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RABBI JOSEPH DOV SOLOVEITCHIK AND THE PHILOSOPHY OF HALAKHA

Halakha,¹ while probably the most distinctive component of Judaism and most instrumental in the survival of the Jewish people,² has also been philosophically the most problematic. At the beginning of our history, to outsiders looking in, halakha appeared as a set of misanthropic superstitions.³ Later, to groups within Judaism with a sectarian bent—Christians, Karaites and classical Reform—halakha embodied all that was objectionable both in content as well as in methodology. However, even within the living environment of Talmudic Judaism which produced halakha, there arose philosophical issues which were never resolved and which impinged upon the theoretical grounds of halakha: which is greater, study or action,⁴ wisdom or deeds?⁵ Are there reasons for the *hukim*?⁶ Are some commandments more important than others?⁷ But even more significant was the fact that from the very beginning of the use of the term “halakha,” one finds the opposite term, “aggada,” so that it is clear that “halakha” was never meant to encompass all of Judaism. Thus, the conceptual stage was already set for comparisons between the two as to their relative role and significance.⁸

While halakha itself, from the Talmudic period until the present, has experienced a remarkable development in almost every area—Talmudic commentary and translation, codification, responsa, history of halakha—there has been a lacuna in the systematic treatment of the philosophy of halakha.⁹ As for the medieval period, long considered the Golden Age of Jewish philosophy, conventional wisdom is wont to accept the summary judgment of Gershom Scholem: “Of the two reflective movements in Judaism, the mystical (Kabbalah) and philosophy (rational), the latter failed to establish a satisfactory and intimate relation to the Halakha.”¹⁰

Our generation, however, has been blessed with the presence and creative productivity of Rabbi Joseph Dov Soloveitchik (henceforth “the Rav”), eminent Talmudist, halakhic authority and charismatic

teacher, whose writing has been characterized by a modern philosophic approach. Halakha and its role in Judaism as a whole has been a central focus of the Rav's writing, as evinced by the titles of two of his major essays: *Halakhic Man* and *The Halakhic Mind*.¹¹ Indeed, he has been justly called "the philosopher of Halakha."¹² As the teacher and mentor of the Modern Orthodox Rabbinate, the Rav has been enormously influential in increasing awareness of the centrality of halakha in theory as well as in practice, to the point where for many, the term "Halakhic Judaism" has come to replace "Orthodox Judaism." Since in *Halakhic Man* the Rav works with "ideal types," it is extremely difficult to determine whether views of halakha attributed to Halakhic Man are to be considered normative for Judaism. I shall therefore begin with his more philosophic work, *The Halakhic Mind*, and consider a single although obviously sweeping claim made by the Rav on behalf of halakha which is presented as the conclusion of the theory he outlines in that essay.

H₁ . . . there is only a single source from which a Jewish philosophical weltanschauung could emerge: the objective order—the Halakha¹³. . . . Out of the sources of Halakha, a new world view awaits formulation.¹⁴

Others have paraphrased the Rav's views thus:

Religious and philosophical accounts of Jewish spirituality are sound and meaningful only to the extent that they derive from the Halakha. The deepest religious emotion, the subtlest theological understanding can only be Jewishly authentic to the extent that they arise from reflection on matters of Halakha.¹⁵

Philosophy is always to be derived from the realm of the Halakha and not vice versa.¹⁶

Halakha is the visible surface of a philosophy: the only philosophy that could legitimately claim to being Jewish.¹⁷

I shall consider proposition H₁ in three different contexts:

- (1) as an independent assertion about Jewish theology;
- (2) as the logical conclusion of a theory developed by the Rav in *The Halakhic Mind*;
- (3) as a working principle employed by the Rav in the articulation of his own philosophy.

Let us note at the outset that the real problem in the Rav's asser-

tion is his claim that halakha is the *only* source of Jewish philosophy. Certainly it must be acknowledged that halakha may serve as a source for philosophy, although even this is not immediately obvious. Halakha is essentially material which takes the form of norms and practices obligatory upon the Jew. Thus, as imperative and non-propositional, halakha as such cannot qualify as philosophy. However, one can conceivably infer a philosophical proposition from a halakha. Assuming there to be a halakha that one who has sinned is obliged to repent, one might infer that since "ought" implies "can," halakha presupposes the psychophilosophical principle of human freedom of the will. As another example, one might argue that since the content of halakha is regarded as "commandments," there is the implication of the existence of a "commander." Hence the theological principle of the existence of God as Divine Commander is inferable from halakha. There is also the case of a pure theological principle having crystallized into halakha. So, for example, halakha rules that if a person does not subscribe to belief in the Divine Revelation of the Torah (*Torah min ha-shamayim*), he is classified as a heretic, which has specific halakhic consequences.¹⁸

Can we, however, insist that halakha is the *only* source of Jewish philosophy? From where have Jewish thinkers in the past drawn their philosophy? If we examine the works of the classical Jewish philosophers—Sa'adya, Yehuda haLevi and Maimonides, we find that the prooftexts they offer are mainly from the Bible, and, if Rabbinic, are generally aggadic in nature.¹⁹ Even if one should disagree with some particular philosophic tenets of these thinkers, one cannot accuse all of them of having looked in the wrong place! Certainly, many of the Talmudic Rabbis perceived aggada rather than halakha as the appropriate place to find philosophic insights: "If you wish to know He-who-spoke-and-the-world-was-created, study aggada."²⁰ Particularly if we believe, with Yehuda haLevi, that the God of Israel manifests Himself more tellingly in history than in nature, then we should get ourselves to aggada. For it is the aggada and not halakha that deals with the significance of history.

Consider, for example, that most crucial of theological questions: Should a Jew seek to justify his religious faith by means of proofs and rational arguments? Bahya ibn Pakuda found the answer in the Biblical verse: "Know this day and lay it to the heart, that the Lord, He is God in heaven above and upon the earth beneath; there is none else."²¹ A fundamental question of this kind touches upon the very nature of human knowledge in general and religious knowledge in particular. Bahya reads this Biblical verse as a mandate to engage in whatever ratio-

nal methods of investigation are available in order to demonstrate the doctrine of the unity of God. Others did not read this verse in the same way. Still, the issue was not one of *midrash halakha*, but hinged upon an *a priori* understanding of religious knowledge and the requirements of Judaism in this area.

We are thus led to conclude that H₁ is not acceptable at least as a general description of how Jewish theology has been done in the past. As a proposal for doing Jewish theology in the future, it appears unnecessarily limiting. However, in light of the Rav's own philosophic achievements in certain areas of halakha, the following proposition may be posited:

H₂ . . . Halakha is a source of authentic Jewish theology.²²

Let us return to a consideration of H₁ as a conclusion which the Rav derives from an elaborate theory of religion which he develops in that essay. According to the Rav, the God-man relation expresses itself on three levels of human experience:

1. The subjective consciousness with its various contradictory tensions, such as "wrath and Love, remoteness and immanence, repulsion and fascination, tremor and serenity, depression and rapture."
2. The objective theoretical level of logico-cognitive judgments and ethical-religious norms, such as: "God exists, He is omniscient, moral, the creator, you shall love God, fear Him, love your fellow man."
3. Concrete deeds, psycho-physical acts, prayer, worship, rituals, cult.²³

The Rav asserts that religious experiences on both the subjective and objective levels are authentic and veridical and "lie within the ontic zone."²⁴ That is to say, the Divine manifests itself both "in the (subjective) realm of time and consciousness and in the (objective) realm of time and space."²⁵ It is already in this initial presentation that we grasp the unique nature of the Rav's philosophy of religion and his overall strategy. Contrary to conventional wisdom,²⁶ the Rav insists on the cognitive and veridical nature of the "objectified" elements in religion, which in Judaism is constituted by the Torah and includes halakhic as well as non-halakhic elements. What is quite innovative in the context of Jewish theology is the Rav's acknowledgement of the ontic and spiritually significant nature of the subjective religious consciousness. This is the belief that Divinity manifests itself in human consciousness not only

in the rare and dramatic invasion of certain human beings by the prophetic spirit, but also in the tensions and conflicts, antinomies and polarities which are part of the general human condition. In so doing, the Rav is acknowledging the presuppositions of the phenomenological and existential approaches to philosophy which he presents, at least in this essay, as a given with no indication that it is derived from any halakha.²⁷

However, the Rav goes on to state that because of the obvious difficulties of reporting and analyzing what goes on in the subjective realm, it can be reliably grasped only by reconstructing it from the two objectified levels by a method of "descriptive hermeneutics."²⁸ The Rav justifies such a reconstruction by positing a correlation between the subjective and objective levels so that any set of beliefs and rituals on the objectified levels can be traced to and correlated with the subjective sphere.²⁹ What remains unclear is the precise relationship between these three levels of the "religious act." The Rav claims that level 1 is "reflected" in levels 2 and 3, levels 2 and 3 are "evolved in the objectification process," level 1 finds its "concrete expression" in levels 2 and 3.³⁰ One has the impression that there is some natural process whereby the original "spirit" that is experienced on level 1 is then embodied, in some sense, in the objectified material on levels 2 and 3. If this is what happens, then indeed, one is justified in reconstructing level 1 out of levels 2 and 3, because in a sense its very ability to appear on levels 2 and 3 constitutes a test of its strength, durability and therefore authenticity. Thus, if certain sentiments about God appear in man's consciousness and are found reflected in related halakha, then the latter can justifiably be used to reconstruct the true nature and import of the former. According to this theory, the ritual and cult is to be regarded as the most fully evolved, concretized and therefore "highest" expression of religion and the Divine spirit. The ritual thus becomes the only reliable key to unlock the vital secrets of our religious consciousness.

In applying this general theory to Judaism, we must ask whether its underlying assumptions can be accepted. Can we say that religious subjectivity has this tendency to "flow" in the direction of objectification and that there is always some sort of "correlation" between the subjective and objective levels?³¹ In Judaism, the ethical norms, cognitive-logico propositions and the halakhic rituals are believed to have been revealed to man by God and did not evolve by any natural process. We are under no necessity to assume that they are "expressive" of any antecedent subjective experience. However, in some cases, the rituals may very well be directed at certain recurring human experiences

which are accompanied by typical subjective reactions. Thus, the Jewish rituals of mourning are obligatory after the death of close relatives. Here we can agree with the Rav that "the Halakha is the act of seizing the subjective flow (the grief, the sorrow, and the bewilderment) and converting it into enduring and tangible magnitudes"³² (the different periods of mourning: *onen*, seven days of mourning, thirty days, twelve months in the case of parents). And sometimes, someone with the insight of the Rav can indeed start with halakha and "reconstruct" by a process of "descriptive hermeneutics" the emotional depths of the mourner. However, neither this sequence, nor the correlation, nor the possibility of "reconstruction" seem to hold in every area of halakha. For example, in regard to the laws of prayer and the obligation to pray three fixed prayers at three fixed times of the day, the subjective-objective correlation may very well be reversed. That is, in this situation, unlike the laws of mourning, halakha may be *impressive* rather than *expressive*. Starting out, the worshipper may lack any distinctive religious consciousness, but may under the impact of his prayers begin to feel the Presence of God and other emotions. Here halakha is not the means by which to "reconstruct," but the instrument which creates subjectivity and impresses upon it a certain character. Then, there are still other areas of halakha, such as the dietary laws, divorce laws, and laws of ritual cleanliness, where there seems to be no obvious antecedent, inner correlation at all that is waiting to be "structured and ordered."³³

However, the greatest difficulty in viewing H₁ as the logical conclusion of the theory of religion developed by the Rav in *The Halakhic Mind* is the following. According to the Rav, the objectification of the religious consciousness takes place on two distinct levels that we have designated level 2 and level 3.³⁴ The Rav calls level 2 "theoretical," as it contains "logico-cognitive" and "ethical-religious" statements. But it is level 3, called "concrete deeds," which the Rav identifies with halakha and which he sees as "the single source from which a Jewish philosophical weltanschauung could emerge." However, the Rav's preference for level 3 over level 2 seems unjustified. The items on level 2 are clearly in the objective realm. Moreover, it is precisely the logico-cognitive and ethical-religious propositions that have, in fact, served as the primary sources for Jewish theology in the past. And, as the Rav himself says: "The canonized Scripture serves as the most reliable standard of reference for objectivity."³⁵ Indeed, the richest lodes of implicit theology that can be mined for an understanding of Jewish philosophy are still the first eleven chapters of *Genesis*, the *Song of Songs*, the Book of *Job*

and *Ecclesiastes*—and they are part of level 2. Why then does the Rav give preference to concrete deeds, the ritual, as the source for “reconstruction”? Why does the Rav bypass the “ethical norms,” although they, in a sense, also belong to halakha? If, like the Rav, one accepts the assumption that there is a “trend towards self-transcendence on the part of the spirit . . . that it strives to infiltrate the concrete world and that subjectivity rushes along a path that points towards externality, spatialization and quantification,” then it follows that “concrete realization in external and psycho-physical acts is the highest form of objectification,”³⁶ so that ritual or halakha is to be preferred for purposes of reconstruction. However, nowhere is this assumption provided with philosophical justification.

The Rav, however, presents an additional argument for his thesis. He maintains that “religion is typified and described not so much by its ethos as by its ritual and cult” and “the unique character of a particular religion appears only in the ritual,” while the existence of an ethical norm is a common denominator in all religious systems.³⁷ Yet there is good reason to believe that in Judaism it is the reverse. Ritual and cult have instrumental value, while what is unique in Judaism and of intrinsic value is precisely Judaism’s understanding of the ethical, the relationship between God and moral values, and the nature of the human being.³⁸

Thus, on the basis of the Rav’s own designation that religious objective constructs are found in the “norms, dogmas, postulates of canonized Scripture,” many of which are non-halakhic, and that from these objective expressions (level 2) the subjective levels can be reconstructed, H₁ cannot be allowed the way it stands.³⁹

However, in view of the centrality of halakha in Judaism, it would seem reasonable to postulate H₃:

H₃ . . . Any philosophy of Judaism, to be considered adequate, must be consistent with principles logically inferable from halakha.

Let us proceed to examine some of the Rav’s philosophic writing to determine whether he employs halakha as the sole source of his theorizing about Judaism.

In arguing the importance of H₁, Professor Marvin Fox focuses upon a particular teaching which he claims is paradigmatic of the Rav’s practice of deriving theology from halakha.⁴⁰ In one of his most important essays, the Rav begins with a discussion of the theological problem of human suffering, which often cannot be explained on the basis of the

principle of Provident reward and punishment or in terms of ensuring beneficial consequences.⁴¹ Judaism, says the Rav, with its realistic approach, refuses to cover up or minimize the horror of evil in the world or to overlook the conflict at the heart of existence.⁴² There is blatant evil, pain and suffering which cannot be overcome by speculative philosophic thought. This is because the human perspective is never based on more than a fragmentary view of life and history, so that the full picture, accessible only to God Himself, remains unknown.⁴³ Judaism bids the individual to confront his situation honestly and realistically and must ask: "What must the sufferer do so that he can get on with his life?" We are interested neither in the metaphysical cause of suffering nor in its purpose, but rather in the question: how is the individual to respond to his suffering? How may he elevate his suffering and weave it into the pattern of his chosen destiny in life?

Before the Rav introduces any halakhic source for this teaching, he states that it is the view of Judaism that man is obligated to creatively transform his fate into destiny so that when confronted by suffering, instead of idle speculation, he must perceive his situation as a challenge and seek to use it as a springboard for personal growth.⁴⁴ And for this the Rav provides prooftexts from the Bible, *Deut.* 4:30 and *Jeremiah* 30:7, to show that crisis can lead to repentance and to personal salvation. The Rav then goes on to show how this "practical" approach to the experience of suffering is reflected in the Mishna: "Man is obligated to bless God for the evil which befalls him just as he is obligated to bless Him for the good."⁴⁵ According to the Rav, "blessing God" means more than saying "Thank You." Man is obligated to reevaluate his entire life in the light of his good fortune. So, too, the experience of suffering obliges the individual to step out beyond the experience and to consider new, creative initiatives in integrating his suffering into a religious blessing for himself and for others.

According to Professor Fox, "We have here one of the most clear and explicit cases in which important religious doctrine emerges from a proper understanding of the Halakha⁴⁶ . . . Halakhic norms generate theological principles⁴⁷ . . . It is the Halakha, not abstract theological speculation, that teaches us that we must use our pain as an occasion for self-refinement and moral growth."⁴⁸

Fox seems to be making two different claims:

(1) In "*Kol Dodi Dofek*," (pp. 65-74) the Rav presents us with a clear and explicit case in which "important religious doctrine" emerges from a proper understanding of halakha (Mishna in *Berakhot*).

(2) In "*Kol Dodi Dofek*," (pp. 65-74) the Rav is saying that it is from halakha that we learn that we must use suffering as an occasion for self-refinement and moral growth.

I wish to argue that neither of these propositions is correct, i.e., the views attributed to the Rav are not found in this article.

(1) The "important religious doctrine" that Fox is referring to can only be the teaching that "we must use our pain" But this is a normative statement prescribing a certain attitude and mode of response, hardly an example of the philosophical world-view which analysis of halakha is supposed to generate. Even if the Rav does derive the teaching, "that we use our pain . . .", from halakha, it hardly is the "clear and explicit case" that exemplifies the general principle. Moreover, even if the "blessing" prescribed by the Mishna is understood in the full sense of the Rav's interpretation, it implies nothing as to whether, after having made the blessing, one may pursue the philosophical question as to the meaning and significance of human suffering and whether it is reconcilable with God's moral character. From the fact that halakha as halakha addresses itself to the practical question of how one should existentially respond to suffering, one cannot infer anything as to the attitude of Judaism regarding the philosophical problem of theodicy. In fact, the Rav seems to base his assertion that, according to Judaism, seeking a purely philosophic-speculative solution to the problem of human suffering is futile, upon (1) the fact that no adequate solution has to date been offered and (2) the argument that the perspective of the human being is too limited to enable him to understand.

Even the lesser claim (#2) does not seem to be borne out by the text. True, the halakha in the Mishna in *Berakhot* as interpreted by the Rav seems to reflect the teaching that "we must use our pain as an occasion for self-refinement and moral growth," but it is not at all clear that the Rav presents this as his source. Indeed, there seem to be better reasons for considering the Biblical texts cited by the Rav, *Deut.* 4:30, *Jeremiah* 30:7, and the Book of *Job*, as his sources.

Fox makes the following statement: "Rav Soloveitchik replies to these questions (human suffering) with what he specifically labels a Halakhic answer."⁴⁹ The passage that I believe Fox is referring to is the following:

The Halakhic answer to this question is very simple. Suffering comes to elevate the person, to purify his spirit and to sanctify him, to cleanse his thought and to purify it from all the dross, the superficiality and vulgarity and to broaden his horizons.⁵⁰

A glance at the sentences immediately preceding this paragraph reveals that the "question" referred to is, "How shall a man behave in a time of trouble? What shall a man do so as not to be destroyed by his suffering?" In short, the term "Halakhic answer" refers to the practical question: "How should a man react to suffering?", and not to the broader philosophical question of how to reconcile human suffering with God's morality. But surely this is not only the "Halakhic answer" to this question, but also the answer of the aggada: "Should a man see suffering come upon him, let him scrutinize his actions . . . if he does not discover the cause, let him attribute it to neglect of Torah . . . if he still finds no justification, it is certain that his chastenings are chastenings of love."⁵¹ This aggadic answer asserts even more explicitly than the Mishna that in terms of personal reaction, suffering comes to elevate the person, purify his spirit and sanctify him.

We have argued that no theological principle can be deduced from this Mishna and that the Rav makes no claim to do so.

In further pursuit of the question of how the Rav treats halakha in developing his philosophical insights, let us examine the opening sections of what may be the Rav's most philosophical essay, "*U-Vikkashtem miSham*."⁵² Here the Rav paints on a very broad canvas indeed. He attempts to depict the complex, conflicted and tension-filled relationship between man and God over the vast range of human thought. He notes the areas wherein man has sought to catch a glimpse of a reflection of his Creator: in the drama of the cosmos, in the dark recesses of his own consciousness, in the moral will and in the voice of conscience. Ranging over the entire history of religious philosophy, the Rav shows how man's search for God has been disappointing and frustrating. While doing natural theology, he believes he has discovered God at the end of a rational argument, as a deduction from categorical principles, only to learn in a later period that the entire enterprise was misconceived inasmuch as the finite mind using empirical categories cannot infer anything about the transcendent and the eternal. Then man begins to look elsewhere in the presuppositions of his own consciousness, in his sense of ontological awareness, in his nameless yearning for something that nothing in this entire world can seem to assuage. Sometimes he does catch a glimpse of something sacred, of some transcendent meaning—but in a flash the perception is gone and one is not sure whom or what one has glimpsed. From the other direction, as God turns to man, the results are equally equivocal and disappointing. Often, man does not recognize the Presence of God in his crisis-filled situation. Often, man flees from His demand in fear of the responsibilities involved.

For the Rav, the dialectical character of the history of the relationship between man and God is also reflected in the religious consciousness of the individual. Contrary to those who present religion as “a realm of simplicity, wholeness and tranquility” for “embittered souls and troubled spirits,” the Rav insists that the religious consciousness at its profoundest “is exceptionally complex, rigorous and tortuous, antinomic and antithetic from beginning to end.”

It is in a condition of spiritual crisis, of psychic ascent and descent, of contradiction arising from affirmation and negation, self-abnegation and self-appreciation. The ideas of temporality and eternity, knowledge and choice (necessity and freedom), love and fear (the yearning for God and the flight from His glorious splendor), incredible and overbold daring and an extreme sense of humility, transcendence and God’s closeness, the profane and the holy, etc., etc., struggle within his religious consciousness . . . it is a raging, clamorous torrent of man’s consciousness with all its crises, pangs and torments.⁵³

According to the Rav, these conflicting thoughts and feelings are not the result of confused thinking or psychological pathology, but part of what it is to be man. “This antinomy is an integral part of man’s creative consciousness, the source of most of the antinomies and contradictions in man’s outlook.”⁵⁴ “Homo Religiosus is suspended between two great magnets, between love and fear, between desire and dread, between longing and anxiety. He is caught between two opposing forces—the right hand of existence embraces him, the left thrusts him aside.”⁵⁵

From whence does the Rav derive this depth of insight into the complexities of the God-man relationship? In the opening section of this essay, the Rav poetically portrays the dialectical relationship between the two lovers in the *Song of Songs* and presents this as the grand metaphor for the relationship between man and God: the going forward and the backing off, the tension between love and fear, searching and not finding, hesitation to respond when the beloved knocks. The following emotional, evocative passages are seen by the Rav as expressions of the conflicted character of the God-man relationship both in history and in the individual consciousness:

Draw me, we will run after thee (1:4)
Rise up my love, my fair one and come away (2:10)
I sought him but I found him not (3:1)

I will seek him whom my soul loveth (3:2)
 I sleep but my heart waketh
 Hark my beloved knocketh (5:2)
 I have put off my coat
 How shall I put it on? (5:3)
 I opened to my beloved
 But my beloved had turned away and was gone
 I called him but he gave me no answer (5:6)
 Whither is thy beloved gone? (6:1)
 I am to my beloved
 And his desire is towards me. (7:11)

"When man begins to draw close to God because he hears the voice of God travelling through the world, God distances Himself from him. The Infinite and man the finite seek but do not find each other. This dialectical drama reveals itself in its full strength and loftiness. Man remains alone. Who can save and redeem him from his loneliness if not the God who hides Himself from him."⁵⁶

The analogy fits perfectly. But in what sense can the *Song of Songs* be said to be the source of the Rav's teaching that the God-man relationship is of this conflicted, tortuous character? After all, it is not literally found in the text. Once again, it is the Rav's "descriptive hermeneutics" that makes the connection.

In what appears to be an attempt to justify his interpretation, the Rav points out that it is the halakha which is the basis for the judgment that "if all songs are holy, the *Song of Songs* is the Holy of Holies," meaning that it is to be interpreted figuratively and never literally as a mere love song.⁵⁷ Are we therefore to infer from this that the Rav derived this most innovative teaching from the halakha? But all that the halakha establishes is that the *Song of Songs* is to be considered Holy Writ and not to be interpreted as a secular love song; precisely which interpretation should be given remains in the realm of aggada. Thus, if the Rav decides to give the text a metaphysical-universal interpretation rather than the metaphysical-historical interpretation of Rashi and the tradition, the teaching acquires a midrashic warrant from the text, but hardly from the halakha!⁵⁸

A quick survey of the entire essay reveals that in referring to the religion whose doctrines he is analyzing, the Rav uses the term "Judaism" at least 16 times, the term "halakha" some 12 times, and "Kabbalah," three times. In none of the contexts in which the term "halakha" is used is it suggested that a particular item of theology is being

derived from the halakha. The halakha seems always to be presented in a supporting role to Judaism. Once a theological teaching has been declared integral to Judaism, by virtue of some Biblical text or aggadic teaching, it is shown to be reflected in some halakha (p. 16) or supported by the halakha (pp. 9, 24, 42, 61), or "then comes Judaism headed by the Halakha . . ." (p. 39). Sometimes, of course, the Rav makes philosophical observations about the halakha itself (pp. 49, 55, 62). Of special interest is the Rav's use of the term "Halakhic Judaism," which occurs in connection with three different theological teachings. Upon consideration it might be suggested that the Rav uses this term when he wishes to imply that in the absence of the corrective influence of the halakha, Judaism might have veered in a different direction: radical detachment from the material world (p. 59), concentration on either love or fear of God (p. 35), or a search for complete mystical union with God (p. 33). For the Rav, therefore, "Halakhic Judaism" is not a Judaism that is derived solely from the halakha, but a Judaism in which the role of the halakha is both practical and philosophical.

Thus, in spite of the many references to the halakha in this major philosophical essay, the theological themes that are developed and presented by the Rav do not appear to be derived from the halakha.⁵⁹

It was stated earlier that somehow, systematic exploration of the philosophy of halakha had been neglected. Yet the basic elements of such a philosophy can be found in Rabbinic sources and in the writing of recent Jewish thinkers, so that the main outlines of such a philosophy can be described. Here in sketchy form is what might be called a prolegomenon to a minimalist view, a theory which will describe the place and role of halakha within Judaism and which will do so by making only those assertions which are logically necessary to sustain the enterprise called "halakha." The adequacy of this theory is to be judged by whether it accounts for the central importance attached to the study and practice of halakha by the tradition.

METHODOLOGICAL PRESUPPOSITIONS

(1) The answer to the question, "What is the purpose of halakha?", which is a "second order question," cannot come from halakha itself, for the same reason that the answer to the question, "What is the purpose of playing chess?", cannot come from a study of the rules of chess.

(2) The answer, however, must come from within Judaism and not from cultural values outside of Judaism, regardless of how universal

or self-evident they may appear. This has been stressed by the Rav: "It is impossible to reconstruct a unique Jewish world perspective out of alien material,"⁶⁰ and, before him, by S.R. Hirsch: "We must take up our position within Judaism, to seek to comprehend Judaism from itself, as it represents itself to be."⁶¹ This applies to the efforts to discover the reasons for the individual commandments as well as to the philosophy of halakha as a whole.

(3) Halakha is neither theology nor anthropology, but is based on both.⁶² From the Bible and Rabbinic midrash aggada comes a doctrine of God and a theory of man which are the pre-conditions of halakha and within which halakha as a whole is to be understood.

On the basis of the above, we may conclude that halakha's being essentially a collection of prescriptions and norms directed to man constitutes the instrumentality by which God, the Giver of halakha, brings about the ends He intends for man, His creature. This view locates the purpose of halakha in man and not in God or in the world. Thus, the Rabbis noted that the commandments were given "solely to purify" Israel and "make them worthy of life in the World to Come."⁶³ Deciding to live by halakha, behaving in accordance with halakha, and studying halakha all have crucial effects upon the consciousness, the personality and the moral makeup of man. Unlike some of the medieval Jewish thinkers, who saw only a social benefit in the practice of halakha,⁶⁴ we are stressing that the study and practice of halakha can bring about the spiritual and moral transformation of man which constitutes his salvation as intended by God. Unlike the mystical tradition, our "minimal" theory limits the consequences of halakhic practice to man rather than extending it to the cosmos.⁶⁵

The Rav properly expresses the ultimate goal of Judaism in terms of the category of "Holiness-*Kedusha*." Judaism believes that the Divine Presence must be brought down into our concrete world so that the Transcendent can be experienced in our everyday lives. "Holiness is created by man, by flesh and blood."⁶⁶ Says the Rav:

An individual does not become holy through mystical adhesion to the absolute nor through mystic union with the infinite nor through a boundless, all-embracing ecstasy, but rather through his whole biological life, through his animal actions and through actualizing the Halakha in the empirical world. . . . Holiness consists of a life ordered and fixed in accordance with Halakha and finds its fulfillment in the observance of laws regulating human biological existence such as the laws concerning forbidden sexual relations, forbidden foods and similar precepts.⁶⁷

A similar thought is found in S.R. Hirsch:

Law purifies and sanctifies even our lower impulses and desires by applying them with wise limitations to the purposes designed by the Creator. . . . Righteousness is the Law's typical end and aim.⁶⁸

And so also A.J. Heschel:

The deed is the source of Holiness. To the Jew the mitzvot are the instruments by which the Holy is performed. If man were only mind, worship in thought would be the form in which to commune with God. But man is body and soul and his goal is to live so that both "his heart and his flesh shall sing to the living God."⁶⁹

The two divisions of halakha, the positive and the negative, the "dos" and the "don'ts," are thus accounted for by David Shapiro:

The positive in Halakha reflects on a human level the creative activity of God. The negative bespeaks the finite and unredeemed character of the universe wherein the evil derived from man's freedom is countered by means of man's withdrawal from contact with it.⁷⁰

One should add here the observation of Nahmanides that refraining from the negative commands responds to "fear of God," while observing the positive commands responds to "love of God."⁷¹ This would bring into the very dynamics of halakha the dialectical polarities of the religious consciousness which the Rav sees reflected in the commands to love and fear God and in the divine attributes of *din* and *rahamim*.⁷² The importance of this approach lies in its focus on the category of the Holy, which is a uniquely religious category and one central to Judaism.

But the ideal of becoming holy by means of halakha is given deeper meaning by the Rav by being placed within the broader framework of *imitatio Dei*. The very imperative in the Bible to be holy is couched in terms of *imitatio Dei*: "You shall be Holy, for I, the Lord your God, am Holy."⁷³

- By exercising his freedom to choose the good and the true, man is fulfilling part of the Divine Image within him.

- By acting in accordance with halakha, man rises above being “a mere random example of his species” and acquires an “I” identity and becomes a possession of individual existence and even individual immortality.⁷⁴
- By being creative in halakha, man imitates God, who is the supreme Creator--“Maker of Heaven and Earth.”

However, the ultimate instantiation of man as creator in terms of *imitatio Dei* could hardly be one who intellectually creates abstract conceptual worlds in halakha. For, as the Rav states: “The peak of religious ethical perfection to which Judaism aspires is man as creator.”⁷⁵ It is called “religious ethical perfection” because “the most fundamental principle of all is that man must create himself.”⁷⁶ And self-creation makes sense only in religious *ethical* terms. Man, utilizing his divine trait of freedom and perceiving God as his model, remakes his personality to become truly merciful, kind, just and righteous. So that from being born in “the image of God” (with potentialities), man becomes in the “likeness” of God in reality. As the Rav acknowledges: “The whole process of self-creation all proceeds in an ethical direction.”⁷⁷ Therefore, an alternative way of expressing the purpose of halakha might be: “Halakha is the medium for the implementation of *imitatio Dei*,”⁷⁸ with the latter understood primarily in ethical terms.

If this sketchy outline of a minimalist philosophy of halakha be deemed adequate, how shall we judge the view of the Rav, which stresses the theoretical and cognitive importance of the study of halakha?⁷⁹

The Rav states: “The Halakha is not a random collection of laws, but a method, an approach which creates a noetic unity.”⁸⁰ “The essence of the Halakha which was received from God consists in creating an ideal world and cognizing the relationship between that ideal world and our concrete environment in all its visible manifestation and underlying structure,”⁸¹ and again, “Halakhic man orients himself to the entire cosmos and tries to understand it by utilizing an ideal world which he bears in his Halakhic consciousness.”⁸² “The foundation of foundations and the pillar of Halakhic thought is not the practical ruling but the determination of the theoretical Halakha.”⁸³

We would seem to have here first an assertion as to what halakha essentially is, namely, a conceptual theoretical system which is directed at our cognition, and second, a value judgment. This latter refers to the classic issue of which in halakha is greater, study or deed.⁸⁴ And the Rav seems to be saying that intellectual creativity in the study of halakha is

greater and is of value even in the absence of implementation. Let us first examine this value judgement.

What is the religious significance of discovering systematic connections between abstract concepts of halakha? In the words of the Rav: "Halakhic cognition unites the finite with the infinite."⁸⁵ In explanation, the Rav cites the views of both R. Shneur Zalman of Lyody and R. Chaim Volozhiner.⁸⁶ "When a person understands and grasps any halakha in the Mishna or *Gemara* fully and clearly, that, for example, it is His will that in case Reuben pleads thus and Simon thus, the decision shall be thus, therefore when a person knows and grasps with his intellect this decision . . . he thereby comprehends, grasps and encompasses with his intellect the will and wisdom of the Holy One. . . ."⁸⁷

"Through studying Talmud and commentaries and all the *pilpulim*, everything is made to cling to the Holy One, Blessed be He. . . . Since, He, His will and His word are one, by cleaving to the Torah it is as if one is cleaving to Him."⁸⁸

As shown with incisive clarity and scholarship by Aviezer Ravitsky, the Rav bases his theory of human knowledge on the Aristotelian-Maimonidean principle of the unity of the intellect, the intellectually cognizing subject and the intellectually cognized object.⁸⁹ Thus, if the thought content of halakha is the revealed thought of God, then he who intellectually grasps halakha unites in some sense with God.

What is problematic about this theory, however, is as follows:

(1) It does not appear that Judaism is congenial to the proposition that the intellect is to be viewed as the main link between man and God. The views of Yehuda haLevi and Hasdai Crescas have generally been seen to be more "Jewish" on this subject than those of Maimonides, in spite of the Rav's efforts to temper the strict intellectualism of Maimonides.⁹⁰

(2) While halakha as a whole reflects the will of God for man, the content of the different parts of halakha might affect its ontological status. Thus, those portions of halakha which deal with moral norms, with the demands of the moral values of justice, righteousness and loving kindness can more easily be understood as part of reality and in some sense part of God Himself: "The Lord, the Lord God, merciful and gracious, long suffering and abundant in goodness and truth"⁹¹ Thus, creative intellectual involvement in moral commandments of halakha could be defended as constituting communion with God. However, this would not be the case were we to focus on ritual aspects of halakha such as the theoretical concepts behind the dietary laws, which appear to be of instrumental value only.

We saw earlier that the Rav maintains that the study of halakha is a cognitive process which somehow is related to "understanding the entire cosmos." This is underscored by his statement in *The Halakhic Mind* that "the cognition of the world is of the innermost essence of the religious experience."⁹² What is the relationship between knowing the theoretical halakha and knowledge of the real world?

Certainly, halakha itself was given to be "known." These rules obviously cannot be obeyed unless they are understood both in terms of (1) recognizing the situation in which they become applicable and (2) what one is called upon to do. On the theoretical level, halakha has constantly undergone a vast development in which the principles behind the practical observances were identified so that further extensions and distinctions could be made in the law. The master of halakha in both its theoretical and practical aspects could be said to have amassed a great deal of "knowledge." But knowledge of what? Essentially about halakha, which is in some respects an autonomous system.⁹³ But can it be said that halakha provides us with a knowledge of the "cosmos," of the "phenomenological reality?" Only perhaps as an indirect byproduct of our efforts to properly describe those aspects of reality which we must compare to the theoretical model in order to arrive at a halakhic ruling in an actual case.

On the highest level of halakhic scholarship, there is of course a process which might be called "creating an ideal world," which is the development of abstract concepts of great generality that range over diverse halakhic fields, which are useful in resolving contradictions and solving other related problems within halakha. However, the more abstract the concept, the more tenuous its link with "phenomenal reality," the less justification there is for calling it "knowledge."⁹⁴

Thus, the sort of "understanding of the cosmos" that one could achieve by "orienting" oneself to it by halakhic concepts would appear to be extremely selective, fragmentary and one-dimensional. One would end up knowing a great number of disconnected particular things about a wide variety of phenomena significant only in terms of halakha.

The Rav asserts, "Halakhic man's ideal is to subject reality to the yoke of the Halakha."⁹⁵ This suggests that the religious Jew somehow wishes to transform reality or perceives reality in some radically different way. Actually, the only way the halakhic master could make a proper ruling is to perceive reality just the way it is in all its brute facticity. And the ontological status of the chicken that is consumed after the halakhic ruling that it is kosher is the same and is as "real" as before. The only reality that Judaism would like to submit to "the yoke of the Halakha" is the will and deeds of man.

It appears therefore to the present writer that the effort to endow creative study of the theoretical halakha as such with the ability to provide cognitive insight into the cosmos or mystical communion with the Revealer of halakha is open to serious objections. Moreover, it does not appear necessary for a minimal philosophy of halakha, which can otherwise meet reasonable conditions of adequacy.

Halakha was given by God to His people to be developed creatively so that it might be applied humanely to be observed diligently to bring about ends which are for the ultimate edification of man and society: as a medium for the implementation of *imitatio Dei*. Thus, the real significance of halakha is instrumental rather than intrinsic, "To bring down the Divine Presence into the concrete world," to inject holiness into all aspects of life. Holiness is created by man through actualizing halakha in the empirical world.⁹⁶

NOTES

1. Etymologically, the term "halakha" derives from the Hebrew verb, *halokh*, "to walk" or "to go," and, as a noun, refers to that portion of Biblical and Rabbinic lore which takes the form of laws and practices obligatory upon the Jew. In Talmudic literature, halakha is used in opposition to the term aggada, from the verb *le-hagid*, "to relate," which refers to types of material not encompassed by halakha, such as history, poetry, narratives, prayers, and theology. It is important to note that moral teachings are to be found both in halakha as well as in aggada.
2. See Ephraim E. Urbach, *HaHalakha* (*Yad laTalmud*, Israel 1984), pp. 3-4.
3. See H.J. Leon, *The Jews of Ancient Rome* (Jewish Publication Society, Phila. 1960).
4. *Kiddushin* 40b.
5. *Avot* 3:2.
6. *Yoma* 67b on *Levit.* 18:4.
7. *Avot* 2:1, *Sifra* 45.
8. In the Talmudic period both were treated with equal seriousness. Certain Rabbis were known as specialists in halakha, others in aggada. There are no Sages known as masters of halakha who did not also expound the aggada. However, there are teachers of aggada in whose name no halakhot have been recorded. There is no halakhic work from the Talmudic period in which aggadic teachings are not found. However, there are works of aggada in which no halakha is found. What must be stressed is the interdependence of halakha and aggada as indispensable constituents of Judaism, and at the same time their distinctive characteristics. Thus Kariv: "The halakha is the rigid skeleton of the life of Israel; the Agada is its soul and spirit." For example, the halakha of Shabbat treats the 39 categories of work forbidden on the Shabbat, while the aggada speaks of the Shabbat Queen, the Shabbat as "wedded" to Israel, and the special "over-soul" acquired by the

Jew on Shabbat. Heschel put it this way: "Halakha without Aggada is dead; Aggada without Halakha is wild." Contemporary Yeshiva heads prefer the expression: "Halakha represents the bread and meat of Judaism; Aggada contributes the seasoning."

It is difficult to formulate the defining characteristics (necessary and sufficient) of halakha in a way that would precisely separate out all that is considered halakha from all that is considered aggada. For example, if we define halakha as including all those rules in Judaism which involve "doing," then we exclude what have been called "duties of the heart," which include the important mitsvot of love of God and fear of God and others. Alternatively, the term "halakha" can be given to any rule which carries an authoritative, prescriptive character. In this view, anything in Judaism which the individual is *obligated* to do or say or think or any attitude which he is commanded to adopt is part of halakha. This would leave to the aggada descriptive propositions referring to history, the human being, and the actions of God in the world as well as rules whose observance is optional.

Maimonides, in his halakhic work, *Mishne Torah*, apparently uses a very broad definition of the term, as he includes material that is clearly of a philosophical, cosmological and psychological nature. Thus, a moral theory based on Aristotelian ethics and psychology is included in a section called *Hilkhot De'ot*—"The Laws of Moral Character." Another well known section is called *Hilkhot Teshuva*—"The Laws of Repentance." But what part of the *teshuva* process is technically halakhic? Maimonides' own formulation seems to suggest that the mitsvah—obligation—focuses only on the recitation of the confessional (*vidui*). Are we to conclude that the entire subject of *Teshuva* in Judaism, with its profound philosophical, moral and psychological implications, are all a matter of halakha?

See Kariv, Avraham, "Tefisat haHalakha baAgada", in *Hagut veHalakha*, Y. Eisner, ed. (*Misrad haHinukh ve-haTarbut*, 1972).

9. With the important exception, of course, of Rabbi Samson Raphael Hirsch (1808-1888), whose contribution to this subject is of historic importance and whose views we shall cite later in this article.
10. Gershom G. Scholem, *Major Trends in Jewish Mysticism*, (Schocken Books, NY, 1941) p. 28.
11. Rabbi Joseph B. Soloveitchick, *The Halakhic Mind*, (The Free Press, Macmillan Inc., NY, 1986). Rabbi Joseph B. Soloveitchick, *Halakhic Man*, (The Jewish Publication Society, Philadelphia, 1983) p. 137.
12. D. Singer and Moshe Sokol, "Joseph Soloveitchick: 'Lonely Man of Faith,'" *Modern Judaism*, Vol. 2, no. 3, p. 232.
13. *Mind*, *op. cit.*, p. 101.
14. *Ibid.*, p. 102.
15. Marvin Fox, "The Unity and Structure of Rabbi Joseph B. Soloveitchick's Thought," *Tradition*, Vol. 24, no. 2, p. 49.
16. Aviezer Ravitsky, "Rabbi J.B. Soloveitchick on Human Knowledge," *Modern Judaism*, Vol. 6, no. 2, May 1986, p. 181, note 12.
17. Reported by Rabbi Jonathan Sacks, Chief Rabbi of Great Britain, of a conversation he had with the Rav in the summer of 1967, *Jewish Action*, Vol. 53, no.3, p. 30.
18. *Rambam*, *Hilkhot Teshuva* 3:8.

19. S. Weisblat, "Pesukei Tanakh uMa'amarei Hazal keAsmakhtot leDe'ot Philosophiyot," *Bet Mikra* (34).
20. *Sifrei, Parshat Eikev*, see Avraham Kariv, *MiSod Hakhamim* (Mossad haRav Kook, Jerusalem 1976), p. 22.
21. *Deut.* 4:39.
22. The method by which the theology is generated from halakha is called by the Rav "descriptive hermeneutics," p. 98, *The Halakhic Mind*.
23. *The Halakhic Mind*, *op. cit.*, pp. 68-69.
24. *Ibid.*, p. 75.
25. *Ibid.* p. 66.
26. Berlin in the 1930's.
27. In his essay, *UVikkashtem miSham*, which we shall deal with later, the Rav associates the dialectic in the religious consciousness with the dialectic in the *Song of Songs* and the Divine attributes of *din* and *rahamim*.
28. *Mind*, *op. cit.*, p. 67.
29. *Ibid.*, p. 62.
30. *Ibid.*, p. 67.
31. *Ibid.*, p. 85.
32. *Ibid.*
33. *Ibid.*, p. 59.
34. See p. 6 above.
35. *Mind*, *op. cit.*, p. 81.
36. *Ibid.*, pp. 67, 68.
37. *Ibid.*, pp. 69, 70.
38. See Shubert Spero, *Morality, Halakha and the Jewish Tradition* (Ktav-Yeshiva University Press, NY, 1983).
39. What is rather curious is that when Fox cites what he terms "the unifying principle in all of the Rav's work" (p. 49), namely, "the Halakha is the objectification and crystallization of all true Jewish doctrine," he gives no written source for this quotation other than to say: "As he [the Rav] has often expressed it." However, if there is no other written source for H₁ than these two sentences which I have cited from the very end of *The Halakhic Mind* (pp. 101, 102), then perhaps they should be understood strictly within the context of that essay, which, after all, was written in 1944 and published without revision. Perhaps the Rav never meant H₁ as a sweeping generalization covering all of Jewish theology. Let us again examine the first crucial sentence of H₁ (p. 101): "To this end (the end of discovering what is singular and unique in a philosophy) there is only a single source from which a Jewish philosophical weltanschauung could emerge: the objective order—the Halakha." The Rav seems to be using the term "halakha" here as synonymous with "the objective order." Although we pointed out earlier that the Rav explicitly states that the "objective order" includes norms, beliefs, articles of faith, and religious texts (p. 99) which are not part of halakha, perhaps this can be justified in view of the Rav's stated conviction that the halakha is the "culmination of the entire process of object-ification."

Consider the second sentence of H₁: "Out of the sources of Halakha, a new world view awaits formulation" (p. 102). Here it is possible that the term "world-view" is meant in the narrow sense of developing a unique

Jewish vision of such abstract metaphysical concepts as time, space and causality towards which an analysis of certain aspects of halakha can be of crucial help (see p. 48 and 101).

Furthermore, this sentence, with which the essay comes to a close, may have a literary function, which is to dramatize what the Rav saw as the important implication of his theory, finding a central if not exclusive role for halakha in the development of Jewish theology. The need for this can be better appreciated if we realize that in the essay entitled *The Halakhic Mind*, the Rav does not deal with Judaism and halakha until page 91 of an essay which ends on page 102!

40. Fox, *op. cit.*
41. "Kol Dodi Dofek," included in the volume, *Ish haEmuna, me'et haRav Yosef Dov Soloveitchik (Hotsa'at Mossad haRav Kook, Jerusalem, 1968).*
42. *Ibid.*, p. 67.
43. The fact is that in Rabbinic literature, this question is repeatedly treated philosophically, as it was by medieval Jewish thinkers, although we do have a point of view among the Rabbis that in principle this question does not allow for rational explanation. See *Avot* 4:19.
44. *Kol Dodi Dofek, op. cit.*, last two lines on p. 67.
45. *Berakhot* 48b.
46. Fox, *op. cit.*, p. 52.
47. *Ibid.*, p. 49.
48. *Ibid.*, p. 54.
49. *Ibid.*, p. 51.
50. *Kol Dodi Dofek, op. cit.*, p. 68.
51. *Berakhot* 5a.
52. Yosef Dov haLevi Soloveitchik, *UVikkashtem miSham*, (*HaDarom*, Vol 47, NY 1978).
53. *Halakhic Man, op. cit.* pp. 141, 142, note 14.
54. *Ibid.*, p. 68.
55. *Ibid.*, p. 67.
56. *UVikkashtem . . . op. cit.*, p. 13.
57. *Ibid.* See footnote #1 on pg. 67.
58. In footnote #1, the Rav claims that Bahya and Rambam adopt the metaphysical-universal interpretation. The Rav's claim that in essence both interpretations are one, is not convincing.
59. Fox makes the added claim: "Careful study of the *Lonely Man of Faith* will show that its conclusions derive from the Halakha . . ." (p. 54). Yet the Rav states explicitly in that essay: "My interpretive gesture is completely subjective and lays no claim to representing a definitive Halakhic philosophy" (p. 10).
60. *Halachic Mind, op. cit.*, p. 100.
61. Samson Raphael Hirsch, *The Nineteen Letters of Ben Uziel*, translated by Bernard Drachman (Bloch Publishing Co., NY, 1942), p. 14.
62. See David S. Shapiro, "The Ideological Foundations of the Halakha," *Tradition*, Vol. 9, nos. 1,2, Spring-Summer, 1967. See also Shubert Spero, "Is there an Indigenous Jewish Theology?" *Tradition*, Vol. 9, nos. 1,2, Spring-Summer, 1967.
63. *Gen. Rabba* 44:1, *Makkot* 23b. See also *Num. Rabba*, end of *Skeloth*.

64. See Maimonides, *Guide for the Perplexed*, Part III, Ch. 27.
65. See Hirsch, *op. cit.*, pp. 100, 138, 143.
66. *Halakhic Man*, *op. cit.* p. 47. See also D.S. Shapiro, "The Meaning of Holiness in Judaism," *Tradition*, Vol. 7, no.1, who claims that *kedusha* is basically an ethical value.
67. *Halakhic Man*, *op. cit.* pp. 46, 108, 109. In a beautiful interpretation of Isa. 6:3 and its *Targum*, the Rav comments: "The beginnings of Holiness are rooted in 'the highest heavens' and its end is embedded in the eschatological vision of the 'end of days'—holy forever and to all eternity. But the link that joins together these two perspectives is the Halakhic conception: 'Holy upon the earth, the work of His might—the holiness of the concrete.'"
68. Hirsch, *op. cit.*, pp. 100, 138.
69. A.J. Heschel, *Man's Quest for God*, (Charles Scribner's Sons, NY, 1954).
70. Shapiro, *Ideology of the Halakha*, *op. cit.*, p. 106.
71. See Nahmanides on Ex. 20:8.
72. *UVikkashtem . . . op. cit.*, pp. 22-26.
73. *Levit.* 19:2.
74. *Halakhic Man*, *op. cit.* p. 1259.
75. *Ibid.*, p. 101.
76. *Ibid.*, p. 109.
77. *Ibid.*, p. 137.
78. Shapiro, *op. cit.*, p. 114.
79. There is always the nagging question whether the Rav intended the view of halakha he presents in *Halakhic Man* to reflect the view of normative Judaism or perhaps only as a philosophic rationale for the manner of Talmudic study found in the Lithuanian Rabbinic scholarly tradition.
80. "*Ma Dodekh miDod*" in *BeSod haYahid ve-haYahad*, p. 81.
81. *Halakhic Man*, *op. cit.* p. 19.
82. *Ibid.*, p. 23.
83. *Ibid.*, p. 24.
84. *Kiddushin* 40b.
85. *UVikkashtem . . . op. cit.*, p. 204.
86. *Halakhic Man*, *op. cit.* p. 148.
87. R. Shneur Zalman of Lyody, *Likkutei Amarim*, Part I, Ch. 5.
88. R. Chaim Volozhiner, *Nefesh haHayyim*, IV 8, IV 10.
89. Ravitsky, *op. cit.*, p. 162.
90. *UVikkashtem . . . op. cit.*, p. 68, footnote #2. See discussion in Y.J. Guttman, *On the Philosophy of Religion* (The Magnes Press, Jerusalem, 1976) p. 89. See HaRav S.B. Orbach, "*HaHalakha biTefisatam shel R"H Crescas Ve R"I Albo*," page 43, *Hagut veHalakha*, *Shana* 12, *Arukh bi-ydei Dr. Yitzhak Eisner*, *Misrad haHinukh ve-haTarbut*, Jerusalem TSL[®]G, for the views of Crescas and Albo.
91. Ex. 34:6.
92. *Halakhic Mind*, *op. cit.* p. 46.
93. It has been shown that the language of halakha is not a pure artificial language like mathematics, in which all of its terms bear symbolic meanings given to them by the system. Halakhic propositions are often formulated in terms of the natural language, which means that some halakhic concepts

are not *a priori*. See the excellent article by Tsevi Zohar: "*Al haYahas ben Sefat haHalakha le-ben haSafa haTivit*, Vol 1, pp. 59-72, *Sefer haYovel leHagaon Y.D. Soloveitchik* (Mossad haRav Kook, Jerusalem 1984).

94. The analogy drawn by the Rav between halakhic concepts and the mathematical equations of physicists in regard to their relationship to reality has been subjected to criticism. See Rachel Shihor, "On the Problem of Halakhah's Status in Judaism," *Forum*, (Spring-Summer, 1978) pp. 146-153; Kaplan, *op. cit.* pp. 51-52 and Singer and Sokol, *op. cit.* p. 236.
95. *Halakhic Man*, *op. cit.* p. 29.
96. *Ibid.*, pp. 44-45.