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A HALAKHIC APPROACH TO THE SECULAR

Halakha adopts a positive and constructive attitude towards things secular. Such objects are not to be repudiated on the grounds that the ideal of the religious experience requires the exclusion of everything from human awareness and activity except that which is sacred. Indeed, this is neither possible nor desirable. It is important, therefore, to indicate the place of the secular in the perspective of the sacred, that is, to describe the halakhic approach to the secular.

At the outset, a distinction should be made between the *secular* and the *profane*. These two realms are not the same though the terms denoting them are frequently used interchangeably. Here the word 'profane' will be taken to refer to objects (such as idols) and events (an act of idolatry or adultery) which are incompatible with halakhic standards of sanctity; the term 'secular' will be understood as referring to things that are essentially neutral by halakhic criteria and which may assume a sacred or profane character in the context of human behavior, depending on how they are utilized.

The *Torah uMadda* approach insists on a distinction between the secular and the profane. Halakha divides the domain of existence into a number of categories which reflect a declining order of religious status. The following is a non-exhaustive sampling of these classifications. The realm of *kodesh* (the sacred) contains that which is on the highest level of religious worth. Below it is that which is denoted by *hol* (the secular). Somewhere on the scale, perhaps beneath the secular, is the classification of *tame* (the spiritually impure), and, at the bottom is the *to'eva* (the abomination). This last may be included in the category of the profane. The *hol* can be sanctified, the *tame* can, in many instances, be purified, but the *to'eva* is inherently contradictory to Judaism's fundamental commitments and is consequently profane.

The *Torah uMadda* view is not willing to lump all non-sacred things into the one category of the profane; it recognizes important differences between the two. It holds that while the profane must be unequivocally rejected, a positive attitude may be adopted towards the secular. The former is incompatible with Halakha and consequently cannot coexist with it; the

latter, on the other hand, depending on its relationships, may be entirely consistent with it, and so long as this is the case, is welcomed into the domain of positive Jewish experiences.

I

In order to exhibit the meaning of the secular and the halakhic attitude towards it, we now turn to the primary task, namely, to make clear the difference between the sacred and the secular, between *kodesh* and *hol,* and to exhibit the relationship between the two. The first point to be stressed is that the sacred requires service, while the secular calls for creativity.

There is a difference in the biblical meanings of the words *melakha* and *avoda*. Both of these Hebrew terms are usually translated as 'work,' but at bottom they are fundamentally dissimilar. The former refers to creative activity in nature—the thirty nine categories of work that are prohibited on the sabbath because of their creative character are called *melakhot*—while *avoda* refers to work, not of creation, but of service. Indeed, this word is related to *eved* which means 'servant' or 'slave.' The essence of *melakha* is revealed in, for example, the planting and harvesting of a crop or the construction of an edifice; the essence of *avoda* is manifest in e.g. that which a parent does for a child, or in the responses of a pious Jew to the will of God.

Avoda depends, first of all, on a self-transcending purpose. Where there is a master or a loved one towards whom or for whose sake one is undertaking an activity, there is the possibility of service. The source of inspiration for such actions may even be an ideal in which case we speak of service to a cause. When one's labor is not directed towards something external to and higher than oneself, when a man is himself the sole object of his efforts, what he does is not in the category of *avoda*.

Melakha, on the other hand, does not require self-transcendence. One who engages in it is concerned essentially with personal creativity. And even where another for whom work is being done exists, as for example, in the case of employer and employee, the goal of a man's activity in relation to his laborer or to his employer is essentially to advance his own self-interest.

Further, the standard by which we judge *melakha* is degree of creativity. The task need not be difficult; it need not require an expenditure of an enormous amount of effort; it is praiseworthy to an extent proportional to its creativity. *Avoda,* on the other hand, is assessed not by what is accomplished, but by the amount of laborious and painful activity that an individual undertakes in behalf of an other.

In any case, what is crucial in service or, if you will, in a labor of love, is an awareness of an other in whose behalf or for whose sake an

activity is undertaken. If there is no consciousness of another person or a cause or the Divine Being, then no matter how difficult the labor and oppressive the work, it is not *avoda*. Maimonides speaks of prayer as *avoda shebalev*,[1] a service of the heart. If it is *avoda*, it is self transcending. The implication is that we engage in prayer, even when we utter petitions, not to acquire something for ourselves, but to exhibit our dependence on the Almighty. And even if one is serving under coercion, the awareness of a master is crucial to the identification of that which he is doing as service.

The decision as to whether an action belongs to the domain of the secular or the sacred depends, therefore, on whether that act is accompanied by an awareness that we are responding to the Almighty, or whether it is associated with the consciousness of an object which is prompting a person's creative attention. *Melakha* is work in the secular domain. In a secular act, one is normally preoccupied with the object that engages his attention. It is not, essentially, an encounter in a self-transcending experience with the Divine Being. When, however, an act is accompanied by a conscious awareness of God and an intention to fulfill His commands, that is, to serve, it is one which is inspired by a self-transcending purpose and is, accordingly, in the category of the sacred.

There are times when *melakha*, the creative act, and *avoda*, the act of service, come together. When a scribe is writing a *Sefer Torah*, a scroll of the Law, his task involves both creativity and service. It is for that reason that he must consciously declare, prior to undertaking the writing of the scroll and immediately before he writes a name of the Divine Being, that what he is doing is for the sake of God's Holy Name.[2] (It is interesting to note that the requirement is that the act be preceded by a declaration of intention which, however, need not be kept in mind during the performance of the act. In the creative process, one's thoughts must be totally preoccupied with that which the individual is seeking to accomplish.) It is the awareness of a transcendent Other towards whom his labor is directed that turns what a man does into an act of *avoda* and brings it into the domain of sanctity. If what he is doing is essentially creative and accordingly belongs in the realm of *melakha*, the introductory thought that it is being done for the sake of God translates it into a simultaneous act of *avoda*. Indeed, this is an essential element in the process of sanctifying the secular.

II

A second distinction between the sacred and the secular—and this one flows from the first—is that the values emanating from the domain of the sacred are transcendent and imposed on the human being from without, while those deriving from the realm of the secular are immanent, i.e., they emerge out of the human condition. Such values are normally adopted

for aesthetic and utilitarian reasons. The view which recognizes the legitimacy of the secular, therefore, grants that values derived from a source independent of the sacred can also be normative.

Clearly, non-transcendent and, consequently, secular values are recognized as legitimate in Halakha. There is an array of aesthetic norms that are required by Halakha but which are not its central focus. We are instructed in a general way *lehitna'eh lefanav bemitzvot,*[3] to introduce beauty into the performance of halakhic precepts; but the canons of beauty to which we are to adhere in such conduct are not enunciated. We are to use an adorned *tallit,* a decorated *sukka, tefillin* that are appealing to the eye; yet how these objects are to be shaped and fashioned to satisfy the requirement of beauty is not revealed. Aesthetic values are taken as expressions of a sense of appreciation that is fundamentally human. What is required is that values rooted in human nature shall be associated with the fulfillment of precepts with a transcendental source in order that the religious experience shall be enhanced by the sense of the pleasant. In any case, aesthetic values are basically secular in character.

The sovereign in Jewish life was obligated to concern himself with the task of *tikkun ha'olam,* the improvement of society. He was expected, among other things, to introduce legislation, as circumstances demanded, to assure the viability and progress of the communal life of the Jewish people. His enactments were, in general, not to contradict the Halakha, but they were supplementary to it. He was not required, as was the case with the *shofet,* the judge, to concern himself with bringing to mankind the *inyan Elohi,* the divine, that is, the transcendental, element.[4] The basis for the laws that he introduced were invariably the needs of human society. They emerged out of the human condition and were accordingly secular. Justice, for example is a transcendental principle, but legislation such as social security to spare the aged the suffering that accompanies starvation is a sovereign and therefore secular enactment. Charity is biblically prescribed and mandated by a transcendental source; legislation that creates social institutions to aid the poor is a human invention.

The conclusion that many social norms are secular in character also follows from the halakhic validation of cultural relativity. It is not the case that every society in every temporal period guides itself by identical norms. Variations in cultural conditions are often reflected in differing systems of social-political values. A capitalistic democracy and one guided by the principles of economic socialism are equally acceptable forms of government, according to Halakha, so long as each embodies the principle of justice. Nevertheless, different economic and political value systems are exemplified in them. Since both are sanctioned, and neither is transcendentally prescribed, it follows that each reflects the human condition in a different cultural context and each is an expression of human and, consequently, secular values.

Even ethical principles may, in some instances, have a secular character. The issue has received extensive discussion in Jewish moral philosophy. It is generally recognized that the explicitly articulated precepts of the Law do not suffice to exhaust all the ethical imperatives that are to guide human conduct. Ramban, in his commentary on the Bible, makes this point explicit:

> It is impossible to enumerate in the Torah all the precepts required to guide the conduct of a man in relation to his neighbors and friends, in the course of his business activities and by way of the improvement of society and country. Hence after enumerating many of them—for example, do not be a talebearer, do not be vengeful, do not stand by as your brother's blood is shed, do not curse the deaf, stand up for an aged individual, and so on—there is formulated the general principle that a man shall do that which is good and right in everything. Included under this rubric is compromise; where compassion is appropriate, going beyond the letter of the law, etc.[5]

The point is that it is left to human sensibilities and human conceptions to provide a basis for the formulation of the supplementary principles which will express that which is good and right. Even if such new rules of conduct represent an attempt by the sages to extrapolate from biblically recorded precepts and to infer from them others which would be applicable to non-covered instances, the human and, hence, secular element could not be eliminated. Halakha includes both *din,* precepts of law, and *lifnim mishurat hadin,* a general principle which requires that a precept of law which, in its strict application would favor a prosperous litigant, for example, be set aside in certain instances to assist the disadvantaged. And even while both are divine imperatives, the human element cannot be excluded. The judge must make a determination on the basis of human considerations when to apply either of these principles. The parameters of *lifnim mishurat hadin* are not explicitly formulated, and even where they are, they reflect, in measure, the human sense of what is good and right. In other words the secular is frequently intertwined with the sacred in the application of precepts that belong to the sacred.

It is clear from Halakha that many fundamental moral principles can be perceived to possess a secular as well as a sacred basis. A clear distinction is made in rabbinic literature between the *mishpat,* the rational precept, and the *hok,* the non-rational commandment. "Thou shalt not kill" and "Thou shalt not steal" are imperatives which man could have formulated and applied in the context of social life without divine intervention. These are rational laws and are to be distinguished from such rules of action as "Do not work on the Sabbath day" or "No bread may be consumed during the festival of Passover" which are non-rational in character.

Obviously, non-rational precepts require a transcendental source to give them sanction. They could not have been deduced from the human

condition. The rational precepts, on the other hand, may find their basis in either domain—the sacred or the secular. This was stressed, among others, by Rabbi Meir Simha haCohen, who declared that the moral laws are imprinted in the very nature of man, who could discover them without recourse to revelation.[6] It follows that one might be responsive to the identical imperative, for example, "Thou shalt not steal," because of a commitment that flows from the domain either of the sacred or of the secular. It is a halakhic requirement that when a pattern of conduct is sanctioned by both domains, the Jew select as his source of motivation the transcendental command. Notwithstanding, there is a human, and hence a secular basis, for ethical precepts as well—and this is recognized in Halakha.

III

There are two distinct sets of human virtues—one is associated with service and the other with creativity. That is, one is deduced from the domain of the sacred and the other from the secular. The traits of character essential for service are, for example, dedication, love, selflessness, and so on. Qualities that are indispensable for creativity are industry, intellectual acumen, drive, etc. These virtues are very often lumped together under the rubric of moral character but they need to be distinguished.

R. Samson R. Hirsch noted that the virtues that are praised in the classroom do not necessarily contribute to the development of moral character in that they do not encourage conduct in relation to others that conforms to accepted moral precepts.[7] The student is taught to work, to compete, to cultivate effective study habits, to develop those intellectual abilities that will enable him to master a subject and achieve good grades. What have these traits, Hirsch asked, to do with the moral precepts which instruct an individual how to behave to a fellow man? In fact, Hirsch notes, some of the qualities advocated for the student in the classroom are incompatible with the cultivation of the kind of moral quality that makes for constructive human relations. The competitive spirit, for example, while laudable in the preparation for examinations, is very often inimical to an acceptable response to those who are afflicted and oppressed. Competition is an exercise that strengthens the tendency to strive for personal success rather than to give of oneself unselfishly in fulfillment of a religious objective.

In truth, there is a variety of groups of virtues, each deducible from a different ideal. The ideal of morality requires such character traits as compassion, honesty, charity, and so on; the ideal of creativity calls for determination, industry, a cultivation of talent, etc.; the goal of piety calls for dedication, sacrifice, etc. We will indentify the virtues associated with creativity as secular and those deduced from the religious ideal as sacred. The moral virtues will be regarded as secular or as sacred depending on

whether our commitment to them is based on secular or religious considerations.

It is clear that the secular virtues deduced from the ideal of creativity are not rejected in the religious perspective. On the contrary, they are indispensable to achievement in the religious domain. Students are encouraged to study in a yeshiva and are rewarded for outstanding personal success. Stumping the *rebbe* by asking a *kashe* (a question which identifies a difficulty in a talmudic passage) which the rebbe cannot answer is regarded as a most admirable accomplishment. This virtue has nothing to do with those associated with the sacred which stress personal sacrifice rather than personal achievement.

In addition, there is a clear appreciation in biblical and rabbinic literature of secular virtues in the pursuit of secular objectives. There is a striking passage in *Proverbs* which urges man to take an example from the ant which is hardworking and industrious and consequently successful.[8] The rabbinic precept that "the combination of Torah with worldly occupation is beautiful" implies that one should develop the traits that will assure fulfillment in the pursuit of both. Obviously, human traits essential for human creativity are virtues found praiseworthy by Judaism. After all, in engaging in such creative pursuits in the natural domain, man is imitating his Creator, and is not this his obligation by virtue of the fact that he was created in His image?

IV

In truth, all will grant that the pursuit of creative goals and the practice of secular virtues are commendable when they are motivated by religious considerations. One may argue, for example, that the cultivation of intellectual acumen is essential for the satisfactory comprehension of Torah, the study of which is indispensable for a *relationship* with God. Or, if he adopts the point of view of Rabbi Joseph B. Soloveitchik, he may urge that when an individual engages in creative activity or cultivates the virtues essential for it and does so in fulfillment of the divine imperative of *vekivshuhah* (to exercise control over the natural universe), the secular activity in which he immerses himself has halakhic sanction—because by its means he manifests the *image* of God.

The question is: Is there any religious value, from the standpoint of Halakha, to creative activity and the practice of virtues that are implied by it when the motivation for such action is entirely unrelated to religious inclinations? Suppose a person engages in the practice of medicine or, as an engineer, constructs housing for the members of society but does this out of sheer human sensitivity or because of a sense of personal satisfaction that he derives from achievement. Would Halakha attach to

such activity any positive value?

The issue is discussed in explicit form by Maimonides. He speaks of those who have assumed the obligation to abide by the seven Noahide commandments and suggests that these duties may be undertaken for two different types of reasons. One is religious: they are recognized as imperatives having divine sanction and are accepted as a matter of obedience to the divine will. The other is rational: they are acknowledged to be prescriptions of reason which every human being is obligated to obey. What status from the halakhic standpoint is assigned to one who accepts the Noahide commandments out of rational rather than religious considerations? There are two versions of that which Maimonides says. One text reads as follows:

> All who accept the seven commandments and are careful to observe them are to be counted among the pious gentiles, and they have a share in the world to come. This, however, is the case only if they accept them and observe them because God commanded them in the Torah and informed us through our teacher Moses that the children of Noah were long ago commanded to observe them. However, if one observes them because he is rationally persuaded, then he is not a *ger toshav* (a resident convert) and is not among the pious of the gentiles *but only of their wise men.*[10]

I have emphasized the last phrase because it appears in another version in other editions. The alternative formulation is: *nor of their wise men.* It seems obvious, in the first version, that an individual prompted to observe the Noahide precepts on rational grounds, though he is not to be regarded as a resident convert or a pious individual, should be accorded the respect due to one who is a wise man. Accordingly, the inclination to do the right things for reasons which are not at all religious is still admirable in the halakhic perspective. Of the second version, which denies wisdom to such an individual, it might be argued that Maimonides does not view with respect one whose motivation for adhering to the prescribed precepts are merely rational and therefore secular.

There is, however, a second possible interpretation of the second version. One of the Noahide commandments is the belief in God. Once an individual adopts this belief on rational grounds, he should be prepared to accept the obligation to observe the Noahide precepts on a religious basis. Since the truth of God's existence had been demonstrated—in the days of Maimonides, it was generally accepted that this was the case—and the assumption was that it was the God of traditional religion whose presence was rationally exhibited, it should be an equally rational gesture to undertake the fulfillment of moral precepts on religious grounds. The determination to adhere to these precepts on an exclusively rational basis reveals a person who is lacking in wisdom.

It is well known that, in the era of Maimonides, it was the general

view that reason provides an alternate path to belief in God, that revelation is not the exclusive means of doing so. Reason, accordingly, should have been used by the wise man to the end of adopting a religious commitment. The failure to do so indicated a deficiency in wisdom. In modern times, the view that reason is adequate to the task of revealing the truths of religion is no longer held. If today an individual arrives, on rational grounds, at moral conclusions that are consistent with the views of religion, it is not unlikely that such a person would have been viewed by Maimonides as a wise man though he did not relate his commitments to religious considerations—and this even in the second version of the paragraph adumbrated.

And after all, why should this not be the case? The Talmud attributes value to doing the right things for the wrong reasons. This is the principle of *shelo lishmah* which in effect states that it is desirable that a person's actions always be prompted by religious commitments but that those whose deeds are prompted by alternate considerations are to be valued as well. It would appear that this principle should be applicable to those who are inspired to perform moral actions for rational, that is, secular, considerations as well.

V

The essence of the secular attitude is creativity in the human world and by way of application of criteria and goals that derive from the human condition. It is a realm in which we necessarily need to be involved even if we are to fulfill religious obligations satisfactorily. It can be argued, however, and with a great deal of cogency, that the halakha finds merit in the pursuit of the secular enterprise, that is, in creativity and the cultivation of character traits associated with it, even when such activity is motivated by incentives that are unrelated to religious considerations.

NOTES

1. Maimonides, *Mishneh Torah, Hilkhot Tefilah,* 1:1.
2. *Shulhan Arukh, Yoreh De'a,* 274:1 and 276:2.
3. BT, *Shabbat,* 133b.
4. R. Nissim b. Reuben Girondi, *Derashot haRan,* ed. Leon Feldman (Jerusalem: Institute Shalem, 1974), pp. 191-92.
5. Commentary on Deuteronomy 6:18.
6. *Meshekh Hokhma* on Deuteronomy 30:11-14.
7. *Judaism Eternal* (London: Soncino Press, 1956), 174-73.
8. Proverbs VI, 6 6.
9. *Avot* II:2.
10. *MT, Melakhim,* 8:11.
11. BT, *Pesahim* 50b.