ff.

Faith & Doubt—Addendum to p.68, end

22. For more on the Ziditchover's version of the Unity Theme, especially as distinct from the views of R. Hayyim Volozhiner and R. Shneur Zalman, see my *The Shema*, pp. 47-57.

Faith & Doubt—Addendum to p.69, bottom of the page

* For a later and more elaborate treatment of this subject, see my *Torah Umadda: the Encounter of Religious learning and Worldly Knowledge in the Jewish Tradition* (Northvale, NJ: Jason Aronson, 1990), especially Chapter V.

CHAPTER III

TWO VERSIONS OF ^{"TORAH UMADDA" *} ~~SYNTHESIS~~

FROM THE very beginning of Jewish history, Judaism has, for better or for worse, experienced some interaction with its surrounding culture. A great part of the Bible is a warning, both explicit and implicit, against assimilating the cultic pagan practices.

However, with the rise of Greek philosophy and the prominence given to reason and a more sophisticated culture, some Jews began to expose themselves to the non-Jewish modes of thought and to fall under their influence. Gradually, individual thinkers such as Philo in Alexandria and, later, as in the "Golden Age" in Spain, whole schools concerned themselves with the direct confrontation of traditional Judaism and Western thought.

With the Emancipation, this confrontation was no longer confined to a few individuals or even schools. The interaction between Judaism and the culture of the host people was now of major import to the Jewish community as a whole. The variety of responses to this massive challenge of Western civilization is represented by the spectrum of Jewish allegiances extant even today. They range from a complete abandonment of Judaism and Jewish loyalties to an utter and complete rejection of Western philosophical and scientific ideas. In-between there exists a graduated fragmentation, a kind of Maxwellian distribution of interpretations.

Our purpose, at present, is to analyze two versions of one particular type of response to the challenge of modernity, one that is more than a mere arithmetic decision on the proportion

[NOTE: MAKE THE CHANGE

NRU P 79]

TWO VERSIONS OF ~~SYNTHESIS~~ TORAH UMADDA

sonally responsible for the flourishing *Denkglaubigkeit*—or enlightened Orthodoxy—that survives him to this day. Thoroughly Jewish, and also a completely modern Western man, he aspired to bring about a harmony between—or “synthesize”—the two traditions and outlooks. He tried to formulate a Jewish Humanism, demonstrating that the Humanism so popular in the Europe of his day had Jewish roots. Hence, his superman, the *Yisroelmentsch*. And hence, too, his great educational program of Synthesis under the slogan of *Torah im Derekh Eretz*—a precursor of the current *Torah Umadda*.

Torah and Wisdom were not regarded by Hirsch as deadly enemies, requiring from us an either-or choice between them. It is true that he gave Torah primacy over secular education if a choice had to be made.² But from his critique of Maimonides and Mendelssohn who approached Torah “from without,” and from his development of his autochthonous attitude to Judaism,³ we get the impression that Hirsch believed in the original identity of Torah and the secular disciplines which now appear but in different forms. One cannot speak, therefore, of an essential conflict between them. But if no conflict is theoretically or essentially possible, neither can there be any meaningful dialogue between them. They can cooperate, even as the limbs of the body cooperate and coordinate; but they cannot interact and speak to each other, even as a sane and balanced person does not talk to himself. Hirsch does not say this explicitly, but it is an inescapable conclusion and one that will appear more significant when contrasted with the position of Rav Kook. ~~The Synthesis of~~ Hirsch is pleasant, harmonious, charming, and creative. The secular studies help us to understand Torah more deeply,⁴ even as the Torah tells us how to contemplate nature and listen to history.⁵ Considering the long estrangement of Jews from secular studies since the Golden Age of medieval days, and the unhappy record of the relations of science and religion in European history, this was a courageous attitude and a refreshing approach. His stature must be assessed from this background, as well as against the contemporary isolationism of East European Jewry. Hirsch tried to show, in the words of his translator, Bernard

70

This term has been replaced by the more accurate and felicitous *Torah Umadda*—Jewish learning and worldly culture. The difference in nomenclature is significant. It is this latter term that of Jewishness to be admitted in the make-up of the “modern Jew.”

The “Modern Orthodox” Jew in America represents the product of such a response resulting from the confrontation between authentic halakhic Judaism and Western thought. He is a novel kind of Jew, a historical experiment in the reaction to the great dialogue. His survival and success may very well have the most fateful consequences for Jewry and Judaism throughout the world.

What is the peculiar nature of this new type of Jew? “Synthesis,” a word long favored in the circles of Yeshiva University, the major school of American Orthodoxy, is the term we shall use for the response to the Jewish-Western dialogue. What is meant by Synthesis? What are the religious and cultural dimensions of the personality formed as a result of the encounter between traditional Judaism and modern non-Jewish culture or in the language of the Rabbis, between Torah and Hokhma?

There are, in the framework of what has come to be called Orthodox Judaism, two main theories of Synthesis that share certain fundamental features and yet diverge from each other in significant ways. These interpretations are to be found in the writings of two distinguished Jews of modern times who were deeply concerned by the confrontation of Torah and Wisdom. (In a great measure they also represented and realized in themselves these ideals—for Synthesis is not an abstract theory that can be discussed, much less realized, *in vacuo*; it is an event or process that takes place in the personality.) One, is Rabbi Samson Raphael Hirsch (1808-1888), a West European Rabbi who has had a lasting influence on contemporary traditional Judaism. The other, is the late Chief Rabbi of the Holy Land and originally an East European, Rabbi Abraham Isaac Hakohen Kook (1865-1935), whose general views were adumbrated in the last chapter. The present chapter is an elaboration and application of his theory to the area of education.

Hirsch was one of the giants of German Jewry. As a leader and educator he was eminently successful. He was per-

Drachman, that "Orthodox Judaism was not maintained solely by the superstitious or narrow-minded older generation that had never been initiated into the science or the culture of the age."⁶

Yet it is precisely a statement of this sort that makes us wonder about the sufficiency of the Hirschian interpretation of Synthesis for contemporary Orthodox Judaism. For Hirsch it was important to produce a Westernized Orthodox Jew in order to refute the charge that Judaism is a collection of old superstitions. For Drachman in the America of his day, at the very end of the nineteenth century, a college education and a Ph.D. were social necessities lest Torah Jews be classified as narrow-minded. Surely modern American Orthodoxy has progressed beyond the state where it has to prove itself, where an English-speaking Orthodox Rabbi with a university education is an unusual phenomenon.

Perhaps this statement by Hirsch himself will allow the reader to feel the temper if not the contents of his particular brand of Synthesis: "Pursued hand-in-hand, there is room for both [Jewish and general studies], each enhancing the value of the other and producing the glorious fruit of a distinctive Jewish culture which at the same time, is 'pleasant in the eyes of God and man.'"⁷ He seems to be delighted that he can avoid those intellectually bloody conflicts between religion and science, that he can steer clear of the ragged edges of discord between Torah and Western Wisdom. "Hand in hand" they will walk, and appear "pleasant" in the eyes of all. There is something placid as well as idyllic and utopian in this vision. It is too easy, too gentlemanly, too "cultured," or, if one may say this, too bourgeois.

vision of The slogan *Torah im Derekh Eretz* would not be appropriate to the Synthesis envisioned by Rav Kook, as it emerges from his *Orot ha-Kodesh* (Jerusalem: 1938) and his courageous address at the opening of the Hebrew University in Jerusalem.⁸ Torah "with" *Derekh Eretz* or secular wisdom implies that they keep a respectable distance from each other, like neighbors who remain courteous as long as they do not become too intimate. Torah "and" *Derekh Eretz* would be more fitting for the Kook

version of Synthesis. For there is a decided difference between these conjunctions.⁹ Torah "and" *Derekh Eretz* suggests a meeting of two powerful personalities, the two of them coming to grips with each other, with the very serious question of whether this engagement will be an embrace or a wrestler's head-lock.

For Rav Kook, the educational problem is treated, not cultural, but in a metaphysical frame. The categories with which he operates are those of *kodesh* and *hol*, sacred and profane, and the issue transcends, therefore, the demonstration that Orthodoxy is not narrow-minded or superstitious. Rav Kook speaks of two tendencies of the Jewish spirit. One is directed inwards; it is a deepening of the sacred, and is represented by the traditional yeshivot. The other is an outward one, relating the within to the without. Just as the intensification of the sacred is embodied in the old-type yeshivah, so the relating of the sacred to the secular is the function of the university.¹⁰ (We must forgive Rav Kook if, despite his courageous criticism and warnings issued at the time, he allowed himself the extravagance of imagining that the Hebrew University would fulfill the lofty mission he assigned to it; hindsight is always wiser than foresight. But his analysis is valid.) It is the second tendency, the centrifugal motion of the sacred to the secular, that is of utmost consequence to us. The merging, or synthesis, of Torah with Wisdom is not meant to make up for some lack of Torah, but rather to create something new and original in the world of the spirit through these combinations.¹¹ Kook tells us that the sacred is not antagonistic to science, but first he reminds us that it vitalizes all, it is that which gives life to the secular disciplines.¹² *Kodesh* and *hol* are functionally and indissolubly related to each other. "The sacred must be established on the foundation of the profane."¹³ They are related to each other as matter to form—the secular is matter, the sacred, form—and "the stronger the secular, the more significant the sacred."¹⁴ Just as the body must be healthy in order for the spirit to flower, so secular knowledge should be of superior quality if the sacred is to benefit.¹⁵ This intimate relationship of sacred and secular is

and hope often
collapses into naivete.

given its strongest expression when Rav Kook writes that the *yesod kodesh ha-kodoshim* comprises both the element of the sacred and the profane.¹⁶ This implies the significant notion, which Kook later states explicitly,¹⁷ that there is nothing absolutely profane or secular in the world. There is no absolute metaphysical category called *hol*; there is only the holy and the not-yet-holy. This Kook version of ~~Synthesis~~ is the very antithesis of secularism, which recognizes the sacred only in its insularity. Kook's centrifugal *kodesh* is so overpowering and outgoing, that *hol* or the profane loses its absolute character even before its encounter with the sacred. It is, as it were, fated from its creation to submit to the sacred.

Having denied the absolute character of the profane, does this imply a blurring of the distinction between *kodesh* and *hol*? The answer is an emphatic No. It is worth repeating an observation here that we cited in the last chapter. Rabbi Isaiah Halevi Horowitz, in his famous *Shnei Luhot ha-Berit*, asks: why, in the *Havdalah*, is the distinction between *Yisrael la-amim* mentioned? The other distinctions—between light and dark, Sabbath and weekday, sacred and profane—are all appropriate to the *Havdalah*, but that between Israel and the nations seems irrelevant. He answers that there is a significant difference between Israel and the nations in how they conceive of the distinction between sacred and profane, etc. The non-Jew conceives of an absolute separation between them. The Jew, however, believes that the gulf between *kodesh* and *hol* is meant not to introduce a permanent and irreconcilable dualism, but to allow the sacred to be confirmed in its strength and purity so that it might return and sanctify the unholy.¹⁸

This is how Rav Kook conceives of the relationship of *kodesh* and *hol*. There is a *havdalah*, so as to allow for the intensification of the sacred in its centripetal motion;¹⁹ and this, itself, is prelude to its outward, centrifugal movement, where it reaches for the profane and transforms it into the sacred, a transmutation for which it has been waiting from the moment of creation. The fact of קדוש leads to the act of קידוש.

This brief survey of Hirsch and Kook can give only the barest idea of the similarities on the one hand, and the differences

on the other. Both men and the *Weltanschauungen* they represent are relevant to our day and the shaping of Jewish destiny. Each represents a different version of the Synthesis which is the most characteristic aspiration of Modern Orthodox Judaism and the major purpose of such institutions as Yeshiva University. Hirsch, the aristocratic pedagogue, and Kook, the poetic Kabbalist, both inspire admiration and deserve our gratitude. Yet basically, Hirsch is the cultural thinker and educator, while Kook is the metaphysician and mystic. Hirsch's ~~Synthesis~~ ^{approach} is one of coexistence, hence essentially static. Kook's is one of interaction, and hence dynamic. Hirsch is an esthete who wants Torah and *Derekh Eretz* to live in a neighborly, courteous, and gentlemanly fashion. Kook is an alchemist who wants the sacred to transmute the profane and recast it in its own image. From the point of view of Kook, it is not enough to raise a generation of Orthodox Jews who will also be cultured Western men, admirable as this ambition may be. It is not enough to bear the two cultures as parallel lines which can meet only in infinity. It is urgent that there be a confrontation and an encounter between them. In the Kook version of Synthesis, there must be a qualitative accommodation of both studies; for the secular studies are not inherently and eternally unholy, and the *limudei kodesh* are sterile unless they have something not-already-sacred to act upon. The *limudei hol* are part of the drama of *kiddush*.

For Hirsch, the direction of the interaction is from the profane to the sacred, that is, the secular disciplines are employed to order, define, and assist the sacred and place it upon a firm scientific basis. For Rav Kook, who demands interaction as the central theme of Synthesis, the motion goes in both directions. The less important one is the kind we have just mentioned, the rationalization, explanation, and adornment of the sacred by the profane. Kook calls this a right-to-left motion. Far more significant and consequential is the left-to-right motion: the radiation of *kodesh* towards *hol*, ennobling it, raising it to the loftiest levels, sanctifying it, impregnating it with meaning and purpose.²⁰ Thus, whatever the interaction between *kodesh* and *hol* in the Hirschian ~~brand of Synthesis~~ ^{program}, it will be

something on the order of using chemistry to clarify a problem in *Yoreh Deah* or mathematics to settle a problem of the *luah*. The dynamic relationship demanded by the Kook *Synthesis* emphasizes the use of Halakhah in defining for the chemist or mathematician how to shape his approach, his purpose, his significance in the world. It requires the mastery of Torah so as to teach the *ben Torah* how to grapple with the mundane, stubborn issues of ordinary life and make them yield to the light of Torah. The encounter of Torah and Wisdom has, as its goal, to "create in the world new souls, and give life a new, thriving, healthy form."²¹ In a word, Hirsch's *Torah im Derekh Eretz* aimed at bringing both disciplines together in one person; Kook's *kodesh-hol* dialogue strived to bring them together in one *personality*—in shaping it, inspiring it, vitalizing it.

✓✓/✓✓ Fifty or seventy-five years ago, in the conditions that prevailed in this country, *Synthesis*, even of the Hirschian type, was a utopian, wild, audacious vision. It was the kind of idea which practical, hard-headed men dismiss as visionary, and which visionaries are much too impractical to implement. To hold forth this *Synthesis* as an ideal was an act that demanded courage and boldness. *Synthesis* as such is no longer a dream, no longer an experiment. American Orthodoxy today is a realization of Hirsch's vision and, given the conditions of our society, nothing but a Hirschian *Synthesis* can be the first goal. American Jewry has produced not only individuals but a whole community of people who live *Torah im Derekh Eretz*. Considering the vicissitudes to the past ~~seventy-five~~ years—the uprooting and the immigration, the *Hurban Eiropa* and the State of Israel, the economic growth and the social changes, the scientific revolutions and intellectual displacements—such an achievement can be classified only as heroic.

The whole edifice of traditional Judaism in this country today rests upon this dual Hirschian educational foundation. From the Kook perspective, however, we may be guilty of a cultural schizophrenia in our attitude to secular and religious studies, equivalent to what, in *Shnei Luhot ha-Berit*, is regarded as the theological schizophrenia in the non-Jewish

understanding of the two categories themselves. Whether we relegate the sacred studies to an hour on a Sunday morning as Reform does, or strive for the minimum secular studying required by state law as the Hasidic schools do, or somehow try to accommodate both on an approximately equal schedule as modern *yeshivot* do, the courses of study are departmentalized, unrelated, and merely coexist in splendid isolation from each other within the individual student. The differences between the above systems thus seem to lie in the quantitative distribution of the time allotted for each discipline. Yet this is decidedly not in keeping with the vision of Rav Kook. As long as this unrelatedness continues, we may be guilty of wasting the resources of the sacred for the profane. State law or economic necessity or social needs are not an answer sufficient to define a consistent philosophic position. What is required, rather, is the fundamental acknowledgment that the secular studies are not inherently and eternally unholy, and the sacred studies are sterile unless they have something other than the sacred to act upon. There is no blurring of the distinctions between sacred and secular. But there is an appreciation of the function of the sacred in relation to the secular. The secular studies are important not *despite* the fact that they are not holy, but *because* this is the way in which all life, all knowledge, all existence is ultimately integrated in the great *yihud* of the Holy One and His *Shekhinah*. Eventually all that is profane (not-yet-holy) is to be found in and sanctified through the Torah, for which reason—according to Rav Kook—it is called *de'kullah bah* ("containing everything") and is regarded as the fulfillment of God's blessing of Abraham *ba-kol* ("with everything"—Genesis 24:1).

However, this ideal of *Synthesis* envisioned by Rav Kook is a difficult, dangerous, and uncertain one. Because Kook's dynamic conception affects personality, rather than mere co-existence in a person, as with Hirsch's more static version, it can operate only in chosen individuals rather than on a broad, public scale. For a Kook-type *Synthesis* requires a deepening of scholarship, the development of singular thinkers who, steeped in Jewish learning, especially Halakhah, will be able

to sanctify the profane which they will know with equally thorough scholarship. Rav Kook has set a high goal: להשקיע, i.e., to view the secular from the vantage of the sacred.

program Hirsch's *Synthesis* is not easily attained, Kook's even less. Tension is an indispensable concomitant of *Synthesis* of any variety. Anxiety and doubt and perplexity are necessary side-reactions of the act of *Synthesis*. Thus Hirsch writes to his fictitious young friend: "Do not think our time so dark and helpless, friend; it is only nervous and uncertain, as a woman in childbirth. But better the anxiety that prevails in the house of a woman about to give birth, than the freedom from anxiety, but also from hope and joy, in the house of the barren one." These words of comfort and encouragement strike home to those in American Orthodoxy today who are concerned by the constant self-examination and critical self-evaluation in its ranks. They are signs of creation and birth.

Torah U'madda Rav Kook speaks of *Synthesis* and the accompanying anxiety in similar terms.²⁴ He quotes Isaiah, ופחד ורחב לבבך, "and thy heart shall tremble and be enlarged" (Isa. 60:5). The dynamic *Synthesis* of Kook is fraught with danger and risk. *Pahad*, fear, is inescapable. The centrifugal motion of *kodesh*, the sanctification of the profane, suffers from a historical ambivalence, as when it appeared in the controversy surrounding the translation of the Torah into Greek. Whenever there is an encounter of sacred and profane there must be *pahad*, for who knows but that instead of the *kodesh* converting the *hol*, the *hol* will master the *kodesh*, as in Anatole France's novel, *Thaïs*. If it is security and freedom from fear that is sought, then it is sufficient to withdraw into hermetically sealed ghettos or vanish into easy assimilation; the confrontation between Judaism and world culture is then either avoided or ended. But if neither world is to be relinquished, and they are even allowed to act upon each other, then one must accept *pahad* and the sense of crisis and all the neurotic tensions that come with it. He who enters into this dialogue of Torah and Wisdom must tremble at the risks inherent in this kind of *Synthesis*, even while acknowledging that it is his duty to undertake it. Many

human casualties have already resulted, and there are more yet to come, from this historic program of *Synthesis*. Rav Kook was not troubled by this phenomenon. On the contrary, he reminds us that those who approached the encounter without *pahad* were failures—most of their descendants were assimilated and subsequently lost to our people. Only if there is *pahad* can there be hope to experience the second part of the Prophet's verse: ורחב לבבך, "thy heart shall be enlarged," true joy and exultation.

Torah U'madda

NOTES TO CHAPTER III

1. מדרש איכה (הוצ"ב) פרשה ב' על הפסוק "מלכה ושריה בגוים אין תורה".
אם יאמר לך אדם יש חכמה בגוים תאמין... יש תורה בגוים אל תאמין.
2. S. R. Hirsch, *Judaism Eternal*, ed. Dayan I. Grunfeld, Soncino (London: 1958), vol. 1, p. 170.

3. *The Nineteen Letters of Ben Uziel*, trans. Bernard Drachman, Bloch (New York: 1942), Letter XVIII. Hirsch is severe in his criticism of Maimonides who, he maintains, merely "reconciled" Judaism with Greek philosophy, i.e., philosophy was superadded to Judaism, distorting it in the process, rather than allowing a philosophy of Judaism to issue from within the Jewish tradition autochthonously. Maimonides was "the product of uncomprehended Judaism and Arabic science" and "was obliged to reconcile the strife which raged in his own breast" (p. 181). He blames Maimonides for emphasizing abstract rational principles as opposed to action and deed as the highest expression of Judaism. "This great man is responsible, because he sought to reconcile Judaism with the difficulties which confronted it from without, instead of developing it creatively from within. . . . He entered into Judaism from without, bringing with him opinions of whose truth he had convinced himself from extraneous sources and—he reconciled!" Yet it is not entirely fair to accuse Maimonides of "reconciliation," with the implied derogation of without-ness. Maimonides, like Saadia before him, believed in the common origin of reason and revelation, hence of philosophy and Torah (cf. Julius Guttmann's Introduction to Chaim Rabin's translation of the *Guide*, East and West Library [London: 1952], pp. 9–31). All discrepancies must then be considered as only apparent, and these are to be "reconciled," but this can hardly be subject to the accusation of stepping out of the realm of Judaism to introduce, subversively as it were, alien ideas. Once the original identity of Torah and Wisdom is granted, such a charge is irrelevant. When Maimonides makes use of Aristotelian terminology and methodology, he is no more "without" the pale of Judaism than is Hirsch himself when he employs the dialectical modes of Hegelian thought popular in his day, albeit without mentioning their source (cf. Noah H. Rosenbloom, "The 'Nineteen Letters of Ben Uziel,'" *Historia Judaica* [April 1960], pp. 23–60, especially p. 58).

4. Zvi Kurzweil, "Samson Raphael Hirsch," *Tradition* (Spring 1960), p. 296. Compare the attitude of R. Elijah, the Gaon of Vilna, as reported by his student, R. Barukh of Shklov. The Gaon urged that as much of secular knowledge be translated into Hebrew as possible, because שיחסי לאדם ידיעות משארי החכמות, לעומת זה יחסרו לו מאה ידיות בחכמת התורה, כי The last clause is particularly significant.

5. *Nineteen Letters*, p. 197.

6. *Ibid.*, p. xxi.

7. *Supra*, n. 2.

8. Reproduced in "חזון הגאולה", ילקוט דברים של הגרא"ה קוק ז"ל (ירושלים, תש"א) עמ' רס"ז-רע"ג.

9. Cf. the difference between מזגית and חכמה in *Guide for the Perplexed* 2:22.

10. *Hazon ha-Geulah*, loc. cit.

11. *Orot ha-Kodesh*, vol. I, p. 63.

12. *Ibid.*, p. 3.

13. *Ibid.*, p. 145.

14. *Ibid.*, p. 145; also p. 64.

15. *Ibid.*, p. 65.

16. *Ibid.*, p. 64.

17. *Ibid.*, p. 143—לדעת שאין באמת חול מוחלט בעולם.

18. The interrelationship of *Kiddush* and *Havdalah* is evidenced in the Halakhah too. Thus Maimonides (*Hil. Shabbat*, chap. 29) defines *Havdalah* as the *Kiddush* performed at the end rather than the beginning of the Sabbath. Similarly, the *Kiddush* of Friday night implies the element of *Havdalah* or separation of Sabbath from the preceding profane days. See especially Maimonides, *Sefer Hamitzvot*, pos. com. #155; and cf. my article, "Al Mitzvat Kiddush," in *Hadarom* (Fall 1970).

19. This requirement for the sacred to deepen within itself before it undertakes the venture of santification of the non-sacred has certain practical consequences. It necessitates, for instance, the existence of the "old fashioned" yeshivot which are fully devoted to Torah study, alongside the "modern" yeshivot where the actual interaction takes place. Cf. the remarkable letter by Rav Kook in *Iggerot Re'iyah* I, 206–7, also quoted in 105–6: הרב בנימין אפרתי, "הסניגוריה במשנת הרב קוק" (ירושלים: מוסד הרב קוק, תשי"ט) עמ' 105–6.

20. *Orot ha-Kodesh*, I, pp. 68f.

21. *Ibid.*, p. 63.

22. *Ibid.*, p. 143.

23. *Nineteen Letters*, p. 201.

24. *Supra*, n. 8.

above

Add to F&D page 80, end of n. 7:

It is interesting to note that despite the association of Hirsch with his educational theory of *Torah im Derekh Eretz*, the phrase appears neither in his *Horeb* nor in his *Nineteen Letters*. Indeed, nowhere does he devote as much as an entire essay to the formulation of so much on which his fame rests; Mordechai Breuer, great grandson of Hirsch, believes that *Torah im Derekh Eretz* flows from Hirsch's monistic view of the ultimate unity of Torah and secular values. See Matthias Morgenstern, *From Frankfurt to Jerusalem: Isaac Breuer and the History of the Secession Dispute in Modern Jewish Orthodoxy*, in *Studies in European Judaism* 6 (Leiden and Boston: Brill, 2002) pp. 168–187, and the review of this volume by Alan T. Levenson in the *Jewish Quarterly Review* (Summer 2004), pp. 552–555.

above

NOTES TO CHAPTER IV

1. In the Midrash a number of statements appear, all favoring a strong anthropocentrism. But these references cannot be accorded real philosophic significance, because they are probably hyperbolic homilies characteristic of a didactic literature. See, for instance, *Kohelet Rabbah* 7: 28: וכל מה שבראתי בשבילך בראתי, תן דעתך שלא תקלקל ותחריב את עולמי. Also, *Berakhot* 32: שמים עשרה מזלות בראתי ברקיע... וכולן לא בראתי אלא בשבילך.
2. Except for occasional references to the Arabic original, all quotations are from Ibn Tibbon's standard Hebrew translation, the *Emunot ve'Deot* (hereafter abbreviated to *EVD*). English translation will generally follow Samuel Rosenblatt's *The Book of Beliefs and Opinions*, volume I of the Yale Judaica Series, Yale University Press (New Haven: 1948).
3. *EVD*, IV: Introduction: המכוון פבריאה. In the Arabic (Kitāb al-'Amānāt... ed. S. Landauer, Brill [Leiden: 1880]), p. 146: الشئ المقصور به = goal of creation.
4. *Ibid.*, Chapter I: קטב העולם ומכונו. In the Arabic (p. 147): قطب العالم وقاعدته = axis of the world and its foundation.
5. Mayer Lambert, *Commentaire sur le Séfer Yesirah* (Paris: 1891), p. vii.
6. For a discussion of this point, see משנת האדם לרב סעדיה גאון, מאת שמעון רבידוביץ originally published in מצודה, ed. S. Ravidowicz (1943), pp. 112-125, and reprinted in two parts in בצרון Vol. IV No. 1 and No. 3 (1943). References hereafter will be to the more readily available articles in בצרון.
7. Ravidowicz, No. 1, p. 54.
8. *EVD*, Introduction, Chapter 5: כי כל דבר חשוב שמור באמצע. וכבר התישר לנו שנחשוב זה לאדם השוכן בארץ אשר הוא באמצע הכל.
9. *Ibid.*, p. 180.
10. *Ibid.*
11. Ravidowicz, No. 1, p. 57.
12. *EVD*, IV: Introduction: שאף על פי שראינו הברואים רבים אין ראוי שנהיה נבוכים במכוון מהם רצוני לומר מי הוא. כי הנה שער טבעי יתבאר לנו בו מי הוא המכוון בכל הברואים וכאשר נחקור בשער ההוא נמצא המכוון הוא האדם.
13. *Ibid.*, והתברר לנו כי הוא הענין המכוון בלי ספק.
14. M. Ventura, *La Philosophie de Saadia Gaon* (Paris: 1934), pp. 85-86. For Saadia's reference to the fire-centrality of the Pythagoreans, see *EVD*, Introduction, Ch. 6.
15. See *supra*, n. 6.
16. *EVD*, VI: 4: ואם יהיו שניהם ערומים מן המעשים לא היה לבריאתם ענין, ואם לא יהיה לבריאתם ענין יבטל עם בטולי בריאת השמים והארץ ומה שיש ביניהם, כי הכל לא נברא כי אם בעבור האדם.
17. *Ibid.* X: 1: כי השמים והארץ ומה שיש ביניהם לא נבראו כולם כי אם V. Ravidowicz, בעבור האדם, ועל כן שמהו באמצע וכל הדברים מקיפים. No. 3, p. 192.
18. *Guide for the Perplexed* III: 13.
19. Ravidowicz, No. 3, p. 195.
20. Lambert, *op. cit.* p. 48; also, Saadia's *Commentary* on Chapter I par. 3, p. 71.
21. *Ibid.*, p. 91 (commentary to Chapter IV, par. 1).

לכן אל דברי הגאון שאומר שהאדם נכבד מהמלאכים וכבר בארתי בספר היסוד
 For a list of additional medieval Jewish critics of Saadia's thesis of the superiority of man over angels, see Henry Malter, *Saadia Gaon: His Life and Works*, Jewish Publ. Soc. (Philadelphia: 1942), p. 212, n. 485. Much closer to our time, in the works of R. Hayyim of Volozhin, we find an attempt to synthesize both points of view (*Nefesh ha-Hayyim* 1:10). R. Hayyim, however, does not directly quote Saadia, Ibn Ezra, or Maimonides; instead his source is the Zohar (*Zohar Hadash, Midrash ha-Ne'elam*, s.v., ויקרא לאור, and Zohar III, 129 b). Nevertheless, it is fairly certain he had Saadia and the Ibn Ezra in mind.

37. Dr. Philip Birnbaum has suggested to me that Saadia's ideas were directed against the Karaites who gave preeminence to the angels. Thus, Yefet ben Ali writes of those who rank man higher, and adds, "We, however, say that the angels are higher in rank than Adam, for it is written, Thou hast made him lower than the angels" (cf. Birnbaum, *Yefet ben Ali on the Book of Hosea*, Introduction, p. xvi). See *sugga*, n. 28.

38. Ravidowicz, No. 1, p. 54, n. 1.

39. *Sanhedrin* 37a, where the importance of the Sanhedrin is explained by its geographic position as the center of the world.

40. *Tanhuma Kedoshim* 39:2, where the world is conceived as consisting of concentric circles, the innermost being the most valuable. Thus, Palestine is the center of the world, Jerusalem the center of Palestine, etc.

41. J. T. Hag. 1: 1, מאיכן אתה מודד, מן החומה או מן הבתים, תני.

42. See, for instance, Zohar I, 226a: שמואל: מן השלוח, ושילוח היה באמצע מדינה. ירושלים דהיא אמצעיתא דעלמא ונקודה אמצעיתא דכל ישובא סטרא דקדושה איהו ועל דא קיימא: or II, 184b: ירושלים באמצעיתא דכל ישובא דעלמא, where the idea is presented not only geographically but also biologically. Man, as a microcosm, also has his most precious organs at the center of his bodily structure—(יקירא) עלא כגונא ליה כגונא אתקין ליה כגונא דגופא ויהיב ליה חיליה ותוספיה באמצעיתא דגופא —corresponding to the concentric spheres on earth, of which the midpoint is the center of the concentric spheres, of which the Zohar adds: בית קדש הקדשים והכא הוא לבא דכל ארעא דאיןון אתרי דישובא דאיןון שיפי דגופא.

43. Guttman, p. 160, n. 1. See *ibid.*, n. 49.

44. A. E. Taylor, *Plato: The Man and His Work*, Meridian Books (New York: 1961), p. 450. Interestingly, Plato originally intended Timaeus to be a fifth-century Pythagorean, often expressing views of his own not necessarily shared by Plato (*op. cit.*, p. 446, n. 1). Yet Timaeus' astronomical ideas, while according with the Pythagorean assumption of the supremacy of the middle, are opposed to the idea of a central fire about which all heavenly bodies revolve.

45. *De Caelo* II, 293a-b.

46. Taylor, p. 447.

47. Arthur O. Lovejoy, *The Great Chain of Being*, Harper (New York: 1960), pp. 101-102.

48. It is interesting to note that Lurianic Kabbalah has incorporated both the centripetal and centrifugal tendencies. The centrifugal element comes to the fore in its treatment of the עשר ספירות דעגולים, or the concentric spheres which came into being with the צמצום, whereby the En-Sof performed the act of self-limitation within Himself. The infinite divine Light recedes, as it were, from a central point, and in this vacuum, uniformly surrounded by the

ל'ת ארת פנ'י חנה

CHAPTER V

THE RELIGIOUS IMPLICATIONS OF EXTRATERRESTRIAL LIFE *

A JEWISH EXOTHEOLOGY

THE EXISTENCE of rational, sentient beings on a planet other than earth is no longer a fantastic, remote possibility conjectured by imaginative and unrealistic minds. It is declared not a possibility, but a probability, by an ever-growing chorus of distinguished astronomers and eminent scientists in all fields. Already there has been established a new science—"exobiology," the study of forms of extraterrestrial life—although neither specimens of such living matter nor definite proof of their existence is yet available. The speculation of these men of science is that in many corners of the universe life has developed to a degree far higher than here on earth, so that, in the words of Walter Sullivan at the beginning of his splendid volume on the subject, *We Are Not Alone*,¹ "not only are we not central in the scheme of things, but we may be inferior, physically, mentally, and spiritually, to more highly evolved beings elsewhere."

Almost all descriptions of the current attempts to discover such extraterrestrial life are accompanied by exhortations about the profound implications for humanity's view of the universe and the need for theologians and philosophers to reexamine their doctrines. When the existence of life elsewhere is established, and especially if some contact is made with intelligent beings elsewhere, we will be confronted by as much of a challenge to our established way of thought as when the

**In the three-four decades since this essay was first published, astronomy and cosmology have made significant strides. Nevertheless, the basic thrust of the essay remains unchanged and challenged. If anything, the problem is more urgent and more cogent because we now have much more reason to believe that planets are fairly common throughout the universe.*

מא פֿעל אנמה: Arabic text: passages under discussion. Thus, using the original
פֿעל מן אגלה חתי אן אלאפלאך אנמא תדור למנאפעה ולאגזא צורריאתה
ואדא כאנת אלאפלאך מן אגל אלאנסאן (III: 13); and, several lines later,
פנאהיך סאיר אנואע אלחיואן ואלנבאת פאן קאל קאיל אנה
ימכן ואן אלה קאדר: Saadia: Again, a bit later, in his logical refutation of
אן יוגד אלאנסאן דון סמא מתלא.

However, while this proposal will explain away the apparent inconsistency of Maimonides with regard to the lack of an inner purpose of such species as plants, and seems to accord with the language of the text, it remains subject to the same logical attack directed by Maimonides against Saadia, namely, if God could have created animals without plants (and He must have been able to do so), then what purpose is there to plant life, since that for which it ostensibly exists, animals, have no real need of it, and we have denied it an immanent final cause of its own? Perhaps, finally, Maimonides does not regard this attack against Saadia as decisive (for which reason he follows it up immediately by pursuing the question of purpose to the bitter end, e.g., what is the purpose of worshipping God?), and therefore feels justified later in reserving immanent final purpose only for the translunar world. Also, see *infra*, n. 62.

59. *Ibid.*

60. For a more elaborate discussion of the medieval cosmography, especially concerning the conceptions of the relative size of the earth and the rest of the universe, see Lovejoy, *op. cit.* pp. 99 ff.

61. *Guide*, III: 14,

והשתכל אלו הנמצאות הגשמיות מה עצום שיעורם ומה רב מספרם, ואם הארץ כלה אין שיעור לה כנגד גלגל הכוכבים, מהו ערך האדם לכל אלו הנבראות, ואיך ידמה אחד ממנו שיהיו אלו בעבורו ובגללו ושהם כלים לו, זהו ענין הקש הגשמיים, כל שכן כשיתעייץ מציאות השכלים הנפרדים.
62. *Ibid.*, III: 13, ונשקוד להאמין שזה המציאות כלו מכון ממנו יתעלה לפי, כמו שלא נבקש תכלית מציאותו ורצונו, ולא נבקש לו עלה ולא תכלית אחרת כלל, כן לא נבקש תכלית רצונו.

In other words, there is a true final cause, and that *אחרון* is: the will of God. This is, says Moses Narboni (in his commentary to this chapter, which he regards as extremely important), true for both Eternists like Aristotle and Creationists like ourselves. The will of God, as any object's first form, represents the highest kind of existence. Now since (according to Aristotle) anything's final purpose is to reach its perfection, and its perfection is the Form which originally caused it, hence the First Cause is identical with the Final Purpose, i.e., God. Maimonides, according to Narboni, thus equates mechanistic origin with teleological end. Narboni especially applies this idea to man, whence the complete ethic based upon *imitatio Dei*. Actually, both Narboni and Shem Tob, who follows him and expounds his ideas on this chapter, fail to mention that Maimonides explicitly makes this identity of mechanistic cause and ultimate teleological purpose in Part I, Chapter 69.

There Maimonides argues that just as in the search for (mechanistic) causes we go back in a recessive series until we come to the Uncaused Causer, so with regard to purpose: every object has a purpose, and that purpose a further purpose, until we reach the end of the teleological line: the last purpose, which is the execution of the will of God—or His wisdom, both being not separate from His essence. "Consequently, [God] is the ultimate end of everything" (*Guide*, I: 69).

A problem is raised by Maimonides' remarks in III: 25. Here he apparently drops his previous argument in favor of an immanent *telos* or an

between pp 156 & 157
Add to p. 157, to very end of page and perhaps as new page

Postscript

Our thesis has been subject to criticism by Rabbi Louis Jacobs (*A Jewish Theology*, New York: Behrman House, 1973) pp. 103 – 107, to whom I am grateful for the close attention he paid to this essay after it first appeared. The Kabbalah, Rabbi Jacobs argues, holds that every act of man has cosmic significance, and that man is the bodily expression here on earth of the heavenly realities, and thus the halakhic act enables the divine effluence to flow through all of creation. Therefore, if there are sentient, moral beings elsewhere in the universe, “the whole Kabbalistic system is rendered null and void.”

Now while it is true that Kabbalah invests the performance of the mitzvot with cosmic significance, this does not necessarily cause the whole Kabbalistic system to collapse, as Jacob would have it. First, there may, after all, be no sentient creatures “out there,” in which case there is no problem. The Kabbalist can still extend the significance of humans onto a cosmic scale. Further, if indeed there are moral, sentient creatures elsewhere, and if they have a Torah—any form of divine revelation—then they too can influence the destiny of all the worlds. The planets need not be in competition with each other... The “modern” Kabbalist can maintain that all sentient, moral creatures any place in the universe may impel the divine grace throughout the entire cosmos. We earthlings have no monopoly on God’s attention. Finally, there is nothing wrong with utilizing some Kabbalistic insights while ignoring or rejecting other, even important, sections of the Kabbalah. My purpose in this essay is not to advocate or expound or expatiate on the Kabbalah as such, but to use some of its fascinating insights in different contexts.

Jacobs further disputes my interpretation of R. Hayyim because he was a Kabbalist who accepted the doctrine of man’s influence on a cosmic scale. Here too my response is that this essay is not a dissertation on R. Hayyim, but an attempt to use some of his theology without necessarily committing myself to all he has to say.

Finally, Jacobs is disturbed by the possibility that non-human inhabitants of some distant planet have no Torah, and along with that the probability that our Torah has no meaning for them. Presumably this puts the validity of our Torah under a question mark. But this is not so, and it does not impact my argument in the least. There are, I feel quite certain, many inhabitants of our own modest planet who are either unacquainted with Torah, or reject it, or feel it is irrelevant to them. This in no way vitiates the truth of Torah. Moreover, if there are such non-human intelligent creatures elsewhere, it is quite possible that God revealed Himself to them in a totally different and unimaginable way. Indeed, the Kabbalah itself speaks of different Torahs, all more spiritual than ours, that exist in the three more spiritually refined worlds posited by the Kabbalists. Here again, without committing myself to the doctrine of the Four Worlds (ours – the world of *Asiyah* -- and the three superior ones preceding it), it is of considerable interest that Kabbalists intuited the possibility of other Torahs, all “out of this world.” What is important is that we find authentic Jewish sources that speak of different Torahs for different worlds. If that turns out to be the case, I am sure that our successors will in some far-off millennium be glad to invite the extraterrestrial *Rosh Hayeshivah* to deliver a *sheur* to Talmudically proficient earthlings—on any subject of any Torah...

25. Prof. Harry A. Wolfson, in his *Philo*, maintains that Philo notwithstanding, the Jewish tradition holds that simultaneously with our world, God created thousands of other worlds. Wolfson further asserts that, if not for other complications, Saadia, too, would accept the plurality of worlds. See *Sefer*, Chapter IV, n. 25.

26. Cf. Abraham Lifschutz, "*Ha-adam Ba-mahshavah ha-Yisraelit ha-Datit*," in *Sinai*, Vol. LV, No. 1-2 (Nisan-Iyyar 1964), pp. 56-64.

27. Marvin Fox, "Religion and Human Nature in the Philosophy of David Hume," in *Process and Divinity: The Hartshorne Festschrift*, Illinois Freeman Open Court Publishing Company (Illinois: 1964).

28. For a report on an unorthodox view of man's uniqueness by a contemporary biologist, see Marjorie Green, "Portmann's Thought," in *Commentary* (November 1965) and, in the same issue, "The Special Position of Man," by Adolf Portmann himself.

29. Viktor E. Frankl, *Man's Search for Meaning: An Introduction to Logotherapy*, Washington Square Press (New York: 1964), p. 154.

30. Alfred North Whitehead, *The Function of Reason*, Princeton University Press (1929).

31. The formulation of the first of Maimonides' Thirteen Principles as found in the Prayer Book, "I firmly believe that the Creator . . . creates and rules over all created beings, והוא לבדו, and that He alone has made, does make, and ever will make things," would appear to contradict our assertion. However, two things must be borne in mind. First, I am referring to the absence of any disturbance in the rest of the dogmatic structure of Judaism were God's exclusive creatorship denied. Second, the version of the First Principle that appears in the Prayer Book is not authentic. It is a condensation of the much fuller original source, in Maimonides' *Commentary on the Mishnah*, Introduction to Chapter X of *Sanhedrin*. There one finds no mention of God as the exclusive Creator of all creatures. Similarly, the poetic summation of the Principles in the *Yigdal* does not mention it. Neither is there any reference to it in the third chapter of *Hil. Teshuvah* where Maimonides presents the negatives of the thirteen *ikkarim*, i.e., the classification of heretics.

32. *Avot* 3:1.

33. Cf. Nahmanides to Gen. 1:1. R. Hayyim of Volozhin similarly defines the mystical worlds of *beriah* and *yetzirah*, in which God's creative power unfolds, as *yesh me'ayin* and *yesh me'yesh*; cf. *Nefesh ha-Hayyim* 1:13, 2nd gloss. See *infra*, chap. VI.

34. Thus R. Joseph Kimhi, cited by Nahmanides (to Gen. 1:26), explains the plural in the words "Let us make a man in our image, etc." (Gen. 1:26); i.e., here God addresses the earth, indicating the special quality of man as a compound of the strictly physical and spiritual. See *infra*, chap. VI.

35. See the letter mentioned above, n. 23.

36. This may well be the meaning of the Tree of "Knowledge" from the fruit of which, as the serpent told Eve, "You will be like God knowing good and evil." In the Hebrew the word may mean not only knowing, in the passive cognitive sense, but also informing or establishing knowledge in the active sense. This is the meaning Maimonides (*Guide*, 3:24) gives to the verse in Gen. 22:12—*ki ata yadati*, "for now have I made known," etc. This answers the question posed by Maimonides in *Guide* 1:2. The transgression of Adam, therefore, lay in his usurping the divine prerogative of setting the moral absolutes.

37. See the thoughtful analysis of the Cain and Abel story by Israel Eldad in his *Hegyonot Ha-mikra*. Also see *infra*, chap. VI.

38. Reported in detail in *Christianity Today*, June 20, 1965.

CHAPTER VI

ECOLOGY IN JEWISH LAW AND THEOLOGY*

THE NEW AWARENESS

The unprecedented growth of science and technology which has become one of the chief characteristics of Western civilization, is today the subject of profound and trenchant criticism. The very success of technology threatens to become its undoing. Students of ecology now alarm us to the dangers that an unrestrained technology pose for the delicate balance of nature on which the survival of the biosphere depends. Ever since the publication of Rachel Carson's *The Silent Spring*, the public has become more and more concerned about the possible consequences of man's unthinking interference in and disruption of the natural processes which make life possible on earth. Polluted air, dirty water, littered landscape, an environment contaminated with impurities from radioactive strontium to waste detergents—all of these place in jeopardy not only the quality of life, but the very survival of many or all species, including the human. Sheer necessity has caused ecology to emerge from its ivory tower of pure science to pronounce a great moral imperative incumbent upon all mankind—to curb its arrogant and mindless devastation of nature.

The case for the ecological movement is obvious and beyond dispute. One point, of the many cogent ones made in the growing literature on the subject, is worth repeating here. René Dubos has reminded us that we still know precious little about pollution. Seventy percent of all the precipitate

~~PAGE 162~~—* Since this essay was originally published, a good deal of respectable literature on the Jewish view of ecology has accumulated. However, this chapter on the subject is largely independent of later writing, whether by me or by others, and its major points have, I believe, withstood the test of the past thirty years.

contaminants in urban air are still unidentified and, ~~twenty to thirty years hence, those who are today below the age of three~~ will undoubtedly show varying signs of chronic and permanent malfunction. Man is clever enough to conquer nature—and stupid enough to wreck it and thereby destroy himself.

The Theologians' Masochism

Unfortunately, the ecology issue has itself inspired a new pollution problem—a fall-out of silliness in the theological environment. It has now become almost a dogma of the avant-garde cognoscenti, who only a short while ago were telling us that the Bible is an impediment to the search for knowledge and the advancement of science, that the cultural provenance of man's technological rapaciousness and extravagant exploitation of nature is the Biblical mandate to man to "subdue" the earth. Ecclesiastical endorsement has been granted to this accusation, in an altogether predictable theological conference on the subject. ~~Under the crisp title of a~~ symposium on "The Theology of Survival," a group of Protestant clergymen met at the School of Theology in Claremont, California, and "virtually all of the scholars agreed that the traditional Christian attitude toward nature had given sanction to exploitation of the environment by science and technology and thus contributed to air and water pollution, overpopulation, and other ecological threats." In truth, such public theological self-flagellation should occasion no surprise. After experiencing the convulsions of Radical Theology in the 1960's and the attempt to write the obituary for the Deity and debunk His best seller, there is nothing particularly startling about His deputies and interpreters asserting in the 1970's that religion (and in this context "Christianity" is intended to be synonymous with Judaism, since the culprit is identified as the Bible and the "Judaean-Christian tradition") is responsible for our dirty planet, and that the solution requires another one of those "major modifications" of current religious values. Such exhibitions of moral masochism have, regrettably, become commonplace.

Were it not for the uncritical acceptance granted to these

have already become
extinct,

ference. Perhaps never before have these laws been as meaningful as in our times when the ecology of the entire planet is in such danger, when entire species ~~are threatened with extinction~~, when man has become capable of "ecocide."

Interestingly, one of the major Biblical sources of the laws forbidding such intermingling of species is immediately preceded by the famous commandment, "Thou shalt love thy neighbor as thyself."¹³ Reverence for the integrity of is common to both laws. Respect for the wholeness of man's autonomy must lead to respect for the wholeness of the Creator's works, mute nature included. This autonomy of nature is known in rabbinic literature as *sidrei bereshit*, the "orders of creation." The rabbinic attitude to these "orders of creation" is manifest in the following passage:

Our Rabbis taught: once there was a man whose wife died and left him with a nursing child. He had no money to pay a wet-nurse. A miracle happened, and he developed two breasts like a woman and he nursed his child. Said R. Joseph: "Come and see, how great is this man that such a miracle should have been performed for him." Said Abaye to him: "On the contrary, how lowly is this man that for his sake the orders of creation should have been altered."¹⁴

The "orders of creation" are the manifestations of the act of creation, the juridical warrant for divine ownership of the universe, and whosoever interferes with them is "a lowly person."

Thou Shalt Not Destroy

The Biblical norm which most directly addresses itself to the ecological situation is that known as *bal tashhit*, "thou shalt not destroy." The passage reads:

When thou shalt besiege a city a long time, in making war against it to take it, thou shalt not destroy the trees thereof by wielding an axe against them; for thou

chain of being. R. Isaac Luria taught that "even the most mute objects, such as stones and dust and water, possess *nefesh* (the lowest soul or spiritual dimension) and spiritual vitality."⁵¹

From the above one might be led to conclude, although the masters of Hasidism never did so explicitly, that Hasidism attributes to nature the dimension of holiness. Moreover, once the door has been opened to the theory that nature possesses inherent sanctity, the next step follows: all of nature is uniformly holy, thus denying the pluralistic judgment of Halakhah as to the hierarchy of holiness in the world—ten levels of holiness, one higher than the other.⁵² Of course, there is a fundamental difference between the halakhic category of *kedushah* as applied to places (the Land of Israel, Jerusalem, the Temple courtyard, the inner sanctum, etc.), and the immanentistic ascription of holiness to natural places and objects. For the Halakhah, such holiness is not innate, a quality of the object by virtue of its God-withinness, but superimposed on it by an external act of sanctification and, therefore, capable of de-sanctification. But the immanentistic view of the holiness of nature, tending towards a sense of uniform sanctity, inclines towards a displacement of the hierarchical structure as conceived by the Halakhah. The danger inherent in such a theology is obvious: the denial of the Halakhah which is based on a value pluralism (ten levels of holiness, sacred and profane, pure and impure, permitted and forbidden, guilty and innocent, etc.) and the homogenization of all value distinctions in an antinomian monism. And from here it is only one short step to pantheism—and the common denominator of pantheism and paganism is the ascription of divinity to nature.

As we mentioned above, Hasidic thinkers never came to such strange and perilous conclusions which would have placed the movement outside the pale of Judaism. There were some Maskilim, Ephraim Deinard⁵³ among them, who did indeed categorize Hasidism as pantheistic, but there is no doubt that their conclusions are absurd and the result of dilettantism instead of scholarship. The emphasis on the closeness of God to man, His immanence, and hence the feeling of respect for

NOTES TO CHAPTER VI

1. *The New York Times*, May 1, 1970.
2. Gen. 1:29: "And God said: 'Behold, I have given you every herb yielding seed, which is upon the earth, and every tree in which is the fruit of a tree yielding seed—to you shall it be for food.'"
3. *Ibid.*, 9:2–6.
4. *Ibid.*, 3:15–19.
5. *Ibid.*, 4:12.
6. *Ibid.*, 6:11–12. Alternatively, the last phrase may be translated "I will destroy them *from* the earth" (see Rashi *ad loc.*), both implying the reciprocity between man and nature.
7. Isa. 11:6–9.
8. Exod. 23:29–30, and see Deut. 7:22 and II Kings 17:25.
9. See Deut. 23:13–15. This has been brought to my attention in a paper by Mr. Eric Freudenstein, since published in *Judaism*, Fall 1970, who also points to air pollution legislation in the early Talmudic period. The Mishnah (*B.B.* 2:8,9) prohibits establishment of a permanent threshing floor within fifty cubits of the city limits, because the chaff borne by the wind may jeopardize the health of the city dwellers. Similarly, animal carcasses may not be deposited, and tanneries and cemeteries not set up, within the same distance of the city.
10. For illustrations of the Halakhah's insights into the nature of Sabbath rest, see Chapter VII; on the Kabbalistic conception of the Sabbath, see ~~supra~~, above, Chapter II.
11. *Tamid*, end.
12. Lev. 19:19. The verse begins with the admonition, "Ye shall keep *hukotai*, My laws," upon which the Talmud (*Kid.* 39a) comments: "Laws which I have legislated in My world," implying that these laws protect the integrity of the world. See Ramban and Seforno, *ad loc.*, and commentaries of Chief Rabbi Hertz and R. Samson Raphael Hirsch. Of the various forms of forbidden intermingling of species, only two are specifically prohibited to Noahides as well as Israelites—grafting branches of diverse species, and interbreeding livestock. The *kilayim* of garments, seeds, and vineyard are forbidden only to Israelites. *Sanh.* 56b; Maimonides, *Hil. Melakhim* 10:6.
13. Lev. 19:18.
14. *Shabbat* 53b.
15. Deut. 20:19, 20.
16. *Sefer Ha-hinnukh*, No. 529.
17. R. Yaakov Zvi Meklenburg, *Ha-Ketav Ve'ha-Kabbalah* to Deut. 20:19. He interprets the phrase *ki ha-adam etz ha-sadeh*, etc., not as above ("For is the tree of the field man that it should be besieged of thee?"), but as: "For as man, so is the tree of the field when it is besieged of thee," i.e., just as the enemy who has surrendered and is willing to pay tribute must not be destroyed, so the fruit tree which gives you tribute (fruit) must not be cut down.
18. II Chron. 32:2–4,30.
19. *Pes.* 56a. See Rashi *ad loc.*
20. II Kings 3:17–20.
21. Commentary to the Mishnah, Introd. to *Seder Zera'im*.
22. *Shabbat* 77b.
23. *B.B.* 26a; *B.K.* 96b; *Mak.* 22a; Maimonides, *Hil. Melakhim* 6:8.
24. *Loc. cit.*, 9.
25. Commentary to *B.K.* 91b.
26. Commentary on the Torah, to Deut. 20:20; supplement to Commentary, on Maimonides' *Sefer Ha-mitzvot*, Pos. Com. #6.

27. Indeed, Nahmanides (*ibid.*) appears to permit this too, considering it necessary destruction and hence justifiable; the prohibition is limited to unnecessary and pointless devastation.

28. Sifre to Deut. 20:19. Maimonides, *loc. cit.*

29. Maimonides, *loc. cit.*, 10. Apparently this passage implies that destruction of material other than fruit trees entails a rabbinic violation, and so did most commentators read Maimonides. Earlier, however, in his *Sefer ha-Mitzvot*, Maimonides held that other objects were equally included in the Biblical proscription. Others, too, hold that all objects are included in the Biblical commandment; so *SeMaG*, *Sefer Yere'im*, and apparently *Sefer Ha-hinnukh*. *Minhat Hinnukh*, however, reads this passage in Maimonides to mean that all objects are covered by the Biblical prohibition, but whereas the destruction of fruit trees takes flogging as a Biblically prescribed penalty, because it is explicit, the ruining of other objects is forbidden by Biblical law, but no punishment declared for it. Such punishment (flogging) is, however, ordained by rabbinic decree.

30. See *Hullin* 7b; *Tos B.K.* 115b, s.v. *ve'lo yashkeh*; *Sh. A. Harav*, *Hil. Shemirat Guf Va'nefesh* 14.

31. *B.K.* 91b; Maimonides, *loc. cit.*

32. *B.K.* 92a; *Tzemaḥ Tzeddek*, cited in *Paḥad Yitzḥak* on *Bal Tashhit*.

33. *Turei Zahav* to *SH.A.Y.D.* 116:6.

34. *Responsa Havot Yair*, no. 195.

35. *Shabbat* 140b. The reason given is not the usual one, namely, that danger to life cancels out most other obligations. Such a rationale would limit the dispensation to severe illness entailing danger to life. Rather, the Talmud reasons that *bal tashhit* applies to one's body as well as to one's possessions, indeed more so, and, therefore, it is preferable to harm a tree than one's health. This reasoning is not limited to critical illness.

36. *Yevamot* 44a.

37. *Ibid.* Cf. *SeMaG*, *Neg. Com.* 229.

38. *Supra*, n. 16.

39. *Ibid.* The source for this is *B.B.* 25b. Cf. Maimonides, *loc. cit.* 6:9.

40. *Supra*, n. 28.

41. *Hazon Ish* to Maimonides, *Hil. Melakhim* 6:8.

42. *Sh. A. Harav*, *loc. cit.* However, a problem is posed by the commentary of R. Asher to *Middot* 1:2 (and *Tamid*, chap. I, end) who says that destruction of property countenanced by the law for disciplinary purposes is not in violation of *bal tashhit* because of the principle that the courts declare such property ownerless (*hefker bet din hefker*). This implies the reverse of the ruling of *Sh. A. Harav*. But see *Responsa Noda Bi'Yehudah*, II, *Y.D.* 10; and appendix to *Responsa Devar Avraham*, Part I.

43. *B.K.* 92b.

44. *B.K.* 89a.

45. *Exod.* 25.

46. *Exod. R.*, 35.

47. *Supra*, n. 33.

48. *Sefer Ḥasidim*, *Tzavaot R. Yehudah He-ḥasid*, 45, and gloss of R. Reuven Margoliot.

49. Cited in *The New York Times* report, *supra*, n. 1.

50. *Isa.* 6:3.

51. Cited in R. Shneur Zalman's *Shaar ha-Yihud ve'ha-Emunah*, chap. I. Cf. R. Shneur Zalman's teaching of divine immanence by equating the numerical value of the divine Name *Elohim* to *ha-teva*, nature (*loc. cit.*).

52. *Mishnah, Kelim* 1:6.

53. See my article on the *Metzoref Avodah* in the Professor Joshua Finkel Festschrift to be published by Yeshiva University, N.Y.

54. *Gen. R.* 68:10.

55. For further discussion on the question of monism-pluralism and the Halakhah, see *supra* chap. II.

56. See, for instance, R. Elimelekh of Lizensk's *Noam Elimelekh*, *Hanhagot Ha-adam*, no. 20; and cf. Chap. II of my book on the study of *Torah Lishmah* in the works of R. Hayyim of Volozhin, expected to be published in 1971, 2 in English by Philipp Feldheim, Inc., New York and in Hebrew by Mosad Harav Kook, Jerusalem.

57. R. Nahman of Bratzlav, *Likkutei MoHaRaN*, II, 12.

58. In *Tzavaot Ha-RiVaSH*.

59. *M. Tanhuma*, *Tazria*.

60. *Ber.* 35a.

61. *Sanh.* 38a.

62. See Nahmanides to *Gen.* 1:1; *supra*, pp. 140-145.

63. *B.K.* 98b.

64. See Maimonides, *Hil. Mekhirah* 10:4.

65. *Tosefta, B.K.*, Chap. II.

66. On man's responsibility for his intellectual achievements, expressed as a law forbidding the scholar to destroy the records of his academic contributions, see R. Naftali Zevi Yehudah Berlin, *Responsa Meshiv Davar*, 1:24.

67. *Gen.* 2:15.

68. See the commentary of Benno Jacob, *Genesis*, to this verse. I am indebted to the paper of Mr. Eric Freudenstein for this reference.

Torah Lishma

people. "Leisure is part of man's ultimate concern. It is a crucial part of the very search for meaning in life, inasmuch as the social malaise of our time has been diagnosed as anxiety and boredom, alienation and meaninglessness."² But whether or not we consider leisure as a theological problem per se, certainly the profound changes it can cause in man's outlook and disposition represent a challenge to religion and require that guidance be provided in adjusting to the changing economic conditions and social patterns. In short, it is desirable that efforts be undertaken to develop a Jewish ethic of leisure.

A Leisure Explosion?

Before proceeding any further, it is best to clarify the empirical situation: is there indeed a sudden excess of leisure so as to raise serious problems for us? On the face of it, there certainly is a leisure explosion. President John F. Kennedy announced at the beginning of the seventh decade of ~~this~~ century that the major domestic challenge of the 60's would be that of automation, and he included in it not only the economic problems raised by the subsequent unemployment and need for retraining, but also the deeper and subtler problem of the utilization of this new-found leisure. Towards the end of that decade, the Southern California Research Council predicted that by 1985 the typical worker in the United States will have the choice of a 25-week vacation, retirement at age 38, or a 22-hour workweek—a truly frightening situation for the typical American who spends Sunday morning at church praying for eternity and the same rainy afternoon is at his wits' end because he cannot attend or watch the ball game on TV and has no idea what to do with his time!

Yet a caveat should be inserted here. Despite what has been said above, so richly supported by popular wisdom, not all experts agree that the situation is so happy as to constitute a threat. In a research study sponsored by the Twentieth Century Fund, it was found that, the unemployed and part-time worker aside, the typical American is working only a few hours, if any, less than his counterpart worked a hundred years ago. Moonlighting, travel to and from the job, making neces-

PAGE 188, end of paragraph 2—While that forecast has proven quite premature, despite the intervening dawn of the information and electronic age, the problem has remained disturbing even four decades later.

sary home repairs, etc., leave almost as little time for full leisure as a century ago. The conclusion is that "the more time-saving machinery there is, the more pressed a person is for time."³ (Actually, the paradox is not a new one. John Stuart Mill noticed the failure of "labor-saving devices" in the 1860's, and so did Samuel Butler.)⁴ And, more recently, in a leading article in a prestigious business journal, one writer laid to rest all the predictions as to the sudden abundance of leisure time in the foreseeable future. The United States will continue to have a "scarcity" economy, and "the prospect of greatly reducing the hours on life's treadmills remains nothing more than a prospect." The more time we save in making goods, the more time we spend in providing services. Hence, "for a long time we'll probably have to work as hard as ever."⁵

Nevertheless, all this having been noted, there is little doubt that we do have sufficient leisure around to warrant our attention and concern, whether more or less than in the past, and whether or not more can be expected in the future. The problem may not get worse, but it is bad enough. Furthermore, leisure is not an affliction peculiar to "affluent" societies alone. The distinction between work and leisure as two separate states appears to be universal. The Dutch linguist Huizinga has observed, in his *Homo Ludens*, that every language he had examined had a different word for work and a different one for play, the distinction thus pointing to something innate rather than socially acquired and conditioned. Furthermore, while the full-time workingman may have little significantly increased leisure time, there has been a redistribution of available time that has served to create a special problem for those least capable of solving it. Free time goes increasingly to those with the least resources to enjoy it: the worker suddenly laid off, with no money to enjoy his new free time, and early retirement at a time of increasing longevity, or longer vacations for those whose educational backgrounds have not prepared them for a life of cultivation of the mind. At the same time, those best equipped to use leisure creatively—scholars, thinkers, the managers of wealth, etc.—are the ones who today work long hours.⁶ There

PAGE 189, end of paragraph 1—Closer to our own times, the almost instantaneous contact by email and fax and mobile phones has "saved" time, and yet imposed a burden by the implied demand for immediate reply, and the spending of innumerable hours in front of the personal computer almost as a prerequisite for being "informed" and "with it."

is a real element of tragedy in the otherwise comical situation described by Robert Browning:

When a man's busy, why, leisure
Strikes him as wonderful pleasure;
'Faith, and at leisure once is he?
Straightway, he wants to be busy.

Leisure has become for us, and possibly has in some measure always been, a source of anxiety and worry.

Leisure as a Problem

The problem of leisure is of crucial importance for our society. Historians have hinted ominously at the relation between the fate of a civilization and the way its members use or abuse their leisure. It might seem frivolous to suggest that, for instance, the future of Western civilization hinges on the success of the bowling industry. Yet it is quite reasonable to assume that the vigor and toughness of a nation is displayed in its choice of leisure activity, which is more descriptive of its inner character than work, for the character of its work may be dictated by necessity rather than by choice. The communal uses of leisure may well make or break a culture, revealing its inner moral worth and determining its cultural growth or decline for a long time to come.

The notion that a man's true character is revealed in his disposition of his "play" time is anticipated in the Talmud⁷ which tells us that a man's character can be tested in three ways: *be'kiso*, *be'koso*, *u've'kaaso*, by his pocket—is he a miser or is he a spendthrift? by his cup—how does he respond to the temptation of alcoholic excesses? and by his temper—can he control himself in the presence of provocation? These three provide a guide to what kind of person a man is. But there is a fourth test according to some, a fourth index of character or personality: *af be'sahako*, also by his "play"—how does he use his leisure? That will reveal the essential quality of a man.

Our major problem is that boredom—the concession of

Or golf
industries

decades
awesome. If these predictions, indeed, become a reality in the next few ~~years~~, as they show ~~every~~ promise of doing, what in heaven's name will our people do with all that spare time? Cultivate the soul and mind? Or dull their brains and fill their cranial cavities with that ceaseless flow of tripe and terror that issues from television and other channels of mass communication? Or, worse yet, will they seek the cheap thrills of social, moral, and legal delinquency?

WORK AND REST

Now, one cannot speak of *the* Jewish view of leisure. The situation has simply never presented itself in just those terms to allow the most authoritative expositors of Judaism to pronounce on it and allow a consensus—or several of them—to develop. What we must do is refer to the sources and make a modest attempt at adumbrating the outline of *a* Jewish ethic of leisure. There is no suggestion here of thoroughness in examining these sources, merely a gathering of some major passages and opinions and an attempt to organize them coherently and make explicit some of the values which have not heretofore been brought out into the open.

It is well known that the Rabbis of the Talmud did not disdain manual labor. Indeed, most of them, if not all, were engaged in various occupations in order to earn their livelihood;⁹ the rabbinate first emerged as a profession in the Middle Ages. Yet work was looked upon as something necessary, not an autonomous virtue. There are values that transcend that of work, such as the study of Torah. R. Simeon b. Yoḥai exposed an apparent contradiction between two Scriptural verses. In Deuteronomy (11:14) we read that we are to gather in our corn and oil and wine, implying that we are to do the work. In Isaiah (61:5) the promise is given to the "mourners of Zion" that strangers will tend their flocks and foreigners till their soil. How do we resolve the contradiction? The verse in Isaiah refers to the times the Israelites perform the will of God, the one in Deuteronomy to when they fail to perform His will.¹⁰ Work is thus a necessity, not a blessing.¹¹

But, to skip a whole period of history, the desire for leisure

the Septuagint.¹⁹ One of the changes agreed to independently by each of the seventy translators concerned the verse: "... on the seventh day God finished His work which He made; and He rested on the seventh day."²⁰ If God *finished* His work on the seventh day, that implies that He worked into the Sabbath day. Hence, to avoid this error, they translated, "... on the *sixth* day God finished His work..." Now, this may serve to clarify the problem in Greek; what, however, of the original Hebrew? The Rabbis answer with a parable *which* ^{that} indicates that the culmination of all creation was created on the Sabbath day: *menuḥah*, rest.²¹ Obviously the definition of "rest" or leisure is not mere passivity or time off, simple relaxation, but something far more significant and novel, something which requires *creation* and which itself is the culmination of all previous creations.

This the Greeks did not understand. The pagan mentality could not grasp that *menuḥah* has positive content. Even Hellenistic Jews were misled as to this interpretation of *menuḥat Shabbat*. They understood the Sabbath as an opportunity to refresh oneself the better to be able to work the next six days—almost a capitalistic dispensation: I will let you take one day off, but get a good rest so that you can produce more the following week.

Leisure as the Purpose of Creation

However, the authentic Jewish view is not that the Sabbath was created for the six days, thus reducing *menuḥah* to the character of a vacation, but that the six days were created for the sake of the Sabbath; that, as indicated, the *menuḥah* was itself the apex of the order of creation. The point is corroborated by Don Isaac Abravanel, the great Spanish exegete and thinker, in his commentary on the very first word of the second chapter of Genesis. We read, *Va-yekhulu ha-shamayim ve'ha-aretz*, "the heaven and the earth were finished." *Va-yekhulu* is translated as "finished." But that is not its only meaning. *Va-yekhulu* also comes from the word *takhlit* or "purpose." In English, as in Latin and Greek, the same double meaning occurs. Thus the word "end" has two meanings: conclusion

hibition of labor, implies the cessation of our activities imposed by us as creative personalities upon the natural world. But authentic *menuḥah* requires that on the Sabbath we direct these creative changes not onto nature but onto ourselves, spiritually and intellectually. *Menuḥah* is not a suspension, for one day of the week, of our creative energies, but a refocusing of our creative talents upon ourselves. The difference between the prohibited *melakhah* and the recommended *menuḥah* lies not in the *fact* of creativity, but in the *object* of one's creative powers: oneself or one's environment, the inner world or the outer world.

Hence, *menuḥah* is now seen as religiously enforced leisure, a model for all leisure activity, defining leisure, optimally, as creativity turned in on oneself.

The Misuse of Leisure

With the above in mind, we may now turn to an analysis of the forms of leisure, in the hope that this classification will offer us the beginnings of a more detailed Jewish ethic of leisure. In Hebrew we find not one but three terms for leisure, each of which has a different value and different signification within the context of *menuḥah*.

The first of these is *sehok*, or play. This term is frequently used in rabbinic literature as a euphemism for the three cardinal crimes: unchastity, idolatry, even murder, in the sense of tormenting a victim. *Sehok* is the *misuse* of leisure. It indicates a debilitating kind of idleness, a useless and degenerate play. So, when two English researchers recently discovered that the chief diversion of young English people is increased sexual itineracy,²⁴ they confirmed what the Jewish Sages warned of many centuries ago. "*Sehok* is primarily sexual immorality," said the Rabbis.²⁵ The exact definition of *sehok* was a matter of dispute between two first-century Sages, R. Eliezer and R. Simeon b. Gamaliel.²⁶ The problem concerned the enforced idleness (*batalah*) of a housewife, either because of an abundance of servants, or because her husband vowed not to benefit from her personal labors. Both Rabbis agreed that the situation was intolerable. R. Eliezer maintained that even if she

nature, with society, with business, man is permitted self-expression. His real "self" comes to the fore. He does not have to be busy taking notes or selling or buying or fighting. By means of *shevithah* on his Sabbath day of "rest," he can start expressing the ~~real~~ self that lies within. *Shevithah* is thus the use of leisure to *restore* one's individuality in all its integrity. By pulling out of the routine of weekday involvement, I confront myself in order to find out who I am. Leisure helps me resolve my "identity crisis." By getting away from my normal activities, which harness me into the measured responses of a Pavlovian, completely deterministic way of acting during the week, my inner, original ego emerges; I can rediscover myself when I am taken out of the matrix of these challenges and the responses which are expected of me. In this sense, *shevithah* exploits the limits of my character and my potentialities (we shall see shortly, it *exploits* them but it cannot *exploit* them.) It is the desirable result of available time not in *sehok*.

In practical terms, leisure is a time for games. Leisure refers not only to *time*, but also to the *nature* of the activity.³¹ You can drive a car and it is part of your work, because you are a cabdriver; but you can drive and consider it leisure. You can just think and regard that as work, if you are a professor or a student; but you can also think and feel it is a delight and a joy—whether you are a taxi driver in the one case or an intellectual in the other. Leisure is a game activity in the highest sense. We place a person in a new environment, in new conditions, allow him to bring out unsuspected skills that were heretofore latent in him, to express himself in new ways, whether of esthetics or athletics or any other way to which he is unaccustomed during the week.

Nofesh

From here we go to the next step, *nofesh*. *Nofesh* is more than self-discovery; it is the use of leisure for self-transformation. Paradoxically, it is in a sense more passive than *shevithah*. Instead of activity for the purpose of self-expression, it may require a certain kind of personal, inner silence in which you

make yourself available for a higher *impression*. It is the incorporation of the transcendent rather than the articulation of the immanent. You try to respond to something that comes from without, from above. *Nofesh* means not to fulfill yourself but to go outside yourself, to rise beyond yourself; not to *discover* your identity, but rather to *create* a new and a better identity. *Nofesh* requires of us that we take our creative talents, which during the week are applied to impersonal nature or unengaged society, and now turn them inwards and create a new, real self. This is the inner and deeper meaning of *menuhah*: it is *re-creation*, not relaxation.

Tradition speaks of an interesting phenomenon concerning the Sabbath. During the week everyone has a *neshamah*, a soul. But on *Shabbat* we receive a *neshamah yeterah*, an *additional soul*. This suggests ~~that there is some kind of~~ undeveloped facet of personality, a spiritual dimension, of which we remain unaware in the normal course of events. On *Shabbat* (in the *nofesh* sense of a *menuhah*) we are given the time to enrich ourselves by developing or creating this spiritual dimension. Hence, whereas *shevitah* implies the development of a latent, preexistent talent, *nofesh* means the creation of a novelty within the personality, bringing in something new, transforming the self by growing into a *neshamah yeterah*.

The question is: how is this done? The act of *shevitah*, of expressing oneself, is something in which social workers are expert. The more difficult challenge is: how do you transcend yourself; how do you effect *nofesh*?

Doing Nothing

Perhaps the first answer should be: do nothing. By simply removing the distractions and the obsession with work which chokes off creativity during the week, man's innate propensity for self-creativity may come to express itself quite naturally. When Alexander the Great asked Diogenes whether he could do anything for him, the famed philosopher replied, "Just stand out of my light." And Hasidim of the great R. Nahman of Bratzlav used to set aside an hour a day known as the Dead Hour, in which all business would be set aside, nothing

and

structured, permitted, ~~and~~ allow the repressed soul to come to the fore; dead to the world, and alive to oneself. *Shevitah* itself may lead quite effortlessly, at least with some people, to a *nofesh*-use of *menuhah*. Perhaps some day we shall know how to heighten creativity. Until then, one of the best things we can do for creative men and women is to "stand out of their light."³²

The Study of Torah

Second, and more important, Judaism provides its classical answer to the ideal *nofesh*-utilization of leisure time. It is the intellectual way: the study of Torah. "The Sabbaths were given to Israel in order that they might study Torah."³³ The Sabbath, both as a specific day and as the model for an ethic of leisure, is the occasion for study.

The ancient Greeks regarded the use of leisure for contemplation as a central element in their culture. The Greek word for leisure, *schole*, is the origin (via the Latin *schola*) of our word "school." In the period of Socrates, Plato, and Aristotle, the idea of leisure meant being engaged in something desirable for its own sake—the composition of music or poetry, conversation—and above all it meant the exercise of the speculative faculty and the cultivation of the mind. Contemplation was for Plato and Aristotle the way to truth, and the *via contemplativa* was therefore cherished more than the *via activa*.

Modern civilization, however, is too action-oriented to adopt the peripatetic ethic as a way of life for leisure expression.³⁴ Study is more active than contemplation as such, and hence more accessible to it. (Nevertheless, we must not underestimate the value of leisure for education, not only as simply available time, but as a necessary component of the educational process. Scott Buchanan has pointed out that Socrates was not only a noisy questioner, but a great *brooder*. "This is a good description of teaching: brooding, almost in the literal sense, the way a hen broods over her chickens.")³⁵

More important, intellectual development has never been enough for the Jew; it must be informed with moral purpose. Such moral-oriented study is what is meant by *talmud torah*.³⁶

intention

For the Jewish tradition, the study of the Torah is the highest value; it outweighs all other commandments.³⁷ The moral quality of Torah study is indirect. One need not study only with the specific intention of knowing how to practice, although one must never study with the ~~idea~~ ^{intention} that he will not carry it out in practice.³⁸ It is a most unusual idea in the history of religion; an entire people is commanded to study not only so that they may know what to believe or how to observe, not only so that they may survive and perpetuate themselves, but because study itself has an innate value, because it is by itself the supreme value for which other things are propaedeutic, only means leading to this end. Torah is thus, primarily, an intellectual activity, but one informed with moral purpose and infused with religious meaning. So important is the study of Torah that one scholar of the second century, R. Ishmael, explains, that only because the Bible explicitly tells us: "... if ye shall hearken diligently unto My commandments . . . I will give the rain of your land in its season . . . that *thou mayest gather in thy corn and thy wine and thine oil*,"³⁹ are we permitted to work during the week. If not for this verse, a man would never be permitted to work, to "gather in" his "corn and wine and oil." Why not? Because he would be obliged to do only one thing all his life, namely: to study Torah, "to meditate in it by day and by night."⁴⁰ For Jews, the study of Torah is not something you do when you take time out of your "normal" activity. Rather, what we are wont to call our "normal" activity is the time that we take off, legitimately or illegitimately, from what normative Judaism considers our major activity, the study of Torah. That is why the Talmud speaks of the need for a special dispensation to engage in work other than Torah.

Constancy of Study

Study was considered not a dispensable virtue, but one that if one fails to do it, one is guilty. *Bittul Torah*, the neglect of study, when circumstances allow for study to take place, is a cardinal sin. Thus the Rabbis taught that one ought not engage in frivolous conversation with a woman lest such (a)

Rather, it is

flirtation lead him to neglect his studies, and this will cause him "to inherit Gehinnom."⁴¹ For this reason the Halakhah regards man's normal state that of preoccupation in the study of Torah; every other activity is a temporary distraction. Thus, although every other blessing pronounced over the performance of a commandment must be followed immediately by the act of *mitzvah* so that, if one is interrupted between blessing and performance with some profane activity it must be recited again, this does not hold true for the blessings recited in the morning over the study of Torah.⁴² The commandment to study Torah is thus total, it applies to all times and takes precedence over all other activities.⁴³ This general principle is expressed programmatically by Maimonides⁴⁴ who divides the day into twelve hours—three for working and nine for studying. This idea may appear unusual to moderns because of its time allotment, but it is an illustration of the fact that there is in Torah enough material to occupy a man's mind for a full lifetime, and that Judaism sees Torah study as the Jew's major occupation. And because it is also a *mitzvah*, or morally-infused intellectual labor, it is more than innately worthless, time-filling "plowing of parched fields," a sort of "make-work" scheme for idle minds, ~~but~~ the kind of pursuit which can change a man's life and redefine for him, progressively, his place in the universe and his relations with his God.

Hence we must attempt to find leisure expression ~~not only~~ ^{these are} in the standard ways to which we are normally accustomed, ^{these} through games, skills, aesthetics, art, song, choreography—although ~~this~~ too must never be overlooked, for ~~this is~~ legitimate as the *shevitah* aspect of *menuḥah*. Indeed, simple relaxation can have religious significance. Maimonides⁴⁵ tells us that upon arising each morning a man "must know before whom he lies." But we must progress beyond this and find an outlet in the most creative activity known to Israel, namely, study.

Leisurely Study

Now when I say that *nofesh* requires that we use leisure for Jewish learning, I do not mean necessarily scholarship of the professional kind, or the kind of education our children

something I believe is already available
on the internet

get in school, which is, under the best circumstances, routinized. Perhaps we may have to devise a form of game-oriented study. We mentioned earlier that the same activity can be of the nature of work or that of a game. In the history of Jewish scholarship, there is a long story of reaction during the last three hundred years or so against the Talmudic methodology called *pilpul*, subtle dialectics (pejoratively called "hair-splitting"), the tendency to pull together disparate ideas from all corners of the earth and build difficult, abstract, and abstruse conceptual structures. Those who opposed *pilpul* believed in straight and unencumbered analysis. One would be hard put to find anyone reckless enough to venture a defense, let alone advocacy, of *pilpul* today. But in truth, *pilpul* has been unfairly maligned, for this is the way the intellect "plays," the way the mind indulges in its delightful games and exercises. I can lug cartons of dresses up seven stories and not like what I am doing, but if I go to the gym and I do the same kind of exercise playing basketball, I enjoy it. Similarly, the mind can think along straight analytic terms and it is part of its "work," but when it relaxes and spins off ideas in the stimulating patterns of dialectic, it is a happy game, a leisure-type thinking. Perhaps we have to rediscover that technique for our own times, especially for the highest kind of leisure activity, *nofesh*.

CONCLUSION

Surely the finest expression of the quest for leisure as the fundamental element in Jewish aspiration comes from the closing paragraphs of Maimonides' immortal code, the *Mishneh Torah*,⁴⁶ where leisure and its proper uses are portrayed as the essence of the Messianic vision:

The Sages and Prophets did not hope for the coming of the Messiah in order that they might rule over the world, or have dominion over the other nations, or that they might be glorified by other peoples, or in order to eat and drink—but that they be free to engage in the study of Torah and its wisdom, without anyone to oppress them

NOTES TO CHAPTER VII

1. Robert Lee, in *Religion and Leisure in America: A Study in Four Dimensions*, Abingdon Press (1964).
2. *Ibid.*
3. Sebastian de Grazia, *Of Time, Work and Leisure* (New York: 1962), p. 329.
4. See Jacques Barzun, *Science: The Glorious Entertainment*, p. 257.
5. Gilbert Burck, "There'll Be Less Leisure Than You Think," *Fortune*, March 1970.
6. August Heckscher, "Reflections on the Manpower Revolution," in *American Scholar*, Autumn 1964.
7. *Eruvin* 65b.
8. Viktor Frankl, *Man's Search for Meaning*, p. 169f.
9. Some of the references to well-known Talmudic sages as craftsmen or laborers are as follows: *Yoma* 35b (Hillel); *Shab.* 31a (Shammai); *Meg.* 17b, Rashi (R. Simeon Hapakoli); *Shab.* 49a (R. Yosi b. Halafta); *Ber.* 28a (R. Joshua); *Taanit* 23a (Abba Hilkiyah); *Pes.* 113b (R. Hanina and R. Oshia); etc., etc. Other statements revealing a positive orientation to labor include: *Avot* 1:10, 2:2; *Kid.* 29b, 82a; *Git.* 67b; *Ned.* 49b; *Sanh.* 29a.
10. *Ber.* 35b. The resolution by the Talmud is somewhat problematical; see MaHaRSHA, *Hiddushei Aggadot*, ad loc. But see R. Zadok Hakohen of Lublin, *Peri Tzaddik* (to *Lekh Lekha*).
11. Cf. *Eruvin* 13b. It is, however, erroneous to conclude that the Bible considered this necessity for labor as a curse, because Adam was punished by having to earn his bread by the sweat of his brow (Gen. 3:17-19). The meaning of these verses is that the work will not be rewarding, that the labor will be disproportionate to the prize. Adam was originally placed in the Garden of Eden "to work it and keep it" (Gen. 2:15), implying the naturalness, as it were, of work.
12. *Sefer Emunot ve 'Deot* 10:16.
13. Harry Austryn Wolfson, *The Philosophy of Spinoza*, Harvard University Press (1948), II, p. 346f.
14. Barzun, *op. cit.*, p. 258.
15. *Avot* 2:2.
16. For the implications of the prohibition of *melakhah*, see ~~above~~ Chap. VI.
17. Deut. 5:14.
18. See my article on "Kiddush and Hillul Hashem," in the *Encyclopedia Judaica*, ~~scheduled for publication in 1971~~ 1974 Yearbook pp. 194-206.
19. *Meg.* 9a.
20. Gen. 2:2.
21. Gen. R. 10:10, according to Rashi in his commentary to the Pentateuch. See *Matnot Kehunah*, ad loc.
22. *Sefer Hasidim*, ed. Reuben Margoliot, Mosad Harav Kook, p. 228, #226.
23. R. Naftali Zvi Yehudah Berlin, *Haamek Davar* to Deut. 5:12.
24. Downtree and Lavers, in *English Life and Leisure*.
25. *Tanna de 'bei Eliyahu Rabbah*, 13.
26. *Ketubot* 59b.
27. *Ketubot* 61b.
28. This definition of *nofesh* (see further in text) seems to be belied by II Samuel 16:14 where we are told of King David and his people arriving weary: *va-yinafesh sham*, "and he rested there." At first glance, the word as here used has a purely physical connotation, as opposed to *ayefim*, tired.

However, the verse must not be taken out of context: David's sagging morale was a result of his pursuit by his son Absalom, and his humiliation by Shimi. *Va-yinafesh* may then refer not so much to his physical fatigue as to his psychological rehabilitation after suffering indignities. The remaining verse where *nofesh* is used in verbal form is most enlightening. God gave the Sabbath, the Torah teaches (Exodus 23:12), so that thy ox and thy ass can *yanuah* (rest, from *menuhah*), and so that the son of thy maid-servant and the stranger may *ve'yinafesh*. The concept of Sabbath-rest is thus not the same for animal and for man. For animals the Sabbath achieves, maximally, *menuhah* (of the form *shevitah*), the kind of "leisure" that will free the animal from the enforced labor to which it is subjected by its human masters, and allow it to exercise its own "individuality" which, in this case, means to graze, drink, breathe, and fulfill its other biological functions without interference. One cannot, of course, speak of development and transformation with regard to an animal's self, or character. With regard to humans, however, the Torah changes its terms. The structure of the sentence is parallelistic, in keeping with Biblical literary style, but that does not diminish the significance of the specific words used by the Bible. The "son of thy maid-servant and the stranger" may also experience, on a human level, *menuhah* (of *shevitah*). But Sabbath-rest, the archetype for leisure time, has a more creative function for human beings: *nofesh*.

29. See ~~above~~, end of Chap. I.

30. See further on this ~~above~~, Chapter VI.

31. "Leisure is the state of being free of everyday necessity. . . . The man in this state is at leisure and whatever he does is done leisurely"—Sebastian de Grazia, in *Of Time, Work, and Leisure*.

32. John W. Gardner, *No Easy Victories*, Harper and Row (New York: 1968), p. 50.

33. J. T., *Shab.* 15:3.

34. See Graham C. Taylor, "Work and Leisure in the Age of Automation," in *Main Currents in Modern Thought* (May-June 1966), p. 118.

35. *Embers of the World: Conversations with Scott Buchanan*, ed., Harris Wofford, Jr., The Center for the Study of Democratic Institutions (Santa Barbara, California: 1970), p. 50.

36. See Chapters III, VI, and VII of my ~~forthcoming work on the study of Torah lishmah in the works of R. Hayyim of Volozhin, to be published in 1971-72~~ (English, Philipp Feldheim, New York; Hebrew, Mosad Harav Kook, Jerusalem).

37. *Peah* 1:1.

38. ~~Supra~~, n. 35, and see below, Chap. VIII, on "Scholarship and Piety."

39. Deut. 11:13-14.

40. *Ber.* 35b.

41. *Avot* 1:5.

42. Tos., s.v., *she'kevar*, *Ber.* 11b, and see *Sh. A. O. H.* 47, especially *Turei Zahav* (8). R. Yair Bachrach (*Responsa Havot Yair*) considers the earning of a livelihood as an indirect form of "engaging" in Torah, since it is a means of allowing study to continue; hence the verb *la'asok*, rather than *li'lmod* in the formula of the blessing.

43. See my article on the study of Torah in *Hapardes*, Vol. 28, No. 11.

44. *Hil. Talmud Torah* 1:12.

45. *Guide for the Perplexed*, 3:51.

46. *Hil. Melakhim*, 12:4,5.

CHAPTER VIII

SCHOLARSHIP AND PIETY

Foreword

The center of the widespread discontent that ^{has} characterized the social and cultural transformations of our times is the university. It is not only that, as the habitat of young people, the campus has become the locus of rebelliousness, the place "where the action is." More significantly, it is against the university itself, as the symbol of American education, that much of youth rebel^{ed}. It rejects the antiseptic disinterestedness of much of the irrelevant and pedantic academic exercises that substitute for scholarship. And it ^{was} repelled by that part of the academic community that has subordinated its goals to those of the military-industrial complex.

However, if pure scholarship is dismissed as irrelevant, and industry or defense work is a case of "selling out," must the university necessarily commit its scholarly resources to those social and political causes which the most radical and vocal students demand? ^{with any fidelity.}

The role of scholarship in contemporary society has not yet been defined. Much ink will yet be spilled, perhaps blood too, before a consensus is achieved. But until then, it is worth taking the trouble to learn how scholarship was viewed in another age and in another culture in its interaction with other values.

No pretense is here made as to the practical benefits of such wisdom. How traditional Judaism in the eighteenth century viewed the study of Torah as an intellectual exercise, in relationship to religious experience and piety, will tell us precious little about how mathematical physics or social psychology should

NOTES TO CHAPTER VIII

1. *Peah* 1:1, and elsewhere throughout the entire literature. See *supra*, end of Chap. VII.
2. *Nefesh ha-Hayyim* (hereinafter: *NH*) 4:10.
3. Sifre (ed. Friedman) *Ekev*, 48; *Avot* 6:1; *Nedarim* 62a, etc.
4. The documentation for this assertion, as well as the previously mentioned Torah-concept of R. Hayyim and his definition of *Torah lishmah*, is too extensive for the purposes of this essay. A more elaborate discussion and appropriate references may be found in my doctoral dissertation, *The Study of Torah Lishmah in the Works of Rabbi Hayyim of Volozhin* (submitted at Yeshiva University, 1966). Chaps. III-VIII, to be published in English by Philipp Feldheim, New York, and in Hebrew by Mosad Harav Kook, Jerusalem in 1971-72. See, too, my "Pukhovitzer's Concept of Torah Lishmah," in *Jewish Social Studies*, Vol. xxx No. 3, July 1968.
5. Sifre, *loc. cit.*; *Ber.* 17a; *J. T. Ber.* 1:5; *Sefer Hasidim*, ed. Margoliot (Jerusalem: 1950), No. 944; R. Elijah de Vidas, *Reshit Hokhmah* (Jerusalem-New York: 1958), Introduction, pp. 2a, 3b; R. Isaiah Halevi Horowitz, *Shenei Luhot ha-Berit* (Jerusalem: 1959), pp. 99-101.
6. *Ber.* 5b; *Midrash Tehillim* (ed. S. Buber) 31:9, pp. 240f.; all through *Seder Eliyahu*, see Introduction by Friedman to his edition of this work, pp. 109-113.
7. Sifre (ed. Friedman) *Va-et'hanan*, 32, p. 73a; *Sotah* 31a; *J. T. Ber.* 9:7 and *Sotah* 5:5; Maimonides, Commentary to the Mishnah, end of *Makkot*, and Code, *Hil. Teshuvah*, 10:4, 5; *Sefer Hasidim*, No. 289; Nahmanides, Commentary to the Pentateuch, to Deut. 6:5; Crescas, *Or Adonai*, 2:6, Chaps i and ii.
8. *Zohar Hadash*, *Tikkunim*, p. 63a, b; R. Hayyim Vital, *Peri Etz Hayyim*, beginning of *Shaar Hanhagat ha-Limmud*.
9. *Keter Shem Tov*, p. 19c; R. Pinhas of Korzec (Koretz), *Likkutim Yekarim*, p. 4b; R. Jacob Joseph of Polonne, *Toledot Yaakov Yosef* (Lwow: 1863) to *Va-yetzel*, p. 28d, and to *Shelah*, p. 123d; R. Yosef Yitzhak of Lubavitch, *Likkutei Dibburim*, Vol. III, No. 22, pp. 890-892; cf. Gershom Scholem, "Devekuth, or Communion with God," *Review of Religion*, Vol. XIV, No. 2, January 1950, p. 125.
10. *NH* 4:3, based on *Ned.* 62a, and commentary of R. Asher, *ad loc.*; cf. *Avot de R. Nathan* (Version A) to *Avot* 2:12.
11. Thus, Sifre (ed. Friedman), *Ekev*, 48, *Ber.* 17a, and elsewhere.
12. Thus, *inter alia*, *NH* 1:21, pre-4:2 ("pre-4" refers to the unnumbered section between Parts 3 and 4), 4:7.
13. The term refers specifically to study as distinct from prayer, for the Dissociation Principle (on which see *infra*) was meant especially for the former as distinguished from the latter. Thus, the Mitnaged in *Metzoref Avodah*, a pseudepigraphic pro-Hasidic polemic, is at one point willing to grant to his Hasidic controversialist the need for fervor and religious zeal in prayer, which he had previously denied, but withholds such acquiescence from the Hasidic requirement of devotional consciousness and enthusiasm during the course of study of Torah, because of the incompatibility of devotional meditation and ratiocination: כי בתפילה יכול להיות שדרכיכם ישר שצריך להיות בהתלהבות ובהתבוננות אבל בלימוד התורה לפי דעתנו זהו דבר שא"א כי זמן תורה לחדו וזמן תפילה לחדו ... (מ"צרף עבודה", p. 45.) See *infra*, n. 36.
14. This term should be taken in its generic sense of piety, and not as fear in contradistinction to love as a specific religious emotion. Thus, the

term as employed by R. Hayyim would no doubt include the love of God which, according to some, such as Maimonides (*supra*, n.7), is the essence of *lishmah*. If by "love" is meant the contemplative love intended, for instance, by Maimonides, this will be covered in the second of the three categories, that of the devotional mood; if it is taken to mean the affective, emotional, ecstatic love, as the Hasidim generally interpreted it, it belongs to the first of these categories, the devotional experience.

15. See especially *NH* 4:2. For some aspects of R. Hayyim's critique, see *supra*, Chap. VI.

16. In addition to R. Hayyim's personal discipline and almost Spartan restraint mentioned by his biographer, (Moshe Shmuel Shapiro-Shmukler, "מואלוין," *Bnei Brak* [1957]), his displeasure with any untoward and immodest display of emotion is illustrated by the incident of "Rabbi Berach the Galician," a highly emotional itinerant preacher who attracted large audiences to his sermons. R. Hayyim, despite the hesitations of many leading Rabbis, was skeptical of the preacher's hysterics and histrionics, and pursued him until he was forcibly ejected from a synagogue in Minsk, in about 1810. R. Hayyim's antagonism to Rabbi Berach was based upon a letter, now lost to us, to R. Hayyim from R. Ephraim Zalman Margolies. We do not know exactly what happened to this preacher; it is conjectured that he either became an apostate or went mad. (Yaakov Lifschitz, "הכרם," [Kovno-Slobodka, 1924] I, p. 24f. and cf. his article in "הכרם", 1898; and Shapiro-Shmukler, pp. 144-148. These sources also tell of R. Hayyim's highly developed intuition in suspecting "The Crimean," a Czarist police spy looking for Jews dealing in contraband; R. Hayyim's actions saved Vilna Jewry.)

17. Abraham Kariv, "ליטא מכורתי," in "יהדות ליטא" (Mosad Harav Kook, Jerusalem: 1959), p. 9f. Lithuanian Jews, Kariv writes, even observed the commandment "Thou shalt be joyous in thy festivals" with solemnity. The only time they permitted themselves to drink beer in the vicinity of the synagogue was on שמחת תורה, and its total effect was to make them sing שמחה. This was the only time, other than a wedding, or other מצוה של מצוה, that there was any community singing of a happy nature.

18. Thus the story of the "dreamer" reported by R. Hayyim towards the end of his Foreword to the "באור הגר"א על ספר דצניעותא" (R. Hayyim relates that he heard this directly from the Gaon himself.) A Vilna Jew who was reputed to have revealed secret knowledge gained by means of dreams was brought before the Gaon. He told the Gaon that two weeks earlier he had heard certain discourses in Torah whilst R. Simeon b. Yohai sat on his right and R. Isaac Luria on his left. The Gaon paled when he heard the story—he evidently regarded the dream as substantially true and a case of valid clairvoyance—and looked deeply into the dreamer's face, and recognized that he was probably a melancholiac who, despite his psychological aberrations, often experiences true dreams. He therefore commanded that the dreamer be banished.

19. The ideal halakhic personality, according to Rabbi Joseph B. Soloveitchik ("איש ההלכה", in *Talpiyot* [1944], 1:3-4, p. 699), is wary of becoming intoxicated with joy, without any basis for its magnitude in logic or reason, preferring instead what William James has called "solemnity," i.e., an affective life which keeps to moderation and away from the extremes of excessive joy or despair. This emotional quietude, which stoic quality befits the esteem of the Halakhist for the intellect, was particularly characteristic of R. Hayyim. His opposition to the exaggerated experientialism of the Hasidim is thus not only a matter of taste and personal predisposition, but a reflection of R. Hayyim's successful achievement of the ideal halakhic personality, the איש

above

below

(later adumbrated by)

described by Rabbi Soloveitchik. This does not mean, of course, the abandonment of all emotion or experience in favor of the implementation of an objective, legalistic, a priori, and impersonal "system," which would reduce the religious life of the Jew to an intellectualized, ritualistic behaviorism. The concern of R. Hayyim for *Yirah*, and his intense preoccupation with Kabbalah, certainly belie any such notions. R. Hayyim does, however, follow the ideal typology of Rabbi Soloveitchik in that his religious experiences are more inward than outward, more intensive and contemplative than ecstatic, as befits one who holds that experience follows and must be based upon cognition (*ibid.*, p. 704).

20. Thus, R. Pinhas of Koretz, "ליקוטים יקרים" (Chernowitz: 1864), p. 2c.

21. NH 4:4.

22. Yoma 72b.

23. NH 4:4.

24. Sab. 31a.

25. NH 4:4.

26. NH 4:5.

27. *Ibid.*

28. One could hardly be more mistaken than S. Y. Charna (רבי חיים) ("חשן תרפ"ט, שנה ד' חוברת ו' "שבילי החינוך" in מולודין בתור פדגוג) p. 312, who, describing R. Hayyim's negative reaction to the extreme pietism of Hasidism, maintains that

הוא רוצה בסינתזה של הלמוד עם היראה, בסינתזה המביאה לידי חכמה. R. Hayyim, in fact, wants not a synthesis in which each element loses its identity, but an accommodation or coexistence of the two in the context of one personality.

29. NH pre-4:2, and 4:1. See *supra*, n. 15, and *infra*, n. 36.

30. *Supra*, nn. 25-27.

31. *Supra*, n. 24.

32. 4:9. R. Hayyim's mention of "robbery" refers to Sab. 31a where Raba compares the relation of *Yirah* to *Torah* with that of preservative to produce; without at least a *kav* of the former, a whole *kur* of the latter is spoiled. The Talmud (*ibid.*) then appends a remark relating this metaphor to a literal case in financial law: a man who sells a *kur* of grain may include in it a *kav* of the preservative without fear of violating the law of deceit, i.e., stealing from the buyer the amount by which a *kav* of grain costs more than a *kav* of preservative. What R. Hayyim means, therefore, is that only a *kav* of preservative is permitted; more than that constitutes fraud or misrepresentation. Hence in terms of the metaphor, the amount of time allotted to *Yirah* over and above the amount needed for the preservation of *Torah* constitutes theft or fraud. (See *supra*, n. 40.)

33. NH, loc. cit.

34. NH 4:10. What R. Hayyim says here of *devekut* applies *a fortiori* to *Yirah*, for if study of *Torah* automatically constitutes the former, which is usually defined (i.e., by Hasidism) as an active and intense experience, certainly so is it an act of the latter, a far more passive state of mind.

35. Thus, for R. Joseph Karo, דבקות and דאורייתא are identical. Throughout his "מגיד מישורים," *devekut* means meditating on Halakhah in general and, for Karo, on Mishnah in particular. "Karo's *Maggid* expresses the typically rabbinic view of the matter: the study of the law can simply be equated with *devekut*. The *Torah* is God's word, His revealed logos, a mystical manifestation of the Shekhinah" R.J.Z. Werblowsky, *Joseph Karo: Lawyer and Mystic*, Oxford University Press (London: 1962), p. 158.

36. NH 4:3. This Hasidic rebuttal to the NH, the pseudepigraphic *Metzoref Avodah*, mentioned earlier, appreciates the fact that R. Hayyim restricts the Dissociation Principle only to study, but not practice (including prayer); thus, on p. 45: "אם ילמוד בכל עת לימודו בה בהתלהבות כדרכיכם ימעט" At the same time: בתפילה יכול להיות שדרכיכם ישר שצריך להיות בהתלהבות ובהתבוננות, אבל בלימוד התורה לפי דעתנו זהו דבר שא"א... See *supra*, n. 13.

37. Note the distinction between *devekut* and "fear of the Lord" and "fear of sin." The former, when consciously observed, is an intense, galvanizing experience; but, when one studies the Torah, according to R. Hayyim, one enacts *devekut* even in the absence of this emotional experience. "Fear," however, is the setting of the devotional mood, rather than experience, and hence is recommended by R. Hayyim even when *devekut* is observed automatically by means of study of Torah. See next note.

38. NH 4:6. R. Hayyim thus identifies Halakhah as the Will and Aggadah as the Word of God; but since the two are identical with the divine essence, therefore the study of any part of Torah is an act of *devekut* with God. It must be emphasized that when R. Hayyim declares study to be an automatic *devekut*, he accepts—as he does whenever using the term—the Hasidic version of the concept. This, however, is not the meaning of *lishmah*, for *lishmah*, unlike *devekut*, requires much greater discrimination; because of its primary intellectualistic sense, it applies with much greater force to Halakhah than to Scripture or, presumably, Aggadah. Thus his criticism of the Hasidic interpretation of *lishmah* as *devekut* in NH 4:2.

39. R. Hayyim's literalness in this case may be more than a fortuitous instance of a text which he could not help but interpret in a clever homiletic fashion to prove his point. His student, R. Zondel Salanter, recalls in his name that the Talmud's principle that יוצא מדי פשוטו אין refers not only to Scripture but to the words of the Sages, i.e., Talmud, and the Kabbalah (!) as well. It is also reported that one Friday afternoon, after the students had left the Yeshivah in Volozhin in order to prepare for the Sabbath, R. Hayyim was found rolling on the floor of the Bet Hamidrash. He explained that he was executing literally the words of the Mishnah (*Avot* 1:4) "הוא מתאבק בעפר רגליו" that one must "roll in the dust of the feet" of scholars of Torah, i.e., figuratively, one must pay close attention to their teachings (Dov Katz, "תנועת המוסר" [Tel Aviv: 1950], Vol. I, p. 108, n.12). The story is probably apocryphal, and does not have much verisimilitude in the light of what we know of R. Hayyim's general personal restraint and sobriety. It is, nevertheless, an interesting insight into his reputed tendency to take the words of the Talmud literally.

40. See *supra*, n. 32. The Talmud recommends a maximum of a *kav* of preservative to a *kur* of produce. R. Hayyim calculates this, on the basis of Talmudic weights and measures, to be in the proportion of 1:180, hence, programmatically, five minutes to fifteen hours. The Hasidic rebuttal manages to interpret the same text to arrive at a much greater allowance for *Yirah*: one-quarter hour at the beginning, followed by one hour of study; then if all is "going well," only about two minutes are needed for the next hour, etc., etc. (*Metzoref Avodah*, p. 48); *infra*, n. 58.

41. *Avot* 3:9: רבי חנינא בן דוסא אומר כל שירתא חטאי קודמת לחכמתו. R. Hayyim takes it in its chronological sense, as priority in time, rather than as a value judgment, priority in importance.

42. *Ruah Hayyim* (on 1:1), p. 10.

43. NH 4:7. R. Hayyim justifies this midday meditation by referring again

to the Talmudic metaphor: the preservative too must be well distributed throughout the produce if it is to be effective. See *ibid.*, n. 58.

44. Cf. *NH* 4:2.

45. *NH* 4:7:

ולואת ראוי להאדם להכין עצמו כל עת קודם שיתחיל ללמוד. להתחשב מעט עם קונו ית"ש בטהרת הלב ביראת ה'.

As it appears literally, it would seem that "יראת ה'" is itself a distinct unit, the first of four. However, this is in all probability a stylistic awkwardness, and is intended as the generalization, with the specifics—three of them—to follow.

46. *Ibid.*

47. *Ibid.*: בדבורו ורצונו כד שיוכל להתקשר ולהתדבק בעת עסקו בתורה.

Alternatively, these first two may be read as one: to repent from sin in order better to be able to achieve this *devekut* through Torah. R. Hayyim's style is imprecise and hence results in this ambiguity, but the sense of the passage would indicate the three separate elements mentioned.

48. *Ibid.* This recalls the prayer composed by R. Isaiah Halevi Horowitz for recital prior to the study of Torah: "שני לחות הברית" (Jerusalem: 1959), pp. 99–191.

49. Both R. Hayyim and R. Shneur Zalman resort to the idea of changed circumstances, usually for the worse, in order to reconcile their views with conflicting texts. Thus R. Shneur Zalman considers the contemporary elevation of worship over study a result of the debilitation of the spirit since Tannaitic days (see his *שער קריאת שמע*, in: *סיפור הרב*; his letter, cited by H. M. Heilman, "בית רבי" (Berdichev: 1903), p. 38f; and "ליקוטי תורה" (Jerusalem: 1959), p. 12b). R. Hayyim, similarly, concedes the need for a devotional literature because the worsening spiritual condition of the times requires it (*NH* 4:1). Yet R. Hayyim prefaces this by remarking that in his immediate age the spirit is in an especially low estate, to wit the tendency to replace halakhic studies with devotional works (*ibid.*). See also the reference, *supra*, n. 20, to R. Pinhas Koretzer.

50. p. 11a.

"הנהגות ישרות" (מוסר ומדות מהבעש"ט הקדוש וז"ל, מורא מקדש על קדושת בית הכנסת להרה"ק מוהר"ר יעקב יוסף מפלנא, לשצוב, תקע"ו)

51. In "צוואת הריב"ש".

52. *Sukkah*, 28a.

53. The Besht interprets *מרכבה* not as the name of a doctrine or study, but literally as a vehicle, in keeping with the Kabbalistic idea that each man, like the Patriarchs, must become a "vehicle" for God by submerging his will and ego entirely in offering to become His spokesman or means of carrying out the divine Will and purpose in the world.

54. "כתר שם טוב", p. 16b.

55. "ליקוטים יקרים", p. 4d. This is already recommended by the Talmud (*J. T. Shekalim*, 2:5, end), but without the explanation of its effectiveness.

56. "צוואת הריב"ש".

57. "כתר שם טוב" II, p. 22b:

וזהו ענין שאמרו חכמינו ז"ל במשנה (אבות פרק ג'). המהלך בדרך ושונה ומפסיק ממשנתו... ויש לומר דהפירוש הוא שהולך בדרך הישר ואפילו הכי יחיד, שאינו דבוק בהשם יתברך, ושונה ומפסיק ממשנתו ר"ל מפסיק עצמו מהשם יתברך מחמת משנתו.

58. *Supra*, n. 40. However, R. Hayyim too "permits" a very brief period of meditation in the middle, and not only at the beginning, of one's studies; *v. NH* 4:7 (*supra*, n. 43). While the difference practically may seem to be merely a question of the economy of time in the construction of a curriculum, the essential theories that inform the different points of view are of paramount significance in defining both the purpose of Torah and its position in the hierarchy of Judaism's values. Furthermore, *Metzoref Avodah* is a relatively late Hasidic work, and despite its polemical nature shows a decided inclination towards reconciliation, and has thus already benefited from R. Hayyim's objections to original Hasidic doctrine (see my article on the *Metzoref Avodah* in the *Joshua Finkel Festschrift* to be published by Yeshiva University in 1971–72). Further, R. Hayyim's acquiescence to a period of devotional meditation in the middle of the course of study is clearly a concession that is offered by R. Hayyim only begrudgingly; see later in this chapter.

59. "מצרף עבודה", p. 48.

60. See the beginning of this chapter, and nn. 16–19.

61. Werblowsky, *op. cit.*, p. 307f.

62. R. Hayyim (in his Introduction to Gaon's "שנות אליהו," a commentary on Mishnah, *Seder Zeraim*) refers to many unpublished manuscripts by the Gaon on Kabbalah. Rabbi Joseph B. Soloveitchik relates that he met one of the last survivors of the old preachers (מטיפים) of the *Hovevei Zion* movement, R. Yehudah Leib Yevzerov (d. Bayit Vagan near Tel Aviv, 1935), who told him of having visited R. Shemaryahu Zuckerman in Mohilev, on the Dnieper, who took him to his attic and there showed him an iron storage-box full of unpublished manuscripts of the Gaon on Kabbalah (*J. I. Dienstag*, "תלפיות" in "רבנו אליהו מוילנא; רשימה ביבליוגרפית" [July, 1949], p. 269, n. 6).

63. R. Hayyim's Foreword to the "ספרא דצניעותא".

64. *Ibid.*

65. Werblowsky, p. 22.

66. R. Hayyim's Foreword... Whereas this particular reference is to esoteric knowledge, it is apparent from other passages taken in context, such as his reference to the *Maggid* of R. Joseph Karo, that he includes halakhic information as well. Indeed, revelations of halakhic content have a rather long history; see, for instance, Prof. E. E. Urbach's "בעלי התוספות" (1955), pp. 154, 174–175, and the Introduction by R. Reuben Margoliot to his ed., *תשובות מן התשובות* (Jerusalem: 1957) of the twelfth-century *Maggid* by R. Jacob the Pious of Marvege. Werblowsky (p. 15, *et seq.*) has shown that *Maggidim* and other such paranormal phenomena were far more widespread and valued by well-known writers than hitherto realized. Perhaps one reason for this may be the traditional reluctance of Jewish mystics to speak of their intimate experiences, thus exercising a kind of self-censorship; see Gershom Scholem, *Major Trends in Jewish Mysticism*, pp. 15, 16, 147.

67. R. Hayyim's Foreword...

וההשגות ע"י המלאכים המגידים ושרי התורה אשר לא עמלתי ולא חכמתי אין לי בהם חפץ.

68. R. Hayyim Vital, "ספר הגלגולים" (Przemysl: 1876), p. 87b; "לקוטים", end. Vital maintains that Karo was occasionally misled by his *Maggid*. The Gaon, however, apparently did not question the authenticity of Karo's *Maggid's* teachings, but did suspect such phenomena in his own times:

ואמר אף כי מרן ה"י לו מגיד, היה זה לפני ב' מאות שנה שהיו הדורות

בתיקונן, והי' שריו על אדמת הקודש, לא כן עתה שרבו המתפרצים ובפרט בחורל א"א כלל שיהיה כולו קדש קדשים בלי שום עירוב כלל, ובפרט הגלויים אשר לא בתורה נפשו בחלה בהם ולא היו נחשבים אצלו כלל וכלל.

המתפרצים (R. Hayyim's Foreword . . .). It is not unlikely that by the epithet the Gaon was referring to the Hasidim, and especially to Besht who also reported extended visions and considerable revelations. See *infra*, n.71.

69. *Supra*, n.67.

70. R. Hayyim's Foreword . . .

ששלח רבינו אותי אצל אחי הקטן והגדול ממני בכל מילי דמטיב חסידא קדישא הגאון מהר"ש זלמן זללה"ה לאמר לו בצווי משמו שלא יקבל שום מלאך מגיד אשר יבא אצלו, כי בזמן לא כביר יבא אליו מלאך מגיד.

Interestingly, a remarkably similar story is related, elsewhere, in a manner that emphasizes the difference between this approach and that of the Hasidim. A grandson of R. Yitzhak Shor of Gwazdicz relates the following told to him by the eminent halakhic scholar R. Joseph Shaul Nathanson, Rabbi of Lwow, in 1873, and which he, in turn, heard from those who knew R. Yitzhak Shor personally. The latter had several chance meetings with R. Israel Besht, and the Besht was deeply impressed both by his scholarship and piety. At the third of these meetings, the Besht said to him, "The prophet Elijah sent me to inform you that tonight he will appear to you." The answer of R. Yitzhak Shor—even more emphatic than that of the Gaon in R. Hayyim's report—was: "I desire neither him (Elijah) nor you. I study Torah *lishmah* and Heaven forbid that I be distracted even for a brief moment from my studies" (Introduction to R. Yitzhak Shor, "שור" [Kolomea: 1888]). A similar story attributing to Hasidim this aversion to Torah gained without intellectual effort is told by Rabbi S. Y. Zevin ("ספורי חסידים" [Jerusalem: 1963], No. 301) concerning R. Aaron Leib of Premishlan and R. Elimelekh of Lizensk. However, the story is unreliable, and is quoted in an entirely different fashion in other sources; see Bezalel Landau, "הרב ר' אלימלך" (Jerusalem: 1963), p. 126f. and p. 190, n.22.

71. R. Asher Cohen, "כתר ראש - אורחות חיים", end of No. 2. This is in keeping with the ambivalent attitude of R. Hayyim towards the Gaon's mystical adventures as expressed in his Foreword. There, he both admires the Gaon's charismatic prowess and yet approvingly cites the Gaon's own distrust of the resultant revelations. Interestingly, the same source (*ibid.*, no. 13) cites the Gaon (apparently quoted by R. Hayyim) as attributing nocturnal mystical dream-experiences to the Besht!

גילו להגר"א זל"ה בחלום כמה סודות בשם מ"ב . . . ואמר כל מה שהכעש"ט ידע היה הכל ע"י שאלת חלום בכל לילה.

At first blush, this is nothing less than fantastic, especially in the light of R. Shneur Zalman's complaint that the Gaon and the Mitnagdim refuse to acknowledge that the Hasidic doctrines originate in revelations by Elijah (Heilman, p. 40-43). Nevertheless, this may possibly be genuine, and reflect that Gaon's contempt for easy and effortless pneumatic triumphs. This is confirmed by his conversation with R. Hayyim in which he grants the possibility, but not the full authenticity, of contemporary mystical revelations, and especially his reference to the *המתפרצים*; *supra*, n. 68. It should be pointed out that this book was published in 1819, whilst R. Hayyim was yet alive, and publication of the Gaon's comment about the Besht must have been seen and, to judge from the absence of any recorded reaction to the contrary, approved by R. Hayyim. Cf. the articles on the Gaon by Prof. Hayyim Hillel Ben Sasson, in *Zion* (1966), pp. 39-86, 197-216, and in my forthcoming book on *Torah Lishmah*, chap. I, pp. 41-45.

72. The term, coined by Werblowsky (p. 43), is stylistically felicitous, but can be misleading. The Gaon was both a Halakhist and a supernaturalist, as the above sources make abundantly clear; especially considering that the Gaon committed to writing many of the esoteric mysteries revealed to him supernaturally (*supra*, n.63). What the Gaon opposed was the free crossing of the boundaries between the two domains; in other words, what we have termed the "Dissociation Principle."

73. Werblowsky, p. 43.

74. See *supra*, n. 67: אשר לא עמלתי ולא חכמתי. So, too, in passages referred to in nn. 66 and 71.

75. See "סידור הגר"א" in "אמרי שפר" on the Blessings of the Torah: הידיעה היא גוף התורה ועיקרה, והעסק היא מצוה מתרי"ג מצוות . . . והידיעה, לידע את התורה מצותיה ודרכיה, היא עיקר התורה, שעי"ז אנו דבקים בו ית' ומדוכך נפשינו ורוחנינו.

This would indicate that the Gaon esteemed the possession of sacred knowledge more than the process of its acquisition, the reverse of R. Hayyim's judgment. Nevertheless, it is abundantly clear that the intellectual endeavor is prerequisite and of great value in the opinion of the Gaon.

76. Werblowsky (p. 41, n. 2) correctly relates the emphasis on *עמל* and the rejection of indoctrination, by vision or inspiration, to the Talmudic conception of the ultimate bliss of the soul as the study of Torah in the celestial academy. This is contrasted by him with the usual mysticism in Catholic doctrine, that of the anticipation of the life in this life.

77. *NH* 4:2.

78. From a manuscript copy by R. Joseph Zondel, in . . . , "הצדיק ר' יוסף זונדל ורבותיו" (ירושלים: תרפ"ז), p. 111.

79. *Ibid.*, p. 110.

80. Cf. "מקור ברוך" R. Boruch Epsztajn, Vol. III, p. 1563f.) records an incident characteristic of the Gaon's phenomenal intensity in his intellectual endeavors, as related by R. Hayyim, who was an eyewitness, to the latter's nephew, R. Abraham Simḥah of Amstislow.

81. R. Israel of Shklov, "פאת השלחן", Introduction.

82. R. Hayyim, Foreword . . .

83. R. Hayyim, *Open Letter*, announcing the establishment of the Yeshivah of Volozhin; for the best version, see Samuel K. Mirsky, "ישיבת וולוז'ין" in his "מוסדות התורה באירופה בבנינים ובחורבנים" (New York: 1956), p. 5.

84. Rav Tzair [Chaim Tchernowitz] "תולדות הפוסקים", II p. 278; Jacob Dienstag, in *Talpiyot* Vol. IV (1949-1950), p. 263, n. 70.

85. Shapiro-Shmukler, p. 193. See, however, the story he cites from Frumkin about R. Elijah Kalischer's discovery of R. Hayyim's disguised Kabbalism in his halakhic exposition, *ibid.* p. 175f, n. 4. See, too, Bezalel Landau, "הגאון החסיד מוולוז'ין", Usha (Jerusalem: 1965), p. 142, n. 20.

86. Charna, *op. cit.*, p. 314.

87. *Avot* 3:17.

88. *NH* 4:1. R. Hayyim probably had in mind the proto-Hasidic literature which prepared the way, psychologically, for the advent of Hasidism, and which was then quite popular.

89. *Ibid.*

90. *Ibid.*

91. *NH* 4:8.

92. *Ibid.*

93. *NH* 4:9. R. Hayyim's emphasis on study of Torah *lishmah* as giving rise to piety is not meant to exclude *she'lo lishmah* as having such a beneficial

side effect, but to exclude the devotional definitions which require a consciousness of some element other than the cognitive examination of the subject matter.

94. *NH* 4:9, and see *infra*, nn. 102, 114. This emphasis and the role assigned to the Evil Urge by R. Hayyim is paralleled by the diametrically opposite view of Besht who regards study of Gemara and its commentaries to the exclusion of the study of *Musar* as submission to the blandishments of the Evil Urge ("צוואת הריב").

95. R. Asher Cohen, "כתר ראש — אורחות חיים", end תלמוד תורה.

96. *Ibid.* Cf. the rejection by R. Hayyim of Brisk of the request by R. Isaac Blazer that *Musar* studies be instituted in Volozhin. R. Hayyim maintained that a normal, healthy organism does not need radical medicines; so a healthy Jew studies Torah. Only if he is "sick" does he need anything as severe as the *Musar* studies. See Rabbi Joseph B. Soloveitchik, "איש", *ההלכה* *loc. cit.*, p. 698.

97. *Ibid.* Cf. *infra*, n. 102.

98. Most devotees of the study of *Musar*, even before the birth of the movement by that name, did not conceive of it as primarily a means of encouraging the study of Torah. R. Hayyim's attitude should be contrasted with—as an illustration—that of R. Jonathan Eibeschütz (ca. 1690–1764) for whom the devotional introduction to Halakhah-study is meant expressly to teach the student that practice, and not study, is most important:

אהובי בני ואחיי כבר אמרתי לכם זה כמה פעמים כי לחדול הרע צריך הכנה קלה והיא טובה עד מאד כמו הרופאים שנותנים לאדם לאכול כל יום בתמידות בבקר וערב משקל איזה גרעין מסמים ומרקחת לחיך וזה טוב לו יותר משימתין עד שיחלה ואח"כ ישתה רפואות לרוב שהם כחרבות לגוף מבבלים הטבע וכן מי שבשם ישראל יכונה החיוב עליו לקרות בכל יום ערב ובקר איזה דפן מספרי מוסר אשר הם ת"ל רבים בדפוס ומהקדוש לה' ס' של"ה אבל יקרא בו מ"ש בתוכחת מוסר... מ"ש בדרשות... וכן חובה כאשר עשיתי זה אשתקד ובלי נדר עוד דעתי לעשות בזה"ל ללמוד עם תלמידים בחורים וב"ב טרם פתחי ללמד עמם שיעור בגמ' או פוסק ללמד עמם דף אחד משל"ה למען ידעו כי לא המדרש עיקר אלא המעשה... ("יערות דבש", ח"א, דרשה י"ב).

99. *Metzoref Avodah*, p. 23—

דכשדם עוסק בתורה כל היום א"צ ללמוד ספרי מוסר כלל כאשר שמעתי מרבינו שפ"א בקשו ממנו שיגיד דברי מוסר והשיב בדרך שחוק אין מכין לתינוק אלא בשביל שילך לבית הספר אבל אחר שילך א"צ להכותו כן כל ספרי מוסר מוכיחים על לימוד התורה והלומד כל היום א"צ למוסר כלל.

The author appends the parenthetical note:

אמר המס' כן שמעתי מפי ר' סעדי' תלמידו.

The author, or compiler is in all probability identical with the author of this apocryphal work. R. Saadia, one of the key anti-Hasidic controversialists, was a student of the Gaon, and emigrated to the Holy Land with other students of the Gaon in 1809–1810. He was a brother-in-law of R. Shelomoh Zalman, the brother of R. Hayyim (D. Z. Hilmann, "אגרות בעל", *Jerusalem*: 1953) p. 98, end n. 6). The entire incident, if it ever did occur, sounds much more like R. Hayyim, who was concerned with the problem, than like the Gaon whose writings evince no special interest in it. One may conjecture that the incident described occurred to R. Hayyim, and the author, who may have heard it from R. Saadia, ascribed it to the Gaon as a literary polemical device in the context of the rest of the book.

100. In a conversation with R. Joseph Zondel Salanter, cited by R. Isaac Blazer in his "אור ישראל", p. 24. See Dov Katz, *op. cit.*, Vol. I, p. 91.

101. *Avot* 2:9.

102. *Ruah Hayyim* (on 2:9), p. 35. See *supra*, nn. 94, 97.

103. R. Israel Salanter is normally considered the founder of the movement, in the sense that he introduced what was for R. Joseph Zondel a personal mode of pious conduct into the public domain and began to seek adherents; thus, Katz, *op. cit.*, II, p. 137. H. L. Gordon ("הדואר", December 11, 1964, p. 88) considers R. Joseph Zondel the originator of *Musar* in that he advocated its study as a regular part of the curriculum, and R. Isaac Blazer as the most powerful figure in the dissemination of its doctrines and influence.

104. Katz, Vol. I, pp. 86–91.

105. *Ibid.*, p. 87. But see *infra*, n. 114.

106. *NH* 4:7; *supra*, n. 43.

107. *NH* 4:9.

כי לא הורשה לעסוק בהתבוננות וקניית היראה אלא כפי אשר ישקול בשכלו לפי טבעו וענינו. שזה העת הוא צורך והכרחי לו לעסוק בקניית היראה והמוסר. Unquoted by Blazer is the rest of the passage:

לצורך השימור והקיום של תבואת התורה.

108. R. Isaac Blazer, "אור ישראל", p. 24. In effect, this prepares the way for *Musar* to replace Halakhah as the principal subject of the curriculum and the goal of the study of Torah. H. L. Gordon, writing from his personal experience as a student in the Musarite Yeshivah in Slobodka, maintains that when *Musar* was introduced into the academies it tended to overwhelm all else and displace Talmudic studies as the central subject ("הדואר", December 18, 1964, p. 108f).

109. *Ibid.*

110. *NH* 4:1; see *supra*, n. 88.

111. *Ibid.*

הנה כן דרכו של היצר מעולם להתקנא בעם ה' אלה. כאשר המה דורכים בדרך ה' כראוי להטיל בהם ארס. עד שכמה מהתלמידים שמו כל קביעותם ועסקם רק בפלפולה של תורה לבד ולא זולת כלל. ושנינו במשנתנו אם אין יראה אין חכמה.

112. Katz, Vol. I, p. 88. Katz has been severely criticized, especially for his history of the movement prior to World War I, by H. L. Gordon, who cites a number of personal experiences to underscore Katz's unreliability in the early history of *Musar* ("הדואר", December 11, 1964, pp. 88–90; December 18, 1964, p. 108f).

113. *Ibid.*, p. 89.

114. Ch. Zaichyk, "המאורות הגדולים" (2nd ed., Balshan, [New York:1962]), p. 119. Also quoted, in approximately the same manner, in "חיי המוסר" (Bnei Brak [1964]), Vol. II, p. 37, No. 209. The reversal of roles attributed to the Evil Urge brings the Musarites, in this respect, quite close to the Hasidim as opposed to R. Hayyim; cf. *supra*, n. 94.

115. Gedaliahu Alon, "מחקרים בתולדות ישראל" (1957), p. 6; Rabbi Joseph B. Soloveitchik, *loc. cit.*, p. 698.

116. While R. Hayyim remains consistent throughout in theory, his concessions in practice—and they are frequent—introduced considerable ambiguity into his position; thus, for instance, his allowance for brief devotional periods in the midst of one's study (*supra*, n. 43) which left him open to misinterpretation, or at least reinterpretation, by R. Isaac Blazer (*supra*, n. 108); his allowance for laymen (n. 97), etc., etc. It is probably this attempt at reconciling the conflicting and legitimate demands of both scholarship and piety that left the erroneous impression that R. Hayyim had not developed a firm and consistent point of view, and that allowed opposing schools to read their own ideas into his words. The implications of this unintended vagueness was to be spelled out much later when the famous student "strike"

standards) immoralism having its genesis in an excess of moral fervor. But this calls for some preliminary remarks.

Serious advocates of the New Morality, the general term that includes the various and often conflicting movements in the sudden turn in both moral conduct and theory, are usually annoyed at the prominence given to sex in the public discussions of the theme—though they, themselves, usually devote most of their time to it. The New Morality, they assert, not without justice, is a wide-ranging ethical theory that covers much more than sexual conduct. Nevertheless, we shall here confine ourselves largely to the problems of sexual morality both because they have proven most engaging to the confused public and, if that be unfairly adjudged as mere titillation, because these problems are, from both a Jewish and general human point of view, most consequential.

Two Levels

Now, in speaking of the New Morality, we must be careful to distinguish between two general layers. One is that associated with the name of Hugh Hefner, founder of the American institution known as the "Playboy Club." This profitable commercial enterprise is accompanied by the exposition of a totally immoral "philosophy," and made to appeal mostly to professional bachelors who prefer the pleasures of married life without any of the obligations and encumbrances that issue from the legal commitment called marriage. The major theme of this school is "play it cool," do not become involved. Indeed, its philosophy of sex is really a modern variant of ancient Gnostic antisexualism, in which, as Hans Jonas has shown,⁴ contempt for this physical world is expressed either by abusing sex or by abjuring it completely; both the disuse and misuse of sex are indicative of a fundamentally negative orientation to sex. The Hefners are essentially contemptuous of women, whom they regard as merely candidates for sexual exploitation. The casual relationship which they advocate is no relationship at all; it takes no account of the existential nature of sexuality, treating coitus as an episode rather than a means to the most profound personal communication.

and his
acolytes
and
imitators

4925

various Feminist

One can fully sympathize with the revulsion against this attitude expressed by the ~~Women's Liberation~~ groups. We shall not deal with this point of view at all here, save to observe that Jewish opposition to this view is based not only on the grounds that it is exploitative, but that it is fundamentally antisexual and denies the Image of God in which woman, as well as man, was created. that

It is the second form of the New Morality which is of much greater interest, if only because it is a more potent and serious adversary of the moral code to which religious Jews are committed. This interpretation emphasizes and cherishes the relationship dimension of sexuality, the "sex community," and considers exploitation the original sin. Here we find a blending of the desire for maximum freedom from inherited moral codes together with a deep concern for personal sensitivities, for communication between persons as persons. It is this variety of the New Morality to which we shall henceforth refer by this name.

Underlying the particular sexological philosophy of the New Morality is the hedonistic ethos which is so integral to the entire modern experience. To enjoy, to derive pleasure, is not only the privilege, but the duty of man. Not to have experienced a particular form of pleasure means to have tolerated a vacuum in one's existence, to have failed in the human mission of tasting of every cup of ~~joy~~ pleasure passed at the banquet of life.

Hedonism

Connected with this hedonism is a positive ethical moment: respect for the integrity and sensitivity of one's partner, his or her autonomous right to self-development and self-expression. Jews can have little argument with this principle. Its emphasis on not injuring anyone, on protecting the interests and integrity of the personality of the other, on the Kantian teaching that man is an end and not a means, is something which needs constant reiteration in our depersonalized technopolitan society. It is not that Jews have never heard of this idea before—it is ingrained in the very fiber of Judaism—but it never hurts to be reminded of our own moral obligations by the noble impulses that grace others. Those who are uncompromisingly committed to the moral code

of the Halakhah know that Halakhah, like any code of law, may inflict injury upon individuals.⁵ Such casualties are inevitable for the greater good to be attained by society (or, in our case, the Jewish people) as a whole. Nevertheless, it is our ethical duty to mitigate any such suffering which results from the practice of Halakhah. Such was the motivation of Jewish Talmudic scholars of all generations in their orientation to the problems of the *Agunah*, as one example. It behooves us to rise to new levels of moral courage to discover genuine halakhic remedies for similar and new problems that afflict our particular generation.

Now situationalists—the theoreticians of the New Morality—have attempted to dissociate themselves from the charge of hedonism. Thus, Joseph Fletcher,⁶ one of the leading spokesmen for situational ethics, attributes a naturalistic hedonism, opposed to the Christian ethic, to Hugh Hefner's doctrine of promiscuity and its celebration of "fun." Hefner maintains that any action is unobjectionable if no one is hurt thereby, whereas Fletcher demands of every action that it "help" somebody. Unfortunately, however, a mere epigram is simply not adequate to defend situationalism against the same charge. First, the terms "help" and "hurt" do not exhaust all alternatives in sexual conduct. Could—indeed, would—Fletcher argue that sexual behavior which neither hurts nor helps (and this is a large area by any standard) is unethical from his point of view? That would be tantamount to permitting an ascetic substratum to creep in under his love-centered ethic. Second, the word "help" is notoriously capable of an infinity of self-serving interpretations. The same criticism has been offered by a number of writers of Fletcher's (and others') fixation on "love." James M. Gustafson is right when he declares that, for all Fletcher's efforts to avoid the charge of hedonism, he ends with an egocentric self-expressionism or an unsophisticated self-realizationism.⁷

For all its nobility, this as-long-as-you-don't-hurt-anyone morality threatens to undermine the whole structure of morality as we know it, and to destroy the family as the fundamental collective unit upon which society is based. The negative rule of not-hurting-anyone-else is bound to become the sole normative

criterion for all legal codes in the Western world. (The situationists' emphasis on "love" cannot, by its very definition, be legislated.) Thus, adultery and homosexuality will be legally permitted where both parties consent—and are of the age of consent—and no third party is injured thereby. And what becomes legally permissible tends to become the moral norm as well for society at large. I have written on the Jewish attitude to homosexuality in the *Encyclopedia Judaica Yearbook* (1971), 1:24-25, 344-206. *perfectionism*

A second element, to which we referred earlier, must be kept in mind. The New Morality is of one piece with the rest of contemporary nihilism which, as has recently been suggested,⁸ is a moral protest against a hypocritical society. The modern's sense of justice is outraged. By what right do we dare to frustrate the emotional and physiological expression of a human being because of some abstract code of sexual inhibitions, when untrammelled sexual expression would injure no one? Where is the fairness in imposing a double standard in sexual morality which disadvantages women? How can society demand of its younger members that they abide by a code which is honored by their elders more in the public pieties they utter than in the private lives they lead? An extreme skepticism is thus combined with a zealous moral perfectionism to produce the New Morality: a nihilistic immoralism powered by a pathological moral impulse, which is in turn doubtlessly abetted by the primitive libidinal desire to throw off all inhibiting factors and accept all allies in this self-liberating campaign.

It is the presence of these two moral aspects that commend the New Morality as worthier of our attention than a merely mindless moral laxity that happens to be vocal in its self-assertion. Indeed, it is largely this consideration, plus some inevitable sociological factors, that have not only introduced the problems raised by the New Morality to serious religious leadership, but in many cases forced the representatives of old and established religious traditions radically to revise their inherited codes and, in effect, to incorporate a good deal of the New Morality into

in addition to its apparent durability and even dominance in the twenty-first century,

their stated church policies, and to search out theological justifications for these changes.

RELIGION AND THE NEW MORALITY

It is one such effort that stands out as particularly important in its integrity and openness. It is a major endeavor by an official Christian body to come to grips with the New Morality, ~~both theoretically and practically~~, and to listen sympathetically to the criticism of the established moral traditions of the Western world. The Christian statement to which I refer is an authoritative document, *Sex and Morality*, cogently formulated and responsibly presented in October 1966 as the Report by the Working Party to the British Council of Churches. It is deserving of serious attention and criticism by Jews concerned with society's changing moral patterns with which they are confronted and which ~~will, no doubt~~ profoundly affect the Jewish community.

There are certain features of this report that speak highly in its favor. It is certainly not propaganda. It sets out to understand, not condemn. It is a thoughtful and analytic document, distinguished by a refreshing open-mindedness. It states its conviction that many questions do not admit of any precise "answer."⁹ Now that is all to the good and deserves commendation—although one recalls, in reading the Report, what Lionel Trilling once said: "Some people are so open-minded their brains fall out . . ." One may add—even if the brains remain in, the moral walls may collapse.

Antisexualism

From a purely parochial point of view, Jews can warmly applaud certain parts of this Report. Thus, its rejection of early Christian antisexual attitudes brings it close to classical Jewish views. Judaism never accepted the severely antisexual views of early Christianity, especially of the first four centuries. The patristic writers regarded sex as an enemy of the spirit, and woman as the mediatrix of damnation. Christians were urged to renounce Eros and Venus, to flee from sexuality as a hindrance

noticeable by their absence.

to salvation. Jerome was particularly inclined to the Manichean dualism which pitted body against soul; Origen castrated himself in a literal attempt to make himself "a eunuch for the sake of the Kingdom of God." While Jewish sources show a variety of attitudes toward sex and sexuality, ~~surely~~ such extremes are ~~clearly~~ unacceptable. Of course, one must be charitable to the Church Fathers, and this becomes much easier from a historical perspective. The world of late antiquity was that of a declining culture marked by a sense of doom and a sterile and feverish eroticism. It was as a reaction against the brutal lasciviousness of the pagan world in the waning years of the imperial Graeco-Roman civilization that the Church Fathers developed their ascetic antisexualism, based upon the Gnostic and Manichean dualisms.¹⁰ But this attitude survived the death of the pagan licentiousness against which it rebelled, and remained as a distinguishing characteristic of classical Christianity. Our Report now rectifies this imbalance by rejecting these early antisexual attitudes and accepting the nature of human beings as a complex psycho-physical unity rather than as a bifurcated one, in which body and spirit are locked in eternal strife. Unfortunately, this is vitiated by a certain typical Christian lapse of objectivity, crediting Jesus with ending "the fatal dualism of flesh and spirit."¹¹

Legalism

Jews will have to exercise an even greater measure of Jewish charity and forgive the offensiveness of the Report when it unthinkingly falls back on other old Christian canards, comparing the Pharisees unfavorably with Jesus. Thus the invidious comparison of Jesus' moral teachings "with the 'code-morality' of the Pharisees, and also his concentration on motives and ideals of character rather than on external conformity."¹² Such pejorative over-simplifications for the purposes of confessional self-gratulation are not only unjust, they also are unenlightening. Obviously the authors were ignorant of the "Pharisee" principle that in many ways immoral thoughts are worse than immoral acts;¹³ of the blessing to be recited after the first conjugal act; of the Kabbalists' insistence upon pure thoughts during the act of coitus;

de rerum natura in such categories as adultery, abortion, or, for that matter, any major moral infraction.

Halakhic Law and Morality

It is, however, questionable whether the Halakhah can be justly burdened with an unqualified ontological morality. This is not the place to treat exhaustively the whole issue of the conception of Biblical law and morality by the Talmudic Rabbis; that would take us too far afield. But certain points ought to be raised which will at least render arguable the situationalists' easy assumption that Judaism, along with the rest of the "old morality," can be categorized as legalistic and intrinsicist.

An intrinsicist would argue, as we have said, that goodness or evil is connected with being itself, that it is an ontological property. There is a prominent opinion amongst the Rabbis, however, that implicitly denies this assumption. Referring to the law that forbids the Jew meat from an animal not slaughtered according to exact prescriptions, they said: "What difference does it make if an animal is slaughtered from the throat or the neck or in any other way? The commandments were given in order to purify people."²⁵ The object of Biblical legislation was to train man, to discipline his character, to restrain his passion and inculcate moral qualities in him. The objective act, in and of itself, however, is neutral, neither good nor bad.

The basic non-fixity of the Halakhah, its very pliability at the hands of the much maligned *pilpul*, is in itself a symptom of the extrinsicality of law. Rav maintains that in order to qualify for membership in the Sanhedrin, a candidate had to be able to prove, from Biblical sources, the ritual purity of *sheretz* ("swarming" or "creeping" creatures—explicitly declared impure by the Torah).²⁶ Rav, and according to another version Ravina, attempted to do just that, although the Talmud declares their efforts to have been unsuccessful.²⁷ R. Meir was praised for his ability to demonstrate the ambivalence in the law; he was so profound that his colleagues could not follow him, and therefore the halakhic decisions usually went against him.²⁸ The Rabbis of the Jerusalem Talmud were less tolerant of such casuistry. They con-

a famed third century Babylonian Talmudist,

anchored in reality

mission to partake of similar substances or commit similar acts marks the original prohibition as subjectively oriented, as extrinsic.

In Chapter VI of his *Eight Chapters* (the Introduction to his Commentary on the Mishnah, tractate *Avot*), Maimonides attempts to reconcile the apparent conflict between the "Philosophers" (Aristotle) and the Rabbis as to the identity of the ideal ethical personality. The Greeks held that the *Hasid*, the saint, is superior to the *Moshel Benafsho*, the man who achieves self-control. One whose inner instincts respond to good and evil naturally is to be preferred over one who must struggle with his passions and curb them in order to lead the good life. The Rabbis, according to Maimonides, held the reverse to be true. Maimonides' solution is to declare that both agree, depending upon what category of morality is being discussed. There are certain norms which are intrinsic and universally acknowledged; here all will accept the *Hasid* as the ideal type. There are others which neither intuition nor reason commend, but are forbidden by divine command; here it is best to refrain from such deeds not because of habit or taste, but solely because of submission to the will of God—and the *Moshel Benafsho* excels.³⁴ Sexual offenses are included by Maimonides in the latter category; they are not intrinsically evil, but are declared so by divine fiat. For both Maimonides and Saadia (who first introduced the dichotomy between two types of law), therefore, there are some laws that are intrinsic, and some that are extrinsic.³⁵ No generalization is permissible which declares Halakhah legalistic and then, by a syllogistic sleight of hand, pronounces it intrinsicalist, realist, ontological.

One

Hedging

Let us now return to the Report and its attempt to formulate a formal Christian acceptance of the major premises of the New Morality. ~~We~~ cannot in good conscience fail to accuse the authors of *Sex and Morality* of quite a serious charge: that of being mealymouthed. At the crucial point in the development of their thesis, they lose their courage. Daring analysis gives way

criterion by which to recognize at least the absence of love, how shall we recognize it at all?⁴⁴ In more practical terms, if love is determinative, and love is so thoroughly subjective, who is to tell when it is authentic or just an illusion thrown up from within the psyche to give respectability to base passions? The moral philosopher must here ask the same question so often asked by young girls approaching marriageable age: "How will I know that I truly love him?" Mother's answer—"You'll just *know*, darling"—is simply inadequate as the foundation of all ethics.

It is here that the Report fails as a *religious* document. It confuses humanistic existentialism expressed in religious vocabulary with an authentic religious stand. It has de-theocentricized all of life, and particularly sexual morality. The religious Jew cannot accept this. With all our concern for man and society, the goal of life is holiness, and the reason for this is *imitatio Dei*: "Ye shall be holy, for I the lord your God am holy."⁴⁵ Certainly *bios* is inadequate, and we must strive for *humanum*; but *humanum* alone is insufficient without *divinum*: "Thou shalt love thy neighbor as thyself, *I am the Lord*." That is why we can and ought feel profound sympathy (to use the two cases cited in the Report) with the young man who wants intercourse with an "understanding woman" in order to allay his anxieties about his potency, or with a woman married to a near-impotent or homosexual husband who craves "occasional satisfaction, without complications, outside marriage."⁴⁶ But we can never condone such *actions* as anything less than corrupt and polluting. It is only by cutting themselves off from their theistic roots and adopting an exaggerated anthropocentric morality that the authors can suspend their judgment in such cases and, to compound the injury, add the piddling afterthought that "the phrase 'without complications' overlooks the fact that intercourse can lead to all sorts of complications."⁴⁷ ~~(This is, in effect, a gesture of approval to *Lady Chatterly's Lover*.)~~ Judaism, however, has declared such unchastity—for that is certainly what it is—so grave an offense that one should rather submit to death than violate it, even if one needs it for therapeutic reasons.⁴⁸

"Meaningful Personal Relations"

This capitulation by theologians to nontheistic interpretations of moral codes is not confined to theoretical expositions such as those in *Sex and Morality*. In a less sophisticated but more immediate manner, this tergiversation of the clerics came forcibly to public attention during 1967-68 in widely publicized stands taken by the Jewish and Protestant counselors to Columbia University students on the controversy surrounding a male student and a Barnard coed, both unmarried, who, in defiance of university regulations (in the polemics hardly anyone mentioned the violation of moral standards), shared an off-campus apartment. This convenient system became known as "The Arrangement" (a term already obsolete in the breathlessly rapid turn-over in the semantics of our contemporary moral revolution), and its virtues were extolled widely as enabling participants to find "meaning in life," to reject the "hypocrisy of their parents," and to pay better attention to their studies. (The writer, being a square over the age of thirty, is both culturally and chronologically disqualified from commenting frankly on these profound arguments.) The reaction of the Jewish chaplain is, though trivial and of no importance in itself, interesting as a pathological symptom of how far far-out liberalism has gone. "The crucial question," the press reported his sage observation, "is not that students are living together, but whether or not the relationship is meaningful and worthwhile." Here again we find a secularized moralism leading to immoralism: "Meaningfulness" excuses all else. (But what does "meaningful" mean? And "worthwhile" to whom? To two 18-year-olds overcome in a moment of passion? To yesterday's high-school students breathing their first air of freedom? To their parents? To their future happiness?)

There is a psychological underside to this "rabbinic endorsement" for the campus' enthusiasm for an end to rules and inhibitions. "The Israelites knew that idolatry is insubstantial and empty; but they worshipped the idols in order to secure a dispensation for their public immorality."⁴⁹ When the ancient Israelite was overwhelmed by lust, he did not merely indulge

his passions—his feeling of guilt would have been too great—but he declared himself a communicant in the idolatrous cult. He was therefore able to participate in the obscene rites respectably, that is, with "religious" sanction.

I suspect that this ~~support by the chaplains~~ this ritualistic incantation of "meaningful personal relations," and this very high-minded excitement with a moral system that removes most moral prohibitions, are tranquilizers for a vestigial conscience aroused by an excess of non-restraint. They are a *hekhsher* for what one intuitively knows is *treif*. Non-morality becomes more palatable to one brought up in a religious atmosphere if it is presented as a New Morality. The chaplains have lent themselves to an unworthy task and, in the process, revealed the bankruptcy of the moral relativism showing underneath their ecclesiastical cloaks. Yet such endorsement is truly superfluous; no one on campus really cares what these religious counselors say. In a few short years, college students have by-passed the New Morality. "The Arrangement" is not a gesture of defiance, not the institutionalization of a revolutionary sexual ethics, but the practical consequence of a thoroughgoing indifference to any and all moral considerations. This is perhaps the ultimate irony: religious folk giving up their most sacred principles in order to appeal to those who couldn't care less; stewards of great religious traditions performing a theological strip-tease for an audience that is probably amused, possibly entertained, but certainly not attracted; spiritual mentors, hurt to the quick by stinging criticisms of their hypocrisy, who try to come clean by throwing in the towel.

Antinomianism

We now turn to another Jewish criticism of this "religious" variety of the New Morality, namely, that it reveals an atavistic antinomianism. There is in this report a return to the Pauline polemic against the Law (Torah) via the uncertainties of situational ethics. To adopt two rules "which would, we believe, at present rule out *most* of the extra-marital intercourse which actually occurs,"⁵⁰ is in effect to abandon all rules. The state

ment that "love is the only rule imposed by Jesus" is an invitation to moral lawlessness sanctioned by good intentions. Such antinomianism is only too well known to Jews from the catastrophic chapter of Jewish history written by the pseudo-Messiahs, Sabbatai Zevi and Jacob Frank. For all Dr. Fletcher's attempts to monopolize the middle of the road between legalism and antinomianism, he in effect functions as an antinomian even while criticizing it—an apparently inevitable result of the New Morality's situationalist love-centered ethic.

More recently, another group of Christian clerics demonstrated just how far down the road to sanctified, respectable degeneracy this principle of "love is the only rule" as an operative principle of ethics and morality can take us. Elsewhere, ⁵² I have presented what I believe is a valid Jewish reaction to the views announced by a group of ninety Episcopal priests in New York in November 1967 on the problem of homosexuality. A large majority of the priests held that homosexual acts should not be dismissed as wrong per se. Such acts "between two consenting adults should be judged by the same criterion as a heterosexual marriage—that is, whether it is intended to foster a permanent relationship of love." A homosexual relationship can be as fulfilling or as destructive as heterosexual ones. I do not wish to repeat here the arguments against this view. What is of special importance, however, is that the clear and unequivocal Biblical abhorrence of *mishkav zakhur* is compromised on supposedly ethical grounds and with religious sanction. "Love, fulfillment, exploitative, meaningful"—the list itself sounds like a lexicon of emotionally charged terms drawn at random from the disparate sources of both Christian and psychologically-oriented agnostic circles. Logically, we must ask the next question: what moral depravities can *not* be excused by the sole criterion of "warm, meaningful human relations" or "fulfillment," the newest semantic heirs to "love?"

There cannot, of course, be a morality based on motives alone; there must be rules. Even the Karaites, who rejected the Halakhah, had to develop a halakhah of their own. So what the British Report attempts is to eat the cake and have it too. ^{de-}

New Morality advocates

The above mentioned British Report

molishes the normative basis of morality, pushing "code-morality" out of the front door, and then invites it in by the back door. It wants all the advantages of a halakhic approach without a Halakhah. Thus, its remarkable plea for living by the rules without having rules: "... every action, no matter how private, has some repercussions on society sooner or later. Thus, it can be argued that even an engaged couple are doing a disservice to society if they 'anticipate marriage' . . . To weaken the rule may well encourage free sexual intercourse between the unmarried, and ultimately increase the incidence of promiscuity and adultery." Despite all the polite hesitation and the courteous restraint, the rationalization does not come off. A young man in a situation of temptation, were he confronted by such an argument, would simply shrug his shoulders and say, "So what?" And indeed, in terms of the Report itself, So what?—and why not?

Jewish morality would, for better or worse, not hesitate. Its verdict is clear: no excuse for a man to have "intercourse with his betrothed in the home of his father-in-law." The first blessing at the Jewish ceremony speaks of the prohibition for engaged couples to engage in sexual intercourse (and *erusin* is far more binding than "engagement"). Perhaps this is a rule that is widely violated. But the validity of a moral principle is not determined by a vote. There is a world of difference between morals and mores.

CONCLUSION

What conclusions can we draw from this Report? Its analysis is, I believe, invaluable; its solutions, such as they are, are almost valueless. This Report, if accepted, will signify the building of the church's moral edifice on shifting sands which will ultimately bring the whole structure down. Jeremiah's complaint, in Lamentations 2:14, seems disturbingly and hauntingly relevant.

For us Jews, life will become more difficult, in the realm of sexual morality as in everything else. The problems affecting the non-Jewish community affect us with equal poignancy. The originator of the unfortunately accurate maxim, "wie es sich

PAGE 265 - penultimate paragraph, line 1 - What conclusions can we draw from this effort to revise and effectively abandon the morality that has guided Western civilization for generations? The analysis is, I believe, invaluable; the solutions, such as they are, are largely valueless.

christelt, so judelt sich," was not Heine but R. Judah he-Hasid of medieval Germany. And his statement (*Ke'minhag ha-notzrim ken minhag ha-yehudim*) was made specifically about sexual matters.

If this ~~Report and the kind of morality it espouses~~ should ultimately become the policy of most of Protestantism, and if the avant-garde liberals in the Catholic Church should gain sufficient momentum, and if, ~~as seems likely at the time of this writing, some~~ Jewish groups, too, should declare for major "revisions" of the Jewish moral code, it is quite conceivable that religious Jews will be left alone, as they were in the ancient past, alone to proclaim the Word of God to an unredeemed world in matters of marriage and morality. Unquestionably this will increasingly polarize the Jewish community, accelerating the centrifugal forces which will make the assimilationists even more aggressive in rejecting Jewishness, and intensifying the centripetal currents which will force the segregationists to withdraw even more apprehensively, and with greater justification, from the general society and turn their backs on the world in an attempt to preserve what precious little is left to us of a sacred and magnificent tradition. It will make more difficult than ever before the attempt to remain in and with the world and yet keep our ideals and principles intact.

No matter what new strains will be imposed on the Jewish community as a result of this religiously sponsored permissiveness, and no matter what approaches may emerge in order to keep the two—Judaism and general society—from flying apart, committed Jews will have to bear a great burden. It is a double burden: to keep alive and whole the Jewish heritage of personal and public morality, and to keep challenging the conscience of the Western world until it shall have passed through this period of doubt and darkness. One can only hope that the Christian churches, heretofore the guardians of the moral heritage common to the great monotheistic religions of the West, will reconsider what appears to be their imminent capitulation to a triumphant moral nihilism which may yet bring down all of civilization.

NOTES TO CHAPTER IX

1. J. T. Taanit 3:4.
2. See Saadia, *Emunot ve'Deot*, 3:1, who considers the rational basis of the Bible's moral prohibitions the preservation of the family structure. Cf. *Yoma* 9a.
3. Monfred Harris, "Reflections on the Sexual Revolution," *Conservative Judaism*, Spring 1966, p. 4.
4. Hans Jonas, *The Gnostic Religion*, pp. 270-277.
5. Maimonides, *Guide for the Perplexed*, 3:34 (following Plato, *Laws*, p. 875). See R. Isaac Arama, *Akedat Yitzhak*, No. 43.
6. Joseph Fletcher, "Love is the Only Measure," *Commonweal*, January 14, 1966, p. 431.
7. James M. Gustafson, Letter to the Editors, *Commonweal*, February 18, 1966, p. 582.
8. Michael Polanyi, in the interview in *Psychology Today*, May 1968.
9. *Sex and Morality*, p. 54.
10. See V. A. Demant, "Chastity in Christendom," in *An Exposition of Christian Sex Ethics*, Hodder and Stoughton (London: 1963), pp. 26-42; Jose De Vinek, *The Virtue of Sex*, Hawthorn Books (New York: 1966), Part I, pp. 17-69.
11. *Sex and Morality*, p. 44.
12. *Ibid.*, p. 19.
13. *Yoma* 29a.
14. *Kiddushin* 41a.
15. *Sex and Morality*, p. 20.
16. Joseph Fletcher, *Situation Ethics*, The Westminster Press (Philadelphia: 1966), p. 19.
17. *Ibid.*, p. 30f.
18. Fletcher, *Commonweal*, loc. cit., p. 429.
19. See Herbert McCabe, "The Validity of Absolutes," *Commonweal*, January 14, 1966, p. 432ff.
20. *Avot* 1:18.
21. *B.M.* 30b.
22. *B.M.* 82a.
23. The subject is quite extensive. One of the best treatments is in Rabbi Isaac Herzog's *The Main Institutions of Jewish Law*, Soncino (London: 1965), Vol. I, pp. 381-386.
24. Fletcher, *Commonweal*, loc. cit., p. 429f.
25. Gen. R. 44; M. Tanhumah, *Ki Tazria*, 5.
26. *Sanh.* 17a. Cf. J. T. *Sanh.* 22a and Mid. Ps., 12, p. 108.
27. *Ibid.*, and *Eruvin* 13b.
28. *Eruvin* 13a.
29. J. T. *Sanh.* 4:1.
30. R. Ephraim Luntschitz, *Keli Yakar* to Deut. 17:11. See too R. Samuel Uceda, *Midrash Shmuel* to *Avot*, end Chap. V. These passages reveal a philosophical judgment on the nature of the law itself, rather than the advocacy of a halakhic technique which is more judge-centered than text- or codex-centered. Nevertheless, a nominalist and extrinsicalist approach to Halakhah does prepare the way for granting more freedom to the judge to consider individual circumstances rather than forcing him to rely on precedents and generalized codes. The latter tendency in the history of Halakhah has been described by Prof. Menahem Elon in "הגות והלכה," ed. Yitzhak Eisner,

Dept. of Education and Culture (Jerusalem: 1968), pp. 109–112. On the polarity within the halakhic process itself as a way of reconciling conflicting needs, see Emanuel Rackman, *One Man's Judaism*, Philosophical Library (New York: 1970) pp. 203ff.

31. Saadia introduced the term *sikhliot*, rational commandments, for such laws, contrasting them with *shimiyot*, revelational commandments. By "rational" he meant that they commend themselves to reason. Maimonides, however, regarded such nomenclature as "a sickness of the Kalam," preferring to confine the term *sikhliot* to commandments of rational or theoretical content, such as the commandment to believe in God (*Eight Chapters*, chap. VI). Nevertheless, he continued to use this terminology because it had been widely accepted. For Maimonides, then, those noncognitive commandments which are not *shimiyot* may be said to include primarily those moral laws to which man responds instinctively and intuitively. This intuitionism is expressed by the Rabbis as "laws which the Evil Urge does not challenge," i.e., they are unassailable and absolute. New Moralists deny the existence of such a category. For Fletcher, as stated, there is only one absolute law, and that is love. McCabe (*loc. cit.*) writes that one exponent of New Morality has claimed that it could be an act of love to kill 100,000 people with an atom bomb. Does this perhaps suggest that the New Morality is symptomatic of a psycho-cultural aberration which blinds its victims to self-evident truths, and for which "love" is the convenient rationalization?

32. Herold S. Stern, "The Ethics of the Clean and the Unclean," *Judaism*, Fall 1957, pp. 319–328. However, the Rabbis did not recognize this point in establishing their categories of intrinsic-extrinsic laws. Thus, dietary proscriptions which the Pentateuch labels *to'evah* are accepted as extrinsic by the Rabbis (*Sifra* to *Kedoshim*; and *Yoma* 67b). However, one may argue that the rabbinic view in these passages does not necessarily call for a nominalist interpretation, but that one should train himself to act not primarily out of a sense of unthinking revulsion, but out of a conscious and deliberate desire to submit to the divine commandment. The Biblical category of *to'evah*, though it is a primary reaction, related to a sense of personal dignity, can be controlled—learned or unlearned; see Deut. 7:26 and Deut. 23:8.

33. *Hullin* 109b. The Zohar makes similar comments on the Ten Commandments; see my *The Royal Reach*, Philipp Feldheim (New York: 1970), pp. 59ff.

34. See *supra*, n. 31, on Maimonides' terminology.

35. Maimonides' opinions in the *Eight Chapters* should be compared to his later writings, especially the *Guide for the Perplexed*. In the *Guide* (1:2) he contrasts the categories of *muskalot*, judgments derived from intellectual activity, and *mefursamot*, those that are based on common consent of society. The former are a question of true/false, whereas the latter are expressed as beautiful/ugly. Maimonides equates *tov va-ra*, good/bad, with the esthetic criterion. It is not clear, however, whether Maimonides includes ethics with esthetics or with intellectual judgment. Julius Guttman (in his commentary on his abridged edition of *Maimonides: The Guide of the Perplexed*, trans. Chaim Rabin, East and West Library [London: 1952], p. 207) maintains that Maimonides here follows Aristotle, that the principles of ethics are to be looked upon as opinions held by general consent, not as part of the realm of intellectual knowledge to which one can apply the criterion of true/false; accordingly, all ethics for Maimonides would be extrinsicist. Yehudah Even Shmuel (Kaufman), however, holds that Maimonides defines *tov va-ra* as esthetic terms only, and would include ethical rules in the category of *muskalot*; in that case,

moral principles are intrinsic and ontological (see his edition of the *Moreh Nevukhim*, Mosad Harav Kook [Jerusalem: 1935], vol. I, p. 51).

36. *Sex and Morality*, p. 27; italics are mine.

37. *Ibid.*, p. 20; italics are mine.

38. Traditional Jewish writers on sexual conduct were aware of changing customs and mores, and yet unabashedly reaffirmed "the fixity of moral rules." Cf., for instance, the opening paragraph of that classic little volume, "*Hupat Hatanim*," by R. Raphael Meldola (1754–1828), who was university-trained and *au courant* with the worldly thinking of his time.

39. *Sex and Morality*, p. 29; italics are mine.

40. *Ibid.*, p. 30.

41. *Ibid.*, p. 58.

42. I am arbitrarily distinguishing between *ethics* and *morality* by considering the former as consisting primarily of man-to-man relationships which are only derivatively offenses against God, whereas the latter is primarily a sin against God, but one which requires the participation of another person.

43. *Supra*, n. 6.

44. *Supra*, n. 19.

45. *Lev.* 19:1.

46. *Sex and Morality*, p. 60.

47. *Ibid.*

48. *Sanhedrin* 75a; Maimonides, *Hil. Yesodei ha-Torah* 5:9.

49. *Sanhedrin* 63b.

50. *Sex and Morality*, p. 55; italics are mine.

51. "The New Dispensation on Homosexuality," in *Jewish Life*, Jan.–Feb. 1968; and see the correspondence on this in the May–June 1968 issue.

52. Since then a leading Catholic theologian, Charles Curran, is reported to have taken a similar position (*New York Post*, May 1, 1968).

53. *Sex and Morality*, p. 31.

PAGE 269—beginning of note 51—See my article in the *Encyclopedia Judaica Yearbook* (14) and see

CHAPTER X

SELF-INCRIMINATION IN LAW AND PSYCHOLOGY: THE FIFTH AMENDMENT AND THE HALAKHAH

THE WIDE public attention focused on the Fifth Amendment in the recent past, and the vehemence with which it has been both attacked and defended, have prompted students of Jewish law to examine its equivalent in traditional Halakhah.² A comparison of the principle of self-incrimination, as embodied in constitutional law and in the Halakhah, is revealing on the level of both theory and practical consequence.

The embattled Amendment, with its provision that "no person . . . shall be compelled in any case to be a witness against himself," is certainly one of the most fundamental and advanced principles of Anglo-American jurisprudence. Two great legal thinkers, Dean Griswold and Supreme Court Justice Douglas, writing separately, have referred to it in identical terms: an old friend and a good friend.³ Its significance in our whole tradition of liberty cannot be overrated.

BACKGROUND

English Law

The law against self-incrimination is not found in ancient Roman law or in any of its later developments. It was not part of the Magna Carta, and was unknown in the earlier Common Law. For many centuries, a prisoner was carefully examined by the magistrate before the trial, and by the judge

The current chapter, in its original form in 1956, has been cited in two landmark decisions of the U.S. Supreme Court, once by Chief Justice Earl Warren and once by Associate Justice William Douglas. In the half century since then, the temperature of controversy has gone down by a few degrees as other legal issues have dominated the public sphere, but the lines pro and con are still very firm. Thus, the question of the view of the Halakha on this constitutional issue remains pertinent no less today than then.

NOTES TO CHAPTER X

1. The original article on which this chapter is based appeared in *Judaism* (Winter 1956) and thereafter in *The Decalogue Journal*. The former was referred to by Chief Justice Warren in the case *Miranda v. Arizona* (1966), and quoted from the latter by Associate Justice Douglas in the *Garrity v. N. J.* decision (1967). The present chapter has been reworked from the original to include some additional background material, relevant data that has come to light in the intervening years, and comments on Noahide Law as a response to certain criticisms that I consider important enough to bring to public attention. The essential thesis, however, remains unchanged.
2. The most recent work on the subject is Aaron Kirschenbaum's *Self-Incrimination in Jewish Law* (New York: 1970).
3. Erwin N. Griswold, *The Fifth Amendment Today* (1955), p.1; William O. Douglas, *An Almanac of Liberty* (1954), p. 238. See too C. Dickerman Williams, "Problems of the Fifth Amendment," *Fordham Law Review*, Vol. XXIV, No. 1, Spring 1955; and Samuel H. Hofstadter, *The Fifth Amendment and the Immunity Act of 1954*, (1954).
4. Stephen, *History of the Criminal Law*, p. 325 f.
5. *Twining v. New Jersey*, 211 U.S. 78, 105-106. For further references on the origin of the privilege, see George Horowitz, "The Privilege Against Self-Incrimination—How Did It Originate?," in *Temple Law Quarterly*, Vol. 31, No. 2 (Winter 1958), pp. 121 ff.
6. Hofstadter, p.7.
7. *Supra*, n.5.
8. *Sanhedrin* 9b, *Ketubot* 18b. It should be added that while the Halakhah refuses to accord any status to the defendant's testimony, whether inculpatory or exculpatory, it does permit him to present arguments on his own behalf in the deliberations of the Sanhedrin (a minimum of twenty-three judges) trying him; see Mishnah, *Sanh.* 5:4; and cf. Maimonides *Hil. Sanh.* 10:8 and *Lehem Mishneh*, ad loc.; also Meiri to *Sanh.* 42a.
9. Griswold, p. 19. Hofstadter (p. 15) regards it as likely that in England, at the beginning, it was invoked more frequently by the innocent, but that in our own courts it is more usually invoked by the guilty. "But the fact remains, the imponderable is, that this is exactly what we intended."
10. Douglas (p. 239) writes that a person who seeks the protection of the Fifth Amendment "may ruin his reputation though he saves his neck."
11. Douglas, p.238.
12. Griswold, pp.7-7.
13. Hofstadter, p.15.
14. Quoted by Griswold, loc. cit.
15. *Sanhedrin* 9b.
16. It is interesting to observe the parallel between the attempts to offer explanations for the principle in Halakhah and in Constitutional Law. In the latter, the principle was accepted as a historic element, and then efforts were made to rationalize it (Hofstadter, pp.8-9, *supra*, nn.11,12). Similarly, the Halakhah is accepted as a legal datum, and after its formal exposition in the Talmud, attempts are made to find external explanations for it.
17. RaDBaZ to Maimonides, *Hil. Sanhedrin*, 18:6.
18. Cf. *supra*, Chaps. VI and VII.
19. *Hil. Sanhedrin*, 18:6.
20. Freud's statements concerning the Death Wish may be found in his following works: *New Introductory Lectures on Psychoanalysis*, p. 147; *Beyond the Pleasure Principle*; "Mourning and Melancholia" in *Collected*

above

- Papers*, Vol. IV, p. 156, Hogarth Press (London: 1925). A summary of Freud's views on this subject may be found in an essay by Paul Federn in *The Psychoanalytic Review*, April 1932, pp. 129-151.
21. Freud, *Beyond the Pleasure Principle*.
 22. Freud, "The Psychogenesis of a Case of Homosexuality in a Woman" (1920) in *Collected Papers*, Vol. II, Hogarth Press (London: 1925).
 23. Karl Menninger, *Man Against Himself*, p. 82 ff. Compare Maimonides' "marei nefesh" with Menninger, pp. 41-7, on melancholiacs.
 24. On Maimonides, *Hil. Sanhedrin*, 18, 6.
 25. Erich Fromm, *Escape from Freedom*, pp. 148, 149. See also Menninger, pp. 219 and 226.
 26. Maimonides, *Hil. Sanhedrin*, 18: 6.
 27. Maimonides, *Hil. Eidut*, 12:2.
 28. Menninger, p. 67 and Fromm, p. 148.
 29. Freud, "Psychoanalysis and the Ascertainment of Truth in Courts of Law" (1906), in *Collected Papers* (1959), Vol. II, p. 13.
 30. Freud, *Criminality from a Sense of Guilt* (1915) in *Collected Papers* (1959), Vol. IV, p. 342; *The Ego and the Id* (1923), in *Complete Psychological Works* (1961), Vol. XIX, pp. 48ff.
 31. Gregory Zilboorg, *The Psychology of the Criminal Act and Punishment* (1954), p. 50. Cf. Theodor Reik, *The Compulsion to Confess* (1959), pp. 32, 39, 41, 149, 266. For a detailed list of references to the literature on guilt feelings in a variety of contexts, see the decision of Chief Judge Bazelon of the United States Court of Appeals, *Miller v. U.S.*, 116 U.S. App. D.C. 45,320 F. 2d 767 (1963), n. 11. I am grateful to Prof. Alan M. Dershowitz for bringing this reference to my attention.
 32. Reported in *Time* magazine, May 24, 1968.
 33. Maimonides, loc. cit., and *Hil. Melakhim*, 3:8, 10; 4:1, et passim.
 34. Hofstadter, p. 34.
 35. *Hil. Mamrim*, 2:4.
 36. See Maimonides, *Hil. Melakhim*, 10:10.
 37. See notes to Gen. R. 34:6, ed. Theodor.
 38. *Bet Habehirah* to *Sanh.* 57b; see editor's notes.
 39. To *Sanh.* 57b. The Talmud allows testimony by relatives in the case of Noahides but disqualifies a woman's testimony. Meiri similarly disqualifies those considered Biblically invalid (*pesul edut*). *Hamra Vehayei* explains that Noahides lack *yihus* (that is, their familial relationships are not considered a factor by the law) and thus testimony by relatives is no different from testimony by any other witnesses; whereas the *pesul edut* reverts to the same category as a woman's testimony: invalid for a Noahide as for an Israelite by Scriptural decree. Self-incrimination is to be classified with the latter. I suggest that this may be better understood in the light of *Sanh.* 9b, that a man is a relative unto himself and therefore his testimony is invalid. A relative's testimony is acceptable for a Noahide only because *yihus* is not taken into consideration by the law. However, this cannot possibly refer to one's relationship with himself; identity is not a matter of *yihus* and hence cannot be dismissed by the law as nonexistent. Therefore, self-incrimination is invalid as would be testimony by a relative were *yihus* recognized.
 39. Responsa *Kol Mevasser*, II, 22:3.
 40. *Israël et l'Humanité* (Hebrew trans., Yisrael Ve'ha-Enushut, [Jerusalem: 1967], p. 217).
 41. *Ibid.*, p. 228.
 42. *Supra*, nn. 11, 12, 14.
 43. *Palko v. Connecticut*, 302 U.S. 319, 325-326.
 44. Hofstadter, p. 29.

above

seldom used. Hence, without the obstruction between them, the owner of the roof could see all that occurred in his neighbor's courtyard and, thus, deprive him of his privacy. This viewing is regarded as substantial damage, as if he had physically invaded his premises. Therefore, it is incumbent upon the owner of the roof to construct the wall and bear all the expenses, and so avoid damaging his neighbor by denying him his privacy. It is thus not the potentially aggrieved party, who would benefit from the wall, who has to pay for it, but the one who threatens to perform the intrusion.

Thus, the Halakhah insists upon the responsibility of each individual not to put himself into a position where he can pry into his neighbor's personal domain, and this responsibility can be enforced by the courts.²⁴

It should be added that while the discussion in the Talmud concerns visual access to a neighbor's domain, the principle may be expanded to cover eavesdropping as well. One prominent medieval commentator, R. Menahem Meiri,²⁵ decides that while we must guard against *hezek re'iyah*, visual surveillance, we need not worry about *hezek shemiyah*, aural surveillance. Hence, the wall the partners can demand of each other must be solid enough to prevent overlooking each other's affairs, but need not be so strong that it prevents overhearing each other's conversations. But the reason Meiri gives is not that eavesdropping is any less heinous than spying as an invasion of privacy, but that people normally speak softly when they think they will be overheard. Where this reason does not apply, such as in wiretapping or electronic "bugging," then obviously *hezek shemiyah* is as serious a violation and a damage as *hezek re'iyah*. All forms of surveillance—natural, mechanical, and electronic, visual and aural—are included in the Halakhah's strictures on *hezek re'iyah*.

The gravity of nonphysical intrusion is only partially evident from the fact that the Halakhah regards it as tortious, in that prevention of such intrusion is legally enforceable. More important is the fact that such surveillance is considered not only as a violation of civil law, but, what is more serious in the context of Judaism, it is considered as *issur*, a religious trans-

gression. Visual or aural invasion of privacy is thus primarily a moral offense, and the civil law and its requirement of monetary compensation is derivative from it.²⁶

It is instructive, therefore, that the discussion recorded in the Talmud on *hezek re'iyah* prefigured by many centuries—indeed, almost two millenia—the conflicting interpretations of the Fourth Amendment to the U. S. Constitution. The theory that visual penetration cannot be considered the equivalent of physical trespass finds its spokesman in Mr. Justice Black who, in his strict interpretation of the Constitution in his dissent in *Griswold v. Connecticut*,²⁷ and again in *Katz v. U.S.*,²⁸ fails to uncover anything in the Fourth Amendment forbidding the passage of any law abridging the privacy of individuals. The opposite point of view, which considers *hezek re'iyah* as substantial damage, was expressed by Justice Brandeis,²⁹ Justice Douglas,³⁰ and most recently by Justice Stewart speaking for the majority of the Court.³¹ Until this last decision, the judgment of the Halakhah resolving the dispute in the Talmud in favor of holding nonphysical violation of privacy to be an actionable damage, i.e., equivalent to actual trespass, had not been fully adopted by the Supreme Court, which had to a large extent let the majority decision in *Olmstead* (in which the Court was closely divided) remain as the interpretation of the Fourth Amendment, while considering most questions of privacy, such as wiretapping, under Section 605 of the Federal Communications Act of 1934.³² In July of 1967 Attorney General Ramsey Clark issued a memorandum anticipating the decision of the Supreme Court that, even in the absence of physical trespass, any electronic eavesdropping on conversations is in violation of the Fourth Amendment. Later that year the Court, in the *Katz* decision, with the notable dissent of Justice Black, held that the Fourth Amendment "protects people, not places," and reversed itself on *Olmstead*, holding that there was no constitutional significance attached to physical penetration in electronic eavesdropping, and that all wiretapping or bugging is proscribed by the Constitution even without trespass. American law has thus just recently developed

and accepted a right of privacy long acknowledged in Jewish law.

Disclosure

The Halakhah considers intrusion and disclosure as two separate instances of the violation of privacy. Interestingly, the Biblical commandment concerning forced entry by the creditor into the debtor's home to secure a pledge—a case of intrusion—is immediately preceded by the commandment to remember the plague that afflicted Miriam who was thus punished for speaking ill of Moses to their mutual brother, Aaron—a case of disclosure.³³

The law against disclosure is usually divided into three separate parts: slander (i.e., false and defamatory information), talebearing, and gossip. The last term refers to the circulation of reports which are true; the "evil tongue" is nevertheless forbidden because it is socially disruptive, since it puts the victim in an unfavorable light. However, in its broadest and deepest sense disclosure is not so much an act of instigating social disharmony as the invasion of personal privacy. Thus, the Mishnah teaches that, after a trial presided over by more than one judge, each of them is forbidden to reveal which of the judges voted for acquittal and which for conviction.³⁴ The Talmud relates that the famed teacher R. Ami expelled a scholar from the academy because he revealed a report he had heard confidentially twenty-two years earlier.³⁵ Information received confidentially may not be disclosed even if it is not damaging or derogatory as long as the original source has not expressly released it.³⁶ Even if the original source subsequently revealed this information publicly, the first listener is still bound by the confidence until released³⁷—a remarkable example of the ethics of information. Unauthorized disclosure, whether the original information was received by complete consent or by illegal intrusion, whether ethically or unethically, remains prohibited by the Halakhah.

Protection of the Mail

We have discussed so far two kinds of intrusion, visual and

PAGE 297 middle of page - This should be contrasted to the prevalent practice, especially in "celebrity cases," of reporters badgering jurors, many of whom are only too happy to reveal who said what in the course of the trial. In Jewish law,

words are recorded." That awareness and that sensitivity are the moral and psychological background for successful legislation and for interpretations of the right to privacy by the courts. And they will have been largely anticipated by Jewish law. "Observe therefore and do them; for this is your wisdom and understanding in the sight of the peoples, that when they hear all these statutes shall say, 'Surely this great nation is a wise and understanding people'" (Deut. 4:6).

Post-Script

TITLES
AT
VARIETY
EXTENT
OF
CENTURIES

This chapter originated in testimony I gave at hearings of the U.S. Senate Judiciary Committee. At that time, privacy became a public issue because of the introduction into the market place of a variety of gadgets that were intrusive and relatively cheap. The problem was whether and to what extent these annoying and disturbing intrusions were covered by the Fourth Amendment. The aim of my testimony was to show that the Jewish legal system had considered the right to privacy centuries earlier, and to encourage more active and aggressive civil legislation to protect privacy.

SINCE
INDEED
AND
ENSHRINED
HIGHLY

Since then, the law has made major strides in protecting the privacy of the individual citizen. Indeed, the legal concept of privacy was taken to what I consider an extreme. It was extrapolated and extended to cover the right of a woman to decide the disposition of her fetus. This was enshrined in the Roe v. Wade Supreme Court decision in 1973, and became the focus of the highly controversial debate on abortion.

1973

FROM
SIMPLISTIC
COUNTERBUT
LIFE
BC

From a Jewish perspective, the permissibility of abortion is quite complex and does not permit of simplistic decisions. However, there is to my knowledge nothing in the Jewish legal literature that countenances such an extension of privacy to cover the exclusive right of a woman to decide the life and death of a fetus. If anything, I believe that in Jewish law the question of abortion should be studied as a problem in ownership, not privacy.

21. *B.B.* 3:7. The Mishnah speaks only of the courtyard of partners, but its intention is to prohibit opening windows *even* into a partner's courtyard, certainly that of a stranger; so in the Gemara, *B.B.* 59b. Judge Hofstadter (*op. cit.*, p. 2) was, to my knowledge, the first to point out that the Talmud anticipated Warren and Brandeis on privacy as a right by some seven centuries.

22. *B.B.* 2b, 3a, *et passim*. Maimonides, *Hil. Shekhenim*, 2:14. Our thesis is strengthened by the following consideration that emerges from the relevant Talmudic discourse (at the beginning of *B.B.*): even those who hold that *hezek re'iyah* is not an actionable tort agree with the basic principle prohibiting visual violation of privacy. Thus, in such cases as a fence which fell and must be rebuilt, and the need for an adequately high parapet on a roof immediately adjoining a courtyard, the Talmud unanimously considers that provision must be made to protect the potential victim from visual surveillance. The principle is this: where one has already disported himself uninhibitedly in an area on the assumption that his privacy is intact (as: where his yard was protected by a fence) or where he cannot make any private use of his property because he has no way of knowing when he is being spied upon (as: when another's roof adjoins his yard), all agree that his claim is actionable; the invasion of privacy, although no physical trespass occurred, is considered a tort. The controversy on *hezek re'iyah* arises only in such cases where the plaintiff *can* determine when his neighbor is in a position to spy upon him, and *is* able to protect himself by retreating to a safe area, and has *not yet* established a pattern of conduct that would make such inhibition unlikely. However, the necessity for such caution is inconvenient, and it also diminishes the value of his property because he cannot pursue all his private affairs without restraint. Here one school holds that the *hezek re'iyah* is tortious and actionable, and the other holds that because the victim can avoid the disruption of his privacy, the *hezek re'iyah* is not an actionable tort; we do not consider his inconvenience a monetary damage. It is therefore evident that both Talmudic schools will consider the great majority of instances of privacy invasion under discussion today as tortious and actionable in a court of law.

23. *B.B.* 6b.

24. On the moral background of this law as an outgrowth of the rabbinic concept of the sanctity of the individual, see Samuel Belkin, *In His Image*, Abeld-Schuman (London, N. Y., Toronto) pp. 126-128.

25. *Bet Ha-behira* to *B. B.*, ed. Sofer, p. 6.

26. *Nimukei Yosef* to *B. B.*, ch. III (60a). At least one commentator has attempted to distinguish legally between the moral and monetary aspects of the offense. Thus one author (quoted in *Likkutim* to Mishnah *B. B.* 3:7, interpreting RaSHBaM) differentiates between *hezek re'iyah* as a tort and *tzeniut*, modesty, as a moral principle. In the case of the former, if the plaintiff had not complained for a period of three years during which there obtained a condition of the violation of his privacy, we assume that he has waived his rights, and his claim is dismissed; thus the law of viewing a neighbor's courtyard, where he may carry on his business. In the latter case, since we are dealing with a moral rather than a civil or proprietary right, no presumption of waiving is ever established, no matter how much time has elapsed since the protest could have been made but was not; thus the law of installing a window with direct access to the window of a neighbor. See Nahmanides to *B.B.* 59.

27. 381 U.S. 479, 507 (1965).

28. *Supra*, n.2.

Above,

29. In his law review article, *supra*, n. 10, and in his dissent in *Olmstead v. United States*, 277 U.S. 438, 471 (1928). In the case of visual and aural violation of privacy, as we have seen, the Halakhah had already established this right as non-derivative; on the other forms of intrusion, see later.

30. *Groszold v. Connecticut*, 381 U.S. 483-85, *et passim*.

31. In *Katz*, *supra*, n.2.

32. Yet according to the interpretation of Attorney General Jackson, in a letter to Congress in 1941, Sec. 605 does not forbid wiretapping as such but only the divulging of the contents of such eavesdropping.

33. Deut. 24:8-9, referring to Num. 12:1-15. Rabbinic tradition thus associates the ailment of *tzaraat* (commonly mistranslated as leprosy) with slander and gossip.

34. *Sanhedrin* 3:7.

35. *Sanhedrin* 31a. Cf. *Maḥatzit ha-Shekel* to *Sh. A.*, *Orah Hayyim* 156.

36. *Yoma* 4b.

37. *Magen Avraham* to *Sh. A.*, *Or. H.* 156:2; *Hafetz Hayyim*, 10:6.

38. Louis Finkelstein, *Jewish Self-Government in the Middle Ages*, pp. 171 ff., 178, 189.

39. Long, p. 159.

40. Responsa *Emek Halakhah* (New York: 1948) II, No. 14.

41. *Yalkut Shimoni* to Esther 1:1046.

42. See preceding chapter on "Self-Incrimination."

43. *Sanhedrin* 32a, b.

44. Cf. *Garrity v. New Jersey*, 17 L. Ed. 2nd 562 (1967).

45. Long, p. 220.

46. William O. Douglas, in an address to the American Civil Liberties Union, San Francisco, Calif., May 20, 1967 (printed in *Vital Speeches of the Day* [September 1967], p. 704).

47. Cf. Robert M. Hutchins, *Two Faces of Federalism* (1961), p.22.

48. Prof. Arthur R. Miller, in testimony before the Senate Subcommittee on Constitutional Rights; *N.Y. Times*, February 24, 1971.

49. Ps. 32:1, according to rabbinic interpretation and Prov. 28:13.

50. *Yoma* 86b.

51. Prov. 26:11.

52. Perceptive observers have seen in the characteristic impersonality and anonymity of apartment-house dwellers in our great urban centers a vital defense mechanism against the encroachments on their privacy. See, for instance, the discussion in Harvey Cox, *The Secular City*, pp. 29-46.

53. Gen. 1:26, 27.

54. Mekhilta to *Beshalah* 3: *Shab.* 133b. Most of Jewish ethics is predicated on this idea of *imitatio Dei*. See *supra*, chapters 6 and 7.

55. Thus, *Hag.* 12b, 13a, reconciling Ps. 18:12 and Dan. 2:22.

56. "In what is wondrous for thee thou shalt not inquire, and in what is hidden from thee thou shalt not seek"—Ben Sira.

57. Ex. 3:6.

58. *Hag.* 2:1, according to Jerusalem Talmud (*Hag.* 2:1-8b) which considers the two items in the Mishnah, theosophic overreaching and offense against the dignity of God, as one.

59. Thus, R. Menahem Mendel of Lubavitch (*Derekh Mitzvotekha*, p. 59) applies the term *giluy arayot*, normally reserved for sexual immorality, to the exposing of what is and should be private, secret, and mysterious in the Kabbalistic sense.

60. The same holds true, *mutatis mutandis*, of our conception of God. Denial of either of these poles results in a denial of personality to God. Belief in an uncommunicative, deistic God is, as Schopenhauer put it, a

polite atheism. And the assertion of a God who has dispossessed Himself of His transcendence, who has exhausted and dissipated His privacy, is a rather impolite atheism—the atheology of those who proclaim that His life has come to an end.

61. Micah 6:8.

62. Exod. 4:21, 7:3, *et passim*.

63. On the rights of privacy versus the claims of history, see my article on "The Private Lives of Public Figures," in *Jewish Life* (January-February 1967), pp. 7-10, 15, 16.

64. *Supra*, n.2.

65. *Avot* 2:1.