

*Reuven P. Bulka*

Dr. Bulka, who has written exclusively on Logotherapy is Rabbi of Congregation Machzikei Hadas in Ottawa, Canada.

## THE ROLE OF THE INDIVIDUAL IN JEWISH LAW

### INTRODUCTION

One of the unique features of classical Judaism as it has been transmitted over the ages is the element of *mitzvah*, commandment. Unlike other religions with which it has been indiscriminately compared, Judaism is not a faith system per se. Rather, it is a commitment to life that is rooted in and springs forward from faith. Some even refused to include faith in God as one of the 613 commandments, as faith is the base upon which Judaism is built, that which makes Judaism possible, the source which gives birth to commands, but itself not a commandment.<sup>1</sup>

The 613 commandments, the *mitzvot*, their development in Talmudic literature, and subsequent codification, all of which will henceforth be referred to as the law, are the warp and woof of Judaism. No full appreciation of Judaism is possible without an understanding of the individual laws as well as the role of law in faith.

Generally speaking, it is possible to view law as the vehicle through which man actualizes his self, exercising responsibility to his Creator and fulfilling his purpose in life. Law is thus conceived as affirmation of the individual, who becomes, by his actions the agent of his own salvation.

In the course of Jewish history, there has been an almost perpetual tension within the ranks regarding the law. It begins almost immediately after the Sinai experience,<sup>2</sup> with the ups and downs of the forty years wandering in the desert, and continues through the period of the Judges and Kings, with their sometimes hostile attitude to Jewish law. The Pharisees and Sadducees fan the flames in their own conflicts, Karaites offer their own version of Bible interpretation, Sabbateanism negates

## *The Role of the Individual in Jewish Law*

the validity of observance amongst other things, Frankists turn moral law upside down, Reform attacks the ritual laws, even Chassidism challenges the Orthodox approach to observance. These conflicts, bitter as they sometimes were, are almost insignificant when compared with the great cleavage in Jewish ranks pursuant to the rise of Christianity. Here the matter of law occupies center stage, as Christianity proposes vicarious atonement and salvation, with an accompanying abrogation of the law in its theology. Christianity, a less demanding religion, eventually attracts great masses, whilst Judaism remains a minority group expression. Judaism and Christianity clash constantly, often not on an intellectual level. Even today, such camouflaged crusades as the Key '73 project attempt to "swing" Jews away, all denials to the contrary.

This paper will attempt to suggest a view of Jewish law which is not so much novel as it is either unknown, neglected, or obscured in the controversy over legalism.

### I

Immanuel Kant saw Judaism as a national-political entity, which fails as a religion to inculcate the inner-appropriateness of morals, instead demanding external obedience to statutes and laws. Closer to home, Martin Buber asserted:

I do not believe that *revelation* is ever a formulation of law. It is only through man in his self-contradiction that revelation becomes legislation. This is the fact of man. I cannot admit the law transformed by man into the realm of my will, if I am to hold myself ready as well for the unmediated word of God directed to a specific hour of life.<sup>3</sup>

Accordingly in these views, the law rather than affirming the individual, represses personal development and precludes spontaneous reaction to the Divine call, reducing man to a Halakhically programmed computer. At the risk of oversimplification, one senses in Kant and Buber a view of Jewish law as an end in itself, as the purpose and expression of life. Whilst this is in some measure corroborated by the religious behavior of some individuals, it nevertheless assumes a view not totally con-

## TRADITION: *A Journal of Orthodox Thought*

sistent with the design or intent of the law.

In coming to grips with the role of the individual in Jewish law, it should be noted that the very all-embracingness of the law presents problems. Jewish law contains not only a full measure of *bayn adam LaMakom* laws, ordinances revolving around man and his Creator; it also projects *bayn adam lachavero regulations*, a full corpus of laws covering the legal, ethical, and moral aspects of social interaction. Whilst such comprehensiveness is likely to evoke an expression of chauvinistic pride, it nonetheless points to an acute problem which, in the present atmosphere of existentialistic pressures, cannot be avoided.<sup>4</sup>

According to a leading contemporary Jewish thinker;

For Judaism sheer compliance with the Law as such was never regarded as the ultimate value, it rather represented a means to the fulfillment of the Divine Will.<sup>5</sup>

In support of this view, one need only think of the multitude of open-ended categories in applying Jewish law. For our purposes, it will be helpful to treat separately the realms of *bayn adam LaMakom*, ritual law, which, for obvious reasons, I prefer to call transcending laws, and *bayn adam lachavero*, social legislation.

In the domain of social legislation one frequently encounters the notion of *lifnim meshurat hadin*,<sup>6</sup> which is often erroneously translated as "beyond the requirements of the law." *Lifnim* actually means inside, within, suggesting a profoundly symbolic category of *within the boundary of the law*. What is proposed as social legislation in Judaism is not the *summum bonum*, the ultimate. It is the lower, irreducible limit, the boundary line. Within the pale of the law, man oscillates between straddling the border and approaching the core, the heart and soul of the law. Straddling the border has its own dangers, including the likelihood that in straddling one may overstep, as well as the danger that the law can become a veneer, used by man as a camouflage for his own interests. *Lifnim* is thus recommended for legal as well as humanistic reasons.

## *The Role of the Individual in Jewish Law*

The notion of *lifnim* has its counterpart in open society. There, human life, humanistic life, has self-evident boundaries beyond which resides the dimension of the animalistic. Self-evident boundaries such as the illegitimacy of theft, rape, murder, etc., are the outer periphery, beyond which is something less than the human dimension. These boundaries leave wide-open areas for human expression within the perimeter. Humanness, in this setting, is not limited by boundaries, rather it is made possible by boundaries. An analogy from Viktor Frankl's concept of freedom is useful.

Certainly man is free, but he is not floating freely in airless space. He is always surrounded by a host of restrictions. These restrictions, however, are the jumping-off points for his freedom. Freedom presupposes restrictions, is contingent upon restrictions.<sup>7</sup>

In a parallel sense, the thrust of Judaic social legislation is towards circumscribing a frontier within which man has ample room for being himself and expressing his self. Thus, the Talmud interprets the scriptural passage concerning the obligation to make known to the people the deeds *that they are to do*<sup>8</sup> as a reference to *lifnim meshurat hadin*,<sup>9</sup> within the line of the law into the human dimension. What *they are to do*, what is an authentic expression of man's higher development, is *within* the borders of the legal framework.

*Lifnim meshurat hadin* is more than just a higher form of expression of Judaic law. It has already been pointed out<sup>10</sup> that all eleven principles of virtue to which David had condensed the 613 *mitzvot* are, without exception, expressions of the notion of *lifnim meshurat hadin*.

For example, the virtue of *nor doeth he evil to his fellow*<sup>11</sup> is interpreted beyond the passive state of not harming a neighbor. It is taken as referring to the meticulous detail man should give to refrain from even indirect harm. *Speaketh truth in his heart*<sup>12</sup> is applied to the behavior of men like Rav Safra, who in his scrupulous adherence to truth, refused a higher offer simply because in his mind alone he had accepted the original offer. *Nor taketh he a bribe against the innocent*,<sup>13</sup> hardly an

## TRADITION: *A Journal of Orthodox Thought*

excelling virtue, is applied to such as R. Ishmael b. R. Jose, who avoided even the slightest possibility of conflict of interest in deference to the purity of judicial inquiry.<sup>14</sup>

At least in the realm of social legislation, where the concept of *lifnim meshurat hadin* is applicable,<sup>15</sup> Judaism seems to posit a strong dosage of human contribution. The ultimate importance attached to this concept is seen in the Talmudic assertion that one of the reasons why Jerusalem *had* to be destroyed is "because they based their judgments (strictly) upon Biblical law, and did not go *lifnim meshurat hadin*."<sup>16</sup> One must appreciate this as a declaration that law perfunctorily observed, albeit even scrupulously, is not authentic Judaism. Judaism demands man.

*Lifnim meshurat hadin* does not exhaust the categories in social legislation where virtue depends on man. There are such other notions as *midot Hasidut*,<sup>17</sup> the way of the pious; *lazet yedei Shamayim*,<sup>18</sup> fulfilling the dictates of Heaven; *v'aseeta hayashar v'hatov*,<sup>19</sup> doing that which is right and good; and *l'maan telech b'derech tovim*,<sup>20</sup> to walk in the way of good men. These categories do not lend themselves to a legal framework. Instead they function within the legal framework in accordance with the ethical growth of man. For the Jew, sensitivity and conscience development, tightly bounded by the full gamut of social legislation, is nevertheless through this boundedness given more than ample room to mature. God's word can go only so far. After that it is up to man to take up the baton, to give to the body of laws meaningfulness and life with his heart and soul. Here enforceable Judaism ends and responsive and responsible man enters.

## II

Having dealt with social legislation, although somewhat superficially, the next step is to comprehend the thrust of transcending legislation, the *bayn adam LaMakom* (between man and God) laws. Whereas, in the social realm the construct is, to a large extent, one-dimensional, in that the law serves to thrust man into the core, away from the outer border; in the

## *The Role of the Individual in Jewish Law*

transcending ordinances, the *mitzvot* function in terms of man's dialogue with God, propelling man into the dimension of transcendence. As a note of caution, whilst this dimensional picture is true to some extent, it should be borne in mind that every *bayn adam lachavero* (between man and his fellowman) law has an element of *bayn adam LaMakom* in it, and every *bayn adam LaMakom* command has potential feedback into the social situation.

Again, reference to a Franklian analogy is useful.

The ground upon which man walks is always being transcended in the process of walking, and serves as ground only to the extent that it is transcended, that it provides a springboard.<sup>21</sup>

In the domain of transcending legislation, attention will be focused on how the law serves as a springboard to literally propel man into a transcending dimension.

Here too, illustration is the best method of elucidating the point.

The commandments regarding the Shabbat are perhaps the most minute and exacting in the vast expanse of Jewish law, yet the great preponderance of laws are geared mainly toward interpreting the prohibitive aspect of Shabbat, the *shamor*<sup>22</sup> component. As for the *zachor*<sup>23</sup> component, the positive human contribution to the day, each individual, in his unique situation, decides how to best parlay Shabbat into a meaningful experience. The law here is extremely restrictive, it divorces man almost totally from materially creative concerns,<sup>24</sup> but in cutting off all these options the law forces man into a higher dimension, where his concerns are purely intellectual and spiritual. Shabbat still remains, paradoxically, the subject of more laws than most other precepts, and, at the same time, a symbol of *human freedom*.<sup>25</sup> As an aside, one senses in the constant challenging questions hurled at Rabbis, Why can't I drive?, Why can't I switch on a light?, Why can't I watch television?, an attitude which obviously negates the primary thrust of Shabbat law. If Shabbat laws are springboards, these questions testify that some people are still grounded. There is a dimensional

## TRADITION: *A Journal of Orthodox Thought*

difference between the one experiencing true Shabbat and the one questioning Shabbat. This difference is rarely overcome in intellectual intrigue, and is most often countered with a suggestion to try it.

Even more radical than Shabbat in its restrictiveness is *Yom Kippur*, the Day of Atonement. Superimposed upon all those restrictions which pertain to a regular Shabbat are new ordinances dictating abstinence from eating, drinking, washing, etc. But these regulations are not intended as an exercise in abstinence, as is evident from the procedure followed in public fasting. The elder would address the fasting community in the following manner,

Our brethren, neither sackcloth nor fastings are effective but only penitence and good deeds, for we find that of the men of Nineveh Scripture does not say, And God saw their sackcloth and fasting, but, *God saw their works that they turned from their evil way.*<sup>26</sup>

This, of course, echoes the message of the prophet which is read as the Haftorah on Yom Kippur morning.<sup>27</sup>

Fasting is not the ultimate value on Yom Kippur.<sup>28</sup> Through fasting, however, man is divorced not only from material creativity but also from any immediate material concerns. He is then forced into a purely spiritual dimension, where the concerns are self-investigation, confrontation with responsibility, acknowledgment of previous failings, and, in the spirit of *teshuvah*, repentance, resolution for the future. To be sprung into the spiritual realm, the law, in its exacting stringency, ordains a negation of the material. Man's response to this situation, as in the case of Shabbat, is facilitated by law, but not programmed by law. Each man's *teshuvah* is a reflection of the peculiar position and nature of the *baal teshuvah*.

At the risk of stretching the point beyond its elastic capacity, it is possible to view the setting of Passover, with its accent on the Exodus experience at the onset of Jewish history, as a call to man to appreciate the implications of the event for the present moment, and to investigate the freedom of his own situation, how much of an Exodus he can use. The absence of any

## *The Role of the Individual in Jewish Law*

particular transcending observance on *Shavuot* over and above the normal *Yom Tov* regulations serves to set aside the day for a reliving of the Sinai experience, for the mystical and intellectual emotion of being addressed by a revelation at the present moment. This might appear as homiletical, but in attempting to project the role of the individual in transcending law, the dividing line between philosophy and homiletics is blurred, if not obscured.

In the realm of experience, Jewish law manifests its concern not only in advocating the experience; it also creates, through the mechanism of prohibitive commandments<sup>29</sup> the setting in which such experience is not only possible, but also evoked.

The role of the individual does not end here. In the exercise of prayer, where the matter of prescribed textual entreaties is a controversial topic, the Talmud asserts . . . "If a man makes his prayers a fixed task, it is not a (genuine) supplication."<sup>30</sup> By fixed task the Talmud means, according to one view, the prayer which is looked upon as a burden.<sup>31</sup> It would be appropriate to introduce here the concept of attitude to commandments. The attitude one has in approaching a commandment is of singular importance. Prayer pronounced as a task, a burden, is not the intended attitude. Lacking the proper motivation, it becomes a rote exercise, something less than sincere prayer. Attitude plays a major role in other situations. Regarding the honor due to parents, the Talmud says the following:

One may give his father pheasants as food, yet (this) drives him from the world; whereas another may make him grind in a mill and (this) brings him to the world to come.<sup>32</sup>

The differentiation made here is between one who performs his duty, but grudgingly, and another, who cannot do what he would really like, but does whatever he can with love.<sup>33</sup> In the Talmudic view, "Charity is rewarded only according to the kindness accompanying it."<sup>34</sup> Perhaps the Talmud recognized that whilst machines can coin money, only humans can transmit concern. Within the legal framework, concern cannot be pinpointed, but the ultimate value of the deed is again depend-



## TRADITION: *A Journal of Orthodox Thought*

ent on the individual human contribution. The deed is the structure which effects human response. In fact as much as deed-structure is considered of ultimate necessity, there is recognition that where the value of the deed has been elicited without actualization of the deed, the purpose has been realized. Thus,

Even if one (merely) thinks of performing a precept but is forcibly prevented, the Writ ascribes it to him as though he has performed it.<sup>35</sup>

In the view of transcending law as springboard, even the sincere desire to fulfill a *mitzvah* propels man into the transcending dimension.

In the area of attitudes there is an almost inexhaustible number of categories which are distinctly human contributions. As examples, the following may be cited: *v'anvayhu*,<sup>36</sup> adorning the precepts; *hidur mitzvah*,<sup>37</sup> beautifying the commandment; *chivuv mitzvah*,<sup>38</sup> love of the commandment; *lishmah*,<sup>39</sup> the intent for fulfilling the precept; *kavanah*,<sup>40</sup> single-mindedness in fulfilling the command; *zerizut*,<sup>41</sup> eagerness to fulfill the ordinance. Some combination of various of these categories is imperative to make *mitzvah* a meaningful endeavor. The proper attitude in fulfilling law is expressed with these means of approach, which are normally linked to the transcending laws, though many can be equally applied to social laws.

As a further indication that transcending laws are deficient, miss the point when performed mechanistically, Isaiah castigates the people because their fear of God . . . is a commandment of men learned by rote."<sup>42</sup> Instructive here is the commentary of Radak, who explains; ". . . *learned by rote*, because one who does only what he is commanded and does not add of his own, does not do because he really wants or wills to." In simple words, the law is the jumping-off point, and the real spirit of the law is captured in adding human ingredients to it. The prophet condemns the programmed Jew, who is perfunctorily exact but who has thus reduced himself to a lifeless person, not responding to situations in the freedom and spontaneity of human conscience within the guidelines of Judaism.

## *The Role of the Individual in Jewish Law*

The classic Talmudic definition of a *chasid shoteh*, foolish pietist, who is termed a destructive force, as one who sees a woman drowning in the river and yet proclaims, "It is improper for me to look upon her and rescue her,"<sup>43</sup> again reveals an awareness of the distortions that arise from man's interpreting law as the ultimate reality, in the process projecting stringency upon stringency to the point of denying life. Perhaps this is what the Chassidic sage had in mind when he cautioned his followers that man can make idolatry even out of commandment.

Finally, it would be appropriate to introduce the concept of *averah lishmah*,<sup>44</sup> a transgression performed with good intention. As the law is generally directed towards an affirmation of life, it is recognized that at times man might transgress for a greater value. To be sure, *carte blanche* in this instance is not forthcoming, but the mere existence of the notion is itself meaningful. Also, it is paralleled by the famous charge, ". . . live thereby . . .,"<sup>45</sup> on which is based the right of man to transgress in order to preserve life. If the law, properly understood, is for man and for life, a clash with life militates strongly in favor of disregarding a precept in order to preserve life. Put succinctly, the law is a means. If it is made an end, or if man would face his end because of it, the law, with few exceptions,<sup>46</sup> humbly withdraws itself temporarily.

Having cursorily examined the various types of law, and the categories linked to its fulfillment, it would seem ridiculous to even suggest that Judaism is legalistic. In allowing the Torah and Talmud to speak for themselves, it appears perfectly obvious that it is not *in* the law, but rather (in social legislation) *within* and (in transcending legislation) *through* the law that authentic Judaism is expressed. The law is the framework carefully constructed to elicit the highest level of man's social and spiritual essence.

### III

Given the role of the law as means, it nevertheless remains historically correct that every so often Jews fall into a rut wherein the law is made the end goal. In the 18th century the Chas-

## TRADITION: *A Journal of Orthodox Thought*

sidim said of their opponents, the Mitnagdim, that they are afraid of transgressing against the Code of Laws, but the Chassidim are in fear of transgressing against God. In reaction to this, the Chassidim emphasize, and sometimes even overemphasize, not the command per se, but how it is observed. It is healthy to be reminded every so often of the true nature of Jewish law.

Today the tables are turned somewhat. Quite possibly, in their stone-throwing zealotry, the spiritual heirs of the Chassidic movement have lost sight of their own message, that the law is a means, not an end. Granted this oversimplifies matters, but it is hard to suppress the feeling that were the stone-throwers to re-acknowledge that the Jew does not exist for the sake of Halakhah, rather Halakhah exists for the sake of the Jew,<sup>47</sup> the spiritual condition of Israel would be much more harmonious.

### NOTES

1. Nachmanides, *Sefer Hamitzvot*, Mitzvah 1.

2. In a sarcastic comment attributed to R. Meir Premishlan, it is noted that, on the verse ". . . and there Israel encamped before the mountain" (Exodus, 19:2), Rashi comments—"as one man and with one mind, but all their other encampments were made in a murmuring spirit and in a spirit of dissension." R. Meir explains that unity prevailed before the giving of the law, but after the law was given, each individual looked upon it as his own, insisting on the validity of his own approach.

3. Martin Buber, in letter to Franz Rosenzweig, in Franz Rosenzweig, *On Jewish Learning*, New York, Schocken Books, 1955, p. 111.

4. See Walter S. Wurzbürger, "Covenantal Imperatives," in Gerson Appel, ed., *Samuel K. Mirsky Memorial Volume: Studies in Jewish Law, Philosophy, and Literature*, New York, Yeshiva University Press, 1970, pp. 3-12, where the author attempts to find a place for the individual in Judaism. This article is inspired by Wurzbürger's work, though it differs in that Covenantal Imperatives is conceived as a construct outside the framework of law. The author proposes the term ". . . to denote the kind of religious obligation which cannot be said to derive its sanction from a general norm or law" (p. 8). This article attempts to find the place of the individual inside the law. In any event, the present paper is not in conflict with Wurzbürger's work.

5. *Ibid.*, p. 8.

## *The Role of the Individual in Jewish Law*

6. *Berakhot* 7a, 45b, *Ketuvot* 97a, *Bava Kamma* 99b-100a, *Bava Mezia* 24b, 30b.
7. Viktor E. Frankl, *The Doctor and the Soul*, New York, Bantam Books, 1967, p. 61.
8. Exodus 18:20.
9. *Bava Kamma* 100a.
10. Samuel Belkin, *In His Image*, New York, Abelard-Schuman, 1960, p. 190-191.
11. Psalms 15:3.
12. *Ibid.*, 15:2.
13. *Ibid.*, 15:5.
14. *Makkot* 24a. Regarding R. Safra, see further in Rashi. For more about R. Ishmael b. R. Jose, see *Ketuvot* 105b.
15. *Lifnim Meshurat Hadin* is applied mainly in social situations, such as property rules, when one should return property even though not required by law. An exception is that of *Berakhot* 45b, where it is stated—"If three persons have been eating together, one breaks off to oblige two, but two do not break off to oblige one. But do they not? Did not R. Papa break off for Abba Mar his son, he and another with him? R. Papa was different because he went *lifnim meshurat hadin*." Whilst this deals with the question of *zimun*, which is not in the category of social law, nevertheless the matter of two waiting for one, or breaking off for one is really a question of social ethics, so that even here *lifnim meshurat hadin* is a social expression.
16. *Bava Mezia*, 30b. See *Tosafot*, *ad. loc.*, who questions this from another Talmudic statement attributing the destruction to wanton hate. He answers that both were causes. One could also suggest that wanton hate and strict application of the law are related and interwoven with each other. The lack of feeling for another is often masked in applying mercilessly strict law, with no demonstration of kindness.
17. *Shabbat* 120a, *Bava Mezia* 52b, *Chullin* 130b.
18. *Shabbat* 120a, *Gittin* 53a, *Bava Kamma* 56a, 98a, *Bava Mezia* 37a.
19. Deuteronomy 6:18, *Bava Mezia* 16b, 108a, *Avodah Zarah* 25a.
20. Proverbs 2:20, *Bava Mezia* 83a. See Rashi, who equates this with *lifnim meshurat hadin*.
21. Frankl, *op. cit.*, p. 61.
22. Deuteronomy 5:12.
23. Exodus 20:8.
24. See Erich Fromm, *The Forgotten Language*, New York, Grove Press Inc., 1957, pp. 242-249, where the author develops an understanding of *Shabbat* in many ways superior to some Jewish apologetics.
25. This may be the message in the famous Rabbinic statement, "'Remember' and 'keep' (*zachor* and *shamor*) were spoken in a single utterance."—*Rosh Hashanah* 27a. There would be no purpose to the restrictedness of *shamor* without the fulfillment in freedom of *zachor*, hence *shamor* could not have existed, philosophically, even one second without *zachor*. And, the fulfillment of *zachor* would have been impossible without the bounded guidelines

## TRADITION: A Journal of Orthodox Thought

established by *shamor*. Hence, *zachor* could not have existed, philosophically, even one second without *shamor*. Thus, one utterance, or mutual dependency.

26. *Ta'anit* 16a.

27. Isaiah 58:5-7. "Is such the fast that I have chosen? The day for a man to afflict his soul? Is it to bow down his head as a bullrush, and to spread sackcloth and ashes under him? Wilt thou call this a fast, and an acceptable day to the Lord? Is not this the fast that I have chosen? To loose the fetters of wickedness, to undo the bands of the yoke . . . Is it not to deal thy bread to the hungry and that thou bring the poor that are cast out to thy house . . ."

28. Concerning fasting as an ultimate reference can be made to R. Elimelekh of Lizensk, who, when asked to explain why the Baal Shem Tov fasted, replied that when the Baal Shem was young he would go into seclusion for an entire week with six loaves of bread and water. Upon interrupting his meditation on Friday to return home, he would lift up his sack, and, not understanding why it was so heavy, would be surprised to find his loaves still there. Such fasting, said R. Elimelekh, is allowed. See Martin Buber, *Tales of the Hasidim*, New York, Commentary Classic Edition, 1958, The Early Masters, p. 45.

29. The term normally used is negative commandments, but the word negative has negative connotations. Prohibitive would seem to better project the intent of the laws in this category.

30. *Berakhot* 28b.

31. *Ibid.*, 29b.

32. *Kiddushin* 31a-b.

33. See *Tosafot ibid.*, 31a.

34. *Sukkah* 49b.

35. *Kiddushin* 40a.

36. *Shabbat* 133b, *Sukkah* 11b, *Nazir* 2b.

37. *Bava Kamma* 9b. See Rashi, who identifies this with *v'anvayhu*.

38. *Pesachim* 68b, *Sukkah* 41b, *Sotah* 13a, *Kiddushin* 33a.

39. This concept is found throughout the Talmud and codes. Some examples are *Pesachim* 38b, 50b, *Sukkah* 9a, *Gittin* 20a, *Avodah Zarah* 27a.

40. Here too a few examples of a much discussed concept will suffice; *Berakhot* 5b, 13a, 31a, *Eruvin* 95b, *Pesachim* 114b, *Megillah* 20a.

41. *Pesachim* 89b, *Yoma* 84b, *Menachot* 43b.

42. Isaiah 29:13.

43. *Sotah* 21b.

44. *Nazir* 23b.—"A transgression performed with good intention is as good as a precept performed for an ulterior motive . . ."

45. Leviticus 18:5. See further *Yoma* 85b. Also *Pesachim* 8a and *Chullin* 10a, for discussion of prohibition against letting oneself into dangerous situations.

46. *Sanhedrin* 74a.

47. See *Genesis Rabbah* 44:1—"Rab said: The precepts were given only in order that man might be refined by them. For what does the Holy One, blessed be He, care whether a man kills an animal by the throat or by the nape of its neck?"