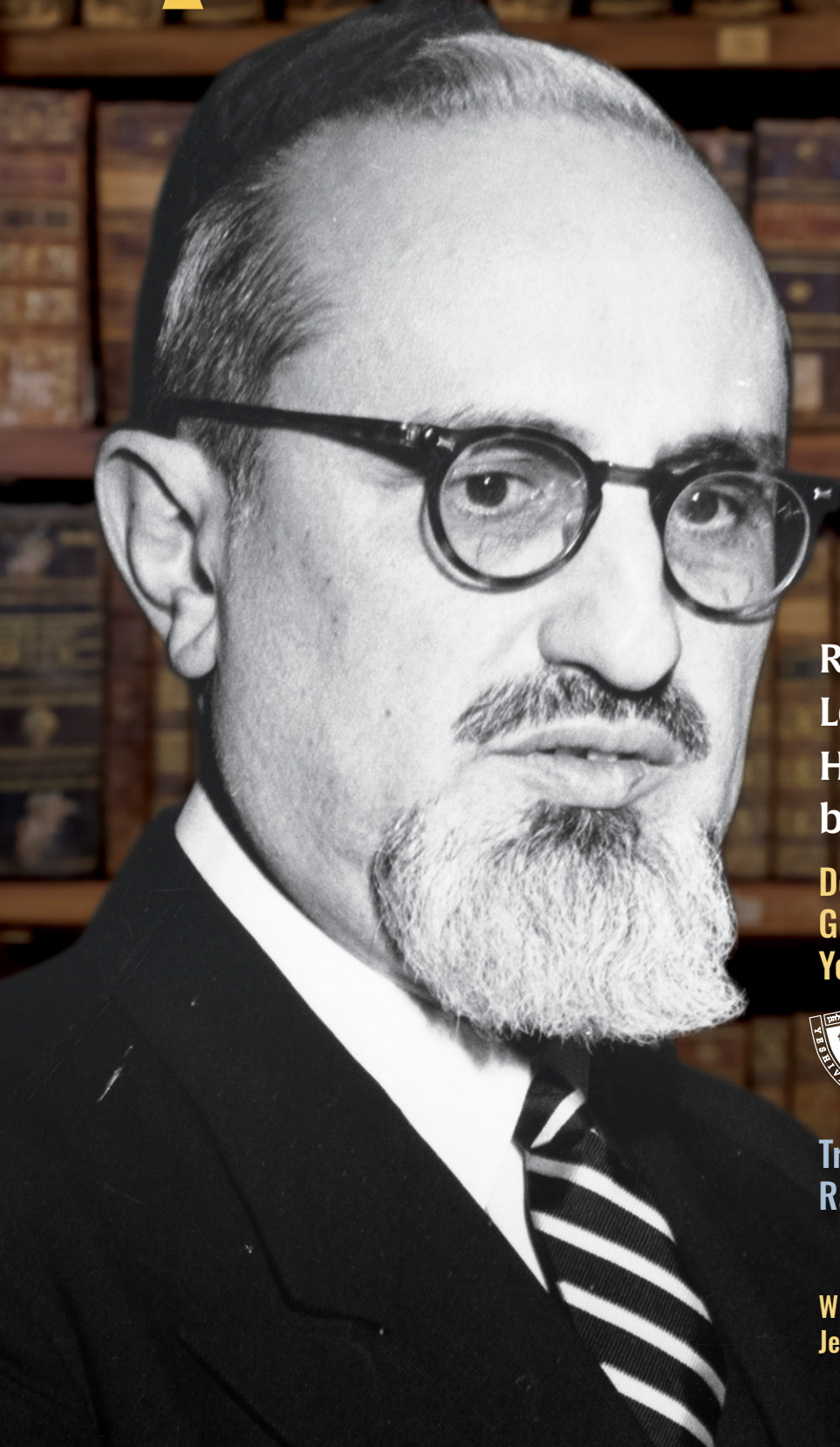


2023

SPECIAL DIGITAL ISSUE

# TRADITION

A Journal of Orthodox Jewish Thought



**Rabbi Joseph B. Soloveitchik's  
Lectures on "Concepts in  
Halakha as Elaborated Upon  
by the Aggada and Kabbala"**

**Delivered at the Bernard Revel  
Graduate School of Jewish Studies,  
Yeshiva University (1946–1947)**



Yeshiva University  
BERNARD REVEL GRADUATE SCHOOL  
OF JEWISH STUDIES

**Transcribed and Edited by  
Rabbi Yaakov Homnick**

**With contributions by Daniel Rynhold,  
Jeffrey Saks & Shlomo Zuckier**

# EDITOR'S NOTE

**RABBI YAAKOV HOMNICK** was a devoted student of Rabbi Joseph B. Soloveitchik in the 1940s and early '50s, and a meticulous recorder of the Rav's *shiurim* and lectures. When I say "recorder," I don't mean in the tape or digital sense. In our day, when the words of every tyro Torah teacher are Zoomed worldwide and archived electronically for all future generations to download or stream, we shudder to think of the thousands upon thousands of *shiurim* delivered by the likes of R. Soloveitchik, which were heard in the classroom, and only preserved in the memories of those present, with greater or lesser fealty to what was actually spoken.

Shortly after my appointment as editor of *TRADITION*, I was contacted by R. Homnick who was interested in making available notes from a course he had attended at the Bernard Revel Graduate School of Yeshiva University. In those lectures, from 1946–1947, the Rav addressed "Concepts in Halakha as Elaborated Upon by the Aggada and Kabbala" and their application to the Laws of Shabbat. What I discovered upon meeting with R. Homnick in his Jerusalem home was that he was no mere "note taker," but possessed a court-stenographer's ability to transcribe each class by hand and would then prepare a typed and edited manuscript while the Rav's teachings were still fresh in his mind, usually that very evening. The typescript presented here, while not a primary source written by the Rav himself, is the most accurate secondary source imaginable, and provides something of a window into what attending the Rav's lectures must have been like. R. Homnick's notes on the Rav's lectures on the *Guide of the Perplexed* have previously been published as *Maimonides: Between Philosophy and Halakhah*, edited with an introduction by Lawrence J. Kaplan (Ktav/Uriim, 2016), and we hope that these additional offerings will add to our understanding of this important period in the Rav's career.

Unfortunately, this project was delayed (largely on account of COVID-related distractions), and we did not succeed in presenting it to the reading public before the passing of R. Homnick z"l, well into his tenth decade in February 2022. We are, however, pleased to offer it now in R. Homnick's memory, timed with the upcoming 120th birthday of the Rav and in commemoration of his 30th *yahrzeit*. The coincidence of these two dates will be further marked in a forthcoming special edition of *TRADITION* (Spring 2023), examining topics in the Rav's thought and its ongoing relevance and legacy.

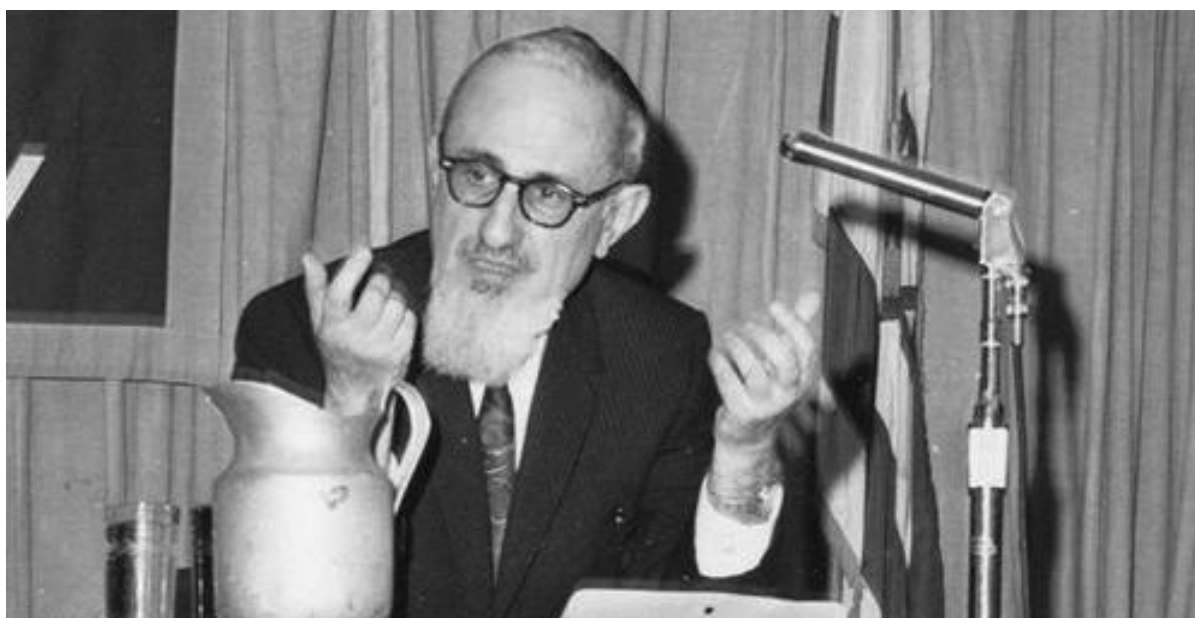
As we were preparing this special digital booklet for publication we became aware that our colleagues at *Hakirah: The Flatbush Journal of Jewish Law and*

*Thought* will be publishing a parallel set of edited and annotated lectures from this very same series delivered by the Rav, based on notes taken by R. Homnick's fellow student, R. Robert Blau. After consultation, the editorial boards of the two journals decided to each present its own set of notes, which partially overlap and significantly complement one another. *Hakirah*'s is set to appear in vol. 33 (Spring 2023). Following the appearance of both versions, a special jointly published print edition will be made available for purchase from the websites of each journal. We are grateful to *Hakirah*, and its leadership, R. Asher Benzion Buchman and Heshey Zelcer, for their spirit of collegiality and partnership, so valued but sadly rare in the Jewish world.

The reader is asked to forgive the awkward stylistic feature of preserving our publication's editorial and transliteration style while accommodating so many direct quotations from a document following a variant set of rules. May the hobgoblins of little minds forgive us.

Finally, we express our thanks to the Bernard Revel Graduate School of Jewish Studies, where the Rav originally presented these lectures, and Dean Daniel Rynhold, for their assistance in bringing this project to fruition.

**JEFFREY SAKS, Editor**



Published by *TRADITION: A Journal of Orthodox Jewish Thought* in cooperation with the Bernard Revel Graduate School of Jewish Studies, Yeshiva University.

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## **Foreword**

# **Rabbi Joseph B. Soloveitchik's Lectures on "Concepts in Halakha as Elaborated Upon by the Aggada and Kabbala"**

**I**n these fragmentary notes, taken by Rabbi Yaakov Homnick on a semester-long course that Rabbi Joseph B. Soloveitchik taught at the Bernard Revel Graduate School of Jewish Studies in 1946–1947, we find a sustained argument for the pre-eminence of Halakha within Jewish tradition, over and above the realms of Aggada and Kabbala. The Rav develops each of the three areas, noting parallel categories in other religions and among non-traditional Jewish thinkers, only to demonstrate how Halakha is paramount, and how it differentiates Judaism from ritual-centric and ethics-centric religions. Aside from the exposition and analysis of these themes, and the thesis of Halakha's superiority, these course notes also give a picture of some of the themes that were made famous in *Halakhic Man*, which had been published (in Hebrew) in 1944, just two years prior. This reformulation of the thesis of that work features some enlightening and striking formulations as well.

Rabbi Soloveitchik begins by asserting that "all the roads of Jewish thought lead to Halachah" (10), and that even Aggada and Kabbala should be seen through the prism of Halakha. Religion in general has three modes: 1. Intellectual-cognitive, such as assertions about God's knowledge and creation of the world; 2. Ethical, including obligations to one's neighbor; and 3. Aesthetic experience, which can include rituals and is often non-rational or even "absurd." While Judaism has aspects of all three, its main authoritative representatives have emphasized the logical and ethical modes. The *Hekhalot* literature and Romantic neo-Hasidism of Zeitlin, Steinberg, and Peretz emphasize the aesthetic, as does Catholic religion; the biblical prophets and Lutherans emphasize ethics. Judaism as the Rav sees it embraces the intellectual in a halakhic vein and sees it as the dominant force across all religious life.

This tripartite categorization appears to be a modified version of Søren Kierkegaard's conception of the aesthetic, ethical, and religious spheres of existence. For R. Soloveitchik, who, as we know from *Halakhic Man*, preferred the halakhic man over the religious man, Kierkegaard's category of religious experience was replaced by intellectual-cognitive, i.e. halakhic, experience, and that was presented as the preeminent category among the three.

Halakha is intellectual and similar to science. Rather than being transcendent, "Halachah deals with immediate, concrete, reality—concerning man" (22). Rabbinic literature rarely discusses issues of theology or God's name and takes a focused look at details of the world. We do not study Halakha from Kabbala, but rather assert that "it is not in heaven." "Halachic subject-matter, then, is nature itself, human and concrete. Its methodology is based on logical principles and postulates" (24). Halakha is associated with human intellectual creativity, and that breeds a tolerance towards dissenting views as well. Furthermore, there are no authorities to be deferred to in halakhic reasoning; any sage may argue on any other.

Halakha's goal, that of *kedusha*, is the consecration of reality. It aims not "to raise oneself . . . to the world of abstract and infinite being" but rather "to let God descend to us and enter our lives" (25), and thus affirm the world that is created through God's will.

The centrality of Halakha served to shift the balance of Judaism away from other modes of practice. "The greatest contribution of the Halachah was its purging Judaism of all magical, mythical and ceremonial elements. . . . The *mitzvot* are all intellectualized, thereby severing them from all mystical rites" (26), which is accomplished by the atomization and mathematization of the *mitzvot*, analyzing them for their details and removing any mystical undertones that they may hold. Like math or science, Halakha is about the relationship between items or agents, and it does not seek to interpret but rather to model the relevant data and determine how they are to interact with one another. As in science, "Halachah does away with essences and substances. It formalizes and abstracts them" (28). This also explains why Halakha has certain laws, like the cases of *Ben Sorer u-Moreh* or *Ir ha-Nidahat* (the rebellious son or the wholly idolatrous city), which apply only in theory and not in practice—these fields are justified in the same way as those of theoretical mathematics or physics.

Hilariously, and anticipating a now-prevalent comedy routine, the Rav exemplifies this point by considering how Judaism would approach the Christmas tree through a halakhic perspective (28):

We have the Four Species. What if, *le-havdil*, we had a *mitzvah* of a Christmas tree? There would be a *massekhet* dealing with it. What is the *hallot*? Is it a *mitzva* of *netila* or of *hanaha*, of *hakafa*? What are its measurements? What are the *pesulim*? Does it require *hadar*? At the end, it would no longer be a tree, but rather a complex of concepts. The tree itself loses its significance.

This is the difference between ceremonial and halakhic religion. Closer to home, Judaism has quantified the quality of *hadar* (aesthetics) as it relates to *lulav* and *etrog*. *Melakha* is not about working hard on Shabbat but about doing a concrete set of prohibited activities defined as “work.”

A further aspect of this theory of Halakha as intellectualized religion is that performance becomes almost secondary to study. “To the Halachah, however, what is important is the How of the Mitzva, not the Why. Even the moment of the *mitzva* becomes secondary” (31). One may learn the laws of Lulav for an entire year, and yet fulfill that commandment with a momentary picking up of the fronds. The mysticism surrounding the waving of the Lulav is minimized under a halakhic approach.

Similarly, in the realm of prayer, Judaism emphasizes selfish prayer, where one asks for one’s needs, over and above the aesthetic prayer hymns. Thus, non-rational aesthetic prayer (such as *Shir ha-Yihud* and *Shir ha-Kavod*) are minimized, as these prayers are circular, lacking progression of thought. *Shemone Esrei*, by contrast, has a rational theme to it, namely making requests of God and thus recognizing God as administrator of the world. “We petition the King; not at all adoring the *Shekhina*” (30).

Having demonstrated how Halakha undermines the aesthetic or mystical aspects of religion, the Rav goes on to demonstrate how ethics have also been subsumed into Halakha. As opposed to other religions, which distinguish duties to God from duties to people, Halakha equates the two and describes both in abstract, conceptual terms, and as leading to the same joy in fulfillment. *Yoreh De’ah* includes both the laws of mixing meat and milk as well as the laws governing charity. That interpersonal laws involve God less directly makes them no less significant.

Halakha primarily de-ethicizes *mitzvot* through atomization, minimizing the total experience in favor of the piecemeal analysis of laws on the detailed level. Aristotelian ethics consists of general values, principles, and ideals; Judaism has norms to concretize and atomize these teachings. Determining whether there is an ethical obligation is dependent on *lomdus*, i.e., intellectual knowledge. This

diverges from general ethics, which is determined based on one's experience and ethical conscience. Significantly, it is impossible to completely satisfy one's ethical conscience, while the discrete nature of halakhic obligation makes its fulfillment attainable. In Halakha there is no excluded middle—either one has fulfilled the obligation or one has not.

While Judaism is formal and, in that sense, could be described as legalistic, this is not to say that Judaism loses sight of its passion for religious experience. Against the Christian critique of rabbinic legalism, two things make Halakha transcend the legal. To fulfill *mitzvot* is not merely to follow rules; the endeavor attains a religious objective as well. Furthermore, the halakhic act is experienced as meaningful, redeeming, and uplifting. “Halachah gives content and meaning to one's life; it redeems man. There is the affirmation of one's existence in the religious act” (38).

Although Halakha is made up of piecemeal, particular rules, it can also be unified into a bigger picture. From observing all the *mitzvot* and proscriptions of the Sabbath one arrives at the experience of *Shabbat la-Hashem*. Similarly, the overall experience of prayer as inner *avoda she-ba-lev* emerges as greater than the sum of the various blessings that are made. “At this point the Halachah sheds its metric, relational character and assumes the nature of a qualitative experience” (40). In this way, “even in the Halachah the love and yearning for the mysterious God comes to expression” (40). The aspect of inner experience in some *mitzvot* allows Halakha to maintain the subjective aspects of religion.

At times, one can take a step back from all the details of Halakha and see a broader picture, just as a scientist (or a philosopher of science) steps back from his or her detailed analysis and offers a theory of “cosmic unity” such as that of electro-magnetism. Exploring the world, physical or halakhic, allows one to find essential patterns, and even immanence.

Reading these meticulously transcribed and edited notes of the Rav's lectures is important for several reasons. These lectures engage in a novel categorization and ranking of different modes of religious experience, Jewish and otherwise, using a modified Kierkegaardian approach. They offer another formulation of many of the ideas found in *Halakhic Man*, including new applications and perspectives on the primacy of Halakha in Rabbi Soloveitchik's thought. These ideas about Halakha are applied to Shabbat, and the Rav relates more directly here to Kabbala than he does elsewhere. Furthermore, the live, lecture version of these ideas also offers a more colloquial and even entertaining formula-

tion of these aspects of Rabbi Soloveitchik's philosophy, which some find to be impenetrable in book form. Among the many posthumously published tomes of Rabbi Soloveitchik's thought, this set of lectures might offer the best opportunity to experience the vitality of the Rav's dynamic teaching style.





## CONCEPTS IN HALACHAH AS ELABORATED UPON BY THE AGADAH AND KABALAH

### Laws of Shabbos

Our purpose in this series of lectures is to demonstrate the role of Halachic concepts in the Jewish religious experience. By starting with the raw material of the Halachah, we will illustrate how it was re-worked first by the Agadah and then by the Kabbalah.

Halachah is a difficult field of study. It has its own concepts and abstract ideas. It has several requirements: A good mind, the power of abstraction and a clear, exact approach. It is therefore not in the good graces of the "moderns".

Existentialism has undertaken to free one's self from the bonds of science. To philosophize upon nature, as seen by the philosopher himself. To philosophize upon the naive, not the orderly world.

This tendency exists in the Jewish world, as well: To philosophize upon Chassidism. What is required? Reading two books. This great system is reduced to a few tales."Don't analyse the קדושת לוי

ליקוטי תורה, תולדות יעקב יוסף,

or the תניא"

These people would like to super-impose ideas from another culture. Their approach is one of Chassidic sentimentalism and not of Chassidic Philosophy.

.All the roads of Jewish thought lead to Halachah. כל הנהלים הולכים אל הים (קוהלת א, 1).

Our purpose is to show the Halachah as the background; as the screen upon which all Agadah and Mysticism can be viewed.

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Like any other religious experience, the specific Jewish one displays a heterogeneous character. It contains a multiplicity of conflicting motifs. It does not simplify and limit man to himself and the world, but it complicates it.

The religious mentality can be investigated on various planes. The outcome, however, would be contradictory. The philosophy of nature speaks of multiple-valued logic. It wants the exclusion and the

elimination of the Aristotelian excluded middle. In religion, the excluded middle is wrong; A and B and at times, B and A together. The naive quest for uniformity is bound to share the disappointment of a desert mirage.

This, America does not understand. It cannot fathom the fact that religion complicates our lives; adds to our worries, etc. They also cannot appreciate that this fact does not reflect badly upon it.

The Psalmist reveals this to us. His experience is paradoxical. The Psalms contain conflicting sentiments, self-denying attitudes.

Pascal formulated this; the paradoxical aspect of religion. There is no synthesis or harmony. No peace of mind. In religion motifs do not combine and converge, but they lead to schisms and conflicts. Pascal might be considered "too Christian".

He was followed by Kierkegaard in his "Fear and Trembling" and "Repetition". Rudolf Otto developed this theme in his "The Idea of the Holy".

James touched upon it in his "Varieties of Religious Experience", but his pragmatism prevented a real understanding on his part. His view was too colored by technology.

What all these thinkers arrived at has the Psalms as its source. Here we find fear and love, escape and flight, yearning, longing and striving.

We have in the Psalms a Sustainer who approves and a Being who negates. Penalty and reward follow <sup>upon</sup> each other closely.

Here is G-d's distance and His intimate proximity. He is ever a mystery, yet we are made clearly conscious of His presence.

It is not our purpose here to analyse the unique complexity or the special paradoxical nature of the Jewish religious experience. There are universal traits and a common denominator. But our area is the fragment: Jewish experience. Describing its particular characteristics. Comparing it and contrasting it with the universal; its convergence and divergence—is for another time and place.

There are three aspects to the Judaic religious experience. The Torah experience is reflected in the three technical terms:

1. Halachic. 2. Agadic. 3. Mystic or Kabbalistic.

The latter name is not at all mystical. It is a Halachic term meaning *חלוצה*.

What we are aiming at are bridges from the inert legal letter to the live and striving Agadah, with its dynamic character, into the ecstatic realm of the Kabbalah; bridging the great gap.

These three approaches each express something uniquely Jewish. No other religion has Halachah. There is Canon Law and legends but nowhere can we find Agadah. Even Kabbalah that bears some resemblance to other forms of mysticism, maintains its unique individuality.

We find these three in objectified and formulated forms. They are given to us in logical judgements and sentences. They derive, however, from the inherent pluralistic nature of the universal religious experience. Their primeval source in the metaphysical sense can easily be traced. Whatever subjective feelings exist in religion can be classified within a threefold method of objectification:

1. It may merge with the intellectual, cognitive, drive. What Kant called "Metaphysiche Drang". It is the pressure for man to find an outlet in the intellectual, cognitive, gesture. Religion may both stimulate man's thirst for knowledge and at the same time offer clues for the solution of life's greatest mysteries. At that stage such dogmas as creation, revelation, reward and punishment, constitute the foundation of any intellectualized religion.

Representatives of religious subjectivism like Schleiermacher ("Glaubenslehre") and A. Sabatier ("Outlines of a Philosophy of Religion") made the mistake of trying to formalize subjective experiences into intellectualized forms. We believe, however, that there is no pure religious experience stripped of all intellectual data. Religion must in some way satisfy the cognitive urge.

Religion, which admits knowledge of the most profound problems, may nevertheless spring from the Ratio. Some say that it must spring from a leap of faith. Some call it inspiration.

Others speak of inner intuition; of mental-spiritual visions.

These experiences can be given intellectual forms. As long as the Transcendent is given in conceptual forms, there is objectification. Religion becomes a logos.

Even the mystics who try to get away from rational terms, who try to create contradictions and paradoxes, thereby making things more esoteric and fascinating--cannot free themselves from the hidden urge to intellectualize the religious experience.

2. The religious experience may also express itself through the Ethos. The moral imperative. <sup>It has existed ever</sup> Since Moses presented us with the two tablets, which outline an ethical code of behavior; man's relationship to G-d and to his fellow man.

The Jewish religion discovered a new area of objectification. One that is typically Jewish. It is one of the main distinguishing characteristics of Judaism from Paganism. It is selecting the Ethos as the modicum of objectifying the transient religious <sup>subjective</sup> experience. It says: Serve G-d through the ethical norm. Imitate the ways of the Creator.

Here G-d is not only omniscient, but also infinitely kind and ethical. The first viewpoint we described, intellectual religion, sees G-d as Omniscient and the dynamics of life, as intellectual. Understanding a difficult Rambam, has the same dynamics as the study of logic. The ethical approach, however, sees G-d not only as Omniscient but as חסיד , ethical. -- מנהג חסידות Ethics.

חסיד also, but חסיד is the preferred term. Ethics is חסידות. The term מוסר , as in the מוסר movement in Lithuania, does not convey the idea of ethics. מוסר signifies reprimand, discipline, penalty.

The typical and unique expression, referring to G-d, is חסיד . חסיד = Ethics. רב חסד ואמת abounding in ethics.

Ethocised religion recommends as the best way to be in contact with Him--to raise one's life to the level of חסד. Intellectualized religion also establishes direct contact with G-d. All religious outlooks are bent on this goal. While the intellectualized approach finds this contact through intellectual means, the ethical approach says that this must be done by practically raising oneself to the Ethos.

All religions make use of both <sup>the</sup>ethical and the noetic. Religious laws form part of the civilized religious experience. No one will say that a full religious experience is possible without the pressure of religious norms. The experience of religion, or of G-d, must be accompanied by the presence of the religious norm. The Ethos is the basic modicum of religious objectification. It is impossible to delve into subjective psychical depth, without concrete religious realities. Religiosity cannot exist without imperatives.

Even Maimonides never forgot to assert that knowledge that does not lead to an ethical goal is of no value.

In the last chapter of his מורה נבוכים, he speaks about: (ירמיהו ט, כב): "כה אמר ה' , אל יתהלל חכם בחכמתו, ואל יתהלל הגבור בגבורתו, אל יתהלל עשיר בעשרו. (כב) כי אם בזאת יתהלל המתהלל, השכל וידע אותי, כי אני ה' עשה חסד, משפט, וצדקה בארץ, כי באלה חפצתי, ואם ה'."

Why this ending? Because the Rambam wanted to emphasize that logic that does not lead to ethical dynamics, is worthless. He was not referring to the harmony between preaching and practise. That was not what the Rambam meant. He meant that there is no discrimination between logic and ethics. Logic is ethics. The universe reflects not only the logical structure of G-d's regularity, but also of His ethical regularity.--These have been 2 ways of expressing the Divine Will and dynamics--through ethos and logos.



3. Religion has a close affinity to the aesthetic experience. Not only does it have intellectual and ethical components, but also aesthetic ones--perhaps, principally, the latter.

The intellectual act of religious expression and the ethical assertion, although they tend to establish contact between Infinity and finity--they still stress the aloofness and emotional reserve of the religious person.

There are all sorts of contacts. War is also a contact. Tension is an expression of affinity and proximity. Distance is a neutralizing agent in the schism.

Even the atheist has a great deal of contact with G-d. There is the devotional atheist for whom atheism is a religion--there is contact there, with G-d.

The contact between the intellectual individual and the ethical person with G-d, through the cognitive process and through deeds, is different than the aesthetic. The relationship of subject to object in the intellectual process is formal and sometimes remote. There is no intimacy; no warm spark. There is an I-Thou encounter. However, they are cool to each other. Polite, but cool.

The aesthetic experience is passionate. Artists are emotional in mood and temper. The aesthetic experience is a fiery one. It is imaginative, multi-colored and sometimes ecstatic and redeeming. There is the tendency on the part of the religious personality, as expressed in its aesthetic form, to bridge the gap which separates him from his objective. There is an absurd tendency to reduce the distance to an infinitesimal fraction. It is an act of ecstasy. Mind and matter merge. There is the act of integration and identification of the personality with his vision. It is a case of self-transcendence and merger with the unapproachable. The aesthetic experience bathes in solemnity and in ecstasy. Religious ceremonial expresses itself best in aesthetic categories. It represents the non-rational and mystical concept of worshipping G-d. It operates

through paradoxical unique performances or states of mind, or arrangements of objects in an aesthetic fashion. The most "absurd" part of religion is its ceremonial aspect. It is amazing that modern man is still susceptible to it.

The Catholic Mass--<sup>is</sup> the most typical and unique of ceremonials. What does it express? Its media are nonsensical; magical. This is without being derogatory. Most modern forms of religion make use of magical forms. It is not the original, savage, form, but it remains nonsensical. It is an aesthetic experience.

The greatness and the solemnity of the religious experience lies in its nonsensical character. If you try to rationalize, it emerges anemic. The rational is not of its essence. It is self-contradictory. Rationalized religion is unable to comprehend it. Kant could not understand what man gets out of prayer. If your approach is a totally rational one, there is no answer. All ceremonial is irrational:

1. The absurdity of the gesture.
2. The priority given in the ceremonial to form and its discrimination against content. Color, sound, word are everything; feeling is nothing. It may arouse dormant feelings, but looked at objectively, at times, it is sacrificial as to content. This is not to say that the ceremonial is a distortion of religion, but the ceremonial aims not for content, not for any abstract relationship, but its goal is the concrete act: Eating the wafer, being present at the Mass, not as a participant but as an onlooker in the background. All in it is form. Content is secondary, but form is primary.

The religious performance becomes a sacrament-mystery. A natural gesture is at the same time beautiful and absurd, solemn and devoid

of content. The Priest is an actor in a drama; a mysterious wedding.

Logos and Ethos are rational. The ceremonial, however, goes over to the non-rational in means and performance, in arrangement of words.

Kabalistic formulas might be considered in this category. For the alienated Jew, "Sh'ma Yisroel" hardly makes any more sense.

The ceremonial gains its power and strength through nonsense and absurdity.

The drama of the ceremonial is the result of the tragedy of man whose dream, whose vision of the harmony of man-G-d-universe, has been shattered. He is constantly fully aware of the vast gap between him and the object of his longing and desire. It is a drama of despair, of resignation. He is helpless in his effort to approach G-d. With no technical means, he must make the leap from finity to infinity.

The intellectual and the ethical personalities are aware of the gap, as well. They, however, know how to build their bridge. Sometimes through dogma, sometimes through philosophy, sometimes through law and performance.

The aesthetic personality sees the gap, but he has no engineering qualities. He cannot construct a bridge. He must therefore, in despair and resignation make an absurd leap. He is enveloped by יאוס. His solution is therefore irrational and nonsensical (as is the course of those with an incurable disease who resort to all sorts of magicians).

While the intellectual and the ethical personalities are optimistic; they believe in their ability to reach their goal. They either penetrate the Divine mystery, or in practise, imitate the Divine mechanics--the aesthetic type is a pessimist; he drowns himself in the hopeless ceremonial; a cry of despair.



He was idealistic Kantian and goes back to Luther.

To Socrates, religion was reduced to knowledge.

To the Prophets, religion was ethics.

To modern science, since there is no way of proving or disproving the existence of transcendental objects, religion had to find an alternative. This alternative to Monotheism was ethics.

Coming now to the aesthetic approach to <sup>the Jewish</sup> religion, this aspect is historically non-existent. No classic Jewish philosopher ever formulated Judaism as beautiful, sublime; beauty and ugliness, as categories, are not to be found in descriptions of Judaism.

The simple explanation is that the aesthetic approach is dependent upon sentimentalism and romanticism. Romanticism in its Pantheistic and atheistic forms is despair. To be a romantic is to dispense with science and reason.

Neo-Chassidism, popular in modern Jewish circles is Romantic. Peretz, with his materialism and radicalism, on the other hand, was Romantic.

Strangely enough, the choice is between being a cynic or a Romantic. Zeitlin, Steinberg, Peretz, chose the latter.

In universal history, Romanticism is a reaction of disallusionment. It is the result of a national mental crisis. It is the antipode of Nihilism.

For the Jewish people there has never been an ideological crisis. We had never faced such a cataclysmic and catastrophic situation as our recent one. The menace was never that overwhelming. There was never a need to take refuge in Romanticism and absurd sentimentalism.

There were certain periods in our history, however, when there was an infiltration of such tendencies.

In the late Hellenistic period, the Rabbis had a mortal clash with the Gnostics and Nihilists. Our <sup>7</sup> were reticent about this. There were opponents from within against whom they fought a pitched

battle at great odds. There are outbursts of despair in the Talmud and in the Midrash. The "ולמלכיותם", was formulated against fellow Jews who questioned the right to national existence. The Rabbis allowed themselves the privilege of adding a new "Brochoh" to the established "Shmoneh Esray" and allowed the name to remain as it was. We know the reserve and practical approach of our Chachomim. However, sects were arising in the Jewish midst at that time which introduced a ceremonial aspect to Judaism.

Historians believe that the Essenes were ethically oriented. There may have been such an element interwoven into their ideology. The stress and the emphasis, however, were not upon the ethos, but rather upon the ceremonial:

1. They dressed in white. In the Agadah, white represents innocence. The Kabbalah even extended it further. The verse (Isaiah 1,18), already speaks of sins being whitened:

אם יהיו חטאיכם כשנים, כשלג ילבין; אם יאדימו כחולע, כצמר יהיו.

Indeed, the High Priest wore white on Yom Kippur.

But with the Essenes it took on a ceremonial aspect. Theirs was not an ethical interpretation of sin, but a ceremonial one. It may be nonsensical, but such an approach has great appeal.

2. They emphasized טבילה. Baptism is surely a ceremonial. John the Baptist was a member of the Essenes. Through his influence it was later adopted by Christianity.

Baptism was not taken as a symbolic act. As with us, symbolic of accepting the Mitzvos. John the Baptist had two concepts: Baptism and the end of the world. He made a combination of the two. If you submerge yourself in the Jordan, you will be saved on the Day of Judgement. The immersion produces metaphysical changes in the individual. This is clearly a ceremonial.

The mystic is prompted by the ceremonial aspect of religion.



The mystic sects of that era introduced ceremonial aspects to Judaism. The <sup>1</sup>ספר היכלות are part of the aesthetic-ceremonial aspect. Judaism becomes a mystery; it becomes esoteric. An aristocracy arises. From being at the border-line, there is a leap over the border.

1. Midrashim ascribed to R' Yishmael b. Elisha, the High Priest.  
 Also known as ספר היכלות, אגדת ר' ישמעאל, פרקי מרכבה, ספר חנוך, שבעה היכלות, היכלות דבתי והיכלות זוטות. ראה יעלינעם "בית המדרש" חלק ג', ו"בתי מדרשות" לורטהימר כרך ראשון.

## LECTURE II

We have pointed out that Judaism is similar to other religions in the respect of having a three-fold expression: 1. A rational edifice resting on a theoretical basis. This is regardless of whether there are dogmas, or not.<sup>2</sup> Its dogmatic nature is of little significance. There is in any case a logical, rational interpretation of reality, or of the G-d-world-man inter-relationship. 2. <sup>יהדות</sup> is also ethical. No scholar or student denies it. On the contrary, liberal philosophies did an injustice to true Judaism by re-discovering it as a strictly ethical discipline. 3. On the other hand, <sup>יהדות</sup> also contains cultic and ceremonial aspects.

Those who conceive of Judaism in abstract, or in ethical terms, are shocked at these cultic and ceremonial manifestations. Yet, there is something in human nature that prompts man to this absurd, act of despair, in his eternal quest for immediate contact with the De-ity. Finding all his efforts frustrated, he will then establish non-rational means to achieve this. He will gain contact through

2. This point is a matter of controversy. Mendelson, in his "Jerusalem", for example, takes the view that Judaism has no dogmas.

the ceremonial, which is a half-mysterious, half-absurd arrangement of objects. In this manner he expects to reach unification.<sup>3</sup>

There is a strong temptation to identify the three aspects of the religious experience with the three basic disciplines:

Intellectualization - הלכה

Ethicisim - אגדה

Aestheticism - קבלה

Such an equation contains a kernel of truth, but we must not be naive enough to believe them commensurate, without stipulation.

Let us first consider the area of intellectualization, which has been compared to Halachah.

The intellectualization involved in Halachah has some unique characteristics:

1. The selection of subject-matter.

While the universal quest of the religious personality asserts itself in the bold attempt to gain insight into transcendental matters such as, G-d, creation, etc., Halachah deals with immediate, concrete, reality--concerning man. In all religions there are times when excursions are made into the realm of nature--even in the Middle Ages, this was the case. The main motif, however is not attaining an understanding of the concrete reality surrounding man, but rather of some transcendent realities.

Halachah has refrained from the treatment of transcendent subjects. Even if the Rabbis were interested in them, they tended to avoid metaphysical problems.

The first to follow this course was רובי in the משנה. It contains hardly one concept of the rationalization of transcendental matters.

It has no reference to מלאכים. Not even G-d's Name appears in the

3. In a lengthy aside, the Rov here pointed out that the cultic elements in Judaism, have not yet been properly investigated. With the Catholics, they have been. Jewish philosophy is archaic. None of these problems have been faced. There has not been a bold attempt to try to formulate basic aspects that have a bearing on modern life; matters at the center of the present philosophical world. Jewish Philosophy is expected to have four layers of dust on it. It is a vicious circle, הוא עולם קדוש ונצחי until הוא עולם קדוש ונצחי. It is an enchanted world, from which there is no escape. Bridges must be built over the gap between the Talmud and the medieval thinkers and from the medieval to the modern. Until now there have only been rhapsodic fragments.

הטובה . The term used most is <sup>4</sup>הנחמה

2. The language of the Halachah is the most pragmatic and concrete language available.

We sometimes have the impression that the Halachah was hampered by the fear, or the shame to treat transcendental topics and therefore imposed a self-censorship--rather than trying to understand the transcendental world, it limits its understanding to sensuous reality: Time, space, force, plants, animals. the State, society, social realities, psychology, disease, death, agronomical genera and species, civil conflicts, political life, economic life.

In brief, the subject-matter of the Halachah is identical to that of physical science and social science.

There is not one domain where Halachah does not take an interest. Every technological invention has a bearing on the Halachah. It takes a stand on every scientific matter.<sup>5</sup>

For example, the Halachah has no meta-psychic or telepathic elements. Whatever the Aggadic approach to dreams, no attention was given to them by Halachah. דברי חלומות לא מעלין ולא מורידין. This, in an era when (גיטין נב.) all sorts of "mysteries" were prevalent.

Even prophecy was excluded from the Halachic process. No Halachic matter may be decided on the basis of prophecy. He may be an individual who can stop the sun, but if he rules on the basis of prophecy, he is a <sup>6</sup>אין אנו משגיחין בזה קול. No person with contact with the Transcendant can decide a law, even if he coincides with the real solution. The attempt on the part of the prophet himself, to interfere with this completely human affair, is a crime. (בבא מציעא נט:) מאי לא נשמעין היא? אמר רבי ירמיה שכל בונה תורה מהר סיני, אין אנו משגיחין בזה קול.

The Halachah considered itself a finite discipline, within the

4. See B'rochos 13a;16a;M'nachos 110a;Avos 1,3;4,12.

5. Aside: The Rabbis should be first with an opinion concerning every new development. The Mishna in כלימ, for example, deals with all the various uses of utensils. The Rabbis had an understanding of manufacturing. Plants were investigated and laws formulated. Every item in the real world had to be investigated as to its status regarding certain laws. What laws apply to air travel? To refrigeration? The new realities of Palestine are operating in a vacuum. Ignoring these matters means the deterioration of Halachah. Dynamic is needed; a dynamic understanding of the world of today. It is not a question of changes. It is a matter of the proper approach. We need pioneers in the Halachic field; hopefully the Yeshiva will meet this need.

limits of human cognition. It never wanted to transcend the boundary of the understandable. The term יהא מונח עד טיבא אליהו is only a metaphor.<sup>6</sup> The rule is 7 דברי תורה מדברי קבלה לא ילפינן.

Halachic subject-matter, then, is nature itself; human and concrete.

Its methodology is based on logical principles and postulates.

3. Halachah and human intellectual creativity are identical.

Authority has no place here. The individual has almost unlimited freedom to deepen and expand and elucidate. No dogma binds or limits him.<sup>8</sup> He is unlimited in his ability and freedom to interpret. One who preceded him may have been far superior in knowledge, in his analytic ability; his word may have carried more weight--I still have the freedom to interpret.<sup>9</sup>

Freedom plays a more important role in Jewish life than authority. Emphasizing the latter would encroach upon the creativity and spirit of research, of the students.

Again, מוהרי"ן had an authority which must be investigated. Since the collapse of Jewish Statehood, however, there has been no need for authority in Halachah. Political life requires authority, but never the Halachah.

In general philosophy, particularly religious philosophy, there are documents displaying great fanaticism. With us, there is tolerance and great diversity in all Halachic matters.

For example, the : בעל המאור says, concerning the מה נעשה עליו שהוא חולק על כל דברי ראשונים ואחרונים. Yet, there is no excommunication or pressure placed upon him to agree. Differences of opinion must be accepted, or all will become

6. See פרק ה' טאלה ופקדון, ד Maimonides, in מסנה ב"מ לז. when codifying this law, actually uses the term יהא מונח אצלו עד לעולם.

7. בוא קמא ב: חגיגה י: בזה כג.

8. The rule: אין בית דין יכול לנטל דברי בית דין חבירו אלא אם כן applies only as far as a court can overrule and refute a more prominent one. ראה רמב"ם הלכות is concerned. As to interpretation, however, even a smaller court can overrule and refute a more prominent one. ממרים פרק ב' הלכה ב: שמתקנה צריך ב"ד גדול מהראשון,

9. והלכה א' שם; שדבר התלוי בטעם הולכים לפי "השופט אשר יהיה בימים ההם." is a different matter; within the מוהרי"ן other rules must apply.

absolute--dead and stiff.

4. Transcendence is the goal of Halachah but not its direct subject-matter, since the Halachic goal is the consecration of reality.

קידוש הגוף והעולם . There is never a renunciation of the material.

Its message revolves around the world and is concerned with the elevation of biological life.

While the task of the mystic is to raise oneself above/<sup>the</sup>concrete <sup>pinnacle of the</sup>sensuous world to the/world of abstract and infinite being, the Halachic goal is to let G-d descend to us and enter our lives.

By realizing the Divine imperative as it expresses itself in concrete, finite, phenomena--we bring down G-d.

This concept is based on the idea that the whole world is the realization of the Divine Will. It takes man to bring out the Divine as it expresses itself in nature and in humanity.<sup>10</sup>

<sup>11</sup>קדושה to the Halachah is not the vision of the "fullness of the or "lumen Dei", Divine light." The mystic sees the "mysterium tremendum",/but the

Halachah avows consecration to G-d through His realization in the

10. Aside: If we contrast the modern way of living with the Medieval way, disregarding the religious aspects, we will find that Medieval man of the aesthetic, orgiastic type, could indulge in extremes and extravagances which the modern Epicurean would shudder at. In the Middle Ages they could eat 20 courses, consisting of the most fantastic dishes. Modern man could never match this. Why? Because he is disciplined by science. The more progress science makes, the more powerful the controls over our appetites. Modern science has its code of dietary laws. Its main objective is discipline and self-control; non-indulgence. Halachah as well, has as its goal, life's discipline; the control of appetites and physical indulgence. Modern man should therefore be better able to understand Halachic discipline than ancient man. Medieval man lived in a world of passion. Science is eliminating passion. Sin now falls into other categories. Passion is losing its power, in the modern world. It is thought that during the Middle Ages people were chained by dogmas. This is not at all the case. Our world is filled with dogma. Each scientific discovery ties us. Many diabetics feel unhappy about their regimen. It is more difficult for them to observe than the laws of Yoreh Deah. Today, if someone has a pain in his chest, he is ordered to six weeks bed-rest. It is all a matter of discipline. The greatest accomplishment of biological and medical science is this new attitude to life and the avoidance of extravagances.

11. Aside: In Judaism there cannot be talk of separating Church and State. The entire background of the Halachah is the State. There is therefore, nothing to separate. It is not as if there would be a metaphysical structure, on the one hand and a concrete one, on the other, which are not commensurate. The Halachah is all-inclusive; life itself. To say that women should not vote in a Jewish State, is ignorance. It derives from a misunderstanding of texts as well as, the spirit of things. Whoever proclaims woman as inferior, is an ignoramus. The Halachah is replete with a total understanding of concrete life. It integrates and identifies itself with a variety of phenomena; biological, social, political, psychological.

concrete world. The ontic order is not transcendental, but immediate.

The greatest contribution of the Halachah, was its purging Judaism of all magical, mythical and ceremonial elements.<sup>12</sup> It deprives Jewish life of its mythical nature.

The Mitzvos are all intellectuellized, thereby severing them from all mystical rites.<sup>13</sup> The Halachah did not want sacraments in Mitzvos. It resented cultic, worship performances. How was it able to accomplish this? By taking the transcendent and the sacramental and intellectualizing them.<sup>14</sup> The method the Halachah used to purge the mythical element was to atomize and mathematize the Mitzva.

How does modern science conceive matter? In terms of molecules

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12. The myth is a very prevalent element in most religions. Even in the most "civilized" of religions, such as Christianity, there are mythical elements and designs. Not only in dogmas like the Trinity and Immaculate conception, but even on a daily level, the institutionalized practical religion is replete with myths.

Even the keenest minds among Christian theologians could not get around the halo of the myth--Aquinas' skill--Augustine's intuition--

Albertus' ingenuity--could not break with the law of the myth. It is included in life's basic experiences as sacraments: Birth, Baptism, Death. The mythical character of the service does not demote it, or cancel its cultural worth. A false conception connects the myth to primitive society. Modern man also has his myths. In ancient times the myth preceded the scientific trend. But in the modern world, science tries to find autonomous means of expression, free from the mythical, magical, pictorial expression, concerning the world. Yet, there still are myths that find their expression in the modern world. They run parallel to the abstract language adopted by science.

13. The Mitzva could easily have become a sacral act, or a mystery rite. It could have become a cult, impregnated with cosmic cultic dynamics. The first characteristic of a sacrament, or a sacral act; a ritual or a Rite, is that it is impregnated with metaphysical, cosmic meaning. It accomplishes something of earthshaking significance in the religious realm: It creates a metaphysical change. It changes the personality of the performer. It is not at all symbolic. Let us take marriage, for example. It is a metaphysical merger. It does not come about by mutual agreement, or by cohabitation, but through the religious performance, which gives cosmic, dynamic meaning and purport to the act. There is the establishment of contact between man and the Hidden G-d. It is a participation in G-d. Baptism is not limited to its aesthetic worth, or to its subjective importance. It is filled with metaphysical meaning and is a Divine act. Rationalists will speak of the cult with contempt. The latter is viewed as a paradoxical and absurd ceremonial. It is the metaphysical agent of a world that cannot be reached by man.

14. Question: How would *רצונו לילך בטהרה*, if handled by the Church? The Christian Prayer Service brings about participation in the De-ity. Our T'fillah does not bring about this relationship.



made up of atoms, with electrons, protons and neutrons, with the electrons circling about the nucleus. There can also be a mythical interpretation of nature; black and white ghosts can substitute for positive protons and negative neutrons. In the center, one can place a semi-god instead of a nucleus and in that manner also arrive at a similar formula. Mythology can lead to technology, as well. What, then, distinguishes science from the mythical approach?

Again, it is not a question of regularity or necessity, or of measuring. In mythology they also count or measure the number of angels. Mythology is not as capricious as one might think. The writers of Greek Tragedies, Aeschylus, Sophocles and Euripides wrote of the regularity and indifference of nature.

Two criteria distinguish the scientific approach from the mystic:

1. The act of mathematization. Science deals with formulae expressing relations. Science does not attempt to penetrate the core of matter and to interpret it. Science merely expresses relations. It is not concerned with essences, nor with spirit. It does not know what a thing is. There is A and B. Call them demons, if you will. Only the functional aspect is important; how they react to each other. Essences, concreteness and the mystery of things are accepted by science, but this is only to coordinate them in a group, or to link them mathematically. If electricity were treated not as a formula, but as a power, it would become a matter of mythology. But the scientist does not know what electricity is. He can only express it. Light is not viewed in a qualitative manner, but in terms of measurement.

2. Science never penetrates into things. As Whitehead said, it is the "bifurcation" of reality; its duplication, not interpretation. Science does not give a world-formula, but the formula for a world running parallel to the world. Physics tries to convert causality into relational causality. It transforms fact into method; substance into formulae and cosmos into a system of interdependencies.

The Halachic Approach: Like science, the Halachah atomizes and mathematicizes the religious act. It lacks the complicated mathematical formulae of scientists, but it has no need of them. It does, however have the same methodological approach. The Halachah does away with essences and substances. It formalizes and abstracts them. The Halachah converts the complete wholeness of the religious act and breaks it down into a number of constructs that express themselves through interrelationships. All is atomized and then reconstructed, piecemeal.

We have the <sup>15</sup>ד' מינין. What if we (הנדיל) had a Mitzva of an Xmas tree: There would be a <sup>16</sup>מסכת dealing with it. What is the הלכות? Is it a מצוה of <sup>17</sup>בטילה, of <sup>18</sup>הנחה, of <sup>19</sup>הקפה? What are its measurements? What are the פסולות? Does it require <sup>20</sup>הדר?

At the end, it would no longer be a tree, but rather a complex of concepts. The tree itself loses its significance.

Even our own Lulav, taken non-halachically, it might be considered a ceremonial. <sup>21</sup>In the times of the מקדש had its cultic aspect: <sup>22</sup>אני והיו חטיתיה נא.

The Halachah took the ארבע מינים and completely removed them from any resemblance to magic or mythos. Even the aesthetic aspect, the "ha'adar", was made into a quantitative matter.<sup>23</sup> If the Halachah wanted to maintain the aesthetic element of <sup>24</sup>הדר it would have left it up to individual taste. Music, the arts, drama, are not subject to legislation. They are based on primordial and intuitive approaches. They have no set criteria or yardsticks. In the Halachic approach, however, one may find a magnificent לולב, but if the <sup>25</sup>טורה is split on top, or if it is dry, it is פסול. The Halachah destroyed the aesthetic experience; it intellectualized it.

There is the famous work by Ivan Turgenev, "Fathers and sons".

15. See Sukkah 45a, Mishna and Rashi.

16. <sup>26</sup>הוא expresses itself in matters like <sup>27</sup>הנחה, <sup>28</sup>הקפה, <sup>29</sup>טורה, etc., which are objective and not at all a matter of aesthetic taste.

It is the story of the Bazarov's. The father is a man of diversity; a Romantic Russian. The son, on the other hand, is a nihilistic chemist. The father is overwhelmed by a sunset; the son denies all laws, except those set down by the natural sciences. "What is to be admired in a sunset", asks the son, "it is a time when vapor absorbs the other beams and only the red light seeps through."

להנחיל, this is what the Halachah does: It takes every subjective, aesthetic, experience of the highest order and dissolves it into a series of Halachos. As a result, for example, one man may "work hard" on מלאכה and yet observe and comply with the law, while another man "does nothing" and violates it.

How did the Halachah accomplish this?

It dissolved all the mythical elements, the magic, the cultic aspects and out of the sacraments, rites and cultic mysteries, came intellectual constructs, such as:

הדין; גבורה, מצוות צדיקות כדרכה, זמן גרמון, חדר, מצות  
הנאה בעבירה.

One can almost say that performance is secondary, to the Halachah. It is the classic case of the introduction being longer than the book itself: "17<sup>לענין דאגבהא נפק ניה"</sup> Simply lifting the Lulav suffices."

Someone struggles with the laws of Lulav an entire year, but as far as the performance itself is concerned, simply lifting it is sufficient. Anything else is הידור מצות.

Some say the Halachah is dry, esoteric, etc. These people, however, misunderstood what the Rabbis were aiming for; their direction and tendency:

Mythical religion is most dangerous; it leads to the most absurd acts and performances. The Halachah therefore did away with the mythos and substituted intellectual concepts. Sacral action, passionate performance, have the purpose of making irrational contact, here  
17. : : : .

and now, with eternity.

In the ancient בנינועיים there existed this element,<sup>18</sup> which was dropped.

Most characteristic, in this regard, is the Halachic attitude to prayer:

There are two types of prayer: 1. The hymn; aesthetic prayer. 2. Selfish, egoistic prayer; asking for the fulfillment of one's needs.

The Jewish litany is almost completely purged of the hymn.<sup>19</sup> The creative Halachah had a prohibition against hymns: אמר האל הגדול הגבור והנורא האדיר והחזק והאמץ, אמר ליה, סיימתיהו לשבחיה דמרן?<sup>20</sup>

Aesthetic prayer is neither rational nor ethical in its approach. The hymn is an outburst of the soul horrified and fascinated by the mystery of G-d. It often makes no sense. In a hymn, the thought does not follow a progression. It is characterized by a vacuum of thought, but has a verbal progression. It is permeated by one feeling; the inaccessible grandeur of G-d. There is no development or progression of thought. It is a vicious circle. It may be bombastic, but there is no emergent thought development. It increases in intensity and eventually leads to ecstasy. If we take the היהודי and the הכבוד as examples, we find that what is involved is verbal assent, but logically the movement is circular. עמונה עמונה on the other hand, progresses in thought. From מגן אברהם we go on. The spirit of the prayer basically views G-d as the Great Administrator, answering to and satisfying our needs. Human needs.

Our prayer does not bear the least resemblance to the sacramental service of the Church. We have no mystery rites. Our prayer is a plain dialogue; a hymn is a monologue. We petition the King; not at all adoring the מלכה.

By atomizing the Mitzva, by mathematizing and intellectualizing it, the Halachah arrives at a new view of the world through the

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18. See page 19 and note 15 there.

19. האדיר והחזק והאמץ and מלכה are hymns, but they are of later origin.

20. מגילה, see also מגילה.

resulting constructs. The actual performance of the Mitzva is merely in obedience to the Divine Will as expressed in the Mitzva. To the Halachah, however, what is important is the How of the Mitzva, not the Why. Even the moment of the "itzva becomes secondary.

What science does is to leave the concrete world and operate by means of abstractions in the scientists' mind. The same is done by the Halachah.

In Halachah there is no authority. The רמב"ן, who really appreciated authority, says about the בעל הלכות גדולות אדון לפניו : בכל דבר, אבל לא אהיה לפניו כחמור טעון ספרים; אדון, ואם ארצה אחלוק עליו.

To the great, there is no authority whatsoever; only the mediocre Halachist must rely on the text, in accordance with authority. There were Halachists who were strictly so, with no other elements involved. But there were some with 2 distinct aspects; in whom Halachah was only one aspect: Like the בעל הנויא or the רמב"ן.<sup>21</sup> In regard to the concrete world, the Halachic aspect is only tangential; it contains only abstractions from life. All religions have myth and ethics, but the Halachah tried to purify ours of both. Only we have the Mitzva of Talmud Torah.

Again, the subject matter of the Halachah is concrete, but its method, very much like in science, is to abstract or intellectualize the real world and in turn to view it from the point of view of the new constructs that have been created..

The Halachah is not only antagonistic to the sacral, but also to the ethical. This, notwithstanding the fact that it has assimilated the ethos into the obscure Halachic stream. The Halachah never singles out the ethical for its exclusively social worth.

The Halachic individual does not distinguish between the cultic and the ethical. Even the ethos has been thrust into the stream which contains the Halachic essence; the ethical component becomes indistinguishable, as it becomes part of the abstract imperative.

For example, now contains ethical motifs, however, its Halachic

21. Like Sir Arthur Stanley Eddington, in science, who not only engaged in scientific inquiry (astronomy), but also tried to explain the universe itself. Eddington was not only a notable expositor of scientific ideas, but also of their philosophical significance.

formulation places it in the same category as לקט, שכחה, ופאה. No distinction or preference is shown. By universal standards, שבת belongs to the cultic and לקט, שכחה, ופאה to the ethical. A sharp distinction is usually made between matters involving social inter-relationships, or communal life and cultic matters. In the Halachah, complete equality prevails, between the matters pertaining to man's relationship to G-d and those pertaining to his fellow man.

No religion will equate בין אדם לחבירו with בין אדם למקום. This is not only a matter of convenient classification, but two different and distinct experiences are involved here. These totally separate areas gain equality in the Halachah not only by virtue of their both being formulated in terms of abstract concepts, but even for the living, Halachic personality, the joy and satisfaction that he gains through the performance of a cultic act, such as הנחת תפילין, is in no way different from his emotional state while engaged in an ethical act. The גמרא saw a continuum between בין אדם לחבירו and בין אדם למקום.<sup>22</sup> There is no discreet line separating the two. Even in a man-to-man-related offense, it is necessary to repent. The רמב"ם arranged his יד החזקה according to 14 ספרים. None of these are entitled "בין אדם לחבירו". There is an ideological continuum between the two. In the הלכות בשר וחלב, פאה, מזוזה, יורה דעה, וצדקה, are all listed together, side by side, as equally binding norms. They are all on the same plane.

The concept of רשע is relevant to both בין אדם לחבירו and בין אדם למקום. The concepts of מלקות also apply in both categories. There is no distinction or discrimination between the two.

The fact that many people make the differentiation, is by no means

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22. Aside: The statement, עבירות שבין אדם לחבירו אין יום הכיפורים, יומא פה; דף צב; משנה בנא קמא, is not basic. See also רמב"ם פ"ב תשובה, הלכות ט-יא.



We still Halachah is historical & timeless. Embedded in historical aspect, genesis of our concepts & constructs. He is interested not interested in genesis of yavneh - proved by ignorance of halachic details.

Halachic experience doesn't involve historical moment. Primary halachic experience Shabbos or prayers - ego discharges duty. duty doesn't associate my act with great past of my people - by performing this duty I integrate self in past - cannot now exist in halachic performance - it fulfilled because I am fulfilled - life of 7 mil of people is insignificant.

Halachah impersonal & timeless - valuation not embedded in historical consciousness - study alone true - won't know development of prayer - history is ignored.

Agadah - focuses attention not on abstract concept but on halachah in action as if historical.

2 aspects.

1. Personality substituted for halachic construct as halachah interwoven

the fault of the Halachah.<sup>23</sup> Both areas were quantified, intellect-ualized and purged of their cultic, metaphysical implications.

Metaphysically speaking, **בנין אדם להבדיל** should be on a lower plane than the more direct cultic act, but since the Halachah has removed the cultic symbolism, both are on the same level.

In the Halachah, a number of things exist only as potentialities; schematic, without the possibility of realization. Such laws as **(סנהדרין עא.)** says **גמרא** of which the **בן סורר ומורה** as **בן סורר ומורה לא היה ולא עתיד להיות**. The same is true of **וכן, בית המנוגע לא היה ולא עתיד, עיר הבודת לא היתה...** : **עיר הבודת**

(סנהדרין טז). Like the mathematician who finds the theory worthwhile in itself, the Halachah has aspects of a theoretically postulated discipline, without even the possibility of realization or consummation. There is a theoretical branch of mathematics unrelated to the regularities of nature. With no reference to reality, it is a purely ideal discipline.

Halacha, as well, is never concerned with realizations, or actual facts. It considers the theoretical potentialities, without the endowment of realization.

The Torah is replete with references to the death penalty. The Halachah surrounded the death penalty with limitations. What remains is only the theoretical potentiality. The Halachah did not want to put the death norm into effect. If you examine the matter carefully, the possibility of its realization is almost nil. In reality there is no death penalty to coincide with the Halachic norm: **התראה**, and

**דרישה וחקירה** make the death penalty almost an impossibility. The witness would have to be endowed with a remarkable memory; the color of the stripe of one's tie, can disqualify the testimony. The death penalty is left in the realm of possibility. The requirements of **דרישה וחקירה** are almost absurd and impossible to meet.

23. **בנין אדם להבדיל** may be even more difficult to perform properly.

The Halachah's principal method in de-ethicizing the Mitzvos, is atomization. While the ethical consciousness expresses itself in the total experience, the Halachah asserts itself in a piecemeal manner; Halachic detail is paramount, proceeding from parts. The ethical consciousness is large; the Halachah is summative.

The Halachah finds its consciousness in norms which cannot be traced back to the universal, general consciousness. In secular and other religious systems of ethics, there is never an objective code, with specific rules of conduct. These systems have no enumeration of norms which man must comply with, in order to be ethical.

Aristotelian Ethics have no norms. It does not elaborate upon the minute details which comprise ethical conduct. There is only a statement of principles and ideals and values. There is the advocacy of the Golden Mean. Like all other ethical systems, it contains no specific code; it does not enumerate and formulate its norms, to the last detail. There is no atomization and integration into a multitude of requirements.

Essentially, a system of codified ethics, enumerated in a series of imperatives, is a paradox.

While the Halachah asserts itself in the analysis of the Halachic experience and its disintegration into a multitude of norms, expressed in a specific code, the Ethos is always unified and concentrated, it is indivisible, a primitive whole, refusing to be broken down. Breaking the ethical experience down, would cancel and annihilate it.

Psychologically, the ethical pressure is a whole totality, finding its expression in an encompassing performance.

In Halachah, there is a desire to know whether the individual is still dutibound of further performance. The answer is based upon למוד, knowledge.

With the person guided by general ethics, on the other hand,

the final criterion is subjective. No other authority can legislate the laws to him; his own experience is <sup>the</sup> final arbiter. It is a matter of my own conscience. No book can show it to me. No objective principle can shed light on my private conscience.

The Halachah, however has the objective means of determining this. The intellectual idea evaluates whether or not I have discharged my duty; whether or not I still owe it to my Halachic conscience. It is an intellectual matter.

With the Ethos, however, it is intangible; A matter of one's inner conscience.

The general ethical conscience is more subjective than the Halachic, but is unattainable. The last phase of the ethical imperative is impossible to arrive at. There is a continuous approaching of the goal, but never its actual realization.

The Halachic norm, on the other hand, is finite in its nature. It has its limitations and numerical value, which delieate it and makes it exact and discreet. It is within reach. In the Talmud it is called,

שורת הדין. The line of the law is quite distinct and anyone may attain his Halachic objective.

The redeeming experience of Halachah is the joy of fulfillment, while in ethics, the joy is that of strife.

In Halachah there is no middle between fulfillment and non-fulfillment. If one's duty has not been fulfilled, there is a need for a continuing effort to do so. Otherwise, the need is gone. In Ethics, however, the duty rises with the performance and once having carried out the ethical act, there remains an ever greater need.

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מכילתא יתרו מסכתא דעמלק פרשה ב': (שמות יח, כ): "וראת המעשה, זה שורת הדין, 24. אשר יעשון, לפנים משורת הדין." וראה גם משנה גיטין מ: .

In Halachah, if there is no *mitzvah* to the act, it is not fulfilled at all. There is no in-between. There is no split middle. The excluded middle of Aristotle is the Halacha's guiding principle.

With the Ethos, on the other hand, there is no excluded middle. After having performed the act, the individual both fulfilled and did not fulfill it. But the infinity here is based on the infinity of the ethical realization. The ethical task grows with its solution. There can never be a stage of full solution. The ethos always remains as a beckoning ideal.

The Halachah is an ideal, but it can be attained; it is exoteric.

The idea of the infinity of the ethical continuum, is extraneous to the average man. The average man considers the ethical attainable. He has his rules and after following them, he considers his task to be completed.

This is ethics converted into etiquette.

Not only etiquette in the sense of rules of courtesy, but by breaking down the ethos into a number of elementary rules of conduct, the individual begins to view these rules as objective and by complying with this "code", he considers his task fulfilled.

Modern man has no ethics, but only etiquette.

Ethics is esoteric. It is only for people who are worthy of gaining an insight into the ethical telos.

There is a term that has been abused by both Christians and Jews: Rabbinic Legalism. It is a popular term and concept. It describes the Halachah as a complex system of laws, with countless, minute details. The fact is, that if by legalism one means objectivity, the term is not far from the truth. But if by legalism the impression is given that by legalistic, casuistic extravagance and over-indulgence in formalism, Judaism has lost sight of the passionate religious experience, then it could not be further from the truth.

The Gospels' criticism of Rabbinic Judaism was not as interested

in the stridly legalistic aspect, as it was in the allegation that Judaism had lost sight of the true goals of religion: Love of G-d, striving toward the transcendental, etc. In their view, Judaism had chained the searching soul to immutable, frozen and stagnant laws.

From their point of view, two characteristics of the Halachah distinguish it from the legalistic and raise it to the religious level: 1. Juridic systems are created to normalize human relationships; they are social norms. The Halachic norm, however, although it includes a legal system, it nevertheless transcends social, human bounds and applies itself to a new relationship; that of man to G-d. A solitary figure like Robinson Crusoe needs no legal system. The Halachic norm is not a social norm but an individual one. Sin to Halachah--stealing and robbing are man-G-d related. **בין אדם לחבירו** is a medium through which man serves G-d, or sins against Him. Carrying out the civil law is the realization of G-d's Will.

The Halachic performance, even at the social level, carries in it the attainment of a religious objective; man is merely the means.

2. The Halachic act is religious in the sense that it is meaningful, redeeming and uplifting.

There is no happiness in being a "law-abiding" citizen. No one achieves happiness or bliss, when paying his taxes. This does not exist in a legal system. The legal experience is not only formal in its method, but also in its realization. It contains no spark, or inspiration, or enthusiasm.

The Halachah, on the other hand, is meaningful, human and redeeming.

For an individual searching for meaning, or for an objective in life, not crossing on a red traffic-light is no answer; it has no meaning and does not represent a goal.

Halachah gives content and meaning to one's life; it redeems man. There is the affirmation of one's existence in the religious act.

What is the purpose of my life? Even science cannot answer this quest; gaining knowledge has insufficient meaning. Only "religion" provides the affirmative answer to the "why" of existence. Joining "general" religion, Halachah does so, as well.

These 2 non-legalistic characteristics do not remove the



problem of the lack of the psychological concomitant, which is usually indicative of the religious act.

The two traits of Halachah which were now discussed are not the basic points placing Halachah on the proper "religious" plane.

The more important feature, is that definite trends in Halachah aim at an additional method; that of unification: Just when the last objectification of the piecemeal approach is concluded, the Halachah arrives at the whole.

The elementary method is the piecemeal approach. At first, there is only an aggregate of simple elements:

Let us take the laws of Shabbos, as an example. Shabbos, in its Halachic performance, what does it stand for? Mostly don'ts. The positive aspect is small. The Shabbos totality is an aggregate of don'ts; series of norms prohibiting certain actions. One can be tempted to call this, "Rabbinic Legalism". It resembles criminal law, which is an aggregate of don'ts; of prohibitive laws.

There is, however, another aspect: 'שבת לה'<sup>25</sup>. Under this aspect, שבת appears as a totality; as a primordial unity. In the Halachah, however, it loses its primordial character of totality and is reduced to atomization. במה מדליקין, recited Friday evening by מתנגדים, illustrates the concept of שבת. שבת asserts itself in what can and what cannot be done. It is characteristic of the elementary Halachic approach, as an aggregate of simple elements. It comprises a summative whole and not a primordial unity. It emerges out of a series of infinitesimal details and parts. The elementary Halachic method is that of analysis. It is the sum of aggregates and solitary components. The single act plays an important role. Each מלאכה of the לם' מלאכות. The קדושת היום expresses itself in the לא תעשה; in the entire multitude of details.

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25. See Exodus 16,23;16,25;20,16; Leviticus 23,3;23,38;Deuteronomy 5,14.

Another example would be prayer. Jewish prayer is an aggregate of various **ברכות**. A **ברכה** is not a primeval unity; it can be broken down to several elementary components: **שם** and **מלכות**, etc.

Each **מצוה** is the sum total of single components. It is a relational construct. The Halachah registers the metric character of the religious experience. It only contains numbers. There is nothing essential that it measures. It is impersonal, functional and has no susceptibility, no bending or yielding to the ever-changing, restless soul. The Halachah is stoic. It acts metaphysically with the idea of being, not of becoming. It is Parmenidian and not Heraclitian. It resembles a still pool; never a flowing river. This is the elementary method of Halachah, without which there can be no Halachah.

The secondary method of Halachah, presupposes the idea of wholeness and attempts to grasp a single idea in its light. The aggregate is replaced by a totality; by a single experience. At this point the Halachah sheds its metric, relational character and assumes the nature of a qualitative experience. We begin to discover a "within" to Halachah; quality content and meaning. The initial phase contains a structural method and aspect, but it is not single. In the final analysis, however, the Halachah tends to demonstrate the religious yearning of man and certain structural patterns. The Halachah does not want to frustrate man's innermost desire and yearning. Even in the Halachah the love and yearning for the mysterious G-d comes to expression. This does not transform the Halachic act into a sacral act, but it leads to Halachic meaning and content.

The Halachah devises a structural act, in order to join the passionately longing personality, in his quest for unity. The legalistic step, is only the first, for the Halachic personality. It later disappears. The route starts in formalism, but it culminates in the totality of experience. Meaning and worth come to expression in the monastic tendency; in the expression of totality. This is a universal tendency throughout the Halachah:



If we take אבילות as an example: אבילות is generally considered a דאורייתא<sup>26</sup>. Some view it as זרבנון<sup>27</sup>.

How does the Halachah approach Avelut? If we look at its treatment in the pages of the Shulchan Aruch, what impression do we have? Our first impression is that it is a complex of laws regulating the bereaved one's behavior during certain periods of time.

How are these regulations derived? By means of פסוקים. It is a formalistic method; it is built on formal postulates.

At first glance, nothing of the psychical expression of אבילות can be found: נעילת הסודל, סחורה, תלמוד תורה, יציאה לחוץ, רחיצה, these prohibitions are discussed in great detail. It comprises a conglomeration of numerous well-defined and delineated, formal items.

A deeper perusal of the numbered items, however, reveals the truth that the full significance of these detailed laws does not lie in their concrete performance, but rather in an inward act. All the objective laws taken together express the incomprehensibility and the absurdity of death.

Halachically, אבילות שולב, the most important aspect is אבילות. It is based on the Halachic realization of the utter meaninglessness of death, on the one hand and the difficult justification of G-d's justice, on the other hand. This paradoxical feeling is demonstrated and portrayed by the many laws of אבילות.

It would have been impossible for the Halachah to start out with אבילות שולב. There is a vast difference, whether my starting point is a total expression, or it is the result of finding the inner meaning of a multitude of laws. For the Halachah, only the first was possible.

The method of pursuing the line of details, is atomization. We do not engage in the pursuit of purport and meaning. It is not a

26. See רבינו יונה; חכמי צרפת in the name of תורת האדם in רמב"ן end of second chapter; ברכות; מועד קטן in ר"א; מועד קטן in ר"א; סמ"ג ענין ב; ר"י of the

27. See רמב"ם; רי"ף סוף פרק ב' ברכות, "מקצת רבנותא" ירושלמי מ"ק פ"ג ה"ה; רמב"ם; רמב"ן תורת האדם; הלכות אביל, פרק א' הלכה א' רא"ש מועד קטן; רמב"ן תורת האדם; הלכות אביל, פרק א' הלכה א' פרק ג' סימן ג'.

panorama, or a general outlook. The Halachah starts with a detailed appraisal of human life and death, of blood relationships and the spiritual relationships involved. There is no total and structural view. I am concerned with detail. Had I placed all the details into one aggregate, perhaps the result would be joy. Each law is not under the aspect of the whole. I do not perform each individual law so that my external psycho-physical acts should demonstrate my disgust, frustration and realization of the horribleness of death, or to demonstrate my individual, subjective feelings.

In science, the construction of the eye is not studied under the aspect of vision. The biological purposes of the individual cannot be taken into account. The final result is the organism, but the matter studied is chemical reactions and physical laws. That these result in specific endowments and in a quality that is life, is of no concern. One who starts with the structural elements is a neo-vitalist.

The Halachist is not interested in the unique designs which may render a **שבת** configuration, which may render a wholeness, a totality, a primeval idea. He is interested in **רשות הרבים**, **כרמלית**

**ד' אמות**; these are the Halachic concerns; its logical and epistemological values. It is not concerned with the ultimate result, but rather with each detail in itself. The Halachah viewed reality by its own methods, within its system of unique postulates--This is the primary approach.

After having completed the analysis, there is a revision of method and an attempt to cast a new light on the aggregate.

Jewish prayer is well objectified in its details. **ברכות** are recited at various times, during the day. There is a text and a formula. The real Halachic concept of **תפלה**, however, is **עבודה שכלב**, which comprises an inner performance; it requires a mode of inner and subjective behavior.

The **עבודה שכלב** of **קיום** is not the mechanical performance involving

the recitation of certain, specific texts, but the subjective experience. **כורונה** is the monistic, unifying principle.

The epistemological springboard cannot be a philosophical insight. Of necessity, its method requires a set of postulates, to be analysed and broken down. At the moment of analysis, I need not even be aware of the fact that prayer determines my relationship with G-d. My only concerns are: What words to say, when, how to behave--all of these are investigated by means of the Halachah's own method. Afterwards, and only afterwards, following the completion of the investigation, the aggregate concept is formulated--at that point there is a reversal of method. No longer proceeding from the detail to the whole, but from the whole to the detail. The generality is no longer summative, but reveals itself as a structural whole.

Only a neo-vitalist views each chemical reaction in light of the organism, but this removes it from the realm of biology.

Halachah has both approaches: It moves from synthesis and a summative approach, to a structural one, whereby we proceed from the whole picture and go down from there.

For example, **קריאת שמע** contains certain norms, postulates and constructs, but its total picture is **קבלת עול מלכות שמים**.

Where did the Halachah find this structural method, an apparent departure from its basic approach? The answer can be found in the existence of **מצוות** which do not lend themselves to objectification. Concepts like **אהבה, יראה, דבקות בה', ייחוד ה'** forced the Halachah to retain their primeval form. Those **מצוות** conveyed to the Halachah that there was a need for the structural method, as well.

Strictly by Halachic and not by psychological, or idetic means, they found that there were a set of basic **מצוות** that did not fit into the metric scheme; they involved subjectivity, transience. These **מצוות** presented the Halachah with its structural aspects.

Love of G-d, Fear and Awe, etc. With these the Halachah constructs itself as a world outlook. This, however, is secondary.

The Halachah is formalistic in its method of analysis. It becomes philosophy, when it reverses its method. At this point it attains the ethos. The law, which was formulated by the Halachah in its primary process of atomization, becomes a construct corresponding to the basic "whole" approach, of the yearning individual.

Is this peculiar to the Halachah, or does it exist in the scientific world, as well? Is it/<sup>also</sup>the epistemological method of science?

The simultaneous use of both methods is not prevalent, in science. In succession, however, within the realm of the same subject-matter, it might, indeed, be beneficial.

The physicist sees the qualitative, multi-colored world that surrounds us. This he ignores completely. This naive, or private world is superseded by an ideal world, postulated by the scientific mind. This ideal world is different, in that it is a complex system; a relational, complex system. The primitive world, on the other hand, is conceived as a primeval unity.

The common man's attitude to reality is the structural approach. Science, in contrast, has devised atomization; the greatest invention of the human mind.

Galileo started with ideal, elementary motion. Real motion, however, is the integration of millions of abstract relations. He therefore needed an integral method; calculus.

The world of physics is summative. Is the formula of the physicist a final one? One that gives the fullest satisfaction to the cognitive drive and also satisfies the mysterious stirrings of the imagination? Or, does it only stimulate a further need?

It serves the purpose of the physicist well, in that it runs parallel to the mysterious order. But this does not always satisfy him. It may give him the magical password of technology, but it lacks any idea of oneness. Reality as a primordial unity, is never explained by the scientist. Perhaps this is not the realm of science at all, but of philosophy.

The philosophy of science does attempt to find a unity. Not a causalistic one, but again, a functional unity. He seeks an idetic oneness; that of a whole, not an aggregate. The philosopher discovers not the formal unity of interdependence, but of one, inseparable,

whole.

Coming back to שו"ת, we can say that its unity lies in the aggregate; in איסור מלאכה. But this is only formal unity. It does not completely satisfy the religious personality, who, even while being steeped in Halachah, may find this concept too "dry and unappealing". We are not looking here for sentimentality<sup>28</sup>.

In regard to , is merely a unity of details. It is like the cosmic unity, expressed in electro-magnetic principles. The philosopher likes to find the "whole". Hence, from time to time, the scientist is lured to explore his own constructs and to express them, not in the monism of aggregates, but of the whole. Exploring in retrospect, he discovers essential patterns. There is to him, no immanence in the universe; no essences. But when approaching the world with the secondary, structural method, he discovers immanence. This is the task of the philosopher of science; to begin to reconstruct the whole, which, in some way, may determine the individual components.

Physics itself, even in explaining scientific phenomena, takes refuge in philosophies: Probability, has aspects of the whole. It is a statistic determination, not of an isolated particle, but in its relation to the whole. Causality, on the other hand, is analytic.

There are no leaps in Halachah. Sentiment cannot replace the solid idea. A confused mind cannot replace a clear one.

The Halachic mind arrives at unity and totality.

At this point, makes its appearance. As long as Halachah

is engrossed in atomization, there is no place for the .

28. In an aside, the Rav spoke about various volumes that purport to convey the meaning of such matters as . Very often these works neglect to include the laws involved. They speak vaguely about the concept of as a whole. It is strictly a matter of phraseology, devoid of all real meaning. It is Romanticism, in its most shallow sense. It is not at all difficult to present a strictly emotional approach to a given subject. My emotions may lead me to a novel concept, but that is no criterion, in terms of the truth.

The אגדה cannot understand formal constructs. Halachic analysis finds the Aggadah impotent. It has no coordination with analysis. Only when the Halachah reverses its atomization, does the appearance of אגדה result. The re-arrangement of the material into a structural pattern, brings forward the אגדה. Halachic structuralism and the Aggadah merge. It is difficult to distinguish between the structural Halachic method and the Aggadic.

What will follow, is a description of the basic pattern of the structural approach of the religious experience and in what respect does the Halachah tie in with the Aggadah.

## Afterword

# “Philosophical Training of Paramount Importance”: The Rav’s Mission at Revel

It is with a combination of pride and humility—or given the context, should I say majesty and humility—that I write a few words regarding the publication of these lecture notes to the course “Concepts in Halachah as Elaborated Upon by the Aggadah and Kabbalah” delivered by Rabbi Soloveitchik at the Bernard Revel Graduate School of Jewish Studies in 1946-1947.

When I was asked to contribute my thoughts to this publication, I thought it would be a good idea to find out some more about the history of the Rav’s teaching at Revel. Turning first to the only attempt at a published biography, I found but a single line, telling me that alongside his other duties at Yeshiva University, “the Rav also served as professor of Jewish Philosophy in the Bernard Revel Graduate School of Yeshiva University.”<sup>1</sup> So I wandered from my office across to the Gottesman Library, and was informed by the always helpful librarians about the filing cabinets that had been moved to the sixth floor during the library’s 2015 renovation. One of these cabinets, a treasure trove that had been termed the “million-dollar project” by one ex-librarian, contained many years of course readings and Revel syllabi, potentially including those of the Rav. And so, I was taken to said sixth floor (thank you, Carla Hanauer), only to find that the cabinet with the relevant drawers was something that we could not in fact locate. It was surmised that it must have been one of the things that had been disposed of during the library renovations.

That the Rav qua teacher was first and foremost a teacher of Talmud is certainly true, and we are now fortunate to be in receipt of numerous volumes of student notes from his regular RIETS *shiurim*. But it is equally true that his published *writings* were deeply philosophical in nature; and given our more piecemeal knowledge of his course offerings in this field<sup>2</sup> — and the apparent loss of some potentially key documentary evidence—the appearance of course notes such

1 Aaron Rakeffet-Rothkoff, *The Rav: The World of Rabbi Joseph B. Soloveitchik*, vol. 1 (Ktav, 1999), 45.

2 We do possess some manuscripts used for Revel courses published posthumously by the Toras HoRav Foundation, and more student notes from his Revel courses are beginning to appear. Additionally, one can find some student memories in *Mentor of Generations: Reflections on Rabbi Joseph B. Soloveitchik*, edited by Zev Eleff (Ktav, 2008). See, for example Robert Blau’s reflection in that volume (that even apparently quotes briefly from the very course that we are presenting here).

as those we present here becomes all the more significant, especially if we are also “to accord [R. Soloveitchik] the status he deserves as a figure within the intellectual history of the past century, a religious philosopher of consequence.”<sup>3</sup> As with the recent set of R. Soloveitchik’s lectures on the *Guide of the Perplexed*,<sup>4</sup> we are once again grateful, therefore, to Rabbi Yaakov Homnick, of blessed memory, for his lecture notes.

Personally speaking, having been born in the United Kingdom, and still a schoolboy when the Rav withdrew from public life in the 1980s, I never encountered him directly as a teacher. However, as I have described once before in the pages of *TRADITION* (and thus won’t repeat),<sup>5</sup> it was reading *The Lonely Man of Faith* as an eighteen-year-old that changed the entire trajectory of my professional life, setting me on the path that would ultimately lead me to the United States as professor of Jewish Philosophy at the Bernard Revel Graduate School. I read *Lone-ly Man of Faith* during my time at Yeshivat HaKibbutz HaDati in Israel, where we were taught Talmud by one of the Rav’s many *talmidim*, Rabbi Mitch Heifetz z”l. It was there that I became seriously aware of Yeshiva University for the first time, a place that could house figures like the Rav, devoted to Torah study and steeped in Talmud, while equally conversant with the Western philosophical tradition. Indeed, it was yet another Yeshiva University alumnus at Kibbutz HaDati, a philosophy graduate named Avram Stein, who while teaching us the *Kuzari*, told me to read the Rav, unwittingly changing the course of my entire career. Having emerged from a high school in which it would be fair to say that the Rav’s combination of Talmudic and philosophical erudition would not have been viewed favorably, the existence of an institution such as YU, and a figure such as R. Soloveitchik, not to mention his students—my teachers—was a revelation to me. Even Rav Mitch, our *maggid shiur*, was happy to give us a brief overview of Franz Rosenzweig’s *Star of Redemption* in a *mahshava* class.

While the rabbis at my high school would, I am sure, have been appropriately awed had they ever found themselves in the presence of R. Soloveitchik, most—if not all—of them would have never heard of Rosenzweig, let alone been able to sketch the outlines of his *Star*. Having said that, it’s clear that the Rav was keenly aware during his own lifetime that this dual mastery, at least to the levels he achieved, was somewhat unusual and did not sit comfortably with all Ortho-

3 William Kolbrener, *The Last Rabbi: Joseph Soloveitchik and Talmudic Tradition* (Indiana University Press, 2016), xii.

4 *Maimonides: Between Philosophy and Halakhah: Rabbi Joseph B. Soloveitchik’s Lectures on The Guide of the Perplexed*, edited by Lawrence Kaplan (Urim Publications, 2016).

5 Daniel Rynhold, “My Personal Jewish Philosophical Odyssey,” *TRADITION* 52:4 (2020), 55–61.



dox Jews, including some at his own institution. As he noted on more than one occasion:

My students are my products as far as *lomdus* is concerned. They follow my method of learning. However, somehow there is a reservation in their minds regarding my philosophical viewpoint. They consider me excellent in *lomdus*. However, when it comes to my philosophical experiential viewpoint, I am somehow persona non grata. My ideas are too radical for them.<sup>6</sup>

These self-confessed limitations regarding his inability to transmit his philosophical teachings were not for the want of trying. In a memo addressed to the then President of Yeshiva University, Samuel Belkin, in the Spring of 1955, the Rav wrote: “it is hardly necessary to state that philosophical training for the rabbi is of paramount importance,” and that without it he “will never be able to transmit to his congregants a unique message of halakhic Judaism.”<sup>7</sup> I will leave open the question of whether it remains necessary today to state the importance of philosophical training in Jewish Orthodoxy, whether for rabbis or congregants. But we elide the Rav’s philosophical teachings at our peril. They may indeed not be for everyone, but they are certainly of deep religious significance for some. Maintaining and fortifying a space for those within Orthodoxy who seek such philosophical understanding appears to have mattered to the Rav, who followed up on the memo cited above by teaching formal courses in Jewish philosophy at RIETS (as distinct from those taught at Revel).

R. Soloveitchik emphasizes in many works that “the thrust of Halakhah is democratic from beginning to end.”<sup>8</sup> Judaism recognizes that “man’s right to commune with Eternity and to acquire it is clearly not given only to the elite, but to the entire community.”<sup>9</sup> What the Rav termed “revelational faith” must be equally accessible to “the philosopher and the obtuse one, the scientist and the ignoramus,”<sup>10</sup> which is why “the continuing activity of performing commandments is given to everyone.”<sup>11</sup> There is no entrance exam when it comes to a Jew’s

6 Joseph B. Soloveitchik, “Religious Immaturity,” in *The Rav*, vol. 2, 240.

7 Soloveitchik, “On Yeshiva University’s Rabbinical School Program,” in *Community, Covenant and Commitment: Selected Letters and Communications*, edited by Nathaniel Helfgot (Toras HoRav Foundation, 2005), 100, 102.

8 Soloveitchik, *Halakhic Man* (Jewish Publication Society, 1983), 43.

9 “U-Vikkashtem mi-Sham,” in *Ish ha-Halakha Galuy ve-Nistar* (World Zionist Organization, 1979), 165; translation taken from *And From There You Shall Seek*, trans. Naomi Goldblum (Ktav, 2008), 58. The notes that follow will list the page number in the original Hebrew, followed by that of the English translation in parentheses.

10 Ibid., 165 (57).

11 Ibid., 166 (59).

right to commune with God through halakhic practice. But at the same time, the Rav recognized that “there is an aristocracy of the brains, an institution which Congress cannot abolish,”<sup>12</sup> and as such Judaism must also find a place for those who seek the intellectual religious experience that is “limited to the narrow realm of the lonely individual, the person of noble spirit.”<sup>13</sup> Judaism has to create space for the intellectual elite to forge experiences “charged with spiritual depth and detached from the stereotypical experience of the masses,”<sup>14</sup> which would perforce involve the study of those philosophical ideas that R. Soloveitchik found so hard to transmit. Moreover, this is not just a selfish endeavor for those with such interests, since “religious perception is enriched by spiritual geniuses and great thinkers.”<sup>15</sup>

In his writings on *teshuva*, the Rav warns of the dangers of removing any thread from the delicate tapestry that is the human psyche, telling us regarding the process of repentance that

when one blots out a part of his past he also severs part of his being; his past shrinks and his personality is dwarfed. An “operation” of this sort is easily carried out. . . . I have seen penitents do just that, and the consequence? They become different and estranged from their families and friends, who appeared to them to belong to another eon, a different world, a period when they were entrenched in sin which has now been erased from their consciousness. All feelings and experiences connected with that period were dead to them to such an extent that they even severed all ties with their parent, children, brothers, sisters.<sup>16</sup>

Whether one wishes to study Maimonides’ *Guide of the Perplexed* or not, even those who choose not to enter the philosophical quagmire must ask themselves whether a *Mishneh Torah* could have been written by someone who was not equally capable of writing the *Guide* (and vice versa). Similarly, the R. Soloveitchik that philosophers so admire was a Talmudic sensation. But we cannot forget that same R. Soloveitchik whose Talmud *shiur* was the lifeblood of the student years for so many, wrote some of the twentieth century’s most significant works of Jewish philosophy. To ignore either facet of his work and personality is indeed

12 Soloveitchik, *Family Redeemed: Essays on Family Relationships*, edited by David Shatz and Joel B. Wolowelsky (Ktav, 2000), 177.

13 *U-Vikkashtem mi-Sham*, 165 (57).

14 *Ibid.*, 166 (59).

15 *Ibid.*

16 Pinchas Peli, *On Repentance: The Thought and Oral Discourses of Rabbi Joseph B. Soloveitchik* (Paulist Press, 1984), 271-272.

to dwarf it. Of course, few reach those levels of “spiritual genius” such that our “religious perception is enriched,” but absent the teaching of Jewish philosophy, no one ever could.

I am not particularly given to trying to define Modern Orthodoxy, *Torah u-Madda*, *Torah ve-Hokhma*—whatever the moniker *du jour* happens to be. Attempts to define such complex socio-religious categories in a neat set of necessary and sufficient conditions will always make one a hostage to fortune, or at least to changing societal trends. But if you were to ask me what Modern Orthodoxy is, I would tell you that I know it when I see it. These lectures by the Rav are unquestionably one example of “it.” As the Rav’s son, Professor Haym Soloveitchik noted in his recently republished landmark *TRADITION* article “Rupture and Reconstruction,” of the two things that marked out Modern Orthodoxy “from what was then called the ‘ultra-Orthodox’. . . [first was] the attitude to Western culture, that is, secular education.”<sup>17</sup> My distaste for formal definitions aside, positive engagement with Western thought is certainly a common feature, and these lecture notes exemplify such engagement. A good number of the Rav’s key ideas put in an appearance: the idea that “religion complicates our lives . . . [and] this fact does not reflect badly upon it” (11); that “Halachah deals with immediate, concrete, reality” (22), is “a hub of intellectual creativity” (24), and “mathematicizes the religious act” (28); that Halakha “is never concerned with realizations . . . [but] considers the theoretical potentialities” (34); and that its goal is “the elevation of biological life” (25), which will “let God descend to us and enter our lives” (*ibid.*). We even find the Rav telling us of Halakha’s “simultaneous use of both methods” (44)—the piecemeal and the structural—in its analyses, an idea that is central to his work *The Halakhic Mind*.

Haym Soloveitchik adds to his observation cited above that the Modern Orthodox Jew “still attends college, albeit with somewhat less enthusiasm than before.”<sup>18</sup> One wonders today if this plank of Modern Orthodoxy, or at the very least the enthusiasm for it, may not be waning further. Reminding ourselves of the Rav’s own investment in and enthusiasm for philosophical engagement, to which these student lecture notes testify, seems timely. The Bernard Revel Graduate School is, therefore, proud to partner with *TRADITION* to present a taste of this engagement to bring it to light.

17 Haym Soloveitchik, *Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy* (Littman Library of Jewish Civilization, 2021), 1.

18 *Ibid.*

# About Rabbi Yaakov Homnick



Yaakov Homnick (c. 1952),  
courtesy Homnick family

**RABBI YAAKOV I. HOMNICK** was born in 1927 on the Lower East Side of Manhattan to his father, Aaron, who immigrated to the United States as a teenager from Ukraine, and his mother, Jennie née Glogover, who was born in the United States and was Torah observant, although she had not received a formal Jewish education. His parents, unlike so many of their peers in those days, chose to give their children a Torah education and sent him to study at the Rabbi Jacob Joseph School, where he was influenced by Rabbi Zeidel Epstein. In his youth he attended Manhattan Torah Academy (MTA) and in 1943 continued to Yeshivat Rabbeinu Yitzchak Elchanan, where he first studied under Rabbis Shmuel Wolk, Samuel Belkin, and later under his Rebbe and mentor Rav Joseph

B. Soloveitchik, who, together with R. Moshe Shatzkes, the former Av Beit Din of Lomza, and R. Mendel Zacks, son-in-law of the Chafetz Chaim, gave him *semikha*.

In 1945 he began attending lectures by the Rav, which he meticulously transcribed, in the yeshiva and at the Bernard Revel Graduate School. These comprehensive notes were the basis for R. Michel Shurkin's *Hararei Kedem* on *Shabbat*, as well as for the Rav's commentary on the *Guide of the Perplexed*, published by Prof. Lawrence Kaplan, and for other numerous, yet unpublished, projects.

In 1946, upon graduating Yeshiva College, he joined *Ha-Shomer ha-Dati* where he was very active, serving as a *Rosh Ken* on the Lower East Side, working to influence the youth by instilling in them a love of Torah and *Eretz Yisrael*.

In 1947, when the Beis Medrash Elyon Yeshiva was established in Spring Valley, NY, he went to study there with Rabbi Reuven Grozovsky, and was greatly influenced by Rabbi Shraga Feivel Mendelowitz. In later years, he published a pamphlet based on his lectures, titled *Blossoms of Torah in America*.

In 1948, he returned to RIETS to study with the Rav and to complete his *semikha*, and in 1952 he married Chana Hammer of Los Angeles, who was one of the early students of Rebbetzin Vichna Kaplan in Bais Yaakov of Williamsburg.

Shortly after his marriage he was asked by the rabbinic leadership in the United States to become involved with the newly founded P'eylim, and to travel to Israel to help establish *yeshivot* for the children of the newly arrived immigrants.

The young couple traveled to *Eretz Yisrael* during the difficult days of the *tzena* (austerity), where R. Homnick established a yeshiva in Moshav Taoz for Yemenite immigrant children.

After their return to the United States, in 1954, R. Homnick was appointed rabbi in Oak Park, Michigan, where he founded the Young Israel of Oak Woods. He established it as one of the first suburban Orthodox synagogues in those days, introducing an artistically designed *mehitza*, and conducting a wide range of Torah activities, which included lessons for adults, activities for youth, and founding a Talmud Torah for the children of the community. By the time he left Oak Park there was a thriving community, thanks largely to his dedicated work. In 1962 he moved to Philadelphia, where he served as rabbi of Bnei Israel-Halberstam in Logan, and later of Pennypack Park Jewish Community Center.

In 1972 the Homnicks and their children made *Aliya* to Israel where he initially served as the first executive director of Neve Yerushalayim. Upon the election of R. Betzalel Zolti as Chief Rabbi of Jerusalem, he was called upon to run his office, where he was instrumental in founding the *Mehadrin Kashrut* department of the Jerusalem rabbinate.

In 1979, he was appointed the Rector of the Netherlands Rabbinical Seminary in Amsterdam, where he instituted a yeshiva-type level of learning and was able to produce worthy candidates for rabbinical positions in that country, while also encouraging promising students to pursue higher learning in Torah institutions in Israel.

A few years later, after returning to Israel, he joined the Ariel Institute as a fellow researcher in the Complete Rashi Project (*Rashi ha-Shalem*), where he remained until his retirement, and participated in the institute's publishing of numerous scholarly volumes on the sources of Rashi's commentary on the Bible.

Upon his retirement he joined a *shiur* in the Orthodox Union's Israel Center, which he attended consistently, and in which he was a driving force for over twenty years. In addition, he maintained numerous *havrutot* and was constantly involved in learning and writing.

In 2020 the Homnicks lost their eldest son Rabbi Yisrael Meir z"l, who was the *menahel ruhani* of Yeshivat Yad Aharon in Jerusalem. The son's tragic passing greatly affected his father's wellbeing.

Rabbi Yaakov Homnick passed away on 2 Adar I 5782 (February 3, 2022), survived by his wife Chana; his daughter Mrs. Adina Bulman, wife of R. Shabsi Bulman; his son R. Akiva Homnick; and many grandchildren and great-grand-children all following his legacy.

*(Biographical information on Rabbi Homnick z"l provided by Rabbi Akiva Homnick.)*