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LAW AND THEOLOGY IN JUDAISM

I.

Judaism, throughout its history, has always contained both law and theology. In every age we see the development of both precepts and concepts, statements prescribing what Jews are to do and statements describing what Jews are. Both the precepts and the concepts of Judaism involve a Jew's relationship with his own people, his relationship with the external world, and his relationship with the transcendent God. The precepts have been developed in a more precise way because they order regular human acts. The development of the concepts has been less precise because the experiences and thoughts they elucidate are more irregular. Naturally, some personalities have been more adept in the interpretation of precepts, others in the interpretation of concepts. Nevertheless, there has been no period in the history of Judaism where either precepts or concepts have been emphasized at the total expense of the other. Moreover, it is no historical accident that Judaism in every age has had expositors who excelled in both the interpretation of precepts and concepts: Moses, Rabbi Akiba, Maimonides, and Rabbi Kook, to name a few outstanding examples. In other words, Judaism, and not just the Judaism of the Rabbinic period, is composed of Halakhah and Aggadah.¹

The challenge for Jewish thought is to understand just how Halakhah and Aggadah are related in specific cases. How do law and theology have direct bearing and influence on each other? This question is of more than speculative interest; it has practical import for contemporary Jewish life, and for modern rabbis whose task is to interpret Judaism to today's Jews. It is

not enough for practical purposes to teach our congregations about the precepts and the concepts of Judaism. The religious effectiveness of our vocation depends on *how* we understand the interrelation between law and theology in specific cases.

A rabbi has historically been both *Dayan* and *Darshan*, judge and preacher. He is both an authority in the prescription and an expert in the description of Judaism. However, to lose sight of this dual role is to lose a large measure of our rabbinical effectiveness. For the more traditional rabbi² there is the great temptation to isolate himself in the role of *Dayan*, to limit himself to prescriptions. Nevertheless, do Jews need rabbis whose self-limitation to precise prescriptions is a poor imitation of the computers which characterize and, perhaps, tyrannize our age? For the more liberal rabbi there is the equally great temptation to isolate himself in the role of *Darshan*, to limit himself to descriptions. Nevertheless, do Jews need rabbis whose self-limitation to vague descriptions is a poor excuse for avoiding the precise commitment of concrete precepts? No, it is the rabbi's combined role as judge and preacher which enables him to perform a unique and necessary function for both Judaism and the Jewish people. This combined role, more than anything else I can think of in the Jewish world today, accurately mirrors the essential role the relation of law and theology plays in Judaism. For whereas in pure theory it has been possible to bracket either law or theology for speculative purposes, in practice such a separation would be impossible.

Rabbis minister to real communities within Jewish history, and as such practical Judaism is their task. A community without widening experiences and thoughts is dead; a community without concrete precepts is chaotic. This real community function of the rabbi, which cannot be broken up into abstract divisions, reflects the necessary interrelation between law and theology in Judaism as a whole. As my teacher, Professor A. J. Heschel once wrote:

The interrelationship of halacha and aggadah is the very heart of Judaism. Halacha without aggadah is dead, aggadah without halacha is wild.³

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With this in mind perhaps the rabbi, more than the specialist, is in a unique position to understand the relation between law and theology in specific cases. He, as the practical teacher of Judaism, is required to relate law and theology one to the other. He, more than anyone else, is still responsible for the education and direction of ordinary Jews. In most rabbinical dealings with Jews, education and direction, precepts and concepts, law and theology, are inseparable and often indistinguishable.⁴

If the relation of law and theology is so important in the work of the rabbi, where ought he to begin his examination of the question more carefully?

Here the first suggestion might be to identify the basic principles of Judaism and then see how these principles are applied to various situations. This methodology has been suggested by a number of modern Jewish thinkers whom one would not usually associate together on any one issue. They implicitly reject the assertion of both Spinoza and Mendelssohn that there is no relation between law and theology in Judaism—an assertion that assumes that Judaism is nothing but positive law.⁵ Any theory, on the other hand, which refuses to reduce Judaism to the particularities of past history must posit a relation between law and theology. Therefore, the tendency of a number of contemporary Jewish thinkers has been to assume a theological grounding for Jewish law. Three important examples ought to suffice.

Dr. J. B. Soloveitchik describes the halakhic process as a whole as follows:

When Halakhic man approaches reality he comes with his Torah, given to him from Sinai, in hand. He connects himself to the world with set precepts and precise principles. Halakhic man draws near to the world . . . with an *a priori* relation. His approach begins with an ideal construction and closes with a real one. To whom may he be compared? To a mathematician who fashions an ideal world, and then uses it in order to establish a relation between it and the real world . . . There is no phenomenon, being or creature to which the *a priori* Halakhah does not truly apply its ideal standard.⁶

Dr. Max Kadushin describes Halakhah, in terms of the terminology he has developed for the understanding of rabbinic

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texts, in the following way:

Aggadah made the value-concepts vivid, and by means of sermons nurtured and cultivated them. The other product of the Rabbis, Halacha, had an altogether different function. It prescribed ways for the concretization of the concepts in day-by-day living.⁷

Finally, the late Prof. Leon Roth raised the issue as follows:

A principle, clearly articulated and firmly grasped, enables us not only to judge. It enables us to correct and improve . . . Basically, the problem is that of the *translation of Aggadah into Halacha* . . .⁸

All of these thinkers deal with the relation between law and theology on the basis of what I would call an "apodictic assumption."⁹ All of them see law as the specific end product of more general theological grounds. For Soloveitchik the general ground is the "ideal Torah" or "*a priori* Halakhah"; for Kadushin it is the "value-concepts"; for Roth it is the "principle" or "Aggadah." However, each one of them acknowledges an explicit theological substratum for the various precepts of Judaism. Nevertheless, this apodictic assumption is highly problematic. For if law and theology were related in such apodictic fashion, then it is very strange that none of the codes, from the specifically legal sections of the Torah to the Mishnah to Maimonides' *Mishneh Torah* and all the codes which succeeded it, deduce specific laws from general theological principles. One need hardly mention the method of both Talmuds. Even in the *Mishneh Torah*, the most systematic Jewish code ever written, topics are inter-related, but the various laws in themselves have independent grounds. Maimonides acknowledges, as did the Talmud before him, the *general* derivation of the Halakhah from revelation, but, neither he nor anybody else can show how the specific *halakhot* in total are derived from this substratum.¹⁰ If one wishes to see a work where specific precepts are derived from general principles in a total system, he ought to carefully study the second section of Thomas Aquinas' *Summa Theologica*. I know of no work in the literature of Judaism which is constructed or could be constructed in this fashion. Therefore, despite

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the impressive contributions Soloveitchik, Kadushin and Roth have made to our understanding of Judaism, I believe it is necessary to look for another methodological assumption in our quest to understand the relation between law and theology.

In his work on Crescas Prof. H. A. Wolfson provides another methodological assumption when he describes Crescas' method as that of the traditional Talmudist.

And there is a logic underlying this method of reasoning. It is the very same kind of logic which underlies any sort of scientific research, and by which one is enabled to form hypotheses, to test them and to formulate general laws. The Talmudic student approaches the study of texts in the same manner as the scientist approaches the study of nature.¹¹

Wolfson has designated this method as the "Talmudic hypothetico-deductive method of text interpretation."¹² What he has described is not a relation where one thing is derived from another in the apodictic manner of mathematics. Rather, he has described a method more akin to that of the empirical sciences of nature, viz., where a hypothesis or model is speculatively constructed and then tested against the data at hand. The interrelation between the model and the data requires that the perspective of each is affected by the other. Examination of the model from the perspective of the data (experimentation) requires modification of the model in order to be more accurately descriptive. Examination of the data from the perspective of the model requires that they be regarded as a part of a larger system which itself is not explicit within them. Thus, carrying Wolfson's analogy further, it might be said that the relation between law and theology is one between data and model, viz., law is the data whereas theology is the model which must explain the significance of the law within a wider perspective. However, the relation is not apodictic in the sense that law is derived from theology, anymore than data are derived from models. The intelligibility of this relation lies in the relation itself rather than in any one of its terms alone as a ground.¹³ The task, then, is to construct a theological model sufficient for the legal data at hand. This model will require modification in the light of the

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data, and the data, being viewed from the perspective of the model, will yield a meaning, which without the addition of the model, would otherwise be lost.

There are many examples I could bring to demonstrate this relation between law and theology in Judaism. Nevertheless, the limits of this paper require that I confine myself to but one. I have chosen an example that very clearly exemplifies this relation and one which is also particularly relevant to the vocation of a rabbi.

There is no situation where a rabbi functions more in his dual role of judge and preacher than as celebrant of a marriage — *mesader kiddushin*. The Talmud states:

R. Judah said in the name of Samuel, "whoever is not expert in the legal nature (*teev*) of divorce and marriage, let him have no jurisdiction (*asek*) in these matters." R. Assi said in the name of R. Johanan: "Those (non-experts) who do so are more dangerous to the world than the generation of the flood."¹⁴

Rashi points out that the Talmud is specifically referring to the celebrant of the marriage in his role as *Dayan*.¹⁵ However, the Talmud is doing more than that, for only the Babylonian tradition in the name of Samuel is a specifically legal statement. The Palestinian tradition in the name of R. Johanan is a theological statement describing the cosmic status of the laws of divorce and marriage. The most heinous sin of the generation of the flood was sexual immorality, especially adultery. Maharsha points out that remarriage without proper divorce would constitute the very same sin which Scripture sees as the cause of the breakdown of the social and natural orders. This is one reason he gives for mentioning divorce before marriage.¹⁶ One can thus see the Talmud's juxtaposition of these two traditions as a combination of law and theology.

The task of the celebrant of marriage, in our day the rabbi, is not only to supervise the proper enactment of the precepts of marriage. He must also function as *Darshan*, describing in theological perspective how Jewish marriage constitutes the Jew's most fundamental social relationship, and how it also constitutes the context of his sexuality, the biological substratum of human

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personality. The Talmud, then, presents a clear model of the rabbi's dual role in the institution of marriage; he must both prescribe and describe, judge and preach. Is this not what any rabbi, who values his vocation, does under the *Chuppah*? The marriage ceremony would be incomplete if a rabbi merely presided over the giving of a ring and the recitation of a formula of betrothal. And it would be just as incomplete* if a rabbi ignored the precise prescriptions involved in Jewish marriage and merely delivered a discourse about the meaning of marriage.¹⁷

What, then, is Jewish marriage? How do we define its essential properties? How does the interrelation of law and theology enable us to reach some conclusions?

At this point we must begin with a very significant fact, viz., that in Talmudic discussions of the institution of marriage we always speak of "divorce and marriage" (*gittin v'kiddushin*), rather than what would seem to be the more logical sequence, "marriage and divorce." We have already seen this above. In the order of the tractates of the Talmud *Gittin* always comes before *Kiddushin*. Maimonides, in his introduction to the Mishnah, explains that the reason for this order is that it follows the Scriptural order: "She shall leave his house and go and be unto another man" (Deut. 24:2).¹⁸ Moreover, in the Talmudic elaboration of this Scriptural sequitur we find that it is not only used to explain an order of presentation as in certain other cases, but it is used to explain essential properties of the institution of marriage itself.¹⁹ In other words, we understand what the nature of marriage is by first understanding the nature of divorce. To infer the positive from the negative is a fundamental principle of rabbinic exegesis.²⁰ Since we infer the institution of marriage from that of divorce, if we ascertain what are the essential grounds for the dissolution of marriage we can thereby infer on what grounds marriage stands.

The grounds for divorce and the dissolution of marriage are

*The legal validity of a marriage depends solely upon compliance with Halakhic norms which stipulate that an object of value be given by the groom to the bride in the presence of witnesses. Inspirational explanations or exhortations are by no means necessary. They are purely optional depending upon the preferences of a couple and do not form an integral part of the wedding.—*Ed.*

discussed in the following Mishnah:

The School of Shammai stated: "A man is not to divorce his wife except if he found something *sexually abhorrent* about her as the Torah says: '. . . because he has found something obnoxious about her' (Deut. 24:1). The School of Hillel stated: "Even if she burned his food" as the Torah says, '. . . because he found *anything* obnoxious about her.' R. Akiba stated: "Even if he found one more attractive than her," as the Torah says, '. . . and if she did not find *favor* in his eyes.'²¹

The Talmud in its discussion of this Mishnah indicates that the School of Shammai bases its opinion on the word *ervath* (sexually abhorrent) with its clear connotation of sexual immorality, whereas the School of Hillel bases its opinion on the word *dabar* (*anything*) with its wider connotation.²² Thus the School of Shammai derives its legal conclusion from the maximum standard this verse prescribes, whereas the School of Hillel derives its legal conclusion from the minimum standard the verse prescribes. This exegetical difference between the two schools is evident in other places as well.²³

So far, our discussion is on the legal level. Nevertheless, the early codifiers accomplished a remarkable *tour de force* when they indicated that despite the legal ruling being in accordance with the School of Hillel, one ought to act according to the School of Shammai. Maimonides, although acknowledging in his *Commentary* that the law is according to the School of Hillel, nevertheless, in the *Mishneh Torah*, writes:

A man ought not divorce his wife unless he has found something sexually abhorrent about her.²⁴

Thus Maimonides in his two treatments of the question, i.e., in his *Commentary* and the *Mishneh Torah*, establishes two criteria for divorce: (a) divorce must be for objective reasons, hence the subjective reason offered by R. Akiba in the Mishnah is totally inadmissible;²⁵ (b) Divorce ought to be for reasons of unfaithfulness alone. Inasmuch as the Halakhah follows the School of Hillel,²⁶ as Maimonides himself acknowledges, this second criterion is not legal but, rather, theological. As the Tur

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points out,²⁷ this second criterion is *based* on the following Aggadah:

R. Eleazar said, whoever divorces his first wife even the altar of God weeps for him as the prophet stated (Malachi 2:13-14), "And thus do you do further, you cover the altar of the Lord with tears, with weeping, and with sighing, so much so that He no longer considers the offering, neither does He receive it in good will from your hand. And you say 'Why?' Because the Lord has borne witness between you and the wife of your youth, against whom you have dealt with treachery, and she is your companion, and your covenanted wife."²⁸

Thus we see that the reason such strict grounds are encouraged, although not legally enforceable, is because marriage is understood to be an institution involving God's personal interest and concern. This is the theological model used to explain the legal facts. Apart from its application to this particular legal problem, the notion that God is personally interested and concerned in the institution of marriage had a considerable theological development of its own. A famous Midrash reads as follows:

A Roman lady asked R. Jose bar Chalafta, "Everyone agrees that God created the universe in six days. From the sixth day on what has he been doing?" . . . R. Berachya said . . . he said to her that He arranges matches in His world He says, "this man will marry this woman, this woman will be married to this man," and He settles them in their homes. She said to him, "I could make a thousand matches in one day!" R. Jose was silent and went on his way. So she brought together a thousand male slaves and a thousand female slaves and paired them off . . . However, when night came and they came together fighting broke out among them . . . She then sent for R. Jose and related the incident. He said to her the matter might be insignificant in your eyes, but for God it is as significant as the splitting of the Red Sea, as Scripture (Psalms 68:7) states: "God settles the solitary in a home."²⁹

Here we seem to have a vivid exposition of the principle, "marriages are made in heaven."³⁰

However, it is at this point that the interrelation of law and theology is so crucial for our understanding of the essential nature of Jewish marriage. The Aggadah has tempered the Halakhah by placing a limitation on the grounds for divorce. Its

force has enabled the codifiers to reject the subjective standard of R. Akiba with uncustomary vehemence. And, although the later Halakhah permits divorce on the more lenient grounds set by the School of Hillel, it encourages one to follow the stricter grounds set by the School of Shammai.³¹ Nevertheless, the question is: If marriages are determined by God in advance, then how can the Torah permit divorce at all? Heretofore we have seen how the Aggadah has tempered the Halakhah; now we must see how the Halakhah tempers the Aggadah. Just as the Aggadah made it impossible for the Halakhah to accept subjective grounds for divorce, and difficult for the Halakhah to encourage even lenient objective grounds, we must now see how the Halakhah tempers the Aggadic tendency to see marriage as the result of God's predestination. For if we carried this Aggadic tendency to its logical conclusion we would be in direct contradiction of the Torah's prescription concerning divorce.

II.

The conflict between the Halakhic tendency prescribing freedom in divorce and marriage, and the Aggadic tendency describing predestination, comes to direct confrontation in the contradiction the Talmud discovers between two statements of the Amora, Samuel. It will be noted that his first statement is legal, the second theological.

Samuel stated that it is permitted to betrothe a woman during the Festival week lest a rival suitor precede him . . . But how could Samuel say "lest a rival suitor precede him" when we have a tradition that R. Judah said in the name of Samuel that every day a heavenly voice goes out and declares, "The daughter of So-and-So is to be married to So-and-So?" . . . However the reason is that lest a rival suitor anticipate him by means of prayer.³²

However, the Talmud does not really resolve this paradox, for in the following text it simply reiterates the Aggadic notion that marriages are predestined by God and then quotes a Tannaitic statement in the name of R. Reuben ben Estroble which reinforces the Aggadic theory of the predestination of marriage by

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marshalling proof texts from Torah, Prophets, and Writings. Furthermore, the Talmud quotes an incident where Rava advised a certain suitor that prayer in this situation is futile because God has already predestined the end-result.³³ If anything, the Talmud deepens the paradox. The various attempts of subsequent commentators to resolve the question here are admittedly inadequate.³⁴

The problem, of course, transcends the discussion in this one text. It is, as I have already shown, involved in the attempt to define the grounds for divorce, and is a fundamental conflict between legal prescription and theological description. From the Halakhah we could infer an expansion of human freedom in the question of the marital relationship in regard to both its initiation and its termination. In fact, the Halakhah specifies even in the case of the levirate, a case where the words of the Torah indicate a predestined marriage, that it is contingent on the free choice of both the man and the woman.³⁵ From the Aggadah one could infer a restriction on freedom of choice in both divorce and marriage.

As has been the case many times throughout the history of Jewish thought we have here a conflict between theories concerning Divine causality and human freedom. However, whereas in the more specifically philosophical treatments of the question the discussion has been on the metaphysical level, this discussion of the question has been on the practical level. Because of this practical grounding the question becomes more decidable for two reasons: (1) we are dealing with concrete rather than abstract entities; (2) practical conflicts require practical conclusions, and Judaism has demanded more uniformity in action than it has demanded in thought. Therefore, in order for the grounds of both Jewish divorce and Jewish marriage to be intelligible, the legal data of the Halakhah and the theological model of the Aggadah must be reconciled.

Perhaps we can find some sort of reconciliation between these opposing tendencies by giving more careful attention to the Midrash, quoted above, concerning the incident of the Roman lady and R. Jose bar Chalafta. It seems to me that there are two ways one could interpret this Midrash. And either interpretation

must answer this question: Why is God a successful matchmaker, whereas the Roman lady was a failure?

The first line of interpretation interprets the Midrash along causal lines, namely, God created the world in six days and since that time has concentrated on less spectacular acts of creation, especially matching the right man with the right woman, although these acts are taken as seriously as the miracle He performed at the Red Sea. His success is due to his causal power. Just as the natural world functions coherently because of God's omnipotence, so the world of human relations can function with some degree of coherence because of God's omniscience. God's limitless knowledge makes Him a success in this delicate area; the lady's limited knowledge makes her a failure. "Man sees appearances, but the Lord sees the heart" (I Samuel 16:7). Thus R. Jose shows the lady that her failure is due to her cavalier assumptions that her insight equals God's. Only God knows who is right for whom. By her failure the lady once again demonstrates this truth.

This line of thought is brought out by the continuation of the text in the Midrash.

"He brings forth the prisoners into prosperity" (Psalms 68:7). *Bakosharot* indicates that He brings them out from their houses as prisoners *against their will* (be'al korchan), and unites them in marriage. *Bakosharot* implies: if they are unworthy they weep (*bochim*), and if they are worthy they sing (*me'shor'rim*).

This continuation of the text, by emphasizing God's casual power, explicitly eliminates human freedom in this area. Man's free participation is ruled out by this interpretation.³⁶ The obvious problem with this line of thought is that human experience teaches us that many marriages are very unhappy. The subsequent contention of the Midrash that God always matches appropriate people is impossible to believe.³⁷ How, then, is God anymore successful than the Roman lady?³⁸

However, the Midrash continues and presents a second interpretation of the situation the verse from Psalms is describing.

Another interpretation of "God settles the solitary in a home" is, *If*

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one marries a wife suited to him, God makes houses for the couple. "Solitary" denotes greatness (cf. Gen. 26:10, II Sam. 7:23). And He causes their issue to be sons who are masters of Torah . . . But if one does not marry a woman suited to him (*hagunah*), their issue will be without Torah (*amei ha'aretz*).

This additional interpretation, which is not found in any of the parallels, introduces another line of interpretation in its explicit recognition of human freedom in the initiation of marriage. God's blessing of the marriage is now seen as subsequent to man's making the proper marriage choice.

This interpretation, if I am correct, changes the whole meaning of R. Jose's answer to the Roman lady about her failure in matchmaking. The lady did not essentially fail because she usurped God's prerogative in her assumption of equal omniscience. Rather, her failure is because of her lack of consideration for human dignity and freedom. Her slaves were used in an experiment in breeding, their needs and their desires were not taken into consideration. Because of this, marriage, which is seen as the most serious of all human relationships, could not succeed under these conditions. This is why she completely failed. God, on the other hand, not so much because of His causal power, but because of His concern with His creation, is able to do better. This is certainly not saying that there are not plenty of bad marriages. However, it should be remembered that this interpretation of the text is not emphasizing God's causality. It is emphasizing His concern with the human situation on earth, a concern initially manifested in God's compassion for Adam's loneliness in the Garden of Eden.

If God's "making of matches" is not a process of mechanical causality, then what is it? — It is a *mitzvah* for a man to carry out.³⁹ Here is where the Halakhah tempers the excesses of the Aggadah. For a *mitzvah* is grounded in God's concern for His uniquely free creation — man. Because human freedom is man's ultimate dignity, it is the condition of the commandment given by God in His concern for man and his nature. There could be no commandment without human freedom as its *conditio sine qua non*.⁴⁰ Man's upholding of the commandment of God, in this case the commandment to marry a woman truly suited to his

nature, enables him to participate in a reality which transcends the limits of his own power and control.

This grounding of the commandment in a reality fully comprehended by God alone is what the Aggadah is emphasizing. Because this aspect of the *mitzvah*, namely, its ultimate grounding, is beyond man's control, it cannot be described by the usual means of ratiocination. It can only be apprehended through that aspect of man's nature which is also not under his control, — his imagination. This is the greatness, I believe, of the theological method of the Aggadah. It attempts to apprehend the incomprehensible with the only appropriate means for such an endeavor, the imagination, which draws its vitality from the equally incomprehensible recesses of the unconscious. This significance of marriage as participation in God's transcendent order is what is emphasized here. The Aggadah emphasizes how any caprice in this relationship destroys it.

The Halakhah, on the other hand, emphasizes the condition of the commandment, which is human freedom. Man cannot participate in God's transcendent order as an automaton and still be man. Therefore, God's compulsion must be seen as His commandment addressed to man's free will. Thus the *mitzvah* has two factors: an Aggadic factor emphasizing the transcendent ground of the commandment in a realm beyond man's comprehension; and a Halakhic factor emphasizing the immanent condition of the commandment — human freedom. And, moreover, the important thing to bear in mind is that the immanent factor, the legal perspective, is taken into consideration before the transcendent factor, the theological perspective.

In the case of divorce, the Halakhic factor, the legal datum of the commandment, permits divorce. It seems to be an area left open to man's free will. What the Aggadic factor, the theological model, emphasizes, however, is that this freedom is for the sake of a reality beyond its own grasp. Thus, if the fuller meaning of the commandment is apprehended, there can be only one ground for divorce, namely, an act which essentially contradicts the meaning of that commandment. Since the fuller meaning of the commandment is not only to marry, but to marry one with whom one can fully respond to God's concern,⁴¹ God's

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faithfulness, then the grounds for divorce must be the exact negation of the grounds for marriage, that is, unfaithfulness, adultery. This is what the School of Shammai is teaching us.⁴² This is why, it seems to me, the prophets compared the relationship between God and His people with that between husband and wife. God's faithfulness is the paradigm for human faithfulness. God is not so much compared to man as man is commanded to imitate God as He has revealed Himself.

The commandment, therefore, requires understanding on two interrelated levels. The imperative itself, with its condition of human freedom, must be comprehended by the precise legal categories of the Halakhah which prescribe concrete acts. **But**, the ground of the commandment, imitation of God's concern, can only be apprehended, can only be described, in the imaginative images of the Aggadah. If one wishes to imitate God his approach can only be Aggadic.⁴³

When the Talmud deals with the disputes of the Schools of Hillel and Shammai, it emphasizes the necessity of both with the famous remark, "these and these are the words of the Living God."⁴⁴ In concluding this brief and sketchy reflection on law and theology in Judaism, let me be permitted homiletical leeway in paraphrasing the quote: Without this precise perspective of Halakhah, and without this imaginative perspective of Aggadah, how could we find the words of the Living God?

NOTES

1. That Halakhah means law, see S. Lieberman: *Hellenism in Jewish Palestine*, 2nd imp. ed. (New York: The Jewish Theological Seminary of America, 1962), p. 83, n. 3. That Aggadah means theology in its widest sense, note: "If you desire to know God, study Haggadah." (Sifre, Ekev, ed. Friedmann, no. 49). See, also *Encyclopedia Talmudit*, vol. I, s.v. "Aggadah." In this paper I have chosen the more general terms "law" and "theology" because I am dealing with a noetic relation. Inasmuch as the terms "Halakhah" and "Aggadah" came to designate specific genre of Rabbinic literature, I have avoided using them. I do not want to confuse the noetic relation, which I am treating, with a literary relation I am not treating.

