

Jacob Neusner

This essay forms part of the forthcoming book by Rabbi Neusner. A renowned scholar and author, whose writings include a three volume, *Rabbinic Traditions About the Pharisees*. He is Professor of Religious Studies at Brown University.

IN PRAISE OF THE TALMUD*

The Talmud records not only laws, but the process by which laws are uncovered. By describing that process, it posits, and proposes to resolve, the tension between ordinary life and logic. The argument develops its themes through inquiry into fundamental principles and the application of those fundamental principles to ordinary affairs. These principles themselves are then subjected to analysis and a search for still more basic and ultimately unifying conceptions. The conceptions prove to be highly relative and abstract. So even the placing of a napkin at a meal is turned into a discipline for living, a discipline which requires that logic and order everywhere prevail, and demands that concerns for a vast world of unseen, principled relationships come to bear. Humble and thoughtless action is elevated and made worthy of thought, shown to bear heavy consequences.

The Talmud is a fundamentally non-historical document. The argument, though unfolding by generations of rabbis, does not center upon the authority and biography of the ancients, but about their timeless, impersonal reasons for ruling as they do. The participants in the argument sometimes are named, but the most interesting constructions are given anonymously: "What is the reason of the House of Shammai?" "Do not the House of Shammai and the House of Hillel agree with R. Yosi and R. Meir, respectively?" Elegant analytical structures are not assigned to specific authorities, because to the Talmud the time and place, name and occupation of the authority behind an inquiry are of no great interest. Logic and criticism are not

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bound to specific historical or biographical circumstances. Therefore the principles of orderly, disciplined life are not reduced to the personalities or situations of the men who laid down or discovered those principles.

Talmudic thinking stands over against historical, including psychological, interpretation because of its preference for finding abstraction and order in concrete, timeless problems of daily life. What counts is reason, ubiquitous, predominant, penetrating. The object of reason is twofold: the criticism of the given by the criterion of fundamental principles of order; and the demonstration of the presence, within commonplace matters, of transcendent considerations. Casuistical controversy over trivialities does not always link up to a transcendent concern; but always is meant to. For the ultimate issue is how to discover the order of the well-ordered existence and well-correlated relationships; and the prevalent attitude is perfect seriousness (not specious solemnity) about man's intention and his actions.

The presupposition of the Talmudic approach to life is that order is better than chaos, reflection than whim, decision than accident, ratiocination and rationality than witlessness and force. The only admissible force is the power of fine logic, ever refined against the gross matter of daily living. The sole purpose is so to construct the discipline of everyday life and so to pattern the relationships among men that all things are intelligible, well regulated, and trustworthy. The Talmud stands for the perfect intellectualization of life, the subjection of life to rational study; nothing is so trivial as to be unrelated to some deeper principle.

The Talmud's conception of man is this: man thinks, therefore both he and what he does are worth taking seriously. Man will respond to reason and subject himself to discipline founded upon criticism. His response will consist in utter self-consciousness about all he does, thinks, and says. To be sure, man is dual, composed of the impulse to do evil as much as the impulse to do good. As the famous saying about not interrupting one's study even to admire nature makes clear, man cannot afford even for one instant to break off from consciousness, to open himself to the utterly natural, lest he lose touch with revealed order and revealed law, the luminous disciplines of the numinous.

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Nor is the ultimate issue of man solely ethical. To be sure, one must do the good, but Torah encompasses more than ethical behavior. The good is more than the moral; it is also the well-regulated conduct of matters to which morality is *not* important. The whole man, private and public, is to be disciplined. Etiquette is blended with theology, furthermore with something one might call metaphysics, and finally with social law — relationships with sages, on the one side, and idolators, on the other. No limits are set to the methods of exploring reason and searching for order. Social order with its concomitant ethical concern is no more important than the psychic order of the individual, with its full articulation in the ritual life. All reality comes under the examination of the critical intellect.

The Talmud's single-minded pursuit of unifying truths constitutes its primary discipline. But the discipline does not derive from the perception of unifying order in the natural world. It comes, rather, from the lessons imparted by the supernatural, in the Torah. The sages perceived the Torah not as a melange of sources and laws of different origins, but as a single, unitary document, a corpus of laws reflective of an underlying, ordered will. The Torah revealed the way things should be, just as the rabbis' formulation and presentation of their laws tell how things should be, whether or not that is how they actually are done. The order derives from the plan and will of the Creator of the world, the foundation of all reality. The Torah was interpreted by the Talmudic rabbis to be the architect's design for reality: God looked into the Torah and created the world, just as an architect follows his design in raising a building. A single, whole Torah — in two forms, oral and written, to be sure — underlay the one, seamless reality of the world. The search for the unities hidden by the pluralities of the trivial world, the supposition that some one thing was revealed by many things — these represent in intellectual form the theological and metaphysical conception of a single, unique God, creator of heaven and earth, revealer of one complete Torah, revelation, guarantor of the unity and ultimate meaning of all the human actions and events that constitute history. The Talmud therefore links the private deeds of man to a larger pattern, provides a great general "meaning" for

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small, particular, trivial doings.

Behind this conception of the unifying role of reason and the integrating force of criticism lies the conviction that God supplies the model for man's mind, therefore man, through reasoning in the Torah's laws, may penetrate into God's intent and plan. The rabbis of the Talmud believed they studied Torah as God did in heaven; their schools were conducted like the academy on high; they performed rituals just as God performed rituals, wearing fringes as did He, putting on phylacteries just as God put on phylacteries. In studying Torah, they besought the heavenly paradigm revealed by God "in his image" and handed down from Moses and the prophets to their own teachers. If the rabbis of the Talmud studied and realized the Divine teaching of Moses, whom they called "our rabbi," it was because the order they would impose upon earthly affairs would replicate on earth the order they perceived from heaven. Today these beliefs may be seen as projections of Talmudic beliefs onto heaven. But the Talmudic sages believed they themselves were projections of heavenly "values" onto earth. And what they saw projected from heaven to earth was, as I have said, the order and rational construction of reality.

To the Talmudic way of thinking, man is liberated, not imprisoned, by reason, which opens the way to true creativity, the work of finding, or imposing, form and order upon chaos. The wherewithal of creativity is triviality, and what is to be done with triviality is to uncover, within or beyond the simple things of chaos, the order, the structure, the coherence of the whole. What is concrete therefore is subordinate to what is abstract. It is the construction of the larger reality that reveals the traits of that reality. And to the Talmudic rabbi, the most interesting aspect of reality is the human and the societal: the village, the home, the individual. Talmudic Judaism, because of its stress on what and how one eats and drinks, has been called a religion of pots and pans. And so it is, if not that alone, for its raw materials are the irreducible atoms of concrete life. But these come at the beginning; they stand prior to what will become of them, are superficial by contrast to what lies beneath them.

What is to be done with these atoms, these smallest building

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blocks of reality? They are to be subjected to control, the man to self-control. All impulses are to be carefully regulated in accord with the Divine plan for reality; all are good when so ordered, evil when not. The robust sexuality of the Talmudic laws of marital relations testifies to the rabbis' seriousness and matter-of-factness about what today is highly charged material.

So the regulation of the impulse was the opposite of its suppression; it was its liberation. But what was done had to be done rightly. The nuptial bed was the right circumstance. To be sure, appropriate social and legal regulations brought the couple to their bed; but (in theory at least) if an unmarried man, legally permitted to marry his beloved, engaged in sexual relations with an unmarried woman, the couple thereby consummated a legitimate union and were regarded as fully and legally married in all respects. It is assumed that a man does not enter sexual relations lightly or licentiously; it is taken for granted that people intend to do the right thing. Again, the time had to be right. The Torah prohibited sexual relations during a woman's menstrual cycle. Then not during that cycle relations are to be encouraged. The circumstances then had to be discussed: Is it all right in not completely private conditions? The ultra-pious would drive away even flies and mosquitoes. So the course of law rolls on, regulating what is natural and enhancing it through good order, bringing to consciousness what is beneath the surface, through the therapy of public analysis and reasoned inquiry legitimizing what might be repressed.

Certainly, the Talmudic way of thinking appeals to, and itself approves, the cultured over the uncultured, those capable of self-conscious criticism over those too dull to think. "An ignorant man cannot be pious." Fear of sin without wisdom is worthless. The sages encouraged the articulate over the inarticulate: "The shy person cannot learn." For the give-and-take of argument, one cannot hang back out of feigned or real bashfulness. Reason makes men equals and reveals their inequalities. Reason is not a quirk of personality, but a trait of mind, therefore must be shamelessly and courageously spelled out. The ideal is for intellectuals, devoted to words and the expression, or reduction, of reality to the abstractions constituted by words.

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The Talmud contains few simple, declarative sentences. The primary mode of expression is those joining-parts of language which link thought to thought, or set thought against thought: "but," "however," "do you reason so," "what is for the presupposition?" What is Talmudic about the Talmud is expressed in the Aramaic mortar, not in the Hebrew stones. The near-grunts of the uneducated, "I want this, I do that," "That is my opinion" — these are virtually absent in the Talmud's extended discourse. The argument is expressed in terse, apocopated phrases, moving almost too rapidly for the ordinary ear to grasp.

What is Talmudic, too, is perpetual skepticism, expressed in response to every declarative sentence or affirmative statement. Once one states that matters are so, it is inevitable that he will find as a response: Why do you think so? Perhaps things are the opposite of what you say? How can you say so when a contrary principle may be adduced? Articulation, forthrightness, subtle reasoning but lucid expression, dialectic and skepticism — these are the traits of intellectuals, not of untrained and undeveloped minds, nor of neat scholars, capable only to serve as curators of the past, but not as critics of the present.

Above all, Talmudic thinking rejects gullibility and credulity. It is, indeed, peculiarly modern in its systematic skepticism, its testing of each proposition, not to destroy but to refine what people suppose to be so. The Talmud's first question is not "*Who* says so," but, "Why?" "What is the reason of the House of Sham-mai?" In the Talmudic approach to thought, faith is restricted to ultimate matters, to the fundamental principles of reality beyond which one may not penetrate. Akabya warned to try to find out what is whence one comes and whither one is going. The answers will yield humility. But humility in the face of ultimate questions is not confused with servility before the assertions, the truth-claims, of putative authorities, ancient or modern, who are no more than mortal.

Since the harvest of learning is humility, however, the more one seeks to find out, the greater will be one's virtue. And the way to deeper perception lies in skepticism about shallow assertion. One must place as small a stake as possible in the acceptance of specific allegations. The fewer vested convictions, the

greater the chances for wide-ranging inquiry. But while modern skepticism may yield — at least in the eye of its critics — corrosive and negative results, Talmudic skepticism produces measured, restrained, and limited insight. The difference must be in the open-endedness of the Talmudic inquiry. Nothing is ever left as a final answer, a completed solution. The fruit of insight is inquiry; the result of inquiry is insight, in endless progression. The only road closed is the road back, to the unarticulated, the unconscious, and the unself-conscious. For once consciousness is achieved, a reason spelled out, one cannot again pretend there is no reason, and nothing has been articulated. For the Talmud the alternatives are not faith against nihilism, but reflection against dumb reflex, consciousness against animal-instinct. Man, in God's image, has the capacity to reflect and to criticize. All an animal can do is act and respond.

That is why energy, the will to act, has to be channelled and controlled by law. Deed without deliberation is not taken seriously. Examination of deeds takes priority over mere repetition of what works or feels good. For this purpose, genius is insufficient, cleverness irrelevant. What is preferred is systematic and orderly consideration, step by step, of the principles by which one acts. The human problem in the Talmudic conception is not finding the motive force to do, but discovering the restraint to regulate that protean, elemental force. In the quest for restraint and self-control, the primal energies will insure one is not bored or lacking in purpose. For the Talmudic mode of thought perceives a perpetual tension between energy and activity, on the one side, and reflection on the other. To act without thought comes naturally, is contrary, therefore to the fact of revealed discipline. The drama of the private life consists in the struggle between will and intellect, action and reflection. If the Talmud is on the side of the latter, it is because the former require no allies. The outcome will be determined, ultimately, by force of character and intellect, these together. And the moot issue is not how to repress, but how to reshape, the primal energy.

Yet it is an error to focus so one-sidedly upon the Talmudic mind and so to ignore the other formative force in culture, the community. The Talmud, for its part, fully recognizes the social

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force, the pressures to conform and to follow established custom and habit. That is why so much attention centers upon people's doing things together. The Talmudic rabbis exhibit keen awareness that restraint is societal before it is personal. Community takes priority over individuality and gives the private person nearly the whole of the structure of symbols and values that render living meaningful. "Give me fellowship, or give me death," said one of them. The more important parts of the Talmud, furthermore, deal with civil regulations: What to do if a cow gores another cow? How to divide a disputed prayer-shawl? How to litigate a contested will, in which the material results affect the disposition of a palm-tree or a tiny bit of land?

The Talmudic rabbis are well aware that society forms the individual. If one seeks to create a disciplined individual, whose life is regulated by revealed law, one must give priority to the regulation of the society which forms the ground of individual existence. And to regulate society, one must concentrate upon the conflicts among men, the conflicting claims to unimportant things which, all together, will add up to justice and make possible dignity and autonomy. It is through law that one will revise habit, establish good customary behavior. It is through a lawful society that one will create an environment naturally productive of restraint and rational behavior. If, therefore, it is correct to claim that what is Talmudic about the Talmud is the application of reason and criticism to concrete and practical matters, then the Talmud is at its core an instrument for the regulation of society in the most humble and workaday sense of the words.

To be sure, to regulate society one must have access to the institutions that exercise and confer legitimate power, and the Talmudic rabbis knew the importance of various sorts of power. They understood, first of all, the intrinsic power of law itself, which rendered unnecessary constant, *ad hoc* intervention of puissant authority into routine affairs. Once law has established how things should be done, the enforcement of the law becomes necessary only in exceptional circumstances. In normal ones the law itself ensures its own enforcement, for most men most of the time are law-abiding. The Talmudic rabbis actively sought access to the instrumentalities of Jewish autonomous govern-

ment made available by the authorities of Roman Palestine and Iranian Babylonia. If the imperial regimes were content to have the Jews regulate their own affairs and fundamentally disinterested in meddling in ritual and community regulations, the rabbis were eager to take over the institutions authorized to regulate the people's lives. They worked their way into these institutions, formed by the Patriarch of Palestine and the Exilarch of Babylonia, and made themselves the chief agents for the day-to-day government of the local communities. So far as the state stood behind the Jewish community's officials, the rabbis enjoyed the benefit of state-power and therefore mastered the intricacies of politics.

The Talmudic rabbis, moreover, exercised a kind of "moral authority," sufficient to make people do what the rabbis wanted without the intervention of this-worldly authorities. That moral authority was based upon multiform foundations. First, the rabbi was understood to have mastery of the Divine revelation and unique access to part of it, the Oral Torah handed down from Sinai. So his rule was according to heavenly principles. Second, the rabbi was seen as himself paradigmatic of the Torah's image of man. Therefore what he did was revelatory. Common folk who proposed to obey the will of Heaven as the rabbis explained it would not have to be coerced to do what the rabbis said. They might just as well imitate the rabbi, confident that he did what he did in order to imitate Moses "our rabbi" and God, Moses's rabbi. The Talmud is full of stories of what individuals said and did on specific occasions. In some instances the abstract law is conveyed by such stories. In most others, the point of the story is to show, by relating the rabbi's deed, what the law is, how one should conduct himself. These are not "political" stories, yet they have a pronouncedly political result, for the story influences behavior no less than a court-decree shapes action.

Finally, among the rabbis were some believed able to exercise miraculous and even supernatural powers. A modern anthropologist having spent a few years in Talmudic circles to study the social role of the rabbi might well call his consequent book, "The Lawyer-Magicians of Babylonia." But the exercise of supernatural power, the ability to appeal to the fantasies of ordinary

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folk — fantasies the rabbis themselves certainly shared — these too constituted a kind of “moral authority.” Intellectual achievement produced theurgical power. The righteous were believed to have the creative power of God: “If a righteous man desires it, he can create a world.” And why should the rabbi not have such power, given his knowledge of the Torah, which contained the plan and pattern for God’s own creation of this world? Learning reshaped a man into the likeness of God and therefore endowed him with God’s powers of creation. In a secular sense, belief in the supernatural consequences of the natural power of mastery of Torah-traditions and reasoning about them produced a practical power considerably more efficient than political instrumentalities in moving people to do the right thing. The charisma represented by brilliance in reasoning and argument was effective outside of the circle of intellectuals, just as it is today, but with better reason then. The luminous thus became numinous.

One can hardly refer to politics without alluding, as well, to the rabbis’ reconstruction of the family, the relationship of father to son. Here Talmudic rabbis discerned a tension, and resolved it in their own favor. They understood the primacy of the father in the formation of the personality of the child and the shape of the family. At the same time they claimed they, as masters of Torah, should shape personality and provide the model for the family. They admitted that the father brought the child into this world. But, they quickly added, the teacher brings him into the next world, therefore is entitled to the honor owing from the child to the father. The teacher is better than the father, above the father, just as God is the ultimate father of the child and giver of his life. If, therefore, a son sees the ass of his father struggling under his load and at the same time he sees the ass of his teacher about to stumble, he helps the ass of his teacher, then that of his father, for the one has brought him into this world, the other, to eternity. Just as the rabbi placed his rule over that of the state and the state’s functionaries, the Patriarch and Exilarch, so he sought to take precedence over the primary component of the community, the family, by laying claim to the position of the father.

In larger terms, the effort to replace the father by the rabbi

symbolized a struggle equivalent to the effort to replace the concrete, this-worldly natural government of ordinary officials by the abstract, non-natural or supernatural authority of the rabbi, qualified by learning of the Torah and capacity to reason about it. The Roman authority and his agent, the patriarch in Jewry ruled through force or the threat of force. The rabbi effected his will through moral authority, through the capacity to persuade and to demonstrate through affective example what the law required. Both political and familial life thus was to be rendered something other than what seemed natural or normal. Everyone could understand the authority of the gendarme, the priority of the father. But to superimpose the rabbi both in politics and in the family represented a redefinition of the ordinary sense of politics and the plain, accepted meaning of the family. It made both into something more abstract, subject to a higher level of interpretation, than an ordinary person might readily perceive. Political life to the rabbi was not merely a matter of the here and now, nor was the family what it seemed. Both were to be remodeled in the image of Heaven, according to the pattern of the Torah. That is to say, they were to be restructured according to the underlying principles of reality laid down by the Divine plan as uncovered by rational inquiry. Society was to be made to conform to the heavenly definition of the good community; the family was to be revised according to the supernatural conception of who the father really was: God and his surrogate, the rabbi — the man most closely conforming to His image.

The Talmudic stress upon criticism, therefore, produced a new freedom of construction, the freedom to reinterpret reality and to reconstruct its artifacts upon the basis of well-analyzed, thoroughly criticized principles revealed through the practical reason of the sages. Once one is free to stand apart from what is customary and habitual, to restrain energies and regulate them, he attains the higher freedom to revise the given, to reinterpret established perceptions of reality and the institutions which give them affect. This constitutes, to begin with, the process of the mind's focusing upon unseen relationships and the formation of imposed, non-material considerations.

One recalls in this connection the extensive ritual-purity laws,

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which play so considerable a role in the rabbis' regulation of eating and other fundamental things, for instance, sexual relations. These laws seem to have comprised and created a wholly abstract set of relationships, a kind of non-Euclidean geometry of the levitical realm. Yet those high abstractions are brought down to earth to determine in what order one washes his hands and picks up a cup of wine. So what is wholly relative and entirely a matter of theory, not attached to concrete things, transforms trivialities. It affects, indeed generates, the way one does them. It transforms them into issues of some consequence, by relating them to the higher meanings (to be sure, without much rational, let alone material substance) associated with the pure and the impure. The purity-laws stand at the pinnacle of Talmudic abstraction and ratiocination.

One may supply a social explanation for the intellectuality and abstraction of the Talmudic rabbis' approach to reality. They themselves stood apart from the larger Jewish society, much as the Jews stood apart from the majority. Their intent was to reshape and improve society. But they were different from other men because of their learning and intellect. They lived in this world, but in another too, one in which, for example, the unseen realities and unfelt relationships of purity and impurity were taken so seriously as to determine behavior in the world of material realities and perceived, concrete relationships. They stood apart not because they alone believed in God, for everyone did, or because they alone revered the Torah, for they were not alone, but because they alone conceived it possible for man to elevate himself heavenward through Torah, rationally apprehended. They participated in the history of this world, but were aware of the precariousness and imperfection of this world when perceived and measured by the standard of the next. Their capacity to criticize therefore derived from their situation of detachment. They knew that what is now is not necessarily whatever was or what must always be. Able to stand apart because of the perspective of distance attained through rational criticism of the practical life, they realized men have choices they themselves may not perceive. There have been and are now other ways of conducting life and living with men, of building society and

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creating culture, then those the ordinary people supposed were normative. Able to criticize from the perspective of a transcendent perception of the principles of being, they could evaluate what others took for granted, could see the given as something to be elevated and transcended.

In a word, the Talmud is a document of the moral intellect. It takes for granted that man's primary capacity is to think; he therefore is to be taken with utmost seriousness. The Talmud endures as a monument to intellectualism focused upon the application of practical rationality to society. It pays tribute, on every page, to the human potential to think morally, yet without lachrymose sentimentality, to reflect about fundamentals and basic principles, but for concrete purposes and with ordinary society in mind. The good, well-regulated society will nurture disciplined, strong character. The mighty man — "one who overcomes his impulses" — will stand as a pillar of the good society. This is what I understand as the result of the intellectual activity of the moral intellect. Reason, criticism, restraint, and rational exchange of ideas — these are not data for the history of Talmudic literature alone. The Talmud itself testifies to their necessary consequences for the personality and for society alike.

What is contemporary man to make of the Talmudic approach to life? How is he to appropriate the Talmud's moral intellectualism for contemporary sensibility?

Perhaps you think I have claimed too much for the Talmudic mode of thought, but I fear I have claimed too little. For what the Talmud accomplished, in the formation of a specific civilization — that of the Jewish people — was to lay the foundations for a society capable of rational, supple response to an irrational situation. The Jews lived as aliens, so they created a homeland wherever they found themselves. They effectively and humanely governed themselves without the normal instruments of government, lacking much of a bureaucracy, having no consequential power at all. They created not one culture but multiple cultures, all of them quintessentially "Jewish," out of the materials of many languages, many societies, many sorts of natural environments, many histories, and many cultured traditions. The Talmud's construction of a world of ideas and principles, corre-

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sponding to, but transcendent of reality, is a paradigm for the Jews' capacity to reinterpret reality and reconstruct culture in age succeeding age, their non-material power fully, rigorously, and robustly to live the life of the mind. Beyond the Jews' capacity for fantasy — after all, not unique to them — was their power to reflect, reconsider, stand back from reality and revise its interpretation. This, it now is clear, is the end-result of a society which trained its young in the Talmud and rewarded its mature and old men alike for lifelong devotion to its study.

It was the rationality and intellectuality of the Jews' culture which led them to a way of living with one another, not in perfect harmony — they were flesh and blood — but in mighty restraint and mutual respect. The inner life of the Jewish community was so organized that the people might conflict with one another, yet not through the totally free expression of the impulse toward mutual annihilation. Renunciation of brute power, affirmation of the force of ideas and reason — these represented the Jews' discovery. They cannot claim to have uncovered these principles, but they rightly can claim meaningfully to have effected them in the formation of their community-life and the reestablishment of their protean culture. Reason applied to practical affairs through the acute inquiry of Talmudic argument — this I think accounts for the Jews' capacity for so many centuries to accommodate themselves to a situation of worldly powerlessness. For they knew ideas could be powerful; criticism could constitute a great force in society. In the end, the sword, once sheathed, could change nothing, but an idea, once unleashed, could so persist as to move men to move the world.

The Talmud lays the foundation for the rational, therefore the moral culture. I refer to Philip Rieff (*The Triumph of the Therapeutic. Uses of Faith after Freud* [N. Y., 1966: Harper], p. 232) who speaks of the functions of culture: "(1) to organize the moral demands men make upon themselves into a system of symbols that make men intelligible and trustworthy to each other, thus rendering also the world intelligible and trustworthy; (2) to organize the expressive remissions by which men release themselves, in some degree, from the strain of conforming to the controlling symbolic, internalized variant readings of culture

